

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 at its reconvened meeting** on June 28, 2011 in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire

PRESENT: Chairman David Witham, Vice-Chairman Arthur Parrott, Thomas Grasso, Alain Jousse, Charles LeMay, Alternate: Robin Rousseau

EXCUSED: Derek Durbin, Carol Eaton

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I. OLD BUSINESS

A) Board of Adjustment Meeting April 19, 2011.

It was moved, seconded and passed by majority voice vote to approve the Minutes as presented. Messrs. Jousse and LeMay abstained as they were not present at the April meeting.

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II. PUBLIC HEARINGS

8) Case # 6-8

Petitioners: Alexander C. Garside & Nicole Outsen

Property: 212 Park Street

Assessor Plan 149, Lot 51

Zoning district: General Residence A

Description: To replace existing garage with a 12' x 20' garage, and to replace a two level rear deck with a 1-story, 325 s.f. addition, a 9' x 11.5' screened porch, and a 70 s.f. deck and stairs.

Request: Variance from Section 10.521 to allow a left side yard setback of 8.5' where 10' is required.

Variance from Section 10.521 to allow a right side yard setback of 4' where 10' is required.

Variance from Section 10.521 to allow building coverage of 27.4% where 25% is the maximum coverage allowed.

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

- Replacing an existing structure at the rear of the property will not be contrary to the public interest and several abutters provided written support for the project.
- The spirit of the Ordinance will be observed by allowing adequate light and air and the left setback will be moved 1' further from the property line.
- There would be no overriding benefit to the general public if the petition were denied.
- The value of surrounding properties will not be diminished by allowing replacement of a deteriorating structure.
- Due to the narrowness of the lot and the placement of the existing home on the lot, there is no better location for the garage.

9) Case # 6-9

Petitioner: Karen L. Bouffard Revoc Trust 1998, Karen L. Bouffard, Trustee

Property: 87 Richards Avenue Assessor Plan 128, Lot 8

Zoning district: General Residence A

Description: To replace existing right side porch and stairs with a 7' x 19' side porch and stairs to the front and rear of the porch. To add an 8' x 11' third floor dormer on the left side.

Requests: Variance from Section 10.321 to allow the expansion of a nonconforming structure.

Variance from Section 10.521 to allow a 1'± left side yard setback where 10' is required.

Variance from Section 10.521 to allow building coverage of 32.8% where 25% is the maximum coverage allowed.

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

- There should be no public interest in this modest dormer expansion on the left and porch replacement at the back of the property.
- The spirit of the Ordinance will be observed by allowing useful improvements to the property which will bring the property up to code while slightly reducing existing lot coverage.
- The private good, in this case, outweighs any possible public interest in denying the variances.
- The value of surrounding properties will, if anything, be increased by these improvements.
- The house sits on a narrow lot and there are no feasible alternatives to accomplish the repair of the porch and improve the stairway configuration.

10) Case # 6-10

Petitioner: Ricci Supply Company, Inc.

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

- There will be no effect on the characteristics of the neighborhood so that there should be no public interest in this lot line relocation.
 - The spirit of the Ordinance will be observed as no new dwelling units are being proposed and there is still adequate space for parking and maintenance.
 - With no physical changes, it is a reasonable request to reconfigure these two lots.
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13) Case # 6-13

Petitioners: Thomas A. Nies Revocable Trust, Thomas A & Denise M. Nies, Trustees

Property: 419 Richards Avenue

Assessor Plan 112, Lot 20

Zoning district: General Residence A

Description: To construct a 10'± x 18'4"± rear addition.

Requests: Variance from Section 10.321 to allow the expansion of a nonconforming structure.

Variance from Section 10.521 to allow a 6' left side yard setback where 10' is required.

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

- There will be no conflict with the public interest as the essential characteristics of the neighborhood will not change nor will the proposal affect the public health, safety and welfare.
 - This addition was designed to have minimal impact so that the spirit of the Ordinance will be observed.
 - There would be no overriding benefit to the public if the variances were denied.
 - The value of surrounding properties will not be diminished and an abutter provided testimony supporting the request.
 - Constructed prior to development of the zoning requirements, the building is located to the side of the lot so that any reasonable expansion would require a variance.
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14) Case # 6-14

Petitioner: Kevin Drohan & Heather Mangold

Property: 1240 Maplewood Avenue

Assessor Plan 219, Lot 29

Zoning district: Single Residence B

Description: To create a second dwelling unit by adding a second story to the existing 18'8" x 19'4" garage.

Requests: Variance from Section 10.321 to allow the expansion of a nonconforming structure.

Variance from Section 10.440, Use #1.20 to allow a second dwelling unit on a lot where only a single family use is allowed.

Variance from Section 10.521 to allow a lot area of 3,942 s.f. per dwelling unit where 15,000 s.f. per dwelling unit is required.

Variance from Section 10.521 to allow a right side yard setback of 2'± where 10' is required.

Variance from Section 10.521 to allow a rear yard setback of 10'± where 30' is required.

After consideration, the Board voted to deny the petition as presented and advertised as all of the criteria necessary to grant the variances were not met. The property can be reasonably used as it is zoned. There was no hardship in the property demonstrated and the spirit of the Ordinance would not be observed by this degree of variation from the requirements.

15) Case # 6-15

Petitioner: Sureya M. Ennabe Rev. Liv. Trust, c/o C. N. Brown Company

Property: 800 Lafayette Road Assessor Plan 244, Lot 5

Zoning district: Gateway

Description: To construct two canopy signs.

Requests: Variance from Section 1251.2 to allow canopy signs of 43.5± s.f. and 23± s.f. where 20 s.f. is the maximum sign area allowed for each individual canopy sign.

After consideration, a motion to grant the petition as advertised failed to pass and the petition was denied. All the criteria necessary to grant a variance were not met. The allowed signage should provide adequate identification and there was no hardship demonstrated in the property which would justify the proposed increase.

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III. OTHER BUSINESS

No other business was presented.

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IV. ADJOURNMENT

It was moved, seconded and passed to adjourn the meeting at 9:20 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary