

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

**7:00 P.M.**

**December 20, 2022**

**ACTION SHEET**

**MEMBERS PRESENT:** Beth Margeson; Paul Mannle; Phyllis Eldridge; Thomas Rossi; David Rheame; Jeffrey Mattson, Alternate

**MEMBERS EXCUSED:** David MacDonald

**ALSO PRESENT:** Stefanie Casella, Planning Department; Peter Stith, Planning Department

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\*Former Chairman Jim Lee left the Board, and Ms. Margeson was Acting-Chair for the evening. David Rheame was welcomed to the Board.

**I. ELECTION OF OFFICERS**

*The Board voted to elect Phyllis Eldridge as Chair.*

**II. APPROVAL OF MINUTES**

**A.** Approval of the November 15, 2022 minutes.

*The Board voted to **approve** the November 15 minutes as amended.*

**III. OLD BUSINESS**

**A.** Request for Rehearing - **53 Green Street**. (LU-21-162)

*The Board voted to **deny** the request for the rehearing because the petition has been heard twice by the Board on two different occasions and with two different Board member compositions and the results were both the same.*

**B. REQUEST TO POSTPONE** The request of **635 Sagamore Development LLC (Owner)**, for property located at **635 Sagamore Avenue** whereas relief is needed to remove existing structures and construct 4 single family dwellings which requires the

following: 1) A Variance from Section 10.513 to allow four free-standing dwellings where one is permitted. 2) A Variance from Section 10.521 to allow a lot area per dwelling unit of 21,198 square feet per dwelling where 43,560 square feet is required. Said property is located on Assessor Map 222 Lot 19 and lies within the Single Residence A (SRA) District. **REQUEST TO POSTPONE** (LU-22-209)

*The Board voted to **grant** the request to **postpone** to the January meeting.*

#### **IV. NEW BUSINESS**

- A.** The request of **Ann R Sherpick and Walter F Stewart (Owners)**, for property located at **88 Kensington Road** whereas relief is needed to remove an existing addition and construct a new addition which requires the following: 1) A Variance from Section 10.521 to allow 23% building coverage where 20% is the maximum allowed. 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 located on Assessor Map 152 Lot 22 and lies within the Single Residence B (SRB) District. (LU-22-201)

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

- B.** The request of **Ryan and Karen E Baker (Owners)**, for property located at **44 Gardner Street** whereas relief is needed to replace an existing porch with a sunroom addition 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 extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 103 Lot 42 and lies within the General Residence B (GRB) and Historic District. (LU-22-215)

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

- C.** The request of **Karen and Rick Rosania (Owners)**, for property located at **32 Boss Avenue** whereas relief is needed to allow an art studio for classes up to 8 people which requires the following: 1) A Variance from Section 10.440 to allow an art studio where the use is not permitted. Said property is located on Assessor Map 153 Lot 5 and lies within the Single Residence B (SRB) District. (LU-22-217)

*The Board voted to **deny** the petition because the spirit of the ordinance was not observed and literal enforcement of the provisions of the Ordinance would not result in an unnecessary hardship. Use as an Art Studio is not an established use in the Zoning Ordinance and Commercial uses are not permitted in the SRB zoning district.*

**D.** The request of **Rudy Storylazy Holding LLC (Owner)**, for property located at **96 Chestnut Street** whereas relief is needed for conversion of existing office into residential which requires the following: 1) A Variance from Section 10.5A41, Figure 10.5A41.10A, to allow a) a lot area per dwelling of 2,046 where 3,000 square feet is required; and b) 14% open space where 25% minimum 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 located on Assessor Map 116 Lot 24 and lies within the Character District 4-L1 (CD4-L1) and Historic District. (LU-22-220)

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

**E.** The request of **Stephen A and Kathryn L Singlar (Owners)**, for property located at **39 Holmes Court** whereas relief is needed for addition of a shed dormer, heat pump and new paved area which requires the following: 1) Variances from Section 10.521 to allow a) a 2' rear yard where 25' is required; and b) 22% open space where 25% is the minimum required. 2) A Variance from Section 10.515.14 to allow a 0' setback where 10' is required for a heat pump. 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 located on Assessor Map 101 Lot 13 and lies within the General Residence B (GRB) and Historic District. (LU-22-226)

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

**F.** The request of **Stephen A and Kathryn L Singlar (Owners)**, for property located at **43 Holmes Court** whereas relief is needed to demolish the existing dwelling and construct a new single-family dwelling which requires the following: 1) Variances from Section 10.531 to allow a) a lot area of 5,353 square feet where 20,000 square feet is required; b) 0 feet of street frontage where 100 feet is required; c) 75' of lot depth where 100 feet is required; d) a 17 foot front yard where 30 feet is required; e) a 14 foot left side yard where 30 feet is required; and f) a 14 foot right side yard where 30 feet is required. 2) A Variance from Section 10.440, Use # 1.10 to allow a single family dwelling where the use is not permitted. Said property is located on Assessor Map 101 Lot 14 and lies within the Waterfront Business (WB) and Historic District. (LU-22-227)

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

**G. REQUEST TO POSTPONE** The request of **Nissley LLC (Owner)**, for property located at **915 Sagamore Avenue** whereas relief is needed to demolish the existing building and construct new mixed-use building which requires the following: 1) A Variance from Section 10.440 to allow a mixed-use building where residential and office uses are not permitted. 2) A Variance from Section 10.1113.20 to allow parking

to be located in the front yard and in front of the principal building. 3) A Variance from Section 10.1114.31 to allow 2 driveways on a lot where only one is allowed. Said property is located on Assessor Map 223 Lot 31 and lies within the Waterfront Business (WB) District. **REQUEST TO POSTPONE** (LU-22-229)

*The Board voted to **grant** the request to **postpone** to the January meeting.*

- H.** The request of **Luke J. Brindamour and Sara C. Brindamour (Owners)**, for property located at **653 Greenland Road** whereas relief is needed to add an 8' tall fence which requires the following: 1) A Variance from Section 10.515.13 to allow an 8' tall fence along the property line and not adhering to the required yard setbacks. Said property is located on Assessor Map 259 Lot 31 and lies within the Single Residence B (SRB) District. (LU-22-231)

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

- I.** The request of **Paula and Joe Lewinski (Owners)**, for property located at **187 Union Street** whereas relief is needed for renovation of the existing dwelling including demolition of a small addition and expanding the existing structure which requires the following: 1) A Variance from Section 10.521 to allow a 0' secondary front yard where 2 feet (per Section 10.516.10) is required. 2) A 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 135 Lot 68 and lies within the General Residence C (GRC) District. (LU-22-238)

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

- J.** The request of **Linda J Mayrand (Owner)**, for property located at **44-46 Rockingham Street** whereas relief is needed for after the fact variance for a rear deck expansion and stairs which requires the following: 1) Variances from Section 10.521 to allow a) an 8 foot side yard where 10 feet is required; and b) 46% building coverage where 35% is the maximum allowed. 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 located on Assessor Map 144 Lot 14 and lies within the General Residence C (GRC) District. (LU-22-230)

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

## **V. OTHER BUSINESS**

*There was no other business.*

## **VI. ADJOURNMENT**

*The meeting adjourned at 11:00 p.m.*