



# 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 May 25, 2023 Case No. 11-6-GR-23-Var  
 Owner P & P Real Estate Management  
 Mailing Address 8 Roberts Road, Litchfield, New Hampshire 03052  
 Phone 603-305-5989 Email alex@pprealestatemanagement.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'
------	------

- |                                     |                          |   |          |
|-------------------------------------|--------------------------|---|----------|
| <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)   |          |
| N/A <input type="checkbox"/>        | <input type="checkbox"/> | 3. Appeal and Decision  |          |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. Fees - \$150.00 Application <input checked="" type="checkbox"/><br>\$ 250.00 Legal Notice <input checked="" type="checkbox"/><br>\$ 8.00 per US Post Office Certified Letter <input checked="" type="checkbox"/> | \$440.00 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. Completed Project Application Form<br><input checked="" type="checkbox"/> Variance <input type="checkbox"/> Special Exception <input type="checkbox"/> Appeal  |          |
| N/A <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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- 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
  - 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
- N/A   5. OTHER: \_\_\_\_\_
- 6. Your Appointment Date and Time for Submitting the Complete Application is:

May 25, 2023

*Barbara Irvine*  
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. 111-6-GR-23-Var

Project Name Flower Drive

Location Address Flower Drive

Map and Lot Map 111; Lot 6

Zoning District (Include Overlay District if Applicable) General Residential (GR)

Property Details:

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

Use: Residential

Number of Buildings: One (1) Height: 35-ft

Setbacks: Front 40-ft Back 30-ft Side 30-ft Side 30-ft

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:

Variance from Article 4 Dimensional Requirements; 4.1.1 Minimum Standards, Table 2

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

Refer to Attached Narrative

Barrington Zoning Ordinance Requirements:

Front Setback: 40-ft, Side Setback: 30-ft

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

Refer to Attached Justification Letter

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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.

Refer to Attached Justification Letter

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

Refer to Attached Justification Letter

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

Refer to Attached Justification Letter

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

Refer to Attached Justification Letter

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

Refer to Attached Justification Letter

**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.

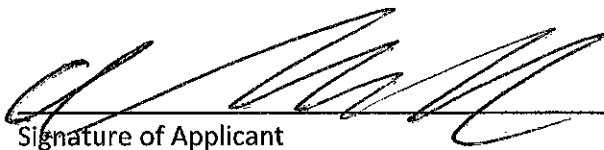
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5. The proposed use will not result in the degradation of existing surface and groundwater quality standards, nor will it have adverse effects on the natural functions of wetlands on the site that would result in the loss of significant habitat or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

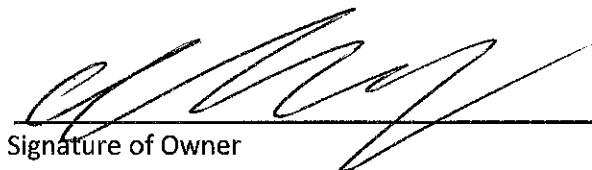
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**In addition to the guiding principles specified above, the ZBA may condition the granting of a special exception upon more stringent standards if the Board determines that such conditions are necessary to protect the health and welfare of the town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

5/24/23  
Date

  
Signature of Owner

5/24/23  
Date

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## SITE / CONTEXT PHOTOS

Using Guidelines Below

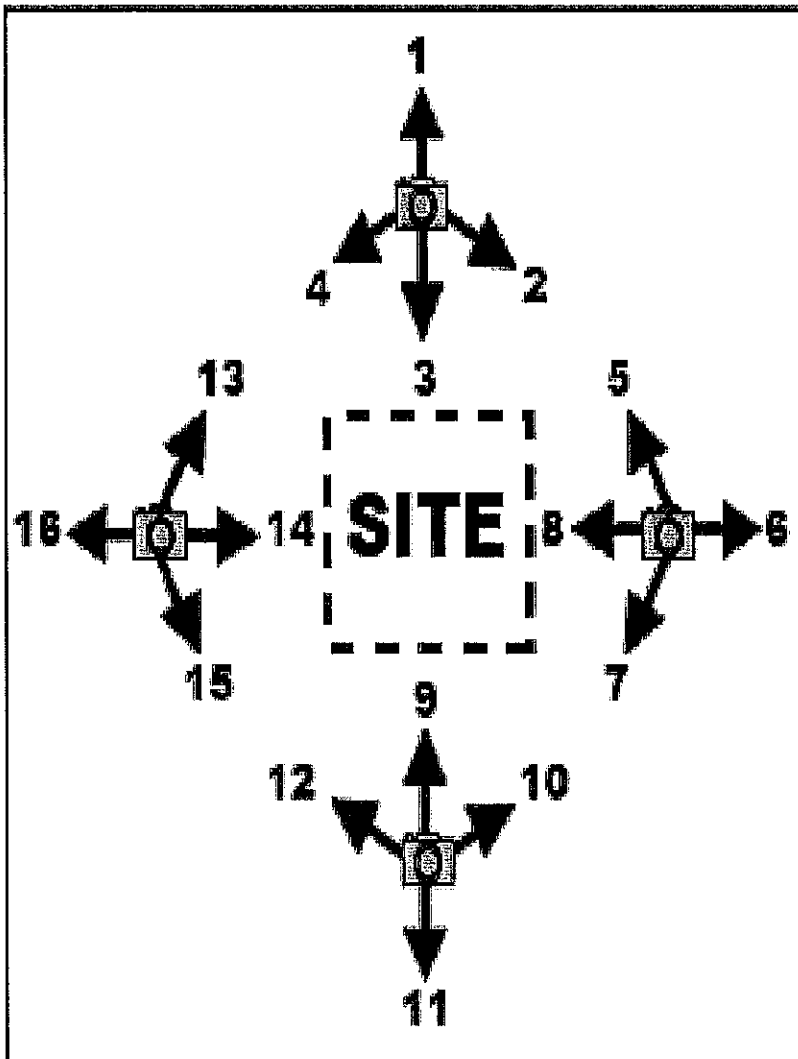
Provide color photographs showing the site and surrounding buildings/properties in order to provide staff, boards and commissions with a visual impression of the current site conditions.

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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May 25, 2023

Town of Barrington  
Land Use Department  
4 Signature Drive  
PO Box 660  
Barrington, New Hampshire 03825

**Re: Variance Application – Flower Drive  
Tax Map 111; Lot 6  
Flower Drive, Barrington, New Hampshire 03825  
KNA Project # 21-1202-1**

**Variance Application Justification Letter  
Flower Drive**

This justification letter is appended to the Application for a Variance and sets forth the summary rationale for each of the five criteria required for granting of a variance.

**Background**

The subject parcel, located off Flower Drive in Barrington, New Hampshire, is referenced on Barrington's Tax Map 111 as Lot 6. The lot, approximately 16,950 sf (0.39 acres) in total area, is currently undeveloped consisting mainly of woodlands. The parcel is held in ownership by P & P Real Estate Management. It is located entirely within the General Residential (GR) Zoning District and is therefore subject to the dimensional requirements of that district. Per the regulations, development of the property is restricted by a 40-ft front yard setback, 30-ft side and rear yard setbacks, and a 50-ft buffer from the adjacent pond (Nippo Pond).

**Proposal**

The above referenced project is being submitted for a variance from Article 4.1.1 Dimensional Requirements – Minimum Standards of the Town of Barrington Zoning Ordinance. The property owner is proposing to construct a single-family home on the parcel with all associated site improvements. Portions of the home are proposed to be located within the front and side yard setbacks thus, a variance is required. The home is proposed to be located 35.76-ft from the property line along Flower Drive (front), 12.16-ft from the northern property line (side), and 11.49-ft from the southerly property line (side). Due to the existing characteristics of the lot of record, such as the narrow and slanted shape, constructing a reasonably sized home within the required setbacks would be impossible. After applying the setbacks, the buildable width along the frontage (Flower Drive) is only 35-ft+/- wide, whereas most modern homes are typically 40-ft+/- wide plus an additional 24-ft+/- for an attached garage. The proposed use and size of the home is consistent with other homes in the surrounding area.

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*Civil Engineering*

*Land Surveying*

*Landscape Architecture*



## Five (5) Criteria

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 of record was created several decades ago, and typical home sizes have changed since that time. Most modern homes are typically 40-ft+/- wide plus an additional 24-ft+/- for an attached garage. Due to the existing characteristics of the lot, such as the narrow and slanted shape, it is too restrictive for the reasonable construction of the site. After applying the required setbacks, the buildable width along the frontage is approximately 35-ft+/- . This does not allow for a reasonably sized home to be oriented toward the roadway. The proposed home is consistent with modern dimensional standards and the other homes in the surrounding area. Strict conformity to the dimensional requirements would not allow the Applicant to reasonably develop the property. Therefore, creating an unnecessary hardship.

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

The spirit of the ordinance can be determined based on the purposes set forth in the regulations. In this case, the general purpose, as defined in Article 1.3 of the Town of Barrington Zoning Ordinance, is to provide for the safe, harmonious, and manageable development of the Town. This includes promoting public health, safety, welfare, and prosperity, safeguarding natural resources, preserving the essential character and quality of life of the community, and protecting property values. Additionally, looking at the purpose of the established zoning districts, Article 2.2.1, the General Residential (GR) District was intended to provide opportunities for low density residential development.

Construction of a single-family home on the property is consistent with the intent of the General Residential Zoning District as stated above. The proposed home is reasonably sized based on typical modern-day standards, and oriented toward Flower Drive. Developing this property as it was meant to be developed would not diminish the property values. The 50-ft buffer from Nippo Pond is maintained, which protects the abutting water resource. As indicated, the proposed project is consistent with the aforementioned purposes of the ordinance, therefore, the spirit of the ordinance is observed.

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

The General Residential (GR) Zoning District was established to provide opportunities for low density residential development. Construction of one single family home on the property is consistent with this purpose. This lot of record was created decades ago and since then, the modern-day home has changed. Currently, the typical single-family home is approximately 40-ft+/- wide plus an additional 24-ft+/- for an attached garage. The proposed home is consistent with these modern dimensions and with the homes in the surrounding area. Developing this property as it was meant to be developed would not diminish the property values. Additionally, once the setbacks have been applied, the buildable width along the roadway (Flower Drive) is approximately 35-ft+/- . This is too narrow for a modern home to be constructed with the front of the home oriented toward the road. Home orientation can affect property value. Therefore, allowing the home to be constructed in a typical front-oriented fashion would not diminish the surrounding values.

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4. *Granting of the variance would do substantial justice:*

Substantial justice is synonymous with fairness. If granting the variance would allow relief of a reasonable request by the Applicant while not adversely impacting the general public, then substantial justice has been done. The lot of record was created several decades ago, and typical home sizes have changed since that time. Most modern homes are typically 40-ft+/- wide plus an additional 24-ft+/- for an attached garage. The narrow and slanted shape of the lot is too restrictive for the reasonable construction of the site. After applying the required setbacks, the buildable width along the frontage is approximately 35-ft+/- . This does not allow for a reasonably sized home to be oriented toward the roadway. Home orientation can affect property values, which could negatively impact the surrounding landowners. By allowing the home to be constructed in a typical front-oriented fashion, both the Applicant and the public would benefit. Developing this property as it was meant to be developed would not adversely impact the general public. Therefore, substantial justice would be done by granting this variance.

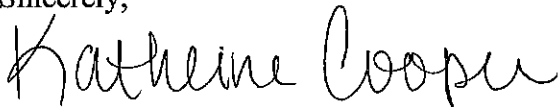
5. *Granting of the variance would not be contrary to the public interest:*

Granting the variance will not be contrary to the public interest. More specifically, the requested variance will not unduly conflict with the applicable basic purposes of the zoning ordinance which are to promote public health, safety, welfare, and prosperity, safeguard natural resources, preserve the essential character and quality of life of the community, and protect property values. The proposed project is consistent with these purposes. Construction of a single-family home on this property, as intended by the established zoning district, would not adversely impact the public. If anything, developing this property will have a positive impact, as the 50-ft setback from Nippo Pond is upheld to protect the adjacent water resource, and the surrounding property values will be maintained.

**Conclusion**

For the aforementioned reasons, the Applicant respectfully requests that the Variance be granted. The Applicant and/or a representative of Keach-Nordstrom Associates, Inc. will be present to provide additional testimony and information at the public hearing on this Application.

Sincerely,



**Katherine Cooper**  
**Project Engineer**

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May 25, 2023

Town of Barrington  
Land Use Department  
4 Signature Drive  
PO Box 660  
Barrington, New Hampshire 03825

**Re: Variance Application – Flower Drive  
Tax Map 111; Lot 6  
Flower Drive, Barrington, New Hampshire 03825  
KNA Project # 21-1202-1**

### **Narrative**

The subject parcel, located off Flower Drive in Barrington, New Hampshire, is referenced on Barrington's Tax Map 111 as Lot 6. The lot, approximately 16,950 sf (0.39 acres) in total area, is currently undeveloped consisting mainly of woodlands. It is located entirely within the General Residential (GR) Zoning District. The property owner is proposing to construct a single-family home on the parcel with all associated site improvements. Portions of the home are proposed to be located within the front and side yard setbacks thus, a variance is required. The home is proposed to be located 35.76-ft from the property line along Flower Drive (front) where 40-ft is required, 12.16-ft from the northern property line (side) where 30-ft is required, and 11.49-ft from the southerly property line (side) where 30-ft is required.

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**Abutter's List  
Flower Drive  
Barrington, NH  
KNA#21-1202-1**

<b>Tax Map</b>	<b>Lot</b>	<b>Owner</b>
111	6	P & P Real Estate Management 8 Roberts Road Litchfield, NH 03052
<b>Tax Map</b>	<b>Lot</b>	<b>Abutters</b>
111	5	Loria & Carl Crosby 419 Greenleaf Ave Portsmouth, NH 03801
111	7 & 10	James C. Corcoran Rev Trust ½ Int
112	13	Lynda A. Brushett Rev Trust ½ Int 106 Harlan Drive Barrington, NH 03825

Professionals to be notified:

Engineer/Surveyor

Keach-Nordstrom Associates Inc.  
10 Commerce Park North, Suite 3B  
Bedford, NH 03110

Architect

Mark McCarthy  
367 Main Street  
Falmouth, MA 02540

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