

TOWN OF NEW LONDON  
ZONING BOARD OF ADJUSTMENT  
JULY 24, 2006

PRESENT: Larry Ballin (Chairman), Cheryl Devoe, Caroline Newkirk, Brian Prescott.

**PUBLIC HEARING**

Jerry and Jane Barnes requested a variance to the terms of Article XX §B-3-b of the New London Zoning Ordinance in order to make Substantial Improvements to their home Lake Shore Drive in the R-2 zone. The cost of the improvements will exceed 50% of the assessed value of the current building.

Larry Ballin opened the hearing at 7:30 p.m., called the roll, read the Notice of Hearing as posted and announced that the hearing would be recorded. He informed the hearing that he had spoken with the applicants earlier regarding the fact that tonight's hearing would be attended by only four ZBA members rather than five, and applicants agreed to go forward.

Also in attendance were applicants Jerry and Jane Barnes, Architect Wendell Phillips, and New London Zoning Administrator Peter Stanley.

Prior to the hearing, Zoning Board members received copies of the variance application, building permit application, and plans and elevations for the proposed expansion.

Applicant's Presentation

Jerry and Jane Barnes explained that they would like to expand their home to accommodate their growing family of children, grandchildren and their friends, all of whom live nearby, and visit nearly daily. For example, right now, they have a combination kitchen/dining room, with a deck and screened in porch, and second deck. They would like to relocate the kitchen, keeping the current kitchen/dining area connected with the deck as a separate dining room with space enough for a large table at which everyone can sit together. Jerry Barnes said that their original idea was to expand the house outwards to incorporate the deck and screened porch, but they found that that would have encroached on the fifty-foot setback from Pleasant Lake. He said that Zoning Administrator Peter Stanley has come out several times, and has delineated the location of the fifty-foot setback. So they have redesigned the expansion to stay outside that fifty-foot setback. Jane Barnes added that between the house and the lake are trees and vegetation, so the house expansion will not be easily seen from the lake.

Jerry Barnes went on to describe the topography that is largely ledge there, with the exception of one small area where they plan a basement. He pointed out the location of a ditch or culvert in the small non-ledge area which naturally runs down to the lake, and for which they have built a water redirector to direct runoff away from the lake. Where the deck is, it's all ledge. He noted that the staircase to the basement will cross the fifty-foot line, but it is over ledge in that area, so would not disturb the earth at all. Peter Stanley and Board members said a four-foot wide walkway or staircase is permitted within the fifty-foot setback.

Peter Stanley said the town does not have any problems with this. Applicants are keeping everything outside the fifty-foot setback. Larry Ballin clarified that the only issue here then is the fact that the improvements will exceed 50% of the current assessed value of the building. He asked the Barnes to review the five criteria for a variance.

1. Jerry Barnes pointed out that this improvement will enhance surrounding property values. Jane Barnes said they have spoken with all the neighbors, and received only support. Larry Ballin said all abutters get copies of the variance application, and the Board has not heard from anyone, though it is his understanding that a letter of support from one of the neighbors was received by email today at the Town Office.
2. Jerry Barnes said he does not feel the improvement will affect the public interest one way or the other.

3. Regarding hardship, Board members concurred that denial of this variance would prevent the family from fully using their property in a manner that is consistent with the zoning regulations.
4. Regarding the substantial justice criteria, again members concurred that this project will allow the Barnes to fully use their property as a family home.
5. Lastly, Jerry Barnes said, and Board members agreed, that the proposal is not contrary to the spirit of the ordinance. It does not encroach on the fifty-foot setback from the lake, and has received support, and no negative comments, from neighbors.

Hearing no further comments or questions, Brian Prescott moved to close the public hearing, and enter deliberations. Cheryl Devoe seconded. No further discussion. Motion unanimously approved.

#### Deliberations

Larry Ballin said he sees no problem with this. It makes good sense to expand in this way, so that the entire family can enjoy the property. Members concurred. Larry Ballin moved to approve this variance. Brian Prescott seconded. There was no further discussion. Motion unanimously approved.

#### Minutes-June 12, 2006

Motion made, seconded and unanimously approved to accept the minutes of June 12 as drafted.

The meeting adjourned at 7:45 p.m.

Respectfully submitted,

S.A. Denz  
Recording Secretary