

**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 **Wednesday, February 21, 2018 and Tuesday, February 27, 2018, both at 7:00 p.m* in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire:

OLD BUSINESS AND THE FOLLOWING NEW PETITIONS WILL BE HEARD ON WEDNESDAY*, FEBRUARY 21, 2018: (**NOTE: CHANGE IN CUSTOMARY SCHEDULE AND DAY OF WEEK.*)

1) Case 2-1. Petition of Jennifer S. Benjamin for property located at **180 Sherburne Avenue** wherein relief is required from the Zoning Ordinance to construct a one-story left-front addition including the following variances: a) from Section 10.521 to allow a 5'6" right side yard where 10' is required; b) from Section 10.521 to allow 29% building coverage where 25% is the maximum allowed; 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 112, Lot 31 and lies within the General Residence A District.

2) Case 2-2. Petition of Dorothy M. Kierstead and Theresa Sessions for property located at **50 Lovell Street** wherein relief is required from the Zoning Ordinance to construct two, two-family structures on a lot with an existing single-family dwelling for a total of five dwelling units including the following 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. Said property is shown on Assessor Plan 147, Lot 2 and lies within the General Residence C District.

3) Case 2-3. Petition of Jeffrey J. Caron for property located at **325 Thaxter Road** wherein relief is required from the Zoning Ordinance to construct a one-story right rear addition including the following variances: a) from Section 10.521 to allow a 4' right side yard for the addition where 10' is required; b) from Section 10.521 to allow 28.1% building coverage where 20% is the maximum allowed; and c) 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 152, Lot 39 and lies within the Single Residence B District.

4) Case 2-4. Petition of Kathryn Michele Arbour, owner and Jeff Mattson, applicant, for Property located at **86 Emery Street** wherein relief is required from the Zoning Ordinance to construct an attached single family dwelling unit including 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. Said property is shown on Assessor Plan 220, Lot 87-1 and lies within the Single Residence B District.

5) Case 2-5. Petition of KL Boston Revocable Trust, Kelly L. Boston, Trustee, for property located at **465 Cutts Avenue** wherein relief is required from the Zoning Ordinance for an extended front porch and garage including the following variances from Section 10.521: a) a secondary front yard setback of 10.5' and 30' is required; and b) 23% building coverage and 20% is the maximum allowed. Said property is shown on Assessor Plan 210, Lot 27 and lies within the Single Residence B District.

6) Case 2-6. Petition of Evon Cooper for property located at **287 Maplewood Avenue** wherein relief is required from the Zoning Ordinance to construct a one-room addition on an existing foundation including the following variances: a) from Section 10.5A41.10A to allow a 2.49' side yard where 5' is the minimum 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 141, Lot 36 and lies within Character District 4-Limited (CD4-L1).

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

7) Case 2-7. Petition of Michael De La Cruz for property located at **75 Congress Street (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.

8) Case 2-8. Petition of James W. and Heather L. Davis for property located at **530 Dennett Street** wherein relief is required from the Zoning Ordinance to construct a single family home with attached garage replacing existing home and garage including the following variances: a) 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; b) from Section 10.521 to allow continuous street frontage of 61.09' where 100' is required; c) from Section 10.521 to allow an 8' left side yard where 10' is required; and c) 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 161, Lot 10-1 and lies within the General Residence A District.

9) Case 2-9. Petition of Michael G. and Annette A. Kane for property located at **242 State Street Unit #1** wherein relief is required from the Zoning Ordinance for a lighted projection of a logo onto the sidewalk including the following variances: a) from Section 10.1234 to allow a sign that is not specifically permitted in a sign district; and b) 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; and c) from Section 10.1263.30 to allow a sign or its illuminator to interfere with pedestrian or vehicular traffic; and d) 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 the activity ceases. Said property is shown on Assessor Plan 107, Lot 70-6 and lies within Character District 4.

10) Case 2-10. Petition of Richard Fusegni for property located at **201 Kearsarge Way** wherein relief is required from the Zoning Ordinance to subdivide one lot into two lots one of which will be nonconforming including the following variances from Section 10.521: a) to allow a lot area and lot area per dwelling unit of 7,834 s.f. where 15,000 s.f. is required; b) to allow 97.52' of continuous street frontage where 100' is required. Said property is shown on Assessor Plan 218, Lot 5 and lies within the Single Residence B District.

11) Case 2-11. Petition of Cyrus Lawrence Gardner Beer for property located at **64 Mt. Vernon Street** wherein relief is required from the Zoning Ordinance to construct a chicken coop and keep six chickens including the following variances: a) from Section 10.440, Use #17.20 to allow the keeping of farm animals where the use is not allowed; b) from Section 10.573.10 to allow an accessory structure 3' from the rear property line where 5' is required. Said property is shown on Assessor Plan 110, Lot 30 and lies within the General Residence B District.

12) Case 2-12. Petition of Vaughan Street Hotel LLC and 299 Vaughan Street LLC c/o Cathartes Private Investments for property located at **225 and 299 Vaughan Street** wherein relief is required from the Zoning Ordinance for vehicular circulation patterns in off-street parking areas including the following variance from Section 10.1114.32(a) to allow vehicles to enter and leave a parking space by passing over another parking space or requiring the moving of another vehicle. Said properties are shown on Assessor Plan 123, Lot 15 and 124, Lots 10 and 11 and lie within Character District 5.

13) Case 2-13. Petition of Eric A. Spear and Jean C. M. Spear, owners and Brendan Cooney and Megan Tehan, applicants, for property located at **57 Mt. Vernon Street** wherein relief is required from the Zoning Ordinance to create a lot by subdivision with an existing dwelling including variances from Section 10.521 to allow the following: a) a lot area and lot area per dwelling unit of 3,647 s.f. where 5,000 s.f. is required for each; b) 45.41' continuous street frontage where 80 is required; c) a 2.2' left side yard where 10' is required; and d) a 15.8' rear yard where 25' is required. Said property is shown on Assessor Plan 111, Lot 31 and lies within the General Residence B District.

14) Case 2-14. Petition of Charles L. Fleck, Jr., owner and Sarah Fleck and Charles L. Fleck, Jr., applicants for property located at **39 Sagamore Avenue** wherein relief is required from the Zoning Ordinance to replace a free-standing shed with an attached garage including the following variances: a) from Section 10.521 to allow a 6' right side yard where 10' is required; 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 221, Lot 31 and lies within the General Residence A District.

Juliet T.H. Walker
Planning Director