

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

7:00 P.M.

CITY COUNCIL CHAMBERS

APRIL 20, 2004

AGENDA

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**NOTICE IS HEREBY GIVEN** that the Board of Adjustment will hold Public Hearings on the **Old Business** and **Petitions #1 through #5 on Tuesday, April 20, 2004. Petitions #6 through #13 will be heard on Tuesday, April 27, 2004.** Both meetings will be held in the City Council Chambers at 1 Junkins Avenue, Portsmouth at 7:00 p.m  
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I. APPROVAL OF MINUTES

Meeting of December 16, 2003.

II. OLD BUSINESS

A) Petition of **Aranosian Oil Company, Inc., owner**, for property located at **1166 Greenland Road** wherein the following are requested: 1) a Variance from Article II, Section 10-209 Table 5 to allow 3,588 sf convenience store and an 864 sf car wash in a district where such uses are not allowed, 2) a Variance from Article IV, Section 10-402(B) is requested to allow: a) a 24' x 97' gas canopy with a 46' front yard where 70' is the minimum required, and b) a 30' x 90' truck fueling canopy with a 0' left side yard where 13.9' is the minimum required; and, 3) a Variance from Article IV, Section 10-401(A) and Section 10-401(A)(1)(c) to allow the existing convenience store (approved by court order) and the canopy to be moved and a car wash to be installed where a nonconforming use of land may not be extended into any part of the remainder of the lot of land. Said property is shown on Assessor Plan 279 as Lot 2 and lies within the Industrial district. Case # 3-7

B) Petition of **Thomas M. Hammer and Dierdre Veo Costabile, owners**, for property located at **102 Mill Pond Way** wherein a Variance from Article III, Section 10-302(A) is requested to allow the construction of a two family dwelling on a lot having 12,064 sf where the minimum required is 15,000 sf of lot area for two dwelling units (7,500 sf of lot area per dwelling unit). Said property is shown on Assessor Plan 143 as Lot 7-2 and lies within the General Residence A district. Case # 3-4

C) Petition of **Eric A. Spear and Jean C. M. Spear, owners**, for property located at **57 Mt Vernon Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow the construction of an 18' X 24' one-story addition on the same footprint of the existing garage (to be removed) with a 1'8" left side yard where 10' is the minimum required. Said property is shown on Assessor Plan 111 as Lot 31 and lies within the General Residence B and Historic A districts. Case # 3-5

D) Petition of **William L. Morton and Kim L. Tyndall, owners**, for property located at **612 South Street, Unit B**, wherein the following are requested: 1) a Variance from Article II, Section 10-206(12) to allow a business office and the warehousing and distribution of goods from a residential property in a district where such use is not allowed. 2) a Variance from Article XII, Section 10-1204 to not provide required parking for the business. Said property is shown on Assessor Plan 112 as Lot 3 and lies within the General Residence A district. Case # 3-8

E) A Request for Rehearing for **2400 Lafayette Road, owners, and Wash Me Now, LLC, applicant**, requested by Bernard Pelech, Esq. for property located at **2400 Lafayette Road**. Said property is shown on Assessor Plan 273 as Lot 6 and lies within the General Business District.

III. PUBLIC HEARINGS

1) Petition of **Barney A. Share Revocable Trust and Diane L. Share Revocable Trust, owners**, for property located at **38 Thaxter Road** wherein a Variance from Article IV, Section 10-402(B) is requested to allow a 22' x 22' one story garage with: a) 3' rear yard where 10' is the minimum required and b) 25.1% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 166 as Lot 36 and lies within the Single Residence B district. Case # 4-1

2) Petition of **Michael W. Derhammer and Mary M. Calhoun, owners**, for property located at **21 Burkitt Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow a 12' x 19' deck including stairs with: a) a 3.5' rear yard where 20' is the minimum required, b) a 9' right side yard where 10' is the minimum required; and, c) 36.4% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 160 as Lot 18 and lies within the General Residence A district. Case # 4-2

3) Petition of **William C. Jr. and Sharon H. Imtloff, owners**, for property located at **150 Elwyn Road** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow: a) a 13'4" x 6'6" two story addition with an 8'± left side yard where 10' is the minimum required. Said property is shown on Assessor Plan 112 as Lot 41 and lies within the General Residence A district. Case # 4-3

4) Petition of **James J. and Carla J. Murphy, owners**, for property located at **214 Leslie Drive** wherein Variances from Article III, Section 10-302(A) and Article IV Section 10-401(A)(2)(c) are requested to allow an 8' x 21' front deck with: a) a 16' front yard where 30' is the minimum required and b) 22% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 209 as Lot 54 and lies within the Single Residence B district. Case # 4-4

5) Petition of **Scott Buchanan, owner**, for property located at **293 Austin Street** wherein Variances from Article IV, Section 10-402(B) and Article III, Section 10-302(A) are requested to allow an irregular shaped 324 sf shed with: a) a 1' left side yard, a 0' right side yard and a 0' rear yard where 10' is the minimum required for each and b) 49.4% building coverage where 35% building coverage is the maximum allowed. Said property is shown on Assessor Plan 145 as Lot 57 and lies within the Apartment district. Case # 4-5

<p>THE FOLLOWING PETITIONS WILL BE HEARD ON TUESDAY, APRIL 27, 2004</p>
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6) Petition of **Susan Henderson, owner**, for property located at **227 Cass Street** wherein the following are requested: 1) Variances from Article III, Section 10-302(A) and Article IV, Section, 10-401(A)(2)(c) to allow a 16' x 28' two story addition with a 2' left side yard where 10' is the minimum required, and 2) a Variance from Article II, Section 10-206(2) to allow a single family dwelling with a new addition to be converted into a two family dwelling on a lot having 4,190 sf of area where 7,000 sf of area is required for two dwelling units (3,500 sf per dwelling unit). Said property is shown on Assessor Plan 147 as Lot 3 and lies within the Apartment district. Case # 4-6

- 7) Petition of **Barry and Carol L. Shore, owners**, for property located at **91 South Street** wherein the following are requested: 1) a Variance from Article IV, Section 10-402(B) and Section 10-401(A)(2)(c) to allow a 3' 10" x 15' - 1 ½ story addition to the left side of the existing garage with an 8.1' left side yard and an 11' rear yard where 12.3' is the minimum required for both, and 2) a Variance from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) to allow a 13' 3" x 18' 5" - 1 ½ story addition to the rear of the existing dwelling with a 6" right side yard where 10' is the minimum required and b) a total of 355.25 sf of new building footprint creating 42.4% building coverage where 30% is the maximum allowed. Said property is shown on Assessor Plan 102 as Lot 46 and lies within the General Residence B and Historic A districts. Case # 4-7
- 8) Petition of **Timothy Griffin, owner**, for property located at **172 Elwyn Avenue** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow a 9' x 13' 8" deck and a 14' 6" x 11' 4" sunroom creating 32.7% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 112 as Lot 39 and lies within the General Residence A district. Case # 4-8
- 9) Petition of **Kimberley S. Andrews, owner**, for property located at **202 Dennett Street** wherein Variances from Article III, Section 10-302(A) and Section 10-401(A)(2)(c) are requested to allow a 462 sf deck with a 15' rear yard where 20' is the minimum required. Said property is shown on Assessor Plan 143 as Lot 4 and lies within the General Residence A district. Case # 4-9
- 10) Petition of **Elizabeth B. Larson, owner**, for property located at **668 Middle Street** wherein the following are requested: 1) a Variance from Article III, Section 10-301(A)(2) to allow the conversion of the existing freestanding carriage house with new additions into a dwelling unit in a district where all dwellings are to be located in the same building, and 2) Variances from Article III, Section 10-302(A) and Section 10-401(A)(2)(c) to allow a 22' x 22' one story attached garage with a 4' right side yard where 10' is the minimum required. Said property is shown on Assessor Plan 147 as Lot 18 and lies within the General Residence A district. Case # 4-10
- 11) Petition of **T-Beyar LLC, owner**, and **Hisham El Sayed, applicant**, for property located at 141 Banfield Road wherein a Variance from Article II, Section 10-209(13) is requested to allow the retail and wholesale of used and new vehicles with no outside display of "For Sale" vehicles within 500' of a residential district. Said property is shown on Assessor Plan 254 as Lot 2 and lies within the Industrial district. Case # 4-11
- 12) Petition of **Lafayette Plaza LLC, owner**, for property located at **2454 Lafayette Road** wherein a Special Exception as allowed in Article II, Section 10-208(36) is requested to allow a bay car wash (with recycling water) in a 60' x 40' in a district where such use is allowed by Special Exception. Said property is shown on Assessor Plan 273 as Lot 3 and lies within the General Business district. Case # 4-12
- 13) Petition of **KWA, LLC, owner**, for property located at **85 Middle Street** wherein a Variance from Article II, Section 10-208(19)(a) is requested to allow the entire building to be used for a restaurant and associated bar area on a lot directly abutting a mixed residential district. Said property is shown on Assessor Plan 116 as Lot 16 and lies within the Central Business B district. Case # 4-13

IV. ADJOURNMENT