

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 September 16, 2008 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, Alternate: Derek Durbin
EXCUSED: Thomas Grasso, Alternate: Robin Rousseau

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I. OLD BUSINESS

A) Approval of Minutes – August 19, 2008
Excerpt of Minutes, August 26, 2008

A motion was made, seconded, and passed by unanimous voice vote to accept with minor corrections, the Excerpt of Minutes for August 26, 2008 and the Minutes for August 19, 2008.

B) Motion for Rehearing for property located at **71 Baycliff Road.**

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 that had not been available to the applicant at the initial hearing.

C) Motion for Rehearing for property located at **49 Sheafe 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. The Board felt that the appeal had gone through the proper channels and the applicant was provided the opportunity for a full presentation.

The Board had carefully considered the provided and presented materials, along with visits to the site, and had addressed the criteria outlined in Article X, Section 10-

1004 of the Zoning Ordinance, including the special character of the area and the size, height and scale of the proposed building and its setting.

D) Petition of **Paul Nakrosis and Millie Nakrosis, owners, and Michael Brandzel, applicant**, for property located at **39 Dearborn Street** wherein the following were requested to place a 7'10" x 13'9" one story shed: 1) a Variance from Article IV, Section 10-402(B) to allow said shed to have a 4'± left side set back where 10' is the minimum required, and 2) a Variance from Article III, Section 10-301(7)(b) to allow said shed to have a 65'± setback to salt water marsh or mean high water line where 100' is the minimum required. Said property is shown on Assessor Plan 140 as Lot 3 and lies within the General Residence A district. *This petition was postponed from the August 26, 2008 meeting.*

The petition was postponed to the October 21, 2008 meeting at the request of the applicant.

II. PUBLIC HEARINGS

1) Petition of **Emile R. Jr. and Allison K. Bussiere, owners**, for property located at **678 Middle Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) were requested to allow: a) a one story irregular shaped 274 sf addition with a 5'± right side setback where 10' is the minimum required, and b) a 288 sf porch with a 5'± right side setback where 10' is the minimum required. Said property is shown on Assessor Plan 148 as Lot 30 and lies within the General Residence A and Historic A districts.

- The way the house is situated on the lot, at an angle to the property line, presents a hardship in placing the addition and porch.
- Moving the wall back further back from the setback would narrow the access and force changes to the kitchen and nook area which would not be economically feasible.
- It would be in the spirit of the ordinance to continue a pattern along the property line and create a way for the owners to enjoy their property.
- With the apartment building to the side of the addition a comfortable distance away and buffered by vegetation, there would be no diminution in the value of surrounding properties.

III. ADJOURNMENT

It was moved, seconded and passed to adjourn the meeting at 7:45 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary