

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

7:00 P.M.

July 17, 2012 for Old Business and Petitions 1) through 6), To Be Reconvened July 24, 2012 for Petitions 7) through 13)

AGENDA

THE FOLLOWING ITEM I AND PETITIONS 1) THROUGH 6) WILL BE HEARD ON TUESDAY, JULY 17, 2012

I. OLD BUSINESS

A) Case # 6-6

Petitioner: Wright Ave. LLC

Property: Off Wright Avenue

Assessor Plan 105, Lot 18

Zoning District: Central Business B

Description: Provide parking, in connection with the construction of a 4 to 5 story mixed use building, that does not meet the parking requirements.

Request: 1. A Variance from Section 10.1112.30 to allow 15 to 23 parking spaces to be provided for a combined retail/residential use where 30 parking spaces are required.

2. A Variance from Section 10.1114.32 to allow vehicles to enter and leave parking spaces by passing over another parking space or requiring the movement of another vehicle.

(This petition was postponed from the June 19, 2012 meeting)

B) Case # 6-7

Petitioner: 45 Pearl Street Properties, LLC

Property: 45 Pearl Street

Assessor Plan 126, Lot 30

Zoning District: Mixed Residential Office

Description: Amend the stipulations attached to Variances granted December 20, 2005 from Article II, Section 10-207 & Article IV, Section 10-401(A)(1)(b).

Requests: 1. Amend the stipulation designating the hours of operation from "9:00 a.m. until 11:00 p.m., Sunday through Saturday, with the exception of New Year's Eve until 1:00 a.m.", to the following hours of operation: (a) Sunday through Thursday, from 9:00 a.m. until 11:00 p.m.; (b) Friday and Saturday, from 9:00 a.m. until 12:30 p.m.; and, (c) New Year's Eve remaining from 9:00 a.m. until 1:00 a.m.

2. Amend the stipulation, designating that amplified music is not allowed beyond 9:00 p.m. on any day, to allow amplified music: (a) until 11:00 p.m. on any Sunday through Thursday that is not a holiday; and (b) until 12:30 a.m. on Friday, Saturday, and holidays.

(This petition was postponed from the June 19, 2012 meeting)

II. PUBLIC HEARINGS

1) Case # 7-1

Petitioner: Michael K. Glynn

Property: 197 Raleigh Way

Assessor Plan 212, Lot 104

Zoning District: General Residence B

Description: Replace existing shed in rear yard with a larger structure.

- Requests:
1. A dimensional Variance from Section 10.521 and Section 10.572 to allow a right side yard setback of 2.6'± where 10' is required for an accessory structure.
 2. A dimensional Variance from Section 10.521 and Section 10.572 to allow a 0'± rear yard setback where 10' is the minimum required for an accessory structure.

2) Case # 7-2

Petitioner: John F. Green & Alison L. Zaeder

Property: 37 Whidden Street

Assessor Plan 109, Lot 3

Zoning District: General Residence B

Description: Replace rear deck and stairs in same footprint.

- Requests:
1. A dimensional Variance from Section 10.521 to allow a right side yard setback of 0'± where 10' is the minimum required.
 2. A dimensional Variance from Section 10.521 to allow a rear yard setback of 15.5'± where 25' is the minimum required.
 3. A dimensional Variance from Section 10.521 to allow building coverage of 49%± where 45% is the maximum building coverage allowed.

3) Case # 7-3

Petitioner: Antonios & Chrisoul Tzortzakis

Property: 413 Islington Street

Assessor Plan 144, Lot 33

Zoning District: Mixed Residential Business

Description: Outdoor retail sales and storage.

- Request:
1. A Special Exception from Section 10.440 to allow outdoor retail sales (Use 8.31) in a district where such use is only allowed by Special Exception.
 2. A Variance from Section 10.440 to allow outdoor storage of machinery, equipment and vehicles (Use 20.61) in a district where this use is not allowed.

4) Case # 7-4

Petitioner: High Liner Foods Inc.

Property: 1 High Liner Avenue

Assessor Plan 259, Lot 14

Zoning District: Industrial

Description: Expand existing seafood processing facility with two rear additions (4493 s.f.± and 3200 s.f.±).

Request: 1. A Special Exception under Section 10.440, Use 14.32 to allow the expansion of a seafood processing facility in the Industrial District.

5) Case # 7-5

Petitioner: Robblee Family Trust, D. A. & L. A. Robblee, Trustees

Property: 2 Rand Court

Assessor Plan 221, Lot 89

Zoning District: Single Residence B

Description: Construction of a roof over existing deck. Allow existing deck.

Request: 1. A dimensional Variance from Section 10.521 to allow a front yard setback of 20'± where 30' is the minimum required.

