

**ACTION SHEET  
BOARD OF ADJUSTMENT**

**7:00 P.M.**

**CITY COUNCIL CHAMBERS**

**December 17, 2002**

**TO:** John P. Bohenko, City Manager

**FROM:** Jane M. Shouse, Planning Department

**RE:** Actions Taken by the Portsmouth **Board of Adjustment** meeting held on **December 17, 2002**, in the Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire

**PRESENT:** Vice-Chairman Charles LeBlanc, Jim Horrigan, Nate Holloway, Alain Jousse, Chris Rogers, David Witham, Robert Marchewka and alternate, Arthur Parrott.  
Also present: David Holden, Planning Director and Peter Britz, Environmental Planner

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**I. APPROVAL OF MINUTES**

Voted to unanimously approve the corrected Minutes from the November 19, 2002 meeting.

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**II. OLD BUSINESS**

**A. 917 Greenland Road - Site changes from Site Review Approval.**

A motion was made to not take any further action on this Petition and it was unanimously **granted**.

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**B.** Re-hearing per Order of the Rockingham County Superior Court in the matter of Michael Boccia, et al. v. City of Portsmouth and Raymond A. Ramsey, Intervenor 01-E-552 dated 26 September 02 for the petition of **Raymond A. Ramsey, owner**, for property located off **Kearsarge Way** wherein the following are requested for the construction of a 100 unit four story hotel: 1) a Variance from Article III, Section 10-304(A) Table 10 to allow the 63' x 231' four story building with a: a) 51' front yard where 70' is the minimum required, b) a 16' left side yard where 30' is the minimum required; and 3) a 30' rear yard where 50' is the minimum required, 2) a Variance from Article III, Section 10-304(c)(2) to allow the building to be located 83' from property zoned residentially where 100' is the minimum required, 3) a Variance from Article XII, Section 10-1201(A)(3)(e)(1) to allow off-street parking to be located 15' from property zoned residential where 100' is the minimum required; and, 4) a Variance from Article XII, Section 10-1201(A)(3)(e)(2) to allow off-street parking, maneuvering space and traffic aisles 15' from the front property line where said use is required to be at least 40' from the front property line. Said property is shown on Assessor Plan 218 as 22 and lies within the General Business district. Case # 11-2

A Motion to vote on the four variance requests separately passed with a 6-1 vote, with Nate Holloway voting in the negative

1) Article III, Section 10-304(A) Table 10. It was voted that the request be unanimously **granted** as presented and advertised as it met all of the requirements of the Simplex decision, **with the 11 stipulations listed below.**

2) Article III, Section 10-304( c) (2). It was voted that the request be unanimously **granted** as presented and advertised as it met all of the requirements of the Simplex decision, **with the 11 stipulations listed below.**

3) Article XII, Section 10-1201(A)(3)(e)(1). It was voted by a 5 – 2 vote, with Robert Marchewka and Nate Holoway voting in the negative, that the request be **granted** as presented and advertised as it met all of the requirements of the Simplex decision, **with the 11 stipulations listed below.**

4) Article XII, Section 10-1201(A)(3)( e)(2). It was voted that the request be unanimously **granted** as presented and advertised as it met all of the requirements of the Simplex decision, **with the 11 stipulations listed below.**

**Stipulations:**

- That there be no more than 100 rooms maximum;
- That there be no restaurant, bar, tavern or the sale of alcoholic beverages allowed;
- That a conference center not be allowed;
- That there be sidewalks constructed;
- That the utilities be placed underground;
- That bus and truck parking be designated away from the residential area;
- That refrigeration trucks do not run all night;
- That 6’-8’ high evergreen screening be placed around the parking area where needed;
- That dumpsters be screened and enclosed to the rear of the property;
- That lighting be downward or shielded so that it does not shine into the residential neighborhood; and,
- That snow storage will not be located in the northern most part of the lot away from where residential homes are located.

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**III. PUBLIC HEARINGS**

1) Petition of **Jeffrey M. Ouellette, owner**, for property located at **550 Cutts Avenue** wherein a Variance from Article III, Section 10-302(A) is requested to allow a 24 foot x 24 foot one story garage creating 23.3% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 210 as Lot 23 and lies within the Single Residence B district. Case # 12-1

It was voted that the request be **granted** as presented and advertised as it met all of the requirements of the Simplex decision. It was felt that they were requesting minimal relief where a hardship did exist and the variance would not injure the public or private rights of others.  
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2) Petition of **Shannon Realty Trust, owner**, for property located at **85 Heritage Avenue** wherein a Special Exception is allowed in from Article II, Section 10-209 Table 5 (13) to allow the sale of used cars. Said property is shown on Assessor Plan 285 as Lot 5 and lies within the Industrial district. Case # 12-2

It was voted **to table** the petition until the January 21, 2003 meeting, to allow it to be re-advertised.



3) Petition of **Tyroch Realty Management Incorporated, owner**, for property located at **480 State Street** to build a four unit residential structure wherein the following are requested: 1) a Variance from Article III, Section 10-303(A), Table 9, is requested to allow four (4) residential dwelling units on a lot containing 7,477 square feet, where 7,500 square feet of lot area per dwelling unit is required, 2) a Variance from Article III Section 10-303 (A), Table 9, to allow a 3.3 foot front yard setback, where 5 feet is required, 3) a Variance from Article III Section 10-303 (A), Table 9, to allow a 4 foot left side yard and 8.2 foot right side yard setback, where 10 foot side yard is required, 4) a Variance from Article III, Section 10-303 (A), Table 9, to allow a 5.7 foot rear yard setback where 15 feet is required, 5) a Variance from Article XII, Section 10-1201 (A)(2) to allow a 22 foot maneuvering isle where 24 feet is required, 6) a Variance from Article XII, Section 10-1201 (A)(3)(c)(2) to allow a 1 foot front yard buffer with no landscaping where 10 feet with landscaping is the minimum required, and, 7) a Variance from Article XII, Section 10-1204 Table 15 to allow 5 parking spaces, where 6 parking spaces are required. Said property is shown on Assessor Plan 127 as Lot 14 and lies within the Mixed Residential Office district. Case # 12-3

It was voted that the request be **granted** as presented and advertised as it met all of the requirements of the Simplex decision. It was felt that this location is an important gateway to the city and the variance requests were minimal. The lot size and location create a hardship. It was felt that the plan was well thought out and was not an over-intensive use.



4) Petition of **Kenneth Smith and Deborah Bouchard-Smith, owners**, for property located at **298 Myrtle Avenue** wherein the following correction is requested from a previous approval: a Variance from Article III, Section 10-302(A) Table 8, is requested to allow a 13.6 foot front yard setback where 30 feet is required. Said property is shown on Assessor Plan 220 as Lot 101 and lies within the Single Residence B district. Case # 12-4

It was voted that the request be **granted** as presented and advertised as it met all of the requirements of the Simplex decision. The variance request was a result of a construction error and was not done with any intent to deceive. There will not be any diminution of property values and is consistent with the spirit and intent of the ordinance.



5) Petition of **James G. Bolduc and Joanne M. Stella, owners**, for property located at **25 Ridges Court** wherein the following are requested to construct a deck: 1) A Variance from Article III, Section 10-302 (A) is requested to allow a structure coverage of 24.6% on a lot where 20% is the maximum allowed, 2) A Variance from Article III, Section 10-302 (A) is requested to allow a left side yard setback of 8 feet and right side yard setback of 9 feet where 10 feet is the minimum side yard requirement. Said property is shown on Assessor Plan 207 as Lot 57 and lies within the Single Residence B district. Case # 12-5.

It was voted **to table** this petition until the January 21, 2003 meeting, to allow it to be re-advertised

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6) Petition of **Guthrie Swartz, owner**, for property located at **33 Johnson Court** wherein a Variance from Article III , Section 10-302(A) Table 8 is requested for a proposed addition to a residential home to allow a rear yard setback of 23 feet where 25 feet is required. Said property is shown on Assessor Plan 110 as Lot 12 and lies within the General Residence B district. Case # 12-6

It was voted **to table** this petition until the January 21, 2003 meeting, to allow it to be re-advertised

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**IV. NEW BUSINESS**

Motion was made and unanimously **granted** to elect Charles LeBlanc as Chairman.

Motion was made and unanimously **granted** to elect James Horrigan as Vice-Chairman.

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**V. ADJOURNMENT**

The motion was made and seconded to adjourn the meeting at 10:00 p.m.

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Respectfully submitted,

Jane M. Shouse,  
Secretary

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