

APPLICATION FOR APPEAL

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

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Case No. _____
Date filed: <u>11/20/18</u>
Signed - ZBA _____

Name of applicant: Jason Seymour and Kathryn Seymour  
Address: 47 Main Street, P O Box 47, Greenville, NH 03048  
Owner: Same

Location of property: 47 Main Street, Greenville, NH 03048  
Tax Map 5S Lot 34 and Tax Map 5S, Lot 34 UTIL

**Section 1. APPEAL FROM AN ADMINISTRATIVE DECISION**

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

Not applicable

**Section 2. APPLICATION FOR A SPECIAL EXCEPTION**

Not applicable

**Section 3. APPLICATION FOR A VARIANCE**

A variance is requested from article 2 section 2.7.2 of the zoning ordinance to permit a single family use at 47 Main Street, Greenville, with an existing hydro power facility in part of the same structure.

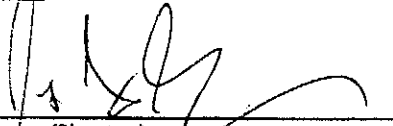
Facts supporting this request:

1. The proposed use would not diminish surrounding property values because the building is presently unoccupied. Its use as a residence will result in the building being occupied and used. The occupation and use of this building will contribute to the character and maintenance of property values as the building otherwise has outlived its original purpose.
2. Granting the variance would not be contrary to public interest because single family dwellings are permitted use in the Downtown District.
3. Denial of the variance would result in "unnecessary hardship" to the owner. The applicant asserts that an unnecessary hardship exists for the following reasons:
  - a. The property is unique in that it combines an established nonconforming use, the hydro facility in an existing mill structure which the applicant seeks to convert to residential use. The applicant understands were the hydro power facility not in the structure, the applicant


would have no barrier to establishing in the residential use. Further, the configuration of the building being on a slope results in the structure having two "grade" access points for the building. This has raised an issue under the zoning ordinance as to whether the residential space must be above the first floor and where, for purposes of this building, the first floor is determined to be. As a result, the applicant asserts that there is not a fair and substantial relationship between the general public purposes of the zoning ordinance and the specific application of that provision to the property. The applicant notes as raised in the Application for an Appeal of Administrative Decision that the zoning ordinance does not expressly bar the mixed use, that is, in this case, the hydro power facility and the residential use in the same building. The applicant asserts the proposed use is a reasonable use as the use is already a permitted use in the District and there seems to be some question about the application of the list of permitted uses to this particular structure given the topography and the established nonconforming use.

4. Granting the variance would do substantial justice because the use of the property as a single family dwelling is consistent with the stated purposes of the master plan in promoting a utilization of appropriate and wise uses of land in Greenville and results in the occupancy of a structure which is otherwise not efficiently purposed for other than residential uses.
5. The use is not contrary to the spirit of the ordinance because as stated above, the use is consistent with permitted uses in the District and the problem in this particular case is both the topography of the land on which the building sits and the permitted nonconforming use in the hydro facility.

**SIGNATURE**

Applicant:   
(Signature)

Date: 11-14-18

Applicant:   
(Signature)

Date: 11-14-2018