

TOWN OF STRATHAM

INCORPORATED 1716 10 BUNKER HILL AVENUE - STRATHAM NH 03885 VOICE (603) 772-4741 - FAX (603) 775-0517 www.strathamnh.gov

4/7/21

RE: 83R (85) Bunker Hill Avenue Map 10 Lot 6 & 7, Zone: R/A ZBA 657 –Variance

Staff Review

The applicant requests a Variance from Section 4, Article 2, of the Stratham Zoning Ordinance in order to create a new buildable lot with zero frontage on Bunker Hill Avenue.

1. A very important question is what the purpose of the ordinance is and whether or not the applicant is furthering or reducing the ordinance intent.

1.2 PURPOSES: The purposes of this Ordinance are to promote the health, safety, convenience and general welfare of the inhabitants of the Town of Stratham, to protect and conserve the value of property, to <u>encourage the most appropriate use of land throughout</u> <u>the Town</u>, and to promote the efficiency and economy in the process of development by securing safety from fire, panic and other dangers, by <u>providing adequate areas between</u> <u>buildings and various rights-of-way</u>, by preserving the character of the Town, and by promoting good civic design and arrangements, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements, and by other means.

The 200' frontage requirement would certainly provide "*adequate areas between buildings*". The applicant has proposed a lot with zero frontage but has managed to satisfy the ordinance intent of providing "*adequate areas between buildings*" by proposing to build further back from the road as well as satisfying the dimensional requirement of no less than 2 acres.

2. 2015 NFPA 1:

18.2.3.4.1.1 Fire department access roads shall have an unobstructed width of not less than 20 ft (6.1 m).

18.2.3.4.2 Fire department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface. 18.2.3.4.4 Dead End Roads: Dead-end fire department access roads in excess of 150 ft (46 m) in length shall be provided with approved provisions for the fire apparatus to turn around.

Sincerely,

Shanti Wolph Building Inspector/Code Enforcement Officer 603-772-7391 x180 swolph@strathamnh.gov

	Hill Avenue · Stratham, NH 03885 772-4741 · Fax 603-775-0517 www.StrathamNH.gov By	APR - 6 2021
	FFICE USE ONLY	
ZBA Case Number: <u>058</u>	Public Notification Date: 4 13 2	
Date Application Filed: 462021	Public Hearing Date: 4 27 203	C
Received By: (Initials Only)	Approval/Denial Date:	
Fees Received: \$ 290.00	ZB A Decision Date:	
Section 1. General Information (Please print or	Туре)	
	hone#: 603-664-3900 Fax #: mail Address: StonewallSurveying@g	gmail.com
Street Address Town/City	State	ZIP
PROPERTY OWNER (If different from Applicant)	Phone#: 603-793-2351 Fax #:	
Lester & Cathy Carboneau	Email Address: carbo5@comcast.	net
83R Bunker Hill Road, Stratham, NH Street Address Town/City	03885 State	ZIP
10 Tax Map: Total parcel area:	otal (acres) Book: 2503 Page: 3385	
OVERLAY DISTRICT(S): Aquifer Protection (Check all that apply) Shoreline Protection Gateway Commercia	on 🔲 Floodplain Management	-
		nkir Hill Are ap 10 Lot 7. ne property They
Section 2. Background		

would like to use their existing driveway on Tax Map 10 Lot 6 to provide the new lot with a 25 foot right of way to Bunker Hill Road. This creates a zero frontage rear lot. A 50 foot right of way would make the existing house not meet the setback requirement and would put the existing well inside the right of way. SO the 25 foot width seems reasonable. The property has been in the family since 1956 and currently both lots 6 & 7 make up approximately 13 acres in size. Section 3. Variance Request

A variance is requested from Section <u>4</u> Article <u>2</u> of the Zoning Ordinance and asks that said terms be waived to permit the following:

The Table of Dimensional Requirements for this zone requires 200 feet of road frontage. Tax Map 10 Lot 6 has existing 50.03 feet of frontage and Tax Map 10 Lot 7 has 228.9 feet of frontage. We are asking for the proposed lot behind Lot 6 to have zero frontage, but be accessed by a 25 foot wide right of way to Bunker Hill Road.

The applicant bears the burden of presenting evidence sufficient to allow the Zoning Board to reach conclusions and make findings to support the authorization of a variance. To do so, the undersigned alleges that the following legal criteria for granting a variance are satisfied, and submits the accompanying written statement, records, photographs, and other materials to justify the granting of the variance and to explain how each of the criteria for the variance is or will be satisfied.

Facts supporting this request:

i. The variance will not be contrary to the public interest because:

The granting of this variance will not be contrary to the public interest since it is not creating a burden on the Town resources. The lot will be serviced by a private well and septic and will have access onto a State control road. Using the existing driveway eliminates another driveway cut onto the main road leaving the rural character intact as the new home will not be visible from the main road.

ii. The spirit of the ordinance is observed because:

The spirit of the Ordinance is to provide a guide for development of parcels within the Town. But it is clear that not all lots fit the mold as implied by the Ordinance. As an example, if the lot has 250 feet of frontage and the gas lines didn't exist, then by the the Subdivision regulations, Lot 7 may be able to be divided by the back lot provision in a similar fashion to whats shown, but with their own driveway. If forced to create a Town approved right of way for frontage, then the homeowner would need to maximize development, which would impact the neighborhood.

iii. Substantial justice is done because:

The granting of this variance will result in substantial justice because it allows for the land owner to be able to utilize their property and convey lots to both of their children on land that has been in the family for decades, while still maintaining its rural character.

iv. The values of surrounding properties are not diminished because:

There are many properties in the surrounding areas with long driveways or lots with zero frontage. This consideration still provides access to the proposed lot. The right of way will be included in the record deed as a permanent easement and right of way so it will not be a land locked parcel. The proposed lot is also larger than many lots in the area being created at a 3.31 acres parcel where only 2 acres is required. The proposed house will not be visible from the road and will have zero impact to the existing curb cut, so granting this variance will have no impact to surrounding properties.

- v. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
 - 1. 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:
 - a. 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:

The current regulations and lot shapes prevents any development of Tax Map 10 Lot 7. Lot 7 currently is over 10 acres in size and the proposed Lot 7 would still be about 7 acres in size, well above the Town minimum requirement. There is no reasonable way to provide 50 feet for the proposed lot on Bunker Hill Road as Lot 7 only has 228.9 feet of frontage. If there was enough road frontage, they still cannot put a driveway over the gas pipeline to access the rear lot, so the most reasonable approach is to use the existing driveway for access.

b. The proposed use is a reasonable one because:

The original Tax Map 10 Lot 6 was created in 1984 and Lot 7 was created in 1961. Lot line adjustments were performed in 2020, of which did not impact this division. The configurations of the original lots, the two gas lines running through the property and the current zoning requirements make it difficult to develop the rear of the property. The proposed configuration cleans the lot shape for Lot 6 and provides a building lot for their son. Lot 7 will be conveyed to their daughter.

2. Explain how, if the criteria in subparagraph l. 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 on 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 previously, there is no reasonable way to develop this lot under the current regulations and creates a hardship upon the owner for reasonable use of their property. The existing gas lines running through the property adds to the reasonable use of this property and again creates an additional hardship. The only reasonable solution is to utilize an existing driveway and create a parcel behind the existing house lot.

3. The definition of "unnecessary hardship" set forth in this section shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

The "unnecessary hardship" is the restriction of use put on the property by the ordinance.

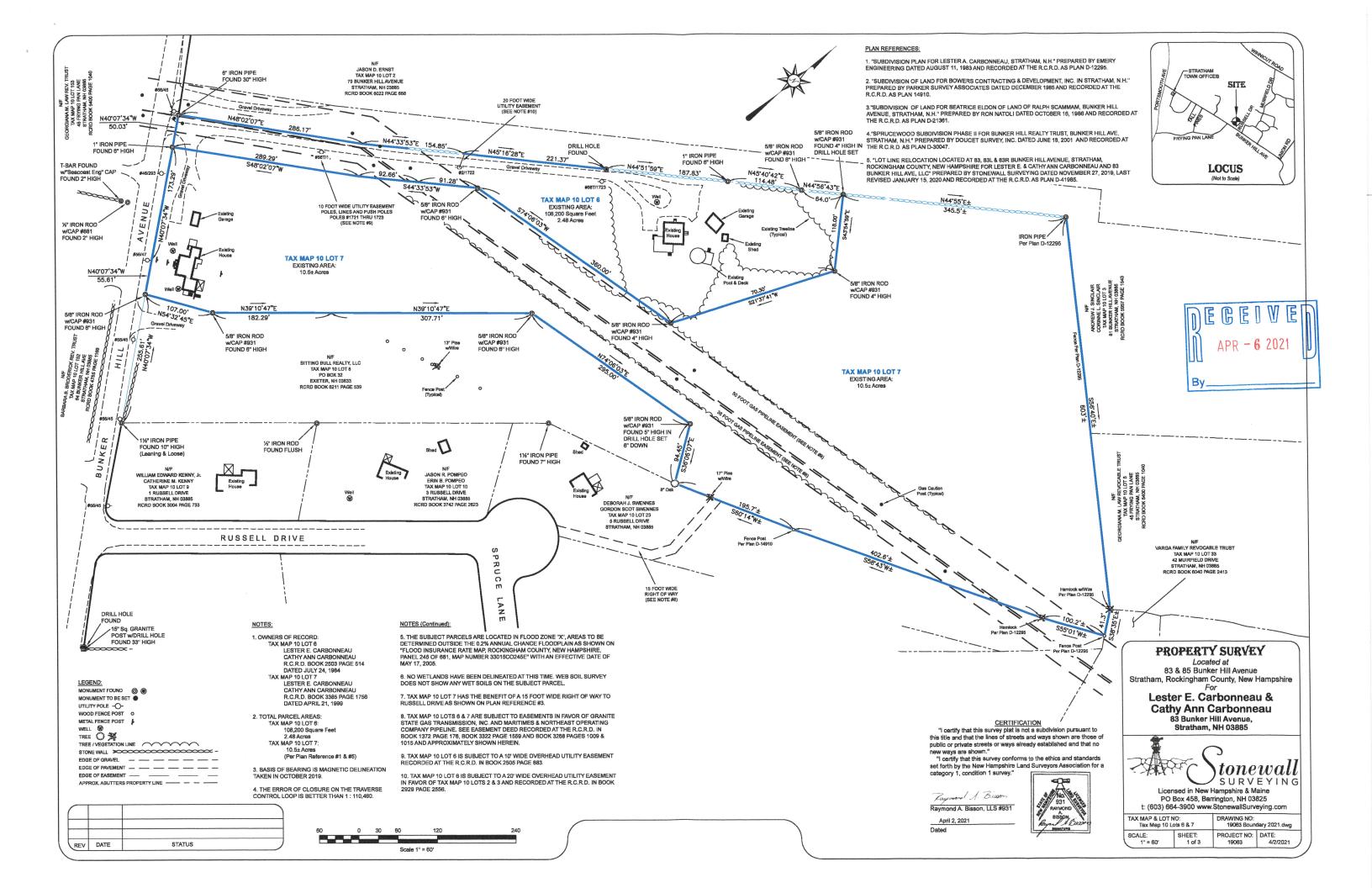
Section 4. Applicant's Certification

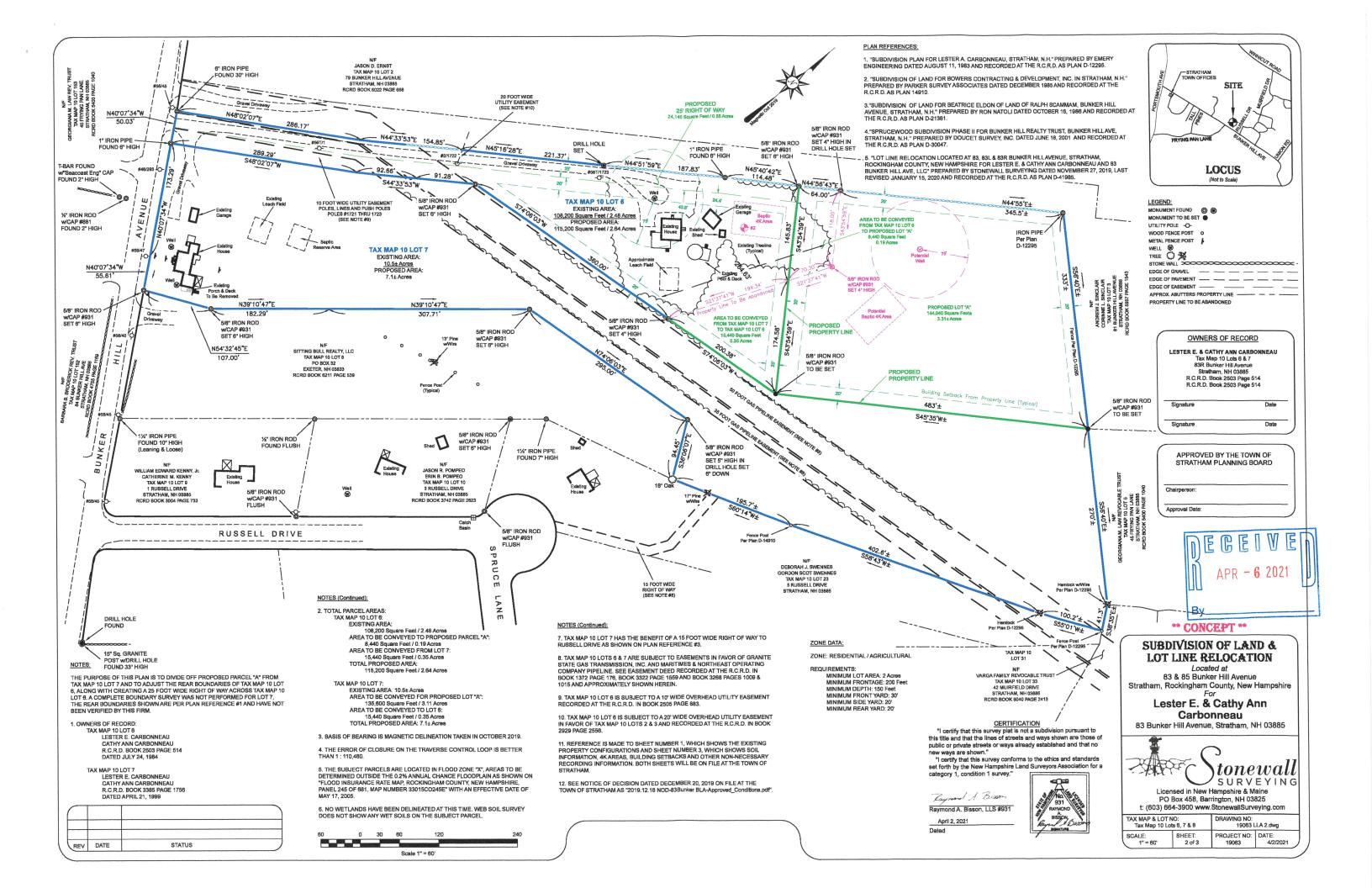
I declare under penalty of perjury that all of the submitted information is true and valid to the best of my knowledge and belief and that there is no violation of the approved ordinances, codes, and/or regulations of the Town of Stratham. I have read and agree to abide by the regulations and conditions of approval listed on this application. I understand that my misrepresentations of submitted data may invalidate any approval of this application. I further authorize the Members of the Board and/or their staff to enter onto my property for the purposes of this review.

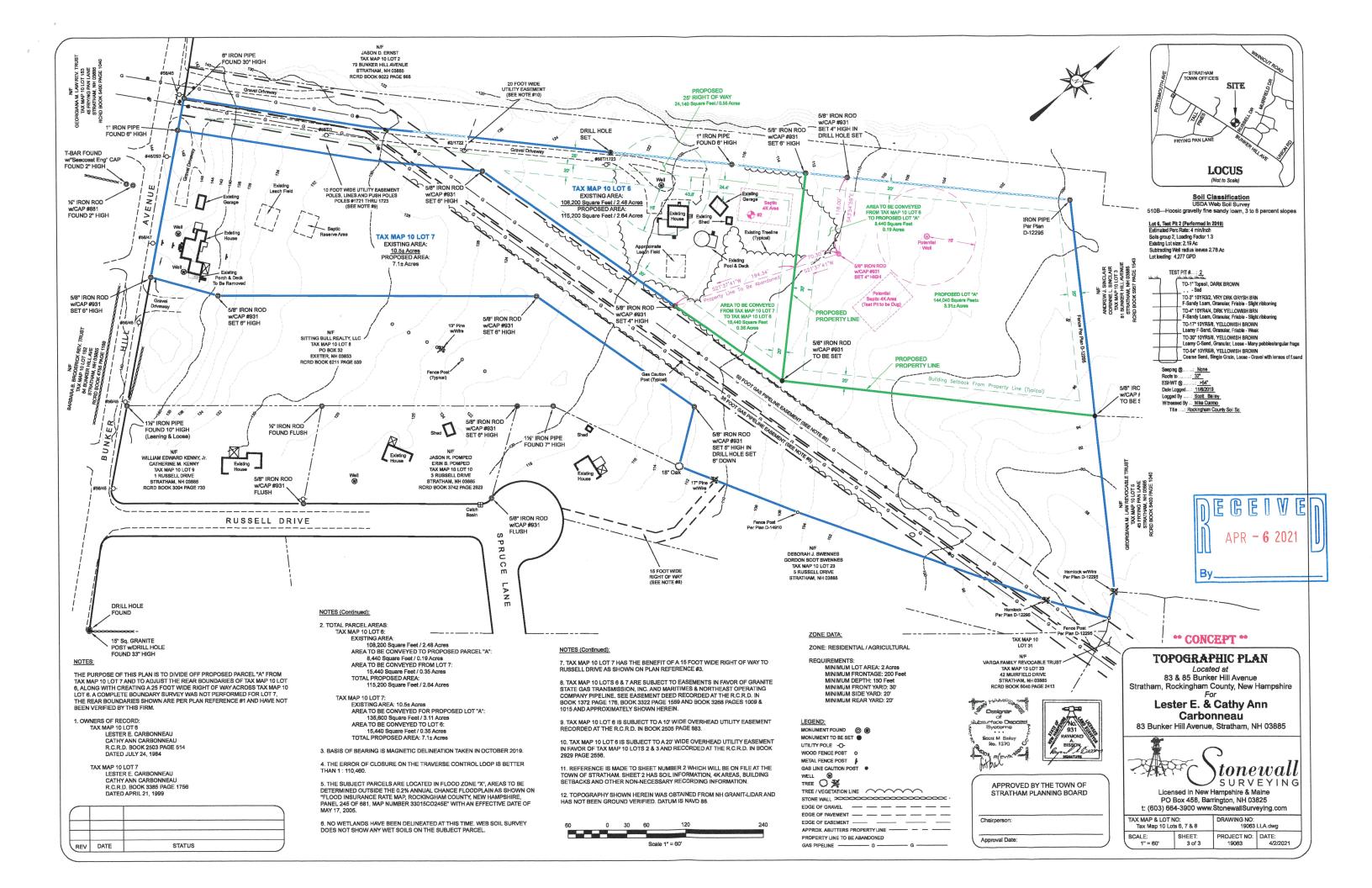
- RAYMOND A. BISSON <u>36/21</u> Print Applicant's Name Date Carbonneau LESTER E. CARbonneau 4-6-21 Signature of Applicant

NOTES:

- 1. Application must be sign signed by the owner of the property or other person having the legal right to apply as an agent of the owner. If signed by a person other than the owner of the property documentation of the legal right to apply as an agent of the owner must be supplied at the time the application submittal.
- 2. If applicant is renting/leasing subject property/structures, said applicant <u>must</u> have a signed letter from the owner stating their permission to conduct the proposed business project on their property. This letter <u>must</u> include the property owner's name, current address, and telephone number.







APPLICATION CHECKLIST

Section 4. Applicant's Certification

• Completed and <u>signed</u> application (check to ensure the proper section is filled out).

- **O** Section 1. APPEAL FROM AN ADMINISTRATIVE DECISION
- **O** Section 2. APPLICATION FOR A SPECIAL EXCEPTION
- **O** Section 3. APPLICATION FOR VARIANCE
- **O** Section 4. APPLICATION FOR EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS
- Submission of a plat or drawing, which should provide information in support of the appeal. (9 sets)
- Completed abutters list with three (3) address labels, no envelopes

• Fees: \$250 plus \$5 for each abutter $8 \times 5 = 0.40$

**Town of Stratham and all individuals requiring notification (property owner, legal counsel, engineering firms, etc.) must be included on the abutter list.

• Check for the appropriate amount made out to the <u>Town of Stratham</u>.

Letter of Authorization

April 5, 2021

To Stratham Zoning Board:

We the undersigned, hereby authorize Raymond Bisson from Stonewall Surveying and his appointees to act on our behalf in all manners relating to local and state permitting, including the signing of all documents related to these matters for the property identified as **Tax Map 10 Lots 6 & 7** located at **83 & 83R Bunker Hill Road**. Any and all acts carried out by Raymond Bisson and appointees on our behalf shall have the same effect as acts of our own.

This authorization is valid until further written notice from ourselves, Lester E. Carbonneau & Cathy Ann Carbonneau.

Lester E. Carbonneau Cathy Ann Carbonneau 83R Bunker Hill Road Stratham, NH 03885

Jester E Carbonneau

April 5, 2021 Town of Stratham To Whom It May Concern,

Currently, my husband and I, have been working with Stonewall Surveying on a subdivision project to allow our son to build a home on our land, tax map 10, lot 7. The proposed new lot will have a permanent easement and right of way thru our lot,tax map 10 lot 6. Thank you for your consideration.

603 394 5152 carbo5@comcast.net

Sincerely yours,

Lester & Catherine Carbonneau

	Stra	0 foot Abutters List R tham, NH 11 02, 2021	leport		
	Subject Property:				
Z	Parcel Number: CAMA Number: Property Address:	10-007-000 10-007-000 85 BUNKER HILL AVENUE	Mailing Address:	CARBONNEAU, LESTER E. CARBONNEAU, CATHERINE A. 83R BUNKER HILL AVENUE STRATHAM, NH 03885	
	Abutters:				
X	Parcel/Number: CAMA Number: Property Address:	10-002-000 10-002-000 79 BUNKER HILL A VEN UE	Mailing Address:	ERNST, JASON D. 79 BUNKER HILL AVENUE 8TRATHAM, NH 03885	
D	Parcel Number: CAMA Number: Property Address:	10-003-000 10-003-000 81 BUNKER HILL AVENUE	Mailing Address:	SINCLAIR, ANDREW J. SINCLAIR, CORINNE L. 81 BUNKER HILL AVENUE STRATHAM, NH 03885	
0	Parcel Number: CAMA Number: Property Address:	10-005-000 10-005-000 OFF BUNKER HILL AVENUE	Mailing Address:	LAW, GEORGIANA REVOCABLE TRUST LAW, GEORGIANA M. TRUSTEE 45 FRYING PAN LANE STRATHAM, NH 03885	
0	Parcel Number: CAMA Number: Property Address:	10-006-000 10-006-000 83 BUNKER HILL AVENUE	Mailing Address:	CARBONNEAU, LESTER E. CARBONNEAU, CATHY ANN 83 BUNKER HILL AVENUE STRATHAM, NH 03885	
0	Parcel Number: CAMA Number: Property Address:	10-008-000 10-008-000 87-89 BUNKER HILL AVENUE	Mailing Address:	SITTING BULL REALTY, LLC PO BOX 32 EXETER, NH 03833	
3	Parcel Number: CAMA Number: Property Address:	10-023-000 10-023-000 5 RUSSELL DRIVE	Mailing Address:	SWENNES, DEBORAH J. 5 RUSSELL DRIVE STRATHAM, NH 03885	
	Parcel Number: CAMA Number: Property Address:	10-024-000 10-024-000 6 RUSSELL DRIVE	Mailing Address:	HAFFENREFFER, WILLIAM -TRUSTEE HAFFENREFFER, SOFIA - TRUSTEE HAFFENREFFER FAMILY REVOCABLE RUSSELL DRIVE STRATHAM, NH 03885	
5	Parcel Number: CAMA Number: Property Address:	10-031-000 10-031-000 3/HICKORY POND LANE	Mailing Address:	CATAPANO, FRANK V. S HICKORY POND LANE STRATHAM, NH 03885	
3	Parcel Number: CAMA Number: Property Address:	10-033-000 10-033-000 42 MUIRFIELD DRIVE	Mailing Address:	VARGA FAMILY REVOCABLE TRUST VARGA, STEPHEN A. & DIANA MT 42 MUIRFIELD DRIVE STRATHAM, NH 03885	
)	Parcel Number: CAMA Number: Property Address:	10-152-000 10-152-000 84 BUNKER HILL AVENUE	Mailing Address:	BRODERICK, BARBARA B. TRUSTEE BARBARA B BRODERICK REVOC TRUS 84 BUNKER HILL AVENUE STRATHAM, NH 03885	

4/2/2021

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.



100 foot Abutters List Report Stratham, NH April 02, 2021

Parcel Number:	10-153-000	Mailing Address:	LAW, GEORGIANA REVOCABLE TRUST
🕢 CAMA Number:	10-153-000	-	LAW, GEORGIANA M. TRUSTEE
Property Address:	80 BUNKER HILL AVENUE		45 FRYING PAN LANE
			STRATHAM, NH 03885
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4/2/2021

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STRATHAM, NH 03885	STRATHAM, NH 03885	STRATHAM, NH 03885
STONEWALL SURVEYING	STONEWALL SURVEYING	STONEWALL SURVEYING
PO BOX 458	PO BOX 458	PO BOX 458
BARRINGTON, NH 03825	BARRINGTON, NH 03825	BARRINGTON, NH 03825
JASON D. ERNST	JASON D. ERN8T	JASON D. ERNST
79 BUNKER HILL AVENUE	79 BUNKER HILL AVENUE	79 BUNKER HILL AVENUE
STRATHAM, NH 03885	STRATHAM, NH 03885	STRATHAM, NH 03885
 DEBORAH J. SWENNES 5 RUSSELL DRIVE STRATHAM, NH 03885 	DEBORAH J. SWENNES 5 RUSSELL DRIVE STRATHAM, NH 03885	DEBORAH J. SWENNES 5 RUSSELL DRIVE STRATHAM, NH 03885
ANDREW J. SINCLAIR	ANDREW J. SINCLAIR	ANDREW J. SINCLAIR
CORINNE L. SINCLAIR	CORINNE L. SINCLAIR	CORINNE L. SINCLAIR
81 BUNKER HILL AVENUE	81 BUNKER HILL AVENUE	81 BUNKER HILL AVENUE
STRATHAM, NH 03885	STRATHAM, NH 03885	STRATHAM, NH 03885
VARGA FAMILY REVOCABLE TRUST	VARGA FAMILY REVOCABLE TRUST	VARGA FAMILY REVOCABLE TRUST
STEPHEN A. & DIANA VARGA,	STEPHEN A. & DIANA VARGA,	STEPHEN A. & DIANA VARGA,
TRUSTEES	TRUSTEES	TRUSTEES
42 MUIRFIELD DRIVE	42 MUIRFIELD DRIVE	42 MUIRFIELD DRIVE
STRATHAM, NH 03885	STRATHAM, NH 03885	STRATHAM, NH 03885
SITTING BULL REALTY, LLC	SITTING BULL REALTY, LLC	SITTING BULL REALTY, LLC
PO BOX 32	PO BOX 32	PO BOX 32
EXETER, NH 03833	EXETER, NH 03833	EXETER, NH 03833
J GEORGIANA M. LAW REV. TRUST	GEORGIANA M. LAW REV. TRUST	GEORGIANA M. LAW REV. TRUST
GEORGIANA M. LAW, TRUSTEE	GEORGIANA M. LAW, TRUSTEE	GEORGIANA M. LAW, TRUSTEE
45 FRYING PAN LANE	45 FRYING PAN LANE	45 FRYING PAN LANE
STRATHAM, NH 03885	STRATHAM, NH 03885	STRATHAM, NH 03885
8 BARBARA B. BRODERICK REV TRUST	BARBARA B. BRODERICK REV TRUST	BARBARA B. BRODERICK REV TRUST
BARBARA B BRODERICK, TRUSTEE	BARBARA B BRODERICK, TRUSTEE	BARBARA B BRODERICK, TRUSTEE
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STRATHAM, NH 03885	STRATHAM, NH 03885	STRATHAM, NH 03885
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