



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision
Request for Variance
Peter R. & Susan W. White
Tax Map 186, Lot 12

September 2, 2020

Applicant: **Peter R. & Susan W. White, Trustees**
White Family Realty Trust
232 Allandale Road, Unit 2A
Chestnut Hill, MA 02467

Location: **34 Wallbridge Way, Moultonborough, NH (Tax Map 186, Lot 12)**

On September 2, 2020, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Peter R. & Susan W. White (hereinafter referred to as the "Applicant" and/or "Owner") to obtain Variance from MZO Article III. B. 3 to allow for the reconstruction & expansion of an existing non-conforming garage located 3-ft from the side property line and approximately 17-ft +/- from the front setback. The proposed new garage, with addition, to be located 4-ft from the side property line where 20 feet is required and no closer to the road than existing garage 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:

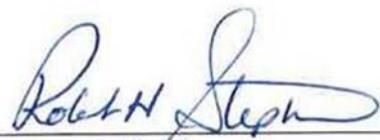
- 1) The property is located at 34 Wallbridge Way (Tax Map 186, Lot 12).
- 2) The White Family Realty Trust is the owner of record for the lot.
- 3) George Longo, agent presented the application for the variance using the Zoom web-based platform.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District, and the residential use is a use allowed by right in that district.
- 5) The proposal is for the reconstruction & expansion of an existing non-conforming garage located 3-ft from the side property line and approximately 17-ft +/- from the front setback. The proposed new garage, with addition, to be located 4-ft from the side property line where 20 feet is required and no closer to the road than existing garage.

- 6) No members of the public spoke on the Variance request.
- 7) Granting the Variance will not be contrary to the public interest because the proposed addition will not alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public because the request would not result in a lessening of the buffers, light or air between abutters, and other properties have the same kinds of encroachment and size similarities.
- 8) Granting the Variance is consistent with the spirit of the Ordinance for the same reasons as listed above.
- 9) By granting the Variance, substantial justice is done as there would be a clear loss to the Applicant that is not outweighed by any gain to the community if the variance were denied. The variance will allow the Applicant to construct a new 23' x 32' two-story garage, with an attached 23' x 12' one-story art studio/office space.
- 10) Granting the Variance does not diminish the value of surrounding properties as the new construction would serve to increase property values in the neighborhood.
- 11) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the lot is both narrow and small in size. The homes were built close to the road, prior to zoning. The existing home would lose their view if the location of the proposed garage were to be moved. The existing improvements on the site such as the well and mechanics would need to be relocated, and one bedroom in the existing home would be lost if proposed garage were attached to the house.

On September 2, 2020, the Zoning Board of Adjustment by a roll call vote, voted (5) in favor (Stephens, Bickford, DeMeo, St. Peter, Jenny) and none (0) opposed to grant the request for a variance for Peter R. & Susan W. White, TM 186 Lot 12 for the construction of a garage where the garage will be 4-ft. from the side property line where the side setback requirement is 20-ft., and approximately 17-ft +/- from the front setback, subject to the following conditions: 1) The foundation be pinned by a licensed surveyor prior to construction; 2) That best stormwater management practices be observed on the eastern side of the proposed garage, 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 September 16, 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 five (5) in favor (Stephens, Bickford, St. Peter, Jenny, Hopkins) and none (0) opposed.

The decision made to Approve the variance on September 2, 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

cc. Map Lot Document File
cc. George Longo

Date: September 17, 2020