

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

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**7:00 P.M.**

**September 18, 2012 for Old Business and Petitions 1) through 6), To Be Reconvened September 25, 2012 for Petitions 7) through 14)**

**AGENDA**

<b>THE FOLLOWING ITEMS I, II AND ITEM III, PETITIONS 1) THROUGH 6) WILL BE HEARD ON TUESDAY, SEPTEMBER 18, 2012</b>
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**I. APPROVAL OF MINUTES**

A) May 22, 2012

**II. OLD BUSINESS**

A) Case # 7-7

Petitioner: Eugene C. Hersey  
Property: Off Dodge Avenue  
Assessor Plan 258, Lot 42  
Zoning District: Single Residence B

Description: Construction of a single family home on a lot without continuous street frontage and no access to a City street.

- Requests: 1. A dimensional Variance from Section 10.521 to allow a single-family dwelling on a lot with insufficient (12,200± s.f.) lot area where a minimum lot area of 15,000 s.f. is required.
2. A dimensional Variance from Section 10.521 to allow insufficient lot area per dwelling unit (12,200± s.f.) where a minimum lot area per dwelling unit of 15,000 s.f. is required.
3. A dimensional Variance from Section 10.521 to allow a single-family dwelling on a lot without street frontage, where 100' of continuous street frontage is required.
4. A Variance from Section 10.512 to allow a single-family dwelling on a lot with no access to a City street.

*(This petition was postponed from the July 24 and August 21, 2012 meetings)*

**III. PUBLIC HEARINGS**

1) Case # 9-1

Petitioners: Henry & Jacqueline Brandt  
Property: 37 Wholey Way  
Assessor Plan 237, Lot 76  
Zoning District: Single Residence B

(over)

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. (*A rehearing was granted on this petition at the August 21, 2012 meeting*)

2) Case # 9-2

Petitioner: Judell L. Schlachter Rev. Tr. of 1995, Judell L. Schlachter, Trustee  
 Property: 140 Lincoln Avenue  
 Assessor Plan 113, Lot 5  
 Zoning District: General Residence A  
 Description: Construct a two and a half story rear addition.  
 Request: 1. A dimensional Variance from Section 10.521 to allow building coverage of 27.6%± where 25% is the maximum building coverage allowed.

3) Case # 9-3

Petitioner: Portsmouth Submarine Memorial Association  
 Property: 600 Market Street  
 Assessor Plan 209, Lot 87  
 Zoning District: Single Residence B  
 Description: Construct an 8' x 16' storage shed.  
 Request: 1. A dimensional Variance from Section 10.521 to allow a left side yard setback of 7'± where 10' is the minimum setback required.

4) Case # 9-4

Petitioner: Todd A. Milne Revocable Trust, Todd A. Milne, Trustee.  
 Property: 315 Wibird Street  
 Assessor Plan 132, Lot 13  
 Zoning District: General Residence A  
 Description: Replace rear addition and deck with a two-story addition.  
 Request: 1. A Variance from Section 10.321 and Section 10.324 to allow a lawful nonconforming structure to be reconstructed 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 5.8'± where 10' is the minimum setback required.

5) Case # 9-5

Petitioners: Mara K. Khavari, Suzanne M. Brown & T. T. Michael Macdonald, owners,  
 Jay McSharry, applicant  
 Property: 46 Mark Street  
 Assessor Plan 116, Lot 52  
 Zoning District: Mixed Residential Office  
 Description: Replace existing structures with new single family home.  
 Request: 1. A Variance from Section 10.321 to allow a lawful nonconforming structure to be reconstructed 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 3'± where 15' is the minimum setback required.

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3. A dimensional Variance from Section 10.521 to allow a lot area of 5,497 s.f. where 7,500 s.f. is required.
4. A dimensional Variance from Section 10.521 to allow a lot area per dwelling unit of 5,497 s.f. where 7,500 s.f. is the minimum required.
5. A dimensional Variance from Section 10.521 to allow continuous street frontage of 41'± where 100' is the minimum required.
6. A dimensional Variance from Section 10.521 to allow a lot depth of 52' where 80' is the minimum required.
7. A dimensional Variance from Section 10.521 to allow 41.6% building coverage where 40% is the maximum building coverage allowed.

6) Case # 9-6

Petitioners: Mara K. Khavari, Suzanne M. Brown & T. T. Michael Macdonald, owners,  
Jay McSharry, applicant

Property: 65/67 Mark Street

Assessors: Map 116, Lot 51

Zoning District: Mixed Residential Office

Description: Replace rear decks, porches and stairs with (insert size) enclosed porch.

- Requests: 1. A Variance from Section 10.321 to allow a lawful nonconforming structure to be reconstructed 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 0.44'± where 10' is the minimum setback required.
  3. A dimensional Variance from Section 10.521 to allow a right side yard setback of 8.66'± where 10' is the minimum setback required.
  4. A dimensional Variance from Section 10.521 to allow 42.2% building coverage where 40% is the maximum building coverage allowed.
  5. A Special Exception and Variance from Section 10.1113.112 to allow 2 off-street parking spaces to be located on another lot in the same ownership as the lot in question and within 300' of the property line in question.

