

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

7:00 P.M.

September 17, 2013

REVISED AGENDA

I. APPROVAL OF MINUTES

- A) July 17, 2013

II. PLANNING DEPARTMENT REPORTS

Revision to Board of Adjustment Rules and Regulations regarding electronic submittals.

III. PUBLIC HEARINGS - OLD BUSINESS

- A) Request for One-Year Extension of Variance granted September 25, 2012 for property located at 211 Park Street.

- B) Request for One-Year Extension of Variance granted November 20, 2012 for property located at 1475 Lafayette Road.

- C) Case # 7-2

Petitioners: 4 Amigos, LLC

Property: 1390 & 1400 Lafayette Road

Assessor Plan 252, Lots 9 & 7

Zoning District: Gateway

Description: Install free-standing signs

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 at the July 16 and August 20, 2013 meetings)

- D) Case # 8-1 (Amended)

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:

- A. This petition was revised from that postponed at the August 20, 2013 meeting to include the following:

(over)

Amend previously advertised and posted application to add an Appeal from an Administrative Decision that a Variance is needed from Section 10.321.

- B. The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
 - 1. If the Appeal from an Administrative Decision is not granted, 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.

E) 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.

- 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.

(This petition was continued for more information at the August 20, 2013 meeting)

IV. PUBLIC HEARINGS – NEW BUSINESS

1) Case # 9-1

Petitioners: Kearsarge Mill Unit Owners Association & JSA Trust, owners
 Property: 361 Hanover Street
 Assessor Plan 138, Lot 63-1
 Zoning District: Mixed Residential Office
 Description: Locate parking spaces for a proposed 4,000± office expansion on an adjacent lot.

- Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
- 1. A Variance from Section 10.1113.111 to allow required parking spaces to be located on a separate lot from the principal use at a municipally owned uncovered parking facility where a municipally owned covered parking facility is required.

2) Case # 9-2

Petitioner: Frederick I. McMullen
 Property: 1262 Woodbury Avenue
 Assessor Plan 237, Lot 67
 Zoning District: Mixed Residential B
 Description: Allow a retail space with juice bar and take-out food.

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

(next page)

1. A Special Exception under Section 10.440, Use #8.31 to allow retail sales in a district where this use is allowed by Special Exception.
2. A Variance from Section 10.440, Use #9.20 to allow a restaurant, take-out only, as an accessory use in a district where such use is not allowed.

3) Case # 9-3

Petitioner: Gretchen J. Morgan

Property: 7 McDonough Street

Assessor Plan 138, Lot 50

Zoning District: Mixed Residential Business

Description: Construct porch and landing for new rear entry.

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

1. A Variance from Section 10.324 to allow a lawful nonconforming building or structure to be added to or enlarged in a manner that does not conform to the requirements of the district.
2. A Variance from Section 10.516.40 to allow a side yard setback of 3'± where 10' is required.
3. A Variance from Section 10.521 to allow building coverage of 56.7%± where 40% is the maximum allowed.

4) Case # 9-4

Petitioners: Roxanne Raeside Wilton, owner, Bosen & Associates, PLLC, applicant

Property: 266 Middle Street

Assessor Plan 136, Lot 9

Zoning District: Mixed Residential Office

Description: Convert 2,000± s.f. residential space to office use.

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

1. A Variance from Section 10.1111.20 to allow the expansion of a use that is nonconforming as to the requirements for off-street parking.
2. A Variance from Section 10.1112.30 (5) to allow 6 parking spaces to be provided where 16 spaces are required for a business or professional office use.
3. A Variance from Section 10.1114.21 (D) to allow no maneuvering aisle to be provided.
4. A Variance from Section 10.1114.32 to allow vehicles entering or leaving a parking space to pass over another parking space, require movement of another vehicle, or back into a public right of way.

5) Case # 9-5

Petitioners: Kenneth D. Markley & Joy L. Bryan

Property: 239 Raleigh Way

Assessor Plan 212, Lot 108

Zoning District: General Residence B

Description: Construct a 12'± x 20'± rear shed.

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

1. A Variance from Sections 10.573.20 and 10.521 to allow a rear yard setback of 10'± where 12' is required for an accessory structure.
2. A Variance from Sections 10.572 and 10.521 to allow a left side yard setback of 3'± where 10' is required for an accessory structure.
3. A Variance from Sections 10.572 and 10.521 to allow a right side yard setback of 6'± where 10' is required for an accessory structure.

(over)

- 6) Case # 9-6
 - Petitioner: Paula A. Chalfin
 - Property: 496 Middle Street #1
 - Assessor Plan 135, Lot 21-1
 - Zoning District: Mixed Residential Office
 - Description: Construct 14'± x 16'± left rear addition and stairs.
 - 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 3.9'± where 10' is required.

- 7) Case # 9-7
 - Petitioner: Elizabeth H. Blaisdell
 - Property: 77 New Castle Avenue
 - Assessor Plan 101, Lot 50
 - Zoning District: General Residence B
 - Description: Replace existing 16'± x 37'± x 11'± high barn with a 20'± high accessory building on the same footprint.
 - 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 Sections 10.572 and 10.521 to allow a left side yard of 1.5'± where 10' is the minimum required for an accessory structure.
 - 3. A Variance from Sections 10.573.20 and 10.521 to allow a rear yard setback of 3'± where 15' is the minimum required for an accessory structure.

- 8) Case # 9-8
 - Petitioners: Robert A. & Meghan M. DesFosses
 - Property: 115 Fairview Avenue
 - Assessor Plan 220, Lot 68
 - Zoning District: Single Residence B
 - Description: Construct a 12'± x 20'± right side deck with a 30" high grilling section.
 - Requests: The Variance necessary to grant the required relief from the Zoning Ordinance, including the following:
 - 1. A Variance from Sections 10.516.40 and 10.521 to allow a rear yard setback of 6.1'± where 15' is required for a deck less than 4' in height.
 - 2. A Variance from Section 10.521 to allow building coverage of 27.6%± where 20% is the maximum 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.