



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision **Request for Variance** **Pete & Jean King/Tax Map 130, Lot 43**

December 6, 2018

Applicant: Peter L. & Jean M. King
66 Grist Mill Road
Littleton, MA 01460

Location: 166 Castle Shore Road, Moultonborough, NH (Tax Map 130, Lot 43)

On December 5, 2018 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Pete & Jean King (hereinafter referred to as the "Applicant" and/or "Owner") for a variance from Article III, Paragraph B(3) to allow for the construction of an 856 square foot garage to be located 15' from the side setback, where a 20 ft. setback 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 166 Castle Shore Road (Tax Map 130, Lot 43).
- 2) The applicants are the owners of record for the lot.
- 3) The lot is located in the Residential Agricultural (RA) Zoning District, and the residential use is a use allowed by right in that district.
- 4) Pete King presented the application at the Public Hearing.
- 5) The proposal is for the construction of an 856 square foot garage to be located 15' at the closest point from the side setback, where a 20 ft. setback is required for the parcel located in the Residential Agricultural (RA) Zoning District.
- 6) No members of the public wished to speak during the Public Hearing.
- 7) Granting the Variance would not be contrary to the public interest as the area of existing encroachment is minimal, and this would be keeping with the character of the neighborhood and would not threaten the health, safety, or general welfare of the public.

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- 9) By granting the Variance, substantial justice would be done because there would be no gain to the public by requiring the garage to be constructed entirely within building envelope on the lot given the constraints of the property, while the loss to the applicant would be great.
- 10) Granting the Variance would not diminish the value of surrounding properties as the proposed new garage will increase the value of the subject property and thereby increase neighborhood valuations.
- 11) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as there are special conditions of the property that distinguish it from other properties, such as overhead powerlines, wetlands, ledge outcroppings, size and shape of the lot, and the property cannot be reasonably used in strict conformance with the ordinance.
- 12) On December 5, 2018, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Bickford, St. Peter, Jenny, Onthank) and none (0) opposed to grant the request for the variance for the construction of an 856 square foot garage to be located 15' at the closest point from the surveyed property line and its location shall pinned by licensed land surveyor, 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 December 19, 2018, 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 three (3) in favor (Stephens, Bickford, Jenny) none (0) opposed and two (2) abstentions (DeMeo, Buy).

The decision made to grant the variance on December 5, 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

