



Town of Moultonborough Zoning Board of Adjustment Notice of Decision

Request for Variance Verne L. & Elaine M. Richardson/Map 44, Lot 30 April 18, 2012

Applicant: **Verne L. & Elaine M. Richardson**

P.O. Box 184

Moultonborough, NH 03254

Location: **1110 Whittier, Moultonborough, NH (Tax Map 44, Lot 30)**

On April 4, 2012, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Verne L. & Elaine M. Richardson (hereinafter referred to as the “Applicant” and/or “Owner”) for a variance from Article VI C(3)(d) to grant relief from the requirement to meet two of the three criteria needed for the special exception that would allow the addition to an existing commercial building that would increase the footprint in excess of the allowed 6,000 square feet (6,090 sq. ft.).

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 1110 Whittier Highway (Tax Map 44, Lot 30).
- 2) The applicants are the owners of record for the lot.
- 3) The applicant was represented at the Public hearing by Jim Hambrook of Hambrook Land Surveying.
- 4) The lot is located in Commercial Zone “C”, the Village Zoning District.
- 5) The proposed 21.5’ x 60’ addition to the existing commercial building will increase the footprint in excess of the allowed 6,000 sq. ft. by 90 sq. ft., to 6,090 sq. ft.
- 6) The proposed increase which exceeds 6,000 square feet is allowed by Special Exception, however, the existing site conditions do not allow the site to comply with all of the criteria because it is an addition to an existing site, not new development.

- 7) Mr. Hambrook stated the addition is for the relocation of the existing office space to allow for more space in the service area.
- 8) No member of the public wished to speak on the application.
- 9) Granting the Variance will not be contrary to the public interest as the requested variance is for partial relief from the criteria for a Special Exception allowing a commercial building to exceed 6,000 sq. ft. in size in Commercial Zone 'C'. The ordinance allows for buildings up to 12,000 sq. ft. by Special Exception.
- 10) Granting the Variance is consistent with the spirit of the Ordinance as the addition is allowed by the Ordinance by Special Exception subject to specific criteria. Even though all of the criteria cannot be met, the site and use do comply with every other requirement of the Zoning Ordinance. The criteria language, upon review by the Board, appears to have been written only with new development proposals in mind, not additions to already developed sites. Two of the criteria cannot be accomplished without substantial redevelopment of the entire site and therefore, do not meet the spirit of the zoning ordinance.
- 11) By granting the Variance, substantial justice is done because the addition proposal can now move forward as a special exception application for review by the Board.
- 12) Granting the Variance does not diminish the value of surrounding properties as the proposed addition will not have any adverse visual impact from the highway or increase the traffic volume to the site.
- 13) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the purposes of the Zoning Ordinance are "... promoting the health, safety, economic and social well being..." (Article I). The existing and continued use of the site with the building addition will have no impact on health, safety or general welfare of the citizens of Moultonborough. This approval will allow the applicant to seek a Special Exception for the addition to the existing commercial building.
- 14) 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.

Date _____

Robert H. Stephens
Chairman, Zoning Board of Adjustment