

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

**7:00 P.M.**

**July 16, 2024**

**ACTION SHEET**

**MEMBERS PRESENT:** Beth Margeson, Vice Chair; David Rheame; Thomas Rossi; Paul Mannle; Jeffrey Mattson; Thomas Nies; Jody Record, Alternate

**MEMBERS EXCUSED:** Phyllis Eldridge, Chair

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

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**I. APPROVAL OF MINUTES**

**A.** Approval of the June 18, 2024 *and* June 25, 2024 meeting minutes.

*The Board voted to approve the June 18, 2024 minutes as presented.*

***Motion:*** Nies; ***Second:*** Mattson

*The Board voted to approve the June 25, 2024 minutes as presented.*

***Motion:*** Mannle; ***Second:*** Record

**II. NEW BUSINESS**

**A.** The request of **Dawn P. Sirois (Owner)**, for property located at **485 Ocean Road** whereas relief is needed to demolish the existing rear deck and construct a new screened in porch which requires the following: 1) Variance from Section 10.521 to allow 14% building coverage where 10% is allowed; and 2) 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 283 Lot 32 and lies within the Single Residence A (SRA) District. (LU-24-103)

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

***Motion:*** Rossi; ***Second:*** Rheame

- B.** The request of **Avi Magidoff (Owner)**, for property located at **133 Pearson Street** whereas relief is needed to construct a car port which requires the following: 1) Variance from Section 10.573.20 to allow a 4 foot side yard where 8.5 feet is required. Said property is located on Assessor Map 232 Lot 103 and lies within the Single Residence B (SRB) District. (LU-24-107)

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

**Motion:** Mattson; **Second:** Rheaume

- C.** The request of **Bruce R Carll (Owner) and Patrick and Wendy Quinn (Applicants)**, for property located at **0 Melbourne Street** whereas relief is needed to construct a single residential unit on a vacant and undersized lot which requires the following: 1) Variance from Section 10.521 to allow a) 6,197 sf of lot area where 15,000 sf are required, b) 6,197 sf of lot area per dwelling unit where 15,000 sf are required, and c) 50 ft of frontage where 100 ft are required. Said property is located on Assessor Map 233 Lot 54 and lies within the Single Residence B (SRB) District. (LU-24-109)

*P. Mannle moved to **deny** the petition, seconded by T. Rossi. The motion **failed** by a vote of 2-5, with Mr. Mattson, Mr. Rheaume, Ms. Record, Mr. Nies, and Acting Chair Margeson voting in opposition.*

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

- 1) The design and orientation of the home and driveway may change as a result of the building permit review and approval.*

**Motion:** Nies; **Second:** Mattson

- D.** The request of **231 Corporate Drive, LLC (Owner)**, for property located at **231 Corporate Drive** whereas relief is needed to add a fenced area between the building and the front lot line, for the use associated with dog walking which requires the following: 1) from Section 305.02(a) of the Pease Development Ordinance for an accessory use located in the front yard and: 2) from Section 304.04(c) of the Pease Development Ordinance for being located within 70 feet of the front lot line. Said property is located on Assessor Map 314 Lot 2 and lies within the Airport Business Commercial (ABC) District. (LU-24-114)

*The Board voted to recommend to the **Pease Development Authority** that the variances from their Zoning provisions be granted for the application.*

**Motion:** Mattson; **Second:** Rheaume

- E.** The request of **132 Chapel Street, LLC (Owner)**, for property located at **132 Chapel Street** whereas relief is needed to convert an existing commercial building back to a single residential unit which requires the following: 1) Variance from Section 10.440 Use #1.10 to allow a single family dwelling where it is not permitted; 2) Variance from Section 10.5A41.10C to allow a House building type where it is not permitted; and 3) Variance from Section 10.642 to allow a residential use on the ground floor where it is not permitted. Said property is located on Assessor Map 106 Lot 6 and lies within the Character District 4 (CD4) and Historic District and the Downtown Overlay District (DOD). (LU-24-115)

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

**Motion:** Reaume; **Second:** Mannle

*Mr. Rheaume moved to suspend the 10:00 rule, seconded by Mr. Rossi. The motion **passed** unanimously 7-0.*

- F.** The request of **Islington Properties, LLC (Owner)**, for property located at **371 Islington Street** whereas relief is needed to convert an existing commercial space into a residential unit which requires the following: 1) Variance from Section 10.5A41.10A to allow 918 sf of lot area per dwelling unit where 3,000 sf are required. Said property is located on Assessor Map 144 Lot 22-3 and lies within the Character District 4-L2 (CD4-L2) and Historic District. (LU-24-106)

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

- 1) That the application is approved for 1,147 square feet of lot area per dwelling unit out and not the 918 square feet as advertised and indicated in the Staff Memo.*

**Motion:** Rheaume; **Second:** Nies

- G.** The request of **Katherine Ann Bradford 2020 Revocable Trust (Owner)**, for property located at **170-172 Gates Street** whereas relief is needed to demolish the existing garage and the small rear addition, and construct a new garage in the same location as the existing garage and construct a side entryway roof which requires the following: 1) Variance from Section 10.521 to allow a) 45% building coverage where 30% is required, and b) 0 foot right side yard where 10 feet is required; 2) Variance from Section 10.573.20 to allow a 0 foot rear yard where 10.5 feet is required; 3) 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 103 Lot 19 and lies within the General Residence B (GRB) and Historic District. (LU-24-116)

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

**Motion:** Rossi; **Second:** Rheaume

- H.** The request of **Kenneth Racicot** and **Kelly Ann Racicot (Owners)**, for property located at **34 Marne Avenue** whereas relief is needed to construct a shed behind the primary structure which requires the following: 1) Variance from Section 10.573.20 to allow a 5 foot side yard where 10 feet is required. Said property is located on Assessor Map 222 Lot 33 and lies within the General Residence A (GRA) District. (LU-24-66)

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

***Motion:** Rheaume; **Second:** Mattson*

- I.** The request of **Lindsay Floryan** and **Brian Collier (Owners)**, for property located at **493 Dennett Street** whereas relief is needed to construct an 8 foot fence which requires the following: 1) Variance from Section 10.515.13 to allow an 8 foot fence where 6 feet is the maximum. Said property is located on Assessor Map 161 Lot 45 and lies within the General Residence A (GRA) District. (LU-24-78)

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

***Motion:** Rossi; **Second:** Record*

### **III. OTHER BUSINESS**

*There was no other business.*

### **IV. ADJOURNMENT**

*The meeting adjourned at 10:36 PM*

