



# TOWN OF NOTTINGHAM

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

[www.nottingham-nh.gov](http://www.nottingham-nh.gov)

Planning & Zoning [plan.zone@nottingham-nh.gov](mailto: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. \_\_\_\_\_  
Date Filed \_\_\_\_\_  
Meeting Date \_\_\_\_\_  
Fee Amount \_\_\_\_\_  
Date Paid \_\_\_\_\_  
Outcome \_\_\_\_\_

Name of Applicant Joseph Costa

Mailing Address 251 Cooper Hill Rd

Home Phone 781-316-6582 Work Phone \_\_\_\_\_

Cell 603-285-3030

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 251 Cooper Hill Rd Tax Map 000002 Lot 000002

Lot Dimensions: Front \_\_\_\_\_ Rear \_\_\_\_\_ Side \_\_\_\_\_ Side \_\_\_\_\_

Lot Area: Acres 17.75 Square Feet \_\_\_\_\_

Present Use of Property Residential

Proposed Use of Property same

**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 (2)(3)(a) of the zoning ordinance to permit:

the 20 foot setback to 10 ft for a garage  
5  
see

SUPPORTING INFORMATION

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

it is a very private lot, and the closest abutter does not have an issue with our request.

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

We are only looking to build one garage

3. Granting the variance would do substantial justice because:

We have no other way to protect our vehicles and other equipment from harsh weather. This will help prolong the life of our property. (vehicles and tractor)

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

it will increase our tax rate, and we are building a quality garage, using a contractor

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:

There are 3 very large boulders in the area we would like the garage. But the cost to <sup>have</sup> them moved would be very high and could be dangerous. They would need to be blasted out using explosives.

-AND-

ii. The proposed use is a reasonable one because:

We are only looking for a variance of 10 feet

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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.

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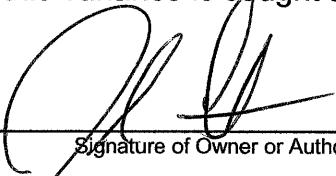
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I hereby certify that I am the owner in fee or the authorized agent of the owner in fee of the property upon which this variance is sought and that all information provided by me is true under penalty of law.



Signature of Owner or Authorized Agent

10/22/21  
Date

Please Print Name

Joseph Costa

Town of Nottingham  
P.O. Box 114  
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Nottingham NH 03290

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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: Joseph Costa Contact Telephone: 781-316-6382  
Address: 251 Cooper Hill Rd

**2. OWNER INFORMATION:**

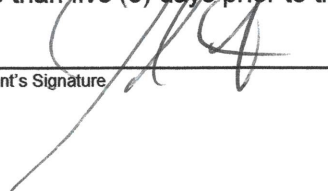
Printed Name: Joseph Costa  
Address: 251 Cooper Hill Rd

**3. PROFESSIONAL(S) INFORMATION:**

Printed Name: \_\_\_\_\_  
Address: \_\_\_\_\_

| Abutter(s) Information |                |                  |                                      |  |
|------------------------|----------------|------------------|--------------------------------------|--|
| 4.                     | Map:<br>000004 | Lot:<br>000200   | Name:<br>Laurel Bistany              | Address:<br>249 Cooper Hill Rd, Nottingham |
| 5.                     | Map:<br>000001 | Lot:<br>000187   | Name:<br>Steve + Kristie McDuffee    | Address:<br>217 Cooper Hill Rd, Nottingham |
| 6.                     | Map:<br>000002 | Lot:<br>000003   | Name:<br>Leona Laura Rice            | Address:<br>195 Cooper Hill Rd, Nottingham |
| 7.                     | Map:<br>000001 | Lot:<br>000173-1 | Name:<br>Troy + Morgan Lacerte       | Address:<br>246 Cooper Hill Rd, Nottingham |
| 8.                     | Map:<br>000001 | Lot:<br>000173-2 | Name:<br>Barbara Woldra + Jill Sunde | Address:<br>248 Cooper Hill Rd, Nottingham |
| 9.                     | Map:<br>000001 | Lot:<br>000173   | Name:<br>Donald Hadwin               | Address:<br>2 Snow Lane, Nottingham        |
| 10.                    | Map:<br>000001 | Lot:<br>000182   | Name:<br>Thomas Bertlett             | Address:<br>1 Snow Lane, Nottingham        |
| 11.                    | Map:<br>245    | Lot:<br>18.1     | Name:<br>Brian + Lauren Hovelle      | Address:<br>23 Richmond St, Dover          |
| 12.                    | Map:<br>245    | Lot:<br>12       | Name:<br>Forest Ridge Beornington    | Address:<br>PO Box 291 Strothman           |
| 13.                    | Map:<br>000002 | Lot:<br>000002   | Name:<br>Joseph + Sheron Costa       | Address:<br>251 Cooper Hill Rd, Nottingham |

I, Joseph Costa, 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: 10/17/21

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## ZONING BOARD OF ADJUSTMENTS FEE SCHEDULE

### Fee's collected at time of application:

|   | TOTAL CHARGE | DATE PAID |
|---|--------------|-----------|
| APPLICATION FEE<br>\$100.00                         | _____        | _____     |
| ABUTTER NOTIFICATION<br>_____ X \$10.00/PER ABUTTER | _____        | _____     |
| PUBLIC NOTICE FEE<br>\$75.00                        | _____        | _____     |
| TOTAL   | _____        | _____     |

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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

10/17/21  
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.

Town of Nottingham  
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Code Administration

Office (603) 679-9597 x2  
Fax (603) 679-1013  
E-mail: [dsylvia@nottingham-nh.gov](mailto:dsylvia@nottingham-nh.gov)  
[www.nottingham-nh.gov](http://www.nottingham-nh.gov)

### Building Permit Application Denial

Date: 10/20/10  
Owner: Joseph Costa  
Address: 251 Cooper Hill  
Map/Lot 2/2

Applicant has filed for a permit to add a garage within the existing setbacks.

Denials:

**Article II(C)(3)(a):** Setbacks between property lines and accessory buildings shall be 20 feet.

- Proposed garage is 5 feet from side property setback.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Dale Sylvia", is written over the typed name.

Dale Sylvia  
Code Enforcement