



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision
Request for Variance
Lawrence E. Wier/Map 120, Lot 88

January 8, 2019

Applicant: **Lawrence E. Wier**
541 Hope Road
Hope, RI 02831

Location: **Castle Shore Road, Moultonborough, NH (Tax Map 120, Lot 88)**

On December 19, 2018, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Lawrence E. Wier (hereinafter referred to as the "Applicant" and/or "Owner") to obtain a Variance from MZO Article III General Provisions and Article B (1) to allow for the construction an accessory structure (shed) as the principal building on the lot, and to be located 5' from the edge of the improved surface, where 50' from the centerline is required 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 at Castle Shore Road, Moultonborough, NH (Tax Map 120, Lot 88).
- 2) The applicant is a Co-owner of record for the lot.
- 3) Lawrence Wier presented the application for the variance.
- 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 applicant is proposing to construct of an accessory structure (shed) as the principal building on the lot, and to be located approximately 5 ft. at its closest point from the edge of the improved surface, where 50' from the centerline is required.
- 6) The setback affected is the fifty-foot (50') from the centerline of the improved surface intended for travel.
- 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 Board felt that granting the variance did not alter the character of the neighborhood nor threaten the welfare, safety or health of the public because the proposed shed is a customary residential use which is common in the neighborhood and the shed will not be visible to adjacent properties.
- 9) Granting the Variance would be consistent with the spirit of the Ordinance because the proposed shed does not alter the essential character of the neighborhood and it will not result in the loss of light and air between proposed shed and abutting properties.
- 10) By granting the Variance, substantial justice would be done because there is less public benefit to be gained by requiring the shed be constructed in a conforming location, while the loss to the applicant would be greater if the applicant were denied the use of his property for the proposed use.
- 11) Granting the Variance would not diminish the value of surrounding properties as the proposed shed in its varied location will not be visible to abutting properties and the proposed use is present on all abutting residential properties.
- 12) There is an unnecessary hardship owing to special conditions of the property that distinguishes it from other properties in the area because of the overhead powerlines, wetlands, ledge outcroppings, size and shape of the lot. The right-of-way encumbers the property making it impossible to develop without a variance and the proposed use is a reasonable one.
- 13) On December 19, 2018, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Bickford, DeMeo, Jenny & Buy) and none (0) opposed to grant the request for the variance for a shed as the principal structure as requested with the following condition that the accessory structure (storage shed) shall not be more than 140 square feet and cannot be expanded in the future, 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 January 16, 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 four (4) in favor (Stephens, Bickford, DeMeo, Jenny), none (0) opposed, and one (1) abstention (St. Peter).

The decision made to grant the variance on December 19, 2018, 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 1/16/19