

ACTION SHEET

TO: John P. Bohenko, City Manager

FROM: Mary Koepenick, Planning Department

RE: Actions Taken by the Portsmouth **Board of Adjustment at its regular meeting on August 20, 2019** in the Eileen Dondero Foley Council Chambers, Municipal Complex, One Junkins Avenue, Portsmouth, New Hampshire.

PRESENT: Chairman David Rheaume, John Formella, Jim Lee, Peter McDonell, Christopher Mulligan, Alternate Chase Hagaman

EXCUSED: Vice Chairman Jeremiah Johnson, Arthur Parrott, Alternate Phyllis Eldridge

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I. APPROVAL OF MINUTES

A) July 16, 2019

Action: The Minutes were approved as amended.

B) July 23, 2019

Action: The Minutes were approved as presented.

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II. PUBLIC HEARINGS – OLD BUSINESS

A) Case 7-2. Petition of Kenneth K. and Deborah A. Jennings for property located at 27 Thaxter Road to Appeal a Decision of the Portsmouth City Council to restore two involuntary merger lots. Said property is shown on Assessor Plan 66, Lot 39 and lies within the Single Residence B District.

Action:

It was **noted** that the petition would be heard at the reconvened meeting on Tuesday, August 27, 2019.

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III. PUBLIC HEARINGS – NEW BUSINESS

1) Case 8-1. Petition of Richard Fusegni for property located at **201 Kearsarge Way** wherein relief is required from the Zoning Ordinance to subdivide one lot into three lots one of which will be nonconforming including the following variance from Section 10.521: a) to allow 83' of continuous street frontage where 100' is required. Said property is shown on Assessor Plan 218, Lot 5 and lies within the Single Residence B District.

Action: the Board voted to **postpone** the application. This matter will be placed on the agenda for the Board of Adjustment meeting scheduled for Tuesday, September 17, 2019 at 7:00 p.m.

2) Case 8-2. Petition of Michael Brandzel & Helen Long for property located at **39 Dearborn Street** for a wall-mounted outdoor a/c condenser wherein the following variance is required: a) from Section 10.515.14 to allow a 2'6" right side yard where 10' is required. Said property is shown on Assessor Plan 140, Lot 3 and lies within the General Residence A District.

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

3) Case 8-3. Petition of Russell Serbagi for property located at **306 Marcy Street, Unit 3** to install a mini split ductless a/c system including condenser and air handler system with lines in conduit wherein the following variance is required: a) from Section 10.515.14 to allow a 7' right side yard where 10' is required. Said property is shown on Assessor Plan 102, Lot 75-3 and lies within the General Residence B District.

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

4) Case 8-4. Petition of Seacoast Veterans Properties, LLC for property located at **41 Salem Street** to demolish existing structure and construct four townhouse residential units in two buildings wherein the following variance is required: a) from Section 10.521 to allow a lot area per dwelling unit of 2,726 s.f. where 3,500 s.f. is required. Said property is shown on Assessor Plan 144, Lot 31 and lies within the General Residence C District.

Action: As a result of said consideration, the Board voted to **postpone** the petition. This matter will be placed on the agenda for the Board of Adjustment meeting scheduled for Tuesday, September 17, 2019, at 7:00 p.m.

5) Case 8-5. Petition of Scott D. Young for property located at **7 Suzanne Drive** for a 12' x 46' rear addition wherein variances from Section 10.521 are required to allow the following: a) a 21' rear yard where 30' is required; and b) 21% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 292, Lot 80 and lies within the Single Residence B District.

Action: The Board voted to **grant** the application as presented with the following stipulations:

- A plus/minus range of six inches for the rear yard.
- A 1% plus/minus range for the building coverage.

6) Case 8-6. Petition of Galaro Properties LLC, owner, Earth Eagle Brewings, applicant, for property located at **175 High Street** for seasonal outdoor entertainment wherein the following variances or special exceptions are required: a) a special exception from 10.440, Use # 3.521 to allow an outdoor performance facility with an occupancy up to 500 people; and b) a variance from Section 10.592 to allow an outdoor performance facility use to be within 500' from a residential district. Said property is shown on Assessor Plan 118, Lot 16 and lies within Character District 4.

Action: The Board voted to **deny** the application. All of the criteria necessary to grant a variance were not met. The spirit of the ordinance would not be observed and the value of surrounding properties would be diminished by the increased noise and no hardship was demonstrated. With regard to the special exception, there would be a detriment to property values due to the clear increase in noise.

7) Case 8-7. Petition of Haven Properties LLC for property located at **187 McDonough Street** for demolition of existing single family residence and construction of a new single family residence wherein variances from Section 10.521 are required to allow the following: a) a lot area of 2,537 s.f. where 3,500 s.f. is the minimum required; b) a lot area per dwelling unit of 2,537 s.f. where 3,500 s.f. is the minimum required; c) continuous street frontage of 48' where 70' is the minimum required; d) building coverage of 43% where 35% is the maximum allowed; e) a 4' left side yard where 10' is the minimum required; and f) a 9' rear yard where 20' is the minimum required. Said property is shown on Assessor Plan 144, Lot 43 and lies within the General Residence C District.

Action: the Board voted to **grant** the application.

IV. OTHER BUSINESS

A) Parking Principles

The Board discussed Parking Principles.

V. ADJOURNMENT

It was moved, seconded and passed to adjourn the meeting at 9:42 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary