



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision **Request for Variance** **Neil W. & Susan Pike/Map 194, Lot 18**

April 21, 2021

Applicant: **Neil W. & Susan Pike**
5 Pilgrim Road
Windham, NH 03087

Location: **49 Hanson Drive, Moultonborough, NH (Tax Map 194, Lot 18)**

On April 21, 2021, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application for Neil W. & Susan Pike (hereinafter referred to as the "Applicant" and/or "Owner") to obtain a Variance for relief from MZO Sections 3.2.3, 3.2.4 to allow a deck to be constructed on an existing non-conforming dwelling 34-ft. from the reference line (high water mark, 16-ft. from the easterly side lot line and 9-ft. from the westerly side lot line where 50-ft., 20-ft. and 20-ft. is required, and a portion of a wraparound porch to be constructed at the northeast corner of the existing dwelling 11-ft. from the easterly side lot line where 20-ft. is required. And a variance request from MZO Section 7.5.1 to allow the enlargement of the existing nonconforming dwelling in volume and area on a parcel located in the Residential Agricultural (RA) Zoning District.

Based on the application, testimony given at the hearings, additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located on 49 Hanson Drive, Moultonborough, NH (Tax Map 194 Lot 18).
- 2) The Applicants are the owners of record for the lot.
- 3) The lot is in the Residential Agricultural (RA) Zoning District, and the residential use is a use allowed by right in the district.
- 4) The Applicants were represented by Joseph Maynard, of BENCHMARK, LLC.
- 5) The Applicants are proposing construction of a deck on an existing non-conforming dwelling 34-ft. from the reference line (high water mark, 16-ft. from the easterly side lot line and 9-ft. from the westerly side lot line where 50-ft., 20-ft. and 20-ft. is required, and a portion of a wraparound porch to be constructed at the northeast corner of the existing dwelling 11-ft. from the easterly side lot line where 20-ft. is required. And a variance request from MZO Section 7.5.1 to allow the enlargement of the existing nonconforming dwelling in volume and area.
- 6) The Applicants have received a NHDES Shoreland Impact Permit 2020-02810 (Amendment Date: December 10, 2020) for the impervious surface area to remain the same as the existing at 41.9%.

- 7) No members of the public spoke to the Variance request.
- 8) Granting the Variance would not be contrary to the public interest as the proposed additions and alterations will not alter the essential character of the neighborhood because they are over 100 feet from the road and will not be any closer to a lot line than other corners and/or improvements on the existing home.
- 9) Granting the Variance would be consistent with the spirit of the Ordinance for the same reasons as stated in Item #8 above.
- 10) By granting the Variance, substantial justice would be done because there would be no gain to the public as the variance would be beneficial for lake water quality and would still allow the Applicant to redevelop their house and denying it would be a substantial injustice.
- 11) Granting the Variance would not diminish the value of surrounding properties as the proposed additions and alterations to the lot will be new construction which will increase the value of the subject property and thereby increasing neighborhood valuations.
- 12) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship due to the size, shape and location of the existing non-conforming House and Garage. The proposed alterations are reasonable as the additions are no closer to a lot line than other portions of the existing non-conforming home and will remove existing encroachment of the shed and portions of the driveway.
- 13) On April 21, 2021, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, St. Peter, DeMeo, Jenny, Poloian) and none (0) opposed to grant the request for the variance as requested subject to the following conditions: 1) The plan submitted with the application dated June 30, 2019 which includes the three revisions dated between 11/22/2020 and 01/14/2021 is the plan to be followed by the applicant; 2) All specific conditions of the December 10, 2020 Amended Shoreland Impact Permit be met except for condition No. 1. The plan that must be followed is cited above; 3) All required tree and shrub plantings shall be replaced if they do not survive for a 12-month period; 4) Photographic documentation of the construction of the proposed stormwater management shall be submitted to the Land Use Department and to the Shoreland Bureau prior to the issuance of a certificate of occupancy (CO), which is required for this project; 5) The formal Notice of Decision shall be recorded in the Carroll County Registry of Deeds prior to the issuance of building permits, and further to close the Public Hearing. They moved to direct Staff to draft a formal Notice of Decision for review and approval for signing at the next meeting.

The Board of Adjustment, on May 5, 2021, approved this formal Notice of Decision language and authorized the Chairman to sign the Notice of Decision and send to the applicant and place same in the case file by a vote of five (5) in favor (Stephens, St. Peter, DeMeo, Jenny, Poloian) and none opposed.

The decision made to grant the variance on April 21, 2021, 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: May 5, 2021