



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Variance from Article 3.2.3

Mark & Joan Wetzel

Tax Map 120, Lot 64

May 5, 2021

Applicant: **Mark & Joan Wetzel**
 163 Country Road
 Reading, MA 01867

Location: **19 Castle Shore Road, Moultonborough, NH (Tax Map 120, Lot 64)**

On May 5, 2021, the Zoning Board of Adjustment of the Town of Moultonborough held a remote public hearing on the application of Mark & Joan Wetzel (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 an 8’ x 12’ shed to be located 12-ft from the southerly sideline setback 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 19 Castle Shore Road (Tax Map 120, Lot 64).
- 2) The Applicants are the owner of record for the lot.
- 3) Mark Wetzel 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 as 8’ x 12’ shed to be located within the sideline setback 12-ft. from the property line where 20 ft. is required.
- 6) One member of the public (abutter) sent a letter of support in favor of the project.
- 7) 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.

- 8) Granting the Variance would be consistent with the spirit of the Ordinance for the same reasons as Criteria 1 contained above in #7.
- 9) 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.
- 10) 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.
- 11) Because the very reasons for regulating side setbacks are not adversely affected by the shed placement requested in this variance application (especially at 20-ft. for a shed in this instance), the Board felt there is no fair and substantial relationship between the general public purposes of the setback requirement and its specific application to this property. For the record those general public purposes are: to provide yard space for lawns and trees, to keep dwellings safe from the dust, noise, and fumes of the street and to add to the general attractiveness of the property, such a yard space creates a better home environment, to reduce fire hazards by providing a greater distance between homes, to provide for adequate light and air, to reduce hazards at street corners resulting from obstructions to the motorist's view, to relieve street congestion, and to limit the size of buildings to avoid overtaxing sewage facilities. None of these were found to be affected by granting the variance and that the use is a reasonable one.
- 12) On May 5, 2021, the Zoning Board of Adjustment by a roll call vote, voted (5) in favor (St. Peter, Jenny, DeMeo, Poloian, Stephens) and none (0) opposed to grant the request for a variance for Mark & Joan Wetzel, TM 120, Lot 64 to allow for the placement of as 8' x 12' shed to be located within the sideline setback 12-ft. from the property line 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 May 17, 2021 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 (St. Peter, Jenny, Hopkins, DeMeo, Stephens.), none (0) opposed, and no (0).

The decision made to grant the variance on May 5, 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

Date: May 17, 2021

cc. Map Lot Document File