

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

7:00 P.M

CITY COUNCIL CHAMBERS

**SEPTEMBER 20, 2005
(For Old Business and
Items 1) through 5), to be
Reconvened September
27, 2005 for Items 6)
through 10)**

AGENDA

I. OLD BUSINESS.

A) Petition of **Daniel C. Bogannam, owner**, for property located at **71 Baycliff Road** 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 14' x 14' two story addition to the existing building with a 22'5"± front yard and a 3'± rear yard where 30' is the minimum requirement for both setbacks, and 2) an Equitable Waiver as allowed in **RSA 223:10 Equitable Waiver of Dimensional Requirement**) to allow the existing garage/deck with a 2'± left side yard where a Variance for 8' was previously granted based on an earlier survey. Said property is shown on Assessor Plan 207 as Lot 46 and lies within the Single Residence B district. Case # 8-3

B) Request for Rehearing on Petition of **Theresa N. Pesarik, owner**, for property located at **214 Elwyn Avenue**.

II. PUBLIC HEARINGS.

THE FOLLOWING PETITIONS (#1 through #5) WILL BE HEARD ON TUESDAY, SEPTEMBER 20, 2005

1) **Petition of 909 Islington Street LLC, owner, Jonathan Blakeslee d/b/a White Heron Tea LLC, applicant**, for property located at **909 Islington Street** wherein a Variance from Article II, Section 10-208 is requested to allow a bulk tea re-packaging and wholesale distribution business in a district where such use is not allowed. Said property is shown on Assessor Plan 172 as Lot 7 and lies within the Business district. Case # 9-1

2) Petition of **Frank Perrone and John Giacalone, owners**, for property located off **Falkland Place and City of Portsmouth, owner** for property located **off Ranger Way** wherein the following are requested in conjunction with the construction of a building with 4 dwelling units and a building with 2 dwelling units on a combined lot: 1) a Variance from Article III, Section 10-301(A)(2) to allow two separate residential buildings on one lot where all dwelling units are required to be in one building, 2) a Variance from Article III, Section 10-303(A) to allow 3,254± sf of lot area per dwelling unit where 7,500 sf of lot area per dwelling unit is the minimum required, 3) a Variance from Article II, Section 10-207(13) to allow 6 dwelling units on a lot where the maximum allowed is 4 dwelling units; and, 4) a Variance from Article II, Section 10-211 to allow dwelling units on private property in a municipal district. Said property is shown on Assessor Plan 212 as Lots 26-1, 27, Alley No. 1 and Alley No.2 (all to be combined) and lie within the Mixed Residential Business and Municipal districts. Case # 9-2

- 3) Petition of **Wal-Mart Real Estate Business Trust, David N. Glass Trustee (Eric S. Zorn, Managing 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
- 4) Petition of **Jean E. Putnam, owner** and **Patrick C. McFadden d/b/a Luxury Chauffeured, applicant** for property located at **160 Cass Street** wherein the following are requested: 1) a Variance from Article II, Section 10-207 to allow a limousine service with three vehicles and associated dispatch office in a district where such use is not allowed, and 2) a Variance from Article XII, Section 10-1201(A)(3)(a)(3)&(4) to allow the vehicles to park one behind another in the driveway and back out onto a city street. Said property is shown on Assessor Plan 146 as Lot 22 and lies within the Mixed Residential Business district. Case # 9-3
- 5) Petition of **Bruce Campbell, owner**, for property located at **245-249 Lincoln Avenue** wherein a Variance from Article IV, Section 10-402(B) is requested to allow an existing hip roof on the detached garage to be replaced with a gable roof creating a building height of 14' and changing the required setbacks to: a) a 5'± rear yard where 10.5' is the minimum required and b) a 6'± right side yard where 10.5' is the minimum required. Said property is shown on Assessor Plan 130 as Lot 46 and lies within the General Residence A district. Case # 9-4

THE FOLLOWING PETITIONS 6) THROUGH 10) WILL BE HEARD ON TUESDAY, SEPTEMBER 27, 2005
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- 6) Petition of **Paul J. and D. L. Holloway, owners**, for property located **off the Route One ByPass** and **Paul J. Holloway, owner** for property located **off Cottage Street** wherein the following are requested: 1) a Variance from Article II, Section 10-206 to allow a new driveway and 18 customer parking spaces for an associated automobile dealership on a lot zoned residential where such use is not allowed, and 2) a Variance from Article II, Section 10-209(13)(a)&(b) to allow 13 new motor vehicle display spaces on an industrially zoned parcel within 500' of property zoned residential and within 50' of the front and side lot lines of an industrially zoned parcel. Said property is shown on Assessor Plan 173 as Lots 9 & 11 and lie within the Industrial and General Residence A districts. Case # 9-5
- 7) Petition of **Portsmouth Farms LLC, owner, Starbucks Coffee Co., applicant**, for property located at **1855 Woodbury Avenue** wherein the following are requested: 1) a Variance from Article XII, Section 10-1204 Table 15 to allow 28 parking spaces to be provided where 34 parking spaces are required, and 2) a Variance from Article XII, Section 10-1201(A)(3)(e)(2) to allow parking spaces and travels aisles within 40' of the front property line. Said property is shown on Assessor Plan 215 as Lot 11 and lies within the General Business district. Case # 9-6
- 8) Petition of **Patricia A. Card Living Trust, owner**, and **Joseph Lavin, applicant**, for property located at **off Islington Street** wherein a Variance from Article III, Section 10-302(A) is requested to construct a 24' x 36' two story single family dwelling with basement on a lot having an area of 6,610± sf where 15,000 sf in the minimum required. Said property is shown on Assessor Plan 233 as Lot 2 and lies within the Single Residence B district. Case # 9-7
- 9) Petition of **Paul Lane, owner**, for property located at **428 Hanover Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow the reconstruction of two 3' x 6' bump outs on the front of the building with a 3'6" x 21' 6" roof over said bump outs and front door with a 1'± front yard for all where 5' is the minimum required. Said property is shown on Assessor Plan 138 as Lot 7 and lies within the Apartment district. Case # 9-8

10) Petition of **CLJR, LLC, owner**, for property located at **6 Robert Avenue** wherein a Variance from Article II, Section 10-208 is requested to allow a wholesale /retail irrigation business with a 30' x 35' outdoor storage area in a district where such use is not allowed. Said property is shown on Assessor Plan 286 as Lot 17 and lies within the General Business district. Case # 9-9

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.