

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

MUNICIPAL COMPLEX

7:00 P.M.

**May 21, 2013 for Old Business and Petitions 1
Through 8), To Be Reconvened May 28, 2013
for Petitions 9) through 12)**

AGENDA

THE FOLLOWING ITEMS I, II, AND III, PETITIONS 1) THROUGH 8) WILL BE HEARD ON TUESDAY, MAY 21, 2013 IN THE EILEEN DONDERO FOLEY COUNCIL CHAMBERS
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I. APPROVAL OF MINUTES

A) April 23, 2013

II. OLD BUSINESS

A) Case # 3-3

Petitioners: Beth L. and Marco A. Gross-Santos

Property: 79 Lois Street

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.

III. PUBLIC HEARINGS

1) Case #5-1

Petitioner: T. Beyar Realty, LLC, owner, DAS Auto LLC, applicant

Property: 141 Banfield Road , Unit 1

Assessor Plan: 254, Lot 2

Zoning District: Industrial

Description: Automotive repair, restoration and State inspections.

- Requests: 1. A Special Exception under Section 10.440, Use #11.20 to allow the provision of automotive repair, restoration and State inspections in a district where such uses are only allowed by Special Exception.
 2. A Variance from Section 10.592 to allow a motor vehicle service station less than 200' from a Residential or Mixed Residential district.

2) Case #5-2

Petitioners: H. Brooks Stevens Revocable Trust

Property: 60 Martine Cottage Road

Assessor Plan: 202, Lot 18

Zoning District: Rural

Description: Remove existing residence and construct new residence, porches and attached garage.

- Requests: 1. A Variance from Section 10.521 to allow building coverage of 6.1%± where 5% is the maximum building coverage allowed.
 2. A Variance from Section 10.521 to allow a lot area and lot area per dwelling unit of 46,537± sf. where 5 acres is the minimum required for both.

3) Case #5-3

Petitioners: Christoph Wienands & April Guille

Property: 307 Wibird Street

Assessor Plan: 132, Lot 12

Zoning District: General Residence A

Description: Rebuild and relocate 150 s.f., 11' high shed to the left, rear of the property.

- Requests: 1. Variances from Section 10.570 and 10.521 to allow 6'± left side yard and rear yard setbacks where 10' is required for both for an accessory structure.

4) Case #5-4

Petitioners: Janet Morly, owner, Roland Cote, applicant

Property: 188 Union Street

Assessor Plan: 135, Lot 27

Zoning District: General Residence C

Description: Replace existing 8' x 8' shed with 10' x 14' shed in the left, rear of the property.

- Requests: 1. Variances from Section 10.570 and 10.521 to allow 3'± left side yard and rear yard setbacks where 10' is required for both for an accessory structure.

- 5) Case #5-5
 Petitioners: Richard & Kathleen Boduch
 Property: 34 Hunking Street
 Assessor Plan: 102, Lot 9
 Zoning District: General Residence B
 Description: Install a/c condenser at right, rear of the property.
 Requests:
 1. A Variance from Section 10.570 and 10.521 to allow a 3'5" ± right side yard setback where 10' is required for an accessory structure.
 2. A Variance from Section 10.570 and 10.521 to allow a 1'11" ± rear yard setback where 10' is required for an accessory structure.
 3. A Variance from Section 10.521 to allow building coverage of 34.6%± where 34.4 exists and 30% is the maximum allowed.

- 6) Case #5-6
 Petitioners: Donald Lamothe Revocable Trust ½ Int. Trustee & Marcia K. Lamothe Revocable Trust ½ Int. Trustee
 Property: 36 Sherburne Avenue
 Assessor Plan: 113, Lot 11
 Zoning District: General Residence A
 Description: Construct second floor addition with dormer over existing portion of one-story home, rebuild deck
 Requests:
 1. A Variance from Section 10.321 and Section 10.324 to allow a lawful nonconforming building to be expanded or reconstructed in a manner that is not in conformity with the Zoning Ordinance.
 2. A Variance from Section 10.521 to allow a right side yard setback of 4'± where 10' is required.

- 7) Case #5-7
 Petitioner: Ronald C. Cameron
 Property: 14 Elwyn Road
 Assessor Plan: 251, Lot 121
 Zoning District: Single Residence B
 Description: Replace existing rear deck with a 15'±(in diameter) half-round deck.
 Requests:
 1. A Variance from Section 10.521 to allow building coverage of 22.7%± where 22%± exists and 20% is the maximum allowed.

- 8) Case #5-8
 Petitioners: Regeneration Realty Trust, owner, Demeters Steakhouse, applicant
 Property: 3612 Lafayette Road
 Assessor Plan: 297, Lot 3
 Zoning District: Gateway
 Description: Relief from parking requirement.
 Requests:
 1. A Variance from Section 10.1112.30 to allow no additional off-street parking spaces to be provided where 9 off-street parking spaces are required for a 936± s.f. patio.

**THE FOLLOWING ITEM III, PETITIONS 9) THROUGH 12) WILL BE HEARD ON
TUESDAY, MAY 28, 2013 IN THE SCHOOL BOARD CONFERENCE ROOM**

9) Case #5-9

Petitioners: JEDA Revocable Trust, Darle MacFadyen & Jeffrey Paolini, Trustees

Property: 272 New Castle Avenue

Assessor Plan: 207, Lot 37

Zoning District: Single Residence B

Description: Replace existing front porch with enclosed 11'± x 10'± porch and 5'± x 8'± deck. Construct 4'± x 10'± rear deck.

- Requests:
1. A Variance from Section 10.321 and Section 10.324 to allow a lawful nonconforming building to be expanded or reconstructed in a manner that is not in conformity with the Zoning Ordinance.
 2. A Variance from Section 10.521 to allow a right side yard setback of 4.5'± where 10' is required.
 3. A Variance from Section 10.521 to allow a rear yard setback of 23.5'± where 30' is required.
 4. A Variance from Section 10.521 to allow building coverage of 26.2%± where 20% is the maximum allowed.

10) Case #5-10

Petitioners: Mark E. & Janet Greenwood

Property: 480 Dennett Street

Assessor Plan: 160, Lot 26

Zoning District: General Residence A

Description: Add second dwelling unit in existing structure. Replace existing garage with 20'± x 20'± structure.

- Requests:
1. A Special Exception under Section 10.440, Use #1.51 and Section 10.812 to convert a building existing on January 1, 1980, with less than the required minimum lot area per dwelling unit to 2 dwelling units.
 2. A Variance from Section 10.521 to allow a lot area per dwelling unit of 3,825± s.f. where 7,500 s.f. is required.
 3. A Variance from Section 10.521 to allow a right side yard setback for an accessory structure of 3'± where 10' is required.

11) Case #5-11

Petitioner: Rye Atlantic Properties LLC

Property: 361 Islington Street

Assessor Plan: 144, Lot 23

Zoning District: Mixed Residential Business

Description: Construct multi-use building with first floor laundromat and second floor office space with a footprint of 3,030± s.f.

- Requests:
1. A Variance from Section 10.521 to allow 20.4%± open space where 25% is required.
 2. A Variance from Section 10.1112.30 to allow 18 off-street parking spaces to be provided where 22 off-street parking spaces are required.

12) Case #5-12

Petitioner: Strawberry Banke Inc.

Property: Off Washington Street

Assessor Plan: 104, Lot 7

Zoning District: Mixed Residential Office

Description: Construct an 85'± x 120'.± oval and adjacent 60'± (in diameter) circular skating area with supporting structures.

Requests: 1. A Variance from Section 10.440, Use #4.50 to allow an outdoor recreational use in a district where such use is not allowed.

2. A Variance from Section 10.592.10.450 to allow an outdoor recreational use within 500' of a Residential or Mixed Residential district.

IV. ADJOURNMENT

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.