

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

CITY COUNCIL CHAMBERS

7:00 P.M

**August 15, 2006 for Old Business
and Petitions 1) through 5) to be
reconvened August 22, 2006 for
Petitions 6) through 12)**

AGENDA

I. OLD BUSINESS

A) Approval of Minutes – May 23, 2006
Approval of Minutes – June 20, 2006

B) Petition of **Michael De La Cruz, owner**, for property located at **63 Congress Street a/k/a 75 Congress Street Franklin Block** wherein a Variance from Article XII, Section 10-1201(A)(2) is requested to allow **REQUEST TO TABLE** where 24' is the minimum required. Said property is shown on Assessor Plan 117 as Lot 3 and lies within the Central Business B, Downtown Overlay and Historic A districts. Case # 7-5 *This item was tabled at the July 25, 2006 meeting.*

C) Petition of **Dennett Prospect Realty Investments LLC, owner**, for property located at **69 Prospect Street** wherein the following are requested: 1) a Variance from Article III, Section 10-301(A)(2) to allow two free-standing buildings with dwellings on a single lot where dwellings are required to be in one building, and 2) a Variance from Article III, Section 10-302(A) to allow an irregular shaped 1,232.5± sf footprint two story building to be constructed on the same footprint as the existing 1,232.5± sf one story building which is being demolished. Said property is shown on Assessor Plan 142 as Lot 29 and lies within the General Residence A and Historic A districts. Case #7-7. *This item was tabled at the July 25, 2006 meeting.*

II. PUBLIC HEARINGS

<p>THE FOLLOWING PETITIONS #1 through #5 WILL BE HEARD ON TUESDAY, AUGUST 15, 2006</p>

1) Petition of **Theodore W. Weesner, owner**, for property located at **36 Kent Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow a 376 sf irregular shaped deck and stairs with: a) a 2"± right side yard where 10' is the minimum required, and b) 27.6%± building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 113 as Lot 38 and lies within the General Residence A district. Case # 8-1

2) Petition of **Golter Lobster Sales LLC, owner**, for property located **off Sagamore Avenue known as 929 Sagamore Avenue** wherein a Variance from Article III, Section 10-301(A)(9) is requested to allow access to the lot off a private right of way to construct an additional 12' x 24' one story addition to a previously approved barn for water related uses where access is required from a

public street or an approved private street and access is provided from an existing right of way. Said property is shown on Assessor Plan 223 as Lot 28 and lies within the Waterfront Business district. Case # 8-2

3) Petition of **Sarnia Properties Inc., owner, KFA On-Line LLC, applicant**, for property located at **933 US Route 1 ByPass, a/k/a 4 Cutts Street** wherein a Special Exception as allowed in Article IV, Section 10-401(A)(1)(d) is requested to allow a warehouse, offices and distribution center including shipment of internet (online sales) orders. Said property is shown on Assessor Plan 142 as Lot 37 and lies within the Business district. Case # 8-3

4) Petition of **Christopher and Petra J. Barstow, owners**, for property located at **528 Dennett Street** wherein a Variance from Article IV, Section 10-402(A) is requested to allow an 8' x 8' shed with 31.6%± building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 161 as Lot 10 and lies within the General Residence A district. Case # 8-4

5) 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 # 8-5

<p>THE FOLLOWING PETITIONS #6 through #12 WILL BE HEARD ON TUESDAY, AUGUST 22, 2006</p>

6) Petition of **Cristina Jane Ljungberg, owner**, for property located at **180 New Castle 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 7' x 18' one story addition with a 14'± front yard where 30' is the minimum required, b) 3' x 18.5' two story addition with a 5'± right side yard where 10' is the minimum required; and c) 26.5%± building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 101 as Lot 23 and lies within the Single Residence B and Historic A districts. Case # 8-6

7) Petition of **Michael DeLa Cruz, owner**, for property located at **75 Congress Street, a/k/a Franklin Block** wherein an Appeal from an Administrative Decision of the Code Official requiring the owner to obtain a Variance for an existing driveway involving the interpretation of Article XII, Section 10-1201(A)(2 & 3) and Article IV, Section 10-401. Said property is shown on Assessor Plan 117 as Lot 5 and lies within the Central Business B, Downtown Overlay and Historic A districts. Case # 8-7

8) Petition of **David J. Hudlin and Jan Allsop, owners**, for property located at **260 Miller Avenue** wherein the following are requested to construct a 6' x 10' shed: 1) a Variance from Article IV, Section 10-402(A) to allow a 2'± left side and 2'± rear yard where 5' is the minimum required for each, and 2) a Variance from Article III, Section 10-302(A) to allow 38.9%± building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 130 as Lot 23 and lies within the General Residence A district. Case # 8-8

9) Petition of **Abigail Khan-Cooper, owner**, for property located at **227 Park Street** wherein a Variance from Article II, Section 10-206 is requested to allow outdoor display and sales of artwork where such use is not allowed as a Home Occupation I or II. Said property is shown on Assessor Plan 149 as Lot 6 and lies within the General Residence A district. Case # 8-9

10) Petition of **John-Michael and Heather Jenkins, owners**, for property located at **120 Thornton Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow a 16' x 20' one and a half story, with basement, addition and bulkhead with: a) a 10'± front yard where 15' is the minimum required and b) 25.6%± where 25% is the maximum allowed. Said property is shown on Assessor Plan 160 as Lot 10 and lies within the General Residence A district. Case # 8-10

11) Petition of **7 Islington Street LLC, owner**, for property located at **7 Islington Street** wherein a Variance from Article III, Section 10-304(B) is requested to allow an irregular shaped 178.7 sf one story addition 11'3½"± in height where 20' in height is the minimum required. Said property is shown on Assessor Plan 126 as Lot 51 and lies within the Central Business B, Downtown Overlay District and Historic A districts. Case # 8-11

12) Petition of **Lafayette Limited Partnership, owner**, for property located at **775 Lafayette Road** wherein a Variance from Article IX, Section 10-906(A)(2) is requested to allow an additional 40.7 sf of attached signage for “abode home furnishings” where the existing signage on the property exceeds the maximum allowed. Said property is shown on Assessor Plan 245 as Lot 1 and lies within the General Business district. Case # 8-12

III. ADJOURNMENT.

Informational to Board: Copy of The Supreme Court of New Hampshire Opinion, issued August 2, 2006, in the matter of Robert L. Garrison & a. v. Town of Henniker.

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.