**THE FOLLOWING ITEM III, PETITIONS 7) THROUGH 14)  
WILL BE HEARD ON TUESDAY, SEPTEMBER 25, 2012**

7) Case # 9-7

Petitioner: Blueberry Lafayette Investors & Edward Walsh, owners, McCauley Wholesale,  
applicant

Property: 3605 Lafayette Road

Assessor Plan 298, Lot 2

Zoning District: Gateway

Description: Allow display of vehicles 5' from the front property line.

- Request: 1. A Special Exception under Section 10.440, Use #20.61 to allow outdoor storage of vehicles.
2. A Variance from Section 10.533 to allow a vehicle display area to be located 5'± from the front property line where no display or storage area shall be located less than 80' from the centerline of Lafayette Road or 30' from the sideline of Lafayette Road, whichever is greater.

(over)

- 8) Case # 9-8  
 Petitioners: David J. & Sandra S. Mikolaities  
 Property: 165 Richards Avenue  
 Assessor Plan 129, Lot 40  
 Zoning District: General Residence A  
 Description: Construct 2-story rear addition.  
 Requests: 1. A Variance from Section 10.321 & Section 10.324 to allow a nonconforming building or structure to be added to or enlarged without conforming to all the regulations of the zoning district in which it is located.  
 2. A dimensional Variance from Section 10.521 to allow a left side yard setback of 2'± where 10' is the minimum required.  
 3. A dimensional Variance from Section 10.521 to allow building coverage of 31%± where 25% is the maximum building coverage allowed.
- 9) Case #9-9  
 Petitioner: Regine Umber  
 Property: 211 Park Street  
 Assessor Plan 149, Lot 5  
 Zoning District: General Residence A  
 Description: Construction of a 13'± x 22'± garage at the rear of the property.  
 Requests: 1. A dimensional Variance from Section 10.521 to allow a left side yard setback of 3'± where 10' is required.  
 2. A dimensional Variance from Section 10.521 and Section 10.573.20 to allow a 3'± rear yard setback where 10' is required for an accessory structure.
- 10) Case # 9-10  
 Petitioners: John T. Martin & Margaret Ronchi  
 Property: 13 Harding Road  
 Assessor Plan 247 Lot 40  
 Zoning District: Single Residence B  
 Description: Replace front steps. Add front raised patio area.  
 Request: 1. A Variance from Section 10.521 to allow a front yard setback of 8'± where 30' is the minimum setback required.
- 11) Case # 9-11  
 Petitioner: Macleod Enterprises Inc.  
 Property: 1190 Lafayette Road  
 Assessor Plan 252, Lot 8  
 Zoning District: Gateway  
 Description: Renovate existing parking lot. Amend stipulation attached to a previously granted Variance.  
 Request: 1. A Variance from Section 10.1112.21 and 10.1112.30 to allow a total of 135 off-street parking spaces to be provided where 143 spaces are required.  
 2. A Variance from Section 10.1113.20 to allow required off-street parking spaces to be located between a principal building and a street.  
 3. Amend the stipulation that a 10' green buffer be maintained along the sides and rear of the property to allow two areas (172 s.f.± and 178 s.f.±) of impervious surface to be located in the buffer.

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- 12) Case # 9-12  
Petitioner: Marie J. Tremblay  
Property: 344 Parrott Avenue  
Assessor Plan 129, Lot 38  
Zoning District: General Residence A  
Description: Remove garage. Add 12' x 26' rear addition and 12' x 16' rear deck.  
Requests: 1. A Variance from Section 10.321 & Section 10.324 to allow a nonconforming building or structure to be added to or enlarged without conforming to all the regulations of the zoning district in which it is located.  
2. A dimensional Variance from Section 10.521 to allow a right side yard setback of 5'± where 10' is the minimum setback required.  
3. A dimensional Variance from Section 10.521 to allow a rear yard setback of 2'± where 20' is the minimum setback required.  
4. A dimensional Variance from Section 10.521 to allow building coverage of 37%± where 25% is the maximum building coverage allowed.
  
- 13) Case # 9-13  
Petitioners: Estate of William Cohen, Barbara Devanna and Robert Cohen, Administrators, owners, Jeffrey Collins, applicant  
Property: 50 Meredith Way  
Assessor Plan 162, Lot 17  
Zoning District: General Residence A  
Description: Construction of a single family home on a lot with insufficient street frontage and no direct access to a City street.  
Requests: 1. A dimensional Variance from Section 10.521 to allow a single-family dwelling on a lot without street frontage, where 100' of continuous street frontage is required.  
2. A Variance from Section 10.512 to allow a single-family dwelling on a lot with no direct access to a City street.
  
- 14) Case # 9-14  
Petitioner: MacGregor Investments LLC  
Property: 37 Sherburne Avenue  
Assessor Plan 113, Lot 17  
Zoning District: General Residence A  
Description: Construct 10'± x 30'± front addition.  
Requests: 1. A dimensional Variance from Section 10.521 to allow a front yard setback of 6'± where 15' is the minimum setback required.  
2. A dimensional Variance from Section 10.521 to allow 29%± building coverage where 25% is the maximum building coverage allowed.

**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.