



## **Town of Moultonborough Zoning Board of Adjustment**

### **Notice of Decision**

### **Request for Variance**

**Charles and Lisa McGee/Map 99, Lot 16**

**November 3, 2010**

**Applicant: Charles and Lisa McGee  
40 Hoshor Lane  
Moultonborough, NH 03254**

**Location: 41 Hoshor Lane, Moultonborough, NH (Tax Map 99, Lot 16)**

On October 20, 2010 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Charles and Lisa McGee (hereinafter referred to as the “Applicant” and/or “Owner”) for a variance from Article III (B)(1) to allow for construction of an addition of approx. twenty (20) feet by twenty (20) feet attached to the existing garage structure on the parcel located in the Agricultural Residential (AR) Zoning District to be located within the required fifty (50) foot from centerline setback, but must comply with the twenty-five (25) foot setback from the Right of Way.

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 41 Hoshor Lane (Tax Map 99, Lot 16).
- 2) The applicant is the owner of record for the lot.
- 3) The lot is located in the Agricultural Residential (AR) Zoning District.
- 4) The front setback for the parcel is fifty (50) feet from the centerline of the improved surface of the roadway, and not less than twenty-five (25) feet from the edge of the Right of Way.
- 5) There is an existing garage of approx. twenty-six (26) feet by thirty-six (36) feet on the lot.
- 6) The proposed addition would be within the front setback.
- 7) The proposed addition and existing garage are not to become a dwelling unit.

- 8) Scott Stone, abutter to the subject property, stated that he owned the Right of Way in question, and was not against the proposal.
- 9) Mr. McGee stated that he maintained the Right of Way and plowed the road to his garage and the house across the right of way from the subject parcel, which he also owns.
- 10) Granting the Variance will not be contrary to the public interest as the use of the lot for a garage addition will have no noticeable impact on the public from the previous use.
- 11) Granting the Variance is consistent with the spirit of the Ordinance.
- 12) By granting the Variance, substantial justice is done.
- 13) Granting the Variance does not diminish the value of surrounding properties as the neighborhood is largely comprised of single family homes, some with detached garages.
- 14) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as existing garage and addition are constrained from being moved on the lot due to the lot size, and the addition is to a pre-existing structure.
- 15) The Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Hopkins, Nolin, Roseberry Zewski), and none (0) opposed to continue the Public Hearing to November 3, 2010, and to direct the Town Planner to draft a Notice of Decision to Grant the Special Exception, to be reviewed by the Board at the November 3, 2010 Regular Meeting.

The Public Hearing was continued to November 3, 2010. The Board of Adjustment closed the Public Hearing on November 3, 2010. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of five (5) in favor (Stephens, Hopkins, Nolin, McCarthy, Zewski), none (0) opposed, to **GRANT** 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.

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 Robert H. Stephens  
 Chairman, Zoning Board of Adjustment

Date \_\_\_\_\_