



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 July 23, 2018

Case No. 124-10 - GR - 18 - ZBA Variance

Owner Byard Mosher

Mailing Address 507 McDaniel Shore Dr., Barrington, NH 03825

Phone 603-507-7272

Email byardmosher@gmail.com

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	Req'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 checked="" 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 |

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- 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:

Barbara Armit

 Staff Signature

_____ Date

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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. 124-10-GR-18-ZBA VARIANCE

Project Name Byard Mosher

Location Address 507 McDaniel Shore Drive, Barrington, New Hampshire

Map and Lot Tax Map 124 Lot 10

General Residential
Shoreland Protection District Overlay
Groundwater Protection District Overlay

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: 2 (House & Shed)

Height: Existing Average Roof Height = 14.1'+/-,
Proposed Average Roof Height = 31.5' +/-

Setbacks: Front <u>40'</u>	Back <u>30'</u>	Side <u>30'</u>	Side <u>Shore 75'</u>
<u>Existing 22.4'</u>	<u>Existing 33.2' & 32.7'</u>	<u>Existing 28.5'±</u>	
<u>Proposed 21.0'</u>	<u>Proposed 31.5' & 31.0'</u>	<u>Proposed 29.5'±</u>	

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:

Article 4 Dimensional Requirements, Subsection 4.1.1 Minimum Standards:
Front setback required is 40' (existing structure is 22.4'), asking for variance to 21.0'

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

See Attached

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Barrington Zoning Ordinance Requirements:

Front setback required is 40', existing roof overhang is 22.4', proposed roof overhang is 21.0'

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

We are requesting a front setback reduction by 1.4' from what currently exists to 21.0'. All other setback requirements will meet current regulations or be improved.

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.

See Attached _____

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

See Attached _____

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

See Attached _____

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

See Attached _____

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

See Attached _____

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.

See Attached _____

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

See Attached _____

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

See Attached _____

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

See Attached _____

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.

See Attached _____

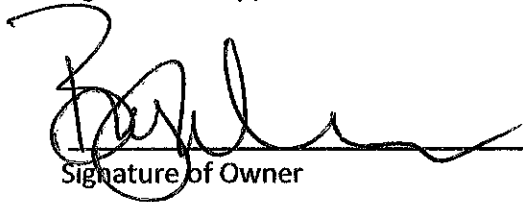
In addition to the guiding principles specified above, the ZBA may condition the granting of a special exception upon more stringent standards if the Board determines that such conditions are necessary to protect the health and welfare of the town and its residents. Such conditions may include the following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

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Signature of Applicant

Date


Signature of Owner

7/23/18
Date

ARTICLE 4 DIMENSIONAL REQUIREMENTS**4.1 General Provisions****4.1.1.....Minimum Standards**

No building or structure shall be erected, enlarged, altered or moved, nor shall any existing lot size be changed or new lot created, except in accordance with the standards prescribed in Table 2, Table of Dimensional Standards or as otherwise specified herein.

Table 2 Table of Dimensional Standards (a)

Zoning District	Min. Lot Size (sq.ft.) (b)	Min. Lot Frontage (ft.) (b)	Min. Yard Setbacks (ft.)(i)			Max. Bldg. Height		Max. Lot Coverage (f)
			Front	Side	Rear	Feet	Stories	
General Residential	80,000(c)	200	40	30	30	35	2.5	40%
Neighborhood Residential	80,000(c)	200	40	30	30	35	2.5	40%
Village District (Residential)	80,000(c)	200	40	30	30	35	2.5	40%
Village District (Non-Residential)	30,000(g)	75	20	15	15	40(j)	3	60%
Town Center	20,000(h)	40	20(k)	15	15	40(j)	3	80%
Regional Commercial	40,000(d)	200	75(e)	30	30	40(j)	3	50%

Footnotes:

(a) All development is subject to the additional and supplemental dimensional standards prescribed in Article 4 of this Ordinance.

(b) Refer to Article 4.2 for calculating the minimum lot size per dwelling unit within each district.

(c) Minimum lot sizes and frontage may be reduced as part of a Conservation Subdivision in accordance with Article 6 of this Ordinance.

(d) Minimum lot sizes for residential dwelling units in the RC district shall be in accordance with Section 4.2 of this Ordinance.

(e) A greenbelt shall be maintained along the frontage of parcels on Route 125 in accordance with Subsection 4.2.3, Paragraph 4), of this Ordinance.

(f) Maximum lot coverage means the area of the lot covered by an impervious surface. Calculation of maximum lot coverage in a Planned Unit Development (PUD) shall be in accordance with Subsection 16.3.3. All development is subject to the provisions of Article 12, Groundwater Protection, with regard to the creation of impermeable surfaces.

(g) The minimum lot size for single-family dwelling units must comply with the provisions of Subsection 4.2.1 of this Ordinance, which are the same requirements for constructing a single-family dwelling in the GR and NR districts, as well as all other applicable provisions. Refer to section 4.2.2 for further specifications regarding minimum lot size and building size requirements in the VD district.

(h) Refer to Section 4.2.4 for additional provisions regarding minimum lot size and building size in the TC district.

(i) Increases in the Minimum Yard Setbacks may be required as part of the Site Plan Review or building permit process in order to comply with Life Safety Code requirements. Additional buffers may also be required between residential and nonresidential uses in the VD, RC, and TC districts as specified in Article 4, as well as other sections of this Ordinance.

(j) No structure may contain occupied residential building space above 35 ft. unless said structure contains a sprinkler system.

(k) The setback for all new structures shall be fifty (50) feet from the edge of the right-of-way along Route 125 and Route 9. No new structures (except signs) may be placed within this setback area.

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Letter of Authorization

July 23, 2018

To Barrington Zoning Board:

I the undersigned, hereby authorize Raymond Bisson from Stonewall Surveying and his appointees to act on our behalf in all manners relating to local and state permitting, including the signing of all documents related to these matters for our property located 507 McDaniel Drive, Barrington, NH, Tax Map 124 Lot 10. Any and all acts carried out by Raymond Bisson and appointees on our behalf shall have the same effect as acts of our own.

This authorization is valid until further written notice from myself, Byard W. Mosher.

Sincerely,

A handwritten signature in black ink, appearing to read 'Byard W. Mosher', with a long horizontal flourish extending to the right.

Byard W. Mosher
507 McDaniel Shore Drive
Barrington, NH 03825

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Abutters / Professionals List

OWNERS:

BYARD MOSHER
507 MCDANIEL SHORE DRIVE
BARRINGTON, NH 03825

PROFESSIONALS:

STONEWALL SURVEYING
C/O RAYMOND BISSON
PO BOX 458
BARRINGTON, NH 03825

SHELTER INSTITUTE

C/O ETHAN COURAND
873 ROUTE ONE
WOOLRICH, ME 04579

ABUTTERS:

TAX MAP 124 LOT 9
KEITH OGREN
KYLE OGREN
3 WEBB LANE
GOLDEN BRIDGE, NY 10526

TAX MAP 124 LOT 11
GREEN GRASS REALTY TRUST
C/O JOYCE WOOD
11 FOREST ROAD
RAYMOND, NH 03077

TAX MAP 123 LOT 13
RIZZO FAMILY REVOCABLE TRUST OF 2013
MARK J. RIZZO, Trustee
VANESSA J. HALEY-RIZZO, Trustee
14 SHAKESPEARE ROAD
NASHUA, NH 03062

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July 23, 2018

Town of Barrington
Zoning Board of Adjustment
333 Calef Highway
PO Box 660
Barrington, NH 03825

RE: Byard Mosher

Location: **507 McDaniel Shore Drive, Barrington, Strafford County, New Hampshire**

Tax Map & Lot Number: **Map 124 Lot 10**

Job No: **18020**

Dear Members of the Zoning Board,

On behalf of Byard Mosher, Stonewall Surveying is submitting an application for variances for a proposed replacement house needing a front yard variance for the proposed roof overhang.

This project would require NHDES Shoreland approval and has not been submitted at the time of submittal. Any adjustments or additions to existing the French drain and dry well for water runoff recommended by the NHDES will be addressed during construction.

Background:

Tax Map 124 Lot 10 | lot 21 on the George McDaniel lots on Mendum's Pond created in 1958. Mr. Mosher purchased the property on August 17, 1995 as a year-round residence. There is an existing 28.3' x 30.2' house on the 0.21 acre parcel. The proposed house will be the same dimensions as it will utilize the existing foundation.

Currently the house has 1.25' roof overhangs on the front and sides and a 4' overhang facing the water. The front overhang has a rain gutter making the front overhang 1.8'. The proposed house has 3' roof overhangs on all four sides. The side setbacks still meet the Town of Barrington regulations. The water side overhang setback would be increased by 1 foot from 28.5'± to 29.5'± with the reduction of overhang from 4' to 3'. The only relief we are asking for is the front yard setback. The current setback is 22.4' while the new overhang will be 21.0'. The majority of the roof runoff will be to the right side of the property into a French drain that will divert water into a dry well.

Since the existing foundation will be used, there will be little ground disturbance for this project.

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Variations Requested:

The only variance needed for this project is the front yard setback reduction from the current pre-existing setback of 22.4' to 21.0'.

- Variance for Article 2- Dimensional Requirements: Relief from front setback from 40 feet (existing 22.4) to 21.0 feet for the roof overhang.

Reason for Variance Request:

Variance #2: Article 2 – Dimensional Requirements

Article 4.1.1 Minimum Standards States,

“No building or structure shall be erected, enlarged, altered or moved, nor shall any existing lot size be changed, or new lot created, except in accordance with the standards prescribed in Table 2, Table of Dimensional Standards or as otherwise specified herein.” Table 2, General Residential minimum front yard requirement in 40 feet. Under the definition of “Structure” means “Anything constructed, installed, placed or erected, whether above or below grade”. Exempt (g): Retaining Walls that are over four feet in height.

Part IV – Justification for Variance

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

The proposed structure is being designed based on environmental factors (sun, rain and snow as examples). The larger overhangs are planned to help reduce the amount of water on and adjacent to the structure walls and foundation. To lessen the impact on the environment, the existing foundation will continue to be used eliminating ground disturbance. Since the foundation is being reused, the structure cannot be adjusted to meet building setback requirements. The same setbacks from road and water could be met if a new foundation was installed, but this would put the proposed house walls 1 foot closer to Mendum’s Pond.

- 2.) *“Granting the variance would be consistent with the spirit of the Ordinance”*

The intent of the ordinances is to protect the owner and abutting land owners. The slight reduction in setback by just over one foot will not impact this lot or abutting parcels. Many pre-existing non-conforming lots cannot meet the current requirements, and many need a variance for less than 20'. McDaniel Shore Drive is a winding private gravel road with a 10 MPH posted speed limit. The limited local traffic needs to drive slower on this road than most roads in the Town, so the reduction in setback will not create more of a hazard to the traffic.

- 3.) *“Granting the variance will not result in diminution of surrounding property values”*

Allowing for a reduction in the front yard setback will not impact the adjacent owners, if anything the replacement of the existing structure to a newer modern structure should add value to the adjacent owners. Many of the lots created by this subdivision do not meet current setback requirements.

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4.) "Granting of the variances would do substantial justice"

Again, since the existing foundation will be used to lessen the impact on the environment and the gain in setback from the protected resource, granting the 21.0' setback front the front yard would do substantial justice. To require the existing foundation to be removed and moved closer to the water to allow for the proposed roof overhangs to work properly, would be an unjust expense and unnecessary waster of resources, plus damage to the established ground and retaining walls.

5.) "Granting the variances would not be contrary to the public interest."

The ordinances are in place to protect other land owners and the Town. Where this is on a private road and the structure replacement is using the same foundation. The reduction in setback by 1.4 feet will have no impact on the Town or land owners, nor will it be contrary to the public interest.

Photographs



Photo #1



Photo #2

Photo #1: Looking east from the existing structure towards the road.

Photo #2: Looking southwest from the road towards Tax Map 124 Lot 9.

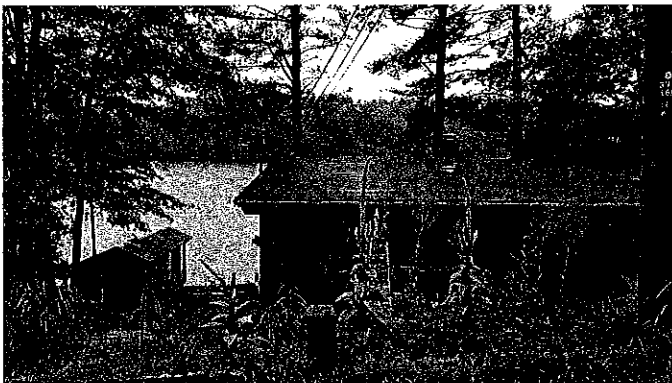


Photo #3

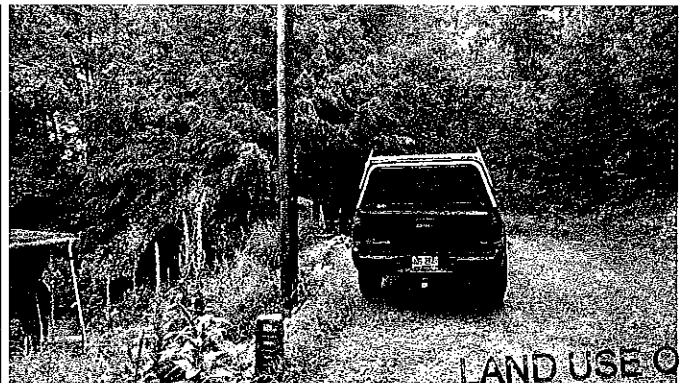


Photo #4

Photo #3: Looking west towards the existing structure.

Photo #4: Looking northwest at the northeast structure corner, gravel parking and the gravel road.

Stonewall Surveying | Licensed in NH & ME | PO Box 458, Barrington, NH 03825 | t: 603.664.3900 | www.StonewallSurveying.com

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Photo #5



Photo #6

Photo #5: Looking northeast from Tax Map 124 Lot 9.

Photo #6: Looking south from the existing structure towards Tax Map 124 Lot 9.



Photo #7



Photo #8

Photo #7: Looking northeast from Tax Map 124 Lot 9 towards Mendum's Pond. Shed corner visible.

Photo #8: Looking north from edge of treeline at existing structure.

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Photo #9



Photo #10

Photo #9: Looking east from dock towards existing structure

Photo #10: Looking southeast from dock towards shed and Tax Map 124 Lot 9.



Photo #11



Photo #12

Photo #11: Looking west from existing structure.

Photo #12: Looking northeast from dock towards Tax Map 124 Lot 11.

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Photo #13



Photo #14

Photo #13: Looking southeast at existing structure from tree line. French drain stone in front of house.
Photo #14: Looking south from tree line adjacent to Tax Map 124 Lot 11.



Photo #15



Photo #16

Photo #15: Looking southwest from tree line adjacent to Tax Map 124 Lot 11.
Photo #16: Looking north from existing structure towards Tax Map 124 Lot 11.

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Tax Map 124 Lot 10

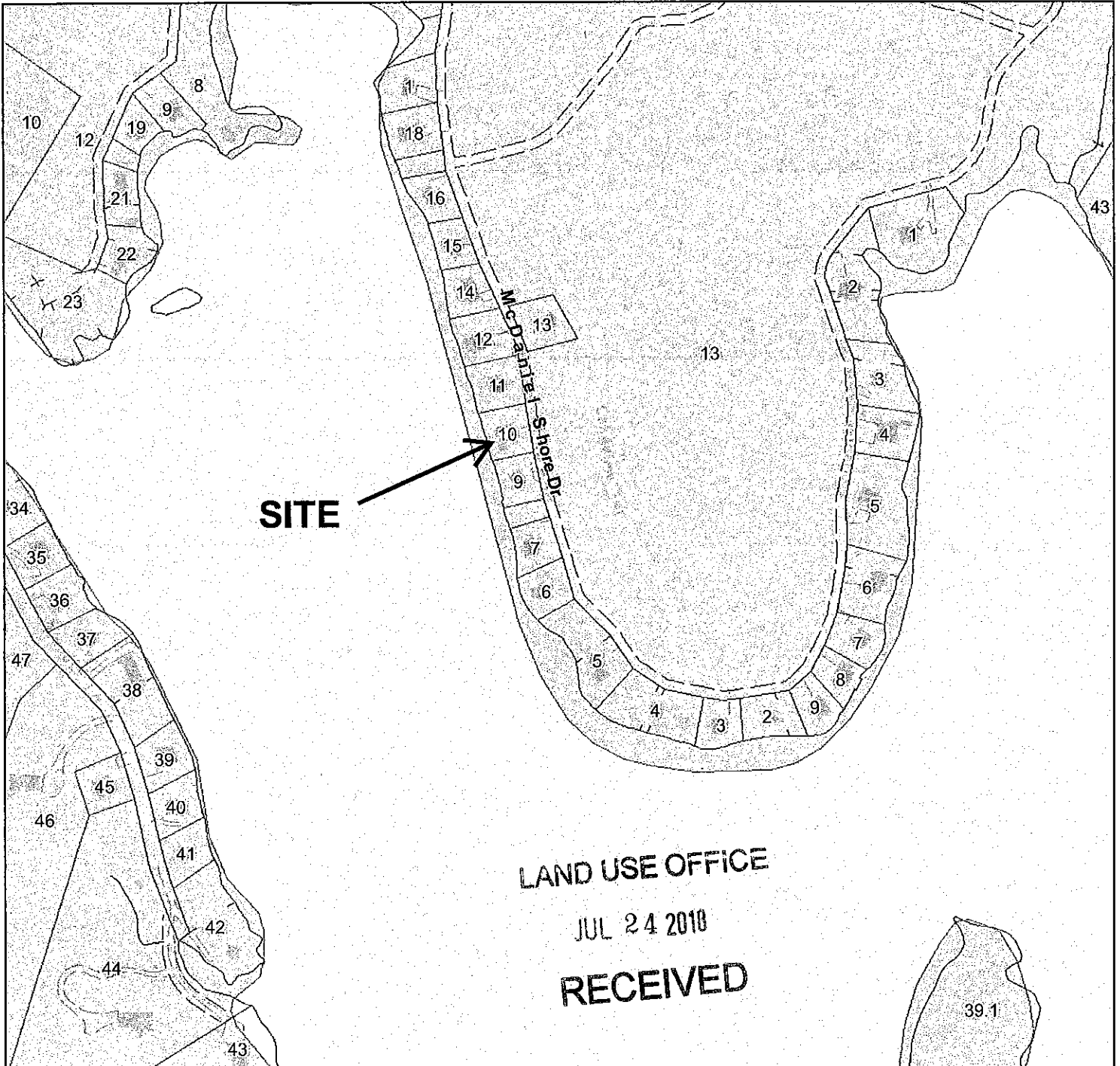
Barrington, NH



July 23, 2018

1 inch = 300 Feet

www.cai-tech.com



Street Names	—— P WATER	--- 100-RW	—— WATER
100-PROPERTYLINE	—— 100-HOOKS	--- DW	▨ Buildings
100-PVTRD	—— 100-PT	--- PVTRD-RW	▨ GENERAL RESIDENTIAL
PVTRD	--- 100-PVTRD-RW	--- RW	▨ WATER

The property data available on this site is updated periodically. The Town of Barrington makes no warranties with regard to its accuracy or completeness and assumes no liability associated with the use of this data.