



CITY OF MANCHESTER
PLANNING AND COMMUNITY DEVELOPMENT

ZBA2020-095
Leon L. LaFreniere, AICP
Director

Planning & Land Use Management
Building Regulations
Code Enforcement Division
Community Improvement Program
Zoning Board of Adjustment

Pamela H. Goucher, AICP
Deputy Director Planning & Zoning

Michael J. Landry, PE, Esq.
Deputy Director Building Regulations

September 29, 2020

Richard and Pamela Young (Owners)
5 Pilgrim Drive
Bedford, NH 03110

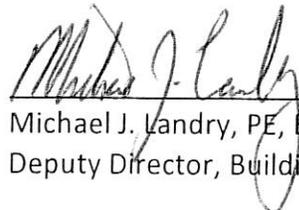
John Cronin, Esq. (Agent)
Cronin, Bisson and Zalinsky
722 Chestnut Street
Manchester, NH 03104

RE: **23 West Webster Street** **B-5**
Denial of Building Permit

Your application for a permit dated September 15, 2020 to establish a hair salon within a portion of the first floor with associated office space on the second floor and maintain a parking space in the front lot without the required landscaped buffer and within 4' of the front lot line and maintain parking spaces in the rear without parking bumpers or the required landscaped buffer, with one space within 4' of the building in the R-1B zoning district, all as per documents submitted through September 29, 2020 and with non-compliance listed in the Zoning Review dated September 29, 2020 is hereby acknowledged.

According to Section(s) 5.10(H-6)3 Hair Salon, 10.09(B) Parking Setbacks, 10.07(K)1 Parking Bumpers and 10.07(G) Landscaping, of the Zoning Ordinance of the City of Manchester, New Hampshire, passed to be ordained on February 7, 2001, this is prohibited. Consequently, I have no authority to grant this permit. Permit is hereby DENIED.

Further proceedings contemplated pertaining to this application must be pursuant to NH Revised Statutes Annotated 674:33 or the other statutory provisions relative to Zoning Boards of Adjustment, as may be appropriate.



Michael J. Landry, PE, Esq.
Deputy Director, Building Regulations

23 WEST WEBSTER STREET

Variance History

B-1 Case: 242-ZO-1970

Build two 1-story additions, 12'x28'6" and 20'x24'3" to be used as an art studio and attached to the existing 1-family dwelling. **GRANTED**

B-2 Case: 195-ZO-1983

Convert entire building into professional offices and erect a 4'x4½' double faced illuminated ground sign, overall height of 6' and located on the front lot line. **GRANTED w/condition – No illuminated sign**

B-3 Case: 360-ZO-1984

Erect a one-story addition to the existing office building. **GRANTED**

Request for Rehearing by S. McQuaid GRANTED – 10/29/84

Variance withdrawn by letter sent by owner – 11/1/84

B-4 Case: 73-ZO-2000

Special Exception to occupy 1,000 SF of space for Central Baptist Church. **DENIED – The Board's concerns were over traffic and parking which would be increased as a result of the granting of the Special Exception.**

ZONING REVIEW

Reviewed By: Glenn Gagne Date: September 29, 2020
 Revised By: - Revision Date: -

APPLICANT NAME: John Cronin, Esquire (Agent) TELEPHONE: (603)624-4333 WARD: 1
 STREET ADDRESS: 23 West Webster Street STREET STATUS: Accepted
 ZONE: R-1B (Non-Residential) MAP / LOT: 650 / 12

OVERLAY DISTRICTS:

- Flood Plain
- Residential-PO
- Historic District (AMH, ACH)
- Airport Navigational Hazard
- Airport Approach
- Airport Noise
- Arena Overlay
- Lake Massabesic Protection Overlay
- Manchester Landfill Groundwater Management (ML-GMZ)

PLANNING DEPARTMENT/BOARD ACTION:

- Site Plan
- Subdivision
- Planned Development
- Conditional Use Permit
- Voluntary Merger
- Heritage Commission

DIMENSIONS	EXISTING	PROPOSED
Area of Lot (Square Feet)	11,250	11,250
Area of Building on Lot (Square Feet)	2,986	2,986
Number of Stories	2	2
Total Area of All Floors (Square Feet)	3,671	3,671

ARTICLE 5 - USES	PERMITTED PER	NOT PERMITTED PER	REMARKS
<input type="checkbox"/> Financial Offices (Sky Peak in annex no permit)		5.10 (H-1) 1*	*Variance granted 6/6/83, Case # 195-ZO-83.
<input checked="" type="checkbox"/> Hair Salon - 1 st & 2 nd Floor, Main Build		5.10 (H-6) 3	2 nd floor to be used as offices for hair salon

ARTICLE 6 DIMENSIONAL REQUIREMENTS	SECTION	ALLOWED/REQUIRED	PROPOSED/EXISTING	REMARKS
<input type="checkbox"/> Min. Buildable Lot Area	6.01	15,000 SF	11,250 SF	Existing N/C
<input type="checkbox"/> Minimum Lot Front	6.02	150' (Min)	112.5'	Existing N/C
<input type="checkbox"/> Minimum Lot Width	6.02	150' (Min)	112.5'	Existing N/C
<input type="checkbox"/> Front Yard Setback	6.03 (A)	20' (Min)	9'	Existing N/C
<input type="checkbox"/> Side Yard Setback	6.03 (C)	20' (Min)	27'	OK
<input type="checkbox"/> Side Yard Setback	6.03 (C)	20' (Min)	30'	OK
<input type="checkbox"/> Rear Yard Setback	6.03 (B)	30' (Min)	*2'	N/C - 2' setback granted by Variance Case#242-ZO-70 see 9/8/70 plot plan. Plot plan submitted shows less.
<input type="checkbox"/> Lot Coverage (%)	6.04	70% (Max)	64.5%	OK
<input type="checkbox"/> Height in Feet	6.05	35' (Max)	Less	OK
<input type="checkbox"/> Height in Stories	6.05	2.5 (Max)	2	OK
<input type="checkbox"/> Floor Area Ratio	6.06	0.5 (Max)	0.33	OK

GENERAL ZONING PROVISIONS

ZONING ITEM	SECTION	ALLOWED/REQUIRED	PROPOSED	REMARKS
<input type="checkbox"/> Parking, No. of Spaces	10.03 (B)	12	12	OK
<input checked="" type="checkbox"/> Parking, Setbacks	<input type="checkbox"/> 10.09 (A) <input checked="" type="checkbox"/> 10.09 (B)	See Ord. See Ord.	See Plan See Plan	OK N/C (7 Counts) Within 4' of building and lot lines.
<input type="checkbox"/> Parking, Screening	10.07(K)4	See Ord.	See Plan	OK
<input type="checkbox"/> Parking, Paving	10.07 (E)	See Ord.	Existing	OK
<input checked="" type="checkbox"/> Parking, Bumpers	10.07 (K)1	See Ord.	See Plan	N/C (2 Counts) No bumpers for spaces added in rear.
<input type="checkbox"/> Parking, Layout	10.06 (A)	See Ord.	See Plan	OK
<input type="checkbox"/> Parking, Maneuvering	10.07(D)	See Ord.	See Plan	OK
<input type="checkbox"/> Loading, Off-Street # of Spaces	10.05 (2)	-	-	-
<input type="checkbox"/> Loading, Dimension of Area	10.06 (C)	-	-	-
<input type="checkbox"/> Loading, Maneuvering	10.06 (C)	-	-	-
<input type="checkbox"/> Driveways, Width	10.08 (C)	24'	20'	OK - Parking area in rear yard is 58.5' in width, but located off of a paper street/alley.
<input type="checkbox"/> Driveways, Location	<input type="checkbox"/> 10.08 (A) <input type="checkbox"/> 10.08 (B)	See Ord. See Ord.	See Plan See Plan	OK OK
<input type="checkbox"/> Visibility at Corners	8.27 (E)	N/A	-	-
<input type="checkbox"/> Accessible Spaces, Number	10.03 (D)	1	1	OK
<input type="checkbox"/> Accessible Spaces, Dimensions	<input type="checkbox"/> 10.06 (B)	See Ord.	See Plan	OK - Will re-stripe & asphalt rear area as needed.
<input type="checkbox"/> Screening/Buffers	<input type="checkbox"/> 6.08 (A) <input type="checkbox"/> 6.08 (B)	See Ord.	See Plan	OK
<input checked="" type="checkbox"/> Landscaping	10.07 (G)	Required	See Plan	N/C - Reduced in front & will only be 5' in rear.
<input type="checkbox"/> Signs	<input type="checkbox"/> 9.08 (A) <input type="checkbox"/> 9.09 (B)	See Ord. See Ord.	See Plan See Plan	OK - Sign granted per Variance #195-ZO-83 OK - Sign not illuminated, per Variance stipulation
<input type="checkbox"/> Fences, Walls	<input type="checkbox"/> 8.27 (B) <input type="checkbox"/> 8.27 (C) <input type="checkbox"/> 8.27 (D)	See Ord. See Ord. See Ord.	See Plan See Plan See Plan	OK - Existing retaining walls. OK - No fence on top of retaining walls Existing retaining walls height unknown.
<input type="checkbox"/> Accessory Structures & Uses	<input type="checkbox"/> 8.29 (A) <input type="checkbox"/> 8.29 (B)	- -	None -	- -
<input type="checkbox"/> Other		See Ord	See Plan	Existing N/C - 13 spaces shown on May 12, 1983 plan.

PARKING SPACE REQUIREMENT:

Building Use	Unit of Measurement	Computation	Spaces Required
Hair Salon - Main Building	1 Per 300 SF	1 Space x (2,647 SF / 300 SF) = 8 Spaces	9
Financial Office - Annex	1 Per 400 SF	1 Space x (1,024 SF / 400 SF) = 3 Spaces	3
		TOTAL:	12

Additional Information: -

DATE OF PLAN SUBMISSION: September 29, 2020



City of Manchester
 Planning & Community Development
 One City Hall Plaza-West Wing
 Manchester, NH 03101
 (603) 624-6475
 www.manchesternh.gov

Leon L. LaFreniere, AICP
 Director
 Pamela H. Goucher, AICP
 Deputy Director Planning & Zoning
 Michael J. Landry, PE, Esq.
 Deputy Director Building Regulations

VARIANCE CRITERIA

Complete this form and attach 10 copies along with any supplemental material that would support your appeal.

Deadline for Next Hearing: _____

Property Location: 23 West Webster Street Map/Lot 0650/0012

Owner: Richard B. Young and Pamela J. Young, Trustees of the 1968 Trust dated December 29, 2000

Address: 5 Pilgrim Drive Phone #: _____
Bedford, NH 03110 Email: _____

Applicant: OLEA, LLC

Address: 1279 South Willow Street Phone #: 624-4333 (counsel)
Manchester, NH 03103 Email: jcronin@cbzlaw.com (counsel)

Relief Sought From Section(s): _____

1. The variance would not be contrary to the public interest because: See Attached

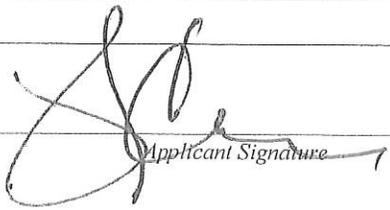
2. The spirit of the ordinance is observed because: See Attached

3. Substantial justice would be done because: See Attached

4. The values of surrounding properties would not be diminished because: See Attached

5. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship if:
 (A) Owing to the following special conditions of the property that distinguish it from other properties in the area:
 i. No fair and substantial relationship exists between the general purposes of the ordinance provisions and the specific application of that provision to the property; and
 ii. The proposed use is a reasonable one.
See Attached

Or (B) Owing to the following special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.
See Attached


 Applicant Signature

John G. Cronin, Esq.
 Print Name

9-15-20
 Date

ATTACHMENT TO VARIANCE APPLICATION

Applicant: OLEA, LLC

Property: 23 West Webster Street ("Property")

Background

The Applicant proposes to occupy the first floor of the existing building as a hair salon. The Property is located in the R-B zone but is bounded by a title company to the east, a law firm to the west and an office building to the south. The Property is currently occupied for office use with the predominant user being a real estate office. The existing financial services tenant will remain its current location. No physical changes are contemplated for the structure. The first floor will have five stations but typically not more than three stations are in use at the same time. Improvements to the exterior include new paint, landscaping and seal coating of the parking area. The upstairs spaces will not be used immediately but are likely to include the Applicant's office area.

Relief Sought

The Applicant seeks relief from Article 5 of the Zoning Ordinance to permit a hair salon in the R-1B Zone.

Argument

1. The variance would not be contrary to the public interest because:

The public interest seeks to make properties function at their highest and best use and be productive in terms of job creation, service to the community and generation of ad valorem tax revenue. The use, if allowed, will allow the property to function at its highest and best use. The property, due to its environs, is no longer suitable for residential living due to the commercial congestion and development in the area. The essential character of the neighborhood will not change if the variance is granted. The business will also provide a convenient and accessible site to provide services to the community and customer base. The business was started in Manchester seven years ago and the customer base is loyal and responsible.

2. The spirit of the ordinance is observed because:

The subject property is a long-existing structure that was likely constructed as a residence in or near 1910. At that time, the area was predominately housing for the mill managers and supervisions. The property is located in the R-1B zoning district. The R-1B zoning district is a residential zone that limits uses to high density residential. The area of West River Road, absent the small cul-de-sac neighborhood of Milne Circle, is dominated by commercial uses. The subject property is flanked by a title company and law office. Uses across the street include a dental office, real estate agency, and large scale nursing home. The spirit and intent of the

ordinance is to protect the health, safety, and welfare of the community. The proposed use as a hair care salon with up to five stations will not harm the health, safety, and welfare of the community. The existing building will remain in its current configuration and the existing financial services tenant is expected to remain.

