



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision Request for Variance Philip Angelone/Map 99, Lot 102

May 7, 2020

**Applicant: Philip Angelone
PO Box 195
Moultonborough, NH 03254**

Location: 294 Paradise Drive, Moultonborough, NH (Tax Map 99, Lot 102)

On May 6, 2020, the Zoning Board of Adjustment of the Town of Moultonborough held a remote public hearing on the application of Philip Angelone (hereinafter referred to as the “Applicant” and/or “Owner”) to obtain a Variance from MZO Article III. B (3) to remove and replace an existing non-conforming garage located 16 feet from the rear property line. The proposed new 24’ x 30’ garage will be located 14 feet from the rear property line where 20 feet 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 294 Paradise Drive (Tax Map 99, Lot 102).
- 2) Philip and Linda Ann Angelone are the owners of record for the lot.
- 3) Philip Angelone presented the application for the variance using the Zoom web-based platform.
- 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 to remove and replace an existing non-conforming garage located 16 feet from the rear property line. The proposed new 24’ x 30’ garage will be located 14 feet from the rear property line where 20 feet is required.
- 6) One member of the public stated that she had no comments on the Variance request.
- 7) Granting the Variance would not be contrary to the public interest as the proposed garage would improve the essential character of the neighborhood by removing the old 44-ft garage and would not have a negative impact on the neighborhood.

- 8) Granting the Variance would be consistent with the spirit of the Ordinance for the same reasons as Criteria 1 contained above in #7.
- 9) By granting the Variance, substantial justice would be done because there is no public benefit to be gained because the setback of 16-ft has been there years and the proposed 14-ft setback has little effect on the public, while the loss to the applicant would be great by denying the request to construct a new garage.
- 10) Granting the Variance would not diminish the value of surrounding properties as they will be removing the old garage and replacing it with a garage that will be new construction and would help to improve not only the value of the Property but also the value of the surrounding properties
- 11) Special conditions exist for the subject property, such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship. The Applicant's lot has frontage on two roads that come together at an acute angle making the shape of the lot an acute triangle; the two roads also make for a 25-ft setback on both sides rather than more normal 20-ft side setbacks, the location of the septic system, and the fact that the existing garage is non-conforming. The proposed use is a reasonable one.
- 12) On May 6, 2020, the Zoning Board of Adjustment by a roll call vote, voted (5) in favor (Stephens, Bickford, DeMeo, St. Peter, Jenny) and none (0) opposed to grant the request for a variance for Philip Angelone, TM 99, Lot 102 to construct a 24' x 30' garage subject to the garage being built in the location that is identified by dimensions on the plan submitted for the hearing, subject to the removal of the existing 44-ft long garage and the 125 sq. ft. non-conforming shed depicted on the property, 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 Zoom meeting.

The Board of Adjustment, on May 20, 2020, approved this formal Notice of Decision language at their remote Zoom meeting and authorized the Chairman to sign the Notice of Decision and send to the applicant and place same in the case file by a roll call vote of five (5) in favor (Stephens, Bickford, St. Peter, DeMeo, Jenny), none (0) opposed.

The decision made to Grant the variance on May 6, 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: May 21, 2020