

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

**CONFERENCE ROOM B  
(Change in Regular Meeting Room)**

**7:00 P.M.**

**February 21, 2012**

**AGENDA**

**I. APPROVAL OF MINUTES**

- A) December 13, 2011
- B) January 17, 2012
- C) Amendment to October 18, 2011 Minutes

**II. PLANNING DEPARTMENT REPORTS**

**III. OLD BUSINESS**

A) **Case # 1-1**

Petitioners: Brian M. Regan & Susan M. Regan

Property: 28-30 Dearborn Street

Assessors: 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.

Rehearing 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 90.15' of continuous street frontage where 100' is required.

*(This petition was postponed from the January 17, 2012 meeting.)*

**B) Case # 1-2**

Petitioners: Brian M. Regan & Susan M. Regan

Property: 28-30 Dearborn Street

Assessors: Map 140, Lot 1

Zoning District: General Residence A

Description: Allow the existing front-yard setback of the building to remain and revise the off-street parking layout required in a previous variance approval for the property.

Requests:

- Equitable Waiver (under RSA 674:33-a) to allow a front yard setback of 0'± where a 20' front yard setback is required for the structure located at 30 Dearborn Street.
- Amend the Variances granted 1984 and 1991 by revising the required parking plan (as shown on the plan on file at the Planning Department).  
*(This petition was postponed from the January 17, 2012 meeting.)*

**C) Case # 1-2A**

Petitioners: Brian M. Regan & Susan M. Regan

Property: 28-30 Dearborn Street

Assessors: Map 140, Lot 1

Zoning District: General Residence A

Description: Provide four off-street parking spaces.

Requests: 1. A dimensional Variance from Section 10.1112.30 to allow four off-street parking spaces to be provided where eight off-street parking spaces are required.

*(This petition is new and was not a part of the petitions postponed from The January 17, 2012 meeting)*

**D) Case # 1-3**

Petitioner: Sam & Lea Chase

Property: 604 Lincoln Avenue

Assessors: Map 148, Lot 15

Zoning District: General Residence A

Description: Construct a 2½-story, 4' x 25' addition to the existing building and replace a 6' x 16' deck with a 2½-story, 6' x 16' addition.

Requests: 1. A dimensional Variance from Section 10.321 & Section 10.521 to increase the building coverage from 32% to 34%± where a maximum of 25% is permitted.  
***This petition has been revised.*** *The original request, for a 4' x 19' 2 ½ story addition to the existing building, was postponed from the January 17, 2012 meeting.*

**IV. PUBLIC HEARINGS**

**1) Case # 2-1**

Petitioners: Deer Street Associates, owner, Robert Marchewka, applicant

Property: 165 Deer Street, Building #1

Assessors: Map 125, Lot 17

Zoning District: Central Business B

Description: Rental and storage of motorized scooters.

Requests: 1. A use Variance from Section 10.440, Use #11.10 to permit the rental and storage of motorized scooters in a district where such use is not allowed.

**2) Case # 2-2**

Petitioner: Raymond Wilkins  
 Property: 973 Islington Street  
 Assessors: Map 172, Lot 5  
 Zoning District: Business  
 Description: Wholesale HVAC and cooling equipment.  
 Requests: 1. A use Variance from Section 10.440, Use #13.11 to permit the wholesale storage of HVAC and cooling equipment in a district where such use is not allowed.

**3) Case # 2-3**

Petitioner: Carole J. Hicks  
 Property: 496 Lincoln Avenue  
 Assessors: Map 133, Lot 48  
 Zoning District: General Residence A  
 Description: Construct a 34' x 22' 2-story rear addition with basement garage.  
 Requests: 1. A dimensional Variance from Section 10.321 to allow a lawful nonconforming building to be extended or enlarged in a manner that is not in conformity with the Zoning Ordinance.  
 2. A dimensional Variance from Section 10.321 & Section 10.521 to intensify a right side yard setback of 5'4" ± where 10' is the minimum setback required.  
 3. A dimensional Variance from Section 10.321 & Section 10.521 to increase the building coverage from 31.6% to 37.7%± where the maximum building coverage allowed is 25%.

**4) Case # 2-4**

Petitioners: Wayne & Marie Gagnon  
 Property: 171 Sagamore Avenue  
 Assessors: Map 221, Lot 22  
 Zoning District: General Residence A  
 Description: Replace existing 20' x 21' shed/garage with a 21' x 20' garage.  
 Requests: 1. A dimensional Variance from Section 10.572 to allow a 21' x 20' accessory structure, 16'± in height, with a left side yard setback of 2.25'± where 10' is the minimum setback required and a rear yard setback of 5'± where 12' is the minimum required.

**5) Case # 2-5**

Petitioners: Michael De La Cruz, owner, Tom Holbrook, applicant  
 Property: 142 Fleet Street (63 Congress Street)  
 Assessors: Map 117, Lot 5  
 Zoning District: Central Business B  
 Description: Install a 22" x 38" (5.8 s.f.) projecting sign.  
 Requests: 1. A dimensional Variance from Section 10.1253.50 to allow a sign to project 43" ± over the sidewalk where a sign is allowed to project no more than one-third of the width of the sidewalk (20" ±).

**6) Case # 2-6**

Petitioner: MJS Realty Trust, M. J. Shafmaster & M. J. Sevigny, Trustees  
 Property: 860 State Street  
 Assessors: Map 145, Lot 45  
 Zoning District: General Residence C  
 Description: Construct a 7' x 4' cantilevered, second floor, rear balcony.  
 Requests: 1. A dimensional Variance from Section 10.521 to allow a rear yard setback of 16'± where 20' is the minimum setback required.

7) **Case # 2-7**

Petitioners: National Block II LLC, owner, Portsmouth Buddhist Center, Inc., applicant

Property: 40 Congress Street

Assessors: Map 117, Lot 40

Zoning District: Central Business B

Description: Convert an existing vacant space to a religious use.

Requests: 1. A Special Exception under Section 10.440, Use 3.11 to allow a religious use in a district where such use is allowed by 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.