



CITY OF CONCORD

New Hampshire's Main Street™
Zoning Board of Adjustment

June 24, 2021

The Zoning Board of Adjustment will meet on **Wednesday, July 7, 2021 at 7:00 PM** in the Council Chambers of the Municipal Complex at 37 Green Street.

Wednesday, July 7, 2021 ZBA Public Hearing Agenda

- 1) Call meeting to order
- 2) Review and acceptance of Minutes
- 3) Chairperson's comments
- 4) Public Meetings:
- 5) Public Hearings:
- 6) Any other business that may legally come before the Board.

The Zoning Board of Adjustment will hold a public hearing on the following appeals:

PUBLIC HEARINGS

18-21 Laura Hartz, Esq. for 3G Eagle, LLC. (Recessed from April 7, 2021) Applicant wishes to renovate an existing industrial building into 3 industrial flex tenant units with an automotive repair facility (Principal Uses J-4&5) as a tenant and requests a Variance to Article 28-3-6, Aquifer Protection District, Section (d)(3), Uses Prohibited, Item (m), ...automotive repair, servicing or automotive body work, to permit such automotive repair, service and, body work where such use is not allowed, for property located at 25 Henniker Street in an IN industrial District with an Aquifer Protection District (APD) overly on a portion of the property.

31-19 Liberty Utilities Corp. (Recessed from June 2, 2021) Applicant requests a one (1) year extension of a Variance granted on July 10, 2019 for Case #31-19 and in accordance with Article 28-9-3(c)(6), Expiration of a Variance, original variance request as follows:

"31-19 Liberty Utilities: Applicant wishes to construct an office/warehousing/industrial flex, mixed use building (use L-11) and requests a Variance to Article 28-2-2(b), Purposes of the Established Districts, Section (16), The Industrial (IN) District to waive the requirement that the proposed building be serviced by municipal sewer, for property located at 14 Broken Bridge Road in an IN Industrial District."

22-21 Donald Jewell for Woodpro Inc. (See Note 1 below for rehearing request) Applicant wishes to develop an industrial zoned property for outdoor warehousing and storage of storage trailers and commercial vehicles, and requests a variance to Article 28-5-37(d), Maximum Area of Lot to be Used or Designated for Outside Storage, to permit the warehousing of storage trailers and commercial vehicles, (Principal use K-7), on a lot with no building "housing the principal use", and to waive the restriction that outside storage is allowed only as a ratio of land area to building area of 1.3 to 1 which is the ratio of the area of outside storage to the gross floor area of the buildings on the lot which houses the principal use for property located at 39 Locke Road in an IN Industrial District.

Note I: (Request for Rehearing **only** on the determination of whether or not the case is materially different than Case #027-19. If the Board determines there are reasons to nullify the decision made by the Board on May 11, 2021 the applicant will need to return to the Board with a new request for consideration at a later date.) Prior to

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hearing this case the Board must determine whether this request is materially different in substance or content than the requests contained in Case #027-19.

Note II: The request is to allow only warehousing and storage on the property. The property is not proposed to be used for on-site retail sales or other customer based activities.

33-21 Linda B. Yuhas: Applicant wishes to remove a dilapidated 10'W x 16'L detached garage and replace with a 10'W x 24'L carport/shed structure, and requests the following:

- 1) A Variance to Article 28-4-1(h), Table of Dimensional Regulations, to permit a 10'W x 24'L structure with a 23-inch +/- setback from the north-easterly side property line where a 10-foot side setback is required, and
- 2) A Variance to Article 28-4-1(h), Table of Dimensional Regulations, to permit a 10'W x 24'L structure with a 30-inch +/- setback from the south-easterly side property line where a 10-foot side setback is required, for property located at 69 Washington Street (C), a corner lot in an RD Residential Downtown District.

35-21 Shampney and Sons Four Season Landscaping for Marie Blais: Applicant wishes to establish a Contractors Trade Shop (Principal Use L-8) and accessory outdoor storage of materials, vehicles and equipment (Accessory Use B-7) business and requests the following:

- 1) Variance to Article 28-2-4(j), Table of Principal Uses, to allow a construction trades shop (Principal use L-8) where such use is not permitted, and
- 2) Variance to Article 28-2-4(K), Table of (uses) Accessory to a Principal Non-Residential Use, to allow the outside storage of vehicles, equipment and materials (Accessory Use B-7), in conjunction with the operation of a construction business where such a use is not allowed, and
- 3) Variance to Article 28-5-37, Outside Storage of Materials and Inventory, Section (a), Required Setbacks, to allow the storage of materials, construction vehicles and equipment within the 50' required buffer along the southerly (side) property line, adjacent to Black Hill Road, and
- 4) Variance to Article 28-5-37, Outside Storage of Materials and Inventory, Section (b), Screening Requirements, to waive the requirements for installing solid or opaque fences, walls or enclosures to screen the outside storage areas from view along the northerly (front) property line, the southerly (side) property line and the westerly (rear) property lines,

for property located at 36 Manchester Street in a GWP Gateway Performance District.

36-21 Andrew Julian for NH Six Realty Trust.: Applicant wishes to establish a Veterinary Hospital (Principal Use M-9) and accessory outdoor area to be used as a dog walking yard, and requests the following:

- 1) Variance to Article 28-2-4(j), Table of Principal Uses, to allow a veterinary hospital (Principal Use M-9) where such use is not permitted, and
- 2) Variance to Article 28-5-29, Commercial Kennels and Veterinary Hospitals, as follows:
 - a. To allow an outdoor dog walking yard in conjunction with the operation of a Veterinary Hospital in a district where such an accessory use is not permitted, and
 - b. To waive the requirements that an outdoor dog walking yard not be located closer than 150' to any property boundary and to allow an outdoor dog walking yard be located within zero feet of the southerly property line, adjacent to Tanner Street, and zero feet of the easterly property line, adjacent to Village Street,

for property located at 339 Village Street in a CBP Central Business Performance District.

37-21 Aaron Fracht-Monroe: Applicant wishes to expand an existing single-family dwelling and requests a variance to Article 28-4-1(h), Table of Dimensional Regulations, to allow a second-floor expansion with the closest point 1.3 feet (+/-) from the westerly side property line, where a 10-foot side setback is required, for property located at 9 Short Street in an RD Downtown Residential District.

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38-21 [Lisa A. Mistler and David W. Lynde](#): Applicants wish to add a 740 square foot accessory dwelling unit (ADU) to an existing single-family dwelling by converting approximately 228 square feet (+/-) of the existing structure and by building a 16' X 32' addition to the existing structure, and requests a special exception from Article 28-2-4(k), Table of Accessory Uses, (Accessory Use A-13), and in accordance with the Supplemental Standards contained in Article 28-5-52, Single-Family Detached Dwellings with One (1) Accessory Dwelling Unit (ADU), for property located a 38 Timberline Drive in an RO Open Space Residential District.

Rose M. Fife, Clerk
Zoning Board of Adjustment