

PLANNING DEPARTMENT - BOARD OF ADJUSTMENT

REVISED ACTION SHEET

TO: John P. Bohenko, City Manager

FROM: Mary Koepenick, Planning Department

RE: Actions Taken by the Portsmouth **Board of Adjustment reconvened meeting** on November 27, 2007 in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire

PRESENT: Chairman Charles LeBlanc, Carol Eaton, Alain Jousse, Charles LeMay, Arthur Parrott, Alternates: Derek Durbin, Thomas Grasso

EXCUSED: Henry Sanders

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I. PUBLIC HEARINGS

8) Petition of **Cross Roads House, Inc., owner**, for property located at **600 Lafayette Road** wherein the following were requested: 1) a Variance from Article IV, Section 10-401(A)(1)(c) is requested to allow homeless shelter uses currently in three buildings (to be removed) to be relocated on the lot in one new building, 2) Variances from Article III, Section 10-304(A) and Section 10-304(C)(2) are requested to construct an irregular shaped two story 10,843 sf homeless shelter with: a) a 23.6'± left side yard for the building and 20.2'± for the loading area stairs where 30' is the minimum required, and b) a 19.6'± rear yard where 50' is the minimum required to the rear property line and 100' is required to the residentially zoned property line; and, 3) a Variance from Article XII, Section 10-1201(A)(3)(e)(2) is requested to allow parking to be located within the required 40' front yard and landscaped area. Said property is shown on Assessor Plan 243 as Lot 2A and lies within the General Business district.

After consideration, the Board voted to grant the petition as presented and advertised for the following reasons:

- It is a reasonable use of the property to allow the owners to bring buildings up to code and rebuild or renovate to improve their property.
- While this particular use is not specifically provided for in the Zoning Ordinance, it has been in place at this location for over twenty years without negatively affecting the public and private rights of others.
- Given the setting in which the property is located, allowing these changes will not be contrary to the public interest.

- Special conditions necessitating a variance include the triangular shape of the lot, the two uses on the lot, and the necessity to retain some buildings, while constructing others and maintaining an adequate flow of traffic.
- The applicant sufficiently outlined why this configuration was the best of the alternatives considered.
- Setting the front building back, along with the additional landscaping, will lessen the impact on abutters.
- Property values will not be diminished, as evidenced by letters of support from two abutters.

9) Petition of **Two Girls Realty LLC, owner**, for property located at **261 South Street** wherein a Special Exception was requested as allowed in Article IV, Section 10-401(A)(1)(d) to restore prior use of the property as conducted by the businesses that were there in recent years, South Street & Vine and South Street Market. What will be sold are food items typically found in the previous business such as milk, bread, eggs, cheese, wine, soft drinks, newspapers, dry goods, canned goods and some prepared foods with no food cooked or prepared to order. There will be no seating and the primary purpose is to reestablish a neighborhood market, which has occupied that space for the better part of the past century. Said property is shown on Assessor Plan 111 as Lot 34-2 and lies within the General Residence B and Historic A districts.

After consideration, the Board voted to grant the petition as presented and advertised with the hours of operation from 7:00 a.m. to 7:00 p.m., seven days a week.

The petition was granted for the following reasons:

- The character of the neighborhood will not be changed by simply reestablishing a previous use of the property which had been discontinued.
- This type of operation will present no hazards to the public or adjoining properties.
- There will be no additional demand for municipal services and no substantial increase in traffic.
- There will be no physical changes to the property that would affect storm water runoff.
- As evidenced by the neighborhood support given to the proposal, there will be no detriment to surrounding property values.

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II. ADJOURNMENT

The motion was made, seconded and passed to adjourn the meeting at 8:45 p.m.

Respectfully submitted,

Mary E. Koenick, Secretary