



# CITY OF CONCORD

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

*Ernest Cartier Creveling*  
*Zoning Administrator*

February 18, 2022

The Zoning Board of Adjustment will meet on **Wednesday, March 2, 2022 at 7:00 PM** in the Council Chambers of the Municipal Complex at 37 Green Street.

## **Wednesday March 2, 2022 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.

**10-20: Christopher Aslin and Rachel Goldwasser - A REQUEST FOR A ONE-YEAR EXTENSION** – has been requested for an extension of one year to complete a project at 17 Rockland Road, in accordance with Article 28-9-3, Decisions by the Zoning Board of Adjustment (ZBA), Section (c) Variances, Subsection (6), Expiration of a variance. The property was granted a variance on March 4, 2020 to Article 28-4-1(h), Table of Dimensional Regulations, to allow the removal of an existing garage to be replaced with a new garage and to allow a 3'8" setback from the easterly property line where a 15 foot setback was required at 15 Rockland Road in an RS Residential Single Family District.

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

### **PUBLIC HEARINGS**

**04-22 10 Ferry Street; OCP-Opportunity Corridor Performance District; Property Owner-Flatley Concord Center, LLC;** Applicant proposes to install a 220 square foot freestanding sign and is seeking variances to:

1. Article 28-6-9(a), Table of Maximum Sign Dimensions, to allow a freestanding sign with an area of 220 sf, where a maximum area of 100 sf is allowed; and
2. Article 28-6-9(c)(3), Permitted Freestanding Signs, to allow a freestanding sign to have a horizontal dimension of 22 feet, when a maximum horizontal dimension of 16 feet is allowed.

**11-22 32-34 South Main Street and 33 South State Street; CBP-Central Business Performance District; Property Owner-City of Concord; Applicant-John Flatley Company;** Applicant proposes to demolish the existing building and build a multi-story residential complex with parking on the first level and is seeking variances (Items 1 through 8 below) and a special exception (see Case 12-22) to:

1. Article 28-4-5(e)(5), Development of Attached and Multifamily Dwellings – to allow the first story of the building to be utilized for parking, which is an accessory use to the residential use and not an allowed principal non-residential use as required in the Central Business Performance District.
2. Article 28-5-48(a), CBP District Standards, Multi-family Dwellings – to allow a variance from the requirement for a non-residential use on the first story of a building and to allow parking on the first story, an accessory use which is otherwise permitted in the Central Business Performance District on or above the second floor.
3. Article 28-5-48(c), Parking Lots and Structures-In accordance with Article 28-7-12(a)(2) to allow a Variance from the requirement for a non-residential use on the first story of a building; to allow parking on the first story as an accessory use to a residential use on the second floor and above, which is an otherwise permitted use in the CBP District; to locate a parking structure on the first story within 100' of South Main Street and South State Street.
4. Article 28-5-48(g), Building to Lines – to allow a variance from the requirement that the front wall of the building be located at the front lot line or street right-of-way line and relief from the requirement that for any portion of the building height greater than 65' above street level from South Main Street be set back 10' from the property line; to allow a variance from paragraph (1) of this Article To allow a Variance from the provision that a public plaza occupy no more than 20% of the street frontage of a property and further that the Building be required to occupy 80% of the front property line. This building will occupy less than the 80%.
5. Article 28-5-48(i) Ground Floor Occupancy and Transparency along South Main Street to allow a variance from the requirement that there be 60% transparent glazing of the occupancy of a building at ground level and the requirement that there be a provision of at least 60% of the uses at street level be comprised of uses which include the sales of goods and provision of services and entertainment.
6. Article 28-7-8(c)(2), Access and Driveway Standards, Circulation, Separation of Driveways in Nonresidential Districts - to allow the location of a driveway on South State Street located 120' from the intersection of South State Street and Fayette Street (in the general location of an existing driveway), where a distance of 200' is required and further to allow the location of the same driveway closer than 200' from the other driveways on the same lot or an adjacent lot (South State Street is a collector street) and to allow the driveway entrance on Fayette Street to be located closer than 200' from the intersections of Fayette Street and South Main Street (arterial street) and Fayette Street and South State Street (collector street); and to
7. Article 28-7-10(a), Parking Lot Perimeter Landscaping Required – to allow paving to the property line, where a landscaped area of 10' is required along a collector road (South State Street).
8. Article 28-7-7(f) Driveway Widths – to allow a driveway of 44.3' in width to provide entry to a parking lot (parking garage) on Fayette Street, where a maximum width of 28' is allowed.

**12-22 32–34 South Main Street and 33 South State Street; CBP-Central Business Performance District; Property Owner-City of Concord; Applicant-John Flatley Company:**

Special Exception from Article 28-5-21, Parking Structures in accordance with paragraph (b), the Applicant requests a special exception to not build a commercial parking structure for nonresidential uses at the street level of a parking structure, but rather to construct a parking structure for residential parking.

**08-22 120-122 Pleasant Street; IS-Institutional District; Property Owner-Concord Coalition to End Homelessness:** Applicant proposes to convert two existing residential buildings from a total of 4 units to 8 units, and is seeking variances to

1. Article 28-2-4, Table of Principal Uses, A11, Conversion of a Residential Building to accommodate not more than five (5) units;
2. Article 28-5-3(b)(1), Minimum Lot Size, to allow a residential conversion on a lot containing 23,087 sf, where 25,000 sf are required;

3. Article 28-5-3(b)(1), Minimum Lot Size, to allow a total of 8 dwellings in 2 buildings (2 dwellings in one building and 6 dwellings in the other building) on a lot containing 23,087 sf of land, where 4.6 dwellings would otherwise be allowed;
4. Article 28-5-3(b)(4), Minimum Size of Dwellings, to allow dwellings of various sizes, with no new dwelling being less than 320 sf in gross floor area where a minimum dwelling size of 600 sf for a one-bedroom conversion is required; and to
5. Article 28-7, Access, Circulation, Parking and Loading, Section 1(a), Applicability to allow the continuation of the current non-conforming parking lot layout with 8 parking spaces, where a fully designed engineered, paved parking lot providing 16 parking spaces would be required.