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April 29, 2024

Joseph Sweeney and Devon Beckwith  
14 Kelly Lane  
Barrington, NH 03825

## Notice of Decision

### Zoning Board of Adjustment Town of Barrington, New Hampshire

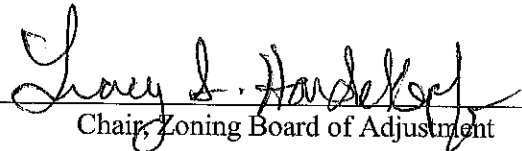
Case File Number: 234-6-V/SDOA-24EquitWaiver

Location: 14 Kelly Lane  
Map 234, Lot 6

At a regular scheduled and duly noticed meeting of the Barrington Zoning Board of Adjustment, on April 17, 2024, you are hereby notified that the appeal of Case File Number: 234-6-V/SDOA-24EquitWaiver for a Equitable Waiver of Dimensional Requirement from Article 4, Section 4.1.1 Table 2 front setback requirement. The Board **GRANTED** the Equitable Waiver of Dimensional Requirement from Article 4, Section 4.1.1 Table 2 front setback requirement in the Village (Residential) Zoning District to allow for a replacement of a single-family home. The proposed front setbacks are 25.4' and 18.3' where 40' is required. The location is at 14 Kelly Lane (Map 234, Lot 6) on a 1.5899-acre lot in the Village Zoning District. The board determined that all criteria were met by the affirmation vote of at least three members of the Zoning Board of Adjustment.

#### Findings of Fact:

First, it does not involve the use restriction and only a dimensional requirement and second, the nonconformity was discovered after the structure was in place. In fact, it was after the foundation had been certified and this was a motion promptly made for the for the equitable waiver. There was not an outcome of indirect ignorance and bad or bad faith on the part of the moving party as it was a difference in dimensions and the difference between what was approved previously by this board and what was approved now is nominal. The nonconformity does not constitute a nuisance or diminish the value in any way of its 1.2 feet and one side and slightly more than two feet on the other, and the cost of correction for this party would far outweigh any public benefit by picking up the house and moving it.

  
Chair, Zoning Board of Adjustment

4-29-2024

Date

A motion for rehearing may be made in the form of a letter to the Board. The motion must be made within 30 days; this 30-day time period shall be counted in calendar days beginning with the date following the date upon which the board voted to approve or disapprove the application in accordance with RSA 21:35. *Reference RSA 677:2*

This approval shall be valid if exercised within 2 years from the date of the final- approval and shall not expire within 6 months after the resolution of a planning application filed in reliance upon this decision, as per RSA 674:33, IV.

Note: The selectman, any party to the action, or any person directly affected has the right to appeal this decision. See New Hampshire Revised Statutes Annotated, Chapter 677. This notice has been placed on file and made available for public inspection in the records of the ZBA. Copies of this notice have been distributed to the applicant, ZBA, Board of Selectmen, Town Clerk, Property Tax Assessor and the Town of Barrington website.