

PLANNING DEPARTMENT - BOARD OF ADJUSTMENT

ACTION SHEET

TO: John P. Bohenko, City Manager

FROM: Mary Koepenick, Planning Department

RE: Actions Taken by the Portsmouth **Board of Adjustment at its reconvened meeting on July 28, 2015** in the Eileen Dondero Foley Council Chambers, Municipal Complex, One Junkins Avenue, Portsmouth, New Hampshire

PRESENT: Vice-Chairman Arthur Parrott, Derek Durbin*, Charles LeMay Patrick Moretti, David Rheäume
* Arrived for Item 10)

EXCUSED: Chairman David Witham, Christopher Mulligan, Alternate: Jeremiah Johnson

=====
III. PUBLIC HEARINGS – NEW BUSINESS

7) Case # 7-7

Petitioner: Amba Realty, LLC

Property: 806 Route 1 By-Pass

Assessor Plan 161, Lot 43

Zoning District: Business

Description: Expand first floor to 5,150 sq. ft. of retail space and construct second floor for office space.

Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.1113.20 to allow 9 parking spaces to be located within the required front yard and between the principal building and the street;
2. A Variance from Section 10.1112.30 to allow 26 fully available parking spaces and 2 restricted parking spaces where 28 are required and to allow parking 6.5' from a residential zone where 50' is required.
3. A Variance from Section 10.1113.41 to allow parking 0' from the front lot line where 20' is required;
4. A Variance from Section 10.1113.43 to not provide landscaping and screening within the front setback.

Action:

The Board voted to **postpone** the petition to the following month at the request of the applicant.

- 8) Case # 7-8
Petitioner: Moray, LLC and 215 Commerce Way, LLC
Property: 215 & 235 Commerce Way
Assessor Plan 216, Lots 1-8A & 1-8B
Zoning District: Office Research
Description: Provide parking, on a corner lot, located between the street and the building.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.1113.20 to allow off-street parking spaces to be located in a front yard between a principal building and the street.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

- 9) Case # 7-9
Petitioner: Barbara R. Frankel
Property: 89 Brewery Lane
Assessor Plan 146, Lot 26
Zoning District: Mixed Residential Business
Description: Remove existing structure and construct 2-story assisted-living home with a 3,450 sq. ft. footprint.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Special Exception from Section 10.440 to allow an assisted living home;
2. A Variance from Section 10.512 to allow 30' of street frontage where a minimum of 100' is required.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

- 10) Case # 7-10
Petitioner: Strawberry Banke Inc.
Property: 14 Hancock Street (Strawberry Banke)
Assessor Plan 104, Lot 7
Zoning District: Mixed Residential Office
Description: Clarification/modification of previous approval for operation of the skating pond.
Requests: Clarification/modification of the time period for use of the skating pond from November 1st to March 31st each year.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

11) Case # 7-11

Petitioner: Merton Alan Investments, LLC
Property: 30 Cate Street
Assessor Plan 165, Lot 1
Zoning District: Industrial
Description: Clarification of previous approval for construction of an office building.
Requests: Clarification that the setback relief granted included the 15.4' front setback resulting from the City's future reconfiguration of Cate St.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

12) Case # 7-12

Petitioner: New England Glory, LLC
Property: 525 Maplewood Avenue
Assessor Plan 209 Lot 85
Zoning District: Single Residence B
Description: Creation of two lots where one currently exists.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.521 to allow a lot area per dwelling unit of 3,755 sq. ft. where 7,500 sq. ft. is the minimum required.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

13) Case # 7-13

Petitioner: Jillian Mirandi
Property: 19 Woodbury Avenue
Assessor Plan 162 Lot 65
Zoning District: General Residence A
Description: Replace front entry and add shed in back yard.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.521 to allow a front yard setback of 2’ 10”+/- where 15’ is the minimum required and a building coverage of 29.6% where 25% is the maximum allowed.
2. A Variance from Section 10.573.10 to allow a left side yard of 2’ and a 2’ rear yard where 5’ is the minimum required for an accessory structure.

Action:

In separate motions, the Board voted the following:

- To grant Request #2 to allow a 2’ left side yard and a 2’ rear side yard for an accessory structure.
- To postpone consideration of Request #1 to the following month so that fully dimensioned building plans and elevations could be provided and to confirm that the appropriate relief was being requested for the front entry.

Review Criteria:

Request #2 was granted for the following reasons:

- Granting the variance would not be contrary to the public interest and the spirit of the Ordinance would be observed as the shed would be located in the back corner of the property where there are no adjoining structures so that light and air would be preserved with the requested setback.
- Substantial justice would be done by allowing the property owner to take advantage of the open area at the rear of the property with no resulting harm to the general public.
- A new shed of this size and in this location will not diminish the value of surrounding properties.
- The special condition of the property creating a hardship in the application of the ordinance provision is that the lot is small but has a large open area in the rear among the adjoining properties allowing for adequate light and air.

=====

IV. OTHER BUSINESS

No other business was presented.

=====

V. ADJOURNMENT

It was moved, seconded and passed to adjourn the meeting at 9:00 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary

PLANNING DEPARTMENT - BOARD OF ADJUSTMENT

ACTION SHEET

TO: John P. Bohenko, City Manager

FROM: Mary Koepenick, Planning Department

RE: Actions Taken by the Portsmouth **Board of Adjustment at its reconvened meeting on July 28, 2015** in the Eileen Dondero Foley Council Chambers, Municipal Complex, One Junkins Avenue, Portsmouth, New Hampshire

PRESENT: Vice-Chairman Arthur Parrott, Derek Durbin*, Charles LeMay Patrick Moretti, David Rheäume
* Arrived for Item 10)

EXCUSED: Chairman David Witham, Christopher Mulligan, Alternate: Jeremiah Johnson

=====
III. PUBLIC HEARINGS – NEW BUSINESS

7) Case # 7-7

Petitioner: Amba Realty, LLC

Property: 806 Route 1 By-Pass

Assessor Plan 161, Lot 43

Zoning District: Business

Description: Expand first floor to 5,150 sq. ft. of retail space and construct second floor for office space.

Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.1113.20 to allow 9 parking spaces to be located within the required front yard and between the principal building and the street;
2. A Variance from Section 10.1112.30 to allow 26 fully available parking spaces and 2 restricted parking spaces where 28 are required and to allow parking 6.5' from a residential zone where 50' is required.
3. A Variance from Section 10.1113.41 to allow parking 0' from the front lot line where 20' is required;
4. A Variance from Section 10.1113.43 to not provide landscaping and screening within the front setback.

Action:

The Board voted to **postpone** the petition to the following month at the request of the applicant.

- 8) Case # 7-8
Petitioner: Moray, LLC and 215 Commerce Way, LLC
Property: 215 & 235 Commerce Way
Assessor Plan 216, Lots 1-8A & 1-8B
Zoning District: Office Research
Description: Provide parking, on a corner lot, located between the street and the building.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.1113.20 to allow off-street parking spaces to be located in a front yard between a principal building and the street.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

- 9) Case # 7-9
Petitioner: Barbara R. Frankel
Property: 89 Brewery Lane
Assessor Plan 146, Lot 26
Zoning District: Mixed Residential Business
Description: Remove existing structure and construct 2-story assisted-living home with a 3,450 sq. ft. footprint.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Special Exception from Section 10.440 to allow an assisted living home;
2. A Variance from Section 10.512 to allow 30' of street frontage where a minimum of 100' is required.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

- 10) Case # 7-10
Petitioner: Strawberry Banke Inc.
Property: 14 Hancock Street (Strawberry Banke)
Assessor Plan 104, Lot 7
Zoning District: Mixed Residential Office
Description: Clarification/modification of previous approval for operation of the skating pond.
Requests: Clarification/modification of the time period for use of the skating pond from November 1st to March 31st each year.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

11) Case # 7-11

Petitioner: Merton Alan Investments, LLC
Property: 30 Cate Street
Assessor Plan 165, Lot 1
Zoning District: Industrial
Description: Clarification of previous approval for construction of an office building.
Requests: Clarification that the setback relief granted included the 15.4' front setback resulting from the City's future reconfiguration of Cate St.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

12) Case # 7-12

Petitioner: New England Glory, LLC
Property: 525 Maplewood Avenue
Assessor Plan 209 Lot 85
Zoning District: Single Residence B
Description: Creation of two lots where one currently exists.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.521 to allow a lot area per dwelling unit of 3,755 sq. ft. where 7,500 sq. ft. is the minimum required.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

13) Case # 7-13

Petitioner: Jillian Mirandi
Property: 19 Woodbury Avenue
Assessor Plan 162 Lot 65
Zoning District: General Residence A
Description: Replace front entry and add shed in back yard.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.521 to allow a front yard setback of 2’ 10”+/- where 15’ is the minimum required and a building coverage of 29.6% where 25% is the maximum allowed.
2. A Variance from Section 10.573.10 to allow a left side yard of 2’ and a 2’ rear yard where 5’ is the minimum required for an accessory structure.

Action:

In separate motions, the Board voted the following:

- To grant Request #2 to allow a 2’ left side yard and a 2’ rear side yard for an accessory structure.
- To postpone consideration of Request #1 to the following month so that fully dimensioned building plans and elevations could be provided and to confirm that the appropriate relief was being requested for the front entry.

Review Criteria:

Request #2 was granted for the following reasons:

- Granting the variance would not be contrary to the public interest and the spirit of the Ordinance would be observed as the shed would be located in the back corner of the property where there are no adjoining structures so that light and air would be preserved with the requested setback.
- Substantial justice would be done by allowing the property owner to take advantage of the open area at the rear of the property with no resulting harm to the general public.
- A new shed of this size and in this location will not diminish the value of surrounding properties.
- The special condition of the property creating a hardship in the application of the ordinance provision is that the lot is small but has a large open area in the rear among the adjoining properties allowing for adequate light and air.

=====

IV. OTHER BUSINESS

No other business was presented.

=====

V. ADJOURNMENT

It was moved, seconded and passed to adjourn the meeting at 9:00 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary

PLANNING DEPARTMENT - BOARD OF ADJUSTMENT

ACTION SHEET

TO: John P. Bohenko, City Manager

FROM: Mary Koepenick, Planning Department

RE: Actions Taken by the Portsmouth **Board of Adjustment at its reconvened meeting on July 28, 2015** in the Eileen Dondero Foley Council Chambers, Municipal Complex, One Junkins Avenue, Portsmouth, New Hampshire

PRESENT: Vice-Chairman Arthur Parrott, Derek Durbin*, Charles LeMay Patrick Moretti, David Rheaume
* Arrived for Item 10)

EXCUSED: Chairman David Witham, Christopher Mulligan, Alternate: Jeremiah Johnson

=====
III. PUBLIC HEARINGS – NEW BUSINESS

7) Case # 7-7

Petitioner: Amba Realty, LLC

Property: 806 Route 1 By-Pass

Assessor Plan 161, Lot 43

Zoning District: Business

Description: Expand first floor to 5,150 sq. ft. of retail space and construct second floor for office space.

Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.1113.20 to allow 9 parking spaces to be located within the required front yard and between the principal building and the street;
2. A Variance from Section 10.1112.30 to allow 26 fully available parking spaces and 2 restricted parking spaces where 28 are required and to allow parking 6.5' from a residential zone where 50' is required.
3. A Variance from Section 10.1113.41 to allow parking 0' from the front lot line where 20' is required;
4. A Variance from Section 10.1113.43 to not provide landscaping and screening within the front setback.

Action:

The Board voted to **postpone** the petition to the following month at the request of the applicant.

- 8) Case # 7-8
Petitioner: Moray, LLC and 215 Commerce Way, LLC
Property: 215 & 235 Commerce Way
Assessor Plan 216, Lots 1-8A & 1-8B
Zoning District: Office Research
Description: Provide parking, on a corner lot, located between the street and the building.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.1113.20 to allow off-street parking spaces to be located in a front yard between a principal building and the street.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

- 9) Case # 7-9
Petitioner: Barbara R. Frankel
Property: 89 Brewery Lane
Assessor Plan 146, Lot 26
Zoning District: Mixed Residential Business
Description: Remove existing structure and construct 2-story assisted-living home with a 3,450 sq. ft. footprint.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Special Exception from Section 10.440 to allow an assisted living home;
2. A Variance from Section 10.512 to allow 30' of street frontage where a minimum of 100' is required.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

- 10) Case # 7-10
Petitioner: Strawberry Banke Inc.
Property: 14 Hancock Street (Strawberry Banke)
Assessor Plan 104, Lot 7
Zoning District: Mixed Residential Office
Description: Clarification/modification of previous approval for operation of the skating pond.
Requests: Clarification/modification of the time period for use of the skating pond from November 1st to March 31st each year.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

11) Case # 7-11

Petitioner: Merton Alan Investments, LLC

Property: 30 Cate Street

Assessor Plan 165, Lot 1

Zoning District: Industrial

Description: Clarification of previous approval for construction of an office building.

Requests: Clarification that the setback relief granted included the 15.4' front setback resulting from the City's future reconfiguration of Cate St.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

12) Case # 7-12

Petitioner: New England Glory, LLC

Property: 525 Maplewood Avenue

Assessor Plan 209 Lot 85

Zoning District: Single Residence B

Description: Creation of two lots where one currently exists.

Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.521 to allow a lot area per dwelling unit of 3,755 sq. ft. where 7,500 sq. ft. is the minimum required.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

13) Case # 7-13

Petitioner: Jillian Mirandi

Property: 19 Woodbury Avenue

Assessor Plan 162 Lot 65

Zoning District: General Residence A

Description: Replace front entry and add shed in back yard.

Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.521 to allow a front yard setback of 2’ 10”+/- where 15’ is the minimum required and a building coverage of 29.6% where 25% is the maximum allowed.
2. A Variance from Section 10.573.10 to allow a left side yard of 2’ and a 2’ rear yard where 5’ is the minimum required for an accessory structure.

Action:

In separate motions, the Board voted the following:

- To grant Request #2 to allow a 2’ left side yard and a 2’ rear side yard for an accessory structure.
- To postpone consideration of Request #1 to the following month so that fully dimensioned building plans and elevations could be provided and to confirm that the appropriate relief was being requested for the front entry.

Review Criteria:

Request #2 was granted for the following reasons:

- Granting the variance would not be contrary to the public interest and the spirit of the Ordinance would be observed as the shed would be located in the back corner of the property where there are no adjoining structures so that light and air would be preserved with the requested setback.
- Substantial justice would be done by allowing the property owner to take advantage of the open area at the rear of the property with no resulting harm to the general public.
- A new shed of this size and in this location will not diminish the value of surrounding properties.
- The special condition of the property creating a hardship in the application of the ordinance provision is that the lot is small but has a large open area in the rear among the adjoining properties allowing for adequate light and air.

=====

IV. OTHER BUSINESS

No other business was presented.

=====

V. ADJOURNMENT

It was moved, seconded and passed to adjourn the meeting at 9:00 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary

PLANNING DEPARTMENT - BOARD OF ADJUSTMENT

ACTION SHEET

TO: John P. Bohenko, City Manager

FROM: Mary Koepenick, Planning Department

RE: Actions Taken by the Portsmouth **Board of Adjustment at its reconvened meeting on July 28, 2015** in the Eileen Dondero Foley Council Chambers, Municipal Complex, One Junkins Avenue, Portsmouth, New Hampshire

PRESENT: Vice-Chairman Arthur Parrott, Derek Durbin*, Charles LeMay Patrick Moretti, David Rheaume
* Arrived for Item 10)

EXCUSED: Chairman David Witham, Christopher Mulligan, Alternate: Jeremiah Johnson

=====
III. PUBLIC HEARINGS – NEW BUSINESS

7) Case # 7-7

Petitioner: Amba Realty, LLC

Property: 806 Route 1 By-Pass

Assessor Plan 161, Lot 43

Zoning District: Business

Description: Expand first floor to 5,150 sq. ft. of retail space and construct second floor for office space.

Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.1113.20 to allow 9 parking spaces to be located within the required front yard and between the principal building and the street;
2. A Variance from Section 10.1112.30 to allow 26 fully available parking spaces and 2 restricted parking spaces where 28 are required and to allow parking 6.5' from a residential zone where 50' is required.
3. A Variance from Section 10.1113.41 to allow parking 0' from the front lot line where 20' is required;
4. A Variance from Section 10.1113.43 to not provide landscaping and screening within the front setback.

Action:

The Board voted to **postpone** the petition to the following month at the request of the applicant.

- 8) Case # 7-8
Petitioner: Moray, LLC and 215 Commerce Way, LLC
Property: 215 & 235 Commerce Way
Assessor Plan 216, Lots 1-8A & 1-8B
Zoning District: Office Research
Description: Provide parking, on a corner lot, located between the street and the building.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.1113.20 to allow off-street parking spaces to be located in a front yard between a principal building and the street.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

- 9) Case # 7-9
Petitioner: Barbara R. Frankel
Property: 89 Brewery Lane
Assessor Plan 146, Lot 26
Zoning District: Mixed Residential Business
Description: Remove existing structure and construct 2-story assisted-living home with a 3,450 sq. ft. footprint.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Special Exception from Section 10.440 to allow an assisted living home;
2. A Variance from Section 10.512 to allow 30' of street frontage where a minimum of 100' is required.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

- 10) Case # 7-10
Petitioner: Strawberry Banke Inc.
Property: 14 Hancock Street (Strawberry Banke)
Assessor Plan 104, Lot 7
Zoning District: Mixed Residential Office
Description: Clarification/modification of previous approval for operation of the skating pond.
Requests: Clarification/modification of the time period for use of the skating pond from November 1st to March 31st each year.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

11) Case # 7-11

Petitioner: Merton Alan Investments, LLC
Property: 30 Cate Street
Assessor Plan 165, Lot 1
Zoning District: Industrial
Description: Clarification of previous approval for construction of an office building.
Requests: Clarification that the setback relief granted included the 15.4' front setback resulting from the City's future reconfiguration of Cate St.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

12) Case # 7-12

Petitioner: New England Glory, LLC
Property: 525 Maplewood Avenue
Assessor Plan 209 Lot 85
Zoning District: Single Residence B
Description: Creation of two lots where one currently exists.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.521 to allow a lot area per dwelling unit of 3,755 sq. ft. where 7,500 sq. ft. is the minimum required.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

13) Case # 7-13

Petitioner: Jillian Mirandi
Property: 19 Woodbury Avenue
Assessor Plan 162 Lot 65
Zoning District: General Residence A
Description: Replace front entry and add shed in back yard.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.521 to allow a front yard setback of 2’ 10”+/- where 15’ is the minimum required and a building coverage of 29.6% where 25% is the maximum allowed.
2. A Variance from Section 10.573.10 to allow a left side yard of 2’ and a 2’ rear yard where 5’ is the minimum required for an accessory structure.

Action:

In separate motions, the Board voted the following:

- To grant Request #2 to allow a 2’ left side yard and a 2’ rear side yard for an accessory structure.
- To postpone consideration of Request #1 to the following month so that fully dimensioned building plans and elevations could be provided and to confirm that the appropriate relief was being requested for the front entry.

Review Criteria:

Request #2 was granted for the following reasons:

- Granting the variance would not be contrary to the public interest and the spirit of the Ordinance would be observed as the shed would be located in the back corner of the property where there are no adjoining structures so that light and air would be preserved with the requested setback.
- Substantial justice would be done by allowing the property owner to take advantage of the open area at the rear of the property with no resulting harm to the general public.
- A new shed of this size and in this location will not diminish the value of surrounding properties.
- The special condition of the property creating a hardship in the application of the ordinance provision is that the lot is small but has a large open area in the rear among the adjoining properties allowing for adequate light and air.

=====

IV. OTHER BUSINESS

No other business was presented.

=====

V. ADJOURNMENT

It was moved, seconded and passed to adjourn the meeting at 9:00 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary

PLANNING DEPARTMENT - BOARD OF ADJUSTMENT

ACTION SHEET

TO: John P. Bohenko, City Manager

FROM: Mary Koepenick, Planning Department

RE: Actions Taken by the Portsmouth **Board of Adjustment at its reconvened meeting on July 28, 2015** in the Eileen Dondero Foley Council Chambers, Municipal Complex, One Junkins Avenue, Portsmouth, New Hampshire

PRESENT: Vice-Chairman Arthur Parrott, Derek Durbin*, Charles LeMay Patrick Moretti, David Rheäume
* Arrived for Item 10)

EXCUSED: Chairman David Witham, Christopher Mulligan, Alternate: Jeremiah Johnson

=====
III. PUBLIC HEARINGS – NEW BUSINESS

7) Case # 7-7

Petitioner: Amba Realty, LLC

Property: 806 Route 1 By-Pass

Assessor Plan 161, Lot 43

Zoning District: Business

Description: Expand first floor to 5,150 sq. ft. of retail space and construct second floor for office space.

Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.1113.20 to allow 9 parking spaces to be located within the required front yard and between the principal building and the street;
2. A Variance from Section 10.1112.30 to allow 26 fully available parking spaces and 2 restricted parking spaces where 28 are required and to allow parking 6.5' from a residential zone where 50' is required.
3. A Variance from Section 10.1113.41 to allow parking 0' from the front lot line where 20' is required;
4. A Variance from Section 10.1113.43 to not provide landscaping and screening within the front setback.

Action:

The Board voted to **postpone** the petition to the following month at the request of the applicant.

