



Barrington Zoning Board of Adjustment Zoning Ordinance Variance and Special Exception Application Checklist

Please schedule a meeting with staff before submitting your application.

This checklist has been prepared to assist you in submitting a complete application to the Town of Barrington. At the Pre-Application meeting, staff will check off the items on this list that are required with your submission.

This document constitutes a public disclosure under RSA Chapter 91 – A, Access to Governmental Records and Meetings.

Date 5/4/2015 Case No. 109-5-GR-15-ZBA
Owner JOHN SCHEMF Mailing Address # 5681 McKELLIPS BLVD
Phone _____ Email _____

PART I – GENERAL REQUIREMENTS

All Graphics shall be to Scale and Dimensioned

Description of Documents Required for Complete Application. No application shall be accepted without all items marked below.

Req'd	Rec'd
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- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Zoning Board of Adjustment Application Checklist (<i>this form</i>) |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. ZBA General Information (Article(s) and Section(s) of Ordinance) |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Appeal and Decision |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Fees - \$150.00 Application <input type="checkbox"/>
\$ 75.00 Legal Notice <input type="checkbox"/>
\$ 7.00 per US Post Office Certified Letter <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Completed Project Application Form
<input type="checkbox"/> Variance <input type="checkbox"/> Special Exception <input type="checkbox"/> Appeal |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Notarized Letter of Authorization (from property owner(s) if property owner did not sign the application form) |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Project Narrative |

- 8. HOA Approval (*if applicable*)
- 9. Context or Locus Map (Show Surrounding Zoning Districts)
- 10. Existing Conditions Site Plan or Recorded Subdivision Plan to include well and septic location (may be found at Strafford County Registry of Deeds).
- 11. Existing Conditions Photo Exhibit (*See instruction page for submitting photos*)
Up to four photos may be shown per 8 ½" X 11" page size
 - a. Show all existing structures on site
- 12. List of Certified Abutters (Include Applicant and all licensed professionals, i.e., engineer, architect, land surveyor, or soil scientist, whose seals are affixed to the plan, as well as any holder of a conservation or agricultural easement)
- 13. Mailing Labels (4 sets)

PART II – REQUIRED PLANS AND RELATED DATA
All Graphics and Plans Shall be to Scale and Dimensioned

- 1. Site Plan - ***Drawn and Stamped by Registered Land Surveyor***
 - a. 24" X 36" – 2 Copies
 - b. 11' X 17" – 6 Copy
 - c. 8 1/2 " X 11" – 1 Copy
- 2. Elevations: Show all sides of building and indicate building heights
 - a. 24" X 36" – 2 Copies
 - b. 11' X 17" – 6 Copy
 - c. 8 1/2 " X 11" – 1 Copy
- 3. Floor Plans
 - a. 24" X 36" – 2 Copies
 - b. 11' X 17" – 6 Copy
 - c. 8 1/2 " X 11" – 1 Copy
- 4. All drawings and any revised drawings must be submitted in PDF format
- 5. OTHER: _____
- 6. Your Appointment Date and Time for Submitting the Complete Application is:

Staff Signature

Date

Land Use Department
Town of Barrington; 137 Ramsdell Lane; Barrington, NH 03825
barrplan@metrocast.net Phone: 603.664.5798

PART III – PROJECT DESCRIPTION/VARIANCE DETAILS

Case No. 109-5-GR-15-2BA

Project Name Variance John + Karin Schempf

Location Address SMALL ROAD

Map and Lot 109 / 5 .15 Acre Lot

Zoning District (Include Overlay District if Applicable) _____

Property Details:

- Single Family Residential Multifamily Residential Manufactured Housing
 Commercial Mixed Use Agricultural Other

Use: RESIDENTIAL

Number of Buildings: 1 Height: _____

Setbacks: Front 40' Back 30' Side 30' Side 30'

Description of Request

Cite the Section of the Zoning Ordinance you are requesting a Variance or Special Exception for.
If this is an Appeal from an Administrative Enforcement Order, Planning Board Decision, or Zoning Board of Adjustment Decision, please attach pertinent documentation:

SEE ATTACHED

Project Narrative: (Please type and attach a separate sheet of paper)

SEE ATTACHED

Barrington Zoning Ordinance Requirements:

SEE ATTACHED

Request: (You may type and attach a separate sheet of paper)

SEE ATTACHED

SEE ATTACHED

PART IV – If this is a JUSTIFICATION FOR VARIANCE

The Zoning Board of Adjustment may not authorize a zoning ordinance variation unless ALL of the following criteria are met. Please provide evidence that the requested Variance complies by addressing the issues below.

- 1. Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship to the applicant as defined under applicable law.

- 2. Granting the variance would be consistent with the spirit of the Ordinance.

- 3. Granting the variance will not result in diminution of surrounding property values.

- 4. Granting of the variance would do substantial justice.

- 5. Granting of the variance would not be contrary to the public interest.

PART V – If this is a JUSTIFICATION FOR SPECIAL EXCEPTION

Please provide evidence that the requested Special Exception complies by addressing the issues below.

- 1. No detriment to property values in the vicinity of the proposed development will result on account of: the location or scale of buildings, structures, parking areas, or other access ways; the emission of odors, smoke, gas, dust, noise, glare, heat, vibration, or other pollutants; or unsightly outdoor storage of equipment, vehicles, or other materials.

- 2. No hazard will be caused to the public or adjacent property on account of potential fire, explosion, or release of toxic materials.

3. No creation of a traffic safety hazard or substantial traffic congestion will result in the vicinity of the proposed development.

4. No excessive demand on municipal services and facilities, including, but not limited to waste disposal, police and fire protection, and schools.

5. The proposed use will not result in the degradation of existing surface and groundwater quality standards, nor will it have adverse effects on the natural functions of wetlands on the site that would result in the loss of significant habitat or flood control protection.

In addition to the guiding principles specified above, the ZBA may condition the granting of a special exception upon more stringent standards if the Board determines that such conditions are necessary to protect the health and welfare of the town and its residents. Such conditions may include the following and should be addressed in the Narrative:

- 1. Front, side, or rear yards in excess of the minimum requirements of this Ordinance.
- 2. Screening of the premises from the street or adjacent property by walls, fences, or other devices.
- 3. Limitations on the size of buildings and other structures more stringent than minimum or maximum requirements of this Ordinance.
- 4. Limitations on the number of occupants and methods and times of operation.
- 5. Regulation of the design and location of access drives, sidewalks, and other traffic features.
- 6. Location and amount of parking and loading spaces in excess of existing standards.
- 7. Regulation of the number, size, and lighting of signs in excess of existing standards.



Signature of Applicant

5/4/15

Date

Signature of Owner

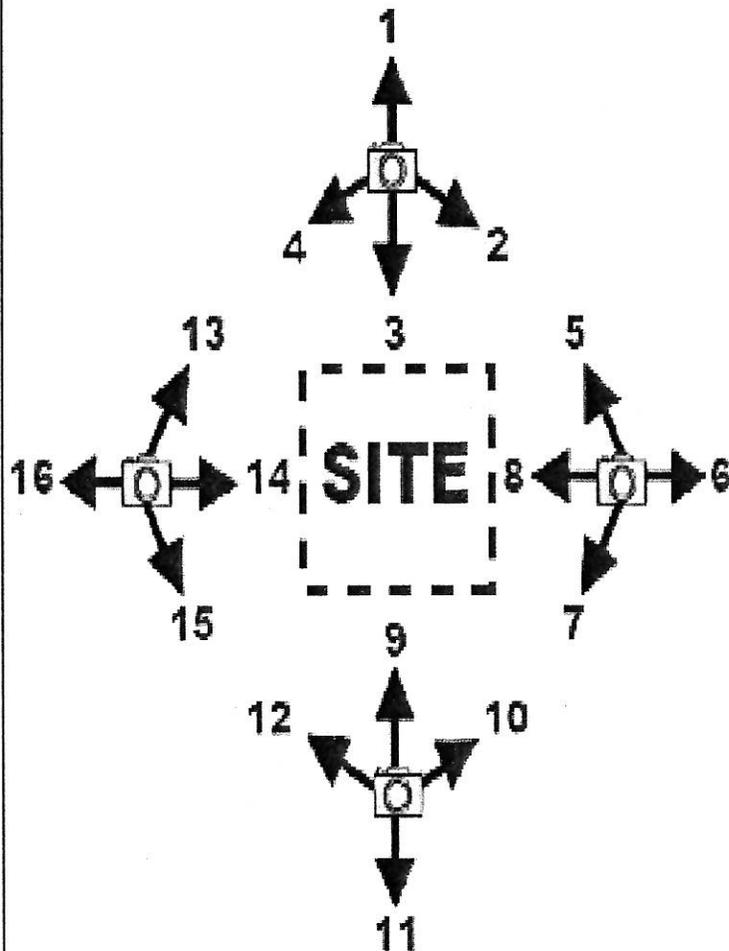
Date

SITE / CONTEXT PHOTOS

Using Guidelines Below

Provide color photographs showing the site and surrounding buildings/properties in order to provide staff, boards and commissions with a visual impression of the current site conditions.

1. Photos are to be taken looking toward the site and adjacent to the site.
2. Photos should show adjacent improvements and existing on-site conditions.
3. Number the photographs according to view.



Description of Request

Cite the section of the Zoning Ordinance you are requesting a Variance or Special Exception for. If this is an appeal of Administrative Enforcement Order, Planning Board Decision, or Zoning Board of Adjustment Decision, please attach pertinent documentation:

The applicant is requesting a variance from:

Town of Barrington Zoning Ordinance**ARTICLE 4 DIMENSIONAL REQUIREMENTS****Table 2 Table of Dimensional Standards (a)**

The applicant wishes to renew a variance that was granted in 2006, that has since expired

Project Narrative:

The subject parcel is identified as Tax Map 109 Lot 5, located on Small Road, and having water frontage on Ayers Lake in Barrington. In 2004 the ZBA granted a variance to allow for the reconstruction of a dwelling on the property that had previously burned. In 2006 the ZBA was asked to revisit the approval and was requested to modify the 2004 to add roofline overhangs and access steps to the footprint that was previously approved. The ZBA approved the additional request of 2006. The current applicant wishes to obtain a variance in order to construct a single family dwelling within the footprint approved in 2006.

Barrington Zoning Ordinance Requirements:

General Residential

Minimum lot size: 80,000 sf

Minimum setbacks:

Front = 40'

Side = 30'

Rear = 30'

Request:

The applicant formally request the Barrington Zoning Board of Adjustment to consider the approval of a variance of the cited ordinance based on the justifications here-in submitted.

1. Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship to the applicant as defined under applicable law.
Response: The subject lot is a pre-existing lot of record and is considerably smaller than the minimum lot size of current standards. Due to the smaller size and configuration of the lot makes it impossible to locate a reasonable sized dwelling unit within the developable envelope that is created when the front and side yard setback requirements are considered.
2. Granting the variance would be consistent with the spirit of the Ordinance.
Response: The spirit of the ordinance is maintained with the approval of this variance in so far as, it would allow for reasonable use of this property. The residential use is permitted with the GR zone and it has previously proven to the ZBA that
3. Granting the variance will not result in diminution of surrounding property values.

Response: The proposed use is identical with the abutting 3 lots and therefore could not be considered a diminution of surrounding property values.

4. Granting the variance would do substantial justice.

Response: Granting this variance would do substantial justice in so far as it would allow for the construction of a dwelling unit on a lot that is identified by the town as a building lot.

5. Granting of the variance would not be contrary to the public interest.

Response: The proposed use for which this variance is sought is explicitly permitted within the General Residential zoning district. This proposed construction of a single family dwelling unit on this pre-existing non-conforming building lot change has no effect to the health, safety, or welfare of the public and therefore is not contrary to the public interest.

LIST OF ABUTTERS

List of all the names and addresses of the owner(s) of record of the property and abutters, including persons whose property is separated from the concerned property by a street(s), public land(s) or stream(s). It is the responsibility of the applicant to determine the completeness and accuracy of the list of abutters.

