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: Strawbery Banke Inc.  
Property: 14 Hancock Street (Strawbery 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
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: Strawbery Banke Inc.  
Property: 14 Hancock Street (Strawbery 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
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 (Strawbery 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
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 Rheuame
* 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: Strawbery Banke Inc.
    Property: 14 Hancock Street (Strawbery 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 
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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
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
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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
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   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
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Zoning District: Office Research
Description: Provide parking, on a corner lot, located between the street and the building.
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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: Strawbery Banke Inc.
Property: 14 Hancock Street (Strawbery 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.

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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.

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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.

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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
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: Strawbery Banke Inc.
Property: 14 Hancock Street (Strawbery 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
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

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Petitioner: Moray, LLC and 215 Commerce Way, LLC  
Property: 215 & 235 Commerce Way  
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   Requests: Clarification that the setback relief granted included the 15.4’ front setback resulting from the City’s future reconfiguration of Cate St.

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Review Criteria:

Request #2 was granted for the following reasons:

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- 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.
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IV. OTHER BUSINESS

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Mary E. Koepenick, Secretary