

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

7:00 P.M.

May 2, 2023

ACTION SHEET

MEMBERS PRESENT: Phyllis Eldridge, Chair; Paul Mannle; Thomas Rossi; David Rheame; Jeffrey Mattson; Jody Record, Alternate; ML Geffert, Alternate

MEMBERS EXCUSED: Beth Margeson, Vice Chair

ALSO PRESENT: Stefanie Casella, Planning Department

I. OLD BUSINESS (*Continued from April 18, 2023*)

- A. REQUEST TO POSTPONE** The request of **Jared J Saulnier (Owner)**, for property located at **4 Sylvester Street** whereas relief is needed to subdivide one lot into two lots which requires the following: Proposed Lot 1: 1) Variances from Section 10.521 to allow a) a lot area and lot area per dwelling of 9,645 square feet where 15,000 is required for each; b) 80 feet of lot depth where 100 feet is required; and c) a 9 foot right side yard where 10 feet is required. Proposed Lot 2: 1) Variances from Section 10.521 to allow a) a lot area and lot area per dwelling unit of 6,421 square feet where 15,000 is required for each; b) 40 feet of street frontage where 100 feet is required; and c) 80 feet of lot depth where 100 feet is required. Said property is located on Assessor Map 232 Lot 36 and lies within the Single Residence B (SRB) District. **REQUEST TO POSTPONE (LU-23-27)**

*The Board voted to **grant** the request to **postpone** to the May 16, 2023 meeting.*

- B. POSTPONED TO MAY 16 2023** The request of **Cynthia Austin Smith and Peter (Owners)**, for property located at **9 Kent Street** whereas relief is needed to demolish the existing two-family and construct a single-family dwelling which requires the following: 1) Variances from Section 10.521 to allow a) a lot area and lot area per dwelling of 5,000 square feet where 7,500 square feet is required for each; b) 53% building coverage where 25% is the maximum allowed; c) a 4.5 foot rear yard where 20' is required; d) a 0.5 foot side yard where 10 feet is required; e) a 0 foot front yard where 11 feet is allowed under Section 10.516.10; and f) a 9.5 foot secondary front yard where 13 feet is allowed under Section 10.516.10. 2) A Variance from Section 10.515.14 to allow a 1.5 foot setback for

a mechanical unit where 10 feet is required. Said property is located on Assessor Map 113 Lot 42 and lies within the General Residence A (GRA) District. **POSTPONED TO MAY 16 2023** (LU-23-28)

*No action taken. The petition was previously **postponed** to the May 16 meeting.*

II. NEW BUSINESS

- A. Petition of 729-733 Middle Street Condominium Association, Nicole M. Bodoh and Craig Crowell**, for Appeal of an Administrative Decision not to present to the Board of Adjustment the Motion for Rehearing of Variance Application of **David Sinclair and Nicole Giusto** for property located at **765 Middle Street** due to an untimely request. Said property is shown on Assessor Map 148 Lot 37 and lies within the General Residence A (GRA) and Historic Districts. (LU-23-46)

*The Board voted to **deny** the request. The decision was based on the determination that the Planning and Sustainability Director has the authority to enforce the Zoning Code, including Section 10.234.20. Motion: P. Mannle; T. Rossi*

- B. The request of Peter G Morin Trust, Peter G Morin Trustee (Owner)**, for property located at **170 Mechanic Street** whereas relief is needed to install a generator which requires the following: 1) Variance from Section 10.515.14 to allow a) 4 foot rear yard where 10' is required and 5.5 foot rear 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 located on Assessor Map 102 Lot 7 and lies within the General Residence B (GRB) and Historic District. (LU-23-35)

*The Board voted to **grant** the request for variances as presented and advertised. Motion: D. Rheaume; P. Mannle*

- C. The request of RTM Trust, Ryan T Mullen and Heidi E K Trustees (Owners)**, for property located at **253 Odiorne Point Road** whereas relief is needed to construct a deck extension which requires a Variance from Section 10.521 to allow a 30 foot rear yard where 40 feet is required. Said property is located on Assessor Map 224 Lot 10-19 and lies within the Single Residence A (SRA) District. (LU-23-36)

*The Board voted to **grant** the request for variances as presented and advertised. Motion: P. Mannle; J. Mattson.*

- D. The request of Cherie A Holmes and Yvonne P Goldsberry (Owners)**, for property located at **45 Richmond Street** whereas relief is needed to construct a greenhouse which requires the following: 1) Variance from Section 10.521 to allow a 5.5 foot rear yard where 15 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 located on Assessor Map 108 Lot 18 and lies within the Mixed Residential Office (MRO) and Historic District. (LU-20-249)

*The Board voted to **grant** the variances for the project with the following **condition**:*

- 1) The variance will be 5 feet plus or minus as opposed to the advertised value of 5.5 feet as requested in the staff memo.*

Motion: D. Rheaume; P. Mannle

- E.** The request of **45 Rockingham St LLC (Owner)**, for property located at **45 Rockingham Street** whereas relief is needed to construct a front porch and rear addition which requires the following: 1) Variance from Section 10.521 to allow a) .5 foot front yard where 5 feet is required, b) 1.5 foot side yard where 10 feet is required, c) 41% building coverage where 35% is 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 144 Lot 6 and lies within the General Residence C (GRC) District. (LU-23-41)

*The Board voted to **grant** the variances for the project as requested. The Board determined that a variance request 1.a, for the front yard, was not needed.*

Motion: J. Mattson; ML Geffert

- F.** The request of **Bucephalus LLC (Owner)**, for property located at **650 Maplewood Avenue** whereas relief is needed to remove the outdoor fenced storage area and construct a 48 foot by 25.5 foot addition to the rear of the existing structure which requires a Variance from Section 10.592.20 to allow the expansion of space used for motorcycle sales located adjacent to a Residential district where 200 feet is required. Said property is located on Assessor Map 220 Lot 88 and lies within the Business (B) District. (LU-21-111)

*The Board voted to **grant** the variance for the application as presented and advertised, with the following **condition**:*

- 1) The two temporary storage units now in the space that is going to be built out shall be removed from the property.*

Motion: T. Rossi; J. Record.

- G.** The request of **Cate Street Development LLC (Owner)**, for property located at **360 US Route 1 BYP** whereas relief is needed to install a sign on the northern façade of the building which requires a Variance from Section 10.1271 to allow a sign to be installed on a façade not facing the street or with a public entrance; 2) Variance from Section 10.1242 to allow more than one parapet sign above the ground floor per facade. Said property is located on Assessor Map 172 Lot 1 and lies within the Gateway Corridor (G1) District. (LU-23-44)

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

Motion: ML Geffert; J. Mattson

III. OTHER BUSINESS

There was no other business.

IV. ADJOURNMENT

The meeting was adjourned at 10:08 p.m.