

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

7:00 P.M.

August 20, 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: None

ALSO PRESENT: Stefanie Casella, Planning Department

I. APPROVAL OF MINUTES

A. Approval of the July 16, 2024 *and* June 25, 2024 meeting minutes.

The Board voted to approve the July 16, 2024 minutes as amended.

Motion: Rossi; ***Second:*** Mannle

*Mr. Rheaume moved to take Petition 2F, 84 Thaxter Road, and Petition 2G, 377 Maplewood Avenue, out of order to **postpone** them. Mr. Mannle seconded.*

*Mr. Rheaume moved to **postpone** Petition 2F, 84 Thaxter Road, to the September 17 meeting, seconded by Vice-Chair Margeson. Mr. Rheaume said the applicant's representative was not able to participate due to sickness. **The motion passed unanimously, 7-0.***

*Mr. Rossi moved to **postpone** Petition 2G, 377 Maplewood Avenue, to the September 17 meeting. Mr. Rheaume seconded. Mr. Rossi said the applicant's representative was not able to participate. **The motion passed unanimously, 7-0.***

II. NEW BUSINESS

A. The request of **Martha and Brian Ratay (Owners)**, for property located at **0 Broad Street** whereas relief is needed to construct a primary structure and detached garage on a vacant lot which requires the following: 1) Variance from Section 10.521 to allow a) 6,101 square feet of lot area where 7,500 is required, b) 6,101 square feet of lot area per dwelling unit where 7,500 is required, c) 60 feet of

street frontage where 100 feet are required, d) 31% building coverage where 25% is allowed, e) 5 foot right side yard where 10 feet are required, and f) 2 foot rear yard where 20 feet are required. Said property is located on Assessor Map 221 Lot 96 and lies within the General Residence A (GRA) District. (LU-24-119)

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

***Motion:** Rossi; **Second:** Mattson*

- B.** The request of **Meadowbrook Inn Corporation (Owners)**, for property located at **549 US Route 1 Bypass** whereas relief is needed to construct a 4-story hotel with 116 rooms with requires the following: 1) Special Exception from Section 10.440 use #10.40 to allow a hotel or motel with up to 125 rooms; and 2) Variance from Section 10. 5B41.80 to allow 7.85% community space where 10% is required. Said property is located on Assessor Map 234 Lot 51 and lies within the Gateway Corridor (G1) District. (LU-24-113)

*The Board voted to **deny** the variance request because the petition failed to prove it would observe the spirit of the ordinance and there was an unnecessary hardship.*

***Motion:** Rheaume; **Second:** Mannle*

*The Board voted to **deny** the special exception request because the petition failed to prove there would be no creation of a traffic safety hazard or substantial increase in the level of traffic congestion in the vicinity.*

***Motion:** Mannle; **Second:** Margeson*

- C.** The request of **Daisy L. and Bert J. Wortel (Owners)**, for property located at **245 Marcy Street** whereas relief is needed to remove the existing 6-foot fence and replace with a new 6 foot fence which requires the following: 1) Variance from Section 10.515.13 to allow a 6 foot fence in the front yard area where 4 feet is allowed. Said property is located on Assessor Map 103 Lot 13 and lies within the General Residence B (GRB) and Historic Districts. (LU-24-131)

*The Board voted to **deny** the request because the petition failed to prove that it would observe the spirit of the ordinance.*

***Motion:** Rossi; **Second:** Margeson*

- D.** The request of **Thomas Kressler (Owner)**, for property located at **34 Garfield Road** whereas relief is needed to construct a single-story addition to the front of the existing home which requires the following: 1) Variance from Section 10.521 for a) 24% building coverage where 20% is allowed; and b) a 24.5-foot front yard where 30 feet is required; 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 268 Lot 84 and lies within the Single Residence B (SRB) District. (LU-24-134)

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

Motion: Rheaume; **Second:** Nies

- E. The request of **Heritage NH LLC (Owner)**, and **SWET Studios LLC (Applicant)**, for property located at **2800 Lafayette Road** whereas relief is needed for a change of use for Unit 17 to a health club including the following special exception from Section 10.440, Use #4.42 to allow a health club greater than 2,000 s.f. of gross floor area. Said property is located on Assessor Map 285 Lot 2 and lies within the Gateway Corridor (G1) District. (LU-24-128)

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

Motion: Nies; **Second:** Rossi

- F. The request of **Jared Majcher (Owner)**, for property located at **84 Thaxter Road** whereas relief is needed to construct an attached garage and 1.5-story addition and to demolish an existing detached garage which requires the following: 1) Variance from Section 10.521 to a) allow 22% building coverage where 20% is allowed; b) allow a 15.5 foot front setback where 30 feet is required; 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 166 Lot 34 and lies within the Single Residence B (SRB) District. (LU-24-135)

*The Board voted to **postpone** the application to the September 17th meeting.*

Motion: Rheaume; **Second:** Margeson

- G. The request of **Zeng Kevin Shitan Revocable Trust of 2017 (Owner)**, for property located at **377 Maplewood Avenue** whereas relief is needed to demolish the existing accessory building and construct a new detached accessory dwelling unit which requires the following: 1) Variance from Section 10.521 to a) allow a building coverage of 37.5% where 25% is allowed; b) allow an open space of 24.5% where 30% is required; c) allow a secondary front yard setback of 6 feet where 10 feet is required; d) allow a left yard setback of 4.5 feet where 10 feet is required; e) allow a rear yard setback of 3 feet where 20 feet is required; 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 141 Lot 22 and lies within the General Residence A (GRA) and Historic Districts. (LU-24-133)

*The Board voted to **postpone** the application to the September 17th meeting.*

Motion: Rossi; **Second:** Rheaume

- H.** The request of **KR Investments LLC (Owner)**, for property located at **271 Sagamore Avenue** whereas relief is needed to demolish the existing house and construct a new house with an attached garage which requires the following: 1) Variance from Section 10.521 to allow a) 28% building coverage where 25% is allowed; b) lot area of 6,880 s.f. where 7,500 s.f. is required; c) lot area per dwelling unit of 6,880 s.f. where 7,500 s.f. is required; and d) a continuous lot frontage of 60.08 feet where 100 feet is required. Said property is located on Assessor Map 221 Lot 15 and lies within the General Residence A (GRA) District. (LU-24-136)

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

Motion: Rheaume; **Second:** Rossi

*Vice-Chair Margeson moved to go beyond the 10:00 rule, seconded by Mr. Rossi. The motion **passed** unanimously, 7-0.*

- I.** The request of **Maxico LLC (Owner)**, and **The Wheel House of New Hampshire LLC (Applicant)**, for property located at **865 Islington Street** whereas relief is needed for a change of use to an instructional studio including the following special exception from Section 10.440, Use #4.42 to allow an instructional studio greater than 2,000 s.f. gross floor area. Said property is located on Assessor Map 172 Lot 11 and lies within the Character District 4-W (CD4-W). (LU-24-139)

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

Motion: Mattson; **Second:** Nies

III. OTHER BUSINESS

There was no other business.

IV. ADJOURNMENT

The meeting was adjourned at 10:46 PM