



CITY OF PORTSMOUTH

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

ZONING BOARD OF ADJUSTMENT

April 28, 2025

William J Armstrong JR Trustee
William J Armstrong JR Revocable Trust
70 Stark Street
Portsmouth, New Hampshire 03801

RE: Board of Adjustment request for property located at 70 Stark Street, Portsmouth, NH (LU-25-37)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **April 22, 2025**, considered your application for the property located at 70 Stark Street whereas relief is needed to construct a detached accessory workshop structure which requires the following: 1) Variance from Section 10.573.20 to permit a 10-foot rear yard where 20 feet is required. Said property is shown on Assessor Map 159 Lot 50 and lies within the General Residence A (GRA) District. As a result of said consideration, the Board voted to **approve** 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".

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Chris Mulligan, Hoefle Phoenix Gormley & Roberts PLLC

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 04-22-2025

Property Address: 70 Stark St

Application #: LU-25-37

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">Granting the variance would not be contrary to the public interest because the reason for the side yard and front yard building envelope setbacks was to ensure the movement of light and air through the structures and it would add distance between the structures.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none">It would not alter the essential character of the neighborhood and would not threaten the health, safety and welfare of the public.

		<ul style="list-style-type: none"> It mimics the side yard requirement and tries to create a symmetry with the property line and is also parallel to an outbuilding on the neighboring property, so the structure would not diminish the neighbor's enjoyment of an open space.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> Granting the variance would do substantial justice the public, through the substantial justice prong, would not incur any kind of loss as a result of the variance being granted, whereas the impact on the applicant would be substantial.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> Granting the variance would not diminish the values of surrounding properties because it was an accessory barn structure, so it would not impact any surrounding properties negatively.
<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 property has special conditions because it is a large lot for the area and irregularly shaped, has two front yards, and the existing structures on the lot make it difficult to site the accessory structure.



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ZONING BOARD OF ADJUSTMENT

April 28, 2025

Paul and Karolina Roggenbuck
2 Sylvester Street
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 2 Sylvester Street,
Portsmouth NH 03801 (LU-25-34)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **April 22, 2025**, considered your application for the property located at 2 Sylvester Street whereas relief is needed to construct a second dwelling and associated driveway on the lot which requires the following: 1) Variance from Section 10.513 to allow more than one free-standing dwelling on a lot; 2) Variance from Section 10.1114.31 to allow a second driveway on the lot; and 3) Variance from Section 10.521 to allow a lot area per dwelling unit of 7,899 s.f. where 15,000 s.f. is required. Said property is shown on Assessor Map 232 Lot 35 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted to **deny** the variances as presented and advertised, because there was no special characteristic of the property that said it could not be used in a reasonable and conforming manner so it failed the hardship criterion and the request was not consistent with the spirit of the ordinance.

The Board's decision may be appealed up to thirty (30) days after the vote. Please contact the Planning & Sustainability Department for more details about the appeals process.

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

Very truly yours,

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc:

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 04-22-2025

Property Address: 2 Sylvester St

Application #: LU-25-34

Decision: **Deny**

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.		
10.233.22 Granting the variance would observe the spirit of the Ordinance.	NO	<ul style="list-style-type: none">The request is not consistent with the spirit of the ordinance because it does not meet the density requirement for the district.

10.233.23 Granting the variance would do substantial justice.		
10.233.24 Granting the variance would not diminish the values of surrounding 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>	NO	<ul style="list-style-type: none"> There is no mitigating characteristic of the lot that says the structure has to be located at this place and size to achieve the goals of reasonable use of the property and there is no special characteristic of the property that says it could not be used in a reasonable and conforming manner.



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ZONING BOARD OF ADJUSTMENT

April 29, 2025

Colbea Enterprises LLC
695 George Washington Highway
Lincoln, Rhode Island 02865

**RE: Board of Adjustment Request for property located at 1980 Woodbury Avenue,
Portsmouth NH 03801 (LU-25-39)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **April 22, 2025**, considered your application for the property located at 1980 Woodbury Avenue whereas relief is needed to demolish and redevelop an existing gas station and convenience store which requires the following: 1) Special Exception from Section 10.440, Use #8.122 to allow a convenience goods 2 use with 24 hours per day operation; 2) Variance from Section 10.5B33.20 to allow for a front lot line build out of 0% where a minimum of 75% is required for a commercial building; 3) Variance from Section 10.5B34.60 to allow for a front setback from the lot line of 27 feet on Woodbury Avenue and 46 feet on Gosling Road where a maximum of 20 feet is required; 4) Variance from Section 10.5B83.10 to allow for parking spaces to be located between the principal building and the street; 5) Variance from Section 10.835.32 to allow for drive-through lanes, bypass lanes and stacking lanes to be located within 13 feet of the property line where 30 feet is required; 6) Variance from Section 10.835.31 to allow outdoor service facilities to be located within 38 feet of a lot line where 50 feet is required; 7) Variance from Section 10.843.33 to allow for pump islands to be located within 28 feet of the lot lines where 40 feet is required; 8) Variance from Section 10.1251.10 to allow for an aggregate sign area of 454 s.f. where a maximum of 223.5 s.f. is allowed; 9) Variance from Section 10.1251.20 to allow a 134 s.f. freestanding sign where a maximum of 100 s.f. is allowed; and 10) Variance from Section 10.1253.10 to allow for a freestanding sign at a) a height of 26.5 feet where a maximum of 20 feet is allowed and b) two freestanding signs at a setback of 3 feet where 10 feet is required; and 11) Variance from Section 1252.40 to allow illumination of a gas pump canopy area that shall not be included in the sign area where it is distinguished from the background only by color stripes. Said property is shown on Assessor Map 239 Lot 11 and lies within the Gateway Corridor (G1) District. As a result of said consideration, the Board voted to **approve** the Special Exception as presented and advertised. The Board acknowledged your withdrawal of Variance #11 from consideration. The Board voted to **postpone** Variances #2-10 until the May 20, 2025 meeting with the expectation that the applicant address significant concerns of the Board related to the variances associated with the drive-thru and either eliminate it or provide substantial justification as to why it would not impact the adjacent residential property; what could be done to mitigate the signage variances by either eliminating them or describing why they were critical to the property's operation of the gas stations use; and for the remaining variances, either eliminate them or provide a better explanation of why the objectives of the Gateway District could not be fully met if it remained as a gas station and Convenience Store 2 use.

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".

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Christopher Drescher, Attorney, Cronin Bisson & Zalinsky P.C.

Christopher Rice, Engineer, TFMoran Inc.

Jason Cook, Engineer, TFMoran Inc.

Findings of Fact | Special Exception

City of Portsmouth Zoning Board of Adjustment

Date: 04-22-2025

Property Address: 1980 Woodbury Ave

Application #: LU-25-39

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 Special Exception:

Special Exception Review Criteria: Section 10.232.20	Finding	Relevant Facts
10.232.21 Standards as provided by this Ordinance for the particular use permitted by special exception;	Yes	<ul style="list-style-type: none">The use is allowed by special exception.
10.232.22 No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.	Yes	<ul style="list-style-type: none">Granting the special exception would pose no hazard to the public or adjacent properties on account of potential fire, explosion, or release of toxic materials because it is a convenience store and the risk of such things is <i>de minimis</i>.
10.233.23 No detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking areas, accessways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat,	Yes	<ul style="list-style-type: none">It would pose no detriment to surrounding property values, as it is a commercial use in a heavily commercialized area.Nothing about the building and its use as a convenience store would negatively affect the surrounding properties.

vibration, or unsightly outdoor storage of equipment, vehicles or other materials;		
10.233.24 No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity;	Yes	<ul style="list-style-type: none"> It would pose no traffic or safety hazards because the ingress and egress into and out of the lot are very good and traffic comes from two major roadways, so the volume of traffic would be significantly different than what was currently being experienced on the site.
10.233.25 No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools; and	Yes	<ul style="list-style-type: none"> There would be no excessive demand on municipal services because there is nothing about running a convenience store would place such demands upon municipal services.
10.232.26 No significant increase of stormwater runoff onto adjacent property or streets.	Yes	<ul style="list-style-type: none"> There would be no increase in stormwater runoff onto adjacent properties, as the property is currently an impermeable surface.



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ZONING BOARD OF ADJUSTMENT

April 29, 2025

Lonza Biologics
PO Box 1912
Morristown, New Jersey 07962-1912

**RE: Board of Adjustment Request for property located at 101 International Drive,
Portsmouth NH 03801 (LU-25-47)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **April 22, 2025**, considered your application for the property located at 101 International Drive whereas relief is needed to construct a canopy with supporting structure which requires relief from the following: 1) Variance from Section 304.04(c) of the Pease Development Ordinance to allow a canopy and supporting structures for an outdoor patio to be located within 70-feet of the front property line. Said property is shown on Assessor Map 305 Lot 6 and lies within the Airport Business Commercial (ABC) District. As a result of said consideration, the Board voted to **recommend approval** as presented and advertised to the Pease Development Authority.

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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Very truly yours,

A handwritten signature in cursive script that reads "Phyllis Eldridge". The signature is written in dark 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

Eric Maher, DTC Lawyers

Pease Development Authority

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment – PEASE

Date: 04-22-2025

Property Address: 101 International Drive

Application #: LU-25-47

Decision: **Recommend Approval**

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:

Part 317.01(c) Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
1. No adverse effect or diminution in values of surrounding properties would be suffered.	Yes	<ul style="list-style-type: none">No adverse effect or diminution of the values of surrounding properties would be suffered, as it is difficult to see how three poles would have any impact on the value of any of the properties.
2. Granting the variance would be if benefit to the public interest.	Yes	<ul style="list-style-type: none">Granting the variance would be a benefit to the public interest by allowing the sun shades to create a more attractive view of Lonza Biologics and it would also make the use of the patio better for the employees.
3. Denial of the variance would result in unnecessary hardship to the person seeking it.	Yes	<ul style="list-style-type: none">Denying the variance would result in an unnecessary hardship otherwise people would be sitting at tables getting baked in the sunshine. The sunshades would create a shadow for them, which would definitely be a benefit and it would be a hardship without them.

4. Granting the variance would be substantial justice.	Yes	<ul style="list-style-type: none"> Substantial justice would be done, because it would be difficult to see how there would be any benefit to the public by disapproving this, and it would be a loss to the applicant by doing so.
5. The proposed use would not be contrary to the spirit of this zoning rule.	Yes	<ul style="list-style-type: none"> The setbacks on Pease were for the same reason as for other places, which was to promote light and air and prevent overdensity. The three poles would not have any impact on light and air or affect the density in any significant way.



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ZONING BOARD OF ADJUSTMENT

April 28, 2025

Adam and Reagan Ruedig
70 Highland Street
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 70 Highland Street,
Portsmouth NH 03801 (LU-25-40)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **April 22, 2025**, considered your application for the property located at 70 Highland Street whereas relief is needed to demolish the existing garage and bulkhead and to construct a new detached garage and bulkhead which requires the following: 1) Variance from Section 10.521 to allow a) building coverage at 26% where a maximum of 25% is allowed; b) a 2 foot rear yard where 18 feet is required; c) a 2 foot right side yard setback where 10 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 134 Lot 27 and lies within the General Residence A (GRA) District. As a result of said consideration, the Board voted to **approve** 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.

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Very truly yours,

A handwritten signature in cursive script that reads "Phyllis Eldridge". The signature is written in dark 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, Attorney, Durbin Law Offices PLLC

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 04-22-2025

Property Address: 70 Highland St

Application #: LU-25-40

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">Granting the variance would not be contrary to the public interest because there would be no change in the lot line conformance or lack of conformance because it would still be a 2-ft setback on the back and side yards. In terms of the lot area coverage, it was 25.7 percent instead of 25 percent and was <i>de minimis</i>.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none">The project would not encroach on air flow and light or sunshine on surrounding properties because the new garage would replace a

		similar structure, so there would be no change in conformance.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> Substantial justice would be done because there would be no loss to anyone in the neighborhood by replacing the current garage with a new one. The changes in dimension were reasonable.
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 because a new garage was good for the neighborhood, and the proposed one was tastefully designed to fit in with the characteristics of the neighborhood. It would not have an upward extension that would create long shadows.
<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"> Literal enforcement of the ordinance would result in unnecessary hardship because, regarding the setback encroachments, the garage could not be moved away from either the right or back property line without bumping into the house, so it was a logical location and was near the driveway. That and the existing structure were special conditions of the property.