

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 June 27, 2006** in the Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire

PRESENT: Chairman Charles LeBlanc, Steven Berg, Nate Holloway, Alain Jousse, Robert Marchewka, Arthur Parrott, Alternates Duncan MacCallum & Henry Sanders

EXCUSED: Vice Chairman David Witham

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Prior to the start of the meeting, Chairman LeBlanc introduced a new Alternate Member, Mr. Henry Sanders, and presented retiring Member, Mr. Nate Holloway, with a plaque honoring his years of service to the Board.

I. PUBLIC HEARINGS

8) Petition of **Icon Realty, LLC, owner**, for property located at **1303 Woodbury Avenue** wherein the following Variances were requested to allow an 11,153± sf irregular shaped building for a pharmacy with prescription drive-thru window: 1) Article III, Section 10-304(A) to allow 192.53±' of street frontage in the general Business district where 200' is the minimum required, 2) Article XII, Section 10-1201(A)(3)(e)(2) to allow a 0' front yardsetback where 40' is the minimum required, 3) Article XII, Section 10-1201(A)(3)(e)(1) to allow parking within 100' of property zoned residentially, 4) Article III, Section 10-304(C)(2) to allow a building for a pharmacy within 100' of property zoned residentially; and, 5) Article XII, Section 10-1203(A)(1) to allow a loading area within 100' of property zoned residentially. Said property is shown on Assessor Plan 217 as Lot 1 and lies within the General Business and Mixed Residential B districts.

After consideration, the Board voted to grant the petition with the following stipulations:

- That the applicant work with the Planning Department and Planning Board to address height, siding, overall design of the building and hours of operation.
- That appropriate vegetative screening be provided to shield the business property from the residential abutters on Granite Street.

The petition was granted for the following reasons:

- The unusual shape of the lot, the setting on a major intersection, and the setbacks from residential zones make this property unique.
- There is no viable structure that could be built without requiring relief from setbacks.
- Previous concerns of the Board have been addressed with the building being moved into the General Business district which allows the proposed use.

- It is in the public interest to promote responsible businesses that provide needed services.

9) Petition of **James G. Bolduc and Joanne M. Stella , owners**, for property located at **25 Ridges Court** wherein the following were requested to construct an 8' x 10' shed: 1) a Variance from Article IV, Section 10-402(A) to allow a 2'± side yard where 5' is the minimum required, and 2) a Variance from Article III, Section 10-302(A) to allow 26±% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 207 as Lot 57 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 lot is small and narrow, bordering on two streets, and it is difficult to site a shed without requiring relief.
- Moving the shed to meet the requirement would reduce an already limited outdoor living area.
- A 2' setback would allow space for any necessary maintenance.
- It is reasonable to want storage on a small lot and a structure which could be moved has less impact than a fixed addition.

10) Petition of **Lawrence N. and Ruth S. Gray, owners**, for property located at **80 Curriers Cove** wherein an Equitable Waiver of Dimensional Requirement per RSA 674:33-a was requested to allow the 2002 conversion of a screened porch to living space (Building Permit # 11359) where the Site Plan and construction drawings showed the screened porch of different sizes. The existing structure complies with the Building Permit and construction drawings, however those drawings and permits were based on an error with the dimensions of an existing deck not discovered by the owner until after the permits were issued and constructed. Said property is shown on Assessor Plan 204 as Lot 14 and lies within the Single Residence A district.

The Board voted to table the petition to the July meeting to review materials submitted by Attorney Ralph Woodman.

11) Petition of **Fred Lowell and Al McElaney, owners** of property located at **62 Deer Street** wherein appeals pursuant to RSA 676:5 and 674:33(I)(a) were requested with regard to the Planning Board's decision to recommend denial of a Driveway Permit Application. Said property is shown on Assessor Plan 118 as Lot 27 and lies within the Central Business B, Downtown Overlay and Historic A districts.

The Board voted to table the petition to the July meeting to have additional City staff available.

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II. ADJOURNMENT.

The motion was made, seconded and passed to adjourn the meeting at 9:32 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary