

**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 Items 1) through 6) on Tuesday April 22, 2014 and Items 7) through 14) on Tuesday, April 29, 2014, both at 7:00 p.m. in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire:

Old Business

- D) Case # 3-4
Petitioner: 303 Islington Street LLC
Property: 303 Islington Street
Assessor Plan 144, Lot 11
Zoning District: General Residence C
Description: Convert three office use units to dwelling units with an increase in required off-street parking spaces.
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 #1.52 to allow conversion of a building existing on January 1, 1980 to four dwelling units with less than the required minimum lot area per dwelling unit.
 2. A Variance from Section 10.812.12 to allow a dwelling existing on January 1, 1980 to be converted to additional dwelling units without complying with the minimum open space, maximum building coverage requirements, and off-street parking requirements.
 3. A Variance from Section 10.1111.10 and 10.1112.30 to permit a change of use that provides 8 off-street parking spaces where 12 are required.
 4. A Variance from Section 10.1114 to allow off-street parking spaces and accessways that do not comply with the off-street parking dimensional requirements.
- (This petition, postponed from the March 18, 2014 meeting, has been revised by the addition of Request #2.)*

New Business

- 1) Case # 4-1
Petitioners: Summit 501 Islington LLC & Todd Baker Winslow Property Management
Property: 501 Islington Street, #1A-2
Assessor Plan 157, Lot 6-2
Zoning District: Business
Description: Install a 58"± x 102"±, 10'± high free-standing sign.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.1253.10 to allow a front yard setback of 10'± where 20' is the minimum required.
- 2) Case # 4-2
Petitioners: Richard D. Bournival, Jr. & Alissa C. Bournival
Property: Adjoining 2355 Lafayette Road
Assessor Plan 272, Lot 9-6

Zoning District: Gateway

Description: Install an 8'± x 4'±, 8'± high free-standing sign.

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

1. A Variance from Section 10.1530 to allow a free-standing sign for an accessory use on a lot adjacent to the lot containing the principal use or building.

3) Case # 4-3

Petitioner: 4 Amigos LLC

Property: 1390/1400 Lafayette Road

Assessor Plan 252, Lots 9 & 7

Zoning District: Gateway

Description: Install two free-standing signs, one with animation.

Requests: 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 204 s.f. ± free-standing sign where 100 s.f. is the maximum allowed.
2. A Variance from Section 10.1243 to allow multiple free-standing signs on a lot where only one free-standing sign is permitted.
3. A Variance from Section 10.1223.20 to allow signs that move, flash or give the appearance of motion where such signs are prohibited.
4. Variances from Section 10.1253.10 to allow a sign 22' in height where 20' is the maximum allowed and Section 10.1253.20 to allow a sign between 2.5' and 10' above grade within 20' of an intersection.

4) Case # 4-4

Petitioner: 402 State Street, LLC

Property: 402 State Street

Assessor Plan 116, Lot 12

Zoning Districts: Central Business B and Downtown Overlay

Description: Allow a residential use on the ground floor.

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

1. A Variance from Section 10.642 to allow a residential use on the ground floor in the Downtown Overlay District.

5) Case # 4-5

Petitioner: KWA, LLC, owner, Tanya Hart, applicant

Property: 165 Court Street

Assessor Plan 116, Lot 27

Zoning District: Mixed Residential Office

Description: Establish new salon.

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

1. A Variance under Section 10.440, Use #7.20 to allow a personal services use in a district where this use is prohibited.
2. A Variance from Sections 10.1111.10 and 10.1112.30 to allow a change to a personal service use without providing the required parking.

- 6) Case # 4-6
Petitioners: AHI Holdings, LLC, owner, Daniel E. Innis & Doug Palardy, applicants.
Property: 40 Court Street
Assessor Plan 127, Lot 1
Zoning District: Mixed Residential Office
Description: Establish beer and wine service in hotel lounge.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance under Section 10.440, Use #9.51 to allow a restaurant with an occupant load of less than 250 in a district where this use is prohibited.
2. A Variance from Sections 10.1111.10 and 10.1112.30 to allow a change of use with 32 off-street parking spaces where 38 parking spaces are required.
- 7) Case # 4-7
Petitioner: Kevin James Lilakos
Property: 36 Artwill Avenue
Assessor Plan 229, Lot 4
Zoning District: Single Residence B
Description: Allow a second dwelling unit above a garage.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance under Section 10.440, Use #1.20 to allow a second dwelling unit on a lot where only one single family dwelling is permitted.
2. A Variance from Section 10.513 to allow more than one free-standing dwelling unit on a lot.
3. A Variance from Section 10.521 to allow a lot area of 0.3± acres per dwelling unit where one acre per dwelling unit is required.
- 8) Case # 4-8
Petitioners: William Marconi Revocable Trust 94 & Eva Marconi Revocable Trust 94, owners, William & Michelle Marconi, applicants
Property: 529 New Castle Avenue
Assessor Plan 205, Lot 4
Zoning District: Single Residence A
Description: Demolish and reconstruct one of two single family residences on a lot.
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 building or structure to be extended or reconstructed without conforming to the requirements of the Ordinance.
2. A Variance from Section 10.1513 to allow a second single family residence on a lot.
3. Variances from Section 10.521 to allow building coverage of 10.5%± where 10% is the maximum allowed and a lot area of 0.6± acres per dwelling unit where one acre per dwelling unit is required.
- 9) Case # 4-9
Petitioners: Jeanne L. Freeze, owner, Ilara Donarum, applicant
Property: 205 Bartlett Street
Assessor Plan 162, Lot 33
Zoning District: General Residence A
Description: Allow a part-time optometry business.

- Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.440, Use #6.20 to allow a medical office where the use is prohibited in this district.
 2. A Variance from Sections 10.1111.10 and 10.1112.30 to allow no off-street parking spaces to be provided where 2 off-street parking spaces are required.

10) Case # 4-10

Petitioner: Rick E. Condon
 Property: 141 Madison Street
 Assessor Plan 145, Lot 55
 Zoning District: General Residence C

Description: Construct wrap-around covered farmers porch and stairs with a 38'± x 6'10"± front section with stairs and a 28', 3"± x 6'10"± left side section.

- 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 conforming to the requirements of the Ordinance.
 2. Variances from Section 10.521 to allow a front yard setback of 1'± where 5' is the minimum required; a right side yard setback of 8'3"± where 10' is the minimum required; and building coverage of 47.1%± where 35% is the maximum permitted.

11) Case # 4-11

Petitioner: Nicholas E. Strong
 Property: 413 Bartlett Street
 Assessor Plan 161, Lot 21
 Zoning District: General Residence A

Description: Construct rear dormers, second floor deck and stairs.

- 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 conforming to the requirements of the Ordinance.
 2. Variances from Section 10.521 to allow a left side yard setback of 4'± where 10' is the minimum required; and building coverage of 25.8%± where 25% is the maximum allowed.

12) Case # 4-12

Petitioner: Auger Family Irrevocable Trust, Jon C. Auger, Trustee
 Property: Taft Road (number not yet assigned)
 Assessor Plan 251, Lot 56
 Zoning District: Single Residence B

Description: Construct single-family home with garage.

- Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. Variances from Section 10.521 to allow the following:
 - a) Lot area, and lot area per dwelling unit, of 14,425± s.f. where 15,000 s.f. is required.
 - b) Continuous street frontage of 90'± where 100' is the minimum required.

13) Case # 4-13

Petitioners: Jamer Realty, Inc., owner, A. J. P. Billiards, Inc., applicant

Property: 80 Hanover Street

Assessor Plan 117, Lot 2-1

Zoning Districts: Central Business B and Downtown Overlay

Description: Year-round game of chance for charity.

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

1. A Variance under Section 10.440 to allow a use that is not permitted.

14) Case # 4-14

Petitioners: Joseph & Zulmira D. Almeida Revocable Trust, Joseph & Zulmira Almeida, Trustees

Property: 27 Rogers Street

Assessor Plan 116, Lot 41

Zoning District: Mixed Residential Office

Description: Construct 29'9" ± x 15'2½"±, 1½-story rear addition.

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 conforming to the requirements of the Ordinance.
2. Variances from Section 10.521 to allow a left side yard setback of 5'6" ± where 10' is the minimum required; a rear yard setback of 3'± where 15' is the minimum required; and building coverage of 44%± where 40% is the maximum permitted.

Rick Taintor, Planning Director