

**NOTE: MEETING LOCATION CHANGE FOR THIS MEETING ONLY.**

**REGULAR MEETING  
BOARD OF ADJUSTMENT  
PORTSMOUTH, NEW HAMPSHIRE  
Eileen Dondero Foley Council Chambers, City Hall**

**January 20, 2009**

**REVISED AGENDA**

**I. NEW BUSINESS**

A) Election of Officers

**II. OLD BUSINESS**

A) Approval of Minutes – November 18, 2008

B) Settlement proposal for Docket # 08-E-0540 Rockingham County Superior Court concerning property owned by **Aquila Chase and Marcia N. Chase**, located at **71 Baycliff Road**. Said property is shown on Assessor Plan 207 as Lot 46 and lies within the Single Residence B district. Case # 8-5

C) Administrative Appeal of the decisions of the City of Portsmouth Building Inspector, Legal Department and Planning Department by **Jill A. Tapscott, Trustee of the Jill A Tapscott Revocable Trust, Sara L. Schmidt and Kimberly A. Geraci, Trustees of the Geraci Family Revocable Trust of 2008 and William D. Mortimer, Trustee of the William D. Mortimer Revocable Trust of 1997**, concerning property owned by **Greenleaf Avenue** at **150 Greenleaf Avenue** wherein a Variance from Article IX, Section 10-901(E) is requested to allow a sign and as a result that any signage located on this wall would not be located above the building roofline and, thus, a permitted use and does not require a Variance from Article IX, Section 10-901(E). Said property is shown on Assessor Plan 243 as Lot 67 and lies within the General Business district. Case # 12-1

D) Petition of **Brina Lampert Revocable Trust, owner, Brina Lampert Trustee, and Aaron Jones d/b/a MoJo's BBQ Shack, applicant**, for property located at **212 Islington Street** wherein a Variance from Article IX, Section 10-908 is requested to allow: a) 121.58 sf of attached signage where 60 sf is the maximum allowed, b) 50 sf of projecting signage where 15 sf is the maximum allowed; and, c) 171.6 sf of aggregate signage where 75 sf is the maximum allowed. Said property is shown on Assessor Plan 137 as Lot 21 and lies within the Central Business B and Historic A districts. Case # 12-2

E) Petition of **Noble's Island Condominium Association, owner**, for property located at **500 Market Street** wherein a Variance from Article IX, Section 10-908 is requested to allow: a) 100.19 sf of attached signage where 60 sf is the maximum allowed, b) 26.18 sf of freestanding signage where 10 sf is the maximum allowed; and, c) 126.37 sf of aggregate signage wherein 75 sf is the maximum allowed. Said property is shown on Assessor Plan 120 as Lot 2 and lies within the Central Business A and Historic A districts. Case # 12-3

F) Petition of **William Genimatas Revocable Trust of 1990, owner, Nicholas Genimatas, Trustee**, for property located at **599 Lafayette Road** wherein a Variance from Article IX, Section 10-907 is requested

to allow a 28'3" high 182 sf free-standing entrance sign on existing base where 20' is the maximum height and 150 sf is the maximum square footage allowed for a free-standing entrance sign. Said property is shown on Assessor Plan 229 as Lot 8 and lies within the General Business district. Case # 12-4

G) Petition of **Homayoun L. Daneschvar and Leslami Nasim Segnato, owners**, for property located at **566 Broad Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow a second floor 28' x 36' addition with a 7'± left side setback where 10' is the minimum required. Said property is shown on Assessor Plan 221 as Lot 58 and lies within the General Residence A district. Case # 12-5

H) Petition of **Gary Michaels (McIntosh Condominium Association), owner, Kristen Gauthier and Daniele Graveline d/b/a The Pink Sapphire, applicants**, for property located at **82 Fleet Street** wherein a Variance from Article IX, Section 10-908 is requested to allow 34.75 ±sf of projecting signage where 15 sf of projecting signage is the maximum allowed. Said property is shown on Assessor Plan 117 as Lot 41 and lies within the Central Business B, Downtown Overlay and Historic A districts. Case # 12-6

### III. PUBLIC HEARINGS

1) Petition of **Merton Alan Investments, LLC, owner**, for property located at **30 Cate Street** wherein the following are requested to construct a 5 story building with a 13,375 sf footprint (66,875 sf total) for a 60 unit residential apartment building containing affordable work force housing units and artist live/work space (16 artist live/work units, 34 two bedroom units, 10 one bedroom units) with accessory on-site laundry and workout rooms: 1) a Variance from Article II, Section 10-209 to allow a residential apartment use in an Industrial district where a residential use is not allowed, 2) a Variance from Article III, Section 10-305(A) to allow the proposed development site with a 130' depth where 200' is the minimum required, 3) a Variance from Article III, Section 10-305(A) to allow an 18' front setback where 70' is the minimum required, 4) a Variance from Article III, Section 10-305(A) to allow a 14' rear setback where 50' is the minimum required, 5) a Variance from Article III, Section 10-301(B)(3) to allow an 80' setback from residential uses where 100' is the minimum required; and, 6) a Variance from Article XII, Section 10-1201(A)(f)(2) to allow parking 10' from the front property line where a 50' setback back in the minimum required. Said property is shown on Assessor Plan 165 as Lot 1 and lies within the Industrial district. Case # 1-1

2) Petition of **CCV Group, LLC, owner, Craig and Mollie Sieve, applicants**, for property located at **4 Sagamore Grove Road** wherein the following are requested to allow the rebuilding of a single family dwelling in a Waterfront Business District: 1) a Variance from Article II, Section 10-208 and to allow a residential use by rebuilding of nonconforming use on the existing foundation (600 sf) with an addition (568 sf), two stairway areas and a chimney in a district where residential uses are not allowed, 2) a Variance from Article III, Section 10-304(A) to allow a 20' x 30' (600 sf) 1 ½ story single family dwelling on the existing foundation with a 12'± left side setback and the 568 sf irregular shaped addition with a 16'± left side setback where 30' is the minimum side setback required; and, 3) a Variance from Article III, Section 10-301(A)(7)(a) to allow the following: a) the proposed 600 sf portion on the existing foundation to have a 46'± setback, b) the stairs to have a 41'± setback, c) the landing and to have stairs a 55'± setback; and, d) the proposed 568 sf addition to have a 77'± setback all from the salt water marsh wetlands and mean high water line where 100' is the minimum setback required for all. Said property is shown on Assessor Plan 201 as Lot 4 and lies within the Waterfront Business district. Case # 1-2

### IV. ADJOURNMENT

Informational Item to Board: Memorandum from the Chairman of the Economic Development Commission to the Chairman of the Board of Adjustment transmitting the 2009 EDC Action Plan

#### **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