



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Variance

Roger L. & Claire S. Holcombe/Map 130, Lot 63

April 18, 2012

Applicant: Roger L. & Claire S. Holcombe
14 Main Street
Red Hill, PA 18076

Location: 26 Gansy Lane, Moultonborough, NH (Tax Map 130, Lot 63)

On April 4, 2012, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Roger L. & Claire S. Holcombe (hereinafter referred to as the "Applicant" and/or "Owner") for a variance from Article III (B)(4) to allow for expansion of an existing landing/deck by constructing an addition of 200 sq. ft. to the deck, located 36 to 47 feet from the shoreline on the parcel located in the Residential Agricultural (RA) Zoning District within the required lake setback.

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 26 Gansy Lane (Tax Map 130, Lot 63).
- 2) The applicants are the owners of record for the lot.
- 3) The applicant was represented at the Public hearing by Dave Dolan of David M. Dolan Associates, P.C.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District.
- 5) The existing house is located within the fifty (50) foot lake setback. (34'-36')
- 6) The proposed deck addition will be located 36' to 47' from the lake setback.
- 7) Mr. Dolan stated the plan submitted depicted the width of the proposed addition to be 9', noting that it will actually be 9.3' in width and not getting any closer to the lake setback.

- 8) An approved NH DES Shoreland Permit will be required to be submitted to the Development Services Office.
- 9) No members of the public wished to speak on the application.
- 10) Granting the Variance will not be contrary to the public interest as the proposed deck addition to the existing landing/deck is located in an area that will not affect views or access of abutting properties.
- 11) Granting the Variance is consistent with the spirit of the Ordinance as a deck located on the lakeside of the dwelling is normal and customary use of a residential property, and the residential use of the property is a permitted use in the district per the Zoning Ordinance.
- 12) By granting the Variance, substantial justice is done as this would allow the property owner similar use of the property as neighboring property's have, without adversely affecting the use of neighboring properties.
- 13) Granting the Variance does not diminish the value of surrounding properties as the proposed deck is an improvement to the property that will increase the value of the property, which typically has a positive effect on abutting properties.
- 14) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the existing dwelling was constructed in 1975 and is located 34' from the lake at its closest point. The proposed expansion is located at a greater distance from the lake than the existing dwelling and will provide a safer and more useable deck area, as well as providing improved access to the house.
- 15) The Zoning Board of Adjustment voted five (5) in favor (Stephens, Nolin, Crowe, Bickford, King), and none (0) opposed to continue the Public Hearing to April 18, 2012, and to direct staff to draft a Notice of Decision to Grant the variance, to be reviewed by the Board at the April 18, 2012 Regular Meeting.

The Public Hearing was continued to April 18, 2012. The Board of Adjustment closed the Public Hearing on April 18, 2012. Based on the above Findings of Fact, the Board of Adjustment voted five (5) in favor (Stephens, Nolin, Crowe, Bickford, Zewski), none (0) opposed, to **GRANT** the request for variance.

This decision 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 _____