

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 October 22, 2019** in the Eileen Dondero Foley Council Chambers, Municipal Complex, One Junkins Avenue, Portsmouth, New Hampshire.

PRESENT: Chairman David Rheume, Vice Chairman Jeremiah Johnson, John Formella, Jim Lee, Peter McDonell, Arthur Parrott, Alternate Phyllis Eldridge

EXCUSED: Christopher Mulligan, Alternate Chase Hagaman

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I. NEW BUSINESS - PUBLIC HEARINGS

1) Case 10-1. Petition of Daniel L. Hale Revolving Trust, D.L. & C.J. Hale, Trustees for property located at **356-358 Islington Street** wherein relief is required from the Zoning Ordinance to install two AC condenser units that requires the following Variance from Section 10.515.14 to allow a 3' right side yard where 10' is required. Said property is shown on Assessor Plan 145, Lot 16 and lies within the Character District 4-Limited (CD4-L2).

Action:

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

2) Case 10-2. Petition of William S. and Janice S. Beynon for property located at **5 Osprey Drive** wherein relief is required from the Zoning Ordinance to add a second driveway on a lot that requires the following Variance from Section 10.1114.31 to allow a driveway which does not meet the standards for "General Access and Driveway Design." Said property is shown on Assessor Plan 217, Lot 2-1821 and lies within the General Residence B District.

Action

The Board voted to **deny** the application as presented. All of the criteria necessary to grant a variance were not met. Granting the variance would be contrary to the public interest and the spirit of the ordinance would not be observed as two driveways on one property gives the appearance of a two-family property and alters the essential character of the neighborhood.

Substantial justice would not be done if the variance were granted as the benefit to the applicant would be outweighed by the corresponding harm to the general public. A second driveway with several vehicles close to a neighboring property line would have a negative effect on the value of surrounding properties.

3) Case 10-3. Petition of LCSG LLC for property located at **160 & 168-170 Union Street** wherein relief is required from the Zoning Ordinance to merge two lots into one and with four dwelling units in three buildings that requires the following Variance(s): a) from Section 10.521 to allow a lot area per dwelling unit of 2,336 s.f. where 3,500 s.f. is required; b) from Section 10.521 to allow 36% building coverage where 35% is the maximum allowed; c) from Section 10.521 to allow a 5’6” left side yard where 10’ is required; and d) from Section 10.321 to allow a 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 135, Lots 29 and 30 and lies within the General Residence C District.

Action

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

4) Case 10-4. Petition of Heritage NH LLC c/o Baker Properties LLC, owner, Andrew Richard, applicant, for property located at **2800 Lafayette Road** wherein relief is required from the Zoning Ordinance for a change of use to a health club that requires the following Special Exception from Section 10.440, Use #4.40 to allow a health club greater than 2,000 s.f. of gross floor area. Said property is shown on Assessor Plan 285, Lot 2 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District.

Action

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

5) Case 10-5. Petition of Weeks Realty Trust, Kaley E. Weeks, Trustee, and Chad Carter, owners, Tuck Realty Corporation, applicant for property located at **3110 Lafayette Road and 65 Ocean Road** wherein relief is required from the Zoning Ordinance for construction of 18 Townhouses in 5 structures with 1 existing home to remain on conforming lot which requires a Variance from Section 10.521 to allow a lot area per dwelling unit of 4,459 s.f. where 15,000 is required. Said property is shown on Assessor Plan 292, Lots 151-1, 151-2 and 153 and lies within the Single Residence B District.

Action

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

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II. OTHER BUSINESS

Action:

The Board continued review of proposed revisions to the Rules & Regulations.

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III. ADJOURNMENT

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

Respectfully submitted,

Mary E. Koepenick, Secretary