



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

### **Notice of Decision Request for Variance Spot Pond Development, LLC David Robar, Reg. Agent /Map 159, Lot 9.1**

**May 20, 2020**

**Applicant:** David Robar  
PO Box 332  
68 Blacks Landing Road  
Moultonborough, NH 03254

**Location:** Severance Road, Moultonborough, NH (Tax Map 159, Lot 9.1)

On May 20, 2020, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of David Robar (hereinafter referred to as the “Applicant” and/or “Owner”) to obtain a Variance from MZO Article VII.D.4 and VII.E.1 to allow for the construction of an 18’ x 38’ addition for the expansion of an accessory 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 on Severance Road, Moultonborough, NH (Tax Map 159, Lot 9.1).
- 2) The applicant is the registered agent for the owner (Spot Pond Development, LLC) of record for the lot.
- 3) David Robar presented the application for the variance using the Zoom web-based platform.
- 4) The lot is in the Residential Agricultural (RA) Zoning District, and residential use is allowed by right in that district.
- 5) The proposal is for the construction of an 18’ x 38’ addition for the expansion of an nonconforming accessory garage that is nonconforming because there is currently no principal residential use on the property.
- 6) No members from the public spoke to this application for a variance.

- 7) Granting the Variance would not be contrary to the public interest as the proposed addition will not alter the essential character of the neighborhood because the accessory garage will be used for personal use only as an accessory structure for the property owner.
- 8) Granting the Variance would be consistent with the spirit of the Ordinance for the same reasons as stated above, and the proposed addition does not threaten the public health, safety, or welfare.
- 9) By granting the Variance, substantial justice would be done because there is no public benefit gained as it allows the property owner to construct an addition to his existing garage for storing personal items. The proposed configuration is reasonable and does not cause any harm to the abutters or the public. There would be no gain to the public benefit by denying the variance.
- 10) Granting the Variance would not diminish the value of surrounding properties as the proposed construction of the addition will increase the value of the subject property which should indirectly increase the value of surrounding properties. There is no detrimental effect on any of the surrounding properties.
- 11) An unnecessary hardship owing to special conditions of the property which distinguished it from other properties in the area was determined to exist because the existing nonconforming structure was constructed in 2011 by obtaining a building permit for storage of his personal belongings. The Applicant is trying to protect his personal property.

On May 20, 2020, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Bickford, St. Peter, DeMeo, Jenny) and none (0) opposed to grant the request for the variance for David Robar, Tax Map 159, Lot 9.1, for the construction of an 18' x 38' addition for the expansion of an existing nonconforming accessory garage on the lot, subject to the restriction that the garage structure located on Map 159, Kit 9.1 be used only for customary and incidental residential accessory uses and not for any non-residential principal use, 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 meeting.

The Board of Adjustment, on June 3, 2020, approved this formal Notice of Decision language and authorized the Chairman's electronic signature on the Notice of Decision and for Staff to send to the applicant and place same in the case file by a vote of five (5) in favor (Stephens, Bickford, St. Peter, DeMeo, Jenny) and none (0) opposed.

The decision made to Approve the variance on May 20, 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 June 4, 2020