

**REGULAR MEETING  
BOARD OF ADJUSTMENT  
PORTSMOUTH, NEW HAMPSHIRE  
CITY COUNCIL CHAMBERS  
AGENDA**

**7:00 P.M**

**APRIL 16, 2002**

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**

Meeting of March 19, 2002

**II. OLD BUSINESS**

**A) 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) 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. 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) 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) 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) 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) **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. Said property is shown on Assessor Plan 107 as Lot 82 and lies within the Central Business B and Historic A districts.

2) **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) **Petition of Center Corp Taunton LLC, owner**, 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) **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) **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) **Petition of Robert J. Andelman and Kathryn R. Lynch, owners**, 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 screened porch portion of the addition and a 9' right side yard for the screened porch portion of the addition where 10' is the minimum required; and, b) 22.7% building coverage. Said property is shown on Assessor Plan 207 as Lot 30 and lies within the Single Residence B district. Case # 30-02~~

7) **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

8) **Petition of Christopher and Kathleen Salavadore, owners**, for property located at 87 Leavitt Avenue wherein a Variance from Article III, Section 10-302(A) is requested to allow a 24' x 26' one story garage with a 3' left side yard and a 4' rear yard where 10' is the minimum required in both instances. Said property is shown on Assessor Plan 232 as Lot 84 and lies within the Single Residence B district. Case # 32-02

9) **Petition of J. Tyler Rohrer, owner**, for property located at 46-48 Columbia Street wherein the following are requested: 1) a Variance from Article IV, Section 10-401(A)(2)(b) and (c) to allow a nonconforming building to be reconstructed and enlarged after a fire with a 2.5' right side yard where 10' is the minimum required and a pitched roof creating additional living space where a flat roof previously existed; and, 2) a Special Exception as allowed in Article II, Section 10-206(6) to allow six dwelling units. Said property is shown on Assessor Plan 156 as Lot 16 and lies within the Apartment district. Case # 34-02

10) **Petition of Joan M. Mooney, owner, and Margaret Newville applicant**, for property located at 104 Gates Street wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow a 6'3" x 14'3" two story addition to the left side of the existing dwelling with: a) an 8' left side yard where 10' is the minimum required, and b) 43% building coverage where 30% is the maximum allowed. Said property is shown on Assessor Plan 103 as Lot 72 and lies within the General Residence B and Historic A districts. Case # 35-02

**11) Petition of Susan Turner, owner**, for property located at 111 Wibird Street wherein Variances from Article III, Section 10-302(A), Article II, Section 10-206(4), and Article IV, Section 10-401(A)(2)(c) are requested to allow a 21' x 28' one story addition to the rear of a single family dwelling with: a) a 7' left side yard where 10' is the minimum required; and, b) a second dwelling unit on an 8,748 sf lot where 15,000 sf of lot area would be required for two dwelling units. Said property is shown on Assessor Plan 134 as Lot 46 and lies within the General Residence A district. Case # 36-02

**12) Petition of Virginia Morin, owner**, for property located at 375 Coolidge Street wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow a 22' x 22' two story addition to an existing single family dwelling for a garage on the first floor and a bedroom and bathroom on the second floor with a 24½' front yard where 30' is the minimum required. Said property is shown on Assessor Plan 268 as Lot 41 and lies within the Single Residence B district. Case # 37-02

**13) Petition of Mark Shavor, owner**, for property located at 99 Orchard Street wherein a Variance from Article III, Section 10-302(A) is requested to allow a 24' x 24' 2 story garage with a 2' left side yard and a 2' rear yard where 11.25' is the minimum required. Said property is shown on Assessor Plan 149 as Lot 47 and lies within the General Residence A district. Case # 38-02

**14) Petition of John and Stacy Scarlotto, owners**, for property located at 893 Elwyn Road wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow an 8' x 22' two story addition to the left side of the existing dwelling with a 9' left side yard where 20' is the minimum required, a 24' x 24' garage with a second floor for additional living space with a 10.5' front yard where 30' is the minimum required, and 11.8% building coverage where 10% is the maximum allowed. Said property is shown on Assessor Plan 225 as Lot 4 and lies within the Single Residence A district. Case # 39-02

**15) Petition of Jeff W. Ott, owner**, for property located at 85 Albany Street wherein a Special Exception as allowed in Article IV, Section 10-10-401(A)(1)(d) is requested to allow 4 new dwelling units in space formerly occupied by the antique shop in a building to be reconstructed after a fire in accordance with Article IV, Section 10-401(A)(2)(b) on a 11,132 sf lot. Said property is shown on Assessor Plan 146 as Lot 25 and lies within the Mixed Residential Business district. Case # 40-02

**16) Petition of Douglas W. Roberts, owner**, for property located at 247 Richards Avenue wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(b) are requested to allow a 10'3" x 11' deck with stairs with: a) a 4' right side yard where 10' is the minimum required; and, b) 43% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 129 as Lot 2 and lies within the General Residence A district. Case # 41-02

**17) Petition of Wren's Nest Motel Corp., owner**, for property located at 3548 Lafayette Road wherein a Variance from Article XII, Section 10-1201(A)(2) is requested to allow 20' and 22' maneuvering aisles where 24' is the minimum required for two way traffic. Said property is shown on Assessor Plan 297 as Lot 6 and lies within the Single Residence A district. Case # 42-02

**18) Petition of Two International Group, owner**, for property located at 200 International Drive wherein a Variance from Section 303.04B of the Pease Development Authority Zoning Ordinance is requested to allow a 1,500 sf professional office for an engineering firm. Said property is shown on Assessor Plan 312 as Lot 3 and lies within the Industrial district. Case # 43-02

#### **IV. ADJOURNMENT**

**Voted to adjourn the meeting**

**Members of the public and abutters should be aware that after the board renders its decision tonight, that a later request could be made to reconsider the decision and/or appeal the decision to the Rockingham County Superior Court. Please note that an abutter/aggrieved party may file a motion to reconsider if they are dissatisfied with the Board's decision. If you have any interest in finding out whether a motion to reconsider has been filed; you should contact the Planning Department twenty-one (21) days after the BOA decision is rendered. Thereafter, depending on the outcome of the reconsideration request, you are also invited to make inquiries at the Legal Department to determine whether an Appeal to the Superior Court has been filed.**