CITY OF MANCHESTER
PLANNING AND COMMUNITY DEVELOPMENT

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

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MANCHESTER ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING / LIMITED BUSINESS MEETING
Thursday, June 9, 2022 – 6:00 PM
City Hall, Third Floor – Aldermanic Chambers

I. The Chairman calls the meeting to order and introduces the Zoning Board Members and City Staff.

II. PUBLIC HEARING:

(Tabled from 4/14/2022 ZBA Meeting)

1. **ZBA2022-037**
149 Exchange Avenue, R-1A Zoning District, Ward 1

David Marchand proposes to maintain a shed within 4' of the side lot line in the rear yard, store a 8' x 30' camper trailer within the 20' side yard setback, create one parking space partially located within the front yard and within 4' of the side lot line and another parking space within 4' of a building and seeks a variance from sections **8.29(A)3** Accessory Structures and Uses, **10.09(B)** Parking Setbacks (3 counts) and **8.29(A)2** Accessory Structures and Uses, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through March 22, 2022.

Criteria	Notes
1. The variance will not be contrary to the public interest.	
2. The spirit of the ordinance is observed	
3. Substantial justice is done.	
4. The values of surrounding properties are not diminished.	
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.	

(Current Cases)

2. **ZBA2022-061**
1019 Hanover Street, R-1B Zoning District, Ward 5

Michael Stys and Brett Sellingham propose to establish a barber shop in a building formerly occupied by a retail dry cleaning facility, as well as maintain an expanded parking area without the required 10' landscape buffer, and two driveways with widths 25' and 30' where 24' is allowed and seek a variance from sections **5.10(H-6)3** Beauty and Barber Shops, **10.07(G)** Landscaping and **10.08(C)** Driveway Width, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through April 29, 2022.

Criteria	Notes
1. The variance will not be contrary to the public interest.	
2. The spirit of the ordinance is observed	
3. Substantial justice is done.	
4. The values of surrounding properties are not diminished.	
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.	

3. **ZBA2022-062**
154 Fairmount Avenue, R-1B Zoning District, Ward 6

Robert Michaud proposes to construct an 8' x 12' breezeway and 24' x 28' attached garage with a 9' front yard setback where 20' is required and a with a 8' side yard setback where 10' is required and seeks a variance from sections **6.03(A)** Front Yard Setback and **6.03(C)** Side Yard Setback, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through May 2, 2022.

Criteria	Notes
1. The variance will not be contrary to the public interest.	
2. The spirit of the ordinance is observed	
3. Substantial justice is done.	
4. The values of surrounding properties are not diminished.	
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.	

4. **ZBA2022-058**
45 West Haven Road, R-1B Zoning District, Ward 1

Mari Fontaine (Agent) proposes to construct a rear deck with a 21' rear yard setback where 30' is required and seeks a variance from section **6.03(B)** Rear Yard Setback, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through May 4, 2022.

Criteria	Notes
1. The variance will not be contrary to the public interest.	
2. The spirit of the ordinance is observed	
3. Substantial justice is done.	
4. The values of surrounding properties are not diminished.	
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.	

5. **ZBA2022-063**
15 Cohas Avenue, R-1B Zoning District, Ward 6

Cynthia Boisvert, (Agent) proposes subdivide the property to create one new building lot, where proposed lot Tax Map 818, Lot 20-1 will remain improved with a single family dwelling, with lot frontage and width of 60' where 75' is required, and where proposed lot Tax Map 818, Lot 20 will have lot frontage and width of 20' where 75' is required and a proposed west facing primary façade where the primary façade is required to face the front lot line to the north and seeks a variance from sections **6.02** Minimum Lot Frontage and Width (2 counts) at Tax Map 818, Lot 20-1 and **3.03** Primary Façade and **6.02** Minimum Lot Frontage and Width (2 counts) at Tax Map 818, Lot 20, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through May 4, 2022.

Criteria	Notes
1. The variance will not be contrary to the public interest.	
2. The spirit of the ordinance is observed	
3. Substantial justice is done.	
4. The values of surrounding properties are not diminished.	
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.	

