



# CITY OF PORTSMOUTH

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

## **ZONING BOARD OF ADJUSTMENT**

May 28, 2024

Kerrin J Parker, Trustee  
Kerrin J Parker Revocable Trust of 2012  
86 Haven Road  
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment request for property located at 86 Haven Road, Portsmouth, New Hampshire (LU-23-192)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, May 21 2024**, considered your application for constructing an addition to the existing structure which requires the following: 1) Variance from Section 10.521 to a) allow a 7.5 foot front yard where 10 feet is required by front yard averaging; b) to allow a building coverage of 26% where 20% is allowed; and 2) Variance from Section 10.321 to allow of nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 206 Lot 27 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted to 1) suspend the rules to accept new information from the applicant; *and* 2) to **approve** 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 & Sustainability 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 & Sustainability Department.

Very truly yours,

A handwritten signature in cursive script that reads "Phyllis Eldridge". The signature is written in black ink and is positioned above the typed name.

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Derek Durbin, Durbin Law Offices

# Findings of Fact | Variance

## City of Portsmouth Zoning Board of Adjustment

Date: 5-21-2024

Property Address: 86 Haven Rd

Application #: LU-23-192

Decision: **Grant**

### Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It 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 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.	<b>YES</b>	<ul style="list-style-type: none"> <li>There is no public interest in maintaining the setback in a general area that is not a roadway.</li> <li>The requested dimensional variances for the porch are really de minimis vs. the current conditions of the property and will not substantially change the degree of nonconformance of the structure.</li> </ul>
10.233.22 Granting the variance would observe the spirit of the Ordinance.	<b>YES</b>	<ul style="list-style-type: none"> <li>There is no public interest in maintaining the setback in a general area that is not a roadway.</li> <li>The requested dimensional variances for the porch are really de minimis vs. the current conditions of the property and will not substantially change the</li> </ul>

		degree of nonconformance of the structure.
10.233.23 Granting the variance would do substantial justice.	<b>YES</b>	<ul style="list-style-type: none"> <li>The other nearby properties have similar if not lesser setbacks from the front lot line.</li> </ul>
10.233.24 Granting the variance would not diminish the values of surrounding properties.	<b>YES</b>	<ul style="list-style-type: none"> <li>The property is also surrounded on two sides by public land that is part of the school system and there is no possibility of impacting the value of that property.</li> </ul>
<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>	<b>YES</b>	<ul style="list-style-type: none"> <li>The property is an irregular shape and its location relative to the empty lots that are part of the school system give it unique characteristics.</li> <li>There is no relationship between the purposes of the ordinance, and denying the variances would not serve the purposes of the ordinance.</li> </ul>



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## ZONING BOARD OF ADJUSTMENT

May 29, 2024

Ryan Leibundgut  
137 Walker Bungalow Road  
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment request for property located ant 137 Walker Bungalow Road, Portsmouth, New Hampshire (LU-24-10)**

Dear Mr. Leibundgut:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, May 21, 2024**, considered your application for demolishing the front deck and constructing a new deck on the front of the existing home which requires the following: 1) Variance from Section 10.521 to allow a 20 foot front yard where 30 feet is required; 2) Variance from Section 10.321 to allow of nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 202 Lot 4 and lies within the Single Residence B (SRB) . As a result of said consideration, the Board voted to **approve** the request 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 & Sustainability 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 & Sustainability Department.

Very truly yours,

A handwritten signature in cursive script that reads "Phyllis Eldridge". The signature is written in black ink and is positioned above the printed name.

Phyllis Eldridge, 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: 5-21-2024

Property Address: 137 Walker Bungalow

Application #: LU-24-10

Decision: **Grant**

### Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It 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 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.	<b>YES</b>	<ul style="list-style-type: none"> <li>The houses are diverse and the applicant isn't really changing anything but just extending the front of the house to have a more presentable street presence.</li> <li>The public doesn't have much interest in the porch and it will observe the spirit of the ordinance.</li> </ul>
10.233.22 Granting the variance would observe the spirit of the Ordinance.	<b>YES</b>	<ul style="list-style-type: none"> <li>The public doesn't have much interest in the porch and it will observe the spirit of the ordinance.</li> </ul>
10.233.23 Granting the variance would do substantial justice.	<b>YES</b>	<ul style="list-style-type: none"> <li>Nothing will really change.</li> </ul>

<p>10.233.24 Granting the variance would not diminish the values of surrounding properties.</p>	<p><b>YES</b></p>	<ul style="list-style-type: none"> <li>• The values of surrounding properties will not be diminished and most likely will be improved.</li> </ul>
<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><b>YES</b></p>	<ul style="list-style-type: none"> <li>• Enforcing the ordinance would be a great hardship for the applicant, noting that the applicant will not be changing anything other than expanding the porch length of the house for a better street aesthetic.</li> </ul>





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## **ZONING BOARD OF ADJUSTMENT**

May 28, 2024

John C. Wallen and Jeanine M. Girgenti  
5 Cleveland Drive  
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment request for property located at 5 Cleveland Drive,  
Portsmouth, New Hampshire (LU-23-92)**

Dear Property Owners:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, May 21, 2024**, considered your application for amending the Variances granted on July 18, 2023 to install a 6 foot fence along the primary and secondary front of the property to include the following: 1) Variance from Section 10.515.13 to allow a 6 foot fence to be installed on top of a 3.5 foot tall retaining wall to create a total structure height of 9.5 feet where 4 feet is allowed. Said property is shown on Assessor Map 247 Lot 74 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted to to **approve** the request 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 & Sustainability 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 & Sustainability Department.

Very truly yours,

A handwritten signature in cursive script that reads "Phyllis Eldridge". The signature is written in black ink and is positioned above the printed name.

Phyllis Eldridge, 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: 5-21-2024

Property Address: 5 Cleveland Drive

Application #: LU-23-92

Decision: **Grant**

### Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It 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 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.	<b>YES</b>	<ul style="list-style-type: none"> <li>• The fence is visually set back from the retaining wall, it will not appear as a monolithic structure any higher than what the Board approved in the past.</li> <li>• It will serve a legitimate purpose for securing the pool against accidental access, especially by minors.</li> <li>• Pool drownings are a substantial cause of mortality in children and it serves the public interest to have a secure fence around the pool area.</li> </ul>
10.233.22 Granting the variance would observe the spirit of the Ordinance.	<b>YES</b>	<ul style="list-style-type: none"> <li>• The fence is visually set back from the retaining wall, it will not appear as a monolithic structure any higher than what the Board approved in the past.</li> </ul>

		<ul style="list-style-type: none"> <li>It will serve a legitimate purpose for securing the pool against accidental access, especially by minors.</li> </ul>
10.233.23 Granting the variance would do substantial justice.	<b>YES</b>	<ul style="list-style-type: none"> <li>The variance will do substantial justice because of the location of the lot and the lack of impairment of any valuable sight lines.</li> <li>There is no public interest that will be served by denying the owners the opportunity to build the fence.</li> </ul>
10.233.24 Granting the variance would not diminish the values of surrounding properties.	<b>YES</b>	<ul style="list-style-type: none"> <li>Providing a reasonable screening of pool paraphernalia including the pool's mechanical units will preserve the property values of the surrounding properties.</li> </ul>
<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>	<b>YES</b>	<ul style="list-style-type: none"> <li>The hardship of the property as it relates to this variance is the change in the grade that has resulted in a technical change in the measurement of the height, but the change of the grade really does not change the relative height of the fence vs. street level and vs. the surrounding properties, so that is a unique characteristic of the property, and because of that, there is no relationship between denying this variance that has already been approved vs. the current conditions.</li> </ul>



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1 Junkins Avenue  
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(603) 610-7216

## **ZONING BOARD OF ADJUSTMENT**

May 28, 2024

Edmund R. St. Pierre  
15 Mariette Drive  
Portsmouth , New Hampshire 03801

**RE: Board of Adjustment request for property located at 15 Mariette Drive,  
Portsmouth, New Hampshire (LU-24-57)**

Dear Mr. St. Pierre:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, May 21, 2024**, considered your application for creating a second driveway in front of the existing garage which requires the following: 1) Variance from Section 10.1114.31 to allow two driveways on a single lot where only one is allowed per section 3.3.2.3 of the Site Review Regulations. Said property is shown on Assessor Assessor Map 292 Lot 167 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted to **approve** the request 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 & Sustainability 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 & Sustainability Department.

