

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

7:00 P.M.

February 21, 2024

ACTION SHEET

MEMBERS PRESENT: Beth Margeson, Vice Chair; David Rheame; Paul Mannle; Thomas Rossi; Jeffrey Mattson; Jody Record, Alternate; ML Geffert, Alternate

MEMBERS EXCUSED: Phyllis Eldridge, Chair

ALSO PRESENT: Stefanie Casella, Planning Department

I. APPROVAL OF MINUTES

A. Approval of the January 23, 2024 minutes.

The January 23, 2024 meeting minutes were approved as amended.

II. OLD BUSINESS

A. **REQUEST TO WITHDRAW** 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) **REQUEST TO WITHDRAW**

*Please note the Variances for this application were denied at the January 23, 2024 Board of Adjustment meeting and the Special Exception was continued to

the February meeting pending additional information to be provided by the applicant.

The Board voted to suspend the rules and accepted the applicant's request to withdraw the application.

- 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 Board voted to **postpone** the request to the March 19th meeting.*

III. NEW BUSINESS

- A.** The request of **DSM MB II LLC (Owner)**, and **Bruno Fonzo (Applicant)** for property located at **1500 Lafayette Road Unit 6** whereas relief is needed to establish a UPS store which requires the following: 1) Special Exception from use #7.30 consumer service where it is permitted by Special Exception. Said property is located on Assessor Map 252 Lot 2 Unit 6 and lies within the Gateway Center (G2) District. (LU-24-5)

*The Board voted to **grant** the Special Exception.*

- B.** The request of **Timothy S. Wheelock and Susan V. Denenberg (Owners)**, for property located at **414 State Street Unit 2** whereas relief is needed to convert a ground floor commercial unit to a residential unit which requires the following: 1) Variance from Section 10.642 to allow a residential unit on the ground floor where nonresidential is required in the Downtown Overlay District; and 2) Variance from Section 10.5A41.10A to allow 806 square feet per dwelling unit where 3,000 square feet is required. Said property is located on Assessor Map 116 Lot 13 Unit 2 and lies within the Character District 4-L1 (CD4-L1) and Downtown Overlay District (DOD). (LU-24-6)

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

- C.** The request of **Frances E. Mouflouze Revocable Trust of 2015 (Owner)**, for property located at **550 Sagamore Avenue** whereas relief is needed to demolish the existing structure and construct a three dwelling unit building which requires the following: 1) Variance from Section 10.440 Use #1.51 to allow a three dwelling unit structure where it is not permitted. Said property is located on Assessor Map 222 Lot 11 and lies within the Single Residence B (SRB) District. (LU-24-9)

The Board's motion to approve failed 3-3 resulting in a denial of the application. Subsequent motion to deny failed 3-3. Members who voted to deny provided comments that the hardship criteria was not met.

- D.** The request of **Cynthia J. Walker and Michael Walker (Owners)**, for property located at **46 Willow Lane** whereas relief is needed to demolish the existing shed, construct an addition to the primary structure and construct a detached garage which requires the following: 1) Variance from Section 10.521 to allow: a) 6.5 foot right yard where 10 feet is required; b) a 2 foot front yard where 15 feet is required; and c) 28% building coverage where 25% is the maximum; 2) Variance from Section 10.571 to allow an accessory structure to be closer to the street than the primary structure; and 3) 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 133 Lot 18 and lies within the General Residence A (GRA) District. (LU-24-8)

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

- E.** The request of **Joel and Jessica Harris (Owners)**, for property located at **2 Monroe Street** whereas relief is needed to construct an enclosed breezeway, landing and staircase which requires the following: 1)A Variance from Section 10.521 to allow 27% building coverage where 25% is the maximum allowed; and 2)Variance from Section 10.516.10 to allow a 10-foot front yard where 12 feet is required by the front-yard exception for existing alignments. Said property is located on Assessor Map 152 Lot 8 and lies within the General Residence A (GRA) District. (LU-23-154)

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

IV. ADJOURNMENT

The meeting was adjourned at 10:38 PM.