

**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 2021-01, 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 18, 2021

ACTION SHEET

MEMBERS PRESENT: Vice-Chairman Peter McDonell, Jim Lee, Christopher Mulligan, David MacDonald, Arthur Parrott, and John Formella

MEMBERS EXCUSED: Chairman David Rheame, Alternates Phyllis Eldridge and Chase Hagaman

ALSO PRESENT: Peter Stith, Planning Department

AGENDA

I. APPROVAL OF MINUTES

A) Approval of the minutes of the April 20, 2021 meeting.

The April 20, 2021 minutes were **approved** as presented.

II. OLD BUSINESS

A) Petition of John McMahon & Jessica Kaiser, Owners, for property located at **30 Spring Street** whereas relief is needed from the Zoning Ordinance to remove existing front entry and construct new front porch which requires the following: 1) Variances from Section 10.521 to allow a) a 5 inch front yard where 15 feet is required; b) a 4 foot right side yard where 10 feet is required; and c) 29% building coverage where 25% is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure 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 **postpone** the request to the June 15, 2021 meeting.

- B) Petition of **Spaulding Group, LLC, Owner**, for property located at **180 Spaulding Turnpike** whereas relief is needed from the Zoning Ordinance to for the partial demolition of the existing showroom and construction of new showroom which requires the following: 1) A Variance from Section 10.531 to allow a 15 foot rear yard where 50 feet is required. 2) A Variance from Section 10.591 to allow a structure to be setback 15 feet from a parcel in a Residential district where 100 feet is required. 3) A Variance from Section 10.592.20 to allow the sale, rental, leasing, distribution and repair of vehicles be located adjacent to a Residential district where a minimum of 200 feet is required. 4) A Variance from Section 10.321 to allow a nonconforming building or structure to extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. 5) A Variance from Section 10.1113.20 to allow seven off-street parking spaces to be located in the front yard and between the principal building and a street where parking spaces are not allowed. Said property is shown on Assessor Map 236 Lot 39 and lies within the General Business (GB) District.

The Board voted to **postpone** the request to the June 15, 2021 meeting.

- C) Petition of **John & Chelsea Chapin, Owners**, for property located at **1281 Islington Street** whereas relief was needed from the Zoning Ordinance for the keeping of chickens which requires the following: 1) 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 233 Lot 120 and lies within the Single Residence B (SRB) District.

The Board voted to **grant** the request as presented and advertised with the following stipulation:

- 1) A maximum of six hens, and no roosters.

III. PUBLIC HEARINGS – NEW BUSINESS

The Board voted to take Petition B out of order.

- A) Petition of **Rigz Enterprises LLC, Owner**, and **Dennis Stoddard, Applicant** for property located at **806 US Route 1 Bypass** whereas relief was needed from the Zoning Ordinance to Replace existing freestanding sign with new free standing sign which requires the following: 1) A Variance from Section 10.1253.10 to allow a 1' front and a 1' side yard setback for a freestanding sign where 20' is required for each. Said property is shown on Assessor Map 161 Lot 43 and lies within the Business (B) District.

The Board voted to **grant** the request for the application as presented and advertised.

- B) Petition of **Arun Naredla, Owner**, for property located at **1 Harding Road** whereas relief is needed from the Zoning Ordinance to construct a 6' tall fence within the front yard which requires the following: 1) A Variance from Section 10.515.13 to allow a 6' tall fence within the front yard where a 4' tall fence is the maximum allowed. Said property is shown on Assessor Map 247 Lot 45 and lies within the Single Residence B (SRB) District.

The Board Voted to **postpone** the petition to the June 15, 2021 meeting.

- C) Petition of **The Edmunds Shirley A Revocable Trust of 2000, Owner**, and **Tatum Brown, Applicant** for property located at **102 Martha Terrace** whereas relief was needed from the Zoning Ordinance for the keeping of chickens which requires the following: 1) 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 283 Lot 27 and lies within the Single Residence A (SRA) District.

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

- 1) A maximum of six hens and no roosters.

- D) Petition of **Thomas M. Penaskovic and Emily B. Penaskovic, Owners**, for property located at **29 Burkitt Street** whereas relief was needed from the Zoning Ordinance to demolish existing rear deck and construct two-story addition which requires the following: 1) Variances from Section 10.521 to allow a) a 9' left side yard where 10' is required; and b) 26% building coverage where 25% is the maximum allowed. 2) A Variance from Section 10.515.14 to allow an 8' setback where 10' is required for a condenser. 3) An after-the-fact variance from Section 10.515.14 to allow a 6' setback where 10' is required for a condenser. 4) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 160 Lot 19 and lies within the General Residence A (GRA) District.

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

- 1) The maximum allowed building coverage shall be 29 percent.

- E) Petition of **Brian J. Wazlaw Revocable Trust of 2006 and Roxanne R. Wazlaw Revocable Trust of 2006, Owners**, and **Brian Wazlaw, Applicant** for property located at **89 Sagamore Avenue** whereas relief was needed from the Zoning Ordinance to remove existing 8' x 12' shed and replace with new 8' x 12' shed in the same location which requires the following: 1) Variance from Section 10.521 to allow 29.5% building coverage where 25% is the maximum allowed 2) A Variance from Section 10.573.10 to allow a 1.5' side setback where 5' is required. 3) A Variance from Section 10.321 to allow a non-conforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 221 Lot 28 and lies within the General Residence A (GRA) District.

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

- F) Petition of **OMJ Realty LLC, Owner**, for property located at **581 Lafayette Road** whereas relief was needed from the Zoning Ordinance to add indoor golf simulators in an existing restaurant which requires the following: 1) A Special Exception from Section 10.440 Use #4.30 to allow an indoor recreation use where the use is permitted by Special

Exception. Said property is shown on Assessor Map 229 Lot 8B and lies within the Gateway (G1) District.

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

IV. OTHER BUSINESS

It was Mr. Formella's last night as a Board member because of his new position as New Hampshire Attorney General. The Board congratulated him and wished him well.

V. ADJOURNMENT

The meeting was adjourned at 8:40 p.m.