

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

**CONFERENCE ROOM A**

**7:00 P.M.**

**December 15, 2009**

**AGENDA**

**I. APPROVAL OF MINUTES**

A) October 20, 2009

**II. NEW BUSINESS**

**III. OLD BUSINESS**

A) Request for Rehearing  
Case # 10-4  
Property: 35 Swett Ave Assessor Plan 232, Lot 66

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

B) 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.

**IV. PUBLIC HEARINGS**

- 1) Case # 12-1  
 Petitioners: Frederick Bailey III, Joyce Nelson along with DLP Restaurant, Inc.  
 Property: 520 US Route 1 By-pass Assessor Plan 175, Lot 11  
 Zoning district: General Business  
 Request: Variance to re-establish a restaurant with a bar/tavern to be located within 200' of a Residential or Mixed Residential zone. Article II Section 10-208(19)(a)
  
- 2) Case # 12-2  
 Petitioner: Joel E. Markey  
 Property: 1 Leavitt Ave. Assessor Plan 232, Lot 81  
 Zoning district: Single Residence B  
 Requests: Variance to expand the structure for additional enclosed porch space with a front yard setback of 9' where 30' is required and to allow for a building coverage of 22.4% where 20% is allowed. Article III Section 10-302(A) Table 8 and Article IV Section 10-401(A)(2)(c)
  
- 3) Case # 12-3  
 Petitioner: Virginia Copeland Owner, Davis Tire Company, Applicant  
 Property: 375 Banfield Road Assessor Plan 266, Lot 7  
 Zoning district: Industrial  
 Request: To allow an Automobile repair facility by Special Exception and Variance in the Industrial zone and to allow an Automobile repair facility within 200' of a Mixed Residential/ Residential zone. Article II Section 10-209 Table 5 (13)
  
- 4) Case # 12-4  
 Petitioners: Iain and Katherine Moodie  
 Property: 14 Mt. Vernon St. Assessor Plan 111, Lot 26  
 Zoning district: General Residence B  
 Request: Variances to construct a new home in the General Residence B zone on an existing lot of 2252 square feet where the required minimum lot size is 5,000 square feet. To allow a lot coverage of 39% where 30% is allowed, to allow a left side setback of 7' where 10' is required, to allow a right side setback of 3'6" where 10' is required and to allow a front yard setback of 0' where 5' is required. Article III Section 10-302(A) Table 8
  
- 5) Case # 12-5  
 Petitioners: Debra Page  
 Property: 35 Swett Ave. Assessor Plan 232, Lot(s) 66 & 73  
 Zoning district: Single Residence B  
 Requests: Variance to allow the creation of two nonconforming lots where one conforming and one nonconforming lot currently exist: One lot of 8,500± square feet where 15,000 square feet is required and one lot of 11,900± square feet where 15,000 square feet is required; both lots having a depth of 85' where 100' is required. Article III Section 10-302(A) Table 8
  
- 6) Case # 12-6  
 Petitioners: Dsq Holding, LLC, Owner & Access Signs, Applicant  
 Property: 1600 Woodbury Ave. Assessor Plan 238, Lot 16  
 Zoning district: General Business  
 Requests: Variances to allow 84 square feet of signage on an "out lot" where 60 square feet is allowed, and to allow a free standing sign on an "out lot" where one is not allowed. Article IX Section 10-907(A)(3)(a) & (b)

- 7) Case # 12-7  
 Petitioner: William Genimatis Rev Trust of 1990  
 Property: 581 Lafayette Rd. Assessor Plan 229, Lot 8B  
 Zoning district: General Business  
 Request: Variance to operate a Motor Vehicle Sales and Repair facility for the Sale of Motorcycles, ATV's and Snowmobiles within 200' of a Residential or Mixed Residential district. Article II Section 10-208 Table 4 Use(35)
  
- 8) Case # 12-8  
 Petitioner: Sarnia Properties, Inc., Owner and Jason Goulemas, Applicant  
 Property: 953 Islington St. Assessor Plan 172, Lot 8  
 Zoning district: Business  
 Request: To establish a Health Fitness Education Program with over 2,000 square feet of space as a Special Exception use in the Business zone. Article 4 Section 10.440 Use 4.40
  
- 9) Case # 12-9  
 Petitioners: J.P. Nadeau, Owner & Witch Cove Marina Development LLC, Applicant  
 Property: 187 Wentworth House Rd. Assessor Plan 201, Lot 12  
 Zoning district: Waterfront Business District  
 Requests: Variances to establish two (2) residential uses where residential uses are prohibited; To expand two (3) non-conforming residential uses and structures; to expand a non-conforming marine related structure; To allow for the encroachment of two(2) structures into the 100' Tidal Buffer where the encroachment is not allowed. Article II Section 10-208 Table 4 (43), Article III Section Section 10-301(A)(2), Article III Section Section 10-301(A)(7)(a), Article IV Section 10-401(A)(1)(b), Article IV Section 10-401(A)(1)(c)
  
- 10) Case # 12-10  
 Petitioners: Paul D. & Margaret J. Batakis  
 Property: 4 Brackett Lane Assessor Plan 206, Lot 8  
 Zoning district: Single Residence B  
 Requests: Variances to expand the lot coverage from 22.8% to 27.1% where 20% is allowed; to allow a left side setback of 4.3' where 10' is required; to allow a front yard setback of 17.5' where 30' is required, and to allow for the expansion of a nonconforming structure. Article III Section 10-302(A) Table 8; Article IV Section 10-401(A)(2)(c)
  
- 11) Case # 12-11  
 Petitioners: Eugene N. Short Revoc. Trust, Beatrice L Short Revoc. Trust, Owners, and Heidi N. Archibald Revocable Trust, Applicant  
 Property: 175 Gosport Rd Assessor Plan 224, Lot 1  
 Zoning district: Single Residence A  
 Requests: Variance to allow for a second dwelling unit on a parcel located in the SRB zone only single family homes are allowed. Article III Section 10-302(A) Table 8

**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