**NOTICE OF DECISION VARIANCE - GRANTED**

**Town of Stoddard**

**Zoning Board of Adjustment**

**Case No: 2023-0603 July 20, 2023**

You are hereby notified that the appeal of Sean Scott for relief from Article III Section 1 of the Stoddard Community Planning Ordinance to build an upper deck and stairs within the required setback from the road on property located at 60 West Shore Circle, Stoddard, NH Tax Map 124, Lot 12, in the Lake District, regarding has been **GRANTED** by the affirmative vote of at least three members of the Zoning Board of Adjustment.

Findings of fact: Summary of the facts of the case discussed at the above public hearing:

1. Granting would not be contrary to the public interest and 2. The Spirit of ordinance will be observed. The six-foot intrusion into the setback for the proposed deck and stairs will not impede the public way and gives safe access to the structure. Alternate stair access on north side of building would be unsafe do to the slope of land. Current plan has no negative impact to the public.

3. Would do Substantial justice: It allows safe and reasonable access to the building giving the applicant full use of the property and structure. It improves the look and function of the original building and no evidence of harm to the public was found.

4. Value of surrounding properties will not be diminished. The overall structure has improved values in the neighborhood and the proposed deck and stairway improve the structure and site by giving safe access.

5 Unnecessary hardship:

No fair & substantial relationship exists between the general public purpose of the ordinance and the specific application of the ordinance to the proposed project: The very steep topography is unique to this property, limiting stairway options to the deck and upper floor. To gain access to the upper floor otherwise would require a much larger staircase in one location or tree removal in another location.

5a2 proposed use is a reasonable request. This building has frontage on two roads. Having access to the upper floor via Whitney Rd, utilizing deck and stairs provides safe access and restores the building to it’s original use for storage.

Conditions: None

Herbert C. Healy

Chairperson, Stoddard Zoning Board of Adjustment

This approval shall be valid if exercised within two years from the date of final approval, and shall not expire within six (6) months after the resolution of a planning application filed in reliance upon this decision, as per RSA674:33, IV.

Note: The selectmen, any party to the action, or any person directly affected has a right to appeal this decision. See New Hampshire Revised Statutes Annotated, Chapter 677 available online at www.NH.gov. This notice has been placed on file and made available for public inspection in the records of the ZBA. Copies of this notice have been distributed to the applicant, Planning Board, Board of Selectmen, Town Clerk, and Property Tax Assessor.