

August 2, 2016

Zoning Board of Adjustment  
Town of New London  
Douglas W. Lyon, Chair  
375 Main Street  
New London, NH 03257

Re: Variance Application, 1590 Little Sunapee Road, Map 030/019/000

Dear Chair Lyon,

Enclosed is a variance application for our property located at 1590 Little Sunapee Road. We are submitting this variance request as part of our plan to construct a new home on the lot. We acquired the property last year, and are intending to move to the area from Illinois.

As shown in the attached application, the lot is an oddly shaped parcel that makes for challenging conditions in redeveloping the site. The property previously contained an old cabin that was demolished by the prior owner, a portion of which was located in the side setback.

We are specifically seeking approval of the attached variance so that we can construct a home that will be located at the rear of the property and that will provide for predominately single-floor living as we enter retirement. This design includes a garage, a portion of which is the subject of the variance request. We have worked hard to configure the design in such a way that no variance would be required, but have been unable to do so completely because of the unique features of this parcel.

Thank you and the Board for your consideration of our request. We look forward to discussing this application with you.

Sincerely,

  
Wes and Nina Royce

Cc: Lucy St. John

APPLICATION FOR A VARIANCE



To: Zoning Board of Adjustment, Town of New London

Name of owner/applicant: Wesley and Nina Royce

Mailing Address: P.O. Box 81, Dunlap State: IL Zip 61525

Home Telephone: Work Telephone: Cell: (309) 642-0805

Email address: wroyce60@gmail.com

Owner of property: same (if same as applicant, write "same")

Location of property 1590 Little Sunapee Road, New London, NH

Tax Map Number: 030 Lot Number: 19 Zone: R-2

A variance is requested from the provisions of Article: V Section: (C)(2) of the Zoning Ordinance to permit construction of a portion of a residential garage within the Side Yard setback (20 ft minimum, 50 ft aggregate) for lots within the R-2 district.

Facts supporting this request:

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

See attached Exhibit A addressing the variance criteria.

2. The spirit of the ordinance is observed: See Exhibit A

3. Substantial justice is done: See Exhibit A

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

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

A. For purposes of this subparagraph, “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;

See Exhibit A

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and

(2) The proposed use is a reasonable one;

See Exhibit A

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B. If the criteria in subparagraph (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.

See Exhibit A

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Owner/applicant(s) Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Wesley and Nina Royce

**NOTE:** This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if the space provided is inadequate.

For questions or assistance in completing these forms, please contact:  
Lucy St. John, Zoning Administrator  
603-526-4821, ext. 16  
Email: [zoning@nl-nh.com](mailto:zoning@nl-nh.com)

Or

Amy Rankins, Assessing Coordinator  
603-526-4821, ext. 20  
Email: [landuse@nl-nh.com](mailto:landuse@nl-nh.com)

**EXHIBIT A**  
Variance Criteria

A variance is requested from Article V, Section C(2) of the zoning ordinance to permit construction of a portion of a residential garage within a portion of the Side Yard setback (20 ft minimum, 50 ft aggregate) for lots within the R-2 district.

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

The variance will not be contrary to the public interest because it does not change the essential character of the neighborhood nor threaten the health, safety or general welfare of the public, and in particular:

- The proposed variance is necessary to allow the structure to be located at the rear of the property – at the furthest extent from abutting residential uses while preserving a significant front yard setback – and in so doing advances the health safety and general welfare in the area.
- The neighborhood is largely comprised of non-conforming grandfathered parcels which do not otherwise adhere to the present setback requirements in the zoning ordinance, and therefore it does not change the essential character of the neighborhood.
- Until approximately 2012, the property contained a non-conforming grandfathered cabin that was partially located in the side-yard setback, and therefore, the location of a portion of the rear garage in the side-setback is consistent with the prior historical development on the property.

2. The spirit of the ordinance is observed:

The variance adheres to the spirit of the ordinance because it will not result in overcrowding of the land, and instead, allows the structure to be located at the rear of the property away from existing residential neighbors. Further, this design advances several goals of the Town Master plan, and in particular, by providing “for the aesthetically pleasing development of the community and its environs.” See Town of New London, Master Plan, Land Use Goal 10.

3. Substantial justice is done:

The proposed variance ensures that substantial justice is done by enabling the construction of an aesthetically pleasing and economically feasible development of the property. In contrast, if the construction were confined solely to the setback areas, it would likely increase costs and impair the aesthetics of the proposed home and site. This is due to the odd configuration of the parcel, as shown on the attached exhibits, and the sloping topography toward the lake. Therefore, absent a variance, there is a tangible loss, while at the same time, there is no appreciable gain to the public.

4. The values of surrounding properties are not diminished:

The proposed variance will not diminish surrounding property values because the variance from the setback is small, it is located at a portion of the property that is away from the neighboring homes, and it enables an aesthetically pleasing redevelopment of the property (replacing a prior cabin

partially located within the side yard setback). In contrast, development solely within the setbacks would likely require a reconfiguration of the proposed home, likely resulting in location closer to the road, neighboring homes, and less aesthetically pleasing.

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

A. For purposes of this subparagraph, “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:

There is no fair and substantial relationship between the general public purpose of the side yard setback requirement and its specific application to this property for several reasons, including:

- The side yard on this property runs at a sharp angle to the opposing boundary line, resulting in a need to configure the proposed home within a trapezoidal shaped portion of the property.
- The area where the variance is requested is located away from existing residential structures.
- Strict application of the side yard setback in this portion of the property would likely result in a need to reconfigure the proposed home in a manner that would move more of the structure toward the existing homes on the abutting lots, contrary to the purpose of the zoning ordinance’s setback requirements.

(2) The proposed use is a reasonable one:

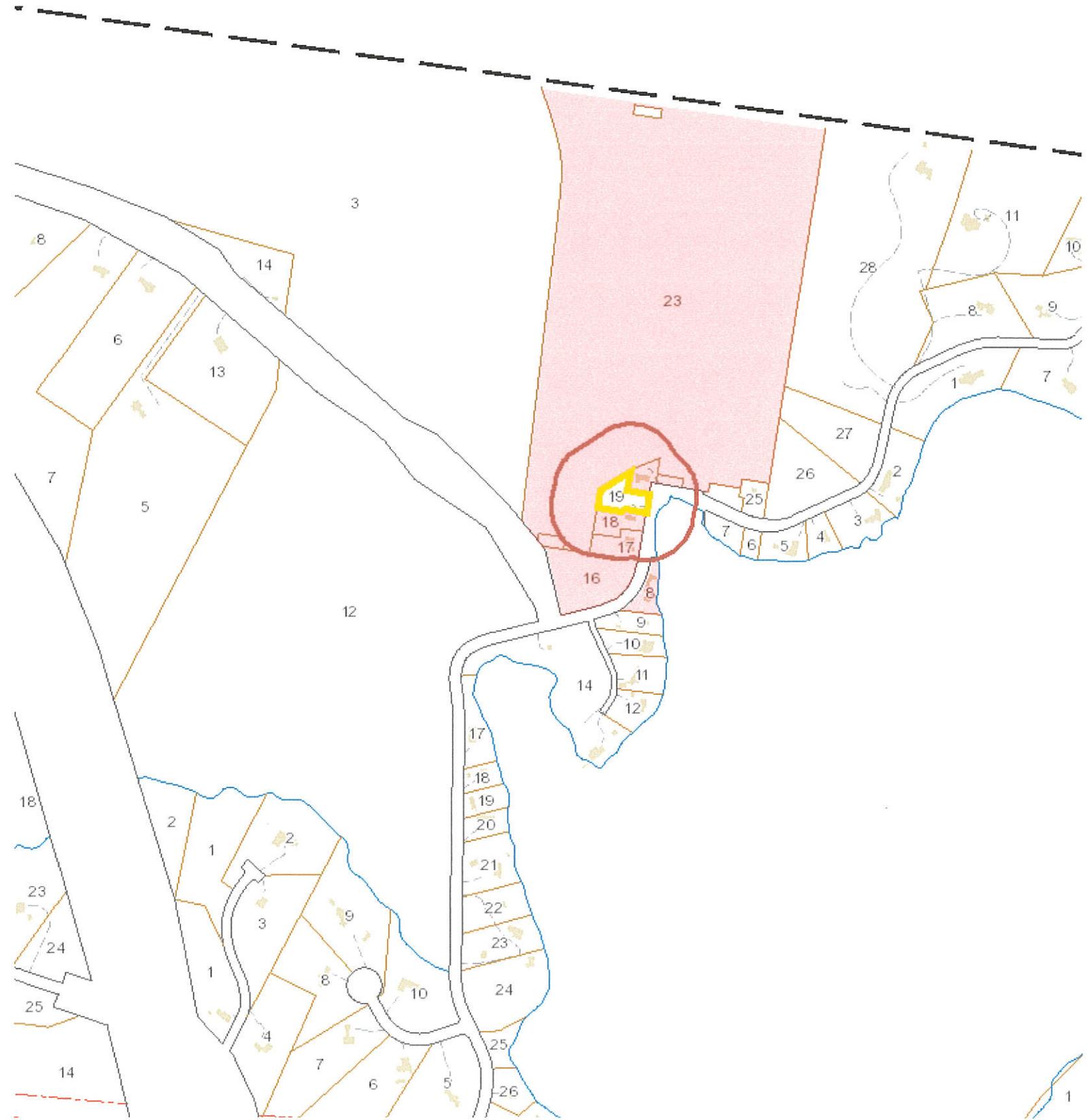
The proposed use – a residential garage attached to a residential home – is reasonable because this is a customary structure associated with homes in the town and area and is a permitted use.

B. If the criteria in subparagraph (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:

In addition to the criteria set forth in 5.A. above, the variance may also be granted under 5.B. because there are special conditions of this property that distinguish it from others in the area, including:

- The property is an eight sided lot;
- The rear portion, providing a natural location for a residence, is burden by an angled side lot line, that results in a trapezoidal shape; and
- The lot has a bottle neck shape toward the road that makes development further away from the side yard setback impractical. See Exhibits B-1 through B-2.

# Springfield



**EXHIBIT B**  
Table of Contents

- Exhibit B-1:** Plan of Annexation, Prepared by Pierre J. Bedard  
Recorded in the Merrimack County Registry of Deeds at Plan #11984
- *This plan depicts the subject property, which has been highlighted for convenience. The highlighting is not original to the plan. This plan was approved by the New London Planning Board on February 12, 1991.*
- Exhibit B-2:** Town tax maps depicting the subject property in the context of the immediate area (scale 1:500), neighborhood (scale 1:100), and adjacent properties (scale 1:50).
- Exhibit B-3:** Aerial Imagery of property.
- Exhibit B-4:** Proposed redevelopment of property with variance area highlighted for convenience at side/rear of property.
- Exhibit B-5:** Town tax card noting 2012 demolition of prior non-conforming structures, previously located within setbacks, as shown on Exhibit B-1.

**EXHIBIT B-1**  
Plan of Annexation



**EXHIBIT B-2**  
Town tax maps



# 1590 Little Sunapee Road

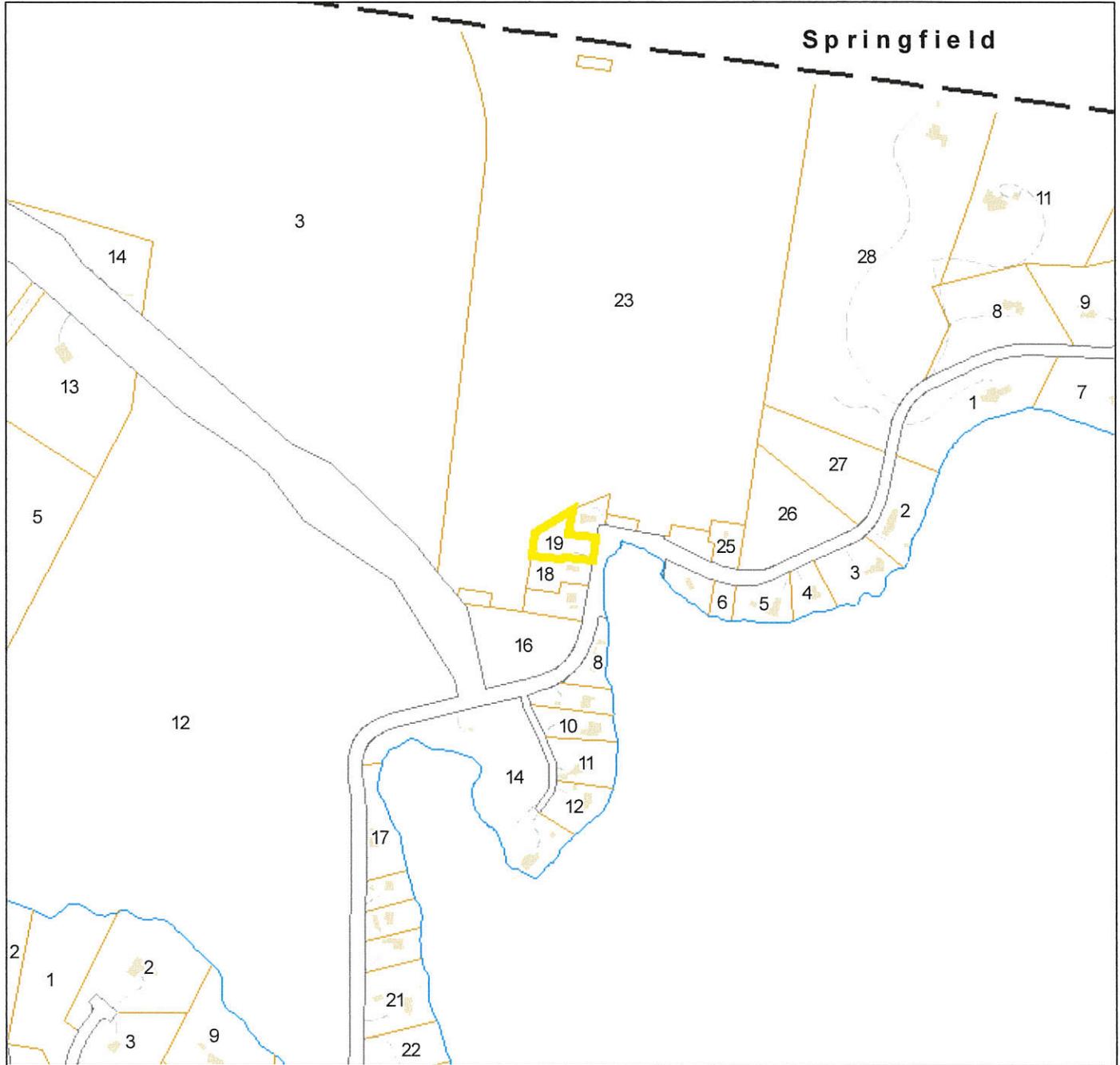
Tri Town, NH



July 27, 2016

1 inch = 500 Feet

www.cai-tech.com



Large Scale	— WATER-P
— <all other values>	--- DW
— PROPERTYLINE	■ New London Buildings
— ROAD	

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



# 1590 Little Sunapee Road

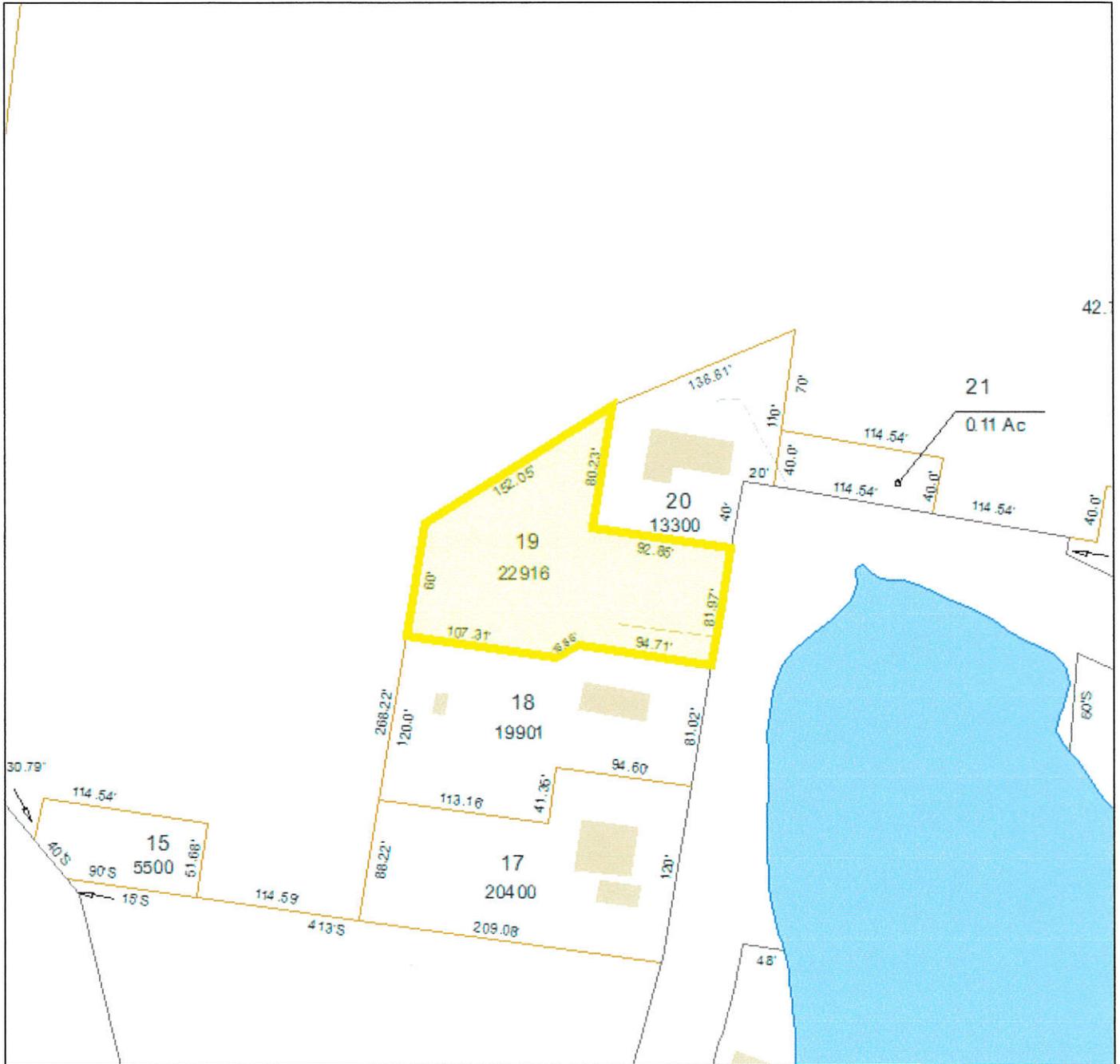
Tri Town, NH



July 27, 2016

1 inch = 100 Feet

www.cai-tech.com



	PROPERTYLINE		New London Buildings
	ROAD		Right of Ways
	WATER-P		New London Water-poly
	DW		

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



# 1590 Little Sunapee Road

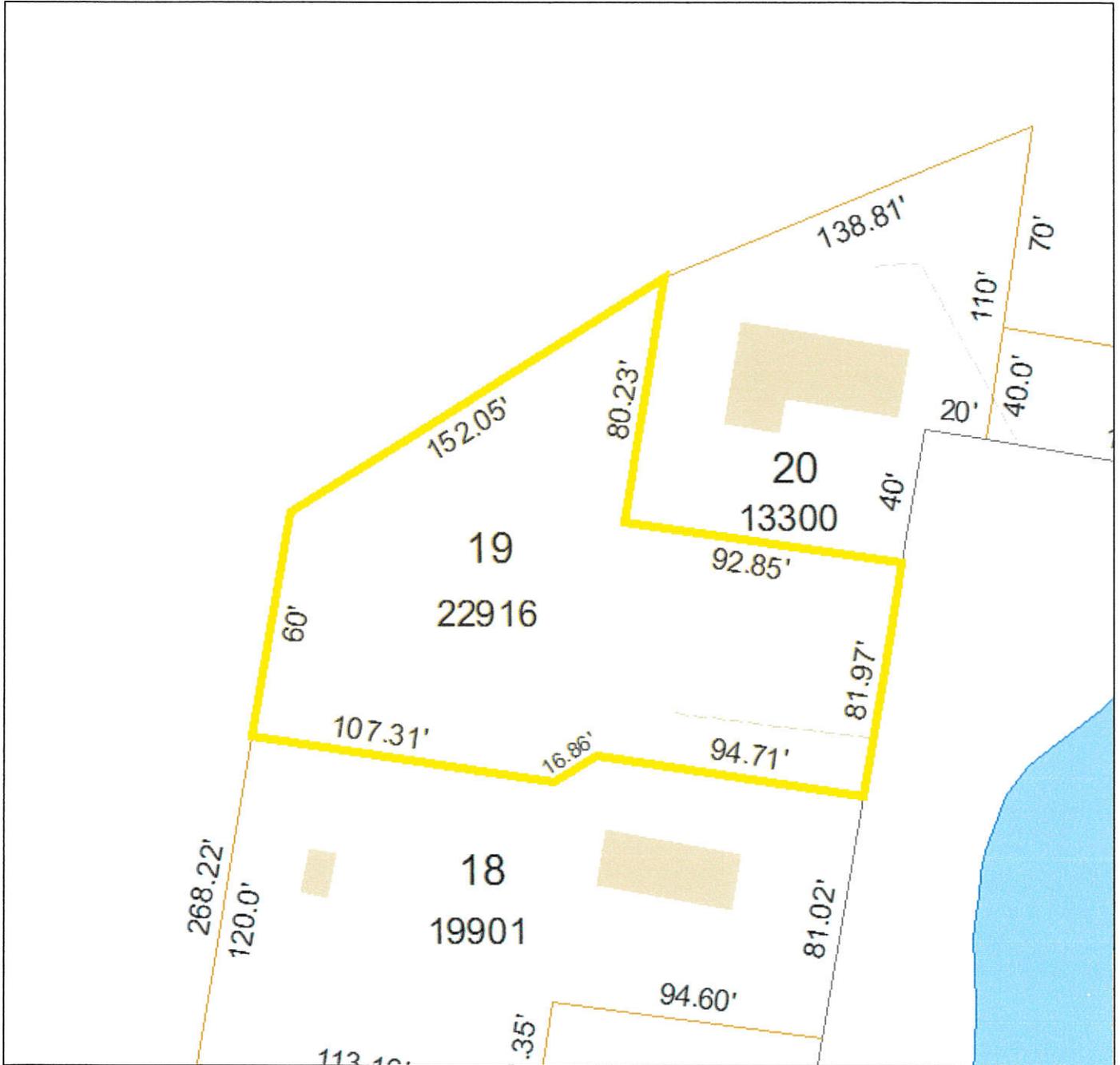
Tri Town, NH



July 27, 2016

1 inch = 50 Feet

www.cai-tech.com



	PROPERTYLINE		New London Buildings
	ROAD		Right of Ways
	WATER-P		New London Water-poly
	DW		

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**EXHIBIT B-3**  
Aerial imagery



Aerial View – Microsoft Maps/Bing



Aerial View – Google Earth

**EXHIBIT B-4**  
Proposed redevelopment

20 Feb. 19. 2:25 PM

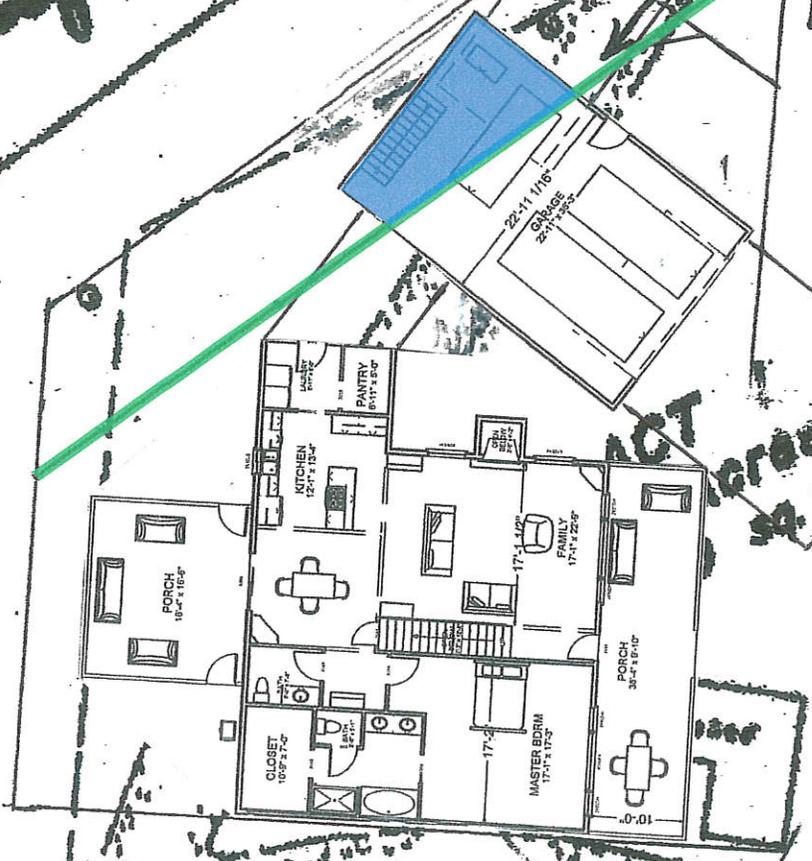
10 E. ...  
...  
...

N. 84°-43'-01" E.  
79.97'

N. 73°-38'-38" E.  
151.92'

S. 24°-09'-00" W. 5.21°-02'-32" W.  
12.73' 37.50'

1" = 20'



ACT 10700

S. 49°-27'-49" W.  
16.86'

N. 86°-58'-13" W.  
107.51'

N. 65°

(91)

**EXHIBIT B-5**  
Town tax card

TOPO.	UTILITIES	STRT. ROAD	LOCATION
2 High		1 Paved	3 Rural
<b>CURRENT ASSESSMENT</b>			
Code	Description	Code	Assessed Value
1300	RES LAND	1300	99,125
<b>TOTAL</b>		<b>Total</b>	<b>99,125</b>

RECORD OF OWNERSHIP			
Other ID:	000030 00026 00000	Septic Infor	WORK #: 200505306 BDR
ZONE	MP	WF	CONSERVA1
UTILITY			
Ward			
Prec.			
ROADFF			
ASSOC PID#			
GIS ID: 030-019-000			

PREVIOUS ASSESSMENTS (HISTORY)			
Yr.	Code	Assessed Value	Code
2016	1300	99,100	1300
2015	1300	99,100	1300
2015	1300	99,100	1300
<b>Total:</b>		<b>99,100</b>	<b>Total:</b>

OTHER ASSESSMENTS			
Year	Type	Description	Amount
0			0
0			0
0			0
0			0
<b>Total:</b>		<b>0</b>	<b>0</b>

ASSESSING NEIGHBORHOOD			
NBHD / SUB	50/A	Street Index Name	Tracing
<b>NOTES</b>			
NO WATER/NO SEWER			
6/1- OWNER CALLED TO INFORM US BUILDING			
WAS DEMO'D DONE AFTER 4/1 - UC'D			
3/12- BLDG DEMO'D			

BUILDING PERMIT RECORD			
Permit ID	Issue Date	Type	Description
11-044	06/06/2011	7	Demolition
Amount		Insp. Date	% Comp.
0		02/29/2012	100
Date Comp.		Date Comp.	Comments
04/01/2012		02/02/2015	clean up site of fallen str

LAND LINE VALUATION SECTION			
B #	Use Description	Zone	D
1	RES ACLNDV	R2	82
Units		Front	Depth
22,916 SF		3.47	1.0000
Factor S.A.		Factor	Disc
4		1.0000	1.00
Acre		ST.	Idx
1.0000		52	1.20
Unit Price		Notes-Adj	Adj.
3.47		VW1,S11	1.20
Special Pricing		S,Adj	Fact
VW1,S11		1.04	4.16
Parcel Total Land Area: 0.53 AC		Land Value	99,125
Total Card Land Units: 0.53 AC		Total Land Value:	99,125

**NET TOTAL APPRAISED PARCEL VALUE** 99,125  
**APPRaised VALUE SUMMARY**  
 Appraised Bldg. Value (Card) 0  
 Appraised XF (B) Value (Bldg) 0  
 Appraised OB (L) Value (Bldg) 0  
 Appraised Land Value (Bldg) 99,125  
 Special Land Value 0  
 Total Appraised Parcel Value 99,125  
 Valuation Method: C  
 Adjustment: 0

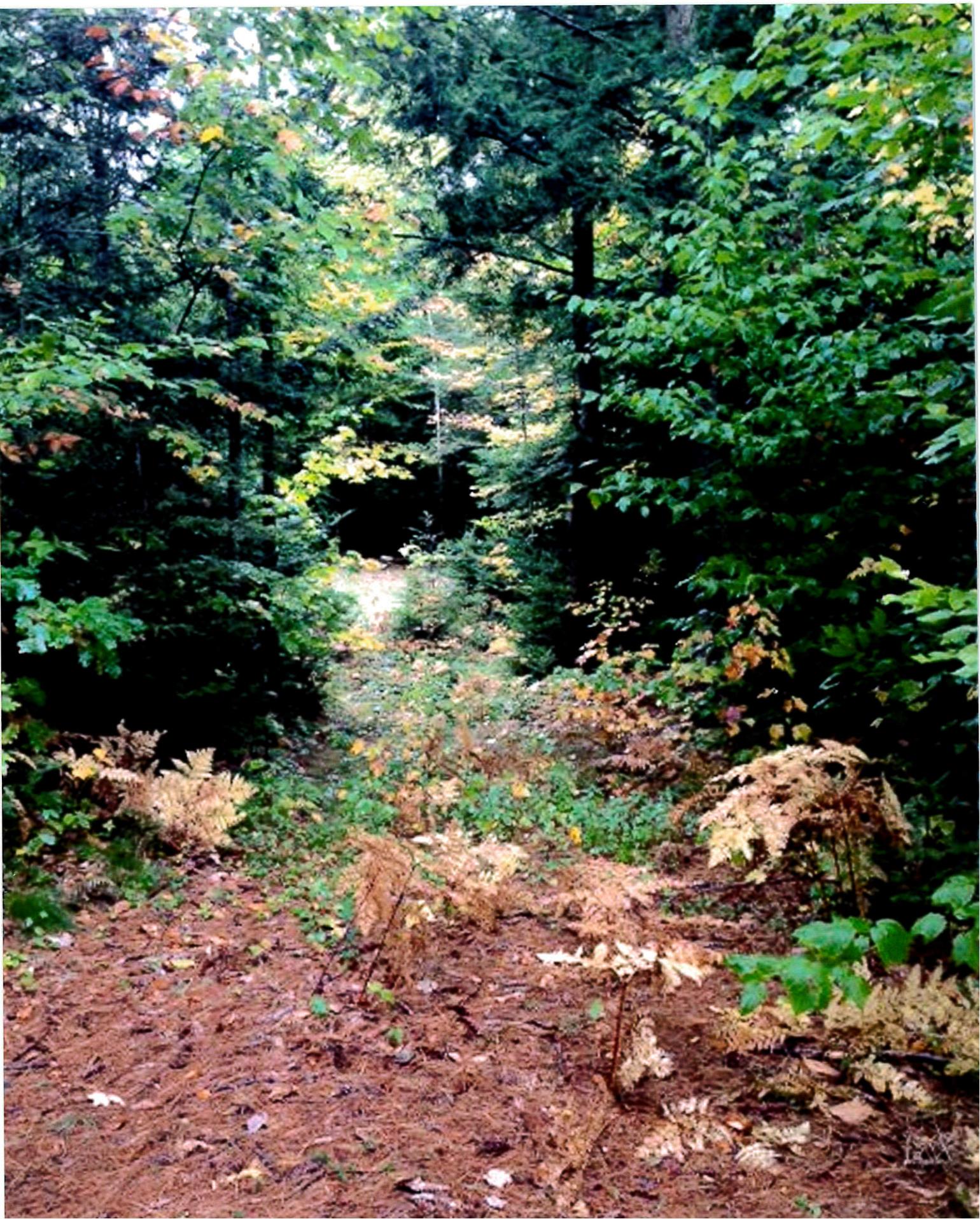
CONSTRUCTION DETAIL		CONSTRUCTION DETAIL (CONTINUED)										
Element	Cd.	Ch.	Description									
Model	00		Vacant									
<b>MIXED USE</b>												
Code	1300	RES ACLNDV	Percentage 100									
<b>COST/MARKET VALUATION</b>												
Adj. Base Rate:			0.00									
Net Other Adj:			0									
Replace Cost			0.00									
AYB			0									
EYB			0									
Dep Code												
Remodel Rating												
Year Remodeled												
Dep %												
Functional Obslnc												
External Obslnc												
Cost Trend Factor			1									
Condition												
% Complete												
Overall % Cond												
Apprais Val			0									
Dep % Ovr			0									
Dep Ovr Comment												
Misc Imp Ovr			0									
Misc Imp Ovr Comment												
Cost to Cure Ovr			0									
Cost to Cure Ovr Comment												
<b>OB-OUTBUILDING &amp; YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)</b>												
Code	Description	Comment	L/B	Units	Unit Price	Yr	Gde	Dp	Rt	Cnd	%Cnd	Apr Value
<b>BUILDING SUB-AREA SUMMARY SECTION</b>												
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprec. Value						
<b>Ttl. Gross Liv/Lease Area:</b>												0













MERRIMACK COUNTY RECORDS *Kathi L. Guay*, CPO, Register

ENV  
SCHUSTER, BUTREY, & WING  
79 HANOVER ST.  
LEBANON N.H. 03766

Town of New London, NH  
Deed Information  
Map & Lot # 030-019  
Sale Price \$ 120,000  
Month & Year 1/15

#105

14<sup>00</sup>  
2<sup>00</sup>  
25<sup>00</sup>

1800.00 Warranty Deed

**Carl Bannon and Frances L. Bannon**, husband and wife, of Claremont, New Hampshire, for consideration paid, grant to **Nina McCoy Royce and Wesley William Royce**, wife and husband, whose present mailing address is **PO Box 81, Dunlap, IL 61525**, with Warranty Covenants, as joint tenants with rights of survivorship, the following described premises:

A certain tract or parcel of land with any improvements thereon, situated in New London, County of Merrimack and State of New Hampshire, shown as Tract 1 on a plan entitled "Plan of Annexation Property of Frank E. Tuxbury and Property of Frank E. and Maxine R Tuxbury", drawn by Pierre J. Bedard, LLS, dated December 1990, approved by the New London Planning Board February 12, 1991 and recorded as Plan No. 11984 in the Merrimack County Registry of Deeds, bounded and described as follows:

Beginning at a drill hole in a buried rock situated on the westerly sideline of Little Sunapee Road, said drill hole being the southerly corner of Tract 1 and the northeasterly corner of Tract 2 as shown on said Plan; thence North 66° 37' 45" West 94.71 feet to an iron pipe; thence South 49° 21' 48" West 16.86 feet to an iron rod; thence North 66° 32' 13" West 107.31 feet to an iron rod, the previous three courses being along Tract 2 as shown on said Plan; thence North 24° 43' 01" East 79.97 feet to an iron rod; thence North 73° 36' 56" East 151.92 feet to an iron rod; thence South 21° 02' 32" West 37.5 feet to an iron rod; thence South 24° 09' 00" West 42.73 feet to an iron pipe; thence South 66° 37' 45" East 92.85 feet to an iron rod, the previous three courses being along land now or formerly of Tucker; thence South 25° 30' 17" West 81.97 feet along the northwesterly sideline of Little Sunapee Road to the point of beginning.

Said to contain 0.51 acres.

Also conveying all right, title and interest we have in all ways, drives, easements and rights of way existing upon the within conveyed premises, including those shown on Plan #11984.

Being all and the same premises conveyed by Frank E. Tuxbury, Jr. and Maxine H. Tuxbury to Carl Bannon and Frances W. Bannon by deed dated 8/2/2005 and recorded in Volume 2808, Page 1613 of the Merrimack County Registry of Deeds. Frances W. Bannon and Frances L. Bannon are one and the same person.

Date 1/14/15

Carl Bannon  
Carl Bannon

Frances L. Bannon  
Frances L. Bannon

STATE OF New Hampshire  
COUNTY OF Sullivan

On this the 14<sup>th</sup> day of January, 2015, personally appeared **Carl  
Bannon and Frances L. Bannon** and acknowledged the foregoing instrument.

Before me,

James D. Folan  
Justice of the Peace/Notary Public  
Comm. Exp. 6/18/19

