

**AMENDED**  
**LEGAL NOTICE**  
**BOARD OF ADJUSTMENT**  
**PORTSMOUTH, NEW HAMPSHIRE**

NOTICE IS HEREBY GIVEN that the Board of Adjustment will hold a Public Hearing on the following petition on Tuesday, May 20, 2003 at 7:00 P.M. in the City Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire.

9) Petition of Thomas P. and Dani M. Rooney, owners, for property located at 29 Spring Street wherein the following Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow: a) a 6' x 7' front entry with a 2.5' front yard where 15' is the minimum required, and b) a 5' x 14' porch to the right side of the dwelling with both additions creating 28.8% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 130 as Lot 21 and lies within the General Residence A district. Case # 5-9

Lucy E. Tillman  
Planner I

LEGAL NOTICE  
BOARD OF ADJUSTMENT  
PORTSMOUTH, NEW HAMPSHIRE

NOTICE IS HEREBY GIVEN that the Board of Adjustment will hold Public Hearings on petitions #1 thru #9 on Tuesday, May 20, 2003. Petitions #10 thru #17 will be heard on Tuesday May 27, 2003. Both meetings will start at 7:00 P.M. in the City Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire.

- 1) Petition of Stamatia S. Miminis, owner, for property located at 17-19 Elm Court wherein the following are requested: 1) a Variance from Article II, Section 10-208(45) and Article IV, Section 10-401(A)(1)(b) to allow an existing building with two grandfathered dwelling units to be converted into three dwelling units where such use is not allowed, 2) a Variance from Article XII, Section 10-1204 to allow 3 parking spaces to be provided where 5 parking spaces are required, 3) a Variance from Article XII, Section 10-1201(A)(2) to allow an 8' travel way where 24' is the minimum required; and, 4) a Variance from Article III, Section 10-304(A) to allow 0% open space where 15% is the minimum required. Said property is shown on Assessor Plan 164 as Lot 10 and lies within the Business district. Case # 5-1
- 2) Petition of Alan J. Watson, owner, David R. Lemeux, applicant, for property located at 43 Cornwall Street wherein a Variance from Article III, Section 10-302(A) is requested to allow the construction of a 32' x 80' 3 ½ story building for 4 dwelling units after the demolition of the existing building with 2,102.5 sf of lot area per dwelling unit where 3,500 sf of lot area per dwelling unit is required. Said property is shown on Assessor Plan 138 as Lot 42 and lies within the Apartment district. Case # 15-3
- 3) Petition of The Morley Company, owner, Dow's Automotive Services, applicant, for property located at 909 Islington Street wherein a Special Exception as allowed in Article II, Section 10-208(36) is requested to allow a 2,400 sf, 3 bay automotive service center with related office space and storage in a district where such use is allowed by Special Exception. Said property is shown on Assessor Plan 172 as Lot 7 and lies within the Business district. Case # 5-3
- 4) Petition of Irene Bartholomew, owner, Robin Bettencourt applicant, for property located at 90 Gates Street wherein a Variance from Article III, Section 10-302(A) is requested to allow 6' x 9' shed creating 35.5% building coverage where 30% is the maximum allowed. Said property is shown on Assessor Plan 103 as Lot 74 and lies within the General Residence B and Historic A districts. Case # 5-4
- 5) Petition of Eleanor M. & Frank W. Collins, Trustees, Eleanor M. Collins Revocable Living Trust, owners, for property located at 15 Clover Lane wherein a Variance from Article III, Section 10-302(A) is requested to allow a 7 ½' x 8' deck creating 23.2% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 236 as Lot 42 and lies within the Single Residence B district. Case # 5-5
- 6) Petition of Thadeus Drabkowski, owner, Thomas Battles, applicant, for property located at 948 US Highway 1 (a/k/a Route One By-Pass North) wherein a Variance from Article III, Section 10-304(A) is requested to allow the existing building to be converted into 6 apartments totaling 4,950 sf and nonresidential uses totaling 3,250 sf with: a) 9% open space where 15% is the minimum required, b) 17.1" front yard where 20' is the minimum required; and, c) 7.6' and 9.1' left side yards where 15' is the minimum required. Said property is shown on Assessor Plan 142 as Lot 17 and lies within the Business district. Case # 5-6
- 7) Petition of Kathleen L. Wells, owner, for property located at 36 Wilson Road wherein a Variance from Article III, Section 10-302(A) is requested to allow a 12' x 14' breezeway connecting a formerly approved detached one story garage making the garage part of the principal building with a 6' left side yard where 10' is the minimum required. Said property is shown on Assessor Plan 251 as Lot 59 and lies within the Single Residence B district. Case # 5-7
- 8) Petition of Joan W. Sanborn, Trustee, Joan W. Sanborn Revocable Trust, owner, for property located at 191 South Street wherein a Variance from Article III, Section 10-302(A) is requested to allow a 9' x 10' one story addition creating 41.9% building coverage where 30% is the maximum allowed. Said property is shown on Assessor Plan 111 as Lot 39 and lies within the General Residence B and Historic A districts. Case # 5-8

9) Petition of Thomas P. and Dani M. Rooney, owners, for property located at 29 Spring Street wherein the following Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow a 5' x 14' porch to the right side of the dwelling and expand the front entry to 6' x 7' creating 28.8% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 130 as Lot 21 and lies within the General Residence A district. Case # 5-9

10) Petition of Lawrence N. & Ruth S. Gray, owners, for property located at 80 Currier's Cove wherein a Variance from Article III, Section 10-301(A)(7) is requested to allow an 8' x 14' screened porch with a 2<sup>nd</sup> floor roof deck above the porch and a 4' x 4' platform with steps to grade from the porch 67' from the edge of the salt water marsh/wetlands where 100' is the minimum setback to the edge of the salt water marsh/wetlands. Said property is shown on Assessor Plan 204 as Lot 14 and lies within the Single Residence A district. Case # 5-10

11) Petition of Catherine A. Irvine, owner, Jeffrey Marple, applicant, for property located at 300 Court Street wherein the following are requested: 1) Variances from Article II, Section 10-207(13), Article III, Section 10-303(A); and, Article IV, Section 10-401(A)(1)(b) to allow a third dwelling unit in an existing building on a 7,358 sf lot where 22,500 sf of lot is required for three dwelling units, and 2) Variances from Article XII, Section 10-1201(A)(2) and Section 10-1201(A)(3)(a)(3&4) and Section 10-1204 Table 15 to allow 4 parking spaces to be provided that are designed to park one behind another and to back out onto the street where 5 parking spaces are required and are to be designed so that any motor vehicle may proceed to and from a parking space without moving another vehicle and not back out onto the street with a 24' maneuvering aisle. Said property is shown on Assessor Plan 108 as Lot 12 and lies within the Mixed Residential Office district. Case # 5-11

12) Petition of Eric D. Weinrieb, owner, for property located at 1 Jackson Hill Street wherein a Variance from Article IV, Section 10-402(B) is requested to allow a 12' x 16' shed including a 3' x 12' roof overhang with a 4'6" rear yard where 10' is the minimum required. Said property is shown on Assessor Plan 141 as Lot 30 and lies within the General Residence A and Historic A districts. Case # 5-12

13) Petition of James and Edna Pantelakos, owners, Chris and Petra Barstow, applicants, for property located at 188 Edmond Avenue wherein the following are requested: 1) a Variance from Article II, Section 10-206 to allow a single family dwelling to be converted into a two family dwelling in a district that only allows single family dwellings, and 2) a Variance from Article III, Section 10-302(A) to allow two dwelling units on a 22,000 sf lot in a district where 15,000 of lot area is required per dwelling unit. Said property is shown on Assessor Plan 220 as Lot 78 and lies within the Single Residence B district. Case # 5-13

14) Petition of Lafayette Limited Partnership, owners, Philbrick's Fresh Market LLC, applicant, for property located at 775 Lafayette Road wherein the following are requested to allow a 1,020 sf addition to the existing building for a grocery market with a restaurant (cafe) with both inside and outside seating : 1) a Variance from Article II, Section 10-208(20)(A) to allow a restaurant use on a lot which directly abuts a residential district, 2) a Variance from Article III, Section 10-304(A) to allow said addition to have: a) a 24' right side yard where 30' is the minimum required, and b) 12.7% open space where 20% is the minimum required, 3) a Variance from Article XII, Section 10-1203(1) to allow the loading berth to be located within the required right side setback; and, 4) a Variance from Article XII, Section 10-1204 Table 15 to allow 544 parking spaces to be provided where 593 are required. Said property is shown on Assessor Plan 245 as Lot 1 and lies within the General Business district. Case # 5-14

15) Petition of Louis F. Clarizio, Trustee, SOS Realty Trust, owners, for property located off Cass Street wherein the following are requested for the construction of a 32' x 34' two story building for one dwelling unit and office space: 1) a Variance from Article III, Section 10-303(A) to allow: a) a 13' rear yard where 15' is the minimum required, and b) 7,454 sf of lot area where the minimum lot size is 7,500 sf and where 7,500 sf is required for a dwelling unit, and 2) a Variance from Article XII, Section 10-1201(A)(3)(c)(1) to allow parking 6' from a residential lot line where 50' is the minimum required to a residential lot line. Said property is shown on Assessor Plan 156 as Lots 33 & 34 and lie within the Mixed Residential Business district. Case # 5-15

16) Petition of Deborah C. and Harry D. Hobbs, owners, for property located at 489 Sagamore Avenue wherein a Variance from Article III, Section 10-301(A)(2) is requested to allow a 26' x 36' freestanding second dwelling unit on the property to replace one of the existing free-standing dwellings on the property in a district

where no more than one free-standing dwelling shall be built upon any single lot. Said property is shown on Assessor Plan 222 as Lot 25 and lies within the General Residence A district. Case # 5-16

17) Petition of George W. Williams Jr., owner, for property located at 272 Highland Street wherein an Appeal from the Decision of the Code Official is requested requiring Variances from Article III, Section 10-301(A)(2) and 10-302(A) for a second dwelling unit on the property.

Notwithstanding the above, if the Appeal from the Decision of the Code Official is denied the following are requested: 1) a Variance from Article III, Section 10-301(A)(2) to allow a second dwelling unit on a 9,807 sf lot where 7,500 sf of lot area is required per dwelling unit for a total of 15,000 sf of lot area for two dwelling units, and 2) a Variance from Article III, Section 10-302(A) to allow a 5' x 28' two story addition with a 5' right side where 10' is the minimum required. Said property is shown on Assessor Plan 130 as Lot 35 and lies within the General Residence A district. Case # 5-17

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