

**SPECIAL WORK SESSION WITH LEGAL DEPARTMENT
AT 6:30 P.M.
PLANNING CONFERENCE ROOM**

AMENDED AGENDA

**BOARD OF ADJUSTMENT MEETING
PORTSMOUTH, NEW HAMPSHIRE
CITY COUNCIL CHAMBERS**

7:30 P.M.

JULY 20, 2004

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**NOTICE IS HEREBY GIVEN** that the Board of Adjustment will hold Public Hearings on **Petitions #1 through #7** on Tuesday, **July 20, 2004 at 7:30 P.M.** **Petitions #8 through #15** will be heard on Tuesday, **July 27, 2004 at 7:00 P.M.** in the City Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire.

**NOTE: The July 20 meeting will begin at 7:30 p.m. as opposed to the usual 7:00 p.m.**  
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I. APPROVAL OF MINUTES

Meeting of March 23, 2004
Meeting of April 27, 2004
Meeting of May 18, 2004

Draft of Excerpt from 806 U.S. Route One By-Pass

II. OLD BUSINESS

- A) Request for Rehearing for **Vincent M. Yosua, owner**, for property located at 30 Spinney Road. Said property is shown on Assessor Plan 171 as Lot 2 within the Single Residence B.
- B) Request for Rehearing by Anthony S. Hartnett, Esq., for property located at **806 U.S. Route One By-Pass**. Said property is shown on Assessor Plan 161 as Lot 43 within the Business District.

**THE FOLLOWING PETITIONS WILL BE HEARD ON
JULY 20, 2004 at 7:30 p.m.**

III. NEW BUSINESS

- 1) Petition of **Portal Realty Partnership, d/b/a Portsmouth Dental Studios, owner**, for property located at 303 Islington Street wherein a Variance from Article IX, Section 10-908 Table 14 is requested to allow a 38" x 42" projecting sign for a grandfathered professional office in a residential district. Said property is shown on Assessor Plan 144 as Lot 11 and lies within the Apartment district. Case # 7-1
- 2) **Petition of Bluestone Properties of Rye LLC, owner, Justin Rosberg and Jason Parent d/b/a Meat House LLC, applicants**, for property located at **2222 Lafayette Road**

wherein a Variance from Article III, Section 10-304(A) is requested to allow an 8' x 10' walk in cooler with a 13' rear yard where 50' is the minimum required. Said property is shown on Assessor Plan 267 as Lot 2 and lies within the General Business district. Case # 7-2

3) Petition of **Brewster Street Property, LLC, owner**, for property located at **98 Brewster Street** wherein a Variance from Article III, Section 10-303(A) is requested to allow the relocation of a previously approved 11'3" x 23' attached garage with a 2'11" left side yard where

10' is the minimum required. Said property is shown on Assessor Plan 138 as Lot 56 and lies within the Mixed Residential Business district. Case # 7-3

4) Petition of **Keith and Stephanie Colado, owners**, for property located at **71 Prospect Street** wherein a Special Exception as allowed in Article II, Section 10-206(5) is requested to allow the conversion of a single family dwelling into a two family dwelling on street that the ROW is less than 40' in width. Said property is shown on Assessor Plan 142 as Lot 30 and lies within the General Residence A district. Case # 7-4

5) Petition of **Mark C. and Holly Lowe, owners**, for property located at **350 Broad Street** wherein a Variance from Article IV, Section 10-402(B) is requested to allow a 14' x 30' two story garage with a 6' left side yard and a 6' rear yard where 12.75' is the minimum required in each instance. Said property is shown on Assessor Plan 221 as Lot 69 and lies within the General Residence A district. Case # 7-5

6) Petition of **Tamara C. Arthur, owner**, for property located at **593 Kearsarge Way** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow a 10' x 16' one story sunroom addition with: a) a 1'6" right side yard where 10' is the minimum required, b) an 11'6" rear yard where 25' is the minimum required; and, c) 32.8% building coverage where 30% is the maximum allowed. Said property is shown on Assessor Plan 212 as Lot 29 and lies within the General Residence B district. Case # 7-6

7) Petition of **Joli Ann Foucher, owner**, for property located at **566 Greenland Road** wherein a Variance from Article III, Section 10-302 (A) is requested to allow a subdivision creating two lots with each lot having 90' of continuous street frontage where 100' is the minimum required. Said property is shown on Assessor Plan 258 as Lot 1 and lies within the Single Residence B district. Case # 7-7

**THE FOLLOWING PETITION WILL BE HEARD ON
TUESDAY, JULY 27, 2004 AT 7 P.M.**

8) Petition of **David J. and Vasilia Tooley, owners**, for property located at **166 Newcastle Avenue** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow: a) a 3'10" x 17'6" covered entry with a 3'± right side yard where 10' is the minimum required and a 21'± front yard where 30' is the minimum required, b) an irregular shaped 422 sf addition with a 3'± left side yard where 10' is the minimum required and a 10" rear yard where 30' is the minimum required, c) 55% building coverage where 20% is the maximum allowed; and, d) 27% open space where 40% is the minimum required. Said property is shown on Assessor Plan 101 as Lot 24 and lies within the Single Residence B and Historic A districts. Case # 6-11 readvertised as Case # 7-8

9) Petition of **Danny H. Luu, owner**, for property located at **35 Suzanne Drive** wherein a Variance from Article IV, Section 10-402(B) is requested to allow a 12' x 21' detached carport with a 6" right side yard where 10' is the minimum required. Said property is shown on Assessor Plan 292 as Lot 33 and lies within the Single Residence B district. Case # 7-9

10) Petition of **Judith A Capobianco Revocable Trust and Joseph A. Capobianco Jr. Revocable Trust, owners**, for property located at **199 Gates Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow an 18' x 20' garage and one story of living space above with a 5'± left side yard where 10' is the minimum required. Said property is shown on Assessor Plan 103 as Lot 7 and lies within the General Residence B and Historic A districts. Case # 7-11

11) Petition of **James L. and Michele L. Dumont, owners**, for property located at **334 Jones Avenue** wherein Variances from Article II, Section 10-206(2) and Article III, Section 10-301(A)(2) are requested to allow a second detached single family dwelling on a lot in a zone that only allows one single family dwelling per lot. Said property is shown on Assessor Plan 228 as Lot 5 and lies within the Single Residence B district. Case # 7-12

12) Petition of **6-16 Congress Street LLC, owner**, for property located at **6-16 Congress Street** wherein a Variance from Article XII, Section 10-1201(A)(2) is requested to allow a 15' wide accessway ramp to enter / exit a lower level parking garage. Said property is shown on Assessor Plan 117 as Lots 37, 38, & 39 (to be consolidated) and lies within the Central Business B and Historic A districts. Case # 7-13

13) Petition of **Bluestone Properties of Rye LLC, owner; William Downey, applicant**, for property located at **off Sagamore Avenue** wherein a Variance from Article IX, Section 10-908 Table 14 is requested to allow a 3' x 4' free-standing sign in a district where such use is not allowed. Said property is shown on Assessor Plan 201 as Lot 9 and lies within the Mixed Residential Business district. Case # 7-14

14) Petition of **Portsmouth Casey Home Association, owner**, for property located **off Lafayette Road** wherein a Variance from Article II, Section 10-209 is requested to allow a proposed 6,000 sf one story building to be used as a financial institution in a district where such use is not allowed. Said property is shown on Assessor Plan 267 as Lot 7 and lies within the Office Research district. Case # 7-15

15) Petition of **Charles L. and Susan Lassen, owners**, for property located at **34 Salter Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow a 16'9" x 21' 1 ½ story addition to the rear of an existing dwelling with a 2'± rear yard where 25' is the minimum required. Said property is shown on Assessor Plan 102 as Lot 34A and lies within the General Residence B and Historic A districts. Case # 7-16

III. ADJOURNMENT