



CITY OF PORTSMOUTH

Planning Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

ZONING BOARD OF ADJUSTMENT

October 24, 2022

Kathleen E. Oprea
John Schroeder
1344-1346 Islington Street
Portsmouth, New Hampshire 03801

RE: Board of Adjustment request for property located 1344-1346 Islington Street (LU-22-160)

Dear Owners:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, October 18, 2022**, considered your application for construction of a new deck and add detached garage which requires the following: 1) Variances from Section 10.521 to allow: a) a 28' rear yard for the deck where 30' is required; b) a 2' left side yard where 10' is required for the garage; and c) a Variance from Section 10.521 to allow 30% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Map 233 Lot 98 and lies within the Single Residence B (SRB) district. As a result of said consideration, the Board voted to **grant** the request with the enclosed Findings of Fact and stipulations below.

1. The left side yard shall be four feet;
2. The building coverage shall be 29 percent instead of 30 percent; and
3. The property shall be surveyed.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,

Jim Lee, Vice Chairman of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Jeff Domingues, Alpha Contracting

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: October 18, 2022

Property Address: 1344 -1346 Islington Street

Application #: LU-22-160

Decision: **Grant with stipulations**

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, I now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of the all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	Yes	As case law and statute indicated, it's figuring out whether or not the variance requests would markedly be different from the underlying zoning, and whether or not the essential character of the neighborhood would be affected or the public's health, safety, and welfare would be threatened. The construction of a garage and a deck to a residence would not alter the essential character of the neighborhood because there are permitted accessory uses to residential uses.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	Yes	
10.233.23 Granting the variance would do substantial justice.	Yes	There would be no benefit to the public that would outweigh the loss to the applicant by being able to build the deck and the garage.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	Yes	There was no indication that the deck or garage would result in any water issues and no evidence that there would be increased water or drainage issues. The

		project was an improvement to the house and would not diminish the values of surrounding properties.
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>	Yes	<p>The proposed use of a deck and a garage were reasonable in a residential area, and there are special conditions to the property including that it's a bit larger than some of the other properties in the area, it's a duplex, and the rear yard setback is very de minimis because it's only two feet less than the minimum allowed by zoning. The building coverage does increase by ten percent but some of that increase is due to the deck, and even if the applicant put the deck on the ground floor, they would still need that rear yard setback. The left yard setback is significantly less than it currently is but it's necessary to place the garage there and the setback will be feet based on the revised plans.</p>

Stipulations
1. The left yard shall be four feet.
2. The building coverage shall be 29 percent instead of 30 percent; and
3. The property shall be surveyed.
4.



CITY OF PORTSMOUTH

Planning Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

ZONING BOARD OF ADJUSTMENT

October 24, 2022

Martin Hanssmann
130 Gates Street
Portsmouth, New Hampshire 03801

RE: Board of Adjustment request for property located at 130 Gates Street

Dear Mr. Hanssmann:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, October 18, 2022**, considered your application for the addition of an HVAC unit which requires the following: 1) A Variance from Section 10.515.14 to allow a 3' setback where 10' is required.

Said property is shown on Assessor Map 103 Lot 55 and lies within the General Residence B (GRB) and Historic districts. As a result of said consideration, the Board voted to **grant** the request as presented with attached Findings of Fact.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,

Jim Lee, Vice Chairman of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: October 18, 2022

Property Address: 130 Gates Street

Application #: LU-22-161

Decision: **Grant**

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, I now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of the all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	Yes	The new HVAC unit would be diminished from the current one at 3 feet.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	Yes	
10.233.23 Granting the variance would do substantial justice.	Yes	Everyone needs heat so granting the variance would do substantial justice.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	Yes	Granting the variance would not diminish surrounding properties and would most likely increase the home's value.
10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship. (a)The property has special Conditions that distinguish it from other properties in the area. AND	Yes	The property does have special conditions and the use is a reasonable one. The hardship exists considering the size of the property and where it sits on the lot.

<p>(b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>		
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Stipulations
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CITY OF PORTSMOUTH

Planning Department
1 Junkins Avenue
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(603) 610-7216

ZONING BOARD OF ADJUSTMENT

October 24, 2022

Judith A. Mraz, Trustee
Judith A. Mraz Revocable Trust
67 Bald Hill Road
Newfields, New Hampshire 03856

RE: Board of Adjustment request for property located at 11 Walden Street (Lu-22-177)

Dear Ms. Mraz:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, October 18, 2022**, considered your application for the addition of a heat pump which requires the following: 1) A Variance from Section 10.515.14 to allow a 1 foot rear yard setback and a 1.5 foot side yard setback where 10 feet is required for each. Said property is shown on Assessor Map 101 Lot 17 and lies within the General Residence B (GRB) and Historic districts. As a result of said consideration, the Board voted to **grant** the request as presented with the enclosed Findings of Fact.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,

Jim Lee, Vice Chairman of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Jay Aucella

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: October 18, 2022

Property Address: 11 Walden Street

Application #: LU-22-177

Decision: **Grant**

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, I now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of the all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	Yes	The Ordinance was not meant to prevent the modernization of older properties for the comfort of the homeowner's living, which would be the result of enforcing that when there is such little lot line clearance in older homes.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	Yes	
10.233.23 Granting the variance would do substantial justice.	Yes	There would be no benefit to the public that would necessitate the board to create a hardship for the owner by denying the variance.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	Yes	Granting the variance would not diminish surrounding properties because they would not be affected by a quiet, discrete, and hidden unit protruding from the side of the house.
10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.	Yes	Literal enforcement of the ordinance would result in an unnecessary hardship due to special conditions of the property, namely that the lot line clearance is very

<p>(a)The property has special Conditions that distinguish it from other properties in the area. AND</p> <p>(b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR</p> <p>Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>		<p>small and it's not possible to update the HVAC system without this sort of a variance.</p>
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Stipulations
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CITY OF PORTSMOUTH

Planning Department
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Portsmouth, New
Hampshire 03801
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ZONING BOARD OF ADJUSTMENT

October 24, 2022

Lucky Thirteen Properties, LLC
P.O. Box 300
Rye, New Hampshire 03870-0300

RE: Board of Adjustment request for property located at 361 Islington Street

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, October 18, 2022**, considered your application for the conversion of use to a restaurant which requires the following: 1) Variances from Section 10.5A41.10A to allow a) a secondary front yard setback of 66 feet where 12 feet is the maximum allowed; b) to allow a front lot line buildout of 32% where 60-80% is required; c) to allow a left yard setback of 30' where 20' is the maximum allowed; and d) 14.5% open space where 25% is the minimum required. 2) A Variance from Section 10.5A44.31 to allow off-street parking spaces to be located in front of the façade of the primary building. 3) A Variance from Section 10.440, Use #9.42 to allow a restaurant with an occupancy load between 50 and 250 4) A Variance from Section 10.5A44.32 to allow parking to be unscreened from the street. 5) A Variance from Section 10.575 to allow a dumpster to be located 19 feet from a residential zoned lot where 20 feet is required. 6) A 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 shown on Assessor Map 144 Lot 23 and lies within the Character District 4-L2 (CD4-L2) and Historic Districts. As a result of said consideration, the Board voted to **grant** the request as presented with the enclosed Findings of Fact and stipulation below. It was determined by the Board that Variance #3 above was not required.

1. The design and location of the project may change based on the Planning Board and Historic District Commission review and approval.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jim Lee". The signature is fluid and cursive, with the first name "Jim" and last name "Lee" clearly distinguishable.

Jim Lee, Vice Chairman of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Derek Durbin, Durbin Law Offices
Eric Weinrieb, Altus Engineering

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: October 18, 2022

Property Address: 361 Islington Street

Application #: LU-22-195

Decision: **Grant with stipulations**

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, I now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of the all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	Yes	The CD4-L2 district allowed for residential use on the ground floor and allowed for shallow front yards and shallow medium front yards. The applicant was looking for variable private landscaping and outside accessory parking, which would not have shallow yards. The purpose of the district was to have buildout, but there were special conditions to the property that counteracted that. The CD4-L2 district was meant to preserve and enhance and make for a human scale and a walkable district, and the petition met those criteria because it would preserve the Getty station. It would not alter the essential character of the neighborhood because there were many restaurants in the neighborhood and restaurants were allowed by right for up to 50 occupants.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	Yes	

10.233.23 Granting the variance would do substantial justice.	Yes	The variances were primarily for changes to the setbacks and to allow parking in the front of the restaurant, which Lexie's had, as well as a one-foot variance for the dumpster. The public would not be benefited by upholding those requirements but thought there would be a substantial detriment to the applicant.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	Yes	
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>	Yes	The easements around the property had to be respected, and that restricted the placement of buildings on the property. Owing to that, there was no real fair and substantial relationship between the public purposes of the ordinance and their application to the property. The proposed use is a reasonable one because it's a restaurant that is allowed occupancy load by right in the CD4-L2 district.

Stipulations
1. The design and location of the project may change based on Planning Board and Historic District Commission review and approval.
2.
3.
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CITY OF PORTSMOUTH

Planning Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

ZONING BOARD OF ADJUSTMENT

October 24, 2022

David Sinclair & Nicole Giusto
765 Middle Street
Portsmouth, New Hampshire 03801

RE: Board of Adjustment request for property located at 765 Middle Street (LU-22-196)

Dear Property Owners:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, October 18, 2022**, considered your application for the construction of a new detached garage with dwelling unit above which requires the following: 1) A Variance from Section 10.513 to allow 3 principal dwellings on a lot where only 1 is allowed per lot. 2) Variances from Section 10.521 to allow a) a lot area per dwelling of 5,376 square feet where 7,500 is required per dwelling unit; and b) a 10 foot rear yard where 20 feet is required. Said property is shown on Assessor Map 148 Lot 37 and lies within the General Residence A (GRA) and Historic Districts. As a result of said consideration, the Board voted to **grant** the request as presented with the enclosed Findings of Fact and stipulation below:

1. The design and location of the garage may change based on Planning Board and Historic District Commission review and approval.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,

Jim Lee, Vice Chairman of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Eric Weinrieb, Altus Engineering, Inc.

R. Timothy Phoenix, Hoefle, Phoenix, Gormley & Roberts, PLLC

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: October 18, 2022

Property Address: 765 Middle Street

Application #: LU-22-196

Decision: **Grant with stipulations**

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, I now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of the all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	Yes	The proposed building was a beautiful structure on a beautiful lot and would be a nice property in that location. It would not be detrimental to the public good. Since the residents of 733 Middle Street didn't have anything to say, because they would have the most impact from the proximity to the lot line, it is presumed that they don't object to the project. It resonated with the intention of the zone in terms of density of housing.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	Yes	
10.233.23 Granting the variance would do substantial justice.	Yes	There would not be any loss to the public by allowing this to proceed and the loss to the applicant would not be outweighed by any potential loss to the public.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	Yes	There were a lot of abutters who said they were comfortable with the project and the one abutter that would be most impacted remained silent, so presumably had no objection regarding the impact on the value of their property.

<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>	<p>Yes</p>	<p>The special condition of the property was that it was forcibly combined into one lot and if that hadn't been done, there would be no issue with adding a dwelling unit in that spot.</p>
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Stipulations
1. The design and location of the garage may change based on Planning Board and Historic District Commission review and approval.
2.
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CITY OF PORTSMOUTH

Planning Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

ZONING BOARD OF ADJUSTMENT

October 24, 2022

Cornwall Properties, LLC
PO Box 60
Center Strafford, New Hampshire 03815

RE: Board of Adjustment request for property located at 50 Cornwall Street (LU-22-194)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, October 18, 2022**, considered your application for the addition of a shed dormer which requires the following: 1) A Variance from Section 10.521 to allow a 3 foot right side yard where 10 feet is required. 2) A 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 shown on Assessor Map 144 Lot 2 and lies within the General Residence C (GRC) District. As a result of said consideration, the Board voted to **grant** the request as presented with the enclosed Findings of Fact.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,

Jim Lee, Vice Chairman of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: October 18, 2022

Property Address: 50 Cornwall Street

Application #: LU-22-194

Decision: **Grant**

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, I now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of the all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	Yes	Granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	Yes	
10.233.23 Granting the variance would do substantial justice.	Yes	Substantial justice would be done, considering that the petition had already come before the board and they had granted the variances and were just doing a do-over for the bump out for the bathroom.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	Yes	Granting the variances would not diminish the values of surrounding properties because of the improvement.
10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.	Yes	Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because the

<p>(a)The property has special Conditions that distinguish it from other properties in the area. AND</p> <p>(b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR</p> <p>Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>		<p>property had special conditions that distinguished it from the other properties in the area, and owing to those special conditions, a fair and substantial relationship does not exist between the general public purposes of the ordinance provisions and the specific application of those provisions to the property. The proposed use was a reasonable one and thought it was a very small request for an adjustment of the original building plans for the accommodation of a bathroom.</p>
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Stipulations
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CITY OF PORTSMOUTH

Planning Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

ZONING BOARD OF ADJUSTMENT

October 24, 2022

Lucia Investments LLC
254 N. Broadway Suite 103
Salem, New Hampshire 03079

RE: Board of Adjustment request for property located at 3020 Lafayette Road (LU-22-197)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, October 18, 2022**, considered your application for the removal existing deck and stairs and construct new stairs to second floor behind the building and add new HVAC units which requires the following: 1) A Variance from Section 10.521 to allow an 8 foot side yard where 10 feet is required. 2) A Variance from Section 10.515.14 to allow an 8 foot setback for the HVAC units where 10 feet is required. Said property is shown on Assessor Map 292 Lot 152 and lies within the Mixed Residential Business District. As a result of said consideration, the Board voted to **grant** the request with the enclosed Findings of Fact.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,

Jim Lee, Vice Chairman of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Rob Currao, Cabinet Outlet, LLC

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: October 18, 2022

Property Address: 3020 Lafayette Road

Application #: LU-22-197

Decision: **Grant**

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, I now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of the all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	Yes	Granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance. The building needed a staircase and there were limited places where it would be put.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	Yes	
10.233.23 Granting the variance would do substantial justice.	Yes	Substantial justice would be done, considering that the petition had already come before the board and they had granted the variances and were just doing a do-over for the bump out for the bathroom.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	Yes	Granting the variances would not diminish the values of surrounding properties because of the improvement.
10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.	Yes	Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because the

<p>(a)The property has special Conditions that distinguish it from other properties in the area. AND</p> <p>(b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR</p> <p>Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>		<p>property had special conditions that distinguished it from the other properties in the area, and owing to those special conditions, a fair and substantial relationship does not exist between the general public purposes of the ordinance provisions and the specific application of those provisions to the property. The proposed use was a reasonable one and thought it was a very small request for an adjustment of the original building plans for the accommodation of a bathroom.</p>
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Stipulations
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CITY OF PORTSMOUTH

Planning Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

ZONING BOARD OF ADJUSTMENT

October 24, 2022

Jessica Kaiser & Andrew McMahon
30 spring Street
Portsmouth, New Hampshire 03801

RE: Board of Adjustment request for property located at 232 Wibird Street (LU-22-198)

Dear Property Owners:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, October 18, 2022**, considered your application for Demolition of existing structures and construction of a new dwelling with attached garage which requires the following: 1) Variances from Section 10.521 to allow a) 66.5 feet of frontage where 100 feet is required; b) a 7 foot right side yard where 10 feet is required; and c) a 12 foot front yard where 15 feet is required.

Said property is shown on Assessor Map 149 Lot 14 and lies within the General Residence A (GRA) District. As a result of said consideration, the Board voted to **grant** the request as presented with the enclosed Findings of Fact.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,

Jim Lee, Vice Chairman of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Tom Emerson

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: October 18, 2022

Property Address: 232 Wibird Street

Application #: LU-22-198

Decision: **Grant**

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, I now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of the all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	Yes	Granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance and would not alter the essential character of the neighborhood in a negative way because it would be a substantial improvement over the existing structures and would be more in keeping with the neighborhood.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	Yes	
10.233.23 Granting the variance would do substantial justice.	Yes	Substantial justice would be done by improving the property and not creating any impact to the general public, and there would be no harm to the public that would outweigh the harm to the applicant if the application were to be denied.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	Yes	There would be a substantial improvement to the appearance of the property and the structures on it.
10.233.25 Literal enforcement of the provisions of the Ordinance would result in an		Literal enforcement of the ordinance would result in unnecessary hardship due

<p>unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>	<p>Yes</p>	<p>to the property's special condition of being inherently noncompliant to the 66-1/2' frontage, which forced all the other variances that were required in order to accomplish the project.</p>
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Stipulations
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CITY OF PORTSMOUTH

Planning Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

ZONING BOARD OF ADJUSTMENT

October 24, 2022

Thomas M Hammer
Thomas M. Hammer Rev. Trust of 2015 & The Diedre P. Hammer Rev. Trust of 2015
PO Box 171
Newcastle, New Hampshire 03854

RE: Board of Adjustment request for property located at 219 Sagamore Avenue (LU-22-186)

Dear Mr. Hammer:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, October 18, 2022**, considered your application for the addition of a dormer to a previously approved garage which requires the following: 1) A Variance from Section 10.573.20 to allow a 9' rear yard where 15' is required for the dormer. 2) A 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 shown on Assessor and lies within the . As a result of said consideration, the Board voted to **grant** the request as presented with the enclosed Findings of Fact.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,

Jim Lee, Vice Chairman of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: October 18, 2022

Property Address: 219 Sagamore Avenue

Application #: LU-22-186

Decision: **Grant**

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, I now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of the all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	Yes	Granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance as the board had already seen and approved the proposal and that it was more of an administrative variance by just adding a second dormer to the garage.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	Yes	
10.233.23 Granting the variance would do substantial justice.	Yes	
10.233.24 Granting the variance would not diminish the values of surrounding properties.	Yes	Granting the variances would do substantial justice and would not diminish the values of surrounding properties but would actually improve them.
10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship. (a)The property has special Conditions that distinguish it from other properties in the area. AND	Yes	

<p>(b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>		<p>relationship does not exist between the general public purposes of the ordinance provisions and the specific application of those provisions to the property. The proposed use is a reasonable one and, like the previous application, the lot will become less nonconforming.</p>
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Stipulations
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