



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

8/19/2019 - Minutes

1. CALL TO ORDER

Meeting was called to order by Chair S. Bogert at 6:39 PM.

2. ROLL CALL

Present: Steve Bogert; Orry Gibbs (6:46PM); G. Ober; Mike Foote; Roland Maheu
Absent: Michael DellaVecchia

G. Ober was seated as a voting member.

S. Bogert addressed the applicants, he informed them that with only a four member board, a 3-1 vote would be needed to pass. The applicants were offered the opportunity to be heard or to continue until the next meeting when there may be a full board.

Patrick Wood, attorney for the applicant for application ZO2019-0024VAR 221 Pleasant St Variance, opted for the application to be heard at the September meeting. The other applicants chose to have their applications heard.

3. RECORDING SECRETARY

Karen Santoro, Zoning Technician

4. STAFF IN ATTENDANCE

Dean Trefethen, Planning Director

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

5.I. July 15, 2019 Zoning Board Of Adjustment Minutes (PDF)

R. Maheu made a motion to accept the minutes of the July 15, 2019 meeting as presented.

G. Ober seconded the motion.

All in favor.

6. EXTENSIONS

7. 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. 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.

8.I. ZO2019-0024VAR 221 Pleasant St Variance (PDF)

Application moved to September 16, 2019 meeting.

8.II. ZO2019-0025SE 11 Academy Square Special Exception (PDF)

The applicant Michael Zaloumis outlined the application to the Board. He explained that he purchased the home with the intent of converting it to a boarding house for the technicians he employs (he is a subcontractor for Atlantic Broadband). He explained that during peak season he would expect that 8-10 technicians would be staying there. There are ten rooms plus two bathrooms. The applicant also explained that he may, in the future, look to expand and add two bedrooms

(6:46PM – Orry Gibbs arrived)

M. Zaloumis explained that it would be one person per room. G. Ober inquired about managing it in the off season and Mr. Zaloumis explained he has an office around the corner.

The Board and the applicant discussed parking, he stated he currently has space for eight vehicles, which if he adds two rooms, would leave him two spaces short. Mr. Zaloumis explained he owns the vacant lot in the front which could be used for parking. The Board noted that if he chooses to build upon the lot in the future then he would lose the parking and be short that number of spaces.

At 6:56 PM S. Bogert opened the hearing to the public.

James Cook, 21 Academy Square, addressed the Board. He stated that for the last two months there have been 8-12 vans and guests at 11 Academy Sq. Mr. Cook noted that they block the neighbors' driveways, they are double and triple parking on the street. He stated that the upstairs attic is already framed and that other work has occurred at the home. Mr. Cook noted that he had spoken to some of the people staying at the house regarding their speed driving on the right of way. Another issue raised by Mr. Cook were the OSHA backup beepers, he noted that they leave very early and the beepers wake everyone up.

David Gouette, 25 Academy Square, addressed the Board. He stated that he wanted to reiterate the same concerns as Mr. Cook and noted that they have disrupted the neighborhood, are loud. He also commented that he does not feel it should be approved if they are in violation before they receive the approval from the Board.

At 7:04 PM with no other members of the public to speak for or against the application, the public hearing was closed.

Matthew Zaloumis readdressed the Board. He noted that they converted the professional office to housing and that they did pull a plumbing permit for the work being done in the bathroom. Mr. Zaloumis also noted that they will have a supervisor staying at the house.

R. Maheu asked about a parking plan to show where the tenants of the boarding house would park off street. He noted that it could be reviewed/approved by Planning Department staff instead of having applicant return to another meeting.

Dean Trefethen noted that the Board could approve the application with conditions and included the example that if they use the front lot for parking and lose the spaces when developed that they would lose that same number of rooms.

The Board discussed the points of the Special Exception including the parking issue, the long term effect of an approval as the approval stays with the property, the noise created by the use, and traffic congestion.

M. Foote made a motion to approve application ZO2019-0025SE 11 Academy Square Special Exception from Article VII Section 235-26 to create a boarding/rooming/lodging house.

(a) The use requested is specifically authorized in this chapter.

The use requested is specifically authorized in this chapter by Special Exception.

(b) The requested use will not create undue traffic congestion or unduly impair pedestrian safety. With a proper parking plan, approved by the Planning Department, the use will not create undue traffic congestion or unduly impair pedestrian safety.

(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 are no changes to the lot that would change or increase the amount of stormwater runoff, nor will the use overload the public water or sewer system or any other municipal system.

(d) The requested use will not create excessive demand for municipal police, fire protection, schools or solid waste disposal services.

The requested use should not create an excessive demand for municipal services.

(e) Any special provisions for the use as set forth in this chapter are fulfilled.

Upon approval of a parking plan and conditions, the special provisions will be met.

(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 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.

(g) The proposed location is appropriate for the requested use.

The proposed location is appropriate for the requested use.

(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.

Condition of Approval:

- Parking will be off street only, on the property or in leased spaces
- The Planning Department will receive and approve a parking plan
- There will be an on-site property manager
- All other State and Local permits and inspections as required.

O. Gibbs seconded the motion.

All in favor (5-0)

8.III. ZO2019-0026VAR 225 Franklin St Variance (PDF)

Mary Jo Glynn, applicant and Glen Saxton of K&M Exteriors, contractor, addressed the Board and outlined the application. The applicant is requesting three decks, a two-level deck and a small 5x10 deck on opposite side of house with a set of stairs. The applicant informed the Board that in 2017 she purchased the property and demolished the dilapidated house that was located on the property. The new house is located on the setback lines.

Dean Trefethen explained that the lot has two front setbacks as it is located on the corner of Franklin St and Bell St. Due to the lot size, relief is needed to locate any structure on the house (porch, deck, stairs etc). This was explained to the applicant at the time of the building permit application, due to the time factor (it was a modular that was already ordered and due to be delivered) the variance was not applied for at that time.

At 7:55PM S. Bogert opened the hearing to the public.

Marguerite Martel, 77 Bell St, addressed the Board. She stated that she lives across the street from the house and that a second story deck would look right into her bathroom. She also noted that the previous deck that existed was a handicap ramp for the former owner of the home.

At 7:59 PM with no other members of the public to speak for or against the application, the public hearing was closed.

The Board discussed the decks and their locations. G. Ober noted that she is not in favor of crowding the side setback for the small deck but she did not have an issue with the double deck on Bell St side. The Board reviewed the criteria for a variance.

O. Gibbs made a motion to approve application ZO2019-0026VAR 225 Franklin St Variance from Article VI Section 235-35(A) Front setbacks to allow for the addition of three decks on an existing house.

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

Granting the variance would not be contrary to the public interest because the decks will have no effect on the public.

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

If the variance were granted, the spirit of the ordinance would be observed it allows the home owner use and enjoyment of her house and property

(3) Substantial justice is done; AND

Granting the variance would do substantial justice because it would not alter the character of the neighborhood, it provides for access to and from the home, has no effect on traffic and does not create any demand on public services and utilities.

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

If the variance were granted, the values of the surrounding properties would not be diminished because it would not alter the character of the neighborhood and it will have no effect on surrounding property values and will improve the appearance of the subject property.

(5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship;

Literal enforcement of the regulations would not allow the property owners to add to the footprint of the house. The lot is small, and located on a corner giving it two front setbacks, anything that would be done on the front and sides of the house would require relief from the zoning regulations.

M. Foote seconded the motion.

Four in favor; one opposed (Ober)

8.IV. ZO2019-0027VAR 54 Adams St Variance (PDF)

Applicant Jay Tomlinson outlined his application to allow a small expansion of an existing garage. He noted that the front corner sits in the side setback. In order to make the garage larger to fit a modern vehicle he needs to expand the footprint by approximately two feet all around. The current dimension is 14x20, he is looking to expand to 16x24.

At 8:31 PM S. Bogert opened the hearing to the public.

At 8:31 PM with no one to speak for or against the application, the public hearing was closed.

The Board briefly discussed the application.

G. Ober made a motion to approve application ZO2019-0027VAR 54 Adams St Variance from Article VI Section 235-35(B) Side setback to allow for the expansion of an existing garage from 14'x20' to 16'x24'.

1. Granting the variance would not be contrary to the public interest because the expansion will update and improve an existing dilapidated structure and make it more functional.

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

3. Granting the variance would do substantial justice because it would not alter the character of the neighborhood, it allows the improvement and use of the structure, has no effect on traffic and does not create any demand on public services and utilities.

4. If the variance were granted, the values of the surrounding properties would not be diminished because it would not alter the character of the neighborhood and it will have no effect on surrounding property values and will improve the appearance of the subject property.

5. Unnecessary Hardship. Literal enforcement of the regulations would not allow the property owners to improve or upgrade the structure. The structure is located on the setback line with the front corner in the setback area, an improvement or expansion of the structure would require relief from the zoning regulations.

R. Maheu seconded the motion.

All in favor. (5-0)

9. OTHER BUSINESS

There was no other business.

10. ADJOURNMENT

At 8:39 PM M. Foote made a motion to adjourn the meeting.

R. Maheu seconded the motion.

All in favor. (5-0)

DRAFT