

**REGULAR MEETING
BOARD OF ADJUSTMENT
PORTSMOUTH, NEW HAMPSHIRE**

7:00 P.M

CITY COUNCIL CHAMBERS

MAY 21, 2002

AGENDA

I. Approval of Minutes

Meeting of April 16, 2002; and,
Reconvened Meeting of April 23, 2002

II. Old Business

A) Request for a Motion for Reconsideration for Susan Turner, owner for property located at 111 Wibird Street. Said property is shown on Assessor Plan 134 as Lot 046 and lies within the General Residence A district. Case # 36-02

III. Public Hearings

1) Petition of Lawrence N. & Ruth S. Gray, owners, 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. Case # R-1

2) Petition of ONB Realty Corporation, owner, and Chittenden Bank, applicant, 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. Case # 5-1

3) 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) 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. Case # 5-2

4) Petition of New England Industrial Properties, owner, VIP Auto Center, applicant, 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. Case # 5-3

5) Petition of Lucas Kolm, owner, for property located at 35 Mark Street wherein the following are requested: 1) a Variance 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. Case # 5-4

6) Petition of Anthony and Martha Rahn, owners, for property located at 3 Larry Lane wherein a Variance 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. Case # 5-5

7) Petition of Gerald E. Eaton, Trustee of the Phyllis M. Martenson Revocable Trust, owner, 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. Case # 5-6

8) Petition of Philip Singer Revocable Trust, owner, CHI Engineering Services, Inc. applicant, 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. Case # 5-7

9) Petition of 1950 Lafayette Place, LLC, owner, and Portsmouth Casey Home Association, applicant, 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. Case #5-8

IV. Adjournment

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 thirty (30) 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.