

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

**7:00 P.M.**

**October 21, 2014, To Be  
Reconvened October 28, 2014**

**AGENDA**

<b>THE FOLLOWING PETITIONS 1) THROUGH 7) WILL BE HEARD ON TUESDAY, OCTOBER 21, 2014.</b>
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**I. APPROVAL OF MINUTES**

- A. August 18, 2014
- B. September 16, 2014

**II. PUBLIC HEARINGS - NEW BUSINESS**

- 1) Case # 10-1  
Petitioner: Jessica Paskalis  
Property: 74 Wentworth House Road  
Assessor Plan 201, Lot 20  
Zoning District: Waterfront Business  
Description: Reconstruct existing attached garage with living space above.  
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) a right side yard setback of 21'3.5" ± where 30' is required; and (b) a rear yard setback of 15'11.75" ± where 20' is required.
  
- 2) Case # 10-2  
Petitioners: Jocelyn & Stephen Jacques  
Property: 514 Middle Street  
Assessor Plan 135, Lot 19  
Zoning District: Mixed Residential Office  
Description: Add a second dwelling unit.

- 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 10.812 to allow the conversion of a pre-1980 building to two dwelling units.
- 3) Case # 10-3  
 Petitioners: Debra A. Nash dba Five N Associates, owner & James Davis, applicant  
 Property: 235 Heritage Avenue  
 Assessor Plan 284, Lot 2  
 Zoning District: Industrial  
 Description: Provide off-street parking spaces for a religious assembly use.  
 Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.1112.30 to permit less than the required number of off-street parking spaces.
- 4) Case # 10-4  
 Petitioner: Anita E. Thomas Revocable Trust, Anita E. Thomas, Trustee  
 Property: 33 Kent Street  
 Assessor Plan 113, Lot 44  
 Zoning District: General Residence A  
 Description: Reconstruct and extend 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 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) a right side yard setback of 2'± where 10' is required; and (b) a rear yard setback of 6'2"± where 12.5' is required; and (c) 26.6% building coverage where 25% is the maximum allowed.
- 5) Case # 10-5  
 Petitioners: Richard M. & Susan H. Shea  
 Property: 19 Howard Street  
 Assessor Plan 103, Lot 82  
 Zoning District: General Residence B  
 Description: Construct 10'± x 14'± storage shed with 5'± x 8'± lean-to.  
 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 right side yard setback of 0.98'± where 10' is required.
  2. A Variance from Section 10.521 to a rear yard setback of 3.35'± where 10.9' is required.

- 6) Case # 10-6  
 Petitioner: Mark R. McNally  
 Property: 897 Woodbury Avenue  
 Assessor Plan 219, Lot 35  
 Zoning District: Single Residence B  
 Description: Convert existing single-family structure to a two-family.  
 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 two-family dwelling in a district where a two-family dwelling is not allowed.
  2. A Variance from Section 10.521 to allow 13,180± s.f. per dwelling unit where 15,000 s.f. is required.

- 7) Case # 10-7  
 Petitioner: Trisha Ballestero  
 Property: 116 Austin Street  
 Assessor Plan 136, Lot 29  
 Zoning District: General Residence C  
 Description: Replace existing porch & deck with 6' x 20' two-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. Variances from Section 10.521 to allow the following: (a) a right side yard setback of 9.5'± where 10' is required; and (b) a left side yard setback of 3.5'± where 10' is required.

**THE FOLLOWING PETITIONS 8) THROUGH 13) WILL BE HEARD ON TUESDAY, OCTOBER 28, 2014 AT 7:00 P.M..**

- 8) Case # 10-8  
 Petitioner: Kathleen L. Belavitch Revocable Trust, Kathleen L. Belavitch, Trustee  
 Property: 354 Lincoln Avenue  
 Assessor Plan 130, Lot 28  
 Zoning District: General Residence A  
 Description: Replace rear stairs with single-story left/rear addition and left side deck.  
 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 Variances from Section 10.521 to allow the following: (a) A right side yard setback of 9'6" ± where 10' is required; and (b) 36.1% building coverage where 25% is the maximum allowed.

9) Case # 10-9

Petitioner: Kate M. Swenson Revocable Trust 04, Kate M. Swenson, Trustee

Property: 72 Orchard Street

Assessor Plan 149, Lot 31

Zoning District: General Residence A

Description: Add second and third floors to existing one-story rear wing.

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 right side yard setback of 7'± where 10' is required.

10) Case # 10-10

Petitioners: Charles J., Jr. and Kimberlee S. McCue

Property: 105 Middle Road

Assessor Plan 152, Lot 18

Zoning District: Single Residence B

Description: Reconstruct 10'± x 18'± rear addition & stairs in same footprint.

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) A 5'± right side yard setback where 10' is required; and (b) 22.2%± building coverage where 20% is the maximum allowed.

11) Case # 10-11

Petitioner: Rebecca Susan McBeath

Property: 243 Middle Road

Assessor Plan 168, Lot 12

Zoning District: Single Residence B

Description: Replace rear deck with smaller deck and left and right side stairs.

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 Variances from Section 10.521 to allow 20.7%± building coverage where 20% is the maximum allowed.

12) Case # 10-12

Petitioners: West End Equipment LLC, owner, Justin Miner, Applicant

Property: 270 West Road, #4B

Assessor Plan 267-19-4

Zoning District: Industrial

Description: Health club/fitness center.

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 10.441, Use #4.42 to allow a health club with an area greater than 2,000 GFA in a district where the use is allowed by special exception.
2. A Variance from Section 10.111.10 to allow 35 off-street parking spaces where 59.5 spaces are required.

13) Case # 10-13

Petitioner: John George Pappas Revocable Trust 2004, John G. Pappas, Trustee

Property: Vine Street (Number not yet assigned)

Assessor Plan 233, Lot 107

Zoning District: Single Residence B

Description: Single family home on newly created lot.

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

1. Variances from Section 10.521 to allow a lot area and lot area per dwelling unit of 5,748± s.f. where 15,000 s.f. is required.
2. A Variance from Section 10.521 to allow continuous street frontage of 50'± where 100' is required.

**III. OTHER BUSINESS**

**IV. 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.