

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

Remote Meeting Via Zoom Conference Call
to access by web <https://zoom.us/join>
to access by phone, dial (929) 436 2866
Meeting ID: 640 953 906
Password: 000433

Per NH RSA 91-A:2, III (b) the Chair has declared 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 2020-5, and Executive 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.

APRIL 21, 2020

ACTION SHEET

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

MEMBERS EXCUSED: John Formella

ALSO PRESENT: Peter Stith, Planning Department

I. APPROVAL OF MINUTES

A) April 7, 2020

The minutes were unanimously **approved**.

II. PUBLIC HEARINGS – NEW BUSINESS

1) Petition of **Jeffrey & Delores Ives, Owners**, for property located at **44 Gardner Street** wherein relief is needed from the Zoning Ordinance to demolish existing rear porch and replace with a new sun room and rear landing with steps and kitchen bay expansion which requires the following: 1) A Variance from Section 10.521 to allow 36% building coverage where 30% is the maximum required; and 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 103 Lot 42 and lies within the General Residence B (GRB) District.

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

1. Limit the proposed building coverage to a maximum of 34% instead of the requested 36%, as recommended by the Planning Staff.

2) Petition of **Millport Inc., Owner** and **Thomas Bath, Applicant**, for property located at **1001 Islington Street** wherein relief is needed from the Zoning Ordinance to allow an accessory use on an adjacent lot which requires the following: A Variance from Section 10.1530 to allow an accessory use as defined in this section to be conducted on a lot adjacent to the lot containing the principal use or building. Said property is shown on Assessor Map 172 Lot 4 and lies within the Character District 4-W (CD4-W) District.

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

3) Petition of the **Neil A Fitzgerald Family Trust, Owner**, for property located at **226 Park Street** wherein relief is needed from the Zoning Ordinance to demolish an existing garage and construct a slightly larger 315 square foot garage which requires the following: 1) A Variance from Section 10.573.20 to allow a 1' right side yard where 9'2" is required; and 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 149 Lot 50 and lies within the General Residence A (GRA) District.

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

4) Petition of the **Islamic Society of the Seacoast Area, Owner**, for property located at **686 Maplewood Avenue** wherein relief is needed from the Zoning Ordinance to construct a 4,000± s.f. building to house a religious place of assembly which includes the following: 1) A Special Exception under Section 10.440, Use #3.11 to allow a religious place of assembly in a district where the use is only allowed by Special Exception; and 2) A Variance from Section 10.521 to allow 47'± of continuous street frontage where 100' is required. Said property is shown on Assessor Map 220 Lot 90 and lies within the Single Residence B (SRB) District.

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

5) Petition of **John Byron, Owner** and **Joseph Bezanson, Applicant**, for property located on **Bartlett Street** wherein relief is needed from the Zoning Ordinance for construction of a new single family dwelling which requires: 1) A Variance from Section 10.521 to allow the following: a) 37% building coverage where 25% is the maximum allowed; and b) an 8.5' right side yard where 10' is required. Said property is shown on Assessor Map 162 Lot 54-1 and lies within the General Residence A (GRA) District.

The Board voted to **deny** this petition as presented. All the criteria necessary to grant the variances were not met. The spirit of the ordinance is not observed and literal enforcement of the ordinance would not result in an unnecessary hardship.

6) Petition of **Mark Broderick and Emily Spencer, Owners**, for property located on **Sims Avenue** wherein relief is needed from the Zoning Ordinance to construct a single family dwelling on a nonconforming lot which requires: 1) A Variance from Section 10.521 to allow the following: a) a lot area and lot area per dwelling unit of 12,850 square feet where 15,000 square feet is required for each; and b) 57 feet of continuous street frontage where 100 feet is required. Said property is shown on Assessor Map 233 Lot 76-1 and lies within the Single Residence B (SRB) District.

The Board voted to **grant** the petition with the following stipulation:

1. An engineered drainage and water runoff evaluation must be conducted for any proposed development of the lot and this evaluation must be approved by the Department of Public Works and the Inspection Department before granting a Building Permit.

III. OTHER BUSINESS

None.

IV. ADJOURNMENT

The meeting adjourned at 10:56 pm.