



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision
Request for Variance
Jason Jackson
Map 252, Lot 6

March 22, 2018

Applicant: **Jason Jackson**
5 Crosswinds Drive
Moultonborough, NH 03254

Location: **5 Crosswinds Drive, Moultonborough, NH (Tax Map 252, Lot 6)**

On March 21, 2018, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Jason Jackson (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 24' x 36' garage where a small portion (1.8 sq. ft.) to be located approximately 18' 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 5 Crosswinds Drive, Moultonborough, NH (Tax Map 252, Lot 6).
- 2) The applicant is the owner of the property.
- 3) Jason Jackson 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 24' x 36' garage where a small portion (1.8 sq. ft.) to be located approximately 18' 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) The proposed encroachment includes an eighteen (18) inch eave overhang.
- 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 proposed construction will not alter the essential character of the neighborhood because it would be similar to the

other dwellings in the neighborhood, the trees to the rear of the property will remain, and most importantly, not change the intent of the ordinance for setbacks which is adequate provision of light and air between buildings.

- 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 and would not adversely affect any neighbor's quality of life, property value, or peaceful co-existance.
- 10) By granting the Variance, substantial justice would be done because there would be no gain to the public by requiring a new garage to be constructed entirely within building envelope on the lot given the constraints of the property, while the loss to the applicant would be great.
- 11) 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.
- 12) There is an unnecessary hardship owing to special conditions of the property that distinguishes it from other properties in the area due to the unique "L" shape, severe slope of the terrain from west to east, and the placement of the existing home on the lot, 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.
- 13) On March 21, 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 for the construction of a 24' x 36' garage where a small portion (1.8 sq. ft.) is to be located approximately 18' at the closest point from the side setback, where 20 ft. is required with the following, 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