

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

Remote Meeting Via Zoom Conference Call

You are required to register to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. Public comments can be emailed in advance to planning@cityofportsmouth.com. For technical assistance, please contact the Planning Department by email (planning@cityofportsmouth.com) or phone (603) 610-7296.

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 2020-5, 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.

MAY 26, 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. PUBLIC HEARINGS – NEW BUSINESS

1) Petition of **Barry & Martha White, Owners**, for property located at **83 Rockingham Avenue** wherein relief is needed from the Zoning Ordinance to demolish existing structures and construct new single-family dwelling which requires the following: A Variance from Section 10.521 to allow a lot area and lot area per dwelling unit of 14,258 where 15,000 is required for each. Said property is shown on Assessor Map 236 Lot 20 and lies within the Single Residence B (SRB) District.

The Board voted to **grant** this request as submitted.

2) Petition of **Michael Petrin, Owner**, for property located at **268 Dennett Street** wherein relief is needed from the Zoning Ordinance to demolish the right side portion of house and reconstruct new addition which requires the following: 1) A Variance from Section 10.521 to allow a 0' right side yard where 10' 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 143 Lot 13-1 and lies within the General Residence A (GRA) District.

The Board voted to **postpone** this request to the June 16, 2020 BOA meeting.

3) Petition of **Stacey & Philip Gibson, Owners**, for property located at **48 Hillside Drive** wherein relief is needed from the Zoning Ordinance for the keeping of chickens including a Special Exception from Section 10.440 Use #17.20 to allow the keeping of farm animals where the use is permitted by special exception. Said property is shown on Assessor Map 231 Lot 32 and lies within the Single Residence B (SRB) District.

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

- 1) The hens number no more than six, and that there be no roosters.

4) Petition of **Borthwick Forest, LLC, Owner**, for property located at **0 Islington Street** wherein relief is needed from the Zoning Ordinance for installation of a monument sign which requires the following: A Variance from Section 10.1253.10 to allow a 3.6' setback for a monument sign where 20' is required. Said property is shown on Assessor Map 241 Lot 25 and lies within the Office Research (OR) District.

The Board voted to **grant** this request was submitted.

5) Petition of **James E. Gould, Owner**, for property located at **246 Thornton Street** wherein relief is needed from the Zoning Ordinance to un-merge two lots and construct a single-family dwelling on the vacant lot which requires the following: For lot 23: Variances from Section 10.521 to allow: a) 61' feet of continuous street frontage where 100' is required; b) a 4' left side yard where 10 feet is required; c) lot area of 7,183 sq. ft. where 7,500 is required; and d) lot area per dwelling unit of 3,591 where 7,500 is required. For lot 25: Variances from Section 10.521 to allow: a) 60.61' of continuous street frontage where 100' is required; b) a 6' left side yard where 10 feet is required; c) 26% building coverage where 25% is the maximum allowed; d) lot area and lot area per dwelling unit of 7,161 where 7,500 is required for each.. Said property is shown on Assessor Map 161 Lot 7 and lies within the General Residence A (GRA) District.

The Board voted to **grant** this request as submitted.

6) Petition of **Salema Realty Trust, Owner**, for property located at **199 Constitution Avenue** wherein relief is needed from the Zoning Ordinance for construction of a multifamily dwelling containing 40 - 70 dwelling units in a zone where residential uses are not permitted which requires the following: A Variance from Section 10.440 Use #1.53 to allow more than 8 dwelling units where the use is not permitted in the district. Said property is shown on Assessor Map 285 Lot 16 and lies within the Industrial (I) District.

The Board voted to **deny** the request as submitted. All the criteria to grant the variance were not met. The use is contrary to the public interest and the spirit of the Ordinance is not observed. The use would alter the essential characteristic of the neighborhood and there is no hardship as the property doesn't satisfy the basic underlying condition of having special conditions that distinguish it from others in this area.

II. OTHER BUSINESS

None.

IV. ADJOURNMENT

The meeting adjourned at 10:07 pm.