

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

**7:00 P.M.**

**SEPTEMBER 20, 2016  
TO BE RECONVENED  
SEPTEMBER 27, 2016**

**AGENDA**

**I. APPROVAL OF MINUTES**

A) August 16, 2016

**II. PUBLIC HEARINGS – OLD BUSINESS**

A) Case #8-3

Petitioners: Abigail Kell Sutcliffe, owner, Fred Kell, applicant

Property: 12 Woodbury Avenue

Assessor Plan 163, Lot 9

Zoning District: General Residence A

Description: Add rear porch.

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, enlarged or structurally altered except in conformity with the Ordinance.
2. A Variance from Section 10.521 to allow 55.94%± building coverage where 25% is the maximum allowed.

*(Postponed from the August 16, 2016 meeting.)*

B) Case #8-8

Petitioners: James C. Lucy Revocable Living Trust, James C. & Kimberley A. Lucy, Trustees

Property: 127 & 137 High Street

Assessor Plan: Map 118, Lots 20 & 21

Zoning District: CD4-L1 and Downtown Overlay Districts

Description: Construct two-family dwelling unit with parking underneath.

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

1. A Variance from Sections 10.5A41.10A & 10.5A43.31 to allow a three-story building where up to a two-story building is the maximum permitted.
2. Variances from Section 10.5A41.10A to allow the following:
  - (a) A minimum lot area per dwelling unit of 1,200± s.f. where 3,000 s.f. is required.
  - (b) A duplex building type where duplexes are not permitted in the Downtown Overlay District.
  - (c) The minimum ground story to be 8’8”±in height where 11’ is required.
3. A Variance from Section 10.1114.20 to allow a 20’± maneuvering aisle where 24’ is required.  
*(Postponed from the August 16, 2016 meeting.)*

**III. PUBLIC HEARINGS – NEW BUSINESS**

- 1) Case #9-1  
 Petitioner: 393 New Castle Avenue LLC  
 Property: 390 New Castle Avenue  
 Assessor Plan 207, Lot 6  
 Zoning District: Single Residence B  
 Description: Raise existing structure 18” and convert to 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 10.321 to allow a nonconforming building or structure to be extended, reconstructed, enlarged or structurally altered except in conformity with the Ordinance.
  2. Variances from Section 10.521 to allow the following:
    - a) 96’± continuous street frontage where 100’ is required.
    - b) A lot depth of 40’± where 100’ is required.
    - c) A rear yard setback of 2’± where 30’ is required;
  
- 2) Case #9-2  
 Petitioners: Gary M. & Marcia D. Baker  
 Property: 389 Lincoln Avenue  
 Assessor Plan 134, Lot 17  
 Zoning District: General Residence A  
 Description: Replace and expand rear deck.  
 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, enlarged or structurally altered except in conformity with the Ordinance.
  2. A Variance from Section 10.521 to allow 32.3%± building coverage where 25% is the maximum allowed.

- 3) Case #9-3  
 Petitioners: Robin M. Silva Revocable Living Trust, Robin M. Silva & Mark S. Anderson, Trustees.  
 Property: 25 Hawthorne Street  
 Assessor Plan 133, Lot 36  
 Zoning District: General Residence A  
 Description: Construct a 9.5'± x 20'± rear addition with a 5.5'± x 9.5'± side porch.  
 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, enlarged or structurally altered except in conformity with the Ordinance.
  2. A Variance from 10.521 to allow a 7'± right side yard setback where 10' is required.
- 4) Case #9-4  
 Petitioners: Thomas J. & Christine W. Casa  
 Property: 6 Dwight Avenue  
 Assessor Plan 250, Lot 53  
 Zoning District: Single Residence B  
 Description: Construct a 12'± x 30'± rear deck.  
 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 21.33% building coverage where 20% is the maximum allowed.
- 5) Case #9-5  
 Petitioner: Amba Realty LLC  
 Property: 806 Route One By-Pass  
 Assessor Plan 161, Lot 43  
 Zoning District: Business  
 Description: Allow 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 two free-standing signs on a lot where only one free-standing sign is allowed.  
Sign One (left side of lot)
  2. A Variance from Section 10.1253.10 to allow a 4'± setback from the front lot line where 20' is the minimum required.  
Sign Two (right side of lot)
  3. A Variance from Section 10.1251.20 to allow a sign area for a free-standing sign of 120± s.f. where 100 s.f. is the maximum sign area allowed.
  4. A Variance from Section 10.1253.10 to allow a 12'± setback from the front lot line where 20' is the minimum required.

- 6) Case #9-6  
Petitioners: Cynthia Caldwell & Linda Petersen  
Property: 147 Martha Terrace  
Assessor Plan 283, Lot 8  
Zoning District: Single Residence A  
Description: Reconstruct and expand front entrance.  
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, enlarged or structurally altered except in conformity with the Ordinance.
  2. Variances from 10.521 to allow 19.3%± building coverage where 10% is the maximum allowed.
- 7) Case #9-7  
Petitioner: Travis Therrien  
Property: 1 Marjorie Street  
Assessor Plan 232, Lot 32  
Zoning District: Single Residence B  
Description: Enclose existing nonconforming deck.  
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, 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.

**IV. OTHER BUSINESS**

**V. 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.