



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Variance

**Stephen C. Bradley, Member/Manager of 1040 Whittier, LLC
Tax Map 43, Lots 18 & 19**

May 4, 2018

Applicant: **Cup & Crumb, LLC; Kim Prause
1040 Whittier Highway, Unit 4
Moultonborough, NH 03254**

Location: **1040 Whittier Highway (Tax Map 43, Lots 18 & 19)**

On May 2, 2018, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the Application of Cup & Crumb, LLC; Kim Prause (hereinafter referred to as the “Applicant”) to obtain a Variance from MZO Article 5, Section 503 (B) to allow a business identification sign externally on the building greater in size than permitted in Article 5, Section 503 (B) of the Moultonborough Zoning Ordinance for the property located in the Commercial Zone “C”, The Village District.

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 at 1040 Whittier Highway, Moultonborough, NH (Tax Map 43, Lots 18 & 19).
- 2) 1040 Whittier, LLC is the owner of record for the lots.
- 3) Cup & Crumb, LLC is a tenant of the property (Unit #4) and was the Applicant.
- 4) The lot is located in the Commercial Zone “C”, the Village District.
- 5) Granting the Variances would not be contrary to the public interest as the size of their original/existing sign does not alter the character of the neighborhood nor threaten the health, safety, or general welfare of the public.
- 6) Granting the Variances would be consistent with the spirit of the Ordinance for the same reasons as stated above.

- 7) By granting the Variances, substantial justice would be done as it would allow the Applicant to re-use her existing Business Sign while denying the variance would be a substantial injustice to the Applicant.
- 8) Granting the Variances would not diminish the value of surrounding properties because the existing Business Sign is only a 3 square foot difference than what is allowed by the Ordinance and most likely will have a positive impact on surrounding values.
- 9) Literal enforcement of the Ordinance would result in unnecessary hardship as the existing Sign has become the Applicants "logo" and is being taken from its existing location and being installed at the Business's new location and the proposed use is a reasonable one as the distance from the road make a conforming size sign hard to read.

On May 2, 2018, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Bickford, St. Peter, Jenny, Hopkins) and none (0) opposed to grant the request for the Variance to allow for a 19 square foot business identification sign externally on the building 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 May 16, 2018, approved this formal Notice of Decision language and authorized the Chairman to sign the Notice of Decision, send to the applicant and place same in the case file by a vote of four (4) in favor (Stephens, Bickford, St. Peter, Jenny), none (0) opposed and one (1) abstention (DeMeo).

The decision made to grant the variance on May 2, 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 5/17/18