
Walter O. & Connie Ike Phelps

59 Sleeper Circle, Fremont, NH 03044 (Mobile 315 263 7163)

September 26, 2023

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

Subject: Application for Variance-Letter of Request

Per Article 9, Section 901, Walter O. and Connie Ike Phelps, legal owners of the Map 6 Lot 24-13 property, herewith request a variance to allow the construction of a 12' x 22' permanent storage shed with an attached 6' x 22' side shelter at a minimum side lot setback distance of 14'.

This proposed structure will be used as auxiliary inside storage space for an antique ski boat and offseason recreational and lawn equipment and supplies.

Attached Application for Variance includes the following documents:

- Letter of Denial-Fremont Building Inspector dated. 09-27-2023
- (8) Copies of Application Package dated 09-26-2023 consisting of:
 - DWG C2 Shed Addition Site Plan-59 Sleeper Circle, Fremont NH-Jones & Beach Engineers, Inc. (dated 09-18-2023)
 - Plan # 1348, Sheet # A1 and A2-59 Sleeper Circle, Fremont NH-New Market Plains, LLC (dated 08-09-2023)
 - Current Abutters List-59 Sleeper Circle Abutters List (dated 09-24-2023)
 - Check #5906 to Town of Fremont Variance Application Fee = \$461.65 (dated 09-26-2023) Hand delivered.
 - Representation Letter dated 09-26-2023 appointing Barry W. Gier, PE, Jones&Beach Engineers Inc. PO Box 219, Stratham, NH.

We understand the Hearing Date for this request will be Tuesday, October 24, 2023.
Please contact us if additional information is required.



Walter O. Phelps



TOWN OF FREMONT
Building Inspector/Code Enforcement
PO Box 120
Fremont NH 03044-0120

Telephone 603 895 3200 x 309
Facsimile 603 895 3149

9-27-23
Walter Phelps
59 Sleeper Circle
Fremont, NH 03044

Map 6 Lot 24-13

Mr. Phelps:

Your recent application to construct a shed on your property at 59 Sleeper must be denied. The reason for denial is because you do not meet your side set back to construct this shed. The proper set back for your side dwelling is 30 feet.

Any questions please contact me.

Thank you.

Laurence A. Miner
Building Inspector, Code Enforcement



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

RECEIVED
SEP 26 2023

BY: [Signature]

Do not write in this space.	
Case #	_____
Date filed:	<u>9-26-23</u>
Hearing Date:	<u>10/24/23</u>
Total Fees Received:	<u>461.65</u>
Signed:	<u>[Signature]</u>

Location of property Map # Map 6- Lot # 24- 13

Zoning District of Property: Residential

Is the property in the Aquifer Protection District? Yes _____ No X

Is the property in the Flood Zone? Yes _____ No X

Name of applicant: Walter O. and Connie Ike Phelps

Address: 59 Sleeper Circle, Fremont, NH 03044

Phone: 315-263-7163

Other contact information: 'sphelps@hcna-llc.com'

Name of owner: Same As

(if same as applicant, write "SAME AS")

Address: _____

Phone and Email: _____

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 9 Section 901 of the Zoning Ordinance to permit:
Construction of a permanent 12' x 22' Storage Shed with attached 6' x 22' Side Shelter. Minimum 14' setback from the side property lot line.

Facts supporting this request:

1. The variance will not be contrary to the public interest because;
There is a significant buffer between this property and the home on the abutting property. The adjoining (Lot 24-12) home is located approx 120ft horizontal distance from the proposed structure and this neighbor's view is and will continue to be unobstructed due to the elevation of the new structure being approx 15ft below line-of-sight from the adjoining property and the privacy provided by the dense wooded hillside buffer separating the two properties.

2. The spirit of the ordinance is observed because;
The proposed structure complies with all setbacks except the side setback which will be 14' from the side property line. No new driveway access to public street required.

3. Substantial Justice is done because;
The variance will not negatively impact neighbors' views or property values.
New construction exterior finishes to match existing home exterior finishes.

4. The values of surrounding properties are not diminished because;
No negative value impact on surrounding properties, structure will be out of line-of-sight and will be used for storage of antique ski boat, recreational/lawn equipment and tools. No change in residential use is requested and there will be no increase or change in traffic flow.

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;
Although this is a 3.71 Acre lot, this is the best suited location for the proposed structure as this location is behind the house and on high level ground. There is no interference with the septic system and out of street view. The remainder of the lot has various elevation changes and prohibitive building conditions.

AND;

(ii) The proposed use is a reasonable one.
Auxilliary inside storage space for offseason recreational and lawn equipment and supplies is consistent current residential use provisions.

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)

Walter O and Connie Ike Phelps
59 Sleeper Circle Abutters List
9/26/2023

Tax Map 6 Lot 24-13
Phelps, Walter O & Connie I
59 Sleeper Circle
Fremont, NH 03044
BK 5962 PG 0905

Tax Map 6 Lot 24-17
Duquette, Susan M.
58 Sleeper Circle
Fremont, NH 03044
BK 2877 PG 1980

Tax Map 6 Lot 24-12
Dean SR, James E.
65 Sleeper Circle
Fremont, NH 03044
BK 5573 PG 2000

Tax Map 6 Lot 30
Peterson, Judith A.
Peterson, Jeremy
254 North Road
Fremont, NH 03044
BK 5920 PG 1550

Tax Map 6 Lot 28
Whiteside Family Rev Trust
234 North Road
Fremont, NH 03044
BK 4396 PG 0655

Tax Map 6 Lot 24-14
Lewis, Eric P.
51 Sleeper Circle
Fremont, NH 03044
BK 5385 PG 2683

Jones&Beach Engineers Inc
P.O. Box 219
Stratham, NH 03885
Attn: Barry W. Gier, PE

Walter O. & Connie Ike Phelps

59 Sleeper Circle, Fremont, NH 03044 (Mobile 315 263 7163)

September 26, 2023

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

Subject: Phelps-Map 6 Lot 24-13 Application for Variance-Representation Appointment

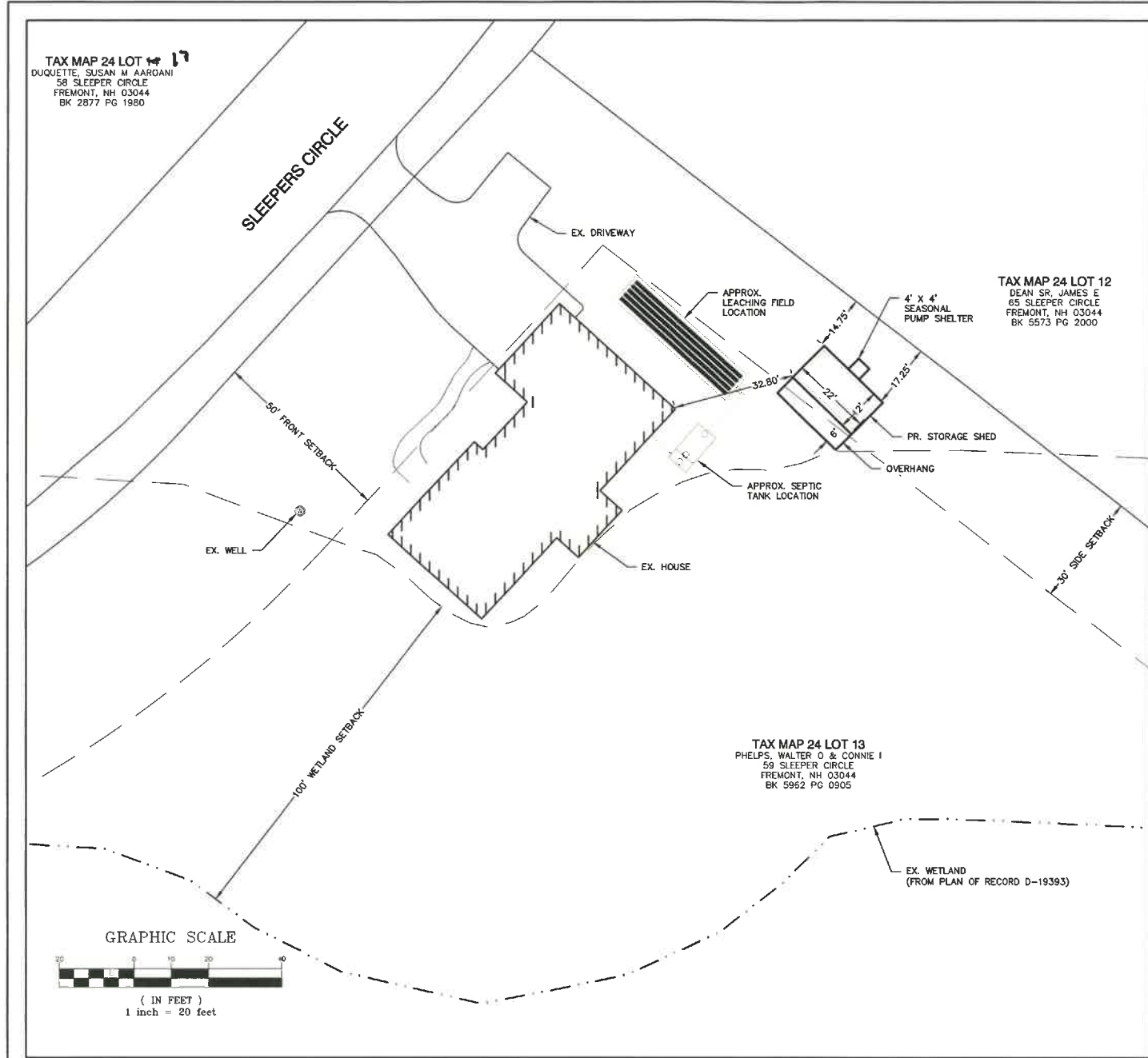
We the undersigned appoint Barry W. Gier, PE, Vice President, Jones&Beach Inc Engineers as our representative for the Zoning Board Adjustment Hearing scheduled for October 24, 2023.



Walter O. Phelps



Connie Ike Phelps



PROJECT PARCEL
TOWN OF FREMONT, NH
TAX MAP 6, LOT 24-13

APPLICANT
WALTER PHELPS
59 SLEEPER CIRCLE, FREMONT, NH 03044

TOTAL LOT AREA
161,608 SQ. FT.
3.71 ACRES

Design:	BWG	Draft:	DFP	Date:	09/18/2023
Checked:	BWG	Scale:	AS SHOWN	Project No.:	20531
Drawing Name:	20531-PLAN.DWG				
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.					

REV.	DATE	REVISION	INITIALS	BY
0	01/01/01	REVISED PER		
		REVISION		

Designed and Produced in NH

J/B Jones & Beach Engineers, Inc.

Civil Engineering Services

85 Portsmouth Ave.
PO Box 219, Stratham, NH 03885

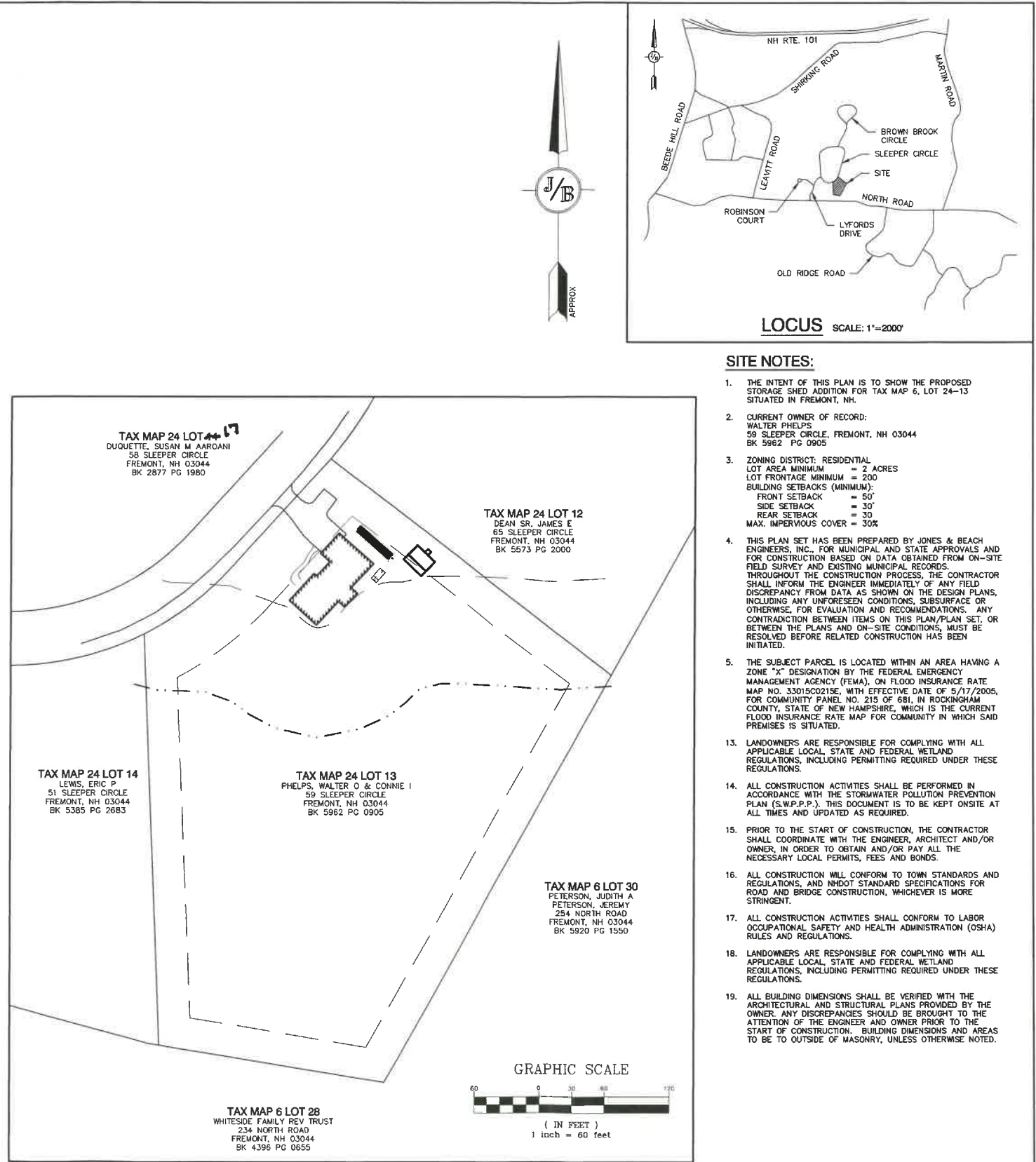
603-772-4746
E-MAIL: JBE@JONESANDBEACH.COM

Plan Name:	SITE PLAN
Project:	SHED ADDITION
Owner of Record:	59 SLEEPER CIRCLE, FREMONT, NH
	WALTER PHELPS 59 SLEEPER CIRCLE, FREMONT, NH 03044

DRAWING No.

C2

SHEET NO. 3 OF 3
JBE PROJECT NO. 20531



GENERAL NOTES:

1. THE OWNER SHALL SECURE ALL REQUIRED PERMITS PRIOR TO PROCEEDING WITH CONSTRUCTION.
2. CONTRACTOR SHALL TAKE PRECAUTIONS AND PROVIDE ADEQUATE GUARDS AND BARRIERS TO PREVENT INJURY TO PERSONS AND PROPERTY.
3. DO NOT SCALE DRAWINGS. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE. ALL CONTRACTORS SHALL REVIEW ALL DRAWINGS BEFORE PROCEEDING. REQUEST CLARIFICATION FOR ANY DIMENSION REQUIRED. ALL DIMENSIONS, ELEVATIONS, AND CONDITIONS SHALL BE VERIFIED IN THE FIELD BY THE GENERAL CONTRACTOR.



FRONT ELEVATION

SCALE: 1/2" = 1'-0"



REAR ELEVATION

SCALE: 1/2" = 1'-0"

ELEVATION GRADES AND FOUNDATION DROPS SHOWN ARE CONCEPTUAL. FOUNDATION DROPS AND GRADE WILL BE DETERMINED ON SITE BY CONTRACTOR



NEWMARKET PLANS, LLC.
HOME DESIGN SERVICE
PAUL@NEWMARKETPLANS.COM
WWW.NEWMARKETPLANS.COM
603-659-0985

DATE	DESCRIPTION
05/09/23	DRAFT PLANS
08/09/23	REVISED PLANS

WALTER & CONNIE PHELPS
59 SLEEPER CIRCLE
FREMONT, NH 03044

SHEET NUMBER

A1

PLAN NUMBER

1348



RIGHT SIDE ELEVATION

SCALE: 1/2" = 1'-0"



LEFT SIDE ELEVATION

SCALE: 1/2" = 1'-0"

ELEVATION GRADES AND FOUNDATION DROPS SHOWN ARE CONCEPTUAL. FOUNDATION DROPS AND GRADE WILL BE DETERMINED ON SITE BY CONTRACTOR

MEMBER
A I
B D
AMERICAN INSTITUTE of
BUILDING DESIGN

NEWMARKET PLANS, LLC.
HOME DESIGN SERVICE
PAUL@NEWMARKETPLANS.COM
WWW.NEWMARKETPLANS.LLC.COM
603-659-0985

DATE	DESCRIPTION
08/08/23	DRAFT PLANS
08/09/23	REVISED PLANS

WALTER & CONNIE PHELPS
59 SLEEPER CIRCLE
FREMONT, NH 03044

SHEET NUMBER
A2
PLAN NUMBER
1348

24x36 ARCH D