

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

7:00 P.M.

**April 21, 2009 for Petitions 1) through 7), To Be
Reconvened April 28, 2009 for Petitions 8) through 11)**

AGENDA

I. PUBLIC HEARINGS

THE FOLLOWING PETITIONS 1) THROUGH 7) WILL BE HEARD ON TUESDAY, APRIL 21, 2009

1) Petition of **2422 Lafayette Road Associates, LLC, owner**, for property located at **2454 Lafayette Road a/k/a Southgate Plaza** wherein a Variance from Article XII, Section 10-1204 Table 14 is requested to allow 731 parking spaces to be provided where 1,090 parking spaces are required in conjunction with renovations to the existing shopping center consisting of a 23,545± sf addition, a loading dock and a new freestanding 27,335± sf one story building. Said property is shown on Assessor Plan 273 as Lot 3 and lies within the General Business district. Case # 4-1

2) Petition of **Harbour Place Group LLC, owner**, for property located at **1 Harbour Place** wherein an Appeal from an Administrative Decision regarding the determination of the Code Official requiring a building height variance for a protective 3'6" high railing around a roof top deck and a 6'6" x 26' storage shed addition to an existing roof top mechanical enclosure which should be considered "roof appurtenances".

Notwithstanding the above if the Administrative Appeal is denied Variances from Article III, Section 10-304(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow a 3'6" railing around a roof top deck ranging in height from 4^{13/16"} to 6^{15/16"} and a 6'6" x 26' storage shed addition on top of an existing 71'7" high building in a district where 50' is the maximum building height. Said property is shown on Assessor Plan 105 as Lot 2 and lies within the Central Business A, Historic A and Downtown Overlay districts. Case # 4-2

3) Petition of **280 Heritage Avenue Condo Association, owner, Peter LeSafre d/b/a Tour Auto of NH LLC, applicant**, for property located at **280 Heritage Avenue Unit F** wherein a Special Exception as allowed in Article II, Section 10-209(13) is requested to permit the sale of classic automobiles inside the building only. Said property is shown on Assessor Plan 284 as Lot 7 and lies within the Industrial district. Case # 4-3

4) Petition of **Jonathan Schroeder, owner**, for property located at **324 Maplewood Avenue** wherein the following are requested: 1) Variances from Article III, Section 10-303(A) and Article IV, Section 10-401(A)(2)(c) to allow a two story addition on an existing garage/storage building to house two additional dwelling units on a 3,210 sf lot (that also contains a second building with a commercial use on the 1st floor and a dwelling unit on the 2nd floor) with: a) a 5.47'± left side setback where 10' is the minimum required, and b) a 1'± rear setback where 15' is the minimum

required; and, c) 1,070 sf of lot area per dwelling unit where 7,500 sf of lot area per dwelling unit is required for a total of three dwelling units on the property requiring 22,500 sf of lot area. 2) a Variance from Article XII, Section 10-1201(A)(3) to allow the required parking spaces to back out onto the street where such parking layout is not allowed; and 3) a Variance from Article III, Section 10-301(A)(2) to allow dwelling units in two separate buildings on a lot where all dwelling units shall be located in one building. Said property is shown on Assessor Plan 141 as Lot 1 and lies within the Mixed Residential Office and Historic A districts. Case # 4-4

5) Petition of **55 Congress Street Condominium Association, owner, New Cingular Wireless PCS, LLC, AT&T Mobility Corporation, manager applicant**, for property located at **55 Congress Street** wherein a Special Exception as allowed in Article II, Section 10-208(51) is requested to allow 3 additional antennas mounted to the penthouse façade and associated base station equipment cabinets to be mounted on a frame 5’4” in length. Said property is shown on Assessor Plan 117 as Lot 9 and lies within the Central Business B, Historic A and Downtown Overlay districts. Case # 4-5

6) Petition of **Christoph Wienands and April Guille, owners**, for property located at **307 Wibird Street** wherein Variances from Article III, Section 10-302 and Article IV, Section 10-401(A)(2)(c) are requested to allow the existing steps to be moved back to the original location and rebuild the steps 7’2” x 5’6” with a 0’± front setback where 15’ is the minimum required. Said property is shown on Assessor Plan 132 as Lot 12 and lies within the General Residence A district. Case # 4-6

7) Petition of **Pamela J and Joseph D. Pantelakos, owners**, for property located at **24 Central Avenue** wherein a Variance from Article II, Section 10-206(24)(b) is requested to allow a temporary mobile home for 90 days during the reconstruction of the single family dwelling destroyed by fire on March 24 & 25, 2009. Said property is shown on Assessor Plan 209 as Lot 28 and lies within the General Residence A district. Case # 4-7

**THE FOLLOWING PETITIONS 8) THROUGH 11) WILL BE HEARD
ON APRIL 28, 2009**

8) Appeal from an Administrative Decision by **Robert MacDonald, owner**, for property located at **430 Islington Street** concerning the revocation of Building Permit # 8-345 for a “Complete gut of existing 2 unit building with new rear addition to create 4 dwelling units”. Said property is shown on Assessor Plan 145 as Lot 36 and lies within the Mixed Residential Business district. Case # 4-8

9) Petition of **Jay Edwards, owner, and Mark Montville, applicant** for property located at **3612 Lafayette Road** wherein a Variance is requested from Article II, Section 10-208 to allow the outdoor display and sales of play systems for children in a district where outdoor display and sales are not allowed. Said property is shown on Assessor Plan 297 as Lot 3 and lies within the General Business and Industrial districts. Case # 4-9

10) Administrative Appeal of the decision of the Code Official by **John C. Russo, abutter**, concerning property **owned by Jonathan Sobel located at 49 Sheafe Street (a/k/a Custom House Lane)**, that **Withdrawing in proposed Assessor Plan 107 as Lot 21 and lies within the Central Business B and Historic A districts. Case # 4-10**

11) Petition of **Lafayette Limited Partnership, owner, Paul Salacain, applicant**, for property located at **775 Lafayette Road** wherein Variances from Article IX, Sections 10-906(1)(a) and 10-906(2)(b) are requested to allow: a) 17 sf of signage on an existing 342.4 sf freestanding entrance sign where 150 sf is the maximum allowed, and b) 72 sf of attached signage where 43 sf is the maximum allowed. Said property is shown on Assessor Plan 245 as Lot 1 and lies within the General Business district. Case # 4-11

II. 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.