



# 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 6-29-22 Case No. 234-25-V-22-VAR  
 Owner Daniel m. & Melissa Ayers  
 Mailing Address 41 Oak Hill Road, Barrington, NH 03825  
 Phone 603-817-7808 Email ayersdan21@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.

Rec'	Rec'
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- 1. Zoning Board of Adjustment Application Checklist (*this form*)
- 2. ZBA General Information (Article(s) and Section(s) of Ordinance)
- 3. Appeal and Decision
- 4. Fees - \$150.00 Application  \$75.00 Legal Notice  \$7.00 per US Post Office Certified Letter
 
 \$150.00  
 \$75.00  
 8 x 7.00 = \$56.00  
\$281.00
- 5. Completed Project Application Form  
 Variance      Special Exception      Appeal
- 6. Notarized Letter of Authorization (from property owner(s) if property owner did not sign the application form)
 N/A
- 7. Project Narrative

- 8. HOA Approval (if applicable) *N/A*
- 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
  - 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 Orune  
Staff Signature

7/5/2022  
Date

**Land Use Department**  
**Town of Barrington; 333 Calef Highway; Barrington, NH 03825**  
Phone: 603.664.5798

**PART III – PROJECT DESCRIPTION/VARIANCE DETAILS**

Case No. 234-25-V-22-Van

Project Name Proposed Garage, Front Setback Variance

Location Address 41 Oak Hill Road

Map and Lot Tax Map 234, Lot 25

Zoning District (Include Overlay District if Applicable) Village

**Property Details:**

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

Use: Proposed Garage on an Existing Lot of Record with Single Family House

Number of Buildings: Garage      Height: + / 12-14'

Setbacks: Front 40      Back 30      Side 30      Side 30

Request 38.6' to New Right of Way of Meetinghouse and 37.5' to Oak Hill

**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:

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

Proposes to install a pre-fabricated garage structure on the existing site, which contains a single family house, well and septic. The variance is being requested to the front setback along Oak Hill Road and the revised front setback to Meetinghouse Road.

**Barrington Zoning Ordinance Requirements:**

40' required.

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

38.6' to the revised right of way of Meetinghouse Road

37.5' to the right of way of Oak Hill Road

**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 Narrative.

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

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

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

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

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**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.

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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.

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- 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.

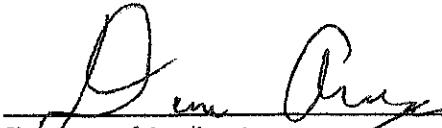
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5. The proposed use will not result in the degradation of existing surface and groundwater quality standards, nor will it have adverse effects on the natural functions of wetlands on the site that would result in the loss of significant habitat or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

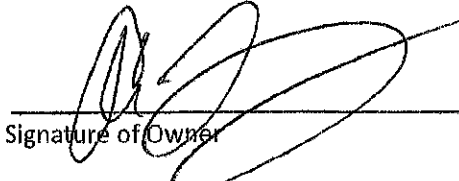
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**In addition to the guiding principles specified above, the ZBA may condition the granting of a special exception upon more stringent standards if the Board determines that such conditions are necessary to protect the health and welfare of the town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

6-29-22  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Owner

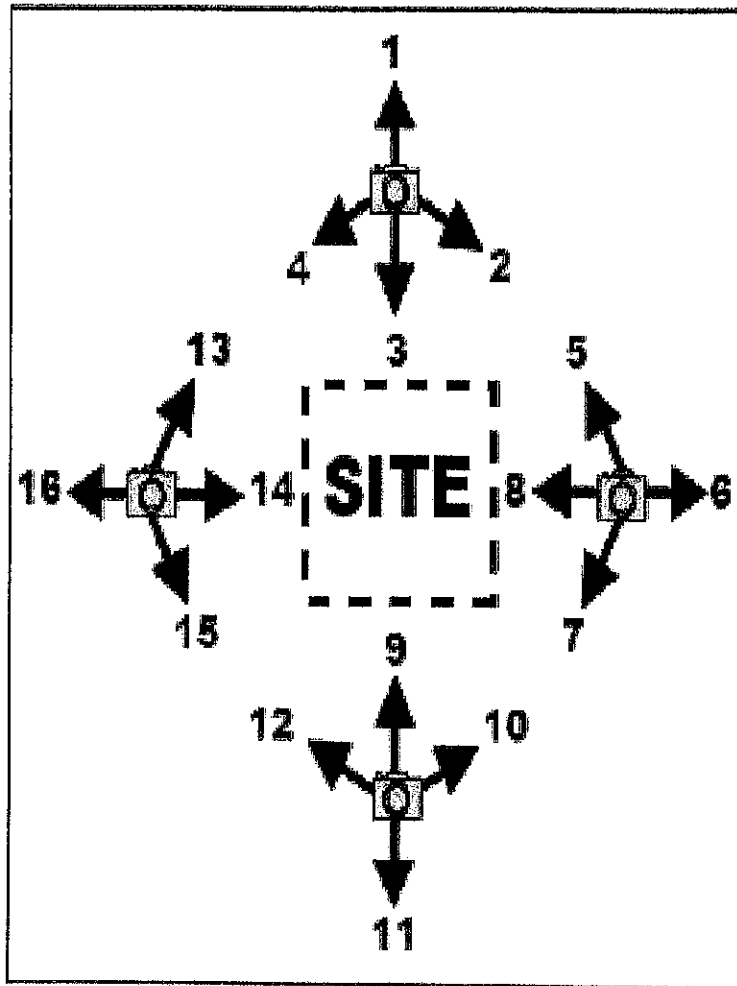
6-29-22  
\_\_\_\_\_  
Date

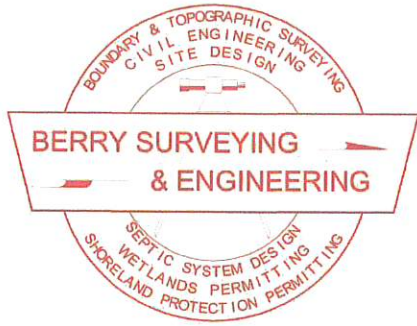
## SITE / CONTEXT PHOTOS

### 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.





## **BERRY SURVEYING & ENGINEERING**

335 Second Crown Point Road

Barrington, NH 03825

Phone: (603) 332-2863

Fax: (603) 335-4623

[www.BerrySurveying.Com](http://www.BerrySurveying.Com)

June 29, 2022

Barrington Zoning Board  
Attention: Vanessa Price  
PO Box 660  
333 Calef Highway  
Barrington, NH 03825

Re: Variance Application  
Daniel and Melissa Ayers  
41 Oak Hill Road  
Tax Map 234, Lot 25  
Proposed Garage

Chairperson, Members of the Barrington Zoning Board,

On behalf of Daniel and Melissa Ayers Berry Surveying and Engineering (BS&E) is submitting a variance request for the two front setbacks in the Village Zone.

Daniel & Melissa own the parcel known as Map 234, Lot 25. The site contains a single-family home with the driveway situated on the northern side of the structure. The septic system is located to the left of the house and the well is located to the right side (north) of the house and driveway. The parcel was created by subdivision when the prior owner / developer re-established Meetinghouse Road and provided a connection to Smoke Street. As part of that project a stormwater treatment pond was developed on the corner of Oak Hill Road and the newly constructed Meetinghouse Road. Since this pond is being turned over to the Town of Barrington as part of the exchange of infrastructure, the Right Of Way (ROW) for Meetinghouse Road was expanded to include the pond. This was preferred at the time to ensure the towns future infrastructure was not in an easement and on land the Town owned and controlled.

Due to this, the "front" boundary line of Meetinghouse Road is extended well beyond the typical ROW width, and actually creates the sideline boundary of 41 Oak Hill Road. However, the zoning ordinance requires that since this is in fact the right of way boundary and this is a corner lot that a Front Setback of 40' be required.

As can be seen on the enclosed plot plan there is the existing well that is just off the edge of driveway and is placed in the middle of the area outside of the setbacks. There is a 50' wetlands setback to the rear. If it were not for this well placement the structure could go inside the setback boundary.

The well placement and the Front Setback requirement on the actual sideline of the property create a special condition for this site. If it were not for the front setback requirement on



Meetinghouse Road, the structure could be moved 7' to the north and back slightly to potentially meet the front setback on Oak Hill Road. The applicant is requesting relief to both to balance the needs of both setback requirements. From a practical standpoint, given the vegetation along Oak Hill Road and the lower road elevation below the stone wall, the difference between the 40' requirement and the 36.5' proposed will be imperceptible. With respect to the front setback along Meetinghouse Road, as mentioned above, it is far removed and there is a large pond and berm between the garage and roadway. The garage doors are on the south side of the structure and therefore it cannot be slid back. Entrance into the structure would not be feasible.

Article 4 Dimensional Standards Table 2, front setback of 40' within the Village Zone.

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 lot has two special conditions which make compliance with the ordinance not practical as noted above. Not having the ability to enjoy a small secondary use structure such as a garage or barn, but for a small variance to the actual front setback along Oak Hill Road due to the existing well placement does pose an unnecessary hardship on the applicant. Not having the same ability due to a peculiar ROW change which generates a front setback so far removed from the physical roadway does pose an unnecessary hardship to the applicant. Both of these situations are unique and specific to this parcel when compared to others in the neighborhood. There is no other place for this small and modest structure to be placed on this lot.**
2. Granting the variance would be consistent with the spirit of the Ordinance.  
**The spirit of the ordinance is to create a uniformity of rural nature within the town. Given that this is proposed to be a small secondary structure and will be imperceptible to the surrounding area, this is very consistent with the ordinance.**
3. Granting the variance will not result in diminution of surrounding property values.  
**Granting the variance will not result in diminution of surrounding property values. The owner is requesting a use that is permitted in the zone for a light residential use. The difference between the prescribed zoning and the request is not derivation enough to warrant diminution in values given the benign use.**
4. Granting the variance would do substantial justice.  
**Granting the variance would do substantial justice because it will allow the applicant to reasonably develop the lot with a use that's allowed in the zone.**
5. Granting of the variance would not be contrary to the public interest.  
**Granting the variance would not be contrary to the public interest because it will allow for the proper use of a parcel which could otherwise be used for the same, but for the two issues specifically related to the lot. Reasonable use of a real property is within the public interest. Given the special circumstances of the parcel, granting this variance will not erode the public interest within the zoning ordinance.**



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**ABUTTER LIST**

Town of Barrington, NH

Please Print or Type

Applicant: Daniel M + Melissa Ayers Phone 603-817-7808

Project Address: 41 Oak Hill Rd 234-25

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
234	25		same	

**ABUTTING LOT OWNERS**

Map	Lot	Owner Name	Owner Mailing Address (NOT property location)
234	34	Turner, Gregory + Noreen	107 Oak Hill Rd
234	36	Snook, Danielle M + Joseph	13 Muchado Dr
234	59	Adams, Robert A Jr	128 Oak Hill Rd
234	58	Divins, David L + Ebbel	136 Oak Hill Rd
234	55	Irwin, Nathaniel	135 Oak Hill Rd
234	54	Jones, Sarah + Eugene	12 Muchado Dr

**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
Berry Surveying + Engineering	335 Second Crown Pt Rd, Barrington

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: \_\_\_\_\_

Planning Staff Verification: Barbara Prune Date: 7/5/2022