6. **ZBA2022-064**
1022 Belmont Street, R-1B Zoning District, Ward 2

Adan DeLeon Ramirez proposes to create an additional front yard parking space resulting in a driveway width of 30' where 24' is allowed and seeks a variance from sections **10.09(B)** Parking Setbacks and **10.08(C)** Driveways Width, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through May 5, 2022.

Criteria	Notes
1. The variance will not be contrary to the public interest.	
2. The spirit of the ordinance is observed	
3. Substantial justice is done.	
4. The values of surrounding properties are not diminished.	
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.	

7. **ZBA2022-065**
499 Cilley Road, R-2 Zoning District, Ward 7

David Fischer proposes to create two parking spaces within 4' of the side lot line on a second driveway 25' from an existing driveway on the same lot where 30' is required, and maintain an open canopy addition with a 3' side yard setback where 10' is required and seeks a variance from sections **10.09(B)** Parking Setbacks, **10.08(B)** Driveways Location and **6.03(C)** Side Yard Setback, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through May 5, 2022.

Criteria	Notes
1. The variance will not be contrary to the public interest.	
2. The spirit of the ordinance is observed	
3. Substantial justice is done.	
4. The values of surrounding properties are not diminished.	
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.	

8. **ZBA2022-066**
2880 Brown Avenue, R-1B Zoning District, Ward 8

Muharem Mahmutovic proposes to construct a front yard parking space for an Accessory Dwelling Unit with a driveway width of 25' where 24' is allowed and seeks a variance from sections **10.09(B)** Parking Setbacks and **10.08(C)** Driveway Width, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through May 6, 2022.

Criteria	Notes
1. The variance will not be contrary to the public interest.	
2. The spirit of the ordinance is observed	
3. Substantial justice is done.	
4. The values of surrounding properties are not diminished.	
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.	

9. **ZBA2022-068**
327-329 Concord Street, R-3 Zoning District, Ward 4

Andrew Kieffer proposes to create three parking spaces in the street yard of a corner lot for a three family dwelling, with two spaces within 4' of the property line, where the driveway is less than 20' from an intersecting street, where the spaces require backing out into the public way, and where one space is within the visual clearance triangular area of a corner lot and seeks a variance from sections **10.09(B)** Parking Setbacks, **10.06(A)** Parking Maneuvering, **10.08(A)** Driveways Location and **8.27(E)** Visibility at Corners, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through May 11, 2022

Criteria	Notes
1. The variance will not be contrary to the public interest.	
2. The spirit of the ordinance is observed	
3. Substantial justice is done.	
4. The values of surrounding properties are not diminished.	
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.	

10. **ZBA2022-070**
31-37 Elm Street, R-3 Zoning District, Ward 3

Thomas Minuti proposes to serve alcoholic beverages in an existing restaurant use and seeks a variance from section **5.10(G)1** Restaurant of up to 5,000 SF Serving Alcohol, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through May 12, 2022.

Criteria	Notes
1. The variance will not be contrary to the public interest.	
2. The spirit of the ordinance is observed	
3. Substantial justice is done.	
4. The values of surrounding properties are not diminished.	
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.	

11. **ZBA2022-071**
1500 South Willow Street, B-2 Zoning District, Ward 8

Luke Distefano proposes to locate a transformer and dumpster enclosure within the required setback to support a new stand-alone restaurant and seeks a variance from section **8.29(B)** Accessory Structures and Uses (2 counts), of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through May 13, 2022.

Criteria	Notes
1. The variance will not be contrary to the public interest.	
2. The spirit of the ordinance is observed	
3. Substantial justice is done.	
4. The values of surrounding properties are not diminished.	
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.	

12. **ZBA2022-073**
1824 Front Street, Zoning District, Ward

Jeffrey Lewis (Agent) proposes to construct an 8' high retaining wall in the front yard and seeks a variance from section **8.29(A)1** Accessory Structures and Uses, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through May 18, 2022.

Criteria	Notes
1. The variance will not be contrary to the public interest.	
2. The spirit of the ordinance is observed	
3. Substantial justice is done.	
4. The values of surrounding properties are not diminished.	
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.	

13. **ZBA2022-074**
28 Trolley Street, R-1B Zoning District, Ward 8

Michael and DeAndra Kellett propose to create two new front yard parking spaces, as well as maintain a previously created front yard parking space, resulting in four parking spaces in the front yard setback and a driveway width of 34' where 24' is allowed and seek a variance from sections **10.08(C)** Driveways Width and **10.09(B)** Parking Setbacks, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through May 20, 2022.

Criteria	Notes
1. The variance will not be contrary to the public interest.	
2. The spirit of the ordinance is observed	
3. Substantial justice is done.	
4. The values of surrounding properties are not diminished.	
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.	

14. **ZBA2022-076**
96 Pinard Street and Biron Street, Map, Lot, R-1B Zoning District, Ward 10

Andrew Sullivan (Agent) proposes to subdivide the property where proposed Tax Map 693, Lot 7 will remain improved with a single family dwelling with buildable land area of 4,635 SF where 7,500 SF is required and a rear yard setback of 22.9' where 30' is required and where proposed Tax Map 693, Lot 8A will have buildable land area of 4,675 SF where 7,500 SF is required and lot frontage and width of 50' where 75' and with a an accessory shed structure as the principal use of the lot and seeks a variance from sections **6.01** Minimum Buildable Lot Area, and **6.03(B)** Rear Yard Setback at Tax Map 693, Lot 7 and **6.01** Minimum Buildable Lot Area, **6.02** Minimum Lot Frontage and Width (2 counts), **5.10(A)** Accessory Structure as a Principal Use at Tax Map 693, Lot 8A, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through May 20, 2022.

Criteria	Notes
1. The variance will not be contrary to the public interest.	
2. The spirit of the ordinance is observed	
3. Substantial justice is done.	
4. The values of surrounding properties are not diminished.	
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.	

15. **ZBA2022-075**
70 Dickey Street, R-1B Zoning District, Ward 10

Andrew Sullivan, Esq. (Agent) proposes to develop a non-conforming lot, Tax Map 594, Lot 27 with buildable land area of 5,000 SF where 7,500 SF is required and with lot frontage and width of 50' where 75' is required, where the lot is subject to consolidation with Tax Map 594, Lot 27A, which will remain improved with a single family dwelling which also has buildable land area of 5,000 SF where 7,500 SF is required, with lot frontage and width of 50' where 75' is required and with a side yard setback of 5.1' where 10' is required and seeks a variance from section **11.03(D)2(d)** Conditions for Development of Non-Conforming Lot, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through May 24, 2022

Criteria	Notes
1. The variance will not be contrary to the public interest.	
2. The spirit of the ordinance is observed	
3. Substantial justice is done.	
4. The values of surrounding properties are not diminished.	
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.	

16. **ZBA2022-072**
2024 Candia Road, R-1A and LMPOD Zoning Districta, Ward 6

Mari-Briege Nalette (Agent) proposes to convert a portion of the building formerly used as a commercial space to a dwelling unit, resulting in three dwelling units and maintain an expansion of the parking area to the west without the required 10' landscape buffer and seeks a variance from sections **5.10(A)6** Multi-Family Dwelling and **10.07(G)** Landscaping, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through May 25, 2022.

Criteria	Notes
1. The variance will not be contrary to the public interest.	
2. The spirit of the ordinance is observed	
3. Substantial justice is done.	
4. The values of surrounding properties are not diminished.	
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.	

17. **ZBA2022-021**
68-70 Russell Street, R-2 Zoning District, Ward 2

Sherri Bernstein proposes to create a planned development by creating a dwelling unit in the upper level of a carriage house where the lot has an existing two family dwelling, where the carriage house has side yard setbacks of 2.2' and 2.1' where 20' is required and seeks a variance from section **6.03(C)** Side Yard Setback (2 Counts), of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through May 25, 2022.

Criteria	Notes
1. The variance will not be contrary to the public interest.	
2. The spirit of the ordinance is observed	
3. Substantial justice is done.	
4. The values of surrounding properties are not diminished.	
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.	

III. BUSINESS MEETING:

1. ADMINISTRATIVE MATTERS:

1. **Review and approval of the ZBA Minutes of April 14, 2022 and May 12, 2022**

2. **Any other business items from the ZBA staff or Board Members.**

Full text of the agenda items is on file for review in the Planning & Community Development Department.
The order of the agenda is subject to change on the call of the Chairman.