

**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 Items 1) through 6) on Tuesday, February 17, 2015 at 7:00 p.m. in the *School Board Conference Room**, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire:

**Note change in customary meeting room.*

Old Business

B) 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.

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 (180 consecutive days) 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 (Strawberry 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.

Rick Taintor, Planning Director