

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

7:00 P.M.

October 18, 2011

AGENDA

I. APPROVAL OF MINUTES

- A) August 16, 2011

II. PLANNING DEPARTMENT REPORTS

III. OLD BUSINESS

- A) Request for Rehearing regarding the property located at 28-30 Dearborn Street.

- B) 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.

(This petition was tabled for more information at the September 20, 2011 meeting)

IV. PUBLIC HEARINGS

- 1) Case # 10-1

Petitioner: Sean C. Evans & Hannah Shea

Property: 165 Dodge Avenue

Assessor Plan 258, Lot 41

Zoning district: Single Residence B

Description: Construct a 26'± x 38'± two story home with attached 24'± x 24'± garage

Requests: Variance from Section 10.521 to allow a single-family dwelling on a lot with 11,556 sf of area, where a minimum lot area of 15,000 sf is required.

Variance from Section 10.521 to allow a single-family dwelling on a lot without street frontage, where 100' of continuous street frontage is required.

Variance from Section 10.512 to allow a single-family dwelling on a lot with no access to a City street.

Note: The applicant has submitted a request to postpone the hearing to the November 15, 2011 Board of Adjustment meeting.

- 2) Case # 10-2

Petitioner: Samonas Realty Trust, John N. Samonas, Trustee, Owner, Mari Woods Kitchen Bath Home, Applicant

Property: 11 Ladd Street (36 Market Street)

Assessor Map 117, Lot 29-2

Zoning district: Central Business B

Description: Install a sign projecting over the sidewalk.
 Request: Variance from Section 10.1253.50 to allow a projecting sign to project 21” over the sidewalk where 39.5” is required and to allow the sign to be 3.5” from the building where 6” is required.

3) Case # 10-3

Petitioner: 150 Greenleaf Avenue Realty, James G. Boyle, Trustee
 Property: 150 Greenleaf Avenue Assessor Map 243, Lot 67
 Zoning district: Gateway
 Requests: Appeal the Administrative Decision of the Legal Department to issue a cease and desist order based on its interpretation of Sections 10.1016, 10.1017, and 10.1018 of the Zoning Ordinance.

4) Case # 10-4

Petitioner: 200 International LP, Owner, 180 International LLC, Applicant
 Property: 180 International Drive Assessor Map 312 Lot 3
 Zoning district: Pease Industrial
 Description: Parking spaces located in the front of an existing building.
 Requests: Variance from Section 305.02(b) of the Pease Development Authority Zoning Ordinance to allow parking 49’ from the front property line where 50’ is the minimum required.

5) Case # 10-5

Petitioner: Sureya M. Ennabe Rev. Liv. Trust, c/o C. N. Brown Company
 Property: 800 Lafayette Road Assessor Map 244, Lot 5
 Zoning district: Gateway
 Description: Place colored markings on an existing canopy.
 Requests: Appeal from an Administrative Decision by the Code Official to define canopy markings as signs as regulated by the Zoning Ordinance.

6) Case # 10-6

Petitioner: Sureya M. Ennabe Rev. Liv. Trust, c/o C. N. Brown Company
 Property: 800 Lafayette Road Assessor Map 244, Lot 5
 Zoning district: Gateway
 Description: Place colored markings on an existing canopy.
 Requests: Variance from Section 10.1252.40 to exclude a portion of the canopy markings from the calculation of sign area for the site.

7) Case # 10-7

Petitioner: Joanne F. DeWolf & Timothy G. Foley, Jr.
 Property: Marjorie Street Assessor Map 232, Lot 20
 Zoning district: Single Residence B
 Description: Construct new single family dwelling on empty lot.
 Requests: Variance from Section 10.521 to allow a lot area of 6,400 s.f. where 15,000 is the minimum lot size required.
 Variance from Section 10.521 to allow a lot area per dwelling unit of 6,400 s.f. where 15,000 s.f. of lot area is required.
 Variance from Section 10.521 to allow 80’ of continuous street frontage where 100’ continuous street frontage is required.

- 8) Case # 10-8
Petitioner: Trang Bui, Owner, Duy Bui, Applicant
Property: 4 Blue Heron Drive Assessor Map 218, Lot 51
Zoning district: General Residence B
Description: Conduct music classes in a residence.
Requests: Special Exception for Section 10.440, Use 19.22 to allow a Home Occupation 2 in a district where such use is allowed by Special Exception.
- 9) Case # 10-9
Petitioner: Bellwood Associates L.P., c/o Festival Fun Park Properties, Owner, Festival Fun Parks dba Water Country, Applicant
Property: 2300 Lafayette Assessor Map 273, Lot 5
Zoning district: Industrial
Description: Add new fun park attraction.
Requests: Variance from Section 10.331 to allow the expansion of a nonconforming use.
Variance from Section 10.440, Use #4.60 to allow the proposed use in this district.
- 10) Case # 10-10
Petitioner: Carol B. Ritzo, Owner, MJS Realty Trust, Applicant
Property: 860 State Street Assessor Map 145, Lot 45
Zoning district: General Residence C
Description: Replace existing 5-car garage with new single family dwelling.
Requests: Variance from Section 10.521 to allow a lot area of 2,740 s.f. per dwelling unit where 3,500 s.f. of lot area is required.
Variance from Section 10.521 to allow 52' of continuous street frontage where 70' continuous street frontage is required.
- 11) Case # 10-11
Petitioner: T Beyar Realty LLC, Owner, Rockwell Auto Group, Applicant
Property: 141 Banfield Road Assessor Map 254, Lot 2
Zoning district: Industrial
Description: Change of use to detailing and wholesale of motor vehicles.
Requests: Special Exception for Section 10.440, Use #11.20 to allow motor vehicle repair in a district where non-marine dependent wholesale use is allowed, but motor vehicle repair requires a Special Exception.

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.