



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision Request for Variance Bettinger Family Revocable Trust/Map 282, Lot 36

January 4, 2012

Applicant: **Bettinger Family Revocable Trust**
 C/o Donn Bettinger, Trustee
 PO Box 1398
 Center Harbor, NH 03226

Location: **22 Adams Shore Road, Moultonborough, NH (Tax Map 282, Lot 36)**

On December 7, 2011 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of the Bettinger Family Revocable Trust (hereinafter referred to as the “Applicant” and/or “Owner”) for a variance from **Article III, B (4)** to allow for the removal and reconstruction of a single family residence located partially within the **50’ shoreline setback** for the parcel located in the Residential Agricultural (RA) Zoning District.

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

- 1) The property is located at 22 Adams Shore Road (Tax Map 282, Lot 36).
- 2) The applicant is the owner of record for the lot.
- 3) The applicant was represented at the Public Hearing by Dan Ellis of Ames and Associates.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District.
- 5) The applicant is proposing the removal and reconstruction of a new single-family dwelling unit located partially within the 50’ shoreline setback. The existing dwelling is to be removed.
- 6) The property is located on a narrow lot, with two large knolls, limiting the locations for possible septic system and construction of the dwelling unit.
- 7) The proposed dwelling is to be located farther away (32.7-feet) from the shoreline than the original dwelling (22.4-feet), reducing the existing non-conformity.
- 8) There will be native plantings along the waterfront to meet the requirements of the NH DES, therefore, protecting the lake.

- 9) The existing non-conforming shed is to remain in its present location.
- 10) No members of the public wished to speak on the application.
- 11) Granting the Variance will not be contrary to the public interest because the lot is remaining at status quo with regard to the setback intrusion and the area consists of small lots with larger waterfront homes on them.
- 12) Granting the Variance is consistent with the spirit of the Ordinance as the as the proposed residence will be at a greater distance from the lake, reduction of impervious surface coverage within the waterfront buffer, and restoration of native vegetation within the waterfront buffer.
- 13) By granting the Variance, substantial justice is done.
- 14) Granting the Variance does not diminish the value of surrounding properties as the neighborhood is largely comprised of single-family lake front homes.
- 15) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the lot size and location were pre-existing to zoning and create a very small available building envelope in which to build a dwelling.
- 16) Granting of the variance is conditional upon the receipt of an approved DES Shoreland Permit.
- 17) Granting of the variance is conditional upon a Foundation Certification Plan being submitted to the Code Enforcement Officer verifying the location of the foundation prior to further construction of the home.
- 18) This Notice of Decision SHALL be recorded at the Carroll County Registry of Deeds prior to the issuance of a Certificate of Occupancy.
- 19) The Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Hopkins, Nolin, Zewski, Crowe) and none (0) opposed, to continue the Public Hearing to January 4, 2012, and to direct Staff to draft a Notice of Decision to Grant the Variance, to be reviewed by the Board at the January 4, 2012 Regular Meeting.

The Public Hearing was continued to January 4, 2012. The Board of Adjustment closed the Public Hearing on January 4, 2012. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of five (5) in favor (Stephens, Hopkins, Nolin, Zewski, Crowe), none (0) opposed, to **GRANT** the request for variance.

This decision 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 _____