APPLICATION FOR APPEAL

Zoning Board of Adjustment Town of Greenville Greenville, NH 03048	Do not write in Case No Date filed (signed	-ZBA)
Name of applicant Donald & Jeanne Holman Address 21 Rousseau Heights, Greenville NH 02 Owner Donald R. Holman and Jeanne A. Holman Revo. (if same as applicant, write "same")	cable Trust of	
Location of property Rousseau Height	ſ	
Location of property Rossew Height May 7 Lot 17-1 (number, street) (map number & lot number, zoning distr	esidential	Datrict
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NOTE: Fill in Section 1, 2, 3, or 4 as appropriate. This application required statements have been made. Additional information may sheet if the space provided is inadequate. Sign application at end. Section 1. APPEAL FROM AN ADMINISTRATIVE DECISION Relating to the interpretation and enforcement of the provisions of Decision of the enforcement officer to be reviewed	be supplied on a sep	parate
Numb	per Da	te
article of the zoning ordinance in question:		
Section 2. APPLICATION FOR A SPECIAL EXCEPTION Description of proposed use showing justification for a special except the zoning ordinance article section	eption as specified i	n

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II.

Section 4. APPLICATION FOR EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS An Equitable Waiver of Dimensional Requirements is requested from article Section ______of the zoning ordinance to permit _____ 1. Does the request involve a dimensional requirement, not a use restriction? () yes () no 2. Explain how the violation has existed for 10 years or more with no enforcement action, including written notice, being commenced by the town Explain how the nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had been transferred to a bonafide purchaser And how the violation was not an outcome of ignorance of the law or bad faith but resulted from a legitimate mistake _____ 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 SIGNATURE Applicant Sorald R. Halman Date 3/2/23 Gignature) June A Helman 3/2/23

INSTRUCTIONS TO APPLICANTS APPEALING TO THE 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 TITLE LXIV, RSA Chapters 672-678, covering planning and zoning.

Four types of appeals can be made to the board of adjustment:

Variance: A variance is an authorization which may be granted under special circumstances to use your property in a way that is not permitted under the strict terms of the zoning ordinance. For a variance to be legally granted, you must show that your proposed use meets all five of the following conditions:

- 1. Granting the variance must not be contrary to the public interest.
- 2. The proposed use is not contrary to the spirit of the ordinance.
- 3. Granting the variance would do substantial justice.
- 4. The proposed use would not diminish surrounding property values.
- 5. Denial of the variance would result in unnecessary hardship to the owner. Hardship, as the term applies to zoning, results if a restriction, when applied to a particular property, becomes arbitrary, confiscatory, or unduly oppressive because of conditions of the property that distinguish it from other properties under similar zoning restrictions. RSA 674:33, I(b)(5) provides the criteria for establishing unnecessary hardship:
 - (A) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:
 - (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; and
 - (ii) The proposed use is a reasonable one.
 - (B) 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.

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

Appeal from an Administrative Decision: If you have been denied a building permit or are affected by some other decision regarding the administration of the Greenville zoning ordinance, and you believe that the decision was made in error under the provisions of the ordinance, you may appeal the decision to the board of adjustment. The appeal will be granted if you can show that the decision was indeed made in error.

If you are appealing an administrative decision, a copy of the decision appealed from must be attached to your application.

Special Exception: Certain sections of the zoning ordinance provide that a particular use of property in a particular zone will be permitted by special exception if specified conditions are met. The necessary conditions for each special exception are given in the ordinance. Your appeal for a special exception will be granted if you can show that the conditions stated in the ordinance are met.

If you are applying for a special exception, you may also need site plan or subdivision approval, or both, from the planning board. Even in those cases where no planning board approval is needed, presenting a site plan to the planning board will assist in relating the proposal to the overall zoning. This should be done before you apply for a special exception.

Equitable Waiver of Dimensional Requirements: The board may grant an equitable waiver only for existing dimensional nonconformities, provided the applicant can meet the required standards.

