

**REGULAR MEETING  
BOARD OF ADJUSTMENT**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS  
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE  
PORTSMOUTH, NEW HAMPSHIRE**

**6:00 P.M.\***

**December 16, 2014**

*\*Note Earlier Start Time*

**AGENDA**

**I. APPROVAL OF MINUTES**

A) November 18, 2014

**II. PUBLIC HEARINGS – OLD BUSINESS**

None.

**III. PUBLIC HEARINGS – NEW BUSINESS**

1) Case # 12-1

Petitioners: Randal J. & Marcia B. Leach

Property: 358 Thornton Street

Assessor Plan 161, Lot 26

Zoning District: General Residence A

Description: Construct a 6'± x 8'± rear shed.

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 34%± building coverage where 25% is the maximum allowed.

2) Case # 12-2

Petitioners: Ryan J. & Karen E. Baker

Property: 281 Sagamore Avenue

Assessor Plan 221, Lot 14

Zoning District: General Residence A

Description: Construct a 21.5'± x 21'± garage with unfinished room above.

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 0'± left side yard setback where 10' is required.

(over)

- 3) Case # 12-3  
Petitioners: William K. & Nicola D. Douglass  
Property: 96 Cliff Road  
Assessor Plan 223, Lot 6  
Zoning District: Single Residence B  
Description: Construct a 1½ story left side addition, replace front porch and add rear dormer.  
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 structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.
  2. A Variance from Section 10.521 to allow a 6.5'± front yard setback where 30' is required.
- 4) Case # 12-4  
Petitioners: Wilson & Gould Real Estate Partnership, owner, Susan J. Cerro, applicant  
Property: 119 Summer Street  
Assessor Plan 127, Lot 24  
Zoning District: General Residence C  
Description: Convert a ground floor nonresidential unit to a 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.
- 5) Case # 12-5  
Petitioner: Neal I. Katz Living Trust, Neal I. Katz, Trustee  
Property: Sherburne Avenue (formerly part of 520 South Street )  
Assessor Plan 112, Lot 29  
Zoning District: General Residence A  
Description: Construct single-family residence.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.521 to allow continuous street frontage of 74.40'± where 100' is required.
- 6) Case # 12-6  
Petitioners: Hackett Family Trust Fund, Christopher & Abigail Hackett, Trustees  
Property: 47 Elwyn Avenue  
Assessor Plan 113, Lot 30  
Zoning District: General Residence A  
Description: Replace existing addition with two-story rear addition with deck.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
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2. A Variance from Section 10.521 to allow a 4'6" ± left side yard setback where 10' is required.
3. A Variance from Section 10.521 to allow 35.2%± building coverage where 29% exists and 25% is the maximum allowed.

7) Case # 12-7

Petitioner: Andrew S. Martin

Property: 230 McDonough Street

Assessor Plan 144, Lot 37

Zoning District: General Residence C

Description: Add a right-side dormer within existing 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 to be added to or enlarged without conforming to the requirements of the Ordinance.
2. A Variance from Section 10.521 to allow a 5'± right side yard setback where 10' is required.

8) Case # 12-8

Petitioner: Abigail Khan-Cooper

Property: 227 Park Street

Assessor Plan 149, Lot 6

Zoning District: General Residence A

Description: Allow operation of a bed & breakfast in an existing owner occupied single family residence.

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 #10.21 to allow a Bed and Breakfast 1 in a district where the use is allowed by Special Exception.
2. A Variance from Section 10.1112.30 to allow 2 off-street parking spaces to be provided where 3 spaces are required.

9) Case # 12-9

Petitioners: Deer Street Associates

Property: 165 Deer Street

Assessor Plan 125, Lot 17

Zoning District: Central Business B

Description: Install an illuminated sign.

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

1. A Variance from Section 10.1261.30 to allow an internally illuminated sign in the Historic District.
2. A Variance from Section 10.1251.20 to allow an attached wall sign of 51.7± s.f where 40 s.f. is the maximum allowed for an individual wall sign.

(over)

10) Case # 12-10

Petitioner: State Street Discount House

Property: 3613 Lafayette Road

Assessor Plan 298, Lot 6

Zoning District: Gateway

## Request to Postpone

Description: Replace existing sign with a 5'± x 10'± color EMC double sided sign.

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

1. A Variance from Section 10.1223.10 to allow an animated sign (changeable sign) where an animated sign is not allowed.

11) Case # 12-11

Petitioners: Heritage and Lafayette LLC, owner, John Barnes, Sr., applicant

Property: 2800 Lafayette Road

Assessor Plan 285, Lot 2

Zoning District: Gateway

Description: Establish a religious place of assembly.

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 #3.11 allow a religious place of assembly in a district where the use is allowed by Special Exception.

12) Case # 12-12

Petitioner: Tammy J. Gewehr

Property: 13 McDonough Street

Assessor Plan 138, Lot 49

Zoning District: Mixed Residential Business

Description: Relocate a 6'± x 8'± shed to the right rear of the property.

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

1. A Variance from Section 10.521 and 10.570 to allow a right side yard setback of 2'± where 5' is required for an accessory structure.
2. A Variance from Section 10.521 to allow 42%± building coverage where 40% is the maximum allowed.

13) Case # 12-13

Petitioners: George J. Rinalducci and Talam Realty Trust, Christopher D. McInnis, Trustee

Property: 244 Austin Street

Assessor Plan 135, Lot 62

Zoning District: General Residence C

Description: Replace existing residential structure with a three-story structure in same footprint.

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 10.321 to allow a lawful nonconforming structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.
  2. A Variance from Section 10.521 to allow the following:
    - a) Lot area and lot area per dwelling of 1,288 s.f.± where 3,500 s.f. is required.
    - b) 14.22'± continuous street frontage where 70' is required.
    - c) 3'± and 9.5'± right side yard setbacks where 10' is required.
    - d) A 0'± rear yard setback where 20' is required.
    - e) A 0'± left side yard setback where 10' is required.
- 14) Case # 12-14  
Petitioners: Robert & Eileen Mackin Revocable Trusts, Robert & Eileen Mackin, Trustees  
Property: 56 Dennett Street  
Assessor Plan 140, Lot 13  
Zoning District: General Residence A  
Description: Allow a single family residence to be rented for short-term rentals 60 days annually.  
Requests: An Administrative Appeal from the decision of a Code Official to issue a cease and desist order for rental of a single family home to vacationers for up to 60 days a year.
- 15) Case # 12-15  
Petitioners: Dale W. & Sharyn W. Smith  
Property: 275 Islington Street  
Assessor Plan 144, Lot 8  
Zoning District: Central Business B  
Description: Clarification of previously granted variances regarding the construction of four multi-family residences and an addition to a rear building creating 14 residential units.  
Requests: A Variance from Section 10.521 to allow 14.1% open space where 15% is required.

**IV. OTHER BUSINESS**

**V. ADJOURNMENT**

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Description: Convert a ground floor nonresidential unit to a dwelling unit.  
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Description: Add a right-side dormer within existing footprint.

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- 3) Case # 12-3  
Petitioners: William K. & Nicola D. Douglass  
Property: 96 Cliff Road  
Assessor Plan 223, Lot 6  
Zoning District: Single Residence B  
Description: Construct a 1½ story left side addition, replace front porch and add rear dormer.  
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 structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.
  2. A Variance from Section 10.521 to allow a 6.5'± front yard setback where 30' is required.
- 4) Case # 12-4  
Petitioners: Wilson & Gould Real Estate Partnership, owner, Susan J. Cerro, applicant  
Property: 119 Summer Street  
Assessor Plan 127, Lot 24  
Zoning District: General Residence C  
Description: Convert a ground floor nonresidential unit to a 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.
- 5) Case # 12-5  
Petitioner: Neal I. Katz Living Trust, Neal I. Katz, Trustee  
Property: Sherburne Avenue (formerly part of 520 South Street )  
Assessor Plan 112, Lot 29  
Zoning District: General Residence A  
Description: Construct single-family residence.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.521 to allow continuous street frontage of 74.40'± where 100' is required.
- 6) Case # 12-6  
Petitioners: Hackett Family Trust Fund, Christopher & Abigail Hackett, Trustees  
Property: 47 Elwyn Avenue  
Assessor Plan 113, Lot 30  
Zoning District: General Residence A  
Description: Replace existing addition with two-story rear addition with 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 structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.

(next page)

2. A Variance from Section 10.521 to allow a 4'6" ± left side yard setback where 10' is required.
3. A Variance from Section 10.521 to allow 35.2%± building coverage where 29% exists and 25% is the maximum allowed.

7) Case # 12-7

Petitioner: Andrew S. Martin

Property: 230 McDonough Street

Assessor Plan 144, Lot 37

Zoning District: General Residence C

Description: Add a right-side dormer within existing 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 to be added to or enlarged without conforming to the requirements of the Ordinance.
2. A Variance from Section 10.521 to allow a 5'± right side yard setback where 10' is required.

8) Case # 12-8

Petitioner: Abigail Khan-Cooper

Property: 227 Park Street

Assessor Plan 149, Lot 6

Zoning District: General Residence A

Description: Allow operation of a bed & breakfast in an existing owner occupied single family residence.

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 #10.21 to allow a Bed and Breakfast 1 in a district where the use is allowed by Special Exception.
2. A Variance from Section 10.1112.30 to allow 2 off-street parking spaces to be provided where 3 spaces are required.

9) Case # 12-9

Petitioners: Deer Street Associates

Property: 165 Deer Street

Assessor Plan 125, Lot 17

Zoning District: Central Business B

Description: Install an illuminated sign.

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

1. A Variance from Section 10.1261.30 to allow an internally illuminated sign in the Historic District.
2. A Variance from Section 10.1251.20 to allow an attached wall sign of 51.7± s.f where 40 s.f. is the maximum allowed for an individual wall sign.

(over)

10) Case # 12-10

Petitioner: State Street Discount House

Property: 3613 Lafayette Road

Assessor Plan 298, Lot 6

Zoning District: Gateway

## Request to Postpone

Description: Replace existing sign with a 5'± x 10'± color EMC double sided sign.

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

1. A Variance from Section 10.1223.10 to allow an animated sign (changeable sign) where an animated sign is not allowed.

11) Case # 12-11

Petitioners: Heritage and Lafayette LLC, owner, John Barnes, Sr., applicant

Property: 2800 Lafayette Road

Assessor Plan 285, Lot 2

Zoning District: Gateway

Description: Establish a religious place of assembly.

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 #3.11 allow a religious place of assembly in a district where the use is allowed by Special Exception.

12) Case # 12-12

Petitioner: Tammy J. Gewehr

Property: 13 McDonough Street

Assessor Plan 138, Lot 49

Zoning District: Mixed Residential Business

Description: Relocate a 6'± x 8'± shed to the right rear of the property.

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

1. A Variance from Section 10.521 and 10.570 to allow a right side yard setback of 2'± where 5' is required for an accessory structure.
2. A Variance from Section 10.521 to allow 42%± building coverage where 40% is the maximum allowed.

13) Case # 12-13

Petitioners: George J. Rinalducci and Talam Realty Trust, Christopher D. McInnis, Trustee

Property: 244 Austin Street

Assessor Plan 135, Lot 62

Zoning District: General Residence C

Description: Replace existing residential structure with a three-story structure in same footprint.

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

(next page)

1. A Variance from Section 10.321 to allow a lawful nonconforming structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.
  2. A Variance from Section 10.521 to allow the following:
    - a) Lot area and lot area per dwelling of 1,288 s.f.± where 3,500 s.f. is required.
    - b) 14.22'± continuous street frontage where 70' is required.
    - c) 3'± and 9.5'± right side yard setbacks where 10' is required.
    - d) A 0'± rear yard setback where 20' is required.
    - e) A 0'± left side yard setback where 10' is required.
- 14) Case # 12-14  
Petitioners: Robert & Eileen Mackin Revocable Trusts, Robert & Eileen Mackin, Trustees  
Property: 56 Dennett Street  
Assessor Plan 140, Lot 13  
Zoning District: General Residence A  
Description: Allow a single family residence to be rented for short-term rentals 60 days annually.  
Requests: An Administrative Appeal from the decision of a Code Official to issue a cease and desist order for rental of a single family home to vacationers for up to 60 days a year.
- 15) Case # 12-15  
Petitioners: Dale W. & Sharyn W. Smith  
Property: 275 Islington Street  
Assessor Plan 144, Lot 8  
Zoning District: Central Business B  
Description: Clarification of previously granted variances regarding the construction of four multi-family residences and an addition to a rear building creating 14 residential units.  
Requests: A Variance from Section 10.521 to allow 14.1% open space where 15% is required.

**IV. OTHER BUSINESS**

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**REGULAR MEETING  
BOARD OF ADJUSTMENT**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS  
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE  
PORTSMOUTH, NEW HAMPSHIRE**

**6:00 P.M.\***

**December 16, 2014**

*\*Note Earlier Start Time*

**AGENDA**

**I. APPROVAL OF MINUTES**

A) November 18, 2014

**II. PUBLIC HEARINGS – OLD BUSINESS**

None.

**III. PUBLIC HEARINGS – NEW BUSINESS**

1) Case # 12-1

Petitioners: Randal J. & Marcia B. Leach

Property: 358 Thornton Street

Assessor Plan 161, Lot 26

Zoning District: General Residence A

Description: Construct a 6'± x 8'± rear shed.

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 34%± building coverage where 25% is the maximum allowed.

2) Case # 12-2

Petitioners: Ryan J. & Karen E. Baker

Property: 281 Sagamore Avenue

Assessor Plan 221, Lot 14

Zoning District: General Residence A

Description: Construct a 21.5'± x 21'± garage with unfinished room above.

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 0'± left side yard setback where 10' is required.

(over)

- 3) Case # 12-3
  - Petitioners: William K. & Nicola D. Douglass
  - Property: 96 Cliff Road
  - Assessor Plan 223, Lot 6
  - Zoning District: Single Residence B
  - Description: Construct a 1½ story left side addition, replace front porch and add rear dormer.
  - 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 structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.
    - 2. A Variance from Section 10.521 to allow a 6.5'± front yard setback where 30' is required.
  
- 4) Case # 12-4
  - Petitioners: Wilson & Gould Real Estate Partnership, owner, Susan J. Cerro, applicant
  - Property: 119 Summer Street
  - Assessor Plan 127, Lot 24
  - Zoning District: General Residence C
  - Description: Convert a ground floor nonresidential unit to a 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.
  
- 5) Case # 12-5
  - Petitioner: Neal I. Katz Living Trust, Neal I. Katz, Trustee
  - Property: Sherburne Avenue (formerly part of 520 South Street )
  - Assessor Plan 112, Lot 29
  - Zoning District: General Residence A
  - Description: Construct single-family residence.
  - Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
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- 6) Case # 12-6
  - Petitioners: Hackett Family Trust Fund, Christopher & Abigail Hackett, Trustees
  - Property: 47 Elwyn Avenue
  - Assessor Plan 113, Lot 30
  - Zoning District: General Residence A
  - Description: Replace existing addition with two-story rear addition with deck.
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2. A Variance from Section 10.521 to allow a 4'6" ± left side yard setback where 10' is required.
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7) Case # 12-7

Petitioner: Andrew S. Martin

Property: 230 McDonough Street

Assessor Plan 144, Lot 37

Zoning District: General Residence C

Description: Add a right-side dormer within existing footprint.

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

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Petitioner: Abigail Khan-Cooper

Property: 227 Park Street

Assessor Plan 149, Lot 6

Zoning District: General Residence A

Description: Allow operation of a bed & breakfast in an existing owner occupied single family residence.

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 #10.21 to allow a Bed and Breakfast 1 in a district where the use is allowed by Special Exception.
2. A Variance from Section 10.1112.30 to allow 2 off-street parking spaces to be provided where 3 spaces are required.

9) Case # 12-9

Petitioners: Deer Street Associates

Property: 165 Deer Street

Assessor Plan 125, Lot 17

Zoning District: Central Business B

Description: Install an illuminated sign.

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

1. A Variance from Section 10.1261.30 to allow an internally illuminated sign in the Historic District.
2. A Variance from Section 10.1251.20 to allow an attached wall sign of 51.7± s.f where 40 s.f. is the maximum allowed for an individual wall sign.

(over)

10) Case # 12-10

Petitioner: State Street Discount House

Property: 3613 Lafayette Road

Assessor Plan 298, Lot 6

Zoning District: Gateway

## Request to Postpone

Description: Replace existing sign with a 5'± x 10'± color EMC double sided sign.

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

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Petitioners: Heritage and Lafayette LLC, owner, John Barnes, Sr., applicant

Property: 2800 Lafayette Road

Assessor Plan 285, Lot 2

Zoning District: Gateway

Description: Establish a religious place of assembly.

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 #3.11 allow a religious place of assembly in a district where the use is allowed by Special Exception.

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Petitioner: Tammy J. Gewehr

Property: 13 McDonough Street

Assessor Plan 138, Lot 49

Zoning District: Mixed Residential Business

Description: Relocate a 6'± x 8'± shed to the right rear of the property.

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

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13) Case # 12-13

Petitioners: George J. Rinalducci and Talam Realty Trust, Christopher D. McInnis, Trustee

Property: 244 Austin Street

Assessor Plan 135, Lot 62

Zoning District: General Residence C

Description: Replace existing residential structure with a three-story structure in same footprint.

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

(next page)



1. A Variance from Section 10.321 to allow a lawful nonconforming structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.
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Property: 56 Dennett Street  
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Description: Allow a single family residence to be rented for short-term rentals 60 days annually.  
Requests: An Administrative Appeal from the decision of a Code Official to issue a cease and desist order for rental of a single family home to vacationers for up to 60 days a year.
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Property: 275 Islington Street  
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Description: Clarification of previously granted variances regarding the construction of four multi-family residences and an addition to a rear building creating 14 residential units.  
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**EILEEN DONDERO FOLEY COUNCIL CHAMBERS  
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE  
PORTSMOUTH, NEW HAMPSHIRE**

**6:00 P.M.\***

**December 16, 2014**

*\*Note Earlier Start Time*

**AGENDA**

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A) November 18, 2014

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None.

**III. PUBLIC HEARINGS – NEW BUSINESS**

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Petitioners: Randal J. & Marcia B. Leach

Property: 358 Thornton Street

Assessor Plan 161, Lot 26

Zoning District: General Residence A

Description: Construct a 6'± x 8'± rear shed.

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

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2) Case # 12-2

Petitioners: Ryan J. & Karen E. Baker

Property: 281 Sagamore Avenue

Assessor Plan 221, Lot 14

Zoning District: General Residence A

Description: Construct a 21.5'± x 21'± garage with unfinished room above.

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

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(over)

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Zoning District: Single Residence B  
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Petitioners: Wilson & Gould Real Estate Partnership, owner, Susan J. Cerro, applicant  
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Zoning District: General Residence C  
Description: Convert a ground floor nonresidential unit to a dwelling unit.  
Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:
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Description: Allow operation of a bed & breakfast in an existing owner occupied single family residence.

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Zoning District: Gateway

## Request to Postpone

Description: Replace existing sign with a 5'± x 10'± color EMC double sided sign.

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Petitioner: Neal I. Katz Living Trust, Neal I. Katz, Trustee

Property: Sherburne Avenue (formerly part of 520 South Street )

Assessor Plan 112, Lot 29

Zoning District: General Residence A

Description: Construct single-family residence.

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

1. A Variance from Section 10.521 to allow continuous street frontage of 74.40'± where 100' is required.

6) Case # 12-6

Petitioners: Hackett Family Trust Fund, Christopher & Abigail Hackett, Trustees

Property: 47 Elwyn Avenue

Assessor Plan 113, Lot 30

Zoning District: General Residence A

Description: Replace existing addition with two-story rear addition with 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 structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.

(next page)



2. A Variance from Section 10.521 to allow a 4'6" ± left side yard setback where 10' is required.
3. A Variance from Section 10.521 to allow 35.2%± building coverage where 29% exists and 25% is the maximum allowed.

7) Case # 12-7

Petitioner: Andrew S. Martin

Property: 230 McDonough Street

Assessor Plan 144, Lot 37

Zoning District: General Residence C

Description: Add a right-side dormer within existing 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 to be added to or enlarged without conforming to the requirements of the Ordinance.
2. A Variance from Section 10.521 to allow a 5'± right side yard setback where 10' is required.

8) Case # 12-8

Petitioner: Abigail Khan-Cooper

Property: 227 Park Street

Assessor Plan 149, Lot 6

Zoning District: General Residence A

Description: Allow operation of a bed & breakfast in an existing owner occupied single family residence.

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 #10.21 to allow a Bed and Breakfast 1 in a district where the use is allowed by Special Exception.
2. A Variance from Section 10.1112.30 to allow 2 off-street parking spaces to be provided where 3 spaces are required.

9) Case # 12-9

Petitioners: Deer Street Associates

Property: 165 Deer Street

Assessor Plan 125, Lot 17

Zoning District: Central Business B

Description: Install an illuminated sign.

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

1. A Variance from Section 10.1261.30 to allow an internally illuminated sign in the Historic District.
2. A Variance from Section 10.1251.20 to allow an attached wall sign of 51.7± s.f where 40 s.f. is the maximum allowed for an individual wall sign.

(over)

10) Case # 12-10

Petitioner: State Street Discount House

Property: 3613 Lafayette Road

Assessor Plan 298, Lot 6

Zoning District: Gateway

## Request to Postpone

Description: Replace existing sign with a 5'± x 10'± color EMC double sided sign.

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

1. A Variance from Section 10.1223.10 to allow an animated sign (changeable sign) where an animated sign is not allowed.

11) Case # 12-11

Petitioners: Heritage and Lafayette LLC, owner, John Barnes, Sr., applicant

Property: 2800 Lafayette Road

Assessor Plan 285, Lot 2

Zoning District: Gateway

Description: Establish a religious place of assembly.

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 #3.11 allow a religious place of assembly in a district where the use is allowed by Special Exception.

12) Case # 12-12

Petitioner: Tammy J. Gewehr

Property: 13 McDonough Street

Assessor Plan 138, Lot 49

Zoning District: Mixed Residential Business

Description: Relocate a 6'± x 8'± shed to the right rear of the property.

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

1. A Variance from Section 10.521 and 10.570 to allow a right side yard setback of 2'± where 5' is required for an accessory structure.
2. A Variance from Section 10.521 to allow 42%± building coverage where 40% is the maximum allowed.

13) Case # 12-13

Petitioners: George J. Rinalducci and Talam Realty Trust, Christopher D. McInnis, Trustee

Property: 244 Austin Street

Assessor Plan 135, Lot 62

Zoning District: General Residence C

Description: Replace existing residential structure with a three-story structure in same footprint.

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

(next page)

1. A Variance from Section 10.321 to allow a lawful nonconforming structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.
  2. A Variance from Section 10.521 to allow the following:
    - a) Lot area and lot area per dwelling of 1,288 s.f.± where 3,500 s.f. is required.
    - b) 14.22'± continuous street frontage where 70' is required.
    - c) 3'± and 9.5'± right side yard setbacks where 10' is required.
    - d) A 0'± rear yard setback where 20' is required.
    - e) A 0'± left side yard setback where 10' is required.
- 14) Case # 12-14  
Petitioners: Robert & Eileen Mackin Revocable Trusts, Robert & Eileen Mackin, Trustees  
Property: 56 Dennett Street  
Assessor Plan 140, Lot 13  
Zoning District: General Residence A  
Description: Allow a single family residence to be rented for short-term rentals 60 days annually.  
Requests: An Administrative Appeal from the decision of a Code Official to issue a cease and desist order for rental of a single family home to vacationers for up to 60 days a year.
- 15) Case # 12-15  
Petitioners: Dale W. & Sharyn W. Smith  
Property: 275 Islington Street  
Assessor Plan 144, Lot 8  
Zoning District: Central Business B  
Description: Clarification of previously granted variances regarding the construction of four multi-family residences and an addition to a rear building creating 14 residential units.  
Requests: A Variance from Section 10.521 to allow 14.1% open space where 15% is required.

**IV. OTHER BUSINESS**

**V. ADJOURNMENT**

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**REGULAR MEETING  
BOARD OF ADJUSTMENT**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS  
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE  
PORTSMOUTH, NEW HAMPSHIRE**

**6:00 P.M.\***

**December 16, 2014**

*\*Note Earlier Start Time*

**AGENDA**

**I. APPROVAL OF MINUTES**

A) November 18, 2014

**II. PUBLIC HEARINGS – OLD BUSINESS**

None.

**III. PUBLIC HEARINGS – NEW BUSINESS**

1) Case # 12-1

Petitioners: Randal J. & Marcia B. Leach

Property: 358 Thornton Street

Assessor Plan 161, Lot 26

Zoning District: General Residence A

Description: Construct a 6'± x 8'± rear shed.

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 34%± building coverage where 25% is the maximum allowed.

2) Case # 12-2

Petitioners: Ryan J. & Karen E. Baker

Property: 281 Sagamore Avenue

Assessor Plan 221, Lot 14

Zoning District: General Residence A

Description: Construct a 21.5'± x 21'± garage with unfinished room above.

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 0'± left side yard setback where 10' is required.

(over)

- 3) Case # 12-3  
Petitioners: William K. & Nicola D. Douglass  
Property: 96 Cliff Road  
Assessor Plan 223, Lot 6  
Zoning District: Single Residence B  
Description: Construct a 1½ story left side addition, replace front porch and add rear dormer.  
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 structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.
  2. A Variance from Section 10.521 to allow a 6.5'± front yard setback where 30' is required.
- 4) Case # 12-4  
Petitioners: Wilson & Gould Real Estate Partnership, owner, Susan J. Cerro, applicant  
Property: 119 Summer Street  
Assessor Plan 127, Lot 24  
Zoning District: General Residence C  
Description: Convert a ground floor nonresidential unit to a 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.
- 5) Case # 12-5  
Petitioner: Neal I. Katz Living Trust, Neal I. Katz, Trustee  
Property: Sherburne Avenue (formerly part of 520 South Street )  
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Zoning District: General Residence A  
Description: Construct single-family residence.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
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- 6) Case # 12-6  
Petitioners: Hackett Family Trust Fund, Christopher & Abigail Hackett, Trustees  
Property: 47 Elwyn Avenue  
Assessor Plan 113, Lot 30  
Zoning District: General Residence A  
Description: Replace existing addition with two-story rear addition with deck.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
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Petitioner: Andrew S. Martin

Property: 230 McDonough Street

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Zoning District: General Residence C

Description: Add a right-side dormer within existing footprint.

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

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Petitioner: Abigail Khan-Cooper

Property: 227 Park Street

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Zoning District: General Residence A

Description: Allow operation of a bed & breakfast in an existing owner occupied single family residence.

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

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9) Case # 12-9

Petitioners: Deer Street Associates

Property: 165 Deer Street

Assessor Plan 125, Lot 17

Zoning District: Central Business B

Description: Install an illuminated sign.

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

1. A Variance from Section 10.1261.30 to allow an internally illuminated sign in the Historic District.
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(over)

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Petitioner: State Street Discount House

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Assessor Plan 298, Lot 6

Zoning District: Gateway

## Request to Postpone

Description: Replace existing sign with a 5'± x 10'± color EMC double sided sign.

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

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Petitioners: Heritage and Lafayette LLC, owner, John Barnes, Sr., applicant

Property: 2800 Lafayette Road

Assessor Plan 285, Lot 2

Zoning District: Gateway

Description: Establish a religious place of assembly.

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

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Property: 13 McDonough Street

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Description: Relocate a 6'± x 8'± shed to the right rear of the property.

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

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Petitioners: George J. Rinalducci and Talam Realty Trust, Christopher D. McInnis, Trustee

Property: 244 Austin Street

Assessor Plan 135, Lot 62

Zoning District: General Residence C

Description: Replace existing residential structure with a three-story structure in same footprint.

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

(next page)

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Property: 56 Dennett Street  
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Description: Allow a single family residence to be rented for short-term rentals 60 days annually.  
Requests: An Administrative Appeal from the decision of a Code Official to issue a cease and desist order for rental of a single family home to vacationers for up to 60 days a year.
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Petitioners: Dale W. & Sharyn W. Smith  
Property: 275 Islington Street  
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Description: Clarification of previously granted variances regarding the construction of four multi-family residences and an addition to a rear building creating 14 residential units.  
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**EILEEN DONDERO FOLEY COUNCIL CHAMBERS  
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE  
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**III. PUBLIC HEARINGS – NEW BUSINESS**

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Property: 358 Thornton Street

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Description: Construct a 6'± x 8'± rear shed.

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 34%± building coverage where 25% is the maximum allowed.

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Petitioners: Ryan J. & Karen E. Baker

Property: 281 Sagamore Avenue

Assessor Plan 221, Lot 14

Zoning District: General Residence A

Description: Construct a 21.5'± x 21'± garage with unfinished room above.

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

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(over)

- 3) Case # 12-3  
Petitioners: William K. & Nicola D. Douglass  
Property: 96 Cliff Road  
Assessor Plan 223, Lot 6  
Zoning District: Single Residence B  
Description: Construct a 1½ story left side addition, replace front porch and add rear dormer.  
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 structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.
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Petitioners: Wilson & Gould Real Estate Partnership, owner, Susan J. Cerro, applicant  
Property: 119 Summer Street  
Assessor Plan 127, Lot 24  
Zoning District: General Residence C  
Description: Convert a ground floor nonresidential unit to a dwelling unit.  
Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:
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Property: Sherburne Avenue (formerly part of 520 South Street )  
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Property: 230 McDonough Street

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Zoning District: General Residence C

Description: Add a right-side dormer within existing footprint.

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

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(over)

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## Request to Postpone

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Zoning District: General Residence C

Description: Add a right-side dormer within existing 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 to be added to or enlarged without conforming to the requirements of the Ordinance.
2. A Variance from Section 10.521 to allow a 5'± right side yard setback where 10' is required.

8) Case # 12-8

Petitioner: Abigail Khan-Cooper

Property: 227 Park Street

Assessor Plan 149, Lot 6

Zoning District: General Residence A

Description: Allow operation of a bed & breakfast in an existing owner occupied single family residence.

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 #10.21 to allow a Bed and Breakfast 1 in a district where the use is allowed by Special Exception.
2. A Variance from Section 10.1112.30 to allow 2 off-street parking spaces to be provided where 3 spaces are required.

9) Case # 12-9

Petitioners: Deer Street Associates

Property: 165 Deer Street

Assessor Plan 125, Lot 17

Zoning District: Central Business B

Description: Install an illuminated sign.

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

1. A Variance from Section 10.1261.30 to allow an internally illuminated sign in the Historic District.
2. A Variance from Section 10.1251.20 to allow an attached wall sign of 51.7± s.f where 40 s.f. is the maximum allowed for an individual wall sign.

(over)



10) Case # 12-10

Petitioner: State Street Discount House

Property: 3613 Lafayette Road

Assessor Plan 298, Lot 6

Zoning District: Gateway

## Request to Postpone

Description: Replace existing sign with a 5'± x 10'± color EMC double sided sign.

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

1. A Variance from Section 10.1223.10 to allow an animated sign (changeable sign) where an animated sign is not allowed.

11) Case # 12-11

Petitioners: Heritage and Lafayette LLC, owner, John Barnes, Sr., applicant

Property: 2800 Lafayette Road

Assessor Plan 285, Lot 2

Zoning District: Gateway

Description: Establish a religious place of assembly.

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 #3.11 allow a religious place of assembly in a district where the use is allowed by Special Exception.

12) Case # 12-12

Petitioner: Tammy J. Gewehr

Property: 13 McDonough Street

Assessor Plan 138, Lot 49

Zoning District: Mixed Residential Business

Description: Relocate a 6'± x 8'± shed to the right rear of the property.

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

1. A Variance from Section 10.521 and 10.570 to allow a right side yard setback of 2'± where 5' is required for an accessory structure.
2. A Variance from Section 10.521 to allow 42%± building coverage where 40% is the maximum allowed.

13) Case # 12-13

Petitioners: George J. Rinalducci and Talam Realty Trust, Christopher D. McInnis, Trustee

Property: 244 Austin Street

Assessor Plan 135, Lot 62

Zoning District: General Residence C

Description: Replace existing residential structure with a three-story structure in same footprint.

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

(next page)

1. A Variance from Section 10.321 to allow a lawful nonconforming structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.
  2. A Variance from Section 10.521 to allow the following:
    - a) Lot area and lot area per dwelling of 1,288 s.f.± where 3,500 s.f. is required.
    - b) 14.22'± continuous street frontage where 70' is required.
    - c) 3'± and 9.5'± right side yard setbacks where 10' is required.
    - d) A 0'± rear yard setback where 20' is required.
    - e) A 0'± left side yard setback where 10' is required.
- 14) Case # 12-14  
Petitioners: Robert & Eileen Mackin Revocable Trusts, Robert & Eileen Mackin, Trustees  
Property: 56 Dennett Street  
Assessor Plan 140, Lot 13  
Zoning District: General Residence A  
Description: Allow a single family residence to be rented for short-term rentals 60 days annually.  
Requests: An Administrative Appeal from the decision of a Code Official to issue a cease and desist order for rental of a single family home to vacationers for up to 60 days a year.
- 15) Case # 12-15  
Petitioners: Dale W. & Sharyn W. Smith  
Property: 275 Islington Street  
Assessor Plan 144, Lot 8  
Zoning District: Central Business B  
Description: Clarification of previously granted variances regarding the construction of four multi-family residences and an addition to a rear building creating 14 residential units.  
Requests: A Variance from Section 10.521 to allow 14.1% open space where 15% is required.

**IV. OTHER BUSINESS**

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**REGULAR MEETING  
BOARD OF ADJUSTMENT**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS  
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE  
PORTSMOUTH, NEW HAMPSHIRE**

**6:00 P.M.\***

**December 16, 2014**

*\*Note Earlier Start Time*

**AGENDA**

**I. APPROVAL OF MINUTES**

A) November 18, 2014

**II. PUBLIC HEARINGS – OLD BUSINESS**

None.

**III. PUBLIC HEARINGS – NEW BUSINESS**

1) Case # 12-1

Petitioners: Randal J. & Marcia B. Leach

Property: 358 Thornton Street

Assessor Plan 161, Lot 26

Zoning District: General Residence A

Description: Construct a 6'± x 8'± rear shed.

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 34%± building coverage where 25% is the maximum allowed.

2) Case # 12-2

Petitioners: Ryan J. & Karen E. Baker

Property: 281 Sagamore Avenue

Assessor Plan 221, Lot 14

Zoning District: General Residence A

Description: Construct a 21.5'± x 21'± garage with unfinished room above.

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 0'± left side yard setback where 10' is required.

(over)

3) Case # 12-3

Petitioners: William K. & Nicola D. Douglass

Property: 96 Cliff Road

Assessor Plan 223, Lot 6

Zoning District: Single Residence B

Description: Construct a 1½ story left side addition, replace front porch and add rear dormer.

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 structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.
2. A Variance from Section 10.521 to allow a 6.5'± front yard setback where 30' is required.

4) Case # 12-4

Petitioners: Wilson & Gould Real Estate Partnership, owner, Susan J. Cerro, applicant

Property: 119 Summer Street

Assessor Plan 127, Lot 24

Zoning District: General Residence C

Description: Convert a ground floor nonresidential unit to a 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.

5) Case # 12-5

Petitioner: Neal I. Katz Living Trust, Neal I. Katz, Trustee

Property: Sherburne Avenue (formerly part of 520 South Street )

Assessor Plan 112, Lot 29

Zoning District: General Residence A

Description: Construct single-family residence.

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

1. A Variance from Section 10.521 to allow continuous street frontage of 74.40'± where 100' is required.

6) Case # 12-6

Petitioners: Hackett Family Trust Fund, Christopher & Abigail Hackett, Trustees

Property: 47 Elwyn Avenue

Assessor Plan 113, Lot 30

Zoning District: General Residence A

Description: Replace existing addition with two-story rear addition with 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 structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.

(next page)

2. A Variance from Section 10.521 to allow a 4'6" ± left side yard setback where 10' is required.
3. A Variance from Section 10.521 to allow 35.2%± building coverage where 29% exists and 25% is the maximum allowed.

7) Case # 12-7

Petitioner: Andrew S. Martin

Property: 230 McDonough Street

Assessor Plan 144, Lot 37

Zoning District: General Residence C

Description: Add a right-side dormer within existing footprint.

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

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Petitioner: Abigail Khan-Cooper

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Zoning District: General Residence A

Description: Allow operation of a bed & breakfast in an existing owner occupied single family residence.

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

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9) Case # 12-9

Petitioners: Deer Street Associates

Property: 165 Deer Street

Assessor Plan 125, Lot 17

Zoning District: Central Business B

Description: Install an illuminated sign.

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

1. A Variance from Section 10.1261.30 to allow an internally illuminated sign in the Historic District.
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(over)

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Petitioner: State Street Discount House

Property: 3613 Lafayette Road

Assessor Plan 298, Lot 6

Zoning District: Gateway

## Request to Postpone

Description: Replace existing sign with a 5'± x 10'± color EMC double sided sign.

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Description: Establish a religious place of assembly.

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Description: Relocate a 6'± x 8'± shed to the right rear of the property.

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(next page)

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Requests: An Administrative Appeal from the decision of a Code Official to issue a cease and desist order for rental of a single family home to vacationers for up to 60 days a year.
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Description: Clarification of previously granted variances regarding the construction of four multi-family residences and an addition to a rear building creating 14 residential units.  
Requests: A Variance from Section 10.521 to allow 14.1% open space where 15% is required.

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MUNICIPAL COMPLEX, 1 JUNKINS AVENUE  
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**III. PUBLIC HEARINGS – NEW BUSINESS**

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Petitioners: Randal J. & Marcia B. Leach

Property: 358 Thornton Street

Assessor Plan 161, Lot 26

Zoning District: General Residence A

Description: Construct a 6'± x 8'± rear shed.

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 34%± building coverage where 25% is the maximum allowed.

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Petitioners: Ryan J. & Karen E. Baker

Property: 281 Sagamore Avenue

Assessor Plan 221, Lot 14

Zoning District: General Residence A

Description: Construct a 21.5'± x 21'± garage with unfinished room above.

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

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(over)



3) Case # 12-3

Petitioners: William K. & Nicola D. Douglass

Property: 96 Cliff Road

Assessor Plan 223, Lot 6

Zoning District: Single Residence B

Description: Construct a 1½ story left side addition, replace front porch and add rear dormer.

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

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Petitioners: Wilson & Gould Real Estate Partnership, owner, Susan J. Cerro, applicant

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Zoning District: General Residence C

Description: Convert a ground floor nonresidential unit to a dwelling unit.

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

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Petitioner: Neal I. Katz Living Trust, Neal I. Katz, Trustee

Property: Sherburne Avenue (formerly part of 520 South Street )

Assessor Plan 112, Lot 29

Zoning District: General Residence A

Description: Construct single-family residence.

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Petitioners: Hackett Family Trust Fund, Christopher & Abigail Hackett, Trustees

Property: 47 Elwyn Avenue

Assessor Plan 113, Lot 30

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Description: Replace existing addition with two-story rear addition with deck.

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Petitioner: Andrew S. Martin

Property: 230 McDonough Street

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Zoning District: General Residence C

Description: Add a right-side dormer within existing footprint.

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

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Property: 227 Park Street

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Zoning District: General Residence A

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

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Description: Install an illuminated sign.

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Zoning District: Gateway

## Request to Postpone

Description: Replace existing sign with a 5'± x 10'± color EMC double sided sign.

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(over)

10) Case # 12-10

Petitioner: State Street Discount House

Property: 3613 Lafayette Road

Assessor Plan 298, Lot 6

Zoning District: Gateway

## Request to Postpone

Description: Replace existing sign with a 5'± x 10'± color EMC double sided sign.

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

1. A Variance from Section 10.1223.10 to allow an animated sign (changeable sign) where an animated sign is not allowed.

11) Case # 12-11

Petitioners: Heritage and Lafayette LLC, owner, John Barnes, Sr., applicant

Property: 2800 Lafayette Road

Assessor Plan 285, Lot 2

Zoning District: Gateway

Description: Establish a religious place of assembly.

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 #3.11 allow a religious place of assembly in a district where the use is allowed by Special Exception.

12) Case # 12-12

Petitioner: Tammy J. Gewehr

Property: 13 McDonough Street

Assessor Plan 138, Lot 49

Zoning District: Mixed Residential Business

Description: Relocate a 6'± x 8'± shed to the right rear of the property.

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

1. A Variance from Section 10.521 and 10.570 to allow a right side yard setback of 2'± where 5' is required for an accessory structure.
2. A Variance from Section 10.521 to allow 42%± building coverage where 40% is the maximum allowed.

13) Case # 12-13

Petitioners: George J. Rinalducci and Talam Realty Trust, Christopher D. McInnis, Trustee

Property: 244 Austin Street

Assessor Plan 135, Lot 62

Zoning District: General Residence C

Description: Replace existing residential structure with a three-story structure in same footprint.

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

(next page)



1. A Variance from Section 10.321 to allow a lawful nonconforming structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.
  2. A Variance from Section 10.521 to allow the following:
    - a) Lot area and lot area per dwelling of 1,288 s.f.± where 3,500 s.f. is required.
    - b) 14.22'± continuous street frontage where 70' is required.
    - c) 3'± and 9.5'± right side yard setbacks where 10' is required.
    - d) A 0'± rear yard setback where 20' is required.
    - e) A 0'± left side yard setback where 10' is required.
- 14) Case # 12-14  
Petitioners: Robert & Eileen Mackin Revocable Trusts, Robert & Eileen Mackin, Trustees  
Property: 56 Dennett Street  
Assessor Plan 140, Lot 13  
Zoning District: General Residence A  
Description: Allow a single family residence to be rented for short-term rentals 60 days annually.  
Requests: An Administrative Appeal from the decision of a Code Official to issue a cease and desist order for rental of a single family home to vacationers for up to 60 days a year.
- 15) Case # 12-15  
Petitioners: Dale W. & Sharyn W. Smith  
Property: 275 Islington Street  
Assessor Plan 144, Lot 8  
Zoning District: Central Business B  
Description: Clarification of previously granted variances regarding the construction of four multi-family residences and an addition to a rear building creating 14 residential units.  
Requests: A Variance from Section 10.521 to allow 14.1% open space where 15% is required.

**IV. OTHER BUSINESS**

**V. ADJOURNMENT**

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**REGULAR MEETING  
BOARD OF ADJUSTMENT**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS  
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE  
PORTSMOUTH, NEW HAMPSHIRE**

**6:00 P.M.\***

**December 16, 2014**

*\*Note Earlier Start Time*

**AGENDA**

**I. APPROVAL OF MINUTES**

A) November 18, 2014

**II. PUBLIC HEARINGS – OLD BUSINESS**

None.

**III. PUBLIC HEARINGS – NEW BUSINESS**

1) Case # 12-1

Petitioners: Randal J. & Marcia B. Leach

Property: 358 Thornton Street

Assessor Plan 161, Lot 26

Zoning District: General Residence A

Description: Construct a 6'± x 8'± rear shed.

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 34%± building coverage where 25% is the maximum allowed.

2) Case # 12-2

Petitioners: Ryan J. & Karen E. Baker

Property: 281 Sagamore Avenue

Assessor Plan 221, Lot 14

Zoning District: General Residence A

Description: Construct a 21.5'± x 21'± garage with unfinished room above.

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 0'± left side yard setback where 10' is required.

(over)

- 3) Case # 12-3  
Petitioners: William K. & Nicola D. Douglass  
Property: 96 Cliff Road  
Assessor Plan 223, Lot 6  
Zoning District: Single Residence B  
Description: Construct a 1½ story left side addition, replace front porch and add rear dormer.  
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 structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.
  2. A Variance from Section 10.521 to allow a 6.5'± front yard setback where 30' is required.
- 4) Case # 12-4  
Petitioners: Wilson & Gould Real Estate Partnership, owner, Susan J. Cerro, applicant  
Property: 119 Summer Street  
Assessor Plan 127, Lot 24  
Zoning District: General Residence C  
Description: Convert a ground floor nonresidential unit to a 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.
- 5) Case # 12-5  
Petitioner: Neal I. Katz Living Trust, Neal I. Katz, Trustee  
Property: Sherburne Avenue (formerly part of 520 South Street )  
Assessor Plan 112, Lot 29  
Zoning District: General Residence A  
Description: Construct single-family residence.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.521 to allow continuous street frontage of 74.40'± where 100' is required.
- 6) Case # 12-6  
Petitioners: Hackett Family Trust Fund, Christopher & Abigail Hackett, Trustees  
Property: 47 Elwyn Avenue  
Assessor Plan 113, Lot 30  
Zoning District: General Residence A  
Description: Replace existing addition with two-story rear addition with 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 structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.

(next page)

2. A Variance from Section 10.521 to allow a 4'6" ± left side yard setback where 10' is required.
3. A Variance from Section 10.521 to allow 35.2%± building coverage where 29% exists and 25% is the maximum allowed.

7) Case # 12-7

Petitioner: Andrew S. Martin

Property: 230 McDonough Street

Assessor Plan 144, Lot 37

Zoning District: General Residence C

Description: Add a right-side dormer within existing footprint.

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

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2. A Variance from Section 10.521 to allow a 5'± right side yard setback where 10' is required.

8) Case # 12-8

Petitioner: Abigail Khan-Cooper

Property: 227 Park Street

Assessor Plan 149, Lot 6

Zoning District: General Residence A

Description: Allow operation of a bed & breakfast in an existing owner occupied single family residence.

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 #10.21 to allow a Bed and Breakfast 1 in a district where the use is allowed by Special Exception.
2. A Variance from Section 10.1112.30 to allow 2 off-street parking spaces to be provided where 3 spaces are required.

9) Case # 12-9

Petitioners: Deer Street Associates

Property: 165 Deer Street

Assessor Plan 125, Lot 17

Zoning District: Central Business B

Description: Install an illuminated sign.

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

1. A Variance from Section 10.1261.30 to allow an internally illuminated sign in the Historic District.
2. A Variance from Section 10.1251.20 to allow an attached wall sign of 51.7± s.f where 40 s.f. is the maximum allowed for an individual wall sign.

(over)

10) Case # 12-10

Petitioner: State Street Discount House

Property: 3613 Lafayette Road

Assessor Plan 298, Lot 6

Zoning District: Gateway

## Request to Postpone

Description: Replace existing sign with a 5'± x 10'± color EMC double sided sign.

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

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Petitioners: Heritage and Lafayette LLC, owner, John Barnes, Sr., applicant

Property: 2800 Lafayette Road

Assessor Plan 285, Lot 2

Zoning District: Gateway

Description: Establish a religious place of assembly.

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

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12) Case # 12-12

Petitioner: Tammy J. Gewehr

Property: 13 McDonough Street

Assessor Plan 138, Lot 49

Zoning District: Mixed Residential Business

Description: Relocate a 6'± x 8'± shed to the right rear of the property.

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

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13) Case # 12-13

Petitioners: George J. Rinalducci and Talam Realty Trust, Christopher D. McInnis, Trustee

Property: 244 Austin Street

Assessor Plan 135, Lot 62

Zoning District: General Residence C

Description: Replace existing residential structure with a three-story structure in same footprint.

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

(next page)

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Property: 56 Dennett Street  
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Zoning District: General Residence A  
Description: Allow a single family residence to be rented for short-term rentals 60 days annually.  
Requests: An Administrative Appeal from the decision of a Code Official to issue a cease and desist order for rental of a single family home to vacationers for up to 60 days a year.
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Petitioners: Dale W. & Sharyn W. Smith  
Property: 275 Islington Street  
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Zoning District: Central Business B  
Description: Clarification of previously granted variances regarding the construction of four multi-family residences and an addition to a rear building creating 14 residential units.  
Requests: A Variance from Section 10.521 to allow 14.1% open space where 15% is required.

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**EILEEN DONDERO FOLEY COUNCIL CHAMBERS  
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE  
PORTSMOUTH, NEW HAMPSHIRE**

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**December 16, 2014**

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A) November 18, 2014

**II. PUBLIC HEARINGS – OLD BUSINESS**

None.

**III. PUBLIC HEARINGS – NEW BUSINESS**

1) Case # 12-1

Petitioners: Randal J. & Marcia B. Leach

Property: 358 Thornton Street

Assessor Plan 161, Lot 26

Zoning District: General Residence A

Description: Construct a 6'± x 8'± rear shed.

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 34%± building coverage where 25% is the maximum allowed.

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Petitioners: Ryan J. & Karen E. Baker

Property: 281 Sagamore Avenue

Assessor Plan 221, Lot 14

Zoning District: General Residence A

Description: Construct a 21.5'± x 21'± garage with unfinished room above.

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

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(over)

- 3) Case # 12-3  
Petitioners: William K. & Nicola D. Douglass  
Property: 96 Cliff Road  
Assessor Plan 223, Lot 6  
Zoning District: Single Residence B  
Description: Construct a 1½ story left side addition, replace front porch and add rear dormer.  
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 structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.
  2. A Variance from Section 10.521 to allow a 6.5'± front yard setback where 30' is required.
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Petitioners: Wilson & Gould Real Estate Partnership, owner, Susan J. Cerro, applicant  
Property: 119 Summer Street  
Assessor Plan 127, Lot 24  
Zoning District: General Residence C  
Description: Convert a ground floor nonresidential unit to a 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.
- 5) Case # 12-5  
Petitioner: Neal I. Katz Living Trust, Neal I. Katz, Trustee  
Property: Sherburne Avenue (formerly part of 520 South Street )  
Assessor Plan 112, Lot 29  
Zoning District: General Residence A  
Description: Construct single-family residence.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.521 to allow continuous street frontage of 74.40'± where 100' is required.
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Petitioners: Hackett Family Trust Fund, Christopher & Abigail Hackett, Trustees  
Property: 47 Elwyn Avenue  
Assessor Plan 113, Lot 30  
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Description: Replace existing addition with two-story rear addition with deck.  
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(next page)



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3. A Variance from Section 10.521 to allow 35.2%± building coverage where 29% exists and 25% is the maximum allowed.

7) Case # 12-7

Petitioner: Andrew S. Martin

Property: 230 McDonough Street

Assessor Plan 144, Lot 37

Zoning District: General Residence C

Description: Add a right-side dormer within existing footprint.

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

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8) Case # 12-8

Petitioner: Abigail Khan-Cooper

Property: 227 Park Street

Assessor Plan 149, Lot 6

Zoning District: General Residence A

Description: Allow operation of a bed & breakfast in an existing owner occupied single family residence.

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 #10.21 to allow a Bed and Breakfast 1 in a district where the use is allowed by Special Exception.
2. A Variance from Section 10.1112.30 to allow 2 off-street parking spaces to be provided where 3 spaces are required.

9) Case # 12-9

Petitioners: Deer Street Associates

Property: 165 Deer Street

Assessor Plan 125, Lot 17

Zoning District: Central Business B

Description: Install an illuminated sign.

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

1. A Variance from Section 10.1261.30 to allow an internally illuminated sign in the Historic District.
2. A Variance from Section 10.1251.20 to allow an attached wall sign of 51.7± s.f where 40 s.f. is the maximum allowed for an individual wall sign.

(over)

10) Case # 12-10

Petitioner: State Street Discount House

Property: 3613 Lafayette Road

Assessor Plan 298, Lot 6

Zoning District: Gateway

## Request to Postpone

Description: Replace existing sign with a 5'± x 10'± color EMC double sided sign.

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

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Property: 2800 Lafayette Road

Assessor Plan 285, Lot 2

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Description: Establish a religious place of assembly.

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

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Property: 13 McDonough Street

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(over)

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Zoning District: Gateway

## Request to Postpone

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Zoning District: Mixed Residential Business

Description: Relocate a 6'± x 8'± shed to the right rear of the property.

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

1. A Variance from Section 10.521 and 10.570 to allow a right side yard setback of 2'± where 5' is required for an accessory structure.
2. A Variance from Section 10.521 to allow 42%± building coverage where 40% is the maximum allowed.

13) Case # 12-13

Petitioners: George J. Rinalducci and Talam Realty Trust, Christopher D. McInnis, Trustee

Property: 244 Austin Street

Assessor Plan 135, Lot 62

Zoning District: General Residence C

Description: Replace existing residential structure with a three-story structure in same footprint.

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

(next page)

1. A Variance from Section 10.321 to allow a lawful nonconforming structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.
  2. A Variance from Section 10.521 to allow the following:
    - a) Lot area and lot area per dwelling of 1,288 s.f.± where 3,500 s.f. is required.
    - b) 14.22'± continuous street frontage where 70' is required.
    - c) 3'± and 9.5'± right side yard setbacks where 10' is required.
    - d) A 0'± rear yard setback where 20' is required.
    - e) A 0'± left side yard setback where 10' is required.
- 14) Case # 12-14  
Petitioners: Robert & Eileen Mackin Revocable Trusts, Robert & Eileen Mackin, Trustees  
Property: 56 Dennett Street  
Assessor Plan 140, Lot 13  
Zoning District: General Residence A  
Description: Allow a single family residence to be rented for short-term rentals 60 days annually.  
Requests: An Administrative Appeal from the decision of a Code Official to issue a cease and desist order for rental of a single family home to vacationers for up to 60 days a year.
- 15) Case # 12-15  
Petitioners: Dale W. & Sharyn W. Smith  
Property: 275 Islington Street  
Assessor Plan 144, Lot 8  
Zoning District: Central Business B  
Description: Clarification of previously granted variances regarding the construction of four multi-family residences and an addition to a rear building creating 14 residential units.  
Requests: A Variance from Section 10.521 to allow 14.1% open space where 15% is required.

**IV. OTHER BUSINESS**

**V. ADJOURNMENT**

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**REGULAR MEETING  
BOARD OF ADJUSTMENT**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS  
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE  
PORTSMOUTH, NEW HAMPSHIRE**

**6:00 P.M.\***

**December 16, 2014**

*\*Note Earlier Start Time*

**AGENDA**

**I. APPROVAL OF MINUTES**

A) November 18, 2014

**II. PUBLIC HEARINGS – OLD BUSINESS**

None.

**III. PUBLIC HEARINGS – NEW BUSINESS**

1) Case # 12-1

Petitioners: Randal J. & Marcia B. Leach

Property: 358 Thornton Street

Assessor Plan 161, Lot 26

Zoning District: General Residence A

Description: Construct a 6'± x 8'± rear shed.

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 34%± building coverage where 25% is the maximum allowed.

2) Case # 12-2

Petitioners: Ryan J. & Karen E. Baker

Property: 281 Sagamore Avenue

Assessor Plan 221, Lot 14

Zoning District: General Residence A

Description: Construct a 21.5'± x 21'± garage with unfinished room above.

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 0'± left side yard setback where 10' is required.

(over)

- 3) Case # 12-3
  - Petitioners: William K. & Nicola D. Douglass
  - Property: 96 Cliff Road
  - Assessor Plan 223, Lot 6
  - Zoning District: Single Residence B
  - Description: Construct a 1½ story left side addition, replace front porch and add rear dormer.
  - 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 structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.
    2. A Variance from Section 10.521 to allow a 6.5'± front yard setback where 30' is required.
  
- 4) Case # 12-4
  - Petitioners: Wilson & Gould Real Estate Partnership, owner, Susan J. Cerro, applicant
  - Property: 119 Summer Street
  - Assessor Plan 127, Lot 24
  - Zoning District: General Residence C
  - Description: Convert a ground floor nonresidential unit to a 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.
  
- 5) Case # 12-5
  - Petitioner: Neal I. Katz Living Trust, Neal I. Katz, Trustee
  - Property: Sherburne Avenue (formerly part of 520 South Street )
  - Assessor Plan 112, Lot 29
  - Zoning District: General Residence A
  - Description: Construct single-family residence.
  - Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
    1. A Variance from Section 10.521 to allow continuous street frontage of 74.40'± where 100' is required.
  
- 6) Case # 12-6
  - Petitioners: Hackett Family Trust Fund, Christopher & Abigail Hackett, Trustees
  - Property: 47 Elwyn Avenue
  - Assessor Plan 113, Lot 30
  - Zoning District: General Residence A
  - Description: Replace existing addition with two-story rear addition with 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 structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.

(next page)

2. A Variance from Section 10.521 to allow a 4'6" ± left side yard setback where 10' is required.
3. A Variance from Section 10.521 to allow 35.2%± building coverage where 29% exists and 25% is the maximum allowed.

7) Case # 12-7

Petitioner: Andrew S. Martin

Property: 230 McDonough Street

Assessor Plan 144, Lot 37

Zoning District: General Residence C

Description: Add a right-side dormer within existing 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 to be added to or enlarged without conforming to the requirements of the Ordinance.
2. A Variance from Section 10.521 to allow a 5'± right side yard setback where 10' is required.

8) Case # 12-8

Petitioner: Abigail Khan-Cooper

Property: 227 Park Street

Assessor Plan 149, Lot 6

Zoning District: General Residence A

Description: Allow operation of a bed & breakfast in an existing owner occupied single family residence.

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 #10.21 to allow a Bed and Breakfast 1 in a district where the use is allowed by Special Exception.
2. A Variance from Section 10.1112.30 to allow 2 off-street parking spaces to be provided where 3 spaces are required.

9) Case # 12-9

Petitioners: Deer Street Associates

Property: 165 Deer Street

Assessor Plan 125, Lot 17

Zoning District: Central Business B

Description: Install an illuminated sign.

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

1. A Variance from Section 10.1261.30 to allow an internally illuminated sign in the Historic District.
2. A Variance from Section 10.1251.20 to allow an attached wall sign of 51.7± s.f where 40 s.f. is the maximum allowed for an individual wall sign.

(over)

10) Case # 12-10

Petitioner: State Street Discount House

Property: 3613 Lafayette Road

Assessor Plan 298, Lot 6

Zoning District: Gateway

## Request to Postpone

Description: Replace existing sign with a 5'± x 10'± color EMC double sided sign.

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

1. A Variance from Section 10.1223.10 to allow an animated sign (changeable sign) where an animated sign is not allowed.

11) Case # 12-11

Petitioners: Heritage and Lafayette LLC, owner, John Barnes, Sr., applicant

Property: 2800 Lafayette Road

Assessor Plan 285, Lot 2

Zoning District: Gateway

Description: Establish a religious place of assembly.

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 #3.11 allow a religious place of assembly in a district where the use is allowed by Special Exception.

12) Case # 12-12

Petitioner: Tammy J. Gewehr

Property: 13 McDonough Street

Assessor Plan 138, Lot 49

Zoning District: Mixed Residential Business

Description: Relocate a 6'± x 8'± shed to the right rear of the property.

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

1. A Variance from Section 10.521 and 10.570 to allow a right side yard setback of 2'± where 5' is required for an accessory structure.
2. A Variance from Section 10.521 to allow 42%± building coverage where 40% is the maximum allowed.

13) Case # 12-13

Petitioners: George J. Rinalducci and Talam Realty Trust, Christopher D. McInnis, Trustee

Property: 244 Austin Street

Assessor Plan 135, Lot 62

Zoning District: General Residence C

Description: Replace existing residential structure with a three-story structure in same footprint.

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

(next page)

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Property: 56 Dennett Street  
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Zoning District: General Residence A  
Description: Allow a single family residence to be rented for short-term rentals 60 days annually.  
Requests: An Administrative Appeal from the decision of a Code Official to issue a cease and desist order for rental of a single family home to vacationers for up to 60 days a year.
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Petitioners: Dale W. & Sharyn W. Smith  
Property: 275 Islington Street  
Assessor Plan 144, Lot 8  
Zoning District: Central Business B  
Description: Clarification of previously granted variances regarding the construction of four multi-family residences and an addition to a rear building creating 14 residential units.  
Requests: A Variance from Section 10.521 to allow 14.1% open space where 15% is required.

**IV. OTHER BUSINESS**

**V. ADJOURNMENT**

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**REGULAR MEETING  
BOARD OF ADJUSTMENT**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS  
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE  
PORTSMOUTH, NEW HAMPSHIRE**

**6:00 P.M.\***

**December 16, 2014**

*\*Note Earlier Start Time*

**AGENDA**

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A) November 18, 2014

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**III. PUBLIC HEARINGS – NEW BUSINESS**

1) Case # 12-1

Petitioners: Randal J. & Marcia B. Leach

Property: 358 Thornton Street

Assessor Plan 161, Lot 26

Zoning District: General Residence A

Description: Construct a 6'± x 8'± rear shed.

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 34%± building coverage where 25% is the maximum allowed.

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Petitioners: Ryan J. & Karen E. Baker

Property: 281 Sagamore Avenue

Assessor Plan 221, Lot 14

Zoning District: General Residence A

Description: Construct a 21.5'± x 21'± garage with unfinished room above.

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 0'± left side yard setback where 10' is required.

(over)

- 3) Case # 12-3  
Petitioners: William K. & Nicola D. Douglass  
Property: 96 Cliff Road  
Assessor Plan 223, Lot 6  
Zoning District: Single Residence B  
Description: Construct a 1½ story left side addition, replace front porch and add rear dormer.  
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 structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.
  2. A Variance from Section 10.521 to allow a 6.5'± front yard setback where 30' is required.
- 4) Case # 12-4  
Petitioners: Wilson & Gould Real Estate Partnership, owner, Susan J. Cerro, applicant  
Property: 119 Summer Street  
Assessor Plan 127, Lot 24  
Zoning District: General Residence C  
Description: Convert a ground floor nonresidential unit to a 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.
- 5) Case # 12-5  
Petitioner: Neal I. Katz Living Trust, Neal I. Katz, Trustee  
Property: Sherburne Avenue (formerly part of 520 South Street )  
Assessor Plan 112, Lot 29  
Zoning District: General Residence A  
Description: Construct single-family residence.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.521 to allow continuous street frontage of 74.40'± where 100' is required.
- 6) Case # 12-6  
Petitioners: Hackett Family Trust Fund, Christopher & Abigail Hackett, Trustees  
Property: 47 Elwyn Avenue  
Assessor Plan 113, Lot 30  
Zoning District: General Residence A  
Description: Replace existing addition with two-story rear addition with deck.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
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(next page)

2. A Variance from Section 10.521 to allow a 4'6" ± left side yard setback where 10' is required.
3. A Variance from Section 10.521 to allow 35.2%± building coverage where 29% exists and 25% is the maximum allowed.

7) Case # 12-7

Petitioner: Andrew S. Martin

Property: 230 McDonough Street

Assessor Plan 144, Lot 37

Zoning District: General Residence C

Description: Add a right-side dormer within existing footprint.

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

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2. A Variance from Section 10.521 to allow a 5'± right side yard setback where 10' is required.

8) Case # 12-8

Petitioner: Abigail Khan-Cooper

Property: 227 Park Street

Assessor Plan 149, Lot 6

Zoning District: General Residence A

Description: Allow operation of a bed & breakfast in an existing owner occupied single family residence.

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 #10.21 to allow a Bed and Breakfast 1 in a district where the use is allowed by Special Exception.
2. A Variance from Section 10.1112.30 to allow 2 off-street parking spaces to be provided where 3 spaces are required.

9) Case # 12-9

Petitioners: Deer Street Associates

Property: 165 Deer Street

Assessor Plan 125, Lot 17

Zoning District: Central Business B

Description: Install an illuminated sign.

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

1. A Variance from Section 10.1261.30 to allow an internally illuminated sign in the Historic District.
2. A Variance from Section 10.1251.20 to allow an attached wall sign of 51.7± s.f where 40 s.f. is the maximum allowed for an individual wall sign.

(over)



10) Case # 12-10

Petitioner: State Street Discount House

Property: 3613 Lafayette Road

Assessor Plan 298, Lot 6

Zoning District: Gateway

## Request to Postpone

Description: Replace existing sign with a 5'± x 10'± color EMC double sided sign.

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

1. A Variance from Section 10.1223.10 to allow an animated sign (changeable sign) where an animated sign is not allowed.

11) Case # 12-11

Petitioners: Heritage and Lafayette LLC, owner, John Barnes, Sr., applicant

Property: 2800 Lafayette Road

Assessor Plan 285, Lot 2

Zoning District: Gateway

Description: Establish a religious place of assembly.

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 #3.11 allow a religious place of assembly in a district where the use is allowed by Special Exception.

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Petitioner: Tammy J. Gewehr

Property: 13 McDonough Street

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Zoning District: Mixed Residential Business

Description: Relocate a 6'± x 8'± shed to the right rear of the property.

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Petitioners: George J. Rinalducci and Talam Realty Trust, Christopher D. McInnis, Trustee

Property: 244 Austin Street

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(next page)

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(over)

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(over)

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Zoning District: Gateway

## Request to Postpone

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    - b) 14.22'± continuous street frontage where 70' is required.
    - c) 3'± and 9.5'± right side yard setbacks where 10' is required.
    - d) A 0'± rear yard setback where 20' is required.
    - e) A 0'± left side yard setback where 10' is required.
- 14) Case # 12-14  
Petitioners: Robert & Eileen Mackin Revocable Trusts, Robert & Eileen Mackin, Trustees  
Property: 56 Dennett Street  
Assessor Plan 140, Lot 13  
Zoning District: General Residence A  
Description: Allow a single family residence to be rented for short-term rentals 60 days annually.  
Requests: An Administrative Appeal from the decision of a Code Official to issue a cease and desist order for rental of a single family home to vacationers for up to 60 days a year.
- 15) Case # 12-15  
Petitioners: Dale W. & Sharyn W. Smith  
Property: 275 Islington Street  
Assessor Plan 144, Lot 8  
Zoning District: Central Business B  
Description: Clarification of previously granted variances regarding the construction of four multi-family residences and an addition to a rear building creating 14 residential units.  
Requests: A Variance from Section 10.521 to allow 14.1% open space where 15% is required.

**IV. OTHER BUSINESS**

**V. ADJOURNMENT**

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

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**REGULAR MEETING  
BOARD OF ADJUSTMENT**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS  
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE  
PORTSMOUTH, NEW HAMPSHIRE**

**6:00 P.M.\***

**December 16, 2014**

*\*Note Earlier Start Time*

**AGENDA**

**I. APPROVAL OF MINUTES**

A) November 18, 2014

**II. PUBLIC HEARINGS – OLD BUSINESS**

None.

**III. PUBLIC HEARINGS – NEW BUSINESS**

1) Case # 12-1

Petitioners: Randal J. & Marcia B. Leach

Property: 358 Thornton Street

Assessor Plan 161, Lot 26

Zoning District: General Residence A

Description: Construct a 6'± x 8'± rear shed.

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 34%± building coverage where 25% is the maximum allowed.

2) Case # 12-2

Petitioners: Ryan J. & Karen E. Baker

Property: 281 Sagamore Avenue

Assessor Plan 221, Lot 14

Zoning District: General Residence A

Description: Construct a 21.5'± x 21'± garage with unfinished room above.

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 0'± left side yard setback where 10' is required.

(over)



- 3) Case # 12-3
  - Petitioners: William K. & Nicola D. Douglass
  - Property: 96 Cliff Road
  - Assessor Plan 223, Lot 6
  - Zoning District: Single Residence B
  - Description: Construct a 1½ story left side addition, replace front porch and add rear dormer.
  - 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 structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.
    - 2. A Variance from Section 10.521 to allow a 6.5'± front yard setback where 30' is required.
  
- 4) Case # 12-4
  - Petitioners: Wilson & Gould Real Estate Partnership, owner, Susan J. Cerro, applicant
  - Property: 119 Summer Street
  - Assessor Plan 127, Lot 24
  - Zoning District: General Residence C
  - Description: Convert a ground floor nonresidential unit to a 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.
  
- 5) Case # 12-5
  - Petitioner: Neal I. Katz Living Trust, Neal I. Katz, Trustee
  - Property: Sherburne Avenue (formerly part of 520 South Street )
  - Assessor Plan 112, Lot 29
  - Zoning District: General Residence A
  - Description: Construct single-family residence.
  - Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
    - 1. A Variance from Section 10.521 to allow continuous street frontage of 74.40'± where 100' is required.
  
- 6) Case # 12-6
  - Petitioners: Hackett Family Trust Fund, Christopher & Abigail Hackett, Trustees
  - Property: 47 Elwyn Avenue
  - Assessor Plan 113, Lot 30
  - Zoning District: General Residence A
  - Description: Replace existing addition with two-story rear addition with 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 structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.

(next page)

2. A Variance from Section 10.521 to allow a 4'6" ± left side yard setback where 10' is required.
3. A Variance from Section 10.521 to allow 35.2%± building coverage where 29% exists and 25% is the maximum allowed.

7) Case # 12-7

Petitioner: Andrew S. Martin

Property: 230 McDonough Street

Assessor Plan 144, Lot 37

Zoning District: General Residence C

Description: Add a right-side dormer within existing 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 to be added to or enlarged without conforming to the requirements of the Ordinance.
2. A Variance from Section 10.521 to allow a 5'± right side yard setback where 10' is required.

8) Case # 12-8

Petitioner: Abigail Khan-Cooper

Property: 227 Park Street

Assessor Plan 149, Lot 6

Zoning District: General Residence A

Description: Allow operation of a bed & breakfast in an existing owner occupied single family residence.

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 #10.21 to allow a Bed and Breakfast 1 in a district where the use is allowed by Special Exception.
2. A Variance from Section 10.1112.30 to allow 2 off-street parking spaces to be provided where 3 spaces are required.

9) Case # 12-9

Petitioners: Deer Street Associates

Property: 165 Deer Street

Assessor Plan 125, Lot 17

Zoning District: Central Business B

Description: Install an illuminated sign.

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

1. A Variance from Section 10.1261.30 to allow an internally illuminated sign in the Historic District.
2. A Variance from Section 10.1251.20 to allow an attached wall sign of 51.7± s.f where 40 s.f. is the maximum allowed for an individual wall sign.

(over)

10) Case # 12-10

Petitioner: State Street Discount House

Property: 3613 Lafayette Road

Assessor Plan 298, Lot 6

Zoning District: Gateway

## Request to Postpone

Description: Replace existing sign with a 5'± x 10'± color EMC double sided sign.

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

1. A Variance from Section 10.1223.10 to allow an animated sign (changeable sign) where an animated sign is not allowed.

11) Case # 12-11

Petitioners: Heritage and Lafayette LLC, owner, John Barnes, Sr., applicant

Property: 2800 Lafayette Road

Assessor Plan 285, Lot 2

Zoning District: Gateway

Description: Establish a religious place of assembly.

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 #3.11 allow a religious place of assembly in a district where the use is allowed by Special Exception.

12) Case # 12-12

Petitioner: Tammy J. Gewehr

Property: 13 McDonough Street

Assessor Plan 138, Lot 49

Zoning District: Mixed Residential Business

Description: Relocate a 6'± x 8'± shed to the right rear of the property.

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

1. A Variance from Section 10.521 and 10.570 to allow a right side yard setback of 2'± where 5' is required for an accessory structure.
2. A Variance from Section 10.521 to allow 42%± building coverage where 40% is the maximum allowed.

13) Case # 12-13

Petitioners: George J. Rinalducci and Talam Realty Trust, Christopher D. McInnis, Trustee

Property: 244 Austin Street

Assessor Plan 135, Lot 62

Zoning District: General Residence C

Description: Replace existing residential structure with a three-story structure in same footprint.

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

(next page)

1. A Variance from Section 10.321 to allow a lawful nonconforming structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.
  2. A Variance from Section 10.521 to allow the following:
    - a) Lot area and lot area per dwelling of 1,288 s.f.± where 3,500 s.f. is required.
    - b) 14.22'± continuous street frontage where 70' is required.
    - c) 3'± and 9.5'± right side yard setbacks where 10' is required.
    - d) A 0'± rear yard setback where 20' is required.
    - e) A 0'± left side yard setback where 10' is required.
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