

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

7:00 P.M.

September 20, 2011

AGENDA

I. APPROVAL OF MINUTES

- A) June 21, 2011 (Excerpt previously approved)
- B) June 28, 2011
- C) July 19, 2011
- D) July 26, 2011

II. PLANNING DEPARTMENT REPORTS

III. OLD BUSINESS

- A) Request for Rehearing regarding the property located at 165 Dodge Avenue.
- B) Case # 8-4
Petitioner: Searay Realty, LLC, owner, Archie E. DeFlorio, applicant
Property: 445 Route One Bypass Assessor Map 234, Lot 3
Zoning district: Office Research
Description: Establish a retail use.
Requests: Variance from Section 10.440, Use #8.31, to allow the proposed use.
(This petition was postponed from the August 16, 2011 meeting.)
- C) Request for Rehearing regarding the property located at 30 Gardner Street
(This item was postponed from the August 16, 2011 meeting and should be considered with case #9-10 below.)

IV. PUBLIC HEARINGS

- 10) Case # 9-10
Petitioner: Steerpoint Properties LLC
Property: 30 Gardner Street Assessor Plan 103, Lot 43
Zoning district: General Residence B

Request: Equitable Waiver (under RSA 674:33-a) of the required minimum lot area per dwelling unit for the conversion of a dwelling existing on January 1, 1980 to additional dwelling units. The requested waiver is to allow the Special Exception for the conversion to be granted with 2,395.8 s.f. of lot area per dwelling unit rather than 3,000 s.f. per dwelling unit as required in the General Residence B district under Section 10.812.13

1) Case # 9-1

Petitioner: Laurie Ann McCray 2005 Revocable Trust, Laurie Ann McCray, Trustee
 Property: 15 Haven Road Assessor Map 111, Lot 17

Zoning district: Single Residence B

Description: Construct entryway over existing bulkhead.

Requests: Variance from Section 10.321 to allow the alteration of a lawful nonconforming building.
 Variance from Section 10.521 to allow a 29'± front yard setback where 30' is required.
 Variance from Section 10.521 to allow 25%± building coverage where 20% is the maximum allowed.

2) Case # 9-2

Petitioner: Industrial Rents-NH, LLC
 Property: 124 Bartlett Street Assessor Map 163, Lot 2

Zoning district: Office Research

Description: Convert 1,000± s.f. of appliance repair space for retail use.

Requests: Variance from Section 10.440, Uses 8.30 to allow retail uses in a specified portion of an existing building.

3) Case # 9-3

Petitioners: John & Joan Schorsch
 Property: 53 Pray Street Assessor Map 102, Lot 40

Zoning district: Waterfront Business

Description: Install a 24" x 24" x 28" compressor.

Requests: Variance from Section 10.531 to allow building coverage of 32+% where 30% is the maximum allowed.

4) Case # 9-4

Petitioners: Gibson B. Kennedy, Jr. & Patricia A. Kennedy
 Property: 267 Marcy Street Assessor Map 103, Lot 44

Zoning district: General Residence B

Description: Construct side entry porch addition.

Requests: Variance from Section 10.321 to allow the expansion of a lawful nonconforming building.
 Variance from Section 10.521 to allow building coverage of 37.1%± where 30% is the maximum allowed.

- 5) Case # 9-5
 Petitioners: Aaron M. & Jocelyn M. Garganta
 Property: 423 Colonial Drive Assessor Map 260, Lot 43
 Zoning district: Single Residence B
 Description: Construct a 6' x 10' front portico.
 Requests: Variance from Section 10.321 to allow the expansion of a lawful nonconforming building.
 Variance from Section 10.521 to allow 23.1%± building coverage where 20% is the maximum allowed.

- 6) Case # 9-6
 Petitioners: Brian Short LLC, owner, Chris Kallandel, applicant
 Property: 2225 Lafayette Road Assessor Map 272, Lot 2
 Zoning district: Gateway
 Description: Establish a truck tire sales, service & distribution business.
 Requests: Special Exception under Section 10.440, Use #11.30 to allow the proposed use in this district.
 Variance from Section 10.581 to allow the sales, distribution and repair of vehicle related equipment on a lot with less than the required 2 acre minimum lot area.

- 7) Case # 9-7
 Petitioners: Timothy J. Andrews & Sarah Ann Raboin
 Property: 647 Middle Street Assessor Map 148, Lot 31
 Zoning district: General Residence A
 Description: Construct fence & retaining wall.
 Request: Variance from Section 10.516.30 to allow a portion of a fence to be closer than 20' from the intersection point of a corner lot.

- 8) Case # 9-8
 Petitioners: Brian M. Regan & Susan M. Regan
 Property: 28-30 Dearborn Street Assessor Map 140, Lot 1
 Zoning district: General Residence A
 Description: Divide an existing nonconforming lot containing two, two-family dwellings into two lots each containing one, two-family dwelling.
 Requests: Variance from Section 10.331 to allow a lawful nonconforming use to be extended.
 Variances from Section 10.521:
 Lot 1 To permit a lot with 6,750 of lot area where 7,500 s.f. is required.
 To permit a lot with 3,375 s.f. of lot area per dwelling unit where 7,500 s.f. is required.
 To permit 55.15' of continuous street frontage where 100' is required.
 To permit a side yard setback of 3.7' where 10' is required.
 Lot 1-1 To permit a lot with 6,432 s.f. of lot area where 7,500 s.f. is required.
 To permit a lot with 3,216 s.f. of lot area per dwelling unit where 7,500 s.f. per unit is required.
 To permit 90'+ of continuous street frontage where 100' is required.

- 9) Case # 9-9
Petitioner: Robert B. Wason III, owner, Thai Huynh, applicant
Property: 100 Albany Street Assessor Map 146, Lot 24
Zoning district: Mixed Residential Business
Description: Operate a reconditioning and protection service for vehicles and home goods.
Requests: The Variances and/or Special Exceptions required for the use.

V. OTHER BUSINESS

VI. 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.