

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

7:00 P.M.

**FEBRUARY 21, 2018*
To Be Reconvened
February 27, 2018**

AGENDA

**THE FOLLOWING OLD BUSINESS AND PETITIONS 1) THROUGH 6)
WILL BE HEARD ON WEDNESDAY, FEBRUARY 21, 2018***

I. APPROVAL OF MINUTES

A) January 17, 2018

II. PUBLIC HEARINGS – OLD BUSINESS

A) Case 1-1.

Petitioner: James M. Fernald, Appellant
Property: 996 Maplewood Avenue
Assessor Plan: Map 219, Lot 4
Zoning District: Single Residence B District
Description: Appeal
Request: Appeal from an Administrative Decision regarding the issuance of a building permit for Unit C of the above property.
(This petition was postponed from the January 17, 2018 meeting.)

III. PUBLIC HEARINGS - NEW BUSINESS

1) Case 2-1

Petitioner: Jennifer S. Benjamin
Property: 180 Sherburne Avenue
Assessor Plan: Map 112, Lot 31
Zoning District: General Residence A
Description: One-story left-front addition.
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:
1. A Variance from Section 10.521 to allow a 5'6"± right side yard where 10' is required;
2. A Variance from Section 10.521 to allow 29%± building coverage where 25% is the maximum allowed;

3. A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance.

2) Case 2-2

Petitioners: Dorothy M. Kierstead and Theresa Sessions
 Property: 50 Lovell Street
 Assessor Plan: Map 147, Lot 2
 Zoning District: General Residence C
 Description: Construct two, two-family structures.
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:

1. A Variance from Section 10.521 to allow a lot area per dwelling unit of 3,423± s.f. where 3,500 s.f. is required.

3) Case 2-3

Petitioner: Jeffrey J. Caron
 Property: 325 Thaxter Road
 Assessor Plan: Map 152, Lot 39
 Zoning District: Single Residence B
 Description: One-story right rear addition.
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:

1. A Variance from Section 10.521 to allow a 4'± right side yard where 10' is required;
2. A Variance from Section 10.521 to allow 28.1%± building coverage where 20% is the maximum allowed;
3. A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance.

4) Case 2-4

Petitioner: Kathryn Michele Arbour
 Property: 86 Emery Street
 Assessor Plan: Map 220, Lot 87-1
 Zoning District: Single Residence B
 Description: Two family dwelling.
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:

1. A Variance from Section 10.440, Use #1.30 to allow a two family dwelling on a lot where only a single family dwelling is allowed.

5) Case 2-5

Petitioner: KL Boston Revocable Trust, Kelly L. Boston, Trustee
 Property: 465 Cutts Avenue
 Assessor Plan: Map 210, Lot 27

Zoning District: Single Residence B
 Description: Extend existing garage and front porch.
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:
 1. A Variance from Section 10.521 to allow a secondary front yard setback of 10.5'± where 30' is required;
 2. A Variance from Section 10.521 to allow 23%± building coverage where 20% is the maximum allowed;

6) Case 2-6

Petitioner: Evon Cooper
 Property: 287 Maplewood Avenue
 Assessor Plan: Map 141, Lot 36
 Zoning District: Character District 4-Limited
 Description: One-room addition on existing foundation.
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:
 1. A Variance from Section 10.5A41.10A to allow a 2.49'± side yard where 5' is the minimum required;
 2. A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance.

**Change in customary schedule and day of week.*

THE FOLLOWING PETITIONS WILL BE HEARD ON TUESDAY, FEBRUARY 27, 2018:

7) Case 2-7

Petitioner: Michael De La Cruz
 Property: 75 Congress Street (63 Congress Street)
 Assessor Plan: Map 117, Lot 5
 Zoning District: Character District 5
 Description: Construct 15 residential units without required parking.
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:
 1. A Variance from Section 10.1112.30 to allow no off-street parking spaces to be provided where off-street parking spaces are required.

8) Case 2-8

Petitioners: James W. and Heather L. Davis
 Property: 530 Dennett Street
 Assessor Plan: Map 161, Lot 10-1
 Zoning District: General Residence A
 Description: Construct single family home and garage replacing existing home and garage.
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:

1. A Variance from Section 10.521 to allow a lot area and lot area per dwelling unit of 7,441± s.f. where 7,500 s.f. is required for each;
2. A Variance from Section 10.521 to allow continuous street frontage of 61.09'± where 100' is required;
3. A Variance from Section 10.521 to allow an 8'± left side yard where 10' is required;
4. A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance.

9) Case 2-9

Petitioners: Michael G. and Annette A. Kane

Property: 242 State Street, #1

Assessor Plan: Map 107, Lot 70-6

Zoning District: Character District 4

Description: Lighted projection of a logo onto sidewalk.

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

1. A Variance Section 10.1234 to allow a sign that is not specifically permitted in a sign district;
2. A Variance from Section 10.1263.10 to allow a light source for external illumination of a sign to be visible three feet above grade at the lot line with the lighting not confined to the area of the sign;
3. A Variance from Section 10.1263.30 to allow a sign or its illuminator to interfere with pedestrian or vehicular traffic;
4. A Variance from Section 10.1262 to allow a sign to be illuminated between 11:00 p.m. and 6:00 a.m. without the operation of a use or activity that is open to customers or the public, and more than one hour after activity ceases.

10) Case 2-10

Petitioner: Richard Fusegni

Property: 201 Kearsarge Way

Assessor Plan: Map 218, Lot 5

Zoning District: Single Residence B

Description: Subdivide one lot into two.

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

1. A Variance from Section 10.521 to allow a lot area and lot area per dwelling unit of 7,834± s.f. where 15,000 s.f. is required;
2. A Variance from Section 10.521 to allow 97.52'± of continuous street frontage where 100' is required.

11) Case 2-11

Petitioner: Cyrus Lawrence Gardner Beer

Property: 64 Mt. Vernon Street
 Assessor Plan: Map 111, Lot 30
 Zoning District: General Residence B
 Description: Chicken coop with six chickens (hens).
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:

1. A Variance from Section 10.440, Use #17.20 to allow the keeping of farm animals where the use is not allowed.
2. A Variance from Section 10.573.10 to allow an accessory structure 3'± from the rear property line where 5' is required.

12) Case 2-12

Petitioners: Vaughan Street Hotel LLC and 299 Vaughan Street LLC c/o Cathartes Private Investments
 Property: 225 and 299 Vaughan Street
 Assessor Plan: Map 123, Lot 15 and Map 124, Lots 10 and 11
 Zoning District: Character District 5
 Description: Allow specific vehicle circulation patterns in off-street parking areas.
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:

1. A Variance from Section 10.1114.32 to allow vehicles to enter and leave a parking space by passing over another parking space or requiring the moving of another vehicle.

13) Case 2-13

Petitioners: Eric A. and Jean C. Spear, owners and Brendan Cooney and Megan Tehan, applicants
 Property: 57 Mt. Vernon Street
 Assessor Plan: Map 111, Lot 31
 Zoning District: General Residence B
 Description: Create a lot by subdivision containing an existing dwelling.
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including variances from Section 10.521 to allow the following:

1. A lot area and lot area per dwelling unit of 3,647± s.f. where 5,000 s.f. is required for each;
2. Continuous street frontage of 45.41'± where 80' is required;
3. A 2.2'± left side yard where 10' is required;
4. A 15.8'± rear yard where 25' is required.

14) Case 2-14

Petitioners: Charles L. Fleck, Jr., owner and Sarah Fleck and Charles L. Fleck, Jr., applicants
 Property: 39 Sagamore Avenue
 Assessor Plan: Map 222, Lot 31
 Zoning District: General Residence A

- Description: Replace a free-standing shed with an attached garage.
- Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:
1. A Variance from Section 10.521 to allow a 6'± right side yard where 10' is required.
 2. A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance.

IV. 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.