



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision
Request for Variance
Frederick V. & Karen Shine
Tax Map 120, Lot 29

March 6, 2024

Applicant: **Frederick V. & Karen Shine**
3 Edsel Drive
Burlington, MA 01803

Location: **21 Grande Street, Moultonborough, NH (Tax Map 120, Lot 29)**

On March 6, 2024, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Frederick V. & Karen Shine (hereinafter referred to as the "Applicant" and/or "Owner"). The Applicants requested a Variance from MZO Section 3.2.2.3.

At the regular meeting held on Wednesday, March 6, 2024, the Zoning Board of Adjustment (the Board) voted by a vote of five (5) in favor (Mills, McDonough, Jakobsen, Poloian, Stephens), none (0) opposed, to conditionally **grant** the variance for Frederick V. & Karen Shine, Tax Map 120, Lot 29 at 21 Grande Street from Section 3.2.2.3 to allow for the reconstruction of an existing deck, expanding the width by two feet, and length by three feet (proposed new 12' x 24') to be located no closer than 17.4 ft. from the rear property line, and no closer than 18.4 ft. from the side property line, where 20 ft. is required on the parcel located in the Residential Agricultural (R/A) 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 at 21 Grande Street (Tax Map 120, Lot 29).
- 2) Frederick V. and Karen Shine are the owners of record for the lot.
- 3) Frederick Shine presented the application for the variance.
- 4) The lot is located in the Residential Agricultural (R/A) Zoning District, and the residential use is a use allowed by right in that district.
- 5) Prior to public input, the Zoning Board voted five (5) in favor (Mills, McDonough, Jakobsen, Poloian, Stephens) that the proposal did not have the potential for Regional Impact.

- 6) The proposal is for the reconstruction of an existing deck, expanding the width by two feet, and length by three feet (proposed new 12' x 24') to be located no closer than 17.4 ft. from the rear property line, and no closer than 18.4 ft. from the side property line, where 20 ft. is required.
- 7) A plan prepared by Hambrook Land Surveying, titled Variance Request Plan, signed/dated 2/7/24 was submitted as part of the application package.
- 8) As part of the approval, the Board addressed the encroachment of the existing screen porch into the rear setback as identified on the Hambrook Land Surveying Plan.
- 9) One member of the public spoke in favor of the project.
- 10) Granting the Variance will not be contrary to the public interest as the proposed reconstruction of the deck, as well as the location of the existing screen porch would have no impact on the adjacent properties, none of the neighborhood, nor the general community. The deck is consistent with many others in the neighborhood, and it does not alter the essential characteristics of the neighborhood.
- 11) Granting the Variance would be consistent with the spirit of the Ordinance for the same reasons as stated in Item #10 above.
- 12) By granting the Variance, substantial justice would be done as there is no public benefit to be gained by requiring the deck to be reconstructed in a conforming location. There will not be any removal of trees or screening between the abutting properties. The loss to the applicant would outweigh any gain to the public by denying the application.
- 13) Granting the Variance does not diminish surrounding property values as it will not cause any overcrowding or change in the character of the neighborhood, it is a reasonable use and will be new construction adding value to the property.
- 14) Special conditions of the Property distinguish it from other properties in the area as the current deck is over 34 years old, has sunk so the gate does not function anymore, decking is splitting, and current deck is just too narrow, for chairs to fit around the table and allow people to move away. The proposed use is for a residential dwelling on a residential lot and is a reasonable use.

On March 6, 2024, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Mills, McDonough, Jakobsen, Poloian, Stephens), none (0) opposed, to grant the request for the Variance from Section 3.2.2.3 for Frederick V. & Karen Shine, 21 Grande Street, Tax Map 120, Lot 29, subject to the following conditions:

1. Project shall obtain necessary state and local permits, to include approval of a town building permit, and all conditions of such permits shall be perpetually complied with, and all necessary inspections shall be successfully completed prior to use.
2. All representations made by the applicant and applicant's agent shall be incorporated as a condition of approval.
3. The project shall be constructed in accordance with the plan submitted with the application, prepared by Hambrook Land Surveying, titled Variance Request Plan, signed/dated 2/7/24.
4. The applicant and owner are solely responsible for complying with the conditions of approval.
5. Per RSA 674:33, approval expires on 3/6/2026 if use is not substantially acted upon.

Further, the Board voted 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 March 20, 2024, approved this formal Notice of Decision language and authorized the Chairman to sign the Notice of Decision, send to the applicant and place same in the case file by a vote of four (4) in favor (McDonough, Jakobsen, Poloian, Stephens), one (1) abstention (DeMeo).

The decision made to grant the variance on March 6, 2024, 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

cc. Scott Dvorak – Building Inspector (by email only at sdvorak@moultonboroughnh.gov)
Map Lot Document File

