



City of Portsmouth  
Planning Department  
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Portsmouth, NH  
(603)610-7216

**MEMORANDUM**

TO: Zoning Board of Adjustment  
FROM: Stefanie Casella, Planner  
DATE: June 18, 2024  
RE: Zoning Board of Adjustment June 25, 2024

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The agenda items listed below can be found in the following analysis prepared by City Staff:

**I. Old Business**

- A. 17 Whidden Street

**II. New Business**

- B. 64 Haven Road
- C. 86 Farm Lane
- D. 189 Wibird Street
- E. 461 Court Street
- F. 26 Harding Road

## I. OLD BUSINESS

- A. The request of **Doty Seavey Family Revocable Trust and J W Seavey and Doty Seavy Trustees (Owners)**, for property located at **17 Whidden Street** whereas relief is needed to construct a fence 8 feet in height within the rear and side yards, which requires relief from the following: 1) Variance from Section 10.521 to a) allow a 0.5 foot rear yard where 25 feet is required; and b) to allow a 0.5 foot side yard where 10 feet is required. Said property is located on Assessor Map 109 Lot 5 and lies within the General Residence B (GRB) and Historic Districts (LU-24-85)

### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family Dwelling	Add 8' fence to rear and side yards*	Primarily residential
<u>Lot area (sq. ft.):</u>	1,307	1,307	5,000 min.
<u>Street Frontage (ft.):</u>	32	32	80 min.
<u>Lot depth (ft.)</u>	23	23	60 min.
<u>Front Yard (ft.):</u>	0	0	5 min.
<u>Left Yard (ft.):</u>	≈1-2	≈1-2	10 min.
<u>Right Yard (ft.):</u>	8 (structure)	0.5 (fence)	10 min.
<u>Rear Yard (ft.):</u>	≈5	0.5 (fence)	25 min.
<u>Height (ft.):</u>	<4 (existing fence)	8 (proposed fence)	4 (front yard) max. 6 (rear/side yards)
<u>Estimated Age of Structure:</u>	1840	Variance request(s) shown in red.	

\*Variance required for 8' fence within rear and side yards.

### Other Permits/Approvals Required

- HDC Review
- Building Permit

### Neighborhood Context



## Previous Board of Adjustment Actions

No Previous BOA history found.

## Planning Department Comments

This application was postponed from the June 18, 2024 meeting because the applicant was not present at the meeting to present the request.

The applicant is proposing to add a fence 8 feet in height to a portion of the rear and side yards on an existing non-conforming lot. Section 10.515.13 exempts fences not over 4 feet in height in the front yard and not over 6 feet in height in the side and rear yards. As the fence is proposed to be greater than 6 feet in height it therefore requires the requested relief.

## Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
  - (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**

  - (c) *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.*

## 10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.



**II. NEW BUSINESS**

**A.** The request of **Jay Anthony Clark and James A Link (Owners)**, for property located at **64 Haven Road** whereas relief is needed for the construction of a shed and after-the-fact construction of an addition to the primary structure which requires the following: 1) Variance from Section 10.521 to allow a 4 foot left side yard where 10 feet is required; 2) Variance from Section 10.515.14 to allow a 4 foot setback for 2 mechanical units where 10 feet is required for each; 3) 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; 4) Variance from Section 10.573.20 to allow a 5 foot side yard where 10 feet is required; and 5) A Variance from Section 10.571 to allow an accessory structure to be located closer to the street than the principal building. Said property is located on Assessor Map 206 Lot 30 and lies within the Single Residence B (SRB) District. (LU-22-121)

**Existing & Proposed Conditions**

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	<b>*Add shed, amend variance for primary structure</b>	Primarily residential
<u>Lot area (sq. ft.):</u>	9,583	9,583	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	9,583	9,583	15,000 min.
<u>Lot depth (ft.):</u>	107	107	100 min.
<u>Street Frontage (ft.):</u>	60	60	100 min.
<u>Primary Front Yard (ft.):</u>	16	16	30 min.
<u>Secondary Front Yard (ft.):</u>	95	House: 95 <b>Shed: 15</b>	30 min.
<u>Left Yard (ft.):</u>	2	<b>Addition: 4 HVAC: 4</b>	10
<u>Right Yard (ft.):</u>	10.5	10.5 <b>Shed: 5</b>	10 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	17	15	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40 min.
<u>Parking:</u>	2	2	2
<u>Estimated Age of Structure:</u>	1940	<b>Variance request(s) shown in red.</b>	

