



CITY OF PORTSMOUTH

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

ZONING BOARD OF ADJUSTMENT

July 29, 2025

AAM Portsmouth Residences LLC
AAM 15 Management LLC
78 Blanchard Road Suite 100
Burlington, Massachusetts 01803

**RE: Board of Adjustment Request for property located at 184 Madison Street,
Portsmouth NH 03801 (LU-25-83)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **July 22, 2025**, considered your application for the property located at 184 Madison Street whereas relief is needed for the addition of 22 parking spaces which requires the following: 1) Variance from Section 10.1113.20 to allow off-street parking to be located between the principal building and the street. Said property is shown on Assessor Map 146 Lot 16 and lies within the General Residence C (GRC) District. As a result of said consideration, the Board voted to **deny** the request as presented and advertised, because it fails Sections 10.233.21 and 10.233.22 as it would be contrary to the public interest and would not observe 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:

Ian Ainslie, Engineer, Meisner Brem Corporation

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 7-22-2025

Property Address: 184 Madison Street

Application #: LU-25-83

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.	NO	<ul style="list-style-type: none">It is important to look at the provisions of the zoning ordinance at play, which had a phrase in Section 10.1113.20 that stated "the location of parking facilities on a lot requiring off-street parking spaces shall not be located in any required front yard or between a principal building and a street, including on a corner lot." The applicant's property is on a corner lot and the proposed parking is between the principal building and the street, which is contrary to what the zoning ordinance is trying to prevent.The exceptions were for a single-family dwelling including the combination of a single-family dwelling with an ADU, or a two-

		<p>family dwelling, so it is applicable specifically to the applicant's type of building.</p> <ul style="list-style-type: none"> • The parking on the lot is very visible as someone approaches the complex from Madison Street, and the request for additional parking will make it even more visible. It will have the appearance of a parking lot with three apartment buildings on it. • It is exactly in violation of the zoning ordinance. It does have the potential to alter the essential character of the neighborhood, noting that the rest of the neighborhood is single-family dwellings right up to the road and a lot of the homes do not have garages.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	NO	<ul style="list-style-type: none"> • it was important to look at the provisions of the zoning ordinance at play, which had a phrase in Section 10.1113.20 that stated "the location of parking facilities on a lot requiring off-street parking spaces shall not be located in any required front yard or between a principal building and a street, including on a corner lot." She said the applicant's property was on a corner lot and the proposed parking was between the principal building and the street, which was contrary to what the zoning ordinance was trying to prevent. She said the exceptions were for a single-family dwelling including the combination of a single-family dwelling with an ADU, or a two-family dwelling, so it was applicable specifically to the applicant's type of building. She said the parking on the lot was very visible as someone approached the complex from Madison Street, and the request for additional parking would make it even more visible. She said it would have the appearance of a parking lot with three apartment buildings on it. She said it failed on those two

		criteria because it was exactly in violation of the zoning ordinance. She said it did have the potential to alter the essential character of the neighborhood, noting that the rest of the neighborhood was single-family dwellings right up to the road and that a lot of the homes did not have garages.
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>		



CITY OF PORTSMOUTH

Planning & Sustainability
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ZONING BOARD OF ADJUSTMENT

July 29, 2025

Shannon M & Stephen E Parsons
160 Essex Avenue
Portsmouth , New Hampshire 03801

**RE: Board of Adjustment Request for property located at 160 Essex Avenue,
Portsmouth NH 03801 (LU-25-92)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **July 22, 2025**, considered your application for the property located at 160 Essex Avenue whereas relief is needed to demolish the existing garage and construct a new 2 bay, 2 story garage which requires the following: 1) Variance from Section 10.521 to a) allow a 7 foot right side yard where 10 feet are required, b) allow a 17 foot front yard where 30 feet are required; and c) allow a 28.5% building coverage where 20% is maximum 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 233 Lot 63 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 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

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 7-22-2025

Property Address: 160 Essex Avenue

Application #: LU-25-92

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 use will not conflict with the purposes of the ordinance because it will still be a single-family home with an improved garage with an addition above.• It will not alter the essential character of the neighborhood because several other parcels have garages and similar setbacks.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none">• The proposed use will not conflict with the purposes of the ordinance because it will still be a single-family home with an improved garage with an addition above.• It will not alter the essential character of the neighborhood because several other parcels have garages and similar setbacks.

10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> The benefit to the applicant will not be outweighed by any harm to the general public.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> The home will just be continued with a new addition that will improve the value of the applicant's property, and there is no reason to think that it will 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>	YES	<ul style="list-style-type: none"> The driving factor is the special conditions of the property. It is undersized and smaller than the 15,000 square feet required for that zone, so smaller changes result in a bigger jump in building coverage. The home is located where it is on the property, so any addition in line with the home will require a variance. The side yards have minimal relief requested that would not hinder the light, air, and privacy of the neighboring properties. The proposed use is a reasonable one because the home will still be a single-family home with a garage.



CITY OF PORTSMOUTH

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(603) 610-7216

ZONING BOARD OF ADJUSTMENT

July 29, 2025

One Twenty Four Group Inc
210 Commerce Way Suite 300
Portsmouth, New Hampshire 03801

RE: Board of Adjustment Special Exception Request for property located at 124 Heritage Avenue, Portsmouth NH 03801 (LU-25-85)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **July 22, 2025**, considered your application for the property located at 124 Heritage Avenue whereas relief is needed to establish a batting instruction facility greater than 2,000 s.f. of GFA which requires the following: 1) Special Exception from Use # 4.42 to allow a health club, yoga studio, martial arts school, or similar use with more than 2,000 s.f. of GFA. Said property is shown on Assessor Map 284 Lot 8 and lies within the Industrial (I) 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".

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Findings of Fact | Special Exception

City of Portsmouth Zoning Board of Adjustment

Date: 7-22-2025

Property Address: 124 Heritage Avenue

Application #: LU-25-85

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">The nature of the simulation experience does not include any of those hazards.
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, vibration, or unsightly outdoor storage of equipment, vehicles or other materials;	Yes	<ul style="list-style-type: none">The proposed use is consistent with other uses within the building and will be consistent with the essential characteristics of the uses in the building itself.

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"> Because of the nature of the business and the relatively low flow of customers on an hourly basis, there will be no creation of a traffic or safety hazard that can be envisioned with regard to the operations.
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 will be no excessive demand on municipal services because it will not require any excessive use of water, sewage, or police and fire protection.
10.232.26 No significant increase of stormwater runoff onto adjacent property or streets.	Yes	<ul style="list-style-type: none"> There will be no significant increase in stormwater runoff onto adjacent properties because there will be no changes to the external structure of the building and parking area.



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ZONING BOARD OF ADJUSTMENT

July 29, 2025

S W Sanger & K Mazzari TTEES
Stephen W Sanger Rev Trust
52 Mendum Avenue
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 52 Mendum Avenue,
Portsmouth NH 03801 (LU-25-95)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **July 22, 2025**, considered your application for the property located at 52 Mendum Avenue whereas relief is needed to construct an 11.25 s.f. addition to the left side of the structure which requires the following: 1) Variance from Section 10.521 to a) allow a 3 foot left side yard where 10 feet are required, b) allow 35% building coverage where 25% is maximum 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 149 Lot 58 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 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

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 7-22-2025

Property Address: 52 Mendum Avenue

Application #: LU-25-95

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 variances will not be contrary to the public interest and will not affect the health, safety, or welfare of the neighborhood, will not have any effect on light and air, and will not alter the essential characteristics of the neighborhood.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none">It will be consistent with the spirit of the ordinance because the home will remain a single-family home.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none">The board didn't see any benefit to the public by denying the variance that will outweigh the harm to the applicant.The ability to age in place is important to the community and granting the variances will allow that.

10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> No evidence is presented that granting the variances will 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>	YES	<ul style="list-style-type: none"> There are several special conditions of the property, including that the house extends nearly the entire width of the property and that the lot is already nonconforming. It is smaller than normal but the setbacks are not really being met. The lot coverage will be substantial but it is a tiny increase from the existing lot coverage.



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ZONING BOARD OF ADJUSTMENT

July 29, 2025

Ampet Inc
164 Dayton Street
Danvers, Massachusetts 01923

**RE: Board of Adjustment Request for property located at 921 Islington Street,
Portsmouth NH 03801 (LU-25-96)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **July 22, 2025**, considered your application for the property located at 921 Islington Street whereas relief is needed for the demolition of the existing structure and the construction of a new building to be used for a restaurant which requires the following: 1) Variance from Section 10.575 to allow a dumpster to be located within 20 feet of a Residential or Mixed Residential zoned lot or within 10 feet of any lot line; and 2) Variance from Section 10.1113.20 to allow off-street parking to be located between the principal building and the street. Said property is shown on Assessor Map 172 Lot 10 and lies within the Character District 4-W (CD4-W). As a result of said consideration, the Board voted to **grant** the request as presented with the following **conditions**:

- 1) The Board recognizes that the advertisement misstated that there was to be a demolition of the existing structure, which was not the applicant's intent. The current structure will not be completely demolished and the exterior walls will remain at the minimum as a definition of not being fully demolished;
- 2) The location and orientation of the dumpster may change as a result of site review but shall not be located closer to the lot line than what was 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:

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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

John Chagnon, P.E., Haley Ward

Meghan Boland, Chinburg Builders

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 7-22-2025

Property Address: 921 Islington Street

Application #: LU-25-96

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">• It is a commercial facility being repurposed in a positive way, and nothing within the proposed use will in any way be contrary to the types of uses found in the area.• The specific variance with regard to the placement of the dumpster will not alter the character of the area because it will be in the back and will border up against a large parking area.• Granting the parking variance for parking between the existing structure and Islington Street will not change the character of the area because it is the current status of the business that has been operating there.• It is even noted in the photos that there are cars parking between

		the building and the street on the left-hand side of the lot. There are frequently cars that are awaiting or have completed repairs that are parked in that area.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none"> • It is a commercial facility being repurposed in a positive way, and nothing within the proposed use will in any way be contrary to the types of uses found in the area. • The specific variance with regard to the placement of the dumpster will not alter the character of the area because it will be in the back and will border up against a large parking area. • Granting the parking variance for parking between the existing structure and Islington Street will not change the character of the area because it is the current status of the business that has been operating there. • It is even noted in the photos that there are cars parking between the building and the street on the left-hand side of the lot. There are frequently cars that are awaiting or have completed repairs that are parked in that area.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> • There will be no loss to the public by the variances being approved, and therefore any loss to the applicant will not be justified and will represent a lack of justice.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> • The Ambit gas station was never the crown jewel of Islington Street and the West End, and the use and rehab of the building to make a commercial appealing enterprise will be an improvement to the area rather than a detriment to the property values of the 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</p>	YES	<ul style="list-style-type: none"> • The special condition of the property is the existing historic structure that the property owner wants to preserve, which creates a need for a variance in the parking accommodations to be placed between the building and the street. Due to the location of that

<p>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>and the lot's size and shape, there is no reasonable alternative to accommodate parking for the restaurant, and as small as the restaurant will be, it will still need parking.</p> <ul style="list-style-type: none"> Regarding the placement of the dumpster, the flow of traffic and the use of parking, there really is no other logical place to put the dumpster and it will not be in an area where it will be expected to cause any problems for the property just over the property line.
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Stipulations
<p>1. <i>The Board recognizes that the advertisement misstated that there was to be a demolition of the existing structure, which was not the applicant's intent. The current structure will not be completely demolished and the exterior walls will remain at the minimum as a definition of not being fully demolished.</i></p>
<p>2. <i>The location and orientation of the dumpster may change as a result of site review but shall not be located closer to the lot than what was presented;</i></p>