



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

**Notice of Decision**  
**Request for Variance**  
**Bernard Christopher, Jr. Revocable Trust**  
**Map 136, Lot 19**

**January 16, 2020**

**Applicant:** **Bernard Christopher, Jr. Revocable Trust of 2001**  
**Bernard Christopher, Jr., Trustee**  
**103 Burton Road**  
**Moultonborough, NH 03254**

**Location:** **101 Burton Road, Moultonborough, NH (Tax Map 136, Lot 19)**

On January 15, 2020 the Moultonborough Zoning Board of Adjustment opened a public hearing on the application of the Bernard Christopher, Jr. Revocable Trust (hereinafter referred to as the "Applicant" and/or "Owner") for a variance from Article III. B (3) and Article VII. E (3) to allow for the relocation of an existing non-conforming cottage to be located 0.5-feet from the property line, where 20 feet is required for 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 101 Burton Road (Tax Map 136, Lot 19).
- 2) The applicant is a Trustee for the Trust that owns the lot.
- 3) Bernard Christopher presented his application at the Public Hearing.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District.
- 5) The applicant is proposing the relocation of an existing non-conforming cottage which presently encroaches 16.9 feet onto the abutting lot (Tax Map 136, Lot 18) and 2.3 feet into the Lake Setback.
- 6) The proposal is to relocate the existing non-conforming cottage 0.5-feet from the property line
- 7) The cottage is located on a narrow lot, with another cabin and existing septic tanks, limiting the locations for the relocation in a conforming area on the lot.
- 8) No members of the public wished to speak on the application.

- 9) Granting the Variance will not be contrary to the public interest because the relocation of the cottage will eliminate the encroachment onto the abutting property and will not have a negative impact on the neighborhood.
- 10) Granting the Variance is consistent with the spirit of the Ordinance for the same reasons as stated above.
- 11) By granting the Variance, substantial justice is done as there is a clear loss to the Applicant that is not outweighed by any gain to the community if the variance was denied.
- 12) Granting the Variance does not diminish the value of surrounding properties as the relocation of the cottage off the abutting property and further away from the neighbor's cottage would serve to increase property values in the neighborhood.
- 13) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the existing cottage encroaches and will be relocated further from, not closer to, the abutter's cottage and the proposed use (relocation) is reasonable as the cottage exists today.
- 14) Granting of the variance is conditional upon the applicant providing an as-built foundation certification per the submitted plan titled Boundary Retracement Survey Plan Showing Proposed Conditions for Bernard Christopher Jr. Revocable Trust Tax Map 136 Lot 19 Plan Date 11/20/19.
- 15) On January 15, 2020, the Zoning Board of Adjustment voted by a vote of four (4) in favor (Stephens, Bickford, St. Peter, DeMeo) and none (0) opposed to GRANT the request for a setback variance subject to the condition that the applicant provides an as-built foundation certification per the submitted plan titled Boundary Retracement Survey Plan Showing Proposed Conditions for Bernard Christopher Jr. Revocable Trust Tax Map 136 Lot 19 Plan Date 11/20/19, 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 March 4, 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, DeMeo) and one (1) abstention (Jenny).

The decision made to Approve the variance on January 15, 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.

  
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Robert H. Stephens  
Chairman, Zoning Board of Adjustment

Date 3 - 10 - 20