

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 January 16, 2007** in the Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire

PRESENT: Chairman Charles LeBlanc, Vice Chairman David Witham, Carol Eaton, Alain Jousse, Duncan MacCallum, Arthur Parrott, Henry Sanders, Alternate: Charles LeMay

EXCUSED: None

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I. NEW BUSINESS

Election of Officers

A motion was made, seconded and passed by unanimous voice vote to re-elect Mr. Charles LeBlanc as Chairman and Mr. David Witham as Vice-Chairman.

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II. OLD BUSINESS

A) Approval of Minutes – December 19, 2006

A motion was made, seconded and passed by unanimous voice vote to accept the Minutes as corrected.

B) Appeal from Decision of the Historic District Commission regarding property located at **7 Islington Street**. *This item was tabled at the December 19, 2006 meeting.*

The Board voted to grant a Rehearing for an Appeal from the Decision of the Historic District Commission to be held at the February 20, 2007 meeting.

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III. PUBLIC HEARINGS

1) Petition of **Jeannette E. Hopkins Trust, owner, Jeannette E. Hopkins, Trustee**, for property located at **39 Pray Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) were requested to allow a 203 sf irregular shaped one story addition to the rear of an existing single family dwelling (after demolition of an existing ell) with a 2'4"± right side yard where 10' is the minimum required. Said property is shown on Assessor Plan 102 as Lot 38 and lies within the General Residence B and Historic A districts.

After consideration, the Board voted to deny the petition as it would infringe on the neighbor's rights to the light and air provided for in the ordinance and could result in a diminution in the value of their property.

2) Petition of **Eugene LaCroce Jr. and Kimberly LaCroce, owners**, for property located at **68 Brackett Road** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) were requested to allow: a) a 24' x 40' two story single family dwelling to be built on an existing foundation after the demolition of the existing home with a 26'± front yard where 30' is the minimum required, a 9'± left side yard where 10' is the minimum required and an 8'± right side yard where 10' is the minimum required, b) 6' x 7' front landing including steps with a 19'± front yard where 30' is the minimum required, c) 4' x 9' entry porch including steps with a 28'± front yard where 30' is the minimum required and a 4'± right side yard where 10' is the minimum required; and, d) all structures creating 22.67% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 206 as Lot 21 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 dwelling will be rebuilt in the same footprint in a style and size in keeping with others in the neighborhood.
- While on a small lot, there is open space on two sides and the design has been planned to minimize impact on the abutting property.
- The new structure will result in a lower building coverage than the existing home.

3) Petition of **Theodore W. Weesner and Janet L. Schofield, owners**, for property located at **36 Kent Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) were requested to allow a 364 sf deck with: a) a 2'2"± right side yard where 10' is the minimum required and b) 32.7% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 113 as Lot 38 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:

- A nonconforming, unsafe structure will be replaced with an attractive new one in the same footprint.
- The deck will simply continue the line of the home, which was built prior to the zoning ordinance.
- There is no other place to site the deck that would accommodate the existing door and sliders.

4) Petition of **Wayne D. Moore, Murry Hill Properties Inc, owner**, for property located at **304 Maplewood Avenue** wherein Variances from Article II, Section 10-207 and Article IV, Section 10-401(A)(1)(b) were requested to allow the 2nd floor(1,150 sf) to be used for storage as accessory to the first floor medical supply business. Said property is shown on Assessor Plan 140 as Lot 7 and lies within the Mixed Residential Office district.

At the request of applicant’s counsel, the application was tabled to the February meeting of the Board of Adjustment.

5) Petition of **Portsmouth Farms LLC, owner, and Starbucks Coffee Co, applicant**, for property located at **1855 Woodbury Avenue** wherein a Variance from Article IX, Section 10-908 was requested to allow **ADMINISTRATIVE WITHDRAWAL** the front property line where 20’ is the minimum required setback and b) 45.25 sf of aggregate signage where 37.5 sf is the maximum allowed. Said property is shown on Assessor Plan 215 as Lot 11 and lies within the General Business district.

6) Petition of **Dorothy Katz M 19 Trust, owner**, for property located at **880 Islington Street** wherein the following were requested: 1) a Variance from Article XII, Section 10-1204 to allow 10 parking spaces to be provided where 14 parking spaces are required for a proposed retail furniture store with related storage and 7 parking spaces are required for the existing office space and, 2) a Variance from Article XII, Section 10-1201(A)(3)(a)(4) to allow the existing ten parking spaces to back out onto Islington Street where parking is required to egress a site in a forward direction. Said property is shown on Assessor Plan 166 as Lot 51 and lies within the Business district.

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

- With the size of the building and unique setting of the lot, there is no way to increase the parking or provide forward-direction egress.
- Most uses of the building would require more parking and further restrictions would deprive the owner of the reasonable use of the property.
- There is adequate area to safely back out of the parking spaces.

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IV. ADJOURNMENT.

The motion was made, seconded and passed to adjourn the meeting at 9:30 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary