



# 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 June 15, 2020 Case No. 2109-53-CA/SLUDS-20-281W1  
Owner KING FISHER BAY CO LLC Mailing Address 17323 WHITE MOUNTAIN RD P027  
Phone 978-884-5399 Email DANIEL.WHITTINGER@SMPL.COM CHARLATE,  
FL 33948

## 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.

- |                                     |                                     |                          |   |
|-------------------------------------|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Zoning Board of Adjustment Application Checklist ( <i>this form</i> )  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | 2. ZBA General Information (Article(s) and Section(s) of Ordinance)   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | 3. Appeal and Decision  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | 4. Fees - \$150.00 Application <input type="checkbox"/>   |
|                                     |                                     | <input type="checkbox"/> | \$ 75.00 Legal Notice <input type="checkbox"/>  |
|                                     |                                     | <input type="checkbox"/> | \$ 7.00 per US Post Office Certified Letter <input type="checkbox"/>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | 5. Completed Project Application Form   |
|                                     | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Variance <input type="checkbox"/> Special Exception <input type="checkbox"/> Appeal      |
| <input type="checkbox"/>            | <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 checked="" type="checkbox"/> | <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*)
  - 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 Barbara Thure Date 6/18/2020

**Land Use Department**  
 Town of Barrington; 137 Ramsdell Lane; Barrington, NH 03825  
[barrplan@metrocast.net](mailto:barrplan@metrocast.net) Phone: 603.664.5798

PART III - PROJECT DESCRIPTION/VARIANCE DETAILS

Case No. 262-53-GR/SLWD-20-28402

Project Name KINGFISHER / LANTANA ACCESSORY DWELLING UNIT

Location Address 362 WALL ROAD

Map and Lot MHP 252 LOT 53

Zoning District (Include Overlay District if Applicable) \_\_\_\_\_

Property Details:

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

Use: ACCESSORY DWELLING UNIT

Number of Buildings: 1                      Height: 31'

Setbacks: Front \_\_\_\_\_ Back \_\_\_\_\_ Side \_\_\_\_\_ Side \_\_\_\_\_

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:

VARIANCE FROM 3.5.1(8) OF THE ORDINANCE

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

SEE ATTACHED

Barrington Zoning Ordinance Requirements:

3.5.1(8) LIMITS THE SIZE OF RW

ADD TO 750 SQ FT.

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

A VARIANCE FROM THE 750 FT

LIMITED TO ALLOW A 12'x25 ADD

OVER A THREE VEHICLE GARAGE

**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.

*SEE ATTACHED*

- 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.

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

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- 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.

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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

6/13/20  
Date

  
Signature of Owner

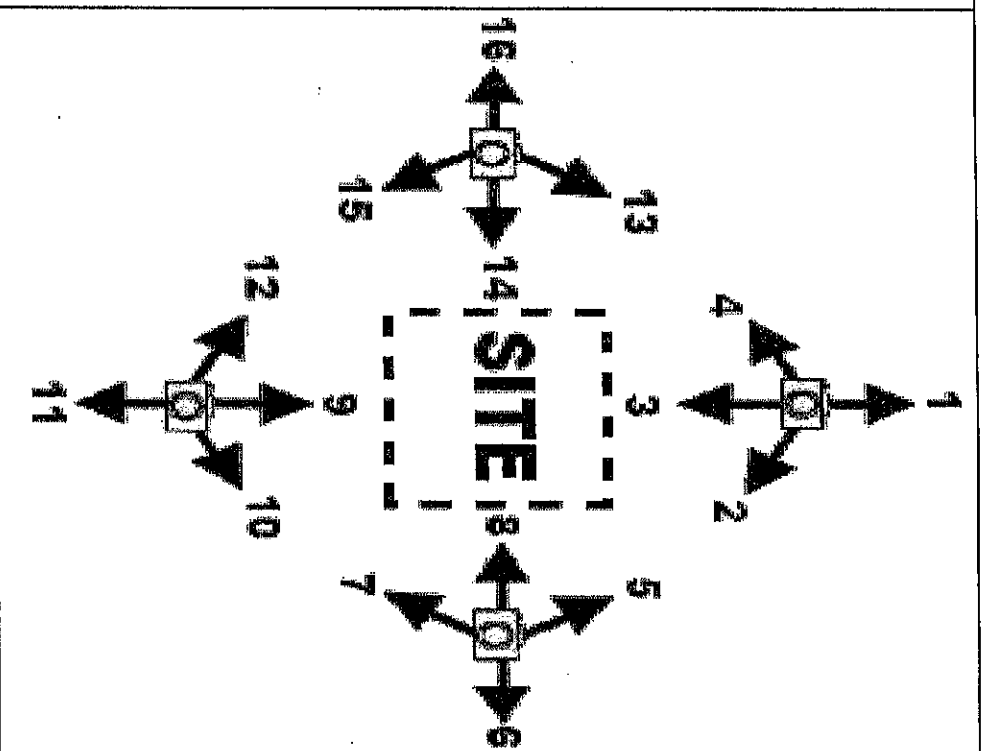
6/13/20  
Date

## 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.



## PROJECT NARRATIVE

Applicant proposes to construct a 2-3 bedroom apartment over a three bay garage which is not attached to the living structure. Mr. Lakeview operates a fishing business, i.e. Kingfisher Bait Co., Inc., which places him at sea for approximately 6 months of the year. He proposes to occupy the apartment with his disabled wife during the remaining six months of the year when not on his fishing boat. The apartment will be constructed to meet the requirements of his wheelchair bound wife including 36' wide doorways, bathroom handrails and other amenities. The unit will have a separate septic system and will share the existing well with the main house which is occupied by the applicant's son. Water will be provided from Swain's Lake through membership in the Swain's Lake Village Association Water District. The septic system will be located behind the garage building and has not been designed because it depends on the number of bedrooms allowed. The unit will be used solely for occupancy by the applicant and his wife.

Respectfully submitted,



John Lakeman of Kingfisher Bait Co., Inc.

By and through his Attorney

DONALD F. WHITTUM LAW OFFICE, PLLC

**3.4(9)**.....Where deemed necessary when considering an application for Conditional Use approval, the Planning Board may require that adequate visual buffers be established

**3.5.....Accessory Dwelling Units**

To preserve low density rural nature and appearances of Barrington’s neighborhoods while complying with the State Law that requires local governments allow Accessory Dwelling Units that provide independent living facilities for elderly, disabled, adult children who wish to give care and support to parents, and to a lesser extent, expand the diversity and supply of housing. This keeps the Town of Barrington’s Zoning Ordinance in compliance with RSA 674:71 to 674:73 which was modified by Senate Bill 146 and signed into law by the Governor and effective June 1, 2017.

**3.5.1**.....An accessory Dwelling Unit (ADU) is a residential living unit that is within, attached to, or detached from a single-family dwelling, and provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies. Where permitted, an ADU shall comply with the following:

**3.5.1(1)**.....A maximum of one (1) ADU per property is permitted and shall not exceed two bedrooms. An ADU shall not be permitted on property where more than one dwelling currently exists.

**3.5.1(2)**.....Exterior alterations, enlargements, or extensions of the single family dwelling or detached Accessory Structure (AS) are permitted in order to accommodate the ADU.

**3.5.1(3)**.....Modification to the original single family dwelling or detached AS shall fit aesthetically with the principal residence and neighborhood (e.g, the house should not look like it was designed to be occupied by more than one family).

**3.5.1(4)**.....The construction of any access ways into the house or detached AS that are required for access to the ADU shall be located to the side or rear of the building whenever possible.

**3.5.1(5)**.....An interior door shall be provided between the principal dwelling unit and the ADU (if located within or attached to the primary dwelling unit) that can be locked or unlocked at the discretion of the owner.

**3.5.1(6)**.....A minimum of one dedicated off-street parking space shall be provided for the ADU.

**3.5.1(7)**.....New construction of a detached AS that incorporates an ADU shall meet the minimum dimensional standards set forth in Article 4 of the Zoning Ordinance for a single family dwelling.

**3.5.1(8)**.....If located within or attached to a single family dwelling, an ADU shall not exceed 1000 square feet. If the ADU is located in a detached AS, the ADU finished floor shall not exceed 750 square feet.

**3.5.1(9)**.....A single-family dwelling or a detached AS, and lot, shall not be converted to a Condominium or any other form of legal ownership distinct from the ownership of the single-family dwelling. In order to assure compliance with this requirement;



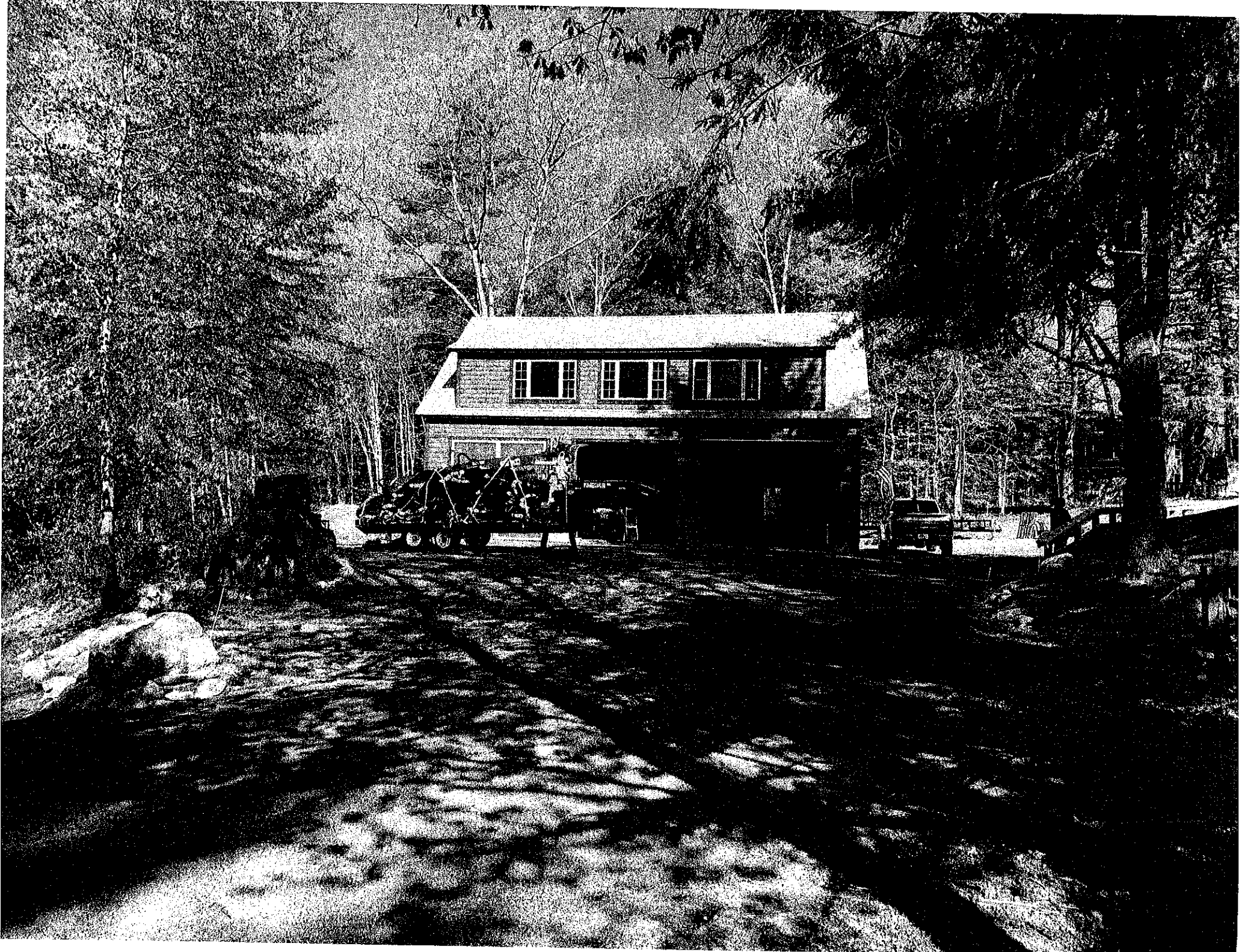
## BASIS FOR GRANTING THE VARIANCE

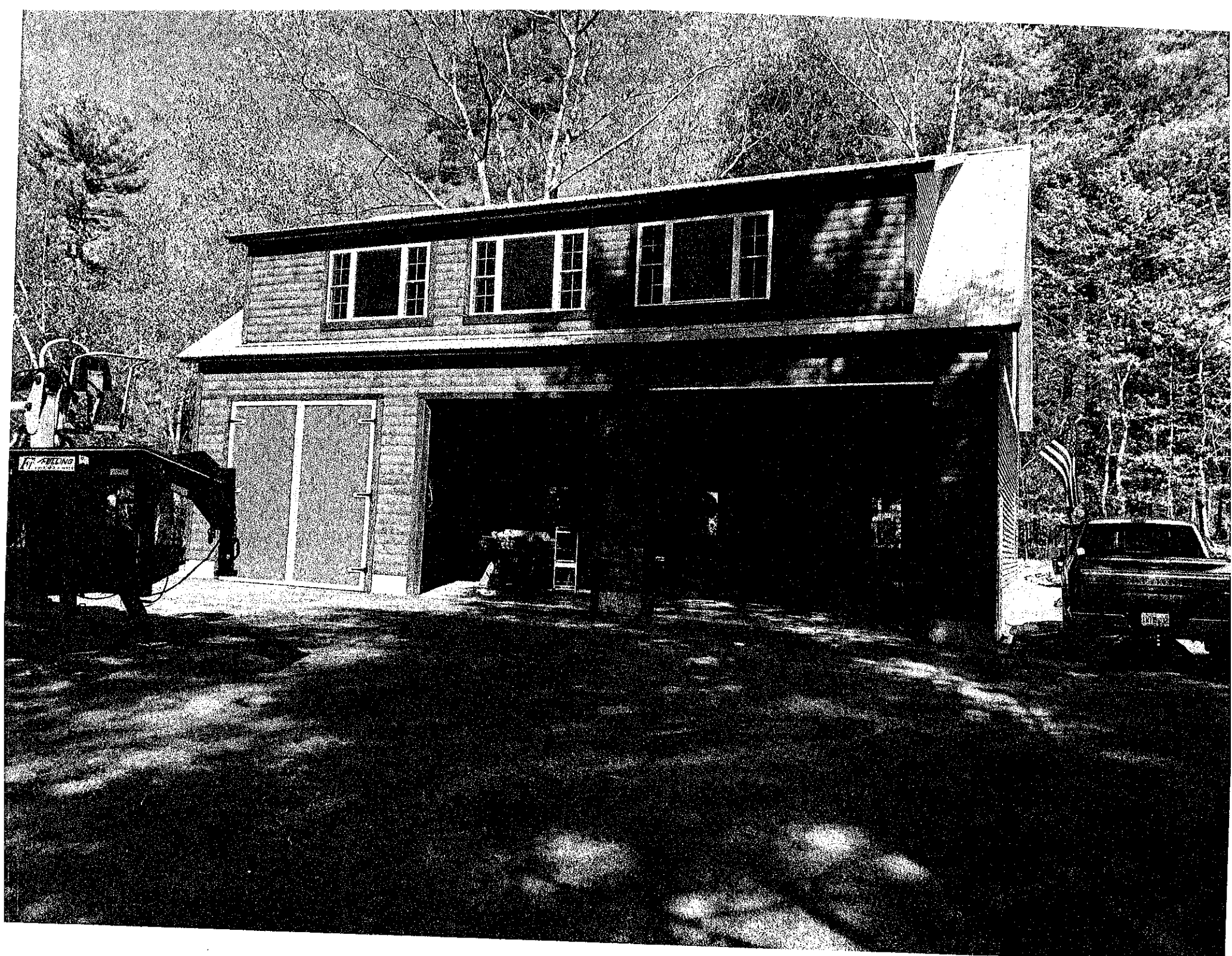
1. Denial of the proposed use of the property, i.e construction, of a 36'x40' apartment over the garage will create a hardship because:
  - a) The proposed use of the property is reasonable. Petitioner owns the property which contains nearly two acres. The house is occupied by the owner's son and his family. The applicant operates a commercial fishing business 6 months of the year and lives with his wife on their boat during the fishing season. Their intent is to occupy the apartment for a period of approximately 6 months of the year during the off season fishing months. Mrs. Lakeman is wheelchair handicapped and the apartment will have oversized doorways and other amenities to accommodate wheelchair access. The apartment will be used by the owner and will not become a rental property.
  - b) The limitation on the size of an accessory dwelling unit presumably is to prevent these units from substantially increasing the population or density of the Town. The occupation of the unit by the two adults will not increase any of the Town obligations or services. It will not burden the school system.
  - c) The granting of a variance will not injure the public or private rights of others. The neighbors have indicated that they have no objection to the proposed use of this property.
2. Granting the variance would be consistent with the intent of the ordinance. The statute mandates and the Town recognizes the right of a building owner to create an accessory dwelling. The proposed use is consistent with the town's zoning ordinance and the provisions of RSA 674:71-73
3. Granting the variance will not diminish the value of surrounding properties. A number of houses in the neighborhood have accessory buildings and the construction of an apartment over the garage will be consistent with the use of other similar buildings in the zoning area.
4. Granting the variance will do substantial justice. We are asking for an area variance rather than a use variance. The legislation allows the right to create an ADU. We are asking for a variance to create a modestly enhanced ADU to accommodate the co-owners handicap.
5. Granting the variance would not be contrary to the public interest. Our Supreme Court has said that to be contrary to public interest, "the variance must unduly and in a marked degree conflict with the ordinance such that it violates the ordinances basic zoning objectives". A variance would violate basic zoning objectives if it "changes the character of the locality" or if it "threatens the public health, safety or welfare of the community". Petitioner submits that neither of those prohibitions apply to the current application.

For the above reasons we believe the application for a variance should be granted.

Respectfully submitted,

John Lakeman of Kingfisher Bait Co., Inc.  
By and through his Attorney  
DONALD F. WHITTUM LAW OFFICE, PLLC





*Town of Barrington, New Hampshire*  
**APPLICATION FOR ACCESSORY DWELLING UNIT**  
**CERTIFICATE OF USE**

[March 7, 2017]

<i>Office Use Only</i>	Certificate of Use # (if new)	Application Fee (new)	Check #	Date Received
	Existing Certificate of Use # (Change of Ownership)	Application Fee (Change of Ownership)	Cash	Received by

APPLICATION TYPE:  New     CHANGE OF OWNERSHIP

**I. OWNER AND APPLICANT INFORMATION**

Name of Property Owner(s) Kingfisher Bait Co., Inc Telephone # 978-884-5399  
 17323 Lake Worth Blvd.  
 Address of Property Owner(s) Port Charlotte, FL E-Mail Address  
33948  
 Name of Applicant *(if different from owner)* John R. Lakeman Telephone # 978-884-5399  
17323 Lake Worth Blvd  
 Address of Applicant Port Charlotte, FL 33948 E-Mail Address \_\_\_\_\_  
 Relationship of Applicant to Owner Owner of Kingfisher Bait Co., Inc. \_\_\_\_\_

**II. PROPERTY INFORMATION**

Property Address 352 Hall Road, Barrington, NH; Assessor's Map # 262 Lot # 53  
 Zoning District(s) General Residential ADU Building Permit # \_\_\_\_\_

Total Area of Accessory Dwelling Unit (circle one and provide area of existing structure and any proposed addition)

~	Ground floor unit attached to dwelling	Total Area of House (sq. ft.)
~	Interior to dwelling (e.g. basement)	Total Area of House (sq. ft.)
~	Second floor of attached garage	Total Area of House (sq. ft.)
<input checked="" type="checkbox"/>	Second floor of detached structure	Total Area of Detached Structure (sq. ft.) <u>1212.25</u> sq ft
<input checked="" type="checkbox"/>	Ground floor of detached structure	Total Area of Detached Structure (sq. ft.) <u>1700</u> sq ft

**CHANGE OF OWNERSHIP**

*If you are applying for a Certificate of Use due to change of ownership and believe no changes have been made to the ADU you may skip Section III*

**III. ACCESSORY DWELLING UNIT QUESTIONS**

Yes      No (check one)

- Has the applicant or the property owner ever obtained an Accessory Dwelling Unit (ADU) Certificate of Use from the Planning Department for this property?
  - Will the ADU be located within the single family dwelling, attached to the single family Dwelling, or located within a detached structure? If no, stop; your proposal will not qualify as an ADU.
  - Will the ADU be constructed in a manner that ensures the property maintains the appearance of a single family dwelling and will not look like a duplex or other multi-family structure? If no, stop; your proposal will not qualify as an ADU?
  - If no, is it physically impossible to relocate that entryway(s) so that it is located on the side or rear of the structure in which the ADU is located?
  - Will the ADU has an area no greater than 1000 sq. ft. if attached or 750 sq. ft. if located in a detached structure? If no, stop; your proposal will not qualify as an ADU.
  - Will at least one (1) dedicated off-street parking space be provided for the ADU? If no, Stop; your proposal will not qualify as an ADU.
  - Will the property owner reside within either the single family dwelling or the proposed ADU? If no, stop; your proposal will not qualify as an ADU.
  - Will the electric, water and sewer utilities for the single family dwelling and ADU be metered on a single bill? If no, stop; your proposal will not qualify as an ADU.
  - If municipal sewer is not available, will the septic system meet NH Water Supply and Pollution Control Division requirements for the combined system demand for the total occupancy of the premises? If no, stop; your proposal will not qualify as an ADU.
- IV. This application must be accompanied by the following:
1. Floor plan of ADU (if the ADU occupies only a portion of the floor on which it is located, please include a plan of the entire floor)
  2. Architectural renderings of the structure as it will appear when the ADU is constructed
  3. Restrictive Covenant providing that the property shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the single-family dwelling (the Restrictive Covenant form is attached to this application, and must be recorded at the Stafford County Registry of Deeds prior to obtaining a Certificate of Occupancy)
  4. Photographs of structure where the ADU will be located (if the structure is existing)

\*\*\*\* PLEASE NOTE: *POST CONSTRUCTION PHOTOGRAPHS* of the structure where the ADU will be located and a *COPY OF THE RESTRICTIVE COVENANT* must be provided to the Zoning Administrator prior to obtaining a Certificate of Occupancy\*\*\*\*

PROPERTY OWNER(S)

MARK  
Print Name: JOHN R. LARSEN

Mailing Address:

17323 LAKE WORTH BLVD  
FORT CHARLOTTE FL. 33948

Print Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

STATE OF NEW HAMPSHIRE

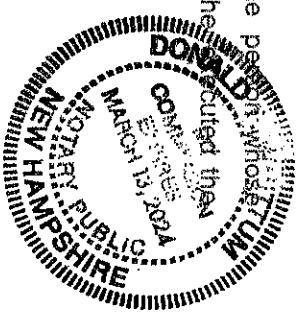
COUNTY OF STRAFFORD,ss.

On the 15<sup>TH</sup> day of JUNE -' 2020 before me personally appeared JOHN R.

LARSEN known to me, or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he/she is the same as his/her free act and deed for the purposes therein contained.

Donald P. Williams

Notary Public/Justice of the Peace



STATE OF NEW HAMPSHIRE  
COUNTY OF STRAFFORD,ss.

On this \_\_\_ day of \_\_\_\_\_ -' 20- ' before me personally appeared \_\_\_\_\_ known to me, or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he/she executed the same as his/her free act and deed for the purposes therein contained.

Notary Public/Justice of the Peace



**NOTES:**

1. OWNER OF RECORD:  
JOHN R. LAKEMAN  
R.C.R.D. BOOK 4883 PAGE 47  
DATED AUGUST 16, 2018
2. PLAN REFERENCE:  
S.C.R.D. PLAN 105-90
3. THE PERIMETER BOUNDARY LINES ARE PER THE PLAN REFERENCE ABOVE AND HAVE NOT BEEN VERIFIED BY THIS FIRM.
4. THE FOUNDATION WAS LOCATED ON SEPTEMBER 17, 2019. THE DIMENSIONS SHOWN ARE TO THE FOUNDATION WALL CORNERS.

**ZONE DATA:**

- ZONE: GR  
 FRONT SETBACK: 40 Feet  
 SIDE SETBACK: 30 Feet  
 REAR SETBACK: 30 Feet

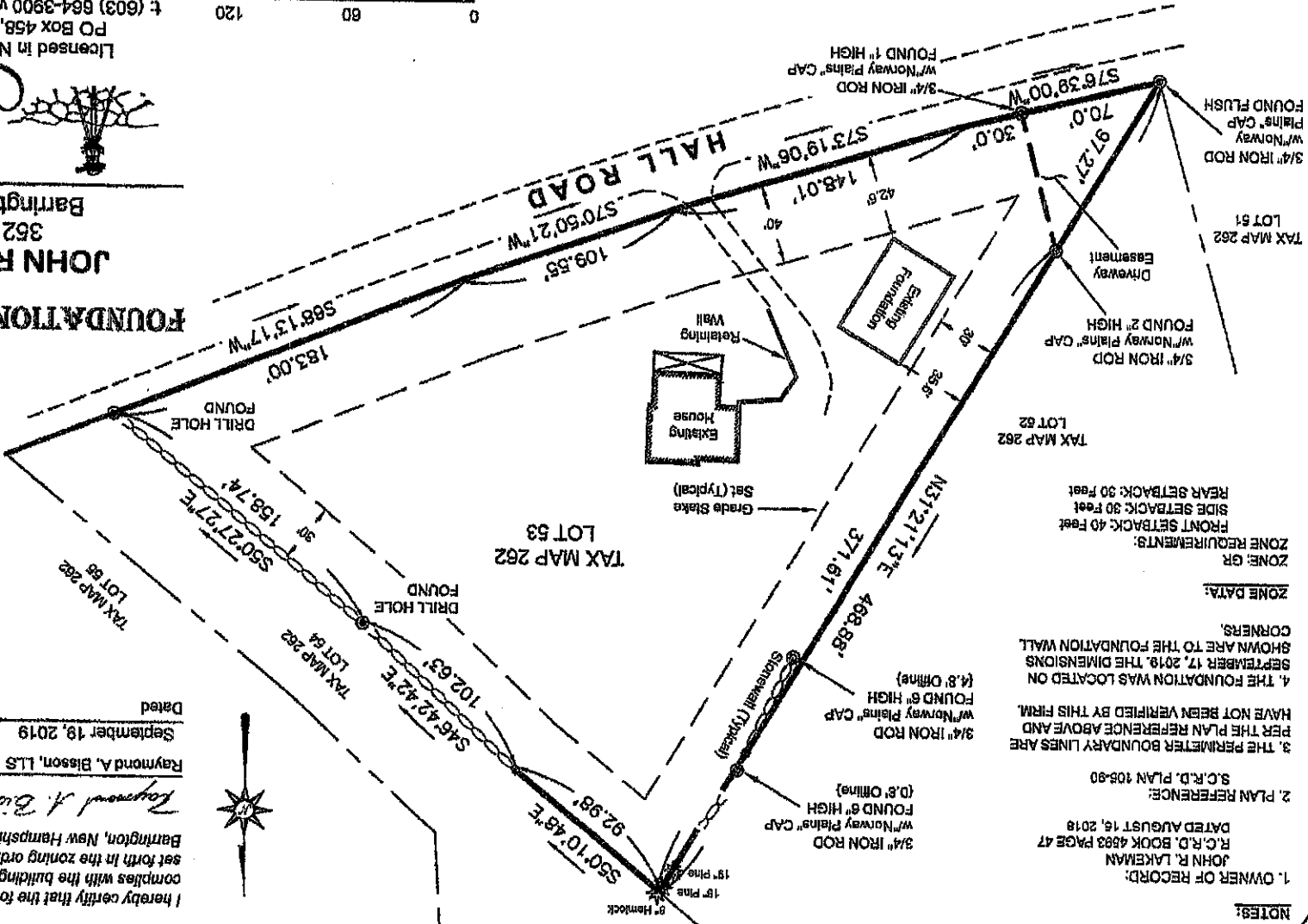
SCALE: 1" = 60'  
 TAX MAP/LOT # 262 / 53  
 PROJECT NO: 19064  
 DATE: 9/19/19



Licensed in New Hampshire & Maine  
 P.O. Box 458, Barrington, NH 03825  
 t (603) 864-3900 www.StonewallSurveying.com



**FOUNDATION CERTIFICATION**  
 For:  
**JOHN R. LAKEMAN**  
 352 Hall Road  
 Barrington, NH 03825



*Raymond A. Blason*  
 Raymond A. Blason, LLS  
 Dated September 18, 2019



I hereby certify that the foundation depicted hereon complies with the building permit and building setbacks set forth in the zoning ordinance of the Town of Barrington, New Hampshire at the time of construction.



Applicant: KINGFISHER BAIT CO LLC / JACK LATHAM Phone \_\_\_\_\_

Project Address: 352 Hall Road, Barrington, NH 03825

List the names and addresses of all parties below. For abutting lot owners, list each owner whose lot adjoins or is directly across the street or a body of water from the subject property. This form may not be completed more than five (5) days prior to the application deadline.

LEGAL OWNER OF SUBJECT LOT

Map Lot	Zone	Owner Name	Mailing Address
262	53	Kingfisher Bait Company, LLC	17323 Lake Worth Blvd Port Charlotte, FL 33948

ABUTTING LOT OWNERS

Map Lot	Lot	Owner Name	Owner Mailing Address (NOT property location)
262	54	Bisson, Raymond + Traci	PO Box 458 Barrington
262	55	Holt, Lisa M	324 Hall Rd, Barrington
262	52	Diamant, Lisa Tracy	31 Ingleside Rd Barrington
262	29	Warren, Mark A + Tonya D	357 Hall Rd, Barrington
262	28	Janelle, Allida	345 Hall Rd, Barrington
262	22	Hicks, Terri + Shirley	5 Capt Birds Ln, Barrington

PROFESSIONALS AND EASEMENT HOLDERS. Engineers, Surveyors, Soil Scientists, and Architects whose seal appears or will appear on the plans (other than any agent submitting this application); holders of conservation, preservation, or agricultural easements; and upstream dam owners/NHDES.

\* Name of Professional or Easement Holder \_\_\_\_\_ Mailing Address \_\_\_\_\_

I, the undersigned, acknowledge that it is the responsibility of the applicant or his/her agent to fill out this form. I understand that any error or omission could affect the validity of any approval. The names and address listed on this form were obtained from the Town of Barrington Assessing Office

on this date: \_\_\_\_\_ This is page \_\_\_\_\_ of \_\_\_\_\_ pages.

Applicant or Agent: JKL

Planning Staff Verification: Barbara Shure Date: 10/21/2020