

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 September 24, 2019** in the Eileen Dondero Foley Council Chambers, Municipal Complex, One Junkins Avenue, Portsmouth, New Hampshire.

PRESENT: Chairman David Rheame, Jim Lee, Peter McDonell, Christopher Mulligan, Arthur Parrott, Alternate Phyllis Eldridge, Alternate Chase Hagaman

EXCUSED: Vice Chairman Jeremiah Johnson, John Formella

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I. OLD BUSINESS

A) Request for Extension for property located at **1338-1342 Woodbury Avenue**.

Action:

The Board voted to **extend** their approval of the variances granted September 26, 2017 for a one year period through September 26, 2020.

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II. NEW BUSINESS - PUBLIC HEARINGS

1) Case 9-3 Petition of Helen Moore for property located at **1 Ashland Street** wherein relief is required from the Zoning Ordinance to demolish existing garage and construct a new 18' x 22' garage including the following variances: a) from Section 10.573.20 to allow a 5'6" left side yard where 10' is required and a 9' rear yard where 12' is required; b) from Section 10.521 to allow 28% building coverage where 25% is the maximum allowed; and c) from Section 10.321 to allow a nonconforming structure to be extended, reconstructed or enlarged without conforming to the requirements of the ordinance. Said property is shown on Assessor Plan 209, Lot 16 and lies within the General Residence A District.

Action:

The Board voted to **grant** the application as presented.

2) Case 9-4. Petition of Brendan Robert Cooney and Megan Tehan for property located at **57 Mt. Vernon Street** wherein relief is required from the Zoning Ordinance for a second story addition with front entry deck and condenser unit including the following variances: a) from Section 10.515.14 to allow a 6’ setback for a condenser unit where 10’ is required; b) from Section 10.521 to allow a 4’ side yard where 10’ is required; and c) from Section 10.321 to allow a lawful nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the ordinance. Said property is shown on Assessor Plan 111, Lot 1 and lies within the General Residence B District.

Action:

The Board voted to **grant** the application as presented.

3) Case 9-5. Petition of Kenneth W. Young for property located at **346 Colonial Drive** wherein relief is required from the Zoning Ordinance for the demolition of existing garage and construction of a new single car garage with accessory dwelling unit above including the following variances: a) from Section 10.521 to allow a lot area of 6,099 square feet where 15,000 is the minimum required; b) from Section 10.521 to allow 23.5% building coverage where 20% is the maximum allowed; c) from Section 10.321 to allow a lawful nonconforming building or structure to be extended, reconstructed, or enlarged without conforming to the requirements of the ordinance; d) from Section 10.521 to allow a 12’ rear yard where 30’ is required; and e) from Section 10.521 to allow a 19’6” front yard where 30’ is required. Said property is shown on Assessor Plan 260, Lot 136 and lies within the Single Residence B District.

Action:

The Board voted to **grant** the application as presented.

4) Case 9-6. Petition of Dangelo Inc, owner and Stephen and Claire McLaughlin, applicants, for property located at **1981 Woodbury Avenue** wherein relief is required from the Zoning Ordinance to replace existing pylon sign with new sign including the following variance: a) from Section 10.1251.20 to allow a 140 square foot freestanding sign where 100 square feet is the maximum size allowed. Said property is shown on Assessor Plan 215, Lot 7 and lies within the G1, Gateway Neighborhood Corridor District.

Action:

The Board voted to **grant** the application as presented and as amended by the sign rendering submitted at the hearing.

5) Case 9-7. Petition of KWA LLC, owner, Barre and Soul, applicant, for property located at **165 Court Street** wherein relief is required from the Zoning Ordinance to place signage above the ground floor on both facades including the following variance: a) from Section 10.1242 to allow more than one sign above the ground floor on two facades. Said property is shown on Assessor Plan 116, Map 27 and lies within Character District 4.

Action:

The Board voted to **deny** the application as presented. All the criteria necessary to grant a variance were not met and there are no special conditions of the property that distinguish it from others in the area such that literal enforcement of the ordinance would create a hardship. The property can be reasonably used in strict conformance with the ordinance.

6) Case 9-8. Petition of Harry S. Furman & Kathleen E. Straube for property located at **557 State Street** wherein relief is required from the Zoning Ordinance to demolish existing rear addition and construct new 2-story addition which requires the following variances: a) from Section 10.521 to allow a 0.6' right side yard where 10' is required; and, b) from Section 10.321 to allow a lawful nonconforming structure to be extended, reconstructed or enlarged without conforming to the requirements of the ordinance. Said property is shown on Assessor Plan 137, Lot 33 and lies within the General Residence C District.

Action:

The Board voted to **grant** the application as presented.

7) Case 9-9. Petition of the Roman Catholic Bishop of Manchester and Immaculate Conception Church, owners, Corpus Christi Parish, applicant, for property located at **98 Summer Street** (125 Austin Street) wherein relief is required from the Zoning Ordinance for the demolition of a building to create additional parking including the following variance: a) from Section 10.1113.20 to allow a parking lot between a principal building and a street. Said property is shown on Assessor Plan 137, Lot 1 and lies within the General Residence C District.

Action:

The Board voted to **grant** the application as presented.

8) Case 9-10. Petition of Lucky Thirteen Properties LLC, owner, and the Bean Group, applicant, for property located at **Sagamore Avenue (at Wentworth Road)** wherein relief is required from the Zoning Ordinance to construct a new business office with associated parking including the following variances: a) from Section 10.1113.20 to allow a parking area to be located between the principal building and a street; and b) from Section 10.1120 to provide zero loading spaces where 1 is required. Said property is shown on Assessor Plan 201, Lot 9 and lies within the Mixed Residential B District.

Action:

The Board voted to **grant** variance a) as presented and **deny** variance b). Variance b) was denied as all the criteria to grant a variance were not met. There are no special conditions of the property that distinguish it from others in the area such that literal enforcement of the ordinance with regard to a need for a loading space would result in unnecessary hardship.

Variance a) was granted with the following **stipulation**: Suitable berming will be provided along Sagamore Avenue and Wentworth Road to screen the parking areas from the two streets. The Planning Department will determine the acceptable type and extent of the berming.

9) Case 9-11. Petition of SAI Builders LLC for property located at **Off Elwyn Avenue** wherein relief is required from the Zoning Ordinance to construct a new single-family dwelling on a vacant lot including the following variances: a) from Section 10.521 to allow a lot area and lot area per dwelling unit of 4,996 where 7,500 is required for each; and b) From Section 10.521 to allow 50' of street frontage where 100' is the minimum required. Said property is shown on Assessor Plan 113, Map 28-1 and lies within the General Residence A District.

Action:

The Board voted to **grant** the application as presented.

10) Case 9-12. Petition of GTY MA/NH Leasing Inc. c/o Nouria Energy Corporation, owner Greenman-Pedesen, Inc (GPI), applicant for property located at **786 US Route 1 Bypass** wherein relief is required from the Zoning Ordinance for an after-the -fact variance for replacement of a 6' fence with an 8' fence located within the rear yard including the following variance: a) from Section 10.515.13 to allow an 8' tall fence to be located 0.5' from the rear property line where 20' is required for fences over 6' in height. Said property is shown on Assessor Plan 161, Lot 42 and lies within the General Residence A District.

Action:

The Board voted to **grant** the application as presented.

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IV. OTHER BUSINESS

No other business was presented.

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V. ADJOURNMENT

It was moved, seconded and passed to adjourn the meeting at 10:44 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary