

**MINUTES OF THE
BOARD OF ADJUSTMENT RECONVENED MEETING
CONFERENCE ROOM A
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE**

7:00 P.M.

MAY 22, 2018

MEMBERS PRESENT: Chairman David Rheaume, Jim Lee, Peter McDonell, Christopher Mulligan, Arthur Parrott, Alternate Phyllis Eldridge

MEMBERS EXCUSED: Vice-Chairman Jeremiah Johnson, Alternate John Formella

ALSO PRESENT: Peter Stith, Planning Department

Chairman Rheaume noted that there were a few requests for postponements due to the fact that there were only five Board members available to sit on those petitions.

The 160-168/170 Union Street Request for Rehearing was addressed first.

Mr. Mulligan recused himself from the vote.

*It was moved, seconded, and **passed** by unanimous vote (5-0) to take the 160-168/170 Union Street petition out of order.*

*Ms. Eldridge moved to **postpone** the Request for Rehearing to a future meeting. Mr. Parrott seconded.*

Ms. Eldridge stated that the applicant's request to postpone was valid because it was a situation that would require a lot of participation and a fuller hearing from the Board. Mr. Parrott concurred, noting that it wasn't the applicant's fault that there were only five Board members.

*The motion to postpone **passed** by unanimous vote (5-0).*

Mr. Mulligan remained recused.

*It was moved, seconded, and **passed** by unanimous vote (5-0) to take the 75 Congress Street petition out of order.*

Chairman Rheaume read the petition into the record.

*Mr. McDonell moved to **postpone** the petition, and Mr. Parrott seconded.*

Mr. McDonell said he didn't see a reason not to agree to a postponement. Mr. Parrott concurred.

*The motion **passed** by unanimous vote (5-0).*

I. REQUEST FOR EXTENSION

Mr. Mulligan resumed his voting seat.

A) Request for Extension of Variance granted June 21, 2016 regarding 209 Kearsarge Way.

Chairman Rheume stated that the Board received a letter from the applicant's representative. He said the petition was before the Board at the March meeting, where it was allowed additional relief, and that one item from the original request was still needed to have a one-year extension. He said the applicant was supposed to demolish a structure on the property, but there was a change in plans and they instead wanted to rehabilitate it.

DECISION OF THE BOARD

Mr. Mulligan noted that he wasn't present at the original meeting but felt that additional thought had gone into the project. He said the variances granted in March were good for another two years, so he didn't see any harm in granting an extension.

*Mr. Mulligan moved to **grant** the extension, and Mr. McDonell seconded.*

Mr. Mulligan said he had nothing further to add, as did Mr. McDonell.

*The motion **passed** by unanimous vote (6-0).*

II. OLD BUSINESS

A) Request for Rehearing regarding property located at 160-168/170 Union Street
(postponed from the May 15, 2018 meeting).

DECISION OF THE BOARD

*It was moved, seconded, and **passed** by unanimous vote (5-0) to postpone the Request for Rehearing to a future meeting.*

III. NEW BUSINESS – PUBLIC HEARINGS

6) Case 5-6. Petition of Jeffrey J. Caron for property located at **325 Thaxter Street** wherein relief was required to amend a previously granted variance including the following: a) from Section 10.521 to allow a 4'± right side yard where 10' is required, extending upward along a

previously approved right rear addition; and b) 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 52, Lot 39 and lies within the Single Residence B District.

Chairman Rheume read the petition into the record.

SPEAKING IN FAVOR OF THE PETITION

Arilda Densch of Arilda Design was present on behalf of the applicant. She noted that the Board approved the petition on February 21, but then it was discovered that the roof was going into the bedroom ceiling, so a roofline had to be revised. Ms. Densch reviewed the application and said the change would meet the all the criteria.

Chairman Rheume noted that the case was one of a few that the Board had heard that month, where there were seemingly minor changes in an application, and some changes were made after the fact on some applications, but the applicant had not returned to the Board for approval. He said it caused some controversy, leading the Planning Staff to be diligent on even small changes. He said he appreciated that Ms. Densch returned to the Board for her change.

SPEAKING IN OPPOSITION TO THE PETITION AND/OR SPEAKING TO, FOR, OR AGAINST THE PETITION

No one rose to speak, and Chairman Rheume closed the public hearing.

DECISION OF THE BOARD

*Mr. McDonell moved to **grant** the variances as presented and advertised, and Mr. Lee seconded.*

Mr. McDonell stated that it was a small change, increasing the mass slightly. He said that granting the variances would not be contrary to the public interest and the spirit of the Ordinance would be observed because it was a small right side-yard setback request and he didn't see any conflict with the purpose of the Ordinance or alteration of the essential character of the neighborhood. He said that substantial justice would be done because the applicant just wanted additional living space, and he saw a substantial benefit to the owner and no harm to the public. He said that granting the variances would not diminish the value of surrounding properties, noting that the Board was given no evidence that time or the time before as to any negative effect on surrounding properties. As for hardship, he said the lot was narrow and that the applicant would need some relief in order to do anything for an addition. He said that special conditions included the size and narrow shape of the lot, so he saw no fair and substantial relationship between the purpose of the Ordinance and its specific provision as applied in that case. He said the proposed use was a reasonable one.

Mr. Lee concurred with Mr. McDonell and had nothing to add.

*The motion **passed** by unanimous vote (6-0).*

7) Case 5-7. Petition of 319 Vaughan Street Center LLC, owner, 3S Contemporary Artspace, applicant, for property located at **319 Vaughan Street** wherein relief was required from the Zoning Ordinance to annually hold a summer concert series, including the following: a) a special exception from Section 10.1440 #3.521 to allow an outdoor performance facility where the use is allowed by special exception; and b) a variance from Section 10.592.10 to allow an outdoor performance facility use to be located 500’ from a residential district. Said property is shown on Assessor Plan 124, Lot 9 and lies within Character District 5 and the Downtown Overlay District.

SPEAKING IN FAVOR OF THE PETITION

Tristan Law was present on behalf of the applicant. He stated that it was their third year of having a Friday concert series and that the music was mostly acoustic and would stay within the existing footprint. He noted that there were no previous noise complaints and that the crowds were relatively small.

Chairman Rheume stated that there were two requests before the Board: an original request to cover the calendar year, and a second request for an ability to have more than 10 shows for the season between June 1 and October 1. He asked which request the applicant wanted. Mr. Law said it was the second one.

Chairman Rheume asked whether the second request was in perpetuity, and Mr. Law agreed. Chairman Rheume noted that the Board granted the same request for 2016 and 2017, but that there could be an issue moving into September. He asked whether there would be an additional show. Mr. Law said there was nothing scheduled and that they just wanted the flexibility. He did not speak to the criteria.

SPEAKING IN OPPOSITION TO THE PETITION

Primo Tosi of 2 Ruth Street said that if the petition were granted, it would open the door to other organizations that wanted to do the same thing. He noted that Great Rhythm had loud music the previous year. Chairman Rheume said that if someone else wanted a venue, they would have to go before the Board, so they were not setting a precedent that night because each case was considered on its own merits. He said the applicant’s request, if granted, would be in perpetuity going forward, and if someone else bought the property, they would continue to have the concerts if they wished to. Mr. Tosi said that was what worried him. He pointed out that the sound waves traveled across the pond and were loud.

Sue Black of 2 Ruth Street said she was also concerned about the noise and noted that Portsmouth had several noise issues for events in the past few years.

Mary Martisius of 47 Thornton Street said she would be opposed to the noise issue that could result from approving the application, especially if it were in perpetuity. She asked whether it would be checked every ten years and whether there would be a limit for crowd size or for the length of time that the approval would last. Mr. Mulligan asked whether there were noise or

crowd complaints during the last two seasons. Ms. Martisius said she could hear the concerts but hadn't found the noise unbearable. However, she said she didn't know what kind of shows would be offered in a ten-concert series and felt that everything was bearable to a point.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one rose to speak, and Chairman Rheume closed the public hearing.

DECISION OF THE BOARD

Chairman Rheume noted that the applicant originally put in for one season, but based on further talk with the Planning Staff, he had amended it so that he wouldn't have to come back year after year. Chairman Rheume said the Board didn't like to have cases come before them unnecessarily, and that they were allowed to grant in perpetuity unless a time limit was required.

In response to Mr. Lee's questions about whether there would be amps and microphones and whether anyone had complained that the music was too loud, Mr. Law said that there was sometimes percussion but it wasn't loud, and that they had never received complaints.

The Board discussed the petition. Ms. Eldridge said that she would only vote in favor if the petition wasn't granted in perpetuity. She said that doing it yearly or every other year would allow input from the neighborhood and a review of the type of music. She also noted that that part of town was changing a lot and might be different in a few years. Mr. McDonell agreed, saying that the current user hadn't caused any issues, but that it might not always be the case, and that even though the music was mostly acoustic, allowing perpetuity wouldn't leave any room for error. He said he didn't want to hear the same application every year but felt that it wouldn't see that bad if that was what it took to make sure the Board got it right. Mr. Lee also noted that the comments were relative, given that there was a large hotel nearby.

Mr. Parrott said he agreed with the comments and was glad that the neighbors took the trouble to speak to the Board because he thought that it might be the first time that the Board had any feedback on the concerts. He said he understood the concern that anything could happen in the future, like screaming rock bands. He concurred with the comments and was in favor of granting the petition for the 2018 season but not in perpetuity.

Chairman Rheume said his concern with granting anything further than the 2018 season was that there was a new hotel going up next door that could change the nature of what was going on, including concerns from abutters, so he was hesitant to grant something before knowing the potential impact of that significant change to the neighborhood. He said the Board normally didn't grant things that weren't in perpetuity, but because the applicant was requesting just the 2018 season, the Board could make clear in their motion that they were granting it off the initial request and not the revised one. He felt that the concerts had been innocuous until then but that it made sense for the applicant and the abutters to not do them in perpetuity, and he asked the Board to recognize that there was potential for something to change that could be a concern.

*Mr. Mulligan moved to **grant** the variance and special exception requests, with the following stipulations:*

- The approval for the outdoor concerts is limited to the 2018 season which will begin June 1, 2018 and end September 30, 2018.
- No more than 10 events will be held in the specified period.
- The concerts will begin no earlier than 6:00 p.m. and end no later than 9:00 p.m.

Mr. Parrott seconded the motion.

Mr. Mulligan addressed the special exception and stated that outdoor concerts were permitted in the zone and would pose no hazard to the public or adjacent properties, and so on. He said that granting the special exception would pose no detriment to property values or change in the essential character of any areas as a result of parking, and so on. He said there would be no demand on municipal services because the concerts had been ongoing for a few years without complaints and with no physical change to the environment. He said there would be no significant increase in storm water because the physical layout of the property wouldn't change.

Mr. Mulligan addressed the criteria for the variance and said that granting the variance would not be contrary to the public interest or to the spirit of the Ordinance, and the essential character of the neighborhood would not be altered. He said it was a mixed-use neighborhood that was becoming even more mixed, so the use had been evident for a few years, with no threat to the public's health, safety or welfare. He said that granting the variance would do substantial justice because it would tip in the applicant's favor and would only be for a single season, and he didn't see how it would have any effect on the general public. He said the value of surrounding properties would not be diminished because the concerts had been going on for a few years and nothing had been heard about properties being devalued. As for the hardship, he said that the special conditions of the property included that it was a converted warehouse that was now a performing arts venue that had a lot of infrastructure already built in that distinguished it and positioned it to put on outdoor events, so there was no relationship between the purpose of the prohibition of the concerts and its application to the property.

Mr. Parrott concurred with Mr. Mulligan and had nothing to add.

*The motion **passed** by unanimous vote (6-0).*

8) Case 5-8. Petition of Peter G. Morin Trust, Peter G. Morin, Trustee for property located at **49 Pickering Street and 170 Mechanic Street** wherein relief was required from the Zoning Ordinance for a lot line revision, including the following: a) a variance from Section 10.521 to allow a 7.9'± rear yard where 25' is required. Said property is shown on Assessor Plan 102, Lots 6 & 7 and lies within the General Residence B District.

SPEAKING IN FAVOR OF THE PETITION

The applicant Peter Morin was present to speak to the petition. He said that the former owners allowed him to put snow into the yard and that he wanted to square off the property for snow storage. He said he also wanted to continue to use the garden and hoped to own that particular piece of land. He said that the fence the abutters and surrounding neighbors were in approval. He noted that they also had a sheet signed by 4-5 abutters in approval. He stated that he had already reviewed the criteria and submitted it to the Board.

SPEAKING IN OPPOSITION TO THE PETITION AND/OR SPEAKING TO, FOR, OR AGAINST THE PETITION

No one rose to speak, and Chair Rheume closed the public hearing.

DECISION OF THE BOARD

Chairman Rheume explained the lot line readjustment in more detail to the Board.

*Mr. Parrott moved to **grant** the variance as presented and advertised, and Mr. Lee seconded.*

Mr. Parrott said it was an obvious and simple change, that the total amount of land was less than 500 square feet, and that it was desirable to have a rectangular-shaped lot. He said it would make the lot more conforming dimensionally and would not change any of the other applicable setbacks because the distance from the 170 Mechanic Street house to the back lot line wouldn't change. He noted that it wouldn't be less nonconforming than it already was.

Mr. Parrott said that granting the variance would not be contrary to the public interest or to the spirit of the Ordinance and would not alter the essential character of the neighborhood. He said it wouldn't look any different and would pose no threat to the public's health, safety, or welfare. As for the balancing test, he said he didn't see any interest to the general public in it. He said that granting the variance would not diminish the value of surrounding properties because nothing would change in the applicant's property except for the guaranteed use of snow storage. Regarding the hardship, he said there was an obvious benefit to the owners, and that no one from the neighborhood had expressed concerns. He said the small size of the lot was a hardship and there was no other way that it could be changed to make room for snow storage.

Mr. Lee noted that the Board had an endorsement from the abutters and that he would support it.

*The motion **passed** by unanimous vote (6-0).*

9) Case 5-9. Petition of Michael De La Cruz for property located at **75 (63) Congress Street** wherein relief is required from the Zoning Ordinance for a basement indoor parking facility, including variances from Section 10.1114.20 to allow the following: a) eight parking spaces with less than the required dimensions and b) a 12'± wide maneuvering aisle where 14' is required. Said property is shown on Assessor Plan 117, Lot 5 and lies within Character District 5 and the Downtown Overlay District.

*It was moved, seconded, and passed by unanimous vote (5-0) to **postpone** the petition to a future meeting.*

Mr. Mulligan recused himself from the petition.

10) Case 5-10. Petition of Jonathan & Diana Guilbert for property located at **15 Thornton Street** wherein relief was required from the Zoning Ordinance to subdivide one lot containing existing structures into two lots, including variances from Section 10.521 to allow the following for Proposed Lot 1: a) an 8.6'± front yard where 15' is required; b) a rear yard of 14.7'± where 20' is required; c) a lot depth of 64.66'± where 70' is required. Said property is shown on Assessor Plan 160, Lot 1 and lies within the General Residence A District.

SPEAKING IN FAVOR OF THE PETITION

Attorney John Bosen was present on behalf of the applicant to speak to the petition. He introduced the owners and the project engineer John Chagnon and said they wanted permission to demolish the carriage house so that they could subdivide the lot. He said the existing 1892 home would be on Lot 1 and required relief from the rear setbacks but that there would be no change to the 'as built' environment other than a new driveway. He said that Lot 2 would have a new house and would meet all dimensional requirements. He reviewed the criteria and said they would be met. He noted there was one letter of opposition submitted to the Board from the 341 Dennett Street resident, whose concern was the location of the driveways, but he said the issue would be decided by the Technical Advisory Committee (TAC).

Mr. McDonell noted that the lots were being split, which drove the location for Lot 1, and that the Department of Public Works was involved in the subdivision process. He asked what progress was made on the driveways' location. Attorney Bosen replied that Thornton Street ran parallel to Dennett Street and that there was an extension that ran perpendicular. He said it was a very quiet road with not much traffic. He said his client would be happy to work with the neighborhood on that issue and discuss it with TAC.

Mr. Chagnon asked Mr. McDonell which lots were of concern. Mr. McDonell said he thought the abutter's concern was with the Lot 1 driveway. Mr. Chagnon said they submitted a plan to the City showing a driveway northwest of the existing house but discovered at a TAC workshop that there was an Ordinance section relating to the 50-ft setback. He said that two other sections allowed for 30-ft setbacks, which was why they chose the location. He said they proposed keeping the driveway at that location, but the applicant was willing to place a site easement at the corner of Lot 1. He said that TAC and the Planning Board would decide the final outcome.

Chairman Rheume acknowledged that the Board received the letter opposing the driveway and that the failure to arrive at a solution could result in more people parking on the street. He said that other large lots in the neighborhood could be subdivided and add to the complication.

SPEAKING IN OPPOSITION TO THE PETITION

Primo Tosi of 2 Ruth Street said he was concerned because the volume of traffic had increased significantly in the last few years. He said he thought the reason for the lot change was for the sale of both lots. He said the plan showed the driveway going on the Dennett Street side, and also a garage with a large area above it. He asked what the next request would be if the lot changes were granted, e.g. whether it would be a garage with a living space. He said they had so many renters on Dennett Street that one could barely get up the street, and he didn't want the extension causing more cars to be parked on the street. He said that additional development would make the intersection more dangerous and the neighborhood more congested, and he felt that a driveway wouldn't help because people had more than one car.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Mary Martisius of 47 Thornton Street agreed that it was a busy area and that the project would change the density, so she was not in favor of the petition.

Kevin Clark of 55 Thornton Street said the property had been owned by two or three different people and that the carriage house used to be a garage and then a studio. He said the density of the neighborhood would change because what would be built would be a lot bigger than existing. He said the extension was a bad road that would be worse with more cars.

Mary Martisius said it would be nice to buy the property and turn it into a green development.

Attorney Bosen said the residential density per zoning would not change and that the new lot line would fully comply. He pointed out that it wasn't the applicant's fault if traffic increased over the years. He said the application was for lot line relief, and traffic or driveway location issues would be addressed with TAC and would also go through site review.

The owner Diana Guilbert said she thought she had talked to all the neighbors but knew she had spoken with all the immediate abutters, who were very supportive of the project.

The owner Jonathan Guilbert said that, if the project did not go forward, he would rent the carriage house out, which would account for at least two more cars and be exactly the same result as if the lot were split.

No one else rose to speak, and Chairman Rheaume closed the public hearing.

DECISION OF THE BOARD

Mr. McDonell said he was sympathetic to the abutters' concerns and that it seemed like the neighborhood was already tightly packed. He said there were four lots squeezed into the same space on the applicant's lot. He said he understood not wanting to have an extra lot, regardless of whether there was an existing house on the lot. He said the lot was almost 17,000 square feet and the required minimum lot size was 7,500 square feet, so the split would into two compliant lots. He noted that the other relief requested was for the existence of the house's front and rear yard setbacks, and that the lot depth was existing. He said that no one had to look at Lot 1 as it would exist after the split and that the lot wasn't being squeezed into something that it wasn't already.

He said that, if the request was relief from the lot area, it would be different, but that wasn't the case, so the request seemed reasonable.

Ms. Eldridge agreed and said the subdivision would make two legitimate lots, which seemed fair.

Chairman Rheume said there were some legitimate issues that he wasn't sure whether the Board could solve or not, but said the applicant was asking for basic relief tied to an existing structure and that anything that would happen to the lot would force the applicant to recognize that. He said it wasn't like the applicant was building onto any structure to create a nonconformity. He said the other request for subdividing the lot would make it too narrow by five feet, which was less than 10% of the City's requirements for width, and that width was determined by the average. He further discussed the mathematical components and said he felt that the applicant was not asking for too much and that the small relief was consistent with the zoning objectives of the neighborhood. He pointed out that the Planning Board and TAC would look at the driveway concerns and that the public could weigh in. He said the applicant was correct in saying that they could rent out their current structure or could add a second dwelling, both of which would increase the density. He said the district was all GRA, which required 7,500 s.f. lots, which the applicant was making. He noted that the value of properties was making every square foot so valuable that people were taking advantage of the zoning to break up lots and create more density. He said what the applicant was requesting was reasonable and made sense.

*Mr. McDonell moved to **grant** the variances as presented and advertised, and Ms. Eldridge seconded.*

Mr. McDonell said he would incorporate his earlier comments and Chairman Rheume's comment as well about the nature of the requested relief. He noted that it was difficult for someone who was affected by it to separate the specific request from the likely result and the result if similar things happened to similar parcels, but he said the Board was required to look at specific criteria and felt that the request met all those criteria. He said that granting the variances would not be contrary to the public interest or to the spirit of the Ordinance. He said someone could argue that it would be contrary to the public interest, but he thought the avenue would be to change the zoning and said it wasn't contrary under the present zoning. He said the request was not to change anything but to move lot lines around. He said substantial justice would be done because there was no potential hardship to the public and the neighbors by increasing the neighborhood's density, but the benefit to the applicant was to make full use of his property within the constraints of the Ordinance, and the main constraint was the lot area minimum, which wasn't requested relief. He said that granting the variances would not diminish the value of surrounding properties, for the same reasons, and that he didn't see any argument that surrounding values would be diminished because there was already one house and a second structure that could be used as a dwelling, so it would be in keeping with the neighborhood. He said the hardship was that the lot was long and narrow, bounded on three sides by streets, and he felt that the special conditions were that the existing structure drove the front and rear yard setback relief request, as well as the narrowness of the lot that drove the lot depth requirement. He said the proposed use was a reasonable one and that the applicant was using the property as it had been used and as it could be used.

Ms. Eldridge concurred with Mr. McDonell and had nothing to add.

The motion passed by unanimous vote (5-0).

Mr. Mulligan resumed his voting seat.

11) Case 5-11. Petition of Derek T. Hayward for property located at **17 Stark Street** wherein relief is required from the Zoning Ordinance to allow a second driveway on a lot, including the following: a) 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 161, Lot 3 and lies within the General Residence A District.

SPEAKING IN FAVOR OF THE PETITION

The owner Derek Hayward was present to speak to the petition. He stated that his family had owned the property for over 40 years and had utilized parking on both sides of the house during that period. He said he had heard that a sidewalk would go in and the City advised him that he had no permits on his property for parking, and that it could go in front of his yard with no curb cuts, which could prevent access to off-site parking. He said his first parking spot was approved and that he wanted a second spot for the other side of the house. He said his neighbors were supportive. He reviewed the criteria and noted that the new sidewalk would decrease the street’s width, which would pose more problems with traffic and parking.

Mr. Mulligan asked how old the house was, and Mr. Hayward said it was built in 1910. Mr. Parrott clarified that the lot was 50 feet wide and said that the other three dimensions couldn’t therefore be right. Mr. Hayward said he added incorrectly and would have to modify what the feet would be on the left side of the house. He said he wasn’t sure that the house width was 22 feet and thought some of the measurements might be off.

Chairman Rheume asked Mr. Stith whether the only concern was that the open space would be reduced 30% by the second driveway, and Mr. Stith agreed. Chairman Rheume said there were four vehicles and asked how far down the house the parking spaces would be. Mr. Hayward replied that it was about 40 feet. Chairman Rheume said the current photos showed that the applicant had been going out across the front of the property to park. Mr. Hayward said it was usually along the side of the house.

Ms. Eldridge said that the photo with the crushed stone made it look like the parking was in front of the house and not the side. Mr. Hayward said there weren’t chips there in the past and that the parking was based on the snow, the plows, and so on.

SPEAKING IN OPPOSITION TO THE PETITION AND/OR SPEAKING TO, FOR, OR AGAINST THE PETITION

No one rose to speak, and Chairman Rheume closed the public hearing.

DECISION OF THE BOARD

*Mr. Mulligan moved to **grant** the variance as presented and advertised, and Mr. Lee seconded.*

Mr. Mulligan said the applicant was seeking a variance from the requirement that he comply with modern driveway standards of design. He said the home was built in 1910, and that expecting the parking to meet modern standards was unreasonable. He said the variance was appropriate because the house was a duplex with two separate driveways, which he thought was a good idea for the applicant and the neighborhood. He said that granting the variance would not be contrary to the public interest or to the spirit of the Ordinance and the essential character of the neighborhood would not be changed. He said it would ratify a long-existing condition. He said the public's health, safety, and welfare would not be affected. He said that granting the variance would do substantial justice because there would be no gain to the public. He said there would be no diminishment of property values because the project would improve the value of surrounding properties and would remove cars that would be otherwise parked in the street, which would also be a benefit to surrounding properties. He said the hardship and special conditions were that the house was a duplex on a long narrow lot that could accommodate Jack and Jill parking on either side, so there was no fair and substantial relationship between the purpose of modern driveways and the property. He said it was a residential use in a residential zone and met all the criteria.

Mr. Lee concurred and had nothing to add.

*The motion **passed** by unanimous vote (6-0).*

IV. ADJOURNMENT

*At 9:10, it was moved, seconded, and passed by unanimous vote (6-0) to **adjourn** the meeting.*

Respectfully submitted,

Joann Breault
BOA Recording Secretary