



APPLICATION FOR A VARIANCE

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Case No. 2017-0313

Date Filed Feb 23, 2017

(signed - ZBA)

To: Board of Adjustment,

Town of Center Harbor

Name of Applicant Pamela Martley

Address 4 Dew Point Lane

Owner Same

(if same as applicant, write "same")

Location of Property 4 Dew Point Lane # 103-018

(street, number, sub-division and lot number)

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

APPLICATION FOR A VARIANCE

A variance is requested from article 5:3:1 section 5:3:1 of the zoning ordinance to permit pavers to be placed on an existing lawn patio.
See attached drawing and attached sheet.

Facts in support of granting the variance: See attached sheet

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

See Attached

2. If the variance were granted, the spirit of the ordinance would be observed because:

See Attached

3. Granting the variance would do substantial justice because:

See attached

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

See attached

5. Unnecessary Hardship

- A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

- i. 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:

- ii. The proposed use is a reasonable one because:

See attached

- B. Explain how, 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 attached

Applicant

[Signature]
(signature)

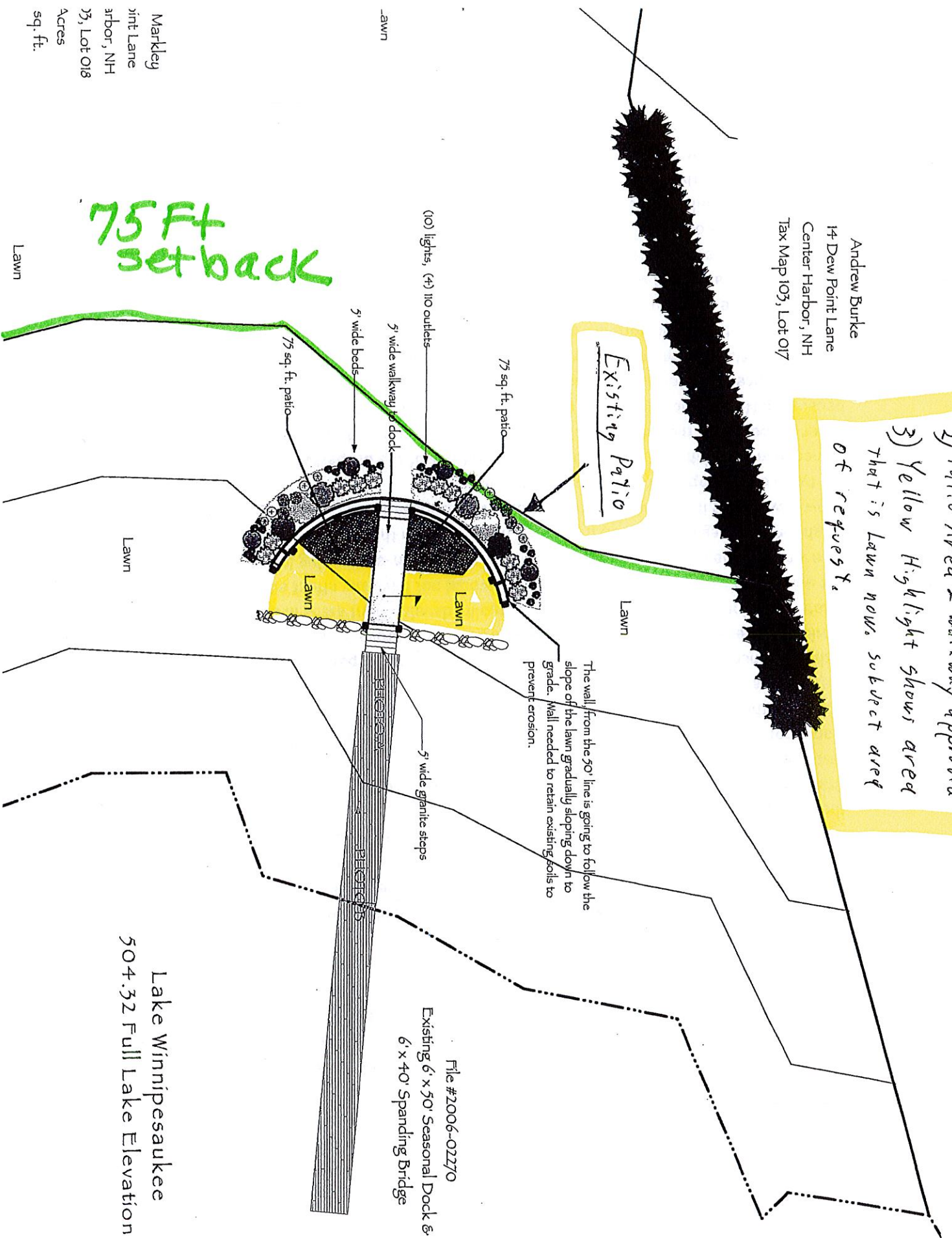
Date

2-23-17

- 1) Existing Patio - Built
- 2) Patio Area & walkway approved
- 3) Yellow Highlight shows area that is lawn now. Subject area of request.

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Andrew Burke
14 Dew Point Lane
Center Harbor, NH
Tax Map 103, Lot 017



Markley
Jint Lane
arbor, NH
23, Lot 018
Acres
sq. ft.

To "permit" paving blocks to be laid in place of lawn on an existing lawn patio area. Drawing attached.

Description: There is currently a permitted patio in place on the water front area. A section of the patio has been issued a permit for pavers. This request is to increase the area coverage of the pavers to fit the inside of the existing patio area. Notes on drawing assist in understanding request.

- 1) **Granting the variance would not be contrary to the public interest because:** The planned pavers a) have no visual impact to the area, and likely could not be seen by anyone unless they were physically on the property. b) The pavers meet or exceed all State of NH DES environmental regulations and restriction. C) The patio, a section of which is now lawn, is in place, this is a sq footage of pavers change. D) The project scope is minor, it consist of adding about 350 to 400 sq ft of paver at existing grade.
- 2) **If a variance were granted, the spirit of the ordinance would be observed because:** The project has little to no visual or environmental impact. There is no vegetation removal other than previously disturbed lawn area and there is no visual impact. The impact of the propose pavers is far lower than other projects undertaken on both Lake Winnepesauke and Squam Lake over the past spring, summer and fall.
- 3) **Granting the variance would do substantial justice because:** The use of the patio would be restricted to having to remove furniture to cut the lawn, making it hard to use. The proposed plan is consistent with normal use of this type of property and has no visual or environmental effect. Further, the valuation impact of the new ordinance on property will be higher without the variance.
- 4) **If the Variance were granted, the value of the surrounding properties would not be diminished because;** a) Property values would actually improve. As has been proven in real estate valuations, property investment into quality development assist in driving local values up; not down, that said, this change is so minor it would not have any effect either way.b) Even in a case where someone may adopt the position that a certain landscaping improvement by a neighbor has a negative impact, they could not do so with this improvement as they would only know it was done if they were on the patio. c) The proposed pavers are consistent in nature with the types of development of the surrounding properties.
- 5) **Unnecessary Hardship A) Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because; i. No fair and substantial relationship exist between the general public purposes of the ordinance provisions and the specific application of that provision to the property because;** a) Water front property is unusual and differs from other property in that the use of the area along the water front is a premium. In the case of this parcel, views are extremely limited from the house and other living and lawn areas. This location is the prime spot for having any lake view .Patis and water front structures are normal for these types of properties and not being able to have a water front patio would restrict the enjoyment and purpose of the purchase of the property. **ii. The proposed use is reasonable because:** a) It's consistent with the normal uses of similar properties, it is less impactful than other permitted projects, it lowers the financial impact to the town, has no negative environmental impact and no visual impact.
B. Applicant believes that that items I an ii are established at this site, that said, a hardship of use exist under Simplex due to the fact that a reasonable and anticipated use of a waterfront

property is building a patio that allows for water front enjoyment and views. If fact, one can argue, without this specific variance, and others similar ones that have no negative impact on other properties in the community, significant property use and economic value will be lost.

ABUTTERS LIST

Name of Applicant: Pamela Markley

Address: 4 Dew Point Lane
Center Harbor, NH

Property Concerned: Tax Map 103 Lot 018

The following are the abutters to the above property. Please include those across the street.

Tax Map 103 Lot 017 Name: Andrew Burke

Address: Keyworth House Waneham, UK
BH207BH

Tax Map 103 Lot 019 Name: Lori Hyslop

Address: PO Box 1169 Center Harbor, NH
03226

Tax Map 217 Lot 003 Name: Claude + Donna Jeanloz

Address: PO Box 128 Millers Falls, MA
01349-0128

Tax Map 103 Lot 020 Name: Paul George

Address: 22 Ordway Rd Wellesley, MA
02481

Tax Map _____ Lot _____ Name: _____

Address: _____

Tax Map _____ Lot _____ Name: _____

Address: _____

Tax Map _____ Lot _____ Name: _____

Address: _____

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Tax Map _____ Lot _____ Name: _____

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