

**LEGAL NOTICE
BOARD OF ADJUSTMENT
PORTSMOUTH, NEW HAMPSHIRE**

NOTICE IS HEREBY GIVEN that the Board of Adjustment will hold Public Hearings on Old Business and the following applications 1) through 6) on Tuesday, May 15, 2012 at 7:00 P.M. and applications 7) through 11) on Tuesday May 22, 2012, both in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire:

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

Property: 127 Parrott Avenue

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

Property: 127 Parrott Avenue

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.

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 105, 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.

Rick Taintor, Planning Director