



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Variance

Richard and Claudette Burbank/Tax Map 166, Lot 23

June 15, 2011

**Applicant: Richard and Claudette Burbank
6 West Stearns Avenue
Hooksett, NH 03104**

Location: 62 Driftwood Drive, Moultonborough, NH (Tax Map 166, Lot 23)

On May 18, 2011 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Richard and Claudette Burbank (hereinafter referred to as the “Applicant” and/or “Owner”) for a variance from Article III (B)(3) to allow for construction of an addition to the existing residence. The intrusion will be will be approximately four (4) feet closer to the Lot line and will be a total of sixteen (16) square feet into the setback on the parcel located in the Residential Agricultural (RA) Zoning District.

Based on the application, testimony given at the hearings, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 62 Driftwood Drive (Tax Map 166, Lot 23).
- 2) The applicants are the owners of record for the lot.
- 3) The applicants were represented by Robert W. Pollock, Jr. of Pollock Land Planning LLC.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District.
- 5) The side setback for the parcel is twenty (20) feet from the property line.
- 6) The proposed addition will be will be approximately four (4) feet closer to the Lot line and will be a total of sixteen (16) square feet into the setback.
- 7) The ZBA voted 5-0 to conduct a Site Visit at the location and continued the Public Hearing to the Site Visit on May 21, 2011.

- 8) The ZBA conducted a Site Visit on May 21, 2011 and continued the Public Hearing to the regular meeting date of June 1, 2011.
- 9) No members of the public wished to speak on the application.
- 10) At the continued hearing on June 1, 2011 the applicant's agent presented a new uncertified plan indicating the actual intrusion to be 2.42 feet.
- 11) The applicant did not request an amendment to the application.
- 12) Granting the Variance would not be contrary to the public interest as the use of the site for single-family residential use is common along the shoreland in this district.
- 13) Granting the Variance would not be consistent with the spirit of the Ordinance.
- 14) By granting the Variance, substantial justice would not be done.
- 15) Granting the Variance would not diminish the value of surrounding properties as the neighborhood is largely comprised of single family homes.
- 16) Special conditions do not exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the applicant is proposing to construct an addition with a portion to be located within the setbacks. As such, the applicant has created the hardship, and an unnecessary hardship does not exist.
- 17) The Zoning Board of Adjustment voted by a vote of four (4) in favor (Hopkins, Stephens, Nolin, Crowe), and none (0) opposed to continue the Public Hearing to June 15, 2011, and to direct Town Staff to draft a Notice of Decision to Deny the variance, to be reviewed by the Board at the June 15, 2011 Regular Meeting.

The Public Hearing was continued to June 1, 2011 and June 15, 2011. The Board of Adjustment closed the Public Hearing on June 15, 2011. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of three (3) in favor (Stephens, Heal, Nolin), none (0) opposed, to **DENY** the request for variance.

This decision shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

Robert H. Stephens
Chairman, Zoning Board of Adjustment

Date _____