

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 March 20, 2007** in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire

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

EXCUSED: None

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I. OLD BUSINESS

A) Approval of Minutes – February 20, 2007.

With one member not receiving the Minutes, it was moved, seconded and passed by unanimous voice vote to table approval of the Minutes to the April meeting.

B) Applicant filed Motion for Rehearing regarding property at **7 Islington Street**.

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.

C) Petition of **Charles L. Thayer Revocable Trust, Charles L. Thayer, Trustee, owner, Jerry Thayer, applicant**, for property located at **21 Richmond Street** wherein a Variance from Article III, Section 10-303(A) was requested to allow a 36' x 25' two and a half story single family dwelling to be built after the demolition of the existing home with: (a) a 7.27'± right side yard where 10' is the minimum required, b) a 5'± rear yard where 15' is the minimum required, and c) a total lot area of 4,302± s.f. where 7,500 s.f. is the minimum lot area required. Said property is shown on Assessor Plan 108 as Lot 16-2 and lies within the Mixed Residential Office and Historic A districts. *This item was tabled at the March 6, 2007 meeting.*

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

- Any other option would lose the desirable green space at the front of the building.

D) Petition of **Tylene A. and Alain R. Jousse, owners**, for property located at **197 Dennett Street** wherein the following were requested: 1) Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) to construct a 13’4” x 16’x 1’ two story addition with: a) a 5’10”± right side yard where 10’ is the minimum required, and b) a 15’2”± rear yard where 20’ is the minimum required, 2) a Variance from Article III, Section 10-302(A) to allow a second dwelling unit on a 4,335.7 sf lot where 15,000 sf would be required for two dwelling units; and, 3) a Variance from Article XII, Section 10-1204 Table 15 to allow one onsite parking space to be provided where 3 parking spaces are required. Said property is shown on Assessor Plan 142 as Lot 8 and lies within the General Residence A district. *This item was tabled at the March 6, 2007 meeting.*

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

- The unique orientation of the lot, bounded on three sides by streets, limits options for the expansion.
- The existing footprint will not be expanded to infringe on neighbors or the street.
- One of the boundary streets is a dead-end street, so traffic will not be negatively affected and there are options for on-street parking.
- The zoning district allows 2-unit dwellings and this will have little impact in a well established neighborhood of similar homes and lots sizes.
- Property values could benefit from an attractive addition.

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II. PUBLIC HEARINGS

1) Petition of **Andrew J. Widen, owner**, for property located at **955 Sagamore Avenue** wherein a Variance from Article II, Section 10-208 was requested to allow the 2nd floor on an existing building to be converted into a dwelling unit in a district where such use is not allowed. Said property is shown on Assessor Plan 201 as Lot 1 and lies within the Waterfront Business district.

After consideration, a motion to grant failed, therefore the petition was not approved. The Board determined that:

- It is necessary to preserve the Waterfront Business zone for the identified purposes outlined in the Ordinance.
- There is no hardship in the land shown necessitating a variance.
- The building, of relatively recent construction, was built and approved for allowed uses in the zone.

2) Petition of **Jorgensen Family Trust, Nathan and Kristie Jorgensen Trustees, owner**, for property located at **112 Highland Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) were requested to allow a 22' x 26' second story addition on an existing detached garage now being attached by constructing a connecting a 185 sf irregular shaped breezeway with: a) the garage having a 1'6"± right side yard where 10' is the minimum required, and b) a 2'± rear yard where 20' is the minimum required. Said property is shown on Assessor Plan 134 as Lot 25 and lies within the General Residence A district.

After consideration, the Board voted to deny the petition as the additional height of the garage so close to the property line would adversely impact the neighbors' rights to light and air. There is no hardship in the land shown necessitating a variance.

3) Petition of **Premier Seacoast Holdings, owner**, for property located at **966 Islington Street** wherein the following were requested: 1) a Special Exception as allowed in Article IV, Section 10-401(A)(1)(d) to relocate an existing non-conforming dwelling unit on the 2nd floor to the 1st floor maintaining a total of four dwelling units on the property and eliminating the non-residential use in a district where only one dwelling unit is allowed on a lot in the Single Residence B district, and 2) a Variance from Article XII, Section 10-1201(A)(3)(a) to allow the existing 5 parking spaces as laid out and to back out onto the street. Said property is shown on Assessor Plan 171 as Lot 1 and lies within the Single Residence B district.

After consideration, the Board voted to grant the petition as presented and advertised with the following stipulation:

- That there will be no more than four dwelling units on the property.

The petition was granted for the following reasons:

- There will be increase in conditions such as heat, odors, noise or storm water run-off that would present a hazard or negatively impact the property values of neighbors.
- A non-residential use will be eliminated in a single residence district.
- The parking spaces have existed with no negative impact and this less intense use should reduce parking activity.
- Islington Street widens at this point so traffic will be more visible to exiting vehicles.

4) Petition of **Christian Berling, owner**, for property located at **117 Ash Street** wherein Variances from Article II, Section 10-206(12) and Article XII, Section 10-1201(A)(3)(a) were requested to allow 100 square feet in a single family dwelling to be used by the owner to "tutor reading" and to allow the required parking space to back out of the driveway with the existing screening to remain. Said property is shown on Assessor Plan 150 as Lot 36 and lies within the General Residence A district.

After consideration, the Board voted to grant the petition as presented and advertised with the following stipulation:

- That the hours of operation will be limited as stipulated in the Zoning Ordinance for a Home Occupation II, 8:00 a.m. to 5:00 p.m., Monday through Friday.

The petition was granted for the following reasons:

- With the stipulation, any impact of the use on the neighborhood will be minimized.
- The Ordinance provides for home occupations and this use would result in a minor increase in activity.
- The lot is situated at the end of a dead end street, so back-out parking will not affect traffic or the public safety.
- The existing screening provides protection to adjacent properties.

5) Petition of **Heritage and Lafayette LLC, owner**, for property located at **2800 Lafayette Road** requesting an Equitable Waiver as allowed in NH RSA 674:33-a (Equitable Waiver of Dimensional Requirement) to allow an existing 36,328+ sf building with: a) a 104.9’ front yard where a 105’ front yard is required in Article III, Section 10-301(A)(8), and b) a 29.6’ left side yard where 30’ is the minimum required in Article III, Section 10-304(A). Said property is shown on Assessor Plan 285 as Lot 2 and lies within the General Business district.

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

- A simple mistake was made when measuring to set the foundation.
- The infringement is very minor, with only inches on two sides involved.

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IV. ADJOURNMENT.

The motion was made, seconded and passed to adjourn the meeting at 10:00 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary