

APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment, Town of New London, 375 Main Street

Name of owner/applicant: Amy Johnson, Trustee

Mailing Address: PO Box 443, Rochester State: MA Zip: 02770

Home Telephone: _____ Work Telephone: _____ Cell: 508-728-1782

Email address: Leonardsmother@comcast.net

Owner of property: Same
(if same as applicant, write "same")

Location of property 596 Lakeshore Drive

Tax Map Number: 050 Lot Number: 007 Zone: R2

**A variance is requested from the provisions of Article: XX Section: B.4
of the Zoning Ordinance to permit Dormer space in bedroom**

Facts supporting this request:

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

2. The spirit of the ordinance is observed: See attached

3. Substantial justice is done: See attached

4. The values of surrounding properties are not diminished; and:
See attached

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:

(1) 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;

See attached

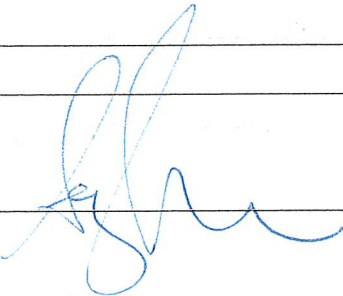
and

(2) The proposed use is a reasonable one;

See attached

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.

Owner/applicant(s) Signature: _____



Date: 11-8-21

NOTE:

This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if the space provided is inadequate.

For questions or assistance in completing these forms, please contact:

Zoning Administrator

603-526-1246

Email: zoning@nl-nh.com

Or

Assessing Coordinator

603-526-1243

Email: landuse@nl-nh.com

Support Statement on behalf of Amy Johnson, Trustee
596 Lakeshore Drive
R2 zone and Waterfront Buffer

Amy Johnson, MD, Trustee for the property located at 596 Lakeshore Drive, requests a variance to permit her to increase the height of the road-side portion of her house. The center ridge of the house will not be raised and the increase in ceiling height is only for that section of the house over an existing second floor bedroom which currently has a knee-wall height of just under one foot on the road side of the house. The bedroom and floor space would not change. Dr. Johnson would like to raise the ceiling height in the bedroom on the road side by six feet, six inches, only so that she will be able to walk to that side of the bedroom while standing erect and without hitting her head. The raised ceiling would be a dormer that would not be visible from the Pleasant Lake. The ridge-line of the house would not change or increase the height of the house, the dormer would not obstruct any view from the lake of the cottage or the road, and the dormer would not obstruct the view of the lake from the road.

Article XX, Section B.4., states that there “shall be no vertical expansion in the Waterfront Buffer.” Although the increase in the ceiling height of the second floor bedroom would result in a increase height of the road side portion of the home, it would not result in any increase in the vertical height of the house as the ridge line of the house would not change. As explained below, the request satisfies the criteria for a variance and Dr. Johnson requests that the zoning board grant a variance to permit her to construct a dormer thirteen feet wide that will raise the ceiling height by six feet six inches on the road side of the house.

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

“For a variance to be contrary to the public interest, it must unduly and to a marked degree violate the basic zoning objectives of the zoning ordinance. To determine this, does the variance alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public?”

The Zoning Board of Adjustment in New Hampshire, A Handbook for Local Officials, March 2021, p. II-12 (referred to herein as “*Handbook*”)

As noted, the proposed dormer will be on the road side of the house and would not be visible from the lake. The height of the house would not change. The Zoning Ordinance states that the “purpose of this buffer shall be to protect the quality of public waters while allowing the property owner discretion with regard to water access, safety, viewscape maintenance, and Lot design.” The addition of the small dormer will have no effect on the lake or water quality. There will be increase in roof area and no increase in the height of the house. Raising the ceiling in the existing second floor bedroom will not affect the “essential character of the neighborhood or threaten the health, safety, or general welfare of the public.”

2. The spirit of the ordinance is observed:

Although no specific purpose is provided for in the New London Zoning Ordinance for the residential district, RSA 674:17 states that:

I. Every zoning ordinance shall be adopted ...:

- (a) To lessen congestion in the streets;
- (b) To secure safety from fires, panic and other dangers;
- (c) To promote health and the general welfare;
- (d) To provide adequate light and air;
- (e) To prevent the overcrowding of land;
- (f) To avoid undue concentration of population;
- (g) To facilitate the adequate provision of transportation, solid waste facilities, water, sewerage, schools, parks, child day care;
- (h) To assure proper use of natural resources and other public requirements....

The purpose of the Waterfront Buffer, stated above, seeks to protect the lake.

“In deciding whether or not a variance will violate the spirit and intent of the ordinance, the board of adjustment must determine the legal purpose the ordinance serves and the reason it was enacted.” *Handbook*, p. II-12.

The proposal to raise the ceiling on the road side of the house without changing the area of the floor space is only so that one can move in the existing interior room without hitting one's head on the ceiling. The request satisfies all of the statutory purposes of zoning and is consistent with the purpose of the Watershed Buffer. None of the purposes listed in the state statute or in the Watershed Buffer will be affected. The proposal will be consistent with the purposes of zoning and will allow an appropriate use of the property entirely consistent with the essential character of the neighborhood so that it is consistent with the spirit and intent of zoning.

3. Substantial justice is done:

Substantial justice is accomplished by permitting a reasonable use of an existing home in a manner that will have no effect on the community or the environment. As the Zoning Handbook states, “perhaps the only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.” *Handbook*, p. II-13. The loss to Dr. Johnson without a variance is the reasonable ability to walk in a room with a ceiling of customary height. Granting the variance results in no loss to the general public since the house is existing and the overall height of the house will not change.

ABUTTERS LIST

FERGUSON FAMILY TRUST ALL
14 BAKER BRISGE ROAD
LINCOLN, MA 01773

HUNTERS HILL TRUST
C/O SALLY M. BOYD-SANDER
PRAMGATAN 2
063
V.FROLUDA, SE SE-42

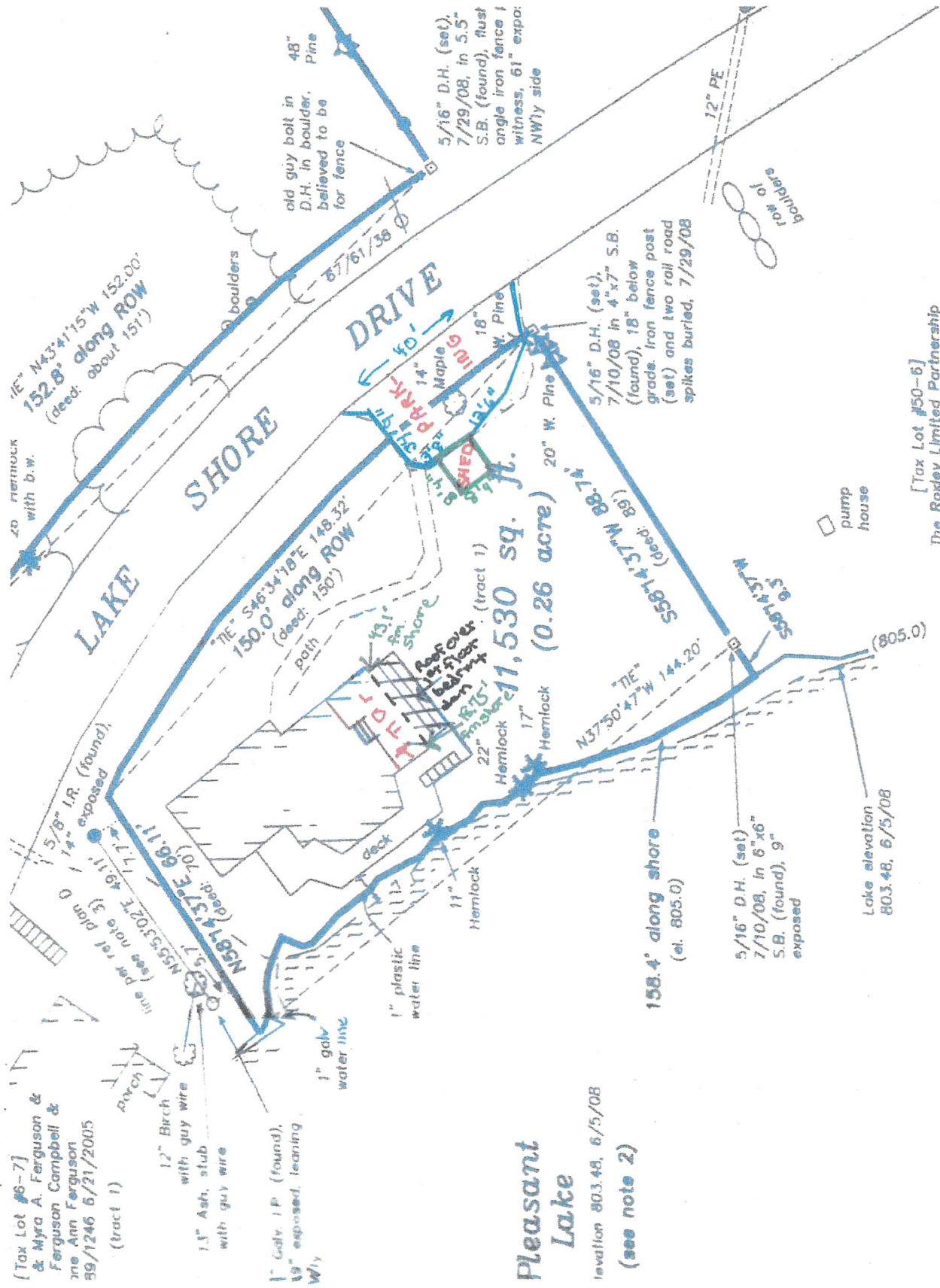
ROXLEY LIMITED PARTNERSHI
C/O SUE ELLEN ANDREWS
PO BOX 164
ELKINS, NH 03233

STARK THOMAS & SANDRA FAM
STARK THOMAS & SANDRA TRU
PO BOX 4
ELKINS, NH 03233

Barry Schuster
79 Hanover Street
Lebanon, NH 03766

Amy Johnson, Trustee
P.O. Box 443
Rochester, MA 02770

[Tax Lot #6-7]
 & Myra A. Ferguson &
 Ferguson Campbell &
 one Ann Ferguson
 89/1246 6/21/2005
 (tract 1)



Pleasant Lake

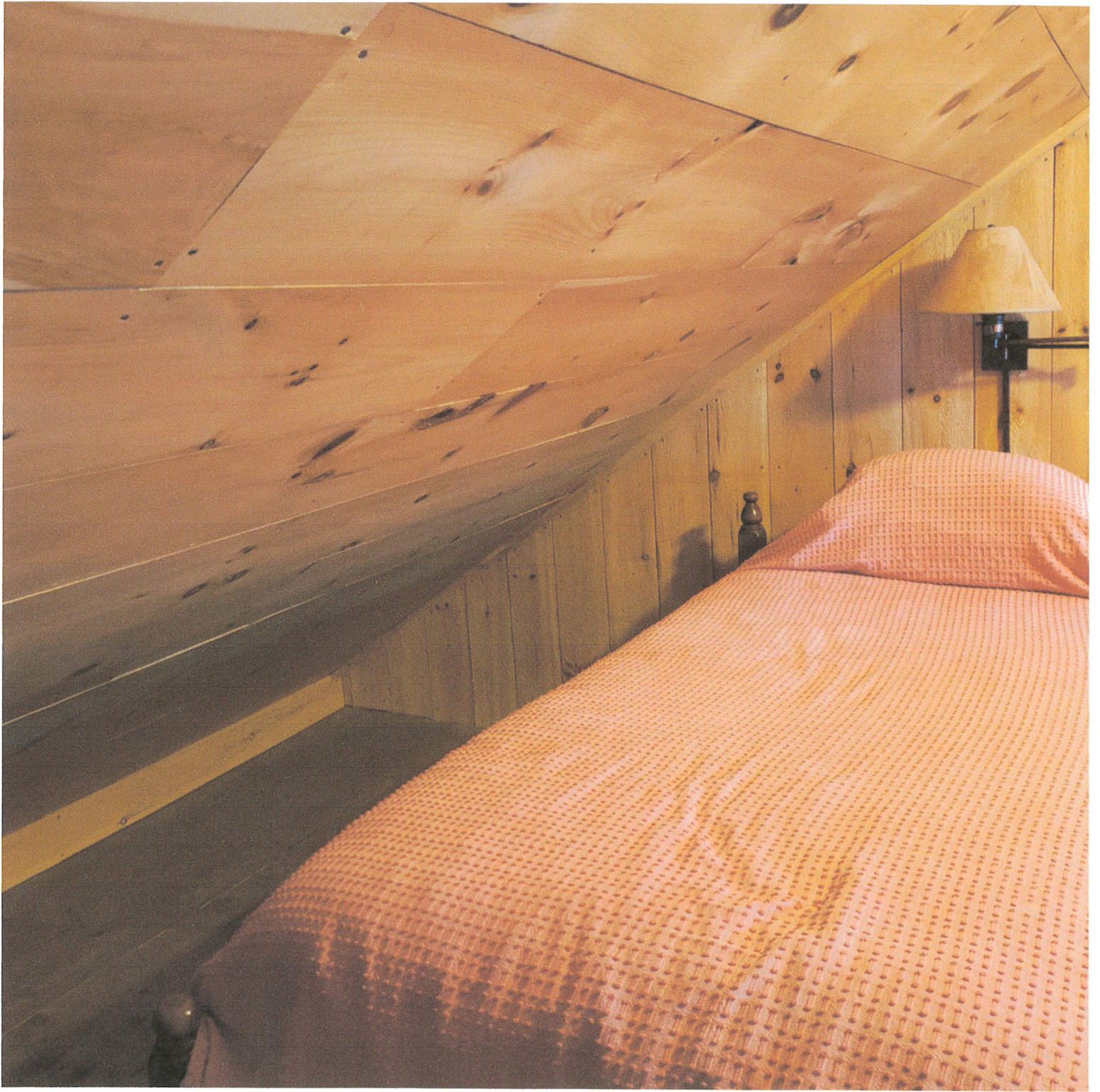
elevation 803.48, 6/5/08
 (see note 2)

[Tax Lot #50-6]
 The Rodley Limited Partnership
 01406/147 10/26/81

Scale: 1"=30'







596 Lakeshore Drive
Westwind Trust
Amy Johnson, M.D. Trustee
NOT drawn to scale

