

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

7:00 P.M

CITY COUNCIL CHAMBERS

MAY 17, 2005

AGENDA

I. OLD BUSINESS

A) Request for Rehearing by Scott Young of the petition of **Angela M. Zira, owner**, for property located at **46-48 Woodbury Avenue** wherein a Variance from Article II, Section 10-206(4) was granted to allow an existing single family dwelling to be converted into a two family dwelling on a lot: a) having 2,883 sf of lot area where 6,000 sf of lot area is the minimum required; and b) 28.3% open space where 30% is the minimum required. Said property is shown on Assessor Plan 163 as Lot 13 and lies within the General Residence A district. Case # 4-4

11) Petition of **Wal-Mart Real Estate Business Trust, David N. Glass Trustee, owner**, for property located at **2460 Lafayette Road** and **Jokers Realty One LLC et al, owner** for property located at **2460A Lafayette Road** wherein a Variance from Article IX, Section 10-908 Table 14 is requested to allow 365.95 sf of attached signage where 300 sf is the maximum allowed. Said property is shown on Assessor Plan 285 as Lots 16-1 and 16-2 (to be combined) and lies within the General Business district. Case # 4-11

13) Petition of **Six Hundred Six Realty Trust, C J Annis and D I Rolde Trustees, owners**, for property located at **606 Greenland Road** wherein a Variance from Article II, Section 10-206(22) is requested to allow 5 horses to be kept on the property and in a barn that is 18' from the left property line where relief is needed to keep horses and a 100' set back is required for any shelter for such horses and storage of manure or other noxious substances. Said property is shown on Assessor Plan 258 as Lot 3-1 and lies within the Single Residence B district. Case # 4-13

7) Petition of **Mark C. Adamy and Holly Lowe, owners**, for property located at **350 Broad Street** wherein a Variance from Article IV, Section 10-402(B) is requested to allow a 14' x 26' detached garage with a 6'± left side yard where 10' is the minimum required. Said property is shown on Assessor Plan 221 as Lot 69 and lies within the General Residence A district. Case # 4-7

5) Petition of **Strider and Rose Sulley, owners**, for property located at **46 McNabb Court** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow the following: a) a 12' x 24' 1 ½ story addition with dormers with a 4' right side yard where 10' is the minimum required; b) a 4' x 12' 1 story rear addition with an 18' rear yard where 20' is the minimum required; c) a 4' x 12' left side porch with an 8' left side yard where 10' is the minimum required; d) a 4' x 12' two story right side addition with a 4' right side yard where 10' is the minimum required; and, e) 32% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 112 as Lot 59 and lies within the General Residence A district. Case # 4-5

II. PUBLIC HEARINGS.

THE FOLLOWING PETITIONS (#1 through #6) WILL BE HEARD ON TUESDAY, MAY 17, 2005

- 1) 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 and Case # 5-1
- 2) Petition of **Jason J. Kyrousis and Julie Howard, owners**, for property located at **420 Lafayette Road** wherein the following are requested: 1) a Variance from Article IV, Section 10-401(A)(1)(c) to allow the two dwelling units to be re-arranged in the existing building including proposed additions, and 2) Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) to allow a 14' 10" x 17' 6" one story addition with: a) a 17'± front yard where 30' is the minimum required, b) 27.5% building coverage where 20% is the maximum allowed; and, c) a bulkhead within the 30' required rear yard. Said property is shown on Assessor Plan 231 as Lot 3 and lies within the Single Residence B district. Case # 5-2
- 3) Petition of **Franklin and John Grossman Revocable Trust, owner**, and **Nancy and John Grossman, applicants**, for property located at **170 Mechanic Street** wherein the following are requested: 1) a Variance from Article II, Section 10-206 is requested to allow one room and adjacent bath to be used for a Bed and Breakfast within a single family dwelling in a district where such use is not allowed, and 2) a Variance from Article XII, Section 10-1201(A)(2) to allow a travel aisle less than 24' where 24' is the minimum required. Said property is shown on Assessor Plan 102 as Lot 7 and lies within the General Residence B and Historic A districts. Case # 5-3
- 4) 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 **200 International Group, applicant**, for property located at **200 International Drive** wherein a Variance from the Pease Development Authority Zoning Ordinance Section 303.4 is requested to allow an educational use (Seacoast Career Schools) in an existing building occupying 14,869± sf where such use is not allowed. Said property is shown on Assessor Plan 312 as Lot 7 and lies within the Industrial district. Case # 5-4
- 5) Petition of **Jeffrey F. and Deborah S. Purtell, owners**, for property located at **31 Pleasant Point Drive** wherein a Variance from Article III, Section 10-302(A) is requested to allow the following after demolition of the existing single family dwelling: a) a 26' x 56' 10" two story single family dwelling with a 25.3'± front yard where 30' is the minimum required, a right side yard less than 10' where 10' is the minimum required; and , rear yard less than 30' where 30' is the minimum required, b) an attached 326 sf front porch with a 6.1± right side yard where 10' is the minimum required, c) a 12' x 16' one story rear addition with an 10'± rear yard where 30' is the minimum required; and, d) a 24' x 26' garage and connector (720 sf) with living space above creating 23.7% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 207 as Lot 27 and lies within the Single Residence B district. Case # 5-5
- 6) Petition of **K & S Energy Group Inc., owner**, for property located at **1400 Lafayette Road** wherein Variances from Article III, Section 10-304(A) and Article IV, Section 10-401(A)(2)(c) are

requested to construct a 10' x 48' one story addition to the rear of the existing convenience store with: a) a 30' rear yard where 50' is the minimum required, b) an 11' left side yard where 30' is the minimum required; and, c) a 15' right side yard where 30' is the minimum required. Said property is shown on Assessor Plan 252 as Lot 7 and lies within the General Business district. Case # 5-6

THE FOLLOWING PETITIONS (#7 through #18) WILL BE HEARD ON TUESDAY, MAY 24, 2005

- 7) Petition of **Sheila Ghamami, owner**, for property located at **369, 371, 373 Islington Street** wherein a Special Exception as allowed in Article II, Section 10-207(5) is requested to allow 666.6 sf of space to be used for a hair salon, and 2) a Variance from Article XII, Section 10-1204 Table 14 to allow 6 non-conforming parking spaces to be provided where 10 parking spaces are required. Said property is shown on Assessor Plan 144 as Lot 22 and lies within the Mixed Residential B district. Case # 5-7
- 8) 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 **NH Avenue Retail Center LLC, applicant**, for property located at **30 Manchester Square** wherein the following are requested from the Pease Development Authority Zoning Ordinance: a) a Variance from Section 306.01(d) to allow 530.9 sf of aggregate signage where 200 sf is the maximum allowed, and 2) a Variance from Section 306.04(c) to allow light source to be visible above 3'. Said property is shown on Assessor Plan 302 as Lot 4 and lies within the Industrial district Case # 5-8
- 9) Petition of **Manuel S. Garganta Revocable Trust and Donna J. Garganta Revocable Trust, owners** for property located at **471 Colonial Drive** wherein a Variance from Article IV, Section 10-402(B) is requested to allow an 8' x 12' shed with a 3' left side yard where 5' is the minimum required. Said property is shown on Assessor Plan 260 as Lot 40 and lies within the Single Residence B district. Case # 5-9
- 10) Petition of **535 Peverly Hill LLC, owner and Sun Woo Park d/b/a Park's Taekwondo, applicant**, for property located at **535 Peverly Hill Road** wherein a Variance from Article IX, Section 10-908 is requested to allow a 2' x 20' sign on the front roof of the building and a 4' x 8' sign on the end wall of the building in a district where such signs are not allowed. Said property is shown on Assessor Plan 244 as Lot 9 and lies within the Single Residence B district. Case # 5-10
- 11) Petition of **Michael J. and Leanne A. Edwards, owners**, for property located at **64 Brackett Road** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow: a) a 6'6" x 18' irregular shaped front porch and stairs with a 17.7'± front yard where 30' is the minimum required, b) a 12' x 27' irregular shaped deck and stairs with an 18.1'± rear yard where 30' is the minimum required, c) a bay window extension in the kitchen addition protruding into the proposed deck within the required 30' rear yard; and, d) 31% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 206 as Lot 22 and lies within the Single Residence B district. Case # 5-11
- 12) Petition of **Ronald G. Smith, owner, and Donald D. Williams, applicant**, for property located at **1338 Woodbury Avenue** wherein a Variance from Article II, Section 10-207 is requested to allow a 14' x 56' mobile home replacing a 10' x 56' mobile home that was destroyed by fire.

Said property is shown on Assessor Plan 237 as Lot 70 and lies within the Mixed Residential Business district. Case # 5-12

13) Petition of **Daniel James LaCava, owner**, for property located at **72 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 6' x 20' porch with a 13'± front yard where 15' is the minimum required. Said property is shown on Assessor Plan 113 as Lot 1 and lies within the General Residence A district. Case # 5-13

14) Petition of **Christopher J. Marelli, owner**, for property located at **635 Maplewood Avenue** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow a 7'3" x 19'4" one story addition with a 3'± left side yard where 10' is the minimum required. Said property is shown on Assessor Plan 209 as Lot 10 and lies within the Single Residence B district. Case # 5-14

15) Petition of **Brora, LLC, owner**, and **ProCon Construction, applicant**, for property located **off Dunlin Way aka Portsmouth Boulevard** wherein a Special Exception as allowed in Article II, Section 10-209(38) is requested to allow a portion of the vacant lot to be used for the temporary outdoor storage of raw or partially finished material, machinery, equipment and vehicles in conjunction with the construction of the Hilton Garden Inn and adjacent condo's off Hanover Street. Said property is shown on Assessor Plan 213 as Lot 11 and lies within the Office Research district. Case # 5-15

16) Petition of **Joanne S. Holman Revocable Trust, owner**, for property located at **228 Highland Street** wherein the following are requested: 1) a Variance from Article IV, Section 10-402(B) to allow a 22' x 30' garage 14' to midpoint (19' to peak with additional cupola) with a 4' left side yard where 10.5' is the minimum required, and 2) a Variance from Article III, Section 10-302(A) to allow 26.6% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 130 as Lot 38 and lies within the General Residence A district. Case # 5-16

17) Petition of **Robin M. Hackett and Patti S. Palen, owners**, for property located at **46 Ridges Court** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow: a) 14' x 17' deck with a 5' right side yard where 10' is the minimum required, and b) 28.2% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 207 as Lot 64 and lies within the Single Residence B district. Case # 5-17

18) Petition of **Tony LaCava, owner** and **Bret Taylor d/b/a Taylor Lobster Company, applicant**, for property located at **95 Mechanic Street** wherein a Special Exception from Article II, Section 10-208(41) is requested to allow the existing wharf area to be used for the landing of commercial fishing craft for water related uses such as the buying of lobsters off said craft and the sale of bait to fishermen. Said property is shown on Assessor Plan 103 as Lot 29 and lies within the Waterfront Business and Historic A districts. Case # 5-18

III. ADJOURNMENT.

NOTICE TO MEMBERS OF THE PUBLIC WHO ARE HEARING IMPAIRED

If you wish to attend a meeting and need assistance, please contact the Human Resources Department at 610-7274 one week prior to the meeting.