

APPLICATION FOR APPEAL

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JAN 28 2020

To: Board of Adjustment
Town of New Boston, NH

Do not write in this space.

Case No. 2020-2

Date Filed 01/28/2020

Nader Jendes
(signed, clerk)

Name of applicant LEE BROWN

Address 46 BRIAR HILL RD., NEW BOSTON

Owner CAROLINE + DAVID HULICK
(if same as applicant, write 'same')

Location of property 7 VALLEY VIEW ROAD - MAP 16 Lot 19
(street number, street name, map and lot number)

NOTE: Complete Section 1, 2, 3, or 4, as appropriate

Do not fill out more than one section.

This application is not acceptable unless ALL required statements have been made.

Additional information may be supplied on a separate sheet if space provided is inadequate.

(Revised 02/20/2019)

Holick
7 Valley View Lane
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Section 1. APPEAL FROM AN ADMINISTRATIVE DECISION

The undersigned alleges that an error has been made in the decision, determination or requirement, by the Zoning Enforcement Officer on (date) 22 Jan 2020 to (name) LEE Brown in relation to Article V, Section 503 of the Zoning Ordinance and hereby appeals said decision.

Decision of the Enforcement Officer to be reviewed:

SEE Attachment D

Applicant


(signature)

Date

22 Jan 2020

Hulick
7 Valley View Ln
27 Jan 2020

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Section 2. APPLICATION FOR A SPECIAL EXCEPTION

The undersigned hereby requests a special exception as provided in Article
V, Section 503 of the Zoning Ordinance.

Description of proposed use showing justification for a special exception:

SEE ATTACHMENT "A"

Criteria for a special exception.

Please describe how the proposed use will not adversely affect the following:

1. The capacity of existing or planned community facilities, i.e. police, fire.

SEE ATTACHMENT "B" - RESPONSE 1


2. The character of the area affected.

SEE ATTACHMENT "B" - RESPONSE 2

3. Traffic on roads and highways in the immediate vicinity.

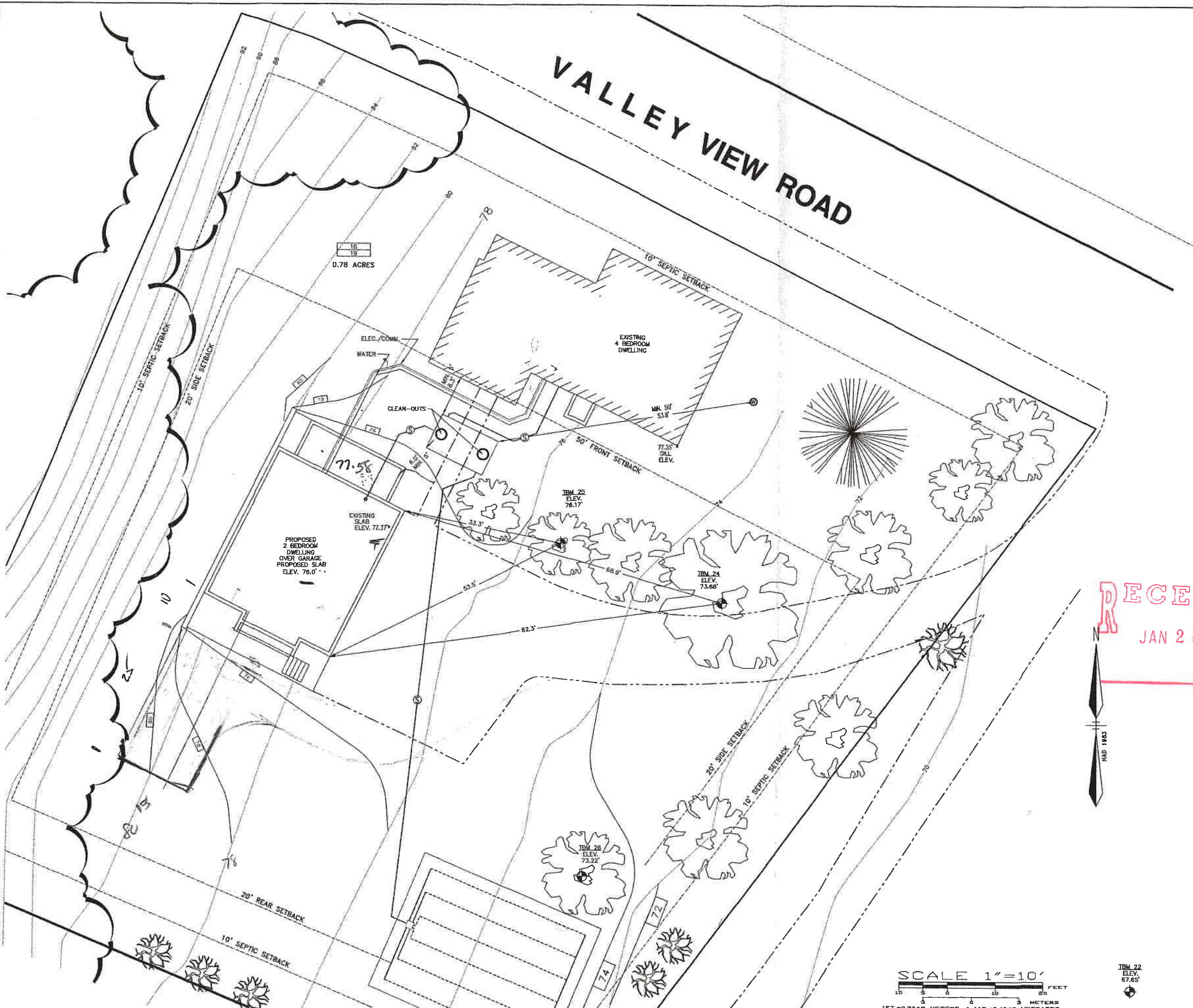
SEE ATTACHMENT "B" - RESPONSE 3

Applicant


(signature)

Date

27 Jan 2020



VALLEY VIEW ROAD

0.78 ACRES

LEGEND:

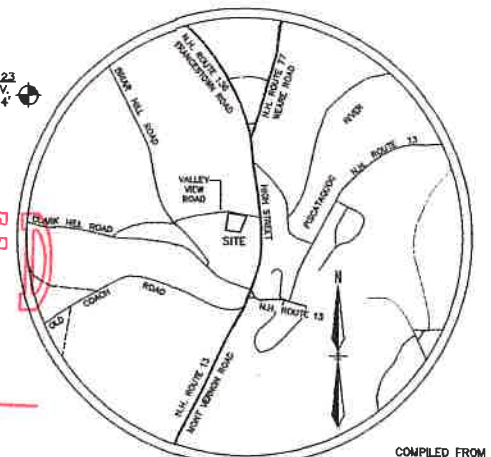
80	EXISTING CONTOUR
100	PROPOSED CONTOUR
P	PROPERTY LINE
TBM	TEMPORARY BENCHMARK
GBF	GRANITE BOUND FOUND
SBF	STONE BOUND FOUND
IPF	IRON PIPE FOUND
AXF	AXLE FOUND
PKF	PK NAIL FOUND
UP	UTILITY POLE (UP)
TEST	TEST PIT/PERC TEST
MAP	TAX PARCEL IDENTIFIER
LOT	
	THREELINE

INCHES TO FEET

1/16"=0.052'	1"=6.33'
3/32"=0.078'	2"=16.67'
1/8"=0.104'	3"=25.00'
3/16"=0.156'	4"=33.33'
1/4"=0.208'	5"=41.67'
5/16"=0.260'	6"=50.00'
3/8"=0.313'	7"=58.33'
1/2"=0.417'	8"=66.67'
5/8"=0.521'	9"=75.00'
3/4"=0.625'	10"=83.33'
7/8"=0.729'	11"=91.67'

TEMPORARY BENCHMARKS (TBM) WERE ESTABLISHED BY DIFFERENTIAL LEVELING USING A TOTAL STATION SURVEY INSTRUMENT.

- TBM 22 - GRANITE BOUND FOUND SET FLUSH ELEV. = 87.85'
- TBM 23 - PK NAIL W/SURVEY WASHER SET IN PAVEMENT ELEV. = 65.14'
- TBM 24 - PK NAIL SET IN ROOT COLLAR 30" MAPLE ELEV. = 73.88'
- TBM 25 - PK NAIL SET IN ROOT COLLAR 12" MAPLE ELEV. = 76.17'
- TBM 26 - PK NAIL SET IN ROOT COLLAR 14" MAPLE ELEV. = 73.22'



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LOCATION PLAN
SCALE: 1" = 1000'

DIRECTIONS TO SITE: FROM NEW HAMPSHIRE RT. 138 & 77 (HIGH ST.) IN NEW BOSTON PROCEED WESTERLY VALLEY VIEW ROAD TO THE SITE ON THE SOUTH, LEFT, SIDE OF THE ROAD JUST PAST THE TELECOM BUILDING.

PROPOSED ACCESSORY DWELLING SITE PLAN WORKSHEET

OWNER:
DAVID & CAROLINE HULICK
7 VALLEY VIEW ROAD
NEW BOSTON, NH 03070

SITE:
7 VALLEY VIEW ROAD
NEW BOSTON, NH 03070
TAX MAP 16 LOT 19

SUBDIVISION APPROVAL#
N/A LOT OF RECORD

PREPARED FOR:
LEE BROWN
GENERAL CONTRACTOR
(603) 345-1509
lbrown30@comcast.net

PLAN DATE: 11/24/2019
JOB #: 108 SHEET 1 OF 1

THIS PLAN MAY NOT BE COPIED, REPRODUCED, DISTRIBUTED OR ALTERED WITHOUT THE WRITTEN PERMISSION OF RICHARD J. KOHLER, EXCEPT:
1. PUBLIC OFFICIALS MAY MAKE NOTATIONS HEREON AND/OR REPRODUCE OR HAVE REPRODUCED THIS PLAN AS MAY BE NECESSARY TO MEET AND SATISFY SUCH RULES, REGULATIONS AND LAWS AS MAY BE APPLICABLE TO THE PROPERTY AND/OR THE USES TO BE MADE OF THE PROPERTY.
2. THE PERSONS OR FIRM FOR WHOM THE PLAN HAS BEEN PREPARED MAY MAKE OR HAVE MADE ON THEIR BEHALF, SUFFICIENT COPIES TO ACCOMPLISH THE PURPOSES FOR WHICH THE PLAN WAS PREPARED.

THIS SITE WILL BE EVALUATED BY THE STANDARDS AS REQUIRED BY THE WATER DIVISION OF DEPARTMENT OF ENVIRONMENTAL SERVICES. THE SITE EVALUATION AND DESIGN ARE BASED UPON TECHNICAL INFORMATION AVAILABLE TODAY. FURTHERMORE, THERE IS NO GUARANTEE THAT THIS SYSTEM WILL WORK OR WILL CONTINUE TO WORK TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS PLAN CONFORMS TO ALL APPLICABLE ZONING ORDINANCES AND REGULATIONS.

RICHARD J. KOHLER CERT. #1562

KOHLER
ENVIRONMENTAL, LLC

RICHARD J. KOHLER
LAND USE CONSULTANT

PO BOX 392 New Boston NH 03070-0392
Professional Services / Septic Design / Wetland Mapping
Land Use Planning & Permitting / Site Design

CERTIFIED WETLAND SCIENTIST CWS 253
LICENSED SUB-SURFACE SYSTEM DESIGNER #1562

SCALE 1"=10'

1"=10' 0.3048 METERS / 1"=0.4047 METERS

TBM 22
ELEV. 67.65'

