



CITY OF PORTSMOUTH

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

ZONING BOARD OF ADJUSTMENT

September 22, 2025

955 US Route 1 Bypass LLC
720 Lafayette Road
Seabrook, New Hampshire 03874

**RE: Board of Adjustment Request for property located at 955 US Route 1 Bypass,
Portsmouth NH 03801 (LU-25-113)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **September 16, 2025**, considered your application for the 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 shown on Assessor Map 142 Lot 36 and lies within the Business (B) and Sign District 4. 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 | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 9-16-2025

Property Address: 955 US Route 1 Bypass

Application #: LU-25-113

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 minor change to an existing location and a difference of six inches in setback.There is no evidence that it will affect the health, safety, and welfare of the neighborhood or would affect light and air compared to what currently exists, or alter the essential characteristics of the neighborhood.It will remain a commercial area.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none">It will be a relocation in the number of structures and there will only be one sign.

10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> There is not a benefit to the public by not granting the variance and it will clearly be a loss to the applicant because the applicant will have to use an old sign with a bad base or no sign at all, which would not work for a gas station, so granting the variance will do substantial justice.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> It is a commercial strip, and signs like the proposed one are needed by all the gas stations on the strip. There is no evidence presented that it will diminish the property's values, and the upgrades to the gas station which include the sign may increase the property's value.
<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, including the construction of the property, the location of the building and gas pumps and canopies, and the number of ingress and egress locations on the lot limiting where the sign can be placed. The sign should be on the Route One Bypass instead of on Cutts Avenue because most of the traffic is on the Bypass. The conditions of the property show that there is no fair and substantial relationship between the purpose of the ordinance, which is to have a larger setback, and the specific application of the ordinance to the property.



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Planning & Sustainability
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ZONING BOARD OF ADJUSTMENT

September 23, 2025

Katherine Ann Bradford 2020 Revocable Trust
Katherine Ann Bradford Trustee
172 Gates Street
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 170-172 Gates Street,
Portsmouth NH 03801 (LU-24-116))**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **September 16, 2025**, considered your application for the 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 shown on Assessor Map 103 Lot 19 and lies within the General Residence B (GRB) and Historic 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

Anne Whitney, Architect

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 9-16-2025

Property Address: 170-172 Gates Street

Application #: LU-24-116

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 structure or the one that will be replaced already exists and there can be no real loss to the public interest by replacing an old rundown garage with one that is more sturdy and aesthetically pleasing.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none">The ordinance is not designed to prohibit maintaining a safe structure on the property.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none">There really is no change to the surrounding area.The public will not experience any loss, so there is nothing to counterbalance the loss to the applicant if the variances were to be denied.

<p>10.233.24 Granting the variance would not diminish the values of surrounding properties.</p>	<p>YES</p>	<ul style="list-style-type: none"> Rebuilding the garage and replacing a dilapidated structure with a more current one of essentially the same dimensions and design can have no conceivable impact on the surrounding properties other than to improve their value.
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>	<p>YES</p>	<ul style="list-style-type: none"> The special condition of the property is the substandard or nonconforming lot size, which makes it difficult if not impossible to conceive of an alternate location for the garage that will be conforming with setbacks and lot coverage requirements.



CITY OF PORTSMOUTH

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ZONING BOARD OF ADJUSTMENT

September 23, 2025

445 Marcy Street, LLC
1047 Province Road
Strafford, New Hampshire 03884

RE: Board of Adjustment Request for property located at 20 Pray Street, Portsmouth NH 03801 (LU-25-89)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **September 16, 2025**, considered your application for the 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 shown on Assessor Map 101 Lot 3-1 and lies within the General Residence B (GRB) and Historic Districts. As a result of said consideration, the Board voted to **grant** Variance 2 as presented and advertised. The Board voted to **grant** Variance 1 as presented with the following **condition**:

1) The applicant will submit a stormwater management plan for DPW approval to construct a second driveway on Partridge Street.

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

Christopher P. Mulligan, Esq., Attorney, Hoefle, Phoenix, Gormley & Roberts

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

Tracy Kozak, Architect, ARCove Architects LLC

Blue Sky Development Group, LLC

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 9-16-2025

Property Address: 20 Pray Street

Application #: LU-25-89

Decision: **Grant variance for Section 10.571**

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 HDC has weighed in.• The applicant indicated that they would have to push the house toward Pray Street, so an accessory structure would probably extend beyond the massing of the house• The appropriate massing is a relatively modest size house put against the Pray Street side, so any accessory building would probably extend into the second front yard.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none">• The definition of the Driveway Ordinance portion does not consider through lots.

10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> There is not anything that will outweigh the public's benefit by having the accessory structure placed in the proposed location. It is driven by the fact that the lot is a through lot with two front yards and by the nature of the way the topography and layout is set up.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> The accessory structure will look normal and add a feeling of occupation near the Patridge Street side.
<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 unique conditions of the property were that it is a through lot, has topography concerns, and is in the Historic District. The proposed design is trying to comply with the HDC's desire to keep the look and feel of the neighborhood. The use is a reasonable one and all the structures are allowed in the zone.

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 9-16-2025

Property Address: 20 Pray Street

Application #: LU-25-89

Decision: **Grant variance for Section 10.1114.31**

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 explicit or implicit purposes of the ordinance and ADUs are allowed by a Conditional Use Permit.• The portion of the ordinance regarding the driveway does not consider through lots because the concept of having two driveways on the same frontage is a different scenario than having driveways on two opposite frontages that one cannot see from the other side.• The single-family home with an ADU will not alter the essential character of the neighborhood or threaten the public's health, safety, or welfare or otherwise injure public rights.• Obtaining a building permit and

		<p>passing inspections will required someone to deal with the stormwater management, and there is also extra engineering and oversight happening at the State level and the DPW. Multiple points of review would not be met if the application could not proceed.</p>
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 explicit or implicit purposes of the ordinance and ADUs are allowed by a Conditional Use Permit. • The portion of the ordinance regarding the driveway does not consider through lots because the concept of having two driveways on the same frontage is a different scenario than having driveways on two opposite frontages that one cannot see from the other side. • The single-family home with an ADU will not alter the essential character of the neighborhood or threaten the public's health, safety, or welfare or otherwise injure public rights. • Obtaining a building permit and passing inspections will required someone to deal with the stormwater management, and there is also extra engineering and oversight happening at the State level and the DPW. Multiple points of review would not be met if the application could not proceed.
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 or other individuals. • The property is vacant and the applicant made a good effort to build a single-family home with an ADU.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> • The design has been through many revisions and boards and is approved by the HDC. • It is a tastefully done design, and the new construction will 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>	<p>YES</p>	<ul style="list-style-type: none"> • It is a through lot, bigger than average, and vacant, which is rare in the South End. • The way the ordinance is written for driveways does not seem to properly account for through lots, so there is no fair and substantial relationship between the purpose of the ordinance and its specific application to the property.
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Stipulations
<p>1. <i>The applicant will submit a stormwater management plan for DPW approval to construct a second driveway on Partridge Street.</i></p>



CITY OF PORTSMOUTH

Planning & Sustainability
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1 Junkins Avenue
Portsmouth, New
Hampshire 03801
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ZONING BOARD OF ADJUSTMENT

September 23, 2025

Mathew & Beth Reichl, Trustees
Reichl Family Revocable Trust
15 Marjorie Street
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 15 Marjorie Street,
Portsmouth NH 03801 (LU-25-115)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **September 16, 2025**, considered your application for the 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, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 232 Lot 41 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 ink is dark and the signature is fluid, with a long, sweeping underline.

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Timothy Hron, Contractor, Hron Brothers Construction

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 9-16-2025

Property Address: 15 Marjorie Street

Application #: LU-25-115

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 will not change the neighborhood because the parcel is uniquely situated and not really visible.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none">It will not change the neighborhood because the parcel is uniquely situated and not really visible.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none">No one will be driving down the paper street.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none">The property is situated quite a ways from the other properties, and there are multiple unique situations about the property that say it should not be treated the way other SRB properties are treated.

		<ul style="list-style-type: none"> The applicant is justified in having a fairly substantial addition, especially toward the paper street side.
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>	<p>YES</p>	<ul style="list-style-type: none"> The request is a reasonable one, to continue to make use of the allowed residential structure that is there but provide more room in a more modern setting and provides more creature comforts.



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ZONING BOARD OF ADJUSTMENT

September 22, 2025

Ama and Alexander LoVecchio
87 Grant Avenue
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 87 Grant Avenue,
Portsmouth NH 03801 (LU-25-123)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **September 16, 2025**, considered your application for the 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 shown on Assessor Map 251 Lot 7 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted to **postpone** the request to the November 18, 2025 meeting. The application will be readvertised and noticed at the applicant's expense.

This matter will be placed on the agenda for the Board of Adjustment meeting scheduled for **Tuesday November 18, 2025**. One (1) copy of any revised plans and/or exhibits must be filed in the Planning & Sustainability Department no later than **Wednesday October 22, 2025**. Please remember you will be required to provide an electronic file (in a PDF format) of all plans and exhibits.

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:



CITY OF PORTSMOUTH

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

ZONING BOARD OF ADJUSTMENT

September 23, 2025

CABN Properties, LLC
660 Middle Street
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 409 Lafayette Road,
Portsmouth NH 03801 (LU-25-126)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **September 16, 2025**, considered your application for the 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 shown on Assessor Map 230 Lot 22 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:

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

Very truly yours,

A handwritten signature in cursive script that reads "Phyllis Eldridge".

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Derek R. Durbin, Esq., Attorney, Durbin Law Offices, PLLC

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 9-16-2025

Property Address: 409 Lafayette Road

Application #: LU-25-126

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 purpose of the lot frontage requirement is all about access to the lot and not overcrowding a road with lots that are too closely spaced together, and the intended driveways allowed ingress and egress. Since both lots are accessed by an established right-of-way that doesn't come into play, the lot is not really landlocked. There is adequate access to a lot with that right-of-way.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none">The purpose of the lot frontage requirement is all about access to the lot and not overcrowding a road with lots that are too closely spaced together, and the intended driveways allowed ingress and egress.

		<p>Since both lots are accessed by an established right-of-way that doesn't come into play, the lot is not really landlocked. There is adequate access to a lot with that right-of-way.</p> <ul style="list-style-type: none"> The lot is a tandem one and behind another lot, therefore the spirit and intent of the ordinance is not really applicable to this lot.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> The lot is a large one and oversized for the zone, and it will be a substantial loss to the owner not to be able to enjoy the benefit of dividing it and the consequent increase in the property's value. That was not outweighed by a loss to the general public. The public will not lose anything because it is a lot that is behind another lot.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> The other uses adjacent to the lot will be insensitive to the property as two lots vs. one lot.
<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's hardship that required the variance is that the lot is separated from Lafayette Road by a large similar property and it is a very deep lot and impossible for it to have frontage due to the nature of the property itself. The property does have special conditions because it is not on a street frontage, so it does not make much sense for the purposes of the public ordinance to have 100 feet of street frontage applied to the property.