



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

### **Notice of Decision**

#### **Request for Variance**

**Mark E. and Krista M. Mezzanotte**

**Map 270, Lot 7**

**May 20, 2020**

**Applicant: Mark and Krista Mezzanotte  
PO Box 607**

**Carlisle, MA 01741**

**Location: 40 Deerhaven Road, Moultonborough, NH (Tax Map 270, Lot 7)**

On May 20, 2020 the Moultonborough Zoning Board of Adjustment opened a public hearing on the application of Mark and Krista Mezzanotte (hereinafter referred to as the “Applicant” and/or “Owner”) to obtain a variance from Article III.B.3 to remove an existing non-conforming detached garage and construct a 20’ x 40’ addition to the existing primary structure to be located 17 feet from the Southeast side property line and 11 feet from the Southwest side property line where 20 feet is required 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 40 Deerhaven Road (Tax Map 270, Lot 7).
- 2) The Applicants are the owners of the lot.
- 3) Mark Mezzanotte presented the application for the variance using the Zoom web-based platform.
- 4) The lot is in the Residential Agricultural (RA) Zoning District.
- 5) The applicant is proposing to remove an existing non-conforming detached garage and construct a 20’ x 40’ addition to the existing primary structure to be located 17 feet from the Southeast side property line and 11 feet from the Southwest side property line.
- 6) The existing non-conforming detached garage, which is to be removed, is located 11-ft. from the sideline setback.
- 7) One abutter spoke in opposition to the proposed project.
- 8) Granting the Variance will not be contrary to the public interest as the proposed construction will not alter the essential character of the neighborhood because it would be smaller than the other dwellings in the neighborhood, improve water quality through best practices, and most importantly, not change the intent of the ordinance for setbacks which is adequate provision of light and air between buildings.

- 9) Granting the Variance is consistent with the spirit of the Ordinance for the same reasons as stated above.
- 10) By granting the Variance, substantial justice would be done because the project is to add a modest addition to the existing home that is the most practical location given the interior layout of the existing dwelling and the proposed use of the new addition. The proposed use and configuration are reasonable and would not cause any harm to the abutters or the public because the existing garage is in the approximate same location so there will not be a substantive change. There would be no gain to the public benefit by denying the variance.
- 11) Granting the Variance would not diminish the value of surrounding properties as the construction of an addition will increase the value of the subject property which should indirectly increase the value of surrounding properties and will remove an existing old non-conforming garage, therefore there would be no detrimental effect on any of the surrounding properties.
- 12) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the location of the existing dwelling is not square on the lot line, and there was testimony regarding ledge on the lot. And that the interior layout of the existing dwelling and the proposed use of the new addition would require it to be built on the side proposed and not somewhere else on the property, therefore, the proposed addition is a reasonable use.
- 13) Granting of the variance is conditional upon the addition being 20' x 40' from the existing cottage and that all amended Shoreland Permit project specific conditions be met and inspected by the Code Officer prior to the issuance of the Certificate of Occupancy for the living space addition.

On May 20, 2020, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Bickford, St. Peter, DeMeo, Jenny) and none (0) opposed to grant the request for the variance for Mark & Krista Mezzanotte, Tax Map 270, Lot 7, for the construction of a 20' x 40' addition to the existing cottage, with the following conditions: 1) That the width of the addition be no more than 20-ft out from the existing dwelling; 2) That all amended Shoreland Permit project specifications be met and inspected by the Code Officer prior to the issuance of occupancy for the living space addition, 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 June 3, 2020, approved this formal Notice of Decision language and authorized the Chairman's electronic signature on the Notice of Decision and for Staff to send to the applicant and place same in the case file by a vote of five (5) in favor (Stephens, Bickford, St. Peter, DeMeo, Jenny) and none (0) opposed.

The decision made to Approve the variance on May 20, 2020, 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 June 4, 2020