

**REGULAR MEETING
BOARD OF ADJUSTMENT
CONFERENCE ROOM A*
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE**

7:00 P.M.

FEBRUARY 17, 2015

*Change in customary meeting room.

AGENDA

I. APPROVAL OF MINUTES

A) January 21, 2015

B) February 3, 2015

II. PUBLIC HEARINGS – OLD BUSINESS

A) 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.

This petition was granted a rehearing at the January 21, 2015 meeting.

III. PUBLIC HEARINGS – NEW BUSINESS

1) Case # 2-1

Petitioner: Strawberry Banke Inc.

Property: Off Washington Street

Assessor Plan 104, Lot 7

Zoning District: Mixed Residential Office

Description: Clarification of Variances granted to construct and operate a skating area.

Requests:

1. Clarification that the Variances granted June 18, 2013 will apply to the operation of a skating area during the winter months for a three-month period beginning on the date operations commence each season.
2. Allow the current period of operations to run through March 15, 2015.

- 2) Case # 2-2
Petitioners: Donald S. Margeson and Beth S. Margeson
Property: 14 Hancock Street (Strawbery Banke)
Assessor Plan 104, Lot 7
Zoning District: Mixed Residential Office
Description: Appeal Administrative Decision
Requests: Appeal the decision of a Code official to decline to issue a cease and desist order to the White Apron Café for use of a wine and beer license.

- 3) Case # 2-3
Petitioners: Great McDonough St LLC, owner, Cassie McCracken, applicant
Property: 135 McDonough Street
Assessor Plan 144, Lot 47
Zoning District: Mixed Residential Business
Description: Chiropractic/fitness facility.
Requests: The Variances and Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:
 1. A Special Exception under Section 10.440, Use #6.20 to allow a chiropractic use in a district where it is only allowed by Special Exception.
 2. A Variance from Section 10.1112.30 to allow 44± off-street parking spaces to be provided where 73 are required for the entire building.

- 4) Case # 2-4
Petitioners: Scott & Kelly Cioe (Kelly Whalen)
Property: 44 Melbourne Street
Assessor Plan 233, Lot 20
Zoning District: Single Residence B
Description: Install air conditioning unit.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
 1. A Variance from Section 10.521 to allow a left side yard setback of 0'± where 10' is required.

- 5) Case # 2-5
Petitioners: Harrison Alan Workman, owner, Heidi S. Ricci, applicant
Property: 912 Sagamore Avenue
Assessor Plan 223, Lot 26
Zoning District: Waterfront Business
Description: Demolish and reconstruct existing structure, adding a second story and an attached 24'± x 30'± garage.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
 1. A Variance from Section 10.334 to allow a lawful nonconforming use of land to be extended into any part of the remainder of a lot of land.

6) Case # 2-6

Petitioners: Constitution Realty of Portsmouth LLC & F/K/A Baroni Family LLC,
owners, EVO Rock & Fitness, applicants

Property: 300 Constitution Drive

Assessor Plan 274, Lot 5

Zoning District: Industrial

Description: Indoor climbing/fitness facility.

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

1. A Variance under Section 10.440 Use #4.30 to allow an indoor recreation use in a district where the use is not allowed.
2. A Variance from Section 10.1112 to allow 226 off-street parking spaces to be provided where 266 are required.

IV. OTHER BUSINESS

V. ADJOURNMENT

NOTICE TO MEMBERS OF THE PUBLIC WHO ARE HEARING IMPAIRED

If you need assistance to attend a meeting, please contact the Human Resources Department at 610-7274.