



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

**Notice of Decision**  
**Request for Variance**  
**MYVY, LLC dba Ambrose Cove Marina**  
**Tax Map 150, Lot 8**

**October 4, 2018**

**Applicant:** **MYVY, LLC**  
**dba Ambrose Cove Marina**  
**PO Box 165**  
**Melvin Village, NH 03850**

**Location:** **Blacks Landing Road (Tax Map 150, Lot 8)**

On October 3, 2018, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of MYVY, LLC dba Ambrose Cove Marina (hereinafter referred to as the "Applicant" and/or "Owner") to obtain a Variance from MZO Article 5, Section 503 requesting the replacement of the existing non-conforming sign to advertise their business, Ambrose Cove Marina on the property located in the Residential / Agricultural Zone.

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

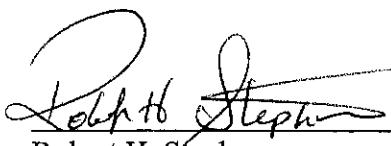
- 1) The property is located on Blacks Landing Road, Moultonborough, NH (Tax Map 150 Lot 8).
- 2) MYVY, LLC is the Applicant and owner of record for the lot.
- 3) Matthew C. Young, Sole Manager of the LLC presented the application to the Board.
- 4) The Applicant amended the application to seek relief from MZO Article 5, Sections 502 (C) and 503.
- 5) The Lot is located in the Residential / Agricultural Zone.
- 6) The Sign is to advertise and direct people towards Ambrose Cove Marina.
- 7) The Sign is to replace an existing non-conforming, off premise sign.

- 8) The Board based their decision on the photo submitted with the Application.
- 9) Granting the Variances would not be contrary to the public interests since the previous Sign existed and the location of the Sign will be located farther back from the road and does not alter the essential character of the neighborhood and is safer as it will be moved back.
- 10) Granting the Variances would be consistent with the spirit of the Ordinance for the same reasons as stated above.
- 11) By granting the Variances, substantial justice would be done as it would allow the Applicant to use the Sign to advertise his commonly owned business while denying the variance would be a substantial injustice to the Applicant.
- 12) Granting the Variances would not diminish the value of surrounding properties because it would help to improve not only the value of the Property but also the value of the surrounding properties.
- 13) Literal enforcement of the Ordinance would result in unnecessary hardship as the Ordinance precludes the use of an off premise directional sign because the limitation of four (4) square feet is not reasonable. The limited size would be too small to read therefore becoming a safety hazard.

On October 3, 2018, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, DeMeo, Jenny, Onthank, Hopkins) and none (0) opposed to grant the request for the variance for the proposed off premise sign to be located as requested. The proposed sign approved is shown in the Application, 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 17, 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, DeMeo, Onthank), none (0) opposed, and two (2) abstentions (Bickford, St. Peter).

The decision made to approve the variance on October 3, 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.

  
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Robert H. Stephens  
Chairman, Zoning Board of Adjustment

Date 10/19/18