



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision **Request for Variance** **Steven J. & Alycia D. Surdam** **Map 149, Lot 16**

October 18, 2017

Applicant: Steven Surdam
12 Peach Tree Lane
Danvers, MA 01923

Location: 6 Fir Tree Lane, Moultonborough, NH (TM 149-16)

On October 4, 2017, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Steven Surdam (hereinafter referred to as the "Applicant" and/or "Owner") to obtain a Variance from MZO Article III.B.4 to allow for the removal and reconstruction of an existing grandfathered boathouse in the same location, located within the shore setback on the parcel located in the Residential Agricultural (RA) Zoning District.

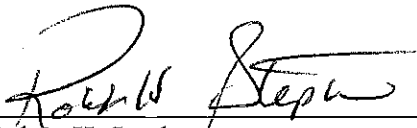
Based on the application, testimony given at the hearing, and supporting documentation, the Board hereby makes the following findings of fact:

- 1) The property is located at 6 Fir Tree Lane, Moultonborough, NH (Tax Map 149, Lot 16).
- 2) Steven J. & Alycia D. Surdam are the owners of record for the lot.
- 3) The applicant was represented at the Public Hearing by Don Carey, from Center Harbor Dock & Pier.
- 4) The lot is in the Residential Agricultural (R/A) Zoning District, and the residential use is a use allowed by right in that district.
- 5) The proposal is to allow for the removal and reconstruction of an existing grandfathered boathouse in the same location, located within the shore setback.
- 6) On October 4, 2017, the ZBA voted 5-0 to conduct a Site Visit at the location on October 13, 2107, and to continue the Public Hearing to October 18, 2017.
- 7) No other members of the public were present for the Public Hearing.
- 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 and by not granting the Variance would create a public safety issue as the building is near collapse.

- 9) Granting the Variances would be consistent with the spirit of the Ordinance because the proposed construction will not alter the essential character of the neighborhood and clearly there would be a public gain by granting it due to the safety issue.
- 10) By granting the Variances, substantial justice would be done because clearly there would a public gain by granting due to the safety issue.
- 11) Granting the Variances would not diminish the value of surrounding properties as it would be new construction, therefore increasing the value of the subject property and thereby increasing neighborhood valuations.
- 12) There is an unnecessary hardship owing to special conditions of the property that distinguishes it from other properties in the area because there is no other physical option, and the property does not allow for a conforming structure. The proposed use is a reasonable one as it is an existing structure that adds value to the property and by removing the right for them to replace and rebuild, in like-kind, would create a major hardship on the value of the property.
- 13) On October 18, 2017, the Zoning Board of Adjustment voted by a vote of four (4) in favor (Stephens, Zewski, St. Peter, DeMeo) and none (0) opposed, to grant the request for the variance for the removal and replacement of the existing boathouse in like kind using best management practices, 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 November 15, 2017, 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 three (3) in favor (Stephens, St. Peter, DeMeo), two (2) abstentions (Bickford, Jenny) and none (0) opposed.

The decision made to grant the variance on October 18, 2017, 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 11/20/17