

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

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**7:00 P.M.**

**May 15, 2012 for Old Business and Petitions 1)  
through 6), To Be Reconvened May 22, 2012  
for Petitions 7) through 11)**

**REVISED AGENDA**

|  |
|--|
| <b>THE FOLLOWING ITEMS I &amp; II AND PETITIONS 1) THROUGH 6) WILL BE HEARD ON<br/>TUESDAY, MAY 15, 2012</b> |
|--|

**I. APPROVAL OF MINUTES**

- A) March 20, 2012
- B) March 27, 2012

**II. OLD BUSINESS**

- A) 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.  
*(This petition was postponed from the April 24, 2012 meeting.)*

**III. PUBLIC HEARINGS**

- 1) Case # 5-1  
 Petitioner: Norman T. Ohr, Jr.  
 Property: 69 New Castle Avenue  
 Assessor Plan 101, Lot 49  
 Zoning District: General Residence B  
 Description: Install two 27" x 27" x 28" A/C compressors against right side of the residential structure.  
 Request: 1. A dimensional Variance from Section 10.324 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 to allow building coverage of 39%± where 30% is the maximum building coverage allowed.  
 3. A dimensional Variance from Section 10.572 and Section 10.521 to allow a right side yard setback of 4'± where 10' is required.
  
- 2) Case # 5-2  
 Petitioner: Lea H. Aeschliman Trust, Lea H. Aeschliman, Trustee.  
 Property: 314 Middle Street  
 Assessor Plan 136, Lot 6  
 Zoning District: Mixed Residential Office  
 Description: Convert unit from office to residential for two dwelling units on property.  
 Request: 1. A Variance from Section 10.1112.30 to allow 3 off-street parking spaces where 4 off-street parking spaces are required for two dwelling units.
  
- 3) Case # 5-3  
 Petitioner: HCA Health Services of NH Inc.  
 Property: 333 Borthwick Avenue  
 Assessor Plan 240, Lot 2-1  
 Zoning District: Office Research  
 Description: Construct and utilize a helipad in the emergency room parking lot to the left of the building.  
 Request: 1. Special Exception under Section 10.232 and Section 10.440, Use #15.20 to allow a heliport as an accessory use to a permitted principal use.
  
- 4) Case # 5-4  
 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 4' x 7' second floor, rear landing with stairs to the ground level.  
 Requests: 1. A dimensional Variance from Section 10.521 to allow a rear yard setback of 13.7'± where 20' is the minimum setback required.

**Note: The following petitions, Case #5-5 and Case #5-6 outline two proposals for the same property. If the petition listed as Case #5-5 is granted, Case #5-6 will be withdrawn. If the petition listed as Case #5-5 is not granted, Case #5-6 will be heard.**

- 5) Case # 5-5  
 Petitioner: Mark Wentworth Home, owner, Hoefle, Phoenix, Gormley & Roberts, P.A.,  
 Property: 127 Parrott Avenue applicant  
 Assessor Plan 115, Lots 3 and 3A  
 Zoning District: Mixed Residential Office  
 Description: Provide 58 off-street parking spaces with 3 parking spaces located on a separate, abutting lot and 12 new parking spaces located in front of the principal building.  
 Request: 1. A dimensional Variance under Section 10.521 to allow 22.6% open space where 25% is the minimum open space required.  
 2. A Variance from Section 10.1113.20 to allow off-street parking spaces to be located between a principal building and a street  
 3. A Special Exception under Section 10.1113.112 to allow 3 parking spaces to be located on another lot in the same ownership and within 300 feet of the property line of the lot in question.
- 6) Case # 5-6  
 Petitioner: Mark Wentworth Home, owner, Hoefle, Phoenix, Gormley & Roberts, P.A.,  
 Property: 127 Parrott Avenue applicant  
 Assessor Plan 115, Lots 3 and 3A  
 Zoning District: Mixed Residential Office  
 Description: Provide 46 off-street parking spaces with 3 off-street parking spaces located on a separate abutting lot.  
 Request: 1 A Variance from Section 10.1112.30 to allow 46 off-street parking spaces to be provided where 58 off-street parking spaces are required.  
 3. A Special Exception under Section 10.1113.112 to allow 3 parking spaces to be located on another lot in the same ownership and within 300 feet of the property line of the lot in question.

|  |
|--|
| <p><b>THE FOLLOWING PETITIONS 7) THROUGH 11) WILL BE HEARD ON<br/>                 TUESDAY, MAY 22, 2012</b></p> |
|--|

- 7) Case # 5-7  
 Petitioner: Lawrence P. McManus & Mary Elizabeth Herbert  
 Property: 40 Pleasant Street  
 Assessor Plan 107, Lot 81  
 Zoning District: Central Business B  
 Description: A bookstore with café area and no off-street parking.  
 Request: 1. Variance from Section 10.1115.21 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.
- 8) Case # 5-8  
 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 26'± x 15'± 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 10.572 and Section 10.521 to allow a right side yard setback of 1.6'± where 10' is the minimum required.

9) Case # 5-9

Petitioners: Henry & Jacqueline Brandt

Property: 37 Wholey Way

Assessor Plan 237, Lot 76

Zoning District: Single Residence B

Description: Appeal from Administrative Decision of the Code Official.

Request: 1. Appeal under Section 10.234.20, Section 10.234.30, Section 10.1013.10 and Section 10.1017 from the decision of the Code Official that a conditional use permit is required to build upon a lot created by a lot line adjustment in August, 2011.

10) Case # 5-10

Petitioners: Martingale Wharf Limited Partnership & RRJ Properties Limited Partnership

Property: 99 Bow Street

Assessor Plan 106, Lot 54

Zoning District: Central Business A

Description: 2,247 s.f.± for a restaurant (Surf Sushi) 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.

11) Case # 5-11

Petitioner: Martingale Wharf Limited Partnership & RRJ Properties Limited Partnership

Property: 99 Bow Street

Assessor Plan 106, Lot 54

Zoning District: Central Business A

Description: 7,084 s.f.± for a restaurant (Martingale Wharf Club) 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.

#### IV. OTHER BUSINESS

#### V. 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.