6) Case #7-6

Petitioner: Johanna Lyons

Property: 18 Cutts Street

Assessor Plan 209, Lot 14

Zoning District: General Residence A

Description: Rebuild porch roof.

Requests: 1. A dimensional Variance from Section 10.521 to allow a 5'± front yard setback where 15' is the minimum required.

2. A dimensional Variance from Section 10.521 to allow a 0'± right side yard setback where 10' is the minimum required.

<p>THE FOLLOWING PETITIONS 7) THROUGH 13) WILL BE HEARD ON TUESDAY, JULY 24, 2012</p>

7) Case # 7-7

Petitioner: Eugene C. Hersey

Property: Off Dodge Avenue

Assessor Plan 258, Lot 42

Zoning District: Single Residence B

Description: Construction of a single family home on a lot without continuous street frontage and no access to a City street.

Requests: 1. A dimensional Variance from Section 10.521 to allow a single-family dwelling on a lot with insufficient (12,200± s.f.) lot area where a minimum lot area of 15,000 s.f. is required.

2. A dimensional Variance from Section 10.521 to allow insufficient lot area per dwelling unit (12,200± s.f.) where a minimum lot area per dwelling unit of 15,000 s.f. is required.

3. A dimensional Variance from Section 10.521 to allow a single-family dwelling on a lot without street frontage, where 100' of continuous street frontage is required.

4. A Variance from Section 10.512 to allow a single-family dwelling on a lot with no access to a City street.

- 8) Case # 7-8
 Petitioner: Dorothy M. Katz 91 Trust., Dorothy M. Katz, Trustee
 Property: 880 Islington Street
 Assessor Plan 166, Lot 51
 Zoning District: Business
 Description: A self-service laundry with less than the required parking spaces
 Requests: 1. A Variance from Section 10.1112.30 to allow a self-service laundry (Use 7.62) with 10 off-street parking spaces where 21 spaces off-street parking spaces are required.
 2. A Variance from Section 10.1113.20 to allow required off-street parking spaces to be located in a required front yard or between a principal building and a street.
 3. A Variance from Section 10.1114.32(b) to allow vehicles to enter or leave the parking area by backing into or from a public street or way.
- 9) Case # 7-9
 Petitioner: 2422 Lafayette Road Associates LLC & ERB Realty LLC
 Property: 2454 Lafayette Road
 Assessor Plan 273, Lot 3
 Zoning District: Gateway
 Description: Allow the number of off-street parking spaces to exceed the maximum permitted.
 Request: 1. A Variance from Section 10.1112.50 to allow 859 parking spaces where 457 parking spaces are required and 503 parking spaces are the maximum allowed.
- 10) Case # 7-10
 Petitioner: Regine Umber
 Property: 211 Park Street
 Assessor Plan 149, Lot 5
 Zoning District: General Residence A
 Description: Construction of a 20'± x 23'± garage at the rear of the property.
 Requests: 1. A dimensional Variance from Section 10.521 to allow a left side yard setback of 3'± where 10' is required.
 2. A dimensional Variance from Section 10.521 and Section 10.573.20 to allow a rear yard setback of 3'± where 10.5' is required.
 3. A dimensional Variance from Section 10.521 to allow building coverage of 27.2%± where 25% is the maximum building coverage allowed.
- 11) Case # 7-11
 Petitioner: Robert R. & Mary E. Threeton
 Property: 476 Ocean Road
 Assessor Plan 294, Lot 7
 Zoning District: Single Residence A
 Description: Replace existing rear deck and stairs with 14' x 20' deck and 8' x 8' landing.

- Requests: 1. A dimensional Variance from Section 10.324 to allow a lawful nonconforming building to be extended or enlarged.
2. A dimensional Variance from Section 10.521 to allow building coverage of 12%± where 11.3% exists and 10% is the maximum allowed.

12) Case # 7-12

Petitioner: 909 Islington St LLC

Property: 909 Islington Street

Assessor Plan 172, Lot 7

Zoning District: Business

Description: Provide less than the required parking spaces.

- Request: 1. A Variance from Section 10.1112.30 to allow 83 off-street parking spaces to be provided where 90 off-street parking spaces are required.

13) Case # 7-13

Petitioner: Public Service Company of New Hampshire

Property: 435 Route One By-Pass

Assessor Plan 234, Lot 2A

Zoning District: Office Research

Description: Replace existing substation and equipment.

- Requests: 1. A dimensional Variance from Section 10.531 to allow a front yard setback of 24'± where 50' is the minimum required.
2. A dimensional Variance from Section 10.531 to allow a left side yard setback of 11'± where 75' is the minimum required.
3. A dimensional Variance from Section 10.531 to allow a right side yard setback of 10'± where 75' is the minimum required.

III. OTHER BUSINESS

IV. 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.