

APPLICATION FOR A VARIANCE

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Case No. 2024-05

Date Filed RECEIVED

MAR 22 2024

(signed - ZBA)

BY:

To: Zoning Board of Adjustment,

Town of Gilmanton

Name of Applicant Robert and Ileana Stone

Address PO Box 207, Gilmanton Iron Works, NH

Phone # [REDACTED] Email: [REDACTED]

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

Location of Property 5 Bacon Way Map 110 Lot 006
(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 Article IV section Table 2 of the zoning ordinance to permit construction of a 16' x 18' pervious patio and a 4' wide stairway.

The proposed patio and stairway are within the 20' lot line setbacks and the 75' setback from water bodies.

Facts in support of granting the variance:

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

The lot is very narrow with a private road frontage of 38.9' and a lake frontage of 50'. The lot was created before the zoning ordinance was established. To apply the setbacks now would make the lot non-buildable. While setbacks provide the "breathing room" of a neighborhood, they have not been applied in the Bacon Way neighborhood and much of the Pine Circle neighborhood. Many of these lots are very narrow yet still have cottages and decks that do not meet the current zoning setbacks. As such, we do not believe the variance would be contrary to the public interest.

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

If granted, we believe the spirit of the ordinance would be observed.
The proposed patio fits the character of the neighborhood as the abutting homes have made the same improvements with water viewing decks within the side and lakefront setbacks.

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

Substantial justice would be achieved because the proposed pervious patio and steps are a reasonable use of lakefront property. We do not believe that the benefit to us as the applicant would outweigh harm to the public because the narrow lots in the Bacon Way and Pine Circle neighborhood already have such decks and access to the lake.

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

The proposed improvements consisting of the pervious patio and steps fit right in with the neighborhood. There would be nothing conspicuous with these improvements that would cause the values of neighboring properties to diminish.

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 narrow nature of the lot is a special condition of this property that was created before the zoning ordinance was established. The sideline and water body setbacks, as applied to this property in the context of the surrounding neighborhood, do not serve the purpose of the setbacks in a fair and substantial way. If strictly applied, nothing could be built on this property.

- and -

ii. The proposed use is a reasonable one because:

Given the narrowness of the lot, the proposed use is reasonable because it allows for the normal and anticipated use of a lakefront property. The proposed improvements of the pervious patio and steps fit closely with the character of the neighborhood which has narrow lots and lake viewing decks that do not meet the sideline and water body setbacks. This is particularly characteristic of the two abutting lots.

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 road frontage is 38.9' and lake frontage is 50'. If the setbacks were strictly applied, nothing could be built on this property. There would be no reasonable use that could be made of the property that would be permitted under the ordinance.


Please provide the following information regarding the subject property:

1. Is the land, building or structure in question located on a Class V road? No, it is off a private road.
2. What is the frontage of the lot? 38.9 feet along Bacon Way
3. What is the height of the structure? The pervious patio would be built at grade.
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? No
If so, what is the State approval number? N/A
6. If property is vacant, please provide a description of the location, a neighboring house address, and/or the utility pole number on the subject property:
It is occupied.

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 Robert Stone  Date 3-22-2024
(Signature)

Applicant Heana Stone  Date 3/22/24
(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.

Bob and Ileana Stone
5 Bacon Way – GIW
Tax Parcel 110-006



Photo Point 1: 10-25-2023 showing northerly sideline of the property. The Stone property is on the left (Tax Parcel 110-6) and the Barry property on the right (Tax Parcel 110-7).



Photo Point 2: 10-25-2023 showing frontage along Bacon Way (a private road). The narrowness of the lots is noticeable in this photo. The Stone property is in the center of the photo.



Photo Point 3: 10-25-2023 an easterly view showing the southerly property line along the stockade fence (right). For perspective, the length of the section of stockade fence in the center of the photo is 18'.



Photo Point 4: 10-25-2023 – an easterly view from the shoreline.



Photo Point 5: 10-25-2023 Southerly view showing shore frontage.



Photo Point 6: 10-25-2023 Southeasterly view showing existing landscape tie steps. These steps are proposed to be left in place with the space between steps planted with low-bush blueberry plants. Note: some tree cutting has occurred since this photo – all stumps are in place and the point scores are met per grid (See Sheet 6 of Plan Set).



Photo Point 7: Westerly view of “Myles” and area where proposed pervious patio and steps are proposed.



Photo Point 8: 2-28-2024 – a view over the northerly property line showing the deck on the abutting property at 7 Bacon Way (Tax Parcel 110-007).



Photo Point 9: 2-28-2024 – a view over the southerly property line showing the deck and stairs on abutting property at 3 Bacon Way (Tax Parcel 110-005).



5 Bacon Way (Parcel 110-006)

Town of Gilmanton, NH

1 inch = 40 Feet



March 5, 2024



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Tax Map 110

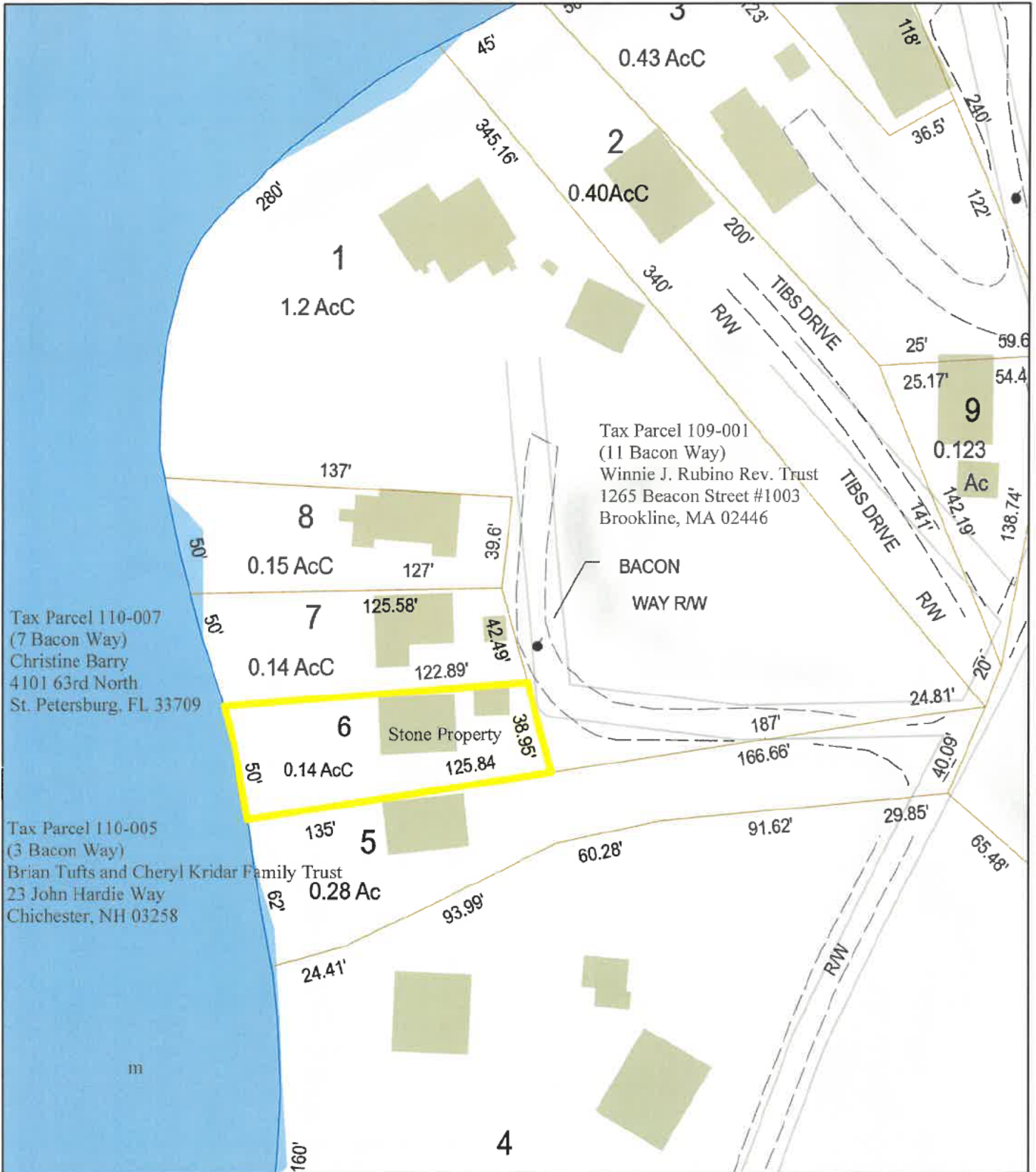
Town of Gilmanton, NH

1 inch = 60 Feet



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March 5, 2024



Tax Parcel 110-007
(7 Bacon Way)
Christine Barry
4101 63rd North
St. Petersburg, FL 33709

Tax Parcel 110-005
(3 Bacon Way)
Brian Tufts and Cheryl Kridar Family Trust
23 John Hardie Way
Chichester, NH 03258

Tax Parcel 109-001
(11 Bacon Way)
Winnie J. Rubino Rev. Trust
1265 Beacon Street #1003
Brookline, MA 02446

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10 feet Abutters List Report

Gilmanton, NH
March 05, 2024

Subject Property:

Parcel Number: 110-006-000
CAMA Number: 110-006-000-000-000
Property Address: 5 BACON WAY

Mailing Address: STONE, ROBERT R & ILEANA M &
SEEWALD, H MARIE ESTATE OF
PO BOX 207
GILMANTON IW, NH 03837

Abutters:

Parcel Number: 109-001-000
CAMA Number: 109-001-000-000-000
Property Address: 11 BACON WAY

Mailing Address: RUBINO TR, WINNIE J RUBINO 2006
REV TR 10/18/06
1265 BEACON STREET #1003
BROOKLINE, MA 02446

Parcel Number: 110-005-000
CAMA Number: 110-005-000-000-000
Property Address: 3 BACON WAY

Mailing Address: TUFTS TR, BRIAN B & CHERYL J
KRIDAR FAMILY TR 5/20/13
23 JOHN HARDIE WAY
CHICHESTER, NH 03258

Parcel Number: 110-007-000
CAMA Number: 110-007-000-000-000
Property Address: 7 BACON WAY

Mailing Address: BARRY, CHRISTINE
4101 63RD NORTH
ST PETERSBURG, FL 33709



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