



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

Tracey E. Hutton
Zoning Administrator

February 21, 2024

*The Zoning Board of Adjustment will meet on Wednesday, **March 6, 2024** at 6:00 PM in the Council Chambers of the Municipal Complex at 37 Green Street.*

Wednesday, March 6, 2024 - Public Agenda

- 1) Election of Chair
- 2) Call meeting to order
- 3) Chairperson's comments
- 4) Rehearing Requests
- 5) Public Hearings
- 6) Tabled Items
- 7) Review and acceptance of Findings of Fact
- 8) Review and acceptance of Minutes
- 9) Any other business that may legally come before the Board

REHEARING REQUESTS

[0123-2023](#)

54 N Main Street; *CBP – Central Business Performance District*, Ciborowski Associates LLC Owners:

Applicant is proposing a complete redevelopment of 44-52 N. Main Street (CVS) and 54- 56 N. Main St (E&P Hotel) along with a connection to and renovation of 34-42 N. Main Street (Phenix Hall) and is requesting variances to:

1. Article 28-4-1(h), Table of Dimensional Regulations, to allow a portion of the proposed building to be constructed to a maximum height of 88 feet whereas 80 feet is allowed.
2. Article 28-4-1(g)(2), Dimensional Standards, to allow a partial obstruction of views of the State House Dome from Interstate 93.

[0134-2023](#)

50 S State Street; *CU – Urban Commercial District*, 50 South State LLC,
Owners:

The applicant seeks variances from Article 28-6-9(a), *Table of Maximum Sign dimensions for Non-residential Districts* and Article 28-6-7(d) *Signs Prohibited under this Ordinance*, to allow a sign that is 87.5 square feet where 25 square feet is allowed and for the sign to be painted directly on the front of the building.

PUBLIC HEARINGS

[0144-2024](#)

134 Borough Road; *RM – Medium Density Residential District*, Adam and Alicia Chelmo, Owners:

Applicant seeks a variance pursuant to Article 28-2-4(h), *Multiple Principal Uses on a Single Lot*, to allow for a second single family dwelling on a lot.

[0146-2024](#)

41-43 Concord Street; *RD – Downtown Residential District*, Elinor E Yeaton Revocable Trust, Owner:

Applicant seeks variances to allow for the division of the parcel into individual lots for the two primary structures on the lot. Such a division does not meet the dimensional standards of the Ordinance and variances would be required as follows:

1. 28-4-1(b) *Minimum Lot Size*;
2. 28-4-1(c) *Minimum Lot Frontage*;
3. 28-4-1(d) *Minimum Yard Requirements*, being no less than 3-feet;
4. 28-4-1(e) *Maximum Lot Coverage*; and
5. 28-7-2(e) *Table of Off-street Parking Requirements*.

[0147-2024](#)

41 Auburn Street; *RS – Single Family Residential District*, Christina Kirkpatrick and James David, Owners:

Applicant seeks a variance pursuant to Article 28-4-1(d), *Minimum Yard Requirements*, to allow for a 20-foot by 20-foot carport to be 10-feet from the property line where 15-feet is required.

[0148-2024](#)

30 River Road; *RO – Open Space Residential District*, *SP – Shoreland Protection Overlay*, and *FH – Flood Hazard District*, 30 River Road Properties LLC, Owners:

Applicant seeks a variance pursuant to Article 28-8-4(a)(1) *Nonconforming Uses of Land*, to allow vertical expansion of a non-conforming single-family dwelling.

[0149-2024](#)

Highland Street (6522/Z 38/ /); *RN – Neighborhood Residential District*, MDR Rehab & Development LLC, Owners:

Applicant seeks variances pursuant to Article 28-4-5 *Development of Attached and Multifamily Dwellings*, to allow the development of a four-unit Attached Dwelling. variances would be required as follows:

1. Article 28-4-5(d)(1): *Minimum Tract Requirements*, lot having 10,788 sq. ft. where 25,000 sq. ft. is required;

2. Article 28-4-5(d)(2): *Maximum Lot Coverage and Density*, having 16 units/acre where 4 units/acre are allowed;
3. Article 28-4-5(d)(5): *Perimeter Buffer Required*, 10-feet where 75' is required; and
4. Article S28-7-8(a): *Restrictions on Backing Into a Street*, cars will back onto Highland Avenue.

0150-2024

143 Hopkinton Rd; *RO – Open Space Residential District*, Steven and Kimberly Arndt, Owners:

Applicant seeks variances to build an addition and to re-establish a two-family use of the property where such use is prohibited. Variances would be required as follows:

1. Article 28-4-1(d), *Minimum Yard Requirements*, to allow for an 8-foot addition to be 32-feet from the property line where 40-feet is required.
2. Article 28-2-4(j), *Table of Principal Uses*, to permit use A2 (*Duplex or two-family dwelling*) in a RO District.

0151-2024

8 Gale Street; *RM – Medium Density Residential District*, William Young Properties LLC, Owners:

Applicant seeks variances to allow the development of a single-family dwelling. Variances would be required as follows:

1. Article 28-4-1(b) to permit a single-family home on a lot with approximately 8,579 square feet, where 12,500 square feet is otherwise required; and
2. Article 28-4-1(c) to permit a single-family home on a lot with approximately 66' of frontage, where 100' is otherwise required.

0152-2024

20 Redington Road; *RM – Medium Density Residential District*, William Young Properties LLC, Owners:

Applicant seeks a variance pursuant to Article 28-4-1(b) to permit a single-family home on a lot with approximately 8,579 square feet, where 12,500 square feet is otherwise required

0153-2024

10 Whitney Road; *IN – Industrial District*, Morrill Mill Pond LLC, Owners:

Applicant seeks variances to build a drive-through restaurant where such use is prohibited. Variances would be required as follows:

1. Article 28-2-4(j), *Table of Accessory Uses*, to permit use I3 (*Restaurant with drive-through service*) in an IN District;
2. Article 28-4-1(h), *Table of Dimensional Regulations*, to allow a 38-foot front yard where 50-feet is required;
3. Article 28-7-2(e), *Table of Off-Street Parking Requirements*, to provide 27 spaces where 31 are required; and
4. Article 28-7-4, *Requirements for Stacking Spaces for Drive-Through Facilities*, to provide 5 stacking spaces where 11 are required.

[0154-2024](#)

211 Loudon Road U-E; *CG – General Commercial District*, Hodges Development Corp, Owners:

Applicant seeks a variance pursuant to Article 28-2-4(j), Table of Principal Uses, to permit use B5 (Adult day care facility) in a district where it is prohibited.

TABLED HEARINGS/DELIBERATIONS

[0142-2024](#)

270 Loudon Road; *GWP – Gateway Performance District*, Onyx Steeplegate Concord LLC, owners:

1. A variance from Article 28-7-2(e), *Table of Off-Street Parking Requirements*, to allow fewer spaces than required.
 - a. Lot 40 and 40-1 (Costco/JC Penney) 943 spaces where 1131 are required;
 - b. Lot 40-2 (Mixed-use residential/fitness/recreational/retail) 1019 spaces where 2,055 are required; and
 - c. Lot 4I (Applebee’s Restaurant) 56 spaces where 68 are required.
2. A variance from Article 28-7-11(b), *Alternative Parking Arrangements, Construction of Fewer Parking Spaces*, to allow the Planning Board to authorize the construction of fewer parking spaces on Lot 40 and 40-1 (Costco/JC Penney), without “showing that a sufficient land area is allocated and shown on a site plan for the full number of spaces required.”

[0133-2023](#)

270 Loudon Road; *GWP – Gateway Performance District*, Onyx Steeplegate Concord LLC, owners:

In the redevelopment of the Steeplegate Mall property into a mixed-use development, for this multi-building/multi-lot project the applicant requests the following variances:

1. Article 28-4-1(h), *Table of Dimensional Regulations, Maximum Height*, to allow a maximum height of 59-feet 8-inches where 45’ is allowed.
2. Article 28-2-4(j), *Table of Principal and Accessory Uses*, to allow a Tire Center (J-8) where prohibited in a GWP.
3. Article 28-4-1(c), *Table of Dimensional Regulations, Minimum Lot Frontage*, to allow frontage to be calculated based on the combination of frontages on a corner lot rather than the calculation along “one” street as required.
4. Article 28-4-1(h), *Table of Dimensional Regulations, Maximum Lot Coverage*, to allow 91% coverage where 85% is allowed.
5. Article 28-7-7(f), *Driveway Widths*, to allow a 30’ driveway width where 28-feet is the maximum.
6. Article 28-7-7(j), *Illumination of Parking Areas*, to allow light posts at 36-feet and 6-inches in height where 25-feet is the maximum,
7. Article 28-7-13(c), *Design Standards for Loading Spaces*, to allow 12-foot wide loading spaces where 14-feet is the minimum.
8. Article 28-7-14(e), *Screening of Refuse Containers*, to not screen trash compactors where screening around three sides is required.