

**ACTION SHEET – BOARD OF ADJUSTMENT**

**TO:** John P. Bohenko, City Manager

**FROM:** Judith A. Claveau, Planning Department

**RE:** Actions Taken by the Portsmouth **Board of Adjustment** meeting held on **April 21, 2004**, in the Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire

**PRESENT:** Chairman Charles LeBlanc, Vice-Chairman Jim Horrigan, Nate Holloway, David Witham, Arthur Parrott, Alternate Duncan MacCallum, and Alternate Steven Berg

**EXCUSED:** Alain Jousse had a conflict with this petition and Robert Marchewka was on vacation.

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**I. PUBLIC HEARINGS**

A) Petition of **The Childrens Museum of Portsmouth, owner**, for property located at **295 Woodbury Ave and abutting lot on Woodbury Avenue and The Hyder Irrevocable Trust of 1993, owner, for property located at 677 and 659 Dennett Street** wherein a Variance from Article II, Section 10-206 is requested to allow the Childrens Museum and 1,000 sf of office space for the Hyder Children’s Foundation to be located in a district where such uses are not allowed. Said property is shown on Assessor Plan 161 as Lots 31 & 32 and Assessor Plan 175 as Lots 6 & 6A and lies within the General Residence A district. Case # 2-10

As a result of such consideration, the motion to grant failed on a 3-3 vote; therefore, the petition was **denied**.

It was felt by some of the members of the Board that the Children’s Museum would not create a negative impact on the value of surrounding properties, but would act as an attraction to the area. It was felt that the plan was well-thought-out and would provide a wonderful “bookend” to contain the residential neighborhood.

Other Board members, however, felt that granting the variance would not be consistent with the spirit of the Ordinance, which is to reduce congestion, and maintain buildings and useage in a consistent manner within neighborhoods.

They felt that, in granting the variance, the Board would not be doing substantial justice to those individuals living in the area, and that the criteria regarding hardship had not been met, as the Children’s Museum presently has a location from which it is operating successfully.

The Board stated that the zoning Ordinance allows non-profit museums in the MRO (Mixed Residential Office) District and granting this request in a Residential District would be contrary to the integrity of the Ordinance as well as the City's interest in generating housing.

**I. ADJOURNMENT**

The motion was made and seconded to adjourn the meeting at 11:15 p.m.

Respectfully submitted,

Judith A. Claveau,  
Secretary

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