



City of Laconia
Zoning Board of Adjustment
Monday, Month XX, 2018 - 6:30 PM
City Hall in the Armand A. Bolduc Council
Chamber

6/20/2023 - Minutes

1. CALL TO ORDER

Steve Bogert called the meeting to order at 6:30 PM

2. ROLL CALL

Scott Pelchat called the roll in attendance were Richard Boddie, Roland Maheu, Jane Laroche, Michael DellaVecchia, Steven Bogert, and Marcia Hayward. Absent Michael Foote.

3. RECORDING SECRETARY

Scott Pelchat

4. STAFF IN ATTENDANCE

Kathy Menici Interim planning director and Scott Pelchat Zoning technician

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

the minutes were accepted

5.1. Minutes

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.

9. ZO2023-0051 VAR 11 West St.

ZO2023-0051VAR – 11 West St. Applicant is seeking a variance for density from Article VI Dimensional Standards. Section 235-33 maximum residential unit density. To allow for the conversion of an existing building to a multi family residence. Applicant Samuel Kallmerten spoke about the application and

expressed to the board that currently the dwelling has 4 units, and he would like to use the attached barn and create two additional units within said structure. Sam also stated the pavement on the back lot will need to be repaved as well. Steve Bogert asked about the driveway easement and if there was a recorded agreement with the neighbor. The answer was found to be no easement of record. Steve asked about the plan if the neighbor were to sell what would happen to the driveline from the neighbor's lot. Sam stated the drive in from West St. was his and the other driveline belongs to the neighbors. Sam showed the board members on the map his drive entry and the neighbors driveline. Sam also expressed alternate plans of parking access. Marcia expressed a question about the density at the current level and for what it was, and the density would be higher than average. Michael DellaVecchia asked about greenspace. Sam expressed there was lawn and bushes on the property lines and to the left side of the structure itself. Steve Bogert asked if this would need to go before the planning board? Kathy Menici stated yes as it will be for multifamily use and would need the planning board as well. Marcia asked Sam about the current parking layout and Sam assured the board he could achieve the parking necessary for the proposed units. Kathy made the applicant aware 60 percent was the greenspace required. Michael DellaVecchia asked if the parking area is currently paved the answer is yes. Sam went on to explain to the board that there was a catch basin in need of repair to remediate any flooding. Roland asked if the catch basin was connected to current city drainage and it was found to be not. Steve opened to the public at 6:47PM and was closed to the public at 6:48PM. Michael DellaVecchia asked to have greenspace stay at the current level or increase if possible. Sam thanked the board for their time. Steve Stated most aspects will remain unchanged less the repaving of the current parking area. Marcia asked about density and that it was not zoned for multifamily, but it is existing as a multifamily. Kathy stated in this zone maximum unit density was 6 units per acre. Richard asked if any prior boards had voted to make this a multifamily and it was found to be no. Kathy stated that it exists as a multifamily, but this may have preexisted the ordinance. Steve Stated the tax card said it was 4-8 on the tax card and Kathy answered this was from an assessing standpoint. Roland asked about the density chart the board received Kathy explained it was a format tool designed to explain the lot in question and compare the abutting properties. Marcia had more concern for the variance than the special exception. Richard was in support of granting both. The Board members discussed the density variance amongst its members to allow for the finding of facts on this application. The variance will not be contrary to the public interest: No, it will not be contrary as the increase in density will increase the housing. The spirit of the ordinance is observed: The spirit of the ordinance is observed as it will not unnecessarily overload the property. Substantial Justice is done yes, as it will not impact the public or the neighboring properties. The values of surrounding properties will not be diminished: No evidence was presented for or against the diminishment of the surrounding property values. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship: (i) No fair and substantial relationship exists between the public purposes of the ordinance and the specific application of that provision to the property; and (ii) The proposed use is a reasonable one. The motion to grant was made by Steve Bogert and was seconded by Roland Maheu and passed unanimously 5-0.

10. ZO2023-0052SE 11 West St. Special Exception

ZO2023-0052SE- 11 West St. Applicant is seeking a special exception. To allow for a multifamily dwelling in the RG Zone where this is by special exception only. The discussions for this application are included in the previous application minutes as they are applications that exist in tandem. Steve Bogert made a motion to grant the special exception using the following criteria. A. The use requested is specifically authorized in this chapter: Yes, it is defined in this chapter. B. The requested use will not create undue traffic congestion or unduly impair pedestrian safety: There were no hazards identified. 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 storm water runoff onto adjacent property or streets: No reports were given to substantiate this. D. The requested use will not create excessive demand for municipal police, fire protection, schools, or solid waste disposal services: No substantiating reports were given. E. Any special provisions for the use as set forth in this chapter are fulfilled. No provisions were set forth by the board. F. The requested use will not create hazards to health, safety, or general welfare of the public, nor be detrimental to the use of or out of character with the adjacent neighborhood. It will fit the character of the neighborhood. G. The proposed location is appropriate for the requested use: yes. H. The requested use is consistent with the spirit and intent of this chapter and the master plan: Yes, it is. It was seconded by Roland Maheu and was unanimous.

11. ZO2023-0054SE 42 Brigham St.

ZO2023-0054SE- 42 Brigham St. Applicant is seeking a special exception for an accessory dwelling unit. Article VII (Supplementary provisions) section 235-41 (residential accessory uses) A. (1-13) to build an accessory dwelling unit. Dionne Gordon explained to the board her request for an accessory dwelling unit. And that this was to be used for her children in the future as the primary dwelling unit will be left to her son who is disabled, and that the Accessory Dwelling unit will be occupied by her daughter, and she will assume the care giver role to her brother. Steve Bogert told the applicant that this was forward thinking on her part and commended her for that. Kathy Menici stated the guidelines for the ADU and stated that the approval is for the special exception to allow for this. Gerald Hansen abutter to 42 Brigham St. spoke. His concerns were the lack of a plan on site. He did not firmly believe this to be a possibility. Steve Bogert explained to the abutter the process of which the determination is made and that this is an allowance by the state and that it will meet the zoning criteria as for location of structure and square footage is defined in the ordinance itself. Marcia asked if approved would this go before the planning board. Kathy stated now that this is done by a building permit and reviewed in the planning department. Gerald finished by stating that encroachment is a valid concern. Steve stated existing structures are just that're existing. Steve assured the abutter that the ADU must fit within existing setbacks. Steve opened the board for discussion and the board discussed ADU ordinance. Steve Bogert made a motion to approve the special exception using these criteria. A. The use requested is specifically authorized in this chapter: Yes, it is. B. The requested use will not create undue traffic congestion or unduly impair pedestrian safety: No

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: No
D. The requested use will not create excessive demand for municipal police, fire protection, Schools, or solid waste disposal services: It would not increase any of the aforementioned.
E. Any special provisions for the use as set forth in this chapter are fulfilled: Yes, all provisions need to be met.
F. The requested use will not create hazards to health, safety, or general welfare of the public, nor be detrimental to the use of or out of character with the adjacent neighborhood: Yes, it will fit the neighborhood. The proposed location is appropriate for the requested use: Yes, it is.
H. The requested use is consistent with the spirit and intent of this chapter and the master plan: It does follow because it allows for housing to care for family members in need. This was seconded by Mike DellaVecchia and was granted unanimously.

12. **ZO2023-0055 VAR 23 Appleton St.**

ZO2023-0055VAR – 23 Appleton St. Applicant is seeking a variance. variance for density from Article VI Dimensional Standards. Section 235-33 maximum residential unit density. To allow for the conversion of an existing building to a multi family residence. Marta and Miguel spoke on behalf of the application and stated that currently the structure has 4 units and would like to add an additional unit in an empty attached barn. Marta stated that parking is available, and she feels they can achieve the parking layout. Roland asked about the lot size, and it was found to be .21 acres. Marta and Miguel went on to explain thoughts on adding more parking in the rear around the barn. It was discussed among the board that planning board would be required if the variance were to be granted. Kathy stated that parking would be a challenge. Marcia expressed concerns over parking on either side of the structure and how tandem parking works in relation to the occupants. Marcia also touched upon greenspace and the current percentage is lower than the required amount. Mike DellaVecchia asked how they would achieve 8 spaces. Kathy stated that there is a mechanism through a variance for parking. Steve motioned to table the application to the July 17th meeting to allow for the applicant to revisit the parking space layout and formulate a plan for the parking layout. It was seconded by Mike DellaVecchia and was unanimous.

13. **ZO2023-0056 VAR 3048 Parade Rd.**

ZO2023-0056VAR – 3048 Parade Rd. Applicant is seeking a Variance from Article VI (Dimensional Standards) section 235-35 (minimum setback requirements) A. to allow for the construction of a new garage. Applicant Sean Kenneally spoke regarding the garage. Sean had a plot plan image he presented to the board this was an overlay of his property. Sean told the story of the former garage and what led to the

new garage proposal. Sean then described the new structure and told the board this new garage would be further back than the previous garage and would allow for a breezeway from one structure to the other. Marcia asked about the Zone where it is a split Zone area RR1 And RR2. It was found to be fully in the RR2, and this would result in a 75-foot setback from the road. Sean also stated this act would make the structure less non-conforming. Ed Higgins came forward and spoke on behalf of Sean's proposal. Mike asked if he could move the garage further back Sean stated that slope issues would be problematic. Richard stated that by these acts he would be creating a less non-conforming lot. Steve Bogert motioned to grant the variance under these criteria. 1. Granting the variance would not be contrary to the public interest because: No, it is not as the garage is replacing an existing garage. 2.If the variance were granted, the spirit of the ordinance would be observed because: the removal of the old garage and construction of the new garage would make the lot less non-conforming. 3.Granting the variance would do substantial justice because: there is no harm caused to the public and the surrounding properties have garages as well. 4. The surrounding properties will not be diminished: There was no evidence for or against the diminishment of property values. 5. Hardship the slope behind the proposed garage location would not allow for it to be set back further from the road. This motion was seconded by Marcia and was voted to pass 4 yes 0 no 1 abstain. And was granted.

14. ZO2023-0057 VAR 13 Summer St.

ZO2023-0057VAR – 13 Summer St. Applicant is seeking a variance for density from Article VI Dimensional Standards. Section 235-33 maximum residential unit density. To allow for the conversion of an existing building to a four-unit multi family residence. This Application was moved to the July 17th ZBA meeting as there was a noticing issue to the public and abutters.

15. ZO2023-0058 VAR 13 Summer St.

ZO2023-0058VAR – 13 Summer St. Applicant is seeking a variance from Article VIII Off-street parking requirements: minimum requirements. Table III off-street parking requirements. To allow for 1 space per unit where 1 and ½ spaces are required. This Application was moved to the July 17th ZBA meeting as there was a noticing issue to the public and abutters.

16. ZO2023-0059 VAR 32 Champagne Ave.

ZO2023-0059VAR – 32 Champagne Ave. Applicant is seeking a variance from Article. VI (Dimensional Standards) section 235-35 (minimum setback requirements) A. to allow for the construction of a shed within the side setback. The setback requirement is 10 feet. Gary Allen spoke on behalf of his application to allow for a shed to be constructed 7 feet into his side setback and would be placed 3 feet from the property line. Noted that this is a corner lot which fronts two streets and has two side setbacks and no rear setback. Gary stated that the shed will be on his side of his neighbor's fence and on his neighbors, side is their garage which would negate any sight concerns. Also, Gary mentioned wanting to maintain the existing yard for his children to use for their discretion. Richard stated the neighborhood is full of sheds and that this use is a normal one. Marcia stated that this was the neighborhood she grew up in and that she was familiar with the neighborhood. Steve motioned to Approve 1. Granting the variance would not be contrary to the public interest: No, it will not be 2. If the variance were granted, the spirit of the ordinance would be observed: Yes 3. The Granting of the variance would do substantial justice because: Yes, the surrounding properties have existing sheds keeping in character with the neighborhood. 4. The value of surrounding properties will not be diminished: No evidence was provided for or against the diminishment of surrounding property values. 5.Unnecessary hardship: The lot size itself was deemed to be the hardship. And it was seconded by Marcia and was unanimously approved.

17. OTHER BUSINESS

18. ADJOURNMENT

The meeting was unanimously adjourned at 8:30PM

DRAFT