



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Variance

James W. & Eileen K. Ehman/Tax Map 142, Lot 40

December 6, 2018

Applicant: c/o Norman E. Larson, AIA
Christopher P. Williams, Architects
PO Box 703
Meredith, NH 03253

Location: 4 Jacks Road, Moultonborough, NH (Tax Map 142, Lot 40)

On December 5, 2018 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of James W. & Eileen K. Ehman (hereinafter referred to as the "Applicant" and/or "Owner") for a variance from Article III, Paragraph B(3 & 4) to allow for the construction of a dwelling 13'8" from the south property line and 14'6" from the north property line where a 20' side setback is required, and 44'8" from the shore setback where 50' 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 4 Jacks Road (Tax Map 142, Lot 40).
- 2) James W. and Eileen K. Ehman 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) The Applicant was Norman E. Larson, AIA, from Christopher P. William, Architects.
- 5) Norman Larson presented the application at the Public Hearing for property owners James W. & Eileen K. Ehman.
- 6) The proposal is for the construction of a dwelling to be located 13'8" from the south property line and 14'6" from the north property line where a 20' side setback is required, and 44'8" from the shore setback where 50' is required for the parcel located in the Residential Agricultural (RA) Zoning District.

- 7) No members of the public wished to speak during the Public Hearing.
- 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 it will become less non-conforming and does not change the intent of the ordinance for setbacks which is adequate provision of light and air between buildings.
- 9) 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 because it will become less non-conforming and does not change the intent of the ordinance for setbacks which is adequate provision of light and air between buildings.
- 10) By granting the Variance, substantial justice would be done because there would be no gain to the public by requiring the dwelling 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.

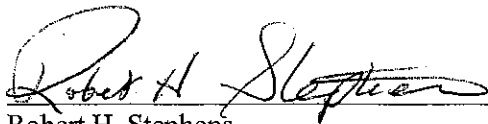
11) Granting the Variance would not diminish the value of surrounding properties as the proposed new dwelling will increase the value of the subject property and thereby increase neighborhood valuations.

12) 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 small lot size, unique shape of lot being extremely narrow and the topography of the lot, and the property cannot be reasonably used in strict conformance with the ordinance.

13) 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 a dwelling to be located 13'8" from the south property line and 14'6" from the north property line, and 44'8" from the shore with the following conditions: 1) Receipt of a NH DES Shoreland Permit; 2) Receipt of NH DES Approval for Construction of septic system; 3) Installation of a French drain to mitigate roof runoff; 4) Foundation Certification for location of proposed dwelling from the surveyed property line and its location shall be 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 1-8-19

Corrected 01-07-19 to include the setback of 44'8" from the shore approved by the ZBA on 12/5/18