

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

7:00 P.M.

CITY COUNCIL CHAMBERS

AUGUST 17, 2004

NOTICE IS HEREBY GIVEN that the Board of Adjustment will hold Public Hearings on Applications #1 through #8 on **Tuesday, August 17, 2004**, Applications #9 through #14 on **Tuesday August 24, 2004** and Applications #15 through #19 on **Wednesday, August 25, 2004**, all at 7:00 P.M. in the City Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire.

AGENDA

I. PUBLIC HEARINGS

**THE FOLLOWING PETITIONS WILL BE HEARD ON TUESDAY, AUGUST 17, 2004
AT 7:00 P.M.**

- 1) Petition of **150 Greenleaf Avenue Realty Trust, James G. Boyle Trustee, owner**, for property located at **150 Greenleaf Avenue** wherein a Variance from Article II, Section 10-208(35) is requested to allow the outdoor storage of vehicles within 100' of a residential district where a 200' buffer to a residential district is required. Said property is shown on Assessor Plan 243 as Lot 67 and lies within the General Business district. Case #8-1
- 2) Petition of **Christopher E. Muro, owner**, for property located at **293 Marcy 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 an L-shaped 96 sf deck with: a) an 11.91' rear yard where 25' is the minimum required, b) a 3.58' left side yard where 10' is the minimum required; and, c) 42.1% building coverage where 30% is the maximum allowed. Said property is shown on Assessor Plan 103 as Lot 47 and lies within the General Residence B and Historic A districts. Case # 8-2
- 3) Petition of **MacLeod Enterprises, Inc, owner**, for property located at **1390 Lafayette Road** wherein an Equitable Waiver as allowed in NH RSA 674:33-a (Equitable Waiver of Dimensional Requirement) is requested to allow the existing Comfort Inn building to maintain a 34' rear yard where 50' is the minimum required. Said property is shown on Assessor Plan 252 as Lot 8 and lies within the General Business district. Case # 8-3
- 4) Petition of **Vincent M. Yosua, owner**, for property located at **30 Spinney Road** wherein a Variance from Article IV, Section 10-402(B) is requested to allow an 8' x 10' deck adjacent to an above ground pool with a 3'± left side yard where 10' is the minimum required. Said property is shown on Assessor Plan 171 as Lot 2 and lies within the Single Residence B district. Case # 5-1 and Case # 8-4
- 5) 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 and Case # 8-5
- 6) Petition of **Brewster Street Property, LLC, owner**, for property located at **98 Brewster Street** wherein a Variance from Article III, Section 10-303(A) is requested to allow the relocation of a previously approved 11'3" x 23' attached garage with a 2.11'± left side yard where 10' is the minimum required. Said property is shown on Assessor Plan 138 as Lot 56 and lies within the Mixed Residential Business district. Case # 7-3 & Case # 8-6

7) Petition of **Robert and Loraine Tozier, owners**, for property located at **484 Lincoln 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 6' x 26' two story front porch with a 14' front yard where 15' is the minimum required, b) 12' x 28' two story addition to the rear with a 7.5' left side yard where 10' is the minimum required, c) a 6' x 12' two story addition to the rear with a 7.5' right side yard where 10' is the minimum required; and, d) 26.9% building coverage where 25% building coverage is the maximum allowed. Said property is shown on Assessor Plan 133 as Lot 47 and lies within the General Residence A district. Case # 8-7

8) Petition of **William Ashley, property owner, Debora A. Paneblanco, homeowner**, for property located at **308 Oriental Gardens** wherein a Variance from Article II, Section 10-209 is requested to allow an existing 10' x 53' manufactured home to be replaced with a new 14' x 56' mobil home in the same location in a district where mobil homes are not allowed. Said property is shown on Assessor Plan 215 as Lot 9-7 and lies within the Office Research district. Case # 8-8

**THE FOLLOWING PETITIONS WILL BE HEARD ON TUESDAY, AUGUST 24, 2004
AT 7:00 P.M.**

9) Petition of **Deborah C. Hobbs, owner**, 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 on the lot in a district where all dwelling units are required to be in one building. Said property is shown on Assessor Plan 222 as Lot 25 and lies within the General Residence A district. Case # 8-9

10) The Portsmouth Board of Adjustment, acting pursuant to NH RSA 12-G:13 and Chapter 300 of the Pease Development Authority Zoning Requirements, will review and make a recommendation to the Board of Directors of the Pease Development Authority regarding the following petition of **Portsmouth Regional Hospital, applicant**, for property located at **26 Manchester Square** wherein a Variance from the Pease Development Authority Zoning Ordinance Section 306.01(d) is requested to allow installation of signs on a lot deprived of its street frontage. Said property is shown on Assessor Plan 302 as Lot 4 and lies within the Business and Commercial district. Case # 8-10

11) Petition of **Bacman Enterprises Inc, owner**, for property located at **140 Edmond Avenue** wherein the following are requested: 1) a Variance from Article II, Section 10-206 to allow the entire lower level of the 2,300± sf building to be used as a chiropractic office where a 300± sf office and 5 parking spaces had been approved in 1978 in a district where such use is not allowed and 2) a Variance from Article XII, Section 10-1204 Table 15 to allow the additional required parking to back out onto the street and park one behind another. Said property is shown on Assessor Plan 220 as Lot 81 and lies within the Single Residence B district. Case # 8-11

12) Petition of **James D. and Mary S. Reid, owners**, for property located at **93 State Street** wherein a Variance from Article II, Section 10-208(44)(a) as proposed is requested to allow a portion of the first floor of an building to be used residentially where such use will not be allowed by a proposed ordinance amendment. Said property is shown on Assessor Plan 105 as Lot 20 and lies within the Central Business B and Historic A districts. Case # 8-12

13) 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 4'6"± right side yard where 10' is the minimum required and a 21'± front yard where 30' is the minimum required, b) an irregular shaped 272 sf 2 ½ story rear 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) a 10' x 15' pergola with a 4±' right side yard where 10' is the minimum required and a 1±' rear yard where 30' is the minimum required d) 55% building coverage where 20% is the maximum allowed; and, e) 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, Case # 7-8, and Case # 8-13

14) Petition of **6-16 Congress Street LLC, owner**, for property located at **6-16 Congress Street** wherein a Variance from Article XII, Section 10-1201(A)(2) is requested to allow a 16' wide accessway ramp to enter / exit a lower level parking garage. Said property is shown on Assessor Plan 117 as Lots 37, 38, & 39 (to be consolidated) and lies within the Central Business B and Historic A districts. Case # 7-13

**THE FOLLOWING PETITIONS WILL BE HEARD ON WEDNESDAY, AUGUST 25, 2004
AT 7:00 P.M.**

15) Petition of **Bluestone Properties of Rye LLC, owner, William Downey, applicant**, for property located at **off Sagamore Avenue** wherein a Variance from Article IX, Section 10-908 Table 14 is requested to allow a 3' x 4' free-standing sign in a district where such use is not allowed. Said property is shown on Assessor Plan 201 as Lot 9 and lies within the Mixed Residential Business district. Case # 7-14 and Case # 8 – 15

16) Petition of **Kenneth K. and Deborah A. Jennings, owners**, for property located at **63 Thaxter Road** wherein a Variance from Article IV, Section 10-402(B) is requested to allow a 24' x 24' one story garage 15' in height with a 1' rear yard where 11.25' is the minimum required. Said property is shown on Assessor Plan 166 as Lot 40 and lies within the Single Residence B district. Case # 8-16

17) Petition of **Cail Sheila Curtin Trust 2002, owner**, for property located at **#122 Tidewatch 579 Sagamore Avenue** wherein a Variance from Article III, Section 10-301(A)(7)(a) is requested to allow a one story L-shaped 169± sf addition to an existing sunroom with a 92.3'± setback to mean high water where 100' is the minimum required. Said property is shown on Assessor Plan 223 as Lot 30 and lies within the Single Residence B district. Case # 8-17

18) Petition of **Stephen and Karen Barndollar, owners**, for property located at **120 Ridges Court** wherein the following are requested: 1) a Variance from Article III, Section 10-302(A) to allow a 12.5' front yard where 30' is the minimum required, and 2) a Variance from Article III, Section 10-301(A)(7)(a) to allow setbacks from mean high water varying from 56.3' to 79.2' where 100' is the minimum required. Said property is shown on Assessor Plan 207 as Lot 61 and lies within the Single Residence B district. Case # 8-19

19) Petition of **Mark Kim, owner**, for property located at **3002 Lafayette Road** wherein the following are requested: 1) a Variance from Article III, Section 10-301(8) allow a 90' front yard where 105' is the minimum required, 2) a Variance from Article II, Section 10-207 to allow a commercial laundry in a zone where such use is not allowed, 3) a Variance from Article XII, Section 10-1201(A)(2) to allow a two way travelway to be 10' wide where 24' is the minimum required. 4) Variances from Article XII, Section 10-1201(A)(3)(c)(1) and Article XII, Section 10-504(C)(2) to allow unscreened parking within 50' of a mixed residential lot line; and, 5) a Variance from Article XII, Section 10-1203(A)(1) to allow loading within the required side and rear yards. Said property is shown on Assessor Plan 292 as Lot 13 and lies within the Mixed Residential Business district. Case # 8-20

II. ADJOURNMENT