
Joshua and Heather Whitcomb

46 Scribner Road
Fremont, NH 03044
(603) 944-6700
hlwhitcomb220@gmail.com

May 27th 2020

Zoning Board of Adjustment
Town of Fremont
P.O. Box 120
Fremont, NH 03044


RECEIVED
MAY 28 2020

BY: 

Attn: Zoning Board of Adjustment,

Please see attached Application for Variance. We live at 46 Scribner Road, and would like to put in an above ground pool. We would like to put it in our backyard for privacy, but our land abuts wetlands. So we are applying for a variance.

Sincerely,


Heather Whitcomb

Joshua and Heather Whitcomb



APPLICATION FOR VARIANCE
Zoning Board of Adjustment
Town of Fremont
P.O. Box 120
Fremont, New Hampshire 03044

Do not write in this space.
Case # _____
Date filed: _____
Hearing Date: _____
Total Fees Received: _____
Signed: _____
ZBA

Location of property Map # 2 Lot # 14-2

ZONING INFORMATION

Zoning District of Property: residential

Is the property in the Aquifer Protection District? Yes No
Is the property in the Flood Zone? Yes No

Name of applicant: Joshua & Heather Whitcomb
Address: 46 Scribner Rd Fremont NH 03044
Phone: 603-944-6700
Other contact information: hlwhitcomb220@gmail.com

Name of owner: same as
(if same as applicant, write "SAME AS")

Address: _____
Phone: _____
Other contact information: _____

NOTE: This application is not acceptable unless all required statements in the appropriate section have been completed. Additional information may be supplied on a separate sheet if the space provided is inadequate.

APPLICATION FOR VARIANCE

A Variance is requested from Article 12 Section 1201.5 of the Zoning Ordinance to permit:

Build an above ground pool 40' from wetlands

Facts supporting this request:

1. The variance will not be contrary to the public interest because;

The wetlands will not be harmed

2. The spirit of the ordinance is observed because:

Sometimes there is not enough room to build a project while satisfying all setback requirements. The location will not affect drainage habitat etc. of the wetlands, and will still be set back a fair distance.

3. Substantial Justice is done because:

We would be able to put up/build a pool.

4. The values of surrounding properties are not diminished because;

It will be a nice pool in the backyard.

5. Literal enforcement of the provisions of the ordinance would result in an 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;

The wetlands are in a location that would otherwise make most of the lot unusable.

AND;

(ii) The proposed use is a reasonable one.

The wetlands will not be harmed.

OR

(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.

Signed: _____

(Actual property owner)

Heather Whitecomb

**Town of Fremont
Zoning Board of Adjustment
PO Box 120
Fremont NH 03044-0120**

APPLICATION and PROCEDURE

PROCEDURE – To apply to the Zoning Board of Adjustment for relief, you must follow these steps:

1. Obtain a letter of denial from the Board of Selectmen or Building Inspector.
2. Compile a typed list of the names and addresses of all current abutters. This is to be obtained from the Fremont Selectmen's Office not longer than ten (10) days prior to submission of this application. An abutter is anyone whose property physically abuts the subject property or is directly across a street or stream. Please include the subject property, applicant, and anyone whose seal or stamp appears on the plan. The accuracy of the abutters list is the sole responsibility of the applicant.
3. All requests for required reports or other correspondence (such as indicated in Article IX Section H) must be sent by the applicant via certified mail with return receipt requested or date stamped by the recipient. This is for proof of date of delivery.
4. Applications can be left at the Town Hall at 295 Main Street in Fremont; or mailed to the Town of Fremont at the above address. The proper check amount for the fees due made payable to the Town of Fremont must be included with your application.

CHECKLIST FOR APPLICATION

This Application Includes:

- Pending Letter of denial
- 6 sets of plans
- cover letter of intent
- current abutters list
- proper check amount
- N/A letter of approval to allow representation

FEE SCHEDULE

VARIANCE <i>For the first request, and \$50.00 for each additional request if a separate Zoning Article</i>	\$200.00 = \$ <u>200</u>
ADVERTISING (current rate of expense)	\$115.00 = \$ <u>115</u>
ABUTTER NOTIFICATION (per abutter) <i>(See "2" above for definitions of an abutter.)</i>	\$ 12.59 = \$ <u>88.13</u>
TOTAL FEES SUBMITTED = \$ <u>403.13</u>	

**INSTRUCTIONS TO APPLICANTS APPEALING TO
THE ZONING BOARD OF ADJUSTMENT**

VARIANCE

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 672-677 covering planning and zoning.

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.

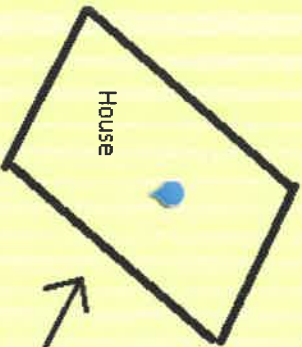
If you are applying for a Variance, you must first have some form of determination that what you propose for your property is not permitted without a Variance. Most often this determination is a denial of a building permit and/or a letter of denial from the Selectmen, or their designee.

For a Variance to be legally granted, you must show that your proposed use meets all of the following conditions:

- (1) The variance will not be contrary to the public interest;
- (2) The spirit of the ordinance is observed;
- (3) Substantial justice is done;
- (4) The values of surrounding properties are not diminished; and
- (5) Literal enforcement of the provisions of the ordinance would result in an 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.

4 Ac(D)

980.43' \swarrow 30'



House



Pool
33' Dia.



100'



40'

1042.82'



