



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

### **Notice of Decision Request for Variance Anni & Eric Jakobsen Map 174, Lot 62**

**May 18, 2017**

**Applicant:** Anni & Eric Jakobsen  
46 Grindstone Lane  
Monroe, CT 06268

**Location:** 17 Clearwater Point Road, Moultonborough, NH (Tax Map 174, Lot 62)

On May 17, 2017, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Anni & Eric Jakobsen (hereinafter referred to as the "Applicant" and/or "Owner") to obtain a Variance from MZO Article III. B (3) & (4) and Article VII.E.3 to allow for the construction of a single-family dwelling with a slightly expanded footprint (409 square feet), after an existing nonconforming dwelling is demolished, to be located 4.7 ft. from the western property line (same as previous deck), and 16.8 ft. from the east side (same as previous structure) where 20 ft. is required, and the shore setback will be 46.7 ft. (same as previous structure) 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, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 17 Clearwater Point Road, Moultonborough, NH (Tax Map 174, Lot 62).
- 2) The applicants are the owners of the property.
- 3) The applicant was represented at the Public Hearing by Joanne Coppinger of Ames Associates.
- 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 for the construction of a single-family dwelling with a slightly expanded footprint (409 square feet), after an existing nonconforming dwelling is demolished, to be located 4.7 ft. from the western property line (same as previous deck), and 16.8 ft. from the east side (same as previous structure) where 20 ft. is required, and the shore setback will be 46.7 ft. (same as previous structure) where 50-ft. is required.

- 6) Mrs. Coppinger stated that an abutter letter in support of the project was submitted with the application.
- 7) One abutter letter of support was presented to the Board at the Public Hearing.
- 8) Granting the Variances 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, improve water quality through best management practices, improve sight lines to the lake for abutters, 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 Variances would be consistent with the spirit of the Ordinance because the proposed construction will not alter the essential character of the neighborhood because it would be similar to the other dwellings in the neighborhood, improve water quality through best management practices, improve sight lines to the lake for abutters, and most importantly, not change the intent of the ordinance for setbacks which is adequate provision of light and air between buildings.
- 10) By granting the Variances, substantial justice would be done because there is no public benefit to be gained by requiring that a triangular-shaped, unreasonable, needlessly expensive dwelling be constructed that stays within the small triangular building envelope on the lot, while the loss to the applicant would be great.
- 11) Granting the Variances would not diminish the value of surrounding properties as the proposed new dwelling with deck and garage will increase the value of the subject property and thereby increase 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 the lot is a long narrow triangle in shape, and even though it would not be allowed to be created today because of today's requirements for larger radius cul-de-sacs, it is a lot of record along with all the other lots in the neighborhood. The lot shape forces owners to construct a triangular-shaped dwelling structure in order to meet the setback requirements of today's zoning ordinance that would be unreasonable and untenable.
- 13) On May 17, 2017, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Bickford, Zewski, DeMeo, Jenny) and none (0) opposed to grant the request for the variance for the construction of a single-family dwelling with a slightly expanded footprint (409 square feet), after an existing nonconforming dwelling is demolished, to be located 4.7 ft. from the western property line (same as previous deck), and 16.8 ft. from the east side (same as previous structure) where 20 ft. is required, and the shore setback will be 46.7 ft. (same as previous structure) where 50 ft. is required., with the following conditions: 1) That a foundation certification be prepared AND provided to the Code Enforcement Officer prior to any structure construction; 2) Maintenance of permeable pavers according to all best management practices; 3) The approved shore land permit be in line with this approval and be submitted with the building permit application; 4) Hemlocks noted on plan to be in accordance with the Shoreland Plan submitted to NH DES AND a copy of said plan to be provided to the

Office of Development Services to become a part of the record; 5) This Notice of Decision shall be recorded at the Carroll County Registry of Deeds, 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 21, 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 four (4) in favor (Stephens, Bickford, Zewski, DeMeo), one (1) abstention (St. Peter) and none (0) opposed.

The decision made to grant the variance on May 17, 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 6/21/17

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