

**TOWN OF SUNAPEE
ZONING BOARD OF ADJUSTMENT
A PUBLIC MEETING WILL BE HELD
THURSDAY, OCTOBER 7, 2021, AT 6:00 PM,
ON THE FOLLOWING CASE(S):**

The public has access to contemporaneously listen and participate in this meeting through electronic online video conferencing at <https://zoom.us/> with Meeting ID 979 9537 1537 and Passcode 705609, or by telephone by calling (929) 205 6099.

CONTINUATIONS (REVISIONS IN BOLD):

- | | |
|--|---|
| Case ZBA: 21-30
Parcel ID: 0125-0011-0000
38 Jobs Creek Rd | Seeking a Variance from Article III, Section 3.10 to permit a 8.7 ft setback from the west side property line where 15 ft is required (the 8.7 ft setback has been previously approved, however, the plan changed so that the entire length of the house will be within the 8.7 ft setback)
Cathleen Shea & Bradley Weiss
Rural Residential Zone w/ Shoreline Overlay |
| Case ZBA: 21-31
Parcel ID: 0118-0051-0000
90 Burma Rd | Seeking a Variance from Article III, Section 3.40(c) to permit a 27 ft 8-inch setback from the waterbody (Perkins Pond) where 50 ft is required (the existing setback is 16 ft 8-inches to the deck and 26 ft 8-inches to the existing house)
Daniel D. Cave
Rural Residential Zone w/ Shoreline Overlay |
| Case ZBA: 21-32
Parcel ID: 0118-0051-0000
90 Burma Rd | Seeking a Variance from Article III, Section 3.10 to permit a 20 ft 6 inch setback from the centerline of the road where 50 ft is required
Daniel D. Cave
Rural Residential Zone w/ Shoreline Overlay |
| Case ZBA: 21-34
Parcel ID: 0118-0051-0000
90 Burma Rd | Seeking a Special Exception per Article IV, Section 4.90 to permit an accessory dwelling unit (ADU) in a new garage
Daniel D. Cave
Rural Residential Zone w/ Shoreline Overlay |

NEW CASES:

- | | |
|--|--|
| Case ZBA: 21-36
Parcel ID: 0134-0021-0000
251 Lake Ave | Seeking a Variance from Article III, Section 3.10 to permit a 0.7 ft setback from the east side setback where 10 ft is required (the existing setback is 10.7 inches over the property line) to make the entire house on the property
Mary Zatta Chiamis
Residential Zone w/ Shoreline Overlay |
|--|--|

Case ZBA: 21-37
Parcel ID: 0134-0021-0000
251 Lake Ave

Seeking a Variance from Article III, Section 3.40(c) to permit a 2.3 ft setback from the waterbody (Lake Sunapee) where 50 ft is required (current setback is -2 inches over the edge of the water / 7.1 ft over the reference line / setback & proposed structure will be 19.5 ft from the edge of the water)
Mary Zatta Chiamis
Residential Zone w/ Shoreline Overlay

Case ZBA: 21-38
Parcel ID: 0134-0021-0000
251 Lake Ave

Seeking a Variance from Article III, Section 3.10 to permit a 35 ft structure within the reduced side setbacks entirely within the 50 ft waterbody (Lake Sunapee)
Mary Zatta Chiamis
Residential Zone w/ Shoreline Overlay

Case ZBA: 21-39
Parcel ID: 0134-0021-0000
251 Lake Ave

Seeking a Variance from Article III, Section 3.10 to permit a 4.3 ft setback from the west side setback where 10 ft is required
Mary Zatta Chiamis
Residential Zone w/ Shoreline Overlay

Case ZBA: 21-40
Parcel ID: 0133-0011-0000
16 High St

Seeking a Variance from Article III, Section 3.10 to permit a new lot to be created with 32.50 ft of road frontage where 75 ft is required
Cory L & Renee P Flint
Village Commercial Zone

MISCELLANEOUS:

Review Minutes from Previous Meeting(s):

Other business

NOTE:

In the event the meeting is cancelled, the Agenda will be continued to the next scheduled
Zoning Board meeting.



TOWN OF SUNAPEE
 23 Edgemont Road
 Sunapee, New Hampshire 03782-0717
www.town.sunapee.nh.us

DATE: August 20, 2021 (for the hearing October 7, 2021)
 TO: Zoning Board of Adjustment
 FROM: Melissa Pollari, Land Use & Assessing Coordinator
 CASE: **#ZBA: 21-30 (Variance)**

Owner: Cathleen Shea & Bradley Weiss
Parcel ID: 0125-0011-0000
Address: 38 Jobs Creek Rd

Summary of Case(s)/ References to the Zoning Ordinance:

Case # / Description	Article	Section	Part
21-30 To permit a 8.7 ft setback from the west side property line where 15 ft is required (the 8.7 ft setback has been previously approved, however, the plan changed so that the entire length of the house will be within the 8.7 ft setback)	III Dimensional Controls	3.10 Table of Dimensional Controls	

Description of Property:

- 0.10 acres
- Approximately 52.7 ft of frontage on Jobs Creek Rd
- House built approximately 1930
- Zone: RR (Rural Residential) with Shoreline Overlay (Lake Sunapee)
- Variance approved 08/25/2020 – west side setback 8.7 ft where 15 ft is required
- Variance approved 08/25/2020 – lot coverage of 45.1% where 40% is required
- Special Exception approved 07/01/2021 – vertically expand the envelope to 23 ft
- DES Permit approved 09/17/2020 - #2020-02046

Town of Sunapee
 23 Edgemont Rd., Sunapee NH
 Phone (603) 763-3194 / Website www.town.sunapee.nh.us
 Email zoning@town.sunapee.nh.us

CASE# 21-30

Zoning Board of Adjustment (ZBA) Variance Application

Questions? Please contact the Zoning Administrator. All dates and deadlines are published on the ZBA calendar; see Page 6. For helpful guidelines on completing this application, see page 4-5.

Attach additional sheets of paper as necessary.

1. Landowner(s) Name(s): Cathleen Shea and Brad Weiss
2. Parcel ID: 12-11 0125-0011-0000 3. Zoning District: Rural Residential
1. Project Location (Street & #): 38 Jobs Creek Road
2. Mailing Address: 12 Irving Street, Newton, MA 02459
3. Phone Number: _____
4. Email: _____

__ ABUTTERS LIST: You must prepare a list of all abutting property owners and attach it to your application. If you have any difficulty, consult the town office, but the accuracy of the list is your responsibility. You can download an abutters list by using the Tax Maps/GIS on the town's website (under Assessing Department).

__ FEES: Application Fee: \$ * Make check payable to Town of Sunapee
 Abutter Notification Fee: \$ * per abutter. Make payable to US Post Office.

* NOTE: Rates and fees are subject to change. For the most current rate, please check with the town office.

__ ATTACHMENTS: To assist the board, please attach sketches, photos, surveys, plot plans, pictures, construction plans, or whatever may help explain the proposed use. Include copies of any prior Zoning or Planning decisions concerning the property. If you have something in writing stating that your proposed project does not meet zoning, please attach that to this application. It may be a letter, email or denied permit. A professional survey by a licensed surveyor is strongly recommended for variances related to setback requirements. For properties located in the Shorelines Overlay District, a professional survey is required.

*Applications will not be considered complete unless all the questions are answered, the fees are paid,
 and an Abutters Mailing List is attached.*

Revised 4/26/2019

GENERAL DESCRIPTION: This is a place to give a general summary of the proposed project as an introduction and overview for the public hearing. For example, where is the property located? Describe the property. Give area, frontage, side and rear lines, slopes, natural features, etc. What do you propose to do? Why does your proposal require an appeal to the board of adjustment?

replacement of seasonal camp with residential home.

Attach additional sheets of paper as necessary.

SPECIFIC REASON THE VARIANCE IS NECESSARY: A Variance is requested from Zoning

Ordinance, Article _____, Section _____ to permit _____

- see attached -

Facts in support of granting the variance:

1. Granting the variance would not be contrary to the public interest because: _____

- see attached -

2. If the variance were granted, the spirit of the ordinance would be observed because: _____

- see attached -

3. Granting the variance would do substantial justice because: _____

- see attached -

4. If the variance were granted, the values of the surrounding properties would not be diminished because: _____

_____ - see attached - _____

5. Unnecessary Hardship

a. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

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 because: _____

_____ - see attached - _____

- and -

ii. The proposed use is a reasonable one because: _____

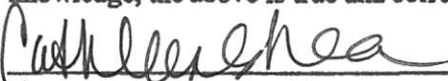
_____ - see attached - _____

b. Explain how, if the criteria in subparagraph (a) 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 in 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. _____

NOTE:

For person(s) with physical disabilities,
please see RSA 674:33 regarding alternative hardship criteria for a Variance.

SIGNATURE: I understand that the public hearing will be held at the scheduled date and time unless a request is made by me for a new hearing. Any rehearing will require a new public notice and notification to abutters, the cost of which will be borne by the applicant. Further, I hereby give permission to the ZBA members and zoning officials to visit the subject property prior to the public hearing. To the best of my knowledge, the above is true and correct.


Landowner(s) Signature(s)

8/3/21
Date

8/3/21

Supplement to Application for Variance
Cathleen Shea and Brad Weiss
38 Jobs Creek Road (Lot 125-11)

Cathleen Shea and Bradley Weiss are the owners of the .1-acre (4,396 square feet) property at 38 Jobs Creek Road (Tax Map and Lot 125-11). On September 4, 2020, the Board granted a variance to permit the "construction of the new residence with a west side setback of 8.7 ft. where 15 ft. is required." That approval was granted with the condition that it was "subject to the plans submitted." The plan submitted at that time (Exhibit 1, enlargement Exhibit 2) showed the northwest corner of the house being 8.7 feet from the westerly sideline and the southwesterly corner of the house being about 10.6 feet from the westerly lot line.

The applicants request a variance, or an amendment to the previously granted variance, to permit a 8.7 foot west side setback along the entire west side of the house (Exhibit 3). The applicants' current plan differs from the plan submitted to the Board in August 2020, which now shows the footprint of the house is slightly rotated so that the southwesterly corner of the house is moved 1.9 feet closer to the west side line. The entire footprint will remain 8.7 feet from the side line. The dimensions of the house will not change and only the southwest corner will rotate closer to the side lot line so that the entire house is now 8.7 feet from the side line.

The property is a seasonal camp constructed in the 1930's as a cabin and where meals were taken in a main lodge. The White Shutter subdivision, where this property is located, consists of similar seasonal homes, as well as many which have been expanded and made into year-round, modern, single-family residences. The homes share a significant common area that allows for use of a large lawn along the lake, a dock and fishing area, wooded buffer from the road, and a small beach on Lake Sunapee.

All of the lots in the White Shutter community are believed to be pre-existing, non-conforming lots, including 38 Jobs Creek Road. The road frontage, lot size, as well as front and side setbacks of the existing structure, are all non-conforming. This is the same with most all of the lots in the community, which are undersized, and have little side setbacks, often less than 4 feet, where 15 feet is required. Specifically, all of the homes have setbacks at or under 10 feet. 14 of the 16 homes have setbacks of 4 feet or less. Seven of those homes are on or over their property lines. The property is also in a fairly unique spot as the lot has a slope that is greater than most properties in the community – as it relates to the area the proposed structure will occupy, it's about a 10-foot drop in elevation from the road side to lake side.

Similar to the modernization of many of the other sites in White Shutter, the applicants would like to do the same by removing the existing structure, replacing it with a new year-round residence, to include a basement and second floor master bedroom and office.

At prior hearings, the Zoning Board granted two variances under Article III, Section 3.10; one for lot coverage of 45.1% where 40% is required and one for a west side setback of 8.7 feet. Additionally, the Board ruled that the Shoreland Overlay District did not apply to this lot and also granted a special exception to permit the vertical expansion of the north side of the house.

The Zoning Ordinance permits the Board to grant variances if the application can satisfy five criteria. The first two criteria for a variance are that granting it would not be contrary to the public interest, and second, that it would still observe the spirit of the ordinance. As the variance application explains, these two criteria are related and provide that:

The proposed use must not conflict with the explicit or implicit purpose of the ordinance, must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights" and it is in the public's interest to uphold the spirit of the ordinance.

The purpose of the Zoning Ordinance is to:

...promote the health, safety and general welfare of the community by encouraging the most appropriate use of land ... Zoning is a legislative tool that enables local government to meet more effectively the demands of an evolving and growing community, thus providing a workable framework for the fair and reasonable treatment of individuals.

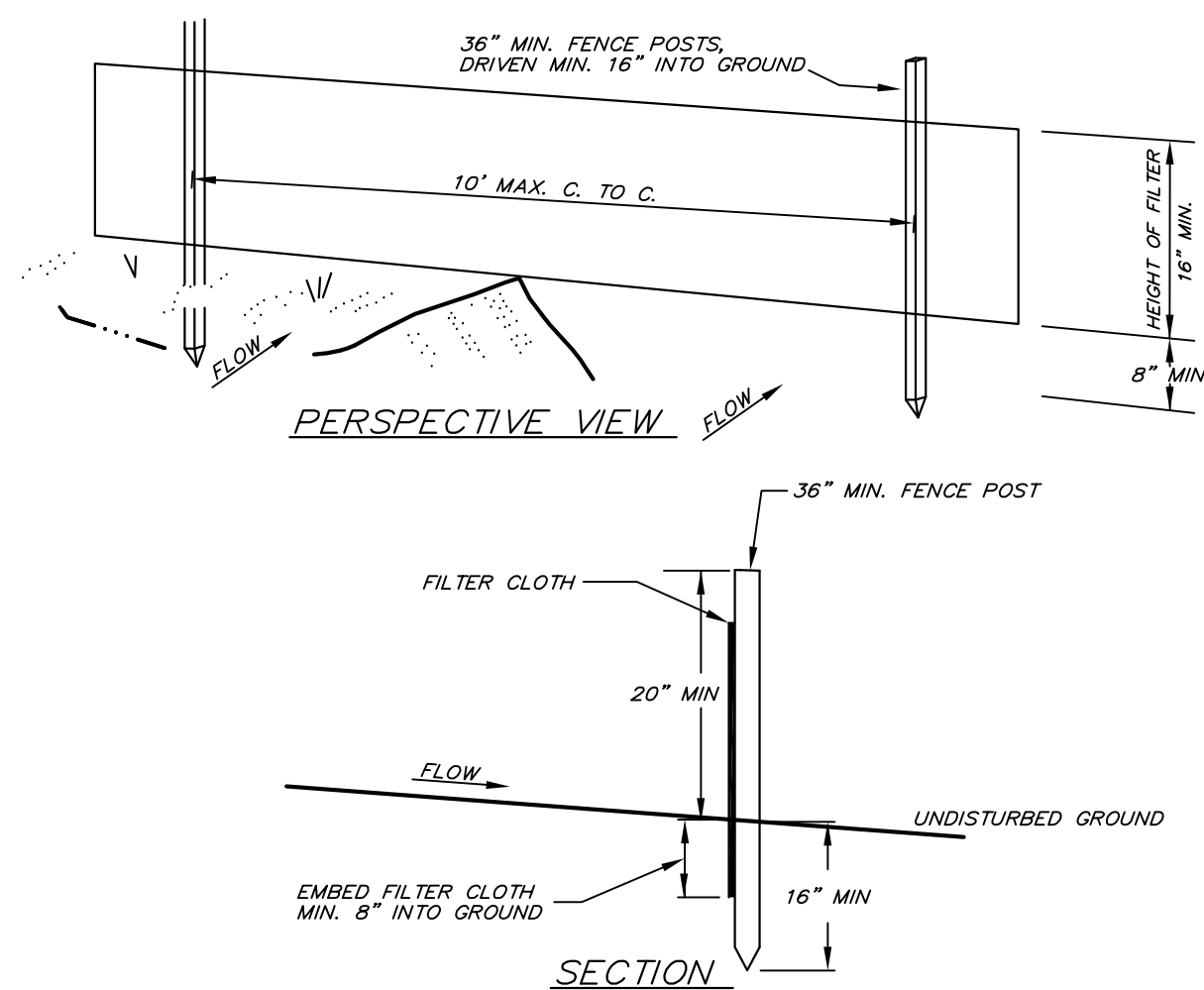
The lot lines in White Shutter subdivision were laid out in the late 1960's. Lot 5, the applicant's lot, is small, barely 1/10th of an acre. The lot is also very narrow, with a sizeable slope. Protective covenants, drafted in the 1960's when the homes began to be sold as individual home sites, had been the only rules for the lots prior to town zoning. Appreciating that this became a "cottage colony" of closely sited homes with shared common space, the covenants included the direction that any building or addition to any structure be at least "four feet from any boundary." While this private covenant is not binding upon the town, it represents one important element of the character of the neighborhood, namely that the homes would be close together and they would form a tight-knit community. In this way, the residents could have and share a community space together.

The variance for a 1.9 foot reduction in the west side setback would not alter the essential character of the neighborhood, nor would it threaten public health, safety or welfare. No adverse impact will result to any public rights by rotating the home to reduce the southwest corner setback distance by 1.9 feet to align it with the northwest corner.

With regard to the criterion for unnecessary hardship, the small non-conforming lot with sloping topography is unduly restricted for development. Permitting the slight house rotation will enable the applicants to increase the setback distance on the east side of the house. Substantial justice is done by granting the variance because it is a minor change that will permit a greater setback distance on the east side of the property. The values of the properties in the neighborhood will not be diminished by granting this minimal variance. The proposed residential use of the property is reasonable as is designing the home with the least impact on the site.

We appreciate your attention in reviewing our application and request that the Board grant the variance or amend the previously granted variance.

Sincerely,
Cathy Shea and Brad Weiss



CONSTRUCTION NOTES FOR FABRICATED SILT FENCE

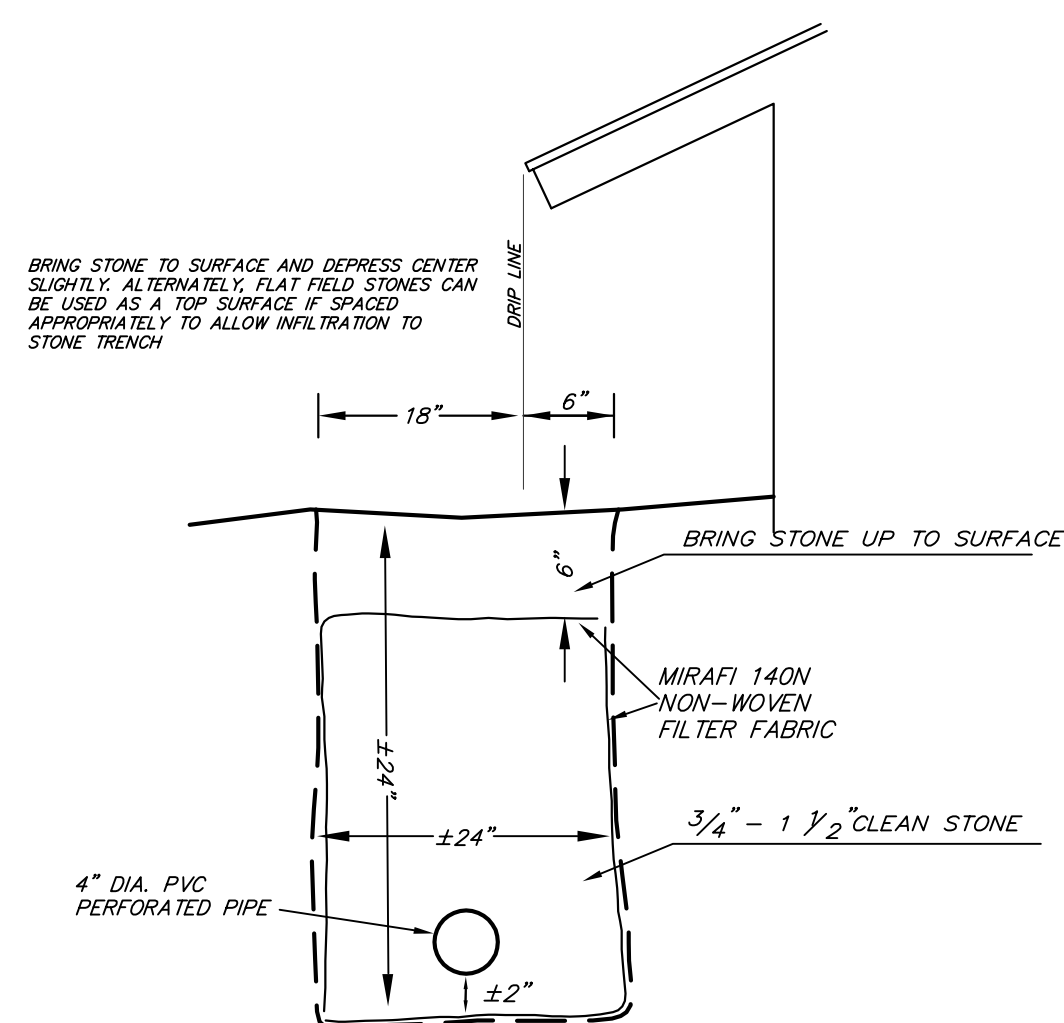
1. FILTER CLOTH TO BE FASTENED SECURELY TO FENCE POST WITH TIES AT TOP, MID SECTION AND BOTTOM.
2. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER, THEY SHALL BE OVERLAPPED BY 6 INCHES, FOLDED STAPLED.
3. MAINTENANCE SHALL BE PERFORMED AS NEEDED TO PREVENT "BULGES" IN THE SILT FENCE DUE TO DEPOSITION OF SEDIMENT.

MAINTENANCE REQUIREMENTS

1. INSPECT SILT FENCES IMMEDIATELY AFTER EACH RAINFALL AND DAILY DURING PROLONGED RAINFALL. ANY NECESSARY REPAIRS SHALL BE MADE IMMEDIATELY.
2. IF THE FABRIC ON A SILT FENCE SHOULD DECOMPOSE OR BECOME INEFFECTIVE DURING THE EXPECTED LIFE OF THE FENCE, THE FABRIC SHALL BE REPLACED PROMPTLY.
3. SEDIMENT DEPOSITS SHOULD BE REMOVED WHEN THEY REACH APPROXIMATELY ONE-EIGHTH THE HEIGHT OF THE BARRIER.
4. SEDIMENT DEPOSITS THAT ARE REMOVED OR LEFT IN PLACE AFTER THE FABRIC HAS BEEN REMOVED SHALL BE GRADED TO CONFORM WITH THE EXISTING TOPOGRAPHY AND VEGETATED.

SILT FENCE DETAIL

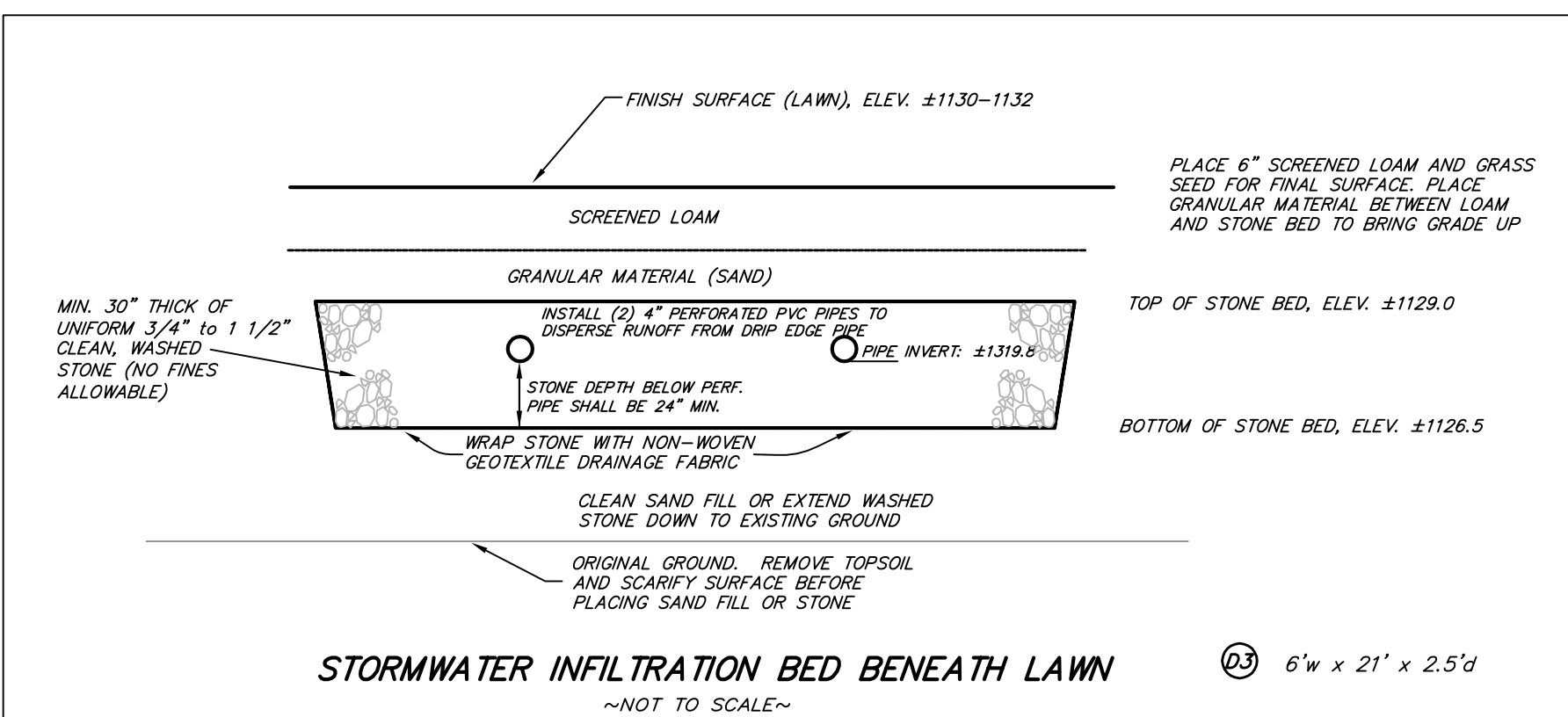
(NOT TO SCALE)



DRIPLINE TRENCH DETAIL

PROPOSED DRIPLINE TRENCH DIMENSIONS

- ① 2'w x 2'd x 12'
- ② 2'w x 2'd x 10'



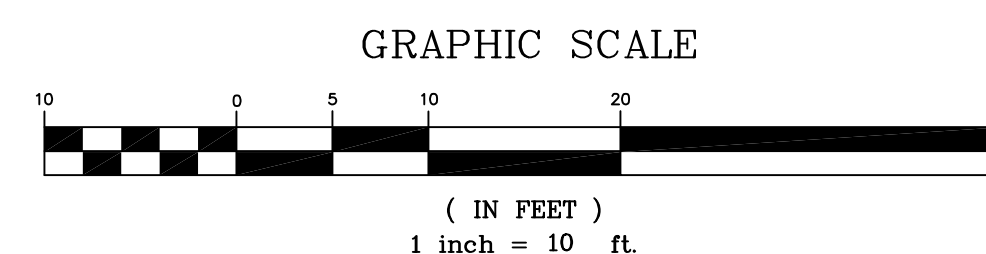
PLACE 6" SCREENED LOAM AND GRASS SEED FOR FINAL SURFACE. PLACE GRANULAR MATERIAL BETWEEN LOAM AND STONE BED TO BRING GRADE UP

TOP OF STONE BED, ELEV. ±1129.0

BOTTOM OF STONE BED, ELEV. ±1126.5

PROPOSED CONDITIONS PLAN

SCALE: 1" = 10'

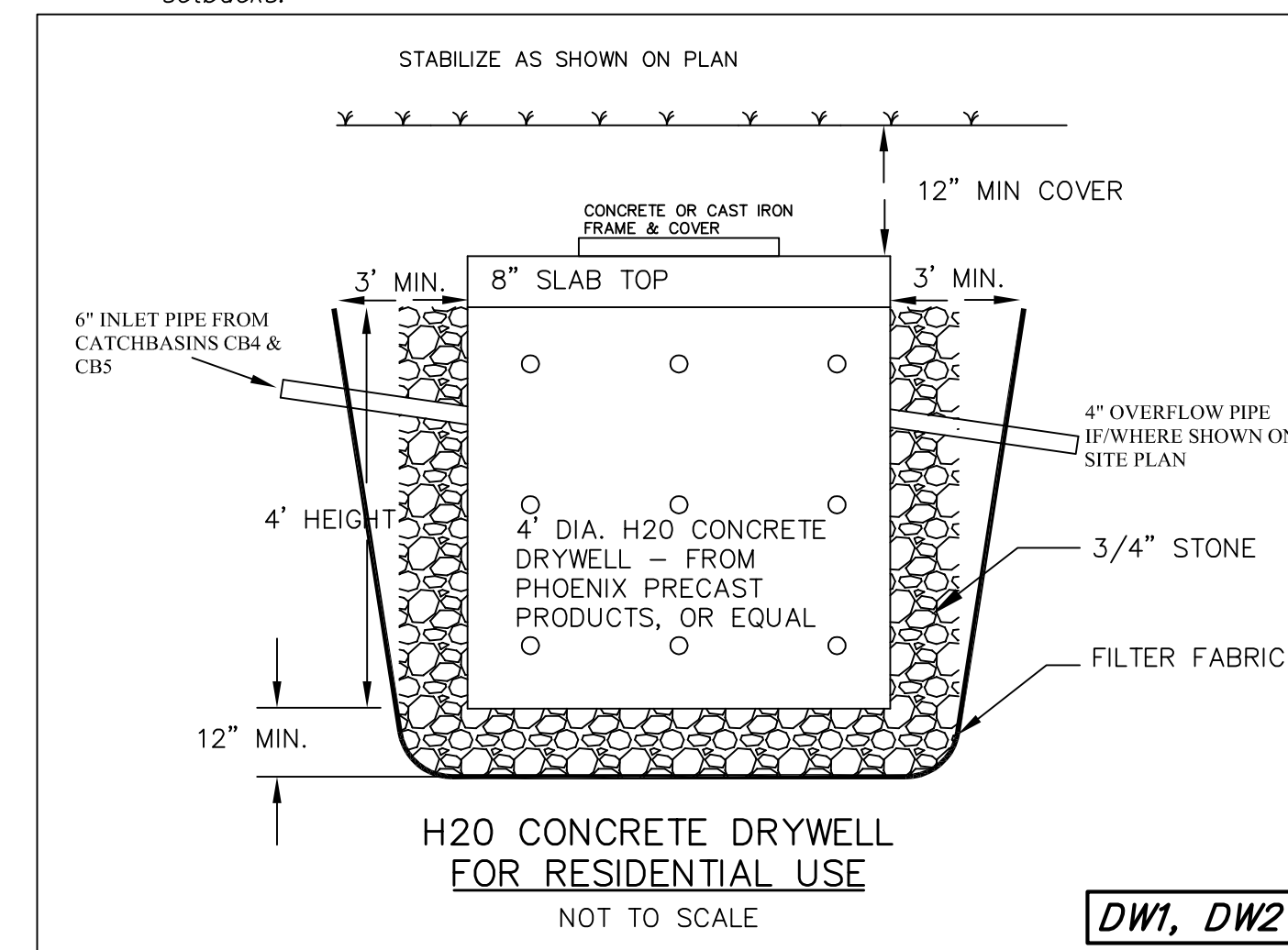


GENERAL NOTES

1. Owner of record for the property (Map 125, Lot 11):

Cathleen A. Shea & Bradley M. Weiss
12 Irving Street
Newton, MA 02459

2. Boundary, Topographic and Shoreland surveying provided by Pennyroyal Hill Land Surveying, Clayton Platt, LLS, Croydon, NH
3. Erosion control practices shall be installed and maintained in accordance with Best Management Practices as outlined in the NH Stormwater Manual, December, 2008; and with details provided on the plan sheets.
4. Contractor is responsible for notifying DIG-SAFE prior to starting construction.
5. Contractor shall monitor weather and take any necessary temporary measures needed to prevent erosion and sediment transport. These measures can be such practices as small sediment basins or diversions constructed for overnight or over the weekend if rain is forecast.
6. Silt fence or Silt Sock (aka Compost Sock) shall be installed as shown on this plan and Landscape Plans. It shall be left in place and maintained as necessary until the site is fully stabilized. It is the contractors responsibility to periodically inspect and maintain all sediment and erosion control measures whether the contractor is actively working on-site or not, and always after any rainstorm of 1/2" or greater.
7. Env-Wq 1403.03 (b): Within 3 days of final grading or temporary suspension of work in an area that is in the protected shoreland, all exposed soil areas shall be stabilized by:
 - (1) Seeding and mulching, if during the growing season;
 - (2) If not within the growing season, by mulching with tack or netting; or
 - (3) With an alternative method of temporary stabilization as specified in Env-Wq 1500
8. Extend existing gravel parking area by approximately 11 feet in order to provide parking for two vehicles on the subject property.
9. Property is served by municipal sewer and water mains located along Jobs Creek Road. These mains and service lines to the house are not shown on this plan. Electric/phone/cable is overhead along Jobs Creek Road.
10. All retaining walls shown shall be less than 42" high when located within building setbacks.



