

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

7:00 P.M.

August 20, 2013

AGENDA

I. APPROVAL OF MINUTES

- A) May 28, 2013
- B) Excerpt of Minutes – June 18, 2013 regarding property located at Off Washington Street.

II. PLANNING DEPARTMENT REPORTS

- A) Update - Electronic Packet Submittal

III. PUBLIC HEARINGS - OLD BUSINESS

- A) Motion for Rehearing regarding property located at Off Washington Street.
- B) Case # 7-1
Petitioners: Matthew & Katherine Hatem
Property: 1 Ash Street
Assessor Plan 149, Lot 34
Zoning District: General Residence A
Description: Install 39"±L x 27"±W x 18"±H condenser unit at rear of existing home.
Requests: The Variance **Withdrawn** from the Zoning Ordinance, including the following:
 - 1. A Variance from Section 10.521 to allow a rear yard setback of 7'± where 20' is required.
 - 2. A Variance from Section 10.521 to allow building coverage of 28.3%± where 28.2% exists and 25% is the maximum allowed.*(This petition was postponed at the July 16, 2013 meeting)*
- C) Case # 7-2
Petitioners: 4 Amigos, LLC
Property: 1390 & 1400 Lafayette Road
Assessor Plan 252, Lots 9 **2nd Request to Postpone**
Zoning District: Gateway
Description: Install free-standing signs (over)

- Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.1243 to allow multiple free-standing signs on a lot where only one free-standing sign per lot is allowed.
 2. A Variance from Section 10.1251.20 to allow a free-standing sign to exceed 100 s.f. in area.
- (This petition was postponed to the August 20, 2013 meeting)*

IV. PUBLIC HEARINGS – NEW BUSINESS

- 1) Case # 8-1
 Petitioner: Richard S. Bean
 Property: 324 Parrott Avenue
 Assessor Plan 129, Lot 36
 Zoning District: General Residence A
 Description: Construct a 529± s.f. garage with living space and deck above.
 Construct a 388± s.f. left side deck.
 Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
 - 1.A Variance from Section 10.321 to allow a lawful nonconforming structure to be extended, reconstructed, enlarged or structurally altered in a manner that is not in conformity with the Ordinance.
 - 2.A Variance from Section 10.521 to allow a lot area per dwelling unit of 3,211± s.f. where 7,500 s.f. per dwelling unit is required.
 - 3.A Variance from Section 10.521 to allow building coverage of 34 % ± where 25% is the maximum coverage allowed.
 - 4.A Variance from Section 10.521 to allow a left side yard setback of 2'± where 10' is the minimum allowed.

- 2) Case # 8-2
 Petitioners: Two Boats Realty LLC, owner, Mary Driscoll, applicant
 Property: 279 Richards Avenue
 Assessor Plan 130, Lot 53
 Zoning District: General Residence A
 Description: Construct 20'± x 48'± detached garage.
 Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
 - 1.A Variance from Section 10.521 to allow a left side yard setback of 3'± where 10' is the minimum allowed.

- 3) Case # 8-3
 Petitioners: Beth L. & Marco A. Gross-Santos
 Property: Marjorie Street (number not yet assigned)
 Assessor Plan 232, Lot 14 (rev.)
 Zoning District: Single Residence B
 Description: Construct a single family home.

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Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
 1.A Variance from Section 10.521 to allow a lot area of 9,596 s.f. ± per dwelling unit where 15,000 s.f. per dwelling unit is required.
 2.A Variance from Section 10.521 to allow a 26.1'± rear yard setback where 30' is the minimum allowed.

4) Case # 8-4

Petitioners: K. C. Realty Trust, owner, Portsmouth Buddhist Center Inc., applicant
 Property: 84 Pleasant Street, Ste. 201

Assessor Plan 107, Lot 77

Zoning District: Central Business B

Description: A religious place of assembly.

Requests: The Variances or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:

- 1.A Special Exception under Section 10.440, Use #3.11 to allow a religious place of assembly in a district where such use is allowed by Special Exception.

5) Case # 8-5

Petitioners: 63 Humphreys Court Realty Trust & Lynne Fedorowich

Property: 63 Humphreys Court

Assessor Plan 101, Lot 38

Zoning District: General Residence B

Description: Replace existing mudroom & garage with new structures plus second story addition. Replace deck.

Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:

- 1.A Variance from Section 10.521 to allow a right side yard setback of 2.5'± where 10' is the minimum allowed.
- 2.A Variance from Section 10.521 to allow building coverage of 36% ± where 49%± exists and 30% is the maximum coverage allowed.

6) Case # 8-6

Petitioner: Ryan P. & Crystal L. Cronin

Property: 180 Gates Street

Assessor Plan 103, Lot 18

Zoning District: General Residence B

Description: Construct a two-story 12'± x 11'± rear addition.

Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:

- 1.A Variance from Section 10.321 to allow a lawful nonconforming structure to be extended, reconstructed, enlarged or structurally altered in a manner that is not in conformity with the Ordinance
- 2.A Variance from Section 10.521 to allow building coverage of 35% ± where 32.2%± exists and 30% is the maximum coverage allowed.

(over)

- 7) Case # 8-7
Petitioners: Loehwing & Mulligan Trust, D. J. Loehwing & M. E. Mulligan, Trustees
Property: 130 Thornton Street
Assessor Plan 160, Lot 9
Zoning District: General Residence A
Description: Construct 3' x 5' addition, rear L-shaped deck and steps.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
- 1.A Variance from Section 10.321 to allow a lawful nonconforming structure to be extended, reconstructed, enlarged or structurally altered in a manner that is not in conformity with the Ordinance
 - 2.A Variance from Section 10.521 to allow a left side yard setback of 8'± where 10' is the minimum allowed.
 - 3.A Variance from Section 10.521 to allow a rear yard setback of 18'± where 20' is the minimum allowed.
 - 4.A Variance from Section 10.521 to allow building coverage of 35% ± where 29%± exists and 25% is the maximum coverage allowed.
- 8) Case # 8-8
Petitioner: Jerry Duberstein Revocable Trust, Jerry Duberstein, Trustee
Property: 49 Lawrence Street
Assessor Plan 152, Lot 43
Zoning District: General Residence A
Description: Construct 8' x 12' shed at right, rear of property.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
- 1.A Variance from Section 10.521 to allow a right side yard setback of 5' where 10' is required.
 - 2.A Variance from Section 10.521 to allow building coverage of 35%± where 33.3%± exists and 25% is the maximum coverage allowed.

V. OTHER BUSINESS

VI. 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.