



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

### **Notice of Decision**

### **Request for Variance from Article 3.2.1 & 3.2.3**

**Edward & Linda Jeffrey**

**Tax Map 145, Lot 49**

**December 16, 2020**

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

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

On December 16, 2020, the Zoning Board of Adjustment of the Town of Moultonborough held a remote public hearing on the application of Edward & Linda Jeffrey (hereinafter referred to as the "Applicant" and/or "Owner") to obtain a Variance from MZO Sections 3.2.1 & 3.2.3 allow for the construction of a 24' x 26' garage with a 2<sup>nd</sup> floor sewing room to be located 19 ft. from the front property line where 25 ft. is required and located 15 ft. from the 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 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 using the Zoom web-based platform.
- 4) The lot is in the Residential Agricultural (RA) Zoning District, and the residential use is allowed by right in that district.
- 5) The proposal is to construct a 24' x 26' garage with a 2<sup>nd</sup> floor sewing room to be located 19 ft. from the front property line where 25 ft. is required and located 15 ft. from the sideline setback where 20 ft. is required.
- 6) 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.

- 7) One member of the public submitted a letter of concern regarding potential traffic/access problems to their home due to the project.
- 8) One member of the public spoke in favor of the project.
- 9) Granting the Variance would not be contrary to the public interest as the proposed construction 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.
- 10) Granting the Variance would be consistent with the spirit of the Ordinance for the same reasons as Criteria 1 contained above in #9.
- 11) 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.
- 12) Granting the Variance would not diminish the value of surrounding properties as the proposed addition will increase the value of the subject property and thereby increasing neighborhood valuations.
- 13) 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 existing dwelling, location of the water line, septic tank, and large oak tree, and the need to maintain adequate code requirements between the house and garage. In addition, the dwelling was constructed prior to the enactment of zoning setback requirements or building permit requirements making any additions unreasonably difficult.
- 14) On December 16, 2020, 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 Edward & Linda Jeffrey, TM 145, Lot 49 to construct a 24' x 26' garage with a 2<sup>nd</sup> floor sewing room to be located 19 ft. from the front property line and located 15 ft. from the sideline setback, 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 January 6, 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 four (4) in favor (Stephens, Bickford, St. Peter, DeMeo), none (0) opposed, and one (1) abstention (Jenny).

The decision made to Approve the variance on December 16, 2020, 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: January 6, 2021

cc. Map Lot Document File