



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision Request for Variance Ronald McNulty/Map 282, Lot 37

December 7, 2011

**Applicant: Ronald McNulty
626 Boston Road
Billerica, MA 01821**

Location: 20 Adams Shore Road, Moultonborough, NH (Tax Map 282, Lot 37)

On November 16, 2011 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Ronald McNulty (hereinafter referred to as the “Applicant” and/or “Owner”) for a variance from Article III (I) to allow for construction of a new single family dwelling to be higher than the required thirty-two (32) foot height limit for 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 20 Adams Shore Road (Tax Map 282, Lot 37).
- 2) The applicant is the owner of record for the lot.
- 3) The applicant represented himself at the Public.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District.
- 5) The applicant is proposing construction of a new single-family dwelling unit, which is currently under construction, and partially erected.
- 6) The height violation was discovered during the inspection process conducted by the Code Enforcement Officer
- 7) The proposed average height of the structure will be approximately thirty-six feet, five inches (36’ 5”) high.
- 8) The proposed maximum height of the structure shall be approximately forty-nine feet, five inches (49’ 5”).

- 9) One (1) member of the public noted their concern with the height of the structure.
- 10) The board was in receipt of comments from the Fire Chief regarding the height variance request. He commented while he was opposed to allowing any increase in height, based on the fact that the application differed from previous requests as the structure was already erected, and the interior was not completed, if the applicant/owner was willing to install a residential fire sprinkler as defined in his comments, he would not be opposed to the Board granting the variance.
- 11) Granting the Variance will not be contrary to the public interest as the use of the lot for residential use is in accordance with the permitted uses in the Residential Agricultural (RA) Zoning District.
- 12) Granting the Variance is consistent with the spirit of the Ordinance as the intent of the use in the zoning district is in conformance with the requirements of the Zoning Ordinance and the height impact will be relatively small at four feet, five inches (4'5") above the height limit.
- 13) By granting the Variance, substantial justice is done.
- 14) Granting the Variance does not diminish the value of surrounding properties as the neighborhood is largely comprised of single-family lake front homes.
- 15) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the violation was a result of contractor error. The height violation exists, and was not intentional on the part of the owner/applicant.
- 16) Granting of the variance is conditional upon the installation of a Residential Fire Sprinkler System, in accordance with NFPA 13D Standards, with specifics, to be approved, in writing by the Fire Chief.
- 17) There shall be **NO** occupancy on the third floor.
- 18) This Notice of Decision SHALL be recorded at the Carroll County Registry of Deeds prior to the issuance of a Certificate of Occupancy.
- 19) The Zoning Board of Adjustment voted by a vote of three (3) in favor (Stephens, Hopkins, Zewski,) and two (2) opposed, (Nolin, Crowe) to continue the Public Hearing to December 7, 2011, and to direct Staff to draft a Notice of Decision to Grant the Variance, to be reviewed by the Board at the December 7, 2011 Regular Meeting.

The Public Hearing was continued to December 7, 2011. The Board of Adjustment closed the Public Hearing on December 7, 2011. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of three (3) in favor (Stephens, Hopkins, Zewski), two (2) opposed (Nolin, Crowe), 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.

Robert H. Stephens
 Chairman, Zoning Board of Adjustment

Date _____