

TO: John P. Bohenko, City Manager
FROM: Joan M. Long, Planning Department
RE: Actions taken by the Portsmouth Board of Adjustment meeting held on **May 21, 2002** Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire
PRESENT: Chairman, Jack Blalock; Jim Horrigan, Nate Holloway, Alain Jousse, Chris Rogers, Bob Marchewka; and, alternate, David Witham
EXCUSED: Vice-Chairman, Charles LeBlanc



I. Approval of Minutes

Voted to **approve** the minutes from the Meetings of April 16, 2002 and the Reconvened Meeting of April 23, 2002 unanimously with a 6 – 0 vote.

II. Old Business

A) Voted to **grant** the Request for a Motion for Reconsideration for Susan Turner, owner unanimously with a 7 – 0 vote for property located at 111 Wibird Street and will be heard at the next scheduled meeting on June 18, 2002. Said property is shown on Assessor Plan 134 as Lot 046 and lies within the General Residence A district.

III. Public Hearings

1) A motion was made to grant the petition of Lawrence N. & Ruth S. Gray, owners, however, the motion failed and the application was **denied** with a 3 – 4 vote for property located at 80 Currier's Cove wherein a Variance from Article III, Section 10-301(A)(7) is requested to allow 8' x 14' deck 67' from the edge of the salt water marsh/wetlands and 312 sf of enclosed living space within 100' of the edge of the salt water marsh/wetlands. Said property is shown on Assessor Plan 204 as Lot 14 and lies within the Single Residence A district.

2) Voted to **grant** the petition of ONB Realty Corporation, owner, and Chittenden Bank, applicant, unanimously with a 7 – 0 vote for property located at 1555 Lafayette Road wherein the following are requested: 1) a Variance from Article II, Section 10-207(24) to allow an existing temporary structure to remain for an additional twelve months from the required date of removal where temporary structures are allowed for up to 30 days, 2) a Variance from Article III, Section 10-301(A)(8) to allow: a) 32.15' x 65' 1½ story bank building including a 5.5' x 18' entrance canopy on the right side and a 35.33 x 44' Drive-Thru Canopy on the left side with a 72' front yard, and b) a 50' x 170' business office/professional building with a 76.7' front yard where 105' is the minimum required in both instances, 3) a Variance from Article XII, Section 10-1201(A)(3)(c)(1) to allow vehicle accessway and parking within 50' of a residential zone where such use is not allowed; and, 4) a Variance from Article V, Section 10-504(B)(2) to allow a 6' solid board fence along a portion of the southerly boundary line where an 8' solid board fence is required along the entire southerly boundary line. Said property is shown on Assessor Plan 251 as Lot 125 and lies within the Mixed Residential Business district with the following **stipulations:**

- That the solid 8' fence along the rear of the property be reduced to 6' to allow the abutter on Elwyn Road site vision when existing his driveway and that the fence be removed along the abutter's driveway;
- That a low vegetation be placed where the fence is removed; and,
- That the fence and vegetation be approved by the Site Review process.

3) Voted to **deny** the petition of Robert J. Andelman and Kathryn R. Lynch, owners, with a 6 – 1 vote for property located at 3 Boyan Place wherein a Variance from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow a 12' x 39' two story addition with: a) 7' right side yard for the garage/2nd floor living space portion of the addition and a 9' right side yard for the screened porch/2nd floor living space portion of the addition where 10' is the minimum required, b) a 21.5' front yard where 30' is the minimum required; and, c) 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.

4) Voted to **grant** the petition of New England Industrial Properties, owner, VIP Auto Center, applicant, unanimously with a 6 – 1 vote for property located at 2179 Lafayette Road wherein the following are requested: 1) a Special Exception as allowed in Article II, Section 10-208(36) to allow two additional service bays in an existing building; and, 2) a Variance from Article XII, Section 10-1203(A)(2) to allow the existing interior loading area to be a shared use as a service bay. Said property is shown on Assessor Plan 268 as Lot 98 and lies within the General Business district with the following **stipulations**:

- That the hours of operation remain the same;
- That the outside lighting remain the same
- That the noise level remain the same; and,
- That the doors to the service bays be closed when working on vehicles.

5) Voted to **grant** the petition of Lucas Kolm, owner, unanimously with a 7 - 0 vote for property located at 35 Mark Street wherein the following are requested: 1) a Variances from Article III, Section 10-303(A) and Article IV, Section 10-401(A)(2)(c) to allow a 12' x 14' two story addition with a 5.75' rear yard where 15' is the minimum required; and, 2) a Variance from Article IV, Section 10-402(B) to allow a 22' x 26' 1½ story garage with a 4' rear yard and a 4' left side yard where 11.25' is the minimum required. Said property is shown on Assessor Plan 116 as Lot 50 and lies within the Mixed Residential Office and Historic A districts. **It was noted that Variance 1) was advertised as a two-story addition and it is actually a one-story addition.**

6) Voted to **grant** the petition of Anthony and Martha Rahn, owners, unanimously with a 7 – 0 vote for property located at 3 Larry Lane wherein a Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow a 24' x 26' irregular one story addition including a 6' x 12' porch with: a) a 25' rear yard where 30' is the minimum required; and, b) 23.8% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 234 as Lot 38 and lies within the Single Residence B district.

7) Voted to **grant** the petition of Gerald E. Eaton, Trustee of the Phyllis M. Martenson Revocable Trust, owner, unanimously with a 7 – 0 vote for property located at 384 Lang Road wherein a Variance from Article III, Section 10-10-301(A)(9) is requested to allow the subdivision of a single residential lot into two lots with the non-developed residual lot having non-continuous frontage (294.21' and 37.85') with the actual access through the 37.85' section of frontage. Said property is shown on Assessor Plan 289 as Lot 8 and lies within the Single Residence B district.

8) Voted to **grant** the petition of Philip Singer Revocable Trust, owner, CHI Engineering Services, Inc. applicant, unanimously with a 6 - 0 vote for property located at 430 West Road wherein a Variance from Article II, Section 10-208 is requested to allow the use of 26,000± for fabrication and warehousing within a 36,000 sf building and outdoor storage and fabrication both associated with 10,000 sf of engineering office space. Said property is shown on Assessor Plan 267 as Lot 28 and lies within the Industrial district.

9) Voted to **grant** the petition of 1950 Lafayette Place, LLC, owner, and Portsmouth Casey Home Association, applicant, unanimously with a 7 – 0 vote for property located at 1950 Lafayette Road wherein a Variance from Article II, Section 10-209 is requested to allow the construction of a 10,000+ sf footprint two story building for use as a function hall facility for rental to a fraternal organization for its meetings and functions and for rental to others as an accessory use on an as available basis in a district where such use is not allowed. Said property is shown on Assessor Plan 267 as Lot 7 and lies within the Office Research district with the following **stipulations**:

- That access from Lafayette Road be limited to “in” only;
- That the rear service road be extended to provide access to this site;
- That there be no outside dining/bar/entertainment area provided for the fraternal organization or it’s lessee’s;
- That the State Liquor Permit cannot be transferred to a new owner/entity if the property or shares in a holding entity are ever sold.

IV. Adjournment

Voted to adjourn the meeting at 10:45 p.m. and meet at the next schedule meeting on June 18, 2002 in the City Council Chambers at 7:00 p.m.

Respectfully submitted,

Joan M. Long
Secretary

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