



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

APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment
Town of Nottingham

FOR OFFICE USE ONLY	
Case No.	_____
Date Filed	_____
Meeting Date	_____
Fee Amount	_____
Date Paid	_____
Outcome	_____

Name of Applicant Brian and Adina Bernier

Mailing Address 5 Camelot Court, Nottingham NH, 03290

Home Phone 603.734.4401 Work Phone 603.314.1511

Cell 603.777.6177

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

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

PROPERTY INFORMATION

Location of property 5 Camelot Court, Nottingham NH Tax Map 37 Lot 25-014

Lot Dimensions: Front 155.69' Rear 92.08' Side 309.35' Side 269.75'

Lot Area: Acres .81 AC Square Feet 35,283.6 SF

Present Use of Property R-AG Residential/Agricultural District - single family home

Proposed Use of Property No change

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 2 Section C.2 of the zoning ordinance to permit:

Variance request for the replacement of a storm damaged 10'x14' shed within the 20' setback requirements with a 12'x16' shed. See Attachment 1 for complete details and supporting information.

SUPPORTING INFORMATION

1. Granting the variance would not be contrary to the public interest because:

See Attachment 1

2. If the Variance were granted, the spirit of the ordinance would be observed because:

See Attachment 1

3. Granting the variance would do substantial justice because:

See Attachment 1

4. If the variance is granted, the values of the surrounding properties would not be diminished because:

See Attachment 1

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:

See Attachment 1

-AND-

ii. The proposed use is a reasonable one because:

See Attachment 1

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.

See Attachment 1

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.

Signature of Owner or Authorized Agent

11/13/2017
Date

Please Print Name *Brian and Adina Bernier*

Town of Nottingham
P.O. Box 114
139 Stage Road
Nottingham NH 03290



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Fax 603-679-1013
plan.zone@nottingham-nh.gov
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OWNER'S AUTHORIZATION FOR REPRESENTATION

I, the undersigned owner of the property at _____,
hereby verify that I have authorized _____ to
represent me/us and apply for the required approval(s) from the Planning Board in the Town of
Nottingham, New Hampshire for the following:

- | | |
|--|---|
| <input type="checkbox"/> Subdivision/Lot Line Adjustment | <input type="checkbox"/> Site Plan Review |
| <input type="checkbox"/> Backlot Subdivision | <input type="checkbox"/> Design Review |
| <input type="checkbox"/> Other _____ | |

FOR: _____

The applicant is their own representative

NAME OF OWNER (Typed or printed) _____

Address of Owner _____

Signature of Owner _____ Date _____

NAME OF OWNER (Typed or printed) _____

Address of Owner _____

Signature of Owner _____ Date _____

NAME OF OWNER (Typed or printed) _____

Address of Owner _____

Signature of Owner _____ Date _____

NAME OF OWNER (Typed or printed) _____

Address of Owner _____

Signature of Owner _____ Date _____

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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 Planning Board and such agents or employees of the Town as the Nottingham Planning Board 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. This authorization expires in one year from date of signature

Property Owner(s) _____
Signature Date Signature Date
Brian Bernier _____ *Adina Bernier* _____

Property Owner(s) _____
Signature Date Signature Date

Property Owner(s) _____
Signature Date Signature Date

Property Owner(s) _____
Signature Date Signature Date

The Nottingham Zoning Board strongly recommends that, before making any appeal, you become familiar with the zoning ordinance, and also with the New Hampshire Statutes TITLE LXIV, RSA Chapters 672- 677, covering planning and zoning.

New Hampshire Law

New Hampshire law no longer distinguishes between a “use” or “area” variance. New Hampshire law requires the existence of unnecessary hardship for the granting of any variance, whether that is for a use not allowed in a particular zone or a deviation from a dimensional requirement.

APPLICATION PROCEDURE FOR ZONING BOARD OF ADJUSTMENT HEARING

Clarification of the Zoning Ordinance and assistance in completing the application process can be obtained from the Secretary of the Zoning Board. Legal assistance should be obtained from the Applicant's personal attorney.

Correctness of information submitted is the responsibility of the Applicant.

The following must be filed with the application:

- ✓ Application fee, public notice fee, and abutter notification fee.
- ✓ An abutters list and three (3) sets of abutter mailing labels. Abutter mailing labels must include the names and legal addresses of applicant, property owner, all property owners abutting the subject parcel, including those directly across the street or stream, and anyone whose professional seal appears on the plan. Tax Map No. and Lot No. must also appear on the list for the abutting properties. **Important:** Applicant shall certify that the abutters are as indicated in the Town of Nottingham's Selectmen's Office not more than 5 days prior to day of filing the application with the Zoning Board. (SEE FORM A).
- ✓ Six (6) sets of 11”X17” plans drawn to scale which show lot location, lot size, setbacks, locations and dimensions of all structures and open spaces on the lot in question and on the adjacent lots, and ownership of adjoining lots of land. Plans do not have to be professionally drawn.
- ✓ A written description of work proposed and any dimensions pertinent to construction.
- ✓ A signed Authorization To Enter Upon Said Property form. (SEE FORM B)
- ✓ If the applicant is not the owner, a notarized Owner's Authorization for Representation form must be submitted. (SEE FORM C).

No application shall be accepted for processing until **all** of the required information is received.

HEARING NOTIFICATION & PROCESS

Your hearing will be held within 30 days after submission of a complete application. You will be notified by certified mail as to time, place, and date of the public hearing. At the time of the hearing, you must present your case to the Board or must authorize a representative to appear for you. (FORM C).

RULES OF PROCEDURE FOR CONDUCT OF MEETINGS

Each applicant is entitled to a hearing by a five-member Board. If, for any reason, five members are not available, the applicant(s) may elect to postpone the hearing and decision until the next meeting of the Board at which five members are present. For the benefit of those in attendance at public hearings, the Chairman will briefly explain the procedure before the hearings begin and introduce the members of the Board. The public hearing will begin with the applicant(s) and/or his/her representative presenting the petition. Then those wishing to speak in favor of the petition may do so, followed by those wishing to speak in opposition to the petition. After this, the applicant(s) and those in favor may speak in rebuttal, followed by the rebuttal of those in opposition. The debate may be closed when the Chairman deems it appropriate. All comments must be addressed to the Chair. Anyone rising to address the Chair should identify him/herself, giving his/her name and address. No one will be allowed to speak twice until all who wish to speak have been heard. Reasons will be given for all decisions of the Board and references made to the appropriate sections of the Zoning Ordinance. In the event the Board wishes to postpone making a decision, the applicant(s) will be so advised. All decisions will be announced by the Chair at the time they are made, and formal written notification will be mailed to the applicant(s) within 5 business days after the decision is rendered. In the event no one is available to present a petition to the Board at the public hearing, the petition will be automatically dismissed on the grounds that no public hearing has been held. A petition may be withdrawn by the applicant(s) by notifying the Clerk of the Board of this intention. All public hearings and Board deliberations are transcribed.

ABUTTER(S) LIST

****PLEASE PRINT THREE (3) ADDRESS LABELS PER ABUTTER- INCLUDING THE APPLICANT, OWNER AND PROFESSIONAL(S)****

1. APPLICANT INFORMATION:

Printed Name: Brian and Adina Bernier Contact Telephone: 603.734.4401
Address: 5 Camelot Court, Nottingham NH, 03290

2. OWNER INFORMATION:

Printed Name: Brian and Adina Bernier
Address: 5 Camelot Court, Nottingham NH, 03290

3. PROFESSIONAL(S) INFORMATION:

Printed Name: _____
Address: _____

Abutter(s) Information				
4.	Map: 37	Lot: 25-005	Name: David Hoyt	Address: 63 Forest Street, Plaistow, NH 03865
5.	Map: 37	Lot: 25-013	Name: Lorraine Petrini, Daniel J Petrini	Address: 7 Camelot Court, Nottingham, NH 03290
6.	Map: 37	Lot: 25-015	Name: Frederick Manley Jr., Patricia C. Manley	Address: 3 Camelot Court, Nottingham, NH 03290
7.	Map:	Lot:	Name:	Address:
8.	Map:	Lot:	Name:	Address:
9.	Map:	Lot:	Name:	Address:
10.	Map:	Lot:	Name:	Address:
11.	Map:	Lot:	Name:	Address:
12.	Map:	Lot:	Name:	Address:
13.	Map:	Lot:	Name:	Address:

I, Brian Bernier, the undersigned, certify that to the best of my knowledge, the above is an accurate and complete abutter(s) list and that the information was obtained from the Nottingham Assessing Office no more than five (5) days prior to the date of this application..

