

## Town of Strafford, NH – Zoning Board of Adjustment

Strafford Town Hall ▪ 12 Mountain View Drive ▪ Strafford, NH 03884

<https://strafford.nh.gov/zoning-board-of-adjustment/>

### Plan Review

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|---|---|---|
| <b>PROJECT NAME:</b>  | Hebert Variance                               | <b>CASE NUMBER:</b>   |
|   |   | <b>23-003</b>   |
| <b>PLAN REVISION DATE:</b>  | Plans submitted from<br>1/13/2022             |   |
| <b>MEETING DATE:</b>  | <b>APPLICANT(s):</b>                          | <b>APPLICATION TYPE:</b>  |
| May 18th, 2023  | Jason B. Hebert                               | <input type="checkbox"/> Equitable Waiver<br><input checked="" type="checkbox"/> Variance<br><input type="checkbox"/> Special Exception |
| <b>SURVEYOR:</b>  | <b>APPLICANT'S REP:</b>                       | <b>REVIEWED BY:</b>   |
| Brian Haynes, LLS   |   | Autumn Scott  |
| S.E.C. & Associates   |   | SRPC Circuit Rider  |
| P.O. Box 1337 – Plaistow,<br>NH, 03865  |   | Landuse@strafford.org<br><br>(603) 994-3500 ext 114   |
| <b>EXECUTIVE SUMMARY</b>  |   |   |
| <p>Owner and applicant Jason Hebert is requesting a Variance to Article 1.4.1, Land Requirements, Section C, Side and Back Yards, in order to construct a new 24 foot by 24 foot first-floor addition to the southerly end of the existing home in order to add a new master bedroom suite. At its closest point, the new addition would come within 15 feet of the northwesterly side boundary with the Whig Hill Association Greenbelt, which is up to 10 feet closer to the side boundary than current ordinances require. The proposed addition will meet all other setback requirements.</p> |   |   |
| <b>BACKGROUND</b>   |   |   |
| <b>TAX MAP/LOT:</b>   | Tax Map 36, Lot 19                            |   |
| <b>AREA:</b>  | 1.17 Ac.                                      |   |
| <b>ROAD ACCESS (FRONTAGE):</b>  | 64.98' frontage (arc length) on Barberry Lane |   |
| <b>ZONING DISTRICT(S):</b>  | Residential/Agricultural                      |   |

### COMPLETENESS/APPLICATION ACCEPTANCE

**VARIANCE: The following additional information is needed to complete the Variance**

**Application Checklist Items:**

1. Application documents submitted appear to be complete except:

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- a. Surveyor's stamp: The board should consider making this a condition of approval.

### STAFF TECHNICAL COMMENTS AND MEETING REVIEW HISTORY

#### RSA referenced in Variance application, for the Board's convenience:

"V. Notwithstanding subparagraph I(b), any zoning board of adjustment may grant a variance from the terms of a zoning ordinance without finding a hardship arising from the condition of a premises subject to the ordinance, when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that:

(a) Any variance granted under this paragraph shall be in harmony with the general purpose and intent of the zoning ordinance.

(b) In granting any variance pursuant to this paragraph, the zoning board of adjustment may provide, in a finding included in the variance, that the variance shall survive only so long as the particular person has a continuing need to use the premises."

#### General notes and questions for the Board to consider:

- The Board may wish to discuss whether the proposed addition would comply with the approved load capacity for the existing septic system.
  - The board should consider making the following condition of approval: Approvals for construction and for operation of a septic system, with a daily load capacity 600 GPD or a 4-bedroom single family residence.
  - The applicant has indicated in his application narrative: "While the current septic design contemplates a three-bedroom home, I would support a conditional variance approval contingent upon an approved four-bedroom septic design on file."
  - Subsurface Application Query for Town of Strafford Map 36 Lot 19 indicates construction & operation approvals (2004) for 3 bedrooms, flow of 450 GPD. See meeting packet to review query.
  - N.H. Code Admin. R. Env-Wq 1008.03: 300 GPD plus 150 GPD for each bedroom over 2 for single family residences.

#### Variance to Article 1.4.1 Section C

##### 1.4.1 Section C: Side and Back Yards

"A building shall not be located nearer than twenty-five (25) feet of the property lines of any abutter and not nearer than fifty feet from any structure on an abutter's property."

- The applicant is requesting relief to the sideline setback to construct a 24'x24' first floor addition with a 4' crawl space within 25' of a side boundary.

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- The existing structure extends ~31' from the northwest property line. The proposed addition would extend ~15' from the northwest property line, up to 10' closer than the zoning ordinance allows.

### **Variance Criteria:**

**The Board must discuss each of the 5 variance criteria with the applicant in more detail in order to make a determination if there is merit to this request:**

1. The Variance will not be contrary to the public interest.
2. The spirit of the Ordinance is observed.
3. Substantial justice is done.
4. The values of the surrounding properties are not diminished
5. Literal enforcement of the provisions of the ordinance would result in any unnecessary hardship.