



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Variance from Article 3.2.2.1

Robert & Susan LaFlamme

Tax Map 121, Lot 114

November 15, 2023

Applicant: **Robert & Susan LaFlamme**
6 Interlaken Street
Moultonborough, NH 03254

Location: **6 Interlaken, Moultonborough, NH (Tax Map 121, Lot 114)**

On November 15, 2023, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Robert & Susan LaFlamme (hereinafter referred to as the “Applicant” and/or “Owner”). The Applicant requested a Variance from MZO Article 3.2.2.1.

At the regular meeting held on Wednesday, November 15th, the Zoning Board of Adjustment (the Board) voted by a vote of four (4) in favor (Mills, McDonough, Stephens, Poloian), one (1) opposed (Jakobsen), to conditionally **grant** the variance for Robert & Susan LaFlamme, Tax Map 121, Lot 114 located at 6 Interlaken from Article 3.2.2.1 to allow for the construction of a storage shed to be located no closer than 10 ft. from the edge of the right-of-way (R.O.W), where 25 ft. is required on the parcel located in the Groundwater Protection Overlay District and the Residential Agricultural (R/A) 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 6 Interlaken (Tax Map 121, Lot 114).
- 2) Robert A. & Susan B. LaFlamme are the owners of record for the lot.
- 3) Robert LaFlamme presented the application to the Board.

- 4) The lot is located in the Groundwater Protection Overlay District and the Residential Agricultural (R/A) Zoning District, and the accessory residential use is a use allowed by right in the districts.
- 5) Prior to public input, the Zoning Board voted five (5) in favor (Mills, McDonough, Jakobsen, Poloian, Stephens) that the proposal did not have the potential for Regional Impact.
- 6) The proposal is for the construction of a storage shed to be located no closer than 10 ft. from the edge of the R.O.W, where 25 ft. is required.
- 7) One member of the public spoke in favor of the variance request.
- 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 especially given the existing screening provided by vegetation on site. It is not inconsistent with the neighborhood and will not change the intent of the ordinance for setbacks which is adequate provision of light and air between buildings, and prevention of overcrowding.
- 9) Granting the Variance would be consistent with the spirit of the Ordinance for the same reasons as Criteria 1 contained above in #8.
- 10) By granting the Variance, substantial justice would be done as there is no public benefit to be gained by requiring the shed to be constructed in a conforming location, while the loss to the applicant would be great. Since a new road access would be required if the shed was placed in a conforming location, that would prove more disruptive to the public.
- 11) Granting the Variance would not diminish the value of surrounding properties as it will not cause any overcrowding or change in the character of the neighborhood, it is a reasonable use and will be new construction adding value to the property and thereby increasing neighborhood valuations.
- 12) Special conditions of the Property that distinguish it from other properties in the area due to the unique shape of the lot, the lot has frontage on two roads that are encumbered by a 25 ft setback. The proposed use is for an accessory residential storage structure on a residential lot and is a reasonable use.

This approval is subject to the following conditions:

1. Shed limits shall be located and pinned in accordance with this approval by a NH licensed surveyor prior to construction.
2. Location of the shed's limits shall be verified by measurement to the satisfaction of the building inspector prior to the placement of the structure and after the shed has been placed.

3. Project shall obtain necessary state and local permits, to include approval of a town building permit. All conditions of such permits shall be perpetually complied with, and all necessary inspections shall be successfully completed prior to use.
4. Shed shall only be used as accessory to existing single-family use.
5. Any future changes to the structure or its use shall be subject to required approvals.
6. Lot shall perpetually comply with all Groundwater Protection Overlay District requirements.
7. All representations made by the applicant and applicant's agent shall be incorporated as a condition of approval.
8. The applicant and owner are solely responsible for complying with the conditions of approval.
9. Per RSA 674:33, approval expires on 8/2/2025 if use is not substantially acted on.

Further, the Board voted 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 December 20, 2023, approved this formal Notice of Decision language and authorized the Chairman to sign the Notice of Decision, send to the applicant and place same in the case file by a vote of four (4) in favor (McDonough, Jakobsen, Mills, DeMeo), none (0) opposed, and one (1) abstention (Poloian).

The decision made to grant the variance on November 15, 2023, 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

cc. Scott Dvorak – Building Inspector (by email only at sdvorak@moultonboroughnh.gov)
Map Lot Document File