- 8) Case # 7-8
Petitioner: Moray, LLC and 215 Commerce Way, LLC
Property: 215 & 235 Commerce Way
Assessor Plan 216, Lots 1-8A & 1-8B
Zoning District: Office Research
Description: Provide parking, on a corner lot, located between the street and the building.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.1113.20 to allow off-street parking spaces to be located in a front yard between a principal building and the street.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

- 9) Case # 7-9
Petitioner: Barbara R. Frankel
Property: 89 Brewery Lane
Assessor Plan 146, Lot 26
Zoning District: Mixed Residential Business
Description: Remove existing structure and construct 2-story assisted-living home with a 3,450 sq. ft. footprint.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Special Exception from Section 10.440 to allow an assisted living home;
2. A Variance from Section 10.512 to allow 30' of street frontage where a minimum of 100' is required.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

- 10) Case # 7-10
Petitioner: Strawberry Banke Inc.
Property: 14 Hancock Street (Strawberry Banke)
Assessor Plan 104, Lot 7
Zoning District: Mixed Residential Office
Description: Clarification/modification of previous approval for operation of the skating pond.
Requests: Clarification/modification of the time period for use of the skating pond from November 1st to March 31st each year.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

11) Case # 7-11

Petitioner: Merton Alan Investments, LLC
Property: 30 Cate Street
Assessor Plan 165, Lot 1
Zoning District: Industrial
Description: Clarification of previous approval for construction of an office building.
Requests: Clarification that the setback relief granted included the 15.4' front setback resulting from the City's future reconfiguration of Cate St.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

12) Case # 7-12

Petitioner: New England Glory, LLC
Property: 525 Maplewood Avenue
Assessor Plan 209 Lot 85
Zoning District: Single Residence B
Description: Creation of two lots where one currently exists.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.521 to allow a lot area per dwelling unit of 3,755 sq. ft. where 7,500 sq. ft. is the minimum required.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

13) Case # 7-13

Petitioner: Jillian Mirandi
Property: 19 Woodbury Avenue
Assessor Plan 162 Lot 65
Zoning District: General Residence A
Description: Replace front entry and add shed in back yard.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.521 to allow a front yard setback of 2’ 10”+/- where 15’ is the minimum required and a building coverage of 29.6% where 25% is the maximum allowed.
2. A Variance from Section 10.573.10 to allow a left side yard of 2’ and a 2’ rear yard where 5’ is the minimum required for an accessory structure.

Action:

In separate motions, the Board voted the following:

- To grant Request #2 to allow a 2’ left side yard and a 2’ rear side yard for an accessory structure.
- To postpone consideration of Request #1 to the following month so that fully dimensioned building plans and elevations could be provided and to confirm that the appropriate relief was being requested for the front entry.

Review Criteria:

Request #2 was granted for the following reasons:

- Granting the variance would not be contrary to the public interest and the spirit of the Ordinance would be observed as the shed would be located in the back corner of the property where there are no adjoining structures so that light and air would be preserved with the requested setback.
- Substantial justice would be done by allowing the property owner to take advantage of the open area at the rear of the property with no resulting harm to the general public.
- A new shed of this size and in this location will not diminish the value of surrounding properties.
- The special condition of the property creating a hardship in the application of the ordinance provision is that the lot is small but has a large open area in the rear among the adjoining properties allowing for adequate light and air.

=====

IV. OTHER BUSINESS

No other business was presented.

=====

V. ADJOURNMENT

It was moved, seconded and passed to adjourn the meeting at 9:00 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary

PLANNING DEPARTMENT - BOARD OF ADJUSTMENT

ACTION SHEET

TO: John P. Bohenko, City Manager

FROM: Mary Koepenick, Planning Department

RE: Actions Taken by the Portsmouth **Board of Adjustment at its reconvened meeting on July 28, 2015** in the Eileen Dondero Foley Council Chambers, Municipal Complex, One Junkins Avenue, Portsmouth, New Hampshire

PRESENT: Vice-Chairman Arthur Parrott, Derek Durbin*, Charles LeMay Patrick Moretti, David Rheaume
* Arrived for Item 10)

EXCUSED: Chairman David Witham, Christopher Mulligan, Alternate: Jeremiah Johnson

=====
III. PUBLIC HEARINGS – NEW BUSINESS

7) Case # 7-7

Petitioner: Amba Realty, LLC

Property: 806 Route 1 By-Pass

Assessor Plan 161, Lot 43

Zoning District: Business

Description: Expand first floor to 5,150 sq. ft. of retail space and construct second floor for office space.

Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.1113.20 to allow 9 parking spaces to be located within the required front yard and between the principal building and the street;
2. A Variance from Section 10.1112.30 to allow 26 fully available parking spaces and 2 restricted parking spaces where 28 are required and to allow parking 6.5' from a residential zone where 50' is required.
3. A Variance from Section 10.1113.41 to allow parking 0' from the front lot line where 20' is required;
4. A Variance from Section 10.1113.43 to not provide landscaping and screening within the front setback.

