

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

**7:00 P.M.**

**FEBRUARY 21, 2018\*  
To Be Reconvened  
February 27, 2018**

**AGENDA**

**THE FOLLOWING OLD BUSINESS AND PETITIONS 1) THROUGH 6)  
WILL BE HEARD ON WEDNESDAY, FEBRUARY 21, 2018\***

**I. APPROVAL OF MINUTES**

A) January 17, 2018

**II. PUBLIC HEARINGS – OLD BUSINESS**

A) Case 1-1.

Petitioner: James M. Fernald, Appellant  
Property: 996 Maplewood Avenue  
Assessor Plan: Map 219, Lot 4  
Zoning District: Single Residence B District  
Description: Appeal  
Request: Appeal from an Administrative Decision regarding the issuance of a building permit for Unit C of the above property.  
*(This petition was postponed from the January 17, 2018 meeting.)*

**III. PUBLIC HEARINGS - NEW BUSINESS**

1) Case 2-1

Petitioner: Jennifer S. Benjamin  
Property: 180 Sherburne Avenue  
Assessor Plan: Map 112, Lot 31  
Zoning District: General Residence A  
Description: One-story left-front addition.  
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:  
1. A Variance from Section 10.521 to allow a 5'6"± right side yard where 10' is required;  
2. A Variance from Section 10.521 to allow 29%± building coverage where 25% is the maximum allowed;

3. A Variance 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.

2) Case 2-2

Petitioners: Dorothy M. Kierstead and Theresa Sessions  
Property: 50 Lovell Street  
Assessor Plan: Map 147, Lot 2  
Zoning District: General Residence C  
Description: Construct two, two-family structures.  
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:  
1. A Variance from Section 10.521 to allow a lot area per dwelling unit of 3,423± s.f. where 3,500 s.f. is required.

3) Case 2-3

Petitioner: Jeffrey J. Caron  
Property: 325 Thaxter Road  
Assessor Plan: Map 152, Lot 39  
Zoning District: Single Residence B  
Description: One-story right rear addition.  
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:  
1. A Variance from Section 10.521 to allow a 4'± right side yard where 10' is required;  
2. A Variance from Section 10.521 to allow 28.1%± building coverage where 20% is the maximum allowed;  
3. A Variance 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.

4) Case 2-4

Petitioner: Kathryn Michele Arbour  
Property: 86 Emery Street  
Assessor Plan: Map 220, Lot 87-1  
Zoning District: Single Residence B  
Description: Two family dwelling.  
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:  
1. A Variance from Section 10.440, Use #1.30 to allow a two family dwelling on a lot where only a single family dwelling is allowed.

5) Case 2-5

Petitioner: KL Boston Revocable Trust, Kelly L. Boston, Trustee  
Property: 465 Cutts Avenue  
Assessor Plan: Map 210, Lot 27

Zoning District: Single Residence B  
Description: Extend existing garage and front porch.  
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:  
1. A Variance from Section 10.521 to allow a secondary front yard setback of 10.5'± where 30' is required;  
2. A Variance from Section 10.521 to allow 23%± building coverage where 20% is the maximum allowed;

6) Case 2-6

Petitioner: Evon Cooper  
Property: 287 Maplewood Avenue  
Assessor Plan: Map 141, Lot 36  
Zoning District: Character District 4-Limited  
Description: One-room addition on existing foundation.  
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:  
1. A Variance from Section 10.5A41.10A to allow a 2.49'± side yard where 5' is the minimum required;  
2. A Variance 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.

*\*Change in customary schedule and day of week.*

**THE FOLLOWING PETITIONS WILL BE HEARD ON TUESDAY, FEBRUARY 27, 2018:**

7) Case 2-7

Petitioner: Michael De La Cruz  
Property: 75 Congress Street (63 Congress Street)  
Assessor Plan: Map 117, Lot 5  
Zoning District: Character District 5  
Description: Construct 15 residential units without required parking.  
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 allow no off-street parking spaces to be provided where off-street parking spaces are required.

8) Case 2-8

Petitioners: James W. and Heather L. Davis  
Property: 530 Dennett Street  
Assessor Plan: Map 161, Lot 10-1  
Zoning District: General Residence A  
Description: Construct single family home and garage replacing existing home and garage.  
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:

1. A Variance from Section 10.521 to allow a lot area and lot area per dwelling unit of 7,441± s.f. where 7,500 s.f. is required for each;
2. A Variance from Section 10.521 to allow continuous street frontage of 61.09'± where 100' is required;
3. A Variance from Section 10.521 to allow an 8'± left side yard where 10' is required;
4. A Variance 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.

9) Case 2-9

Petitioners: Michael G. and Annette A. Kane

Property: 242 State Street, #1

Assessor Plan: Map 107, Lot 70-6

Zoning District: Character District 4

Description: Lighted projection of a logo onto sidewalk.

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

1. A Variance Section 10.1234 to allow a sign that is not specifically permitted in a sign district;
2. A Variance from Section 10.1263.10 to allow a light source for external illumination of a sign to be visible three feet above grade at the lot line with the lighting not confined to the area of the sign;
3. A Variance from Section 10.1263.30 to allow a sign or its illuminator to interfere with pedestrian or vehicular traffic;
4. A Variance from Section 10.1262 to allow a sign to be illuminated between 11:00 p.m. and 6:00 a.m. without the operation of a use or activity that is open to customers or the public, and more than one hour after activity ceases.

10) Case 2-10

Petitioner: Richard Fusegni

Property: 201 Kearsarge Way

Assessor Plan: Map 218, Lot 5

Zoning District: Single Residence B

Description: Subdivide one lot into two.

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

1. A Variance from Section 10.521 to allow a lot area and lot area per dwelling unit of 7,834± s.f. where 15,000 s.f. is required;
2. A Variance from Section 10.521 to allow 97.52'± of continuous street frontage where 100' is required.

11) Case 2-11

Petitioner: Cyrus Lawrence Gardner Beer

Property: 64 Mt. Vernon Street  
 Assessor Plan: Map 111, Lot 30  
 Zoning District: General Residence P  
 Description: Chicken coop with six chickens (hens).  
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:

1. A Variance from Section 10.440, Use #17.20 to allow the keeping of farm animals where the use is not allowed.
2. A Variance from Section 10.573.10 to allow an accessory structure 3'± from the rear property line where 5' is required.

12) Case 2-12

Petitioners: Vaughan Street Hotel LLC and 299 Vaughan Street LLC c/o Cathartes Private Investments  
 Property: 225 and 299 Vaughan Street  
 Assessor Plan: Map 123, Lot 15 and Map 124, Lots 10 and 11  
 Zoning District: Character District 5  
 Description: Allow specific vehicle circulation patterns in off-street parking areas.  
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:

1. A Variance from Section 10.1114.32 to allow vehicles to enter and leave a parking space by passing over another parking space or requiring the moving of another vehicle.

13) Case 2-13

Petitioners: Eric A. and Jean C. Spear, owners and Brendan Cooney and Megan Tehan, applicants  
 Property: 57 Mt. Vernon Street  
 Assessor Plan: Map 111, Lot 31  
 Zoning District: General Residence B  
 Description: Create a lot by subdivision containing an existing dwelling.  
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including variances from Section 10.521 to allow the following:

1. A lot area and lot area per dwelling unit of 3,647± s.f. where 5,000 s.f. is required for each;
2. Continuous street frontage of 45.41'± where 80' is required;
3. A 2.2'± left side yard where 10' is required;
4. A 15.8'± rear yard where 25' is required.

14) Case 2-14

Petitioners: Charles L. Fleck, Jr., owner and Sarah Fleck and Charles L. Fleck, Jr., applicants  
 Property: 39 Sagamore Avenue  
 Assessor Plan: Map 222, Lot 31  
 Zoning District: General Residence A

- Description: Replace a free-standing shed with an attached garage.
- Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:
1. A Variance from Section 10.521 to allow a 6'± right side yard where 10' is required.
  2. A Variance 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.

#### **IV. 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.