

Town of Winchester
Zoning Board of Adjustment
Notice of Public Hearing
5-13-21

The Winchester Zoning Board of Adjustment will be meeting on 5-13-21 at 7:00pm on the Main Floor of the Town Hall, 1 Richmond Road for the following: The board will review for acceptance an application for a variance to Article VII, C of the Zoning Ordinance for property at 30 Keene Road, map 26 lot 53. The owner wishes to convert the building to a 2 family. If the board finds the application complete they will move into a public hearing.

If a decision is not reached the hearing will continue at the following meeting without further notice. The application is available for review in the Land Use Office during regular business hours and on the town website winchester-nh.gov.

Respectfully,
Margaret Sharra, Land Use

Application for: Variance

Date: 12/22/2020

Map# 26 Lot# 53

Name & address of applicant: FARRIS DEVELOPMENT, LLC
34 ROLLINS RD EPPING NH 03042

Email: E-FARRIS@hotmail.com Pho: 603 365 1820

Name & address of owner: SAME

Email: _____ Phone: _____

Location of property: 30 KEENE RD Zoning District: CENTRAL BUSINESS

Description of property (include a plot plan, frontage, side & rear lines, water, structures, etc.) FORMER PEANOS RESTAURANT - MEETS ONLY SIDE SETBACKS, TOTALLY NON CONFORMING, TOWN WATER AND SEWER.

Proposed use/existing use: RESIDENTIAL / RESTAURANT / STORAGE
2 family - @ 2 bedroom each unit

Fill out the attached abutters list and submit the non refundable fee of \$150 with the completed application and other necessary forms at least 21 days prior to the review by the ZBA. The ZBA generally meets on the second Thursday of each month if there is business. A complete application will be reviewed for acceptance before a public hearing is held within 30 days. You or your representative must be present at the hearing. All owners NOT representing themselves must submit a letter of representation for the applicant with the application.

Please complete and submit the following appropriate page(s) for the request of a variance, a special exception, an equitable waiver of dimensional requirements, an appeal from an administrative decision or a rehearing. Attach all other supporting documentation to the application.

After the public hearing, the board will typically render a decision within 30 days. You will be sent notice of this decision. If you believe the board's decision is wrong, you have the right to appeal. The Selectboard or any party with standing has similar rights of appeal. With an appeal, you must first ask the board for a rehearing. All requests shall be submitted on the appropriate ZBA forms and include the required fee. The motion must be made within 30 days of the decision and must set forth the grounds on which the claimed the decision is unlawful or unreasonable. The board may grant a rehearing if it is determined there were errors of law or new information is stated in the motion. Notice to the public and abutters are required for a rehearing. Refer to RSA 677:2 and RSA 676:7 for details.

Variance:

The undersigned hereby requests a variance to the terms of Article 7, section C, subparagraph _____, of the Winchester zoning ordinance.



Signature of applicant and date



Signature of owner and date

Facts supporting the variance request:

1. Granting of the variance **will not be** contrary to the public interest because:
THERE IS A REGION-WIDE HOUSING SHORTAGE AND THE EXISTING BUILDING HAS BEEN A URCANT EYESORE FOR MOST OF SEVERAL YEARS.

2. The **spirit of the ordinance is observed** because:
RESIDENTIAL USE IS PERMITTED IN THE ZONE. THE CLOSEST NEIGHBORING PROPERTY ON A SIMILAR-SIZED LOT HOUSES 11 APARTMENTS. THE LOT SIDE AND SHAPE WERE CONTROLLED BY A STATE HIGHWAY AND RIVER.

3. By granting the variance substantial justice would be done because:
THIS IS THE ONLY VIABLE USE OF THE STRUCTURE AND DUE TO THE UNUSUAL SHAPE OF THE LOT, NO NEW STRUCTURE COULD BE PRACTICALLY BUILT UPON IT. THIS USE MAINTAINS TAX REVENUE AND IMPROVES THE

4. The **value of surrounding properties are not diminished** because: DOWNTOWN AREA.
THE CLOSEST BUILDING IS AN 11 UNIT APARTMENT BUILDING AND THE OTHER AN UNSIGHTLY GAS STATION. THE APPLICANT OWNS THE OTHER APARTMENT BUILDING AND WOULD BE THE MOST ADVERSELY AFFECTED.

5. **Literal enforcement of the provisions of the ordinance** would result in unnecessary hardship; owing to special conditions of the property that distinguish it from other properties in the area, because:

a) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

THE LOT WAS CREATED LONG BEFORE THE ORDINANCE. IT HAS BEEN A NON-CONFORMING LOT SINCE DAY ONE. ALLOWING TWO DWELING UNITS IN SUCH A LARGE EXISTING STRUCTURE IS NOT CONTRARY TO SPIRIT OF
and b) the proposed use is a reasonable one because: THE ORDINANCE.

HOUSING IS LACKING, THE EXISTING STRUCTURE IS MORE THAN SUFFICIENT FOR TWO UNITS AND DOWNTOWN APPEARANCE WILL BE LASTLY IMPROVED.

Or: explain how if the criteria of (a)&(b) 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.

5 4 5

ABUTTERS LIST

For use with all Land Use Applications

Applicant: FARMS DEVELOPMENT, LLC
Address: 34 ROLLINS RD SPENDING NH 03042
Map# 26 Lot# 53

MAP# LOT# NAME & ADDRESS Sent/Rec'd

26 51 - FARMS DEVELOPMENT LLC
34 ROLLINS RD SPENDING NH 03042 ✓

26 50 - ~~WHITE MOUNTAIN PROPERTIES, LLC~~
ABBY THACKSTON ✓
21 POND ST LYNN MA 01904

26 54 - GLOBAL MONTENO GROUP CORP
PO Box 2440
SPOKANE WA 99210 ✓

26 89 - GLOBAL MONTENO GROUP CORP

28 19 - DEANNE R. TEDFORD
CLYDE S. HOLLOWAY, JR. ✓
7 HILDRETH ST.

28 18 - ^{Christine} GEWE S. PARK
11 HILDRETH ST.