

**City of Laconia Zoning Board**  
Monday, July 18, 2016, 7:00 pm  
City Hall Conference Room 200A

**I. Call to Order**

Chair Bogert called the meeting to order at 7:00 pm.

**II. Roll Call**

K. Graham called the roll with the following members present: Gail Ober, Roland Maheu, Orry Gibbs, Michael Foote and Chair Steve Bogert

Absent: Suzanne Perley

Chair Bogert noted that Interim Planning Director Brandee Loughlin and the new Zoning Technician, Wendy Patterson was present.

Recording this meeting: Kalena Graham

Chair Bogert stated there were five (5) member present and a quorum was established. He seated G. Ober as a voting member in S. Perley's absence.

**III. Minutes**

The minutes were distributed June 27 as well as in the packets.

Approval of the minutes from June 20

*O. Gibbs made the motion to accept the minutes from June 20 as presented, seconded by R. Maheu. All voted in favor.*

**IV. Presentations**

**V. Extension**

Chair Bogert stated the applications will be heard together but voted on separately

- 1. 664 Scenic Road, request for extension of special exception for multi-family use in the SFR zone**
- 2. 63-99 Fletcher Lane, request for extension of special exception**
- 3. 63-99 Fletcher Lane, request for extension of area variance**

Applicant: Chris Duprey representing Akwa Waterfront and Akwa Vista LLC, spoke. He showed an overview plan of the properties. Originally three parcels were involved: 664 and 616 Scenic and the Fletcher Lane parcel. When the project started, the intent was to move from building the townhomes to building the three buildings. Instead 616 Scenic, the one big building, was built. Then they acquired two parcels in between and went to the Planning Board for four duplex, two are completed. The Planning

**City of Laconia Zoning Board**  
Monday, July 18, 2016, 7:00 pm  
City Hall Conference Room 200A

Board approval is valid through October 2016. Units have sold in the North Lodges. They have been working on the network of trails and they are almost finished.

No one from the public spoke for or against the application.

Chair Bogert closed the public hearing at 7:10 pm.

Board discussion:

There has been a lot of work done with road and infrastructure. Nothing has expired and the applicant has requested the extension in a timely manner.

Chair Bogert made the motion to approve the extension for application ZO2009-0029, special exception at 616 Scenic to January 17, 2017, seconded by M. Foote. *All voted in favor.*

Chair Bogert made the motion to approve the extension for application ZO2009-0027 the special exception at 63-99 Fletcher Lane to January 17, 2017, seconded by G. Ober. *All voted in favor.*

Chair Bogert made the motion to approve the extension for application ZO2009-0030 for the variance at 63-99 Fletcher Lane to January 17, 2017, seconded by R. Maheu. *All voted in favor.*

**VI. Continued Public Hearings**

**VII. Public Hearings**

1. 2016-0012, 316 Court St, Special Exception for EMC-Static sign

Applicant: Jen Sanborn, daughter of the owner spoke. Sanborn Auto use to be part of Mobil and they are not anymore. The sign is coming out and they would like to replace it with a static sign for deals or specials. It would look similar to German Motorsport Cars across from Hannaford in Gilford. It will not be like Coldwell Banker down the street, more like the party store. J. Sanborn stated the new sign would change once a week. Interim Director Loughlin said it just cannot change less than every 5 minutes. The sign will not be blinding and will be able to dim if needed. The overall height will be about 6 ft tall. The applicant is using the existing post. Staff is not concerned with line of site and thinks the height is fine.

No one from the public spoke for or against the application.

Chair Bogert closed the public hearing at 7:23 pm.

Board discussion:

Chair Bogert stated the proposal is a fair reasonable use, it is the same sign in the same place. The station is reinventing itself and that is always good. M. Foote feels the proposal is appropriate.

M. Foote made the motion to approve the special exception for a static sign. The use is allowed in the commercial zone by special exception. The sign will not create undue traffic congestion or unduly impair pedestrian safety. No modifications are being done to the roadway so this 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. The requested use will not create excessive demand

**City of Laconia Zoning Board**  
Monday, July 18, 2016, 7:00 pm  
City Hall Conference Room 200A

for municipal police, fire protection, schools or solid waste disposal services. He doesn't see why it can't be a good advertising tool. 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 proposed location is appropriate for the proposed use. The requested use is consistent with the spirit and intent of this chapter and the Master Plan. Seconded by R. Maheu. *All voted in favor.*

Chair Bogert noted abutters have 30 days to contest the approval.

2. 2016-0013, 72 Leighton Ave, Variance for setbacks

Applicant: Arne Godtfredsen , the property owner spoke. He is looking to extend the bedrooms upstairs for more room and a lake view. Currently, there is a roof over the first floor and there are two tiny windows that face the lake. The addition will include closets and bigger windows. Currently, you have to walk through one room to get to the other. There is also a concern about the snow loads and by adding a higher roofline it will reduce that. The addition will be on the existing foundation. There is a 3ft deck off the bedrooms. The proposal is to extend the roof line and add a foot in height to roof line. It will stay below the allowed height. The proposal does not need to go to the state due to containment of the horizontal plane. The roof has a 3/12 pitch. The existing roof has had water problems and he would like to fix that.

No one from the public spoke for or against the application.

Chair Bogert closed the public hearing at 7:34 pm.

R. Maheu stated this is next door to one approved in February.

Board discussion:

G. Ober thinks it is a good plan. It will be safer and possibly add value. Originally the structure was probably a summer home that been converted over the years. Possibly the reason for the small windows.

O. Gibbs made the motion to approve the Variance from Article 235 Section 19F 2B and 35B and for setbacks in the shoreland and shorefront district to extend the roofline over the existing footprint over the second floor to provide two larger bedrooms giving more privacy and lake views and adding additional area for laundry room and office space; Not contrary to the public interest as it will have no impact on the setbacks from surrounding homes, no change to the current footprint, only extending over the existing deck and raising roofline and improving the safety of the home as well. Will not hamper any adjoining neighbors views, affects no public rights by the change, and will improve the character of the neighborhood and values by updating this home and improving the appearance. The spirit of the ordinance is observed in that they are working within the existing footprint thereby not needing excavation on site and will not need to go before the state for approvals, there are already two bedrooms upstairs so it will not place any burden on the existing septic. This renovation will fit in with the character of the neighborhood of older homes that are gradually being replaced or renovated. There will be no infringement on the rights of others by allowing the applicant to extend the roofline and the bedrooms. Substantial justice will be done by providing the applicant permission to work within the existing home footprint and increase not just their

**City of Laconia Zoning Board**  
Monday, July 18, 2016, 7:00 pm  
City Hall Conference Room 200A

property value but those around them as well. Literal enforcement of the ordinance would result in hardship as the current property is dated in its construction and has some structural issues; this will correct the structural issues and create a more comfortable and aesthetically pleasing home. The current bedrooms do not have privacy and this will allow them to correct that. The proposed use is reasonable in this district and it will have little to no impact on the neighborhood or environment. Motion was seconded by G. Ober. *All voted in favor.*

2016-0014, 295 Pine St, Variance for setbacks

Applicant: Ljubamir Mlinar wants to put a 10x8 shed in the corner of the back yard. The proposed location will encroach 4' in to the side setbacks of 10' and 9' into the rear setbacks of 15'.

Brandee Loughlin made the Board aware that this structure will not require a building permit. She further indicated that based upon the plans it appeared as if there would be a foundation so she felt it was in the best interest to bring this to the ZBA.

Discussion was had on the proposed placement location and type of footings the portable shed would be on.

Mr. Mlinar clarified that the shed would be on blocks but he would like to place a sand base under it for levelling purposes. It will not be a permanent structure.

Chairman Bogert opened the hearing to the public in regards to this application. There being none, he closed the public hearing at 7:54 PM .

M. Foote said that it is a nice yard with effort put into it but he is not sure why the shed can't be moved and made less non-compliant. He also stated that gardens are out of compliance and the rules need to be looked at in the books in his point. O. Gibbs feels the same, that to prohibit a garden of any kind in a RS zone is outdated. It was noted that there is a rock in the way making it difficult to move the shed more to the rear and the side. It was discussed that this is a portable structure and unless it should later be placed on a permanent foundation the setbacks as proposed would not be intrusive to anyone as there is also a stockade fence to obstruct it from view.

O. Gibbs moved to approve the application for a variance from setbacks for application number 2016-0014, 295 Pine Street Extension, from Article 235 35B side and rear for placement of a non-permanent shed on deck blocks extending 9' into the 15' setbacks and 4' into the side setbacks which should be 10'. The variance is not contrary to public interest, the placement of the shed will essentially be shielded from public view by a stockade fence on the property, it is moveable and not fixed and should the applicant wish to put it on a permanent foundation he would have to return to the Board for further approval. As long as it remains on moveable blocks it is a reasonable request. The spirit of the ordinance is observed in that the shed is substantially obscured from view and is on a moveable foundation. It will not diminish the value of

**City of Laconia Zoning Board**  
Monday, July 18, 2016, 7:00 pm  
City Hall Conference Room 200A

surrounding properties as it is shielded and may increase his value thereby increasing surrounding properties. It will not place a burden on any public services. Literal enforcement of the ordinance would result in an unnecessary hardship as the applicant would like to leave as much open yard as possible and the placement of the non-permanent structure in the corner with the setbacks as shown on the application and approved, allows him to do this with no infringement on the public's rights. There is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property and the proposed use is a reasonable one. It is reasonable to request that a non-permanent shed to be placed on the applicant's property. This Variance is passed with the condition that it shall not be placed on a permanent foundation otherwise the applicant would need to return to the Board. Seconded by G. Ober. *All voted in favor.*

Chair Bogert reminded the applicant that abutters have 30 days to contest this so to keep that in mind as the shed is placed.

**Other Business:** There being none, the portion of this meeting was closed.

**VIII. Adjournment**

*R. Maheau made the motion to adjourn. S. Bogert seconded the motion. **The motion passed unanimously 5-0.***

The meeting adjourned at 8:00 pm.

Respectfully,  
K. Graham`