



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision Request for Variance Melinda H. Bradley/Map 207, Lot 4

April 3, 2014

Applicant: Moultonborough Real Estate Trust & Melinda H. Bradley
C/o Haynes Management Inc.
34 Washington Street, Suite DEC 7
Wellesley Hills, MA 02481

Location: 12 Tennis Lane, Moultonborough, NH (Tax Map 207, Lot 4)

On April 2 2014, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Melinda H. Bradley (hereinafter referred to as the "Applicant" and/or "Owner") for a variance from Article III. B (3), to permit a 12 ft. x 16 ft. garden shed to be placed 15 feet from the side line setback on the parcel located in the Residential Agricultural (RA) Zoning District where 20 feet is required.

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 12 Tennis Lane (Tax Map 207, Lot 4).
- 2) The applicant is the owner of record for the lot.
- 3) Stephen Bradley presented the application for the variance.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District.
- 5) The proposal calls for the placement of a 12 ft. x 16 ft. shed on the residential lot to be used as a storage for two golf carts.
- 6) The setback affected is the twenty foot (20') side line setback.
- 7) Members questioned the dimensions of the proposed shed.

- 8) Members questioned if there was an alternate location that the shed could be placed that would meet the setbacks.
- 9) Mr. Bradley stated the occupant of the home is his 86 year old father-in-law, and the proposed location was chosen so that he may have easy access to the golf cart which is a common mode of transportation within the Bald Peak Colony Club.
- 10) No members of the public spoke in favor or against the Variance request.
- 11) Granting the Variance would not be contrary to the public interest as the Board felt that the accessory structure was very small located on a very large lot within the confines of the Country Club.
- 12) Granting the Variance would be consistent with the spirit of the Ordinance because the existing natural buffers and stone wall occurs between the common property boundaries and wouldn't create an overcrowding look or feel.
- 13) By granting the Variance, substantial justice would be done because there is no public benefit to be gained, while the harm is great to the applicant because of the circumstances involved with the location of the property within the country club and with the siting of the small structure on the large lot.
- 14) Granting the Variance would not diminish the value of surrounding properties as other accessory structures are situated within the country club neighborhood, there are existing buffers and it is new construction.
- 15) No Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the need for such an accessory structure was not demonstrated by the applicant, but that such a structure and its proposed location is a necessity because of the disability of the resident; therefore the Board felt that NH RSA 674:33 V. applied, meaning that no hardship had to be proven in this case.
- 16) On April 2, 2014, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Nolin, Bickford, Crowe, Hopkins) and none (0) opposed to grant the request for a variance, noting that it was under the auspices of NH RSA 674:33 V., with two conditions as follows; 1. That should the accessory structure ever cease use as a golf storage, that it shall not be used as a bunkhouse, 2. That this Notice of Decision shall be recorded in the Registry of Deeds, tied to the property deed...

...and 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 16, 2014, 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, Nolin, Bickford, Crowe, Hopkins), none (0) opposed.

The decision made to Grant the variance on April 2, 2014 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 _____