

**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 Item 1) on *Wednesday January 21, 2015 and Items 2) through 6) on Tuesday, January 27, 2015, both at 7:00 p.m. in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire:
**Note change in date and day of week.*

The following petitions will be heard on Wednesday, January 21, 2015:

Old Business

A) Case # 11-7

Petitioner: Merton Alan Investments LLC c/o Joan Ryan & Cassassa

Property: Bartlett Street at Cate Street

Assessor Plan 165, Lot 1

Zoning District: Industrial

Description: Construct 10,000 s.f. ±, three-story office building with associated parking.

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

1. Variances from Section 10.531 to allow the following:
 - a) A front yard setback of 30'± where 70' is required.
 - b) A rear yard setback of 8'± where 15' is required.
2. Variances from Sections 10.5A42 and 10.730 as may be required to implement the site plan provided with this application.

Amendments have been made to this petition which was postponed at the December 2, 2014 meeting.

B) Case # 12-10

Petitioner: State Street Discount House

Property: 3613 Lafayette Road

Assessor Plan 298, Lot 6

Zoning District: Gateway

Description: Modify existing free-standing sign.

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

1. A Variance from Section 10.1223.10 to allow an animated sign (changeable sign) where such signs are not allowed.
2. A Variance from Section 10.1251.20 to allow a 152± s.f. free-standing sign where 100 s.f. is the maximum allowed
3. A Variance from Section 1253.10 to allow a sign height of 30'± where 20' is the maximum allowed.

Amendments have been made to this petition which was postponed at the December 16, 2014 meeting.

New Business

- 1) Case # 1-15
Petitioners: Betty Morton Belcher, Jane Morton Man, Matthew Morton, Seth Morton, Ann Morton, Jennifer Hanson, Martha Fuller Clark, Clare Kittredge, Nancy Elwell, Larry Cataldo, Keith Eveland, George Dodge, Erica Dodge, Philippe Favet, Belcher Market Realty, LLC, Betty Morton Belcher Revocable Trust, Jane Man Associates, LLC, and Seth Morton Associates, LLC
Property: 173 – 175 Market Street
Assessor Plan 118, Lots 3 & 4
Zoning Districts: CD4, Historic and Downtown Overlay
Description: Appeal Decisions of the Historic District Commission.
Requests: Appeal the decision of the Historic District Commission to grant a Certificate of Approval.

The following petitions will be heard on *Tuesday, January 27, 2015*:

- 2) Case # 2-15
Petitioners: Portwalk HI, LLC/Hanover Apartments LLC
Property: 35 Portwalk Place (195 Hanover Street)
Assessor Plan 125, Lot 1
Zoning Districts: CD5, Historic and Downtown Overlay
Description: The provision of parking for a first floor restaurant use.
Requests:
 1. An Administrative Appeal of a decision by the Code Official to require parking for a change in use from retail to restaurant.
 2. If the Appeal is not granted, the Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
 - (a) A Variance from Section 10.1115.21 related to off-street parking requirements.
- 3) Case # 3-15
Petitioners: Janet Prince & Peter Bergh
Property: 54 Lincoln Avenue
Assessor Plan 111, Lot 21
Zoning District: General Residence A
Description: Construct a 7'± x 14'± rear addition and a 6'± x 8'8"± front addition with stairs. Add dormers and construct a 20'± x 22'± garage.
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 the following:
 - (a) A front yard setback of 12'2" ± where 15' is required.
 - (b) A right side yard setback of 2'10" ± where 10' is required.
 - (c) 26.3% building coverage where 25% is the maximum allowed.

4) Case # 4-15

Petitioners: Peter Cass & Mara Witzling

Property: 33 Hunking Street

Assessor Plan 103, Lot 38

Zoning District: General Residence B

Description: Construct a 6'± x 6'± front deck and 2-story addition.

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 an 8'± left side yard setback for an entry deck addition and rear bulkhead where 10' is required.

5) Case # 5-15

Petitioners: Thomas J. Schladenhauffen & M. Longi Schladenhauffen

Property: 708 State Street

Assessor Plan 137, Lot 8

Zoning District: General Residence C

Description: Construct a 26' x 15.5'± two-story rear addition.

