



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

David V. Hall
Code Administrator

OCTOBER 2, 2024
MEETING MINUTES

Attendees: Chairman Christopher Carley, James Monahan, Laura Spector-Morgan, Andrew Winters

Alternates: Brenda Perkins, Mark Davie

Absent: Nicholas Wallner

Staff: David Hall, Code Administrator
AnneMarie Skinner, City Planner
Felicia French-Croll, Assistant City Planner - Zoning
Deborah Tuite, Board Secretary

Meeting commenced at 6:00 pm.

- 1) Call meeting to order
- 2) Chairperson's comments
- 3) Public Meetings
- 4) Public Hearings
- 5) Review and acceptance of Findings of Fact
- 6) Review and acceptance of Minutes
- 7) Review Rules and Procedures
- 8) Any other business that may legally come before the Board

PUBLIC MEETING

Chair Carley recused himself from the first case. Mr. Monahan stepped in as Acting-Chair, and Ms. Perkins and Mr. Davie heard the case.

[ZBA-0224-2024](#) 10 Nivelle St, RS - Single-Family Residential District

Owner: ROGER & SUSAN PHILLIPS

Applicant is seeking a variance from Article 28-4-1(h) Table of Dimensional Regulations to allow a 17' setback from rear property line where 25' is required for the construction of a 8' x 12' porch.

Roger Phillips, owner testified. Mr. Phillips explained that they applied for a variance to build an addition to the existing porch on the rear of their house. The lot is a pre-existing non-conforming lot, with 80' of frontage. The house is a two-bedroom ranch and the lot is the right size for their needs. However, the size of the lot creates the hardship. The existing back porch is very small and it does not have much utility value. It is about 13' wide and 5.5' in depth. Mr. Phillips believes the porch was built small to stay within the 25' setback. The carport and the porch were built approximately 20 years ago. They have a handicapped grandchild who requires a wheelchair for his mobility, and therefore they put in a lift in the carport that goes to the back door, which raised the porch about a foot. They originally were going to add a deck but decided that due to their grandchild's needs it would be better to have a three-season porch. Currently, the porch does not have much utility compared to other porches in the neighborhood, which creates a hardship. They would like to add eight feet to the existing porch, which would give sufficient space to make the porch more usable. He mentioned that the general purpose of the ordinance would be protected as it is giving utility to the addition, it would not injure the public or private rights of others. He stated that letters in favor of the variance were provided. He mentioned that there are many pools, sheds, and garages that are within the 25' setbacks in the neighborhood, and that his neighbor's garage is two feet over the property line into another neighbor's property. He stated that a 20' setback would not set an unusual precedence and it would be consistent with the other uses in the neighborhood.

Mr. Andrews asked what year the house was built.

Mr. Phillips stated that the house was built 24 years ago.

Mr. Andrews asked if the house needed a variance when it was built.

Mr. Phillips did not know the answer.

Code: Mr. Hall mentioned that they did not find anything on file. When looking into the case there was a building permit for the house, as well as the carport, and they were both built within the dimensional standards.

Mr. Winters questioned that the applicant mentioned that the house did not have enough frontage.

Code: Mr. Hall stated he did not look into that because the lot is a pre-existing non-conforming lot.

Ms. Spector-Morgan mentioned that it appears to be smaller than the other lots in the neighborhood.

Mr. Phillips agreed, stating that it is one of the smallest lots which is part of the hardship.

In Favor: None.

In Opposition: None.

Code: None.

Acting Chair Monahan read the names of the abutters who provided letters in support of the variance; David and Patricia Daniels, Robert Patten, Matthew and Deborah Slater, Laura Varon, Derek Ruiz, Tracey Warner, and Ed Mullen.

DECISION

Mr. Davies stated that he does not have a problem with the variance. He does see the hardship with trying to provide accessibility. It would not be out of character and it would not affect property values. He would be in support of the variance.

Ms. Spector-Morgan mentioned that the hardship arises from the particularly small size of the lot compared to the other lots in the neighborhood. It would not diminish surrounding property values, there would be no gain to the public in denying the variance, especially since all of the neighbors appear to support it. She agreed with Mr. Davie that it would not alter the character of the neighborhood.

Mr. Winters agreed with his colleagues and added that the existing porch is very small. It would still be a modestly sized porch. It would be a typical feature and be considered a reasonable use.

Ms. Perkins agreed as well.

A **motion** was made to approve the variance, for the reasons previously stated, by Ms. Spector-Morgan, seconded by Ms. Perkins; passing unanimously.

Chair Carley stepped back in as chair of the meeting. Mr. Davie stepped down for the next case, and Ms. Perkins was the alternate.

[ZBA-0225-2024](#) 23 Gladstone St, RM - Medium Density Residential District

Owner: MARGARET J HAMILTON REVOCABLE TRUST

Applicant is seeking a variance from Article 28-4-1(h) Table of Dimensional Regulations to allow 2' setback from side property line where 15' is required for a garage.

Margaret Hamilton, owner testified. Ms. Hamilton mentioned that the house is approximately 70 years old and the property is unique. There is an established driveway, which is quite close to the property line. She explained that the hardship is that she has no space to store her vehicle or equipment. There are stonewalls along the front of the property. She has tried to figure out the best place on her lot for a garage, which she would like to have for ease of accessibility. She would like to use the space at the end of the driveway. The driveway is about 18.5 feet long, and there is a retaining wall at the end, where the property begins to incline. The proposed building is about 14 feet wide, which would be centered on the established driveway. The garage would be about two feet from the boundary line.

Mr. Monahan asked for Ms. Hamilton to point out the aspects of the property on the screen.

Chair Carley asked about the grade on the backside of the house.

Ms. Hamilton mentioned that the back of the property is steep all the way across.

Ms. Perkins mentioned that it might be expensive to move the retaining wall.

Ms. Hamilton agreed, stating that it would be disappointing to have to move the wall and expensive.

Mr. Winters asked if it will just be a one car garage.

Ms. Hamilton agreed and mentioned that it is a Reeds Ferry garage, built offsite, with a concrete pad. Ms. Perkins asked if it was a dead-end road.

Ms. Hamilton agreed.

Mr. Winters asked about feedback from her neighbors.

Ms. Hamilton stated that the abutter with the most impact, had no issue with the variance.

Mr. Monahan asked if it was City water and septic.

Ms. Hamilton confirmed that her house is on City water and sewer.

In Favor: None.

Chair Carley stated that he had emails in favor from Andrew Porat, and Brian and Megan Brophy,

In Opposition: None.

Code: Mr. Hall mentioned that they did not make her apply for a plot plan yet, but noted that the variance would mean that it could not be any closer than two feet.

DECISION:

Ms. Perkins stated that she does not have an issue and can see the hardship in the landscape and the topography. The retaining wall would be expensive to change. The neighbor next door was in favor, and she would be inclined to support the variance.

Mr. Winters agreed, stating that the topography would make it quite expensive to build the garage anywhere else. It is reasonable to have a garage, and no neighbor came in opposition.

Ms. Spector-Morgan agreed with her colleagues. She does not believe it will alter the essential character of the neighborhood, as it is a residential neighborhood with lots of garages. She did not feel a one stall garage would diminish surrounding property values, and there would be no gain to the public in denying the variance. Substantial justice would be done by granting the variance. She would be in favor.

Mr. Monahan agreed.

Chair Carley agreed as well.

A **motion** was made to approve the variance, for the reasons previously stated, by Ms. Spector-Morgan, seconded by Mr. Winters; passing unanimously.

Ms. Perkins stepped down and Mr. Davie stepped in for the next case.

[ZBA-0228-2024](#) 17 N. Curtisville Rd, RS - Single-Family Residential District

Owner: ROOS FAMILY 2015 TRUST

Applicant is requesting a Special Exception for an Accessory Dwelling Unit.

Jodi Roos, owner testified, along with William Paris (builder). Ms. Roos stated that she would like to convert her basement into an ADU. The footprint would not change.

Chair Carley stated that any neighborhood in the City would require a Special Exception for an ADU. He asked if they are looking to refit part of the house into an ADU.

Ms. Roos agreed.

Ms. Spector-Morgan asked if the home was on City water and sewer. She asked Code what the supplemental standards were for Article 28-5.

Code: Mr. Hall mentioned that they meet all of the standards and has worked with the contractor to make sure the square footage was appropriate.

Mr. Monahan asked if it was at basement level with a separate entrance.

Ms. Roos agreed.

Mr. Davie asked about the garage in relation to the ADU.

Ms. Roos mentioned that the L portion of the home is the footprint of the ADU. The garage is under the main house.

Chair Carley stated for the record that there was no one in attendance either for and against the request.

Code: None.

DECISION:

Mr. Davie stated that he does not see an issue with the request.

Mr. Monahan stated that it checks all of the ADU boxes.

Ms. Spector-Morgan stated that based on the application it appears that all of the criteria have been met.

Mr. Winters agreed.

Mr. Carley agreed.

A **motion** was made to approve the Special Exception by Ms. Spector-Morgan, seconded by Mr. Monahan; passing unanimously.

A **motion** was made to approve the September 4, 2024, Minutes by Ms. Spector-Morgan, seconded by Mr. Monahan; passing unanimously.

A **motion** was made to approve the September 4, 2024, Findings of Fact by Ms. Spector-Morgan, seconded by Mr. Monahan; passing unanimously.

Mr. Hall introduced Felicia French-Croll, Assistant City Planner-Zoning. The Board welcomed Ms. French-Croll and looked forward to working with her on future ZBA cases.

There was a brief discussion on the editing of meeting minutes, and that edits can only be made at the next meeting with the Board and not prior.

There was also a brief discussion on the Rules and Procedures around the participation of the Alternates. Ms. Spector-Morgan stated that she reviewed the Rules and that the Alternates can participate right up to voting. AnneMarie Skinner, City Planner, mentioned that there are other areas that need to be updated and that she will bring a draft to the next meeting.

Chair Carley asked about the status of the Findings of Fact. Mr. Hall mentioned that there is a meeting on October 3rd, with legal to review the Findings of Fact. Moving forward, in an ideal world, the Findings of Fact would be signed the night of the meeting.

A **motion** to adjourn the meeting was made at 6:40 pm by Ms. Spector-Morgan, seconded by Ms. Perkins; passing unanimously.

Respectfully Submitted by
Deborah Tuite