

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

MUNICIPAL COMPLEX, CITY OF PORTSMOUTH

7:00 P.M.

**April 16, 2013 for Old Business and
Petitions 1) through 5), To Be Reconvened
April 23, 2013 for Petitions 6) through 10)**

REVISED AGENDA

<p>THE FOLLOWING ITEM I, & ITEM II, PETITIONS 1) THROUGH 5) WILL BE HEARD ON <i>TUESDAY, APRIL 16, 2013</i> IN THE <i>SCHOOL BOARD CONFERENCE ROOM</i></p>

I. OLD BUSINESS

- A) Request for One-Year Extension of Variances granted May 15, 2012 for property located at 324-334 Parrott Avenue.
- B) Request for One-Year Extension of Variances granted May 22, 2012 for property located at 28 South Street.
- C) 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, February 19, 2013, and March 26, 2013 meetings.)*
- D) Case # 3-3
Petitioners: Beth L. and Marco A. Gross-Santos
Property: 79 Lois Street **Request to Postpone**
Assessor Plan 232, Lot 14
Zoning District: Single Residence B

Description: Proposed sub-division of an existing lot into two lots, one fronting on Lois Street and containing an existing structure and one fronting on Marjorie Street on which a new home is proposed to be constructed.

Requests: Variances from Section 10.521 to allow the following:

79 Lois Street Lot:

1. A lot area of 12,768 s.f.± where 15,000 s.f. is required.
2. A lot area per dwelling unit of 12,768 s.f.± where 15,000 s.f. is required.
3. Lot depth of 80'± where 100' is required.
4. A rear yard setback of 25'± where 30' is required.

Lot fronting on Marjorie Street, number to be assigned if subdivided:

1. A lot area of 9,600 s.f.± where 15,000 s.f. is required.
2. A lot area per dwelling unit of 9,600 s.f.± where 15,000 s.f. is required.
3. Lot depth of 80'± where 100' is required.
4. A rear yard setback of 14'± where 30' is required.
5. A front yard setback of 15'± where 30' is required.

II. PUBLIC HEARINGS

1) Case # 4-1

Petitioner: GMR Holdings of NH LLC

Property: 163 International Drive

Assessor Plan 313, Lot 14

Zoning district: Pease Airport Business Commercial District.

Description: Install wireless communications facility.

Requests: Special Exception under Section 303-A.04(c) of the Pease Development Authority Zoning Ordinance to allow installation of a 150'± high communications tower with antennas, related equipment and utilities enclosed in a 60'± x 60'± compound.

2) Case #4-2

Petitioner: Seacoast Trust LLP

Property: 150 Route One By-Pass

Assessor Plan: 231, Lot 58

Zoning District: Single Residence B

Description: Place 51'± x 8.5'± mobile diagnostic coach, with no advertising, in front of existing building with fencing.

Requests: 1. A Variance from Section 10.434.40 to allow a use not specifically authorized in Article 4 of the Zoning Ordinance.
 2. A Variance from Section 10.331 to allow a lawful nonconforming use to be extended, enlarged or changed in manner that is not in conformity with the Zoning Ordinance.
 3. A Variance from Sections 10.333 & 10.334 to allow a nonconforming use of land to be extended into any part of the remainder of a lot of land.
 4. A Variance from Section 10.571 to allow an accessory building, structure or use to be located in any required front yard.

- 3) Case #4-3
Petitioners: Trustee for Renato S. Maldini Rev. Trust, owner, Mark McNally, applicant
Property: 121 Boyd Street
Assessor Plan: 174, Lot 7
Zoning District: General Business
Description: Construct a 16'± x 10'± right side dormer for access to third floor of an existing home.
Requests: 1. A Variance from Section 10.324 to allow a lawful nonconforming building to be added to or enlarged without conforming to the dimensional requirements of the district in which it is located.
2. A Variance from Section 10.521 to allow a 16'± x 10'± dormer to be constructed with a right side yard setback of 7'5"± where 10' is the minimum setback required.
- 4) Case #4-4
Petitioner: Tazman Investments LLC
Property: 155 Commerce Way
Assessor Plan: 216, Lot 1-10
Zoning District: Office Research
Description: Install 8' x 22' 500 kw generator and transformer on pad along southeast wall of existing building.
Request: 1. A Variance from Section 10.531 to allow a right side yard setback of 36'± where 50' is the setback to the existing building and 75' is the minimum setback required.
- 5) Case #4-5
Petitioners: Sarah Parker & David Natt
Property: 76 Brackett Lane
Assessor Plan: 206, Lot 6
Zoning District: Single Residence B
Description: Replace existing deck over garage with 10'± x 12'± addition and relocate rear stairs.
Requests: 1. A Variance from Section 10.321 to allow a lawful nonconforming building to be extended, reconstructed, enlarged or structurally altered in a manner that does not conform to the Zoning Ordinance.
2. Variances from Section 10.521 to allow a rear yard setback of 14' 10"± for the addition over the garage and 8' 10"± for the stairs where a minimum 30' setback is required for both.

**THE FOLLOWING ITEM II, PETITIONS 6) THROUGH 10)
WILL BE HEARD ON TUESDAY, APRIL 23, 2013
IN THE EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

- 6) Case #4-6
Petitioner: John J. Vendola
Property: 290 Miller Avenue
Assessor Plan: 130, Lot 12
Zoning District: General Residence A
Description: Increase the ridge height of the existing garage to 20 feet and add dormers.
Requests: 1. A Variance from Section 10.321 to allow a lawful nonconforming building to be extended, reconstructed, enlarged or structurally altered in a manner that is not in conformity with the Zoning Ordinance.
2. A Variance from Section 10.521 & 10.570 to allow a left side yard setback of $7.85' \pm$ where 10' is the minimum required for the proposed accessory building.
3. A Variance from Section 10.531 & 10.570 to allow a rear yard setback of $6.6 \pm$ where 15' is the minimum required for the proposed accessory building.
- 7) Case #4-7
Petitioners: Kent D. Collins and Kennett Collins Jr.
Property: 393 Cutts Avenue
Assessor Plan: 210, Lot 4
Zoning District: Single Residence B
Description: Landscaping business operated out of a residential property.
Request: 1. A Variance from Section 10.440, Use #7.40 (Trade Use) to allow a landscaping business in a district where the use is not allowed.
- 8) Case #4-8
Petitioner: 143 Daniel Street LLC
Property: 143 (135-143) Daniel Street
Assessor Plan: 105, Lot 19
Zoning District: Central Business B & Downtown Overlay District
Description: Allow ground floor residential use and off-street parking.
Requests: 1. A Variance from Section 10.642.1 to allow a residential principal use on the ground floor(s) of a building within the Downtown Overlay District.
2. A Variance from Section 10.643.20 to allow accessory off-street parking facilities providing spaces for more than 2 vehicles to be located within 30' of Daniel Street.
3. A Variance from Section 10.1114.20 to allow a parking layout with a $20.8' \pm$ wide maneuvering aisle and driveways where a 24' width is required.
- 9) Case #4-9
Petitioner: KHP Properties
Property: 428 Pleasant Street
Assessor Plan: 102, Lot 55
Zoning District: General Residence B
Description: Demolish rear additions and construct a 2-story addition. Replace the front stairs.
Requests: 1. A Variance from Section 10.321 to allow a lawful nonconforming building to be reconstructed in a manner that is not in conformity with the Zoning Ordinance.

2. A Variance from Section 10.521 to allow 5'± left side yard setback where 10' is required.
3. A Variance from Section 10.521 to allow a 3.9'± right side yard setback where 10' is required.
4. A Variance from Section 10.521 to allow a 0'± front yard setback where 5' is required.
5. A Variance from Section 10.521 to allow building coverage of 35.3%± where 37.3% exists and 30% is the maximum allowed.

10) Case #4-10

Petitioner: Heritage Storage I LLC, owner and Jerome C. Artigliere dba Amos Wash'N Dry, applicant

Property: 70 Heritage Avenue

Assessor Plan: 285, Lot 11-B

Zoning District: Industrial

Description: Tanning booth in existing laundromat facility.

- Requests:
1. A Variance from Section 10.440, Use #7.20 to allow a use that is not permitted in this district.
 2. A Variance from Section 10.331 to allow a lawful nonconforming use to be extended, enlarged or changed in manner that is not in conformity with the Zoning Ordinance.

NOTICE TO MEMBERS OF THE PUBLIC WHO ARE HEARING IMPAIRED

If you need assistance to attend a meeting, please contact the Human Resources Department at 610-7274.