

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

**7:00 P.M.**

**April 16, 2024**

**ACTION SHEET**

**MEMBERS PRESENT:** Phyllis Eldridge, Chair; Beth Margeson, Vice Chair; David Rheaume; Thomas Rossi; Paul Mannle; Jeffrey Mattson; Thomas Nies; Jody Record, Alternate; ML Geffert, Alternate

**MEMBERS EXCUSED:**

**ALSO PRESENT:** Stefanie Casella, Planning Department

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**I. APPROVAL OF MINUTES**

A. Approval of the March 19, 2024 and the March 26, 2024 minutes.

*The March 19, 2024 minutes were accepted as amended.*

*The March 26, 2024 minutes were accepted as presented.*

**II. OLD BUSINESS**

A. **550 Sagamore Avenue** - Rehearing Request (LU-24-9)

*A motion to grant the request for rehearing **failed** by a vote of 3-4, with Ms. Record, Vice-Chair Margeson, Mr. Mannle, and Chair Eldridge voting in opposition to the motion.*

*A motion to grant the request for rehearing **passed** by a vote of 4-3, with Mr. Rheaume, Mr. Mattson, and Mr. Nies voting in opposition of the motion.*

**B. REQUEST TO POSTPONE** The request of **Kerrin J Parker Revocable Trust of 2012 (Owner)**, for property located at **86 Haven Road** whereas relief is needed to construct an addition to the existing structure which requires the following: 1) Variance from Section 10.521 to a) allow a 9 foot front yard where 10 feet is required by front yard averaging; b) to allow a building coverage of 29% where 20% is allowed; and 2) Variance from Section 10.321 to allow of 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 206 Lot 27 and lies within the Single Residence B (SRB) District. **REQUEST TO POSTPONE** (LU-23-192)

*The Board voted to **postpone** to the May 21, 2024 meeting.*

**C. REQUEST TO POSTPONE** The request of **Atlas Commons LLC (Owner)**, for property located at **581 Lafayette Road** whereas relief is needed for after-the-fact installation of an awning sign which requires the following: 1) Variance from Section 10.1251.20 to allow a 32 square foot awning sign whereas 20 square feet is allowed. Said property is located on Assessor Map 229 Lot 8B and lies within the Gateway Corridor (G1) District. (LU-24-1) **REQUEST TO POSTPONE**

*The Board voted to **postpone** to the May 21, 2024 meeting with the stipulation that the Board will move forward and make a decision with the information available at that time.*

### III. NEW BUSINESS

**A.** The request of **Chinburg Development LLC (Owner)**, for property located at **6 Boyd Road** whereas relief is needed to demolish the existing structure and construct a new primary dwelling which requires the following: 1) Variance from Section 10.521 to allow a) 6,703 square feet of lot area where 7,500 square feet are required; b) 6,703 square feet of lot area per dwelling unit where 7,500 square feet are required; c) 85 feet of frontage where 100 feet are required; and d) 68 feet of lot depth where 70 feet are required. Said property is located on Assessor Map 175 Lot 13 and lies within the General Residence A (GRA) District. (LU-24-23)

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

**B.** The request of **Chinburg Development LLC (Owner)**, for property located at **216 Woodbury Avenue** whereas relief is needed to demolish the existing structure and construct a new primary dwelling which requires the following: 1) Variance from Section 10.521 to allow 66 feet of frontage where 100 feet are required. Said property is located on Assessor Map 175 Lot 3 and lies within the General Residence A (GRA) District. (LU-24-24)

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

**C.** The request of **Cyrus Beer and Erica Gardner Beer (Owners)**, for property located at **64 Mount Vernon Street** to amend the Variances granted on March 19, 2024 for the demolition of the existing detached shed and construction of a new shed to include the following: 1) Variance from section 10.521 to allow a 2 foot side yard where 10 feet is required. Said property is located on Assessor Map

111 Lot 30 and lies within the General Residence B (GRB) and Historic Districts. (LU-24-20)

*The Board voted to **grant** the variance for the petition as presented and advertised, with the following **condition**:*

*1. The 2-ft side yard setback only pertains to the area of the jog.*

**D.** The request of **O'Brien Family Revocable Trust of 2018 (Owner)**, for property located at **3 Moebus Terrace** whereas relief is needed demolish the existing structure and construct a new primary structure which requires the following: 1) Variance from Section 10.521 to allow a) 10,823 square feet of lot area where 15,000 square feet is required; and b) 10,823 square feet of lot area per dwelling unit where 15,000 square feet is required. Said property is located on Assessor Map 207 Lot 21 and lies within the Single Residence B (SRB) District. (LU-24-40)

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

**E. WITHDRAWN BY APPLICANT** The request of **Maxico LLC (Owner)**, for property located at **865 Islington Street** whereas relief is needed to establish a yoga studio with more than 2,000 square feet of gross floor area which requires a Special Exception from Section 10.440, Use #4.41 where it is permitted by Special Exception. Said property is located on Assessor Map 172 Lot 11 and lies within the Character District 4-W (CD4-W). (LU-24-41) **WITHDRAWN BY APPLICANT**

*The Board acknowledged that the application was **withdrawn** by the applicant.*

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

##### **A. Training Opportunities**

- i. NH OPD Spring 2024 Planning and Zoning Conference – May 11, 2024
- ii. OPD Planning Lunch Webinar “Welcome to the Board” – April 18, 2024

#### **V. ADJOURNMENT**

*The meeting was adjourned at 10:03PM.*