

Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Variance - HEIGHT

**Peter Eckhoff, Trustee of the Peter B. Eckhoff Revocable Trust
Tax Map 223, Lot 42**

June 7, 2018

Applicant: **Peter Eckhoff, Trustee
Peter B. Eckhoff Revocable Trust
9425 SW 60th Court
Pinecrest, FL 33156-1936**

Location: **16 Hermit Cove Road, Moultonborough, NH (Tax Map 223, Lot 42)**

On June 6, 2018 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Peter Eckhoff, Trustee of the Peter B. Eckhoff Revocable Trust (hereinafter referred to as the "Applicant" and/or "Owner") for a variance from Article III, (I) to allow for the construction of a single-family home where the building height exceeds the 32' height requirement (approximately 39½ feet) for the parcel located in the Residential /Agricultural (RA) Zoning District.

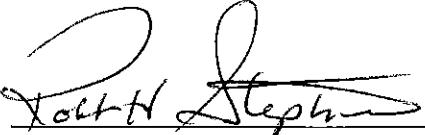
Based on the application, testimony given at the hearings, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located 16 Hermit Cove Road (Tax Map 223, Lot 42).
- 2) The applicant is the owner 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 represented at the hearing by Christopher L. Boldt, Esq.
- 5) The applicant is proposing construction of a new single-family dwelling unit.
- 6) The proposed average height of the structure will be approximately thirty-nine feet and six inches (39'6") high.
- 7) The applicant has received the necessary State of New Hampshire DES Shoreland Impact Permit and NH DES Subsurface Approval for Construction for a 3-bedroom dwelling.

- 8) One abutter spoke in favor of the granting to the Variance request.
- 9) The Fire Chief submitted a memo on June 4, 2018 in which he stated he is opposed to allowing any increase in the height of buildings in Moultonborough. He recommended if the Board were to grant a variance in the height of the building that it shall be required to have a Residential Fire Sprinkler System installed, in accordance with NFPA 13D Standard for the Installation of Sprinkler Systems in One and Two-Family Dwellings and Manufactured Homes.
- 10) Members based their deliberations and statement of reasons with the condition of the recommended installation of a sprinkler system in accordance with the Fire Chiefs recommendation for the "Tower" portion of the dwelling only.
- 11) Peter Eckhoff, applicant, volunteered to install a sprinkler system in accordance with the Fire Chiefs recommendation for the "Tower" portion of the dwelling only.
- 12) Granting the Variance will not be contrary to the public interest as the proposed construction will not alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public because of the installation of a sprinkler system in the "Tower" which represents a relatively small portion of the dwelling.
- 13) Granting the Variance would be consistent with the spirit of the Ordinance because as the proposed construction will not alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public because of the installation of a sprinkler system in the "Tower" which represents a relatively small portion of the dwelling.
- 14) By granting the Variance, substantial justice would be done because there is no public benefit to be gained by mandating the dimensional requirement, while the loss to the applicant would be great in that a needed height variance on their own property would be denied.
- 15) Granting the Variances would not diminish the value of surrounding properties as the proposed dwelling would be new construction, thereby increasing neighborhood valuations.
- 16) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the special conditions are the fact that the type of construction and architecture prevent the applicant to meet the height requirements and that the request is a reasonable one.
- 17) On June 6, 2018, the Zoning Board of Adjustment voted by a vote of four (4) in favor (Stephens, St. Peter, DeMeo, Onthank) and one (1) opposed (Bickford) to grant the request for the variance from Article III (I) subject the following conditions: 1. That the applicant shall be required to have a residential fire sprinkler system installed in accordance with NFPA 13D Standard for the Installation of Sprinkler Systems in One and Two-Family Dwellings and Manufactured Homes in the "Tower" portion of the dwelling; 2. That an elevation certificate as to the structure's average height not exceed seven feet, six inches (7 1/2) above the allowable height in the Zoning Ordinance, 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 1, 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 four (4) in favor (Stephens, Bickford, St. Peter, DeMeo), none (0) opposed, one (1) abstention (Jenny).

The decision made to grant the variance on June 6, 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 8/2/18