

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

**7:00 P.M.**

**April 22, 2014, To Be  
Reconvened April 29, 2014**

**AGENDA**

<b>THE FOLLOWING ITEMS I, II, &amp; III, PETITIONS 1) THROUGH 6) WILL BE HEARD ON TUESDAY, APRIL 22, 2014.</b>
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**I. APPROVAL OF MINUTES**

- A) June 18, 2013
- B) August 20, 2013
- C) October 15, 2013
- D) October 22, 2013

**II. PUBLIC HEARINGS - OLD BUSINESS**

- A) Motion for Rehearing by Applicants regarding the overturning of a Certificate of Approval for property located at 173 – 175 Market Street.
- B) Motion for Rehearing by Appellants regarding the granting of a Conditional Use Permit for property located at 173 – 175 Market Street.
- C) Case # 3-4
  - Petitioner: 303 Islington Street LLC
  - Property: 303 Islington Street
  - Assessor Plan 144, Lot 11
  - Zoning District: General Residence C
  - 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.
    - 2. A Variance from Section 10.812.12 to allow a dwelling existing on January 1, 1980 to be converted to additional dwelling units without complying with the minimum open space, maximum building coverage requirements, and off-street parking requirements.
    - 3. 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. (over)

4. 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.  
*(This petition, postponed from the March 18, 2014 meeting, has been revised by the addition of Request #2.)*

D) 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 2' x 5' free-standing 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.

*(This petition was postponed from the March 18, 2014 meeting)*

### III. PUBLIC HEARINGS – NEW BUSINESS

1) Case # 4-1

Petitioners: Summit 501 Islington LLC & Todd Baker Winslow Property Management

Property: 501 Islington Street, #1A-2

Assessor Plan 157, Lot 6-2

Zoning District: Business

Description: Install a 58"± x 102" ±, 10'± high free-standing sign.

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

1. A Variance from Section 10.1253.10 to allow a front yard setback of 10'± where 20' is the minimum required.

2) Case # 4-2

Petitioners: Richard D. Bournival, Jr. & Alissa C. Bournival

Property: Adjoining 2355 Lafayette Road

Assessor Plan 272, Lot 9-6

Zoning District: Gateway

Description: Install an 8'± x 4'±, 8'± high free-standing sign.

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

1. A Variance from Section 10.1530 to allow a free-standing sign for an accessory use on a lot adjacent to the lot containing the principal use or building.

3) Case # 4-3

Petitioner: 4 Amigos LLC

Property: 1390/1400 Lafayette Road

Assessor Plan 252, Lots 9 & 7

Zoning District: Gateway

Description: Install two free-standing signs, one with animation.

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

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1. A Variance from Section 10.1251.20 to allow a 204 s.f. ± free-standing sign where 100 s.f. is the maximum allowed.
2. A Variance from Section 10.1243 to allow multiple free-standing signs on a lot where only one free-standing sign is permitted.
3. A Variance from Section 10.1223.20 to allow signs that move, flash or give the appearance of motion where such signs are prohibited.
4. Variances from Section 10.1253.10 to allow a sign 22' in height where 20' is the maximum allowed and Section 10.1253.20 to allow a sign between 2.5' and 10' above grade within 20' of an intersection.

4) Case # 4-4

Petitioner: 402 State Street, LLC

Property: 402 State Street

Assessor Plan 116, Lot 12

Zoning Districts: Central Business B and Downtown Overlay

Description: Allow a residential use on the ground floor.

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

1. A Variance from Section 10.642 to allow a residential use on the ground floor in the Downtown Overlay District.

5) Case # 4-5

Petitioner: KWA, LLC, owner, Tanya Hart, applicant

Property: 165 Court Street

Assessor Plan 116, Lot 27

Zoning District: Mixed Residential Office

Description: Establish new salon.

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

1. A Variance under Section 10.440, Use #7.20 to allow a personal services use in a district where this use is prohibited.
2. A Variance from Sections 10.1111.10 and 10.1112.30 to allow a change to a personal service use without providing the required parking.

6) Case # 4-6

Petitioners: AHI Holdings, LLC, owner, Daniel E. Innis & Doug Palardy, applicants.

Property: 40 Court Street

Assessor Plan 127, Lot 1

Zoning District: Mixed Residential Office

Description: Establish beer and wine service in hotel lounge.

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

1. A Variance under Section 10.440, Use #9.51 to allow a restaurant with an occupant load of less than 250 in a district where this use is prohibited.
2. A Variance from Sections 10.1111.10 and 10.1112.30 to allow a change of use with 32 off-street parking spaces where 38 parking spaces are required.

