

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

7:00 P.M.

March 15, 2022

ACTION SHEET

MEMBERS PRESENT: Chairman Arthur Parrott, Chairman, Jim Lee, Vice Chair; David MacDonald, Beth Margeson, Thomas Rossi, Paul Mannle, Phyllis Eldridge, Alternate

MEMBERS EXCUSED:

ALSO PRESENT: Peter Stith, Planning Department

*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** **WAS NOT 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.

*Minutes of the meetings of February 15, 2022 were **approved as amended**. Minutes of the February 23, 2022 were **approved** as presented.*

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)

*The Board voted to **postpone** the April meeting.*

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)

*The Board voted to **postpone** the April meeting.*

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)

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

- 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)

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

- 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)

*The Board voted to **grant** the request approving the revised plan without the deck with a 4' right side yard and 31% building coverage.*

- 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)

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

- E.** The request of **Julia R. Tiebout Revocable Trust of 2009 (Owner)**, for the property located at **405 South Street** whereas relief is need 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 require 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)

The Board voted to switch the order of item E. and item F. Petition F, 139 Essex Street, was then heard, and Petition E, 405 South Street, was heard afterwards.

*The Board voted to **deny** the request because it violated the public interest and the spirit of the ordinance, and alters the essential character of the neighborhood.*

- 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)

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

- 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)

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

IV. OTHER BUSINESS

There was no other business.

V. ADJOURNMENT

The meeting was adjourned at 11:10 p.m.