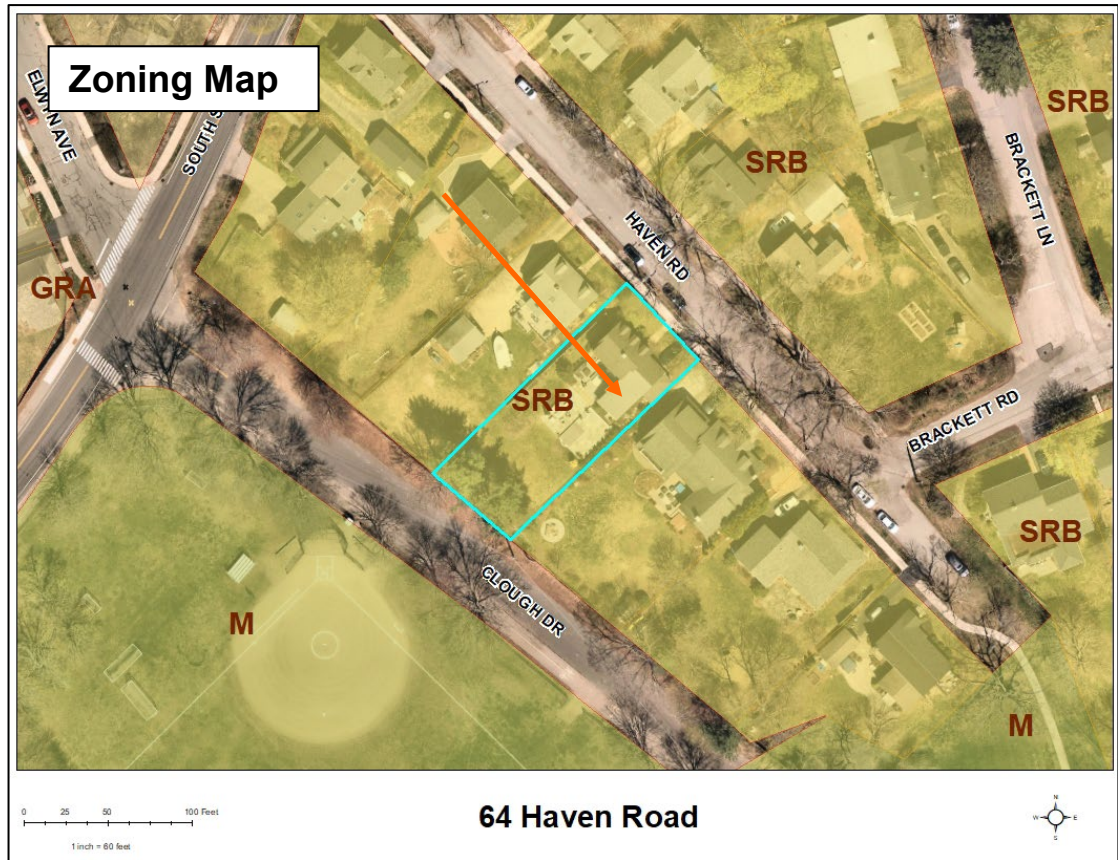
**\* Relief needed to construct an addition to the already non-conforming primary structure that would further impact the non-conformity.**

**Other Permits/Approvals Required**

- Building Permit



### Neighborhood Context



## Previous Board of Adjustment Actions

**December 21, 2021** – The Board granted variances to construct a 10' x 12' shed which requires the following: 1) A Variance from Section 10.573.20 to allow a 5' side yard where 10' is required; and 2) A Variance from Section 10.571 to allow an accessory structure to be located closer to the street than the principal building.

**July 19, 2022** – The Board granted variances to demolish the existing garage and porch and construct new garage and addition which requires the following: 1) Variance from Section 10.521 to allow a 5' left side yard where 10' is required; 2) A Variance from Section 10.515.14 to allow a 7.5' setback for 2 mechanical units where 10' is required for each; and 3) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. The Board granted the variances with the following stipulation:

- 1.) The two air conditioning units shall be 4-1/2 feet from the left side instead of 7-1/2 feet.

## Planning Department Comments

The applicant is back before the Board due to a discrepancy between the original approval, granted July 19, 2022, and the structure that was built.

On October 11, 2023 a Foundation Only Permit was issued and included the following language (full permit is available in the meeting packet):

***Selective Partial Demolition: Demolish 14'0 x 22'0 Garage with Three-Quarter Story Above (Including Foundation); Demolish Single-Story 7'0 x 17'0 Finished Enclosed Porch (Including Foundation); Demolish 16'0 x 17' Rear Single-Story (Behind garage) (Including Foundation); Demolish 22'0 x 18'0 Irregular Sized Rear Deck Structure. Foundation Only: Construct New 18'1 x 36'7-1/2" Full Depth Foundation and 13'10-1/2" x 20'11-1/2 Shallow Foundation as detailed on plans by Brendan McNamara, Labelled Proposed Basement & Foundation Floor Plan, Page A5, Remodel & Addition at 64 Haven Road, dated 04/26/2022, Revision date 05/23/2023. And as per Structural Plans labelled Foundation, Details, Notes 64 Haven Road, dated 06/06/2023, REV 4, dated 09/25/2023.***

*Permit Approval based on Land Use Approvals Granted under LU-22-121, BOA Approval permitting 5'0 left yard setback, 7.5' Setback for mechanical and Approval to expand/alter a nonconforming building. (Stipulation 1- Air-Conditioning Units shall be 4-1/2 feet from the left side instead of 7-1/2 feet.*

**Condition of Approval: As-Built Foundation Plan Required Prior to the Release of the full Building Permit**

...

*\* Foundation location (As-built) plan confirming location of structure is compliant with approved property line setback shall be submitted prior to release of full building*



*permit. Plan shall clearly call out the dimensions, setback locations as well as top of slab/foundation elevations to determine compliance with Land Use Approvals.*

On March 19, 2024 the inspection department requested an as-built foundation plan and on May 9, 2024 it was discovered that the project was operating without a permit and had constructed a substantial amount of the structure without providing the required documents for the release of the full building permit. At this time the a stop work order was issued by the Chief Building Inspector.

To move forward, the applicant needs to obtain relief for the new yard distances as reflected in the plans.

In addition to the requested variances for the primary structure, the applicant is requesting relief for the construction of a shed in the rear of the primary structure. Relief is needed in accordance with Section 10.571 of the [Zoning Ordinance](#) (provided below).

***10.571 No accessory building, structure or use shall be located in any required front yard, or closer to a street than the principal building.***

As this property is a through lot, the shed can not be located in the rear as it would be between the primary structure and a street. The approval granted in 2021 was for this same request, however the shed was never constructed and the approval expired in December of 2023.

### **Variance Review Criteria**

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
  - (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**

  - (c) *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.*

### **10.235 Certain Representations Deemed Conditions**

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings,

structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

**II. NEW BUSINESS**

**B.** The request of **Jeanette McMaster (Owner)**, for property located at **86 Farm Lane** whereas relief is needed to subdivide the existing property into 3 separate lots. Proposed lots 1 and 2 require the following: 1) Variance from Section 10.521 to allow a) 0 feet of continuous street frontage where 100 feet is required, b) 13,125 square feet of lot area where 1,500 square feet is required, c) 13,125 square feet of lot area per dwelling where 15,000 square feet are required; and 2) Variance from Section 10.512 to allow the creation of a lot without access to a public street or an approved private street for future construction of a structure. The proposed remaining parent lot requires the following: 1) Variance from Section 10.521 to allow a 14 foot rear yard where 30 feet is required. Said property is located on Assessor Map 236 Lot 74 and lies within the Single Residence B (SRB) District. (LU-24-99)

**Existing & Proposed Conditions**

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family dwelling	*3 Lot Subdivision	Primarily residential
<u>Lot area (sq. ft.):</u>	45,980	Lot 1: 19,730 Lot 2: 13,125 Lot 3: 13,125	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	45,980	Lot 1: 19,730 Lot 2: 13,125 Lot 3: 13,125	15,000 min.
<u>Street Frontage (ft.):</u>	162	Lot 1: 162 Lot 2: 0 Lot 3: 0	100 min.
<u>Lot depth (ft.)</u>	244	Lot 1: 122 Lot 2: 150 Lot 3: 150	100 min.
<u>Front Yard (ft.):</u>	33	Lot 1: 33 Lot 2: N/A Lot 3: N/A	30 min.
<u>Left Yard (ft.):</u>	>30	Lot 1:>30 Lot 2: N/A Lot 3: N/A	10 min.
<u>Right Yard (ft.):</u>	9.9	Lot 1: 9.9 Lot 2: N/A Lot 3: N/A	10 min.
<u>Rear Yard (ft.):</u>	164.5	Lot 1: 14 Lot 2: N/A Lot 3: N/A	30 min.

<u>Building Coverage (%)</u> :	7	Lot 1: 16 Lot 2: N/A Lot 3: N/A	20	max.
<u>Open Space Coverage (%)</u> :	>40	Lot 1: 57 Lot 2: N/A Lot 3: N/A	40	min.
<u>Parking</u>	2	Lot 1: 2 Lot 2: N/A Lot 3: N/A	2	
<u>Estimated Age of Structure</u> :	1953	Variance request(s) shown in red.		

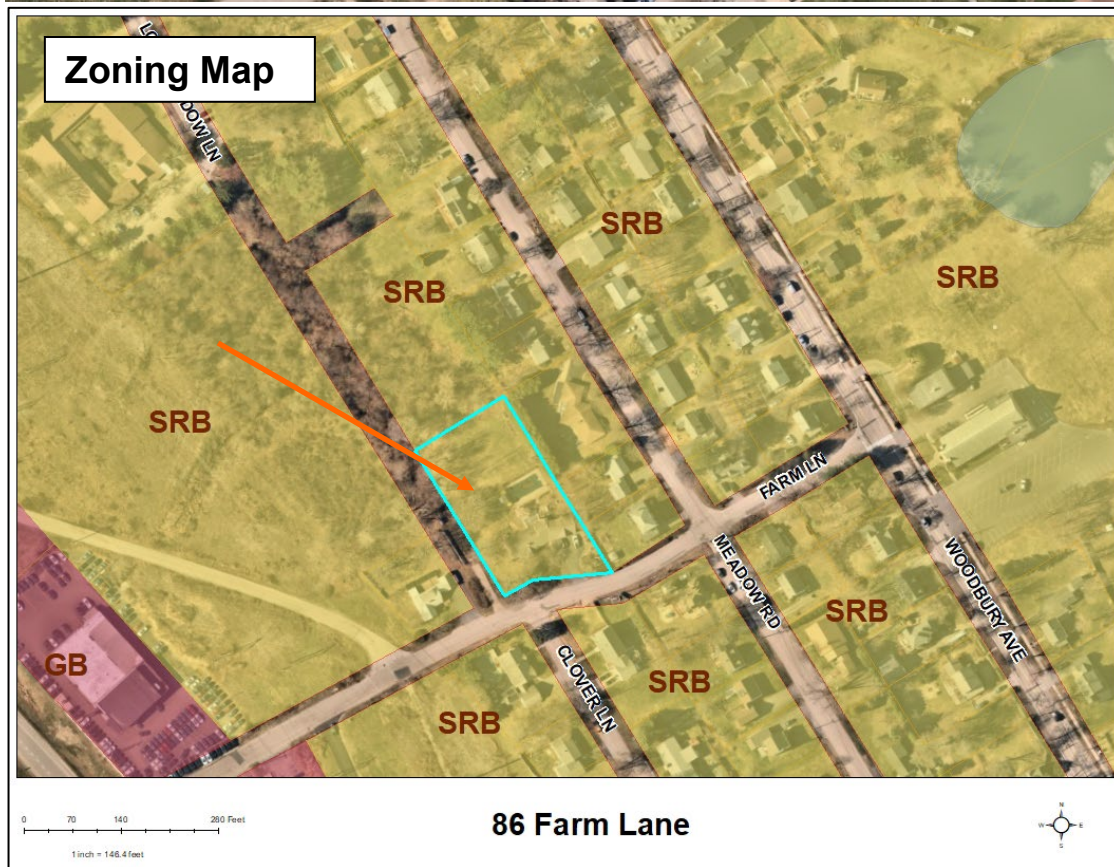
\* Relief is needed to create two lots with the intention of erecting structures on them without public or private street access.

#### **Other Permits/Approvals Required**

- Subdivision Approval (TAC and Planning Board)



### Neighborhood Context



## Previous Board of Adjustment Actions

No previous history found.

## Planning Department Comments

The applicant is requesting relief to create 2 non-conforming lots and 1 non-conforming structure. Please note that the parcel numbers as labeled on the plan set have not been assigned by the assessor and are not to be considered final. Additionally, for the purposes of clarity, the zoning table references proposed lots 1, 2, and 3. Lot 1 refers to the parent lot, lot 2 is labeled as 236-74-1 on plans, and lot 3 is labeled as 236-74-2 on the plans.

As part of this request, the applicant is including area from the paper street Long Meadow Lane as part of the proposed lot area. The current City tax maps show that Long Meadow Lane is still a public right of way. Planning Department Staff, with the help of the Legal Department, have determined that there is not enough evidence to support that the current tax map is not accurate, and the Board should not act on this application until the City Council has made a certain and transparent decision.

The applicant was notified of this determination and has the option to withdraw or request postponement prior to the meeting date. Should the applicant wish to move forward with a public hearing, staff recommend the Board continue the application until a decision has been made by the City Council.

## Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
  - (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.*

## 10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

**II. NEW BUSINESS**

**C.** The request of **Liam Hoare and Reese C Green (Owners)**, for property located at **189 Wibird Street** whereas relief is needed to demolish the existing rear deck and construct an addition and new deck at the rear of the structure which requires the following: 1) Variance from Section 10.521 to allow an 8.5 foot right yard where 10 feet 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 requirements of the Ordinance. Said property is located on Assessor Map 133 Lot 51 and lies within the General Residence A (GRA) District. (LU-24-98)

**Existing & Proposed Conditions**

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family dwelling	<b>*Demolish the existing back deck and construct addition and new back deck</b>	Primarily residential
<u>Lot area (sq. ft.):</u>	8,524	8,524	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	8,524	8,524	7,500 min.
<u>Street Frontage (ft.):</u>	54.5	54.5	100 min.
<u>Lot depth (ft.)</u>	157	157	70 min.
<u>Front Yard (ft.):</u>	4.6	4.6	15 min.
<u>Left Yard (ft.):</u>	>10	>10	10 min.
<u>Right Yard (ft.):</u>	Existing Home: 5.2	Existing Home: 5.2 <b>Proposed Addition: 8.5</b>	10 min.
<u>Rear Yard (ft.):</u>	>20	>20	20 min.
<u>Height (ft.):</u>	<35	32.5	35 max.
<u>Building Coverage (%):</u>	13	20	25 max.
<u>Open Space Coverage (%):</u>	>30	>30	30 min.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1920	<b>Variance request(s) shown in red.</b>	

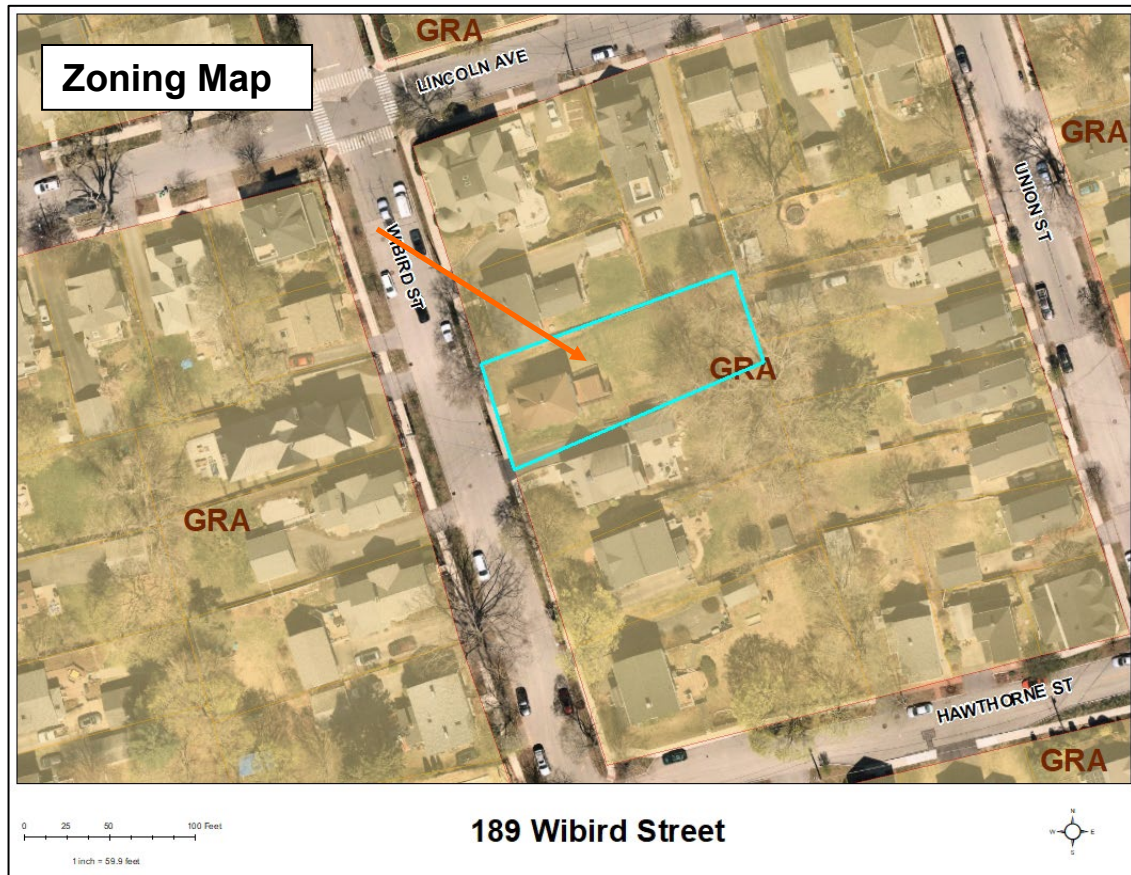
**\*Relief needed to construct an addition to the already non-conforming primary structure that would further impact the non-conformity.**

**Other Permits/Approvals Required**

- Building Permit



### Neighborhood Context





## Previous Board of Adjustment Actions

No previous history found.

## Planning Department Comments

The applicant is requesting relief for demolition of the existing back porch to construct an addition and new back porch at the rear of the primary structure.

## Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
  - (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**

  - (c) *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.*

## 10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

**II. NEW BUSINESS**

**D.** The request of **Argeris Karabelas and Eloise Karabelas (Owners)**, for property located at **461 Court Street** whereas relief is needed to demolish the rear 1-story portion of the existing structure and construct a 2-story addition which requires the following: 1) Variance from Section 10.5A41.10A to allow a 1 foot side yard where a minimum of 5 feet is required; 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 located on Assessor Map 105 Lot 7 and lies within the Character District 4-L1 (CD4-L1) and Historic District. (LU-24-87)

