

APPLICATION FOR A VARIANCE

Do not write in this space.

Case No. _____

Date Filed _____

(signed - ZBA)

To: Zoning Board of Adjustment,

Town of Gilmanton

Name of Applicant Andrew & Cheryl Schkuta

Address 26 Paulson Drive Burlington, MA 01803

Owner SAME
(if same as applicant, write "same")

Location of Property Hemlock Drive map 119 Lot 162
(property address) (map & lot number)

NOTE: This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if the space provided is inadequate.

Application for a Variance

A variance is requested from article VII IV III section C(1.)(b) table 2 of the zoning ordinance to permit _____

A new structure on a non-conforming lot

Facts in support of granting the variance:

1. Granting the variance would not be contrary to the public interest because:
A lakefront lot is used for residential use.

2. If the variance were granted, the spirit of the ordinance would be observed because:
The lot is pre-zoning and dimensionally insufficient.

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

The lot meets NHDES Septic and Shoreland rules

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

A new house adds value

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 lot was created before zoning and does not have sufficient depth to meet the road and lake setbacks.

- and -

ii. The proposed use is a reasonable one because:

The proposed stormwater improvements and site design mitigate the environmental impact to the lake.

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.


Please provide the following information regarding the subject property:


1. Is the land, building or structure in question located on a Class V road? Yes
2. What is the frontage of the lot? 158.1'
3. What is the height of the structure? less than 35'
4. Does the proposed construction involve the addition of any bedrooms to an existing home? NO
5. Is a septic system design approval from the NH Department of Environmental services necessary for the proposed construction? Yes
If so, what is the State approval number? pending

If the previous questions are not answered completely, the applicant may be notified that this appeal could be rejected for lack of information.

I understand that I must appear in person or be represented by my agent at the public hearing. The agent who represents me at this hearing must be familiar with the case and I agree to be bound by his or her testimony.

By signing this application, you as owner or applicant representing the owner, hereby give permission for any member of the Zoning Board of Adjustment or Conservation Commission, to enter onto the property in order to make a decision based on attributes of the property.

Applicant  Date 3/30/23
Andrew Schkuta (Signature)

Applicant  Date 3/30/23
Cheryl Schkuta (Signature)

If your variance is granted, the building permit will be issued no sooner than 30 days following the decision in order for the appeal process to expire.

Andrew & Cheryl Schkuta
26 Paulson Drive
Burlington, MA 01803

RE: Zoning Board of Adjustment, Hemlock Drive, Map 119 Lot 162 Gilmanton, NH

To Whom It May Concern:

We give, Thomas W. Varney, PE, permission to represent us, as agent, at the Gilmanton Zoning Board of Adjustment and answer questions from the Gilmanton Planning Department concerning the zoning board application.

Signed:

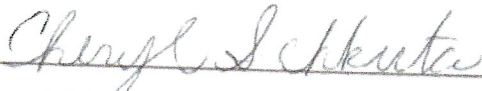


Andrew Schkuta




Date

Signed:



Cheryl Schkuta



Date

Narrative
for
Andrew & Cheryl Schkuta

Map 119, Lot 162
Hemlock Drive, Gilmanton, NH

Andrew & Cheryl Schkuta own this vacant lot on the lake and would like to build a house on the lot. Variances are requested for the proposed building and a retaining wall for setbacks from the lake and the road.

Hemlock Drive is a class 5 road.

A septic system has been designed

A new well is to be installed

A N.H.D.E.S shoreland permit is required and will be obtained.

Town of Gilmanton and Sawyer Lake Village District driveway permits are required.





40 foot Abutters List Report

Gilmanton, NH
March 30, 2023

Subject Property:

Parcel Number: 119-162-000
CAMA Number: 119-162-000-000-000
Property Address: HEMLOCK DR

OWNER:

Mailing Address: SCHKUTA, ANDREW & CHERYL
26 PAULSON DR
BURLINGTON, MA 01803

Abutters:

Parcel Number: 119-161-000
CAMA Number: 119-161-000-000-000
Property Address: 50 HEMLOCK DR

Mailing Address: FORDE, ANDREA TRUSTEE ENOS NH
CABIN TRUST
53 MONTVALE RD
WOBURN, MA 01801

Parcel Number: 119-163-000
CAMA Number: 119-163-000-000-000
Property Address: 40 HEMLOCK DR

Mailing Address: FELD, DERRICK H & WHALEN, KERRY A
21 HILLCREST RD
WALTHAM, MA 02451

Parcel Number: 119-169-000
CAMA Number: 119-169-000-000-000
Property Address: 1 DOCK RD

Mailing Address: BRADLEY, DONALD & JILL
18 CASTLEWOOD DR
BILLERICA, MA 01821

AGENT:

Thomas W. Varney, PE
Varney Engineering LLC
93 Powder Mill Road
Alton, NH 03809




www.cai-tech.com

OWNER INFORMATION
 SCHKUTA, ANDREW & CHERYL
 26 PAULSON DR
 BURLINGTON, MA 01803

SALES HISTORY

Date	Book	Page	Type	Price	Grantor
09/07/2017	3126	862	U V 35	27,000	GILMANTON, TOWN OF
05/21/2014	2912	162	U V 50		WINSTON EST/TAX DEED

PICTURE


LISTING HISTORY

Date	Agent	Description
10/03/17	GWH	EX-M TO IF RES WF
05/27/14	GWH	
06/17/07	GWH	
08/27/03	THRL	
04/09/90	DM	

NOTES
 94 INC 12-2-8400 DUE TO MERGER NOW 162' ON SAWYER LK, UNBUILDABLE, LIMITED UTILITY, VERY STEEP, WOODED LT, 07 WF & AC PER TAX MAP, TAX DEED-NOT AVAILABLE FOR SALE TO PUBLIC UNTIL 5/17; 2019 HAS DOCK; S#2918 (12/2/8300)

EXTRA FEATURES VALUATION

Feature Type	Units	Length	Width	Size Adj	Rate	Cond	Market Value	Notes

MUNICIPAL SOFTWARE BY AVITAR
GILMANTON ASSESSING OFFICE

PARCEL TOTAL TAXABLE VALUE

Year	Building	Features	Land
2022	\$ 0	\$ 0	\$ 26,000
			Parcel Total: \$ 26,000
2023	\$ 0	\$ 0	\$ 26,000
			Parcel Total: \$ 26,000

LAND VALUATION

LAST REVALUATION: 2019
 Site: UNDEV Driveway: N/A 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	0.340 ac	53,788	F	110	60	100	100	85 -- SEVERE	20	6,000	0	N	6,000	SIZE/TOPO/UTL
IF RES WTRFRNT	1.000 wf	x 100,000	X	100					20	20,000	0	N	20,000	SEVERE TOPO/UTL WF
													26,000	



Judith A. McGrath

STATE OF NEW HAMPSHIRE	
DEPARTMENT OF REVENUE ADMINISTRATION	REAL ESTATE TRANSFER TAX
**** Thousand 2 Hundred 03 Dollars	
DATE	AMOUNT
09/07/2017	BE840437 \$****203.00
VOID IF ALTERED	

THE SPACE ABOVE IS FOR RECORDING INFORMATION

QUITCLAIM DEED

THE TOWN OF GILMANTON, a municipal corporation duly organized under the laws of the State of New Hampshire with a mailing address of P.O. Box 550, Gilmanton, NH 03237, for consideration paid, grants to **ANDREW SCHKUTA AND CHERYL SCHKUTA**, husband and wife, as joint tenants with rights of survivorship, whose mailing address is 26 Paulson Drive, Burlington, Massachusetts 01803, with QUITCLAIM COVENANTS:

A certain tract or parcel of land in the Town of Gilmanton, Belknap County, New Hampshire, identified in the town's records as follows:

Land on Hemlock Drive Map 0119 Lot 0162 (f.k.a. M/L 12-2-8300)

Meaning and intending to convey all and the same premises described in the Gilmanton Tax Collector's Deed to the Grantor herein, dated May 20, 2014 and recorded in the Belknap County Registry of Deeds at Book 2912, Page 0903.

The Grantor is exempt from transfer tax under RSA 78-B:2.

EXECUTED this 30th day of August, 2017.

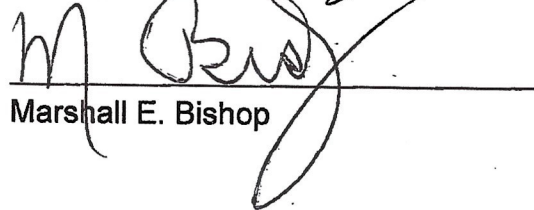
TOWN OF GILMANTON
BY ITS BOARD OF SELECTMEN



Stephen P. McWhinnie, Chairman



Michael J. Jean




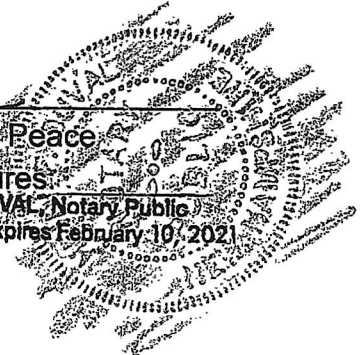
Marshall E. Bishop

STATE OF NEW HAMPSHIRE
COUNTY OF BELKNAP

The foregoing instrument was acknowledged before me this 30th day of August, 2017 by Stephen P. McWhinnie, Michael J. Jean and Marshall E. Bishop, in their capacity as selectmen for the Town of Gilmanton.

Before me,



Notary Public/Justice of the Peace
My Commission Expires
HEIDI F. DUVAL, Notary Public
My Commission Expires February 10, 2021


GILMANTON ROAD LIST

<u>Name</u>	<u>Class</u>	<u>Class</u>	<u>Location - From</u>	<u>Location - To</u>	<u>Area</u>
GRAPE AVE	P		Hemlock Drive	Dead End	Sawyer Lake
GREELEY FARM RD	5		Rt 140	Dead End	
GRIFFIN RD	5		Loon Pond Road	Lougee Road	
GRISWOLD RD	P		Places Mills Rd	Round Pond	Boy Scouts
GUINEA RIDGE RD	5		Sargent Road	Places Mill Road	
GUN WAY	P		Lakeshore Drive	Dead End	Shellcamp
HALLS HILL RD	5		Rt 140	Rt140, Altón	
HALMAR RD	5		Allens Mill Road	Dead End	
HARVEST HILL RD	5		Middle Route	Sawtooth Road	
HATCH RD	5		Stage Road	Barnstead Town Line	
HATTIE SMITH RD	5		Rt 140	Dead End	
HAWES RD	5		Stage Road	Dead End	
HEATH DR	5	P	Crystal Lake Road	Dead End	Crystal Lake
HEMLOCK DR	5	P	Ash Ave		Sawyer Lake
HERITAGE LN	P		Meeting House Rd	Dead End	
HIGH ST	5		Province Road	Currier Hill Rd	
HILL RD	P		Crystal Lake Road	Spaulding Rd	Rainbo Club
HILL TOP FARM RD	P		Middle Route	Dead End	
HOLIDAY DR	P		Crystal Lake Road	Dead End	
HOWARD RD	5	D	Rt 140	Sawtooth Road	
HUSSEY ROAD	5		Stage Road	Foss Road	
HYSLOP DR	5		Rt 140	Rt 140	Corners
INDIANHEAD LN	P		Leatherstocking Ln	Leatherstocking Ln	Shellcamp
INTERVALE DRIVE	P		Summer Street	Dead End	Valley Shores
IRIS AVE	P		Hemlock Drive	Dead End	Sawyer Lake
IVY AVE	P		Sawyer Lake Road	Birch Avenue	Sawyer Lake
JOE JONES RD	5	6	Province Road	Governors Road	
JUSTAMERE LN	P		Glen Echo Road	Terrell Way	Crystal Lake
KITCHEN LANE	P		Province Road	Dead End	Loon Pond
LAKESHORE DR	5		Shellcamp Road		Shellcamp
LAKEWOOD DR	5		Mountain Road	Dead End	Crystal Lake
LAUREL AVE	P		Bear Avenue	Dead End	Sawyer Lake
LEATHERSTOCKING LN	5		Lakeshore Dr	Lakeshore Dr	Shellcamp
LEAVITT RD	5		Middle Route	Dead End	
LEVI LANE	D		Middle Route	Sawyer Lake Road	
LEVITT ROAD, ALTON	5		Places Mill Rd(Alton)	Dead End	
LOCUST AVE	P		Hemlock Drive	Dead End	Sawyer Lake
LOON POND ROAD	5		Province Road	Meadow Pond Rd	
LOU LN	5		Gale Road	Dead End	
LOUGEE ROAD	5	D	Griffin Road	Thistle Road	

