

ZONING BOARD OF ADJUSTMENT
August 3, 2011 MEETING
DRAFT MINUTES

Board members present included Chairman Christopher Carley, David Parker, Nicholas Wallner, Stephen Norton, Robert Boley and James Monahan. Also present Zoning Administrator Craig Walker and Rose Fife, Clerk of the Board.

24-11 Bianco Professional Association: Applicant wishes to construct a 5' 11" x 33' 5 1/2" (+/-) second story addition to an existing non-conforming structure and expand the Professional Office use contained within and requests the following:

- 1) Variance to Article 28-4-1(h) to permit the addition of a 198 +/- square foot second story to an existing structure which results in a vertical extension of the existing non-conforming building setbacks of 2' +/- on the west side, when building setbacks of 15 feet are required,
- 2) Variances to Article 28-7-1(a), Applicability, to permit an enlargement of an existing structure while maintaining existing access, circulation, loading and parking configurations and not bring the property into compliance with Articles:
 - a. 28-7-2(e), Table of Off-Street Parking Requirements, to recognize the continued provision of 8-10 non-compliant onsite parking spaces when 14 is required.
 - b. 28-7-5, Handicapped Accessible Parking
 - c. 28-7-7, Parking Area Design Standards,
 - d. 28-7-8, Access and Driveway Standards,
 - e. 28-7-10, Parking Area Landscaping Standards,
 - f. 28-7-14, Off-street Loading for Refuse Containers,
- 3) Variance to Article 28-8, Non-conforming Lots, Uses and Structures, to permit the expansion of a non-conforming structure,

All for property at 18 Centre Street in a CVP Civic Performance District.

Board for this case consisted of Wallner, Acting Chair, Boley, Monahan, Parker and Norton.

Attorney Anna Zimmerman of Bianco Professional Association testified. Also present to testify, Christine Priest.

Attorney Zimmerman submitted a letter from Angelica Thompson in favor. She also submitted photographs. The law firm building was built in 1880. The building is hemmed in on all sides. They are asking for no change in the footprint, but they want to build over the porch on the second floor and expand it out so that the whole building is uniform. They need vertical relief. This will not change the footprint. They will not add employees. They are just adding additional office space for employees. She ran through the variance requirements. The abutter has no objection to the expansion. This will allow more space within the building to allow more space to move around. The hardship is that the lot only has so much space. It was built long before the zoning requirements. The parking and removal of waste will have no change. They have an agreement with the apartment building next door for parking and they also park on Montgomery Street. They have had no parking issues. There is no trash disposed on site. The cleaning company takes care of that.

Boley asked what the space will be used for. (Office space.) Monahan asked them to address the variance request for handicapped accessible parking. (They do not have one and have no problem with that. If they have a handicapped client, they go to them.)

In favor: none.

In opposition: none.

Comments from Code Administration: none.

Three letters were submitted in support. One from Peter McGrath, one from Angelica Thompson, one from Ralph Keith, 16 Center Street.

DECISION: A motion to request item 1, 2 a, c, d, e & f was made by Parker, seconded by Monahan and passed by a unanimous vote. A motion to deny request 2b was made by Parker, seconded by Monahan and passed by a unanimous vote.

27-11 James P. Doeringsfeld: Applicant wishes to cover a portion of an existing deck and increase the size from a 14' x 8' deck to a 14' x 18' deck for property that has no frontage on an accepted City street and requests the following:

- 1) Relief from RSA 674:41 to permit issuance of a Building Permit on a lot having no frontage on an accepted City street.
- 2) a variance to Article 28-8-3(c)(2)(a) Use of Non-Conforming Lot, to permit an addition to a single family dwelling on a "lot of record" with no frontage on an accepted City Street where a minimum of 22 feet is required, for property at 9 Palm Street in an RN Residential Neighborhood District.

The Board for this case forward consisted of Carley, Boley, Monahan, Wallner and Parker.

James Doeringsfeld testified. They have a small rear deck between the additions. They would like to make it bigger by 10 feet. It would be within the perimeter of the house and then they would like to cover and screen it to enjoy their yard without mosquitoes and black flies. The builder would make a roof with skylights and screen it. This relief would just allow them the use/enjoyment of their property minus bugs.

In favor: none.

In opposition: none.

Comments from Code: none.

DECISION: A motion to approve both requests was made by Monahan, seconded by Wallner and passed by a unanimous vote.

28-11 David Goldstein for Dave Lou Realty: Applicant wishes to utilize 4,500 square feet (+/-) of area in the lower level of an existing building for a warehousing and distribution business and requests the following:

- 1) Variance to Article 28-2-4(j), The Table of Principal Uses, to permit a warehousing and distribution facility (use K-7) where such use is not permitted,
- 2) Variances to Article 28-7-1(a), Applicability, to permit a change of use within an existing structure while maintaining existing access, circulation, loading and parking configurations and not bring the property into compliance with Articles:
 - a. 28-7-2(e), Table of Off-Street Parking Requirements, to recognize the continued provision of 35 onsite parking spaces when 45 is required.
 - b. 28-7-5, Handicapped Accessible Parking,
 - c. 28-7-7, Parking Area Design Standards,
 - d. 28-7-8, Access and Driveway Standards,

e. 28-7-10, Parking Area Landscaping Standards,
All for property at 75 South Main Street in a CU Urban Commercial District.

David Goldstein testified. He owns the building at 75 South Main Street. It was built in 1986. They had applied for a variance back then and it was granted. The permitted use back then for the basement was for a warehouse/storage for the retail uses. It is a very large space that has a full sprinkler system. Steve Marder would like to rent the space for warehousing/storage. Their hours are very early in the morning. The building has 35 parking spaces including 2 handicapped spaces. There is little impact on the neighborhood or the other tenants. The handicapped spaces are placed one at each end of the building. The new use is warehousing and shipping with no retail involved. Their hours are done before 9 a.m.

In favor: Steven Marder, 287 Hoit Road. He would like to be the tenant. He has space now at Concord Crossings off of Exit 17 on I93. He sells items on the internet and eBay and needs a little larger space. January through October he and his wife get there around 6:30 or 7 a.m. and are home by 9 a.m. They run their office out of their home. From 11/16 through 12/17 they have some part time help for packing. They ship UPS or US Mail. UPS picks up every day.

Carley asked about the earlier variance. Walker explained that it was for parking.

In opposition: none.

DECISION: A motion to approve all requests was made by Wallner, seconded by Boley and passed by a unanimous vote with the recognition that request 2b was to be removed as it met the criteria. Parker emphasized the need for restriping.

OTHER BUSINESS

Friendly Kitchen – Mr. Walker explained to the Board that he has received an official notification to withdraw their request.

A TRUE RECORD ATTEST,

_____, CLERK
ZONING BOARD OF ADJUSTMENT