

TO: John P. Bohenko, City Manager
FROM: Jane M. Shouse, Planning Department
RE: Actions Taken by the Portsmouth **Board of Adjustment** meeting held on **October 15, 2002** in the Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire
PRESENT: Chairman Jack Blalock, Vice-Chairman Charles LeBlanc, Jim Horrigan, Bob Marchewka, Nate Holloway, Alain Jousse, and alternate, David Witham.
EXCUSED: Chris Rogers

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I. Approval of Minutes

Voted to approve the Minutes unanimously from the September 17, 2002 meeting.

II. Old Business

A) Voted to **take off the table and withdraw the 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. This petition was tabled at the September 17, 2002 meeting to the October 15, 2002 meeting. Case # 9-1.

B) Voted to **take off the table and withdraw the 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. This Petition was tabled at the September 17, 2002 meeting to the October 15, 2002 meeting.. Case # 9-6.

C) Voted to **grant as presented and advertised the petition of Elaine Michaud, owner**, with the following **stipulations**:

- **That the requirements of Home Occupation I be adhered to as follows:**
 - **Maximum of 300 square feet in a dwelling or accessory building for such use (variance granted);**
 - **No nonresident employees;**
 - **No deliveries for such use;**
 - **No signage;**
 - **No client, vender or general public to visit the home occupation;**
 - **No outdoor storage of materials or product.**

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. This Petition was tabled at the September 17, 2002 meeting to the October 15, 2002 meeting.. Case # 9-9.

D) The Board accepted a written request from owner to **table indefinitely the 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. This Petition was tabled at the September 17, 2002 meeting to the October 15, 2002 meeting. Case # 9-11.

III. Public Hearings

1) Voted to **grant as presented and advertised the 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 with an 8' right side yard where 10' is the minimum required. Said property is shown on Assessor Plan 129 as Lot 21 and lies within the General Residence A district. Case # 9-6.

2) Voted to **grant as presented and advertised the 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 22 ½' 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) Voted to **grant as presented and advertised the petition of Fanel Dobre, owner**, with the **stipulation to include clarification of NH RSA 674:41**, for property located off Sagamore Avenue wherein a Variance from Article II, Section 10-208 is requested to allow a 30' x 36' 1 ½ story barn for a workshop for fishing gear, lobster traps and the storage of related fishing gear as well as the outdoor storage of fishing boats and traps. Said property is shown on Assessor Plan 223 as Lot 29 and lies within the Waterfront Business district. Case # 10-1.

4) Voted to **grant as presented and advertised the petition of Seacoast Newspapers, owner**, for property located at 111 Maplewood Avenue wherein a Variance from Article III, Section 10-304(B) is requested to allow a 10' x 12' storage shed less than 20' in height where 20' is the minimum height required. Said property is shown on Assessor Plan 124 as Lot 8 and lies within the Central Business A and Historic A districts. Case # 10-2.

5) Voted to **grant as presented and advertised the petition of Geraldine Mullavey, owner, and MotorBikes Plus LLC, applicant**, with the following stipulations:

- **No outside servicing of any motor bikes;**
- **No outdoor storage of inventory or other material or refuse that comes from the organization**
- **That landscaping be maintained in its current condition.**

for property located at 1 Cate Street wherein the following are requested: 1) a Variance from Article II, Section 10-209 to allow retail sales and service of motorbikes and related accessories within an existing building in a district where such use is not allowed, and 2) a Variance from Article XII, Section 10-1204 to allow 9 existing onsite parking spaces to be provided where 13

parking spaces are required. Said property is shown on Assessor Plan 163 as Lot 36 and lies within the Office Research district.
Case # 10-3.

- 6) Voted to **grant as presented and advertised the petition of 505 Lafayette Road, LLC, owner**, for property located at 605 Lafayette Road wherein the following are requested for a 1,500 sf two story addition to the rear of the existing building (as well as a 2,500 sf second floor addition to the existing building): 1) a Variance from Article III, Section 10-301(A)(8) to allow a 79' front yard where 105' is the minimum required, and 2) a Variance from Article IV, Section 10-401(A)(2)(c) to allow the expansion of the nonconforming building. Said property is shown on Assessor Plan 229 as Lot 9 and lies within the General Business district. Case # 10-4.
- 7) Voted to **grant as presented and advertised the request by J.A.S.K. Realty Trust, owner**, with the following **stipulation: that no refrigeration trucks be left running within 100' of the rear property line**, for property located at 114 Gosling Road to amend previous approvals to allow for the parking and storage of Ryder Trucks and trailers, car carriers and/or tow dollies within 100' of the rear property line. Said property is shown on Assessor Plan 215 as Lot 3 and lies within the Office Research district. Case # 10-5.
- 8) Voted to **grant as presented and advertised the petition of Peter S. Fernald and Susan G. Kanor, owners**, with the following **stipulation: that the hours of operation of the counseling office be limited to 8:00 a.m. to 8:00 p.m. on Tuesdays and Wednesdays**, for property located at 77 Elwyn Avenue wherein the following are requested: 1) a Variance from Article II, Section 10-206(12) to allow a Home Occupation II for a counseling office (8AM to 8PM two days per week) having 438 sf where the maximum allowed is 300 sf and where the hours of operation shall not exceed 8AM to 5PM Monday thru Friday, and 2) a Variance from Article XII, Section 10-1204 Table 15 to allow no parking to be provided for the Home Occupation II where where 2 parking spaces are required in addition to the 2 parking spaces required for the single family dwelling. Said property is shown on Assessor Plan 113 as Lot 33 and lies within the General Residence A district. Case # 10-7.
- 9) Voted to **deny as presented and advertised the petition of First Church of Christ Scientific, owner, and Stephen Kelm, applicant**, for property located at 272 Rockland Street wherein the following are requested: 1) a Variance from Article II, Section 10-206 to allow the existing church to be converted into four dwelling units having 2,460.25 sf of lot area per dwelling unit where 3,000 sf of lot area is required per dwelling unit, 2) a Variance from Article XII, Section 10-1201(A)(2) to allow a 16'7" travel way where 24' is the minimum required, and b) 8'5" x 19' parking spaces where 10' x 20' is required for parallel parking spaces; and, 3) a Variance from Article XII, Section 10-1201(A)(3)(a)(4) to allow the six parking spaces to back out onto the street where such use is not allowed. Said property is shown on Assessor Plan 129 as Lot 8 and lies within the General Residence A district. Case # 10-8.
- 10) Voted to **deny as presented and advertised the petition of New England Industrial Properties, owner**, for property located at 2179 Lafayette Road wherein a Variance from Article III, Section 10-304(C)(2) is requested to allow a 25' x 40' one story addition to the rear of the existing building 85' from property zoned residentially where 100' is the minimum required. Said property is shown on Assessor Plan 268 as Lot 98 and lies within the General Business district. Case # 10-9.
- 11) Voted to **grant as presented and advertised the petition of Brian P. Langton, owner**, for property located at 334 Coolidge Drive wherein a Variance from Article III, Section 10-302(A) is requested to allow a 16' x 36' two story garage and an 8' x 51' porch each with: a) a 22' front yard where 30' is the minimum required, and b) a 7' right side yard for the garage where 10' is

the minimum required. Said property is shown on Assessor Plan 268 as Lot 18 and lies within the Single Residence B district. Case # 10-10.

12) Voted to **grant as presented and advertised the petition of Charles and Melissa McLeod, owners**, for property located at 67 Ridges Court wherein a Variance from Article III, Section 10-302(A) is requested to allow the existing single family dwelling to be demolished and rebuilt with a 13'11" front yard where 30' is the minimum required. Said property is shown on Assessor Plan 207 as Lot 59 and lies within the Single Residence B district. Case # 10-11.

13) Voted to **grant as presented and advertised the petition of Aphrodite Georgopoulos, owner**, with the following **stipulations**:

- **That the granting of this variance is subject to the approval of the City Engineer**
- **That a dust control plan be submitted;**
- **That the composition of the proposed fill be determined;**

for property located off Lafayette Road wherein a Special Exception as allowed in Article VIII, Section 10-802 is requested to allow more than 100 cubic yards of fill to be placed on the property where such use is only allowed by Special Exception. Said property is shown on Assessor Plan 267 as Lot 8 and lies within the Office Research district. Case # 10-12.

IV. Adjournment

The motion was made and seconded to adjourn the meeting at 11:30 p.m.

Respectfully submitted,

Jane M. Shouse,
Secretary

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