

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

*Members of the public also have the option to join the meeting over Zoom
(See below for more details)**

7:00 P.M.

May 17, 2022

AGENDA

<p><u>PLEASE NOTE:</u> ITEMS H THROUGH Q WILL BE HEARD AT THE MAY 24, 2022 BOARD OF ADJUSTMENT MEETING.</p>
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I. APPROVAL OF MINUTES

A) Approval of the minutes of the meetings of April 19, 2022.

II. OLD BUSINESS

A. 189 Gates Street – Request for Rehearing (LU-22-30)

B. George and Donna Pantelakos - 138 Maplewood Avenue request a 1-Year extension to the BOA approval of the garage renovation and expansion granted on June 16, 2020. (LU-20-71)

C. REQUEST TO POSTPONE The request of **Francis X. Bruton, (Attorney for Appellants)**, for Appeal of Administrative decision that the merged lot at **1 Congress** is not subject to the height allowances (2 stories, 4th short, 45 feet in height) pursuant to Map 10.5A21B and as permitted pursuant to Section 10.5A21.22(a) & (c) of the Zoning Ordinance. Said property is shown on Assessor Map 117 Lot 14 and lies within Character District 4 (CD-4), Character District 5 (CD-5) and the Historic District.
REQUEST TO POSTPONE (LU-22-12)

D. REQUEST TO POSTPONE The request of **One Market Square LLC (Owner)**, for the property located at **1 Congress Street** whereas relief is needed to construct a 3 story addition with a short 4th story and building height of 44'-11" which requires the

following: 1) A Variance from Section 10.5A.43.31 and Map 10.5A21B to allow a 3-story addition with a short 4th and building height of 44'-11" where 2 stories (short 3rd) and 40' is the maximum allowed. Said property is shown on Assessor Map 117 Lot 14 and lies within Character District 4 (CD-4), Character District 5 (CD-5) and the Historic District. **REQUEST TO POSTPONE** (LU-22-12)

E. REQUEST TO POSTPONE The request of **635 Sagamore Development LLC (Owner)**, for property located at **635 Sagamore Avenue** whereas relief is needed to remove existing commercial structure and construct 5 new single-family dwellings which requires the following: 1) A Variance from Section 10.513 to allow 5 principal structures on a lot where only 1 is permitted. 2) A Variance from Section 10.521 to allow a lot area per dwelling unit of 22,389 square feet where 1 acre per dwelling is required. Said property is shown on Assessor Map 222 Lot 19 and lies within the Single Residence A (SRA) District. **REQUEST TO POSTPONE** (LU-22-57)

F. WITHDRAWN The request of **Randi and Jeff Collins (Owners)**, for property located at **77 Meredith Way** whereas relief is needed to construct a second free-standing dwelling which requires the following: 1) A Variance from Section 10.513 to allow a second principal structure on a lot. 2) A Variance from Section 10.1114.31 to allow 2 driveways on a lot where only 1 is allowed. Said property is shown on Assessor Map 162 Lot 16 and lies within the General Residence A (GRA) District. **WITHDRAWN** (LU-22-61)

G. The request of **64 Vaughan Mall LLC (Owner)**, for property located at **64 Vaughan Street** whereas relief is needed for the addition of a rooftop penthouse which requires the following: 1) A Variance from Section 10.5A43.30 and Map 10.5A21B to allow a building height of 51'6" where 42' is the maximum allowed for a penthouse. 2) A Variance from Section 10.1530 to allow a penthouse with a 9.5' setback from the edge of the roof where 15 feet is required. Said property is shown on Assessor Map 126 Lot 1 and lies within the Character District 5 (CD-5) and Downtown Overlay and Historic Districts. (LU-22-65)

NEW BUSINESS

A. The request of **Adam Fitzpatrick and Emily Smith (Owners)**, for property located at **96 Sparhawk Street** whereas relief is needed to add an addition on the existing dwelling and an addition to a shed which requires the following: 1) Variances from Section 10.521 to allow a) a 4 foot right side yard where 10' is required; and b) an 8 foot front yard where 15 feet is required. 2) Variances from Section 10.573.20 to allow a) a 4 foot right side yard where 9.5 feet is required; and b) a 7 foot rear yard where 9.5 feet is required. 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 159 Lot 16 and lies within the General Residence A (GRA) District. (LU-22-42)

