



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision **Request for Variance** **Gerald Tourville** **Map 72, Lot 51**

August 8, 2019

Applicant: Gerald Tourville
17 Jamesway Drive
Litchfield, NH 03052

Location: 34 Mountain View Drive, Moultonborough, NH (Tax Map 72, Lot 51)

On August 7, 2019, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Gerald Tourville (hereinafter referred to as the "Applicant" and/or "Owner") to obtain a Variance from MZO Article III. B (3) to allow for the construction of a carport, to be located 8.8 ft. at the closest point from the side setback, 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:

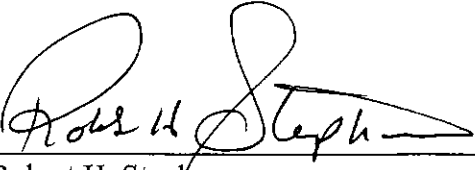
- 1) The property is located at 34 Mountain Drive, Moultonborough, NH (Tax Map 72, Lot 51).
- 2) The applicant is the owner of the property.
- 3) The applicant was represented by Andrew Scheiner at the public hearing.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District, and the residential use is a use allowed by right in that district.
- 5) The proposal is for the construction of a carport to be located 8.8 ft. at the closest point on the south east corner and 12.6 ft. at the closest point on the north west corner of the side setback, where 20 ft. is required on the parcel located in the Residential Agricultural (RA) Zoning District.
- 6) One abutter spoke in opposition to the Variance request.
- 7) 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 and will not change the intent of the ordinance for setbacks which is adequate provision of light and air between buildings.

- 8) Granting the Variance would be consistent with the spirit of the Ordinance because the proposed construction will not alter the essential character of the neighborhood and would not adversely affect any neighbor's quality of life, property value, or peaceful co-existence.
- 9) By granting the Variance, substantial justice would be done because there would be no gain to the public by denying the application, while the loss to the applicant would be great as a carport in this climate is a reasonable use.
- 10) Granting the Variance would not diminish the value of surrounding properties as the proposed carport will not negatively affect surrounding properties and will increase the value of the subject property and thereby increase neighborhood valuations.
- 11) There is an unnecessary hardship owing to special conditions of the property that distinguishes it from other properties in the area. The shape of the property does not allow for an alternative location and would prohibit the construction of a carport that would meet the setback requirements of today's zoning ordinance.
- 12) On August 7, 2019, 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 a variance for the construction of a carport to be located 8.8 ft. from the south east corner and 12.6 ft. from the north west corner from side setback as depicted on the plan prepared by Norway Plains Associates, DWG. NO. 19094 OD-1, dated May 2019, 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 September 4, 2019, 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, DeMeo, Jenny), and none (0) opposed.

The decision made to grant the variance on August 7, 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.



Robert H. Stephens
Chairman, Zoning Board of Adjustment

Date 9/5/19