

**REGULAR MEETING  
BOARD OF ADJUSTMENT  
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE  
PORTSMOUTH, NEW HAMPSHIRE**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**7:00 P.M.**

**October 15, 2013 for Old Business and  
Petitions 1) through 5), To Be Reconvened  
October 22, 2013 for Petitions 6) through 12)**

**AGENDA**

<b>THE FOLLOWING ITEM II, &amp; ITEM III PETITIONS 1) THROUGH 5) WILL BE HEARD ON <i>TUESDAY, OCTOBER 15, 2013</i></b>
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**I. APPROVAL OF MINUTES**

A) July 17, 2012

**II. PUBLIC HEARINGS - OLD BUSINESS**

A) Case # 7-2

Petitioners: 4 Amigos, LLC

Property: 1390 & 1400 Lafayette Road

Assessor Plan 252, Lots 9 & 7

Zoning District: Gateway

Description: Install free-standing signs

Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.1243 to allow multiple free-standing signs on a lot where only one free-standing sign per lot is allowed.
2. A Variance from Section 10.1251.20 to allow a free-standing sign to exceed 100 s.f. in area.

*(This petition was postponed at the July 16, August 20, and September 17, 2013 meetings.)*

B) Case # 8-3

Petitioners: Beth L. & Marco A. Gross-Santos

Property: Marjorie Street (number not yet assigned)

Assessor Plan 232, Lot 14 (rev.)

Zoning District: Single Residence B

Description: Construct a single family home.

Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.521 to allow a lot area of 9,596 s.f. ± per dwelling unit where 15,000 s.f. per dwelling unit is required. (over)

2. A Variance from Section 10.521 to allow a 26.1'± rear yard setback where 30' is the minimum allowed.  
*(This petition was postponed for additional information at the August 20 and September 17, 2013 meetings.)*

**III. PUBLIC HEARINGS – NEW BUSINESS**

1) Case # 10-1

Petitioners: Michael & Denise Todd

Property: 262 - 264 South Street

Assessor Plan 111, Lot 5

Zoning district: Single Residence B

Description: Replace rear two-story stairs/landing with 4'± x 19'± two-story deck. Add 2'± x 8.5'± front dormer.

Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.321 to allow a lawful nonconforming structure to be extended, reconstructed, enlarged or structurally altered in a manner that is not in conformity with the Ordinance.
2. A Variance from Section 10.521 to allow a right side yard setback for a rear, 2-story deck and stairs of 3.5'± where 10' is the minimum required.
3. A Variance from Section 10.521 to allow building coverage of 26.3%± where 26.3% exists and 20% is the maximum allowed.

2) Case #10-2

Petitioner: DSQ Holding LLC

Property: 1600 Woodbury Avenue

Assessor Plan: 238, Lot 16

Zoning District: General Business

Description: Remove existing 38± s.f. free-standing sign and install a 66± s.f. free-standing sign closer to the roadway.

Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.1243 to allow a 3rd free-standing sign on a lot where only one free-standing sign per lot is permitted.

3) Case # 10-3

Petitioner: 2422 Lafayette Road Assoc. LLC, owner, Cinemagic Cinemas, applicant

Property: 2454 Lafayette Road

Assessor Plan 273, Lot 3

Zoning district: Gateway

Description: Install 225 s.f. sign on cinema parapet.

Request: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.1251.20 to allow a 225± s.f. parapet sign where 100 s.f. is the maximum sign area allowed for a parapet sign. (next page)

- 4) Case # 10-4  
Petitioners: Kevin T. & Christina M. McKittrick  
Property: 116 Dennett Street  
Assessor Plan 140, Lot 17  
Zoning district: General Residence A (next page)  
Description: Construct a 10'± x 16'± x 10'11"± high shed in the right rear of the lot.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:  
1. A Variance from Sections 10.572 and 10.521 to allow a right side yard setback of 4'± where 10' is allowed.

- 5) Case # 10-5  
Petitioner: Johanna Lyons  
Property: 18 Cutts Street  
Assessor Plan 209, Lot 14  
Zoning district: General Residence A  
Description: Replace 5' x 14' right rear porch with an 8'± x 20'± open deck.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:  
1. A Variance from Section 10.321 to allow a lawful nonconforming structure to be extended, reconstructed, enlarged or structurally altered in a manner that is not in conformity with the Ordinance.  
2. A Variance from Section 10.521 to allow building coverage of 31.7%± where 25% is the maximum allowed.

**THE FOLLOWING ITEM III, PETITIONS 6) THROUGH 12)  
WILL BE HEARD ON TUESDAY, OCTOBER 22, 2013**

- 6) Case # 10-6  
Petitioners: Janice E. Clark, owner, Richard Clark, applicant  
Property: 47 Lois Street  
Assessor Plan 232, Lot 16  
Zoning district: Single Residence B  
Description: The keeping of chickens.  
Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:  
1. A Special Exception under Section 10.440, Use # 17.20 to allow the keeping of farm animals (chickens) in a district where this use is allowed by Special Exception.

- 7) Case # 10-7  
Petitioner: Grondahl Family LLC, owner, VMD Companies LLC, applicant  
Property: 140 West Road  
Assessor Plan 252, Lot 2, 1301-1305  
Zoning district: Industrial  
Description: Conversion of an existing industrial building to a health club use. (over)

Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Special Exception under Section 10.440, Use # 4.42 to allow a health club in a district where this use is allowed by Special Exception.

8) Case # 10-8

Petitioners: Brinton & Tatjana Shone

Property: 46 Sherburne Avenue

Assessor Plan 113, Lot 10

Zoning district: General Residence A

Description: Install a 10'± x 7'± right side shed dormer.

Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.324 to allow a lawful nonconforming building or structure to be added to or enlarged unless the addition or enlargement conforms to the requirements of the district.
2. A Variance from Section 10.521 to allow a right side yard setback for the dormer of 4.5'± where 10' is the minimum required.

9) Case # 10-9

Petitioners: Adam D. Marcioneke & Cara A. Murphy

Property: 50 Swett Avenue

Assessor Plan 232, Lot 59

Zoning district: Single Residence B

Description: Convert existing 13½' ± x 19'± rear deck into a three-season enclosed porch.

Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.324 to allow a lawful nonconforming building or structure to be added to or enlarged without the addition or enlargement conforming to the requirements of the district.
2. A Variance from Section 10.521 to allow a left side yard setback for a rear addition of 5'± where 10' is required.

10) Case # 10-10

Petitioner: Elizabeth Blaisdell

Property: 77 New Castle Avenue

Assessor Plan 101, Lot 50

Zoning district: General Residence B

Description: Replace rear barn in smaller footprint.

Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.321 to allow a lawful nonconforming structure to be extended, reconstructed, enlarged or structurally altered in a manner that is not in conformity with the Ordinances.
2. A Variance from Sections 10.572 and 10.521 to allow a left side yard setback of 3.0'± for the barn where 10' is the minimum required for an accessory structure.

3. A Variance from Sections 10.573.20 and 10.521 to allow a rear yard setback of 3'± for the barn where 10.5' is the minimum required for an accessory structure.

11) Case # 10-11

Petitioners: One Gosling Road LLC, owner, New Frontiers Church, applicant

Property: 1 Gosling Road

Assessor Plan 239, Lot 13

Zoning district: General Business

Description: Allow a religious use in a General Business District.

Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Special Exception under Section 10.440, Use # 3.11 to allow a religious use in a district where this use is allowed by Special Exception.

12) Case # 10-12

Petitioners: Jessica L. Fiske & Evan W. Patten

Property: 250 Clinton Street

Assessor Plan 159, Lot 9

Zoning district: General Residence A

Description: Install a/c condenser in front of left side deck.

Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Sections 10.572 and 10.521 to a right side yard setback for an a/c condenser of 6' where 10' is required for an accessory structure.
2. A Variance from Section 10.521 to allow building coverage of 27.1%± where 25% is the maximum allowed.

**IV. OTHER BUSINESS**

**V. ADJOURNMENT**

**NOTICE TO MEMBERS OF THE PUBLIC WHO ARE HEARING IMPAIRED**

If you need assistance to attend a meeting, please contact the Human Resources Department at 610-7274.