



# Town of Middleton

ZDA file

182 Kings Highway, Middleton, New Hampshire 03887  
603-473-2261 Middletonnh.gov

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## NOTICE OF DECISION - GRANTED

Zoning Board of Adjustment

Case No. 2024-04

You are hereby notified that the appeal of PL Gagnon Family Trust, Paul G. and Lucia L. Gagnon Trustees for a variance regarding Article 5, Section B3 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 garage will not be contrary to the public interest as it would not have any negative impact on the neighborhood that would alter its essential character. It will not impede any right of way, view, or access to the lake.
2. The spirit of the ordinance is observed. The garage will not pose a risk to public health, safety and welfare.
3. Substantial justice exists as denying this variance and requiring the garage at the standard setback would not be possible given the area of the nonconforming lot. It would also prevent the applicant from being able to have the garage with no gain to the public.
4. The value of surrounding properties will not be diminished because they are not negatively affected by the proposed placement of the garage.
5. The property cannot be used in strict conformity with the setback required by the ordinance for the structure without causing harm to the property owner in that he would need to tear down the existing structure and not be able to re-build.

**Conditions:** None

*Charles Therriault*

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.