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

1. A Variance from Section 10.321 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 left side yard setback of 3'± where 10' is required.

6) Case # 6-15

Petitioners: Hayscales Trust, Robert Krieger, Trustee

Property: 236 Union Street

Assessor Plan 135, Lot 22

Zoning District: General Residence C

Description: Demolish commercial structure and construct two dwelling units with two driveways and related parking.

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) A lot area per dwelling unit of 2,532± s.f. where 3,500 s.f. is required.
 - (b) A right side yard setback of 1'10" ± where 10' is required.
 - (c) 40.4%± building coverage where 35% is the maximum allowed.
2. A Variance from Section 10.1114.31 to allow more than one driveway on a lot.

Rick Taintor, Planning Director

**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 Item 1) on *Wednesday January 21, 2015 and Items 2) through 6) on Tuesday, January 27, 2015, both at 7:00 p.m. in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire:
**Note change in date and day of week.*

The following petitions will be heard on Wednesday, January 21, 2015:

Old Business

A) Case # 11-7

Petitioner: Merton Alan Investments LLC c/o Joan Ryan & Cassassa

Property: Bartlett Street at Cate Street

Assessor Plan 165, Lot 1

Zoning District: Industrial

Description: Construct 10,000 s.f. ±, three-story office building with associated parking.

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

1. Variances from Section 10.531 to allow the following:
 - a) A front yard setback of 30'± where 70' is required.
 - b) A rear yard setback of 8'± where 15' is required.
2. Variances from Sections 10.5A42 and 10.730 as may be required to implement the site plan provided with this application.

Amendments have been made to this petition which was postponed at the December 2, 2014 meeting.

B) Case # 12-10

Petitioner: State Street Discount House

Property: 3613 Lafayette Road

Assessor Plan 298, Lot 6

Zoning District: Gateway

Description: Modify existing free-standing sign.

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

1. A Variance from Section 10.1223.10 to allow an animated sign (changeable sign) where such signs are not allowed.
2. A Variance from Section 10.1251.20 to allow a 152± s.f. free-standing sign where 100 s.f. is the maximum allowed
3. A Variance from Section 1253.10 to allow a sign height of 30'± where 20' is the maximum allowed.

Amendments have been made to this petition which was postponed at the December 16, 2014 meeting.

New Business

- 1) Case # 1-15
Petitioners: Betty Morton Belcher, Jane Morton Man, Matthew Morton, Seth Morton, Ann Morton, Jennifer Hanson, Martha Fuller Clark, Clare Kittredge, Nancy Elwell, Larry Cataldo, Keith Eveland, George Dodge, Erica Dodge, Philippe Favet, Belcher Market Realty, LLC, Betty Morton Belcher Revocable Trust, Jane Man Associates, LLC, and Seth Morton Associates, LLC
Property: 173 – 175 Market Street
Assessor Plan 118, Lots 3 & 4
Zoning Districts: CD4, Historic and Downtown Overlay
Description: Appeal Decisions of the Historic District Commission.
Requests: Appeal the decision of the Historic District Commission to grant a Certificate of Approval.

The following petitions will be heard on *Tuesday, January 27, 2015*:

- 2) Case # 2-15
Petitioners: Portwalk HI, LLC/Hanover Apartments LLC
Property: 35 Portwalk Place (195 Hanover Street)
Assessor Plan 125, Lot 1
Zoning Districts: CD5, Historic and Downtown Overlay
Description: The provision of parking for a first floor restaurant use.
Requests:
 1. An Administrative Appeal of a decision by the Code Official to require parking for a change in use from retail to restaurant.
 2. If the Appeal is not granted, the Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
 - (a) A Variance from Section 10.1115.21 related to off-street parking requirements.
- 3) Case # 3-15
Petitioners: Janet Prince & Peter Bergh
Property: 54 Lincoln Avenue
Assessor Plan 111, Lot 21
Zoning District: General Residence A
Description: Construct a 7'± x 14'± rear addition and a 6'± x 8'8"± front addition with stairs. Add dormers and construct a 20'± x 22'± garage.
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 the following:
 - (a) A front yard setback of 12'2" ± where 15' is required.
 - (b) A right side yard setback of 2'10" ± where 10' is required.
 - (c) 26.3% building coverage where 25% is the maximum allowed.

- 4) Case # 4-15
Petitioners: Peter Cass & Mara Witzling
Property: 33 Hunking Street
Assessor Plan 103, Lot 38
Zoning District: General Residence B
Description: Construct a 6'± x 6'± front deck and 2-story addition.
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 an 8'± left side yard setback for an entry deck addition and rear bulkhead where 10' is required.
- 5) Case # 5-15
Petitioners: Thomas J. Schladenhauffen & M. Longi Schladenhauffen
Property: 708 State Street
Assessor Plan 137, Lot 8
Zoning District: General Residence C
Description: Construct a 26' x 15.5'± two-story rear addition.
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.321 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 left side yard setback of 3'± where 10' is required.
- 6) Case # 6-15
Petitioners: Hayscales Trust, Robert Krieger, Trustee
Property: 236 Union Street
Assessor Plan 135, Lot 22
Zoning District: General Residence C
Description: Demolish commercial structure and construct two dwelling units with two driveways and related parking.
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) A lot area per dwelling unit of 2,532± s.f. where 3,500 s.f. is required.
 - (b) A right side yard setback of 1'10" ± where 10' is required.
 - (c) 40.4%± building coverage where 35% is the maximum allowed.
 2. A Variance from Section 10.1114.31 to allow more than one driveway on a lot.

Rick Taintor, Planning Director

**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 Item 1) on *Wednesday January 21, 2015 and Items 2) through 6) on Tuesday, January 27, 2015, both at 7:00 p.m. in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire:
**Note change in date and day of week.*

The following petitions will be heard on Wednesday, January 21, 2015:

Old Business

A) Case # 11-7

Petitioner: Merton Alan Investments LLC c/o Joan Ryan & Cassassa

Property: Bartlett Street at Cate Street

Assessor Plan 165, Lot 1

Zoning District: Industrial

Description: Construct 10,000 s.f. ±, three-story office building with associated parking.

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

1. Variances from Section 10.531 to allow the following:
 - a) A front yard setback of 30'± where 70' is required.
 - b) A rear yard setback of 8'± where 15' is required.
2. Variances from Sections 10.5A42 and 10.730 as may be required to implement the site plan provided with this application.

Amendments have been made to this petition which was postponed at the December 2, 2014 meeting.

B) Case # 12-10

Petitioner: State Street Discount House

Property: 3613 Lafayette Road

Assessor Plan 298, Lot 6

Zoning District: Gateway

Description: Modify existing free-standing sign.

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

1. A Variance from Section 10.1223.10 to allow an animated sign (changeable sign) where such signs are not allowed.
2. A Variance from Section 10.1251.20 to allow a 152± s.f. free-standing sign where 100 s.f. is the maximum allowed
3. A Variance from Section 1253.10 to allow a sign height of 30'± where 20' is the maximum allowed.

Amendments have been made to this petition which was postponed at the December 16, 2014 meeting.

New Business

- 1) Case # 1-15
Petitioners: Betty Morton Belcher, Jane Morton Man, Matthew Morton, Seth Morton, Ann Morton, Jennifer Hanson, Martha Fuller Clark, Clare Kittredge, Nancy Elwell, Larry Cataldo, Keith Eveland, George Dodge, Erica Dodge, Philippe Favet, Belcher Market Realty, LLC, Betty Morton Belcher Revocable Trust, Jane Man Associates, LLC, and Seth Morton Associates, LLC
Property: 173 – 175 Market Street
Assessor Plan 118, Lots 3 & 4
Zoning Districts: CD4, Historic and Downtown Overlay
Description: Appeal Decisions of the Historic District Commission.
Requests: Appeal the decision of the Historic District Commission to grant a Certificate of Approval.

The following petitions will be heard on *Tuesday, January 27, 2015*:

- 2) Case # 2-15
Petitioners: Portwalk HI, LLC/Hanover Apartments LLC
Property: 35 Portwalk Place (195 Hanover Street)
Assessor Plan 125, Lot 1
Zoning Districts: CD5, Historic and Downtown Overlay
Description: The provision of parking for a first floor restaurant use.
Requests:
 1. An Administrative Appeal of a decision by the Code Official to require parking for a change in use from retail to restaurant.
 2. If the Appeal is not granted, the Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
 - (a) A Variance from Section 10.1115.21 related to off-street parking requirements.
- 3) Case # 3-15
Petitioners: Janet Prince & Peter Bergh
Property: 54 Lincoln Avenue
Assessor Plan 111, Lot 21
Zoning District: General Residence A
Description: Construct a 7'± x 14'± rear addition and a 6'± x 8'8"± front addition with stairs. Add dormers and construct a 20'± x 22'± garage.
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 the following:
 - (a) A front yard setback of 12'2" ± where 15' is required.
 - (b) A right side yard setback of 2'10" ± where 10' is required.
 - (c) 26.3% building coverage where 25% is the maximum allowed.

- 4) Case # 4-15
 Petitioners: Peter Cass & Mara Witzling
 Property: 33 Hunking Street
 Assessor Plan 103, Lot 38
 Zoning District: General Residence B
 Description: Construct a 6'± x 6'± front deck and 2-story addition.
 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 an 8'± left side yard setback for an entry deck addition and rear bulkhead where 10' is required.
- 5) Case # 5-15
 Petitioners: Thomas J. Schladenhauffen & M. Longi Schladenhauffen
 Property: 708 State Street
 Assessor Plan 137, Lot 8
 Zoning District: General Residence C
 Description: Construct a 26' x 15.5'± two-story rear addition.
 Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.321 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 left side yard setback of 3'± where 10' is required.
- 6) Case # 6-15
 Petitioners: Hayscales Trust, Robert Krieger, Trustee
 Property: 236 Union Street
 Assessor Plan 135, Lot 22
 Zoning District: General Residence C
 Description: Demolish commercial structure and construct two dwelling units with two driveways and related parking.
 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) A lot area per dwelling unit of 2,532± s.f. where 3,500 s.f. is required.
 - (b) A right side yard setback of 1'10" ± where 10' is required.
 - (c) 40.4%± building coverage where 35% is the maximum allowed.
 2. A Variance from Section 10.1114.31 to allow more than one driveway on a lot.

Rick Taintor, Planning Director

**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 Item 1) on *Wednesday January 21, 2015 and Items 2) through 6) on Tuesday, January 27, 2015, both at 7:00 p.m. in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire:
**Note change in date and day of week.*

The following petitions will be heard on Wednesday, January 21, 2015:

Old Business

A) Case # 11-7

Petitioner: Merton Alan Investments LLC c/o Joan Ryan & Cassassa

Property: Bartlett Street at Cate Street

Assessor Plan 165, Lot 1

Zoning District: Industrial

Description: Construct 10,000 s.f. ±, three-story office building with associated parking.

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

1. Variances from Section 10.531 to allow the following:
 - a) A front yard setback of 30'± where 70' is required.
 - b) A rear yard setback of 8'± where 15' is required.
2. Variances from Sections 10.5A42 and 10.730 as may be required to implement the site plan provided with this application.

Amendments have been made to this petition which was postponed at the December 2, 2014 meeting.

B) Case # 12-10

Petitioner: State Street Discount House

Property: 3613 Lafayette Road

Assessor Plan 298, Lot 6

Zoning District: Gateway

Description: Modify existing free-standing sign.

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

1. A Variance from Section 10.1223.10 to allow an animated sign (changeable sign) where such signs are not allowed.
2. A Variance from Section 10.1251.20 to allow a 152± s.f. free-standing sign where 100 s.f. is the maximum allowed
3. A Variance from Section 1253.10 to allow a sign height of 30'± where 20' is the maximum allowed.

Amendments have been made to this petition which was postponed at the December 16, 2014 meeting.

New Business

- 1) Case # 1-15
Petitioners: Betty Morton Belcher, Jane Morton Man, Matthew Morton, Seth Morton, Ann Morton, Jennifer Hanson, Martha Fuller Clark, Clare Kittredge, Nancy Elwell, Larry Cataldo, Keith Eveland, George Dodge, Erica Dodge, Philippe Favet, Belcher Market Realty, LLC, Betty Morton Belcher Revocable Trust, Jane Man Associates, LLC, and Seth Morton Associates, LLC
Property: 173 – 175 Market Street
Assessor Plan 118, Lots 3 & 4
Zoning Districts: CD4, Historic and Downtown Overlay
Description: Appeal Decisions of the Historic District Commission.
Requests: Appeal the decision of the Historic District Commission to grant a Certificate of Approval.

The following petitions will be heard on *Tuesday, January 27, 2015*:

- 2) Case # 2-15
Petitioners: Portwalk HI, LLC/Hanover Apartments LLC
Property: 35 Portwalk Place (195 Hanover Street)
Assessor Plan 125, Lot 1
Zoning Districts: CD5, Historic and Downtown Overlay
Description: The provision of parking for a first floor restaurant use.
Requests:
 1. An Administrative Appeal of a decision by the Code Official to require parking for a change in use from retail to restaurant.
 2. If the Appeal is not granted, the Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
 - (a) A Variance from Section 10.1115.21 related to off-street parking requirements.
- 3) Case # 3-15
Petitioners: Janet Prince & Peter Bergh
Property: 54 Lincoln Avenue
Assessor Plan 111, Lot 21
Zoning District: General Residence A
Description: Construct a 7'± x 14'± rear addition and a 6'± x 8'8"± front addition with stairs. Add dormers and construct a 20'± x 22'± garage.
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 the following:
 - (a) A front yard setback of 12'2" ± where 15' is required.
 - (b) A right side yard setback of 2'10" ± where 10' is required.
 - (c) 26.3% building coverage where 25% is the maximum allowed.

- 4) Case # 4-15
 Petitioners: Peter Cass & Mara Witzling
 Property: 33 Hunking Street
 Assessor Plan 103, Lot 38
 Zoning District: General Residence B
 Description: Construct a 6'± x 6'± front deck and 2-story addition.
 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 an 8'± left side yard setback for an entry deck addition and rear bulkhead where 10' is required.
- 5) Case # 5-15
 Petitioners: Thomas J. Schladenhauffen & M. Longi Schladenhauffen
 Property: 708 State Street
 Assessor Plan 137, Lot 8
 Zoning District: General Residence C
 Description: Construct a 26' x 15.5'± two-story rear addition.
 Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.321 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 left side yard setback of 3'± where 10' is required.
- 6) Case # 6-15
 Petitioners: Hayscales Trust, Robert Krieger, Trustee
 Property: 236 Union Street
 Assessor Plan 135, Lot 22
 Zoning District: General Residence C
 Description: Demolish commercial structure and construct two dwelling units with two driveways and related parking.
 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) A lot area per dwelling unit of 2,532± s.f. where 3,500 s.f. is required.
 - (b) A right side yard setback of 1'10" ± where 10' is required.
 - (c) 40.4%± building coverage where 35% is the maximum allowed.
 2. A Variance from Section 10.1114.31 to allow more than one driveway on a lot.

Rick Taintor, Planning Director

**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 Item 1) on *Wednesday January 21, 2015 and Items 2) through 6) on Tuesday, January 27, 2015, both at 7:00 p.m. in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire:
**Note change in date and day of week.*

The following petitions will be heard on Wednesday, January 21, 2015:

Old Business

A) Case # 11-7

Petitioner: Merton Alan Investments LLC c/o Joan Ryan & Cassassa

Property: Bartlett Street at Cate Street

Assessor Plan 165, Lot 1

Zoning District: Industrial

Description: Construct 10,000 s.f. ±, three-story office building with associated parking.

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

1. Variances from Section 10.531 to allow the following:
 - a) A front yard setback of 30'± where 70' is required.
 - b) A rear yard setback of 8'± where 15' is required.
2. Variances from Sections 10.5A42 and 10.730 as may be required to implement the site plan provided with this application.

Amendments have been made to this petition which was postponed at the December 2, 2014 meeting.

B) Case # 12-10

Petitioner: State Street Discount House

Property: 3613 Lafayette Road

Assessor Plan 298, Lot 6

Zoning District: Gateway

Description: Modify existing free-standing sign.

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

1. A Variance from Section 10.1223.10 to allow an animated sign (changeable sign) where such signs are not allowed.
2. A Variance from Section 10.1251.20 to allow a 152± s.f. free-standing sign where 100 s.f. is the maximum allowed
3. A Variance from Section 1253.10 to allow a sign height of 30'± where 20' is the maximum allowed.

Amendments have been made to this petition which was postponed at the December 16, 2014 meeting.

New Business

- 1) Case # 1-15
Petitioners: Betty Morton Belcher, Jane Morton Man, Matthew Morton, Seth Morton, Ann Morton, Jennifer Hanson, Martha Fuller Clark, Clare Kittredge, Nancy Elwell, Larry Cataldo, Keith Eveland, George Dodge, Erica Dodge, Philippe Favet, Belcher Market Realty, LLC, Betty Morton Belcher Revocable Trust, Jane Man Associates, LLC, and Seth Morton Associates, LLC
Property: 173 – 175 Market Street
Assessor Plan 118, Lots 3 & 4
Zoning Districts: CD4, Historic and Downtown Overlay
Description: Appeal Decisions of the Historic District Commission.
Requests: Appeal the decision of the Historic District Commission to grant a Certificate of Approval.

The following petitions will be heard on *Tuesday, January 27, 2015*:

- 2) Case # 2-15
Petitioners: Portwalk HI, LLC/Hanover Apartments LLC
Property: 35 Portwalk Place (195 Hanover Street)
Assessor Plan 125, Lot 1
Zoning Districts: CD5, Historic and Downtown Overlay
Description: The provision of parking for a first floor restaurant use.
Requests:
 1. An Administrative Appeal of a decision by the Code Official to require parking for a change in use from retail to restaurant.
 2. If the Appeal is not granted, the Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
 - (a) A Variance from Section 10.1115.21 related to off-street parking requirements.
- 3) Case # 3-15
Petitioners: Janet Prince & Peter Bergh
Property: 54 Lincoln Avenue
Assessor Plan 111, Lot 21
Zoning District: General Residence A
Description: Construct a 7'± x 14'± rear addition and a 6'± x 8'8"± front addition with stairs. Add dormers and construct a 20'± x 22'± garage.
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 the following:
 - (a) A front yard setback of 12'2" ± where 15' is required.
 - (b) A right side yard setback of 2'10" ± where 10' is required.
 - (c) 26.3% building coverage where 25% is the maximum allowed.

4) Case # 4-15

Petitioners: Peter Cass & Mara Witzling

Property: 33 Hunking Street

Assessor Plan 103, Lot 38

Zoning District: General Residence B

Description: Construct a 6'± x 6'± front deck and 2-story addition.

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 an 8'± left side yard setback for an entry deck addition and rear bulkhead where 10' is required.

5) Case # 5-15

Petitioners: Thomas J. Schladenhauffen & M. Longi Schladenhauffen

Property: 708 State Street

Assessor Plan 137, Lot 8

Zoning District: General Residence C

Description: Construct a 26' x 15.5'± two-story rear addition.

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

1. A Variance from Section 10.321 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 left side yard setback of 3'± where 10' is required.

6) Case # 6-15

Petitioners: Hayscales Trust, Robert Krieger, Trustee

Property: 236 Union Street

Assessor Plan 135, Lot 22

Zoning District: General Residence C

Description: Demolish commercial structure and construct two dwelling units with two driveways and related parking.

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) A lot area per dwelling unit of 2,532± s.f. where 3,500 s.f. is required.
 - (b) A right side yard setback of 1'10" ± where 10' is required.
 - (c) 40.4%± building coverage where 35% is the maximum allowed.
2. A Variance from Section 10.1114.31 to allow more than one driveway on a lot.

Rick Taintor, Planning Director

**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 Item 1) on *Wednesday January 21, 2015 and Items 2) through 6) on Tuesday, January 27, 2015, both at 7:00 p.m. in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire:
**Note change in date and day of week.*

The following petitions will be heard on Wednesday, January 21, 2015:

Old Business

A) Case # 11-7

Petitioner: Merton Alan Investments LLC c/o Joan Ryan & Cassassa

Property: Bartlett Street at Cate Street

Assessor Plan 165, Lot 1

Zoning District: Industrial

Description: Construct 10,000 s.f. ±, three-story office building with associated parking.

