



TOWN OF NOTTINGHAM

139 Stage Road, P.O. Box 114, Nottingham, NH 03290 - email: plan.zone@nottingham-nh.gov Tel (603) 679-9597 Fax (603) 679-1013

Zoning Board of Adjustment Application for Appeal- VARIANCE

PLEASE READ THE APPLICATION RULES AND GUIDELINES BEFORE COMPLETING THE APPLICATION

LOCATION OF PROPERTY: Street Address: Rte. 4/Smoke Street/Kennard Road

_____ **6** _____ **16** _____
Tax Map Lot Sub-Lot

Applicant's information:

Name(s): Jeffrey Cole Builders, LLC	
Address: 140 Raymond Road Nottingham, NH 03290	Phone #: 603-770-0786 E-mail: jcbuilders@myfairpoint.net

Owner(s) information (if same as applicant write same):

Name(s): Same as owner	
Address:	Phone #:
	E-mail:

Representative's information (if applicable):

Name(s): NHLC (Scott R Frankiewicz)	
Address: 683C First NH Turnpike Northwood, NH 03261	Phone #: 603-833-5913 E-mail: scott@nhlandconsultants.com

Property information:

Lot Dimensions: Front 1,314' (Rte 4) Rear 1,856' (Kennard Rd.) Side 848' (Smoke St.) Side 956' (abutter)

Lot Area: Acres 30.56 Square Feet 1,331,038

Present Use of Property Vacant

Proposed Use of Property Commercial and residential

Please provide a copy of the recent deed and tax card for this property.

The signer shall be the owner; or the signer shall provide a letter signed by all the property owners giving the signer permission to represent the owner in presentation of this application.

I certify that the information provided is to the best of my knowledge, complete and correct.

OWNER(S) <u>Jeffrey Cole</u>		<u>12/28/20</u>
Printed name	Signature	Date
_____	_____	_____
Printed name	Signature	Date
_____	_____	_____
Printed name	Signature	Date

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 E.1 of the zoning ordinance to permit:
Residential uses in the Commercial/Industrial Zone (Route 4)

Previous Zoning Board action on this property: None known

SUPPORTING INFORMATION

1. The variance would not be contrary to the public interest because:
The applicant is asking that a portion of the property be allowed to have residential uses on lots that will not have frontage on Rte 4 after the subdivision. The portion of the property the will continue to have frontage on Rte 4 will continue to be commercial/industrial uses.

2. The spirit of the ordinance is observed:
10.72 acra, of the 30.56 acres, that will continue to have frontage on Rte 4 will remain as Commercial/Industrial uses. The ordinance specifically states only land with frontage along Rte. 4 will be considered Commercial/industrial zoned and variance is not for land with frontage along Rte. 4.

3. Substantial justice is done:
The ordinance notes that lots zoned as commercial/industrial "only includes lots with frontage on Route 4". The proposed lots on Smoke Street & Kennard Road will not have frontage on Rte. 4.

4. The values of the surrounding properties are not diminished:
Because all of the abutting properties along Smoke Street & Kennard Road are residential

uses. In contrast, commercial uses along Smoke Street and Kennard Road would diminish the values of the surrounding residential uses.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:

A. For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

(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; and

all of the current uses along Smoke Street and Kennard Road are residential uses. The applicant is preserving the commercial/industrial uses on the portion of the land that will continue to have frontage along Rte. 4.

ii) The proposed use is a reasonable one.

Because all of the surrounding properties on Smoke Street and Kennard Road are residential uses. The portion (10.72 acres) of the property with frontage Rte. 4 will remain as commercial/industrial uses.

B. 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.

The special conditions of this property is the existence of major frontage on Rte. 4, Smoke Street and Kennard Road. The property has a powerline easement bisecting the 30+ acres creating a separation between the proposed commercial/industrial and residential uses. The proposed residential uses will have frontage along Smoke Street and Kennard Road only. The residential lots will not have frontage along Rte. 4.

I understand that I **MUST** appear in person at the public hearing

OR


If I cannot appear in person,

I will designate the representative or agent, in writing below, to act on my behalf:

I hereby designate **Scott R Frankiewicz of New Hampshire Land Consultants, PLLC**

to represent me as a representative/agent in the pursuance of this appeal.

Property Owner(s) _____

 12/28/20
Signature Date

Signature Date

Property Owner(s) _____

Signature Date

Signature Date

Property Owner(s) _____

Signature Date

Signature Date

Property Owner(s) _____

Signature Date

Signature Date

LIST OF ABUTTERS

The following is a list of all abutting property owners concerned in this appeal. An abutter is any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration. The Land Use Office can assist you in determining your abutters, but **YOU ARE RESPONSIBLE FOR OBTAINING THE CORRECT OWNER AND MAILING INFORMATION.** When verifying the correct owner and mailing information, you are required to use the assessing information. **You are ultimately responsible for your own list of abutters.** This information is necessary to properly notify all interested parties with certified notices. **FAILURE TO PROVIDE COMPLETE INFORMATION ON ABUTTERS WILL RESULT IN THE APPLICATION BEING RETURNED AND MAY DELAY THE SCHEDULING OF YOUR HEARING.**

****PRINT THREE ADDRESS LABELS PER ABUTTER
INCLUDING THE APPLICANT, OWNER & PROFESSIONAL(S) ****

1. Applicant(s) Name	Address
Jeffrey Cole Builders	140 Raymond Road Nottingham, NH 03290
2. Owner Name	Address
3. Professional(s) Name	Address
Scott Frankiewicz (New Hampshire Land Consultants)	683C First NH Turnpike, Northwood, NH 03261
Damon Burt (Fraggle Rock Environmental)	38 Garland Road, Strafford, NH 03884

MAP/ LOT/ SUB-LOT	ABUTTER(S) NAME	MAILING ADDRESS
4. Map 6 Lot 5	Augustine & Lucille Grippo	122 Smoke St., Nottingham, NH 03290
5. Map 6 Lot 6	Robert Gilman	145 Kennard Rd, Nottingham, NH 03290
6. Map 6 Lot 7	Curtis & Haden Wilber	143 Kennard Rd, Nottingham, NH 03290
7. Map 6 Lot 8	Lloyd & Gladys Nickerson	141 Kennard Rd, Nottingham, NH 03290
8. Map 6 Lot 9	Michael Barbin	139 Kennard Rd, Nottingham, NH 03290
9. Map 6 Lot 11-1	Keith Gillespie	136 Kennard Rd, Nottingham, NH 03290
10. Map 6 Lot 12	Stephen Curwood	102 Mitchell Rd, Nottingham, NH 03290
11. Map 6 Lot 13	Sarah Curwood	103 Mitchell Rd, Nottingham, NH 03290
12. Map 6 Lot 15-2	James Haley	366 Old Concord Tpk, Barrington, NH 03825
13. Map 6 Lot 15-3	Keenan Al-Hojerry	7 Sinclair Drive, Exeter, NH 03833
14. Map 6 Lot 17-1	David & Linda Hanson	28 Old Tpk Rd, Nottingham, NH 03290
15. Map 6 Lot 22	Domus Developers, Inc.	11 Whitehorse Drive, Rye, NH 03870
16.		
17.		
18.		
19.		
20.		

Owner of record

Tax Map 6 Lot 16

Jeffery Cole Builders, LLC
140 Raymond Road,
Nottingham, NH 03290

Abutters

Tax Map 6 Lot 5

Augustine R & Lucille M Grippo
122 Smoke Street
Nottingham, NH 03290

Tax Map 6 Lot 6

Roberta F Gilman
145 Kennard Road,
Nottingham, NH 03290

Tax Map 6 Lot 7

Curtis E & Haden C Wilber
143 Kennard Road,
Nottingham, NH 03290

Tax Map 6 Lot 8

Lloyd A & Gladys I Nickerson
141 Kennard Road,
Nottingham, NH 03290

Tax Map 6 Lot 9

Michael A Barbin Sr.
139 Kennard Road,
Nottingham, NH 03290

Tax Map 6 Lot 11-1

Kieth Gillespie
136 Kennard Road,
Nottingham, NH 03290

Tax Map 6 Lot 12
Steven T Curwood,
Trustee Curwood Rev. Trust
102 Mitchell Road,
Nottingham, NH 03290

Tax Map 6 Lot 13
Sarah E. Curwood
103 Mitchell Road,
Nottingham, NH 03290

Tax Map 6 Lot 15-2
James W Haley
366 Old Concord Turnpike,
Barrington NH 03825

Tax Map 6 Lot 15-3
Keenan Al-Hojerry
7 Sinclair Drive,
Exeter, NH 30833

Tax Map 6 Lot 17-1
D & L Hanson Family Trust
David H & Linda R Hanson, Trustees
28 Old Turnpike Road,
Nottingham NH, 03290

Tax Map 6 Lot 22
Domus Developers Inc.
11 Whitehouse Drive,
Rye, NH 03870

Professionals

New Hampshire Land Consultants, PLLC

Scott R. Frankiewicz, LLS

683C First NH Turnpike,

Northwood, NH 03261

Fraggle Rock Environmental,

Damon E. Burt, CWS, CPESC

38 Garland Road,

Strafford, NH 03884

Agency

NHDOT District 6

P.O. Box 740

Durham, NH 03824