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

7:00 P.M. July 19, 2016

REVISED AGENDA

I. APPROVAL OF MINUTES
   A) June 21, 2016
   B) June 28, 2016

II. OLD BUSINESS
   A) 5 Buckminster Way

III. OLD BUSINESS - PUBLIC HEARINGS
   A) Case #4-9
      Petitioner: Michael De La Cruz
      Property: 75 Congress Street (63 Congress Street)
      Assessor Plan 117, Lot 5
      Zoning District: Character District 5, Downtown Overlay District
      Description: Construct five residential use dormers and one office use dormer, with walkways and decks. Restore pediments.
      Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:
      1. A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, enlarged or structurally altered without conforming to the Ordinance.
      2. A Variance from Section 10.5A43.31 and Section 10.5A21.22 to allow the following building heights where the maximum building heights allowed per Map 10.5A21B are 40’ for a 2-3 stories height requirement area and 45’ for a 2-3 stories (short 4th) height requirement area:
         a. 62’11”± for the proposed pediments;
         b. 65’11” ± for the proposed flat roofed office dormer onto existing sloped roof; and
         c. 58’11” ± for the proposed residential dormers
      (This petition was postponed from the May 17 and June 21, 2016 meetings and has been revised as indicated in italics.)
   
   B) Case #6-12
      Petitioner: Beth P. Griffin Revocable Trust of 2011, Beth P. Griffin, Trustee
      Property: 250 Broad Street
      Assessor Plan  Map 131, Lot 10
      Zoning District: General Residence A

Withdrawn
Description: Second floor addition and relocation of barn/office/rec. room.
Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.321 to allow a nonconforming building or structure 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 setback of 3.09± for the barn/office and 4.05± for the second story addition where 10’ is required.

IV. PUBLIC HEARINGS – NEW BUSINESS

1) Case #7-1
Petitioners: Sarah J. Duddy & Gregory J. Vaillancourt
Property: 43 Suzanne Drive
Assessor Plan 292, Lot 70
Zoning District: Single Residence B
Description: Raising chickens.
Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Special Exception under Section 10.440, Use #17.20 to allow the keeping of chickens where the use is allowed by Special Exception.

2) Case #7-2
Petitioners: Green Leaves Holdings LLC, owner, Portsmouth Believers Church, Inc., applicants
Property: 4 Greenleaf Woods Drive #101
Assessor Plan 243, Lot 6-A101
Zoning District: Gateway
Description: Religious services in a building with office uses.
Requests: The Variances and/or Special Exceptions 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 where the use is allowed by Special Exception.

3) Case #7-3
Petitioner: Sachiko Akiyama
Property: 161 Aldrich Road
Assessor Plan 153, Lot 32
Zoning District: Single Residence B
Description: Add second story to existing garage.
Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, enlarged or structurally altered except in conformity with the Ordinance.
2. A Variance from Section 10.521 to allow a 71” ± left side yard setback where 10’ is required.
3. A Variance from Section 10.521 to allow a 14’± rear yard setback where 30’ is required.
4) Case #7-4
Petitioners: Thunderbolt Realty Trust of 2011 c/o Alison Jewett
Property: 17 Gardner Street
Assessor Plan 103, Lot 14
Zoning District: General Residence B
Description: Reconstruct rear additions.
Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:
1. Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed, enlarged or structurally altered except in conformity with the Ordinance.
2. Variances from Section 10.521 to allow the following:
   a) A front yard setback of 4’10’’ ± where 5’ is required;
   b) A left side yard setback of 1’’ ± where 10’ is required;
   c) A rear yard setback of 9’2’’ ± where 25’ is required; and
   d) Building coverage of 40.2%± where 30% is the maximum allowed.

5) Case #7-5
Petitioners: Carol I. Cooper, owner, Lorax Sustainable Development, LLC, applicant
Property: 996 Maplewood Avenue
Assessor Plan 219, Lot 4
Zoning District: Single Residence B
Description: Construct five free-standing dwellings.
Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.513 to allow more than one free-standing dwelling on a lot.

6) Case #7-6
Petitioner: 303 Islington Street LLC
Property: 303 Islington Street
Assessor Plan 144, Lot 11
Zoning District: General Residence C, (pending CD4-L2)
Description: Maintain existing parking in rezoned district.
Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following.
1. A Variance from Section 10.5A44.31 to allow an off-street parking area to be located less than 20’ behind the façade of a principal building.
2. A Variance from Sections 10.5A43.50 and 10.5A44.32 to allow parking lots and loading areas without being screened from the street by a building or streetscreen.

7) Case #7-7
Petitioners: 1987 Tamposi Limited Partnership, owner, Key Collision Center of Portsmouth, LLC, applicant.
Property: 9 Post Road
Assessor Plan 284, Lot 11
Zoning District: Industrial
Description: Auto body repair facility with existing parking areas.
Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Special Exception under Section 10.440, Use #11.20 to allow a motor vehicle repair use in a district where the use is allowed by Special Exception.
2. A Special Exception under Section 10.440, Use #20.61 to allow outdoor storage of vehicles in a district where the use is allowed by Special Exception.
3. A Variance from Section 10.843.21 to allow outdoor storage or display areas for vehicles to be set back less than 50’ from the street right-of-way and from all lot lines.
4. A Variance from Section 10.1114.21 to allow parking spaces and accessways that do not meet the dimensional requirements for off-street parking.
5. A Variance from Section 1114.32(a) to allow vehicles to enter and leave parking spaces by passing over any other parking space or requiring the moving of any other vehicle.
6. A Variance from Section 10.1114.41 to allow no provision of a 5’ wide pedestrian path throughout the site connecting adjacent streets, accessways, sidewalks and parking areas to the entrances to all structures.
7. A Variance from Section 10.1124.10 to allow loading areas to be located between the front property line and any building or structure or in a required side or rear yard.

8) Case #7-8
Petitioners: Airgead Realty Trust, Paul & Christopher D. McInnis, Trustees, owners, Sligo Realty Trust, applicant
Property: 678 (678-686) Maplewood Avenue
Assessor Plan 220, Lot 89
Zoning District: Single Residence B
Description: Construct warehouse with associated retail and office space on two lots proposed to be merged.
Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance under Section 10.440 to allow warehouse, office and retail uses in a district where these uses are not allowed.

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.