

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

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS
AND CONFERENCE ROOM A**

7:00 P.M.

**July 20, 2010 for Old Business and
Petitions 1) through 5) To Be
Reconvened July 27, 2010 for
Petitions 6) through 12)**

AGENDA

THE FOLLOWING OLD BUSINESS AND PETITIONS 1) THROUGH 5) WILL BE HEARD ON TUESDAY, JULY 20, 2010 IN THE EILEEN DONDERO FOLEY COUNCIL CHAMBERS
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I. APPROVAL OF MINUTES

- A) April 20, 2010
- B) April 27, 2010

II. OLD BUSINESS

- 5) Case #6-5
Petitioners: Houston Holdings, LLC, Daniel Houston, President
Property: 653 Islington Street Assessor Plan 164, Lot 5
Zoning district: Business
Request: Variance: 10.440 Table of Uses 10.18.24 to allow two (2) temporary structures to remain on the premises for not more than 180 days, which is not allowed by ordinance.
Variance: 10.531 Table of Dimensional Standards, to allow a 4' right side setback where 15' is required
Variance: 10.531 Table of Dimensional Standards, to allow a 4' left side setback where 15' is required
This petition was postponed from the June 15, 2010 meeting

- 6) Case #6 -6
Petitioners: Houston Holdings, LLC, Daniel Houston, President
Property: 653 Islington Street Assessor Plan 164, Lot 5
Zoning district: Business

Request: Variance: 10.321 to allow the expansion of a nonconforming structure.
Variance: 10.531 Table of Dimensional Standards, to allow a 25' x 20' addition with a 4' right side setback where 15' is required
Variance: 10.531 Table of Dimensional Standards, to allow a 4' left side setback for the addition where 15' is required
This petition was postponed from the June 15, 2010 meeting

III. PUBLIC HEARINGS

- 1) Case # 7-1
Petitioners: Kara L. Hutchins
Property: 40 Mill Pond Way Assessor Plan 143, Lot 6
Zoning district: General Residence A
Requests: Variance from Section 10.321 to allow the expansion of a nonconforming structure
Variance from Section 10.521 to construct a front porch with a 10' setback from the front lot line where a 15' front yard is required

- 2) Case # 7-2
Petitioner: Kayla Realty, LLC, owner, and Heather Lessard, applicant, dba Tulips
Property: 60-62 Market Street Assessor Plan 117, Lot 34
Zoning district: Central Business B
Request: Variance from Section 10.1253.50 to allow a projecting sign to project 42" from the building where 36" (one-third of the sidewalk width) is the maximum allowed

- 3) Case # 7-3
Petitioner: 150 Greenleaf Avenue Realty Trust, James G. Boyle Trustee
Property: 150 Greenleaf Avenue Assessor Plan 243, Lot 67
Zoning district: Gateway
Request: Appeal under RSA 676:5(III) of the determination by the Planning Board that the Zoning Ordinance adopted by the City Council on December 21, 2009, and effective January 1, 2010, is applicable to a site plan review application submitted on October 23, 2009

- 4) Case #7 -4
Petitioners: 75 New Hampshire Avenue, LLC
Property: 75 New Hampshire Avenue Assessor Plan 306, Lot 4
Zoning district: Pease Industrial
Requests: Variance from Section 10.1243 to allow more than 1 freestanding sign per lot
Variance from Section 10.1253.10 to allow a freestanding sign to be 12'6" from a lot line where 20' is the minimum setback allowed
Variance from Section 306.01(d) of the Pease Development Authority Zoning Ordinance to allow 218.9 square feet of aggregate sign area where 200 square feet is the maximum sign area allowed

- 5) Case # 7-5
 Petitioners: Gerald W. Howe
 Property: 45 Miller Avenue Assessor Plan 129, Lot 33
 Zoning district: General Residence A
 Request: Variance from Section 10.331 to allow the expansion of a nonconforming use
 Variances from Section 10.521, Table of Dimensional Standards, to allow the construction of a new garage with:
- A setback of 3’4” from the right side lot line where a 10’ side yard is required
 - A setback of 4’8” from the left side lot line where a 10’ side yard is required
 - A setback of 19’1” from the rear lot line where a 20’ rear yard is required
 - Building coverage of 28.8% where 25% is the maximum coverage allowed

THE FOLLOWING PETITIONS 6) THROUGH 12) WILL BE HEARD ON TUESDAY, JULY 27, 2010 IN CONFERENCE ROOM A

- 6) Case # 7-6
 Petitioners: David L. Meyers and Anne M. Meyers
 Property: 180 Gates Street Assessor Plan 103, Lot 18
 Zoning district: General Residence B
 Requests: Variance from Section 10.321 to allow the expansion of a nonconforming structure
 Variance from Section 10.521, Table of Dimensional Standards, to allow the addition of a boxed bay window with a 3’ side yard setback where 10’ is required
- 7) Case # 7-7
 Petitioner: Piscataqua Savings Bank
 Property: 15 Pleasant Street Assessor Plan 107, Lot 32
 Zoning district: Central Business B
 Request: Variance from Section 10.1332.20 to allow sound pressure of a generator to be up to 74 dBA at the property line during weekly exercising on weekends where 55dBA is the maximum permissible sound pressure level
- 8) Case # 7-8
 Petitioner: Christ Church Parish
 Property: 1035 Lafayette Road Assessor Plan 246, Lot 1
 Zoning district: Single Residence B
 Request: Variance from Section 10.1241 to allow two freestanding signs in a district where freestanding signs are not allowed
- 9) Case #7 -9
 Petitioners: Stephen J. Lozan and Jessica N. Lozan
 Property: 273 Austin Street Assessor Plan 145, Lot 59
 Zoning district: General Residence C

Requests: Variance from Section 10.321 to allow the expansion of a nonconforming structure
 Variance from Section 10.521, Table of Dimensional Standards, to allow a vertical expansion (construction of two dormers) 7' from a rear lot line where a 20' rear yard is required

10) Case # 7 -10

Petitioners: Nancy J. Ratliff Revocable Trust 2000, Nancy J. Ratliff, Trustee

Property: 180 New Castle Avenue Assessor Plan 101, Lot 23

Zoning district: Single Residence B

Requests: Variances from Section 10.321 to allow the expansion of a nonconforming structure

Variances from Section 10.521, Table of Dimensional Standards, to allow:

- A 6' setback from the right side lot line for a 2 story addition where a 10' side yard is required
- A 15'5" setback from the front lot line for a 1 story addition where a 30' front yard is required
- A 6'5" setback from the front lot line for a porch structure where a 30' front yard is required
- Building coverage of 27.8% where 20% is the maximum coverage allowed

11) Case # 7-11

Petitioners: Darcy E. Davidson Revocable Trust, Darcy E. Davidson and Robert M. Snover

Property: 60 TJ Gamester Avenue Assessor Plan 269, Lot 15

Zoning district: Single Residence B

Request: Variance from Section 10.572 to place an accessory structure (emergency generator) 5' from the property line where a 10' setback is required.

12) Case # 7 -12

Petitioners: Karen E. Mountjoy Revocable Trust, Karen E. Mountjoy, Trustee

Property: 62 Orchard Street Assessor Plan 149, Lot 30

Zoning district: General Residence A

Requests: Variances from Section 10.521, Table of Dimensional Standards, to allow:

- An accessory building (1½ story garage) to be located 4'7" from the right side lot line and 4'4" from the rear lot line where the required setback from both lot lines is 13.5' (75% of the height of the structure)
- Building coverage of 31% where 25% is the maximum coverage allowed

IV. 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.