



Application #: ZC 2023-0006  
 Fees Paid: \$ 235.00  
 Check #: # 586  
 Receipt #: \_\_\_\_\_

**ZONING BOARD OF ADJUSTMENT  
 SPECIAL EXCEPTION APPLICATION FOR SHORT-TERM LODGING**

Name of Applicant: Nancy Sousa  
 Owner (If same as applicant, write "same"): Same  
 Tax Map/ Lot # (s): 169/72/13/012 Zoning District (s): RS  
 Street Address: 2/85 Endicott St. E. # 12

**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.

PROPERTY OWNER(S)  
Nancy Sousa  
 Printed Name Here  
 \_\_\_\_\_  
 Signature of Property Owner(s)  
[Signature]  
 \_\_\_\_\_  
1/26/23  
 Date

AGENT(S)  
 \_\_\_\_\_  
 Printed Name Here  
 \_\_\_\_\_  
 Signature of Agent(s)  
 \_\_\_\_\_  
 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 Special Exception is requested for the use of **Short-Term Lodging** as specifically authorized in Zoning Ordinance, Table of Permitted Uses. Article 235-70 C (2).

**235-70 C (2). Short-Term Lodging may be allowed by Special Exception by the Zoning Board of Adjustment if the Board determines:**

a. The use requested is specifically authorized in the chapter; AND

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b. The requested use will not increase demand for municipal services; AND

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c. Any special provisions for the use as set forth in this chapter are fulfilled; AND

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d. The requested use will not create hazards to the health, safety, or general welfare of the public; AND

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e. The requested use meets ONE of the two following criteria:

(1) The applicant can demonstrate that the use in question has been common practice at this specific property and structure for a period of not less than five (5) years prior to the enactment of the Short-Term Lodging Ordinance:

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OR

(2) The applicant can offer convincing evidence that granting the Special Exception for this property includes a general community benefit that rises above the financial gains of the applicant:

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I am here to ask for your approval in granting my request for Special Exception for Short-Term Lodging for my residence located at 485 Endicott St. E Unit #12.

I seek this approval based upon the city's requirements outlined in section 235-41:M, Residential Accessory Uses. SEASONAL DWELLINGS are permitted for short-term lodging subject to limitations of annual rental activity provided the dwelling meets the 3 criteria below:

1. **A dwelling unit that is occupied only between May 1<sup>st</sup> and Oct. 31<sup>st</sup>.** – Per discussions with the Zoning dept. when Gatehouse Colony was turned into Condos, the majority of units were zoned as seasonal. This is documented in the By-Laws of the development as well although “seasonal” is not defined in the By-Laws. **Therefore, Condition is met and variance is not required for this criteria.**
2. **The dwelling unit has less than 1400 sq. ft. of living space.** Per City of Laconia Valuation online system, Vision, dwelling is shown as having 686 Sq. Ft. of living space. **Therefore, condition is met and variance is not required for this criteria.**
3. **There is only one dwelling unit on the associated lot.** - This is where the waters get cloudy as the development has 21 total units yet only sharing “limited common area” and is the reason why I feel like I need to seek the board's approval to grant a special exception for my short-term lodging application.

Below are my reasons why the board should be compelled to approve this application for Short-Term Lodging and/or Special Exception to deal with the fact that all units in the development only share “limited common area”.

1. As the property owner of unit #12, I am entitled to build 10 feet out in any one direction, provided I comply with the town's building code, set back requirements and all applicable processes/permits WITHOUT APPROVAL BY GATEHOUSE COLONY ASSOCIATION. That, in itself based on fact, implies that the perimeter around my dwelling including the land that my dwelling sits on is NOT common area and as such establishes that Unit #12 DOES have it's own associated lot. **Therefore, condition #3 above of having one dwelling on an associated lot is met.**
  - A. As I believe all 3 conditions above have been met, I would argue at this point my application for Short Term Lodging should be approved regardless of the Granting of Special Exemption. However, should the board not agree with my interpretation of having 1 associated lot, below is a continuance of why I believe the board should approve my request for Granting of Special Exemption per Section 235-70:C.

Granting of Special Exception 235-70:C – unit #12

Documentation of Findings as required for approval:

2.i.a - Use Specifically authorized in the chapter – Yes, seeking approval for Short-Term Lodging use of my personal dwelling within the limitations set forth in the city's ordinance.

2.i.b – Requested use will not increase demand for municipal services – Correct, no additional municipal services such as schooling will be required by dwelling being used for Short Term Lodging.