- B.** The request of **The Lonzoni Family Revocable Trust (Owner)**, for property located at **411 South Street** whereas relief is needed to demolish existing garage and construct new attached garage which requires the following: 1) Variance from Section 10.521 to allow a 6 foot rear yard where 20 feet is required. 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the Ordinance. Said property is shown on Assessor Map 112 Lot 55 and lies within the General Residence A (GRA) District. (LU-22-67)
- C.** The request of **Andrea Hurwitz (Owner)**, for property located at **129 Aldrich Road** whereas relief is needed for a second floor addition with rear addition and deck which requires the following: 1) Variance from Section 10.521 to allow a 5.5 foot left side yard where 10 feet is required. 2) 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 153 Lot 35 and is located within the Single Residence B (SRB) District. (LU-22-71)
- D.** The request of **Donald Lowell Stickney III (Owner)**, for property located at **213 Jones Avenue** whereas relief is needed for the addition of a second driveway which requires the following: 1) Variance from Section 10.1114.31 to allow a second driveway on a lot where only one driveway is allowed. Said property is located on Assessor Map 222 Lot 69 and lies within the Single Residence B (SRB) District. (LU-22-34)
- E.** The request of **Ann Genevieve Becksted Trust of 2004 (Owner)**, for property located at **9 Schurman Avenue** whereas relief is needed to add a 6' x 25' two story addition and side porch which requires the following. 1) A Variance from Section 10.521 to allow a 22 foot front yard where 30 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 located on Assessor Map 260 Lot 158 and lies within the Single Residence B (SRB) District. (LU-22-84)
- F.** The request of **Andrew DiPasquale (Owner)**, for property located at **80 Fields Road** whereas relief is needed to Construct rear addition and enclose existing carport to create sunroom with front porch which requires the following: 1) Variances from Section 10.521 to allow a) a 26 foot rear yard where 30 feet is required; b) a 9 foot right side yard where 10 feet is required; c) a 9 foot left side yard where 10 feet is required; d) a 23 foot front yard where 30 feet is required; and e) 29% building coverage where 20% is the maximum allowed. 2) 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 171 Lot 8 and lies within the Single Residence B (SRB) District. (LU-22-76)
- G.** The request of **Pamela J. Katz Revocable Trust (Owner)**, for property located at **462 Lincoln Ave, Unit 4** whereas relief is needed to install a generator which requires the

following: 1) A Variance from Section 10.515.14 to allow a 6 foot setback where 10 feet is required and to allow the generator to be closer to the street than the principal structure. Said property is located on Assessor Map 133 Lot 20-4 and lies within the General Residence A (GRA) District. (LU-22-77)

THE FOLLOWING ITEMS WILL BE HEARD ON TUESDAY, MAY 24, 2022

- H.** The request of **Joseph Ricci (Applicant)**, for property located at **225 Banfield Road** whereas relief is needed to demolish existing building and construct new 5 unit commercial building and 60 unit residential building with underground parking which requires the following: 1) A Variance from Section 10.521 to allow a 45 foot front yard where 70 feet is required. 2) A Variance from Section 10.440 to allow a 60 unit residential building where residential uses are not permitted in the Industrial district. Said property is located on Assessor Map 254 Lot 1 and lies within the Industrial (I) District. (LU-22-91)
- I.** The request of **Thomas Hammer (Applicant)**, for property located at **219 Sagamore Road** whereas relief is needed to demolish the existing garage and deck and construct new garage and entryway which requires the following: 1) A Variance from Section 10.521 to allow 30.5% building coverage where 25% is the maximum allowed. 2) A Variance from Section 10.573.20 to allow a 2.5 foot rear yard where 15 feet is required. 3) A Variance from Section 10.571 to allow an accessory structure to be located closer to a street than the principal structure. 4) 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 (GRA) District. (LU-22-26)
- J.** The request of **2422 Lafayette Road Associates LLC (Owner)**, for property located at **2454 Lafayette Rd, Unit 5** whereas relief is needed for a proposed veterinary urgent care clinic which requires the following: 1) A Special Exception from Section 10.440 Use #7.50 to allow a Veterinary Care use where the use is allowed by Special Exception. Said property is located on Assessor Map 273 Lot 3-5 and lies within the Gateway Corridor (G1) District. (LU-22-93)
- K.** The request of **Nicole Giusto (Applicant)**, and **Cooper Malt LLC (Owner)**, for property located at **650 Islington St, Unit C** whereas relief is needed for a proposed veterinary care clinic which requires the following: 1) A Special Exception from Section 10.440 Use #7.50 to allow a Veterinary Care use where the use is allowed by Special Exception. Said property is located on Assessor Map 155 Lot 5-C1 and lies within the Character District 4-W (CD4W) and the Historic District. (LU-22-92)

- L.** The request of **Thomas and Lindsey Vickery (Owners)**, for property located at **37 Orchard Street** whereas relief is needed for a proposed addition which requires the following: 1) A Variance from Section 10.521 to allow 26.5% building coverage where 25% is the maximum allowed. Said property is located on Assessor Map 149 Lot 9 and lies within the General Residence A (GRA) District. (LU-22-95)
- M.** The request of **London Bridge South Inc. (Owner)**, for the property located at **114 Saratoga Way** whereas relief is needed to amend a previously approved application to merge two lots and demo existing structures in order to construct a 4 unit multi family dwelling which requires the following: 1) A Variance from Section 10.521 to allow a lot area per dwelling unit of 3,736 square feet where 5,000 square feet is the minimum required; and 2) A Special Exception from Section 10.440 Use #1.51 to allow 4 dwelling units where the use is allowed by a special exception. Said property is shown on Assessor Map 212 Lot 112 and lies within the General Residence B District. (LU-20-164)
- N.** The request of **Katherine Nolte and Angela Davis (Owners)**, for property located at **276 Aldrich Road** whereas relief is needed to remove existing mudroom and construct covered front porch which requires the following: 1) Variances from Section 10.521 to allow a) 33% building coverage where 20% is the maximum allowed; b) 7.5 foot left side yard where 10 feet is required; and c) 7.5 foot secondary front yard where 30 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 located on Assessor Map 166 Lot 14 and lies within the Single Residence B (SRB) District. (LU-22-97)
- O.** The request of **Joel St. Jean and Mariele Chambers (Owners)**, for property located at **108 Burkitt Street** whereas relief is needed to demolish existing garage and construct new 13' x 30' garage which requires the following: 1) A Variance from Section 10.573.20 to allow a 1 foot left side yard where 10 feet is required. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 159 Lot 30 and lies within the General Residence A (GRA). (LU-22-89)
- P.** The request of **Thomas J. and Angela Mita (Owners)**, for property located at **81 Taft Road** whereas relief is needed to construct a 235 square foot addition which requires the following: 1) A Variance from Section 10.521 to allow a 17.5 foot secondary front yard where 30 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 located on Assessor Map 247 Lot 87 and lies within the Single Residence B (SRB) District. (LU-22-98)
- Q.** The request of **One Hundred Forty West Road Condos (Owner)**, for property located at **140 West Road** whereas relief is needed to convert existing structure into a private indoor

recreation facility which requires the following: 1) A Variance from Section 10.440 Use #4.30 to allow and indoor recreation use where the use is not permitted. 2) A Variance from Section 10.1113.41 to allow parking to be located 2 feet from the front lot line where 50 feet is required. Said property is located on Assessor Map 252 Lot 2-13 and lies within the Industrial (I) District. (LU-22-99)

III. OTHER BUSINESS

IV. ADJOURNMENT

**Members of the public also have the option to join this meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:*

https://us06web.zoom.us/webinar/register/WN_mEGg2czRR9OO8ifXHLn_Tw