



City of Laconia
Zoning Board of Adjustment
Tuesday, February 21, 2023 - 6:30 PM
City Hall in the Armand A. Bolduc Council
Chamber

2/21/2023 - Minutes

1. ROLL CALL

1.I. CALL TO ORDER

Richard Boddie , Jane LaRoche , Mike DellaVecchia , Roland Maheu , Steven Bogert , Mike Foote ,
Marcia Hayward

2. STAFF IN ATTENDANCE

2.I. Staff In Attendance

Sheena Duncan Planning , Conservation Technician.

3. RECORDING SECRETARY

3.I. Recording Secretary

Scott Pelchat Planning technician.

4. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

4.I. Acceptance Of Draft Minutes Of January 18, 2023

accepted unanimously

5. EXTENSIONS

6. 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.

7. 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.

7.I. ZO2023-0002-65 Administrative Appeal 65 Gale Ave

ZO2023-0002 Administrative Appeal- 65 Gale Ave – Applicant Jon Steenbergen requests an

Administrative Appeal of the **DENIAL** of Short-Term Lodging Permit based on lack of compliance with requirements noted under Article VII (*Supplementary Provisions*) Section M (*Short Term Lodging*) (1) (*Permitted or Prohibited in the Following Districts*) (c) (... owner occupied) [1] (... not less than 150 days out of the year). Jon Steenbergen, 65 Gale Ave, said, upon purchasing the home he thought he did not need a permit at first, then a complaint was filed against him After this, he filed an application for a permit and went through the process After the inspection, he received a letter of denial, based upon the complaint letters. Jon claimed his residency is Laconia and stated he feels he has provided the pertinent information. Steve Bogart asked where Mr. Steenburgen's domicile was, Jon said, 65 Gale Ave, Steve asked if he was a registered voter in Laconia, Jon stated he was not nor was he registered anywhere else. Mike Foote asked Jon what his license said, Jon Said Texas and stated he did not have time to change his license. Mike stated after he left the service, he had a timeline of six months to change his license. Jane asked Jon about his granite state LLC business name. Jon stated it was due to the nature of the loan from his aunt. Roland Maheu asked if during the sale process did his realtor mention Laconia's STL policy. Roland asked if Jon's wife would be moving here, Jon said at this time, no. Steve Bogert asked did staff at city of Laconia receive anything other than verbal assertion of residency. Steve stated planning staff had asked for multiple items to prove residency. Jon stated he feels he checked all the boxes. Sheena Duncan stated Jon had provided documents but due to the clarity of what is needed as proof, we have not received a validating proof of residency, coupled with the concerns of the neighbors as well as other red flags, planning does not have what it needs to issue a permit for STL. Steve Bogert stated this is not a permanent denial if certain documentation can be provided. Richard Boddie said your in a transitory period in life for all the best reasons, and stated "its your home but it's not your home" Richard also stated and defined the ordinance and reasons why, and stated he was interested in the granite state LLC business model. Roland stated the house is still not in your name. Sheena stated that Jon did provide a document with Jon's name as a management team. Jon asked the board what they deem as validating proof, Steve stated this definition should come from planning dept. Richard Boddie said get your license changed and live there for 150 days and you will be good.

Steve Bogert made a motion, that on facts presented it is appropriate that applicant provide clarification to planning dept., Marcia Hayward seconded the motion. Mike DellaVecchia said, he was for short term rentals, but you drive by 65 gale, trash is on Tuesday, but barrels sit out until Saturday, 12 cars parked on the sidewalk, if your living there take a selfie with a newspaper everyday it's all you can do! Steve Bogert said usually there is no public speaking at an appeal but allowed Kelly Dionne to speak Kelly said "even after the cease-and-desist letter was given the air BNB was still going on. Steve told her this in process and to be patient . Kelly asked Steve moving forward who to go to with complaints and Steve stated the planning department.

