

**LEGAL NOTICE
BOARD OF ADJUSTMENT
PORTSMOUTH, NEW HAMPSHIRE**

NOTICE IS HEREBY GIVEN that the Board of Adjustment will hold Public Hearings on the following petitions on **Tuesday, August 15, 2017 and Tuesday, August 22, 2017, both at 7:00 p.m.** in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire:

THE FOLLOWING PETITIONS WILL BE HEARD ON TUESDAY, AUGUST 15, 2017:

Old Business

10) Case 7-10. Petition of Flintatta LLC, owner and the Unitarian Universalist Church of Portsmouth, applicant for property located at **73 Court Street** wherein relief is required for a first floor office use and a second floor church assembly use including the following: a) a special exception under Section 10.440 Use #3.11 to allow a religious place of assembly where the use is only allowed by special exception; b) variances from Section 10.5A41.10A to allow the following: 1) a 1'± left yard setback and a 3'± rear yard setback where 5' is required for each; 2) building coverage of 66%± where 60% is the maximum allowed; and 3) open space of 11.8%± where 25% is the minimum required and 4.1%± exists; and c) variances from Section 10.1112.30 to permit no off-street parking spaces to be provided where the following are required: 1) 8 off-street parking spaces for the 2,000 s.f. of office use space; and 2) 67 off-street parking spaces for the assembly use. Said property is shown on Assessor Plan 116 Map 19 and lies within Character District 4-L1. *(This petition was postponed from the July 25, 2017 meeting and revised.)*

New Business

1) Case 8-1. Petition of Logan Properties LLC for property located at **403 Deer Street #7-13 (The Hill)** wherein relief is required from the Zoning Ordinance for a 24± s.f. wall sign including the following variances: a) from Section 10.1251.20 to allow a 24± s.f. wall sign where 16 s.f. is the maximum allowed; and b) from Section 10.1271.20 to allow a sign on the side of a building not facing the street and without a public entrance. Said property is shown on Assessor Plan 118, Lot 26 and lies within Character District 4-L1 and the Downtown Overlay District.

2) Case 8-2. Petition of 933 Islington LLC for property located at **933 Islington Street** wherein relief is required from the Zoning Ordinance for decal signage on two windows including a variance from Section 10.1271.20 to allow a sign on the side of a building not facing the street and without a public entrance. Said property is shown on Assessor Plan 172, Lot 9 and lies within the Business District.

3) Case 8-3. Petition of SLF Realty Group for property located at **180 Mirona Road** wherein relief is required from the Zoning Ordinance to replace an internally illuminated free-standing sign including the following variances: a) from Section 10.1251.20 to allow a 112± s.f. free-

standing sign (including base) where 100 s.f. is the maximum allowed; b) from Section 10.1243 to allow a second free-standing sign on a lot where only one free-standing sign is permitted; and c) from Section 10.1281 to allow a nonconforming sign or sign structure to be altered, reconstructed or replaced without bringing the nonconforming sign into conformity with the Ordinance. Said property is shown on Assessor Plan 253, Lot 2 and lies within the Gateway District.

4) Case 8-4. Petition of Sean P. and Robin M. Murphy for property located at **24 Kent Street** wherein relief is required from the Zoning Ordinance for a 2-story attached garage including a variance from Section 10.521 to allow 28.3%± building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 113, Lot 39 and lies within the General Residence A District.

5) Case 8-5. Petition of Susan MacDougall for property located at **39 Pray Street** wherein relief is required from the Zoning Ordinance to reconstruct a rear one-story attached structure and rear shed including the following variances: a) from Section 10.521 to allow 3'± right yard setback where 10' is required; b) from Section 10.573.10 to allow a 1'± side yard setback where 5' is required; c) from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Plan 102, Lot 38 and lies within the General Residence B District.

THE FOLLOWING PETITIONS WILL BE HEARD ON TUESDAY, AUGUST 22, 2017:

6) Case 8-6. Petition of Arne LLC for property located at **0 Sylvester Street** wherein relief is required from the Zoning Ordinance to merge two lots and construct a single-family home including variances from Section 10.521 to allow the following: a) continuous street frontage of 80.84'± where 100' is required; b) a lot area and lot area per dwelling unit of 6,713± s.f. where 15,000 s.f. is required; c) lot depth of 82.2'± where 100' is required; and d) a front yard setback of 21.7'± where 30' is required. Said property is shown on Assessor Plan 232, Lots 43-1 & 43-2 and lies within the Single Residence B District.

7) Case 8-7. Petition of Bartlett Street Condos LLC for property located at **217 Bartlett Street** wherein relief is required from the Zoning Ordinance to replace a demolished building with a single family residence including variances from a) Section 10.513 to allow more than one free-standing dwelling on a lot; and from b) Section 10.521 to allow the following: 1) 1,773± s.f. of lot area per dwelling unit where 7,500 s.f. is required; 2) a 3'± right side yard setback where 10' is required; 3) a 10'± front yard setback where 15' is required; and 4) 98.7'± continuous street frontage where 100' is required. Said property is shown on Assessor Plan 162, Lot 32 and lies within the General Residence A District.

8) Case 8-8. Petition of Brian M. Carloni for property located at **30 Elwyn Avenue** wherein relief is required from the Zoning Ordinance to construct a 6'± x 26'± rear addition replacing an existing deck/entry including variances from Section 10.521 to allow the following: a) 7'± right side yard setback where 10' is required; and b) 32%± building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 113, Lot 25 and lies within the General Residence A District.

9) Case 8-9. Petition of Patrick J. Sayers for property located at **56 Brackett Road** wherein relief is required from the Zoning Ordinance to construct a single family residence replacing an existing structure including variances from Section 10.311 and Section 10.521 to allow the following: a) a lot area and lot area per dwelling unit of 14,209± s.f. where 15,000 is required; and b) 62.14'± of continuous street frontage where 100' is required. Said property is shown on Assessor Plan 206, Lot 23 and lies within the Single Residence B District.

10: Case 8-10. Petition of 25 Maplewood Avenue, LLC for property located at **25 Maplewood Avenue** wherein relief is required from the Zoning Ordinance to construct a 3-4 story mixed residential/office/retail facility with covered parking including the following: a) a variance from Section 10.5A41.10D to allow the maximum finished floor surface of ground floor above sidewalk grade on the Maplewood Avenue face to be greater than 36". *If this request is denied, then*, b) a variance from Section 10.5A41.10D to allow shopfront glazing along the Maplewood Avenue face to be less than 70%; *and* c) a variance from Section 10.5A41.10D to allow a minimum ground story height of 10' where 12' is required. *In addition to either item a), or items b) and c) above, the following relief is required:* d) a variance from Section 10.5A43.32 to permit a roof appurtenance height in excess of 10' beyond the maximum building height. Said property is shown on Assessor Plan 126, Lot 2 and lies within Character District 5 and the Downtown Overlay District.