

**ZONING BOARD OF ADJUSTMENT
TOWN OF HANOVER, NH**

VARIANCE

FOR OFFICE USE ONLY

Case No. _____
Fee total _____
Date filed _____
Received by _____

Applicant FRANK J. BARRETT, JR. ARCHITECT
Mailing Address 281 THE BEND ROAD; GREENSBORO BEND, VT 05842
Phone No (802) 296-0004
Email FRANKJBARRETTJR@GMAIL.COM
Property Owner VILLA NOYES BREESE-BARRETT, TRUSTEE
Mailing Address 97 ETNA ROAD; ETNA, NH 03750
Phone No (603) 643-5575 603 277 9824
Project Location (Street Address) 97 ETNA ROAD
Tax Map 29 Lot 20 Zoning District "B" BUSINESS

Applicant hereby requests a Variance pursuant to Article 14, Section 405.3 of the Hanover Zoning Ordinance to permit:

A DWELLING UNIT ON THE FIRST FLOOR

Applicant alleges the following circumstance(s) exist which prevent the proposed use of the property under the strict terms of the Hanover Zoning Ordinance:

SEE ATTACHED LETTER

THE UNDERSIGNED HEREBY GRANTS PERMISSION for members of the Zoning Board to enter property for purposes of reviewing the information provided in this application.

Owner/Agent Signature F. BARRETT JR. Date 9/26/2023

This application has been completed in accordance with the Hanover Zoning Ordinance.

Owner/Agent Signature F. BARRETT JR. Date 9/26/2023

I hereby acknowledge receipt of this application.

Zoning Administrator: _____ Date: _____

VARIANCE

SUBMISSION REQUIREMENTS CHECKLIST

Payment of **filing fee** \$300 + \$25 Legal Notice + \$15 per name on notification list*
(*NO exclusions; every name)

SEVEN copies of the following, COLLATED

This **checklist** – completed by the applicant

1st page of this application – completed by the applicant

Application bears the signature of the property owner or authorized agent **OR** is accompanied by a letter of authorization signed by property owner or authorized agent

Notification List – provided by the applicant

Notification requirements are outlined in NH RSA 676:4, I(d) & in the Hanover Zoning Ordinance.

The notification list shall be drafted not more than FIVE days prior to filing.

The notification list shall include the **names AND mailing addresses** of:

Owner of the subject property

Applicant (if different from the owner of the subject property)

Abutting property owners

A list of abutting property owners & mailing addresses can be generated & printed from the Assessor's records at: axisgis.com/HanoverNH/
Please call (603) 640-3213 for assistance.

Every engineer, architect, land surveyor, or soil scientist whose professional seal appears on the plan

All holders of conservation, preservation or agricultural preservation restrictions as defined in RSA 477:45 *N/A*

The preparer of the plan *N/A*

For properties under a condominium or other collective form of ownership, a list of the officers of the collective or association, is acceptable. When the officers are not known, each individual condominium owner must be listed. *N/A*

For structures and building sites within 500 feet of the top of the bank of any lake, pond, river, or stream, NHDES must be notified. *N/A*

*** Failure to provide accurate information may result in hearing delays ***

The **Requirements Checklist for Granting a Variance** – completed by applicant

A **detailed letter**

Describing the request

Addressing the application criteria

Copy of Administrative Decision *N/A*



100 foot Abutters List Report

Hanover, NH
September 26, 2023

Subject Property:

Parcel Number: 29-020-01
CAMA Number: 29-020-01
Property Address: 97 ETNA RD

Mailing Address: BARRETT, WILLA NOYES BREESE - TRUST
97 ETNA RD
ETNA, NH 03750-3307

Abutters:

Parcel Number: 29-008-01
CAMA Number: 29-008-01
Property Address: 90 ETNA RD

Mailing Address: BARLOWE, CHARLES K & PO BOX 324
ETNA, NH 03750-0324

Parcel Number: 29-009-01
CAMA Number: 29-009-01
Property Address: 98 ETNA RD

Mailing Address: AHLERS, KAITLYN P & 98 ETNA RD
ETNA, NH 03750-3304

Parcel Number: 29-010-01
CAMA Number: 29-010-01
Property Address: 104 ETNA RD

Mailing Address: MARSHALL, MATTHEW III & PO BOX 4
ETNA, NH 03750-0004

Parcel Number: 29-018-01
CAMA Number: 29-018-01
Property Address: 3 SCHOOL HOUSE LN

Mailing Address: DICKINSON, MARILYN - LIVING TRUST
PO BOX 192
ETNA, NH 03750-0192

Parcel Number: 29-019-01
CAMA Number: 29-019-01
Property Address: 101 ETNA RD

Mailing Address: DICKINSON, RAYMOND C JR - LIVING TRUST
PO BOX 192
ETNA, NH 03750-0192

Parcel Number: 29-021-01
CAMA Number: 29-021-01
Property Address: 87 ETNA RD

Mailing Address: BLASCHAK, CHRISTOPHER M & PO BOX 209
ETNA, NH 03750-0209

FILING FEE:

⊕ #300
⊕ #25 LEGAL NOTICE
⊕ (6) #15 = #90.

#415



www.cai-tech.com

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September 28, 2023

Willa Noyes Breese-Barrett
97 Etna Road
Etna, NH 03755

RE: 97 Etna Road.

To Whom it May Concern.

I hereby designate Frank J. Barrett, Jr., A.I.A., Architect as my applicant / agent for purposes of filling permits with and making representations before, the Hanover Zoning Board of Adjustment, concerning my property located at 97 Etna Road; Tax Map 29; Lot 20; in the Business "B" zoning district.

Sincerely,



Willa Noyes Breese-Barrett



barrett architecture
FRANK J. BARRETT, JR. AIA

Hanover Zoning Board of Adjustment
c/o Town of Hanover
P. O. Box 483
Hanover, NH 03755

September 26, 2023

Attn:

Bruce Simpson, Zoning Administrator.

Re:

Property Located at 97 Etna Road.

Tax Map 29 – Lot 20; in the Business “B” zoning district.

Dear Members of the Hanover Zoning Board of Adjustment.

This **Application for Variance** concerns the existing property located at 97 Etna Road, in the **Business (B) Zoning District**. The property owner of record is Willa Noyes Breese-Barrett, Trustee of the Willa Noyes Breese-Barrett Trust. Ms. Breese-Barrett is requesting a Variance to the terms of **Article IV; Section 405.3** of the adopted Hanover Zoning Ordinance (The Ordinance) to allow a dwelling unit on the first-floor level of the existing building.

Background Information.

The property in question consists of 8,276 square feet (0.189 acre) of land, all of which is located within the Business (B) Zoning District. The lot is a narrow rectangle in shape – measuring approximately 165-feet by 50-feet. There is no current boundary survey of the property. The property borders Mink Brook on the easterly side, and Etna Road on the westerly side for approximately 165-feet of frontage. On the northerly side it borders on the so-called Etna Store property, also within the “B” zoning district, for approximately 50-feet; and on the southerly side it borders on a single-family property located in the “SR-2” Zoning District.

The existing lot configuration predated the first townwide zoning ordinance adopted in 1961. As per **Section 405.3.C** of the current adopted Ordinance, the minimum required lot size in the B district is 40,000 square feet (.91 acre); and the minimum required lot frontage is 200-feet. Therefore, as per the terms of the current Ordinance, this existing property is a **pre-existing non-conforming lot**.

The single building located on the property is best thought of as being in four (4) connected parts, as follows:

- The existing 24 by 40-feet, 1 ½ story, residential “house”. This building is believed to have been constructed about the middle of the nineteenth century and has, as far as we know, always been used for residential purposes, on both the first and second floor levels; and it is currently being used for residential purposes on both floor levels.

- The existing 22 by 27-feet, 1 ½ story, “middle” section of the house. This portion of the building was erected circa 1992 by Ms. Breese-Barrett and replaced the footprint of an existing small barn-like structure that was in structurally poor condition. At the time, this required approval by the Hanover ZBA because of wetland setbacks and the like. Both floor levels are currently being used for residential purposes.
- The existing attached 33 by 20-feet, single-story, former barn-like structure with an unfinished attic area, also believed to be of nineteenth century origins. When Ms. Breese-Barrett purchased the property in May 1978 the Etna Post Office was a paying tenant located within this entire section of the building complex for many years pre-dated by the 1961 zoning ordinance. The Post Office relocated to School House Lane more than ten years ago; however, Ms. Breese-Barrett has continued, of and on, to rent the space for office use.
- The attached 16 by 20-feet so-called “End Shed”, an unfinished cold storage area. It too pre-dates the 1961 zoning ordinance; and has consistently been used for cold storage purposes.

The property is served by municipal sanitary sewer and shares a private water supply (a drilled well) with the adjacent Etna Store property.

The entire footprint area of all four sections described above equals 2,534 gross square feet, less several small deck/porch areas. The section of the building that is the subject of this **Application for Variance** is the former post office space, which has a gross footprint area of 660 square feet.

