

PLANNING DEPARTMENT - BOARD OF ADJUSTMENT

ACTION SHEET

TO: John P. Bohenko, City Manager

FROM: Mary Koeppenick, Planning Department

RE: Actions Taken by the Portsmouth **Board of Adjustment at its reconvened meeting on April 26, 2016** in the Eileen Dondero Foley Council Chambers, Municipal Complex, One Junkins Avenue, Portsmouth, New Hampshire.

PRESENT: Jeremiah Johnson, Charles LeMay, Christopher Mulligan; Alternate Peter McDonell

EXCUSED: Chairman David Witham, Vice-Chairman David Rheaume, Patrick Moretti, Arthur Parrott, Alternate Jim Lee

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Prior to commencement of the meeting, it was moved, seconded and passed to appoint Charles LeMay as Acting Chairman for the meeting in the absence of the Chairman and Vice-Chairman.

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IV. PUBLIC HEARINGS – NEW BUSINESS (Continued from April 19, 2016)

Action: The Board acknowledged that Cases #4-8 and #4-9 were **postponed** to the May 17, 2016 meeting as there would be less than a quorum sitting on their petitions.

- 8) Case #4-8
Petitioner: Wentworth Sagamore, LLC
Property: 1150 Sagamore Avenue
Assessor Plan 201, Lot 22
Zoning District: Mixed Residential Business
Description: Install a wall sign and a second free-standing sign on a lot.
Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.1243 to allow a second free-standing sign on a lot.
 2. A Variance from Section 10.1251.20 to allow a 28.4± s.f. free-standing sign where 20 s.f. is the maximum allowed.
 3. A Variance from Section 10.51251.20 to allow a 25± s.f. wall sign where 16 s.f. is the maximum allowed.

- 9) Case #4-9
Petitioner: Michael De La Cruz
Property: 75 Congress Street (63 Congress Street)
Assessor Plan 117, Lot 5
Zoning District: Character District 5, Downtown Overlay District
Description: Construct five residential use dormers and one office use dormer, with walkways and decks. Restore pediments.
Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, enlarged or structurally altered without conforming to the Ordinance.
 2. A Variance from Section 10.5A43.31 and Section 10.5A21.22 to allow the following building heights where the maximum building heights allowed per Map 10.5A21B are 40' for a 2-3 stories height requirement area and 45' for a 2-3 stories (short 4th) height requirement area:
 - a. 62'11" for the proposed pediments
 - b. 65'6" for the proposed office dormer, and
 - c. 58' 11" for the proposed residential dormers

Action: By unanimous voice vote, the Board voted to consider Cases #4-10 through #4-13 together. The Board then voted to **postpone** the petitions to the May 17, 2016 meeting at the applicants' requests, noting that having less than six voting members present provided just cause under the Board of Adjustment Rules and Regulations to grant the requests.

- 10) Case #4-10
Petitioner: Robert McDowell
Property: 379 New Castle Avenue
Assessor Plan 207, Lot 4
Zoning District: Single Residence B
Description: Construct a 20' x 20' detached garage.
Requests: The Variances and/or Special Exceptions 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 7.25' where 30' is required.
 2. A Variance from Section 10.521 to allow 20.6% building coverage where 20% is the maximum allowed.
 3. A Variance from Section 10.571 to allow an accessory building to be located in a required front yard.
- 11) Case #4-11
Petitioners: Natan Aviezri Revocable Trust, Debra Klein & Natan Aviezri, Trustees
Property: 75 Monroe Street (Middle Road at Ward Place)
Assessor Plan 168, Lot 27 (merged from Lots 34 & 35)
Zoning District: General Residence A

Description: Construct a single-family home and garage on two re-merged lots.

Requests: The Variances and/or Special Exceptions 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 of 5,954± s.f. where 7,500 s.f. is required.
2. A Variance from Section 10.521 to allow a lot area per dwelling unit of 5,954± s.f. where 7,500 s.f. per dwelling unit is required.
3. A Variance from Section 10.521 to allow continuous street frontage of 85.59'± where 100' of continuous street frontage is required.

12) Case #4-12

Petitioner: Seacoast Trust LLP

Property: 150 US Route One By-Pass

Assessor Plan 231, Lot 58

Zoning District: Single Residence B

Description: Construct four-story, 40 unit, multi-family building.

Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:

- 1A. A Special Exception under Section 10.335 to allow a lawful nonconforming use to be changed to another nonconforming use.
If the Special Exception for the proposed use is not granted, then the following is requested:
- 1B. A Variance from Section 10.440, Use #1.40 to allow a multifamily dwelling with 40 dwelling units.
The following dimensional relief is also requested:
 2. A Variance from Section 10.521 to allow a lot area per dwelling unit of 3,254 s.f. where 15,000 s.f. is required.
 3. A Variance from Section 10.521 to allow a structure height of 50' where 35' is the maximum allowed.
 4. A Variance from Section 10.522 to allow a multifamily dwelling with a building length of 246' where 160' is the maximum allowed.

13. Case #4-13

Petitioners: Blueberry Lafayette Investors LLC & Edward Walsh, owners, William P. Walsh, applicant

Property: 3605 (3607) Lafayette Road

Assessor Plan 298, Lot 2

Zoning District: Gateway & Rural

Description: Motor vehicle repair

Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Special Exception under Section 10.440, Use #11.20 to allow a motor vehicle repair use in a district where the use is allowed only by Special Exception.
2. A Variance from Section 10.1111 to allow a change in use that does not meet the requirements for off-street parking.
3. A Variance from Section 10.843.12 to allow more than two 40' wide curb cuts or access or egress points on each abutting street.

4. A Variance from Section 10.843.21 to allow areas for parking, outdoor storage and outdoor display of vehicles or equipment to be set back less than 40 feet from the street right-of-way.

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V. OTHER BUSINESS

No other business was presented.

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VI. ADJOURNMENT

It was moved, seconded and passed to adjourn the meeting at 7:05 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary