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

### **Notice of Decision Request for Variance Gregory E. Watts/Map 223, Lot 35**

**April 6, 2017**

**Applicant: Gregory E. Watts  
834 Moultonboro Road  
Moultonborough, NH 03254**  
**Location: 48 Hermit Cove Road, Moultonborough, NH (Tax Map 223, Lot 35)**

On April 5, 2017, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Gregory E. Watts (hereinafter referred to as the "Applicant" and/or "Owner") to obtain a Variance from MZO Article III.B.4 and VII.E.4 to allow for the expansion of a nonconforming structure by 136 SF (116 SF allowed) by constructing a deck a distance of 28 Feet from the reference line (32 Feet allowed per Article VII.D.4; 50 feet required per Article III.B.4 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 48 Hermit Cove Road, Moultonborough, NH (Tax Map 223, Lot 35).
- 2) The applicants are the owners of record for the lot.
- 3) The applicant was represented at the Public Hearing by Dave Dolan of David M. Dolan Associates, P. C.
- 4) The lot is 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 expand a nonconforming structure by 136 square feet (116 SF allowed) by constructing a deck in which a portion will be a distance of 28 feet from the reference line (32 Feet allowed per Article VII D (4); 50 feet required per Article III.B (4).
- 6) No members from the audience spoke to this application.
- 7) Granting the Variance would not be contrary to the public interest as the proposed deck construction will not alter the essential character of the neighborhood because it would be similar to the other dwellings in the neighborhood. The proposed deck will not have a roof covering which will therefore

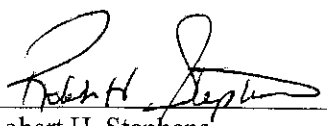
not increase the impervious surface, and will not change the intent of the ordinance for setbacks which are intended to filter surface water before entry to the lake.

- 8) Granting the Variance would be consistent with the spirit of the Ordinance because the proposed deck construction will not alter the essential character of the neighborhood because it would be similar to the other dwellings with decks in the neighborhood, improve water quality through best management practices, not change the intent of the ordinance for setbacks which is adequate provision of light and air between buildings.
- 9) By granting the Variance, substantial justice would be done because there is no public benefit gained as it allows the homeowner to renovate the existing non-conforming structure to accommodate reasonable access to the proposed deck.
- 10) Granting the Variance would not diminish the value of surrounding properties as the proposed construction of the deck will increase the value of the subject property and thereby increasing neighborhood valuations.
- 11) An unnecessary hardship owing to special conditions of the property which distinguished it from other properties in the area was determined to exist because of the location of the house which predated zoning setbacks. Every attempt in the proposed design was made to minimize encroachment. Lakefront homes commonly have decks on the lake side to enjoy waterfront beauty, and therefore the use is a reasonable one.

On April 5, 2017, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Bickford, St. Peter, DeMeo, Hopkins) and none (0) opposed grant the request for a variance, and further, to close the Public Hearing.

The Board of Adjustment, on April 19, 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 five (5) in favor (Stephens, Nolin, St. Peter, DeMeo, Hopkins) and none (0) opposed.

The decision made to Approve the variance on April 5, 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.

  
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Robert H. Stephens  
Chairman

Date 4/21/17