



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision **Request for Variance** **James M. Quinlan/Map 99, Lot 182**

April 4, 2012

Applicant: James M. Quinlan
1 Kimball Circle
Methuen, MA 01844

Location: 71 Sunrise Drive, Moultonborough, NH (Tax Map 99, Lot 182)

On March 21, 2012, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of James M. Quinlan (hereinafter referred to as the "Applicant" and/or "Owner") for a variance from Article III, B (3) to allow for construction of a 20' x 6' farmer's porch located 12' from the sideline of the structure on a 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 71 Sunrise Drive (Tax Map 99, Lot 182).
- 2) The applicant is co-owner of record for the lot.
- 3) The lot is located in the Residential Agricultural (RA) Zoning District.
- 4) The applicant is proposing construction of a new 20' x 6' farmer's porch located 12' from the sideline setback.
- 5) The existing non-conforming structure was constructed 40 +/- years ago and encroaches ten (10) feet into the sideline setback.
- 6) Robert Goffredo spoke in favor of the Variance request.
- 7) Granting the Variance will not be contrary to the public interest as the farmer's porch will not impact the public or public way.
- 8) Granting the Variance is consistent with the spirit of the Ordinance.

- 9) By granting the Variance, substantial justice would be done as the proposed farmer's porch will enhance the appearance of the property and not encroach any farther into the side setback than the main structure.
- 10) Granting the Variance would not diminish the value of surrounding properties as the neighborhood is largely comprised of single family homes and the farmer's porch will enhance the value and visual appearance of the property.
- 11) Special conditions do not exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the proposed use is a reasonable one because the applicant is removing an unsightly and decaying existing deck and stairway and is being afforded an opportunity to have what several other neighbors have already.
- 12) The Zoning Board of Adjustment voted by a vote of four (4) in favor (Stephens, Nolin, Bickford, Crowe), none (0) opposed, to continue the Public Hearing to April 4, 2012, and to direct Staff to draft a Notice of Decision to Grant the Variance, to be reviewed by the Board at the April 4, 2012 Regular Meeting.

The Public Hearing was continued to April 4, 2012. The Board of Adjustment closed the Public Hearing on April 4, 2012. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of five (5) in favor (Stephens, Nolin, Bickford, Crowe, King), none (0), 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 _____