



City of Laconia
Zoning Board of Adjustment
Tuesday, January 21, 2020 - 6:30 PM
City Hall in the Armand A. Bolduc Council Chamber

1/21/2020 - Minutes

1. CALL TO ORDER

Meeting was called to order by Chair S. Bogert at 6:30 PM.

2. ROLL CALL

Present: Steve Bogert; Orry Gibbs; Roland Maheu; Michael DellaVecchia; Mike Foote; Gail Ober (6:49 PM)

Michael DellaVecchia was seated as a voting member.

3. RECORDING SECRETARY

Karen Santoro, Zoning Technician

4. STAFF IN ATTENDANCE

Dean Trefethen, Director of Planning/Zoning and Code Enforcement

5. ELECTION OF OFFICERS

M. Foote nominated Steve Bogert as Chair.

O. Gibb seconded the nomination.

All in favor (5-0)

S. Bogert nominated Orry Gibbs as Vice Chair

M. Foote seconded the nomination.

All in favor. (5-0)

S. Bogert nominated Orry Gibbs as Secretary

M. Foote seconded the nomination.

All in favor. (5-0)

6. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

6.I. December 16, 2019 ZBA Minutes (PDF)

M. Foote made a motion to accept the minutes of the December 16, 2019 meeting as presented.

O. Gibbs seconded the motion.

All in favor. (5-0)

7. EXTENSIONS

8. 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.

9. 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.

9.I. ZO2019-0039VAR 724 White Oaks Rd Variance (PDF)

Agent for the applicant, Bryan Bailey, outlined the application for the variance to the Board members. He explained that the applicants are proposing a boundary line adjustment, which will go to the Planning Board, however a variance is required prior to this process to allow less than the required 250 feet of road frontage. The lot as it exists currently has two fifty (50) foot access strips, each having a flare at the entrance. The proposal for the boundary line adjustment would divide the property so that one access strip goes with the new lot, which is being merged with abutting property, and is combined with their existing frontage. The variance is necessary for the parent lot, which would only have the one access strip, which is currently used as a driveway. There would be no physical change to either lot, with the exception of the reconstruction of the fire damaged structure which already existed on the lot.

G. Ober (6:49PM)

The Board briefly discussed the application. Bryan Bailey noted that both the owner and the abutter do not have plans to develop the property.

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

Randy Rockwood, 718 White Oaks Road, addressed the Board. He is the abutting property owner that will be acquiring the additional acreage at the completion of the boundary line adjustment. He informed the Board that he has no plans for subdividing the property, that he wants extra privacy and to prevent development of the property.

At 7:03 PM, with no one else to speak for or against the application, S. Bogert closed the public hearing.

M. Foote made a motion to approve Application ZO2019-0039VAR, as outlined on the plan presented, for a variance from Article VI Section 235-34 Minimum Lot Frontage to allow for a boundary line adjustment.

(1) The variance will not be contrary to the public interest;

Granting the variance would not be contrary to the public interest as there is no additional impact for municipal services. The remaining 103.47 feet of road frontage is the current access to the lot from White Oaks Road.

(2) The spirit of the ordinance is observed; AND

If the variance were granted, the spirit of the ordinance would be observed because the request to allow the single 103.4 foot frontage along White Oaks Road to remain as the current driveway maintains the spirit of the ordinance.

(3) Substantial justice is done; AND

Granting the variance would do substantial justice because granting the request allows the landowners to proceed with a proposed boundary line adjustment with an abutting lot.

(4) The value of surrounding properties are not diminished; AND

The current 103.47 foot road frontage access driveway is not changing, no change to the surrounding properties would result by granting the variance.

(5) Literal enforcement of the provisions of the ordinance would result in an 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:

The purpose of the ordinance is to provide sufficient separation between structures between adjacent lots. This proposal provides for continued and appropriate setbacks between structures.

ii. The proposed use is a reasonable one because:

The use as a single family residential lot is an allowed use.

O. Gibbs seconded the motion.
All in favor. (5-0)

10. OTHER BUSINESS

None.

11. ADJOURNMENT

At 7:11 PM M. Foote made a motion to adjourn the meeting.

O. Gibbs seconded the motion.

All in favor. (5-0)

DRAFT