

APPLICATION FOR A VARIANCE
TOWN OF CENTER HARBOR - ZONING BOARD OF ADJUSTMENT



Name of Applicant: Hukweem Realty Trust

Owner: _____

(If different from applicant)

Physical Address: 340 College Road

Mailing Address if different: 22 Autumn Rd, Weston, MA 02493

Email: asruggles@gmail.com Phone: 617-513-1868

Map 213 Lot: 007

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|------------------------------|
| Town Office Section Only |
| Case No. <u>2018-1210</u> |
| Date Filed: <u>11/5/2018</u> |
| Received By: <u>Aimee</u> |

****Note: This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if the space provided is inadequate. According to the Center Harbor Zoning Board of Adjustment By-Laws, Section 6 (b), the application shall be read into the record by the applicant, applicant's designee or clerk ****

A variance is requested from article 5 section 3:1 of the zoning ordinance to permit the addition of a deck to the southeast side of the house, facing Squam Lake.

Facts in support of granting the variance:

1. Granting the variance would not be contrary to the public interest because:
(see attached document for responses)

2. If the variance were granted, the spirit of the ordinance would be observed because:
(see attached document for responses)

3. Granting the variance would do substantial justice because:
(see attached document for responses)

4. If the variance were granted, the values of the surrounding properties would not be diminished because:
(see attached document for responses)

5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

(see attached document for responses)

and:

ii. The proposed use is a reasonable one because:

(see attached document for responses)

B. Explain how, if the criteria in subparagraph (A) are not established, and unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

(see attached document for responses)

Applicant Signature: _____



Date: _____

Application for a Variance
Town of Center Harbor – Zoning Board of Adjustment
340 College Road

Comments in support of granting the variance:

1. *Granting the variance would not be contrary to the public interest because:*
The approximate 970 square foot proposed deck would not be clearly visible from Squam Lake or other public land. Its construction would not destroy any trees or significant vegetation nor contribute to runoff into the lake.
2. *If the variance were granted, the spirit of the ordinance would be observed because:*
The deck would be buffered from neighbors, modest in design, and in line with the style of the home. It would have low visibility from the lake and not involve cutting down any trees or any major landscaping. In fact, we are planning on planting indigenous trees and shrubs as a protective buffer and to add to the aesthetic value of the house. The construction would cause no harm to the waterfront.
3. *Granting the variance would do substantial justice because:*
The deck would allow us to take full advantage of the house's best view of Squam Lake, without any negative consequences to the environment, our neighbors, and other users of the lake. For the past ten years that we have owned the home, our only views of Squam Lake have been through windows and screens (please refer to pictures).
4. *If the variance were granted, the values of the surrounding properties would not be diminished because:*
The deck has no significant visual or physical impact on any neighboring properties, including the lake.
5. Unnecessary Hardship
 - A) *Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:*
 - i. *No fair and substantial relationship exist between the general public purposes of the ordinance provisions and the specific application of that provision to the property because:* a) Water front property is unusual and differs from other property in that the use of the area along the water front is a premium. In the case of this parcel, the views of the lake are limited from the house and other living and lawn areas. This location is the prime spot for a lake view. Water-facing structures are commonplace along the lake and not being able to have a water facing deck would restrict the enjoyment and purpose of the purchase of the property. *And:*
 - ii. *The proposed use is reasonable because:* It is consistent with the normal uses of similar properties, and has no negative environmental or visual impacts.
 - B) A reasonable and anticipated use of a waterfront property includes viewing the lake. In fact, one can argue, without this specific variance and other similar ones that have no negative impact on other properties in the community, significant property use and economic value will be lost.

ABUTTERS LIST

Name of Applicant: Ruggles, Anne S & Rudy L - Trustees Hukweem Realty
Address: 22 Autumn Road
Weston, MA 02493

Property Concerned: Tax Map 213 Lot 007

The following are the abutters to the above property. Please include those across the street.

Tax Map 213 Lot 002 Name: Callahan, Helena & Brendan
Address: 38 Hobart Street, Danvers, MA 0192

Tax Map 213 Lot 006 Name: Twombly Family Saiiyda Trust
Address: c/o 75 Marion Rd, Watertown, MA 0

Tax Map 213 Lot 008 Name: Markarian, Peter & Valorie
Address: 20865 Gleneagles Links Dr., Estero,

Tax Map _____ Lot _____ Name: _____
Address: _____

Tax Map _____ Lot _____ Name: _____
Address: _____

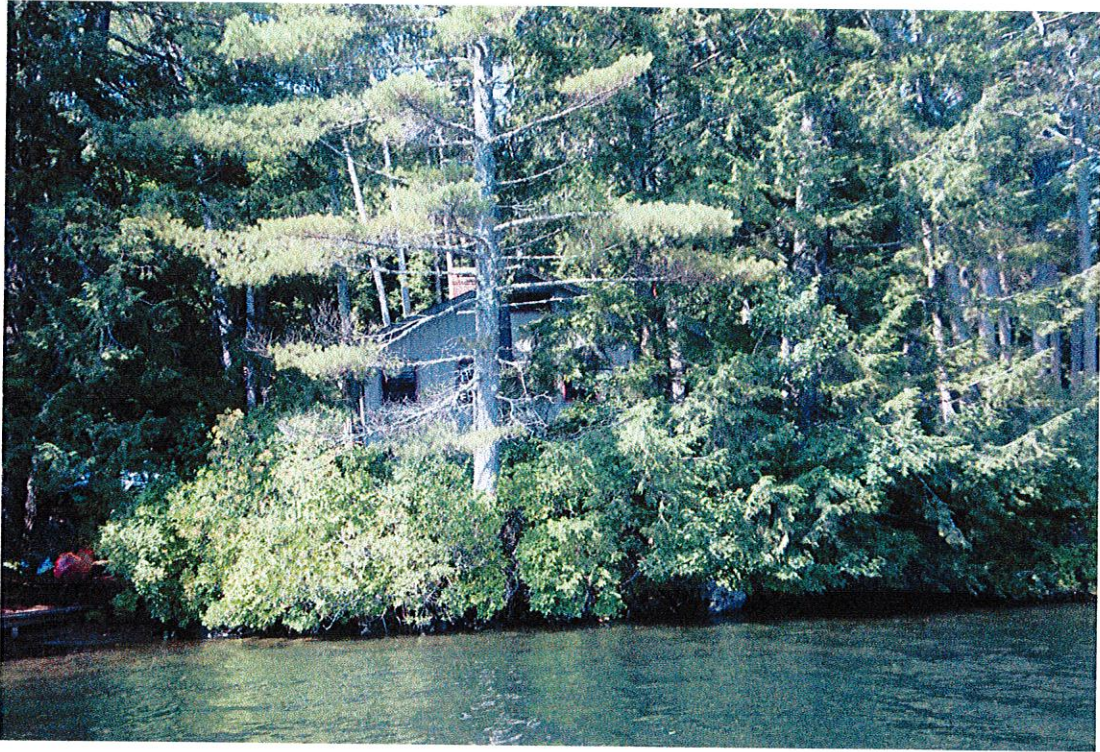
Tax Map _____ Lot _____ Name: _____
Address: _____

Tax Map _____ Lot _____ Name: _____
Address: _____

Tax Map _____ Lot _____ Name: _____
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Tax Map _____ Lot _____ Name: _____
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Tax Map _____ Lot _____ Name: _____
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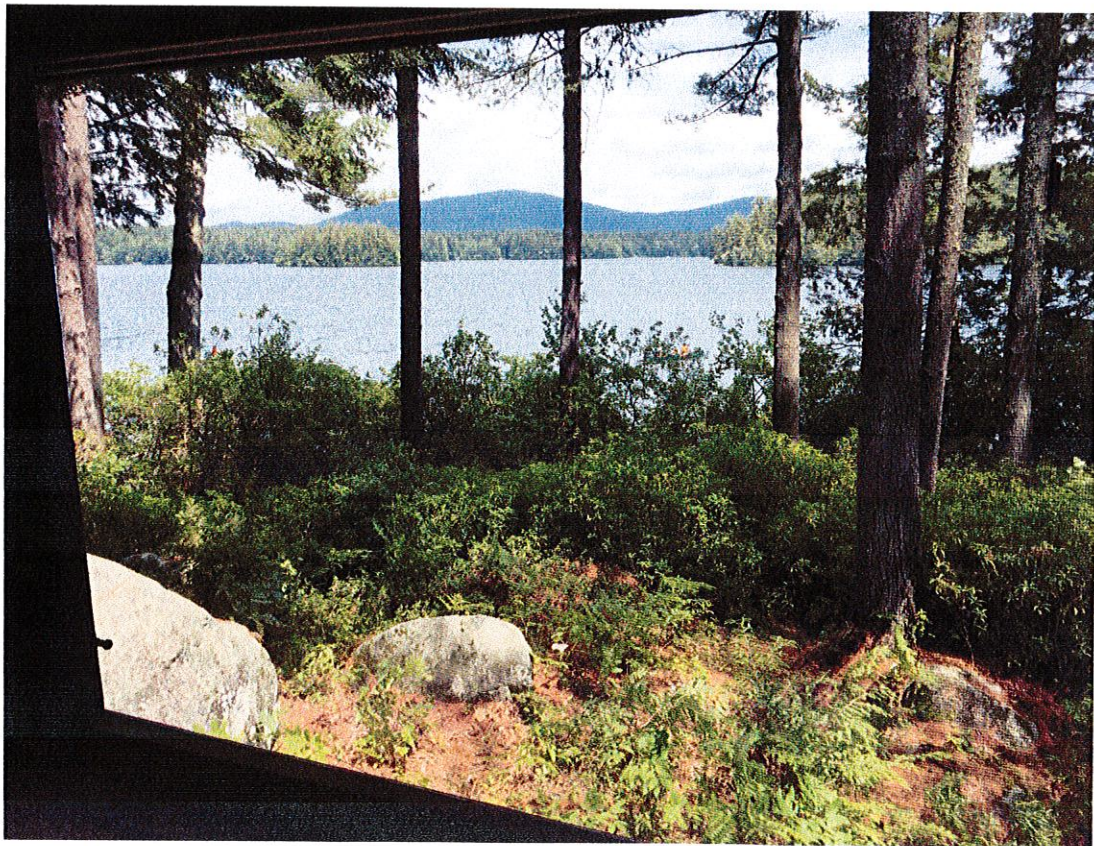
View of house from Squam Lake



View of southeast side of house (proposed deck area)



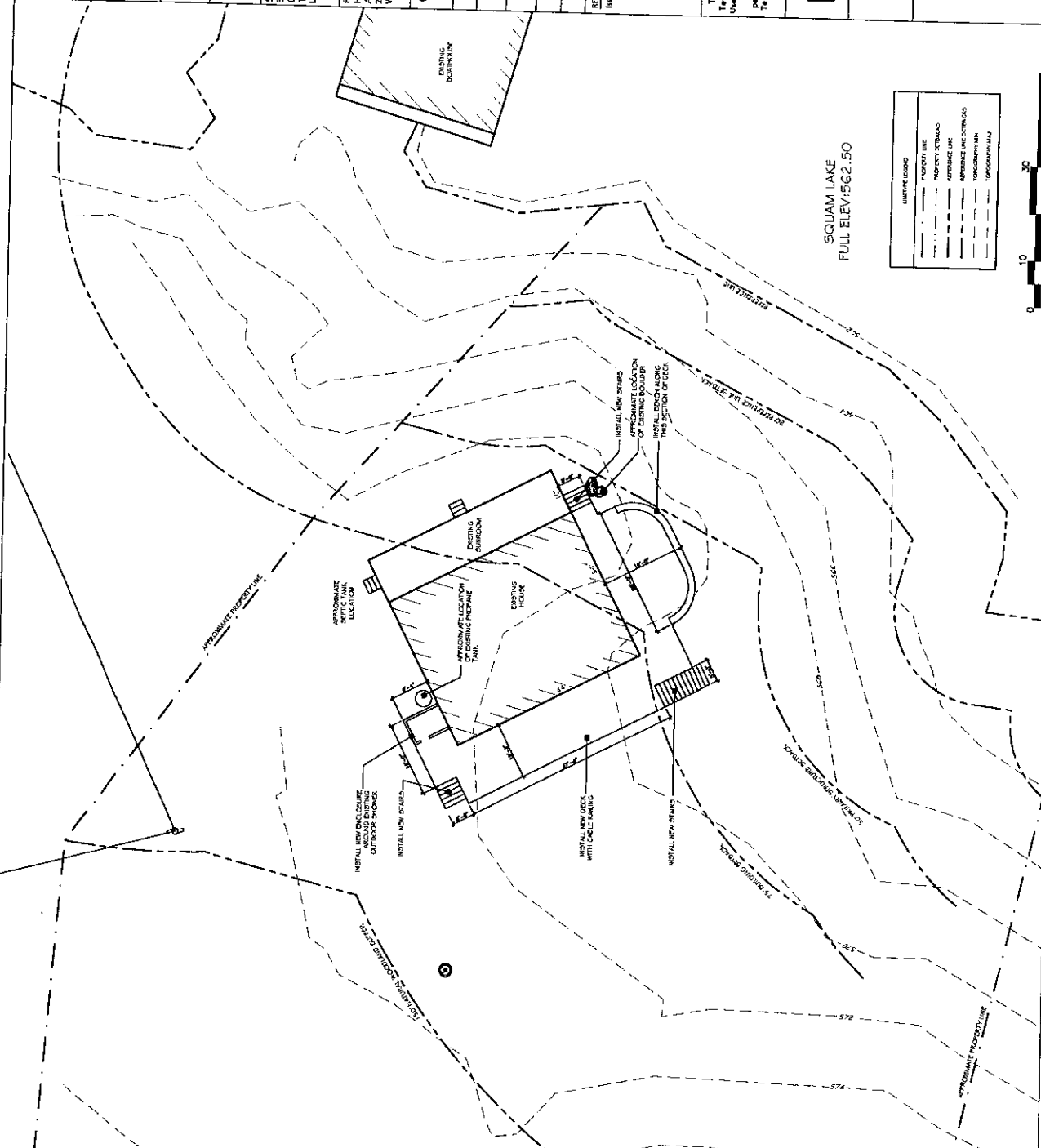
Views of lake from inside of house (proposed deck side)





Two perspectives of proposed deck area





GENERAL NOTES

1. THE CONTRACTOR SHALL VERIFY ALL FIELD MEASUREMENTS AND NOTIFICATIONS TO THE LANDOWNER PRIOR TO COMMENCING WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPLICATIONS FOR WORK WITHIN 30 DAYS OF THE REFERENCE DATE TO SQUAM LAKE.
2. VERIFY LOCATIONS, ELEVATIONS, AND DIMENSIONS IN THE FIELD PRIOR TO COMMENCING WORK. VERIFY THE LOCATION AND ELEVATION OF ALL EXISTING UTILITY LOCATIONS AND DIMENSIONS. VERIFY THE LOCATION AND ELEVATION OF ALL EXISTING STRUCTURES AND DIMENSIONS. VERIFY THE LOCATION AND ELEVATION OF ALL EXISTING DRIVEWAYS AND DIMENSIONS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPLICATIONS FOR WORK WITHIN 30 DAYS OF THE REFERENCE DATE TO SQUAM LAKE.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPLICATIONS FOR WORK WITHIN 30 DAYS OF THE REFERENCE DATE TO SQUAM LAKE.
5. ALL WORK SHALL BE OF WORKMANSHIP QUALITY AND IN ACCORDANCE WITH ALL APPLICABLE CODES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPLICATIONS FOR WORK WITHIN 30 DAYS OF THE REFERENCE DATE TO SQUAM LAKE.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPLICATIONS FOR WORK WITHIN 30 DAYS OF THE REFERENCE DATE TO SQUAM LAKE.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPLICATIONS FOR WORK WITHIN 30 DAYS OF THE REFERENCE DATE TO SQUAM LAKE.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPLICATIONS FOR WORK WITHIN 30 DAYS OF THE REFERENCE DATE TO SQUAM LAKE.
9. IT IS INTENDED THAT THE WORK BE PERFORMED IN ACCORDANCE WITH THE BEST CUSTOMARY BUILDING PRACTICES. IF WORK IS TO BE PERFORMED IN A MANNER TO MAKE DISCREPANCIES APPROPRIATE AMONG THE CONTRACT DOCUMENTS, CONTACTS OR PRECEDENCE, THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPLICATIONS FOR WORK WITHIN 30 DAYS OF THE REFERENCE DATE TO SQUAM LAKE.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPLICATIONS FOR WORK WITHIN 30 DAYS OF THE REFERENCE DATE TO SQUAM LAKE.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPLICATIONS FOR WORK WITHIN 30 DAYS OF THE REFERENCE DATE TO SQUAM LAKE.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPLICATIONS FOR WORK WITHIN 30 DAYS OF THE REFERENCE DATE TO SQUAM LAKE.
13. ANY DISCREPANCIES SHALL BE REPORTED IMMEDIATELY TO THE LANDSCAPE ARCHITECT FOR DIRECTION AND RESOLUTION PRIOR TO ANY FURTHER WORK.
14. VERIFY EXISTING CONDITIONS WHERE FIELD LOCATED, AND UNDERGROUND UTILITY LOCATIONS, DIMENSIONS, AND DEPTHS. VERIFY ALL FOUNDATION OR UTILITY WORK.
15. VERIFY DIMENSIONS HAVE PRECEDENCE OVER SCALD DIMENSIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPLICATIONS FOR WORK WITHIN 30 DAYS OF THE REFERENCE DATE TO SQUAM LAKE.
16. THE CONTRACTOR IS RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPLICATIONS FOR WORK WITHIN 30 DAYS OF THE REFERENCE DATE TO SQUAM LAKE.
17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPLICATIONS FOR WORK WITHIN 30 DAYS OF THE REFERENCE DATE TO SQUAM LAKE.
18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPLICATIONS FOR WORK WITHIN 30 DAYS OF THE REFERENCE DATE TO SQUAM LAKE.
19. TERRAIN PLANNING & DESIGN LLC ASSUMES NO LIABILITY FOR WORK PERFORMED WITHOUT AN ACCEPTABLE PROGRAM OF TESTING AND INSPECTION AS APPROVED BY THE LANDSCAPE ARCHITECT OF RECORD.
20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPLICATIONS FOR WORK WITHIN 30 DAYS OF THE REFERENCE DATE TO SQUAM LAKE.
21. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPLICATIONS FOR WORK WITHIN 30 DAYS OF THE REFERENCE DATE TO SQUAM LAKE.

