

ZONING BOARD OF ADJUSTMENT APPLICATION



Office Use Only	Case # <u>239-88-V-23-Var</u>	Date Received: <u>11/29/2023</u>
	Amount Paid: \$ <u>456.00</u>	Time Received: _____

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Christopher R. Berry of Berry Surveying & Engineering Phone # 603-332-2863

Address of Applicant: 335 Second Crown Point Road, Barrington, NH 03825

E-Mail Address: crberry@metrocast.net

PROPERTY OWNER (if different from applicant): Michelle Wurgler f/k/a Michelle Stash

Address: 55 Cate Road, Barrington, NH 03825 Phone # 207-837-2405

E-Mail Address: mstash503@outlook.com

PROPERTY/PARCEL INFORMATION

Address: 55 Cate Road

Brief Directions: Route 9 / Franklin Pierce Highway onto Cate Road, (South) 55 Cate Road is located on the left.

Zoning District: VD Assessor's Map # 239 Lot(s) # 88

TYPE OF APPEAL: (Please check one)

- Variance Article 4, Table 2 Front and Side Setbacks from Section _____ of the Zoning Ordinance
- Special Exception per Section _____ of the Zoning Ordinance
- Appeal of Administrative Decision regarding Section _____ of the Zoning Ordinance
- Equitable Waiver per Section _____ of the Zoning Ordinance

DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY (NARRATIVE): (If needed, please submit on additional paper attached to the application.)

See Project Narrative

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APPLICATION CHECKLIST (Please check off)

- A. **Application signed** by Applicant and Property Owner (if different from Applicant) X
Note: In order for the application to be accepted by Land Use Department staff and placed on the ZBA agenda YOU MUST COMPLETE (1) ALL SECTIONS ON PAGE 1 as well as (2) ALL QUESTIONS FOR THE SPECIFIC APPEAL YOU ARE SEEKING.

- B. **Seven (7) Copies of Completed Zoning Board of Adjustment Application** X
Note: Only include those pages of the application that are relevant to your request. Please do not include the abutters list with the 9 copies (include only as part of original signed application (Part A above)).

- C. **Context or Locus Map** (Show Surrounding Zoning Districts) X

- D. **Tax Map** (Copy can be attained by the Assessing Office) X

- E. **Existing Conditions** Site Plan or Recorded Subdivision Plan to include well and septic location (may be found at Strafford County Registry of Deeds). X

- F. **Seven (7) Copies of a plot plan** drawn in accordance with a boundary line to scale not less than 1" = 40'. They need to include the lot dimensions including area in square feet, and also the size and location of existing and proposed buildings if applicable, including setbacks. X
Site Plan - ***Drawn and Stamped by Registered Land Surveyor***
 - a. 24" X 36" – 2 Copies
 - b. 11' X 17" – 6 Copies
 - c. 8 1/2 " X 11" – 1 Copy
 - d. PDF copy emailed to Town Planner @ planning@barrington.nh.gov

- G. **Seven (7) copies of colored photos:** Existing Conditions Photo Exhibit X
Up to four photos may be shown per 8 ½" X 11" page size.
 - a. Photos are to be taken looking toward the site and adjacent to the site.
 - b. Photos should show adjacent improvements and existing on-site conditions.
 - c. Number the photographs according to view.

- H. **List of abutters** 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.) Including addresses and map and lot number of parcels that adjoin or is directly across the street or stream from the land under consideration by the local land use board of the subject property. X

- I. **Mailing Labels** in triplicate with abutters names and addresses for notices. X

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J. **TOTAL FEE** paid by cash or check made payable to "Town of Barrington"

1.	Application fee of:		
	\$150.00 VARIANCE		\$ x 150.00
	\$150.00 SPECIAL EXCEPTION		\$ _____
	\$150.00 APPEAL FROM ADMINISTRATIVE DECISION		\$ _____
	\$150.00 EQUITABLE WAIVER		\$ _____
2.	Certified letters fee: # of abutters <u>7</u>	X \$8.00 ^{10.00} =	\$ <u>56.00</u>
3.	Applicant & Owner mailing fee: _____	X \$8.00 =	\$ _____
4.	Foster's newspaper public notice		\$ <u>250.00</u>

TOTAL FEE \$ 456.00

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SIGNATURE PAGE

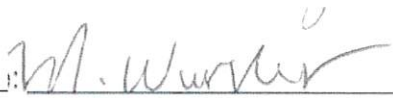
THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

I, the undersigned Applicant, hereby certify that the information contained within this Application is complete and accurate, and I acknowledge that I have read and understand the Application Instructions, which are set forth on the first two pages of this Application form.



Signature of Applicant*

*Both Signatures Required

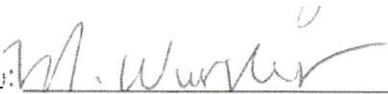


Signature of Owner*

**Please note: if the applicant is representing the owner, a notarized authorization letter must be submitted at the time of the application. **

AUTHORIZATION TO ENTER SUBJECT PROPERTY

I, and my successors, hereby authorize members of the Barrington Zoning Board, Land Use Department and other pertinent Town Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post- approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner:  _____ Date: 11-29-23

Signature of Land Use Staff:  _____ Date: 11-29-2023

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VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

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.

A. Variance Requested

A variance is requested from Section(s) _____ of the Zoning Ordinance to permit:

Article 4, Table 2 Front and Side Setbacks

B. The Five Variance Criteria (as set forth in NH RSA 674:33, I(b))

Please demonstrate compliance with the following:

1. Granting the variance will not be contrary to the public interest.

See Project Narrative

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

See Project Narrative

3. Granting of the variance would do substantial justice.

See Project Narrative

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

See Project Narrative

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NOTE: please complete EITHER paragraph 5A OR paragraph 5B. Staff recommends that you complete paragraph 5B only if you feel you cannot meet the requirements set forth in paragraph 5A.

5A. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:

(i) The following special conditions of the property distinguish it from other properties in the area:

See Project Narrative

and

(ii) No fair and substantial relationship exists between the general purposes of the ordinance provision and the specific application of that provision to the property because:

See Project Narrative

and

(iii) The proposed use is a reasonable one because:

See Project Narrative

OR

5B. If the criteria in subparagraph 5A above are not established, explain how, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it:

See Project Narrative

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Town of Barrington Zoning Board of Adjustment
Application Authorization

I/We Michelle Wurgler f/k/a Michelle Stash
(Property Owner*)

hereby authorize Christopher R. Berry of Berry Surveying & Engineering
335 Second Crown Point Road, Barrington, NH 03825
(Applicant Name and Address)

to appear before the Zoning Board of Adjustment on my/our behalf with a
Variance Application
(type of application)

for a garage to be located within the front and side setbacks located at 55 Cate Road

(Project name and description)

Property location/address: 55 Cate Road

Tax map and lot number: Tax Map 239, Lot 88

Zoning District: Village District

Michelle Wurgler [Signature] 11-29-23
Property Owner* Signature Date

Notary Public Signature Date

*All listed owners of a property must sign an application authorization form.

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BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road

Barrington, NH 03825

Phone: (603) 332-2863

Fax: (603) 335-4623

www.BerrySurveying.Com

November 29, 2023

Barrington Zoning Board
Attention: Vanessa Price, Town Planner
4 Signature Drive
Barrington, NH 03825

Re: Variance Applications
Michelle Wurgler, F/K/A Michelle Stash
55 Cate Road
Tax Map 239, Lot 88
Proposed Garage Addition

Chairperson, Members of the Barrington Zoning Board,

On behalf of the land owner, Michelle Wurgler, Berry Surveying & Engineering (BS&E) is filing for two variances related to the front and side setbacks required in the Village District.

Background and Narrative:

The owners purchased 55 Cate Road in 2020 with aspirations of providing some future additional space for their family. Since the purchase BS&E was hired to conduct a standard boundary survey and a complete existing condition plan for the purposes of land planning on the site. Enclosed please find an Existing Conditions Plan as well as a Proposed Conditions Plan for reference to the application and narrative.

The site is located within the Village District which permits single family dwellings. The minimum lot size is 80,000 Sq.Ft., with the frontage requirement of 200', front setback requirement of 40', and a side setback requirement of 30'. The subject parcel contains 125.3' of frontage and a land area of 28,157 Sq.Ft, which makes the lot non-conforming to the underlying zone's requirements. The existing home is a modest 1,400 Sq.Ft., in size and contains two bedrooms and two bathrooms.

Due to the slope on the site, the home was designed and operates similar to a split-level home, with some of the living space on the basement level and the remainder on the first-floor level. The home is situated within the front setback in the existing condition and is close to the side setback line to the north. The existing home does not sit squarely on the lot whereas it sits perpendicular to the existing side contours. The northern corner is closer to the front setback than the front southern corner. There is a septic tank and pumping station that was installed prior to the current ownership, which then pumps the effluent to the rear of the site. There is a well at the rear of the home approximately 124' from Cate Road. To the right of the house (facing it from the street) there are some ledge outcroppings and a small existing shed.

Cate Road is one of the original roads laid out between the former Province Road to Meetinghouse corner and was intended to provide additional commercial routes to the northern

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section of Barrington. As such, it was laid out as a 4 Rod Road, which is 66'. Now this area of Barrington is residential with residential feeder traffic traveling to and from NH 9 and NH 125. Cate Road is 24' wide and is not centered in the right of way, whereas it favors the western side of the right of way. There is room in the driveway for two vehicles, however they are primarily within the right of way.

Proposal:

The owners are in need of additional space and additional parking due to the same additional family needs that many are experiencing during this time, given the state of housing in New Hampshire and general area. The proposal is to construct an addition to the north side of the existing home for the purposes of constructing a garage with a small amount of additional living space on the first floor. The garage is designed as minimalistic as practical given the need for stairs within the garage. The garage will allow two cars to fit comfortably within and still allow for additional family and guests to park in the driveway thus reducing the need for on street parking.

