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

7:00 P.M. SEPTEMBER 22, 2015
reconvened from
SEPTEMBER 15, 2015

AGENDA

I. APPROVAL OF MINUTES

A) August 18, 2015

II. OLD BUSINESS

A) Request for Rehearing regarding property located at 806 Route One ByPass

III. PUBLIC HEARINGS – NEW BUSINESS

1) Case # 9-2
Petitioner: Trisha Balestero
Property: 116 Austin Street
Assessor Plan 136, Lot 29
Zoning District: General Residence C
Description: Extend upper rear landing.
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 building or structure to be extended or structurally altered except in conformance with the Ordinance.
2. A Variance from Section 10.516.40 to allow a left side yard setback of 3.5’ where 4’ is required for an open porch/landing and stairs.
3. A Variance from Section 10.521 to allow building coverage of 38.31% where 37.96% exists and 35% is the maximum allowed.

2) Case # 9-3
Petitioner: Anthony G. Courts
Property: 190 Thornton Street
Assessor Plan 161, Lot 5
Zoning District: General Residence A
Description: Replace a 12’ x 14’ shed with a 24’ x 24’ two car garage.
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 building or structure to be reconstructed except in conformance with the Ordinance.
2. A Variance from Section 10.570 to allow a right side yard setback of 3’ where 10’ is required and a rear yard setback of 3’ where 15’ is required.

(over)
3) Case # 9-4
Petitioners: Leonard S. & Wendy M. Cushing
Property: 126 Elwyn Avenue
Assessor Plan 112, Lot 44
Zoning District: General Residence A
Description: Replace existing garage in same footprint.
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 building or structure to be reconstructed except in conformance with the Ordinance.
   2. Variances from Section 10.570 to allow the following for an accessory structure:
      a) A 3’± left side yard setback where 10’ is required.
      b) A 9’ right side yard setback where 10’ is required.
      c) A 4’ rear yard setback where 10.5’ is required.
   4. A Variance from Section 10.521 to allow 33% building coverage where 25% is required.

4) Case # 9-5
Petitioners: Richard and Janice Henderson
Property: 284 New Castle Avenue
Assessor Plan 207, Lot 73
Zoning District: Single Residence B
Description: Replace existing entry deck.
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 building or structure to be extended or structurally altered except in conformance with the Ordinance.
   2. A Variance from 10.516.10 to allow a front yard setback of 9’2” ± where 26’ is required.
   3. A Variance from Section 10.573.20 to allow a rear yard setback of 11’ for an accessory structure where 13.5’ is required.

5) Case # 9-6
Petitioner: Unitarian Universalist Church
Property: 206 Court Street
Assessor Plan 116, Lot 34
Zoning District: Mixed Residential Office, Character District 4-L1
Description: Construction of an addition with related parking.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
   1. A Special Exception under Section 10.440, Use # 3.11 to allow a religious place of assembly and educational uses where the uses are only allowed by Special Exception.
   2. A Variance from Section 10.5A41.10A to allow the following:
      a) A 1’ right side yard setback where a minimum 5’ setback is required.
      b) A 1’ left side yard setback where a minimum 5’ setback is required.
      c) A rear yard setback of 3’ where 5’ is required.
      d) Building coverage of 71.78% where 60% is the maximum allowed.
      e) Open space of 21.3% where 25% is required.
   3. A Variance from Section 10.1112.30 to allow 1 off-street parking space to be provided where 53 parking spaces are required.
   4. A Variance from Section 10.1114.32 to allow vehicles accessing the parking area to back into or from a public street.
6) Case # 9-7  
Petitioner: Tanner Bridge Development LLC  
Property: 40 Bridge Street  
Assessor Plan 126, Lot 52  
Zoning District: Mixed Residential Office, Character District 4  
Description: Parking in support of the construction of a mixed-use building.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:  
1. Variances from Section 10.1114.21 to allow the following:  
   (a) The depth of an off-street parking space to be 18’± where 19’ is required.  
   (b) Maneuvering aisle widths of 12’ to 18’ for access ramps and 10’± for the garage entrance where 22’ is required for both.

7) Case # 9-8  
Petitioners: Matthew E. & Leslie G. Allen  
Property: 143 Brackett Road  
Assessor Plan 206, Lot 16  
Zoning District: Single Residence B  
Description: Construct 16’ x 16’ rear screened porch.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:  
1. A Variance from 10.521 to allow a rear yard setback of 23.6’± where 30’ is required.

8) Case # 9-9  
Petitioners: Robert W. & Constance M. Bushman Revocable Trusts 2000  
Property: 34 Marne Avenue & 43 Verdun Avenue  
Assessor Plan 222, Lots 33 & 34  
Zoning District: General Residence A  
Description: Lot line relocation.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:  
34 Marne Avenue:  
1. Variances from Section 10.521 to allow a lot area and a lot area per dwelling unit of 7,461± s.f. where 7,500 s.f. is required for both.  
43 Verdun Avenue:  
2. A Variance from Section 10.570 to allow a left side yard setback of 6.9’ where 10’ is required for an accessory structure.  
3. A Variance from Section 10.570 to allow a rear yard setback of 5’4” where 15’ is required for an accessory structure.

9) Case # 9-10  
Petitioner: DiLorenzo Lafayette Ledgewood RE LLC  
Property: 581 Lafayette Road  
Assessor Plan 229, Lot 8B  
Zoning District: Gateway  
Description: Allow a restaurant and market with associated parking.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:  
1. A Special Exception under Section 10.440, Use #9.52 to allow a restaurant with 492 seats where 250 to 500 seats are allowed by Special Exception.  
2. A Variance from 10.593.10 to allow a restaurant to be located 92.1’ from a residential district where 200’ is required.
(over)
3. A Variance from 10.531 to allow 16.5% open space where 11% exists and 20% is required.
4. A Variance from Section 10.1112.50 to allow 154 off-street parking spaces where 184 exist and 132 are the maximum allowed.
5. A Variance from Section 10.1113.20 to allow parking in the front yard or between a building and a street for 34 spaces where 38 exist and 0 spaces are permitted.
6. A Variance from 10.1113.10 to allow 28 existing and 30 proposed off-street parking spaces to be partially located on a lot separate from that of the principal use.
7. A Variance from Section 10.1114.21 to allow 10 off-street parking spaces to be 17.5’ in length where 19’ is required.
8. A Variance from 10.1124.20 to allow off-street loading or maneuvering areas to be 87.7’ from an adjoining Residential or Mixed Residential District where 100’ is required.

10) Case # 9-11
Petitioners: Paul E. Berton & Jane A. Ewell Living Trusts
Property: 482 Broad Street
Assessor Plan 221, Lot 63
Zoning District: General Residence A
Description: Replace existing structure with 4 attached townhouses.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
   1. A Special Exception under Section 10.440 to allow four attached townhouses (four dwelling units) in a district where they are only allowed by Special Exception.

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.