

APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment, Town of New London

Name of owner/applicant: Robert C. Stewart, Jr. / RCS Designs

Mailing Address: PO Box 487, Bradford State: NH Zip 03221

Home Telephone: Work Telephone: 603-938-2256 Cell:

Email address: rcsdesign@tds.net

Owner of property: The Paul A. Messer & Linda C. Messer Irrevocable Trust (if same as applicant, write "same")

Location of property 600 Bunker Road

Tax Map Number: 76 Lot Number: 31 Zone: R-2

A variance is requested from the provisions of Article: V Section: C(1&2) of the Zoning Ordinance to permit Construction of steps and entry platform into the Front Yard setback & construction of entry platform within the Side Yard setback.

Facts supporting this request:

1. The variance will not be contrary to the public interest:

See Attached

2. The spirit of the ordinance is observed:

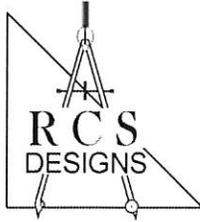
See Attached

3. Substantial justice is done: See Attached

4. The values of surrounding properties are not diminished; and:

See Attached

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.



RCS DESIGNS

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April 19, 2016

Project Description

600 Bunker Road, Tax Map 76 Lot 31
Zone R-2 & Shoreland Overlay Districts

The proposal is to add an addition and step to the existing home and relocate an existing entry platform. It is proposed to complete a lot line adjustment between the subject lot and the abutting Tax Map 76 Lot 32 to make the nonconforming structure more conforming. The result will require variances from:
Article V, Section C. (1) Article V, Section C. (2)

All proposed improvements within the Shoreland Overlay District will meet the provisions in the Shoreland Overlay District. If the variances we are seeking are granted, we will seek final approval from the Planning Board for the lot line adjustment. We will also submit a Shoreland Application for the work proposed, to the NH DES Shoreland Program

A certified Boundary and lot line Adjustment plan will be recorded upon approval by the Planning Board of the lot line adjustment.

The purpose of the proposed improvements is to make the home age friendly by enlarging the master bedroom and keeping both bedrooms on the first floor level, adding a second egress to the same living level and relocating the existing entry platform to reduce the height and number of stairs and make it more accessible

Every effort has been made through the proposed lot line adjustment to make all proposed improvements more conforming to this Legal Nonconforming Building and Legal Nonconforming lot.

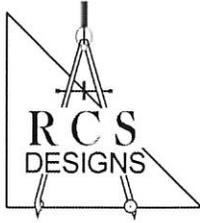
The relocation of the entry platform to the north side of the building will be more conforming. However, due to existing frontage limitations of the abutting lot, currently 150'; a parallel line to the right of way could not be accomplished. Therefore the

setback results in 22.8' to the nearest corner of the proposed entry platform. When adding the aggregate width of the side yard setbacks the result is 45.8', required is 50'. The new location will be within the Front Yard setback by 8' +/- . This location improves the existing Legal Nonconforming platform by 16'+/-.

The addition of the second egress will require a step to access the building. The step will be 5' in width, which extends into the Front Yard setback by 4'+/-.

There is no change in use or additional number of bedrooms proposed. The current State approved septic system servicing the home will continue to service the home without the need for new or revised approvals. The NH DES approval for construction, was issued on 8/15/2014, CA# 201403121 and received operational approval on 9/19/2014.

Because this application precedes the application for the lot line adjustment to be before the Planning Board, attached is a copy of the letter to represent the abutter for which the lot line adjustment is proposed, acknowledging their agreement to the adjustment.



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Attachment to ZBA Application

600 Bunker Road, Tax Map 76 Lot 31

1. The variance will not be contrary to the public interest:

The improvements proposed to the legal nonconforming structure reduce the nonconformity of the entrance platform to the north. The addition of a step to the south is a minimal structure encroaching in to the Front Yard setback, far less than the existing front of the existing Legal Nonconforming Building. The step will be virtually unnoticeable by the public.

2. The spirit of the ordinance is observed:

The variances sought for the entrance platform to the north of the building reduce the existing (nonconforming) setbacks of the Legal Nonconforming Building. The variance for the step as a result of adding a second egress for safety is a far less than the Front Yard encroachment of the existing Legal Nonconforming Building.

3. Substantial Justice is done:

The lot and the building are legally nonconforming. The owner has gone to great lengths, along with the abutter, to complete a lot line adjustment for the purpose to create a more conforming building. The proposed improvements allow the owners to make an age friendly home and a safer home with the addition of the second egress.

4. The values of the surrounding properties are not diminished: and:

The improvements to the property include residing the existing building resulting in increasing the aesthetics. The improvements will also require a Shoreland permit from NH DES which will include stormwater management structures which currently do not exist on this property. The decrease in stormwater to the lake will be a benefit to the lake as well as the surrounding properties.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

A. For purposes of this paragraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

(1) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property;

This application meets the intent of the ordinance as written in the Zoning Ordinance under XX B. 2., “Any Legal Nonconforming Building may be Altered or expanded provided, however, that such alteration or expansion does not make any existing Legal Nonconforming Building more a Nonconforming Building within the terms of this Ordinance and provided that all other standards of this ordinance are met.”

(2) The proposed use is a reasonable one;

The building will continue to be a single family residence. The improvements are for the purpose to allow the owners to make the residence age appropriate for their needs by having both of the bedrooms on the same first floor living level and allowing easier access into the building and allowing for a reasonable ramp to be installed in the future if it becomes necessary for wheelchair access. The second egress is necessary for safety reasons.

(b.) If the Criteria in sub paragraph A are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The slope of the land to the southwest of the current building, (rear), is at an 85% slope. To bring the home into conformity without the variances requested would require the owners to raze the building and move it back into the 85% slope.

This would be extremely difficult and unreasonable due to the amount of earth to be removed and retained to a height of 12'+. The established hydrology of the site would be compromised likely leading to extreme measures to control an increase in groundwater breakout in a sensitive area with respect to the proximity to the lake. This condition does not exist on surrounding properties in the area.

4/28/2016

Zoning Board of Adjustment
Town of New London
375 Main Street
New London, NH 03257

RE: Application for Variance Tax Map 76 Lots 31
600 Bunker Road, New London

Dear Board,

We Authorize Robert Stewart of RCS Designs to represent us for the above
referenced Application for a Variance.

Sincerely,

Paul A. Messer
Paul A. Messer

Date: 5/2/16

Linda C. Messer
Linda C. Messer

Date: 5/2/16

RECEIVED
MAY 02 2016

Lucy St. John

From: David Demers <ddemers@aviconpartners.com>
Sent: Wednesday, May 04, 2016 4:48 PM
To: Bob Stewart
Cc: Lucy St. John; Paul And Linda Messer; landpmesser@gmail.com
Subject: Support Letter for Paul and Linda Messer's Variance Request

Bob, you have our permission to insert and forward our note to the Planning Board members as written below.

Dear Planning Board Members,

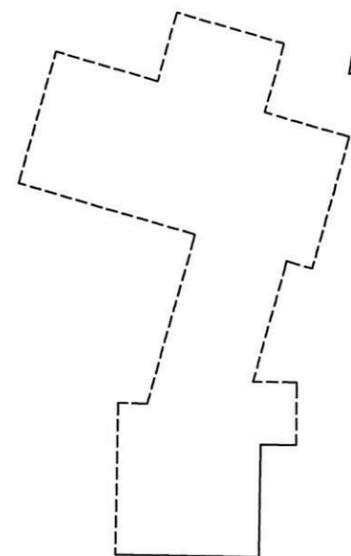
Karen and I are abutters to the Messer property on Bunker Road. We have discussed their design request and agreed without reservation to assist by fulfilling a land swap for the necessary footage for their plan. We are eager to see them accomplish their lifelong dream of living down here at the lake. They have been amazing neighbors, great stewards of the lake environment and will be focused on protecting the jewel we all share here, the beautiful lake that is a gift to all in the town.

We hope to participate in any hearing or process step that assist you with this decision. We ask that you advise us of any needs the Board might require to fulfill the decision steps along the way.

With kind regards,

David and Karen Demers
586 Bunker Road
New London, NH

Sent from my iPhone



Tax Lot #76-32
David & Karen Demers

PLEASANT
LAKE

observed 5/18/1987
BSA
MAGNETIC NORTH

1/2" I.P. (found) with coupling, 7" exposed, leaning ENE'y

3/4" x 1" rod (found), 9" exposed, leaning N'y [3.65' from ROW]

309/14

24" Ash

BUNKER

ROW

ROAD

1 1/4" I.P. (found) with 3/4" I.P. inside pipe, 3" exposed, leaning E'y

existing lot line
proposed lot line

13%

0.3 Ac.

proposed entry platform

bottom of slope - overhang

85% top of slope

proposed master bedroom addition

proposed step(s)

25'

23'

101.6'

12" CMP

25'

Tax Lot #76-30
Regina & David Stevens
W2368/1424 5/23/2002

1 1/4" I.P. (found), 18" exposed, leaning SE'y

Tax Lot #76-31
Paul A. & Linda C. Messer Irrevocable Trust
Q3480/1881 6/2/2015

(S28°04'E 95.3")
building setback
building setback
(S64°01'25"W 156.98' (I.P. to I.P.))

SYMBOLS

- Iron Pipe, I.P.
- Iron Rod, I.R.
- Wire Fence
- ⊕ Utility Pole
- open Tree Line
- wooded
- Retaining Wall
- Pavement
- Gravel
- Roof
- Building

ZBA Plan
for

Paul A. & Linda C. Messer

600 Bunker Road
New London, NH

Scale: 1"=30'
30 March 2016

Prepared by
Bristol, Sweet & Assoc., Inc.
112 Keyser St., P.O. Box 114
North Sutton, NH 03260
(603)-927-4756