

**6:00 P.M. NON-MEETING WITH COUNSEL IN CONFERENCE ROOM B**

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

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**7:00 P.M.**

**September 21, 2010 for Old Business and  
Petitions 1) through 6), To Be Reconvened  
September 28, 2010 for Petitions 7) through 10)**

**AGENDA**

**THE FOLLOWING OLD BUSINESS AND PETITIONS 1) THROUGH 6) WILL BE HEARD  
ON TUESDAY, SEPTEMBER 21, 2010**

**I. APPROVAL OF MINUTES**

- A. Board of Adjustment Meeting May 18, 2010
- B) Board of Adjustment Meeting June 15, 2010
- C) Planning Board and Board of Adjustment Work Session June 23, 2010

**II. OLD BUSINESS**

- A) Motion for Rehearing regarding 180 New Castle Avenue
- B) Remand to the Board of Adjustment from the Superior Court, State of New Hampshire, to allow testimony on Fisher v. Dover regarding property located at 187 Wentworth House Road
- C) Case # 8-5  
Petitioners: Kent Scherr & Kristina Rogers Scherr  
Property: 300 Rockland Street Assessor Plan 129, Lot 10  
Zoning district: General Residence A  
Requests: To allow the expansion of a nonconforming residential structure with the following variances:

(over)

- 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 8' rear yard where 20' is required

(This petition was postponed from the August meeting)

### III. PUBLIC HEARINGS

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.

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- 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.

**THE FOLLOWING PETITIONS 7) THROUGH 10) WILL BE HEARD ON TUESDAY, SEPTEMBER 28, 2010**

- 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.

#### 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.