

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

**7:00 P.M.**

**April 19, 2022**

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

**MEMBERS EXCUSED:** None

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

---

Chairman Parrott called the meeting to order at 7:00 p.m.

**I. APPROVAL OF MINUTES**

A) Approval of the minutes of the March 15, 2022 meeting.

The March 15, 2022 minutes were **approved** as presented.

**II. OLD BUSINESS**

A. **Lancen and Sophie LaChance - 11 Fletcher Street** request a 1-year extension to the variances granted on April 21, 2020. (LU-20-42)

**DECISION OF THE BOARD**

*Mr. Lee moved to **grant** the request for a one-year extension.*

Mr. Lee said a first one-year extension was routinely granted. Ms. Margeson agreed and said there was a recommendation from the City Staff that the Board, in granting the extension, acknowledge that the plans were slightly modified due to the change in ownership and that a stipulation be placed on the approval stating that the drainage evaluation for the new modified plans be would be done prior to the issuance of the building permit.

Mr. Lee amended his motion. *He moved to **grant** the request for a one-year extension, with the following **stipulation**:*

- 1. The drainage evaluation for the modified plans shall be done prior to the issuance of the building permit.*

*Ms. Margeson seconded the motion. The motion **passed** by unanimous vote, 7-0.*

**B. Maple Masjid - 686 Maplewood Avenue** request a 1-year extension to the special exception and variances granted on April 21, 2020. (LU-20-37)

#### **DECISION OF THE BOARD**

*Mr. Mannle moved to **grant** the request for a one-year extension, seconded by Mr. Rossi.*

Mr. Mannle said it was reasonable for the applicant to request an extension, given what had happened over the last two years with the pandemic.

*The motion **passed** by unanimous vote, 7-0.*

**C. 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)**

#### **DECISION OF THE BOARD**

Ms. Margeson asked if Attorney Bruton and the City Attorney were trying to clarify the status of Haven Court. Chairman Parrott said the City Attorney said more time was needed due to the complexity of the issue.

*Ms. Eldridge moved to **grant** the request to postpone the appeal, seconded by Ms. Margeson.*

Ms. Eldridge said it was a routine but complicated issue. Ms. Margeson concurred and said it if was resolved, perhaps it wouldn't have to come back to the Board.

*The motion **passed** by unanimous vote, 7-0.*

**D. 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)**

#### **DECISION OF THE BOARD**

*Mr. Mannle moved to **grant** the request to postpone the petition to a future meeting, seconded by Mr. Rossi.*

Mr. Mannle said it was the second request and that the petition could be heard at a later meeting.

*The motion **passed** by unanimous vote, 7-0.*

At this point in the meeting, Chairman Parrott noted that there was also a request to postpone Item F, 635 Sagamore Development LLC, and asked for a motion.

*Mr. Mannle moved to **grant** the request to postpone the petition to a future meeting, seconded by Ms. Eldridge.*

Mr. Mannle said the applicant's attorney didn't have the time to respond to a number of comments made by the public, so granting the postponement would be fair and reasonable.

*The motion **passed** by a vote of 6-0, with Mr. Rossi abstaining from the vote.*

### **III. NEW BUSINESS**

- A.** The request of **Charles Dudas (Owner)**, for property located at **32 Monteith Street** whereas relief is needed for the demolition of the existing shed and construction of a 2-story attached garage with accessory dwelling unit which requires the following: 1) Variance from Section 10.521 to allow an 8' right side yard where 10' is required. Said property is shown on Assessor Map 143 Lot 22 and lies within the General Residence A (GRA) district. (LU-22-44)

### **SPEAKING TO THE PETITION**

The applicant Chuck Dudas said he applied for a wetlands Conditional Use Permit (CPU) in May 2020 and an extension in 2021. He said the project was currently the same as it was then, with the exception of a slightly enlarged garage footprint encroaching on the side setback. He explained that the project had to be done in phases due to construction costs and that the existing garage and driveway had already been demolished and that he wanted to build a new garage with an attached ADU and a shed. He said the need for bollards for the gas meter drove the variance request so that there would be more room to get the car in and out of the garage. He said the ADU wasn't part of the original wetlands CPU but that the footprint within the wetland buffer had not changed. He reviewed the criteria and said they would be met.

Mr. Mannle said the variance request was for an 8-ft right side yard setback but that the information the Board had was for an 8-ft front yard setback where the standard was 32 feet. Mr. Stith said the current right yard setback was 32 feet.

Chairman Parrott opened the public hearing.

**SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one spoke, and Chairman Parrott closed the public hearing.

**DECISION OF THE BOARD**

*Mr. Mannle moved to **grant** the variance as presented, seconded by Mr. Rossi.*

Mr. Mannle said granting the variance would not be contrary to the public interest, and the spirit of the ordinance would be observed. He said substantial justice would be done because the request was only for two feet, and the values of surrounding properties would not be diminished at all. He said literal enforcement of the ordinance would result in an unnecessary hardship. Mr. Rossi concurred and said the property had special conditions including the location of the gas meter and the wetlands setback that made the proposed location of the garage appropriate. Ms. Margeson said the actual variance request was for a right yard setback of eight feet where 10 feet was required by the ordinance, so it was a de minimis request and she would support it.

*The motion **passed** by unanimous vote, 7-0.*

- B.** The request of **Frederick J. Baily III (Owner)**, for the property located at **212 Woodbury Avenue** whereas relief is needed for a lot line adjustment on four lots to create 3 conforming lots with the existing dwelling and demolition of one existing dwelling and construction of 2 duplexes and 4 single family dwellings on one lot which requires the following: 1) Variance from Section 10.513 to allow more than one free-standing principal structure on a lot. Said property is shown on Assessor Map 175 Lot 1 and lies within the General Residence A (GRA) District. (LU-22-52)

**SPEAKING TO THE PETITION**

Attorney Tim Phoenix was present on behalf of the applicant. The proposed buyer and developer Mike Garrepy was also present. Attorney Phoenix reviewed the petition, noting that the property was at the corner of Woodbury Avenue and Boyd Road. He said the intent was to change the lot lines so that the three buildings at the corners would remain on zone-compliant lots and the remainder of the lot would have an 8-unit condominium complex built on it consisting of two duplexes and four standalone units. He said the Woodbury Avenue curb cut would be eliminated in favor of the curb cut on Boyd Road to access all the units. He said only one variance was needed because the petition met all the other requirements. He noted that the petition would go before the Technical Advisory Committee (TAC) and the Planning Board for review. He showed a photo of the building on Boyd Road that would be demolished and said all the other houses would be rehabilitated. He reviewed the criteria in full and said they would be met.

Mr. Mannle asked whether 214 and 216 Woodbury Avenue should also be included on the application. Mr. Garrepy said they were there to discuss 212 Woodbury Avenue as reconfigured per their plan and still had to go before the Planning Board for a lot line adjustment and so on.

He said 6 Boyd Road and 214 and 216 Woodbury Avenue did not require relief from zoning, but as they went forward through the Planning Board, all three lots would be on record. Mr. Stith that when the subdivision application came through, it would include all the parcels. It was further discussed. Ms. Margeson said the property would be subdivided into lots and thought that would require a variance. Attorney Phoenix said if they tried to subdivide them into lots holding a combination of single-family or duplexes on their own lots, then they would need a variance, He said the lot met all the zoning density requirements but was landlocked and due to its location, there was no way to create cookie-cutter lots. Chairman Parrott confirmed that it would be a condominium association project. Ms. Margeson asked if it was a homeowners or condo association. Attorney Phoenix said it would be a condo association. He said the Planning Board and City Staff would require condominium documents for their review and approval in order to get the project approved.

Mr. Mannle said relief was needed for a lot line adjustment for four lots to create three confirming lots. He said there would be two duplexes and four single homes on one lot, and the only variance sought was the one for the proposed condo lot. Attorney Phoenix agreed. Mr. Mannle asked whether the process would have the lot cut by the Planning Board first. Attorney Phoenix said the Planning Board would require approved variances first. Chairman Parrott said there was no required sequence as to how many boards the applicant had to see, and it was further discussed. Mr. Rossi asked what the basis was for stating that the project would provide moderate cost housing. Attorney Phoenix said housing in Portsmouth was very expensive, especially close to downtown, and the proposed project would sell for a more moderate price due to the traffic circle and surrounding mixed-use businesses and residential housing. Mr. Rossi asked if the other two houses on the property were occupied. Attorney Phoenix said they were and that the one to be demolished was not.

Chairman Parrott opened the public hearing.

### **SPEAKING IN FAVOR OF THE PETITION**

John Baldassare of 121 Boyd Road said he was an abutter and had watched the home decline for nine years. He said the project would bring positive value to the neighborhood and would fit in with the surrounding mixed-use properties. He said the Woodbury Bridge construction that added extra traffic to Boyd Road wasn't that disruptive and was more traffic than the proposed project would cause. He said the current property was an eyesore.

### **SPEAKING IN OPPOSITION TO THE PETITION**

Sharon Moylan of 55 Boyd Road said she had owned her property since 1967 and knew that the corner of Boyd Road and Woodbury Avenue once had a beautiful duplex but the family let it deteriorate. She said no one from 6 Boyd Road or 214 or 216 Woodbury Avenue would oppose the project because they were renters. She said she didn't like the funnel onto Boyd Road because the road had no sidewalks and would be across from Manor Drive, where there was housing for the elderly and disabled and they would have to deal with more traffic. She said she was against demolishing one duplex and putting in two as well as splitting up single-family

homes to make them into condos. She said the neighborhood always had single-family homes except for the duplex, and the proposed project would change the values of surrounding homes.

Phyllis Randell of 99 Boyd Road said she didn't think anything would be better than what currently existed at 212 Woodbury Avenue, nor did she agree that the project was a good fit because of the multi-units at Manor Drive. She said the neighborhood had suffered for years from having a lovely property neglected to the point of being derelict, and she asked where the owner's consideration toward it had been all that time. She said she was concerned about the placement of the access onto Boyd Road because the turn from Woodbury Avenue was tight. She said the project was too much, despite its claims that it fit the density.

Martin Ryan of 221 Woodbury Avenue said he owned the house directly across the street from the property and had lived there since 1996, when 212 Woodbury Avenue was a beautiful home. He said he had seen it neglected and abandoned. He said he was glad the property would be revitalized but couldn't support what was proposed because it was out of character and the proposed buildings were subpar catalog-style architecture. He said he hoped the project could be tabled so that a better solution could be thought of. He said he was an architect and would be willing to offer suggestions about what would be appropriate on the property. He said it wasn't the density or intensity of the development that upset him but that it was the quality of construction, and he asked that the owner find something that worked for the neighborhood.

Chairman Parrott asked if the 212 Woodbury Avenue home was occupied in 1996. Mr. Ryan agreed but said it hadn't been occupied for over a decade. Mr. Mannle asked Mr. Ryan if he would be happy if the development could be done with six new units and the mansard rehabilitated into a duplex. Mr. Martin said that would be very suitable. Mr. Mannle said the cost of rehabbing the house would probably be a lot more than building a new one. Mr. Martin said the lot deserved a grand house reminiscent of the original one.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

Attorney Phoenix said he had heard the comments about the current owners and how they treated their properties, but the applicant was trying to rescue the property. He said many of the neighbors' concerns would be vetted by TAC and the Planning Board. He said the applicant was willing to speak with Mr. Ryan but would not rehab the house due to the expense.

Mr. Rossi asked Attorney Phoenix to review the rationale for not subdividing the property into a number of lots that could have one structure per lot. Attorney Phoenix said the developer was in business to earn a living and to develop property and that the costs for one structure per lot wasn't worth doing. He said it was a unique circumstance because there was an area big enough to support the project in terms of lot area, density, and so on, but there wasn't the street frontage to create a new subdivision for all those lots. Mr. Rossi said if there were separate lots, there would be additional side yard setbacks that would spread the units out more. Attorney Phoenix said if it was a big square lot surrounded by streets that had 7,500 square feet per lot with the required frontage, they might be spread out more, but condos were closer together. He said the Board had approved similar developments in the past, and the plan was to have 30 feet between

each unit, with some having 20 or 24 feet which wasn't unusual in condo ownership. Mr. Rossi noted that there was a weird point traffic-wise if one went out Boyd Road toward the hotel. Attorney Phoenix said the traffic and the effect of the number of cars and so on was a Planning Board issue but thought that most of the eight homes would turn toward Woodbury Avenue and that adding seven more residences to the area wouldn't pose a significant traffic impact. He said the duplexes and single-family homes would be around 2,400 square feet.

Ms. Margeson asked if the existing building could be rehabbed if the applicant was willing to spend the money. Attorney Phoenix said anything was possible but that it would probably have to be taken down to the foundation. Mr. Garrepy said they didn't evaluate the structural integrity of the residence but did inspect the other three homes and that they were in good shape and just needed some care. Ms. Margeson said she hated to lose the 212 Woodbury Avenue building and thought the applicant could have spoken to the neighbors about it and just developed the rest of the property. Mr. Garrepy said he wasn't opposed to working with the neighbors and the architect to make something look more similar to what existed there now.

No one else spoke, and Chairman Parrott closed the public hearing.

## **DISCUSSION OF THE BOARD**

Mr. Mannle asked Mr. Stith if the developer had the leeway to rehab 212 Woodbury Avenue into a duplex even though it was already a duplex. He noted that the applicant was only asking to have multiple units on that proposed lot. Mr. Stith said a stipulation could be added to clarify it. Chairman Parrott asked if it was legally a duplex. Attorney Phoenix said it was a single-family home according to the tax records. Mr. Rossi said he saw the benefit of doing something in that location but felt that it was cramming too much into a small space. Ms. Eldridge said that although the project was a huge change of the property, it wasn't a huge change for the neighborhood because it was a mix of single and multi-family units that would be built on legal lots approved for homes. She thought it would be more out of the norm to put one home on 60,000 square feet in that neighborhood. She said she understood the concern about traffic but said the mansard building couldn't be brought back and the architecture wasn't something the Board could influence, so she was in favor of the project.

Ms. Margeson said it was one of the most difficult projects she'd had as a Board member, and she regretted the loss of the mansard and wished there was a way the developer could rehab it and then do the rest of the project. She said the property did have special conditions and that she was aware of the project's impact on the neighborhood but that multi-family dwellings were allowed in the General Residence A District and the variance was about having multiple dwellings on one lot. She said she also couldn't say that the property couldn't be used with a single-family dwelling on it. She said the zoning was very clear that it wasn't supposed to be a marked departure from the ordinance. Mr. MacDonald said he was struck by the need to do something that benefits the city overall and thought that rehabbing a property like that one was exactly what the city needed. He said there were other steps in the review process before a final decision was made that should be allowed to run their course and that there would be public

input throughout that would hopefully bring the project to where it needs to be. For those reasons he said he would support a motion to approve. Mr. Lee said there came a point in a house's life where it was gone too far to economically refurbish it, and that it made sense to repurpose the lots into a small condo project, with ample space between the units or air and light and so on.

Chairman Parrott said the project was one of the more difficult ones before the Board. He said it was unfortunate that the owners neglected the beautiful mansard structure and that it would be demolished. He said the proposal was a bit too ambitious for the property but that it met the letter of the law as proposed. He said further action would be required by TAC and the Planning Board that he hoped would refine some of the issues. He noted that the Board wasn't in charge of appearances or architecture and that the zone permitted multiple family homes in a mixed-use area. He said he would approve granting the variances for the project.

Mr. Stith said if the Board was in favor of the applicant working on different architectural designs, there was a section in the ordinance about features of proposed structures that could be deemed conditions of the approval and that some language could be added to the motion to allow the applicant to change the design of the buildings. It was further discussed.

## **DECISION OF THE BOARD**

*Mr. Lee moved to **grant** the variance for the petition as presented, seconded by Mr. Mannle.*

Mr. Lee said granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance. He said it was a complicated project that was fairly well thought out and that he understood the need for the applicant to do what they were doing to make the project economically feasible. He said substantial justice would be done and that, as a real estate broker, he knew the eight new units would not diminish the values of surrounding properties but would enhance them greatly. He said literal enforcement of the ordinance would result in a hardship to the applicant due to special conditions of the property, and the property couldn't be used in a reasonable way if the variances were not approved. He noted that the applicant was asked to work with the neighbors to get their inputs about modifications and whether it would be feasible economically incorporate those into the project.

Mr. Mannle concurred. He asked if stipulations could be added regarding the representations cited in Section 10.235 of the ordinance relating to proposed buildings, parking issues, and demolition. He said if the public opposed the demolition, the applicant would go to the Demolition Review Committee for approval to demolish the building.

*Mr. Lee **amended** his previous motion and moved to **grant** the variance with the following stipulations:*

- 1. The Board shall allow any changes made through TAC and the Planning Board during their review processes.*



2. *The Demolition Committee shall review the petition if anyone objects to the mansard building's demolition.*
3. *The applicant shall be allowed to make modifications based on any discussion with the abutters.*

*The motion **passed** by a vote of 4-3, with Mr. Rossi, Ms. Margeson, and Chairman Parrott voting in opposition.*

- C. The request of **Amanda Blanchette (Owner)**, for the property located at **240 Hillside Drive** whereas relief is needed to extend the existing deck which requires the following:
- 1) Variance from Section 10.521 to allow 22% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Map 231 Lot 43 and lies within the Single Residence B (SRB) District. (LU-22-1)

### **SPEAKING TO THE PETITION**

The applicant Amanda Blanchette was present to review the petition. She said she wanted to extend the deck over the area that had the former underground pool for safety purposes and to make the lot more usable. She reviewed the criteria and said they would be met.

In response to Mr. Mannle's questions, the applicant said the pool had been filled in and the deck would be extended over the area where the pool used to be, and the deck's level would remain on the same plane. She said the pool was removed in 2019 before the pandemic. Mr. Mannle verified with Mr. Stith that an in-ground pool was not considered building coverage.

Chairman Parrott opened the public hearing.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one spoke, and Chairman Parrott closed the public hearing.

### **DECISION OF THE BOARD**

*Mr. Rossi moved to **grant** the variance as presented, seconded by Mr. Mannle.*

Mr. Rossi said granting the variance would be in the spirit of the ordinance and not contrary to the public interest, noting that it wouldn't create any crowding because it was close to the ground. He said substantial justice would be done and the values of surrounding properties would not be affected because the deck wouldn't be seen by the neighbors or anyone else and wouldn't have a negative impact on surrounding properties. He said the neighborhood was consistent with that type of proposal, and literal enforcement of the zoning ordinance would create a hardship of a safety issue and an aesthetic of the property that wouldn't be justified. Mr. Mannle concurred and had nothing to add.

*The motion **passed** by unanimous vote, 7-0.*

- D.** The request of **Sandra L. Smith-Weise (Owner)**, for property located at **138 Gates Street** whereas relief is needed for construction of a one-story rear mudroom and 1/2 bath addition which requires the following: 1) Variance from Section 10.521 to allow 36% 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 shown on assessor Map 103 Lot 54 and lies within the General Residence B (GRB) and Historic Districts. (LU-22-55)

### **SPEAKING TO THE PETITION**

Architect Anne Whitney was present on behalf of the applicant to review the petition. She gave a handout to the Board indicating that the two abutters had approved the project. She said the addition was hard to see from Gates Street. She said the entry would be recreated into a mudroom and a half-bath would be added to replace the tiny one near the kitchen so that the kitchen could be expanded. She reviewed the criteria and noted that the special condition was the nonconformity of the existing residence and the lot.

The Board had no questions. Chairman Parrott opened the public hearing.

### **SPEAKING IN FAVOR OF THE PETITION**

The owner Rick Weiss of 138 Gates Street said he and his wife wanted an expanded entryway or mudroom to give their dogs a place to dry off. He said that moving the tiny bathroom into the addition would allow more space and that all the abutters were fine with the project.

### **SPEAKING IN OPPOSITION TO THE PETITION OR SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one else spoke, and Chairman Parrott closed the public hearing.

### **DECISION OF THE BOARD**

*Mr. MacDonald moved to **grant** the variances as presented, seconded by Mr. Rossi.*

Mr. MacDonald said granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance because the project wouldn't change any pedestrian or vehicular patterns, narrow down any streets, or do anything outside of the lot boundaries. He said substantial justice would be done and the values of surrounding properties would not be diminished by such a project, otherwise the neighbors would oppose it. He said literal enforcement of the ordinance would result in unnecessary hardship due to the special conditions of the property that distinguished it from others in the area, and that there was no fair and

substantial relationship between the general and public purposes of the ordinance and its specific application to the property. He said the applicant proposed an extremely limited increase in square footage, and what was asked for wouldn't spill over onto anyone else's property. He said adding a small addition to improve the usability of the property and also adding facilities and space to the house to accommodate the owners' lifestyle satisfied the special conditions for a hardship. He said the use was a reasonable one and that it should be approved.

Mr. Rossi concurred. He said he normally would not be in favor of a variance of that magnitude for building coverage, but since it was only a one-story height addition, it wouldn't crowd or encroach on anyone's light and air. Ms. Margeson said she struggled with the building coverage aspect of the variance request because it was a fairly significant increase for an undersized lot, but she didn't think the public would be harmed by it.

*The motion **passed** by unanimous vote, 7-0.*

- E.** The request of **Trisha and Kevin Anderson (Owners)**, for property located at **328 Aldrich Road** whereas relief is needed to demolish existing garage and construct new 12' x 16' shed which requires the following: 1) Variance from Section 10.573.20 to allow a 5' left side yard where 10' is required. Said property is shown on Assessor Map 166 Lot 49 and is located within the Single Residence B (SRB) District. (LU-22-56)

## **SPEAKING TO THE PETITION**

The applicant Trisha Anderson was present to speak to the petition. She said the garage was falling apart and posed a safety concern for her children. She said the driveway was oversized because the house was formerly a two-family one, so the garage sort of sat in the middle of the backyard. She said she wanted to demolish the garage and replace it with a shed that matched the look of her home and that she wanted to cut back the driveway to give her kids additional play space. She said the new shed would be placed closer to the abutting 312 Aldrich Road property and that the abutters were in support. She reviewed the criteria and said they would be met.

Mr. Mannle said he drove by the property and saw a green shed by a large tree. He asked who owned that shed, and the applicant said she did and that it was only temporary.

Chairman Parrott opened the public hearing.

## **SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one spoke, and Chairman Parrott closed the public hearing.

## **DECISION OF THE BOARD**

*Mr. Mannle moved to **grant** the variance as presented, seconded by Mr. Rossi.*

Mr. Mannle said granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance and do substantial justice. He said the values of surrounding properties would not be diminished but would only be enhanced, and literal enforcement of the ordinance would result in unnecessary hardship. Mr. Rossi concurred and had nothing to add.

*The motion **passed** by unanimous vote, 7-0.*

**F. 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 commercial structure and construct 5 new single-family dwellings which requires the following: 1) A Variance from Section 10.513 to allow 5 principal structures on a lot where only 1 is permitted. 2) A Variance from Section 10.521 to allow a lot area per dwelling unit of 22,389 square feet where 1 acre per dwelling is required. Said property is shown on Assessor Map 222 Lot 19 and lies within the Single Residence A (SRA) District. **REQUEST TO POSTPONE (LU-22-57)**

### **DECISION OF THE BOARD**

*It was moved, seconded, and passed by a vote of 6-0 (Mr. Rossi abstained) to **postpone** the petition to a future meeting.*

**G.** The request of **Savannah Mary Fodero and Tyler Jacob Forthofer (Owners)**, for property located at **629 Broad Street** whereas relief is needed for upward expansion of existing garage which requires the following: 1) Variance from Section 10.521 to allow a 2' front yard where 15' 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 Assessor Map 221 Lot 13 and lies within the General Residence A (GRA) District. (LU-22-53)

### **SPEAKING TO THE PETITION**

The applicant Tyler Forthofer was present to review the petition. He said the garage was currently eight feet tall and 400 square feet, with half of it within the setback. He said the roof leaked and that he wanted to replace it with an asphalt roof and do other repairs to bring the garage up to code. He said the proposed new height was 12 feet. He reviewed the criteria.

There were no questions from the Board. Chairman Parrott opened the public hearing.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one spoke, and Chairman Parrott closed the public hearing.

### **DECISION OF THE BOARD**

*Mr. Mannle moved to **grant** the variances as presented, seconded by Mr. Lee.*

Mr. Mannle said granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance. He said substantial justice would be done and the values of surrounding properties would not be diminished. He said literal enforcement of the ordinance would result in an unnecessary hardship. He noted that he had been inside the house many times when the house was owned by someone else and that the house was very nice but that he hadn't liked the garage and suspected that it was added on. Ms. Margeson said there really was no increase in the variance request because the existing secondary front yard was already two feet, so it was really just allowing a nonconforming structure to be reconstructed.

*The motion **passed** by unanimous vote, 7-0.*

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

There was no other business.

#### **V. ADJOURNMENT**

The meeting was adjourned at 9:37 p.m.

Respectfully submitted,

Joann Breault  
BOA Recording Secretary