

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

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**7:00 P.M.**

**August 18, 2009**

**AGENDA**

**I. OLD BUSINESS**

- A) Approval of Minutes – June 16, 2009  
- July 21, 2009

B) Case 7-10

Petitioners: Maria Elena Koopman & James Peterson

Property: 335 Maplewood Avenue Assessor Plan 141, Lot 26

Zoning district: Mixed Residential Office

Request: Request for Rehearing and/or Modification of Stipulations

C) Case # 4-4

Petitioner: Jonathan Schroeder

Property: 324 Maplewood Avenue Assessor Plan 141, Lot 1

Zoning district: Mixed Residential Office & Historic A

Requests: 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,
- 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) 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.

3) 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.

*(This petition was postponed from the April 21, May 19, June 16, and July 21, 2009 meetings)*

- D) Case # 6-5  
Petitioner: CCV Group, LLC  
Property: 4 Sagamore Grove Assessor Plan 201, Lot 4  
Zoning district: Waterfront Business  
Request: The following 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) 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) 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.  
3) 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.  
*(This petition was postponed from the June 16, and July 21, 2009 meetings.)*

- E) Case 6-7  
Petitioners: Irving and Victoria D. Canner  
Property: 229 Pleasant Street  
Zoning district: Mixed Residential Office  
Request: Variances from Article III, Section 10-303(A) and Article IV, Section 10-401(A)(2)(c) were requested to allow a 163 sf deck with a 5'8"± rear setback where 15' is the minimum required.  
*(This petition was postponed from the June 16, and July 21, 2009 meetings)*

Request to Postpone

- F) Case # 7-2  
Petitioner: William Pingree  
Property: 6 Sagamore Grove Assessor Plan 201, Lot 5  
Zoning district: Waterfront Business  
Request: 1) Variance from Article III, Section 10-301(7)(a) to allow the expansion of a structure within the 100' inter-tidal zone adjacent to Sagamore Creek.  
2) Variance from Article IV, Section 10-401(A)(1)(b) to allow a nonconforming use to be extended into another part of a building or structure.  
3) Variance from Article IV, Section 10-401(A)(2)(c) 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.  
*(This petition was postponed from the July 21, 2009 meeting)*

- G) Case #7-9  
Petitioners: J.P. Nadeau & Witch Cove Marina Development, LLC  
Property: 187 Wentworth House Road  
Zoning district: Waterfront Business Assessor Plan 201, Lots 12, 17 and 18

Request to Postpone

- Request: 1) 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.
- 2) Variance from Article III, Section 10-301(7)(a) to allow a yacht club structure and 2 single family residences to be constructed within 100 feet of the mean high water line of Sagamore Creek where structures are not allowed.
- 3) Variance from Article III, Section 10-304(A) Table 10 to allow a relocated residential structure with a front yard of 14' where 30' is required and a left side yard setback of 12' where 30' is required, and a right side yard setback of 24 feet where 30 feet is required.
- 4) Variance from Article XII, Section 10-1201(A)(1)(b) for 10 parking spaces which lie outside the 300' distance of the subject property.
- 5) Special Exception from 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.

## II. PUBLIC HEARINGS

- 1) Case # 8-1  
Petitioners: Martin L. Ryan  
Property: 221 Woodbury Ave. Assessor Plan 175, Lot 10  
Zoning district: General Residence A  
Request: Variance from Article III Section 10-302(A) to allow for a new lot with 60.45'± of frontage where 100' is required
- 2) Case # 8-2  
Petitioner: Cross Roads House, Inc.  
Property: 600 Lafayette Rd. Assessor Plan 243, Lot 2A  
Zoning district: General Business  
Requests: Variance from Article III Section 10-304(A) to allow for a 5' ± left side sideyard setback where 30' is required to expand the dumpster pad for the placement of a backup generator
- 3) Case # 8-3  
Petitioner: Nancy B. & John E. Howard  
Property: 179 Burkitt St. Assessor Plan 159, Lot 10  
Zoning district: General Residence A  
Request: Variance from Article III Section 10-301(A)(7)(b) to allow for the construction of an accessory structure within 100' of North Mill Pond
- 4) Case # 8-4  
Petitioners: John C. & Pamela A. Shore  
Property: 623 Dennett St. Assessor Plan 161, Lot 35  
Zoning district: General Residence A  
Request: Variance from Article III Section 10-302(A) Table 8 to construct a garage with a 3'± right side sideyard setback where 10' is required

- 5) Case # 8-5  
Petitioners: Raj Prem & Anita Kumari  
Property: 1420 Woodbury Ave. Assessor Plan 238, Lot 6  
Zoning district: Single Residence B  
Request: Special Exception of Article II Section 10-206(12) to allow a Home Occupation II in a Single Residence B zone.  
1) Variance from Article I Definitions, to allow the operation of a Home Occupation II to be open Saturdays where the ordinance only allows Monday – Friday operations.  
2) Variance from Article I Definitions to allow the hours of a Home Occupation II operation to be 9AM -8PM where 8AM-5PM is required.  
3) Variance from Article IX Section 10-908 Table 14 to allow a 24 square foot sign in a Single Residence B zone where 4 square feet is allowed.
- 6) Case # 8-6  
Petitioners: Thomas & Christine L. Riddle  
Property: 109 Ash St. Assessor Plan 150, Lot 35  
Zoning district: General Residence A  
Requests: 1) Variance from Article III Section 10-302(A) Table 8 to construct an addition to a single family residence with a 6'-9"± right side sideyard setback where 10' is required  
2) Variance from Article III Section 10-302(A) Table 8 to allow for a building coverage of 26% where 25% is required  
3) Variance from Article IV Section 10-401(A)(2)(c) to allow the expansion of a non conforming structure.
- 7) Case # 8-7  
Petitioner: Elio & Lori A. Santana  
Property: 224 Crescent Way Assessor Plan 212, Lot 128-1  
Zoning district: General Residence B  
Request: 1) Variance from Article III Section 10-302(A) Table 8 to allow a 0'± left side sideyard setback where 10' is required  
2) Variance from Article IV Section 10-401(A)(2)(c) to allow the expansion of a non conforming structure.
- 8) Case # 8-8  
Petitioner: Laura (Purslow) Cattabriga  
Property: 143 Rockingham Ave. Assessor Plan 220, Lot 8  
Zoning district: Single Residence B  
Requests: Variance from Article III Section 10-302(A) Table 8 to allow the construction of a mud room with a 5'± right side sideyard setback where 10' is required.
- 9) Case # 8-9  
Petitioners: Portsmouth Housing Authority  
Property: 140 Court St. Assessor Plan 116, Lot 38

Zoning district: Mixed Residential Office

Requests: 1) Variance from Article III section 10-303(A) Table 9 to allow for a 0'± rear yard setback where 15 is required

2) Variance from Article IV Section 10-401(A)(2)(c) to allow the expansion of a nonconforming structure

10) Case # 8-10

Petitioners: Portsmouth Housing Authority

Property: 245 Middle St Assessor Plan 136, Lot 16

Zoning district: Mixed Residential Office

Requests: 1) Variance from Article III section 10-303(A) Table 9 to allow for a 0'± left side sideyard setback where 10' is required

2) Variance from Article IV Section 10-401(A)(2)(c) to allow the expansion of a non conforming structure

11) Case # 8-11

Petitioners: Matthew J. & Sarah E. Curtin

Property: 28 Kensington Rd. Assessor Plan 152, Lot 25

Zoning district: Single Residence B

Requests: 1) Variances from Article III Section 10-302(A) Table 8 to allow for a 18'2"± front yard setback where 30' is required

2) Variance from Article III Section 10-302(A) Table 8 to allow for a 24'4" ± rear yard setback where 25' is required

3) Variance from Article III Section 10-302(A) Table 8 to allow building coverage of 22.6% where 20% is required.

4) Variance from Article IV Section 10-401(A)(2)(c) to allow the expansion of a nonconforming structure.

### 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