



CITY OF PORTSMOUTH

Community Development Department
(603) 610-7281

Planning Department
(603) 610-7216

PLANNING DEPARTMENT

April 20, 2018

Portsmouth Lumber & Hardware, LLC
& Clipper Traders, LLC
105 Bartlett Street
Portsmouth, New Hampshire 03801

Re: Property at 105 Bartlett Street
Assessor Plan 157, Lots 1 & 2, Assessor Plan 164, Lots 1, 2, 3, & 4 (Current)

Dear Applicants:

The Board of Adjustment at its regular meeting on April 17, 2018 completed its consideration of your application described as follows:

Application:

6) Case 4-6

Petitioners: Portsmouth Lumber & Hardware, Clipper Traders, LLC
Property: 105 Bartlett Street
Assessor Plan: Currently: Map 157, Lots 1 & 2; Map 164 Lots 1, 2, 3 & 4
Zoning Districts: Office Research (OR), Character District 4-W (CD-4W), Transportation Corridor (TC). Proposed Lots 3 and 4 are proposed to be re-zoned to CD-4W and Proposed Lot 5 is proposed to be re-zoned to CD4W and CD4-L2.

Description: Adjust lot lines in order to construct new road.

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

The required relief under the current zoning includes the following:

Proposed Lot 1:

Variances from Section 10.5A41.10B to allow the following:

1a) a front lot line buildout of 13.4%± where 50% is required; and

1b) a front yard of 27.2'± where 10' is the maximum allowed;

Proposed Lot 2:

Variances from Section 10.5A41.10B to allow the following:

- 2a) a principal front line buildout of 13.3%± where 50% is required;
- 2b) a secondary front lot line buildout of 0'± where 50% is required;
- 2c) a principal front yard of 18.2'± where 10' is the maximum allowed; and
- 2d) a secondary front yard of 30.2'± where 15' is the maximum allowed;

Proposed Lot 3:

Variances from Section 10.530 to allow the following:

- 3a) a front yard of 0'± where 70' is required;
- 3b) open space coverage of 9.6%± where 20% is required;

Proposed Lot 4:

Variances from 10.530 to allow the following:

- 4a) a lot size of 1.4± acres± where 2 acres is required;
- 4b) a front yard of 1.7'± where 70' is required;
- 4c) a side yard of 3.9'± where 50' is required; and
- 4d) a rear yard of 46.9'± where 50' is required; and

Proposed Lot 5:

A variance from Section 10.530 to allow the following:

- 5a) a rear yard of 33.7'± where 50' is required.

The required relief under the proposed zoning includes the following:

Proposed Lot 3:

Variances from Section 10.5A41.10B to allow the following:

- 1a) a front lot line buildout of 24.7%± where 50% is required;
- 1b) open space coverage of 9.6%± where 15% is required;

Proposed Lot 4:

Variances from Section 10.5A41.10B to allow the following:

- 2a) a front lot line buildout of 29.1%± where 50% is required;
- 2b) a building footprint of 20,313± s.f. where a maximum of 15,000 s.f. is required; and

Proposed Lot 5:

Variances from Section 10.5A41.10B to allow the following:

- 3a) a front lot line buildout of 0%± where 50% is required; and
- 3b) a front yard of 75.6'± where a maximum of 10' is required.

Action:

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

Review Criteria:

The petition was granted for the following reasons:

- Granting relief necessitated by lot line reconfigurations will not alter the essential character of the neighborhood, which includes commercial and residential uses, nor will it threaten the health, safety or welfare of the public so that granting the variances will not be contrary to the public interest and the spirit of the ordinance will be observed.
- The loss to the property owner if the petition were denied would result in hampering development of the properties which would outweigh any detriment to the general public if the petition is granted.
- Enhancing and improving the properties will if anything improve the value of surrounding properties.
- Literal enforcement of the ordinance would result in unnecessary hardship due to special conditions of the properties, which include the irregular shape of the existing lots and their location between the railroad and the pond. The nature of the existing structures are unique in the neighborhood, mixing commercial with residential. Due to these special conditions, there is no fair and substantial relationship between the general public purposes of the setbacks, and other requirements from which relief is sought, and the specific application of the provisions to the properties. Based on the reconfigurations, some properties will be less conforming in some aspects and some properties more conforming. For what is currently before the Board, the existing uses remain a reasonable use of the properties.

As provided for in NH RSA Chapter 677, the Board's decision may be appealed 30 days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process. Construction drawings or sketches must be reviewed and approved by the Building Inspector prior to the issuance of a building permit. Approvals by other land use boards may also be required prior to the issuance of a building permit.

The minutes and tape recording of the meeting may be reviewed in the Planning Department.

Very truly yours,



Jeremiah Johnson, Vice-Chairman
Board of Adjustment

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c: Robert Marsilia, Chief Building Inspector
Roseann Maurice-Lentz, City Assessor
R. Timothy Phoenix, Esq.