

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

NOTICE IS HEREBY GIVEN that the Board of Adjustment will hold Public Hearings on the following applications on Tuesday, September 17, 2013 at 7:00 P.M. in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire:

Old Business

- C) 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: Amend previously advertised and posted application to add an Appeal from an Administrative Decision that a Variance is needed from Section 10.321.
(This petition was revised from that postponed at the August 20, 2013 meeting.)

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:
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. (over)

- 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.
- (next page)

- 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 Variances 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.

Rick Taintor, Planning Director