

**REGULAR MEETING
BOARD OF ADJUSTMENT
EILEEN DONDERO FOLEY COUNCIL CHAMBERS
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE**

7:00 P.M.

**JULY 21, 2015
and to be reconvened on
JULY 28, 2015**

AGENDA

THE FOLLOWING ITEMS WILL BE CONSIDERED ON TUESDAY, JULY 21, 2015

I. APPROVAL OF MINUTES

A) June 16, 2015

II. PUBLIC HEARINGS – OLD BUSINESS

A) Case # 6-8

Petitioners: Joseph & Lindsey B. Donohue

Property: 336 Union Street

Assessor Plan 134, Lot 58

Zoning District: General Residence A

Description: Convert single family dwelling to two dwelling units.

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 per dwelling unit of 2,178 s.f. ± where 7,500 s.f. is required and a building coverage of 39.3% where 25% is the maximum allowed.
2. A Variance from Section 10.1112.30 to allow two off-street parking spaces to be provided where four off-street parking spaces are required.

This petition was postponed from the June meeting and the request has been amended to include building coverage.

III. PUBLIC HEARINGS – NEW BUSINESS

1) Case # 7-1

Petitioners: Kristen J. Campbell

Property: 31 Cabot Street

Assessor Plan 136, Lot 40

Zoning District: Mixed Residential Office

Description: Replace existing porch and stairs.

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 or structurally altered without conforming to the requirements of the Ordinance.

2. A Variance from Section 10.521 to allow a left side yard of 7'6" and a right side yard of 6'6" where 10' is the minimum required and a building coverage of 43% where 40% is the maximum allowed.

2) Case # 7-2

Petitioners: Alyssa and Andrew Ervin

Property: 192 Park Street

Assessor Plan 149, Lot 53

Zoning District: General Residence A

Description: Construct a porch on the left side and a 2-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 or structurally altered without conforming to the requirements of the Ordinance.

2. A Variance from Section 10.521 to allow a left side yard of 2' and a right side yard of 9' where 10' is the minimum required and a building coverage of 26.5% where 25% is the maximum allowed.

3) Case # 7-3

Petitioner: Debora A. Panebianco

Property: 306 Oriental Gardens

Assessor Plan 215, Lot 9-9

Zoning District: Office Research

Description: Place a new manufactured home on an existing concrete slab.

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 a manufactured home in a district where this use is not allowed.

4) Case # 7-4

Petitioner: Laurie J. Harrigan Revo Trust

Property: 116 Sherburne Avenue

Assessor Plan 112, Lot 37

Zoning District: Single Residence B

Description: Construct 1 ½ story addition at rear of existing residence with new side entry deck and rear 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 or structurally altered without conforming to the requirements of the Ordinance.

1. A Variance from Section 10.521 to allow a building coverage of 27.1% where 25% is the maximum allowed.

5) Case # 7-5

Petitioner: Algene and Sheila Bailey, Jr.

Property: 487 Ocean Road

Assessor Plan 283, Lot 33

Zoning District: Single Residence A

Description: Construct new front door overhang, attached 16’ x 32’ garage and 13’ x 6’ front deck, and 16’ x 20’ shed in backyard.

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 right side yard of 10’ where a minimum of 20’ is required and a building coverage of 26.6% where 10% is the maximum allowed.
2. A Variance from Section 10.573.20 to allow a left side yard of 6’ where 10’ is the minimum required for an accessory structure.

6) Case # 7-6

Petitioner: Portsmouth Land Acquisition, LLC

Property: 428 Route 1 By-Pass (Building 2)

Assessor Plan 172, Lot 1

Zoning District: Industrial

Description: Allow dog daycare and boarding facility with associated parking.

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 a dog daycare and boarding facility in a district where this use is not permitted.

**THE FOLLOWING ITEMS WILL BE CONSIDERED ON
TUESDAY, JULY 28, 2015**

7) Case # 7-7

Petitioner: Amba Realty, LLC

Property: 806 Route 1 By-Pass

Assessor Plan 161, Lot 43

Zoning District: Business

Description: Expand first floor to 5,150 sq. ft. of retail space and construct second floor for office space.

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

1. A Variance from Section 10.1113.20 to allow 9 parking spaces to be located within the front setback between the principal building and the street;
2. A Variance from Section 10.1113.26 fully available parking spaces and 2 restricted parking spaces where 25 are required and to allow parking 6.5’ from a residential zone where 50’ is required.
3. A Variance from Section 10.1113.41 to allow parking 0’ from the front lot line where 20’ is required;
4. A Variance from Section 10.1113.43 to not provide landscaping and screening within the front setback.

Request to Postpone

8) Case # 7-8

Petitioner: Moray, LLC and 215 Commerce Way, LLC
Property: 215 & 235 Commerce Way
Assessor Plan 216, Lots 1-8A & 1-8B
Zoning District: Office Research

Description: Provide parking, on a corner lot, located between the street and the building.

Requests: The Variance Commission is requested to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.512 to allow off-street parking spaces to be located in a front yard between a principal building and the street.

9) Case # 7-9

Petitioner: Barbara R. Frankel
Property: 89 Brewery Lane
Assessor Plan 146, Lot 26
Zoning District: Mixed Residential Business

Description: Remove existing structure and construct 2-story assisted-living home with a 3,450 sq ft.

Requests: The Variance Commission is requested to grant the required relief from the Zoning Ordinance, including the following:

1. A Special Exception from Section 10.440 to allow an assisted living home;
2. A Variance from Section 10.512 to allow 30' of street frontage where a minimum of 100' is required.

10) Case # 7-10

Petitioner: Strawberry Banke Inc.
Property: 14 Hancock Street (Strawberry Banke)
Assessor Plan 101, Lot 7
Zoning District: Office Research

Description: Clarification/modification of permit for operation of the skating pond.

Requests: Clarification/modification of the time period for use of the skating pond from November 1st to March 31st each year.

11) Case # 7-11

Petitioner: Merton Alan Investments, LLC
Property: 30 Cate Street
Assessor Plan 165, Lot 1
Zoning District: Industrial

Description: Clarification/modification of permit for construction of an office building.

Requests: Clarification/modification of the setback included the 15.4' front setback resulting from the City's future reconfiguration.

12) Case # 7-12

Petitioner: New England Glory, LLC

Property: 525 Maplewood Avenue

Assessor Plan 209 Lot 85

Zoning District: Single Residence B

Description: Creation of two lots where one currently exists.

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 per dwelling unit of 3,755 sq. ft. where 7,500 sq. ft. is the minimum required.

13) Case # 7-13

Petitioner: Jillian Mirandi

Property: 19 Woodbury Avenue

Assessor Plan 162 Lot 65

Zoning District: General Residence A

Description: Replace front entry and add shed in back yard.

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 front yard setback of 2' 10"+/- where 15' is the minimum required and a building coverage of 29.6% where 25% is the maximum allowed.
2. A Variance from Section 10.573.10 to allow a left side yard of 2' and a 2' rear yard where 5' is the minimum required for an accessory structure.

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.