

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

7:00 P.M.

JANUARY 19, 2016

AGENDA

I. ELECTION OF OFFICERS

II. APPROVAL OF MINUTES

A) December 15,, 2015

III. OLD BUSINESS

A) Request for Rehearing for property located at 65 Mendum Avenue

IV. PUBLIC HEARINGS – OLD BUSINESS

A) Case # 11-8

Petitioner: Tammy Gewehr

Property: 13 McDonough Street

Assessor Plan 138, Lot 49

Zoning District: Mixed Residential Business

Description: Provide less than the required off-street parking for a Bed and Breakfast.

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

1. A Variance from Section 10.1112.30 to allow two off-street parking spaces to be provided where three spaces are required for a Bed and Breakfast use.
2. A Variance from Section 10.1114.32 to allow off-street parking spaces that do not comply with the vehicular circulation requirements of the Ordinance.
(This petition was postponed from the November 24, and December 15 2015 meetings.)

B) Case # 11-15

Petitioners: Ryan & Jennifer Smith

Property: 100 Peverly Hill Road

Assessor Plan 243, Lot 51

Zoning District: Single Residence B

Description: Allow two residential dwelling units and a two story deck 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 building or structure to be extended, enlarged or structurally altered except in conformance with the Ordinance.
2. A Variance from Section 10.440 to allow a two-family dwelling where only a single family dwelling is allowed.
3. A Variance from Section 10.521 to allow a 4791.6± s.f. lot area per dwelling unit where 15,000 is required.
4. A Variance from Section 10.516.40 to allow a 21'± front yard setback where 24' is required for an unenclosed deck. *(This petition was tabled with a request for additional information at the November 24, 2015 meeting and postponed at the December 15, 2015 meeting.)*

V. PUBLIC HEARINGS – NEW BUSINESS

- 1) Case #1-1
 Petitioners: Donald A. & Ruth K. Littlefield
 Property: 384 Union Street #4
 Assessor Plan 134, Lot 54-4
 Zoning District: General Residence A
 Description: Construct roof over existing deck.
 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 rear yard setback of 11'9"± where 20' is required.

- 2) Case #1-2
 Petitioners: Ajeet Jai & Kathleen Jo Singh
 Property: 140 Thornton Street
 Assessor Plan 160, Lot 8
 Zoning District: General Residence A
 Description: Construct single-family home.
 Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
 1. A Variance from Section 10.516.10 to allow a 0'± primary front yard setback where 7.3' is required and a 5'± secondary front yard setback where 8.3' is required.
 2. A Variance from Section 10.521 to allow 30.28±% building coverage where 25% is the maximum allowed.

- 3) Case #1-3
 Petitioners: John Algren & Bessie J. Palmisciano, owners, Chinburg Builders, Inc., applicant
 Property: Langdon Street (corner of McDonough Street)
 Assessor Plan 138, Lots 48-1, 48-2, 48-3
 Zoning District: Mixed Residential Business and Office Research
 Description: Construct a single-family home on each of three lots.
 Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:

Lot 1. Variances from Section 10.521 to allow the following:

 - a) A lot area of 5,022± s.f. where 7,500 s.f. is required.
 - b) A lot area per dwelling unit of 5,022± s.f. where 7,500 is required.
 - c) A lot depth of 78.47± where 80' is required.
 - d) A 5'± secondary front yard setback where 10' is required.

Lot 2. Variances from Section 10.521 to allow the following:

- a) A lot area of 5,301± s.f. where 7,500 s.f. is required.
- b) A lot area per dwelling unit of 5,301± s.f. where 7,500 s.f. is required.
- c) A lot depth of 77.39' where 80' is required.
- d) Continuous street frontage of 68.5'± where 100' is required.

Lot 3. Variances from Section 10.521 to allow the following:

- a) A lot area of 4,965± s.f. where 7,500 s.f. is required.
- b) A lot area per dwelling unit of 4,965± s.f. where 7,500 is required.
- c) Continuous street frontage of 43.24'± where 100' is required.
- d) A lot depth of 76.84'± where 80' is required.
- e) A 5'± left side yard setback where 10' is required.

4) Case #1-4

Petitioner: Jamey R. Beland
 Property: 373 Union Street
 Assessor Plan 134, Lot 5

Zoning District: General Residence A

Description: Construct second 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 building to be extended, enlarged or structurally altered except in conformity with the Ordinance.
- 2. A Variance from Section 10.521 to allow a 4'± left side yard setback for the addition where 10' is required.

5) Case #1-5

Petitioner: Christian G. Hulseman
 Property: 430 Richards Avenue
 Assessor Plan 112, Lot 8

Zoning District: General Residence A

Description: Demolish rear garage addition and reconstruct extending to width of 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 to be extended, enlarged or structurally altered except in conformity with the Ordinance.
- 2. A Variance from Section 10.521 to allow a 3.5'± left side yard setback where 10' is required.

6) Case #1-6

Petitioner: Scott Mitchell
 Property: 2839 Lafayette Road
 Assessor Plan 286, Lots 18 & 19

Zoning District: Gateway

Description: Parking related to construction of a bank and drive-through facility.

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 parking between a principal building and a street.

- 7) Case #1-7
 Petitioner: Faithful Church of Christ Inc.
 Property: 217 Bartlett Street
 Assessor Plan 162, Lot 32
 Zoning District: General Residence A
 Description: Four unit dwelling with related parking and travel aisles.
 Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Special Exception under Section 10.440 to allow four dwelling units where the use is only allowed by Special Exception.
 2. A Variance from Section 10.521 to allow a lot area per dwelling unit of 2,237± s.f. where 7,500 s.f. is required.
 3. A Variance from Section 10.114.21 to allow an 18'± maneuvering aisle where 24' is required.
- 8) Case #1-8
 Petitioners: 599 Lafayette LLC owner, Aroma Joe’s Coffee, LLC, applicant
 Property: 599 Lafayette Road
 Assessor Plan 229, Lot 8
 Zoning District: Gateway
 Description: Construct a stand-alone drive-through facility.
 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 stand-alone drive-through facility as a principal use.
 2. A Variance from Section 10.531 to allow a side setback of 23.6'± where 30' is required.
 3. A Variance from Section 10.836.31 to allow an outdoor service facility to be located 64'± from a residential zoning district where 100' is required.
 4. A Variance from Section 10.1243 to allow a second free-standing sign on a lot.
- 9) Case #1-9
 Petitioner: Paul E. Berton and Jane A. Ewell Living Trusts
 Property: 482 Broad Street
 Assessor Plan 221, Lot 63
 Zoning District: General Residence A
 Description: Construct three townhouses.
 Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:
1. Special Exception under Section 10.440 to allow three dwelling units where the use is only allowed by Special Exception.

VI. OTHER BUSINESS

VII. 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.