



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision Request for Variance Frances Eklund/Map 99, Lot 197

July 18, 2013

**Applicant: Frances Eklund
11291 108th Lane N
Largo, FL 33778**

Location: 19 Myrtle Drive, Moultonborough, NH (Tax Map 99, Lot 197)

On July 17, 2013, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Frances Eklund (hereinafter referred to as the "Applicant" and/or "Owner") for a variance from Article III (B) (3), to allow a portion of the existing egress (stairs and landing) to remain in place, 19.55 feet to 17.36 feet from the sideline setback where 20 feet is required on the parcel located in the Agricultural Residential (AR) 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:

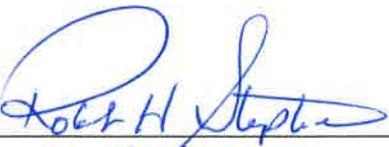
- 1) The property is located at 19 Myrtle Drive (Tax Map 99, Lot 197).
- 2) The applicant is the owner of record for the lot.
- 3) Frances Eklund presented the application for the variance.
- 4) The lot is located in the Agricultural Residential (AR) Zoning District.
- 5) The side setback for the parcel is twenty (20) feet from the property line.
- 6) The existing stairs are located within the twenty (20) foot side setback.
- 7) One letter of support was noted for the record.
- 8) No members of the public wished to speak during the public hearing.

- 9) Granting the Variance would not be contrary to the public interest as the stairs and deck are consistent with other properties in the neighborhood in regard to their size, shape and having structures closer to the property lines than today's setback requirements.
- 10) Granting the Variance would be consistent with the spirit of the Ordinance because the variance request does not unduly, and in any marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives; it will allow for safe access and egress and will be consistent with other properties in the neighborhood, while still allowing adequate light, air and access to the rear of the parcel.
- 11) By granting the Variance, substantial justice would be done because there would be no gain to the public benefit at all from a denial of the expansion in this case, but the loss to the homeowner is great in that there is no other practical place for this only access point from the rear of the house on this level.
- 12) Granting the Variance would not diminish the value of surrounding properties as the stairs and deck are existing and are in line with the use and type of building in the neighborhood and not different in character.
- 13) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as there is no other location for the existing access and egress and it is required for safety reasons.
 1. On July 17, 2013, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Nolin, Zewski, Bickford, Crowe) and none (0) opposed to grant the request for a variance, increasing the relief being sought from a distance of 2.64 feet to 3 feet.

...and to close the Public Hearing. They moved to direct Staff to draft a formal Notice of Decision for review and approval for signing at the next meeting.

The Board of Adjustment, on August 7, 2013, approved this formal Notice of Decision language and authorized the Chairman to sign the Notice of Decision and send to the applicant and place same in the case file by a vote of five (5) in favor (Stephens, Nolin, Zewski, Bickford, Crowe), none (0) opposed.

The decision made to Approve the variance on July 17, 2013 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 8-14-2013