



Town of Middleton

182 Kings Highway, Middleton, New Hampshire 03887

603-473-2261 Middletonnh.gov

NOTICE OF DECISION - GRANTED

Zoning Board of Adjustment

Case No. 2024-06

You are hereby notified that the appeal of Yvonne M. Arts, Trustee of the Yvonne M. Arts Trust, for a variance regarding Article 5, Section B3 and a variance regarding Article 30, Section A.1.d. of the zoning ordinance has been **GRANTED**, subject to the conditions listed below, 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. The new manufactured home will not be contrary to the public interest as it would not alter the essential character of the locality. The replacement structure essentially occupies the same space as the current dwelling. The neighborhood stays the same except for an upgrade in its appearance, utility and environmental enhancements.
2. The spirit of the ordinance is observed is observed by granting the requested setback variance and allowing the modest square footage expansion. The new structure will not pose a threat to public health, welfare or safety and still provides essentially the same buffer between contiguous properties.
3. Granting the requested variances will do substantial justice because denying the variance will not provide any gain to the public that is greater than the loss suffered by the applicant if the variance is not granted.
4. The value of surrounding properties will not be diminished because it is more than reasonable to conclude that granting the variances will have a positive effect on surrounding property values.
5. Literal enforcement of the setback requirement from which relief is requested would result in unnecessary hardship because special conditions of the property distinguish it from others in the area and no fair and substantial relationship exists between the general public purposes of the express setback requirement and its specific application to this property.

Conditions: This approval is conditioned on a NH DES approved septic design and Mark Corbett and Debra Corbett, owners of the abutting lot, Tax Map 3, Lot 67 granting an easement to accommodate the approved septic design.

Charles Therriault Chair
Charles Therriault, Chairperson, Zoning Board of Adjustment

10-21-24
Date

This approval shall be valid if exercised within 2 years from the date of final approval and shall not expire within 6 months after the resolution of a planning application filed in reliance upon this decision, as per RSA 674:33, 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 at the Town of Middleton Municipal Offices. This notice has been placed on file and made available for public inspection in the records of the ZBA at the Town of Middleton Municipal Offices. Copies of this notice have been distributed to the applicant, Planning Board, Board of Selectmen, Town Clerk, Property Tax Assessor.