

LEGAL NOTICE
BOARD OF ADJUSTMENT
PORTSMOUTH, NEW HAMPSHIRE

NOTICE IS HEREBY GIVEN that the Board of Adjustment will hold Public Hearings on the following **applications #1 through #6 on Tuesday, September 21, 2010 and on applications #7 through #10 on Tuesday, September 28, 2010**, both at 7:00 p.m. in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire:

- 1) Case # 9-1
Petitioners: Gerald W. Howe
Property: Behind 45 Miller Avenue Assessor Map 129, Lot 33
Zoning district: General Residence A
Description: To replace an existing garage on the same footprint
Requests: Variance from Section 10.521 to allow a left side yard of 4'8" where 10' is required.
Variance from Section 10.521 to allow a right side yard of 6'2" where 10' is required.
Variance from Section 10.321 to allow the expansion of a lawful nonconforming structure.
Variance from Section 10.331 to allow a lawful nonconforming use to be changed.
- 2) Case # 9-2
Petitioner: Joshua M. Pierce and Lara A. Johnson
Property: 164 Bartlett Street Assessor Map 163, Lot 6
Zoning district: General Residence A
Description: To reconstruct front stairs in order to meet the required building code
Request: Variance from Section 10.521 to allow a front yard of 1'± where 15' is required.
- 3) Case # 9-3
Petitioner: Lee A. Gove
Property: 39 Morning Street Assessor Map 163, Lot 17
Zoning district: General Residence A
Description: To replace a flat roof on a nonconforming structure with a roof with a 6:12 pitch
Requests: Variance from: Section 10.321 to allow a lawful nonconforming building or structure to be enlarged.
Variance from Section 10.521 to allow a 2'± front yard where 15' is required.
Variance from Section 10.521 to allow an 8' side yard where 10' is required.
- 4) Case #9-4
Petitioners: Great McDonough Street, LLC, Owner, and James Prendergast, Applicant
Property: 135 McDonough Street Assessor Map 144, Lot 47
Zoning district: Mixed Residential Business
Description: To establish a Media Studio excluding any transmitting antenna tower.
Request: Special Exception under Use No. 5.51 Media Studio excluding any transmitting antenna.

- 5) Case # 9-5
Petitioners: Gordon F. McAlpin and Betsy Rivers Patterson
Property: 293 Rockland Street Assessor Map 129, Lot 13
Zoning district: General Residence A
Description: To establish a second dwelling unit with less than the minimum required lot area per dwelling unit.
Request: Variance from Section 10.521 to allow a second unit on a parcel with 10,000 sq. ft. where 15,000 sq. ft. is required.
- 6) Case # 9-6
Petitioners: Harbour Place Group, LLC
Property: One Harbour Place Assessor Map 105, Lot 2
Zoning district: Central Business A
Description: To place two oversized building marker signs on the building
Request: Variance from Section 10.1222.30 to allow two 50.3 sq. ft. marker signs to be affixed to the building where the ordinance allows only one building marker sign composed of unpainted letters carved into or embossed on a building wall with a sign area of no more than 12 sq. ft.
- 7) Case # 9-7
Petitioner: Renee A. Heinzen and Joseph H. Gross, Owners, and Ken Wyman, Applicant
Property: 1105 South Street Assessor Map 150, Lot 21
Zoning district: General Residence A
Description: To construct a 12'x12' deck where a 5'x 8' deck currently exists.
Requests: Variance from Section 10.321 to allow a lawful nonconforming building or structure to be extended and enlarged.
Variance from Section 10.521 to allow a building coverage of 27.2% where 25% is allowed and 25.4% currently exists.
- 8) Case # 9-8
Petitioners: Maureen A. Gallagher and Dennis M. Moulton
Property: 190 Hillside Drive Assessor Map 231, Lot 38
Zoning district: Single Residence B
Description: To construct a 28'x24', 672 sq. ft. free standing garage on the property
Requests: Variance from Section 10.572 to allow a 5' rear yard where 13' is required.
Variance from Section 10.572 to allow a 5' side yard where 13' is required.
- 9) Case # 9-9
Petitioner: Deborah Campbell
Property: 295 Maplewood Avenue Assessor Map 141, Lot 35-1
Zoning district: Mixed Residential Office
Description: To allow a use on the property with no off-street parking spaces.

Request: Variance from Section 10.1112.30 to allow the first floor space to be used by a use permitted in the zoning district (“P” in the Table of Uses) with no off-street parking spaces.

10) Case # 9-10

Petitioners: Bradford C. Duncan and Alyssa A. Duncan

Property: 36 Rogers Street Assessor Map 116, Lot 46

Zoning district: Mixed Residential Office

Description: To expand a nonconforming residential structure by adding a second story with less than the minimum required side yard and less than the minimum required open space.

Requests: Variance from Section 10.521 to allow a 2.7’ side yard where 10’ is required.
Variance from Section 10.521 to allow a minimum open space of 24.8% where 25% is required and 26.6% currently exists.
Variance from Section 10.321 to allow the expansion of a nonconforming structure.

Lee Jay Feldman, Principal Planner