3. Substantial justice would be done because.

There will be no harm to the public if the use is allowed. In fact, the public will likely not notice the change from real estate business to the salon. Denial of the variance will cause harm to the applicant as it will frustrate her intentions to purchase the property and operate her business from a property she owns. There are few properties in the community that are available for purchase that are suitable for a small business of this type and kind. The business is focused solely on hair care and there is not intent to operate a nail business, gym, or yoga studio. The balancing test on this prong falls in favor of the Applicant.

4. The values of surrounding properties would not be diminished because:

The value of surrounding properties will not be diminished if the variance is granted. The surrounding properties are all commercial and the use proposed fits in with the current complexion and character of the neighborhood.

5. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship if:

The subject property is unique as it a residential structure that was built in or near 1910. Time has changed the character of the neighborhood from residential to commercial and residential living on such a busy commercial corridor is not the highest and best use of the property. There is no fair and substantial relationship between the ordinance and the "R-1B" designation of the zone is obsolete and no longer applicable to the buildings on West Webster Street.

The proposed use is a reasonable one as it will maintain the character of the neighborhood, allow the building to function at its highest and best use all while providing tax revenue, jobs and service to the community.

Property Location 23 W WEBSTER ST
 Vision ID 19858 Account # 19951993

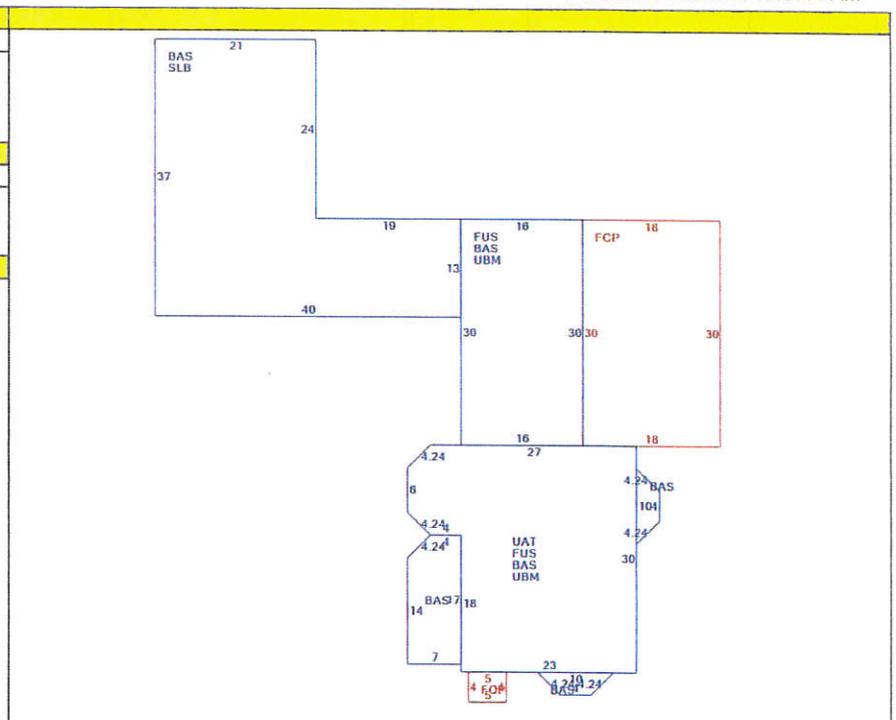
Map ID 0650//0012//
 Bldg # 1

Bldg Name
 Sec # 1 of 1

Card # 1 of 1

State Use 3400
 Print Date 8/6/2020 9:10:44 AM

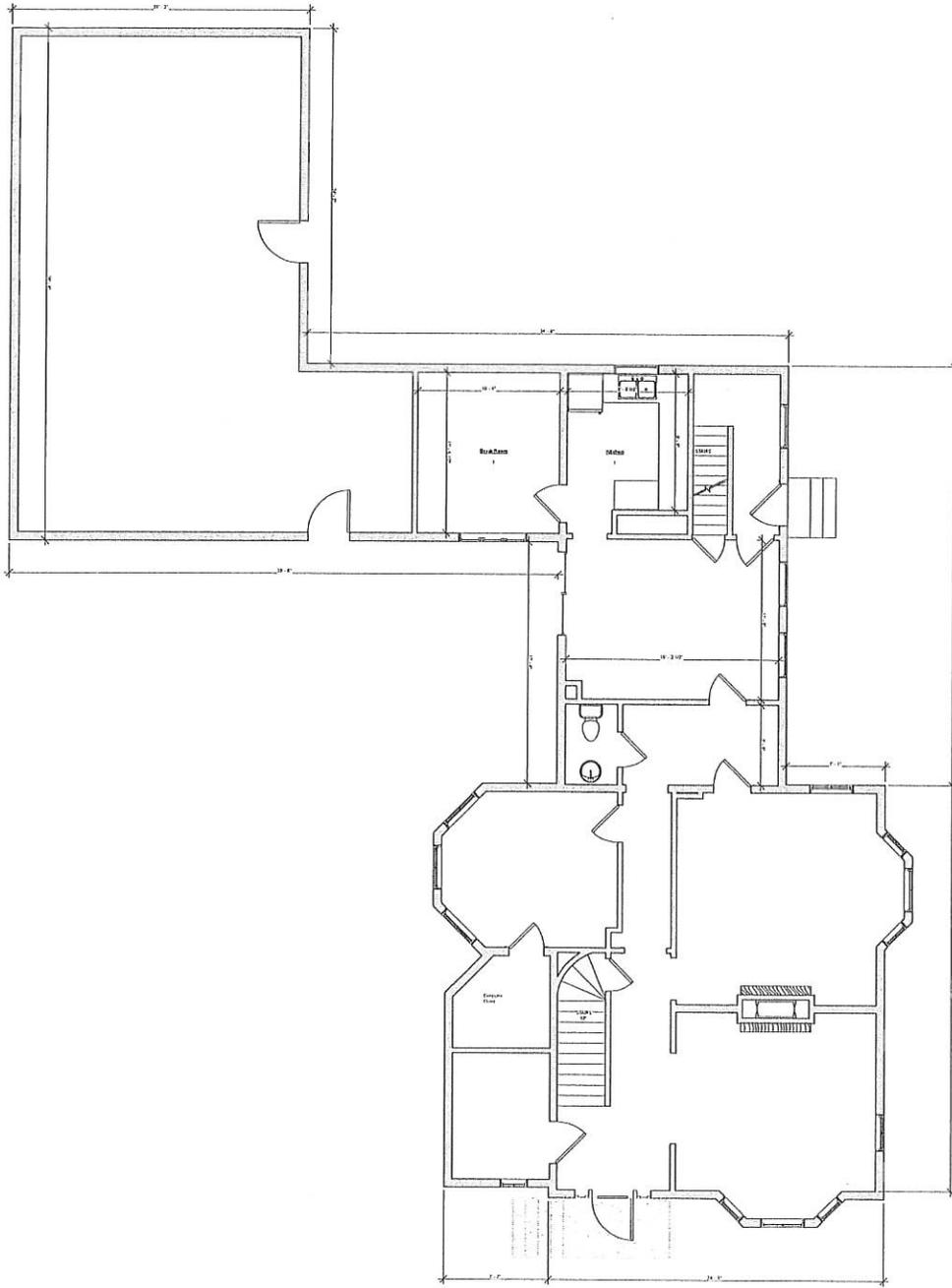
CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Style:	18	Office Bldg			
Model	94	Commercial			
Grade	04	Average +05			
Stories:	2				
Occupancy	2.00				
Exterior Wall 1	11	Clapboard			
Exterior Wall 2					
Roof Structure	03	Gable/Hip			
Roof Cover	03	Asph/F Gls/Cmp			
Interior Wall 1	05	Drywall/Sheet			
Interior Wall 2	03	Plastered			
Interior Floor 1	14	Carpet			
Interior Floor 2	12	Hardwood			
Heating Fuel	03	Gas			
Heating Type	06	Steam			
AC Type	01	None			
Bldg Use	3400	OFFICE BLD			
Total Rooms					
Total Bedrms	00				
Total Baths	0				
Heat/AC	04	VAPOR COOLER			
Frame Type	02	WOOD FRAME			
Baths/Plumbing	02	AVERAGE			
Ceiling/Wall	06	CEIL & WALLS			
Rooms/Prtns	02	AVERAGE			
Wall Height	9.00				
% Comn Wall					
1st Floor Use:	3400				
			MIXED USE		
			Code	Description	Percentage
			3400	OFFICE BLD	100
					0
					0
			COST / MARKET VALUATION		
			RCN		340,598
			Year Built		1910
			Effective Year Built		1984
			Depreciation Code		GD
			Remodel Rating		
			Year Remodeled		
			Depreciation %		32
			Functional Obsol		
			External Obsol		
			Trend Factor		1
			Condition		
			Condition %		68
			Percent Good		
			RCNLD		231,600
			Dep % Ovr		
			Dep Ovr Comment		
			Misc Imp Ovr		
			Misc Imp Ovr Comment		
			Cost to Cure Ovr		
			Cost to Cure Ovr Comment		



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	Unit Price	Yr Blt	Cond. Cd	% Good	Grade	Grade Adj	Appr. Value
PAV1	PAVING-ASPH	L	2,100	2.30	2016		50		0.00	2,400
PK1	PARKING SPA	L	10	0.00	2016		50		0.00	0
A/C	AIR CONDITIO	B	2,425	2.00	1984		68		0.00	3,300

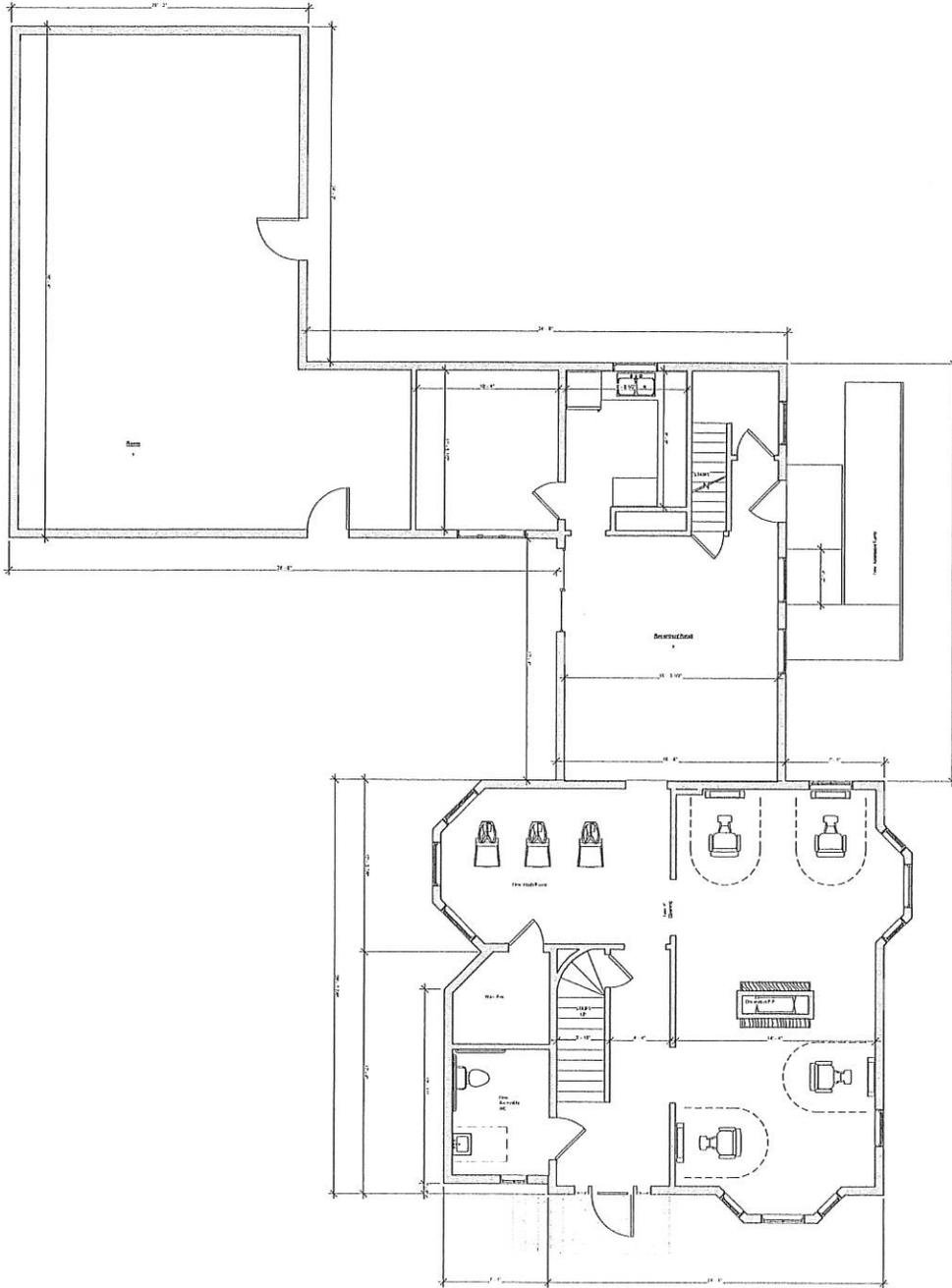
BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BAS	First Floor	2,426	2,426	2,426	81.11	196,783
FCP	Carport	0	540	135	20.28	10,950
FOP	Porch, Open	0	20	5	20.28	406
FUS	Upper Story, Finished	1,245	1,245	1,245	81.11	100,987
SLB	Slab	0	1,024	0	0.00	0
UAT	Attic, Unfinished	0	765	77	8.16	6,246
UBM	Basement, Unfinished	0	1,245	311	20.26	25,226
Ttl Gross Liv / Lease Area		3,671	7,265	4,199		340,598



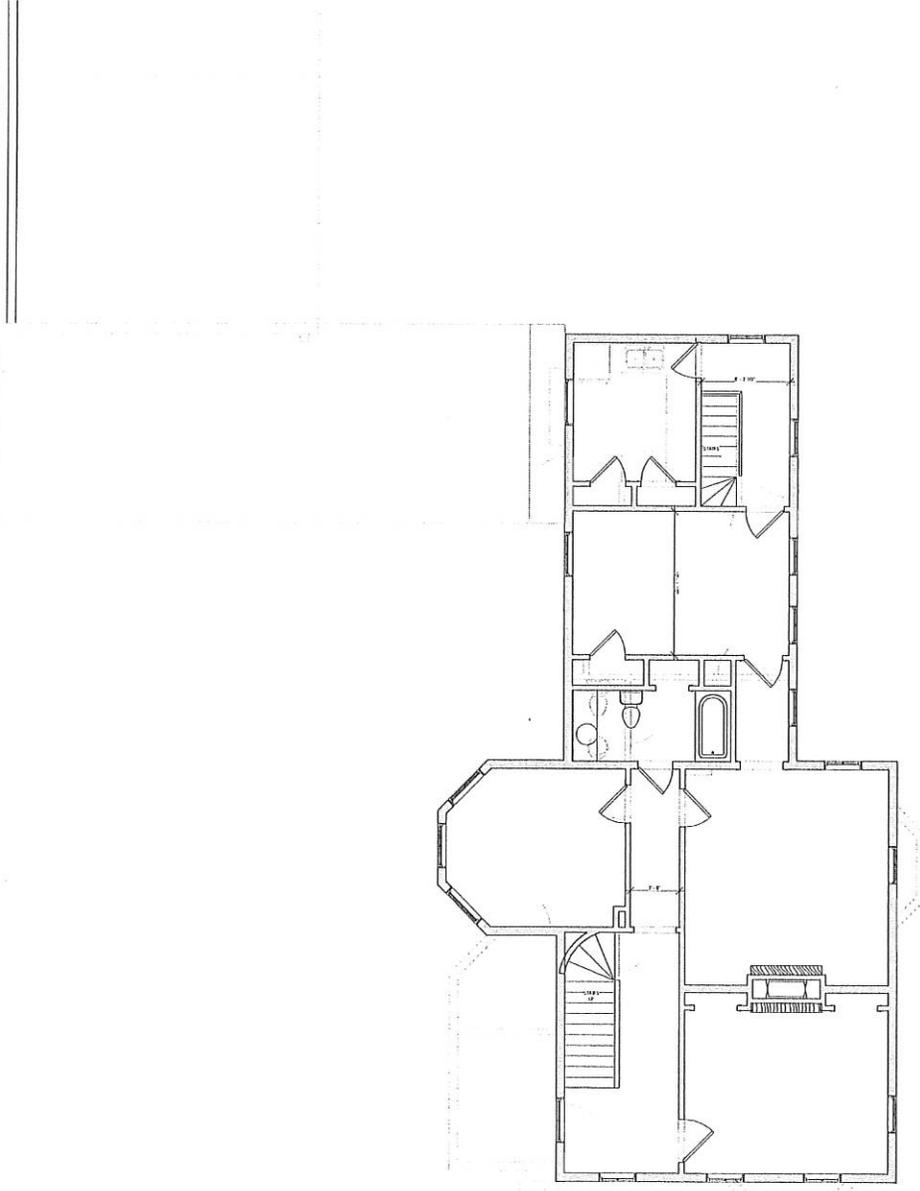


① First Floor- Existing
 1/4" = 1'-0"

Page 4A	First Floor- Existing	23 W. Webster St Manchester, NH	Project Name: Clea Salon				CONTRACTOR TO VERIFY ALL DIMENSIONS AND STRUTTING MEMBERS PRIOR TO STARTING CONSTRUCTION. BUILDING IS TO MEET OR EXCEED ALL STATE AND LOCAL BUILDING CODES.
	Scale: 1/4" = 1'-0"		Drawn by: KMR				



