

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

**7:00 P.M.**

**May 15, 2018  
To Be Reconvened  
May 22, 2018**

**AGENDA**

**THE FOLLOWING OLD BUSINESS AND PETITIONS 1) THROUGH 5)  
WILL BE HEARD ON TUESDAY, MAY 15, 2018**

**I. APPROVAL OF MINUTES**

A) April 17, 2018

**II. OLD BUSINESS**

A) Request for Rehearing regarding property located at 160-168/170 Union Street.

**III. OLD BUSINESS - PUBLIC HEARINGS**

**A) 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 residential building. The required relief includes the following variances: For 140 Court Street: a) from Section 10.5A41.10C to allow a front lot line buildout of 12.5%± where 50% is required; b) from Section 10.5A41.10C to allow a 10'± ground floor ceiling height where 12' is required; c) from Sections 10.5A43.30 & 10.5A21B to allow a structure with five stories (58'± in height) where three and a short fourth stories to a maximum height of 45' are permitted; and d) from Section 10.1114.21 to allow 9'± x 18'± parking spaces where 8.5' x 19' spaces are required and a 22' wide maneuvering aisle where 24' is required. For 152 Court Street: e) from Section 10.5A41.10C to allow no entrance proposed on the front building façade where an entrance is required every 50'. Said property is shown on Assessor Plan 116, Lots 37 and 38 and lies within Character District 4. (NOTE: This petition was postponed from the April 17, 2018 meeting and the requested relief has been amended.)

**IV. NEW BUSINESS – PUBLIC HEARINGS**

**1) Case 5-1.** Petition of Charles R. Traver, Jr. for property located at **100 Colonial Drive** wherein relief is required from the Zoning Ordinance to amend a previously granted variance as follows: a) from Section 10.521 to allow a 3'± right side yard along an extended, previously approved, second floor addition 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 260, Lot 156 and lies within the Single Residence B District.

**2) Case 5-2.** Petition of Richard M. Burbine Revocable Trust and Laura M. Burbine Revocable Trust for property located at **188 Broad Street** wherein relief is required from the Zoning Ordinance to install a generator on the right side of the home, including the following variances: a) from Section 10.515.14 to allow an 8'± right side yard where 10' is required; and b) from 10.521 to allow 27%± building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 133, Lot 11 and lies within the General Residence A District.

**3) Case 5-3.** Petition of Edward J. Miller Revocable Trust, Edward J. Miller, Trustee for property located at **5 Central Avenue** wherein relief is required from the Zoning Ordinance for short term rentals for periods of up to 180 days with no owner in residence, including the following: a) a variance from Section 10.440 to allow short term rentals of residential property where the use is not allowed. Said property is shown on Assessor Plan 209, Lot 1 and lies within the Single Residence B District.

**4) Case 5-4.** Petition of Goodwin Family Revocable Trust, Bruce E. and Jennifer J. Goodwin, Trustees, for property located at **87 Mason Avenue** wherein relief is required from the Zoning Ordinance for a one-story rear addition, including the following: a) a variance from Section 10.521 to allow a 24.2'± rear yard where 30' is required. Said property is shown on Assessor Plan 260, Lot 65 and lies within the Single Residence B District.

**5) Case 5-5.** Petition of 238 Deer Street LLC for property located at **238 Deer Street** wherein relief is required from the Zoning Ordinance for the placement of a dumpster with screening, including the following: a) a variance from Section 10.575 to allow a dumpster to be located 7'± from a lot line where 10' from a lot line is required. Said property is shown on Assessor Plan 125, Lot 3 and lies within Character District 4 and the Downtown Overlay District.

**THE FOLLOWING PETITIONS WILL BE HEARD ON TUESDAY, MAY 22, 2018:**

**6) Case 5-6.** Petition of Jeffrey J. Caron for property located at **325 Thaxter Street** wherein relief is required to amend a previously granted variance including the following: a) from Section 10.521 to allow a 4'± right side yard where 10' is required, extending upward along a previously approved right rear addition; 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 52, Lot 39 and lies within the Single Residence B District.

**7) Case 5-7.** Petition of 319 Vaughan Street Center LLC, owner, 3S Contemporary Artspace, applicant, for property located at **319 Vaughan Street** wherein relief is required from the Zoning Ordinance to annually hold a summer concert series, including the following: a) a special exception from Section 10.1440 #3.521 to allow an outdoor performance facility where the use is allowed by special exception; and b) a variance from Section 10.592.10 to allow an outdoor performance facility use to be located 500' from a residential district. Said property is shown on Assessor Plan 124, Lot 9 and lies within Character District 5 and the Downtown Overlay District.

**8) Case 5-8.** Petition of Peter G. Morin Trust, Peter G. Morin, Trustee for property located at **49 Pickering Street and 170 Mechanic Street** wherein relief is required from the Zoning Ordinance for a lot line revision, including the following: a) a variance from Section 10.521 to allow a 7.9'± rear yard where 25' is required. Said property is shown on Assessor Plan 102, Lots 6 & 7 and lies within the General Residence B District.

**9) Case 5-9.** Petition of Michael De La Cruz for property located at **75 (63) Congress Street** wherein relief is required from the Zoning Ordinance for a basement indoor parking facility, including variances from Section 10.1114.20 to allow the following: a) eight parking spaces with less than the required dimensions and b) a 12'± wide maneuvering aisle where 14' is required. Said property is shown on Assessor Plan 117, Lot 5 and lies within Character District 5 and the Downtown Overlay District.

**10) Case 5-10.** Petition of Jonathan & Diana Guilbert for property located at **15 Thornton Street** wherein relief is required from the Zoning Ordinance to subdivide one lot containing existing structures into two lots, including variances from Section 10.521 to allow the following for Proposed Lot 1: a) an 8.6'± front yard where 15' is required; b) a rear yard of 14.7'± where 20' is required; c) a lot depth of 64.66'± where 70' is required. Said property is shown on Assessor Plan 160, Lot 1 and lies within the General Residence A District.

**11) Case 5-11.** Petition of Derek T. Hayward for property located at **17 Stark Street** wherein relief is required from the Zoning Ordinance to allow a second driveway on a lot, including the following: a) from Section 10.1114.31 to allow a driveway which does not meet the standards for "General Access and Driveway Design." Said property is shown on Assessor Plan 161, Lot 3 and lies within the General Residence A District.

## **V. 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.