

**MINUTES OF THE  
BOARD OF ADJUSTMENT MEETING  
EILEEN DONDERO FOLEY COUNCIL CHAMBERS  
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE  
PORTSMOUTH, NEW HAMPSHIRE**

**7:00 P.M.**

**June 25, 2024**

**MEMBERS PRESENT:** Phyllis Eldridge, Chair; David Rheume; Thomas Rossi; Paul Mannle; Jeffrey Mattson; Jody Record, Alternate; ML Geffert, Alternate

**MEMBERS EXCUSED:** Beth Margeson, Vice Chair; Thomas Nies

**ALSO PRESENT:** Stefanie Casella, Planning Department

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Chair Eldridge called the meeting to order at 7:00 p.m. She said the applicant for New Business Item C, 86 Farm Lane, had withdrawn the petition.

**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)

**SPEAKING TO THE PETITION**

[Timestamp 5:30] The applicant John Seavey was present to review the petition. He said Wentworth Senior Living removed some trees, which changed their parking lot dynamics that previously prevented people from parking on his side of the fence, so he wanted to replace the existing picket fence with an 8-ft tongue and groove one to regain his privacy. He said the fence would go along the back of his property and to the side that faced the parking lot and would be compatible with the neighbor's fence. He noted that Wentworth Senior Living would also remove two sections of fence on the Whidden side of the property. He said all the neighbors and Wentworth Senior Living were in support of his petition. He reviewed the criteria and said they would be met.

The Board had no questions. Chair Eldridge opened the public hearing.

**SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one spoke, and Chair Eldridge closed the public hearing.

## **DECISION OF THE BOARD**

*Mr. Rossi moved to **grant** the variances for the application as presented and advertised, seconded by Mr. Mannle.*

[Timestamp 14:28] Mr. Rossi referred to Sections 10.233.21 and .22 and said granting the variance would not be contrary to the public interest. He said the public interest as expressed in the zoning ordinance with regard to fences was really to prevent the creation of unsightly fences along streetways and walkways that substantially block the view of the property from the street and instead create an unsightly wall. He said that was not the case with this application because, due to the location of the fence, it is between the property and a very busy parking lot, and therefore there is really no loss to the public interest. Referring to Section 10.233.23, he said substantial justice would be done because the homeowner is suffering a notable loss of privacy being next to a very busy commercially utilized parking lot that no longer has any effective shielding between the applicant's property and the parking lot, so there's a great deal of value to the homeowner to do this. He said there would be no loss to the adjacent property or the public in creating this fence, therefore substantial justice is achieved. Referring to Section 10.233.24, he said granting the variance would not diminish the values of surrounding properties, noting that the Board had the attestation by the Wentworth property owners that they were fine with it. He said if anyone were to be impacted by the fence, Wentworth would be the property most directly affected. Referring to Section 10.233.25, he said literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. He said there must be some unique aspect of the property that makes the particulars of the zoning ordinance regarding the fence height and location not applicable in this case, and the unique aspect of this property is its very close proximity to a commercial parking lot. He said therefore there really is no substantial relationship between the purpose of the fence ordinance and the fence being proposed here, so this criterion is also satisfied.

Mr. Mannle concurred and had nothing to add. *The motion **passed** unanimously, 7-0.*

## **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)

### **SPEAKING TO THE PETITION**

[Timestamp 19:10] Jay Pruitt was present to introduce the project designer Brendan McNamara, who was on Zoom. Mr. McNamara reviewed the petition, noting that he did the original submittal in 2022 when they received a variance for the work that was near completion. He said they were now before the Board because the original submission did not have a survey, but that they recently received a survey that showed a dimensional anomaly due to the proximity on the left side and the nonalignment of the house on the right side boundary. He said the house is eight inches farther to the left than originally shown. He explained in detail how the setback dimensions were different. He reviewed the criteria and said they would be met.

[Timestamp 24:57] Mr. Rheume verified that the discrepancies seen between the as-built foundation survey and the original plan is exclusively the result of the difference between what the applicant thought was the property line and what was actually the property line, and the construction that was done is in full compliance with the drawings that were previously approved and that nothing was constructed differently. Mr. McNamara agreed and said it was purely an issue of the discrepancy in the location of the existing building, so there was no change other than the appearance of how the house sits on the lot. Mr. Rheume said the two mechanical units were not dimensioned but the Staff Memo had them at four feet from the property line. Mr. McNamara agreed that it should be four feet. Mr. Rheume said they were then no farther out than the chimney in terms of a need for a setback, and Mr. McNamara agreed. Mr. Rheume said the request to restore the shed on the property was previously approved in 2021, but there was no action taken to get a building permit for it. He asked why a building permit was not pursued then and what had changed so that the applicant was pursuing it now. Mr. McNamara said the owner from the original approval delayed it so that it would take place with the house's renovation. Mr. Rheume verified that there was not a recognition that the owner had to get a building permit for it or that the authorization from the Board would expire. Mr. McNamara agreed.

Chair Eldridge opened the public hearing.

### **SPEAKING IN FAVOR OF THE PETITION**

Jeff Demers of 80 Haven Road said he was an adjacent neighbor and that the project affected him the most. He said the lot lines and the frontage were ambiguous, given the ordinances for the SRA at the zoning board level, and he asked why it wasn't required to have a survey, particularly when the setbacks and area and lot coverage were the things that were the most challenged. Ms. Casella said it wasn't one of the requirements but applicants did move forward with the understanding that if what is built is not to the dimension that is required, they would have to come back. She suggested that Mr. Demers get in touch with her to further discuss it.

### **SPEAKING AGAINST THE PETITION OR SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one else spoke, and Chair Eldridge closed the public hearing.

## **DECISION OF THE BOARD**

*Mr. Rossi moved to **grant** the variances for the application as presented and advertised, seconded by Mr. Mannle.*

[Timestamp 32:15] Mr. Rossi said, in this case, the Board was dealing with a very minor change from an application that was previously approved and that is driven by an updated understanding of the lot lines and the fact that the lot setbacks have changed by less than one foot in any direction. He said, in that context, that granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance. He said that, as much as the property had already received a granting of the variance for this construct in the past, there is no loss to the public interest in continuing to honor that variance, even in spite of the small change in lot line clearance. He said substantial justice would be done, noting that the property owner invested substantial funds into constructing the addition as it had been previously approved, and therefore a reversal of that approval, or non-approval of this application, would have a substantial impact on the property owner and would need to be outweighed by a very substantial loss to the public should this project continue. He said there is no loss to the public for this project continuing, so this criterion was also satisfied. He said granting the variances would not diminish the value of surrounding properties, noting that the most affected abutter attested that there is no loss perceived to their property's value. He said it also made sense. He said literal enforcement of the provisions of the ordinance would result in an unnecessary hardship and that the property has special conditions that distinguish it from other properties in the area. He said he agreed with the applicant that the special condition is that the house and its location predate the current zoning ordinance, and that is a special condition that really cannot be altered. He said the house is not exactly parallel with the lot lines, but that was just the way it is. He said due to that special condition, the variance is required so that the property owner can proceed with any addition to the existing structure.

Mr. Mannle concurred. He said he was normally hesitant about granting after-the-fact variances but felt that there was clearly no malice or intent on the part of the applicant. He said the request for the shed is the same one the Board approved, which ran out, and he could understand how it just slipped, considering what the applicant was doing with the foundation. He agreed that the difference between the original application is a matter of inches.

*The motion **passed** unanimously, 7-0.*

- B. WITHDRAWN** 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. **WITHDRAWN** (LU-24-99)

The petition was withdrawn by the applicant.

- 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)

### **SPEAKING TO THE PETITION**

[Timestamp 38:00] Attorney Colby Gamester representing the applicants was present, along with the owners Liam Hoare and Reese Green. He said the project architect Amy Dutton could not be present, nor could their surveyor. He reviewed the petition, noting that the two-story New Englander was on a 8,524 sf lot and the house had 1,174 square feet of building coverage, which was 14 percent of the lot. He reviewed the property's three pre-existing nonconformities and said the plan was to remove the rear deck and build a 588-sf two-story addition, a 243-sf deck with stairs, and a small side porch to service the new driveway. He said the addition would have a two-car garage below grade and the mechanicals would be housed under the rear deck. He said they had the support of several abutters and neighbors, although a few neighbors had concerns about stormwater and the trees on the property. He said his client was aware that the addition of the driveway and the addition itself would increase the impervious surfaces, so they would mitigate the water issues. He said a site contractor was hired to determine what could be done in terms of mitigation and it was also confirmed with the Department of Public Works that there are currently tie-ins on Wibird Street and with the direct rear abutter at 500 Union Street. He said they installed a stormwater catch basin at the rear of the yard going in a certain direction, but if there were complications, they could go in the opposite direction. He said the window schedule was revised due to an abutter's concerns, and he distributed a new set of plans to the Board. He said the main change on the addition's southerly portion was the removal of three double hung windows. He said his client intended to hire a professional landscaper to assess the tree issue. He reviewed the criteria.

[Timestamp 51:58] Mr. Rheume said it was a substantially-sized addition close to the size of the current house. He asked what the driving factor was for requiring the proposed width. Attorney Gamester said he had asked the architect Ms. Dutton if the side could be trimmed in a bit, but she said that, given the connection from the original house to the new addition and the floor plan that was desired, if they were to take a foot and a half off the southerly side, she thought the most

appropriate architectural thing to do would be to take a foot and a half off the northerly side off the addition to create a consistent roof line and not have strange massing. He said removing that three or so feet would significantly change the floor plan and also threaten the two-car garage and whether it could hold a car and have walk-around distance. Mr. Rossi asked why the applicant thought the project was consistent with the essential character of the neighborhood. Attorney Gamester said the essential character of the neighborhood was that it is a single-family one and the applicant has a single-family residence that they would maintain as such. He said the enlargement of the structure could not be seen from pedestrian and vehicular traffic, and any other type of addition would have to become more of an ell-shaped one, which he felt would change the essential character of the neighborhood. He said there was currently a rectangular lot that is a pass-through in terms of sightlines to the Union Street properties, and his client wanted to keep the sightlines so that there wasn't a walled look to the property. He said the abutter to the north was six inches from the property line, and if the two structures were taken together with a different type of addition like an ell-shaped one, it would look very crowded and closed in.

Chair Eldridge opened the public hearing.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one spoke, and Chair Eldridge closed the public hearing.

### **DECISION OF THE BOARD**

*Mr. Rheume moved to **grant** the variances for the petition as presented and advertised, seconded by Mr. Mattson.*

[Timestamp 56:17] Mr. Rheume said it was a substantial addition to the existing property lot but thought the neighbors were probably happy that the applicant wasn't tearing down the structure. He said the project would respect the characteristics of the neighborhood, like maintaining the front of the existing home and reusing it and continuing to maintain the street façade. He said the applicant was well below the maximum lot coverage and that it was encouraging that the applicant worked diligently with the abutters to incorporate their comments and concerns and that he was also appeared to be working diligently in resolving water concerns. He said the applicant had a good argument about the roof pitch lines and so on to help keep the back of the home symmetrical. He said the real driver was the desire for the below-surface garage, which would have advantages for the applicant and the neighborhood. He said there was room on the lot, which was wider than some of the other lots, and the home's location was a factor. He said granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance. He said the applicant made a good argument that the relief asked for is minor and consistent with the other homes in the neighborhood. He said the Board saw lots of similar cases and that the original home predated the zoning, and he didn't see anything that would change the neighborhood's essential characteristics. He said the applicant also made a good argument that all the new construction will be toward the back end of the home and not widely visible to the streetscape, and due to the nature of the way it was planned, what would be visible would seem comfortable with the other homes in the neighborhood. He said substantial justice would be done because there was nothing about enforcing

the additional foot and a half of setback that would outweigh the benefits to the applicant or the general public in terms of the garage and the addition's floor layout. He said granting the variances would not diminish the values of surrounding properties because it was a relatively minor encroachment and a tastefully designed addition, and the applicant had a desire to be a good steward to the property and the neighborhood, which all weighed in favor that property values would not be negatively affected. Relating to hardship, he said the applicant indicated that the original home predated zoning and is configured in such a way that it's to one side of the lot, and any logical building extension would require some level of relief. He said the relief requested is a reasonable one and is relatively small and consistent overall with the character of the neighborhood. He said it was a continuation of a single-family home by extending onto the existing home and continuing the streetscape that had been there for years. Mr. Mattson concurred and said a major factor for him was that the addition would be farther from the side yard than the existing home, which would help retain light, air, and privacy. He said he also favorably viewed the proposed stormwater management that would be a benefit to surrounding properties.

*The motion passed unanimously, 7-0.*

Mr. Rossi recused himself from the following petition.

- 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)

## **SPEAKING TO THE PETITION**

[Timestamp 1:03:12] Architect Anne Whitney was present on behalf of the applicant to review the petition. She said there was currently a one-story portion of the house that was flush with the existing right side setback that they would remove and replace with a two-story addition. She said the proposed 21'x30' addition would be set back from the existing residence by 12 inches and would have a 3-ft setback for 18 of the 21 feet. She said the site plan showed a little jog in the survey, so there was a 3-ft section that would have the 1-ft setback and the rest of the addition would have the 3-ft setback. She said the property adjacent on the right side was a common passageway that was not owned by anyone and not a taxed lot and was used by the applicant and the property next door as well as the residents of the two nearby condominium buildings. She said the passageway provided more of a buffer for the setback. She said there was a 9-ft setback from the passageway to the addition and the abutting lot was 12 feet wide. She said there was a successful work session with the Historic District Commission (HDC). She said the addition will make the building more accessible due to the elevator and will create some living space. She noted that most of the properties on State Street were taller than the proposed addition and that the scale of the two-story addition would not produce a hardship for the abutters. She reviewed the criteria.

[Timestamp 1:10:31] Mr. Rheume asked if the jog at the back end was really in the common passageway, making the passageway a few feet wider, and Ms. Whitney agreed. Mr. Rheume said there was also an addition of a stockade fence that provided a benefit to the applicant in terms of access to that area. Ms. Whitney agreed and said the fence would probably have to be altered and go to the corner, but it would be an HDC issue. Mr. Mattson asked who owned the passageway, and Ms. Whitney said no one did. She said the history was complicated and went back to the 1800s but that it was just a common passageway and not a named street.

Chair Eldridge opened the public hearing.

### **SPEAKING IN FAVOR OF THE PETITION**

No one spoke.

### **SPEAKING IN OPPOSITION TO THE PETITION**

[Timestamp 1:13:14 ] Attorney Doug MacDonald was present on behalf of Russell and Sprague LLC, owners of the 46 State Street property and a direct abutter to the rear of 461 Court Street. He said his client's concerns were the scale and sizing of the expansion. He referred to photos attached to his submitted letter that showed what the expansion would look like from his client's kitchen, bedroom, and deck. He said his client had a small yard that was an important living space and felt that the massing would not only bring the building 21 feet closer to their property but would also remove some of the older established trees that provided screening. He said the project did not meet the criteria of not being contrary to the public interest and observing the spirit of the ordinance. He said expanding a nonconforming use in the Historic District involved different provisions of the zoning ordinance, and his client felt that the scale, mass, and location of the addition was not the most appropriate or a reasonable use of the rear space and that it consumed almost the entire current backyard and affected the screening. He said his client paid a premium to gain outdoor space, which was limited in downtown Portsmouth. He said he also submitted a letter from local realtor Jim Giampa, who believed that the project if approved would have an adverse effect on his client's property. He noted that another abutter had concerns about his property's value. He said he had not been able to determine any special or unique aspect of the applicant's property that would satisfy the hardship criterion.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

Ms. Whitney showed the property that Attorney MacDonald represented. She said her client was conforming to the rear setback and building coverages, and the only variance requested other than the expansion of a nonconforming structure was the right side property line. She said they were conforming to the 5-ft rear setback, and there was only one point that was at that five feet.

The owner Eloise Karabelas said they had lived in the house since 1989 and had seen firewalls go up in all the houses around them, which blocked out the sky and sun for them. She said the neighbor behind her had a very large deck built in the 1990s that almost touched her fence and that she never saw a variance for. She said the trees were on her property and were deciduous ones with leaves



only four months out of the year, so she was the one with no privacy. She said she had a 200-year-old Federal home in a neighborhood of McMansions and was interested in maintaining its historic character. She said Attorney MacDonald never contacted her or her husband. She said the reason for the addition was her husband's severe health issues and the need for him to have an elevator, and they could not stay in the house if they didn't get the elevator, which was a hardship.

No one else spoke, and Chair Eldridge closed the public hearing.

## **DECISION OF THE BOARD**

*Mr. Rheume moved to **grant** the variances for the application as presented and advertised, seconded by Mr. Mattson.*

[Timestamp 1:22:23] Mr. Rheume said what was before the Board was solely the question of whether the applicant could build two feet closer to the passageway for most of its length and with a tiny jog. He said otherwise, everything else proposed was fully in compliance with the zoning ordinance and the zoning requirements associated with the parcel. He said it was a minor ask and thought the applicant would benefit from the unusual common passageway between their house and some of the surrounding properties. He said granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance. He said the addition on the back end of the house would be largely unseen by most of the public, and the Board was really concerned with only a small portion of the addition and its impact on the surrounding properties, so in that sense it was consistent. He said it was continuing with the existing structure line and actually moved in slightly and was also slightly more relief than the principal structure relative to the property line, so in those terms, nothing asked for would look unusual or would alter the neighborhood's characteristics and was in keeping with what the Board tried to do with light and air, especially with respect to the common passageway. He said it would do substantial justice, which was a balancing test of the applicant's desire to create a few feet of wide strip on their addition vs. what the general public would have for potential concerns. He said it was an addition in the back end and a modest request that was just adding a small amount of additional size to the addition and was nothing that the general public would have an objection to. He said granting the variance would not diminish the values of surrounding properties. He said there had been some indication that it would, but in specific reference to what was being asked for relief for the specific portion and not with regards to the entire addition, there was nothing where the addition being slightly closer to the passageway would negatively affect those property values. Relating to the hardship, he asked what the unique characteristics of the property was that separate it from others and indicate that it's a unique situation and should have different zoning requirements. He said the biggest factor was the common passageway and that the whole area affected the passageway. He said the applicant gave the sense that they were being respectful of the passageway, and he noted that the jog created the tight spot at the back end of the addition and the applicant's imposition on the passageway was not significant. He said it gave the property a unique set of circumstances relative to the other properties that said the zoning ordinance should not be strictly applied in this case. He said it would be a reasonable use because it would continue an expansion of an existing single-family use with a very minor impact relative to what was being asked for in terms of relief.

Mr. Mattson said it is a single-family home in a very dense downtown neighborhood backing up to properties with buildings that are taller than it and attached on the sides with no setbacks. He said it was just a small addition to a single-family home and the only relief being asked for does not have to do with coverage or the rear yard but is just the right yard setback that has a unique situation with the underdeveloped and unclaimed property that adds an ever larger side yard to it.

Ms. Geffert said the Board had a letter from a realtor in town that said he believed that the relief requested by the applicant will significantly diminish the values of the surrounding properties, based on his experience. She said that was the one thing the Board had in evidence about value, and in terms of the Board's deliberations, she did not think it was very particular or gave them appraised values and did not rise to the level of specificity that the Board would have to take cognizance of under the zoning law. Mr. Mannle said in the past, when successful abutters or applicants used the diminishing of surrounding property values argument, they had certified appraisals to justify their claims. He said there was none of that here except a letter from a realtor. It was further discussed.

*The motion passed unanimously, 6-0.*

Mr. Rossi resumed his voting seat.

- 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)

### **SPEAKING TO THE PETITION**

[Timestamp 1:31:50] The applicant Susan Moore said she wanted to put an 8'x12' shed in the back corner of her property. She said her property abutted woods and that the shed would be five feet from the woods and five feet from her residence. She said the shed was needed for her family's outdoor equipment and recreational items and that it would match the house's color. She said the neighbor who had the woods on his property was fine with the proposal. She reviewed the criteria.

The Board had no questions. Chair Eldridge opened the public hearing.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one spoke, and Chair Eldridge closed the public hearing.

### **DECISION OF THE BOARD**

*Ms. Geffert moved to **grant** the variance for the petition as presented and advertised, seconded by Mr. Mannle.*

[Timestamp 1:37:21] Ms. Geffert said the variance was for building coverage on the lot. She said granting the variance would not be contrary to the public interest, noting that the applicant demonstrated that it would remove lawn equipment from the lawn and put it in the shed. She said it would observe the spirit of the ordinance because the spirit would not significantly be violated by the one percent coverage difference. She said granting the variance would do substantial justice, noting that the applicant made a reasonable case why having a shed on the property would help her and there was no indication that it would harm anyone else. She said granting the variance would not diminish the values of surrounding properties, noting that there was no evidence that it would have any impact at all on surrounding properties. She said literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. She said the property is special because it backs up onto undeveloped woods, and because of that, literal enforcement of the ordinance to preserve a lot coverage ratio that is only minimally affected by the shed seems like an unnecessary hardship on the owner. She said due to those special conditions, a fair and substantial relationship does not exist between the general public purpose of the ordinance and its coverage ratio requirements and the special application of that provision to the property. Mr. Mannle said it was an undersized lot in the GRB, so the building coverage percentage was a bit sketchy for him.

*The motion **passed** unanimously, 7-0.*

### **III. ADJOURNMENT**

The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Joann Breault  
BOA Recording Secretary