

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

7:00 P.M.

MAY 21, 2019*

AGENDA

***Note: This meeting will be reconvened on May 28, 2019 to hear additional petitions for which a separate Agenda will be posted.**

I. APPROVAL OF MINUTES

- A) April 16, 2019
- B) April 23, 2019

II. PUBLIC HEARINGS – OLD BUSINESS

A) Case 4-1

Petitioners: Donna L. Acox Revocable Trust, Donna L. Acox, Trustee
Property: 14 Mt. Vernon Street
Assessor Plan: Map 111, Lot 26
District: General Residence B
Description: 6' x 12' Shed
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following variances:
a) from Section 10.573.10 to allow a 1.5' right side yard where 5' is required;
b) from Section 10.521 to allow 38% building coverage where 30% is the maximum allowed; and
c) from Section 10.521 to allow 22% open space where 25% is the minimum required.

B) Case 4-2

Petitioners: Vaughan Street Hotel LLC
Property: 299 Vaughan Street
Assessor Plan: Map 124, Lot 10
District: Character District 5 and the Downtown Overlay District

- Description: Signage and lighting for a proposed hotel
- Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following variances:
- a) Signs #1 and #2, from Section 10.1251.20 to allow two wall signs (124± s.f. and 70± s.f.) where 40 s.f. is the maximum allowed for a individual wall sign;
 - b) Sign #5, from Sections 10.1271.10 and 10.1271.20 to allow a sign on an exterior wall that does not face a street and is on the side of the building without a public entrance;
 - c) Sign #2, from Section 10.1261.30 to allow internal illumination where only external illumination is allowed for signs in the Historic District;
 - d) Accent Light #1, from Section 10.1144.63 to allow lights above the height of 25’ on the building surface; and
 - e) Light L20, from Section 10.1144.60 to allow a luminaire to be attached at 32’9” ± above grade where the maximum height allowed is 20’ above grade.

III. PUBLIC HEARINGS – NEW BUSINESS

1) Case 5-1

- Petitioners: Ida Barry House Condominium Association and James Gary Dinulos Revocable Trust of 2013, James G. & Paulette A. Dinulos, Trustees
- Property: 3 Hancock Street
- Assessor Plan: Map 103, Lots 85-1 and 85-2
- District: Mixed Residential Office
- Description: Install a ductless A/C condenser
- Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following variance:
- a) from Section 10.515.14 to allow a 7’± right side yard for a ductless A/C condenser where 10’ is required.

2) Case 5-2

- Petitioners: Hunking Holdings LLC and Peter G. Morin Trust, Peter G Morin, Trustee
- Property: 170 Mechanic Street
- Assessor Plan: Map 102, Lot 7
- District: General Residence B
- Description: Construct a 24’± x 24’± garage, 30± s.f. addition and a bulkhead.
- Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following variances:
- a) from 10.573.20 to allow an accessory structure with a 5’± rear yard where 14’ is required;
 - b) from Section 10.521 to allow a rear yard of 7.9’± for an addition and 9’± for a bulkhead where 25’ is required for each;

- c) from Section 10.571 to allow an accessory building or structure to be located closer to a street than the principal building; and
- d) 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.

3) Case 5-3

Petitioners: Donald J. and Lauren E. Geoffrion
Property: 1847 Lafayette Road
Assessor Plan: Map 268, Lot 1
District: Single Residence B
Description: Construct an 11'± x 25'± deck.
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following variance:
a) from Section 10.521 to allow a 22'± secondary front yard where 30' is required.

4) Case 5-4

Petitioners: 319 Vaughan Street Center LLC, owner and 3S Artspace, applicant
Property: 319 Vaughan Street
Assessor Plan: Map 124, Lot 9
District: Character District 5 and the Downtown Overlay District
Description: Summer concert series.
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following:
a) a special exception from Section 10.440, Use #3.521 to allow an outdoor performance facility where the use is allowed by special exception; and
b) a variance from Section 10.592.10 to allow an outdoor performance facility use to be located 500' from a residential district.

5) Case 5-5

Petitioner: 56 Middle Street LLC
Property: 56 Middle Street
Assessor Plan: Map 126, Lot 19
District: Character District 4-Limited and the Downtown Overlay District
Description: Convert to residential duplex. Replace addition with two-story addition/garage.
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following variances:
a) from Section 10.5A41.10A to allow a building footprint of 2,646± s.f. where 2,500 s.f. is the maximum allowed;

- b) from Section 10.5A41, Figure 10.5A41.10A and Section 10.5A43.60 & Figure 10.5A43.60 to allow a duplex in the Downtown Overlay District where it is not permitted; and
- c) from Section 10.321 to allow a lawful nonconforming structure to be extended, reconstructed or enlarged without conforming to the requirements of the ordinance.

6) Case 5-6

Petitioners: Thomas A. Nies Revocable Trust of 2010 (50% Int.), Thomas A. and Denise M. Nies, Trustees
Property: 419 Richards Avenue
Assessor Plan: Map 112, Lot 20
District: General Residence A
Description: Replace existing garage.
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following variances:

- a) from Section 10.521 to allow a 6.5'± right side yard where 10' is required;
- b) 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.

7) Case 5-7

Petitioner: Gail H. Sanders Revocable Trust of 1998, Gail H. Sanders, Trustee
Property: 30 Walden Street
Assessor Plan: Map 101, Lot 18
District: Waterfront Business
Description: Replace existing deck.
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following variance:

- a) from Section 10.521 to allow a 5'± left yard where 30' is required; and
- b) 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. OTHER BUSINESS

V. ADJOURNMENT