

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

7:00 P.M.

April 17, 2012

AGENDA

I. APPROVAL OF MINUTES

- A) January 17, 2012
- B) February 21, 2012

II. NEW BUSINESS

- A) Acceptance of April 10, 2012 Memorandum from Robert P. Sullivan, City Attorney, regarding property located at 604 Lincoln Avenue.

III. OLD BUSINESS

- A) Case # 3-9
Petitioner: Commerce Way, LLC
Property: Commerce Way & Woodbury Avenue
Assessor Plan 216, Lot 1
Zoning District: General Business
Description: Modify existing free-standing sign and add a second free-standing sign.
Requests: 1. Variance from Section 10.1243 to permit two free-standing signs on a lot where only one free-standing sign is allowed.
2. A dimensional Variance from Section 10.1251.20 to permit a free-standing sign with a sign area of 124.4± s.f. where 100 s.f. in sign area is the maximum allowed.
(This petition was postponed for more information at the March 20, 2012 meeting.)

IV. PUBLIC HEARINGS

- 1) Case # 4-1
Petitioners: Angelique & Michael Murray
Property: 17 Thaxter Road
Assessor Plan 166, Lot 52
Zoning District: Single Residence B

Description: Replace existing storage building and a portion of rear deck with 1160± s.f two-car garage/addition.

Request: 1. A dimensional Variance from Section 10.521 to allow a rear yard setback of 18'6"± where 30' is the minimum required.
2. A dimensional Variance from Section 10.521 to increase the building coverage to 21% where 20% is the maximum allowed.

2) Case # 4-2

Petitioners: Robin G. Bianchi, owner & Andrea Rossetto, applicant

Property: 90B Fleet Street

Assessor Plan 117, Lot 41B

Zoning District: Central Business B

Description: A retail gelato shop with indoor tables and chairs with no off-street parking.

Request: 1. Variance from Section 10.1115.20 and the requirements of 10.1115.30 to allow no off-street parking spaces to be provided where 1 space per 100 s.f. Gross Floor Area is required.

3) Case # 4-3

Petitioner: 750 Lafayette LLC, owner, Summit Land Development, applicant

Property: 750 (&720) Lafayette Road

Assessor Plan 244, Lots 7 and 8

Zoning District: Gateway

Description: A single-lane drive-through facility in association with construction of a 4,000± s.f. bank.

Request: 1. Special Exception under Section 10.440, Use 19.40 to allow a one-lane drive-through facility as an accessory use to a permitted principal use.

4) Case # 4-4

Petitioners: Five Way Realty LLC, Two Way Realty LLC, & Richard P. Fecteau

Property: 80-100-120 Spaulding Turnpike

Assessor Plan 236, Lots 38, 37 & 33

Zoning District: General Business

Description: Storage, offices and automobile dealership with parking and signage.

Requests: 1. A Variance from Section 10.571 to allow an accessory use in a Required front yard.
2. A Variance from Section 592.20 to allow the sales, rental, leasing, Distribution and repair of vehicles and related equipment, parking, display and storage within 200' of a Residential District.
3. A Variance from 10.843.21 to allow vehicles sales, use and parking And outdoor storage and display within 40' of the front street right-of-way.
4. A Variance from Section 10.1113.31 to allow off-street parking areas, accessways, maneuvering areas and traffic aisles within 100' of a Residential District.

5. A Variance from Section 10.1113.41 to allow off-street parking areas, accessways, maneuvering areas and traffic aisles within 40' of the front lot line.
6. A Variance from Section 10.1113.41 to allow off-street parking areas, accessways, maneuvering areas and traffic aisles within 40' of the front lot line.
7. A Variance from Section 10.1243 to allow a second 100 s.f.± free-standing sign where only one free-standing sign is allowed on the combined lots.

5) Case # 4-5

Petitioner: Tammy L. Byron, owner & Scott Broughton, applicant

Property: 633 Dennett Street

Assessor Plan 161, Lot 34

Zoning District: General Residence A

Description: Construct an 8' x 10' shed, 11'6"± in height at the rear of the property.

- Request: 1. A dimensional Variance from Section 10.571 to allow a side yard setback of 2' where 10' is the minimum required.
2. A dimensional Variance from Section 10.573.20 to allow a rear yard setback of 4' where 10' is the minimum required.

6) Case # 4-6

Petitioners: Joanne F. DeWolf & Timothy G. Foley, Jr.

Property: 20 Marjorie Street

Assessor Plan 232, Lot 21

Zoning District: Single Residence B

Description: Construction of a single family home with attached garage.

- Requests: 1. A dimensional Variance from Section 10.521 to allow a rear yard setback of 18.6'± where 30' is the minimum required.
2. A dimensional Variance from Section 10.521 to increase the building coverage to 27%± where 20% is the maximum allowed.

7) Case # 4-7

Petitioner: Richard S. Bean

Property: 324-334 Parrott Avenue

Assessor Plan 129, Lot 36 & 37

Zoning District: General Residence A

Description: Convert a single family to a multi-family dwelling with a two-car garage.

- Request: 1. A Variance from Section 10.311 to allow a structure on a lot with less than the required minimum lot area and street frontage.
2. A Variance from Section 10.321 to allow a lawful nonconforming structure to be extended or enlarged in a manner that is not in conformity with the Zoning Ordinance.

3. A Variance from Section 10.324 to allow a lawful nonconforming structure to be added to or enlarged where the addition or enlargement does conform to all the regulations of the Zoning Ordinance.
4. A dimensional Variance from Section 10.521 to allow a lot area per dwelling unit of 3,211 s.f.± where 7,500 s.f. per dwelling unit is required.
5. A dimensional Variance from Section 10.521 to allow 28%± building coverage where 25.3% exists and 25% is the maximum allowed.

8) Case # 4-8

Petitioners: Theodore M. Stiles & Joan Boyd

Property: 28 South Street

Assessor Plan 102, Lot 43

Zoning District: General Residence B

Description: Replace existing 22.5' x 14.5' garage with a 30'± x 14.5'± structure with dormers.

Request: 1. A 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 10.521 to allow a right side yard setback of 1.6'± where 10' is the minimum required.

9) Case # 4-9

Petitioners: Donovan-Hess Family Rev. Trust, Jane M. Donovan & William Hess, Trustees

Property: 54 Rogers Street

Assessor Plan 116, Lot 44

Zoning District: Mixed Residential Office

Description: Replace existing sunroom with 18'9"± x 13'6"± 2-story addition, construct front and rear porches, reduce existing garage

Request: 1. A 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 10.521 to allow a left side yard setback of 4'± where the minimum setback required is 10'.
3. A dimensional Variance from Section 10.521 to allow 42%± building coverage where 39% ± exists and 40% is the maximum allowed.

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.