



PLANNING & ZONING  
DEPARTMENT

## NOTICE OF DECISION - DENIED

### ZONING BOARD OF ADJUSTMENT TOWN OF LINCOLN, N.H.

#### Case No: Var 2021-04 M107 L026 Correale – Unpermitted Additions to Garage in Setback Areas

You are hereby notified that the appeal of Raymond Correale, d/b/a Raymond Correale, Jr., Trustees, for a **VARIANCE** for property known as 35 Goodbout Road (Map 107 Lot 026) in the General Residential (GR) District concerning Article VI (District and District Regulations), Section B (District Regulations), Paragraph 2 (Land Use Schedule), Subparagraph 4 (Dimensional Chart) of the Land Use Plan Ordinance (LUPO) was **DENIED** by the ZBA unanimous vote of five (5) members at a public hearing on June 16, 2021.

Applicant was seeking a variance for two additions he built to his pre-existing non-conforming garage without a permit as follows:

- (1) Addition to front of garage already located in the 15-foot front setback area and the 10-foot side setback area. Addition extends the entire width of the setback area and beyond into the fifty-foot (50') right of way for Goodbout Road – a Town road. [Although the ZBA cannot grant a variance for the portion of the addition that is within the Town Right of Way, the ZBA can determine whether or not to grant a variance for the portions of the two additions that are built within the side setback areas.]
- (2) An 8'X8' addition to rear of the garage to house a jacuzzi (also unpermitted).

**Appellant & Property Owner:** Raymond Correale, d/b/a Raymond Correale, Jr., Trustees  
16 Engleside Avenue  
Winthrop MA 02152

**Surveyor:** Stephen B. Tower  
Sabourn & Tower Surveying and Septic Design PLLC  
1022 Daniel Webster Highway  
North Woodstock, NH 03262

**Property:** 35 Goodbout Road (Map 107 Lot 026) in the General Residential (GR) District.

#### **BASIS FOR DENIAL:**

##### **Criteria 1**

*Granting the variance raised would be contrary to the public interest because the garage has been built in the setback areas. The applicant has been notified that the requirements have not changed and abutters have complained both anonymously and in writing.*

##### **Criteria 2**

*Granting the variance is not in the spirit of the ordinance according to criteria two. The ZBA agreed that granting the variance is not in the spirit of the ordinance per criteria number two as the building constructed does cause congestion to the neighborhood and is in the Town's right-of-way which is not*

*in the spirit of the ordinance and does not meet the minimum conditions for the Town. The reasons the applicant has stated in support of criteria two are not reasons related to the spirit of the ordinance. Both buildings and hot tub structure are substantially in the setback area and the public right-of-way and are not in the spirit of the ordinance.*

#### **Criteria 3**

*Granting the variance would not do substantial justice per criteria three as it would encourage other homeowners to follow suit. It negatively impacts the look of the neighborhood. This is the second time Mr. Correale has been before the ZBA. The construction does negatively affect the look of the neighborhood because a substantial percentage of the addition is in the setback not to mention the right-of-way. This does apply to the hot tub which can be placed outside of the setback area closer to the house.*

#### **Criteria 4**

*The ZBA agreed that granting the variance would diminish the value of the surrounding area as more than one abutter has expressed concerns. Specifically in the letter from one abutter to the Town expressing that the use is not consistent with the neighborhood.*

#### **Criteria 5**

*The ZBA agreed that there is no hardship specific to this property compared with other properties in the area that are also irregular in size and have site restrictions on them. The applicant has already been granted special variance relief in the past. Denial of the variance would not result in unnecessary hardship.*

#### **Vote To Deny**

*The proposed use is not a reasonable one because it violates so many regulations within the Town's Land Use Plan Ordinance. The ZBA cannot continue to allow unpermitted additions in the setback areas to happen. Written testimony from an abutter was received. The applicant received a variance for a much smaller violation in the past and it is important to note that this violation of the ordinance is on a much larger scale.*

Date

7/21/2021

  
Paul J. Beaudin, II, Chair, Zoning Board of Adjustment

Note: The selectmen, any party to the action, or any person directly affected has a right to appeal this decision. See New Hampshire Revised Statutes Annotated, Chapter 677. This notice has been placed on file and made available for public inspection in the records of the ZBA on the above date and will be published in the newspaper. Copies of this notice have been distributed to the appellant, Planning Board, Board of Selectmen, Town Clerk, and Property Tax Assessor.