Hulick, Caroline & David
7 Valley View Drive
27 January 2020

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Application for a Special Exception:

Attachment A

Description of proposed use:

The subject property is a legally non-conforming lot of 0.78 acres within the Residential-Agricultural (R-A) zoning district. It was a lot of record prior to March 8th, 1977 (see Plan #_4776, dated Nov. 5th, 1970). The property presently contains a single family residence that is situated almost entirely within the 50 foot front yard setback along with a detached two car garage with additional woodshed and landscape shed "bump outs", which sits inside the required setbacks. (See photo 1- attachment C & included site plan)

The lot is non-conforming per the building inspector for two reasons, the lot is 0.78 acres where 2 acres are required and the principal dwelling almost completely in the front setback where 50 feet are required. To increase the footprint of the of the garage and to add an accessory dwelling unit, the building inspector has directed us to make application and gain the approval for a special exception to allow the Hulick's to alter and expand their existing garage, making it a 3 bay garage (rather than 2 bay) along with making the structure substantially stronger along with adding a 1,003 sf dwelling unit on the second floor.

A similar structure (3 car garage with dwelling unit above) was just built immediately adjacent to the Hulick's parcel. Both structures blend in with the character of the neighborhood, both situated behind the Hulicks residence and butted up against a twenty foot rising slope to the West. Impact on the community resources will be minimal with just one bedroom. (See photos 2 & 3, attachment C)

Hulick, Caroline & David
7 Valley View Drive
27 January 2020

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Application for a Special Exception:

Attachment B- Criteria Responses

Question 1- Impact the proposed project the capacity of existing or planned community facilities

Response: The above garage/dwelling unit shall by its design and layout would allow a maximum of two adult residents within, which would not tax the current resources of New Boston. The Hulicks are improving their property with a structure that will be constructed to meet or exceed existing building codes along with the addition of a new septic system for both their main residence and the new dwelling.

Question 2 – Impact on the character of the area

Response: The proposed Hulick structure mimics a New England barn/garage which will be complimentary and consistent with the local area and will only improve the neighborhoods character. Because of how our property is situated adjacent to the Valley View hillside, the garage will have minimal visual impact on the neighborhood.

Question 3- Impact on roads & highways in the immediate vicinity

Response: The proposed renovations with the addition of a single bedroom apartment would require two additional parking spots to handle the additional 1 or 2 vehicles. Two additional vehicles will not burden Valley View especially as High Street (Rtes. 77/136) is only 300 feet from the Hulick's driveway.

Hulick, Caroline & David
7 Valley View Drive
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VALLEY VIEW
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Application for a Special Exception:

Attachment C - Photos

Photo #1- Existing garage & wood shed





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Photo #2- View looking South along the West sideline



Photo 3- View looking West up the driveway to existing garage and neighbor's garage

Building Department
PO Box 250
New Boston, NH 03070

Hulick
7 Valley View Lane
28 Jan 2020

Attachment D
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To: Mr. Lee Brown

From: Ed Hunter, New Boston Building Inspector

Ref: Building Proposal on Tax Map 16 Lot 19 / David & Caroline Hulick, Property Owner

Date: 1/22/2020

This proposal sits on a legally non-conforming lot of record. The proposal is to expand the use of the lot by demolishing an existing garage and replace it with a garage with a larger footprint and second floor, to include an accessory apartment.

The lot is non-conforming in two ways. The lot is approx. a .75 acre lot where 2 acres are required by current zoning. The principal dwelling is almost completely in the front setback where 50' is required. The use of the lot may legally continue as per "Article V, Sections 501 & 502.

It is my determination that this proposal requires a Special Exception from the Zoning Board of Adjustment. I have based this decision on Article V, Section 503. I have attached a copy for your convenience. This Section requires a Special Exception when a non-conforming lot is to be altered, expanded or changed.

By making the footprint of the garage larger and adding the accessory dwelling the special exception is needed in order that a building permit be issued.

In order to move forward you have two options. The first is to appeal my decision to the Zoning Board of Adjustment and make a case that I have incorrectly made my determination. The second option is to appeal to the Board for the Special Exception.

It is my understanding that you have obtained the forms for the appeal process. The Planning Office is your best resource for information on the appeal process. However, if you have any questions regarding your proposal or permitting, please let me know.

Signed, 
Ed Hunter, Acting Building Official

ARTICLE V NON-CONFORMING USE(S)/STRUCTURE(S)

Section 501 Continuance

All legal non-conforming properties in active use when this Ordinance is passed and adopted, and as amendments are passed and adopted, may continue indefinitely in their present use. (Amended March 13, 2001.)

Section 502 Lots of Record

Where a lot of record on, or prior to, March 8, 1977 does not conform to the area and width requirements, such lot may be occupied by any permitted use.

Section 503 Alteration, Expansion and Change of Use

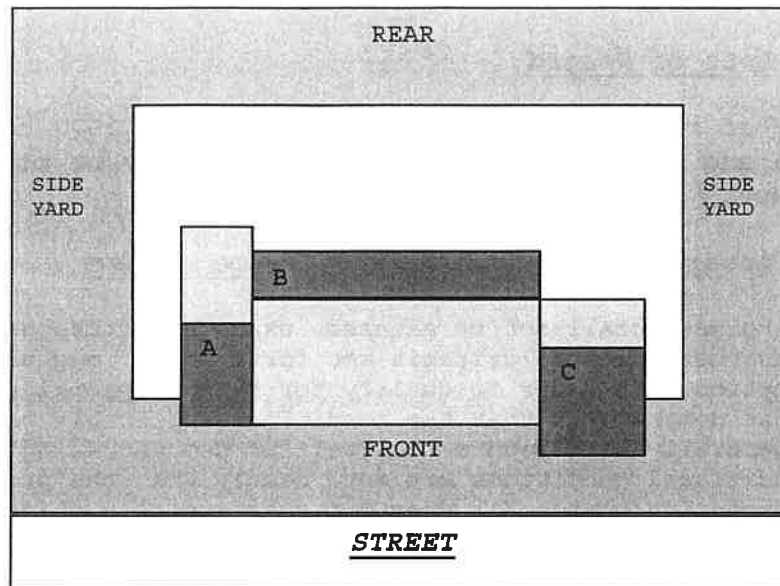
Non-conforming uses shall not be altered, expanded or changed. However, minor changes that meet the criteria set forth below, may be permitted by special exception. In order to qualify for such a special exception, the applicant must demonstrate that the conditions applicable to special exceptions generally have been met as well as demonstrating that the following additional conditions are met, namely that the proposed alteration/expansion/change (1) does not substantially change the nature and purpose of the original use; and, (2) the change does not have a substantially different effect on the neighborhood. Additionally, any and all non-conforming property may be altered and expanded internally as the business and conditions warrant, providing, however that any such expansion does not make any existing conforming building non-conforming within the terms of this Ordinance; nor shall the change or expansion render the premises proportionally less adequate for the use in terms of the requirements of this Ordinance; nor shall the height exceed the limits as defined.

Non-Residential Site Plan Review shall be required in any event for any non-residential use.

TOWN OF NEW BOSTON
ZONING ORDINANCE

Any alteration, expansion or change of any structure with non-conforming setbacks shall only be permitted in accordance with this section and according to the diagram below.

Expansions of structures with non-conforming setbacks
(Not drawn to scale. Assume the lot is conforming.)



Existing



Proposed



Minimum Required

Explanation: Proposal "A" requires a Special Exception;
 Proposal "B" requires no action by the ZBA;
 Proposal "C" requires a variance.

(Section amended March 8, 2016)

Section 503.1 COM/IND Exception

Any expansion of a legal non-conforming residential use in a Commercial or Industrial District shall be prohibited. The legal non-conforming residential use is restricted to the established area at the inception of the rezoning to these districts.