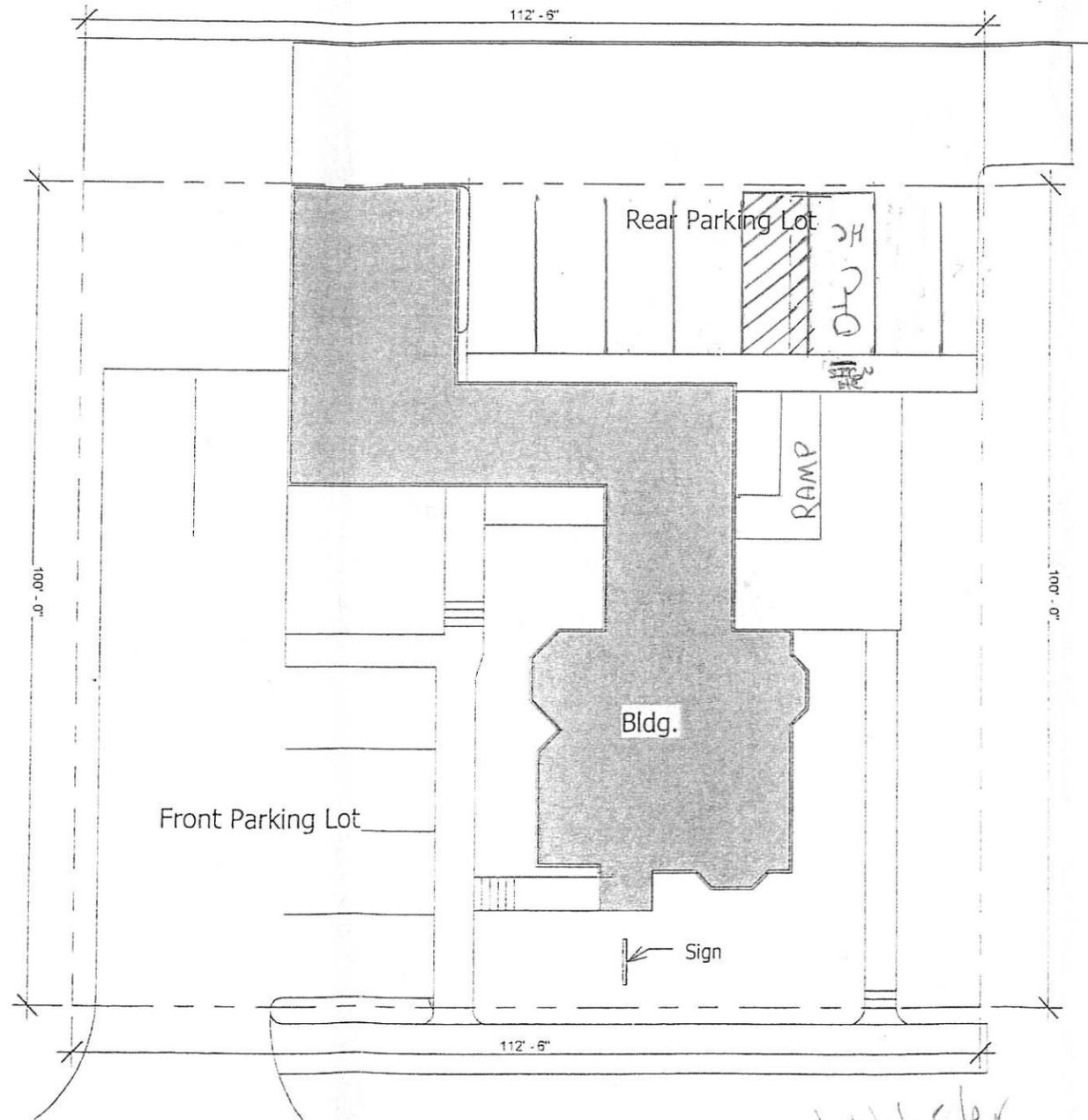
① First Floor
 1/4" = 1'-0"



① Second Floor- Existing
1/4" = 1'-0"

Page 5A	Second Floor- Existing	23 W. Webster St Manchester, NH	Project Name : Olea Salon				CONTRACTOR TO VERIFY ALL DIMENSIONS AND STRUCTURAL MEMBERS PRIOR TO STARTING CONSTRUCTION. BUILDING IS TO MEET OR EXCEED ALL STATE AND LOCAL BUILDING CODES.
	Scale: 1/4" = 1'-0"		Drawn by : KMR				

Paper St.



① Site Plan
1" = 20'-0"

W Webster

