



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

### **Notice of Decision**

#### **Request for Variance from Article 3.2.1**

**Edward & Linda Jeffrey**

**Tax Map 145, Lot 49**

**May 4, 2022**

**Applicant:** **Edward & Linda Jeffrey**  
**PO Box 558**  
**Center Harbor, NH 03226**

**Location:** **201 Stanyan Road, Moultonborough, NH (Tax Map 145, Lot 49)**

On May 4, 2022, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Edward & Linda Jeffrey (hereinafter referred to as the "Applicant" and/or "Owner") to obtain a Variance from MZO Article 3.2.1 to allow for the construction of a 4.5' x 6'covered walkway and steps attached to a previously approved garage to be located 19 ft. from the front property line where 25 ft. is required 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 201 Stanyan Road (Tax Map 145, Lot 49).
- 2) The Applicants are the owners of record for the lot.
- 3) Edward Jeffrey presented the application for the variance.
- 4) The lot is in the Residential Agricultural (RA) Zoning District, and the residential use is allowed by right in that district.
- 5) Prior to public input, the Zoning Board voted five (5) in favor (St. Peter, Poloian, DeMeo, Mills, Stephens) that the proposal did not have the potential for Regional Impact.
- 6) The proposal is to construct a 4.5' x 6'covered walkway and steps attached to a previously approved garage to be located 19 ft. from the front property line where 25 ft. is required.
- 7) The Applicant was previously granted a variance on December 16, 2020, from MZO Sections 3.2.1 & 3.2.3 allow for the construction of a 24' x 26' garage with a second floor sewing room to be located 19 ft. from the front property line and located 15 ft. from the sideline setback.

- 8) The Applicant has received a NHDES Shoreland Permit by Notification (PBN #2018-02116) for the construction of a 28' x 24' attached 2-story garage, 4' x 23' entry porch on the side of the garage, 2' x 24' pad in front of the garage and a 3' x 3' pad as the side door.
- 9) One member of the public submitted a letter of concern regarding safety concerns of the Applicant regarding potentially hazardous winter conditions on the outside steps.
- 10) No members of the public were present for the Public Hearing.
- 11) Granting the Variance would not be contrary to the public interest as the proposed construction is in keeping with the intent of the original variance granted on December 16, 2020 and will not alter the essential character of the neighborhood because it would be similar to the other dwellings in the neighborhood, not change the intent of the ordinance for setbacks which is adequate provision of light and air between buildings.
- 12) Granting the Variance would be consistent with the spirit of the Ordinance for the same reasons as Criterion 1 contained above in #11.
- 13) By granting the Variance, substantial justice would be done there because there is no public benefit to be gained by denying the request, while the loss to the applicant would be great because the neighborhood has similar garages and structures that do not meet the setback requirements.
- 14) Granting the Variance would not diminish the value of surrounding properties as the proposed addition of a covered walkway will increase the value of the subject property thereby increasing neighborhood valuations.
- 15) Special conditions exist for the subject property that distinguish it from other properties in the area and the property cannot be used in strict conformance with the ordinance because of the location of the garage that was approved in 2020, the intent of the covered walkway is to safe access, and the proposed use is reasonable.

On May 4, 2022, the Zoning Board of Adjustment decided by a vote of five (5) in favor (St. Peter, Poloian, DeMeo, Mills, Stephens) and none (0) opposed to grant the request for the Variance from Article 3.2.1 for Edward & Linda Jeffrey, Tax Map 145 Lot 49 to permit for the construction of a 4.5' x 6'covered walkway and steps attached to a previously approved garage to be located 19 ft. from the front property line where 25 ft. is required with the following conditions:

- 1) Project shall obtain necessary state and local permits, to include NH DES Shoreland approval and approval of a town building permit, and all conditions of such permits shall be perpetually complied with.
- 2) An approved building permit must be obtained prior to commencing construction and all necessary inspections shall be successfully completed prior to use.
- 3) All representations made by the applicant and applicant's agent shall be incorporated as a condition of approval.
- 4) The applicant and owner are solely responsible to comply with conditions of approval.
- 5) Per RSA 674:33, approval expires on 5/4/2024 if use is not substantially acted on.

Further, the Board voted 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 June 1, 2022, approved this formal Notice of Decision language and authorized the Chairman to sign the Notice of Decision, send to the applicant and place same in the case file by a vote of five (5) in favor (Stephens, St. Peter, DeMeo, Poloian, Mills), none (0) opposed, and no abstentions.

The decision made to grant the variance on May 4, 2022, 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

cc. Scott Dvorak – Building Inspector (by email only at [sdvorak@moultonboroughnh.gov](mailto:sdvorak@moultonboroughnh.gov))  
Map Lot Document File

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