



Chesterfield Zoning Board of Adjustment

Notice and Instructions to Applicants

Overview "Zoning" refers to land use controls approved and amended at the local level as a legislative function (i.e. Town Meeting). Zoning regulations are intended to guide and control the direction of future growth in the community. Acting in a quasi-judicial capacity, the Zoning Board of Adjustment (ZBA) functions as a "constitutional safety valve" for the protection of the citizens. Generally, the ZBA evaluates whether an applications merits relief (in the form of variance or special exception) from the ordinary application of the zoning ordinance. Additionally, the ZBA considers appeals of zoning related administrative decisions. The express powers of the ZBA are defined by several state statutes including, but not limited to, RSA 674:33. Processes by which the ZBA conducts its affairs are governed by both state statutes and Rules of Procedure (by-laws) adopted by the ZBA. It is strongly recommended that before making any application to the ZBA applicants become familiar with the types of appeals made to the ZBA and the criteria set forth for any zone as well as town wide in Chesterfield Zoning Ordinance, "The Board of Adjustment in New Hampshire A Handbook for Local Officials both found at <https://chesterfield.nh.gov/zoning-board-of-adjustment/> , and the NH Statutes (RSA Chapters 672-677) found at <http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-LXIV.htm> **It is the applicant's responsibility to be properly prepared and familiar with applicable laws and regulations pertaining to their appeal. Applicants having questions regarding the applicability of the Zoning Ordinance, application requirements, or the application process are encouraged to contact a professional.**

Application Requirements/Complete Applications: The ZBA has established basic application requirements which collectively constitute a complete application. These requirements are set forth in checklist fashion within the respective application forms to be completed by the applicant. The ZBA requires that only complete applications be scheduled for public hearing. Photographs showing the area of the property for which relief is sought are not necessarily required as part of an application but are encouraged. Applicants may choose to submit photographs in support of their application.

Plot Plans One of the application requirements is a plot plan. The plot plan provides a visual presentation of the applicant's intentions. Accuracy and completeness are particularly important. The ZBA has established the content requirements of the plot plan.

Plot plan requirements are also included in the application in checklist fashion to be completed by the applicant. If a plot plan is submitted that does not address each of the plot plan checklist requirements the application will be deemed "incomplete" and will not be scheduled for public hearing.

The ZBA requires that in instances of dimensional relief for wetlands setback is sought or if there is uncertainty of a lot dimension, the plot plan shall be prepared by a NH licensed land Surveyor.

There may be circumstances when it is appropriate to depict only a portion of the subject property on the plot plan. This is acceptable PROVIDED the scope of the plot plan sufficiently and clearly depicts the entirety of the applicant's intentions.

Topographic information is not a requirement of all plot plans. However, topographic information may be provided to clarify when runoff may be an issue or if topography is relevant to the reasoning in support of an application.

Plot plans are not required of applications pertaining to: A) appeals of an administrative decision (provided the appeal is not dimensional in nature); and B) appeals seeking a variance to permit a land use not provided for in the Zoning Ordinance.

Notwithstanding the above, the ZBA reserves the right to require additional information as it determines necessary to make an informed decision.

Application Deadlines & Filing the ZBA has established deadlines for the filing of applications in anticipation of future meeting/hearing dates. Complete applications are due by noon twenty-one (21) calendar days before a meeting. Meetings are generally the second Thursday of each month. Be sure to check the town website for current meeting dates. If required information is not filed by the application deadline the board and/or abutters do not have sufficient review opportunity. This will result in the rejection of the application as incomplete. Complete applications must be filed with the Clerk of the Zoning Board at the Selectman's office located at 490 Rt 63 by noon at least 21 calendar days ahead of a regularly scheduled meeting.

Supplemental information, provided the original application has been deemed complete, may be submitted no later than noon three days before the scheduled hearing. Please refer to the Chesterfield ZBA Schedule and Application Due Dates as approved by the Board. Any changes to application plans should be appropriately signed and dated and reflect the appropriate plan/document revision.

Application Review The Zoning Clerk, or in his/her absence, the Chairman of the ZBA or the Chairman's designee shall review all ZBA applications to determine whether all requirements for filing have been met (whether all required forms have been fully completed and all items on the checklists have been signed and submitted). If such person determines that an application is complete it will be placed on the agenda for consideration and hearing by the ZBA at a regularly scheduled public meeting. If an application is determined to be incomplete, it will not be scheduled for public hearing. Incomplete applications will be returned to the applicant with an explanation of the outstanding items. Such decisions regarding incomplete applications may be appealed as a decision of an administrative official under RSA674:33, 1 (a). Applications filed and deemed incomplete will experience delay. To avoid delay applicants are strongly encouraged to file the application well in advance of the deadline. Doing so provides an opportunity for an administrative review of completeness and an explanation of outstanding items, if any. Filing an application well in advance of a deadline allows an applicant to address application deficiencies prior to the deadline, thus avoiding delay.

Approvals Required for both Land Use Boards In instances where Special Exception is required of projects which are subject to site plan approval by the Planning Board the Conditional Approval Notice of Decision from the Planning Board shall be filed with the ZBA as part of any application for Special Exception. Example GS precision <https://chesterfield.nh.gov/wp-content/uploads/2018/09/ZBA-August-14-2018.pdf>

I have read the above instructions and understand that it is my responsibility to ensure all information I submit is accurate and complete.

Signature John Frazier Print John Frazier
Date 7/22/25

Signature Melissa Frazier Print Melissa Frazier
Date 7/22/25

Variance Request for Detached Accessory Dwelling Unit (DADU) at 24 Cady Lane Spofford, NH 03462

Dear Members of the Zoning Board of Adjustment:

We are writing to respectfully request a variance for Section 207.2.3(d) of the Chesterfield Zoning Ordinance, which limits the maximum size of an Accessory Dwelling Unit (ADU) to 800 square feet. We are seeking permission to convert an existing legal detached building with an external dimension that is approx. 21x46 feet and an internal (living space) measurement of 836 square feet located on our property at 24 Cady Lane, Spofford NH 03462 into a detached ADU (DADU). The structure in question was used as a photography studio but has not been used for that purpose since 2020, and we propose to convert it into a code-compliant, self-contained DADU for a family member, caregiver, or rental purposes as allowed under RSA 674:71-73.

In accordance with RSA 674:33 and the five criteria for granting a variance, we offer the following:

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

The existing structure is legal, and no expansion of its footprint or height is proposed. Its conversion to a DADU will not alter the essential character of the neighborhood or threaten public health, safety, or welfare.

2. The spirit of the ordinance is observed:

The ADU regulation aims to limit the size of accessory units to ensure they remain subordinate to the principal dwelling. This detached structure is secondary in terms of size, appearance, and use of the principle dwelling unit. The proposed existing unit only exceeds the size limit externally by a little more than 100 square feet and internally by 36 square feet, or 4.5%, and remains visually and functionally subordinate. The spirit of the ordinance is maintained.

3. Substantial justice is done:

We would be repurposing an already existing structure. Granting this variance would allow us to make reasonable use of an existing nonfunctioning structure without forcing demolition or expensive alterations to meet an arbitrary square footage threshold. Denial would impose unnecessary hardship.

4. The value of surrounding properties will not be diminished:

The structure will meet all building and septic codes, and its use as a DADU is consistent with neighborhood character. There is no evidence this minor increase in size would negatively affect nearby property values.

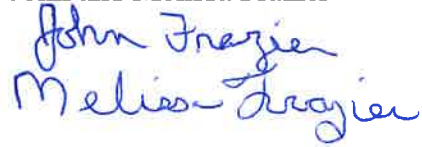
5. Literal enforcement of the provisions would result in unnecessary hardship:

The legal structure already exists, and modifying the structure to remove the extra square footage would be costly, wasteful, and unnecessary given the minimal impact. There is no fair and substantial relationship between the strict application of the ordinance and the hardship imposed.

Thank you for your consideration. We welcome the opportunity to present this request at your next meeting and are happy to answer any questions or provide additional documentation.

Sincerely,

John and Melissa Frazier

Handwritten signatures of John and Melissa Frazier in blue ink. The signature "John Frazier" is on the top line, and "Melissa Frazier" is on the bottom line, both written in a cursive style.



Chesterfield Zoning Board of Adjustment

Application for Variance

A variance is requested from Article RSA 674:33 Section 207.2.3(d) of the zoning ordinance to permit an existing structure measuring 21x46 feet externally and 836 square feet internally (living space) be converted into a DADU.
Facts supporting this request:

- 1 The variance is not contrary to the public interest because: no expansion of the existing legal structures footprint or height is proposed. Its conversion to a DADU will not alter the character of the neighborhood.
2. The variance will not be contrary to the spirit and intent of the ordinance because: the ADU regulation aims to limit the size of accessory units so they remain subordinate to the principle dwelling + this structure is secondary in size, use + appearance of the principle dwelling unit.
3. Substantial justice is done because: we would be making reasonable use of an existing nonfunctioning structure without forcing demolition or expensive alterations to meet an arbitrary square footage threshold.
4. The variance will not diminish the values of surrounding properties because: its use as a DADU is consistent with neighborhood character. There is no evidence this small increase in size would negatively affect nearby property values.
5. Literal enforcement of the ordinance would result in unnecessary hardship.
 - A) Because of the special conditions of the property that distinguish it from other properties in the area:
 - a) There is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property The extra square footage would not negatively impact the neighborhood or the ordinance's public purpose and it would be very costly + wasteful to remove given the minimal impact.
 - AND** b) The proposed use is a reasonable one given the fact that the square footage overage is minimal in the already existing structure. The use will not alter the character of the structure or neighborhood.
 - B) If the criteria in subparagraph A are not established, an unnecessary hardship will be deemed if and only if owing to the 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. Converting the building into a DADU would be making reasonable use of an already existing unoccupied/unused structure.

List any prior variance requests for this property including date regardless of owner _____

Applicant(s) signature(s) John Francis Melina Trevino Date 7/22/25



Chesterfield Zoning Board of Adjustment
Abutters List

Name Melissa + John Frazier
Address 24 Cady Lane

Spoftford, NH 03462
Map & Lot # 8 Lot C7

Name Mark Scherlin
Address 2132 Rt 9 PO Box 154

Spoftford, NH 03462
Map & Lot # Map 8 Lot C6

Name Louise Dingwell
Address 210 Mountain View Ave
Bristol, CT 06010

Map & Lot # Map 8 Lot C8

Name Antonio Quintillio
Address 9 Cady Lane

Spoftford, NH 03462
Map & Lot # Map 8 Lot B5

Name Liz Anderson + Carol Anderson
Address 21 Cross Brook Road

Newtown, CT 06470
Map & Lot # Map 8 Lot B7

Name Dave + Deborah Bolles Rev Trus
Address 14 Lincoln Rd

Spoftford, NH 03462
Map & Lot # Map 8 Lot C9

Name Louis Patuzzo + Tawnya
Address 37 Cady Lane

Spoftford NH 03462
Map & Lot # Map 8 Lot B8

Name Bergeron 2012 Trust
Address 99 Cady Lane

Spoftford NH 03462
Map & Lot # Map 8 Lot B9

Name David + Deborah Bolles Rev Trust
Address 4 Lincoln Rd

Spoftford NH 03462
Map & Lot # Map 8 Lot C7.1

Name Michael T. Ray Rev. Trust
Address 26 Lincoln Rd

Spoftford NH 03462
Map & Lot # Map 8 Lot C10

Name _____
Address _____

Name _____
Address _____

PO Box 175
Chesterfield, NH 03443



603-363-4624
www.nhchesterfield.com

WAIVER TO BE HEARD BY FULL ZONING BOARD OF ADJUSTMENT

The Chesterfield Zoning Board of Adjustment recognizes in its Rules and Procedures, the allowance of applicants to be heard by less than five (5) voting board members or continuing to the next scheduled meeting.

- B. In the event it is not feasible to constitute a five (5) member Board, the Chair shall, prior to the commencement of any hearing, allow the applicant the opportunity to elect to either proceed with the Board then sitting and sign a waiver waiving their rights to a five (5) member Board, or table the application until the next regularly scheduled meeting of the Board.

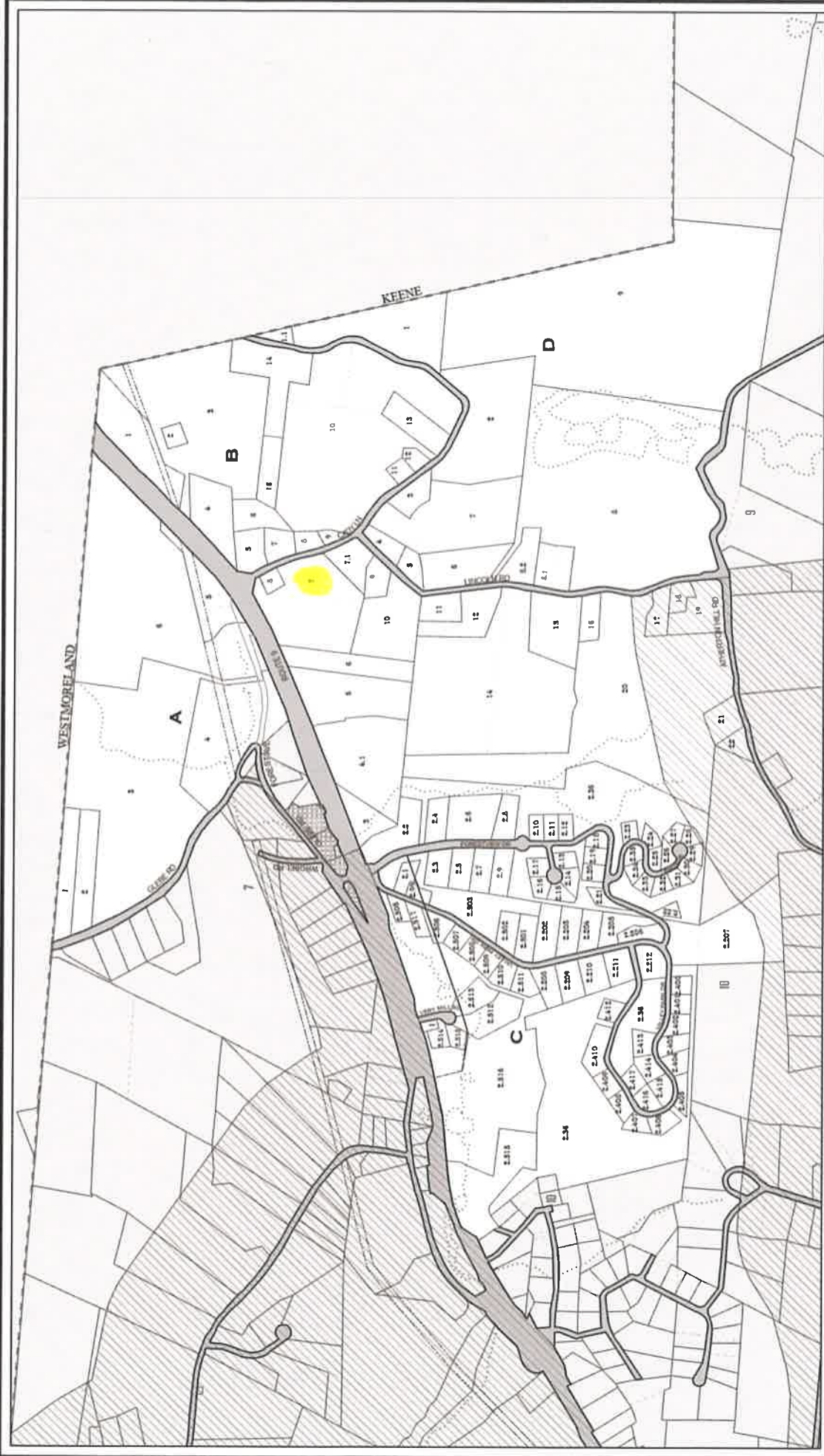
By completing and signing this form, the applicant (or representative) is entering into the agreement that they have waived the right to be heard by a five (5) member Board.

I (applicant(s) or representative party) formally waive my right to have my Chesterfield Zoning Board of Adjustment application heard and debated by a full board of voting members.

Applicant: John Trajner

Applicant: Melissa Trajner

Date of Hearing: 8/21/15



Town of Chesterfield, NH

Tax Property Map #8

9/26/2024

Zoning Districts

- Commercial/Industrial
- Residential
- Rural/Agricultural

Map Features

- Municipal Boundaries
- Parcel Boundaries
- Roadway
- Stream or Waterbody
- Original Parcel Boundaries
- Utility Corridor

Legend

- Common Ownership
- Lot Number
- Block Letter
- Surrounding Maps

Scale

0 200 400 Feet

Disclaimer

NOT TO BE USED FOR CONFORMANCE

Contact

9/26/2024



Chesterfield Zoning Board of Adjustment

Building Coverage Calculation Sheet

(To be completed by homeowner, licensed architect, or engineer only)

Map 8 Lot 7

Property Address 24 Cady Lane
Spofford NH 03462

Select one (or more if property is in two zones) of the following:

☒ Zone R, R/A, V and Lake District: Building coverage shall not exceed ten percent (10%) of the area of a lot (B). Total impermeable coverage (including building coverage) shall not exceed twenty percent (20%) of the lot (C).

☐ Zone O/R/S District: Building shall not exceed twenty (20%) of the area of a lot (B). Total impermeable coverage (including building coverage) shall not exceed fifty percent (50%) of the lot (C).

☐ Zone C/I District: Building shall not exceed fifty (50%) of the area of a lot (B). Total impermeable coverage (including building coverage) shall not exceed seventy percent (70%) of the lot (C).

The following page contains the worksheet for calculating building/structure lot coverage as well as total impermeable lot coverage and percentage. Please take special care to assure accuracy.



Chesterfield Zoning Board of Adjustment
Permission for Site Visit

This document must be signed by all landowners as listed on the deed(s)

I/we John Frazier and Melissa Frazier as
landowner(s) and/or Trustees of the land listed below, authorize the members of the
Chesterfield Zoning Board of Adjustment, its agents and assignee to enter the
premises for purposes of site review in conjunction with the Variance /
Special Exception application submitted on 7 / 22 / 25. I/we further
acknowledge that any site visit attended by a quorum of the Chesterfield Zoning Board
of Adjustment constitutes a public meeting. Any such meeting shall be noticed and
open to the non-board public. I/we authorize public access to the site under such
circumstances where an onsite meeting is called for by the Chesterfield Zoning Board
of Adjustment.

Location of land: 24 Cady Lane Spofford NH

Map 8 Lot 7

Map _____ Lot _____

Signature John Frazier Date 7/22/25

Print John Frazier

Signature Melissa Frazier Date 7/22/25

Print Melissa Frazier

