



CITY OF PORTSMOUTH

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

ZONING BOARD OF ADJUSTMENT

September 24, 2024

Paul Majcher & Mary Moloney Majcher
84 Thaxter Rd
Portsmouth, New Hampshire 03801

RE: Board of Adjustment request for property located at 84 Thaxter Rd, Portsmouth New Hampshire (LU-24-135)

Dear Property Owners:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, September 17, 2024**, considered your application for constructing an attached garage and 1.5-story addition and to demolish an existing detached garage which requires the following: 1) Variance from Section 10.521 to a) allow 22% building coverage where 20% is allowed; b) allow a 15.5 foot front setback where 30 feet is required; and 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 shown on Assessor Map 166 Lot 34 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted to grant the 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

Derek Durbin, Durbin Law Offices PLLC

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 9-17-2024

Property Address: 84 Thaxter Road

Application #: LU-24-135

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"> The proposed addition and front porch are within the character of the neighborhood and will not create any issues with public safety.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none"> The proposed addition and front porch are within the character of the neighborhood and will not create any issues with public safety.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> There is nothing to suggest that the addition will harm the general public. It will benefit the property owner by allowing him to make better use of his property, so the benefit to the applicant will not be outweighed by any harm to the general public.

<p>10.233.24 Granting the variance would not diminish the values of surrounding properties.</p>	<p>YES</p>	<ul style="list-style-type: none"> • There is no reason to suggest that improving and updating the property will diminish any surrounding property values.
<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>	<ul style="list-style-type: none"> • The proposed use is a reasonable one because it will still be a single-family home and the hardship is that the undersized lot was created before modern zoning standards, so the home itself is located closer to the street than the current required setback and the addition would bring it no closer to the street. • In this case, the lot size is half of what the typical SRB lot was, and the building coverage requested is another 100 square feet, which is very small.



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ZONING BOARD OF ADJUSTMENT

September 24, 2024

Zeng Kevin Shitan Revocable Trust of 2017
377 Maplewood Avenue
Portsmouth, New Hampshire 03801

RE: Board of Adjustment request for property located at 377 Maplewood Avenue, Portsmouth, NH (LU-24-133)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, September 17, 2024**, considered your application for demolishing the existing accessory building and constructing a new detached accessory dwelling unit which requires the following: 1) Variance from Section 10.521 to a) allow a building coverage of 37.5% where 25% is allowed; b) allow an open space of 24.5% where 30% is required; c) allow a secondary front yard setback of 6 feet where 10 feet is required; d) allow a left yard setback of 4.5 feet where 10 feet is required; e) allow a rear yard setback of 3 feet where 20 feet is required; and 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 shown on Assessor Map 141 Lot 22 and lies within the General Residence A (GRA) and Historic Districts. As a result of said consideration, the Board voted to **grant** the 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

Derek Durbin, Durbin Law Offices, PLLC

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 9-17-2024

Property Address: 377 Maplewood Avenue

Application #: LU-24-133

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"> The applicant is looking for relief for the front yard, side yard, and rear yard setbacks, the building coverage, and the open space coverage, and the applicant is going in the right direction to make things more conforming with the zoning ordinance.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none"> The applicant is looking for relief for the front yard, side yard, and rear yard setbacks, the building coverage, and the open space coverage, and the applicant is going in the right direction to make things more conforming with the zoning ordinance.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> The public would not gain anything by the denial of the variance.

<p>10.233.24 Granting the variance would not diminish the values of surrounding properties.</p>	<p>YES</p>	<ul style="list-style-type: none"> • It will be a one-story carriage house with a garage and will be a significant improvement over the existing structure that the Historic District Commission deemed not to be historic or of architectural interest.
<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>	<ul style="list-style-type: none"> • The property has special conditions because it is carved out of the lot to the left of it and is very constrained in what it can do in the back of the property, and it also is on a paper street that is more of a public right-of-way. Owing to those special conditions, that a fair and substantial relationship does not exist between the general public purpose of the ordinance provision and the specific application of that provision to the property. • It does not make much sense to apply the provisions to the property related to the other relief asked for the side yard setbacks, given the property's uniqueness and the fact that it is significantly smaller than the minimum lot size for the GRA District. A detached ADU was allowed in the GRA District and was a reasonable use.



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ZONING BOARD OF ADJUSTMENT

September 24, 2024

Benjamin Otis
Jonagold Empire LLC
230 Lafayette Rd, Building G
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment request for property located at 230 Lafayette Rd,
Portsmouth, NH (LU-24-143)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, September 17, 2024**, considered your application for establishing a medical office in units 10 A and 10 B which requires the following: 1) Variance from Section 10.440 Use #6.20 to allow a medical office use where it is not allowed. Said property is shown on Assessor Map 151 Lot 6-D10B and lies within the General Residence A (GRA) District. As a result of said consideration, the Board voted to **grant** the 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

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: 9-17-2024

Property Address: 230 Lafayette Road Unit A/B

Application #: LU-24-143

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"> There is no public interest to be served by limiting the use of that particular suite to be in conformance with the ordinance, so it satisfied those two criteria.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none"> There is no public interest to be served by limiting the use of that particular suite to be in conformance with the ordinance, so it satisfied those two criteria.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> The benefit to the applicant is that they will have a place to perform their medical practice that is consistent with the type of activity in the surrounding suites. There would be no harm or loss to the public and that it is actually a benefit to the public.

