

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

7:00 P.M.

MAY 16, 2017

REVISED AGENDA

I. APPROVAL OF MINUTES

- A) April 18, 2017
- B) April 25, 2017

II. OLD BUSINESS

- A. Request for Rehearing for property located at 401 State Street.

III. PUBLIC HEARINGS – OLD BUSINESS

7) Case 4-7

- Petitioners: Weeks Realty Trust, Kaley E. Weeks, Trustee and Bursaws Pantry, LLC, owners and Plan Ahead, Inc. applicant
- Property: 3110 and 3020 Lafayette Road
- Assessor Plan: Map 292, Lots 151-1, 151-2 and 152
- Zoning District: Single Residence B (Lots 151-1&2) and Mixed Residential Business (Lot 152)
- Description: Construct a retail facility of up to 15,000 s.f. with a drive-through window and lanes.
- Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:
1. A Variance or Special Exception under Section 10.440 to allow a retail use in districts where it is not allowed or only allowed by Special Exception.
 2. A Variance from Section 10.1113.20 to allow off-street parking to be located in any front yard or between a principal building and a street.
 3. A Variance from Section 10.835.31 to permit a drive-through facility to be located within 100' of a residential district and within 50' of a lot line.
 4. A Variance from Section 10.835.32 to permit drive-through lanes to be located within 50' of a residential district and within 30' of a lot line.
 5. A Variance to allow a building, structure or parking area to be located 65'± from the centerline of Lafayette Road where 80' is required.
- (This petition was postponed from the April 18, 2017 meeting)*

IV. PUBLIC HEARINGS – NEW BUSINESS

1) Case 5-1

Petitioners: Eugene & Pamela Hunter
 Property: 495 Ocean Road
 Assessor Plan: Map 283, Lot 35
 Zoning District: Single Residence A
 Description: Replace existing stairs with an 8'± x 16'± open porch.
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:

1. Variances from Section 10.521 to allow the following: a) a 20'± primary front yard where 30' is required and b) 17%± building coverage where 10% is the maximum allowed.
2. A Variance from Section 10.321 to allow a nonconforming building to be reconstructed or enlarged without conforming to the requirements of the ordinance.

Petitioner: Pamela Gould
 Property: 209 Clinton Street
 Assessor Plan: Map 159, Lot 27
 Zoning District: General Residence A
 Description: Keep four chickens (hens) in a 73"± x 38"± movable coop.
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:

1. A Variance under Section 10.440, Use #17.20 to allow the keeping of farm animals in a district where the use is not allowed.

3) Case 5-3

Petitioners: Brick Act LLC, owner and Kristin Fichera, applicant
 Property: 100-102 State Street
 Assessor Plan: Map 107, Lot 52-1
 Zoning District: Character District 4
 Description: Operate a preschool for a maximum of 20 children where no off-street parking is provided.
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:

1. A Variance from Section 10.1112.30 to provide no off-street parking spaces where 0.5 spaces per client licensed capacity are required.

4) Case 5-4

Petitioner: Deer Street Associates
 Property: 165 Deer Street (Lot/Building 3)
 Assessor Plan: Map 125, Lot 17
 Zoning District: Character District 5 and Downtown Overlay District
 Description: Construct a 5-story mixed use building with enclosed off-street parking utilizing a lift system.

- Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:
1. A Variance from Section 10.516.20 to allow a 5'± rear yard adjoining a railroad right-of-way where 15' is required.
 2. A Variance from Section 10.1114.21 to allow 62 parking spaces utilizing a two-car lift system in each bay that does not meet the required dimensions for parking spaces.
 3. A Variance from Section 10.1114.32(a) to allow vehicles to enter and leave parking spaces by passing over another parking space or requiring the moving of another vehicle.

5) Case 5-5

- Petitioner: Steven J. Craige
 Property: 10 Humphreys Court
 Assessor Plan: Map 101, Lot 43
 Zoning District: General Residence B
 Description: Replace existing one-car garage with a two-car garage.
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:
1. Variances from Section 10.521 to allow the following: a) a right side yard of 2'-10.25" ± where 10' is required; b) an 8'1" ± rear yard where 25' is required; and c) 33.9%± building coverage where 30% is the maximum allowed.
 2. A Variance from Section 10.321 to allow a nonconforming building to be reconstructed or enlarged without conforming to the requirements of the ordinance.

6) Case 5-6

- Petitioners: Matthew & Katherine Menchen
 Property: 416 Ocean Road
 Assessor Plan: Map 293, Lot 12
 Zoning District: Single Residence A
 Description: Keep chickens (hens) in a mobile coop.
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:
1. A Special Exception under Section 10.440, Use #17.20 to allow the keeping of farm animals in a district where the use is only allowed by Special Exception.