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

1. Variances from Section 10.531 to allow the following:
 - a) A front yard setback of 30'± where 70' is required.
 - b) A rear yard setback of 8'± where 15' is required.
2. Variances from Sections 10.5A42 and 10.730 as may be required to implement the site plan provided with this application.

Amendments have been made to this petition which was postponed at the December 2, 2014 meeting.

B) Case # 12-10

Petitioner: State Street Discount House

Property: 3613 Lafayette Road

Assessor Plan 298, Lot 6

Zoning District: Gateway

Description: Modify existing free-standing sign.

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

1. A Variance from Section 10.1223.10 to allow an animated sign (changeable sign) where such signs are not allowed.
2. A Variance from Section 10.1251.20 to allow a 152± s.f. free-standing sign where 100 s.f. is the maximum allowed
3. A Variance from Section 1253.10 to allow a sign height of 30'± where 20' is the maximum allowed.

Amendments have been made to this petition which was postponed at the December 16, 2014 meeting.

New Business

1) Case # 1-15

Petitioners: Betty Morton Belcher, Jane Morton Man, Matthew Morton, Seth Morton, Ann Morton, Jennifer Hanson, Martha Fuller Clark, Clare Kittredge, Nancy Elwell, Larry Cataldo, Keith Eveland, George Dodge, Erica Dodge, Philippe Favet, Belcher Market Realty, LLC, Betty Morton Belcher Revocable Trust, Jane Man Associates, LLC, and Seth Morton Associates, LLC

Property: 173 – 175 Market Street

Assessor Plan 118, Lots 3 & 4

Zoning Districts: CD4, Historic and Downtown Overlay

Description: Appeal Decisions of the Historic District Commission.

Requests: Appeal the decision of the Historic District Commission to grant a Certificate of Approval.

The following petitions will be heard on *Tuesday, January 27, 2015*:

2) Case # 2-15

Petitioners: Portwalk HI, LLC/Hanover Apartments LLC

Property: 35 Portwalk Place (195 Hanover Street)

Assessor Plan 125, Lot 1

Zoning Districts: CD5, Historic and Downtown Overlay

Description: The provision of parking for a first floor restaurant use.

Requests:

1. An Administrative Appeal of a decision by the Code Official to require parking for a change in use from retail to restaurant.
2. If the Appeal is not granted, the Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
 - (a) A Variance from Section 10.1115.21 related to off-street parking requirements.

3) Case # 3-15

Petitioners: Janet Prince & Peter Bergh

Property: 54 Lincoln Avenue

Assessor Plan 111, Lot 21

Zoning District: General Residence A

Description: Construct a 7'± x 14'± rear addition and a 6'± x 8'8"± front addition with stairs. Add dormers and construct a 20'± x 22'± garage.

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 the following:
 - (a) A front yard setback of 12'2" ± where 15' is required.
 - (b) A right side yard setback of 2'10" ± where 10' is required.
 - (c) 26.3% building coverage where 25% is the maximum allowed.

- 4) Case # 4-15
 Petitioners: Peter Cass & Mara Witzling
 Property: 33 Hunking Street
 Assessor Plan 103, Lot 38
 Zoning District: General Residence B
 Description: Construct a 6'± x 6'± front deck and 2-story addition.
 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 an 8'± left side yard setback for an entry deck addition and rear bulkhead where 10' is required.
- 5) Case # 5-15
 Petitioners: Thomas J. Schladenhauffen & M. Longi Schladenhauffen
 Property: 708 State Street
 Assessor Plan 137, Lot 8
 Zoning District: General Residence C
 Description: Construct a 26' x 15.5'± two-story rear addition.
 Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.321 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 left side yard setback of 3'± where 10' is required.
- 6) Case # 6-15
 Petitioners: Hayscales Trust, Robert Krieger, Trustee
 Property: 236 Union Street
 Assessor Plan 135, Lot 22
 Zoning District: General Residence C
 Description: Demolish commercial structure and construct two dwelling units with two driveways and related parking.
 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) A lot area per dwelling unit of 2,532± s.f. where 3,500 s.f. is required.
 - (b) A right side yard setback of 1'10" ± where 10' is required.
 - (c) 40.4%± building coverage where 35% is the maximum allowed.
 2. A Variance from Section 10.1114.31 to allow more than one driveway on a lot.

Rick Taintor, Planning Director