

**ACTION SHEET
BOARD OF ADJUSTMENT**

7:00 P.M.

CITY COUNCIL CHAMBERS

November 19, 2002

TO: John P. Bohenko, City Manager

FROM: Jane M. Shouse, Planning Department

RE: Actions Taken by the Portsmouth **Board of Adjustment** meeting held on **November 19, 2002**, in the Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire

PRESENT: Chairman Jack Blalock, Vice-Chairman Charles LeBlanc, Jim Horrigan, Nate Holloway, Alain Jousse, Chris Rogers and alternate, Arthur Parrott.

EXCUSED: David Witham and Robert Marchewka.

I. APPROVAL OF MINUTES

Voted to unanimously approve the corrected Minutes from the October 15, 2002 meeting.

II. PUBLIC HEARINGS

1) Petition of **Fanel Dobre, owner**, for property located **off Sagamore** Avenue wherein a Variance from Article III, Section 10-301(A)(9) was requested to allow access to the lot off a private right of way where access is required from a public street or an approved private street. Said property is shown on Assessor Plan 223 as Lot 29 and lies within the Waterfront Business district. Case # 11-1

Voted to **GRANT** as presented and advertised.

2) Re-hearing per Order of the Rockingham County Superior Court in the matter of Michael Boccia, et al. v. City of Portsmouth and Raymond A. Ramsey, Intervenor 01-E-552 dated 26 September 02 for the petition of **Raymond A. Ramsey, owner**, for property located **off Kearsarge Way** wherein the following was requested for the construction of a 100 unit four story hotel: 1) a Variance from Article III, Section 10-304(A) Table 10 to allow the 63' x 231' four story building with a: a) 51' front yard where 70' is the minimum required, b) a 16' left side yard where 30' is the minimum required; and 3) a 30' rear yard where 50' is the minimum required, 2) a Variance from Article III, Section 10-304(c)(2) to allow the building to be located 83' from property zoned residentially where 100' is the minimum required, 3) a Variance from Article XII, Section 10-1201(A)(3)(e)(1) to allow off-street parking to be located 15' from property zoned residentially where 100' is the minimum required; and, 4) a Variance from Article XII, Section 10-1201(A)(3)(e)(2) to allow off-street parking, maneuvering space and traffic aisles 15' from the

front property line where said use is required to be at least 40' from the front property line. Said property is shown on Assessor Plan 218 as 22 and lies within the General Business district. Case # 11-2

Voted to **TABLE** until the next BOA meeting scheduled for December 27, 2002. This was a result of the large packet of materials presented by Attorney Griffin to the Board members just prior to the meeting. The Board members felt that they needed additional time to adequately review the packet.

3) Petition of **Tim and Michelle Diep, owners**, for property located at **44 Melbourne Street** wherein a Variance from Article III, Section 10-302(A) was requested to allow a 16' x 20' two story addition to the rear of an existing single family dwelling with a 5' left side yard where 10' is the minimum required. Said property is shown on Assessor Plan 233 as Lot 20 and lies within the Single Residence B district. Case # 11-3.

Voted to **GRANT** as presented and advertised. It was felt that this was a minor request and that there would be no diminution of property values. It was clear that all five criteria required for granting this variance had been met.

4) Petition of **Irving Oil Corp., owner**, for property located at **2470 Lafayette Road** wherein a Variance from Article II, Section 10-208(68)(c) was requested to allow outside storage for an ice machine and wire mesh enclosure for propane tanks in a district where outdoor storage is not allowed. Said property is shown on Assessor Plan 285 as Lot 14 and lies within the General Business district. Case # 11-4.

Voted to **GRANT** as presented and advertised. It was agreed that all safety requirements had been addressed and that all five criteria for granting this variance had been met.

5) Petition of **Lawrence J. Lariviere, owner** for property located at **11 Larry Lane** wherein a Variance from Article III, Section 10-302(A) was requested to allow a 6' x 12' one story addition to an existing carport (to be enclosed) with: a) an 8' right side yard where 10' is the minimum required, and b) 22.8% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 234 as Lot 40 and lies within the Single Residence A district. Case # 11-5.

Voted to **GRANT** as presented and advertised. It was felt that both requests were minimal and there would be no diminution to any surrounding property values.

6) Petition of **J.H Cahill, owner**, for property located at **2837 Lafayette Road** wherein the following were requested: 1) a Variance from Article III, Section 10-301(8) to allow a 60' front yard where 105' is required, 2) a Variance from Article III, Section 10-304(A) to allow a) a 20' right side yard and b) a 28.6' left side yard where 30' is the minimum required, 3) a Variance from Article XII, Section 10-1201(2) to allow a 16' travel way where 24' is required; and, 4) a Variance from Article IV, Section 10-401(2)(c) to allow expansion of a non conforming structure from 1,153 sf to 1,965 sf. Said property is shown on Assessor Plan 286 as Lot 1 and lies within the General Business district. Case # 11-6

Voted to **GRANT** as presented and advertised. It was felt that this was a normal expansion of a non-conforming building and the variance requests were quite minimal. It was also felt that moving the entrance from Lafayette Road to Roberts Avenue would improve traffic safety.

III. ADJOURNMENT

The motion was made and seconded to adjourn the meeting at 8:15 p.m.

Respectfully submitted,

Jane M. Shouse,
Secretary

/jms