

LEGAL NOTICE
BOARD OF ADJUSTMENT
PORTSMOUTH, NEW HAMPSHIRE

NOTICE IS HEREBY GIVEN that the Board of Adjustment will hold Public Hearings on the following applications on Tuesday, December 15, 2009 at 7:00 P.M. in Conference Room A, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire:

- 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 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 too 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 # 13-10
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

Lee Jay Feldman, Principal Planner