

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

NOTICE IS HEREBY GIVEN that the Board of Adjustment will hold Public Hearings on petitions (A.) through (H.) on **Tuesday, September 21, 2021**. The Board will also hold Public Hearings on Applications (I.) through (K.) on **Tuesday, September 28, 2021**. Both meetings will begin at 7:00 p.m. and will be held in the Eileen Dondero Foley Council Chambers, City Hall, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire.

- A. Request of Shirley W. Scarponi Trust (owner), and Shirley W. Scarponi, (Trustee),** for the property located at **276 Melbourne Street** whereas relief is needed from the Zoning Ordinance to construct a Detached Accessory Dwelling Unit (DADU) which requires the following: 1) Variances from Section 10.521 to allow a) a lot area of 10,867 sq. ft. where 15,000 sq. ft. is required; b) 34.5% building coverage where 20% is the maximum allowed; and c) a 15 foot rear yard where 30 feet is required. Said property is shown on Assessor Map 233 Lot 84 and lies within the Single Residence B (SRB) District.

- B. Request of Michael J. and Wendy L. Joanis, (Owners),** for the property located at **126 Elwyn Avenue** whereas relief is needed from the Zoning Ordinance to construct a 15' x 22' single car garage which requires the following: 1) Variances from Section 10.521 to allow a) a 4' secondary front yard where 15' is required; b) a 3' left side yard where 10' is required; and c) 31.5% building coverage where 25% is the maximum allowed. 2) A Variance from Section 10.571 to allow an accessory structure to be located in any required front yard and closer to the street than the principal building. Said property is shown on Assessor Map 112 Lot 44 and lies within the General Residence A (GRA) District.

- C. Request of Todd E. Hedges Revocable Trust, (Owner) and Todd E. Hedges, (Trustee),** for the property located at **139 Cass Street** whereas relief is needed to construct a two-car garage with apartment above which requires the following: 1) A request for an Equitable Waiver pursuant to RSA 674:33-a or A Variance from Section 10.521 to allow a 9' rear yard where 20' is required. Said property is shown on Assessor Map 146 Lot 6 and lies within the General Residence C (GRC) District.

- D. Request of Ashley Dickenson and Elyse Hambacher, (Owners),** for the property located at **125 Elwyn Avenue** whereas relief is needed to demolish existing garage and rear addition on main structure and construct a new garage with dwelling unit above and reconstruct rear addition on main structure including two shed dormers which requires the following: 1) Variances from Section 10.521 to allow a) lot area per dwelling of 2,559 square feet where 7,500 is required; b) a 1' secondary front yard where 15' is required; c) a 5' left side yard where 10' is required; d) a 2' right side yard where 10' is required; and e) 39% building coverage where 25% is the maximum allowed. 2) A Variance from Section 10.513 to allow more than one free-standing dwellings on a lot. 3) 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 Map 112 Lot 47 and lies within the General Residence A (GRA) District.

- E. Request of Jeffrey L. and Dolores P. Ives, (Owners),** for the property located at **44 Gardner Street** whereas relief is needed to construct a 6' x 12' mudroom addition with new landing and steps which requires the following: 1) A Variance from Section 10.521 to allow 34% building coverage where 30% is the maximum allowed. 2) A Variance from Section 10.321 to allow a nonconforming building or

structure to be expanded, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 103 Lot 42 and lies within the General Residence B (GRB) District.

- F.** Request of **Potter Schwartz Revocable Trust of 2013 (Owner)**, and **Michael F. Schwartz, (Applicant)**, for the property located at **21 Fernald Court** whereas relief is needed to construct a 16' x 23' deck and add an 8'x8' shed which requires the following. 1) Variances from Section 10.521 to allow a) 29% building coverage where 20% is the maximum allowed; and b) a 13' front yard where 30 feet is required. 2) 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 Map 207 Lot 55 and lies within the Single Residence B (SRB) and Historic Districts
- G.** Request of **Brian S. Porter and Erica J. Wygonik (Owners)**, for property located at **319 Lincoln Avenue** whereas relief is needed to demolish existing garage and construct one-car attached garage and construct new dormer which requires the following: 1) Variances from Section 10.521 to allow a) a 2.5' left side yard where 10' is required; b) a 4' right side yard where 10' is required; and c) 33.5% building coverage where 25% is the maximum allowed. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be expanded, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 130 Lot 31 and lies within the General Residence A (GRA) District.
- H.** Request of **Mary H. and Ronald R. Pressman, (Owners)**, for property located at **449 Court Street** whereas relief is needed to construct a 4th story dormered addition with a height of 41.5' which requires the following: 1) Variance from Section 10.5A43.31 to allow a fourth story addition with at a height of 41.5 feet where 2 stories (short 3rd) and 35 feet is the maximum allowed. 2) A Variance from Section 10.5A41.10A to allow a 6" left side yard where 5 feet is required. 3) 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 Map 105 Lot 6 and lies within the Historic District and Character District 4-L1 (CD4-L1).

PLEASE NOTE: THE FOLLOWING ITEMS WILL BE HEARD ON SEPTEMBER 28, 2021

- I.** Request of **238 Deer Street, LLC (Owner)**, for property located at **238 Deer Street** whereas relief is needed to demolish existing structure and construct new mixed use building with 21 residential units which requires the following: 1) Variances from Section 10.5A410C to allow a) 2.5% open space where 10% is required; and b) a 3.5' rear yard where 5' is required. 2) A Variance from Article 15 to allow a structure to be designated as a penthouse with an 8' setback from the edge where 15' is required and 60% floor area of the story below where 50% is the maximum allowed as outlined in the definition of a penthouse. Said property is shown on Assessor Map 125 Lot 3 and lies within the Historic District and Character District 4 (CD4).
- J.** Request of **Neal Pleasant St. Properties. LLC, (Owner)**, for property located at **420 Pleasant Street** whereas relief is needed to remove a rear entry and addition and replace with new three story addition with code compliant stairs and rear porch which requires the following: 1) A Variance from Section

10.521 to allow a 1' left side yard where 10' is required. 2) 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 Map 102 Lot 56 and lies within the Historic District and General Residence B (GRB).

K. Appeal of **Duncan MacCallum, (Attorney for the Appellants)**, of the July 15, 2021 decision of the Planning Board for property located at **53 Green Street** which granted the following: a) a wetlands conditional use permit under Section 10.1017 of the Zoning Ordinance; b) preliminary and final subdivision approval; and c) site plan review approval. Said property is shown on Assessor Map 119 Lot 2 and lies within the Character District 5 (CD5) and Character District 4 (CD4).

Members of the public also have the option to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. Registration information will be provided on the meeting agenda when it is posted to the web page. For technical assistance, please contact the Planning Department by email (planning@cityofportsmouth.com) or by phone 610-7216.

Those interested in submitting written comments should email planning@cityofportsmouth.com or mail to the Planning Department, City Hall, 1 Junkins Ave, Portsmouth, NH 03801. Comments for any public hearings that are received by 4:00 pm the day of the meeting will be incorporated into the record of the meeting.

Peter Britz
Interim Planning Director