



Application #: 202021-0031
 Fees Paid: 175
 Check #: 438 + 7313
 Receipt #:

**ZONING BOARD OF ADJUSTMENT
 VARIANCE APPLICATION**

Name of Applicant: Stephen P. Starr
 Mailing Address: 815 Edmands Road, Framingham MA 01701
 Owner (If same as applicant, write "same"): Same
 Mailing Address: _____
 Tax Map/ Lot # (s): 300-178-003 Zoning District (s): RS
 Street Address: 196 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)
See Letter of Authorization
 Printed Name Here

 Signature of Property Owner(s)

 Date

AGENT(S)
Steven J. Smith & Associates
 Printed Name Here

 Signature of Agent(s)
6.21.21
 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 VI section 235-35A of the Zoning Ordinance to permit the replacement of a nonconforming residential structure with a more conforming residential structure w/attached garage and deck a portion of which will be in the front setback.

Facts in support of granting the Variance:

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

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

3. Granting the variance would do substantial justice because:
See Attached Memorandum

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

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

ii. The proposed use is a reasonable one because:
See Attached Memorandum

-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

**Application for Variance Memorandum
Section 235-35A
Front Setback**

Applicant: Stephen P. Starr, 196 Paugus Park Road

TM 300-178-3

**Zone: RS
Overlay District: SP**

A variance is requested from Article VI, Section 235-35A of the Zoning Ordinance to permit the replacement of a nonconforming residential structure with a more conforming residential structure with attached garage and deck a portion of which will to be in the front setback.

Facts in support of granting the Variance:

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

The subject lot is less than $\frac{1}{4}$ the size of a lot currently permitted in this district. The subject lot was created in the early 1940's as part of the original Paugus Park Shore Subdivision which was prior to the adoption of Zoning. The current House is located within the 50' waterfront buffer along with the attached deck and the existing shed is entirely within the 10-foot side setback. Under the Shoreland Protection act living area is not allowed within the 50' waterfront buffer. The footprint of the proposed house with attached garage is located completely out of the 50' waterfront buffer, the proposed deck is located further from the reference line than the existing deck and the existing shed is being eliminated completely making the proposed redevelopment of the site more conforming. Additionally, the NHDES Shoreland Division has reviewed and approved the redevelopment.

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

The proposed redevelopment will eliminate any side setback violations thereby providing greater protection to the abutting properties. The 50' waterfront buffer will be provided relative to the house location thereby providing greater protection of Paugus Bay, abutting property owners and the general public, while allowing the property 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 setbacks and the waterfront buffer which 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. Current side setback violations will be eliminated. The waterfront buffer will be maintained under the current zoning and NHDES Shoreland regulations while the new structure will be in keeping with the numerous new residential structures along Paugus Park 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 with attached deck and shed and construct a new residential structure with attached garage and deck 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 their property as has been allowed along Paugus Park Road.

i. No fair and substantial relationship exist between the general public purpose 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 nonconformance of the lot relative to overall size and dimensional standards makes it very restrictive to develop once you apply the setbacks required in this zone. Additionally, because this property has frontage on a water body the rear setback is increased three-fold from 15' to 50' making it even more difficult to develop within the allowed building envelope. The proposed redevelopment of the site 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 minimizes the nonconformance of the structure, improves overall safety while protecting the immediate abutters and the overall neighborhood.

ii. The proposed use is a reasonable one because:

The replacement of the existing nonconforming structure with a substantially more conforming structure that meets both current Building & Live Safety Codes is reasonable. Keeping the new residential structure substantially within the required setbacks is reasonable. The owners have designed and located the new structure in a manner which eliminates impacts to immediate abutters and the surrounding neighborhood, protects the waterfront by lessening the impact on Paugus Bay, and will be 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 use 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 established, nevertheless, this particular property, presents some very difficult conditions. This zone requires a land area of 40,000sf when only one municipal service is provided, and 100 feet of road frontage. Additionally, the front setback requirement is 25 feet, side setback is 10 feet, and the rear setback is 15 feet. The subject lot only contains 8,396sf which is $\frac{1}{4}$ of the required size and has only 60 feet of road frontage only 60% of the required frontage. Because this lot fronts on a water body the rear setback becomes 50 feet resulting in a reduction of 2,100sf of buildable area as a result. Given these challenges the owner has proposed a new structure which minimizes the proposed nonconformity, eliminates the existing side setback impact on the immediate abutter, eliminates the current impact on Paugus Bay and has employed the use of porous technology and infiltration trenches to capture, treat and recharge the ground water to further protect the lake and abutting properties. The variance request for the replacement structure is made necessary due to these special conditions of the property, distinguishing it from other properties in the area which have both sewer & water, and are not located on a waterbody.

Abutters List
Stephen Paul Starr
196 Paugus Park Road
Laconia NH
TM 300-178-3
June 8, 2021

Owner: Stephen P. Starr
815 Edmands Road
Framingham, MA 01701

Agent: Steven J. Smith & Associates
6 Lily Pond Road
Gilford, NH 03249

Abutters:

TM 300-178-2 Joseph & Michelle Sterner
30 Copley Drive
Methuen, MA 01844

TM 300-178-4 Johnson Family Investment Trust
Walter A. & Laura A. Johnson Trustees
198 Paugus Park Road
Laconia, NH 03246

TM 345-198-39 State of New Hampshire
Rail & Transit Railroad Division
PO Box 483
Concord, NH 03302

June 22, 2021

Zoning Board of Adjustment
City of Laconia
45 Beacon Street East
Laconia, NH 03246

Re: Authorization for Representation

Dear Zoning Board of Adjustment:

Please consider this letter as written authorization for Steven J. Smith & Associates, to act as my agent, representing Stephen P. Starr in all matters and issues pertaining to a request for Variance regarding TM Lot 300-178-003, 196 Paugus Park Road, Laconia NH.

Dated: June 21, 2021, Signed by: Stephen P. Starr,

Title: Owner, 196 Paugus Park Road,

Site Pictures
196 Paugus Park Road
TM 300-178-003
Laconia, NH

Photo #1



Photo #2



Photo #3



Photo #4



Photo #5



Photo #6

