

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

**7:00 P.M.**

**May 20, 2014, To Be  
Reconvened May 29, 2014\***

**AGENDA**

<b>THE FOLLOWING ITEM I, PETITIONS 1) THROUGH 6) WILL BE HEARD ON TUESDAY, MAY 20, 2014.</b>
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**I. PUBLIC HEARINGS – NEW BUSINESS**

- 1) Case # 5-1  
Petitioners: 335 Maplewood Ave LLC, owner, James Petersen, applicant  
Property: 335 Maplewood Avenue  
Assessor Plan 141, Lot 26  
Zoning District: Mixed Residential Office  
Description: Lot line adjustment reducing side setback for existing building.  
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 left side yard setback of 3.08'± where 4.35'± exists and 10' is the minimum required.
  
- 2) Case # 5-2  
Petitioners: Terrence H. and Andrea B. Allen  
Property: 32 Baycliff Road  
Assessor Plan 207, Lot 43  
Zoning District: Single Residence B  
Description: Replace front entry with 5'± x 8'± covered landing.  
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, enlarged or structurally altered without conforming to the requirements of the Ordinance.
  2. A Variance from Section 10.521 to allow a front yard setback of 16'± where 17' is required under the provisions of Section 10.516.10
  3. A Variance under Section 10.521 to allow building coverage of 26.4%± where 25.8%± exists and 20% is the maximum allowed.
  
- 3) Case # 5-3  
Petitioners: Richard C. Comtois & Katherine E. Bartko  
Property: 324 Hanover Street  
Assessor Plan 126, Lot 42  
Zoning District: Mixed Residential Office  
Description: Replace rear entry with 6'± x 8'± entry.

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, enlarged, reconstructed or structurally altered without conforming to the requirements of the Ordinance.
2. A Variance from Section 10.521 to allow a left side yard setback of 6'6" ± where 6'6" ± exists and 10' is the minimum required.

4) Case # 5-4

Petitioners: Charles P. Allard II, owner, Elizabeth Levey-Pruyn & Bruce Erickson, applicants

Property: 35 Salter Street

Assessor Plan 102, Lot 29

Zoning District: Waterfront Business

Description: Convert two-family home to a single family home.

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 10.335 to allow a lawful nonconforming use to be changed to another nonconforming use.
2. A Variance from Section 10.321 to allow a lawful nonconforming building to be extended, enlarged, reconstructed or structurally altered without conforming to the requirements of the Ordinance.
3. Variances from Section 10.531 to allow a left side yard setback of 18'10" ± where 22'± exists and a right side yard setback of 1'6" ± where 10" exists and 30' is the minimum required for both.
4. A Variance from Section 10.531 to allow a front yard setback of 8'2" ± where 8'2" ± exists and 30' is the minimum required.

5) Case # 5-5

Petitioner: Northern New England Conference of Seventh Day Adventists, Inc.

Property: 861 Middle Road

Assessor Plan 232, Lot 120

Zoning District: Single Residence B

Description: Construct 18' x 33' front addition and a small ADA access lift on the side.

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

1. A Special Exception under Sections 10.440, Use #3.11 and 10.334 to allow a nonconforming use to be extended into any part of the remainder of a lot of land

6) Case # 5-6

Petitioners: N E Marine and Industrial Inc., owner, Subaru of New England, Inc., applicant

Property: 200 Spaulding Turnpike

Assessor Plan 237, Lot 56

Zoning District: General Business and Single Residence B

Description: Construction and operation of an automobile dealership.

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

1. A Variance from Section 10.591 to allow a structure in a nonresidential district to be located within 100 feet of a property zoned residentially.
2. A Variance from Section 10.592.20 to permit an automotive use within 200 feet of a residential district.

3. A Variance from Section 10.1113.31 to permit off-street parking areas, accessways, maneuvering areas and traffic aisles serving uses in a Business District to be set back less than 100 feet from a residential district.
4. A Variance from Section 10.1124.20 to permit off-street loading or maneuvering areas to be located less than 100 feet from a residential district.

(Public Hearings – New Business to be continued at the May 29, 2014 meeting)

**THE FOLLOWING ITEMS II, III, IV, PETITIONS 7) AND 8), AND ITEM V  
WILL BE HEARD ON THURSDAY\*, MAY 29, 2014 AT 7:00 P.M..**

\* Note change in usual meeting day.

## **II. APPROVAL OF MINUTES**

## **III. PUBLIC HEARINGS - OLD BUSINESS**

### **A) 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.

### **B) 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.

## **IV. PUBLIC HEARINGS – NEW BUSINESS (continued from May 20, 2014.)**

### **7) Case # 5-7**

Petitioners: KWA, LLC, owner & Barre & Soul, LLC, applicant

Property: 165 Court Street (163A & B)

Assessor Plan 116, Lot 27

Zoning District: Character District 5

Description: Parking for a yoga studio.

- Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
2. A Variance from Sections 10.1111.10 and 10.1112.30 to allow a change to a yoga studio use without providing the required parking.

8) Case # 5-8

Petitioner: Steve A. Hart

Property: 181 Kearsarge Way

Assessor Plan 218, Lot 2

Zoning District: Single Residence B

Description: Demolish existing home and construct new single family home with 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 reconstructed without conforming to the requirements of the Ordinance.
2. A Variance from Section 10.521 to allow a lot area and a lot area per dwelling unit of 10,577± s.f. where 15,000 s.f. is required.
3. A Variance from Section 10.521 to allow a right side yard setback of 9.72'± where 0'± exists and 10' is the minimum required.

**V. OTHER BUSINESS**

- A) Rules & Regulations

**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.