

**TO:** John P. Bohenko, City Manager  
**FROM:** Joan M. Long, Planning Department  
**RE:** Actions taken by the Portsmouth Board of Adjustment meeting held on **April 16, 2002**, Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire  
**Present:** Chairman, Jack Blalock; Vice-Chairman, Charles LeBlanc, Jim Horrigan, alternate, David Witham; Alain Jousse, Chris Rogers; and Bob Marchewka  
**ABSENT:** Nate Holloway

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Old Business and Public Hearings #1 through #7 will be heard on April 16, 2002; however, due to the length of the Agenda, **Public Hearings #8 through #18 will be heard on the following Tuesday, April 23, 2002 at 7:00 p.m.** in the City Council Chambers.

**I. APPROVAL OF MINUTES**

Voted to **approve** the minutes from the meeting of March 19, 2002 unanimously with a 7 – 0 vote.

**II. OLD BUSINESS**

A) Voted to **grant** as presented and advertised the petition of R & L Enterprises, Inc., owner, and Anthony Giovannettone, applicant, for property located off Lang Road wherein the following are requested to allow the construction of a 28' x 65' two story building to be used as a Trade/Craft Shop: a) a Variance from Article III, Section 10-304(A) to allow a 10' left side yard where 30' is the minimum required; 2) a Variance from Article XII, Section 10-1203(A)(1) to allow the loading berth to be located between the front of the building and the front property line, located in such a manner as to block 2 of the parking spaces and interfere with the backing out of the other 2 parking spaces where such a configuration is not allowed; and, 3) a Variance from Article XII, Section 10-1204 Table 15 to allow 4 nonconforming parking spaces to be provided where 7 parking spaces with 24' travel aisles are required. Said property is shown on Assessor Plan 286 as Lot 022A and lies within the General Business district. This application was tabled at the March 19, 2002 meeting to the April 16, 2002 meeting.

B) Voted to **grant** the Request for a Rehearing for Lawrence N. and Ruth S. Gray, owners for property located at 80 Currier's Cove requested by Bernard W. Pelech, Esquire and will be heard at the next scheduled meeting on May 21, 2002. Said property is shown on Assessor Plan 204 as Lot 014 and lies within the Single Residence A district. This application was tabled at the March 19, 2002 meeting to the April 16, 2002 meeting.

C) Voted to **grant** the petition of J. Tyler Rohrer, owner, for property located at 46-48 Columbia Street where in the following are requested to expand the footprint of an existing building and to add two additional dwelling units: 1) a Variance from Article III, Section 10-302(A) to allow a 2'5" right side where 10' is the minimum required, 2) a Variance from Article IV, Section 10-401(A)(2)(b) to reconstruct and enlarge a non-conforming building by infilling the corners, moving the front entry and changing the flat roof to a pitched roof, 3) a Variance from Article II, Section 10-206(3) to allowed two additional dwelling units in the newly created third floor for a total of six dwelling units in a district where such use is not allowed; and, 4) a Variance from Article III, Section 10-302(A) to allow 1,438.5 sf of lot area per dwelling unit for a total of 8,631 sf lot area for six dwelling units where four dwelling units are grandfathered if they where reconstructed as the original building. Said property is shown on Assessor Plan 156 as Lot 16 and lies within the Apartment district. This application was tabled at the March 19, 2002 meeting to the April 16, 2002 meeting.

D) Voted to **grant** the petition of Arthur and Sharon Pierce, owners, Federal Cigar LLC, applicant, for property located at 2968 Lafayette Road wherein a Variance from Article II, Section 10-207 is requested to allow a retail sales business in a 600 sf building in a district where such use is not allowed. Said property is shown on Assessor Plan 292 as Lot 31 and lies within the Mixed Residential Business district. This application was tabled at the March 19, 2002 meeting to the April 16, 2002 meeting.

