

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

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**7:00 P.M.**

**July 21, 2009 for Old Business and Petitions  
1) through 8), To Be Reconvened  
July 28, 2009 for Petitions 9) through 16)**

**REVISED AGENDA**

<b>THE FOLLOWING OLD BUSINESS AND PETITIONS 1) THROUGH 8) WILL BE HEARD ON TUESDAY, JULY 21, 2009</b>
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**I. OLD BUSINESS**

A. Approval of Minutes – April 28, 2009  
- May 19, 2009

B. Request for Extension – 24 Central Avenue

C. Request for Extension – 150 Route One By Pass

D. Petition of **Jonathan Schroeder, owner**, for property located at **324 Maplewood Avenue** wherein the following were 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 1<sup>st</sup> floor and a dwelling unit on the 2<sup>nd</sup> 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. *(This petition was postponed from the April 21, 2009, May 19, and June 16, 2009 meetings)*

E. Petition of **CCV Group, LLC, owner**, for property located at **4 Sagamore Grove Road** wherein the following were requested to allow a 535 sf 1 ½ story addition with a basement and

chimney to a previously approved single family dwelling in a Waterfront Business District: 1) a Variance from Article IV, Section 10-401(A)(1)(c) and to allow a residential use to be expanded in a Waterfront Business District, where such use is not allowed, 2) a Variance from Article III, Section 10-304(A) and Article IV Section 10-401(A)(2)(c) to allow: a) a 12'1"± left side setback where 30' is required, and b) a 26'± front setback where 30' is the minimum required; and, 3) a Variance from Article III, Section 10-301(A)(7)(a) to allow said addition to have a 75' setback from the salt water marsh wetlands and mean high water line where 100' is the minimum setback required for all. Said property is shown on Assessor Plan 201 as Lot 4 and lies within the Waterfront Business district. *(This petition was postponed from the June 16, 2009 meeting.)*

F. Petition of **Irving Canner and Victoria D. Canner, owners**, for property located at **229 Pleasant Street** wherein Variances from Article III, Section 10-303(A) and Article IV, Section 10-401(A)(2)(c) were requested to allow a 15'± front setback where 15' is the minimum required. Said property is shown on Assessor Plan 108 as Lot 6-4 and lies within the Mixed Residential Office district. *(This petition was postponed from the June 16, 2009 meeting)*

## II. PUBLIC HEARINGS

1) Petition of **Portsmouth Navigation Corp. (Lot 45) and City of Portsmouth (Lot 46), owners**, for property located at **34 Ceres Street and the adjacent City owned property** wherein a Variance from Article III, Section 10-305(A) is requested to allow a lot line relocation resulting in the 172'± nonconforming street frontage of lot 45 to be decreased by 9.25' where 200' is the minimum street frontage required. Said property is shown on Assessor Plan 106 as Lots 45 & 46 and lies within the Waterfront Industrial, Municipal, Historic District A and Downtown Overlay districts. Case # 7-1

2) Petition of **Michael A. Kuchtey and Barbara A. Kuchtey, owners**, for property located at **6 Sagamore Grove** wherein a Variance from Article III, Section 10-301(7)(a) is requested to allow the expansion of a structure within the 100' inter-tidal zone adjacent to Sagamore Creek (use variance); a Variance from Article III, Section 10-302(A) to allow a nonconforming use to be used on the other part of a building structure; and a Variance from Article IV, Section 10-401(A)(2)(c) is requested to allow a nonconforming building to be added to or enlarged where such addition or enlargement does not conform to all regulations of the zoning district. Said property is shown on Assessor Plan 201 as Lot 5 and lies within the Waterfront Business district. Case # 7-2

3) Petition of **Tyler Hayes Kelly, owner**, for property located at **30 Sewall Road** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow the expansion of a non-conforming building with a 27.5'± front yard setback where a 30' side yard is required. Said property is shown on Assessor Plan 170 as Lot 16 and lies within the Single Residence B district. Case # 7-3

4) Petition of **Timothy G. Griffin, owner**, for property located at **172 Elwyn Avenue** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow for the construction of a mudroom and stairs with a building coverage of 32% where 25% is the maximum allowable coverage. Said property is shown on Assessor Plan 112 as Lot 39 and lies within the General Residence A district. Case # 7-4

5) Petition of **Michael Dickson and Tracey Graffam, owners**, for property located at **43 McNabb Court** wherein Variances from Article III, Section 10-302(A) and Article IV 10-401(A)(2)(c) are requested to allow an 8'± setback from the left side lot line where 10' is

required. Said property is shown on Assessor Plan 112 as Lot 56 and lies within the General Residence A district. Case # 7-5

6) Petition of **Peter H. Rice and Meghan Milne, owners**, for property located at **196 South Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow the expansion of a nonconforming building along with a right side yard setback of 4'2"± where a 10' side yard setback is required. Said property is shown on Assessor Plan 101 as Lot 67 and lies within the General Residence B district. Case # 7-6

7) Petition of **Barbara H. Bickford, owner**, for property located at **45 Gardner Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow the expansion of a nonconforming structure by creating a deck and steps with a side yard setback of 8'± where a 10' side yard setback is required and a rear yard setback of 4'± where a 25' rear yard setback is required. Said property is shown on Assessor Plan 103 as Lot 21 and lies within the General Residence B district. Case # 7-7

8) **James A. Beal, owner**, for property located at **284-286 Cabot Street** wherein Variances from Article III Section 10-301(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow the expansion of a nonconforming structure along with a 8'8" side yard setback where a 10' side yard setback is required. Said property is shown on Assessor Plan 144 as Lot 25 and lies within the Apartment district. Case # 7-8

**THE FOLLOWING PETITIONS 9) THROUGH 16) WILL BE HEARD ON JULY 28, 2009**

9) Petition of **J.P. Nadeau, owner, and Witch Cove Marina Development, LLC, applicant**, for property located at **187 Wentworth House Road** wherein the following are requested: a Variance from Article II, Section 10-208, Table 4, to allow 5 single-family dwellings in the Waterfront Business District where residential uses are not allowed (use variance); a Variance from Article III, Section 10-301(7)(a) to allow construction of a yacht club structure and 2 single-family dwellings within the 100' inter-tidal zone adjacent to Sagamore Creek; a Variance from Article III, Section 10-304(A), Table 10, to allow a structure with a front yard of 14 feet where the front yard requirement is 30 feet; a Variance from Article III, Section 10-304(A), Table 10, to allow a structure with a side yard of 10 feet where the side yard requirement is 30 feet; a Variance from Article III, Section 10-304(A), Table 10, to allow a structure with a right side yard of 24 feet where the side yard requirement is 30 feet; a Special Exception under Article XII, Section 10-1201(A)(1)(b) to allow parking on another lot in the same ownership, provided all spaces lie within 300 feet of the lot in question; and a Variance from Article XII, Section 10-1201(A)(1)(b) to allow 10 required off-street parking spaces to be located more than 300' from the use that they serve. Said property is shown on Assessor Plan 201 as Lots 12, 17 and 18 and lies within the Waterfront Business district. Case # 7-9

10) Petition of **Maria Elena Koopman, owner, and James Peterson, applicant**, for property located at **335 Maplewood Avenue** wherein a Variance from Article XII, Section 10-1204 Table 15 is requested to allow for an office use to provide 8 parking spaces where 12 are required. Said property is shown on Assessor Plan 141 as Lot 26 and lies within the Mixed Residential Office district. Case # 7-10

11) Petition of **Dinnerhorn Realty Inc., owners**, for property located at **980 Lafayette Road** wherein a Variance from Article IX, Section 10-908 Table 14 is requested to allow a new freestanding sign 25' high replacing an existing freestanding sign 25' high where a maximum

height allowed is 20' and to allow said sign be located 5'3" from the front lot line (where the the current sign is located) where a 20' setback is required. Said property is shown on Assessor Plan 253 as Lot 14 and lies within the General Business district. Case # 7-11

12) Petition of **Seth F. Peters, owner, Andrew Schachat, applicant**, for property located at **112 State Street** wherein a Variance from Article II, Section 10-208(21)(a) is requested to allow outdoor entertainment for a period of up to 90 days. Said property is shown on Assessor Plan 107 as Lot 54 and lies within the Central Business B district. Case # 7-12

13) Petition of **Joseph Gobbi Supply Corp, owners and Superior Towing, applicant**, for property located at **685 Islington Street** wherein a Variance from Article II, Section 10-208 is requested to allow for the storage of towed motor vehicles for a period of up to 30 days. Said property is shown on Assessor Plan 164 as Lot 12 and lies within the General Business district. Case # 7-13

14) Petition of **C and B Portsmouth, LLC, owner**, for property located at **1840 Woodbury Avenue** wherein a Variance from Article IX, Section 10-908 Table 14 is requested to allow 143.65 square feet of aggregate signage where 92.63 square feet is the maximum allowed. Said property is shown on Assessor Plan 239 as Lot 8 and lies within the General Business district. Case # 7-14

15) Petition of **Unitarian Universalist Church, owner**, for property located at **206 Court Street** wherein Variances from Article III, Section 10-303(A) and Article IV, Section 10-402(B) are requested to allow a shed to be placed 5'± from the right side lot line where a 10' setback is required. Said property is shown on Assessor Plan 116 as Lot 34 and lies within the Mixed Residential Office district. Case # 7-15

16) Petition of **Bellwood Associates, L.P., owners, Festival Fun Park, LLC d/b/a Water Country applicant**, for property located at **2300 Lafayette Road** wherein a Special Exception under Article II, Section 10-208(54)(b) is requested to allow temporary Structures to be placed on the property for a term of up to 90 days; and a Variance from Article IV, Section 10-401(A)(1)(c) is requested to allow a nonconforming use of land to be extended into any part of the remainder of a lot of land. Said property is shown on Assessor Plan 273 as Lot 5 and lies within the General Business district. Case # 7-16

### III. ADJOURNMENT

Informational Item to Board: Committee of Conference Report for SB 147-FN
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### 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.