

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

**7:00 P.M.**

**September 21, 2021**

**ACTION SHEET**

**MEMBERS PRESENT:** Chairman David Rheaume, Vice-Chairman Peter McDonell, Jim Lee, Christopher Mulligan, Arthur Parrott, David MacDonald, Beth Margeson

**MEMBERS EXCUSED:** Alternates Chase Hagaman and Phyllis Eldridge

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

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**I. APPROVAL OF MINUTES**

A) Approval of the minutes of the meeting of August 17, 2021.

The August 17<sup>th</sup> Minutes were approved as amended.

**II. OLD BUSINESS**

A) **Live Free Real Estate, LLC - 0 Sagamore Avenue** request 1 year extension on variance issued on September 24, 2019 (LU-19-200)

The Board voted to **grant** the extension request.

B) Request of **Wentworth Corner LLC, Owners**, for the property located at **960 Sagamore Avenue** whereas relief is needed from the Zoning Ordinance to demolish existing structures and construct a 6 unit residential building which requires the following: 1) A Variance from Section 10.521 to allow a lot area per dwelling unit of 7,155 square feet where 7,500 square feet is required. 2) A Variance from Section 10.1114.31 to allow two driveways on a lot where one driveway is permitted. Said property is shown on Assessor Map 201 Lot 2 and lies within the Mixed Residential Business (MRB) District. *\*Note original request was for an 8 unit building with a lot area per dwelling unit of 5,360 square feet.*

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

### III. PUBLIC HEARINGS – NEW BUSINESS

- A. Request of Shirley W. Scarponi Trust (owner), and Shirley W. Scarponi, (Trustee),** for the property located at **276 Melbourne Street** whereas relief is needed from the Zoning Ordinance to construct a Detached Accessory Dwelling Unit (DADU) which requires the following: 1) Variances from Section 10.521 to allow a) a lot area of 10,867 sq. ft. where 15,000 sq. ft. is required; b) 34.5% building coverage where 20% is the maximum allowed; and c) a 15 foot rear yard where 30 feet is required. Said property is shown on Assessor Map 233 Lot 84 and lies within the Single Residence B (SRB) District. (LU-21-157)

The Board voted to **postpone** the petition to the October 19<sup>th</sup> meeting.

- B. Request of Michael J. and Wendy L. Joanis, (Owners),** for the property located at **126 Elwyn Avenue** whereas relief is needed from the Zoning Ordinance to construct a 15' x 22' single car garage which requires the following: 1) Variances from Section 10.521 to allow a) a 4' secondary front yard where 15' is required; b) a 3' left side yard where 10' is required; and c) 31.5% building coverage where 25% is the maximum allowed. 2) A Variance from Section 10.571 to allow an accessory structure to be located in any required front yard and closer to the street than the principal building. Said property is shown on Assessor Map 112 Lot 44 and lies within the General Residence A (GRA) District. (LU-21-158)

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

- C. Request of Todd E. Hedges Revocable Trust, (Owner) and Todd E. Hedges, (Trustee),** for the property located at **139 Cass Street** whereas relief is need to construct a two-car garage with apartment above which requires the following: 1) A request for an Equitable Waiver pursuant to RSA 674:33-a or A Variance from Section 10.521 to allow a 9' rear yard where 20' is required. Said property is shown on Assessor Map 146 Lot 6 and lies within the General Residence C (GRC) District. (LU-21-89)

The board voted to **grant** the equitable waiver as presented and advertised.

- D. 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** the petition to the October 19<sup>th</sup> meeting.

- E.** Request of **Jeffrey L. and Dolores P. Ives, (Owners)**, for the property located at **44 Gardner Street** whereas relief is needed to construct a 6' x 12' mudroom addition with new landing and steps which requires the following: 1) A Variance from Section 10.521 to allow 34% building coverage where 30% is the maximum allowed. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be expanded, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 103 Lot 42 and lies within the General Residence B (GRB) District. (LU-21-174)

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

- F.** Request of **Potter Schwartz Revocable Trust of 2013 (Owner)**, and **Michael F. Schwartz, (Applicant)**, for the property located at **21 Fernald Court** whereas relief is needed to construct a 16' x 23' deck and add an 8'x8' shed which requires the following. 1) Variances from Section 10.521 to allow a) 29% building coverage where 20% is the maximum allowed; and b) a 13' front yard where 30 feet is required. 2) 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 207 Lot 55 and lies within the Single Residence B (SRB) and Historic Districts (LU-21-173)

The Board voted to **deny** variance B because it did not meet the spirit and intent of the Ordinance and grant variance A with the following stipulation:

- 1) The maximum allowed building coverage is 25%.

- G.** Request of **Brian S. Porter and Erica J. Wygonik (Owners)**, for property located at **319 Lincoln Avenue** whereas relief is needed to demolish existing garage and construct one-car attached garage and construct new dormer which requires the following: 1) Variances from Section 10.521 to allow a) a 2.5' left side yard where 10' is required; b) a 4' right side yard where 10' is required; and c) 33.5% building coverage where 25% is the maximum allowed. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be expanded, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 130 Lot 31 and lies within the General Residence A (GRA) District. (LU-21-175)

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

**H. REQUEST TO POSTPONE** 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). (LU-21-176) **REQUEST TO POSTPONE**

The Board voted to **postpone** to the October 19<sup>th</sup> meeting.

#### **IV. OTHER BUSINESS**

There was no other business.

#### **V. ADJOURNMENT**

The meeting was adjourned at 10:50 p.m.