



## TOWN OF NOTTINGHAM

139 Stage Road, P.O. Box 114, Nottingham, NH 03290 - email: [plan\\_zone@nottingham-nh.gov](mailto: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:** 53 White's Grove Road

Tax Map 63

Lot 81

Sub-Lot

#### **Applicant's information:**

Name(s): Peter Loeser and Joy V. Riddell	
Address: 3 Godbout Drive Concord, NH 03301	Phone #: 603-455-9122
E-mail: <a href="mailto:peterloeser@comcast.net">peterloeser@comcast.net</a>	

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

Name(s): SAME	
Address:	Phone #:
E-mail:	

#### **Representative's information (if applicable):**

Name(s): Mark H. Puffer, Esquire, Preti Flaherty Beliveau & Pachios	
Address: P.O. 1318 Concord, NH 03302-1318	603-410-1500
E-mail: <a href="mailto:mpuffer@preti.com">mpuffer@preti.com</a>	

#### **Property information:**

Lot Dimensions: Front 356.2 ft. Rear 361.8 ft. Side 151.8 ft. Side 197.7 ft.

Lot Area: Acres 1.55 Square Feet \_\_\_\_\_


Present Use of Property single family dwelling

Proposed Use of Property single family dwelling

#### **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)**  Date: 8/6/18

Peter Loeser

 Date: 8/6/18

Joy V. Riddell

**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 C (1)(a) of the Zoning Ordinance to permit: Addition to existing single family dwelling, including accessory dwelling unit (ADU) and garage, and equipment storage shed.

Previous Zoning Board action on this property:  
None, per Land Use Clerk.

**SUPPORTING INFORMATION**

1. The variance would not be contrary to the public interest because:  
Area is neighborhood of single-family dwellings; proposal would continue single-family dwelling use; proposed changes would increase value of property; and the requested variance is to the road frontage requirement, but residents with private road access already exists.

2. The spirit of the ordinance is observed:  
Because a single-family dwelling with an accessory dwelling unit is an allowed use in the Residential-Agricultural District.

3. Substantial justice is done:  
See answers to items 1 and 2, above; and proposal will allow year-round use of the property by owners and their family. Going to the general public would be minimal if variance is denied, because a residence with access via a private road already exists.

4. The values of the surrounding properties are not diminished:  
Use of the property will still be a single-family residence; proposed additions will represent an improvement to the neighborhood.

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

No fair and substantial relationship exists between the general public purpose of the frontage requirement and its specific application to the property because the proposed changes will not increase the number of properties without frontage on a public street; and because the property will remain a single-family dwelling, though with an ADU allowed by statute and the Zoning Ordinance. There are special conditions of the property because it already exists with a single-family dwelling accessed by a private road.

ii) The proposed use is a reasonable one.

The proposed use is reasonable in the Residential-Agricultural District because a single-family dwelling with an accessory dwelling unit is an allowed use; and because the proposed use will be similar in size and utility to other dwellings in the immediate area.

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.

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** Mark H. Puffer, Esquire  
Preti Flaherty Beliveau & Pachios  
P.O. Box 1318  
Concord, NH 03302-1318

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

Property Owner(s) Mark H. Puffer 8/6/18 [Signature] 8/6/18  
Signature Date Signature Date

Property Owner(s) \_\_\_\_\_