

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 regular meeting** on August 17, 2010 in Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire

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

EXCUSED: Chairman Charles LeBlanc, Vice-Chairman David Witham

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I. PUBLIC HEARINGS

1) Case #8-1
Petitioners: Gordon C. Clark & Carol L. Clark
Property: 28 Rockingham Street Assessor Plan 144, Lot 12
Zoning district: General Residence C
Request: To allow construction of a new home with the following variances from Section 10.521 Table of Dimensional Standards:

- Variance to allow a 7'± right side yard where 10' is required
- Variance to allow a 15' rear yard where 20' is required

After consideration, the Board voted to deny the petition. It was felt that the section of the criteria relating to an unnecessary hardship had not been met and the construction could be redesigned to meet the requirements of the Zoning Ordinance.

2) Case# 8-2
Petitioner: NH 1830 Limited Partnership, owner, Jamilla El-Shafei, applicant
Property: 323 Islington Street Assessor Plan 144, Lot 9
Zoning district: General Residence C
Request: To allow a projecting sign of 8.3 square feet where 2 square feet is allowed

- Variance from Section 10.1251.20 Maximum sign area for individual signs allowed in Sign District 1

After consideration, a motion to grant the petition failed to pass. It was felt that the proposed sign was too massive and that all the criteria necessary to grant a variance had not been met.

3) Case #8-3

Petitioners: Edward J. Valena & Dale R. Valena

Property: 67 Crescent Way Assessor Plan 212, Lot 147

Zoning district: General Residence B

Request: To allow an addition of 100 square feet to the rear of a nonconforming garage with the following variances:

- Variance from Section 10.321 to allow the expansion of a nonconforming structure
- Variance from Section 10.521 Table of Dimensional Standards to allow a left side yard of 1'± where 10' is required

After consideration, a motion to deny the petition failed to pass and the Board then voted to grant the petition as presented and advertised with the following stipulations:

- That the addition remain open on the three sides that are not attached to the garage.
- That the maximum height of the addition be two feet shorter than the height of the garage to which it is attached.

The petition was granted for the following reasons:

- An open addition located in the back yard will not be contrary to the public interest and there will be no benefit to the public in denying the petition.
- With the attached stipulations, there will be no impediment to the light and air protected by the ordinance.
- In this location, there is no evidence that the value of surrounding properties will be diminished.
- It would be difficult to approve the addition in another location on the lot, but situated behind the garage, no problems will be presented to the neighbors or the neighborhood.

4) Case #8-4

Petitioners: Karen E. Mountjoy Revoc Trust, Karen E. Mountjoy, Trustee

Property: 62 Orchard Street Assessor Plan 149, Lot 30

Zoning district: General Residence A

Request: To allow the replacement of an existing 19' x 18' garage with a new 20' x 22' garage with the following variances:

- Variance from Section 10.521, Table of Dimensional Standards to allow a building coverage of 26.4% where 25% required
- Variance from Section 10.521, Table of Dimensional Standards to allow a right side yard of 4'4" for a 1½ story garage where 13.5' is required

- Variance from Section 10.521, Table of Dimensional Standards to allow a rear yard of 4’11” for a 1½ story garage where 13.5’ is required

After a motion to invoke Fisher v. Dover failed to pass, the Board then voted to deny the petition as presented and advertised as all the criteria necessary to grant a variance had not been met. There was concern about the increase in height relative to the existing garage and the reduction in the rear setback. The unnecessary hardship in the property had not been demonstrated.

5) Case #8-5

Petitioners: Kent Scherr & Kristina Rogers Scherr

Property: 300 Rockland Street Assessor Plan 129, Lot 10

Zoning district: General Residence A

Requests: To allow the expansion of a nonconforming residential structure with the following variances:

- Variance from Section 10.321 to allow the expansion of a nonconforming structure
- Variance from Section 10.521 Table of Dimensional Standards to allow a 8’ rear yard where 20’ is required

The Board voted to postpone the petition, at the request of the applicant, to the September 21, 2010 meeting.

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II. ADJOURNMENT

It was moved, seconded and passed to adjourn the meeting at 9:25 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary