

Town of Winchester
Zoning Board of Adjustment
Notice of Application & Public Hearing
9-9-21

The Winchester Zoning Board of Adjustment will be meeting on 9-9-21 at 7pm on the Main Floor of the Town Hall, 1 Richmond Road for the following:

The board will review for acceptance an application for a variance request of Article X, D, setbacks to enlarge a porch from 7.6x12ft to 8x12ft. The application is submitted by William & Suzanne O'Donnell for property located at 44 Headlands Road, map 33, lot 12-1. If the application is found complete the board will move into a public hearing on the matter.

If a decision is not reached the hearing will continue at the following meeting without further notice. The application is available for review in the Land Use Office during regular business hours and on the town website winchester-nh.gov.

Respectfully,
Margaret Sharra, Land Use

ABUTTERS LIST

For use with all Land Use Applications

Applicant: O'Donnell
Address: 119 Candlewyck Dr, Newington CT 06111 ✓
Map# 33 Lot# 12-1

MAP# LOT# NAME & ADDRESS Sent/Rec'd

~~33 55~~

33 11 Lobdell Trust 11916 Manhattan DesPeres MO 63131

33 12 Kim Whitaker 39 Headlands ✓

~~9 11-23~~ → Lobdell Trust 11916 Manhattan DesPeres MO 63131
33 55

9 11-23 Bill & Sandy McPhath 77 Lake Shore Dr. Warr ✓

Red
8/13/21
NS

Application for: Variance

Date: 8/13/2021

Map# 33 Lot# 12-1

Name & address of applicant: Suzanne & William O'Donnell
119 Candlewyck Drive Newington, CT 06111
Email: W0021730@gmail.com Phone: (860) 324-7286

Name & address of owner: Same as above

Email: _____ Phone: _____

Location of property: 44 Headlands Rd, Winchester, NH 03470 Zoning District: Forest Lake Overlay District

Description of property (include a plot plan, frontage, side & rear lines, water, structures, etc.): Single-family home. (Pictures and dimensions previously provided to ZBA).

Proposed use/existing use: Replace former Enclosed porch from a ~~26' x 12'~~ to a 8' x 12' foot enclosed porch. 26 ft x 12 ft 80

Fill out the attached abutters list and submit the non refundable fee of \$150 with the completed application and other necessary forms at least 21 days prior to the review by the ZBA. The ZBA generally meets on the second Thursday of each month if there is business. A complete application will be reviewed for acceptance before a public hearing is held within 30 days. You or your representative must be present at the hearing. All owners NOT representing themselves must submit a letter of representation for the applicant with the application.

Please complete and submit the following appropriate page(s) for the request of a variance, a special exception, an equitable waiver of dimensional requirements, an appeal from an administrative decision or a rehearing. Attach all other supporting documentation to the application.

After the public hearing, the board will typically render a decision within 30 days. You will be sent notice of this decision. If you believe the board's decision is wrong, you have the right to appeal. The Selectboard or any party with standing has similar rights of appeal. With an appeal, you must first ask the board for a rehearing. All requests shall be submitted on the appropriate ZBA forms and include the required fee. The motion must be made within 30 days of the decision and must set forth the grounds on which the claimed the decision is unlawful or unreasonable. The board may grant a rehearing if it is determined there were errors of law or new information is stated in the motion. Notice to the public and abutters are required for a rehearing. Refer to RSA 677:2 and RSA 676:7 for details.

Variance:

The undersigned hereby requests a variance to the terms of Article X, section D, subparagraph _____, of the Winchester zoning ordinance.

Stigane O'Donnell 8/12/2021
Signature of applicant and date

Stigane O'Donnell 8/12/2021
Signature of owner and date

Facts supporting the variance request:

1. Granting of the variance will not be contrary to the public interest because:

See attached.

2. The spirit of the ordinance is observed because:

See attached.

3. By granting the variance substantial justice would be done because:

See attached.

4. The value of surrounding properties are not diminished because:

See attached.

5. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship; owing to special conditions of the property that distinguish it from other properties in the area, 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 because:

See attached.

and b) the proposed use is a reasonable one because:

See attached.

Or: explain how if the criteria of (a)&(b) 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.

William O'Donnell, Jr.
Suzanne O'Donnell
119 Candlewyck Drive
Newington, CT 06111
(860) 324-7286
wooz1730@gmail.com

August 13, 2021

Zoning Board of Adjustment
Town of Winchester
1 Richmond Road
Winchester, NH 03470
Attn: Margaret Sharra

RE: Application for Variance, 44 Headlands Road, Winchester, NH

Dear Zoning Board of Adjustment:

Attached is an Application for a variance request regarding the above captioned property.

On July 12, 2021, the Superior Court affirmed a variance request granted by the ZBA allowing us to rebuild our enclosed porch to 7'6" x 12 feet. We are now requesting a second variance that will allow us to build the enclosed porch to 8 x 12 feet. Our contractor originally framed out the porch to be an 8 x 12-foot structure, which, is standard measurements for lumber. It would cause us a financial hardship to have to reconfigure the porch to a 7.6 x 12-foot structure. Due to COVID, the price of lumbar and other materials is more costly and hard to come by. Mr. McGrath, in an email dated July 17, 2021, stated he has no objection to this request and would support this variance. (See email attached). One of our other abutters, the Lobdells, have no objection with this request and would support this variance request. They had provided an email to Ms. Sharra when the initial hearing was held on November 5, 2020 (See email attached).

Please note, in my September 30, 2020 letter to the ZBA, I stated that we were requesting to modify the previously existing porch. In the minutes from the ZBA hearing, I noticed that the porch was referred to as a deck. To be clear, the variance is for an enclosed porch. For the reasons below, we request this second variance.

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

The additions to our home would improve the values of the surrounding properties. The variance would not alter the character of the neighborhood.

2. The spirit of the ordinance is observed because:

The changes to our home would make the space more usable and valuable

3. By granting the variance substantial justice would be done because:

Rebuilding the previously existing balcony and previously existing enclosed porch would allow us to complete the project and make improvements to our home. This would raise the value of our home and surrounding properties.

4. The value of the surroundings properties is not diminished because:

The values of the surrounding properties would increase with the improvements that have already been made as well as the proposed improvements to be made to our home.

5. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship; owing to special conditions of the property that distinguish it from other properties in the area because:

Our home is unique in size posing a hardship. The proposed use is reasonable as the Forest Lake Overlay District permits the construction of porches and balconies.

- a) No fair and substantial relationship exists between the public purposes of the ordinance provision and the specific application of that provision to the property because:

Literal enforcement of the ordinance would result in an unnecessary hardship. Our property is unique in shape and size, shaped like a scalene triangle. All three sides of our home have different lengths, which affords little room to maneuver the setbacks.

- b) The proposed use is a reasonable one because:

The enclosed porch is in the back of our home which would not cause traffic concerns or impede the neighbors view in any way. The porch faces a 6 ft fence with no one living behind us.

Due to the COVID pandemic, our contractor is back logged with work and is unable to tell us when he will be able to complete our project. It is unclear to us whether there is a time limit attached to the variance. If there is, we may need to request an extension of time. Please instruct us as to any steps necessary to request such an extension.

Thank you for your consideration of our variance request.

Sincerely,


Suzanne O'Donnell

Attachments