

**BOARD OF ADJUSTMENT MEETING
PORTSMOUTH, NEW HAMPSHIRE
EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

7:00 P.M.

November 16, 2021

ACTION SHEET

MEMBERS PRESENT: Chairman David Rheume, Vice-Chairman Peter McDonell, Christopher Mulligan, Arthur Parrott, David MacDonald, Beth Margeson, Alternate Chase Hagaman, Alternate Phyllis Eldridge

MEMBERS EXCUSED: Jim Lee

ALSO PRESENT: Peter Stith, Planning Department

I. APPROVAL OF MINUTES

A) Approval of the minutes of the meetings of October 19, 2021.

The Board voted to **approve** the October 19, 2021 minutes.

II. OLD BUSINESS

A. Request of **Ashley Dickenson and Elyse Hambacher, (Owners)**, for the property located at **125 Elwyn Avenue** whereas relief is needed from the Zoning Ordinance to demolish existing garage and rear addition on main structure and construct a new garage with dwelling unit above and reconstruct rear addition on main structure including two shed dormers which requires the following: 1) Variances from Section 10.521 to allow a) lot area per dwelling of 2,559 square feet where 7,500 is required; b) a 1' secondary front yard where 15' is required; c) a 5' left side yard where 10' is required; d) a 2' right side yard where 10' is required; and e) 39% building coverage where 25% is the maximum allowed. 2) A Variance from Section 10.513 to allow more than one free-standing dwellings on a lot. 3) 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 112 Lot 47 and lies within the General Residence A (GRA) District. (LU-21-172)

The Board voted to **grant** the request as presented and advertised.

B. Request of **C. P. Schoff & T. C. Revocable Trust, (Owner)**, for the property located at **134 Fairview Avenue** whereas relief is needed from the Zoning Ordinance to demolish existing dwelling and construct a new single-family dwelling which requires the

following: 1) Variances from Section 10.521 to allow a) a lot area of 14,226 square feet where 15,000 is required; and b) a lot area per dwelling unit of 14,226 square feet where 15,000 is required. Said property is show on Assessor Map 220 Lot 63 and lies within the Single Residence B (SRB) District. (LU-21-185)

The Board voted to **grant** the request as presented and advertised.

C. Request of **Malloy Revocable Trust, (Owner)**, for the property located at **52 Prospect Street** whereas relief is needed from the Zoning Ordinance to demolish existing rear addition and construct a 2-story rear addition which requires the following: 1) Variances from Section 10.521 to allow a) a 1.5' left side yard where 10' is required; and b) 30.5% building coverage where 25% is the maximum allowed. 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 141 Lot 13 and lies within the General Residence A (GRA) and Historic Districts. (LU-21-188)

The Board voted to **grant** the request as presented and advertised.

D. Request of **Dagny Taggart, LLC, (Owner)**, for the property located at **93 Pleasant Street** whereas relief is needed from the Zoning Ordinance for the redevelopment of an existing 4-story structure and construction of new structure totaling 52 living units which requires the following: 1) Variances from Section 10.5A41.10C to allow a) a finished floor surface of the ground floor to be 60" where 36" is the maximum allowed; b) a ground story height of 10'8" where 12' is the minimum required; and c) to allow entrance spacing greater than 50' where 50' is the maximum. 2) A Variance from Section 10.5A41.10C & 10.642 (1) to allow residential uses on the ground floor where it is prohibited in the Downtown Overlay District. 3) A Variance from Section 10.5A44.35 to allow an above-ground portion of a parking structure without a liner building. Said property is show on Assessor Map 107 Lot 74 and lies within the Character District 4 (CD4), Historic and Downtown Overlay Districts. (LU-21-183)

- 1) The board voted to **deny** Variance 2 to allow residential uses on the ground floor where it's prohibited in the Downtown Overlay District.
- 2) The board voted to **grant** Variance 1, sections A, B and C as presented and advertised.
- 3) The board determined that Variance 3 was not required.

III. PUBLIC HEARINGS – NEW BUSINESS

- A) Request of **Richard E. Tully Revocable Trust and Madeline F. Tully Revocable Trust, (Owners)**, for the property located at **194 Madison Street** whereas relief is needed from the Zoning Ordinance to convert a single family dwelling into a two-family dwelling which requires the following: 1) A Variance from Section 10.521 to allow a lot area per dwelling unit of 1,219 square feet where 3,500 is required. Said property is shown on Assessor Map 146 Lot 17 and lies within the General Residence C (GRC) District. (LU-21-191)

The board voted to **postpone** to the December meeting.

- B) Request of **Cyrus B. and Robin B. Noble, (Owners)**, for the property located at **15 Mount Vernon Street** whereas relief is needed from the Zoning Ordinance to addition over existing garage which requires the following: 1) Variances from Section 10.521 to allow a) a 2.5' front yard where 5' is required; b) an 8.5' right side yard where 10' is required; and c) a 20' rear yard where 25' 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 located on Assessor Map 111 Lot 33 and is located in the General Residence B (GRB) and Historic districts. (LU-19-126)

The Board voted to **grant** the request as presented and advertised.

- C) Request of **Monarch Family Trust of 2018, (Owner)**, for the property located at **45 Miller Avenue** whereas relief is needed from the Zoning Ordinance for an addition of a covered front porch and conversion of existing balcony into enclosed bathroom which requires the following: 1) Variances from Section 10.521 to allow a) an 8' left side yard where 10' is required; and b) 28% building coverage where 25% is the maximum allowed. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be expanded, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on assessor Map 129 Lot 21 and lies within the General Residence A (GRA) district. (LU-21-195)

The board voted to **postpone** to the December meeting.

- D) Request of **Artwill, LLC, (Owner)**, for the property located at **437 Lafayette Road** whereas relief is needed from the Zoning Ordinance for a proposed four (4) lot subdivision which requires the following: 1) Variances from Section 10.521 to allow a) 60.6' of continuous street frontage where 100' is required for proposed Lot 3; and b) 67.2' of continuous street frontage where 100' is required for proposed Lot 4. Said property is shown on Assessor Map 229 Lot 1 and lies within the Single Residence B (SRB) District. (LU-21-196)

The board voted to **postpone** to the December meeting.

IV. OTHER BUSINESS

There was no other business.

V. ADJOURNMENT

The meeting was adjourned at 10:55pm