Applicant's Signature

Date

Town of Nottingham
P.O. Box 114
139 Stage Road
Nottingham NH 03290



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ZONING BOARD OF ADJUSTMENTS FEE SCHEDULE

Fee's collected at time of application:

	TOTAL CHARGE	DATE PAID
APPLICATION FEE \$100.00	<u>\$100.00</u>	_____
ABUTTER NOTIFICATION <u>3</u> X \$10.00/PER ABUTTER	<u>\$30.00</u>	_____
PUBLIC NOTICE FEE \$75.00	<u>\$75.00</u>	_____
TOTAL	<u>\$205.00</u>	_____

Attachment 1

Variance Request:

We, Adina and Brian Bernier, request a variance to Article II Section C.2 of the 8 March 2016 Amended Zoning Ordinance Regulations to permit for the direct replacement of a storm damaged 10'x14' (140 square feet) shed with larger 12'x16' (192 square feet) shed within the 20' setback requirements and shall be no closer to the boundaries than the current shed near the south west corner of Lot 25, Sub 14. Our property is located at 5 Camelot Court in Nottingham, NH and is identified as Tax Map 37, Lot 25, Sub 14. Our abutter's Lorraine Petrini (Lot 25-013) and The Manley's (Lot 25-15) have both verbally indicated to us their support of the increase in size for our shed replacement.

Supporting Information:

- 1. Granting the variance would not be contrary to the public interest because:**
 - a. The proposed location for the 12'x16' shed is the same location as the existing shed and no closer to the property line. The shed would not have any negative impact on the abutters. There would be no impairment of sight from the abutters' property, as the proposed location is in the back yard of our property in an opening with a tree-lined border. Both abutter's Lorraine Petrini (Lot 25-013) and The Manley's (Lot 25-15) have verbally expressed their support of replacing the shed with a larger one in the same location. The increase in dimensions will place the new shed closer to our driveway by two feet and closer to our backyard lawn by two feet. The replacement of the existing damage structure with a larger footprint, with similar usage, but lacking the setback of 20' from the side boundary line with the abutter, The Manley's (Lot 25-015).*
- 2. If the Variance were granted, the spirit of the ordinance would be observed because:**
 - a. Lot 25, Sub 14 is a nonconforming lot and is under two acres in size. The required setback of 20' is not available at the proposed location on the south west area of the lot. The direct replacement location would place the new shed's closest point to any abutter's property at one foot. Any Maintenance on the proposed shed would not infringe on my abutter's property The Manley's (Lot 25-015).*
- 3. Granting the variance would do substantial justice because:**
 - a. The location is most obstructed from the roadway as well as both abutter's. The area requires no significant site preparation and no trees would need to be cut down.*
- 4. If the variance is granted, the values of the surrounding properties would not be diminished because:**
 - a. With the replacement of the existing shed the property is being improved and the property will retain the same or a higher value to similar properties in the area.*
- 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:**

Attachment 1

1. *The size of the lot, boundaries, septic system, and snow removal area are limiting factors as to the location of the shed. Many lots along Camelot Court have similar limitations. An alternative location would require cutting down several tree's, expensive site preparation, and placing the shed in an area clearly visible from the road as well as visible by both abutters including The Manley's dining room windows.*
- ii. **The proposed use is a reasonable one because:**
 1. *This shed will be placed in the existing location of the previous shed placed by a prior owner and placed no closer to the boundary line. The larger size of this shed is 52 square feet. The additional size will be accommodated by the foot print of the existing shed being larger by two feet placing the entrance to the shed closer to our driveway and larger by two feet placing the long side of the shed closer to our backyard lawn. There is no change to the existing usage or the visibility to the abutter The Manley's (Lot 25-015).*
- 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.**
 - i. *The under two acres in size, physical characteristics of Lot 25, Sub 14, and sensible usage of the proposal provide various limitations to locate the shed. An alternate location, (that would not require a variance), would require placing the shed over a septic system, cutting down trees, require greater site work, or be placed in un-obstructed views of the abutters. In addition, items not being used would not be in public view when not in use or needed.*





20 foot Abutters List Report

Nottingham, NH
November 14, 2017

Subject Property:

Parcel Number: 037-0025-014
CAMA Number: 037-0025-014
Property Address: 5 CAMELOT COURT

Mailing Address: BERNIER, BRIAN R JONES, ADINA L
5 CAMELOT COURT TRUSTEES
BRIAN&ADINA BERNIER R
NOTTINGHAM, NH 03290

Abutters:

Parcel Number: 037-0025-005
CAMA Number: 037-0025-005
Property Address: CAMELOT COURT

Mailing Address: HOYT, DAVID
63 FOREST STREET
PLAISTOW, NH 03865

Parcel Number: 037-0025-013
CAMA Number: 037-0025-013
Property Address: 7 CAMELOT COURT

Mailing Address: PETRINI, LORRAINE PETRINI, DANIEL J
7 CAMELOT COURT
NOTTINGHAM, NH 03290

Parcel Number: 037-0025-015
CAMA Number: 037-0025-015
Property Address: 3 CAMELOT COURT

Mailing Address: MANLEY JR., FREDERICK MANLEY,
PATRICIA C.
3 CAMELOT COURT
NOTTINGHAM, NH 03290



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

HOYT, DAVID
63 FOREST STREET
PLAISTOW, NH 03865


MANLEY JR., FREDERICK
MANLEY, PATRICIA C.
3 CAMELOT COURT
NOTTINGHAM, NH 03290

PETRINI, LORRAINE
PETRINI, DANIEL J
7 CAMELOT COURT
NOTTINGHAM, NH 03290

Proposed example of new shed -



OWNER INFORMATION		SALES HISTORY					PICTURE
BERNIER, BRIAN R JONES, ADINA L 5 CAMELOT COURT TRUSTEES BRIAN&ADINA BERNIER REV TRUS NOTTINGHAM, NH 03290		Date	Book	Page	Type	Price	Grantor
		11/05/2015	5668	1290	U I 44		1 BERNIER, BRIAN R & ADINA
		07/31/2008	4939	0672	Q I	280,000	GUELI, S. J. & S.M.
		10/15/2003	4173	1429	Q I	309,933	MCPMAHON & COISH
		05/28/2003	4083	2896	Q V	85,000	HOYT, DAVID
						10/18/1999 3431 0526 U V 18 225,000 TMD DEVL	
LISTING HISTORY		NOTES					
02/04/13	DMVM	GRAY/BLACK; WALKOUT BSMNT; 2/13-ALL INFO FROM HO (MRS) AT DOOR, WANTS HUSBAND HOME, DNVI, CHANGED STORY HEIGHT;					
01/24/13	INSP MARKED FOR INSPECTION						
06/30/10	PBUM ADJ FPL						
06/28/08	CGRL						
05/02/08	CGRM						
03/24/04	KMPL						
09/10/03	VMVL						
09/26/97	ABL						

EXTRA FEATURES VALUATION								MUNICIPAL SOFTWARE BY AVITAR			
Feature Type	Units	Lngth x Width	Size Adj	Rate	Cond	Market Value	Notes				
FIREPLACE 2-STAND	1		100	5,000.00	75	3,750					
SHED-WOOD	140	14 x 10	174	7.00	60	1,023					
SHED-WOOD	80	8 x 10	260	7.00	60	874					
						5,600					
PARCEL TOTAL TAXABLE VALUE								Year	Building	Features	Land
								2015	\$ 221,600	\$ 5,600	\$ 89,100
								Parcel Total: \$ 316,300			
								2016	\$ 221,600	\$ 5,600	\$ 89,100
								Parcel Total: \$ 316,300			
								2017	\$ 221,600	\$ 5,600	\$ 89,100
								Parcel Total: \$ 316,300			

LAND VALUATION														
Zone: R-AG RES/AGR DIST Minimum Acreage: 2.00 Minimum Frontage: 200										Site: AVERAGE Driveway: PAVED Road: PAVED				
Land Type	Units	Base Rate	NC	Adj	Site	Road	DWay	Topography	Cond	Ad Valorem	SPI	R	Tax Value	Notes
IF RES	0.810 ac	85,240	F	110	100	100	100	95 -- MILD	100	89,100	0	N	89,100	
										89,100			89,100	

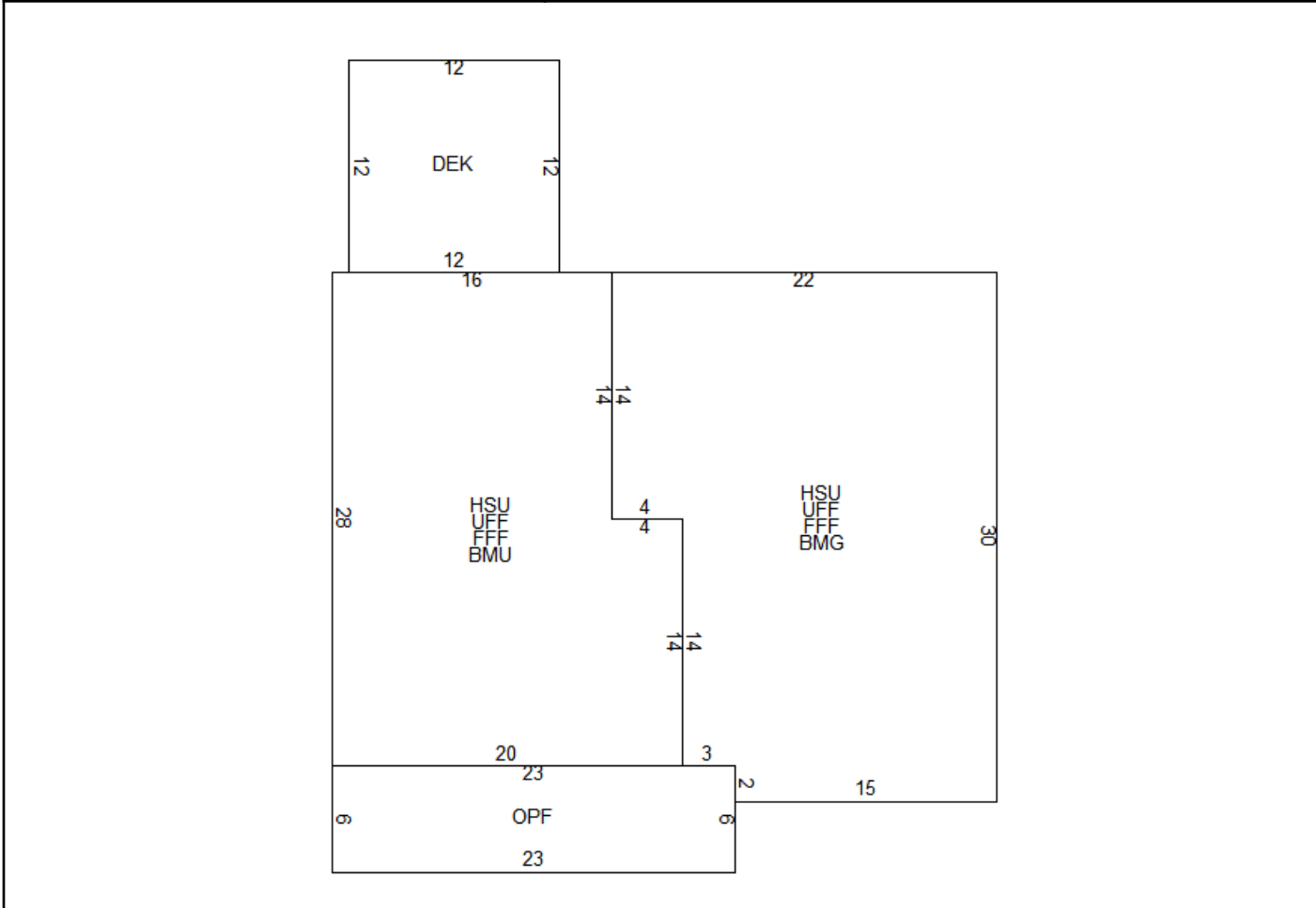


OWNER
BERNIER, BRIAN R JONES, ADINA L 5 CAMELOT COURT TRUSTEES BRIAN&ADINA BERNIER REV T NOTTINGHAM, NH 03290

TAXABLE DISTRICTS	
District	Percentage

BUILDING DETAILS		
Model:	2.50 STORY COLONIAL	
Roof:	GABLE OR HIP/ASPHALT	
Ext:	VINYL SIDING	
Int:	DRYWALL	
Floor:	CARPET/HARDWOOD	
Heat:	OIL/HOT WATER	
Bedrooms:	3	Baths: 2.5
Fixtures:	8	
Extra Kitchens:	Fireplaces:	
A/C:	Yes 100.00 %	Generators:
Quality:	A2 AVG+20	
Com. Wall:		
Size Adj:	0.9274	Base Rate: RSA 80.00
Bldg. Rate:	1.1011	
Sq. Foot Cost:	\$ 88.09	

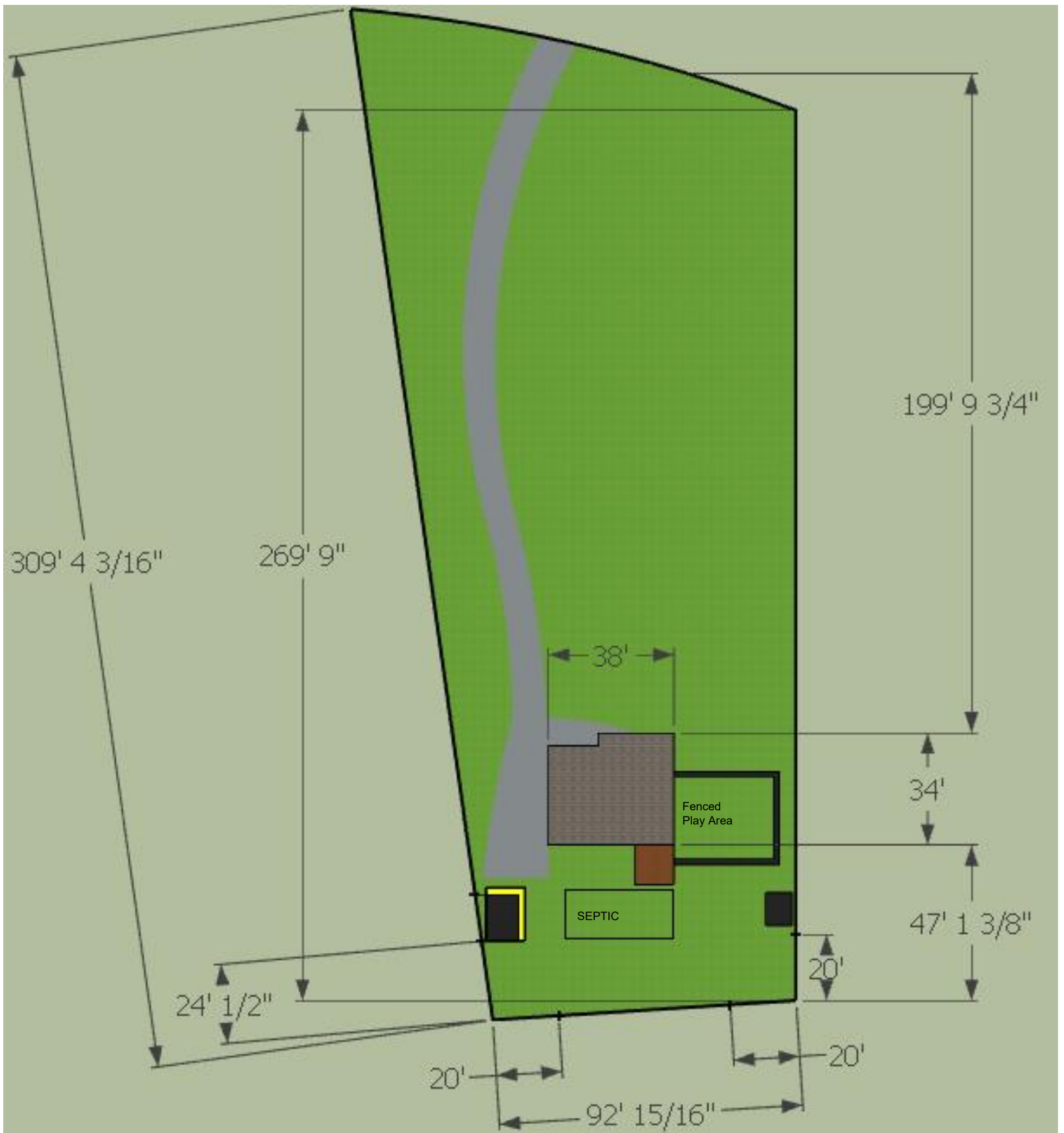
PERMITS		
Date	Project Type	Notes
10/14/03	CERT OF OCCUPANCY	3 BEDROOM RESIDENCE
04/15/03	NEW BUILDING	COLONIAL WITH FARMER'S PORCH



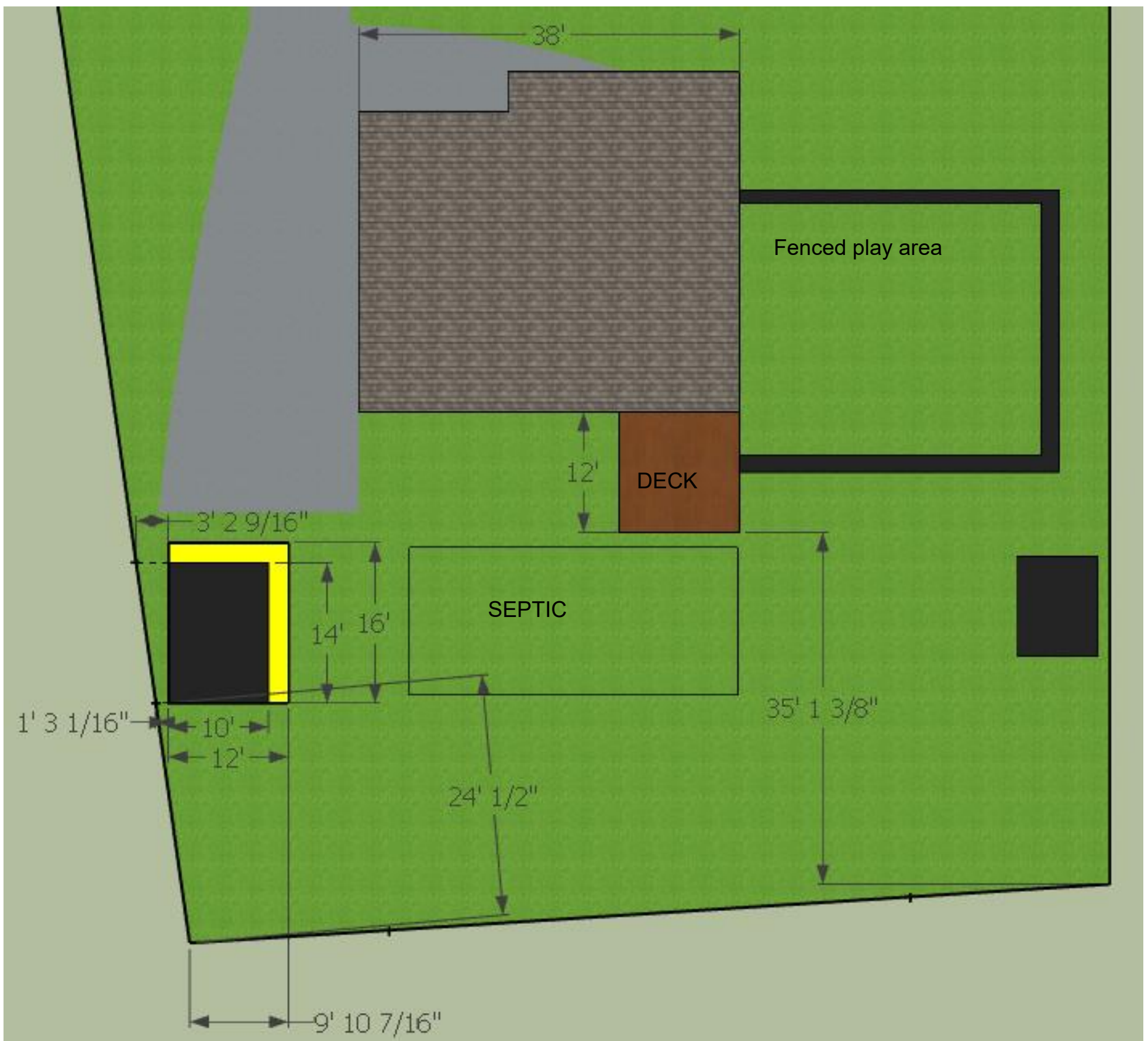
BUILDING SUB AREA DETAILS				
ID	Description	Area	Adj.	Effect.
HSU	1/2 STRY UNFIN	1094	0.25	274
OPF	OPEN PORCH	138	0.25	35
UFF	UPPER FLR FIN	1094	1.00	1094
FFF	FST FLR FIN	1094	1.00	1094
BMU	BSMNT	504	0.15	76
DEK	DECK/ENTRANCE	144	0.10	14
BMG	BASEMENT	590	0.20	118
GLA:	2,188	4,658		2,705

2015 BASE YEAR BUILDING VALUATION	
Market Cost New:	\$ 238,283
Year Built:	2003
Condition For Age:	GOOD 7 %
Physical:	
Functional:	
Economic:	
Temporary:	
Total Depreciation:	7 %
Building Value:	\$ 221,600





Black rectangles to the left and right of the septic are sheds. The shed on the left is the one we wish to replace with a 12'x16' after a storm damaged our 10'x14' shed. The yellow around the shed on the left demonstrates the increase in 2' for the proposed new shed. The proposed new shed would be placed no closer than the prior shed was.



Close up of the back yard of the house showing the proposed increase in footprint for the new shed and more dimensions.

Black rectangles to the left and right of the septic are sheds. The shed on the left is the one we wish to replace with a 12'x16' after a storm damaged our 10'x14' shed. The yellow around the shed on the left demonstrates the increase in 2' for the proposed new shed. The proposed new shed would be placed no closer than the prior shed was.

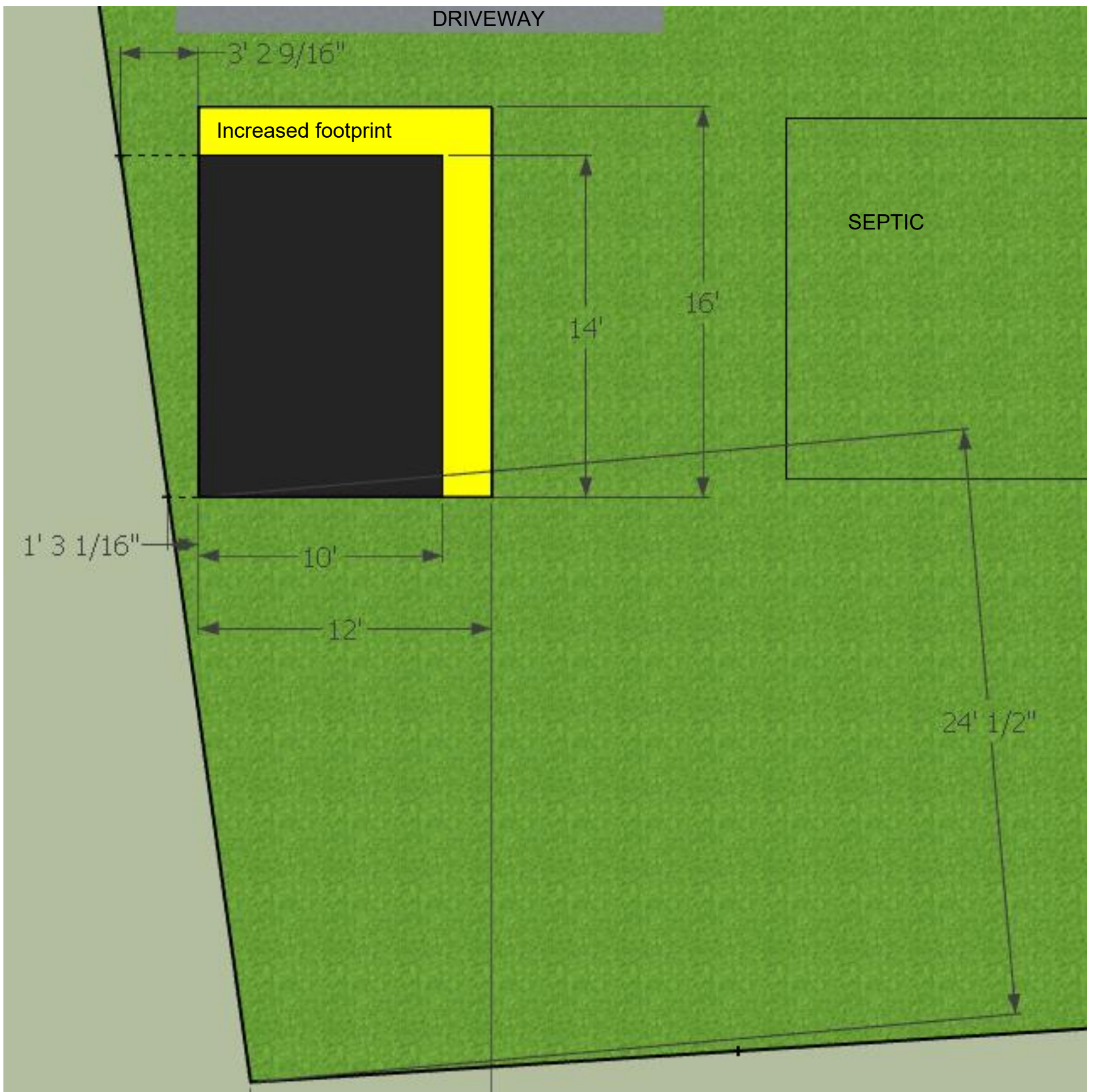


Image of the proposed increase in footprint for the new shed with dimensions.



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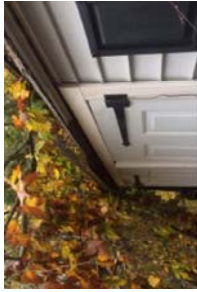
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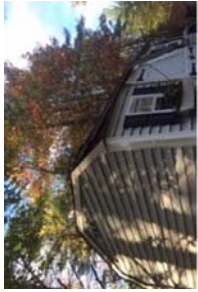
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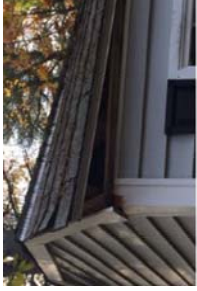
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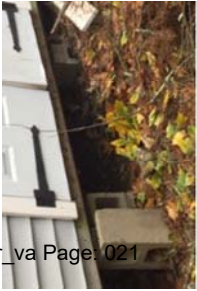
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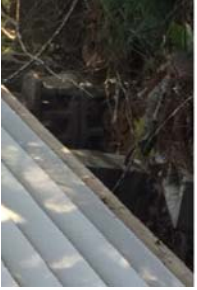
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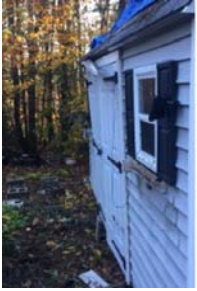
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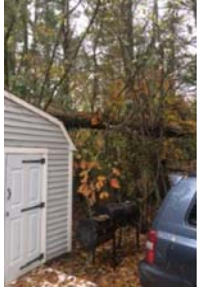
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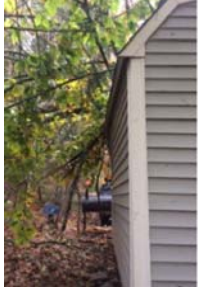
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