

MARCH 28, 2006, 6:30 PM, ANTICIPATED "NON-MEETING" WITH COUNSEL
IN CONFERENCE ROOM "B"

REGULAR MEETING
BOARD OF ADJUSTMENT
PORTSMOUTH, NEW HAMPSHIRE

7:00 P.M CITY COUNCIL CHAMBERS MARCH 21, 2006
(For Old Business and Items 1) through 7), to
be Reconvened March 28, 2006 for
Items 8) through 12)

AGENDA

I. OLD BUSINESS

A) Motion for Rehearing on petition of **Hill-Hanover Group, LLC, owners**, for property located at **349 Hanover Street**.

II. PUBLIC HEARINGS

THE FOLLOWING PETITIONS (#1 through #7) WILL BE HEARD ON
TUESDAY, MARCH 21,2006

1) Petition of **Portsmouth Farms LLC, owners, Starbucks Coffee Company, applicant**, for property located at **1855 Woodbury Avenue** wherein the following are requested: 1) a Variance from Article III, Section 10-304(A) to allow the construction of an 1,815 sf irregular shaped one story building with a 65'± front yard where 70' is the minimum required, and 2) a Variance from Article XII, Section 10-1201(A)(3)(e)(2) to allow parking spaces and travel aisles less than 1.9'± from the front property line and no landscaping provided where off-street parking, maneuvering space and travel aisles are required to be 40' from the front property line with a landscaped buffer. Said property is shown on Assessor Plan 215 as Lot 11 and lies within the General Business district. Case # 3-2

2) Petition of **Virginia Copeland, owner**, for property located at **375 Banfield Road Unit A** wherein a Variance from Article II, Section 10-209(13) is requested to allow an automobile repair facility within 500' of a Single Residence B district where a 500' set back to a residential district is required. Said property is shown on Assessor Plan 266 as Lot 7 and lies within the Industrial district. Case # 3-3

3) Petition of **T Beyar Realty LLC, owner, Northeast Conversions LLC Truck Division, applicant**, for property located at **141 Banfield Road** wherein a Variance from Article II, Section 10-209(13) is requested to allow the sale of up to 10 vehicles within 225'± of a Single Residence B district where the use would be allowed by a Special Exception if the property was located 500' from a residential district. Said property is shown on Assessor Plan 254 as Lot 2 and lies within the Industrial district. Case # 3-4

- 4) Petition of **Hill-Hanover Group, LLC, owner**, for property located at **349 Hanover Street** wherein a Variance from Article XII, Section 10-1201(A)(3)(a)(4) is requested to allow a vehicle to back out onto Hanover Street from a single parking space. Said property is shown on Assessor Plan 138 as Lot 64 and lies within the Mixed Residential Office district. Case # 3-5
- 5) Petition of **Jonathan and Joann E. Wyckoff, owner**, for property located at **135 Sparhawk Street** wherein a Variance from Article III, Section 10-301(A)(7)(b) is requested to allow a 12' x 18' one story addition 59'± from the edge of wetlands and 3' x 8' stairs 56'± from the edge of wetlands where 100' is the minimum required. Said property is shown on Assessor Plan 159 as Lot 5 and lies within the General Residence A district. Case # 3-6
- 6) Petition of **Lewis B. and Dorothy W. Sykes, owners**, for property located at **1047 Banfield Road** wherein a Variance from Article II, Section 10-206(11) is requested to allow a 1,620± sf woodworking / furniture repair and refinishing business as a Home Occupation I in a proposed building attached to an existing single family dwelling. Said property is shown on Assessor Plan 283 as Lot 40 and lies within the Single Residence A district. Case # 3-7
- 7) Petition of **Anthony J. Balakier and Cherie L. Geiger, owners**, for property located at **490 Islington Street** wherein a Variance from Article III, Section 10-303(A) is requested to allow: a) an angled bay window on the 2nd second floor having a 4.6'± front yard, and b) a rectangular bay window on the 3rd floor having a 4.2'± front yard where 5' is the minimum required front yard. Said property is shown on Assessor Plan 156 as Lot 1 and lies within the Mixed Residential Business district. Case # 3-8

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| <p>THE FOLLOWING PETITIONS (#8 through #12) WILL BE HEARD ON TUESDAY, MARCH 28,2006</p> |
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- 8) “Rehearing per Order of the Rockingham County Superior Court in the matter of Michael Boccia, etal v. City of Portsmouth and Raymond Ramsey, Intervenor, 03-E-0087, dated October 4, 2004, for property owned by **Raymond A. Ramsey** located off **Kearsarge Way**, to determine whether construction of a 63-foot x 263-foot, 100-unit, five story hotel, with (1) a variance from Article III, Section 10-304(a)(10) to allow a 51-foot front yard where 70-feet is the minimum required, and a 30-foot rear yard where 50-feet is the minimum required, and (2) a variance from Article XII, Section 10-1201(A)(3)(e)(1) to allow off street parking to be located 15-feet from a residential district where a 100-foot setback is required, and Article XII, Section 10-1201A.3.(e)(2) to allow off street parking, maneuvering space, and traffic aisles within 15-feet of the front property line where a 40-foot vegetated buffer is required, constitutes a reasonably feasible alternative for the applicant to pursue under Boccia v. City of Portsmouth, 151 NH 85, (2004), from the variances granted on December 18, 2002, and clarified on November 15, 2005, from Article III, Section 10-304(a)(10) to allow a 51-foot building setback where a front setback of 70 feet is required; a 16-foot building setback where a side setback of 30-feet is required; a 30-foot building rear setback where 50-feet is required; (2) from Article III, Section 10-304(c)(2) to allow a building within 83 feet of property zoned residential where a 100-foot setback is required; (3) from Article XII, Section 10-1201A.3.(e)(1) to allow off street parking to be located 15-feet from a residential district where a 100-foot setback is required, and (4) from Article XII, Section 10-1201A.3.(e)(2) to allow off street parking, maneuvering space and traffic aisles within 15-feet of the front property line where a 40-foot vegetative buffer is required to permit construction of a 63' by 310' 100-unit four story hotel. Said property is shown on Assessors Plan 218 as Lots 22, 24, 25, 28, 29, 30, 32, 33, 34, 38 and 39 (to be combined) a/k/a as Map 218 as Lot 22 and lies within the General Business district.” Case # 12-3. reheard as Case # 3-1

9) Petition of **Robert W. and Kate S. Paterson, owners**, for property located at **72 Orchard Street** wherein the following are requested: 1) a Variance from Article IV, Section 10-402(B) to allow a 20'6" x 24' detached garage with: a) 2'7"± right side yard, and b) an 8'6"± rear yard where 12'11" is the minimum required, and 2) a Variance from Article III, Section 10-302(A) to allow 27.8±% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 149 as Lot 31 and lies within the General Residence A district. Case # 3-9

10) Petition of **Gino Bona and Stephanie A. Parry, owners**, for property located at **68 McDonough Street** wherein the following are requested: 1) Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) to allow a 10' x 17.5' two story addition with: a) a 1'-2' right side yard and a 5' left side yard where 10' is the minimum required, b) a 13'± rear yard where 20' is the minimum required; and, c) 59.7±% building coverage where 35% is the maximum allowed; and, 2) a Variance from Article XII, Section 10-1204 Table 15 to allow no parking to be provided where 2 parking spaces are required. Said property is shown on Assessor Plan 138 as Lot 40 and lies within the Apartment district. Case # 3-10

11) Petition of **Melissa Bicchieri, owner**, for property located at **206 Northwest Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow a 19'8" x 29'6" two story addition with a 6'10"± front yard where 15' is the minimum required. Said property is shown on Assessor Plan 122 as Lot 6 and lies within the General Residence A and Historic A districts. Case # 3-11

12) Petition of **Icon Realty, LLC, owners**, for property located at **1303 Woodbury Avenue** wherein the following are requested: 1) a Variance from Article III, Section 10-304(A) to allow a 58'± front yard where 70' is the minimum required, 2) a Variance from Article XII, Section 10-1201(A)(3)(e)(2) to allow up to a 0' front yard for parking spaces with 16 being within the required 40' buffer, 3) a Variance from Article XII, Section 10-1201(A)(3)(e)(1) to allow parking spaces and accessways within 100' of a Residential district, 4) a Variance from Article II, Section 10-207 to allow a retail drugstore in a Mixed Residential Business district where such use is not allowed, 5) a Variance from Article XII, Section 10-1201(A)(3)(c)(1) to allow non-residential parking spaces and accessways within 50' from Mixed Residential and Residential lot lines where 50' is the minimum required, 6) a Variance from Article III, Section 10-304(C)(2) to allow a building within 100' of property zoned residentially where buildings are required to be a minimum of 100' from residentially zoned property, 7) a Variance from Article III, Section 10-304(A) to allow approximately 18±% open space where 20% is the minimum required, 8) a Variance from Article V, Section 10-504(D) to allow a non-residential dumpster in a Mixed Residential Business district where said dumpster are to be located not less than 20' from a Mixed Residential Business district, 9) a Variance from Article XII, Section 10-1203(A)(1) to allow a loading area within 100' of a residential district and no screening provided where a 100' setback and screening are required. Said property is shown on Assessor Plan 217 as Lot 1 and lies within the General Business and Mixed Residential Business districts. Case # 3-12

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.