2.i.c – *Special Provisions for the use as set forth in this Chapter are fulfilled. Yes – Dwelling, if Short-Term Lodging application is approved, will comply with limitations of when unit can be rented per the ordinance, ensure removal of trash, all vehicles will be parked in dwellings dedicated driveway, occupancy limits are determined and will not be exceeded, noise ordinance will be adhered to, and owner will allow an inspection of joint fire and building code enforcement departments limited to items 2.c items I thru viii as stated in section 235-41:M Residential Accessory Uses.*

2.i.d – Requested use will not create hazards to the health, safety or general welfare of the public. – Correct the use of my dwelling as Short-Term Lodging will not create hazards to the health, safety or general welfare of the public.

2.i.e.1 Demonstration of past common practice regarding Short-Term Lodging - While specific documentation of past rental can't be located, it is an allowed activity as documented in the By-Laws of the development and is common knowledge that over the years renting has occurred thru out the development since 1984 from time to time which has been acknowledged by the current board of Gatehouse Colony Associate. Should the Zoning Board believe that Unit #12 does not have it own associated lot, as presented in 1 above, then I would argue that the Zoning Board needs to agree that collectively, all dwellings in Gate House Colony are one "unit" and on "one Lot" for this purpose and therefore past Short-Term Lodging was a common and acceptable practice over the years for all dwellings.

AND/OR

2.i.e.2 Granting Special Exception for Unit #12 includes a general community befits that rises above the financial gains of the applicant. – By approving this application there are several reasons why it is in the best interest of the general community. I have listed these below.

- A. *Transparency and compliance with the ordinance as well as local renter rules at Gatehouse colony. A renter is determined by the City by whether a monetary exchange has occurred between 2 parties. Removing it from short-term rental platform(s) eliminates the transparency of the monetary exchange between parties and therefore makes it virtually impossible to determine if there is a "renter" in unit #12. If there is no way of identifying a "renter", then the conditions and stipulations regarding Short-Term Lodging are no longer applicable including safety inspections as well as limiting rental activities. This, I believe, is not in the best interest of the City, my neighbors or myself as a fellow property owner.*

- B. By not granting the Special Exception request and therefore creating the loss of transparency and knowledge of potential “renters” at my dwelling, the City of Laconia loses the opportunity to collect lodging taxes. Lost tax revenue is certainly not in the City’s best interest nor of that of the general community. Although I don’t foresee the need arising, should a situation occur that requires Emergency personal to respond (fire/police), emergency personal will have no knowledge of who could be potentially occupying the house and if they could be met by hostile occupants.
- C. Loss of patronage to local businesses. By not granting the Special Exception, local businesses and the city will lose the opportunity to benefit monetarily from less tourism to the area including but not limited to restaurants, marinas, parking fees (private and municipal) at Weirs Beach to name just a few. Businesses with less revenue employ fewer workers and/or have employee wage stagnation which in turns results in fewer dollars in the hands of the local consumer to support the local economy.

Per the city’s ordinance for Short-Term Lodging and documented findings for my request, I believe I have provided many compelling reasons that support my application and ask that the Zoning Board grants my request for Special Exception for Short-Term Lodging at unit #12.

I am aware of the issues that Gatehouse Colony as a neighborhood spoke out against unit #17’s request for Special Exception. However, the 2 applications are not similar in any respect and should be treated on their own merit.

Unlike unit #17, I am not looking to run an Airbnb continually thru out the year. I have a dedicated driveway to allow for off-street parking, and I have only 1 unit that abuts my unit on one side. There are no units in front, back or to the other side of my home unlike the very close proximity unit #17 has to many other units. Finally, my home is the closest to the development entrance so there is no extra traffic driving thru the neighborhood. And yes, I consider this my home, not rental property, and the community my neighbors. I purchased this unit in June of 2021. I renovated it inside and out with my own hands and increased the neighborhood’s overall appeal. I will be the harshest critic of any “renter” staying in my home. I occupy it the majority of the time when I am able along with my family and friends not just in the summer but year-round. I boat, hike and ski.... something for every season. I rented my home a total of 27 nights in 2022 to seven different parties WITHOUT 1 complaint. Certainly, my rental activity is well below the established limits set forth in the ordinance which primary purpose is to preserve the traditional character of the neighborhood. Without question, the traditional character of the neighborhood will be PRESERVED as the limits established by the city represents what the city feels is fair and reasonable to strike a balance between owner’s rights and preservation of the traditional character of the neighborhood. I advertise only my home and driveway for use.

I do not advertise the shared beach or docks as that is community property and I respect the fact that my neighbors might not appreciate "renters" intruding on their enjoyment on common property. However, as I respect my neighbor's perspective, I ask that my neighbor's interests are not held at a higher degree than my own interest in allowing me to do what I chose within my own home provided adherence to the City's ordinance and Gatehouse Colony renter rules.

I thank you for your time and attention to this matter and respectfully ask you grant my Special Exception Application for Short – Term Lodging.

Sincerely,



Nancy Sousa

Unit #12 Gatehouse Colony