

PLANNING DEPARTMENT - BOARD OF ADJUSTMENT

ACTION SHEET-REVISED

TO: John P. Bohenko, City Manager

FROM: Mary Koepenick, Planning Department

RE: Actions Taken by the Portsmouth **Board of Adjustment regular meeting on November 21, 2006** in the Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire

PRESENT: Chairman Charles LeBlanc, Steven Berg, Alain Jousse, Duncan MacCallum, Robert Marchewka, Arthur Parrott, Carol Eaton, Alternate

EXCUSED: Vice Chairman David Witham, Henry Sanders, Alternate

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I OLD BUSINESS

Approval of Minutes

- August 22, 2006
- October 17, 2006

A motion was made, seconded and passed unanimously to accept the Minutes as presented.

B) Abutter Filed Request for Rehearing for property located at **43 Pray Street**.

The Board voted to grant the Rehearing. The petition will be reheard at the December 19, 2006 meeting of the Board of Adjustment.

C) Applicant Filed Request for Rehearing for property located at **80 Curriers Cove**.

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 **Shaun J. and Catherine A. Ennis, owners**, for property located at **59 Oxford Avenue** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) were requested to allow a 6' x 33'6" porch with steps having a 4'± front yard where 30' is the minimum required. Said property is shown on Assessor Plan 258 as Lot 6 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:

- With an existing house built close to the front property line, a front porch cannot be built without infringing on the setback.
- Existing stairs which are deteriorating and unsafe will be replaced by an attractive structure which should add to property values.
- There will be no increase in living area or density.

2) Appeal from an Administrative Decision by **Jeannette E. Hopkins abutter** concerning property located at **43 Pray Street owned by Anne Elizabeth and Alan Gregg Weston** wherein an appeal was requested concerning the decision that the owners do not need a Variance to add on to and enlarge the 1 story portion of the residence which violate the current side yard setback requirement. Said property is shown on Assessor Plan 102 as Lot 39 and lies within the Waterfront Business and Historic A districts.

After consideration, the Board voted to grant the Appeal and, accordingly a Variance will need to be sought by the property owners to add on to the 1 story portion of the residence at 43 Pray Street.

3) Petition of **Keith B. Prince and Jeremy T. Colby, owners**, for property located at **43 Rutland Street** wherein the following were requested to construct a 24' x 24' one story garage: 1) a Variance from Article III, Section 10-302(A) to allow a 27' front yard where 30' is the minimum required and, 2) a Variance from Article IV, Section 10-402(B) to allow 6' left side yard where 10' is the minimum required. Said property is shown on Assessor Plan 233 as Lot 15 and lies within the Single Residence B district.

After consideration, the Board voted to deny the request as there are reasonably feasible alternatives that can be pursued which would not require relief from the requirements of the ordinance.

4) Petition of **Adam C. Hegi and Cheri E. Haley, owners**, for property located at **50 Cottage Street** wherein a Variance from Article II, Section 10-206(11) was requested to allow two Home Occupation I businesses (Primal Media 182 sf existing and Guru Computer 299 sf proposed) within a dwelling unit and having a total of 481 sf where one business per dwelling is generally allowed and a maximum of 300 sf is allowed. Said property is shown on Assessor Plan 163 as Lot 29 and lies within the General Residence A district.

Upon consideration, the Board voted to grant a variance to allow two Home Occupation I businesses within a dwelling unit, with the following stipulation:

- That the maximum total square footage allowed for the two businesses would not exceed 300 s.f.

The petition was granted for the following reasons:

- One Home Occupation I business has been in operation with no negative impact on the neighbors. Adding one more low impact business should have no additional effect.
- The stipulations attached to a Home Occupation I will ensure that the rights of the neighbors are protected.
- The types of businesses and outlined methods of operation should allow easy compliance with the requirements of the Home Occupation I designation.

5) Petition of **Nathaniel E. and Francene M. Heard, owners**, for property located at **384 Lincoln Avenue** wherein a Variance from Article III, Section 10-302(A) was requested to allow a 12' x 17'9" deck creating 25.9±% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 133 as Lot 2 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 proposed deck replaces an existing one and will be screened from the neighbors' view.
- No relief is required from the setbacks, and the relief requested from the building coverage requirement is very minimal.
- There will be no negative impact on the value of surrounding properties.

6) Petition of **Mark B. and Chong Jou Kim, owners**, and **Mark B. Kim dba We Care Dry Cleaning, applicant**, for property located at **3002 Lafayette Road** wherein a Variance from Article IX, Section 10-908 was requested to allow: a) a 5' x 10' (50 sf) free-standing sign in a district where free-standing signs are not allowed and b) a 2' x 12' (24 sf) internally illuminated sign and 5' x 10' (50 sf) free-standing internally illuminated sign where only externally illuminated signs are allowed. Said property is shown on Assessor Plan 292 as Lot 13 and lies within the Mixed Residential Business district.

At the applicant's request, the petition was tabled to the next meeting of the Board of Adjustment.

7) Petition of **Matthew D. Beebe and Barbara R. Jenny, owners**, for property located at **81 Lincoln Avenue** wherein the following were requested: 1) a Variance from Article IV, Section 10-402 to allow 12' x 21'8" x 1 ½ story garage and attached 12'6" x 21' 1 story garage/studio with a 1.5'± left side yard and a 1'± rear yard where 10' is the minimum required, and 2) a Variance from Article III, Section 10-302(A) to allow 29.5±% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 113 as Lot 35 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:

- An existing garage, which is in disrepair and unsafe, will be replaced by a sound, attractive structure in the same location.
- The new structure will require no greater relief from the requirements of the ordinance.
- With the size of the lot and existing structures, there is nowhere to site the garage without diminishing a small back yard.

8) Petition of **Robert J. Chaffee and Barbara A. Trimble, owners**, and **Healing Environments, applicant**, for property located at 32 Miller Avenue wherein the following were requested: 1) a Variance from Article II, Section 10-207 to allow the building to be used as an office, library, group staff meetings, and to store and distribute publications for a private non-profit foundation, and 2) a Variance from Article XII, Section 10-1204 to allow 2 garage parking spaces and 6 open air parking spaces to be provided for 4,450 sf of office space (1 space per 250 sf of gross floor area) and a caretaker’s master suite/apartment (1.5 per dwelling unit) for a total of 19 parking spaces required. Said property is shown on Assessor Plan 136 as Lot 18 and lies within the Mixed Residential Office district.

The petition was withdrawn at the applicant’s request.

9) Petition of **Pier II, LLC, owner**, for property located at **10 State Street** wherein a Variance from Article XII, Section 10-1201(A)(3)(A)(4) was requested to allow a vehicle to enter or leave a one-car garage by backing into a street where such use is not allowed. Said property is shown on Assessor Plan 105 as Lot 4 and lies within the Central Business A and Historic A districts.

The petition was withdrawn at the applicant’s request.

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III. ADJOURNMENT.

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

Respectfully submitted,

Mary E. Koepenick, Secretary