

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

7:00 P.M.

**NOVEMBER 17, 2015
& to be reconvened on
NOVEMBER 24, 2015**

AGENDA

THE FOLLOWING ITEMS WILL BE CONSIDERED ON TUESDAY, NOVEMBER 17, 2015

I. APPROVAL OF MINUTES

A) October 20, 2015

II. OLD BUSINESS

A) Request for Rehearing for property located at Deer Street, Russell Street & Maplewood Avenue.

B) Request for Rehearing for property located at 482 Broad Street.

III. OLD BUSINESS – PUBLIC HEARINGS

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.

IV. NEW BUSINESS – PUBLIC HEARINGS

1) Case # 11-1

Petitioners: Aaron K. & Stephanie A. Caswell

Property: 65 Mendum Avenue

Assessor Plan 148, Lot 11

Zoning District: General Residence A

Description: Appeal.

Requests: Appeal by the owners of an abutting property of the action taken by the Portsmouth City Council to restore involuntarily merged lots for this property under RSA 674:39.

- 2) Case # 11-2
Petitioners: Justin P. & Melissa L. Perry
Property: 243 Wibird Street
Assessor Plan 133, Lot 32
Zoning District: General Residence A
Description: Replace an open deck with 11'± x 14'± enclosed porch.
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 or structure to be reconstructed and enlarged except in conformance with the Ordinance.
 2. A Variance from Section 10.521 to allow 28.4%± building coverage where 25% is the maximum allowed.
- 3) Case # 11-3
Petitioner: Douglas F. Fabbriatore
Property: 536 Marcy Street
Assessor Plan 101, Lot 56
Zoning District: General Residence B
Description: Construct second story addition.
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 or structure to be extended, enlarged or structurally altered except in conformance with the Ordinance.
 2. A Variance from Section 10.521 to allow a 0'± left side yard setback where 10' is required.
- 4) Case # 11-4
Petitioner: Deborah E. Zimmerman
Property: 50 Sewall Road
Assessor Plan 166, Lot 27
Zoning District: Single Residence B
Description: Construct a 12'± x 20'± addition.
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 or structure to be extended or enlarged except in conformance with the Ordinance.
 2. A Variance from Section 10.521 to allow an 8'± right side yard setback where 10' is required.
- 5) Case # 11-5
Petitioners: Lewis Family Rev. Trust of 2013, Stephen M. & Randy B. Lewis, Trustees
Property: 360 Wibird Street
Assessor Plan 132, Lot 7
Zoning District: General Residence A
Description: Construct a 12'± x 28'± garage.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.573.20 to allow an 8'± left side yard setback where 10' is required.
2. A Variance from Section 10.521 to allow 30.36%± building coverage where 25% is the maximum allowed.

6) Case # 11-6

Petitioners: Frank W. Jr. & Ingrid C. Getman

Property: 606 Union Street

Assessor Plan 132, Lot 20-1A

Zoning District: General Residence A

Description: Construct single family home.

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

1. A Variance from Section 10.513 to allow a second free-standing dwelling unit on a lot where only one free-standing dwelling unit is allowed.

7) Case # 11-7

Petitioner: Kevin Drohan

Property: 201 Echo Avenue

Assessor Plan 237, Lot 57

Zoning District: General Business

Description: Convert existing commercial unit to residential use.

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

1. A Variance from Section 10.440 to allow a multi-family dwelling with 4 residential dwelling units where this use is not allowed.
2. A Variance from Section 10.331 to allow a lawful nonconforming use to be extended or enlarged without conforming to the Ordinance.
3. A Variance from Section 10.333 to allow a nonconforming use located in a portion of a building to be extended throughout other parts of the building.

THE FOLLOWING ITEMS WILL BE CONSIDERED ON TUESDAY, NOVEMBER 24, 2015

8) Case # 11-8

Petitioner: Tammy Gewehr

Property: 13 McDonough Street

Assessor Plan 138, Lot 49

Zoning District: Mixed Residential Business

Description: Provide less than the required off-street parking for a Bed and Breakfast.

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

1. A Variance from Section 10.1112.30 to allow two off-street parking spaces to be provided where three spaces are required for a Bed and Breakfast use.
2. A Variance from Section 10.1114.32 to allow off-street parking spaces that do not comply with the vehicular circulation requirements of the Ordinance.

9) Case # 11-9

Petitioners: Clipper Traders LLC, owner, Play All Day LLC, applicant

Property: 105 Bartlett Street

Assessor Plan 157, Lot 1

Zoning District: Office Research

Description: Operate a dog daycare/boarding facility.

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

1. A Variance from Section 10.440 to allow a day care/boarding facility for dogs in a district where the use is not allowed.
2. A Variance from Section 10.1111.10 to allow a change of use without providing the necessary off-street parking.
3. A Variance from Section 10.1114 to allow off-street parking spaces that do not meet the dimensional requirements.

10) Case # 11-10

Petitioners: Clipper Traders LLC, owner, Scott Thornton, applicant

Property: 105 Bartlett Street

Assessor Plan 157, Lot 1

Zoning District: Office Research

Description: Operate a brewery.

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

1. A Variance from Section 10.440 to allow operation of a brewery in a district where the use is not allowed.
2. A Variance from Section 10.1111.10 to allow a change of use without providing the necessary off-street parking.
3. A Variance from Section 10.1114 to allow off-street parking spaces that do not meet the dimensional requirements.

11) Case # 11-11

Petitioners: Huda A. Petra & Kimberly A. Schroeder

Property: 280 South Street

Assessor Plan 111, Lot 8

Zoning District: Single Residence B

Description: Construct a 22'± x 30'± replacement garage in existing location.

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 or structure to be reconstructed and enlarged except in conformance with the Ordinance.
2. A Variance from Section 10.573.20 to allow a 0'± left side yard setback where 10' is required.

12) Case # 11-12

Petitioner: Ruth E. James

Property: 179 McDonough Street

Assessor Plan 144, Lot 44

Zoning District: General Residence C

Description: Add full 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 building or structure to be reconstructed and enlarged except in conformance with the Ordinance.
2. A Variance from Section 10.521 to allow a 4'± right side yard setback where 10' is required.

13) Case # 11-13

Petitioner: 285-287 Hanover Street LLC

Property: 285-287 Hanover Street

Assessor Plan 125, Lot 8

Zoning District: Mixed Residential Office

Description: Four residential units on a lot.

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 435.6± s.f. where 7,500 s.f. is required.
2. A Variance from Section 10.1111.20 to allow a use that is nonconforming to be enlarged or altered without providing the required off-street parking.
3. A Variance from Section 10.1111.10 to allow a change or intensification of use in an existing structure without providing the required off-street parking spaces.
4. A Variance from Section 10.1112.30 to allow no off-street parking spaces to be provided where seven spaces are required.

14) Case # 11-14

Petitioners: Christopher L. & Anna D. Shultz

Property: 140 Orchard Street

Assessor Plan 149, Lot 38

Zoning District: General Residence A

Description: Rebuild barn in existing footprint and add separate dwelling unit.

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 or structure to be reconstructed except in conformance with the Ordinance.
2. A Variance from Section 10.513 to allow a second free-standing dwelling on a lot where only one free-standing dwelling is allowed.
3. A Variance from Section 10.521 to allow 4,218.75. ± s.f per dwelling unit where 7,500 s.f. is required.
4. A Variance from Section 10.573.20 to allow a rear yard setback of 10'± where 14.8' is required.
5. A Variance from Section 10.1112.30 to allow two off-street parking spaces to be provided where four are required.

15) Case # 11-15

Petitioners: Ryan & Jennifer Smith

Property: 100 Peverly Hill Road

Assessor Plan 243, Lot 51

Zoning District: Single Residence B

Description: Allow two residential dwelling units and a two story deck addition.

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 or structure to be extended, enlarged or structurally altered except in conformance with the Ordinance.
2. A Variance from Section 10.440 to allow a two-family dwelling where only a single family dwelling is allowed.
3. A Variance from Section 10.521 to allow a 4791.6± s.f. lot area per dwelling unit where 15,000 is required.
4. A Variance from Section 10.516.40 to allow a 21'± front yard setback where 24' is required for an unenclosed deck.

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.