



CITY OF PORTSMOUTH

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

ZONING BOARD OF ADJUSTMENT

January 3, 2023

Ann R Sherpick and Walter F Stewart
88 Kensington Road
Portsmouth, New Hampshire 03801

RE: Board of Adjustment request for property located at 88 Kensington Road (LU-22-201)

Dear Property Owners:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **December 20, 2022**, considered your application for the removal of an existing addition and construction of a new addition which requires the following: 1) A Variance from Section 10.521 to allow 23% building coverage where 20% is the maximum allowed. 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 152 Lot 22 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted to **grant** the request as presented

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 Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/zoning-board-adjustment/zoning-board-adjustment-archived-meetings-and-material>

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

Very truly yours,

A handwritten signature in cursive script that reads "Beth Margeson". The signature is written in dark ink and is positioned below the closing "Very truly yours,".

Beth Margeson, Acting Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Amy Dutton

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: December 20, 2022

Property Address: 88 Kensington Road

Application #: LU-22-201

Decision: **Granted**

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	<ul style="list-style-type: none">• Neighboring property has a similar addition to the proposed change.• Use is remaining the same
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none">• The use of the property is remaining the same (single-family residence) and consistent with the low-medium density set by the Zoning Ordinance.

10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> • Use is to remain as a single-family structure. • 1.5% is not a large difference
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> • Renovation of the structure will increase the property value of the surrounding areas and create more room.
<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	<ul style="list-style-type: none"> • The property is undersized for the area and where the lot setbacks are being observed the lot coverage can not

Stipulations
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ZONING BOARD OF ADJUSTMENT

January 3, 2023

Ryan and Karen E Baker
44 Gardner Street
Portsmouth, New Hampshire 03801

RE: Board of Adjustment request for property located at 44 Gardner Street (LU-22-215)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **December 20, 2022**, considered your application for replacement of an existing porch with a sunroom addition which requires the following: 1) A Variance from Section 10.521 to allow 34% building coverage where 30% is the maximum allowed. 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 103 Lot 42 and lies within the General Residence B (GRB) and Historic District. As a result of said consideration, the Board voted to **grant** the request as presented

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.

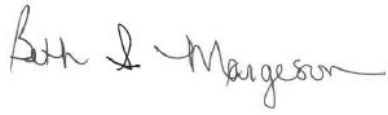
This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/zoning-board-adjustment/zoning-board-adjustment-archived-meetings-and-material>

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

Very truly yours,

A handwritten signature in black ink, reading "Beth I. Margeson". The signature is written in a cursive style with a large, stylized "B" and a long, sweeping underline.

Beth Margeson, Acting Chair 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: December 20, 2022

Property Address: 44 Gardener Street

Application #: LU-22-215

Decision: **Granted**

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	<ul style="list-style-type: none">Granting the variances would not be contrary to the public interest because there really was no change to the building that had been there a long time.The portion of the home affected is away from the streetscape, so it won't impact the look and feel of the neighborhood.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none">There is no substantial change

10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> It will provide the owner with what he wanted without any negative effect on the neighbors.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> Any effect on surrounding properties will be positive. The portion of the home affected is away from the streetscape, so it won't impact the look and feel of the neighborhood.
<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	<ul style="list-style-type: none"> No one would be hurt by what would be a benefit to the owner and the request is a reasonable one.

Stipulations
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ZONING BOARD OF ADJUSTMENT

January 3, 2023

Karen and Rick Rosania
32 Boss Avenue
Portsmouth, New Hampshire 03801

RE: Board of Adjustment request for property located at 32 Boss Avenue (LU-22-217)

Dear Property Owners:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **December 20, 2022**, considered your application for allowing an art studio for classes up to 8 people which requires the following: 1) A Variance from Section 10.440 to allow an art studio where the use is not permitted. Said property is shown on Assessor Map 153 Lot 5 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted to **deny** the petition because the spirit of the ordinance was not observed and literal enforcement of the provisions of the Ordinance would not result in an unnecessary hardship.

Use as an Art Studio is not an established use in the Zoning Ordinance and Commercial uses are not permitted in the SRB zoning district.

The Board's decision may be appealed up to thirty (30) days after the vote. Please contact the Planning Department for more details about the appeals process.

