

**LEGAL NOTICE
BOARD OF ADJUSTMENT
PORTSMOUTH, NEW HAMPSHIRE**

NOTICE IS HEREBY GIVEN that the Board of Adjustment will hold Public Hearings on Old Business and the following applications 1) through 8) on Tuesday, May 21, 2013 at 7:00 P.M. in the Eileen Dondero Foley Council Chambers, and applications 9) through 12) on Tuesday, May 28, 2013 at 7:00 P.M. in the School Board Conference Room*, both in the Municipal Complex, One Junkins Avenue, Portsmouth, New Hampshire. *Change in venue.

- 1) Case #5-1
Petitioner: T. Beyar Realty, LLC, owner, DAS Auto LLC, applicant
Property: 141 Banfield Road , Unit 1
Assessor Plan: 254, Lot 2
Zoning District: Industrial
Description: Automotive repair, restoration and State inspections.
Requests: 1. A Special Exception under Section 10.440, Use #11.20 to allow the provision of automotive repair, restoration and State inspections in a district where such uses are only allowed by Special Exception.
2. A Variance from Section 10.592 to allow a motor vehicle service station less than 200' from a Residential or Mixed Residential district.

- 2) Case #5-2
Petitioners: H. Brooks Stevens Revocable Trust
Property: 60 Martine Cottage Road
Assessor Plan: 202, Lot 18
Zoning District: Rural
Description: Remove existing residence and construct new residence, porches and attached garage.
Requests: 1. A Variance from Section 10.521 to allow building coverage of 6.1%± where 5% is the maximum building coverage allowed.
2. A Variance from Section 10.521 to allow a lot area and lot area per dwelling unit of 46,537± sf. where 5 acres is the minimum required for both.

- 3) Case #5-3
Petitioners: Christoph Wienands & April Guille
Property: 307 Wibird Street
Assessor Plan: 132, Lot 12
Zoning District: General Residence A
Description: Rebuild and relocate 150 s.f., 11' high shed to the left, rear of the property.
Requests: 1. Variances from Section 10.570 and 10.521 to allow 6'± left side yard and rear yard setbacks where 10' is required for both for an accessory structure.

- 4) Case #5-4
Petitioners: Janet Morly, owner, Roland Cote, applicant
Property: 188 Union Street
Assessor Plan: 135, Lot 27
Zoning District: General Residence C
Description: Replace existing 8' x 8' shed with 10' x 14' shed in the left, rear of the property.
Requests: 1. Variances from Section 10.570 and 10.521 to allow 3'± left side yard and rear yard setbacks where 10' is required for both for an accessory structure.

- 5) Case #5-5
Petitioners: Richard & Kathleen Boduch
Property: 34 Hunking Street
Assessor Plan: 102, Lot 9
Zoning District: General Residence B
Description: Install a/c condenser at right, rear of the property.
Requests: 1. A Variance from Section 10.570 and 10.521 to allow a 3'5" ± right side yard setback where 10' is required for an accessory structure.
2. A Variance from Section 10.570 and 10.521 to allow a 1'11" ± rear yard setback where 10' is required for an accessory structure.
3. A Variance from Section 10.521 to allow building coverage of 34.6%± where 34.4 exists and 30% is the maximum allowed.

- 6) Case #5-6
Petitioners: Donald Lamothe Revocable Trust ½ Int. Trustee & Marcia K. Lamothe Revocable Trust ½ Int. Trustee
Property: 36 Sherburne Avenue
Assessor Plan: 113, Lot 11
Zoning District: General Residence A
Description: Construct second floor addition with dormer over existing portion of one-story home, rebuild deck
Requests: 1. A Variance from Section 10.321 and Section 10.324 to allow a lawful nonconforming building to be expanded or reconstructed in a manner that is not in conformity with the Zoning Ordinance.
2. A Variance from Section 10.521 to allow a right side yard setback of 4'± where 10' is required.

- 7) Case #5-7
Petitioner: Ronald C. Cameron
Property: 14 Elwyn Road
Assessor Plan: 251, Lot 121
Zoning District: Single Residence B
Description: Replace existing rear deck with a 15'±(in diameter) half-round deck.
Requests: 1. A Variance from Section 10.521 to allow building coverage of 22.7%± where 22%± exists and 20% is the maximum allowed.

- 8) Case #5-8
Petitioners: Regeneration Realty Trust, owner, Demeters Steakhouse, applicant
Property: 3612 Lafayette Road
Assessor Plan: 297, Lot 3
Zoning District: Gateway
Description: Relief from parking requirement.
Requests: 1. A Variance from Section 10.1112.30 to allow no additional off-street parking spaces to be provided where 9 off-street parking spaces are required for a 936± s.f. patio.
- 9) Case #5-9
Petitioners: JEDA Revocable Trust, Darle MacFadyen & Jeffrey Paolini, Trustees
Property: 272 New Castle Avenue
Assessor Plan: 207, Lot 37
Zoning District: Single Residence B
Description: Replace existing front porch with enclosed 11'± x 10'± porch and 5'± x 8'± deck. Construct 4'± x 10'± rear deck.
Requests: 1. A Variance from Section 10.321 and Section 10.324 to allow a lawful nonconforming building to be expanded or reconstructed in a manner that is not in conformity with the Zoning Ordinance.
2. A Variance from Section 10.521 to allow a right side yard setback of 4.5'± where 10' is required.
3. A Variance from Section 10.521 to allow a rear yard setback of 23.5'± where 30' is required.
4. A Variance from Section 10.521 to allow building coverage of 26.2%± where 20% is the maximum allowed.
- 10) Case #5-10
Petitioners: Mark E. & Janet Greenwood
Property: 480 Dennett Street
Assessor Plan: 160, Lot 26
Zoning District: General Residence A
Description: Add second dwelling unit in existing structure. Replace existing garage with 20'± x 20'± structure.
Requests: 1. A Special Exception under Section 10.440, Use #1.51 and Section 10.812 to convert a building existing on January 1, 1980, with less than the required minimum lot area per dwelling unit to 2 dwelling units.
2. A Variance from Section 10.521 to allow a lot area per dwelling unit of 3,825± s.f. where 7,500 s.f. is required.
3. A Variance from Section 10.521 to allow a right side yard setback for an accessory structure of 3'± where 10' is required.
- 11) Case #5-11
Petitioner: Rye Atlantic Properties LLC
Property: 361 Islington Street
Assessor Plan: 144, Lot 23
Zoning District: Mixed Residential Business

Description: Construct multi-use building with first floor laundromat and second floor office space within a building footprint of 3,030± s.f.

Requests: 1. A Variance from Section 10.521 to allow 20.4%± open space where 25% is required.

2. A Variance from Section 10.1112.30 to allow 18 off-street parking spaces to be provided where 22 off-street parking spaces are required.

12) Case #5-12

Petitioner: Strawberry Banke Inc.

Property: Off Washington Street

Assessor Plan: 104, Lot 7

Zoning District: Mixed Residential Office

Description: Construct an 85'± x 120'± oval and adjacent 60'± (in diameter) circular skating area with supporting structures.

Requests: 1. A Variance from Section 10.440, Use #4.50 to allow an outdoor recreational use in a district where such use is not allowed.

2. A Variance from Section 10.592.10.450 to allow an outdoor recreational use within 500' of a Residential or Mixed Residential district.

Rick Taintor, Planning Director