

**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, June 19, 2018 and Tuesday, June 26, 2018, both at 7:00 p.m** in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire:

**THE FOLLOWING PETITIONS WILL BE HEARD ON TUESDAY, June 19, 2018:**

- 1) Case 6-1.** Petition of Richardson Family Trust of 2016, Justin C. Richardson, Trustee, for property located at **586 Woodbury Avenue** wherein relief is required from the Zoning Ordinance for constructing a 24' x 17' enclosure and keeping chickens including the following: a) 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 a variance from Section 10.521 to allow a 5.7' rear yard. Said property is shown on Assessor Plan 236, Lot 2 and lies within the Single Residence B District.
- 2) Case 6-2.** Petition of Myles S. Bratter for property located at **177 Bartlett Street** wherein relief is required from the Zoning Ordinance for to convert a unit with an existing commercial use to a dwelling unit including the following variances: a) from Section 10.440, Use #1.52 to allow five dwelling units where five dwelling units are not allowed; and b) 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. Said property is shown on Assessor Plan 158, Lot #9 and lies within the General Residence A District.
- 3) Case 6-3.** Petition of Francis T. Delbene and Gwyn M. Burdell for property located at **32 Union Street** wherein relief is required from the Zoning Ordinance to construct a 26' x 32' carriage house/garage with a third dwelling unit 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. Said property is shown on Assessor Plan 145, Lot 29 and lies within the General Residence C District.
- 4) Case 6-4.** Petition of Linda Preble McVay and John Frank McVay for property located at **42 Hunking Street** wherein relief is required from the Zoning Ordinance for a 420 s.f. one-story addition including the following variances: a) from Section 10.521 to allow a 10' rear yard where 25' 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 102, Lot 8 and lies within the General Residence B District.

**5) Case 6-5.** Petition of Steven DeSantis, Allen Jeffries, Tia Spagnuolo, and the Solano Group LLC for property located at **454 and 456 Middle Street** wherein relief is required from the Zoning Ordinance to install two HVAC condensers including a variance from Section 10.515.14 to allow a condensing unit with a 3' left side yard and a condensing unit with a 3' right side yard, where 10' is required for mechanical systems. Said properties are shown on Assessor Plan 135, Lots 43, 43-1 and 43-2 and lie within the Mixed Residential Office District.

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

**6) Case 6-6.** Petition of Emily H. Foster for property located at **636 Middle Road** wherein relief is required from the Zoning Ordinance to install a 10' long, 6' high section of fence including a variance from Section 10.515.13 to allow a fence over 4' in height in a front yard. Said property is shown on Assessor Plan 232, Lot 44 and lies within the Single Residence B District.

**7) Case 6-7.** Petition of Happy Mountain Holdings LLC for property located at **64 and 74 Emery Street** wherein relief is required from the Zoning Ordinance to build a two-family dwelling on two lots, including the following variances: a) 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 b) 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. Said properties are shown on Assessor Plan 220, Lots 87-2 and 87-3 and lie within the Single Residence B District.

**8) Case 6-8.** Petition of Bonnie A. Konopka & Stephanie Ross for property located at **5 Simonds Road** wherein relief is required from the Zoning Ordinance for a 20 x 16' rear addition including the following variances from Section 10.521: a) to allow a 19' rear yard where 30' is required; and b) to allow 24% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 292, Lot 58 and lies within the Single Residence B District.

**9) Case 6-9.** Petition of Jean G. Merrill and Timothy G. Gilman for property located at **62 Woodbury Avenue** wherein relief is required from the Zoning Ordinance to add a second dwelling unit, including a Special Exception under Section 10.440, Use #1.61 to allow two dwelling units with less than the required lot area per dwelling unit. Said property is shown on Assessor Plan 163, Lot 23 and lies within the General Residence A District.

**10) Case 6-10.** Petition of Colman C. Garland for property located at **185 Cottage Street** wherein relief is required from the Zoning Ordinance to construct a two-story 3,725 s.f. medical office building, including a variance from Section 10.440, Use #6.20 to allow medical (dental) offices where medical offices are not permitted. Said property is shown on Assessor Plan 174, Lot 14 and lies within the General Residence A District.

**11) Case 6-11.** Petition of Irene R. Lebel Revocable Trust, owner, Matthew Lebel, Applicant, for property located at **54 Court Street** wherein relief is required from the Zoning Ordinance to convert office space to retail, including a variance from Section 10.440, Use #8.31 to allow retail sales to be conducted within a building where the use is not allowed. Said property is shown on Assessor Plan 116, Lot 54 and lies within Character District CD4-L1.

**12) Case 6-12.** Petition of Neil Cohen for property located at **21 Langdon Street** wherein relief is required from the Zoning Ordinance to allow a second driveway on a lot, including a variance 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 138, Lot 32 and lies within the General Residence C. District.

Juliet T.H. Walker  
Planning Director