

LEGAL NOTICE
BOARD OF ADJUSTMENT
PORTSMOUTH, NEW HAMPSHIRE

NOTICE IS HEREBY GIVEN that the Board of Adjustment will hold Public Hearings at 7:00 p.m. each evening on **Old Business B)** and the following **applications #1 thru #7 on Tuesday, April 20, 2010, and applications #8 thru #14 on Tuesday April 27, 2010 in the Eileen Dondero Foley Council Chambers**, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire.

Old Business

- B) Petitioner: J. P. Nadeau
Property: 187 Wentworth House Road Assessor Plan 201, Lot 12
Zoning district: Waterfront Business District
Request: **Amend the Variance** granted January 19, 2010 to establish two (2) residential uses where residential uses are prohibited by allowing the two residential structures currently existing on the lot to be moved to another location on the lot as shown on the plan submitted with the application, and amend the stipulation attached to the variance, both in accordance with the submitted revised plan. Section 10.440, Use #1.10, Section 10.513, and Section 10.334.

Public Hearings

- 1) Case # 4-1
Petitioners: Worth Development Condo Association
Property: 103-131 Congress Street Assessor Plan 126, Lot 6
Zoning district: Central Business B
Request: **Rehearing:** of the February 16, 2010 Board of Adjustment decision on a variance to waive the parking standards for a restaurant in the Central Business District
- 2) Case # 4-2
Petitioner: Harborside Associates, L.P.
Property: 100 Deer Street (formerly a portion of 195 Hanover Street) Assessor Plan 125, Lot 1
Zoning district: Central Business B
Requests: **Appeal:** from a Planning Board decision on the interpretation and application of parking space requirements, requesting the Board of Adjustment to reverse the February 18, 2010 decision and remand the matter back to the Planning Board.
- 3) Case # 4 -3
Petitioners: Michael G. Williams & Laura J. Williams
Property: 52 Suzanne Drive Assessor Plan 292, Lot 25
Zoning district: Single Residence B
Request: **Variance(s)** to construct a 6' x 25' front porch. Section 10.321 to allow the enlargement of a nonconforming structure; Section 10.521 Table of Dimensional Standards to allow a 22 foot front yard setback in the SRB zone where 30 feet is required
- 4) Case # 4-4
Petitioner: Eugene C. Bergeron
Property: 796 Sagamore Ave Assessor Plan 223, Lot 3
Zoning district: Single Residence B

Request: **Variance(s)** to construct canopies over utility tanks & controls. Section 10.321 to allow the enlargement of a nonconforming structure; Section 10.521 Table of Dimensional Standards to allow a building coverage of 24.3% where 20% is allowed

5) Case # 4-5

Petitioners: Robert L. Leahy & Amy B. Leahy

Property: 260 Aldrich Road Assessor Plan 166, Lot 12

Zoning district: Single Residence B

Request: **Variance(s)** to construct a 15' x 16' pergola attached to the right side of the existing garage. Section 10.321 to allow the enlargement of a nonconforming structure; Section 10.521 Table of Dimensional Standards to allow a building coverage of 25% where 20% is allowed; Section 10.572 to allow a 5 foot setback where an accessory structure shall be no closer to the side or rear property line than 75% of the height or 10 feet whichever figure is greater.

6) Case # 4-6

Petitioners: T-Beyar Realty, LLC and Fitness Dynamics

Property: 141 Banfield Road, Unit 1 Assessor Plan 254, Lot 2

Zoning district: Industrial

Requests: **Special Exception**, Section 10.440 Use Table 4.40 to allow a Health Club of up to 2,000 square feet in the Industrial zone

7) Case # 4-7

Petitioner: T-Beyar Realty, LLC and Seacoast Brzilian Jiu Jitsu

Property: 141 Banfield Road, Unit 7 Assessor Plan 254, Lot 2

Zoning district: Industrial

Request: **Special Exception**, Section 10.440 Use Table 4.40 to allow a Jiu Jitsu Studio of up to 2,000 square feet in the Industrial zone

8) Case # 4-8

Petitioner: Ideas in Motion, LLC

Property: 28 Langdon Street Assessor Plan 138, Lot 46

Zoning district: General Residence C

Requests: **Special Exceptions**, Section 10.440 Table of Uses use(s) 1.42 and 1.53 to allow 5 dwelling units on the same parcel in the GRC zone and to allow the conversion of a building existing on January 1, 1980 with less than the required minimum lot area per dwelling unit as specified in Article 5; **Variance(s)** Section 10.521 Table of Dimensional Standards to allow 5 units on a parcel of 6391 square feet where 3500 square feet per unit is required; Section 10.1112.30 to allow for 5 parking spaces on the lot where 9 are required.

9) Case # 4-9

Petitioner: Thomas P. Coakley

Property: 231 Bartlett Street Assessor Plan 162, Lot 31

Zoning district: General Residence A

Requests: **Variance(s)**, to construct a third floor dormer. Section 10.321 to allow for the enlargement of a nonconforming structure; Section 10.521 Table of Dimensional Standards to allow a side yard set back of 8 feet where 10 feet is required

- 10) Case # 4-10
Petitioner: Joshua B. Arend
Property: 98 Miller Avenue #1 Assessor Plan 129, Lot 15-1
Zoning district: General Residence A
Requests: **Variance(s)** to allow construction of a deck. Section 10.321 to allow the enlargement of a nonconforming structure; Section 10.521 Table of Dimensional Standards to allow a building coverage of 31.4% where 25% is allowed.

- 11) Case # 4-11
Petitioner: New Hampshire Department of Regional Community-Technical
Property: 320 Corporate Drive Assessor Plan 315, Lot 4
Zoning district: Airport Business and Commercial
Requests: **Variance**, Section 305.02(b) of the Pease Development Authority Zoning Ordinance to allow the placement of 5 new parking spaces within the required 50 foot front yard setback where no parking is allowed.

- 12) Case # 4-12
Petitioners: Joseph Gobbi Supply Corporation & Kevin & Bryan Gilman
Property: 685 Islington street Assessor Plan 164, Lot 12
Zoning district: Business
Requests: **Special Exception Amendment** to allow parking for 15 vehicles where 7 were previously allowed; **Variance Amendment(s)** Section 10.531 Table of Dimensional Standards to move the fence 6' toward the right-of-way from its current location, Section 10.843.14 to allow the outdoor storage of vehicles for up to 90 days where the current approval allows 30 days; Removal of a stipulation that requires a landscape buffer be placed in front of the storage fence

- 13) Case # 4-13
Petitioner: Elizabeth M. Mackey
Property: 214 Aldrich Road Assessor Plan 153, Lot 27
Zoning district: Single Residence B
Requests: **Variance(s)** to allow the construction of a 24' x 24' garage. Section 10.521 Table of Dimensional Standards to allow; A). a side yard setback of 3 feet where 10 feet is required; B) a rear yard setback of 5 feet where 30 feet is required and; C) a building coverage of 35% where 20% is allowed.

- 14) Case # 4-14
Petitioners: Katherine Majzoub 2007 Family Trust and
Property: 475 Marcy Street Assessor Plan 101, Lot 9
Zoning district: General Residence B
Requests: **Variance(s)** to allow the expansion of a deck where the rear yard setback is proposed to be 19'6" and the required setback is 25 feet. Section 10.321 to allow the expansion of a nonconforming structure; Section 10.521 Table of Dimensional Standards

Lee Jay Feldman, Principal Planner