

**REGULAR MEETING
BOARD OF ADJUSTMENT
EILEEN DONDERO FOLEY COUNCIL CHAMBERS
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE**

7:00 P.M.

**January 22, 2014
To Be Reconvened
January 28, 2014**

REVISED AGENDA

THE FOLLOWING ITEMS I THROUGH III, PETITIONS 1) THROUGH 6) AND ITEMS IV AND V WILL BE HEARD ON <u>WEDNESDAY</u>, JANUARY 22, 2014.

I. ELECTION OF OFFICERS

II. PUBLIC HEARINGS - OLD BUSINESS

A) 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.

(This petition was tabled at the December 17, 2013 meeting)

III. PUBLIC HEARINGS – NEW BUSINESS

1) Case # 1-1

Petitioners: Zoe Copenhaver Daboul & Michael Edward Daboul

Property: 53 Humphreys Court

Assessor Plan 101, Lot 39

Zoning District: General Residence B

Description: Construct a rear addition and new front porch. Replace existing garage with an attached garage.

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 building to be extended or reconstructed without conforming to the requirements of the Ordinance.
2. Variances from Section 10.521 to allow the following:
 - a) Building coverage of 42.8% where 30% is the maximum allowed.
 - b) A front yard setback of 4'9" ± where 5' is the minimum required.
 - c) A rear yard setback of 2'9" ± where 25' is the minimum required.
 - d) A right side yard setback of 3'1.5" and a left side yard setback of 4'3" ± where 10' is the minimum required for both.

2) Case # 1-2

Petitioner: Wylie E. Brewster, Jr., owner, Jason & Trisha Brewster, applicants

Property: 121 Mechanic Street

Assessor Plan 103, Lot 31

Zoning District: Waterfront Business

Description: Construct an addition over the rear porch on an existing residential structure.

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 building to be extended or enlarged without conforming to the requirements of the Ordinance.
2. A Variance from Section 10.531 to allow a right side yard setback of 7'10" ± where 30' is the minimum required.

3) Case # 1-3

Petitioners: M.A. Boccia & V.H.T. Luong Joint Liv. Tr., M.A. Boccia & V.H.T. Luong, Trustees, owner, Chris Meyer, applicant

Property: 30 Brewster Street (26-30)

Assessor Plan 138, Lot 35

Zoning District: General Residence C

Description: Add third floor dormers to two existing structures, adding one dwelling unit for a total of three dwelling units on one lot.

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. Variances from Section 10.521 to allow the following:
 - a) A lot area per dwelling unit of 1,220 ± s.f. where 1,831± s.f. exists and 3,500 s.f. is the minimum required.
 - b) A front yard setback of 0'± where 0' exists and 5' is the minimum required.
 - c) A left side yard setback of 0'± where 0' exists and a right side yard setback of 5'± where 5' exists and 10' is the minimum required for both.
 - d) A rear yard setback of 0'± where 0' exists and 20' is required.

- e) 41.3%± building coverage where 41.5%± exists and 35% is the maximum allowed.
- 3. A Variance from Section 10.1112.30 to allow 4 parking spaces to be provided where 6 parking spaces are required.

4) Case # 1-4

Petitioner: 1000 Islington Street LLC c/o Carolyn Chase DMD

Property: 1000 Islington Street

Assessor Plan 171, Lot 10

Zoning District: Single Residence B

Description: Install a 7' x 3' attached wall sign

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

- 1. A Variance from Section 10.1251.20 to allow a 21 s.f.± attached wall sign where 4 s.f. is the maximum sign area allowed for an individual wall sign.

5) Case # 1-5

Petitioner: Mary R. Hurlburt

Property: 220 Union Street

Assessor Plan 135, Lot 24

Zoning District: General Residence C

Description: Remove existing residence and construct a new two-story 878 s.f. ± single family residence.

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 building to be reconstructed without conforming to the requirements of the Ordinance.
- 2. Variances from Section 10.521 to allow the following:
 - a) A left side yard setback of 6.5'± where 10' is the minimum required.
 - b) A rear yard setback of 12.8'± where 20' is the minimum required.
 - c) Continuous street frontage of 25.5'± where 70' is the minimum required.

6) Case # 1-6

Petitioners: Hill-Hanover Group LLC, owner, Deer Street Associates LP, applicant

Property: 181 Hill Street and 317-339 Hanover Street

Assessor Plan 125, Lot 14 and Assessor Plan 138, Lot 62

Zoning District: Mixed Residential Office & Mixed Residential Business

Description: Parking and dimensional relief as a result of a proposed lot line adjustment.

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

- 1. A Special Exception under Section 10.1113.112 to allow required off-street parking spaces to be located on a lot separate from the principal use which is under the same ownership and within 300' of the property in question.

If the Special Exception is not granted:

- 2. A Variance from Section 10.1113.11 to allow ten of the required off-street parking spaces to be located on a lot separate from the principal use.

In addition, the following Variance requests:

- 3. From Section 10.1111.20 to allow alterations to a nonconforming use without complying with off-street parking requirements.

4. From Section 10.1114.20 to allow off-street parking that does not comply with the minimum dimensions for stall layout and provision of bumper stops within 4 feet of a building or public street.
5. From Section 10.1114.32 to allow off-street parking areas that require vehicles to enter or leave by crossing over another parking space or by backing into or from a public street or way.
6. From Section 10.311 to allow modification to an existing nonconforming lot.
7. From Section 10.521 to allow a lot area per dwelling unit of 1,344± s.f. where 5,000± s.f. per dwelling unit is required.
8. From Section 10.521 to allow building coverage of 51%± where 30% is the maximum allowed.
9. From Section 10.521 to allow open space of 9%± where 25% open space is the minimum required.

THE FOLLOWING ITEM III, CASE #1-7 WILL BE HEARD ON TUESDAY, JANUARY 28, 2014.
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- 7) Case # 1-7
Petitioners: Robin Bellantone, Karen Bouffard, George Dodge, Erica Dodge, Martha Fuller Clark, Clare Kittredge, Susan Lager, Paul Mannle, Dr. Barry F. McArdle, Natalie Roman-Nelson, Neill DePaoli, Doug Roberts, Jerry Hejtmanek, Debra Dumont, and Slattery & Dumont, LLC
Property: 111 Maplewood Avenue
Assessor Plan 124, Lot 8
Zoning District: Central Business A, Historic and Downtown Overlay
Description: Appeal Decisions of the Historic District Commission.
Requests: Appeal the decision of the Historic District Commission to grant a Certificate of Approval for this property.

IV. PLANNING STAFF REPORT

- A) Proposed Revisions to Board of Adjustment Application Form and Rules and Regulations.

V. OTHER BUSINESS

- A) Proposed Ground Rules for Appeals Hearings – Historic District Commission.

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.