

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

7:00 P.M.

August 18, 2026

MEMBERS PRESENT: Beth Margeson, Chair; Jeffrey Mattson, Vice Chair; David Rheaume; Thomas Nies; Robert Sullivan; Mike Lucas, Alternate

MEMBERS EXCUSED: Thomas Rossi

ALSO PRESENT: Stefanie Casella, Planning Department

Chair Margeson called the meeting to order at 7:00 p.m. She read the petitions that were postponed or withdrawn into the record.

I. APPROVAL OF MINUTES

A. Approval of the **July 21, 2026** meeting minutes.

*Mr. Rheaume moved to **approve** the July 21 minutes as submitted, seconded by Mr. Nies. The motion passed with all in favor, 5-0, with Vice-Chair Mattson abstaining.*

II. OLD BUSINESS

A. POSTPONED TO SEPTEMBER The request of **Hope for Tomorrow Foundation (Owner)**, for property located at **315 Banfield Road** whereas relief is needed to construct an addition to the existing school on the property, which requires the following: 1) Variance from Section 10.334 to allow the existing primary and secondary school use (Use #3.21) to be extended to another part of the remainder of the land. Said property is located on Assessor Map 266 Lot 5 and lies within the Industrial (I) District. **POSTPONED TO SEPTEMBER** (LU-26-41)

The petition was postponed to the September 15 meeting.

B. WITHDRAWN The request of **Madison Commercial Group (Owner)**, for property located at **72 Mirona Road** whereas relief is needed to establish a 5,049 square foot Pilates/exercise studio which requires the following: 1) Special Exception from Section 10.440 Use #4.42 to allow a 5,049 square foot health club, yoga studio, or similar use where more than 2,000 square feet are allowed by Special Exception. Said property is

located on Assessor Map 253 Lot 3 and lies within the Gateway Center (G2) District.
WITHDRAWN (LU-26-76)

The petition was withdrawn by the applicant.

- C. The request of **Jonah Goldblatt and Gabrielle Dell'Aquilo (Owners)**, for property located at **292 Wibird Street** whereas relief is needed to demolish the existing detached garage and construct a new two-story attached garage addition and enlarged rear deck, which requires the following: 1) Variance from Section 10.521 to a) allow a building coverage of 31% where 25% is the maximum; b) allow a left side yard setback of 4.5 feet where 10 feet is required; and c) allow a right side yard setback of 2.5 feet where 10 feet is required. Said property is located on Assessor Map 149 Lot 25 and lies within the General Residence A (GRA) District. (LU-26-88)

SPEAKING TO THE PETITION [Timestamp 4:40]

Attorney Colby Gamester was present on behalf of the applicant, with the owners Jonah Goldblatt and Gabrielle Dell'Aquilo, builder Shawn Peters, and engineer Eric Weinrieb (on Zoom). Attorney Colby reviewed the nonconformities and the history of the lot and structures and said the proposal was to demolish the existing garage and exterior stairs, shorten the driveway, build a 2-car garage with a mudroom, enlarge the rear deck, convert the 2-family home into a single-family one, and install stormwater improvements. He reviewed the criteria. He said he met with some of the abutters and neighbors, who were in favor of the project.

[Timestamp 20:39] Mr. Rheume said the survey identified that the neighboring property on Lot 24 had a shed that was over the property line, but a separate note stated that it was removed after the survey. Attorney Gamester agreed. Mr. Rheume said the double-length garage was an unusual feature and asked if there were examples of it in the neighborhood. Attorney Gamester said he could not think of any but that the garage was the size of the house and the lot was driving the design. Mr. Rheume said there was a sentence in the packet stating that the proposed garage would keep potential pollutants inside and out of the elements. Attorney Gamester said it meant that a car of any age housed inside the garage would remain inside the garage. Mr. Nies said Attorney Gamester had said that the letter in the packet referred to the height of the garage as 16-1/2 feet, but the elevations showed the height at 14 feet. He said he assumed the letter referred to the top of the gable and the architect referred to the height measure in the zoning ordinance. Attorney Gamester agreed and said the actual peak height was 16-1/2 feet. Chair Margeson said there used to be a turning radius in the driveway. Mr. Weinrieb explained that it was 58 feet from the front face of the garage to the street line. He said previously it was much deeper and there was no way to turn around because it was about 120 feet to the front line of the curb line from the existing garage.

Chair Margeson opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Margeson closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD [Timestamp 29:04]

Mr. Rheume said it was a reasonable project. He said the setback for 2.8 feet was really to a deck, so it was not impactful, and there was the 4-ft proposed setback for the garage on the opposite side. He said his only concern was the double-length garage that would be very visible. He said the narrowness of the lot was a good argument for needing relief.

*Vice-Chair Mattson moved to **grant** the variances to the petition as presented and advertised, seconded by Mr. Sullivan.*

Vice-Chair Mattson said granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance. He said the proposed use would not conflict with the explicit or implicit purposes of the ordinance or alter the essential characteristics of the neighborhood, threaten the public's health, safety, or welfare, or otherwise injure public rights. He said it was true that the double-length tandem garage was uncommon, but from Wibird Street it would appear as a single garage in terms of width and height. He said it would do substantial justice because there was no reason to think that any harm would be done to the public or individuals, and the renovations would also benefit the applicant. He said the values of surrounding properties would not be diminished, noting that there was no reason to think that the tastefully-done new construction would do so. He said literal enforcement of the ordinance would result in unnecessary hardship, and due to the special conditions of the property that distinguish it from others, there was no fair and substantial relationship between the purpose of the ordinance and its specific application to the property. He said the proposed use was a reasonable one and it was a modest ask for relief on building coverage. He said it was reasonable and also had the proposed stormwater improvement plan with a drywell and some management that did not currently exist. He said the existing lot and structure were built before zoning and the lot was narrow, so any type of garage aligned with the driveway would need to be somewhat in the setback. He said it was an improvement based on the existing garage, which was a zero foot setback from the side yard, and on the other side, the only portion that was in the side left yard setback was an open deck, which was reasonable. Mr. Sullivan concurred and had nothing to add. Mr. Rheume confirmed that the right yard setback was 2-1/2 feet and that the staff memo stating something different was corrected and no longer applicable.

*The motion **passed** by a vote of 4-2, with Mr. Rheume and Chair Margeson voting in opposition.*

- D.** The request of **Michael J Ferrelli (Owner)**, for property located at **0 Joffre Avenue and 18 Barberry Lane** whereas relief is needed to construct a single-family home on a vacant lot which requires the following: 1) Variance from Section 10.521 to a) allow for 0 feet of street frontage where 100 feet is required; b) allow for 12,185 square feet of lot area where 15,000 square feet is required; c) allow for 12,185 square feet of lot area per dwelling where 15,000 square feet is required; and 2) Variance from Section 10.1114.31 to allow for two driveways on a single lot where one is permitted. Said properties are located on

Assessor Map 233, Lot 135 and Lot 131 and lie within the Single Residence B (SRB) District. (LU-26-92)

SPEAKING TO THE PETITION [Timestamp 38:20]

Attorney Darcy Peyser was present on behalf of the applicant Michael Ferrelli, along with Mr. Ferrelli and project engineer John Chagnon. Attorney Peyser said the applicant wanted to create an access to his lot by building a 15-ft wide driveway across his abutting property at 18 Barberry Lane and connecting it to the back lot. She said the 0 Joffre lot was a legal lot of record on the 1918 subdivision plan and that Lots 37 and 38 were merged before the owner bought the property. She explained why the City considered it a paper street. She said she felt that an easement did exist but the abutters did not want the driveway constructed across their properties, so Mr. Ferrelli wanted to build the driveway across his property, thereby conveying himself an easement. She said letters of support were submitted. She reviewed the criteria.

[Timestamp 48:55] Mr. Rheume asked if there was anything in writing relating to the City regarding the street being a paper one. Attorney Peyser said the City said so in a work session meeting between the Planning Staff and the City Deputy Attorney McCourt. Mr. Rheume asked if there was a plan or a deed that included the additional area allowed by the RSA, the half of the paper street, or if there was an intent to create such a deed. Mr. Chagnon said he attended that meeting and that the City felt that it would not make sense to construct that street as a City street because there would not be a nice terminus at the end of it for maintenance. Mr. Rheume asked what would constitute the front yard if the zoning changed in the future. Mr. Chagnon said the applicant's letter noted that the southerly boundary could be used as a street. It was further discussed. Mr. Chagnon said if the driveway were built, it would be an impervious area, so they did a calculation showing that the lot area was 17,295 sf. Mr. Rheume said the additional lot area allowed by the RSA of the paper street would increase it by 14,152 sf, which was more than twice the requirement for lot area for the two lots. He asked if a lot line revision was discussed with the client that would put the driveway property as part of the rear lot and reworking some of the property lines instead of making it an easement across the existing lot. Mr. Chagnon said the applicant's issue was being able to know that he could build on that lot. It was further discussed. Mr. Sullivan asked when and how would the access be created. Attorney Peyser said it would not be until the rear lot was conveyed, and if the relief were granted, it would be maintained in common ownership for some time. It was further discussed. Attorney Peyser said the eventual new owner could just record the variance plan with a declaration of easement. Mr. Nies asked if the driveway would provide adequate access for emergency vehicles. Ms. Casella said the Fire Department said they were comfortable with it.

[Timestamp 1:01:55] Mr. Rheume said the legal notice included two variances, the zero ft street frontage and 12,195 sf that applied to Lot 135, and the two driveways that applied to Lot 131. The easement was further discussed as well as whether the applicant would have to go to the Planning Board for anything other than the wetland CUP. Ms. Casella asked Mr. Chagnon what triggered the Planning Board review. Mr. Chagnon said he believed it was in the driveway permit regulations.

Chair Margeson opened the public hearing.

SPEAKING IN FAVOR OF THE PETITION

John Whiteman of 26 Foch Avenue said he was the son of the resident who could not make the meeting but wrote a letter in support of allowing access to the proposed new house from the foot of Barberry Lane. He read the letter into the record.

SPEAKING IN OPPOSITION OR SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Margeson closed the public hearing.

DISCUSSION OF THE BOARD [Timestamp 1:08:30]

Ms. Casella said the Board could send the petition to the Technical Advisory Commission (TAC) for specific review. Vice-Chair Mattson said he did not recall the Board discussing a separate Planning Board meeting for second driveway petitions from other applicants. He said it seemed like a Catch-22 situation because if the only reason against granting the variance was the access issue, the access could not be created unless the variance were permitted. Mr. Nies said there was an existing lot that had no access to it, so a lot with no access was not being created. He said the applicant proposed to get access to that lot by using an easement across his other lot, which seemed reasonable. He said the Board's purview was to figure out if the easement made sense and if the access across that made sense. Mr. Sullivan said if the relief were granted, a house could be built on that lot tomorrow, and the lot had no access. It was further discussed. Mr. Nies suggested disapproving the application without prejudice so that the applicant could return and explain how legal access would be provided and present a review on whether the driveway access would meet the requirements. Ms. Casella said she heard from the Planning Department Manager who said a second driveway would not go to the Planning Board for a residential single-family home. She said it would be simpler to reopen the public hearing and postpone and ask the applicant to return with more information as to how they would provide access. Chair Margeson agreed.

DECISION OF THE BOARD [Timestamp 1:26:20]

*Mr. Sullivan moved to 1) **postpone** the public hearing and the petition to the September 15 meeting, and request that the applicant return to the Board with answers to how and when the driveway access would be provided to Lot 125, and 2) have the applicant present why it would be more advisable to adopt the approach suggested by Mr. Rheume and utilize the portion of the property that is a part of Joffre Avenue. Mr. Rheume seconded the motion but proposed the following amendment to the second part of the motion by saying that the applicant would present his plan for adopting the portion of the paper street Joffre Avenue to add to the square footage of the applicant's lot.*

Mr. Sullivan accepted Mr. Rheume's amendment.

*The **amended** motion was as follows: Mr. Sullivan moved to **postpone** the public hearing and request to the September 15th meeting, so that the applicant can provide information on how and when driveway access will be provided to lot 233-135 and information on adopting the portion of Joffre Avenue to add square footage to the applicant's lot. Mr. Rheume seconded the motion.*

*The motion **passed** by a vote of 5-1, with Chair Margeson voting in opposition.*

- E. The request of **Kaitlyn O and Brendan A West (Owners)**, for property located at **315 Bartlett Street** whereas relief is needed to demolish the existing home and construct a new home on the lot which requires the following: 1) Variance from Section 10.521 to a) allow a 9.5-foot left side yard where 10 feet is required; b) a 7-foot right side yard where 10 feet is required; and c) 60 feet of street frontage where 100 feet is required. Said property is located on Assessor Map 162 Lot 12 and lies within the General Residence A (GRA) District. (LU-26-93)

SPEAKING TO THE PETITION [Timestamp 1:33:32]

Attorney Chris Muligan was present on behalf of the applicant, along with the owners Kaitlyn and Brendan West. He said the existing home was small, dated, and substandard but the foundation was still usable for the new structure. He said they were also asking for a right yard setback that was 7.2 feet and not 7 feet as advertised. He said the lot was narrow and deep and exceeded the required lot line, so it had a large backyard and a lot of unused space. He said there were letters of approval from all the abutters and the neighbor across the street. He said they would replace the existing house with a more modern, functional, and larger dwelling. He reviewed the criteria in detail.

[Timestamp 1:46:04] Mr. Nies said the packet stated that the property may have been held in common ownership before 1966 and that the applicant was not convinced that the relief was necessary. He said he was bothered by the word "may". Attorney Mulligan said the variance was for the frontage, and whether the property was owned in common or not, the applicant could not ameliorate the frontage requirement. Mr. Rheume said a lot of the argument was that the applicant needed the relief for the right yard setback due to the foundation being reused, but additional foundation was proposed to be added, so the home would be taller, longer, and more encroaching.

Chair Margeson opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Margeson closed the public hearing.

DECISION OF THE BOARD [Timestamp 1:49:02]

*Mr. Nies moved to **grant** the variances for the petition as presented and advertised, seconded by Mr. Sullivan.*

Mr. Nies said there were conditions that could not be changed, one of which was the frontage of the lot. He said there were other lots in the neighborhood that had similar frontage. He said the only real change from existing conditions would be in the right yard setback, which was minor. He said granting the variances would not adversely affect the health, safety, and welfare of the neighborhood, would have no effect on light and air, and would not alter the essential characteristics of the neighborhood. He said all the homes in the neighborhood would be similar and the applicant's home would be a better one. He said substantial justice would be done, noting that he could not see any benefit to the public by denying the small relief being requested that would outweigh the harm to the applicant if the variances were denied. He said granting the variances would not diminish the value of surrounding properties, noting that there was no evidence presented that it would do so and that the issue was not raised in the letters of support from all the abutters. He said the special conditions of the lot was that it predated the development of the ordinance and it was a narrow and long one that exceeded the lot size for the area. He said the frontage could not be corrected but was nearly 2,000 sf larger than the minimum lot size, so lot coverage even with the minor setback relief would not be an issue. He said, due to all those special conditions, there was no fair and substantial relationship between the purpose of the ordinance and its specific application to the property. Mr. Sullivan concurred and had nothing to add. Mr. Rheume said he would support the motion because, even though it was a substantial increase in height and length in the left yard setback, the actual encroachment into the side yard setback was very minor. Chair Margeson said she had similar concerns but it was within all the zoning limits. Mr. Nies said he saw some homes across the street similar in height and structure, so that was why he felt that the essential characteristics of the neighborhood would not be affected.