E) Voted to **grant** the petition of Leonard and Anne Kovit, owners of 2200 Lafayette Road and Estate of Mary Yager, owner of 2236 Lafayette Road wherein a Variance from Article III, Section 10-304(A) is requested to allow a lot line relocation between a non-conforming lot of 10,055 sf (Lot 2) and a conforming lot of 48,843 sf (Lot 1) resulting in two non-conforming lots, Lot 1 having 22,453 sf of area and 196.55' of frontage and Lot 2 having 36,446 sf of area where the minimum lot area required is 43,560 sf and the minimum frontage required is 200'. Said property is shown on Assessor Plan 267 as Lots 1 and 2 and lie within the General Business district. This application was tabled at the March 19, 2002 meeting to the April 16, 2002 meeting.

### III. PUBLIC HEARINGS

1) Voted to **grant** the petition of Coventry Assets Ltd, owners, for property located at 10 Pleasant Street wherein a Variance from Article IX, Section 10-908 is requested to allow: a) a 5.06 sf attached sign for a second floor business in a district where attached signs are not allowed for businesses above the first floor and, b) a 4 sf projecting sign for a business above the first floor where 2 sf of projecting signage is the maximum allowed with the **stipulation** that the 5.06 s.f. of attached signage is for the second and third floors. Said property is shown on Assessor Plan 107 as Lot 82 and lies within the Central Business B and Historic A districts.

2) Voted to **grant** the petition of Kathleen Dowling, owner, for property located at 22 Deer Street wherein a Variance from Article III, Section 10-304(B) is requested to allow a 14' x 26' one story addition 13' in height in a district where the minimum height of a building shall be at least 20'. Said property is shown on Assessor Plan 118 as Lot 13 and lies within the Central Business B and Historic A districts. Case # 26-02

3) A motion was made to grant the petition with the stipulation that the Woodbury Avenue entrance/exit be signed for right turn only for the petition of Center Corp Taunton LLC, owner; however, the motion failed and the application was **denied** for property located at 1618 Woodbury Avenue wherein a Variance from Article XII, Section 10-1204 Table 15 is requested to allow 17 parking spaces to be provided where 23 parking spaces are required. Said property is shown on Assessor Plan 239 as Lot 2 and lies within the General Business district. Case # 27-02

4) Voted to **grant** the petition of Scott Nelson, owner, Mimi Loureiro d/b/a O2 Yoga Studio LLC, applicant, for property located at 63 Market Street wherein a Variance from Article IX, Section 10-908 Table 14 is requested to allow a 5 sf projecting for a second floor business where 2 sf of projecting signage is the maximum allowed for a second floor business. Said property is shown on Assessor Plan 106 as Lot 24 and lies within the Central Business B and Historic A districts. Case # 28-02

5) Voted to **grant** the petition of Kevin and Debra Reichlin, owners, for property located at 326 Thornton Street wherein a Variance from Article III, Section 10-302(A) is requested to allow an amendment to a previously approved petition to allow a second dwelling unit to be located in a new addition attached to a new garage on a 9,809 sf lot where 15,000 sf of lot area would be required for two dwelling units. Said property is shown on Assessor Plan 161 as Lot 14 and lies within the General Residence A district. Case # 29-02

6) The Board received a request to **withdraw** the petition of Robert J. Andelman and Kathryn R. Lynch, owners, to the May 21, 2002 meeting for property located at 3 Boyan Place wherein a Variance from Article III, Section 10-302(A) is requested to allow a 12' x 39' two story addition with: a) 7' right side yard for the garage/2<sup>nd</sup> floor living space portion of the addition and a 9' right side yard for the screened porch/2<sup>nd</sup> floor living space portion of the addition where 10' is the minimum required; and, b) 22.7% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 207 as Lot 30 and lies within the Single Residence B district. Case # 30-02

7) Voted to **grant** the petition of Susan Werner Thoresen Rev. Trust, owner, for property located at 100 Kensington Road wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow: a) a 4' x 19' covered porch to the rear of the existing nonconforming dwelling with a 16' rear yard where 30' is the minimum required; and, b) a 3'10" x 20'3" two story addition to the front of an existing garage with a 0' left side yard where 10' is the minimum required. Said property is shown on Assessor Plan 152 as Lot 21 and lies within the Single Residence B district. Case # 31-02

Voted to adjourn the meeting at 10:00 p.m. and reconvene on the following Tuesday, April 23, 2002 to hear Public Hearings #8 through #18.

Respectfully submitted,

Joan M. Long  
Secretary

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