



TOWN OF NOTTINGHAM

139 Stage Road, P.O. Box 114, Nottingham, NH 03290

www.nottingham-nh.gov

Planning & Zoning

Tel (603) 679-9597 Fax (603) 679-1013

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PLANNING / ZONING OFFICE
TOWN OF NOTTINGHAM

APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment
Town of Nottingham

FOR OFFICE USE ONLY

Case No. 16-008-VA
Date Filed 08-25-16
Meeting Date 09-20-16
Fee Amount 245-
Date Paid 08-25-16
Outcome _____

Name of Applicant Kasma & Joan Stamoulis

Mailing Address PO Box 126, W. Nottingham 03291

Home Phone 207-809-1096 Work Phone N/A

Cell 603-479-1445

Name of Owner(s) same
(if same as applicant, write "same")

603-479-1446

Owner's Address same
(if same as applicant, write "same")

PROPERTY INFORMATION

Location of property 73 Gebig Road Tax Map 17 Lot 30

Lot Dimensions: Front 442' Rear 465' Side 645' Side 645'

Lot Area: Acres 7.416 acres Square Feet 323,046.96

Present Use of Property Residential

Proposed Use of Property Residential

NOTE: This application is not acceptable unless all statements following have been completed. Additional information may be supplied on a separate sheet if needed.

VARIANCE REQUEST

A variance is requested from Article II Section C1(c) of the zoning ordinance to permit: II C2

the 30,000 square foot area required for a subdivision

SUPPORTING INFORMATION

1. Granting the variance would not be contrary to the public interest because: *it would relieve the landowner from an unnecessary hardship that would not be outweighed by public gain if denied.*
2. If the Variance were granted, the spirit of the ordinance would be observed because: *there would be a a) 20' setback from the existing septic system to the side property line, and b) 25' buffer to the poorly drained area. (Refer to Kingston's Value and Function Chart)*
3. Granting the variance would do substantial justice because: *it would provide the landowner with the required 30K contiguous area without substantially detracting or nullifying ordinances.*
4. If the variance is granted, the values of the surrounding properties would not be diminished because: *a) the variance is needed due to the unique conditions of this property that are not typical of surrounding properties, and b) has not aroused concerns of the abutters we were able to contact that the approved variance would devalue or effect their property negatively (see attached testimony)*
5. Unnecessary Hardship
 - a. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:
 - i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because: *in this case a) the poorly drained soil area (9,600 sq ft) is dry for eleven months of the year and is not a wildlife habitat, and b) the placement of the existing residence met zoning laws at the time of construction*
 - AND-
 - ii. The proposed use is a reasonable one because: *the subdivision of a 7.416 acre property into*

two residential lots is a reasonable assumption in granting a landowner his Constitutional right to enjoy his property in a harmless way

- B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, 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.

without the variance requested, the strict application of the ordinance would result in over 5 acres of property to be useless

I hereby certify that I am the owner in fee or the authorized agent of the owner in fee of the property upon which this variance is sought and that all information provided by me is true under penalty of law.

Jean Stamoulis Kosma Stamoulis 08/25/16
Signature of Owner or Authorized Agent Date

Please Print Name Kosma & Jean Stamoulis

TOWN OF NOTTINGHAM

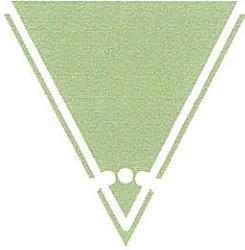
PLANNING & ZONING
PO Box 114
139 Stage Road
Ph: (603) 679-9597 Fax: (603) 679-1013

AUTHORIZATION TO ENTER UPON SUBJECT PROPERTY

The property owner(s), by the filing of this application, hereby give permission for the members of the Nottingham Zoning Board of Adjustment and such agents or employees of the Town as the Zoning Board of Adjustment may authorize, to enter upon the property which is the subject of this application at any reasonable time for the purpose of such examinations, surveys, tests and/or inspections as may be appropriate to enable this application to be processed.

I/We hereby waive and release any claim or right I/we may now or hereafter possess against any of the above individuals as a result of any examinations, surveys, tests and/or inspections conducted on my/our property in connection with this application.

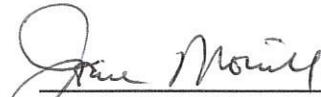
Property Owner(s) Joan Stamoulis 08/25/16 Kosme Stamoulis 08/25/16
Signature Date Signature Date

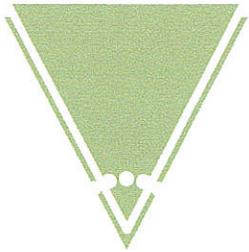


To: Nottingham Zoning Board
Cc: Kosma & Joan Stamoulis
From: Joanne Morrill
Date: August 25, 2016
Subject: Subdivision of 73 Gebig Road property

We have been advised that our neighbors, Kos & Joan, are hoping to subdivide their land into two residential lots. We are familiar with the variance request that is needed for this subdivision to be approved. At this time, we do not feel that the granting of this variance would have a negative effect on the surrounding area nor devalue our property in any way.

