

**REGULAR MEETING
BOARD OF ADJUSTMENT
PORTSMOUTH, NEW HAMPSHIRE
CITY COUNCIL CHAMBERS**

7:00 P.M.

**JUNE 15, 2004
(Will reconvene on
June 22, 2004)**

AMENDED AGENDA

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**NOTICE IS HEREBY GIVEN** that the Board of Adjustment will hold Public Hearings on **Old Business** and **Petitions #1 through #9** on **Tuesday, June 15, 2004**. **Petitions #10 through #16** will be heard on **Tuesday, June 22, 2004**. Both meetings will be at 7:00 P.M. in the City Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire.  
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I. OLD BUSINESS

A) Request for a One-Year Extension of Variance by Parrott Avenue Place, Inc., owners of property located at 127 Parrott Avenue.

II. PUBLIC HEARINGS

1) Petition of **Andrew J. Widen, owner, Jonah Fernald d/b/a Portsmouth Rent & Ride, applicant**, for property located at **955 Sagamore Avenue** wherein a Variance from Article II, Section 10-208(2) is requested to allow the rental and sales of bicycles, cross-country skis, snow shoes and related products in a district where such use is not allowed. Said property is shown on Assessor Plan 201as Lot 1 and lies within the Waterfront Business district. Case # 6-1

2) Petition of **Richard J. Menard, owner**, for property located at **137 Elwyn Avenue** wherein a Variance from Article IV, Section 10-402(B) is requested to allow a 24' x 24' detached one story garage with: a) a 4' left side yard where 10' is the minimum required, and b) 29.4% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 112 as Lot 48 and lies within the General Residence A district. Case # 6-2

3) Petition of **Malthouse Exchange Realty Trust, owner, Everyone Does The Dishes LLC, applicant, d/b/a Slate**, for property located at **95 Brewery Lane Unit #7** wherein a Variance from Article II, Section 10-208(19) is requested to allow a 4,200 sf restaurant with a bar in a district where such use is not allowed. Said property is shown on Assessor Plan 146 as Lot 27 and lies within the Business district. Case # 6-3

4) Petition of **Sharan R. Gross Revocable Trust, owner**, for property located at **201 Cate Street** wherein a Variance from Article IX, Section 10-908 is requested to allow a 24 sf attached sign for a hair salon in a district where commercial signs are not allowed. Said property is

shown on Assessor Plan 163 as Lot 32 and lies within the General Residence A district. Case # 6-4

5) Petition of **E&V Truck Leasing Inc., owner, Premier Development Enterprises Inc., applicant**, for property located off **Lafayette Road** wherein a Variance from Article II, Section 10-208(53)(E) is requested to allow a temporary retail business in carts or trailers with an outdoor display area in excess of a 6' strip abutting and around the carts and trailers. Said property is shown on Assessor Plan 297 as Lot 2 and lies within the General Business district. Case # 6-5

6) Petition of **David F. Meehan, owner**, for property located at **766 Sagamore Avenue** wherein a Variance from Article III, Section 10-302(A) is requested to allow 708 sf L-shaped two story attached garage with second floor study and basement with a 5' left side yard where 10' is the minimum required. Said property is shown on Assessor Plan 223 as Lot 4 and lies within the Single Residence B district. Case # 6-6

7) Petition of **Derek M. and Wendy C. Rolfe, owners**, for property located at **419 South Street** wherein a Variance from Article III, Section 10-302(A) is requested to allow a 848 sf one story addition with an 11' rear yard and a 331 sf addition with a 12' rear yard where 20' is the minimum rear yard required. Said property is shown on Assessor Plan 112 as Lot 54 and lies within the General Residence A district. Case # 6-7

8) Petition of **Margaret M. Brennan, owner**, for property located at **86 Thornton Street** wherein the following are requested: 1) a Variance from Article II, Section 10-206 to allow one room and a bathroom in the basement to be used for a business (The Joyful Healing Place), and 2) a Variance from Article XII, Section 10-1204 Table 15 to allow no parking to be provided for the business where two parking spaces are required. Said property is shown on Assessor Plan 160 as Lot 2 and lies within the General Residence A district. Case # 6-8

9) Petition of **Friends of The Music Hall, owner, Portsmouth Community Radio, applicant**, for property located at **28 Chestnut Street** wherein a Variance from Article III, Section 10-304(A) is requested to amend the previously approved 20' antenna to a 25' antenna with associated elements where the maximum height allowed is 10' for roof appurtenances. Said property is shown on Assessor Plan 126 as Lot 7 and lies within the Central Business B and Historic A districts. Case # 6-9

THE FOLLOWING PETITIONS WILL BE HEARD ON TUESDAY, JUNE 22, 2004
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10) Petition of **SGB & RGB Ventures LLC, owners**, for property located at **1800 Woodbury Avenue** wherein a Variance from Article III, Section 10-304(A) is requested to allow a 2,292 sf one story building with: a) a 4' left side yard where 30' is the minimum required and b) a 68' front yard where 70' is the minimum required. Said property is shown on Assessor Plan 239 as Lot 7-3 and lies within the General Business district. Case # 6-10

11) Petition of **David J. and Vasilia Tooley, owners**, for property located at **166 Newcastle Avenue** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow: a) a 3'10" x 17'6" covered entry with a 3'± right side yard where 10' is the minimum required and a 21'± front yard where 30' is the minimum required, b) an irregular shaped 422 sf addition with a 3'± left side yard where 10' is the minimum required and a 10" rear yard where 30' is the minimum required, c) 55% building coverage where 20% is the maximum allowed; and, d) 27% open space where 40% is the minimum required. Said

property is shown on Assessor Plan 101 as Lot 24 and lies within the Single Residence B and Historic A districts. Case # 6-11

12) Petition of **Boise Cascade, owner**, for property located at **100 Ranger Way** wherein the following are requested; 1) a Variance from Article III, Section 10-305(A) to allow a 44.31 x 23.88 sf modular building with a 55' front yard where 70' is the minimum required, and 2) a Variance from Article XII, Section 10-1201(A)(2) to allow a 14' one way access to 10' x 19' perpendicular parking spaces where an 18' access way is the minimum required. Said property is shown on Assessor Plan 211 as Lot 2 and lies within the Industrial district. Case # 6-12

13) Petition of **Samuel and Lucille McMaster, owners, Greenway North, LLC, applicant**, for property located at **383 – 385 Islington Street** wherein a Variance from Article II, Section 10-207(14) is requested to allow an existing building to be converted into four dwelling units with 1,362 sf of lot area per unit where 1,500 sf of lot area per unit is required. Said property is shown on Assessor Plan 144 as Lot 21 and lies within the Mixed Residential Business district. Case # 6-13

14) Petition of **Joseph E. Welsh and Lauren Greenwald, owners**, for property located at **55 Lovell Street** wherein a Variance from Article III, Section 10-302 is requested to allow a 7'7 1/2" x 13'5" one story addition with a 2'7" left side yard where 10' is the minimum required. Said property is shown on Assessor Plan 146 as Lot 13 and lies within the Apartment district. Case # 6-14

15) Petition of **Jeff W. Ott, owner**, for property located at **85 Albany Street** wherein a Variance from Article II, Section 10-207 is requested to allow an existing office to be converted into a dwelling unit for a total of five dwelling units on the lot where the maximum allowed are four dwelling units. Said property is shown on Assessor Plan 146 as Lot 25 and lies within the Mixed Residential Business district. Case # 6-16

16) Petition of **Robert Krieger, Trustee, Enzo Realty Trust, owners**, for property located at **211-225 Union Street** wherein the following are requested: 1) a Special Exception as allowed in Article II, Section 10-10-206(6) to allow the existing building to be converted into seven dwelling units where such use is allowed by Special Exception, and 2) a Variance from Article XII, Section 10-1201(A)(2) to allow: a) 3 of the required parking spaces to back out onto the street, and b) 2 of the parking spaces in the garage to have a 13'4" maneuvering aisle where 18' is the minimum required for a one way aisle. Said property is shown on Assessor Plan 135 as Lot 70 and lies within the Apartment district. Case # 6-17

III. OLD BUSINESS

Petition of **Henry S. Dutkowski, owner**, for property located at **806 US Route One By-Pass** wherein a Variance from Article XII, Section 10-1204 Table 15 is requested to allow 37 parking spaces to be provided where 58 parking spaces are required. Said property is shown on Assessor Plan 161 as Lot 43 and lies within the Business district. Case # 5-11

IV. ADJOURNMENT