



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision
Request for Variance
Bruce Lambert
MBLU 169-046-000-008-008

October 18, 2017

Applicant: **Bruce Lambert**

52 Erik Street

Merrimack, NH 03054

Location: **8 Alpine Park Road, Moultonborough, NH (MBLU 169-046-000-008-008)**

On October 18, 2017, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Bruce Lambert (hereinafter referred to as the "Applicant" and/or "Owner") to obtain a Variance from MZO Article VII.A(2).c to allow for the expansion of an existing grandfathered detached condominium on the parcel located in the Residential Agricultural (RA) Zoning District.

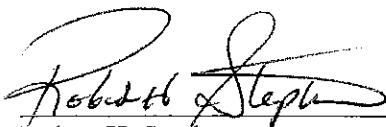
Based on the application, testimony given at the hearing, and supporting documentation, the Board hereby makes the following findings of fact:

- 1) The property is located at 8 Alpine Park Road, Moultonborough, NH (MBLU 169-046-000-008-008).
- 2) Bruce H. & Elaine Lambert are the owners of Unit #8 on the property known as Cavalier Cove Condominiums.
- 3) The lot is located in the Residential Agricultural (R/A) Zoning District.
- 4) The proposal is to allow the removal, replacement and expansion of an existing grandfathered detached condominium.
- 5) No other members of the public were present for the Public Hearing.
- 6) 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 in approximately the same location, and most importantly, not change the intent of the ordinance for setbacks which is adequate provision of light and air between buildings and would not result in overcrowding.
- 7) Granting the Variances 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 in approximately the same location, and most importantly, not change the intent of the ordinance for setbacks which is adequate provision of light and air between buildings and would not result in overcrowding.

- 8) By granting the Variances, substantial justice would be done because there is no public benefit to be gained by denying the request for a 68 square-foot addition, while the loss to the applicant would be great.
- 9) Granting the Variances would not diminish the value of surrounding properties as the proposed new dwelling will increase the value of the subject property and thereby increase neighborhood valuations.
- 10) There is an unnecessary hardship owing to special conditions of the property that distinguishes it from other properties in the area because as the condominium association's restrictive expansion rules predicated the adoption of the ordinance. The proposed use is a reasonable one as it is an improvement to the property and the expansion is negligible (68 SF will increase the total lot coverage 0.06% for the property known as Cavalier's Cove from 20.28% to 20.34%).
- 11) On October 18, 2017, the Zoning Board of Adjustment voted by a vote of four (5) in favor (Stephens, Zewski, St. Peter, DeMeo) and none (0) opposed, to grant the request for the variance for the expansion (68 SF) of a detached condominium with the following conditions: 1) Provide the Land Use Department with documentation noting the increase in the lot coverage; 2) The Final Notice of Decision shall be recorded at the Carroll County Registry of Deeds, 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 November 15, 2017, 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 three (3) in favor (Stephens, St. Peter, DeMeo), two (2) abstentions (Bickford, Jenny) and none (0) opposed.

The decision made to grant the variance on October 18, 2017, 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 11/20/17