

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

7:00 P.M.

**June 19, 2018
To Be Reconvened
June 26, 2018**

AGENDA

**THE FOLLOWING OLD BUSINESS AND PETITIONS 1)THROUGH 5)
WILL BE HEARD ON TUESDAY, JUNE 19, 2018**

I. APPROVAL OF MINUTES

- A) May 15, 2018
- B) May 22, 2018

II. OLD BUSINESS - PUBLIC HEARINGS

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

B) Case 5-9

Petitioner: Michael De La Cruz
Property: 75 (63) Congress Street
Assessor Plan: Map 117, Lot 5
Zoning District: Character District 5 and the Downtown Overlay District
Description: Construct a basement indoor parking facility
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following:
1. 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.

III. NEW BUSINESS – PUBLIC HEARINGS

1) Case 6-1

Petitioner: Richardson Family Trust of 2016, Justin C. Richardson,
Property: 586 Woodbury Avenue
Assessor Plan: Map 236, Lot 2

Zoning District: Single Residence B. District
 Description: Construct a 24'± x 17'± enclosure and keep chickens
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following:
 1) A special exception under Section 10.440, Use #17.20 to allow the keeping of farm animals where the use is only allowed by special exception; and
 2) A variance from Section 10.573.20 to allow a 5.7' rear yard.

2) Case 6-2

Petitioner: Myles S. Bratter
 Property: 177 Bartlett Street
 Assessor Plan: Map 158, Lot 9
 Zoning District: General Residence A District
 Description: Convert a unit with an existing commercial use to a dwelling unit
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following variances:
 1) from Section 10.440, Use #1.52 to allow five dwelling units where five dwelling units are not allowed; and
 2) from Section 10.521 to allow a lot area per dwelling unit of 3,899± s.f. where 7,500 s.f. per dwelling unit is required.

3) Case 6-3

Petitioners: Francis T. Delbene and Gwyn M. Burdell
 Property: 32 Union Street
 Assessor Plan: Map 145, Lot 29
 Zoning District: General Residence C District
 Description: Construct a 26' x 32' carriage house/garage with a third dwelling unit
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following variances from Section 10.521:
 a) a lot area per dwelling unit of 1,887± s.f. where 3,500 s.f. is required; and
 b) a 6'± rear yard where 20' is required.

4) Case 6-4

Petitioners: Linda Preble McVay and John Frank McVay
 Property: 42 Hunking Street
 Assessor Plan: Map 102, Lot 8
 Zoning District: General Residence B District
 Description: Construct a 420± s.f. one-story addition
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following variances:
 1) from Section 10.521 to allow a 10'± rear yard where 25' is required; and
 2) 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.

5) Case 6-5

Petitioners: Steven DeSantis, Allen Jeffries, Tia Spagnuolo, and the Solano Group LLC
 Property: **454 and 456 Middle Street**
 Assessor Plan: Map 135, Lots 43, 43-1 and 43-2
 Zoning District: Mixed Residential Office District
 Description: Install two HVAC condensers
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including variances from Section 10.515.14 to allow the following:
 a) A condensing unit with a 3'± left side yard where 10' is required; and
 b) A condensing unit with a 3'± right side yard where 10' is required.

THE FOLLOWING PETITIONS WILL BE HEARD ON TUESDAY, JUNE 26, 2018

6) Case 6-6

Petitioner: Emily H. Foster
 Property: 636 Middle Road
 Assessor Plan: Map 232, Lot 44
 Zoning District: Single Residence B District
 Description: Install a 10'± long, 6'± high section of fence
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following:
 1. A variance from Section 10.515.13 to allow a fence over 4' in height in a front yard.

7) Case 6-7

Petitioner: Happy Mountain Holdings LLC
 Property: 64 and 74 Emery Street
 Assessor Plan: Map 220, Lots 87-2 and 87-3
 Zoning District: Single Residence B
 Description: Build a two-family dwelling on two lots
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following variances:
 1. from Section 10.440, Use #1.30 to allow a two family dwelling on each of two lots where a two family dwelling on a lot is not allowed; and
 2. from Section 10.521 to allow a lot area per dwelling unit for Lot 220-87-3 (64 Emery Street) of 10,616±s.f. where 15,000 s.f. is required.

8) Case 6-8

Petitioners: Bonnie A. Konopka & Stephanie Ross
 Property: 5 Simonds Road
 Assessor Plan: Map 292, Lot 58
 Zoning District: Single Residence B

Description: Construct a 20' x 16' rear addition
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following variances from Section 10.521:
 1. to allow a 19'± rear yard where 30' is required; and
 2. to allow 24%± building coverage where 20% is the maximum allowed.

9) Case 6-9

Petitioners: Jean G. Merrill and Timothy G. Gilman
 Property: 62 Woodbury Avenue
 Assessor Plan: Map 163, Lot 23
 Zoning District: General Residence Ad
 Description: Add a second dwelling unit
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following special exception:
 1. Under Section 10.440, Use #1.61 to allow two dwelling units with less than the required lot area per dwelling unit.

10) Case 6-10

Petitioner: Colman C. Garland
 Property: 185 Cottage Street
 Assessor Plan: Map 174, lot 14
 Zoning District: General Residence A
 Description: Construct a two-story 3,725± s.f. medical office building
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following variance:
 1. From Section 10.440, Use #6.20 to allow medical (dental) offices where medical offices are not permitted.

11) Case 6-11

Petitioners: Irene R. Lebel Revocable Trust, owner, Matthew Lebel, applicant
 Property: 54 Court Street
 Assessor Plan: Map 116, Lot 54
 Zoning District: Character District CD4-L1
 Description: Convert office space to retail
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following variance:
 1. From Section 10440, Use #8.31 to allow retail sales to be conducted within a building where the use is not allowed.

12) Case 6-12

Petitioner: Neil Cohen
 Property: 21 Langdon Street
 Assessor Plan: Map 138, Lot 32
 Zoning District: General Residence C
 Description: A second driveway on a lot

- Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following variance:
1. From Section 10.1114.31 to allow a driveway which does not meet the standards for “General Access and Driveway Design.”

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.