



# CITY OF CONCORD

## *New Hampshire's Main Street™* *Zoning Board of Adjustment*

October 20, 2021

The Zoning Board of Adjustment will meet on **Wednesday, November 3, 2021 at 7:00 PM** in the Council Chambers of the Municipal Complex at 37 Green Street.

### **Wednesday, November 3, 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**

**60-21 Andrew H. Sullivan, Esq. for Hrisi Maloutas:** Applicant wishes to expand an existing non-conforming food establishment use by installing a 6.5 foot x 14.33 foot walk-in cooler and constructing a 7 foot x 7 foot alcove and requests a variance to Article 28-8-4(c)(1), Expansion of a Non-conforming Use, to allow the expansion of a non-conforming use by a combined net area of 122sf +/- (35.6%) where such use is not permitted for property located at 192-194 North State Street in a UT Urban Transitional District.

**61-21 Jonathan Hutchins for Living Hope Community Church of Greater Concord:** Applicant wishes to repair/replace an existing non-conforming entrance stairway and expand the non-conformity by constructing a connected 210 s.f. handicap access ramp, the purpose of which is to assist those who need an alternate entrance option due to mobility impairments and requests a variance to Article 28-8-5(b)(1), Non-Conforming Structures to do so. Applicant also requests a variance to Article 28-4-1(h), Table of Dimensional Regulations to allow such nonconformity to be situated 5 feet from the front property line where 15 feet is required. These requests are for property located at 31 Summer Street (Penacook) and situated in an RN Residential Neighborhood District.

**51-21 John J. Flatley Company: (Recessed Hearing)** Applicant wishes to install a third freestanding sign, proposed to be an Electronic Message Center (EMC sign), and requests the following:

- 1) That the Zoning Board make a determination whether the unshielded illumination from an EMC is prohibited under Article 28-6-7(n), Signs Prohibited, which prohibits an illuminated sign that directs illumination (not reflected light) onto adjacent streets.

Variances to:

- 1) Article 28-6-9(c)(1), Permitted Freestanding Signs, to allow 3 freestanding signs on the property where a maximum of 1 freestanding sign is permitted,
- 2) Article 28-6-7(r), Signs Prohibited, to allow an electronic message center type sign when such type of sign is not allowed,
- 3) Article 28-6-9(a), Table of Maximum Sign Dimensions, to allow a freestanding sign (EMC sign) with a height of 50' and area of 220 s.f., where a maximum height of 20' and maximum area of 100 s.f. is allowed,
- 4) Article 28-6-9(c)(3), Permitted Freestanding Signs, to allow a freestanding sign to have a horizontal dimension of 22', when a maximum horizontal dimension of 16' is allowed, and
- 5) Article 28-6-7(n), Signs Prohibited, to permit an illuminated sign that directs illumination (not reflected light) onto adjacent streets. (If ZBA determines relief is necessary),

for property located at 10 Ferry Street on the portion of the property located in an OCP Opportunity Corridor Performance District.

**WITHDRAWN**

*All City of Concord public meetings are accessible for persons with disabilities. Any person who feels that he or she may be unable to participate in a City of Concord public meeting due to a disability should, to the extent possible, call (603) 225-8580 at least 48 hours prior to the meeting so that a reasonable accommodation can be arranged.*

**55-21 Continental Paving: (Recessed Hearing)** Applicant wishes to utilize a road on its property as part of its excavation/quarry business and future development of an asphalt plant on an adjacent property located in the Town of Pembroke, New Hampshire and requests that the Zoning Board overturn the Zoning Administrator's determination that:

- 1) There is no legal non-conforming right/vested right to utilize the existing private driveway on the property to provide ingress and egress to the existing excavation site and quarry on adjacent land under the same ownership in Pembroke, as it is neither a permitted use in the GWP District nor is there evidence that a legal right to use the property as such was ever established; and
- 2) There is no legal non-conforming right/vested right to utilize the existing private driveway on the property to provide ingress and egress to a proposed asphalt manufacturing plant on adjacent land under the same ownership in Pembroke, as it is neither a permitted use in the GWP District nor is there evidence that a legal right to use the property as such was ever established,

for property located at 320 Sheep Davis Road in a GWP Gateway Performance District.

If the Board upholds the Zoning Administrator's decision the applicant request the following:

- 1) Variance to Article 28-2-4(j), Table of Principal Uses, (principal use L-9) to allow an existing private driveway to be used as access to and in support of an existing earth materials excavation and quarry site on adjacent property located in the Town of Pembroke, when the Excavation of earth materials or quarrying of stone is a use that is not allowed and has not been established on the subject property, and
- 2) Variance to Article 28-2-4(j), Table of Principal Uses, (principal use L-4) to allow an existing private driveway to be used as access to and in support of a proposed asphalt manufacturing plant on adjacent property located in the Town of Pembroke, when Materials recycling and processing is a use that is not allowed and has not been established on the subject property,

for property located at 320 Sheep Davis Road in a GWP Gateway Performance District.

**57-21 20-22 Church Street, LLC: (Recessed Hearing)** Applicant wishes to merge two adjoining lots, 20-22 Church Street and 26 Church Street, resulting in a single lot maintaining two existing principal residential uses and maintaining the existing number of driveways. Further, the applicant wishes to expand the use of the merged lot to create a new parking area for the benefit of the residents, their guests, and to nearby property owners. Therefore, the applicant requests variances to:

- 1) Article 28-2-4(h), Multiple Principal Uses on a Single Lot, to allow a merged lot that contains two existing principal uses, a Single-family detached dwelling (principal use 28-2-4(j), use A-1) and a 4-unit, legal non-conforming Multi-family dwelling (principal use 28-2-4(j), use A-4), where one principal use is allowed,
- 2) Article 28-7-8(b), Separation of Driveways in Residential Districts, to allow the continued use of three driveways on the merged lot, where only two driveways are allowed, and
- 3) Article 28-4-1(h), Table of Dimensional Regulations, to allow a maximum lot coverage of 52%, where a maximum lot coverage of 50% is allowed, and
- 4) Article 28-2-4(h), Multiple Principal Uses on a Single Lot, to allow an additional (third) principal use on the merged lot to provide for the proposed establishment of a Public or commercial parking lot (principal use 28-2-4(j), use K1), where only one principal use is allowed,
- 5) Article 28-2-4(j), Table of Principal Uses, to allow for the operation of a Public or commercial parking lot (principal use K1), where such a use is not allowed, and
- 6) Article 28-7-7(h), Surfacing and Drainage, to allow the use of an alternative to the paved surface, where a paved surface is required,

For property resulting from the merger of 20-22 Church Street and 26 Church Street, in an RN Neighborhood Residential District.

Rose M. Fife \_\_\_\_\_, Clerk  
Zoning Board of Adjustment

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