**Existing & Proposed Conditions**

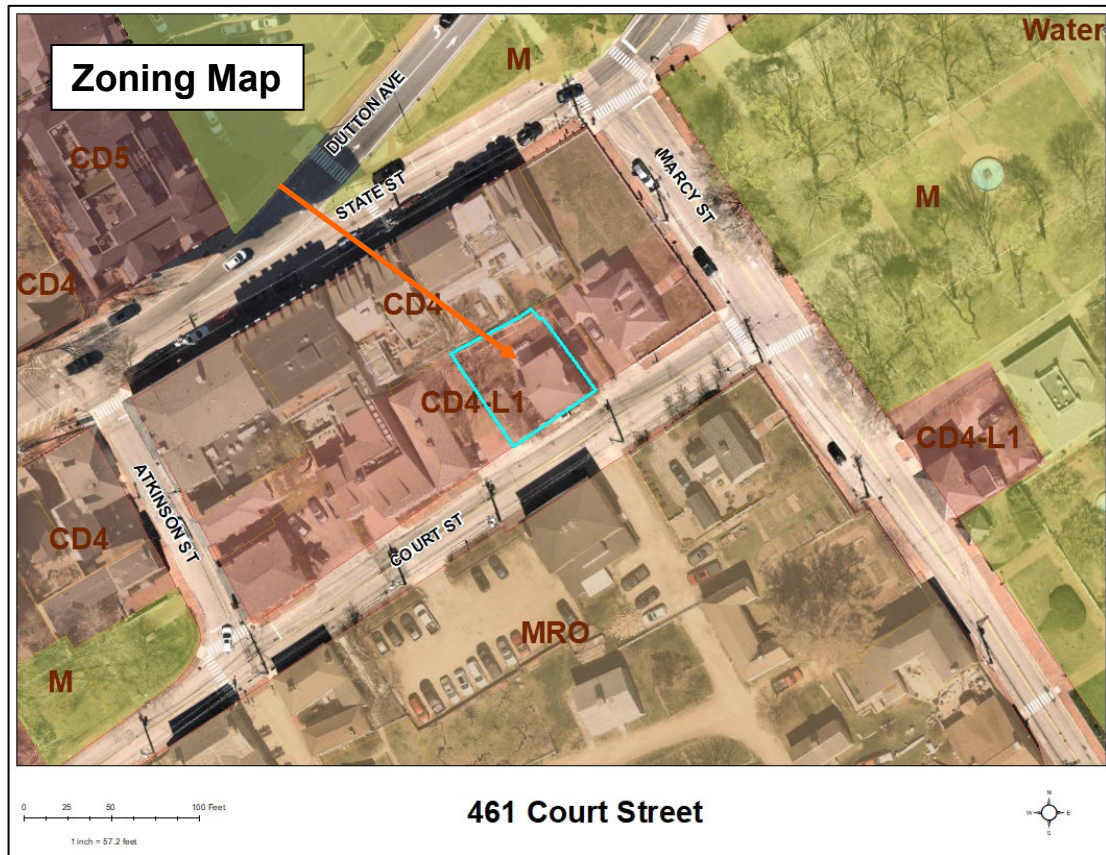
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	*Construct addition at the rear of the structure	Mixed-Use
<u>Lot area (sq. ft.):</u>	3,443	3,443	3,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	3,443	3,443	3,000 min.
<u>Building Footprint (sq. ft.):</u>	1,464	2,046	2,500 max
<u>Front Yard (ft.):</u>	0	0	15 max.
<u>Left Yard (ft.):</u>	>24	24	5 min. 20 max
<u>Right Yard (ft.):</u>	2	1	5 min. 20 max
<u>Rear Yard (ft.):</u>	30	5	5 min.
<u>Height (ft.):</u>	<35	<35	36 max.
<u>Building Coverage (%):</u>	43	59	60 max.
<u>Open Space Coverage (%):</u>	>25	>25	25 min.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1820	Variance request(s) shown in red.	

\*Relief needed to construct an addition to the already non-conforming primary structure that would further impact the non-conformity.

**Other Permits/Approvals Required**

- Building Permit
- Historic District Commission Approval

### Neighborhood Context



## Previous Board of Adjustment Actions

No previous history found.

## Planning Department Comments

The applicant is requesting to demolish a portion of the existing structure and construct an addition to the rear of the primary house. The applicant has not determined if mechanical units will be needed and has been advised that should any mechanical units need relief, they will be required to come back to the BOA when those details are available.

## Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
  - (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.*

## 10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.



**II. NEW BUSINESS**

- E. The request of **Tyler and Susan Moore (Owners)**, for property located at **26 Harding Road** whereas relief is needed to construct a shed at the rear of the property which requires the following: 1) Variance from Section 10.521 to allow 29% building coverage where 20% is the maximum permitted. Said property is located on Assessor Map 247 Lot 16 and lies within the Single Residence B (SRB) District. (LU-24-96)

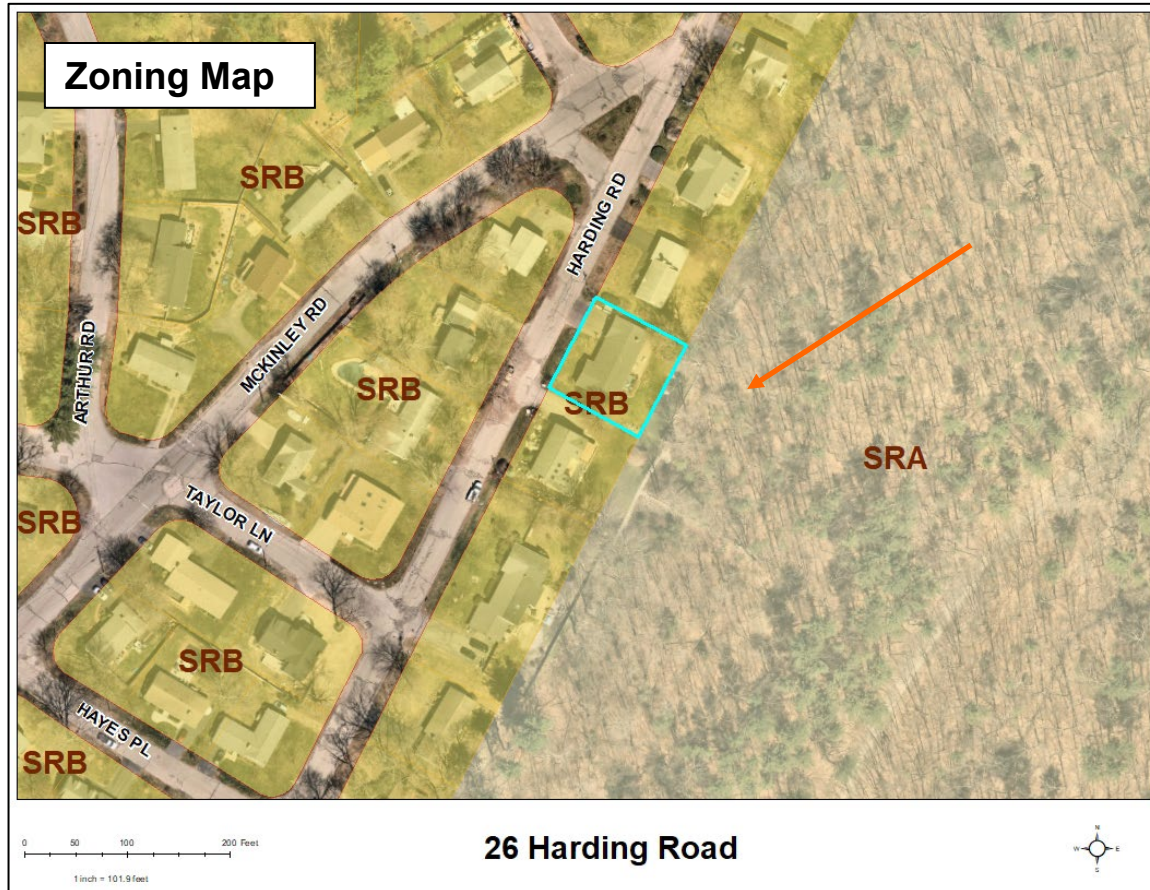
**Existing & Proposed Conditions**

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family dwelling	*Construct a shed in the rear of the property	Primarily residential
<u>Lot area (sq. ft.):</u>	10,018	10,018	15,000 min.
<u>Left Yard (ft.):</u>	10	5	5 (Per 10.573) min.
<u>Rear Yard (ft.):</u>	57	5	5 (Per 10.573) min.
<u>Building Coverage (%):</u>	28	29	20 min.
<u>Structure Height (ft.)</u>	N/A	8	
<u>Estimated Age of Structure:</u>	1968	Variance request(s) shown in red.	

**Other Permits/Approvals Required**

- Building Permit

### Neighborhood Context



## Previous Board of Adjustment Actions

No previous history found.

## Planning Department Comments

The applicant is requesting relief to construct an 8' by 12' shed in the rear left corner of the property. Relief is required for building coverage, all yard set backs are conforming.

## Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
  - (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**

  - (c) *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.*

## 10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.