Alternatives Analysis:

BS&E has reviewed the site which included ways of either establishing the needed addition in conformance or creating the most conforming situation possible.

- A garage addition to the south side of the structure is not possible or practical given the slope of the land, the existing septic tank and pump chamber and the ledge that is onsite. This location would place the structure on top of the right of way line and would of course change the look of the front of the house.
- We reviewed placing the garage at the rear of the site; however, this removes other living spaces within the structure and secondary spaces at the rear of the structure. This would place the driveway closer to the abutting land owner.

The site topographics provide the best advantage to place the structure along the front facing Cate Road. The design keeps the structure nearly inline with an existing protruding deck. BS&E reviewed pushing the garage back along the northern wall however due to the internal workings of the home, this is not possible without completely remodeling the structure of the home.

The proposed addition, to the overhang, is located 5.7' from the right of way line. The second floor above the garage is designed to step back away from Cate Road. The addition is proposed to be 16.2' from the northern abutting boundary line. The abutter to the north share's similar attributes to the subject parcel being close to Cate Road and not square with the front boundary line.

The project requires two variances from the same section

- A variance to Article 4, Table 2 Front Setback.
 - To allow the addition to be within 5.7' of the right of way to the overhang of the structure
- A variance to Article 4, Table 2 Side Setback.
 - To allow the addition to be within 16.2' of the northern boundary line to the overhang of the structure



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BERRY SURVEYING & ENGINEERING
335 Second Crown Pt. Rd., Barrington, NH 03825
(603) 332-2863 / (603) 335-4623 FAX
www.BerrySurveying.Com

To the requirements of granting a variance we offer the following:

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 multiple special features that make literal enforcement of the ordinance impossible. The existing structure is situated more than 50% of the way within the front setback and is not square to the road. The lot is non-conforming in width compared to the requirement within the zone. Any attempt at expanding the structure for this dual purpose would require a variance and therefore denial of the variance does constitute a hardship to the applicant. This is a reasonable addition that provides for both additional parking and additional living space and there are no other alternatives to use the property in this manner.
2. *Granting the variance would be consistent with the spirit of the Ordinance.*
The spirit of the ordinance is to allow development on parcels in a reasonable manner. Given the special non-conforming conditions of the property as well as the non-conforming conditions of the abutting parcels, the proposed addition will not markedly change the character of the neighborhood and is therefore in line with the spirit.
3. *Granting the variance will not result in diminution of surrounding property values.*
Granting the variance will not result in a diminution of the surrounding property values whereas this is an allowed use within the zone. There are no nuisances generated by the addition of a small single-family garage that would devalue abutting land owners.
4. *Granting the variance would do substantial justice.*
Granting the variance provides substantial justice whereas it provides a benefit to the applicant that far outweighs any detriment to the ordinance, abutting land owners or the community at large. Approval will permit a reasonable use of the property.
5. *Granting of the variance would not be contrary to the public interest.*
Granting the variance is not contrary to the public interest given the non-conforming status. The proximity to the front boundary line is not known by the general public and will appear no closer to the street than the closest abutting land owner. In-fact this provides a congruent streetscape when the two are compared. The ordinance intends to permit reasonable uses of the property that do not markedly change a neighborhood and this proposal keeps within that interest.

We hope that the Barrington Zoning Board finds that this meets the requirements to grant a variance for the front and side setback.

Berry Surveying & Engineering

Christopher R. Berry
Principal, President

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335 Second Crown Pt. Rd., Barrington, NH 03825
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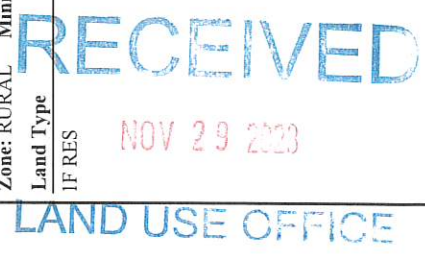
OWNER INFORMATION		SALES HISTORY		PICTURE	
STASH MICHELLE S		55 CATE RD			
BARRINGTON, NH 03825					

LISTING HISTORY		NOTES	
08/11/21	MWRR	OLD MAP/LOT 011-0113-0000 PVT WTR/SPTC 2006-ABAT 2009-DWL	
09/10/20	BHSM	REMDLD IN 98 (FKA 25 CATE RD) 2014-NEWER WINDS, PU WHIRLPOOL AS	
07/09/19	BCRR	EX FIX 11/17- ONE RM IN BMT USED AS BEDRM; 11/17- REG CTPS/CABS	
11/09/17	CWVL	HRDWD/CARPET INT/EXT GD FOR AGE ONE WDSTV REMV'D; 9/20- LEFT	
07/09/14	MWRR	CARD ADJ SKETCH	
02/26/14	BHCM		
02/20/09	SMRL		
12/12/07	MIRM		

MUNICIPAL SOFTWARE BY AVITAR									
BARRINGTON ASSESSING OFFICE									
PARCEL TOTAL TAXABLE VALUE									
Year	Building	Features	Land						
2021	\$ 179,600	\$ 3,800	\$ 69,900	Parcel Total: \$ 253,300					
2022	\$ 179,600	\$ 3,800	\$ 69,900	Parcel Total: \$ 253,300					
2023	\$ 233,700	\$ 4,100	\$ 83,400	Parcel Total: \$ 321,200					

LAND VALUATION															
Zone:	RURAL	Minimum Acreage:	2.00	Minimum Frontage:	200										
Land Type	Units	Base Rate	NC	Adj	Site	Road	DWay	Topography	Cond	Ad Valorem	SPI	R	N	Tax Value	Notes
IF RES	0.650 ac	83,400	1	100	100	100	100	100	100	83,400	0	0	0	83,400	PAVED
	0.650 ac									83,400				83,400	

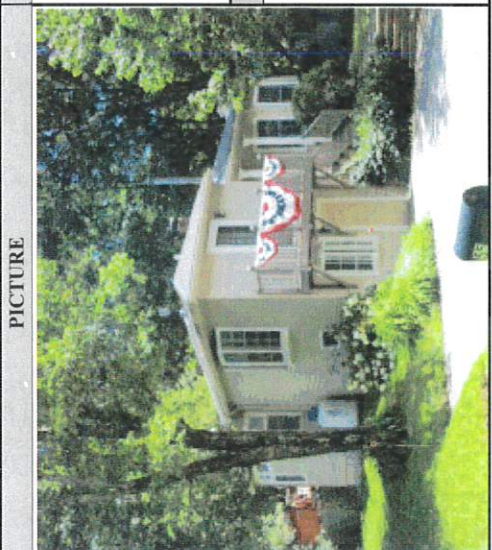
LAST REVALUATION: 2023	
Site:	Driveway: PAVED Road: PAVED



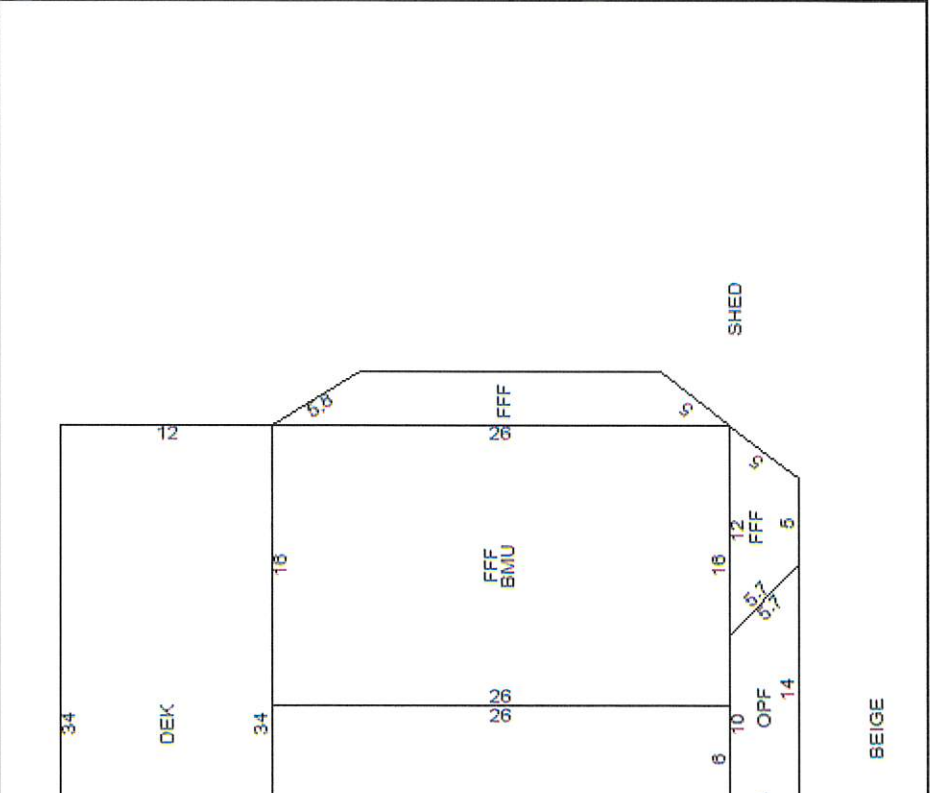
BUILDING DETAILS	
Model:	1.00 STORY FRAME TRILEVEL
Roof:	GABLE HIP/ASPHALT
Ext:	VINYL SIDING
Int:	DRYWALL
Floor:	CARPET/HARDWOOD
Heat:	OIL/HOT WATER
Bedrooms:	2
Baths:	2.0
Fixtures:	7
Fireplaces:	
Generators:	
A/C:	No
Quality:	A0 AVG
Com. Wall:	
Size Adj:	1.1219
Base Rate:	RSA 168.00
Bldg. Rate:	1.1427
Sq. Foot Cost:	\$ 191.97

