



# CITY OF PORTSMOUTH

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

## ZONING BOARD OF ADJUSTMENT

January 27, 2025

N E Marine and Industrial Inc.  
200 Spaulding Turnpike  
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for Property at 200 Spaulding Turnpike,  
Portsmouth, NH (LU-24-208)**

Dear Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Wednesday, January 22, 2025**, considered your application for install a freestanding sign 2 feet from the front property line which requires the following: 1) Variance from Section 10.1241 for a 30 square foot freestanding sign where freestanding signs are not allowed. Said property is shown on Assessor Map 237 Lot 56 and lies within the Gateway Corridor (G1) Single Residence B (SRB). 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: 01-22-2025

Property Address: 200 Spaulding Tpk.

Application #: LU-24-208

Decision: **Grant**

### Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	<b>YES</b>	<ul style="list-style-type: none"> <li>Granting the variance would not be contrary to the public interest because the neighborhood was protective of the SRB portion of the property, but it was for something more significant in development rather than a small sign.</li> </ul>
10.233.22 Granting the variance would observe the spirit of the Ordinance.	<b>YES</b>	<ul style="list-style-type: none"> <li>The sign ordinance tries to prevent visual clutter and protect single-family residence neighborhoods from signage by businesses and the application meets that requirement because the sign would be outside of where the actual neighborhood is and would be positioned on the opposite side of the driveway, closer to where vehicles would access the property from the more traveled highway than through the neighborhood.</li> </ul>

<p>10.233.23 Granting the variance would do substantial justice.</p>	<p><b>YES</b></p>	<ul style="list-style-type: none"> <li>• There was nothing that the public would have a stake in that would say the applicant's need to better direct traffic to the business and help explain what the business is would outweigh that.</li> </ul>
<p>10.233.24 Granting the variance would not diminish the values of surrounding properties.</p>	<p><b>YES</b></p>	<ul style="list-style-type: none"> <li>• Granting the variance would not diminish the values of surrounding properties because the modest sign would be far away from the established neighborhood and would not impact the nature of those properties' values</li> </ul>
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>	<p><b>YES</b></p>	<ul style="list-style-type: none"> <li>• The special conditions of the lot include that it is a very large lot and the business is in the G1 district, which is about one-third of the lot, but the remaining 2/3 of the lot is in the SRB zone where the driveway goes through, and the address is not actually the road the driveway is on. The request is reasonable compared to what the applicant could have asked for if it was zoned G1. It was still well below the total amount of signage required.</li> </ul>



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## ZONING BOARD OF ADJUSTMENT

January 27, 2025

Custom House LLC  
3 Penstock Way  
Newmarket, New Hampshire 03857

**RE: Board of Adjustment Request for Property at 40 Pleasant Street, Portsmouth, NH (LU-24-206)**

Dear Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Wednesday, January 22, 2025**, considered your application for installing a projecting sign which requires the following: 1) Variance from Section 10.1251.20 for a 20 square foot projecting sign where 12 square feet is the maximum allowed. Said property is shown on Assessor Map 107 Lot 81 and lies within the Character District 5 (CD5), Historic and Downtown Overlay Districts. As a result of said consideration, the Board voted to **grant** the request as presented.

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: 01-22-2025

Property Address: 40 Pleasant St.

Application #: LU-24-206

Decision: **Grant**

### Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	<b>YES</b>	<ul style="list-style-type: none"> <li>Granting the variance would not be contrary to the public interest because signage was allowed to advertise the business and altering the writing and logo would not alter the essential character of the neighborhood nor threaten the public's health, safety or welfare.</li> </ul>
10.233.22 Granting the variance would observe the spirit of the Ordinance.	<b>YES</b>	<ul style="list-style-type: none"> <li>The proposed use would not conflict with the purpose of the ordinance because the sign is a business sign advertising that business and will have the same dimensions as the previous sign.</li> </ul>
10.233.23 Granting the variance would do substantial justice.	<b>YES</b>	<ul style="list-style-type: none"> <li>Granting the variance would do substantial justice because there was no reason to think that the change in the sign would harm the general public, and it could be a benefit to the applicant to approve it.</li> </ul>

<p>10.233.24 Granting the variance would not diminish the values of surrounding properties.</p>	<p><b>YES</b></p>	<ul style="list-style-type: none"> <li>Granting the variance would not diminish the values of surrounding properties and there was no reason that it would be because the sign would be a similar use to what was there before.</li> </ul>
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>	<p><b>YES</b></p>	<ul style="list-style-type: none"> <li>The intent was not to have an overly large sign that would impose on the public or distract drivers. The property already had a sign of the same dimensions and location that was not in violation until recently discovering that it was not in conformance. The new sign would be consistent and the proposed use is a reasonable one, replacing the existing sign in the same dimensions and location.</li> </ul>





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## ZONING BOARD OF ADJUSTMENT

January 27, 2025

111 Front Street LLC  
65 Griffin Road  
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for Property at 65 Griffin Road, Portsmouth, NH  
(LU-24-210)**

Dear Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Wednesday, January 22, 2025**, considered your application for after-the-fact construction of a front porch and rear deck which requires the following: 1) Variance from Section 10.521 to a) allow a 21.5 foot front yard setback where 30 feet is required; b) allow a 6.5 foot left side yard setback where 10 feet is required; c) allow a 29 foot rear yard setback where 30 feet is required; and 2) Variance from Section 10.321 to allow a building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 258 Lot 31 and lies within the Single Residence B (SRB). As a result of said consideration, the Board voted to **grant** the request as presented and advertised with the following **condition**:

- 1) *The left side setback relief will be measured against the original property boundary prior to the 1977 record of an alternate property line.*

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".

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: 01-22-2025

Property Address: 65 Griffin Rd

Application #: LU-24-210

Decision: **Grant**

### Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	<b>YES</b>	<ul style="list-style-type: none"> <li>Due to the lot's location it would have no effect on light and air or the public's health, safety, or welfare.</li> </ul>
10.233.22 Granting the variance would observe the spirit of the Ordinance.	<b>YES</b>	<ul style="list-style-type: none"> <li>It was clearly an accident and that there was no intent to violate the zoning ordinance.</li> </ul>
10.233.23 Granting the variance would do substantial justice.	<b>YES</b>	<ul style="list-style-type: none"> <li>If the variances were not granted, the applicant would have to remove the porch and there would be no benefit to the public to cause the applicant that unnecessary expense.</li> </ul>
10.233.24 Granting the variance would not diminish the values of surrounding properties.	<b>YES</b>	<ul style="list-style-type: none"> <li>There was no evidence that it would have any impact on the values of surrounding properties.</li> </ul>

<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>	<p><b>YES</b></p>	<ul style="list-style-type: none"> <li>• There were special conditions to the lot, including its location adjacent to commercial properties on one side and city-owned land on the other. There were houses on two sides to the east and south, but they were not close and the nonconforming structure had no impact on those. The current property is sited on one side of it and the requested relief is relatively minor, just a few feet in the front and facing the road, and well off the right-of-way of Griffin Road.</li> </ul>
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<p><b>Conditions</b></p>
<p>1. <i>The left side setback relief will be measured against the original property boundary prior to the 1977 record of an alternate property line.</i></p>