**NOTICE OF DECISION – GRANTED**

**Town of Stoddard**

**Zoning Board of Adjustment**

**March 16,2023**

 Case No: 2203-02

You are hereby notified that the appeal of Loren Patten and Sherry Williams for a **Variance** for a proposed 11ft x 26ft deck on property located at 219 Eva Lane, Tax Map #121, Lot # 09 regarding Article III Section 1 of the zoning ordinance 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 abutter on the affected side has stated he has no problem with the project and the NHDES, as abutter of the shoreline, has given permission through approval of the Shoreland Permit Notification.

3. Would do Substantial justice: We are allowing the owner to improve the safety of his property by removing an unsafe stairway. He has a safer and more convenient access to the shore and a deck will allow him to enjoy the lake as similar lakeside property owners. The project improves the aesthetics and safety of the property

4. Value of surrounding properties will not be diminished. The new deck would not diminish the values of neighboring properties. It will be an improvement to the site. All members agree. 5 B is mote.

5a Unnecessary hardship a1- not a fair & substantial relationship. The ordinance is not fair to this property because the ordinance was designed for future buildings, the house was built in 1962, well before the ordinance and is not fair for the existing structure. There may have been a deck there at one time and it is a reasonable request and comparable with other houses in the neighborhood. State regulations state nonconforming structures can add a 12 ft deck – he is building a 11 ft deck. It’s reasonable that a lakefront home should have a lake side deck. There is no further encroachment beyond the deck. His dock is concrete & steel and there is no further encroachment beyond that. This project is minimal

 5a2 proposed use is a reasonable request. It is an open deck on columns with no roof as Mr. Patten submitted on the state Permit. It is reasonable for a lakefront property to have a deck on the lakeside.

5b. does not apply

 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.