



TOWN OF NOTTINGHAM

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

www.nottingham-nh.gov

Planning & Zoning plan.zone@nottingham-nh.gov

Tel (603) 734-4881 Fax (603) 679-1013

APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment
Town of Nottingham

FOR OFFICE USE ONLY

Case No. 22-008 -VA
Date Filed _____
Meeting Date _____
Fee Amount _____
Date Paid _____
Outcome _____

Name of Applicant Owen Friend-Gray

Mailing Address 162 Raymond Rd Nottingham NH 03290

Home Phone N/A Work Phone 603-624-6444

Cell 603-397-7158

Name of Owner(s) Owen Friend-Gray and Marion Friend-Gray

(if same as applicant, write "same")

Owner's Address same

(if same as applicant, write "same")

PROPERTY INFORMATION

Location of property 162 Raymond Rd Tax Map 67 Lot 2-1

Lot Dimensions: Front 20' Rear 350' Side 1,756' Side 2,083'

Lot Area: Acres 7.63 Square Feet 332,363

Present Use of Property Primary residence

Proposed Use of Property Primary residence

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. 7. b) (10) of the zoning ordinance to permit:

The addition of an ADU that does not share an interior door with the primary residence (not attached)

SUPPORTING INFORMATION

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

The general public will not be altered to the fact that the ADU is a separate structure and therefore it is not contrary to the public interest.

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

The purpose is to expand housing opportunities while maintaining aesthetics and residential use compatible with the neighborhood. A non-attached ADU maintains the aesthetics and is compatible in the area as none of the structures are visible from the road and all structures will appear as residence

3. Granting the variance would do substantial justice because:

The litmus test is that the gains of the applicant do not outweigh the harm to the general public. In this case the substantial justice is over-served in that the terms and purpose of the ADU ordinance overall are being complied to with no detriment to the public and obvious gains for the applicant.

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

The area of the ADU and current primary residence are not visible from any abutting property and wouldn't affect the surrounding properties. The request is for a residential use in a residential zone. There is no sound, disturbance or noxious odors that will be created by the ADU being disconnected from the primary home.

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:

The property is special in that it contains natural features which prevent the proposed ADU from being affixed to the existing structure. There is ledge in close proximity to, and on both sides of, the existing structure which should not be removed due to concerns for the integrity of the existing house. The rear of the structure contains a wetland area which enjoys a local 50' setback. Placing the ADU to the rear is not feasible for this reason-**AND-**

- ii. The proposed use is a reasonable one because:

There is no fair and substantial relationship between the general public purpose of the ordinance

in this specific case given these constraints. The general purpose of the ordinance is to allow for an increasing demand for multi-generational/family unit living opportunities. In this case, given the site constraints, the opportunity exists, but not attached to the primary structure.

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.

Given the location of the property in relation to others, shape, and the special conditions noted above, there is no significant relationship between the ADU affixed or separated as proposed. This inherently creates an unnecessary hardship, where the opportunity and underlying right, to have an ADU, s removed from this simply due to its special conditions. It is unnecessary in that, with separation, the underlying opportunity and right in maintained.

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.

Owen Friend-Gray

Signature of Owner or Authorized Agent

10-19-2022

Date

Please Print Name Owen Friend-Gray

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OWNER'S AUTHORIZATION FOR REPRESENTATION

I, the undersigned owner of the property at 162 Raymond Rd,
hereby verify that I have authorized will self represent 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: _____

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)	<u><i>Owen Friend-Gray</i></u>	<u>10-19-22</u>	<u><i>Marion Friend-Gray</i></u>	<u>10-19-22</u>
	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

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.

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ABUTTER(S) LIST

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

1. APPLICANT INFORMATION:

Printed Name: Owen Friend-Gray Contact Telephone: 603-397-7158
Address: 162 Raymond Rd, Nottingham, NH 03290

2. OWNER INFORMATION:

Printed Name: same
Address: _____

3. PROFESSIONAL(S) INFORMATION:

Printed Name: n/a
Address: _____

Abutter(s) Information				
4.	Map: 67	Lot: 1	Name: Gwen Friend, Martha Friend	Address: 150 Raymond Rd, Nottingham, NH 03290
5.	Map: 67	Lot: 2	Name: Julie Friend-Gray, Steve Gray	Address: 160 Raymond Rd, Nottingham, NH 03290
6.	Map: 67	Lot: 7	Name: Michael Menard, Jennifer Menard	Address: 166 Raymond Rd, Nottingham, NH 03290
7.	Map: 67	Lot: 11	Name: Kevin Jordan	Address: 17 Beach Head Rd, Nottingham, NH 03290
8.	Map: 67	Lot: 13	Name: Richard Friend, Celeste Friend	Address: 37 Emerson Ave, Utica, NY 03501
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, Owen Friend-Gray, 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..

Owen Friend-Gray
Applicant's Signature

10-19-2022
Date

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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</u>	<u> </u>
ABUTTER NOTIFICATION <u> 5 </u> X \$10.00/PER ABUTTER	<u>\$50</u>	<u> </u>
PUBLIC NOTICE FEE \$75.00	<u>\$75</u>	<u> </u>
TOTAL	<u>\$225</u>	<u> </u>