

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 regular meeting on June 20, 2006** in the Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire

PRESENT: Chairman Charles LeBlanc, Steven Berg, Nate Holloway, Alain Jousse, Arthur Parrott

EXCUSED: Vice Chairman David Witham, Robert Marchewka, Alternate Duncan MacCallum

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I OLD BUSINESS

A) Motion for Rehearing on petition of **Lewis B. and Dorothy W. Sykes, owners**, for property located at **1047 Banfield Road**.

After consideration, the Board voted to deny the Motion for Rehearing as correct procedure had been followed in arriving at their decision and no new information had been provided to warrant a rehearing.

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II. PUBLIC HEARINGS

1) Petition of **Karen E. Walls, owner**, for property located at **83 Sheffield Road** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) were requested to allow a 12' x 14' deck with: a) a 16' rear yard where 30' is the minimum required, and b) 27.4±% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 232 as Lot 148 and lies within the Single Residence B district.

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

- The existing structure predates the ordinance and does not meet all current setback requirements.
- A deck is a reasonable request and this is the most feasible location.
- The deck will not interfere with the light and air protected by the ordinance.
- The owner will be allowed to improve the property in a manner consistent with the neighborhood.

2) Petition of **Shirley L. Boston, owner**, for property located at **79 Sheffield Road** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) were requested to allow a 5' x 14' farmers porch with: a) a 21±' front yard where 30' is the minimum required, and b) 21.3±% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 232 as Lot 147 and lies within the Single Residence B district.

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

- The existing structure predates the ordinance and sits on a small lot. Any increase in outdoor living space would require relief.
- An attractive porch would enhance the appearance of the house and tend to improve surrounding property values.
- The porch will not be as close to the front property line as the existing steps and the amount of coverage relief is small.

3) Petition of **Lambert Lake Associates LLC, owner, Advance Auto Parts, lessee/applicant**, for property located at **2299 Lafayette Road** wherein a Variance from Article IX, Section 10-908 Table 14 was requested to allow: a) a 144 sf internally illuminated attached sign and illuminated banding where 129 sf is the maximum allowed, and) 252 sf of aggregate signage where 129 sf is the maximum allowed. Said property is shown on Assessor Plan 272 as Lot 4 and lies within the General Business district.

The petition was withdrawn by the applicant at the meeting.

4) The Portsmouth Board of Adjustment, acting pursuant to NH RSA 12-G:13 and Chapter 300 of the Pease Development Authority Zoning Requirements, reviewed and made a recommendation to the Board of Directors of the Pease Development Authority regarding the following petition of Two International **Group LLC/New Hampshire Avenue Retail Center, LLC., applicant**, for property located at **50 International Drive** wherein a Variance from the Pease Development Authority Zoning Ordinance Part 303.05(b)(13) was requested to allow a sign not exceeding 32 sf to be located at 50 International Drive for businesses located at 14 Manchester Square. Said property is shown on Assessor Plan 306 as Lot 1 and lies within the Commercial Business district.

After consideration, the Board voted to recommend to the Board of Directors of the Pease Development Authority that a variance be granted. The recommendation was made for the following reasons:

- A well placed sign will properly direct the public to businesses that serve them.
- A sign of the designated size on a large lot will not violate the spirit of the ordinance.
- The sign meets all other requirements except for the location, which provides the special benefit sought.

5) Petition of **Strawbery Banke Inc., owner**, for property located at **17 Hancock Street** wherein a Variance from Article III, Section 10-303(A) was requested to allow an existing 10,361 sf lot with two buildings to be subdivided with: a) the Joshua Wentworth House having 4,116 sf of lot area and 44.5±% building coverage, and b) Stoodley's Tavern having 6,245 sf of lot area where 7,500 sf of lot area is the minimum required for each lot and 40% is the maximum building coverage allowed. Said property is shown on Assessor Plan 103 as Lot 88 and lies within the Mixed Residential Office and Historic A districts.

After consideration, the Board voted to grant the petition for the following reasons:

- There will be no impact on the public from the subdivision of the lots.
- It is in the spirit of the ordinance to bring as many properties into conformance as possible and this is a step in that direction.
- The change will allow the property owner to upgrade this already developed property.

6) Petition of **Michael P. Rainboth and Annemarie Howe, owners**, for property located at **122 New Castle Avenue** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) were requested to allow: a) a 14 sf one story bay addition with an 11'10"± front yard where 30' is the minimum required, b) an irregular shaped 312 sf, 2 story addition, c) an irregular shaped 146 sf deck; and, d) an 8' x 12' shed creating 23.6% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 101 as Lot 27 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:

- The changes conform with what exists in the neighborhood.
- The small lot size creates a hardship in seeking any expansion.
- The applicant demonstrated that there was no other way to achieve the benefit sought, which is reasonable.
- The bay window is further from the front property line than the existing façade and the lot coverage relief requested is small.

7) Petition of **Deborah Phillips, owner**, for property located at **92 Pleasant Street** wherein a Variance from Article III, Section 10-304(A) was requested to allow a 9'6" x 15'6" one story addition with a height of 14' where a height of 20' is the minimum required. Said property is shown on Assessor Plan 107 as Lot 76 and lies within the Central Business B, Downtown Overlay and Historic A districts.

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

- There is no better alternative to the placement of the addition on this small lot.
- A one-story addition exists and requiring a higher extension would be out of proportion and block windows on the main building.
- It's reasonable to allow an existing business to expand with a modest addition away from the public view.

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II. ADJOURNMENT.

The motion was made, seconded and passed to adjourn the meeting at 9:10 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary