

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

**7:00 P.M.**

**JUNE 18, 2019**

**AGENDA**

**I. APPROVAL OF MINUTES**

- A) May 21, 2019
- B) May 28, 2019

**II. PUBLIC HEARINGS – OLD BUSINESS**

A) 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 a duplex and construct rear addition.

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.~~

*(This petition was postponed from the May 21, 2019 meeting and has been amended by the withdrawal of items a) and c).Relief is still required for item b.)*

**III. PUBLIC HEARINGS – NEW BUSINESS**

1) Case 6-1

Petitioners: William Brinton Shone and Tatjana Rizzo Shone  
Property: 11 Elwyn Avenue  
Assessor Plan: Map 113, Lot 27  
District: General Residence A  
Description: Installation and placement of HVAC condensers.  
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'± setback where 10' is required for a mechanical system.

2) Case 6-2

Petitioners: Petition of Eric D. Weinrieb and Rachel L. Hopkins  
Property: 9 Middle Road  
Assessor Plan: Map 152, Lot 47  
District: General Residence A  
Description: Reconstruct deck and stairs with deck expansion.  
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following:  
a) a variance from Section 10.521 for a 7'± secondary front yard where 15' is required.

3) Case 6-3

Petitioners: Nancy H. Alexander Revocable Trust, Nancy H. Alexander, Trustee, owner and High Definition Fitness, LLC, applicant  
Property: 620 Peverly Hill Road  
Assessor Plan: Map 254, Lot 6  
District: Industrial  
Description: Yoga studio.  
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following:  
a) a special exception under Section 10.440, Use #4.40 to allow a yoga studio up to 2,000 s.f. of gross floor area in the Industrial District.

4) Case 6-4

Petitioners: 2422 Lafayette Road Associates, LLC, owner, Pinz Portsmouth, LLC applicant  
Property: 2454 Lafayette Road  
Assessor Plan: Map 273, Lot 3  
District: Gateway Neighborhood Mixed Use Corridor (G1)  
Description: Restaurant/bar with 250-500 patrons and a bowling alley.  
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following special exceptions:

- a) from Section 10.440, Use #9.12 to allow a nightclub or bar with an occupant load from 250 to 500 where the use is only allowed by special exception; and
- b) from Section 10.440, Use #4.20 to allow an indoor amusement use where the use is only allowed by special exception.

5) Case 6-5

Petitioner: Richard Fusegni  
Property: 201 Kearsarge Way  
Assessor Plan: Map 218, Lot 5  
District: Single Residence B  
Description: Subdivide one lot into three.  
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: a) to allow 83'± of continuous street frontage where 100' is required.

6) Case 6-6

Petitioners: Joel Johnson  
Property: 165 Union Street  
Assessor Plan: Map 135, Lot 65  
District: General Residence C  
Description: After-the-fact variances for a third floor dormer and rear deck.  
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 2'± left side yard where 10' is required for the dormer;  
b) from Section 10.521 to allow a 3.5'± left side yard where 10' is required for the deck; and  
c) 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 6-7

Petitioners: Charles J. & Kimberlee S. McCue  
Property: 105 Middle Road  
Assessor Plan: Map 152, Lot 18  
District: Single Residence B  
Description: Second floor bedroom addition.  
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 5'± right side yard where 10' 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.

8) Case 6-8

Petitioners: Andrew J. Marden  
 Property: 60 Elwyn Avenue  
 Assessor Plan: Map 113, Lot 22  
 District: General Residence A  
 Description: Subdivide one lot into two lots.  
 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:

- a) 3,457± s.f. lot area and lot area per dwelling unit where 7,500 s.f. is the minimum required;
- b) 2,943± s.f. lot area and lot area per dwelling unit where 7,500 is the minimum required;
- c) 50'± of continuous street frontage where 100' is required;
- d) lot depths of 58'± and 68'± where 70' is the minimum required; and
- e) 30%± building coverage where 25% is the maximum allowed.

9) Case 6-9

Petitioners: Haven Properties LLC  
 Property: 187 McDonough Street  
 Assessor Plan: Map 144, Lot 43  
 District: General Residence C  
 Description: Demolish existing home and construct new dwelling, including lot line revision.  
 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 the following:
  - 1) a 4'± right side yard where 10' is required;
  - 2) a 2'± left yard where 10' is required;
  - 3) a 10'± rear yard where 20' is required;
  - 4) 49%± building coverage where 35% is the maximum allowed;
  - 5) a lot area and lot area per dwelling unit of 2,537± s.f. where 3,500 is required; and
  - 6) 48'± of continuous street frontage where 70' 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**