

**LEGAL NOTICE  
BOARD OF ADJUSTMENT  
PORTSMOUTH, NEW HAMPSHIRE**

**NOTICE IS HEREBY GIVEN** that the Board of Adjustment will hold Public Hearings on Old Business and the following new petitions on **Tuesday, June 18, 2019 at 7:00 p.m** in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire:

**1) Case 6-1.** Petition of William Brinton Shone and Tatjana Rizzo Shone for property located at **11 Elwyn Avenue** wherein relief is required from the Zoning Ordinance for the installation and placement of HVAC condensers including the following variance a) from Section 10.515.14 to allow a 7'± setback where 10' is required for a mechanical system. Said property is shown on Assessor Plan 113, Lot 27 and lies within the General Residence A District.

**2) Case 6-2.** Petition of Eric D. Weinrieb and Rachel L. Hopkins for property located at **9 Middle Road** wherein relief is required from the Zoning Ordinance to reconstruct a deck and stairs with deck expansion including the following variance a) from Section 10.521 for a 7'± secondary front yard where 15' is required. Said property is shown on Assessor Plan 152, Lot 47 and lies within the General Residence A District.

**3) Case 6-3.** Petition of Nancy H. Alexander Revocable Trust, Nancy H. Alexander, Trustee, owner and High Definition Fitness, LLC, applicant for property located at **620 Peverly Hill Road** wherein relief is required from the Zoning Ordinance for a yoga studio including the following special exception from 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. Said property is shown on Assessor Plan 254, Lot 6 and lies within the Industrial District.

**4) Case 6-4.** Petition of 2422 Lafayette Road Associates, LLC, owner, Pinz Portsmouth, LLC, applicant for property located at **2454 Lafayette Road** wherein relief is required from the Zoning Ordinance for a restaurant/bar with 250-500 patrons and a bowling alley wherein the following special exceptions are required: 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. Said property is shown on Assessor Plan 273, Lot 3 and lies within the Gateway Neighborhood Mixed Use Corridor District (G1).

**5) Case 6-5.** Petition of Richard Fusegni for property located at **201 Kearsarge Way** wherein relief is required from the Zoning Ordinance to subdivide one lot into three lots one of which will be nonconforming including the following variance from Section 10.521: a) to allow 83'± of continuous street frontage where 100' is required. Said property is shown on Assessor Plan 218, Lot 5 and lies within the Single Residence B District.

**6) Case 6-6.** Petition of Joel Johnson for property located at **165 Union Street** wherein relief is required from the Zoning Ordinance for after-the-fact variances for a third floor dormer and rear deck 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. Said property is shown on Assessor Plan 135, Lot 65 and lies within the General Residence C District.

**7) Case 6-7.** Petition of Charles J. & Kimberlee S. McCue for property located at **105 Middle Road** wherein relief is required from the Zoning Ordinance for a second floor bedroom addition 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. Said property is shown on Assessor Plan 152, Lot 18 and lies within the Single Residence B District.

**8) Case 6-8** Petition of Andrew J. Marden for property located at **60 Elwyn Avenue** wherein relief is required from the Zoning Ordinance to subdivide one lot into two lots including the following variances: a) from Section 10.521 to allow 3,457± s.f. lot area and lot area per dwelling unit where 7,500 s.f. is the minimum required; b) to allow 2,943± s.f. lot area and lot area per dwelling unit where 7,500 is the minimum required; c) to allow 50'± of continuous street frontage where 100' is required; d) to allow lot depths of 58'± and 68'± where 70' is the minimum required; and e) to allow 30%± building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 113, Lot 22 and lies within the General Residence A District.

**9) Case 6-9.** Petition of Haven Properties LLC for property located at **187 McDonough Street** wherein relief is required from the Zoning Ordinance to demolish existing home and construct new dwelling including (A) variances 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; 6) 48'± of continuous street frontage where 70' is required; And, (B) 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 . Said property is shown on Assessor Plan 144, Lot 43 and lies within the General Residence C District.

Juliet T.H. Walker  
Planning Director