

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

7:00 P.M.

January 17, 2023

ACTION SHEET

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

MEMBERS EXCUSED:

ALSO PRESENT: Stefanie Casella, Planning Department

PLEASE NOTE: DUE TO THE LARGE VOLUME OF AGENDA ITEMS SCHEDULED FOR JANUARY 17, 2023, THE BOARD WILL BE VOTING TO POSTPONE CONSIDERATION OF NEW BUSINESS ITEMS E. THROUGH I. TO THE JANUARY 24, 2023 BOARD OF ADJUSTMENT MEETING.

The Board voted to split the agenda and hear New Business items E through I on Tuesday, January 24, 2023.

Motion: P. Mannle, D. Macdonald. Passed all in favor.

I. APPROVAL OF MINUTES

A. Approval of the December 20, 2022 minutes.

*The Board voted to **approve** the December Minutes as amended.*

II. OLD BUSINESS

A. Cherie Holmes and Yvonne Goldsberry - 45 Richmond Street request a 1-year extension to the variances granted on January 19, 2021. (LU-20-249)

*The Board voted to **grant** the 1-Year extension as requested.*

Motion: T. Rossi, J. Mattson. Passed by unanimous vote.

B. 67 Ridges Court - Request for Rehearing (LU-22-199)

*The Board voted to **deny** the request for a Rehearing because the material changes would not have altered the Board's original decision, or their second decision as all the objections that the Board found in the application were still in play and the Board did not error in making its decision.*

Motion: P. Mannle, B Margeson. Passed by a vote of 4-3, with Mr. Rheume, Mr. Rossi, and Mr. Mattson voting in opposition.

C. 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 structures and construct 4 single family dwellings which requires the following: 1) A Variance from Section 10.513 to allow four free-standing dwellings where one is permitted. 2) A Variance from Section 10.521 to allow a lot area per dwelling unit of 21,198 square feet per dwelling where 43,560 square feet is required. Said property is located on Assessor Map 222 Lot 19 and lies within the Single Residence A (SRA) District. (LU-22-209) **REQUEST TO POSTPONE**

The Board voted to take Old Business item C. out of order.

Motion: D. Rheume, B. Margeson. Passed all in favor.

*The Board voted to grant the request to **postpone** consideration to the **March 21, 2023** Board of Adjustment meeting.*

Motion: P. Mannle, D. Macdonald. Passed 5-0 in favor, D. Rheume and T. Rossi recused from the vote.

D. The request of **Nissley LLC (Owner)**, for property located at **915 Sagamore Avenue** whereas relief is needed to demolish the existing building and construct new mixed-use building which requires the following: 1) A Variance from Section 10.440 to allow a mixed-use building where residential and office uses are not permitted. 2) A Variance from Section 10.1113.20 to allow parking to be located in the front yard and in front of the principal building. 3) A Variance from Section 10.1114.31 to allow 2 driveways on a lot where only one is allowed. Said property is located on Assessor Map 223 Lot 31 and lies within the Waterfront Business (WB) District. (LU-22-229)

*The Board voted to **postpone** to the **February 22, 2023** meeting.*

Motion: D. Rheume, J. Mattson. Passed by a vote of 4-2, Mr. Mannle and Vice-Chair Margeson voted in opposition, T. Rossi recused from the vote.

III. NEW BUSINESS

A. The request of **Sarah M Gardent Revocable Trust (Owner)**, for property located at **47 Howard Street** whereas relief is needed for the installation of a mechanical heat pump which

requires the following 1) Variance from section 10.515.14 to allow a 8 foot setback where 10 feet is required. Said property is located on Assessor Map 103 Lot 84 and lies within the General Residence B (GRB) and Historic District. (LU-22-242)

*The Board voted to **grant** the variance as submitted.*

Motion: T. Rossi, D. Rheume. Passed by unanimous vote.

