

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

7:00 P.M.

June 19, 2012

AGENDA

I. APPROVAL OF MINUTES

- A) April 24, 2012
- B) May 15, 2012

II. OLD BUSINESS

- A) Request for a One-Year Extension of Variances granted July 19, 2011 for property located at 105 Bartlett Street.
- B) 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 a 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.
(This petition was postponed from the May 15, 2012 meeting)
- C) 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.
(This petition was postponed from the May 22, 2012 meeting)

III. PUBLIC HEARINGS

- 1) Case # 6-1
 Petitioner: Shaun R. DeWolf
 Property: 20 Marjorie Street
 Assessor Plan 232, Lot 21
 Zoning District: Single Residence B
 Description: Construction of a two-story, single family home with garage under and rear deck.
 Request: 1. A dimensional Variance from Section 10.521 to allow a rear yard setback of 22'± where 30' is the minimum required.

- 2) Case # 6-2
 Petitioner: Edward J. Miller
 Property: 5 Central Avenue
 Assessor Plan 209, Lot 1
 Zoning District: Single Residence B
 Description: Construction of a rear dormer within existing roof structure.
 Requests: 1. A dimensional Variance from Section 10.321 and 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 from Section 10.521 to allow a rear yard setback of 15.5'± where 30' is the minimum required.

- 3) Case # 6-3
 Petitioner: South Mill Investments, LLC, owner, James Sanders, applicant
 Property: 25 South Mill Street
 Assessor Plan 102, Lot 16
 Zoning District: General Residence B
 Description: Demolition and reconstruction of an existing duplex with conforming addition.
 Request: 1. A dimensional Variance from Section 10.521 to allow a lot area per dwelling unit of 2,680 s.f. where 5,000 s.f. per dwelling unit is required.
 2. A dimensional Variance from Section 10.521 to allow a 5'± right side yard setback where 10' is required.

- 4) Case # 6-4
 Petitioner: State Street Crossings, LLC, owner, Orange Door, Inc., applicant
 Property: 220-226 State Street, Unit # 101
 Assessor Plan 107, Lot 68
 Zoning District: Central Business B and Downtown Overlay District
 Description: A retail frozen yogurt shop with indoor seating area for food consumption 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.

5) Case # 6-5

Petitioners: Robert J. Chaffee & Barbara A. Trimble, owners, Atlantic Bridge and Engineering, applicant

Property: 32 Miller Avenue

Assessor Plan 136, Lot 18

Zoning District: Mixed Residential Office

Description: Conversion from Bed & Breakfast to Office use without meeting the parking requirements.

- Request: 1. A Variance from Section 10.834.30 to allow an office use in an existing building with 5,153± s.f. of gross floor area where the maximum gross floor area for any individual use is 5,000 s.f.
2. A Variance from Section 10.1112.30.5 to allow 9 parking spaces to be provided where 21 spaces are required.
3. A Variance from Section 10.1113.20 to allow 3 existing parking spaces to be located between a principal building and a street.
4. A Variance from Section 10.1114 to allow parking spaces that do not meet the design requirements.

6) Case # 6-6

Petitioner: Wright Ave. LLC

Property: Off Wright Avenue

Assessor Plan 105, Lot 18

Zoning District: Central Business B

Description: Provide parking, in connection with the construction of a 4 to 5 story mixed use building, that does not meet the parking requirements.

- Request: 1. A Variance from Section 10.1112.30 to allow 15 to 23 parking spaces to be provided for a combined retail/residential use where 30 parking spaces are required.
2. A Variance from Section 10.1114.32 to allow vehicles to enter and leave parking spaces by passing over another parking space or requiring the movement of another vehicle.

7) Case # 6-7

Petitioner: 45 Pearl Street Properties, LLC

Property: 45 Pearl Street

Assessor Plan 126, Lot 30

Zoning District: Mixed Residential Office

Description: Amend the stipulations attached to Variances granted December 20, 2005 from Article II, Section 10-207 & Article IV, Section 10-401(A)(1)(b).

- Requests: 1. Amend the stipulation designating the hours of operation from “9:00 a.m. until 11:00 p.m., Sunday through Saturday, with the exception of New Year’s Eve until 1:00 a.m.”, to the following hours of operation: (a) Sunday through Thursday, from 9:00 a.m. until 11:00 p.m.; (b) Friday and Saturday, from 9:00 a.m. until 12:30 p.m.; and, (c) New Year’s Eve remaining from 9:00 a.m. until 1:00 a.m.
2. Amend the stipulation, designating that amplified music is not allowed beyond 9:00 p.m. on any day, to allow amplified music: (a) until 11:00 p.m. on any Sunday through Thursday that is not a holiday; and (b) until 12:30 a.m. on Friday, Saturday, and holidays.

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.