THE TOWN OF SULLIVAN, NH

Office of the Zoning Board of Adjustment
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April 15, 2025
James Huddleston
1200 Elm Street, Apt. 718
Manchester, NH 03101

Subject: The Denial of your applications for two variances on your property at 0 Centre St. in Sullivan, NH. (003-130-000)

Dear Mr. Huddleston,

The Sullivan Zoning Board of Adjustment has voted to Deny your request for two variances. The first variance is in regard to the Community Planning Ordinance, Article III, C:4 requiring 200 feet of frontage on a Class V or better road, and the second is in regards to the Planning Board Driveway Regulation requiring access from a public road to a dwelling.

For the first variance pertaining to the 200 feet of frontage, the board voted as follows on the five criteria that have to be met for the variance to be granted:

1. **That denial of the variance will result in "unnecessary hardship" to the owner seeking it.** The property has zero frontage on a Class V or better road, and this distinguishes the property from those around it. The purpose of the 200 foot lot frontage requirement is to deter the development of back lots. Applying this restriction to this property is appropriate because it is landlocked and therefore fits the description of a back lot. Another factor considered was Applicant's acknowledgment he bought the property knowing it was landlocked and the price paid reflected this. The board voted 5-0 that denial of the variance would not cause unnecessary hardship.
2. **That no decrease in the value of surrounding properties will result if the variance is granted.** The board decided that granting a variance for the lack of 200 feet of frontage by it's very nature would not have an impact on the value of surrounding properties. The board voted 5-0 that granting the variance would not decrease surrounding property values.
3. **That granting the variance would benefit the public interest.** The board agreed that public health and safety would not be an issue and there would be a slight alteration to the character of the neighborhood with a small increase in traffic but not enough to cause congestion. The board voted 4 aye and 1 abstention that granting the variance would not be contrary to the public interest.
4. **That the proposed use is not contrary to the spirit and intent of the Community Planning Ordinance.** The board agreed that the the ordinance was written to protect back lots from development to preserve the values and rural character of the town and that granting this variance will be inconsistent with the goals of the Sullivan Master Plan. The board voted 5-0 that granting the variance is not in the spirit and intent of the Community Planning Ordinance.
5. **That by granting the variance, substantial justice will be done.** The board felt that in granting the variance injustice would be done to the town in that the desire to keep back

lots free from development would be violated. The board voted 4 aye and 1 abstention that substantial justice is not done by granting the variance.

With three of the five criteria failing to pass, the board voted 5-0 to deny the variance for the 200 foot road frontage requirement.

For the second variance pertaining to the requirement that a driveway connect to a public road the board voted as follows on the five criteria that have to be met for the variance to be granted:

1. **That denial of the variance will result in "unnecessary hardship" to the owner seeking it.** The property is "landlocked." It's only access to a Class V or better road is via a discontinued road, over which Applicant represents there is easement access based on a court decision issued by the Hillsborough Superior Court Northern District. The purpose of a driveway connecting to a public road is to deter the development of back lots. Applying this restriction to this property is appropriate because it is landlocked and therefore fits the description of a back lot. Another factor considered was Applicant's acknowledgment he bought the property knowing it was landlocked and that the driveway did not connect to a public road when he purchased it. Therefore the board voted 5-0 that denial of the variance would not cause unnecessary hardship.
2. **That no decrease in the value of surrounding properties will result if the variance is granted.** The board said that as long as the re-design of the driveway does not cause flooding or damage to the neighboring driveways it would not decrease the value of the surrounding properties. The board voted 5-0 that there would be no decrease in property values.
3. **That granting the variance would not be contrary to the public interest.** The board felt that as long as the driveway doesn't cause flood damage that it would only slightly alter the character of the neighborhood. Therefore the board voted 5-0 that granting the variance would not be contrary to the public interest.
4. **That the proposed use is not contrary to the spirit and intent of the Planning Board Regulations.** The board looked to the Planning Board driveway regulations regarding a driveway being required to connect to a public highway. The access to this property does not meet that requirement. Therefore the board voted 5-0 that granting this variance is not in keeping with the spirit and intent of the Planning Board driveway regulations.
5. **That by granting the variance, substantial justice will be done.** The board struggled with this decision but finally decided that granting the variance would do an injustice to the town regarding its driveway regulations and the intent of the Community Planning Ordinance and Master Plan to discourage development of back lots. Thus the board voted 5-0 that substantial justice would not be done.

With three of the five criteria failing to pass, the board voted 5-0 to deny the variance for the requirement that the driveway connect to a public road.

Sullivan Zoning Board of Adjustment

Robert Switzer
Chairman