



# TOWN OF NEW LONDON, NEW HAMPSHIRE

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## ***NOTICE OF DECISION*** ***New London Zoning Board of Adjustment***

RE: CHARLES & CYNTHIA LAWSON

NOVEMBER 4, 2009

1549 LITTLE SUNAPEE ROAD, MAP 030, LOT 007-000

You are hereby notified that on this date, the New London Zoning Board of Adjustment held a public hearing at the request of Charles and Cynthia Lawson. The applicant requested an Area Variance to the terms of Article XVI, Section J.1.a and J.1.b of the New London Zoning Ordinance in order to permit an increase in the existing roof pitch, adding a new 2<sup>nd</sup> floor living space and a covered balcony. Most of the existing house is within 50' of the Little Lake Sunapee reference line.

### **1. The proposed use would not diminish property values.**

The Board determined that the proposed improvements to the property would be in keeping with other structures in the neighborhood and may even have a positive impact on the value of surrounding properties.

### **2. Granting variance would not be contrary to the public interest?**

The Board concluded that the potential for water quality improvements that could result from both the installation of a new septic system that was located further away from the lake, and the diminished waterfront development that a merger of two existing non-conforming parcels that would result in, would be in the public interest.

### **3. Denial would result in unnecessary hardship to the owner.**

a. The small size of the lot and tight setbacks preclude either expansion of the building or moving the structure to a conforming location, and the shallow pitch of the roof presents structural risks that must be overcome. Given these special conditions of the existing property, an area variance will be necessary to provide even a modest increase in living space within the existing footprint of the building.

b. Because of the limited lot size and setbacks, there is no other feasible method of gaining living space other than on the second floor level. The Board agreed that solving the problem of limited pitch in the roof presented the only feasible opportunity for adding space without adding to the footprint or increasing other non-conformities.

### **4. Granting the Special Exception would do substantial justice.**

The Board agreed that allowing limited expansion of the home within the existing footprint, with no net increase in impervious surfaces or other potential degradation of the lake was a just outcome.

### **5. The use is not contrary to the ordinance**

The Board concluded that because two nonconforming lots were being merged as part of this proposal, a new septic system with greater capacity is being constructed farther away from the lake, and that the structure was remaining within the original footprint, the proposed variance was not contrary to the spirit of ordinance.

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Board of Selectmen P: 603-526-4821 x 10 F: 603-526-9494	Town Administrator P: 603-526-4821 x 13 F: 603-526-9494	Town Clerk-Tax Collector P: 603-526-4821 x 11 F: 603-526-9494	Finance P: 603-526-4821 x 21 F: 603-526-9494	Assessing P: 603-526-4821 x 20 F: 603-526-9494
Planning/Zoning P: 603-526-4821 x 16 F: 603-526-9494	Fire Department P: 603-526-6073 F: 603-526-6079	Police Department P: 603-526-2626 F: 603-526-2782	Public Works P: 603-526-6337 F: 603-526-9662	Recreation P: 603-526-4821 x 14 F: 603-526-9494

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After hearing testimony, it was determined that the requirements for the Area Variance had been met. **By unanimous vote, the Zoning Board of Adjustment APPROVED the application for the area variance to allow the petitioners to add a second floor to the existing structure, thus increasing the overall volume of the structure, with the condition that the two parcels involved in the application (Map 030, Lot 007-000 and Map 030, Lot 024-000) be legally merged before construction begins.**

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William Green, Chairman

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Cheryl Devoe

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Douglas Lyon

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Laurie DiClerico

