



# TOWN OF WINCHESTER

INCORPORATED JULY 2<sup>ND</sup> 1753



1 Richmond Road • Winchester, New Hampshire 03470  
Voice: (603) 239-4951 • Fax: (603) 239-4710 • TDD Access: Relay NH 1-800-735-2964  
selectmen@winchester.nh.gov • www.winchester-nh.gov

## Notice

### Request of a Variance Application Review and Public Hearing 11-5-20

To: All abutters and others to be notified  
From: Zoning Board of Adjustment

Under the authority of New Hampshire Law (RSA 674:33), the Zoning Board of Adjustment will hold a public hearing regarding a request for a variance and special exception. Before an application can be considered all abutters shall be notified by certified mail.

The Winchester Zoning Board of Adjustment will be meeting on 11-5-20 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 deck. 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 Administrator

OCT 09 2020

Application for: Variance

Date: 10/9/20 TOWN OF WINCHESTER  
LAND USE OFFICE

Map# 33 Lot# 12-1

Name & address of applicant: Mr. & Mrs. William O'Donnell, Jr.  
119 Candlewyck Drive, Newington, CT 06111  
Email: w00z1730@gmail.com Phone: (860) 324-7286

Name & address of owner: William E. O'Donnell, Jr. & Suzanne  
O'Donnell, 119 Candlewyck Drive, Newington, CT 06111  
Email: w00z1730@gmail.com Phone: (860) 324-7286

Location of property: 44 Highlands Rd., Winchester, NH Zoning District: Aquifer Protection District

Description of property (include a plot plan, frontage, side & rear lines, water, structures, etc.) Single family home. Would like to extend the back porch 5 feet to the right of the property. Would also like to build a 10 ft. x 10 ft. deck off the master bedroom on the left side of the house facing the driveway.  
Proposed use/existing use: Porch and deck

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.

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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 Frank/Bay Subarea of the Winchester zoning ordinance.

Stahle O'Donnell  
Signature of applicant and date

10/9/2020  
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:

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 E. O'Donnell, Jr.  
Suzanne C. O'Donnell  
119 Candlewyck Drive  
Newington, CT 06111  
(860) 324-7286

October 9, 2020

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

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

Dear Zoning Board of Adjustment:

Enclosed is an Application for a variance regarding our property at 44 Headlands Road in Winchester, New Hampshire.

We are requesting to modify the previously existing porch of 7 x 7 feet to a 7 x 12 foot porch. We are requesting that we add 5 feet to the right of the existing porch which from the edge of the porch at the 12 foot mark is 8 feet 7 inches to the fence. As we extend the porch to 12 feet it gets farther away from the fence. See pictures attached.

Since we purchased our home in 2016, we have made several improvements which has added to the home values in the area. This small addition to the porch will add value to our property and the neighborhood. Our porch would not cause any traffic concerns for the neighbors or visitors to the lake. The porch is currently in the back of our property facing the fence. There is no one living behind our home.

I have enclosed pictures with the dimensions for your convenience.

We would also like to ask for a variance to replace the balcony which was previously located in front of our home. The balcony was originally 3 feet x 10 feet. We would like to propose replacing the balcony to the left of our home facing the driveway. The balcony would be 10 feet x 10 feet. The proposed balcony would be 12 feet from the road and would be 10 feet from the abutters property line. The balcony will provide a view of the lake from our property. It will be equally distributed to the side of the house. This would raise the value of our property, which would be a great real estate comp for people who live in the Forest Lake District. This would be aesthetically pleasing to the eye and it would not cause any traffic issues.

The reason we had to remove the balcony was because water was getting behind the wall and rotted out the front structure of our home due to poor maintenance and neglect of the property from the previous owner and poor cantilever design. We were forced to remove it for safety reasons. The home was vacant for many years and was an eye sore to the neighborhood. This made the home unpleasant to look at and brought down the values of the neighborhood.

1. The variance will not be contrary to the public interest. The porch is located in the back of our home which will not cause any traffic issues or impede the neighbors view in any way. This will not cause any negative impact to the public interest. The balcony would be located on the left side of our house facing our driveway and would not cause any traffic concerns.
2. The variance will not be contrary to the spirit of the ordinance and will not negatively impact the neighborhood.

The porch as well as the balcony would be aesthetically pleasing and would be an improvement to the neighborhood. Granting the variance will not be contrary to the spirit of the ordinance and will not negatively impact the neighborhood. Granting the variance will not cause traffic concerns.

3. By granting the variance substantial justice would be done because if it is not granted, there would be a monetary loss to the property owner. The request for a variance would not cause harm to the general public. It will improve the neighborhood.
4. The value of surrounding properties are not diminished because the property would increase in value with the improvements that have been made and would raise the value of our property along with neighboring homes. The improvements have made the neighborhood more aesthetically pleasing which makes the neighborhood a more desirable place to live.

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: The previously existing porch was not aesthetically pleasing. The porch was in dire need of repair and had many holes in the screened in porch and the wood was all rotting around the frame of the porch. The porch was originally built on concrete blocks. The porch will now be built on footings which, we feel, will make the porch more secure.

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: The proposed variance will have a positive impact on the neighborhood. If the variance is not granted, it would make our property less valuable which, in turn, would affect the values of the neighborhood.

b) The proposed variance request is a reasonable one because: The porch is located in the back of our home which will not cause any traffic issues or impede the neighbors view in any way. This will not cause any negative impact to the public interest. The balcony would be located on the left side of our house facing our driveway. The balcony would be located on the side of the house and would be farther from the road than the original balcony.

Thank you for your consideration of our variance requests.

Very truly yours,

A handwritten signature in black ink that reads "Suzanne C. O'Donnell". The signature is written in a cursive style with a large, looping initial 'S'.

Suzanne C. O'Donnell

Enclosures

Abutters of 33/12-1

33/11

William Lobdell

Alban J. Lobdell Rev. Trust

Anglin Winifred Rev. Trust

11916 Manhattan

Des Peres, MO 63131

✓

33/12

Kim Whitaker

Trustee of the Kim Whitaker Trust

39 Headland Rd. Wm

✓

33/55

William Lobdell

✓

9/11-23

William & Sandra McMath

77 Lake Shore Dr.

Win

✓

owners