

**BOARD OF ADJUSTMENT MEETING
PORTSMOUTH, NEW HAMPSHIRE
EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

7:00 P.M.

June 15, 2021

ACTION SHEET

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

MEMBERS EXCUSED: Phyllis Eldridge, Chase Hagaman

ALSO PRESENT: Peter Stith, Planning Department

I. APPROVAL OF MINUTES

A) Approval of the minutes of the meetings of May 18 and May 25, 2021.

The **May 18, 2021** minutes were **approved** as presented.

The **May 25, 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.

DECISION OF THE BOARD

The Board voted to **grant** the variances for the application with the following **stipulation**:

1) A zero-foot front yard setback shall be allowed.

- 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.

DECISION OF THE BOARD

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

- C) 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.

DECISION OF THE BOARD

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

- D) Petition of **Naveesha Hospitality, LLC, Owner**, for property located at **3548 Lafayette Rd** whereas relief is needed from the Zoning Ordinance for redevelopment of the property which includes demolishing some buildings and constructing 2 new multi-family structures which requires the following: 1) A Variance from Section 10.5B53.10 to allow new buildings to be constructed on a lot with existing non-conforming buildings, to be outside of the minimum and maximum front building setback if the 50% front lot line buildout has not been met. 2) A Variance from Section 10.5B22.40 to allow buildings to be constructed outside of the special setback from Lafayette Road which requires a 70' minimum and 90' maximum setback from the centerline of Lafayette Road. Said property is shown on Assessor Map 297 Lot 6 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District.

DECISION OF THE BOARD

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

III. PUBLIC HEARINGS – NEW BUSINESS

- A) Petition of, **Lisa Shawney Revocable Trust, Owner**, and **Lisa Shawney, Applicant** for property located at **901 Maplewood Avenue** whereas relief is needed from the Zoning Ordinance to construct second story addition over existing one-story addition which requires the following: 1) Variances from Section 10.521 to allow a) a 6' right side yard where 10' is required; and b) a 27.5' rear yard where 30' 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 219 Lot 58 and lies within the Single Residence B (SRB) District.

The Board voted to **grant** the variances for the application as presented with the following **stipulations**:

- 1) The rear yard encroachment shall extend no further than what currently exists; and
- 2) The maximum building coverage allowed shall be 23.5 percent.

- B) Petition of **Stone Creek Realty, Owner**, for property located at **53 Green Street** whereas relief is needed from the Zoning Ordinance for the demolition of an existing building and construction of a 5-story mixed-use building which requires the following: 1) A Variance from Section 10.5A41.10D to allow 42.89% front lot line buildout where 80% is required. Said property is shown on Assessor Map 119 Lot 2 and lies within the Character District 5 (CD5) District.

The Board **approved** the request, however with a vote of 3-2, the motion did not have the four positive votes required for granting a variance, therefore the application was **denied**.

- C) Petition of **Todd and Jan Peters, Owners**, for property located at **379 New Castle Avenue** whereas relief is needed from the Zoning Ordinance for installation of new heat pump and after-the-fact variance for existing heat pump which requires the following: 1) A Variance from Section 10.515.14 to allow an 8' setback where 10' is required and to allow the proposed unit to be closer to the street than the principal structure. 2) An after-the-fact Variance from Section 10.515.14 to allow an 8' setback where 10' is required and to allow the existing unit to be closer to the street than the principal structure. Said property is shown on Assessor Map 207 Lot 4 and lies within the Single Residence B (SRB) District.

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

- D) Petition of **Warner House Associates, Owner**, for property located at **150 Daniel Street** whereas relief is needed from the Zoning Ordinance to install condenser unit on the back of new Carriage House which requires the following: 1) A Variance from Section 10.515.14 to allow a 3' setback where 10' is required. Said property is shown on Assessor Map 106 Lot 58 and lies within the Civic District.

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

- E) Petition of **William H. and Barbara Ann Southworth, Owners**, for property located at **39 Pickering Street** whereas relief is needed from the Zoning Ordinance to replace existing 8' x 8' shed with a 10' x 12' shed which requires the following: 1) Variances from Section 10.521 to allow a) a 2' rear yard where 10' is required; b) a 2' right side yard where 10' is required; and c) 40.5% building coverage where 30% is the maximum allowed. 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 102 Lot 5 and lies within the General Residence B (GRB) District.

The Board voted to grant the request to **postpone** to the July 20, 2021 meeting.

II. OTHER BUSINESS

There was no other business.

III. ADJOURNMENT

The meeting was adjourned at 10:45 p.m.