

**LEGAL NOTICE  
BOARD OF ADJUSTMENT  
PORTSMOUTH, NEW HAMPSHIRE**

NOTICE IS HEREBY GIVEN that the Board of Adjustment will hold Public Hearings on Old Business and the following applications 1) through 5) on Tuesday, April 16, 2013 at 7:00 P.M. in the **School Board Conference Room**\* and applications 6) through 10) on Tuesday, April 23, 2013 in the Eileen Dondero Foley Council Chambers, both on the ground floor of the Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire: (\* Change from customary meeting room.)

- 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

(over)

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.

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'± where 10' is the minimum required for the proposed accessory building.

(next page)

3. A Variance from Section 10.531 & 10.570 to allow a rear yard setback of 6.6 ± 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' ± 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.

(over)

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.

Rick Taintor, Planning Director