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

Very truly yours,

Beth Margeson, Acting Chair of the Zoning Board of Adjustment

cc:

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: December 20, 2022

Property Address: 32 Boss Avenue

Application #: LU-22-217

Decision: **Denied**

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.		
10.233.22 Granting the variance would observe the spirit of the Ordinance.	NO	<ul style="list-style-type: none">• Art Studios are not recognized in the Zoning Ordinance.• No businesses are allowed in the district or most adjacent district.
10.233.23 Granting the variance would do substantial justice.		

10.233.24 Granting the variance 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>	NO	<ul style="list-style-type: none"> The property does not have anything unique about it as opposed to anyone else's property in the same district and would qualify it to have a business use placed on it.

Stipulations	
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ZONING BOARD OF ADJUSTMENT

January 3, 2023

Rudy Storylazy Holding LLC
266 Middle Street
Portsmouth, New Hampshire 03801

RE: Board of Adjustment request for property located at 96 Chestnut Street (LU-22-220)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **December 20, 2022**, considered your application for conversion of existing office into residential which requires the following: 1) A Variance from Section 10.5A41, Figure 10.5A41.10A, to allow a) a lot area per dwelling of 2,046 where 3,000 square feet is required; and b) 14% open space where 25% minimum 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 116 Lot 24 and lies within the Character District 4-L1 (CD4-L1) District. As a result of said consideration, the Board voted to **grant** the variances as presented and advertised.

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 Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:

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

Very truly yours,

A handwritten signature in cursive script that reads "Beth Margeson". The signature is written in dark ink and is positioned above the printed name.

Beth Margeson, Acting Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

John Bosen, Bosen & Associates PLLC

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: December 20, 2022

Property Address: 96 Chestnut St

Application #: LU-22-220

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	<ul style="list-style-type: none">Granting the variances will not be contrary to the public interest because there is a positive public interest with the memorial being there and a business in that area would invite more traffic and cause confusion due to the lack of parking in front of the building.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none">The spirit of the ordinance will be met because it is an allowed use for an existing structure on a lot.

10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> • The loss of open space would be to the rear of the property and wouldn't be something the public will perceive. • The owner's ability to convert the house to a residential use by adding a way to get over to the existing patio area made more sense, and no public need would prevent the Board from allowing the property owner to take advantage of that.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> • The changes are minor and the building looks like a residential one. • The fact that it was an office building was probably more awkward and negative for neighboring properties, and converting it would bring it more in conformance and help surrounding property values.
<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	<ul style="list-style-type: none"> • It is an existing lot with a structure on it for many years and the structure looked like it was a residence at first and was then converted. • The ordinance now requires more conformances and the minimal loss of open space will not be a significant loss.

Stipulations

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ZONING BOARD OF ADJUSTMENT

January 3, 2023

Stephen A and Kathryn L Singlar
21 Elliot Street
Exeter, New Hampshire 03833

RE: Board of Adjustment request for property at 39 Holmes Court (LU-22-226)

Dear Property Owners:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **December 20, 2022**, considered your application for the addition of a shed dormer, heat pump and new paved area which requires the following: 1) Variances from Section 10.521 to allow a) a 2' rear yard where 25' is required; and b) 22% open space where 25% is the minimum required. 2) A Variance from Section 10.515.14 to allow a 0' setback where 10' is required for a heat pump. 3) 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 101 Lot 13 and lies within the General Residence B (GRB) and Historic District. As a result of said consideration, the Board voted to **grant** the variances as presented and advertised.

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 Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/zoning-board-adjustment/zoning-board-adjustment-archived-meetings-and-material>

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

Very truly yours,

A handwritten signature in cursive script that reads "Beth Margeson". The signature is written in dark ink and is positioned above the typed name.

Beth Margeson, Acting Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Derek Durbin, Durbin Law Offices PLL

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: December 20, 2022

Property Address: 39 Holmes Court

Application #: LU-22-226

Decision: **Granted**

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	<ul style="list-style-type: none">The addition of a dormer does not change the footprint of the structure.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none">The intent of the ordinance is not to prevent the modernization of HVAC systems in antique homes.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none">There would be no gain to the public by denying the request and there would be an advantage to the owner and to the property's value by approving the variances.

10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> • The closest effected property is that of the applicant. • Window AC units are allowable but tended to be noisier than modern heat pumps condensers.
<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 / NO	<ul style="list-style-type: none"> • The lot is already non-nonconforming creating a special condition for the property.

Stipulations
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ZONING BOARD OF ADJUSTMENT

January 4, 2023

Stephen A and Kathryn L Singlar
21 Elliot Street
Exeter, 03833

RE: Board of Adjustment request for property located at 43 Holmes Court (LU-22-227)

Dear Property Owners:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **December 20, 2022**, considered your application for demolishing the existing dwelling and constructing a new single-family dwelling which requires the following: 1) Variances from Section 10.531 to allow a) a lot area of 5,353 square feet where 20,000 square feet is required; b) 0 feet of street frontage where 100 feet is required; c) 75' of lot depth where 100 feet is required; d) a 17 foot front yard where 30 feet is required; e) a 14 foot left side yard where 30 feet is required; and f) a 14 foot right side yard where 30 feet is required. 2) A Variance from Section 10.440, Use # 1.10 to allow a single family dwelling where the use is not permitted.

Said property is shown on Assessor Map 101 Lot 14 and lies within the Waterfront Business (WB) and Historic District. As a result of said consideration, the Board voted to **grant** the variances as presented and advertised.

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 Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:

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Very truly yours,

A handwritten signature in cursive script, reading "Beth I Margeson". The signature is written in dark ink on a white background.

Beth Margeson, Acting Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Derek Durbin, Durbin Law Offices PLL

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: December 20, 2022

Property Address: 43 Holmes Court

Application #: LU-22-227

Decision: **Granted**

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	<ul style="list-style-type: none">The existing use is residential and will not be changing.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none">The property has existed as residential and the surrounding properties are residential. Creating a commercial business on the property would be disruptive to the entire street and neighborhood.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none">The nature of Holmes Court is such that it would be impractical to justify that it would contribute to the

		waterfront business district. <ul style="list-style-type: none"> • The existing use will remain residential.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> • The existing use will remain residential. • The property has existed as residential and the surrounding properties are residential. Creating a commercial business on the property would be disruptive to the entire street and neighborhood.
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 (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.	YES	<ul style="list-style-type: none"> • The property has existed as residential and the surrounding properties are residential. Creating a commercial business on the property would be disruptive to the entire street and neighborhood.

Stipulations
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CITY OF PORTSMOUTH

Planning Department
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Portsmouth, New
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(603) 610-7216

ZONING BOARD OF ADJUSTMENT

January 3, 2023

Luke J. and Sara C. Brindamour
653 Greenland Road
Portsmouth, New Hampshire 03801

RE: Board of Adjustment request for property located at 653 Greenland Road (LU-22-231)

Dear Property Owners:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **December 20, 2022**, considered your application for adding an 8' tall fence which requires the following: 1) A Variance from Section 10.515.13 to allow an 8' tall fence along the property line and not adhering to the required yard setbacks. Said property is shown on Assessor Map 259 Lot 31 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted to **grant** the variances as presented and advertised.

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.

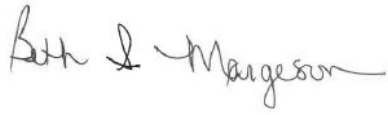
This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/zoning-board-adjustment/zoning-board-adjustment-archived-meetings-and-material>

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

Very truly yours,

A handwritten signature in black ink, reading "Beth L. Margeson". The signature is written in a cursive, flowing style.

Beth Margeson, Acting Chair 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: December 20, 2022

Property Address: 653 Greenland Road

Application #: LU-22-231

Decision: **Granted**

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	<ul style="list-style-type: none">• It is a large lot with a substantial separation between the house and its neighbors, and a 6-ft fence would be allowed by right.• The fence ordinance applied across the City and the small properties tended to outweigh the large ones. The applicant's property is one of the bigger lots in Portsmouth, which is some ways diminished some of the impact of the very broad requirement in the fence ordinance and was an important factor.

