



CITY OF PORTSMOUTH

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

ZONING BOARD OF ADJUSTMENT

August 26, 2025

Abby Leah Kirschner
7 McDonough Street
Portsmouth, New Hampshire 03801

RE: Board of Adjustment request for a Rehearing for property located at 92 Brewster Street, Portsmouth, NH (LU-25-117) (LU-25-25)

Dear Abby Leah Kirschner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **August 19, 2025**, considered your request for rehearing of 92 Brewster Street, wherein permission was granted to allow the demolition of the existing structure and construction of a single-family home with Accessory Dwelling Unit which required the following: 1) Variance from Section 10.521 to allow a) 2,884 s.f. of lot area where 3,500 s.f. are required, b) 2,884 s.f. of lot area per dwelling unit where 3,500 s.f. are required, c) 52.33 feet of continuous street frontage where 70 feet are required, d) 9.5 foot right side yard where 10 feet are required, and e) 10 foot rear yard where 20 feet are required.

As a result of said consideration, the Board voted to **deny** the request for rehearing as the petition is based on a disagreement with the reasoning and conclusions of the Board and does not provide evidence of substantive errors and as such does not qualify for a rehearing.

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

Very truly yours,

Beth Margeson, Vice Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector
Rosann Maurice-Lentz, City Assessor
R. Timothy Phoenix, Attorney, Hoefle, Phoenix, Gormley & Roberts
Alex Ross, Ross Engineering
Harborside Property Management LLC



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Planning & Sustainability
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ZONING BOARD OF ADJUSTMENT

August 26, 2025

Greengard Center for Autism
95 Brewery Lane #6
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 89 Brewery Lane,
Portsmouth NH 03801 (LU-25-77)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **August 19, 2025**, considered your application for the property located at 89 Brewery Lane whereas relief is needed for a change of use from an assisted living home with 5 residents to an assisted living center with 6 residents which requires the following: 1) Variance from Section 10.440, Use #2.11 for an assisted living center where it is not permitted. Said property is shown on Assessor Map 146 Lot 26 and lies within the Character District 4-LD (CD4-L2). As a result of said consideration, the Board voted to **grant** the request as presented with the following **conditions**:

- 1) There shall be no more than six residents at the Center, and
- 2) The site plan approval shall include provision of an easement or right of way to the City for a portion of the road and/or future sidewalk on the parcel to connect to the public portion of Albany Street that shall be reviewed by the Planning and Legal Departments and approved by the City Council as a condition of this approval.

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

R. Timothy Phoenix, Hoefle, Phoenix, Gromley & Roberts

Corey Colwell, TF Moran

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 8-19-2025

Property Address: 89 Brewery Lane

Application #: LU-25-77

Decision: **Grant**

Findings of Fact:

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

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

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	YES	<ul style="list-style-type: none">There is no public interest to be served by denying the expansion of the use.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none">There is no public interest to be served by denying the expansion of the use.
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 having an additional resident in the center. Most of the discussion in the applicant's presentation is how the facility is run, which is really outside the Board's jurisdiction, and the only thing that concerns the Board is the use of the property, which is a minor change from the current use.

10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> The applicant's property is already in use in this manner and there is no conceivable way that it will diminish the values of surrounding properties by continuing the use and expanding it from five to six residents.
<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 actual change from five to six residents without any physical external changes to the structure really is a minimal change, even though the category changed from assisted living.

Stipulations
<i>1) There shall be no more than six residents at the Center, and</i>
<i>2) The site plan approval shall include provision of an easement or right of way to the City for a portion of the road and/or future sidewalk on the parcel to connect to the public portion of Albany Street that shall be reviewed by the Planning and Legal Departments and approved by the City Council as a condition of this approval.</i>



CITY OF PORTSMOUTH

Planning & Sustainability
Department
1 Junkins Avenue
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03801
(603) 610-7216

ZONING BOARD OF ADJUSTMENT

August 26, 2025

Timothy John Berky JR
121 Eastwood Drive
Portsmouth, New Hampshire 03801

RE: Board of Adjustment Request for property located at 121 Eastwood Drive, Portsmouth NH 03801 (LU-25-97)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **August 19, 2025**, considered your application for the property located at 121 Eastwood Drive whereas relief is needed to construct an accessory storage shed in the rear of the property which requires the following: 1) Variance from Section 10.573.20 to allow a 5 foot rear yard where 21 feet are required. Said property is shown on Assessor Map 288 Lot 3-17 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted to **deny** the request as presented and advertised, as it failed to meet the hardship criteria and to preserve light and air to neighboring properties.

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.

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

Very truly yours,

Beth Margeson, Vice Chair of the Zoning Board of Adjustment

cc:

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 8-19-2025

Property Address: 121 Eastwood Drive

Application #: LU-25-97

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.		
10.233.23 Granting the variance would do substantial justice.		
10.233.24 Granting the variance would not diminish the values of surrounding properties.		
10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship. (a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair	NO	<ul style="list-style-type: none">There is a relationship between the purpose of the ordinance and the unsuitability of the shed's height, which drives the need for as much relief as requested to the back lot line. The ordinance is trying to preserve light and air for the neighboring properties, and the

<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.</p> <p>OR</p> <p>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>proposed shed's second story pushes it outside of what the ordinance is trying to achieve by keeping open space where needed. The petition is particularly exacerbated by the property's special condition because the proposed location is elevated in topography, which makes the second floor more egregious than it otherwise would be in terms of blocking light and air</p> <ul style="list-style-type: none"> • A two-story shed is an unusual request and a second-story gym is usually seen in the primary structure. The other sheds in the neighborhood are smaller and only one story. The applicant can have a 120-sf one-story shed and have no restrictions with regard to the setbacks.
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ZONING BOARD OF ADJUSTMENT

August 26, 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-25-105)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **August 19, 2025**, considered your application for the property located at 2 Sylvester Street whereas relief is needed to construct a detached garage with accessory dwelling unit which requires the following: 1) Variance from Section 10.1114.31 to allow a second driveway where only one is permitted. 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 **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 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, reading "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: 8-19-2025

Property Address: 2 Sylvester Street

Application #: LU-25-105

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 ADU is allowed by right and is also allowed to be in its particular location, so it requires no variances.• It is an interesting case for the Board because as more ADUs are being permitted, the Board has to consider how people will get to and from them.• In this case, a second driveway to access the ADU is logical.• The Board should be promoting the use of ADUs.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none">• The ADU is allowed by right and is also allowed to be in its particular location, so it requires no variances.• It is an interesting case for the Board because as more ADUs are being permitted, the Board has to

		<p>consider how people will get to and from them.</p> <ul style="list-style-type: none"> • In this case, a second driveway to access the ADU is logical. • The Board should be promoting the use of ADUs.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> • There will be no loss to the general public by allowing the driveway.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> • The values of surrounding properties will not be diminished because many of the surrounding properties already have second driveways and it will not be out of character for the neighborhood. • The grass permeable pavers are a great idea and the overall effect between using those pavers and narrowing the existing driveway will decrease the impermeable surface and could be a benefit to the surrounding properties as well.
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>	YES	<ul style="list-style-type: none"> • The special condition of the property that distinguishes it from others is that it has an ADU by right, which is the condition that drives the need for the variance to make reasonable use of that ADU. • This is an unusually long piece of property, and the ordinance is trying to spread driveways out and to reduce backing in and out as well as the number of entry points onto a street. • The abutting property is about the same length as the applicant's and they have two driveways, which indicates that there is a hardship and the extra driveway will not look out of place.



CITY OF PORTSMOUTH

Planning & Sustainability
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ZONING BOARD OF ADJUSTMENT

August 26, 2025

909 West End LLC
3 Penstock Way
Newmarket , New Hampshire 03857

**RE: Board of Adjustment Special Exception Request for property located at 909
Islington Street, Portsmouth NH 03801 (LU-25-102)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **August 19, 2025**, considered your application for the property located at 909 Islington Street whereas relief is needed to add 300 square feet of space to increase seating capacity from 36 to 54 which requires the following: 1) Special Exception from Section 10.440 Use #9.42 to allow occupant load from 50 to 250. Said property is shown on Assessor Map 172 Lot 7 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 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, reading "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 | Special Exception

City of Portsmouth Zoning Board of Adjustment

Date: 8-19-2025

Property Address: 909 Islington Street

Application #: LU-25-102

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 use will be the same as the current one being used on the site.
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 use will be consistent with what is already going on in the general vicinity and will not change the property values.

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"> The traffic in and out of the vicinity is consistent with what is occurring in the general vicinity and will not add any significant congestion.
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"> The use is already occurring on the site and will not present any new demands on municipal services.
10.232.26 No significant increase of stormwater runoff onto adjacent property or streets.	Yes	<ul style="list-style-type: none"> The building footprint will not change.



CITY OF PORTSMOUTH

Planning & Sustainability
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1 Junkins Avenue
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ZONING BOARD OF ADJUSTMENT

August 26, 2025

145 Maplewood Avenue LLC
210 Commerce Way Suite 300
Portsmouth, New Hampshire 03801

RE: Board of Adjustment Special Exception Request for property located at 145 Maplewood Avenue, Portsmouth NH 03801 (LU-25-107)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **August 19, 2025**, considered your application for the property located at 145 Maplewood Avenue whereas relief is needed to establish a health club with 2,500 square feet of gross floor area which requires the following: 1) Special Exception from Section 10.440 Use #4.42 to allow a health club, yoga studio, martial arts school, or similar use with more than 2,000 sq. ft. GFA. Said property is shown on Assessor Map 124 Lot 8-1 and lies within the Character District 5 (CD5) and Downtown Overlay 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 Planning Board 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, 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 | Special Exception

City of Portsmouth Zoning Board of Adjustment

Date: 8-19-2025

Property Address: 145 Maplewood Avenue

Application #: LU-25-107

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">It will pose no hazard to the public on account of potential fire, explosion, or release of toxic materials.
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">There is no evidence that it will pose a detriment to property values in the vicinity or a change in the essential characteristics of the neighborhood because the training center will go into an existing building and there will be no changes to the building's external features.

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 is unlikely that eight training group participants at one time will affect the traffic in that area
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"> The building is already serviced by water, sewer, waste disposal, and so on.
10.232.26 No significant increase of stormwater runoff onto adjacent property or streets.	Yes	<ul style="list-style-type: none"> The lot has already been built in a way that handles stormwater runoff onto adjacent properties and streets and there will be no physical changes to the building.



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ZONING BOARD OF ADJUSTMENT

August 26, 2025

Mark N and Julie S Franklin
168 Lincoln Avenue
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 168 Lincoln Avenue,
Portsmouth NH 03801 (LU-25-109)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **August 19, 2025**, considered your application for the property located at 168 Lincoln Avenue whereas relief is needed to demolish the rear deck and construct a one-story addition, demolish and reconstruct the front porch, construct a kitchen addition, construct a bulkhead, and construct dormers which require the following: 1) Variance from Section 10.521 to allow a) 7.5 foot front yard where 15 feet is required, b) 7 foot right yard where 10 feet are required, and c) 32% 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 113 Lot 6 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 Planning Board 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, 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

Derek Durbin, Attorney, Durbin Law Offices

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 8-19-2025

Property Address: 168 Lincoln Avenue

Application #: LU-25-109

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 largest relief asked for is the replacement of the existing front porch, but it is an existing element of the building being preserved.• The side yard setback is mostly driven by the new bulkhead, which is a small imposition to the setback.• It comes down to overall lot coverage and several other properties in the vicinity have a 25 percent lot coverage allowance. The applicant is also reducing the overall coverage of the current property and adding only a small first-floor addition.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none">• The largest relief asked for is the replacement of the existing front porch, but it is an existing element of the building being preserved.• The side yard setback is mostly

		<p>driven by the new bulkhead, which is a small imposition to the setback.</p> <ul style="list-style-type: none"> It comes down to overall lot coverage and several other properties in the vicinity have a 25 percent lot coverage allowance. The applicant is also reducing the overall coverage of the current property and adding only a small first-floor addition.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> Nothing the applicant is asking for would outweigh the general public's need for strict adherence to the ordinance.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> The home would look like it did before, but only with a modest addition on the back and a rebuilt porch on the front that will continue to add character to the neighborhood, and the existing garage will not change.
<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 due to the home already having an existing orientation on the property by being pushed up toward the front of the property, which is not an atypical neighborhood characteristic, so the front relief is dictated by the property's existing conditions. The bulkhead addition is a small relief, and the applicant is asking for a small lot coverage because the lot is substandard. Many other properties face a similar issue where it is difficult to not have some need for relief due to the sizes of their properties.



CITY OF PORTSMOUTH

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

ZONING BOARD OF ADJUSTMENT

August 26, 2025

Tyler Garzo
62 McKinley Road
Portsmouth, New Hampshire 03801

RE: Board of Adjustment Request for property located at 62 McKinley Road, Portsmouth NH 03801 (LU-25-111)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **August 19, 2025**, considered your application for the property located at 62 McKinley Road whereas relief is needed to subdivide the existing lot into two lots and demolish and reconstruct the existing garage which requires the following: 1) Variance from Section 10.521 to allow a) 8,430 square feet of lot area for proposed lot 26 where 15,000 square feet are required, b) 8,430 square feet of lot area per dwelling unit for proposed lot 26 where 15,000 square feet are required, c) lot depth of 87 feet for proposed lot 26 where 100 feet are required, d) 13 foot rear yard area where 30 feet are required, e) 8,430 square feet of lot area for proposed lot 26-1 where 15,000 square feet are required, f) 8,430 square feet of lot area per dwelling unit for proposed lot 26-1 where 15,000 square feet are required, and g) lot depth of 88 feet where 100 feet are required. Said property is shown on Assessor Map 268 Lot 26 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted to **deny** the request as presented and advertised, as it failed the hardship criteria because there was nothing truly unique about the property that required the variance to allow the lot to be subdivided in order to enjoy the property or to be consistent with the characteristics of the surrounding lots.

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.

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

Very truly yours,

Beth Margeson, Vice Chair of the Zoning Board of Adjustment

cc:

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 8-19-2025

Property Address: 62 McKinley Road

Application #: LU-25-111

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">• The applicant wants to create two lots that will be possibly some of the smallest in the micro neighborhood and will change its characteristics as well as those of the general neighborhood, and the building envelope that would result will be prohibitive within the ordinance's current setback requirements.• Dividing the lot into two will not be consistent with the character of the immediate neighborhood, which includes the other corner lots in that same intersection of McKinley Rd and some of the other lots within a tight radius of the property in question.

10.233.22 Granting the variance would observe the spirit of the Ordinance.	NO	<ul style="list-style-type: none"> The applicant wants to create two lots that will be possibly some of the smallest in the micro neighborhood and will change its characteristics as well as those of the general neighborhood, and the building envelope that would result will be prohibitive within the ordinance's current setback requirements.
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 nothing truly unique about the property that requires the variance to allow the lot to be subdivided in order to enjoy the property or to be consistent with the characteristics of the surrounding lots.



CITY OF PORTSMOUTH

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

ZONING BOARD OF ADJUSTMENT

August 26, 2025

420 Pleasant Street LLC
420 Pleasant Street
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 420 Pleasant Street,
Portsmouth NH 03801 (LU-25-112)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **August 19, 2025**, considered your application for the property located at 420 Pleasant Street whereas relief is needed to relocate the egress door 1 foot from the left side yard which requires the following: 1) Variance from Section 10.521 to allow 1 foot left side yard where 10 feet are 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 102 Lot 56 and lies within the General Residence B (GRB) and Historic Districts. As a result of said consideration, the Board voted to **grant** the request as presented and advertised.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

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

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the 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

Richard Desjardins, Architect, McHenry Architecture

R. Timothy Phoenix, Esq., Attorney, Hoefle, Phoenix, Gormley & Roberts

Monica Keiser, Esq., Attorney, Hoefle, Phoenix, Gormley & Roberts

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 8-19-2025

Property Address: 420 Pleasant Street

Application #: LU-25-112

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 remain the same and will not conflict with the purpose of the ordinance because that side of the building has existed for hundreds of years and it will not alter the essential character of the neighborhood because it will not be visible from the street and will barely impose on what is already there.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none">The proposed use will remain the same and will not conflict with the purpose of the ordinance because that side of the building has existed for hundreds of years and it will not alter the essential character of the neighborhood because it will not be visible from the street and will barely impose on what is already there.

10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> • The benefit to the applicant would not be outweighed by harm to the general public. • The rehabilitation of the property and dwellings makes sense because it will benefit the applicant, and there is no evidence that it will harm the public.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> • The building is being renovated and its value will be improved.
<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 building has existed well before the zoning and has not been a problem, so the light, air and privacy are reasonable for the location, and the building is not visible from the street.