Action:

The Board voted to **postpone** the petition to the following month at the request of the applicant.

- 8) Case # 7-8
Petitioner: Moray, LLC and 215 Commerce Way, LLC
Property: 215 & 235 Commerce Way
Assessor Plan 216, Lots 1-8A & 1-8B
Zoning District: Office Research
Description: Provide parking, on a corner lot, located between the street and the building.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.1113.20 to allow off-street parking spaces to be located in a front yard between a principal building and the street.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

- 9) Case # 7-9
Petitioner: Barbara R. Frankel
Property: 89 Brewery Lane
Assessor Plan 146, Lot 26
Zoning District: Mixed Residential Business
Description: Remove existing structure and construct 2-story assisted-living home with a 3,450 sq. ft. footprint.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Special Exception from Section 10.440 to allow an assisted living home;
2. A Variance from Section 10.512 to allow 30' of street frontage where a minimum of 100' is required.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

- 10) Case # 7-10
Petitioner: Strawberry Banke Inc.
Property: 14 Hancock Street (Strawberry Banke)
Assessor Plan 104, Lot 7
Zoning District: Mixed Residential Office
Description: Clarification/modification of previous approval for operation of the skating pond.
Requests: Clarification/modification of the time period for use of the skating pond from November 1st to March 31st each year.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

11) Case # 7-11

Petitioner: Merton Alan Investments, LLC
Property: 30 Cate Street
Assessor Plan 165, Lot 1
Zoning District: Industrial
Description: Clarification of previous approval for construction of an office building.
Requests: Clarification that the setback relief granted included the 15.4' front setback resulting from the City's future reconfiguration of Cate St.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

12) Case # 7-12

Petitioner: New England Glory, LLC
Property: 525 Maplewood Avenue
Assessor Plan 209 Lot 85
Zoning District: Single Residence B
Description: Creation of two lots where one currently exists.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.521 to allow a lot area per dwelling unit of 3,755 sq. ft. where 7,500 sq. ft. is the minimum required.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

13) Case # 7-13

Petitioner: Jillian Mirandi
Property: 19 Woodbury Avenue
Assessor Plan 162 Lot 65
Zoning District: General Residence A
Description: Replace front entry and add shed in back yard.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.521 to allow a front yard setback of 2’ 10”+/- where 15’ is the minimum required and a building coverage of 29.6% where 25% is the maximum allowed.
2. A Variance from Section 10.573.10 to allow a left side yard of 2’ and a 2’ rear yard where 5’ is the minimum required for an accessory structure.

Action:

In separate motions, the Board voted the following:

- To grant Request #2 to allow a 2’ left side yard and a 2’ rear side yard for an accessory structure.
- To postpone consideration of Request #1 to the following month so that fully dimensioned building plans and elevations could be provided and to confirm that the appropriate relief was being requested for the front entry.

Review Criteria:

Request #2 was granted for the following reasons:

- Granting the variance would not be contrary to the public interest and the spirit of the Ordinance would be observed as the shed would be located in the back corner of the property where there are no adjoining structures so that light and air would be preserved with the requested setback.
- Substantial justice would be done by allowing the property owner to take advantage of the open area at the rear of the property with no resulting harm to the general public.
- A new shed of this size and in this location will not diminish the value of surrounding properties.
- The special condition of the property creating a hardship in the application of the ordinance provision is that the lot is small but has a large open area in the rear among the adjoining properties allowing for adequate light and air.

=====

IV. OTHER BUSINESS

No other business was presented.

=====

V. ADJOURNMENT

It was moved, seconded and passed to adjourn the meeting at 9:00 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary

PLANNING DEPARTMENT - BOARD OF ADJUSTMENT

ACTION SHEET

TO: John P. Bohenko, City Manager

FROM: Mary Koepenick, Planning Department

RE: Actions Taken by the Portsmouth **Board of Adjustment at its reconvened meeting on July 28, 2015** in the Eileen Dondero Foley Council Chambers, Municipal Complex, One Junkins Avenue, Portsmouth, New Hampshire

PRESENT: Vice-Chairman Arthur Parrott, Derek Durbin*, Charles LeMay Patrick Moretti, David Rheäume
* Arrived for Item 10)

EXCUSED: Chairman David Witham, Christopher Mulligan, Alternate: Jeremiah Johnson

=====
III. PUBLIC HEARINGS – NEW BUSINESS

7) Case # 7-7

Petitioner: Amba Realty, LLC

Property: 806 Route 1 By-Pass

Assessor Plan 161, Lot 43

Zoning District: Business

Description: Expand first floor to 5,150 sq. ft. of retail space and construct second floor for office space.

Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.1113.20 to allow 9 parking spaces to be located within the required front yard and between the principal building and the street;
2. A Variance from Section 10.1112.30 to allow 26 fully available parking spaces and 2 restricted parking spaces where 28 are required and to allow parking 6.5' from a residential zone where 50' is required.
3. A Variance from Section 10.1113.41 to allow parking 0' from the front lot line where 20' is required;
4. A Variance from Section 10.1113.43 to not provide landscaping and screening within the front setback.

Action:

The Board voted to **postpone** the petition to the following month at the request of the applicant.

- 8) Case # 7-8
Petitioner: Moray, LLC and 215 Commerce Way, LLC
Property: 215 & 235 Commerce Way
Assessor Plan 216, Lots 1-8A & 1-8B
Zoning District: Office Research
Description: Provide parking, on a corner lot, located between the street and the building.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.1113.20 to allow off-street parking spaces to be located in a front yard between a principal building and the street.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

- 9) Case # 7-9
Petitioner: Barbara R. Frankel
Property: 89 Brewery Lane
Assessor Plan 146, Lot 26
Zoning District: Mixed Residential Business
Description: Remove existing structure and construct 2-story assisted-living home with a 3,450 sq. ft. footprint.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Special Exception from Section 10.440 to allow an assisted living home;
2. A Variance from Section 10.512 to allow 30' of street frontage where a minimum of 100' is required.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

- 10) Case # 7-10
Petitioner: Strawberry Banke Inc.
Property: 14 Hancock Street (Strawberry Banke)
Assessor Plan 104, Lot 7
Zoning District: Mixed Residential Office
Description: Clarification/modification of previous approval for operation of the skating pond.
Requests: Clarification/modification of the time period for use of the skating pond from November 1st to March 31st each year.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

11) Case # 7-11

Petitioner: Merton Alan Investments, LLC
Property: 30 Cate Street
Assessor Plan 165, Lot 1
Zoning District: Industrial
Description: Clarification of previous approval for construction of an office building.
Requests: Clarification that the setback relief granted included the 15.4' front setback resulting from the City's future reconfiguration of Cate St.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

12) Case # 7-12

Petitioner: New England Glory, LLC
Property: 525 Maplewood Avenue
Assessor Plan 209 Lot 85
Zoning District: Single Residence B
Description: Creation of two lots where one currently exists.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.521 to allow a lot area per dwelling unit of 3,755 sq. ft. where 7,500 sq. ft. is the minimum required.

Action:

The Board voted to **postpone** the petition to the following month at the request of the attorney for the applicants.

13) Case # 7-13

Petitioner: Jillian Mirandi
Property: 19 Woodbury Avenue
Assessor Plan 162 Lot 65
Zoning District: General Residence A
Description: Replace front entry and add shed in back yard.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.521 to allow a front yard setback of 2’ 10”+/- where 15’ is the minimum required and a building coverage of 29.6% where 25% is the maximum allowed.
2. A Variance from Section 10.573.10 to allow a left side yard of 2’ and a 2’ rear yard where 5’ is the minimum required for an accessory structure.

Action:

In separate motions, the Board voted the following:

- To grant Request #2 to allow a 2’ left side yard and a 2’ rear side yard for an accessory structure.
- To postpone consideration of Request #1 to the following month so that fully dimensioned building plans and elevations could be provided and to confirm that the appropriate relief was being requested for the front entry.

Review Criteria:

Request #2 was granted for the following reasons:

- Granting the variance would not be contrary to the public interest and the spirit of the Ordinance would be observed as the shed would be located in the back corner of the property where there are no adjoining structures so that light and air would be preserved with the requested setback.
- Substantial justice would be done by allowing the property owner to take advantage of the open area at the rear of the property with no resulting harm to the general public.
- A new shed of this size and in this location will not diminish the value of surrounding properties.
- The special condition of the property creating a hardship in the application of the ordinance provision is that the lot is small but has a large open area in the rear among the adjoining properties allowing for adequate light and air.

=====

IV. OTHER BUSINESS

No other business was presented.

=====

V. ADJOURNMENT

It was moved, seconded and passed to adjourn the meeting at 9:00 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary