

**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 7 on Tuesday, November 17, 2015 and Items 8 through 15 on Tuesday, November 24, 2015,** both at 7:00 p.m. in the Eileen Dondero Foley_Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire:

The following petitions will be heard on Tuesday, November 17, 2015

- 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 petitions will be heard 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.