GENERAL SITE LEGEND

- | | | | |
|-------------|--|--------------|----------------------------|
| △ | SURVEY HUB | -- 518 ---- | EXISTING GRADE CONTOUR |
| ○ | HARDWOOD TREE | 830+5 | EXISTING GRADE, SPOT ELEV. |
| ☀ | SOFTWOOD TREE | --- 1322 --- | FINISH CONTOUR |
| ⊕ | EXISTING WELL | 822.2 5036 | FINISH GRADE, SPOT ELEV. |
| ⊙ | UTILITY POLE | — S — | EXISTING SEWER LINE |
| — etc — | EXISTING OVERHEAD LINES | — W — | EXISTING WATER LINE |
| — · · · · · | EDGE OF LAKE OR WETLAND | | |
| — SF — | PROPOSED SILT FENCE OR SILT SOCK (SEE NOTE 6) | | |
| — D — | PROPOSED 6" PVC DRAINAGE PIPE | | |
| — | PROPOSED STONE DRIP EDGE, NO PIPE | | |
| — DE — | PROPOSED STONE DRIP EDGE W/PERF. PIPE | | |
| — | PROPOSED INFILTRATION BED, AS NOTED | | |
| ⊙ CB2 | PROPOSED CATCHBASIN, 15" diam NYLOPLAST or ADS | | |
| ⊙ DW1 | PROPOSED CONCRETE DRYWELL | | |

SITE PLAN & DETAILS ~ PROPOSED CONDITIONS

FOR
~NH DES SWQPA & TOWN ZONING PERMITTING~

PREPARED FOR

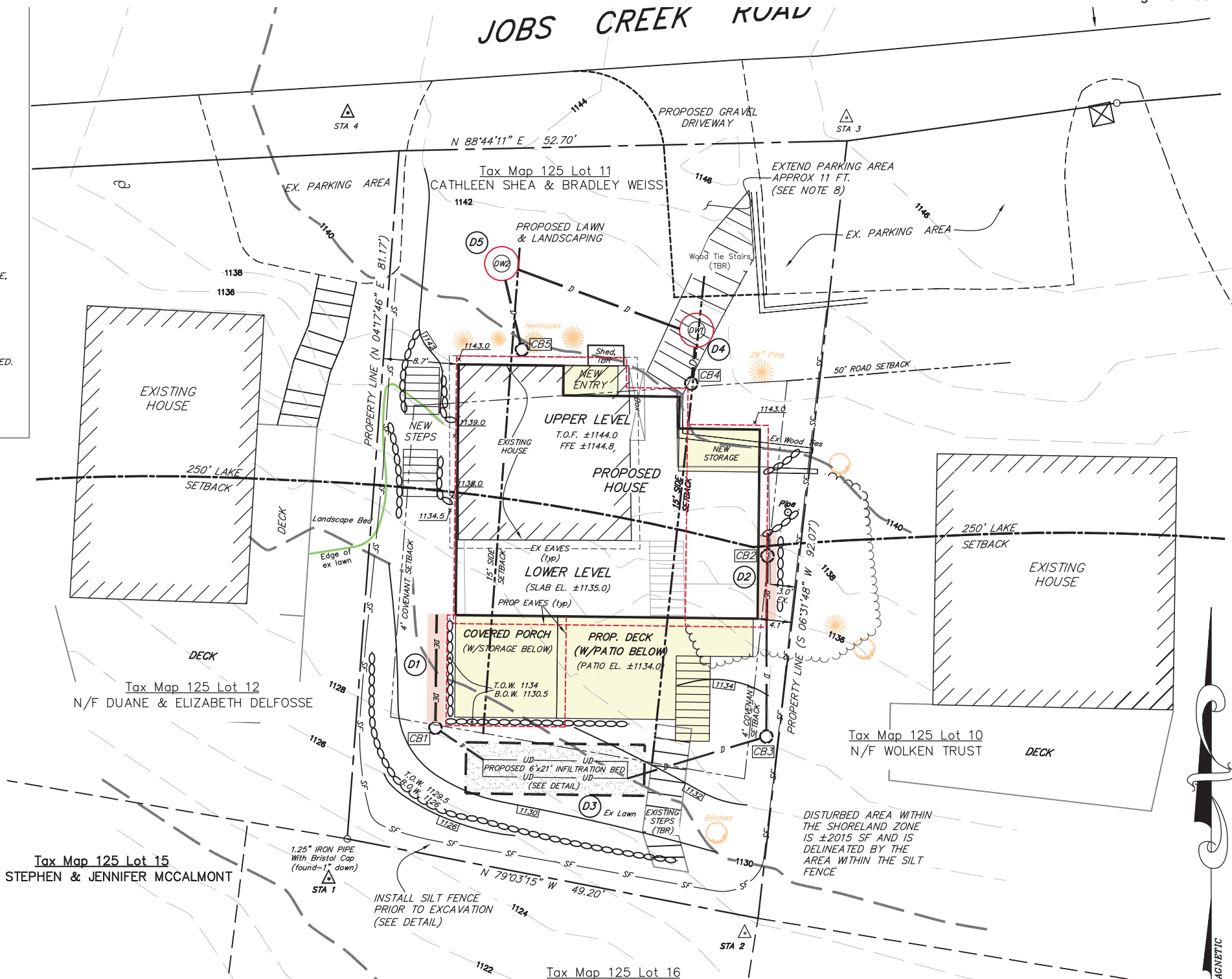
CATHLEEN A SHEA and BRADLEY M WEISS

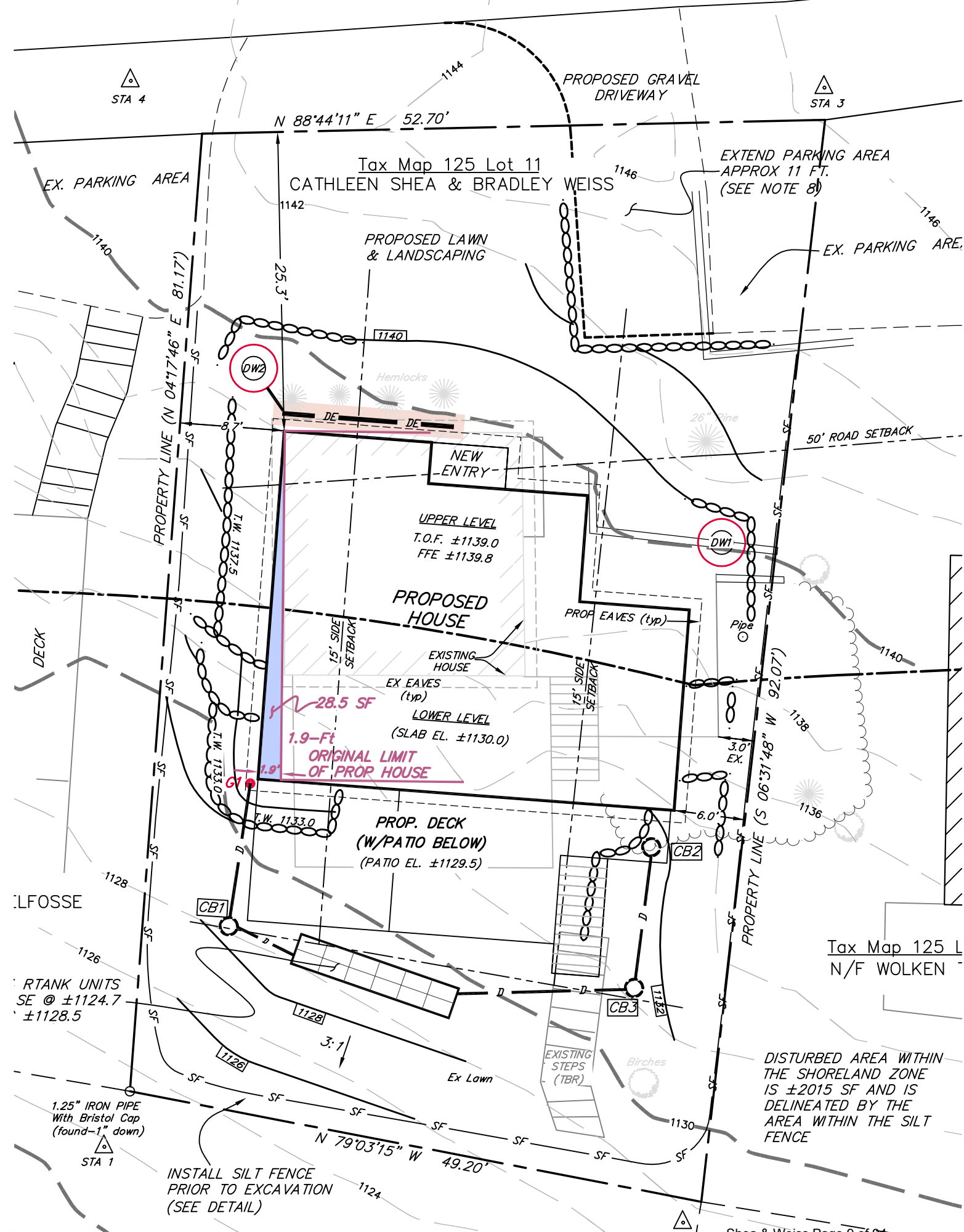
TAX MAP 125 ~ LOT 11
38 JOBS CREEK ROAD
SUNAPEE, NEW HAMPSHIRE

JULY 7, 2020
REV 8-12-2020

Prepared By: Blakeman Engineering, Inc., P.O. Box 4, North Sutton, NH 03260, (603) 927-4163

JOBS CREEK ROAD





Barry Schuster

From: Barry Schuster
Sent: Wednesday, August 4, 2021 2:37 PM
To: Melissa Pollari
Subject: 38 Jobs Creek Road - Shea/Weiss
Attachments: 2021 8-2 Supplement.pdf; Ex 1 - 2020 plan.pdf; Ex 2 - 2020 plan - enlarged.pdf; Ex 3 Proposed Footprint Difference.pdf

Melissa,

Attached are the supporting materials that are submitted along with the application form which Brad Weiss and Cathy Shea previously delivered to your office.

I am also sending overnight for delivery Thursday 5 paper copies of these documents for any board member who wishes to refer to the paper copies.

If you have any questions or need anything further, please do not hesitate to contact me.

Thank you,

Barry

Barry C. Schuster, Esq.
Schuster, Buttrey & Wing, P.A.
79 Hanover Street
P.O. Box 388
Lebanon, NH 03766
603-448-4780 - office

 **SCHUSTER, BUTTREY & WING, P.A.**

The confidentiality of email communication
cannot be assured.


Map Block Sub: 000125 000011 000000


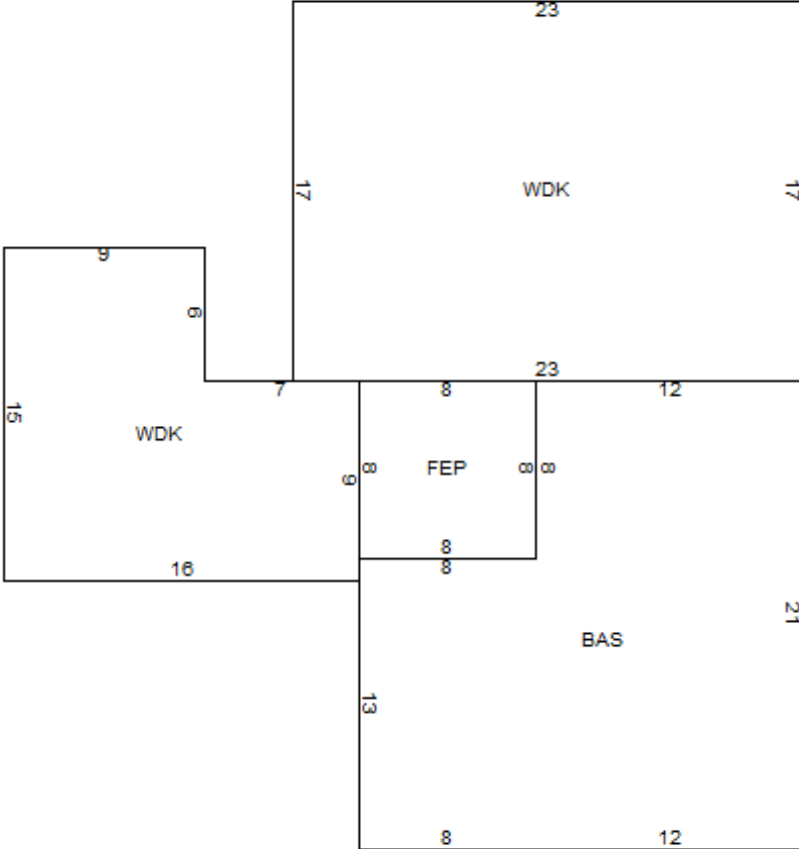
Card: 1 of 1

38 JOBS CREEK RD

SUNAPEE

Printed: 08/20/2021

OWNER INFORMATION				SALES HISTORY						PICTURE			
SHEA, CATHLEEN A WEISS, BRADLEY M 12 IRVING ST NEWTON, MA 02459				Date	Book	Page	Type	Price Grantor					
				12/31/2019	2091	629	Q I	350,000 JACK ASSOC					
				11/13/1989	898	813							
LISTING HISTORY				NOTES									
04/05/21	RWBP			GREEN HOUSE RESTS ON PIERS; HAS VIEWS HAS WATER ACCESS BY LOT 125/14 4/09 P/U NEW DECK; FSP TO FEP 2/13-MEASURE; NO CHANGE 6/20 PER OWNER- 1 BEDROOM, NO FIN ATTIC - 2020 - PURCHASED FOR SITE, WORKING THROUGH VARIANCE PROCESS TO REDEVELOP -9/20 ADJ THE STRUCTURE TO VERY POOR COND. OWNER STATES UNLIVEABLE; 4/21-NO CHANGE, CHECK 2022									
12/04/20	MPBP												
09/22/20	KMHC												
08/14/20	KMSR												
06/12/20	KMSR												
01/21/20	MPAC	DEED TRANSFER											
12/05/19	MPAC	ADDRESS CHANGE											
09/20/19	MPAC	ADDRESS CHANGE											
EXTRA FEATURES VALUATION													
Feature Type		Units	Lngh x Width	Size Adj	Rate	Cond	Market Value	Notes					

PICTURE	OWNER	TAXABLE DISTRICTS	BUILDING DETAILS															
	SHEA, CATHLEEN A WEISS, BRADLEY M 12 IRVING ST NEWTON, MA 02459	District Percentage	Model: 1 STORY FRAME CAMP Roof: GABLE OR HIP/ASPHALT Ext: CLAP BOARD Int: K PINE/A WD Floor: INLAID SHT GDS Heat: WOOD/COAL/NONE Bedrooms: 1 Baths: 1.0 Fixtures: Extra Kitchens: Fireplaces: A/C: No Generators:															
		PERMITS																
	<table><tr><th>Date</th><th>Permit ID</th><th>Permit Type</th><th>Notes</th></tr><tr><td>09/17/20</td><td>2020-02046</td><td>DES PERMITS</td><td>IMPACT 2,015 SQ FT OF PRO</td></tr><tr><td>05/19/08</td><td>253LD</td><td>LAND DISTURBAN</td><td>2008 LAND DISTURBAN L.</td></tr><tr><td>05/19/08</td><td>2529</td><td>ADDITION</td><td>2008 ADDITION 24' X 16' O</td></tr></table>	Date	Permit ID	Permit Type	Notes	09/17/20	2020-02046	DES PERMITS	IMPACT 2,015 SQ FT OF PRO	05/19/08	253LD	LAND DISTURBAN	2008 LAND DISTURBAN L.	05/19/08	2529	ADDITION	2008 ADDITION 24' X 16' O	Quality: 03 AVERAGE- 03 Com. Wall: Size Adj: 1.8804 Base Rate: RCA 58.00 Bldg. Rate: 1.6171 Sq. Foot Cost: \$ 93.79
Date	Permit ID	Permit Type	Notes															
09/17/20	2020-02046	DES PERMITS	IMPACT 2,015 SQ FT OF PRO															
05/19/08	253LD	LAND DISTURBAN	2008 LAND DISTURBAN L.															
05/19/08	2529	ADDITION	2008 ADDITION 24' X 16' O															
			BUILDING SUB AREA DETAILS															
			ID	Description	Area	Adj.	Effect.											
			WDK	DECK, WOOD	589	0.10	59											
			FEP	PORCH,	64	0.70	45											
			BAS	FIRST FLOOR	356	1.00	356											
GLA: 356		1,009	460															
			2020 BASE YEAR BUILDING VALUATION															
			Market Cost New:		\$ 43,143													
			Year Built:		1930													
			Condition For Age:	VERY POOR	54 %													
			Physical:															
			Functional:															
			Economic:															
			Temporary:															
			Total Depreciation:		54 %													
			Building Value:		\$ 19,800													



TOWN OF SUNAPEE
 23 Edgemont Road
 Sunapee, New Hampshire 03782-0717
www.town.sunapee.nh.us

DATE: September 27, 2021 (for the hearing October 7, 2021)
 TO: Zoning Board of Adjustment
 FROM: Melissa Pollari, Land Use & Assessing Coordinator
 CASE: **#ZBA: 21-31 (Variance)**
#ZBA: 21-32 (Variance)
#ZBA: 21-34 (Special Exception)

Owner: Daniel D. Cave
Parcel ID: 0118-0051-0000
Address: 90 Burma Rd

Summary of Case(s)/ References to the Zoning Ordinance:

Case # / Description	Article	Section	Part
21-31 To permit a 27 ft 8-inch setback from the waterbody (Perkins Pond) where 50 ft is required (the existing setback is 16 ft 8-inches to the deck and 26 ft 8-inches to the existing house)	III Dimensional Controls	3.40 Additional Requirements	(c) <i>The minimum setback between structures or parking areas and water bodies shall be 50 ft.</i>
21-32 To permit a 20 ft 6 inch setback from the centerline of the road where 50 ft is required	III Dimensional Controls	3.10 Table of Dimensional Controls	
21-34 To permit an accessory dwelling unit (ADU) in a new garage	IV Use Regulations	4.90 Accessory Dwelling Unit	

Description of Property:

- 0.59 acres
- Approximately 142.0 feet of frontage on Perkins Pond
- Approximately 213 ft of frontage on Burma Rd
- House built approximately 1927
- Zone: RR (Rural Residential) with Shoreline Overlay (Perkins Pond)
- No prior Zoning approvals found; no CZC permits found

Town of Sunapee
 23 Edgemont Rd., Sunapee NH
 Phone (603) 763-3194 / Website www.town.sunapee.nh.us
 Email zoning@town.sunapee.nh.us

CASE# 21-31

Zoning Board of Adjustment (ZBA) Variance Application

Questions? Please contact the Land Use & Assessing Coordinator or the Planning & Zoning Director. All dates and deadlines are published on the ZBA calendar; see Page 6. For helpful guidelines on completing this application, see page 4-5.

Attach additional sheets of paper as necessary.

1. Landowner(s) Name(s): Daniel D. Cave
2. Parcel ID: 0118-0051-0000 3. Zoning District: RR
4. Project Location (Street & #): 90 Burma Road
5. Mailing Address: 11 Mockingbird Lane, Glastonbury, CT 06033
6. Phone Number: 1-860-657-8766
7. Email: cavedd@gmail.com

☐ **ABUTTERS LIST:** You must prepare a list of all abutting property owners and attach it to your application. If you have any difficulty, consult the town office, but the accuracy of the list is your responsibility. You can download an abutters list by using the Tax Maps/GIS on the Town's website (under Assessing Department).

☐ **FEES:** Application Fee: \$ _____ * Make check payable to Town of Sunapee.
 Abutter Notification Fee: \$ _____ * per abutter. Make payable to US Post Office.

* NOTE: Rates and fees are subject to change. For the most current rate, please check with the Town Office.

☐ **ATTACHMENTS:** To assist the board, please attach sketches, photos, surveys, plot plans, pictures, construction plans, or whatever may help explain the proposed use. Include copies of any prior Zoning or Planning decisions concerning the property. If you have something in writing stating that your proposed project does not meet zoning, please attach that to this application; it may be a letter, email or denied permit. A professional survey by a licensed surveyor is strongly recommended for variances related to setback requirements. For properties located in the Shoreline Overlay District, a professional survey is required. Supplemental materials for the Board must be submitted no later than five (5) days before the scheduled hearing, however, adequate plans and exhibits must accompany the application. This includes, but is not limited to: lot dimensions, dimensions of proposed and existing structures, identification of abutting properties and roads, locations of water bodies, wetlands, septic systems, etc.

*Applications will not be considered complete unless all the questions are answered, the fees are paid,
 and an Abutters Mailing List is attached.*

GENERAL DESCRIPTION: This is a place to give a general summary of the proposed project as an introduction and overview for the public hearing. For example, where is the property located? Describe the property. Give area, frontage, side and rear lines, slopes, natural features, etc. What do you propose to do? Why does your proposal require an appeal to the board of adjustment?

The existing home and deck were built prior to zoning and state regulations. Imposing the current regulatory setbacks on the lot, the existing home and deck is in the 15' side setback and completely within the 50' water buffer. This proposal shifts the 20' x 30' footprint of the existing structure out of the setback and slightly further back from the water, with a 10' height increase over the existing structure, and relocates the deck out of the side setback and further back from the water alongside the side of the proposed home.

Attach additional sheets of paper as necessary.

SPECIFIC REASON THE VARIANCE IS NECESSARY: A Variance is requested from Zoning

Ordinance, Article III, Section 3.40 (c) to permit _____

Although the proposal is to rebuild the same size 20' x 30' single story footprint as the existing, non-conforming home and 10' x 15' +/- deck by sliding/moving the footprints of the existing structures out of the side setback and slightly further away from the water, a variance is required for the area within the 50' water buffer for the new home and deck outside of the existing footprint.

Facts in support of granting the variance:

1. Granting the variance would not be contrary to the public interest because: _____
The proposal is for a new residence which will be more conforming (less non-conforming) with the ordinance due to meeting the side setback and being a littler further back from the high water mark. Moreover, the proposal provides more area between the new structure and a neighbor's home providing improved structure fire safety and rainwater/runoff dispersion within the 50' waterfront setback.

2. If the variance were granted, the spirit of the ordinance would be observed because: _____

The proposal seeks to meet setbacks of the current ordinance and become more conforming; denial of the variance would force the owner to rebuild in the same footprint that was built prior to zoning regulations being enacted resulting in a less-conforming structure.

3. Granting the variance would do substantial justice because: _____

It would allow the property to be developed in a way that brings the structures more closely in-line with current regulations, meeting the side setback allowing more distance between this new structure and the existing neighboring property thereby improving fire safety, water dispersion and property values for owner, abutter and neighborhood and becoming more environmentally-sensitive by moving square footage further from the water body and eliminating sheds currently in the side and waterfront setbacks.

4. If the variance were granted, the values of the surrounding properties would not be diminished because: _____

The proposed residence will actually enhance the property, bringing it more in line with homes in the neighborhood and will strengthen the values of the surrounding properties and giving the neighboring property more space between adjacent structures and activities.

5. Unnecessary Hardship

a. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

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 because: _____

The home and sheds were constructed prior to the establishment of the 50' water bodies setback and 15' side setback and are currently non-conforming with both. The proposed single story rebuild of the existing home and relocation of the existing deck by "sliding/moving the footprints" requires a variance to allow the a small, previously undeveloped area to be used. These actions, along with along with removal of the
- and -

ii. The proposed use is a reasonable one because: _____
it is more compliant with the ordinance than the current structures (home, deck and sheds) and represents a more appropriate residential use in a residential area.

b. Explain how, if the criteria in subparagraph (a) 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 in 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. _____

The current regulations allow for the rebuild of the existing home and deck in their current locations, well within the water body and side setback. While the owner seeks to keep the footprints within the 50' water body setback the same size, he seeks to have the rebuilt structure be more compliant with the ordinance by sliding and moving that square foot area to more fully-conform to the side and more conform with the water body setbacks. Denial of the variance would impose a hardship on the owner, his neighbor, and be less environmentally-sensitive to the water body.

For person(s) with physical disabilities,
please see RSA 674:33 regarding alternative hardship criteria for a Variance.

SIGNATURE: I understand that the public hearing will be held at the scheduled date and time unless a request is made by me for a new hearing. Any rehearing will require a new public notice and notification to abutters, the cost of which will be borne by the applicant. Further, I hereby give permission to the ZBA members and zoning officials to visit the subject property prior to the public hearing. To the best of my knowledge, the above is true and correct.

Daniel W. Cave
Landowner(s) Signature(s)

9/23/2021
Date

Page 3(a)
Supplemental Insert

Complete Response to 5.a.i.

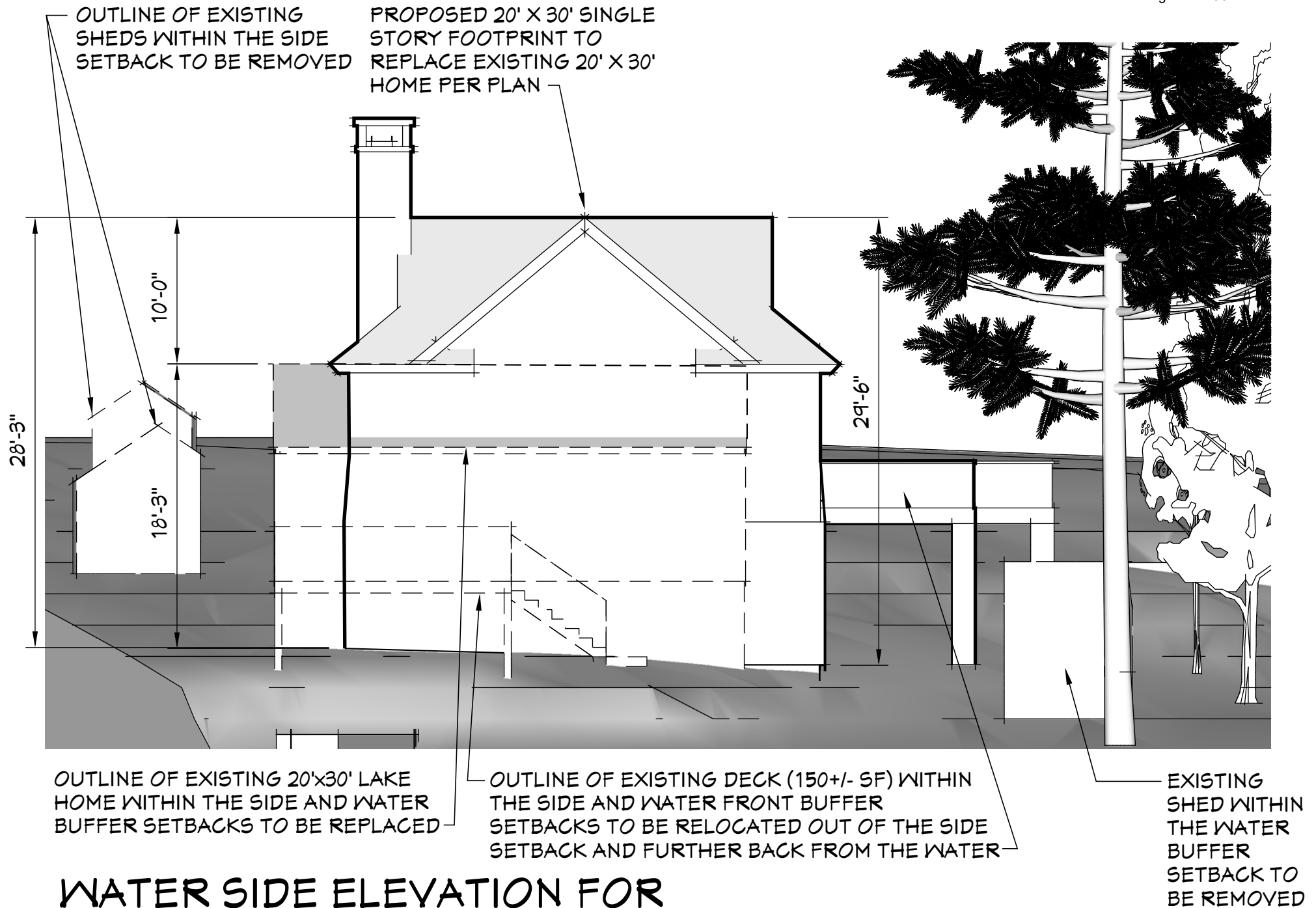
No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because the pre-existing home and sheds were constructed prior to the establishment of the 50' water bodies setback and 15' side setback and are currently non-conforming while the proposed new structure is more fully-conforming with the side setback and more conforming with the water bodies setback. The proposed single-story re-build of the existing home and relocation of the existing deck by "sliding/moving the footprints" requires a variance to allow the a small, previously-undeveloped area to be used. These actions, along with the removal of the existing non-conforming sheds results in a layout **fully-conforming** with the side setback, and **more conforming** (further back from the high-water mark) with the waterfront setback. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application hereto inasmuch as denial of the variance would effectively force the owner to rebuild in the pre-existing, more non-conforming footprint - thereby resulting in an overall less-conforming structure that is not in the general public interest or consistent with the purpose and intent of the ordinance.



THE CAVE RESIDENCE WATER SIDE ELEVATION FOR VARIANCE TO 3.40 C - EXISTING

SCALE: 1/8" = 1'-0"

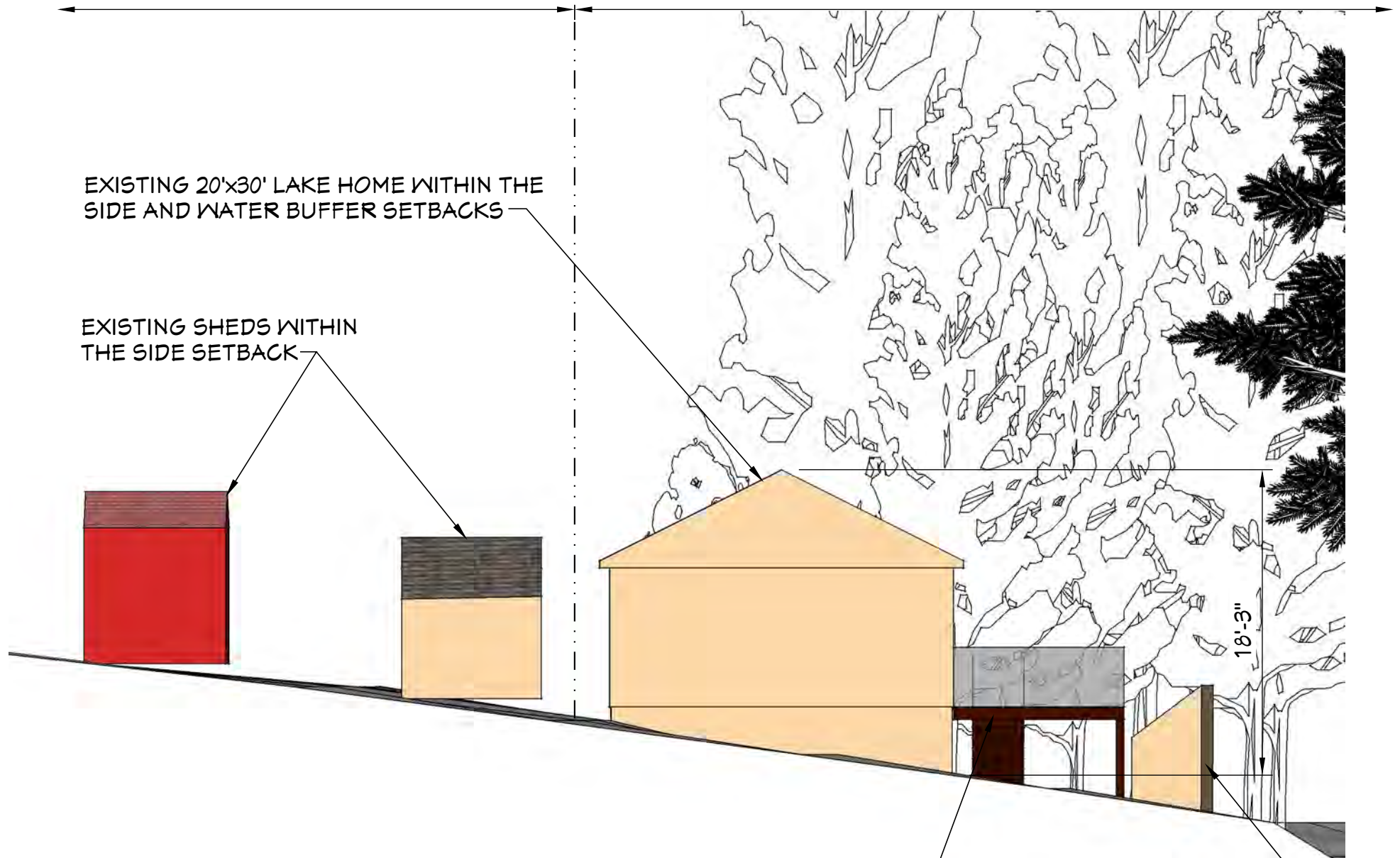
REVISED SEPT. 23, 2021



WATER SIDE ELEVATION FOR VARIANCE TO 3.40 C - PROPOSED

SCALE: 1/8" = 1'-0"

REVISED SEPT. 23, 2021



EXISTING 20'x30' LAKE HOME WITHIN THE
SIDE AND WATER BUFFER SETBACKS

EXISTING SHEDS WITHIN
THE SIDE SETBACK

18'-3"

EXISTING SHED WITHIN THE
WATER BUFFER SETBACK

EXISTING DECK (150+/- SF)
WITHIN THE SIDE AND WATER
FRONT BUFFER SETBACKS

NORTH SIDE ELEVATION FOR VARIANCE TO 3.40 C - EXISTING

SCALE: 1/8"= 1'-0"

REVISED SEPT. 23, 2021

BUILDABLE AREA OF LOT

WITHIN 50' WATER BUFFER

50' LAKE SETBACK
LINE. SEE SITE PLANPROPOSED 20' X 30' SINGLE STORY
FOOTPRINT TO REPLACE EXISTING
20' X 30' HOME PER PLANOUTLINE OF EXISTING
SHEDS WITHIN THE SIDE
SETBACK TO BE REMOVED
AS PART OF THIS PROPOSAL19' on north side
24' on south sideINFILL TO CONNECT TO
MAIN HOUSE SEE SITE PLANOUTLINE OF EXISTING 20'x30' LAKE HOME WITHIN THE
SIDE AND WATER BUFFER SETBACKS TO BE REPLACEDEXISTING SHED WITHIN THE
WATER BUFFER SETBACK
TO BE REMOVED AS PART
OF THIS PROPOSALOUTLINE OF EXISTING DECK (150+/- SF) WITHIN THE
SIDE AND WATER FRONT BUFFER SETBACKS TO
BE RELOCATED OUT OF THE SIDE SETBACK AND
FURTHER BACK FROM THE WATERNORTH SIDE ELEVATION FOR
VARIANCE TO 3.40 C - PROPOSED

SCALE: 1/8" = 1'-0"

REVISED SEPT. 23, 2021

Town of Sunapee
 23 Edgemont Rd., Sunapee NH
 Phone (603) 763-3194 / Website www.town.sunapee.nh.us
 Email zoning@town.sunapee.nh.us

CASE# 21-32

Zoning Board of Adjustment (ZBA) Variance Application

Questions? Please contact the Land Use & Assessing Coordinator or the Planning & Zoning Director. All dates and deadlines are published on the ZBA calendar; see Page 6. For helpful guidelines on completing this application, see page 4-5.

Attach additional sheets of paper as necessary.

1. Landowner(s) Name(s): Daniel D. Cave
2. Parcel ID: 0118-0051-0000 3. Zoning District: RR
4. Project Location (Street & #): 90 Burma Road
5. Mailing Address: 11 Mockingbird Lane, Glastonbury, CT 06033
6. Phone Number: 1-860-657-8766
7. Email: cavedd@gmail.com

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☐ **FEES:** Application Fee: \$ _____ * Make check payable to Town of Sunapee.
 Abutter Notification Fee: \$ _____ * per abutter. Make payable to US Post Office.

* NOTE: Rates and fees are subject to change. For the most current rate, please check with the Town Office.

☐ **ATTACHMENTS:** To assist the board, please attach sketches, photos, surveys, plot plans, pictures, construction plans, or whatever may help explain the proposed use. Include copies of any prior Zoning or Planning decisions concerning the property. If you have something in writing stating that your proposed project does not meet zoning, please attach that to this application; it may be a letter, email or denied permit. A professional survey by a licensed surveyor is strongly recommended for variances related to setback requirements. For properties located in the Shoreline Overlay District, a professional survey is required. Supplemental materials for the Board must be submitted no later than five (5) days before the scheduled hearing, however, adequate plans and exhibits must accompany the application. This includes, but is not limited to: lot dimensions, dimensions of proposed and existing structures, identification of abutting properties and roads, locations of water bodies, wetlands, septic systems, etc.

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GENERAL DESCRIPTION: This is a place to give a general summary of the proposed project as an introduction and overview for the public hearing. For example, where is the property located? Describe the property. Give area, frontage, side and rear lines, slopes, natural features, etc. What do you propose to do? Why does your proposal require an appeal to the board of adjustment?

The imposed setbacks on the lot create a narrow strip of 'buildable area' on the lot of 6,064 sf. There is wetlands which is within the setbacks reducing the 'buildable area' by 22%, or a net of 4,690 sf, and requires a shift of the garage towards the road into the 50' road setback.

Attach additional sheets of paper as necessary.

SPECIFIC REASON THE VARIANCE IS NECESSARY: A Variance is requested from Zoning

Ordinance, Article III, Section 3.10 to permit _____

a Garage with an ADU in the upper level to be constructed within the 50' road setback from Burma Road. The proposed Garage/ADU is out of the right of way and 20'-6" TO 22'-6" from the centerline of the road.

Facts in support of granting the variance:

1. **Granting the variance would not be contrary to the public interest because:** _____

The proposal is for a new residence in an area of residential character and development. Burma Road has many homes and garages built within the 50' road setback establishing a consistency and coherent neighborhood.

2. **If the variance were granted, the spirit of the ordinance would be observed because:** _____

Most of the planned residence is within the buildable area on the lot as defined by the imposed setbacks. The layout of the structure is a result of having to meet the most restrictive setbacks while trying to maintain the character of the neighborhood. The proposal attempts to establish the side setback to the northerly neighbor which the existing buildings were encroaching into, with this resulting in more of a southerly shift towards the wetland area.

3. **Granting the variance would do substantial justice because:** _____

It would allow the property to be developed in a way that provides a reasonably sized home and has minimal impact on the environmental amenities of the lot. Other properties along Burma Road have recently developed into the front setback for similar reasons, and allowing this lot to be developed in a similar manner would be appropriate.

4. If the variance were granted, the values of the surrounding properties would not be diminished because: _____

The proposed residence will actually enhance the property, bringing it more in line with homes in the neighborhood and will strengthen the values of the surrounding properties.

5. Unnecessary Hardship

a. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

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 because: _____

The 50' front setback is broadly applied to properties in the RR district along many developed and undeveloped properties. With water front areas, such as Burma Road and others on Perkins Pond which have narrow waterfront lots created well before zoning, with some neighbors having buildings close to the road. This proposal maintains that neighborhood character while allowing for reasonable development of the lot.

ii. The proposed use is a reasonable one because: _____

The proposed use is residential in a residential area, and allows for a normal 2 car garage with an ADU above to be built; the area where the garage is to be located is largely lawn and existing parking/driveway area.

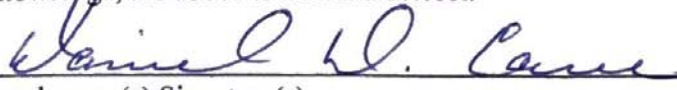
b. Explain how, if the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

Due to the presence of incidental wetlands on the site, which is a result of road runoff over time and is not on the towns jurisdictional wetlands map, it impacts the buildable area on the lot which would have allowed for the garage/ADU to be placed within that area and out of the 50' setback. The wetland area eliminates 22% of the buildable area on the lot. In laying out the footprint of the proposed home, the staggering of the structure was necessary to avoid the wetlands and required a shift of the garage/ADU.

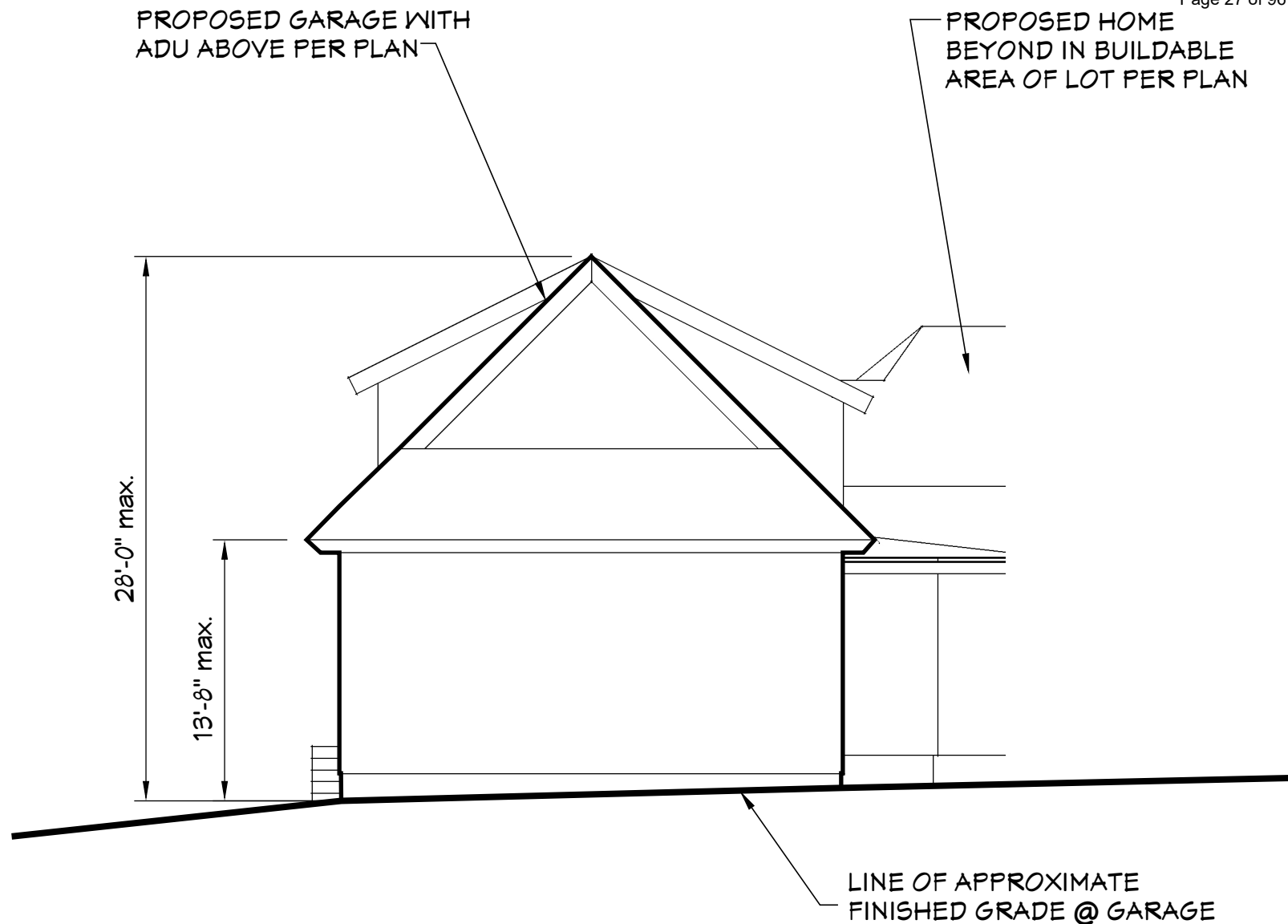
NOTE:

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SIGNATURE: I understand that the public hearing will be held at the scheduled date and time unless a request is made by me for a new hearing. Any rehearing will require a new public notice and notification to abutters, the cost of which will be borne by the applicant. Further, I hereby give permission to the ZBA members and zoning officials to visit the subject property prior to the public hearing. To the best of my knowledge, the above is true and correct.


Landowner(s) Signature(s)

9/23/2021
Date



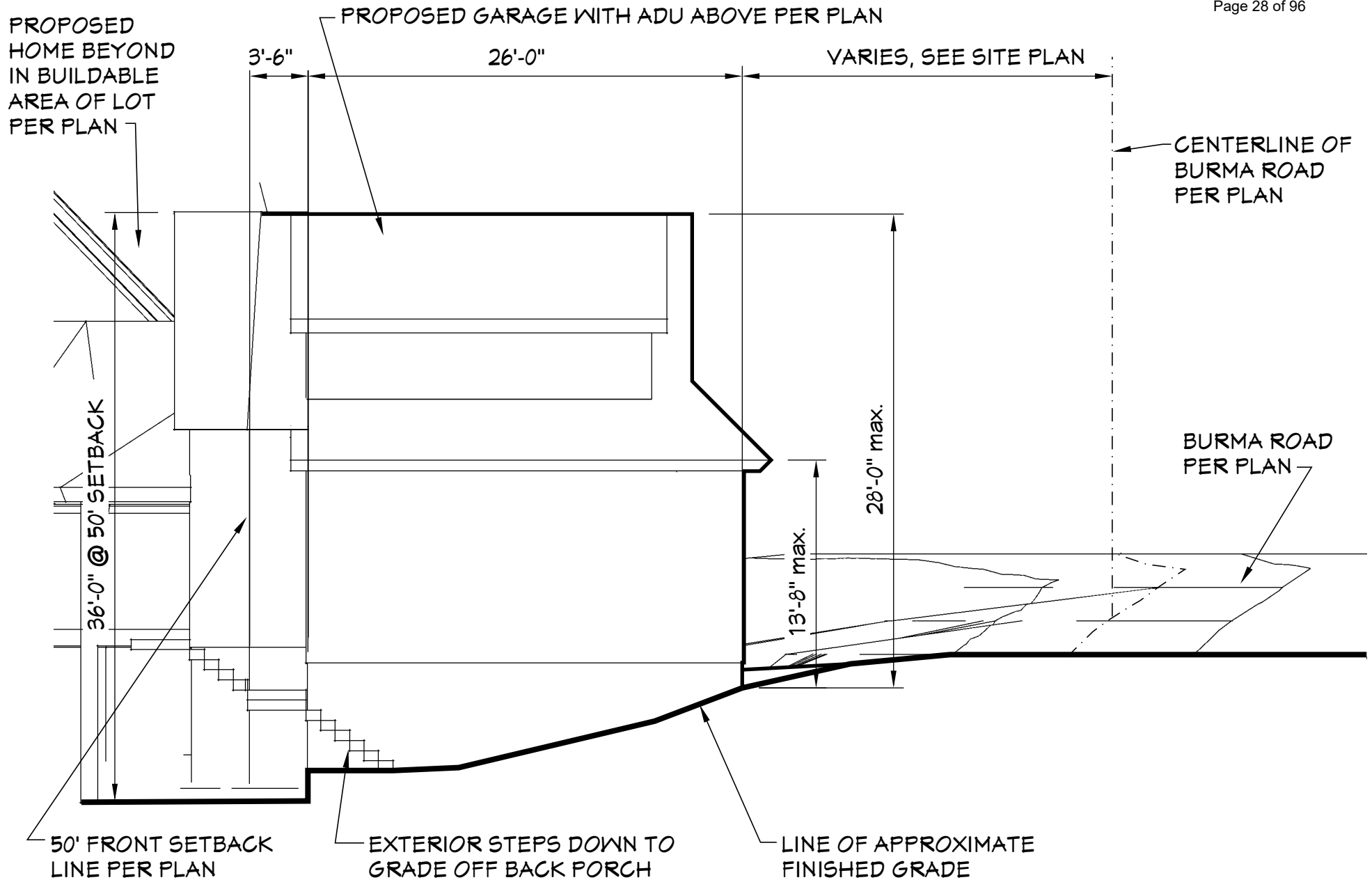
THE CAVE RESIDENCE

FRONT ELEVATION FOR VARIANCE TO 3.10 FRONT SETBACK - PROPOSED

SCALE: 1/8" = 1'-0"

REVISED SEPT. 23, 2021

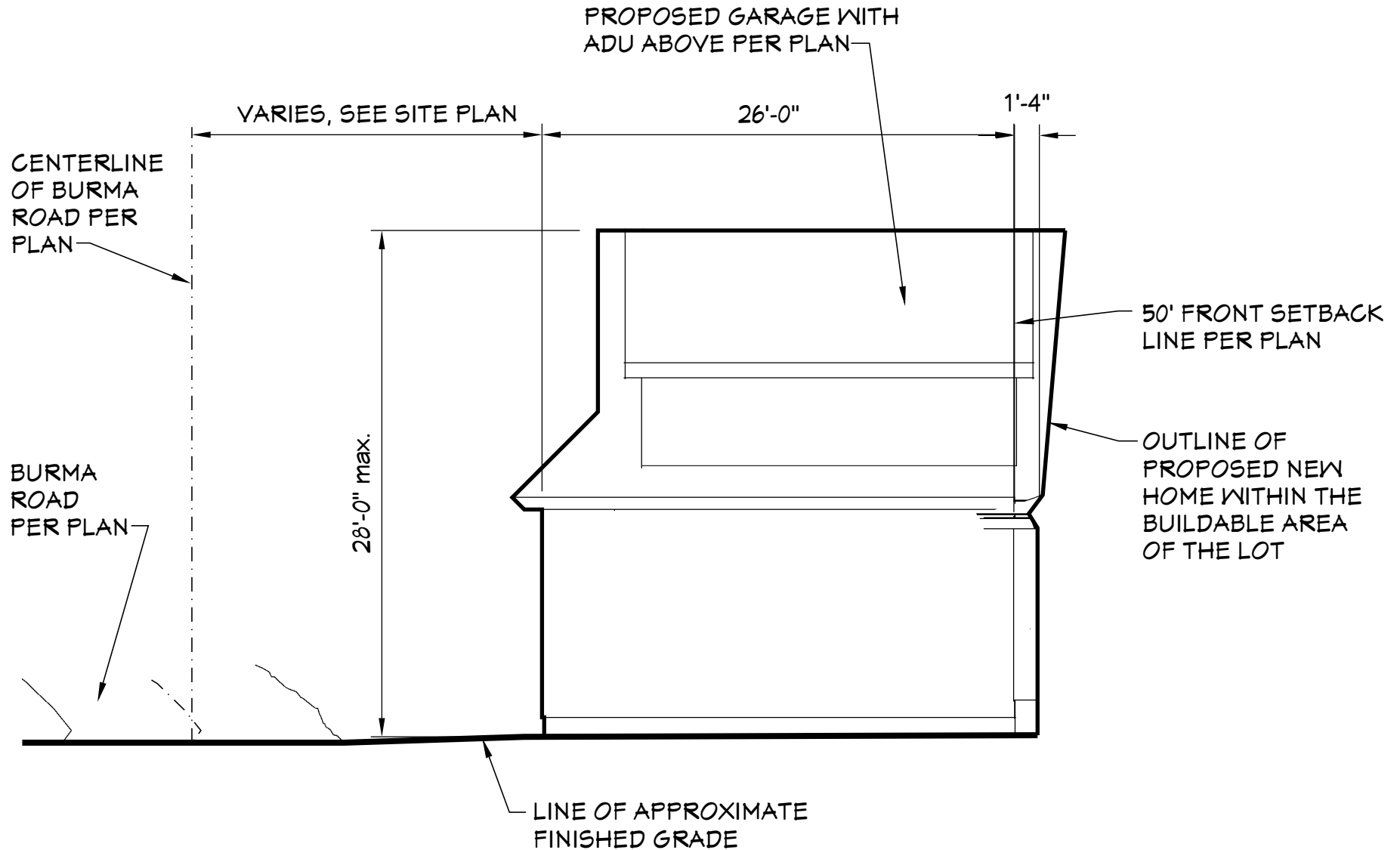
Cave Page 13 of 82



SOUTH SIDE ELEVATION FOR VARIANCE TO 3.10 FRONT SETBACK - PROPOSED

SCALE: 1/8" = 1'-0"

REVISED SEPT. 23, 2021



NORTH SIDE ELEVATION FOR VARIANCE TO 3.10 FRONT SETBACK - PROPOSED

SCALE: 1/8" = 1'-0"

REVISED SEPT. 23, 2021

Cave Page 15 of 82

Town of Sunapee
 23 Edgemont Rd., Sunapee NH
 Phone (603) 763-3194 / Website www.town.sunapee.nh.us
 Email zoning@town.sunapee.nh.us

CASE# 21-34

Zoning Board of Adjustment (ZBA) Special Exception

Questions? Please contact the Land Use & Assessing Coordinator or the Planning & Zoning Director. All dates and deadlines are published on the ZBA calendar.

1. Landowner(s) Name(s): Daniel D. Cave
2. Parcel ID: 0118-0051-0000 3. Zoning District: RR
4. Project Location (Street & #): 90 Burma Road
5. Mailing Address: 11 Mockingbird Lane, Glastonbury, CT 06033
6. Phone Number: 1-860-657-8600
7. Email: cavedd@gmail.com

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☐ Abutter Notification Fee: \$ _____ * per abutter. Make payable to US Post Office.

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Applications will not be considered complete unless all the questions are answered, the fees are paid, and an Abutters Mailing List is attached.

GENERAL DESCRIPTION: This is a place to give a general summary of the proposed project as an introduction and overview for the public hearing. For example, where is the property located? Describe the property. Give area, frontage, side and rear lines, slopes, natural features, etc. What do you propose to do? Why does your proposal require a Special Exception from the Board of Adjustment?

The Special Exception 4.90 c is to allow an ADU to be within a new home.

Attach additional sheets of paper as necessary.

EXPLAIN HOW THE PROPOSAL MEETS THE SPECIAL EXCETION CRITERIA AS SPECIFIED IN ARTICLE IV, SECTION 4.90 (c) OF THE ZONING ORDINANCE (list all criteria from the Ordinance)

Criteria 1: An ADU will be permitted in all districts by special exception. The special exception will be based on items 2-9 in this section and not on the requirements found in Section 4.15.

Criteria 2: Only one (1) ADU is allowed per single family dwelling unit

Criteria 3: Owner occupancy is required in the main unit or ADU

Criteria 4: The ADU cannot be larger than 1,000 square feet. It must be within or attached with heated space to the single-family dwelling and there must be a connecting door between units

Criteria 5: Setback dimensions for the ADU must meet the same guidelines as the single-family unit

Criteria 6: The ADU addition must comply with existing lot coverage standards as specified elsewhere in this Ordinance.

Criteria 7: There shall not be more than 2 bedrooms in the ADU

Criteria 8: Septic designs and sewer hookups shall accommodate the number of bedrooms as required by Article VII of this ordinance

SIGNATURE: I understand that the public hearing will be held at the scheduled date and time unless a request is made by me for a new hearing. Any rehearing will require a new public notice and notification to abutters, the cost of which will be borne by the applicant. Further, I hereby give permission to the ZBA members and zoning officials to visit the subject property prior to the public hearing. To the best of my knowledge, the above is true and correct.

Landowner(s) Signature(s)

Date

Criteria 9: Proper off-street parkign must be provided per section 3.40(e) of this Ordinance



PROPERTY INFORMATION

1. THE INTENT OF THIS PLAN IS TO SHOW EXISTING SITE CONDITIONS AT 90 BURMA ROAD SUNAPEE, NEW HAMPSHIRE
2. TOPOGRAPHIC AND PLANEMETRIC INFORMATION IS BASED ON TOPOGRAPHIC MAPPINGS CONDUCTED BY PATON LAND SURVEYING IN NOVEMBER 2020 ON BEHALF OF FUSS & O'NEILL.
3. UTILITIES SHOWN DO NOT PURPORT TO CONSTITUTE OR REPRESENT ALL UTILITIES LOCATED UPON OR ADJACENT TO THE SURVEYED PREMISES. EXISTING UTILITY LOCATIONS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL FIELD VERIFY ALL UTILITY CONFLICTS. ALL DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT, OWNER, AND ENGINEER.
4. THE CONTRACTOR SHALL CONTACT DG SAFE (888-344-7233) A MINIMUM OF AT LEAST 3 BUSINESS DAYS (72 WORKING HOURS) PRIOR TO CONSTRUCTION.
5. AUDRA KLUMB, CERTIFIED WETLAND SCIENTIST #222, AND KLUUMB ENVIRONMENTAL, LLC, PERFORMED THE WETLAND MAPPING ON OCTOBER 28, 2020 ACCORDING TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL AND THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2012, US ARMY CORPS OF ENGINEERS.

1. OWNER OF RECORD OF TAX MAP 118, LOT 51: DANIEL D. CAVE OF 1' MOCKINGBIRD BURN LANE GLASTONBURY, CT 06033
2. DEED REFERENCE: BK 2081 PG 429, DATED 09/04/2019 AT THE SULLIVAN COUNTRY REGION OF DEEDS
3. LOT SIZE: 0.505 ACRES
4. FRONTAGE ON POND: (ALONG THE LINE = 143.08') (ALONG REFERENCE LINE = 154.62')
- 4.1. AVERAGE SHORELINE REFERENCE = 148.85'
5. PARCEL IS IN THE RURAL RESIDENTIAL ZONING DISTRICT, AND SUBJECT TO THE PROVISIONS OF THE SHORELINE OVERLAY DISTRICT
- 5.1. FRONT SETBACK: 50'
- 5.2. BURNIA ROAD IS A PRIVATE ROAD MAINTAINED BY THE TOWN. FRONT SETBACK IS MEASURED FROM THE SURVEYED CENTER OF TRAVELED WAY AS THE ROW WIDTH IS NOT DEFINED AND IS CONSIDERED PERSPECTIVE.
- 5.3. SIDE SETBACK: 15'
- 5.4. REAR SETBACK: 15'
- 5.5. LAKE REFERENCE LINE SETBACK: 50 FEET FROM REFERENCE LINE
- 5.6. MINIMUM ROAD FRONTAGE: 100'
- 5.7. MAXIMUM STRUCTURE HEIGHT: 40'
- 5.8. MAX LOT COVERAGE:
 - 5.8.1. IMPIEROUS: 25%
 - 5.8.2. PERVIOUS & IMPIEROUS: 40%

 TP

SURVEY CONTROL POINT

TEST PIT

BENCHMA

REBAR FOUND

EXISTING WELL

PHOTO LOCATION

EXISTING PIPE

EXISTING TREE LINE


PROPERTY LINE


SURVEYED EDGE OF WATER

EXISTING RETAINING WALL

EDGE OF DELINEATED WE

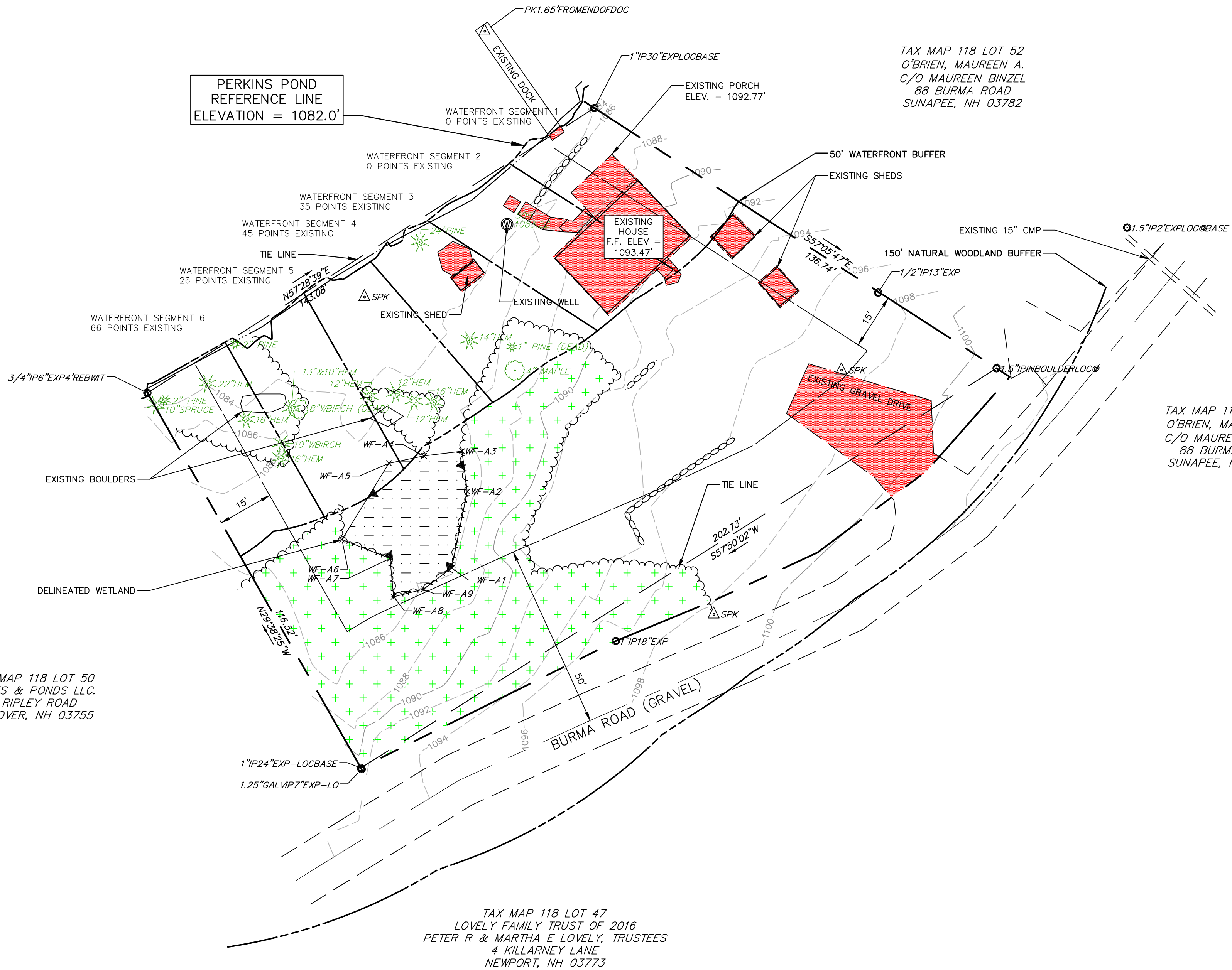
SHORELAND REFERENCE LINE A

 EXISTING IMPERVIOUS AREA
WITHIN PROTECTED SHORELAND



DELINEATED WETLAND

NATURAL WOODLAND
BUFFER AREA 50'-150'



LOCATION MAP
SCALE = 1" = 1000'

TAX MAP 118 LOT 52
O'BRIEN, MAUREEN A.
C/O MAUREEN BINZEL
88 BURMA ROAD
SUNAPEE, NH 03782

TAX MAP 118 LOT 45
O'BRIEN, MAUREEN A.
C/O MAUREEN BINZEL
88 BURMA ROAD
SUNAPEE, NH 03782

	0'-250'	
DRIVEWAY	825	
HOUSE & PORCH	830	
STAIRS, WALKS, & PATIOS	153	
SHEDS	180	
DOCK	7	

TOTAL IMPERVIOUS AREA PRE-CONSTRUCTION	1,995	
TOTAL AREA	21,981	
	% IMPERVIOUS	9.1%

NATURAL WOODLAND BUFFER AREA (SF ±)	5,216
TOTAL AREA (50'-150') (SF ±)	14,059
% NATURAL WOODLAND	37.1%
25% NATURAL WOODLAND (SF ±)	3515
NATURAL WOODLAND REQ. TO REMAIN (SF)	3,515

WATERFRONT SEGMENTS	
NHDES SCORING	
DIAMETER	POINTS
1-3"	1
>3 TO 6"	5
>6 TO 12"	10
>12"	15
SEGMENT 3 (25 PTS REQ'D)	
TREE	POINTS
24" PINE	15
14" HEMLOCK	15
4" MAPLE	5
TOTAL POINTS	35
SEGMENT 4 (25 PTS REQ'D)	
TREE	POINTS
12" HEMLOCK	10
12" HEMLOCK	10
12" HEMLOCK	10
16" HEMLOCK	15
TOTAL POINTS	45
SEGMENT 5 (25 PTS REQ'D)	
TREE	POINTS
2" PINE	10
13" HEMLOCK	10
10" HEMLOCK	10
TOTAL POINTS	26
SEGMENT 6 (25 PTS REQ'D)	
TREE	POINTS
10" SPRUCE	10
2" PINE	1
22" HEMLOCK	15
16" HEMLOCK	15
10" BIRCH	10
16" HEMLOCK	15
TOTAL POINTS	66

PROGRESS PRINT

DANIEL & MARY BETH CAVE
EXISTING CONDITIONS PLAN
90 BURMA ROAD
SUNAPEE NEW HAMPSHIRE

PROJ. No.: 20200826.A10
DATE: 11/30/2020

CS-100

1. THE INTENT OF THIS PLAN IS TO SHOW PROPOSED SITE CONDITIONS AT 90 BURMA ROAD SUNAPEE, NEW HAMPSHIRE
2. TOPOGRAPHIC AND PLANOMETRIC INFORMATION IS BASED ON TOPOGRAPHIC MAPPINGS CONDUCTED BY PATON LAND SURVEYING IN NOVEMBER 2020 ON BEHALF OF FUSS & O'NEILL.
3. UTILITIES SHOWN DO NOT PURPORT TO CONSTITUTE OR REPRESENT ALL UTILITIES LOCATED UPON OR ADJACENT TO THE SURVEYED PREMISES. EXISTING UTILITY LOCATIONS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL FIELD VERIFY ALL UTILITY CONFLICTS. ALL DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT, OWNER, AND ENGINEER.
4. THE CONTRACTOR SHALL CONTACT DIG SAFE (888-344-7233) A MINIMUM OF AT LEAST 3 BUSINESS DAYS (72 WORKING HOURS) PRIOR TO ANY CONSTRUCTION.
5. AUDRA KLUMB, CERTIFIED WETLAND SPECIALIST #222, OF A&D KLUMB ENVIRONMENTAL, LLC, PERFORMED THE FIELD SURVEY ON OCTOBER 28, 2020 ACCORDING TO THE A&D KLUMB ENGINEERS WETLAND DELINEATION MANUAL AND THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHERN/CENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2012, US ARMY CORPS OF ENGINEERS.

1. OWNER OF RECORD OF TAX MAP 118, LOT 51: DANIEL D. CAVE OF 11 MCKINGBERRY LANE GLASTONBURY, CT 06033
2. DEED REFERENCE: BK 2081 PG 429, DATED 09/04/2019 AT THE SULLIVAN COUNTRY REGION OF DEEDS
3. LOT SIZE: 0.505 ACRES
4. FRONTAGE ON POND: (ALONG TIE LINE = 143.08') (ALONG REFERENCE LINE = 154.62')
- 4.1. AVERAGE SHORELINE FRONTAGE = 148.85'
5. PARCEL IS IN THE RURAL RESIDENTIAL ZONING DISTRICT, AND SUBJECT TO THE PROVISIONS OF THE SHORELINE OVERLAY DISTRICT
- 5.1. FRONT SETBACK: 50'
- 5.2. BURMA ROAD IS A PRIVATE ROAD MAINTAINED BY THE TOWN. FRONT SETBACK IS MEASURED FROM THE SURVEYED CENTER OF TRAVELED WAY AS THE ROW WIDTH IS NOT DEFINED AND IS CONSIDERED PERSPECTIVE.
- 5.3. SIDE SETBACK: 15'
- 5.4. REAR SETBACK: 15'
- 5.5. LAKE REFERENCE LINE SETBACK: 50 FEET FROM REFERENCE LINE
- 5.6. MINIMUM ROAD FRONTAGE: 100'
- 5.7. MAXIMUM STRUCTURE HEIGHT: 40'
- 5.8. MAX LOT COVERAGE:
 - 5.8.1. IMPIEROUS: 25%
 - 5.8.2. PERVIOUS & IMPIEROUS: 40%

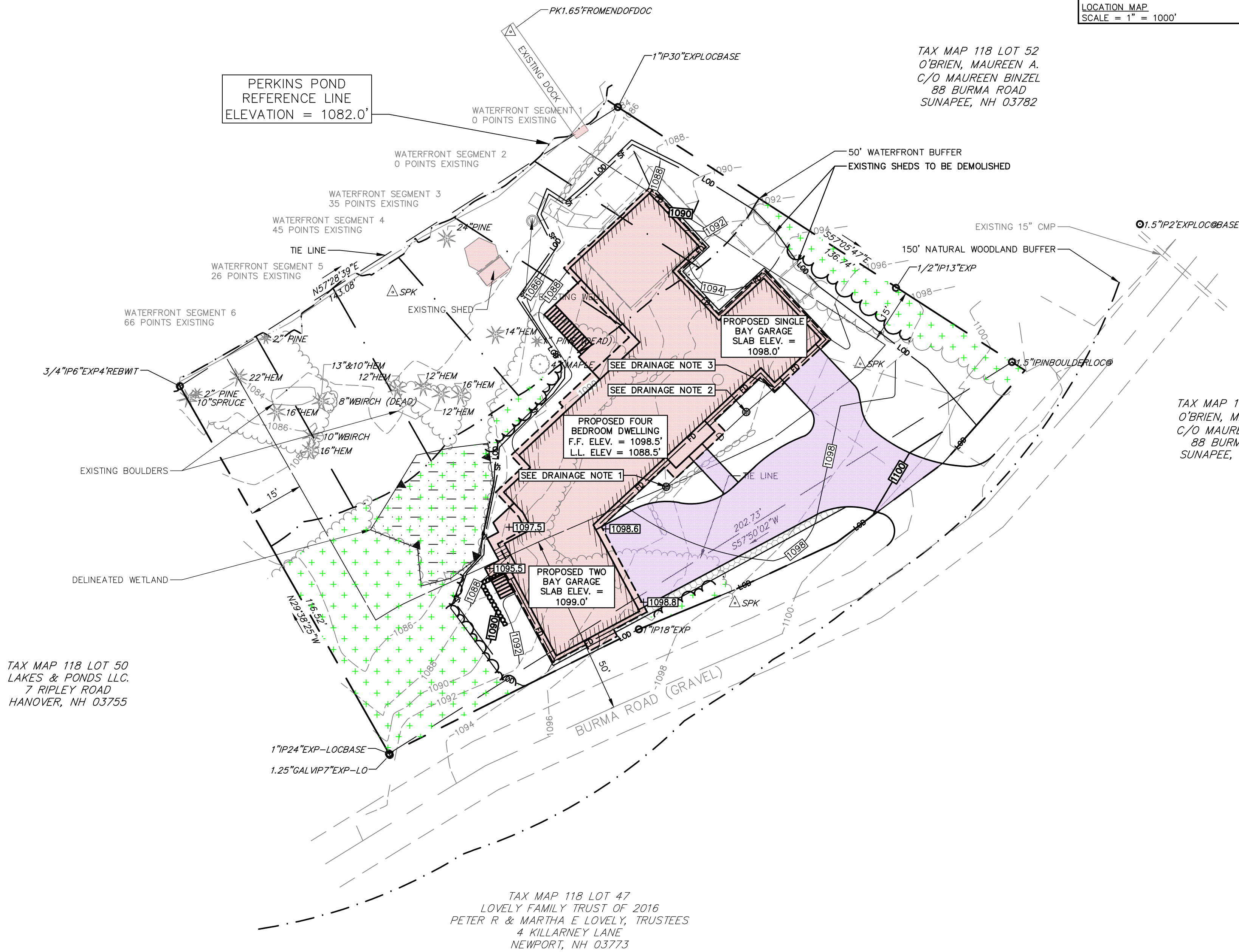
1. PROPOSED YARD DRAIN W/ BEEHIVE GRATE
RIM ELEV. = 1097.0'
6" PVC INV. OUT = 1095.0'
2. PROPOSED YARD DRAIN W/ BEEHIVE GRATE
RIM ELEV. = 1097.0'
6" PVC INV. IN = 1094.5'
6" PVC INV. OUT = 1094.5'
3. OUTLET PROPOSED 6" SOLID-WALLED PVC FROM CATCH BASINS TO
UPPER DRIP EDGE PIPE. INSTALL UNDERDRAIN CLEANOUT AT
CONNECTION POINT. SEE DETAIL ON CD-501.

	SURVEY CONTROL POINT		PROPERTY LINE
	MONUMENT FOUND		BUILDING SETBACKS
	PROPOSED WELL		EXISTING GRAVEL DRIVE
	PROPOSED DRIP EDGE		PROPOSED DRIVE
	PROPOSED NATURAL WOODLAND BUFFER AREA 50'-150'		PROPOSED RETAINING WALL
	PROPOSED IMPERVIOUS AREA WITHIN PROTECTED SHORELAND		NHDES REFERENCE LINE & SETBACKS
	DELINEATED WETLAND		PROPOSED CONTOURS MAJOR & MINOR
	PROPOSED PERVIOUS SURFACES		PROPOSED DRAINAGE PIPE
			PROPOSED UNDERDRAIN
			PROPOSED LIMIT OF DISTURBANCE
			PROPOSED LINEAR EROSION CONTROL

SHORELAND PROTECTION 0-250'	EXISTING	PROPOSED
DRIVEWAY	825	0
HOUSE & PORCH	830	5110
STAIRS, WALKS, & PATIOS	153	17
SHEDS	180	180
DOCK	7	7
TOTAL IMPERVIOUS AREA	1,995	5,314
TOTAL AREA	21,981	21,981
% IMPERVIOUS	9.1%	24.2%

	EXISTING	PROPOSED
PERVIOUS SURFACES	0	2150
TOTAL IMPERVIOUS AREA	1995	5314
TOTAL AREA	21,981	21,981
TOTAL IMPERVIOUS AND PERVIOUS AREAS	1995	7464
TOTAL LOT COVERAGE	9.1%	34.0%

NATURAL WOODLAND BUFFER AREA (SF ±)	3,843
TOTAL AREA (50'–150') (SF ±)	14,059
% NATURAL WOODLAND	27.3%
25% NATURAL WOODLAND (SF ±)	3515
NATURAL WOODLAND REQ. TO REMAIN (SF)	3,515



PROGRESS PRINT
NOT FOR CONSTRUCTION
DRAFT DATE 2021-7-29



Melissa Pollari

From: Dan Cave <cavedd@gmail.com>
Sent: Wednesday, September 1, 2021 12:31 PM
To: Melissa Pollari
Cc: peter.j.white@comcast.net; Craig Howe; Daniel Monette; MaryBeth P Cave; Kim Barselle
Subject: Abutter's Positions - 90 Burma Road Variances and Special Exceptions
Attachments: M. Binzel Letter.pdf

Melissa,

I hope that you are having an enjoyable week. I've been in touch with all of the abutters to the property at 90 Burma, and all are in receipt of their packages and I have reviewed with them the site plan, variances and special exceptions. They have all expressed their support for the plan as submitted. I believe that Maureen Binzel hand-delivered a letter to you to this effect, but I've nevertheless attached a PDF copy of it hereto.

Below is the email I received from Martha Lovely, Trustee for the trust that owns the property across the street. I received the site plan and answered questions for Mrs. Lovely and her son, PJ, via a Zoom meeting last evening:

Re: Review Site Plan and Zoning Info



Inbox x



← lovely.pm@myfairpoint... 7:35 AM (3 hours ago) ☆ ← ⋮
to me ▾

Hi Dan, nice presentation you gave the Lovely family last night about your plans for Burma Road property additions/improvements. PJ and I appreciated being informed. We have no objections to the plan. Marty

Below is the email I received from the Kiernans after a similar video conference review with them earlier in the month:

Re: Burma Road Update



REAL ESTATE/90 Burma Road x



← **Laura Kiernan**

Fri, Aug 6, 4:41 PM



to me ▾

Hi Dan -

Thanks so much for sharing the house plans with me and Brian today. It looks like it's going to be beautiful! No concerns on our end. Looking forward to seeing the progress and catching up with you when we're up at the lake.

Best,
Laura

Perkins Pond Cottage

A family escape in Sunapee, NH

[Instagram: @perkins_pond](#)

[Book on Airbnb](#)

Maureen Binzel's letter is attached as a PDF. At your convenience, I would be deeply appreciative if you would share this information with the Zoning Board of Adjustment in advance of our meeting on the 21st.

Thank You - and if we are not in touch beforehand, have a great holiday weekend!

Best Regards Always,

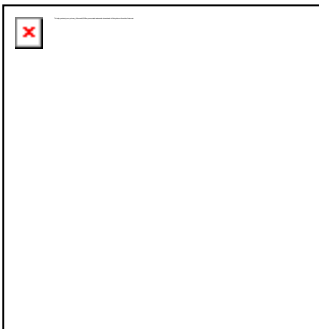
Dan

Dan Cave

email: cavedd@gmail.com

mobile: 860-830-1991

Work Contact Information



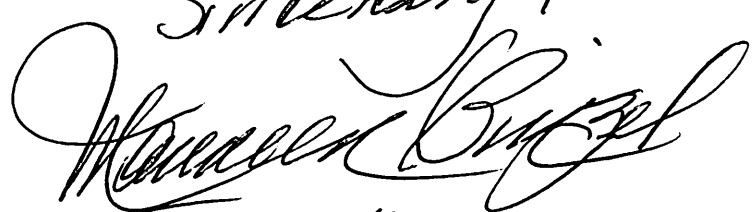
Dan Cave
Principal
MountainsCall Consulting, LLC
Management and Health Strategy Consulting
M&A Advisory Services
860-266-7525 (office)
860.830.1991 (mobile)
dan@mountainscc.com
www.mountainscc.com


August 23, 2021

ATTEN: JOINING BOARD —

I AM AN ADJACENT PROPERTY OWNER TO THE 90 BURMA ROAD PROPERTY. I APPROVE EACH OF THE VARIANCES AND EACH OF THE SPECIAL EXCEPTIONS. DAN CAVE SHOWED ME THE PLANS, ALSO WALKED ME THROUGH THE PROPERTY WITH A FULL EXPLANATION. THE HOME WILL ENHANCE THE PROPERTY AND WILL INCREASE THE PROPERTY VALUES IN THE AREA.

THE NEW HOME WILL NOT IN ANY WAY ENCRONCH UPON MY PROPERTY OR MY LIVING EXPERIENCE. THE CAVE FAMILY AND I HAVE BEEN NEIGHBORS FOR 38 YEARS AND I LOOK FORWARD TO THEM BEING PERMANENT RESIDENTS. A NEW GENERATION RESPECTING OUR LAND AND WATER.

Sincerely,


Formally,

 88 BURMA ROAD

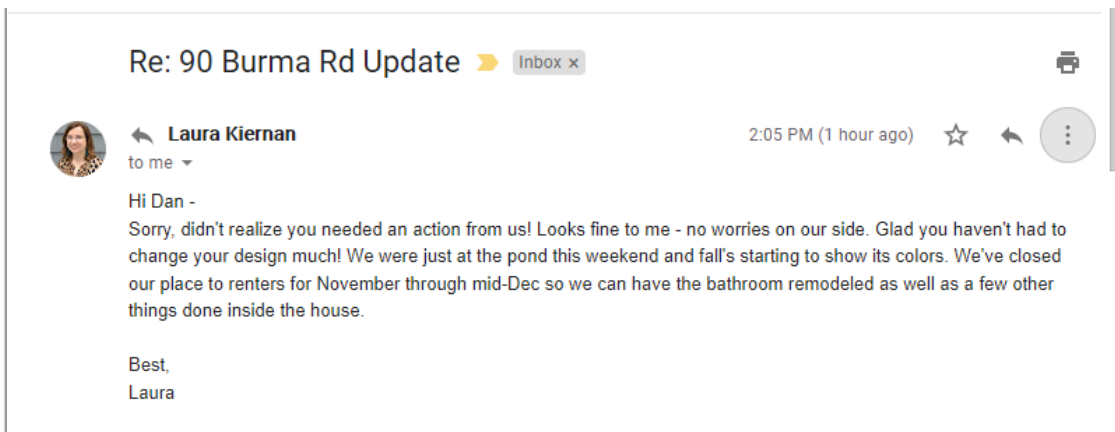
From: [Dan Cave](#)
To: [Melissa Pollari](#)
Cc: [Peter White](#); [Craig Howe](#); [MaryBeth P Cave](#)
Subject: Abutter's Support
Date: Monday, October 4, 2021 3:59:12 PM
Attachments: [image.png](#)
[image.png](#)

Melissa,

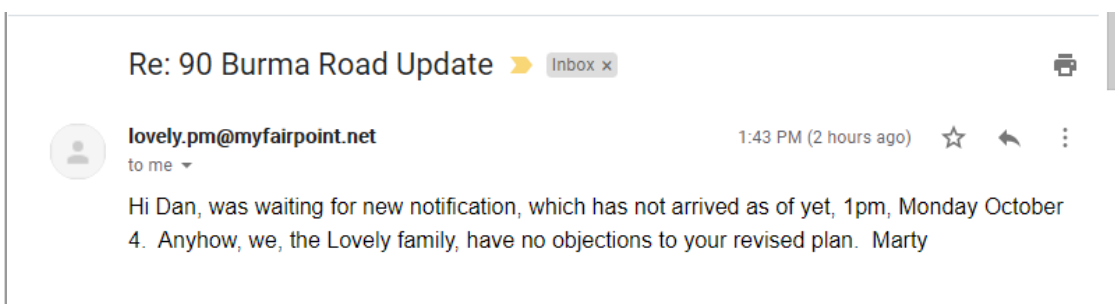
As was discussed with the ZBA at the end of our last meeting, I reached out again to our abutters for their notification of support, or lack thereof, in response to our revised submission to the ZBA; specifically noting (a) the change in the former waterfront/side setback variance and special exception for the "connector strip" to instead, a single variance request and (b) a slight tweak (smaller) to the garage footprint on the front setback. Both the Kiernans and the Lovely's are supportive of the revised submission as they were with the initial submission, and Mrs. Binzel has also expressed her support verbally but it is my understanding that she plans to attend the ZBA meeting again and express her support directly to the ZBA as she did at the meeting on September 21.

Below are the messages from the Kiernans and the Lovelys; which I would respectfully ask you to include in the ZBA's package for Thursday night's meeting.

Message from Laura and Bryan Kiernan (south boundary abutter):



Message from Lovely Family Trust (east boundary abutter, across Burma Rd.) :



I look forward to seeing you and the ZBA members Thursday evening!

Map Block Sub: 000118 000051 000000


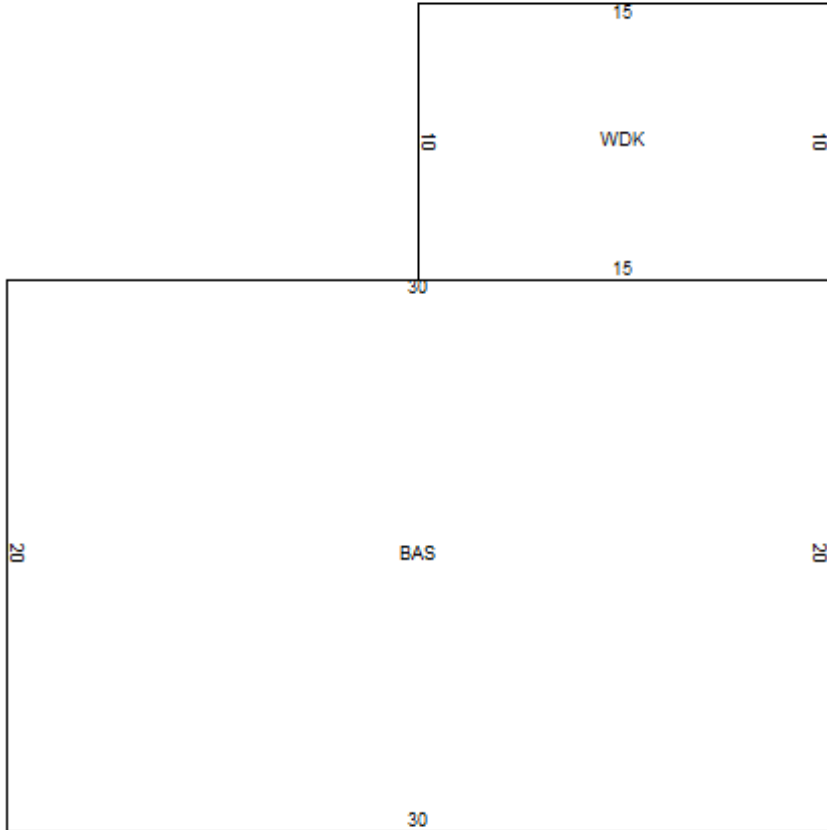
Card: 1 of 1

90 BURMA RD

SUNAPEE

Printed: 08/20/2021

OWNER INFORMATION			SALES HISTORY						PICTURE								
CAVE, DANIEL D 11 MOCKINGBIRD LANE GLASTONBURY, CT 06033			Date	Book	Page	Type	Price	Grantor									
			09/04/2019	2081	429	U I 38		CAVE, JAMES & MARY									
			12/04/1970	488	478												
LISTING HISTORY			NOTES														
10/18/19	KMSV		HOUSE REST ON PIERS ,LOT GOOD ACCESS TO LAKE - FULL VIEW 2 SHEDS - NV - SIZE 12/10-CORRECT Y/B TO 1927 NO VALUE CHANGE 10/19- SALE VERIFICATION- NO CHANGE														
09/13/19	MPAC	DEED TRANSFER															
10/07/15	KMNC	HEARING NO CHANGE / CAI															
08/17/15	NBFR	IN FIELD REVIEW															
07/14/11	NBM	MEASURE / EXT VIEWING O															
12/17/10	MCNC	HEARING NO CHANGE / NO															
08/26/05	DGNC	HEARING NO CHANGE															
12/20/04	DGM	MEASURE															
EXTRA FEATURES VALUATION													MUNICIPAL SOFTWARE BY AVITAR				
Feature Type		Units	Lngh x Width	Size Adj	Rate	Cond	Market Value	Notes	TOWN OF SUNAPEE ASSESSING OFFICE 23 EDMONT RD SUNAPEE, NH 03782 603-763-2212								
DOCKS-RES TYPE		144		100	75.00	50	5,400	Year: 2005									
							5,400										
PARCEL TOTAL TAXABLE VALUE																	
Year	Building	Features	Land														
2019	\$ 35,900	\$ 0	\$ 228,600	Parcel Total: \$ 264,500													
2020	\$ 33,200	\$ 5,400	\$ 300,400	Parcel Total: \$ 339,000													
2021	\$ 33,200	\$ 5,400	\$ 300,400	Parcel Total: \$ 339,000													
LAND VALUATION													LAST REVALUATION: 2020				
Zone: RR - RURAL RES		Minimum Acreage: 1.50		Minimum Frontage: 100		Site: SITE REDEVELOP								Driveway:		Road: GRAVEL/DIRT	
Land Type	Units	Base Rate	NC	Adj	Site	Road	DWay	Topography	Cond	Ad Valorem	SPI	R	Tax Value	Notes			
IF RES WTRFRNT	0.590 ac	57,440	K	100	100	100	100	100 -- TYPICAL	100	57,400	0	N	57,400				
PERKINS POND	142.000 wf	TYPICAL ACCESS, TYPICAL							90	243,000	0		243,000	REDEV			
0.590 ac									300,400		300,400						
Utilities: WELL,SEPTIC																	
Cave Page 25 of 82																	

PICTURE	OWNER	TAXABLE DISTRICTS	BUILDING DETAILS		
	CAVE, DANIEL D	District Percentage	Model: 1 STORY FRAME CAMP Roof: GABLE OR HIP/ASPHALT Ext: CLAP BOARD Int: K PINE/A WD Floor: CARPET Heat: WOOD/COAL/NONE		
	11 MOCKINGBIRD LANE		Bedrooms: 2 Baths: 1.0 Fixtures: Extra Kitchens: Fireplaces: 1		
	GLASTONBURY, CT 06033		A/C: No Generators:		
	PERMITS				
	Date	Permit ID	Permit Type	Notes	Quality: 03 AVERAGE- 03 Com. Wall: Size Adj: 1.5955 Base Rate: RCA 58.00 Bldg. Rate: 1.3881 Sq. Foot Cost: \$ 80.51
					
BUILDING SUB AREA DETAILS					
ID	Description		Area	Adj.	Effect.
BAS	FIRST FLOOR		600	1.00	600
WDK	DECK, WOOD		150	0.10	15
GLA:	600		750		615
2020 BASE YEAR BUILDING VALUATION					
Market Cost New:			\$ 49,514		
Year Built:			1927		
Condition For Age:		FAIR	33 %		
Physical:					
Functional:					
Economic:					
Temporary:					
Total Depreciation:			33 %		
Building Value:			Cave Page 26 of 82 \$ 33,200		



TOWN OF SUNAPEE
 23 Edgemont Road
 Sunapee, New Hampshire 03782-0717
www.town.sunapee.nh.us

DATE: September 27, 2021 (for the hearing October 7, 2021)
 TO: Zoning Board of Adjustment
 FROM: Melissa Pollari, Land Use & Assessing Coordinator
 CASE: #ZBA: 21-36 (Variance)
#ZBA: 21-37 (Variance)
#ZBA: 21-38 (Variance)
#ZBA: 21-39 (Variance)

Owner: Mary Zatta Chiamis
Parcel ID: 0134-0021-0000
Address: 251 Lake Ave

Summary of Case(s)/ References to the Zoning Ordinance:

Case # / Description	Article	Section	Part
21-36 To permit a 0.7 ft setback from the east side setback where 10 ft is required (the existing setback is 10.7 inches over the property line)	III Dimensional Controls	3.10 Table of Dimensional Controls	<i>Side & Rear Setbacks for Pre-existing Lots Below Minimum Size.</i>
21-37 To permit a 2.3 ft setback from the waterbody (Lake Sunapee) where 50 ft is required (the current setback is -2 inches over the edge of the water / 7.1 ft over the reference line / setback & proposed structure will be 19.5 ft from the edge of the water)	III Dimensional Controls	3.40 Additional Requirements	(c) <i>The minimum setback between structures or parking areas and water bodies shall be 50 ft</i>
21-38 To permit a 35 ft structure within the reduced side setbacks entirely within the 50 ft waterbody (Lake Sunapee)	III Dimensional Controls	3.10 Table of Dimensional Controls	<i>If a structure is allowed a reduced side or rear setback due to inadequate lot size, the portion of the structure in the area of reduced setback shall have a maximum height of 25 ft'.</i>
21-39 To permit a 4.3 ft setback from the west side setback where 10 ft is required	III Dimensional Controls	3.10 Table of Dimensional Controls	<i>Side & Rear Setbacks for Pre-existing Lots Below Minimum Size.</i>

Description of Property

- Approximately 0.14 acres
- Approximately 84.0 feet of frontage on Lake Sunapee
- Approximately 32.0 ft of frontage on Lake Ave
- Zone: RS (Residential) with Shoreline Overlay (Lake Sunapee)
- House built approximately 1950 (1989 property card YP = 1910)
- No building permits or prior Zoning Decisions found in files

Town of Sunapee
 23 Edgemont Rd., Sunapee NH
 Phone (603) 763-3194 / Website www.town.sunapee.nh.us
 Email zoning@town.sunapee.nh.us

CASE# 21-36

Zoning Board of Adjustment (ZBA) Variance Application

Questions? Please contact the Land Use & Assessing Coordinator or the Planning & Zoning Director. All dates and deadlines are published on the ZBA calendar; see Page 6. For helpful guidelines on completing this application, see page 4-5.

Attach additional sheets of paper as necessary.

1. Landowner(s) Name(s): Mary Zatta Chiamis
2. Parcel ID: Tax Map 134 Lot 21 3. Zoning District: Residential
4. Project Location (Street & #): 251 Lake Avenue
5. Mailing Address: #1504 70 Endicott Street, Norwood, MA 02062
6. Phone Number: _____
7. Email: mary.zatta@perkins.org

☒ **ABUTTERS LIST:** You must prepare a list of all abutting property owners and attach it to your application. If you have any difficulty, consult the town office, but the accuracy of the list is your responsibility. You can download an abutters list by using the Tax Maps/GIS on the Town's website (under Assessing Department).

<input checked="" type="checkbox"/> FEES:	\$150	Application Fee:	\$ <u>150</u>	* Make check payable to <u>Town of Sunapee</u> .
	\$44.28	Abutter Notification Fee:	\$ <u>7.38</u>	* per abutter. Make payable to <u>US Post Office</u> .

* NOTE: Rates and fees are subject to change. For the most current rate, please check with the Town Office.

☒ **ATTACHMENTS:** To assist the board, please attach sketches, photos, surveys, plot plans, pictures, construction plans, or whatever may help explain the proposed use. Include copies of any prior Zoning or Planning decisions concerning the property. If you have something in writing stating that your proposed project does not meet zoning, please attach that to this application; it may be a letter, email or denied permit. A professional survey by a licensed surveyor is strongly recommended for variances related to setback requirements. For properties located in the Shoreline Overlay District, a professional survey is required. Supplemental materials for the Board must be submitted no later than five (5) days before the scheduled hearing, however, adequate plans and exhibits must accompany the application. This includes, but is not limited to: lot dimensions, dimensions of proposed and existing structures, identification of abutting properties and roads, locations of water bodies, wetlands, septic systems, etc.

Applications will not be considered complete unless all the questions are answered, the fees are paid, and an Abutters Mailing List is attached.

GENERAL DESCRIPTION: This is a place to give a general summary of the proposed project as an introduction and overview for the public hearing. For example, where is the property located? Describe the property. Give area, frontage, side and rear lines, slopes, natural features, etc. What do you propose to do? Why does your proposal require an appeal to the board of adjustment?

See Attached

Attach additional sheets of paper as necessary.

SPECIFIC REASON THE VARIANCE IS NECESSARY: A Variance is requested from Zoning

Ordinance, Article III _____, Section Table 3.10 Row 7 _____ to permit _____

replacement of a non conforming seasonal house that currently extends 10.7' over the easterly 10' side setback

with a modern house that extends 9.3' over the easterly side setback from the property boundary - making the

entire proposed house be on-lot and more nearly conforming.

Facts in support of granting the variance:

1. Granting the variance would not be contrary to the public interest because: _____

See Attached

2. If the variance were granted, the spirit of the ordinance would be observed because: _____

See Attached

3. Granting the variance would do substantial justice because: _____

See Attached

4. If the variance were granted, the values of the surrounding properties would not be diminished because: _____

See Attached

5. Unnecessary Hardship

a. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

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 because: _____

See Attached

- and -

ii. The proposed use is a reasonable one because: _____

See Attached

b. Explain how, if the criteria in subparagraph (a) 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 in 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. _____

See Attached

NOTE:

For person(s) with physical disabilities,
please see RSA 674:33 regarding alternative hardship criteria for a Variance.

SIGNATURE: I understand that the public hearing will be held at the scheduled date and time unless a request is made by me for a new hearing. Any rehearing will require a new public notice and notification to abutters, the cost of which will be borne by the applicant. Further, I hereby give permission to the ZBA members and zoning officials to visit the subject property prior to the public hearing. To the best of my knowledge, the above is true and correct.


Landowner(s) Signature(s)

9/2/2021
Date



General Description:

The property is located at 251 Lake Avenue. The lot is narrow and short, being only 0.14 acres. This lot is an existing non-conforming lot with a two-story seasonal cottage violating both side and waterfront setbacks. For this application the owner proposes reconstruction of the existing nonconforming house into a more nearly conforming configuration in order to improve stormwater management, allow room for natural plantings between the house and the lake, and improve neighborhood aesthetics by removing the existing house that is over the reference line. The existing structure, which currently extends 10.7' over the 10' easterly side setback is proposed to be replaced by a modern house that extends 9.3' over the easterly side setback from the property boundary – making the entire proposed house be on-lot and more nearly conforming. The existing lot is narrower at the road than it is at the waterfront, so in order to retain the current house footprint while moving the house back from the water on a severely undersized lot (1/8 of conforming size), the house footprint will extend over the east side setback.

Granting the variance would not be contrary to the public interest because:

The proposal will more-nearly comply with the zoning requirements by removing the existing structure that overhangs the side setback and reference line in order to construct a house that is further back from the reference line. More space between the house and lake will allow for better stormwater management and will more nearly conform to the water body setback. The proposed house will have a footprint of 1,245 sq. ft compared to the existing footprint of 1,207 sq. ft. Extending over the easterly side setback will allow the house to slide away from the lake providing a benefit to abutters, as well as those who view the property from the lake. Additionally, reducing the driveway grade from 25% to 5% more closely matches the road profile which in turn increases road safety by improving ease of access. Therefore, we feel that this Variance would not be contrary to the public interest.

If the variance were granted, the spirit of the ordinance would be observed because:

The Zoning Ordinance is meant to promote the health, safety, and general welfare of the community, protect the environment, and preserve the vitality of the Town. The current house is a grandfathered non-conforming structure on a legal nonconforming lot.

The property has less than half the road frontage required and is 1/8 the size of a conforming lot to which the dimensional controls are intended. The proposed house makes the property more nearly conforming.

The ordinance allows improvements within grandfathered structure footprints and expansion of non-conforming footprints that conform to dimensional controls. This variance is requested because the existing building footprint is off property and technically over waters of the state. The owner wishes to correct and improve the lot by increasing the setback distance to the reference line.

This proposal is consistent with the Spirit of the Ordinance, because the proposed changes reduce the historical non-conformity of the lot.

Granting the variance would do substantial justice because:

205 Billings Farm Road
Suite 6B
White River Junction, VT
05001
802.698.0370

www.fando.com

California
Connecticut
Maine
Massachusetts
New Hampshire
Rhode Island
Vermont

Reasonable replacement of a seasonal structure that is out of date, causes no harm to the general public. The proposed development would increase property values, improve stormwater management, and improve the waterfront area of the lot. This proposal will benefit the general public and environment, so substantial justice is done by granting the variance.

If the variance were granted, the values of the surrounding properties would not be diminished because:

The proposed development would likely increase property values in the neighborhood by constructing a residence with a higher tax valuation than the existing one. The new construction would be completely on property and result in better lake views for neighbors due to the new house being further back from the lake.

Unnecessary Hardship:

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:

This existing lot is severely under-sized. The lot is narrow (only 33' feet of road frontage) and the current building is already non-conforming. Any reasonable reconstruction that is proposed on this lot will require relief from the current zoning restrictions. The lot characteristics and current 1 acre lot zoning restrictions applied to a smaller non-conforming lot are a hardship. The project includes benefits to the owners and to the general public.

The proposed use is a reasonable one because:

It is an existing use which is allowed within this zoning district.

Town of Sunapee
 23 Edgemont Rd., Sunapee NH
 Phone (603) 763-3194 / Website www.town.sunapee.nh.us
 Email zoning@town.sunapee.nh.us

CASE# 21-37

Zoning Board of Adjustment (ZBA) Variance Application

Questions? Please contact the Land Use & Assessing Coordinator or the Planning & Zoning Director. All dates and deadlines are published on the ZBA calendar; see Page 6. For helpful guidelines on completing this application, see page 4-5.

Attach additional sheets of paper as necessary.

1. Landowner(s) Name(s): Mary Zatta Chiamis
2. Parcel ID: Tax Map 134 Lot 21 3. Zoning District: Residential
4. Project Location (Street & #): 251 Lake Avenue
5. Mailing Address: #1504 70 Endicott Street, Norwood, MA 02062
6. Phone Number: _____
7. Email: mary.zatta@perkins.org

☒ **ABUTTERS LIST:** You must prepare a list of all abutting property owners and attach it to your application. If you have any difficulty, consult the town office, but the accuracy of the list is your responsibility. You can download an abutters list by using the Tax Maps/GIS on the Town's website (under Assessing Department).

<input checked="" type="checkbox"/> FEES:	\$150	Application Fee:	\$ <u>150</u>	* Make check payable to <u>Town of Sunapee</u> .
	\$44.28	Abutter Notification Fee:	\$ <u>7.38</u>	* per abutter. Make payable to <u>US Post Office</u> .

* NOTE: Rates and fees are subject to change. For the most current rate, please check with the Town Office.

☒ **ATTACHMENTS:** To assist the board, please attach sketches, photos, surveys, plot plans, pictures, construction plans, or whatever may help explain the proposed use. Include copies of any prior Zoning or Planning decisions concerning the property. If you have something in writing stating that your proposed project does not meet zoning, please attach that to this application; it may be a letter, email or denied permit. A professional survey by a licensed surveyor is strongly recommended for variances related to setback requirements. For properties located in the Shoreline Overlay District, a professional survey is required. Supplemental materials for the Board must be submitted no later than five (5) days before the scheduled hearing, however, adequate plans and exhibits must accompany the application. This includes, but is not limited to: lot dimensions, dimensions of proposed and existing structures, identification of abutting properties and roads, locations of water bodies, wetlands, septic systems, etc.

Applications will not be considered complete unless all the questions are answered, the fees are paid, and an Abutters Mailing List is attached.

GENERAL DESCRIPTION: This is a place to give a general summary of the proposed project as an introduction and overview for the public hearing. For example, where is the property located? Describe the property. Give area, frontage, side and rear lines, slopes, natural features, etc. What do you propose to do? Why does your proposal require an appeal to the board of adjustment?

See Attached

Attach additional sheets of paper as necessary.

SPECIFIC REASON THE VARIANCE IS NECESSARY: A Variance is requested from Zoning

Ordinance, Article III _____, Section 3.40a _____ to permit _____

replacement of an existing non conforming seasonal house that overhangs the reference line with a modern

house that is set back 2.3 feet from the reference line, making the structure more nearly conforming

Facts in support of granting the variance:

1. Granting the variance would not be contrary to the public interest because: _____

See Attached

2. If the variance were granted, the spirit of the ordinance would be observed because: _____

See Attached

3. Granting the variance would do substantial justice because: _____

See Attached

4. If the variance were granted, the values of the surrounding properties would not be diminished because: _____

See Attached

5. Unnecessary Hardship

a. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

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 because: _____

See Attached

- and -

ii. The proposed use is a reasonable one because: _____

See Attached

b. Explain how, if the criteria in subparagraph (a) 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 in 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. _____

See Attached

NOTE:

For person(s) with physical disabilities,
please see RSA 674:33 regarding alternative hardship criteria for a Variance.

SIGNATURE: I understand that the public hearing will be held at the scheduled date and time unless a request is made by me for a new hearing. Any rehearing will require a new public notice and notification to abutters, the cost of which will be borne by the applicant. Further, I hereby give permission to the ZBA members and zoning officials to visit the subject property prior to the public hearing. To the best of my knowledge, the above is true and correct.


Landowner(s) Signature(s)

9/2/2021
Date



General Description:

The owner proposes to replace an existing nonconforming house overhanging the reference line with a more nearly conforming configuration located 2.3' from the reference line in order to improve stormwater management, allow room for natural plantings between the house and the lake, and improve neighborhood aesthetics. The existing house is on an undersized lot approximately 1/8 the size of a conforming lot.

Granting the variance would not be contrary to the public interest because:

This proposal does not threaten public health, safety, or welfare, or otherwise injure "public rights" because the request creates a new structure that is more nearly conforming.

The current existing structure does not meet the minimum 50' water body setback and overhangs the reference line by 7.1 feet and is technically located over land of the state. The proposal will make the house more-nearly comply with the zoning requirements. Removing the existing structure that overhangs the reference line and constructing a house that is further set back from the reference line allows for better stormwater management and the addition of natural plantings. Additionally, reducing the driveway grade from 25% to 5% more closely matches the road profile which in turn increases road safety by improving ease of access. Therefore, we feel that this Variance would not be contrary to the public interest.

If the variance were granted, the spirit of the ordinance would be observed because:

The Zoning Ordinance is meant to promote the health, safety, and general welfare of the community, protect the environment, and preserve the vitality of the Town. The current house is a grandfathered non-conforming structure on a legal nonconforming lot.

The rebuild makes the property more nearly conforming by increasing the setback distance to the lake.

The ordinance allows improvements within grandfathered structure footprints and expansion of non-conforming footprints that conform to dimensional controls. This variance is requested because the owner wishes to make major improvements in order to bring the lot into greater conformity to this ordinance.

Therefore, this proposal is consistent with the Spirit of the Ordinance.

Granting the variance would do substantial justice because:

The owner could reasonably replace the seasonal structure within the current non-conforming footprint but would rather make substantial improvements to increase conformity. The proposed development will increase property values, improve stormwater management practices, and improve

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the waterfront buffer on the lot. The benefits to the general public are complementary to the benefits to the owner, so substantial justice is done by granting the variance.

If the variance were granted, the values of the surrounding properties would not be diminished because:

The proposed development would likely increase property values in the neighborhood by constructing a residence with a higher tax valuation than the existing one. The new construction would also result in better lake views for neighbors due to moving the house back.

Unnecessary Hardship:

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:

This existing lot is severely under-sized. The lot is narrow (only 33' feet of road frontage) and the current building is already non-conforming. Any reasonable reconstruction that is proposed on this lot will require relief from the current zoning restrictions. The lot characteristics and current 1 acre lot zoning restrictions applied to a smaller non-conforming lot are a hardship. The project includes benefits to the owners and to the general public.

The proposed use is a reasonable one because:

It is an existing use which is allowed within this zoning district.

Town of Sunapee
 23 Edgemont Rd., Sunapee NH
 Phone (603) 763-3194 / Website www.town.sunapee.nh.us
 Email zoning@town.sunapee.nh.us

CASE# 21-38

Zoning Board of Adjustment (ZBA) Variance Application

Questions? Please contact the Land Use & Assessing Coordinator or the Planning & Zoning Director. All dates and deadlines are published on the ZBA calendar; see Page 6. For helpful guidelines on completing this application, see page 4-5.

Attach additional sheets of paper as necessary.

1. Landowner(s) Name(s): Mary Zatta Chiamis
2. Parcel ID: Tax Map 134 Lot 21 3. Zoning District: Residential
4. Project Location (Street & #): 251 Lake Avenue
5. Mailing Address: #1504 70 Endicott Street, Norwood, MA 02062
6. Phone Number: _____
7. Email: mary.zatta@perkins.org

☒ **ABUTTERS LIST:** You must prepare a list of all abutting property owners and attach it to your application. If you have any difficulty, consult the town office, but the accuracy of the list is your responsibility. You can download an abutters list by using the Tax Maps/GIS on the Town's website (under Assessing Department).

<input checked="" type="checkbox"/> FEES:	\$150	Application Fee:	\$ <u>150</u>	* Make check payable to <u>Town of Sunapee</u> .
	\$44.28	Abutter Notification Fee:	\$ <u>7.38</u>	* per abutter. Make payable to <u>US Post Office</u> .

* NOTE: Rates and fees are subject to change. For the most current rate, please check with the Town Office.

☒ **ATTACHMENTS:** To assist the board, please attach sketches, photos, surveys, plot plans, pictures, construction plans, or whatever may help explain the proposed use. Include copies of any prior Zoning or Planning decisions concerning the property. If you have something in writing stating that your proposed project does not meet zoning, please attach that to this application; it may be a letter, email or denied permit. A professional survey by a licensed surveyor is strongly recommended for variances related to setback requirements. For properties located in the Shoreline Overlay District, a professional survey is required. Supplemental materials for the Board must be submitted no later than five (5) days before the scheduled hearing, however, adequate plans and exhibits must accompany the application. This includes, but is not limited to: lot dimensions, dimensions of proposed and existing structures, identification of abutting properties and roads, locations of water bodies, wetlands, septic systems, etc.

Applications will not be considered complete unless all the questions are answered, the fees are paid, and an Abutters Mailing List is attached.

GENERAL DESCRIPTION: This is a place to give a general summary of the proposed project as an introduction and overview for the public hearing. For example, where is the property located? Describe the property. Give area, frontage, side and rear lines, slopes, natural features, etc. What do you propose to do? Why does your proposal require an appeal to the board of adjustment?

See Attached

Attach additional sheets of paper as necessary.

SPECIFIC REASON THE VARIANCE IS NECESSARY: A Variance is requested from Zoning

Ordinance, Article III _____, Section Table 3.10 Row 9 _____ to permit _____

replacement of a non-conforming seasonal house with a new modern house that is 10 feet taller

than the allowed 25' within the side setbacks

Facts in support of granting the variance:

1. Granting the variance would not be contrary to the public interest because: _____

See Attached

2. If the variance were granted, the spirit of the ordinance would be observed because: _____

See Attached

3. Granting the variance would do substantial justice because: _____

See Attached

4. If the variance were granted, the values of the surrounding properties would not be diminished because: _____

See Attached

5. Unnecessary Hardship

a. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

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 because: _____

See Attached

- and -

ii. The proposed use is a reasonable one because: _____

See Attached

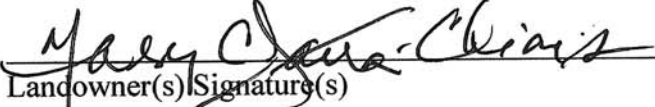
b. Explain how, if the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. _____

See Attached

NOTE:

For person(s) with physical disabilities,
please see RSA 674:33 regarding alternative hardship criteria for a Variance.

SIGNATURE: I understand that the public hearing will be held at the scheduled date and time unless a request is made by me for a new hearing. Any rehearing will require a new public notice and notification to abutters, the cost of which will be borne by the applicant. Further, I hereby give permission to the ZBA members and zoning officials to visit the subject property prior to the public hearing. To the best of my knowledge, the above is true and correct.


Landowner(s) Signature(s)

9/2/2021
Date



General Description:

The property is located at 251 Lake Avenue. The lot is narrow and short, being only 0.14 acres. This lot is an existing non-conforming lot with a two-story seasonal cottage violating both side and waterfront setbacks. For this application the owner proposes reconstruction of the existing nonconforming house into a more nearly conforming location in order to improve stormwater management, allow room for natural plantings between the house and the lake, and improve neighborhood aesthetics by removing the existing house that is over the reference line. The existing non-conforming seasonal house is proposed to be replaced with a modern house that is 10 feet taller than the allowed 25' within the side setbacks. Due to pre-existing heavy foliage between the existing non-conforming house and cross street neighbors, view impacts are not anticipated.

Granting the variance would not be contrary to the public interest because:

The proposal will more-nearly comply with the zoning requirements by removing the existing structure that overhangs the side setbacks and reference line in order to construct a house that is further back from the reference line. More space between the house and lake will allow for better stormwater management and will more nearly conform to the water body setback. The proposed house will have living area of 863 sq. ft per floor compared to the existing living area of 850 sq. ft per floor. Increasing the housing envelope vertically instead of horizontally and bringing the house back from the lake edge and both side setbacks improves cross views for neighbors, while not significantly altering or obstructing views of cross street neighbors. Additionally, reducing the driveway grade from 25% to 5% more closely matches the road profile which in turn increases road safety by improving ease of access. Therefore, we feel that this Variance would not be contrary to the public interest.

If the variance were granted, the spirit of the ordinance would be observed because:

The Zoning Ordinance is meant to promote the health, safety, and general welfare of the community, protect the environment, and preserve the vitality of the Town. The current house is a grandfathered non-conforming structure on a legal nonconforming lot.

The property has less than half the road frontage required and is 1/8 the size of a conforming lot to which the dimensional controls are intended. The proposed house makes the property more nearly conforming.

The ordinance allows improvements within grandfathered structure footprints and expansion of non-conforming footprints that conform to dimensional controls. This lot is so restrictive that the only reasonable way to expand is vertically. This variance is requested because the existing building footprint is off property and technically over waters of the state. The owner wishes to correct and improve the lot by increasing the setback distance to the reference line.

This proposal is consistent with the Spirit of the Ordinance, because the proposed changes reduce the historical non-conformity of the lot.

Granting the variance would do substantial justice because:

Reasonable replacement of a seasonal structure that is out of date, causes no harm to the general public. Converting a seasonal structure to a full year residence requires modest expansion to provide

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reasonable living space for storage and function. The owner would prefer to expand vertically which will be less impacting to the lot and abutters. The proposed development would increase property values, improve stormwater management, and improve the waterfront area of the lot. This proposal will benefit the general public and environment, so substantial justice is done by granting the variance.

If the variance were granted, the values of the surrounding properties would not be diminished because:

The proposed development would likely increase property values in the neighborhood by constructing a residence with a higher tax valuation than the existing one. The new construction would be completely on property and result in better lake views for adjacent neighbors due to the new house being further back from the lake. Views for cross street neighbors would remain largely similar due to heavy pre-existing foliage.

Unnecessary Hardship:

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:

This existing lot is severely under-sized. The lot is narrow (only 33' feet of road frontage) and the current building is already non-conforming. Any reasonable reconstruction that is proposed on this lot will require relief from the current zoning restrictions. The lot characteristics and current 1 acre lot zoning restrictions applied to a smaller non-conforming lot are a hardship. The project includes benefits to the owners and to the general public.

The proposed use is a reasonable one because:

It is an existing use which is allowed within this zoning district.

Town of Sunapee
 23 Edgemont Rd., Sunapee NH
 Phone (603) 763-3194 / Website www.town.sunapee.nh.us
 Email zoning@town.sunapee.nh.us

CASE# 21-39

Zoning Board of Adjustment (ZBA) Variance Application

Questions? Please contact the Land Use & Assessing Coordinator or the Planning & Zoning Director. All dates and deadlines are published on the ZBA calendar; see Page 6. For helpful guidelines on completing this application, see page 4-5.

Attach additional sheets of paper as necessary.

1. Landowner(s) Name(s): Mary Zatta Chiamis
2. Parcel ID: Tax Map 134 Lot 21 3. Zoning District: Residential
4. Project Location (Street & #): 251 Lake Avenue
5. Mailing Address: #1504 70 Endicott Street, Norwood, MA 02062
6. Phone Number: _____
7. Email: mary.zatta@perkins.org

☒ **ABUTTERS LIST:** You must prepare a list of all abutting property owners and attach it to your application. If you have any difficulty, consult the town office, but the accuracy of the list is your responsibility. You can download an abutters list by using the Tax Maps/GIS on the Town's website (under Assessing Department).

<input checked="" type="checkbox"/> FEES:	\$150	Application Fee:	\$ <u>150</u>	* Make check payable to <u>Town of Sunapee</u> .
	\$44.28	Abutter Notification Fee:	\$ <u>7.38</u>	* per abutter. Make payable to <u>US Post Office</u> .

* NOTE: Rates and fees are subject to change. For the most current rate, please check with the Town Office.

☒ **ATTACHMENTS:** To assist the board, please attach sketches, photos, surveys, plot plans, pictures, construction plans, or whatever may help explain the proposed use. Include copies of any prior Zoning or Planning decisions concerning the property. If you have something in writing stating that your proposed project does not meet zoning, please attach that to this application; it may be a letter, email or denied permit. A professional survey by a licensed surveyor is strongly recommended for variances related to setback requirements. For properties located in the Shoreline Overlay District, a professional survey is required. Supplemental materials for the Board must be submitted no later than five (5) days before the scheduled hearing, however, adequate plans and exhibits must accompany the application. This includes, but is not limited to: lot dimensions, dimensions of proposed and existing structures, identification of abutting properties and roads, locations of water bodies, wetlands, septic systems, etc.

Applications will not be considered complete unless all the questions are answered, the fees are paid, and an Abutters Mailing List is attached.

GENERAL DESCRIPTION: This is a place to give a general summary of the proposed project as an introduction and overview for the public hearing. For example, where is the property located? Describe the property. Give area, frontage, side and rear lines, slopes, natural features, etc. What do you propose to do? Why does your proposal require an appeal to the board of adjustment?

See Attached

Attach additional sheets of paper as necessary.

SPECIFIC REASON THE VARIANCE IS NECESSARY: A Variance is requested from Zoning

Ordinance, Article III _____, Section Table 3.10, Row 7 _____ to permit _____

replacement of an existing non conforming house that currently is over the westerly 10' side setback from the property boundary with a

new modern house set back 4.3' from the westerly property boundary making the overall house more nearly conforming

Facts in support of granting the variance:

1. Granting the variance would not be contrary to the public interest because: _____

See Attached

2. If the variance were granted, the spirit of the ordinance would be observed because: _____

See Attached

3. Granting the variance would do substantial justice because: _____

See Attached

4. If the variance were granted, the values of the surrounding properties would not be diminished because: _____

See Attached

5. Unnecessary Hardship

a. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

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 because: _____

See Attached

- and -

ii. The proposed use is a reasonable one because: _____

See Attached

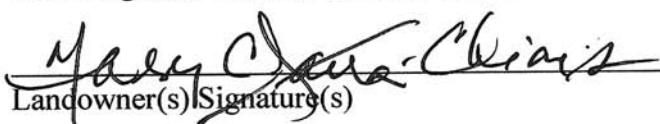
b. Explain how, if the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. _____

See Attached

NOTE:

For person(s) with physical disabilities,
please see RSA 674:33 regarding alternative hardship criteria for a Variance.

SIGNATURE: I understand that the public hearing will be held at the scheduled date and time unless a request is made by me for a new hearing. Any rehearing will require a new public notice and notification to abutters, the cost of which will be borne by the applicant. Further, I hereby give permission to the ZBA members and zoning officials to visit the subject property prior to the public hearing. To the best of my knowledge, the above is true and correct.


Landowner(s) Signature(s)

9/2/2021
Date



General Description:

The property is located at 251 Lake Avenue. The lot is narrow and short, being only 0.14 acres. This lot is an existing non-conforming lot with a two-story seasonal cottage violating both side and waterfront setbacks. For this application the owner proposes reconstruction of the existing nonconforming house into a more nearly conforming configuration in order to improve stormwater management, allow room for natural plantings between the house and the lake, and improve neighborhood aesthetics by removing existing house that is over the reference line. The existing structure, which currently is over the 10' side setback from the westerly property boundary is proposed to be replaced by a new structure which will be set back 4.3' from the westerly property boundary. The existing lot is narrower at the road than it is at the waterfront, so in order to retain the current house footprint while moving the house back from the water on a severely undersized lot (1/8 of conforming size), the house footprint will extend over the west side setback.

Granting the variance would not be contrary to the public interest because:

The proposal will more-nearly comply with the zoning requirements by removing the existing structure that overhangs the side setback and reference line in order to construct a house that is further back from the reference line. More space between the house and lake will allow for better stormwater management and will more nearly conform to the water body setback. The proposed house will have a footprint of 1,245 sq. ft compared to the existing footprint of 1,207 sq. ft. Extending over the westerly side setback will allow the house to slide away from the lake providing a benefit to abutters, as well as those who view the property from the lake. Additionally, reducing the driveway grade from 25% to 5% more closely matches the road profile which in turn increases road safety by improving ease of access. Therefore, we feel that this Variance would not be contrary to the public interest.

If the variance were granted, the spirit of the ordinance would be observed because:

The Zoning Ordinance is meant to promote the health, safety, and general welfare of the community, protect the environment, and preserve the vitality of the Town. The current house is a grandfathered non-conforming structure on a legal nonconforming lot.

The property has less than half the road frontage required and is 1/8 the size of a conforming lot to which the dimensional controls are intended. The proposed house makes the property more nearly conforming.

The ordinance allows improvements within grandfathered structure footprints and expansion of non-conforming footprints that conform to dimensional controls. This variance is requested because the existing building footprint is off property and technically over waters of the state. The owner wishes to correct and improve the lot by increasing the setback distance to the reference line.

This proposal is consistent with the Spirit of the Ordinance, because the proposed changes reduce the historical non-conformity of the lot.

Granting the variance would do substantial justice because:

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Reasonable replacement of a seasonal structure that is out of date, causes no harm to the general public. The proposed development would increase property values, improve stormwater management, and improve the waterfront area of the lot. This proposal will benefit the general public and environment, so substantial justice is done by granting the variance.

If the variance were granted, the values of the surrounding properties would not be diminished because:

The proposed development would likely increase property values in the neighborhood by constructing a residence with a higher tax valuation than the existing one. The new construction would be completely on property and result in better lake views for neighbors due to the new house being further back from the lake.

Unnecessary Hardship:

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:

This existing lot is severely under-sized. The lot is narrow (only 33' feet of road frontage) and the current building is already non-conforming. Any reasonable reconstruction that is proposed on this lot will require relief from the current zoning restrictions. The lot characteristics and current 1 acre lot zoning restrictions applied to a smaller non-conforming lot are a hardship. The project includes benefits to the owners, environment and to the general public.

The proposed use is a reasonable one because:

It is an existing use which is allowed within this zoning district.

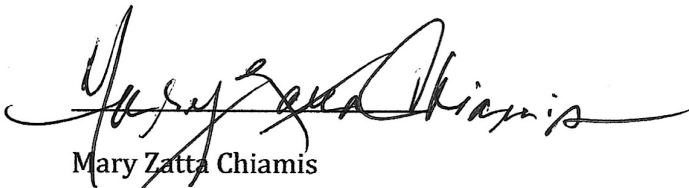
August 30, 2021

To Whom It May Concern,

This letter authorizes Fuss and O'Neill, Inc. of 205 Billings Farm Road, Suite 6B, White River Junction, VT 05001 and/or their agents to represent our interests in the process of obtaining the necessary approvals to build a home on Map/Lot#134-21, 251 Lake Avenue, Sunapee, NH 03782.

This authorization includes submitting applications and presenting information to the Planning and Zoning Boards of the Town of Sunapee, as well as any other necessary permits from the state of New Hampshire and/or any other necessary Town or State agencies.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Zatta Chiamis", written in a cursive style.

Mary Zatta Chiamis

70 Endicott Street, #1504,

Norwood, Massachusetts, 02062

ABUTTER LIST

Subject Property

Tax Map 134 Lot 21

251 Lake Avenue Sunapee, NH

Property Owner

Mary Zatta Chiamis
70 Endicott Street, #1504
Norwood, MA 02062

Abutters

Tax Map 134 Lot 20

Resnick Family Trust, Mitchell
Resnick Family Trust, N. Janee
41 Ashton Lane
South Hadley, MA 01075

Tax Map 134 Lot 22

Harold B. & Yvonne Shukovsky
86 Hilltop Place
New London, NH 03257

Tax Map 134 Lot 32

Thomas E. and Barbara J. Knightly
12 Blueberry Road
South Hadley, MA 01075

Tax Map 134 Lot 33

Marcus D. Allen
248 Lake Ave
Sunapee, NH 03782

Municipality

Town of Sunapee
23 Edgemont Road
Sunapee, NH 03782

Agent

Fuss & O'Neill, Inc.
205 Billings Farm Road – Suite 6B
White River Junction, VT 05001



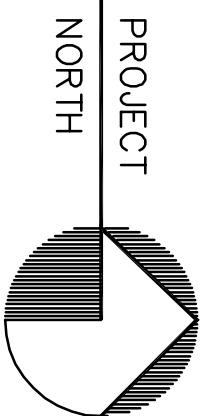
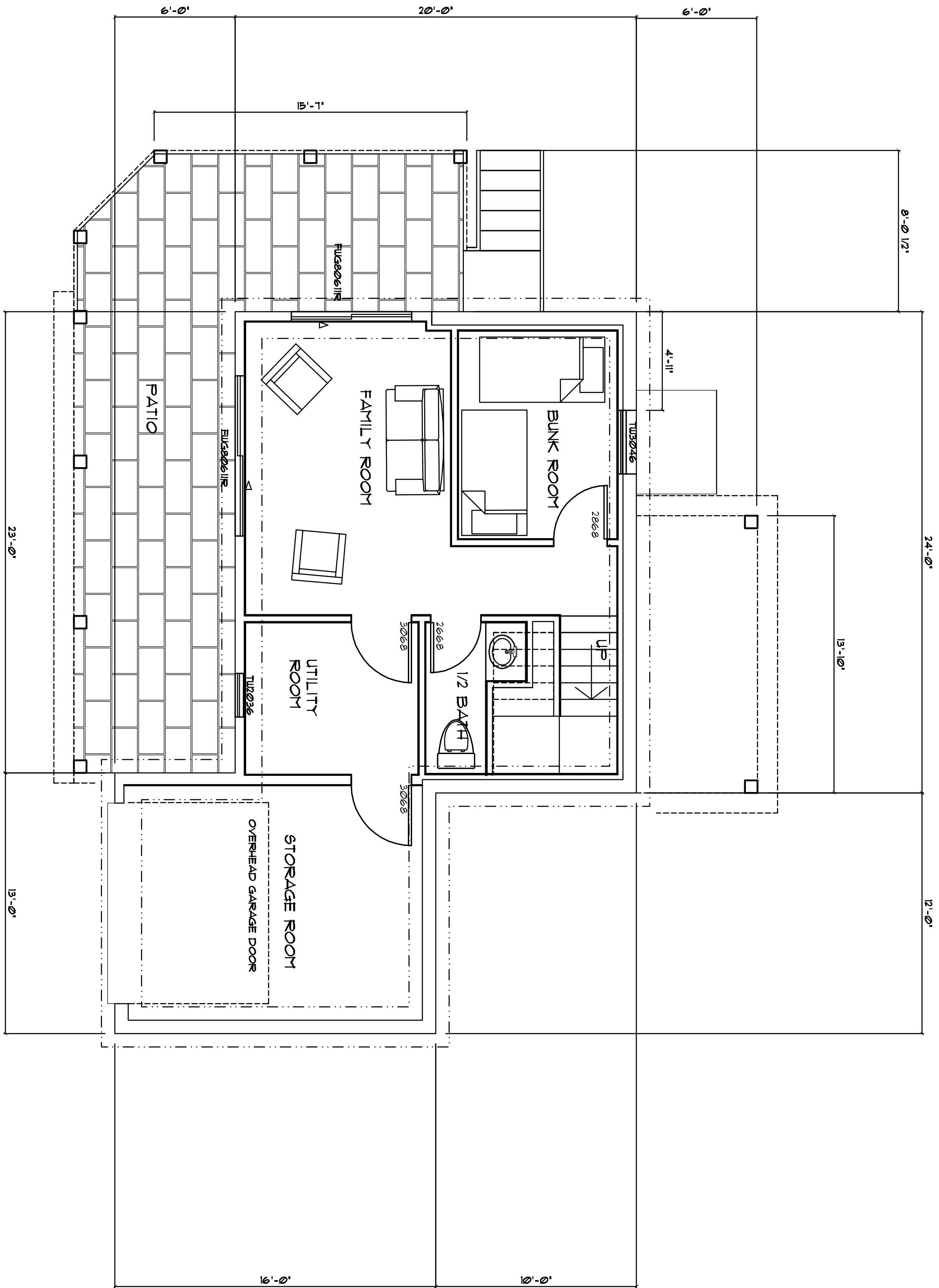
Photo 1: View of existing house from lake shore (taken 1/7/2021)



Photo 2: West side of house (taken 1/7/2021)

NEW RESIDENCE FOR:
ZATTA
SUNAPEE, NH

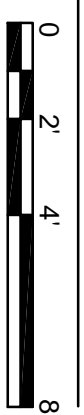




PROJECT
NORTH

BASEMENT PLAN

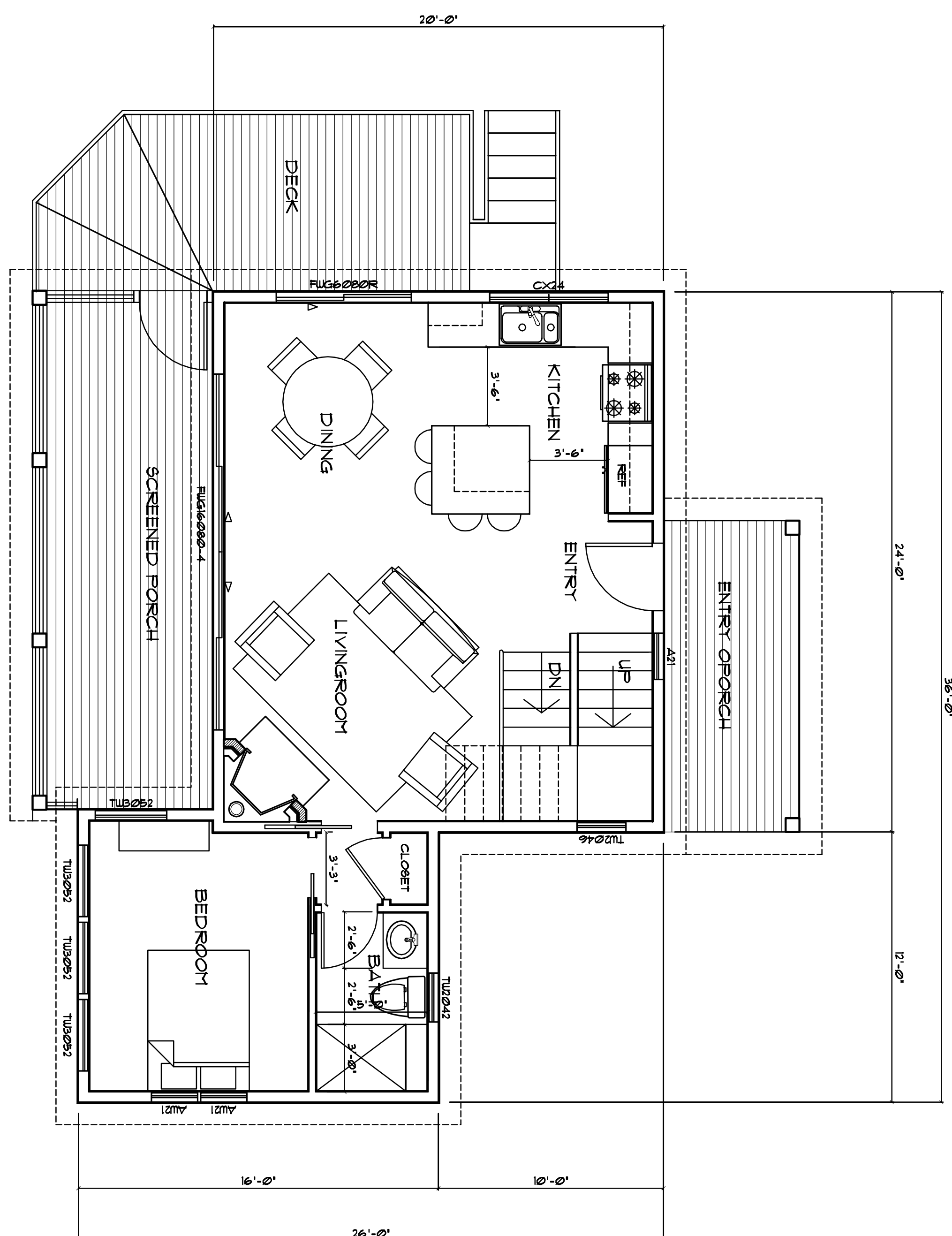
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NEW RESIDENCE FOR:

ZATTA

SUNAPEE, NH



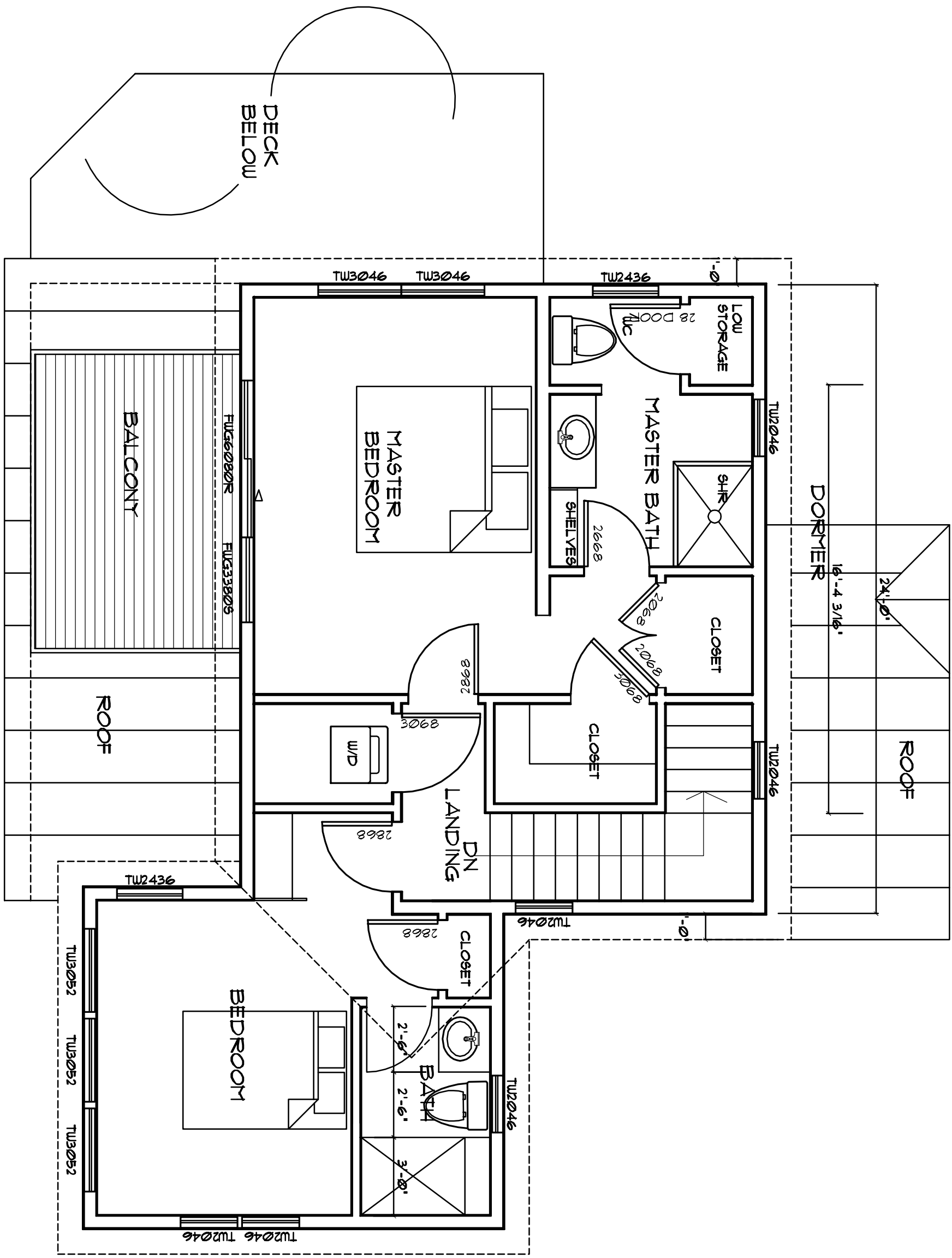
PROJECT
NORTH

FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

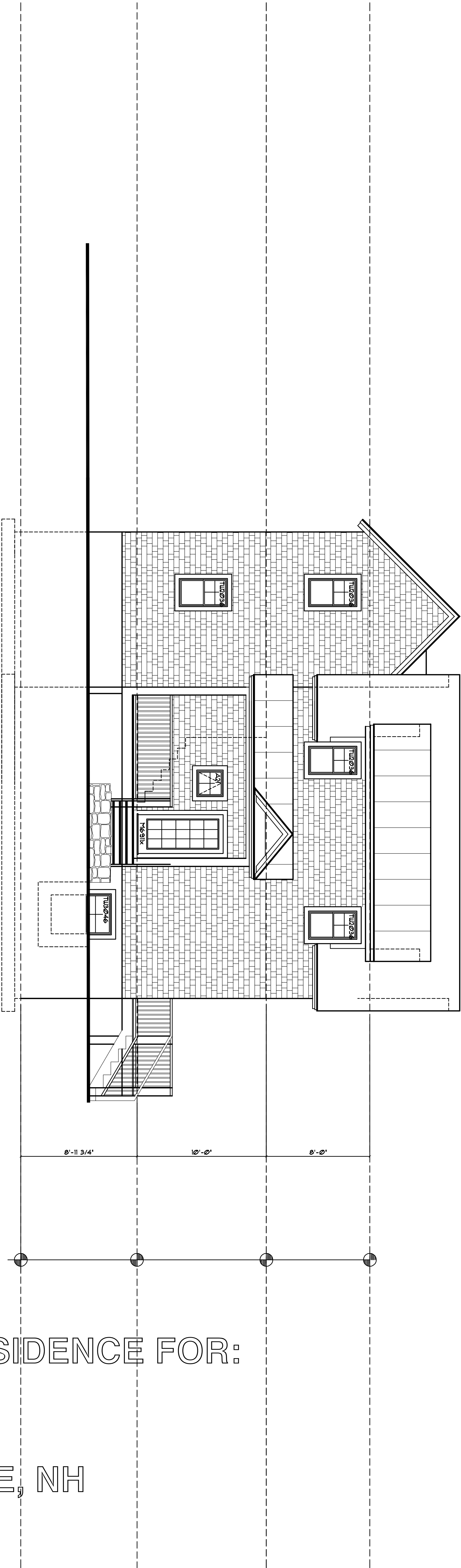
NEW RESIDENCE FOR:

ZATTA
SUNAPEE, NH



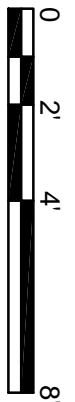
PROJECT NORTH
SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"
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NEW RESIDENCE FOR:
ZATTA
SUNAPEE, NH



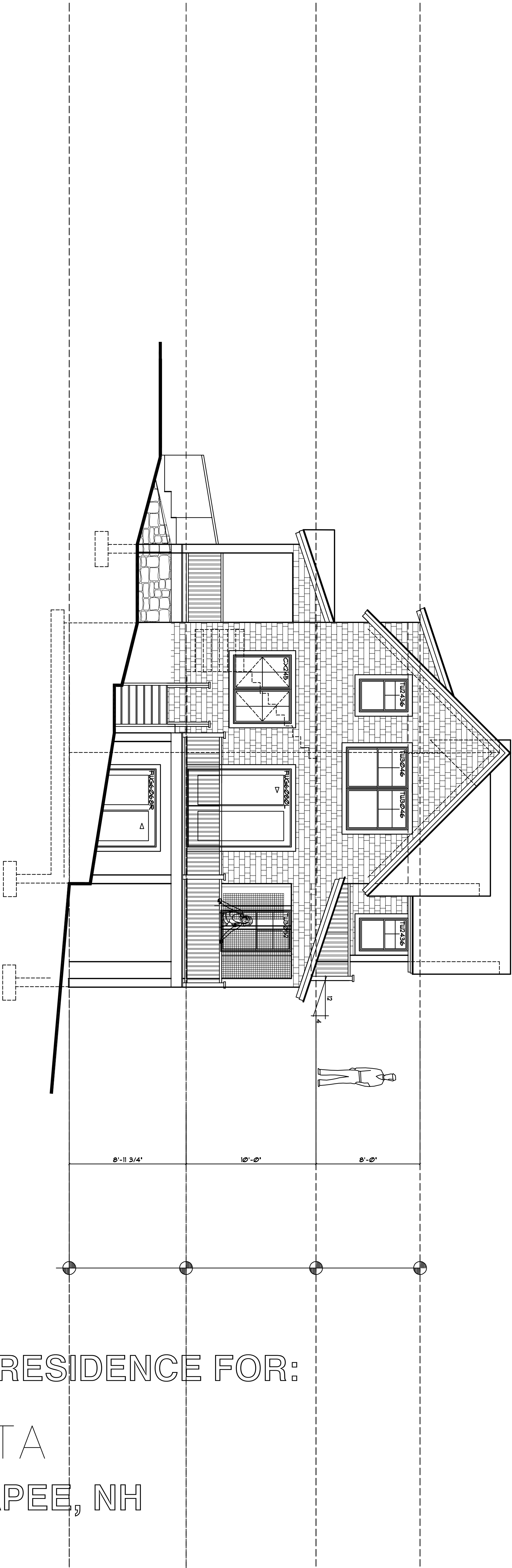
NORTH ELEVATION

SCALE: 1/4" = 1'-0"



NEW RESIDENCE FOR:

ZATTA
SUNAPEE, NH



WEST ELEVATION

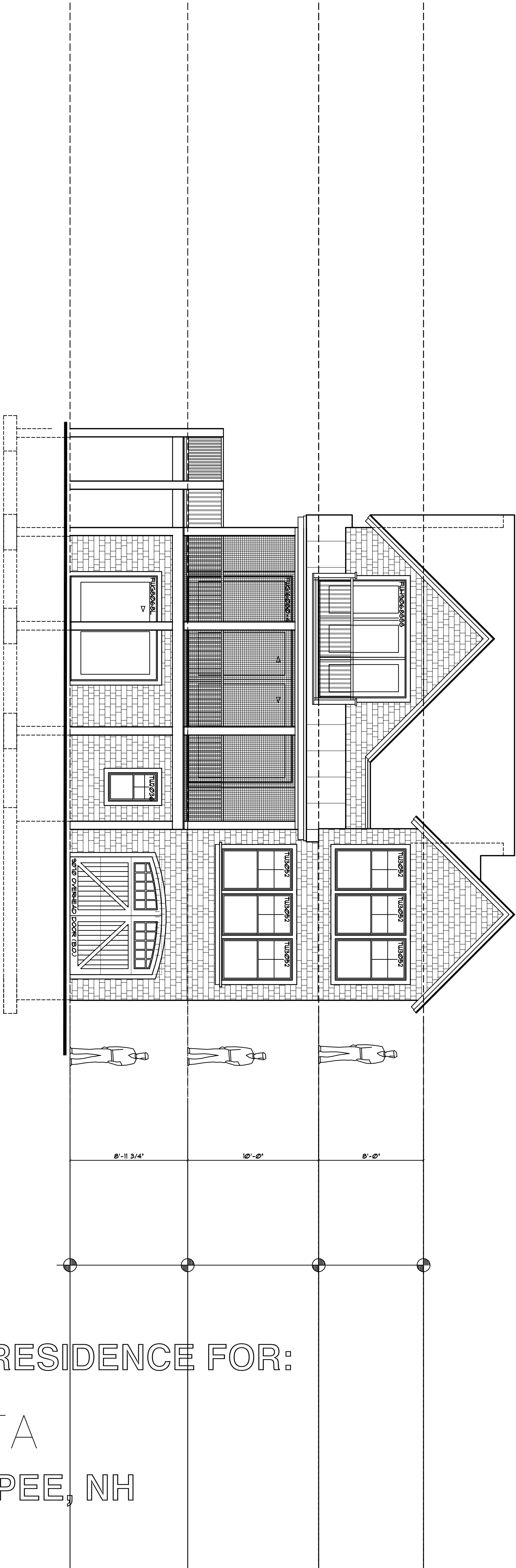
SCALE: 1/4" = 1'-0"



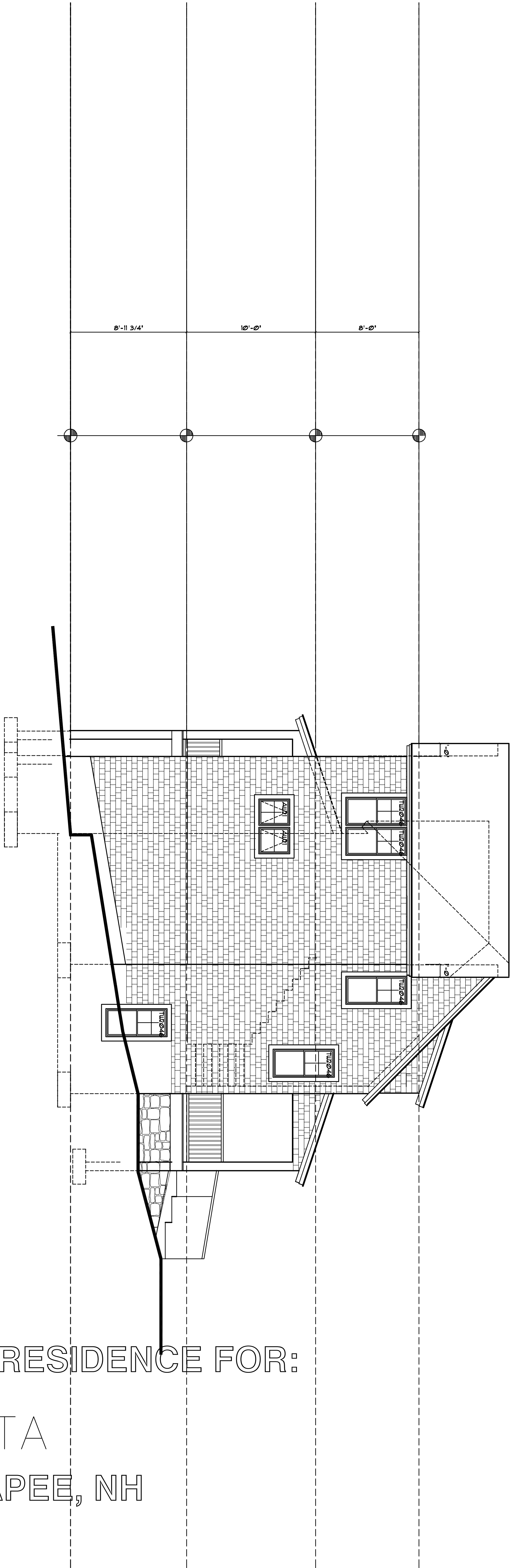
NEW RESIDENCE FOR:

ZATTA

SUNAPEE, NH



NEW RESIDENCE FOR:
ZATTA
SUNAPEE, NH



EAST ELEVATION

SCALE: 1/4" = 1'-0"

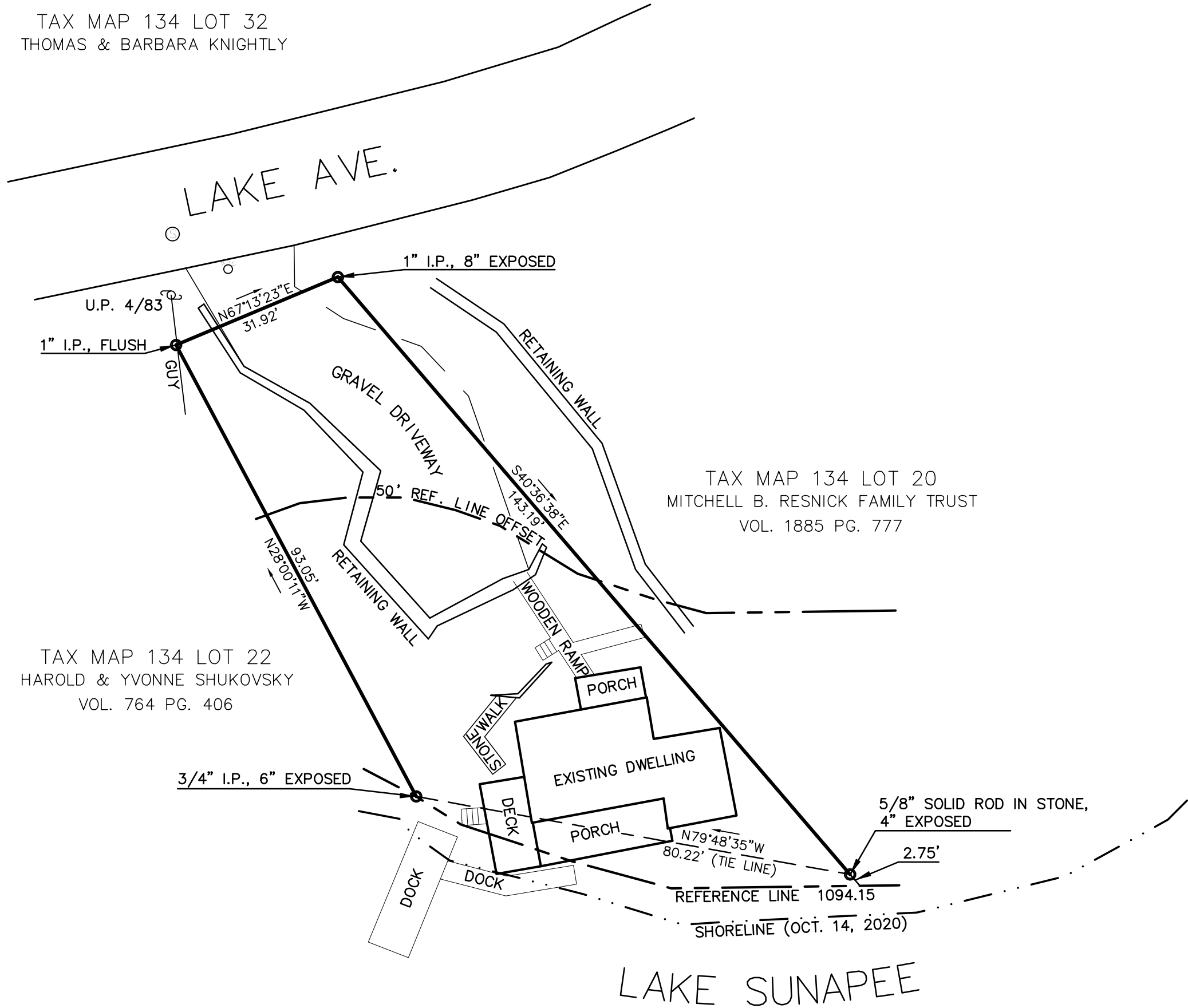


NEW RESIDENCE FOR:
ZATTA
SUNAPEE, NH



TAX MAP 134 LOT 33
DANIEL & MARY DITTMEIER

TAX MAP 134 LOT 32
THOMAS & BARBARA KNIGHTLY



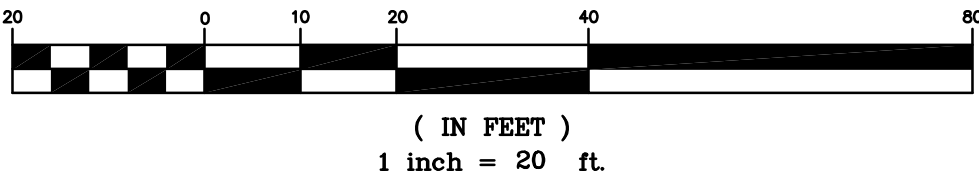
NOTES

1. OWNER OF RECORD OF MAP 134 LOT 21: MARY ZATTA CHIAMIS, 70 ENDICOTT ST. # 1504, NORWOOD, MA 02062. DEED REFERENCE: S.C.R.D. VOL. 2112 PAGE 930
2. THE SUBJECT PROPERTIES ARE IN THE RESIDENTIAL DISTRICT.
3. THE BEARINGS SHOWN HEREON ARE REFERENCED TO THE NH STATE GRID SYSTEM

LEGEND

- IRON PIPE FOUND
- IRON PIN SET
- ⊕ UTILITY POLE
- SEWER MANHOLE

GRAPHIC SCALE



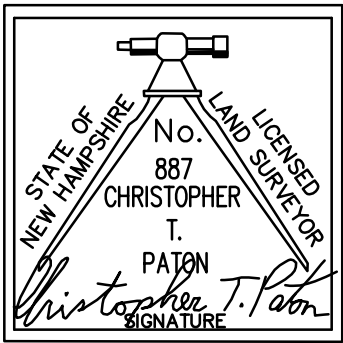
SURVEYOR'S CERTIFICATION

I CERTIFY THAT THIS PLAN IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND AND HAS A MAXIMUM ERROR OF CLOSURE OF ONE PART IN TEN THOUSAND ON ALL PROPERTY LINES WITHIN AND BORDERING THE SUBJECT PROPERTY.

PURSUANT TO RSA 676:18,III AND RSA 672:14 I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN

SEPTEMBER 2, 2021
DATE

Christopher T. Paton
LICENSED LAND SURVEYOR (SEAL)



PLAN OF LAND

MARY ZATTA CHIAMIS

TAX MAP 134 LOT 21
251 LAKE AVE.
SUNAPEE, NEW HAMPSHIRE

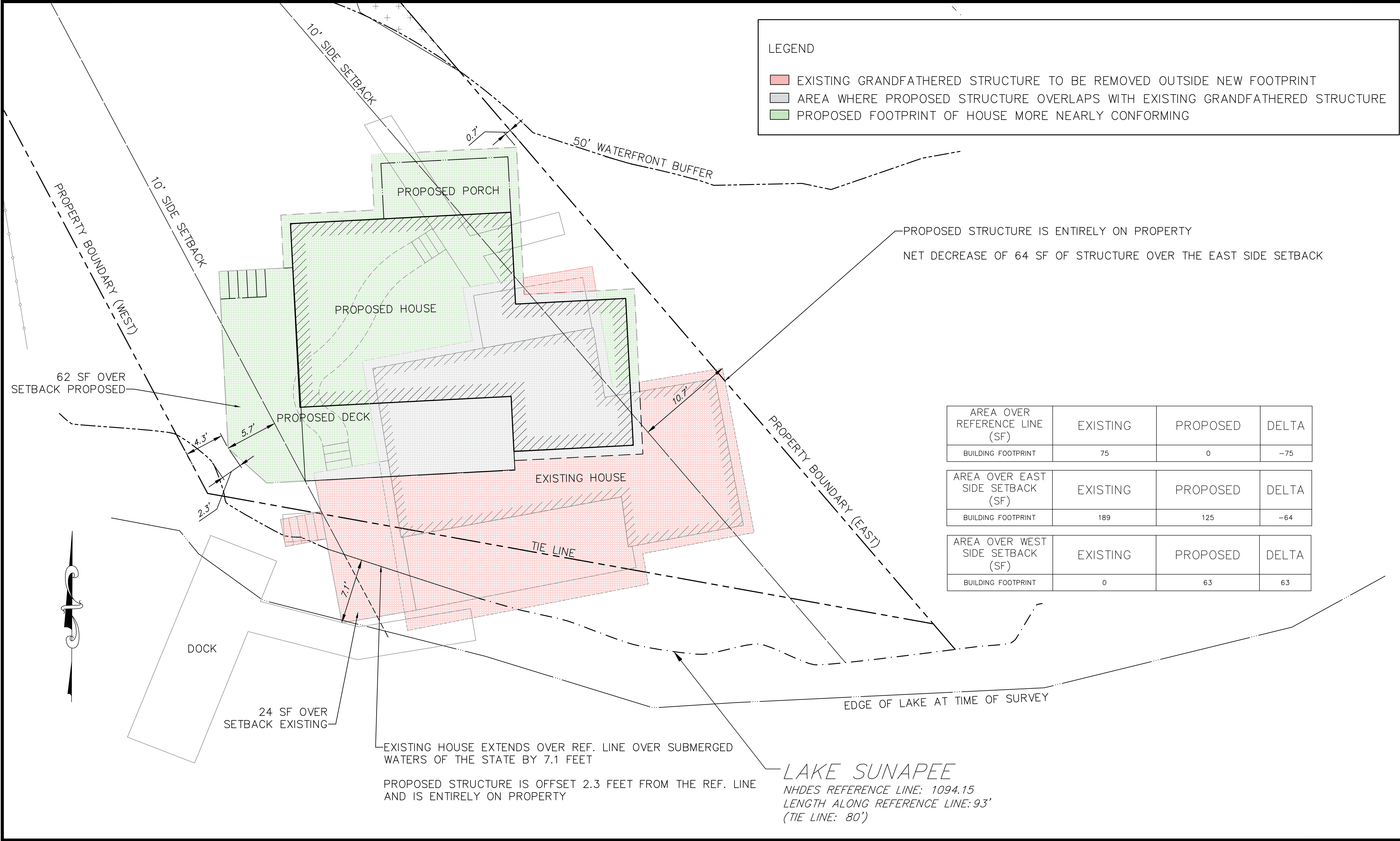
PREPARED BY

PATON LAND SURVEYING

150 SOUTHRIDGE STREET, SPRINGFIELD, VT 05156

DATE: SEPTEMBER 3, 2021	SCALE: 1"=20'
DRAWN BY T.R.	CK'D BY CTP
SURVEYED BY C.P., T.R., J.R.	

File: J:\DWG\2020\0825\A10\Civil\Plan\20200825.A10_Zatta_STP - Copy for Variance Application Drawings.dwg Layout: EXISTING FOOTPRINT Plotted: 2021-09-01 2:19 PM Saved: 2021-09-01 1:06 PM User: RWachtmann
PC3: DWG TO PDF.PC3 STBCTB: FOSTB
LAYER STATE:



No.	DATE	DESCRIPTION	DESIGNER	REVIEWER

SEAL

SEAL

SCALE:

HORZ.: 1" = 10'

VERT.: N/A

DATUM:

HORZ.:

VERT.:

10 5 0 10

GRAPHIC SCALE

f

FUSS&O'NEILL

205 BILLINGS FARMS ROAD, SUITE 6B
WHITE RIVER JUNCTION, VT 05001
802.698.0370
www.fando.com

MARY ZATTA

ZONING SETBACK SKETCH

251 LAKE AVENUE / MAP 134 LOT 21

SUNAPEE NEW HAMPSHIRE

PROJ. No.: 20200825.A10
DATE: 06/30/2021

SK-101

GENERAL NOTES

1. THE INTENT OF THIS PLAN IS TO SHOW EXISTING SITE CONDITIONS AT THE PROPERTY LOCATED AT 251 LAKE AVE IN SUNAPEE, NH
TAX MAP 134 LOT 21
LOT AREA: 5,540 SF
DEED REF: BOOK 2112 PAGE 930
2. OWNER OF RECORD:
CHIAMIS, MARY ZATTA
70 ENDICOTT STREET
NORWOOD, MA 02062
3. PARCEL IS IN THE:
RESIDENTIAL ZONING DISTRICT:
FRONT SETBACK 50'
SIDE SETBACK 10'
REAR SETBACK 10'
SHORELAND OVERLAY DISTRICT:
NHDES PRIMARY STRUCTURE SETBACK 50'
4. TOPOGRAPHIC AND PLANOMETRIC INFORMATION IS BASED ON A FIELD SURVEY CONDUCTED BY PATON LAND SURVEYING LLC IN NOV. 2020
5. FUSS & O'NEILL, INC. HAS NOT PERFORMED ANY BOUNDARY OR TOPOGRAPHIC SURVEYS. THE PROPERTY LINES, EASEMENTS AND OTHER REAL PROPERTY DESCRIPTIONS PROVIDED ON THIS PLAN DO NOT DEFINE LEGAL RIGHTS OR MEET LEGAL REQUIREMENTS FOR A LAND SURVEY AS DESCRIBED IN NH STATUTES, AND SHALL NOT BE USED AS THE BASIS OF ANY LAND TRANSFER OR ESTABLISHMENT OF ANY PROPERTY RIGHT.
6. UTILITIES SHOWN DO NOT PURPORT TO CONSTITUTE OR REPRESENT ALL UTILITIES LOCATED UPON OR ADJACENT TO THE SURVEYED PREMISES. EXISTING UTILITY LOCATIONS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL FIELD VERIFY ALL UTILITY CONFLICTS. ALL DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT, OWNER, AND ENGINEER.
7. THE CONTRACTOR SHALL CONTACT DIG SAFE (888-344-7233) A MINIMUM OF AT LEAST 3 BUSINESS DAYS (72 WORKING HOURS) PRIOR TO ANY CONSTRUCTION.

IMPERVIOUS AREA		WOODLAND BUFFER	
SHORELAND PROTECTION 0-250'	EXISTING (SQ. FT)	NATURAL WOODLAND BUFFER AREA (SF ±)	465
DRIVEWAY	1,335	TOTAL AREA (50'-150') (SF ±)	1,395
HOUSE & PORCH	1,207	% NATURAL WOODLAND	33.33
PATHS & STAIRS	116	25% REQUIRED AREA (SF ±)	349
DOCK	53		
TOTAL IMPERVIOUS AREA	2,711		
TOTAL AREA	5,529		
% IMPERVIOUS	49.0%		

LEGEND

CONTROL POINT

UTILITY POLE

GUY WIRE

POST W/ ELEC. OUTLET

WELL

BUSH

DECIDUOUS TREE

PINE TREE

EXISTING IRON PIPE OR IRON PIN

EXISTING DRILL HOLE

EXISTING STONE BOUND

MAIL BOX

PHOTO LOCATION

PROPERTY LINE

STONE WALL

WATERBODY

DRIVES AND ROADS

STRUCTURE FOUNDATION

BUILDING FOOTPRINT

TREELINE

NHDES SHORELAND SETBACKS

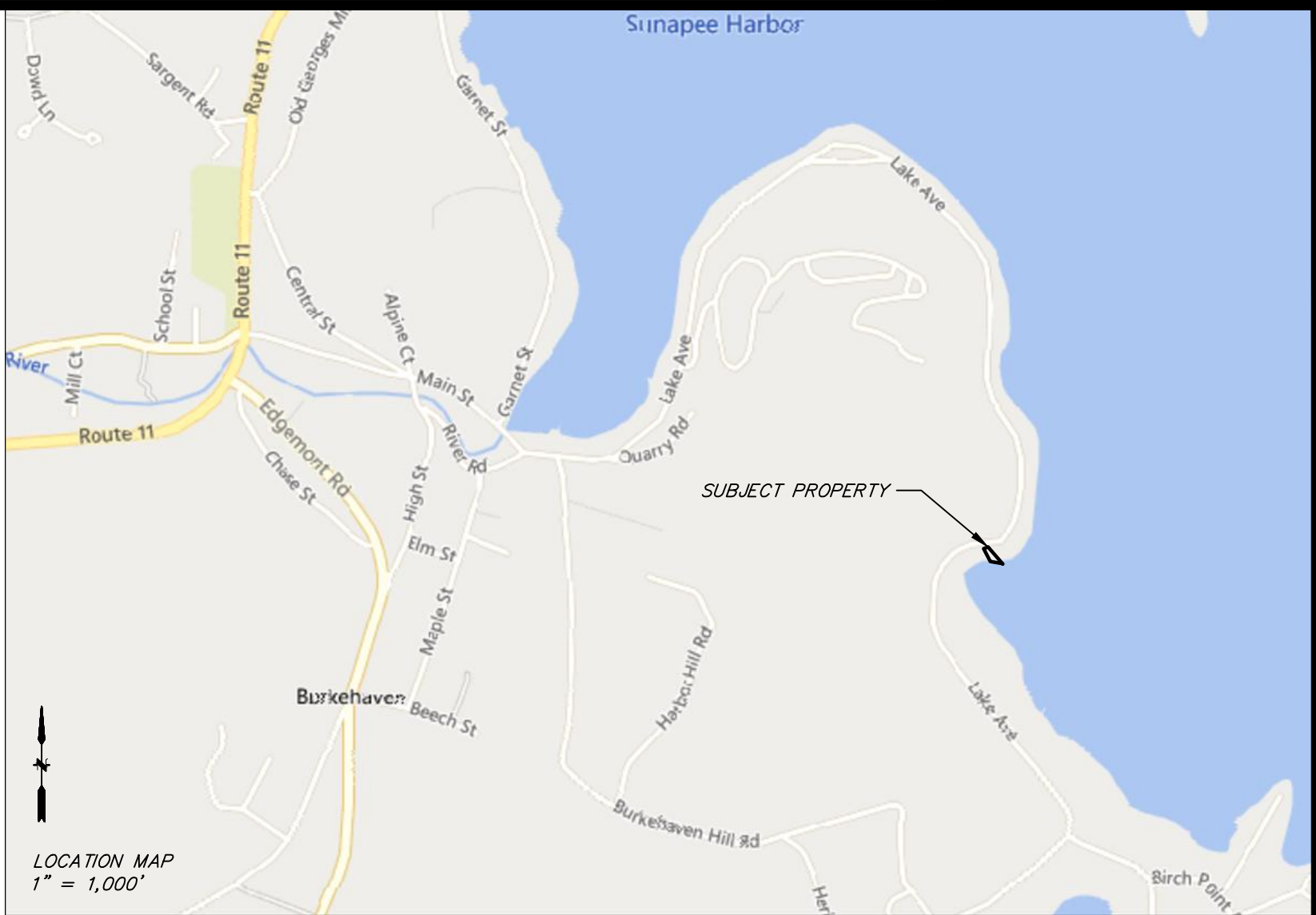
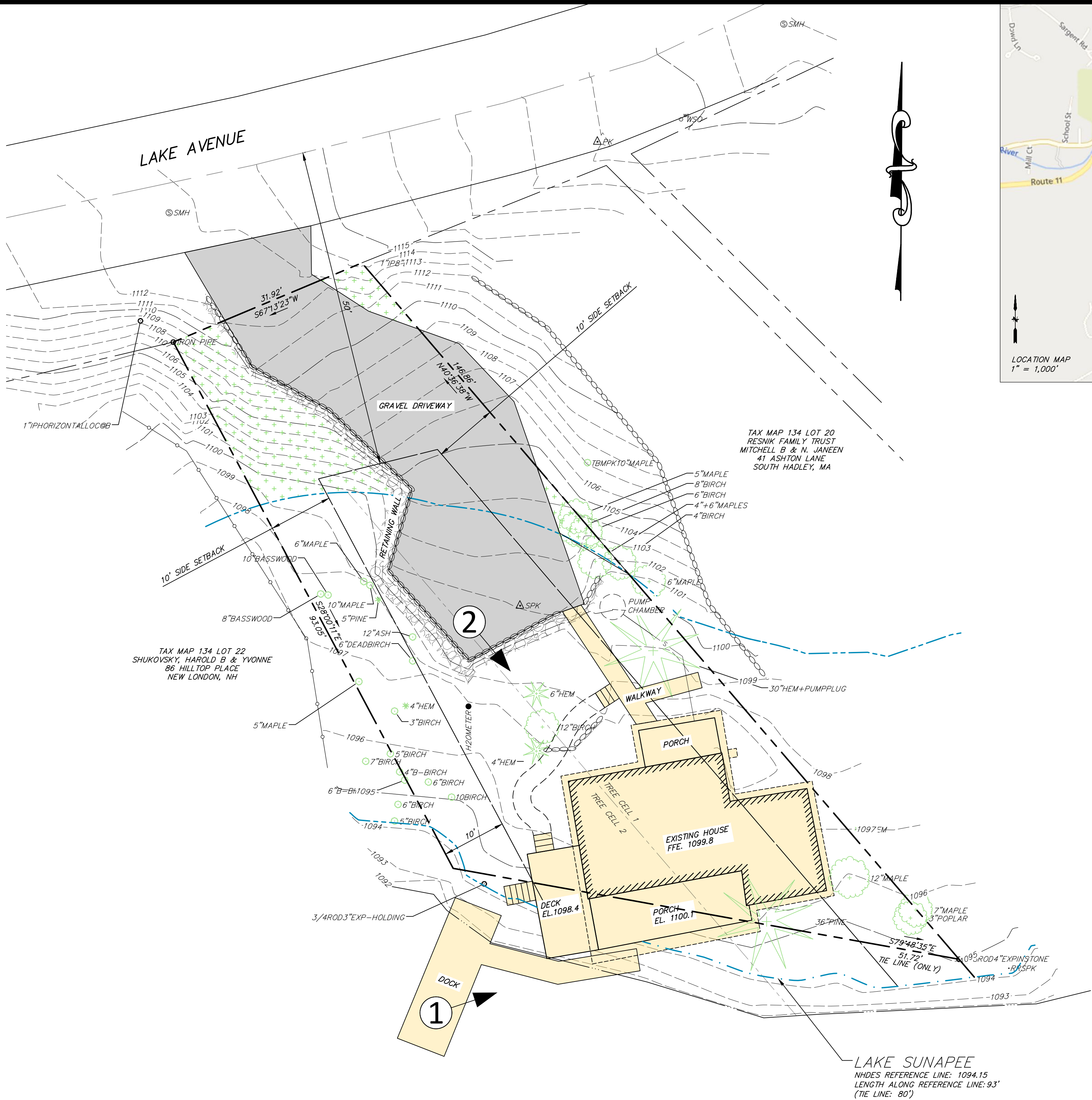
NHDES NATURAL WOODLAND

LOCAL BUILDING SETBACKS

OVERHEAD WIRES

FENCE

CONTOURS



PROGRESS PRINT
NOT FOR CONSTRUCTION

No.	DATE	DESCRIPTION	DESIGNER	REVIEWER

SEAL

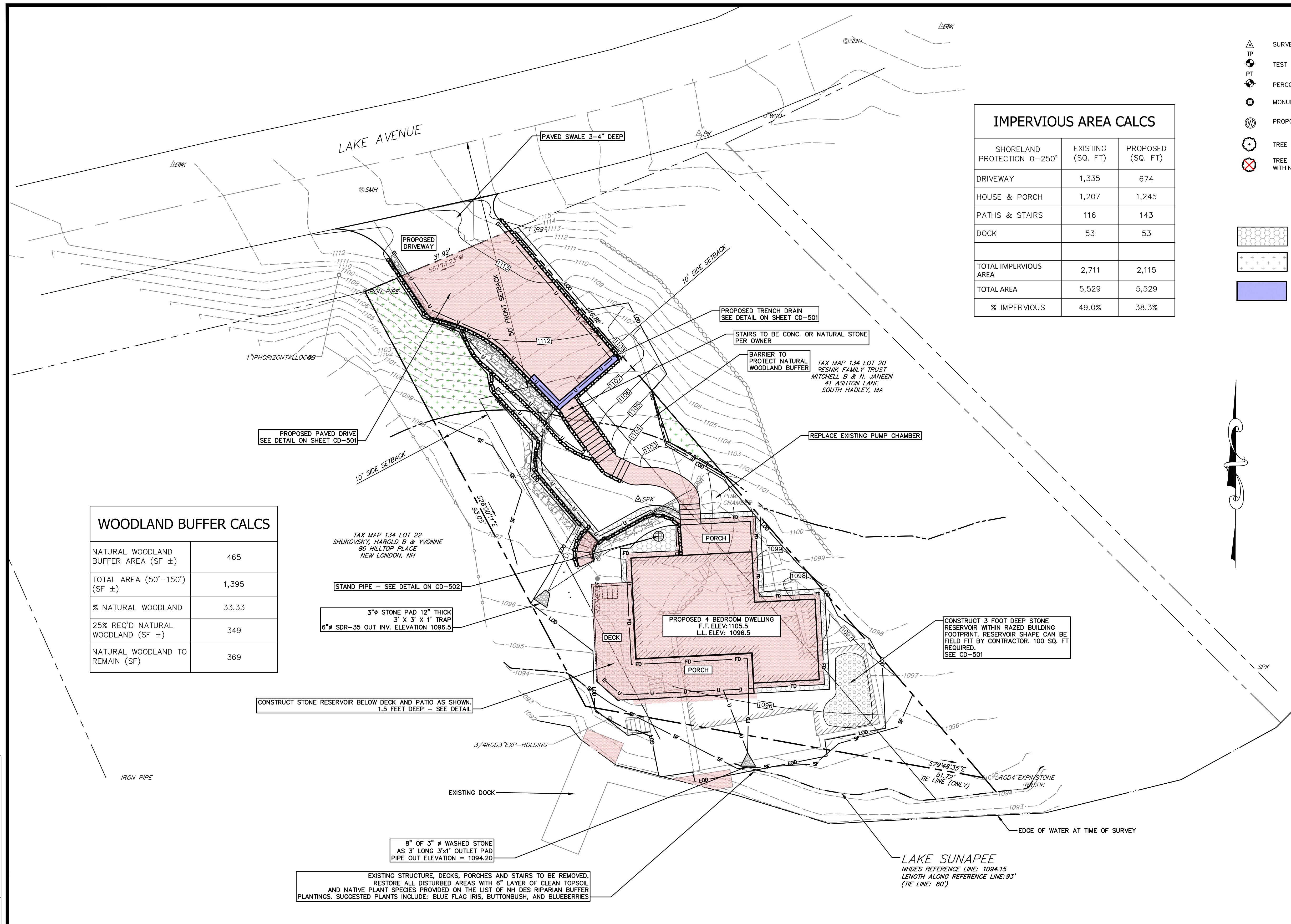
SEAL

SCALE:
HORZ.: 1" = 10'
VERT.:
DATUM:
HORZ.:
VERT.:
10 5 0 10
GRAPHIC SCALE

FUSS & O'NEILL
205 BILLINGS FARMS ROAD, SUITE 6B
WHITE RIVER JUNCTION, VT 05001
802.698.0370
www.fando.com








MARY ZATTA
EXISTING CONDITIONS PLAN
251 LAKE AVENUE / MAP 134 LOT 21
SUNAPEE
NEW HAMPSHIRE

PROJ. No.: 20200825.A10
DATE: 12/08/20
EC-01



LAKE AVENUE

PROPOSED LEGEND

- 

SURVEY CONTROL POINT





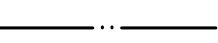
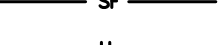
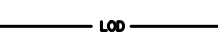
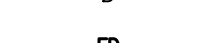
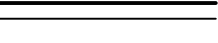


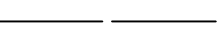
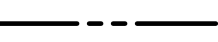
TEST PIT

PERCOLATION TEST

MONUMENT FOUND

PROPOSED WELL

TREE

TREE TO BE REMOVED WITHIN 50' BUFFER
- 

PROPERTY LINE

PROPERTY SETBACKS

EXISTING GRAVEL/WOODS DRIVE

PROPOSED DRIVE

NHDES REFERENCE LINE & SETBACKS

PROPOSED CONTOURS MAJOR & MINOR

PROPOSED DRAINAGE PIPE

PROPOSED FOUNDATION DRAIN


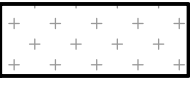
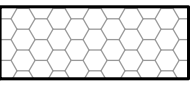
PROPOSED LIMIT OF DISTURBANCE

PROPOSED LINEAR EROSION CONTROL

PROPOSED UNDERDRAIN



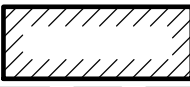
PROPOSED DECK

PROPOSED RETAINING WALL

- 

PROPOSED DRIP EDGE

NATURAL WOODLAND BUFFER (349 S.F. TO REMAIN)

PROPOSED TRENCH DRAIN
- 

PROPOSED BUILDING AND OVERHANG

PROPOSED IMPERVIOUS AREA WITHIN PROTECTED SHORELAND

PROPOSED STONE RESERVOIR

GENERAL NOTES

SEE SHEET CS-101 FOR GENERAL NOTES.

TAX MAP 134 LOT 20
RESNIK FAMILY TRUST
MITCHELL B & N. JANEEN
41 ASHTON LANE
SOUTH HADLEY, MA

TAX MAP 134 LOT 22
SHUKOVSKY, HAROLD B & YVONNE
86 HILLTOP PLACE
NEW LONDON, NH

PROGRESS PRINT
NOT FOR CONSTRUCTION

File: J:\DWG\2020\0825\A10\Civil\Plan\20200825.A10_Zatta_STP.dwg Layout: CS-101A Plotted: 2021-09-02 4:17 PM Saved: 2021-09-02 4:10 PM User: RWachmann
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No.	DATE	DESCRIPTION	DESIGNER	REVIEWER

SEAL

SEAL

SCALE:

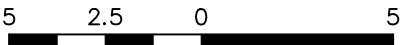
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VERT.: N/A

DATUM:

HORIZ.:

VERT.:



GRAPHIC SCALE



FUSS & O'NEILL

205 BILLINGS FARMS ROAD, SUITE 6B
WHITE RIVER JUNCTION, VT 05001
802.698.0370
www.fando.com

MARY ZATTA

DRIVEWAY/RETAINING WALL DESIGN

251 LAKE AVENUE / MAP 134 LOT 21

SUNAPEE

NEW HAMPSHIRE

PROJ. No.: 20200825.A10
DATE: 06/30/2021

CS-101A



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MS VIEW:	LAYER STATE:	PC3: AUTOCAD PDF (GENERAL DOCUMENTATION) PC3 STB/CTB: FO STB
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SEAL

	HORZ.: 1" = 10'
	VERT.: N/A
DATUM:	
	HORZ.:
	VERT.:

HORZ.:
VERT.:

GRAPHIC SCALE



TREE CUTTING PLAN

SUNAPEE

NEW HAMPSHIRE

CS-102



No.	DATE	DESCRIPTION	DESIGNER	REVIEWER

SEAL

10 5 0 10

GRAPHIC SCALE



SUNAPEE

NEW HAMPSHIRE

CD-502

Melissa Pollari

From: Contact form at Sunapee NH <cmsmailer@civicplus.com>
Sent: Saturday, September 25, 2021 4:04 PM
To: Melissa Pollari
Subject: [Sunapee NH] support for the proposed Zatta project at 251 Lake (Sent by Mitch Resnick, jmresnick@comcast.net)

Hello mpollari,

Mitch Resnick (jmresnick@comcast.net) has sent you a message via your contact form (<https://www.town.sunapee.nh.us/user/60/contact>) at Sunapee NH.

If you don't want to receive such e-mails, you can change your settings at <https://www.town.sunapee.nh.us/user/60/edit>.

Message:

To the Town of Sunapee Zoning Board of Adjustment
Attention: Melissa Polari, Land Use and Assessing Coordinator

Over the years of being neighbors, we value our friendship with the Zatta Family and know them to be responsible stewards of their lake front property. Mary Zatta has shared with us the plans for rebuilding her home at 251 Lake Avenue, Tax Map 134 Lot 21. As abutters we endorse her project and support her request to the Zoning Board of Adjustment for variances to make it happen. We also support the Shoreland Permit Application to the NHDES made by her agent Fuss & O'Neill for the work within the 250' State Shoreland District. We look forward to the upgrade of her property and the value it will bring to the neighborhood and the town. Please feel free to contact us if you require additional information or commentary.

With our very best regards,
Mitch and Jan Resnick
249 Lake Avenue
Sunapee, NH 03782
(603) 763-5614
(413) 478-4208
[Jmresnick@comcast.net](mailto:jmresnick@comcast.net)
Mailing address:
41 Ashton Lane
South Hadley, MA 01075

CC: Mary Zatta

September 24, 2021

Town of Sunapee Planning & Zoning Board
23 Edgemont Road
Sunapee, NH 03782

Dear Chairman White and Members of the Committee,

Barbara and Thomas Knightly owning the property at 256 Lake Avenue in Sunapee, New Hampshire are writing to the board in support of the proposed changes submitted to the committee by Mary Zatta Chiamis of 251 Lake Avenue, Sunapee. (Proposed review at the boards Oct. 7th, 2021, meeting)

We have no objections to and are in support of the variance as proposed in the following cases: ZBA: 21-36, ZBA: 21-37, ZBA: 21-38, and ZBA: 21-39.

Mary, Paul and the entire Zatta Chiamis families have a long and respected presence in the Town of Sunapee. We as across the street neighbors suggest the changes proposed will do no harm to the town, shoreline, or environment and would be within the bounds of similar adjacent homes.

Respectfully Submitted,

Thomas E. and Barbara J. Knightly
256 Lake Avenue
Sunapee, NH 03782

Map Block Sub: 000134 000021 000000


Card: 1 of 1

251 LAKE AVE

SUNAPEE

Printed: 09/27/2021

OWNER INFORMATION			SALES HISTORY							PICTURE					
CHIAMIS, MARY ZATTA 70 ENDICOTT ST, #1504 NORWOOD, MA 02062			Date	Book	Page	Type	Price	Grantor							
			07/16/2020	2112	930	U I 81	ZATTA JR, LEO J & ANN								
			02/25/1974	539	220										
LISTING HISTORY			NOTES												
07/22/20	MPAC	DEED TRANSFER	IA; EAU HAS FULL BATH + 2 RMS												
07/23/15	NBFR	IN FIELD REVIEW													
06/18/13	REM	MEASURE													
05/10/11	MPAC	ADMIN DATA ENTRY / PER T													
09/09/10	NBFR	IN FIELD REVIEW													
07/13/05	CPML	MEASURE & LIST													
11/09/04	DGM	MEASURE													
11/09/04	DGM	MEASURE													
EXTRA FEATURES VALUATION										MUNICIPAL SOFTWARE BY AVITAR					
Feature Type		Units	Lngh x Width	Size Adj	Rate	Cond	Market Value	Notes	TOWN OF SUNAPEE ASSESSING OFFICE 23 EDMONT RD SUNAPEE, NH 03782 603-763-2212						
DOCKS-RES TYPE		264		100	75.00	50	9,900	Year: 2005							
							9,900								
										PARCEL TOTAL TAXABLE VALUE					
Year		Building		Features		Land									
2019		\$ 43,000		\$ 0		\$ 572,900									
										Parcel Total: \$ 615,900					
2020		\$ 35,400		\$ 9,900		\$ 810,700									
										Parcel Total: \$ 856,000					
2021		\$ 35,400		\$ 9,900		\$ 810,700									
										Parcel Total: \$ 856,000					
LAND VALUATION										LAST REVALUATION: 2020					
Zone: RS - RESIDENTIAL		Minimum Acreage: 1.00		Minimum Frontage: 75		Site: SITE REDEVELOP				Driveway:		Road: PAVED			
Land Type		Units	Base Rate	NC	Adj	Site	Road	DWay	Topography	Cond	Ad Valorem	SPI	R	Tax Value	Notes
1F RES WTRFRNT		0.140 ac	54,666	S	100	100	100	100	100 -- TYPICAL	100	54,700	0	N	54,700	
LAKE SUNAPEE AVG 100 F		84.000 wf	FAIR SOME SLOPE, RIGHT ON WATER						100 -- TYPICAL	85	756,000	0		756,000	redev shape
		0.140 ac									810,700			810,700	
Utilities: PUBLIC WATER,PUBLIC SEWER															

PICTURE	OWNER	TAXABLE DISTRICTS	BUILDING DETAILS
	CHIAMIS, MARY ZATTA	District	Model: 1.25 STORY FRAME CAMP
	70 ENDICOTT ST, #1504	Percentage	Roof: GABLE OR HIP/STANDING SEAM
	NORWOOD, MA 02062		Ext: CLAP BOARD/PREFAB WD PNL
PERMITS			Int: MINIMUM
Date			Floor: PINE/SOFT WD
Permit ID			Heat: WOOD/COAL/NONE
Permit Type			Bedrooms: 2 Baths: 1.5 Fixtures:
Notes			Extra Kitchens: Fireplaces:
			A/C: No Generators:
			Quality: 03 AVERAGE- 03
			Com. Wall:
			Size Adj: 1.4066 Base Rate: RCA 58.00
			Bldg. Rate: 1.0128
			Sq. Foot Cost: \$ 58.74

BUILDING SUB AREA DETAILS				
ID	Description	Area	Adj.	Effect.
BAS	FIRST FLOOR	644	1.00	644
EAU	ATTIC,	432	0.20	86
FOP	PORCH, OPEN,	244	0.20	49
WDK	DECK, WOOD	128	0.10	13
GLA:	644	1,448		792
2020 BASE YEAR BUILDING VALUATION				
Market Cost New:		\$ 46,522		
Year Built:		1950		
Condition For Age:		AVERAGE	24 %	
Physical:				
Functional:				
Economic:				
Temporary:				
Total Depreciation:		24 %		
Building Value:		\$ 35,400		



TOWN OF SUNAPEE
 23 Edgemont Road
 Sunapee, New Hampshire 03782-0717
www.town.sunapee.nh.us

DATE: August 20, 2021 (for the hearing September 2, 2021)
 TO: Zoning Board of Adjustment
 FROM: Melissa Pollari, Land Use & Assessing Coordinator
 CASE: **#ZBA: 21-40 (Variance)**

Owner: Cory L & Renee P Flint
Parcel ID: 0133-0011-0000
Address: 16 High St

Summary of Case(s)/ References to the Zoning Ordinance:

Case # / Description	Article	Section	Part
21-40 To permit a new lot to be created with 32.50 ft of road frontage where 75 ft is required	III Dimensional Controls	3.10 Table of Dimensional Controls	

Description of Property:

- 2.47 acres
- Approximately 347.50 ft of frontage on High St
- Zone: VC (Village Commercial)
- Subdivision approved by Planning Board & recorded 3/21/2018 – 0.21 acres subdivided from Flint lot and annexed to abutting property owned by Willis (Parcel ID: 0133-0009-0000)
- CZC Permit - 01/25/18 – remodel; Driveway permit 04/20/2020 – move existing driveway; CZC Permit – 05/04/2020 – 10 ft x 16 ft barn / shed; CZC permit 10/05/2020 – addition – add dormer

Town of Sunapee
 23 Edgemont Rd., Sunapee NH
 Phone (603) 763-3194 / Website www.town.sunapee.nh.us
 Email zoning@town.sunapee.nh.us

CASE# 21-40

Zoning Board of Adjustment (ZBA) Variance Application

Questions? Please contact the Land Use & Assessing Coordinator or the Planning & Zoning Director. All dates and deadlines are published on the ZBA calendar; see Page 6. For helpful guidelines on completing this application, see page 4-5.

Attach additional sheets of paper as necessary.

1. Landowner(s) Name(s): Cory + Rene Flint
2. Parcel ID: 0133-0011-0000 3. Zoning District: Village Comm
4. Project Location (Street & #): 16 Hsk St
5. Mailing Address: SAME
6. Phone Number: 763-9676 / 361-6866
7. Email: Coryflint1979@yahoo.com

☐ **ABUTTERS LIST:** You must prepare a list of all abutting property owners and attach it to your application. If you have any difficulty, consult the town office, but the accuracy of the list is your responsibility. You can download an abutters list by using the Tax Maps/GIS on the Town's website (under Assessing Department).

☐ **FEES:** Application Fee: \$ _____ * Make check payable to Town of Sunapee.
 Abutter Notification Fee: \$ _____ * per abutter. Make payable to US Post Office.

* NOTE: Rates and fees are subject to change. For the most current rate, please check with the Town Office.

☐ **ATTACHMENTS:** To assist the board, please attach sketches, photos, surveys, plot plans, pictures, construction plans, or whatever may help explain the proposed use. Include copies of any prior Zoning or Planning decisions concerning the property. If you have something in writing stating that your proposed project does not meet zoning, please attach that to this application; it may be a letter, email or denied permit. A professional survey by a licensed surveyor is strongly recommended for variances related to setback requirements. For properties located in the Shoreline Overlay District, a professional survey is required. Supplemental materials for the Board must be submitted no later than five (5) days before the scheduled hearing, however, adequate plans and exhibits must accompany the application. This includes, but is not limited to: lot dimensions, dimensions of proposed and existing structures, identification of abutting properties and roads, locations of water bodies, wetlands, septic systems, etc.

*Applications will not be considered complete unless all the questions are answered, the fees are paid,
 and an Abutters Mailing List is attached.*

GENERAL DESCRIPTION: This is a place to give a general summary of the proposed project as an introduction and overview for the public hearing. For example, where is the property located? Describe the property. Give area, frontage, side and rear lines, slopes, natural features, etc. What do you propose to do? Why does your proposal require an appeal to the board of adjustment?

We want to subdivide a new parcel from
an existing building lot

Attach additional sheets of paper as necessary.

SPECIFIC REASON THE VARIANCE IS NECESSARY: A Variance is required from Zoning

Ordinance, Article III, Section 3.10 to permit the
creation of a lot w/less than the minimum Road
frontage of 75 Ft. We are looking for a 42.5 foot
reduction from the 75 Ft Minimum.

Facts in support of granting the variance:

1. Granting the variance would not be contrary to the public interest because: The new
parcel is going to be used to support a single
family residence.
2. If the variance were granted, the spirit of the ordinance would be observed because: The parcel will support a single family dwelling
3. Granting the variance would do substantial justice because: The nature of the
neighborhood stays the same and there will be
minimal impact. The parcel is being used to support
a single family dwelling in a commercial zone so traffic
will be at a minimum

4. If the variance were granted, the values of the surrounding properties would not be diminished because: The home being built will have a substantial positive impact on surrounding property values.

5. Unnecessary Hardship

a. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship to the applicant.

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 because: The new parcel is being used to support a single family residence

- and -

ii. The proposed use is a reasonable one because: The parcel is being used to support a single family residence

b. Explain how, if the criteria in subparagraph (a) 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 in 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. The "special condition that exists" is that the driveway location in and out needs to be safe for egress. The current driveway was moved farther away from the blind corner so it is safer for drivers coming up high street from the harbor.

NOTE:

For person(s) with physical disabilities,
please see RSA 674:33 regarding alternative hardship criteria for a Variance.

SIGNATURE: I understand that the public hearing will be held at the scheduled date and time unless a request is made by me for a new hearing. Any rehearing will require a new public notice and notification to abutters, the cost of which will be borne by the applicant. Further, I hereby give permission to the ZBA members and zoning officials to visit the subject property prior to the public hearing. To the best of my knowledge, the above is true and correct.

(See letter to & Authority) 9/8/21
Landowner(s) Signature(s) Date

APPENDIX A

Helpful Guidelines for Completing the Variance Application, Part 1

This information shall not be construed as legal advice or interpretation of the law in any way or for any purpose.

PURPOSE OF ZONING: For more information about the "Purpose of Zoning" see Sunapee Zoning Ordinance Article I, Section 1.20 "Purpose"; Article II, Section 2.36 "Zoning: Purpose and Description"; and NH RSA 674:17 "Purposes of Zoning Ordinances" (as may be amended).

ABOUT THE 5 VARIANCE QUESTIONS: (SEE APPENDIX B) A variance is an authorization which may be granted under special circumstances to use your property in a way that is not permitted under the strict terms of the zoning ordinance. The Zoning Board of Adjustment (ZBA) must determine that the variance request satisfies the following 5 criteria. Please note that all criteria must be satisfied in order for a variance to be granted. Please provide a written response along with any other supporting documentation for each of the following criteria. Attach additional pages if necessary. Failure to satisfactorily prove any single criteria will result in denial of the application. The Applicant has the burden of proof. Applicants should be prepared to present information pertinent to the variance being requested. To obtain a legally granted variance, you must demonstrate/prove that the proposal satisfies ALL FIVE of the variance criteria.

MORE INFORMATION: It is recommended that you become familiar with the Sunapee Zoning Ordinance, as well as the state statutes that cover planning and zoning (New Hampshire RSA Chapters 672- 678). You can purchase a copy of the Sunapee Zoning Ordinance at the town office, or download a copy from the town's website (www.town.sunapee.nh.us). The State's RSAs can be viewed online at <http://www.gencourt.state.nh.us/rsa/html/indexes/default.html>.

WHAT HAPPENS NEXT: The board will promptly schedule a public hearing upon receipt of your properly completed application. Public notice of the hearing will be posted and printed in a newspaper and notice will be mailed to you and to all abutters at least five days before the date of the hearing. You and all other parties are invited to appear in person (or by agent or counsel) to state reasons why the appeal should or should not be granted. After the public hearing, the board will reach a decision. An official Notice of Decision will be made available within 5 business days, along with the minutes of the hearing.

IF THE VARIANCE IS GRANTED, HOW LONG DO I HAVE TO BUILD IT? If after a period of twenty-four (24) months from the date a Variance or Special Exception is granted by the Zoning Board of Adjustment, the applicant has neither applied for nor received a Certificate of Compliance from the Board of Selectmen, the Variance or Special Exception will become void. An extension may be granted by the Zoning Board of Adjustment. Reference Article X, Section 10.16 (e).

WHAT IF I DISAGREE WITH THE BOARD'S DECISION? Any person affected has a right to appeal this decision. If you wish to appeal, you must act within thirty (30) days of the date of the hearing. The necessary first step before any appeal may be taken to the courts, is to apply to the Zoning Board for a rehearing. The motion for a rehearing must set forth all the grounds on which you will base your appeal. See New Hampshire Statutes, RSA Chapter 677 for details.

Map Book Sub: 000133 000011 000000

Card: 1 of 1

16 HIGH ST

SUNAPEE

Printed: 06/17/2021

PROPERTY

OWNER

TAXABLE DISTRICTS

District Percentage

BUILDING DETAILS

Model: 1.25 STORY FRAME CONVENTION

Roof: GABLE OR HIP/ASPHALT

Ext: WOOD SHINGLE

Int: DRYWALL

Floor: PINE/SOFT WD/HARDWOOD

Heat: OIL/HOT WATER

Bedrooms: 3 Baths: 2.0

Extra Kitchens:

Fixtures:

Fireplaces: 1

A/C: No

Generators:

Quality: 04 AVG + / 04

Com Wall:

Size Adj: 1.0438

Base Rate: RSA 96.00

Bldg Rate: 1.1889

Sq. Foot Cost: \$ 114.13

PERMITS

Date

Permit ID

Permit Type

Notes

12/01/20	2019	ADDITION	ADD DORMER TO GAIN BACK
01/07/20	2002	REBUILDING	10' X 16' BARN / SHED FOR GAR
04/26/20	48810	DRIVEWAY	MOVE EXISTING DRIVEWAY
01/09/18	3073	REMODEL	2018 REMODEL INTERIOR RE

BUILDING SUB AREA DETAILS

ID	Description	Area	Adj.	Effect.
FGR	GARAGE	400	0.35	140
FHS	HALF STORY	288	0.50	144
BAS	FIRST FLOOR	984	1.00	984
UBM	BASEMENT	984	0.20	197
FUS	UPPER STORY	24	1.00	24
FOP	PORCH, OPEN	154	0.20	31
EAF	ATTIC	624	0.40	250
GLA:	1,402	3,458		1,770

2020 BASE YEAR BUILDING VALUATION

Market Cost New: \$ 202,010

Year Built: 1960

Condition For Age: VERY GOOD 15 %

Physical:

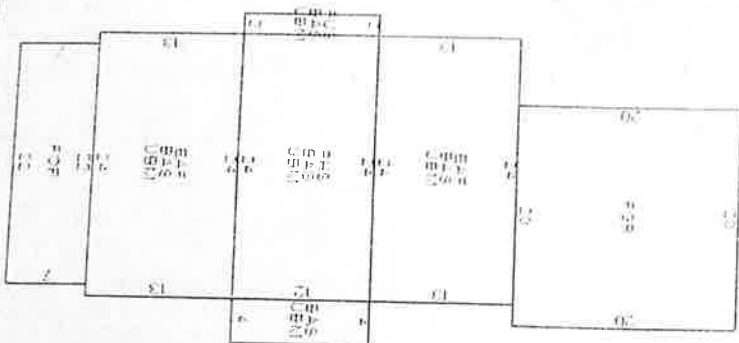
Functional:

Economic:

Temporary:

Total Depreciation: 15 %

Building Value: \$ 171,700



Flint 7 of 13



Sunapee, NH

1 inch = 136 Feet

August 4, 2024



CAI Technologies

www.cai-tech.com



gmnconstruction@comcast.net

From: Cory Flint <coryflint1979@yahoo.com>
Sent: Thursday, July 1, 2021 3:35 PM
To: gmnconstruction@comcast.net
Subject: Fwd: Flint Driveway

Categories: Red Category

Chief just sent this over for us

Sent from my iPhone

Begin forwarded message:

From: David Cahill <David.Cahill@sunapeepd.com>
Date: July 1, 2021 at 2:39:38 PM EDT
To: Michael Marquise <Michael@town.sunapee.nh.us>
Cc: coryflint1979@yahoo.com
Subject: Flint Driveway

Michael, I understand Cory Flint will be asking to keep the location of his driveway in the current spot as he sells a back piece of property. As the Chief of police and a matter of public safety I truly support leaving the driveway to his residence on High Street in the current location. This driveway was moved to its current location a couple years back which really enhance the safety of his family using the driveway as it originally was so close to the curve and hillcrest that it was unsafe. The current location offers a safe view from his driveway and allows not only his family safety pulling out onto High street but the passers by as well not encountering a vehicle they could not see.

I also consider High Street a "cut through" roadway as it accesses Route 103B and the post office from Sunapee Harbor so there is a fair amount of vehicle and pedestrian traffic on High Street during the day. Please let me know if there are any question but I strongly support keep the Flint driveway in or close to it current location for the interest of public safety.

D. Cahill

David P. Cahill
Chief of Police
Sunapee Police Department
9 Sargent Road
Sunapee, N. H. 03782
(603) 763-5555

gmnconstruction@comcast.net

From: Scott Hazelton <Scotth@town.sunapee.nh.us>
Sent: Thursday, August 5, 2021 8:20 AM
To: gmnconstruction@comcast.net
Cc: david.cahill@sunapeepd.com
Subject: RE: Flint Concept Lot 2

George:

I did speak with Chief Cahill yesterday morning regarding a proposed driveway concept for the subdivision of Cory Flint's existing lot on High Street.

Due to the proximity of Cory's existing driveway to the hill on High Street which slopes upward and it sweeps from left to right from River Road, I would recommend and support a shared driveway in the location of the existing driveway for access to the existing lot and to the proposed lot. I would also support a wider entrance for the shared driveway at the location that it will connect to High Street, of which 16-feet excluding the turning radii is standard.

Please do not hesitate to contact me if you have any questions or if you require additional information in support of the proposed project.


Kind Regards,

Scott A. Hazelton, CPESC
 Highway Director
 Town of Sunapee
 Highway Department
 621 Route 11
 Sunapee, New Hampshire 03782
 Telephone (603) 763-5060 Ext. 11
 Fax (603) 763-4337
 E-mail: scotth@town.sunapee.nh.us

From: gmnconstruction@comcast.net <gmnconstruction@comcast.net>
Sent: Wednesday, August 4, 2021 2:04 PM
To: Scott Hazelton <Scotth@town.sunapee.nh.us>
Subject: FW: Flint Concept Lot 2

Below


Thanks Scott




Sunapee, NH

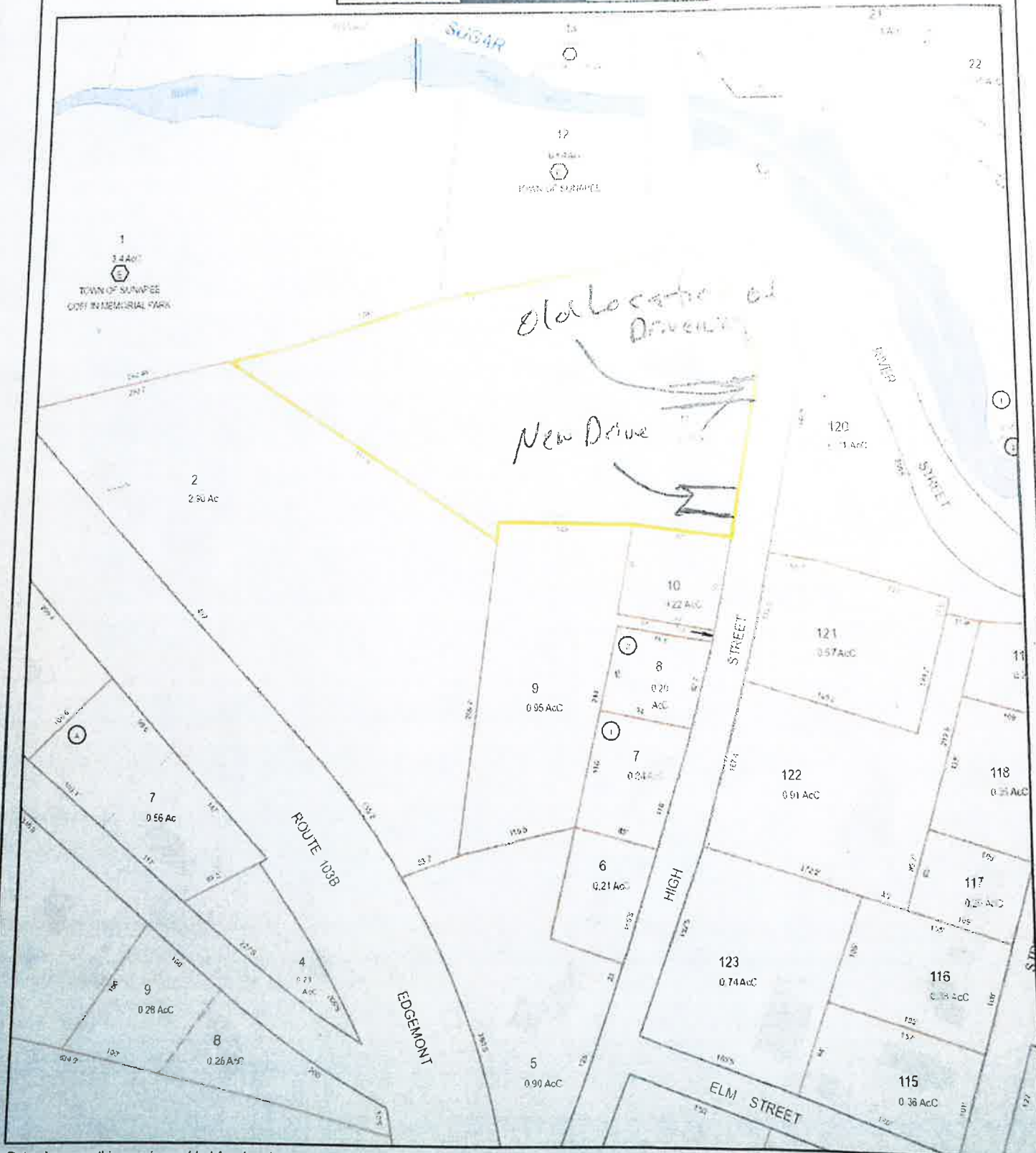
1 inch = 136 Feet

August 4, 2021





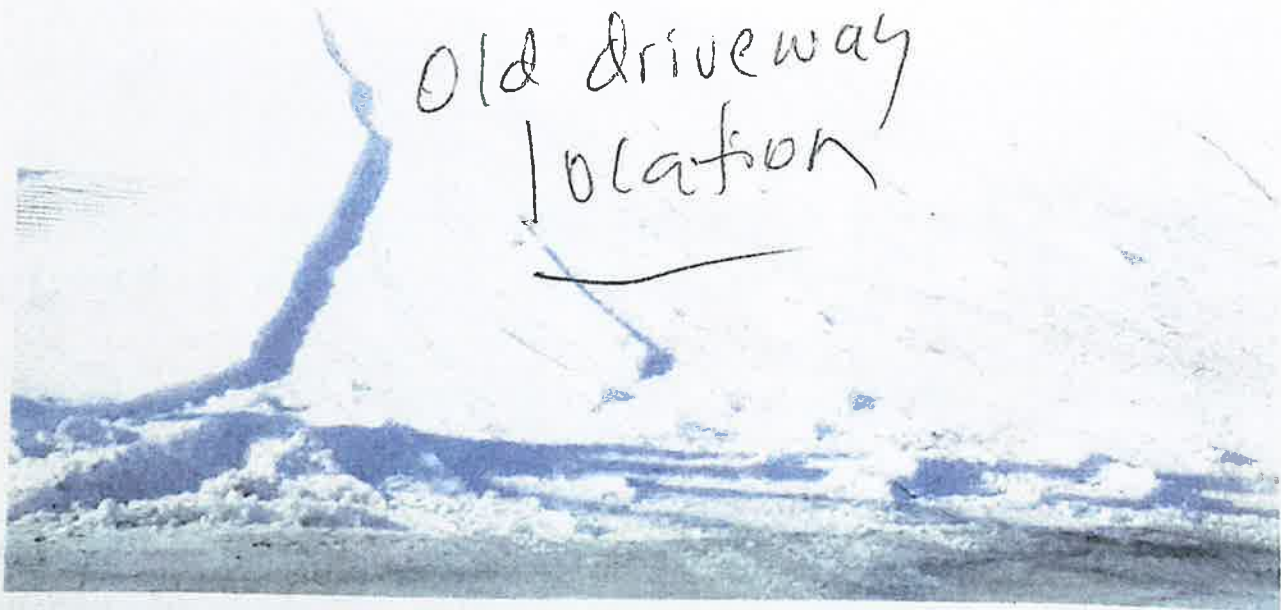
www.cai-tech.com



Data shown on this map 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 map.

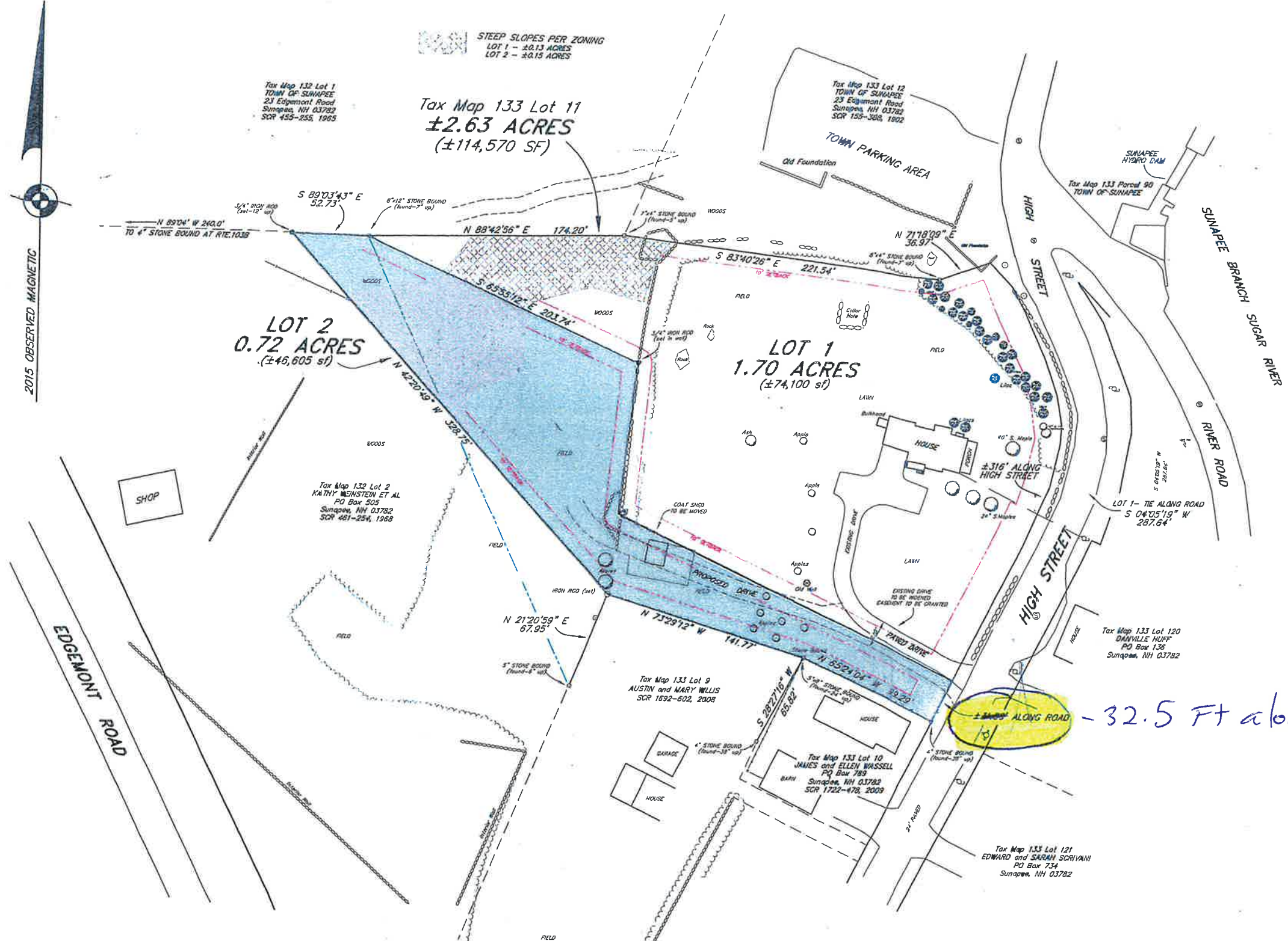


old driveway
location

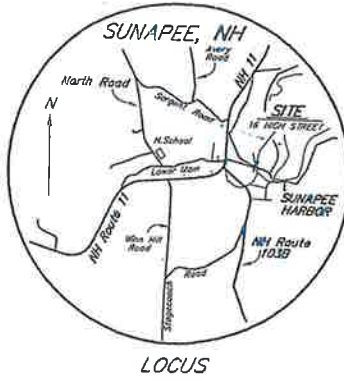


<https://www.axisgis.com/SunapeeNH/Docs/Batch/PICTURE/01/00/05/87.JPG>

8/4/2021



- KEY**
- Stone Wall
 - Retaining Wall
 - 1" Iron Pipe (found) - or as noted
 - 3/4" Iron Rod (set)
 - 3/4" Iron Rod in Drilling (set-2015)
 - Stone Bound (found)
 - Edge Paved Road/ Drive
 - Edge Proposed Drive
 - Zoning Setback
 - Culvert
 - Utility Pole w/ Overhead Lines
 - Wooden Picket Fence
 - Tree Line - Edge Field



- NOTES**
1. Deed References:
A. TM 133-11: SCR Book 1971 Page 374, the Barbara Sullivan Trust to Cory and Renee Flint, April 6, 2016.
B. TM 133-11: SCR Book 158 Page 75, Bartlett and Rowell to Ernest and Evalina Bartlett, August 8, 1902.
C. TM 133-09: SCR 1692 Page 602, Dorothy Vance to Austin Wells and Mary McLoughlin, June 13, 2008.
D. TM 132-02: SCR 461 Page 254, Gustava and Augusta Dignia to Charles and Mary Weinstein, May 23, 1968.
 2. This plan is the result of a Nikon total station survey, November 23, 2015, having a control traverse relative error of closure greater than 1: 15,000.
 3. The purpose of this plan is to show the topography on the Flint property as part of a proposed subdivision. See a boundary plan by this office for all boundary and easement information.
 4. This property is located in the Village Commercial Zoning District; the required building setbacks are 40' from the centerline of High Street, and 10' from all property lines.
 5. All elevations are referenced approximately to USGS datum, tied to the Sunapee Harbor Dam north of the property.
 6. Lots 1 and 2 are serviced by Town sewer and water.

CONCEPTUAL PLAN OF PROPOSED SUBDIVISION

TAX MAP 133 LOT 11 - 16 HIGH STREET
PROPERTY OF
CORY L. AND RENEE P. FLINT
16 HIGH STREET, SUNAPEE, NH 03287

LOCATED IN
SUNAPEE, N.H.



JUNE 24, 2021

PENNYROYAL HILL LAND SURVEYING & FORESTRY LLC
CLAYTON E. PLATT LIC. SURVEYOR NO. 833
414 Pine Hill Road Croydon, NH 03773 (603) 863-0981

REVISIONS

The Subdivision Regulations of the Town of Sunapee are a part of this plat and approval of this plat is contingent on the completion of all requirements of said Subdivision Regulations, excepting only any variances or modifications made in writing by the Board and attached hereto.

APPROVED BY THE SUNAPEE, N.H. PLANNING BOARD

Date	
By	