

PLANNING DEPARTMENT - BOARD OF ADJUSTMENT

ACTION SHEET

TO: John P. Bohenko, City Manager
FROM: Mary Koepenick, Planning Department
RE: Actions Taken by the Portsmouth **Board of Adjustment at its regular meeting on January 17, 2017** in the Eileen Dondero Foley Council Chambers, Municipal Complex, One Junkins Avenue, Portsmouth, New Hampshire.
PRESENT: Chairman David Rheame, Jeremiah Johnson, Jim Lee, Patrick Moretti, Christopher Mulligan, Arthur Parrott. Alternates John Formella, Peter McDonell
EXCUSED: Vice Chairman Charles LeMay,

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I. APPROVAL OF MINUTES

- A) November 22, 2016
- B) December 20, 2016

The Minutes for November 22 and December 20, 2017 were approved with minor changes by unanimous voice vote.

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II. PUBLIC HEARINGS – NEW BUSINESS

- 1) Case #1-1
Petitioners: Timothy P. Lieto and Maureen M. Lieto
Property: 27 Baycliff Road
Assessor Plan 207, Lot 49
Zoning District: Single Residence B
Description: Reconstruct single-family home with attached garage.
Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including Variances from Section 10.521 to allow the following:
 - 1. A lot area of 7,749 s.f. where 15,000 s.f. is required;
 - 2. A lot area per dwelling unit of 7,749 s.f. where 15,000 s.f. is required;

3. Continuous street frontage of 60’ where 100’ is required; and
4. Building coverage of 21% where 20% is the maximum allowed.

Action:

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

Review Criteria:

The petition was granted for the following reasons:

- Similar to area homes in size, style and placement on the lot, the proposed structure will not alter the essential character of the neighborhood so that granting the variances will not be contrary to the public interest and the spirit of the Ordinance will be observed.
- Substantial justice will be done as there is no overriding public interest that would argue against allowing the structure to be built as proposed.
- Replacing a neglected structure with an upgraded home similar to others in the neighborhood and within the required setbacks will not diminish the value of surrounding properties.
- The lot is small by current standards and creates a hardship in accommodating a reasonably sized dwelling. Reconstructing the home, while bringing it back into conformance with the required setbacks, is a reasonable use of the property.

2) Case 1-2

Petitioners: 406 Highway 1 Bypass, LLC, owner, Primary Brewing Company, LLC, applicant

Property: 406 Route One By-Pass

Assessor Plan 172, Lot 2

Zoning District: Gateway

Description: A restaurant with a 250-500 occupant load and related parking.

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

1. A Special Exception under Section 10.440, Use #9.43 to allow a restaurant use with an occupant load of 250 to 500 in a district where the use is only allowed by Special Exception.

Action:

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

Review Criteria:

The petition was granted for the following reasons:

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- The standards as provided by the Ordinance for this use, permitted by Special Exception, are met.
- There is nothing in the restaurant use or in the brewery process that would create a hazard to the public or adjacent property from fire explosion or release of toxic materials and there is a reasonable buffer between the subject property and abutting properties.
- There will be no detriment to property values in the vicinity or change in the essential characteristics of the area due to the buildings, parking areas, odors, gas, dust, or other pollutants, or outdoor storage of vehicles or equipment. The area contains a variety of uses and a small brew pub and restaurant with the proposed occupant load will not be out of character and may help rejuvenate the neighborhood.
- There will be no creation of a traffic safety hazard or substantial increase in the level of traffic congestion. While there will likely be an increase in traffic from that generated by the existing vacant lot or the former automobile sales use, the level will not be detrimental and can be accommodated by current traffic signals and lights.
- While the brewing process might result in increased water and sewer use, there is no evidence that the proposed occupant load will result in an excessive demand that the current utilities at the site cannot accommodate.
- With no increase in structure or hard surfaces, there will be no significant increase in storm water runoff onto adjacent property or streets.

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III. ADJOURNMENT

It was moved, seconded and passed to adjourn the meeting at 7:43 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary