



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

### **Notice of Decision Request for Variance David & Carolyn Schorer Map 199, Lot 3**

**April 5, 2018.**

**Applicant: David & Carolyn J. Schorer  
9330 Old Burke Lake Road  
Burke, VA 22015**

**Location: 161 Eagle Shore Road, Moultonborough, NH (Tax Map 199, Lot 3)**

On April 4, 2018, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of David & Carolyn J. Schorer (hereinafter referred to as the "Applicant" and/or "Owner") to obtain a Variance from MZO Article III. B (3) to allow a previously built deck and gazebo with attached roof to remain in place where the closest point to the property line is 16.3', where 20 ft. is required on the parcel located in the Residential Agricultural (RA) Zoning District.

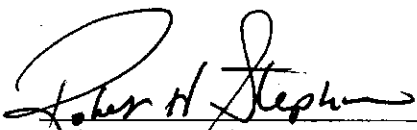
Based on the application, testimony given at the hearings, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 161 Eagle Shore Road, Moultonborough, NH (Tax Map 199, Lot 3).
- 2) The Applicants are the owners of the property.
- 3) David Schorer presented their Application at the Public Hearing.
- 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 proposal is to allow a previously built deck and gazebo with attached roof to remain in place where the closest point to the property line is 16.3', where 20 ft. is required on the parcel located in the Residential Agricultural (RA) Zoning District.
- 6) The total area of the existing deck/gazebo is 302 square feet of which 39 square feet is non-conforming.
- 7) No members of the public wished to speak during the Public Hearing.

- 8) Granting the Variance would not be contrary to the public interest as the area of existing encroachment is only 39 square feet, and this would be keeping with the character of the neighborhood and would not threaten the health, safety, or general welfare of the public.
- 9) Granting the Variance would be consistent with the spirit of the Ordinance because the proposed construction will not alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public.
- 10) By granting the Variance, substantial justice would be done because there would be no gain to the public by requiring the existing gazebo/deck to be amended to meet setbacks, while the loss to the applicant would be great.
- 11) Granting the Variance would not diminish the value of surrounding properties as the gazebo increases the value of the subject property and thereby increase neighborhood valuations.
- 12) There is an unnecessary hardship owing to special conditions of the property that distinguishes it from other properties in the area as the spirit of the Ordinance has been met, it was done in good faith and does not violate the general purpose of the Ordinance and this is a reasonable use as there is minimal impact intrusion.
- 13) On April 4, 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 a variance to allow a previously built deck and gazebo with attached roof to remain in place where the closest point to the property line is 16.3', where 20 ft. is required with the following conditions: 1) The Owner's submit a site plan prepared by a licensed land surveyor, showing the buildings and structures on the lot and the location of the existing deck/gazebo with the distance to the nearest side property line; 2) The Applicant submit said site plan to the Land Use Department prior to the issuance of any "after-the-fact" Building Permit; 3) That a Shore Land Permit be obtained by NH DES; 4) Prohibit any future expansion of the non-conforming gazebo/deck area, 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 April 18, 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, Hopkins), and none (0) opposed.

The decision made to grant the variance on April 4, 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 4/20/18