



CITY OF CONCORD
New Hampshire's Main Street™
Zoning Board of Adjustment

Tracey E. Hutton
Zoning Administrator

REVISED
September 2, 2022

August 24, 2022

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

Wednesday, September 7, 2022 - Public 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.

PUBLIC MEETING

- 34-22 72 Washington Street; CN Neighborhood Commercial District; 45 Centre St Frnt: (Request for Rehearing)** 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.

44-22 179 Pembroke Road; OFP-Office Park Performance District; by Jeremy Eggleton, Esq. for Proverbs 16:3 LLC, Owner: (Request for Rehearing) Applicant seeks review of Administrator's Decision interpreting permissible uses under the ordinance. Code Administrator letter dated June 1, 2022 determined that the complex of 62 monolithic domes to be used for short and long-term rentals is not an allowed use in districts zoned OFP without zoning relief.

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

PUBLIC HEARINGS

41-22 188 Pleasant Street; CN – Neighborhood Commercial District; by Nouria Energy Corp. for Arck Tej Realty LLC, owner:

Applicant wishes to engage in the operation of a convenience store with the retail sale of gasoline and seeks a reversal of the Code Administrator's Decision, per correspondence dated June 13, 2022, which determined that the structure and land has been abandoned, under Section 28-8-6(b)(1).

If the Board upholds the Code Administrator's decision the applicant request variances to Articles:

1. 28-4-1(h), Table of Dimensional Regulations, to allow the existing
 - a. 17.1-foot setback from the building to the northern property line and an 11.2-foot setback from the building to the southern property line, where a 20-foot setback is required, and
 - b. 13.5-foot setback from the gasoline canopy to the northern property line and a 10-foot setback from the gasoline canopy to the southern property line, where a 20-foot setback is required, and
 - c. 84.8% lot coverage, where only 80% is allowed; and
2. 28-7-2(e), Parking and Loading, to allow 4 parking spaces at the fueling pumps, where 10 are required; and
3. 28-7-7(f), Driveway Width, to allow the existing driveway width of 51 feet along Pleasant St. and 53 feet along Warren St., where only 28 feet is allowed; and
4. 28-7-8(c)(1), Driveway Separation, to allow the existing separation
 - a. from the street intersection of 48 feet along Pleasant St. and 44 feet along Warren St., where a separation of 125 feet is required; and
 - b. to Lot Z-14 of 85 feet along Pleasant St. and 85 feet along Warren St., where a separation of 100 feet is required.

42-22 64 River Road; RO-Open Space Residential District; by Jared Chiumento, owner: Applicant needs to replace the existing deck on the west side of the house and wishes to expand from 6-foot by 6-foot, to 6-foot 5-inches by 12-foot and is requesting a variance from Article 28-4-1, Table of Dimensional Regulations, to permit a structure to be located to within 2 feet 4 inches to the western side property line, where a 40-foot side setback is required.

47-22 63 Bog Road; RM-Medium Density Residential District; by Justin Stephens for Bull Meadow Real Estate Holding, LLC, Owner: Applicant wishes to install a second freestanding sign on the westerly side of the driveway and is requesting a variance to Article 28-6-8(a)(1), Signs Permitted in Residential District, to allow a second freestanding sign with a combined sign area of 32 square feet, where only one freestanding sign with an area of up to 20 square feet is allowed.

48-22 32 Amy Way; RM-Medium Density Residential District; by Alex and Karen Eddy, Owners: Applicants wish to construct a 24-foot by 24-foot garage with an attached 8-foot by 12-foot breezeway onto an existing single-family dwelling, and is requesting a variance to Article 28-4-1(h), Table of Dimensional Regulations, to permit a structure to be located to within 7 feet 6 inches to the northerly side property line, where a 15-foot setback is required.

49-22 New lot created by the merger of 76 Community Drive, 83 High Street, and 87 High Street; RN-Neighborhood Residential District; by Boys and Girls Club of Central New Hampshire, Owner:

Applicants wish to redevelop the referenced properties into a merged lot to accommodate a child day care and community meeting facilities and seeks the following variances to:

1. Article 28-2-4(j), Table of Uses, use B4, to allow a child day care facility in an RN district, where such use is only allowed with a Special Exception; and
2. Article 28-2-4(j), Table of Uses, use B14, to allow a community center in an RN district, where such use is only allowed with a Special Exception; and
3. Article 28-4-1(h) to permit lot coverage of 65%, when a maximum of 50% is allowed; and
4. Article 28-5-40(b)(1) to allow a 6-foot fence in the front yard of a residential district, where a maximum of 4 feet is allowed; and
5. Article 28-7-2(e) to allow 25 parking spaces, when 53 are required; and
6. Article 28-7-5 to allow 2 handicapped parking spaces, where 3 are required; and
7. Article 28-7-7(g)(1) to allow off-street parking in a front yard of a residential district, where such parking is not permitted.

50-22 14 Fellows Street; RS-Single Family Residential District; by Nancy Stewart for Jane Sullivan, owner:

Applicant wishes to modify a portion of their existing single-family dwelling on a non-conforming lot to provide an attached second dwelling unit for a caretaker and is requesting variances to:

1. Article 28-4-2(j), Table of Principal Uses, Use A-2, to allow a two-family dwelling on a lot where such use is not permitted;
2. Article 28-5-2, Duplex or Two-Family Dwelling, to allow a two-family dwelling on a lot with an area of 10,018.8 square feet where 18,750 is required.

52-22 12 Tahanto Street; RN-Neighborhood Residential District; by Michael and Eileen Gfroerer, owners:

Applicants wish to execute a lot line adjustment with adjoining property at 11 Summit Street and then build a 14-foot by 24-foot garage on the revised subject property and request variances to:

1. Article 28-4-1(h), Table of Dimensional Requirements, to permit a structure to be located to within 2 feet to the northerly side property line and 2 feet to the southerly side property line, where a 10-foot setback is required; and
2. Article 28-4-1(h), Table of Dimensional Requirements, to permit a structure to be located to within 4 feet to the easterly rear property line where a 25-foot setback is required; and
3. Article 28-7-7(g)2, Setback from lot lines, to allow the existing driveway, located within 5 feet of the northerly side property line, to remain on the revised subject property.

53-22 11 Summit Street; RN-Neighborhood Residential District; by Michael and Eileen Gfroerer, owners:

Applicants wish to execute a lot line adjustment with adjoining property at 12 Tahanto Street and request variances to:

1. Article 28-8-1, Purpose and Applicability, to allow modifications to a lot which would result in an increase in nonconformity, by reducing the lot size by 324 sf from 5120 sf to 4796 sf; and
2. Article 28-4-1(h), Table of Dimensional Requirements, to place a lot line creating a 2-foot rear yard setback, where a 25-foot setback is required.

54-22 13 Curtice Avenue; UT-Urban Transition District; by Volodymyr Spantchak, Owner: Applicant wishes to remove an existing 11-foot by 18-foot garage and replace with a 24-foot by 30-foot garage and requests a variance to Article 28-4-1(h), Table of Dimensional Regulations, to permit a structure to be located to within:

1. 7 feet of the easterly side property line, where a 10-foot setback is required; and
2. 17 feet of the northerly rear property line, where a 25-foot setback is required.

Rose M. Fife, Clerk
Zoning Board of Adjustment