

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

7:00 P.M.

APRIL 18, 2017

AGENDA

I. APPROVAL OF MINUTES

A) March 21, 2017

II. PUBLIC HEARINGS – NEW BUSINESS

1) Case 4-1

Petitioner: Mark McNally
Property: 21 Brewster Street
Assessor Plan: Map 138, Lot 11
Zoning District: General Residence C
Description: Expand a previously approved 6-bay, 6-car garage to accommodate 12 cars with a lift system.

Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:

1. Variances from Section 10.521 to allow the following: a) a 1.5'± right side yard where 10' is required; b) a 0.5'± rear yard where 20' is required; c) 54.1±% building coverage where 35% is allowed; and d) 4.6±% open space where 20% is required;
2. A Variance from Section 10.1114.32(a) to allow vehicles to enter or leave parking spaces by passing over another space or requiring the movement of another vehicle;
3. A Variance from Section 10.1114.21 to allow upper lift position parking spaces that are less than the required 19' in depth.

2) Case 4-2

Petitioners: Gary & Aerial Sillanpaa
Property: 4 Sylvester Street
Assessor Plan: Map 232, Lot 36
Zoning District: Single Residence B
Description: Keep 4 chickens in a 4' x 6' coop.
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including a Special Exception under Section 10.440, Use #17.20 to allow the keeping of farm animals in a district where it is only allowed by Special Exception.

3) Case 4-3

Petitioners: Peter N. Carey Revocable Living Trust, P. N. Carey & M-J Monusky, Trustees
Property: 39 Mount Vernon Street
Assessor Plan: Map 111, Lot 32

Zoning District: General Residence B
 Description: Install two free-standing condensers
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:

1. Variances from Section 10.521 to allow a right side yard and a rear yard of less than 3' where 10' is required for each;
2. A Variance from Section 10.521 to allow 47.5±% building coverage where 30% is the maximum allowed.
3. A Variance from Section 10.1332.20 to allow a sound pressure level at the lot line of the sender premises that exceeds the maximum allowed.

4) Case 4-4

Petitioner: Richard M. & Francoise Kinney c/o the Connable Office Inc
 Property: 65 Broad Street
 Assessor Plan: Map 129, Lot 11
 Zoning District: General Residence A
 Description: Construct a 1½ story right-side addition and front steps.
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:

1. Variances from Section 10.512 to allow the following: a) a 7'2" ± primary front yard where 15' is required; and b) a 4'4" ± right side yard where 10' is required.

5) Case 4-5

Petitioners: Jesse M. & Sarah L. Lynch
 Property: 19 Sunset Road
 Assessor Plan: Map 153, Lot 19
 Zoning District: Single Residence B
 Description: Reconstruct an existing garage in the same footprint with an expansion in height.
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:

1. A Variance from Section 10.571 to allow an accessory structure to be located in the required front yard and closer to the street than the principal structure.
2. A Variance from Section 10.573.20 to allow a 7'± rear yard where 19' is required.
3. A Variance from Section. 10.321 to allow a lawful nonconforming building to be reconstructed or enlarged without conforming to the requirements of the Ordinance.

6) Case 4-6

Petitioners: Andrew Marks and Valerie Miller
 Property: 1953 Lafayette Road
 Assessor Plan: Map 268, Lot 7
 Zoning District: Single Residence B
 Description: Conduct palm and tarot readings and install a free-standing sign.
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:

1. A Special Exception under Section 10.440, Use # 19.22 to allow a Home Occupation II in a district where it is only allowed by Special Exception.
2. A Variance to allow a 15± s.f. free-standing sign in a district where free-standing signs are not allowed.

7) Case 4-7

Petitioners: Weeks Realty Trust, Kaley E. Weeks, Trustee and Bursaws Pantry, LLC, owners and Plan Ahead, Inc. applicant

Property: 3110 and 3020 Lafayette Road

Assessor Plan: Map 292, Lots 151-1, 151-2 and 152

Zoning District: Single Residence B (Lots 151-1&2) and Mixed Residential Business (Lot 152)

Description: Construct a retail facility of up to 15,000 s.f. with a drive-through window and lanes.

Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:

1. A Variance or Special Exception under Section 10.440 to allow a retail use in districts where it is not allowed or only allowed by Special Exception.
2. A Variance from Section 10.1113.20 to allow off-street parking to be located in any front yard or between a principal building and a street.
3. A Variance from Section 10.835.31 to permit a drive-through facility to be located within 100' of a residential district and within 50' of a lot line.
4. A Variance from Section 10.835.32 to permit drive-through lanes to be located within 50' of a residential district and within 30' of a lot line.
5. A Variance to allow a building, structure or parking area to be located 65'± from the centerline of Lafayette Road where 80' is required.

8) Case 4-8

Petitioner: Deer Street Associates

Property: 163 Deer Street (Lot/Building 4)

Assessor Plan: Map 125, Lot 17-2

Zoning District: Character District 5 and the Downtown Overlay District

Description: Install a drive-through facility in connection with the construction of a four-story mixed use structure.

Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:

1. A Variance under Section 10.440, Use #19.40 to allow a drive-through facility as an accessory use.
2. A Variance from Section 10.516.20 to allow a 5'± rear yard adjoining a railroad right-of-way where 15' is required.
3. A Variance from 10.5A41.10D to allow a front lot line buildout of 66%± where 80% is required.
4. A Variance from Section 10.835.31 to allow an outdoor service facility (ATM) 49.7'± from the rear lot line and 48'± from the front lot line where 50' is required for each.
5. A Variance from Section 10.835.32 to allow a drive-through bypass lane 11.3'± from a lot line where 30' is required.

9) Case 4-9

Petitioner: S&G Realty

Property: Chevrolet Avenue (number not assigned)

Assessor Plan: Map 147, Lot 30

Zoning District: General Residence C

Description: Parking for three townhouses

Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:

1. A Variance from Section 10.1113.20 to allow off-street parking to be located in any front yard or between a principal building and a street.
2. A Variance from Section 10.1114.32 to allow vehicles to enter and leave parking spaces by passing over another parking space or requiring the moving of another vehicle, and to leave the parking area by backing into a public street.

10) Case 4-10

Petitioners: Lauren H. Wool and Jeffrey Bower
 Property: 53 Summit Street
 Assessor Plan: Map 230, Lot 14
 Zoning District: Single Residence B
 Description: Construct an 8'± x 8'± mud room with a 4'± x 4'± covered front entry.
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following:

1. A Variance from Section 10.521 to allow an 11'8" ± primary front yard where 30' is required.
2. A Variance from Section 10.321 to allow a lawful nonconforming building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance.

11) Case 4-11

Petitioners: Colman C. Garland & North Woods Revocable Trust, John D. Rust, Trustee & Rust Family Trust, Libby K Rust, Trustee, owners, & David Calkins, applicant
 Property: Off Moffat Street
 Assessor Plan: Map 243, Lots 25 through 28
 Zoning District: Single Residence B
 Description: Provide less than the required frontage while creating two residential lots from four existing lots.
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including a Variance from Section 10.521 to allow 0'± continuous frontage where 100' is required.

III. 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.