

CITY OF PORTSMOUTH

Community Development Department
(603) 610-7232

Planning Department
(603) 610-7216

PLANNING DEPARTMENT

May 19, 2017

Deer Street Associates
PO Box 100
York Harbor, ME 03911

Re: Property at 165 Deer Street, Permit #1043
Assessor Plan 125, Lot 17

Dear Applicant:

The Board of Adjustment at its regular meeting on May 16, 2017 completed its consideration of your application described as follows:

Application:

4) Case 5-4

Petitioner: Deer Street Associates

Property: 165 Deer Street (Lot/Building 3)

Assessor Plan: Map 125, Lot 17

Zoning District: Character District 5 and Downtown Overlay District

Description: Construct a 5-story mixed use building with enclosed off-street parking utilizing a lift system.

Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:

1. A Variance from Section 10.516.20 to allow a 5'± rear yard adjoining a railroad right-of-way where 15' is required.
2. A Variance from Section 10.1114.21 to allow 62 parking spaces utilizing a two-car lift system in each bay that does not meet the required dimensions for parking spaces.
3. A Variance from Section 10.1114.32(a) to allow vehicles to enter and leave parking spaces by passing over another parking space or requiring the moving of another vehicle.

Action:

The Board voted to **grant** the petition as presented and advertised.

Review Criteria:

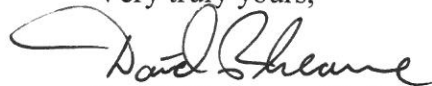
The petition was granted for the following reasons:

- Granting the variances will not be contrary to the public interest and the spirit of the ordinance will be observed. The parking system proposed for this lot is another component of an extensive development and is consistent with what has been previously presented and approved by this Board. The project is similar to others, planned or existing, in the area so that the essential character of the neighborhood will not be altered.
- Substantial justice will be done by granting the variances as limiting the parking spaces and parking flow would result in harm to the applicant with no benefit to the general public.
- The value of surrounding properties will not be diminished. These variances will allow the provision of adequate parking for the proposed use with the configuration of the parking and parking system contained within a building and not visible to the general public.
- Literal enforcement of the ordinance would result in unnecessary hardship. The lot's proximity to a railroad right-of-way is a hardship that has been satisfactorily addressed through the creation of an easement on the railroad property, similar to the variance granted to another lot in the development on April 18, 2017. With regard to the provisions regarding parking in the ordinance, there is no fair and substantial relationship between the purposes of those provisions and their specific application to this property, with a parking system that is enclosed in a structure.

As provided for in NH RSA Chapter 677, the Board's decision may be appealed 30 days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process. Construction drawings or sketches must be reviewed and approved by the Building Inspector prior to the issuance of a building permit. Approvals by other land use boards may also be required prior to the issuance of a building permit.

The minutes and tape recording of the meeting may be reviewed in the Planning Department.

Very truly yours,


David Rheame, Chairman

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c: Robert Marsilia, Chief Building Inspector
Roseann Maurice-Lentz, City Assessor
R. Timothy Phoenix, Esq.