

**REGULAR MEETING
BOARD OF ADJUSTMENT
PORTSMOUTH, NEW HAMPSHIRE**

7:00 P.M.

CITY COUNCIL CHAMBERS

**March 16, 2004
(Reconvened March 23, 2004)**

AMENDED AGENDA

PLEASE NOTE: Due to weather conditions, the March 16, 2004, meeting was cancelled. The petitions from this meeting will be heard on **March 23, 2004**, along with the advertised petitions for March 23, 2004 Agenda. This meeting will begin at 7 p.m. in the City Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire.

I. OLD BUSINESS

A) Petition of **The Childrens Museum of Portsmouth, owner**, for property located at **295 Woodbury Ave and abutting lot on Woodbury Avenue**; and **The Hyder Irrevocable Trust of 1993, owner, for property located at 677 and 659 Dennett Street** wherein a Variance from Article II, Section 10-206 is requested to allow the Childrens Museum and 1,000 sf of office space for the Hyder Children's Foundation to be located in a district where such uses are not allowed. Said property is shown on Assessor Plan 161 as Lots 31 & 32 and Assessor Plan 175 as Lots 6 & 6A and lies within the General Residence A district. Case # 2-10
(A request has been received to table this petition.)

B) Petition of **Lafayette Plaza LLC, owner**, for property located **2454 Lafayette Road** wherein the following are requested: 1) a Special Exception as allowed in Article II, Section 10-208(36) is requested to allow 2,400± sf car wash in a district where such use is allowed by Special Exception, and 2) a Variance from Article III, Section 10-304(A) to allow a 75' front yard where 105' is the minimum required. Said property is shown on Assessor Plan 273 as Lot 3 and lies within the General Business district. Case # 2-11

C) Petition of **Robert J. Chaffee and Barbara A. Trimble, owners** for property located at **32 Miller Avenue** wherein the following are requested: 1) a Variance from Article III, Section 10-303(A) to allow a 4,000± sf L-shaped building on existing dwelling unit for a total of five dwelling units with 6,587.3 sq ft lot area is required per dwelling unit, and 2) a Variance from Article III, Section 10-303(A) to allow five dwelling units on a lot where the maximum allowed is four dwelling units. Said property is shown on Assessor Plan 136 as Lot 18 and lies within the Mixed Residential Office district. Case # 2-12

D) A Request for Rehearing for **Daryl K. and Maria A. Gregory, owners**, requested by Charles A. Griffin, Esq. for property located at 85 Ocean Road. Said property is shown on Assessor Plan 292 as Lot 154 and lies within the Single Residence B District.

II. PUBLIC HEARINGS

1) Petition of **T-Beyar Realty, LLC, owner**, and **BISCO, applicant**, for property located at **141 Banfield Road, Units 5 & 8** wherein a Special Exception as allowed in Article II, Section 10-209(38) is requested to allow an 18' x 25' yard area for the outdoor storage of irrigation equipment. Said property is shown on Assessor Plan 254 as Lots 2 & 3 combined and lie within the Industrial district. Case # 3-1

2) Petition of **Portsmouth Casey Home Association, owner**, for property located at **1950 Lafayette Road** wherein a Variance from Article II, Section 10-209 is requested to allow a 60' x 100' (6,000 sf) one story building to be used by both the Knights of Columbus and as a function hall. Said property is shown on Assessor Plan 267 as Lot 7 and lies within the Office Research district. Case # 3-2

3) Petition of **Richard P. Fusegni, owner**, for property located at **1574 Woodbury Avenue** and **D & P Shopping Center, LLC, owner**, for property located at **1600 Woodbury Avenue** wherein the following are requested: 1) a Variance from Article III, Section 10-304(A) to allow: a) a 10' right side yard where 30' is the minimum required, and b) a 16' rear yard where 50' is the minimum required, 2) a Variance from Article V, Section 10-504(D) to allow a dumpster 5' from the rear property line where 10' is the minimum required; and, 3) a Variance from Article XII, Section 10-1201(A)(3)(e)(2) to allow required parking 20' from the front property where a 40' setback from the front property line is the minimum required. Said property is shown on Assessor Plan 238 as Lots 16 & 17 and lie within the General Business district. Case # 3-3

4) Petition of **Aranosian Oil Company, Inc., owner**, for property located at **1166 Greenland Road** wherein the following are requested: 1) a Variance from Article II, Section 10-209 Table 5 to allow 3,588 sf convenience store and an 864 sf car wash in a district where such uses are not allowed, 2) a Variance from Article IV, Section 10-402(B) is requested to allow: a) a 24' x 97' gas canopy with a 46' front yard where 70' is the minimum required, and b) a 30' x 90' truck fueling canopy with a 0' left side yard where 13.9' is the minimum required; and, 3) a Variance from Article IV, Section 10-401(A) and Section 10-401(A)(1)(c) to allow the existing convenience store (approved by court order) and the canopy to be moved and a car wash to be installed where a nonconforming use of land may not be extended into any part of the remainder of the lot of land. Said property is shown on Assessor Plan 279 as Lot 2 and lies within the Industrial district. Case # 3-7

THE FOLLOWING PETITIONS WILL BE HEARD ON TUESDAY, MARCH 23, 2004

5) **Petition of T-Beyar Realty LLC, owner, and Auto One Automotive, applicant** for property located at **141 Banfield Road Units 4 & 9** wherein a Variance from Article II, Section 10-209(13) is requested to allow an auto repair business (small cosmetic & dent repairs to autos & RVs, mobile service, and repairs to wood, leather & vinyl) in addition to repairs to marine craft, home and office furnishings located within 225' of a residential district where 500' is the minimum required. Said property is shown on Assessor Plan 254 as Lots 2 & 3 combined and lie within the Industrial district. Case # 3-6

6) Petition of **Thomas M. Hammer and Dierdre Veo Costabile, owners**, for property located at **102 Mill Pond Way** wherein a Variance from Article III, Section 10-302(A) is requested to allow the construction of a two family dwelling on a lot having 12,064 sf where the minimum required is 15,000 sf of lot area for two dwelling units (7,500 sf of lot area per dwelling unit). Said property is shown on Assessor Plan 143 as Lot 7-2 and lies within the General Residence A district. Case # 3-4

7) Petition of **Eric A. Spear and Jean C.M. Spear, owners**, for property located at **57 Mt Vernon Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow the construction of an 18' X 24' one-story addition on the same footprint of the existing garage (to be removed) with a 1'8" left side yard where 10' is the minimum required. Said property is shown on Assessor Plan 111 as Lot 31 and lies within the General Residence B and Historic A districts. Case # 3-5

8) Petition of **T-Beyar Realty, LLC, owner, and Northeast Conversions, LLC, applicant**, for property located at **141 Banfield Road Units 2, 10, 11 and 12** wherein a Variance from Article II, Section 10-209(13) is requested to allow an automotive warranty service business located within 225' of a residential district where 500' is the minimum required. Said property is shown on Assessor Plan 254 as Lots 2 & 3 combined and lie within the Industrial district. Case # 3-6A

9) Petition of **William L. Morton and Kim L. Tyndall, owners**, for property located at **612 South Street, Unit B**, wherein the following are requested: 1) a Variance from Article II, Section 10-206(12) to allow a business office and the warehousing and distribution of goods from a residential property in a district where such use is not allowed. 2) a Variance from Article XII, Section 10-1204 to not provide required parking for the business. Said property is shown on Assessor Plan 112 as Lot 3 and lies within the General

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Residence A district. Case # 3-8 (There is a request to table this petition until the April 20, 2004, Board of Adjustment meeting.)

III. ADJOURNMENT