

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

7:00 P.M.

March 24, 2026

MEMBERS PRESENT: Jeffrey Mattson, Vice Chair; David Rheame; Paul Mannle; Thomas Rossi; Robert Sullivan

MEMBERS EXCUSED: Beth Margeson, Chair; Thomas Nies; Mike Lucas, Alternate

ALSO PRESENT: Jillian Harris, Planning Department

Vice Chair Mattson was Acting Chair for the evening. He explained that only five Board members were present and that applicants had the option to postpone to the next meeting.

*Mr. Rossi moved to take New Business Petitions 2B, 133 Miller Avenue, and 2D, 614 Broad Street, out of order. Mr. Rheame seconded. The motion **passed** unanimously, 5-0.*

*Mr. Rossi moved to **suspend the rules** to take Petitions 2B and 2D out of order. Mr. Rheame seconded. The motion **passed** unanimously, 5-0.*

Acting Chair Mattson read Petition 2B, 133 Miller Avenue, into the record.

*Mr. Rheame moved to **postpone** the petition to the April 21st meeting, seconded by Mr. Sullivan.*

Mr. Rheame said there were only five members present and that it required four members to grant a request, so the applicant was allowed to defer.

*The motion **passed** unanimously, 5-0.*

Acting Chair Mattson read Petition 2D, 614 Broad Street, into the record.

*Mr. Mannle moved to **postpone** the petition to the April 21st meeting, seconded by Mr. Rossi.*

Mr. Mannle said it was a simple request, given the makeup of the Board.

*The motion **passed** unanimously, 5-0.*

I. OLD BUSINESS

Mr. Rossi recused himself from the following request.

A. 238 Austin Street – Rehearing Request [Video timestamp 7:00]

The request of **John W. Mayer, Debora D. Mayer, John Ragonese, Lynda Schmidt, Evan Baker, Laura Stewart, Keith Smith and Cindy Smith** for property located at **238 Austin Street** to rehear the granted Variances from the February 18, 2026 BOA meeting.

Acting Chair Mattson read the rehearing request into the record.

DISCUSSION OF THE BOARD

Mr. Rheume said the Board was required to take some kind of action, knowing that there were only four voting members. He said the Board's rules stated that a minimum of three affirmative votes was required to grant the appeal. He said the Board received the appeal the day before in the early afternoon and then received information on the original property owner's rebuttal shortly before noon that day. He said he reviewed all the information but thought it would be fairer to postpone consideration until the April meeting. Mr. Mannle agreed. Mr. Sullivan noted that there could be a problem because the Statute gave the City a certain amount of time to respond to a request for a rehearing. Mr. Rheume said an action by the Board could include staying the decision. Acting Chair Mattson said it made sense to stay the order, which would still be an action on the Board's part, and continue the request to the April meeting.

DECISION OF THE BOARD

Mr. Rheume moved to stay the decision complained of pending further consideration to the April 21st meeting. Mr. Mannle seconded.

Mr. Rheume said there was a lot of important information relating to the appeal and that it would behoove the Board to consider it carefully. He said it was the logical course because there was a short Board that evening. Mr. Mannle concurred and had nothing to add.

*The motion **passed** unanimously, 4-0, with Mr. Rossi recused.*

Mr. Rossi returned to his voting seat.

II. NEW BUSINESS

- A. The request of **Gregory Sheive and Diane Lamprey (Owners)**, for property located at **893 Woodbury Avenue** whereas relief is needed to construct a 168 square foot addition to the rear of the structure which requires the following: 1) Variance from Section 10.521 to allow a) 27.5 foot rear yard where 30 feet are required, and b) 23% building coverage

where 20% is maximum allowed. Said property is located on Assessor Map 219 Lot 36 and lies within the Single Residence B (SRB) District. (LU-26-8)

SPEAKING TO THE PETITION [Timestamp 13:58]

The owner Greg Sheive was present. He said his home was not suitable for aging in place, and he reviewed the petition and criteria.

Mr. Rheaume said there was no elevation information provided in the package, and he asked if the proposed 12 x'14' addition was one story. Mr. Sheive said it was 16 feet. Mr. Rheaume asked what the photo in the package depicted. Mr. Sheive said it was a ChatGPT photo that showed what he intended to have built. Mr. Rossi asked what differentiated Mr. Sheive's property from other properties in the neighborhood, noting that hardship was not about whether the home was suitable for the applicant's desired use for aging in place and that there should be a unique aspect of the property that argued in favor of having the variance request granted. The co-owner Diane Lamprey said their property had less square footage than most of the properties in the neighborhood.

Acting Chair Mattson opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Acting Chair Mattson closed the public hearing.

DECISION OF THE BOARD

*Rossi moved to **grant** the variance for the application as presented and advertised, seconded by Mr. Mannle.*

Mr. Rossi said granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance. He said the purpose of the setbacks is to provide adequate light, space, and air between adjacent properties, but that was not really a problem in this case because the addition would not be the farthest point back in the building structure and would not infringe at all on light, air, and space for the surrounding properties. He said granting the variance would do substantial justice, meaning that a loss to the property owner would not be counterbalanced by a gain to the public. He said there would be no gain to the public in denying the variance because primarily it would involve construction of an addition outside of public view and would result in no conceivable loss to the public, therefore substantial justice would be done. He said granting the variance would not diminish the values of surrounding properties because the proposed addition was a typical one to homes of that age, and the same usage that was currently on the property would remain and would be consistent with the rest of the neighborhood. Relating to the unnecessary hardship test, he said the special condition of the property was related to the lot size. For the zoning area, he said it had an undersized square footage lot and due to that, some relief in terms of setbacks would be reasonable in order to accommodate the continued residential use of the building. Mr. Mannle concurred and had nothing to add.

*The motion **passed** unanimously, 5-0.*

- B. POSTPONE TO APRIL** The request of **William and Virginia Osborn (Owners)**, for property located at **133 Miller Avenue** whereas relief is needed to demolish the existing one-story garage and construct a new two-story attached garage which requires the following: 1) Variance from Section 10.521 to allow a) a 6-foot rear yard where 20 feet is required; and b) 3-foot left side yard where 10 feet is required. Said property is located on Assessor Map 129 Lot 26 and lies within the General Residence A (GRA) District.
POSTPONE TO APRIL (LU-26-21)

DECISION OF THE BOARD

*The petition was **postponed** to the April 21st meeting.*

- C.** The request of **Emily and Michael Glynn (Owners)**, for property located at **387 Richards Avenue** whereas relief is needed for the construction of a two-story addition in place of an existing deck structure which requires the following: 1) Variance from Section 10.521 to allow a) a 4-foot left side yard where 10 feet is required. Said property is located on Assessor Map 112 Lot 17 and lies within the General Residence A (GRA) District. (LU-26-23)

SPEAKING TO THE PETITION [Timestamp 23:15]

The applicant's representative Chris Atwood was present. He said they wanted to build an addition in place of the existing deck but planned to maintain the home as a single-family one. He said they proposed to add 96 square feet of footprint to the property. He reviewed the criteria.

Mr. Rossi said his only concern was that the house was extended toward the back and naturally pinched off the left side. He asked if it reached the beginning of the structure on the left side of the property line and affected its light and air. Mr. Atwood said there would be daylight between the two structures. He explained that the existing deck structure came out a little shy of the point of the building on the other side. Mr. Rossi said the existing deck structure did not obstruct light and air because it was low to the ground, but the proposed structure was a 2-story addition.

Acting Chair Mattson opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Acting Chair Mattson closed the public hearing.

DECISION OF THE BOARD [Timestamp 29:47]

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

Mr. Rheume said he shared Mr. Rossi's concern. He said the applicant's representative said that the only thing they were replacing within the setback was the existing deck, but the proposed addition was a 2-story one and was quite a bit of height compared to a deck that was not very high. He said, however, that the actual amount of square footage that was going additionally into the setback would not be excessive because it would just be 6'x12' and not very impactful. He said what the applicant was trying to accomplish by adding more room into the kitchen was a common addition that people want in their homes and that expanding an existing footprint was the only way these days to accommodate additional desired features, in this case a larger kitchen that the applicant currently did not have and a bedroom suite on the second floor. He said it was a reasonable action for the circa-1900 house and that the applicant's request for relief was within the allowed square footage of the lot. He said granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance. He said the pattern of doing extensions on the back of the home was a common one. He said the MapGEO and the satellite view showed that many of the surrounding homes had extensions toward the back, which was not surprising given that the lots were narrow and deep. He said the extension would not really be obvious from the front property line, so what the applicant was asking to do was in keeping with the general characteristics of the neighborhood. He said granting the variance would do substantial justice because there would not be anything that the general public would get out of not allowing the applicant to build onto the back end that would be more important than the benefits the homeowner would get from the more modern amenities to their home, and the addition would not be very visible. He said granting the variance would not diminish the values of surrounding properties, noting that it was a small imposition on the setback and that it was a relatively short additional dimension. He said there was some structure there now that it would expand on vertically, but it was not anything that had not already been done there before. He said he did not see how it would negatively impact the neighborhood's property values. He said the unique characteristics relative to the requirements of the zone were that narrow and deep lots were common in the neighborhood, and the applicant's property had the same setup as the other properties did. He said one of the things that helped the property was that the applicant's property characteristics ran through the neighborhood. He said the neighboring property had a structure that seemed to be a garage, so he thought the light and air impact from the proposed modestly-sized addition would be minimal on the surrounding property. He said it would be at an angle and would not change things too much. He said it would still go a bit closer to the property line but not significantly so, and he did not think that sort of general characteristic was anything that should be counted against the applicant's request. He said there was a hardship and he recommended approval. Mr. Sullivan concurred. He said Mr. Rossi's questions were very relative and well founded. He said if there had been any evidence presented to the Board either in writing or in person that raised issues or supported the issues that were raised, it would have given it a great weight that perhaps would have led to a different result, but the Board received no such evidence and therefore there was nothing to give weight to, so he supported the motion.

*The motion **passed** unanimously, 5-0.*

D. REQUEST TO POSTPONE The request of **John C and Janice D Carpenter (Owners)**, for property located at **614 Broad Street** whereas relief is needed to construct a front porch and rear addition to the primary dwelling, to demolish the existing detached garage and construct a new two-story garage with Accessory Dwelling Unit above which requires the following: 1) Variance from Section 10.521 to allow a) a 0.5 foot rear yard where 20 feet is required; b) 2.5 foot left side yard where 10 feet is required; and c) 34% building coverage where 25% is the maximum. Said property is located on Assessor Map 221 Lot 54 and lies within the General Residence A (GRA) District. **REQUEST TO POSTPONE (LU-26-24)**

DECISION OF THE BOARD

*The petition was **postponed** to the April 21st meeting.*

Ms. Harris noted that a workshop was scheduled on March 31st and that several topics submitted by Chair Margeson would be discussed. She said the Board members could submit topics beforehand that they particularly wanted addressed.

III. ADJOURNMENT

The meeting adjourned at 7:40 p.m.

Submitted.

Joann Breault
BOA Minutes Taker