

**REGULAR MEETING  
BOARD OF ADJUSTMENT**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS  
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE  
PORTSMOUTH, NEW HAMPSHIRE**

**7:00 P.M.**

**August 19, 2014**

**AGENDA**

**I. APPROVAL OF MINUTES**

- A) April 22, 2014
- B) May 20, 2014
- C) May 29, 2014
- D) June 17, 2014
- E) July 15, 2014

**II. MOTIONS FOR REHEARING**

- A) Motion for Rehearing by Applicants regarding 746 Middle Road.
- B) Motion for Rehearing by Applicants regarding 304 Leslie Drive.

**III. PUBLIC HEARINGS – OLD BUSINESS**

- 1) Case # 7-3  
Petitioner: Christine V. Crockett Revocable Trust  
Property: 209 Gosport Road  
Assessor Plan 224, Lot 10-12  
Zoning District: Single Residence A  
Description: Construct a new single family home within 75' of a saltwater marsh.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
  - 1. A Variance from Section 10.301(6) – 1982 Zoning Ordinance to allow a structure 75'± from a saltwater marsh where a minimum of 100' is required.  
*(This petition was postponed from the July 15, 2014 meeting.)*

**IV. PUBLIC HEARINGS – NEW BUSINESS**

- 1) Case # 8-1  
Petitioners: Weakes Revocable Trust, Danny & Rachel Weakes, Trustees  
Property: 35 Davis Road  
Assessor Plan 258, Lot 24  
Zoning District: Single Residence B

(over)

Description: Construct 18'± x 16'± shed

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

1. Variances from Section 10.521 to allow a front yard setback of 27'4"± where 30' is required and a rear yard setback of 8.2'± where 10' is required for an accessory structure.
2. A Variance from Section 10.571 to allow an accessory structure to be located in a required front yard.

2) Case # 8-2

Petitioners: Mark A. & Deborah Chag

Property: 404 Middle Street

Assessor Plan 136, Lot 21

Zoning District: Mixed Residential Office

Description: Convert existing barn to single-family dwelling.

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 to be added to or enlarged without conforming to the requirements of the Ordinance.
2. Variances from Section 10.521 to allow the following:
  - a) A lot area per dwelling unit of 5,436.5 s.f. ± where 7,500 s.f. is required;
  - b) A rear yard setback of 0'± where 15' is required; and
  - c) A right side yard setback of 2'± where 10' is required.

3) Case # 8-3

Petitioner: Rye Atlantic Properties, LLC

Property: 361 Islington Street

Assessor Plan 144, Lot 23

Zoning District: Mixed Residential Business

Description: Detailing automobiles.

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

1. A Variance from Section 10.440 to allow the detailing of automobiles in a district where this use is not allowed.

4) Case # 8-4

Petitioner: Jane A. Shannon Revocable Trust, Brian Shannon, Trustee

Property: 194 Wibird Street

Assessor Plan 148, Lot 1

Zoning District: General Residence A

Description: Create a new lot for the purpose of constructing a single-family residence.

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 57.52'± where 100' is the minimum required.

5) Case # 8-5

Petitioner: Andrew S. Martin

Property: 230 McDonough Street

Assessor Plan 144, Lot 37

Zoning District: General Residence C

Description: Add a right-side dormer within existing footprint.

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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 added to or enlarged without conforming to the requirements of the Ordinance.
2. A Variance from Section 10.521 to allow a 5'± right side yard setback where 10' is required.

6) Case # 8-6

Petitioner: Thea Murphy

Property: 67 Mark Street

Assessor Plan 116, Lot 51

Zoning District: Mixed Residential Office

Description: Replace front porch and bulkhead with covered portico and storage locker.

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. Variances from Section 10.521 to allow the following:
  - a) A front yard setback of 2'± where 5' is required;
  - b) A left side yard setback of 0.44'± where 10' is required; and
  - c) Building coverage of 42.2%± where 40% is the maximum allowed.

7) Case # 8-7

Petitioners: Paul E. Berton Living Trust, Paul Berton, Trustee, & Jane A. Ewell Living Trust

Property: 482 Broad Street

Assessor Plan 221, Lot 63

Zoning District: General Residence A

Description: Construct four free-standing dwelling units with an 18'± wide driveway.

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

1. A Variance from Section 10.513 to allow four free-standing dwellings on a lot where no more than one free-standing dwelling is allowed.
2. A Variance from Section 10.1114.20 to allow an 18'± maneuvering aisle where a 24' maneuvering aisle is required.

**V. OTHER BUSINESS**

**VI. 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.