



CITY OF PORTSMOUTH

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

ZONING BOARD OF ADJUSTMENT

November 20, 2025

ZJBV Properties LLC
300 Gay Street
Manchester, New Hampshire 03103

**RE: Board of Adjustment Request for property located at 180 Islington Street,
Portsmouth NH 03801 (LU-25-137)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **November 18, 2025**, considered your application for the property located at 180 Islington Street whereas relief is needed to establish a personal service use for a tattoo studio which requires the following: 1) Special Exception from Section 10.440 Use #7.20 to allow a personal service use. Said property is shown on Assessor Map 137 Lot 19 and lies within the Character District 4-L2 (CD4-L2) 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:

<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

Jason Michlak, Applicant

Findings of Fact | Special Exception

City of Portsmouth Zoning Board of Adjustment

Date: 11-18-2025

Property Address: 180 Islington Street

Application #: LU-25-137

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	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	Granting the special exception would pose no hazard to the public or adjacent properties because the tattoo studio would be a clean operation using industry-standard equipment and would comply with all requirements.
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,	Yes	It would pose no detriment to surrounding property values of the essential character of the area because there was a tattoo studio there before and there was a piercing studio next door, and it was on a commercial/retail streetscape.

vibration, or unsightly outdoor storage of equipment, vehicles or other materials;		
10.233.24 No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity;	Yes	Granting the special exception would pose no traffic hazard or a potential increase in 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	It would pose no excessive demand on municipal services because it was a tattoo studio that would not have an intensive use for municipal services.
10.232.26 No significant increase of stormwater runoff onto adjacent property or streets.	Yes	There would be no significant increase in stormwater runoff onto adjacent properties because there would be no exterior changes.



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ZONING BOARD OF ADJUSTMENT

November 20, 2025

Rye Port Properties LLC
PO Box 345
Stratham, New Hampshire 03885

**RE: Board of Adjustment Request for property located at 2299 Lafayette Road,
Portsmouth NH 03801 (LU-25-141)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **November 18, 2025**, considered your application for the property located at 2299 Lafayette Road whereas relief is needed to demolish the existing site and construct a new car wash facility which requires the following: 1) Variance from Section 10.575 to allow a dumpster to be located 2 feet from the right side lot line where 10 feet are required, 2) Variance from Section 10.5B83.10 to allow for parking spaces to be located between the principal building and the street, and 3) Variance from Section 10.5B22.40 to allow a building setback of 157 feet from the centerline of Lafayette Road where 90 feet is the maximum and 125 feet from the sideline where 50 feet is the maximum. Said property is shown on Assessor Map 272 Lot 4 and lies within the Gateway Corridor (G1) District. As a result of said consideration, the Board voted to **grant** Variance 1 and 2 as presented and advertised. The Board voted to **grant** Variance 3 from Section 10.5B22.40 to allow a building setback of 157 feet from the centerline of Lafayette Road where 90 feet is the maximum.

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

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

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

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

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Very truly yours,

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

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Paige Weidner, Engineer, CESO Inc.

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 11-18-2025

Property Address: 2299 Lafayette Rd

Application #: LU-25-141

Decision: **Approve Variance #11 from Section 10.575 to allow a dumpster to be located 2 feet from the right side lot line where 10 feet are required.**

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	• There were commercial uses throughout the Gateway District, although the ordinance was trying to introduce more residential uses, but almost all of them required dumpster service at some point. • The property was a long and narrow one burdened by wetlands in the back, so the exact location of dumpsters varies from property to property.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	• The dumpster would be screened and would be a bit of a distance away from an existing restaurant use, so the dumpster would not look out of place or would be contrary to

		what the ordinance was trying to accomplish.
10.233.23 Granting the variance would do substantial justice.	YES	Substantial justice would be done because nothing in the general public's needs would outweigh the applicant's desire for the dumpster location and ease of use.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	The dumpster's location being somewhat closer to the property edges would unlikely negatively impact the uses of the other businesses that also relied on the dumpster.
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 property was a long and narrow lot burdened by wetlands to the rear, which was a special condition and limited the options to get realistic access for a servicing vehicle to access the dumpster without having to traverse strange ways to get there. - The dumpster's location was the most logical, based on the applicant's layout.

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 11-18-2025

Property Address: 2299 Lafayette Rd

Application #: LU-25-141

Decision: **Approve Variance No. 2 from Section 10.5B83.10 to allow for parking spaces to be located between the principal building and the street.**

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 would not be contrary to the public interest. The public would not care.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	It would observe the spirit of the ordinance because the ordinance did not want parking spaces between the principal building and the road because the entire gateway was redesigned to be more pedestrian friendly. However,

		cars had to get there and they were not walking down Lafayette Road.
10.233.23 Granting the variance would do substantial justice.	YES	Substantial justice would be done because it was a car wash and the employees had to park somewhere.
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 business would be a thriving one.
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 carwash would bring in a lot of cars but three spaces that close to the road would not be a big deal and moving the parking to the back of the property and redesigning the project was unnecessary. - Four spaces were not between the building and the street but were offset to the side.

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 11-18-2025

Property Address: 2299 Lafayette Rd

Application #: LU-25-141

Decision: **Approve Variance No. 3 from Section 10.5B22.40 to allow a building setback of 157 feet from the centerline of Lafayette Road where 90 feet is the maximum.**

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	• There was a desire in the ordinance to get buildings closer to the street so that people driving up to the Gateway neighborhoods would see a building and not parking or other things going on with the property. The ordinance wanted more of a suburban feel instead of a wide-open one with parking everywhere. • The actual structure was a small portion of what was being taken up on the lot, so it made sense that it would be set back more than what the ordinance envisioned.

10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	The ordinance was trying to go to a new model, but certain uses if allowed would not necessarily fit well, especially with the applicant's parcel that drove the structure's location.
10.233.23 Granting the variance would do substantial justice.	YES	Substantial justice would be done because the applicant's need for vehicle circulation outweighed the need for the building to be closer to the street.
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 structure would remain a unique one with a unique use and would provide a little variety, and would not impact property values.
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 special condition of the property was that it was a narrow and deep one burdened by concerns of vehicle access coming in and out of Lafayette Road. There were some setback requirements as well for any future expansion.



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ZONING BOARD OF ADJUSTMENT

November 20, 2025

Peter Gamble
170 Aldrich Road
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 170 Aldrich Road,
Portsmouth NH 03801 (LU-25-150)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **November 18, 2025**, considered your application for the property located at 170 Aldrich Road whereas relief is needed to demolish the existing detached garage and construct a new two story garage which requires the following: 1) Variance from Section 10.521 to allow a) 7 foot right side yard where 10 feet are required, and b) 25% building coverage where 20% is allowed. Said property is shown on Assessor Map 153 Lot 21 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 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: 11-18-2025

Property Address: 170 Aldrich Rd

Application #: LU-25-150

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 would not be contrary to the public interest. One of the intents of the ordinance with regard to setback and lot coverage was to maintain adequate light and air in the surrounding properties, and in this case, the structure was very well separated from any other structures.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	It would observe the spirit of the ordinance because the topography of the surrounding properties, particularly the one behind the applicant's, preserved views for everyone and there was nothing about the property that would be contrary to what the ordinance

		was trying to achieve.
10.233.23 Granting the variance would do substantial justice.	YES	Substantial justice would be done because there would be no loss to the public by allowing the project to go forward, therefore the loss to the applicant by a denial would outweigh the benefit to the 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 project was in keeping with what was going on in the neighborhood and was consistent with the renovations made in nearby properties. No information was presented to the Board, that would support a conclusion that granting the variances would diminish the values of the 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.	YES	- There were special conditions associated with the property including that it was a sub-sized lot relative to lot requirements and some of the lot was lost in the legal action, so the lot coverage had some constraints imposed on the owner. There visually was a strip of City-owned property that made the lot appear larger and weighed in favor of taking a lighter touch with regard to lot coverage. - The engineering requirement to create a new foundation was logical and necessarily edged the structure closer to the right side property line to create a little bit less of a setback than had been there. Because of where the property and structure were situated, the structure was nowhere near other structures on surrounding properties, so those conditions were unique to the property and satisfied the hardship requirement.



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ZONING BOARD OF ADJUSTMENT

November 20, 2025

Sean M & Katherine M McCool
345 Leslie Drive
Portsmouth, New Hampshire 03801

RE: Board of Adjustment Request for property located at 345 Leslie Drive, Portsmouth NH 03801 (LU-25-153)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **November 18, 2025**, considered your application for the property located at 345 Leslie Drive whereas relief is needed to demolish the existing front porch, construct a new front porch, and create livable space within the existing carport which requires the following: 1) Variance from Section 10.521 to allow a) 27.5% building coverage where 25% is the maximum allowed, b) 7 foot right 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 209 Lot 77 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 **conditions**:

1) The Board recognizes that Variance 1 from Section 10.521 should read as 21% building coverage where 20% is the maximum allowed.

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

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

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

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

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

Very truly yours,

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

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 11-18-2025

Property Address: 345 Leslie Drive

Application #: LU-25-153

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 would not be contrary to the public interest because it was the same structure externally and would not affect the neighborhood's health, safety, and welfare, would not have a negative effect on light and air, and would not alter the essential characteristics of the neighborhood.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	It would observe the spirit of the ordinance because the house would be a single-family one consistent with the neighborhood.

10.233.23 Granting the variance would do substantial justice.	YES	Substantial justice would be done because there would be no benefit to the public that would outweigh the harm to the applicant if it were denied. If the petition were denied, the applicant would have to come up with a way to improve the livability of the house with a growing family.
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 there would be no change in the footprint and it would make more usable space and probably increase 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.	YES	Due to the property's special conditions, including the location of the existing structure that was very close to the right side lot line. He said the lot was undersized for the zoning, and the availability of the current space for the carport made it convenient for reuse with minimal impacts on anyone.



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ZONING BOARD OF ADJUSTMENT

November 20, 2025

Kelly Ann & Kenneth Racicot
34 Marne Avenue
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 34 Marne Avenue,
Portsmouth NH 03801 (LU-25-154)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **November 18, 2025**, considered your application for the property located at 34 Marne Avenue whereas relief is needed to construct a porch on the right side of the structure which requires the following: 1) Variance from Section 10.521 to allow a 3 foot right yard where 10 feet are required. Said property is shown on Assessor Map 222 Lot 33 and lies within the General Residence A (GRA) District. As a result of said consideration, the Board voted to **grant** the request as presented and advertised.

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

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

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

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

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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: 11-18-2025

Property Address: 34 Marne Avenue

Application #: LU-25-154

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	There was no public interest to be served by denying the variance.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	It would observe the spirit of the ordinance because it was off to the side of the property and would not impinge on the public's enjoyment of walking down the avenue.

10.233.23 Granting the variance would do substantial justice.	YES	Substantial justice would be done because there would be no impact on the public interest and no impact on the public's ability to enjoy the surrounding properties or the streetscape.
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 there was a substantial fence separating the property from the abutting one, and extending the porch corner out to within three feet of the fence would not have a negative impact on 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.	YES	Literal enforcement of the ordinance would result in an unnecessary hardship due to unique aspects of the property that make it unnecessarily difficult to comply with the ordinance. The property has an odd pork chop shape, and because of the way the lot line angles toward the house from the front of the property in the area where the porch would be built, it pitches off the right rear corner of the structure. That is a unique condition of the property that is in favor of granting the variance because having to comply with the 10-ft setback would mean that one could not do anything with the structure on that side and it serves no purpose to force that issue.



CITY OF PORTSMOUTH

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

ZONING BOARD OF ADJUSTMENT

November 20, 2025

Brian & Margaret Corain
61 Lawrence Street
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 61 Lawrence Street,
Portsmouth NH 03801 (LU-25-148)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **November 18, 2025**, considered your application for the property located at 61 Lawrence Street whereas relief is needed to construct an addition in place of an existing deck and partial re-construction of the second floor of the existing home which requires the following: 1) Variance from Section 10.521 to allow a) a 24 rear yard where 30 feet is required, b) 27% 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 152 Lot 28 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted to **grant** the request as presented and advertised.

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

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

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

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

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

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

Very truly yours,

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

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 11-18-2025

Property Address: 61 Lawrence Street

Application #: LU-25-148

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	It was a relatively modest back expansion in a house that had been around a while and was typical of many of the neighborhood properties. The expansion would not be contrary to the general character of the neighborhood.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	It would observe the spirit of the ordinance because it would be on the rear side of the property and only the two neighboring properties would observe it as well as a few pedestrians.

10.233.23 Granting the variance would do substantial justice.	YES	Substantial justice would be done because it would remove a substantial egress structure and the addition would take better advantage of the property.
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 it would be a tasteful addition that would be in keeping with the residential character of the neighborhood and would not negatively impact property values.
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 an unnecessary hardship due to unique aspects of the property that make it unnecessarily difficult to comply with the ordinance. The property was unique due to the way the properties were subdivided in that area, noting that two neighbors had unusually large lots, one of which had a long distance and the home positioned far away. Concerns of light and air were mitigated by the placing of the property lines of the neighboring homes. It was a modest expansion of an existing residential use and would be in keeping with the general character of the zone and the neighborhood in general.



CITY OF PORTSMOUTH

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

ZONING BOARD OF ADJUSTMENT

November 20, 2025

Stefanie Casella
Finn Johnson
268 Dennett Street
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 268 Dennett Street,
Portsmouth NH 03801 (LU-25-156)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **November 18, 2025**, considered your application for the property located at 268 Dennett Street whereas relief is needed to demolish and reconstruct an addition which requires the following; 1) Variance from Section 10.521 to allow a) a 0-foot right side yard where 10 feet is required, b) 28.5% building coverage where 25% is the maximum; 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 143 Lot 13-1 and lies within the General Residence A (GRA) District. As a result of said consideration, the Board voted to **grant** the request as presented with the following **conditions**:

1) The applicant is granted flexibility to adjust doors and windows as construction details are finalized.

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

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 11-18-2025

Property Address: 268 Dennett Street

Application #: LU-25-156

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 variances would not be contrary to the public interest and would observe the spirit of the ordinance. The footprint of the structure would not change, and the shape and appearance of it would, but not in a way that would affect the conformance with the spirit of the ordinance or the public interest.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	Granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance. The footprint of the structure would not change, and the shape and appearance of it would, but not in a way that would affect the conformance with

		the spirit of the ordinance or the public interest.
10.233.23 Granting the variance would do substantial justice.	YES	Substantial justice would be done because there would be no loss to the public by changing the exterior appearance of the property and there would be no encroachment on walkways or anything that would affect the public.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	Nothing was presented to indicate any negative impact. Modernizing and updating the look of the structure would have a positive impact on 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.	YES	Literal enforcement of the ordinance would result in an unnecessary hardship due to unique aspects of the property that make it unnecessarily difficult to comply with the ordinance. The property's hardship was that the lot line was drawn after the structure was built and it created the zero setback that would be impractical to change and would be a real hardship to the enjoyment of the property if it were to be literally enforced. Also, the building coverage would not change.