

**CITY OF CONCORD, NH
ZONING BOARD OF ADJUSTMENT
JANUARY 8, 2020 MEETING
MINUTES**

Attendees: Chair Christopher Carley, Nicholas Wallner, Andrew Winters, Laura Spector-Morgan, Laura Scott

Absent: Rob Harrison Jr.

Staff: Craig Walker, Zoning Administrator, Rose Fife, Clerk of the Board

Meeting commenced at 7:00 pm.

Walker handed out the Court Ruling for the Locke Road, Don Jewel case.

Public Meeting:

Presentation: Ted Diers, Chair of the Concord Tree Committee which is a subcommittee of the Concord Conservation Commission. The subcommittee was formed a year ago due to the City's loss of trees. He listed the members of the committee. They have been losing 10-20% of tree coverage every year. The reason being is that the green infrastructure is aging. It's not being replaced as often as they need to. There are conflicts between uses. Climate changes. Diseases in the trees. They are trying to meet with each committee and board to do an in reach program. They met with Parks and Recreations. They will be talking with other Boards and Commissions. As they are being lost they will be replanting them. They are doing an inventory. They will be looking through all the neighborhoods to see where they have lost trees. Over time they will hope it will influence zoning requirements, etc. They want to increase enforcement over developments that are old and have not kept live vegetation. They want to work with DPW to see how trees fit in with water management, etc. The City has a sustainable tree program. You pay for the tree and the City puts it in for you. The life of an urban tree is about 20 years. The trees that were planted 20 years ago are now being removed. They have done seminars on pruning and planting.

Chair Carley thanked Mr. Dears for the presentation.

Public Hearings:

04-20 Jason Cross: ~~(Withdrawn by applicant) Applicant requests a Variance to Article 28-7-7, Setbacks and Restrictions, Section (g)(2), Setbacks From Lot Lines, to be permitted to extend his driveway/parking area (40' length +/-) to the property line when a minimum 5 foot setback is required (note: 40 foot setback required for buildings), for property located at 90 Sanborn Road in an RO Residential Open Space District.~~

01-20 Jeffery A. Strelzin & Andrea Bonito: Applicants wish to remove an existing 9' x 12' enclosed porch, and replace with an expanded 12' x 20' enclosed porch and requests a Variance to Article 28-4-1(h), Table of Dimensional Regulations, to allow an 8 foot +/- setback from the northerly property line where a 15 foot setback is required, for property located at 179 South Street in an RS Residential Single-family District.

(Note: single story detached structure encroachment of <250 square feet allowed under Article 28-5-32, Accessory Building and Facilities, as amended on 11/12/2019)

Testified: Jeffery Strelzin. Walker gave an overview of the packet information. The plot plan shows setback encroachments for garage and main house. The garage addition, as of last month's Ordinance modification, no longer requires a variance. An encroachment of 250 s.f., or less, is now allowed for certain detached accessory structures. Walker answered the Board's questions regarding this new Ordinance update.

Mr. Strelzin continued his testimony. They have 6/10ths of an acre lot but it is long and narrow in shape, like a bowling alley. The house is 8 feet from the property line. The existing porch is a 9 x 12 porch in need of repair. They want to upgrade to a 12' x 20' porch. The house sits 8 feet from the northern property line. The southern side is where the

garage is and he'd have to cut down the trees and it would place him closer to that property line. The length of the porch will not be visible to the road.

Laura Spector-Morgan wanted clarification that the additional encroachment is 21 s.f.? Mr. Strelzin said that is about right.

In favor: none.

In favor: none.

Code: none.

DECISION: Carley reviewed the testimony with the Board.

Wallner: The literal enforcement of the Ordinance would not be in the spirit of the ordinance and the request meets the hardship requirement. It is an extension of an existing encroachment. He supports it.

Laura Spector-Morgan: The variance criteria met.

Laura Scott and Winters agreed.

A motion to approve the request was made by Wallner, seconded by Laura Spector-Morgan and passed by a unanimous vote.

02-20 Connie Mae George: Applicant wishes to remove an existing 20' x 20' detached garage and replace with a 24' x 24' attached garage and requests the following:

- 1) Variance to Article 28-4-1(h), Table of Dimensional Regulations, to permit not less than a 3.2' building setback from the rear (southerly) property line, and
- 2) Variance to Article 28-4-1(h), Table of Dimensional Regulations, to permit not less than a 9' building setback from the front (northerly) property line, and
- 3) Variance to Article 28-4-1(h), Table of Dimensional Regulations, to permit a maximum impervious lot coverage of 42% +/- where a 40% maximum impervious lot coverage is allowed, for property located at 17 Joffre Street in an RM Residential Medium Density District.

Testified: Connie Mae George. She would like to replace her 20 x 20 detached garage with a 24 x 24 attached garage. She consulted with 3 contractors last summer. The consensus was that her garage has severe structural defects, including a cracked foundation. The reason for a 24 x 24 garage is that's the standard size garage at this time and she would like to attach it so it would be safer to go between her garage and home in the winter.

Winters: How far into the setback now? Ms. George was not sure. But she is into the front and back setbacks now and her home, as it exists, is also infringing. Carley asked if the rear yard would be less in the setback than the existing one is. Walker explained that it was either equal to or less than the current encroachment (3.2' +/-). Ms. George noted that there is a narrow ally way between home and garage right now. They would match or align to the front of the addition to her home. Winters asked if there would be an additional 4 feet in the front. Ms. George said correct.

In favor: none.

In opposition: Lance Boucher, 23 Donovan Street. He's not necessarily opposed to it, but he'd like to know more about the construction of the garage. He lives directly behind this property. He'd like to be sure there wouldn't be an apartment placed above the garage as it would destroy the privacy of his yard. Winters asked if he had a fence. Mr. Boucher said he has a 6 foot stockade fence around his yard and pool.

Code: Walker stated that current zoning of that lot would not qualify it for an additional dwelling unit to be placed there.

Rebuttal: Connie George explained that she has no plans to put an apartment above the garage. Carley asked if it were a 1 story garage. She said yes.

DECISION: Carley reviewed the testimony.

Winters: It's a small lot. (Walker stated it was a 4,949 s.f. lot.) It is the smallest on the block and in the area. He doesn't feel it is an unreasonable use in this area. He is inclined to approve the requests.

Laura Scott: It is a reasonable request. The garage is being pushed closer to the building and forward. It just barely goes over 40% impervious lot coverage. She is inclined to grant the requests.

Laura Spector-Morgan: Agrees.

Wallner: Inclined to support.

Carley: Agrees.

A motion to approve the requests was made by Wallner, seconded by Scott and passed by a unanimous vote.

MINUTES

December 2019 Minutes: A motion to approve the December Minutes was made by Wallner, seconded by Winters and passed by a 3-0 vote with Scott and Spector-Morgan abstaining.

*Respectfully Submitted,
Rose M. Fife, Clerk
Zoning Board of Adjustment*