

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)**

6:15 P.M. Non-Public Session (*Conf. Rm A*)

February 22, 2023

7:00 P.M. - Regular meeting begins

6:15PM - ANTICIPATED NON-PUBLIC SESSIONS ARE BEING HELD IN CONFERENCE ROOM A
1.) CONSIDERATION OF LEGAL ADVICE – RSA 91-A:3, II (I)

AGENDA

**PLEASE NOTE: ITEMS (III.) E. THROUGH J. WILL BE HEARD
AT THE FEBRUARY 28, 2023 BOARD OF ADJUSTMENT MEETING.**

I. APPROVAL OF MINUTES

A. Approval of the January 17, 2023 meeting minutes.

II. OLD BUSINESS

A. Request for Rehearing – **32 Boss Avenue.** (LU-22-217)

B. Request for Reconsideration of Rehearing Request – **67 Ridges Court.** (LU-22-199)

C. **POSTPONED TO MARCH** The request of **635 Sagamore Development LLC (Owner)**, for property located at **635 Sagamore Avenue** whereas relief is needed to remove existing structures and construct 4 single family dwellings which requires the following: 1) A Variance from Section 10.513 to allow four free-standing dwellings

where one is permitted. 2) A Variance from Section 10.521 to allow a lot area per dwelling unit of 21,198 square feet per dwelling where 43,560 square feet is required. Said property is located on Assessor Map 222 Lot 19 and lies within the Single Residence A (SRA) District. (LU-22-209) **POSTPONED TO MARCH**

- D.** The request of **Nissley LLC (Owner)**, for property located at **915 Sagamore Avenue** whereas relief is needed to demolish the existing building and construct new mixed-use building which requires the following: 1) A Variance from Section 10.440 to allow a mixed-use building where residential and office uses are not permitted. 2) A Variance from Section 10.1113.20 to allow parking to be located in the front yard and in front of the principal building. 3) A Variance from Section 10.1114.31 to allow 2 driveways on a lot where only one is allowed. Said property is located on Assessor Map 223 Lot 31 and lies within the Waterfront Business (WB) District. (LU-22-229)

III. NEW BUSINESS

- A.** The request of **Valway Living Trust and William P and Elizabeth Valway Trustees (Owners)**, for property located at **51 Spinney Road** whereas relief is needed to construct a new detached garage which requires the following: 1) Variance from Section 10.573.20 to allow a) 4 foot side yard setback where 10 feet is required; and b) 4 foot rear yard setback where 10 feet is required. 2) Variance from Section 10.521 to allow 27% building coverage where 20% is required. Said property is located on Assessor Map 171 Lot 9 and lies within the Single Residence B (SRB) District. (LU-22-235)
- B.** The request of **Paulsen Family Revocable Trust 2017 Christian Paulsen and Anja Paulsen Trustees (Owners)**, for property located at **55 Thornton Street** whereas relief is needed to construct a second story addition over the existing first floor which requires the following: 1) Variance from Section 10.521 to allow an 8.5 foot front yard setback where 15 feet is required. 2) Variance from Section 10.321 to allow the extension and enlargement of a non-conforming structure. Said property is located on Assessor Map 143 Lot 19 and lies within the General Residence A (GRA) District. (LU-23-2)
- C.** The request of **Michiyo Bardong and Shawn Bardong (Owners)**, for property located at **39 Dearborn Street** whereas relief is needed to construct a second story over the existing 1.5 story building, remove and expand the front porch, and remove and expand the existing mudroom on the eastern side of the structure which requires the following: 1) Variance from Section 10.521 to allow a) 2 foot rear yard where 20 feet is required; and b) 9 foot side yard where 10 feet is required. 2) Variance from Section 10.321 to allow the extension and enlargement of a non-conforming structure. Said property is located on Assessor Map 140 Lot 3 and lies within the General Residence A (GRA) and Historic District. (LU-23-5)

- D.** The request of **Sean Morin (Owner)**, for property located at **67 Madison Street** whereas relief is needed to construct a 122 square foot covered front porch which requires the following: 1) Variance from Section 10.521 to allow a) 3 foot front yard setback where 5 feet is required; and b) 36% building coverage where 35% is maximum allowed. 2) Variance from Section 10.321 to allow the extension and enlargement of a non-conforming structure. Said property is located on Assessor Map 135 Lot 36 and lies within the General Residence C (GRC) District. (LU-23-4)

THE FOLLOWING ITEMS WILL BE HEARD ON TUESDAY, FEBRUARY 28, 2023

- E.** The request of **The Griffin Family Corporation (Owners), and LoveWell Veterinary Services, LLC (Applicant)**, for property located at **800 Islington Street Unit 1B** whereas relief is needed to allow a veterinary clinic which requires the following: 1) Special Exception from Section 10.440, Use #7.50 to allow a veterinary clinic where the use is permitted by Special Exception. Said property is located on Assessor Map 154 Lot 1 and lies within the Character District 4-W (CD4W) District. (LU-23-8)
- F.** The request of **Cate Street Development LLC (Owner), and Rarebreed Veterinary Partners (Applicant)**, for property located at **350 US Route 1 Bypass** whereas relief is needed to allow an urgent care veterinary clinic which requires the following: 1) Special Exception from Section 10.440, Use #7.50 to allow a veterinary clinic where the use is permitted by Special Exception. Said property is located on Assessor Map 172 Lot 2 and lies within the Gateway Corridor (G1) and Transportation Corridor (TC) District. (LU-23-9)
- G.** The request of **Aviation Avenue Group, LLC (Applicant), and Pease Development Authority (Owners)**, for property located at **80 Rochester Avenue** whereas relief is needed for the construction of an advanced manufacturing facility which requires the following: 1) Variance from Article 304.03 (e) to allow a 28 foot rear yard where 50 feet is required. Said property is located on Assessor Map 308 Lot 1 and lies within the Pease Industrial District (PI). (LU-22-210)
- H.** The request of **Andrea Hurwitz (Srebnik) (Owner)**, for property located at **129 Aldrich Road** whereas relief is needed for the installation of a mechanical unit which requires the following: 1) Variance from Section 10.515.14 to allow a 4 foot side yard where 10 feet is required Said property is located on Assessor Map 153 Lot 35 and lies within the Single Residence B (SRB) District. (LU-23-10)
- I.** The request of the **RTM Trust and Ryan T Mullen and Heidi E K Trustees (Owners)**, for property located at **253 Odiorne Point Road** whereas relief is needed for the installation of a mechanical unit which requires the following: 1) Variance from Section 10.515.14 to allow the mechanical unit to be located closer to a street than the principal

structure. Said property is located on Assessor Map 224 Lot 10-19 and lies within the Single Residence A (SRA) District. (LU-23-11)

- J.** The request of the **Black Heritage Trail of New Hampshire (Owner)**, for property located at **222 Court Street** whereas relief is needed to install one 24 by 28 foot mural and one 3 by 2 foot sign which requires the following: 1) Variance from Section 10.1251.10 to allow max aggregate sign area of 686 square feet where 36 square feet is allowed; 2) Variance from Section 10.1251.20 to allow max area for individual sign of 678 where 16 square feet is allowed; and 3) Variance from Section 10.1242 to allow more than one sign on building facing the street; and 4) Variance from Section 10.1271 to allow a sign on the side of the building that is not facing a street. Said property is located on Assessor Map 116 Lot 33 and lies within the Character District 4-L1 (CD4-L1) and Historic District. (LU-23-12)

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_meLR_UrNSbaeChW-kRO8nA