- The nonconformity was not discovered until after the structure was substantially completed or after a vacant lot in violation had been transferred to a bona fide purchaser.
- 2. The nonconformity was not an outcome of ignorance of the law or bad faith, but was instead caused by a good faith error in measurement or calculation.

If these conditions are satisfied, the board can move on to the additional findings to grant the waiver:

- 3. The nonconformity does not constitute a public or private nuisance nor diminish the value or interfere with future uses of other property in the area; and
- 4. The cost of correction would far outweigh any public benefit to be gained.

In lieu of the requirements in paragraphs (1) and (2), the violation has existed for 10 years or more with no enforcement action, including written notice, commenced by the town.

For any appeal, the application form must be properly filled out. The application form is intended to be self-explanatory, but be sure that you show:

WHO owns the property. If the applicant is not the owner, this must be explained.

WHERE the property is located.

DESCRIBE the property. Give area, frontage, side and rear lines, slopes and natural features, etc.

WHAT do you propose to do? Attach sketches, plot plans, pictures, construction plans, or whatever may help explain the proposed use. Include copies of any prior applications concerning the property.

WHY does your proposed use require an appeal to the board of adjustment? WHY should the appeal be granted?

Prepare a list of all abutting property owners, have it verified at the city/town office, and attach it to your application. If you have any difficulty, consult the assessor's office, but the accuracy of the list is your responsibility. Mail or deliver the completed application, with all attachments, to the clerk of the board or to the office of the board of selectmen. A fee is charged sufficient to cover the cost of preparing and mailing the legally-required notices. Make check payable to city/town of Greenville and remit with your application.

The board will promptly schedule a public hearing upon receipt of your properly completed application. Public notice of the hearing will be posted and printed in a newspaper and notice will be mailed to you and to all abutters, and to other parties whom the board may deem to have an interest, at least five days before the date of the hearing. You and all other parties will be invited to appear in person or by agent or counsel to state reasons why the appeal should or should not be granted.

After the public hearing, the board will reach a decision. You will be sent a notice of decision.

If you believe the board's decision is wrong, you have the right to appeal. The selectmen, or any party affected, have similar rights to appeal the decision in your case. To appeal, you must first ask the board for a rehearing. The Motion for Rehearing may be in the form of a letter to the board. The motion must be made within 30 days of the decision and must set forth the grounds on which it is claimed the decision is unlawful or unreasonable.

The board may grant such a rehearing if, in its opinion, good reason is stated in the motion. The board will not reopen a case based on the same set of facts unless it is convinced that an injustice would be created by not doing so. Whether or not a rehearing is held, you must have requested one before you can appeal to the courts. When a rehearing is held, the same procedure is followed as for the first hearing, including public notice and notice to abutters.

See RSA Chapter 677 for more detail on reheating and appeal procedures.

Introduction

Donald and Jeanne Holman, in their capacity as Trustees of the Donald R. Holman and Jeanne A. Holman Revocable Trust of 2017, own the subject property known as 0 Rousseau Heights (Tax Map 17, Lot 17-1). The lot is currently vacant, consisting of approximately 1.2 acres (52,272 square feet), with 200' of road frontage, and is situated in the Residential District. The subject property, at 1.2 acres, is among the largest lots in the neighborhood. Municipal water is accessible in the street in front of the subject property. The property is conforming with the current version of the Town's Zoning Ordinance in all respects except for Minimum Lot Size (Appendix A). Based on a recent review of the tax card, the subject parcel is assessed at a \$44,000, a value that suggests the lot is buildable. Mr. and Mrs. Holman have dutifully paid property taxes on the lot during the period of their ownership. Mr. and Mrs. Holman purchased the subject property, along with the adjacent lot at 21 Rousseau Heights (Tax Map 17, Lot 17), where they live in their home, between 1957 and 1963. Since the creation of the property predates adoption of the Town's current Zoning Ordinance, it is a lawful preexisting lot of record.

Mr. and Mrs. Holman propose to construct a single-family dwelling and related infrastructure on the subject property, as shown on the attached plan, and request a variance from the ZBA by way of this application to allow such construction on their lot that has 1.2 acres whereas 2.0 acres is required by Section A.2, Minimum Lot Size for New Single-Family Buildings, of Appendix A, Minimum Lot Size Ordinance of the Zoning Ordinance.

1. The proposed use would not diminish surrounding property values because:

Granting the variance will not diminish the value of surrounding properties. The subject property is located within the Residential District and in the Rousseau Heights neighborhood, a neighborhood primarily featuring single-family homes. The proposed single-family home is consistent with the character of the neighborhood. Mr. and Mrs. Holman are prepared to meet all other dimensional requirements and will not encroach on any setbacks as required by the Zoning Ordinance. The lot is among the largest in the neighborhood and can support a single-family home and related infrastructure as demonstrated on the attached site plan.

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

The subject property is among the largest lots in the neighborhood and granting the variance to allow for construction of a single-family home and related improvements will not after the essential character of the neighborhood because the proposed single-family use is consistent with the single-family nature of the neighborhood. Further, granting the variance would not threaten the public health, safety, or welfare as the home will be built to meet all other requirements within the Zoning Ordinance and applicable building codes and will be consistent with the single-family homes within the neighborhood.

3. Denial of the variance would result in "unnecessary hardship" to the owner.

Unnecessary hardship will be found when the subject property has special conditions or circumstances that distinguish it from other properties in the area and (1) there is no substantial relationship between the purpose of the ordinance and the specific application of the ordinance as applied to the property; and (2) the proposed use is reasonable.

The subject property is a very old lawfully preexisting lot of record that was created prior to the adoption of the current Zoning Ordinance. Mr. and Mrs. Holman's situation is unique in that they own the property at 21 Rousseau Heights, adjacent to the subject property. If Mr. and Mrs. Holman did not own 21 Rousseau Heights, per Section 3.4-B-2-A there would a path for a single-family home to be constructed on the subject property even if the lot did not meet the minimum requirements for area.

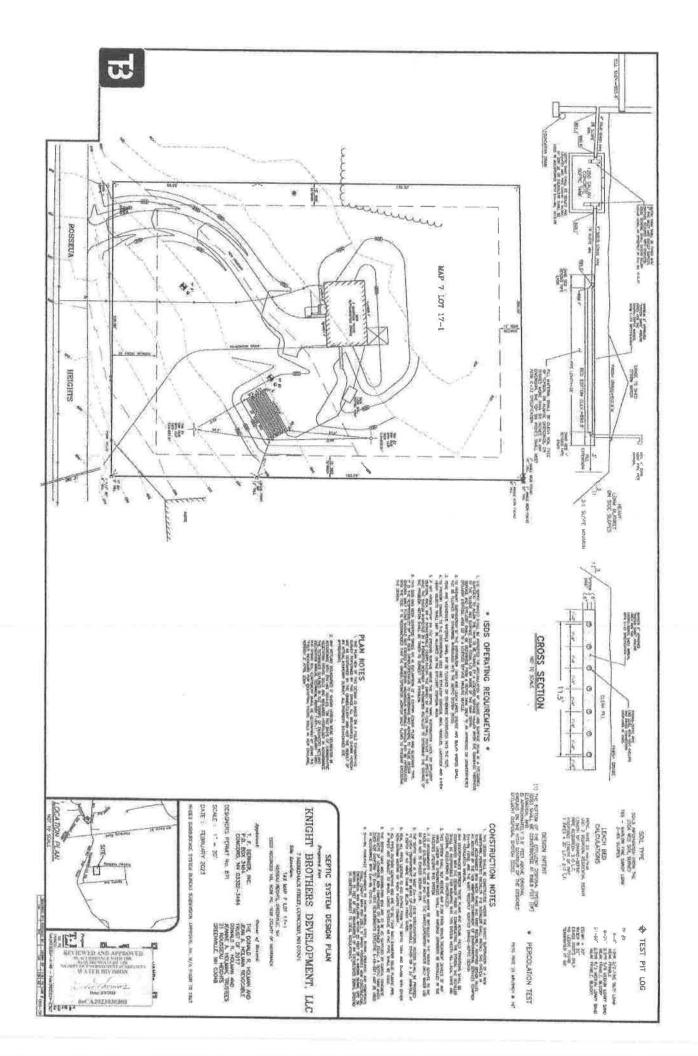
There is no fair and substantial relationship between the general public purposes of the Zoning Ordinance provision and the specific application of that provision to the subject property. The minimum lot size requirement is a mechanism aimed to prevent overcrowding and congested development. As previously mentioned, the subject property is among the largest lots in the neighborhood and can support a single-family home and is large enough to host a private sewage disposal system as demonstrated by the attached Septic System Design Plan approved by NH DES. Further, the proposed use is a reasonable one as the Residential District permits single-family homes and the proposed single-family home is consistent with the character of the neighborhood.

4. Granting the variance would do substantial justice because:

The Town has historically taxed the subject property on the basis that it is a buildable lot by right. Based on a recent review of the property card, the taxable land value is \$44,000, a value that suggests the lot is buildable. Mr. and Mrs. Holman have maintained an historic justified investment-backed expectation that the subject property is buildable by right because the Town has historically taxed the lot as such. It would be an injustice to deny the variance and require that the lot remain essentially vacant forever where Mr. and Mrs. Holman have historically paid taxes that were assessed by the Town on the basis that the property is buildable by right. Therefore, substantial justice will be done by granting the variance.

5. The use is not contrary to the spirit of the ordinance because:

The spirit of minimum lot size requirements is to minimize overcrowding and congested development, and ensure that lots have sufficient buildable area for sanitary facilities and related infrastructure. Mr. and Mrs. Holman's proposal of single-family home on the subject property is fully consistent with those purposes. The lot is among the largest in the neighborhood and as demonstrated by the attached Septic System Design Plan approved by NH DES, can accommodate a private sewage disposal system. Therefore, granting the variance will be consistent with the spirit of the ordinance.





The State of New Hampshire Department of Environmental Services



Robert R. Scott, Commissioner

APPROVAL FOR CONSTRUCTION OF INDIVIDUAL SEWAGE DISPOSAL SYSTEM (ISDS)

AS AUTHORIZED BY THE NH DEPARTMENT OF ENVIRONMENTAL SERVICES, WATER DIVISION PURSUANT TO RSA 485-A, WATER POLLUTION AND WASTE DISPOSAL AND ENV-WQ 1000, SUBDIVISION AND INDIVIDUAL SEWAGE DISPOSAL SYSTEM DESIGN RULES.

APPLICATION APPROVAL DATE: 3/3/2023

PROPERTY INFORMATION

Address: ROSSEAU HEIGHTS

GREENVILLE NH 03048

Subdivision Approval No.: PRE-1967

Subdivision Name:

County: HILLSBOROUGH

Tax Map/Lot No.: 7/17-1

II. OWNER INFORMATION

Name: THE DONALD R. HOLMAN AND JEAN A. HOLMAN

REVOCABLE TRUST OF 2017

Address: THE DONALD R. HOLMAN AND JEAN A. HOLMAN

REVOCABLE TRUST OF 2017 21 ROSSEAU HEIGHTS GREENVILLE NH 03048 APPROVAL NUMBER: eCA2023030308

III. APPLICANT INFORMATION

Name: TIMOTHY F BERNIER

Address: PO BOX 3464

CONCORD NH 03302

CONCORD NH 03302

IV. DESIGNER INFORMATION

Name: TIMOTHY F BERNIER Address: PO BOX 3464

CONCORD NH 03302

Permit No.: 00871

- V. SPECIFIC TERMS AND CONDITIONS: Applicable to this Approval for Construction Please read VI. General Terms and Conditions on the reverse side of this approval.
 - A. TYPE OF SYSTEM: ENVIROSEPTIC
 - B. NO. OF BEDROOMS: 3
 - C. APPROVED FLOW: 450 GPD
 - D. OTHER CONDITIONS AND WAIVERS:
 - 1. This approval is valid for 4 years from date of approval, per Env-Wq 1004.13.
 - 2. Approved with a public water system only.
 - 3. No waivers have been approved.

Electhonies

Eric J. Thomas Subsurface Systems Bureau



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2018 INTERNATIONAL RESIDENTIAL CODE

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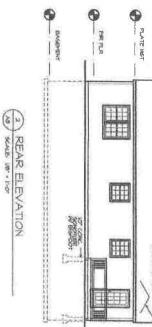
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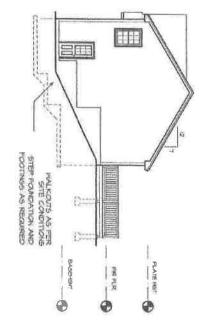
PLATE HOT

BASSON

S LEFT SIDE ELEVATION

RAIN DIVERSION





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\$15°	\$9.4m
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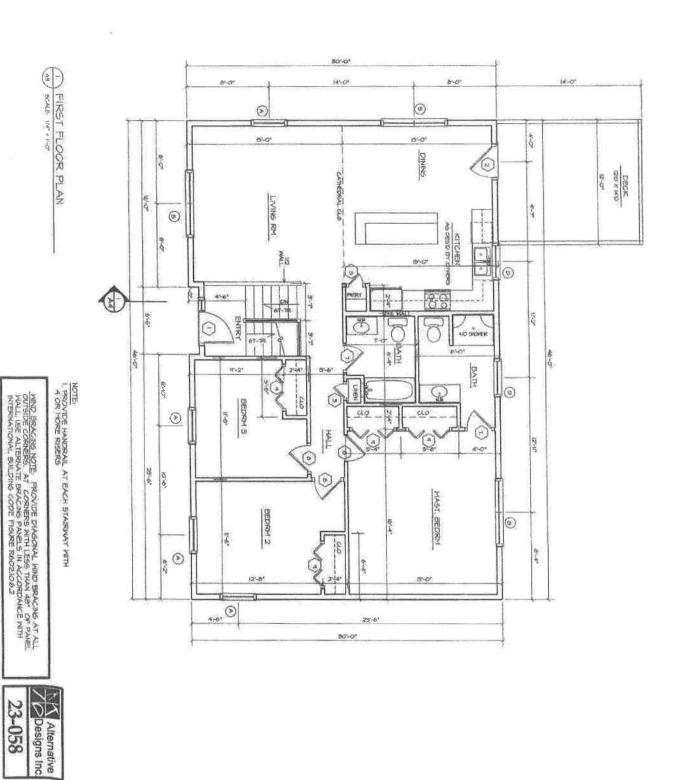
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Design N-Ohi Carelin Street Marchaum, AN 0310 phone (MD) AS-438 Sec (MD) 645-6010

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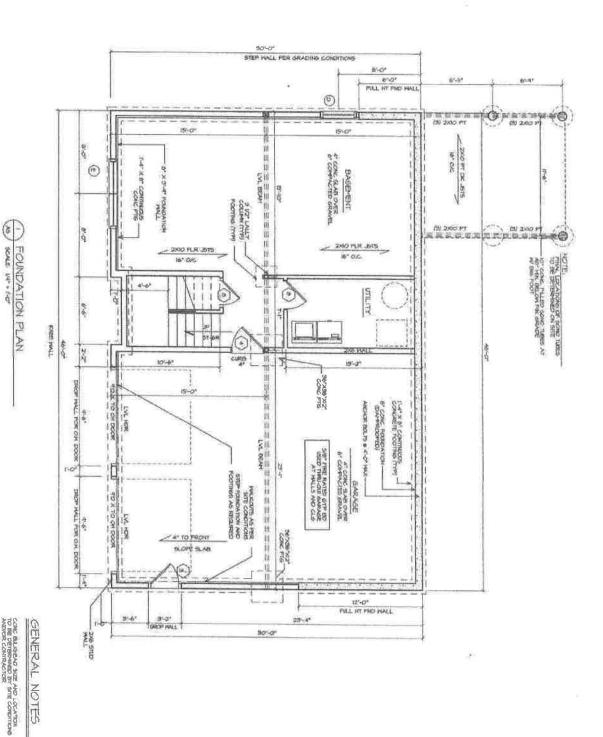
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phose (600) 685-6880
Inc. (600) 685-6880



NOTE: SEE DRAWING A2 FOR CONCRETE NOTES AND ADDITIONAL INFORMATION



A5

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- M. 1-4" X B" CONTINDUE CONCRETE POOTING (TYPICAL)
- WITH TOP AND BOTTOM BID PLATES, OVER 24"X24"Y2" CONCRETE FOOTHES.

- A CONTINUOUS RUDGE VISIT

242 STAIR STRINGERS

R. 296 STUD WALL & 16" O.C.
S. MARRICARE CLIPS AND FRANCIS ANCHORS AS REGIS.

NO STRAPPING AT 15 ONC & UT SYP. BD. (TIMICAL)

T. 2" RIGHD INSULATION INCHDE FACE OF CONCRETE WALL TO TOP OF SLAB

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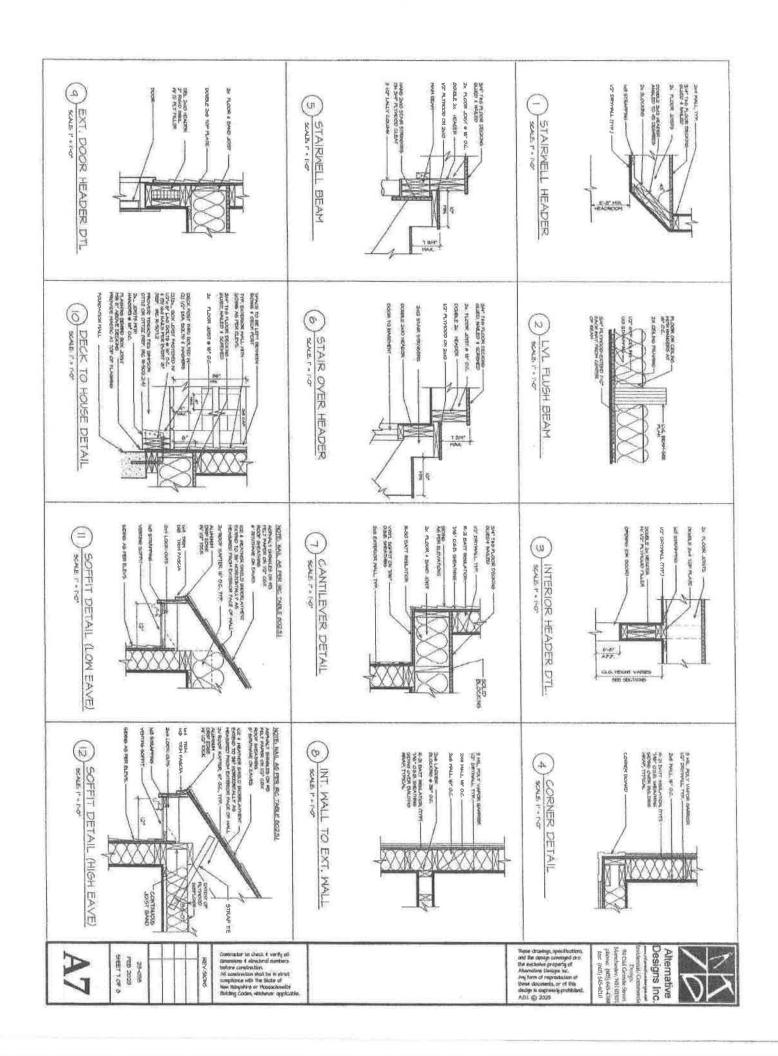
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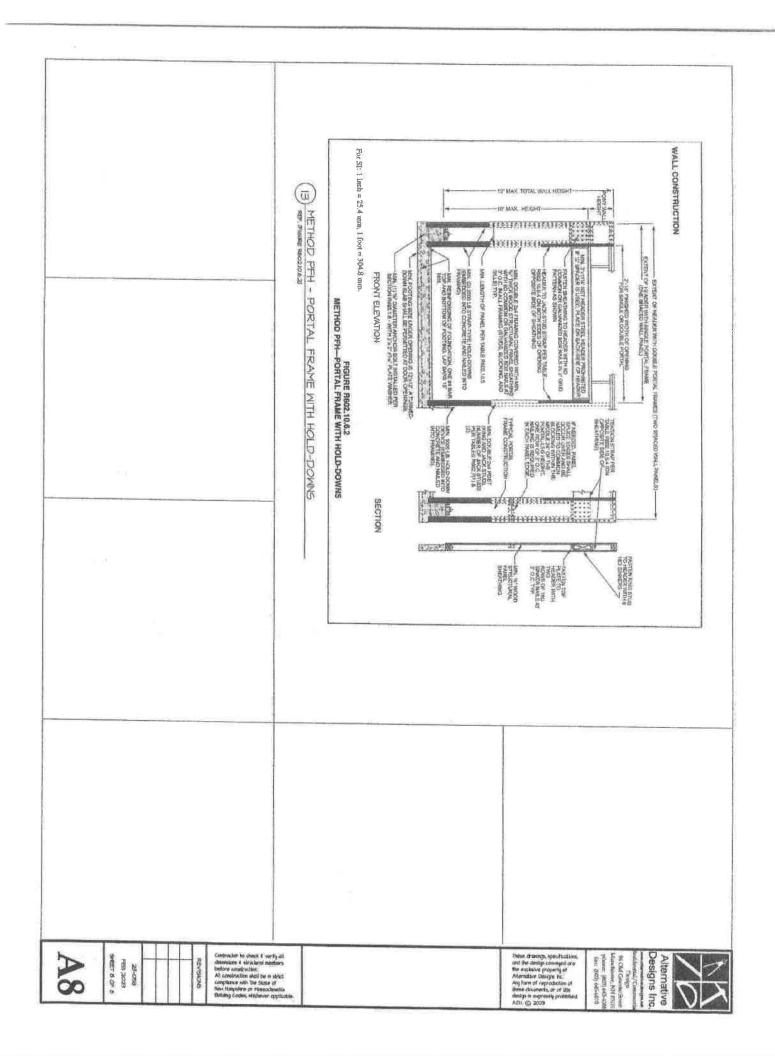
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SCOTTON OF SURE AND SURE OF





Donald and Jeanne Holman 21 Rousseau Heights Greenville, NH 03048



Pedro Sousa, Chair Town of Greenville Zoning Board 46 Main Street Greenville, NH 03048

RE: Variance Application for O Rousseau Heights (Map 7, Lot 17-1)

Chairman Sousa,

We, Donald and Jeanne Holman, hereby give permission for Jeffrey Knight and Christopher Knight to represent us before the Town of Greenville Zoning Board relative to the application for a variance, and all related matters.

Sincerely,

Donald and Jeanne Holman

Donald Holman

Date

03/28/23

Date

Joanna Halman