



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. 22-004-VA
Date Filed 4/25
Meeting Date 5/17
Fee Amount _____
Date Paid _____
Outcome _____

Name of Applicant RONALD HUTCHINS - DRK CONST.

Mailing Address 24 WENT WORTH TRM DOVER N.H. 03820

Home Phone 603-749-1535 Work Phone _____ Cell 603-235-8395

Name of Owner(s) JAMES & DEBORAH TYRRELL
(if same as applicant, write "same")

Owner's Address White's Grove Rd NOTTINGHAM N.H. 03290 PO. Box 324
(if same as applicant, write "same")

PROPERTY INFORMATION

Location of property White's Grove Rd. Tax Map 63 Lot 476

Lot Dimensions: Front 94.44' Rear 102.0' Side 160' Side 44.5'

Lot Area: Acres 2.574 Square Feet 110,305

Present Use of Property Residential

Proposed Use of Property Residential

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 2 Section C(3)(A) of the zoning ordinance to permit:

a 44.5 foot setback where a 50 foot setback is Required.

SUPPORTING INFORMATION

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

IT WOULD NOT IMPACT ADJACENT LOTS THEY HAVE A 20' SET BACK SO THE STRUCTURES AREN'T IMPACTED

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

THE ADJACENT LOTS ARE NOT DEVALUED BECAUSE MOST OF THEM HAVE A 20' SET BACK AND NOT 50' SET BACK.

3. Granting the variance would do substantial justice because:

HOME OWNERS HAVE AN SUBSTANTIAL COST IN CHANGING THE LOCATION AND THE LOTS THAT ARE RIGHT NEXT TO THEM HAVE A 20' SET BACK

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

IT WOULD NOT AFFECT THE ADJACENT LOTS FROM THEM BEING ABLE TO BUILD ANYTHING BECAUSE IT IS MORE THAN 40' AWAY FROM THE SIDE SET BACK AND MOST OF THE ADJACENT LOTS HAVE A 20' SET BACK REQUIREMENT.

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:

MOST OF THE PROPERTY'S HAVE LESSER SET BACK AND IT WOULD NOT CREATE A HARDSHIP TO OTHER LOTS IN THE AREA

-AND-

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

IF IT WERE TO BE DENIED IT WOULD COST

The HOME OWNER'S a substantial cost
in moving the HOME AND they are living
in a HOTEL Because they have sold their other
Home

- 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 LOT HAS a 50' SET BACK
REQUIREMENT ON all sides + FRONT, BEING
a ~~RURAL~~ RURAL LOT MOST OF THE ADJACENT
LOTS SMALL LOTS ONLY REQUIRING 20' SET BACK'S

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.

Ronald Hutchins

Signature of Owner or Authorized Agent

4-25-2022

Date

Please Print Name RONALD HUTCHINS

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P.O. Box 114
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OWNER'S AUTHORIZATION FOR REPRESENTATION

I, the undersigned owner of the property at LOT 47C WHITE'S GROVE ROAD, hereby verify that I have authorized RONALD HUTCHINS + CRIS BERRY 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:

- Subdivision/Lot Line Adjustment Site Plan Review
 Backlot Subdivision Design Review
 Other EQUITABLE WAIVER

FOR: House being 5.5' TO CLOSE TO PROPERTY LINE
FRONT LEFT CORNER SO THAT IT IS 44.5' AWAY
INSTEAD OF 50' AWAY

NAME OF OWNER (Typed or printed) JAMES TYRRELL
Address of Owner WHITE'S GROVE ROAD NOTTINGHAM N.H. 03290 P.O. BOX 324
Signature of Owner James W. Tyrrell Date 4-25-22

NAME OF OWNER (Typed or printed) DEBORA TYRRELL
Address of Owner WHITE'S GROVE ROAD NOTTINGHAM N.H. 03290 P.O. BOX 324
Signature of Owner Deborah Tyrrell Date 4-25-22

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) Deborah Tyrrell 4/25/22
Signature Date Signature Date

Property Owner(s) James W Tyrrell 4/25/22
Signature Date Signature Date

Property Owner(s) _____
Signature Date Signature Date

Property Owner(s) _____
Signature Date Signature Date

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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: RONALD HUTCHINS Contact Telephone: 603-235-8395
Address: 24 WENTWORTH TERRACE DOVER N.H. 03820

2. OWNER INFORMATION:

Printed Name: JAMES + DEBORA TYRRELL
Address: WHITES GROVE RD NOTTINGHAM N.H. 03290 PO. 324

3. PROFESSIONAL(S) INFORMATION:

Printed Name: CRIS BERRY OF BERRY SURVEYING + ENGINEERING
Address: 335 SECOND CROWN POINT RD BARRINGTON, N.H.

Abutter(s) Information				
4.	Map:	Lot:	Name:	Address:
5.	Map:	Lot:	Name:	Address:
6.	Map:	Lot:	Name:	Address:
7.	Map:	Lot:	Name:	Address:
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, RONALD HUTCHINS, 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..

Ronald Hutchins
Applicant's Signature

4-25-2022
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
P.O. Box 114
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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: 4/28/2022
Owner: James and Debbie Tyrrell
Address: Whites Grove
Map/Lot 63/47C
Applicant: Ron Hutchins

Applicant has filed for a permit for a single family home.

Denials:

Article II(C)(3)(a): Setbacks between property lines or the water's edge and primary use buildings is 50 feet

Note:

- Applicant was approved without a denial for a building permit based upon plans submitted. They do have the necessary setbacks, however the foundation was put in the wrong spot because of improper boundary flags that were placed. The results is the foundation is 44.5 feet whereas 50 feet is required.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dale Sylvia", is written over a horizontal line.

Dale Sylvia
Code Enforcement

ANNINO, ROBERT
MARKIEWICZ, MICHELLE
119 HIGHLAND AVE
NOTTINGHAM, NH 03290

COLBROTH, STEVEN P JR
MENDONCA, TRACY L
113 HIGHLAND AVE
NOTTINGHAM, NH 03290

DESROCHES, DEREK E
DESROCHES, AMANDA B
117 HIGHLAND AVENUE
NOTTINGHAM, NH 03290

DIONNE, JEFFREY JOHN
DIONNE, TINA L.
115 HIGHLAND AVENUE
NOTTINGHAM, NH 03290

FOWLER, ERIKA
FOWLER JR, DENNIS J.
121 HIGHLAND AVENUE
NOTTINGHAM, NH 03290

GOODRICH, ROBERT G
GOODRICH, JANET C
109 WALNUT ST
CANTON, MA 02021

HAMILTON, CHAD M.
HAMILTON, DEBORA A.
18 CARR HILL ROAD
WINDHAM, NH 03087

KINGSTON, THOMAS J.
KINGSTON, ANDREA M.
14 WHITE'S GROVE ROAD
NOTTINGHAM, NH 03290

MORIN, JOHN A
MORIN, LISA R
46 WHITE'S GROVE ROAD
NOTTINGHAM, NH 03290

SWEET, EDWARD D
1 WHITE'S GROVE ROAD
NOTTINGHAM, NH 03290

WHITE FAMILY REVOCABLE TRU
WHITE, DIANE C TRUSTEE
16 WINDWARD PLACE
PLACIDA, FL 33946

James + DEBORA TYRRELL
P.O. 324
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03290

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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	_____	_____
ABUTTER NOTIFICATION <u>12</u> X \$10.00/PER ABUTTER	_____	_____
PUBLIC NOTICE FEE \$75.00	_____	_____
TOTAL	<u>6295.00</u>	_____