



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 5/23/2023 Case No. 253-22-RC-23-Uan
 Owner 14 Winkley Pond Road LLC Members: Clint Gendreau, Daniela Moebius
 Mailing Address 350 Hemlock Ln, Barrington NH 03825
 Phone 603-969-8001 Email daniela@moebiusarchitecture.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 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"/>
\$ 250.00 Legal Notice <input type="checkbox"/>
\$ 8.00 per US Post Office Certified Letter <input type="checkbox"/> | <u>\$464.00</u> |
| <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 checked="" 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 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:

 Staff Signature 5/25/2023
Date

Land Use Department
Town of Barrington; 4 Signature Drive; Barrington, NH 03825
 vprice@barrington.nh.gov Phone: 603.664.5798

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PART III – PROJECT DESCRIPTION/VARIANCE DETAILS

Case No. 253-22-RC-23-Uan

Project Name 14 Winkley Pond Road Farmhouse Renovation

Location Address 14 Winkley Pond Road

Map and Lot 253 22

Zoning District (Include Overlay District if Applicable) RC

Property Details:

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

Use: Residential

Number of Buildings: (3) existing Bldgs Height: Farmhouse =existing +/-28 Ft

Setbacks: Front 75Ft (Rte 125) Back 30 Ft (NA) Side 30 Ft Side 30 Ft
40Ft (Winkley Pond Rd)

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:

Residential use within the 500' RC. Refer to Zoning Ordinance 3.3.5(3).0

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

(See attached)

Barrington Zoning Ordinance Requirements:

Zoning Ordinance 3.3.5(3) - see attached.

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

(See attached)

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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.

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.

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

Date



5/23/2023

Signature of Owner

Daniela Moebius - 14 Winkley Pond Rd LLC

Date

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PART III - PROJECT DESCRIPTION/ VARIANCE DETAILS

Description of Request:

We kindly request that the board grant a variance for Zoning Ordinance Section 3.3.5 (3) (a) to permit residential use within five hundred (500) feet from the centerline of Route 125 for 14 Winkley Pond Rd located in the RC district.

Narrative:

14 Winkley Pond Road is located at the intersection of Winkley Pond Road and Rte 125. The parcel contains a farmhouse from the 1700's, a timber frame barn moved to the parcel in the 1800's, and a shed. The request for a variance is being made to renovate the farmhouse. The subject house is an existing legal residence that is in compliance with the RC District regulations, as outlined in Section 5.2 on Nonconforming Structures. We are proposing to maintain residential use, permitted under Section 5.3 on Nonconforming Uses, by renovating, restoring, and modifying the existing single-family residence to create a duplex (two-family) dwelling.

The proposed modifications will not involve any enlargement, expansion, or alterations that would decrease compliance with the provisions of the Ordinance. The current footprint of the house will remain unchanged. To enhance egress opportunities, we plan to construct two unenclosed stoops, which are permitted under Section 5.2.1. The minimum clearances required in 5.2.1 (2) will be adhered to. There are no significant changes planned for the site, except for the installation of a new septic system on the north side of the house (design in progress by Civil Engineer, Emanuel Engineering).

The parcel, measuring 163,382 square feet (3.751 acres), exceeds the minimum lot size requirements specified in Table 2 of Article 4 Dimensional Requirements for two dwellings.

Barrington Zoning Ordinance Requirements:

3.3.5(3) Residential Uses Excluded –

3.3.5(3)(a)No residential structures are permitted within five hundred (500) feet of the centerline of Route 125 and Route 4 for properties located in the RC district.

Request:

Variance to allow turning an existing lawful residential single-family house into a duplex.

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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.**

- a. **Special Conditions and Unnecessary Hardship:** The existing non-conforming status of the property creates a unique situation and special conditions that justify a variance. Literal enforcement of the Ordinance would impose unnecessary hardship on the property owner, as it would restrict the reasonable and appropriate use of the house for residential purposes. Denying the modification would unfairly burden the owners, as the current large house lacks practical functionality in its current form.
- b. **Existing Structure Preceding the Ordinance:** The house is an existing structure that predates the implementation of the current zoning Ordinance. As such, it was legally established as a residential property before the regulations came into effect.
- c. **Preservation of Residential Use:** The house has been consistently used for residential purposes, maintaining its residential character and function. The physical attributes and layout of the property are best suited for residential use and do not lend themselves to non-residential uses.
- d. **The structure was historically used as a farmhouse.** Farmhouses of its vintage typically housed large multi-generational families. Current trends in housing, development changes in the area, as well as the significant investments necessary to repair the neglected structures, point towards utilizing the structure as a duplex versus one large single-family house.

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

- a. **Granting the variance would align with the spirit of the Ordinance,** specifically its provisions for existing nonconforming structures and uses (Sections 5.2 and 5.3). The proposed plans adhere to the parameters of the Ordinance, as the footprint will remain unchanged with no increase in any dimensional nonconformity or expansion.
- b. **Additionally, the integration of code, energy, and accessibility upgrades supports the Ordinance's objectives of enhancing health, safety, and welfare for the community.**
- c. **Converting the property into a duplex would contribute to neighborhood stability by ensuring its continued occupancy.** This proactive measure eliminates the risk of the house sitting vacant or falling into disrepair, which could negatively impact the neighborhood's aesthetics and vitality.
- d. **Increased Housing Options:**
 - i. **Diverse Housing Stock:** The conversion to a duplex adds to the diversity of available housing options within the town. It provides an alternative housing type, accommodating different household sizes, lifestyles, and preferences.
 - ii. **Addressing Housing Demand:** The creation of a duplex can help meet the demand for housing in the area. By utilizing an existing structure, it provides an additional housing opportunity without significantly altering the existing character of the lot.

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3. **Granting the variance will not result in diminution of surrounding property values.**
 - a. Renovating, restoring, and updating the existing farmhouse not only preserve a small piece of the town's heritage and character but would breathe new life into the house and gardens, which have fallen into disrepair during the last few years.
 - b. Single-family homes and duplexes exist under the same umbrella of the residential code. Introducing duplexes into existing neighborhoods can increase housing diversity without significantly altering the character of the area.
 - c. Duplexes offer several advantages in terms of town development as well as both spatial and energy efficiency compared to single-family homes:
 - i. Developing duplexes in existing neighborhoods can help maximize existing infrastructure investments, such as roads, and utilities. This can lead to cost savings compared to expanding infrastructure to accommodate a larger number of single-family homes.
 - ii. Energy Efficiency: Shared walls between the units can provide insulation benefits, reducing heating and cooling requirements. More compact layouts can contribute to improved energy efficiency by minimizing heat loss and optimizing energy usage.
 - iii. Shared Resources: In a duplex, some resources can be shared between the two units. I.e. wells, driveways, septic systems, and shared outdoor spaces, such as yards or common areas can promote a sense of community and provide cost-effective access to shared amenities.
 - iv. Housing Options: By providing two dwelling units on a single property, duplexes allow for greater flexibility in housing arrangements, accommodating different family sizes, and multigenerational living, which is highly beneficial to communities.
4. **Granting of the variance would do substantial justice.**
 - a. Granting the variance would achieve substantial justice by enabling the renovation of the existing house to maximize the property's utility and functionality. Converting the house into a duplex maximizes the utilization of the existing structure. This efficient land use eliminates the need for additional greenfield development for new construction.
 - b. In summary, granting the variance recognizes the pursuit of substantial justice by enabling the owners to make the most advantageous use of their property. The conversion ensures optimal use of the existing structure, promoting efficient land utilization and eliminating the need for additional construction.
5. **Granting of the variance would not be contrary to the public interest.**
 - a. While the site is zoned commercial, allowing the conversion of the existing house into a duplex continues its existing residential use and maintains the historical character of the lot.
 - b. No Negative Impact on the Surrounding Neighborhood: The conversion to a duplex does not introduce a new or incompatible land use. It maintains the existing residential use and does not disrupt the neighborhood's overall character.

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ABUTTERS LIST

FOR 14 WINKLEY POND ROAD FARMHOUSE RENOVATION

Date: May 22, 2023

SUBJECT PARCEL	
<u>TAX MAP/LOT</u>	<u>OWNER OF RECORD</u>
253-22 ✓	14 Winkley Pond Road LLC 37 Route 236 Kittery, ME 03904
<u>SURVEYOR</u>	<u>SURVEYOR</u>
✓	JAMES VERRA and ASSOCIATES, INC. 101 Shattuck Way, Suite 8 Newington, NH 03801-7876
<u>ARCHITECT</u>	✓ Moebius Architecture PLLC 350 Hemlock Ln Barrington NH 03825
ABUTTERS	
<u>TAX MAP/LOT</u>	<u>OWNER OF RECORD</u>
250-75 ✓	Beauty Hill LLC 22 Beauty Hill Road, Barrington, NH 03825
253-1 ✓	Ward Family Rev. Trust 417 Ocean Road, Portsmouth, NH 03801
253-2 ✓	John & Linda Wesley 41 Gronton-Harvard Road, Ayer, MA 01432
253-21 ✓	Leahy Rev. Living Trust 48 Winkley Pond Road, Barrington, NH 03825
254-1 ✓	Birch Hill Estates Realty Trust PO Box 1194 Alton, NH 03809
250-1 ✓	(Same as Applicant) 14 Winkley Pond Road LLC 37 Route 236 Kittery, ME 03904

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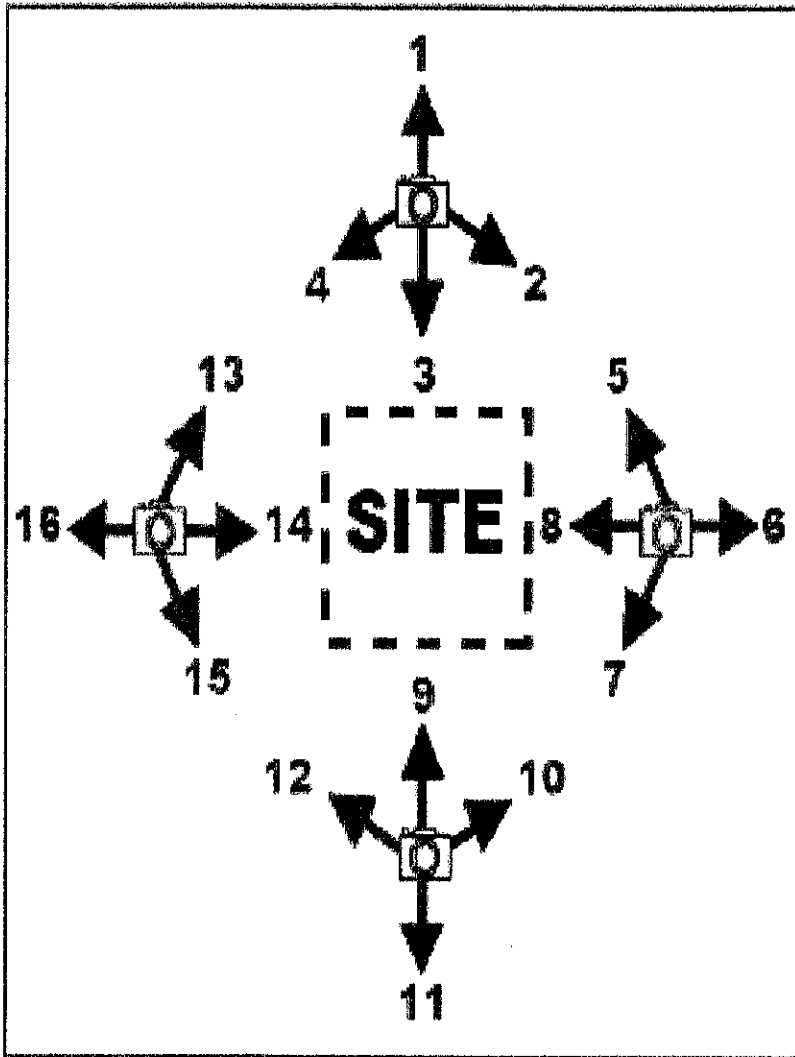
SITE / CONTEXT PHOTOS

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.

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