

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

*Members of the public also have the option to join the meeting over Zoom
(See below for more details)**

7:00 P.M.

February 15, 2022

AGENDA

<p style="text-align:center">PLEASE NOTE: ITEMS D) THROUGH H) WILL BE HEARD AT THE FEBRUARY 23, 2022 BOARD OF ADJUSTMENT MEETING.</p>
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I. ELECTION OF VICE CHAIR

II. APPROVAL OF MINUTES

A) Approval of the minutes of the meeting of January 18, 2022.

III. OLD BUSINESS

- A. **Matthew Beal and Heidi Medlyn - 242 Leslie Drive** request a 1-Year Extension to the Variance from Dimensional Standards granted on February 24, 2020. (LU-20-14)
- B. Rehearing of the **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)
- C. Request of **Evan C. Maloney and Jill Maloney (Owners), and Duncan McCallum (Applicant)**, for the property located at **389 Lincoln Avenue** requesting an equitable waiver or variance for approval of a previously constructed tree house which requires the following: 1) A Variance or Equitable Waiver from Section 10.573.20 to allow a) a 0 foot rear yard where 8 feet is required; and b) a 5' left side yard where 8 feet is required. Said property is shown on Assessor Map 135 Lot 17 and lies within the General Residence A (GRA) District. (LU-21-213)

IV. NEW BUSINESS

- A) The request of **Cyrus Beer and Erika Caron (Owners)**, for the property located at **64 Mount Vernon Street** whereas relief is needed to add a condenser unit which requires the following: 1) A Variance from Section 10.515.14 to allow a 4 foot setback where 10 feet is required. Said property is shown on Assessor Map 111 Lot 30 and lies within the General Residence B (GR-B) and Historic Districts. (LU-21-210)
- B) The request of **Treadwell House INC (Owner)**, for the property located at **70 Court Street** whereas relief is needed to convert the building into an 8 room inn with caretaker residence which requires the following: 1) A Variance from Section 10.440 Use #10.30 to allow an Inn where the use is not permitted. 2) A Variance from Section 10.114.21 to allow a 13' maneuvering aisle where 24' is required. Said property is shown on Assessor Map 116 Lot 49 and lies within the Character District 5 (CD5) and Character District 4-L1 (CD4-L1). (LU-22-10)
- C) The request of **Mastoran Restaurants Inc. (Owner)**, for the property located at **2255 Lafayette Road** whereas relief is needed to demolish the existing Burger King and construct a 5,555 square foot convenience store with drive-thru and fueling island which requires the following: 1) A Variance from Section 10.5B33.20 to allow 0% front lot line buildout where 75% is required. 2) A Variance from Section 10.5B22.40 to allow a building to be constructed outside of the 70 - 90 foot setback from the centerline of Lafayette Road. 3) A Variance from Section 10.1113.20 to allow parking to be located between a principal building and a street. 4) A Variance from Section 10.1114.31 to allow more than one driveway. 5) A Variance from Section 10.835.32 to allow a bypass lane for a drive thru to be set back 24 feet from a lot line where 30 feet is required. 6) A Variance from Section 10.1251.20 to allow a 160 square foot freestanding sign where 100 square feet is the maximum allowed. Said property is shown on Assessor Map 272 Lot 3 and lies within the Gateway Corridor (G-1) district. (LU-22-13)

THE FOLLOWING ITEMS WILL BE HEARD ON WEDNESDAY, FEBRUARY 23, 2022

- D) The request of **230 Commerce Way LLC (Owner)**, for the property located at **230 Commerce Way** whereas relief is needed to construct a new Veterinary care building which requires the following: 1) A Special Exception from Section 10.440 Use #7.50 to allow a Veterinary Care use in a district where it is allowed by Special Exception. Said property is shown on Assessor Map 216 Lot 5 and lies within the Office Research (OR) district. (LU-22-14)
- E) The request of **HCA Realty (Owner)**, for the property located at **0 Borthwick Avenue** whereas relief is needed to construct a remote parking area for hospital use which requires the following: 1) A Variance from Section 10.113.41 to allow a 35 foot front setback for a parking lot where 50 feet is required. 2) A Special Exception from Section 10.1113.112 to allow a parking lot on another lot in the same ownership as the lot in question within 300 feet of the property line of the lot in question. Said property is shown

on Assessor Map 234 Lot 7-4A and lies within the Office Research (OR) District. (LU-22-15)

- F) The request of **One Market Square LLC (Owner)**, for the property located at **1 Congress Street** whereas relief is needed to construct a 3 story addition with a short 4th story and building height of 44'-11" which requires the following: 1) A Variance from Section 10.5A.43.31 and Map 10.5A21B to allow a 3-story addition with a short 4th and building height of 44'-11" where 2 stories (short 3rd) and 35' is the maximum allowed. Said property is shown on Assessor Map 117 Lot 14 and lies within Character District 4 (CD-4) and Character District 5 (CD-5). (LU-22-12)
- G) The request of **Theodore M. Stiles (Owner)**, for the property located at **28 South Street** whereas relief is needed to add two rear additions to the existing dwelling which requires the following: 1) Variances from Section 10.521 to allow a) 30.5% building coverage where 30% is the maximum allowed; and b) a 5' left side yard where 10' 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 102 Lot 43 and lies within the General Residence B (GRB) district. (LU-22-8)
- H) **REQUEST TO POSPONE** The appeal of **Duncan McCallum (Attorney for Appellants)**, of the December 16, 2021 decision of the Planning Board for property located at **31 Raynes Avenue, 203 Maplewood Avenue, and 1 Raynes Avenue** which granted the following: a) site plan approval b) wetlands conditional use permit; and c) certain other, miscellaneous approvals, including an approval related to valet parking. Said properties are shown on Assessor Map 123 Lot 14, Map 123 Lot 13, Map 123 Lot 12, Map 123 Lot 10 and lie within the Character District 4 (CD4) District, Downtown Overlay District (DOD), Historic District, and the North End Incentive Overlay District. **REQUEST TO POSPONE** (LU-21-54)

V. OTHER BUSINESS

VI. ADJOURNMENT

**Members of the public also have the option to join this meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:*

https://us06web.zoom.us/webinar/register/WN_ld8BUUPjTpiFZQErI_chHQ