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

7:00 P.M.  
MAY 16, 2017

REVISED AGENDA

I. APPROVAL OF MINUTES

A) April 18, 2017

B) April 25, 2017

II. OLD BUSINESS

A. Request for Rehearing for property located at 401 State Street.

III. PUBLIC HEARINGS – OLD BUSINESS

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.

(This petition was postponed from the April 18, 2017 meeting)
IV. PUBLIC HEARINGS – NEW BUSINESS

1) Case 5-1
Petitioners: Eugene & Pamela Hunter
Property: 495 Ocean Road
Assessor Plan: Map 283, Lot 35
Zoning District: Single Residence A
Description: Replace existing stairs with an 8’± x 16’± open porch.
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 20’± primary front yard where 30’ is required and b) 17%± building coverage where 10% is the maximum allowed.
2. A Variance from Section 10.321 to allow a nonconforming building to be reconstructed or enlarged without conforming to the requirements of the ordinance.

Petitioner: Pamela Gould
Property: 209 Clinton Street
Assessor Plan: Map 159, Lot 27
Zoning District: General Residence A
Description: Keep four chickens (hens) in a 73”± x 38”± movable coop.
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 #17.20 to allow the keeping of farm animals in a district where the use is not allowed.

3) Case 5-3
Petitioners: Brick Act LLC, owner and Kristin Fichera, applicant
Property: 100-102 State Street
Assessor Plan: Map 107, Lot 52-1
Zoning District: Character District 4
Description: Operate a preschool for a maximum of 20 children where no off-street parking is provided.
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:
1. A Variance from Section 10.1112.30 to provide no off-street parking spaces where 0.5 spaces per client licensed capacity are required.

4) Case 5-4
Petitioner: Deer Street Associates
Property: 165 Deer Street (Lot/Building 3)
Assessor Plan: Map 125, Lot 17
Zoning District: Character District 5 and Downtown Overlay District
Description: Construct a 5-story mixed use building with enclosed off-street parking utilizing a lift system.
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:

1. A Variance from Section 10.516.20 to allow a 5’± rear yard adjoining a railroad right-of-way where 15’ is required.
2. A Variance from Section 10.1114.21 to allow 62 parking spaces utilizing a two-car lift system in each bay that does not meet the required dimensions for parking spaces.
3. A Variance from Section 10.1114.32(a) to allow vehicles to enter and leave parking spaces by passing over another parking space or requiring the moving of another vehicle.

5) Case 5-5
Petitioner: Steven J. Craige
Property: 10 Humphreys Court
Assessor Plan: Map 101, Lot 43
Zoning District: General Residence B
Description: Replace existing one-car garage with a two-car garage.
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 right side yard of 2’-10.25” ± where 10’ is required; b) an 8’1” ± rear yard where 25’ is required; and c) 33.9%± building coverage where 30% is the maximum allowed.
2. A Variance from Section 10.321 to allow a nonconforming building to be reconstructed or enlarged without conforming to the requirements of the ordinance.

6) Case 5-6
Petitioners: Matthew & Katherine Menchen
Property: 416 Ocean Road
Assessor Plan: Map 293, Lot 12
Zoning District: Single Residence A
Description: Keep chickens (hens) in a mobile coop.
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 #17.20 to allow the keeping of farm animals in a district where the use is only allowed by Special Exception.