

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

**NOTICE IS HEREBY GIVEN** that the Board of Adjustment will hold Public Hearings on the following Old Business and New Petitions on **Tuesday, July 19, 2016 at 7:00 p.m.** in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire:

Old Business. This petition was postponed from the May 17 and June 17, 2016 meetings and has been revised from its previous publication as indicated 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. 65' 11" ± *for the proposed flat roofed office dormer onto existing sloped roof; and*
  - c. 58' 11" ± *for the proposed residential dormers*

New Petitions

1) Case #7-1

Petitioners: Sarah J. Duddy & Gregory J. Vaillancourt

Property: 43 Suzanne Drive

Assessor Plan 292, Lot 70

Zoning District: Single Residence B

Description: Raising chickens.

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 #17.20 to allow the keeping of chickens where the use is allowed by Special Exception.

- 2) Case #7-2  
Petitioners: Green Leaves Holdings LLC, owner, Portsmouth Believers Church, Inc., applicants  
Property: 4 Greenleaf Woods Drive #101  
Assessor Plan 243, Lot 6-A101  
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 where the use is allowed by Special Exception.
- 3) Case #7-3  
Petitioner: Sachiko Akiyama  
Property: 161 Aldrich Road  
Assessor Plan 153, Lot 32  
Zoning District: Single Residence B  
Description: Add second story to existing garage.  
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 71" ± left side yard setback where 10' is required.
  3. A Variance from Section 10.521 to allow a 14'± rear yard setback where 30' is required.
- 4) Case #7-4  
Petitioners: Thunderbolt Realty Trust of 2011 c/o Alison Jewett  
Property: 17 Gardner Street  
Assessor Plan 103, Lot 14  
Zoning District: General Residence B  
Description: Reconstruct rear additions.  
Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:
1. Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed, enlarged or structurally altered except in conformity with the Ordinance.
  2. Variances from Section 10.521 to allow the following:
    - a) A front yard setback of 4'10" ± where 5' is required;
    - b) A left side yard setback of 1" ± where 10' is required;
    - c) A rear yard setback of 9'2" ± where 25' is required; and
    - d) Building coverage of 40.2%± where 30% is the maximum allowed.

- 5) Case #7-5  
Petitioners: Carol I. Cooper, owner, Lorax Sustainable Development, LLC, applicant  
Property: 996 Maplewood Avenue  
Assessor Plan 219, Lot 4  
Zoning District: Single Residence B  
Description: Construct five free-standing dwellings.  
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 10.513 to allow more than one free-standing dwelling on a lot.
- 6) Case #7-6  
Petitioner: 303 Islington Street LLC  
Property: 303 Islington Street  
Assessor Plan 144, Lot 11  
Zoning District: General Residence C, (pending CD4-L2)  
Description: Maintain existing parking in rezoned district.  
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 10.5A44.31 to allow an off-street parking area to be located less than 20' behind the façade of a principal building.
  2. A Variance from Sections 10.5A43.50 and 10.5A44.32 to allow parking lots and loading areas without being screened from the street by a building or streetscreen.
- 7) Case #7-7  
Petitioners: 1987 Tamposi Limited Partnership, owner, Key Collision Center of Portsmouth, LLC, applicant.  
Property: 9 Post Road  
Assessor Plan 284, Lot 11  
Zoning District: Industrial  
Description: Auto body repair facility with existing parking areas.  
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 #11.20 to allow a motor vehicle repair use in a district where the use is allowed by Special Exception.
  2. A Special Exception under Section 10.440, Use #20.61 to allow outdoor storage of vehicles in a district where the use is allowed by Special Exception.
  3. A Variance from Section 10.843.21 to allow outdoor storage or display areas for vehicles to be set back less than 50' from the street right-of-way and from all lot lines.

4. A Variance from Section 10.1114.21 to allow parking spaces and accessways that do not meet the dimensional requirements for off-street parking.
5. A Variance from Section 1114.32(a) to allow vehicles to enter and leave parking spaces by passing over any other parking space or requiring the moving of any other vehicle.
6. A Variance from Section 10.1114.41 to allow no provision of a 5' wide pedestrian path throughout the site connecting adjacent streets, accessways, sidewalks and parking areas to the entrances to all structures.
7. A Variance from Section 10.1124.10 to allow loading areas to be located between the front property line and any building or structure or in a required side or rear yard.

8) Case #7-8

Petitioners: Airgead Realty Trust, Paul & Christopher D. McInnis, Trustees, owners, Sligo Realty Trust, applicant

Property: 678 (678-686) Maplewood Avenue

Assessor Plan 220, Lot 89

Zoning District: Single Residence B

Description: Construct warehouse with associated retail and office space on two lots proposed to be merged.

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

1. A Variance under Section 10.440 to allow warehouse, office and retail uses in a district where these uses are not allowed.