



CITY OF PORTSMOUTH

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

ZONING BOARD OF ADJUSTMENT

October 30, 2025

Double Mc LLC
10 Pleasant Street, Suite 300
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 134 Pleasant Street,
Portsmouth NH 03801 (LU-25-138)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **October 28, 2025**, considered your application for the property located at 134 Pleasant Street whereas relief is needed for redevelopment of the existing commercial building and construction of horizontal and vertical building expansions for a mix-use building with below-grade parking and the relocation of drive-through teller lanes, which requires the following: 1) Variance from Section 10.440, Use #19.40 for a drive-through facility as an accessory to a permitted principle use; and 2) Variance from Section 10.331 to change the location and use of the drive-through facility. Said property is shown on Assessor Map 116 Lot 30 and lies within the Character District 4 (CD4) and Historic District. As a result of said consideration, the Board voted to **deny** the request as it does not meet the public interest or the spirit of the Ordinance.

The Board's decision may be appealed up to thirty (30) days after the vote. Please contact the Planning & Sustainability Department for more details about the appeals process.

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

Very truly yours,

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc:

Francis X. Bruton, Esq., Bruton & Berube, PLLC
Tracy Kozak, ARCove Architects
John Chagnon, Haley Ward

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 10-28-2025

Property Address: 134 Pleasant St

Application #: LU-25-138

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	• The proposed drive-through cuts the pedestrian flow on the property. • The proposed drive-through segregates the pedestrian experience and creates an island for the back property.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	NO	• The ordinance's intent is to eliminate the allowance for drive-throughs in the CD4 and CD5 zones in a desire to move the downtown core areas more toward pedestrian use and other types of transportation. • Continuing the drive-through use that is no longer allowed in the area is in violation of the characteristics of the neighborhood as well as 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 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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ZONING BOARD OF ADJUSTMENT

October 30, 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-25-136)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **October 28, 2025**, considered your application for the property located at 62 McKinley Road whereas relief is needed to construct a detached 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 268 Lot 26 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".

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: 10-28-2025

Property Address: 62 McKinley Rd

Application #: LU-25-136

Decision: **Approve**

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	Granting the variance for a second driveway would not be contrary to the public interest because it is beneficial to not have driveways too close to the corner, which would cause traffic issues.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	The Ordinance did not want driveways right next to each other, and the applicant was proposing that the two driveways would be spread out the full length of the property and would point in different directions.

10.233.23 Granting the variance would do substantial justice.	YES	Substantial justice would be done because there was a public interest in not having driveways too close to a corner, which could cause traffic issues.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	Granting the variance would not diminish the values of surrounding properties because it was just a driveway along the side of the property, which was allowed.
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 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.	YES	- The applicant was burdened by two 30-ft front yards that pushed the ADU away from the property line and made using the existing driveway access more problematic. - What was different about the applicant's property from others in the neighborhood was the fact that it was a long and narrow corner lot and was burdened by a secondary front yard that pushed the DADU farther away from the road and made using the existing driveway impractical.



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ZONING BOARD OF ADJUSTMENT

October 30, 2025

Christopher J. & Rachel A. Delisle
250 McKinley Road
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 250 McKinley Road,
Portsmouth NH 03801 (LU-25-139)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **October 28, 2025**, considered your application for the property located at 250 McKinley Road whereas relief is needed to construct a second story addition to the primary structure which requires the following: 1) Variance from Section 10.521 to allow a) 23 foot front yard where 30 feet are required; b) 0 foot right side yard where 10 feet is 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 250 Lot 117 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted to **grant** the request as presented with the following **condition**:

1) That the right side facade of the addition align with the current right side foundation line.

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

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

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

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

<https://www.cityofportsmouth.com/planportsmouth/zoning-board-adjustment/zoning-board-adjustment-archived-meetings-and-material>

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

Very truly yours,

A handwritten signature in cursive script that reads "Phyllis Eldridge". The signature is written in dark ink and is positioned above the printed name.

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 10-28-2025

Property Address: 250 McKinley Rd

Application #: LU-25-139

Decision: **Approve**

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	The proposed second story was modest and the overall roofline is almost like a 1-1/2 story instead of a 2-story one. The encroachment on the front yard and right side yard would meet the characteristics of the neighborhood and the overall feel would be a modest expansion to a single house.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	The applicant has to go up on the right side yard and the opposite side is where the garage is, so it makes sense to build up over the existing residential portion of the property.

10.233.23 Granting the variance would do substantial justice.	YES	Substantial justice would be done because the balancing test was in favor of the applicant and the second story would not be overly burdensome on the adjoining neighbor.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	Granting the variances would not diminish the values of surrounding properties because it would be an improvement to the property.
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 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.	YES	- What is unique about the property is that the existing home is shoved to one side and not atypical in the neighborhood. - The request is reasonable because its adding onto an existing residential use.



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ZONING BOARD OF ADJUSTMENT

October 30, 2025

Nuchow Hartzell Family Trust
Emily E. Hartzell & Leslie P. Nuchow TTEES
796 Middle Street
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 204 Aldrich Road,
Portsmouth NH 03801 (LU-25-140)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **October 28, 2025**, considered your application for the property located at 204 Aldrich Road whereas relief is needed to construct an addition and ramp to the primary structure which requires the following: 1) Variance from Section 10.521 to allow a) 3 foot right side yard where 10 feet is required, b) 7 foot left side yard where 10 feet is required, c) 31% building coverage where 20% 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 shown on Assessor Map 153 Lot 26 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". The ink is dark and the signature is fluid.

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

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

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 10-28-2025

Property Address: 204 Aldrich Rd

Application #: LU-25-140

Decision: **Approve**

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	The proposed use of a continued single family home with a small one-story addition off the rear will not alter the essential character of the neighborhood or threaten public health, safety, or welfare.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	The proposed use of a continued single-family home with a small one-story addition off the rear will not conflict with the purpose of the ordinance and light, air, and privacy would still be preserved.

10.233.23 Granting the variance would do substantial justice.	YES	Substantial justice would be done because granting the variances would be a clear benefit to the applicant for their needs and would pose no harm to the general public.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	It would not diminish the values of surrounding properties because the new addition would not be visible from the street.
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 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.	YES	- Literal enforcement of the ordinance would result in unnecessary hardship due to the special conditions of the property that include a narrow lot that is half of what is supposed to be there, which drives the need for the building coverage, and the narrowness means that the side yard setbacks are harder to achieve. - The addition cannot not be put anywhere else and the continued proposed use is a reasonable one.



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ZONING BOARD OF ADJUSTMENT

October 30, 2025

Trenton and Denise Sensiba
12 Ruth Street
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 0 and 12 Ruth Street,
Portsmouth NH 03801 (LU-25-118)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **October 28, 2025**, considered your application for the property located at 0 and 12 Ruth Street whereas relief is needed for a lot line adjustment which requires the following: 1) Variance from Section 10.521 for 20.66 feet of frontage on Map 143 Lot 16 where 100 feet is required. Said property is shown on Assessor Map 143 Lot 16 and Lot 9-1 and lies within the General Residence A (GRA) District. As a result of said consideration, the Board voted to **deny** the request as it does not meet the requirements of substantial justice, hardship, or the spirit of the ordinance.

The Board's decision may be appealed up to thirty (30) days after the vote. Please contact the Planning & Sustainability Department for more details about the appeals process.

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

Very truly yours,

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc:

Luke Taylor, Agent, TFMoran, Inc
Marcia Brown, Attorney

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 10-28-2025

Property Address: 0-12 Ruth St

Application #: LU-25-118

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.	NO	The applicant's argument that the lot line adjustment was needed in lieu of an easement was a futile one.
10.233.23 Granting the variance would do substantial justice.	NO	- The petition failed the substantial justice test because it failed the balance test, due to the applicant wanting the minimal benefit and the detriment to what the ordinance was looking for. - The loss to the public by granting the variance would be more significant than a benefit to the applicant.

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 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.	NO	The applicant failed to establish hardship in support of the required relief.