



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

### **Notice of Decision**

### **Request for Variance from Article III.B.3**

**Carol & Tom Rayner**

**Tax Map 245, Lot 36**

**September 16, 2020**

**Applicant:** Thomas T. Jr., & Carol A. Rayner  
15 West Pine Drive  
Walpole, MA 02081

**Location:** 123 Far Echo Road, Moultonborough, NH (Tax Map 245, Lot 36)

On September 16, 2020, the Zoning Board of Adjustment of the Town of Moultonborough held a remote public hearing on the application of Carol and Tom Rayner (hereinafter referred to as the “Applicant” and/or “Owner”) to obtain a Variance from MZO Article III. B (3) to construct an addition to an existing home with a proposed encroachment area of 54 sq. ft. and located 15.92-ft at the closest point from the sideline 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 123 Far Echo Road (Tax Map 245, Lot 36).
- 2) Thomas T. Jr., & Carol A. Rayner are the owners of record for the lot.
- 3) Steve Toomey 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 a use allowed by right in that district.
- 5) The proposal is to construct an addition to an existing home with a proposed encroachment area of 54 sq. ft. and located 15.92-ft at the closest point from the sideline where 20 ft. is required.
- 6) A Plan of Land for the Variance request was prepared by James M. Hambrook, Licensed Land Surveyor, signed 9/8/20.
- 7) There were no members of the public wishing to speak on this application during the public hearing.
- 8) 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.

- 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 requiring that an addition constructed in a conforming location, while the loss to the applicant would be great.
- 11) 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.
- 12) Special conditions exist for the subject property, such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship. The lot is uniquely shaped (triangular) having road frontage along one side. The Applicant's lot is fully developed with an existing dwelling, well and septic system. The placement of the existing home on the lot is not parallel to the side property line, preventing a reasonable size addition to be constructed to the home. The Board determined that due to these unique conditions, a variance is necessary to enable the reasonable use of the property.
- 13) On September 16, 2020, the Zoning Board of Adjustment by a roll call vote, voted (5) in favor (St. Peter, Jenny, Hopkins, Bickford, Stephens) and none (0) opposed to grant the request for a variance for Carol & Tom Rayner, TM 245, Lot 36 to construct an addition to an existing home with a proposed encroachment area of 54 sq. ft. and located 15.92-ft at the closest point from the sideline subject to the following conditions: 1) The existing non-conforming 8'x12' shed to be removed; 2) The addition being built in the location that is identified by dimensions on the plan prepared by James M. Hambrook (Plan Signed Date 9/8/2020) as submitted for the hearing, 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 October 7, 2020, 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, Jenny), none (0) opposed, and one (1) abstention (DeMeo).

The decision made to Approve the variance on September 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: October 8, 2020

cc. Map Lot Document File