

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

7:00 P.M.

**MAY 17, 2016,  
TO BE RECONVENED  
MAY 24, 2016**

**AGENDA**

**THE FOLLOWING ITEMS I) THROUGH IV) WILL BE HEARD ON TUESDAY, MAY 17, 2016**

**I. ELECTION OF OFFICERS**

**II. APPROVAL OF MINUTES**

A) April 17, 2016

B) April 24, 2016

**III. OLD BUSINESS**

A) 525 Maplewood Avenue

**IV. PUBLIC HEARINGS – OLD BUSINESS**

1) Case #4-7

Petitioners: Stewart Whitney & Haiyan Chao Whitney

Property: 180 Wibird Street

Assessor Plan 148, Lot 1-1

Zoning District: General Residence A

Description: Construct two second story decks.

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 30.3%± building coverage where 25% is the maximum allowed.

*(This petition was postponed at the April 17, 2016 meeting and withdrawn by the applicant.)*

*(THE FOLLOWING PETITIONS 2) THROUGH 7) WERE POSTPONED FROM THE APRIL 26, 2016 MEETING.)*

- 2) 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.
- 3) 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 4<sup>th</sup>) height requirement area:
    - a. 62'11" for the proposed pediments
    - b. 64'6" for the proposed office dormer, and
    - c. 60'5" for the proposed residential dormers

*(This petition has been revised since its initial publication, with the changes indicated in italics.)*
- 4) 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.

5) 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.

6) 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.

7) 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.

**V. PUBLIC HEARINGS – NEW BUSINESS**

**THE FOLLOWING ITEMS 1) THROUGH 9) WILL BE HEARD ON TUESDAY, MAY 24, 2016**

- 1) Case #5-1  
 Petitioners: Benjamin M. & Amanda J. Goss  
 Property: 6 Pine Street  
 Assessor Plan 159, Lot 47  
 Zoning District: General Residence A  
 Description: Extend previously granted variance.  
 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 except in conformity with the Ordinance.
  2. A Variance from Section 10.521 to allow a 3'± right side yard setback where 10' is required.
  
- 2) Case #5-2  
 Petitioners: Jesse T. Lore & Melissa Jones  
 Property: 4 McDonough Street #1  
 Assessor Plan 138, Lot 25-1  
 Zoning District: General Residence C  
 Description: Add rear shed dormer.  
 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 except in conformity with the Ordinance.
  2. A Variance from Section 10.521 to allow a 17'± rear yard setback where 20' is required.
  3. A Variance from Section 10.521 to allow a 0'± secondary front yard setback where 5' is required.
  
- 3) Case #5-3  
 Petitioner: Jeffrey N. & Elizabeth H. Dyer  
 Property: 346 Union Street  
 Assessor Plan 134, Lot 57-1  
 Zoning District: General Residence A  
 Description: Extend right side deck with stairs and add 3½'± x 12'± shed  
 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 except in conformity with the Ordinance.
2. A Variance from Section 10.521 to allow a 4.5'± right side yard setback for an accessory structure where 10' is required.
3. A Variance from Section 10.521 to allow 43.03%± building coverage where 25% is the maximum allowed.

4) Case #5-4

Petitioners: Five Hundred Five Lafayette Road LLC

Property: 605 Lafayette Road

Assessor Plan 229, Lot 9

Zoning District: Gateway

Description: Replace one-story office building with two-story office/retail

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 lawful nonconforming structure to be extended, reconstructed, or changed except in conformity with the Ordinance.
2. A Variance from Section 10.1113.20 to allow required off-street parking spaces to be located between a principal building and a street.
3. A Variance from Section 10.1124.10 to allow a loading area to be located between a front property line and a building or structure.

5) Case #5-5

Petitioners: 319 Vaughan Street Center LLC

Property: 319 Vaughan Street

Assessor Plan 124, Lot #9

Zoning District: CD5 and Downtown Overlay District

Description: Summer outdoor concert series.

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 #3.521 to allow a series of outdoor concerts in a district where the use is only allowed by Special Exception.

6) Case #5-6

Petitioners: 334 Parrott Avenue, LLC

Property: 334 Parrott Avenue

Assessor Plan 129, Lot 37

Zoning District: General Residence A

Description: Construct attached garage and addition with second dwelling unit.

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 per dwelling unit of 6326.5± s.f. where 7,500 s.f. is required.

7) Case #5-7

Petitioner: KLDay Realty LLC

Property: 2 Greenleaf Woods Drive, Ste 102

Assessor Plan 243, Lot 6-E102

Zoning District: Gateway

Description: Religious services in a building with office uses.

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 #3.11 to allow a religious place of assembly in a district where the use is only allowed by Special Exception.

8) Case #5-8

Petitioners: CSS Realty Trust, Christopher D. McInnis, Trustee, owner, White Acquisitions LLC, applicant

Property: 200 McDonough Street

Assessor Plan 144, Lot 29

Zoning District: General Residence C

Description: Single family home on pre-existing nonconforming 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 10.321 to allow a nonconforming building or structure to be extended, reconstructed or structurally altered except in conformity with the Ordinance.
2. A Variance from Section 10.516.30 to allow a structure obstructing visibility to be erected on a corner lot between the heights of 2.5' and 10' above the edge of pavement grades within the area outlined in the Ordinance.
3. Variances from Section 10.521 to allow the following:
  - a) A secondary front yard setback of 1.2'± where 5' is required;
  - b) A 1.8' left side yard setback where 10'± is required; and
  - c) 44.4%± building coverage where 35% is the maximum allowed.

9) Case #5-9

Petitioners: Cole BJ Portfolio II LLC & BJ's Wholesale Prop Tax DPT C2

Property: 1811 (1801) Woodbury Avenue

Assessor Plan 215, Lot 14

Zoning District: General Business

Description: Install second free-standing sign.

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 10.1240 to allow a second free-standing sign on a lot.

**VI. OTHER BUSINESS**

**VII. 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.