



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

### **Notice of Decision** **Request for Variance** **Richard and Karin Thomason/Map 196, Lot 1**

**Corrected December 5, 2018**

**Applicant:** **Richard and Karin Thomason**  
**330 Redding Lane**  
**Moultonborough, NH 03254**

**Location:** **330 Redding Lane, Moultonborough, NH (Tax Map 196, Lot 1)**

On August 1, 2018, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Richard and Karin Thomason (hereinafter referred to as the "Applicant" and/or "Owner") to obtain a Variance from MZO Article III. B.4 to allow for the construction of a single family dwelling located 24 ft. from the shore setback, where 50 ft. 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 330 Redding Lane, Moultonborough, NH (Tax Map 196 Lot 1).
- 2) The applicants are the owners of record for the lot.
- 3) Richard & Karin Thomason presented the application for 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 applicants are proposing construction of a single family dwelling located 24 ft. from the shore setback, where 50 ft. is required.
- 6) The setback affected is the fifty foot (50') high water line setback from the lake.
- 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 proposed construction will not alter the essential character of the neighborhood because it would be similar to the

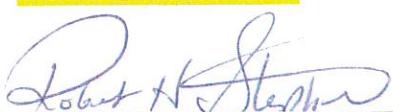
other dwellings in the neighborhood, and the proposed dwelling would not have any impact on the light, health or safety on any of the other residential structures in the area.

- 9) Granting the Variance would be consistent with the spirit of the Ordinance because the proposed construction does not alter the essential character of the neighborhood and it will not change the intent of the ordinance for setbacks which is to provide adequate provision of light and air between buildings.
- 10) By granting the Variance, substantial justice would be done because there is no public benefit to be gained by requiring the dwelling to be constructed in a conforming location due to the unique shoreline on the subject property, while the loss to the applicant would be great.
- 11) Granting the Variance would not diminish the value of surrounding properties as it will be new construction, will increase the value of the subject property and thereby increasing neighborhood valuations.
- 12) Special conditions exist for the subject property, such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship. The abutting homes are closer to the lake and moving the proposed house back would impact their current view, thus reducing their original value. The Board determined that due to these unique conditions, a variance is necessary to enable the reasonable use of the property.
- 13) On August 1, 2018, 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 the variance for a setback variance, subject to the following conditions: 1. Add infiltration trench around proposed dwelling; 2. Proposed structure shall be no closer than twenty-four (24) feet from the shore reference line; 3. Proposed dwelling shall comply with twenty (20) foot side setbacks, 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 August 15, 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 five (5) in favor (Stephens, St. Peter, DeMeo, Jenny, Zewski) and none (0) opposed.

The decision made to grant the variance on August 1, 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.

**Reissued to correct conflict with line item #5. This notice supersedes the original Notice of Decision.**



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Robert H. Stephens  
Chairman, Zoning Board of Adjustment

Date December 6, 2018