

LEGAL NOTICE
BOARD OF ADJUSTMENT
PORTSMOUTH, NEW HAMPSHIRE

NOTICE IS HEREBY GIVEN that the Board of Adjustment will hold Public Hearings on the following applications on Tuesday, December 20, 2005 at 7:00 P.M. in the City Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire.

- 1) Petition of Mark H. Wentworth Home for Chronic Invalids, owner, for property located at 346 Pleasant Street wherein Variances from Article II, Section 10-206(18), Article III, Section 10-302(A) and Article IV, Section 10-401(A)(1)(c) are requested to allow two additions to the existing nursing home/assisted care facility as follows: a) demolition of existing glass side entrance portico and replacement with a 404 sf (13' x 26' plus 4' x 16'6") ADA compliant entranceway; and, b) construction of an 875.6 sf (8' x 75' plus 7'6" x 36'8") one story additions to the garden level nursing care area. Said property is shown on Assessor Plan 109 as Lot 10 and lies within the General Residence B and Historic A districts. Case # 12-1
- 2) Petition of Bruce A. Clark, owner, for property located at 893 Woodbury Avenue wherein a Variance from Article III, Section 10-302(A) is requested to allow a 216 sf irregular shaped deck with a 24'3" rear yard where 30' is the minimum required. Said property is shown on Assessor Plan 219 as Lot 36 and lies within the Single Residence B district. Case # 12-2
- 3) "Rehearing per Order of the Rockingham County Superior Court in the matter of Michael Boccia, etal v. City of Portsmouth and Raymond Ramsey, Intervenor, 03-E-0087, dated October 4, 2004, for property owned by Raymond A. Ramsey located off Kearsarge Way, to determine whether construction of a 63-foot x 263-foot, 100-unit, five story hotel, with (1) a variance from Article III, Section 10-304(a)(10) to allow a 51-foot front yard where 70-feet is the minimum required, and a 30-foot rear yard where 50-feet is the minimum required, and (2) a variance from Article XII, Section 10-1201(A)(3)(e)(1) to allow off street parking to be located 15-feet from a residential district where a 100-foot setback is required, and Article XII, Section 10-1201A.3.(e)(2) to allow off street parking, maneuvering space, and traffic aisles within 15-feet of the front property line where a 40-foot vegetated buffer is required, constitutes a reasonably feasible alternative for the applicant to pursue under Boccia v. City of Portsmouth, 151 NH 85, (2004), from the variances granted on December 18, 2002, and clarified on November 15, 2005, from Article III, Section 10-304(a)(10) to allow a 51-foot building setback where a front setback of 70 feet is required; a 16-foot building setback where a side setback of 30-feet is required; a 30-foot building rear setback where 50-feet is required; (2) from Article III, Section 10-304(c)(2) to allow a building within 83 feet of property zoned residential where a 100-foot setback is required; (3) from Article XII, Section 10-1201A.3.(e)(1) to allow off street parking to be located 15-feet from a residential district where a 100-foot setback is required, and (4) from Article XII, Section 10-1201A.3.(e)(2) to allow off street parking, maneuvering space and traffic aisles within 15-feet of the front property line where a 40-foot vegetative buffer is required to permit construction of a 63' by 310' 100-unit four story hotel. Said property is shown on Assessors Plan 218 as Lots 22, 24, 25, 28, 29, 30, 32, 33, 34 and 39 (to be combined) a/k/a as Map 218 as Lot 22 and lies within the General Business district." Case # 12-3
- 4) Petition of K & S Energy Group Inc., owner, for property located at 1400 Lafayette Road wherein Variances from Article III, Section 10-304(A) and Article IV, Section 10-401(A)(2)(c) are requested to construct a 9'8" x 43'8" one story addition to the rear of the existing convenience store with: a) a 30.1' rear yard where 50' is the minimum required, b) a 14.3' left side yard where 30' is the minimum required; and, c) a 15.1' right side yard where 30' is the minimum required. Said property is shown on Assessor Plan 252 as Lot 7 and lies within the General Business district. Case # 12-4
- 5) 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 27 parking spaces to be provided where 34 parking spaces are required, 2) a Variance from Article XII, Section 10-1201(A)(3)(e)(2) to allow parking spaces and travel aisles within 40' of the front property line and said area to be landscaped; and 3) a Variance from Article III, Section 10-304(A) to allow a 4' x 9' drive-thru canopy with a 26' left side yard where 30' is the minimum required. Said property is shown on Assessor Plan 215 as Lot 11 and lies within the General Business district. Case # 12-5

6) Petition of Hill Hanover Group, LLC, owners, for property located at 349-351 Hanover Street wherein a Variance from Article III, Section 10-303(A) is requested to allow open space to be reduced by adding two nonconforming parking spaces from 29% to 22% where 25% is the minimum required. Said property is shown on Assessor Plan 138 as Lot 64 and lies within the Mixed Residential Office district. Case # 12-6

7) Petition of 45 Pearl Street Properties, LLC, owner, for property located at 45 Pearl Street wherein the following are requested: 1) a Variance from Article II, Section 10-207 and Article IV, Section 10-401(A)(1)(b) to allow 3,200 sf of the existing building to be used as a function hall (Weddings, Wedding Receptions, Special Events {rental to local and non-profit ventures: auctions, family reunions, business meetings, etc}, Art Gallery {display, openings and sales of artist's work}; Live Performances of theater and music: rehearsal space, opening night galas and events); and Church services/bible study, all with amplified music and hours of operation daily til midnight and on New Years eve til 1 AM, and 2) a Variance from Article XII, Sections 10-1203 and 10-1204 to allow the facility to provide no conforming onsite parking or loading areas where 148 parking spaces are required and loading areas are required. Said property is shown on Assessor Plan 126 as Lot 30 and lies within the Mixed Residential Office district. Case # 12-7

Lucy E. Tillman, Chief Planner