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

7:00 P.M. APRIL 21, 2015

REVISED AGENDA

I. APPROVAL OF MINUTES

A) March 17, 2015

II. OLD BUSINESS

A) Request for Rehearing regarding property located at 3613 Lafayette Road.

B) Case # 3-5
   Petitioners: Michael Brandzel & Helen Long
   Property: 39 Dearborn Street (Dearborn Lane)
   Assessor Plan 140, Lot 3
   Zoning District: General Residence A
   Description: Construct a 12± x 18± shed in front yard. Construct an 8± x 13± single story addition and add shed dormers.
   Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
   1. A Variance from Section 10.321 to allow a lawful nonconforming structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.
   2. Variances from Section 10.521 to allow the following:
      (a) A front yard setback of 5± where 15’ is required.
      (b) A right side yard setback of 4± where 10’ is required.
      (c) A rear yard setback of 3± where 20’ is required.
   3. A Variance from Section 10.571 to allow an accessory structure to be located in a required front yard.

   This petition was postponed from the March 17th meeting and revised by a change in the size of the proposed shed.

III. PUBLIC HEARINGS – NEW BUSINESS

1) Case # 4-1
   Petitioners: Peter O. & Karen G. Dawson Revocable Trusts
   Property: 648 Lincoln Avenue
   Assessor Plan 148, Lot 18
Zoning District: General Residence A
Description: Install two HVAC compressors.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.521 to allow 30.4±% building coverage where 25% is the maximum allowed.

2) Case # 4-2
Petitioner: 233 Vaughan Street LLC
Property: 233 Vaughan Street
Assessor Plan 124, Lot 14
Zoning District: Central Business A
Description: Install a bathroom in space designated for mechanical equipment.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.531 to allow a structure height of 57’3” for the habitable space of the building where 50’ is the maximum allowed.

3) Case # 4-3
Petitioners: Dale W. & Sharyn W. Smith
Property: 275 Islington Street
Assessor Plan 144, Lot 8
Zoning District: Central Business B
Description: Clarification of previously granted variances regarding the construction of four multi-family residences and an addition to a rear building creating 14 residential units.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.521 to allow 12±% open space where 14.1±% was previously granted and 15% is required.

4) Case # 4-4
Petitioner: Ellen S. Cohn Revocable Living Trust
Property: 124 Broad Street
Assessor Plan 134, Lot 19
Zoning District: General Residence A
Description: Construct 6’± x 14’6” ± second floor addition.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.324 to allow a lawful nonconforming structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.
2. A Variance from Section 10.521 to allow a 4’± left side yard setback where 10’ is required.
5) Case # 4-5
Petitioners: Patricia L. & Burton S. Russell
Property: 65 Mendum Avenue
Assessor Plan 148, Lot 11
Zoning District: General Residence A
Description: Construct a second dwelling unit above a detached garage.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
   1. A Variance from Section 10.513 to allow a second free-standing dwelling unit on a lot.
   2. A Variance from Section 10.521 to allow a lot area per dwelling unit of 5,787± s.f. where 7,500 s.f. per dwelling unit is required.

6) Case # 4-6
Petitioners: Kelly Whalen (Cioe), owner, Scott & Kelly Cioe, applicants
Property: 44 Melbourne Street
Assessor Plan 233, Lot 20
Zoning District: Single Residence B
Description: Expand third floor in existing nonconforming footprint.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
   1. A Variance from Section 10.324 to allow a lawful nonconforming structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.
   2. Variances from Section 10.521 to allow the following:
      a) A 4’± left side yard setback where 10’ is required.
      b) A 15’± front yard setback where 30’ is required.

IV. OTHER BUSINESS

V. ADJOURNMENT

NOTICE TO MEMBERS OF THE PUBLIC WHO ARE HEARING IMPAIRED

If you need assistance to attend a meeting, please contact the Human Resources Department at 610-7274.
REGULAR MEETING
BOARD OF ADJUSTMENT
EILEEN DONDERO FOLEY COUNCIL CHAMBERS
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE

7:00 P.M.  APRIL 21, 2015

REVISED AGENDA

I. APPROVAL OF MINUTES

A) March 17, 2015

II. OLD BUSINESS

A) Request for Rehearing regarding property located at 3613 Lafayette Road.

B) Case # 3-5
   Petitioners: Michael Brandzel & Helen Long
   Property: 39 Dearborn Street (Dearborn Lane)
   Assessor Plan 140, Lot 3
   Zoning District: General Residence A
   Description: Construct a 12'± x 18'± shed in front yard. Construct an 8'± x 13'± single story addition and add shed dormers.
   Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
   1. A Variance from Section 10.321 to allow a lawful nonconforming structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.
   2. Variances from Section 10.521 to allow the following:
      (a) A front yard setback of 5'± where 15’ is required.
      (b) A right side yard setback of 4’± where 10’ is required.
      (c) A rear yard setback of 3’± where 20’ is required.
   3. A Variance from Section 10.571 to allow an accessory structure to be located in a required front yard.
   This petition was postponed from the March 17th meeting and revised by a change in the size of the proposed shed.

III. PUBLIC HEARINGS – NEW BUSINESS

1) Case # 4-1
   Petitioners: Peter O. & Karen G. Dawson Revocable Trusts
   Property: 648 Lincoln Avenue
   Assessor Plan 148, Lot 18
Zoning District: General Residence A
Description: Install two HVAC compressors.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.521 to allow 30.4%± building coverage where 25% is the maximum allowed.

2) Case # 4-2
Petitioner: 233 Vaughan Street LLC
Property: 233 Vaughan Street
Assessor Plan 144, Lot 14
Zoning District: Central Business A
Description: Install a bathroom in space designated for mechanical equipment.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.531 to allow a structure height of 57’3” for the habitable space of the building where 50’ is the maximum allowed.

3) Case # 4-3
Petitioners: Dale W. & Sharyn W. Smith
Property: 275 Islington Street
Assessor Plan 144, Lot 8
Zoning District: Central Business B
Description: Clarification of previously granted variances regarding the construction of four multi-family residences and an addition to a rear building creating 14 residential units.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.521 to allow 12±% open space where 14.1±% was previously granted and 15% is required.

4) Case # 4-4
Petitioner: Ellen S. Cohn Revocable Living Trust
Property: 124 Broad Street
Assessor Plan 134, Lot 19
Zoning District: General Residence A
Description: Construct 6’± x 14’6” ± second floor addition.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.324 to allow a lawful nonconforming structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.
2. A Variance from Section 10.521 to allow a 4’± left side yard setback where 10’ is required.
5) Case # 4-5
Petitioners: Patricia L. & Burton S. Russell
Property: 65 Mendum Avenue
Assessor Plan 148, Lot 11
Zoning District: General Residence A
Description: Construct a second dwelling unit above a detached garage.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.513 to allow a second free-standing dwelling unit on a lot.
2. A Variance from Section 10.521 to allow a lot area per dwelling unit of 5,787± s.f. where 7,500 s.f. per dwelling unit is required.

6) Case # 4-6
Petitioners: Kelly Whalen (Cioe), owner, Scott & Kelly Cioe, applicants
Property: 44 Melbourne Street
Assessor Plan 233, Lot 20
Zoning District: Single Residence B
Description: Expand third floor in existing nonconforming footprint.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.324 to allow a lawful nonconforming structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.
2. Variances from Section 10.521 to allow the following:
   a) A 4’± left side yard setback where 10’ is required.
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IV. OTHER BUSINESS

V. ADJOURNMENT

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A) March 17, 2015

II. OLD BUSINESS

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B) Case # 3-5
Petitioners: Michael Brandzel & Helen Long
Property: 39 Dearborn Street (Dearborn Lane)
Assessor Plan 140, Lot 3
Zoning District: General Residence A
Description: Construct a 12’± x 18’± shed in front yard. Construct an 8’± x 13’± single story addition and add shed dormers.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.321 to allow a lawful nonconforming structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.
2. Variances from Section 10.521 to allow the following:
   (a) A front yard setback of 5’± where 15’ is required.
   (b) A right side yard setback of 4’± where 10’ is required.
   (c) A rear yard setback of 3’± where 20’ is required.
3. A Variance from Section 10.571 to allow an accessory structure to be located in a required front yard.
   *This petition was postponed from the March 17th meeting and revised by a change in the size of the proposed shed.*

III. PUBLIC HEARINGS – NEW BUSINESS

1) Case # 4-1
Petitioners: Peter O. & Karen G. Dawson Revocable Trusts
Property: 648 Lincoln Avenue
Assessor Plan 148, Lot 18
Zoning District: General Residence A
Description: Install two HVAC compressors.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.521 to allow 30.4%± building coverage where 25% is the maximum allowed.

2) Case # 4-2
Petitioner: 233 Vaughan Street LLC
Property: 233 Vaughan Street
Assessor Plan 124, Lot 14
Zoning District: Central Business A
Description: Install a bathroom in space designated for mechanical equipment.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.531 to allow a structure height of 57’3” for the habitable space of the building where 50’ is the maximum allowed.

3) Case # 4-3
Petitioners: Dale W. & Sharyn W. Smith
Property: 275 Islington Street
Assessor Plan 144, Lot 8
Zoning District: Central Business B
Description: Clarification of previously granted variances regarding the construction of four multi-family residences and an addition to a rear building creating 14 residential units.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.521 to allow 12±% open space where 14.1±% was previously granted and 15% is required.

4) Case # 4-4
Petitioner: Ellen S. Cohn Revocable Living Trust
Property: 124 Broad Street
Assessor Plan 134, Lot 19
Zoning District: General Residence A
Description: Construct 6’± x 14’6”± second floor addition.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.324 to allow a lawful nonconforming structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.
2. A Variance from Section 10.521 to allow a 4’± left side yard setback where 10’ is required.
5) Case # 4-5  
Petitioners: Patricia L. & Burton S. Russell  
Property: 65 Mendum Avenue  
Assessor Plan 148, Lot 11  
Zoning District: General Residence A  
Description: Construct a second dwelling unit above a detached garage.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:  
1. A Variance from Section 10.513 to allow a second free-standing dwelling unit on a lot.  
2. A Variance from Section 10.521 to allow a lot area per dwelling unit of 5,787± s.f. where 7,500 s.f. per dwelling unit is required.

6) Case # 4-6  
Petitioners: Kelly Whalen (Cioe), owner, Scott & Kelly Cioe, applicants  
Property: 44 Melbourne Street  
Assessor Plan 233, Lot 20  
Zoning District: Single Residence B  
Description: Expand third floor in existing nonconforming footprint.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:  
1. A Variance from Section 10.324 to allow a lawful nonconforming structure to be extended, reconstructed or structurally altered without conforming to the requirements of the Ordinance.  
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III. PUBLIC HEARINGS – NEW BUSINESS

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   Petitioners: Peter O. & Karen G. Dawson Revocable Trusts
   Property: 648 Lincoln Avenue
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Zoning District: General Residence A  
Description: Install two HVAC compressors.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:  
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2) Case # 4-2  
Petitioner: 233 Vaughan Street LLC  
Property: 233 Vaughan Street  
Assessor Plan 124-10-14  
Zoning District: Central Business A  
Description: Install a bathroom in space designated for mechanical equipment.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:  
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3) Case # 4-3  
Petitioners: Dale W. & Sharyn W. Smith  
Property: 275 Islington Street  
Assessor Plan 144, Lot 8  
Zoning District: Central Business B  
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Petitioner: Ellen S. Cohn Revocable Living Trust  
Property: 124 Broad Street  
Assessor Plan 134, Lot 19  
Zoning District: General Residence A  
Description: Construct 6’± x 14’6” ± second floor addition.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:  
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Property: 65 Mendum Avenue  
Assessor Plan 148, Lot 11  
Zoning District: General Residence A  
Description: Construct a second dwelling unit above a detached garage.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:  
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2. A Variance from Section 10.521 to allow a lot area per dwelling unit of 5,787± s.f. where 7,500 s.f. per dwelling unit is required.

6) Case # 4-6  
Petitioners: Kelly Whalen (Cioe), owner, Scott & Kelly Cioe, applicants  
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Assessor Plan 233, Lot 20  
Zoning District: Single Residence B  
Description: Expand third floor in existing nonconforming footprint.  
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Property: 233 Vaughan Street
Assessor Plan 24, Lot 14
Zoning District: Central Business A
Description: Install a bathroom in space designated for mechanical equipment.
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   Petitioners: Patricia L. & Burton S. Russell  
   Property: 65 Mendum Avenue  
   Assessor Plan 148, Lot 11  
   Zoning District: General Residence A  
   Description: Construct a second dwelling unit above a detached garage.  
   Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:  
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