



**NOTICE OF DECISION
July 10, 2023**

Case 2023-04

Variance

7 Old Mill Farm Road (Map 8 Lot 106-7)
David and Maureen Sherwin

On July 10, 2023, the Zoning Board of Adjustment of the Town of Hillsborough held a public hearing on a variance application submitted by David and Maureen Sherwin to obtain a Variance to locate an above ground pool with attached deck within the 50 ft setback in the Rural Zone.

Whereas the pool is considered a structure by definition in the Zoning Ordinance, and where the setback definition only applies to a building it is the determination of the Zoning Board of Adjustment that a variance is not needed for the application. The Board hereby makes the following findings of fact:

1. The property is located on Old Mill Farm Road.
2. The applicants are David and Maureen Sherwin who are the owners of record of the lot.
3. The definition of Setback States:

SETBACK--The distance between a building and the nearest street line or property line.

4. The definition of Structure States:

STRUCTURE-- Anything constructed or erected which requires location on or in the ground, or attached to something having location on or in the ground, including signs, billboards, fences greater than 7 feet in height, towers and swimming pools.

5. The pool and attached deck is a structure, not a building and is therefore not bound by setbacks.
6. No variance is required.

Lucy Pivonka, Chairperson
Hillsborough Zoning Board of Adjustment

Date: _____