

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

7:00 P.M.

**July 24, 2012, Reconvened
From July 17, 2012**

AGENDA

I. OLD BUSINESS

A) Request for Rehearing for property located at 37 Wholey Way.

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 & July 17, 2012 meetings)

II. PUBLIC HEARINGS

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 Ueber

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 prior to the meeting.