



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 11/22/22 Case No. 244-1-GR-22-Var
Owner Fixed Homes LLC
Mailing Address 377 Beauty Hill Road, Barrington NH 03825
Phone 603-440-0880 Email Lucas.Stillwagon@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 type="checkbox"/> | <input checked="" type="checkbox"/> | 1. Zoning Board of Adjustment Application Checklist (<i>this form</i>) |
| <input type="checkbox"/> | <input checked="" 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 checked="" type="checkbox"/> | 4. Fees - \$150.00 Application <input type="checkbox"/> <u>\$ 440.00</u>
\$ 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 checked="" 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 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 Arvins
Staff Signature

11-23-2022
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. 244-1-GR-22-Van

Project Name Corbett Road

Location Address 65 Corbett Road, Barrington NH

Map and Lot 244-000001

Zoning District (Include Overlay District if Applicable) General Residential

Property Details:

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

Use: Residential

Number of Buildings: 1 Height: 35 Feet

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:

Article 4.1.1 (Table 2)

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

Please see attachment

Barrington Zoning Ordinance Requirements:

40 Foot Front setback

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

The Applicant requests a front setback of approximately 33.6 feet.

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.

Please see attachment _____

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

Please see attachment _____

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

Please see attachment _____

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

Please see attachment _____

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

Please see attachment _____

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

11-22-22

Date



Signature of Owner

11-22-22

Date

Introduction

65 Corbett Road is a two acre site where an old mobile home was removed by the previous owner in 2021 and a new home was built by the current owner in 2022. The initial survey work showed that the footprint placement could meet all of the setback requirements, including the 50 foot wetland buffer behind the home. The setbacks were measured by a surveyor who was scheduled to come back in June to complete the Foundation Certification, after several months of delays the applicant decided to have Northam Surveyors complete the Foundation Certification. It was completed on 10/31/22 and it showed the foundation wasn't placed correctly.

The original stake positions for the foundation shifted at some point between when the stakes were set and when the footings were poured. The new home was pushed in the wrong direction and the right front corner encroached the front line setback by 6.5 feet. In the future the owner will stake the building footprint and then put a second set of stakes 20 feet from each corner so the house placement can be verified and this will never happen again.

The Applicant requests a variance from Article 4.1.1 (table 2) of the town zoning ordinance. Adjusting the front setback to approximately 33.6 feet where a 40 foot setback is required. The applicant has completed the five variance criteria below and respectfully requests that the Barrington Town Zoning Board grant the variance based on all of the criteria being met.

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

65 Corbett Road is a two acre piece of land with three hundred feet of road frontage however it has characteristics that limit its use, result in unnecessary hardship and clearly distinguish it from surrounding properties. A majority of the land at 65 Corbett Road is not buildable due to steep slopes and a large wetland area in the middle of the lot. The only building site is located on the front left side of the property, this area is compressed further by the setback requirements since that buildable area is impacted by the front setback, left side setback as well as the 50 foot wetland setback.

Considering the unique features of the lot, the applicant's reasonable use of the property as well as the intention of the ordinance, no fair or substantial relationship exists between the regulation and the restriction on the property at 65 Corbett Road. Granting this Variance would not injure the public or private property rights of others since the use is common for the area and the space between properties is more than adequate.

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

The variance would be consistent with the spirit of the ordinance because the main purpose of the setback restriction is to reduce overcrowding and negative impacts on buildings that would be close to that setback. This building site is roughly 100 feet away from the closest building and several hundred feet from the neighbor directly across the street from the front setback. Also there is 33.6 feet from the right corner of the home to the front line, but there is an additional 20 foot buffer between the road and the front lot line.

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

If the variance is granted it would not negatively impact surrounding property values. The lot would fall right in line with the character of the neighborhood and the project overall has replaced a run down rental property with a modest, energy efficient home. If anything it has increased the value of surrounding properties and had a positive impact on the area.

4. Granting of the variance would do substantial justice.

Substantial justice balances public rights with private rights, any case where there is substantial loss to an individual with no loss or injury to the public is viewed as an injustice. In this situation there is not a substantial gain to the public if the variance is denied. There is some benefit to the public if the variance is granted in the form of increased tax revenue and improving local property. However there would be a far greater loss to the applicant if the variance isn't granted. Granting the variance would be appropriate and would do substantial justice in this situation.

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

Granting the variance would not be contrary to the public interest. There would be no impact or injury to public rights if the variance is approved. Abutting homes across the road from the front line are several hundred feet from the front setback encroachment. It is also important to note that the building site is elevated well above the road level so there is no impact to public safety especially in regards to traffic. The new building will also generate more tax revenue for the town of Barrington moving forward which is also positive for the local community .

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.

List of abutting properties for 65 Corbett Road:

Daryl Morales Amanda Hodgdon - 43 Corbett Road

Paul Myslinski - 56 Corbett

Caitlin Hussey - 60 Corbett

William and Ursula Bohnenberger - 71 Corbett Road

abutter: Surveyor

Luke Stillwagon
377 Beauty Hill Rd
Barrington NH 03825





