

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

7:00 P.M

CITY COUNCIL CHAMBERS

April 19, 2005

AGENDA

I. OLD BUSINESS

A) Approval of Minutes:

- Excerpt of Minutes for the January 18, 2005 meeting (120 Spaulding Turnpike)
- Excerpt of Minutes for the March 15, 2005 (Children's Museum)
- Minutes of the February 15, 2005 meeting

B) Request for a One-Year Extension of Variance Approval, by counsel for the applicant, for property located at **85 Middle Street**. Said property is shown on Assessor Plan 116 as Lot 16 and lies within the Central Business B district.

C) Motion to Vacate the Variance Granted Pursuant to RSA 673:14 concerning the Children's Museum of Portsmouth LLC, owner, for property located at **295 Woodbury Avenue, abutting lot on Woodbury Avenue, 677 and 659 Dennett Street** by Tylene A. Jousse.

D) Request for Rehearing concerning the Children's Museum of Portsmouth LLC, owner, for property located at **295 Woodbury Avenue, abutting lot on Woodbury Avenue, 677 and 659 Dennett Street** by William Eley.

E) Request for Rehearing concerning the Children's Museum of Portsmouth LLC, owner, for property located at **295 Woodbury Avenue, abutting lot on Woodbury Avenue, 677 and 659 Dennett Street** by Peter P. Bresciano.

F) Request for Rehearing concerning the Children's Museum of Portsmouth LLC, owner, for property located at **295 Woodbury Avenue, abutting lot on Woodbury Avenue, 677 and 659 Dennett Street** by Lenore Weiss Bronson.

II. PUBLIC HEARINGS.

<p>THE FOLLOWING PETITIONS (#1 through #7) WILL BE HEARD ON TUESDAY, APRIL 19, 2005</p>
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1) Petition of **Malthouse Exchange Realty Trust, owner, and S J Torres, d/b/a Brewery Lane Tavern applicant**, for property located at **95 Brewery Lane Unit 2** wherein a Variance from Article II, Section 10-208(19) is requested to allow 450 sf to be used for outside dining with liquor from May to October on a lot that directly abuts both Residential and Mixed Residential property where such use is not allowed. Said property is shown on Assessor Plan 146 as Lot 27 and lies within the Business district. Case # 4-1

2) Petition of **Malthouse Exchange Realty Trust, owner, and John Wyman, d/b/a Bounce, applicant**, for property located at **95 Brewery Lane Unit 7** wherein a Variance from Article II, Section 10-208(27) is

requested to allow indoor recreation on a lot that directly abuts both Residential and Mixed Residential property where such use is not allowed. Said property is shown on Assessor Plan 146 as Lot 27 and lies within the Business district. Case # 4-2

3) Petition of **Barbara Jenny and Mathew Beebe, owners**, for property located at **54 McNabb Court** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow: a) an irregular shaped 124.37 sf addition connecting the dwelling to the garage with a 7'1" rear yard where 20' is the minimum required and a 5'6 1/2" left side yard where 10' is the minimum required; b) the resulting attached garage will have a 12' x 20' 2nd story addition and maintain the existing 1'7" right side yard where 10' is the minimum required and a 5' rear yard where a 20' rear yard is required; and, c) 35% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 112 as Lot 58 and lies within the General Residence A district. Case # 4-3

4) Petition of **Angela M. Zira, owner**, for property located at **46-48 Woodbury Avenue** wherein a Variance from Article II, Section 10-206(4) is requested to allow an existing single family dwelling to be converted into a two family dwelling on a lot: a) having 2,883 sf of lot area where 6,000 sf of lot area is the minimum required; and b) 28.3% open space where 30% is the minimum required. Said property is shown on Assessor Plan 163 as Lot 13 and lies within the General Residence A district. Case # 4-4

5) Petition of **Strider and Rose Sulley, owners**, for property located at **46 McNabb Court** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow the following: a) a 12' x 24' 1 1/2 story addition with dormers with a 4' right side yard where 10' is the minimum required; b) a 4' x 12' 1 story rear addition with an 18' rear yard where 20' is the minimum required; c) a 4' x 12' left side porch with an 8' left side yard where 10' is the minimum required; d) a 4' x 12' two story right side addition with a 4' right side yard where 10' is the minimum required; and, e) 32% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 112 as Lot 59 and lies within the General Residence A district. Case # 4-5

6) Petition of **Melissa Bicchieri, owner**, for property located at **206 Northwest Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow: a) a 16'2" x 19'8" 2 story addition with a 6'± front yard where 15' is the minimum required; and, b) a 12'3" x 15'6 3/4" 2 story addition with a 13'8"± rear yard where 20' is the minimum required. Said property is shown on Assessor Plan 122 as Lot 6 and lies within the General Residence A and Historic A districts. Case # 4-6

7) Petition of **Mark C. Adamy 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 26' detached garage with a 6'± left side yard where 10' is the minimum required. Said property is shown on Assessor Plan 221 as Lot 69 and lies within the General Residence A district. Case # 4-7

**THE FOLLOWING PETITIONS (#7 through #14) WILL BE HEARD
ON TUESDAY, APRIL 26, 2005**

8) Petition of **Richard M. and Lee Ann Riley, owners**, for property located at **470 Banfield Road** wherein a Variance from Article II, Section 10-206 is requested to allow a 10' x 10' office on the lower level of the existing single family dwelling to be used for the business of purchasing vehicles at auction, no storage of said vehicles will be conducted on the property. Said property is shown on Assessor Plan 265 as Lot 2B and lies within the Single Residence A district. Case # 4-8

9) 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 **Seacoast Newspapers, Inc., applicant**, for property located at **111 New Hampshire Avenue** wherein a Variance from the Pease Development Authority Zoning Ordinance Section 304.03(c) is requested to allow a 63,255 sf building footprint (17,500 sf 2nd floor) with a 40'± front yard where 70' is the minimum required. Said property is shown on Assessor Plan 302 as Lot 4 and lies within the Industrial district. Case # 4-9

- 10) Petition of **Anthony J Balakier and Cherie L. Geiger, owners**, for property located at **490 Islington Street** wherein a Variance from Article XII, Section 10-1201(A)(2) is requested to allow a 15' wide travel aisle where a 24' wide travel aisle is required in conjunction with the addition of two dwelling units. Said property is shown on Assessor Plan 156 as Lot 1 and lies within the Mixed Residential Business district. Case # 4-10
- 11) Petition of **Wal-Mart Real Estate Business Trust, David N. Glass Trustee, owner**, for property located at **2460 Lafayette Road** and **Jokers Realty One LLC et al, owner** for property located at **2460A Lafayette Road** wherein a Variance from Article IX, Section 10-908 Table 14 is requested to allow 365.95 sf of attached signage where 300 sf is the maximum allowed. Said property is shown on Assessor Plan 285 as Lots 16-1 and 16-2 (to be combined) and lies within the General Business district. Case # 4-11
- 12) Petition of **Robert J. Bossie Revocable Trust and PK Brown, owners, and Greenway Financial LLC, applicant**, for property located at **625 Islington Street** wherein a Variance from Article XII, Section 10-1201(A)(2) is requested to allow allow a 20' wide travel aisle where a 24' wide travel aisle is required in conjunction with the conversion of an existing building with 2,000 sf of warehouse space, 1354 sf of retail space and 4 apartments to 3,200 sf of retail space and 6 apartments. Said property is shown on Assessor Plan 164 as Lot 6 and lies within the Business district. Case # 4-12
- 13) Petition of **Six Hundred Six Realty Trust, C J Annis and D I Rolde Trustees, owners**, for property located at **606 Greenland Road** wherein a Variance from Article II, Section 10-206(22) is requested to allow 5 horses to be kept on the property and in a barn that is 18' from the left property line where relief is needed to keep horses and a 100' set back is required for any shelter for such horses and storage of manure or other noxious substances. Said property is shown on Assessor Plan 258 as Lot 3-1 and lies within the Single Residence B district. Case # 4-13
- 14) Petition of **HCA Realty, Inc, owner**, for property located at **off Borthwick Avenue** wherein a Variance from Article XII, Section 10-1204 Table 15 is requested to allow 243 parking spaces to be provided for a 52,101 sf (gross floor area) medical office building with lower level parking where 261 parking spaces are required. Said property is shown on Assessor Plan 234 as Lot 7-4A and lies within the Office Research district. Case # 4-14

III. ADJOURNMENT.

NOTICE TO MEMBERS OF THE PUBLIC WHO ARE HEARING IMPAIRED

If you wish to attend a meeting and need assistance, please contact the Human Resources Department at 610-7274 one week prior to the meeting.