

**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 **Petitions 1) through 7) on Tuesday, August 20, 2019 and on Petitions 8) through 12)* on Tuesday, August 27, 2019 both at 7:00 p.m** in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire:

The following Petitions 1) through 7) will be heard on Tuesday, August 20, 2019:

***Note: The Appeal regarding 27 Thaxter Road, previously advertised for the July 16, 2019 meeting and subsequently postponed to the August 20, 2019 meeting will now be heard on Tuesday, August 27, 2019.**

1) Case 8-1. 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.

2) Case 8-2. Petition of Michael Brandzel & Helen Long for property located at **39 Dearborn Street** for a wall-mounted outdoor a/c condenser wherein the following variance is required: a) from Section 10.515.14 to allow a 2'6" right side yard where 10' is required. Said property is shown on Assessor Plan 140, Lot 3 and lies within the General Residence A District.

3) Case 8-3. Petition of Russell Serbagi for property located at **306 Marcy Street, Unit 3** to install a mini split ductless a/c system including condenser and air handler system with lines in conduit wherein the following variance is required: a) from Section 10.515.14 to allow a 7' right side yard where 10' is required. Said property is shown on Assessor Plan 102, Lot 75-3 and lies within the General Residence B District.

4) Case 8-4. Petition of Seacoast Veterans Properties, LLC for property located at **41 Salem Street** to demolish existing structure and construct four townhouse residential units in two buildings wherein the following variance is required: a) from Section 10.521 to allow a lot area per dwelling unit of 2,726 s.f. where 3,500 s.f. is required. Said property is shown on Assessor Plan 144, Lot 31 and lies within the General Residence C District.

5) Case 8-5. Petition of Scott D. Young for property located at **7 Suzanne Drive** for a 12' x 46' rear addition wherein variances from Section 10.521 are required to allow the following: a) a 21' rear yard where 30' is required; and b) 21% buiding coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 292, Lot 80 and lies within the Single Residence B District.

(over)

6) Case 8-6. Petition of Galaro Properties LLC, owner, Earth Eagle Brewings, applicant, for property located at **175 High Street** for seasonal outdoor entertainment wherein the following variances or special exceptions are required: a) a special exception from 10.440, Use # 3.521 to allow an outdoor performance facility with an occupancy up to 500 people; and b) a variance from Section 10.592 to allow an outdoor performance facility use to be within 500' from a residential district. Said property is shown on Assessor Plan 118, Lot 16 and lies within Character District 4.

7) Case 8-7. Petition of Haven Properties LLC for property located at **187 McDonough Street** for demolition of existing single family residence and construction of a new single family residence wherein variances from Section 10.521 are required to allow the following: a) a lot area of 2,537 s.f. where 3,500 s.f. is the minimum required; b) a lot area per dwelling unit of 2,537 s.f. where 3,500 s.f. is the minimum required; c) continuous street frontage of 48' where 70' is the minimum required; d) building coverage of 43% where 35% is the maximum allowed; e) a 4' left side yard where 10' is the minimum required; and f) a 9' rear yard where 20' is the minimum required. Said property is shown on Assessor Plan 144, Lot 43 and lies within the General Residence C District.

The following Petitions 8) through 12) will be heard on Tuesday, August 27, 2019 *

8) Case 8-8. Petition of 202 Court Street Property Group LLC for property located at **202 Court Street** for renovation of existing structure and conversion from a mixed use building to a multi-family residence wherein the following variances are required: a) from Section 10.515.14 to allow a 3' setback from the rear property line where 10' is required for a mechanical system; b) from Section 10.515.14 to allow an 8.4' setback from the left property line where 10' is required for a mechanical system; c) from Section 10.5A44.31 to permit parking spaces that are not located at least 20' behind the façade of a principal building; d) from Section 10.5A41.10A to allow a minimum lot area per dwelling unit of 1,705 s.f. where 3,000 s.f. is required; e) from Section 10.1114.32(a) to allow vehicles entering and leaving parking spaces to pass over another parking space or require the movement of another vehicle; and f) from Section 10.1114.32(b) to allow vehicles to back into or from a public street or way. Said property is shown on Assessor Plan 116, Lot 35 and lies within Character District 4L-1.

9) Case 8-9. Petition of Shannon Leah Harrington and James St. Pierre for property located at **20 Taft Road** for the addition of stairs to an existing deck and a new lower deck wherein the following variances are required: a) from Section 10.521 to allow a 4' rear yard where 30' is required; b) from Section 10.521 to allow 28% building coverage where 20% is the maximum allowed; 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. Said property is shown on Assessor Plan 268, Lot 91 and lies within the Single Residence B District.

10) Case 8-10. Petition of Dagny Taggart LLC for property located at **3 Pleasant Street** to demolish a portion of the rear of the building and construct an area along the rear of the building with access components to facilitate handicap access, and an elevator, wherein the following

variance is required: a) from Section 10.5A41 and Figure 10.5A41.10D to allow a 0' rear yard where 5' is required. Said property is shown on Assessor Plan 107, Lot 31 and lies within Character District 5 and the Downtown Overlay District.

11) Case 8-11. Petition of Dagny Taggart, LLC for property located at **0 (53) Daniel Street** for a five-story building with mixed commercial uses wherein variances from Section 10.5A41 & Figure 10.5A41.10C are required to allow the following: a) a building footprint up to 17,500 s.f. where 15,000 s.f. is the maximum allowed; and b) a 3' rear yard where 5' is required. Said property is shown on Assessor Plan 107, Lot 27 and lies within Character District 4 and the Downtown Overlay District.

12) Case 8-12. Petition of Hill Hanover Group LLC for property located at **0 Hanover Street (aka 181 Hill Street)** for construction of a six story 60' hotel with interior parking wherein the following variances are required: a) from Section 10.5A43.31 and Section 10.5A46.10 to allow a six-story 60-foot tall building where a five-story, 60-foot tall building is permitted; b) from Section 10.1114.21 to allow 54 valet-only parking spaces using a two-car lift system where 10 spaces do not meet the parking depth requirements; and c) from Section 10.1114.32(a) to permit a valet-only lift system which requires passing over another parking space or moving another vehicle where both requirements are prohibited. Said property is shown on Assessor Plan 138, Lot 62 and lies within Character District 5.

Juliet T.H. Walker
Planning Director