

**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 August 22, 2006** in the Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire

**PRESENT:** Chairman Charles LeBlanc, Vice Chairman David Witham, Steven Berg, Arthur Parrott, Duncan MacCallum, Robert Marchewka, Alternates: Carol Eaton, Henry Sanders

**EXCUSED:** Alain Jousse

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**I. OLD BUSINESS**

A) Approval of Minutes – June 27, 2006

It was moved, seconded and passed to accept the Minutes as corrected.

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B) Request for One-Year Extension of Variance granted September 20, 2005 for property located at **off Falkland Place and off Ranger Way.**

After consideration, the Board voted to grant the Variance Extension through September 20, 2007.

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**II. PUBLIC HEARINGS**

6) Petition of **Cristina Jane Ljungberg, owner**, for property located at **180 New Castle 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 7' x 18' one story addition with a 14'± front yard where 30' is the minimum required, b) 3' x 18.5' two story addition with a 5'± right side yard where 10' is the minimum required; and c) 26.5%± building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 101 as Lot 23 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 public interest will not be adversely affected by a lot coverage that is less than surrounding lots and a front setback that is consistent with the area.
- The small lot size makes it difficult to expand without requiring relief from the ordinance.
- This relatively modest addition will not alter the essential character of the neighborhood or diminish property values.
- With the unique shape of the lot, which is bordered by two streets, there is no better location for the additions.

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7) Petition of **Michael DeLa Cruz, owner**, for property located at **75 Congress Street, a/k/a Franklin Block** wherein an Appeal from an Administrative Decision of the Code Official requiring the owner to obtain a Variance for an existing driveway involving the interpretation of Article XII, Section 10-1201(A)(2 & 3) and Article IV, Section 10-401. Said property is shown on Assessor Plan 117 as Lot 5 and lies within the Central Business B, Downtown Overlay and Historic A districts.

After consideration, a motion to grant the Appeal failed to pass so the Appeal was denied. Among the reasons articulated were the following: the 24' width of maneuvering aisle found in Article XII, 10-1201(A)2 is applicable to the project and is not satisfied; and, there is a change in intensity of the use, by the construction of a garage and installation of lights, such that Article IV, Section 10-401(A) does not permit the variance process to be bypassed.

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8) Petition of **David J. Hudlin and Jan Allsop, owners**, for property located at **260 Miller Avenue** wherein the following are requested to construct a 6' x 10' shed: 1) a Variance from Article IV, Section 10-402(A) to allow a 2'± left side and 2'± rear yard where 5' is the minimum required for each, and 2) a Variance from Article III, Section 10-302(A) to allow 38.9%± building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 130 as Lot 23 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 relatively small shed will not impede the light and air protected in the ordinance.
- The public interest will not be affected by having the structure tucked into the rear corner.
- On this small lot, even a modest structure would require relief from the ordinance.
- With the design of the house and size of the yard, there is nowhere else to place the shed.

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9) Petition of **Abigail Khan-Cooper, owner**, for property located at **227 Park Street** wherein a Variance from Article II, Section 10-206 is requested to allow outdoor display and sales of artwork where such use is not allowed as a Home Occupation I or II. Said property is shown on Assessor Plan 149 as Lot 6 and lies within the General Residence A district.

After consideration, the Board voted to table the petition to the September meeting so that the applicant can work with the Planning Department to better define the parameters of the proposed use.

10) Petition of **John-Michael and Heather Jenkins, owners**, for property located at **120 Thornton Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow a 16' x 20' one and a half story, with basement, addition and bulkhead with: a) a 10'± front yard where 15' is the minimum required and b) 25.6%± where 25% is the maximum allowed. Said property is shown on Assessor Plan 160 as Lot 10 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:

- The front yard setback is consistent with the neighborhood and will not negatively affect the public interest.
- Other options would block windows, eliminate stairs, or eliminate a needed back yard.
- The addition in this location will not diminish, and may increase, the value of the property and those surrounding it.
- The minimal increase in lot coverage is due to the slope of the land, which raises the bulkhead to a height requiring inclusion in lot coverage.
- It is in the spirit of the ordinance to allow the applicants to build an addition which requires modest relief and is less non-compliant with setback requirements.

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11) Petition of **7 Islington Street LLC, owner**, for property located at **7 Islington Street** wherein a Variance from Article III, Section 10-304(B) is requested to allow an irregular shaped 178.7 sf one story addition 11'3½"± in height where 20' in height is the minimum required. Said property is shown on Assessor Plan 126 as Lot 51 and lies within the Central Business B, Downtown Overlay District and Historic A districts.

The application was withdrawn at the applicant's request

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12) Petition of **Lafayette Limited Partnership, owner**, for property located at **775 Lafayette Road** wherein a Variance from Article IX, Section 10-906(A)(2) is requested to allow an additional 40.7 sf of attached signage for "abode home furnishings" where the existing signage on the property exceeds the maximum allowed. Said property is shown on Assessor Plan 245 as Lot 1 and lies within the General Business district.

The Board voted to table the petition to the September 19, 2006 meeting at the applicant's request.

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**III. ADJOURNMENT.**

The motion was made, seconded and passed to adjourn the meeting at 10:15 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary