



## **Town of Moultonborough Zoning Board of Adjustment**

### **Notice of Decision Request for Variance Manuel & Wendy Papagolos/Map 189, Lot 18**

**March 3, 2016**

**Applicant: Manuel & Wendy Papagolos  
30 Arrow Trail  
Moultonborough, NH 03254**

**Location: 30 Arrow Trail, Moultonborough, NH (Tax Map 189, Lot 18)**

On March 2, 2016, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Manuel & Wendy Papagolos (hereinafter referred to as the "Applicant" and/or "Owner") to obtain a Variance from MZO Article III. B (3) to permit the construction of a garage with living space addition to the existing nonconforming residence located 13.8 ft. from the side property line where 20 ft. is required on 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 30 Arrow Trail, Moultonborough, NH (Tax Map 189, Lot 18).
- 2) The applicants are the owners of record for the lot.
- 3) The applicant was represented at the Public Hearing by Dan Ellis of Ames Associates and Mr. & Mrs. Papagolos were present at the hearing.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District, and the residential use is a use allowed by right in that district.
- 5) The proposal is for the construction of a garage with living space addition to the existing nonconforming residence located 13.8 ft. from the side property line where 20 ft. is required.
- 6) One abutter noted that they had no objections with the proposed plan as presented.
- 7) Granting the Variance would not be contrary to the public interest as the proposed construction will not alter the essential character of the neighborhood because it would be similar to the other dwellings in the neighborhood, improve water quality through best practices, improve sight lines to the lake for abutters, and most importantly, not change the intent of the ordinance for setbacks which is adequate provision of light and air between buildings.

- 8) Granting the Variance would be consistent with the spirit of the Ordinance because the proposed construction will not alter the essential character of the neighborhood because it would be similar to the other dwellings in the neighborhood, improve water quality through best practices, improve sight lines to the lake for abutters, and most importantly, not change the intent of the ordinance for setbacks which is adequate provision of light and air between buildings.
- 9) By granting the Variance, substantial justice would be done because there is no public benefit to be gained by requiring that an odd-shaped, inefficient, needlessly expensive dwelling be constructed that stays within the narrow building envelope on the lot, while the loss to the applicant would be great.
- 10) Granting the Variance would not diminish the value of surrounding properties as the proposed addition of a garage will increase the value of the subject property and thereby increasing neighborhood valuations.
- 11) There is an unnecessary hardship owing to special conditions of the property that distinguishes it from other properties in the area because of the unique shape of the lot resulting in a narrow, non-rectangular building envelope which would require that an odd-shaped, inefficient, needlessly expensive dwelling be constructed that stays within said building envelope be constructed to meet the setback requirements and that this is not reasonable, and that the variance is necessary to enable the reasonable use as a residential property.
- 12) On March 2, 2016, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Bickford, St. Peter, DeMeo, Onthank) and none (0) opposed to grant the request for the variance for the construction of a garage (with living space) addition to the existing non-conforming residence located 13.8 feet from the side property line, with the following conditions: 1) That a foundation certification be prepared prior to construction; 2) All best management practices be employed; 3) The paved driveway be replaced with a permeable drive to lessen the increase in impermeable area; 4) The existing shed to be removed; 5) The approved shore land permit be in line with this approval and be submitted with the building permit application; 6) Tax Map 189, Lot 15 (used for the septic leach field) may not be sold separately from the parent lot unless a suitable septic use and maintenance easement is agreed to and recorded prior to any fee transfer of the lot with the leachfield; 7) This Notice of Decision shall be recorded at the Carroll County Registry of Deeds, 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 March 16, 2016, approved this formal Notice of Decision language and authorized the Vice Chairman to sign the Notice of Decision and send to the applicant and place same in the case file by a vote of four (4) in favor (St. Peter, DeMeo, Onthank, Jenny), one (1) abstention (Nolin) and none (0) opposed.

The decision made to grant the variance on March 2, 2016, 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.

  
\_\_\_\_\_  
Russell Nolin  
Vice-Chairman, Zoning Board of Adjustment

Date 3/17/16