

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

7:00 P.M.

CITY COUNCIL CHAMBERS

**MAY 20, 2003
& MAY 27, 2003**

AGENDA

Please note that the Board of Adjustment will hold Public Hearings on **#A. thru #D.** and Petitions **#1 thru #9** on **Tuesday, MAY 20, 2003.** and Petitions **#10 thru #17** on **Tuesday MAY 27, 2003.**

I. APPROVAL OF MINUTES

Meeting of April 15, 2003 and April 22, 2003.

II. OLD BUSINESS

A) Request for One Year Extension of Time for Portsmouth Casey Home Association for property located at **1950 Lafayette Road.** Said land is shown on Assessor Plan 267, Lot 007 and lies within the Office Research zone.

B) Petition of Susan B. Parnham, owner for property located at **1220 Islington Street** on remand from Superior Court Order Docket No. 01-E-0568 for reconsideration of all factors to be addressed in a variance request under Simplex Technologies v Town of Newington, 145 NH 727 (2001) wherein a Variance from Article III, Section 10-302(A) is requested to allow an existing 10,280± sf non-conforming lot with a single family residence to be subdivided into two non-conforming lots with: a) one lot having 5,000± sf of area and the other lot having 5,280± sf of area where 15,000 sf of lot area is required for each lot, b) continuous street frontage of 50' for each lot where 100' for each lot is the minimum required, c) to allow a 2' rear yard for the existing 10' x 16' garage where 10' is the minimum required; and d) to allow 23% building coverage for the existing dwelling and accessory building where 20% is the maximum allowed. Said property is shown on Assessor Plan 233 as Lot 6 and lies within the Single Residence B district. Case #4-4

C) Petition of B. J.'s Wholesale Club, owner, Monro Muffler Brake Inc., applicant, for property located at **1801 Woodbury Avenue** wherein a Special Exception as allowed in Article II, Section 10-208(36) is requested to allow a motor vehicle repair garage where such use is allowed by a Special Exception. Said property is shown on Assessor Plan 215 as Lot 14 and lies within the General Business district. Case # 4-9

D) Request for Re-Hearing, concerning the Board's Stipulation, for **Robert Byrnes and Patricia Tobey, owners,** requested by Charles Allard and Joan S. Davis, for property located at **41 Salter Street.** Said land is shown on Assessor Plan 102 as Lot 30 and lies within the Waterfront Business and Historic A. Districts.

PUBLIC HEARINGS

1) Petition of **Stamatia S. Miminias, owner,** for property located at **17-19 Elm Court** wherein the following are requested: 1) a Variance from Article II, Section 10-208(45) and Article IV, Section 10-401(A)(1)(b) to allow an existing building with two grandfathered dwelling units to be converted into three dwelling units where such use is not allowed, 2) a Variance from Article XII, Section 10-1204 to allow 3 parking spaces to be provided where 5 parking spaces are required, 3) a Variance from Article XII, Section 10-

1201(A)(2) to allow an 8' travel way where 24' is the minimum required; and, 4) a Variance from Article III, Section 10-304(A) to allow 0% open space where 15% is the minimum required. Said property is shown on Assessor Plan 164 as Lot 10 and lies within the Business district. Case # 5-1

2) Petition of **Alan J. Watson, owner, David R. Lemeux, applicant**, for property located at **43 Cornwall Street** wherein a Variance from Article III, Section 10-302(A) is requested to allow the construction of a 32' x 80' 3 ½ story building for 4 dwelling units after the demolition of the existing building with 2,102.5 sf of lot area per dwelling unit where 3,500 sf of lot area per dwelling unit is required. Said property is shown on Assessor Plan 138 as Lot 42 and lies within the Apartment district. Case # 15-3

3) Petition of **The Morley Company, owner, Dow's Automotive Services, applicant**, for property located at **909 Islington Street** wherein a Special Exception as allowed in Article II, Section 10-208(36) is requested to allow a 2,400 sf, 3 bay automotive service center with related office space and storage in a district where such use is allowed by Special Exception. Said property is shown on Assessor Plan 172 as Lot 7 and lies within the Business district. Case # 5-3

4) Petition of **Irene Bartholomew, owner, Robin Bettencourt applicant**, for property located at **90 Gates Street** wherein a Variance from Article III, Section 10-302(A) is requested to allow 6' x 9' shed creating 35.5% building coverage where 30% is the maximum allowed. Said property is shown on Assessor Plan 103 as Lot 74 and lies within the General Residence B and Historic A districts. Case # 5-4

5) Petition of **Eleanor M. & Frank W. Collins, Trustees, Eleanor M. Collins Revocable Living Trust, owners**, for property located at **15 Clover Lane** wherein a Variance from Article III, Section 10-302(A) is requested to allow a 7 ½' x 8' deck creating 23.2% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 236 as Lot 42 and lies within the Single Residence B district. Case # 5-5

6) Petition of **Thadeus Drabkowski, owner, Thomas Battles, applicant**, for property located at **948 US Highway 1 (a/k/a Route One By-Pass North)** wherein a Variance from Article III, Section 10-304(A) is requested to allow the existing building to be converted into 6 apartments totaling 4,950 sf and nonresidential uses totaling 3,250 sf with: a) 9% open space where 15% is the minimum required, b) 17.1" front yard where 20' is the minimum required; and, c) 7.6' and 9.1' left side yards where 15' is the minimum required. Said property is shown on Assessor Plan 142 as Lot 17 and lies within the Business district. Case # 5-6

7) Petition of **Kathleen L. Wells, owner**, for property located at **36 Wilson Road** wherein a Variance from Article III, Section 10-302(A) is requested to allow a 12' x 14' breezeway connecting a formerly approved detached one story garage making the garage part of the principal building with a 6' left side yard where 10' is the minimum required. Said property is shown on Assessor Plan 251 as Lot 59 and lies within the Single Residence B district. Case # 5-7

8) Petition of **Joan W. Sanborn, Trustee, Joan W. Sanborn Revocable Trust, owner**, for property located at **191 South Street** wherein a Variance from Article III, Section 10-302(A) is requested to allow a 9' x 10' one story addition creating 41.9% building coverage where 30% is the maximum allowed. Said property is shown on Assessor Plan 111 as Lot 39 and lies within the General Residence B and Historic A districts. Case # 5-8

9) Petition of **Thomas P. and Dani M. Rooney, owners**, for property located at **29 Spring Street** wherein the following Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow a 5' x 14' porch to the right side of the dwelling and expand the front entry to 6' x 7' creating 28.8% 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 # 5-9

The following Public Hearings will be heard on May 27, 2003 at 7:00 PM:

- 10) Petition of **Lawrence N. & Ruth S. Gray, owners**, for property located at **80 Currier's Cove** wherein a Variance from Article III, Section 10-301(A)(7) is requested to allow an 8' x 14' screened porch with a 2nd floor roof deck above the porch and a 4' x 4' platform with steps to grade from the porch 67' from the edge of the salt water marsh/wetlands where 100' is the minimum setback to the edge of the salt water marsh/wetlands. Said property is shown on Assessor Plan 204 as Lot 14 and lies within the Single Residence A district. Case # 5-10
- 11) Petition of **Catherine A. Irvine, owner, Jeffrey Marple, applicant**, for property located at **300 Court Street** wherein the following are requested: 1) Variances from Article II, Section 10-207(13), Article III, Section 10-303(A); and, Article IV, Section 10-401(A)(1)(b) to allow a third dwelling unit in an existing building on a 7,358 sf lot where 22,500 sf of lot is required for three dwelling units, and 2) Variances from Article XII, Section 10-1201(A)(2) and Section 10-1201(A)(3)(a)(3&4) and Section 10-1204 Table 15 to allow 4 parking spaces to be provided that are designed to park one behind another and to back out onto the street where 5 parking spaces are required and are to be designed so that any motor vehicle may proceed to and from a parking space without moving another vehicle and not back out onto the street with a 24' maneuvering aisle. Said property is shown on Assessor Plan 108 as Lot 12 and lies within the Mixed Residential Office district. Case # 5-11
- 12) Petition of **Eric D. Weinrieb, owner**, for property located at **1 Jackson Hill Street** wherein a Variance from Article IV, Section 10-402(B) is requested to allow a 12' x 16' shed including a 3' x 12' roof overhang with a 4'6" rear yard where 10' is the minimum required. Said property is shown on Assessor Plan 141 as Lot 30 and lies within the General Residence A and Historic A districts. Case # 5-12
- 13) Petition of **James and Edna Pantelakos, owners, Chris and Petra Barstow, applicants**, for property located at **188 Edmond Avenue** wherein the following are requested: 1) a Variance from Article II, Section 10-206 to allow a single family dwelling to be converted into a two family dwelling in a district that only allows single family dwellings, and 2) a Variance from Article III, Section 10-302(A) to allow two dwelling units on a 22,000 sf lot in a district where 15,000 of lot area is required per dwelling unit. Said property is shown on Assessor Plan 220 as Lot 78 and lies within the Single Residence B district. Case # 5-13
- 14) Petition of **Lafayette Limited Partnership, owners, Philbrick's Fresh Market LLC, applicant**, for property located at **775 Lafayette Road** wherein the following are requested to allow a 1,020 sf addition to the existing building for a grocery market with a restaurant (cafe) with both inside and outside seating : 1) a Variance from Article II, Section 10-208(20)(A) to allow a restaurant use on a lot which directly abuts a residential district, 2) a Variance from Article III, Section 10-304(A) to allow said addition to have: a) a 24' right side yard where 30' is the minimum required, and b) 12.7% open space where 20% is the minimum required, 3) a Variance from Article XII, Section 10-1203(1) to allow the loading berth to be located within the required right side setback; and, 4) a Variance from Article XII, Section 10-1204 Table 15 to allow 544 parking spaces to be provided where 593 are required. Said property is shown on Assessor Plan 245 as Lot 1 and lies within the General Business district. Case # 5-14
- 15) Petition of **Louis F. Clarizio, Trustee, SOS Realty Trust, owners**, for property located off **Cass Street** wherein the following are requested for the construction of a 32' x 34' two story building for one dwelling unit and office space: 1) a Variance from Article III, Section 10-303(A) to allow: a) a 13' rear yard where 15' is the minimum required, and b) 7,454 sf of lot area where the minimum lot size is 7,500 sf and where 7,500 sf is required for a dwelling unit, and 2) a Variance from Article XII, Section 10-1201(A)(3)(c)(1) to allow parking 6' from a residential lot line where 50' is the minimum required to a residential lot line. Said property is shown on Assessor Plan 156 as Lots 33 & 34 and lie within the Mixed Residential Business district. Case # 5-15

16) Petition of **Deborah C. and Harry D.Hobbs, owners**, for property located at **489 Sagamore Avenue** wherein a Variance from Article III, Section 10-301(A)(2) is requested to allow a 26' x 36' freestanding second dwelling unit on the property to replace one of the existing free-standing dwellings on the property in a district where no more than one free-standing dwelling shall be built upon any single lot. Said property is shown on Assessor Plan 222 as Lot 25 and lies within the General Residence A district. Case # 5-16

17) Petition of **George W. Williams Jr., owner**, for property located at **272 Highland Street** wherein an Appeal from the Decision of the Code Official is requested requiring Variances from Article III, Section 10-301(A)(2) and 10-302(A) for a second dwelling unit on the property.

Notwithstanding the above, if the Appeal from the Decision of the Code Official is denied the following are requested: 1) a Variance from Article III, Section 10-301(A)(2) to allow a second dwelling unit on a 9,807 sf lot where 7,500 sf of lot area is required per dwelling unit for a total of 15,000 sf of lot area for two dwelling units, and 2) a Variance from Article III, Section 10-302(A) to allow a 5' x 28' two story addition with a 5' right side where 10' is the minimum required. Said property is shown on Assessor Plan 130 as Lot 35 and lies within the General Residence A district. Case # 5-17

IV. ADJOURNMENT