

ACTION SHEET

TO: John P. Bohenko, City Manager

FROM: Mary Koepenick, Planning Department

RE: Actions Taken by the Portsmouth **Board of Adjustment at its regular meeting on October 15, 2019** in the Eileen Dondero Foley Council Chambers, Municipal Complex, One Junkins Avenue, Portsmouth, New Hampshire.

PRESENT: Chairman David Rheau, Vice Chairman Jeremiah Johnson, John Formella, Jim Lee, Peter McDonell, Christopher Mulligan, Arthur Parrott, Alternate Phyllis Eldridge, Alternate Chase Hagaman

EXCUSED: None

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I. APPROVAL OF MINUTES

A) September 17, 2019

Action: The Minutes were approved as amended.

B) September 24, 2019

Action: The Minutes were approved as amended.

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II. OLD BUSINESS

A) Request for Extension regarding property located at 84 Pleasant Street.

Action:

The Board voted to **extend** their approval of the variances for a one year period through November 21, 2020.

B) Request for Rehearing regarding property located at 20 Taft Road.

Action:

The Board voted to **deny** the request for rehearing. The Board determined that all of the necessary five criteria were addressed by the maker of the motion and that the Board made no errors in determining their votes. No new information has come forth that was not known to the Board at the time of the hearing.

C) **Case 7-2.** Petition of Kenneth K. and Deborah A. Jennings for property located at **27 Thaxter Road** to Appeal a Decision of the Portsmouth City Council to restore two involuntary merger lots. Said property is shown on Assessor Plan 66, Lot 39 and lies within the Single Residence B District. (This petition was postponed from the September 17, 2019 meeting.)

Action:

The Board voted to **remand** the matter back to the Portsmouth City Council to consider new information that was not originally available.

D) **Case 8-11.** Petition of Dagny Taggart, LLC for property located at **0 (53) Daniel Street** for a five-story building with mixed commercial uses wherein variances from Section 10.5A41 & Figure 10.5A41.10C are required to allow the following: a) a building footprint up to 17,500 s.f. where 15,000 s.f. is the maximum allowed; and b) a 3' rear yard where 5' is required. Said property is shown on Assessor Plan 107, Lot 27 and lies within Character District 4 and the Downtown Overlay District. (This petition was postponed from the August 27, 2019 meeting.)

Action:

The Board voted to **postpone** the application to the November 19, 2019 meeting.

E) **Case 8-12.** Petition of Foundry Place LLC for property located at **0 Hanover Street (aka 181 Hill Street)** for construction of a six story 60' hotel with interior parking wherein the following variances are required: a) from Section 10.5A43.31 and Section 10.5A46.10 to allow a six-story 60-foot tall building where a five-story, 60-foot tall building is permitted; b) from Section 10.1114.21 to allow 54 valet-only parking spaces using a two-car lift system where 10 spaces do not meet the parking depth requirements; and c) from Section 10.1114.32(a) to permit a valet-only lift system which requires passing over another parking space or moving another vehicle where both requirements are prohibited. Said property is shown on Assessor Plan 138, Lot 62 and lies within Character District 5. (The public hearing was reopened at the September 17, 2019 meeting and scheduled for the October meeting.)

Action:

The Board voted to **grant** the variance in section c) and the variances in Sections a) and b).

The variances in sections a) and b) were denied as all the criteria necessary to grant a variance were not met. Granting the variances would be contrary to the public interest and would not observe the spirit of the ordinance as the essential character of the neighborhood would be altered by a six-story structure, with undersized parking spaces, abutting properties with largely 2-3 story buildings. It was not adequately demonstrated that the intensity of the proposed structure would not diminish the value of surrounding properties. The conditions of the property cited by the applicant would not result in unnecessary hardship due to special conditions of the property as these conditions are similar to issues faced by other surrounding properties. The same use has been proposed for a property with similar issues that did not require a variance for the number of stories.

III. OTHER BUSINESS

A) Parking Principles

Action:

The reviewed comments and suggested revisions will be **forwarded** to the City Council.

B) Board of Adjustment Rules and Regulations.

Action:

The Board decided to **continue** further discussion at the November 19, 2019 meeting.

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IV. ADJOURNMENT

It was moved, seconded and passed to adjourn the meeting at 10:15 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary