

City of Laconia
Zoning Board of Adjustment
Tuesday, January 18, 2022 - 6:30 PM
City Hall in the Armand A. Bolduc Council Chamber

Accepted April 18, 2022

1/18/2022 - Minutes

1. CALL TO ORDER

The meeting was called to order by S. Bogert at 6:31PM

2. ROLL CALL

Present: S. Bogert; G. Ober, M. Foote; R. Maheu; M. Hayward; J. LaRoche; M. Dellavecchia

3. RECORDING SECRETARY

K. Santoro, Zoning Technician

4. STAFF IN ATTENDANCE

D. Trefethen, Planning Director

5. ELECTION OF OFFICERS

S. Bogert stepped down while nominations for Chair occurred. J. Laroche was seated as a voting member.
G. Ober asked for nominations for Chair.

M. Foote nominated S. Bogert as Chair.

J. Laroche seconded the nomination.

There were no additional nominations. Vote: All in favor.(5-0)

S. Bogert was seated as Chair, J. Laroche return to alternate status.

S. Bogert asked for nominations for Vice Chair.

S. Bogert nominated G. Ober as Vice Chair.

M. Foote seconded the nomination.

There were no additional nominations. Vote: All in favor (5-0)

G. Ober nominated M. Foote as Secretary

M. Dellavecchia seconded the nomination.

There were no additional nominations. Vote: All in favor. (5-0)

6. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

6.I. December 20, 2021 Zoning Board Of Adjustment Minutes (PDF)

R. Maheu made a motion to accept the minutes of December 20, 2021 as presented.

G. Over seconded the motion.

All in favor (5-0)

7. CONTINUED PUBLIC HEARINGS, CONSIDERATION AND POSSIBLE VOTE Note: The Purpose Of This Agenda Section Is For The Board To Continue The Public Hearing For The Applicant And The Public To Provide Input. The Board May Also Deliberate The Application, Decide And Conduct A Final Vote At This Time.

7.I. ZO2021-0059VAR 522 Leighton Ave N Variance Application (PDF)

Frank Betchart, owner, addressed the Board. He explained that the application was continued because the abutters had to be re-noticed as the initial notice only indicated a request for relief from the Shoreland Protection 50' buffer; the request is for relief from both the Shoreland Protection buffer and the front setback.

Mr. Betchart outlined his application. He explained that the lot is fairly narrow and to meet both the 50' shoreland buffer requirement and the 40' front setback requirement would not be possible. The current house would be demolished and a new house built on the lot, the new house is set back further from the water but would encroach into the front setback. He noted that the property does not directly abut Leighton Ave. N, the property is accessed via an easement over the property belonging to the church.

Mr. Betchart informed the Board that he had reached out to the church to purchase a small piece of land but that it was without success.

Mr. Betchart did note that he has applied for a Shoreland Permit for the project, it is currently under review.

At 6:50 PM S. Bogert opened the public hearing.

At 6:50 PM with no one to speak for or against the applications, S. Bogert closed the public hearing.

There were no additional comments from the applicant and he thanked the Board for their consideration.

M. Foote made a motion to approve application ZO2021-0059VAR for a variance from Article IV Section 235-19 Shoreland Protection and Article VI Section 235-35A Front Setback to allow for the demolition

and redevelopment of a structure.

1. Granting the variance would not be contrary to the public interest because:

Granting the variance would not be contrary to the public interest, the intent of the ordinance is protect the water and this application has no additional impact on the shoreline.

2. If the variance were granted, the spirit of the ordinance would be observed because:

The spirit of the ordinance is observed, the proposed project shows an effort to reduce impact on the shoreline by moving the main structure farther away from the shoreline.

3. Granting the variance would do substantial justice because:

Granting the variance would do substantial justice as it allows the homeowner to make improvements to his property and increase its functionality. The benefit to the applicant is equivalent to the benefit of the public.

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

Granting the variance will not have a negative impact on the values of surrounding properties. It is an improvement and is consistent with the neighborhood.

5. Unnecessary Hardship:

The lot is significantly smaller than the required lot size, additionally the shape of the lot coupled with the 50' shoreland requirement and the 40' front setback make relief from the Board necessary to allow the owner to redevelop the lot.

Condition of Approval: All state and local permits are applied for and received.

R. Maheu seconded the motion.

All in favor (5-0)

7.II. ZO2021-0060SE 23 Summit Ave Special Exception Application (PDF)

It was noted that the applicant has requested that the application be continued to the February 22, 2022 meeting as they are still awaiting a decision by NH DES.

G. Ober made a motion to continue application ZO2021-0060SE 23 Summit Ave Special Exception to the February 22, 2022 meeting.

M. Foote seconded the motion.

All in favor (5-0)

8. PUBLIC HEARINGS, POSSIBLE CONSIDERATION AND VOTE Note: The Purpose Of This Agenda Section Is For The Board To Have A Presentation From The Applicant And Open A Public Hearing For The Public To Provide Input. The Board May Also Deliberate The Application, Decide And Conduct A Final Vote At This Time.

8.I. ZO2021-0063VAR 34 Eastman Shore Rd N Variance Application (PDF)

Sean Slattery, owner, outlined the application to the Board. He explained that the current house was significantly damaged during a storm last year. They are proposing removing the current house and rebuilding a new, slightly larger, structure. The new structure would be moved farther away from the shoreline and be straightened out on the lot as the current house sits at an odd angle to the lot. He is requesting relief from the side setback requirement of 25'. It would be a reduction to 22' on one side and to 18' on the other.

G. Ober asked if the shed was going to remain. The applicant indicated that shed would remain at that location.

At 7:10 PM S. Bogert opened the public hearing.

At 7:10 PM with no one to speak for or against the applications, S. Bogert closed the public hearing.

The applicant had no additional comments and thanked the Board for their time.

G. Ober made a motion to approve application ZO2021-0063VAR for a variance from Article VI Section 235-35B Side and Rear Setback to allow for the removal and redevelopment of the house.

1. Granting the variance would not be contrary to the public interest because:

Granting the variance would not be contrary to the public interest, the intent of the ordinance is protect the water and this application has no additional impact on the shoreline.

2. If the variance were granted, the spirit of the ordinance would be observed because:

The spirit of the ordinance is observed, the proposed project shows an effort to reduce impact on the shoreline by moving the main structure farther away from the shoreline.

3. Granting the variance would do substantial justice because:

Granting the variance would do substantial justice as it allows the homeowner to make improvements to his property and increase its functionality. The benefit to the applicant is equivalent to the benefit of the public.

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

Granting the variance will not have a negative impact on the values of surrounding properties. It is an improvement and is consistent with the neighborhood.

5. Unnecessary Hardship:

The lot is significantly smaller than the required lot size, additionally the narrow shape of the lot coupled with the side setback requirements make relief from the Board necessary to allow the owner to redevelop the lot.

Condition of Approval: All state and local permits are applied for and received.

M. Foote seconded the motion.

All in favor. (5-0)

8.II. ZO2021-0064VAR 845 Weirs Blvd Unit 4 Variance Application (PDF)

David Duden, owner, outline his application to the Board. He is requesting to expand the current deck

to allow for the future possibility of ADA access. It was noted that the deck would go up to the property line. Mr. Duden showed the Board a photograph of the cottage to help orient them to the layout. The applicant confirmed that the requested deck would extend past the end of the cottage by approximately two feet. Mr. Duden noted that as part of the project he would also increase the height of the railing on the current deck to make it safer.

At 7:28 PM S. Bogert opened the public hearing.

At 7:28 PM with no one to speak for or against the applications, S. Bogert closed the public hearing.

Mr. Duden thanked the Board for their time.

The Board discussed the request for zero setback from the property line. D. Trefethen noted that the abutters were noticed and no objections or inquiries were received.

G. Ober stated she could support extending the deck to the edge of the house but not beyond it. This would at least allow for a foot or two setback from the property line. M. Dellavecchia agreed with not extending past the end of the house.

G. Ober made a motion to approve application ZO2021-0064VAR. Applicant is requesting a variance from Article VI Section 235-35B Side and Rear Setback to allow for an expansion to an existing deck.

1. Granting the variance would not be contrary to the public interest because:

Granting the variance would not be contrary to the public interest.

2. If the variance were granted, the spirit of the ordinance would be observed because:

The spirit of the ordinance is observed, the proposed project shows an effort to improve the property.

3. Granting the variance would do substantial justice because:

Granting the variance would do substantial justice as it allows the homeowner to make improvements to

his property and increase its functionality. The benefit to the applicant is equivalent to the benefit of the public.

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

Granting the variance will not have a negative impact on the values of surrounding properties.

5. Unnecessary Hardship:

The cottage is a pre-existing nonconforming structure which currently encroaches into the side setback as do many of the neighboring structures. The cottage was built prior to current zoning regulations and strict conformance to the regulation cannot be achieved.

Condition of Approval: Deck is not to extend past the end of the existing cottage.

M. Foote seconded the motion.

All in favor. (5-0)

9. OTHER BUSINESS

D. Trefethen informed the Board that the appeal for 33 Clearwater Ave is before the NH Housing Board. Both parties have filed their motions. He noted that this is a new process for appeals so the timeline is unknown. G. Ober asked that the Board be informed when the hearing is scheduled.

M. Foote noted that he received his certificate for ten years of service to the ZBA. He thanked the members and looks forward to continuing to serve.

10. ADJOURNMENT

At 7:45 PM M. Dellavecchia made a motion to adjourn the meeting.

R. Maheu seconded the motion.

All in favor. (5-0)