



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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NOTICE OF DECISION
New London Zoning Board of Adjustment

RE: Jesse & Jacqueline Worobel

SEPTEMBER 23, 2009

You are hereby notified that on this date, the New London Zoning Board of Adjustment held a public hearing at the request of Harry M. Snow, representing Jesse & Jacqueline Worobel. The applicant requested an Area Variance to the terms of Article XX, Section 3b, 2 of the New London Zoning Ordinance in order to permit substantial improvement of an existing non-conforming building with slightly less than the required front yard setback.

1. The proposed use would not diminish surrounding property values.

Mr. Cross said that having looked at the information and having heard the testimony, he can't help but agree that it would be more of an improvement than a diminishing of the property. Mr. Lyon and Mr. Horton agreed.

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

Mr. Horton said that he keeps coming back to the fact that the addition structure is within setbacks and it appears that everything they are adding complies and is conforming. Mr. Green thought it would be in the public's best interest to go forward with the project. Mr. Lyon agreed with Mr. Stanley that the goal of zoning is to bring things into conformity and felt that the structure would be brought closer to conformity by creating the addition. Mr. Cross agreed with Mr. Lyon.

3. Denial of the variance would result in unnecessary hardship to the owner because:

a.) The following special conditions of the property make an area variance necessary in order to allow the development as designed.

Mr. Lyon felt that it was clear that the intention was to combine two lots to provide a legal location for a larger structure. He believed that they had done it in a responsible way and had also eliminated a more unattractive and nonconforming issue by tearing down the old buildings. Mr. Cross and Mr. Horton agreed.

b.) The same benefit cannot be achieved by some other reasonably feasible method that would not impose an undue financial burden because:

Mr. Green said that the plan presented made the most amount of sense. He remarked that, after all, it was all about 5'. Mr. Cross said that he had no problem with it at all. Mr. Lyon commented that the only way they could improve upon the design was to lift the whole house up and move it back, and that is was not financially feasible.

4. Granting the variance would do substantial justice because:

Mr. Cross said that the granting of the variance would do substantial justice for the arguments they had heard. Mr. Lyon said they have made a good faith attempt to take a nonconforming structure and make it closer to conforming, which was great. The board agreed.

5. The use is not contrary to the spirit to the ordinance because

Mr. Lyon commented that the result, overall, for the Town is a more conforming situation which is in the spirit of the ordinance, not contrary to it.

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

IT WAS MOVED (Doug Lyon) AND SECONDED (Jeff Horton) that the Zoning Board grant the Area Variance to permit substantial improvement of an existing non-conforming building with slightly less than the required front yard setback to the property owned by Jesse and Jacqueline Worobel at 85 Bog Road, New London. THE MOTION WAS APPROVED UNANIMOUSLY.

William Green, Chairman

Jeff Horten

Courtland Cross

Douglas Lyon