

**LEGAL NOTICE  
BOARD OF ADJUSTMENT  
PORTSMOUTH, NEW HAMPSHIRE**

**NOTICE IS HEREBY GIVEN** that the Board of Adjustment will hold Public Hearings on the following petitions on **Tuesday, May 17, 2016 and Tuesday, May 24, 2016, both at 7:00 p.m.** in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire:

**THE FOLLOWING PETITIONS WILL BE HEARD ON TUESDAY, MAY 17, 2016:**

**Case #4-7 through Case #4-13**, postponed from the April 19, 2016 and April 26, 2016 meetings, with **Case #4-9** amended as follows (changes in italics):

- 9) Case #4-9  
Petitioner: Michael De La Cruz  
Property: 75 Congress Street (63 Congress Street)  
Assessor Plan 117, Lot 5  
Zoning District: Character District 5, Downtown Overlay District  
Description: Construct five residential use dormers and one office use dormer, with walkways and decks. Restore pediments.  
Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, enlarged or structurally altered without conforming to the Ordinance.
  2. A Variance from Section 10.5A43.31 and Section 10.5A21.22 to allow the following building heights where the maximum building heights allowed per Map 10.5A21B are 40' for a 2-3 stories height requirement area and 45' for a 2-3 stories (short 4<sup>th</sup>) height requirement area:
    - a. 62'11" for the proposed pediments
    - b. 64'6" for the proposed office dormer, and
    - c. 60'5" for the proposed residential dormers

**THE FOLLOWING PETITIONS WILL BE HEARD ON TUESDAY, MAY 24, 2016**

- 1) Case #5-1  
Petitioners: Benjamin M. & Amanda J. Goss  
Property: 6 Pine Street  
Assessor Plan 159, Lot 47  
Zoning District: General Residence A  
Description: Extend previously granted variance.  
Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, enlarged or structurally altered except in conformity with the Ordinance.
  2. A Variance from Section 10.521 to allow a 3'± right side yard setback where 10' is required.

2) Case #5-2

Petitioners: Jesse T. Lore & Melissa Jones

Property: 4 McDonough Street #1

Assessor Plan 138, Lot 25-1

Zoning District: General Residence C

Description: Add rear shed dormer. .

Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, enlarged or structurally altered except in conformity with the Ordinance.
2. A Variance from Section 10.521 to allow a 17'± rear yard setback where 20' is required.
3. A Variance from Section 10.521 to allow a 0'± secondary front yard setback where 5' is required.

3) Case #5-3

Petitioner: Jeffrey N. & Elizabeth H. Dyer

Property: 346 Union Street

Assessor Plan 134, Lot 57-1

Zoning District: General Residence A

Description: Extend right side deck with stairs and add 3½'± x 12'± shed

Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, enlarged or structurally altered except in conformity with the Ordinance.
2. A Variance from Section 10.521 to allow a 4.5'± right side yard setback for an accessory structure where 10' is required.
3. A Variance from Section 10.521 to allow 43.03%± building coverage where 25% is the maximum allowed.

4) Case #5-4

Petitioners: Five Hundred Five Lafayette Road LLC

Property: 605 Lafayette Road

Assessor Plan 229, Lot 9

Zoning District: Gateway

Description: Replace one-story office building with two-story office/retail

Requests: The Variances and/or Special Exceptions 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 changed except in conformity with the Ordinance.
2. A Variance from Section 10.1113.20 to allow required off-street parking spaces to be located between a principal building and a street.
3. A Variance from Section 10.1124.10 to allow a loading area to be located between a front property line and a building or structure.

- 5) Case #5-5  
Petitioners: 319 Vaughan Street Center LLC  
Property: 319 Vaughan Street  
Assessor Plan 124, Lot #9  
Zoning District: CD5 and Downtown Overlay District  
Description: Summer outdoor concert series.  
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, Use #3.521 to allow a series of outdoor concerts in a district where the use is only allowed by Special Exception.
  
- 6) Case #5-6  
Petitioners: 334 Parrott Avenue, LLC  
Property: 334 Parrott Avenue  
Assessor Plan 129, Lot 37  
Zoning District: General Residence A  
Description: Construct attached garage and addition with second dwelling unit.  
Requests: The Variances and/or Special Exceptions 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 6326.5± s.f. where 7,500 s.f. is required.
  
- 7) Case #5-7  
Petitioner: KLDay Realty LLC  
Property: 2 Greenleaf Woods Drive, Ste 102  
Assessor Plan 243, Lot 6-E102  
Zoning District: Gateway  
Description: Religious services in a building with office uses.  
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, Use #3.11 to allow a religious place of assembly in a district where the use is only allowed by Special Exception.
  
- 8) Case #5-8  
Petitioners: CSS Realty Trust, Christopher D. McInnis, Trustee, owner, White Acquisitions LLC, applicant  
Property: 200 McDonough Street  
Assessor Plan 144, Lot 29  
Zoning District: General Residence C  
Description: Single family home on pre-existing nonconforming lot.  
Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:
  1. A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or structurally altered except in conformity with the Ordinance.

2. A Variance from Section 10.516.30 to allow a structure obstructing visibility to be erected on a corner lot between the heights of 2.5' and 10' above the edge of pavement grades within the area outlined in the Ordinance.
  3. Variances from Section 10.521 to allow the following:
    - a) A secondary front yard setback of 1.2'± where 5' is required;
    - b) A 1.8' left side yard setback where 10'± is required; and
    - c) 44.4%± building coverage where 35% is the maximum allowed.
- 9) Case #5-9
- Petitioners: Cole BJ Portfolio II LLC & BJ's Wholesale Prop Tax DPT C2
- Property: 1811 Woodbury Avenue
- Assessor Plan 215, Lot 14
- Zoning District: General Business
- Description: Install second free-standing sign.
- Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.1240 to allow a second free-standing sign on a lot.