



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision
Request for Variance
Peter & Theresa Champagne
Map 245, Lot 73

March 22, 2018

Applicant: **Peter & Theresa Champagne**

10 Kingswood Lane

Moultonborough, NH 03254

Location: **10 Kingswood Lane, Moultonborough, NH (Tax Map 245, Lot 73)**

On March 21, 2018, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Peter & Theresa Champagne (hereinafter referred to as the "Applicant" and/or "Owner") to obtain a Variance from MZO Article III. B (3) to allow for the construction of a 26' x 32' garage to be located 12' 6" at the closest point from the side setback, 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 10 Kingswood Lane, Moultonborough, NH (Tax Map 245, Lot 73).
- 2) Theresa Champagne is the owner of the property.
- 3) Peter Champagne presented the application to the Board.
- 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 for the construction of a 26' x 32' garage to be located 12' 6" at the closest point from the side setback, where 20 ft. is required on the parcel located in the Residential Agricultural (RA) Zoning District.
- 6) One abutter and one neighbor each chose to speak in favor of the application during the Public Hearing.
- 7) No other members of the public wished to speak during the Public Hearing.

- 8) Peter Champagne, agreed to amend the request for the construction of a 24' x 32' garage.
- 9) 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 there are many homes in the neighborhood which encroach on the setbacks.
- 10) 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 because it would be similar to the other dwellings in the neighborhood that encroach on the setbacks.
- 11) By granting the Variance, substantial justice would be done because there would be no gain to the public benefit by requiring the garage to be constructed entirely within the building envelope given the constraints of the property, while the loss to the applicant would be great.
- 12) Granting the Variance would not diminish the value of surrounding properties as the proposed new garage will increase the value of the subject property and thereby increase neighborhood valuations.
- 13) There is an unnecessary hardship owing to special conditions of the property that distinguishes it from other properties in the area due to the small lot size and the placement of the existing home on the lot, and the approximate location of the septic system which limits the location on the property to construct a garage to meet the setback requirements of today's zoning ordinance that would be unreasonable and untenable.
- 14) On March 21, 2018, the Zoning Board of Adjustment voted by a vote of four (4) in favor (Stephens, St. Peter, DeMeo, Jenny) and one (1) opposed (Bickford) to grant the request for the variance for the construction of a 24' x 32' garage with the following conditions: 1) the construction of said garage shall be no closer than 14' 6" from the surveyed property line and its location shall be confirmed by survey, 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 4, 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, Jenny), and none (0) opposed.

The decision made to grant the variance on March 21, 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 4/5/18