



Application #: 202021-0023  
 Fees Paid: 125 + 50  
 Check #: 468  
 Receipt #: **RECEIVED**

**ZONING BOARD OF ADJUSTMENT  
 VARIANCE APPLICATION**

MAY 18 2021

Planning/Zoning  
 City of Laconia

Name of Applicant: Aurelie P. Teebagy Trust/Aurelie P. & Thomas C. Jr. Teebagy Trustees  
 Mailing Address: 228 Paugus Park Road, Laconia NH 03246  
 Owner (If same as applicant, write "same"): Same  
 Mailing Address: Same  
 Tax Map/ Lot # (s): 300-178-10 Zoning District (s): RS  
 Street Address: 228 Paugus Park Road

**OWNER AUTHORIZATIONS & STATEMENTS OF ASSURANCE:**

I hereby make application to the City of Laconia for the above-referenced property (ies) and the development as described. To the best of my knowledge the information provided herein is accurate and is in accordance with the Zoning Ordinance and land use regulations of the City, except where waivers are requested. The City of Laconia Zoning Board and/or city employees are authorized to enter the property (ies) for purposes of reviewing this proposal and for inspecting improvements as a result of an approval of this proposal. I understand that I am responsible for appearing, or having someone appear on my behalf, at any and all meetings before the Zoning Board.

Sign as appropriate (If agent or non-person please attach certification)  
 NOTE: Please attach an Applicant Contact Worksheet

PROPERTY OWNER(S)  
Thomas C. Teebagy Jr.  
 Printed Name Here  
Thomas C. Teebagy Jr.  
 Signature of Property Owner(s)  
5/18/21  
 Date

AGENT(S)  
Steven J. Smith Sr.  
 Printed Name Here  
[Signature]  
 Signature of Agent(s)  
5/18/21  
 Date

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.

**REQUIRED ATTACHMENTS:**

- Abutters List (from <https://www.axisgis.com/LaconiaNH/>)
- Envelopes and Certified Mail Receipts (Filled out for all abutters)
- Plot Plan (Showing dimensions of proposed building, setback requirements, and encroachments into any setbacks.)

DUE AT SUBMISSION:

**10 COPIES OF ENTIRE ZONING BOARD APPLICATION WITH REQUIRED ATTACHMENTS**

A variance is requested from article 235 section 35A of the Zoning Ordinance to permit \_\_\_\_\_

**See Memorandum**

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Facts in support of granting the Variance:

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

**See Attached Memorandum**

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

**See Attached Memorandum**

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3. Granting the variance would do substantial justice because:

**See Attached Memorandum**

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

**See Attached Memorandum**

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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 Memorandum**

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ii. The proposed use is a reasonable one because:

**See Attached Memorandum**

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-or-

b. If the criteria in subparagraph (a) are not established, an 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 Memorandum**

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**APPLICATION FOR VARIANCE MEMORANDUM**  
**Section 235-35A**

**APPLICANTS : AURELIE P. TEEBAGY TRUST/AURELIE P. & THOMAS C. Jr. TRUSTEES**  
**228 PAUGUS PARK ROAD**

**Tax Map : 300-178-10**

**Zone : RS**  
**Overlay District SP**

A variance is requested from article 235 section 35A of the Zoning Ordinance to permit the replacement of a nonconforming residential structure with attached garage and deck, with a more conforming residential structure with attached garage and deck.

**Facts in support of granting the Variance:**

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

This lot is 1/3 rd. the size of a lot currently permitted in this Zoning District. The subject lot was created in 1944 as part of the original Paugus Park Shores Subdivision and was developed prior to the adoption of Zoning. The footprint of the proposed new residential structure attached garage and deck will be substantially more conforming than the existing structure. The new layout will meet the side setback requirements and waterfront buffer for the RS Zone, provide for parking on site and has been granted a shoreland permit by the NHDES.

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

The proposed new residential structure will eliminate side setback violations, waterfront buffer impacts and reduce the front setback violation substantially providing protection for the abutting residential lots and the surrounding neighborhood while allowing the owner reasonable use of their property.

**3. Granting the variance would do substantial justice because:**

It would allow the owners reasonable use of their property while protecting the abutting property owners by maintaining the required side setback and Paugus Bay by maintaining the Waterfront Buffer. Additionally, it will promote public health, safety and welfare and protect the essential character of the neighborhood.

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

The new proposed residential structure will meet all Building and Life Safety Codes. The structure will be substantially more conforming. The side setback violation will be eliminated. The waterfront buffer will be maintained, and the proposed new structure will be in keeping with the numerous new residential structures along Paugus Road.

**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:**

The proposal is to remove the existing nonconforming residential structure, deck, garage and shed and construct a new residential structure, attached deck and garage substantially more conforming on a pre-existing nonconforming lot. Because of the existing nonconforming situation, applying a rigid interpretation of the requirements of the Zoning Ordinance would make it impossible for the owners to have reasonable use of there property as has been allowed along Paugus Park Road.

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

The Zoning Ordinance was adopted in part to promote good civic design and the appropriate use of land and buildings. The Ordinance recognizes the need-even in the Shoreland Protection Overlay District to treat nonconforming lots in a manner different from conforming lots. The unusual configuration of the owner's property is such that the existing residential structure could not be built upon the lot let alone the proposed structure. The owner's proposal is designed to do exactly what the Zoning Ordinance promotes, good design to use the property in a safe and appropriate manner in a way that improves overall safety and does not disturb the neighborhood or the neighbors.

**ii. The proposed use is a reasonable one because:**

The replacement of the existing nonconforming structure with a substantially more conforming residential structure that meets both current Building and Life Safety Codes is reasonable. Keeping the new residential structure substantially within the required setbacks is reasonable. The owners have designed and located the new residential structure in a manner which limits any additional impacts to abutters and the surrounding neighborhood, protects the waterfront and lessens the impact on Paugus Park Road by increasing the front setback and will be in keeping with the numerous new residential structures along Paugus Park Road.

**b. If the criteria in subparagraph (a) are not established, an 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.**

The owners believe the criteria in subparagraph (a) are establish, nevertheless, this particular property presents some very difficult conditions. This zone requires a land area of 40,000sf with a front setback of 25 feet, side setback of 10 feet, and a rear setback of 15 feet. The subject site contains only 12,562sf, one third the size required within this zone. Additionally, this zone requires only a 15 rear setback but because the subject property fronts on the lake the rear setback becomes 50 feet eliminating 35 feet of building area or 3,000sf. Given these challenges the owner has proposed a new residential structure that will be keeping with the numerous new residential structures along Paugus Park Road. They have done their best to locate the structure thereby minimizing the proposed nonconformity and protecting the immediate abutters and Paugus Bay. In addition, the owners are using porous technology, and infiltration trenches to capture treat and recharge the ground water to further protect Paugus Bay. The variance request for the replacement structure is made necessary because of these special conditions of the property.

Abutters List  
Thomas C. Jr. & Aurelie P. Teebagy  
228 Paugus Park Road  
Laconia, NH 03246

Owner:  
TM 300-178-10

Thomas C. Jr. & Aurelie P. Teebagy  
228 Paugus Park Road  
Laconia NH, 03246

Agent:

Steven J. Smith Sr.  
Steven J. Smith & Associates  
A Division of Dubois & King  
6 Lily Pond Road  
Gilford, NH 03249

Abutters :

TM 300-178-09

Teto-Paugus Park LLC  
9470 Johnson Road Ext.  
Germantown, TN 38139

TM 300-178-11

TJ Charlotte LLC  
14801 Quorum Drive Suite 170  
Dallas, TX 75254

TM 299-307-7

State of New Hampshire  
Rail & Transit  
PO Box 483  
Concord, NH 03302-0483



Site Pictures  
Aurelie P. Teebagy Trust  
228 Paugus Park Road  
Laconia NH  
1-1-2021

Photo #1



Photo #2



Photo #3



Photo #4



Photo #5



Photo #6





Site Pictures  
Aurelie P. Teebagy Trust  
228 Paugus Park Road  
Laconia NH  
1-1-2021

Photo #1



Photo #2



Photo #3



Photo #4



Photo #5



Photo #6





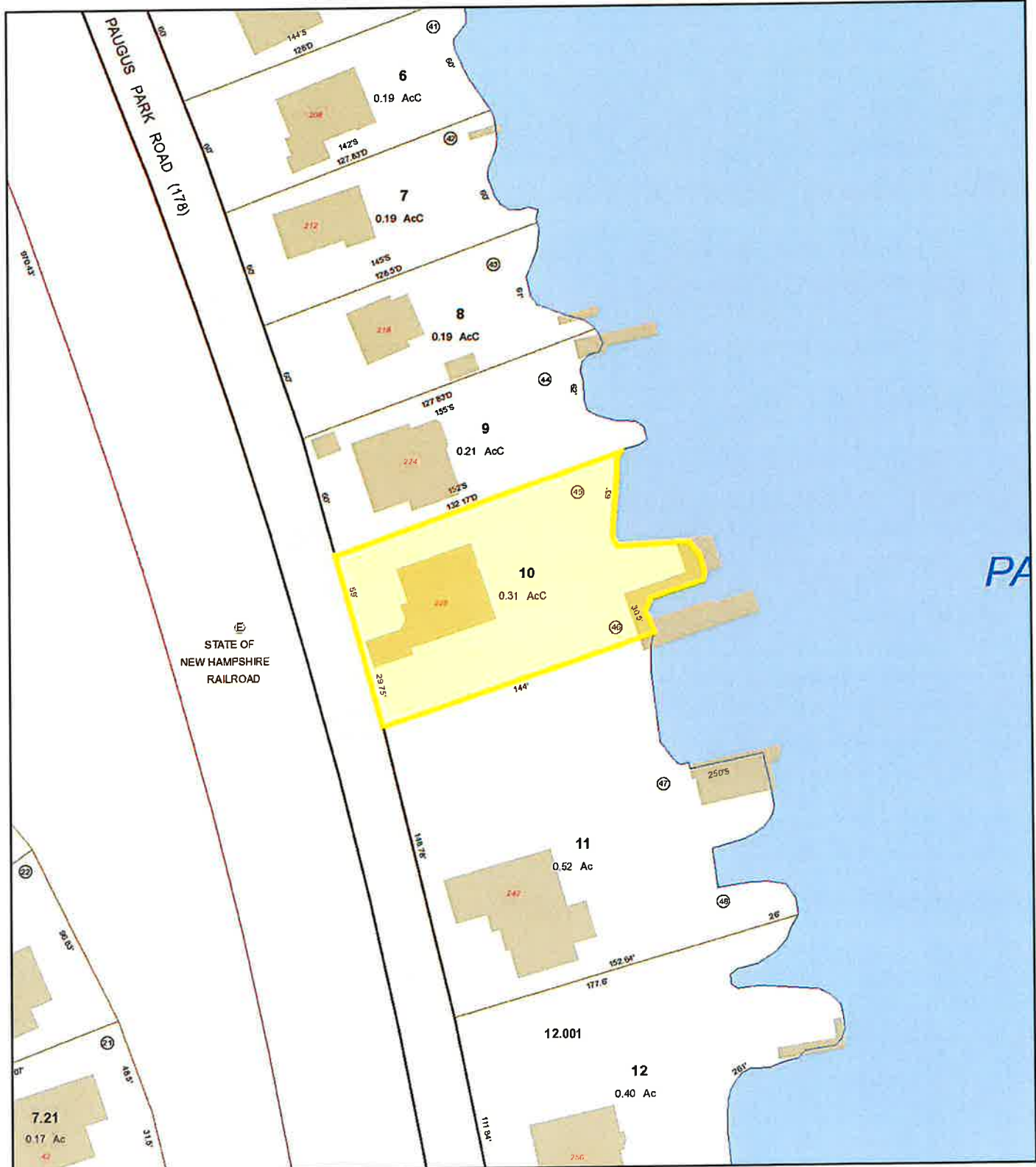
# Teebagy 228 Paugus Park Rd.

Laconia, NH

1 inch = 68 Feet



March 9, 2021



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.





The State of New Hampshire  
**Department of Environmental Services**



Robert R. Scott, Commissioner

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**SHORELAND IMPACT PERMIT 2021-00703**

**NOTE CONDITIONS**

**PERMITTEE:** AURELIE P/THOMAS J TEEBAGY JR  
228 PAUGUS PARK RD  
LACONIA NH 03246

**PROJECT LOCATION** 228 PAUGUS PARK RD, LACONIA  
TAX MAP #300, LOT #10

**WATERBODY:** LAKE WINNIPESAUKEE

**APPROVAL DATE:** APRIL 16, 2021

**EXPIRATION DATE:** APRIL 16, 2026

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Shoreland Permit Application 2021-00703 has been found to meet or exceed the requirements of RSA 483-B as required per RSA 483-B:6, II. The New Hampshire Department of Environmental Services (NHDES) hereby issues this Shoreland Impact Permit with conditions pursuant to RSA 483-B:6, II.

**PERMIT DESCRIPTION:**

Impact 6,114 square feet of protected shoreland in order to demolish the primary structure with 2 decks, stairs, a detached garage, a shed, and the driveway to construct a primary structure with stormwater management, an attached garage, a deck, stairs, a porous walkway, and a porous driveway.

**Impervious Surface Percentage Approved:** 29.2%

**Natural Woodland Area Required per RSA 483-B:9,V, (b):** 426 square feet

**THE FOLLOWING PROJECT-SPECIFIC CONDITIONS HAVE BEEN APPLIED TO THE PERMIT PURSUANT TO ENV-WQ 1406.15(c):**

1. All work shall be in accordance with plans by Steven J. Smith & Associates, Inc. dated December 14, 2020 and received by the NH Department of Environmental Services (NHDES) on March 19, 2021 pursuant to 483-B:5-b Permit Required; Exemption, I, (a).
2. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1 as required pursuant to RSA 483-B:9, V, (d) Erosion and Siltation, (1).
3. All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater as required per RSA 483-B:6, II and Rule Env-Wq 1406.15, (c) in order to ensure compliance with RSA 483-B:9, V, (g).
4. The proposed infiltration trenching shall be installed and maintained to effectively absorb and infiltrate stormwater in order to ensure compliance with RSA 483-B:9, V, (g).
5. Photographs documenting the construction of the proposed infiltration trenching shall be submitted to the Department prior to any party taking up occupancy of the new residential primary structure as required per RSA 483-B:6, II and Rule Env-Wq 1406.15, (c) in order to ensure compliance with RSA 483-B:9, V, (g).

[www.des.nh.gov](http://www.des.nh.gov)

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095

NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588

TDD Access: Relay NH 1 (800) 735-2964

6. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction as required pursuant to RSA 483-B:6, I, (c).
7. This permit shall not preclude NHDES from taking any enforcement or revocation action as authorized pursuant to 483-B:5, I. If NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

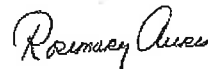
**THE FOLLOWING STANDARD PROJECT CONDITIONS SHALL BE MET PURSUANT TO ENV-WQ 1406.20:**

1. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
2. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
3. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
4. Any fill used shall be clean sand, gravel, rock, or other suitable material.
5. For any project where mechanized equipment will be used, orange construction fence shall be installed prior to the start of work at the limits of the temporary impact area as shown on the approved plans; be maintained throughout the project; and remain in place until all mechanized equipment has been removed from the site.

**ANY INDIVIDUAL CONDUCTING WORK UNDER THIS PERMIT IS ADVISED OF THE FOLLOWING:**

1. During construction, a copy of this permit should be posted on site in a prominent location visible to inspecting personnel.
2. This permit does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.
3. Pursuant to Env-Wq 1406.21, transfer of this permit to a new owner requires notification to, and approval of, the NHDES.
4. This project has been screened for potential impact to **known** occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or only cursory surveys have been performed, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species. This permit does not authorize in any way the take of threatened or endangered species, as defined by RSA 212-A:2, or of any protected species or exemplary natural communities, as defined in RSA 217-A:3.

APPROVED:



Rosemary E. Aures  
Shoreland Specialist, Shoreland Program  
Wetlands Bureau, Land Resources Management  
Water Division



DEPARTMENT OF PLANNING, ZONING & CODE  
45 BEACON STREET, EAST  
LACONIA, NH 03246  
☎ 603-527-1264

## ABUTTER NOTIFICATION LETTER

### Notice of Hearing

The Laconia Zoning Board of Adjustment has received an application for a Variance. As provided by State law (RSA 676:7), the Zoning Board will hold a Public Hearing on the requests. Notification of this hearing is being made to all abutters, agents, lienholders, holders of preservation restrictions, and professionals whose seal appears on any document submitted. The hearing will give opportunity to look at the proposal, ask questions and make comments. The application is also on file for review at the City Hall during regular office hours. Written comments may be submitted to the Zoning Board prior to the hearing at the below address. This is a public meeting, and you are invited to attend.

Owner(s): Aurelie P. Teebagy Trust  
Aurelie P. & Thomas C. Jr. Teebagy, Trustees

MSL: 300-178-10

Applicant: Aurelie P. & Thomas C. Jr. Teebagy, Trustees

Zone: RS

Zoning Articles Cited: Article VI Section 235-35A Front Setback

Location: 228 Paugus Park Rd

Proposal: Application ZO2021-0023VAR. Applicant is requesting a Variance from Article VI Section 235-35A Front setback to allow for the replacement of a nonconforming residential structure with attached garage, with a more conforming residential structure with attached garage and deck.

The hearing will be held at City Hall, Armand A. Bolduc City Council Chamber, 45 Beacon St. East on:

Day/Date: TUESDAY, June 15, 2021

Time: **6:30 PM**

**Due to COVID19, the meeting in which this public hearing will be held may be conducted partially or wholly by digital means on-line with ways for the public to participate. Contact the Planning office or the City of Laconia website prior to the meeting for information and instruction.**

The agenda, along with the application, plans, and details are posted online at [www.laconianh.gov](http://www.laconianh.gov). You can also stop by City Hall in the Planning and Community Development Department between 8:30 AM and 4:30 PM to review them.