

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

**7:00 P.M.**

**SEPTEMBER 22, 2015  
reconvened from  
SEPTEMBER 15, 2015**

**AGENDA**

**I. APPROVAL OF MINUTES**

A) August 18, 2015

**II. OLD BUSINESS**

A) Request for Rehearing regarding property located at 806 Route One ByPass

**III. PUBLIC HEARINGS – NEW BUSINESS**

1) Case # 9-2

Petitioner: Trisha Balestero

Property: 116 Austin Street

Assessor Plan 136, Lot 29

Zoning District: General Residence C

Description: Extend upper rear landing.

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 structurally altered except in conformance with the Ordinance.
2. A Variance from Section 10.516.40 to allow a left side yard setback of 3.5'± where 4' is required for an open porch/landing and stairs.
3. A Variance from Section 10.521 to allow building coverage of 38.31% where 37.96% exists and 35% is the maximum allowed.

2) Case # 9-3

Petitioner: Anthony G. Courts

Property: 190 Thornton Street

Assessor Plan 161, Lot 5

Zoning District: General Residence A

Description: Replace a 12'± x 14'± shed with a 24'± x 24'± two car 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 building or structure to be reconstructed except in conformance with the Ordinance.
2. A Variance from Section 10.570 to allow a right side yard setback of 3'± where 10' is required and a rear yard setback of 3'± where 15' is required.

(over)

## 3) Case # 9-4

Petitioners: Leonard S. & Wendy M. Cushing

Property: 126 Elwyn Avenue

Assessor Plan 112, Lot 44

Zoning District: General Residence A

Description: Replace existing 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 building or structure to be reconstructed except in conformance with the Ordinance.
2. Variances from Section 10.570 to allow the following for an accessory structure:
  - a) A 3'± left side yard setback where 10' is required.
  - b) A 9' right side yard setback where 10' is required.
  - c) A 4' rear yard setback where 10.5' is required.
4. A Variance from Section 10.521 to allow 33% building coverage where 25% is required.

## 4) Case # 9-5

Petitioners: Richard and Janice Henderson

Property: 284 New Castle Avenue

Assessor Plan 207, Lot 73

Zoning District: Single Residence B

Description: Replace existing entry 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 building or structure to be extended or structurally altered except in conformance with the Ordinance.
2. A Variance from 10.516.10 to allow a front yard setback of 9'2" ± where 26' is required.
3. A Variance from Section 10.573.20 to allow a rear yard setback of 11' for an accessory structure where 13.5' is required.

## 5) Case # 9-6

Petitioner: Unitarian Universalist Church

Property: 206 Court Street

Assessor Plan 116, Lot 34

Zoning District: Mixed Residential Office, Character District 4-L1

Description: Construction of an addition with related parking.

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

1. A Special Exception under Section 10.440, Use # 3.11 to allow a religious place of assembly and educational uses where the uses are only allowed by Special Exception.
2. A Variance from Section 10.5A41.10A to allow the following:
  - a) A 1' right side yard setback where a minimum 5' setback is required.
  - b) A 1' left side yard setback where a minimum 5' setback is required.
  - c) A rear yard setback of 3' where 5' is required.
  - d) Building coverage of 71.78% where 60% is the maximum allowed.
  - e) Open space of 21.3% where 25% is required.
3. A Variance from Section 10.1112.30 to allow 1 off-street parking space to be provided where 53 parking spaces are required.
4. A Variance from Section 10.1114.32 to allow vehicles accessing the parking area to back into or from a public street.

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- 6) Case # 9-7  
Petitioner: Tanner Bridge Development LLC  
Property: 40 Bridge Street  
Assessor Plan 126, Lot 52  
Zoning District: Mixed Residential Office, Character District 4  
Description: Parking in support of the construction of a mixed-use building.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. Variances from Section 10.1114.21 to allow the following:
    - (a) The depth of an off-street parking space to be 18'± where 19' is required.
    - (b) Maneuvering aisle widths of 12' to 18' for access ramps and 10'± for the garage entrance where 22' is required for both.
- 7) Case # 9-8  
Petitioners: Matthew E. & Leslie G. Allen  
Property: 143 Brackett Road  
Assessor Plan 206, Lot 16  
Zoning District: Single Residence B  
Description: Construct 16' x 16' rear screened porch.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from 10.521 to allow a rear yard setback of 23.6'± where 30' is required.
- 8) Case # 9-9  
Petitioners: Robert W. & Constance M. Bushman Revocable Trusts 2000  
Property: 34 Marne Avenue & 43 Verdun Avenue  
Assessor Plan 222, Lots 33 & 34  
Zoning District: General Residence A  
Description: Lot line relocation.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
- 34 Marne Avenue:
1. Variances from Section 10.521 to allow a lot area and a lot area per dwelling unit of 7,461± s.f. where 7,500 s.f. is required for both.
- 43 Verdun Avenue:
2. A Variance from Section 10.570 to allow a left side yard setback of 6.9' where 10' is required for an accessory structure.
  3. A Variance from Section 10.570 to allow a rear yard setback of 5'4" where 15' is required for an accessory structure.
- 9) Case # 9-10  
Petitioner: DiLorenzo Lafayette Ledgewood RE LLC  
Property: 581 Lafayette Road  
Assessor Plan 229, Lot 8B  
Zoning District: Gateway  
Description: Allow a restaurant and market with associated parking.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Special Exception under Section 10.440, Use #9.52 to allow a restaurant with 492 seats where 250 to 500 seats are allowed by Special Exception.
  2. A Variance from 10.593.10 to allow a restaurant to be located 92.1' from a residential district where 200' is required.

(over)

3. A Variance from 10.531 to allow 16.5% open space where 11% exists and 20% is required.
4. A Variance from Section 10.1112.50 to allow 154 off-street parking spaces where 184 exist and 132 are the maximum allowed.
5. A Variance from Section 10.1113.20 to allow parking in the front yard or between a building and a street for 34 spaces where 38 exist and 0 spaces are permitted.
6. A Variance from 10.1113.10 to allow 28 existing and 30 proposed off-street parking spaces to be partially located on a lot separate from that of the principal use.
7. A Variance from Section 10.1114.21 to allow 10 off-street parking spaces to be 17.5' in length where 19' is required.
8. A Variance from 10.1124.20 to allow off-street loading or maneuvering areas to be 87.7' from an adjoining Residential or Mixed Residential District where 100' is required.

10) Case # 9-11

Petitioners: Paul E. Berton & Jane A. Ewell Living Trusts

Property: 482 Broad Street

Assessor Plan 221, Lot 63

Zoning District: General Residence A

Description: Replace existing structure with 4 attached townhouses.

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

1. A Special Exception under Section 10.440 to allow four attached townhouses (four dwelling units) in a district where they are only allowed by Special Exception.

**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.