Ms. Breese-Barrett is now requesting a **Variance** to allow a studio dwelling unit to be created within the entire first floor, 660 gross square foot area of the so-called former post office space, contrary to **Article IV, Section 405.3.B Uses**, of the adopted Ordinance, that only allows residential uses above the first floor. It has become apparent, for an extended period now, to the property owner that there is little or no market for this small amount of office or business space. In fact, none of the permitted uses as outlined in the Ordinance really fit this specific property. What is clear is that there is a very substantial market and need for residential use, be that on the first or second floor levels.

Variance Criteria.

For the Hanover Zoning Board of Adjustment to grant this proposed **Application for Variance**, the following five (5) criteria must be successfully addressed by the Applicant.

1. The variance is not contrary to the public interest.

The Ordinance clearly allows residential use on the second-floor level of structures within this zoning district. Therefore, residential is a use at least partially allowed within the B district – just not on the first-floor level. Furthermore, a single, small studio apartment of the type being proposed places a far less burden on vehicular traffic and parking than any of the permitted uses in this district as outlined by the Ordinance. The adjacent present multi-family dwelling unit use of this existing property is very benign and



unassuming, with no safety issues noted over the course of more than a generation. The same cannot be so stated of any of those uses that are permitted as a right, or those uses permitted by Special Exception. In fact, we believe that none of those uses permitted by right or by Special Exception are an appropriate and safe fit with this preexisting non-conforming property that predates the initial 1961 adoption of townwide zoning.

2. The Spirit of the Ordinance is observed.

In addition to the points offered above, we add that this proposal does nothing to alter the long-established essential character of the neighborhood. The number of exterior alterations that will be required of this section of the building will be limited to some small amount of window and door fenestration.

There is more than enough space in front of this section of the building for several parking spaces to serve the proposed new studio dwelling unit. Vehicular traffic sight distances are good, and the posted speed limit is low. Therefore, this proposal does not in any way create potential health or safety concerns. In fact, it lessens them compared to retail uses as permitted by right by the Ordinance.

3. Substantial justice is done.

Given the overall configuration of both the existing lot and building, and with no lack of effort on Ms. Breese-Barrett's behalf, she has not been able to find a suitable tenant that aligns with the permitted uses, as allowed by right or Special Exception, for this space within the overall building complex. Allowing residential use on the first-floor level of this space within the existing building, which is allowed by right on the second-floor level, would provide Ms. Breese-Barrett with an appropriate degree of substantial justice and relief. And such justice is in no way at the expense of possible harm to the general public, or other individuals, or to the welfare and rights of abutting properties. The denial of this proposed Variance would only penalize the property owner for no obvious or conceivable reason, and with no benefit to the overall interests of the public.

4. The values of surrounding properties are not diminished.

First floor residential use is already taking place within the first-floor area of this small building complex, and has been since well before the 1961 adoption of townwide zoning. There is no indication that this has in any way negatively impacted adjacent property values. In fact, the existing property directly across the street, albeit within the SR-2 zoning district, is a single-family residence of similar scale to this property in question. There is no evidence or indication that this proposal will in any way negatively impact adjacent property values. In fact, it can be argued that having the first-floor area of the so-called former post office space be vacant would in time be a detriment to the long-term vitality, civic, and economic life within the village area of Etna village.



5. Literal enforcement of the Ordinance would result in unnecessary hardship.

As previously discussed above, literal enforcement of a use that is, with limitations (allowed on the second floor level), allowed within this small zoning district, and already exists within this existing small building complex, would only penalize the property owner, and therefore create an unnecessary hardship, with no apparent benefit for the health, welfare, and overall well-being of the public, be that abutting property owners of the greater public at large. Therefore, we ask the Board of Adjustment to do just that, adjust the ordinance as per this specific request, so that Ms. Breese-Barrett does not experience an unnecessary, and totally avoidable, hardship that is not of her making.

Thank you for your consideration of this important matter. We look forward to further discussion of the matter at the upcoming public hearing.

Sincerely,

A circular professional seal for Frank J. Barrett, Jr., A.I.A., No. 1581, State of New Hampshire. The seal is stamped in blue ink. Overlaid on the seal is a handwritten signature in blue ink that reads "Frank J. Barrett, Jr." and a date "9/26/2023". There are also some faint blue lines and marks around the seal.

Frank J. Barrett, Jr., A.I.A.
Architect

Cc: Willa Noyes Breese-Barrett
File





PROPOSED
NEW STUDIO
DWELLING
UNIT

APPROXIMATE
PROPERTY
LINES

ETNA ROAD

105' ±

PARKING

ORIGINAL
HOUSE

MIDDLE
SECTION

FORMER
P.O.

BAND
SHEED

55' ±

ETNA
STAKE

WALK BRACK

FRANK J. BARRETT, ARCHITECT
SITE PLAN
SCALE: 1/8" = 1'-0"