

PLANNING DEPARTMENT - BOARD OF ADJUSTMENT

ACTION SHEET

TO: John P. Bohenko, City Manager

FROM: Mary Koepenick, Planning Department

RE: Actions Taken by the Portsmouth **Board of Adjustment reconvened meeting on July 26, 2005** in the Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire

PRESENT: Chairman Charles LeBlanc, Vice Chairman David Witham, Alain Jousse, Robert Marchewka, Arthur Parrott, Alternate Steven Berg, Alternate Duncan MacCallum

EXCUSED: Nate Holloway,

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I. PUBLIC HEARINGS:

8) Petition of **Paul J. Carney**, owner, for property located at **54 Rogers Street** wherein the following are requested 1) a Variance from Article II, Section 10-207(14) to allow a 2nd dwelling unit to be created on a 2,682 sf lot where 3,000 sf of lot area is the minimum required and lot coverage exceeding the 40% maximum allowed, and 2) Variances from Article III, Section 10-303(A) and Article IV, Section 10-401(A)(2)(c) to allow the following: a) a 7.5' x 13'1" addition with a 1'+± right side yard where 10' is the minimum, b) an open deck to the rear of the dwelling within the required 10' right side yard and exceeding the 40% maximum building coverage; and c) a front entry within the required 5' front yard and exceeding the 40% maximum building coverage. Said property is shown on Assessor Plan 116 as Lot 44 and lies within the Mixed Residential Office and Historic A districts. Case # 7-7

After consideration, the Board voted to **deny** the petition as none of the criteria for demonstrating a hardship had been met and this very intense use on a small lot is against the spirit of the ordinance which protects against overcrowding.

9) Petition of **Gary P. Morin**, owner, for property located at **238 Melbourne Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow: a) an 8' x 18' one story addition with a 21'+± front yard where 30' is the minimum required, b) a 12' x 23' deck and stairs with an 8'+± left side yard where 10' is the minimum required; and c) 20.8% building coverage were 20% is the maximum allowed. Said property is shown on Assessor Plan 233 as Lot 82 and lies within the Single Residence B district. Case # 7-8

After consideration, the Board voted to **grant** the petition, as presented and advertised for the following reasons:

- This project is well thought out and reasonable. The minimal relief requested will not be contrary to the public interest.
- The undersized lot and an angled lot line to the left represent special conditions creating a hardship if the ordinance is enforced.
- With the lot size, there is no other method to achieve the same benefit without a variance.

- It is consistent with the spirit of the ordinance and substantial justice will be done by allowing residents to improve their homes with no adverse effect on abutters.
- The value of surrounding properties will not be diminished. A direct abutter spoke in support of the project stating additions have made the neighborhood better.

10) Petition of **Mark and Lisa Herrholz**, owners, for property located at **126 Martha Terrace** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow: a) a 192 sf deck with a 35.7'± rear yard where 40' is the minimum required, b) the existing detached garage to be attached by adding a 264 sf breezeway now requiring a 20' side yard for the garage where 14'± exists; and, c) 21.6% building coverage where 10% is the maximum allowed. Said property is shown on Assessor Plan 283 as Lot 25 and lies within the Single Residence A district. Case # 7-9

After consideration, the Board voted to **grant** the petition, as presented and advertised for the following reasons:

- With minimal impact on the neighborhood, the variance will not be contrary to the public interest.
- Special conditions exist resulting in a hardship requiring a variance. Little can be done in terms of lot coverage on this very small lot that predates zoning.
- In-filling from the garage to the house is the most reasonable way to achieve the benefit of fully utilizing the property; and the deck, if built to meet the required setback, would be too narrow to be usable.
- The variance is consistent with the spirit of the ordinance which allows this type of expansion in similar neighborhoods in other districts.
- There will be no diminution in the value of surrounding properties by this modest expansion and no one has spoken against the proposal.

11) Petition of **Patrick Ellis**, owner, for property located at **235 McKinley Road** wherein a Variance from Article III, Section 10-302(A) is requested to allow a 4' x 21 one story addition to the front of the dwelling with a 27'± front yard and a front entry porch 4' x 9' with a 23'± front yard where 30' is the minimum required in both instances. Said property is shown on Assessor Plan 251 as Lot 28 and lies within the Single Residence B district. Case # 7-10

After consideration, the Board voted to **grant** the petition, as presented and advertised for the following reasons:

- The variance would not be contrary to the public interest and covering the front steps will actually remove a possible safety issue.
- Special conditions exist requiring a variance to enable the proposed use. The house is too close to the street and lies at a funny angle, necessitating more relief.
- Any other method to achieve the desired benefit would require expensive interior reconstruction.
- Substantial justice would be done and the value of surrounding properties not diminished by an attractive addition not affecting side or rear abutters.

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III. ADJOURNMENT

The motion was made, seconded and passed to adjourn the meeting at 8:30 p.m.

Respectfully submitted,

Mary E. Koeppenick, Secretary