

# Town of Boscawen

116 North Main Street, Boscawen, NH 03303 | Telephone: 603.753.9188 | Fax: 603.753.9183

#### Zoning Board of Adjustment

#### Members

**PUBLIC HEARING** 

Dr. Gail Devoid, PhD *Chair* 

Doug Supry *Vice-Chair* 

Tracy Jo Bartlett Member

Ann Dominguez Member

Edward J. Cherian, Jr Member Ex-Officio

#### Planning & Community Development Staff

Kellee Jo Easler Planning & Community Development Director

Pam Hardy Planning & Community Development Assistant

Kearsten O'Brien Planning & Community Development Clerk

Rose Fife Recording Secretary Notice is hereby given in accordance with NH RSA 676:7, I. and the Town of Boscawen Zoning Ordinance that the **Zoning Board of Adjustment** will meet on **Tuesday, May 26, 2020 at 7:00 PM**, Virtually though Go to Meetings, to hear the following: A request for a **Variance** seeking relief from **Article V noted by 5.01, 40' Front Setbacks to approximately 19' from the road to install a metal garage,** submitted and owned by **Mark and Kimberly Varney of Boscawen NH, 03303** with a property address of **12 Terrace Hill Road, Boscawen NH 03303** on **Map 45, Lot 23,** located in an **R1 zone.** 

The Board may open a public hearing to take testimony, after the review.

Per order of the Boscawen Zoning Board of Adjustment,

Kellee Jo Easler Planning & Community Development Director

The Town of Boscawen prohibits discrimination on the basis of race, color, national origin, sex, sexual orientation, religion, age, disability, marital or family status. Boscawen is an equal opportunity employer.



### TOWN OF BOSCAWEN, NEW HAMPSHIRE ZONING BOARD OF ADJUSTMENT

116 North Main Street, Boscawen, NH 03303 (Phone) 603-753-9188 (Fax) 603 753-9184 e-mail: keasler@townofboscawen.org

## INSTRUCTIONS TO APPLICANTS APPEALING TO ZONING BOARD OF ADJUSTMENT

#### IMPORTANT: READ ALL INSTRUCTIONS CAREFULLY BEFORE FILLING OUT ATTACHED APPLICATION

The Board strongly recommends that, before making any appeal, you become familiar with the Zoning Ordinance, and also with the New Hampshire Statutes Annotated Chapters 672-677, concerning planning and zoning.

Four types of appeals can be made to the Zoning Board of Adjustment:

- Requests for variances,
- Requests for special exceptions,
- · Requests for equitable waivers of dimensional requirements, and
- Appeals of zoning administrative decisions made by the Town Officials, the Planning Board, and the Zoning Board of Adjustment.

For <u>variances</u>, which give relief from the literal restrictions of the Boscawen Zoning Ordinance, State statutes require that a majority of the sitting members find that an application meets all five (5) of the conditions necessary to be granted the variance. Note: requirement number 3 is a key provision and recent legal decision should be reviewed carefully by the applicant. Variances are included in a zoning ordinance to prevent an ordinance from becoming confiscatory or unduly oppressive <u>as applied to individual properties</u> uniquely situated. Variances are designed to afford relief to individual properties peculiarly affected by the provisions of a zoning ordinance. If the majority of property in a particular zoning district are affected in the same way, the appropriate form of relief is a legislative change (zoning amendment) rather than a variance. To determine whether an ordinance is arbitrary and unreasonable, the injury or loss to the landowner must be balanced against the gain to the public. The party(ies) seeking a variance have the burden of establishing each of the requirements for the variance.

# APPLICATION FOR VARIANCE A variance is requested from Section/Paragraph/Table: 8,02 of the Zoning Ordinance to permit: Construction of a two Car free Standing garage

If you are applying for a variance, special exception, or administrative appeal, you must first have some form of determination that your proposed use is not permitted without a variance, special exception, or administrative appeal. Most often, this determination is a denial of a building permit. A copy of the determination must be attached to your application.

The following items are required to complete the application and must be attached:

Hearing, Abutter, and Notification Fees:
 Variance-\$100.00
 Abutter Notification-\$7.50 per abutter (in all cases).
 Legal Ad-\$130.00

- 2. A complete list of the names and mailing addresses of all abutters to this property, as defined by RSA 672:3. Abutter is any person whose property adjoins or is directly across the street or stream from the land under consideration.
- 3. 10 clearly drawn maps (17"x 22" minimum size) showing the exact road location of property in relation to at least one prominent landmark (road junction, business, town building, etc.). Put a north arrow on your drawing and label road names, etc. Indicate with an X the location of the property in question.
- 4. Site plan of property showing:
  - a. Boundaries and area of entire parcel
  - b. North point
  - c. Scale and legend
  - d. Location, size and type of all existing and proposed buildings, parking areas, signs, roadways, screening, etc.
- What provisions may need to be made for septic disposal, fire protection, water supply, parking, noise, smoke, surface drainage, etc.
  - Notarized Letter of Authorization to allow an Agent or Attorney to represent Applicant (if applicable).
    - Copy of property deed of the subject property.
    - Any other pertinent information that you feel the Board may need in order to make an intelligent and fair decision for all.
      - 9. 10 Copies of application packet received by Board's agent 10 days prior to meeting.
    - 16. Property card, available at Town Office.

The application must be completed and returned with all requirements herein to the Planning/Zoning Coordinator. The application will be forwarded to the Board of Adjustment for their consideration at a public hearing. You must appear at the public hearing or be represented by an authorized agent or attorney for the board to take action on your application. The application will be terminated or tabled for failure to appear at a scheduled public hearing, without first providing written notice to the Planning/Zoning Coordinator. If you designate an agent or attorney to represent you in this application, you must submit a notarized Letter of Authorization.

You are fully responsible for researching and knowing any and all laws, which may be applicable and affect the outcome of the Board's decision on your application request. The Town of Boscawen assumes no responsibility or liability relating to your failure to research and know all applicable laws including, but not limited to, state, federal, and local laws, codes, land development regulations and comprehensive plan. The Town of Boscawen strongly recommends that all applicants consider consulting an attorney regarding their application.

You are encouraged to review, or copy, the Quasi-Judicial Rules of Procedures used by the Board of Adjustment at the public hearing.

## TOWN OF BOSCAWEN, NEW HAMPSHIRE ZONING BOARD OF ADJUSTMENT

116 North Main Street, Boscawen, NH 03303 (Phone) 603-753-9188 (Fax) 603 753-9183 e-mail: keasler@townofboscawen.org

Name of present property owner: Mark + Kimberly Varnex
(and principal officer if business name):  Mailing Address: 12 Terrace 14:11 Rd. Boslaven, NH 03303
Telephone (days): 603 - 496 - 2388
Name of Applicant: Mark Varney Mailing Address: 12 Terrace Hill Rd, Boscawen, NH 03303 Telephone (days): 603-496-2388
Location of Property: Boscawen Tax Map: 45 Lot: 23
Present zoning of property in question (see zoning map in current ordinance)  Circle one: AR R1 R2 C I MRD
VARIANCE (Article X)
In order to secure a variance, the Zoning Board of Adjustment must determine by law that your variance request satisfies the following criteria of the Zoning Ordinance. Please provide a written response along with any other supporting documentation for each of the following criteria.  Please note that all criteria must be satisfied and supported by the Zoning Board of Adjustment in order for a variance to be granted. Should the space provided be inadequate, please attach additional pages to this application.
1. The variance is not contrary to the public interest: The Variance is to allow me to Construct a 2 car Metal garage for the Storage of My truck, My wifes Car and My Motorcyle. Tam Compliant withall aspects except the 40 familie road.  2. The spirit of the Ordinance is observed: I feel the spirit of the Ordinance is Met in regards to my abutters and all requirements for Construction with the exception of the 40' setback from the road. I will have approx. 19 from the foat.  3. Substantial justice is done: By keeping the 19 from the road this will not interfere with the town's ability to maintain the road Nor interfere With any abutters.

I/We being duly sworn, depose and say that I am/We are the owner(s)/lessee(s) of land in the application and that the foregoing statement herein contained and attached, and information or attached exhibits thoroughly to the best of my/our ability present the arguments in behalf of the application herewith submitted and that the statements and attached exhibits above referred to are in all respect true and correct to the best of my/our knowledge and belief.

In addition, I/We understand this application must be filed with all pertinent information as it pertains to the requirements of the Town of Boscawen Zoning Ordinance and all other information requested or required by the Zoning Board of Adjustment in order to be considered complete. I/We understand that this application will not be filed until all required information has been received, and do further understand that the Town of Boscawen reserves the right to postpone this request until such time as the requirements are met.

Furthermore, I/We understand that I/We or our representative as stated on the application should appear at the public hearing. If photographs, documents, maps, or other materials are provided to the Board as evidence at the public hearing, said evidence will become the property of the Town of Boscawen and will remain on file for future reference. By law those instruments automatically become part of the public records and cannot be returned.

Also I/We recognize and understand that the public hearing before the Board of Adjustment regarding land development is considered quasi-judicial in nature. State and local law strictly prohibits applicants and/or interested parties from participating in ex-parte communications with Board members in person, by phone, e-mail, or in writing before the application is discussed at a public hearing.

Also I/We by filing this application hereby give permission to the Boscawen Zoning Board of Adjustment, Town Engineers, Road Agent, and such employees or agents of the Town as The ZBA may authorize to enter upon the property, which is the subject of this application, at all reasonable times for the purpose of conducting examinations, surveys, tests, inspections as may be appropriate; to enable release of any claim or right we may now or hereafter possess against any of the above individuals as a result of any examinations, survey tests, or inspections, conducted on my/our property in connection with this application.

Applicant's signature: Mark Vary	Applicant's Signature:
Applicant's printed name: Mark E. Verney	Applicant's printed name:
Date://	Date://
Owner's signature: Mark Va	Owner's signature: Kun Warnel
Owner's printed name: Mark E. Varney	Owner's printed name: Kimberly A. Varnev
Date://	Date://

The values of surrounding properties are not diminished: The values will if any thing increase as albuing
us to park our vehicles in the garage will be
more estetically appealing.
MOTE STEFICETY appearing.
Literal enforcement of the ordinance would result in 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:
I would not be encroaching on any public used areas and the allowance of this
variance has no negative effects on town,
Public or private properties.
AND
ii. The proposed use is a reasonable one because: This would allow me
to put a garage on my property in the only practical
location for my wife and I to get our vehicles
out of winter Storms specifically.
B. Explain how, if criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist 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.  Because of the design location of my house which was built prior to my purchase there is no location who my property where I could put a garage without a lariance. The requested location has the least effect on all of my abuffer
Applicant's signature:  Applicant's printed name:  Applicant's printed name:  Date:  Owner's signature:  Owner's signature:  Owner's printed name:  Owner's printed name:  Date:  Owner's printed name:  Date:  Date

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5.

#### TOWN OF BOSCAWEN

#### 116 North Main Street BOSCAWEN, NEW HAMPSHIRE 03303

OFFICE: 603-753-9188 FAX: 603-753-9183

C	ertification of Zoning Compliance
Name:	Date:
Address:	Telephone No:
City, State, Zip:	
Location of Land:	Zone: Map: Lot: Lot:
	Research Documents  Review of the Record  e Enforcement Officer Determination(s)
	Alan H. Hardy, Code Enforcement Officer Date

Should any party be aggrieved by a decision of the Code Enforcement Officer, the aggrieved party may file an appeal with the Zoning Board of Adjustment if it is alleged that there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of any zoning ordinance adopted pursuant to New Hampshire RSA 674:33 – Powers of the Zoning Board of Adjustment. This appeal must be filed within 30 days of the date of the decision that is complained of.

