

**ACTION SHEET  
BOARD OF ADJUSTMENT  
RECONVENED MEETING  
FEBRUARY 24, 2004**

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

**FROM:** Judith A. Claveau, Secretary- Planning Department

**RE:** Actions Taken by the Portsmouth **Board of Adjustment** meeting held on **February 24, 2004**, in the Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire

**PRESENT:** Chairman Charles LeBlanc, Vice-Chairman Jim Horrigan, Bob Marchewka, Nate Holloway, Alain Jousse, Alternate Arthur Parrott and Alternate Steven Berg

**EXCUSED:** David Witham

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**I. PUBLIC HEARINGS**

7) Petition of **GRN Realty Trust, Glenn and Robin Normandeau, owners**, for property located at **11 & 15 Pickering Street** wherein the following was requested: 1) a Variance from Article II, Section 10-208 to allow two dwelling units in a new building in a district where dwelling units are not allowed, and 2) a Variance from Article III, Section 10-304(A) to allow a 1,820 irregular shaped two story building with: a) a 5' front yard where 30' is the minimum required, and b) a 20' right side yard where 30' is the minimum required. Said property is shown on Assessor Plan 102 as Lot 24 and lies within the Waterfront Business district. Case # 2-7

As a result of such consideration, it was voted that the request be **granted** as advertised and presented as it met all of the requirements of the five criteria. The Board stated that other properties in this waterfront district had mixed residential and commercial uses. They felt that the public interest would be served in granting the variance, as it would reduce three dwelling units to two dwelling units; thus reducing traffic, density and encroachment on the commercial use of the land.

Hardship exists in that the present buildings require either renovation or replacement and the proposed structure will reduce some of the non-conforming features of the existing property. The Board stated that dwelling units are not allowed in the waterfront district; however, the proposal would lessen the degree of non-conformance and would be consistent with the previous court ruling.

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8) Petition of **2400 Lafayette Road LLC, owner, "Wash Me Now", applicant**, for property located at **2400 Lafayette Road** wherein a Special Exception as allowed in Article II, Section 10-208(36) was requested to allow 4,350± sf car wash in a district where such use is allowed by Special Exception. Said property is shown on Assessor Plan 273 as Lot 6 and lies within the General Business district. Case # 2-8

As a result of such consideration, it was voted that the request be **granted** as advertised and presented as it met all of the requirements for a Special Exception.

The Board felt that it was a good site for a car wash, providing a large lot with plenty of room for cars, as well as safe access and egress. They felt there would be no traffic or other hazards posed to the public or adjacent properties by granting the Special Exception and no detriment to abutting property

values. They felt that there would be no excessive demand on municipal services as a result of the proposed car wash.

9) Petition of **Forum Development, LLC, owner**, for property located at **Stonecroft Apartments off Lang Road** wherein the following were requested: 1) a Variance from Article III, Section 10-302(A) to allow the construction of a 35.5' x 48' (1,630.5 sf) one story building with basement with a 10' right side yard where 25' is the minimum required, and 2) a Variance from Article II, Section 10-206 to allow said building to be used for a real estate management office in a district where such use is not allowed. Said property is shown on Assessor Plan 286 as Lot 24 and lies within the Garden Apartment and Mobile Home district. Case # 2-9

As a result of such consideration, it was voted that the request be **granted** as advertised and presented with the following stipulation:

- The new building be used for a real estate management office for the Stonecroft, Beechstone, Colonial Pines developments or other properties owned by the management company.

The Board felt that the public would be well served having the management office on site. Denying use of this property for a management office would interfere with the reasonable use of the land. They felt that the spirit of the ordinance was not intended to deny the management of a large development from having a business office on site.

Public or private rights would not be harmed but rather enhanced by improving the enjoyment and efficiency of living in this complex. Any setback or aesthetic concerns are satisfied since abutting properties are owned by the petitioner, and the wooded area will serve as a buffer between the proposed structure and abutting structures.

10) Petition of **The Childrens Museum of Portsmouth, owner**, for property located at **295 Woodbury Ave and abutting lot on Woodbury Avenue; and The Hyder Irrevocable Trust of 1993, owner, for property located at 677 and 659 Dennett Street** wherein a Variance from Article II, Section 10-206 was requested to allow the Childrens Museum and 1,000 sf of office space for the Hyder Children's Foundation to be located in a district where such uses are not allowed. Said property is shown on Assessor Plan 161 as Lots 31 & 32 and Assessor Plan 175 as Lots 6 & 6A and lies within the General Residence A district. Case # 2-10

The Board **tabled** the application to the Board of Adjustment meeting on March 16, 2004.

11) Petition of **Lafayette Plaza LLC, owner**, for property located **2454 Lafayette Road** wherein the following were requested: 1) a Special Exception as allowed in Article II, Section 10-208(36) is requested to allow 2,400± sf car wash in a district where such use is allowed by Special Exception, and 2) a Variance from Article III, Section 10-304(A) to allow a 75' front yard where 105' is the minimum required. Said property is shown on Assessor Plan 273 as Lot 3 and lies within the General Business district. Case # 2-11

The Board **tabled** the application to the Board of Adjustment meeting on March 16, 2004.

12) Petition of **Robert J. Chaffee and Barbara A. Trimble, owners** for property located at **32 Miller Avenue** wherein the following were requested: 1) a Variance from Article III, Section 10-303(A) to allow the a 4,000± sf L-shaped building for four units on a 32,939 sf lot having an existing dwelling unit for a total of five dwelling units with 6,587.8 sf of lot area per dwelling where 7,500 sf of lot area is required per dwelling unit, and 2) a Variance from Article II, Section 10-207 to allow five dwelling units on a lot where the maximum allowed is four dwelling units. Said property is shown on Assessor Plan 136 as Lot 18 and lies within the Mixed Residential Office district. Case # 2-12

The Board **tabled** the application to the Board of Adjustment meeting on March 16, 2004.

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13) Petition of **Robert Marchewka and Jennifer Crompton, owners**, for property located at **327 Sagamore Avenue** wherein a Variance from Article III, Section 10-302(A) was requested to allow an irregular shaped 205± sf deck with a 2.5±' rear yard where 30' is the minimum required. Said property is shown on Assessor Plan 222 as Lot 27 and lies within the General Residence A district. Case # 2-13

As a result of such consideration, it was voted that the request be **granted** as advertised and presented with the following stipulation:

- That the proposed deck shall remain open to the sky.

The Board felt that the request was minimal and would not be contrary to public interest or injurious to the public or private rights of other parties. Special conditions exist with the configuration of the property that limit the location in which the proposed deck could be placed. Given the lot configuration, the ordinance would interfere with the reasonable use of the property.

The Board felt that substantial justice would be done in granting the variance, as it would give consideration to safety by allowing access from that side of the house. They also felt that granting the variance would not diminish the value of abutting properties.

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## II. ADJOURNMENT

The motion was made and seconded to adjourn the meeting at 9:15 p.m.

Respectfully submitted,

Judith A. Claveau,  
Secretary