

**6:30 P.M. NON-MEETING WITH COUNSEL IN THE
PLANNING DEPARTMENT CONFERENCE ROOM**

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

7:00 P.M.

**August 21, 2007 for Old Business and Petitions
1) through 6), To Be Reconvened
August 28, 2007 for Petitions 7) through 12)**

REVISED AGENDA

I. OLD BUSINESS

A) Approval of Minutes – July 17, 2007

B) Petition of **Richard A. and Bonnie M. Porzio, owners**, for property located at **431 Pleasant Street** wherein the following are requested: 1) a Variance from Article IV, Section 10-402(A) to allow a 6' x 9' 10" shed with: a) a 4'± right side yard, and b) a 4'6"± rear yard where 5' is the minimum required in each instance, and 2) Variance from Article IV, Section 10-402(B) to allow an 8'9" x 10' 0" front yard setback where 10' is the minimum required; and 3) a Variance from Article III, Section 10-302(A) to allow 48-9%± building coverage where 30% is the maximum allowed. Said property is shown on Assessor Plan 102 as Lot 71 and lies within the General Residence B and Historic A districts. Case # 7-7. *This petition was postponed at the July 17, 2007 meeting.*

C) Request for One-Year Extension of Variance granted September 19, 2006 for property located at **10 Commercial Alley and off Penhallow Street.**

II. PUBLIC HEARINGS

**THE FOLLOWING PETITIONS 1) THROUGH 6) WILL BE HEARD ON
TUESDAY, AUGUST 21, 2007**

1) An Appeal Pursuant to RSA 676:5 is requested by **1000 Market Street Corporation, Trustee, Nine Seventy Six Realty Trust and Dennis Prue, Trustee, Dover Realty Trust**, concerning property owned by **HarborCorp, LLC, Harborside Associates & Harborside Inn, Inc. located off Deer Street, Green Street, Market Street, Russell Street & Maplewood Avenue** concerning the Planning Board approval of the site plan entitled "Site Construction Plans for Harborside Hotel, Convention Center & Residential Condominiums" relative to parking. Said property is shown on Assessor Plan 118 as Lot 28, Assessor Plan 124 as Lot 12 and Assessor Plan 125 as Lot 21 and such other land of the City as shown on the subdivision/lot line revision plan and lies within the Central Business B, Downtown Overlay and Historic A districts. Case # 8-1

- 2) Petition of **Forum Group LLC, owner**, for property located at **67 Bow Street** wherein a Variance from Article V, Section 10-505(B) is requested to allow the installation of 6 roof mounted condenser units on the rear of the building that do not meet the required 50 dba at the property line. Said property is shown on Assessor Plan 106 as Lot 53 and lies within the Central Business A, Downtown Overlay and Historic A districts. Case # 8-2

- 3) Petition of **William Ashley, owner**, for property located at **103 Oriental Gardens** wherein a Variance from Article II, Section 10-209 is requested to allow the replacement of a 14' x 66' manufactured home in the same location with a new 14' x 66' manufactured home in a district where manufactured homes are not allowed. Said property is shown on Assessor Plan 215 as Lot 9 and lies within the Office Research district. Case # 8-3

- 4) Petition of **909 Islington Street LLC, owner, Robert Ovington d/b/a Ovington Produce, applicant**, for property located at **909 Islington Street** wherein a Variance from Article II, Section 10-208 is requested to allow 2,200± sf in an existing building to be used for a wholesale warehouse and 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 # 8-4

- 5) Petition of **Port City Plumbing & Heating LLC, owner, and Kerri L. Grant DC, d/b/a Cafe of Life Chiropractic, applicant**, for property located at **968 Middle Road** wherein the following are requested: 1) a Special Exception as allowed in Article IV, Section 10-401(A)(1)(d) to change the use of 950± sf on the first floor from a Convenience Goods II store to a chiropractic office, including ev... **Withdrawn by Applicant** ... treatment room; with hours ranging from 7:00 AM to 8:00 PM, Monday through Saturday, and 2) a Variance from Article IX, Section 10-908 to allow 2 attached signs totaling 60 sf in a district where such signs are not allowed. Said property is shown on Assessor Plan 232 as Lot 90 and lies within the Single Residence B district. Case # 8-5

