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

7:00 P.M. OCTOBER 20, 2015

AGENDA

I. APPROVAL OF MINUTES

A) September 15, 2015
B) September 22, 2015

II. OLD BUSINESS

A) Request for Clarification of Variances for property located at 244 Austin Street.

III. PUBLIC HEARINGS – OLD BUSINESS

A) Case # 9-6
Petitioner: Unitarian Universalist Church
Property: 206 Court Street
Assessor Plan 116, Lot 34
Zoning District: Character District 4-L1
Description: Construction of an addition with related parking.
Requests: Amend previously advertised requests as follows:
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. Variances from Section 10.5A41.10A to allow the following:
   a) A 3’± right side yard setback where a minimum 5’ setback is required.
   b) A 3’± left side yard setback where a minimum 5’ setback is required.
   c) Building coverage of 68.7%± where 60% is the maximum allowed.
   d) Open Space of 21.3%± where 25% is required.
3. A Variance from Section 10.1112.30 to allow no off-street parking spaces to be provided where 53 parking spaces are required.

This petition was postponed from the September 22, 2015 meeting and amended.
IV. PUBLIC HEARINGS – NEW BUSINESS

1) Case #10-1
Petitioner: Shirley W. Scarponi Trust, Shirley W. Scarponi, Trustee
Property: 276 Melbourne Street
Assessor Plan 233, Lot 84
Zoning District: Single Residence B
Description: Construct screened in porch on extended rear 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 to be extended, enlarged or structurally altered except in conformity with the Ordinance.
   2. A Variance from Section 10.521 to allow a rear yard setback of 5’± where 30’ is required.

2) Case #10-2
Petitioner: Dozier Revocable Living Trust, Richard M. Dozier, Trustee
Property: 100 Peverly Hill Road
Assessor Plan 243, Lot 51
Zoning District: Single Residence B
Description: Two-family dwelling on lot.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
   1. A Variance from Section 10.440, Use #1.20 to allow a two-family dwelling in a district where this use is not allowed.
   2. A Variance from Section 10.521 to allow a lot area per dwelling unit of 4,800± s.f. where 7,500 s.f. per dwelling unit is required.

3) Case #10-3
Petitioner: Wayne Semprini
Property: 1 Fairview Drive
Assessor Plan 219, Lot 26
Zoning District: Single Residence B
Description: Subdivide single lot into two lots.
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 Lot 1 to have 79.97± s.f. of continuous street frontage where 100’ is required.
   2. A Variance from Section 10.521 to allow Lot 2 to have 14,052± s.f. of lot area where 15,000 s.f. of lot area is required.

4) Case #10-4
Petitioner: Colmax Revocable Trust of 2011, Paul R. & Rosa Z. Delisle, Trustees
Applicant: Kathryn Freda
Property: 135 C Market Street
Assessor Plan 106, Lot 34C
Zoning District: CD5 and Downtown Overlay District
Description: Convert second floor office to residential dwelling.
Requests: The Variances necessary to grant the required relief from the Zoning
Ordinance, including the following:
1. A Variance from Section 10.1111.10 to allow a change of use without
   providing the required off-street parking.
2. A Variance from Section 10.1115.20 to allow no off-street parking spaces
to be provided where two parking spaces are required.

5) Case #10-5
Petitioner: St. Nicholas Greek Orthodox Church
Property: Ledgewood Drive (off Lafayette Road)
Assessor Plan 229, Lot 6A
Zoning District: Single Residence B
Description: Construct 14-units in multiple-family dwellings.
Requests: The Variances necessary to grant the required relief from the Zoning
Ordinance, including the following:
1. A Variance from Section 10.440, Use #1.43 to allow a multi-family
dwelling in a district where this use is not allowed.
2. A Variance from Section 10.521 to allow a lot area per dwelling unit of
   3,142.5± s.f. where 15,000 s.f. per dwelling unit is required.

6) Case #10-6
Petitioners: Carl E. and Kathleen E. Walls
Property: 48 Fairview Avenue
Assessor Plan 220, Lot 58
Zoning District: Single Residence B
Description: Construct 7’10”± x 12’± deck, 1’± x 35’± retaining wall and 6’4”± x
   15’6”± walkway.
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 to be extended, enlarged or structurally altered except in
   conformity with the Ordinance.
2. A Variance from Section 10.521 to allow 31.4%± building coverage
   where 29.52%± exists and 20% is the maximum allowed.

7) Case #10-7
Petitioner: Lori A. Sarsfield
Property: 28 Dennett Street
Assessor Plan 140, Lot 9
Zoning District: General Residence A
Description: Increase height of rear section of second floor.
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 to be extended, enlarged or structurally altered except in conformity with the Ordinance.
2. A Variance from Section 10.521 to allow a right side yard of 2’± where 10’ is required.

8) Case #10-8
Petitioner: Brick Act LLC
Property: 102 State Street
Assessor Plan 107, Lot 52
Zoning District: CD4
Description: Addition for expanded retail & a dwelling unit.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.112.30 to allow no off-street parking spaces to be provided where 6 spaces are required.
2. A Variance from Section 10.1111.20 to allow a use that is nonconforming as to the requirements for off-street parking to be enlarged or altered without complying with off-street parking requirements.

9) Case #10-9
Petitioners: Joseph & Lindsey B. Donohue
Property: 336 Union Street
Assessor Plan 134, Lot 58
Zoning District: General Residence A
Description: Convert single family dwelling to two dwelling 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 a lot area per dwelling unit of 2,178± s.f. where 7,500 s.f. is required.
2. A Variance from Section 10.1112.30 to allow three off-street parking spaces to be provided where four off-street parking spaces are required.

V. OTHER BUSINESS

VI. 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.