



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Variance from Article 3.2.3

Roger A. & Nancy-Ann Vincent

Tax Map 174, Lot 53

January 6, 2021

Applicant: Roger A. & Nancy-Ann Vincent
264 Krainewood Drive
Moultonborough, NH 03254

Location: 264 Krainewood Drive, Moultonborough, NH (Tax Map 174, Lot 53)

On January 6, 2021, the Zoning Board of Adjustment of the Town of Moultonborough held a remote public hearing on the application of Roger A. & Nancy-Ann Vincent (hereinafter referred to as the “Applicant” and/or “Owner”) to obtain a Variance from MZO Section 3.2.3 to allow for the placement of a 10’ x 15’ shed to be located within the sideline setback 3-ft. at its closest point to 9-ft at the furthest point where 20 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 264 Krainewood Drive (Tax Map 174, Lot 53).
- 2) The Roger A. & Nancy-Ann Vincent Revocable Living Trust u/t/a dated January 9, 2017 is the owner of record for the lot. Roger A. Vincent and Nancy-Ann Vincent are the Trustees.
- 3) Roger Vincent presented the application for the variance using the Zoom web-based platform.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District, and the residential use is allowed by right in that district.
- 5) The proposal is to allow for the placement of a 10’ x 15’ shed to be located within the sideline setback 3-ft. at its closest point to 9-ft at the furthest point where 20 ft. is required.
- 6) Due to confusion on whether a building permit was required or not, the shed is built and already in place at the requested location. The building permit has now been applied for.
- 7) One member of the public (abutter) sent a letter of support in favor of the project.

- 8) Granting the Variance would not be contrary to the public interest as the proposed location will not alter the essential character of the neighborhood because it would be like the other properties with sheds in the neighborhood, not change the intent of the ordinance for setbacks which is adequate provision of light and air between buildings.
- 9) Granting the Variance would be consistent with the spirit of the Ordinance for the same reasons as Criteria 1 contained above in #7.
- 10) 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 sheds and structures that do not meet the setback requirements.
- 11) Granting the Variance would not diminish the value of surrounding properties as the new shed will increase the value of the subject property, and allow tools and miscellaneous items to be stored in the shed out of sight, thereby increasing neighborhood valuations.
- 12) 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 size and shape of the lot creates an inability to locate the shed on the property without a variance and the use is reasonable.
- 13) On January 6, 2021, the Zoning Board of Adjustment by a roll call vote, voted (5) in favor (St. Peter, Jenny, Bickford, DeMeo, Stephens) and none (0) opposed to grant the request for a variance for Roger A. & Nancy-Ann Vincent, TM 174, Lot 53 to allow for the placement of a 10' x 15' shed to be located within the sideline setback 3-ft. at its closest point to 9-ft at the furthest point where 20-ft is required, and further 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 Zoom meeting.

The Board of Adjustment, on February 3, 2021, 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, Bickford, St. Peter, Jenny, DeMeo), none (0) opposed.

The decision made to Approve the variance on January 6, 2021, 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. Map Lot Document File

Date: February 3, 2021