

**Andover**  
**Zoning Board of Adjustment**  
AGENDA  
TUESDAY, MARCH 12, 2024 AT 6:00 PM  
**Andover Town Hall**  
**(in Person/Conference call/Zoom)**

Join Zoom Meeting

<https://us02web.zoom.us/j/84531379823?pwd=VTd6VXRrZDVnUmVmT3Bxc2dhdEM5QT09>

Meeting ID: 845 3137 9823

Passcode: 023753

Dial-in number 1 929 436 2866

CALL TO ORDER:

- REVIEW AND ADOPT AGENDA.
- ACTION ON PRIOR MINUTES:  
The members will review and act on the draft minutes of the Board meeting of February 6, 2024.
- OLD BUSINESS:  
The members will sign the previously approved Subdivision permit for Diane Parker.
- NEW BUSINESS:  
The Board will conduct a preliminary review of an application for a variance to permit locating a building less than the required 30 feet from a property line as required in Section 430. Attached below are the requirements for granting a Variance. The application was submitted by Gregory Noto. The subject property is at 95 Sherman Lane, a private driveway connecting to Spruce Drive in Andover.
- Public Comment.
- ADMIN. OFFICER:  
Daire Gibney will report on recent activities.
- ADJOURN:

**Board members:**

Albrecht	Janet
Baker	Nicholas
Brown	Dexter
Fromberger	Joseph, Chair
Ingersoll	Richard
Moser	George
Stack	James
Szuchman	Lenore, Vice Chair
Yake	John
Daire Gibney	Admin. Officer

## **Section 223. VARIANCE**

**223.1 Variance Request:** The Zoning Board of Adjustment shall hear and decide requests for variances as required by the Act [§4469(a)] and appeal procedures under Section 222. In granting a variance, the ZBA may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the municipal plan currently in effect. The ZBA may grant a variance and render a decision in favor of the appellant only if all of the following facts are found, and the findings are specified in its written decision:

- (1) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions and not the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located;
- (2) Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property;
- (3) The unnecessary hardship has not been created by the appellant;
- (4) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare; and
- (5) The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.