

**REGULAR MEETING
BOARD OF ADJUSTMENT
PORTSMOUTH, NEW HAMPSHIRE**

7:30 P.M.

CITY COUNCIL CHAMBERS

APRIL 15, 2003

AGENDA

I. APPROVAL OF MINUTES

Meeting of March 18, 2003.

II. OLD BUSINESS

A. Request for Re-Hearing for Alan J. Watson, Owner, and David R. Lemeux, Applicant, requested by Bernard W. Pelech, Esq., for property located at **43 Cornwall Street**. Said property is shown on Assessor Plan 138 as Lot 42 and lies within the Apartment district. Case #2-5.

B. Petition of Dunya Kutchev Revocable Trust, Joan Gittlein, Trustee, owner, Kris Rick Realty Trust, applicant, for property located at **6 Sagamore Grove Road** wherein Variances from Article II, Section 10-208 and Article IV, Section 10-401(A)(1)(b) are requested to allow the addition of a 20' x 40' front dormer to create 2nd floor bedroom space for the existing dwelling and a 12' x 22' one story garage addition to an existing garage in a district where residential uses are not allowed. Said property is shown on Assessor Plan 201 as Lot 5 and lies within the Waterfront Business district. Case # 2-7.

III. PUBLIC HEARINGS

1) Petition of **City of Portsmouth, owner, Jonathan Howard, applicant,** for property located at **98 Brewster Street** wherein a Variance from Article III, Section 10-303(A) is requested to allow an 893± sf three story single family dwelling including an 88 sf rear deck and a 20 sf spiral staircase with: a) a 2' front yard where 5' is the minimum required, b) a 3" left side yard where 10' is the minimum required; and, c) 47.7 % building coverage where 40% is the maximum allowed. Said property is shown on Assessor Plan 138 as Lot 56 and lies within the Mixed Residential Business district. Case # 4-1

2) Petition of **George W. Williams, Jr., owner,** for property located at **272 Highland Street** wherein the following are requested: 1) a Variance from Article III, Section 10-301(A)(2) to allow a second dwelling unit on a 9,807 sf lot (4,948 sf of lot area per dwelling unit) where 15,000 sf of lot area is required for two dwelling units (7,500 sf per dwelling unit), and, 2) a Variance from Article III, Section 10-302(A) to allow two dwelling units each in a separate building where all dwelling units are to be located in one building. Said property is shown on Assessor Plan 130 as Lot 35 and lies within the General Residence A district. Case # 4-2

3) Petition of **John W. and Nancy B. Anderson, owner,** for property located at **16 Brackett Road** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(2)(c) are requested to allow an irregular shaped 650 sf one story addition with a roof deck having a 2.2' right side yard where 10' is the minimum required. Said property is shown on Assessor Plan 206 as Lot 26 and lies within the Single Residence B district. Case # 4-3

4) Petition of **Susan B. Parnham, owner** for property located at **1220 Islington Street** on remand from Superior Court Order Docket No. 01-E-0568 for reconsideration of all factors to be addressed in a variance request under *Simplex Technologies v. Town of Newington*, 145 NH 727 (2001) wherein a Variance from Article III, Section 10-302(A) is requested to allow a 10,000± sf lot with a single family residence to be subdivided into two lots, one having 5,000± sf of area and the other lot having 5,280± sf of area where 15,000 sf of lot area is required for each lot, b) continuous street frontage of 50' for each lot where 100' for each lot is the minimum required, c) to allow a 2' rear yard for the existing 10' x 16' garage where 10' is the minimum required; and d) to allow 23% building coverage for the existing dwelling and accessory building where 20% is the maximum allowed. Said property is shown on Assessor Plan 233 as Lot 6 and lies within the Single Residence B district. Case #4-4

- 5) Petition of **Robert Byrnes and Patricia Tobey, owners**, for property located at **41 Salter Street** wherein it is requested that the Board of Adjustment approve the delineation between the driveways thus satisfying the Board's previous stipulation. Said property is shown on Assessor Plan 102 as Lot 30 and lies within the Waterfront Business and Historic A districts. Case # 4-5
- 6) The Portsmouth Board of Adjustment, acting pursuant to NH RSA 12-G:13 and Chapter 300 of the Pease Development Authority Zoning Requirements, will review and make a recommendation to the Board of Directors of the Pease Development Authority regarding the following: **Petition of Two International Group, owner**, for property located at **Manchester Square** wherein the following Variances from the Pease Development Authority Zoning Ordinance are requested in conjunction with the construction of an 80' x 75' irregular shaped two story building with a 5,324 sf footprint and a 280' x 60' irregular shaped two story building with a 19,800 sf footprint: 1) Section 304.04(c) to allow: a) a front yard setback of 50' where 70' is the minimum required, b) a rear yard setback of 30' where 50' is the minimum required, and c) a lot area of 4.92 acres where 5 acres is the minimum lot size required, 2) Section 304.04(d) to allow a side yard setback of 20' where 30' is the minimum required; and, 3) Section 305.02(a) to allow: a) parking in the front yard setback 41' from the street right of way, and b) parking and loading berths within 10' of the lot line. Said property is shown on Assessor Plan 302 as Lot 2 and lies within the Airport Business and Commercial district. Case # 4-7
- 7) Petition of **Kathleen L. Wells, owner**, for property located at **36 Wilson Road** wherein a Variance from Article IV, Section 10-402(B) is requested to allow an 18' x 24' detached one story garage with a 6' left side yard where 10' is the minimum required. Said property is shown on Assessor Plan 251 as Lot 59 and lies within the Single Residence B district. Case # 4-8
- 8) Petition of **B. J.'s Wholesale Club, owner, Monro Muffler Brake Inc., applicant**, for property located at **1801 Woodbury Avenue** wherein a Special Exception as allowed in Article II, Section 10-208(36) is requested to allow a motor vehicle repair garage where such use is allowed by a Special Exception. Said property is shown on Assessor Plan 215 as Lot 14 and lies within the General Business district. Case # 4-9
- 9) Petition of **Getman Realty LLC, owner, Kelly Wright, applicant**, for property located at **82 Fleet Street** wherein a Variance from Article IX, Section 10-908 is requested to allow three attached signs totaling 26 sf (24" x 96", 8" x 96" & 8" x 96") for a total aggregate on the property of 94 sf where 75 sf is the maximum aggregate allowed. Said property is shown on Assessor Plan 117 as Lot 41 and lies within the Central Business B and Historic A districts. Case # 4-10
- 10) Petition of **Timothy and Priscilla Coughlin, owners**, for property located at **185 Broad Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(2)(c) are requested to allow a 68 sf irregular shaped front entry with: a) a 5'11"± front yard where 15' is the minimum required, and b) 27.3% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 130 as Lot 19 and lies within the General Residence A district. Case # 4-11
- 11) Petition of **Louis and Tracy Halle, owners**, for property located at **929 South Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(2)(c) are requested to allow a) a 2'6" x 14' one story rear addition with a 5'6" rear yard where 20' is the minimum required, b) a 4' x 8' one story right side addition with a 14' rear yard where 20' is the minimum required; and, c) 25.6% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 132 as Lot 18 and lies within the General Residence A district. Case # 4-12

IV. ADJOURNMENT