



City of Laconia
Zoning Board of Adjustment
Monday, October 18, 2021 - 6:30 PM
City Hall in the Armand A. Bolduc Council
Chamber

10/18/2021 - Minutes

1. CALL TO ORDER

S. Bogert called the meeting to order at 6:30 PM

2. ROLL CALL

Present: S. Bogert; M. Foote ; R. Maheu; J. LaRoche; M. Hayward; M. Dellavecchia (7:47 PM)

Absent with Notification: G. Ober

M. Hayward was seated as a voting member for G. Ober.

J. LaRoche was seated as a voting member for M. Dellavechia until his arrival.

3. RECORDING SECRETARY

K. Santoro, Zoning Technician

4. STAFF IN ATTENDANCE

D. Trefethen, Planning Director

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

5.I. September 20, 2021 Zoning Board Of Adjustment Minutes (PDF)

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

M. Hayward seconded the motion.

All in favor.

6. EXTENSIONS

6.I. 664 Scenic Road Special Exception Extension Request (PDF)

C. Duprey of AKWA briefly outlined the three extension requests. Due to market conditions and

construction costs they are requesting an extension on the Special Exceptions and Variance.

At 6:36 PM S. Bogert opened the public hearing for all three extension requests.

At 6:36 PM with no one to speak for or against the applications, S. Bogert closed the public hearing.

M. Hayward made a motion to approve the Special Exception extension request for 664 Scenic Road until January 31, 2022.

J. LaRoche seconded the motion.

All in favor (5-0).

6.II. 63-99 Fletcher Lane Special Exception Extension Request (PDF)

M. Foote made a motion to approve the Special Exception extension request for 63-99 Fletcher Lane until January 31, 2022.

R. Maheu seconded the motion.

All in favor (5-0).

6.III. 63-99 Fletcher Lane Variance Extension Request (PDF)

M. Foote made a motion to approve the Variance extension request for 63-99 Fletcher Lane until January 31, 2022.

J. LaRoche seconded the motion.

All in favor (5-0).

6.IV. ZO2019-0001EXT 29 Sweetbrier Way Variance Extension Request (PDF)

Attorney Phil Brouillard outlined the extension requests for both 10 Sweetbrier Way and 29 Sweetbrier Way. The lots are adjacent to one another and the applications, at the time of approval, were presented together as they are part of the same village (Rosedown) in the Southdown development. He noted that 29 Sweetbrier is in the process of being sold and will be closing shortly. The owner of 10 Sweetbrier has a building permit but the excavator he had contracted could not do the job and a replacement could not be located this building season. Currently the variances are set to expire October 31st, with the timeline of the and the unexpected delay with a contractor, the applicants are requesting extensions.

At 6:43 PM S. Bogert opened the public hearing for both extension requests.

At 6:43 PM with no one to speak for or against the applications, S. Bogert closed the public hearing.

M. Foote motioned to approve the variance extension request for 29 Sweetbrier Way until April 30, 2022.

J. LaRoche seconded the motion.

All in favor (5-0).

6.V. ZO2019-0002EXT 10 Sweetbrier Way Variance Extension Request (PDF)

M. Foote motioned to approve the variance extension request for 10 Sweetbrier Way until April 30, 2022.

R. Maheu 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. ZO2021-0047VAR 674 Main St Variance Application (PDF)

Applicant Jonathan Ferrante outlined his application to the Board. He is requesting a variance for density, to allow the second floor to be converted to two residential units. He noted that the third floor is currently a residential unit and that the second floor had been used as part of the salon and spa that was located on the first floor. The salon/spa is no longer there and with the current demand for reasonably priced apartments he would like to convert the space to two units and leave the first floor commercial. He noted that he has some parking on site but would also utilize public parking for the tenants. D. Trefethen noted that the lot is in the downtown parking overlay district and is exempt from the parking regulations.

At 6:52 PM S. Bogert opened the public hearing.

At 6:52 PM with no one to speak for or against the applications, S. Bogert closed the public hearing.

M. Foote made a motion to approve application ZO2021-0047VAR for a variance from Article VI Section 235-33 Maximum Residential Unit Density to permit the conversion of the second floor to two residential units.

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

It would not be changing the structure externally, it would provide additional housing and have no negative effect on the general public.

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

The spirit of the ordinance will be observed as this will provide two additional units of housing at reasonable rent.

3. Granting the variance would do substantial justice because:

The project will do substantial justice because it will provide two additional units of housing and would be in harmony with the neighborhood.

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

The project will provide additional units of housing and would not diminish the value of the surrounding properties.

5. Unnecessary hardship:

The lot is very small in the downtown and cannot be physically expanded to meet current density requirements. The project is reasonable as the majority of the changes are internal and it will provide two units of housing.

M. Hayward 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. ZO2021-0050VAR 491 White Oaks Rd Variance Application (PDF)

Applicant Richard Boddie outlined his application to the Board. He would like to put an addition on his house, which is currently only about 900 square feet. He provided a sketch in the packet showing that the addition would mirror the front of the current house. He is also looking to install a small walkway/patio to the existing garage.

The Board reviewed the application and it was noted that the house, due to its age, sits entirely within the front setback and any work on the house would require relief from the Board. R. Maheau noted he visited the site and that the neighboring homes are a similar distance from the roadway.

At 7:02 PM S. Bogert opened the public hearing.

At 7:02 PM with no one to speak for or against the applications, S. Bogert closed the public hearing.

M. Foote made a motion to approve application ZO2021-0050VAR for a variance from Article VI Section 235-35A Front Setback to permit the construction of a 14' x 36' addition and a walkway to the existing garage.

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

The addition to the house will have no effect on the general public.

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

The spirit of the ordinance will be observed as this will allow the homeowner to improve his home, making it more functional.

3. Granting the variance would do substantial justice because:

The project will do substantial justice because it will allow the homeowner to improve his home, making it more functional and it would be in harmony with the neighborhood.

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

The project will improve the house, make it more functional, and would not diminish the value of the surrounding properties.

5. Unnecessary hardship:

The entire house, due to its age, sits entirely in the front setback, any change or improvement to the home would require relief from the Board. The project is reasonable as it is a moderately sized addition, it matches the current home and will allow the owner better use of his home.

R. Maheu seconded the motion.

All in favor (5-0)

R. Boddie asked to address the Board so that he could give some feedback. He commented that he has been in the trades for thirty five years and before many boards, this is the first time he had a member (R. Maheu) visit the site. He complimented him for taking the time out of his day to do that. He also thanked K. Santoro for her assistance with the application and the process leading up to the meeting.

8.II. ZO2021-0051SE 191 White Oaks Road Special Exception Application (PDF)

Gail Buell, agent for the applicant Colin Robertson, outline the request for an Accessory Dwelling Unit (ADU) to the Board. She noted that her father had installed the ADU in a finished space over the garage and was unaware he needed to go before the Zoning Board. The ADU meets all the parameters as outlined in the Ordinance. The house is being sold, that is how it came to light that a permit should have been taken out when it was converted four years prior.

At 7:15 PM S. Bogert opened the public hearing.

At 7:15 PM with no one to speak for or against the application, S. Bogert closed the public hearing.

The Board briefly discussed the application.

S. Bogert made a motion to approve application ZO2021-0051SE 191 White Oaks for a Special Exception for Article VII Section 235-41A to allow an Accessory Dwelling Unit.

- a. The use requested is specifically authorized in this chapter:

The use is authorized in the chapter by Special Exception.

- b. The requested use will not create undue traffic congestion or unduly impair pedestrian safety:

It will not create undue traffic nor impair pedestrian safety, the apartment is a small one bedroom unit .

- c. The requested use will not overload any public water, drainage or sewer system or any other municipal system, nor will there be any significant increase in stormwater runoff onto adjacent property or streets.

The use will not overload public water or sewer system, the house will not overload the sewer and is serviced by a private well. There is no change in the structure so there will be no increase in any runoff.

- d. The requested use will not create excessive demand for municipal police, fire protection, schools or solid waste disposal services.

The use will not create an excessive demand for municipal fire, police, schools or solid waste, it is a one bedroom unit.

- e. Any special provisions for the use as set forth in this chapter are fulfilled.

Yes, they are fulfilled by the granting of the special exception.

- f. The requested use will not create hazards to the health, safety, or general welfare of the public, nor be detrimental to the use of or out of character with the adjacent neighborhood.

The ADU is a single bedroom unit, it will not create hazards to the health, safety or general welfare of the public. It is in character with the neighborhood and retains the appearance of a single family home.

- g. The proposed location is appropriate for the requested use.

The location of the ADU is appropriate and in character with the surrounding residential neighborhood. Additionally there are not external changes, it maintains the appearance of a single family home.

h. The requested use is consistent with the spirit and intent of this chapter and the Master Plan.

The request is consistent with the Master Plan, it allows the addition of an ADU, as a unit of additional housing.

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

M. Hayward seconded the motion.

All in favor. (5-0)

8.III. ZO2021-0052VAR 64 Hillcroft Rd Variance Application (PDF)

Applicant Arthur Rosaki outlined his application. He would like to add a two car garage to his existing home. The lot is small for the zone (RR1), and the house is set at a diagonal on the lot, which makes it not possible to meet the setback requirements for the RR1 Zone. It was recognized that the corner of the garage would be approximately two feet from the property line. The applicant noted there are several trees on that side on the neighboring property.

At 7:27 PM S. Bogert opened the public hearing.

At 7:27 PM with no one to speak for or against the application, S. Bogert closed the public hearing.

The Board asked if it would be one story or two? The applicant stated a single story with loft storage, windows would be located on the gable ends.

M. Foote made a motion to approve application ZO2021-0052VAR for a variance from Article VI Section 235-35B Side and Rear Setback to permit the construction of a two-car garage.

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

The addition of a garage to the house will have no effect on the general public.

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

The spirit of the ordinance will be observed as this will allow the homeowner to improve his home, making it more functional and providing storage for his vehicles in the winter.

3. Granting the variance would do substantial justice because:

The project will do substantial justice because it will allow the homeowner to improve his home, making it more functional and it would be in harmony with the neighborhood.

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

The project will improve the property, allow the owner storage for his vehicles, and would not diminish the value of the surrounding properties.

5. Unnecessary hardship:

The lot, .32 acres is undersized for the zone. Current minimum lot size is 2 acres. Additionally, the house is set at an angle to the lot making it even more difficult. The project is a reasonable one as it is similar to other homes in the neighborhood and will provide a place for vehicles out of the winter weather.

R. Maheu seconded the motion.

All in favor (5-0)

8.IV. ZO2021-0054VAR 17 Hillcroft Rd Variance Application (PDF)

Applicant Sharon Woitkiewicz outlined both the variance and special exception applications. She is requesting a detached accessory dwelling unit for her elderly parents. The variance is needed for a detached unit due to the lot being slightly undersized, the lot is 1.78 acres, per the dimensional requirements minimum lot size is 2 acres. The requested ADU is 448 square feet with a porch on the front.

M. Dellavecchia arrived (7:38 PM). J. Laroche remained a voting member until the completion of these applications.

At 7:27 PM S. Bogert opened the public hearing for both the variance and special exception.

At 7:27 PM with no one to speak for or against the applications, S. Bogert closed the public hearing.

M. Hayward made a motion to approve Application ZO2021-0054VAR. Applicant is requesting a Variance to Article VII Section 235-41A(4) to allow a detached Accessory Dwelling Unit.

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

The addition of a detached ADU will have no effect on the general public.

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

The spirit of the ordinance will be observed as this will allow the homeowner to provide housing for elderly family members.

3.Granted the variance would do substantial justice because:

The project will do substantial justice because it will allow the homeowner to provide housing for elderly family members with no impact to the surrounding neighborhood.

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

The project would not diminish the value of the surrounding properties, it will blend with the house on the property and will not be visible from the front or right side.

5. Unnecessary hardship:

The lot, 1.78 acres is an existing lot of record, it is slightly undersized for the zone. Current minimum lot size is 2 acres. The project is a reasonable one as it is a use allowed by special exception and will provide housing for elderly family members.

M. Foote seconded the motion.

All in favor. (5-0)

8.V. ZO2021-0055SE 17 Hillcroft Road Special Exception Application (PDF)

M. Foote made a motion to approve application ZO2021-0055SE for a Special Exception for Article VII Section 235-41A to allow a detached Accessory Dwelling Unit.

a. The use requested is specifically authorized in this chapter:

The use is authorized in the chapter by Special Exception.

b. The requested use will not create undue traffic congestion or unduly impair pedestrian safety:

It will not create undo traffic nor impair pedestrian safety, the ADU is a small one bedroom unit .

c. The requested use will not overload any public water, drainage or sewer system or any other municipal system, nor will there be any significant increase in stormwater runoff onto adjacent property or streets.

The use will not overload public water or sewer system, the house has an appropriately sized septic system and is serviced by a private well.

d. The requested use will not create excessive demand for municipal police, fire protection, schools or solid waste disposal services.

The use will not create an excessive demand for municipal fire, police, schools or solid waste, it is a

one bedroom unit.

e. Any special provisions for the use as set forth in this chapter are fulfilled.

Yes, they are fulfilled by the granting of the special exception.

f. The requested use will not create hazards to the health, safety, or general welfare of the public, nor be detrimental to the use of or out of character with the adjacent neighborhood.

The ADU is a single bedroom unit, it will not create hazards to the health, safety or general welfare of the public. It is in character with the neighborhood and will be similar style to the existing home.

g. The proposed location is appropriate for the requested use.

The location of the ADU is appropriate and in character with the surrounding residential neighborhood.

h. The requested use is consistent with the spirit and intent of this chapter and the Master Plan.

The request is consistent with the Master Plan, it allows the addition of an ADU, as a unit of additional housing for elderly family members.

J. Laroche seconded the motion.

All in favor. (5-0)

9. OTHER BUSINESS

9.1. 2022 Zoning Board Of Adjustment Proposed Meeting Calendar (PDF)

The Board reviewed the 2022 Calendar.

D. Trefethen addressed the Board. He informed them that Master Plan Steering Committee has suggested making ADUs reviewed by staff instead of being an application to the Zoning Board. It would eliminate the need for a special exception. He outlined some of the other changes to the language, including increasing the size to up to 1000 sf, and allowing for detached ADUs by right. It is scheduled for public hearing at the Planning Board meeting on November 9th. D. Trefethen encouraged members to attend to voice their opinion.

J. LaRoche asked about the WOW trail, the article was in the paper and she received phone calls about it. D. Trefethen informed the Board it is a proposal to City Council, they are the entity that would

handle it.

10. ADJOURNMENT

At 8:20 PM R. Maheu made a motion to adjourn the meeting.

M. Foote seconded the motion.

All in favor. (5-0)