*The motion **passed** with all in favor, 6-0*

- F. The request of **Brian and Martha Ratay (Owners)**, for property located at **475 Broad Street** whereas relief is needed to construct a detached garage which requires the following: 1) Variance from Section 10.521 to a) allow 30% building coverage where 25% is allowed; b) a 5-foot right side yard where 10 feet are required; and c) 5.5-foot rear yard where 14 feet are required. Said property is located on Assessor Map 221 Lot 96 and lies within the General Residence A (GRA) District. (LU-26-95)

SPEAKING TO THE PETITION [Timestamp 2:01:13]

The owners Brian and Martha Ratay were present. Mr. Ratay said they asked for six variances two years ago to build the house and garage that were approved, but they recently discovered that they had to return to the Board to discuss the changes to the garage that they made, not knowing that approval was needed because the garage was smaller. He said the 2-story garage was now a single garage with a traditional gable roof and no longer had a staircase in the back. He said the height was 18 feet tall and it was 320 square feet. He reviewed the criteria.

The Board had no questions. Chair Margeson opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Margeson closed the public hearing.

DECISION OF THE BOARD [Timestamp 2:09:33]

*Mr. Nies moved to **grant** the variances for the petition as presented and advertised, seconded by Mr. Sullivan.*

Mr. Nies said there was discussion about the garage's height two years ago but the variances were still approved. He said the project was now smaller and the relief required was roughly the same. He said granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance because the changes would not affect the health, safety, and welfare of the neighborhood, would have no effect on light and air, and would not alter the essential characteristics of the neighborhood. He said the garage would be similar to others in the area and would fit in well. He said substantial justice would be done because he could not see any benefit to the public by denial that would outweigh the benefit to the applicant. He said granting the variances would not diminish the values of surrounding properties, noting that no evidence was presented that it would do so. He said it was a small lot and the project would make it similar to other developed properties in the neighborhood, and it was also a better design than the previously-approved one. He said the special conditions were that the lot was undersized for the zone and subject to a bit of a driveway easement on the left side of the lot, and there were not a lot of good places to place a garage other than what the applicant chose. He said, due to those special conditions that distinguish it from others in the area, there was no fair and substantial relationship between the purpose of the ordinance and its specific application to the lot. Mr. Sullivan concurred. Mr. Rheume said he voted against the relief being granted two years before due to the size and configuration of the garage, but he thought the new structure was much more conforming.

*The motion **passed** with all in favor, 6-0.*

III. NEW BUSINESS

- A.** The request of **Boston and Maine Corporation (Owner)** and **OUTFRONT Media (Applicant)**, for property located at **0 Bartlett Street** whereas relief is needed to replace a one-sided static billboard with an animated billboard which requires the following: 1) Variance from 10.1224.10 to allow an animated sign where it is not allowed; 2) Variance from Section 10.1224.90 to allow an off-premise sign where it is not allowed; 3) Variance from Section 10.1234 to allow a sign not specifically allowed in a sign district; 4) Variance from Section 10.1241 to allow a sign not permitted in a sign district; 5) Variance from Section 10.1251.20 to allow sign area of 378 sq feet where the maximum is not specified; 6) Variance from Section 10.1253 to allow a sign height of 25 feet and sign setback of 1.5 feet where the minimums and maximums are not specified; 7) Variance from Section 10.1262 to allow 24 hours of illumination throughout the day. Said property is located on Assessor Map 165 Lot 14 and lies within the Transportation Corridor. (LU-26-87)

SPEAKING TO THE PETITION [Timestamp 2:15:28]

Attorney Eli Leno was present on behalf of the applicant, along with Jenna Fischer and Jim Norton of OUTFRONT Media. He reviewed the photometric study plan. He said a limited portion of the property was in front of the Pet Medic and near Buffalo Wild Wings and was not a situation where the sign would be visible. Ms. Fischer said OUTFRONT Media wanted to modernize the billboard by replacing it with a modern digital display in the Transportation Corridor and that the height would stay the same. She said the digital display would use an internally illuminated LED screen that would decrease the light significantly. She said the sign would have a static display every 10 seconds and there would be no scrolling, flashing, or video. She said it would provide more affordable advertising opportunities for local businesses. Attorney Leno reviewed the criteria.

[Timestamp 2:30:01] Mr. Sullivan asked if whether the only people who would see the sign would be drivers heading southbound on Route One and Buffalo Wild Wings. Attorney Leno explained that the proposed sign would be more controllable and would be dimmer at night but brighter during the day. He said it would prevent eyestrain in the drivers but would remain visible. Mr. Rheume asked if someone sat at a computer and updated what was shown and what got transmitted through cell towers. Ms. Fischer agreed. Mr. Rheume said the sign would provide public service messages to the New Hampshire Department of Transportation (NHDOT) but that Ms. Fischer said the City could make use of it as well. He asked for more detail. Ms. Fischer said safety content would be provided, e.g. messages that showed “Don’t crowd the plow” and “Get Off Your Phone”. Mr. Rheume asked if the service was for free. Ms. Fischer agreed and said the percentage of the business concentrated on local signage was about 70 percent in New Hampshire. Mr. Nies said the Transportation Corridor was not in any of the existing sign districts, so there were no specific dimensions that applied in that area, but the existing sign was nearly twice the size of any freestanding sign in any sign district, and it was proposed to increase the size 2 1/2 times. He asked why. Ms. Fischer said the proposed LED sign face was 10-1/2 feet tall by 38 feet wide, which was the standard bulletin size used throughout the industry. She said the additional width would allow businesses to display copy that was easy to read along that roadway. She said the sign would still be 25 feet higher because the 2-3’ tall apron underneath it would be removed. Chair Margeson clarified that the sign on the other side of the roadway was not part of the application.

Chair Margeson opened the public hearing.

SPEAKING IN FAVOR OF THE PETITION

No one spoke.

SPEAKING IN OPPOSITION TO THE PETITION [Timestamp 2:40:00]

Jacob Scarpaci of 50 Cate Street said the applicant was asking for seven variances, which bypassed the intent of the Portsmouth sign ordinance to protect the neighborhood’s characteristics. He said the justifications for the variances were not demonstrated. He said the zoning ordinance did not merely regulate animated signs but placed them in a category prohibited in all districts. He said no hardship was demonstrated and that the desire to replace the sign with an animated one was a

commercial preference to increase revenue. He said animated dynamic screens were engineered to command a driver's attention. He explained why the petition did not meet the other criteria.

Other people who lived at 50 Cate street who were opposed were: Amy Cadugan, Celine Gribbin, William Clark, Patricia Donaldson, and Michelle and Wayne Ronchetti.

Michael Thiel of 767 Islington Street (via Zoom) verified that it was the sign on the Route One Bypass and not the one at the Islington and Bartlett Street intersection.

SPEAKING TO, FOR, OR AGAINST THE PETITION [Timestamp 2:48:45]

Attorney Leno referred to the Department of Transportation study that stated that between 73 and 85 percent of drivers devoted their visual attention to the road ahead of them.

Wayne Ronchetti of 50 Cate Street asked if it would set a precedent for other locations. Chair Margeson said the Board could speak only to the proposed location. Mr. Sullivan asked why anyone on Cate Street would care about the sign. Mr. Ronchetti said there was a lot of vehicular activity on Cate Street and that the sign would add more distraction.

Patricia Donaldson of 50 Cate Street said the given address was 0 Bartlett Street, and what people saw was not one sign but the entire property. She said since the 1950 signage, the City had declared that illuminated billboards were not allowed She said the area was not a residential one in 1950.

Attorney Leno said it was a dangerous precedent to say that there could not be a sign because it was now 3-acre lots instead of one.

No one else spoke, and Chair Margeson closed the public hearing.

DISCUSSION OF THE BOARD [Timestamp 2:57:04]

Mr. Nies said the applicant was changing an existing sign to an animated one, which was prohibited by the zoning ordinance. He said he found it difficult to reconcile allowing an animated sign just because it was an upgrade, given the lengthy prior discussion and decision by the Planning Board several years before. He said the Planning Board should revise the zoning ordinance if animated signs are now going to be allowed. He said he was also concerned about the size increase because the maximum size for a freestanding sign in any sign district was 150 feet. He said the existing sign was 288 sf and the applicant wanted to go up to 378 sf just because it was the standard animated sign size. He said the Transportation Corridor did not allow any signs. Vice-Chair Mattson said the sign was technically animated but there were different levels of animation that at some point became motion. He said he understood why the ordinance would be against animated signs that are changing fast enough so that they did not seem static. He said a lot of signs might be considered to be the name of a place as opposed to a billboard advertising to a traffic corridor. He said the applicant's situation was unusual because there was already a grandfathered sign in that location

and the parcel was unusually shaped and unprecedented anywhere else in the City. Mr. Rheume said sign technology had changed but that most of the sign applications in the past were for a specific business and the variance requests were reasonable. He said the ordinance was stating that new billboards could not be placed in new places, but the applicant was asking for an intensification of an existing sign and offsite advertising was not something the City wanted because it was promoting something that was remote to the sign's location. He said the intensification request was a big one and that he saw nothing unique about the applicant's situation and did not find that it met any of the Board's criteria. Chair Margeson said the zoning ordinance was very clear and that there was an extensive community discussion. She said the application violated the zoning ordinance in many ways and she did not see any hardship.

DECISION OF THE BOARD [Timestamp 3:08:15]

*Mr. Rheume moved to **deny** the requests as presented and advertised because they fail the following criteria: 10.233.21 granting the variance would not be contrary to the public interest, 10.233.22 granting the variance would observe the spirit of the Ordinance, 10.233.23 granting the variance would do substantial justice, and 10.233.25 the hardship criteria. Mr. Sullivan seconded.*

Mr. Rheume said there was nothing especially compelling in the petition that met the Board's criteria. He said the applicant stated that they were not changing the general characteristics of the neighborhood, but the criteria was broader than that. He said it was argued that the locality had changed over the past 70 or so years since the billboard was put up. He said there were changes in the nature of the community and what the City expected out of signage in that community, and the applicant proposed to intensify the grandfathered use and would alter the essential character of the locality. He said there were multiple things that needed variances because the ordinance stated that they do not want signs that are not related to the property or in the Transportation Corridor. He said the proposed size of the sign was outside of what would be allowed in any district. He said the petition failed the first two criteria. Related to substantial justice, he said the benefits that the applicant discussed did not necessarily need that location because there were several ways to get information out as a society that were separate from saying that this billboard would make a substantial enough improvement in that balancing test. He said part of the hardship criteria might be satisfied, but the petition failed on whether the proposed use is a reasonable one. He said it was outside the scope of the vision for the Transportation Corridor and was not a permitted use in that zone. Mr. Sullivan concurred.

*The motion to deny **passed** by a vote of 4-2, with Vice-Chair Mattson and Mr. Lucas voting in opposition.*

- B. POSTPONED TO AUGUST 25, 2026** The request of **Road to the West, LLC (Owner)**, for property located at **140 West Road** whereas relief is needed to establish an indoor recreation space, restaurant, event space, and outdoor dining area which requires the following: 1) Variance from Section 10.440 to allow a) Use #9.43, a restaurant and function room with an occupant load from 250 to 500 where it is not allowed, b) Use #4.30, indoor

recreation use where it is not allowed, and c) Use #19.50, outdoor dining as accessory use to a permitted principal use. Said property is located on Assessor Map 252 Lot 2-1301 and lies within the Industrial (I) District. **POSTPONED TO AUGUST 25, 2026** (LU-26-107)

C. POSTPONED TO SEPTEMBER The request of **Ann Marie Wiley Revocable Trust (Owner)**, for property located at **64 Woodworth Avenue** whereas relief is needed to construct an addition to the existing structure which requires the following: 1) Variance from Section 10.521 to allow a) 8.5 foot left yard where 10 feet are required, and b) 26% building coverage where 20% is the maximum. Said property is located on Assessor Map 243 Lot 42 and lies within the Single Residence B (SRB) District. **POSTPONED TO SEPTEMBER** (LU-26-102)

IV. ADJOURNMENT

The meeting adjourned at 10:15 p.m.

Submitted,
Joann Breault
BOA Meeting Minutes Taker