

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

**7:00 P.M.**

**October 18, 2022**

**ACTION SHEET**

**MEMBERS PRESENT:** Jim Lee, Vice Chair; David MacDonald; Beth Margeson; Paul Mannle; Phyllis Eldridge; Thomas Rossi; Jeffrey Mattson, Alternate

**MEMBERS EXCUSED:** None

**ALSO PRESENT:** Peter Stith, Planning Department

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**I. APPROVAL OF MINUTES**

A) Approval of the minutes of the meetings of September 20, 2022 and September 27, 2022.

*The minutes of the September 20, 2022 and September 27, 2022 meetings were approved as amended.*

**II. OLD BUSINESS**

A. The request of **Kathleen E. Oprea and John Schroeder (Owners)**, for property located at **1344 and 1346 Islington Street** whereas relief is needed to construct a new deck and add detached garage which requires the following: 1) Variances from Section 10.521 to allow: a) a 28' rear yard for the deck where 30' is required; b) a 2' left side yard where 10' is required for the garage; and c) a Variance from Section 10.521 to allow 30% building coverage where 20% is the maximum allowed. Said property is located on Assessor Map 233 Lot 98 and lies within the Single Residence B (SRB) district. (LU-22-160)

*The Board voted to **grant** the variances as presented and advertised, with the following **stipulations**:*

- 1) The left side yard shall be four feet;*
- 2) The building coverage shall be 29 percent instead of 30 percent; and*
- 3) The property shall be surveyed.*

B. The request of **Martin Hanssmann (Owner)**, for property located at **130 Gates Street** whereas relief is needed to add an HVAC unit which requires the following: 1) A Variance from Section 10.515.14 to allow a 3' setback where 10' is required. Said property is located on

Assessor Map 103 Lot 55 and lies within the General Residence B (GRB) and Historic districts. (LU-22-161)

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

- C. The request of **Judith A. Mraz Revocable Trust (Owner)**, for property located at **11 Walden Street** whereas relief is needed to install a heat pump which requires the following: 1) A Variance from Section 10.515.14 to allow a 1 foot rear yard setback and a 1.5 foot side yard setback where 10 feet is required for each. Said property is located on Assessor Map 101 Lot 17 and lies within the General Residence B (GRB) and Historic districts. (LU-22-177)

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

### III. NEW BUSINESS

- A. 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) s 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. (LU-22-195)

*The Board voted to **grant** the variances, with the exception of Variance No.3, as presented and advertised, with the following **stipulation**:*

*1) The design and location of the project may change based on the Planning Board and HDC reviews and approvals.*

- B. 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. (LU-22-196)

*The Board voted to **grant** the variances as presented, with the following **stipulation**:*

1) *The design and location of the garage may change based on Planning Board and Historic District Commission review and approval.*

- C.** 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. (LU-22-194)

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

- D.** 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. (LU-22-197)

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

- E. REQUEST TO POSTPONE** 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. **REQUEST TO POSTPONE** (LU-22-199)

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

- F.** 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. (LU-22-198)

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

- G.** 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. (LU-22-186)

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

#### **IV. OTHER BUSINESS**

*There was no other business.*

#### **V. ADJOURNMENT**

*The meeting was adjourned at 11:15 PM*