

Town of Moultonborough Zoning Board of Adjustment

Notice of Decision **Request for Variance** **Hamilton and Margaret McLean/Map 245, Lot 90**

March 16, 2017

Applicant: **Hamilton and Margaret McLean**
32 Eastman Shore Road South
Laconia, NH 03246

Location: **7 Spinnaker Drive, Moultonborough, NH (Tax Map 245, Lot 90)**

On March 15, 2017, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Hamilton and Margaret McLean (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 covered walkway, vestibule, and screened porch attached to the house along the Northside of the property to be located 14 ft. at its closest point to the property line, where a 20-ft. setback is required on the parcel located in the Residential Agricultural (RA) Zoning District.

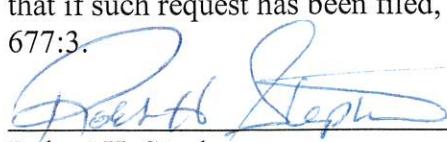
Based on the application, testimony given at the hearings, additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 7 Spinnaker Drive, Moultonborough, NH (Tax Map 245, Lot 90).
- 2) The applicants are the owners of record for the lot.
- 3) The lot is located in the Residential Agricultural (RA) Zoning District, and the residential use is a use allowed by right in that district.
- 4) Hamilton McLean presented the application for the variance.
- 5) The applicant agreed to proceed with only three (3) members of the ZBA present and able to vote on the application.
- 6) The proposal is for the construction of a covered walkway, vestibule, and screened porch attached to the house along the Northside of the property to be located 14 ft. at its closest point to the property line, where a 20-ft. setback is required.

- 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, and the proposed addition would not have any impact on the light, health or safety on any of the other residential structures in the area.
- 9) Granting the Variance would be consistent with the spirit of the Ordinance because the proposed construction does not alter the essential character of the neighborhood and it will not change the intent of the ordinance for setbacks which is to provide adequate provision of light and air between buildings.
- 10) By granting the Variance, substantial justice would be done because there is no public benefit to be gained by requiring that portions of the covered walkway, vestibule, and screened porch be constructed in a conforming location due to the unique location of the existing dwelling on the subject 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 addition will increase the value of the subject property and thereby increasing neighborhood valuations.
- 12) Special conditions exist for the subject property, such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship. The topography of the Applicant's lot is steep and the existing dwelling was originally not constructed parallel to the property lines. The Board determined that due to these unique conditions, a variance is necessary to enable the reasonable use of the property.
- 13) On March 15, 2017, the Zoning Board of Adjustment voted by a vote of three (3) in favor (Stephens, Bickford, Onthank) and none (0) opposed to grant the request for the variance for the covered walkway, vestibule, and screened porch attached to the house along the Northside of the property to be located 14 ft. at its closest point to the property line, where a 20-ft. setback is required, 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 5, 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 four (4) in favor (Stephens, Bickford, DeMeo, Hopkins), none (0) opposed, and one (1) abstention (St. Peter).

The decision made to grant the variance on March 15, 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 4-7-17