

**LEGAL NOTICE
BOARD OF ADJUSTMENT
PORTSMOUTH, NEW HAMPSHIRE**

NOTICE IS HEREBY GIVEN that the Board of Adjustment will hold Public Hearings on Old Business and the following New Business Petitions on **Tuesday December 16, 2014 at 6:00 p.m.*** in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire:

***NOTE EARLIER START TIME**

- 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.

- 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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- 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:
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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 10.1251.20 to allow an attached wall sign of 51.7± s.f where 40 s.f. is the maximum allowed for an individual wall sign.
- 10) Case # 12-10
Petitioner: State Street Discount House
Property: 3613 Lafayette Road
Assessor Plan 298, Lot 6
Zoning District: Gateway
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
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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

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- 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 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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 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.
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- 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 to allow 14.1% open space where 15% is required.

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Petitioners: Deer Street Associates
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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.
 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.

Legal Notice – Board of Adjustment – December 16, 2014

- 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 10.1251.20 to allow an attached wall sign of 51.7± s.f where 40 s.f. is the maximum allowed for an individual wall sign.
- 10) Case # 12-10
Petitioner: State Street Discount House
Property: 3613 Lafayette Road
Assessor Plan 298, Lot 6
Zoning District: Gateway
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

Legal Notice – Board of Adjustment – December 16, 2014

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 three-story structure in same footprint.

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

1. A Variance from Section 10.321 to allow a lawful nonconforming 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 to allow 14.1% open space where 15% is required.

Rick Taintor, Planning Director

**LEGAL NOTICE
BOARD OF ADJUSTMENT
PORTSMOUTH, NEW HAMPSHIRE**

NOTICE IS HEREBY GIVEN that the Board of Adjustment will hold Public Hearings on Old Business and the following New Business Petitions on **Tuesday December 16, 2014 at 6:00 p.m.*** in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire:

***NOTE EARLIER START TIME**

- 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.

- 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.

Legal Notice – Board of Adjustment – December 16, 2014

- 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
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Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
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Assessor Plan 140, Lot 13

Zoning District: General Residence A

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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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