



City of Laconia
Zoning Board of Adjustment
Tuesday, February 19, 2019 - 6:30 PM
City Hall in the Armand A. Bolduc Council Chamber

2/19/2019 - Minutes

1. CALL TO ORDER

Meeting was called to order by Chair S. Bogert at 6:34 PM.

2. ROLL CALL

Present: Steve Bogert; Mike Foote; Orry Gibbs; Suzanne Perley; Michael DellaVecchia; Roland Maheu (6:59)

Michael DellaVecchia was seated as a voting member.

3. RECORDING SECRETARY

Karen Clark, Zoning Technician

4. STAFF IN ATTENDANCE

Dean Trefethen, Planning Director; Rob Mora, Assistant Planning Director

5. ELECTION OF OFFICERS

To accommodate the large number of public in attendance the board moved the election of officers to the end of the meeting.

6. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

6.I. January 22, 2019 ZBA Minutes (PDF)

S. Perley made a motion to accept the minutes of the January 22, 2019 meeting as presented.

M. Foote 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.

8.I. ZO2019-0031VAR 16 Leighton Ave Variance (PDF)

Applicant was not yet present. Due to change in start time of meeting the board agreed to move the two applications for 16 Leighton Avenue to later in the meeting in case the applicant was not aware.

8.II. ZO2018-0032SE 16 Leighton Ave Special Exception (PDF)

Applicant was not yet present. Due to change in start time of meeting the board agreed to move the two applications for 16 Leighton Avenue to later in the meeting in case the applicant was not aware.

8.III. ZO2018-0033VAR 145 Union Ave Variance

S. Bogert read an email from the applicant for 145 Union Avenue. The applicant is withdrawing application ZO2018-0033VAR.

8.IV. ZO2018-0035SE 111 Church St Special Exception (PDF)

S. Bogert addressed the audience. Due to the fact that member Orry Gibbs will recuse herself from the hearings for 111 Church St and the two Sweetbrier Way variance applications the board will not be a full five member board. He explained the voting process and offered the applicants the option of moving forward with their applications this evening or continuing the application to the March meeting to wait for a full five member board.

Attorney Phil Brouillard, on behalf of his clients who are the applicants for 29 Sweetbrier Way and 10 Sweetbrier Way, asked that applications ZO2019-0001VAR 29 Sweetbrier Way and ZO2019-0002VAR 10 Sweetbrier Way be moved to the March 18, 2019 ZBA meeting.

Applicant Jason Ganong, 111 Church Street, requested to move forward with the two applications and present them to the board.

Jason Ganong, applicant addressed the board and outlined his request to convert the commercial building, owned by Lakes Region Mental Health Center, into twenty, one bedroom apartment units. He explained to the ZBA that he had the property under contract in December 2018, his due diligence took longer than allowed by his contract and he is currently not under contract to purchase the property.

Jason Ganong explained that the building lends itself well as a residential property, that it would be the highest best use of the property as a residential unit. He is proposing twenty new, one bedroom units, an updated lobby, updated lock systems. He stated that it is his intent to increase the quality of apartments available in Laconia.

S. Bogert informed the applicant that he is unsure that the board can hear the applications because he is not under contract for the property at this point. He said that the variance and special exception run with the property, not the applicant and it is generally the property owner who applies.

Rick Hagan, sellers agent, addressed the board, stating that Jason Ganong is acting as agent with the knowledge of the property owner and that they have no objection. S. Bogert asked if he had any paperwork with him to prove he is the sellers agent (contract, etc). It was then suggested that the hearings be deferred to the March meeting to allow Jason Ganong to acquire the appropriate paperwork giving him permission to act on the owners behalf to pursue the variance and special exception.

8.V. ZO2018-0036VAR 111 Church St Variance (PDF)

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.

6:58 Orry Gibbs was re-seated.

The applicant's agent, Art Abelmann, for the 16 Leighton Avenue applications arrived. He apologized for the confusion on the meeting start time.

R. Maheu arrived (6:59 PM). Michael DellaVecchia returned to alternate.

Art Abelmann gave a brief summary of the project that was presented at the January meeting and explained that he had provided an updated floor plan for the accessory dwelling unit (ADU) that is proposed on the second floor of the existing garage.

At 7:05 PM S. Bogert opened the hearing to the public for comment. There was no one to speak for or against the applications. At 7:05 PM S. Bogert closed the public hearing.

The board briefly discussed the application.

S. Perley made a motion to approve application ZO2019-0031VAR 16 Leighton Ave Variance request to install an accessory dwelling unit (ADU) in the detached garage, lot is undersized for the zone.

- (1) The variance will not be contrary to the public interest;
The variance is not contrary to the public interest.
- (2) The spirit of the ordinance is observed; AND
There is no substantial change; the garage exists and is not changing in size.
- (3) Substantial justice is done; AND
The use is consistent with the current use of the property and character. It will do no harm to the general public.
- (4) The value of surrounding properties are not diminished; AND
The value of the surrounding properties are not diminished.
- (5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship;
A hardship exists because the lot has been in existence for a long time and cannot be enlarged.

Conditions of Approval

- The variance is only viable if the Special Exception requested for the ADU is granted.

R. Mahue seconded the motion.

All in favor (5-0).

O. Gibbs made a motion to approve application ZO2018-0032SE 16 Leighton Ave Special Exception for the installation of an accessory dwelling unit (ADU) on the second floor of the detached garage.

- (a) The use requested is specifically authorized in this chapter.
This unit will be 624SF.
- (b) The requested use will not create undue traffic congestion or unduly impair pedestrian safety.
There will only be one additional dwelling unit with negligible traffic impact and there is plenty of parking available on the lot.
- (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.
There will not be any overload on any public water, drainage, sewer system, or any other municipal service, lot is serviced by private well and septic system.
- (d) The requested use will not create excessive demand for municipal police, fire protection, schools or solid waste disposal services.
There is no excessive demand for municipal police, fire protection, schools or solid waste disposal services.
- (e) Any special provisions for the use as set forth in this chapter are fulfilled.
A variance has been granted for the ADU.
- (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 request will not create a hazard to the health and safety of the general public.
- (g) The proposed location is appropriate for the requested use.
The proposed location is appropriate for the requested use. ADU is 624 sf, located in existing garage.
- (h) The requested use is consistent with the spirit and intent of this chapter and the Master Plan
The requested use is consistent with the spirit and intent of this chapter and the Master Plan.

R. Maheu seconded the motion.

All in favor. (5-0)

9.I. ZO2019-0001VAR 29 Sweetbrier Way Variance (PDF)

Application continued to March 18, 2019 meeting.

9.II. ZO2019-0002VAR 10 Sweetbrier Way Variance (PDF)
Application continued to March 18, 2019 meeting.

10. OTHER BUSINESS

The election of officers, postponed from earlier on the agenda was held.

S. Perley nominated Steve Bogert as Chair.

M. Foote seconded the nomination.

All in favor (5-0)

S. Bogert nominated Suzanne Perley as Vice Chair/Secretary

M. Foote seconded the nomination.

All in favor. (5-0)

11. ADJOURNMENT

At 7:21 PM R. Maheu made a motion to adjourn the meeting.

O. Gibbs seconded the motion.

All in favor. (5-0)