ZBA 18-22

APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment, Town of New London, 375 Main Street

Name of owner/applicant: Harry M. Snow III

Mailing Address: P.O. Box 1372, New London State: NH Zip: 03257

Home Telephone: _____ Work Telephone: _____ Cell: (603) 667-0039

Email address: snowbuildingconstruction@comcast.net

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

Location of property 68 Cottage Lane, New London, New Hampshire 03257

Tax Map Number: 85 Lot Number: 18 Zone: R-1

A variance is requested from the provisions of Article: V **Section:** A1 & B3

of the Zoning Ordinance to permit the conversion of a two-family residence into a four-family residence within the existing building.

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.

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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 ATTACHED

and

(2) The proposed use is a reasonable one;
SEE ATTACHED

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.
N/A

Owner/applicant(s) Signature: _____ Date: 10/16/16

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:
Zoning Administrator
603-526-1246
Email: zoning@nl-nh.com

Or

Assessing Coordinator
603-526-1243
Email: landuse@nl-nh.com

Harry M. Snow III
68 Cottage Lane (Tax Map 85, Lot 18)
APPLICATION FOR VARIANCE

Background and Description

Harry Snow, III (the "Applicant") owns the 0.49 ±acre parcel of land located at 68 Cottage Road in New London (identified as Tax Map 85 Lot 18; the "Property"). The Property includes a duplex residential building. The building complies with lot set-back requirements, parking requirements and has public water and sewer. The building is one of six identical buildings, on Cottage Lane, a private road that the Applicant maintains. Until recently, the Property was leased by Colby-Sawyer College (the "College") for undergraduate housing. The College assumed the role of master tenant and manager of the building. The College ceased leasing the Property following the 2017-2018 academic year, and the Property has had limited occupancy since that time as the College has effectively prohibited its students from living off campus. Due to the limited demand for high-occupancy units, the Applicant intends to convert the duplex building into a quadplex, with four individual living units – two (2) downstairs and two (2) upstairs. There would be no change in the building footprint or the overall living space within the building, and the overall number of bedrooms would be reduced from ten (10) in the building to eight (8).

Details of Request

The Applicant requests a variance from the terms of Article V, Sections A1 and B3 of the Zoning Ordinance to permit the conversion of a two-family residence into a four-family residence in the R-1 Residential District, which permits single or two-family residences and a population density of one family per 10,000 square feet.[1]

Variance Standards

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

It is in the public interest to allow the highest and best use of real estate. The proposed variance will allow the Property to be put to a productive use, maximizing the Property's value with no negative impact on any other property. The Town's goals recognize the significant need for increased safe, adequate and affordable housing for residents of all income levels, but especially for seniors, handicapped persons, minorities, low and moderate income persons, young families, and large families. Master Plan, Chapter IX at 154.

Affordable rental housing is defined as "a housing unit in which the rent, including heat and utilities, does not exceed 30 percent of the household income." Master Plan, Chapter IX at 169. The Master Plan recognizes that a significant portion of New London residents spend more than 30 percent of their income towards housing expenses (rent, heating, and utilities). Id. Based

[1] The Applicant has concurrently requested similar zoning relief for the five other immediately adjacent duplexes also owned by Harry M. Snow, III on Cottage Lane. All material and information submitted or presented to the ZBA in connection with those requests are incorporated by reference hereto.

on a 2007 residential rental cost survey completed by the New Hampshire Housing Authority, the households meeting the HUD income limits for a low income family or a very low income family would have been paying more than 30 percent of their rent for a two-bedroom apartment at the median cost in New London. See id. At the time of publication of the Master Plan, almost 60 percent of New London households with incomes between $20,000 and $34,999 per year spent more than 30 percent of their income on housing expenses, and almost 70 percent of New London households with incomes between $10,000 and $19,999 per year spent more than 30 percent of their incomes on housing expenses. Id. The Master Plan states that the obstacle to the development of affordable housing in New London is economics, specifically prohibitively high land costs. Id.

To counteract this obstacle the Master Plan recommends consideration of non-traditional housing accommodations for New London, such as rental units and the "[c]onversion of large single family homes into multiple units." Master Plan, Chapter II at 20. The Master Plan encourages "a diversity of affordable housing to meet the needs of low and moderate income persons..." Master Plan, Chapter IX at 174.

Based on the foregoing, by increasing the housing supply without any negative impact on any other property, the proposed conversion of the Applicant's duplex units to quadplex units will be fully consistent with the public interest.

2. *The spirit of the ordinance is observed by granting the variance*

The New London Zoning Ordinance was adopted in accordance with the intent of the Master Plan by the voters of New London. Zoning Ordinance, Article I at 1. The Master Plan's growth policy for New London is to "[c]ontinue to support and expand the strong community center pattern with residential uses on small lots clustered around the village core of commercial, community service uses and Colby-Sawyer College." Master Plan, Chapter I at 2. The Master Plan's goals for housing are to "(1) [e]ncourage the provision of a safe, adequate and affordable supply of housing for residents of all income levels; (2) [p]rovide housing opportunities to attract a more balanced mix of resident age group; and (3) [a]ssist households and individuals with special housing problems to attain suitable housing, including the senior, handicapped, minorities, low and moderate income persons, young families, and large families." Master Plan, Chapter IX at 154.

The proposed conversion of this duplex into a quadplex supports the Master Plan's goals to encourage affordable housing by increasing the supply of rental units in New London. Likewise, the quadplexes will support the Master Plan's policy to build a strong community center pattern around the College. Additionally, smaller units will attract a more balanced mix of resident age groups to New London who would not have the need or ability to rent a large duplex. Lastly, the proposed conversion of this duplex into a quadplex will not enlarge the footprint of the buildings or have any further impact on the land or surrounding properties.

Accordingly, the proposed conversion of this duplex into a quadplex will be consistent with the overall spirit and intent of the Zoning Ordinance.

3. *Substantial justice is done by granting the variance*

The harm to the Applicant of strict enforcement of the Zoning Ordinance will far outweigh any benefit to the public in this case. Instead, denying the variance will result in a detriment to the public by limiting the development of varied housing options in New London. By increasing the supply of housing in New London, residents will have greater options to choose from to satisfy their housing needs.

For example, the College maintains a three-family residence for students nearby at 117 Gould Road, New London, and a four-unit apartment building at 75 Seamans Road, New London, both of which are also in the R-1 Residential District, and a piece of property on the corner of Seamans Road and Cottage Lane that is used as overflow parking for students. The parking lot is often full, and serves the large number of students that flow through the neighborhood to the College. Additionally, the College maintains eleven, high-density, residence halls for undergraduate students near the Property.

JPC Investments, LLC owns a residence at 65 Seamans Road used for housing ten (10) students, and a parking area that is often filled with automobiles, also in the R-1 Residential District.

Denial of the variance for the proposed conversion of this duplex into a quadplex will not benefit the public. It will, however, result in substantial injustice to the Applicant by restricting the use of the Property to one for which there is limited market demand.

4. *The values of surrounding properties will not be diminished by granting the variance*

The Property is zoned in the R-1 Residential District. The surrounding neighborhood is residential, with the exception of the College. As discussed above, several of the residences in the neighborhood are non-conforming multi-family residences. The surrounding neighborhood is also within of the Workforce Housing Overlay District, which permits multi-family housing.

The neighborhood already implicitly permits multi-family housing, and the surrounding Workforce Housing Overlay District explicitly permits it, thus the conversion of this duplex into a quadplex will not diminish the value of surrounding properties.

Likewise, although the proposed conversion of duplex units to quadplex units will increase the unit density, the population density will be the same or less. Furthermore, the proposed quadplex units will be occupied by a varied mix of residents, who will have a lesser impact on the neighborhood in terms of traffic, emergency services, noise, light, etc. Furthermore, as part of the proposed conversion, the Applicant intends to install additional landscaping features to alleviate the potential impact to the residential neighbors.

Accordingly, granting the variance will not diminish the value of surrounding properties.

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

a. *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*

The New London Zoning Ordinance was adopted in accordance with the intent of the Master Plan. Zoning Ordinance, Article I at 1. The Master Plan's growth policy and intent focuses on increasing affordable housing and expanding the "strong community center pattern with residential uses on small lots clustered around the village core of commercial, community service uses and Colby- Sawyer College." Master Plan, Chapter I at 2.

In this case, there is no fair and substantial relationship between the intent of the Zoning Ordinance (and Master Plan) and the restrictions on types of dwellings permitted and population density in light of the particular and unique characteristics of the Property. In addition to the reasons set forth above, when literally applied, the Zoning Ordinance would prevent the reasonable use of the Property in a manner consistent with the area and the purposes of the Zoning Ordinance and the Master Plan. The proposed use, in contrast, is more consistent with the orderly development of land and more likely will lead to the realization of the Property's highest and best use, all in support of the overall objective of the Zoning Ordinance and Master Plan.

The Property is physically unique. It is situated between the College-focused uses to the south and west, commercial and high-density residential uses to the northwest and conservation land to the northeast (which provides significant buffer from the single-family residences off of Birch Acres Road). Another unique feature of the property is that it is surrounded by, but not included in, the Workforce Housing Overlay District. The Workforce Housing Overlay district allows for multi-family housing. The Workforce Housing Overlay District covers the majority of the town of New London, with few exceptions (areas surrounding Lake Sunapee, Little Lake Sunapee, Messer Pond, Clark Pond, Pleasant Lake, and the College). The College campus, and a small part of its abutting neighborhood (including the Property), has been excluded from the Workforce Housing Overlay District.

The policy and intent of the Zoning Ordinance and Master Plan supports the conversion of this duplex into a quadplex because the denial of the variance would result in an undue hardship due to the unique location of the Property.

b. *The proposed use is a reasonable one*

Applicants seeking variances to Zoning Ordinances must establish unnecessary hardship by proof that the zoning restriction as applied to their property interferes with their reasonable use of the property, considering the unique setting of the property in its environment. Simplex Techs., Inc. v. Town of Newington, 145 N.H. 727, 732 (2001). Under Simplex, applicants do not have to show that the Zoning Ordinance deprives them of any reasonable use of the land, "rather they must show that the use for which they seek a variance is 'reasonable,' considering the property's unique setting in its environment." Rancourt v. City of Manchester, 149 N.H. 51, 53-54 (2003).

Although the current use of the Property as a duplex may be a reasonable use, the Applicant is not prevented from establishing unnecessary hardship. To establish unnecessary hardship, the Applicant must only show that the proposed quadplexes are also a reasonable use in light of the unique setting. Under the circumstances, quadplexes are reasonable because there is limited market demand for high-occupancy rentals in the Town, the Property is uniquely situated, the conversion of the duplex into a quadplex will not require any enlargement of the building or have an adverse impact on any other properties, and will be consistent with the character of the neighborhood.

The Applicant reserves the right to amend, modify, and/or supplement this Application at or before the hearing thereon.

200 foot Abutters List Report

Tri Town, NH
October 09, 2018

Subject Properties:

