

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

7:00 P.M.

November 17, 2009

AGENDA

I. APPROVAL OF MINUTES

A) September 15, 2009

II. NEW BUSINESS

A. Draft - Revised Board of Adjustment Rules and Regulations

III. OLD BUSINESS

7) Case # 10-7

Petitioner: Jon Schroeder

Property: 324 Maplewood/ Assessor Plan 141, Lot 1

Zoning district: Mixed Residential Office

Request: Variance Requests

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

Request to Withdraw

(over)

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 Requests

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

IV. PUBLIC HEARINGS

1) Case # 11-1

Petitioner: J.P. Nadeau owner, and Witch Cove Marina Development, LLC

Property: 187 Wentworth House Road Assessor Plan 201, Lot(s) 12, 17 and 18

Zoning district: Waterfront Business District

Request: Variance Requests:

From Article II, Section 10-208, Table 4, to allow 4 single-family dwellings in the Waterfront Business District where residential uses are not allowed;

From Article III, Section 10-301(7)(a) to allow construction of a yacht club structure and 3 single-family dwellings as well as a 600 square foot garage within the 100' inter-tidal zone

From Article III, Section 10-304(A), Table 10, to allow a structure with a left side yard of 12 feet where the side yard requirement is 30 feet;

From Article XII, Section 10-1201(A)(1)(b) to allow 25 required off-street parking spaces to be located more than 300' from the use that they serve.

From Article IV, Section 10-401(A)(2)(c) to allow for the vertical expansion of two (2) nonconforming structures; and

Special Exception Request:

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

2) Case # 11-2

Petitioner: Jeffery A. Koss

Property: 102 Dennett Street Assessor Plan 140, Lot 16-2

Zoning district: General Residence A

Requests: Variance Request

From Article III, Section 10-301 (A)(7)(b) to allow a structure within 100 feet of the mean high water line of the North Mill Pond

(next page)

3) Case # 11-3

Petitioners: Tara E. Olson & Kenneth R. Olson

Property: 1 Forest Street Assessor Plan 210, Lot 12

Zoning district: Single Residence B

Request: Variance Requests:

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

From Article III Section 10-302(A) to allow for the construction of a 24' x 24' garage with a 20' frontyard setback where 30' is required;

From Article III Section 10-302(A) to allow for the construction of a 20' x 16' room with a 24' frontyard setback where 30' is required.

4) Case # 11-4

Petitioner: James Robertson/Gelmar Realty Associates

Property: 865 Islington Assessor Plan 172, Lot 11

Zoning district: Business

Requests: Special Exception Request

From Article II Section 10-208 Table 4 Use (34) to allow a veterinary clinic in the Business Zone and;

Variance Request:

From Article II Section 10-208 Table 4 Use (34) to allow a veterinary clinic in the Business Zone within 200' of a Residential district.

5) Case # 11-5

Petitioner: Brady J Byrd/Brian L Neste

Property: 184 Walker Bungalow Road Assessor Plan 223, Lot 19

Zoning district: Single Residence B

Request: Variance Requests:

From Article III Section 10-302(A) to allow the following for a proposed 1½ sto garage: a 16.1' front yard setback where 30' is required; a 4.1' rear yard setback where 30' is required; and 24.4 % lot coverage where 20% is required;

From Article III Section 10-302(A) to allow the following for a proposed 2nd story addition: a 13.4' front yard setback where 30' is required and a 20.8' rear yard setback where 30' is required;

From Article III Section 10-302(A) to allow for a proposed roof over an existing door with a 20'± front yard setback where 30' is required; and

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

6) Case # 11-6

Petitioners: Jay McSharry/ Leonard Cushing

Property: 142-146 Cabot Street Assessor Plan 145, Lot 79

Zoning district: Apartment

Request: Variance Requests:

From Article III Section 10-302(A) Table 8 to allow for 4 units on a lot of 8,255 square feet where 14,000 square feet would be required; and (over)

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

7) Case # 11-7

Petitioner: Nancy Bogenberger

Property: 953 State Street Assessor Plan 156, Lot 15

Zoning district: Apartment

Request: Variance Requests:

From Article XII Section 10-1201(A)(3)(a)(3) to allow required off street parking spaces to maneuver from said parking space without requiring the moving of any other vehicles or the passing over any other parking space.

From Article XII Section 10-1201(A)(3)(a)(4) to allow vehicles parked on a residential parcel with more than two units to back out onto a street where only forward maneuvering is allowed.

8) Case # 11-8

Petitioners: Sureya M. Ennabe Liv Trust/C.N. Brown

Property: 800 Lafayette Road Assessor Plan 244, Lot 5

Zoning district: General Business

Requests: Special Exception of Article II Section 10-208 Table 4(36) Motor vehicle service stations and Convenience Goods I & II as accessory uses

Variances:

From Article III Section 10-301(A)(7)(a) to allow a tidal wetland setback of 50' where 100' is required;

From Article III Section 10-301(A)(8) to allow a 30' front yard setback for the Pump Island canopy where a special setback of 105' is required along Lafayette Road;

From Article III Section 10-304(A) Table 10 to allow the following setbacks to occur in relation to the canopy structure: a right sideyard setback of 26' where 30' is required; a left sideyard setback of 23' where 30' is required; and a frontyard setback of 30' where 70' is required.

9) Case # 11-9

Petitioner: 355 Pleasant Street LLC

Property: 355 Pleasant Street Assessor Plan 103, Lot 64

Zoning district: General Residence B

Request: Variance Request

From Article III Section 10-302(A) Table 8 to allow a two family unit to be constructed in the GRB zone on a lot with 9,245 square feet of area where 10,000 square feet 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