

**TO:** JOHN P. BOHENKO

**FROM:** TERRY L. PROVENCHER, PLANNING DEPARTMENT

**RE:** ACTIONS TAKEN BY THE PORTSMOUTH BOARD OF ADJUSTMENT MEETING HELD ON NOVEMBER 20, 2001, COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

**PRESENT:** CHAIRMAN, JACK BLALOCK, VICE-CHAIRMAN, CHARLES LeBLANC, MEMBERS, NATE HOLLOWAY, BOB MARCHEWKA, CHRIS ROGERS, JIM HERRIGAN, AND ALAIN JOUSSE

**ABSENT:** ALTERNATES, GINNY WEEKS AND DAVID WITHAM

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I. APPROVAL OF MINUTES

**Voted to approve** the minutes for the October 16, 2001, meeting.

II. OLD BUSINESS

- A) **Voted to grant** petition for property owned by Joseph Arnstein, to construct a dwelling located on Foch Avenue creating a front setback of 10' where 30' is the minimum allowed.
- B) **Voted to deny** the Request for a Rehearing for property owned by Robert Byrnes and Patricia Tobey located at 41 Salter Street requested by Joan Davis and Charles Allard of 35 Salter Street.
- C) **Voted to table** the Discussion concerning motion signs as determined by the Assistant Building Inspector until the end of the meeting.

III. PUBLIC HEARINGS

- 1) **Voted to grant** petition of C-Chase Properties, LLC, owner, d/b/a Seacoast Mazda for property located at 180 Spaulding Turnpike wherein a Variance from Article IX, Section 10-908 Table 14 was requested to allow the following: a) 105 s.f. free-standing internally lit sign 29'10" high where 20' is the maximum height allowed creating a 0' front setback where 20' is the minimum allowed; and, b) a 48 s.f. free-standing sign internally lit creating a 0' front setback where 20' is the minimum allowed
- 2) **Voted to table** petition until the December 18, 2001, meeting for Joseph J. Almeida, owner, for property located at 37 Prospect Street wherein a Variance from Article II, Section 10-206(4) was requested to allow the existing barn and a portion of the first floor of the existing single family dwelling to be converted into a second dwelling unit on a lot having 5,310 sf of lot area where 6,000 sf (3,000 sf per dwelling unit) of lot area is the minimum required for two dwelling units

- 3) **Voted to grant** petition of Steve Kelm, owner, for property located at 5 – 7 South Mill Street wherein the following was requested to allow a lot line relocation between 5 - 7 South Mill Street and 18 Pickering Street. The following Variances are required for 5-7 South Mill Street: 1) a Variance from Article III, Section 10-302(A) to allow: a) the lot area to be reduced from 4,034 sf to 3,202 sf where 5,000 sf is the minimum lot area required for a conforming lot, b) building coverage to be increased from 38% to 48% where 25% is the maximum allowed, and 2) a Variance from Article II, Section 10-206(4) to allow 1,067 sf per dwelling unit where 3,000 sf per dwelling unit is the minimum required and 1,345 sf currently exists.
- 4) **Voted to grant** petition of Daniel and Lisa Schwartz, owners, of 9 Middle Road and Peter and Meg Middleton, owners of 76 – 78 Lawrence wherein a Variance from Article III, Section 10-302(A) is requested to allow a lot line relocation resulting in a 2.8' rear yard for the existing 20.4' x 27.4' garage located at 9 Middle Road where 10.2' is the minimum required.
- 5) **Voted to grant** petition of 55 Congress Street Condo Association, owner, AT&T Wireless, applicant, for property located at 55 Congress Street wherein a Special Exception as allowed in Article II, Section 10-208(51) was requested to allow one additional telecommunication equipment cabinet to the existing four cabinets on the roof.
- 6) The petition of Getty Petroleum, owner, Tony's Getty Mart, applicant, for property located at 1815 Woodbury Avenue wherein a Variance from Article II, Section 10-208 was requested to allow the outdoor storage of one U-Haul truck in conjunction with a rental office. This petition was withdrawn by the applicant.
- 7) **Voted to grant** petition of Hasibe A. Kaya, owner, Unal Kaya Davis, applicant, for property located at 374 Lincoln Avenue wherein a Special Exception as allowed in Article II, Section 10-206(13)(b) was requested to allow up to 12 children for an in-home daycare. The following stipulation was added: 1) That the operations of the day care are to be Monday through Friday from 8:00 a.m. to 5:00 p.m.
- 8) **Voted to grant** petition of Jean C. Odiorne, owner, for property located at 17 Pray Street wherein a Variance from Article III, Section 10-302(A) was requested to allow an 18' x 22' attached garage with a 1' rear yard where 25' is the minimum required.
- 9) **Voted to table** petition until the December 18, 2001, meeting for James J. Reilley, owner, for property located at 21 Sanderling Way wherein the following are requested: 1) a Variance from Article II, Section 10-212(F)(2) to allow a gift packing business where products to be wrapped are delivered by tractor trailer truck and shipped out by UPS in a district where such use is not allowed, and 2) a Variance from Article XII, Section 10-1204 Table 15 to allow no parking to be provided for the business where 1 parking space is required for the business.

- 10) **Voted to grant** petition of Wrens Nest Motel Corp., owner, for property located 3548 Lafayette Road wherein a Variance from Article II, Section 10-206 was requested to allow an existing building to be converted into a restaurant with a bar area and dance floor and 28 new parking spaces in a district where such use is not allowed. The following stipulation was added: 1) That the storage trailer be removed before a building permit is issued.
- 11) **Voted to grant** petition of Leo T. McCallum, owner, for property located at 130 Dennett Street wherein a Variance from Article III, Section 10-302(A) and Section 10-301(A)(3&4) was requested to allow lot 17 to be recognized as a separate buildable lot having 90' of frontage where 100' is the minimum required General Residence A district. The following two stipulations have been requested: 1) That the common driveway is to be shared with 130 Dennett St. (Lot 18), and 2) That the owner of said property is to provide a plan of the trees intended to be protected and submit to the Planning Department.
- 12) **Voted to grant** petition of Robert and Willow Maranhas, owners, for property located at 39 Mount Vernon Street wherein a Variance from Article III, Section 10-302(A) was requested to allow a 16'6" x 24'6" two story addition to be built in the same location as an existing barn with: a) a 0' rear yard where 25' is the minimum required, b) a 0' left side yard where 10' is the minimum required; and, c) 47.6% building coverage where 30% is the maximum allowed.

IV: OLD BUSINESS

**Voted for a Work Session** on December 18, 2001, at 6:15 p.m. for discussion concerning motion signs as determined by the Assistant Building Inspector.

V: ADJOURNMENT – At 9:20 p.m. – voted to adjourn.

Respectfully submitted by:

Terry L. Provencher, Planning Department Secretary