



Town of New London
Zoning Board of Adjustment

73-52
P.O. Box 240
375 Main Street
New London, NH 03257

NOTICE OF DECISION

New London Zoning Board of Adjustment

RE: BARTON CONDOMINIUMS

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 Ben Barton representing Carlton F. Barton. Applicant requested an after-the-fact variance to the terms of Article XX §B-2 of the New London Zoning Ordinance, to allow construction of a covered staircase and landing to the front of the residential building located at 89 Main Street in the R-1 zone, Tax Map 073, Lot 056. The construction will increase the non-conformity of the structure, by increasing the encroachment into the front yard set back.

No abutters or other interested parties attended the hearing. After hearing a presentation by the applicant's representative and receiving input from Zoning Administrator Peter Stanley, the Board made the following findings of fact:

1. The construction enhances the value of this property, and by extension, that of surrounding properties. There will be no diminution of surrounding property values as a result of granting this variance.
2. The variance will be of benefit to the public interest, as it provides a safe means of egress particularly for the second floor tenant, as well as protection from falling ice and snow. Architecturally, the new deck and stairs better fit the façade of the building, and improve the structure aesthetically.
3. Denial of the permit would result in unnecessary hardship because it would create a life safety issue by eliminating a means of egress for both units. The criteria for determining hardship required before granting an area variance do exist here. Specifically (a) special conditions of the property make an area variance necessary in order to allow the applicant to construct the development as designed, (b) the applicant cannot achieve the same benefit by some other reasonably feasible method that would not impose an undue financial burden.
4. In granting the variance, substantial justice will be done as it would permit the property to be used as it has been historically, and as other similar properties in this neighborhood are used.
5. For the same reason, the variance would not be contrary to the spirit of the 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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