We understand that we have the option to attend the zoning board meeting if we decide that we have concerns that are not currently apparent.


(Signature)

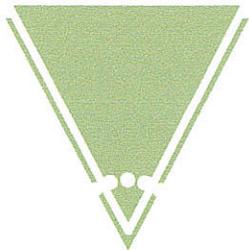


To: Nottingham Zoning Board
Cc: Kosma & Joan Stamoulis
From: Jeremy McGrane
Date: August 23 2016
Subject: Subdivision of 73 Gebig Road property

We have been advised that our neighbors, Kos & Joan, are hoping to subdivide their land into two residential lots. We are familiar with the variance request that is needed for this subdivision to be approved. At this time, we do not feel that the granting of this variance would have a negative effect on the surrounding area nor devalue our property in any way.

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(Signature)



To: Nottingham Zoning Board
Cc: Kosma & Joan Stamoulis
From: Steven & Selena Black
Date: August 23, 2016
Subject: Subdivision of 73 Gebig Road property

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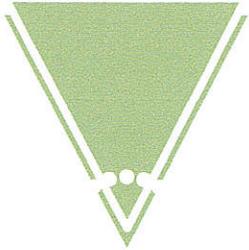
(Signature)

«_CompanyName»

«_AddressLine1», «_AddressLine2» ♦ «_City», «_State» «_ZipCode»

«_PhoneOffice» ♦ «_PhoneFax»

«_EmailAddress»



To: Nottingham Zoning Board
Cc: Kosma & Joan Stamoulis
From: Christopher & Gail Mills
Date: August ~~25~~ 23 2016
Subject: Subdivision of 73 Gebig Road property

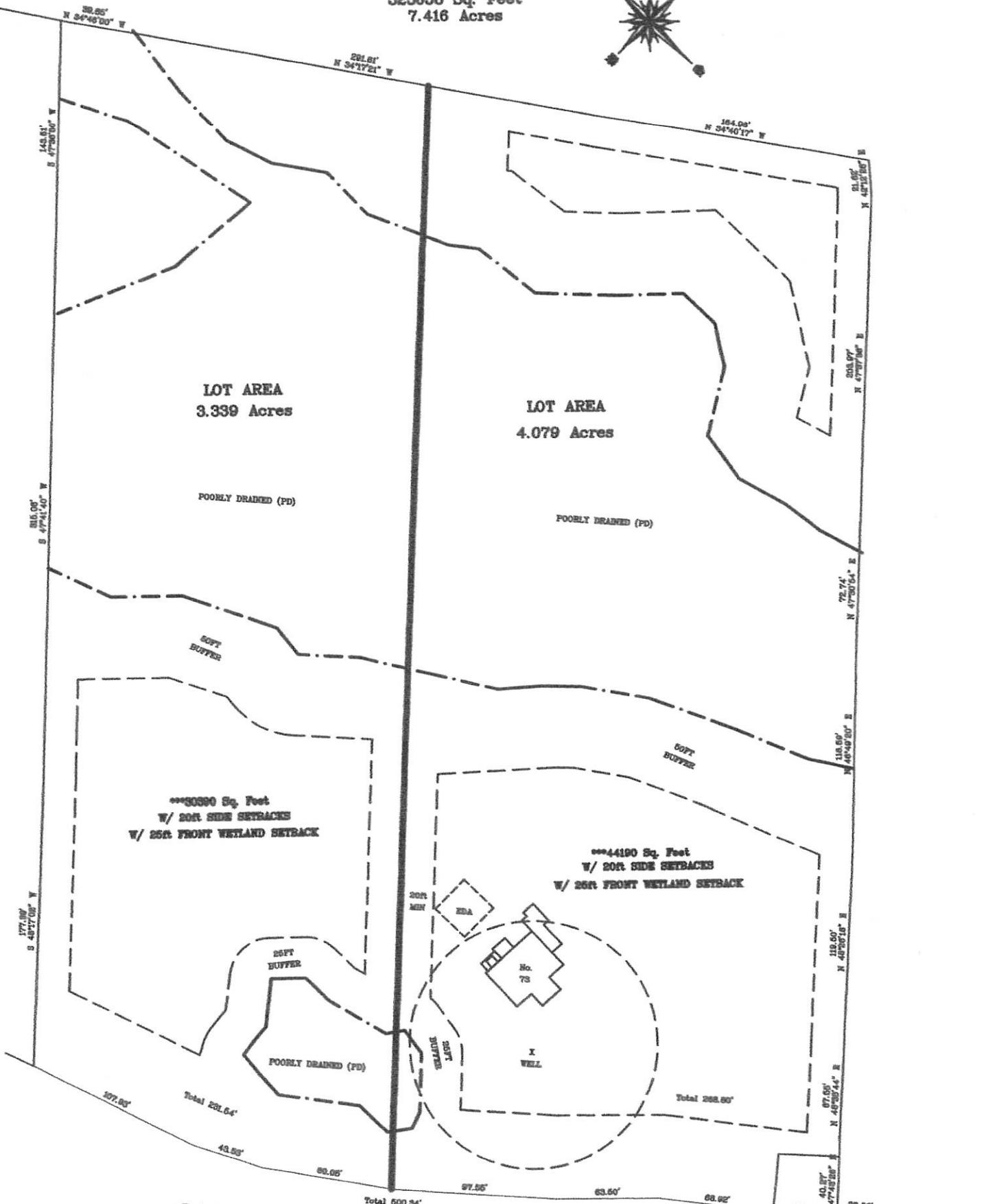
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(Signature)

TOTAL AREA
323058 Sq. Feet
7.416 Acres



GEBIG ROAD - Plan #1

- a) Each lot shall have a minimum contiguous frontage of two hundred (200') feet, including a curb cut for approved access, except to the extent with regard to frontage of back lots approved in accordance with Article IV, Section T.
- b) Each single parcel of land is required to contain a driveway (curb cut) within the required minimum frontage. The required driveway may be either a single or common/shared driveway serving no more than two residences;
 - (1) Shared driveways will be kept to the common boundary.
 - (2) Shared driveways will be put in each owner's deed of record.
- c) Each lot must contain a 200' x 200' square fit for building or a thirty thousand (30,000') square foot contiguous area lot envelope in which a house and septic system shall be placed to meet all existing setbacks ordinances, consisting of upland soils. However, a nonconforming lot shall be exempt from these provisions, provided it was legal under the provisions in effect immediately prior to the passage of this Ordinance or substantial amendments thereto, where approval can be granted without substantial detriment to the public interest and without substantially detracting from or nullifying the provisions and purpose of this Ordinance.

2. There shall be between the property line, water's edge ("reference line" as described in RSA 483-B:4 XVII), and any dwelling, a minimum distance of fifty (50') feet, twenty (20') feet for grandfathered non-conforming lots of less than two (2) acres, as of the date of passage (03/08/94), in all directions. Setbacks for accessory buildings including septic systems shall be fifty (50') feet minimum distance from the lot frontage property line (20') feet for grandfathered non-conforming lots of less than two (2) acres and twenty (20') feet minimum distance from the side and rear property lines. Special exceptions to this ordinance may be granted by the Zoning Board of Adjustment based on weighing of the following considerations, but in no case shall less than twenty (20') feet be permitted for habitable structures or nonhabitable structures of fifty (50') square feet in area or greater:

- a) whether the goal set forth in N.H. RSA 674:17 I. will be infringed by granting such special exception;
- b) whether the terrain or configuration of the lot make it more appropriate than not for such a special exception to be granted; and
- c) whether the granting of such special exception would adversely impact neighboring parcels or rural character of the Town.

- 2. The Planning Board may require additional acreage for tracts of land which contain areas which are classified as unfit for building under definition article.
- 3. Dwelling Units on Single Tracts - When more than one (1) dwelling unit is to be constructed on a single tract or on abutting tracts of land under the same ownership, each shall be on a plot which satisfies all requirements of this Ordinance, Subdivision Regulations and Site Plan Review and shall require a formal subdivision process or site plan review.
- 4. Building Height - Maximum building height shall be 34 feet measured from grade.

Section 1. PURPOSE

For the purpose of providing expanded housing opportunities and flexibility in household arrangements to accommodate family members or non related people of a permitted, owner occupied, single family dwelling, while maintaining aesthetics and residential use compatible with homes in the neighborhood.

Section 2. REQUIREMENTS/ LIMITATIONS

- A. ADU's shall be secondary and accessory to a principal single family dwelling unit.
- B. An ADU shall not be considered to be an additional dwelling unit for the purpose of determining minimum lot size.
- C. Only one ADU shall be allowed per principle single family dwelling unit and/or lot.

Title I: Ordinances
 Section 200 – Zoning Districts Overlays
 Article 202 – Wetlands Conservation District

conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs, lakes, ponds, rivers, streams and vernal pools. Wetlands shall be delineated on the basis of hydrophytic vegetation, hydric soils, and wetlands hydrology in accordance with the techniques outlined in the U.S. Army Corps of Engineers Wetlands Delineation Manual Technical Report Y-87-1. (January, 1987) or as subsequently adopted by the State of N.H.

- B. An area shall be considered a wetland buffer if it is an upland area immediately adjacent to wetlands as defined in this ordinance. The linear extent of the wetland buffer shall be determined by Table A on the basis of the functional values for the subject wetlands as determined by a certified wetlands scientist.



Wetland Buffer Width Determination Table (Article 202, Table A)

Points	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Buffer Width (ft)	25	35	40	45	50	55	60	65	70	75	80	85	90	95	100

Function/Value	Points
FA	1
GW, NR, PE, SR	2
SS, WH, FH	3
ESH, VP	Maximum Buffer

KEY

FA = Floodflow Alteration
 GW = Groundwater Recharge/Discharge
 NR = Nutrient Removal
 PE = Product Export
 SR = Sediment/Toxicant Retention
 SS = Shoreline/Sediment Stabilization
 WH = Wildlife Habitat
 FH = Fish/Shellfish Habitat
 ESH = Endangered Species Habitat
 VP = Vernal Pool

- C. Where the Wetlands Conservation District is superimposed