

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

7:00 P.M.

October 20, 2009

AGENDA

I. APPROVAL OF MINUTES

- A) August 8, 2009
- B) August 25, 2009

II. NEW BUSINESS

- A) December 1, 2009 Workshop

III. OLD BUSINESS

- A) Case # 9-6
Petitioners: Dicker-Warmington Properties
Property: 1700 Woodbury Avenue Assessor Plan 239, Lot 7-2
Zoning district: General Industrial **Withdrawn**
Requests: Variance(s) Article XII Section 10-1201(A)(2) to allow a deviation of the parking aisle width and depth standards from the required 62' to 58'±
Article XII Section 10-1201(A)(3)(e)(2) to allow parking and aisles within 3' of the property line where 40' landscaped buffers are required
- B) Request for Rehearing – 4 Sagamore Grove Road (WITHDRAWN)
- C) Request for Rehearing – 221 Woodbury Avenue (WITHDRAWN)

IV. PUBLIC HEARINGS

- 1) Case # 10-1
Petitioners: Irving and Victoria D.Canner
Property: 229 Pleasant St. #4 Assessor Plan 108, Lot 6-4
Zoning district: Mixed Residential Office

Request: Variance Request Article III Section 10-303(A) Table 9 to allow for a 7’2” rear yard setback where 15 feet is required

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

(This petition was postponed from the June 16, July 21, and August 18, 2009 meetings and revised as to the rear yard setback measurement)

2) Case # 10-2

Petitioner: Lyle S Gravelle and Tanja E Gravelle

Property: 20 Woodworth Ave. Assessor Plan 232, Lot 78

Zoning district: Single Residence B

Requests: Variance Request Article III Section 10-302(A) Table 8 to allow for a 10’± front yard setback where 30’ is required

Article III Section 10-302(A) Table 8 to allow a building coverage of 23.5% where 20% is required

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

3) Case # 10-3

Petitioner: High Liner Food Inc

Property: 1 High Liner Ave. Assessor Plan 259, Lot 14

Zoning district: Industrial

Request: Special Exception Request Article II Section 10-209 Table 5 to allow the expansion of Food processing operations; including those involving the preparation of sea related products

4) Case # 10-4

Petitioners: Debra Page

Property: 35 Swett Ave Assessor Plan 232, Lot 66

Zoning district: Single Residence B

Request: Variance Request Article III Section 10-302(A) Table 8 to allow the creation of 2 nonconforming lots;

Lot 1 having less than the required minimum area by allowing 9,350 square feet where 15,000 square feet is required

Lot 2 having 90’ of frontage where 100’ is required, 11,050 square feet of lot area where 15,000 is required, and a depth of 85’ where 100’ is required

5) Case # 10-5

Petitioners:Think Management LLC

Property: 85 Albany St. Assessor Plan 146, Lot 25

Zoning district:Mixed Residential Business

Request: Variance Request Article II Section 10-207 Table 3 Use 13 to allow for the expansion of the existing 5 unit residential building to a 6 unit residential building where not more than four families are allowed

Article III Section 10-303(A) Table 9 to allow a density of 2,566 square feet per unit where 7500 square feet per unit is required

6) Case # 10-6

Petitioners:New England Wireless Solutions, LLC

Property: 55 Congress St. Assessor Plan 117, Lot 9

Zoning district: Central Business B

Requests: Special Exception Request Article II Section 10-208 Table 4 Use (51) to allow for the placement of a 6 panel wireless communication system

Variance Request

Article III Section 10-304(A) Table 10 to allow the existing 75’9” building height to increase to 81’9” where 60’ is allowed

7) Case # 10-7

Petitioner: Jon Schroeder

Property: 324 Maplewood/ Assessor Plan 141, Lot 1

Zoning district: Mixed Residential Office

Request: Variance Request Article III, Section 10-301 (A)2 to allow a dwelling unit in each of two (2) free-standing buildings on the same lot.

Article III, Section 10-303 (A) to allow 1,780 square feet of lot area per dwelling unit, where 7,500 square feet of a lot area is required.

Article III, Section 10-303 (A) to allow a rear yard setback of 5.47 feet where 15 feet is required; a right side yard setback of 1 foot where 10 feet is required; and a left side yard setback of 6.21 feet where 10 feet is required.

Article IV, Section 10-401 A (2)(c) to allow expansion of a non-conforming structure by addition of a second story.

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.

- 8) Case # 10-8
Petitioner: Donna L. Morse
Property: 249 Clinton St. Assessor Plan 159, Lot 11
Zoning district: General Residence A
Requests: Variance Request Article IV Section 10-401(A)(2)(c) to allow the expansion of a nonconforming structure
- 9) Case # 10-9
Petitioners: David J. Tooley and Vasilia Tooley
Property: 166 New Castle Ave. Assessor Plan 101, Lot 24
Zoning district: Single Residence B
Requests: Variance Request Article III Section 10-302(A) Table 8 to allow a rear yard setback of 10” where 30’ is required

Article III Section 10-302(A) Table 8 to allow a side yard setback of 8’5” where 10’ is required

Article III Section 10-302(A) Table 8 to allow a building coverage of 50% where 20% is required

Article III Section 10-302(A) Table 8 to allow open space coverage of 32% where 40% is required

Article IV Section 10-401(A)(2)(c) to allow the expansion of a nonconforming structure
- 10) Case # 10-10
Petitioners: Paul and Margaret Batakis
Property: 4 Brackett Lane Assessor Plan 206, Lot 8
Zoning district: Single Residence B
Requests: Variance Request Article III Section 10-302(A) Table 8 to allow a left side setback of 6.5’ where 10’ is required

Article III Section 10-302(A) Table 8 to allow a left side setback of 4.3’ where 10’ is required

Article III Section 10-302(A) Table 8 to allow a front yard setback of 17.5’ where 30’ is required

Article III Section 10-302(A) Table 8 to allow lot coverage of 29.6% where 20% is required

V. 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