Date Prepared: May 4, 2015
Preparer: Jason Pohopek

Tax Map / Lot	Owner of Record & Mailing Address
LOCUS PARCEL	
Map 109 Lot 5	John & Karin Schemf #5681 McKellips Blvd Apache Jct, AZ 85119-8426

ABUTTING PROPERTY OWNERS

Map 109 Lot 6	Ronald & Dianne St Jean #68 Small Road Barrington, NH 03825-4100
Map 106 Lot 5	Ronald & Rachel Nadeau #94 Small Road Barrington, NH 03825-4100
Map 109 Lot 4	Valmore Brook #5 Fox Run Road Raymond, NH 03077

PROFESSIONALS

Jason B. Pohopek, NHLLS
#269 Parker Mountain Road
Barrington, NH 03825

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PROFESSIONALS

Jason B. Pohopek, NHLLS
#269 Parker Mountain Road
Barrington, NH 03825

**Barrington Zoning Board of Adjustment
Notice of Decision**

**Case #06/606 – Bruce & Sandra Pohopek
Small Rd.
Barrington, NH 03825**

**Location of lot - Small Rd.
Map 109, Lot(s) 5**

Date – July 24, 2006

You are hereby notified that a hearing held on July 19, 2006 for the request of Bruce & Sandra Pohopek Small Road, Barrington, NH for area variances for lot 5 on Small Road, Barrington, NH has been GRANTED from the terms of the Barrington Zoning Ordinance for the following reason:

After a consideration of the Petitioner's application, and after consideration of all evidence presented to the Board at the public hearing, held on Wednesday, July 19, 2006 it is the decision of the Board that the unique facts in the specific Case of Bruce & Sandra Pohopek do ██████ authorize a area variance from the terms of the Ordinance.

It is the decision of the Board that owing to the special conditions of the Pohopek Case # ZB 06/606 that a literal enforcement of the Ordinance will ██████ result in unnecessary hardship and by so GRANTING the variance for Bruce & Sandra Pohopek for a lot on Small Road, Barrington, NH is in the spirit of the Ordinance is observed and substantial justice done.

It is the decision of the Zoning Board that the finding of facts for an area variance have been proven in the Pohopek Case # 06/606 for adding overhangs and set of stairs to the front of his proposed house. The location of the parcel is on Small Road, Barrington, NH.

Finding of facts:

The use would not diminish the value of the abutting lots, as the lots in the neighborhood were residential as this one is. All lots were non-conforming. Pohopek had received a variance for the proposed house which did not include the overhangs and steps.

The addition of the steps would make the house conform to Code so when built a certificate of occupancy could be received.

The use would not be contrary to the Ordinance, as the lot was located in the General Residential District.

The variance would allow the lot owner to have reasonable use of his property.

The restriction on the property does not allow for development that would meet the setbacks for steps or the overhang.

April 27, 2015

To: Zoning Board of Adjustment, Town of Barrington, N.H.

From: John and Karin Schempf, Owners

Subject: May 2015 ZBA Meeting to review Small Road – Map6, Lot104-B

Dear Board:

We have been attempting to sell this lot for some time as we now have re-located to Arizona; currently we have an active Purchase and Sale agreement with Grandville Barrows for this lot, contingent upon a successful renewal of the previously issued variances. Mr. Barrows has taken on the task of preparing for and getting Mr. Jason Pohopek to present the case to you. All of this is with Karin and my knowledge and blessing. We most certainly, as the owners, do authorize and appoint these gentlemen to speak and act in our behalf at the ZBA meetings.

Thank you for your understanding,



John and Karin Schempf

April 28, 2015

10 Tuttle Ln
Greenland, NH 03840

Barbara Irvine
Zoning Board of Adjustment
Barrington, NH

Dear Barbara:

Please find enclosed a letter from the owner of the lot on Small Road I am purchasing authorizing Jason Pohopek to represent us as you requested.

Sincerely,

A handwritten signature in cursive script that reads "Granville Barrows".

Granville Barrows