



*Ernest Cartier Creveling
Zoning Administrator*

CITY OF CONCORD

New Hampshire's Main Street™
Zoning Board of Adjustment

June 24, 2022

The Zoning Board of Adjustment will meet on **Wednesday, July 6, 2022 at 7:00 PM** in the Council Chambers of the Municipal Complex at 37 Green Street.

Wednesday July 6, 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.

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

PUBLIC HEARINGS

31-22 42 Julie Drive; RO-Open Space Residential District; Sean Bussiere:

Applicant seeks a variance to establish a Contractor Yard (Use L7 in the Table of Principal Uses) and is requesting variances to:

1. Article 28-2-4(j), Table of Principal Uses, to allow a Contractor Yard in the RO-Open Space Residential District, where the Zoning Ordinance only permits Contractor Yards in the IN-Industrial District.
2. Article 28-5-37(b) Screening Requirements, to allow use of the existing natural vegetation, where the Zoning Ordinance requires the use to be screened from adjacent streets and properties by the installation of solid and opaque fences, walls, or enclosures.
3. 28-4-7(d)(2) Uses Accessory to a Principal Residential Use to allow the development of a Contractor Yard (Use L7) within a cluster development, where it currently is not a permitted accessory use.

32-22 132 Warren Street; RN Neighborhood Residential District; Christopher Higman: Applicant wishes to expand the driveway width serving a two-family dwelling and is requesting variances to:

1. Article 28-7-7(f), Driveway Width, to permit a driveway with a maximum width of 40 feet, where a maximum width of 28 feet is allowed;
2. Article 28-7-8(b), Separation of Driveways in Residential Districts, to allow the driveway to be widened to the extent that the westerly side of the widened driveway has 25 feet of separation from the easterly edge of the driveway entrance serving 136 Warren Street, where a distance of 40 feet of separation is required.
3. Article 28-7-8(b), Separation of Driveways in Residential Districts, to allow the driveway to be widened to the extent that the easterly side of the widened driveway has less than 20'-4" of separation from the westerly edge of the driveway entrance serving 130 Warren Street, where a distance of 40 feet of separation is required.

33-22 220 Loudon Road; CG-General Commercial District; SV Property SS LLC:

Applicant wishes to add an additional warehouse of 4,000 square feet in size and seeks the following:

1. A Special Exception from Article 28-8-4(c)(2), Nonconforming Uses of Land;
2. A Variance to Article 28-8-4(c)(1), Expansion of a Non-conforming Use, to allow an increase in lot coverage in the amount of 9.9 percent by adding an additional warehouse of 4,000 square feet in size (Use K7, Warehousing, in the Table of Principal Uses), which is not an allowable use in the GC-General Commercial District); and
3. A Variance to Article 28-7-1(a), Applicability, which requires that whenever a building is constructed or enlarged, off-street parking and loading spaces shall be provided for the entire use or combination of uses; the applicant is proposing to provide a net decrease in nonconformity by proposing 7 standard parking spaces and one van accessible space, where 34 standard spaces and two accessible spaces are required.

34-22 72 Washington Street; CN-Neighborhood Commercial District; 45 Centre St Frnt: Applicant proposes to locate a restaurant with a gross floor area less than 5,000 sf with no drive-through service (Use I1 in the Table of Principal Uses) and is seeking variances for this proposed change of use to:

1. Article 28-7-1(a), which requires when a use of any land is changed, that off-street parking and loading spaces shall be provided for the entire use or combination of uses, where in this case the existing parking lot has no capacity for additional parking;
2. Article 28-7-2, Sections:
 - (a) Computation of Number of Spaces Required, to allow no off-street spaces to be located within the existing parking lot, which has no capacity for additional parking (44 spaces are required for this proposed change in use);
 - (c) Requirements Where There are Multiple Uses or Buildings on a Lot, to allow no parking spaces to be provided within the existing parking lot for this proposed change of use, where the sum of required parking spaces of both principal uses exceeds the capacity of the existing parking lot.
 - (e) Table of Off-Street Parking Requirements, where the zoning ordinance requires 1 parking space for every 75 square feet of gross floor area (3,328 sf of GFA ÷ 75 parking spaces per sf = 44) spaces required.
4. Article 28-7-3, Location of Required Parking, which requires that off-street parking shall be provided on the same lot as the use or uses that they are intended to serve;
5. Article 28-7-5, Requirements for Handicapped Accessible Parking Spaces, to allow no off-street accessible parking spaces, where two spaces are required;
6. Article 28-7-7, Parking Area Design Standards, to allow no application generally of the provisions of this article, as there is no on-site parking available to be allocated for this change of use;
7. Article 28-7-8, Access and Driveway Standards, to allow no application generally of the provisions of this article, as there is no on-site parking allocated for this change of use;
8. Article 28-7-9, Pedestrian Circulation, to allow no application generally of the provisions of this article, as there is no on-site parking allocated for this change of use;
9. Article 28-7-10, Parking Area Landscaping Standards, to allow no landscaping to be performed as a result of no ability to expand the existing parking lot to accommodate additional parking for any secondary principal use related to this structure;
10. Article 28-7-13, Off-Street Loading Requirements, to allow no loading spaces to be provided for this change of use;
11. Article 28-7-14, Off-Street Loading Area for Refuse Containers, to allow for no provision of off-street loading area for refuse containers, where there is no area available on the existing site to provide it;
12. Article 28-8-4(a)(1), Continuation of a Nonconforming Use or Nonconforming Characteristics of a Use; and
13. Article 28-8-4(5)a, which allows an existing use to be replaced by a use permitted in the RN District if there is no net increase in the need for off-street parking spaces.

