

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

**NOTICE IS HEREBY GIVEN** that the Board of Adjustment will hold Public Hearings on the following new petitions on **Tuesday, December 19, 2017 at 7:00 p.m** in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire:

**1) Case 12-1.** Petition of Michael De La Cruz for property located at **75 (63) Congress Street** wherein relief is required from the Zoning Ordinance to construct 15 residential units without required parking including a variance from Section 10.1112.30 to allow no off-street parking spaces to be provided where off-street parking spaces are required. Said property is shown on Assessor Plan 117, Lot 5 and lies within Character District 5.

**2) Case 12-2.** Petition of Brenda J. Bouchard Revocable Trust of 1999 for property located at **33 Holmes Court** wherein relief is required from the Zoning Ordinance to install a rear condenser including variances from Section 10.573.10 to allow a 3'± right side yard setback and a 1'8"± rear yard setback where 5' is required for both. Said property is shown on Assessor Plan 101, Lot 12 and lies within the General Residence B District.

**3) Case 12-3.** Petition of James C. and Amy M. Baker for property located at **75 Humphreys Court** wherein relief is required from the Zoning Ordinance to construct a rear addition including the following variances: a) from Section 10.521 to allow an 18'± rear yard setback where 25' 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 101, Lot 37 and lies within the General Residence B District.

**4) Case 12-4.** Petition of Joseph D. Bezanson & Chelsea M. Ladd for property located at **87 Union Street** wherein relief is required from the Zoning Ordinance to construct a 17'± x 10'± left rear deck including the following variances: a) from Section 10.521 to allow an 8'± left side yard setback 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 145, Lot 66 and lies within the General Residence C District.

**5) Case 12-5.** Petition of Lucky Thirteen Properties LLC, owner, and Lexie's Portsmouth, LLC, applicant for property located at **361 Islington Street** wherein relief is required from the Zoning Ordinance to convert an existing building plus a 90 s.f. addition to restaurant use including variances from Section 10.5A41.10A to allow the following: a) a secondary front yard of 66'± where 12' is the maximum permitted; b) a 28'± left side yard setback where 20' is the maximum permitted; d) 14.9%± open space where 25% is the minimum required; and e) shopfront façade glazing of 47%± where 17% exists and 70% is the minimum required. Additional relief is required from Section 10.1113.20 to allow off-street parking to be located in a required front yard between the principal building and a street; from Section 10.5A44.31 to allow off-street parking spaces to be located less than 20' behind the façade of a principal building; and 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 144, Lot 23 and lies within Character District 4-L2.

**6) Case 12-6.** Petition of National Propane LP c/o Amerigas Eagle propane, owner and Granite State Gas Transmission Inc dba Unitil, applicant, for property located at **1166 Greenland Road** wherein relief is required from the Zoning Ordinance to construct a fence and utility service structure including the following: a) a special exception under Section 10.440 Use #15.12 to allow a utility related structure providing a community-wide or regional service where the use is only allowed by special exception; and b) a variance from Section 10.521 to allow an 8'± front yard setback where 70' is required. Said property is shown on Assessor Plan 280, Lot 2 and lies within the Industrial District.

**7) Case 12-7.** Petition of 409 Franklin Pierce Highway LLC for property located at **917 Greenland Road** wherein relief is required from the Zoning Ordinance to construct a single-family home including the following variances from Section 10.521: a) a lot area and lot area per dwelling unit of 11,760± s.f. where 15,000 s.f. is required; and b) an 18'± primary front yard setback where 30' is required. Said property is shown on Assessor Plan 259, Lot 7 and lies within the Single Residence B District.

**8) Case 12-8.** Petition of Kathryn Michele Arbour for property located at **86 Emery Street** wherein relief is required from the Zoning Ordinance to construct a free-standing dwelling including the following: a) a variance from Section 10.513 to allow a second free-standing dwelling on a lot. Said property is shown on Assessor Plan 220, Lot 87-1 and lies within the Single Residence B District.

Juliet T.H. Walker  
Planning Director