



CITY OF PORTSMOUTH

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

ZONING BOARD OF ADJUSTMENT

September 28, 2022

Emily Doe
Emily Morgan Revocable Trust of 2021
127 Willard Avenue
Portsmouth, New Hampshire 03801

RE: Board of Adjustment request for property located at 127 Willard Avenue (LU-22-180)

Dear Ms. Doe:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, September 27, 2022**, considered your application for replace the existing front porch with new covered landing with steps which requires the following: 1) A Variance from Section 10.521 to allow a 6 foot secondary front yard where 15 feet is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be expanded, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 149 Lot 37 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,

Arthur Parrott, 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: September 27, 2022

Property Address: 127 Willard Avenue

Application #: LU-22-180

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	Would not be contrary to public interest and would observe the spirit of the ordinance because it is a small request and there was little difference between the existing and the proposed. With no public comment in opposition or objections from abutters, it is not contrary to the public interest and the spirit of the ordinance is observed.
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 proposal would do substantial justice and not diminish property values because it would make the house better and therefore surrounding properties better.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	Yes	
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.	Yes	The lot is a corner lot with two front yards that creates a hardship.

<p>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>		
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Stipulations
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CITY OF PORTSMOUTH

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ZONING BOARD OF ADJUSTMENT

September 28, 2022

Anne R. Landau Bellaud
55 Aldrich Road
Portsmouth, New Hampshire 03801

RE: Board of Adjustment request for property located at 55 Aldrich Road (LU-22-181)

Dear Ms Bellaud:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, September 27, 2022**, considered your application for removal of the existing front steps and construction of a new deck and steps which requires the following: 1) A Variance from Section 10.521 to allow a 2.5 foot front yard where 15 feet is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be expanded, reconstructed, or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 153 Lot 44 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,

Arthur Parrott, 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: September 27, 2022

Property Address: 55 Aldrich Road

Application #: LU-22-181

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	Would not be contrary to public interest because the project would improve the building's safety and the look of the house therefore 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	The owner's benefit would not be outweighed by any harm to the public.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	Yes	AN improved entrance would increase surrounding property values.
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	If the applicant wants to go out the front they will be in the setback. The project will be further back from the setback than the existing.

<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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ZONING BOARD OF ADJUSTMENT

September 29, 2022

Betty Ann Fraser
42 Harvard Street
Portsmouth, New Hampshire 03801

RE: Board of Adjustment request for property located at 42 Harvard Street (LU-22-176)

Dear Ms. Fraser:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, September 27, 2022**, considered your application for the upward expansion of the existing garage and mudroom to create and attached ADU which requires the following: 1) A Variance from Section 10.521 to allow a 22 foot front yard where 30 feet is required. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be expanded, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 259 Lot 30 and lies within the Single Residence A (SRA). As a result of said consideration, the Board voted to **grant** the request with the enclosed Findings of Fact and stipulation below:

1. The lot area shall be 13,039 square feet.

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,

Arthur Parrott, Chairman of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Seth Monkiewicz

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: September 27, 2022

Property Address: 42 Harvard Street

Application #: LU-22-176

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 proposal would not conflict with any explicit or implicit purposes of the ordinance, would not alter the essential character of the neighborhood, would not threaten the public's health, safety, or welfare or injure any public rights.
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 and the values of surrounding properties would not be diminished because the house would blend in.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	Yes	
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	If the ADU was built at grade, it would increase the lot coverage more than existed, therefore there are special conditions and the use is a reasonable one.

<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
1. The lot area shall be 13,039 square feet.
2.
3.
4.



CITY OF PORTSMOUTH

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ZONING BOARD OF ADJUSTMENT

September 29, 2022

Brian & Charlene Huston
44 Harding Road
Portsmouth, New Hampshire 03801

RE: Board of Adjustment request for property located at 44 Harding Road (LU-22-178)

Dear Property Owners:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, September 27, 2022**, considered your application for removal of the existing deck and construction of a new deck with stairs which requires the following: 1) A Variance from Section 10.521 to allow 25% building coverage where 20% is the maximum allowed. 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 250 Lot 75 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 deck shall be 12 feet in depth: and
2. The building coverage shall be 24.5%.

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 blue ink that reads "AE Parrott". The signature is fluid and cursive, with the initials "AE" being particularly prominent.

Arthur Parrott, 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: September 27, 2022

Property Address: 44 Harding Road

Application #: LU-22-176

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 purpose of the ordinance would not be contravened by the deck because the additional space was a wrap-around into the interior corner of the building and would not be visible from the front of the property.
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 because there would be no impact to surrounding properties and no loss to the public.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	Yes	The improvement would raise the value of the applicant's house as well as the adjacent ones.
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 small lot size was a factor in taking what is a reasonable modest deck and putting it slightly outside of the percentage building coverage specification of the ordinance, and that is a hardship that would prevent a reasonable use of

<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>the property.</p>
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Stipulations
1. The deck shall be 12 feet in depth; and
2. The building coverage shall be 24.5%
3.
4.



CITY OF PORTSMOUTH

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ZONING BOARD OF ADJUSTMENT

September 29, 2022

Madison Tidwell & Brendan Barker
38 Thaxter Road
Portsmouth, New Hampshire 03801

RE: Board of Adjustment request for property located at 38 Thaxter Road (LU-22-164)

Dear Property Owners:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, September 27, 2022**, considered your application for the construction of a 14' x 25' rear second story over an existing structure which requires the following: 1) A Variance from Section 10.521 to allow a 23 foot rear yard where 30 feet is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be expanded, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 166 Lot 36 and lies within the Single Residence B (SRB). 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,

Arthur Parrott, Chairman of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Todd Michel, Todd Michel Construction, LLC

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: September 27, 2022

Property Address: 38 Thaxter Road

Application #: LU-22-164

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	Would observe the spirit of the ordinance because the SRB district is meant to provide family dwellings and the applicant proposes to make use of the space to accommodate his family's needs.
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 raising the addition to the second floor because it would not encroach on any of the setbacks and would pose no loss to the public.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	Yes	Referring to letters of support, granting the variances would not diminish the values of surrounding properties.
10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship. (a)The property has special Conditions that	Yes	Literal enforcement of the provisions of the ordinance would result in unnecessary hardship because expanding the footprint of the property in other ways would create problems in terms of encroachment and

<p>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>area usage.</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

September 30, 2022

ADL 325 Little Harbor Road Trust
127 Parrott Avenue
Portsmouth, New Hampshire 03801

RE: Board of Adjustment request for property located at 325 Little Harbor Road (LU-21-220)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, September 27, 2022**, considered your application for the renovation of an existing historic barn which requires the following: 1) A Variance from Section 10.628.30 to permit a bottom/basement finished floor elevation of 8 feet where 7.88 feet exist where 9 feet is required. Said property is shown on Assessor Map 205 Lot 2 and lies within the Rural (R) district. As a result of said consideration, the Board voted to to **grant** the request as presented with the enclosed Findings of Fact and information below per Section 10.629.30:

- (a) The issuance of a variance to construct below the required elevation may result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
- (b) Such construction below the required elevation increases risks to life and property.

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,



Arthur Parrott, Chairman of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Corey Colwell, TFMoran, INC

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

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: September 27, 2022

Property Address: 325 Little Harbor Road

Application #: LU-21-220

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	The City decided to be more protective with flood levels and raise it from 8 to 9, but the reality was that only 16 percent of the barn was in the flood zone, so it did not violate the basic objective of the City's zoning ordinance. The essential character of the neighborhood, or in this case, island would not be altered, and there would be no threat to the public's health, safety or welfare from allowing a portion of the building to be below the City's flood level requirement.
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 hardship to the applicant because the island has no abutters.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	Yes	The variance would not diminish the values of surrounding properties because the land is an island and has no 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>	<p>Yes</p>	<p>The property has special conditions that distinguish it from other properties in the area in that it's the only property in the area. A fair and substantial relationship does not exist between the general public purposes of the ordinance's provisions and the specific application of those provisions to the property. The City has decided to be more protective of flood zone levels, but only 16 percent of the barn is in the flood zone, so it has special conditions and meets that requirement. The proposed use is a reasonable one, it's in the Rural District and this is an appropriate accessory dwelling to the house within the Rural District, so the proposed use for the barn is reasonable.</p>
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<p>Section 10.629.20</p>
<p>(a) The variances granted will not result in increased flood heights, additional threats to the public's safety, or extraordinary public expense.</p>
<p>(b) The required variance is for activity within the designated regulatory floodway, and there would be no increase in flood levels during the base flood discharge from the barn in that flood zone that has been there since the barn has been there.</p>
<p>(c) The variance is the minimum necessary considering the flood hazard to afford relief and brings it up to eight feet.</p>
<p>4.</p>



CITY OF PORTSMOUTH

Planning Department
1 Junkins Avenue
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(603) 610-7216

ZONING BOARD OF ADJUSTMENT

September 29, 2022

John T. McDonald III & Mary R. McDonald
74 Sunset Road
Portsmouth, New Hampshire 03801

RE: Board of Adjustment request for property located at 74 Sunset Road (LU-22-182)

Dear Property Owners:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, September 27, 2022**, considered your application for the addition of a front porch, front dormer and connection to garage which requires the following: 1) Variances from Section 10.521 to allow a) a 16 foot front yard where 30' is required; and b) 26.5% building coverage where 20% is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be expanded, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 166 Lot 36 and lies within the Single Residence B (SRB) 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,

Arthur Parrott, Chairman of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

R. Timothy Phoenix, Hoefle, Phoenix, Gormley & Roberts, PLLC
Eric Weinrieb, Altus Engineering, Inc.

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: September 27, 2022

Property Address: 74 Sunset Road

Application #: LU-22-182

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	Would not be contrary to the public interest and would observe the spirit of the ordinance because the proposed use would not be in conflict with the explicit or implicit purposes of the ordinance and would not alter the essential character of the neighborhood nor threaten the public's health, safety, or welfare or injure any public rights.
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 benefit to the applicant would not be outweighed by the general public or other individuals.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	Yes	The addition and renovation of the property will add to the value of the surrounding properties.
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.	Yes	The property is burdened by a zoning restriction that makes it distinct from other similarly situated properties, and because of those special conditions, a restriction is applied to the property that

<p>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>doesn't serve that purpose in a fair and substantial way. The proposed use is reasonable and doesn't alter the essential character of the neighborhood.</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

September 29, 2022

Neila LLC
31 Dennett Street
Portsmouth, New Hampshire 03801

RE: Board of Adjustment request for property located at 324 Maplewood Avenue (LU-22-183)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, September 27, 2022**, considered your application for convert existing garage into a dwelling unit which requires the following: 1) Variances from Section 10.5A41.10A to allow a) a lot area per dwelling unit of 1,780 square feet where 3,000 square feet is required; and b) a 1 foot side yard where 5 feet is required. 2) A Variance from Section 10.1114.21 to allow an 8.5 foot wide by 18 foot long parking space where 8.5 feet by 19 feet is required. Said property is shown on Assessor Map 141 Lot 1 and lies within the Character District 4-L2 (CD4-L2) and the Historic 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,

Arthur Parrott, Chairman of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Eric Weinrieb, Altus Engineering, Inc.

Monica Kieser, Hoefle, Phoenix, Gormley & Roberts, PLLC

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: September 27, 2022

Property Address: 324 Maplewood Avenue

Application #: LU-22-183

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 spirit of the ordinance in this zone was to create spaces that are walkable, mixed use, and of human scale, and since there is no change in the scale of the building, this proposal does not in any way diminish the walkability or human scale of 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	The Board heard from the abutters that they perceived no loss to themselves, and there would be no loss to the public that would outweigh the benefit to the applicant but in fact would be a gain to the public by increasing the housing stock.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	Yes	The addition and renovation of the property will add to the value of the surrounding properties.
10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.	Yes	The property is burdened by a zoning restriction that makes it distinct from other similarly situated properties, and because of those special conditions, a

<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>restriction is applied to the property that doesn't serve that purpose in a fair and substantial way. The proposed use is reasonable and doesn't alter the essential character of the neighborhood.</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

September 30, 2022

Jeffrey M. Foy
67 Ridges Court
Portsmouth, New Hampshire 03801

RE: Board of Adjustment Request for property located at 67 Ridges Court (LU-22-139)

Dear Mr. Foy:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, September 27, 2022**, considered your application for the expansion of the existing main roof and front porch roof and addition of new roof over side doorway which requires the following: 1) Variances from Section 10.521 to allow a) an 8' front yard where 30' is required to expand the existing front porch; b) a 13.5 foot front yard where 30 is required to expand the main roof of the house; c) a 13.5 foot front yard where 30 feet is required for a new roof over an existing doorway; and d) a 9.5 foot left side yard where 10 feet is required for a new rood over an existing doorway. 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 207 Lot 59 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. It was noted that variance "b" was not required.

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,



Arthur Parrott, Chairman of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

R. Timothy Phoenix, Hoefle, Phoenix, Gormley & Roberts, PLLC
John Chagnon, Ambit Engineering

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: September 27, 2022

Property Address: 67 Ridges Court

Application #: LU-22-139

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 variances would not be contrary to the public interest and would observe the spirit of the ordinance because the changes being made to the house are minor and won't affect anyone. The setback requirements are about overcrowding the property, movement of light and air, stormwater issues, etc., so is no violation of the spirit and intent of the ordinance with the variance application.
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 because no one would be harmed by the change and the owner will benefit by being kept out of the weather and having the aesthetic changes they wanted.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	Yes	The variances would not diminish the values of surrounding property values.
10.233.25 Literal enforcement of the provisions		The variances were minor and much like

<p>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>what existed, and the owner couldn't get a roof over the door without some infringement on the property.</p>
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Stipulations
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