



CITY OF PORTSMOUTH

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

ZONING BOARD OF ADJUSTMENT

June 18, 2025

Suzanne S. Dargie
9 Charlotte Drive
Falmouth, Maine 04105

RE: Board of Adjustment Request for property located at 35 Boss Avenue, Portsmouth NH 03801 (LU-25-72)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **June 17, 2025**, considered your application for the property located at 35 Boss Avenue whereas relief is needed to construct a two-story addition to the existing single-family home which requires the following: 1) Variance from Section 10.521 to a) allow a 8.5 foot right side yard where 10 feet is required and b) 22.5% building coverage where a maximum of 20% is permitted. Said property is shown on Assessor Map 152 Lot 42 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted to **grant** the petition 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.

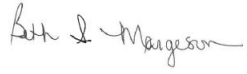
This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

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 Planning Board 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, appearing to read "Beth Margeson".

Beth Margeson, Vice 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: 06-17-2025

Property Address: 35 Boss Ave

Application #: LU-25-72

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 request was for an addition with a 1-1/2 ft variance for the right side setback and 2-1/2 percent over the 20 percent building coverage, which were both slight.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none">Granting the variance would observe the spirit of the Ordinance because the request was for an addition with a 1-1/2 ft variance for the right side setback and 2-1/2 percent over the

		20 percent building coverage, which were both slight.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> Granting the variance would do substantial justice because the requests were small.
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 and would probably enhance them because it was a new addition on the house.
<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 what the applicant asked for was very minimal and would place an unnecessary hardship on him if it were not granted because the addition would enhance the property and the variance requests were very minimal. The property has special conditions that distinguish it from others in the area in that the lot is a corner one, so there are two front yards, a primary and a secondary front yard, and the home is not centered on the lot. If the owner tried to expand the home in any other direction, it would require more zoning relief, therefore the way the home was located and the setback requirements for the two front yards were special conditions and there is no relationship between the strict adherence to the ordinance and the minimal variances being requested.



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ZONING BOARD OF ADJUSTMENT

June 18, 2025

Maureen A Rousseau and Daniel A Indoe
239 Broad Street
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 239 Broad Street,
Portsmouth NH 03801 (LU-25-75)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **June 17, 2025**, considered your application for the property located at 239 Broad Street whereas relief is needed to remove an existing detached accessory structure and to construct an addition to the primary structure which requires the following: 1) Variance from Section 10.521 to allow a secondary front yard setback of 6 feet where 15 feet is required. Said property is shown on Assessor Map 131 Lot 15 and lies within the General Residence A (GRA) District. As a result of said consideration, the Board voted to **grant** the petition 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.

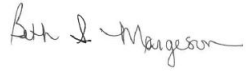
This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

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 Planning Board 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, appearing to read "Beth Margeson".

Beth Margeson, Vice 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: 06-17-2025

Property Address: 239 Broad St.

Application #: LU-25-75

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 it would have no effect on the health, safety, and welfare of the neighborhood and would not modify its essential characteristics.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none">It would remain a single family home and have no impact on light and air. The addition would be on the Bersum Lane side and would not go all the way to the farthest extent of the home

<p>10.233.23 Granting the variance would do substantial justice.</p>	<p>YES</p>	<ul style="list-style-type: none"> Substantial justice would be done because there would be no benefit to the public that would accrue by denying the variance but there would be a substantial loss to the applicant because he would have to figure out another place to store the items, which would be a hardship.
<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 was no evidence presented that granting the variance would 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>	<p>YES</p>	<ul style="list-style-type: none"> Literal enforcement of the ordinance would result in unnecessary hardship and there are special conditions to the property in that the house is located very close to the left side lot line, which is actually a secondary front yard because of Bersum Lane, and the house essentially fills the entire width of the lot. There is no real place to put anything in the house that would provide storage with ready access. Due to those special conditions, there is no fair and substantial relationship between the strict enforcement of the ordinance and its application to the property.