



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

### **Notice of Decision**

**Request for Variance from Article 3.2.2.1**

**Briand T. & Barbara J. Levasseur**

**Tax Map 98, Lot 93**

**August 2, 2023**

**Applicant: Briand T. & Barbara J. Levasseur**  
**378 Church Street**  
**Amston, CT 06231**

**Location: Leisure Drive, Moultonborough, NH (Tax Map 98, Lot 93)**

On August 2, 2023, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Briand T. & Barbara J. Levasseur (hereinafter referred to as the "Applicant" and/or "Owner"). The Applicant requested a Variance from MZO Sections 3.2.2.1.

At the regular meeting held on Wednesday, August 2, 2023, the Zoning Board of Adjustment (the Board) voted by a vote of five (5) in favor (Mills, McDonough, Jakobsen, DeMeo, Stephens), none (0) opposed, to conditionally **grant** the variance for Briand T. & Barbara J. Levasseur, Tax Map 98, Lot 93 located on Leisure Drive from Section 3.2.2.1 to allow for the construction of a single-family dwelling to be located no closer than 19 ft. from the edge of the right-of-way (R.O.W), where 25 ft. is required on the parcel located in the Groundwater Protection Overlay District and 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 on Leisure Drive (Tax Map 98, Lot 93).
- 2) Briand T. & Barbara J. Levasseur are the owners of record for the lot.
- 3) Briand Levasseur presented the application to the Board.
- 4) No members of the public spoke to the request for the variance.

- 5) The lot is located in the Groundwater Protection Overlay District and the Residential Agricultural (R/A) Zoning District, and the residential use is a use allowed by right in the districts.
- 6) Prior to public input, the Zoning Board voted five (5) in favor (Mills, McDonough, Jakobsen, DeMeo, Stephens) that the proposal did not have the potential for Regional Impact.
- 7) The proposal is for the construction of a single-family dwelling to be located no closer than 19 ft. from the edge of the R.O.W, where 25 ft. is required.
- 8) No member of the public spoke to the request for the variance.
- 9) Granting the Variance would not be contrary to the public interest as the proposed construction will not alter the essential character of the neighborhood especially given the unique location of the site, bounded on three sides by roads, it is not inconsistent with the neighborhood, and will not change the intent of the ordinance for setbacks which is adequate provision of light and air between buildings.
- 10) Granting the Variance would be consistent with the spirit of the Ordinance for the same reasons as Criteria 1 contained above in #9.
- 11) By granting the Variance, substantial justice would be done as there is no public benefit to be gained by requiring the dwelling to be constructed in a conforming location, while the loss to the applicant would be great.
- 12) Granting the Variance would not diminish the value of surrounding properties 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 and thereby increasing neighborhood valuations.
- 13) Special conditions of the Property that distinguish it from other properties in the area due to the unique shape of the lot, the lot is triangular shaped with frontage on two roads that are encumbered by a 25 ft setback. The proposed use is for a residential dwelling on a residential lot and is a reasonable use.

On August 2, 2023, the Board decided by a vote of five (5) in favor (Mills, McDonough, Jakobsen, DeMeo, Stephens) and none (0) opposed to grant the request for the Variance from Section 3.2.2.1 for Briand T. & Barbara J. Levasseur, Tax Map 98, Lot 93 to allow for the construction of a single family home, with attached garaged, to be placed in the front setback, 19 feet from the front property line where 25 feet is required, subject to the following conditions:

1. Foundation limits shall be located and pinned in accordance with this approval by a NH licensed surveyor prior to construction.

2. Project shall obtain necessary state and local permits, to include approval of a town building permit, and septic approval. All conditions of such permits shall be perpetually complied with, and all necessary inspections shall be successfully completed prior to use.
3. All representations made by the applicant and applicant's agent shall be incorporated as a condition of approval.
4. The applicant and owner are solely responsible for complying with the conditions of approval.
5. Per RSA 674:33, approval expires on 8/2/2025 if use is not substantially acted on.

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.

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The Board of Adjustment, on August 16, 2023, 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 (Mills, McDonough, Jakobsen, Stephens), none (0) opposed, and one (1) abstention (Poloian).

The decision made to grant the variance on August 2, 2023, 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

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