

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

**CITY COUNCIL CHAMBERS**

**7:00 P.M**

**December 19, 2006**

**REVISED AGENDA**

**I. OLD BUSINESS**

A) Appeal from Decision of the Historic District Commission regarding property located at **7 Islington Street**.

B) Approval of Minutes – November 21, 2006

B) Petition of **Mark B. and Chong Jou Kim, owners, and Mark B. Kim dba We Care Dry Cleaning, applicant**, for property located at **3002 Lafayette Road** wherein a Variance from Article IX, Section 10-908 is requested to allow: a) a 5' x 10' (50 sf) free-standing sign in a district where free-standing signs are not allowed and b) a 2' x 12' (24 sf) internally illuminated sign and 5' x 10' (50 sf) free-standing internally illuminated sign where only externally illuminated signs are allowed. Said property is shown on Assessor Plan 292 as Lot 13 and lies within the Mixed Residential Business district. Case # 11-6 *This item was tabled at the November 21, 2006 meeting*

**II. PUBLIC HEARINGS**

1) Petition of **Anne Elizabeth and Alan Gregg Weston, owners**, for property located at **43 Pray Street** wherein Variances from Article III, Section 10-303(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow: a) a 5' x 13' one story addition with a 3'± right side yard where 30' is the minimum required, b) a 5' diameter spiral stair with a 4' 6" right side yard where 30' is the minimum required, c) **REHEARING REQUEST WITHDRAWN** with a 30' is the minimum required and 10' rear yard where 20' is the minimum required, d) a 5' x 11' second floor deck with a 5' right side yard where 30' is the minimum required and a 10' rear yard where 20' is the minimum required; and e) 53.6±% building coverage where 30% is the minimum required. Said property is shown on Assessor Plan 102 as Lot 39 and lies within the Waterfront Business and Historic A districts. Case # 10-8 and 12-1

2) Petition of **William N. Genimatas Revocable Trust, owner, Nicholas Genimatas, Trustee**, for property located at **599 Lafayette Road** wherein a Variance from Article IX, Section 10-901(E) is requested to allow 2 existing signs (29 sf and 14 sf) and 1 proposed sign (17 sf) to be located above the level of the eaves on a vertical wall in front of a pitched roof where signs are not allowed to be located. Said property is shown on Assessor Plan 229 as Lot 8 and lies within the General Business district. Case # 12-2

3) Petition of **45 Pearl Street Properties LLC, owner, and Paul Gallant d/b/a Mahalos, applicant**, for property located at **45 Pearl Street** wherein a Variance from Article II, Section 10-207 is requested to allow 315 sf within the existing building for the storage of alcohol for a catering company in addition to client meeting space where storage is not an allowed use. Said property is shown on Assessor Plan 126 as Lot 30 and lies within the Mixed Residential Business district. Case # 12-3

4) Petition of **Scott D. Healey and Emily A. Miller, owners**, for property located at **58 McDonough Street** wherein a Variance from Article IV, Section 10-402(A) is requested to allow a

7' x 9' shed with: a) a 0'± left side, a 5'± right side yard, and a 0'± rear yard where 5' is the minimum required in each instance, and b) 47.5%± building coverage where 35% is the maximum allowed. Said property is shown on Assessor Plan 138 as Lot 38 and lies within the Apartment district. Case # 12-4

5) Petition of **Betsy Patterson Rivers, owner**, for property located at **42 Cabot Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow: a) an irregular shaped 390± sf two story addition with a 9.7'± right side yard where 10' is the minimum required and a 9'3"± rear yard where 20' is the minimum required, b) a 9.5' x 14' one story three season room with 3.5' x 8' stairs with a 5'8"± rear yard where 20' is the minimum required; and, c) 39.6% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 135 as Lot 49 and lies within the Apartment district. Case # 12-5

6) Petition of **Steven F. and Anne B. Collins, owners**, for property located at **230 Park 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 252'± L-shaped front porch with: a) a 3'± front yard where 15' is the minimum required and b) 32.3 % building coverage where 25% is the maximum allowed; and, 2) a Variance from Article IV, Section 10-401 (A)(2)(c) to allow a 24'2<sup>3/8"</sup> x 30'2<sup>3/8"</sup> second story and attic with a full front dormer and rear dog house dormer on an existing building having: a) a 12'± front yard where 15' is the minimum required, b) a 9'± left side yard where 10' is the minimum required, and c) a 13'± rear yard where 20' is the minimum required. Said property is shown on Assessor Plan 149 as Lot 49 and lies within the General Residence A district. Case # 12-6

7) Petition of **Helen I. Garvey Living Trust, Helen I. Garvey Trustee, owner**, for property located at **518 New Castle Avenue** requesting an Equitable Waiver as allowed in NH RSA 674:33-a (Equitable Waiver of Dimensional Requirement) to allow a condensor and a portion of a retaining wall 97.17' to 95' 3" from mean high water where 100' is the minimum required in Article III, Section 10-301(7)(7)(a). Said property is shown on Assessor Plan 205 as Lot 3 and lies within the Single Residence A district. Case # 12-7

8) Petition of **Society for the Protection of Forests, owner**, for property located at **400 Little Harbor Road** wherein a Variance from Article IX, Section 10-908 Table 14 is requested to allow a 12 sf freestanding sign with: a) a height of 7' where 3' is the maximum allowed, and b) a 5 ½' front setback where a 15' front setback is the minimum required. Said property is shown on Assessor Plan 203 as Lot 8 and lies within the Rural district. Case # 12-8

9) Petition of **Elsie B. Tuttle, owner**, for property located at **76 Sunset Road** wherein a Variance from Article III, Section 10-302(A) is requested to allow a 4' x 8' one story addition to the rear of an existing dwelling unit creating 20.4%± building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 167 as Lot 1 and lies within the Single Residence B district. Case # 12-9

10) Petition of **Blair W. and Janet B. McCracken, owners**, for property located at **212 Pleasant Street** wherein a Variance from Article IV, Section 10-402(B) is requested to allow a 13' x 22' one story detached garage with a 1'± right side yard where 10' is the minimum required. Said property is shown on Assessor Plan 109 as Lot 26 and lies within the Mixed Residential Office and Historic A districts. Case # 12-10

### III. ADJOURNMENT.

#### Informational Items To The Members of The Board of Adjustment:

Notice of Decision rendered November 22, 2006 by the Supreme Court of New Hampshire in the matter of James Boyle, Trustee, 150 Greenleaf Avenue Realty Trust v. City of Portsmouth

#### 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.**