

ACTION SHEET – BOARD OF ADJUSTMENT

TO: John P. Bohenko, City Manager

FROM: Jane M. Shouse, Planning Department

RE: Actions Taken by the Portsmouth **Board of Adjustment** at its July 22, 2003 meeting

PRESENT: Chairman Charles Le Blanc, Vice-Chairman Jim Horrigan, Nate Holloway, Bob Marchewka, Chris Roger, Alain Jousse, David Witham, Alternate Arthur Parrott and Alternate Steven Berg

EXCUSED: n/a

~~~~~

**I. Public Hearings**

11) Petition of **Ocean National Bank, owner**, for property located at **325 State Street** wherein a Variance from Article XII, Section 10-1201(2) is requested to allow the creation of four additional parking spaces with an 18’ travel way where 24’ is required. Said property is shown on Assessor Plan 116 as Lots 1, 2 & 6 (to be combined) and lies within the Central Business B and Historic A districts. Case # 7-13

The Board of Adjustment **tabled** this Petition to the August 19, 2003 meeting at the applicant’s request.

~~~~~

12) Petition of **Patricia A. Butterworth, owner, Edward J. Rusher, applicant**, for property located at **61 Suzanne Drive** wherein a Special Exception as allowed in Article IV, Section 10-401(A)(1)(d) is requested to allow the former hair salon on the first floor to be converted to a chiropractic office with the apartment remaining on the second floor. Said property is shown on Assessor Plan 292 as Lot 30 and lies within the Single Residence B district. Case # 7-14

The Board of Adjustment **tabled** this Petition to the August 19, 2003 meeting, so that the petition can be re-advertised.

~~~~~

13) Petition of **Peter C. and Meg Middleton, owners**, for property located at **78 Lawrence Street** wherein a Variance from Article III, Section 10-302 is requested to allow a 24’ x 24’ attached garage with: a) a 5’6” right side yard where 10’ is the minimum required, b) a 20’6” front yard where 30’ is the minimum required, and c) 28% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 152 as Lot 46 and lies within the Single Residence B district. Case # 7-15

It was voted that the request be **granted**. The Board felt that Lawrence Street was a narrow and busy street and the public would be served by getting parked cars off of the street and into a garage. There was a hardship as a result of the odd shape of the lot. A second garage on this property is a reasonable use. There was no fair and substantial relationship between the general purpose of the zoning ordinance and the specific restriction on the property and there was no indication whatsoever that it would injure the public or private rights of others. It was consistent with the spirit of the ordinance as the ordinance calls for the full enjoyment of residential property. Substantial justice would be done as it would increase the enjoyment of the property. There was also no evidence of any impact on the values of surrounding properties.



14) Petition of **Madison Commercial Group, LLC, owner**, for property located at **72 Mirona Road** wherein the following are requested: 1) a Variance from Article III, Section 10-304(A) to allow a 30' front yard where 70' is the minimum required, and, 2) a Variance from Article XII, Section 10-1204, Table 15 to allow 188 parking spaces to be provided where 215 parking spaces are required. Said property is shown on Assessor Plan 253 as Lot 3 and lies within the General Business district. Case # 7-16

It was voted that the request be **granted**. The Board felt that the applicant would be reducing the non-conformity of the building which would be in the public interest. It was felt that the restrictions as applied to this property interfered with a reasonable use because you can't move the building back due to the adjoining building. This would be consistent with the spirit of the ordinance as there was a demand for a daycare center in the community. It was felt that there was no fair and substantial relationship between the general purpose of the ordinance and the specific restriction on the property as the applicant was doing a good job by removing the parking that backed out directly onto Mirona Road and Mirona Road Extension and they were creating improved green space.



15) Petition of **Saco Avenue Professional Building Inc., owner, Gove Construction Services Company, Inc., applicant**, for property located at **125 Brewery Lane** wherein a Variance from Article II, Section 10-208 is requested to allow the yard area to be used to store pipe, manholes and related materials, storing and processing (screening) of earth materials and related materials (sand, gravel, etc.) related to construction projects within the City, the storage of heavy equipment and vehicles, and piles of dirt approximately 15' high; and to use the one story steel building for maintenance and storage of vehicles and equipment for an undetermined length of time. Said property is shown on Assessor Plan 154 as Lot 2 and lies within the Business district. Case # 7-17

It was voted that the request be **denied**. The Board felt this would be contrary to the public interest and would, in fact, injure the private and public rights of others. Surrounding property values would be hurt by this type of operation. This was not in the spirit of the ordinance as it

would create pollution, dust and noise. No hardship was shown. Many neighbors spoke in opposition to this variance and stated that their quality of life would be effected.

~~~~~

II. Adjournment

The motion was made and seconded to adjourn the meeting at 8:45 p.m.

Respectfully submitted,

Jane M. Shouse,
Secretary

/jms