(over)

**THE FOLLOWING ITEM III, PETITIONS 7) THROUGH 14) AND ITEM IV  
WILL BE HEARD ON TUESDAY, APRIL 29, 2014.**

- 7) Case # 4-7  
Petitioner: Kevin James Lilakos  
Property: 36 Artwill Avenue  
Assessor Plan 229, Lot 4  
Zoning District: Single Residence B  
Description: Allow a second dwelling unit above a garage.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:  
1. A Variance under Section 10.440, Use #1.20 to allow a second dwelling unit on a lot where only one single family dwelling is permitted.  
2. A Variance from Section 10.513 to allow more than one free-standing dwelling unit on a lot.  
3. A Variance from Section 10.521 to allow a lot area of 0.3± acres per dwelling unit where one acre per dwelling unit is required.
- 8) Case # 4-8  
Petitioners: William Marconi Revocable Trust 94 & Eva Marconi Revocable Trust 94, owners, William & Michelle Marconi, applicants  
Property: 529 New Castle Avenue  
Assessor Plan 205, Lot 4  
Zoning District: Single Residence A  
Description: Demolish and reconstruct one of two single family residences on a lot.  
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 10.1513 to allow a second single family residence on a lot.  
3. Variances from Section 10.521 to allow building coverage of 10.5%± where 10% is the maximum allowed and a lot area of 0.6± acres per dwelling unit where one acre per dwelling unit is required.
- 9) Case # 4-9  
Petitioners: Jeanne L. Freeze, owner, Ilara Donarum, applicant  
Property: 205 Bartlett Street  
Assessor Plan 162, Lot 33  
Zoning District: General Residence A  
Description: Allow a part-time optometry business.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:  
1. A Variance from Section 10.440, Use #6.20 to allow a medical office where the use is prohibited in this district.  
2. A Variance from Sections 10.1111.10 and 10.1112.30 to allow no off-street parking spaces to be provided where 2 off-street parking spaces are required.
- 10) Case # 4-10  
Petitioner: Rick E. Condon  
Property: 141 Madison Street  
Assessor Plan 145, Lot 55  
Zoning District: General Residence C

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Description: Construct wrap-around covered farmers porch and stairs with a 38'± x 6'10"± front section with stairs and a 28', 3"± x 6'10"± left side section.

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 without conforming to the requirements of the Ordinance.
2. Variances from Section 10.521 to allow a front yard setback of 1'± where 5' is the minimum required; a right side yard setback of 8'3"± where 10' is the minimum required; and building coverage of 47.1%± where 35% is the maximum permitted.

11) Case # 4-11

Petitioner: Nicholas E. Strong

Property: 413 Bartlett Street

Assessor Plan 161, Lot 21

Zoning District: General Residence A

Description: Construct rear dormers, second floor deck and stairs.

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 without conforming to the requirements of the Ordinance.
2. Variances from Section 10.521 to allow a left side yard setback of 4'± where 10' is the minimum required; and building coverage of 25.8%± where 25% is the maximum allowed.

12) Case # 4-12

Petitioner: Auger Family Irrevocable Trust, Jon C. Auger, Trustee

Property: Taft Road (number not yet assigned)

Assessor Plan 251, Lot 56

Zoning District: Single Residence B

Description: Construct single-family home with garage.

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

1. Variances from Section 10.521 to allow the following:
  - a) Lot area, and lot area per dwelling unit, of 14,425± s.f. where 15,000 s.f. is required.
  - b) Continuous street frontage of 90'± where 100' is the minimum required.

13) Case # 4-13

Petitioners: Jamer Realty, Inc., owner, A. J. P. Billiards, Inc., applicant

Property: 80 Hanover Street

Assessor Plan 117, Lot 2-1

Zoning Districts: Central Business B and Downtown Overlay

Description: Year-round game of chance for charity.

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

1. A Variance under Section 10.440 to allow a use that is not permitted. (over)

- 14) Case # 4-14  
Petitioners: Joseph & Zulmira D. Almeida Revocable Trust, Joseph & Zulmira Almeida, Trustees  
Property: 27 Rogers Street  
Assessor Plan 116, Lot 41  
Zoning District: Mixed Residential Office  
Description: Construct 29'9" ± x 15'2½"±, 1½-story rear addition.  
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 without conforming to the requirements of the Ordinance.
  2. Variances from Section 10.521 to allow a left side yard setback of 5'6" ± where 10' is the minimum required; a rear yard setback of 3'± where 15' is the minimum required; and building coverage of 44%± where 40% is the maximum permitted.

**IV. OTHER BUSINESS**

- A) Rules & Regulations

**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.