

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

7:00 P.M.

OCTOBER 20, 2015

AGENDA

I. APPROVAL OF MINUTES

- A) September 15, 2015
- B) September 22, 2015

II. OLD BUSINESS

- A) Request for Clarification of Variances for property located at 244 Austin Street.

III. PUBLIC HEARINGS – OLD BUSINESS

- A) Case # 9-6
Petitioner: Unitarian Universalist Church
Property: 206 Court Street
Assessor Plan 116, Lot 34
Zoning District: Character District 4-L1
Description: Construction of an addition with related parking.
Requests: Amend previously advertised requests as follows:
 - 1. A Special Exception under Section 10.440, Use #3.11 to allow a religious place of assembly and educational uses where the uses are only allowed by Special Exception.
 - 2. Variances from Section 10.5A41.10A to allow the following:
 - a) A 3'± right side yard setback where a minimum 5' setback is required.
 - b) A 3'± left side yard setback where a minimum 5' setback is required.
 - c) Building coverage of 68.7%± where 60% is the maximum allowed.
 - d) Open Space of 21.3%± where 25% is required.
 - 3. A Variance from Section 10.1112.30 to allow no off-street parking spaces to be provided where 53 parking spaces are required.
This petition was postponed from the September 22, 2015 meeting and amended.

IV. PUBLIC HEARINGS – NEW BUSINESS

1) Case #10-1

Petitioner: Shirley W. Scarponi Trust, Shirley W. Scarponi, Trustee

Property: 276 Melbourne Street

Assessor Plan 233, Lot 84

Zoning District: Single Residence B

Description: Construct screened in porch on extended rear deck.

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

1. A Variance from Section 10.321 to allow a lawful nonconforming building to be extended, enlarged or structurally altered except in conformity with the Ordinance.
2. A Variance from Section 10.521 to allow a rear yard setback of 5'± where 30' is required.

2) Case #10-2

Petitioner: Dozier Revocable Living Trust, Richard M. Dozier, Trustee

Property: 100 Peverly Hill Road

Assessor Plan 243, Lot 51

Zoning District: Single Residence B

Description: Two-family dwelling on lot.

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

1. A Variance from Section 10.440, Use #1.20 to allow a two-family dwelling in a district where this use is not allowed.
2. A Variance from Section 10.521 to allow a lot area per dwelling unit of 4,800± s.f. where 7,500 s.f. per dwelling unit is required.

3) Case #10-3

Petitioner: Wayne Semprini

Property: 1 Fairview Drive

Assessor Plan 219, Lot 26

Zoning District: Single Residence B

Description: Subdivide single lot into two lots.

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 Lot 1 to have 79.97± s.f. of continuous street frontage where 100' is required.
2. A Variance from Section 10.521 to allow Lot 2 to have 14,052± s.f. of lot area where 15,000 s.f. of lot area is required.

4) Case #10-4

Petitioner: Colmax Revocable Trust of 2011, Paul R. & Rosa Z. Delisle, Trustees

Applicant: Kathryn Freda

Property: 135 C Market Street

Assessor Plan 106, Lot 34C

Zoning District: CD5 and Downtown Overlay District

Description: Convert second floor office to residential dwelling.

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

1. A Variance from Section 10.1111.10 to allow a change of use without providing the required off-street parking.
2. A Variance from Section 10.1115.20 to allow no off-street parking spaces to be provided where two parking spaces are required.

5) Case #10-5

Petitioner: St. Nicholas Greek Orthodox Church

Property: Ledgewood Drive (off Lafayette Road)

Assessor Plan 229, Lot 6A

Zoning District: Single Residence B

Description: Construct 14-units in multiple-family dwellings.

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

1. A Variance from Section 10.440, Use #1.43 to allow a multi-family dwelling in a district where this use is not allowed.
2. A Variance from Section 10.521 to allow a lot area per dwelling unit of 3,142.5± s.f. where 15,000 s.f. per dwelling unit is required.

6) Case #10-6

Petitioners: Carl E. and Kathleen E. Walls

Property: 48 Fairview Avenue

Assessor Plan 220, Lot 58

Zoning District: Single Residence B

Description: Construct 7'10" ± x 12'± deck, 1'± x 35'± retaining wall and 6'4" ± x 15'6" ± walkway.

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 extended, enlarged or structurally altered except in conformity with the Ordinance.
2. A Variance from Section 10.521 to allow 31.4%± building coverage where 29.52%± exists and 20% is the maximum allowed.

7) Case #10-7

Petitioner: Lori A. Sarsfield

Property: 28 Dennett Street

Assessor Plan 140, Lot 9

Zoning District: General Residence A

Description: Increase height of rear section of second floor.

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 extended, enlarged or structurally altered except in conformity with the Ordinance.
 2. A Variance from Section 10.521 to allow a right side yard of 2'± where 10' is required.
- 8) Case #10-8
Petitioner: Brick Act LLC
Property: 102 State Street
Assessor Plan 107, Lot 52
Zoning District: CD4
Description: Addition for expanded retail & a dwelling unit.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.112.30 to allow no off-street parking spaces to be provided where 6 spaces are required.
 2. A Variance from Section 10.1111.20 to allow a use that is nonconforming as to the requirements for off-street parking to be enlarged or altered without complying with off-street parking requirements.
- 9) Case # 10-9
Petitioners: Joseph & Lindsey B. Donohue
Property: 336 Union Street
Assessor Plan 134, Lot 58
Zoning District: General Residence A
Description: Convert single family dwelling to two dwelling units.
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 lot area per dwelling unit of 2,178± s.f. where 7,500 s.f. is required.
 2. A Variance from Section 10.1112.30 to allow three off-street parking spaces to be provided where four off-street parking spaces are required.

V. OTHER BUSINESS

VI. 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.