

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 25, 2017** in the Eileen Dondero Foley Council Chambers, Municipal Complex, One Junkins Avenue, Portsmouth, New Hampshire.

PRESENT: Chairman David Rheaume, Vice Chairman Charles LeMay, Jeremiah Johnson, Jim Lee, Arthur Parrott, Alternates Peter McDonell, John Formella,

EXCUSED: Patrick Moretti, Christopher Mulligan

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II. PUBLIC HEARINGS – NEW BUSINESS (continued from the April 18, 2017 meeting)

10) Case 4-10

Petitioners: Lauren H. Wool and Jeffrey Bower
Property: 53 Summit Avenue
Assessor Plan: Map 230, Lot 14
Zoning District: Single Residence B
Description: Construct an 8'± x 8'± mud room with a 4'± x 4'± covered front entry.
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following:
1. A Variance from Section 10.521 to allow an 11'8"± primary front yard where 30' is required.
2. A Variance from Section 10.321 to allow a lawful nonconforming building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance.

Action:

The Board voted to **grant** the petition as presented and advertised.

Review Criteria:

The petition was granted for the following reasons:

- A reasonable expansion of the footprint that is consistent with the area will not alter the essential character of the neighborhood so that granting the variances will not be contrary to the public interest and the spirit of the ordinance will be observed.
- Substantial justice will be done by allowing the homeowners a small improvement to their property increasing functionality without encroaching on any public rights.
- The value of surrounding properties will be enhanced by the proposed improvements.

- The special conditions of the property which result in unnecessary hardship include the siting of the existing home on a corner lot as well as the age of the house. With an existing nonconforming building, even a small increase in the encroachment will require a variance.

11) Case 4-11

Petitioners: Colman C. Garland & North Woods Revocable Trust, John D. Rust, Trustee & Rust Family Trust, Libby K Rust, Trustee, owners, & David Calkins, applicant

Property: Off Moffat Street

Assessor Plan: Map 243, Lots 25 through 28

Zoning District: Single Residence B

Description: Provide less than the required frontage while creating two residential lots from four existing lots.

Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:

1. A Variance from Section 10.521 to allow 0'± continuous frontage where 100' is required.
2. A Variance from Section 10.512 to allow a structure to be erected on a lot with no access to a public street or an approved private street.

Action:

The Board voted to **grant** the petition as advertised and presented.

Review Criteria:

The petition was granted for the following reasons:

- Building modest single family homes in a single family area on lots that have long been recognized as buildable house lots will not alter the character of the neighborhood so that granting the variances will not be contrary to the public interest and the spirit of the ordinance will be observed.
- Substantial justice will be done as the benefit to the property owners in being allowed to develop houses on recognized lots will not be outweighed by any harm to the general public.
- New, built-to-code single family homes in a neighborhood of single family homes will not diminish the value of surrounding properties.
- The unknown status of the paper streets and the wetlands at the rear of the lots are special conditions of the property resulting in an unnecessary hardship so that variances are required to reasonably place appropriate homes on buildable lots.

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III. ADJOURNMENT

It was moved, seconded and passed to adjourn the meeting at 8:34 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary