

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 October 16, 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, Charles LeMay, Arthur Parrott, Alternates: Derek Durbin, Thomas Grasso

EXCUSED: Alain Jousse, Henry Sanders

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I. OLD BUSINESS

A) Approval of Minutes - September 18, 2007

It was moved, seconded and passed by unanimous voice vote to accept the September 18, 2007 Minutes with a minor clerical correction.

B) Motion for Rehearing regarding property at **off Deer Street, Green Street, Market Street, Russell Street & Maplewood Avenue**

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) Motion for Rehearing regarding property at **150 Route One Bypass.**

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.

II. PUBLIC HEARINGS

1) 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 $32.9\% \pm$ building coverage as a result of a lot line relocation where 20% is the maximum allowed. 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 reason:

- The public interest and neighborhood property values will not be affected by this lot line adjustment.

2) Petition of **Catherine Stone Revocable Living Trust, Catherine Stone Trustee, owner**, for property located at **160 Middle Street** wherein a Variance from Article IV, Section 10-402(B) was requested to allow a 22' x 22' one story detached garage with a $4' \pm$ left side yard where 10' is the minimum required. Said property is shown on Assessor Plan 127 as Lot 9 and lies within the Mixed Residential Office and Historic A districts.

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

- A 4' left side yard on this particular lot will not affect the public interest.
- Centering the garage on this narrow lot would require removing an established tree and significantly limit the usable area of the backyard.
- No possible benefit to the public in denying the variance would outweigh the benefit to the homeowner in allowing a reasonable use of the property.
- The placement of the garage is away from adjacent housing and will allow maintenance without infringing on the property of neighbors.

3) Petition of **Leila Blair and Jeffrey L. Demers, owners**, for property located at **80 Haven Road** wherein a Variance from Article III, Section 10-302(A) was requested to allow an 8' x 12' one story shed creating $20.6\% \pm$ building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 206 as Lot 29 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:

- At only a .6% increase in building coverage, this is a very minor request.
- The shed will not affect the setbacks or crowd the lot.
- In an area of small lots, many with sheds in the back, the proposal would be in keeping with the neighborhood.
- A decent shed with a proper foundation will not diminish the value of surrounding properties.

4) Petition of **Robert Macdonald, owner**, for property located at **430-432 Islington Street** wherein the following were requested for a 35'8" x 60', 2 ½ story addition with basement to an existing two dwelling unit building to create four additional dwelling units for a total of six dwelling units on the property: 1) a Variance from Article II, Section 10-207(14) to allow six dwelling units on the lot in a district where a maximum of four dwelling units are allowed, and 2) Variances from Article III, Section 10-303(A) and Article IV, Section 10-401(A)(2)(c) to allow: a) 2,754± sf of lot area per dwelling unit where 7,500 sf of lot area would be required for each dwelling unit; and, b) said addition to have an 8'± right side yard where 10' is the minimum required. Said property is shown on Assessor Plan 145 as Lot 36 and lies within the Mixed Residential Business district.

After consideration, the Board voted to deny the petition for the following reasons:

- The increased building size would interfere with the light and air provided for in the ordinance.
- The increased number of dwelling units would result in an overintensification of the lot.
- No justification was provided for the necessity to infringe on the side setback.
- There was no hardship in the property that would form a basis for granting a variance.

5) Petition of **William L. Curran III and Nancy A Curran, owners**, for property located at **24 Taylor Lane** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) were requested to allow: a) a previously approved 12' x 16' deck to be enclosed into living space having a 17'± rear yard, and b) a 5' x 13' addition to the rear of the existing garage having a 29'± rear yard where 30' is the minimum required in each instance. Said property is shown on Assessor Plan 250 as Lot 30 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:

- This is a minor request which will not affect the public interest.
- The location of the existing structures on the lot precludes any other placement of the addition.
- Justice would be served by allowing the homeowners a reasonable use of their property.
- With the indicated support of direct abutters, there will be no diminution in the value of surrounding properties.
- The structures are well situated and should have no adverse effect on the neighborhood.

6) Petition of **Joan Dickinson, owner**, for property located at **137 Elwyn Avenue** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) were requested to allow a 96 sf irregular shaped one story addition connecting a detached garage to the

main structure with: a) the garage having a 10'± rear yard where 20' is the minimum required, and b) 31.5%± building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 112 as Lot 48 and lies within the General Residence A district.

After consideration, the Board voted to postpone the petition to the November meeting so that additional information and clarification can be obtained.

7) Petition of **Charles W. and Susan Grosky, owners**, for property located at **51 Marjorie Street** wherein a Variance from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) were requested to allow a 14' x 25' attached garage with: a) a 23' rear yard where 30' is the minimum required, and b) 23.2%± building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 232 as Lot 26 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 the property located at the end of a dead-end street, no public interest will be affected and there will be no diminution in the value of surrounding properties.
- This will simply replace a garage that has fallen into disrepair with one of the same size, on the same foundation.
- With the size of the lot any reasonable placement will require a variance.
- The property has a slope and this is the natural and best location for the garage.

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II. ADJOURNMENT

The motion was made, seconded and passed to adjourn the meeting at 8:30 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary