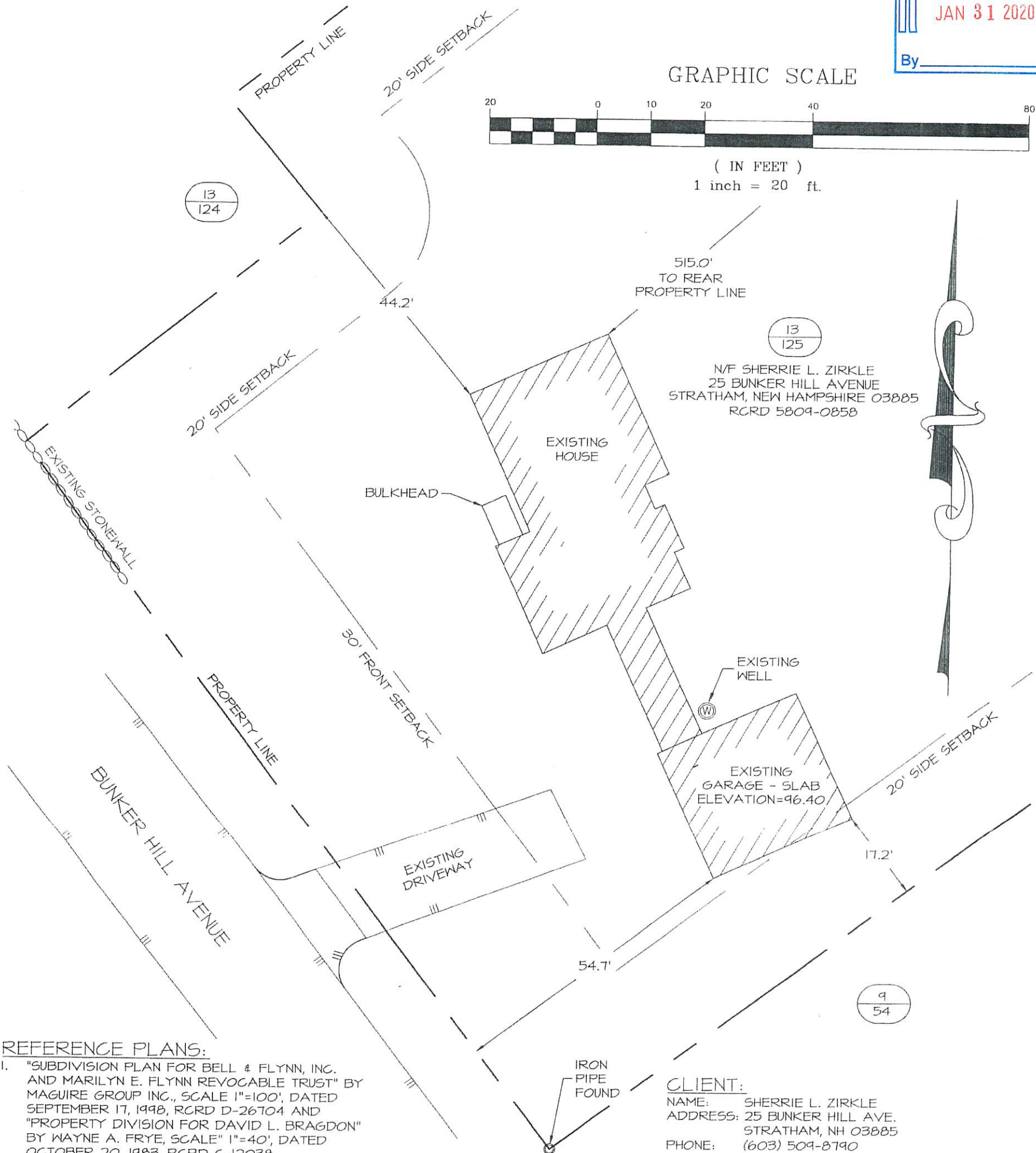


GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.



REFERENCE PLANS:

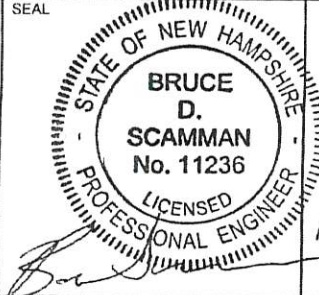
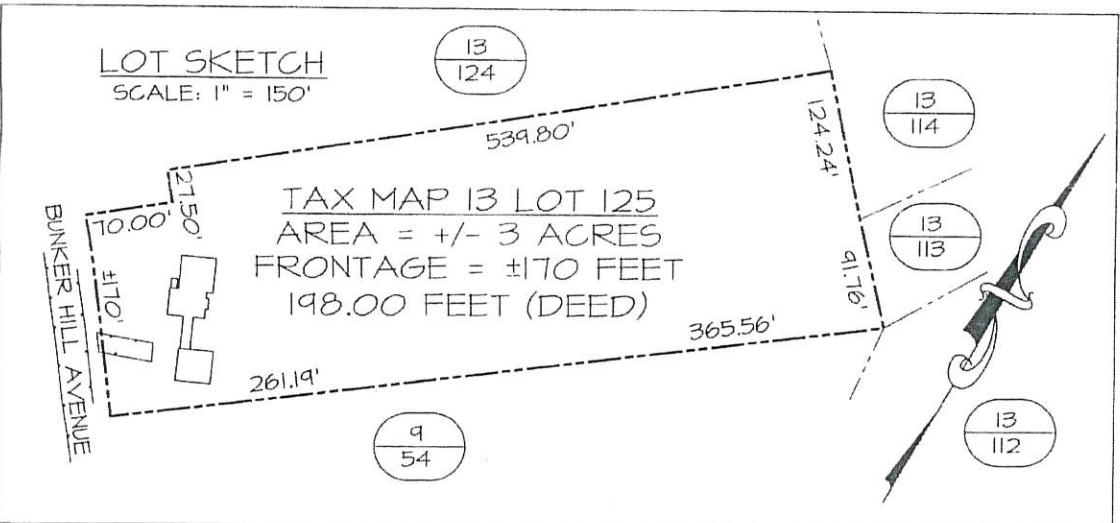
1. "SUBDIVISION PLAN FOR BELL & FLYNN, INC. AND MARILYN E. FLYNN REVOCABLE TRUST" BY MAGUIRE GROUP INC., SCALE 1"=100', DATED SEPTEMBER 17, 1998, RCRD D-26704 AND "PROPERTY DIVISION FOR DAVID L. BRAGDON" BY WAYNE A. FRYE, SCALE 1"=40', DATED OCTOBER 20, 1983, RCRD C-12038.

CLIENT:

NAME: SHERRIE L. ZIRKLE
ADDRESS: 25 BUNKER HILL AVE.
STRATHAM, NH 03885
PHONE: (603) 509-8790

NOTES:

1. OWNER OF RECORD: TAX MAP 13 LOT 125, RCRD BOOK 5809 PAGE 0858, SHERRIE L. ZIRKLE, 25 BUNKER HILL AVENUE, STRATHAM, NEW HAMPSHIRE 03885.
2. THE INTENT OF THIS PLAN IS TO SHOW THE AS-BUILT LOCATION OF A RESIDENTIAL FOUNDATION.
3. THIS PLAN DOES NOT REPRESENT A BOUNDARY SURVEY. BOUNDARY LINES SHOWN ON THIS PLAN WERE DRAWN BASED ON REFERENCE PLAN #1.
4. BOUNDARY INFORMATION IS FROM DEED RECORDED AT RCRD BOOK 5809 PAGE 0858 AND REFERENCE PLAN #1.
5. SURVEY FIELDWORK COMPLETED BY JM AND BP ON JULY 13, 2017, AND BY JM AND ML ON JANUARY 15, 2018.



EMANUEL ENGINEERING
civil & structural consultants, land planners
118 PORTSMOUTH AVENUE, A202
STRATHAM, NH 03885
P: 603-772-4400 F: 603-772-4487
WWW.EMANUELENGINEERING.COM

FOUNDATION CERTIFICATION ZIRKLE RESIDENCE 25 BUNKER HILL AVE, STRATHAM, NH 03885	
DRAWN BY: MGL	JOB #: 17-058
CHECKED BY: JJM	SCALE: 1" = 20'
DATE: JANUARY 16, 2018	DWG: C1



TOWN OF STRATHAM
ZONING BOARD OF ADJUSTMENT

**APPLICATION FOR EQUITABLE WAIVER
OF DIMENSIONAL REQUIREMENTS**

FOR OFFICE USE ONLY
Date Received: 1/31/2020
Case #: 653
Fee(s) Paid: _____
Date: _____ By: _____
Date of Notice: _____
Date of Hearing: _____

SECTION 1: GENERAL INFORMATION:

APPLICANT: Sherrie Zirkle PHONE NUMBER: 603-504-8790
EMAIL ADDRESS: applefarmer49@gmail.com
MAILING ADDRESS: 25 Bunker Hill Ave Stratham CA 03885
STREET ADDRESS TOWN/CITY STATE ZIP
PROPERTY OWNER: SAME PHONE NUMBER: _____
(IF SAME AS APPLICANT, WRITE "SAME") EMAIL ADDRESS: _____
MAILING ADDRESS: SAME STREET ADDRESS TOWN/CITY STATE ZIP
LOCATION OF PROPERTY: 25 Bunker Hill Ave MAP: 13 LOT: 125
STREET ADDRESS single
DESCRIPTION OF PROPERTY: 1 story w/ 2 car garage, residential home, built
2017-2018 on 3.43 acres. See attached map for
dimensions and setbacks.

(LOT DIMENSIONS, SETBACKS, TOTAL AREA, PRESENT USE, PROPOSED USE)

THIS APPLICATION IS NOT CONSIDERED ACCEPTABLE UNLESS ALL REQUIRED STATEMENTS HAVE BEEN MADE AND ALL SECTIONS COMPLETED.
ADDITIONAL INFORMATION MAY BE SUPPLIED ON SEPARATE SHEETS IF NECESSARY.

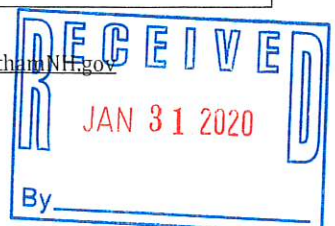
SECTION 2: APPLICATION FOR AN EQUITABLE WAIVER:

An Equitable Waiver of dimensional requirements from Article 4.2 Section IV of the Stratham Zoning Ordinance is requested to permit:

a 34" encroachment on a 20' setback for the corner of
a garage

Facts supporting this request:

Does the request involve a dimensional requirement, not a use restriction? ☒ Yes ☐ No



SECTION 2: APPLICATION FOR AN EQUITABLE WAIVER: (CONTINUED)

2. Explain how the violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value:

see attached

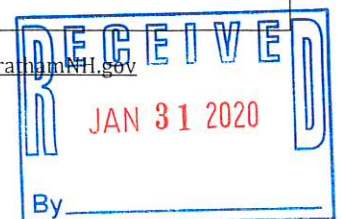
3. A. Explain how the violation was not an outcome of ignorance of the law or Ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner or owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in Ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority:

or

B. In lieu of 2.A, demonstrate that the violation has existed for 10 years or more, and that no enforcement action, including written notice of violation, has been commenced against the violation during that time by the municipality or any person directly affected:

4. Explain how the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property:

5. Explain how, that due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected:



SECTION 5. LIST OF ABUTTERS:

PURSUANT TO RSA 676:4, THE STATE LAW OF NEW HAMPSHIRE, THE TOWN OF STRATHAM IS REQUIRED TO NOTIFY THE APPLICANT, ABUTTERS (INCLUDING HOLDERS OF CONSERVATION EASEMENTS), AND ANY PROFESSIONAL WHOSE SEAL IS ON THE PLAN, OF THE PUBLIC HEARING BY CERTIFIED MAIL. THE APPLICANT MUST OBTAIN THE ABUTTER INFORMATION FROM THE RECORDS OF THE TAX ASSESSOR'S OFFICE IN ORDER TO PROCESS THE EQUITABLE WAIVER PERMIT APPLICATION.

ABUTTER IS DEFINED AS THE OWNER OF RECORD OF A PARCEL OF LAND LOCATED IN NEW HAMPSHIRE AND THAT ADJOINS OR IS DIRECTLY ACROSS THE STREET OR STREAM FROM THE LAND UNDER CONSIDERATION BY THE ZONING BOARD OF ADJUSTMENT. THE TERM ABUTTER SHALL ALSO INCLUDE THE OWNER AND APPLICANT. FOR A CONDOMINIUM OR OTHER COLLECTIVE FORM OF OWNERSHIP, ABUTTER MEANS THE OFFICERS OF THE COLLECTIVE OR ASSOCIATION.

OWNER:

MAP	LOT	PROPERTY OWNER	STREET ADDRESS	TOWN	STATE	ZIP
13	125	Sherrie Zirkle	25 Bunker Hill Ave	Stratham	CA	03885

APPLICANT (IF DIFFERENT FROM OWNER): (SAME)

MAP	LOT	APPLICANT	STREET ADDRESS	TOWN	STATE	ZIP
-		Emanuel Engineering	118 Portsmouth Ave, A202	Stratham	CA	03885

SURVEYOR AND/OR ENGINEER:

MAP	LOT	NAME OF COMPANY	STREET ADDRESS	TOWN	STATE	ZIP

CONSERVATION EASEMENT HOLDER:

MAP	LOT	PROPERTY OWNER	STREET ADDRESS	TOWN	STATE	ZIP

ABUTTERS:

[illegible]

THE ABOVE ABUTTER LISTING REFLECTS THE MOST CURRENT ASSESSING RECORDS AND THE STRATHAM ZONING BOARD OF ADJUSTMENT IS RELEASED FROM ANY RESPONSIBILITY FOR INACCURATE INFORMATION OR INCORRECT ABUTTER NOTIFICATION.

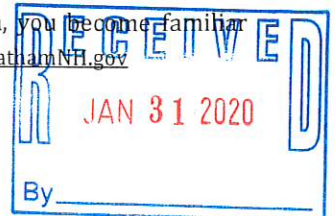
Shemie Zickl
SIGNATURE OF APPLICANT

Map 13, Lot 125

DATE _____

INSTRUCTIONS FOR EQUITABLE WAIVER PERMIT

1. The Zoning Board of Adjustment strongly recommends that, before making any application, you become familiar with the Zoning Ordinance and the Zoning Board of Adjustment's policies and procedures. For more information, please contact the Planning Department at 10 Bunker Hill Avenue • Stratham, NH 03885 • (603) 772-7391 • Fax (603) 775-0517 • www.StrathamNH.gov



SECTION 3. APPLICANT 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.

<u><i>dhemi Zirkle</i></u> <i>Signature of Applicant</i>	<u>Sherrie Zirkle</u> <i>Print Applicant's Name</i>	<u>2/1/2020</u> <i>Date</i>
<u>SAME</u> <i>Signature of Owner</i>	<u></u> <i>Print Owner's Name</i>	<u></u> <i>Date</i>

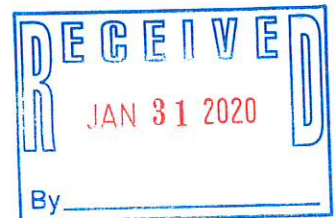
NOTES:

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 MUST HAVE A SIGNED LETTER FROM THE OWNER STATING THEIR PERMISSION TO CONDUCT PROPOSED BUSINESS PROJECT ON THEIR PROPERTY. THIS LETTER MUST INCLUDE THE PROPERTY OWNER'S NAME, CURRENT ADDRESS, AND TELEPHONE NUMBER.

SECTION 4. AUTHORIZATION TO ENTER THE SUBJECT PROPERTY:

I HEREBY AUTHORIZE MEMBERS OF THE STRATHAM ZONING BOARD OF ADJUSTMENT, CODE ENFORCEMENT, PLANNING DEPARTMENT, AND OTHER PERTINENT TOWN DEPARTMENTS AND BOARDS/COMMISSIONS TO ENTER MY PROPERTY FOR THE PURPOSE OF EVALUATING THIS APPLICATION, INCLUDING PERFORMING INSPECTIONS DURING THE APPLICATION PHASE, POST-APPROVAL PHASE, CONSTRUCTION PHASE AND OCCUPANCY PHASE. IT IS UNDERSTOOD THAT THESE INDIVIDUALS MUST USE ALL REASONABLE CARE, COURTESY, AND DILIGENCE WHEN ON THE PROPERTY.

<u><i>dhemi Zirkle</i></u> <i>Signature of Owner</i>	<u>Sherrie Zirkle</u> <i>Print Owner's Name</i>	<u>2/1/2020</u> <i>Date</i>
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Town of Stratham

APPLICATION FOR EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

Sherrie Zirkle, Property Owner (and fool)

Section 2:

2. I (Owner) resided in CA. I hired a recommended "Contractor" to demolish and rebuild a new, larger garage on my newly purchased property prior to my moving to NH. "Contractor" was to take care of all permits and building requirements and build the garage before I could make the move. I communicated with "Contractor" periodically to check on progress. He never once mentioned any issue with where he sited the garage, setback problems, etc. He reported that everything was fine. Well, everything was NOT fine as I later discovered.

3. After the garage was almost complete, "Contractor" said he had been a little nervous about where the exact setback line was but that the garage had passed inspection and a permit was issued so everything was OK. He NEVER mentioned to me that there was a problem that would require a variance. It was the Building Inspector who told me long afterwards that there was still a problem despite the permit being issued. The permit did not negate the need for a variance.

(In hindsight, I believe the existing well cap was in the way of moving the garage closer to the house and well out of the way of the setback. I believe the "Contractor" just "blew it off" and forged ahead, leaving me to deal with the problem long after he was gone.

4. A small portion (34") of the garage back corner is in the 20' setback of the adjacent wooded (natural forest) parcel owned by the Town of Stratham. I think the parcel was donated to the Town because it is too small to be built on. I do not think (hope) my encroachment will have any noticeable or damaging impact on any potential use of this land.

5. The cost to tear down the back/side portion of the garage and rebuild would be about \$7,000 and would affect the value/use of the garage.



ABUTTERS

BRAGDON, DAVID L.
BRAGDON, DOROTHY E.
23 BUNKER HILL AVENUE
STRATHAM, NH 03885

BRAGDON, DEBRA
23R BUNKER HILL AVENUE
STRATHAM, NH 03885

BUNKER HILL COMMON HOMEOW
20 PORTSMOUTH AVENUE
SUITE 1 PMB #160
STRATHAM, NH 03885

CALIAS, JR NICHOLAS P.
CALIAS, JEANNE A.
18 STEPHEN DRIVE
STRATHAM, NH 03885

CLARK, JASON H.
CLARK, DEBORAH W.
14 STEPHEN DRIVE
STRATHAM, NH 03885

HUTTON, FRED A., JR.
HUTTON, CAROLYN
26 BUNKER HILL AVENUE
STRATHAM, NH 03885

PIERCE, DREW A.
PIERCE, MAXANNE
16 STEPHEN DRIVE
STRATHAM, NH 03885

TOWN OF STRATHAM
10 BUNKER HILL AVENUE
STRATHAM, NH 03885

WOODARD, GLENN A.
WOODARD, AMY S.
20 STEPHEN DRIVE
STRATHAM, NH 03885





TOWN OF STRATHAM

INCORPORATED 1716

10 BUNKER HILL AVENUE • STRATHAM NH 03885

VOICE (603) 772-4741 • FAX (603) 775-0517 www.strathamnh.gov

NOTICE OF VIOLATION

December 24, 2019

Sherrie Zirkle
25 Bunker Hill Avenue
Stratham, NH 03885

RE: Zoning Ordinance Violation
25 Bunker Hill Avenue
Map 13 Lot 125

Dear Ms. Zirkle,

Please recall that on 10/11/2018 we met on your property to discuss the issuance of Certificate of Occupancy (CO), as your temporary Occupancy Permit had expired on 3/13/2018. At the aforementioned meeting I explained to you that the garage foundation was encroaching on the twenty foot (20') side yard setback; this was evidenced by the Foundation Certification dated 1/16/2018 prepared by Bruce D. Scamman of Emanuel Engineering, 118 Portsmouth Avenue, Stratham, NH and submitted by you. I went on to explain that the CO would not be issued while there were open Violations on the property.

Section IV (Table 4.2): Dimensional Requirements of the Stratham Zoning Ordinance specifies a minimum side yard setback in the Residential Agricultural Zone (R/A) of twenty feet (20').

You acknowledged the above Violation and asked how to remedy the situation at which I suggested you request an Equitable Waiver from the Stratham Zoning Board of Adjustment. To date it's been almost fifteen (15) months and the property is still in violation of the side yard setback, additionally you're in violation of the following:

Section XVI; 16.3 of the Stratham Zoning Ordinance - Certificate of Occupancy:

No structure intended for occupancy (whether residential or nonresidential) shall be occupied or changed in use until a Certificate of Occupancy is issued by the Building Inspector. (Rev. 3/94)

In order to prevent further enforcement action as afforded to the Town of Stratham pursuant to RSA 676:17 and other provisions of New Hampshire law to enforce the Zoning Ordinance please correct the above Violations.





TOWN OF STRATHAM

INCORPORATED
1716

10 BUNKER HILL AVENUE • STRATHAM NH
03885

VOICE (603) 772-4741 • FAX (603) 775-0517 •
www.strathamnh.gov

4/22/20

RE: 25 Bunker Hill Avenue

Map 13 Lot 125

ZBA #653 – Equitable Waiver of Dimensional Requirements

I've reviewed the application for Equitable Waiver and had multiple conversations with the applicant. I'm confident that the property boundary setback encroachment was not intentional and was only discovered when a foundation survey was performed in January of 2018.

The applicant has provided satisfactory answers to all of the application criteria.
Staff recommends that the equitable waiver be granted unconditionally.

Sincerely,

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