

Topic: ZBA Meeting

Time: Nov 18, 2020 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/99875186329?pwd=THVMSjNXM3lOS1VEMUQ1Mk5BSDc1Zz09>

Meeting ID: 998 7518 6329

Passcode: 988583

One tap mobile

+16465588656,,99875186329#,,,,,0#,,988583# US (New York)

+13017158592,,99875186329#,,,,,0#,,988583# US (Washington D.C)

Dial by your location

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington D.C)

+1 312 626 6799 US (Chicago)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

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Passcode: 988583

Find your local number: <https://zoom.us/u/aknmNmglo>

Mark J. Fougere, AICP

Town Planner

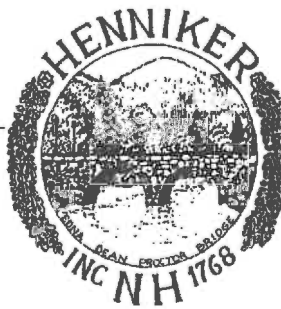
Town of Henniker

18 Depot Hill Road

Henniker, NH 03242

O:603-428-3221

F:603-428-4366



**Zoning Board of Adjustment
Wednesday, November 18, 2020 7:00 pm
18 Depot Hill Road, Town Hall
Henniker, NH**

In light of the Covid 19 social distancing advice made by the Governor and CDC, the Town of Henniker ZBA will be conducting the meeting electronical via Zoom. Information on connecting to the meeting is available on the Town's website and noted here:

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Meeting Agenda

A) Call to Order / Attendance

B) Public Meeting:

1. **ZBA Case 2020:1** Request for a Special Exception under Article XVI, Section 133-74 Non-conforming Structures, to allow for the construction of a 6 foot wide addition to an existing structure within the required front 30 foot wide setback for an existing non-conforming structure currently within the front setback., 95 Crescent Street, Map 2 Lot 249-A, Owner/Applicant Daniel Realty Corp., Zoned RV.
2. **ZBA Case 2020:02** Request for a Variance from the provisions of Article XI, Signs, Section 133-46 to allow for the construction of a Freestanding sign that is 16 square feet while the maximum allowed area is 8 square feet, 51 Hall Avenue, Map 2 Lot 159, Owner/Applicant White Birch Center, Zoned RV.

C) Meeting Minutes

D) Adjourn

No new business will be taken up after 10:00 PM unless agreed to by the Zoning Board of Adjustment. Any remaining items will be placed on the agenda for the next regular Zoning Board of Adjustment meeting. Information pertaining to any item on the agenda is available for public review at Town Hall during normal business hours or by calling for information at (603) 428-3221. All application information is also posted on the Town's website.

TOWN OF HENNIKER
ZONING BOARD OF ADJUSTMENT
VARIANCE APPLICATION

Revised 1-17-18

Received by
TOWN OF HENNIKER
New Hampshire
CC# 27 2020 2000:02
CASE NO.

Name of Applicant White Birch Center
Address 51 Hall Ave
Telephone (603) 428-7860 Fax (603) 428-7643
E-mail Address marcm@whitebirchcc.org
Owner of Property LRE Realty LLC
Location of Property 51 Hall Ave, Henniker, NH Map 2 Lot 159
Zoning District where Property is Located RV
Signature of Owner of Property Sur. R E - manager

If the property owner is not the applicant, the property owner MUST provide a notarized letter (original) authorizing the applicant to file an application.

You are applying to use your property in a way that is prohibited by the requirements in the Zoning Ordinance. Please state the Article 133 and Section 46 of the Zoning Ordinance that you are requesting a variance from.

Please give a detailed description of your proposal below.

White Birch Center would like to install a freestanding business sign that includes a letter board for custom messages. The proposed size of the main sign would be 48" across and 27" high. This calculates to 9 sq. ft. The proposed size of the letterboard would be 48" across and 24" high. This calculates to 8 square feet of additional signage or 8' more than is listed in the ordinance. Both signs would be installed one on top of the other between two granite posts.

Has this property received a Special Exception or Variance in the past? unsure maybe 1983
If "YES", please provide copies of past Zoning Board of Adjustment Notices of Decision. 1988-90 - building extension
sign version that no longer exists

Please provide copies of the Property Tax Card, Plot Plan, and any other information that you feel would be helpful for the Zoning Board to have when reviewing the application. If you cite case law in your argument, please provide a copy of the case with your filing.

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

White Birch is a nonprofit that serves the public. Right now there is no signage identifying the building or property as White Birch Center. Any member of the public trying to find White Birch would be aided by the sign.

2. Describe how the spirit of the ordinance would be observed by granting the variance:

The sign meets all other requirements of the ordinance except the size. The sign is not bright, not blocking views, is tasteful, and beneficial to clients of White Birch.

3. Describe how substantial justice would be done by granting the variance:

White Birch needs a sign to identify our address + facility. The letter board is an effective way to communicate important dates and reminders to families and seniors using White Birch Center services.

4. Describe how values of surrounding properties would not be diminished:

The sign is simple and elegant. Using granite posts fits in with surrounding scenery. The sign uses a basic two-color design and is simple - not an eyesore

5. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship¹ because:

¹ The definition of "unnecessary hardship" set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation

- a. no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because:

- b. the proposed use is a reasonable one because:

The sign meets all other requirements of the ordinance and it will help clients + delivery companies identify White Birch and avoid having to turn around at Ayer & Gross or some driveway if they are not sure it is White Birch. It is also reasonable like Henniker Community School, that the sign can be used to communicate important dates and reminders.

- c. If the criteria in subparagraph 5(a) and (b) 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.

ABUTTER LIST

An abutter list and three (3) sets of 1" x 2 5/8" mailing labels containing names and addresses of those on the mailing notification list, including abutters, property owners, agents, prospective Applicants, easement (conservation, preservation, agricultural) holders, and any professional whose seal appears on the plan **202-9.A**

on a permitted use, or any other requirement of the ordinance.

Henniker Town Hall
18 Depot Hill Road Henniker, New Hampshire 03242
Phone (603) 428-3221 / Fax (603) 428-4366 / Website www.henniker.org



Phone: 603.225.4081
Fax: 831.303.3578
blustig@signarama-concord.com

249 Sheep Davis Road
Concord, NH 03301
www.signarama.com

CLIENT

White Birch Center

DATE

3/28/20

MATERIAL

2" HDU

COLORS

See Proof

DS/SS

Double Sided

APPROVAL

DUE DATE

Type

DESIGNER

B Lustig

Designer's Notes: PDF file for approval. Colors may vary depending on software, drivers and platform.

Prepared: Authorized pre-release form.

All Rights Reserved. These plans and materials may not be copied, duplicated, replicated or otherwise reproduced in any form without prior written permission of S&R of Concord.

This plan is not effective unless signed by a duly authorized agent of S&R of Concord.



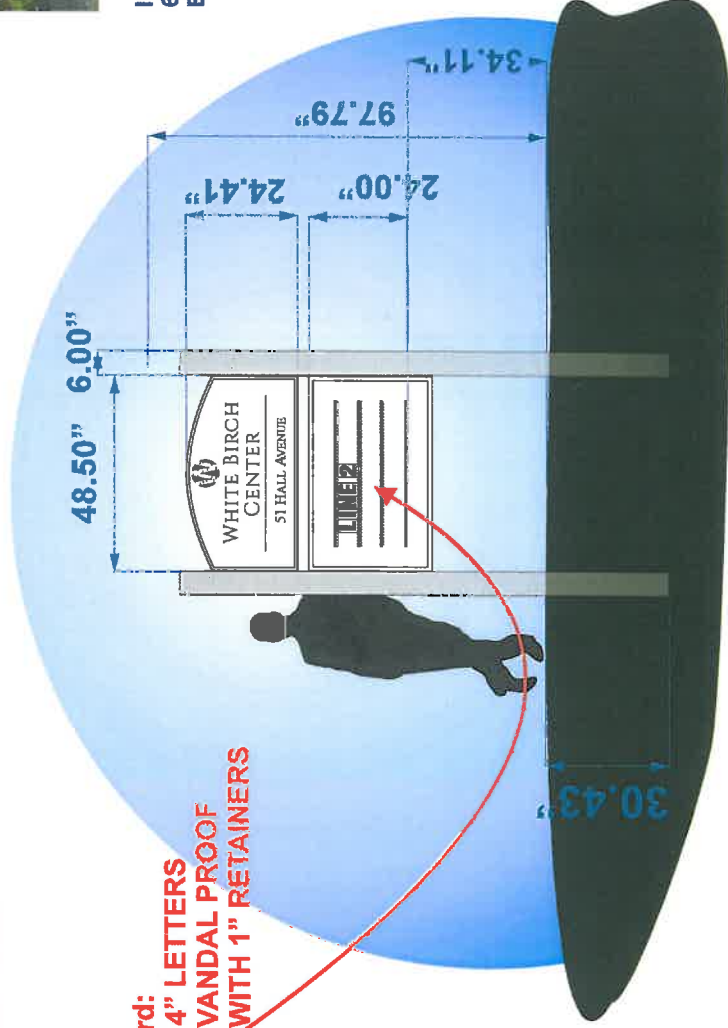
NOTE: Please check with your local town/municipality for permitting requirements. S&R of Concord will not be held responsible for fees or fines acquired within this process.

1/4" BLACK ACRYLIC WITH
PRINT APPLIED WITH SILICONE
& VHB TAPE



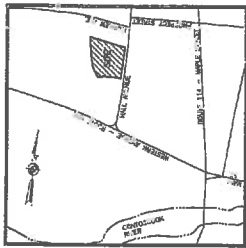
2" HIGH DENSITY URETHANE PAINTED WHITE
TEXT AND OUTLINE TO BE V CARVED
AND PAINTED BLACK

Letterboard:
3 ROWS / 4" LETTERS
30" X 38" VANDAL PROOF
CABINET WITH 1" RETAINERS



INSTALLATION METHOD SHOWN:
6" X 6" GRANITE POSTS BURIED 30" - 36"
BELOW GRADE

SIGNARAMA of Concord



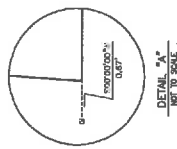
LOCATION MAP
NOT TO SCALE

PLAN REFERENCES:

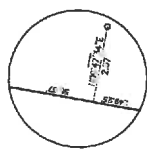
1. TRANSPORTATION DEPARTMENT, TOWN OF HENNIKER, NEW HAMPSHIRE, MAP NO. 100, SCALE 1"=100', REVISED 1970, P. 1 & 2, L. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
2. TRANSPORTATION DEPARTMENT, TOWN OF HENNIKER, NEW HAMPSHIRE, MAP NO. 100, SCALE 1"=100', REVISED 1970, P. 1 & 2, L. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

NOTES:

1. OWNER OF RECORD: LUCIA R. BROWN, HENNIKER, NH 03043
2. HENNIKER TOWN MAP NO. 100, SCALE 1"=100', REVISED 1970, P. 1 & 2, L. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
3. DEED REFERENCE IS LUCIA R. BROWN, MAP NO. 100, SCALE 1"=100', REVISED 1970, P. 1 & 2, L. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
4. TOTAL AREA OF PARCEL IS 69,843 SQUARE FEET OR 1.60 ACRES.



DETAIL 'A'
NOT TO SCALE



DETAIL 'B'
NOT TO SCALE

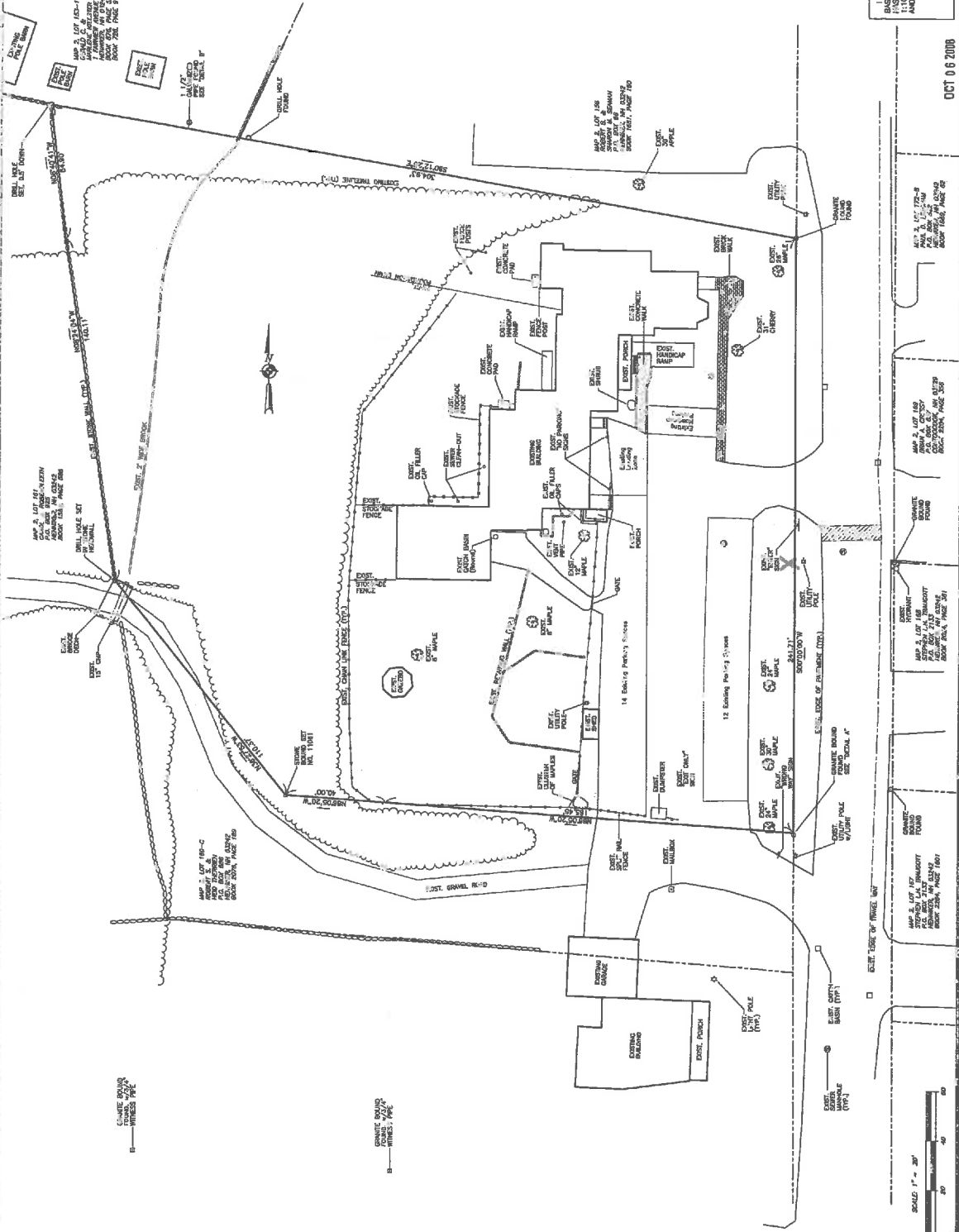
HEREBY CERTIFY THAT THIS PLAN IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY AND THE BOUNDARIES OF THE SUBJECT PROPERTY.

OCT 06 2008

BOUNDARY PLAN
LUCIA R. BROWN
HENNIKER, NH

HOLDEN
ENGINEERING &
SURVEYING, Inc.

11-19-01
Scale: 1"=100'
Dr. By: C. G. By: D. J.
Job No. 010175
Sheet no. 1 of 1



SCALE 1"=100'

**TOWN OF HENNIKER
ZONING BOARD OF ADJUSTMENT
SPECIAL EXCEPTION APPLICATION**

Revised 1-17-2018

218A
CASE NO. 2020:01

Name of Applicant Kevin Daniel - K. Daniel Realty Corp.

Address 48 MAIN ST. HENNIKER N.H. 03242

Telephone 603-428-7621 Fax 428-3925

E-mail Address daniels@connect.com

Owner of Property K. Daniel Realty Corp

Location of Property 95 CRESCENT ST. Map 2 Lot 249-A

Zoning District where Property is Located Residential

Signature of Owner of Property 

If the property owner is not the applicant, the property owner **MUST** provide a
notarized letter (original) authorizing the applicant to file an application.

You are applying for permission to use your property in a way that is **PERMITTED** in the
Zoning Ordinance under "Special Exception", Article XVI Section 133-72.

Please give a detailed description of your proposal below.

Requesting to extend the length of my building permit along the road (Crescent street) 6 feet. The reason for the change is the elevation along Crescent required that I raise the foundation 18 inches. As a result the entrance needed to be moved to the North side which necessitated adding space for this.

Has this property received a Special Exception or Variance in the past? _____

If "YES", please provide copies of past Zoning Board of Adjustment Notices of Decision.

1. Please describe how the specific site is an appropriate location for the requested use or structure.

The area is residential. I am not adding anything that will change that. It is for an entrance into the house.

2. Please describe how the requested use will be compatible with neighboring land uses.

The expansion of the footprint will be exactly the width of the existing building. It is also matches the distance from the road of the other buildings in the neighborhood.

3. Please describe how the requested use will not create undue traffic congestion or unduly impair pedestrian safety

This change in the building permit will not add any more traffic to the area then is there currently. The expansion also is away from the crosswalk over Main street.

4. Please describe how the granting of the permit would be in the public interest.

We are adding much needed residential living space to the center of town

5. Please describe how the proposed use would not create hazards to the health, safety, or general welfare of the public, nor be detrimental to the use of or out of character with the adjacent neighborhood.

The expansion of 6 feet will not create any detrimental effects on anyone. It will add a safe entrance into the new space. The building especially with the expanded entrance will complement the other homes in the area.

6. Please describe how the proposed use would not constitute a nuisance because of offensive noise, vibration, smoke, dust, odor, heat, glare, or unsightliness.

The building will not create any nuisance. It will be attractive and will raise the property values in the entire neighborhood.

Please provide a copy of the property tax card, the plot plan, and any other information you feel would be relevant for the Zoning Board of Adjustment to have when reviewing the application. If you cite case law in your argument, please provide a copy of the case with your filing.