- 6) Petition of **Historic New England, owner**, for property located at **143 Pleasant Street** wherein the following are requested: 1) a Variance from Article II, Section 10-207 to allow the property to be used: a) as a function facility for weddings, parties and other non-museum events (including amplified music) from May 1st to October 15th, annually for up to 150 persons outside or up to 131 persons year round in the carriage house, and, b) the carriage house to be converted into a lecture space for up to 131 people and a catering kitchen be installed; and 2) a Variance from Article XII, Section 10-1204 Table 15 to allow 1 handicap parking space to be provided onsite where 75 parking spaces are required in addition to the required parking for the existing uses of the property as a museum and caretaker apartment. Said property is shown on Assessor Plan 108 as Lot 14 and lies within the Mixed Residential Office and Historic A districts. Case # 8-6

**THE FOLLOWING PETITIONS 7) THROUGH 12) WILL BE HEARD ON
TUESDAY, AUGUST 28, 2007**

- 7) Petition of **Michael J. and Leanne A. Edwards, owners**, for property located at **64 Brackett Road** wherein a Variance from Article III, Section 10-302(A) is requested to allow a Lot Line Revision between Lots 22 and 21 on Assessor Plan 206 with: a) Lot 22 decreasing in area from 6,738 s.f. to 6,338± s.f. where 15,000 sf is the minimum required, and, b) street frontage for Lot 22

decreasing from 65.99' to 61.99'± where 100' is the minimum required. Said property is shown on Assessor Plan 206 as Lot 22 and lies within the Single Residence B district. Case # 8-6

8) Petition of **Robert J. Chaffee and Barbara A. Trimble, owners**, for property located at **32 Miller Avenue** wherein a Special Exception as allowed in Article II, Section 10-207(18) is requested to allow a home Occupation II office for “Extended Family” with one non-resident employee. Said property is shown on Assessor Plan 136 as Lot 18 and lies within the Mixed Residential Office district. Case # 8-8

9) Petition of **Seacoast Trust NH General Partnership, owner**, for property located at **150 Route One By-Pass** wherein a Variance from Article II, Section 10-206 is requested to allow the placement of a mobile coach for diagnostic services in the existing parking lot in a district where such use is not allowed. Said property is shown on Assessor Plan 231 as Lot 58 and lies within the Single Residence B district. Case # 8-9

10) Petition of **Public Service Company of New Hampshire, owner**, for property located at **400 Gosling Road** wherein the following are requested: 1) Variance from Article IV, Section 10-402(B) and Article III, Section 10-305(A) to allow a 9.1'± front yard where 70' is the minimum required and a 16.9'± right side yard where 21' is the minimum required, and 2) a Variance from Article V, Section 10-503 to allow no landscaping to be provided where landscaping is required for all new buildings. Said property is shown on Assessor Plan 214 as Lot 1 and lies within the Waterfront Industrial district. Case # 8-10

11) Petition of **Two Girls Realty LLC, owner, Craig Welch and Stefany Shaheen, applicants**, for property located at **261 South Street** wherein the following are requested: 1) a Variance from Article II, Section 10-206 to allow the building to be used as office space for the applicants (real estate office and consulting office) and 2) a Variance from Article XII, Section 10-1204 to allow the office without parking being provided where 5 parking spaces are required. Said property is shown on Assessor Plan 111 as Lot 34-2 and lies within the General Residence B and Historic A districts. Case # 8-11

12) Petition of **Robert M. and Mary Lou McElwain, owners**, for property located at **259 South Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)92)(c) are requested to allow: a) a 12' x 17' one story addition to the back of the existing dwelling with a 7.75'± right side yard where 10' is the minimum required, and b) a 192± sf irregular shaped deck to the back of the dwelling with a 7.8'± right side yard where 10' is the minimum required. Said property is shown on Assessor Plan 111 as Lot 34-1 and lies within the General Residence B and Historic A districts. Case # 8-12

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.