

**6:30 PM ANTICIPATED "NON-MEETING" WITH COUNSEL
IN PLANNING DEPARTMENT CONFERENCE ROOM**

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

CITY COUNCIL CHAMBERS

7:00 P.M

**July 18, 2006
Petitions 1 through 3
reconvened
July 25, 2006
Petitions 4 through 7**

AGENDA

I. OLD BUSINESS

- A) Approval of Minutes – March 21, 2006
Approval of Minutes - April 18, 2006
Approval of Minutes – April 25, 2006

B) Petition of **Lawrence N. and Ruth S. Gray, owners**, for property located at **80 Curriers Cove** wherein an Equitable Waiver of Dimensional Requirement per RSA 674:33-a is requested to allow the 2002 conversion of a screened porch to living space (Building Permit # 11359) where the Site Plan and construction drawings showed the screened porch of different sizes. The existing structure complies with the Building Permit and construction drawings, however those drawings and permits were based on an error with the dimensions of an existing deck not discovered by the owner until after the permits were issued and constructed. Said property is shown on Assessor Plan 204 as Lot 14 and lies within the Single Residence A district. Case # 6-10 (This petition was tabled at the June 27, 2006 Board of Adjustment meeting.)

C) Petition of **Fred Lowell and Al McElaney, owners** of property located at **62 Deer Street** wherein appeals pursuant to RSA 676:5 and 674:33(I)(a) are requested with regard to the Planning Board's decision to recommend denial of a Driveway Permit Application. Said property is shown on Assessor Plan 118 as Lot 27 and lies within the Central Business B, Downtown Overlay and Historic A districts. Case # 6-11 (This petition was tabled at the June 27, 2006 Board of Adjustment meeting.)

D) Request for One-Year Extension of Variance granted August 19, 2005 for property located at **69-73 Prospect Street**.

II. PUBLIC HEARINGS

THE FOLLOWING PETITIONS #1 through #3 WILL BE HEARD ON TUESDAY, July 18, 2006

1) Petition of **Sea Ray Realty LLC, owner**, for property located at **445 Route 1 By Pass** wherein a Variance from Article IV, Section 10-402(B) is requested to allow a 19' x 44' garage with a 10' rear yard and a 10' left side yard where 15.5' is the minimum required for both. Said property is shown on Assessor Plan 234 as Lot 3 and lies within the Office Research district. Case # 7-1

2) Petition of **Fredrick I. McMullen, owner, and Stephen Sargent d/b/a Tokyo Joe's Studios, applicant**, for property located at **1262 Woodbury Avenue** wherein a Variance from Article II, Section 10-207 is requested to allow a martial arts school with a maximum of 20 students in a district where such use is not allowed. Said property is shown on Assessor Plan 237 as Lot 67 and lies within the Mixed Residential Business district. Case # 7-2

3) Petition of **Mark R. Neubauer, owner**, for property located at **101 Marne Avenue** wherein a Variance from Article III, Sections 10-301(A) and 10-302(A) are requested to allow a 32' x 40' two story single family dwelling with a 6' x 30' front porch and accessory shed on a lot having less than 100' of frontage and 6,794 sf of lot area where 100' of frontage and 7,500 sf of lot area is the minimum required. Said property is shown on Assessor Plan 222 as Lot 44 and lies within the General Residence A district. Case # 7-3

THE FOLLOWING PETITIONS #4 through #7 WILL BE HEARD ON TUESDAY, July 25, 2006

4) Petition of **Liberty Mutual Group, owner**, for property located at **225 Borthwick Avenue** wherein a Variance from Article III, Section 10-305(A) is requested to allow the construction of a pad and 3rd emergency generator with a 40' rear yard setback where 50' is the minimum required. Said property is shown on Assessor Plan 240 as Lot 1 and lies within the Office Research district. Case # 7-4

5) Petition of **Michael De La Cruz, owner**, for property located at **63 Congress Street a/k/a 75 Congress Street Franklin Block** wherein a Variance from Article XII, Section 10-1201(A)(2) is requested to allow a 10' two accessway to a below grade parking garage where 24' is the minimum required. Said property is shown on Assessor Plan 117 as Lot 5 and lies within the Central Business B, Downtown Overlay and Historic A districts. Case # 7-5

Petition #6 has been withdrawn by the owner.

6) Petition of **David J. Hudlin and Jan Allsop, owners**, for property located at **260 Miller Avenue** wherein the following are requested to construct a 6' x 10' shed: 1) a Variance from Article IV, Section 10-402(A) to allow a 2'+ right side yard where 5' is the minimum required, and 2) a Variance from Article III, Section 10-302(A) to allow 37.5+% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 130 as Lot 23 and lies within the General Residence A district. Case # 7-6

7) Petition of **Dennett Prospect Realty Investments LLC, owner**, for property located at **69 Prospect Street** wherein the following are requested: 1) a Variance from Article III, Section 10-301(A)(2) to allow two free-standing buildings with dwellings on a single lot where dwellings are required to be in one building, and 2) a Variance from Article III, Section 10-302(A) to allow an irregular shaped 1,232.5+ sf footprint two story building to be constructed on the same footprint as the existing 1,232.5+ sf one story building which is being demolished. Said property is shown on Assessor Plan 142 as Lot 29 and lies within the General Residence A and Historic A districts. Case # 7-7

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.