

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

7:00 P.M.

July 16, 2019\*

**AGENDA**

**\*Note: This meeting will be reconvened on July 23, 2019 to hear additional petitions for which a separate Agenda will be posted.**

**I. APPROVAL OF MINUTES**

A) June 18, 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 7-1

Petitioners: Iron Horse Properties, LLC, Clipper Traders, LLC and Portsmouth Lumber & Hardware, LLC, owners, Ricci Supply Company, Inc. dba Ricci Lumber, applicant

Property: 105 Bartlett Street

Assessor Plan: Map 164, Lot 4-2

District: Character District 4-W

Description: Replace sign cabinets and panels, with bottom cabinet a digital changeable sign

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

- a) from Section 10.1212 to allow a sign as an accessory use to a permitted use on an adjacent lot;
- b) from Section 1251.20 to allow a sign area of 142.33 s.f. where 20 s.f. is the maximum allowed for a freestanding sign;
- c) from Section 10.1253.10 to allow a 25' tall freestanding sign where the maximum height is 12'; and
- d) from Section 10.1281 to allow a nonconforming sign to be altered, reconstructed, replaced or relocated without conforming to the ordinance.

2) Case 7-2

Petitioners: Kenneth K. and Deborah A. Jennings

Property: 27 Thaxter Road

Assessor Plan: Map 166, Lot 39

District: Single Residence B

Description: Appeal

Requests: Appeal a decision of the Portsmouth City Council to restore two involuntary merger lots.

3) Case 7-3

Petitioners: AER RE, LLC

Property: 185 Cottage Street

Assessor Plan: Map 174, Lot 14

District: General Residence A

Description: Double faced internally illuminated monument sign and (1) set of halo lit wall letters.

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

- a) from Section 10.1251 to allow 113 s.f. of signage where 40 s.f. of aggregate sign area is available;
- b) from Section 10.1241 to allow a freestanding sign where freestanding signs are not allowed;

- c) from Section 10.1253.10 to allow a 10' high free standing sign 15' from a lot line where a freestanding sign is not permitted;
- d) from Section 1251.20 to allow a 44.4 s.f. wall sign where 4 s.f. is the maximum sign area allowed for a wall sign and a 60 s.f. freestanding sign; and
- e) from Section 1261.10 to allow halo illumination where no illumination is permitted.

4) Case 7-4

Petitioners: Kenneth W. Young

Property: 346 Colonial Drive

Assessor Plan: Map 260, Lot 136

District: Single Residence B

Description: To construct a 515 s.f. Attached Accessory Dwelling Unit above a proposed garage addition.

Requests: Variances and/or Special Exceptions necessary to grant the required relief from Section 10.521 of the Zoning Ordinance including:

- a) a lot area of 6,099 s.f. where 15,000 s.f. is required for each;
- b) building coverage of 24% where 20% is the maximum allowed;
- c) a 4'11" rear yard where 30' is required;
- d) a 17' front yard where 30' is required; and
- e) 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.

5) Case 7-5

Petitioners: Argeris & Eloise Karberas

Property: 11 Meeting House Hill Road

Assessor Plan: Map 103, Lot 59

District: General Residence B

Description: Add a dormer on either side of an existing dormer.

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

- a) from Section 10.521 to allow a 3' right side yard where 10' is required;
- b) from Section 10.521 to allow a 14' rear yard where 25' is required; 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 7-6

Petitioners: Francis T. Delbene & Gwyn M. Burdell

Property: 32 Union Street

Assessor Plan: Map 145, Lot 29

District: General Residence C  
Description: For a third dwelling unit over a reconstructed garage.  
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:  
a) from Section 10.521 to allow a lot area per dwelling unit of 1,843 s.f. where 3,500 is required.

7) Case 7-7

Petitioners: Matthew Wajda  
Property: 183 Cottage Drive  
Assessor Plan: Map 268, Lot 29  
District: Single Residence B  
Description: Create a second lot from an existing lot.  
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:  
a) from Section 10.521 to allow a lot area and lot area per dwelling unit of 10,270 s.f. where 15,000 s.f. is required for each.

8) Case 7-8

Petitioners: Daniel Wyand and Lena Chamberland  
Property: 65 Pinehurst Road  
Assessor Plan: Map 221, Lot 72  
District: General Residence A  
Description: To construct a one-car detached garage.  
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:  
a) from Section 10.573.20 to allow an accessory building or structure to be set back 3' from the left side property line where 10' is required and 6' from the rear property line where 16' is required.

**IV. OTHER BUSINESS**

**V. ADJOURNMENT**