



City of Portsmouth
Planning Department
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MEMORANDUM

TO: Zoning Board of Adjustment
FROM: Jillian Harris, Principal Planner
Stefanie Casella, Planner
DATE: September 10, 2025
RE: Zoning Board of Adjustment September 16, 2025

The agenda items listed below can be found in the following analysis prepared by City Staff:

II. New Business

- A. 955 US Route 1 Bypass
- B. 170-172 Gates Street
- C. 20 Pray Street
- D. 28 Whidden Street – Request for Postponement
- E. 51 Morning Street – Request for Postponement
- F. 15 Marjorie Street
- G. 86 South School Street – Request for Postponement
- H. 87 Grant Avenue
- I. 409 Lafayette Road

II. NEW BUSINESS

- A. The request of **955 US Route 1 Bypass LLC (Owner)**, for property located at **955 US Route 1 Bypass** whereas relief is needed to remove the existing freestanding sign and install a new freestanding sign which requires the following: 1) Variance from Section 10.1253.10 to allow a freestanding sign setback of 15 feet where 20 feet are required. Said property is located on Assessor Map 142 Lot 36 and lies within the Business (B) District and Sign District 4. (LU-25-113)

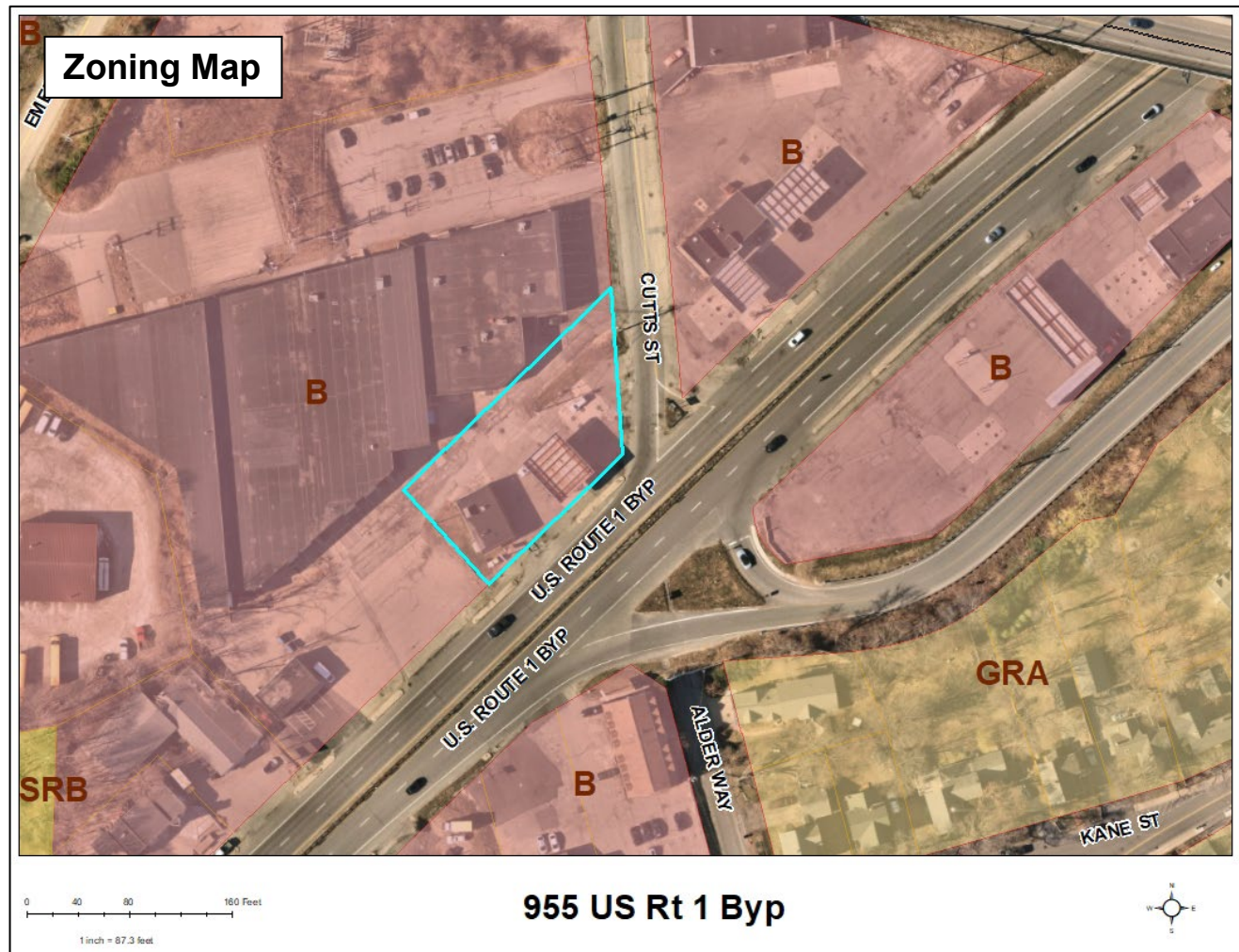
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Commercial Gas Station	Construct new freestanding sign	Mixed Use District
<u>Freestanding Sign Setback (ft.):</u>	15	15	20 min.
<u>Free Standing Sign Area (sq.ft)</u>	50.38	45	100 min.
<u>Estimated Age of Structure:</u>	1947	Variance request(s) shown in red.	

Other Permits/Approvals Required

- Sign Permit

Neighborhood Context



Previous Board of Adjustment Actions

October 24, 1989 – The Board **denied** the request for a Variance from Article II, Section 10-206 (17) (g) to allow the erection of a 36' x 48' pump island canopy with a vertical height of 16' and with a 1-1/2' front yard where a 50' front yard is required.

November 21, 1989 – The board **granted** the request to rehear the decision made on October 24, 1989.

December 5, 1989 – The Board **denied** the request for a Variance from Article II, Section 10-206 (17) (g) to allow the erection of a 36' x 48' pump island canopy with a vertical height of 16' and with a 1-1/2' front yard where a 50' front yard is required.

January 23, 1990 – The Board **granted** the request for a Variance from Article II, Section 10-206 (17) (g) to allow the installation of a canopy (36' x 43') with a 16' clearance over 2 gas pump islands with a 7' front lot line setback in a zone where front setbacks shall be 50'.

Planning Department Comments

The applicant is requesting relief to construct a new freestanding sign with a setback of 15 feet where 20 feet are required.

Freestanding signs are permitted in the Business District. There are currently 2 freestanding signs on the property and the applicant is proposing to remove the existing signs and replace them with 1 freestanding sign.

Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
 - (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.

10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

II. NEW BUSINESS

- B.** The request of **Katherine Ann Bradford 2020 Revocable Trust (Owner)**, for property located at **170-172 Gates Street** whereas relief is needed to demolish the existing garage and construct a new garage which requires the following: 1) Variance from Section 10.521 to allow a) 45% building coverage where 30% is required, and b) 0 foot right side yard where 10 feet is required; and 2) Variance from Section 10.573.20 to allow a 0 foot rear yard where 10.5 feet is required. Said property is located on Assessor Map 103 Lot 19 and lies within the General Residence B (GRB) and Historic Districts. (LU-24-116)

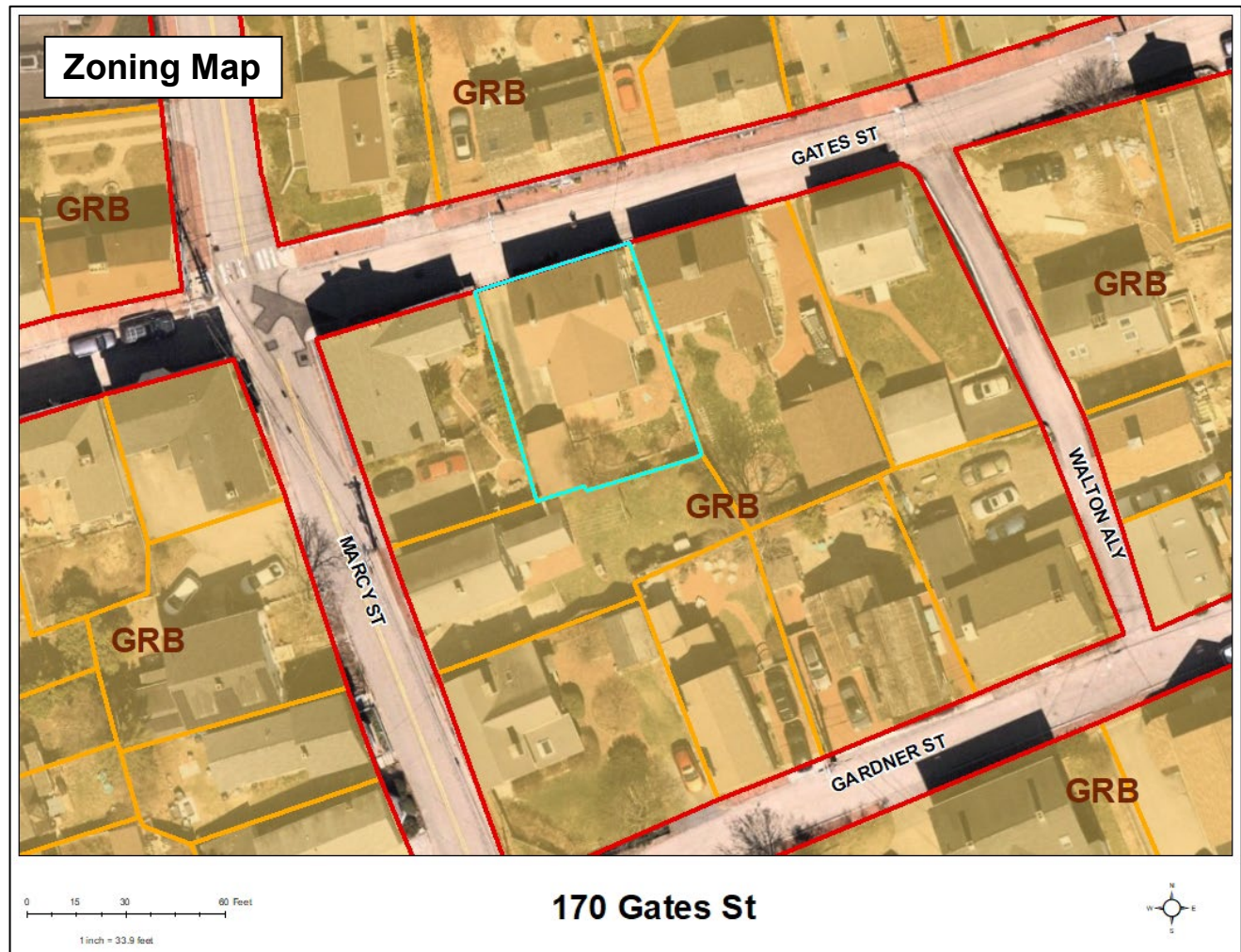
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	Demolish and reconstruct garage	Mixed-Use
<u>Lot area (sq. ft.):</u>	3,393	3,393	5,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	3,393	3,393	5,000 min.
<u>Front Yard (ft.):</u>	1.5	1.5	5 min.
<u>Left Yard (ft.):</u>	5	5	10 min.
<u>Right Yard (ft.):</u>	0	0	10 min.
<u>Rear Yard (ft.):</u>	0	0	10.5 min.
<u>Garage Height (ft.):</u>	10.5	10.5	35 max.
<u>Building Coverage (%):</u>	46	45	30 max.
<u>Open Space Coverage (%):</u>	>25	>25	25 min.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1780	Variance request(s) shown in red.	

Other Permits/Approvals Required

- Building Permit
- Historic District Commission Approval

Neighborhood Context



Previous Board of Adjustment Actions

July 16, 2024 – The Board **granted** the request to demolishing the existing garage and the small rear addition, and constructing a new garage in the same location as the existing garage and construct a side entryway roof which requires the following: 1) Variance from Section 10.521 to allow a) 45% building coverage where 30% is required, and b) 0 foot right side yard where 10 feet is required; 2) Variance from Section 10.573.20 to allow a 0 foot rear yard where 10.5 feet is required; 3) 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.

Planning Department Comments

The applicant is requesting relief to demolish and reconstruct the garage to the same dimensions. The applicant was granted a variance by the Board on [July 16, 2024](#) for a similar garage design. The garage proposed in this application is slightly bigger, however the relief requested is the same that was granted in the 2024 approval.

Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
 - (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.

10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

II. NEW BUSINESS

- C. The request of **445 Marcy Street, LLC (Owner) and Blue Sky Development Group, LLC (Applicant)**, for property located at **20 Pray Street** whereas relief is needed to construct a single-dwelling and Accessory Dwelling Unit which requires the following: 1) Variance from Section 10.1114.31 to allow a second driveway where only one is permitted; and 2) Variance from Section 10.571 to allow an accessory structure to be located closer to the street than the principal structure. Said property is located on Assessor Map 101 Lot 3-1 and lies within the General Residence B (GRB) and Historic Districts. (LU-25-89)

Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Vacant Lot	*Construct a primary structure, ADU, and second driveway to service the new ADU	Primarily residential
<u>Parking:</u>	0	3	3
<u>Estimated Age of Structure:</u>	1934	Variance request(s) shown in red.	

*Relief needed for the location of the garage/ADU, proposed closer to the street than the primary structure on the secondary front yard side.

Other Permits/Approvals Required

- Building Permit
- Historic District Commission Approval

Neighborhood Context



Previous Board of Adjustment Actions

No previous BOA history was found.

Planning Department Comments

The applicant is requesting relief to construct a second driveway to service the proposed accessory dwelling unit (ADU) and for an accessory structure that is proposed closer to the street than the primary structure on the secondary front yard side. The parcel is a through lot with primary frontage on Pray Street and secondary frontage on Partridge Street. The second driveway that will serve as the driveway for the ADU is proposed on Partridge Street.

Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
 - (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.

10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

II. NEW BUSINESS

- D. The request of **Charlie Neal and Joe McCarthy (Owners)**, for property located at **28 Whidden Street** whereas relief is needed to construct an addition to the rear of the structure which requires the following: 1) Variance from Section 10.521 to allow 42% building coverage where 30% is 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 located on Assessor Map 102 Lot 64 and lies within the General Residence B (GRB) and Historic Districts. (LU-25-127)

Planning Department Comments

The applicant is requesting to postpone the application at the request of staff to allow more time to do a full assessment of the proposed open space. If Open Space relief is needed, the application will be readvertised to include the additional variance.

II. NEW BUSINESS

- E. The request of **Carrie and Gabriel Edwards (Owners)**, for property located at **51 Morning Street** whereas relief is needed to demolish the existing garage and construct a new attached garage with office space which requires the following: 1) Variance from Section 10.521 to allow a) 51% building coverage where 25% is allowed, b) 4 foot left side yard where 10 feet are required, c) 3.5 foot rear yard where 20 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 located on Assessor Map 163 Lot 16 and lies within the General Residence A (GRA) District. (LU-25-125)

Planning Department Comments

The applicant is requesting to postpone the application to the October BOA meeting to appropriately notice for an open space variance request.

II. NEW BUSINESS

- F. The request of **Reichl Family Revocable Trust (Owner)**, for property located at **15 Marjorie Street** whereas relief is needed to construct additions to multiple sides of the existing dwelling which requires the following: 1) Variance from Section 10.521 to allow a) 2 foot front yard where 30 feet are required, b) 12.5 foot rear yard where 30 feet are required, c) 28.5% building coverage where 20% is allowed; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, recon-structed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 232 Lot 41 and lies within the Single Residence B (SRB) District. (LU-25-115)

Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family residence	*Construct an addition	Primarily residential
<u>Lot area (sq. ft.):</u>	8,276.4	8,276.4	15,000 min.
<u>Front Yard (ft)</u>	16	2	30 min.
<u>Rear Yard (ft.):</u>	11	12.5	30 min.
<u>Right Yard (ft.):</u>	19	19	10 min.
<u>Left Yard (ft.):</u>	42	39	10 min.
<u>Height (ft.):</u>	34	34	35 max.
<u>Building Coverage (%):</u>	17	28.5	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40 min.
<u>Parking:</u>	2	2	2 min.
<u>Estimated Age of Structure:</u>	1931	Variance request(s) shown in red.	

***Relief needed to construct an addition to the already non-conforming primary structure that would further impact the non-conformity.**

Other Permits/Approvals Required

- Building Permit
- Wetland Conditional Use Permit – Conservation Commission and Planning Board

Neighborhood Context



Previous Board of Adjustment Actions

July 23, 2019 – The Board **granted** the request to construct a 2-story addition at the rear of an existing structure which requires the following: a) Variance from Section 10.521 to allow a 10.8' rear yard where 30' is required; and b) Variance from Section 10.321 to allow a lawful nonconforming structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance, with the following condition:

- 1) The approval for the rear yard may be modified by 6 inches plus or minus to allow for any discrepancies.

Planning Department Comments

The applicant is requesting relief to construct a series of additions on multiple sides of the home. The project is located off of the paper street at the end of Sylvester Street with access from Marjorie Street.

Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
 - (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.*

10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

II. NEW BUSINESS

- G.** The request of **Brian T and Kyle M LaChance (Owners)**, for property located at **86 South School Street** whereas relief is needed to demolish the existing porch, construct an addition with a deck and replace an existing flat roof with a slanted roof on the existing dwelling which requires the following: 1) Variance from Section 10.521 to allow a) 7.5 side yard where 10 feet is required, b) 15 foot rear yard where 25 feet is required, c) 31% building coverage where 30% is the 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 located on Assessor Map 101 Lot 63 and lies within the General Residence B (GRB) and Historic Districts. (LU-25-122)

Planning Department Comments

The applicant is requesting to postpone the application to the October BOA meeting to appropriately notice for an open space variance request.

II. NEW BUSINESS

H. The request of **Ama and Alexander LoVecchio (Owners)**, for property located at **87 Grant Avenue** whereas relief is needed to demolish the existing home and construct a new dwelling in the same footprint which requires the following: 1) Variance from Section 10.521 to allow an 8 foot right side yard where 10 feet are required. Said property is located on Assessor Map 251 Lot 7 and lies within the Single Residence B (SRB) District. (LU-25-123)

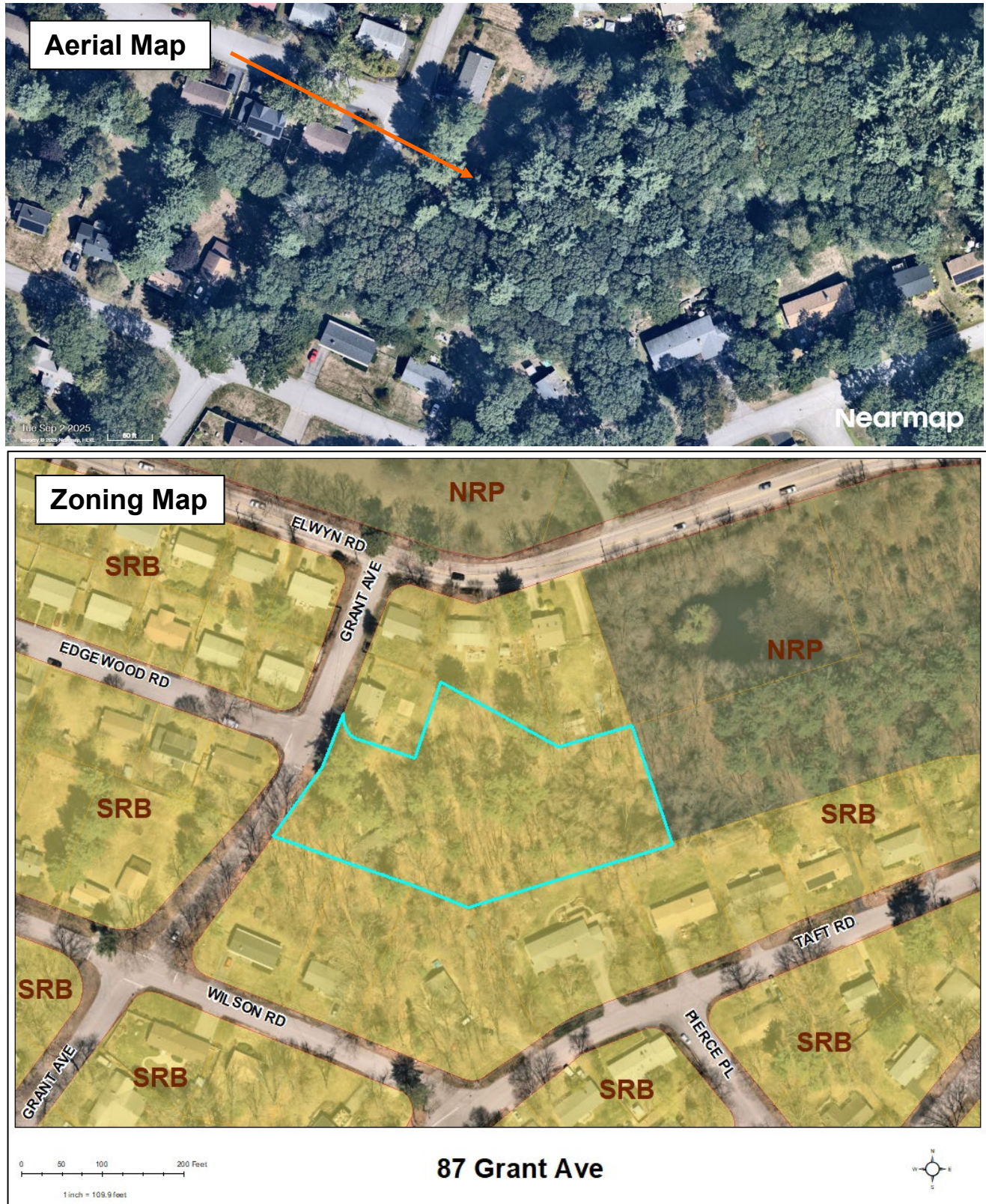
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family residence	*Construct new residence	Primarily residential
<u>Lot area (sq. ft.):</u>	79,279.2	79,279.2	15,000 min.
<u>Front Yard (ft)</u>	85	85	30 min.
<u>Rear Yard (ft.):</u>	>30	>30	30 min.
<u>Right Yard (ft.):</u>	8	8	10 min.
<u>Left Yard (ft.):</u>	86	86	10 min.
<u>Height (ft.):</u>	34	34	35 max.
<u>Building Coverage (%):</u>	2	2	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40 min.
<u>Parking:</u>	2	2	2 min.
<u>Estimated Age of Structure:</u>	1971	Variance request(s) shown in red.	

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

No previous BOA history was found.

Planning Department Comments

The applicant is requesting relief to demolish the existing single story primary structure and construct a new 2 story structure in the same footprint.

Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
 - (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.

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II. NEW BUSINESS

- I. The request of **CABN Properties, LLC (Owner)**, for property located at **409 Lafayette Road** whereas relief is needed to subdivide the existing lot into two lots which requires the following: 1) Variance from Section 10.521 to allow 0 feet of frontage for the rear lot where 100 feet is required. Said property is located on Assessor Map 230 Lot 22 and lies within the Single Residence B (SRB) District. (LU-25-126)

