

**REGULAR MEETING  
BOARD OF ADJUSTMENT  
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE  
PORTSMOUTH, NEW HAMPSHIRE**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**7:00 P.M.**

**December 17, 2013**

**AGENDA**

**I. APPROVAL OF MINUTES**

- A) September 18, 2012
- B) September 25, 2012
- C) September 17, 2013

**II. PUBLIC HEARINGS - OLD BUSINESS**

- A) Case # 11-8  
Petitioner: Ghamami Revocable Trust, Sheila Grant, Trustee  
Property: 405 Deer Street #7-6  
Assessor Plan 118, Lot 26-7  
Zoning Districts: Central Business B & Downtown Overlay  
Description: Appeal from Administrative Decision  
Requests: Appeal from Administrative Decision to issue a violation notice for removal of a center chimney.  
*This petition was postponed at the November 19, 2013 meeting.*
  
- B) Case # 11-9  
Petitioner: M.A. Boccia & V.H.T. Luong Joint Liv. Tr., M.A. Boccia & V.H.T. Luong, Trustees  
Property: 30 Brewster Street (26-28)  
Assessor Plan 138, Lot 35  
Zoning District: General Residence C  
Description: Expand third floors of two existing structures, adding one dwelling unit.  
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 10.521 to allow a lot area per dwelling unit of 1,221 ±s.f. where 1,831± s.f. exists and 3,500 s.f. is the minimum required.
  - 3. A Variance from Section 10.521 to allow a right side yard setback of 5'± where 5' exists and 10' is required.
  - 4. A Variance from Section 10.521 to allow a rear yard setback of 0'± where 0' exists and 20' is required.

5. A Variance from Section 10.521 to allow 41.4%± building coverage where 41.6%± exists and 35% is the maximum allowed.
6. A Variance from Section 10.1112.30 to allow 4 parking spaces to be provided where 6 parking spaces are required.

*This petition was postponed at the November 19, 2013 meeting*

### III. PUBLIC HEARINGS – NEW BUSINESS

- 1) Case # 12-1  
 Petitioner: 10 State Street , LLC  
 Property: 10 State Street  
 Assessor Plan 105, Lot 4  
 Zoning District: Central Business A  
 Description: Appeal.  
 Request: Appeal from an Administrative Decision.
  
- 2) Case # 12-2  
 Petitioners: Smith, Smith & Ward, LLC, owner & Paul Mercier, applicant  
 Property: 1338 Woodbury Avenue  
 Assessor Plan 237, Lot 70  
 Zoning District: Mixed Residential B  
 Description: Allow a recreational vehicle (RV) to be used as a residence.  
 Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
  1. A Variance from Section 10.331 to allow a lawful nonconforming use to be enlarged or changed without conforming to the requirements of the Ordinance.
  2. A Variance from Section 10.440 to allow a recreational vehicle (RV) to be used as a permanent dwelling.
  
- 3) Case # 12-3  
 Petitioner: GTY MA/NH Leasing, Inc., owner & Nouria Energy Corporation, applicant  
 Property: 786 Route One By-Pass  
 Assessor Plan 161, Lot 42  
 Zoning District: General Residence A  
 Description: Revise existing free-standing sign to add logo and LED display.  
 Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
  1. A Variance from Section 10.1281 to allow a nonconforming sign to be altered or reconstructed without bringing the sign into conformity with the Zoning Ordinance.
  2. A Variance from Section 10.1241 and Section 10.1251.20 to allow a free-standing sign with an area of 168± s.f. in a district where a free-standing sign is not permitted.
  3. A Variance from Section 10.1253.10 to allow a sign height of 50'± where 7' is the maximum allowed and a front yard setback of 0'± where 5' is the minimum required.
  4. A Variance from Section 10.1261.10 to allow direct illumination where sign illumination is not allowed.

- 4) Case # 12-4  
Petitioners: Paul R. Frohn, Jr. and Susan C. Frohn  
Property: Meadow Road (between 70 and 100 Meadow Road)  
Assessor Plan 236, Lot 80  
Zoning District: Single Residence B  
Description: Allow construction of a single-family home on a nonconforming lot.  
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 and lot area per dwelling unit of 7,500± s.f. where 15,000 s.f. are required for each dimension.
  - 2 A Variance from Section 10.521 to allow continuous street frontage of 75'± where 100' is required.

**IV. OTHER BUSINESS**

**V. 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.