TAXABLE DISTRICTS	
District	Percentage

PERMITS		
Date	Project Type	Notes
06/15/20	SEPTIC	

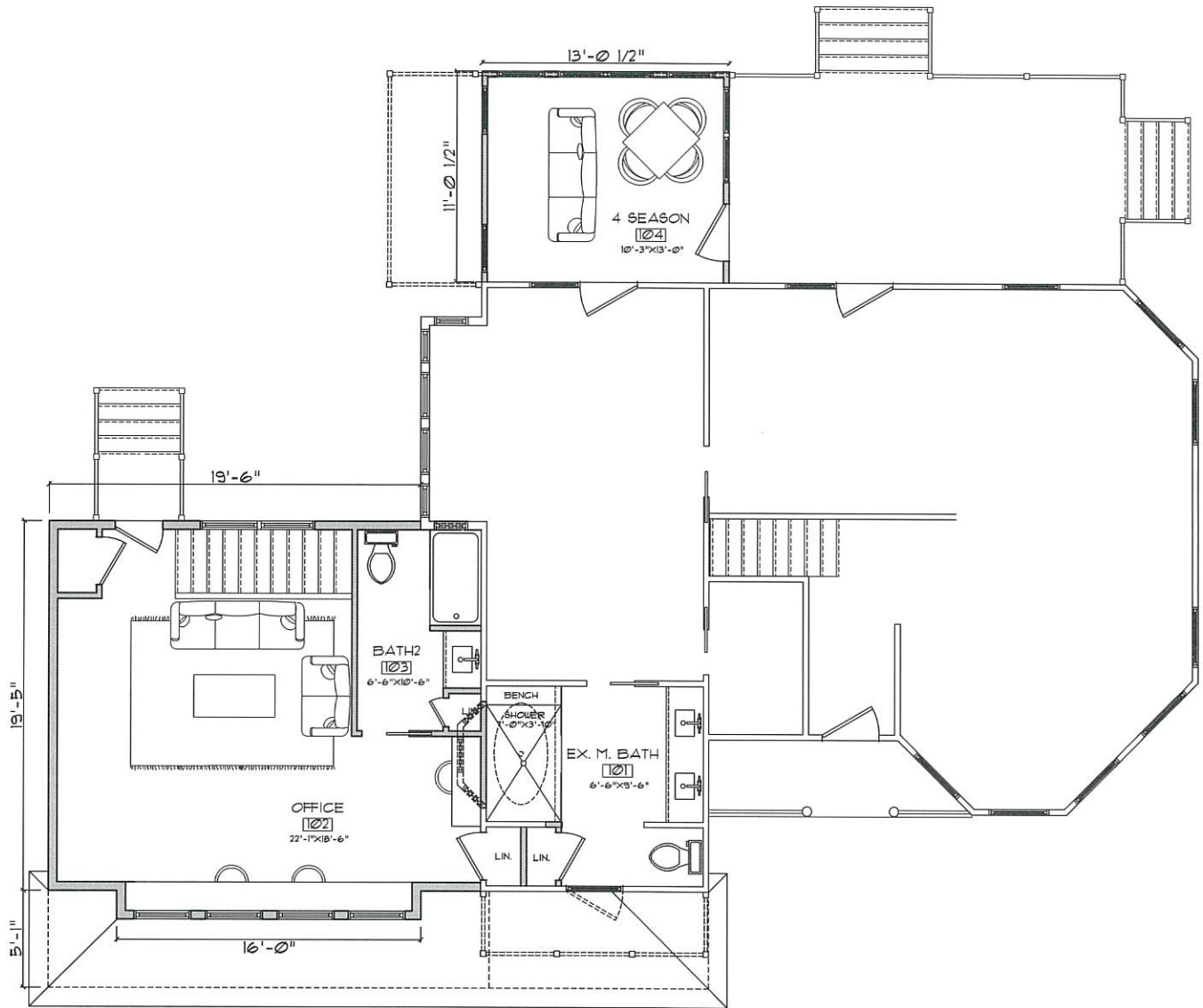


BUILDING SUB AREA DETAILS			
ID	Description	Area	Adj. Effect.
DEK	DECK/ENTRANCE	444	0.10 44
FFF	FST FLR FIN	1088	1.00 1088
BMU	BSMNT	416	0.15 62
OPF	OPEN PORCH FIN	48	0.25 12
BMF	BSMNT FINISHED	540	0.30 162
GLA:	1,088	2,536	1,368



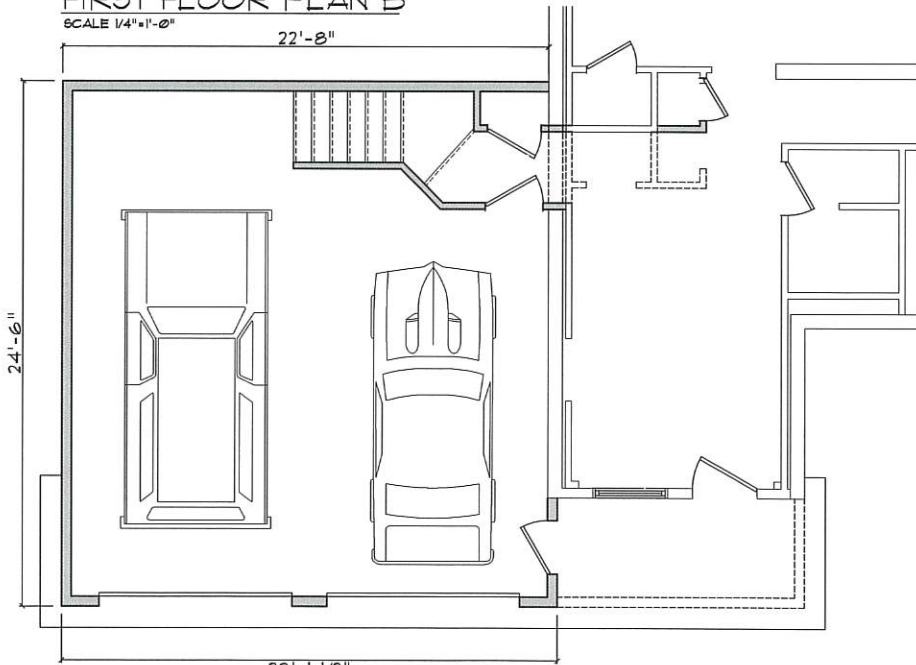
2023 BASE YEAR BUILDING VALUATION	
Market Cost New:	\$ 262,615
Year Built:	1971
Condition For Age:	VERY GOOD 11 %
Physical:	
Functional:	
Economic:	
Temporary:	
Total Depreciation:	11 %
Building Value:	\$ 233,700

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FIRST FLOOR PLAN B

SCALE 1/4"=1'-0"



BASEMENT FLOOR PLAN B

SCALE 1/4"=1'-0"

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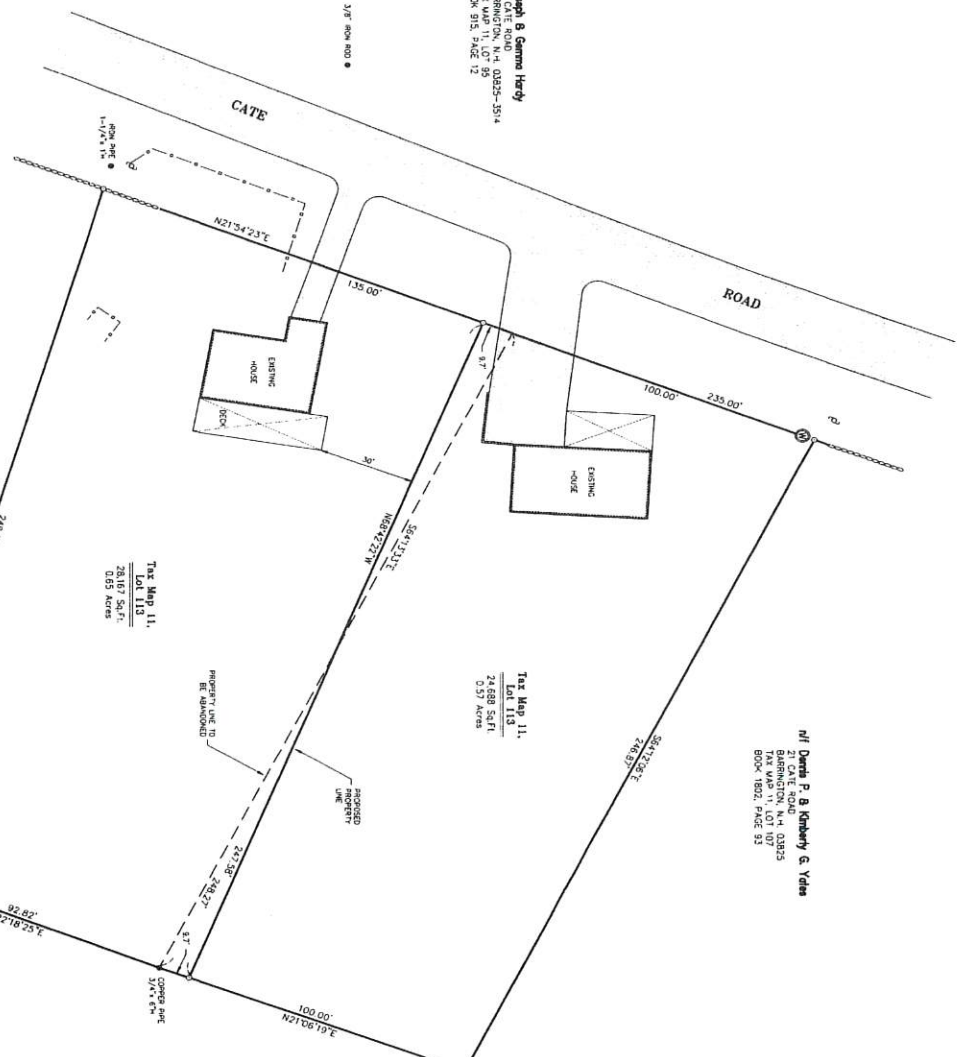


n/ Joseph B Gamma Herby
 26 CATE ROAD
 BARRINGTON, N.H. 03825-3514
 TAX MAP 11, LOT 99
 BOOK 915 PAGE 12

n/ Avel M & Cedric A. Roder
 31 CATE ROAD
 BARRINGTON, N.H. 03825-3513
 TAX MAP 11, LOT 98
 BOOK 915 PAGE 8

n/ Dennis P & Kimberly G. Yoder
 21 CATE ROAD
 BARRINGTON, N.H. 03825
 TAX MAP 11, LOT 97
 BOOK 1802 PAGE 31

n/ Stephen & Carol Babin
 702
 BARRINGTON, N.H. 03825-0702
 TAX MAP 11, LOT 97B
 BOOK 1153 PAGE 711

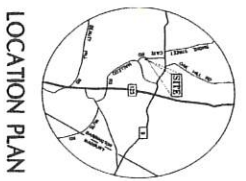


- LEGEND**
- SET 5/8" IRON ROD W/ID CAP
 - STAMPED "ATLANTIC ULS 782"
 - FOUND IRON PIPE OR ROD AS NOTED
 - EXISTING 4.5" WELL
 - STONE WALL
 - STOCKADE FENCE
 - n/ NON OF FOREVERLY
 - UTILITY POLE
 - EXISTING PAVEMENT

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- NOTES**
1. RANDOM TRAVERSE ERROR OF CLOSURE IS 1 PART IN 46,000
 2. OWNER OF RECORD
 3. REFERENCE PLANS
 4. "RESUBDIVISION OF LOT 1 - ARTHUR TURNER-BARRINGTON, N.H.," BY FREDERICK E. DIEB ASSOC. DATED JAN. 1984 AND RECORDED IN STRAFFORD COUNTY REGISTRY OF DEEDS AS PLAN NO. 176-40
 4. ZONING DATA: GENERAL DISTRICT "S" TRUCKS FROM: 40 FT. SIDE: 30 FT. REAR: 30 FT.

TOWN of BARRINGTON
PLANNING BOARD APPROVAL

OWNERS

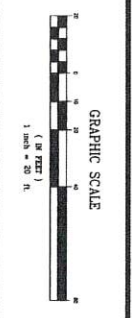
SIGMUND E. EGERTON
 SIGMUND E. EGERTON

Raymond J. Wilson
 RAYMOND J. WILSON

BOUNDARY LINE ADJUSTMENT

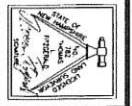
Susan B. Egerston
 AND
Raymond J. Wilson Rev. Trust
 LOCATED AT
 CATE ROAD, BARRINGTON, NH.

DATE	DESCRIPTION	BY	CHKD	JRF



PREPARED BY:

Atlantic survey company
 SURVEYORS ENGINEERS PLANNERS
 1 Jenkins Road, Lee, New Hampshire 03824 (603)659-0939



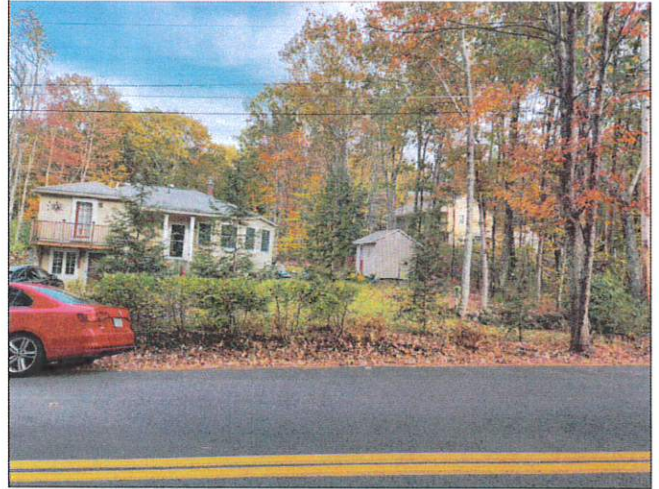
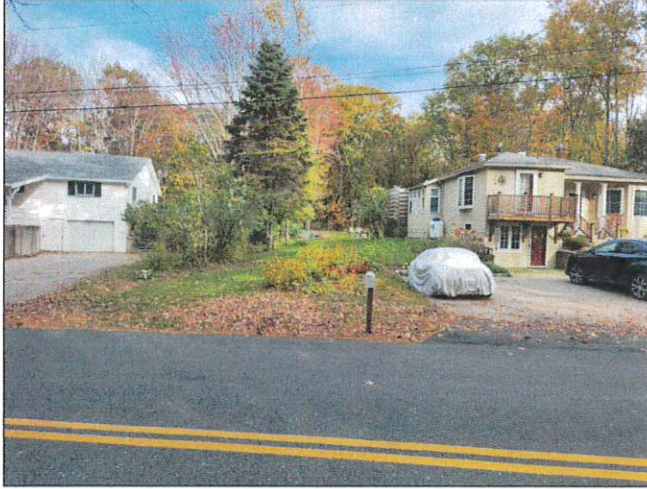
DATE: Jan. 26, 1998

DESIGNED BY: AF, TF

CAD FILE: 97728

PROJECT NO.: 97728

SHEET 1 of 1



PROJECT PHOTOS
 MICHELLE WURGLER
 55 CATE ROAD
 BARRINGTON, N.H.
 TAX MAP 239, LOT 88

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BERRY SURVEYING & ENGINEERING

335 SECOND CROWN POINT RD.
 BARRINGTON, N.H. 332-2863

SCALE : NONE

DATE : OCTOBER 30, 2023

FILE NO. : DB 2023-098

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PROJECT PHOTOS
MICHELLE WURGLER
55 CATE ROAD
BARRINGTON, N.H.
TAX MAP 239, LOT 88

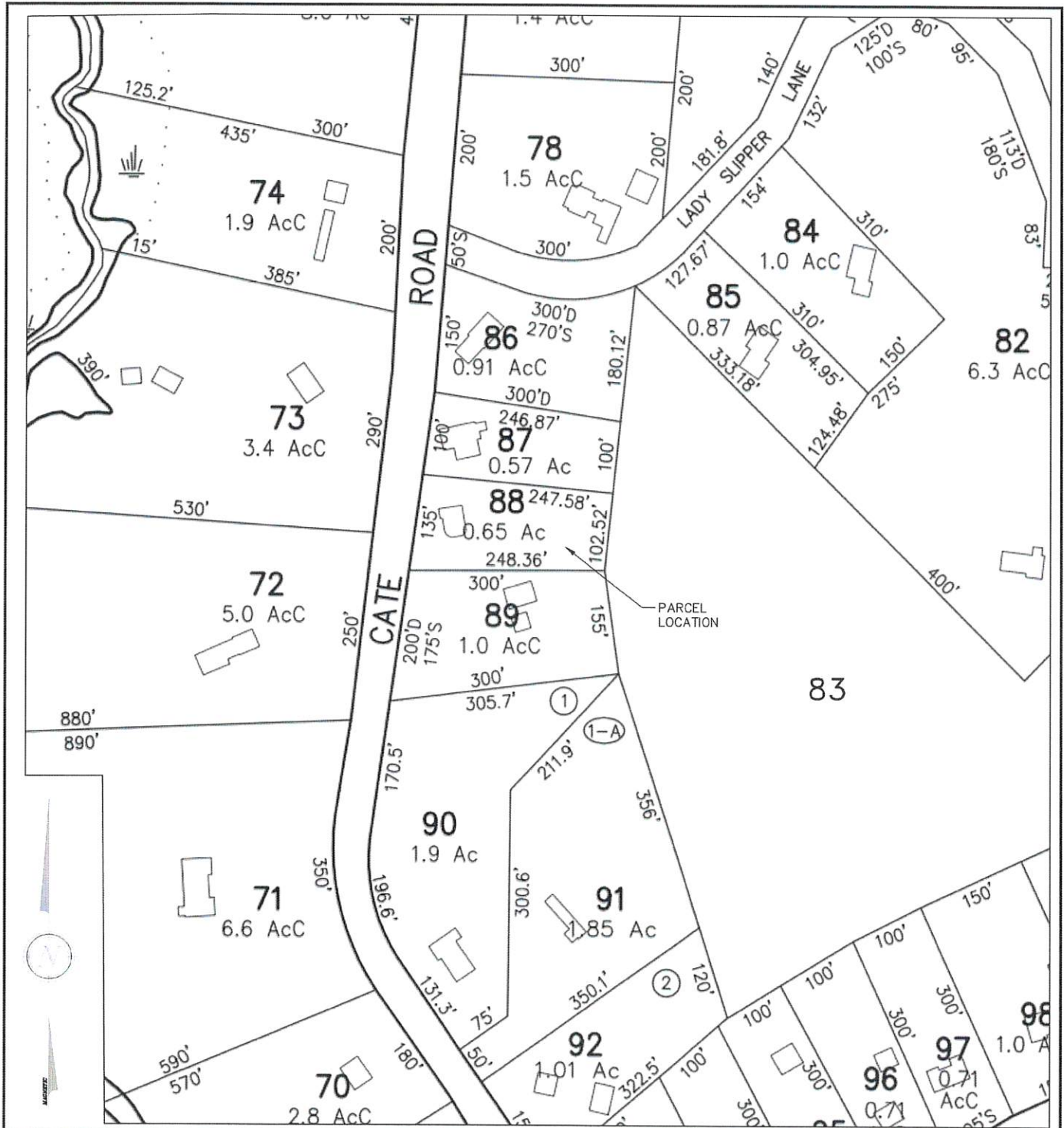
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& ENGINEERING

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BARRINGTON, N.H. 332-2863

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TAX MAP 239
 MICHELLE WURGLER
 55 CATE ROAD
 BARRINGTON, N.H.
 TAX MAP 239, LOT 88

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