

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 May 23, 2006** in Conference Room B, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire

PRESENT: Chairman Charles LeBlanc, Robert Marchewka, Nate Holloway, Alain Jousse, Arthur Parrott, Alternate Duncan MacCallum

EXCUSED: Vice Chairman David Witham, Steven Berg

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I. PUBLIC HEARINGS

7) Petition of **Robert M. Granham Revocable Trust and Karen J. Granham Revocable Trust, owners**, for property located at **664 Lincoln Avenue** wherein the following are requested for the construction of a 16' x 20' detached garage: 1) a Variance from Article IV, Section 10-402(B) to allow a 3'± right side yard where 10' is the minimum required, and 2) a Variance from Article III, Section 10-302(A) to allow 32.4%± building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 148 as Lot 19 and lies within the General Residence A district.

After consideration, the Board voted to grant the petition as presented and advertised with the following stipulation:

- That the width of the garage be reduced to 14'.

The petition was granted for the following reasons:

- A 3' setback is reasonable given access to the garage on a very narrow lot.
- Rebuilding the existing garage would still require a variance, but be of a less functional size.
- Moving the garage away from the house and reducing the width will create more light and air.

8) Petition of **Louie A. Prince, owner**, for property located at **302 Bartlett Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow: a) a 6' x 31' 10" front porch with a 6' 6"± front yard plus steps where 15' is the minimum required, and b) 26.8%± building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 162 as Lot 52 and lies within the General Residence A district.

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

- This will be an improved structure with no greater infringement into the setback than currently exists.
- With the height from the ground to the front door, a porch and steps provide the safest access.
- An upgraded entranceway will improve the value of surrounding properties.

9) Petition of **Brams Family Revocable Trust, owners, John and Shannon Brams, Trustees**, for property located at **28 Sherburne Avenue** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow: a) a 24' x 31' two story addition to the rear of the existing single family dwelling with a 6'5"± right side yard where 10' is the minimum required, and b) 28.6%± building coverage where 25% building coverage is the maximum allowed. Said property is shown on Assessor Plan 113 as Lot 12 and lies within the General Residence A district.

After consideration, the Board voted to deny the request. There is no hardship in the property, which is typical of others in the neighborhood, and there are reasonably feasible alternatives which would conform to the ordinance. Overbuilding on lots can have a cumulative effect reducing the quality of life in the neighborhood.

10) Petition of **Jerome and Georgiana Stellmach, owners**, for property located at **70 Sims Avenue** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow a 12' x 12' deck with a 3'± right side yard where 10' is the minimum required. Said property is shown on Assessor Plan 233 as Lot 76 and lies within the Single Residence B district.

After consideration, the Board voted to grant the petition as presented and advertised with the following stipulation:

- That the deck remain open to the sky.

The petition was granted for the following reasons:

- While the structure is 3' +/- from the side property line, it is over 20' to a low traffic street.
- The dead end street leading to wetlands is unlikely to be developed in the future.
- Moving the deck further from the property line would create an awkward entrance to the rear of the property.
- Replacing the steps which are in poor repair with an attractive deck would have a positive effect on surrounding property values.

11) Petition of **Leila Blair and Jeffrey L. Demers, owners**, for property located at **80 Haven Road** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-

401(A)(2)(c) are requested to allow a 22' x 38' attached garage with living space above with a 14'± front yard where 30' is the minimum required. Said property is shown on Assessor Plan 206 as Lot 29 and lies within the Single Residence B district.

After consideration, the Board voted to grant the petition as presented and corrected to a 24'3" front yard for the following reasons:

- The 24'3" front yard setback with the reconstructed garage will be more conforming than the present structure.
- Building the structure further back would make the house less usable.
- The homeowners would be allowed maximum use of their property without infringing on the rights of others.

12) Petition of **Lewis B. and Dorothy W. Sykes, owners**, for property located at **1047 Banfield Road** wherein a Variance from Article II, Section 10-206(11) is requested to allow a 780 sf woodworking / furniture repair and refinishing business as a Home Occupation I within a 1,260± sf (30' x 42') one story proposed addition to an existing single family dwelling. Said property is shown on Assessor Plan 283 as Lot 40 and lies within the Single Residence A district.

After consideration, a motion to grant the petition failed, therefore the petition was denied.

13) Petition of **Strawbery Banke, Inc., owner**, for property located **off Marcy Street** wherein a Variance from Article XII, Section 10-1201(A)(2) is requested to allow a reconfiguration and expansion of the existing parking lot off Marcy Street with an 18' wide two way travel aisle / new entrance where a 24' travel aisle is the minimum required. Said property is shown on Assessor Plan 104 as Lot 7 and lies within the Mixed Residential Office and Historic A districts.

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

- This is a slight expansion of an existing use.
- The low traffic volume and the limited capacity of the parking area permit a narrower travel aisle.
- The reconfiguration of the parking area and elimination of a curb cut will increase the safety of pedestrians.
- A wider entranceway would increase pavement at the expense of landscaping or a pedestrian walkway

14) Petition of **C and B Family Trust, Barry M. and Claire F. Siegel Trustees, owner**, for property located at **332 South Street** wherein a Variance from Article III, Section 10-302(A) is requested to allow an 8' x 12' shed and an 8' x 10' shed creating 29.9% building coverage where 20% building coverage is the maximum allowed. Said property is shown on Assessor Plan 111 as Lot 12 and lies within the Single Residence B and Historic A districts.

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

- It would be a hardship to remove the sheds, one of which has been in place for over fifteen years.
- Although the property is already non-conforming, the increase in non-conformance is only 1.1%.

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II. ADJOURNMENT.

The motion was made, seconded and passed to adjourn the meeting at 10:00 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary