

# APPLICATION FOR A VARIANCE

Town of New London  
Selectmen's Office

SEP 23 2024

RECEIVED

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

Name of owner/applicant: John and Mary Ellen Mathewson

Mailing Address: PO Box 267, Elkins

State: NH Zip: 03233

Home Telephone:

Work Telephone:

Cell: 315-723-2764

Email address: [jmathewson456@gmail.com](mailto:jmathewson456@gmail.com)

Owner of property: same

(if same as applicant, write "same")

Location of property: 9 Forty Acres Road, New London NH 03257

Tax Map Number: 39

Lot Number: 2

Zone: ARR

**A variance is requested from the provisions of Article: VI Section: C2**

**of the Zoning Ordinance to permit** Construction of mudroom and garage addition with minimum setback of 21 feet from the edge of abutting Forty Acres Road right-of-way, which is less than the minimum 50 feet specified in the Zoning Ordinance. The proposed addition will be attached to the existing residence on the property that was built in 1860 and is nonconforming with setback of 11 feet from the Forty Acres Road right-of-way.

Facts supporting this request:

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

The variance will not change the character of the neighborhood, nor will it threaten public health, safety or welfare. The house will continue as a single-family residence like all other houses in the neighborhood. The appearance of the proposed addition will be consistent with the existing residence. The proposed setback to Forty Acres Road, which is a dead-end dirt road, will not affect traffic or emergency vehicle access. In fact, the setback for the proposed garage (21 feet, see enclosed drawing), is greater than the setback for the existing house (11 feet, see enclosed drawing).

2. The spirit of the ordinance is observed:

Granting of the variance will not threaten the rights of others and does not alter the essential character of the neighborhood in any way. The garage and mudroom addition will be aesthetically consistent with the existing dwelling and other properties in the neighborhood. For example, the Baer property at 84 Forty Acres Road and the Kloepfel property on Whitney Brook are other old houses with attached garage additions in the neighborhood. The roadside appearance of the property will be improved when vehicles that are currently parked outside the house are parked in the proposed garage. The spirit of the Zoning Ordinance will be observed by granting this variance.

3. Substantial justice is done:

Granting of the variance allowing us to place the addition less than 50 feet from the right-of-way, still greater than the setback of the existing house, allows us to build the attachment in a sensible location for the existing interior. To deny the variance will bring a loss to the property owner that is not outweighed by the gain to the general public by insistence on strict conformance. In fact the gain is practically irrelevant because most of the existing house is within the 50 foot setback. To grant the variance will result in substantial justice.

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

The proposed addition will be attractive and aesthetically consistent with the existing residence and with other houses in the neighborhood. Also, our vehicles are normally parked on the roadside and moving them into a garage will improve the look of the property. In addition, the garage will be replacing a disreputable-looking woodshed. Several neighbors have submitted letters in support of our proposal, evidence that they are not concerned about the effect of our proposed garage addition on property values in the neighborhood. Jeff Adie of Coldwell Banker, who assisted us with the purchase of the property in 2020, has also submitted a letter supporting our proposal.

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;

The existing residence on the property was built in 1860 and is nonconforming with setback of 11 feet from Forty Acres Road. This is unlike most other houses in the neighborhood which are relatively new and built far from the road. Our house is the only one in the neighborhood without an attached garage. Purposes of the setback requirement are to prevent overcrowding of the land and to ensure adequate emergency access. The house will continue as a single-family home and traffic and emergency access are not affected by the variance. Our proposed garage addition setback of 21 feet from Forty Acres Road is actually greater than the setback of the existing dwelling.

- (2) The proposed use is a reasonable one;

The proposed garage and mudroom addition is a reasonable and allowed use under the Zoning Ordinance and granting the variance does not alter the character of the neighborhood. The support of our neighbors, evidenced by the attached letters, further indicates that the proposed use is reasonable and that denial of this variance would result in unnecessary hardship.

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.

Not Applicable.

Owner/applicant(s) Signature:  Date: 8/23/24

**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](mailto:zoning@nl-nh.com)

Or

Assessing Coordinator

603-526-1243

Email: [landuse@nl-nh.com](mailto:landuse@nl-nh.com)

# LIST OF ABUTTERS/NOTIFICATION LIST

## County of Merrimack

### New London, New Hampshire

#### 9 Forty Acres Road (Lot 039-002)

#### Variance Application

<b>Owner Applicant</b>	<b>Street Address</b>	<b>Map/Block/Lot</b>
John and Mary Ellen Mathewson P.O. Box 267 Elkins, NH 03233	9 Forty Acres Road	Lot 039-002
<b>Applicant's Consultants</b>	<b>Street Address</b>	<b>Map/Block/Lot</b>
Phil Forzley P.O. Box 437 New London, NH 03257	N/A	N/A
Holt Gilmour Survey Associates LLC P.O. Box 1261 Williston, VT 05495	N/A	N/A
<b>Abutters</b>	<b>Street Address</b>	<b>Map/Block/Lot</b>
Town of New London 375 Main Street New London NH 03257	375 Main Street	Lot 039-001
Kristin Smith and Nicholas Baer P.O. Box 116 Elkins, NH 03233	84 Forty Acres Road	Lot 039-003 Lot 039-004
William and Phyllis Magner P.O. Box 276 Elkins, NH 03233	331 Whitney Brook Road	Lot 039-005
John Clough P.O. Box 296 Elkins, NH 03233	306 Whitney Brook Road	Lot 039-008
Robert and Peggy Hutter P.O. Box 155 Elkins, NH 03233	280 Whitney Brook Road	Lot 039-009
Chris Hansen P.O. Box 186 Elkins, NH 03233	256 Whitney Brook Road	Lot 039-010

MICHAEL J. WORK  
ATTORNEY AT LAW  
P.O. BOX 627  
NEWPORT, NEW HAMPSHIRE 03773-0627

TT \$4,725

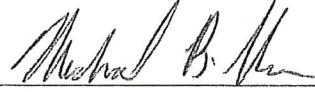
**WARRANTY DEED**

KNOW ALL BY THESE PRESENTS, that we, MICHAEL B. ROSS and COLLEEN S. ROSS, husband and wife, of New London, New Hampshire, for consideration paid, grant to JOHN C. MATHEWSON and MARY ELLEN MATHEWSON, husband and wife, whose present mailing address is 1555 King Hill Road, New London, New Hampshire 03257, as joint tenants with rights of survivorship, with **WARRANTY COVENANTS**,

A certain tract of land with any improvements thereon, situated in New London, County of Merrimack and State of New Hampshire, containing 7.1 acres, more or less, as shown on sheet one of a plan labeled "Property of Patricia McKean and Olive M. Moore", "Project Number Q8-9-085, 090", dated September, 1974, by Robert S. Bristol and Associates, North Sutton, New Hampshire, to be recorded in the Merrimack County Registry of Deeds, more particularly bounded and described as follows:

Beginning at an iron rod on the westerly side of Whitney Brook Road, so-called, at the southeasterly corner of the premises herein conveyed and the corner of intersecting stone walls; thence N 51° 38' W seven hundred thirty five and four-tenths (735.4) feet along a stone wall and land now or formerly of Herbert S. and Carol B. Morrison to the end of the stone wall; thence N 49° 12' W one hundred thirty-two and eight-tenths (132.8) feet still along said land of Morrison to an iron rod set in a stone wall; thence N 45° 35' E ninety-five and one-tenths (95.1) feet along said stone wall at land

Signed this 8 day of September, 2020.



Michael B. Ross

STATE OF NEW HAMPSHIRE

SULLIVAN COUNTY

September 8, 2020

Personally appeared Michael B. Ross, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes therein contained.



Before me,



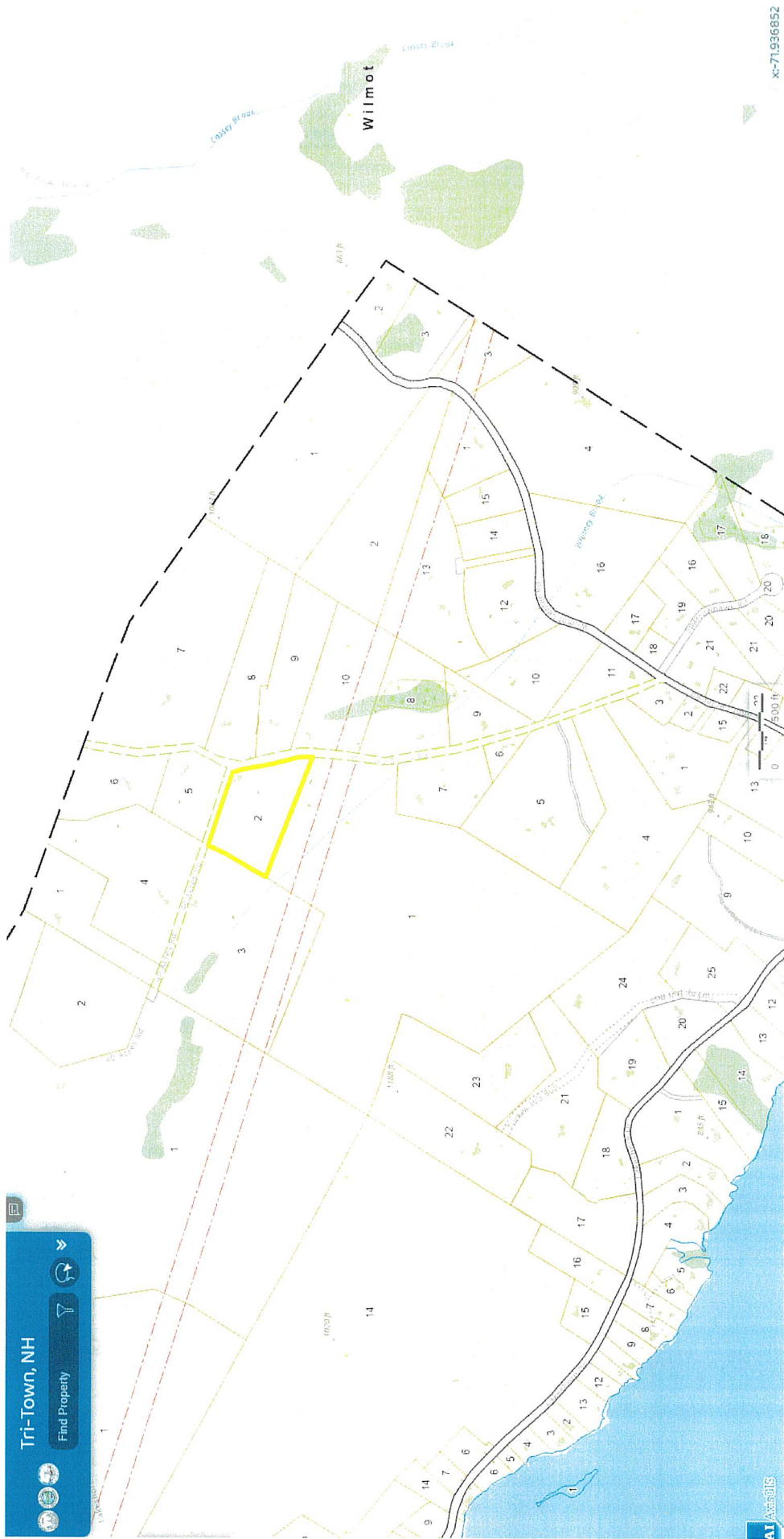
Notary Public/~~Justice of the Peace~~

Michael J. Work

(Please type or print name)

My commission expires: 8-02-2022

Tri-Town, NH  
Find Property

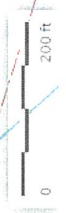
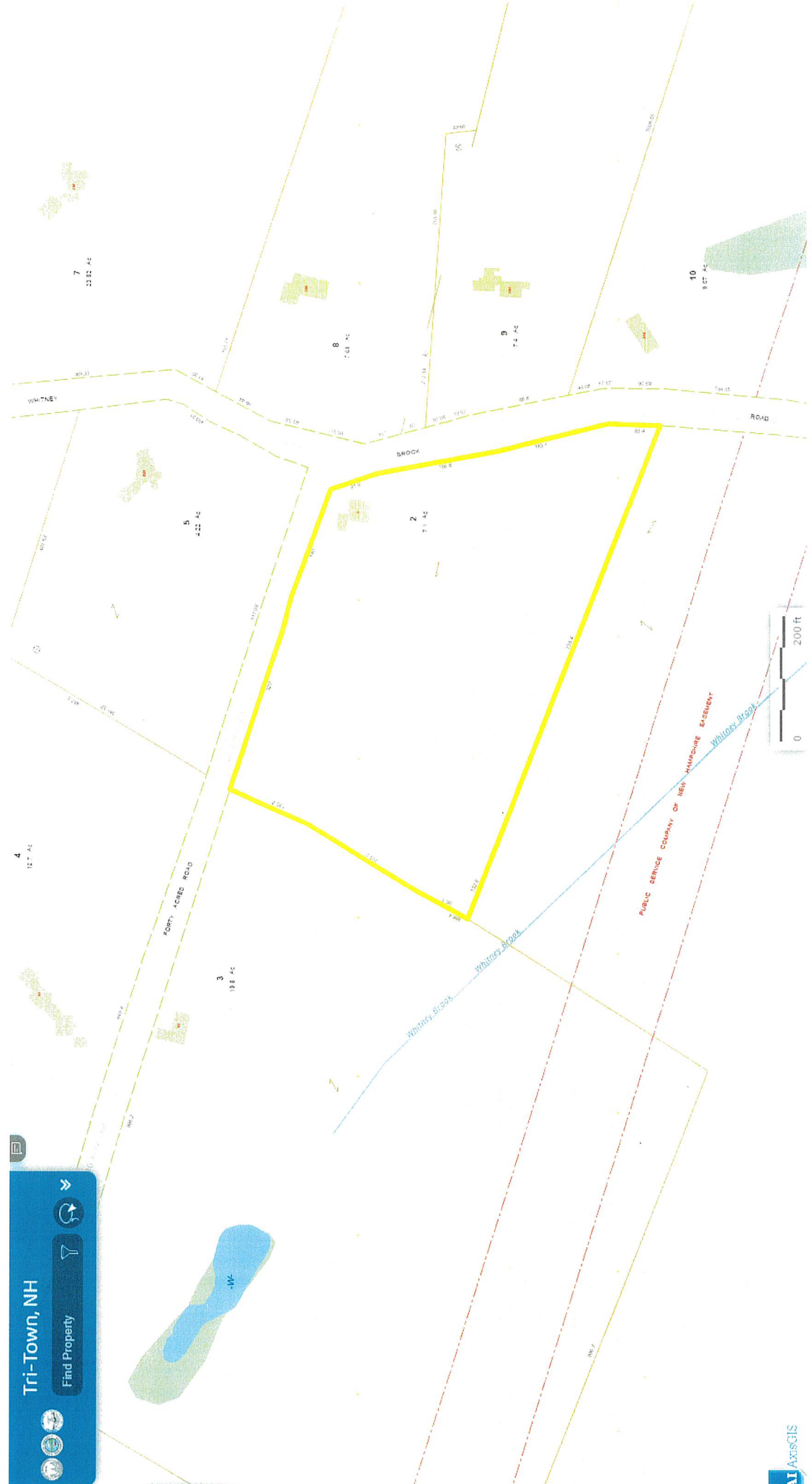


X-71936852

AI Assets

Tri-Town, NH

Find Property





July 18, 2024

From:  
Nick Baer  
PO Box 116  
Elkins NH 03233

To:  
Town of New London  
Zoning Board of Adjustment

Dear Zoning Board,

We live at 84 Forty Acres Road, down the road from John and Mary Ellen Mathewson. John showed us their plans for an attached garage and mudroom addition that they hope to build on their property at 9 Forty Acres Road. I fully support their proposal and the related variance application. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Baer', with a long horizontal flourish extending to the right.

Nick Baer

July 17, 2024

From:

Bob and Peggy Hutter

PO Box ~~180~~ 155

Elkins NH 03233

To:

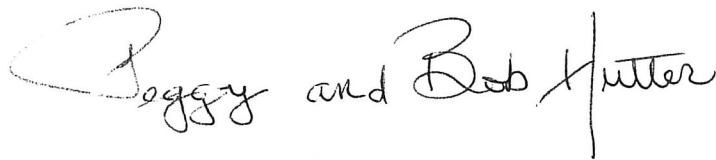
Town of New London

Zoning Board of Adjustment

Dear Zoning Board,

We live at 280 Whitney Brook Road, across the street from John and Mary Ellen Mathewson. John showed us their plans for an attached garage and mudroom addition that they hope to build on their property at 9 Forty Acres Road. We fully support their proposal and the related variance application. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Peggy and Bob Hutter". The signature is written in black ink and is positioned below the typed name.

Bob and Peggy Hutter

July 16, 2024

Bill Magner

PO Box 276

Elkins NH 03233

Dear Members of the Zoning Board,

My wife Phyllis and I live at 331 Whitney Brook Road, next door to John and Mary Ellen Mathewson. John showed me their plans for an attached garage and mudroom addition, that they hope to build on their property at 9 Forty Acres Road. We fully support their proposal and the related variance application. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Bill Magner". The signature is written in black ink and is positioned above the printed name.

Bill Magner

From:  
Chris Hansen  
PO Box 186  
Elkins NH 03233

To:  
Town of New London  
Zoning Board of Adjustment

Dear Zoning Board,

I live at 256 Whitney Brook Road, across the street from John and Mary Ellen Mathewson. John showed me their plans for an attached garage and mudroom addition that they hope to build on their property at 9 Forty Acres Road. I fully support their proposal and the related variance application. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Hansen", with a long horizontal flourish extending to the right.

Chris Hansen

July 23, 2024

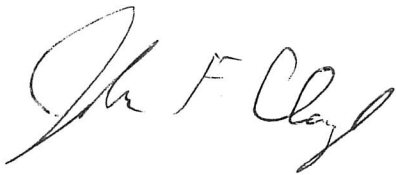
From:  
John Clough  
PO Box 296  
Elkins NH 03233

To:  
Town of New London  
Zoning Board of Adjustment

Dear Zoning Board,

I live at 306 Whitney Brook Road, across the street from John and Mary Ellen Mathewson. John showed us their plans for an attached garage and mudroom addition that they hope to build on their property at 9 Forty Acres Road. I fully support their proposal and the related variance application. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "John F. Clough". The signature is written in a cursive style with a large initial "J" and "C".

John Clough



**COLDWELL BANKER**  
**LIFESTYLES**

September 11, 2024

From:

Jeff Adie

Coldwell Banker LIFESTYLES

18 Pioneer Point

Grantham NH 03753

To:

Town of New London

Zoning Board of Adjustment

**Dear Zoning Board,**

I have been a licensed real estate agent in the area for over 18 years, and I had the pleasure of assisting John and Mary Ellen Mathewson with their purchase of the property at 9 Forty Acres Road in 2020. They recently shared with me their plans for an attached garage and mudroom addition that they hope to build on their property.

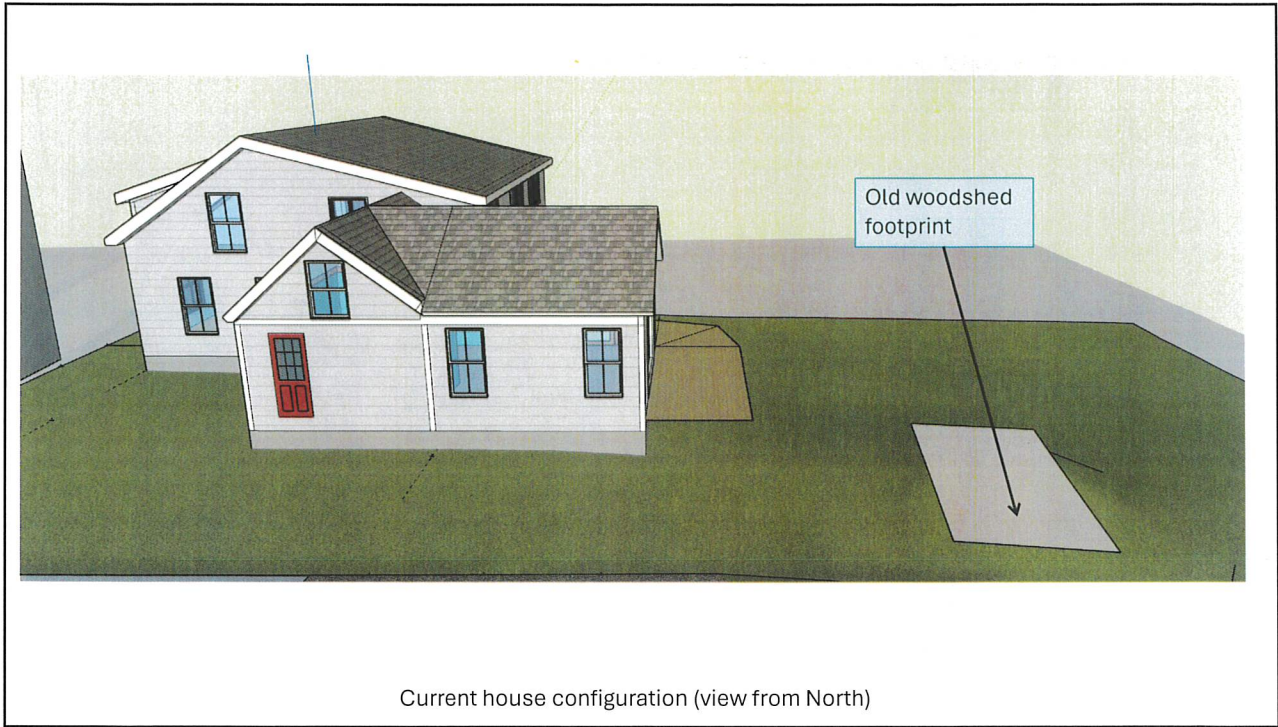
As someone with extensive experience in the local real estate market, I believe the proposed addition will not diminish the value of surrounding properties. In fact, it will enhance the overall appeal of the neighborhood. The addition will be aesthetically consistent with the existing house and other homes in the area, creating a seamless look. Furthermore, by moving vehicles off the roadside and into a well-designed garage, the project will improve both the curb appeal and safety of the street, benefiting nearby residents.

Thank you for your consideration of this matter. I fully support the Mathewsons' plans and believe the addition will positively contribute to the neighborhood.

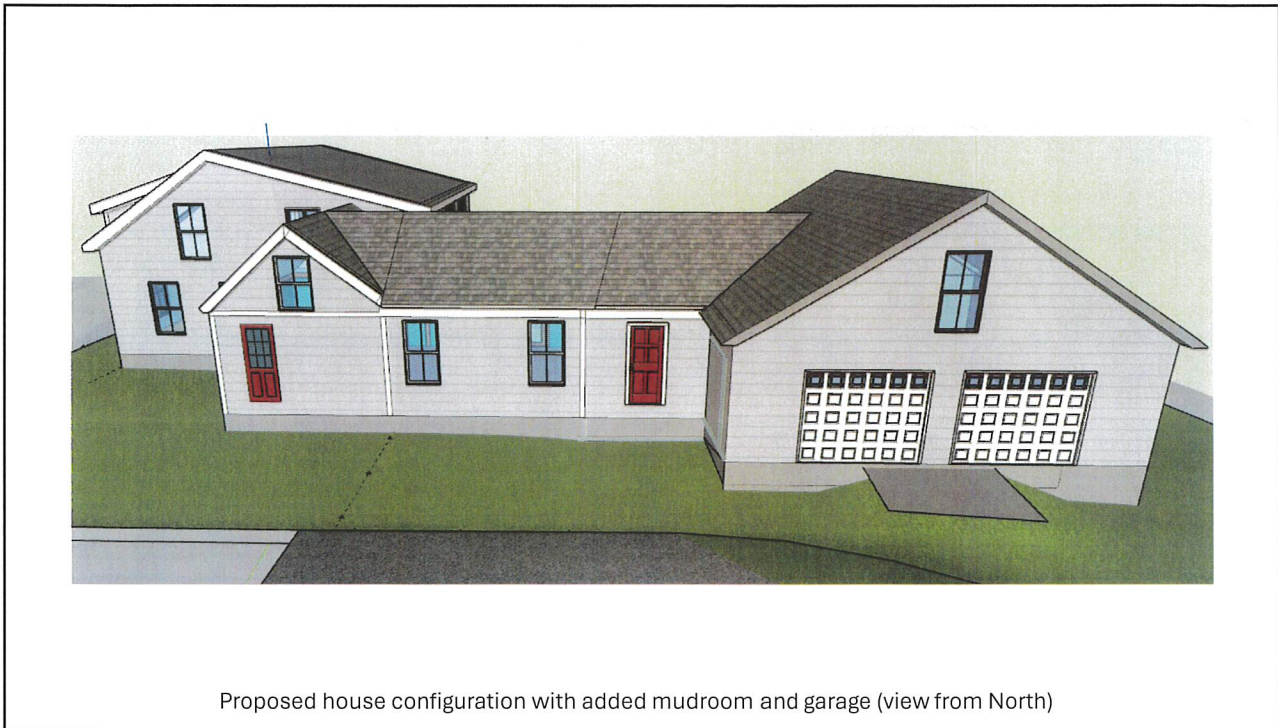
Sincerely,

Jeff Adie

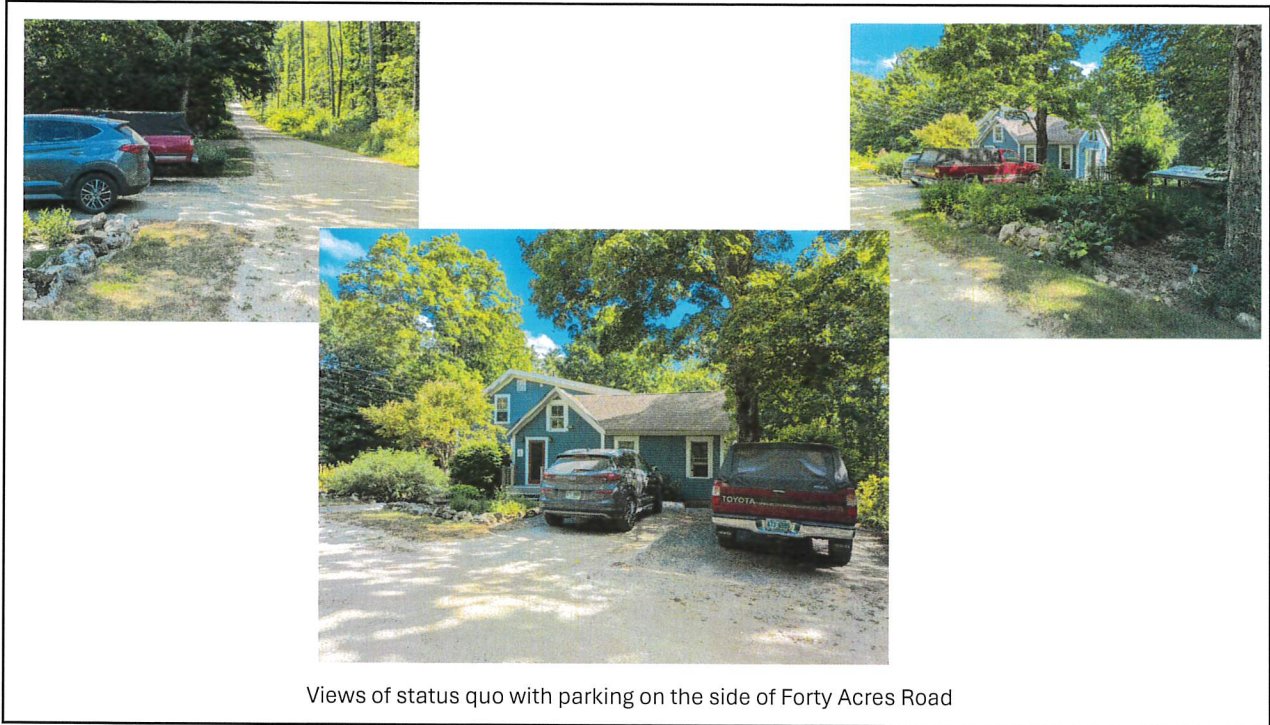
Coldwell Banker Lifestyles



1

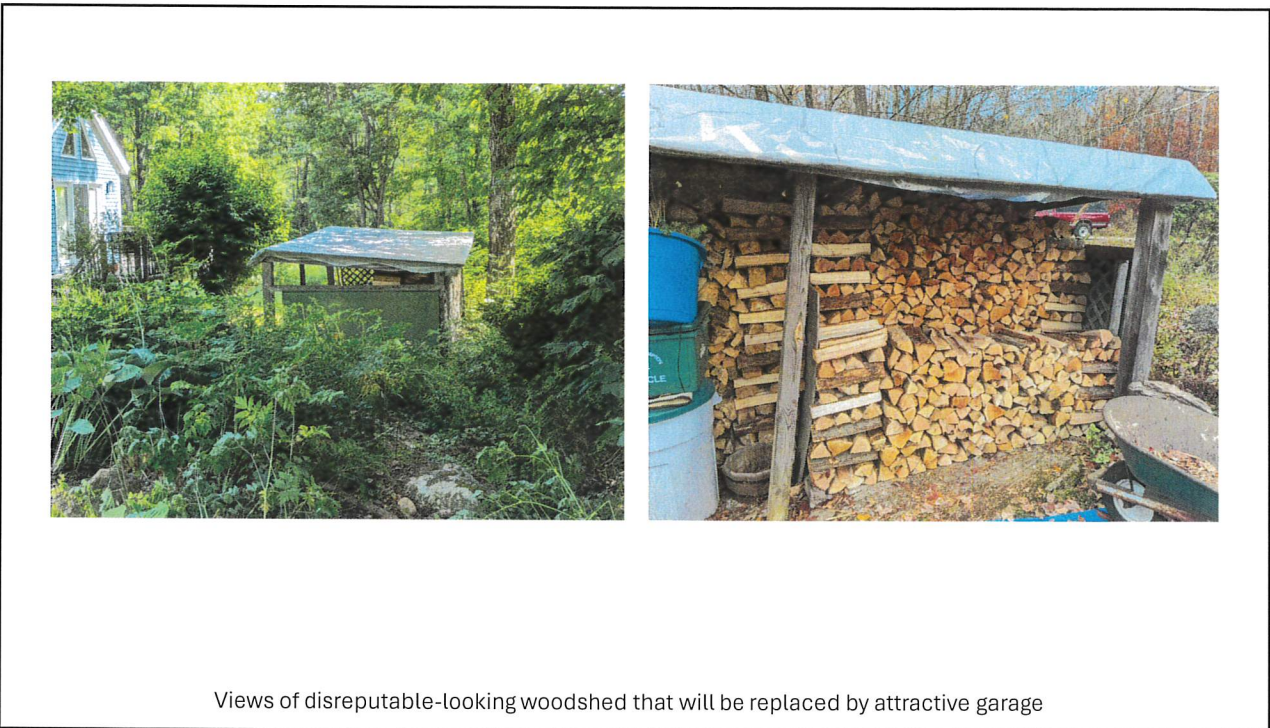


2



Views of status quo with parking on the side of Forty Acres Road

5



Views of disreputable-looking woodshed that will be replaced by attractive garage

6





TOWN OF  
NEW LONDON, NEW HAMPSHIRE

375 MAIN STREET • NEW LONDON, NH 03257 • 603-526-4821 • WWW.NEWLONDON.NH.GOV

Zoning Board of Adjustment  
Fee Schedule as of 7-1-2024

Applicant: John & Mary Ellen Mathewson  
Case # ZBA 24-04 Date: 10/15/24

Type of Application	Fees	Amount owed
All Applications - Abutter Notification	Current postage rates for certified mail to each abutter & applicant \$5.54/each Contact town offices. <u>9 x \$5.54</u>	<u>49.86</u>
All Applications - Newspaper Public Notice	\$56.00	<u>56.00</u>
Application Fee for <i>Appeal of an Administrative Decision</i>	\$150 each	
Application Fee for <i>Equitable Waiver of Dimensional Requirements</i>	\$150 each	
Application Fee for <i>Special Exception</i>	\$150 each	
Application Fee for <i>Variance</i>	\$150 each	<u>150.00</u>
Recording Fees (if required by the ZBA) for any recording fees, costs and surcharges, as required, at the Merrimack County Registry of Deeds		

Please make check payable to: **Town of New London**  
Payment due at time of application & no later than meeting date.

TOTAL DUE: \$ 255.86  
Upon Receipt ck#107

9/23/24