TO: JOHN P. BOHENKO
FROM: TERRY L. PROVENCHER, PLANNING DEPARTMENT
RE: ACTIONS TAKEN BY THE PORTSMOUTH BOARD OF ADJUSTMENT MEETING HELD ON NOVEMBER 20, 2001, COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: CHAIRMAN, JACK BLALOCK, VICE-CHAIRMAN, CHARLES LeBLANC, MEMBERS, NATE HOLLOWAY, BOB MARCHEWKA, CHRIS ROGERS, JIM HORRIGAN, AND ALAIN JOUSSE

ABSENT: ALTERNATES, GINNY WEEKS AND DAVID WITHAM

I. APPROVAL OF MINUTES

   Voted to approve the minutes for the October 16, 2001, meeting.

II. OLD BUSINESS

   A) Voted to grant petition for property owned by Joseph Arnstein, to construct a dwelling located on Foch Avenue creating a front setback of 10' where 30' is the minimum allowed.

   B) Voted to deny the Request for a Rehearing for property owned by Robert Byrnes and Patricia Tobey located at 41 Salter Street requested by Joan Davis and Charles Allard of 35 Salter Street.

   C) Voted to table the Discussion concerning motion signs as determined by the Assistant Building Inspector until the end of the meeting.

III. PUBLIC HEARINGS

   1) Voted to grant petition of C-Chase Properties, LLC, owner, d/b/a Seacoast Mazda for property located at 180 Spaulding Turnpike wherein a Variance from Article IX, Section 10-908 Table 14 was requested to allow the following: a) 105 s.f. free-standing internally lit sign 29’10” high where 20’ is the maximum height allowed creating a 0’ front setback where 20’ is the minimum allowed; and, b) a 48 s.f. free-standing sign internally lit creating a 0’ front setback where 20’ is the minimum allowed.

   2) Voted to table petition until the December 18, 2001, meeting for Joseph J. Almeida, owner, for property located at 37 Prospect Street wherein a Variance from Article II, Section 10-206(4) was requested to allow the existing barn and a portion of the first floor of the existing single family dwelling to be converted into a second dwelling unit on a lot having 5,310 sf of lot area where 6,000 sf (3,000 sf per dwelling unit) of lot area is the minimum required for two dwelling units.
3) **Voted to grant** petition of Steve Kelm, owner, for property located at 5 – 7 South Mill Street wherein the following was requested to allow a lot line relocation between 5 - 7 South Mill Street and 18 Pickering Street. The following Variances are required for 5-7 South Mill Street: 1) a Variance from Article III, Section 10-302(A) to allow: a) the lot area to be reduced from 4,034 sf to 3,202 sf where 5,000 sf is the minimum lot area required for a conforming lot, b) building coverage to be increased from 38% to 48% where 25% is the maximum allowed, and 2) a Variance from Article II, Section 10-206(4) to allow 1,067 sf per dwelling unit where 3,000 sf per dwelling unit is the minimum required and 1,345 sf currently exists.

4) **Voted to grant** petition of Daniel and Lisa Schwartz, owners, of 9 Middle Road and Peter and Meg Middleton, owners of 76 – 78 Lawrence wherein a Variance from Article III, Section 10-302(A) is requested to allow a lot line relocation resulting in a 2.8' rear yard for the existing 20.4' x 27.4' garage located at 9 Middle Road where 10.2' is the minimum required.

5) **Voted to grant** petition of 55 Congress Street Condo Association, owner, AT&T Wireless, applicant, for property located at 55 Congress Street wherein a Special Exception as allowed in Article II, Section 10-208(51) was requested to allow one additional telecommunication equipment cabinet to the existing four cabinets on the roof.

6) The petition of Getty Petroleum, owner, Tony’s Getty Mart, applicant, for property located at 1815 Woodbury Avenue wherein a Variance from Article II, Section 10-208 was requested to allow the outdoor storage of one U-Haul truck in conjunction with a rental office. This petition was withdrawn by the applicant.

7) **Voted to grant** petition of Hasibe A. Kaya, owner, Unal Kaya Davis, applicant, for property located at 374 Lincoln Avenue wherein a Special Exception as allowed in Article II, Section 10-206(13)(b) was requested to allow up to 12 children for an in-home daycare. The following stipulation was added: 1) That the operations of the day care are to be Monday through Friday from 8:00 a.m. to 5:00 p.m.

8) **Voted to grant** petition of Jean C. Odiorne, owner, for property located at 17 Pray Street wherein a Variance from Article III, Section 10-302(A) was requested to allow an 18’ x 22’ attached garage with a 1’ rear yard where 25’ is the minimum required.

9) **Voted to table** petition until the December 18, 2001, meeting for James J. Reilley, owner, for property located at 21 Sanderling Way wherein the following are requested: 1) a Variance from Article II, Section 10-212(F)(2) to allow a gift packing business where products to be wrapped are delivered by tractor trailer truck and shipped out by UPS in a district where such use is not allowed, and 2) a Variance from Article XII, Section 10-1204 Table 15 to allow no parking to be provided for the business where 1 parking space is required for the business.
10) **Voted to grant** petition of Wrens Nest Motel Corp., owner, for property located 3548 Lafayette Road wherein a Variance from Article II, Section 10-206 was requested to allow an existing building to be converted into a restaurant with a bar area and dance floor and 28 new parking spaces in a district where such use is not allowed. The following stipulation was added: 1) That the storage trailer be removed before a building permit is issued.

11) **Voted to grant** petition of Leo T. McCallum, owner, for property located at 130 Dennett Street wherein a Variance from Article III, Section 10-302(A) and Section 10-301(A)(3&4) was requested to allow lot 17 to be recognized as a separate buildable lot having 90’ of frontage where 100’ is the minimum required General Residence A district. The following two stipulations have been requested: 1) That the common driveway is to be shared with 130 Dennett St. (Lot 18), and 2) That the owner of said property is to provide a plan of the trees intended to be protected and submit to the Planning Department.

12) **Voted to grant** petition of Robert and Willow Maranhas, owners, for property located at 39 Mount Vernon Street wherein a Variance from Article III, Section 10-302(A) was requested to allow a 16’6” x 24’6” two story addition to be built in the same location as an existing barn with: a) a 0’ rear yard where 25’ is the minimum required, b) a 0’ left side yard where 10’ is the minimum required; and, c) 47.6% building coverage where 30% is the maximum allowed.

**IV: OLD BUSINESS**

**Voted** for a **Work Session** on December 18, 2001, at 6:15 p.m. for discussion concerning motion signs as determined by the Assistant Building Inspector.

**V: ADJOURNMENT** – At 9:20 p.m. – voted to adjourn.

Respectfully submitted by:

Terry L. Provencher, Planning Department Secretary