Parcel Number:	NewL-085-015-000	Mailing Address:	SNOW HARRY III
CAMA Number:	NewL-085-015-000		PO BOX 1372
Property Address:	33 COTTAGE LANE		NEW LONDON, NH 03257
Parcel Number:	NewL-085-016-000	Mailing Address:	SNOW HARRY III
CAMA Number:	NewL-085-016-000		PO BOX 1372
Property Address:	63 COTTAGE LANE		NEW LONDON, NH 03257
Parcel Number:	NewL-085-017-000	Mailing Address:	SNOW HARRY III
CAMA Number:	NewL-085-017-000		PO BOX 1372
Property Address:	69 COTTAGE LANE		NEW LONDON, NH 03257
Parcel Number:	NewL-085-018-000	Mailing Address:	SNOW HARRY III
CAMA Number:	NewL-085-018-000		PO BOX 1372
Property Address:	68 COTTAGE LANE		NEW LONDON, NH 03257
Parcel Number:	NewL-085-019-000	Mailing Address:	SNOW HARRY III
CAMA Number:	NewL-085-019-000		PO BOX 1372
Property Address:	54 COTTAGE LANE		NEW LONDON, NH 03257
Parcel Number:	NewL-085-020-000	Mailing Address:	SNOW HARRY III
CAMA Number:	NewL-085-020-000		PO BOX 1372
Property Address:	42 COTTAGE LANE		NEW LONDON, NH 03257
Parcel Number:	NewL-085-021-000	Mailing Address:	SNOW HARRY III
CAMA Number:	NewL-085-021-000		PO BOX 1372
Property Address:	30 COTTAGE LANE		NEW LONDON, NH 03257

Abutters:

Parcel Number:	NewL-074-047-000	Mailing Address:	TOWN OF NEW LONDON
CAMA Number:	NewL-074-047-000		375 MAIN STREET
Property Address:	PLEASANT STREET		NEW LONDON, NH 03257
Parcel Number:	NewL-085-008-000	Mailing Address:	CONDICT EDGAR JR
CAMA Number:	NewL-085-008-000		65 GOULD ROAD
Property Address:	65 GOULD ROAD		NEW LONDON, NH 03257
Parcel Number:	NewL-085-009-000	Mailing Address:	ROCK YVETTE
CAMA Number:	NewL-085-009-000		73 GOULD ROAD
Property Address:	73 GOULD ROAD		NEW LONDON, NH 03257

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200 foot Abutters List Report

Tri Town, NH
October 09, 2018

Parcel Number:	NewL-085-010-000	Mailing Address:	HOLMES LINDSAY
CAMA Number:	NewL-085-010-000		107 GOULD ROAD
Property Address:	107 GOULD ROAD		NEW LONDON, NH 03257
Parcel Number:	NewL-085-010-001	Mailing Address:	HOLMES LINDSAY
CAMA Number:	NewL-085-010-001		107 GOULD ROAD
Property Address:	GOULD ROAD		NEW LONDON, NH 03257
Parcel Number:	NewL-085-011-000	Mailing Address:	COLBY-SAWYER COLLEGE
CAMA Number:	NewL-085-011-000		541 MAIN STREET
Property Address:	117 GOULD ROAD		NEW LONDON, NH 03257
Parcel Number:	NewL-085-012-000	Mailing Address:	JPC INVESTMENTS LLC
CAMA Number:	NewL-085-012-000		PO BOX 12
Property Address:	65 SEAMANS ROAD		GEORGES MILLS, NH 03751
Parcel Number:	NewL-085-013-000	Mailing Address:	COLBY-SAWYER COLLEGE
CAMA Number:	NewL-085-013-000		541 MAIN STREET
Property Address:	75 SEAMANS ROAD		NEW LONDON, NH 03257
Parcel Number:	NewL-085-014-000	Mailing Address:	COLBY-SAWYER COLLEGE
CAMA Number:	NewL-085-014-000		541 MAIN STREET
Property Address:	81 SEAMANS ROAD		NEW LONDON, NH 03257
Parcel Number:	NewL-085-022-000	Mailing Address:	COLBY-SAWYER COLLEGE
CAMA Number:	NewL-085-022-000		541 MAIN STREET
Property Address:	SEAMANS ROAD		NEW LONDON, NH 03257
Parcel Number:	NewL-085-023-000	Mailing Address:	BOUTON JOHN S & CAROLINE C
CAMA Number:	NewL-085-023-000		112 WEST DELAWARE AVE
Property Address:	113 SEAMANS ROAD		PENNINGTON, NJ 08534
Parcel Number:	NewL-085-033-000	Mailing Address:	COLBY-SAWYER COLLEGE
CAMA Number:	NewL-085-033-000		541 MAIN STREET
Property Address:	541 MAIN STREET		NEW LONDON, NH 03257

Property Location: 68 COTTAGE LANE | MAP ID: 085/ 018/ 000/ / | Bldg Name: | State Use: 1040

Vision ID: 3104 | Account # | Bldg #: 1 of 1 | Sec #: 1 of 1 | Card 1 of 1 | Print Date: 09/27/2018 14:05

CURRENT OWNER	TOPO.	UTILITIES	STRT./ROAD	LOCATION
SNOW HARRY III	4 Rolling	2 Public Water	1 Paved	3 Rural
PO BOX 1372		3 Public Sewer		
NEW LONDON, NH 03257				
Additional Owners:				

SUPPLEMENTAL DATA

Other ID:	Septic Infor
ZONE	MP
UTILITY	WF
Ward	CONSERVAT
Prec.	
ROADFF	
GIS ID: 085-018-000	ASSOC PID#

CURRENT ASSESSMENT

Description	Code	Appraised Value	Assessed Value
RESIDNTL	1040	503,700	503,700
RES LAND	1040	75,300	75,300
Total		579,000	579,000

2119
NEW LONDON, NH

VISION

RECORD OF OWNERSHIP

	BK-VOL/PAGE	SALE DATE	q/u	v/i	SALE PRICE	V.C.
SNOW HARRY III	2344/ 853	03/01/2002	U	V	85,000	1G
KIDDER WILLIAM F/J C CLEVELAND					0	

PREVIOUS ASSESSMENTS (HISTORY)

Yr.	Code	Assessed Value	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value
2018	1040	503,700	2017	1040	503,700	2017	1040	503,700
2018	1040	75,300	2017	1040	75,300	2017	1040	75,300
	Total:	579,000		Total:	579,000		Total:	579,000

EXEMPTIONS

Year	Type	Description	Amount
		Total:	

OTHER ASSESSMENTS

Code	Description	Number	Amount	Comm. Int.

This signature acknowledges a visit by a Data Collector or Assessor

APPRAISED VALUE SUMMARY

Appraised Bldg. Value (Card)	503,700
Appraised XF (B) Value (Bldg)	0
Appraised OB (L) Value (Bldg)	0
Appraised Land Value (Bldg)	75,300
Special Land Value	0
Total Appraised Parcel Value	579,000
Valuation Method:	C
Adjustment:	0
Net Total Appraised Parcel Value	**579,000**

ASSESSING NEIGHBORHOOD

NBHD/ SUB	NBHD Name	Street Index Name	Tracing	Batch
0001/A				

NOTES

BUILDING PERMIT RECORD

Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments
12-098	10/01/2012	1	New Home	0	03/13/2014	100	04/01/2014	build duplex unit w/attach

VISIT/ CHANGE HISTORY

Date	Type	IS	ID	Cd.	Purpose/Result
08/31/2014			NB	FR	IN FIELD REVIEW
03/14/2014			KM	BP	BUILDING PERMIT
04/17/2013			KM	M	MEASURE
01/02/2003			DG	ML	MEASURE & LIST

LAND LINE VALUATION SECTION

B #	Use Code	Use Description	Zone	D	Front	Depth	Units		Unit Price	I. Factor	S.A.	Acre Disc	C. Factor	ST. Idx	Adj.	Notes- Adj	Special Pricing		S Adj Fact	Adj. Unit Price	Land Value
1	1040	TWO FAMILY	R-1	2			21,515	SF	3.68	0.9500	3	1.0000	1.00		0.00				1.00	3.50	75,300

Total Card Land Units: 0.49 AC | Parcel Total Land Area: 0.49 AC | Total Land Value: 75,300

Property Location: 68 COTTAGE LANE **MAP ID:** 085/ 018/ 000/ / **Bldg Name:** **State Use:** 1040

Vision ID: 3104 **Account #** **Bldg #:** 1 of 1 **Sec #:** 1 of 1 **Card** 1 of 1 **Print Date:** 09/27/2018 14:05

CONSTRUCTION DETAIL

Element	Cd.	Ch.	Description
Style	10		Family Duplex
Model	01		Residential
Design/Appeal	05		Average +25
Stories	2		
Occupancy	2		
Exterior Wall 1	25		Vinyl Siding
Exterior Wall 2			
Roof Structure	03		Gable/Hip
Roof Cover	03		Asph/F Gls/Cmp
Interior Wall 1	05		Drywall/Sheet
Interior Wall 2			
Interior Flr 1	20		Laminate
Interior Flr 2			
Heat Fuel	03		Gas
Heat Type	05		Hot Water
AC Type			
Total Bedrooms	09		9+ Bedrooms
Total Bthrms	6		
Total Half Baths			
Total Xtra Fixtrs			
Total Rooms	18		
Bath Style	02		Average
Kitchen Style	02		Average

CONSTRUCTION DETAIL (CONTINUED)

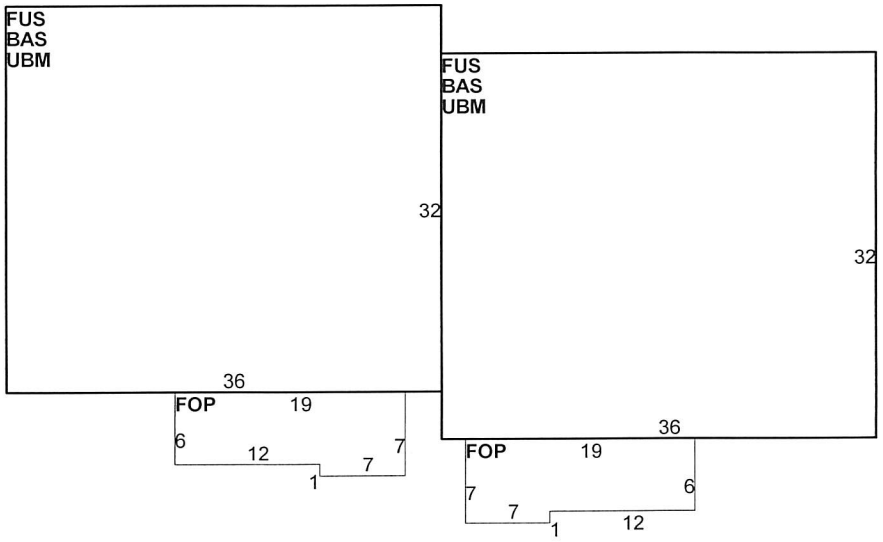
Element	Cd.	Ch.	Description

MIXED USE

Code	Description	Percentage
1040	TWO FAMILY	100

COST/MARKET VALUATION

Adj. Base Rate:	99.44
	508,822
Net Other Adj:	0.00
Replace Cost	508,822
AYB	2013
EYB	2013
Dep Code	A
Remodel Rating	
Year Remodeled	
Dep %	1
Functional Obslnc	0
External Obslnc	0
Cost Trend Factor	1
Condition	
% Complete	
Overall % Cond	99
Apprais Val	503,700
Dep % Ovr	0
Dep Ovr Comment	
Misc Imp Ovr	0
Misc Imp Ovr Comment	
Cost to Cure Ovr	0
Cost to Cure Ovr Comment	



OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)

Code	Description	Comment	L/B	Units	Unit Price	Yr	Gde	Dp Rt	Cnd	%Cnd	Apr Value

BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprec. Value
BAS	First Floor	2,304	2,304	2,304		229,104
FOP	Open Porch	0	242	48		4,773
FUS	Upper Story, Finished	2,304	2,304	2,304		229,104
UBM	Unfinished Basement	0	2,304	461		45,841
	Ttl. Gross Liv/Lease Area:	4,608	7,154	5,117		508,822

Aerial View

Tri Town, NH

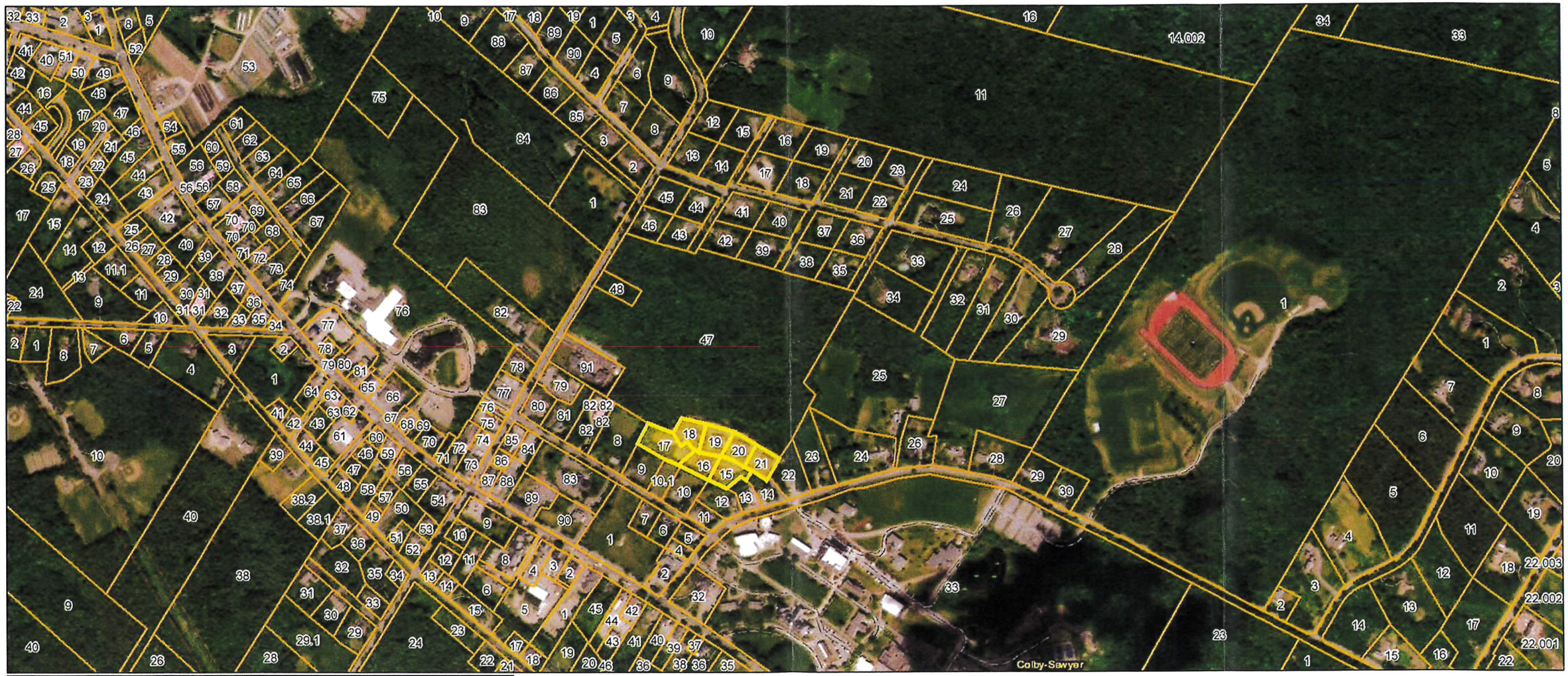
1 inch = 537 Feet

October 9, 2018

0 537 1075 1613

CAI Technologies

www.cai-tech.com



COMMON	DW	New London Wet Areas
PROPERTYLINE	ROAD-PVT-RW	
ROAD	RW	
ROAD-PVT	UTILITY	
ROAD-PVT-PAPER	WETLAND	
WATER-P	New London Condos	

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Zoning Map

Tri Town, NH

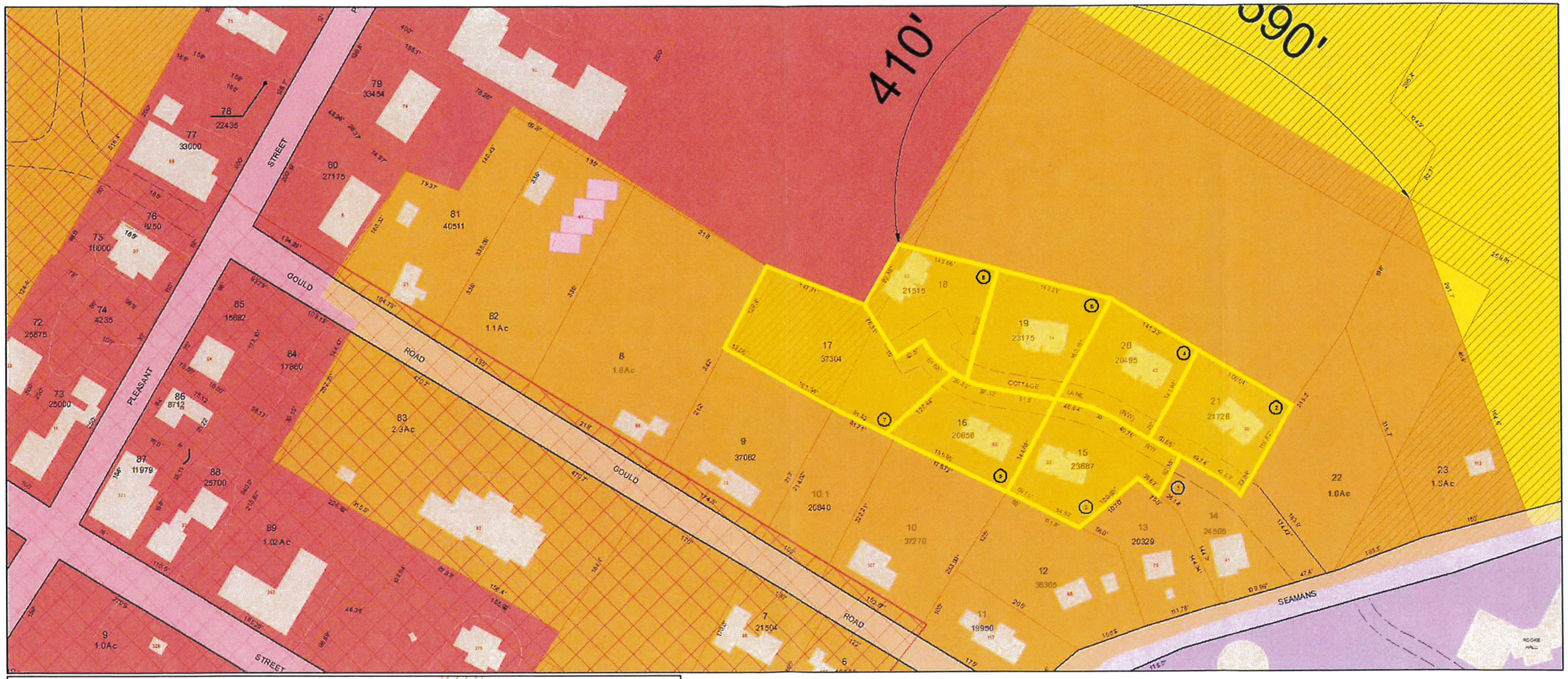
1 inch = 134 Feet

October 9, 2018

0 134 268 403

CAI Technologies

www.cai-tech.com



COMMON	RW	Workforce Housing Overlay District
PROPERTYLINE	New London Condos	URBAN RESIDENTIAL - R1
ROAD	New London Buildings	RESIDENTIAL - R2
ROAD-PVT	Right of Ways	COMMERCIAL - C
DW	Zone Arcs	INSTITUTIONAL - COLLEGE
ROAD-PVT-RW	Planned Unit Development Overlay District	

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