



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

### **Notice of Decision** **Request for Variance** **Jeffrey and Clara Parker/Map 174, Lot 44**

**July 18, 2019**

**Applicant:** **Jeffrey & Clara Parker**  
**400 Little Marvel Court**  
**Pasadena, MD 21122**

**Location:** **20 Deepwater Point, Moultonborough, NH (Tax Map 174, Lot 44)**

On July 17, 2019, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Jeffrey & Clara Parker (hereinafter referred to as the "Applicant" and/or "Owner") to obtain a Variance from MZO Article III. B.4 to allow for the construction of a dwelling 23.2 ft. from the lake setback line, where 50 ft. is required on the parcel located in the Residential Agricultural (RA) 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:

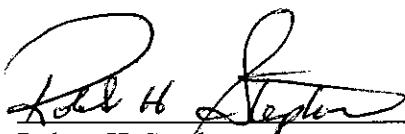
- 1) The property is located at 20 Deepwater Point, Moultonborough, NH (Tax Map 174 Lot 44).
- 2) The applicants are the owners of record for the lot.
- 3) The applicants were represented at the Public Hearing by Carl Johnson Jr., LLS 794 and Matt Wood, from NH Environmental Consultants, LLC.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District, and the residential use is a use allowed by right in the district.
- 5) The applicant is proposing construction of a single family dwelling to be located 23.2 ft. from the lake setback line, where 50 ft. is required.
- 6) The setback affected is the fifty foot (50') lake setback line.
- 7) No members of the public spoke to the Variance request.
- 8) 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, and the proposed single-family dwelling will be more nearly conforming.

- 9) Granting the Variance would be consistent with the spirit of the Ordinance because the proposed construction does not alter the essential character of the neighborhood and it will not change the intent of the ordinance because it would be similar to the other dwellings in the neighborhood, and the proposed single-family dwelling will be more nearly conforming.
- 10) By granting the Variance, substantial justice would be done because there is no public benefit to be gained by requiring the single-family home to be constructed in a conforming location due to the restrictions of the subject property and the dwelling will be more nearly conforming with the Zoning Ordinance and NH DES Shoreland, while the loss to the applicant would be great.
- 11) Granting the Variance would not diminish the value of surrounding properties as the proposed new dwelling will be new construction will increase the value of the subject property and thereby increasing neighborhood valuations.
- 12) 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 is constricted by wetlands, setbacks of the septic location. The Board determined that due to these unique conditions, a variance is necessary to enable the reasonable use of the property.
- 13) On July 17, 2019, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Bickford, DeMeo, Jenny, Hopkins) and none (0) opposed to grant the request for a setback variance as presented, 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 August 7, 2019, approved this formal Notice of Decision language and authorized the 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 (Stephens, Bickford, DeMeo, Jenny) and one (1) abstention (St. Peter).

The decision made to grant the variance on July 17, 2019, 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.

  
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Robert H. Stephens  
Chairman, Zoning Board of Adjustment

Date 8-9-19