

**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, September 19, 2017 and Tuesday, September 26, 2017, both at 7:00 p.m.** in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire:

**THE FOLLOWING OLD BUSINESS AND NEW PETITIONS WILL BE HEARD ON
TUESDAY, SEPTEMBER 19, 2017:**

Old Business

A) 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. *In addition to variances contained in a petition previously advertised and postponed from August 22, 2017 meeting to the September 19, 2017 meeting*, the following variance is required: *(b) (5) 30.9%± building coverage where 25% is the maximum allowed*. Said property is shown on Assessor Plan 162, Lot 32 and lies within the General Residence A District.

New Business

1) Case 9-1. Petition of Melissa A. Raffoni Revocable Trust of 2011, Melissa Raffoni, Trustee for property located at **606 State Street** wherein relief is required from the Zoning Ordinance for a constructed third floor wall extension including the following variances: a) from Section 10.521 to allow a 4'± right side yard where 10' is required; and b) 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 127, Lot 21 and lies within the General Residence C District.

2) Case 9-2. Petition of Arne LLC for property located at **Off Sylvester Street** wherein relief is required from the Zoning Ordinance to construct a single-family home on two merged lots including a variance from Section 10.521 to allow a rear yard setback of 22.1'± 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.

3) Case 9-3. Petition of Arne LLC for property located at **Off Sylvester Street** wherein the Board is requested to waive, modify or rehear the condition of approval, from their August 22, 2017 decision, that the applicant submit to Site Plan review with the Planning Board. Said property is shown on Assessor Plan 232, Lots 43-1 and 43-2 and lies within the Single Residence B District.

4) Case 9-4. Petition of Matthew Nolte, owner, Matthew & Kerry Nolte, applicants, for property located at **321 Dennett Street** wherein relief is required from the Zoning Ordinance for the relocation of an existing second dwelling unit to a separate structure including the following variances: a) from Section 10.513 to allow a second free-standing dwelling on a lot where only one free-standing dwelling is allowed; b) from Section 10.521 to allow the following: (1) a 5.75' ± front yard setback (Hunter Hill) where 15' is required; (2) a 9'6" ± rear yard setback (Dennett Street) where 20' is required; and (3) lot area per dwelling unit of 3,705 ± sf. where 7,500 s.f. is required; c) from Section 10.1111.20 to allow a use that is nonconforming with respect to off-street parking to be enlarged or altered without complying with the off-street parking requirements; and d) From Section 10.1112.30 to allow 0 legally conforming off-street parking spaces where four (4) are the minimum required. Said property is shown on Assessor Plan 160, Lot 40 and lies within the General Residence A District.

5) Case 9-5. Petition of Paul Lanzoni, owner, and Paul and Janice Lanzoni, applicants, for property located at **411 South Street** wherein relief is required from the Zoning Ordinance for an attached garage, containing an accessory dwelling unit, and hallway addition including the following variances: a) from Section 10.521 to allow the following: (1) a rear yard setback of 6.5' ± where 20' is required; (2) a left side yard setback of 6' ± where 10' is required; and (3) building coverage of 26.4% ± where 25% is the maximum allowed; and b) 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 112, Lot 55 and lies within the General Residence A District.

**THE FOLLOWING PETITIONS WILL BE HEARD ON TUESDAY,
SEPTEMBER 26, 2017:**

6) Case 9-6. Petition of Todd N. Creamer, owner, Todd N. Creamer and Cari M. Feingold, applicants for property located at **199 Union Street** wherein relief is required from the Zoning Ordinance for a 10' ± x 14' ± replacement shed including the following variances: a) from Section 10.521 to allow a 2' ± right side yard where 10' is required; and b) 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 135, Lot 69 and lies within the General Residence C District.

7) Case 9-7. Petition of Pamela Thacher, owner, Charles Seefried, applicant for property located at **180 Middle Street** wherein relief is required from the Zoning Ordinance for the creation of five dwelling units including the following variances: a) from Section 10.521 to allow the following: (1) a lot area per dwelling unit of 4,763 ± s.f. where 7,500 s.f. is required; (2) a 1' ± right side yard setback for the carriage house where 10' is required; and (3) for the carriage house a 0.8' ± rear yard setback where 15' is required; and b) from Section 10.1114.20 to allow a two-way maneuvering aisle in the parallel parking space area of 16' ± where 24' is required. Said property is shown on Assessor Plan 127, Lot 8 and lies within the Mixed Residential Office District.

8) Case 9-8. Petition of Woodbury Cooperative Inc. for property located at **1338-1342 Woodbury Avenue** wherein relief is required from the Zoning Ordinance for adding four manufactured home dwelling units including the following variances a) from Section 10.521 to allow a lot area per dwelling unit of 3,149 ± s.f. where 7,500 s.f. is required; b) from Section 10.521 to allow right side yard setbacks for the four

manufactured home units respectively of 6.4'±, 7.3'±, 2.5'±, and 1.7'±; and c) from Section 10.334 to allow a lawful nonconforming use to be extended, enlarged or changed except in conformity with the Ordinance. Said property is shown on Assessor Plan 237, Lot 70 and lies within the Mixed Residential Business.

9) Case 9-9. Petition of Benjamin A. Solomon for property located at **38 Summit Avenue** wherein relief is required from the Zoning Ordinance for two front window dormers including the following variances: a) from Section 10.521 to allow a front yard setback of 18'± where 30' is required; and b) 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 230, Lot 2 and lies within the Single Residence B District.

10) Case 9-10. Petition of 143 Daniel Street LLC for property located at **135-143 Daniel Street** Street wherein relief is required from the Zoning Ordinance for an underground parking space including the following variances: a) from Section 10.1114.20 to allow an 8'± x 16'± parking space where an 8½' x 19' space is required; and b) from Section 10.1114.20 to allow a 16'± wide travel aisle where a 24' wide travel aisle is required. Said property is shown on Assessor Plan 105, Lot 19 and lies within the Character District 4, Character District 5 and Downtown Overlay Districts.

11) Case 9-11. Petition of Ethel V. Ross Trust for property located at **142 Mill Pond Way** wherein relief is required from the Zoning Ordinance for the construction of three townhouses above a six-car garage including a Special Exception under Section 10.440, Use # 1.51 to allow three dwelling units on a lot where they are only allowed by special exception. Said property is shown on Assessor Plan 140, Lot 20 and lies within the General Residence A District.