



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

### **Notice of Decision Request for Variance Neil W. & Susan Pike/Map 194, Lot 24**

**September 19, 2019**

**Applicant: Neil W. & Susan Pike  
5 Pilgrim Road  
Windham, NH 03087**

**Location: Hanson Drive, Moultonborough, NH (Tax Map 194, Lot 24)**

On September 18, 2019, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application Neil W. & Susan Pike (hereinafter referred to as the "Applicant" and/or "Owner") to obtain a Variance from MZO Article III General Provisions to allow for the construction of a 12-ft. by 24-ft. storage shed on the lot as an accessory structure to the residential principle use located on adjacent parcel, Tax Map 194, Lot 18 on the parcel located in the Residential Agricultural (RA) Zoning District.

Based on the application, testimony given at the hearings, additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located on Hanson Drive, Moultonborough, NH (Tax Map 194 Lot 24).
- 2) The applicants are the owners of record for the lot.
- 3) The lot is in the Residential Agricultural (RA) Zoning District, and the residential use is a use allowed by right in the district.
- 4) Neil and Susan Pike presented their application for the variance.
- 5) The applicants are proposing construction a 12' x 24' shed.
- 6) In addition to subject lot 24, the applicants also own Tax Map 194, Lot 18 which is adjacent to Lot 24.
- 7) No members of the public spoke to the Variance request.

- 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 the storage shed is to be used for personal use only as an accessory structure to the residential principle use located on their adjacent property, Tax Map 194, Lot 18.
- 9) Granting the Variance would be consistent with the spirit of the Ordinance because the proposed construction does not threaten the public health, safety or welfare.
- 10) By granting the Variance, substantial justice would be done because there is no public benefit to be gained by denying the construction of the shed, while the loss to the applicant would be great.
- 11) Granting the Variance would not diminish the value of surrounding properties as the proposed shed will be new construction which will increase the value of the subject property and thereby increasing neighborhood valuations.
- 12) Special conditions of the property that distinguish it from other properties in the area as there is not a fair and substantial relationship between the general public purpose of the ordinance by not allowing someone to have an accessory structure without a principle use in this circumstance because the Applicants live across the street. So, restricting their usage of their property which is separated only by the road, is not fair, and a shed is a reasonable use of personal property
- 13) On September 18, 2019, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Bickford, St. Peter, DeMeo, Buy) and none (0) opposed to grant the request for the variance for the construction of a 12-ft. by 24-ft. storage shed subject to the following conditions: 1) The 12-ft. by 24-ft. storage shed shall be an accessory structure to the residential principle use located on Tax Map 194, Lot 18; 2) The shed is to remain unfinished; 3) The 12-ft. by 24-ft. unfinished storage shed shall be for personal storage only; 4) The applicant shall obtain a building permit for the storage shed, 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 October 2, 2019, approved this formal Notice of Decision language and authorized the Vice-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, St. Peter, DeMeo, Buy) and one (1) abstentions (Jenny).

The decision made to grant the variance on September 18, 2019, 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 10/7/19