Existing & Proposed Conditions

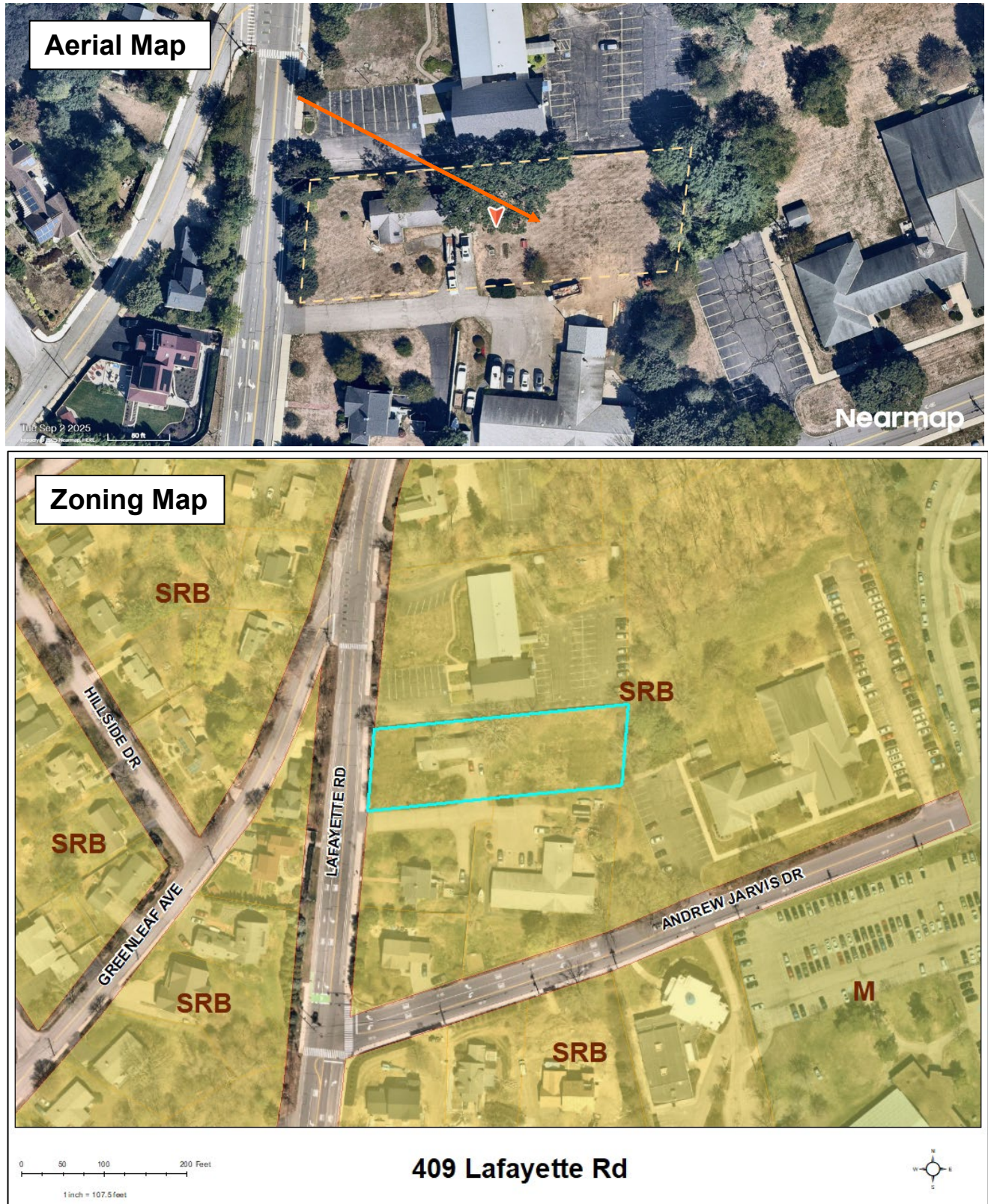
	<u>Existing</u>	<u>Proposed Lot 1</u>	<u>Proposed Lot 2</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family residence	Single Family Residence	*Vacant Lot	Primarily residential
<u>Lot area (sq. ft.):</u>	30,4373	15,195	15,278	15,000 min.
<u>Front Yard (ft)</u>	49	49	30	30 min.
<u>Rear Yard (ft.):</u>	65	>30	30	30 min.
<u>Right Yard (ft.):</u>	>10	>10	10	10 min.
<u>Left Yard (ft.):</u>	>10	>10	10	10 min.
<u>Building Coverage (%):</u>	9	14.5	20	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40	40 min.
<u>Parking:</u>	2	2	2	2 min.
<u>Estimated Age of Structure:</u>	1925	Variance request(s) shown in red.		

***Relief required to create a lot with no frontage on a public way**

Other Permits/Approvals Required

- Subdivision Approval – Technical Advisory Committee and Planning Board

Neighborhood Context



Previous Board of Adjustment Actions

No previous BOA history was found.

Planning Department Comments

The applicant is requesting relief to subdivide the existing parcel into two lots. Both proposed lots are conforming in dimensional requirements except for road frontage for proposed lot 2.

Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*
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 - (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.*
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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.

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