

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



Office 603-734-4881
Fax 603-679-1013
plan.zone@nottingham-nh.gov
www.nottingham-nh.gov

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>5</u> X \$10.00/PER ABUTTER	<u>50.00</u>	_____
PUBLIC NOTICE FEE \$75.00	<u>75.00</u>	_____
TOTAL	<u>225.00</u>	_____



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. _____
Date Filed _____
Meeting Date _____
Fee Amount _____
Date Paid _____
Outcome _____

Name of Applicant Edward Sweet

Mailing Address 26 Beaver Dam Rd South Berwick, ME 03908

Home Phone _____ Work Phone _____ Cell 352-219-0135

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 1 White's Grove Rd Tax Map 63 Lot 86

Lot Dimensions: Front 830 ± ft Rear 1,110 ± ft Side 314 ± ft Side 177 ± ft

Lot Area: Acres 4.63 Square Feet 201,682.8 sq. ft

Present Use of Property Residential

Proposed Use of Property Residential with ADU

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 of the zoning ordinance to permit:

Existing detached structure to become ADU to allow for Primary residence to be built.

SUPPORTING INFORMATION

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

No changes to public interest.

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

Typically the ADU is built second but by allowing the existing detached structure to become the ADU the end result is the same. (If I tore down existing and built a primary + ADU) it would be the same

3. Granting the variance would do substantial justice because:

Due to job changes we need to move back to the area and existing structure does not support family size. (Spouse + 3 children)

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

The existing structure has been there for 72 years and a new primary residence would only increase property values.

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:

Unconventional due to primary residence being added after existing structure already in place.

-AND-

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

New primary residence will be owner occupied and

existing structure meets criteria for ADU; neither of
which affect general public.

- 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.

The financial impact of removing a 72 year old structure
just to rebuild it after primary residential structure is
built would be substantial. Additionally, this would decrease duration
of construction, and we need a residence that supports our family size.

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

02-05-2022

Date

Please Print Name Edward Sweet

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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: Edward Sweet Contact Telephone: 352-219-0135
Address: 26 Beaver Dam Rd, South Berwick, ME 03908

2. OWNER INFORMATION:

Printed Name: Same as Applicant
Address: Same as Applicant

3. PROFESSIONAL(S) INFORMATION:

Printed Name: N/A
Address: N/A

Abutter(s) Information				
4.	Map: 63	Lot: 47	Name: Babine, Jonathan Rodman, Molly Elizabeth & Gene D	Address: 20 Clemens St, Malden MA 02148
5.	Map: 63	Lot: 47-B	Name: Morin, John A Morin, Lisa R	Address: 46 Whites Grave Rd, Nottingham NH 03290
6.	Map: 63	Lot: 47-C	Name: Tyrrell, James W. Tyrrell, Deborah N.	Address: PO Box 324 Nottingham, NH 03290
7.	Map: 63	Lot: 47-2	Name: White Family Revocable Trst White, Diane C Trustee	Address: 16 Windward Place Placida, FL 33946
8.	Map: 66	Lot: 2-5	Name: Birmbas, Michelle T Birmbas, Nick	Address: 142 Raymond Rd Nottingham NH 03290
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, Edward Sweet, 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..

Edward Sweet
Applicant's Signature

02/07/2022
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

02-05-2022

Date

Signature

Date

Property Owner(s)

Signature

Date

Signature

Date

Property Owner(s)

Signature

Date

Signature

Date

Property Owner(s)

Signature

Date

Signature

Date

Description of Proposed Work:

Edward Sweet

Map 63 Lot 86 4.63 Acres

The purpose of this application for variance is to allow a primary residence to be built in the 30,500 sq ft +/- building envelope as shown, while an existing 700sq ft structure is on the lot. Once primary residence is built, requesting that the existing structure will be allowed to be reclassified as an ADU and kept where it has been for 72 years. The existing structure already meets current ADU requirements i.e. this variance will essentially be temporary because the lot would conform to zoning standards after primary residence is built.

Upon granting this variance, all required plans and documents per new construction regulations for proposed work will be pursued and submitted for approval to the building inspector.

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)
- N/A ✓ 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
P.O. Box 114
Nottingham NH 03290

Code Administration



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

Building Permit Application Denial

Date: 2/14/2022
Owner: Edward Sweet
Address: Whites Grove
Map/Lot 63/86

Applicant seeks a variance to add an ADU

Article II(C)(3)(b)(10):

ADUs shall have an interior door provided between the principal dwelling unit and the ADU

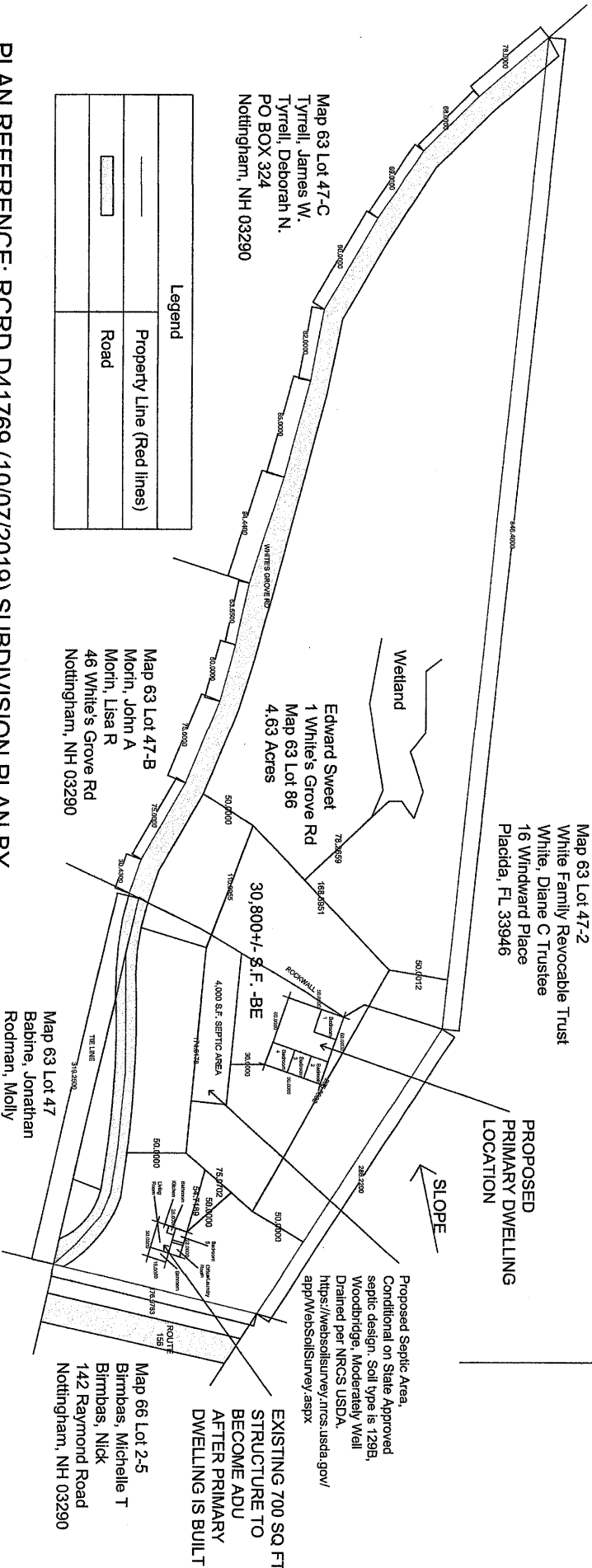
Note:

- There is already an existing primary residence. Applicant seeks to build a second home and turn the existing residence into an ADU. The existing structure meets all requirements of an ADU except it will be a detached unit.
- Needs an updated septic plan to show the new structure.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dale Sylvia", is written over the "Respectfully submitted," text.

Dale Sylvia
Code Enforcement



Map 63 Lot 47-C
 Tyrrell, James W.
 Tyrrell, Deborah N.
 PO BOX 324
 Nottingham, NH 03290

Legend	
	Property Line (Red lines)
	Road

Map 63 Lot 47-2
 White Family Revocable Trust
 White, Diane C Trustee
 16 Windward Place
 Placida, FL 33946

Edward Sweet
 1 White's Grove Rd
 Map 63 Lot 86
 4.63 Acres

Map 63 Lot 47-B
 Morin, John A
 Morin, Lisa R
 46 White's Grove Rd
 Nottingham, NH 03290

PROPOSED
 PRIMARY DWELLING
 LOCATION

SLOPE

Proposed Septic Area.
 Conditional on State Approved
 septic design. Soil type is 129B,
 Woodbridge, Moderately Well
 Drained per NRCS USDA.
<https://websoilsurvey.nrcs.usda.gov/app/WebSoilsSurvey.aspx>

EXISTING 700 SQ FT
 STRUCTURE TO
 BECOME ADU
 AFTER PRIMARY
 DWELLING IS BUILT

Map 66 Lot 2-5
 Birnbas, Michelle T
 Birnbas, Nick
 142 Raymond Road
 Nottingham, NH 03290

Map 63 Lot 47
 Babine, Jonathan
 Rodman, Molly
 Elizabeth & Gene D
 20 Clement Street
 Malden, MA 02148

PLAN REFERENCE: RCRD D41769 (10/07/2019) SUBDIVISION PLAN BY
 JAMES E. FRANKLIN, LLC LICENSED LAND SURVEYOR



**BUILDING
PERMIT
APPLICATION**

**Town of Nottingham
Building Department**

P.O. Box 114/ 139 Stage Road Nottingham, NH 03290
Office 603-679-9597 Fax 603-679-1013
dsylvia@nottingham-nh.gov

(This area for office use only)

Issue Date: _____
Permit #: _____
Map # _____
Lot # _____
Sub Lot # _____

BUILDING LOCATION (Please Print)

Address 1 White's Grove Rd, Nottingham, NH 03290
Between White's Grove Rd and Route 156
Lot Size 4.63 Acres Map 63 Lot 86 Sub Lot - Zone Res/Agr

APPLICANT (Please Print)

Business Name: (if applicable) _____
Applicant name: Edward Sweet Contact Ted Sweet 3@gmail.com
Daytime phone 352-219-0135 Mailing/home address: 26 Beaver Dam Rd
South Berwick, ME 03908
Email address: Ted Sweet 3@gmail.com

RESIDENTIAL		COMMERCIAL	
<input checked="" type="checkbox"/> Single Family detached	<input type="checkbox"/> Accessory (ADU)	<input type="checkbox"/> Office/Bank/Professional	<input type="checkbox"/> Garage
<input type="checkbox"/> Duplex	<input type="checkbox"/> Condo	<input type="checkbox"/> Industrial/Warehouse	<input type="checkbox"/> School
<input type="checkbox"/> Townhouse (#of units _____)	<input type="checkbox"/> Mfg/Mobile home	<input type="checkbox"/> Restaurant	<input type="checkbox"/> Store/Retail
<input type="checkbox"/> Conversion	<input type="checkbox"/> Relocation	<input type="checkbox"/> Multi-family (#of units _____)	<input type="checkbox"/> Public/Government
<input type="checkbox"/> Other _____		<input type="checkbox"/> Other _____	
<input checked="" type="checkbox"/> New dwelling	<input type="checkbox"/> Deck	<input type="checkbox"/> New Building	<input type="checkbox"/> Deck
<input type="checkbox"/> Addition	<input type="checkbox"/> Shed	<input type="checkbox"/> Addition	<input type="checkbox"/> Shed
<input type="checkbox"/> Alteration/Renovation	<input type="checkbox"/> Swimming Pool	<input type="checkbox"/> Alteration	<input type="checkbox"/> Swimming Pool
<input type="checkbox"/> Repair/Replacement	<input type="checkbox"/> Garage	<input type="checkbox"/> Repair/Replacement	<input type="checkbox"/> Interior Demo
<input type="checkbox"/> Foundation only	<input type="checkbox"/> Carport	<input type="checkbox"/> Foundation only	<input type="checkbox"/> Tenant change
<input type="checkbox"/> Other _____	<input type="checkbox"/> Porch	<input type="checkbox"/> Other _____	<input type="checkbox"/> Tenant fit-up
<input type="checkbox"/> Conversion of +/- dwelling units (#of units _____)		<input type="checkbox"/> Renovation (no structural changes)	
		<input type="checkbox"/> Conversion from residential to commercial	

General description of work & proposed use: Include location and specify size and dimension of building, room, shed, pool, etc. or addition. If use of existing building is being changed, enter proposed use.

Build primary residence 60'x50'+/- next to rock wall and allow detached existing 700 sq. ft. structure to become ADU.

Cost of project: \$ 300,000 Estimated completion date: 12/01/2022

Building specifics:
Existing building sq. footage: 700 New/renovated/added sq. footage: 2,000 Total SF: 2,700