

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

7:00 P.M.

May 21, 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

MEMBERS EXCUSED: ML Geffert, Alternate

ALSO PRESENT: Stefanie Casella, Planning Department

I. APPROVAL OF MINUTES

A. Approval of the **April 16, 2024** and **April 30, 2024** meeting minutes.

The Board voted to accept the April 16, 2024 meeting minutes as amended.

The Board voted to accept the April 30, 2024 meeting minutes as amended.

II. OLD BUSINESS

A. 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 7.5 foot front yard where 10 feet is required by front yard averaging; b) to allow a building coverage of 26% 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. (LU-23-192)

*The Board will reopen the public hearing to accept new information.

The Board voted to suspend the rules to accept new information from the applicant.

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

- B.** 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)

*The Board voted to **postpone** to the May 28th meeting due to the absence of a representative to present the project.*

- C. REQUEST TO WITHDRAW** The request of Giri Portsmouth **505 Inc. (Owner)**, for property located at **505 US Route 1 Bypass** whereas relief is needed to demolish the existing structure and construct a new hotel with a drive thru restaurant which requires the following: 1) Special Exception from 10.440 Use #10.40 hotel where it is permitted by Special Exception; 2) Variance from Section 10.835.32 to allow 5 feet between the lot line and drive-thru and bypass lanes where 30 feet is required for each; 3) Variance from Section 10.835.31 to allow 18 feet between the menu and speaker board and the front lot line where 50 feet is required; 4) Variance from Section 10.5B22.20 to allow up to 60 feet in building height within 50 feet of the street right-of-way line whereas up to 45 feet is permitted; 5) Variance from Section 10.5B34.70 to allow up to 60 feet in building height whereas 50 feet is permitted; 6) Variance from Section 10.5B34.60 to allow a 30 foot setback for a small commercial building whereas a maximum of 20 feet is permitted; 7) Variance from Section 10.5B33.20 to allow less than 75 percent front lot line buildout whereas a minimum of 75 percent is required for commercial buildings. Said property is located on Assessor Map 234 Lot 5 and lies within the Gateway Neighborhood Corridor (G1) District. (LU-24-44) **REQUEST TO WITHDRAW**

III. NEW BUSINESS

- A.** The request of **Ryan Leibundgut (Owner)**, for property located at **137 Walker Bungalow Road** whereas relief is needed to demolish the front deck and construct a new deck on the front of the existing home which requires the following: 1) Variance from Section 10.521 to allow a 20 foot front yard where 30 feet is required; 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 202 Lot 4 and lies within the Single Residence B (SRB) (LU-24-10)

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

- B.** The request of **John C. Wallin and Jeanine M. Girgenti (Owners)**, for property located at **5 Cleveland Drive** to amend the Variances granted on July 18, 2023 to install a 6 foot fence along the primary and secondary front of the property to include the following: 1) Variance from Section 10.515.13 to allow a 6 foot fence to be installed on top of a 3.5 foot tall retaining wall to create a total structure height of

9.5 feet where 4 feet is allowed. Said property is located on Assessor Map 247 Lot 74 and lies within the Single Residence B (SRB) District. (LU-23-92)

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

- C.** The request of **Edmund R. St. Pierre (Owner)**, for property located at **15 Mariette Drive** whereas relief is needed to create a second driveway in front of the existing garage which requires the following: 1) Variance from Section 10.1114.31 to allow two driveways on a single lot where only one is allowed per section 3.3.2.3 of the Site Review Regulations. Said property is located on Assessor Map 292 Lot 167 and lies within the Single Residence B (SRB) District. (LU-24-57)

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

- D.** The request of **Elizabeth M. and Torben O. Arend (Owners)**, for property located at **1 Rockaway Street** whereas relief is needed to construct a porch and mudroom onto the front of the existing structure which requires the following: 1) Variance from Section 10.521 to allow a 24 foot front yard where 30 feet is required. Said property is located on Assessor Map 230 Lot 11 and lies within the Single Residence B (SRB) District. (LU-24-46)

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

IV. ADJOURNMENT

The meeting adjourned at 8:41 PM.