

**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 28, 2007** in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire

**PRESENT:** Vice Chairman David Witham, Alain Jousse, Charles LeMay, Arthur Parrott, Alternates: Thomas Grasso, Derek Durbin

**EXCUSED:** Chairman Charles LeBlanc, Carol Eaton, Henry Sanders

=====

**I. PUBLIC HEARINGS**

7) Petition of **Michael J. and Leanne A. Edwards, owners**, for property located at **64 Brackett Road** wherein a Variance from Article III, Section 10-302(A) was requested to allow a Lot Line Revision between Lots 22 and 21 on Assessor Plan 206 with: a) Lot 22 decreasing in area from 6,738 s.f. to 6,338± s.f. where 15,000 sf is the minimum required, and, b) street frontage for Lot 22 decreasing from 65.99' to 61.99'± where 100' is the minimum required. Said property is shown on Assessor Plan 206 as Lot 22 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:

- Corrections to existing lot lines, to be made in accordance with a recent survey, will affect compliance with minimum lot size and street frontage requirements.
- The public interest and neighborhood property values will not be affected by this lot line adjustment.
- It would be in the spirit of the ordinance to return the property to its correct dimensions.

-----

8) Petition of **Robert J. Chaffee and Barbara A. Trimble, owners**, for property located at **32 Miller Avenue** wherein a Special Exception as allowed in Article II, Section 10-207(18) was requested to allow a home Occupation II office for “Extended Family” with one non-resident employee. Said property is shown on Assessor Plan 136 as Lot 18 and lies within the Mixed Residential Office district.

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

- The conditions considered in the granting of the previous Special Exception have not changed, so there will be no additional demands on municipal services.
- With very few visitors, there will be no traffic or safety hazards created.
- This is a low impact use which will not affect the public or neighboring property values.

---

9) Petition of **Seacoast Trust NH General Partnership, owner**, for property located at **150 Route One By-Pass** wherein a Variance from Article II, Section 10-206 was requested to allow the placement of a mobile coach for diagnostic services in the existing parking lot in a district where such use is not allowed. Said property is shown on Assessor Plan 231 as Lot 58 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 facility has been performing this type of work for over 40 years and adding the mobile coach will not be detrimental to the public interest.
- This is a reasonable expansion of a pre-existing, nonconforming use.
- Neighboring property values will not be diminished by this type of facility in this location.

---

10) Petition of **Public Service Company of New Hampshire, owner**, for property located at **400 Gosling Road** wherein the following were requested: 1) Variance from Article IV, Section 10-402(B) and Article III, Section 10-305(A) to allow a 9.1'± front yard where 70' is the minimum required and a 16.9'± right side yard where 21' is the minimum required, and 2) a Variance from Article V, Section 10-503 to allow no landscaping to be provided where landscaping is required for all new buildings. Said property is shown on Assessor Plan 214 as Lot 1 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 public interest will not be adversely affected by the lack of landscaping on this industrial site.
- The location and industrial character of the property limit the options open to the owner.
- It is in the spirit of the ordinance to promote the efficient operation of businesses and surrounding property values will not be affected.
- Two existing warehouses will be replaced with one modern structure which will infringe less into the setbacks.

---

11) Petition of **Two Girls Realty LLC, owner, Craig Welch and Stefany Shaheen, applicants**, for property located at **261 South Street** wherein the following were requested: 1) a Variance from Article II, Section 10-206 to allow the building to be used as office space for the

applicants (real estate office and consulting office) and 2) a Variance from Article XII, Section 10-1204 to allow the office without parking being provided where 5 parking spaces are required. Said property is shown on Assessor Plan 111 as Lot 34-2 and lies within the General Residence B and Historic A districts.

-----  
12) Petition of **Robert M. and Mary Lou McElwain, owners**, for property located at **259 South Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)92)(c) were requested to allow: a) a 12' x 17' one story addition to the back of the existing dwelling with a 7.75'± right side yard where 10' is the minimum required, and b) a 192± sf irregular shaped deck to the back of the dwelling with a 7.8'± right side yard where 10' is the minimum required. Said property is shown on Assessor Plan 111 as Lot 34-1 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 deck be reconfigured so that it would meet the right side yard setback of 10' and not require a variance.

The petition was granted for the following reasons:

- The house currently sits within the setback and it would be difficult to add space without requiring a variance.
- Allowing the homeowner to expand a small dwelling will not negatively affect the public interest.
- Basically an in-fill project, the addition will be no closer to the property lines than the main building.
- With construction limited to the back yard, surrounding properties will not be affected.

=====  
**II. ADJOURNMENT**

The motion was made, seconded and passed to adjourn the meeting at 8:45 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary