

CELEBRATING OVER 35 YEARS OF SERVICE TO OUR CLIENTS

February 28, 2024

Ashley Rowe, Chair Zoning Board of Adjustment Town of Strafford 12 Mountain View Drive Strafford, NH 03884

Re:

Barry & Julie Schraufnagle

15 Lake Shore Drive, Tax Map 35, Lot 16

Dear Chair Rowe and Board Members:

Enclosed please find application for variances and application for special exception to permit an accessory dwelling unit which encroaches into the 50' wetland setback. Also enclosed is supporting information, abutter list and labels. Under separate cover our client will submit a check for the filing, legal notice and abutter fees in the amount of \$885.

We respectfully request that this matter be placed on the Board's March 21, 2024 agenda. In the meantime, if you have any questions do not hesitate to contact me.

Yours truly,

DONAHUE TUCKER & CIANDELLA, PLLC

Eric A. Maher, Esq. emaher@dtclawvers.com

EAM/sac Enclosures

Lileiosare

Barry & Julie Schraufnagle

4881-3556-0105, v. 1

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16 Acadia Lane, P.O. Box 630, Exeter, NH 03833
111 Maplewood Avenue, Suite D, Portsmouth, NH 03801
Towle House, Unit 2, 164 NH Route 25, Meredith, NH 03253
83 Clinton Street, Concord, NH 03301

LIZABETH M. MACDONALD JOHN J. RATIGAN ROBERT M. DEROSIER CHRISTOPHER L. BOLDT SHARON CUDDY SOMERS DOUGLAS M. MANSFIELD KATHERINE B. MILLER CHRISTOPHER T. HILSON HEIDI J. BARRETT-KITCHEN

CHRISTOPHER D, HAWKINS ELAINA L. HOEPPNER WILLIAM K. WARREN BRIANA L. MATUSZKO

MICHAEL J. DONAHUE

ROBERT D. CIANDELLA DENISE A. POULOS

NICHOLAS R. AESCHLIMAN

CHARLES F. TUCKER

JUSTIN L. PASAY ERIC A. MAHER

ALI GENNARO

RETIRED

APPLICATION TO THE BOARD OF ADJUSTMENT Variance

Name of Applicant Barry & Julie Schraufnagel
Address 15 Lake Shore Drive, Strafford, NH 03884
Contact email and/or phone barry@beadboard.com
Name of owner of property concerned same
(if same as above, write "same")
Address of owner of property concerned same
(if same as above, write "same")
Contact email and/or phone:same
Location of property 15 Lake Shore Drive
Tax Map 35 Lot 16
Description of property single family residence on 1.5 +/- acres lot with approximately 555 +/- ft. of frontage on Lake Shore Drive, side lot line of approximarly 190+/- ft. and a rear lot line of 550+/- ft. pursuant to the subdivision plan recorded at the Strafford County Registry of Deeds as Plan #21A-21
(include use, acreage, length of front, side, and rear boundaries)
The following information must be filed with your application:
X List of abutters (including names and complete mailing addresses)
X Three sets of mailing labels for the owner, applicant, easement holders, all abutters, and any professional who has stamped the plans being submitted
X Accurate to-scale plan of property, including:
X site location
X area of site
X parcel boundaries
X abutting owners
X significant natural features, i.e. ledge, etc.
X stone walls, cemeteries, etc.
X watercourses and/or wetlands
X all buildings on site
X proposed changes/additions to structures on site, or site of new
construction
X floor plans and building elevations
X setbacks to front, side and rear boundaries, and to wetlands
X Copy of deed to the property
X Completed worksheet detailing how this variance request meets the criteria for variance

The undersigned hereby requests a variance to the terms of Article 1.4.4, Section 3 and Article 1.7.1 of the Zoning and Land Use Ordinances of the Town of Strafford, and asks that said terms be waived to permit construction of an Accessory Dwelling Unit which encroaches into the required 50' wetland setback and which is an expansion of a non-conforming use making the structure more non-conforming.

The undersigned alleges that the following circumstances exist which prevent the proper enjoyment of his
land under the strict terms of the Zoning and Land Use Ordinances, and thus constitutes an unnecessary
hardship:see attached variance narrative
·
Signature of Applicant Earn For B. Schrwfnegel
Signature of Owner, if other than applicant
Date 2/27/2024
ALL FEES DUE AT THE TIME THAT THE APPLICATION IS SUBMITTED. NO APPLICATION WILL BE PROCESSED UNLESS FEES HAVE BEEN PAID.
Application fee of \$250.00, plus \$175.00 fee for newspaper publication of notification of public hearing, plus fee of \$15.00 per letter for notification by certified mail as required under NH RSA 676:7.
For office use only:
Application and Fee received by
Date received Fees paid & check number
1 000 para de oncok namoci

Five criteria must be met in order for a proposal to qualify for the granting of a variance. Please explain

how your proposal addresses each of the following questions regarding these five criteria. 1) Explain why the granting of this variance would not be contrary to the public interest. see attached narrative 2) Explain why the use of the property contemplated by the applicant as a result of obtaining this variance would not be contrary to the spirit of the ordinance. Why would the spirit of the ordinance still be observed? see attached narrative 3) Explain how, by granting this variance, substantial justice would be done. see attached narrative 4) Explain why the values of surrounding properties will not diminish as a result of the granting of this ordinance. see attached narrative 5A) Explain the "special conditions" of the land that distinguish it from other properties in the area, such that denial of the variance would result in unnecessary hardship. How is the proposed use a reasonable one? How is your property unique such that no fair and substantial relationship exists between the general public purposes of the ordinance and the specific application of that provision to your property? see attached narrative 5B) Explain how the "special conditions" of your property distinguish it from other properties in the area such that there is not a reasonable use of your property without the granting of a variance.

see attached narrative



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NARRATIVE FOR APPLICATION FOR VARIANCE 15 LAKE SHORE DRIVE, NEW HAMPSHIRE

I. Introduction:

Barry and Julie Schraufnagel ("the Applicants") seek variance relief related to their property located at 15 Lake Shore Drive, Strafford, New Hampshire, which is identified as Tax Map 35, Lot 16 ("the Property"). Attached hereto as **Exhibit A** is a copy of the 2022 Vision Assessment Card for the Property.

The Applicants seek to expand what is presently a pre-existing, non-conforming residence, a portion of which is within the wetland buffer associated with a drainage ditch behind their residence, to construct an addition that will house an attached accessory dwelling unit ("ADU"). The relief sought, therefore, is from Article 1.4.4, Section 3.0 (requiring a 50-foot setback from poorly and very poorly drained soils and surface waters) and Article 1.7.1 (only allowing the expansion of a pre-existing non-conforming structure by special exception if the structure would not be made more non-conforming).

The proposed ADU will not result in any adverse impacts to the delineated wetlands, would result in the replacement of the pre-existing septic system (the tank and leach field for which are outside of the wetland buffer), and would allow for the Applicants' daughter and family to move onto the Property, providing affordable housing for the Applicants' daughter and allowing the Applicants to age-in-place in the home they have lived in for the last twenty years.

II. <u>Property and Background:</u>

The Property is approximately 1.5 acres in size. The Property is an irregularly shaped lot, resembling a triangle. The Property has approximately 555 +/- feet of frontage on Lake Shore Drive, which constitutes the Property's northerly boundary. There is no clearly defined easterly sideline for the Property, due to the Property's irregular shape. The Property's westerly boundary abuts Tax Map 35, Lot 16.

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The rear of the property, moving away from Lake Shore Drive is cleared up to an existing tree line. At the existing tree line, the topography of the lot sharply increases in elevation.

The Property was created as Lot 1 through an October 1980 subdivision called "Pioneer Shores." Enclosed as **Exhibit B** is a copy of the "Subdivision Plan, Pioneer Shores, Bow Lake, Strafford N.H." prepared by Frederick E. Drew Associates, and recorded at the Strafford County Registry of Deeds as Plan 21A-21. As is reflected in the original 1980 Subdivision Plan, the lots that comprise of the Pioneer Shores Subdivision and the waterfront lots across the street from the Pioneer Shores Subdivision are largely rectangular in shape, with those lots in the Pioneer Shores subdivision ranging between 1.5 acres and 2.5 acres in size., with road frontage ranging between 150 feet and 200 feet. At the time of the 1980 Subdivision's approval, the lots in the Pioneer Shores Subdivision, including the Property, complied with the lot size requirements under the Zoning Ordinance.

The Property appears to be the "residual lot" from Pioneer Shores, which was the acreage remaining after subdividing the other lots in the Subdivision, explaining its irregular shape and the extensive road frontage, both of which created a narrower building envelop when compared with other lots in the subdivision. The Property remained vacant until 2001, whereupon it was conveyed by a Warranty Deed to the Applicants. Attached hereto as **Exhibit C** is the Warranty Deed from Terrence L. Dineen and Blanca M. Dineen, as Trustees for the Blanca M. Dineen 1996 Trust to the Applicants, dated January 17, 2001 and recorded at the Strafford County Registry of Deeds as Book 2266, Page 0590.

The Applicants constructed a single-family residence on the Property in 2001. Attached hereto as **Exhibit D** is a plan titled, "Zoning Sketch, 15 Lakeshore Drive, Strafford County," dated January 2024 and prepared by Norway Plains Associates, Inc. The residence is a two-story, colonial-style residence with three bedrooms and two bathrooms. The Property has a two-car garage. The residence was constructed outside of the applicable front, rear, and side setbacks. The residence is accessed by an existing driveway, with a two-car garage. A retaining wall extends from the existing residence running parallel with the driveway. A stone drip edge runs along the southerly portion of the residence leading to the driveway.

The septic system is in the north-easterly portion of the Property, as reflected in Exhibit D. The leach field is on the far side of the septic tank, located away from the existing residence and the wetland.

At the time the residence was constructed, a drainage ditch was constructed to the immediate rear of the residence, That drainage ditch is located at the foot of the incline located to the rear of the Property, running along the southerly sideline and then moving parallel with the Property's westerly sideline until it connects with a drainage ditch running along Lake Shore Drive. The ditch located along Lake Shore Drive moves upgradient in both directions, moving away from the Property, such that the portion of the drainage ditch immediately in front of the Property is the low point of that ditch. Water captured by that drainage system travels under Lake Shore Drive toward Tax Map 33, Lots 1A and 2, where the drainage continues.

As is reflected by the topographical details on **Exhibit D**, the drainage ditch and the wetlands are at a higher elevation than most of the existing single-family residence, meaning that runoff from the house does not pitch toward the wetlands.

The aforementioned drainage infrastructure, installed in 2001, is believed to have contributed to the creation of hydric soils and wetlands toward the rear of the Property. A portion of the existing residence is now located within the wetland buffer associated with this emerging wetland system. The existing septic system is located approximately 100 feet at its closest point from the wetland, and the leach field is located further from those wetlands.

III. <u>Proposed ADU</u>:

The Applicants propose to build an addition on their home, whereby the existing residence will be extended twenty-one feet easterly. The width of the ADU will match the width of the existing house, which is twenty-two feet. The ADU would simply appear as an extension of the existing home, matching the style, height, and design of the existing residence.

A rendering reflecting the proposed ADU is attached as **Exhibit E**. A floor plan of the ADU is attached as **Exhibit F**.

The ADU would be 462 square feet, with a bedroom, a bathroom, a kitchen, and a storage closet. The ADU would have a separate doors to the outside but would also have a connecting door to the existing residence.

The Applicants would install a new septic system in the current footprint of the existing septic system due to the increased number of bedrooms. There are no heightened setbacks due to the replaced septic system, and, upon approval of the variance and special exception, the Applicants would arrange for the design of the septic system and the ultimate approval from the Department of Environmental Services.

The existing drip edge along the southerly part of the residence to the end of the proposed ADU. A portion of the existing retaining wall would be removed and replaced with the foundation of the ADU, and limited fill would be brought in to allow for the grade behind the existing retaining wall to be extended to the ADU's foundation at an elevation consistent with the existing grade behind the retaining wall. Therefore, any runoff from the ADU would, like most of the existing residence, either be captured by the stone drip edge, or would pitch away from the wetlands.

Variance relief is needed, in addition to a Special Exception, because a small portion of the proposed ADU will be located within the wetland buffer associated with the above-referenced drainage ditch and because the proposal would entail the enlargement of a pre-existing, non-conforming structure in a manner that increases the extent of the non-conformity.

IV. Necessary Permits and Approvals:

The Applicants will need to obtain the following permits and approvals for this project:

- Variance from Article 1.4.4, Section 3.0;
- Variance from Article 1.7.1;
- Special Exception for the Accessory Dwelling Unit; and
- N.H. DES permit for the proposed ISDS.

V. Request for Variance in Alternative:

A. Standard for Granting Variance Relief

To grant a variance under RSA 674:33, the ZBA must find that the following criteria have been satisfied: (1) the variance will not be contrary to the public interest; (2) the spirit of the ordinance is observed by the issuance of the variance; (3) substantial justice is done by the issuance of the variance; (4) the variance will not cause the values of surrounding properties to be diminished, and (5) the literal enforcement of the provisions of the ordinance would result in unnecessary hardship.

The variance relief the Applicants seek satisfies each of these criteria.

B. The issuance of a variance is not contrary to the public interest and the spirit of the Zoning Ordinance is observed by issuance of the variance.

The requirement that the variance not be contrary to the public interest is related to the requirement that it be consistent with the spirit of the ordinance. To determine whether granting a variance is not contrary to the public interest and is consistent with the spirit of an ordinance, ZBA's should "determine whether to grant the variance would unduly and in a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives." Thus for a variance to be contrary to the public interest and inconsistent with the spirit of the ordinance, its grant must violate the ordinance's basic zoning objectives. Mere conflict with the terms of the ordinance is insufficient.³

There are two methods to determine whether a variance violates the Zoning Ordinance's basic objectives. The first is to "examine whether granting the variance would alter the essential character of the neighborhood," and the second is to "examine whether granting the variance would threaten the public health, safety or welfare."

The general purpose of Article 1.4.4 of the Zoning Ordinance, related to the Wetland Conservation Overlay District, is reflected in Section 1.0. It states:

The purpose of this District is to protect the public health, safety, and general welfare; as well as, to preserve the ecological integrity and function of wetlands in Strafford, New Hampshire by controlling and guiding the land use activities within and surrounding them. The preservation of wetlands and their inherent functions,

¹ Harborside Assocs. v. Parade Residence Hotel, 162 N.H. 508, 514 (2011).

² <u>Id</u>.

³ Id.

which include flood protection, wildlife habitat, ecological diversity, surface and groundwater quality enhancement, recreation, and aesthetic value, is a goal of the Town Master Plan.

The intent of this article is to:

- a. Maintain and enhance the quality and quantity of surface waters and groundwater by protecting wetlands that function to filter pollution, trap sediment, retain and absorb chemicals and nutrients, recharge groundwater and produce oxygen;
- b. Protect wildlife habitats and natural vegetation upon which a variety of upland and aquatic species are dependent for purposes of breeding or sustenance.
- c. Prevent the destruction of, or significant changes to, wetland areas which provide flood protection; protect persons and property against the hazards of flood inundation; and provide for nutrient attenuation and augmentation of stream flow during dry periods;
- d. Prevent damage to structures and properties caused by inappropriate development of wetlands.
- e. Prevent hydrologic impacts to wetlands that impair their functional values.
- f. Prevent unnecessary or excessive expense to the Town in providing or maintaining essential services and utilities which might be required as a result of misuse or abuse of wetlands.

Similarly, the intent of Article 1.7.1, prohibiting the expansion of a pre-existing, non-conforming structure in a way that will make the structure non-conforming is to ensure that prior uses of land that are now not compliant are not enlarged to cause further adverse impacts.

The Applicants' proposal is not contrary to any of these purposes because the minor addition of the ADU is not anticipated to result in any water or runoff to enter the wetland. The wetland is not a wildlife habitat, does not contribute to water quality, and is of a limited value. As discussed above, the topography of the lot is such that the drainage and the wetlands are actually higher than the grade where the single-family residence and the ADU will be located. The limited encroachment into the buffer brought on by this ADU will not materially contribute to runoff, and any runoff would be captured and given the opportunity to infiltrate the soil along the drip edge. Even if there was heavy rain causing ponding or puddling, that runoff would move along the foundation of the house and away from the wetlands due to the topography of the Property. The use of the residence will remain a low-impact residential use that would not be expected or capable of adversely impacting this small wetland system.

As referenced above, the two tests used to determine if the grant of a variance will be contrary to the spirit of the ordinance or the public interest are (1) whether the grant of the variance would alter the essential character of the neighborhood or (2) whether the grant of the variance would adversely impact public health, safety, or welfare. The grant of a variance, which would allow for an addition that will have a slight (11.4 foot) encroachment into the wetland buffer will not alter the essential character of the neighborhood because the proposed addition will be constructed to blend in with the existing structure, using the same height, width, materials, and design as what is there presently. To the outside, the structure will continue to look like a single-family residence.

The grant of a variance would not adversely impact public health, safety, and welfare because the ADU is going to be consistent with a residential use and would simply add one bedroom to the existing single-family residence. The septic system will be updated to accommodate the increased use, and there is no possibility of degradation of the wetlands to the rear of the Property. Again, it is important to note that the wetland is a not sensitive habitat; it is simply a drainage ditch of limited size and limited quality that is used to catch runoff from the steep slopes to the rear of the Property to facilitate the use and occupancy of the existing residence. In fact, this ditch feeds into the existing drainage infrastructure running along Lake Shore Drive, which surely carries and is impacted by far more intensive uses, such as vehicular traffic, winter road treatments, etc. As such, the limited encroachment will not reduce the quality of the wetlands on the property in any manner that is contrary to public health, safety, or welfare.

C. Substantial justice is done by the issuance of the variance

On the substantial justice criteria, "the only guiding rule on this factor is that any loss to the individual that is not outweighed by a gain to the general public is an injustice." To apply the standard, it is necessary for the ZBA to determine first whether the general public would be benefited by the denial of the variance. Then the ZBA must determine what harm the Applicants would experience by the denial of the variance. Substantial justice is deemed <u>not</u> done when the benefit to the public outweighs the harm to the applicant.⁵

Substantial justice is done by the issuance of these variances here. The Applicants are seeking this variance to construct a modest ADU that, but for the wetland that emerged <u>after</u> the Applicants built their home, would have satisfied all criteria in Article 1.4.1(K) of the Zoning Ordinance and would have been allowed by special exception. This ADU is of critical importance to the Applicants and their family. It allows the Applicants, who are long-time residents of the Town, to provide a place for their daughter and her family to live, at a time where affordable housing in New Hampshire is critical. It is no secret that affordable housing in New Hampshire is a priority of Governor Sununu and the legislature and has been the subject of proposed initiatives year-over-year to improve access to affordable housing. One such initiative was put into place in 2017 by improving access to accessory dwelling units as an acknowledgement of those units' vital importance in providing affordable housing. The ADU proposed by the Applicants does exactly that: it provides an affordable housing opportunity for their daughter, who was raised in Strafford.

⁴ Harborside, 162 N.H. at 515

⁵ Id.

This ADU also serves another critical purpose. It allows for the Applicants to age in place in the home that they built and have lived in for 20+ years. Allowing for an ADU allows the Applicants to have family live on-site to provide care, assist in maintenance of the Property, and assist in expenses. The proposed ADU may avoid or significantly delay the possibility that the Applicants cannot remain in their home due to care needs or expenses. In these ways, the denial of the variance will have a significant and tremendous harm on the Applicants.

The public does not stand to benefit from the denial of the variance. The denial of the variance will not protect the wetlands any further than the wetlands are protected right now. The ADU is not anticipated to affect the wetland in any capacity for the reasons outlined above. Therefore, the denial of the variance will not maintain a certain level of water quality, avoid increases to runoff, protect the wetland from sedimentation or erosion, or protect any species.

Applying the balancing test, therefore, the Applicants would be significantly harmed by the denial of the variance and the public would not be benefited at all. Therefore, the Substantial Justice criteria is abundantly satisfied.

D. The variance will not cause the values of surrounding properties to be diminished.

As discussed above, the proposed ADU will be substantially similar to the existing residence in terms of height, design, and appearance. The intensity of the proposed use is not materially increasing, and abutters do not rely upon the wetlands on the Property, such that the grant of a variance to have a minor encroachment in the wetlands will impact them. The ADU falls squarely withing what is allowed under the Zoning Ordinance, but for the minor wetland buffer encroachment.

For these reasons, the impact of the proposed use as compared to the existing use variances will not cause the value of surrounding properties to be diminished.

E. <u>Literal enforcement of the provisions of the ordinance will result in unnecessary hardship to the Applicants.</u>

RSA 674:33, I(b)(5) states that the ZBA may issue a variance if "[l]iteral enforcement of the provisions of the ordinance would result in an unnecessary hardship." "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 (ii) the proposed use is a reasonable one." In the event that criteria (i) and (ii) cannot be 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

⁶ RSA 674:33, I(b)(5)(A).

used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it."⁷

Here, the Property is distinguishable from other properties in area because of (a) its unique shape, (b) its limited building envelop, (c) and its topographical features. As discussed above, the Property is triangular with extensive frontage along Lake Shore Drive, whereas all other lots in the area are rectangular with approximately half of the frontage on Lake Shore Drive. This has a significant effect on the building envelope related to the Property. The significant amount of frontage means that the Property impacted to a greater extent by the 40-foot front setback established by Article 1.4.1(B), than other properties. Considering that the Property has 250 feet of additional frontage than the next closest parcel in the Pioneer Shores development, but has similar lot size, this difference is significant. This limited building envelope is further reflected in **Exhibit B**. Limiting the building envelope further is the drainage ditch and wetland that emerged after the construction of the single-family residence and the steep slopes that extend from that ditch to the rear of the property.

The topography of the Property is also unique in that, unlike many wetlands which are below gradient from development or located at a relative "low point" on a property, the wetlands on the Property are upgradient from the single-family residence and proposed ADU. Therefore, a concern typically exists that wetlands may be impacted because the grade slopes toward the wetland from development, which is not the case here.

For these reasons, no fair and substantial relationship exists between the general public purposes of the Zoning Ordinance provisions and the specific applications of those provisions to the Property. Again, while a small portion of the ADU will be in the wetland buffer, the small encroachment does not implicate any of the public purposes of the Zoning Ordinance. The typography of the Property, the extension of the existing drip edge, and the maintenance of consistent grade in the vicinity of the ADU means that any increased runoff associated with the ADU will be captured and/or contained away from the wetland. Given the low intensity of the proposed residential use, there is no relationship between the grant of the variance and the purposes to be served by the ADU.

The proposed variances are reasonable and necessary to allow the Property to be used for an ADU. The location proposed is the most feasible and responsible location for the ADU. The ADU will be an easterly expansion of the existing single-family residence. The ADU cannot extend toward Lake Shore Drive because it would result in the ADU to be in front setback and the topography toward the front of the house would make the ADU less consistent with the current design of the single-family residence and would introduce design and construction complications. The ADU cannot be located off of the rear or to the west of the existing residence because it would result in a more significant encroachment into the wetland buffer. Therefore, the extending off the easterly side of the existing single-family dwelling is the only location this ADU can be located.

Additionally, the proposed ADU is inherently reasonable. Attached ADU's are allowed by special exception, the criteria for which this ADU easily satisfies. The ADU is of a moderate

⁷ RSA 674:33, I(b)(5)(B).

size, consistent with the existing residence, and will be indistinguishable from the single-family residence. This residential use is also inherently reasonable given the existing use of the property and the neighborhood. It is also reasonable given the need for the Applicants, like many others in the Town, to be able to have an ADU to house their family and age in place.

As such, the Application satisfies the "undue hardship" criteria necessary for the issuance of a variance.

VI. Conclusion:

For the reasons set forth above, the Applicants request variance relief.

The Applicants appreciate the ZBA's careful consideration of this matter.

Exhibit A

15 LAKE SHORE DR

Location 15 LAKE SHORE DR Mblu 35/16///

Acct# 456

SCHRAUFNAGLE, BARRY&JULIE Owner

Assessment \$401,000

Appraisal \$401,000

PID 2016 **Building Count** 1

Current Value

Appraisal				
Valuation Year	Improvements	Land	Total	
2023	\$298,700	\$102,300	\$401,000	
Assessment				
Valuation Year	Improvements	Land	Total	
2023	\$298,700	\$102,300	\$401,000	

Owner of Record

Owner

SCHRAUFNAGLE,BARRY&JULIE

Sale Price Certificate \$38,000

Co-Owner Address

15 LAKE SHORE DR

Book & Page

2266/0590

STRAFFORD, NH 03884

Sale Date

01/19/2001

Instrument

10

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
SCHRAUFNAGLE,BARRY&JULIE	\$38,000		2266/0590	10	01/19/2001
DINEEN 1996 TR BLANCA M	\$0		1886/0720	1F	09/12/1996
DINEEN BLANCA	\$0		1729/0618	1A	02/18/1994
DINEEN TERENCE L	\$0				

Building Information

Building 1: Section 1

Year Built:

2001

Living Area:

Replacement Cost:

2,000 \$335,649

Building Percent Good:

89

Replacement Cost

Less Depreciation:

\$298,700

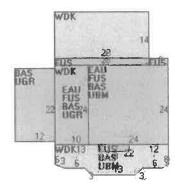
Building Attributes		
Field	Description	
Style	Colonial	
Model	Residential	
Grade:	Average +20	
Stories:	2 Stories	
Occupancy	1	
Exterior Wall 1	Vinyl Siding	
Exterior Wall 2		
Roof Structure:	Gable/Hip	
Roof Cover	Asph/F Gls/Cmp	
Interior Wall 1	Drywall/Sheet	
Interior Wall 2		
Interior Flr 1	Carpet	
Interior Flr 2	Pergo Type	
Heat Fuel	Gas	
Heat Type:	Hot Water	
AC Type:	None	
Total Bedrooms:	3 Bedrooms	
Total Bthrms:	2	
Total Half Baths:	1	
Total Xtra Fixtrs:		
Total Rooms:	7 Rooms	
Bath Style:	Average	
Kitchen Style:	Average	

Building Photo



(https://images.vgsi.com/photos/straffordnhPhotos/\00\00\32/59.jpg)

Building Layout



(https://images.vgsi.com/photos/straffordnhPhotos//Sketches/2016_2302.jr

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,098	1,098
FUS	Upper Story, Finished	902	902
EAU	Attic, Expansion, Unfinished	816	0
UBM	Basement, Unfinished	594	0
UGR	Garage Under	504	0
WDK	Deck, Wood	696	0
Mic de Street and	CONTRACTOR AND CONTRACTOR OF THE CONTRACTOR OF T	4,610	2,000

Extra Features

Extra Features Legend

No Data for Extra Features

Land

Land Use

Land Line Valuation

1010 **Use Code**

Description SINGLE FAMILY MDL-01

Zone

Neighborhood 030 Alt Land Appr No

Assessed Value \$102,300 Appraised Value \$102,300

Size (Acres)

Frontage Depth

1.5 0

0

Category

Outbuildings

Outbuildings <u>Leg</u>	ınd
	- :
No Date for Oath Aldings	
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2023	\$298,700	\$102,300	\$401,000
2022	\$298,700	\$102,300	\$401,000
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Assessment			
Valuation Year	Improvements	Land	Total
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2022	\$298,700	\$102,300	\$401,000
2021	\$298,700	\$102,300	\$401,000

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PLAN No. A-1218

001156

WARRANTY DEED

REGISTER OF DEEDS STRAFFORD COUNTY

2001 JAN 19 AM 10: 58

KNOW EVERYONE BY THESE PRESENTS, That We,

Terence L. Dineen, Trustee of the Blanca M. Dineen 1996 Trust and Blanca M. Dineen, Trustee of the Blanca M. Dineen 1996 Trust, under Agreement dated August 7, 1996,

of Shoreway Acres Inn, Shore Street, Falmouth, Massachusetts 02540

for consideration paid, grant to Barry T. Schraufnagel and Julie A. Schraufnagel, as joint tenants with rights of survivorship,

of 101 Woodland Green, Rochester, New Hampshire 03839

with warranty covenants

A certain lot or parcel of land located in Strafford, County of Strafford and State of New Hampshire, southerly from the shore of Bow Lake, so-called and westerly from the public highway, said lot being shown as Lot #1 on a plan of land entitled "Subdivision Plan, Pioneer Shores, Bow Lake, Strafford, N.H." dated October 1980 and recorded with the Strafford County Registry of Deeds as Plan #21A-21, and being more particularly bounded and described as follows:

Beginning at the most easterly point of the parcel herein conveyed and running South 49° 10' West along a stone wall for a distance of 550.0 feet, more or less, to a point at the southeasterly sideline of Lot #2 on the above referenced plan; thence proceeding North 25° 30' West along the sideline of said Lot #2 for a distance of 190.7, more or less to the southerly sideline of the roadway or right of way; thence proceeding along the southerly sideline of said roadway the following courses and distances: North 74° 50' East for a distance of 40.0 feet, more or less, North 51° 10' East for a distance of 98.4 feet, more or less, North 64° 58' East for a distance of 91.3 feet, more or less, North 63° 06' East for a distance of 105.8 feet, more or less, North 53° 52' East for a distance of 97.8 feet, more or less, and North 84° 47' East for a distance of 132.6 feet, more or less to the point of beginning.

The premises is hereby conveyed together with a right to use said roadway, as shown on the above-referenced plan, for ingress and egress, all in common with others similarly entitled.

There is further conveyed hereby rights Grantor's rights over and upon the area designated on the above-referenced plan as Reservation for Access to Lake, Lots 1 thru 9.

Meaning and intending to desribe and convey a portion of the premises acquired by the Grantors herein by deed of Blanca M. Dineen, dated September 4, 1996, and recorded at the Strafford County Registry of Deeds at Book 1886, Page 720.

Signed this _/7 day of January, 2001.

DEPARTMENT AEAL ESTATE TRANSFER TAX ADMINISTRATION TAX STUDIOR TO THE TRANSFER TAX ADMINISTRATION TAX STUDIOR TO THE TRANSFER TAX ADMINISTRATION TAX STUDIOR TAX S

Terence L. Dineen, Trustee of the Blanca M. Dineen 1996 Trust

Blanca M. Dineen, Trustee of the Blanca M. Dineen 1996 Trust

Commonwealth of Massachusetts

Falmante, Barnstole Countys:

17 day of January, 2001

Personally appeared Terence L. Dineen, Trustee of the Blanca M. Dineen 1996 Trust and Blanca M. Dineen, Trustee of the Blanca M. Dineen 1996 Trust, known to me, or satisfactorily proven, to be the person whose name subscribed to the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.

My Commission Expires:

MAGBYTE DVZLLIÓN Notary Public Commonwealth of Massachusett My Commission Expires http://doi.org/10.2007 Justice of the Peace/Notary Public

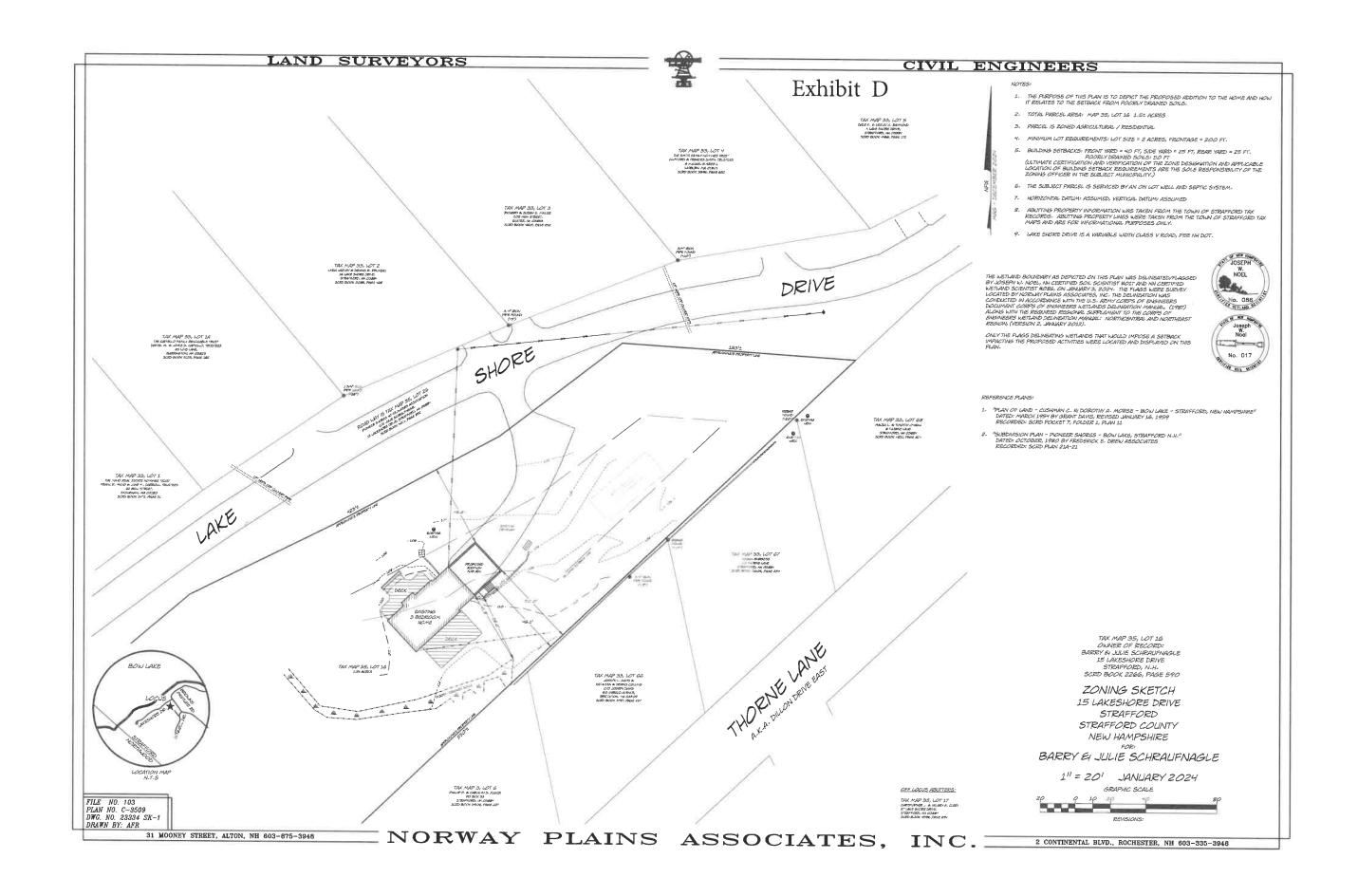


Exhibit E

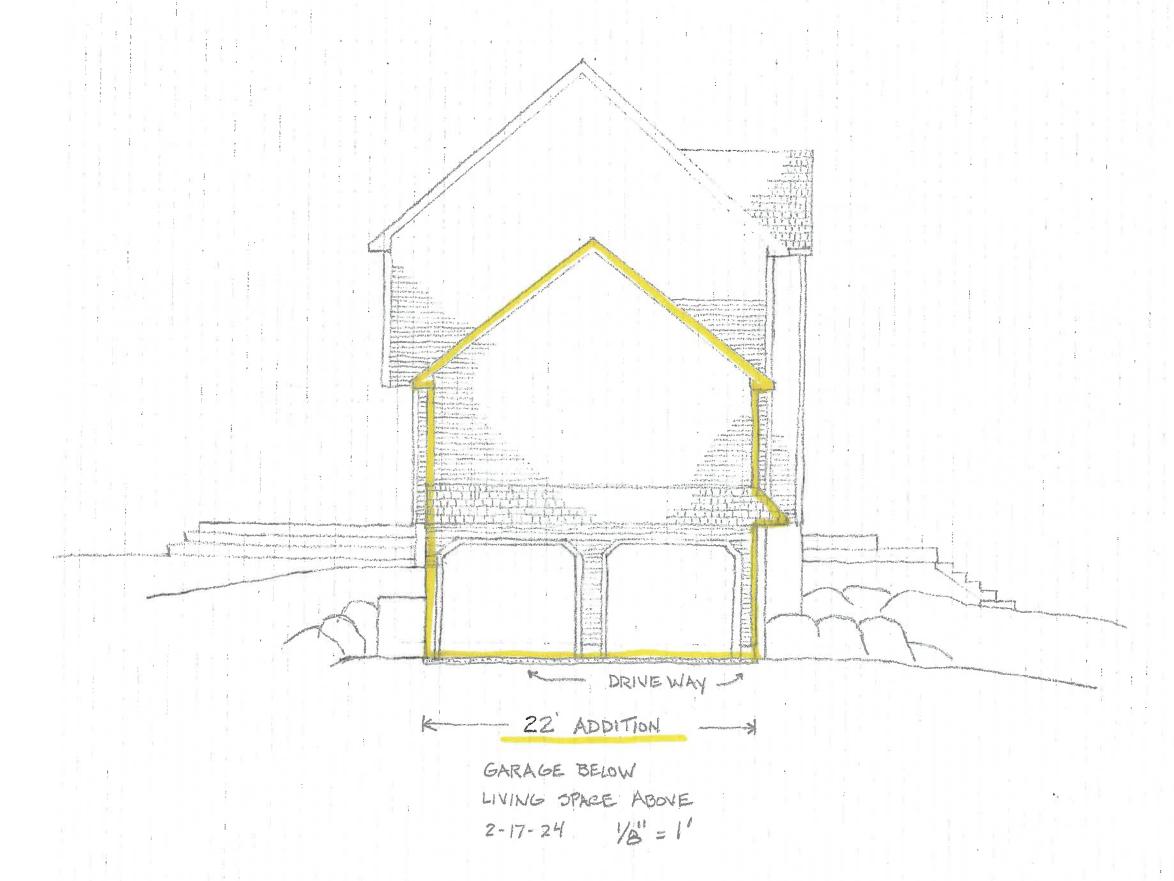
Front Elevation

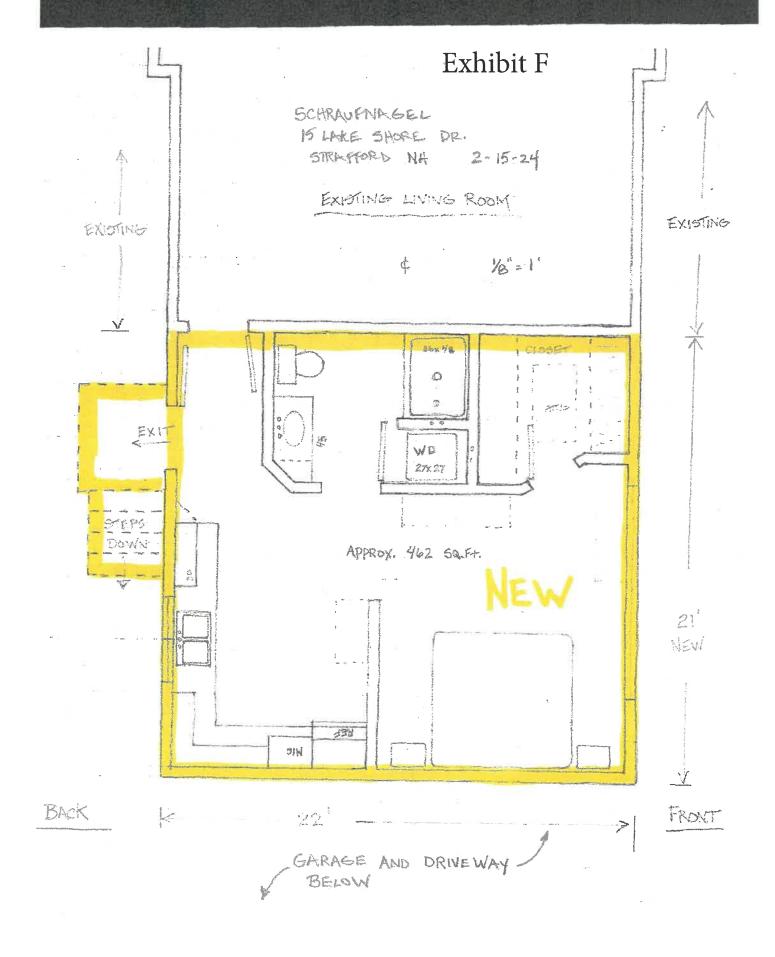


Rear Elevation



Driveway Elevation





LETTER OF AUTHORIZATION

We, Barry & Julie Schraufnagel, owners of property depicted on Tax Map 35, Lot 16, do hereby authorize Donahue, Tucker and Ciandella, PLLC, to execute any land use applications to the Town of Strafford and to take any action necessary for the application and permitting process, including but not limited to, attendance and presentation at public hearings, of the said property.

Dated:

Barry Schraufnagel

Julie Schraufnagel

4874-7016-1832, v. 1

BARRY & JULIE SCHRAUFNAGLE TAX MAP 35, LOT 16 15 LAKE SHORE DRIVE ABUTTER LIST

OWNER	/APPI	ICA	NT

35/16 Barry & Julie Schraufnagle

15 Lake Shore Drive Strafford, NH 03884

ABUTTERS:

35/17 Christopher & Valery Clery

27 Lake Shore Drive Strafford, NH 03884

33/68 Maura & Timothy O'Neill

8 Thorne Lane

Strafford, NH 03884

33/67 Megan Burgess

10 Thorne Lane

Strafford, NH 03884

33/66 Joseph Davis

Kathleen & Dennis Collins

60 Gerald Avenue Brockton, MA 02302

3/6 Philip & Carolyn Auger

PO Box 33

Strafford, NH 03884

33/1 Mayo Real Estate Nominee Trust

Frank Mayo & June Carroll, Trustees

22 Bow Street

Stoneham, MA 02180

33/1A Daniel & Joyce Cappiello, Trustees

Cappiello Family Trust

23 Lois Lane

Barrington, NH 03825

33/2 Linda Harvey

Dennis Pruneau 16 Lake Shore Drive

Strafford, NH 03844

33/3	Richard & Susan Miller

205 High Street Exeter, NH 03833

33/4 Clifford & Frances Smith

Smith Family Nominee Trust

6 Michael's Green Woburn, MA 01801

33/5 Dale & Lesley Raymond

4 Lake Shore Drive Strafford, NH 03884

ATTORNEY: Eric A. Maher, Esq.

Donahue, Tucker & Ciandella, PLLC

111 Maplewood Avenue Portsmouth, NH 03801

SURVEYOR: Norway Plains Associates, Inc.

2 Continental Boulevard Rochester, NH 03867

4861-5433-4632, v. 1

ZONING BOARD OF ADJUSTMENT STRAFFORD, NH Special Exception: Accessory Dwelling Unit

Name of Applicant:	Barry and Julie Schraufnagel	Do not write in this space
Property Owner:	Barry and Julie Schraufnagel	Case No:
Address:	15 Lake Shore Drive, Strafford, New Hampshire 03884	Date Filed:
	13 Lake Shore Drive, Stranord, New Hampshire 03004	(Signed – ZBA)
Dwelling Unit ("AD" (Reference: RSA 674	X Accessory Dwelling Unit, the construction of an attactu") may be allowed by Special Exception as an accessed: 71-73 effective June 1, 2017). ADU units must meet call Exception. See Article 1.4.1 L for details.	ory use to a single-family dwelling
Petition for Special I at Address: 15 Lake S	Exception to allow the construction of an Accessory Dy	velling Unit for property located
Tax Map 35	Lot <u>16</u>	
Please explain how y	our proposal meets the Special Exception criteria as spe	ecified in the article.
	acture is a single-family dwelling; there is no existing AI dwelling unit. Yes 🔽 No 🗀	OU, and you are only proposing
2) Your proposed A Yes \(\subseteq \) No \(\subseteq \)	DU is no greater than 750 square feet in area and has no	more than 2 bedrooms.
regulations regarding	lling unit and the proposed accessory dwelling unit will glot and building dimensional requirements, including raticle 1.4.1. Yes No 🗸	*
-	"no" for any of the above items, please provide an expired to apply for a separate Special Exception or Varian	*
The Property is 1.5 acre	es, but was approved in 1980 as part of the Pioneer Shores Subdiv	rision. See Plan 021A-21. The Ordinance
was amended to require	e a minimum 2 acres for lot size after. The lot may be built upon ur	nder Art. 1.4.1(D) as a lot of record.
There is a wetland relate	ed to a drainage ditch, and the ADU is partially within the wetland be	ouffer. A variance is being sought.
•	be your proposal (For example: convert main floor bedsonstruction of an ADU; build an addition to be connec	· · · · · · · · · · · · · · · · · · ·

	iving room on the single-family residence tinto the proposed ADU (on the ADU's western wall).
	welling and the accessory dwelling unit have an adequate water supply and sewerage system ther applicable requirements of the State of NH because (Please describe):
There is an existing	bedrock well on the Property, the yield for which is sufficient to accommodate the additional bedroom and
bathroom that will b	e associated with the ADU. Upon approval, the Applicants will install a new septic system in the approximate
footprint of the exist	ing septic system on the Property that is capable of accommodating the extra bedroom associated with the AD
	nate off-street parking for the primary dwelling and the accessory dwelling. (Please describe): not have a two car garage. When the ADU is constructed there will continue to be a two-car garage, which can
	associated with the primary dwelling unit. The driveway on the Property is over twenty feet wide. The length of
	he end of the garage and the edge of the front setback is in excess of twenty feet long and can easily
accommodate up to	two additional vehicles.
•	intains aesthetic continuity with the principal dwelling unit (please describe): d directly off of an existing bumpout of the primary residence. The ADU will be the same width and height of that
	uch that the roof ridge of the ADU follows the existing bump out. The ADU will have a similar style window,
	and will be indistinguishable from the rest of the house.
	nary dwelling unit or the accessory dwelling unit must be owner- occupied. How onstrate that you are meeting this requirement?
Upon construction,	we will be living in the ADU and allowing our daughter and her family to live in the primary residence.
Our primarily mailin	g address will continue to be at 15 Lake Shore Drive, and the tax bills will continue to be mailable to 15 Lake
Shore Drive, as it w	ill continue to be our primary residence.
,	
	conforms to all other applicable regulations governing the district (agricultural-residential)
(Please describ	
(Please describ	ed outside of the front, rear, and side setback. As reflected above, the ADU will have a slight encroachment
(Please describe The ADU will locate into the wetland but	

Description of Property: The property is 1.5 acres. It is triangular in shape. It has approximately
550 feet of frontage on Lake Shore Drive. The westerly sideline abuts Tax Map 35, Lot 15, and is 190.7 feet in length. The rear
side line is 550 feet long. The property is largely cleared has a gently rolling topography, with a small drainage ditch and
associated wetlands to the rear. Proceeding to the rear behind the drainage ditch, the gradient increases.
(Include use, acreage, length of front, side, and rear boundaries)
The following information must be filed with your application:
List of abutters (including names and complete mailing addresses)
Three sets of mailing labels for the owner, applicant, easement holders, all abutters, and any
professional who has stamped the plans being submitted.
Accurate to-scale plan or the property, including the following:
Site location
Area of site
Parcel boundaries
Abutting owners
Significant natural features, i.e. ledge, etc.
Stone walls, cemeteries, etc.
Watercourses and/or wetlands
All buildings on site
Proposed changes/additions to structures on site, or site of construction
Floor plans and building elevations
Setbacks to front, side, and rear boundaries, and to wetlands
Copy of deed to property
Completed appeal worksheet (above)
Notice of Decision from the Code Enforcement Officer

Signature of Applicant: Zhall EAm For B. Schroufnegel
Signature of Owner, if other than applicant
Date: 2/27/2024
ALL FEES DUE AT THE TIME THAT THE APPLICATION IS SUBMITTED. NO APPLICATION WILL BE PROCESSED UNLESS FEES HAVE BEEN PAID. Application fee of \$250.00, plus \$175.00 fee for newspaper publication of notification of public hearing, plus fee of \$15.00 per letter for notification by certified mail as required under NH RSA 676:7.
For office use only:
Application & Fee received by:
Date received:
Fees paid & check number:

Exhibit A

15 LAKE SHORE DR

Location 15 LAKE SHORE DR

Mblu 35/16///

Acct# 456

Owner SCHRAUFNAGLE, BARRY&JULIE

Assessment \$401,000

Appraisal \$401,000

PID 2016

Building Count 1

Current Value

Appraisal				
Valuation Year	Improvements	Land	Total	
2023	\$298,700	\$102,300	\$401,000	
	Assessment	**************************************	1 - 20 - 20 - 20 - 20 - 20 - 20 - 20 - 2	
Valuation Year	Improvements	Land	Total	
2023	\$298,700	\$102,300	\$401,000	

Owner of Record

Owner

SCHRAUFNAGLE,BARRY&JULIE

Sale Price Certificate \$38,000

Co-Owner Address

15 LAKE SHORE DR

Book & Page

e 2266/0590

STRAFFORD, NH 03884

Sale Date

01/19/2001

Instrument

10

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
SCHRAUFNAGLE,BARRY&JULIE	\$38,000		2266/0590	10	01/19/2001
DINEEN 1996 TR BLANCA M	\$0		1886/0720	1F	09/12/1996
DINEEN BLANCA	\$0		1729/0618	1A	02/18/1994
DINEEN TERENCE L	\$0				

Building Information

Building 1: Section 1

Year Built:

2001

Living Area:

2,000

Replacement Cost:

\$335,649

Building Percent Good:

Replacement Cost

Less Depreciation:

\$298,700

89

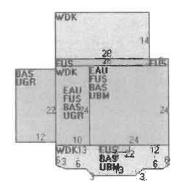
Less Depreciation:	\$298,700
Bu	ullding Attributes
Field	Description
Style	Colonial
Model	Residential
Grade:	Average +20
Stories:	2 Stories
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	THE STATE OF THE S
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gis/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Carpet
Interior FIr 2	Pergo Type
Heat Fuel	Gas
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	3 Bedrooms
Total Bthrms:	2
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	7 Rooms
Bath Style:	Average
Kitchen Style:	Average

Building Photo



(https://images.vgsi.com/photos/straffordnhPhotos/\00\00\32/59.jpg)

Building Layout



(https://images.vgsi.com/photos/straffordnhPhotos//Sketches/2016_2302.jr

	Building Sub-Areas (sq ft)		Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,098	1,098
FUS	Upper Story, Finished	902	902
EAU	Attic, Expansion, Unfinished	816	0
UBM	Basement, Unfinished	594	0
UGR	Garage Under	504	0
WDK	Deck, Wood	696	0
G. N. BONGE OF A CO.	The second section is seen to be a second to the second se	4,610	2,000

<u>Legend</u>

Extra Features

Extra Features

No Data for Extra Features

Land

Land Use

1010 **Use Code**

Description

SINGLE FAMILY MDL-01

Neighborhood 030 Alt Land Appr No Category

Land Line Valuation

Size (Acres) 1.5

0 **Frontage**

Depth 0

Assessed Value \$102,300

Appraised Value \$102,300

Outbuildings

group war, and manage case cases was at some c. An all this are subject to the contract and contract and contract and	And the state of t	The second second contract of the second sec
- Andrews and an analysis of the state of th	Outbuildings	<u>Legend</u>
	The same	
	No Data for Outbuildings	

Valuation History

Appraisal					
Valuation Year	Improvements	Land	Total		
2023	\$298,700	\$102,300	\$401,000		
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REGISTER OF DEFINS STRAFFORD COUNTY Exhibit B BOW 10 6 2.84 Ac. SUBDIVISION PLAN PIONEER SHORES BOW LAKE, STRAFFORD N.H. n/f Garard Polish consimum: Listy E. Hickins SCALE: 1"= 100" Title Ref: 860-459
Total Tract Area 28.42 Ac. FREDERICK E. DREW ASSOCIATES
LAND SURVEYS ENGINEERING
CHERRY LANE MADRUST, N.H.

PLAN No. A-1218

WARRANTY DEED

REGISTER OF DEEDS STRAFFORD COUNTY

KNOW EVERYONE BY THESE PRESENTS, That We,

Terence L. Dineen, Trustee of the Blanca M. Dineen 1996 Trust and Blanca M. Dineen, Trustee of the Blanca M. Dineen 1996 Trust, under Agreement dated August 7, 1996,

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for consideration paid, grant to Barry T. Schraufnagel and Julie A. Schraufnagel, as joint tenants with rights of survivorship,

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with warranty covenants

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The premises is hereby conveyed together with a right to use said roadway, as shown on the above-referenced plan, for ingress and egress, all in common with others similarly entitled.

There is further conveyed hereby rights Grantor's rights over and upon the area designated on the above-referenced plan as Reservation for Access to Lake, Lots 1 thru 9.

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Signed this /74 day of January, 2001.

DEPARTMENT OF REAL ESTATE TRANSFER TAX ADMINISTRATION XXXTHOUSAND XX5 HUNDRED AND X 7 ODOLLARS 01-19-01 471130 \$ 570.00

Terence L. Dineen, Trustee of the Blanca M. Dineen 1996 Trust

Blanca M. Dineen, Trustee of the Blanca M. Dineen 1996 Trust

Commonwealth of Massachusetts

Falmouth, Barnstoph Courtes:

BK/2266PG0590

17 day of January, 2001

Personally appeared Terence L. Dineen, Trustee of the Blanca M. Dineen 1996 Trust and Blanca M. Dineen, Trustee of the Blanca M. Dineen 1996 Trust, known to me, or satisfactorily proven, to be the person whose name subscribed to the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.

My Commission Expires:

Monifyr wy LLTON Notary Public Commonwealth of Massachusett My Commission Expires hity 19, 2007 Justice of the Peace/Notary Public

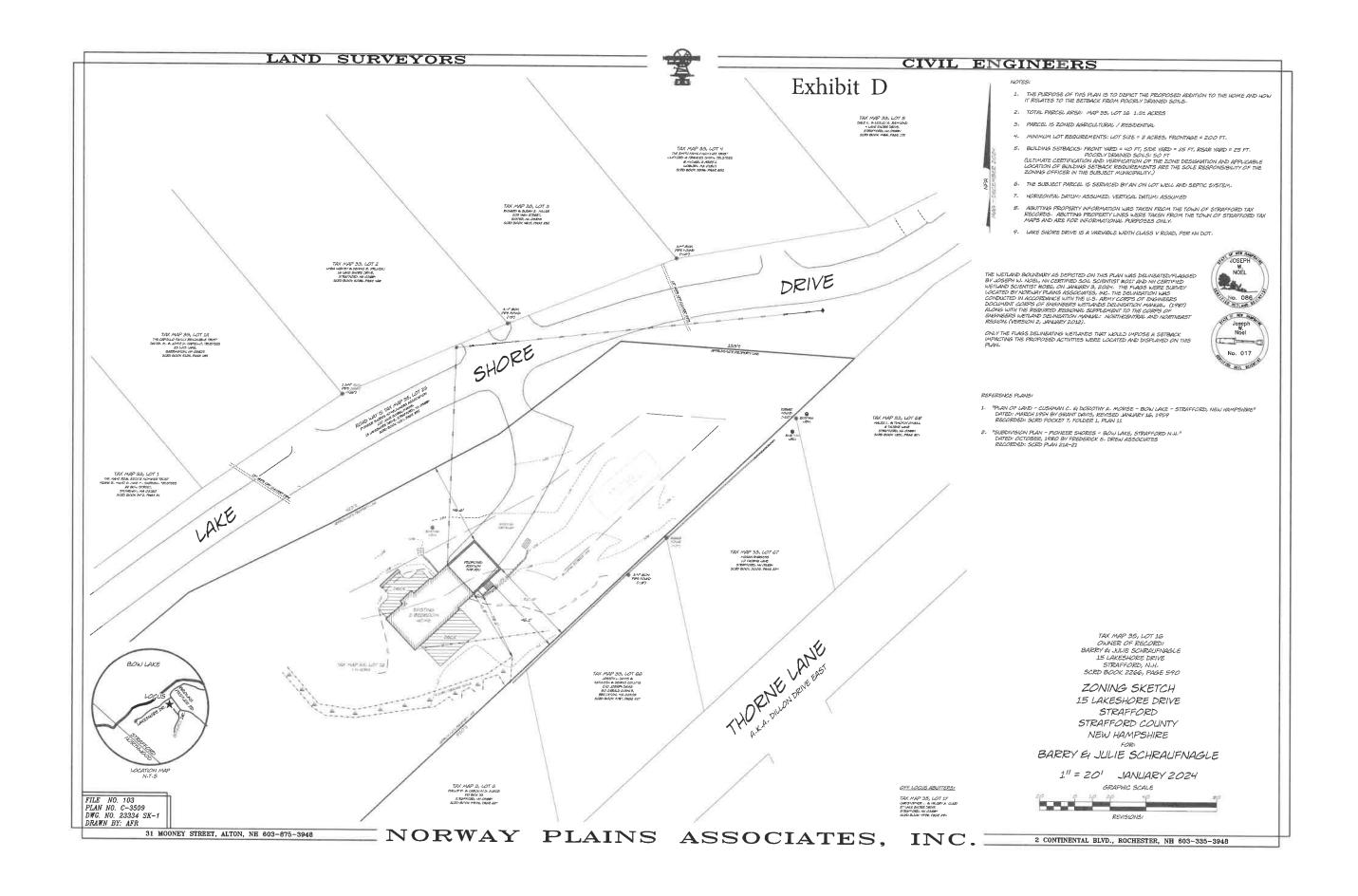


Exhibit E

Front Elevation



Rear Elevation



Driveway Elevation

