

**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.**

**March 15, 2022**

**AGENDA**

*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** **WILL NOT BE HEARD DUE TO THE STAY ORDER FROM THE SUPERIOR COURT***

**I. APPROVAL OF MINUTES**

A) Approval of the minutes of the meetings of February 15, 2022 and February 23, 2022.

**II. OLD BUSINESS**

**A. REQUEST TO POSTPONE** The request of **Francis X. Bruton, (Attorney for Appellants)**, for Appeal of Administrative decision that the merged lot at **1 Congress** is not subject to the height allowances (2 stories, 4th short, 45 feet in height) pursuant to Map 10.5A21B and as permitted pursuant to Section 10.5A21.22(a) & (c) of the Zoning Ordinance. Said property is shown on Assessor Map 117 Lot 14 and lies within Character District 4 (CD-4), Character District 5 (CD-5) and the Historic District.  
**REQUEST TO POSTPONE (LU-22-12)**

**B. REQUEST TO POSTPONE** 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 40' is the maximum allowed. Said property is shown on Assessor Map 117 Lot 14 and lies within Character District 4 (CD-4), Character District 5 (CD-5) and the Historic District. **REQUEST TO POSTPONE (LU-22-12)**

### III. NEW BUSINESS

- A. The request of **Kelly Rose Shea (Owner)**, for property located at **725 Colonial Drive** whereas relief is needed to demolish existing garage and construct new 24' x 28' addition with single car garage which requires the following: 1) Variances from Section 10.521 to allow a) a 5.5' right side yard where 10' is required; b) a 20' rear yard where 30' is required; and c) a 20' front yard where 30' is required; and d) 25% 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 260 Lot 14 and lies within the Single Residence B (SRB) District. (LU-22-18)
- B. The request of **Christopher S. and Kristin L. Martin (Owners)**, for property located at **27 Sewall Road** whereas relief is needed to construct a rear addition with 2 decks and a 10x10 shed which requires the following: 1) Variances from Section 10.521 to allow a) a 6.5' left side yard where 10' is required; and b) 22% building coverage where 20% is the maximum allowed. Said Property is located on Assessor Map 170 Lot 12 and lies within the Single Residence B (SRB) District. (LU-22-27)
- C. The request of **Nerbonne Family Revocable Trust (Owner)**, for property located **189 Gates Street** whereas relief is needed for conversion of the existing garage into a Garden Cottage with a 12' x 16' addition and 6' x 14' deck which requires the following: 1) Variances from Section 10.521 to allow a) 35.5% building coverage where 30% is the maximum allowed; and b) a 1' right side yard where 10' is the minimum. 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 6 and lies within the General Residence B (GRB) and Historic Districts. (LU-22-30)
- D. The request of **Christopher H. Garrett Revocable Trust of 2007 (Owner)**, for property located at **1299 Islington Street** whereas relief is needed to Subdivide one lot into two lots which requires the following: 1) Variances from Section 10.521 to allow a) a lot area and lot area per dwelling unit of 12,366 square feet where 15,000 is required for each; and b) 99' of continuous street frontage where 100' is required. Said property is located on Assessor Map 233 Lot 119 and lies within the Single Residence B (SRB) District. (LU-22-33)
- E. The request of **Julia R. Tiebout Revocable Trust of 2009 (Owner)**, for the property located at **405 South Street** whereas relief is needed to Subdivide one lot into two lots and construct single family dwelling which requires the following: 1) Variances from Section 10.521 to allow a) 30' of continuous street frontage where 100' is required for proposed Lot 2; and b) 15.5' rear yard where 20' is the minimum required. Said property is located

on Assessor Map 111 Lot 18 and lies within the General Residence A (GRA) district. (LU-22-9)

**F.** The request of **Peggi L. Morrow (Owner)**, for property located at **139 Essex Avenue** whereas relief is needed to demolish existing dwelling and construct new single-family dwelling which requires the following: 1) Variances from Section 10.521 to allow a) lot area and lot area per dwelling unit of 11,581 square feet where 15,000 is required for each; and b) 75' of continuous street frontage where 100' is required. Said property is located on Assessor Map 233 Lot 60 and lies within the Single Residence B (SRB) District. (LU-22-25)

**G.** The request of **Brian A. Fritz (Owner)**, for property located at **169 Martha Terrace** whereas relief is needed to add a second floor on the existing dwelling which requires the following: 1) A Variances from Section 10.521 to allow a) a 37' rear yard where 40' is required; and b) 14% building coverage where 10% is the maximum. 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 located on Assessor Map 283 Lot 9 and lies within the Single Residence A (SRA) district. (LU-22-20)

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

#### **V. 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\\_RRum0sh4QgWxxalcIU6EcQ](https://us06web.zoom.us/webinar/register/WN_RRum0sh4QgWxxalcIU6EcQ)