

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

**MUNICIPAL COMPLEX, CITY OF PORTSMOUTH**

**7:00 P.M.**

**February 19, 2013 for Items I, II and Item III,  
Petitions 1) through 7), To Be Reconvened  
February 26, 2013 for Petitions 8) through 12)**

**REVISED AGENDA**

<p><b>THE FOLLOWING ITEM I, ITEM II, &amp; ITEM III, PETITIONS 1) THROUGH 7) WILL BE HEARD ON TUESDAY, FEBRUARY 19, 2013 IN THE SCHOOL BOARD CONFERENCE ROOM</b></p>
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**I. APPROVAL OF MINUTES**

- A) Excerpt of Minutes, Board of Adjustment Meeting, January 15, 2013

**II. OLD BUSINESS**

- A) Case # 12-6

Petitioner: Justin D. Setchell

Property: Fairview Avenue off Maplewood Avenue

Assessor Plan 220, Lot 66

Zoning District: Single Residence B

Description: Construct a new single-family home.

Requests: 1. A dimensional Variance from Section 10.521 to allow a rear yard of 10'± where 30' is the minimum required.

2. A dimensional Variance from Section 10.521 to allow a lot area of 6,000 ± square feet where 15,000 square feet is the minimum required.

3. A dimensional Variance from Section 10.521 to allow a lot depth of 60'± where 100' is the minimum required. (*This petition was continued from the January 15, 2013 meeting*)

- B) **Case # 1-4**

Petitioner: 973 Partners LLC, owner, Portsmouth Music and Arts Center, applicant

Property: 973 Islington Street

Assessor Plan 172, Lot 5

Zoning District: Business

Description: Establish a music and art studio.

Requests: 1. A Variance from Section 10.1112.30 to allow **16** off-street parking spaces to be provided where 60 parking spaces are required.

2. A Special Exception under Section 10.440, Use #4.42 to allow a music & art studio for instruction in a district where the use is only allowed by Special Exception. (*This petition was postponed from the January 15, 2013 meeting and amended as indicated above in italics and bolded.*) (over)

### III. PUBLIC HEARINGS

#### 1) Case #2-1

Petitioners: Courtyard Condominium Association, owner and Ranger Property Development Realty Trust, applicant

Property: 50 Daniel Street, Unit 1

Assessor Plan: 106, Lot 17-1

Zoning District: Central Business B

Description: Install a 13± s.f. projecting 56”± from the building.

Requests: 1. A Variance from Section 10.1253.50 to allow a sign to project more than one-third the width of the sidewalk.

#### 2) Case # 2-2

Petitioner: Bruce C. Teatrowe

Property: 226 Crescent Way

Assessor Plan: 212, Lot 128

Zoning District: General Residence B

Description: Construct a 10’x16’ rear deck.

Requests: 1. A Variance from Sections 10.321 and 10.324 to allow a nonconforming addition to a lawful nonconforming building.

2. A Variance from Section 10.521 to allow a 5’± right side yard setback where 10’ is required.

3. A Variance from Section 10.521 to allow a 23’± rear yard setback where 25’ is required.

4. A Variance from Section 10.521 to allow building coverage of 31.3%± where 30% is the maximum allowed.

#### 3) Case # 2-3

Petitioners: Joseph and Barbara Lavin

Property: 1250 Woodbury Avenue

Assessor Plan: 237, Lot 66

Zoning District: Mixed Residential Business

Description: Change of use from a retail use to a trade use.

Request : 1. A Special Exception under Section 10.440, Use #7.40 to allow use of a specified portion of the premises as a plumbing shop which is only allowed by Special Exception in this district.

#### 4) Case # 2-4

Petitioners: Timothy M. and Beth Finelli

Property: 297 South Street

Assessor Plan: 111, Lot 23

Zoning District: General Residence B

Description: Demolish existing and construct new 22’ x 28’ x 19’6” high garage with gable roof.

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- Requests:
1. A Variance from Sections 10.321 to allow a non-conforming structure to be reconstructed in a manner that is not in conformance with the Ordinance.
  2. A Variance from Section 10.521 to allow a 4.5'± right side yard setback for an accessory structure where 10' is required.
  3. A Variance from Section 10.521 to allow a 3'± rear yard setback where 14.6'± is required for an accessory structure.
  4. A Variance from Section 10.521 to allow building coverage of 39%± where 30% is the maximum allowed.

**5) Case # 2-5**

Petitioners: Timothy & Mary Ellen McNamara

Property: 99 Orchard Street

Assessor Plan 149, Lot 47

Zoning District: General Residence A

Description: Construct a 6' x 8' dormer on the right side of the house.

- Requests:
1. A Variance from Sections 10.321 and 10.324 to allow a nonconforming addition to a lawful nonconforming building.
  2. A dimensional Variance from Section 10.521 to allow an upward extension of a structure with a nonconforming right yard setback of 0'± where 10' is the minimum required.

**6) Case # 2-6**

Petitioners: Michael A. and Janet McCann

Property: 80 Pearson Street

Assessor Plan: 232, Lot 106

Zoning District: Single Residence B

Description: Construct a 15' x 15' right side addition.

- Requests:
1. A Variance from Section 10.521 to allow a right side yard setback of 7'± where 10' is required.
  2. A Variance from Section 10.521 to allow building coverage of 21%± where 20% is the maximum allowed.

**7) Case # 2-7**

Petitioners: B&M Wharf, LLC

Property: 70 State Street

Assessor Plan: 105, Lot 14

Zoning District: Central Business B

Description: Convert second floor restaurant use to residential.

- Requests:
1. A Variance from Section 10.575 to allow a dumpster to be located 2.5'± from a lot line where 10' is required.
  2. A Variance from Section 10.1111.20 to allow the enlargement or alteration of a nonconforming use as to the requirements for off-street parking without providing the required parking.
  3. A Special Exception under Section 10.335 to allow a lawful nonconforming use that is equally or more appropriate to the district than the existing use and has less adverse impact on adjacent properties.

(over)

**THE FOLLOWING ITEM II PETITIONS 8) THROUGH 12)  
WILL BE HEARD ON TUESDAY, FEBRUARY 26, 2013  
IN THE EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**8) Case # 2-8**

Petitioner: Kathryn Saunders

Property: 140 New Castle Avenue

Assessor Plan: 101, Lot 26

Zoning District: Single Residence B

Description: Construct rear connector addition with 4'± x 6'± entry porch. Replace existing detached garage with attached 15'± x 20'± x 13.5'± high garage.

- Requests: 1. A Variance from Sections 10.321 and 10.324 to allow nonconforming additions to a lawful nonconforming building.  
2. A Variance from Section 10.521 to allow a right side yard setback of 8.4'± where 10' is required.  
3. A Variance from Section 10.521 to allow a rear yard setback of 14.5'± where 30' is required.  
4. A Variance from Section 10.521 to allow building coverage of 33.8%± where 20% is the maximum allowed.

**9) Case # 2-9**

Petitioners: Patricia Bogardus Living Trust, Patricia & Robert Bogardus, Trustees

Property: 26 Park Street

Assessor Plan: 148, Lot 44

Zoning District: General Residence A

Description: Remove existing structures and construct a 436± s.f. 1-story addition, an 18'± x 28'± 2-story addition, and a front porch with steps.

- Requests: 1. A Variance from Sections 10.321 and 10.324 to allow a nonconforming addition to a lawful nonconforming building.  
2. A Variance from Section 10.521 to allow a front yard setback of 7.6'± where 15' is required.

**10) Case # 2-10**

Petitioners: Heritage Storage 1, LLC, owner, The Lawrence Group, Inc., applicant

Property: 70 Heritage Avenue

Assessor Plan: 285, Lot 11-B

Zoning District: Industrial

Description: Outdoor retail use with pool display and outdoor storage area, 4' x 8' sign installed on the fence surrounding the pool display area, and outdoor storage.

- Requests: 1. A Variance from Section 10.440 and Section 10.434.40 to allow the outdoor display and outdoor retail sale of pools and related materials.  
2. A Variance from Section 10.531 to allow a front yard setback of 36'± where 70' is required.  
3. A Variance from Section 10.531 to allow 17%± open space where 20% is required.  
4. The Variance(s) necessary to allow a 32 s.f. sign to be erected on a fence.  
5. A Special Exception under Section 10.440, Use #20.61 to allow the outdoor storage of pool related materials.

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**11) Case # 2-11**

Petitioners: Mark E. & Janet Greenwood

Property: 480 Dennett Street

Assessor Plan: 160, Lot 26

Zoning District: General Residence A

Description: Convert existing garage to second dwelling unit on the lot.

Requests: 1. A Variance from Section 10.521 to allow a lot area per dwelling unit of 3,833± where 7,500 s.f. per dwelling unit is required.

2. A Variance from Section 10.521 to allow building coverage of 26%± where 25% is the maximum allowed.

3. A Variance from Section 10.513 to allow more than one free-standing dwelling on a lot.

**12) Case # 2-12**

Petitioners: Richard D. Bournival Jr. & Alissa C. Bournival

Property: Lafayette Road (no number assigned)

Assessor Plan: 272, Lot 9-6

Zoning District: Gateway

Description: Test drive area for four-wheel drive SUV's on lot adjacent to 2355 Lafayette Road

Requests: 1. A Variance under Section 10.1530 to allow an accessory use as defined in this section to be conducted on a lot adjacent to the lot containing the principal use or building.

**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.