

**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, October 18, 2022** starting at 7:00 p.m. in the Eileen Dondero Foley Council Chambers, City Hall, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire.

The request of **Lucky Thirteen Properties (Owner)**, for property located at **361 Islington Street** whereas relief is needed for the conversion of use to a restaurant which requires the following: 1) Variances from Section 10.5A41.10A to allow a) a secondary front yard setback of 66 feet where 12 feet is the maximum allowed; b) to allow a front lot line buildout of 32% where 60-80% is required; c) to allow a left yard setback of 30' where 20' is the maximum allowed; and d) 14.5% open space where 25% is the minimum required. 2) A Variance from Section 10.5A44.31 to allow off-street parking spaces to be located in front of the façade of the primary building. 3) A Variance from Section 10.440, Use #9.42 to allow a restaurant with an occupancy load between 50 and 250 3) A Variance from Section 10.5A44.32 to allow parking to be unscreened from the street. 4) A Variance from Section 10.575 to allow a dumpster to be located 19 feet from a residential zoned lot where 20 feet is required. 5) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 144 Lot 23 and lies within the Character District 4-L2 (CD4-L2) and Historic Districts.

The request of **David A. Sinclair and Nicole J. Giusto (Owners)**, for property located at **765 Middle Street** whereas relief is needed for construction of a new detached garage with dwelling unit above which requires the following: 1) A Variance from Section 10.513 to allow 3 principal dwellings on a lot where only 1 is allowed per lot. 2) Variances from Section 10.521 to allow a) a lot area per dwelling of 5,376 square feet where 7,500 is required per dwelling unit; and b) a 10 foot rear yard where 20 feet is required. Said property is shown on Assessor Map 148 Lot 37 and lies within the General Residence A (GRA) and Historic Districts.

The request of **Cornwall Properties LLC (Owner)**, for property located at **50 Cornwall Street** whereas relief is needed for the addition of a shed dormer which requires the following: 1) A Variance from Section 10.521 to allow a 3 foot right side yard where 10 feet is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 144 Lot 2 and lies within the General Residence C (GRC) District.

The request of **Lucia Investments LLC (Owner)**, for property located at **3020 Lafayette Road** whereas relief is needed to remove existing deck and stairs and construct new stairs to second floor behind the building and add new HVAC units which requires the following: 1) A Variance from Section 10.521 to allow an 8 foot side yard where 10 feet is required. 2) A Variance from Section 10.515.14 to allow an 8 foot setback for the HVAC units where 10 feet is required. Said property is located on Assessor Map 292 Lot 152 and lies within the Mixed Residential Business (MRB) District.

The request of **Jeffrey M. and Melissa Foy (Owners)**, for property located at **67 Ridges Court** whereas relief is needed for construction of a 518 square foot garage addition which requires the following: 1) A Variance from Section 10.521 to allow a 15.5 foot front yard where 19 feet is required per Section 10.516.10. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 207 Lot 59 and lies within the Single Residence B (SRB) District.

The request of **Jessica Kaiser and Andrew McMahon (Owners)**, for property located at **232 Wibird Street** whereas relief is needed for the demolition of existing structures and construction of a new dwelling with attached garage which requires the following: 1) Variances from Section 10.521 to allow a) 66.5 feet of frontage where 100 feet is required; b) a 7 foot right side yard where 10 feet is required; and c) a 12 foot front yard where 15 feet is required. Said property is located on Assessor Map 149 Lot 14 and lies within the General Residence A (GRA) district.

The request of **Thomas M. Hammer Revocable Trust of 2015 (Owner)**, for property located at **219 Sagamore Avenue** whereas relief is needed to add an additional dormer to a previously approved garage which requires the following: 1) A Variance from Section 10.573.20 to allow a 9' rear yard where 15' is required for the dormer. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 221 Lot 19 and lies within the General Residence A District.

Members of the public also have the option to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. Registration information will be provided on the meeting agenda when it is posted to the web page. For technical assistance, please contact the Planning Department by email ([planning@cityofportsmouth.com](mailto:planning@cityofportsmouth.com)) or by phone 610-7216.

Those interested in submitting written comments should email [planning@cityofportsmouth.com](mailto:planning@cityofportsmouth.com) or mail to the Planning Department, City Hall, 1 Junkins Ave, Portsmouth, NH 03801. Comments for any public hearings that are received by 4:00 pm the day of the meeting will be incorporated into the record of the meeting.

Beverly Mesa Zendt  
Planning Director