

III. NEW BUSINESS

- I. The request of **John Heath and Michael Meserve (Owners)**, for property located at **955 Woodbury Avenue** whereas relief is needed to construct a shed which requires a Variance from Section 10.571 to allow an accessory structure to be located closer to a street than the principal building. Said property is located on Assessor Map 219 Lot 33 and lies within the Single Residence B (SRB) District. (LU-23-56)

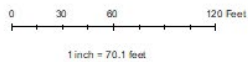
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	Install a shed closer to a street than the primary structure	Primarily residential
<u>Lot area (sq. ft.):</u>	26,190	26,190	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	26,190	26,190	15,000 min.
<u>Lot depth (ft.):</u>	137	137	100 min.
<u>Street Frontage (ft.)</u>	331	331	100 min.
<u>Primary Front Yard (ft.):</u>	0	0	30 min.
<u>Left Yard (ft.):</u>	>30	>30	10 min.
<u>Right Yard (ft.):</u>	>30	>30	10 min.
<u>Rear Yard (ft.):</u>	>45	45	30 min.
<u>Shed Height (ft.):</u>	n/a	8.1	35 max.
<u>Building Coverage (%):</u>	9.4	10	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40 min.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1800	Variance request(s) shown in red.	

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



955 Woodbury Avenue



Previous Board of Adjustment Actions

No previous history found

Planning Department Comments

The applicant is requesting relief to install a shed. This application is before the Board due to the proposed location of the shed and it's proximity to Fairview Dr. See Section 10.571 of the Zoning Ordinance below.

10.571 *No accessory building, structure or use shall be located in any required front yard, or closer to a street than the principal building.*

Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*

3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*
AND
 - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*
OR
Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

Relief- Our current basement door is only 24"wide . We are unable to store large outdoor furniture and have trouble getting anything large into the basement. Our current shed is full. We need a more than one shed to store large tools , outdoor furniture etc.

Project description- We are having 10' x 16' shed made for storage. The height from the floor to the top of the gable is 9' 8". There will be a 5' wide double door in front with 1 widow (2x2) on each side of the door. The floor is plywood. The roof is black shingles and the siding is white vinyl to match the house. The shed will sit on concrete blocks with 5" of crushed stone beneath the entire shed. We have a very large yard ,by Portsmouth standards, and there is plenty of room for another shed.

Responding to section 10.233

10.233.21 The variance will not be contrary to the public interest;
This is a basic shed and adheres to the neighborhood aesthetic

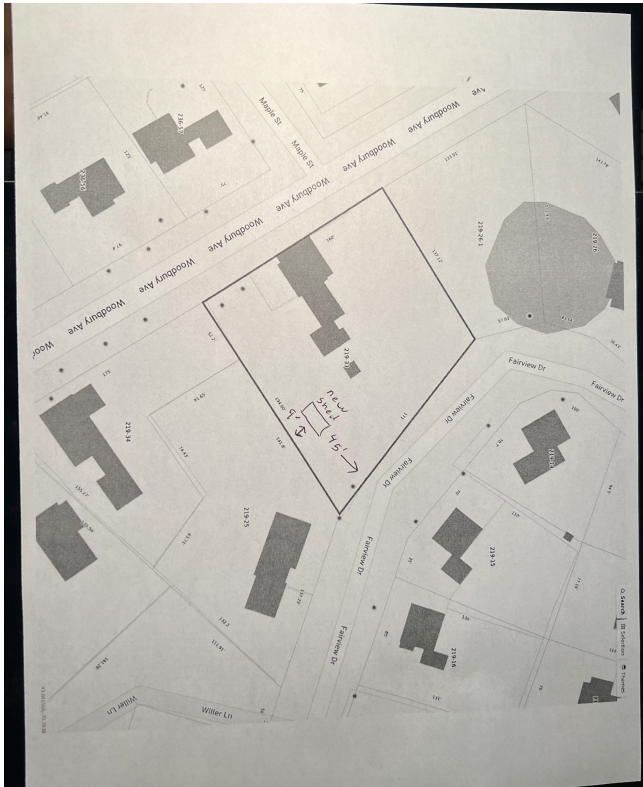
10.233.22 The spirit of the Ordinance will be observed;
Granting a variance for a shed on a property that has 2 separate street frontages will not impact the ordinance

10.233.23 Substantial justice will be done;
This shed will allow us to store yard tools, buckets and outdoor furniture which will help to clean up the appearance of our yard .

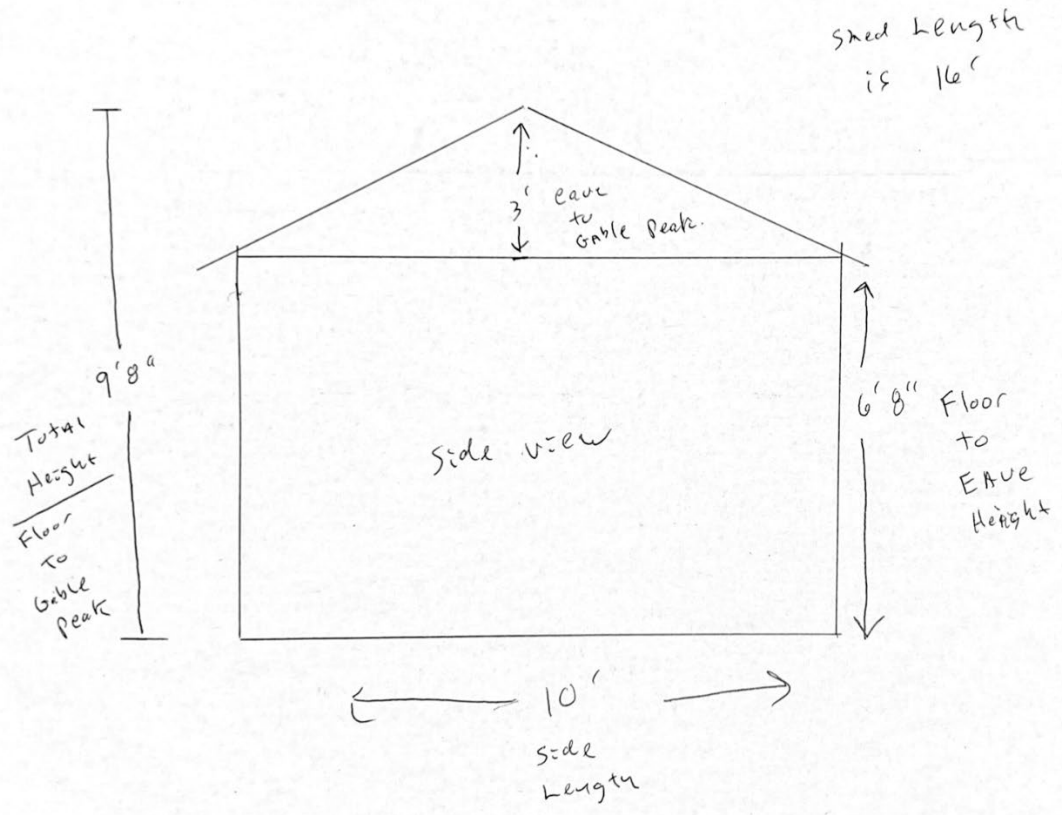
10.233.24 The values of surrounding properties will not be diminished;
Then current trees and aborvite will mostly hide the shed. The neighborhood will not be impacted.

20.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

Being able to store outdoor furniture and a rider mower along with a large assortment yard tools is really a necessity. There is currently not enough storage for us.







Sent from my iPhone

