

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 regular meeting** on February 17, 2009 in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire

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

EXCUSED: Vice-Chairman David Witham

I. OLD BUSINESS

A) Approval of Minutes – January 20, 2009

It was moved, seconded and passed by unanimous voice vote to accept the Minutes with one minor correction.

B) Request for a One-Year Extension of Variance, granted February 19, 2008, for property located at 13 Salter Street.

After consideration, the Board voted to grant a One-Year Variance Extension through February 19, 2010.

C) Request for a One-Year Extension of Variance, granted March 18, 2008, for property located at 72 Mirona Road.

After consideration, the Board voted to grant a One-Year Variance Extension through March 18, 2010.

II. PUBLIC HEARINGS

1) Petition of Hunking Holdings LLC., owner, for property located at 33 Hunking Street wherein the following were requested: 1) a Variance from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) to allow: a) a 30 sf front porch with a 7'6"± left side setback where 10' is the minimum required, b) a 404 sf two story rear addition with a 23'6"± rear setback where 25' is the minimum required; and, c) a left side dormer with a 6'8" left side setback where 10' is the minimum required, and 2) a Variance from Article IV, Section 10-402(B) to allow a 14' x 24' detached one story garage with a 5'± right side setback where 10' is the minimum required. Said property is shown on Assessor Plan 103 as Lot 38 and lies within the General Residence B and Historic A districts.

After consideration, the Board voted to grant item 1) (a) of the petition, as presented and advertised. The variance for the front porch was granted for the following reasons:

- The spirit of the ordinance will be served by replacing the existing porch and steps with a smaller porch, which is less nonconforming.
- An attractive porch providing shelter from the elements will not be contrary to the public interest nor diminish the value of surrounding properties.

The Board voted to deny item 1) (c) and item 2 of the petition. It was felt that the size and location of the dormer and garage would impact the value of surrounding properties. The garage could be smaller and relocated to be more in keeping with the spirit of the ordinance. No hardship supporting the need for the variances had been demonstrated.

The request for variance 1)(b) was verbally withdrawn at the meeting by the owner.

2) Petition of D'Angelo, Inc., owner, for property located at 1981 Woodbury Avenue wherein the following were requested: 1) a Variance from Article IX, Section 10-906(A)(2)(b) to allow 158 sf of internally illuminated channel letter flush mounted signage where 65 sf of signage is the maximum allowed, and 2) a Variance from Article IX, Section 10-901(E)(2) to allow said sign to be located above the level of the roof where signs are not allowed to be located. Said property is shown on Assessor Plan 215 as Lot 7 and lies within the General Business district.

This petition was withdrawn by applicant.

3) Petition of John W. and Debora D. Mayer, owners, for property located at 68 Cabot Street wherein the following were requested: 1) a Variance from Article IV, Section 10-402(B) to allow a 14' x 24'8" section of an existing garage to be rebuilt in conjunction with previously approved additions with a 1'± rear setback and a 0' left side setback where 13'6"± is the minimum required for both rear and left side setbacks and 2) a Variance from Article III,

Section 10-302(A) to allow 44%± building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 135 as Lot 52 and lies within the Apartment district.

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

- Replacing a deteriorating structure in kind will not be contrary to the public interest nor diminish the value of surrounding properties.
- Special conditions include the desirability of using the existing foundation and maintaining the existing footprint.
- There is no other method to pursue as it would not be reasonably feasible to move the foundation.
- The spirit of the ordinance will be served as the rebuilt garage will encroach no further into the setbacks.

IV. ADJOURNMENT

It was moved, seconded and passed to adjourn the meeting at 8:30 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary