



# 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

## APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment  
Town of Nottingham

### FOR OFFICE USE ONLY

Case No. 24-001  
Date Filed 2/23/24  
Meeting Date 3/19/24  
Fee Amount \$330  
Date Paid 2/23/24  
Outcome \_\_\_\_\_

Name of Applicant John D. and Doreen A. Harper, Trustees  
Harper Family Revocable Trust of 2023

Mailing Address 57 Shore Drive, Nottingham NH 03290

Phone 603-568-2317 E-Mail oldmanhaapaa@gmail.com

Name of Owner(s) John D. and Doreen A. Harper

(if same as applicant, write "same")

Owner's Address Same

(if same as applicant, write "same")

## PROPERTY INFORMATION

Location of property 57 Shore Drive, Nottingham NH 03290 Tax Map 68 Lot 38

Lot Dimensions: Front 60' Rear 104' +/- Side 180' Side 183.3'

Lot Area: Acres 0.34 +/- Square Feet 14,810

Present Use of Property Single Family Residence

Proposed Use of Property Single Family 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) (3) of the zoning ordinance to permit:

### Building Permit Application Denial:

Denial #1: side setback for garage is 11.5' where 20' is required.

Denial #2: side setback for septic tank and field is 8.2' where 20' is required.

## SUPPORTING INFORMATION

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

The repair of a small existing wood framed garage constructed 1960 +/- includes repairing rotted sill plates, rodent damage, structural deficiencies, deferred maintenance and a new, code complaint building. The replacement of an existing, 1959 era "septic system" that is 85' +/- from the edge of Pawtuckaway Lake with a modern, NHDES compliant septic system will enhance the water quality of the lake and the health and quality of life of the neighborhood.

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

Granting the variance will fulfill the provisions of the Ordinance (Article 1, item B) by protecting the public health, safety and welfare of the residents of Nottingham, and assuring that the land use does not have a deleterious effect on other property.

This would be accomplished by having a safe, structurally sound and code compliant garage and modern, DES approved septic system.

3. Granting the variance would do substantial justice because:

It would allow much needed garage improvements and replaces an aging septic system of unknown condition with a modern NHDES approved septic system.

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

Both the new septic system and garage repairs would enhance both the appearance and public health of the property in a manner consistent with other renovation projects in the neighborhood.

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:

Typical of many lake front lots in this location, the lot is of such a small size and proportion that essentially ANY improvements or upgrades to the property requires a setback variance similar to what is being sought here.

**-AND-**

ii. The proposed use is a reasonable one because:

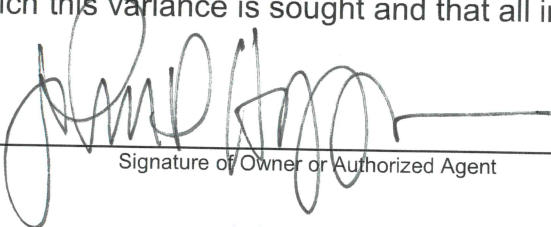
The proposed use is essentially unchanged, improves the water quality of Pawtuckaway Lake, allows for a much cleaner effluent release from the new septic system, allows the sustainable refurbishment of an existing structure, all with little visible impact to what exists today.

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.

As stated above, the lot is of such a small size and proportion that essentially ANY improvements or upgrades to the property requires a setback variance of this type.

Granting the variance enables a reasonable use of the property because it will allow repair and improvement of the property. The variance will benefit the users of the lake, the property owner and the neighborhood for the reasons stated above.

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

2/23/2024

Date

Please Print Name John D. Harper

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



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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 Date  
*[Handwritten Signature]* *2/23/24*

Property Owner(s) \_\_\_\_\_  
Signature Date  
*Doreen Harper* *2/23/24*

Property Owner(s) \_\_\_\_\_  
Signature Date

Property Owner(s) \_\_\_\_\_  
Signature Date

Property Owner(s) \_\_\_\_\_  
Signature Date

## ABUTTER(S) LIST

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

**1. APPLICANT INFORMATION:**

Printed Name: HARPER FAMILY REV-TRUST 1023 Contact Telephone: 603-568-2317  
Address: 57 SHORE DRIVE, NOTTINGHAM NH 03290

**2. OWNER INFORMATION:**

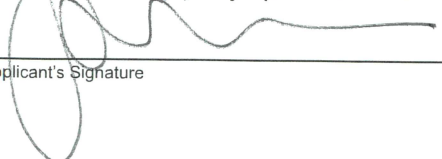
Printed Name: JOHN D. & DOREEN A. HARPER, TRUSTEES  
Address: 57 SHORE DRIVE, NOTTINGHAM NH 03290

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

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

Abutter(s) Information				
4.	Map: <u>68</u>	Lot: <u>39</u>	Name: <u>SEITZER, WAYNE C. REV. TRUST</u>	Address: <u>32 MORRISON RD, WINDHAM NH 03087</u>
5.	Map: <u>68</u>	Lot: <u>37</u>	Name: <u>MITCHELL &amp; CAROL HALE</u>	Address: <u>59 SHORE DR., NOTTINGHAM NH 03290</u>
6.	Map: <u>68</u>	Lot: <u>14</u>	Name: <u>KAREN PECKER</u>	Address: <u>57 SHORE DR., NOTTINGHAM NH 03290</u>
7.	Map: <u>68</u>	Lot: <u>10</u>	Name: <u>CAROLINE SZAFRAN</u>	Address: <u>47 CHERRYWOOD DR, DOVER NH 03804</u>
8.	Map:	Lot:	Name:	Address:
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, John D. Harper, 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 2/23/2024

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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>\$ 100.00</u>	<u>2/23/24</u>
ABUTTER NOTIFICATION <u>34</u> X \$10.00/PER ABUTTER	<u><del>\$ 40.00</del> \$ 30.00</u>	<u>2/23/24</u>
PUBLIC NOTICE FEE \$200.00	<u>\$ 200.00</u>	<u>2/23/24</u>
TOTAL	<u><del>\$ 340.00</del></u> <u>\$ 330.00</u>	<u>check #</u> <u>7408</u>

KA Decker Rev Trust  
Decker, Karen A  
57 Shore Drive  
Nottingham, NH 03290

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Harper Family Rev Trust  
John D + Doreen A Harper  
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Hale, mitchell E + Carol A  
59 Shore Drive  
Nottingham, NH 03290

Hale, mitchell E + Carol A  
59 Shore Drive  
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59 Shore Drive  
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Harper Family Rev Trust  
John D + Doreen A Harper  
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Nottingham, NH 03290

Seitzer, Wayne C. Rev Trust  
Wayne C. + Jessica L Seitzer  
32 morrison Road  
Windham, NH 03087

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Wayne C + Jessica L Seitzer  
32 morrison Road  
Windham, NH 03087

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John D + Doreen A Harper  
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Nottingham, NH 03290

~~Szafran, Caroline J Rev Trust  
Szafran, Caroline J  
47 Cherrywood Drive  
Dover, NH 03820~~

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