

General Information

Application for: VARIANCE

Date: 10-13-22

Map# 12 Lot# 30-A

Name & address of applicant: Matthew Newell
678 KEENE RD WINCHESTER NH 03470 (MAILING ADDRESS) 43 KAPPO RD
Email: djnewell47@yahoo.com Phone: 603-762-4906 WINCHESTER NH
CAROL Newell

Name & address of owner: 686 KEENE RD WINCHESTER NH 03470

Email: _____ Phone: 603-209-7933

Location of property: 678 KEENE Rd Zoning District: Highway Commercial

Description of property (include a plot plan, frontage, side & rear lines, water, structures, etc.) Sub Divided Property Attached with Shared Drive Way AT 686 KEENE Rd CAMPER WITHOUT BUILDINGS, DECKS, CAMPER IS ON A PERMITTED SLAB, WITH WELL, FRC, AND SEPTIC SYSTEM, CAMPER IS 2016 TRUS 4 SEASON R-45 CEILING, R-45 FLOORS HEATED UNDER BELLY

Proposed use/existing use: WOULD LIKE TO PUT ON ADDITION TO ADD LIVING SPACE, HAVE BEEN HERE FOR 6 YRS, WITH EXISTING LIVING SPACE WOULD LIKE TO EXPAND FOR LONG TERM

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.

Special Exception:

The undersigned hereby requests a special exception as provided in Article _____, Section _____, subparagraph _____, of the Winchester Zoning Ordinance.

Signature of applicant and date

Signature of owner and date

Please respond to the following:

A) The proposed use shall be permitted in the district _____

B) The specific site is in an appropriate location for such use _____

C) The use as developed will not adversely affect the adjacent area _____

D) There will be no nuisance or serious hazard to vehicles or pedestrians _____

E) Adequate and appropriate facilities will be provided for the proper operation and use _____

F) The proposed use shall comply with all frontage, setbacks, minimum land area, sanitary protection, sign, parking requirements for itself or its most similar use, except where specifically named by the board, the reasons for such waiver to be set forth in writing by the board _____

G) See Article XVI, 2.(i) (g) in the Town of Winchester Zoning Ordinance for the validity of a special exception.

Variance:

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

Maureen C. Wood
Signature of applicant and date

Carol Jewell
Signature of owner and date

Facts supporting the variance request:

1. Granting of the variance will not be contrary to the public interest because:

WAS DEEMED AT THE TIME OF PLACING CAMPER ON PROPERTY THAT I WAS APPROVED, THEREFOR THAT PUT SUCH CAMPER INTO LEGAL NON CONFORMING USE

2. The spirit of the ordinance is observed because:

I AM LIVING IN A CAMPER IN WHICH I HAVE MADE MY HOME SO IN ORDER TO STAY IN COMPLIANCE, I NEED SPECIAL PERMISSION TO DO ANY ADDITIONS TO SUCH PROPERTY

3. By granting the variance substantial justice would be done because:

I WAS UNAWARE OF NOT BEING ABLE TO EXPAND MY LIVING SITUATION WHEN I WAS GRANTED PERMISSION TO PLACE CAMPER / MY HOME, BY EXPANDING LIVING SPACE BY ABOUT 300 SQUARE FT. WOULD MAKE FOR MORE COMFORTABLE

4. The value of surrounding properties are not diminished because: Living

WE ARE SET BACK FROM THE RD ABOUT 300' WITH NO REAL NEIGHBORS THE CLOSETS, WOULD BE GREEN VALLEY MOBILE HOME PARK IN THE REAR, PROPERTY IS, NEAR WETLANDS TO THE SOUTH CLOSEST NEIGHBORS IS CHAN STEVENS

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:

IT HAS NO PUBLIC AFFECT, ANY AND ALL ADDITIONS OR IMPROVEMENTS MADE TO THIS PROPERTY IS ONLY TO IMPROVE MY FAMILY'S LIFESTYLE AND MY DESIRE TO CONTINUE TO ASSIST MY FAMILY WHO OWNS PROPERTY

and b) the proposed use is a reasonable one because:

I HAVE THE OWNERS PERMISSION TO MAKE THIS MY HOME AND DO ANY UPGRADES I DEEM NECESSARY AGAIN THIS IS A FAMILY PROPERTY AND I WOULD LIKE MAKE IMPROVEMENTS TO STAY COMFORTABLE TO HELP

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. MAINTAINING ENTIRE PROPERTY

Equitable Waiver of Dimensional Requirements:

The undersigned hereby requests an equitable waiver from the requirements of Article _____, section _____. (Describe the waiver request) _____

Signature of applicant and date

Signature of owner and date

1. Explain how the violation has existed for 10 years or more with no enforcement action and including action being commenced by the town now.

OR

2. Explain how the nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had been transferred to a bona fide purchaser.

And

How the violation was not an outcome of ignorance of the law or bad faith but resulted from a good faith error in measurement or calculation.

3. Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area.

4. Explain how the cost of correction far outweighs any public benefit to be gained.

Appeal from Administrative Decision:

The undersigned alleges that an error has been made in the decision, determination, or requirement, by the _____ on (date) _____ regarding granting or disapproving the request submitted by _____ of _____.

The description or reasons for the appeal are:



Please attach a copy of said decision and any supporting documentation.

Signature of applicant and date

Signature of owner and date

Request for a Rehearing:

The undersigned alleges that an error has been made in the decision made by the ZBA granted on _____ for the application of _____.
I hereby request a rehearing and the reasons are:

Please attach any supporting documentation

Signature of applicant and date

Signature of owner and date

ABUTTERS LIST

For use with all Land Use Applications

Applicant: Matt Newell
Address: 678 Keene Rd Winchester
Map# 12 Lot# 36-A

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

12 36-A Castle Trust Peter Knox, Trustee 2005 Massachusetts Ave
12 36-B Carol Newell 678 Keene Rd Winchester, NH

Worcester
MA 01462

Empty table rows for additional entries.