

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

**7:00 P.M**

**CITY COUNCIL CHAMBERS**

**DECEMBER 21, 2004**

**AGENDA**

<b>THE FOLLOWING PETITIONS (OLD BUSINESS AND #1 through #7) WILL BE HEARD ON TUESDAY, DECEMBER 21, 2004</b>
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**I. OLD BUSINESS**

A) Motion for Rehearing, by counsel for abutters, of the Petition of **Wal-Mart Estate Business Trust, David Glass Managing Trustee, owner**, for property located at **2460 Lafayette Road** wherein a Variance from Article XII, Section 10-1203(A)(2) is requested to allow 12 loading areas to be provided where 19 are required. Said property is shown on Assessor Plan 285 as Lots 16-1 and 16-2 (to be combined) and lie within the General Business district. Case # 11-5

**II. PUBLIC HEARINGS**

1) Rehearing concerning the approved petition of **150 Greenleaf Avenue Realty Trust, James G. Boyle Trustee, owner**, for property located at **150 Greenleaf Avenue** wherein a Variance from Article II, Section 10-208(35) was granted to allow the outdoor storage of vehicles upon existing pavement within 200' of a residential district where a 200' buffer to a residential district is required. Said property is shown on Assessor Plan 243 as Lot 67 and lies within the General Business district. Case # 9-10

2) Petition of **David W. and Paula E. Frost, owners**, for property located at **182 Holly Lane** wherein a Variance from Article III, Section 10-302(A) is requested to allow the construction of a 5' x 8'7" front porch with: a) a 20'4"± front yard where 30' is the minimum required, and b) 22.5% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 261 as Lot 54 and lies within the Single Residence B district. Case # 12-1

3) Petition of **Raymond A. and Linda J. Bilodeau, owners**, for property located at **146 Martha Terrace** wherein a Variance from Article III, Section 10-302(A) is requested to allow an 8' x 12' shed creating 21.3% building coverage where 10% is the maximum allowed. Said property is shown on Assessor Plan 283 as Lot 24 and lies within the Single Residence A district. Case # 12-2

4) Petition of **Patrick H. McCartney, owner**, for property located at **120 Kane Street** wherein a Variance from Article III, Section 10-302(A) is requested to allow an 8' x 10' shed with 35.3% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 142 as Lot 14 and lies within the General Residence A district. Case # 12-3

- 5) Petition of **Russell A. Hanley Revocable Trust, owner**, and **Sun Woo Park, applicant**, for property located at **535 Peverly Hill Road** wherein a Special Exception as allowed in Article IV, Section 10-401(A)(1)(d) is requested to allow the use of the property to be changed from an auto service garage to Park's Tae Kwon Do School (Martial Arts) in a residential district where such use is not allowed. Said property is shown on Assessor Plan 244 as Lot 9 and lies within the Single Residence B district. Case # 12-4
- 6) Petition of **Forum Development, LLC, owner**, for property located at **43 Beechstone off Lang Road** wherein a Variance from Article II, Section 10-206 is requested to allow the manager's apartment to be used as a real estate rental management office. Said property is shown on Assessor Plan 287 as Lot 1 and lies within the Garden Apartment and Mobile Home district. Case # 12-5
- 7) Petition of **F Series Realty, LLC owners**, for property located at **215 West Road** wherein a Special Exception as allowed in Article II, Section 10-209(38) is requested to allow the outdoor storage of automobiles. Said property is shown on Assessor Plan 267 as Lot 10 and lies within the Industrial district. Case # 12-6

**THE FOLLOWING PETITIONS (#8 through #13) WILL BE HEARD  
ON TUESDAY, DECEMBER 28, 2004**

- 8) Petition of **Michael J. and Leanne Edwards owners**, for property located at **64 Brackett Road** wherein a Variance from Article III, Section 10-302(A) is requested to allow the following: a) an irregular shaped 14' x 22' 1 ½ story attached garage with a 3.1' right side yard where 10' is the minimum required, b) a 16' x 38' irregular shaped 1 ½ story rear addition with an 8.6' right side yard where 10' is the minimum required, c) a 12' x 27' irregular shaped deck with an 18.7' rear yard where 30' is the minimum required, and , d) 33% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 206 as Lot 22 and lies within the Single Residence B district. Case # 12-7
- 9) Petition of **Northeast Credit Union, owner**, for property located at **100 Borthwick Avenue** wherein the following are requested in conjunction with a 3 story addition (8,000± sf per floor) to the existing banking facility for use as "financial retail and business offices": 1) Variances from Article II, Section 10-209 and Article IV, Section 10-401(A)(1)(c) to allow an existing financial facility to expand on the site, 2) Variances from Article XII, Section 10-1201(A)(3)(f) and Article V, Section 10-503 and 10-504(B) to allow the existing and proposed off-street parking, maneuvering space and traffic aisles within the required setbacks and including the existing vegetation to provide screening for the abutting residentially zoned property without additional plantings; and, 3) a Variance from Article XII, Section 10-1203 to allow 2 loading areas to be provided where 5 loading areas are required and to be located within 100' of property zoned residentially. Said property is shown on Assessor Plan 259 as Lot 15 and lies within the Office Research district. Case # 12-8

10) Petition of **TDSG, LLC, owner**, for property located at **2992A Lafayette Road** wherein an Appeal from an Administrative Decision is requested concerning the determination that a wholesale showroom is not an allowed use.

Notwithstanding the above, if the appeal is denied, a Variance from Article II, Section 10-207 is requested to allow a proposed business office to have an associated wholesale showroom in a zone where wholesale showrooms are not allowed. Said property is shown on Assessor Plan 292 as Lot 14 and lies within the Mixed Residential Business district. Case # 12-9

11) Petition of **Stephanie J. Lindenthal, owner**, for property located at **20 Pleasant Point Drive** wherein the following are requested: 1) a Variance from Article III, Section 10-301(A)(7) to allow a 4,039 sf footprint 1 ½ single family dwelling after the demolition of the existing single family dwelling 69.3' from the mean high water line and the attached deck 61.1' from the mean high water line where 100' is the minimum required and, 2) a Variance from Article III, Section 10-302(A) to allow the left front corner of the proposed dwelling to have a 21.3' front yard where 30' is the minimum required. Said property is shown on Assessor Plan 207 as Lot 8 and lies within the Single Residence B district. Case # 12-10

12) Petition of **Theresa N. Pesarik, owner**, for property located at **214 Elwyn Avenue** wherein Variances from Article IV, Section 10-402(B) and Article III, Section 10-302(A) are requested to allow a 15' x 28' garage with loft with: a) a 1'8"± left side yard where 11' is the minimum required, and b) 29.1% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 112 as Lot 26 and lies within the General Residence A district. Case # 12-11

13) Petition of **Robert McDowell, owner**, for property located at **379 Newcastle Avenue** wherein a Variance from Article IV, Section 10-402(B) is requested to allow a 10'8" x 16' one story garage with an 14.3'± front yard where 30' is the minimum required. Said property is shown on Assessor Plan 207 as Lot 4 and lies within the Single Residence B and Historic A districts. Case # 12-12

### **III. ADJOURNMENT**