<p>10.233.24 Granting the variance would not diminish the values of surrounding properties.</p>	<p>YES</p>	<ul style="list-style-type: none"> • There will be no excessive noise or changes and modifications to the exterior of the building or encroaching on the ability of the neighboring suites to perform their businesses.
<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>	<ul style="list-style-type: none"> • There is no fair and substantial relationship between the general public purposes of the ordinance and the specific application of that provision to the property, and the proposed use is reasonable. • It all ties back to the prevailing use in the neighboring suites, and continuing those types of uses would be reasonable. • The buildings on the property define their own neighborhood, so there is no real relationship between the ordinance as written and the uses that are commonly practiced in this neighborhood • There is a unique situation of two separate pieces of property, two lots involved with the condo complex, and they are in different zones and neither zone allows office uses. The previous use of a professional office is also not allowed by the GRA zone that the parcel is in. • It is a unique set of circumstances that go back several decades. • There is a recognition that there has been a longstanding use, and while it is different than what is generally allowed in those residential neighborhoods, it has worked for many years and there is no reason to think that the real intent of the ordinance is to somehow change the two parcels into a future residential area.



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ZONING BOARD OF ADJUSTMENT

September 24, 2024

Condos at Rock Hill
Attn: Stewart Bradley
966 Islington Street, Apt 1
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment request for property located at 962 & 964 Islington St,
Portsmouth, NH (LU-24-146)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, September 17, 2024**, considered your application for demolishing and reconstructing the existing front steps which requires the following relief: 1) Variance from Section 10.521 for a) an 11 foot front yard where 30 is required, and b) 30% building coverage where 20% is allowed; and 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 shown on Assessor Map 171 Lot 1 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted to **grant the 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:

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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

Stewart Bradley, Applicant

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 9-17-2024

Property Address: 962 and 964 Islington Street

Application #: LU-24-146

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"> • Two staircases are being replaced with almost identical replacement stairs. • There will be no alteration in the essential character of the neighborhood and it will be a change that will be invisible to the rest of the neighborhood unless they went up and down the stairs. • It will not impact the safety or welfare of the general public or otherwise injure public rights.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none"> • Two staircases are being replaced with almost identical replacement stairs. • There will be no alteration in the essential character of the neighborhood and it will be a change that will be invisible to the rest of the neighborhood unless

		<p>they went up and down the stairs.</p> <ul style="list-style-type: none"> It will not impact the safety or welfare of the general public or otherwise injure public rights.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> There will be a benefit to the property owners in improving the safety of ingress and egress from the units on those staircases and no loss to the public in providing that safety benefit to the property owners.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> Granting the variances would not diminish the values of surrounding properties due to the same reasons stated in the first two criteria. The change will be invisible to the surrounding property owners and will therefore have no conceivable impact on the values of their 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>	YES	<ul style="list-style-type: none"> The special condition of the property is the unsafe condition of ingress and egress to the dwelling, which is not a condition shared by surrounding properties, so it therefore satisfied the criterion of not having a substantial relationship between the requirements of the ordinance and the proposed variance. The building structures going back to 1900 and predating the ordinance.



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ZONING BOARD OF ADJUSTMENT

September 24, 2024

Ryan and Joanna Brandt
570 Dennett St
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 570 Dennett Street,
Portsmouth, New Hampshire (LU-24-156)**

Dear Property Owners:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, September 17, 2024**, considered your application for demolishing the existing single car detached garage and constructing a new single car garage which requires the following: 1) Variance from Section 10.571 to allow an accessory structure to be located in the required front yard and closer to the street than the principal building; 2) Variance from Section 10.573 to allow a 3 foot secondary front yard where 14 feet are required; and 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. Said property is shown on Assessor Map 161 Lot 12 and lies within the General Residence A (GRA) District. As a result of said consideration, the Board voted to **grant** the 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:

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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

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 9-17-2024

Property Address: 570 Dennett Street

Application #: LU-24-156

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"> Nothing substantial is being altered because the applicant made a good argument that the existing alignment for the garage was consistent with the closest neighbors. It had been in place for many years and was not out of character with the overall neighborhood's accessory structures.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none"> Nothing substantial is being altered because the applicant made a good argument that the existing alignment for the garage was consistent with the closest neighbors. It had been in place for many years and was not out of character with the overall neighborhood's accessory structures.

<p>10.233.23 Granting the variance would do substantial justice.</p>	<p>YES</p>	<ul style="list-style-type: none"> • The applicant could create a garage that is two feet wider and more conforming to a modern single-car garage and was only asking to bring it up to a width that was more accepted in modern times for modern vehicles to be parked in. • There is nothing in the public purposes that would indicate that pushing it back to the 15-ft line would somehow provide some public benefit and that it is in alignment with the overall neighborhood and the neighbors were in support of it.
<p>10.233.24 Granting the variance would not diminish the values of surrounding properties.</p>	<p>YES</p>	<ul style="list-style-type: none"> • It is a minor change. • The garage will probably be a net plus benefit because it is slightly larger and the cross dimensions would not negatively affect that.
<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>	<ul style="list-style-type: none"> • What is unique about the lot is a preexisting structure that likely predates the current zoning requirements and is a characteristic of the neighborhood. It is a unique set of circumstances and the applicant is simply asking to replace what existed and not cause further encroachment. • There is also some additional distance to the actual roadway itself, which gave the feel that it wasn't quite at three feet and not up against a road and felt like it was set back further from the road. • The secondary frontage is on Whipple Street, which is a very low-traffic street, and the proposed location of the garage is sufficiently far enough from the intersection with Dennett Street and won't provide any sight line issues.