35-22 19 Ridge Road; RS-Single Family Residential District; Simon C Wraight Revocable Trust: Applicant wishes to add an addition of +/- 70 square feet to expand a kitchen by extending the existing single family dwelling, which presently encroaches into the side setback by +/- one foot. The applicant seeks the following variance:

1. Article 28-4-1(h), Table of Dimensional Regulations to allow the addition to be constructed 14 feet from the northwesterly property line, where 15 feet are required.

36-22 32 Manchester Street; GWP-Gateway Performance District; ROI Irrev Trust C Windler TTEE c/o Cronin Bisson & Zalinsky PC: Applicant wishes to establish a commercial Kennel (Use M8 in the Table of Principal Uses) in the GWP District and is seeking the following variances:

1. 28-2-4(j) to allow a commercial kennel in the GW-Gateway Performance District, where such use is not allowed.

CONTINUATION TO AUGUST 3, 2022

37-22 270 Loudon Rd–Steeplegate Mall; GWP-Gateway Performance District; Steeplegate Mall Realty LLC & Steeplegate CH LLC & Steeplegate Nassim LLC: Applicant wishes to utilize a +/- 2 acres of the parking lot on the easterly side of the overall property, which is currently part of the Steeplegate Mall site plan, to allow its use for truck and automobile maneuvers as part of a Commercial Driving School, which is not an allowed use in the GWP District. The applicant seeks the following variance:

1. 28-2-4(j) to allow a commercial driving school (Use B3) in the GW-Gateway Performance District, where such use is not allowed.

38-22 149 & 175 East Side Drive-Havenwood Heritage Heights (retirement community); RM-Medium Density Residential District; United Church of Christ Ret Comm Inc DBA Havenwood Heritage Heights c/o T. Judd: Applicant proposes to redevelop portions of the retirement community, as represented in the submitted preliminary planning documents, which involves demolition, then constructing new buildings in a different configuration than the original layout and seeks the following variances:

1. Article 28-4-5(d)(3) Building Dimensions and Separation, to allow building separation of no less than 30 feet, where 40 feet are required;
2. Article 28-4-1(h) Table of Dimensional Regulations, to allow lot coverage of 65%, where 20% is allowed.

Other Business – Extension Request for Case #34-20

34-20 Michael Chapman: Applicant wishes to convert a 2 unit dwelling to a 3 unit dwelling and requests the following:

- 1) (Granted 5-0) A Variance to Article 28-5-3(b), Conversions (of residential buildings) in Districts Other Than Performance Districts, to allow a conversion resulting 3 dwelling units in a single building on a 5,869 sf lot where a minimum lot size of 7,500 sf is required,
- 2) A Variance to Article 28-7-1(a), Applicability (Parking), to allow a change of use without bringing the property into compliance with all parking requirements including, but not limited to:
 - a. (Recessed to 9/2, ZBA **voted on 9/2 to allow 5 spaces, one of which must be accessible**) A Variance to Article 28-7-2(e), Table of Off-street Parking, to allow the provision of 4 standard 9'x19' onsite parking spaces where 6 spaces are required,
 - b. (Granted 5-0) A Variance to Article 28-7-7(e), Minimum Aisle Width, to allow a 10 foot aisle adjacent to the southerly parking space where a 24 foot aisle is required for maneuvering,
 - c. (Recessed to 9/2, **REQUEST DENIED on 9/2**) A Variance to Article 28-7-5, Requirements for Handicapped Spaces, to provide no designated accessible spaces where 1 space is required,
 - d. (Granted 5-0) A Variance to Article 28-7-7(f), Driveway Widths, to maintain a driveway with a minimum width of 12 feet where a minimum width of 18 feet is allowed (CUP) and 24 feet is standard,
 - e. (Granted 5-0) Variance to Article 28-7-7(g)(2), Setbacks from Lot lines, to maintain zero foot setback for the driveway along the westerly lot line where a 5 foot setback is required, for property located at 27 Fayette Street in an RD Residential Downtown District.