

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

7:00 P.M.

JULY 15, 2008

AGENDA

I. OLD BUSINESS

- A) Approval of Minutes – June 17, 2008
- B) Motion for Rehearing for property located at **233 Union Street**.
- C) Request for a One-Year Extension of Variance, granted July 17, 2007, for property located at **145 Porpoise Way**.
- D) Motion for Rehearing for property located at **606 Greenland Road**.
- E) Request for a One-Year Extension of Variance, granted July 17, 2007, for property located at **824 State Street**.
- F) Request for a One-Year Extension of Variance, granted August 28, 2007, for property located at **150 Route One By-Pass**.

II. PUBLIC HEARINGS

- 1) Petition of **New England Glory LLC, owner**, for property located at **525 Maplewood Avenue** wherein an Appeal from an Administrative Decision regarding the determination of the Code Officials that the Building Permit to convert the 9 apartments into a 14 room Bed and Breakfast has lapsed the building continues to be used as 9 apartments.

Request to Postpone

Notwithstanding the above, if the Administrative Appeal is denied, a Variance from Article II, Section 10-206 is requested to allow the existing 9 apartments to be converted into a 14 room Bed and Breakfast. Said property is shown on Assessor Plan 209 as Lot 85 and lies within the General Residence A district. Case # 7-1

- 2) Petition of **RA, SJ, and BN Goodman, owners, and Michael Maguire d/b/a New Hampshire Motorcycle Warehouse applicant**, for property located at **930 Route One By-Pass** to be relieved of an 1988 Board of Adjustment stipulation of approval that requires a fence along the left property line. Said property is shown on Assessor Plan 142 as Lot 16 and lies within the Business district. Case # 7-2

- 3) Petition of **Kentucky Fried Chicken of Portsmouth, c/o Francis E. Daddario, owner, Churchill & Banks, applicant**, for property located at **1840 Woodbury Avenue** wherein the following are requested: 1) a Variance from Article III, Section 10-304(A) to allow a 1,750 sf addition to an existing 2,500 sf building within 100' of property zoned residentially, 2) a Variance from Article III, Section 10-304(A) and Article IV, Section 10-401(A)(2)(c) to allow the 1,750 sf addition within the required 70' front yard; and, 3) a Variance from Article XII, Section 10-1201(A)(3)(e) to allow off-street parking and accessways within 100' of a residential zone where such use is not allowed. Said property is shown on Assessor Plan 239 as Lot 8 and lies within the General Business district. Case # 7-3

- 4) Petition of **Edward W. Momm Jr. and Lucy K. White, owners**, for property located at **130 Union Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow an irregular shaped 2 story 711 sf attached garage with living space above with: a) an 18"± left side setback where 10' is the minimum required; and b) 35.49%± building coverage (including a 10' x 17' second floor dormer) where 35% building coverage is the maximum allowed. Said property is shown on Assessor Plan 145 as Lot 60 and lies within the Apartment district.
Case # 7-4

- 5) Petition of **Seacoast Trust NH General Partnership, owner**, for property located at **150 Route One By- Pass** wherein the following are requested: 1) a Variance from Article II, Section 10-206 and Article IV, Section 10-401(A)(1)(b & c) to allow a 5,208 sf one story addition to the right side of the existing professional office building, 2) a Variance from Article IV, Section 10-401(A)(1)(c) to add two parking spaces at the rear of the lot in an area not currently used for parking; and, 3) a request to amend the location of the previously approved 50' x 8' portable coach for diagnostic services to the front of the building. Said property is shown on Assessor Plan 231 as Lot 58 and lies within the Single Residence B district. Case # 7-5

- 6) Petition of **Creative Investors c/o Peter Morin, owner**, for property located at **405 Pleasant Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow a 10' x 15' two story addition with: a) a 1.5'± left side setback where 10' is the minimum required and a 15'± rear setback where 25' is the minimum required, and b) 54.3% building coverage where 30% is the maximum allowed. Said property is shown on Assessor Plan 102 as Lot 68 and lies within the General Residence B and Historic A districts. Case # 7-6

- 7) Petition of **Matthew D. Beebe and Barbara R. Jenny, owners**, for property located at **81 Lincoln Avenue** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow an irregular shaped 190 sf one story addition and relocated bulkhead creating 32.9%± building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 113 as Lot 35 and lies within the General Residence A district. Case # 7-7

- 8) Clarification of previously approved Variance concerning property **owned by John F. Grogan** located at **8 Central Avenue** concerning a second driveway to the property. Said property is shown on Assessor Plan 209 as Lot 17 and lies within the General Residence A district. Case # 7-8

9) Petition of American Financial Realty Trust, owner, for property located at **off Daniel Street** wherein a Variance from Article III, Section 10-304(B) is requested to allow a prefabricated 4' x 6' metal and glass parking attendant booth less than 20' in height where a minimum of 20' in height is required for buildings. Said property is shown on Assessor Plan 107 as Lot 27 and lies within the Central Business B and Historic A districts. Case # 7-9.

10) Petition of **Karl E. Hahn, owner**, for property located at **340 Odiorne Point Road** wherein the following are requested: 1) an Equitable Waiver as allowed in RSA 674:33-a to allow a previously constructed 16' x 26' one car garage with a 9.56'± right side setback where 10' or 75% of the height of the structure, whichever is greater, is the minimum required, and 2) a Variance from Article IV, Section 10-402(A & B) to allow a 5' x 16' one story storage shed attached to the garage with a 4.58'± right side setback where 10' or 75% of the height of the structure, whichever is greater, is the minimum required. Said property is shown on Assessor Plan 224 as Lot 10-18 and lies within the Single Residence A district. Case # 7-10.

11) Petition of **Raymond J & Maryrose Richer, owners**, for property located at **85 Woodworth Avenue** wherein a Variance from Article III, Section 10-302(A) is requested to allow a 12' x 22' roof over an existing deck with a 22'6"± rear setback where 30' is the minimum required. Said property is shown on Assessor Plan 243 as Lot 35 and lies within the Single Residence B district. Case # 7-11

12) Petition of **Jose Luis San Miguel and Myong S Trest San Miguel, owners**, for property located at **24 Holmes Court** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow: a) a 16' x 21' two story garage/living space/roof deck addition with a 0' rear setback where 25' is the minimum required and a 0' left setback where 10' is the minimum required; and b) 60.2%± building coverage (including a 4'4" x 6' entry addition) where 30% is the maximum allowed. Said property is shown on Assessor Plan 101 as Lot 15 and lies within the General Residence B and Historic A districts. Case # 7-12

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