



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision **Request for Variance**

**Poulin, Benoit & Rolande Joint Rev Trust, Poulin, Benoit & Rolande Trustees
Tax Map 223, Lot 60**

May 2, 2012

Applicant: **Poulin, Benoit & Rolande Joint Rev Trust, Poulin, Benoit & Rolande Trustees
30 Royal Crest Drive, Apt. #4
Nashua, NH 03060**

Location: **16 Camp Road, Moultonborough, NH (Tax Map 223, Lot 60)**

On April 18, 2012, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Poulin, Benoit & Rolande Joint Rev Trust, Poulin, Benoit & Rolande Trustees (hereinafter referred to as the "Applicant" and/or "Owner") for variances from Article III (B)(4) and Article VII (B)(3) to allow for removal of the existing attached 12' x 24' carport and the reconstruction of a 16' x 24', two story addition with living space on the parcel located in the Residential Agricultural (RA) Zoning District, to be located within the required front and lake setback.

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 16 Camp Road (Tax Map 223, Lot 60).
- 2) The applicant is the owner of record for the lot.
- 3) The applicant was represented at the Public hearing by James Macleod, duly authorized.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District.
- 5) The existing house and carport is located within the fifty (50) foot lake setback, and the carport is located less than fifty (50) feet from the center line of the traveled way.
- 6) The proposal is to remove the existing 12.3' x 24' carport and replace it with a 16' x 24' two story addition.
- 7) The proposed intrusion into the lake setback area and front setback will increase 96 \pm square feet.

- 8) There proposed addition will not encroach any further into the shoreline setback or the front setback than the existing dwelling already does.
- 9) The approved NH DES Shoreland Permit (2012-00542) must be amended to include the requested 4' addition to the footprint of the existing carport, and required to be submitted to the Development Services Office.
- 10) The new structure shall meet the 32' height limitation as required in the Moultonborough Zoning Ordinance.
- 11) No members of the public wished to speak on the application.
- 12) Granting the Variance will not be contrary to the public interest as there will not be any further intrusion into the lake or front setback.
- 13) Granting the Variance is consistent with the spirit of the Ordinance as this is an existing, non-conforming lot and the existing dwelling/carport was constructed prior to the enactment of zoning in 1985 and said dwelling/carport was situated roughly equidistant from the property boundaries.
- 14) By granting the Variance, substantial justice is done as the addition follows the pre-existing boundaries while improving the quality of the house and surrounding land.
- 15) Granting the Variance does not diminish the value of surrounding properties as the house and land will be improved and the value of the property will increase, and therefore increase surrounding property values.
- 16) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the lot is shallow in depth, resulting in an overlap of the front and waterfront setback lines. This overlap creates a very small, almost unusable building envelope.
- 17) The Zoning Board of Adjustment voted five (5) in favor (Stephens, Nolin, Crowe, Bickford, Zewski), and none (0) opposed to continue the Public Hearing to May 2, 2012, and to direct staff to draft a Notice of Decision to Grant the variance, to be reviewed by the Board at the May 2, 2012 Regular Meeting.

The Public Hearing was continued to May 2, 2012. The Board of Adjustment closed the Public Hearing on May 2, 2012. Based on the above Findings of Fact, the Board of Adjustment voted five (5) in favor (Stephens, Nolin, Crowe, Bickford, Zewski), none (0) opposed, to **GRANT** the request for variance.

This decision 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.

Date _____

Robert H. Stephens
Chairman, Zoning Board of Adjustment