10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none"> Fence control was added to the ordinance to prevent 'spite' fences between neighbors, but in the applicant's case they are trying to take advantage of the existing fence.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> The public benefit would outweigh the applicant's desire to have the higher fence and ensure additional privacy and there does not appear to be any public benefit, especially in that wide-open neighborhood.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> It will not diminish the values of surrounding properties, especially with the large lots involved and the amount of fencing and no indication from the neighbors or public that it would.
<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	<ul style="list-style-type: none"> The fence ordinance applied across the City and the small properties tended to outweigh the large ones. The applicant's property is one of the bigger lots in Portsmouth, which is some ways diminished some of the impact of the very broad requirement in the fence ordinance and was an important factor. The applicant has had a long-standing fence without seemingly having caused negative aspects to the neighbors, so there is no substantial relationship by

		saying that reducing the fence by two feet in those areas would make a big difference.
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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

January 3, 2023

Paula and Joe Lewinski
187 Union Street
Portsmouth, New Hampshire 03801

RE: Board of Adjustment request for property located at 187 Union Street (LU-22-238)

Dear Property Owners:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **December 20, 2022**, considered your application for renovation of the existing dwelling including demolition of a small addition and expanding the existing structure which requires the following: 1) A Variance from Section 10.521 to allow a 0' secondary front yard where 2 feet (per Section 10.516.10) is required. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 135 Lot 68 and lies within the General Residence C (GRC) District. As a result of said consideration, the Board voted to **grant** the variances as presented and advertised.

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.

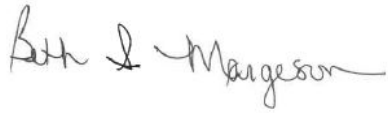
This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/zoning-board-adjustment/zoning-board-adjustment-archived-meetings-and-material>

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

Very truly yours,

A handwritten signature in cursive script that reads "Beth I Margeson". The signature is written in dark ink on a white background.

Beth Margeson, Acting Chair 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: December 20, 2022

Property Address: 187 Union Street

Application #: LU-22-238

Decision: **Granted**

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	<ul style="list-style-type: none">The improvements, especially on the side of the house, would be a benefit.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none">2 feet is not a lot considering the existing house will remain with a 0 foot setback.The spirit of General Residence C was for single-family, two-family, and multi-family dwellings, and there was nothing about the proposal that diminished the suitability of the property to meet that purpose.

10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> The change will line up the rest of the house.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> Surrounding property values will likely increase.
<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	<ul style="list-style-type: none"> The property is unique because it is located on the corner of Union Street and a public accessway, and the property has special conditions that distinguish it from other properties in the area. Owing to those special conditions, a fair and substantial relationship does not exist between the general public purposes of the ordinance's provisions and the specific application to that provision of the property.

Stipulations
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CITY OF PORTSMOUTH

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

ZONING BOARD OF ADJUSTMENT

January 3, 2023

Linda J Mayrand
8 Westwood Circle
Dover, New Hampshire 03820

RE: Board of Adjustment request for property located at 44-46 Rockingham Street (LU-22-230)

Dear Ms. Mayrand:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **December 20, 2022**, considered your application for after the fact variance for a rear deck expansion and stairs which requires the following: 1) Variances from Section 10.521 to allow a) an 8 foot side yard where 10 feet is required; and b) 46% building coverage where 35% is the maximum allowed. 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 14 and lies within the General Residence C (GRC) District. As a result of said consideration, the Board voted to **grant** the variances as presented and advertised.

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 Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/zoning-board-adjustment/zoning-board-adjustment-archived-meetings-and-material>

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

Very truly yours,

A handwritten signature in cursive script, reading "Beth I Margeson". The signature is written in dark ink on a white background.

Beth Margeson, Acting Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Brian Barrington, The Coolidge Law Firm, PLLC

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: December 20, 2022

Property Address: 44-46 Rockingham Street

Application #: LU-22-230

Decision: **Granted**

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	<ul style="list-style-type: none">The deck needs to be there and it is a two percent increase in building coverage and would be behind the house.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none">The deck is an essential part of the structure and a smaller deck won't allow for safety concerns.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none">The lot coverage has to increase in order for have the deck meet safety standards.

10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> It will not diminish the value 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	<ul style="list-style-type: none"> The two percent increase is a very slight change to the property coverage and the size of the deck is necessary for the building residents' safety.

Stipulations	
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