

REGULAR MEETING
BOARD OF ADJUSTMENT
PORTSMOUTH, NEW HAMPSHIRE

7:00 P.M

CITY COUNCIL CHAMBERS

MARCH 28, 2006
Reconvened from
March 21, 2006

AGENDA

I. PUBLIC HEARINGS

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

II. 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.