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City Planner

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

June 4, 2025

Gallagher, Callahan & Gartrell, PC
214 Main St
Concord, NH 03301

RE: Notice of Decision – ZBA 0284-2025

Dear Gallagher, Callahan & Gartrell, PC:

At a meeting of the Concord Zoning Board of Adjustment, held on June 4, 2025, the Board voted on the following:

Gallagher, Callahan & Gartrell, PC, on behalf of Cafua Realty Trust CXXXIX, LLC, requests approval for a variance from Section 28-7-7(g)(3) Parking to be located to the side or rear of a building, to allow a portion of off-street parking to be located in front of the building where off-street parking is not otherwise allowed, at Tax Map Lot 583Z 30, addressed as 161 N State St, in the Urban Commercial (CU) District.

With a vote of 3 in favor (Carley, Monahan, Perkins) to 0 opposed, the Board granted the variance from Section 28-7-7(g)(3) Parking to be located to the side or rear of a building to allow a portion of off-street parking to be located in front of the building where off-street parking is not otherwise allowed at the address of 161 N State St, because all of the criteria under RSA 674:33 have been met based on the record before the Board, and the Board adopted the applicant's findings as the Board's findings of fact.

Adopted Findings of Fact:

1. *The variance will not be contrary to the public interest.* "Public interest supports flexibility in development standards, especially where the existing condition offers parking in similar proximity to public streets and where several nearby properties have similar parking areas between buildings and public streets (i.e., 165-167 N. State Street; 4 Church Street)."
2. *The spirit of the ordinance is observed by granting the variance.* "The requested variance would be consistent with the spirit and intent of the ordinance as the CU district is intended to promote "a mixture of office, retail, restaurant, service, lodging, and high-density housing. See Ordinance at Article 28-2-2(b)(9)."
3. *Substantial justice will be done by granting the variance.* "The variance would allow a permitted use to "fit" all required parking and special considerations (i.e., ambulance canopy, generator) on the premises. The entirety of the site will be subject to site plan review, and potentially the mitigation of any off-site impacts."
4. *The values of surrounding properties will not be diminished.* "There is no evidence to suggest that the immediately surrounding properties will suffer devaluation as a result of a portion of the proposed parking area being located "between the building and the street". To the contrary, a properly planned, constructed

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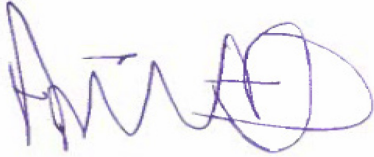
and operated medical facility would only increase the services available to the surrounding properties and rejuvenate a property that has been underperforming for several years.”

5. *Denial of the variance would result in unnecessary hardship because:* “The site is an existing corner lot with frontage upon two public streets, resulting in a building having two fronts on two streets. The Concept Plan offers multiple conformities over the existing conditions, including front and side setbacks which presently are nonconforming. The configuration of the corner lot, however, creates a hardship in terms of placing all proposed parking to the “side or rear of a building”. Article 28-7-7(g)(3). Instead, a variance is sought to allow a portion of the required parking (16 of 50 total spaces) to be located in front of the proposed building and adjacent to North State Street. “

If there is a significant change at any time in the future, you are hereby advised to discuss any proposed changes with the City Planner. If the use or construction authorized by this approval has not commenced within the two-year anniversary date of the original decision (or by **June 4, 2027**), it shall be deemed to have expired and authorization shall be considered null and void as specified in Section 28-9-3(b)(5) of the Zoning Ordinance.

Granting of a variance does not authorize construction or use prior to the application for and approval of site plan review, architectural design review, and/or subdivision review, as applicable. Granting of a variance does not authorize construction or use prior to the application for and issuance of a building permit, if applicable.

Zoning Board of Adjustment



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