

**BOARD OF ADJUSTMENT MEETING  
PORTSMOUTH, NEW HAMPSHIRE  
EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**7:00 P.M.**

**October 19, 2021**

**ACTION SHEET**

**MEMBERS PRESENT:** Vice-Chairman Peter McDonell, Jim Lee, Arthur Parrott, David MacDonald, Elizabeth Margeson, Alternate Phyllis Eldridge

**MEMBERS EXCUSED:** Chairman David Rheame, Christopher Mulligan, Alternate Chase Hagaman

**ALSO PRESENT:** Peter Stith, Planning Department

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**Note:** The Board acknowledged that the petition for the property located at **276 Melbourne Street** was withdrawn prior to the agenda having been set.

**I. APPROVAL OF MINUTES**

A) Approval of the minutes of the meetings of September 21 & September 28, 2021.

The Board voted to **approve** the minutes of September 21 & September 28, 2021 as amended.

**II. OLD BUSINESS**

**A. REQUEST TO POSTPONE** Request of **Ashley Dickenson** and **Elyse Hambacher, (Owners)**, for the property located at **125 Elwyn Avenue** whereas relief is needed to demolish existing garage and rear addition on main structure and construct a new garage with dwelling unit above and reconstruct rear addition on main structure including two shed dormers which requires the following: 1) Variances from Section 10.521 to allow a) lot area per dwelling of 2,559 square feet where 7,500 is required; b) a 1' secondary front yard where 15' is required; c) a 5' left side yard where 10' is required; d) a 2' right side yard where 10' is required; and e) 39% building coverage where 25% is the maximum allowed. 2) A Variance from Section 10.513 to allow more than one free-standing dwellings on a lot. 3) A 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 shown on Assessor Map 112 Lot 47 and lies within the General Residence A (GRA) District. (LU-21-172) **REQUEST TO POSTPONE**

The Board voted to **Postpone** to the November meeting.

**B. WITHDRAWN** Request of **Mary H. and Ronald R. Pressman, (Owners)**, for property located at **449 Court Street** whereas relief is need to construct a 4th story dormered addition with a height of 41.5' which requires the following: 1) Variance from Section 10.5A43.31 to allow a fourth story addition with at a height of 41.5 feet where 2 stories (short 3rd) and 35 feet is the maximum allowed. 2) A Variance from Section 10.5A41.10A to allow a 6" left side yard where 5 feet is required. 3) A 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 shown on Assessor Map 105 Lot 6 and lies within the Historic District and Character District 4-L1 (CD4- L1). **WITHDRAWN** (LU-21-176)

The Board recognized the applicant's request to **withdraw**.

**C. Appeal of Duncan MacCallum, (Attorney for the Appellants)**, of the July 15, 2021 decision of the Planning Board for property located at **53 Green Street** which granted the following: a) a wetlands conditional use permit under Section 10.1017 of the Zoning Ordinance; b) preliminary and final subdivision approval; and c) site plan review approval. Said property is shown on Assessor Map 119 Lot 2 and lies within the Character District 5 (CD5) and Character District 4 (CD4). (LU-21-162)

- 1.) The motion to deny the appeal resulted in a tie vote of 3-3, therefore no action was taken.
- 2.) The motion to grant the appeal resulted in a tie vote of 3-3 and did not receive 4 affirmative votes, therefore the request was denied.

### **III. OTHER BUSINESS**

There was no other business.

### **IV. ADJOURNMENT**

The meeting was adjourned at 9:09 p.m.