

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

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**7:00 P.M.**

**November 16, 2010**

**AGENDA**

**I. APPROVAL OF MINUTES**

- A) September 28, 2010
- B) October 19, 2010

**II. PLANNING DEPARTMENT REPORTS**

- A) Memorandum regarding Alternate Members of Land Use Boards, related statute and resource material
- B) Excerpt from the "Planning Commissioners Journal, Number 13/Winter 1994"
- C) By-Laws and Rules/Regulations/Procedures for the Zoning Boards of Adjustment for the Municipalities of Claremont, Deering and Manchester

**III. PUBLIC HEARINGS**

- 1) Case # 11-1  
Petitioners: Peter W. Dinan & Janet D. Dinan, Owner  
Property: 278 Court Street Assessor Plan 108, Lot 13  
Zoning district: Mixed Residential Office  
Requests: To restore a property previously used as an office to a single family home  
Variance: Section 10.311 to allow a single family use to be established on a parcel with less than the required lot area and frontage.
- 2) Case # 11-2  
Petitioner: Stephen D. Kellenbeck, Owner & Daryl Kent, Applicant  
Property: 282 Hanover Street Assessor Plan 126, Lot 57  
Zoning district: Mixed Residential Office  
Requests: To reconstruct a single family home on a nonconforming lot of record

Variance from Section 10.311 to allow a single family use to be established on a parcel with less than the required lot area and frontage.

Variance from Section 10.521 to allow building coverage of 42% where 42% currently exists and 40% is allowed.

Variance from Section 10.521 to allow a right side yard of 2' where 10' is required.

Variance from Section 10.521 to allow a left side yard of 5' where 10' is required

Variance from Section 10.1112.30 Use #1 to allow no parking spaces on site where 2 spaces are required.

3) Case # 11-3

Petitioner: Michael's Realty Trust, Owner, Lighthouse Manufacturing, LLC, Applicant

Property: 35 Mirona Road Assessor Plan 252, Lot 3

Zoning district: Gateway

Requests: To establish a manufacturing/light manufacturing use in a zone which only allows light manufacturing as a special exception use.

Special Exception under Section 10.440, Use 14.11 to permit a light industrial use in the Gateway zone.

Variance from Section 10.440, Use 14.51 to allow a manufacturing use in the Gateway zone where the use is not permitted.

4) Case #11-4

Petitioners: NIP Lot 2, LLC NIP Lot 5/6, LLC & Maplewood & Vaughan Holding Co., LLC

Property: 111 Maplewood Avenue Assessor Plan 124, Lot 8

Zoning district: Central Business A

Requests: To allow 2 drive-through lanes as an accessory use with a retail bank in the Downtown Overlay District

Variance from Section 10.440, Use 19.40 to permit a drive-through facility as an accessory use to a permitted use.

Variance from Section 10.836.22 to permit a drive-through facility with 2 lanes associated with a building of 3,000 sf where a minimum of 5,000 sf of associated building area is required for each drive-through lane.

5) Case # 11-5

Petitioners: Helga Washburn, owner Steven and Clea Hayes, applicants

Property: 35 Dover Street Assessor Plan 144, Lot 39

Zoning district: General Residence C

Requests: To allow one nonconforming use to be changed to another nonconforming use.

Special Exception under Section 10.335 to allow a warehouse and distribution center for costume jewelry to operate where a warehouse and distribution center for a plumbing operation currently exists.

6) Case # 11-6

Petitioners: Helen T. Steele & Huldah Lashar, Owners

Property: 53 Pray Street Assessor Plan 102, Lot 40

Zoning district: Waterfront Business

Requests: To expand a nonconforming residential use and structure in the Waterfront Business zone by constructing three additions.

Variance from Section 10.321 to allow the expansion of a nonconforming building.  
Variance from Section 10.331 to allow the expansion of a nonconforming use.  
Variance from Section 10.334 to allow a nonconforming use of land to expand into any part of the remaining land.

Variance from Section 10.531 to allow a 9' rear yard where 20' is required

Variance from Section 10.531 to allow a 0' front yard where 30' is required for the vertical expansion of the garage

Variance from Section 10.531 to allow an 18' front yard where 30' is required for the expansion of the residential structure.

Variance from Section 10.531 to allow a building coverage of 32% where a maximum building coverage of 30% is allowed and 31% currently exists.

**IV. OTHER BUSINESS**

**V. ADJOURNMENT**

Informational Item to Board: “The Board of Adjustment in New Hampshire, A Handbook for Local Officials,” October, 2010, Prepared by: NH Office of Energy and Planning
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**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.