



Town of New London
Zoning Board of Adjustment

59-1
P.O. Box 240
375 Main Street
New London, NH 03257

NOTICE OF DECISION
New London Zoning Board of Adjustment

RE: HODAN PROPERTIES

JANUARY 29, 2007

You are hereby notified that on this date, the New London Zoning Board of Adjustment held a public hearing at the request of Dan Wolf representing Hodan Properties Inc. Applicants requested a variance to the terms of Article V §A of the New London Zoning Ordinance in order to allow some commercial parking in the section of this lot which falls into the residential zone. The property is owned by Patrick Hayward and is located at 125 Newport Road in both the Commercial and R-1 zones, Tax Map 59, Lot 001.

After receiving testimony from the applicant's representative, and from representatives of the abutter Lake Sunapee Region Visiting Nurse Association, neighbor Virginia Soule, and Zoning Administrator Peter Stanley, the Board made the following findings of fact:

1. The proposed use is in keeping with the commercial uses on either side of the property, and would not result in a diminution of their values. Furthermore, as the parking spaces proposed for the small amount of residential land behind the building will not require a change to the grade of land there, or any additional fill, the impact on residences on Homan Lane behind this commercial area will not be significant. Discussion of landscaping such as a tree buffer between the parking spaces and the rear abutting property can be worked out during the Planning Board's site plan review process.
2. The use will be of benefit to the public interest as the proposal will improve the appearance of the site, and will include front and side yard setbacks as well as add a ten-foot green space in front of the building.
3. No fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction on this small section of residential zone that falls into the otherwise commercially zoned property, thus the use does meet the hardship criteria.
4. As the property cannot reasonably be used for anything but a commercial enterprise, and denial of access and parking that is required for that commercial use, would impact the property's salability, and potentially render the land useless, granting this variance would do substantial justice.
5. As the portion of this lot which happens to fall into the residential zone is small, and the majority of the lot falls into the commercial zone and seems to have been intended for commercial use by the original authors of the zoning ordinance, granting this variance and allowing some of the requisite parking spaces to be located in that small area of residential zone would be in keeping with the spirit of the zoning ordinance.

The Board voted unanimously to grant the requested variance.

Lawrence Ballin, Chairman
Russell Cooper
Laurie DiClerico
Cheryl Devoe
Randy Foose

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.

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