

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

7:00 P.M.

January 23, 2024

ACTION SHEET

MEMBERS PRESENT: Phyllis Eldridge, Chair; Beth Margeson, Vice Chair; David Rheaume; Thomas Rossi; Jeffrey Mattson; ML Geffert, Alternate

MEMBERS EXCUSED: Paul Mannle; Jody Record, Alternate

ALSO PRESENT: Stefanie Casella, Planning Department

I. ELECTION OF OFFICERS

*The Board voted to **re-elect** Phyllis Eldridge as Chair.*

***Motion:** Rossi; **Second:** Geffert*

*The Board voted to **re-elect** Beth Margeson as Vice Chair.*

***Motion:** Mattson; **Second:** Rossi*

II. APPROVAL OF MINUTES

A. Approval of the December 19, 2023 minutes.

*The Board voted to **approve** the December 19, 2023 meeting minutes **as amended**.*

***Motion:** Rossi; **Second:** Rheaume*

III. OLD BUSINESS

A. Mastoran Restaurants Inc. - 2255 Lafayette Road request a 1 Year Extension to the Variances granted on February 15, 2022. (LU-22-13)

*The Board voted to **grant** the request for a 1-Year extension to the variances originally granted on February 15, 2022 for the demolition of the existing Burger King and construction of a 5,555 square foot convenience store with drive-thru and fueling island.*

***Motion:** Margeson; **Second:** Geffert*

B. 168 Lincoln Avenue – Request for Rehearing (LU-23-196)

*The Board voted to **deny** the request for a rehearing because the Board had considered the issue of Fisher v. Dover at the beginning of the previous hearing and determined that it was not applicable.*

***Motion:** Margeson; **Second:** Geffert*

*The Board voted to take Application **IV. D, 413 Lafayette Rd**, out of order.*

***Motion:** Rheume; **Second:** Mattson*

*The Board voted to **postpone** the application to the February 21st meeting.*

***Motion:** Mattson; **Second:** Rheume*

IV. NEW BUSINESS

- A.** The request of **Giri Portsmouth 505 Inc. (Owner)**, for property located at **505 US Route 1 Bypass** whereas relief is needed to demolish the existing structure and construct a new hotel with a drive thru restaurant which requires the following: 1) Special Exception from 10.440 Use #10.40 hotel where it is permitted by Special Exception; 2) Variance from Section 10.1113.20 to allow parking spaces between the principal building and a street; 3) Variance from Section 10.1113.41 for parking located 1 foot from the lot line where 40 feet is required; 4) Variance from Section 10.575 to allow dumpsters to be located 1 foot from the lot line where 10 feet is required; 5) Variance from Section 10.835.32 to allow 1 foot between the lot line and drive-thru and bypass lanes where 30 feet is required for each; and 6) Variance from Section 10.835.31 to allow 37 feet between the menu and speaker board and the front lot line where 50 feet is required. Said property is located on Assessor Map 234 Lot 5 and lies within the General Business (GB) District. (LU-23-199)

The Board voted to deny the request for special exception. The motion failed.

***Motion:** Rossi; **Second:** Margeson*

*The Board voted to **continue** consideration of the special Exception to the February 21st meeting so the applicant can provide more information on trip generation, impacts of future potential changes to highway entrances and exits, traffic signalization, and potential impacts to the surrounding neighborhood.*

***Motion:** Rheume; **Second:** Mattson*

*The Board voted to **deny** the request for the 5 variances as the positioning of the parking up against the street would not observe the spirit of the ordinance and would be contrary to the public interest, and the applicant did not prove that the unique characteristics of the property were a hardship.*

***Motion:** Rheume; **Second:** Margeson*

- B.** The request of **William C. Giles Revocable Trust (Owner)**, for property located at **375 Coolidge Drive** for after-the-fact construction and demolition of existing decks, which requires the following: 1) Variance from Section 10.521 to allow: a) a 17 foot rear yard where 30 feet is required, and b) building coverage of 22.5% where 20% is the maximum allowed; and 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 268 Lot 41 and lies within the Single Residence B (SRB) District. (LU-23-200)

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

- 1) *The approval shall be predicated on the Planning Staff confirming that the 2-story garage has the proper history to it with regard to BOA actions taken in 2002.*

***Motion:** Rheaume; **Second:** Rossi*

- A.** The request of **Jewell Court Properties LLC (Owner)**, for property located at **33 Jewell Court Unit S1** whereas relief is needed to establish an event venue serving up to 250 people which requires a Special Exception from Section 10.440, Use # 9.42 where it is permitted by Special Exception. Said property is located on Assessor Map 155 Lot 5-S1 and lies within the Character District 4-W (CD4-W) and the Historic District. (LU-23-205)

*The Board voted to **grant** the special exception.*

***Motion:** Rossi; **Second:** Mattson*

- B. REQUEST TO POSTPONE** The request of **Friends of Lafayette House in care of Melanie Merz (Owner)**, for property located at **413 Lafayette Road** whereas relief is needed to construct an attached caretakers unit to the existing residential care facility which requires the following: 1) Variance from Section 10.331 to extend, enlarge, or change the lawful nonconforming use without conforming to the Ordinance; and 2) Variance from Section 10.334 to extend the nonconforming use to a remaining portion of the land. Said property is located on Assessor Map 230 Lot 23A and lies within the Single Residence B (SRB) District. (LU-23-208) **REQUEST TO POSTPONE**

*The request was **postponed** to the February 21st meeting.*

- C.** The request of **Tamrah Rouleau and Jermy Rouleau (Owners)**, for property located at **159 Madison Street** whereas relief is needed to construct a third floor addition to the existing structure which requires the following: 1) Variance from Section 10.521 to allow an 8 foot left side yard where 10 feet is required; and 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 145 Lot 54 and lies within the General Residence C (GRC) District. (LU-23-201)

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

***Motion:** Rossi; **Second:** Geffert*

- D.** The request of **RIGZ Enterprises LLC (Owner)**, for property located at **822 Rt 1 Bypass** whereas relief is needed to demolish the existing structure and construct a new commercial building which requires the following: 1) Variance from Section 10.1113.20 to allow parking spaces between the principal building and a street; 2) Variance from Section 10.1113.41 for parking located 0 feet from the lot line where 20 feet is required; Said property is located on Assessor Map 160 Lot 29 and lies within the Business (B) District. (LU-23-209)

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

***Motion:** Rheaume; **Second:** Geffert*

V. ADJOURNMENT

The meeting was adjourned at 10:35 PM