

**LEGAL NOTICE
BOARD OF ADJUSTMENT
PORTSMOUTH, NEW HAMPSHIRE**

NOTICE IS HEREBY GIVEN that the Board of Adjustment will hold Public Hearings on the following **Petitions #8 through #13 on Tuesday, April 26, 2016 at 7:00 p.m.** in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire:

(NOTE: A meeting of the Board of Adjustment was held on April 19, 2016 to hear Old Business and Petitions #1 through #7, for which a separate Legal Notice was advertised and posted.)

- 8) Case #4-8
Petitioner: Wentworth Sagamore, LLC
Property: 1150 Sagamore Avenue
Assessor Plan 201, Lot 22
Zoning District: Mixed Residential Business
Description: Install a wall sign and a second free-standing sign on a lot.
Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.1243 to allow a second free-standing sign on a lot.
 2. A Variance from Section 10.1251.20 to allow a 28.4± s.f. free-standing sign where 20 s.f. is the maximum allowed.
 3. A Variance from Section 10.51251.20 to allow a 25± s.f. wall sign where 16 s.f. is the maximum allowed.
- 9) Case #4-9
Petitioner: Michael De La Cruz
Property: 75 Congress Street (63 Congress Street)
Assessor Plan 117, Lot 5
Zoning District: Character District 5, Downtown Overlay District
Description: Construct five residential use dormers and one office use dormer, with walkways and decks. Restore pediments.
Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, enlarged or structurally altered without conforming to the Ordinance.
 2. A Variance from Section 10.5A43.31 and Section 10.5A21.22 to allow the following building heights where the maximum building heights allowed per Map 10.5A21B are 40' for a 2-3 stories height requirement area and 45' for a 2-3 stories (short 4th) height requirement area:
 - a. 62'11" for the proposed pediments
 - b. 65'6" for the proposed office dormer, and
 - c. 58' 11" for the proposed residential dormers
- 10) Case #4-10
Petitioner: Robert McDowell
Property: 379 New Castle Avenue
Assessor Plan 207, Lot 4

Zoning District: Single Residence B

Description: Construct a 20' x 20' detached garage.

Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.521 to allow a front yard setback of 7.25' where 30' is required.
2. A Variance from Section 10.521 to allow 20.6% building coverage where 20% is the maximum allowed.
3. A Variance from Section 10.571 to allow an accessory building to be located in a required front yard.

11) Case #4-11

Petitioners: Natan Aviezri Revocable Trust, Debra Klein & Natan Aviezri, Trustees

Property: 75 Monroe Street (Middle Road at Ward Place)

Assessor Plan 168, Lot 27 (merged from Lots 34 & 35)

Zoning District: General Residence A

Description: Construct a single-family home and garage on two re-merged lots.

Requests: The Variances and/or Special Exceptions 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 of 5,954± s.f. where 7,500 s.f. is required.
2. A Variance from Section 10.521 to allow a lot area per dwelling unit of 5,954± s.f. where 7,500 s.f. per dwelling unit is required.
3. A Variance from Section 10.521 to allow continuous street frontage of 85.59'± where 100' of continuous street frontage is required.

12) Case #4-12

Petitioner: Seacoast Trust LLP

Property: 150 US Route One By-Pass

Assessor Plan 231, Lot 58

Zoning District: Single Residence B

Description: Construct four-story, 40 unit, multi-family building.

Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:

- 1A. A Special Exception under Section 10.335 to allow a lawful nonconforming use to be changed to another nonconforming use.
If the Special Exception for the proposed use is not granted, then the following is requested:
- 1B. A Variance from Section 10.440, Use #1.40 to allow a multifamily dwelling with 40 dwelling units.
The following dimensional relief is also requested:
2. A Variance from Section 10.521 to allow a lot area per dwelling unit of 3,254 s.f. where 15,000 s.f. is required.
3. A Variance from Section 10.521 to allow a structure height of 50' where 35' is the maximum allowed.
4. A Variance from Section 10.522 to allow a multifamily dwelling with a building length of 246' where 160' is the maximum allowed.

13. Case #4-13

Petitioners: Blueberry Lafayette Investors LLC & Edward Walsh, owners, William P. Walsh, applicant

Property: 3605 (3607) Lafayette Road

Assessor Plan 298, Lot 2

Zoning District: Gateway & Rural

Description: Motor vehicle repair

Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Special Exception under Section 10.440, Use #11.20 to allow a motor vehicle repair use in a district where the use is allowed only by Special Exception.
2. A Variance from Section 10.1111 to allow a change in use that does not meet the requirements for off-street parking.
3. A Variance from Section 10.843.12 to allow more than two 40' wide curb cuts or access or egress points on each abutting street.
4. A Variance from Section 10.843.21 to allow areas for parking, outdoor storage and outdoor display of vehicles or equipment to be set back less than 40 feet from the street right-of-way.

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