



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 RICHARD + MARY ELLEN COTE

Mailing Address 18 COOPER HILL RD #4 NOTTINGHAM, NH (UNTIL 11/30/21)

Home Phone N/A Work Phone N/A Cell 510 714-4949

Name of Owner(s) SAME
(if same as applicant, write "same")

Owner's Address 936 WAVERLY COMMON LIVERMORE, CA 94551
(if same as applicant, write "same")

PROPERTY INFORMATION

Location of property 18-24 COOPER HILL RD Tax Map 16 Lot 5

Lot Dimensions: Front 455' + 18' Rear 448.14' Side 216.4' Side 115'

Lot Area: Acres 2.0299 Square Feet 88,426

Present Use of Property RESIDENTIAL, MULTI-PURPOSE STORAGE SHOP

Proposed Use of Property UNSPECIFIED OFFICE (L.C.A. UNIT 6)

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 11 Section (c)1 of the zoning ordinance to permit:
SEE ATTACHED

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 11 Section C2 of the zoning ordinance to permit:

SEE ATTACHED SHEET

Previous Zoning Board action on this property:

SEE ATTACHED SHEET

SUPPORTING INFORMATION

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

SEE ATTACHED SHEET

2. The spirit of the ordinance is observed:

SEE ATTACHED SHEET

3. Substantial justice is done:

SEE ATTACHED SHEET

4. The values of the surrounding properties are not diminished:

SEE ATTACHED SHEET

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

SEE ATTACHED SHEET

ii) The proposed use is a reasonable one.

SEE ATTACHED SHEET

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.

SEE ATTACHED SHEET

VARIANCE REQUEST

A variance is requested from Article II, Section (c)1 of zoning ordinance to permit:

**A change of use of L.C.A Unit 6 to unspecified office (Detached 400 sqft portion).
Larger building to remain as multi-purpose building.**

Previous zoning board action on this propert

- *1990 property was approved to serve as Bed and Breakfast**
 - *2002-2003 condominium bylaws filed and adopted with State citing Unit 6 as multi-purpose.**
 - *2006 NHDES approval 1-5 residential and Unit 6 as storage.**
 - *2007 site plan filed with the town for condominium conversion.**
- The lot 5 is zoned residential/agricultural. However, lot 5 is within the Town of Nottingham's commercial/industrial zoning map (2007) Attached.**

SUPPORTING INFORMATION

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

The 400 sq ft detached multi-purpose building has existed for over 80 years, long before most buildings in the area. It is set in away from the street. Changing its use to unspecified office will have no adverse effect on the public's interest.

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

The building(s) Unit 6 were designated as multi-purpose use in 2007 because they sat within the commercial/industrial Hwy 4 corridor shown on the zoning map. Granting this variance would not threaten the public health, safety or welfare.

3. Granting the variance would do substantial justice because:

The detached building qualifies for grand-fathered status per Article 2, Section C.1.(c). It was in the state of decay and about to collapse when we purchased the property. Foundation now installed, the detached building should be restored and occupied for its best use as office space. Note: At one time it operated as a Kilt manufacturer/retail and office space.

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

This building has existed as part of the Mill that goes back a hundred years. Its' refurbishing will improve the look of the property and only increase values of surrounding properties by having a well maintained neighboring property.

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; and

The detached building was not occupied and not structurally safe when we purchased the property. We were issued a permit to raise and construct a foundation under the building. We made a substantial financial investment to prevent the building from collapse. We discussed with the building inspector at the time (2015) that our intent was to restore the building. There were no concerns nor red flags discussed about its use. We have been advised by staff that Unit 6 would most likely not be approved for residential use, the variance to allow office would not alter the character of the property nor the character of the neighborhood.

-AND-

- (ii) The proposed use is a reasonable one because:

The proposed use of Unit 6 (detached building) as unspecified office space because it would have little and no impact to the property and neighborhood.

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.

Sometime back in the late 1900's this property was converted from an operating wood mill into 5 apartments, horse stalls (later a shop and storage unit) in the multi-purpose buildings and a manufacturing and retail sales of Scottish kilts by Richard Lyons in the detached building. In 2007, the units were converted into condominiums by Paul Longueil with 5 residential units and one multi-purpose building. The multi-purpose building existed as L.C.A Unit 6 exists within the Town of Nottingham zoning map corridor Hwy 4 commercial/industrial zone.

The hardship is that we invested approximately \$10,000 dollars to put a foundation under this building with no use unless a variance is granted. We were advised that the best use of the detached building would be to leave it commercial and change the use to office space.

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.

Richard Cote Mary Ellen Cote Date: 9-2-21
RICHARD COTE Mary Ellen Cote

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 FRANIEWICZ OF NH LAND CONSULTANTS
683 C FIRST NH TURNPIKE
NORTHWOOD, NH 03261

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

Property Owner(s) Richard Cate 8/25/21 Mary Jean Cate 8-25-2021
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 <i>LEGAL</i>
<i>RICHARD + MARY ELLEN COTE</i>	<i>936 WAVERLY COMMON LIVERMORE CA 94551</i>
2. Owner Name	Address <i>MAILING UNTIL 11-30-21</i>
<i>SAME AS APPLICANT</i>	<i>18 COOPER HILL RD UNIT 4 NOTTINGHAM, NH 03290</i>
3. Professional(s) Name	Address

MAP/LOT/SUB-LOT	ABUTTER(S) NAME	MAILING ADDRESS
4. <i>16/6/1</i>	<i>ROBINSON, JACOB</i>	<i>23 COOPER HILL RD NOTTINGHAM, NH 03290</i>
5. <i>16/6/2</i>	<i>PERRY, ALAN TRUSTEE</i>	<i>PO BOX 352 NOTTINGHAM, NH 03291</i>
6. <i>16/7</i>	<i>HOLL, SANDRA</i>	<i>2 COOPER HILL RD NORTHWOOD, NH 03261</i>
7. <i>16/15/A</i>	<i>LONGVEIL, PAUL</i>	<i>1 COOPER HILL RD NORTHWOOD, NH 03261</i>
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TOWN OF NOTTINGHAM
ZONING BOARD OF ADJUSTMENT

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

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>Richard Cate</u>	<u>8-25-21</u>	<u>Mary Ellen Cate</u>	<u>8-25-21</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



TOWN OF NOTTINGHAM

ZONING BOARD OF ADJUSTMENT139 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 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>6</u> X \$10.00/PER ABUTTER	<u>60.⁰⁰</u>	_____
PUBLIC NOTICE FEE \$75.00	<u>75.⁰⁰</u>	_____
TOTAL	<u>\$235.⁰⁰</u>	_____



REC'D
8/26/21

TOWN OF NOTTINGHAM

ZONING BOARD OF ADJUSTMENT

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

**THE ZONING BOARD WILL NOT ACCEPT
INCOMPLETE OR LATE APPLICATIONS**

PLEASE READ BEFORE FILLING OUT YOUR APPLICATION

Check the following boxes when complete to ensure application completeness:

- The **"Applicant's Name"** on the application must be the property owner(s) of record
 - include a copy of the Deed and Tax card
- The applicant's **mailing address** should be listed underneath the applicant's name(s).
- All owners must also sign** the application on the last page.
- "Representative"** need only be filled out if someone else will be making the presentation for the applicant. This information must also be included on the last page of the application.
- Under **"Location of Property"** you need not fill out the tax map, parcel & zone if you do not know it. Simply list the address of the property involved.
- For **"previous Zoning Board action on this property"** see the Land Use Clerk.
- If you are seeking a **VARIANCE, you are required to complete the five points of law on your application. Failure to do so will result in a delay or a denial. Be as thorough as possible! Your case rests on these points!** If you have any questions, feel free to contact the Land Use Clerk. These points begin on page 4 and continue on through to page 5.
 - You or your representative may be required to **VERBALLY** present all five points of law during the Public Hearing.
- Please make copies for yourself so that you will have the same information the Board has when you present to them. All relevant information, plans, drawings, etc. must be submitted with your application** so that they may be on file in the Land Use Office as public information. *Remember, the more prepared you are, the less time you will need to spend before the Board.*
 - Please bring six (6) copies of any additional materials that were not submitted with your application (i.e. drawings, photographs, more detailed explanations or reasoning) to the meeting.
- Six (6) sets of 11"x17" plans drawn to scale** which show lot location, lot size, setbacks, locations and dimensions of all structures (see the Nottingham Zoning Ordinance definition), powerlines (overhead & underground), well & septic radius of abutters if known and open spaces on the lot in question and on the adjacent lots and ownership of adjoining lots of land (*professionally drawn NOT required*).
- For certified mailings of Public Hearing Notices **Please print and provide three (3) sets of MAILING LABELS (6.66cm x 2.54cm) for each abutter, owner(s) and representative (if applicable).** *If an owner/abutter is repeated on your list with the exact same name and mailing address, they will only be counted once.*
 - Notices for the public hearing with the Zoning Board of Adjustment will be published in a local newspaper, posted in at least two (2) public places and will be sent via certified mail to the property

owner(s), abutters and any other parties the Board may deem to have an interest (including any representative) at least five (5) days before the date of the hearing.

- Please read the paragraph on page 7 of the application regarding **abutters**. The Land Use office can assist you in determining your abutters, but **YOU ARE RESPONSIBLE FOR OBTAINING THE CORRECT OWNER AND MAILING INFORMATION FOR THIS LIST FROM THE ASSESSOR'S OFFICE.** When verifying the correct owner and mailing information, you are required to use the assessing information only.
 - Please note that the abutters have the right to attend the meeting to speak for or against your case and ask any questions they may have. However, abutters do not vote on your case. Only the Board may vote.
- The Land Use Clerk will calculate the Fee total upon application submittal. Fee Schedule page: 9

For your information:

- Applications are due Before 2:30pm on the scheduled deadline date to be on the following month's agenda but you are **strongly encouraged to apply earlier in case any additional issues need to be addressed.**
 - Applications will not be accepted after 2:30 on the deadline date.
 - **Incomplete applications will not be accepted at any time.**
- The Zoning Board of Adjustment meetings take place on the third Tuesday of the month in Conference Room 1 at the Nottingham Municipal Offices, 139 Stage Road, unless otherwise posted.
- Meetings begin at 7:00P.M. Your actual hearing time is dependent on the number of cases being heard that night and the other business of the Board.
- Decisions of the Zoning Board can be based **only** on the testimony presented at the public hearing. **It is the applicant's responsibility to provide the evidence in support of the criteria for the application.**
- The Board reserves the right to continue cases to either the following month or another agreed upon date, time and location, should the meeting run to a late hour.
- Meetings are recorded on tape. Please approach the Board for your presentation and speak clearly into the microphone so that your case may be recorded accurately.
- Your case will be decided during deliberations, which typically occurs immediately following your presentation. You are welcome to stay to hear your decision. You will also receive notification in the mail of the Board's decision. If you would rather stop by and obtain your copy, please make arrangements with the Land Use Clerk.
- **Seeking a SPECIAL EXCEPTION TO OPERATE A HOME OCCUPATION (HOME BUSINESS)?**
 - Please note that the State may have separate requirements for business licensing. Such requirements would be independent of this Special Exception and **it is the applicant's responsibility to ensure that any and all State requirements are fulfilled.**
- In order to prepare yourself for your presentation, please familiarize yourself with the following:

MEETING PROCEDURES

1. The Chair reads the case into the record
2. The applicant makes their presentation.
3. The Board addresses the applicant with questions and/or comments.
4. Those in favor of the request are asked to **speak at the microphone.**
5. Those opposed or have questions regarding the request are asked to **speak at the microphone.**
6. The applicant may rebut any comments or questions.
7. The opposition may then also rebut.
8. The Board addresses the applicant with any additional comments or questions.
9. The case is taken under advisement immediately and voted on unless the Board chooses to do so at a later time- but within 30 days.

Return to:
Richard R. Cote and Mary Ellen Cote
40800 Ondina Court
P.O.Box 14322
Fremont, CA 94539

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That Paul H. Longueil, Trustee of the Paul H. Longueil Revocable Trust of 1996, of 1 Cooper Hill Road, Northwood NH 03261 and Leslie Longueil, Trustee of the Leslie Longueil Revocable Trust of 1996, of 1 Cooper Hill Road, Northwood NH 03261, for consideration paid grant to Richard R. Cote and Mary Ellen Cote, Husband and Wife, of 40800 Ondina Court, P.O.Box 14322, Fremont CA 94539, as joint tenants with rights of survivorship, with WARRANTY COVENANTS:

Unit #1, Unit #2, Unit #3, Unit #4, Unit #5 and Unit #6 of the Lyons Mill Condominium, a condominium located in the Town of Nottingham, County of Rockingham, State of New Hampshire, as declared under a Declaration of Condominium pursuant to RSA 356-B and By-Laws of Lyons Mill Condominium, dated December 2, 2009 and recorded in the Rockingham County Registry of Deeds at Book 5074, Page 2099, and depicted on Site and Floor Plans recorded in said Registry as Plan D-34810, sheets 1 through 5, together with an undivided one-sixth (1/6th) interest in the common areas and together with the designated limited common areas of said Condominium as shown on said Site Plan.

Said premises conveyed subject to the provisions of the aforesaid Declaration and By-Laws and the rules and regulations adopted thereunder. Said premises also subject to the provisions of New Hampshire RSA 356-B, the Condominium Act.

Meaning and intending to describe and convey the same premises conveyed to Paul H. Longueil, Trustee of the Paul H. Longueil Revocable Trust of 1996 and Leslie Longueil, Trustee of the Leslie Longueil Revocable Trust of 1996 by Warranty Deed of Paul Mroczka dated March 17, 2014 and recorded in Book 5519, Page 161. Also by Warranty Deed of Teresa E. Moorby dated December 7, 2012 and recorded in said Registry, Book 5395, Page 2711 and Warranty Deed of Paul H. Longueil and Leslie Longueil dated September 13, 1996 and recorded in said Registry, Book 3176, Page 2711.

Homestead rights do not apply.

Executed this 31st day of July, 2015.

Paul H. Longueil, Trustee of the Paul H. Longueil
Revocable Trust of 1996

Leslie Longueil, Trustee of the Leslie Longueil
Revocable Trust of 1996

State of New Hampshire
County of Rockingham

July 31, 2015

Then personally appeared before me on this 31st day of July, 2015, the said Paul H. Longueil, Trustee of the Paul H. Longueil Revocable Trust of 1996 and Leslie Longueil, Trustee of the Leslie Longueil Revocable Trust of 1996 and acknowledged the foregoing to be their voluntary act and deed.

Notary Public/Justice of the Peace
Commission expiration: