

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

NOTICE IS HEREBY GIVEN that the Board of Adjustment will hold Public Hearings on the following Old and New Business petitions on Tuesday June 17, 2014 at 7:00 p.m. in the School Board Conference Room,* Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire:

**Note change in customary meeting location.*

Old Business

A) 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 13,068± s.f. per dwelling unit where 15,000 s.f. per dwelling unit is required.

(This petition was postponed from the April 29, 2014 and May 29, 2014 meetings)

B) 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: Character District 5 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.

(This petition was postponed from the April 29, 2014 and May 29, 2014 meetings)

New Business

1) Case # 6-1

Petitioners: Thomas W. & Anna L. Johnson, owners, New Cingular Wireless PCS LLC ("AT&T"), applicant

Property: 70 Martine Cottage Road

Assessor Plan 202, Lot 19

Zoning District: Rural

Description: Install a wireless communications facility with a 130'± tower.

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

1. A Special Exception under Section 10.923.30 to allow a wireless telecommunication facility.
 2. A Variance from Section 10.521 to allow a structure height of 130'± where 35' is the maximum allowed.
- 2) Case # 6-2
- Petitioners: Joseph and Ellen Yarborough
Property: 746 Middle Road
Assessor Plan 232, Lot 49
Zoning District: Single Residence B
Description: Lot subdivision creating two nonconforming lots.
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 continuous street frontage for each newly created lot of 50'± where 100' is the minimum required.
- 3) Case # 6-3
- Petitioners: William L. and Cathy Wansart
Property: 317 Thaxter Road
Assessor Plan 152, Lot 38
Zoning District: Single Residence B
Description: Replace nonconforming garage in same 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 or structurally altered without conforming to the requirements of the Ordinance.
 2. A Variance from Section 10.521 to allow a right side yard setback of 3'± where 10' is the minimum required.
- 4) Case # 6-4
- Petitioners: Timothy C. and Priscilla Coughlin
Property: 185 Broad Street
Assessor Plan 130, Lot 19
Zoning District: General Residence A
Description: Construct a wrap-around covered front/side porch.
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 building coverage of 31.4%± where 25.5%± exists and 25% is the maximum allowed.
 2. A Variance from Section 10.521 to allow a 1' 3" ± right side yard setback where 10' is the minimum required.
- 5) Case # 6-5
- Petitioner: Jeffrey T. Bell
Property: 183 Austin Street
Assessor Plan 145, Lot 91
Zoning District: General Residence C
Description: Construct 6'± x 14'± and 10'± x 18'± rear additions. Add front and side dormers.
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 to be extended, reconstructed, enlarged or structurally altered without conforming to the requirements of the Ordinance.
2. A Variance from Section 10.521 to allow the following:
 - a. A lot area per dwelling unit of 1350 s.f.± where 3,500 s.f. per dwelling unit is required.
 - b. A front yard setback of 0' ± where 5' is the minimum required.
 - c. A left side yard setback of 0'± where 10' is the minimum required.
 - d. A right side yard setback of 8'± where 10' is required;
 - e. A rear yard setback of 3'± where 20' is required; and
 - f. Building coverage of 39.2%± where 35% is the maximum allowed
3. A Variance from Section 10.1114.21 to allow off-street parking spaces that do not comply with the dimensional requirements.
4. A Variance from Section 10.1114.32 to allow vehicles entering or leaving parking spaces to pass over another parking space and to enter and leave the parking area by backing into a public street or way.

6) Case # 6-6

Petitioners: Estate of John F. Cronin III, Crystal Cronin, Administrator, owner and Michael Lefebvre, applicant

Property: 56 Lois Street

Assessor Plan 232, Lot 8

Zoning District: Single Residence B

Description: Create new lot for a single-family residence with 20' street frontage.

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 continuous street frontage of 20'± where 100' is required.

7) Case # 6-7

Petitioner: Eugene C. Bergeron

Property: 792 Sagamore Avenue (792-796)

Assessor Plan 223, Lot 3

Zoning District: Single Residence B

Description: Replace existing front stairs with two stairs leading to entrance balcony.

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

1. A Variance from Section 10.331 to allow a lawful nonconforming use to be extended, enlarged or changed without conforming to the requirements of the Ordinance.
2. A Variance from Section 10.521 to allow building coverage of 27.23% where 25.8% exists and 20% is the maximum allowed.
3. A Variance from Section 10.1111.20 to allow a use that is nonconforming as to the requirements for off-street parking to be enlarged without complying with the requirements for the design of off-street parking.
4. A Variance from 10.1114.32 to allow vehicles entering or leaving parking spaces to pass over another parking space and to enter and leave the parking area by backing into a public street or way.

8) Case # 6-8

Petitioners: Angelina E. Smith & Juliann Lehne

Property: 73 Northwest Street

Assessor Plan 141, Lot 28

Zoning District: General Residence A

Description: Install an 8'± x 10'± coop to house chickens.

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

1. A Variance from Section 10.440 Use #17.20 to allow the keeping of farm animals (chickens) in a district where such use is not allowed.

Rick Taintor, Planning Director