- B.** The request of **Antonio Salema, Trustee of Salema Realty Trust (Owner)**, for property located at **199 Constitution Avenue** whereas relief is needed to build a climbing, yoga, and general and specialty fitness studio in an existing building which requires the following 1) Special Exception from Section 10.440 Use #4.42 to allow a health club, yoga studio, martial arts school, or similar use that is greater than 2,000 GFA. Said property is located on Assessor Map 285 Lot 16-301 and lies within the Industrial District. (LU-22-249)

*The Board voted to **grant** the special exception for the application as presented and advertised.*

Motion: B. Margeson, T. Rossi. Passed by unanimous vote.

- C.** The request of **Jesse M Lynch and Sarah L Lynch (Owners)**, for property located at **19 Sunset Road** whereas relief is needed to construct a connector structure from primary structure to the garage which requires the following: 1) Variance from Section 10.521 to allow a) 27 foot setback where 30 feet is required; and b) 22 % building coverage where 20% is required. 2) 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 153 Lot 19 and lies within the Single Residence B (SRB) District. (LU-22-250)

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

Motion: D. Rheume, J. Mattson. Passed by unanimous vote.

- D.** The request of **Patrick and Nicole Mullaly (Owners)**, for property located at **36 Hunters Hill Avenue** whereas relief is needed to construct an addition with a second living unit which requires the following: 1) Variance from Section 10.440 Use #1.30 to allow a two-family dwelling unit in the Business District. 2) Variance from Section 10.531 to allow a 5 foot setback where 10 feet is required. Said property is located on Assessor Map 160 Lot 38 and lies within the Business (B) District. (LU-22-243)

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

1. *The Board recognizes the de minimis error in the advertisement for this application of 10 feet versus 15 feet.*

Motion: D. Rheume, Mattson. Passed by unanimous vote.

THE BOARD WILL BE VOTING TO POSTPONE CONSIDERATION OF THE FOLLOWING ITEMS TO THE JANUARY 24, 2023 BOARD OF ADJUSTMENT MEETING.

- E. The request of **Ashley and Robert T Blackington (Owners)**, for property located at **65 Mendum Avenue** whereas relief is needed to construct an addition to the existing primary structure which requires 1) Variance from Section 10.531 to allow a 7 foot setback where 10 feet is required. Said property is located on Assessor Map 148 Lot 11 and lies within the General Residence A (GRA) District. (LU-22-241)
- F. The request of **Lucky Thirteen Properties LLC (Owner)**, for property located at **147 Congress Street** whereas relief is needed to expand the existing structure which requires 1) Variance from Section 10.5A41.10D to allow 2% open space where 5% is required. Said property is located on Assessor Map 126 Lot 4 and lies within the Character District 5 (CD5) Downtown Overlay and Historic District. (LU-22-192)
- G. The request of **Timothy and Rebecca OBrien (Owners)**, for property located at **396 Miller Avenue** whereas relief is needed to create a second driveway which requires 1) Variance from Section 10.1114.31 to allow two driveways where only one per lot is permitted. Said property is located on Assessor Map 131 Lot 24 and lies within the General Residence A (GRA) District. (LU-22-211)
- H. The request of **Karen Bouffard Revocable Trust and Karen Bouffard Trustee (Owner)**, for property located at **114 Maplewood Avenue** whereas relief is needed for the installation of a A/C Condenser Unit which requires the following 1) Variance from section 10.515.14 to allow a 2 foot setback where 10 feet is required. Said property is located on Assessor Map 124 Lot 4 and lies within the Character District 4-L1 (CD4-L1) and Historic District. (LU-22-256)
- I. The request of **Thomas E, Marybeth B, James B, and Meegan C Reis (Owners)**, for property located at **305 Peverly Hill Road** whereas relief is needed to renovate the existing primary dwelling into a two unit dwelling and to construct a new single unit dwelling which requires the following 1) Variance from Section 10.440 Use #1.30 to allow a two unit dwelling in the SRB District. 2) Variance from Section 10.513 to allow more than one free standing dwelling on a lot in the SRB District. Said property is located on Assessor Map 255 Lot 5 and lies within the Single Residence A (SRA); Single Residence B (SRB) and Natural Resource Protection (NRP) District. (LU-22-251)

IV. OTHER BUSINESS

There was no other business.

V. ADJOURNMENT

The meeting adjourned at 9:42 p.m.