

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 May 15, 2007** in Conference Room A, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire

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

EXCUSED: Chairman Charles LeBlanc

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I. OLD BUSINESS

A) Approval of Minutes – April 17, 2007

After minor clerical corrections were noted, a motion was made, seconded and passed by unanimous voice vote to accept the Minutes as corrected.

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II. PUBLIC HEARINGS

1) Petition of **Two Girls Realty, LLC, owner, beleza Mazzari and Sanger Communications, applicants**, for property located at **261 South Street** wherein the following are requested: 1) a Variance from Article II, Section 10-206 to allow: a) beleza Mazzari, a skin care business with one treatment room and two rental treatment rooms, and common waiting room in the rear portion of the building operating six days a week from 9AM to 8PM, and b) Sanger Communications, a business operating six days a week from 9AM to 8PM with shared storage and bathroom with beleza Mazzari in a district where such uses are not allowed, and 2) a Variance from Article XII, Section 10-1204 to allow no conforming parking to be provided onsite where 6 onsite conforming parking spaces are required. Said property is shown on Assessor Plan 111 as Lot 34 and lies within the General Residence A and Historic A districts.

Vice-Chairman Witham announced that this petition had been withdrawn

2) Petition of **David F. Mahoney Marital Qtip Trust, Jaqueline Mahoney Trustee, owner**, for property located at **227 Market Street** wherein a Variance from Article III, Section 10-305(A) is requested to allow the existing 24' x 58' building to be moved with the proposed location to have a) a 20'± front yard where 70' is the minimum required, and b) a 5'± right side yard where 50' is the minimum required. Said property is shown on Assessor Plan 119 as Lot 6 and lies within the Waterfront Industrial district.

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

- The moving of the building is necessary to comply with new State of New Hampshire regulations.
- There is no other feasible location in which to better place the building.
- This arrangement will facilitate required security monitoring as well as the safe flow of truck traffic into and out of the property.
- The value of surrounding properties will not be affected as the existing wall will remain and the character of the use will not change.

3) Petition of **Robert F. and Diane R. Vieira, owners**, for property located at **32 Manning Street** wherein a Variance from Article IV, Section 10-402(B) is requested to allow an air conditioner condenser 3' wide by 3' deep by 3' high with 6'± right side yard where 10' is the minimum required. Said property is shown on Assessor Plan 103 as Lot 68 and lies within the General Residence B and Historic A districts.

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

- That the standards for noise outlined in Article V, Section 10-505 of the Zoning Ordinance be met.

The petition was granted for the following reasons:

- Installation of this type of equipment is permitted by the Zoning Ordinance.
- This is the most practical place, on a small, oddly shaped lot, to site the equipment.
- Any effect on neighbors from noise that might be generated will be mitigated by the stipulation attached to the Variance.

4) Petition of **Kevin G. Bowersox and Meghan M. Masi, owners**, for property located at **144 Raleigh Way** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-402(c) are requested to allow a 12' x 16' open deck with a 5'± rear yard where 25' is the

minimum required. Said property is shown on Assessor Plan 212 as Lot 47-1 and lies within the General Residence B district.

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

- On a small, oddly shaped lot, any placement of a deck would require a variance and this is the most feasible location.
- The deck will serve as a more attractive rear exit, replacing existing concrete stairs.

5) Petition of **Robert Hugo, owner, Tom Holbrook, d/b/a RiverRun Bookstore, applicant**, for property located at **20 Congress Street** wherein a Variance from Article IX, Section 10-908 is requested to allow a 40” x 20” (5.6 sf) projecting sign for: a) a total of 18.1 sf of projecting signage where 15 sf of projecting signage is the maximum allowed, and b) a total of 78.1 sf of aggregate signage where 75 sf is the maximum allowed. Said property is shown on Assessor Plan 117 as Lot 37-104 and lies within the Central Business B, Historic A and Downtown Overlay districts.

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

- That the sign will also be subject to the approval of the Historic District Commission.

The petition was granted for the following reasons:

- While only one lot, the property has the appearance of three separate buildings, which would accommodate more signage.
- Appropriate and attractive signage supports downtown businesses and the City’s master plan.
- The scale of the sign is in keeping with what would be allowed for a similar size free-standing building in this area.

6) Petition of Nancy Grigor, owner, **Good Vibes Inc., applicant**, for property located at **16 Congress Street** wherein a Variance from Article IX, Section 10-908 is requested to allow: a) a 4.4 sf projecting sign for a total of 20 sf of projecting signage where 15 sf of projecting signage is the maximum allowed, b) a 16’ x 15” (20 sf) attached sign for a total of 70 sf of attached signage where 60 sf is the maximum allowed; and, c) 90 sf of aggregate signage where 75 sf is the maximum allowed. Said property is shown on Assessor Plan 117 as Lot 37-203 and lies within the Central Business B, Historic A and Downtown Overlay districts.

After consideration, the Board voted to grant part (a) of the petition with the following stipulation:

- That the sign will also be subject to the approval of the Historic District Commission.

The petition was granted for the following reasons:

- While only one lot, the property has the appearance of three separate buildings, which would accommodate more signage.
- Appropriate and attractive signage supports downtown businesses and the City’s master plan.
- The scale of the sign is in keeping with what would be allowed for a similar size, free-standing building in this area.

A motion to grant part (b) failed to pass. The size seemed excessive for the building and less appropriate than the letter system adopted by neighboring businesses.

No action was taken on part (c).

7) Petition of **Blake Gumprecht and Josephine Lenardi, owners**, for property located at **390 Bartlett Street** wherein a Variance from Article II, Section 10-206 is requested to allow a telephone/internet marketing business in a single family dwelling with two outside employees, and 2) a Variance from Article XII, Sections 10-1201(A)(3) and 10-1204 to allow the existing driveway for both the dwelling and business. Said property is shown on Assessor Plan 161 as Lot 28 and lies within the General Residence A district.

After consideration, the Board voted to deny the petition as a variance would remain with the property, representing a commercial encroachment into a residential district. There was no hardship demonstrated in the property and testimony indicated that surrounding property values would be diminished.

8) Petition of **Kyle Engle, owner**, for property located at **24 Hunking Street** wherein a Variance from Article IV, Section 10-402(A) is requested to allow: a) a 5’ x 7’ storage shed with a 2’± rear yard where 5’ is the minimum required, and b) 36.2% building coverage where 30% is the maximum allowed. Said property is shown on Assessor Plan 102 as Lot 10 and lies within the General Residence B and Historic A districts.

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

- A shed will attractively and neatly shield outdoor equipment from public view.
- Moving the shed would reduce an already limited lawn area on this small lot.
- In a neighborhood of small lots with similar structures, there will be no diminution in property values.
- The shed will be shielded from the closest abutter by a fence and a similar structure on the neighboring property.

9) Petition of **Crescent Way LLC, owner**, for property located at **129 Crescent Way** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow a 2'± extension of an existing rear dormer with a 19' + rear yard where 25' is the minimum required. Said property is shown on Assessor Plan 212 as Lot 152 and lies within the General Residence B districts.

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

- This is a minimal request which will assist efforts to modernize a building and bring it up to current standards.
- The location of the chimney and other structural elements preclude any location for a bathroom other than the one requiring the requested extension.
- The renovation is in line with improvements made in the area by the City and other homeowners.
- Surrounding property values should benefit from the renovation.

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III. ADJOURNMENT.

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

Respectfully submitted,

Mary E. Koepenick, Secretary