



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Special Exception – Article III.B (6)

Lynn M. Photiades Revocable Trust 2005

Lynn M. & Jeffrey T. Photiades Trustees

Map 166, Lot 28

September 22, 2016

Applicant: Lynn M. Photiades Revocable Trust
Lynn M. & Jeffrey T. Photiades, Trustees
11 Dorothy's Way
Bedford, NH 03110

Location: 46 Driftwood Drive, Moultonborough, NH (Tax Map 166, Lot 28)

On September 21, 2016, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Lynn M. & Jeffrey T. Photiades (hereinafter referred to as the "Applicant" and/or "Owner") for an application for special exception under Article III.B (6) to allow for access and egress (deck extension 2', deck landing & stairs) to be 16 ft. from the side property line on the parcel located in the Residential Agricultural (RA) Zoning District at 46 Driftwood Drive.

Based on the application, testimony given at the hearings, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

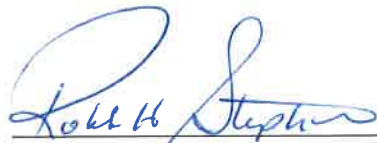
- 1) The property is located at 46 Driftwood Drive (Tax Map 166, Lot 28).
- 2) The applicants are the owners of record for the lot.
- 3) The applicants were represented at the Public hearing by Gerald Roth from G. M. Roth Design Remodeling, Inc. Lynn Photiades was present in the audience for the public hearing.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District.
- 5) No members of the public wished to speak during the Public Hearing.

- 6) The existing structure, a single-family residential unit, is the primary structure on the lot, and extends into the side setback as a pre-existing, nonconforming primary structure.
- 7) The applicants are proposing the reconstruction of an existing for access and egress (deck extension 2', deck landing & stairs) to be 16 ft. from the side property line.
- 8) Members Stephens, Zewski and Bickford had viewed the site.
- 9) The specific site is an appropriate location for the use or structure due to the topography of the land there is no other reasonable access from the deck to the lake.
- 10) The use will not be incompatible with the character of the neighboring land uses as it is a residential structure in a residential neighborhood, many of which have similar access to the lake.
- 11) Property values in the district will not be negatively impacted or reduced by such a use as the proposal will increase the site's value and is similar to other uses in the district.
- 12) The application meets all of the requirements for a Special Exception under Article VI E.

On September 21, 2016, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Bickford, Zewski, St. Peter, DeMeo) and none (0) opposed to grant the request for a Special Exception with the following condition; that the deck landing and stairs are limited to a width of forty-eight (48) inches, and further, to close the Public Hearing. The moved to direct Staff to draft a formal Notice of Decision for review and approval for signing at their next meeting.

The Board of Adjustment, on November 16, 2016, 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, St. Peter), none (0) opposed and one (1) abstention (Nolin).

The decision made to Approve the special exception on September 21, 2016 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 11/21/16