

**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 September 17, 2019** in the Eileen Dondero Foley Council Chambers, Municipal Complex, One Junkins Avenue, Portsmouth, New Hampshire.

**PRESENT:** Chairman David Rheaume, Vice Chairman Jeremiah Johnson, John Formella, Jim Lee, Peter McDonell, Christopher Mulligan, Arthur Parrott, Alternate Phyllis Eldridge, Alternate Chase Hagaman

**EXCUSED:** None

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**I. APPROVAL OF MINUTES**

A) August 20, 2019

Action: The Minutes were approved as amended.

B) August 27, 2019

Action: The Minutes were approved as amended.

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**II. REQUEST FOR EXTENSION**

A) Request for Extension regarding property located at **621 Islington Street**.

Action:

The Board voted to **extend** their approval of the variances granted November 21, 2017 for a one year period through November 21, 2020.

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**III. OLD BUSINESS – PUBLIC HEARINGS**

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 involuntarily

merged lots. Said property is shown on Assessor Plan 66, Lot 39 and lies within the Single Residence B District. *(This petition was postponed from the July 16, 2019 and August 20 and 27, 2019 meetings.)*

Action:

The Board closed the public hearing and voted to **postpone** their decision to the October meeting so that additional information could be provided from the City’s Legal Department to clarify the Board’s role when considering appeals of decisions of the City Council.

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B) 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. *(This petition was postponed at the August 20, 2019 meeting.)*

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

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C) 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. *(This petition was postponed at the August 20, 2019 meeting.)*

Action:

As a result of said consideration, the Board voted to **deny** the petition. All the criteria necessary to grant a variance were not met. The variance would be contrary to the public interest as the design, position and clustering of the four dwelling units would alter the essential character of the neighborhood. There are no special conditions of the property that would create an unnecessary hardship for the requested variance.

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**IV. OLD BUSINESS**

A) Case 8-12. Petition of Foundry Place LLC for property located at **0 Hanover Street (aka 181 Hill Street)** for construction of a six story 60’ hotel with interior parking wherein the following variances are required: a) from Section 10.5A43.31 and Section 10.5A46.10 to allow a six-story 60-foot tall building where a five-story, 60-foot tall building is permitted; b) from Section 10.1114.21 to allow 54 valet-only parking spaces using a two-car lift system where 10

spaces do not meet the parking depth requirements; and c) from Section 10.1114.32(a) to permit a valet-only lift system which requires passing over another parking space or moving another vehicle where both requirements are prohibited. Said property is shown on Assessor Plan 138, Lot 62 and lies within Character District 5. *(This petition was tabled at the August 27, 2019 meeting for additional Board discussion.)*

Action:

The Board voted to **reopen** the public hearing and **schedule** it to be conducted at the October meeting.

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**V. NEW BUSINESS – PUBLIC HEARINGS**

1) Case 9-1. Petition of 56 Middle Street LLC for property located at **56 Middle Street** wherein relief is required from the Zoning Ordinance to convert to a duplex including the following variance: a) from Section 10.5A41, Figure 10.541A and Section 10.5A43.60 & Figure 10.5A43.60 to allow a duplex in the Downtown Overlay District where it is not permitted. Said property is shown on Assessor Plan 126, Lot 19 and lies within the Character District 4-Limited and the Downtown Overlay District.

Action:

The Board voted to **grant** the petition as presented.

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2) Case 9-2. Petition of Lindsay J. Gee and Erin Heffron for property located at **978 South Street** wherein relief is required from the Zoning Ordinance to reconstruct entryways for both units including the following variances: a) from Section 10.521 to allow a 0.5’secondary front yard where 30’ is required; b) from Section 10.521 to allow 34.5% building coverage where 20% is the maximum allowed; and c) from Section 10.321 to allow a lawful 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 150, Lot 8 and lies within the Single Residence B District.

Action:

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

**VI. OTHER BUSINESS**

A) Parking Principles

The Board discussed Parking Principles.

**VII. ADJOURNMENT**

It was moved, seconded and passed to adjourn the meeting at 10:50 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary