



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision **Request for Variance - HEIGHT** **Ryan & Jennifer Harrington/Map 245, Lot 109.1**

May 17, 2018

Applicant: **Ryan & Jennifer Harrington**
67 Susan Drive
Pelham, NH 03076

Location: **Whitesell Road, Moultonborough, NH (Tax Map 245, Lot 109.1)**

On May 16, 2018 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Ryan & Jennifer Harrington (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 35.1') for the parcel located in the Agricultural Residential (AR) 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 on Whitesell Road (Tax Map 245, Lot 109.1).
- 2) The applicants are the owners of record for the lot.
- 3) The lot is located in the Residential Agricultural (AR) Zoning District, and the residential use is a use allowed by right in that district.
- 4) Ryan Harrington presented the application at the Public Hearing.
- 5) The applicants are proposing construction of a new single-family dwelling unit.
- 6) The proposed average height of the structure will be a maximum of 35'.1 feet.
- 7) No members of the public spoke to the Variance request.
- 8) The Fire Chief submitted a memo dated May 16, 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.

- 9) 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.
- 10) 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 required installation of a sprinkler system and the height impact will be relatively small at 3.1' above the height limit.
- 11) 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 required installation of a sprinkler system and the height impact will be relatively small at 3.1' above the height limit.
- 12) 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.
- 13) Granting the Variances would not diminish the value of surrounding properties as the proposed dwelling would be new construction, thereby increasing neighborhood valuations.
- 14) 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 a high-water table, the location of the proposed septic system, and the property cannot be reasonably used in strict conformance with the ordinance.
- 15) On May 16, 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 from Article III (I) subject the following condition: 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, 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 June 6, 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, Bickford, St. Peter, DeMeo, Onthank), none (0) opposed.

The decision made to grant the variance on May 16, 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 6/18/18