



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 12/28/2022 Case No. 251-9-GR-23-Var
 Owner Tyler Rand
 Mailing Address 132 Ham Rd Barrington NH 03825
 Phone (603)978-7474 Email TylerHRand@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 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) |
| <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"/> |
| <input checked="" 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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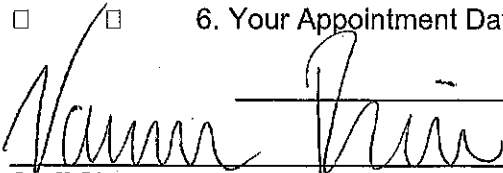
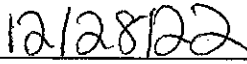
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- 8. HOA Approval (if applicable)
- 9. Context or Locus Map (Show Surrounding Zoning Districts)
- 10. Existing Conditions Site Plan or Recorded Subdivision Plan to include well and septic location (may be found at Strafford County Registry of Deeds).
- 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 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. 251-9-GR-23-Van
Project Name Moon Shine Barn
Location Address 130 Ham Rd (unapproved)
Map and Lot 251 Lot 9
Zoning District (Include Overlay District if Applicable) General Residential

Property Details:

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

Use: GR

Number of Buildings: 1 Height: 32 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 19; Table 1 (Table of Uses) (Sheet 2 of 4) (Page 94) General Residential and Mixed use Developments: NOT Permitted
Project Narrative: (Please type and attach a separate sheet of paper)

(see attached)

Barrington Zoning Ordinance Requirements:

A mixed use development is NOT allowed in a General Residential district per Article 19, Table 1: Table of Uses, without approval from the Barrington Zoning Board.

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

We request a variance for the property located at Tax Map 251 Lot 9 from the Town of Barrington Zoning Ordinance: Article 19; Table 1 (Table of Uses) allowing us to use this property as a mixed use for a business (commercial and residential).

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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.
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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.


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 12/28/22
Date



Signature of Owner 12/28/22
Date

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SITE / CONTEXT PHOTOS

Using Guidelines Below

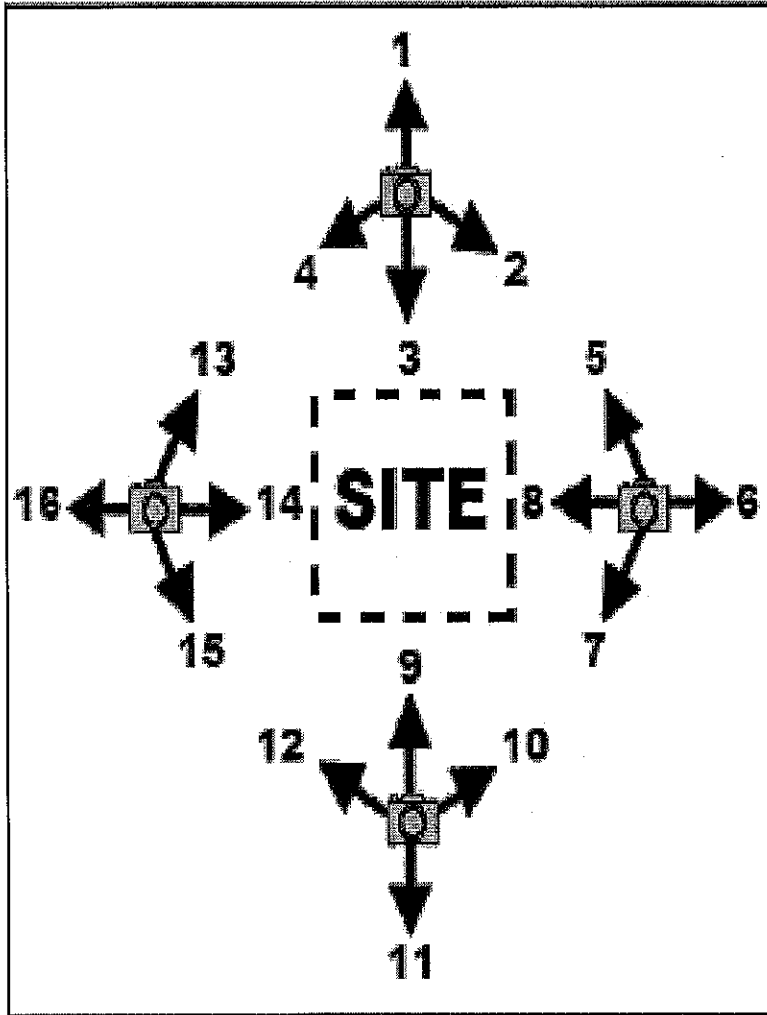
Provide color photographs showing the site and surrounding buildings/properties in order to provide staff, boards and commissions with a visual impression of the current site conditions.

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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Zoning Board

TOWN OF BARRINGTON- LAND USE DEPARTMENT

PROJECT NARRATIVE:

We are before the Zoning Board asking for a variance from Town of Barrington Zoning Ordinance, Article 19, Table 1 to allow us to have a property in the general residential zoning district to be used as a mixed use for a residence and a business. The property currently has a historic barn with an addition being installed. This addition will be the only dwelling on the property. We are seeking approval from the Planning Board for using the barn as a conference center. To stay compliant with town zoning ordinance, the Zoning Board would need to grant a variance allowing a mixed use in a general residential district for this property to allow the property to be used as both a residence and a business. For some context; my wife, Katie and I were both born and raised in New Hampshire. We both went to UNH. We purchased a "starter" home in Dover in 2000 and in 2003 we got married and purchased our "forever" home in Barrington in November of 2003. The house we live in now at 132 Ham Road, had been subdivided by the previous owner. This farm house was built in c.1791 and though the barn was built at the same time, the subdivision separated the buildings by cutting a property halfway between the house and barn. In purchasing the house, we added a clause that we could have first right of refusal for the barn property when and if it were to be sold. In 2008, we agreed to purchase the barn. Unfortunately, this was at the top of the market. This property is not attached to our residency in that it remains a separate lot, Tax Map 251 Lot 9. For the last 15 years we have put forth great effort and out of pocket expenses to preserve the barn and property. I have removed the roof to install new timbers. I have replaced and repaired many posts and beams. I have used traditional timber framing techniques that were available in 1791 when the barn was built. Purchasing custom timbers and boards from a local sawyer helps with supporting the local community. We have enjoyed the barn in many ways over the years. We have also been challenged. Taxes on the property continue to rise and we have struggled to pay them. Our goal is to continue to preserve the barn and improve the buildable lot, while keeping the open space and field. We look forward to being able to recoup some of the expenses with hosting events for profit.

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With mixed use in mind, we are also considering our family. We have three teen-age children, parents with failing health may need our care for their health, and, of course, our own old age is slowly approaching. Having a dwelling on the property will allow for people to stay on the barn property. We are working with the Barrington Code Enforcement office to have an addition to the barn which will perform three tasks; 1) Establish bathrooms for the barn, 2) Establish a workshop & 3) a one bedroom dwelling apartment. All three of these items are inside the addition. The building permit has been granted and work has begun on this project.

It is our intention to use our barn as a "Conference Center." The types of events in this space are numerous. They include, but not limited to; Weddings, gatherings, birthday parties, charities, church services, retirement parties, sports banquets, dances, movies, business conferences, live performance, wakes and Boy Scout events. One of the more recent weddings, we donated the space for a bride and her terminally ill groom. Some events will be for profit, but our hope is continuing to donate to various local organizations.

We have found great satisfaction restoring this barn. As the original building on Ham Road, the homestead was built by William Young in 1791; a two-mile streak employee. It's important to us as community members and native NH citizens that Barrington history is being preserved. We are continuously saddened when we see barns falling down and being lost. Getting people to use our barn will show a new collective of people a side of history that is being lost. But having this happen does come at cost.

We are doing everything in our power to make sure we keep the barn looking as original as possible. We are simply trying to use this property with a historic barn taking up as little of the footprint as possible. This effort to have this variance granted for this lot is the least disruptive to the town, the road and the neighbors. We request a variance for the property located at Tax Map 251, Lot 9 from the Town of Barrington Zoning Ordinance; Article 19; Table 1 (Table of Uses) allowing us to use this property as a mixed use for a business/commercial and residential.

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Justification for a Variance

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

Response: In the event that we do not get approval for mixed use ordinance, a hardship will be created where we need to choose between using the barn as a conference center or having a dwelling on the property. The conference center would be a business that we would be able to perform from our house and help raise funding for the property. The dwelling would be able to house our family. This undesirable result would literally require us to choose between earning money on a part time business and our family. This hardship is unnecessary.

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

Response: Currently, we are legally able to have a dwelling on our barn property. We are currently in the process of installing a dwelling by working with the town to establish an addition to the barn which will have a small, one bedroom apartment. When and if we get approval for a conference center, the use of this apartment as a dwelling will no longer be allowed without approval from the Zoning Board for a mixed use ordinance (Article 19). Granting the variance allowing the apartment to be used as an apartment is consistent with the spirit of the Ordinance.

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

Response: Granting the variance will not result in diminution of surrounding property values. In-fact, the property values will only increase. The following is my rationale; When we bought the barn property, it was falling down. The roof was leaking with mushrooms growing in the rafters. The walls were metal siding and posts were rotting into the ground. We believe that barns that fall down aid in the unfortunate loss of our history. Having a barn that is restored that is visible to the public and can show off the history of the town. In Barrington, we pride ourselves with the history of Calef Country Store or that our town is 300 years old. Having buildings that were built in the 1700's and that have provided services to Calef's can be a draw to the entire community. We have restored the barn using techniques that were common in 1790 allowing visitors to see authentic woodworking. If we are not able to have a business on the property, we would look to replace the lost revenue using an allowed dwelling. The most logical and economical structure would be a detached house that could be rented out. This undesirable event would diminish the value and the appearance of the property and surrounding houses, reducing the rural feel of Ham Road. Keeping a barn without a detached house on it will keep the property more authentic. Having a conference center in the barn will encourage the property to continue to be improved with landscaping and other features that are appealing. As improvements continue to be made to both the barn and the land, value will continue to increase. This increase will be seen in the value of the barn and the surrounding property.

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4) Granting of the variance would do substantial justice.

Response: Granting the variance will do substantial justice. This will come in the form of allowing the property to continue to be used as a dwelling. The use of the property for function in the conference center and an apartment on the side will allow for both financial gains and allowing for care of family members. Failure to be approved for the variance will result in choices between economic concerns and family matters.

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

Response: Granting of the variance would not be contrary to the public interest. Similar to previous answers, the public interest will increase with approval of this variance. The property continues to increase due to continuous improvements on the barn. The property will continue to increase with additional landscaping features such as trees and bushes. The history of the barn and how it was used for early pioneers of Barrington can be shared. The fact that this property was used in the past for several businesses such as a farm to sell to Calef's Country Store, a mink farm harvesting pelts and a tack shop selling equestrian equipment are part of the known businesses that have been in the barn. Due to the restoration and preservation of this barn, there will be one less barn that will fall down due to neglect for the next 100 years so this history can live on. This conference center will allow for people to see the history of Barrington and know that there still are places where history can be seen, touched and enjoyed.

In the event of not being granted the variance, a choice will need to be made by Katie and myself. We do not know if we would choose the business or family. The business still needs approval from the Planning Board. The family simply requires another building permit for this buildable lot. A house that can be used for my parents, my kids, Katie and I with an attached garage can sound appealing from time to time if we are not having a barn conference center. This undesirable concept could also be used as a rental to make the income desired if not able to have a business use. The history of the barn would be lost in this scenario. It may well last another 100 years but, the number of people seeing the inside of the barn would become just a handful. People driving by would just see one more barn becoming another ghost of history.

We desire to have the history preserved and for people to enjoy the space. We desire to keep the space as untouched as possible with no detached house built while allowing us to utilize the property as a business and allowing a usable apartment. We seek the Zoning Board's approval for the variance to allow mixed use for this property.

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