



# CITY OF PORTSMOUTH

Community Development Department  
(603) 610-7281

Planning Department  
(603) 610-7216

## PLANNING DEPARTMENT

May 18, 2018

Portsmouth Housing Authority  
245 Middle Street  
Portsmouth, New Hampshire 03801

ED PAC, LLC  
242 Central Avenue  
Dover, New Hampshire 034820

Re: Property at 140 and 152 Court Street, Permit #28501  
Assessor Plan 114, Lots 37 & 38

Dear Applicants:

The Board of Adjustment at its regular meeting on May 15, 2018 completed its consideration of your application described as follows:

### Application:

A) Case 4-8. Petition of Portsmouth Housing Authority and ED PAC, LLC regarding property located at **140 and 152 Court Street** wherein relief is required from the Zoning Ordinance for a lot line adjustment and construction of a five story residential building. The required relief includes the following variances: For 140 Court Street: a) from Section 10.5A41.10C to allow a front lot line buildout of 12.5%± where 50% is required; b) from Section 10.5A41.10C to allow a 10'± ground floor ceiling height where 12' is required; c) from Sections 10.5A43.30 & 10.5A21B to allow a structure with five stories (58'± in height) where three and a short fourth stories to a maximum height of 45' are permitted; and d) from Section 10.1114.21 to allow 9'± x 18'± parking spaces where 8.5' x 19' spaces are required and a 22' wide maneuvering aisle where 24' is required. For 152 Court Street: e) from Section 10.5A41.10C to allow no entrance proposed on the front building façade where an entrance is required every 50'. Said property is shown on Assessor Plan 116, Lots 37 and 38 and lies within Character District 4. (NOTE: This petition was postponed from the April 17, 2018 meeting and the requested relief has been amended.)

Action:

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

Review Criteria:

The petition was granted for the following reasons:

- The existing buildings in the area, comparable to the proposed building in size, use and scale, comprise the varied character of the surrounding neighborhood which will not be altered by the proposed structure and use. The proposal will also pose no threat the public health, safety or welfare or injure public rights so that granting the variances will not be contrary to the public interest and the spirit of the ordinance will be observed.
- Substantial justice will be done as both the public and the applicants will benefit substantially by the granting of the petition.
- A tasteful downtown development, with modern materials and a design approved by the Historic District Commission, will not diminish the value of surrounding properties.
- Literal enforcement of the ordinance would result in unnecessary hardship due to the special conditions of the property which include a large, uniquely shaped lot with minimal street frontage, in a transition zone between large commercial or civic buildings and residential areas. This is an allowed residential use, adjacent to a similar use that has been present for many years, so that the proposed use is a reasonable one.

As provided for in NH RSA Chapter 677, the Board's decision may be appealed 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. Construction drawings or sketches must be reviewed and approved by the Building Inspector prior to the issuance of a building permit. Approvals by other land use boards may also be required prior to the issuance of a building permit.

The minutes and tape recording of the meeting may be reviewed in the Planning Department.

Very truly yours,



David Rheame, Chairman  
Board of Adjustment

mek

c: Robert Marsilia, Chief Building Inspector  
Rosann Maurice-Lentz, City Assessor  
John K. Bosen, Esquire