

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

7:00 P.M.

September 20, 2022

ACTION SHEET

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

MEMBERS EXCUSED: David MacDonald

ALSO PRESENT: Peter Stith, Planning Department

- I. Summary of legislative changes enacted through HB1661 and the impact to land use boards.

II. APPROVAL OF MINUTES

- A) Approval of the minutes of the meetings of August 16, 2022.

*The minutes of the meetings of August 16, 2022 were **accepted** as presented.*

III. OLD BUSINESS

- A. **266 State Street** - Request for a 1-year extension (LU-19-79)

*The Board voted to **grant** the extension as requested.*

- B. The request of **Joel St. Jean and Mariele Chambers (Owners)**, for property located at **108 Burkitt Street** whereas relief is needed to demolish existing garage and construct new 13' x 30' garage which requires the following: 1) A Variance from Section 10.573.20 to allow a 1 foot left side yard where 10 feet 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 159 Lot 30 and lies within the General Residence A (GRA) District. (LU-22-89)

*The Board voted to **grant** the request with the following **stipulation**:*

1) The left side yard shall be 2 feet.

- C. The request of **Jeffrey C. Christensen (Attorney for the Appellants)**, for property located at **225 Banfield Road** for a rehearing of the May 24, 2022 decision of the Zoning Board of Adjustment's granting of a request for variances to demolish the existing building and constructing a new 5 unit commercial building and 60 unit residential building with underground parking which requires the following: 1) A Variance from Section 10.440 to allow a 60 unit residential building where residential uses are not permitted in the Industrial district. Said property is located on Assessor Map 254 Lot 1 and Map 266 Lot 1 and lies within the Industrial (I) District. (LU-22-91)

A vote to approve the request failed 2-4 because the proposal would potentially threaten health, safety and welfare of the public, as stated in the letter from the Health Officer. The residential use is a conflict with the industrial zoning of the area and there are possible health consequences to people living in the building. There is a potential diminution to surrounding property values with a residential use adjacent to an industrial use.

IV. NEW BUSINESS

- A. The request of **Jessica Tia Nashahl (Owner)**, for property located at **1344 and 1346 Islington Street** whereas relief is needed to construct a new deck and add detached garage which requires the following: 1) Variances from Section 10.521 to allow: a) a 28' rear yard for the deck where 30' is required; b) a 2' left side yard where 10' is required for the garage; and c) a Variance from Section 10.521 to allow 30% building coverage where 20% is the maximum allowed. Said property is located on Assessor Map 233 Lot 98 and lies within the Single Residence B (SRB) district. (LU-22-160)

*The Board voted to **continue** to the October meeting.*

- B. The request of **Martin Hanssmann (Owner)**, for property located at **130 Gates Street** whereas relief is needed to add an HVAC unit which requires the following: 1) A Variance from Section 10.515.14 to allow a 3' setback where 10' is required. Said property is located on Assessor Map 103 Lot 55 and lies within the General Residence B (GRB) and Historic districts. (LU-22-161)

*The Board voted to **postpone** the request to the October meeting.*

- C. The request of **George Pappas (Owner)**, for property located at **170 Melbourne Street** whereas relief is needed to add a 12 x 12 shed which requires the following: 1) A Variance from Section 10.573.20 to allow an 8' left side yard where 10' is required. 2) A

Variance from Section 10.571 to allow an accessory structure to be located in the front yard. 3) A Variance from Section 10.521 to allow 26% building coverage where 20% is the maximum allowed. Said property is located on Assessor Map 233 Lot 69 and lies within the Single Residence B (SRB) district. (LU-22-151)

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

- D.** The request of **Debra Klein and Natan Aviezri Revocable Trust (Applicant and Owner)**, for property located at **75 Monroe Street** whereas relief is needed to extend existing dormers on both sides of the house which requires the following: 1) Variances from Section 10.521 to allow a) an 11.5 foot rear yard where 20 feet is required; and b) a 5.5 foot side yard where 10 feet 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 168 Lot 27 and lies within the General Residence A (GRA) district. (LU-22-162)

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

- E.** The request of **Rob Currao (Applicant)**, and **Bursaws Pantry LLC (Owner)**, for property located at **3020 Lafayette Rd** whereas relief is needed for a proposed retail cabinetry outlet which requires the following: 1) A Special Exception from Section 10.440, Use #8.31 to allow retail sales conducted within a building which is permitted by special exception. Said property is located on Assessor Map 292 Lot 152 and lies within the Mixed Residential Business (MRB) district. (LU-22-158)

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

- F.** The request of **Judith A. Mraz Revocable Trust (Owner)**, for property located at **11 Walden Street** whereas relief is needed to install a heat pump which requires the following: 1) A Variance from Section 10.515.14 to allow a 1 foot rear yard setback and a 1.5 foot side yard setback where 10 feet is required for each. Said property is located on Assessor Map 101 Lot 17 and lies within the General Residence B (GRB) and Historic districts. (LU-22-177)

*The Board voted to **postpone** the request to the October meeting.*

V. OTHER BUSINESS

There was no other business.

VI. ADJOURNMENT

The meeting was adjourned at 11:04 p.m.

