

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

**NOTICE IS HEREBY GIVEN** that the Board of Adjustment will hold Public Hearings on Old Business and the following new petitions on Tuesday, April 17, 2018 **at 7:00 p.m** in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire:

Old Business:

**A) Case 3-5.** Petition of Barbara R. Frankel regarding property located at **89 Brewery Lane** wherein relief is required from the Zoning Ordinance to remove an existing structure and construct a Colonial style assisted living home. The required relief includes variances from Section 10.5A41.10A to allow the following: a) a principal front yard of 76'± where 15' is the maximum allowed; b) a right side yard of 37'± where a 5' minimum to 20' maximum is required; c) a front lot line buildout of 50%± where 60% minimum to 80% maximum is required; d) a minimum ground story height of 10' where 11' is required; e) 13%± façade glazing where 20% minimum to 40% maximum is required; *and f) a building footprint of 3,146 s.f. where 2,500 s.f. is required;* and also, g) a variance from Section 10.5A44.31 to allow off-street parking spaces to be located less than 20' behind the façade of a principal building. Said property is shown on Assessor Plan 146, Lot 26 and lies within the Character District 4-L2. *(This petition was postponed from the March 20, 2018 meeting and includes the addition of item f) italicized above.)*

New Business:

1) **Case 4-1.** Petition of Gordon C. & Carol L. Clark regarding property located at **28 Rockingham Street** wherein relief is required from the Zoning Ordinance to install a generator. The required relief includes a variance from Sections 10.573 to allow the following: a) a right side yard of 1.5'± where 5' is required. Said property is shown on Assessor Plan 114, Lot 12 and lies within the General Residence C District.

2) **Case 4-2.** Petition of Burns F. Barford IV regarding property located at **635 Maplewood Avenue** wherein relief is required from the Zoning Ordinance to allow a temporary storage container to remain beyond 30 days. The required relief includes a variance from Section 10.440, Use #18.23 to allow a temporary structure to remain from 91 to 180 days where 30 days is the maximum period allowed. Said property is shown on Assessor Plan 209, Lot 10 and lies within the Single Residence B District.

3) **Case 4-3.** Petition of Bruce C. Teatrowe regarding property located at **226 Crescent Way** wherein relief is required from the Zoning Ordinance to replace a rear shed. The required relief includes a variance from Section 10.521 to allow a 0'± left side yard where 5' is required. Said property is shown on Assessor Plan 212, Lot 128 and lies within the General Residence B District.

**4) Case 4-4.** Petition of Brenda J. Bouchard Revocable Trust of 1999, Brenda J. Bouchard, Trustee, regarding property located at **33 Holmes Court** wherein relief is required from the Zoning Ordinance to install a condenser. The required relief includes variances from Section 10.573 to allow a right side yard of 3'± and a rear yard of 1.4'± where 5' is required for both. Said property is shown on Assessor Plan 101, Lot 12 and lies within the General Residence B District.

**5) Case 4-5.** Petition of Nathan P. Moss and Stacey Martinez Moss regarding property located at **5 Pamela Street** wherein relief is required from the Zoning Ordinance to replace an attached garage. The required relief includes variances from Section 10.521 to allow a right side yard of 5'± where 10' is required. Said property is shown on Assessor Plan 292, Lot 119 and lies within the Single Residence B District.

**6) Case 4-6.** Petition of Portsmouth Lumber & Hardware, Clipper Traders, LLC and Boston and Maine Corporation regarding property located at **105 Bartlett Street** wherein relief is required from the Zoning Ordinance to adjust lot lines on existing lots in order to allow the construction of a new roadway. The *required relief under the current zoning* includes the following: Proposed Lot 1: Variances from Section 10.5A41.10B to allow the following: 1a) a front lot line buildout of 13.4%± where 50% is required; and 1b) a front yard of 27.2'± where 10' is the maximum allowed; Proposed Lot 2: Variances from Section 10.5A41.10B to allow the following: 2a) a principal front line buildout of 13.3%± where 50% is required; 2b) a secondary front lot line buildout of 0'± where 50% is required; 2c) a principal front yard of 18.2'± where 10' is the maximum allowed; and 2d) a secondary front yard of 30.2'± where 15' is the maximum allowed; Proposed Lot 3: Variances from Section 10.530 to allow the following: 3a) a front yard of 0'± where 70' is required; 3b) open space coverage of 9.6%± where 20% is required; Proposed Lot 4: Variances from 10.530 to allow the following: 4a) a lot size of 1.4± acres± where 2 acres is required; 4b) a front yard of 1.7'± where 70' is required; 4c) a side yard of 3.9'± where 50' is required; and 4d) a rear yard of 46.9'± where 50' is required; and Proposed Lot 5: A variance from Section 10.530 to allow a rear yard of 33.7'± where 50' is required. The *required relief under the proposed zoning* includes the following: Proposed Lot 3: Variances from Section 10.5A41.10B to allow the following: 1a) a front lot line buildout of 24.7%± where 50% is required; 1b) open space coverage of 9.6%± where 15% is required; Proposed Lot 4: Variances from Section 10.5A41.10B to allow the following: 2a) a front lot line buildout of 29.1%± where 50% is required; 2b) a building footprint of 20,313± s.f. where a maximum of 15,000 s.f. is required; and Proposed Lot 5: Variances from Section 10.5A41.10B to allow the following 3a) a front lot line buildout of 0%± where 50% is required; 3b) a front yard of 75.6'± where a maximum of 10' is required. Said property is currently shown on Assessor Plan 157, Lots 1 and 2, and Assessor Plan 164, Lots 1, 2, 3 and 4 and currently lies within the Office Research District (Proposed Lots 3, 4, and 5), Character District 4W (Proposed Lots 1 and 2) and the Transportation Corridor District. Proposed Lots 3 and 4 are proposed to be re-zoned to CD-4W and Proposed Lot 5 is proposed to be re-zoned to CD4W and CD4-L2.

**7) Case 4-7.** Petition of Mark McNally regarding property located at **21 Brewster Street** wherein relief is required from the Zoning Ordinance to add balconies to four upper floor units. The required relief includes variances from Section 10.521 to allow the following: a) a 3.75'± right side yard where 10' is required; b) 54.6%± building coverage where 35% is the maximum allowed; and c) 4.1%± open space where 20% is required. Said property is shown on Assessor Plan 138, Lot 11 and lies within the General Residence C District.

**8) Case 4-8.** Petition of Portsmouth Housing Authority and ED PAC, LLC regarding property located at **140 and 152 Court Street** wherein relief is required from the Zoning Ordinance for a lot line adjustment and construction of a five story workforce housing building. The required relief includes the following: For 152 Court Street: a) no entrance proposed on the front building façade where an entrance is required every 50'; For 140 Court Street: variances from Section 10.5A41.10C to allow the following a) a maximum front lot line buildout of 45.7%± where 50% is required; b) no entrance proposed on the front building façade where an entrance is required every 50'; and c) a ground floor ceiling height of 9'± where 12' is required (parking deck on ground floor). Said property is shown on Assessor Plan 114, Lots 37 and 38 and lies within Character District 4.

**9) Case 4-9.** Petition of Chad O. and Megan E. Luce regarding property located at **31 Willow Lane** wherein relief is required from the Zoning Ordinance to extend a rear dormer. The required relief includes the following: a) a variance from Section 10.521 to allow a 10'± rear yard setback where 20' is required; and b) 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. Said property is shown on Assessor Plan 151 Said property is shown on Assessor Plan 133, Lot 6 and lies within the General Residence A District.

Juliet T.H. Walker  
Planning Director