Very truly yours,

*Phyllis Eldridge*

Phyllis Eldridge, 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: 5-21-2024

Property Address: 15 Mariette Drive

Application #: LU-24-57

Decision: **Grant**

### Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It 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 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.	<b>YES</b>	<ul style="list-style-type: none"> <li>• The plan was the preferred one by the City's traffic engineer as opposed to the other one and it was the traffic engineer's professional opinion.</li> <li>• There is a low volume of traffic going through there and the intersection itself is wide open, with large curves and good sight lines, which reduced some of the concerns with vehicles entering and exiting into the intersection.</li> </ul>
10.233.22 Granting the variance would observe the spirit of the Ordinance.	<b>YES</b>	<ul style="list-style-type: none"> <li>• The spirit and intent of the ordinance is not to have multiple driveways on one lot, but the applicant's case was an exception because of the lot's special conditions. It is in keeping with the spirit of the ordinance and the</li> </ul>

		overall characteristics of the neighborhood, which has a scattering of driveways in different locations.
10.233.23 Granting the variance would do substantial justice.	<b>YES</b>	<ul style="list-style-type: none"> <li>There is no benefit to the public that is outweighed by a loss to the applicant. The public will not be harmed at all and will not lose anything by the property having two driveways on it.</li> </ul>
10.233.24 Granting the variance would not diminish the values of surrounding properties.	<b>YES</b>	<ul style="list-style-type: none"> <li>The Board received no testimony from the public and there is another property in the immediate area that has a double driveway on it.</li> </ul>
<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>	<b>YES</b>	<ul style="list-style-type: none"> <li>The property has special conditions due to an involuntary merger, and as part of that merger, there is a deed restriction that says that a structure cannot be constructed on one of the lots, the part of the lot that is now one lot that has the garage on it and that is not an accessory to the house that's on the other part of the lot.</li> <li>The part of the property that will need the second driveway leads to an existing garage, and the proposed use is a reasonable one because a driveway is needed to access an accessory garage to a property.</li> <li>The house has its own internal garage but it is on the opposite side of the lot, so the two driveways would be far apart and the perception would be different than two driveways being close together on the lot.</li> </ul>





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## **ZONING BOARD OF ADJUSTMENT**

May 28, 2024

Elizabeth M. Arend and Torben O. Arend  
1 Rockaway Street  
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment request for property located at 1 Rockaway Street,  
Portsmouth, New Hampshire (LU-24-46)**

Dear Property Owners:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, May 21, 2024**, considered your application for constructing a porch and mudroom onto the front of the existing structure which requires the following: 1) Variance from Section 10.521 to allow a 24 foot front yard where 30 feet is required. Said property is shown on Assessor Map 230 Lot 11 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted to **approve** the request 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 & Sustainability 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 & Sustainability Department.

Very truly yours,

*Phyllis Eldridge*

Phyllis Eldridge, 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: 5-21-2024

Property Address: 1 Rockaway Street

Application #: LU-24-46

Decision: **Grant**

### Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It 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 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.	<b>YES</b>	<ul style="list-style-type: none"> <li>• The applicant made a good argument that the 30-ft setback will be consistent with how the other properties in the micro neighborhood are aligned relative to their property lines up against the assortment of streets.</li> <li>• It will not present anything that looks out of place with the character of the neighborhood. It is noted that it is the only house on that side of the street and it will be consistent.</li> </ul>
10.233.22 Granting the variance would observe the spirit of the Ordinance.	<b>YES</b>	<ul style="list-style-type: none"> <li>• The applicant made a good argument that the 30-ft setback will be consistent with how the other properties in the micro neighborhood are aligned relative to their property lines up against the assortment of streets.</li> <li>• It will not present anything that looks</li> </ul>

		out of place with the character of the neighborhood. It is noted that it is the only house on that side of the street and it will be consistent.
10.233.23 Granting the variance would do substantial justice.	<b>YES</b>	<ul style="list-style-type: none"> <li>• The applicant is adding a modest addition to the home and the only enclosed portion will be a 9'x6' mudroom, otherwise it is an open porch area that isn't substantial and aligned with the major front facade of the house.</li> <li>• There is no public interest that would outweigh the applicant's benefit.</li> </ul>
10.233.24 Granting the variance would not diminish the values of surrounding properties.	<b>YES</b>	<ul style="list-style-type: none"> <li>• The board does not see any impact to property values in the micro neighborhood</li> <li>• The street is very short and the applicant has an oddly shaped lot, but the home is placed in a logical location on the lot, and any expansion to provide a porch would bring it closer to Rockaway Street.</li> </ul>
<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>	<b>YES</b>	<ul style="list-style-type: none"> <li>• The request is modest and the hardship requirement is met due to those special conditions and the small unique nature of the micro neighborhood.</li> </ul>