7.II. ZO2023-0005VAR Lafayette St

ZO2023-0005VAR Lafayette St – Applicant Christopher Boldt, Esq. seeks Variance from Article III (*Districts Zoning Map*) Section 235-14 (*Districts established*) (C) (*Residential Single Family*), Article V (*Uses*) Section 235-28 (*Uses Not Permitted*) and Attachment 2, Table 1 (*Table of Permitted Uses*) to allow for the use of "Two Family" in the Residential Single Family (RS) District where it is not allowed. Christopher Boldt spoke representing the Longs for Meridian Properties, This property is at the end of Lafayette St. near the substation belonging to Eversource Request is to authorize a duplex. This lot is in the RS zone which is single family. Chris Spoke about the overlay at the end of the street opposite the lot in question. Chris spoke about the ordinance stating schools and churches are a higher impact usage than his proposed unit would be, claimed his proposal meets the criteria for this neighborhood less than the issue of it being a duplex. Gave exhibit A and exhibit B of the proposal, no threat to public health and safety. Stated there also would be no change in property values. Claims project would impact less than say a church and or a school would be. Spoke of his plans being more reasonable than other plans might be . Feels they have met all 5 criteria in moving forward. Asked for variance to be granted. Roland Maheu asked if it would be owner occupied, Christopher Boldt said no. Marcia asked why a duplex over a single family with an ADU, Chris stated it was an investment property and if sold as a duplex it would need to condo minimized under our zoning regulations. Tim Long spoke about his reason to build was to have his daughter live on one side and rent the other side to another tenant.

Steve Bogert asked if condoning this project was going to happen. Not in the plans right now, Tim Long stated that housing in our area is a huge need and that his goal is to use this as a test for future builds. Roland asked Tim Long where his permanent residence was, and it was Alton. Real estate agent Karyn Laflamme REMAX 360 by the lake sold multiple properties to the Longs, stated the need for rentals in this area is big. Looking to conform with the neighborhood and houses on this road. Stated not looking for a huge change to this area, Steve Bogert asked her to speak on the property value and impact to surrounding home values. Karyn stated that the impact would be positive one, stated she has been an agent in this area since 1979 and is surprised by the new landscape that is real estate.

Steve Bogert asked Tim and Chris about the future of the finished structure whether it could be modified internally and the answer was no.

Brett Beliveau voiced some concerns from the neighborhood. The proposed lot should not be contradictory to public interest and it is. The spirit of ordinance will not be observed by allowing this to happen. Values of adjacent properties growing or diminishing is hard to prove either way. Also touched on the fact that highland St is where the two houses on the hospital end of the street are in a different zone than the remainder of the street. Another concern is the ownership of other lots on this street by same owner. And that the city lot at the end is also for sale. What keeps these lots safe going forward without alternate change. Marcia asked if a duplex would change the general character of the neighborhood and answered yes. Mary Smith, 145 Lafayette St, agrees does not want the lot used for a duplex and reasoned she was not sure it was a good enough reason to allow for this and expressed future fears of this lot. Jessica Gluyas, 115 Lafayette St, stated this was her childhood street She played flashlight tag with friends Ran through trails within the neighborhood this is her childhood. She stated she understands the concepts brought forth but was adamant on it remaining unchanged from the RS status it is in. Chris Boldt concluded with the reasoning in which why the variance should be granted. Concluded with the premise of duplexes being the new starter home and that future fears about other owned lots by this owner should not be considered. Motion to deny. By Mike DellaVecchia.

The below are the five factoring criteria used to decide the denial on ZO2023-0005VAR Lafayette St. The motion was read by Board member Michael DellaVecchia.

1. Granting the variance would not be contrary to the public interest because. The public outcry was for the outcome to not allow a duplex on this lot.
2. If the variance were granted, the spirit of the ordinance would be observed because. The spirit is not observed due to putting a multifamily home in a single-family zone.
3. Granting the variance would do substantial justice because. Is not done because sacrificing the peace of others for the good of one.
4. If the variance were granted, the values of the surrounding properties would not be diminished because. There was no substantial evidence provided for or against.
5. unnecessary hardship: there was no hardship due to the optional use of this lot.

Seconded by Roland Maheu motion passes 4 to 1 Mike Foote voted no.

7.III. ZO2023-0006SE 485 Endicott St E #12 Seeking Special Exception

Steve Bogert said application ZO2023-0006SE had decided to table there case until the next meeting and he apologized to those who came out to hear this case. **ZO2023-0006SE 485 Endicott St E #12** - Applicant Nancy Sousa seeks Special Exception from Article XI (*Zoning Board of Adjustment*) Section 235-70 (*Powers and duties of the Zoning Board of Adjustment*) C (*Granting of special exceptions*) (2) (*Short-term lodging*) To allow for the use of "Short Term Lodging" in a single-family vacation home in a condominium cottage community, where it is allowed by Special Exception. The Applicant decided to

table their application until the March 20th meeting. Steve Bogert said that the applicant has this right to table her application.

7.IV. ZO2023-007VAR 8 Summer St

ZO2023-0007VAR 8 Summer St – Applicant Randal Otis seeks Variance from Article VI (*Dimensional Standards*) Section 235-33 (*Maximum residential unit density*) to allow for a third dwelling unit on a .13-acre lot where .15 acres are required. Randy Otis owner of the property at 8 Summer St said he is looking to add a unit in the basement for himself to reside in. Currently the structure has two apartments, and the basement remodel would create a third. Lot has 5 parking spaces and two driveways.

Marcia asked about the five parking spaces, Mr. Otis showed her on the display the fifth spot that was in question. Mike DellaVecchia asked where the walkout was in comparison to the fifth parking spot. Randy then described which spaces were allocated for which apartments. Mike DellaVecchia asked if there was enough space for two cars side by side. Randy then went on to describe in detail the set up for the basement.

Steve Bogert then inquired about the sidewalk Mr. Otis described it as a non-curbed sidewalk. Steve also stated no sidewalk parking would be allowed. Roland Maheu stated that upon driving by the house he felt in his opinion the parking seemed a little hard to get to the back of the unit. Roland asked about parking in the rear of the house and Randy stated he did not want to disturb the greenspace.

Mike Foote asked about fire safety and egress points. Randy said he has one door and will be putting in a door style window to allow for easy egress. As well Randy stated he did price out a sprinkler system Richard stated there possibly would be more life safety items down the road during the building process. Steve Bogert asked Randy does he reside at the property not at this time, he lives currently in Vermont at another property stated he would like to live here due to his office being in Laconia. Steve opened to the public at 8:28 closed to the public at 8:28 no public comments. Mike DellaVecchia asked if acreage was different, we wouldn't be hearing this Application. Richard Boddie stated it was 800 square feet Also stated he was satisfied with the parking. Mike Foote asked if it was in the UC zone and it was. Marcia Hayward motioned to allow for applicant ZO2023-0007VAR to turn the basement into a Unit.

1. Granting the variance would not be contrary to the public interest because: As it does not affect the public in any way shape or form.
2. If the variance were granted, the spirit of the ordinance would be observed because: this usage is allowed in the UC district.
3. Granting the variance would do substantial justice because: it would be increasing the available Amount of housing in the area.
4. If the variance were granted, the values of the surrounding properties would not be diminished because: As the structure's exterior would remain unchanged there would be no negative impact on surrounding homes and their values.
5. Unnecessary hardship: the size of the lot being undersized.

This was seconded by Mike DellaVecchia and was unanimously passed.

8. OTHER BUSINESS

Richard Boddie mentioned to the board that we currently keep bumping up against short term lodging problems and that a review of the ordinance would be something he would be interested in being a part of.

Steve Bogert said that city council would need to be involved.

Mike DellaVecchia said, he was for short term lodging and went on to say even if people were not able to air BNB the housing market would not be affected, and sales would continue.

Sheena Duncan asked the board if they would be interested in going forward with this as well as citing the article (14) which it is under.

Richard Boddie said after one year of being on the board that this issue was a repetitive one and feels it can be fixed.

Sheena Duncan stated the rules and requirements for the request for changes to ordinances.

Steve Bogert said it would need the board to do a work session on this , It would need to be noticed and it would need to be public.

Mike Foote said we would need a clearer definition of what it looks like and how its best interpreted.

Richard Boddie referenced Gatehouse community as an example of the clarity of the ordinance and their (Gatehouse) inability to translate it which has led to multiple requests from their members.

Marcia Hayward touched on 65 Gale Ave as an example of working without a permit.

Sheena Duncan Asked should this go on the march 20th meeting.

Steve Bogert said he wanted to discuss this with dean over the proposed review of that ordinance.

8.I. ZO2022-0096VAR Veterans Ave Motion For Rehearing

ZO2022-0096VAR - 28 Veterans Ave -Applicant Jeff Robinson/ Agent Laurie Robinson seek a Motion for Rehearing of the Zoning Board of adjustment under RSA 677:2. Section III. There will be no public comment on this issue. The board motioned to rehear the decision to only allow access through Veterans Avenue. Will be reheard at the March 20th meeting. Mike Foote made a motion, it was seconded by Mike DellaVecchia, and it was unanimous.

9. ADJOURNMENT

Steve Bogert voted to adjourn. The meeting adjourned unanimously, at 8:44pm.