**PS Form 3877** 

Town of Boscawen 116 North Main Street Boscawen NH 03303

# Type of Mailing: CERTIFIED MAIL 05/14/2020

Firm Mailing Book ID: 189273

Line	USPS Article Number	Name, Street, City, State, Zip	Postage	Service Fee	RR Fee	Rest.Del.Fee	Reference Contents
	9314 8699 0430 0071 4506 85	John M. Young 2 Terrace Hill Rd Boccarries NH 03303	\$0.50	\$3.55	\$1.70	\$0.00	
7	9314 8699 0430 0071 4507 15	Doscawon Alfordoor Keith and Alfoia Dyment 4 Terrace Hill Rd Boscawen NH 03303	\$0.50	\$3.55	\$1.70	\$0.00	
3	9314 8699 0430 0071 4507 22	Angela N. Miner 15 Terrace Hill Rd Rosenwen N.H 03303	\$0.50	\$3.55	\$1.70	\$0.00	
4	9314 8699 0430 0071 4507 39	Justin Malcolm 13 Terrace Hill Rd Boscawen NH 03303	\$0.50	\$3.55	\$1.70	\$0.00	·
٧.	9314 8699 0430 0071 4507 77	Michael & Sylvia Bradford 14 Terrace Hill Rd Boscawen NH 03303	\$0.50	\$3.55	\$1.70	\$0.00	
9	9314 8699 0430 0071 4508 21	Mark & Kimberly Varney 12 Terrace Hill Rd Boscawen NH 03303	\$0.50	\$3.55	\$1.70	\$0.00	
7	9314 8699 0430 0071 4509 37	Robert Longval & Kathy Fogg 6 Terrace Hill Rd Boscawen NH 03303	\$0.50	\$3.55	\$1.70	\$0.00	
∞	9314 8699 0430 0071 4511 18	Silva,& Sharon E. Merrill Silva, Kim E. 10 Terrace Hill Rd Boscawen NH 03303	\$0.50	\$3.55	\$1.70	\$0.00	
		Totals:	\$4.00	\$28.40 Grand	10 \$13.60 Grand Total:	\$6.00	

Postmaster: Name of receiving employee	
Total Number of Pieces Received at Post Office	
ist Number of Pieces listed by Sender	

Dated:

MINER, ANGELA N. MINER, ALAN P. 15 TERRACE HILL BOSCAWEN, NH 03303 MALCOLM, JUSTIN
13 TERRACE HILL ROAD
BOSCAWEN, NH 03303

BRADFORD, MICHAEL A & SYLVIA E 14 TERRACE HILL ROAD BOSCAWEN, NH 03303

VARNEY, MARK E. & KIMBERLY A. 12 TERRACE HILL ROAD BOSCAWEN, NH 03303 SILVA, & SHARON E. MERRILL SILVA, KIM M. 10 TERRACE HILL BOSCAWEN, NH 03303 LONGVAL, ROBERT KATHY FOGG 6 TERRACE HILL ROAD BOSCAWEN, NH 03303

DYMENT, KEITH R. DYMENT, ALICIA S. 4 TERRACE HILL ROAD BOSCAWEN, NH 03303 YOUNG, JOHN M 2 TERRACE HILL ROAD BOSCAWEN, NH 03303



# TOWN OF BOSCAWEN PROJECT INDIVIDUAL ITEM RECEIPT

Project Owner: VARNEY, MARK E.

Project Type: ZONING BOARD OF ADJUSTMEN

Location: 12 TERRACE HILL

PID: 000045 000023 000000

Item #	Date	Project Item	Number	<b>Invoice Amount</b>	<b>Due Amount</b>
2020.1200	05/20/2020	APPLICATION FEES	2020000098	\$ 282.50	\$ 0.00
PAID:	05/20/2020	Received By: kearsten			
		Paid By: VARNEY, MARK E.	CHECK 559		
				\$ 282.50	\$ 0.00

Signature: Wardton O'Brien

Date: 05° /8° 20

Printed: 5/20/2020 8:57:46AM

Page 1 of 1



# Town of Boscawen



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# **Zoning Board of Adjustment Application Fees:**

☐ Appeal for Administrative Decision	(3402.04)		No Charge
☐ Equitable Waiver of Dimensional	(3402.04)	\$ 50.00	\$
☐ Special Exception	(3402.04)	\$ 50.00	\$
X Variance	(3402.04)	\$100.00	\$ 100 -
General Fees for All Appeals (including A	ppeal for Administrat	ive Decision)	
☐ Printing Fees (See Attached Sheet)	(3402.01)		\$
Legal Ad in Concord Monitor	(3402.03)	\$130.00	\$ <u>130.00</u>
☐ Certified notification to Abutters and Applicant	(3402.02) @ \$7.50ea	#_7_	\$ <u>52.50</u>
Please make checks payable to <i>TOW</i>	N OF BOSCAWEN		
TOTAL Due with Application			\$ 282.50

Revised 07.25.18

#### 799.00 WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that I, D. Gail Lahey, a single person, for consideration paid, grant to Mark E. Varney and kimberly A. Varney of 12 Terrace Hill Road, Boscawen, New Hampshire 03303 as joint tenants with rights of survivorship with WARRANTY COVENANTS, the following:

A certain tract or parcel of land, with the buildings thereon, situated in Boscawen, County of Merrimack, State of New Hampshire, and being Lot No. 14 as shown on a plan entitled "Subdivision Plan Highview, Boscawn, New Hampshire, surveyed for Merrimack Development Co., Inc." dated August, 1966, surveyed by W. Robert Nolte & Associates, and being recorded in Merrimack County Registry of Deeds April 29, 1970, as Plan No. 2431, bounded and described as follows:

Commencing at a point on the easterly side of Terrace Hill Road, so-called, said point being located at the northwest corner of Lot No. 13 on said plan and the southwest corner of the lot herein conveyed; thence along the easterly side of said road a distance of one hundred fifty (150) feet, more or less, to a point, said point being the northwest corner of the lot herein conveyed; thence North 68 degrees 00 minutes 00 seconds East along Lot No. 15 on said Plan a distance of one hundred eighty-five (185) feet, more or less, to a point; thence South 22 degrees 00 minutes 00 seconds East along Lot No. 5 on said plan a distance of one hundred fifty (150) feet, more or less, to a point; thence South 68 degrees 00 minutes 00 seconds West along Lot No. 13 on said plan a distance of one hundred eighty-five (185) feet, more or less, to the point of beginning. Containing 27,750 square feet, more or less.

This conveyance is subject to any and all duly recorded easements given to Concord Electric Company or any other utility by the Merrimack Development Corporation. This conveyance is also subject to the restrictions as described in deed recorded at Book 1082, Page 7.

Meaning and intending to convey the same premises conveyed to me by deed of John G. Reardon, Jr. and Donna L. Reardon dated August 28, 1980 and recorded at the Merrimack County Registry of Deeds at Book 1378, Page 040.

Dated this 29 day of March, 1996.

≪STATE OF	NEM HA	MPSHIRE*
DEPARTMENT OF REVENUE ADMINISTRATION		REAL ESTATE TRANSFER TAX
41149	7	99
THOUSAND	HUNORED	ANDDOLLARS
THOUSAND		AND DOLLARS
THOUSAND	210139	ANDDOLLANS

D. Gail Lahey

STATE OF NEW HAMPSHIRE COUNTY OF Meximula

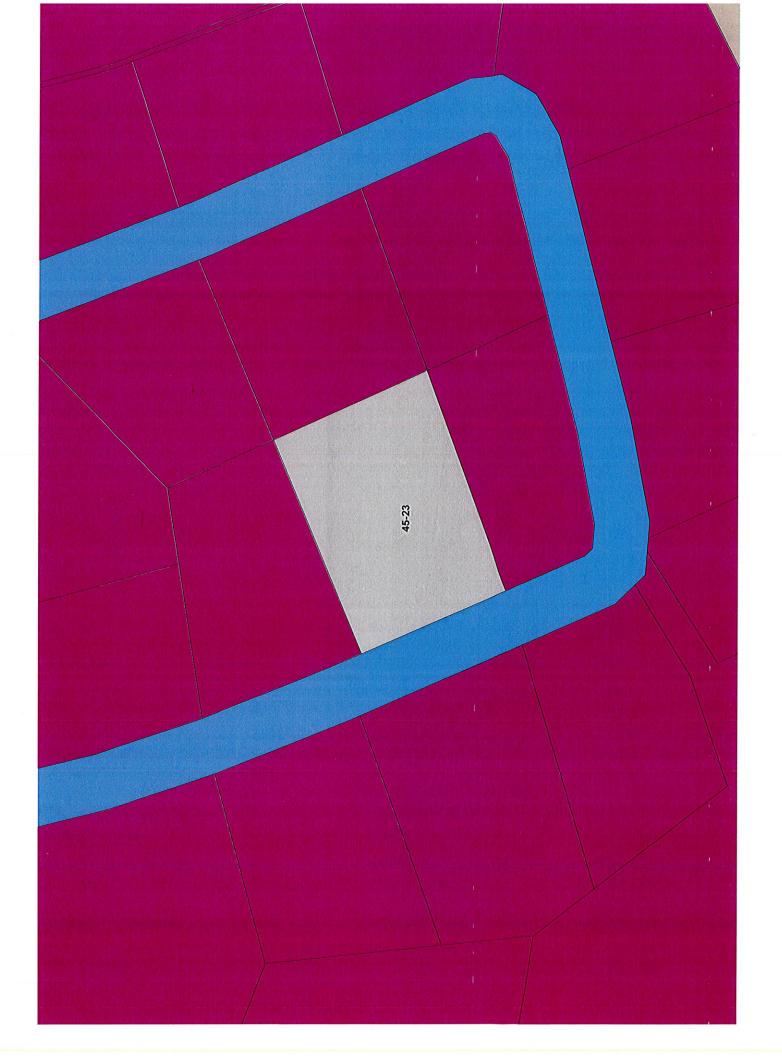
March 29, , 1996

Personally appeared D. Gail Lahey, known to me, or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument and acknowledged that she executed the same for the purposes therein contained.

Before me,

My Commissia expire: Zoob

MERRIMACK COUNTY RECORDS



VARNEY, MARK E.		The state of the s
& KIMBERLY A. 12 TERRACE HILL ROAD BOSCAWEN, NH 03303	Date         Book         Page         Type         Price Grantor           04/01/1996         2017         0441         QI         79,900         LAHEY, D. GAIL	
KCVM INSP MARKED FOR INSPECTION KCVM KCVM KCVM KCVM KCVM KCVM KCVM KCVM	NOTES  YELLOWVWO-ON SLAB;;DNPU 10X6 RUBBER MADE SHED = NIV; 6/10 SPK W/SON NO INFO; MONITOR LIKE HEAT; DEMO OLD SHED, ADDED NEW 10X12 SHED; 7/15 INFO FROM HO, DNVI PER HO, STATES NEW ROOF 2 YRS AGO; REMOVED CARPET REPLACED W/ LINO; ADD OPF/DEK & CORR	Yes.
	EXTRA FRATIIRES VALITATION	MUNICIPAL SOFTWARE BY AVITAR
Feature Type Units La	Units Lngth x Width Size Adj Rate Cond Market Value Notes	BOSCAWEN ASSESSING
MENT	12 x 10 193 10.00 50 1,158 12 x 10 193 8.00 50 926 EST ATT 2.100	OFFICE
		Year         Building         Features         Land           2018         \$ 100,700         \$ 2,100         \$ 100,800
		Parcel Total: \$2,100 Parcel Total:
		2020 \$ 100,700 \$ 2,100 \$ 100,800 Parcel Total: \$ 203,600
	TAND VALUATION OF DAYING SECTION OF SECTION	LAST REVALUATION: 2018
	ge: 125	Site: AVERAGE Driveway: PAVED Road: PAVED
0.637 ac 91		

05/12/2020	The second secon					Fixtures: 3	aces:	tors:	<del>-, .</del>	RSA 88.00	0.9224	\$ 81.17	L.S.	Adj. Effect.		153	0.10	1.57		 			IATION	\$ 127.518	1970	21 %				21 %	\$ 100,700
Printed:	BUILDING DETAILS	AME RANCH IIP/ASPHALT	<u>u</u>	OR SIM		9: 9:	: Fireplaces:	Generators:		Base Rate:	Bldg. Rate:	Sq. Foot Cost:	AREA DETAIL	Area	128		32 0. 1536 0						ILDING VALU			GOOD					
BOSCAWEN	Secretary of the Policy of the	Model: 1 STORY FRAME RANCH Roof: GABLE OR HIP/ASPHALT	Ext: VINYL SIDING Int: DRYWALL	Floor: LINOLEUM OR SIM	GAS/FA	Bedrooms: 3 Baths: 1.0	Extra Kitchens:	A/C: No	Quality: A0 AVG Com. Wall:	Size Adj: 1.0364			BUILDING SUB AREA DETAILS	ID Description			DEK DECK SI.B SI.AB	١.,					2018 BASE YEAR BUILDING VALUATION	Market Cost New:	Year Built:	Condition For Age:	Physical:	Economic:	Temporary:	Total Depreciation:	Building Value:
HILL	TAXABLE DISTRICTS	Percentage % 100																		 		24				4	1				
12 TERRACE HILL	IAXABL	District Water Dist			:																				S	양	DEK				
	A series and commence of the c					PERMIIS	Notes																			.0					
Card: 1 of 1	OWNER	VARNEY, MARK E. & KIMBERLY A.	I2 TEKKACE HILL KOAD	BOSCAWEN, NH 03303			Project Type											5.4	<b>*</b>		ļ	SCB			54	4	1				
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Lot: 000023	PICTURE																														
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