

**ACTION SHEET – BOARD OF ADJUSTMENT**

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

**FROM:** Lori J. Becker, Planning Department

**RE:** Actions Taken by the Portsmouth **Board of Adjustment** meeting held on September 28, 2004 in the Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire

**PRESENT:** Chairman Charles LeBlanc, Vice-Chairman Jim Horrigan, Bob Marchewka (arrived late), Alain Jousse, Arthur Parrott, Alternate Steven Berg and Alternate Duncan MacCallum

**EXCUSED:** David Witham, Nate Holloway

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**I. OLD BUSINESS**

A) **Request for Re-Hearing** for Petition of Bacman Enterprises, Inc., Applicant, for property located at **140 Edmond Avenue**. Said property is shown on Assessor Plan 220 as Lot 81 and lies within the Single Residence B district.

The Board of Adjustment, at its reconvened meeting of September 28, 2004, failed to approve a motion to grant the re-hearing, and the request for re-hearing was therefore **denied**.

**II. PUBLIC HEARINGS**

8) Petition of **Richard J. Menard, owner**, for property located at **137 Elwyn Avenue** wherein a Variance from Article IV, Section 10-402(B) was requested to allow a 24' x 24' detached one story garage with a 5' left side yard and a 10' rear yard where 12' is the minimum required in each instance. Said property is shown on Assessor Plan 112 as Lot 48 and lies within the General Residence A district. Case # 9-8

As a result of this consideration, the Board voted to **grant** the request as advertised and presented, as a majority of Board members found the following to be true:

- The rear yard set-back will not significantly impact abutters;
- The left side yard set-back was slightly improved from the previous request of 4', and will not adversely affect abutters;
- The small change in height, as requested, will not significantly impact abutters;
- The proposed location for the garage on the property is the best configuration, and no alternatives would be feasible;
- The Variance will not result in any diminution of values of surrounding properties; and,
- The request is in line with what is currently in the neighborhood, in that the proposed garage will be no more non-conforming than other garages already existing in the neighborhood.

9) Petition of **Deborah C. and Harry D. Hobbs owner**, for property located at **489 Sagamore Avenue** wherein a Variance from Article III, Section 10-301(A)(2) was requested to allow a 24' x 24' one story with basement freestanding second dwelling on the lot in a district where all dwelling units are required to be in one building. Said property is shown on Assessor Plan 222 as Lot 25 and lies within the General Residence A district. Case # 9-9

This petition was tabled until the BOA meeting scheduled for October 19, 2004.

10) Petition of **150 Greenleaf Avenue Realty Trust, James G. Boyle Trustee, owner**, for property located at **150 Greenleaf Avenue** wherein an Appeal from an Administrative Decision was requested concerning the determination that parking of vehicles "For Sale" is "outdoor storage" as defined by Article I.

Notwithstanding the above, if the Administrative Appeal was denied, a Variance from Article II, Section 10-208(35) was requested to allow the outdoor storage of vehicles upon existing pavement within 200' of a residential district where a 200' buffer to a residential district is required. Said property is shown on Assessor Plan 243 as Lot 67 and lies within the General Business district. Case # 9-10

This petition was tabled until the BOA meeting scheduled for October 19, 2004.

11) Petition of **Gary W. and Nancy T. Seesman, owners**, for property located at **93-95 Union Street** wherein a Variance from Article IV, Section 10-402(B) was requested to allow a 24' x 32' two story garage with: a) a 6' rear yard, b) a 6' left side yard; and, c) a 10.7' right side yard where 11.6' is the minimum required in each instance. Said property is shown on Assessor Plan 145 as Lot 67 and lies within the Apartment district. Case # 9-11

As a result of this consideration, the Board voted to **deny** your request, as advertised and presented, as a majority of Board members found the following to be true:

- That the uniqueness of the property was not established;
- That given the constraints of the lot, the benefit sought by the applicant could be accomplished while still complying with Zoning regulations, or by requesting a variance of smaller degree;
- That granting of this variance may lead to the granting of similar variances in the future, ultimately resulting in a gradual over-development of the neighborhood

### **III. ADJOURNMENT**

The motion was made, seconded and carried to adjourn the meeting at 7:50 p.m.

Respectfully submitted,

Lori J. Becker,  
Secretary

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