

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

7:00 P.M.

**August 19, 2008 for Old Business and
Petitions 1) through 7), To Be Reconvened
August 26, 2008 for Petitions 8) through 14)**

AGENDA

I. OLD BUSINESS

A) Approval of Minutes – July 15, 2008

B) Petition of **New England Glory LLC, owner**, for property located at **525 Maplewood Avenue** wherein an Appeal from an Administrative Decision regarding the determination of the Code Officials that the Building Permit to convert the 9 apartments into a 14 room Bed and Breakfast has lapsed as the building continues to be used as 9 apartments.

Notwithstanding the above, if the Administrative Appeal is denied, a Variance from Article II, Section 10-206 is requested to allow the existing 9 apartments to be converted into a 14 room Bed and Breakfast. Said property is shown on Assessor Plan 209 as Lot 85 and lies within the General Residence A district. Case # 7-1. *This petition was postponed from the July 15, 2008 meeting.*

C) Petition for Rehearing for property located at **930 Route One By-Pass**.

D) Request for Amendment of Variance granted July 15, 2008 for property located at **150 Route One By-Pass**.

II. PUBLIC HEARINGS

THE FOLLOWING PETITIONS 1) THROUGH 7) WILL BE HEARD ON TUESDAY, AUGUST 19, 2008
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1) Petition of **Webster H. Kohlhase Jr. and Debra Kohlhase, owners**, for property located at **187 Union Street** wherein a Variance from Article IV, Section 10-402(B) is requested to allow a 10' x 16' shed with a 6' x 10' attached porch with a 3'± right side setback and an 8'± rear setback back where 10' is the minimum required in each instance. Said property is shown on Assessor Plan 135 as Lot 68 and lies within the Apartment district. Case # 8-1

2) 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 petition of **Two International Group LLC, applicant**, for property located at **100 International Drive** wherein a Variance from the Pease Development Authority Zoning Ordinance Article II, Section 303.04B is

requested to allow a 3,025 sf Law office in a district where professional offices are not allowed. Said property is shown on Assessor Plan 306 as Lot 2 and lies within the Industrial district. Case # 8-2

- 3) Petition of **Nobles Island Condominium Association, owner**, for property located at **500 Market Street** wherein a Variance from Article IX, Section 10-908 is requested to allow: a) 4 freestanding signs totaling 103 sf where 10 sf is the maximum square footage allowed, b) 3 attached signs totaling 99 sf where 60 sf is the maximum square footage allowed; and, c) 202 sf of aggregate signage where 75 sf is the maximum allowed. Said property is shown on Assessor Plan 120 as Lot 2 and lies within the Central Business A and Historic A districts. Case # 8-3
- 4) Petition of **JMK Realty LLC, owner**, for property located at **700 Peverly Hill Road** wherein a Variance from Article IX, Section 10-908 is requested to allow two 32.5 sf signs for a total of 265 sf attached and aggregate signage where 200 sf is the maximum allowed. Said property is shown on Assessor Plan 252 as Lot 2-10 and lies within the Industrial district. Case # 8-4
- 5) Petition of **Aquila Chase and Marcia N. Chase, owners**, for property located at **71 Baycliff Road** wherein a Variance from Article III, Section 10-10-301(&)(a) is requested to allow the replacement of the original gravel driveway with paver stone driveway located within 100' of the salt water marsh or mean high water line where 100' is the minimum required. Said property is shown on Assessor Plan 207 as Lot 46 and lies within the Single Residence B district. Case # 8-5
- 6) Petition of **Bed, Bath & Beyond, Inc., owners**, for property located at **100 Durgin Lane** wherein a Variance from Article IX, Section 10-906(A)(2)(a)(2) is requested to allow 1,315 sf of attached signage where 716 sf is the maximum allowed. Said property is shown on Assessor Plan 239 as Lot 18 and lies within the General Business district. Case # 8-6
- 7) Petition of **David M. Goulet, owner**, for property located at **1062 Banfield Road** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-402(A) are requested to allow a 14' x 16' open deck and an 8' x 12' shed creating 11.8%± building coverage where 10% is the maximum allowed. Said property is shown on Assessor Plan 283 as Lot 36 and lies within the Single Residence A district. Case # 8-7

THE FOLLOWING PETITIONS 8) THROUGH 14) WILL BE HEARD ON TUESDAY, AUGUST 26, 2008

- 8) Petition of **Catherine R. Whelan, owner**, for property located at **660 Middle Street** wherein a Variance from Article III, Section 10-302(A) is requested to subdivide one lot into three lots with: a) proposed lot 1 to have 70'± of street frontage on Middle Street where 100' is the minimum required, and b) to allow proposed lots 2 & 3 to have access off a right-of-way. Said property is shown on Assessor Plan 147 as Lot 19 and lies within the General Residence A district. Case # 8-8
- 9) Petition of **7 Islington Street, LLC, owner**, for property located at **29 Tanner Street** wherein a Variance from Article III, Section 10-303(A) is requested to allow a lot line relocation resulting in: a) the lot area decreasing from 3,342 sf to 3,025 sf in a district where the minimum lot area is 7,500 sf., b) the house having a 11.24'± rear setback where 15' is the minimum required; and, c) the existing deck having a 10.72'± rear setback where 15' is the minimum required. Said property is shown on Assessor Plan 126 as Lot 49 and lies within the Mixed Residential Office district. Case # 8-9
- 10) Petition of **Mitchell Shuldman and Diane L. Schaefer, owners**, for property located at **620 Lincoln Avenue** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow an irregular shaped 311 sf one story addition with a 17'± rear setback where 20' is the minimum required. Said property is shown on Assessor Plan 148 as Lot 16 and lies within the General Residence A district. Case # 8-10

11) Petition of **Paul G. and Patricia L. Elkins, owners**, for property located at **35 Rogers Street** wherein Variances from Article III, Section 10-303(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow a 6' x 11'6" one story porch with a 2'± left side setback where 10' is the minimum required. Said property is shown on Assessor Plan 116 as Lot 42 and lies within the Mixed Residential Office district. Case # 8-11

12) Petition of **Paul Nakrosis and Millie Nakrosis, owners, and Michael Brandzel, applicant**, for property located at **39 Dearborn Street** wherein the following are requested to place a 7'10" x 13'9" one story shed: 1) a Variance from Article IV, Section 10-402(B) to allow said shed to have a 4'± left side set back where 10' is the minimum required, and 2) a Variance from Article III, Section 10-301(7)(b) to allow said shed to have a 65'± setback to salt water marsh or mean high water line where 100' is the minimum required. Said property is shown on Assessor Plan 140 as Lot 3 and lies within the General Residence A district. Case # 8-12

13) Petition of **Joseph Gobbi Supply Corporation, owner, and Kevin Gilman, applicant**, for property located at **685 Islington Street** wherein the following are requested: 1) a Special Exception as allowed in Article II, Section 10-208(36) to allow an automobile repair facility, and 2) a Variance from Article II, Section 10-208(f) to allow said facility on a lot less than 1 acre and having less than a 50' front, rear and side setbacks. Said property is shown on Assessor Plan 164 as Lot 12 and lies within the Business district. Case # 8-13

14) **Dennis F. Casey, Maryka Ford, Anarita Droukas, John C. Russo, Stephanie A. Lane, John Miles Evans, and Rose C. Eppard** appealing the Historic District Commission's Decision of July 2, 2008 granting a Certificate of Appropriateness concerning the Petition of Jonathan Watson Sobel Trust, Jonathan W. Sobel Trustee, owner, for property located at **49 Sheafe Street** wherein permission was requested to allow demolition of an existing structure (partial demolition of garage) and allow new construction to an existing structure (repair and reconstruct garage with residence above) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 21 and lies within the Central Business B, and Historic A districts. Case # 8-14

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.