

## APPLICATION FOR APPEAL

To:  
Zoning Board of Adjustment  
Town of Greenville  
Greenville, NH 03048

RECEIVED	
AUG 02 2017	
By _____	
Do not write in this space.	
Case No _____	
Date filed _____	
(signed -- ZBA)	

Name of applicant Bernard J. Leblanc  
Address 46 Pleasant St, Greenville  
Owner Robert Tirrell  
(if same as applicant, write "same")

Location of property 44 Pleasant St  
Map 4 Lot 27 (number, street) Res 1  
(map number & lot number, zoning district)

NOTE: Fill in Section 1, 2, 3, or 4 as appropriate. 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. Sign application at end.

### Section 1. APPEAL FROM AN ADMINISTRATIVE DECISION

Relating to the interpretation and enforcement of the provisions of zoning ordinance.

Decision of the enforcement officer to be reviewed See attached letter

article \_\_\_\_\_ section \_\_\_\_\_ of the zoning ordinance in question: \_\_\_\_\_  
Number \_\_\_\_\_ Date \_\_\_\_\_

### Section 2. APPLICATION FOR A SPECIAL EXCEPTION

Description of proposed use showing justification for a special exception as specified in the zoning ordinance article \_\_\_\_\_ section \_\_\_\_\_

### Section 3. APPLICATION FOR VARIANCE

A variance is requested from article \_\_\_\_\_ section \_\_\_\_\_ of the zoning ordinance to permit \_\_\_\_\_

Facts supporting this request:

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

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

3. Denial of the variance would result in "unnecessary hardship" to the owner. The applicant must either meet the criteria of I or II below.

I. Unnecessary hardship means owing to the special conditions of the property that distinguish it from other properties in the area:

a. No fair and substantial relationship exists between the general public purposes of the zoning ordinance provision and the specific application of that provision to the property; and

b. The proposed use is a reasonable one.

II. If the criteria for unnecessary hardship above are not met an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions on the property that distinguish it from other properties in the area, the property cannot be used in strict conformance with the ordinance, and a variance is therefore necessary to enable reasonable use of it.

I. Granting the variance would do substantial justice because:

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

**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 \_\_\_\_\_

- or -

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 \_\_\_\_\_

3. 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 Bernard LeBlanc Date July 13, 2017  
(Signature)

August 1, 2017

Zoning Board of Adjustment  
Town of Greenville  
Greenville NH 03048

I would respectfully like to meet with the zoning board concerning a decision made by the code enforcement officer, Mr. Scott Tenney. He has made a decision in regards to the property of Mr. Robert Tirell, of 44 Pleasant St. of which I am an abutter. The above mentioned decision directly affects the value of my property and I was never notified or consulted. Mr. Tenney has decided that Mr. Tirell is only allowing a "roommate" to occupy space clearly set aside from the rest of the building as a separate apartment. The disputed space has its' own kitchen, heating and entrance from a deck which I have disputed because it was built too close to the property line in direct violation of existing code.

By definition - a "roommate" is one of 2 or more persons occupying the same room". (Webster's dictionary)

The space is a standalone apartment with its' own utilities and entrance. When showing the space to prospective renters, Mr. Tirell enters through the disputed entrance and never shows his space he claims he will share with them.

The space is connected to the rest of the house via an unheated hall way and shares the 1st floor with Mr. Tirell's tenants. I doubt they would appreciate a roommate. Mr. Tirell occupies the 2nd floor of the building, not the 1st.

Bernard LeBlanc  


# TOWN OF GREENVILLE

Office of the Building Inspector/ Code Enforcement Officer

P.O. Box 343

Greenville, NH 03048-0343

Phone: (603) 391-2376

Fax: (603) 878-5038

BuildingInspector@GreenvilleNH.org

July 28, 2017

Bernie LeBlanc  
46 Pleasant St  
Greenville, NH 03048

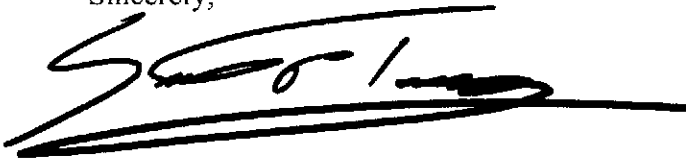
RE: Complaint, 44 Pleasant St (Robert Tirrell, property owner)

Dear Mr. LeBlanc,

Please allow this letter to serve as the official determination of your complaint. After reviewing your complaint, inspecting the property in question and accepting a signed letter from the resident and owner at 44 Pleasant Street, stating he is renting the space as a room-mate/ live in situation, it is my determination to *agree* with that of Mr. Tirrell, in that he is not renting the rear of the 1<sup>st</sup> floor unit as a standalone apartment, but rather as space for a room-mate. Given this area of the apartment has connected and direct access to the main area of the 1<sup>st</sup> floor, it cannot be considered a separate apartment due to lacking specific definitions within the building codes or Greenville's Ordinances. Further, there is nothing contained within the codes that limits the number of kitchens and/or bathrooms within a dwelling unit. While the rear area of the apartment may appear to be a separate apartment by having its own bathroom and kitchenette, having the direct access to the remaining 1<sup>st</sup> floor living area prevents this office from treating the building as a 3-family.

I apologize for any inconvenience this may cause. If inclined, you may appeal this decision to the Zoning Board of Adjustment pursuant to NH RSA 674:33 I (a). If you wish to file an appeal of the administrative decision, please contact the Selectman's Office, and they will assist you in the application process.

Sincerely,



Scott P Tenney  
Building Official  
Code Enforcement Officer  
Deputy Health Officer

cc: File  
Selectman's office  
Fire Department