

**BOARD OF ADJUSTMENT MEETING
PORTSMOUTH, NEW HAMPSHIRE**

Remote Meeting Via Zoom Conference Call

Per NH RSA 91-A:2, III (b) the Chair has declared the COVID-19 outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-21, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

7:00 P.M.

NOVEMBER 17, 2020

ACTION SHEET

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

MEMBERS ABSENT: John Formella

ALSO PRESENT: Peter Stith, Planning Department

I. APPROVAL OF MINUTES

A) Approval of the minutes of the meetings of October 20 and 27, 2020.

The Board voted to **approve** both sets of minutes.

II. PUBLIC HEARINGS – NEW BUSINESS

A) REQUEST TO POSTPONE. Petition of **150 Greenleaf Avenue Realty Trust, Owner**, for property located at **150 Greenleaf Avenue** for Appeal of an Administrative Decision that the following are required: 1) A Variance from Section 10-208 Table 4 - Uses in Business Districts (2009 Ordinance, Section 10.592.20 in current Ordinance) that requires a 200 foot setback from any adjoining Residential or Mixed Residential district for motor vehicle sales. 2) A Variance from Section 10-1201, Off-Street Parking (2009 Ordinance, Section 10.1113.30 in current Ordinance) that requires a 100 foot setback for business parking areas from any adjoining Residential or Mixed Residential district. 3) A Wetland Conditional Use Permit for development within the Inland Wetlands Protection District. Said property is shown on Assessor Map 243 Lot 67 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District. **REQUEST TO POSTPONE**

The Board voted to **postpone** this request to the December BOA meeting.

B) Petition of **SAI Builders, LLC, Owner**, for property located at **27 Elwyn Avenue** wherein relief is needed from the Zoning Ordinance to install two AC units which requires the following: 1) A Variance from Section 10.521 to allow a 5.5 foot right side yard where 10 feet is required. Said property is shown on Assessor Map 113 Lot 28-1 and lies within the General Residence A (GRA) District.

The Board voted to **deny** this request as submitted. All the criteria to grant the variance were not met. The use does not observe the spirit of the Ordinance and substantial justice will not be done. Literal enforcement of the provisions of the Ordinance would not result in an unnecessary hardship.

C) Petition of **Bromley Portsmouth, LLC, Owner**, for property located at **1465 Woodbury Avenue** wherein relief is needed from the Zoning Ordinance to construct a standalone automated teller machine (ATM) which requires the following. 1) A Variance from Section 10.1530 to allow an automated teller machine (ATM) as defined in this section to be a principal freestanding structure and not located on the outside of a building, or in an access-controlled entrance to a building, or within a principal use in a building. Said property is shown on Assessor Map 216 Lot 3 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District.

The Board voted to **deny** this request as submitted. All the criteria to grant the variance was not met. The use is contrary to the public interest and literal enforcement of the provisions of the Ordinance would not result in an unnecessary hardship.

D) Petition of **Michael Petrin, Owner**, for property located at **239 Northwest Street** wherein relief is needed from the Zoning Ordinance to demolish a rear addition and construct a new two-story rear addition which requires the following: 1) Variances from Section 10.521 to allow: a) 1.5 foot rear yard where 20 feet is required; b) 48% building coverage where 25% is the maximum allowed; and c) 28% open space where 30% is the minimum required. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 122 Lot 3 and lies within the General Residence A (GRA) District.

The Board voted to **grant** this request as advertised and presented.

E) Petition of **Jessica Kaiser and John Andrew McMahon, Owners**, for property located at **30 Spring Street** wherein relief is needed from the Zoning Ordinance to construct covered front porch and add dormers to existing dwelling which requires the following: 1) Variances from Section 10.521 to allow a) 28.5% building coverage where 25% is the maximum allowed; b) a 0 foot front yard where 15 feet is required; and c) a 0 foot side yard where 10 feet is required. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance.

Said property is shown on Assessor Map 130 Lot 13 and lies within the General Residence A (GRA) District.

The Board voted to **grant** this request with the following stipulation:

1. The allowable right side yard shall be 4 feet.

F) Petition of **Thomas Murphy, Owner**, for property located at **95 Dodge Street** wherein relief is needed from the Zoning Ordinance to demolish existing home and construct a new home with an attached accessory dwelling unit which requires the following: 1) A Variance from Section 10.1114.30 to allow two driveways where only one per lot is permitted. Said property is shown on Assessor Map 258 Lot 39 and lies within the Single Residence B (SRB) District.

The Board voted to **grant** this request as advertised and presented.

G) Petition of **Summit 501 Islington, LLC, Owner**, for property located at **501 Islington Street** wherein relief is needed from the Zoning Ordinance for a 900 square foot expansion of an existing medical office in an existing building which requires the following: 1) A Special Exception from Section 10.440 Use #6.20 to allow a medical office where the use is allowed by special exception. Said property is shown on Assessor Map 157 Lot 6 and lies within the Character District 4-L2 (CD4-L2) District.

The Board voted to **grant** this request as advertised and presented.

H) Petition of **Gregory & Amanda Morneault, Owners**, for property located at **137 Northwest Street** wherein relief is needed from the Zoning Ordinance to subdivide one lot into two lots and construct a new two family dwelling which requires the following: 1) Variances from Section 10.521 to allow: a) a lot depth of 44.7 feet for Lot 1 and 23.4 feet for Lot 2 where 70 feet is required for each; b) a lot area per dwelling unit of 5,317 square feet for proposed Lot 2 where 7,500 square feet per dwelling is required; c) a 2.5 foot front yard for proposed Lot 2 where 15 feet is required; and d) a 4 foot rear yard for proposed Lot 2 where 20 feet is required. Said property is shown on Assessor Map 122 Lot 2 and lies within the General Residence A (GRA) District.

The Board decided to hold a second November meeting on the 24th and **postponed** this application until then.

I) Petition of **111 Maplewood Avenue, LLC, Owner**, for property located at **145 Maplewood Avenue** wherein relief is needed from the Zoning Ordinance for signage for new building which requires the following: 1) A Variance from Section 10.1251.20 to allow a 57 square foot freestanding sign where 20 square feet is the maximum allowed. 2) A Variance from Section 10.1242 to allow wall signs above the ground floor on all sides of the building. 3) A Variance from Section 10.1242 to allow wall signs above the ground floor on a side of a building not facing a street. 3) A Variance from Section 10.1144.63 to allow illuminated signs above 25 feet from grade. Said property is shown on Assessor Map 124 Lot 8-1 and lies within the Character District 5 (CD5) District.

The Board decided to hold a second November meeting on the 24th and **postponed** this application until then.

III. OTHER BUSINESS

There was no other business for discussion.

IV. ADJOURNMENT

The meeting adjourned at 11:00 pm.