

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 April 24, 2012 in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire

PRESENT: Vice-Chairman Arthur Parrott, Susan Chamberlin, Derek Durbin, Charles LeMay, Chris Mulligan, David Rheume, Alternate: Patrick Moretti

EXCUSED: Chairman David Witham, Alternate: Robin Rousseau

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I. PUBLIC HEARINGS

7) Case # 4-7

Petitioner: Richard S. Bean

Property: 324-334 Parrott Avenue

Assessor Plan 129, Lot 36 & 37

Zoning District: General Residence A

Description: Convert a single family to a multi-family dwelling with a two-car garage.

- Request: 1. A Variance from Section 10.311 to allow a structure on a lot with less than the required minimum lot area and street frontage.
2. A Variance from Section 10.321 to allow a lawful nonconforming structure to be extended or enlarged in a manner that is not in conformity with the Zoning Ordinance.
3. A Variance from Section 10.324 to allow a lawful nonconforming structure to be added to or enlarged where the addition or enlargement does conform to all the regulations of the Zoning Ordinance.
4. A dimensional Variance from Section 10.521 to allow a lot area per dwelling unit of 3,211 s.f.± where 7,500 s.f. per dwelling unit is required.
5. A dimensional Variance from Section 10.521 to allow 28%± building coverage where 25.3% exists and 25% is the maximum allowed.

The Board voted to **postpone** hearing the petition to the May 15, 2012 meeting at the applicant's request.

8) Case # 4-8

Petitioners: Theodore M. Stiles & Joan Boyd

Property: 28 South Street

Assessor Plan 102, Lot 43

Zoning District: General Residence B

Description: Replace existing 22.5' x 14.5' garage with a 30'± x 14.5'± structure with dormers.

- Request:
1. A Variance from Section 10.321 to allow a lawful nonconforming building to be extended or enlarged in a manner that is not in conformity with the Zoning Ordinance.
 2. A dimensional Variance from Section 10.521 to allow a right side yard setback of 1.6'± where 10' is the minimum required.

The Board acknowledged that the petition had been **withdrawn** by the applicant.

9) Case # 4-9

Petitioners: Donovan-Hess Family Rev. Trust, Jane M. Donovan & William Hess,
Trustees

Property: 54 Rogers Street

Assessor Plan 116, Lot 44

Zoning District: Mixed Residential Office

Description: Replace existing sunroom with 18'9"± x 13'6"± 2-story addition, construct front and rear porches, reduce existing garage

- Request:
1. A Variance from Section 10.321 to allow a lawful nonconforming building to be extended or enlarged in a manner that is not in conformity with the Zoning Ordinance.
 2. A dimensional Variance from Section 10.521 to allow a left side yard setback of 4'± where the minimum setback required is 10'.
 3. A dimensional Variance from Section 10.521 to allow 42%± building coverage where 39% ± exists and 40% is the maximum allowed.

Action:

The Board voted to **grant** the petition as presented and advertised except to make the following changes:

1. Change the description from a “front” to a “side” porch.
2. Change the granted Variance for the left side yard setback from 4'± to 6'± as shown in the revised site plan in the application and presented at the meeting.

Review Criteria:

The petition was granted for the following reasons:

- Granting the variance will not alter the character of the neighborhood so that there will be no harm to the general public.
- The project is oriented to the back abutting a parking lot, with the side porch abutting a school so that the value of surrounding properties will not be diminished.
- The spirit of the Ordinance will be observed by a project that will preserve light and air and not result in over-intensification of the lot.
- Reducing the size of the garage will mitigate some of the expansion of the home.
- The special conditions of the property are the narrowness of the lot and its location with a school on the side and a parking lot to the rear.

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II. OTHER BUSINESS

No other business was presented.

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III. ADJOURNMENT

It was moved, seconded and passed to adjourn the meeting at 7:25 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary