



TOWN OF NEW LONDON, NEW HAMPSHIRE

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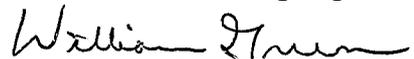
ZONING BOARD OF ADJUSTMENT APRIL 14, 2008

You are hereby notified that on this date, the New London Zoning Board of Adjustment held a public hearing at the request of Susan Rowett. Applicant requested an area variance to the terms of Article VI, Section C-1 of the New London Zoning Ordinance, in order to retain an illegally constructed shed addition to the rear of an existing barn, although the shed addition fails to meet either the front yard setback requirement of 50-feet or the side yard setback requirement of 25-feet. The property is located at 683 Seamans Road, Tax Map 098, Lot 008 in the ARR zone.

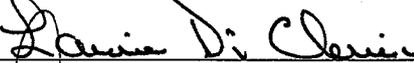
No abutters or other interested parties attended this hearing or submitted comments. The Board received testimony from the applicant's representative Pierre Bedard of Bedard & Associates, and from New London Zoning Administrator Peter Stanley, and made the following findings of fact:

1. Although it would be difficult to determine whether or not granting this variance would result in a diminution of surrounding property values, the Board agreed that it is the applicant's burden to prove that it would not do so, and that granting the variance would set a precedent for other similar applications that may result in such a diminution.
2. The variance would be contrary to the public interest, as the shed was built without benefit of a building permit that is required for all construction. Had the building permit process been followed, the shed would have been required to conform to setback requirements. Though the barn to which the shed is attached did receive an equitable waiver of dimensional requirement in 2003, that waiver does not make the barn a legal non-conforming use, thus all subsequent additions to the barn (e.g. this shed) must conform to regulations.
3. Denial of the variance would not result in unnecessary hardship to the owner as there are no special conditions on the property that prevent construction of a shed that meets the setback requirements. Applicant could construct a legal shed without undue financial burden.
4. Substantial justice in this case does not require a variance. It would not be a hardship for owners to take down this shed, and replace it with one that meets setback requirements.
5. The use that would be permitted by granting this variance would not be in the spirit of the ordinance. The same use can be enjoyed within the framework of the zoning ordinance, and after compliance with all regulations including the requirement for a building permit that would assure compliance with setback requirements.

By unanimous vote, the Zoning Board of Adjustment DENIED this variance, and added the condition that the owners remove the existing illegal structure within a reasonable time.



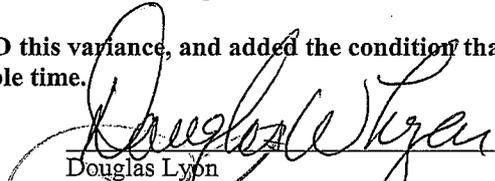
William Green, Chair



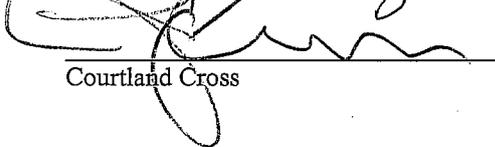
Laurie Diclerico



Michael Todd



Douglas Lyon



Courtland Cross

NOTE: Application for rehearing on any question of the above determination may be taken within 30 days of said determination by any party to the action or person affected thereby according to New Hampshire Revised Statutes Annotated. 1955, Chapter 31:74-76.

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