



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Variance – Covered Entry
Wendy Castleberry Revocable Trust 2008;
Wendy Castleberry, Trustee/ Map 171, Lot 3

October 17, 2012

Applicant: **Wendy Castleberry, Trustee**
Wendy Castleberry Revocable Trust 2008
PO Box 1467
Center Harbor, NH 03226

Location: **82 Alpine Park Road, Moultonborough, NH (Tax Map 171, Lot 3)**

On October 3, 2012 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of the Wendy Castleberry Revocable Trust 2008; Wendy Castleberry, Trustee (hereinafter referred to as the "Applicant" and/or "Owner") for a variance from Article III, B (3) to permit the construction of a 6'x12' covered entry located within the 20' side setback for 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 82 Alpine Park Road (Tax Map 171, Lot 3).
- 2) The applicant is the owner of record for the lot.
- 3) The applicants were represented at the Public Hearings by Nicol Roseberry of Ames Associates.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District.
- 5) The applicants are proposing construction of a 6'x12' covered entry located within the 20' side setback.
- 6) It was the decision of the Board to require this to be an open covered entry.
- 7) No members of the public spoke for or against the Variance request.
- 8) Granting the Variance will not be contrary to the public interest as the proposed project will add a small covered entry to the existing residence; a relatively minor change that will provide safer and more

convenient access and egress for the residence. The covered entry will not come any closer to the property line than the existing residence.

- 9) Granting the Variance is consistent with the spirit of the Ordinance as the 20' property line setback provides an element of privacy and safety between abutting properties. The proposed covered entry will be constructed on the same plane of the north wall of the existing residence, and will not come any closer to the property line than the existing residence.
- 10) By granting the Variance, substantial justice is done as the proposed entry will provide a safer and more convenient primary access to the residence, and will not adversely affect abutters or the general public.
- 11) Granting the Variance does not diminish the value of surrounding properties as the proposed entry will be an aesthetically-pleasing design in keeping with the current architecture of the house, and will not come closer to the property line than the existing closest point of the house.
- 12) No fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of the provision to the property because the proposed entry located along the same plane of the residence that is currently nonconforming to the sideline setback. Length of additional structure is limited to 6', and will not adversely affect the privacy or safety of abutting Lot 4. The entry will address safety issues for foot traffic from the driveway to the house during seasons of the year when rain, snow and ice result in slippery conditions and a history of people falling in that area because of the existing grade.
- 13) The Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Nolin, Zewski, Crowe, Bickford) and none (0) opposed, to Grant the request for a variance and to close the Public Hearing. They moved to direct Staff to draft a formal Notice of Decision, to be reviewed by the Board at the October 17, 2012 Regular Meeting.

The Board of Adjustment, on October 17, 2012, approved by a vote of five (5) in favor (Stephens, Nolin, Zewski, Bickford, King) and none (0) opposed, this formal Notice of Decision and authorized the Chairman to sign the Notice of Decision and send to the applicant and place same in the case file.

The decision made to Grant the variance on October 3, 2012 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 _____