



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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NOTICE OF DECISION
Zoning Board of Adjustment (ZBA)
Wednesday, March 11, 2015

The Zoning Board of Adjustment made the following decision(s) at the Wednesday, March 11, 2015 meeting. Refer to the agenda, public hearing notice and meeting minutes for additional details of the discussion.

- Variance Application and Equitable Waiver of Dimensional Requirements Application for Brian Byrne. Property located at 1891 Little Sunapee Road. Tax Map 043-026-000. Zoned Residential (R-2), Shoreland Overlay District. At the Feb 12, 2015 meeting, the public hearing for Brian Byrne application was continued to the March 11, 2015 meeting for the variance to reduce the setback for the garage structure and for the applicant to provide a response for the ZBA to consider granting an equitable waiver of dimensional requirements.
1. Request for the Equitable Waiver of Dimensional Requirements was denied as the Board of Adjustment determined that the primary reason for the violation was due to a failure to inquire, per Article XXI, H. 1. (b).
 2. A motion to consider the front dimension of the lot for the purposes of computing the front setback as the area shown on the plan as the “corrected property line” and as shown on the boundary plan submitted, which is approximately the 200’ line bounded on each end by a stone wall, identified as the area along side the State Highway S 38’ W 200’. Motion approved.
 3. A motion to approve the variance to reduce the front setback of the existing garage be approved subject to the following conditions:
 - a) That there be no further expansion or addition to any of the buildings on the property so long as the existing garage is within the 25’ setback on the front yard, unless all the existing structures are removed or demolished at some point in the future. So if the existing garage is removed and no longer in the setback, the owner can then expand the existing house. The condition goes away if the existing garage structure is modified and does not violate the 25’ setback.
 - b) That a certified boundary survey plan be submitted and be recorded within 30 days of the ZBA decision, and that the decision with the conditions of the ZBA be noted on said plan prior to the plan being recorded.

Respectfully Submitted:

Lucy A. St. John, AICP
Planning and Zoning Administrator

Per RSA 674:33 (as may be amended) the concurring vote of 3 members of the board shall be necessary to reverse any action of the administrative official or to decide in favor of the applicant on any matter on which it is required to pass. Persons who are aggrieved by the decision of the ZBA are advised to seek legal counsel as they deem appropriate and to review applicable laws including but not limited to RSA 677 Rehearing and Appeal Procedures, RSA 674:33 Powers of the Zoning Board of Adjustment, RSA 676:3 Issuance of Decision and other NH State Statutes and Laws which may apply. This notice is for general informational purposes and in no way shall convey any legal advice.