



# CITY OF PORTSMOUTH

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

## ZONING BOARD OF ADJUSTMENT

April 1, 2024

Paul & Janice Lanzoni  
Lanzoni Family Revocable Trust  
411 South Street  
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment request for property located at 411 South Street (LU-22-67)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, March 26, 2024**, considered your request for a 1-Year Extension to the variances originally granted on May 17th, 2022 for the demolition of the existing garage and construction of a new attached garage which requires the following: 1) Variance from Section 10.521 to allow a 6' rear yard where 20' is required. 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the Ordinance.

As a result of said consideration, the Board voted to **grant** the request for a 1-Year extension, now to expire on May 18, 2025.

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.

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

Very truly yours,

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector  
Rosann Maurice-Lentz, City Assessor  
Jeremiah Johnson, McHenry Architecture



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## **ZONING BOARD OF ADJUSTMENT**

April 1, 2024

Cherie A. Holmes  
Yvonne P. Goldsberry  
1087 County Road  
Walpole, New Hampshire 03608

**RE: Board of Adjustment request for property located at 45 Richmond Street (LU-24-19)**

Dear Ms. Holmes and Ms. Goldsberry:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, March 26, 2024**, considered your application for the following: 1) Variance from Section 10.515.14 to install a mechanical unit 8.5 feet from the side property line whereas 10 feet is required. Said property is shown on Assessor Map 108 as Lot 18 and lies within the Mixed Research Office (MRO) and Historic Districts. As a result of said consideration, the Board voted to to **grant** the variance 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, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor  
Anne Whitney, AIA, applicant

# Findings of Fact | Variance

## City of Portsmouth Zoning Board of Adjustment

Date: March 26, 2024

Property Address: 45 Richmond St.

Application #: LU-24-19

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.	YES	<ul style="list-style-type: none"> <li>Granting the variance would not be contrary to the public interest, as there is no public interest that would be served by not allowing the variance.</li> </ul>
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none"> <li>Granting the variance would observe the spirit of the ordinance as the proposed location for the generator is sort of in a no-man's land between the two properties and didn't stick out like it didn't belong there, and the HVAC system also had a presence in that area.</li> </ul>
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> <li>Substantial justice would be done because there would be no loss to the public that would outweigh the benefit to the applicant.</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>Granting the variance would not diminish the values of surrounding properties, as the unit would be quiet and would barely run except in an emergency.</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>Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship due to the special conditions of the property, which were the limited size and shape of the lot and the undesirability of alternative locations for the unit which would, if placed in the back of the property, inhibit the owners' enjoyment of the land unnecessarily.</li> </ul>

<p><b>Stipulations</b></p>
<p>1.</p>
<p>2.</p>
<p>3.</p>
<p>4.</p>



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Department  
1 Junkins Avenue  
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## ZONING BOARD OF ADJUSTMENT

April 1, 2024

Atlas Commons, LLC  
3 Pleasant Street, Suite 400  
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment request for property located at 581 Lafayette Road (LU-24-1)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, March 26, 2024**, considered your application for after-the-fact installation of an awning sign which requires the following: 1) Variance from Section 10.1251.20 to allow a 32 square foot awning sign whereas 20 square feet is allowed. Said property is shown on Assessor Map 229 Lot 8B and lies within the Gateway Corridor (G1) District. As a result of said consideration, the Board voted to **postpone** to the April 16<sup>th</sup> meeting.

This matter will be placed on the agenda for the Board of Adjustment meeting scheduled for **April 16, 2024**. One (1) copy of any revised plans and/or exhibits must be filed in the Planning & Sustainability Department no later than **April 2, 2024**. Please remember you will be required to provide an electronic file (in a PDF format) of all plans and exhibits.

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

Very truly yours,

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Tor Larson, applicant's representative and Ryan Lent, applicant



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## ZONING BOARD OF ADJUSTMENT

April 1, 2024

Dave Morgan  
Lonza Biologics  
230 Corporate Drive  
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment request for property located at 101 International Drive (LU-23-108)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, March 26, 2024**, considered your request to withdraw the application for adding four (4) above ground storage tanks which requires the following: 1) from Section 308.02(c) of the Pease Development Ordinance to allow an above ground storage tank (AST) exceeding a 2,000 gallon capacity per facility. As a result of said consideration, the Board acknowledged the applicant's request to withdraw the application.

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

Very truly yours,

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Neil Hansen, Tighe & Bond



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## **ZONING BOARD OF ADJUSTMENT**

April 1, 2024

Henrik and Kathleen Eden  
85 Pinehurst Road  
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment request for 85 Pinehurst Road (LU-24-22)**

Dear Property Owners:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, March 26, 2024**, considered your application for constructing a second floor addition to the existing attached garage which requires the following: 1) Variance from Section 10.521 to allow a) a 4.5 foot side yard where 10 feet is required; b) a building coverage of 29% where 25% is allowed; 2) 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; and 3) Variance from Section 10.515.14 to install a mechanical unit 2.5 feet from the left side property line whereas 10 feet is required. Said property is shown on Assessor Map 221 Lot 73 and lies within the General Residence A (GRA) District. As a result of said consideration, the Board voted to **grant** the variance 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.

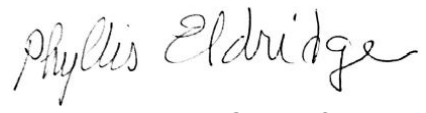
This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

*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: March 26, 2024

Property Address: 85 Pinehurst Rd.

Application #: LU-24-22

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>Granting the variance would not be contrary to the public interest, as the purpose of the setback requirements related to the specific variances being requested was to preserve open space and light, and there is abundant room between the applicant's structure and the one on the adjacent property.</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>Granting the variance would observe the spirit of the ordinance as approval of the variance would not negatively impact the feeling of space and light between the structure and the one on the adjacent property.</li> </ul>

<p>10.233.23 Granting the variance would do substantial justice.</p>	<p><b>YES</b></p>	<ul style="list-style-type: none"> <li>Substantial justice would be done because there would be no loss to the public with regard to allowing the variance request to move forward, and therefore nothing that would outweigh the benefit to the applicant.</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>Granting the variance would not diminish the values of surrounding properties, because the project design is nice and comports very well with the rest of the neighborhood and would only enhance the value of the surrounding properties by bringing up the value of the applicant's 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>	<p><b>YES</b></p>	<ul style="list-style-type: none"> <li>Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship due to the special conditions of the property, which were in regard to the lot coverage, the special condition is that the structure in question is a patio that is only 18 inches or more above grade, so it isn't a bulky structure, and that is a special condition that leaned toward this aspect of the zoning ordinance is really not meant to prevent this sort of a structure where it is located.</li> <li>There is no other logical space to put the mechanical unit on the property.</li> <li>The left yard setback had not changed except for the mechanical unit, and the building coverage had not changed at all.</li> </ul>



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## **ZONING BOARD OF ADJUSTMENT**

April 1, 2024

Susan Javurek and Michael Roche  
45 Kent Street  
Portsmouth , New Hampshire 03801

**RE: Board of Adjustment request for property located at 45 Kent Street (LU-24-25)**

Dear Property Owners :

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, March 26, 2024**, considered your application for demolishing an existing 1-story addition, reconstructing a two-story addition and add a deck on the rear of the existing residential structure and relocating a bulkhead which requires the following: 1) Variance from Section 10.521 to a) allow a 5.5 foot left side yard where 10 feet is required; and b) to allow a building coverage of 35% where 25% is allowed; and 2) 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 113 Lot 45 and lies within the General Residence A (GRA) District. As a result of said consideration, the Board voted to **grant** the variance 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 typed name.

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

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

# Findings of Fact | Variance

## City of Portsmouth Zoning Board of Adjustment

Date: March 26, 2024

Property Address: 45 Kent St.

Application #: LU-24-25

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>Granting the variance would not be contrary to the public interest, because it is reflective of the general characteristics of the neighborhood.</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>Granting the variance would observe the spirit of the ordinance as a lot of the properties in the neighborhood were undersized relating to what the lot requirement is to the GRA and the lot is typical of the others at about 5,500 square feet or so.</li> </ul>
10.233.23 Granting the variance would do substantial justice.	<b>YES</b>	<ul style="list-style-type: none"> <li>Substantial justice would be done because the proposed addition would be on the back side of the house and would not affect the street view significantly. Also, the height, even though it is two stories,</li> </ul>

		<p>is covered up by the front of the house, so for the general purposes of the ordinance in terms of the look and feel of the neighborhood, nothing is changing.</p> <ul style="list-style-type: none"> <li>• There is nothing in the public interest that would outweigh the applicant's desire for a more effective use of their lot and the addition they need for a decent-sized home.</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>• Granting the variance would not diminish the values of surrounding properties, because the addition is tasteful and not overly excessive and is largely in conformance with the zoning ordinance requirements and would not affect light and air on either side excessively.</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>• Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship due to the special conditions of the property, which were that the lot is smaller than required in the GRA, so there is a hardship from a lot coverage standpoint.</li> <li>• Required relief on the side yard setback is a bulkhead, which is a minor structure that no one would really notice and would not impose on the neighbor's light and air.</li> <li>• The lot is open to the back, so strictly applying the zoning ordinance to this particular parcel would not be appropriate.</li> <li>• The request is a reasonable one, as an expansion of an existing residential use is in keeping to the overall height of the structure and within the setback requirements.</li> </ul>