

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

7:00 P.M

CITY COUNCIL CHAMBERS

September 17, 2002

AGENDA

I. APPROVAL OF MINUTES

August 20, 2002

II. OLD BUSINESS

A, Request for Rehearing for Heron Realty Trust, Owner and Sean Correll, Applicant. Requested by Bernard W. Pelech, Esq. for property located at 917 Greenland Road. Said property is shown on Assessor Plan 259 as Lot 7 and lies within the Single Residence B District.

B. Request for Rehearing for Dana W. Pratt, Owner. Requested by Bernard W. Pelech, Esq. for property located at 410 Islington Street. Said property is shown on Assessor Plan 145 as Lot 134 and lies within the Mixed Residential Business District.

III. PUBLIC HEARINGS

1) Petition of Heads Up Real Estate Group, LLC, owner, for property located at 97 Chestnut Street wherein the following are requested: 1) a Variance from Article II, Section 10-207 to convert a former physician's office to a one bedroom apartment on a 1,841 sf lot where a total of 3,000 sf is required, and 2) a Variance from Article XII, Section 10-1204 Table 15 to allow no parking spaces to be provided where six parking spaces are required. Said property is shown on Assessor Plan 116 as Lot 25 and lies within the Mixed Residential Office district. Case # 8-11

2) Petition of Marilyn M. Jones, owner, for property located at 201 Echo Avenue wherein a Variance from Article III, Section 10-304(A) is requested to allow a 9'4" x 36' plant/pool room with a roof deck above with a 24' left side yard where 30' is the minimum required. Said property is shown on Assessor Plan 237 as Lot 57 and lies within the General Business district. Case # 9-1

3) Petition of Heather Geraci-Cole and Jason Cole, owners, for property located at 246 Holly Lane wherein a Variance from Article III, Section 10-302(A) is requested to allow a 32' x 24' two story single family dwelling on a nonconforming lot having 8,812 sf of area where 15,000 sf is the minimum required after the demolition of the existing single family dwelling. Said property is shown on Assessor Plan 261 as Lot 47 and lies within the Single Residence B district. Case # 9-2

4) Petition of Tom Watson and Cathy Salisbury, owners, for property located at 200 Newcastle Avenue wherein a Variance from Article III, Section 10-302(A) is requested to allow a 5' x 9'5" one story addition to the left side with a 27' front yard where 30' is the minimum required. Said property is shown on Assessor Plan 207 as Lot 50 and lies within the Single Residence B and Historic A districts. Case # 9-3

5) Petition of Frederick S. Gray Jr., owner, for property located at 808 Sagamore Avenue wherein a Variance from Article III, Section 10-302(A) is requested to allow a 22' x 22' garage including an attached 8' x 14' shed with a 6' rear yard where 30' is the minimum required. Said property is shown on Assessor Plan 223 as Lot 14 and lies within the Single Residence B district. Case # 9-4

6) Petition of ONB Realty Corporation, owner, and Chittenden Bank, applicant, for property located at 1555 Lafayette Road wherein a Variance from Article III, Section 10-301(A)(8) is requested to allow a 32' x 65' 2 story bank building including a 6' x 18'9" entrance canopy on the right side and a 36' x 28' Drive-thru canopy on the left side with a 72' front yard where 105' is the minimum required. Said property is shown on Assessor Plan 251 as Lot 125 and lies within the Mixed Residential Business district. Case # 9-5

- 7) **Petition of Jocelyn Frechette and Gerald W. Howe, owners**, for property located 45 Miller Avenue wherein a Variance from Article III, Section 10-302(A) is requested to allow a 9' x 17' one story addition to the dining room creating 28.7% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 129 as Lot 21 and lies within the General Residence A district. Case # 9-6
- 8) **Petition of Paul Messier, owner**, for property located 97 Richards Avenue wherein a Variance from Article III, Section 10-302(A) is requested to allow an 18' x 18' one story garage with: a) a 1' rear yard and 1' right side yard where 10' is the minimum required for both, b) 51% building coverage where 25% is the maximum allowed; and, c) 19.5% open space where 30% is the minimum required. Said property is shown on Assessor Plan 128 as Lot 9 and lies within the General Residence A district. Case # 9-7
- 9) **Petition of Pormosa LLC, owner, Chaquette Enterprises, LLC, applicant**, for property located at 3601 Lafayette Road wherein a Variance from Article II, Section 10-208 is requested to allow the out door storage and display of fences and fence components in a district where such use is not allowed. Said property is shown on Assessor Plan 298 as Lot 1 and lies within the General Business district. Case # 9-8
- 10) **Petition of Elaine Michaud, owner**, for property located at 321 Dennett Street wherein the following are requested: 1) a Variance from Article III, Section 10-302(A) to allow a 16' x 23' accessory building with a full basement with: a) a 9'6" rear yard where 10' is the minimum required, and b) 26.6% building coverage where 25% is the maximum allowed, and 2) a Variance from Article II, Section 10-206(12) is requested to allow a real estate appraisal business (Wentworth Associates) in 368 sf of the accessory building where only 300 sf is allowed for Home Occupation I. Said property is shown on Assessor Plan 160 as Lot 40 and lies within the General Residence A district. Case # 9-9
- 11) **Petition of Tom and Dani Rooney, owners**, for property located at 29 Spring Street wherein a Variance from Article III, Section 10-302(A) is requested to allow a 4' x 17' addition to the right side of the dwelling creating 25.7% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 130 as Lot 21 and lies within the General Residence A district. Case # 9-10
- 12) **Petition of Eastern Development LLC, owner, UR of Portsmouth, applicant**, for property located at 1465 Woodbury Avenue wherein Variances from Article XII, Section 10-1201(A)(5) and Section 10-1204 Table 15 are requested to allow 917 parking space to be provided where 1,057 are required for the multi purpose shopping center. Said property is shown on Assessor Plan 216 as Lot 3 and lies within the General Business district. Case # 9-11
- 13) **Petition of Aranosan Oil Co., Inc., owner**, for property located at 766 Lafayette Road wherein the following are requested: 1) a Variance from Article III, Section 10-301(A)(8) to allow a 48' x 52' canopy with a 2.8' front yard where 105' is the minimum required, and 2) a Variance from Article III, Section 10-301(A)(7) to allow a portion of the 48' x 52' canopy to be located within 100' of the salt water marsh wetlands/mean high water of Sagamore Creek where 100' is the minimum required. Said property is shown on Assessor Plan 244 as Lot 6 and lies within the General Business district. Case # 9-12
- 14) **Petition of Wren's Nest Motel Corp, owner**, for property located at 3548 Lafayette Road wherein the following are requested: 1) a Variance from Article II, Section 10-206 and Article IV, Section 10-401(A)(1) to allow two additional dwelling units (28' x 50' two story dwelling and a 24' x 30' two story dwelling with an irregular shaped lot) to be constructed; 2) a Variance from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(1) and Section 10-402(A)(2) to allow a 5' x 14' second floor deck with stairs to grade for egress from the second floor apartment with: a) a 12' left side yard where 20' is the minimum required, and b) all structures creating 10.5% building coverage where 10% is the maximum allowed. Said property is shown on Assessor Plan 297 as Lot 6 and lies within the Single Residence A district. Case # 9-13

IV. ADJOURNMENT

Members of the public and abutters should be aware that after the board renders its decision tonight, that a later request could be made to reconsider the decision and/or appeal the decision to the Rockingham County Superior Court. Please note that an abutter/aggrieved party may file a motion to reconsider if they are dissatisfied with the Board's decision. If you have any interest in finding out whether a motion to reconsider has been filed; you should contact the Planning Department thirty (30) days after the BOA decision is rendered. Thereafter, depending on the

outcome of the reconsideration request, you are also invited to make inquiries at the Legal Department to determine whether an Appeal to the Superior Court has been filed.