



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 August 13, 2021 Case No. 21-16-GR/SPO-21-ZBA/Van
Owner Michael R. & Brenda M. Zahner
Mailing Address 14 Loon Cove, Barrington, NH 03825
Phone 413-207-1811 Email MikeZah@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'	Rec'
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- | | | |
|-------------------------------------|--------------------------|---|
| <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"/> | 2. ZBA General Information (Article(s) and Section(s) of Ordinance) |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Appeal and Decision |
| <input checked="" 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 checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/> | 7. Project Narrative |

- n/a 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 1/2" 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
(7) 8½x11
 - ~~a. 24" X 36" – 2 Copies~~
 - ~~b. 11' X 17" – 6 Copy~~
 - c. 8 1/2 " X 11" – 1 Copy
- 3. Floor Plans
(7) 8½x11
 - ~~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; 333 Calef Highway; Barrington, NH 03825
mgasses@barrington.nh.gov Phone: 603.664.5798

PART III – PROJECT DESCRIPTION/VARIANCE DETAILS

Case No. 121-16-GR/SPO-21-ZBAUa

Project Name Michael R. & Brenda M. Zahner

Location Address 14 Loon Cove

Map and Lot Tax Map 121 Lot 16

Zoning District (Include Overlay District if Applicable) General Residential
Shoreland Protection Overlay

Property Details:

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

Use: Full time residence

Number of Buildings: 2 existing to be 1 Height: 15.1'
House 25'± / Garage 20'±

Setbacks: Front	<u>16.7'</u>	Back	<u>15.7'</u>	Side	<u>70.7'</u>	Side	<u>Hall Road 85.2'</u>
	<u>34.8'</u>		<u>5.0'</u>		<u>30.8'</u>		<u>Hall Road 85.2'</u>

Existing House in black / Proposed Addition in Red

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 4.1.1 - Minimum Standards for Front and Rear Setbacks

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

See attached.

Barrington Zoning Ordinance Requirements:

The current regulations require 40' setback on the front and a 30' setback on the rear.

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

The existing structure was built in 1950 as a camp and the lot was created well before the zoning regulations were in place. We are requesting relief from the current regulations so that the existing structure can be improved by adding a second story and a garage with room above. The proposed location provides the water view of Swains Lake from existing windows. The reduced setback is consistent to many homes in this area, plus no building can be placed behind the proposed house due to a wetland. The proposed plan reduces the encroachment and increases the distance from the wetland to the gravel driveway.

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.

The existing lot is 68.4' where the addition is proposed and 83.9' at its widest point (at the leach field). The regulations require a lot to be 70' wide just in setbacks. It is not possible to meet the current regulations so the literal enforcement of the Ordinance will result in a hardship by the owner as they cannot expand their residence.

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

The spirit of the ordinance pertaining to setbacks is the separation of structures. In this case the existing house is 64.1' from the house across the street. The proposed addition would be 63.3'. Since no structure can be built behind the proposed garage and maximizing the setback from the house across the street, the spirit of the Ordinance is met.

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

The proposed addition would not impact abutting property values in a negative way as the improved home will increase abutting property values. Having the proposed addition farther away from Loon Cove Road would be more appealing by allowing the parking to be farther from the roadway. The elimination of the encroachments will also benefit the neighboring lot.

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

This home cannot be improved without a variance. Many homes in this area are close to the property lines, except many have abutting homes close to the property line. Behind the rear of the property is a wetland and cannot be improved and the abutting neighbor is 177'± away from the proposed structure so there is plenty of structure separation. Granting the variance would do substantial justice since it would allow the improvement of a non-conforming structure and lot.

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

The proposed addition will not have an impact on the public, neighbors or landscape. The parcel is currently serviced by public water and the home is already using the private street, so there is no additional impacts to these. The proposal decreases lot coverage and eliminates an encroachment, which are both improvements to the area. Therefore granting the variance is not contrary to 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.

There will be minimal change to the municipal demand as there is an existing residence on the property.

- 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.

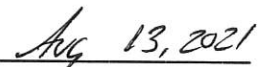
There will be no negative impact to the groundwater as more separation from the wetland is created by eliminating the shed and parking that is close the wetland. Coverage is also reduced by the reduction of gravel and addition of more vegetation to help with water runoff.

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:

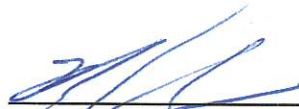
- 1. Front, side, or rear yards in excess of the minimum requirements of this Ordinance.
- 2. Screening of the premises from the street or adjacent property by walls, fences, or other devices.
- 3. Limitations on the size of buildings and other structures more stringent than minimum or maximum requirements 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.



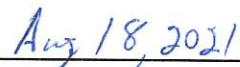
Signature of Applicant



Date



Signature of Owner



Date



August 10, 2021

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

RE: Michael R. & Brenda M. Zahner

Location: **14 Loon Cove, Barrington, Strafford County, New Hampshire**

Tax Map & Lot Number: **Map 121 Lot 16**

Job No: **21022**

Dear Members of the Zoning Board,

The existing house is an older one level camp with a shed that encroaches onto the neighbor's property. The house is lived in full time and needs to be enlarged. The proposed plan is to revamp the camp and add a second story, plus add a garage. The proposed workshop would replace the shed. The proposal as submitted would eliminate the existing encroachments.

The existing lot is a narrow lot being approximately 68' wide near the existing house and approximately 250' in length. Between the existing house and Hall Road is the leach field, so an addition cannot go on that side of the house.

Currently, there is a workshop that partially encroaches onto tax map 121 lot 18 and there is an existing gravel parking space adjacent to the shed. There is also a large circular gravel driveway. There was a concrete pad in the center of the circle that has recently been removed and grass planted. The proposed driveway will be significantly reduced in size. The concrete entry will be replaced by a bulkhead.

The placement of the addition is positioned based upon the current structure windows and how the second story will connect. They do not want to lose the window view on the main floor so the garage will begin just behind this window. This makes a 5 foot setback from roof overhang to the property line at the closest point. Behind the proposed structure is woods and wetlands so it will not interfere with or hinder the abutting property.

Variance Requested:

Variances requested from dimensional requirements:

Relief from front setback for Loon Cove from 40 feet to 34.8 feet.

Relief from rear setback is 5.0 feet from right rear of garage.

The proposed improvements fall in line with improved properties in the surrounding area and around Swain's Lake. It is our opinion that this project will not have negative impact on surrounding properties.

Thank you for your time reviewing this matter.

Sincerely,

Raymond A. Bisson, LLS
Stonewall Surveying

Letter of Authorization

August 13, 2021

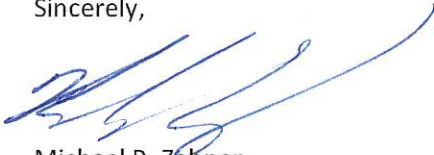
Town of Barrington
Zoning Board
PO Box 660
Barrington, NH 03825

To Barrington Zoning Board:

We 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 the property located at 14 Loon Cove, Barrington, NH, Tax Map 121 Lot 16. 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, Michael R. & Brenda M. Zahner.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Michael R. Zahner', written over a light blue horizontal line.

Michael R. Zahner
Brenda M. Zahner
14 Loon Cove
Barrington, NH 03825

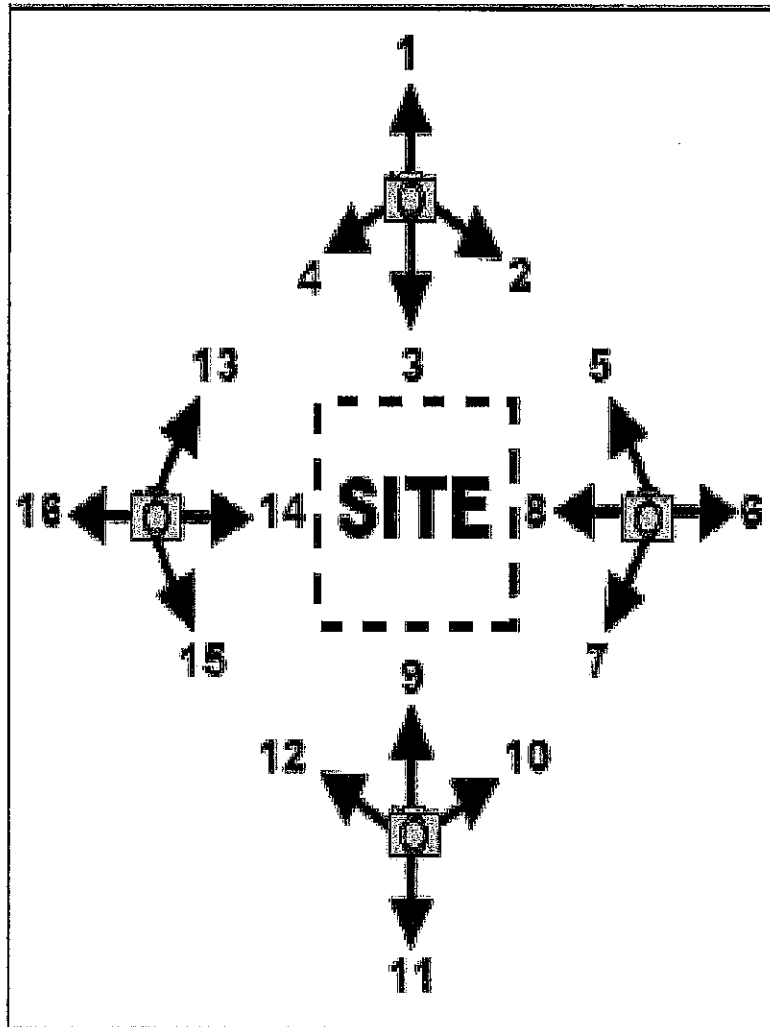




Photo 1



Photo 2



Photo 3





Photo 4



Photo 5

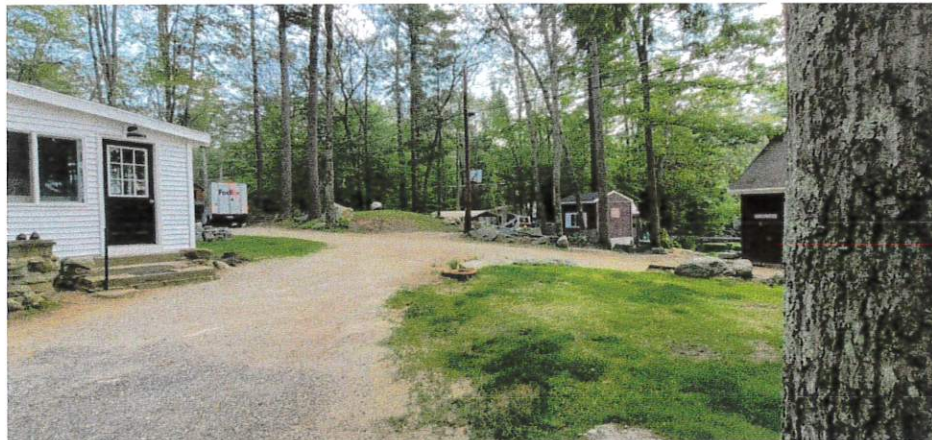


Photo 6





Photo 7

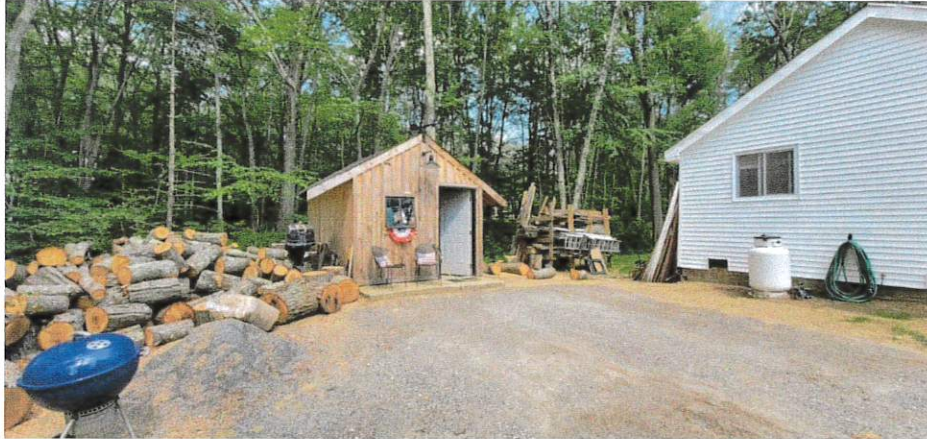


Photo 8



Photo 9





Photo 10

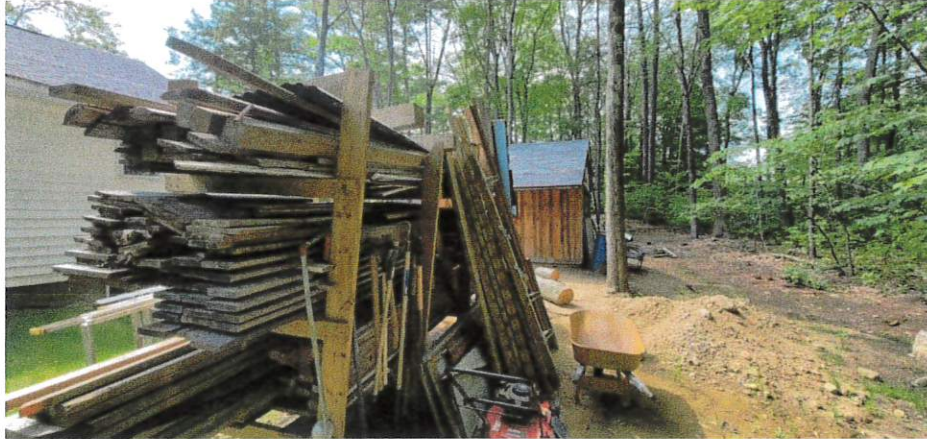


Photo 11



Photo 12

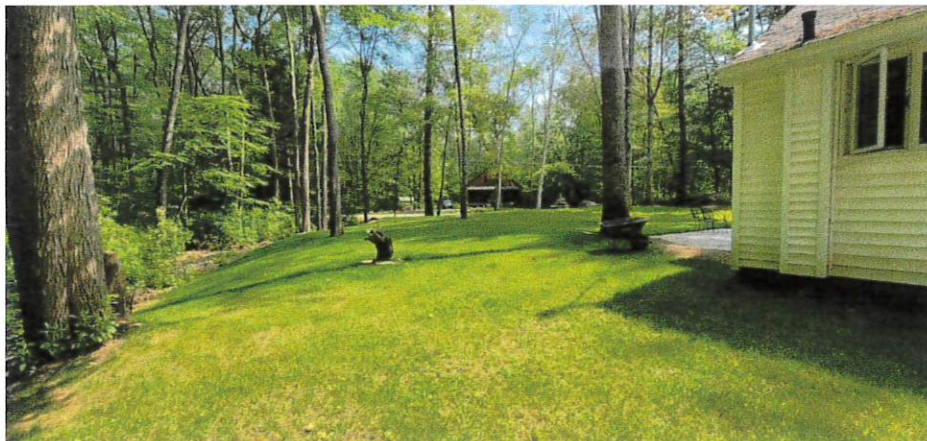




Photo 13



Photo 14



Photo 15





Photo 16



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.

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) "Setbacks apply to ground mounted Solar Collection Systems. 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.

**Michael R. & Brenda M. Zahner
14 Loon Cove
Barrington, NH 03825**

**JOHN & KERRY MALONEY
MARK & JODI TOMPSON
18 BRYSON DRIVE
BARRINGTON, NH 03825**

**JODY JOHNSON
253 HALL ROAD
BARRINGTON, NH 03825**

**STONEWALL SURVEYING
PO BOX 458
BARRINGTON, NH 03825**

**FRED E. RILEY IV TRUST
48 COLUMBUS AVENUE
DOVER, NH 03820**

**KRISTY OSBORNE
241 HALL ROAD
BARRINGTON, NH 03825**

**HUGH & MICHELE HAWKINS
49 ACORN POINT
BARRINGTON, NH 03825**

**THOMAS F. & ELIZABETH
CHAREST
262 HALL ROAD
BARRINGTON, NH 03825**

"Registry") as Plan No. 63-21 (the "Plan"), to which plan reference may be made for a more particular description.

INCLUDING THE RESERVATION TO Raymond W. Burke and Mary M. Burke, Trustees of The Burke Realty Trust, their successors and assigns, for the benefit of property known as Tax Map 11, Lot 35E, the above described Premises, all as shown on a certain Plan No. 68-28, a FOUR AND 00/100THS (4.00) FOOT WIDE RIGHT OF WAY, being TWO AND 00/100THS (2.00) FEET on each side of the boundary separating Lot No. Map 11 Lot 35F from Lot No. Map 10 Lots 64C & 64B, in common with any other parties, the said Right-of-Way Easement for pedestrian use only, and NOT for vehicular use, in common with the property owners of the above described burdened lots, their respective heirs, successors and assigns, for ingress and egress to and from Swains Lake and Loon Cove or Chipmunk Lane and located along the "New Lot Line" as depicted on said Plan No. 68-28.

TOGETHER WITH all the Grantor(s) right, title and interest, if any, in and to the right to use in common with others a right-of-way leading from the Hall Road to the parcel of land above described.

SUBJECT TO:

1. Water Main Easement to the Swains Lake Village Water District, recorded in the Registry at Book 1328, Page 0431, to the extent that it applies to this Lot;
2. Matters as shown on the above referenced Plan;

SUBJECT TO and TOGETHER WITH THE

BENEFIT OF covenants, declarations, ease-
ments, restrictions, agreements and reserva-
tions of record, if any there be, insofar as
the same may be in force and applicable and
to such rights and easements of the public to
that portion of the above described premises
that lies within the traveled portion of the
public way upon which the Premises sits as
shown on the Plan.

THIS IS NOT THE HOMESTEAD PROPERTY
OF THE INDIVIDUAL TRUSTEES, WHO ARE HUSBAND
AND WIFE.

For title reference see the
Quitclaim Deed of Raymond W. Burke and Mary
A. Burke, dated 15 April 2003, and recorded
in the Registry at Book 2906, Page 0392; fur-
ther reference may made to the Warranty Deed
of Lillian Pagano a/k/a Lillian I. Pagano and
Dominic F. Pagano, dated 15 January 1963, and
recorded in the Registry at Book 2078, Page
0669.

IN WITNESS WHEREOF, the said The Burke Realty Trust
has caused its seal to be hereto affixed and these presents to
be signed, acknowledged, and delivered in its name and behalf
by Raymond W. Burke and Mary A. Burke, its Co-Trustee(s), this
28 day of November, 2017.

The Burke Realty Trust


Witness

By: Raymond W. Burke
Raymond W. Burke
Its: Trustee
Duly Authorized
[Please Sign In Black Ink]

The Burke Realty Trust


Witness

By: Mary A. Burke
Mary A. Burke
Its: Trustee
Duly Authorized
[Please Sign In Black Ink]



STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

On this 28 day of November, 2017, then personally ap-
peared the above named **Raymond W. Burke**, Trustee of **The Burke
Realty Trust**, and acknowledged the foregoing to be true, be-



Before me,

James Kaklamanos
Justice of the Peace/Notary Public
My Commission Expires: 04.05.2022

[Please place notary seal here]

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

On this 28 day of November, 2017, then personally ap-
peared the above named **Mary A. Burke**, Trustee of **The Burke
Realty Trust**, and acknowledged the foregoing to be true, be-
fore me



Before me,

James Kaklamanos
Justice of the Peace/Notary Public
My Commission Expires: 04.05.2022

[Please place notary seal here]

This document was prepared by:

James Kaklamanos, Esquire
James Kaklamanos, P.C.
374 Main Street
Nashua, NH 03060
Telephone: 603.595.0999
Facsimile: 603.595.9899
E-mail: jk@jk9.com
Web Site: jk9.com

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