

ZONING BOARD OF ADJUSTMENTS
MINUTES OF MEETING
NOVEMBER 19, 1987
COUNCIL CHAMBERS

MEMBER PRESENT: Alden Joy - Chairman, Joyce Bowden, William Colbath

ALSO PRESENT: Steve Stancel - Assistant Planner, Tom Clark - Assistant Building Inspector, Patricia Unish - Recording Secretary

Business meeting was called to order at 7:10 P.M.

Steve Stancel explained fully to Board Members the three parts in the Master Plan that pertained to housing, and economics. These reports were done by AER. The first report represented an overview of the regional and city economics. The second report was a projection of housing and work force. Final report was a series of recommendations that would help the city achieve its economic and housing objectives. They also recommended a number of zoning possibilities.

CASE ACCEPTANCE:

H87-62 George Demosthenes, Drew Road, also known as Assessor's Map I, lot 25-C, Zoned R-40, requests a variance from the terms of Article V, Section 170-16 to subdivide an existing lot into three lots, two of which would have no frontage on a public right of way.

Steve Stancel stated Tom Craven from the City of Portsmouth (Water Works) called stating that as a direct abutter they have not been notified. He is very concerned about the water supply.

Alden Joy stated that in view of this the hearing will be postponed. H87-62 will be put on the January agenda.
Joyce Bowden motions to postpone hearing
Will Colbath seconds motion
VOTE U/A

All other cases will be heard.
Vote U/A

Cases accepted that evening were - H87-63, H87-64, H87-65, H87-66, H87-67

Request for a rehearing for H87-59 Mr. Wayne Estes

Joyce Bowden stated she saw no reason for a rehearing. There was no new evidence presented.

Joyce Bowden motions not to rehear H87-59 no new evidence.
William Colbath - second
Vote U/A

Request for a rehearing for H87-49 Mr. Charles F. Schuh, Jr.
Joyce Bowden stated there was no reason for a rehearing. No
new evidence was presented.

Alden Joy stated he disagreed with the decision. But also
agreed there was no new evidence presented and there is no
argument, therefore there is no reason for a rehearing.

Joyce Bowden motions to deny a rehearing
William Colbath seconds
Vote U/A

Business Meeting closed 7:30 P.M.

PUBLIC MEETING OPENED AT 7:35 P.M.

Alden Joy introduced all board members and explained the procedures that the board will take during the hearings. Alden Joy also stated that there were only three (3) board members present that evening. All votes would have to then be unanimous. If any person did not want their case heard they were to state so. Then their case would be recessed until Monday November 23, 1987 at 7:30 P.M.

Joyce Bowden motions to recess all cases that do not want to be heard that evening.

William Colbath second Vote U/A

H87-63 Nicholas Skaltsis, 100 Central Ave. also known as Assessor's Map 15, Lot 79, Zoned RM-10, requests a variance from the terms of Article IV, Section 170-12, Table I, Part C to converts a Residential Building to an Office Building.

William Colbath requested to step down. Stating that he has a personal and business relationship with Mr. Nicholas Skaltsis Therefore there will only be two board members. Mr. Nicholas Skaltsis decided he will recess his hearing until Monday November 23, 1987.

H87-64 (request to be heard)
Charles E. Tasker, (applicant Scott and Lee Justin) 284 Central Ave., also known as Assessor's Map 9, Lot 114, Zoned B-2, requests a variance from the terms of Article IX, Section 170-32.F.(1) to erect a projecting sign with seventeen (17) square feet where eight (8) square feet is allowed.

Lee Justin and Scott Justin operators of the costume Store request a sign this size because anything smaller would be a traffic hazard. This hazard would be caused by people slowing down trying to read this sign. A smaller sign would be lost among other signs in the area. The store front has a odd shape and there is only 17 feet of frontage, which is rather narrow.

No opposition
Public Hearing Closed

Alden Joy stated that safety was a very good reason for the sign being this size.

This variance was granted.

Vote U/A

This variance was granted on the conclusion being based on the following Findings of Facts.

1. It is the Board's conclusion that the applicant does suffer unnecessary hardship because of the size of the store frontage.

2. This variance will deliver substantial justice because the sign will bring reasonable recognition.
3. The variance will be in harmony with the spirit and intent of the zoning ordinance by increasing the visibility of the sign it will therefore decrease traffic danger in this area.
4. The variance will be of benefit to the public interest do to the fact that it will be a safety factor.

H87-65 Jay Edwards, doing business as Underwood Enterprises, 46 Back River Road, also known as Assessor's Map 1, Lot 6-C. Zoned RM-12, requests a variance from the terms of Article V, Section 170-16 to subdivide an existing lot into two lots, one of which would have insufficient frontage on a public right of way (fifty (50) feet where a maximum of one hundred fifty (150) feet is required.)

This was recessed till Monday November 23, 1987.

H87-66 Betty L. Donovan, 55 Boston Harbor Road, also known as Assessor's map 7, Lot 19B, Zoned R-20, requests a special exception as provided by the terms of Article VII, Section 170-27.C.(3) and Article XII, Section 170-52.C.(3) to construct a pier in the Conservation District.

Betty Donovan stated that all applications were submitted and all the necessary forms were approved. This will be a removable floating dock.

No opposition

Public Hearing Closed

This special exception was granted.

William Colbath motions to grant this special exception

Joyce Bowden - seconded

Vote U/A

H87-67 Robert L. Dustin, 153 Portland Ave., also known as Assessor's map 25, Lot 43-F, Zoned B-3, requests a variance from the terms of Article IX, Section 170-32.D.(21) to have an emblem consisting of approximately 8.5 square feet where four (4) square feet is allowed.

Mr. Dustin stated that the awning with the lettering will clearly identify the property and the street address.

Mr. Paul McQuade an abutter spoke in favor of this application. Mr. McQuade also stated that Mr. Dustin will remove the other signs. The canopy will be much better.

No Opposition

Public Hearing Closed

1. It the Board's conclusion that he applicant does face unnecessary hardship do to the lack of clarity of this ordinance.
2. The variance will deliver substantial justice by allowing reasonable placement of signage.
3. This variance will be in harmony with the spirit and intent of the zoning ordinance do to the fact that it is a well designed awning.
4. The variance will be of benefit to the public interest with stipulations to increase safety.

This variance was granted with the conditions that

1. removal of the existing freestanding signs
2. relocation of the spot light to reduce the interference with glare on traffic.

Vote U/A

Meeting was recessed at 8:45 P.M. until Monday November 23, 1987.