

**PLANNING DEPARTMENT - BOARD OF ADJUSTMENT**

**ACTION SHEET**

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

**FROM:** Mary Koeppenick, Planning Department

**RE:** Actions Taken by the Portsmouth **Board of Adjustment reconvened meeting** on January 27, 2009 in Conference Room A, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire

**PRESENT:** Chairman Charles LeBlanc, Carol Eaton, Thomas Grasso, Alain Jousse, Charles LeMay, Alternate: Derek Durbin

**EXCUSED:** Vice-Chairman David Witham, Arthur Parrott, Alternate: Robin Rousseau

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**I. PUBLIC HEARINGS**

2) Petition of **CCV Group, LLC, owner, Craig and Mollie Sieve, applicants**, for property located at **4 Sagamore Grove Road** wherein the following were requested to allow the rebuilding of a single family dwelling in a Waterfront Business District: 1) a Variance from Article II, Section 10-208 and to allow a residential use by rebuilding of nonconforming use on the existing foundation (600 sf) with an addition (568 sf), two stairway areas and a chimney in a district where residential uses are not allowed, 2) a Variance from Article III, Section 10-304(A) to allow a 20' x 30' (600 sf) 1 ½ story single family dwelling on the existing foundation with a 12'± left side setback and the 568 sf irregular shaped addition with a 16'± left side setback where 30' is the minimum side setback required; and, 3) a Variance from Article III, Section 10-301(A)(7)(a) to allow the following: a) the proposed 600 sf portion on the existing foundation to have a 46'± setback, b) the stairs to have a 41'± setback, c) the landing and to have stairs a 55'± setback; and, d) the proposed 568 sf addition to have a 77'± setback all from the salt water marsh wetlands and mean high water line where 100' is the minimum setback required for all. Said property is shown on Assessor Plan 201 as Lot 4 and lies within the Waterfront Business district. *This petition was continued from the January 20, 2009 meeting.*

After consideration, the Board voted to grant a portion of the petition, the continued residential use in a single family dwelling to be rebuilt on the existing foundation, as presented and advertised, with the existing setbacks. This portion of the petition was granted with the following stipulation:

- That the lot coverage, including the proposed landing and stairs to the building to be built on the existing foundation, meet the 30% maximum structure coverage requirement in the Waterfront Business District.

This portion of the petition was granted for the following reasons:

- Rebuilding the single family structure on the existing foundation will be consistent with the intent of the zoning ordinance and the character of the area.
- Special conditions include the size and history of the property.
- Justice will be done by allowing the owners to make their property more livable and bring it up to code without impacting the neighbors.
- The value of the surrounding properties will not be diminished by this rebuilt structure.

The Board voted to deny variances to allow the proposed addition, with its setbacks, and the expansion of a residential use into the proposed addition. The addition would change the way the house is situated on the property, almost doubling the footprint and significantly impacting the neighborhood. The change in access to the water would be contrary to the public interest and would “squeeze the door” on any good faith use of the property in the spirit of the Waterfront Business District in which it is located. An addition could be placed in a different configuration which would allow access to the water and not affect the value of surrounding properties.

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## **II. ADJOURNMENT**

It was moved, seconded and passed to adjourn the meeting at 8:45 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary