

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

**7:00 P.M.**

**March 18, 2014**

**REVISED AGENDA**

**I. APPROVAL OF MINUTES**

- A) April 16, 2013

**II. PUBLIC HEARINGS - OLD BUSINESS**

- A) Motion for Rehearing regarding 111 Maplewood Avenue.
- B) Case # 2-4  
Petitioners: Kara Lynn Cole & Alistair James Ferguson Cole  
Property: 40 Mill Pond Way  
Assessor Plan 143, Lot 6  
Zoning District: General Residence A  
Description: Remove existing two story detached nonconforming structure and build an attached 20'± x 36'± two story garage, 11'± x 24'± connector, and 3'± x 9'± one story balcony  
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 or structure 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 30.9%± where 25% is the maximum allowed.  
b) A left side yard setback of 6.5'± where 10' is required.  
c) A rear yard setback of 18'± where 20' is required.  
*This request is revised from that presented at the February 25, 2014 meeting and postponed to the March meeting.*

**III. PUBLIC HEARINGS – NEW BUSINESS**

- 1) Case # 3-1  
Petitioner: Kathleen E. Calkins Trust, Kathleen E. Calkins, Trustee  
Property: 206 Elwyn Avenue  
Assessor Plan 112, Lot 27  
Zoning District: General Residence A  
Description: Replace existing 178± s.f. rear addition with a 368± s.f. one-story 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 building or structure to be extended or reconstructed without conforming to the requirements of the Ordinance.
2. A Variance from Section 10.521 to allow building coverage of 31%± where 27%± exists and 25% is the maximum allowed.

## 2) Case # 3-2

Petitioners: DEH Ventures LLC, owner, CHI Engineering, applicant

Property: 430 West Road

Assessor Plan 267, Lot 28

Zoning District: Gateway

Description: Install two roofed heating/ air conditioning units on 12'± x 6'± pads. Add 21 off-street parking spaces in front of the building.

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

1. Variances from Section 10.531 to allow the following:
  - a) A front yard parking setback of 27.6'± where 30' is required.
  - b) A right side yard setback of 12.5'± where 30' is required.
2. A Variance from Section 10.1112.50 to allow 127 off-street parking spaces where a maximum of 77 spaces is allowed.
3. A Variance from Section 10.1113.20 to allow off-street parking to be located in the front yard or between the principal building and a street.

## 3) Case # 3-3

Petitioners: Donovan-Hess Family Revocable Trust, Jane M. Donovan & William Hess, Trustees

Property: 54 Rogers Street

Assessor Plan 116, Lot 44

Zoning District: Mixed Residential Office

Description: Install 12'6" x 8'6" shed in the left rear yard..

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

1. A Variance from Section 10.521 & 10.572 to allow a 1'7"± left side yard where 10' is the minimum required for an accessory structure.
2. A Variance from Section 10.521 & 10.573.20 to allow a 1'8" ± rear yard setback where 10' is required for an accessory structure.
2. A Variance from Section 10.521 to allow building coverage of 55.4%± where 50.7%± exists and 40% is the maximum allowed.

## 4) Case # 3-4

Petitioner: 303 Islington Street LLC

Property: 303 Islington Street

Assessor Plan 144, Lot 11

Zoning District: General R

Description: Convert three office use units to dwelling units with an increase in required off-street parking spaces.

Requests: The Variances and/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 #1.52 to allow conversion of a building existing on January 1, 1980 to four dwelling units with less than the required minimum lot area per dwelling unit.

**Request To Postpone**

2. A Variance from Section 10.1111.10 and 10.1112.30 to permit a change of use that provides 8 off-street parking spaces where 12 are required.
3. A Variance from Section 10.1114 to allow off-street parking spaces and accessways that do not comply with the off-street parking dimensional requirements.

5) Case # 3-5

Petitioners: Christoph Wienands & April Guille

Property: 307 Wibird Street

Assessor Plan 132, Lot 12

Zoning District: General Residence A

Description: Construct a 26'± x 26'± two-story rear addition

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

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6) Case # 3-6

Petitioner: PF Jax Real Estate, LLC, owner, Bryan Pappas, applicant

Property: 159 Middle Street

Assessor Plan 127, Lot 4

Zoning District: Mixed Residential Office

Description: Install a 22'± freestanding sign.

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

1. A Variance from Section 10.1253.40, to allow a front setback of 1'6"± where 5' is required.
2. A Variance from Section 10.1253.30 to allow a sign height of 10'± where 7' is the maximum allowed.

7) Case # 3-7

Petitioners: Peter & Lee D. Vandermark

Property: 86 Ridges Court

Assessor Plan 207, Lot 62

Zoning District: Single Residence B

Description: Raise height of existing left side shed roof.

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 or structure to be extended or reconstructed without conforming to the requirements of the Ordinance.
2. A Variance from Section 10.521 to allow a left side yard setback of 5.25'± where 10' is required.

**Request To Postpone**

- 8) Case # 3-8  
Petitioner: Hunking Holdings LLC  
Property: 311 Marcy Street  
Assessor Plan 102, Lot 2  
Zoning District: General Residence B  
Description: Add 8'± x 12'± one-story rear addition.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
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  2. Variances from Section 10.521 to allow the following:
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- 9) Case # 3-9  
Petitioner: Robert A. Ricci Sr. Revocable Trust 9, Robert A. Ricci Sr., Trustee, owner, Robert A. Ricci, Jr., applicant  
Property: 75 Albany Street  
Assessor Plan 156, Lot 26  
Zoning District: Mixed Residential Business  
Description: Allow a furniture store in an existing building.  
Requests: The Variances and/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 #8.31 to allow retail sales, not marine-related, to be conducted within a building.

**IV. OTHER BUSINESS**

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

**V. ADJOURNMENT**

**NOTICE TO MEMBERS OF THE PUBLIC WHO ARE HEARING IMPAIRED**

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Petitioners: Kara Lynn Cole & Alistair James Ferguson Cole

Property: 40 Mill Pond Way

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Description: Remove existing two story detached nonconforming structure and build an attached 20'± x 36'± two story garage, 11'± x 24'± connector, and 3'± x 9'± one story balcony

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**III. PUBLIC HEARINGS – NEW BUSINESS**

- 1) Case # 3-1

Petitioner: Kathleen E. Calkins Trust, Kathleen E. Calkins, Trustee

Property: 206 Elwyn Avenue

Assessor Plan 112, Lot 27

Zoning District: General Residence A

Description: Replace existing 178± s.f. rear addition with a 368± s.f. one-story addition.

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

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Petitioners: DEH Ventures LLC, owner, CHI Engineering, applicant

Property: 430 West Road

Assessor Plan 267, Lot 28

Zoning District: Gateway

Description: Install two roofed heating/ air conditioning units on 12'± x 6'± pads. Add 21 off-street parking spaces in front of the building.

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2. A Variance from Section 10.1112.50 to allow 127 off-street parking spaces where a maximum of 77 spaces is allowed.
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## 3) Case # 3-3

Petitioners: Donovan-Hess Family Revocable Trust, Jane M. Donovan & William Hess, Trustees

Property: 54 Rogers Street

Assessor Plan 116, Lot 44

Zoning District: Mixed Residential Office

Description: Install 12'6" x 8'6" shed in the left rear yard..

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

1. A Variance from Section 10.521 & 10.572 to allow a 1'7"± left side yard where 10' is the minimum required for an accessory structure.
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2. A Variance from Section 10.521 to allow building coverage of 55.4%± where 50.7%± exists and 40% is the maximum allowed.

## 4) Case # 3-4

Petitioner: 303 Islington Street LLC

Property: 303 Islington Street

Assessor Plan 144, Lot 11

Zoning District: General R

Description: Convert three office use units to dwelling units with an increase in required off-street parking spaces.

Requests: The Variances and/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 #1.52 to allow conversion of a building existing on January 1, 1980 to four dwelling units with less than the required minimum lot area per dwelling unit.

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2. A Variance from Section 10.1111.10 and 10.1112.30 to permit a change of use that provides 8 off-street parking spaces where 12 are required.
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5) Case # 3-5

Petitioners: Christoph Wienands & April Guille

Property: 307 Wibird Street

Assessor Plan 132, Lot 12

Zoning District: General Residence A

Description: Construct a 26'± x 26'± two-story rear addition

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

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Petitioner: PF Jax Real Estate, LLC, owner, Bryan Pappas, applicant

Property: 159 Middle Street

Assessor Plan 127, Lot 4

Zoning District: Mixed Residential Office

Description: Install a 22'± freestanding sign.

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

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Petitioners: Peter & Lee D. Vandermark

Property: 86 Ridges Court

Assessor Plan 207, Lot 62

Zoning District: Single Residence B

Description: Raise height of existing left side shed roof.

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

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- 8) Case # 3-8  
Petitioner: Hunking Holdings LLC  
Property: 311 Marcy Street  
Assessor Plan 102, Lot 2  
Zoning District: General Residence B  
Description: Add 8'± x 12'± one-story rear addition.  
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Property: 75 Albany Street  
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Description: Allow a furniture store in an existing building.  
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