

**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 #16 on Tuesday, September 27, 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 September 20, 2016 to hear Old Business and Petitions #1 through #7, for which a separate Legal Notice was advertised and posted.)*

8) Case #9-8

Petitioner: Brian D. Hogan Revocable Trust of 2008, Brian D. Hogan, Trustee, owner, Mark McNally, applicant

Property: 21 Brewster Street

Assessor Plan 138, Lot 11

Zoning District: General Residence C

Description: Convert rooming house to 6-unit condominium structure with a 6-bay garage.

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 #1.42 to allow six dwelling units where this use is allowed by Special Exception.
2. 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.
3. Variances from Section 10.521 to allow the following:
  - a) A lot area per dwelling unit of 1,386.33± s.f. where 3,500 s.f. is required;
  - b) A 1.5'± right side yard setback where 10' is required;
  - c) A 0.5'± rear yard setback where 20' is required;
  - d) 50.01%± building coverage where 35% is the maximum allowed;
  - e) 10.44%± open space where 20% is the minimum required.
4. A Variance from Section 10.1114.32(a) to allow vehicles entering and leaving parking spaces to pass over another parking space or require the movement of another vehicle.

9) Case #9-9

Petitioner: Patricia A. Monaco

Property: 9 Falkland Place #A1

Assessor Plan 212, Lot 26-1C

Zoning District: General Residence B

Description: Massage Therapy Use.

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 #19.22 to allow a Home Occupation 2 where the use is allowed by Special Exception.

- 10) Case #9-10  
Petitioners: Harry S. Furman & Kathleen E. Straube  
Property: 557 State Street  
Assessor Plan 137, Lot 33  
Zoning District: General Residence C  
Description: Construct 160± s.f. second floor addition.  
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 an 0.8'± right side yard setback where 10' is required.
- 11) Case #9-11  
Petitioner: Michael F. McNeilly, owner, Alden Properties, LLC, applicant  
Property: 246 Austin Street  
Assessor Plan 135, Lot 63  
Zoning District: General Residence C  
Description: Vertical expansion of existing two-family dwelling.  
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 lot area per dwelling unit of 653.40± s.f. where 3,500 s.f. is required.
- 12) Case #9-12  
Petitioners: Jennifer L. Bell & Harold G. Beresin  
Property: 23 Marston Avenue  
Assessor Plan 150, Lot 3  
Zoning District: General Residence A  
Description: Construct a 12'± x 25.5'± rear addition and attached 24'± x 17'± 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 10.321 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 7'3"± left side yard setback where 10' is required.
- 13) Case #9-13  
Petitioners: Foundation for Seacoast Health, owner, Hope for Tomorrow Foundation, applicant  
Property: 315 Banfield Road  
Assessor Plan 266, Lots 4 (portion), 5 & 6  
Zoning District: Industrial  
Description: Construct and operate a K-8 Elementary School.  
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 10.440.3.21 to allow a primary or secondary school in a district where the use is not permitted.
- 14) Case #9-14
- Petitioners: Daniel P. & Eileen M. Doyon  
Property: 456 Sherburne Road  
Assessor Plan 261, Lot 20  
Zoning District: Single Residence B  
Description: Convert existing accessory structure into a 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 10.513 to allow a second free-standing dwelling on a lot where only one free-standing dwelling is allowed.
  2. A Variance from Section 10.521 to allow a lot area per dwelling unit of 8,276.40± s.f. where 15,000 s.f. per dwelling unit is required.
- 15) Case #9-15
- Petitioners: Justice C. Rines & Thea E. Murphy  
Property: 372 Wibird Street  
Assessor Plan 132, Lot 6  
Zoning District: General Residence A  
Description: Replace attached one-car garage/living space with a two-car garage/living space.  
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 1.43'± right side yard setback where 10' is required.
- 16) Case #9-16
- Petitioners: Ballard B. & Shirley M. Mattingly  
Property: 34 Rock Street  
Assessor Plan 138, Lot 18  
Zoning District: General Residence C  
Description: Replace an 8.5'± x 14'± left rear addition with a 12'± x 14'± structure.  
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) An 8'5" ± left side yard setback where 10' is required;
    - b) A 2'10"± rear yard setback where 20' is required; and
    - c) 53.28%± building coverage where 35% is the maximum allowed.