



CITY OF CONCORD
NEW HAMPSHIRE
Community Development Department
Code Administration Division

City Hall Annex • 37 Green Street • Concord, NH 03301 • tel. 603/225-8580 • fax 603/225-8586

February 21, 2013

The Zoning Board of Adjustment will meet on Wednesday **March 6, 2013** at **7:00 PM** in the Council Chambers of the Municipal Complex at 37 Green Street.

March 6, 2013 ZBA Meeting Agenda

- 1) Call meeting to order
- 2) Review and acceptance of Minutes
- 3) Chairperson's comments
- 4) Public Hearings:
- 5) Any other business that may legally come before the Board

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

Public Hearings

08-13 United Church of Christ Retirement Community, Inc.: Applicant wishes to redevelop a portion of their existing East Side Drive campus and expand onto an adjacent parcel and requests the following:

- 1) A Variance to Article 28-2-4(j), Table of Principal Uses, to extend the Residential Social Service Center use (Principal Use A-12) onto 175 East Side Drive, the Somes Lot, into an RS Residential Single-Family District where such use is not permitted,
- 2) A Variance to Article 28-2-4(h), Multiple Principal Uses on a Single Lot, to permit more than 1 single family dwelling and more than 1 two-family dwelling on a single lot for a development that is neither a Cluster Development or a Planned Unit Development,
- 3) Variances to Article 28-4-5(d)(3), Building Separations, to permit building separations within the Heritage Heights campus of not less than 30 feet as shown on the proposed site plan, where 40 foot building separation is required, (Plan C1.1, Dated 1/11/13, Nobis Engineering),
- 4) A Variance to Article 28-4-1(h), Table of Dimensional Regulations, to permit a total lot coverage of 48% where a maximum lot coverage of 40% is permitted,

For the properties at 149 & 175 East Side Drive in RM Residential Medium Density and RS Residential Single-Family Districts, respectively.

10-13 Attorney Mark Puffer for T&L Investments, LLC: Applicant appeals the Zoning Administrator's (ZA) decision that the 5th unit in the subject multi-family dwelling was not legally created and requests the Board overturn the ZA's decision that (1) the 5th unit was not legally created; and (2) failing to find the City estopped from denying the right to the 5th unit.

If the Board upholds the ZA's decisions applicant requests:

- 1) Variance to Article 28-5-3, Conversion of a Residential Building Section (b)(1), Minimum Lot Size, to permit a 5 unit conversion on a lot of 2,968 SF +/- when 12,500 SF of lot area is required,
- 2) Variance to Article 28-5-3, Conversion of a Residential Building Section (b)(2), Other Dimensional Requirements, to permit the conversion on a lot with 43' +/- of frontage where 75' is required and total lot coverage of 68% where a maximum of 60% is allowed,
- 3) Variance to Article 28-7, Access, Circulation, Parking and Loading, Section (1)(a), Applicability, to permit the conversion while maintaining the existing non-conforming parking configuration and to maintain the Variances granted under case #54-2001,

For property located at 21 – 21A Federal Street in an RD Residential Downtown District.

11-13 Gail Lafoe: Applicant wishes to utilize an existing 2,000 square foot barn for a consignment/antique shop (retail use H-1) and requests:

- 1) Variance to Article 28-2-4(j), Table of Principal Uses, to permit a retail shop where such use is not permitted,
- 2) Variance to Article 28-7-7(h), Surfacing and Drainage, to maintain and use the existing gravel driveway and parking lot when all driveways and parking lots for non-residential uses are required to have a durable and dustless paved surface,
- 3) Variance to Article 28-7-7(g), Driveway Width, to permit the continued use of a driveway with portions 15' wide when 24' is the minimum width permitted,
- 4) Variances to Article 28-7-1(c), (Parking) General Provisions, Demarcation Required, to permit parking spaces and directions of traffic flow that are not appropriately demarcated with pavement markings and signs,

For property located at 54 Garvins Falls Road in an RM Residential Medium Density District.

12-13 Adam G. Burr-Mecum for Concord Union School District: Applicant wishes to establish a retail store for the sale of pet food and supplies and to provide pet related services such as grooming and training and requests:

- 1) Variance to Article 28-2-4(j), Table of Principal Uses, to permit retail sales (use H-1) where such use is not permitted,
- 2) Variance to Article 28-2-4(j), Table of Principal Uses, to permit to permit personal service uses (use D-1) where such use is not permitted,
- 3) Variance to Article 28-4-2, Buffer Requirements for Residential District Boundaries, Section (b)(1), Buffer Width Standards, to waive the 30' buffer requirements of this Article with the condition the applicant will maintain a natural buffer of not less than 25' between the northerly property line and the edge of the pavement for the development rather than along the district boundary as required,
- 4) Variance to Article 28-7-2,(e), Table of Off-street Parking, to permit the provision of twenty four (24) parking spaces on the property where twenty eight (28) spaces are required.

For property located at 139 – 143 Old Turnpike Road on a lot transected by an IN Industrial District boundary and an RM Residential Medium Density District boundary.

13-13 Dan Freihofer, Freifuels, Inc. for CFA Corp.: Applicant wishes to add a compressed propane gas fuel dispenser and tank to an existing fueling facility and requests the following:

- 1) Variance to Article 28-2-4(j), Table of Principal Uses, to permit the expansion a retail fuel facility in a district where such uses are no longer permitted,
- 2) Variance to Article 28-3-2(d)(2), Uses Prohibited in the 100 year Floodplains and the F1 District, to permit the storage of hazardous materials in a F1 overlay district,

for property at 112 Hall Street in an IN Industrial District.

Rose M. Fife, Clerk
Zoning Board of Adjustment

NOTE: Any person who feels that he or she may be unable to participate in this hearing, because of the limitation of a physical or emotional disability, is asked to contact the Clerk at least 48 hours prior to the event. All reasonable efforts will be made to provide for your participation in the hearing.

For meetings held in the City Council Chambers, any person who is unable to access the upper level of the Council Chambers to address the City Council or any other public body may use the podium and/or microphone located at the lower level of the Council Chambers. Other reasonable accommodations may be available upon request.