

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

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**7:00 P.M.**

**May 22, 2012 Reconvened  
from May 15, 2012**

**AGENDA**

**I. APPROVAL OF MINUTES**

A) April 17, 2012

**II. PUBLIC HEARINGS**

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 10.1115.20. Request to Postpone. Appeal 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.

**III. OTHER BUSINESS**

**IV. 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.