

**REGULAR MEETING
BOARD OF ADJUSTMENT
EILEEN DONDERO FOLEY COUNCIL CHAMBERS
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE**

*Members of the public also have the option to join the meeting over Zoom
(See below for more details)**

7:00 P.M.

November 18, 2025

AGENDA

I. APPROVAL OF MINUTES

- A.** Approval of the October 21, 2025 meeting minutes.
- B.** Approval of the October 28, 2025 meeting minutes.

II. OLD BUSINESS

- A. REQUEST TO POSTPONE** The request of **909 West End LLC** and **PWED2 LLC (Owners)**, for property located at **909 and 921 Islington Street** whereas relief is needed to construct a sign at 921 Islington Street that will be servicing the businesses located at 909 Islington Street which requires the following: 1) Variance from Section 10.1253.10 to allow a setback of 4 feet from a lot line where 5 feet are required, 2) Variance from Section 10.1253.20 to allow a sign to be erected and maintained between the heights of 2.5 feet and 10 feet above the edge of the pavements grades where a driveway intersects with a street and lies within an area bounded by (a) the sidelines of the driveway and street and (b) lines joining points along said side lines to feet from the point of intersection, and 3) Variance from Section 10.1224.90 to allow a sign advertising a product or service not provided on the lot on which the sign is located (“off premise sign”). Said property is located on Assessor Map 172 Lots 7 & 10 and lies within the Character District 4-W (CD4-W). **REQUEST TO POSTPONE (LU-25-134)**
- B.** The request of **ZJBV Properties LLC (Owner)** and **Jason Michalak (Applicant)**, for 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 located on

Assessor Map 137 Lot 19 and lies within the Character District 4-L2 (CD4-L2) and Historic District. (LU-25-137)

III. NEW BUSINESS

- A. The request of **Rye Port Properties LLC (Owner)**, for 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 located on Assessor Map 272 Lot 4 and lies within the Gateway Corridor (G1) District. (LU-25-141)
- B. The request of **Peter Gamble (Owner)**, for 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 located on Assessor Map 153 Lot 21 and lies within the Single Residence B (SRB) District. (LU-25-150)
- C. The request of **Sean M and Katherine M McCool (Owners)**, for 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 located on Assessor Map 209 Lot 77 and lies within the Single Residence B (SRB) District. (LU-25-153)
- D. The request of **Kelly Ann and Kenneth Racicot (Owners)**, for 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 located on Assessor Map 222 Lot 33 and lies within the General Residence A (GRA) District. (LU-25-154)
- E. The request of **Brian and Margaret Corain (Owners)**, for 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 located on Assessor Map 152 Lot 28 and lies within the Single Residence B (SRB) District. (LU-25-148)

- F.** The request of **Stefanie Casella** and **Finn Johnson (Owners)**, for 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 located on Assessor Map 143 Lot 13-1 and lies within the General Residence A (GRA) District. (LU-25-156)

IV. ADJOURNMENT

**Members of the public also have the option to join this meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:*

https://us06web.zoom.us/webinar/register/WN_7lNp--0mReaGdylPfUWIAQ

**MINUTES OF THE
BOARD OF ADJUSTMENT MEETING
EILEEN DONDERO FOLEY COUNCIL CHAMBERS
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE**

7:00 P.M.

October 21, 2025

MEMBERS PRESENT: Phyllis Eldridge, Chair; Beth Margeson, Vice Chair; David Rheame;
Paul Mannle; Jeffrey Mattson; Thomas Nies

MEMBERS EXCUSED: Thom Rossi

ALSO PRESENT: Stefanie Casella, Planning Department

Chair Eldridge called the meeting to order at 7:00 p.m.

I. APPROVAL OF MINUTES

A. Approval of the September 16, 2025 meeting minutes.

Mr. Rheame asked that the phrase on page 7, top paragraph, have the word ‘owner’ added after the word ‘property’ so that the amended sentence reads: “He said the property owner would want to mitigate the flooding issue so that the property could be used.” In the same paragraph, he asked to remove ‘Partridge Street’ from the phrase ‘Partridge Street and Pray Street sides’ so that the amended sentence reads: “He said he had concerns about putting pavement right up against the neighboring property line but that the applicant would provide a more respectful setback on the Pray Street side.” He asked that the second paragraph on page 9 be revised to change the word ‘Board’ to ‘application’ The amended sentence reads: “He said the included condition put the application into the review of the experts who develop and approve the plan.” On page 11, he asked that the word ‘second’ be added before the second ‘property’ word. The amended sentence reads: He said he thought the applicant was asking for a fair amount of relief, but there were unique conditions to the property because it was a small lot surrounded by lots of woods that, due to the wetlands, a paper street never got built and the second property might not get developed in the future.

Mr. Nies referred to the following sentence on Page 1: “Chair Eldridge noted that there were three Requests to Postpone, Petition D for 28 Whidden Street, Petition E for 51 Morning Street, and Petition G for 86 South School Street. She said they would be postponed to the October 21 meeting. (**Note:** there was no motion or vote)”. He asked that the sentence ‘In accordance with the rules of the Board, they were postponed to the October 21 meeting” replace the last two sentences so that the amended paragraph reads: “Chair Eldridge noted that there were three Requests to Postpone, Petition D for 28 Whidden Street, Petition E for 51 Morning Street, and Petition G for 86 South

School Street. In accordance with the rules of the Board, they were postponed to the October 21 meeting.” Vice-Chair Margeson asked to change “Chair Eldridge’ to ‘Acting Chair Margeson’ on Page 16. The amended sentence reads: “No one else spoke, and Acting Chair Margeson closed the public hearing.”

*Vice-Chair Margeson moved to **approve** the September 16 minutes as amended, seconded by Mr. Rheaume. The motion **passed** unanimously, 6-0.*

II. OLD BUSINESS

Mr. Nies recused himself from the petition.

- A. The request of **Charlie Neal and Joe McCarthy (Owners)**, for property located at **28 Whidden Street** whereas relief is needed to construct an addition to the rear of the structure which requires the following: 1) Variance from Section 10.521 to allow a) 42% building coverage where 30% is allowed, b) 11 foot rear yard where 25 feet are required; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 102 Lot 64 and lies within the General Residence B (GRB) and Historic Districts. (LU-25-127)

SPEAKING TO THE PETITION

[Timestamp 7:54] The applicant’s representative designer Amy Dutton requested that the petition be postponed to the following week because there were only five Board members voting.

DECISION OF THE BOARD

*Mr. Rheaume moved to **postpone** the petition to the October 28 meeting, seconded by Mr. Mattson. The motion **passed** unanimously, 5-0, with Mr. Nies recused.*

Mr. Nies returned to his voting seat.

- B. The request of **Carrie and Gabriel Edwards (Owners)**, for property located at **51 Morning Street** whereas relief is needed to demolish the existing garage and construct a new attached garage with office space which requires the following: 1) Variance from Section 10.521 to allow a) 51% building coverage where 25% is allowed, b) 4 foot left side yard where 10 feet are required, c) 3.5 foot rear yard where 20 feet are required; d) 21.5% open space where 30% 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 located on Assessor Map 163 Lot 16 and lies within the General Residence A (GRA) District. (LU-25-125)

SPEAKING TO THE PETITION

[Timestamp 10:07] Attorney Monica Kaiser was present on behalf of the applicant, with Paul Dobberstein of Stakes & Stone Land Surveying. Attorney Kaiser gave the board a revised colored version of the site plan. She said the property was a narrow 44-ft wide one and that the primary home was a New Englander that was expanded to the back. She said the current garage was impacted by a tree and that there was also an area between the current house and the garage that the owner wanted to fill in and extend the garage forward. She said they proposed to remove the existing garage and replace it with a 2-story structure that would connect to the existing home. She said the project would bring the new garage farther from the side and rear setbacks and improve the overall open space. She said the home was smaller than most of the other in the neighborhood.

[Timestamp 15:52] Vice-Chair Margeson asked if the raised patio would replace the existing open space. Attorney Kaiser said there would be no change to the existing patio. She further discussed the new garage and said the view of the house and addition from the front would not change much but would be more noticeable from the rear. Vice-Chair Margeson said the photo did not show the structure toward the right side of the property. Attorney Kaiser said it might be the angle, and she showed the Board photos relating to a 2004 application.

[Timestamp 19:53] Mr. Nies said that in 2004, the Zoning Board approved an addition that resulted in 38 percent lot coverage, yet the current conditions stated that it was 41 percent. He asked what changed. Attorney Kaiser said the proposal in 2004 was to remove Addition No. 1 and that the photos identified which addition that was. She said Addition No. 1 was sort of the connector from the front of the house to the back area. She said she did not know what may have changed and how building coverage was calculated, but it appeared that the setback information did not change much. She said the information presented was not a survey and that it did not look like Addition No. 1 expanded in size at all. Ms. Casella said the change in inches was a typical conservative rounding that the City Staff did to account for any discrepancy. She said the Board could stipulate that the approval was for 3.8 feet. Attorney Kaiser said the building coverage exceeded or approached 50 percent coverage for other homes in the area. Mr. Mannle asked when the raised patio was put in. Attorney Kaiser said looked like it was there in 2004. Mr. Mannle asked how much of it was raised. Attorney Kaiser said it had to be less than 18 inches. Mr. Mannle said about half the patio was less than 18 inches and maxed out at about two feet but still counted as open space. It was further discussed. Vice-Chair Margeson asked if the small structure that went back to the other structure in the patio area was on the land. Attorney Kaiser said it was but that the more recent revisions in building coverage may apply differently. She reviewed the criteria and said they would be met.

[Timestamp 37:42] Mr. Rheume said a lot of the reasoning for meeting the criteria seemed to rest around adding only so much square footage, and part of the Board's concern was the intensity of the proposed square footage. He said a substantial 2-story addition was proposed to replace a 1-story garage and would have an office in addition to providing storage. He said the proposed northwest elevation would be seen by the neighbor to the rear of the property, and the 2-story structure would be set back less than four feet away from the property line. He asked why Attorney Kaiser thought

that would not impact light and air, overdevelopment, and so on. Attorney Kaiser said Woodbury Avenue was higher in grade, and the two houses on Woodbury Avenue were much longer lots. She said there was a greater distance between those two homes and the project. Mr. Rheume asked if the applicant felt that there would be no harm to the general public by granting the relief. Attorney Kaiser said that adding onto a single-family home, given the circumstances on the lot and the longstanding nonconformity of the lot, would not harm any of the abutting properties.

Chair Eldridge opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Eldridge closed the public hearing.

DISCUSSION OF THE BOARD [Timestamp 42:52]

Mr. Mannle said the applicant was using the raised patio as open space and said half of it was greater than 18 inches. He said the Board had previous discussions about a raised patio or outdoor space that was more than 18 inches being considered a building and not open space. Ms. Casella said anything above 18 inches is considered a structure and that the definition of open space was gray, as far as raised patios. She said the patio was pervious and did not encompass more than 50 percent of the total open space calculation, so it did not require a variance. Mr. Rheume said the applicant was trying to put a lot onto a small property, which was already significantly developed, and they were proposing to replace the garage with something quite a bit taller. He asked if there was enough justification to put a substantial 2-story addition right along the back property line and taking up the building coverage. He discussed GRC and GRA zone setbacks and said the applicant was fortunate that the property behind them was at a higher elevation than Morning Street, which probably reduced some of the impact of the 2-story addition, but he felt that it was a lot of intensity on a very small lot. Mr. Mattson said the project was taking a step back and the patio was open to the sky and pervious. He said the overall effect would not be impacted. He said the proposed addition would happen in infill away from the edges, and it would connect a space that was already there. He said the addition was a decent size and would be in the central portion of the structure, and there was also a significant grade change. Mr. Nies said the setback changes were minor but thought the big issue was the building coverage. He said there was at least one other lot on the street that had over 50 percent lot coverage, but many of the other lots were in the 35-40 percent range. He said the applicant's lot was significantly bigger due to the slope but would have little or no impact on the people on Woodbury Avenue. He said the house would also be set back from the street, unlike most of the other buildings, which would help with the change in lot coverage. He said he struggled with the lot coverage at 51 percent, however. Vice-Chair Margeson said the addition was too much for the lot. Mr. Rheume said the change was on the back end of the property and very near the property line, which he thought would be impactful. He said he would have liked more definitive information from the applicant on the conditions of the neighborhood that would indicate that 50 percent coverage was not that much out of line. He said a specific map or visual would have made for a more convincing argument.

DECISION OF THE BOARD [Timestamp 57:21]

*Mr. Mattson moved to **grant** the variances as presented and advertised, seconded by Mr. Rheume.*

Mr. Rheume clarified with Mr. Mattson that the motion was for 3.5 feet of relief for the rear yard as advertised. Mr. Mattson said granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance. He said the project would not have a huge effect on the public interest because the bulk of the addition would not be very visible to the public, and it would not be contrary to the public interest due to the orientation of the surrounding neighbors. He said the spirit would be observed. He said the lot area was half the size of what was required, so the proposed home with the addition on a conforming lot would be half that building coverage, which was significant because the lot was smaller than surrounding properties. He said substantial justice would be done because the benefit to the applicant would not be outweighed by any harm to the general public or other individuals, and the addition would be beneficial to the applicant. He said granting the variances would not diminish the values of surrounding properties because the home would still be a single-family one with new construction, and a portion of the lot would not be very visible from most public locations or the abutting neighbors. He said literal enforcement of the ordinance would result in unnecessary hardship and that there was no fair and substantial relationship between the purpose of the ordinance and the specific application to the property, and the proposed use was a reasonable one. He said the proposed use was still a single-family home with an addition, and light, air and privacy would be preserved. He said the hardship was based on the home and addition being toward the center and the back, the grade change in the rear-abutting property, the layout of the abutting structures, and the fact that the lot was small and narrow.

Mr. Rheume concurred. He said what was presented as 3.8 feet away from the back property line and was advertised as 3.5 feet, so the Board expected the applicant to make the 3.8 feet, but if the applicant found himself a little bit closer, he had the margin that the 'as advertised' gave him. He said Morning Street was very dense, and the applicant was asking to add some density, but it was to the back side of the lot and the mitigating factor was the grade change. He said there were differences indicating that it was in the applicant's favor to build a substantial 2-story addition.

*The motion **passed** by a vote of 5-1, with Vice-Chair Margeson voting in opposition.*

Chair Eldrige recused herself from the following petition, and Vice-Chair Margeson was Acting Chair.

- C. The request of **Brian T and Kyle M LaChance (Owners)**, for property located at **86 South School Street** whereas relief is needed to demolish the existing porch, construct an addition with a deck, and replace an existing flat roof with a slanted roof on the existing dwelling which requires the following: 1) Variance from Section 10.521 to allow a) 7 foot side yard where 10 feet is required, b) 14 foot rear yard where 25 feet is required, c) 31% building coverage where 30% is the maximum allowed, d) 24 % open space where 25% is the minimum; and 2) Variance from Section 10.321 to allow a nonconforming building or

structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 101 Lot 63 and lies within the General Residence B (GRB) and Historic Districts. (LU-25-122)

SPEAKING TO THE PETITION

[Timestamp 1:07:10] The owner/applicant Brian LaChance was present. He said he wanted to remove the existing deck and replace it with another deck with an enclosed entryway that would expand by another foot. He said the lot coverage would be increased by two percent, but the open space would go to 24 percent by turning the existing three parking spaces into a yard and deck. He said there would be more pervious areas for water runoff. Mr. Rheume asked if the heat pump was left over from another discussion. Mr. LaChance said it was not counted into the open space and would be shielded from the side yard. He said it was already part of the building coverage.

[Timestamp 1:12:27] Mr. LaChance reviewed the criteria. Mr. Rheume asked what the Historic District Commission (HCD) thought about the addition. Mr. LaChance said they asked that the shed roof be changed to a gambrel roof and that a portico or copper gutter be added to a side of the house to prevent water runoff. He said the small deck and stairway were not a concern.

Acting Chair Margeson opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Acting Chair Margeson closed the public hearing.

DECISION OF THE BOARD [Timestamp 1:17:50]

*Mr. Nies moved to **grant** the variances as presented and advertised, seconded by Mr. Mannle.*

Mr. Nies said the small corner lot was unusual and the house was on the front right side of it. He said it had a lot of asphalt, and the proposed changes would be a big improvement. He said the proposal would be a minor increase in lot coverage. He said granting the variances would not be contrary to the public interest, would not affect the health, safety, or welfare of the neighborhood, and would have no effect on light and air. He said the rear setback declined a bit, but the rear of the property abutted a neighboring parking lot. He said it would not alter the essential characteristics of the neighborhood, noting that a lot of similar houses in the neighborhood were on small lots. He said granting the variances would observe the spirit of the ordinance, noting that the neighborhood would remain a dense one but that the project would not change or affect it at all. He said it would do substantial justice because he could not see any benefit to the public by denying the variances, and denying them would prevent the public from getting the benefits of reducing the pavement coverage and would cause harm to the applicant by preventing his enjoyment of his property. He said granting the variances would not diminish the values of surrounding properties, noting that no evidence was presented that it would. He said the special conditions were the small nonconforming lot and its unusual shape and the fact that it was abutted to the rear by a large parking lot for a

multi-unit building. He said the lot had a relatively small building envelope and the existing structure was already located in the front part of the lot. He said they were all special conditions, many of which were different from other properties in the area, and he saw no fair and substantial relationship between the purposes of the ordinance and the special conditions of the property, particularly given the relatively minor relief that the applicant was asking for. Mr. Mannle concurred and had nothing to add.

*The motion **passed** unanimously, 5-0, with Chair Eldridge recused.*

Chair Eldridge returned to her voting seat, and Acting Chair Margeson returned to Vice-Chair status.

III. NEW BUSINESS

- A. The request of **Lorencic Revocable Trust (Owner)**, for property located at **209 Marcy Street** whereas relief is needed to construct a second story addition and a one story addition which requires the following: 1) Variance from Section 10.521 to allow a 12 foot rear yard where 25 feet are required, and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 103 Lot 2 and lies within the General Residence B (GRB) and Historic Districts. (LU-25-120)

SPEAKING TO THE PETITION

[Timestamp 1:22:55] Project architect Anne Whitney was present on behalf of the applicant. She gave the Board a list of abutters who approved the project. She said her client wanted to expand the main body of the Cape into a 2-story structure and said the street had mostly 2-story structures. She said her client also wanted to have a small addition with a porch and mudroom. She said the house was on the corner of Marcy and Gate Streets and noted that the primary front property line was on Marcy Street and a secondary property line was on Gates Street. She explained the new roof system and said the building would rise by seven feet.

[Timestamp 1:29:26] Mr. Nies asked if there was a front elevation. Ms. Whitney said there was but that she had not shown it because she wasn't asking for anything on that. Vice-Chair Margeson said the application needed a variance from the front and left yards and secondary yards. Ms. Casella said they were all conforming but were not the correct distances She said the site plan had the correct distances and that the only yard variance needed was the 12-ft rear yard one. Mr. Rheame asked the applicant how the work sessions with the HDC went. Ms. Whitney said the Commission hated to see the Cape changed into a 2-story building but the consensus was that they would support the petition. She then reviewed the criteria.

The Board had no other questions. Chair Eldridge opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Eldridge closed the public hearing.

DECISION OF THE BOARD [Timestamp 1:33:33]

*Mr. Rheume moved to **grant** the variances as presented and advertised, seconded by Mr. Mannle.*

Mr. Rheume said he shared some of the trepidation that converted a 1-story Cape into a 2-story home because there were so few Capes left in Portsmouth, but he said it was the HDC's call and that just about every other surrounding home was a 2-story one. He said granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance. He said the 12-ft setback for the GRB zone would normally require a 25-ft setback, so it was less than half but it was odd because the zoning ordinance stated that side yards could be small but the ordinance also liked deep back yards. He said the way the building was oriented was a mitigating factor and it would not encroach any closer in terms of foundation. He said, however, that it was a substantial increase in height from a 1-story Cape, so there was some imposition in terms of light and air, but the applicant's argument was that it was an orientation issue and the surrounding homes were 2-story ones, so the project was in keeping with the essential characteristics of the neighborhood. He said granting the variances would do substantial justice because it would allow the applicant to make a more usable home. For the general public purposes, he said there was nothing in the ordinance that said the applicant should be restricted to, due to the nature of the home's orientation relative to Marcy Street instead of Gates Street. He said someone passing by would not really perceive that type of issue and that it would look like any other long-edged 2-story home that was common in that neighborhood. He said it would not diminish the value of surrounding properties because the house would be built upwards in an existing footprint. He said the hardship was the two front streets associated with the home and the fact that there was a substantial backyard. He said the applicant just wanted to raise the house another story and that it would look like the surrounding properties. Mr. Mannle concurred and had nothing to add.

*The motion **passed** unanimously, 6-0.*

- B.** The request of **909 West End LLC** and **PWED2 LLC (Owners)**, for property located at **909** and **921 Islington Street** whereas relief is needed to construct a sign at 921 Islington Street that will be servicing the businesses located at 909 Islington Street which requires the following: 1) Variance from Section 10.1253.10 to allow a setback of 4 feet from a lot line where 5 feet are required, 2) Variance from Section 10.1253.20 to allow a sign to be erected and maintained between the heights of 2.5 feet and 10 feet above the edge of the pavements grades where a driveway intersects with a street and lies within an area bounded by (a) the sidelines of the driveway and street and (b) lines joining points along said side lines to feet from the point of intersection, and 3) Variance from Section 10.1224.90 to allow a sign advertising a product or service not provided on the lot on which the sign is

located (“off premise sign”). Said property is located on Assessor Map 172 Lots 7 & 10 and lies within the Character District 4-W (CD4-W). (LU-25-134)

SPEAKING TO THE PETITION

Ms. Casella clarified that the second variance from Section 10.1253.10 should state 20 feet instead of 10 feet.

[Timestamp 1:41:10] Mike O’Leary of Sundance Suns was present on behalf of Chinburg Properties. He said the existing sign was in the road’s right-of-way by being in front of the telephone pole. He said there would be a sidewalk running down driveway’s side for safer pedestrian access and that it would be adjacent to the property line. He said everything to the right was open space and parking and that the 921 Islington Street property would be a restaurant in the future. He said there was no place on the property for the sign, so they wanted it off the premises. He said they would maintain the setback from the front property line. He noted that the City Staff added the 2.5 to 20 feet.

[Timestamp 1:44:02] Mr. Nies asked where the new sign would be located, noting that the zoning ordinance stated that there was an area between the driveway edge and the street edge that was 20 feet from the corner where the sign was not supposed to be. Mr. O’Leary said there was a 5-ft side setback and a 5-ft front setback from the property line. Ms. Casella it was the height of the sign, and in that 20-ft setback area of the corner, it was prohibited to have a sign between 2.5 feet and 10 feet because it was a sight line issue. She said the side boundary line setback was five feet from the front and side, and the applicant was proposing four feet from the side and in excess of 5 feet from the front. Mr. Nies said he wanted to know where the sign was in relation to the triangle because it was not drawn on the diagram. Mr. O’Leary said they were going 20 feet back from the front property line, so the sign would be behind the parking lines. It was further discussed. [Timestamp 1:53:03] Mr. O’Leary reviewed the criteria.

[Timestamp 1:56:00] Vice-Chair Margeson said it was indicated that the sign was 12 feet above grade. She asked how tall the sign itself was. Mr. O’Leary said it was eight feet tall. Vice-Chair Margeson asked if the requested relief was conveyed correctly because it looked like the front yard setback was fine but the side yard setback was the problem. Mr. O’Leary said they wanted the sign as close to the property line as possible but there had to be space next to the sidewalk. Chair Eldridge said the Board had to know where the triangle was.

Chair Eldridge opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Eldridge closed the public hearing.

DECISION OF THE BOARD

[Timestamp 1:59:49] Mr. Nies said he had no problem with the setback issue or putting the sign on the adjacent property but was concerned about the problematic variance because he did not know where the sign was in relation to that. He said he went to the site and noticed the Louie's sign and that it was roughly in the area where the new sign would be. He said the sign might be lower but it would obscure the view of someone pulling out of the parking lot, so he was concerned about that part of the variance without knowing precisely where the sign would be in relation to the triangle. He said he was not sure that the variance was really needed unless the Planning Staff plotted it out, and if the sign was within that area, he struggled with whether to grant the variance depending where it was within the area. Ms. Casella said she did not plot it out but saw the sign's height. Mr. Nies said he would be like more information. Vice-Chair Margeson agreed and said it would be worth seeing the property. She said there was a concern with someone pulling out of the property and there would also be more development in the future.

DECISION OF THE BOARD [Timestamp 2:02:25]

*Mr. Rheume moved to **postpone** further consideration of the application to the November 18th meeting and to request that the applicant work with the Planning Staff to provide a drawing that shows the impact of the sign relative to the relief needed, specifically the relief needed to allow a sign to be erected and maintained between the heights of 2.5 feet and 10 feet above the edge of the pavement. Mr. Mannle seconded the motion.*

Mr. Rheume said the Board was concerned because they did not know where the sign would be. He recommended that in the future, the Planning Staff ensure that the applicant's information fully addresses all the criteria. He said it could also be an opportunity for the applicant to move the sign six inches back. Mr. Mannle concurred.

*The motion **passed** unanimously, 6-0.*

- C. The request of **35 Pines LLC (Owner)**, for property located at **295 Maplewood Avenue, Unit 1** whereas relief is needed to create a second driveway which requires the following:
- 1) Variance from Section 10.521 to allow 0% open space where 25% is the minimum, and
 - 2) Variance from Section 10.1114.31 to allow a second driveway where only one is permitted. Said property is located on Assessor Map 141 Lot 35-1 and lies within the Character District 4-L2 (CD4-L2) and Historic District. (LU-25-135)

SPEAKING TO THE PETITION

[Timestamp 2:10:25] Patrick Lavoie of 217 Austin Street was present and said he wanted to purchase the abutting lot on Tax Map 141 Lot 34 to create another driveway. He said the second driveway would provide a safe access point and reduce street parking. He reviewed the criteria.

[Timestamp 2:14:43] Vice-Chair Margeson asked if there were two units in the building. Mr. Lavoie said there were three units and that the driveway would serve the lower condo, Unit No 1.

Vice-Chair Margeson asked if there was a driveway in the back. Mr. Lavoie said there was a deck and two parking spots. Vice-Chair Margeson said the limited common areas for Units No. 2 and No. 3 would be the driveways. Mr. Lavoie said it would be their parking spots, common areas, and decks. Vice-Chair Margeson asked if those limited common areas constituted one driveway. Ms. Casella agreed. Vice-Chair Margeson asked what was currently on the second driveway. Mr. Lavoie there were a few bushes. Vice-Chair Margeson asked what part of the lot was being merged. Ms. Casella said there were two existing lots, the lot for the condos and the lot owned by Eversource for the utility pole. Chair Eldridge asked Mr. Lavoie if he would back out of that lot onto Maplewood Avenue. Mr. Lavoie explained how he could be going the other way. Mr. Rheume said the existing problem was that Unit No. 1 was part of the condo association, and he asked if it would be linked to the condo association if Eversource sold the applicant the property or if the applicant would own it. Mr. Lavoie said it would be linked to the condo association, so if he sold his unit, the new buyer could do things that the condo association could not vote on, so it would be merged. Mr. Rheume asked where in the process Mr. Lavoie was in purchasing the unit within the condo association. Mr. Lavoie said he would have a meeting with them in a few days and would address some concerns and negotiate on the price. Mr. Rheume asked Mr. Lavoie if he had a signed Purchase and Sales (P&S) agreement with Eversource. Mr. Lavoie said he had an email and that the meeting would make it go forward. Mr. Rheume asked Ms. Casella if another variance would be needed to reflect that the applicant would not meet the permitted 25 percent open space requirement. Ms. Casella said by advertising that a driveway would go there, it would be a zero percent open space end product with two driveways.

Chair Eldridge opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Eldridge closed the public hearing.

DISCUSSION OF THE BOARD

[Timestamp 2:25:35] Mr. Rheume suggested stipulating that no access would be allowed onto Maplewood Avenue. He said normally he would have expected to see a signed P&S in place before granting a variance, and that presumably the P&S agreement would be contingent upon getting Board approval for putting a driveway on it. Vice-Chair Margeson agreed and suggested two conditions: 1) the driveway shall not be accessed off of Maplewood Avenue, and 2) the approval shall be subject to a completed transaction. She said normally a P&S agreement came before the Board and that the Board was granting a variance for a property that was not owned by the applicant. Mr. Mannle said the approval could be contingent upon the P&S agreement.

DECISION OF THE BOARD

[Timestamp 2:28:45] Mr. Nies moved to grant the variance as proposed and advertised, subject to two conditions:

- 1) *The driveway shall be constructed in such a way that it does not access via Maplewood Avenue, and*
- 2) *The variance is contingent on the execution of the completed Purchase & Sales agreement of the property located on Assessor Map 141 Lot 34.*

Vice-Chair Margeson seconded the motion.

Mr. Nies said granting the variances would not be contrary to the public interest because it was a very small property, even with the addition of the lot that would be purchased, and putting a driveway on it would have no effect on the health, safety, and welfare of the public and no impacts on light and air or on the essential characteristics of the neighborhood. He said it would observe the spirit of the ordinance because it was a minor change that would help get parking off the street in the area. He said granting the variances would do substantial justice and that he could not see any benefit to the public by denying them. He said it was a small amount of open space but the lot being joined was only 200 square feet or so, and denying the variance would cause a loss to the applicant and make it more difficult for him to operate his business. He said it would not diminish the value of surrounding properties because it would be a minor change, and the only thing people would notice would be the tree's removal, which would not affect the value of surrounding properties. He said literal enforcement of the ordinance would result in unnecessary hardship because the property had special conditions. He said the existing property only had parking for two of the three condos, and there was not enough room on the property to put in a third parking space. He said that would be rectified if the applicant was able to purchase the small adjacent lot to provide parking. He said it was also a corner lot on a relatively busy street, which is why the stipulation (or condition) was required to prevent access from the property directly onto Maplewood Avenue. He said there was no real fair and substantial relationship between the purpose of the ordinance and no reason to deny a second driveway on the lot. He said there was currently zero open space, and the granting of the variance would not change the amount of open space that will be there.

Vice-Chair Margeson said, in terms of the spirit and intent of the ordinance, the health, safety and welfare was in the purview of the Board. She said she thought the access had to be off Jackson Hill as opposed to Maplewood Avenue and that the project had to go through the driveway permit process with DPW addressing that concern. She said the two conditions were very important because the Board was granting a variance for property not owned by the applicant.

*The motion **passed** unanimously, 6-0.*

IV. ADJOURNMENT

The meeting adjourned at 9:34 p.m.

Submitted,
Joann Breault
BOA Meeting Minutes Taker

**MINUTES OF THE
BOARD OF ADJUSTMENT MEETING
EILEEN DONDERO FOLEY COUNCIL CHAMBERS
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE**

7:00 P.M.

October 28, 2025

MEMBERS PRESENT: Phyllis Eldridge, Chair; Beth Margeson, Vice-Chair; David Rheaume; Paul Mannle; Jeffrey Mattson; Thomas Nies

MEMBERS EXCUSED: Thom Rossi

ALSO PRESENT: Jillian Harris, Planning Department

Chair Eldridge called the meeting to order at 7:00 p.m.

I. OLD BUSINESS

- A.** The request of **Charlie Neal and Joe McCarthy (Owners)**, for property located at **28 Whidden Street** whereas relief is needed to construct an addition to the rear of the structure which requires the following: 1) Variance from Section 10.521 to allow a) 42% building coverage where 30% is allowed, b) 11 foot rear yard where 25 feet are required; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 102 Lot 64 and lies within the General Residence B (GRB) and Historic Districts. (LU-25-127)

Chair Eldridge read the petition and stated that the petition was **withdrawn** by the applicant.

II. NEW BUSINESS

- A.** The request of **Double Mc LLC (Owner)** for 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 mixed-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 located on Assessor Map 116 Lot 30 and lies within the Character District 4 (CD4) and Historic District. (LU-25-138)

SPEAKING TO THE PETITION

[Timestamp 6:42] Attorney F. X. Bruton was present on behalf of the applicant, with project team Marie Bodi, engineer John Chagnon, and architect Tracy Kozak. Attorney Bruton said his client proposed adding a vertical and horizontal addition to the Citizens Bank property. He said they wanted to rotate the location of the drive-thru to bring the property more in compliance with the zoning, and he explained the pedestrian-friendly access points. He reviewed the criteria.

[Timestamp 18:45] Vice-Chair Margeson asked if pedestrians, drive-through customers and vehicular traffic all would be accessing the property through the new entryway. Attorney Bruton said there would be walkways from Pleasant Street that would avoid that. He said all the parking for people going into the bank would be along the side of that portion of the building, along with access to sidewalks for pedestrians. He said they had a deeded access point through the parking lot but the main intent would be to park near the building. Mr. Chagnon said the predominant pedestrian movement from the parking lot would be out to the street or to the back alley and that he did not think people had a right to cross the property. He said the driveway layout had plenty of room for cars to maneuver. Vice-Chair Margeson asked what the applicant meant by saying they would open up the access and relocate the Court Street parking. Mr. Chagnon said the City owned the entirety of the property going out to Pleasant Street to Parrott Avenue, but then they sold off the courthouse lot and kept the deeded access. He said the owner proposed to remove the current awkward turning movement into the Parrott Avenue lot and the courthouse property, which would allow a few more parking spaces in the Parrott Avenue lot. He said it would also create a situation where people coming from Court Street who currently tended to go through the PHA housing project to get into the parking lot quicker without going through private property.

[Timestamp 25:05] Mr. Rheume asked what feedback the applicant received from the HDC about the roof cover over the drive-through. Mr. Chagnon said they met the performance standard. Ms. Kozak said they had two work sessions with the HDC and that they liked the more traditional project design. She said they would return to the HDC after getting the Board's feedback. Mr. Rheume asked what the pedestrian pass to the retail in the back of the new combined building would be. Mr. Chagnon said the pedestrian experience would be one of access if coming down Pleasant Street, which would take the pedestrian to the retail and residential. He said there was another access to the banking facility further down Pleasant Street and there were parking spots accessible to the retail facility. He said the underground parking would also access the building's interior. He said there would be access through an easement that went through the fire station and the condos, and there would be connections there with a pocket park. Mr. Rheume asked if there would be access to the retail space on the parking lot side. Mr. Chagnon said there would be a sidewalk and an entrance. Mr. Rheume said a decision was previously made by the Board to allow the lot to serve as a parking lot for another property owned by the same owner. He asked what the status of that was and how that parking requirement was incorporated into the design. Attorney Bruton said four spaces were reserved for that in the underground parking. Mr. Nies said the roof drawing showed parking spaces in the travel lanes, and a leftover drawing from the Planning Board showed a different layout that had 27 surface parking spaces. He asked which one was accurate.

Ms. Kozak said the roof plan was to really show only the roof and that it should be disregarded. Mr. Nies referred to a comment made about the Planning Board seeming to like the changes to the traffic flow to the left-hand side of the property, but he said they did not see the location of the drive-through lanes as they were shown tonight. Mr. Chagnon said the plan that was brought to the Planning Board had the drive-through in the same location as it was now presented, but the window was being moved to the other side, so it wasn't exactly the same. He said the project team decided that there was a better location for the drive-through if they had to move it to get relief.

Chair Eldridge opened the public hearing.

SPEAKING IN FAVOR OF THE PETITION [Timestamp 34:33]

No one spoke.

SPEAKING IN OPPOSITION TO THE PETITION

Peter Smith of 206 Court Street said he was an abutter and represented the 160 signatures on the Portsmouth on change.org website. He said the hardship was a self-created one. He said the ordinance stated that a lawful nonconforming use may not be extended, enlarged, or changed in conformity with the ordinance. He said the applicant did not identify any unique site locations and that the supposed hardship stemmed from tenant preference and property size. He said the property could accommodate a conforming use without a drive-through.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Elizabeth Bratter of 159 McDonough Street said drive-throughs are not allowed uses in CD5 and CD6 zoning. She said the bank and its drive-through were proposed to be moved to the front of the lot and face a historic house on Pleasant Street. She said thousands of other banks operated in stores and did not have drive-throughs. She said local parking spaces would be lost.

Patricia Bagley of 213 Pleasant Street said she walked the property and that it seemed like it would be a hodgepodge and not safe. She said that the drive-through was not currently noticed by people because it was set back and that the landscaping gave it a calm experience. She said the applicant was proposing to move the kiosk way up front, and she thought it would be too many drive-throughs and unsafe. She said the Parrott Lot belonged to the City. She said driving through there and around the back would be overextending and thought the petition should be denied.

Attorney Bruton said the drive-through was there and that they were proposing to move an existing non-conforming use and that there would be underground parking. He said maintaining the drive-through made sense because if it was eliminated, it would take away something that reduced the stress of any parking situation. He said the hardship test was whether it was an unnecessary hardship and not just a hardship. He said the property was unique, and even though the owner did not own the Parrott Avenue parking lot, the building's location was near it. He said they would

improve the access by eliminating the drive-through lanes that were nonconforming and that they would also have a more conforming structure. He said the current use required pedestrians to walk through the drive-through lane, which was a safety issue they were addressing, and they were adding other pedestrian access points to the building as well.

Mr. Rheaume said it was indicated that the owner was below what was needed for parking and that they might be seeking a parking Conditional Use Permit from the Planning Board. Attorney Bruton said their point of reference with the City Staff was that the HDC would have to know if the drive-through could just be rotated. He said they did not anticipate asking for significant parking relief through a Conditional Use Permit. He said the underground parking would also be significant. Mr. Mattson asked if the net change in asphalt would decrease or increase with the change in the drive-through's orientation. Mr. Chagnon said there would be less pavement dedicated to the drive-through. The improved vehicular circulation near the courthouse was further discussed.

Elizabeth Bratter said there were 46 units proposed and 41 parking spaces. She said retail space outside of the DOD required one spot for every 300 square feet, so that was 30 more parking spaces. She said the applicant really needed 100 spaces but were providing 41, five of which would be used by someone else. She said they would need a parking Conditional Use Permit.

No one else spoke, and Chair Eldridge closed the public hearing.

DISCUSSION OF THE BOARD

[Timestamp 56:37] Mr. Nies said the Planning Board was presented a different plan that said the applicant expected a total of 83 parking spaces and that the total required was 46 spaces. He said the applicant also said they had 37 spaces outside, but now they had 11 spaces. He said it looked like the applicant had a small excess of between 5-6 spaces in the design and that the Board should not get too hung up on parking. Mr. Rheaume said the ordinance's intent was 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. He said that not requiring as much parking within downtown structures was also another issue. He said he agreed with the applicant that a unique characteristic of the property was that it abutted a City parking lot, but his concern with what was proposed was that it segregated the pedestrian experience and created an island for the back property. He said the proposed drive-through cut the pedestrian flow and that it came down to how the variance request set the property up in terms of a pedestrian experience.

*Mr. Mannle moved to **suspend** the rules so that the public hearing could be reopened, seconded by Mr. Nies. The motion **passed** unanimously, 6-0.*

*Mr. Mattson moved to reopen the public hearing, seconded by Mr. Nies. The motion **passed** unanimously, 6-0.*

Erin Proulx (via Zoom) of 118 Pleasant Street asked the Board to deny the variance because it had conflicts with the the zoning ordinance and the City's Master Plan for the pedestrian-oriented downtown.

Mr. Chagnon said the walkway going up Pleasant Street could be connected to another walkway and that sidewalks could be added. Ms. Kozak said the drive-through faced the Langdon House and that it would be screened with landscaping and would be set back at the maximum 10 feet allowed.

No one else spoke, and Chair Eldridge closed the public hearing.

DECISION OF THE BOARD [Timestamp 1:08:27]

Vice-Chair Margeson said she agreed with a lot of Mr. Rheume's concerns. She said there was an existing drive-through on the property but the project was an intense one due to the redevelopment of it. She said having a drive-through combined with the entrance to the property and with people parking on the property would be problematic from a health, safety and welfare view. She said the CD4 and CD5 zones were pedestrian friendly and allowed the public to get invited into the property. She said there would be a huge swap on one side of the property that would be dedicated to vehicle access into the property, but adding a drive-through would be problematic. Mr. Rheume said he saw it as a pedestrian path that would have to cross through an ATM queueing line, a drive-through queueing line, and through a path to get to the parking garage and other parking spots. He said he did not think the property would create an inviting and walkable sensibility. He said several banks downtown did not have drive-throughs.

*Mr. Mattson moved to **grant** the variances for the petition as presented and advertised. No one seconded.*

Mr. Mattson said the area was a multi-modal character district that could be accessed by car, bike, foot, and so on. He said a lot of the character-based reasons including the maximum of a 10-ft setback from Pleasant Street were for the pedestrian experience, and the project proposed moving the drive-through away from Pleasant Street. He said people were not supposed to walk across someone else's property. He said the proper way to leave Parrott Avenue would be onto City property and easements, so he thought the proposed place to put the drive-through was appropriate and that it was the only variance being asked for. He said the big lot was unique and adjacent to the municipal lot, and the curb appeal from Pleasant Street would be improved.

[Timestamp 1:14:13] *Mr. Mannle moved to **deny** the petition as presented and advertised, seconded by Mr. Rheume.*

Mr. Mannle said he agreed with Mr. Rheume's and Vice Chair Margeson's comments about the drive-through and that he felt that the drive-through was an afterthought to keep the bank. He said access was opened up to the courthouse for nine parking spaces, so now there was an access from the court for Pleasant Street and an access to the garage. He said granting the variances would be

against the public interest and would not observe the spirit of the ordinance. He said the City wanted to get rid of drive-throughs downtown. He said those two criteria were not met and that possibly the hardship criterion was not met because the application did not indicate why the drive-thru had to be moved. Mr. Rheaume said the petition failed the first two criteria. He said the ordinance wanted to reflect what was already in the neighborhood and what the desire was for the future of a particular neighborhood. He said continuing the drive-through use that was no longer allowed in the area was in violation of the characteristics of the neighborhood as well as the spirit of the ordinance. He said the amount of parking was not the issue and that it came down to the ability to connect the whole proposed structure, which was substantial in a fully pedestrian way, and the ATM/drive-through was preventing that.

*The motion **passed** by a vote of 6-1, with Mr. Mattson voting in opposition.*

- B.** The request of **Tyler Garzo (Owner)** for 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 located on Assessor Map 268 Lot 26 and lies within the Single Residence B (SRB) District. (LU-25-136)

SPEAKING TO THE PETITION

[Timestamp 1:19:54] The owner/applicant Tyler Garzo was present. Chair Eldridge whether Fisher v. Dover should be considered. Mr. Nies said he did not feel that Fisher v. Dover applied because the previous request was to split the lot into two and the Board had asked why it could not be an ADU. He said the applicant was doing what the Board suggested. Mr. Garzo said he was proposing a detached ADU and that the variance request was for a second driveway to serve the ADU. He said the Board approved something similar at 2 Sylvester Street. He reviewed the criteria.

[Timestamp 1:24:52] Mr. Nies asked what the timeframe was for building the ADU. Mr. Garzo said his builder was ready to move and would build a standard rectangular Cape Cod in character with the neighborhood. Mr. Nies said an alternative might have been a driveway between the two proposed buildings that came off Coolidge Street so that there would only have to be one driveway. Mr. Garzo said putting the driveway next to the residence would help obscure parked cars and that his neighbor did not object to the second driveway. Mr. Mannle asked Ms. Harris if the ADU ordinance allowed for a different address to a detached ADU. Ms. Harris said it did. Mr. Mattson said it would be technically the same address but could be called 'A' or 'B' and that the ADU could have separate electric meters but not separate water or sewer.

Chair Eldridge opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Eldridge closed the public hearing.

DECISION OF THE BOARD [Timestamp 1:28:12]

*Mr. Rheume moved to **grant** the variance for the petition as presented and advertised, seconded by Mr. Nies.*

Mr. Rheume said the ADU was allowed and that its orientation on the property would get worked through. He said it came down to creating the second driveway, especially because 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. He said the Board also 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. He said granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance. He said 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. He said 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. Referring to the hardship, he said 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. Mr. Nies concurred and said that none of the public comment received by the Board indicated a concern that the structure would be split into two residences in the future. Mr. Rheume agreed.

*The motion **passed** unanimously, 6-0.*

Mr. Rheume reused himself from the following petition.

- C. The request of **ZJBV Properties LLC (Owner)** and **Jason Michalak (Applicant)** for 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 located on Assessor Map 137 Lot 19 and lies within the Character District 4-L2 (CD4-L2) and Historic District. (LU-25-137)

SPEAKING TO THE PETITION

[Timestamp 1:35:28] The applicant said he wanted to postpone the petition to the November meeting because there were only five voting members and four votes were needed for approval.

DECISION

*The petition was **postponed** to the November18 meeting.*

- D.** The request of **Christopher J and Rachel A Delisle (Owners)** for 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 located on Assessor Map 250 Lot 117 and lies within the Single Residence B (SRB) District. (LU-25-139)

SPEAKING TO THE PETITION

[Timestamp 1:39:24] The owner Chris Delisle was present and said he wanted a partial second-story addition because his family was growing. He said he had a letter of support from his left side neighbor. He said a bow window would be removed and that a compressor would be needed for the new heat pumps and air conditioner and that it would all be done on the right side of the home, which was farthest from the wetland and any neighbor's bedroom. He said he also wanted to replace a 3-season porch and deck with a smaller deck and would request a Conditional User Permit from the Conservation Commission. He reviewed the criteria.

[Timestamp 1:44:50] Mr. Rheume asked what the yellow line was in the photo that appeared to be far more than 0 feet away from the window wells or side of the house. Mr. Delisle said the prior homeowner did a survey and ran a line from the front stake to the back of the property. He said the lot line was not actually zero but it was not 10 either. He said it was being used as the demarcation line of the property. Mr. Rheume said the applicant was adding a second story that had to be maintained, and he asked what the dimension was. Mr. Delisle said it was about 10 feet. Mr. Mattson asked if the stakes were official surveying ones, and Mr. Delisle agreed.

Chair Eldridge opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Eldridge closed the public hearing.

DECISION OF THE BOARD [Timestamp 1:47:35]

*Mr. Rheume moved to **grant** the variances for the petition as presented and advertised, with the following **condition**:*

- 1. The right side façade of the addition shall align with the current right side foundation line.*

Mr. Mannle seconded the motion.

Mr. Rheume said granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance. He noted that people who might have moved to a bigger property when their family was growing were expanding on their current home instead. He said some of the light and air on neighboring properties would be decreased and that there was a maintainability issue, but the proposed second story was modest and the overall roofline was almost like a 1-1/2 story instead of a 2-story one. He said the encroachment on the front yard and right side yard would meet the characteristics of the neighborhood and that the overall feel would be a modest expansion to a single house. He said 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, whose consent the applicant had. He said the added window would be some distance away from the abutter's living quarters. He said granting the variances would not diminish the values of surrounding properties because it would be an improvement to the property. He said what was unique about the property was that the existing home was shoved to one side and not atypical in the neighborhood. He said the applicant had to go up on the right side yard and that the opposite side was where the garage was, so it made sense to build up over the existing residential portion of the property. He said the request was reasonable because it was adding onto an existing residential use. Mr. Mannle concurred and had nothing to add. Mr. Nies said much of the lot lay within the 100-ft wetland buffer, so adding onto the back was not an option and the only way to go was up.

*The motion **passed** unanimously, 6-0.*

- E. The request of **Nuchow Hartzell Family Trust (Owner)** for 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 located on Assessor Map 153 Lot 26 and lies within the Single Residence B (SRB) District. (LU-25-140)

SPEAKING TO THE PETITION

[Timestamp 2:01:20] Attorney Derek Durbin was present on behalf of the applicant, with the owner Emily Hartzell. Attorney Durbin said the small 5,703-sf parcel had a small house on it and had half the required frontage. He said Leslie Hartzell was diagnosed with chronic medical conditions and had to reside in a one-story living arrangement, so the applicant wanted to build a 837-sf one-level addition to the rear of the house, He said the addition would have its own entrance and would be ADA accessible. He said an area was reserved for a wheelchair ramp in the right side yard and was expected to be 18 inches above grade. He said the shed would be removed and the bulkhead would be relocated to the left side of the home. He reviewed the criteria and said they would be met.

[Timestamp 2:12:26] Mr. Rheume said the clause in the ordinance about the replacement of components required for egress seemed more explicit than egress needed for disability purposes which would eliminate one of the two setbacks. He asked if that was discussed with the Planning Staff. Attorney Durbin said there was a discussion about ingress or egress but did not remember the specifics. Mr. Rheume asked if the other setback relief was for the bulkhead and if the applicant would come before the Board for the total coverage. Attorney Durbin said he thought it was better to apply for everything at once. It was further discussed.

Chair Eldridge opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Eldridge closed the public hearing.

DECISION OF THE BOARD [Timestamp 2:15:45]

*Mr. Mattson moved to **grant** the variances for the petition as presented and advertised, seconded by Mr. Mannle.*

Mr. Mattson said granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance. He said the proposed use of a continued single family home with a small one-story addition off the rear would not conflict with the purpose of the ordinance or alter the essential character of the neighborhood or threaten public health, safety, or welfare. He said light, air, and privacy would still be preserved. He said 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. He said it would not diminish the values of surrounding properties because the new addition would not be visible from the street. He said literal enforcement of the ordinance would result in unnecessary hardship due to the special conditions of the property that included a narrow lot that was half of what was supposed to be there, which drove the need for the building coverage, and the narrowness meant that the side yard setbacks were harder to achieve. He said the addition could not be put anywhere else and that the continued proposed use was a reasonable one. Mr. Mannle concurred and had nothing to add.

*The motion **passed** unanimously, 6-0.*

- F. The request of **Trenton and Denise Sensiba (Owners)** for 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 located on Assessor Map 143 Lots 16 and 9-1 and lies within the General Residence A (GRA) District. (LU-25-118)

SPEAKING TO THE PETITION

[Timestamp 2:19:33] Attorney Marcia Brown was present on behalf of the applicant, with the owner Denise Sensiba. She said Lot 0 was Lot 16 on the tax map and that she would refer to it as Lot 16. She noted that three neighbors sent letters of support. She said the lot was an existing legal nonconforming one that had .66 feet of frontage due to a 1971 deed where the City accepted the road and left the .66 feet of frontage. She said she advised the owners that if they had access to a prescriptive easement and there were two owners, it would be better to do a lot size adjustment to achieve fee simple ownership of access, which required expanding the frontage to 20.66 feet. She said it would take it out of legal nonconforming and granting the variance would get it back into legal nonconforming. She said the intention was to increase the frontage. She reviewed the criteria.

[Timestamp 2:29:40] Vice-Chair Margeson said the intent was to convey the lot with the new expanded street frontage for purposes of residential building, but the buffer almost came up to the front of the lot. Attorney Brown said the owners had a prepared plan that showed the house outside of the buffer. Vice-Chair Margeson said the packet showed that the 100-ft tidal wetland buffer went quite far up into the property, so the applicant was saying that they would build a house in that front corner and meet the setbacks. She said most of the land was in the wetland buffer and asked if the applicant worked with the Conservation Commission and the Planning Board. Attorney Brown said she did not believe that the application had been filed yet. Ms. Sensiba said she filed for a Conditional Use Permit but was sent to the Board first. She said the property was not in the wetland buffer, according to the wetland delineations, and that she was sent before the Board to figure out the access. She said she wanted to own the property instead of having an easement. She said the house was for sale, but easements could cause trouble when people did not get along and she wanted to avoid that. She said she would like to own the access instead of having a second driveway or more parking on the street and that she thought it would be the least complicated. Vice-Chair Margeson said easements were legal and that the issue was that by expanding the lot line, the applicant was moving the access to the driveway within the wetland zone. Attorney Brown said the idea was to put in a gravel type system to capture the street runoff. Ms. Sensiba said there was enough room for a 10-ft driveway outside of the buffer if necessary. Vice-Chair Margeson said the variance requested may affect the variance relief if the Conservation Commission decided they wanted to put the driveway in a place outside of the wetland buffer. Attorney Brown said if they moved the driveway other than where the lot access was going, they would have a decrease of value of Lot 12. Ms. Harris said no matter where the driveway access was, it would not affect what the applicant was asking for, which was to change the frontage with the lot line adjustment.

Mr. Nies asked why the applicant thought the lot line adjustment would make it easier for the City to deal with a property owner handling drainage off Ruth Street. He said it looked like the proposed work for the driveway and stormwater retention area would still be on the property line between the two properties, so the City would still have to deal with two property owners. He said the applicant was using that as an argument for justifying the lot line and that it was not clear how it would improve that situation. Attorney Brown said the bioretention component might not go forward because the City's engineering department did not seem to want to address it. She said the lot line

adjustment was to make it easier if the property was sold. Ms. Sensiba said she walked the property with the City Attorney and Public Works and it was concluded that what she wanted to put there as a raingarden was up to her. Mr. Nies said rainwater coming out of the bioretention area would still drain off Lot 12. Ms. Sensiba said it would go into an existing freshwater wetland. She said she could still put an easement in stating that the water would run into the freshwater but it would require talking to the City to see if it was something they wanted done. She said all she could do was install the permeable driveway and raingarden. Chair Eldridge said she thought the Board was being asked for the lot line because the applicant wanted the security of owning their egress.

[Timestamp 2:42:49] Mr. Rheume said there were other boards to deal with the wetlands and drainage and that this Board's concern should be whether Lot 16 was a buildable lot. He said it had not been made clear that it was the intent of what was being asked for, and that the lot was not presently a buildable one. He said the applicant was asking the Board to accept that it was a buildable lot with 20 feet of street frontage. Attorney Brown said if the owner was unable to put a house on the lot, she should have a right of waterfront access so she could canoe or kayak. She said her client was trying to expand the frontage to put the lot more into compliance, but due to the unique configuration of having a .66-ft front lot, she had to get herself out of legal noncompliance and then go back in. It was further discussed. Ms. Harris said the City Staff had not determined that it was a buildable or unbuildable lot at that point. Mr. Mattson said whether it was a buildable or unbuildable lot was not the current decision. He said if the variance was not granted, it would be the same situation, but instead of the lot realignment it would just be an easement. He said it was the same location of the driveway but was just a question of which parcel it would be on. He said if the Board denied the variance, the applicant could still propose building a house there. He said the issue was whether it made ore sense doing it through an easement. Mr. Nies said the applicant was using the argument that substantial justice would be done because it would in part simplify things.

Chair Eldridge opened the public hearing.

SPEAKING IN FAVOR OF THE PETITION

[Timestamp 2:51:07] Cynthia Keenan of 61 Mill Pond Way said if the Board denied the variance, there would be an element of punishment. She said the applicant wanted to move the lot line so that they didn't need an easement, and that they already provided plenty of examples of that type of thing being done before. She said other boards would shut it down if it wasn't appropriate.

Braelyn Hilsenbeck of 101 Mill Pond Way said the project would not pose a problem and that the community's character would be enriched.

SPEAKING IN OPPOSITION TO THE PETITION

Primo Tosi of 2 Ruth Street said there were three natural drains in the neighborhood and that all the water ran to Mill Pond. He said he questioned the statement that the Planning Board approved the lot separation of Lot 16. He said the recording of the deed was approved by the Planning Board in

1988, with no mention of it being a buildable lot. He said the survey plan showed that the survey done in 2025 indicated a .66-ft piece of frontage for Lot 16, but no other document showed that the lot had frontage on Ruth Street. He said no other deeds indicated that other nearby lots had any frontage. He said the survey was done without following the deed and had flaws that had to be resolved before the Board could approve anything.

Steve Miller of 38 Thornton Street said the application had several mistakes that needed to be clarified, like the statement that the City inadvertently merged Lot 16 with Lot 12 in the past and then the lots were restored to independent status by the Planning Board in 1988. He said when the house was approved, a condition was that a large area of the original wetlands in the southern corner was to be left in its natural state. He said when the permit was obtained and the house was built, the former owners separated Lot 16 from Lot 12. He said the former owner did not want to pay taxes on the lot, so it was established as an unbuildable lot. He said granting the variances would violate the condition of the State wetland permit and would be contrary to the public interest. He said the permit also required that the development of Lot 12 have stormwater swales. He said the development of Lot 16 would only make matters worse and diminish property values.

Tony Lane of 47 Thornton Street said that in April 2024, the applicant began to destroy the wetland vegetation in Lot 16. He said the building permit for a 2 1/2-story, 3000+ sf home was not theoretical. He explained why the variance request did not meet the criteria.

SPEAKING TO, FOR, OR AGAINST THE PETITION

[Timestamp 3:25:33] Attorney Brown said there were plans recorded that incorrectly showed the 409-ft difference in the 1971 deed. She said the lots were 50 feet and her client had a frontage of .66 feet, which was the nine inches in the deed. She said the survey confirmed that there was .66 feet of frontage and that her client was trying to expand. Vice-Chair Margeson said the issue was that the lot line adjustment was for the purpose of making the lot a buildable one.

No one else spoke, and Chair Eldridge closed the public hearing.

DECISION AND DISCUSSION OF THE BOARD [Timestamp 3:28:42]

*Mr. Rheume moved to **deny** the petition as presented and advertised, seconded by Vice-Chair Margeson.*

Mr. Rheume said the applicant was asking to move a lot line to be able to access the lot and said she would not build anything on it, so the only real purpose for accessing it was a recreational one. He asked what the City was getting back in terms of the ordinance. He said the applicant said she talked to the City about a stormwater easement that might go across the property, but there was nothing that said the City looked at it or had an interest in. He said he did not see that as a legal argument. He said the applicant was not creating a buildable lot and would have to come back to the Board for that, which would still be creating a largely nonconforming lot. He said the applicant

would get 20 feet of not-buildable lot frontage that would be in an awkward location relative to the street. He said the petition clearly failed on that criterion. He said if the applicant wanted to just continue to get simple access on occasion and use the lot in a recreational manner, it would be part of the conditions put in the sale agreement. Vice-Chair Margeson agreed. She said easements were easily written, recorded and enforced and said the applicant's argument that the lot line adjustment was needed in lieu of an easement was a futile one. Mr. Nies said he did not think substantial justice meant that the variance had to benefit the City but that it meant that the benefit to the public by denial would outweigh the loss to the applicant, which was not the argument that night. Chair Eldridge said she did not see the hardship. Mr. Mattson said the lot was not a buildable one but it would be made closer to conforming, which was an odd thing to deny. It was further discussed. Mr. Rheume said 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. He said the hardship was the property's uniqueness, and if there was no intention to build on it, there really wasn't a need to recreate lot lines, especially just for recreational access. Mr. Nies said the applicant said they intended to build a structure on the lot. Mr. Rheume said he heard from the applicant that building on the lot was something they could do but that they just wanted to create an access so that they didn't have to get an easement. Mr. Mattson said the Board did not make their decisions solely based on what the applicant's pitch was. He said the Board knew that a Conditional Use Permit for a proposed building existed and it was obvious that the applicant's intention was to make it a buildable lot, but the Board's decision should be made when that intention was in the application. Mr. Nies asked what criteria were being argued by the Board for denial. Mr. Rheume said it was the spirit of the ordinance and the general character of the neighborhood. It was further discussed. Mr. Mattson said the lot line adjustment would not change the physical features of the location and would not harm the public. He said the applicant would receive the most minimal benefit as far as substantial justice, with no harm to the public. Vice-Chair Margeson said the loss to the public by granting the variance would be more significant than a benefit to the applicant. Mr. Nies said he might be convinced that the petition did not meet the spirit of the ordinance.

*The motion to deny **passed** by a vote of 5-1, with Mr. Mattson voting in opposition.*

III. ADJOURNMENT

The meeting adjourned at 10:45 p.m.

Submitted,

Joann Breault
BOA Meeting Minutes Taker



City of Portsmouth
Planning Department
1 Junkins Ave, 3rd Floor
Portsmouth, NH
(603)610-7216

MEMORANDUM

TO: Zoning Board of Adjustment
FROM: Jillian Harris, Principal Planner
DATE: November 12, 2025
RE: Zoning Board of Adjustment November 18, 2025

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

II. Old Business

- A. 909 Islington Street – **REQUEST TO POSTPONE**
- B. 180 Islington Street

III. New Business

- A. 2299 Lafayette Road
- B. 170 Aldrich Road
- C. 345 Leslie Drive
- D. 34 Marne Avenue
- E. 61 Lawrence Street
- F. 268 Dennett Street

II. OLD BUSINESS

- A. REQUEST TO POSTPONE** The request of 909 West End LLC and PWED2 LLC (Owners), for property located at 909 and 921 Islington Street whereas relief is needed to construct a sign at 921 Islington Street that will be servicing the businesses located at 909 Islington Street which requires the following: 1) Variance from Section 10.1253.10 to allow a setback of 4 feet from a lot line where 5 feet are required, 2) Variance from Section 10.1253.20 to allow a sign to be erected and maintained between the heights of 2.5 feet and 10 feet above the edge of the pavements grades where a driveway intersects with a street and lies within an area bounded by (a) the sidelines of the driveway and street and (b) lines joining points along said side lines to feet from the point of intersection, and 3) Variance from Section 10.1224.90 to allow a sign advertising a product or service not provided on the lot on which the sign is located ("off premise sign"). Said property is located on Assessor Map 172 Lots 7 & 10 and lies within the Character District 4-W (CD4-W). **REQUEST TO POSTPONE** (LU-25-134)

Planning Department Comments

The applicant is requesting to postpone the application to the December BOA meeting to appropriately notice Variance Request 1, due to updated information from a sign location plan. The Board should vote on the postponement request and note that the application will be re-advertised at the expense of the applicant per the Board's rules.



November 10, 2025

Property located at 909 and 921 Islington St

Dear Zoning Board of Adjustment,

We ask for a move to Decembers meeting as the changes asked for in Octobers meeting has caused us to make a few changes that require the variance to be re-advertised.

We will prepare to have our submission completed by the November 19th submission date for the December meeting.

Thank you.

Sincerley

Michael Leary

Sundance Sign Company

II. OLD BUSINESS

- B.** The request of **ZJBV Properties LLC (Owner)** and **Jason Michalak (Applicant)**, for 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 located on Assessor Map 137 Lot 19 and lies within the Character District 4-L2 (CD4-L2) and Historic District. (LU-25-137)

Existing & Proposed Conditions

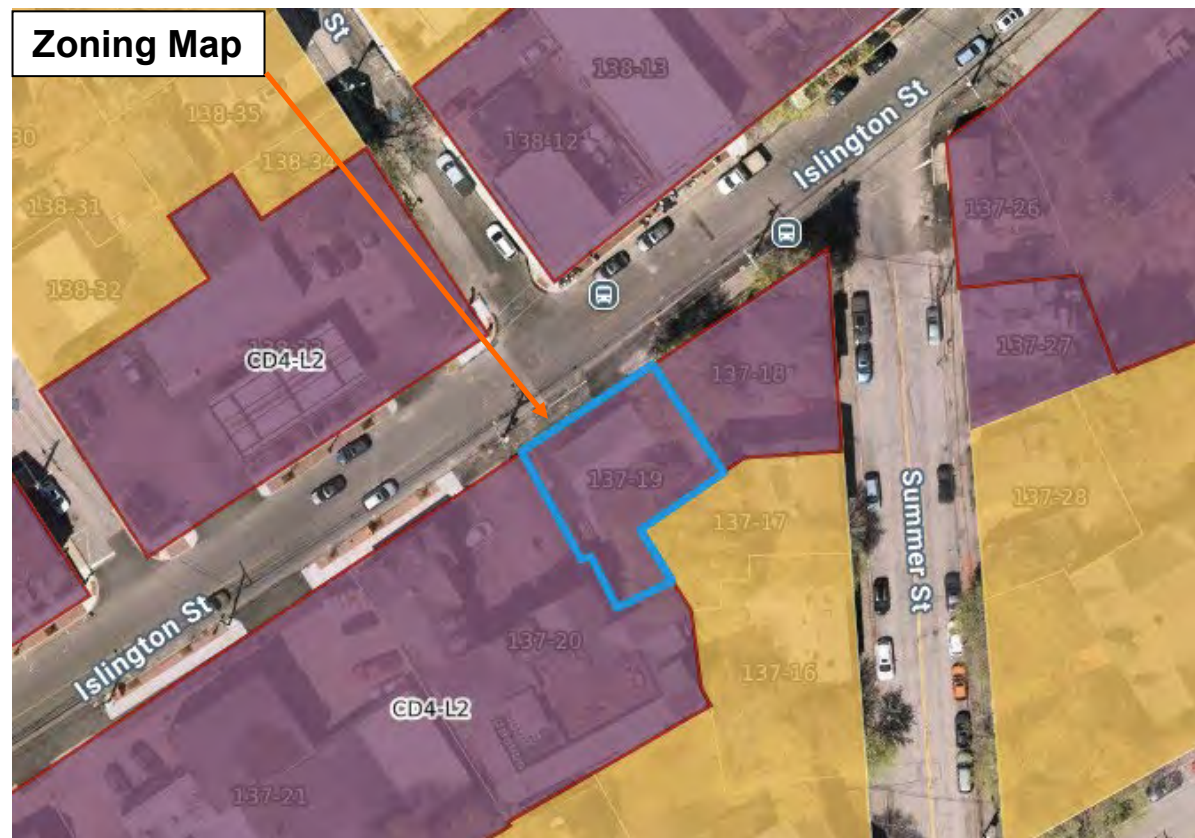
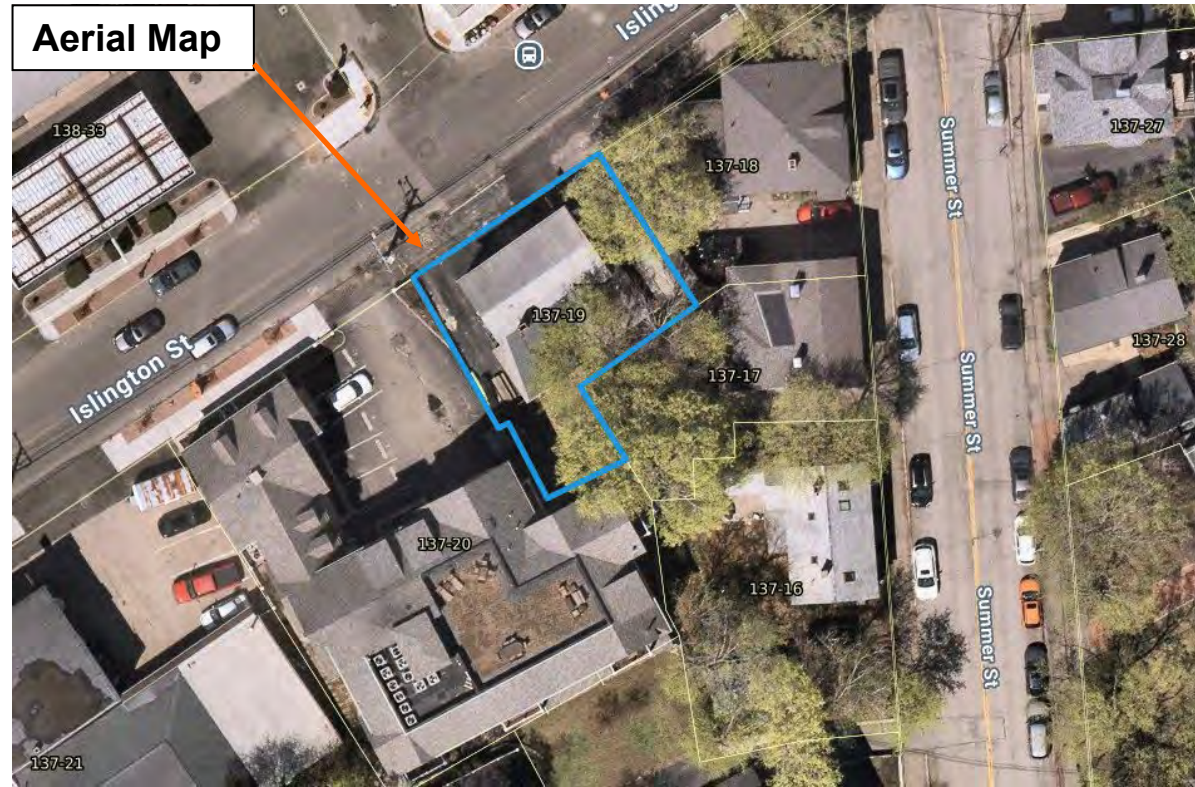
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	2 Commercial Units, 1 Residential Unit	Personal Service Use (Allowed by Special Exception)	Mixed residential and commercial uses
<u>Unit #1 Area (sq. ft.)</u>	1200	1200	
<u>Parking (Spaces)</u>	0	0	7 (1 per 400 SF)*
<u>Estimated Age of Structure:</u>	1840	Special Exception request(s) shown in red.	

*Parking CUP granted in 2024 for 0 spaces where 9 spaces are required based on 2 spaces for the residential unit and 7 spaces for 1,916 SF retail space (1 per 300 SF), rounded to 9 spaces out of an abundance of caution.

Other Permits/Approvals Required

- Tenant Fit-up/Building Permit
- Sign Permit

Neighborhood Context



Previous Board of Adjustment Actions

- **September 29, 1970** – to recommence operation of kennel in single family dwelling unit at 180 Islington Street. The Board voted to **deny** the request.
- **October 27, 1970** – a Rehearing in regards to a decision rendered by the Board of Adjustment on September 29, 1970 wherein it denied the petitioner’s request for permission to recommence operation of kennel in single family dwelling unit at 180 Islington Street. The Board voted to **deny** the request for Rehearing.

Planning Department Comments

The applicant is requesting to establish a tattoo studio in one of the two first-floor commercial units at 180 Islington St. This use is considered a “personal service” under the Zoning Ordinance and is allowed by Special Exception in the CD4-L2 district. The property owner received a Parking CUP in 2024 for 0 spaces where 9 are required. There is an existing paved parking area in the front and side of the building, but it does not meet dimensional requirements for parking. The parking requirement for the proposed use is 1 per 400SF which is less than what was considered for a retail use in the space (1 per 300SF) and therefore meets the CUP that was previously granted.

Special Exception Review Criteria

The application must meet all of the standards for a **special exception** (see Section 10.232 of the Zoning Ordinance).

1. *Standards as provided by this Ordinance for the particular use permitted by special exception;*
2. *No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials;*
3. *No detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking areas, accessways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials;*
4. *No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity;*
5. *No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools; and*
6. *No significant increase of stormwater runoff onto adjacent property or streets.*

10.235 Certain Representations Deemed Conditions

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

Project Narrative & Analysis Criteria Submission

Proposed Tattoo Studio – 180 Islington Street, Portsmouth, NH

Project Narrative

The proposal is to establish a professional tattoo studio at 180 Islington Street in Portsmouth, NH. The goal is to provide a safe, creative, and welcoming environment for clients while enhancing the city's reputation as a hub for arts and culture.

The studio will be designed to meet all applicable health, safety, and zoning requirements. Interior improvements will include fresh paint, upgraded workstations, and modern sanitation facilities consistent with Portsmouth Board of Health standards for body art establishments. By utilizing an existing commercial space without altering its footprint, this project will maintain the character of the surrounding neighborhood while adding to the mix of local creative businesses.

This project is intended to serve residents and visitors of Portsmouth, contributing positively to the downtown economy and supporting the city's cultural vibrancy. The business will operate in a manner consistent with other professional service establishments in the area, with minimal impact on traffic, noise, or municipal resources.

Analysis Criteria – Section 10.232.20

10.232.21 – Standards as provided by this Ordinance for the particular use permitted by special exception

The tattoo studio will comply fully with all city ordinances and regulations governing body art establishments, including health department licensing, zoning standards, and building code requirements. This ensures the proposed use is consistent with permitted uses by special exception within this zoning district.

10.232.22 – No hazard to the public or adjacent property

The tattoo studio does not involve hazardous materials, explosives, or toxic substances. All materials used (inks, disinfectants, sharps containers) are industry-standard, non-toxic, and disposed of in compliance with OSHA and state health regulations. As such, the operation will not pose any fire, explosion, or health hazard to the public or adjacent properties.

10.232.23 – No detriment to property values or essential character of area

Tattoo studios are increasingly recognized as legitimate small businesses within the arts and personal services sectors. The studio will operate inside an existing commercial building without exterior alterations beyond signage, ensuring compatibility with the surrounding neighborhood. The business will not generate odors, smoke, gas, dust, or pollutants. Noise levels will remain minimal, limited to normal conversation and background music within the shop. The shop will not use outdoor storage. These factors ensure there is no detriment to surrounding property values or change to the essential character of the area.

10.232.24 – No traffic safety hazard or substantial increase in congestion

The tattoo studio will generate typical customer traffic consistent with other small professional service businesses in the downtown area. Parking is available nearby on Islington Street and in adjacent lots. The anticipated level of traffic will not create safety hazards or result in a substantial increase in congestion beyond what the neighborhood currently supports.

10.232.25 – No excessive demand on municipal services

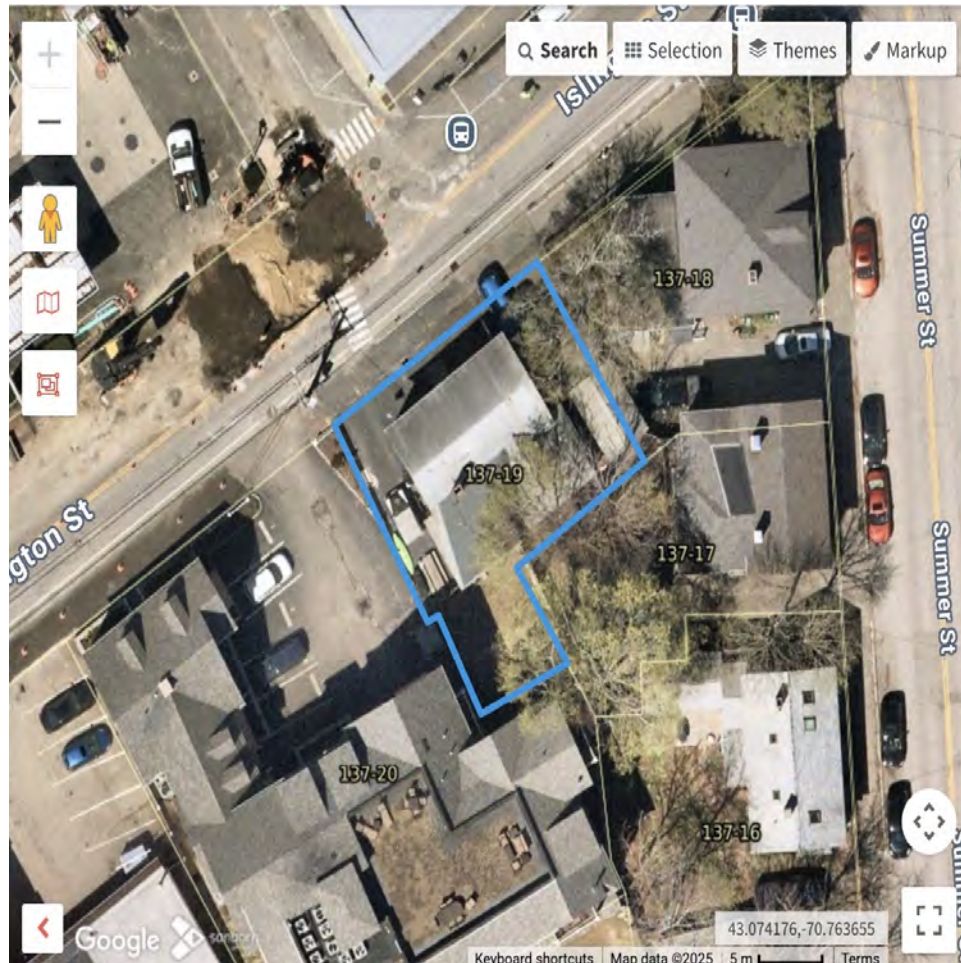
The tattoo studio will have minimal demand on municipal services. Water use is limited to handwashing and standard sanitation. Sewer and waste disposal needs are minimal and handled in accordance with municipal systems. Police and fire services are not expected to be required beyond normal emergency availability. No school resources are impacted.

10.232.26 – No significant increase of stormwater runoff

The project will be located inside an existing building with no proposed changes to the exterior footprint, parking surfaces, or landscaping. Therefore, there will be no increase in impervious surface area or stormwater runoff onto adjacent properties or streets.

Site Layout

The building at 180 Islington Street is oriented along Islington Street in a commercial district with surrounding retail, service, and residential uses. The tattoo studio will be located entirely within the existing commercial unit of the building. No exterior additions are proposed. Site features include: paved sidewalks, public right-of-way access, nearby parking lots, and existing mechanical units located at the rear of the building. No wetlands or sensitive environmental features are impacted.



Site Photos

The following photos provide context of the property and surrounding area:







FORMER TATTOO SHOP DOWNTOWN PORTSMOUTH

- MEETS NH REQUIREMENTS FOR A TATTOO PARLOR

FOR LEASE

*** FRESHLY RENOVATED ***

PARLOR INCLUDING SECONDARY SINK WITH FILTER

- 1200 +/- Square feet

- Signage available

- Newer floor

- Newer molding

- Newer paint

- Floor Sink with commercial filter

- Heavily used road to downtown Portsmouth NH

- Approx. 3 blocks from downtown

- Private Bathroom

- Parking Available

-Walk Score 95 -- Walker's Paradise

<http://www.walkscore.com/score/180-lslington->

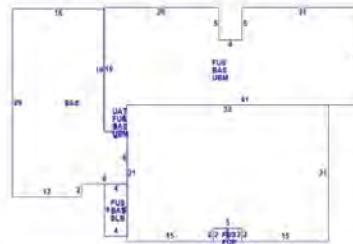
Street-Portsmouth-NH-03801 Less

(Downtown, Portsmouth NH, Beach, Seacoast,

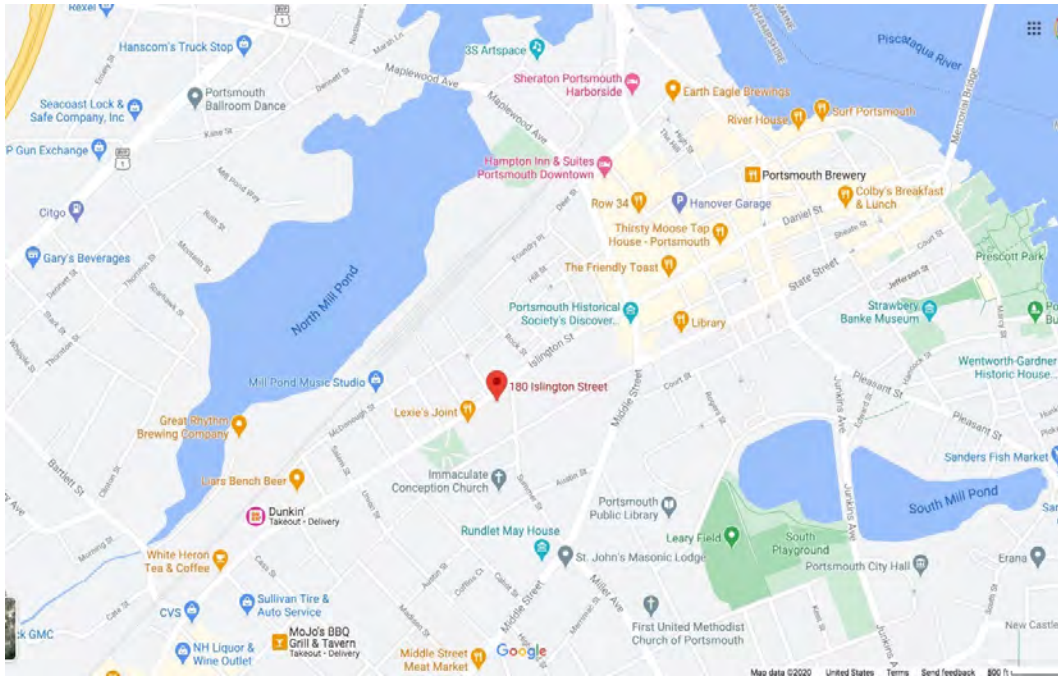
Office, Yoga, Boutique, Cafe, Storefront, Message,

Etc)

Building Layout



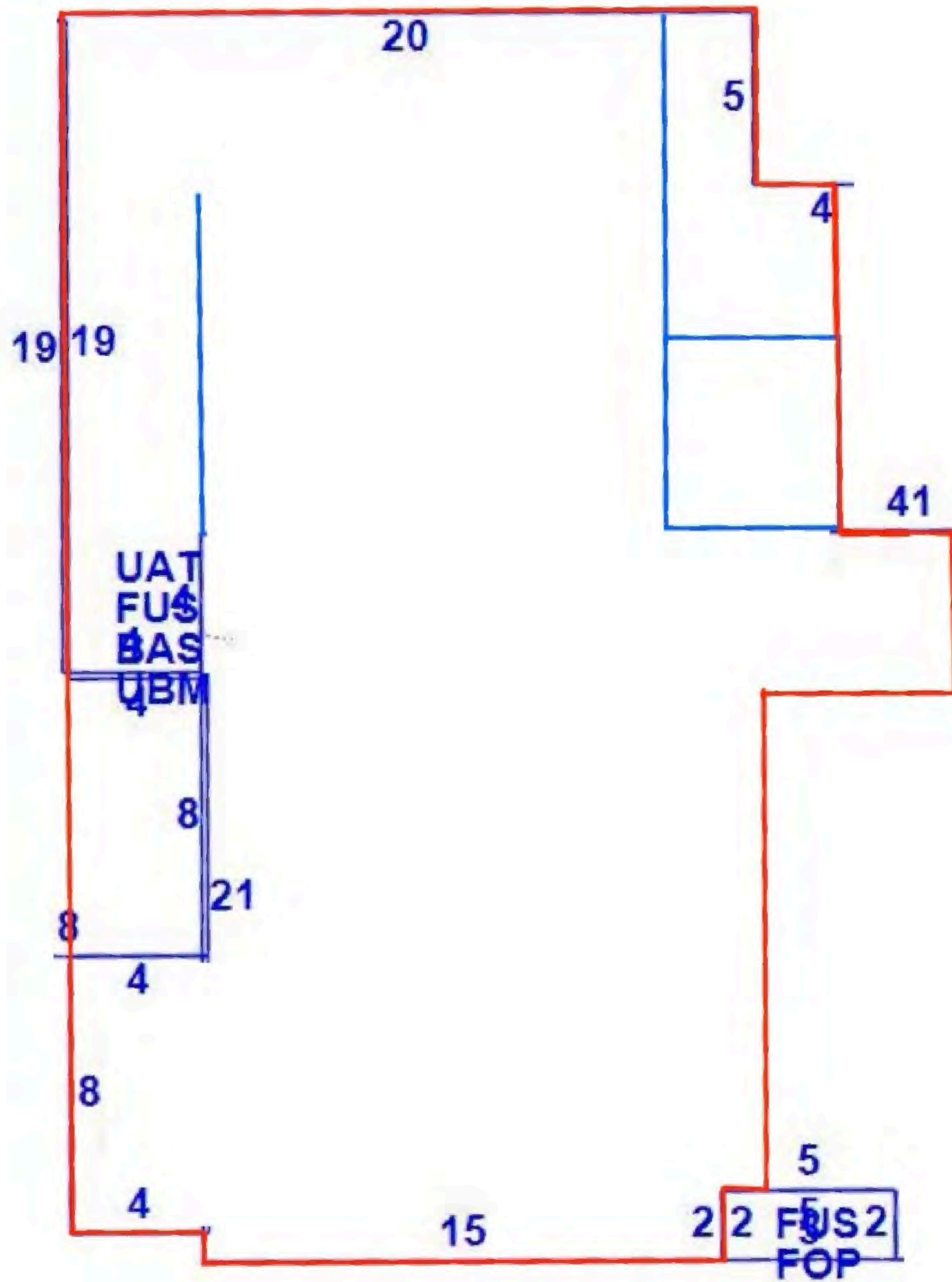
Building Sub-Areas (sq ft)		Legend	
Code	Description	Gross Area	Living Area
BAS	First Floor	1,916	1,916
FUS	Upper Story, Finished	1,438	1,438
FOP	Porch, Open	10	0
SLB	Slab	32	0
UAT	Attic	725	0
UBM	Basement, Unfinished	1,396	0
		5,517	3,354



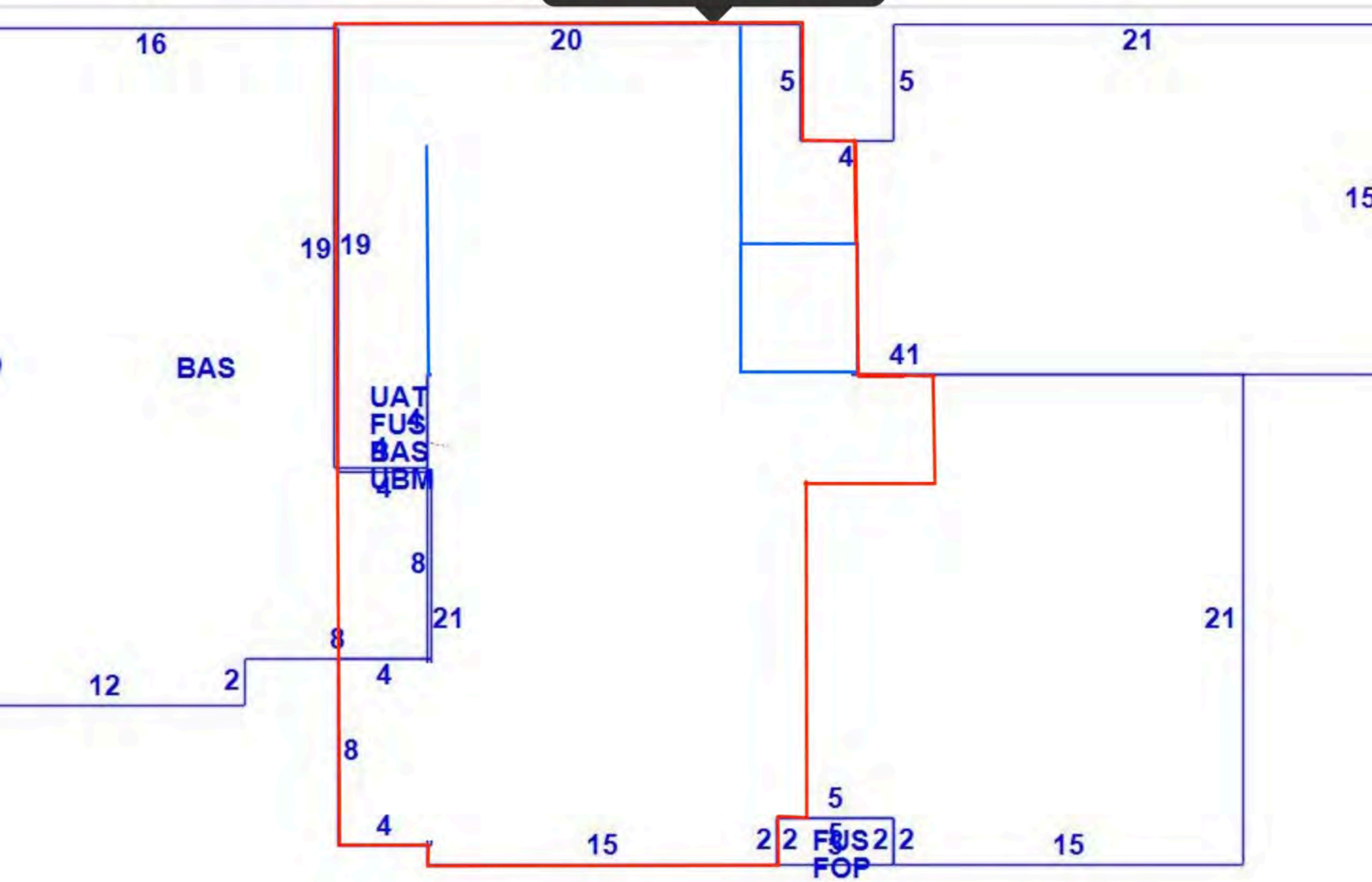




Unit #1 Floor Plan



Building Layout





III. NEW BUSINESS

- A. The request of **Rye Port Properties LLC (Owner)**, for 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 located on Assessor Map 272 Lot 4 and lies within the Gateway Corridor (G1) District. (LU-25-141)

Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Existing Commercial Building	Car Wash*	Mixed Uses
<u>Lot area (sq. ft.):</u>	80,150	80,150	NR min.
<u>Street Frontage (ft.):</u>	200	200	100 min. (Sec. 10.5B32.30)
<u>Lot depth (ft.):</u>	400	400	NR min.
<u>Front Yard (ft.):</u>	154	157	70-90 max. (Sec. 10.5B22.40)
<u>Left Yard (ft.):</u>	41	97	10 min.
<u>Right Yard (ft.):</u>	>10	60.5	10 min.
<u>Rear Yard (ft.):</u>	195	144	15 min.
<u>Height (ft.):</u>	20	<40	40 max.
<u>Building Coverage (%):</u>	8	6.5	70 max.
<u>Building Footprint (SF):</u>	6,859	4,683	10,000 max
<u>Open Space Coverage (%):</u>	>10	44	10 min.
<u>Dumpster Setback (ft.)</u>	>10	2	10 min. (Sec. 10.575)
<u>Parking</u>	42	30**	14 min.
<u>Estimated Age of Structure:</u>	2006	Variance request(s) shown in red.	

*CUP from Planning Board required for Car Wash Use

**Parking spaces located between the principal building and the street

Other Permits/Approvals Required

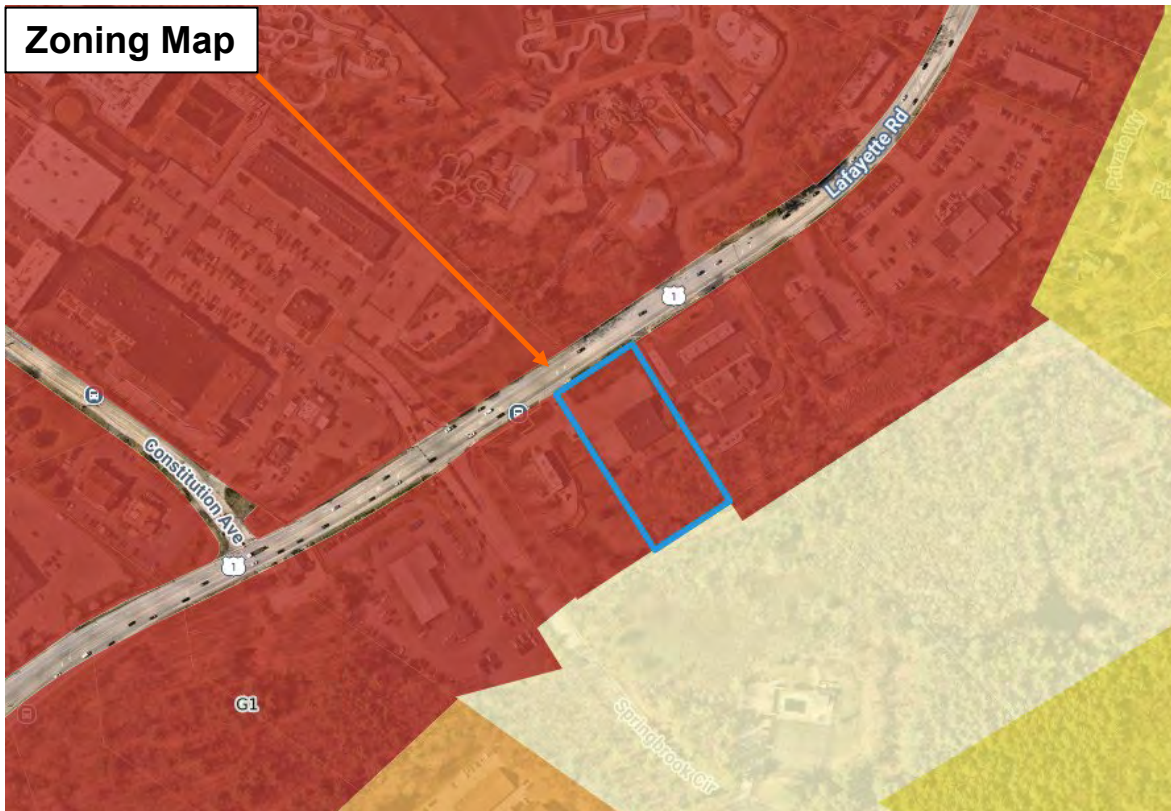
- Building Permit
- Site Plan Review – Technical Advisory Committee and Planning Board
- Conditional Use Permit for Car Wash Use – Planning Board

Neighborhood Context

Aerial Map



Zoning Map



Previous Board of Adjustment Actions

- **January 21, 1997** – 1) an Appeal from an Administrative Decision in the determination that the proposed use as a “business office and a trucking distribution center (by 18 wheelers) for bulk petroleum products” is not viewed the same as the existing use of the property as a “business office and a dairy distribution center”. Notwithstanding the above, if the Administrative Appeal is denied then a Special Exception as allowed in Article IV, Section 10-401(A)(1)(d) is requested to allow the existing nonconforming use as a “business office and a dairy products distribution center” be changed to a “business office and a trucking distribution center (by 18 wheelers) for bulk petroleum products”. The Board voted to deny the Administrative Appeal. They found the decision made by the Code Official was correct. The Board voted to deny your request for Special Exception, since they found that there could be the potential safety hazard associated with fuel products and a potential traffic safety hazard could be created. The Board concluded that the proposed location was not conducive to this use and would be more appropriate in an industrial area.
- **February 18, 1997** – Request for a Rehearing. The Board voted to deny the request for a Rehearing. They found that there was no new evidence presented to warrant a rehearing and concluded that the Board did not err in their decision made at the January 21, 1997 meeting.
- **April 15, 1997** – a Variance from Article II, Section 10-208 to allow outdoor storage of equipment (fork-lifts, scissor-lifts, air compressors, small front-end loaders like a Bobcat, etc.) for rent related to the rental business in a portion of the existing building.
The Board voted to grant the request as presented with the following conditions:
 - 1) That the equipment be displayed no closer than 75’ to Lafayette Road; and
 - 2) That the property be landscaped similar to direct abutters on either side of the property and be subject to the approval of the Planning Department.
- **October 19, 1999** – a Variance from Article II, Section 10-208(54)(A) is requested to allow an 8’ x 28’ trailer for use as an office where temporary structures are not allowed for more than 30 days. The request was withdrawn by the applicant.
- **June 20, 2006** – a Variance from Article IX, Section 10-908 Table 14 to allow: a) a 144 sf internally illuminated attached sign and illuminated banding where 129 sf is the maximum allowed, and b) 252 sf of aggregate signage where 129 sf is the maximum allowed.
The request was withdrawn by the applicant at the meeting.

Planning Department Comments

The site is currently a one-story, 6,900 SF commercial building that was recently vacated by a retail sales use. The applicant is proposing to redevelop the property with a car wash facility. The proposed site development plans require relief for parking spaces that will be located between the principal building and the street, the dumpster setback and a front building setback that is greater than the maximum allowed per special setback requirements on Lafayette Road.

Staff notes that the notice for this application incorrectly advertised “125 feet from the sideline where 50 feet is the maximum” for Variance 3 from Section 10.5B22.40. This requirement is specific to properties along Route 1 Bypass and therefore it is not pertinent to this application.

If the Board decides to grant approval of the requested variances, staff recommends the following condition for consideration:

1. The design and location of the buildings may change as a result of Planning Board review and approval.

Variance Review Criteria

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

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*
AND
 - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*
OR
Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.235 Certain Representations Deemed Conditions

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

October 29, 2025

Stefanie Casella

Planner

Portsmouth Planning Department

1 Junkins Avenue

Portsmouth, NH 03801

(603)610-7290

RE: Project Narrative and Variance Analysis for Hang10 Portsmouth, NH

Project narrative

The proposed development at 2299 Lafayette Road, Portsmouth, NH 03801, is planned as a Hang10 Car Wash. Hang10 offers two monthly membership tiers or single washes to meet a range of customer needs. Following their wash, customers will have access to complimentary high-powered vacuums. Members at the Big Kahuna level receive additional perks, such as a premium wash and access to the Hang10 Dog Wash, a self-contained wash station equipped with soap, conditioner, and a dryer for convenient pet cleaning.

This site is an excellent fit for Hang10's express-wash model, supported by demographic and pro forma analysis. Hang10 is headquartered in Seabrook, NH, and the company's founder is a New Hampshire native.

In addition to the fully enclosed car wash, the site includes parking spaces with vacuum stations, vacuum enclosures, employee parking, and a dumpster.

Hang10 is applying for three variances for the following design elements.

1. Off-street parking is located between the principal building and the street.
2. The dumpster is located 2' from the left property line; code requires a minimum setback of 10'.
3. The proposed building setback is 157' from the Lafayette Rd centerline, exceeding the 90' maximum allowed.

Variance Analysis Criteria from section 10.223 of the Zoning Ordinance

1. 10.233.21 The variance will not be contrary to the public interest;
 - a. The proposed site layout is consistent with other commercial uses along Lafayette Road, many of which have off-street parking or vehicle circulation areas located between the building and the street. The design aligns with the established development pattern and will not alter the visual character of the neighborhood. Green space has been provided around the parking for the option of natural screening for Lafayette Rd. The visually appealing

- building will remain visible from the road and serve as an architectural feature for Lafayette Rd.
- b. The dumpster will be surrounded with a 7-foot-high enclosure that matches the proposed building and will not have a negative visual impact on the neighboring Taco Bell site or those driving by.
 - c. Due to the operational needs of a car wash, additional setback is necessary to ensure safe circulation and functionality. Allowing this variance enables a reasonable and beneficial use of the property without detriment to the community.
2. 10.233.22 The spirit of the Ordinance will be observed;
The spirit and intent of the City of Portsmouth's ordinance have been preserved. The site has been thoughtfully designed to avoid impacts to the 100-foot wetland buffer at the rear of the property, while still accommodating safe and functional customer circulation.
3. 10.233.23 Substantial justice will be done;
Granting these variances will result in substantial justice because the relief requested allows for a reasonable and functional use of the property without creating any harm to the public or neighboring properties. Strict compliance with the ordinance would prevent the applicant from developing the site in a manner that both protects environmental resources and provides safe, efficient site operations.
4. 10.233.24 The values of surrounding properties will not be diminished; and
The placement of the dumpster, employee parking spaces, and building should not adversely affect the value of surrounding properties. Landscaping will be incorporated to ensure compatibility with neighboring uses.
5. 10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.
Strict enforcement of the ordinance would necessitate relocating essential site features to the rear of the property, thereby increasing disturbance within the 100-foot wetland setback. This outcome would conflict with the intent of the ordinance to protect sensitive environmental areas.

Respectfully,



Paige Weidner, PE
Project Manager
4445 Lake Forest Drive, Suite 275
Cincinnati, OH 45242
O 937.648.3213
paige.weidner@cesoinc.com

Arial View:



Facing Northeast on Lafayette Rd:



Facing Southwest on Lafayette Rd:



Initial: _____

SITE INFORMATION

NF: RYE PORT PROPERTIES LLC
2299 LAFAYETTE RD, PORTSMOUTH, NH 03870
APN: 0272-0004-0000
79,998 ± SQUARE FEET, OR 1.837 ± ACRES

TITLE COMMITMENT INFORMATION

AWAITING TITLE COMMITMENT

SCHEDULE A DESCRIPTION

AWAITING TITLE COMMITMENT

NOTES CORRESPONDING TO SCHEDULE B

AWAITING TITLE COMMITMENT

REFERENCE DOCUMENTS

- WARRANTY DEED, RECORDED AS BOOK 5083, PAGE 763 ON JANUARY 15, 2010, ROCKINGHAM COUNTY REGISTRY OF DEEDS.
- SUBDIVISION PLAT, RECORDED AS PLAN D-33166 ON OCTOBER 24, 2005, PORTSMOUTH TOWN CLERK RECORDS.
- TITLE INSURANCE PLAN, RECORDED AS PLAN D-20705 ON NOVEMBER 7, 1990, PORTSMOUTH TOWN CLERK RECORDS.
- ASBUILT SITE PLAN, RECORDED AS PLAN D-15321 ON AUGUST 8, 1986, PORTSMOUTH TOWN CLERK RECORDS.

PARKING INFORMATION

REGULAR= 40
HANDICAP= 2
TOTAL= 42

FLOOD ZONE INFORMATION

BY GRAPHIC PLOTTING ONLY. THIS PROPERTY IS IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP. COMMUNITY PANEL NO. 330150C02705, WHICH BEARS AN EFFECTIVE DATE OF 01/28/2021 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

ZONE "X" - AREA OF MINIMAL FLOOD HAZARD, USUALLY DEPICTED ON FIRMS AS ABOVE THE 500-YEAR FLOOD LEVEL. ZONE "X" IS THE AREA DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD AND PROTECTED BY LEVEE FROM 100-YEAR FLOOD.

BASIS OF BEARING

THE BASIS OF BEARING OF THIS SURVEY IS GRID NORTH BASED ON THE NORTHEAST LINE OF THE SUBJECT PROPERTY. THE BEARING IS DENOTED AS 333°10'12" PER GPS COORDINATE OBSERVATIONS NEW HAMPSHIRE STATE PLANE NAD83.
LATITUDE = 43°02'03.4920"
LONGITUDE = -70°48'49.2583"
CONVERGENCE ANGLE = 00°36'17.57"

SIGNIFICANT OBSERVATIONS

AWAITING TITLE COMMITMENT

UTILITY INFORMATION

THE UTILITIES SHOWN ON THIS DRAWING HEREON HAVE BEEN LOCATED BY FIELD MEASUREMENTS. UTILITY MAP DRAWINGS, NEW HAMPSHIRE 811 DIGI UTILITY LOCATE REQUEST, AND PRIVATE UTILITY LOCATE CONTRACTED BY BLEW AND ASSOCIATES. BLEW AND ASSOCIATES MAKES NO WARRANTY TO THE EXACT LOCATION OF ANY UNDERGROUND UTILITIES SHOWN OR NOT SHOWN ON THIS DRAWING. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ANY AND ALL UTILITIES PRIOR TO CONSTRUCTION. TICKET NUMBER: 20253216635

COMPANY: COMCAST - NH
CONSOLIDATED COMMUNICATIONS
EVERSOURCE - ELECTRIC
PORTSMOUTH DRW
UNITIL - NORTHERN UTILITIES - NH - GAS

CONTACT: (317) 810-8269
(207) 852-8315 x1
(207) 852-8315 x1
(603) 427-1530
(603) 294-5177

PRIVATE UTILITY LOCATE NOTES:
1. UNKNOWN WATERLINE PIPE TYPE/SIZE. NO GIS MAP PROVIDED TO SURVEYOR.

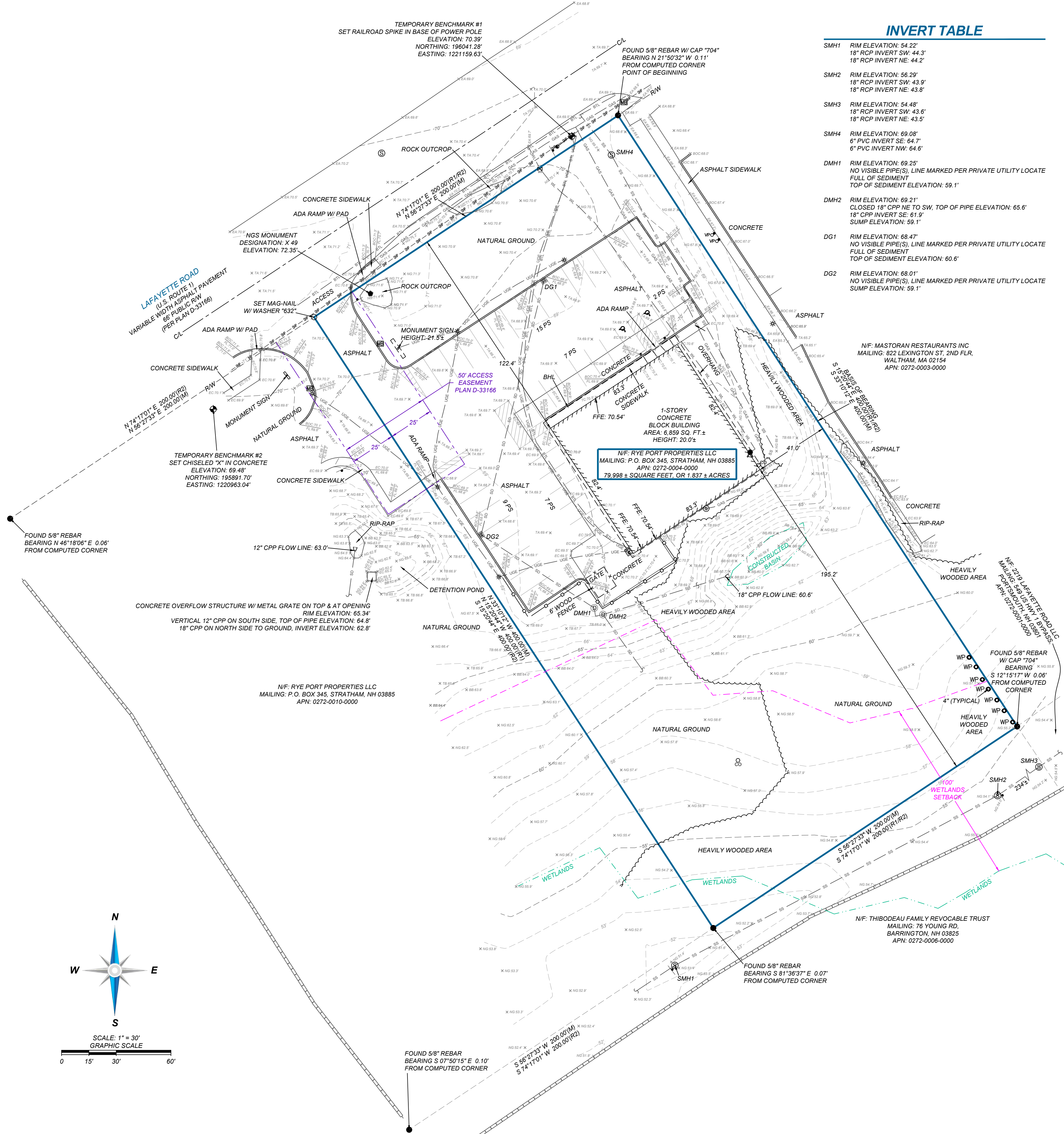
ZONING INFORMATION

PROPERTY IS CURRENTLY ZONED: AWAITING ZONING REPORT

OBSERVED USE: COMMERCIAL:	USE PERMITTED BY ZONE:	YES, or	NO
ITEM	REQUIRED	OBSERVED	
MIN. SETBACKS FRONT		122.4'	
MIN. SETBACKS SIDE		41.0'	
MIN. SETBACKS REAR		195.2'	
MAX. BUILDING HEIGHT		20.0'	
MIN. LOT AREA		79,998 SQ. FT.	
MIN. LOT WIDTH		200.00'	
MAX. BLDG COVERAGE		8.6%±	
PARKING REGULAR		40	
PARKING HANDICAP		2	
PARKING TOTAL		42	

ALT/NSPS LAND TITLE SURVEY

2299 LAFAYETTE ROAD,
PORTSMOUTH, ROCKINGHAM COUNTY, NEW HAMPSHIRE



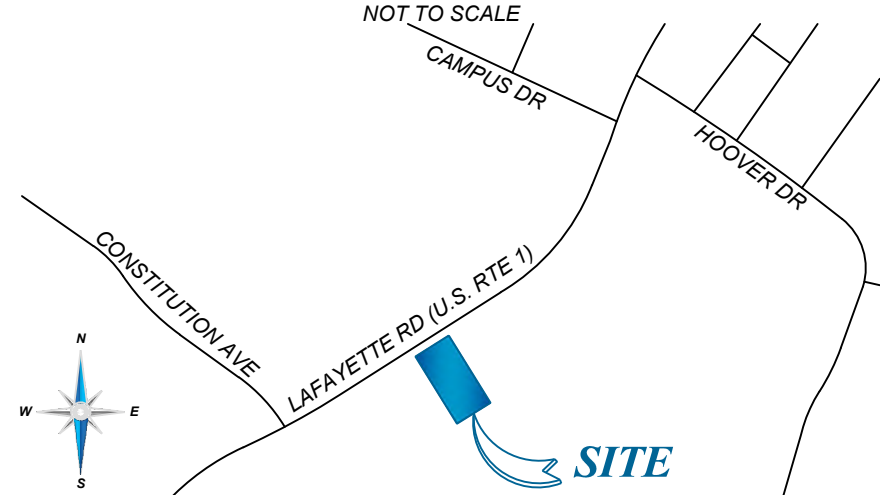
INVERT TABLE

SMH1	RIM ELEVATION: 54.22' 18" RCP INVERT SW: 44.3' 18" RCP INVERT NE: 44.2'
SMH2	RIM ELEVATION: 55.29' 18" RCP INVERT SW: 43.9' 18" RCP INVERT NE: 43.8'
SMH3	RIM ELEVATION: 54.48' 18" RCP INVERT SW: 43.6' 18" RCP INVERT NE: 43.5'
SMH4	RIM ELEVATION: 69.08' 6" PVC INVERT SE: 64.7' 6" PVC INVERT NW: 64.6'
DMH1	RIM ELEVATION: 69.25' NO VISIBLE PIPE(S), LINE MARKED PER PRIVATE UTILITY LOCATE FULL OF SEDIMENT TOP OF SEDIMENT ELEVATION: 59.1'
DMH2	RIM ELEVATION: 69.21' CLOSED 18" CPP N.E. TO SW, TOP OF PIPE ELEVATION: 65.6' 18" CPP INVERT SE: 61.9' SUMP ELEVATION: 59.1'
DG1	RIM ELEVATION: 68.47' NO VISIBLE PIPE(S), LINE MARKED PER PRIVATE UTILITY LOCATE FULL OF SEDIMENT TOP OF SEDIMENT ELEVATION: 60.6'
DG2	RIM ELEVATION: 68.01' NO VISIBLE PIPE(S), LINE MARKED PER PRIVATE UTILITY LOCATE SUMP ELEVATION: 59.1'

LEGEND & SYMBOLS

●	FOUND MONUMENT AS NOTED
○	SET MONUMENT AS NOTED
●	FOUND NGS MONUMENT
●	SET TEMPORARY BENCHMARK
♿	HANDICAP PARKING
⚡	POWER POLE
⚡	LIGHT POLE
⚡	GUY ANCHOR
⚡	ELECTRIC METER
⚡	WATER SPIGOT
⚡	WATER VALVE
⚡	GAS METER
⚡	FUEL STATION TANK VENT PIPE
⚡	SANITARY MANHOLE (SMH)
⚡	CLEANOUT
⚡	STORM MANHOLE
⚡	DRAIN GRATE (DGR)
⚡	STORM CULVERT PIPE
⚡	SIGN
⚡	BOLLARD
⚡	MAILBOX
⚡	WOOD POST
⚡	BUILDING HEIGHT LOCATION
⚡	FINISHED FLOOR ELEVATION
⚡	PARKING SPACE(S)
⚡	PS
⚡	MEASURED CALCULATED DIMENSION
⚡	RECORD DIMENSION PER BK. 5083, PG. 764
⚡	RECORD DIMENSION PER PLAN D-33166
⚡	CPP
⚡	POLYVINYL CHLORIDE PIPE
⚡	RCP
⚡	REINFORCED CONCRETE PIPE
⚡	BB
⚡	BOTTOM OF BANK
⚡	BOC
⚡	BACK OF CURB
⚡	EA
⚡	EDGE OF ASPHALT
⚡	EC
⚡	EDGE OF CONCRETE
⚡	FL
⚡	FLOW LINE
⚡	NG
⚡	NATURAL GROUND
⚡	TA
⚡	TOP OF ASPHALT
⚡	TB
⚡	TOP OF BANK
⚡	TC
⚡	TOP OF CONCRETE
⚡	BOUNDARY LINE
⚡	EASEMENT LINE
⚡	SETBACK LINE
⚡	(R1)
⚡	RIGHT-OF-WAY LINE
⚡	C/L
⚡	CENTERLINE OF RIGHT-OF-WAY
⚡	FENCE LINE
⚡	METAL GUARDRAIL
⚡	ROCK WALL
⚡	TREE CANOPY
⚡	LIMITS OF WETLANDS
⚡	OVERHEAD POWER LINE
⚡	UNDERGROUND ELECTRIC LINE
⚡	STL
⚡	UNDERGROUND TELEPHONE LINE
⚡	WL
⚡	UNDERGROUND WATER LINE
⚡	GS
⚡	UNDERGROUND GAS LINE
⚡	SS
⚡	SANITARY SEWER LINE
⚡	SD
⚡	STORM SEWER LINE
⚡	NOT TO SCALE

VICINITY MAP



GENERAL NOTES

- SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY.
- DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.
- IN REGARD TO ALT/NSPS TABLE A ITEM 16, THERE WAS NO OBSERVABLE EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR ADDITIONS EXCEPT AS SHOWN HEREON.
- IN REGARD TO ALT/NSPS TABLE A ITEM 17, THERE WERE NO KNOWN PROPOSED CHANGES IN RIGHT OF WAY LINES, RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS EXCEPT AS SHOWN HEREON.
- AT THE TIME OF THE ALT/NSPS SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP, OR SANITARY LANDFILL.
- AT THE TIME OF THE ALT/NSPS SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A CEMETERY, ISOLATED GRAVE SITE OR BURIAL GROUNDS.
- COMPLETED FIELD WORK WAS AUGUST 15, 2025.
- THE DISTANCES SHOWN HEREON ARE UNITS OF GROUND MEASUREMENT.
- THE NEAREST INTERSECTING STREET IS THE INTERSECTION OF LAFAYETTE ROAD AND CONSTITUTION AVENUE, WHICH IS APPROXIMATELY 755' FROM THE NORTHWEST CORNER OF THE SUBJECT PROPERTY.
- THE SUBJECT PROPERTY HAS DIRECT & INDIRECT ACCESS TO LAFAYETTE ROAD, BEING A PUBLICLY DEDICATED RIGHT-OF-WAY, AS SHOWN PER PLAN D-33166.
- EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT PROPERTY: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF SURVEY; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS OR OTHER LAND USE REGULATIONS, AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.
- NO SURVEYOR OR ANY OTHER PERSON OTHER THAN A LICENSED NEW HAMPSHIRE ATTORNEY MAY PROVIDE LEGAL ADVICE CONCERNING THE STATUS OF TITLE TO THE PROPERTY DESCRIBED IN THIS SURVEY ("THE SUBJECT PROPERTY"), THE PURPOSE OF THIS SURVEY, AND THE COMMENTS RELATED TO THE SCHEDULE B-11 EXCEPTIONS. IT IS ONLY TO SHOW THE LOCATION OF BOUNDARIES AND PHYSICAL OBSTRUCTIONS IN RELATION THERETO. TO THE EXTENT THAT THE SURVEY INDICATES THAT THE LEGAL INSTRUMENT "AFFECTS" THE SUBJECT PROPERTY, SUCH STATEMENT IS ONLY INTENDED TO INDICATE THAT PROPERTY BOUNDARIES INCLUDED IN SUCH INSTRUMENT INCLUDE SOME OR ALL OF THE SUBJECT PROPERTY. THE SURVEYOR DOES NOT PURPORT TO DESCRIBE HOW SUCH INSTRUMENT AFFECTS THE SUBJECT PROPERTY OR THE ENFORCEABILITY OR LEGAL CONSEQUENCES OF SUCH INSTRUMENT.
- NAMES AND ADDRESSES OF ADJOINING PROPERTY OWNERS WERE TAKEN FROM THE CITY OF PORTSMOUTH GIS.
- THE SUBJECT PROPERTY SHOWN HEREON FORMS A MATHEMATICALLY CLOSED FIGURE AND IS CONTIGUOUS WITH THE ADJOINING PUBLIC RIGHT-OF-WAY AND/OR ADJOINING PARCELS WITH NO GAPS OR OVERLAPS.
- IN REGARD TO ALT/NSPS TABLE A ITEM 10, NO VISIBLE DIVISION OR PARTY WALLS WITH RESPECT TO ADJOINING PROPERTIES WERE OBSERVED AT THE TIME THE FIELD SURVEY WAS PERFORMED, NOR WERE ANY DESIGNATED BY THE CLIENT.
- ELEVATIONS ESTABLISHED WITH GPS OBSERVATIONS UTILIZING THE NATIONAL GEODETIC SURVEY (NGS) NETWORK WITH ORIGINATING BENCHMARK DESIGNATION: X 49, VERTICAL DATUM BASED UPON NORTH AMERICAN VERTICAL DATUM (NAV88) IN US SURVEY FEET. CONTOURS SHOWN ARE ONE FOOT INTERVALS.
PID: OC0281
PUBLISHED ELEVATION: 72.35'
MONUMENT DESCRIPTION: BENCHMARK DISK STAMPED "X 49 1986" SET IN A ROCK OUTCROP
- WETLAND LOCATIONS SHOWN HEREON WERE PROVIDED BY BL COMPANIES, A QUALIFIED SPECIALIST.

SURVEYOR'S CERTIFICATE

TO:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALT/NSPS AND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 5, 6A, 6B, 7B1, 7C, 8, 9, 10, 11B, 13, 14, 16, 17, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 08/15/2025.

DATE OF PLAT OR MAP: 08/22/2025

HOLLAND E. SHAW
PROFESSIONAL LAND SURVEYOR NO. 632
STATE OF NEW HAMPSHIRE
NEW HAMPSHIRE C.O.A. 00545

BLEW

Surveying | Engineering | Environmental

3825 N. SHILOH DRIVE - FAYETTEVILLE, AR 72703

EMAIL: SURVEY@BLEWINC.COM

OFFICE: 479.443.4506 FAX: 479.582.1883

WWW.BLEWINC.COM

SURVEYOR JOB NUMBER:
25-6116

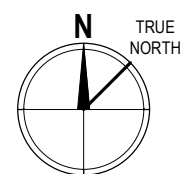
SURVEY DRAWN BY:
AJK - 08/22/2025

SURVEY REVIEWED BY:
KLR

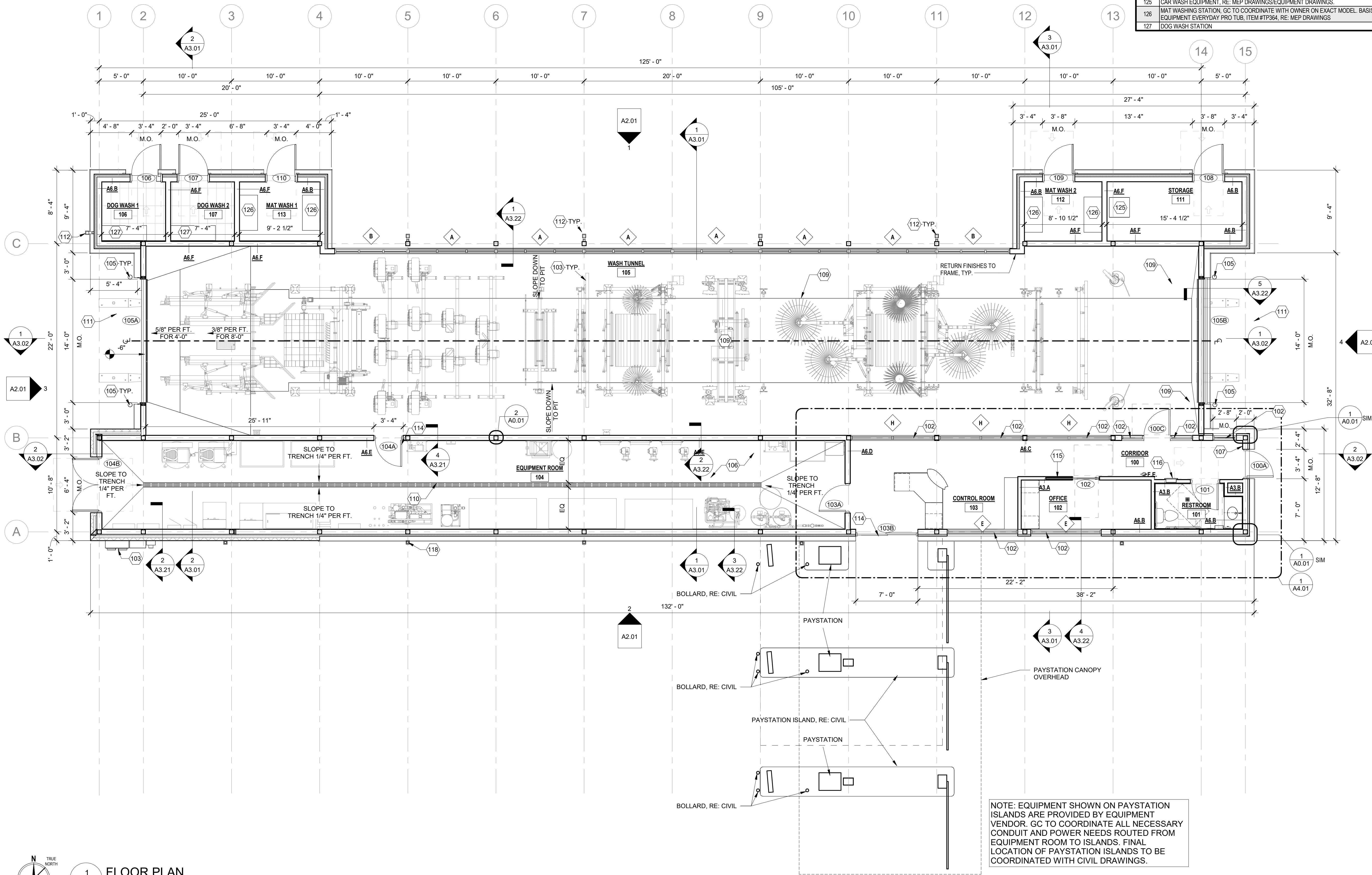
SHEET:
1 OF 1

DATE	REVISION HISTORY	BY
09/10/25	WETLANDS DELINEATION	AJK
09/24/25	CLIENT COMMENTS	KLR

10/2/2025 5:23:11 PM Autodesk Docs\\hang10\\Portsmouth NH\\hang_10\\Portsmouth NH\\A1.01.dwg



1 FLOOR PLAN
A1.01 Scale: 3/16" = 1'-0"



NOTE: EQUIPMENT SHOWN ON PAYSTATION ISLANDS ARE PROVIDED BY EQUIPMENT VENDOR. GC TO COORDINATE ALL NECESSARY CONDUIT AND POWER NEEDS ROUTED FROM EQUIPMENT ROOM TO ISLANDS. FINAL LOCATION OF PAYSTATION ISLANDS TO BE COORDINATED WITH CIVIL DRAWINGS.

GENERAL NOTES

1. EXTERIOR DIMENSIONS ARE TO FACE OF MASONRY.
2. INTERIOR DIMENSIONS ARE TO FACE OF FINISHED WALL SURFACE.
3. AT ALL CASEWORK AND COUNTERTOPS ADJACENT TO WALL CONSTRUCTION, PROVIDE CAULKING AT WALL SURFACES.
4. ANCHOR ALL OWNER FURNISHED CASEWORK TO FLOOR.
5. GC TO PROVIDE KNOX BOX. COORDINATE LOCATION & REQUIREMENTS WITH AHJ.
6. GC TO PROVIDE BDA TEST PER AHJ REQUIREMENTS. GC TO PULL TEST RESULTS WITH PERMIT AND NOTIFY ARCHITECT IF A BDA ROOM IS REQUIRED PER FIRE DEPARTMENT.
7. REFER TO SHEET A0.01 FOR INTERIOR PARTITION TYPE INFORMATION.
8. REFER TO EXTERIOR ELEVATIONS FOR STOREFRONT AND WINDOW TAGS.
9. PROVIDE ACCESSIBLE TACTILE EXIT SIGN. SEE TYPICAL ACCESSIBILITY SIGNS ON SHEET G0.20.
10. PROVIDE ACCESSIBLE RESTROOM SIGN. SEE TYPICAL ACCESSIBILITY SIGNS ON SHEET G0.20.

KEYNOTES

- | | |
|-----|--|
| 102 | EXTERIOR ALUMINUM STOREFRONT SYSTEM WITH 1" CLEAR INSULATED GLASS |
| 103 | ELECTRICAL METER / EQUIPMENT, TBD. RE: ELECTRICAL. |
| 105 | CONCRETE-FILLED PIPE BOLLARD, LOCATE CENTER OF BOLLARD 8" FROM FINISH FACE OF BUILDING, ALIGN OUTSIDE EDGE OF BOLLARD WITH EDGE OF DOOR OPENING, PAINT TO MATCH BUILDING. |
| 106 | PROVIDE 3/4" MARINE GRADE PLYWOOD SHEATHING ON ALL INTERIOR WALL SURFACES OF EQUIPMENT ROOM. |
| 107 | PROVIDE ACCESSIBLE TACTILE EXIT SIGN. SEE TYPICAL ACCESSIBILITY SIGNS ON SHEET G0.20. |
| 109 | REFER TO CAR WASH DRAWINGS FOR SLOPES |
| 110 | TRENCH DRAIN, RE: PLUMBING |
| 111 | CONCRETE APPROACH AND EXIT SLABS TO EXTEND A MINIMUM OF 20' FROM EITHER END OF THE TRENCH. THESE SLABS ARE TO BE LEVEL AND ALIGNED ALONG THE DIRECTION OF THE TRENCH. PROVIDE SLIGHT SLOPING OF THESE SLABS PERPENDICULAR TO THE DIRECTION OF TRAVEL TO ALLOW FOR DRAINAGE IS ACCEPTABLE |
| 112 | PREFINISHED METAL DOWNSPOUT, TIE INTO STORM. RE: CIVIL |
| 114 | THIS DOOR IS NOT INTENDED FOR EGRESS. DOOR TO BE USED BY EMPLOYEES ONLY WITH KEYFOB/KEYPAD ENTRY/EXIT AND HAVE SIGNAGE NEXT TO THE DOOR AT THE INTERIOR WHICH STATES "DOOR IS NOT AND EXIT" OWNER TO PROVIDE TRAINING AS REQUIRED TO THE EMPLOYEES TO ENSURE THEIR SAFETY. |
| 115 | NO ELECTRIC/PLUMBING THROUGH WALL AT POCKET DOOR |
| 116 | RECESSED BOTTLE FILLER TO BE INSTALLED PER MANUFACTURER INSTRUCTIONS (ELKAY LBWDC00WHC NO EXCEPTIONS) |
| 118 | DOWNSPOUTS TO CONNECT TO STORM. RE: CIVIL |
| 125 | CAR WASH EQUIPMENT, RE: MEP DRAWINGS/EQUIPMENT DRAWINGS. |
| 126 | MAT WASHING STATION, GC TO COORDINATE WITH OWNER ON EXACT MODEL. BASIS OF DESIGN; MASTER EQUIPMENT EVERYDAY PRO TUB, ITEM #TP364, RE: MEP DRAWINGS |
| 127 | DOG WASH STATION |



CESO
WWW.CESOINC.COM

2012 W 25th Street Suite 200
Cleveland, OH 44113
Phone: 330.665.0660 Fax: 888.208.4826



THE INFORMATION ON THIS DOCUMENT IS PRELIMINARY OR INCOMPLETE. NO FOR ANY CONSTRUCTION OR IMPLEMENTATION.

HANG10 - PORTSMOUTH, NH

HANG10 - PORTSMOUTH, NH
2299 LAFAYETTE RD
PORTSMOUTH, NH 03801

Revisions / Submissions

ID	Description	Date
1	85% Set	10/27/2025

© 2025 CESO, INC

Project number: 766656-01
Scale: As indicated
Drawn By: ANM
Checked By: ARA
Date: 10/20/2025
Issue: Prelim. Design

Sheet Title:

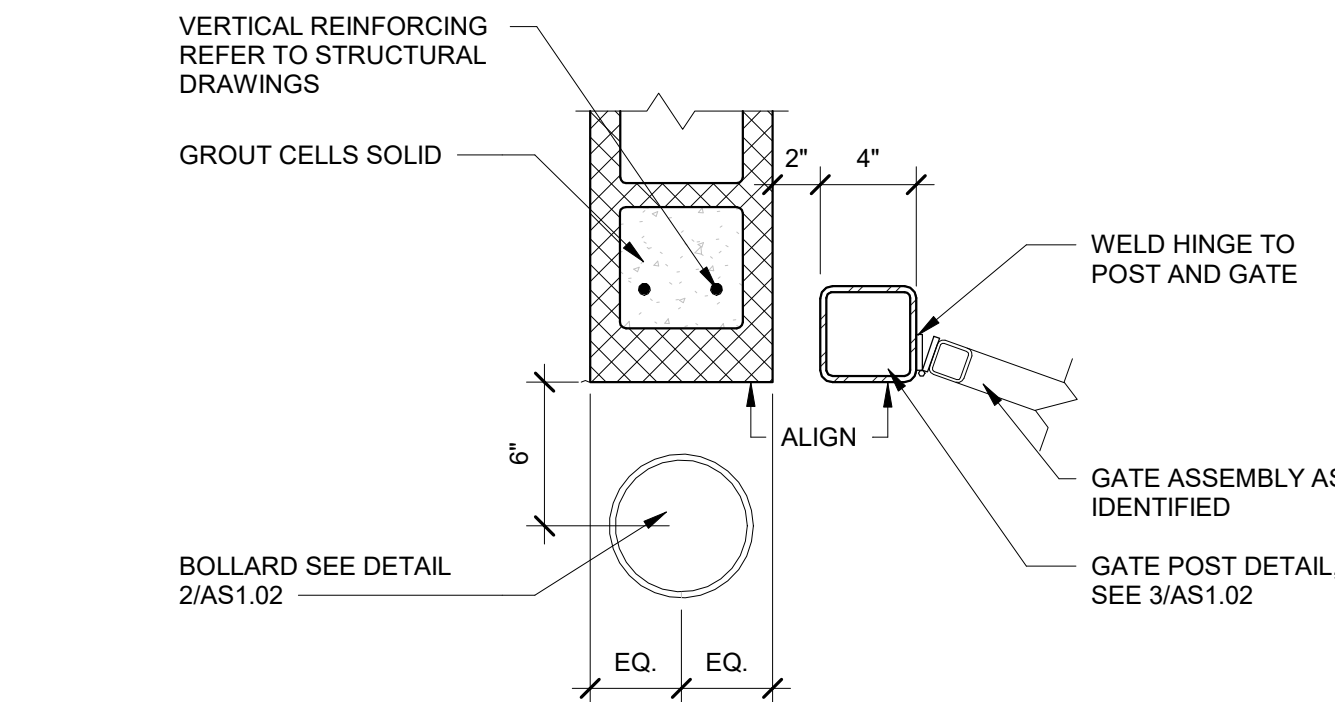
FLOOR PLAN

A1.01

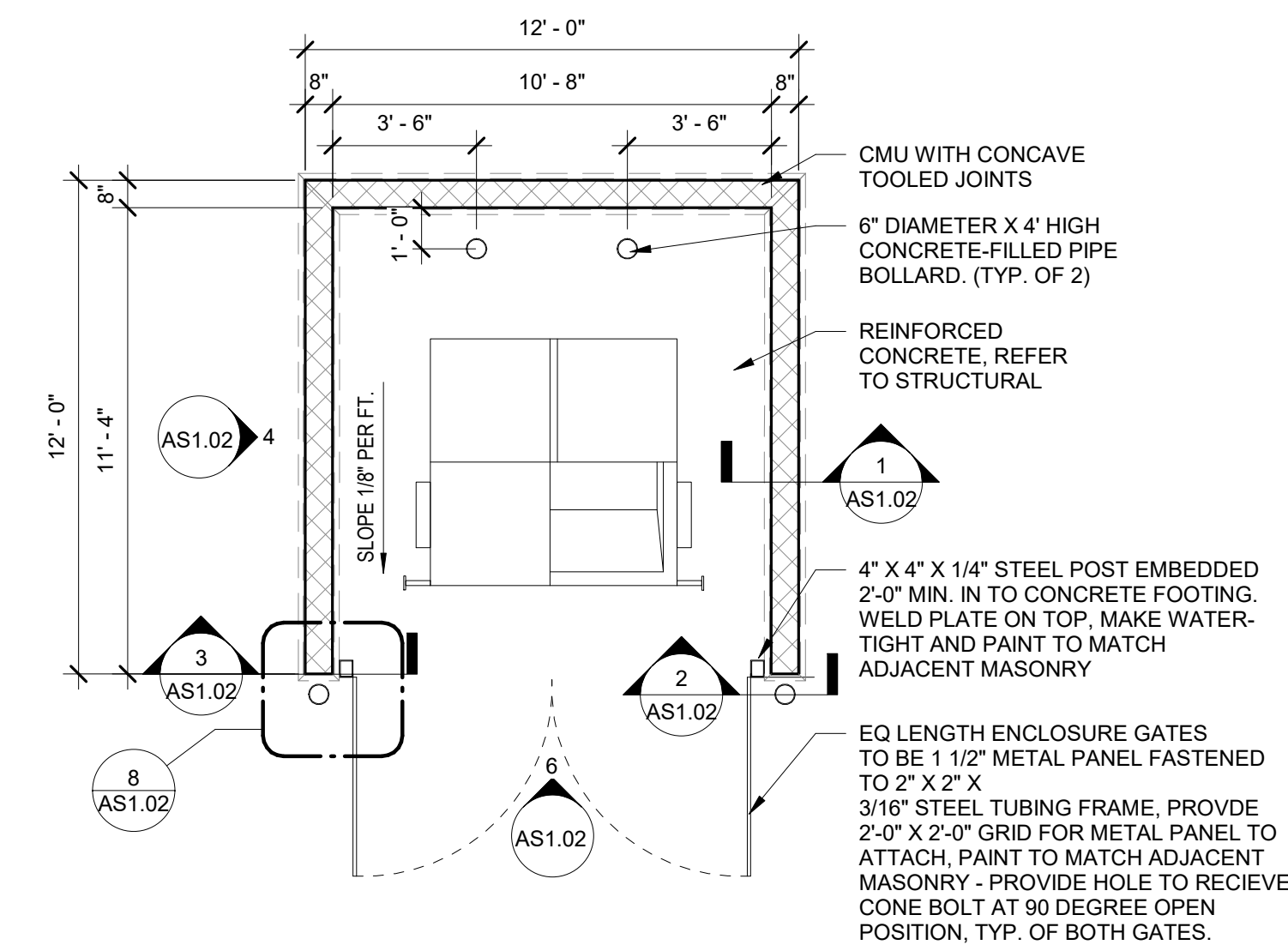


CESO
WWW.CESOINC.COM

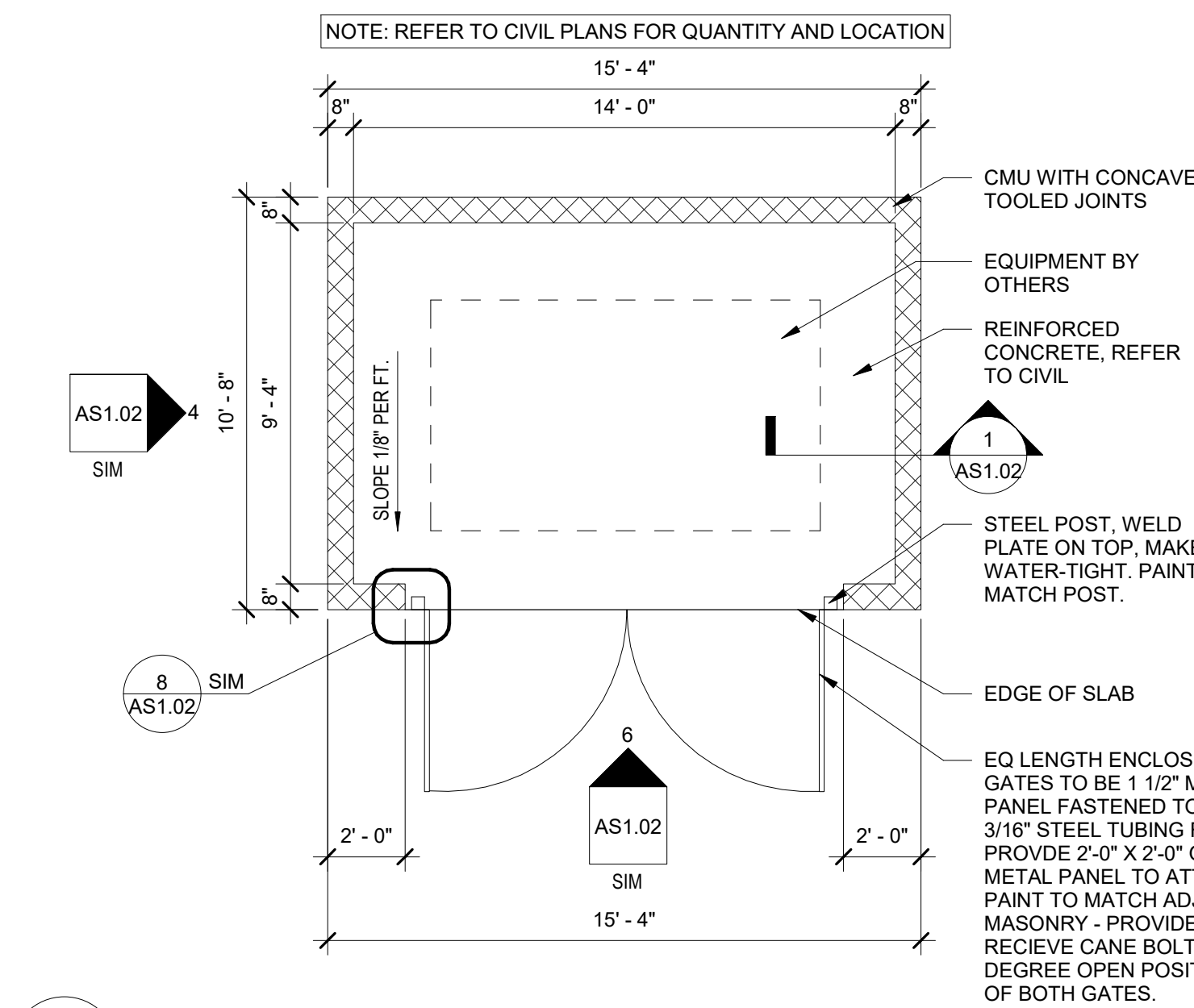
2012 W 25th Street Suite 200
Cleveland, OH 44113
Phone: 330.665.0660 Fax: 888.206.4826



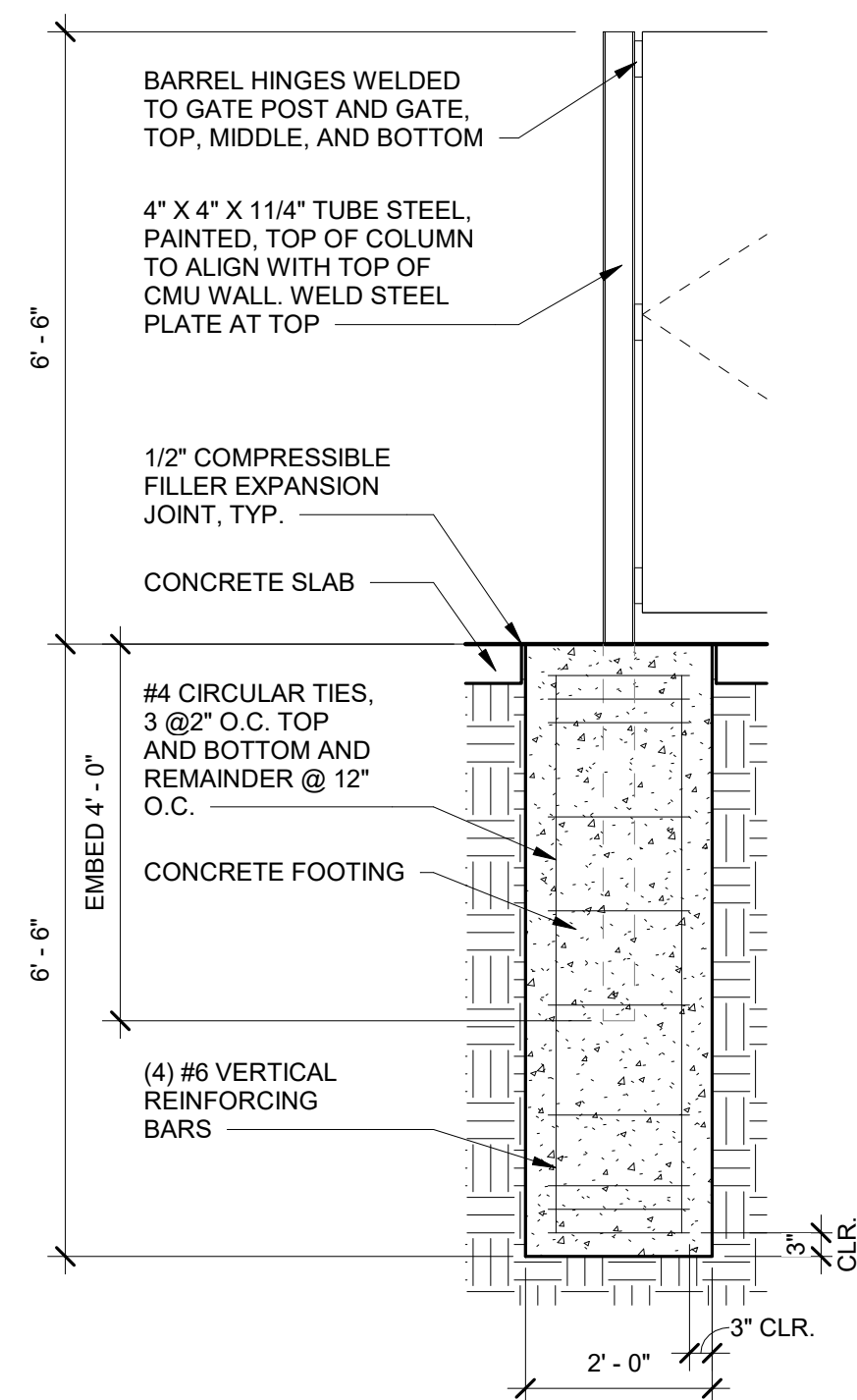
8 TRASH ENCLOSURE GATE DETAIL
AS1.02 Scale: 1 1/2" = 1'-0"



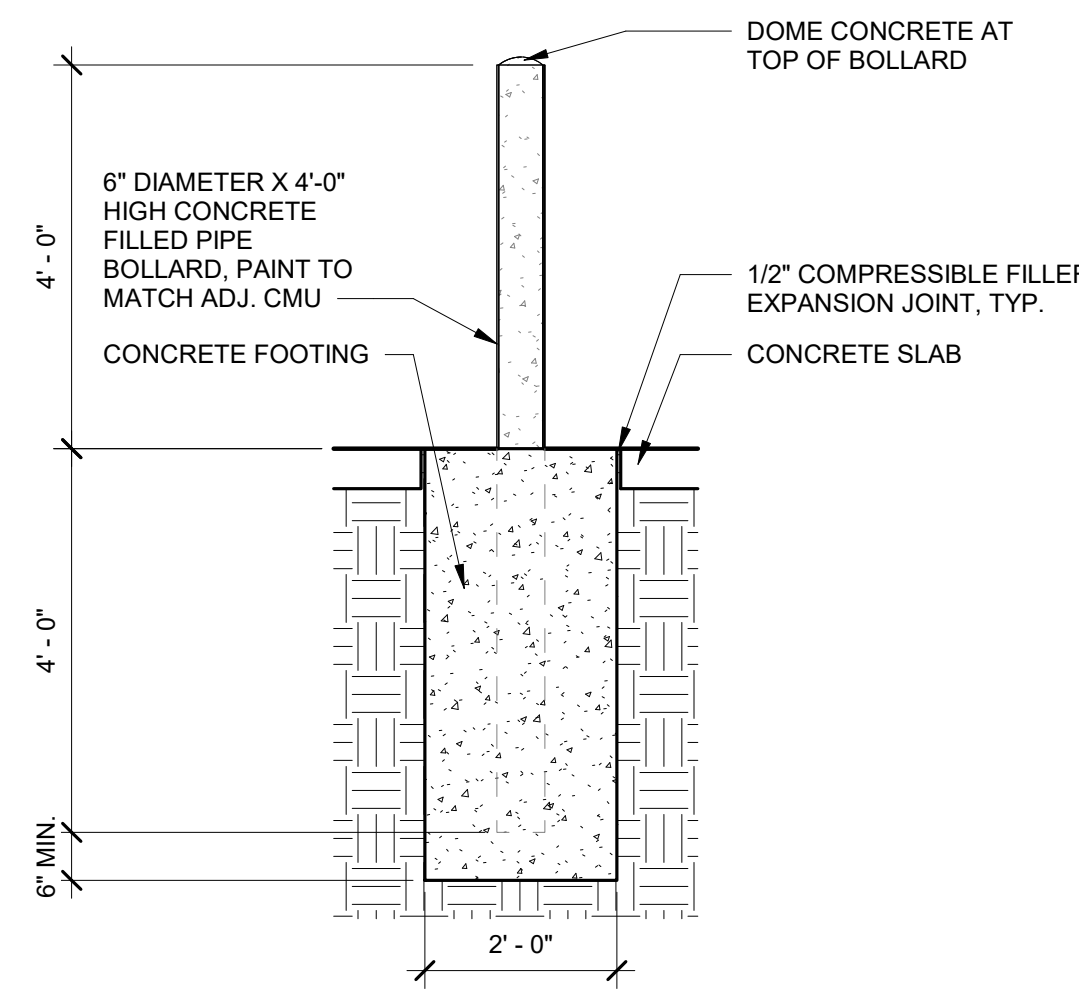
7 TRASH ENCLOSURE PLAN
AS1.02 Scale: 1/4" = 1'-0"



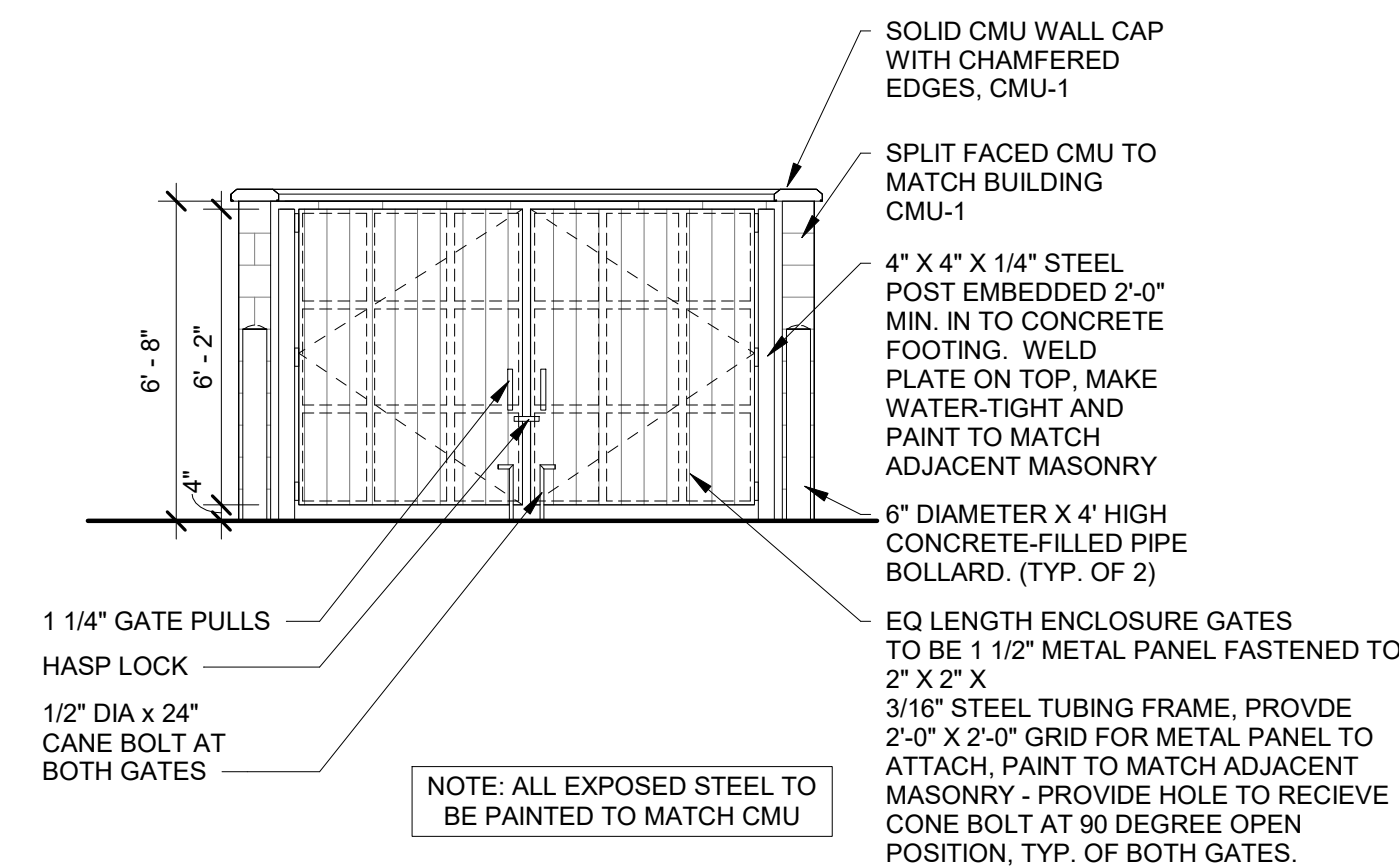
5 VACUUM ENCLOSURE
AS1.02 Scale: 1/4" = 1'-0"



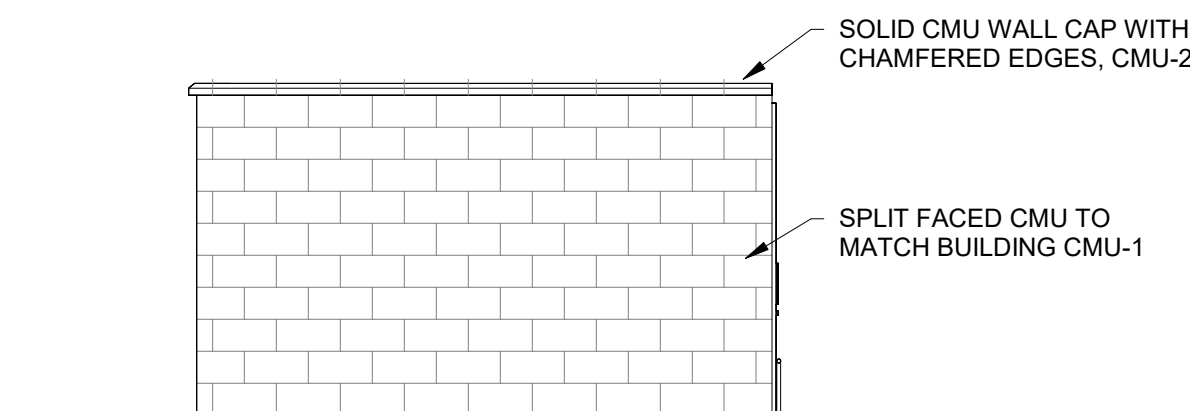
3 GATE POST DETAIL
AS1.02 Scale: 1/2" = 1'-0"



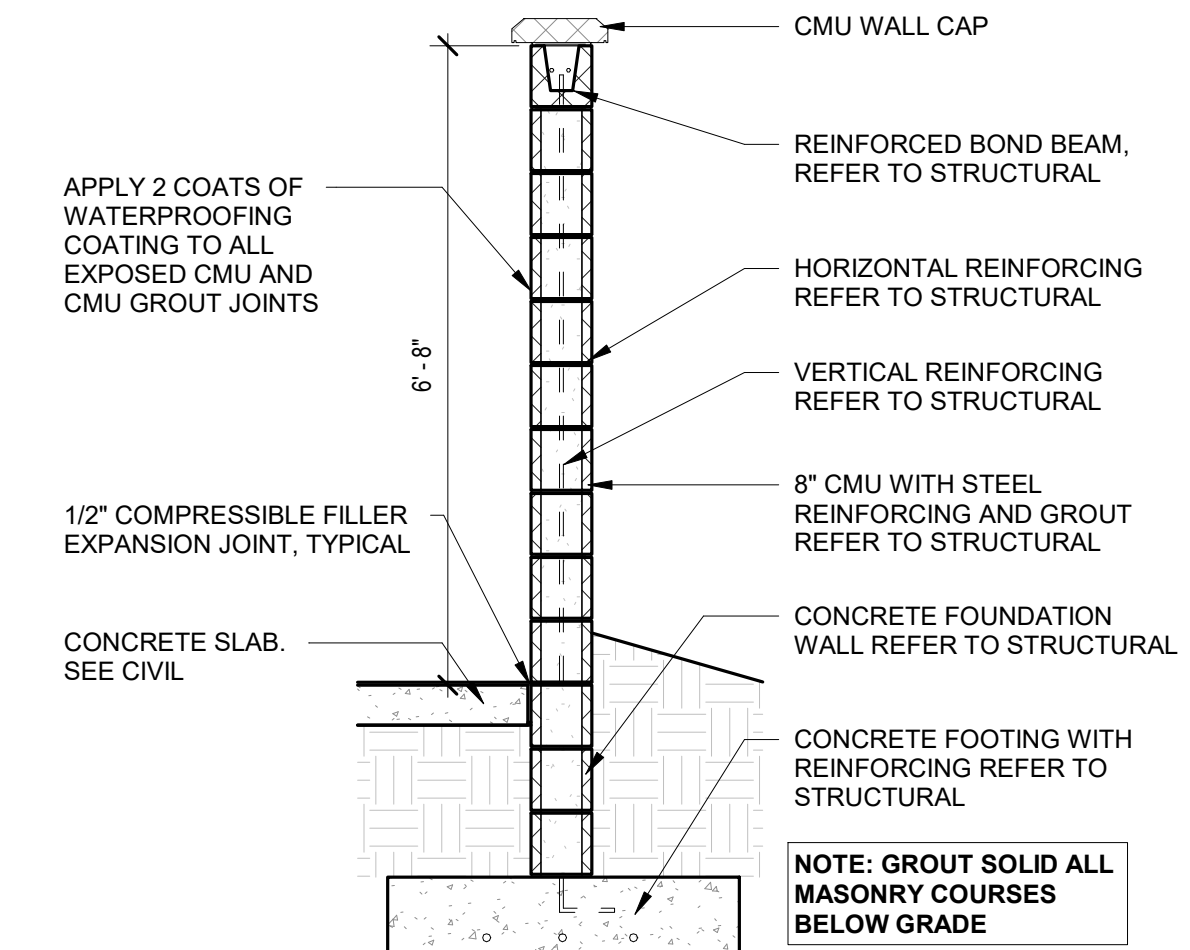
2 BOLLARD DETAIL
AS1.02 Scale: 1/2" = 1'-0"



6 TRASH ENCLOSURE FRONT ELEVATION
AS1.02 Scale: 1/4" = 1'-0"



4 TRASH ENCLOSURE SIDE / BACK ELEVATION
AS1.02 Scale: 1/4" = 1'-0"



1 TRASH ENCLOSURE WALL SECTION
AS1.02 Scale: 1/2" = 1'-0"

Revisions / Submissions

ID Description Date

© 2025 CESO, INC

Project number:

Scale: As indicated

Drawn By:

Checked By:

Date:

Issue:

Sheet Title:

DUMPSTER
ENCLOSURE & SITE
DETAILS

AS1.02

October 14, 2025

Lucas Miller
Access & Utilities Supervisor
New Hampshire Department of Transportation District 6
271 Main Street, PO Box 740
Durham, NH 03824

**RE: Traffic Generation Letter for proposed Hang10 Car Wash
Located at 2299 Lafayette Road, Portsmouth, Rockingham County, New Hampshire**

Dear Mr. Miller:

INTRODUCTION

The proposed Hang10 Car Wash is to be located at 2299 Lafayette Road in Portsmouth, NH. The site is currently occupied by a 7,475 S.F. building, which will be demolished to be replaced by the new car wash building. The proposed Hang10 Car Wash will be approximately 4,500 S.F. in size and will include one (1) car wash conveyer/tunnel and vehicle parking.

This Traffic Generation Letter has been performed in general accordance with locally accepted standards and industry practice. Based on these guidelines, the purpose of this Traffic Statement is to summarize the trips generated by the proposed Hang10 Car Wash.

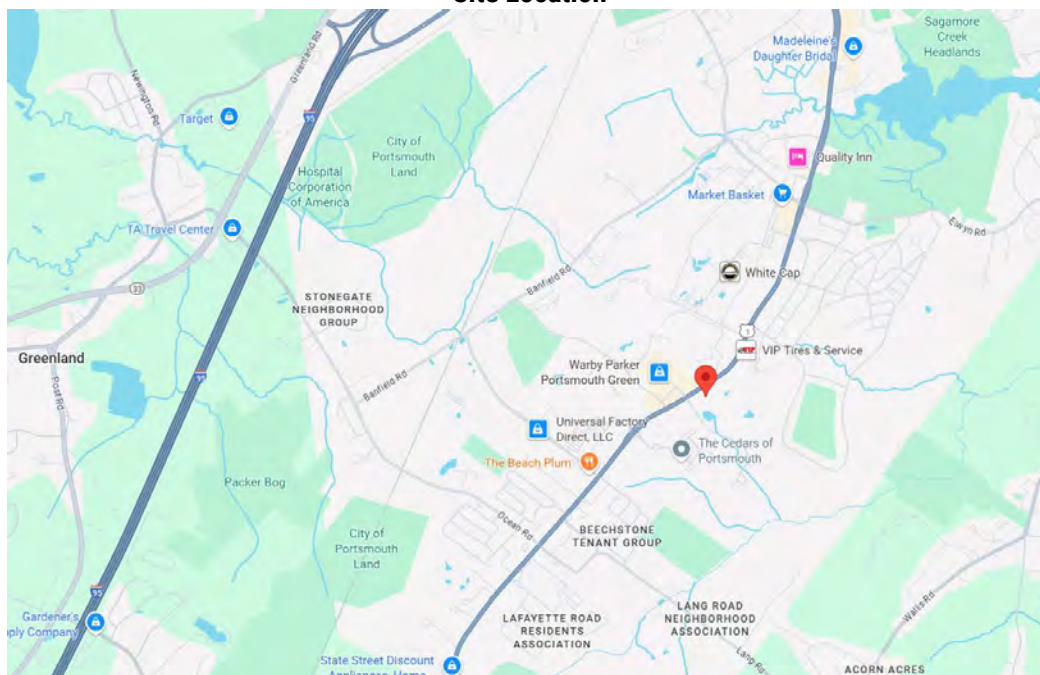
SITE DESCRIPTION

The proposed development is planned to occupy approximately 1.42 acres of land at the site location. The site is surrounded by residential and commercial areas.

The existing site has one (1) curb cut for a shared access driveway that currently connects to Lafayette Road. The proposed Hang10 Car Wash is planning to use the existing curb cut and shared access driveway to provide full access to the site.

Figure 1 illustrates the site location and Figure 2 illustrates an aerial of the existing site. A site plan of the proposed Hang10 Car Wash is shown in Attachment A.

**Figure 1
Site Location**



**Figure 2
Site Aerial**



EXISTING ROADWAY CONDITIONS

Lafayette Road: Lafayette Road generally has a north/south alignment and is a three-lane undivided roadway with a four-lane roadway configuration near the site. Lafayette Road is classified as a Principal Arterial under the jurisdiction of the NHDOT. The posted speed limit on Lafayette Road in the vicinity of the site is 35 mph.

SITE TRAFFIC GENERATION

Studies of similar developments throughout North America have shown that the amount of traffic generated will be functionally related to some unit of activity (i.e., gross floor area). Site traffic fluctuates substantially on different days and hours throughout the day. Therefore, it is imperative to select an appropriate hourly volume on which to base the design of the external roadway and site access facilities. The Weekday PM and Saturday peak hours were selected based on the adjacent street traffic during these hours.

The existing site consists of:

- A 7,475 S.F. Automobile Parts Sales building.

The proposed Hang10 Car Wash includes:

- The construction of a 4,500 S.F. automated car wash to include one (1) car wash tunnel.

Trip generation was based on methods outlined in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition. Specifically, CESO used ITE Land Use Category 943 (Automobile Parts Sales) to estimate trips for the existing site, and ITE Land Use Category 948 (Automated Car Wash) to estimate trips for the proposed Hang10 Car Wash.

The Site Generated Traffic Volumes are presented below in Table 1.

Table 1
Site Generated Traffic Volumes

ITE Land Use Description	ITE Cat.	Size	Unit	Total Generated Trips								
				Weekday			Weekday PM Peak Hour			Saturday Peak Hour		
				Total	In	Out	Total	In	Out	Total	In	Out
Automobile Parts Sales	843	7,475	S.F.	408	204	204	37	18	19	86	44	42
ITE Cat. 948 Entering (%) / Exiting (%)				100%	50%	50%	100%	48%	52%	100%	51%	49%
Automated Car Wash	948	1	Wash Tunnel	N/D	N/D	N/D	78	39	39	41	19	22
ITE Cat. 948 Entering (%) / Exiting (%)				N/D	N/D	N/D	100%	50%	50%	100%	46%	54%
Net Generated Trips Generated				N/D	N/D	N/D	41	21	20	-45	-25	-20

N/D – Insufficient Data Available

ITE Trip Generation Category 948 Sheets and the trip generation calculations utilized to calculate the values presented in Table 1 are included in Attachment B.

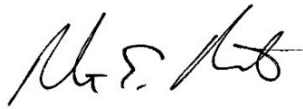
Note: Due to limited data available in the ITE Trip Generation Manual 11th Edition for Automated Car Wash, only Weekday PM Peak Hour of Adjacent Street traffic and Saturday Peak Hour of Generator traffic were used to compare trips with the existing site's estimated traffic volumes.

CONCLUSIONS

In comparison to the existing site, the proposed Hang10 Car Wash is forecasted to generate a net 41 total trips additional (21 entering and 20 exiting) during the PM peak hour, and a net 45 total trips less (25 entering and 20 exiting) during the Saturday peak hour. Based on the proposed site's trip generation, the proposed development will have minimal impacts on Lafayette Road and the adjoining roadway network. Furthermore, as the development will generate less than 100 total trips during the Weekday PM and Saturday peak hour, a traffic impact study is not required for this development.

Please review the above analysis and provide concurrence that the New Hampshire Department of Transportation (NHDOT) District 6 will not require a Traffic Impact Study (TIS) to be performed for this development.

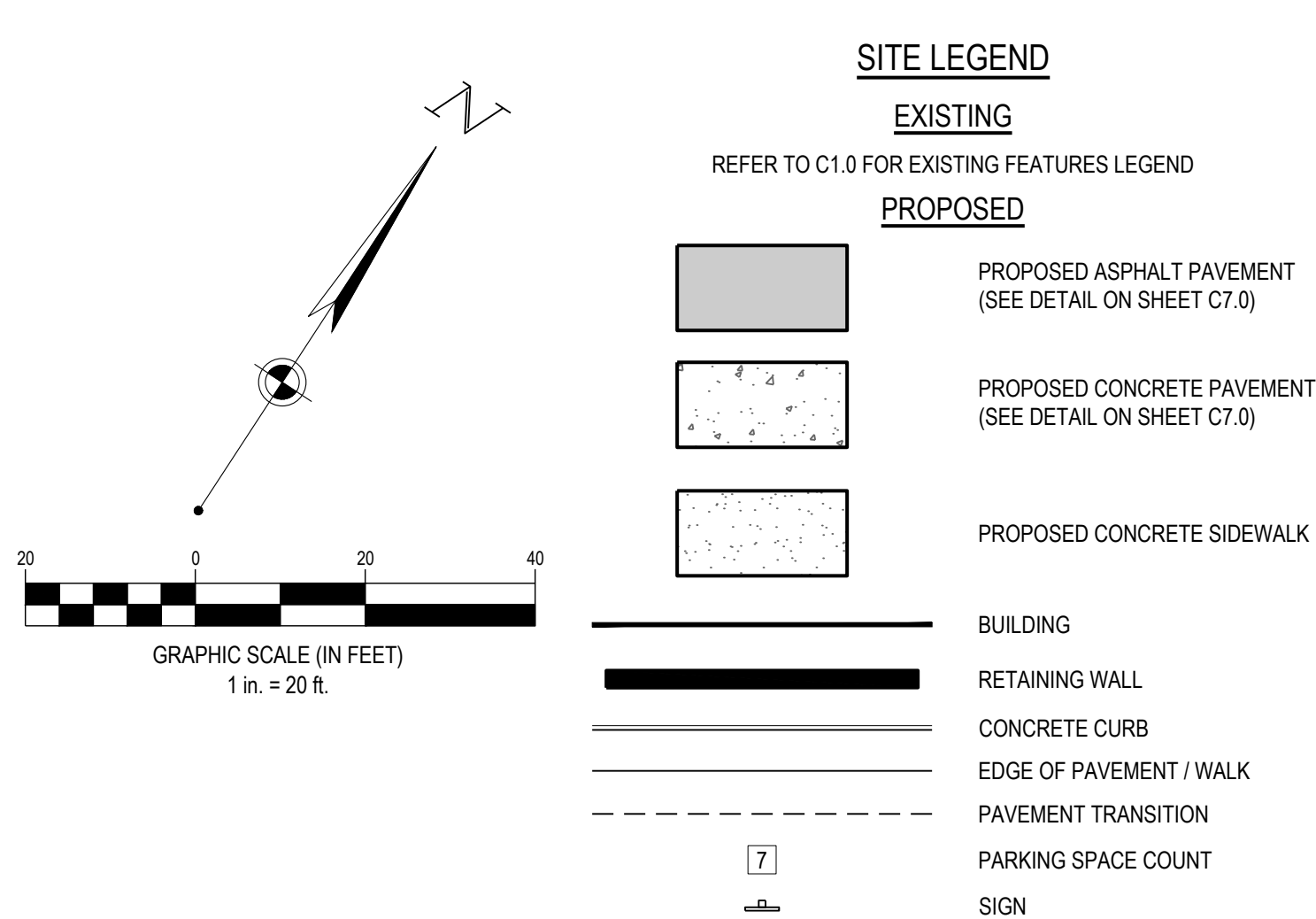
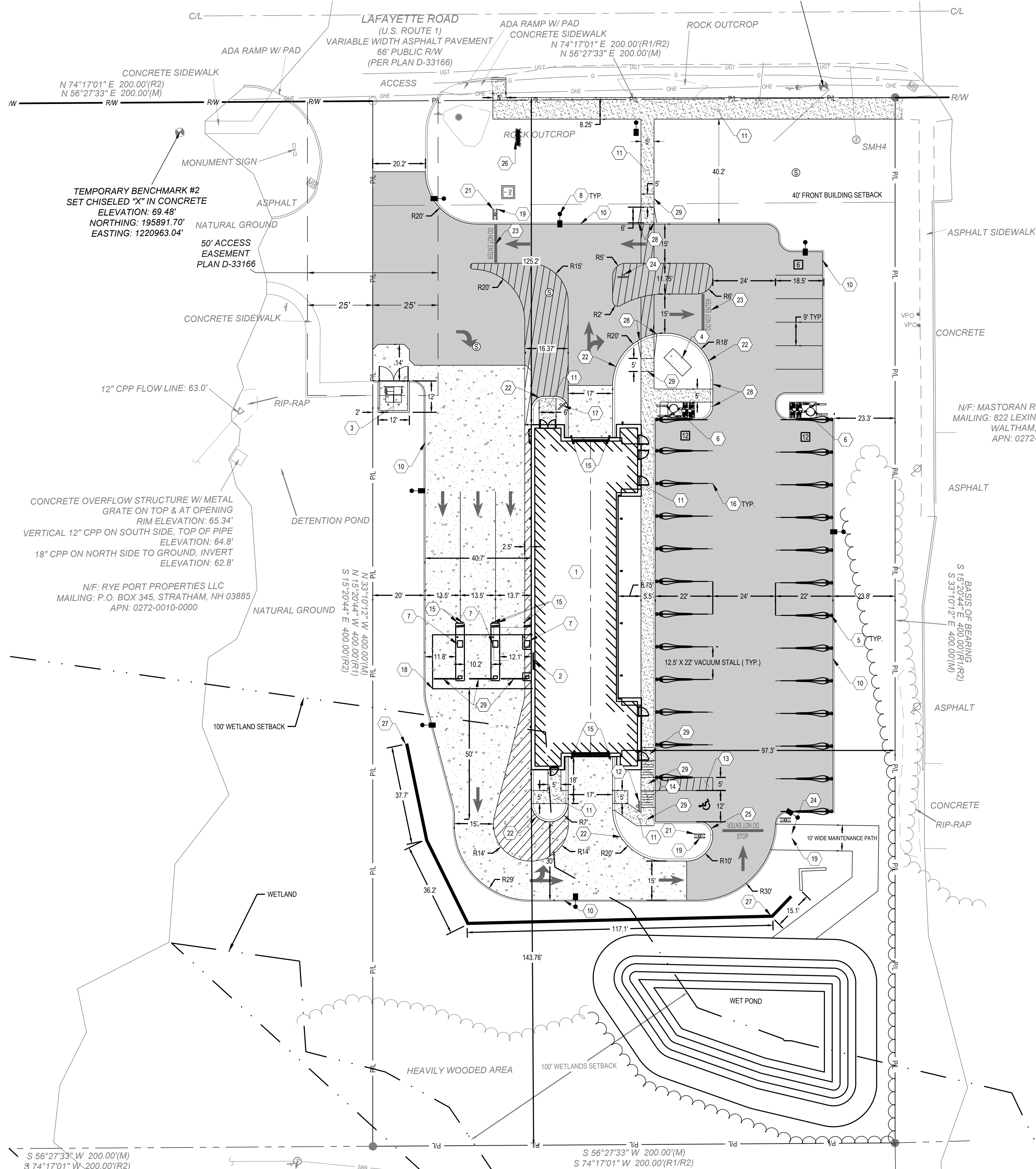
Sincerely,

A handwritten signature in black ink, appearing to read 'R. Matko', with a stylized flourish at the end.

Robert Matko, P.E., P.S., PTOE
Senior Engineering Manager

**ATTACHMENT A
SITE PLAN**

C:\DACC\Draws\CESO\Hang10 Portsmouth NH\Project Files_CESO\03-CIVIL\PLAN\LOT766656_C3.0_Site_Plan.dwg - 10/10/2025 - Marvin Maldonado



SEVENTY-TWO (72) HOURS BEFORE DIGGING IS TO COMMENCE, THE CONTRACTORS SHALL NOTIFY THE FOLLOWING AGENCIES: NEW HAMPSHIRE UTILITIES PROTECTION SERVICE AT 811 OR 888-344-7233 AND ALL OTHER AGENCIES WHICH MIGHT HAVE UNDERGROUND UTILITIES INVOLVING THIS PROJECT AND ARE NONMEMBERS OF STATE UTILITIES PROTECTION SERVICE

HANG10 CAR WASH

PORTSMOUTH, NH

2299 LAFAYETTE RD
PORTSMOUTH, NH 03801

Revisions / Submissions		
ID	Description	Date

Project Number: 766656
Scale: 1" = 20'
Drawn By: VMO
Checked By: CG
Date: 10/07/2025
Issue: NOT FOR CONSTRUCTION

Drawing Title:
SITE PLAN

C3.0

ATTACHMENT B
ITE TRIP GENERATION
CALCULATIONS AND RESOURCES

Land Use: 843

Automobile Parts Sales

Description

An automobile parts sales facility specializes in the sale of automobile parts for maintenance and repair. The facilities within this land use are not typically equipped for on-site vehicle repair. Tire store (Land Use 848), tire superstore (Land Use 849), and automobile parts and service center (Land Use 943) are related uses.

Additional Data

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (<https://www.ite.org/technical-resources/topics/trip-and-parking-generation/>).

The sites were surveyed in the 1990s, the 2000s, and the 2010s in Alberta (CAN), Florida, Montana, New Hampshire, Texas, and Wisconsin.

Source Numbers

436, 439, 618, 881, 882, 959, 975, 1047

Automobile Parts Sales (843)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban

Number of Studies: 14

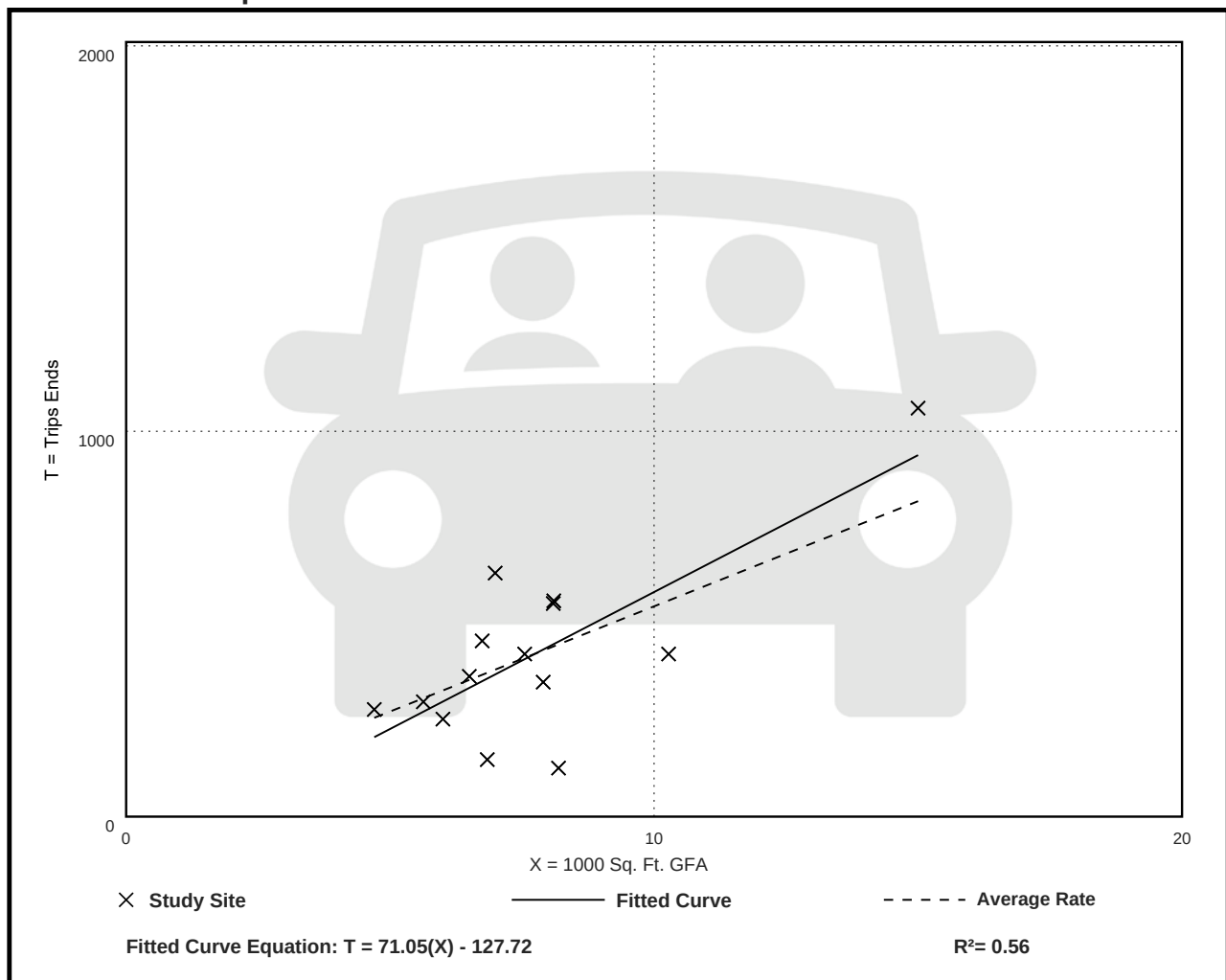
Avg. 1000 Sq. Ft. GFA: 8

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
54.57	15.38 - 90.41	20.19

Data Plot and Equation



Automobile Parts Sales (843)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 16

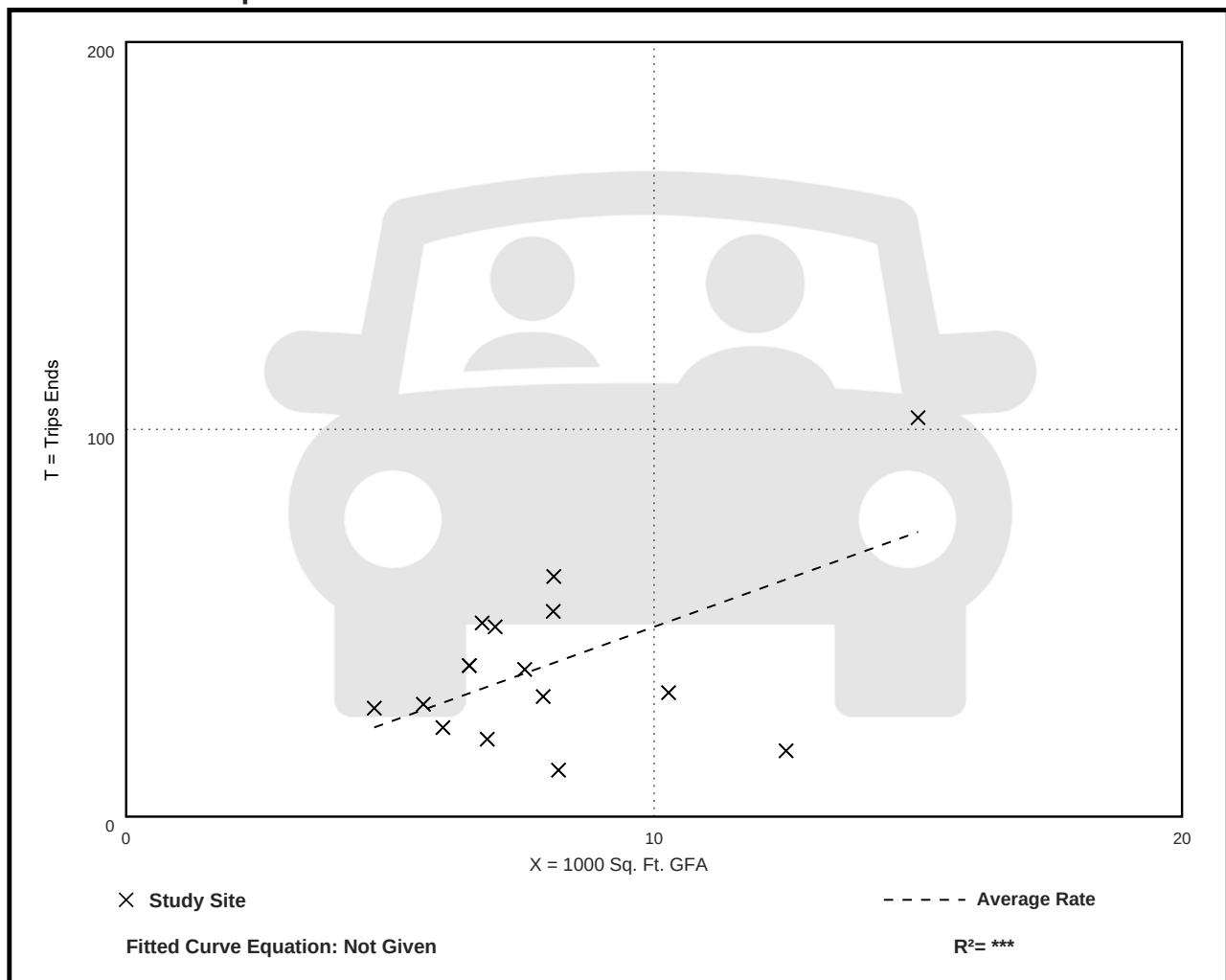
Avg. 1000 Sq. Ft. GFA: 8

Directional Distribution: 48% entering, 52% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
4.90	1.36 - 7.65	2.17

Data Plot and Equation



Automobile Parts Sales (843)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Saturday, Peak Hour of Generator

Setting/Location: General Urban/Suburban

Number of Studies: 2

Avg. 1000 Sq. Ft. GFA: 7

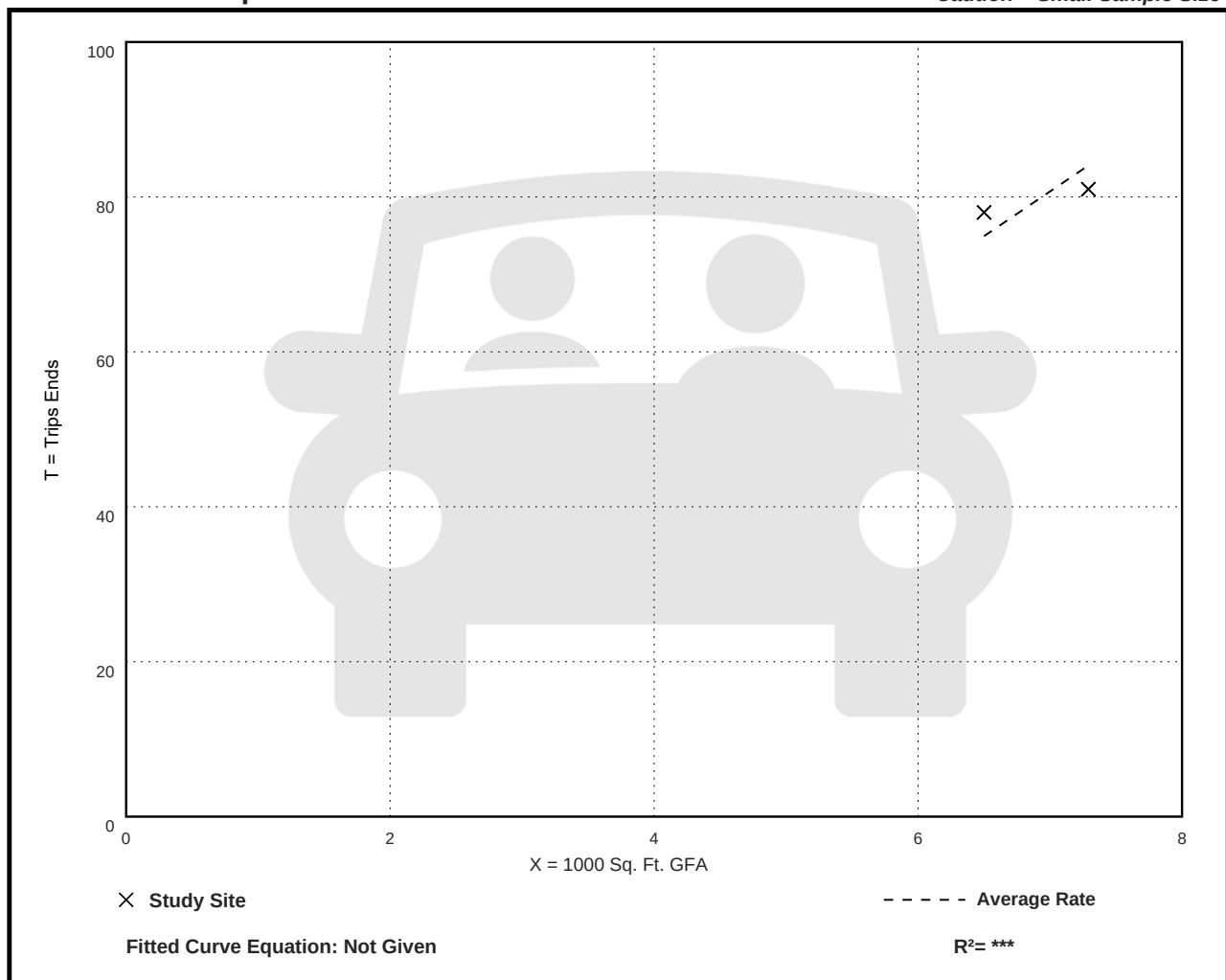
Directional Distribution: 51% entering, 49% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
11.53	11.11 - 12.00	***

Data Plot and Equation

Caution – Small Sample Size



October 14, 2025

Trip Generation Letter – Proposed Hang10 Car Wash

Portsmouth, New Hampshire

CESO Trip Generation Calculations

ITE 943 – Automobile Parts Sales

For Weekday → 50% Enter/50% Exit

$54.57 \times 7.475 \text{ Car Wash Tunnel} = 408 \text{ Trips}$

$408 \text{ Trips} \times 0.50 (50\%) = 204 \text{ Trips Enter/Exit}$

For PM Peak Hour → 48% Enter/52% Exit

$4.90 \times 7.475 \text{ Car Wash Tunnel} = 37 \text{ Trips}$

$37 \times 0.48 (48\%) \text{ and } 37 \times 0.52 (52\%) = 18 \text{ Trips Enter/19 Trips Exit}$

For Saturday Peak Hour → 51% Enter/49% Exit

$11.53 \times 7.475 \text{ Car Wash Tunnel} = 86 \text{ Trips}$

$86 \times 0.51 (51\%) \text{ and } 86 \times 0.54 (49\%) = 44 \text{ Trips Enter/42 Trips Exit}$

Land Use: 948

Automated Car Wash

Description

An automated car wash is a facility that allows for the mechanical cleaning of the exterior of vehicles. Manual cleaning service may also be available at the facility. Self-service car wash (Land Use 947) and car wash and detail center (Land Use 949) are related uses.

Additional Data

The sites were surveyed in the 1990s and the 2000s in New Jersey, New York, and Washington.

Source Numbers

552, 555, 585, 599, 954

Automated Car Wash (948)

Vehicle Trip Ends vs: Car Wash Tunnels

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 3

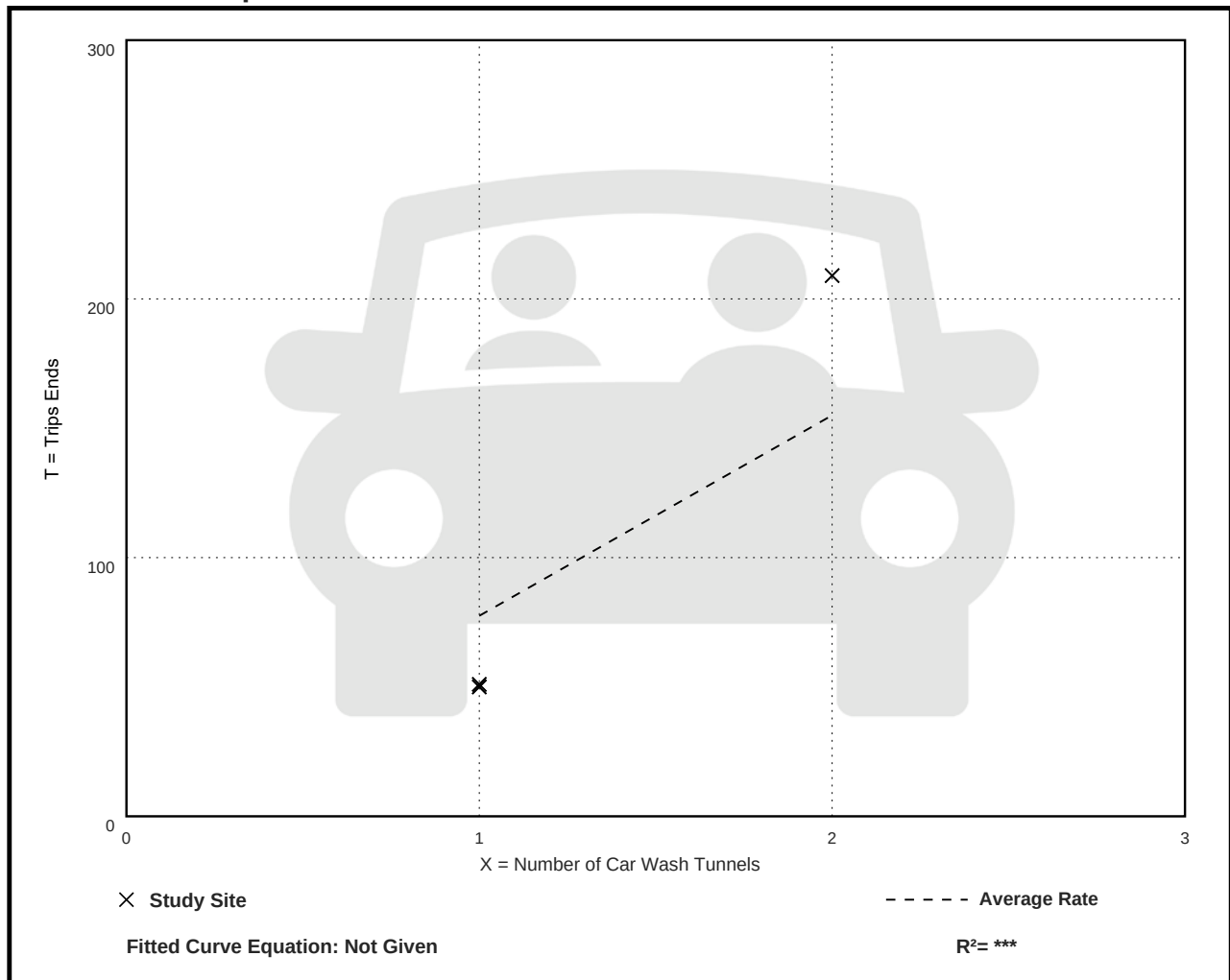
Avg. Num. of Car Wash Tunnels: 1

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Car Wash Tunnel

Average Rate	Range of Rates	Standard Deviation
77.50	50.00 - 104.50	33.07

Data Plot and Equation



Automated Car Wash (948)

Vehicle Trip Ends vs: Car Wash Tunnels

On a: Saturday, Peak Hour of Generator

Setting/Location: General Urban/Suburban

Number of Studies: 1

Avg. Num. of Car Wash Tunnels: 1

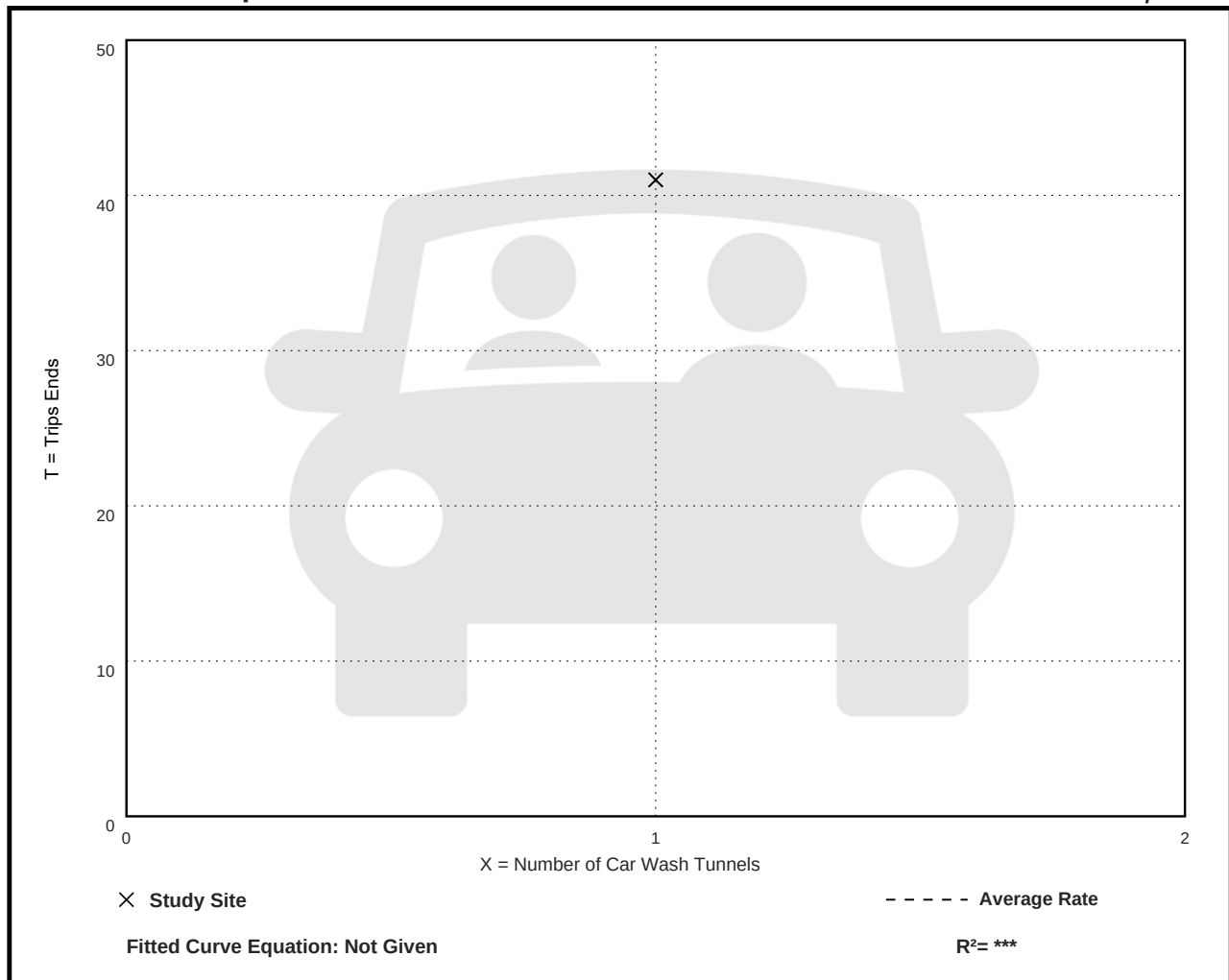
Directional Distribution: 46% entering, 54% exiting

Vehicle Trip Generation per Car Wash Tunnel

Average Rate	Range of Rates	Standard Deviation
41.00	41.00 - 41.00	***

Data Plot and Equation

Caution – Small Sample Size



August 21, 2025

Trip Generation Letter – Proposed Hang10 Car Wash

Portsmouth, New Hampshire

CESO Trip Generation Calculations

ITE 948 – Automated Car Wash

For PM Peak Hour → 50% Enter/50% Exit

77.50 x 1 Car Wash Tunnel = 78 Trips

78 Trips x 0.50 (50%) = 39 Trips Enter/Exit

For Saturday Peak Hour → 46% Enter/54% Exit

41.00 x 1 Car Wash Tunnel = 41 Trips

Primary Trips = 41 x 0.46 (46%) and 41 x 0.54 (54%) = 19 Trips Enter/22 Trips Exit

III. NEW BUSINESS

- B.** The request of **Peter Gamble (Owner)**, for 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 located on Assessor Map 153 Lot 21 and lies within the Single Residence B (SRB) District. (LU-25-150)

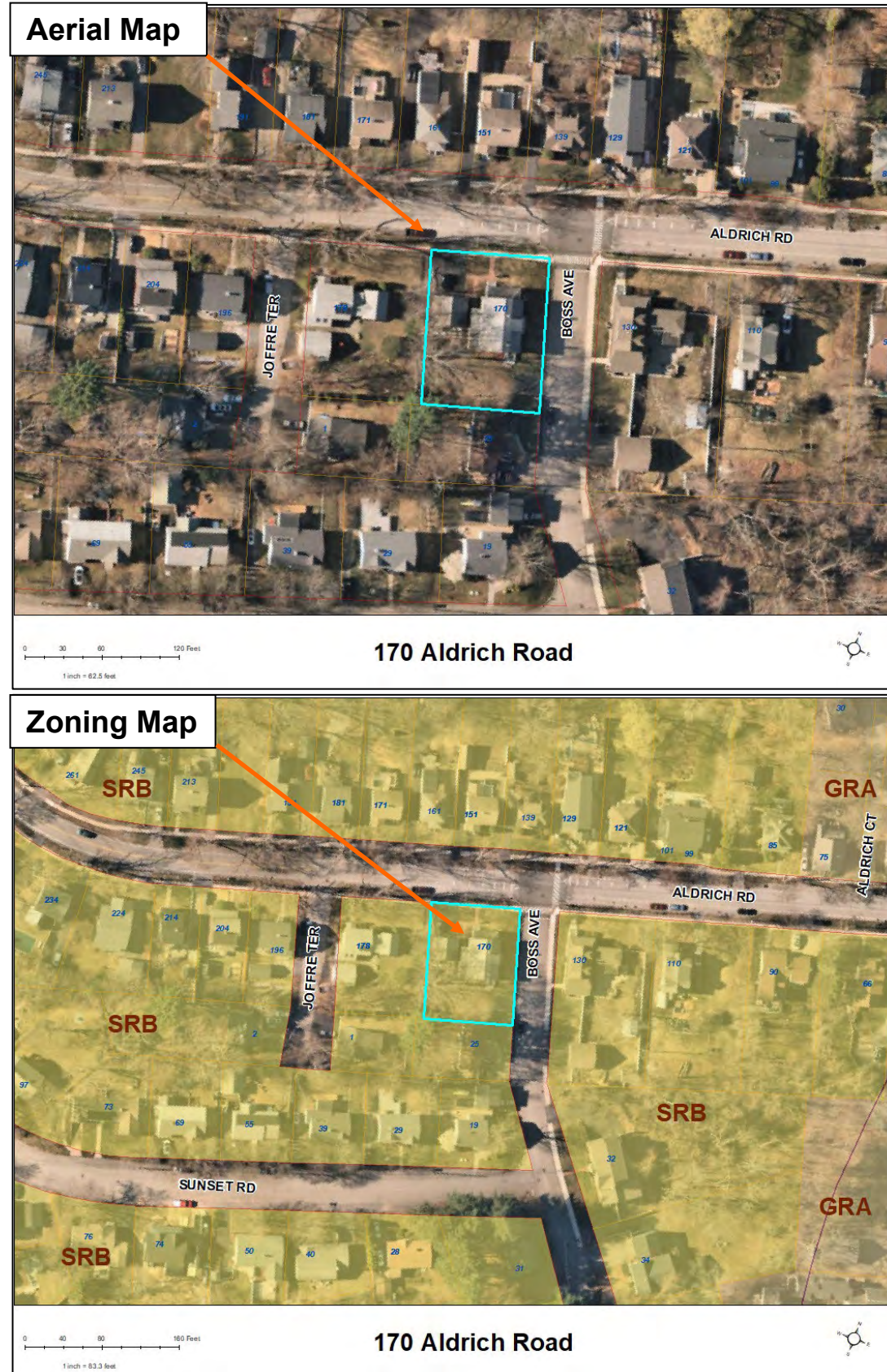
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>	
<u>Land Use:</u>	Single-family residence and detached one-story garage	Single-family residence and detached two-story garage	Primarily residential	
<u>Lot area (sq. ft.):</u>	9,992	9,992	15,000	min
<u>Lot area per dwelling unit (sq. ft.):</u>	9,992	9,992	15,000	min.
<u>Frontage (ft.)</u>	200	200	100	min.
<u>Depth</u>	118	118	100	min.
<u>Front Yard (ft)</u>	Garage: 32	Garage: 32	30	min.
<u>Rear Yard (ft.):</u>	Garage: >30	Garage: >30	30	min.
<u>Right Yard (ft.):</u>	Garage: 9	Garage: 7	10	min.
<u>Secondary Front Yard (ft.):</u>	House: 15	House: 15	30	min.
<u>Building Coverage (%):</u>	22	25	20	max.
<u>Open Space Coverage (%):</u>	>40	>40	40	min.
<u>Parking:</u>	4	4	1	min
<u>Estimated Age of Structure:</u>	1930	Variance request(s) shown in red.		

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

- **September 19, 1978** – construct a garage on a lot whose frontage is 50' where 100' is required and whose area is 6,000 s.f. where 20,000 s.f. is required. The Board voted to grant the request as presented and advertised.
- **May 23, 2023** – demolishing the existing garage and constructing a new garage which requires the following: 1) Variance from Section 10.521 to allow a) 7 foot right side yard where 10 feet is required; and b) 23% building coverage where 20% is allowed. The Board voted to **deny** the request because the proposal failed to observe the spirit of the ordinance and would be contrary to the public interest because the home is in an area of single-family dwellings and the design isn't consistent with continuing to use the property as a single-family dwelling.
- **June 21, 2023** – considered your request for a rehearing of the Board's May 23, 2023 decision. The Board voted to grant the rehearing, with the condition that the applicant be required to attend in person.
- **July 18, 2023** – demolishing the existing garage and constructing a new garage which requires the following: 1) Variance from Section 10.521 to allow a) 7-foot right side yard where 10 feet is required; and b) 23% building coverage where 20% is allowed. The Board voted to **deny the request without prejudice** so the applicant can solve their legal issues and provide clear facts for the Board to make an informed decision.

Planning Department Comments

The applicant is requesting relief to demolish the existing one-story garage and construct a new two-story garage with a slightly larger footprint. The existing garage received variances for construction in 1978 when there were two separate lots. The properties have since been merged to create one lot which explains the discrepancy in the sought dimensional relief.

This application was denied at the May 23, 2023 Board of Adjustment meeting and subsequently granted a rehearing because *"the applicant did not have an effective opportunity to rebut the information presented by the abutter due to technical issues, with the stipulation that the applicant be required to attend in person."*

The applicant was denied without prejudice at the July 18, 2023 Board of Adjustment meeting so the applicant could solve their legal issues and provide clear facts for the Board to make an informed decision.

The applicant has provided in their application materials that the legal issue was a case of adverse possession where an abutting landowner can take possession of land that was not originally deeded to them and the case has been decided in favor of the abutter. The lot area shown is 919 Sq.Ft. less now than the application that was reviewed in 2023.

Variance Review Criteria

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

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

AND

 - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

OR

 - (b) *Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

10.235 Certain Representations Deemed Conditions

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

Tab 1

To: Portsmouth Board of Adjustment
 From: Peter Gamble
 Date: October 15th 2025
 Ref: Variance Request for 170 Adrich Road

Dear Chairperson and members of the Zoning Board of Adjustment,

I am respectfully submitting a new land use application for property located at 170 Aldrich Road, Tax Map 153-21. This proposal (LU-23-47) was originally heard and denied at the May 23rd 2023 BOA meeting. A request for rehearing was granted at the June 21st 2023 meeting and was heard at the July 8th 2023. At that meeting, due to a land dispute litigation the application was denied without prejudice to solve any legal issues.

The legal issue was a case of adverse possession where an abutting land owner can take possession of land that was not originally deeded to them. In this case the abutter succeeded and was granted 919 sqft of my property. This adjustment has been brought to the attention of the assessor's office and will be reflected when the tax maps are updated in April 2026.

My proposal is to expand an existing 24 X 24 accessory structure to a 26 X 30 garage with a partial second floor for the purpose of creating more usable space for storage, garage parking, workshop space, and workout/recreational space. The current garage was permitted on August 4, 1978, showing a 12' side setback requiring no variance for side setback. To accurately show all setbacks and lot area I hired Ambit Engineering to conduct a property survey that is registered with the Rockingham County Register of Deeds. I also discussed this project with Paul Garand, Asst Building Inspector. He noted that to ensure proper foundation and footings for the new structure, the best course of action would be to demo and reconstruct around the outside of the existing footprint which is part of this proposal. Included is a proposed shower/bathroom on the garage second floor as this will primarily be used as a workout space. I am seeking a variance from Section 10.521 to allow a side setback of 7 feet where 10 is required and 24.4% building coverage where 20% is the maximum allowed. The current building coverage with the new boundary lines is 22.4% so my request is for a 2% increase.

My property at 170 Aldrich Road has been in lawful nonconforming use for over 60 years as a two-family home. It has been my primary residence for 19 years. The current garage is one story, and is in need of repair and updating. RSA 674:19, protects lawful nonconforming uses and prevents new zoning ordinances from impacting all lawfully existing uses. Nonconformity protections apply both to principle and accessory uses of a property. This provision does two things. It supports my request to update my accessory building consistent with the Single Residence B (SRB) district and prevents any additional living space under Section 10.440 which prohibits 3 family dwelling units in SRB district and prohibits an Accessory Dwelling Unit as per Section 10.814.12 of the Portsmouth Zoning Ordinance. This space will not be used as an additional dwelling unit.

The proposal is consistent with properties that have recently updated existing accessory structures as permitted in the SRB district. Two specific properties within 300 feet of mine received relief by the BOA to construct a second floor to include plumbing. One is 19 Sunset Road, Tax Map 153-19 (BOA 4/18/17 and 1/17/2023) and the other is 161 Aldrich Road, Tax Map 153-32 (BOA 2016). Other recent accessory structures were built at 55 Aldrich Road, Tax Map 153-44 and 110 Aldrich Road, Tax Map 153-3.

Attachments include: Signed/Stamped Surveys, Property Deed, Tax Map locator, Setback/Sketch, Layout of 1st and 2nd floor, Frame Design, Height and Dimensions, Neighborhood Photos, Previous Permit, Current Lot Coverage, and supporting emails from original proposal.

With respect to the 5 guiding criteria:

1. The variance will not be contrary to the public interest; The project is inline with the public interest as the structure was permitted in accordance with the ordinance in 1978 and this new proposal improves and updates to code the current structure that is permitted in the SRB district. It does not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure public rights.
2. The spirit of the Ordinance will be observed; The spirit of the Ordinance will be observed as this project is in line with the current use of the property and consistent with surrounding properties as depicted in this proposal.
3. Substantial justice will be done; Substantial justice will be done as this proposal will improve upon the existing permitted garage, bring the structure to current building code and allow for needed space parking, workshop, storage, and workout/recreational area.
4. The values of surrounding properties will not be diminished; This project will increase the values of surrounding properties. This is consistent with the improvements going on and completed in the Aldrich Road area.
5. Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship; The SRB district requires 15,000 sq ft coverage yet very few if any properties in my neighborhood meet this requirement. The property is unique as it has approximately 2000 sq ft of additional open space that is part of the City's right of way. yet maintained by me. It is also located close to other residences on Aldrich Road that are allowed to have 25% building coverage (GRA) The improvements to this accessory structure are in line with neighborhood improvements to include additional space, proper building code, and with a minimal impact. In the spirit of the ordinance, not granting relief would result in a hardship inconsistent with surrounding properties.

I thank you all for taking the time over these past few months to review my application and I look forward to meeting you all in person.

Sincerely,

Peter Gamble

New Lot size is 9992 SQFT due to loss of SQFT

BK 5501 PG 1469

064010



After-Recording Return For
PETER GAMBLE
170 ALDRICH RD
PORTSMOUTH, NH 03801-4906

APN# 0153-0021-0000

MAIL TO Ew 1062

Return To:
TIMIOS, INC.

5716 Corsa Avenue
Suite 102

Westlake Village, CA 91362

Warranty Deed

KNOW ALL MEN BY THESE PRESENTS THAT I, SARA HOLLAND MACCORKLE, TRUSTEE OF THE NORTHSTAR REVOCABLE TRUST U/T/D JUNE 18, 2002, of 42 SUNNYSIDE DR, GREENLAND, NH 03840, County of ROCKINGHAM, State of New Hampshire, for consideration paid, grant to PETER GAMBLE, Single man of 170 ALDRICH RD, PORTSMOUTH, NH 03801-4906, County of ROCKINGHAM, State of New Hampshire

With warranty covenants

All that certain property situated in the county of ROCKINGHAM, and State of NEW HAMPSHIRE, being described as follows: TWO CERTAIN LOTS OR PARCELS OF LAND, WITH THE BUILDINGS THEREON, SITUATE IN SAID PORTSMOUTH, ROCKINGHAM COUNTY, NEW HAMPSHIRE AND BOUNDED AND DESCRIBED AS FOLLOWS: BOUNDED NORTHERLY BY ALDRICH ROAD, NINETY-TWO AND FIVE TENTHS (92.5) FEET, MORE OR LESS, EASTERLY BY BOSS AVENUE, FORMERLY KNOWN AS AN EXTENSION OF LAWRENCE STREET, ONE HUNDRED TWENTY (120) FEET, MORE OR LESS, SOUTHERLY BY LAND OF EARNEST WEEKS (FORMERLY OWNED BY KATHERINE O. NEAL) NINETY TWO AND FIVE TENTHS (92.5) FEET, MORE OR LESS, AND WESTERLY BY LAND OF ALEX MUNTUN (FORMERLY OF ONE AUSTIN) ONE HUNDRED AND TWENTY (120) FEET, MORE OR LESS. SAID PREMISES ARE CONVEYED UNDER AND SUBJECT TO CERTAIN CONDITIONS AND RESERVATIONS INsofar AS THEY, SAME ARE NOW APPLICABLE, VIZ: NO DWELLING HOUSE TO BE ERECTED ON SAID LAND TO COST LESS THAN \$3000; NO DWELLING HOUSE OR OTHER BUILDINGS SHALL BE ERECTED NEARER THAN THIRTY (30) FEET TO SAID ALDRICH ROAD; ANY GARAGE OR OTHER OUT BUILDINGS SHALL BE ERECTED IN FRONT OF THE REAR LINE OF ANY DWELLING HOUSE ERECTED ON THE LOT. BEING THE SAME PROPERTY CONVEYED TO SARA HOLLAND MACCORKLE, TRUSTEE OF THE NORTHSTAR REVOCABLE TRUST U/T/D JUNE 18, 2002 BY DEED FROM SARA COOK HOLLAND, TRUSTEE OF THE SARA COOK HOLLAND REVOCABLE TRUST U/T/D JUNE 18, 2002 RECORDED 11/28/2011 IN DEED BOOK 5265 PAGE 255, IN THE REGISTER'S OFFICE OF ROCKINGHAM COUNTY, NEW HAMPSHIRE.

Meaning and intending to describe and convey the same premises conveyed to

I/We, SARA COOK HOLLAND, TRUSTEE OF THE SARA COOK, release to said grantee(s) all rights of homestead and other interests therein.

IN WITNESS WHEREOF, I have hereunto set my hand this 30 day of Aug, 2013.

2013 DEC 13 AM 11:23

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

CITY OF PORTSMOUTH

APPLICATION FOR BUILDING PERMIT
OR CHANGE IN LAND USEDATE Aug 4 1977
EST COST \$ 3,700
FEE \$800
PAID check - CAOWNER MURRAY D LEVY PHONE 436-4517 8/4/78ADDRESS 170 ALABAMA RDLocation of Work 170 ALABAMA RD Plan # 46A Lot # 23
Size of Lot Frontage 92' Depth 120 Zone SR IIPresent Use of Land or Building LAWN
Number of Units on Property 1-2 car drive 2 car garage
Proposed Use of Land or Building New 2 car garage
Number of Units to be Utilized Contractor's Name ART SPALING Address GREENLAND RD
Business Phone 436-6631Size of Present Bldg. X No. of stories
Size of Proposed Bldg. 24' X 24' No. of stories 1Front Setback 35' Right Side Setback 12'
Left Side Setback 80' Rear Setback 61'Construction General Information I'm building a 2 car garage
since the one I had on Boss Ave will
have to be torn down in a year or two.

I certify that the information given is true and correct to the best of my knowledge. No change from the above information will be made without approval of the Building Inspector. Construction will not begin until Building Permit is issued.

SUBJECT TO CODE REQUIREMENTS

Murray Levy
Signature of ApplicantIf not Owner, state relationship Date 8/8/77
1. Variance Zoning ✓
2. Spec. Exc. Disapproved ✓
3. Historic District Approved ✓
4. Bldg. Code Bd. of Appeals
5. Site Review Reason Lot does not meet requirement of Art III Sec 10-30(2)
Fire Department Approval R. J. Whitmanage - 18' X 18' - Boss Ave side of lot garage going on other lot
Signed Phil Sampson Chief Building Inspector
39' X 30' Present Building



BOARD OF ADJUSTMENT

CITY HALL
PORTSMOUTH, NEW HAMPSHIRE

September 19, 1978

Morris D. Levy

170 Aldrich Road

Portsmouth, N. H. 03801

RE: 170 Aldrich Road

The Board of Adjustment at its regular meeting of September 19, 1978, and after due public hearing completed its consideration of your application wherein you requested to be allowed to: construct a garage on a lot whose frontage is 50' where 100' is required and whose area is 6,000 s.f. where 20,000 s.f. is required. Said property is shown on Assessor Plan 46A as Lot 23 and lies within a Single Residence II District.

As a result of such consideration, it was voted that your request be granted with the following stipulations: N/A.

If your request of above has been acted upon favorably, it is necessary that you contact the Building Inspector prior to construction or change of use.

Respectfully submitted,

Nancy Carey
CHAIRMAN, BOARD OF ADJUSTMENT

cc: Building Inspector

NOTE: Please be advised that under N.H. RSA 31:74 any person or party to the action or proceeding of the Board of Adjustment may ask for a re-hearing within twenty days of the decision or order of the Board of Adjustment.

Planning Department
Portsmouth, N.H.
(431-5421)

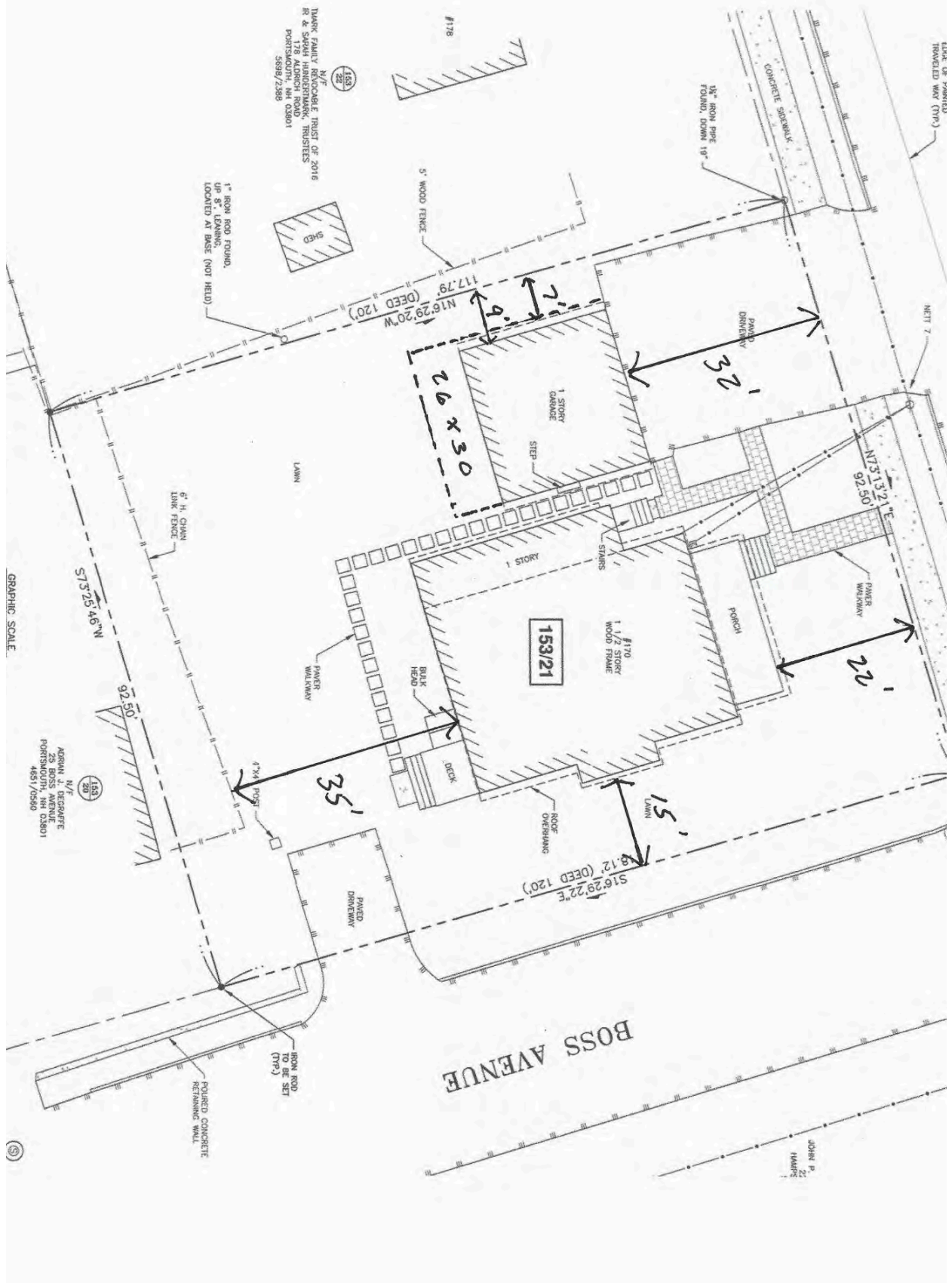
bjs

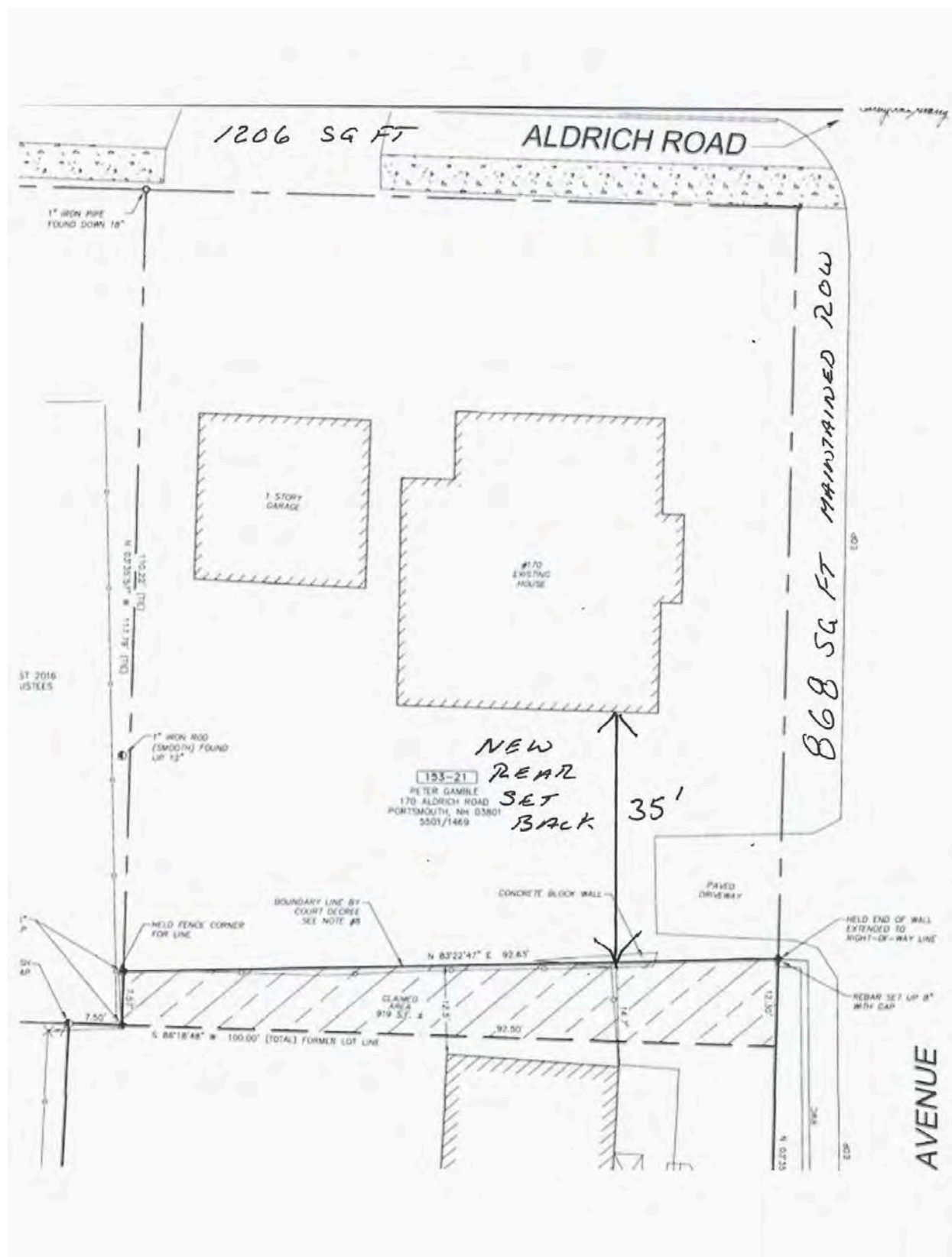


House - 1170 S.F.
Garage - 324
Proposed - 576

2070 / 1100 = 1.88

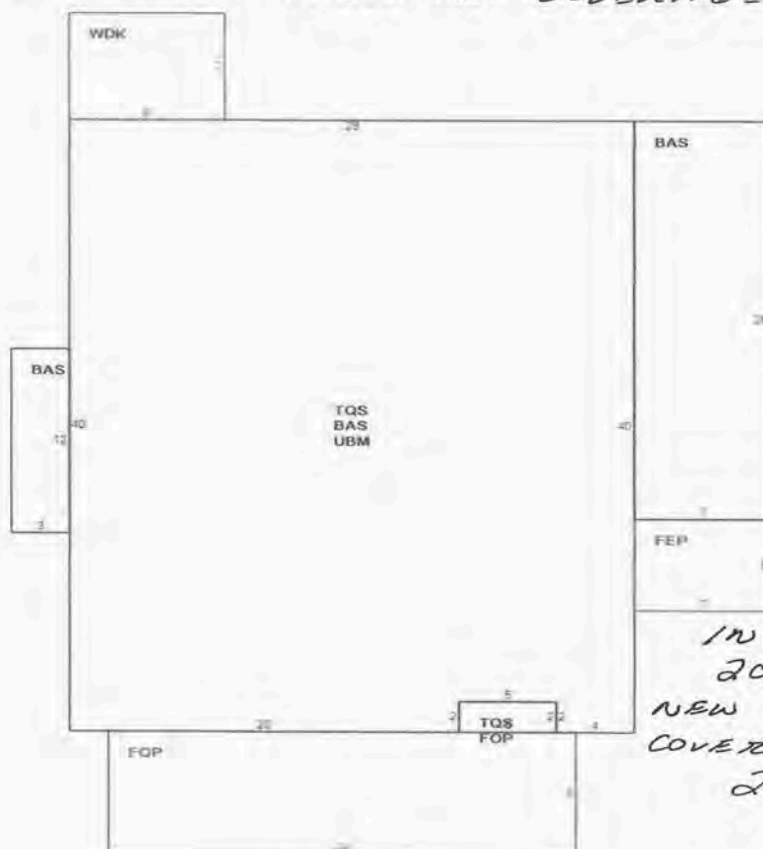
6/10 ab ygen
600 fm 35x16





Building Layout

AND LOT COVERAGE



HOUSE
1668 SQ FT
GARAGE
576 SQ FT
TOTAL 2244

LOT SIZE
9992 SQ FT
22.4%

NEW
GARAGE
780 SQ FT

INCREASE OF
204 SQ FT
NEW BUILDING
COVERAGE
24.4%



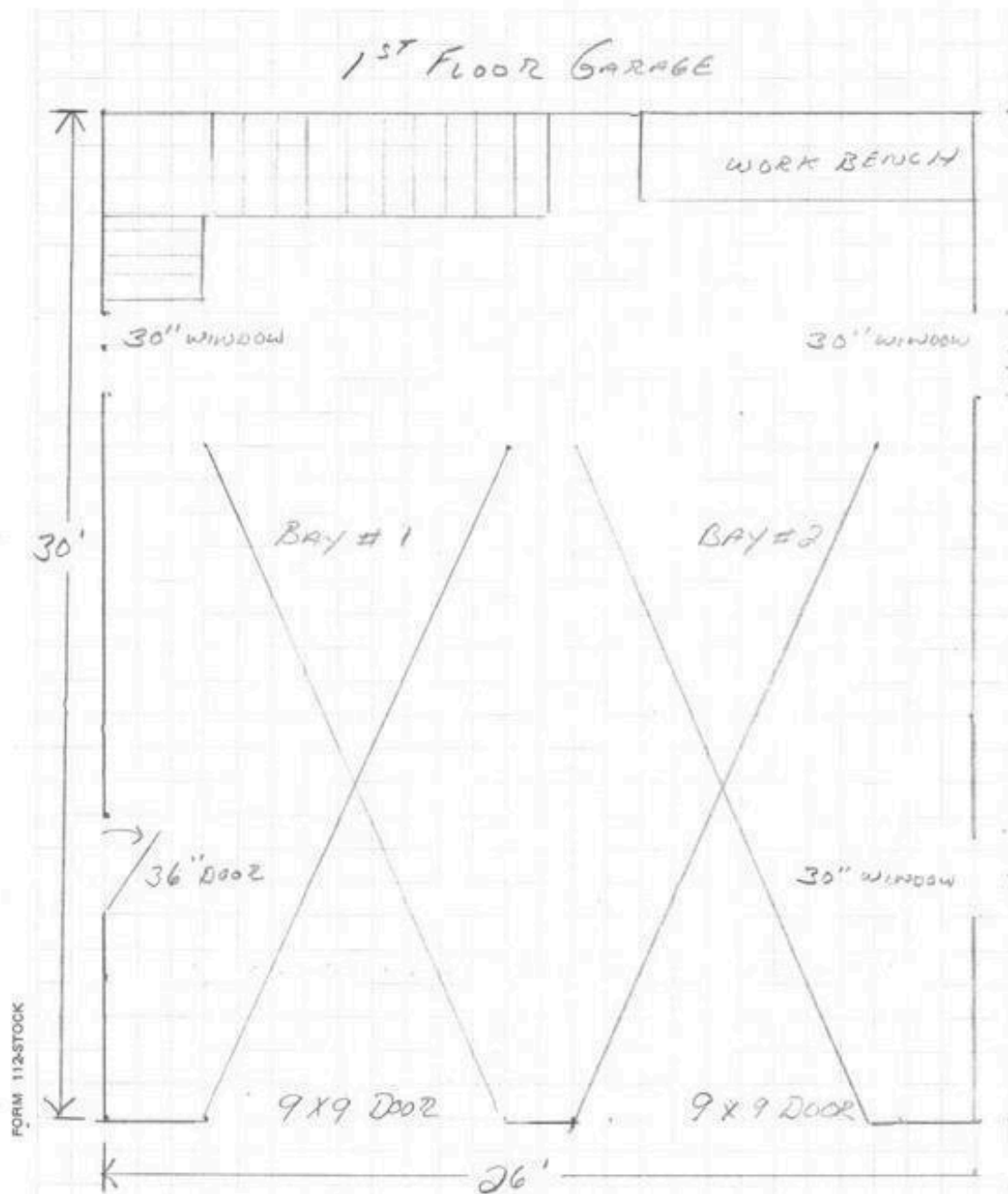


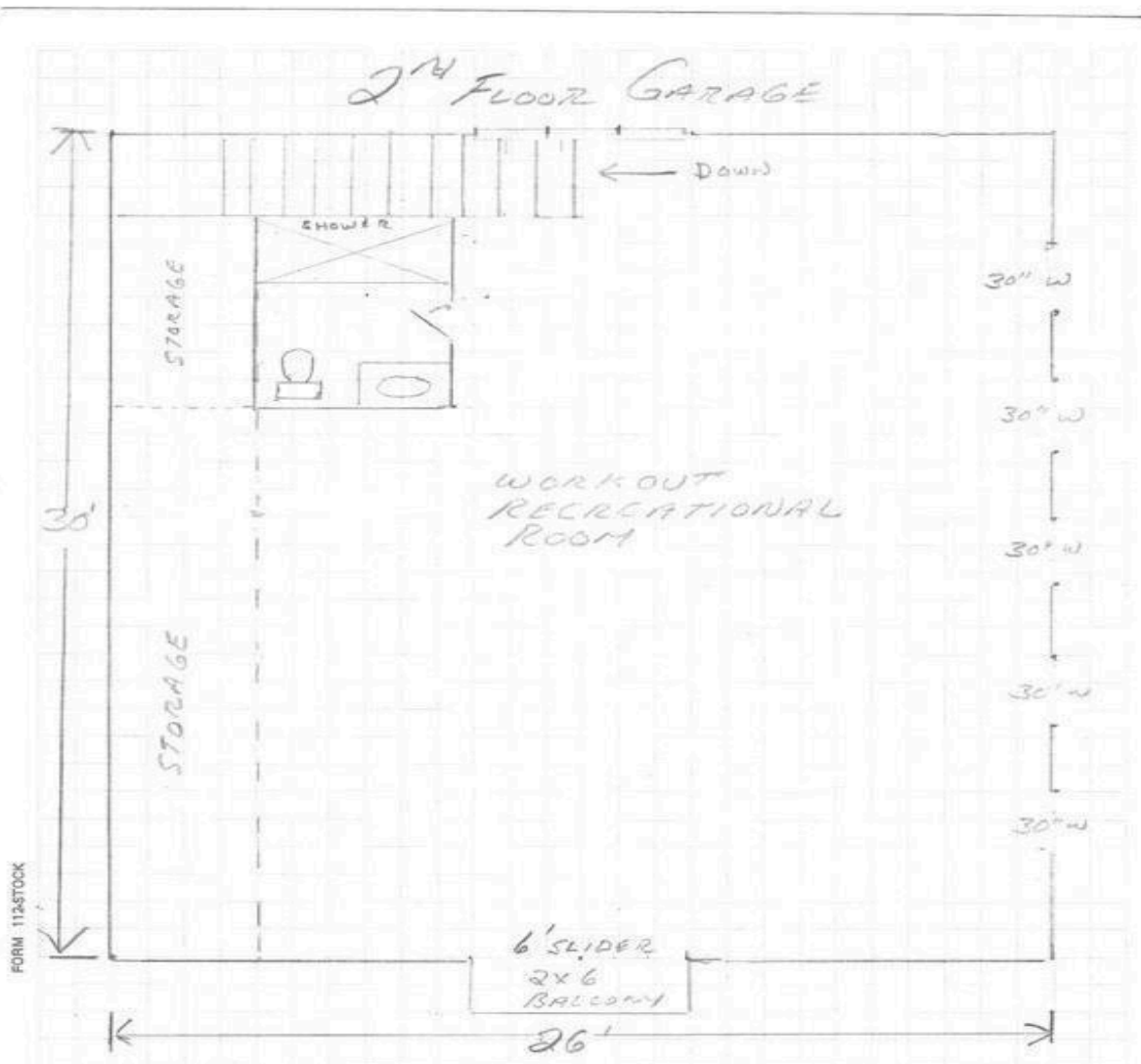




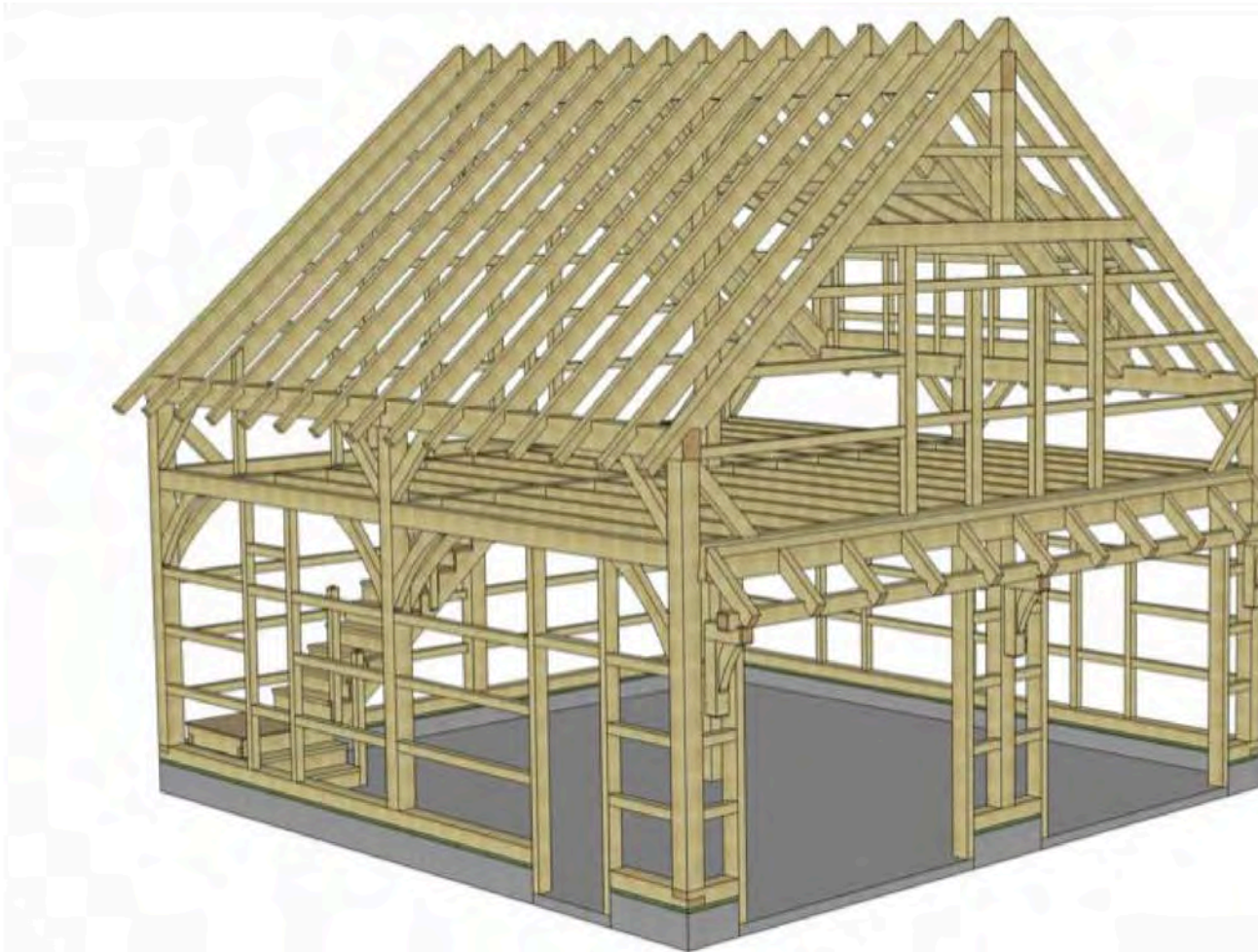






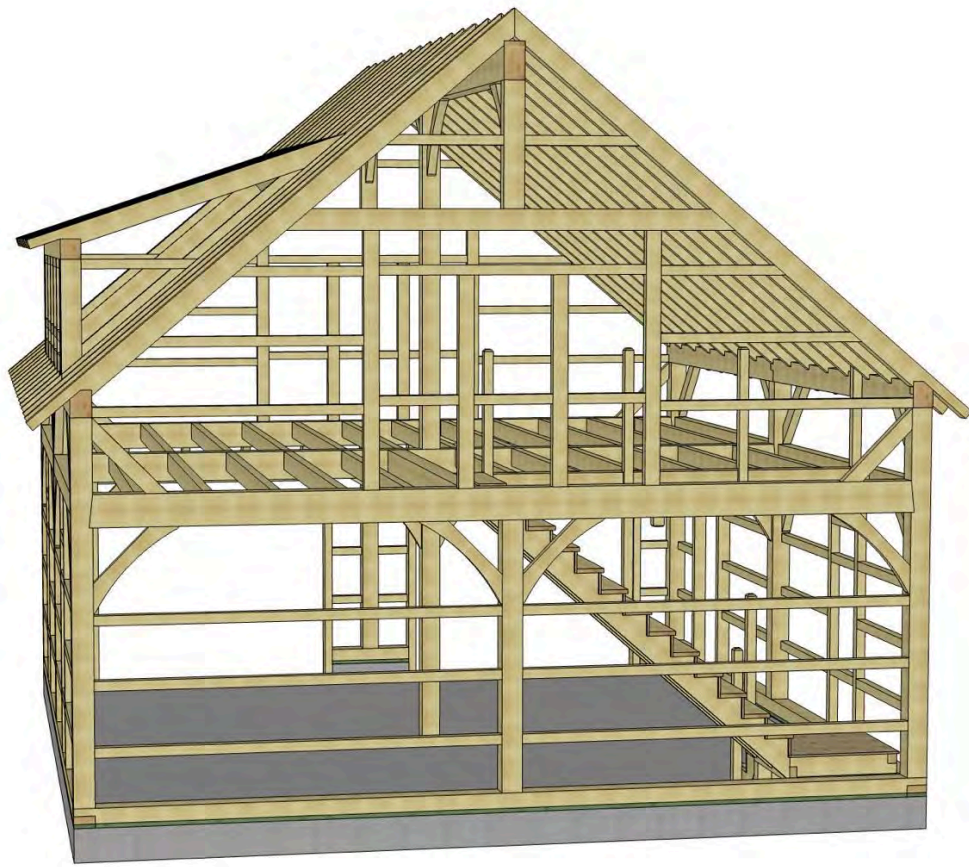


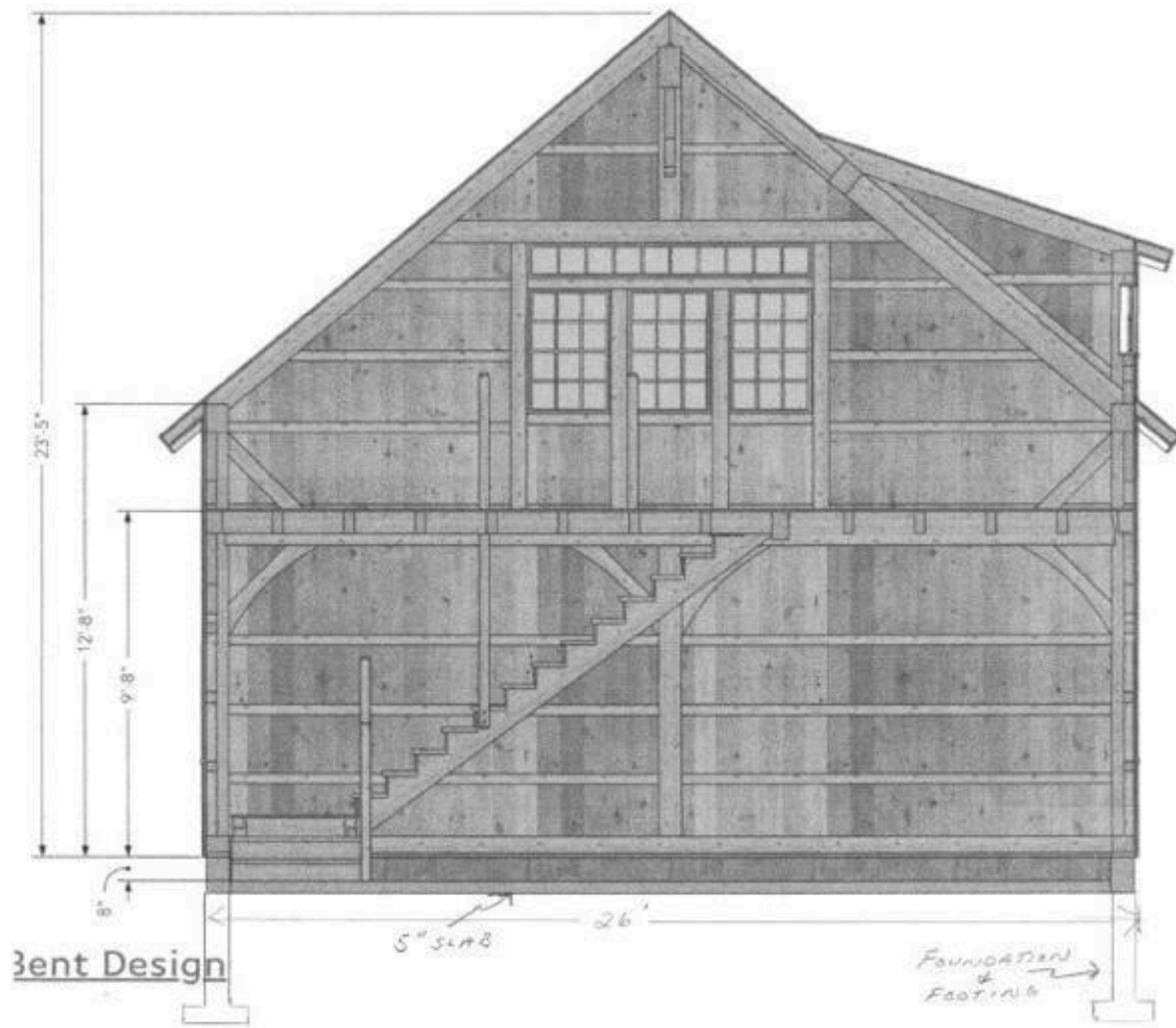
Frame for 1/1/2 story request

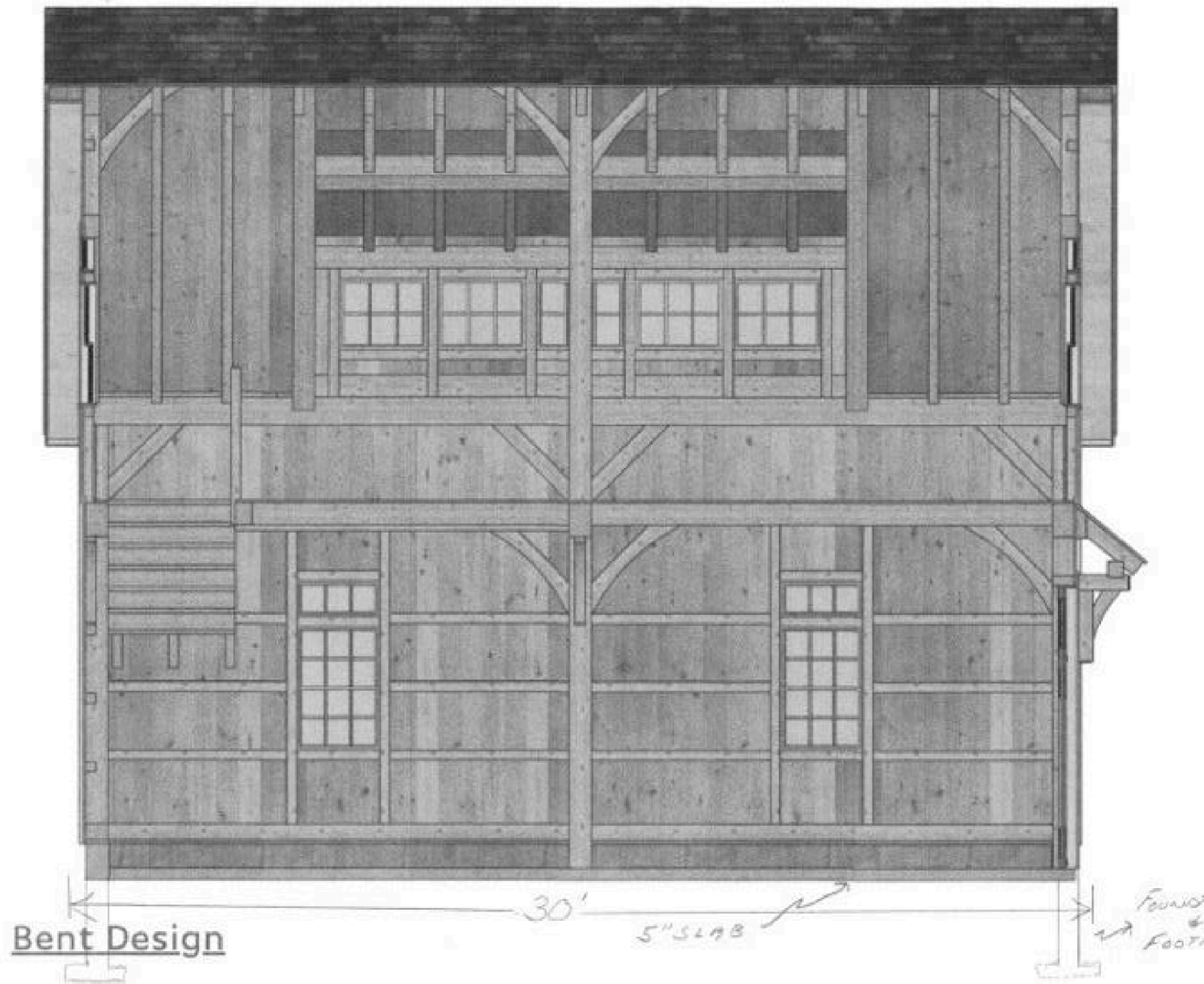


1/1/2 story request

Frame for





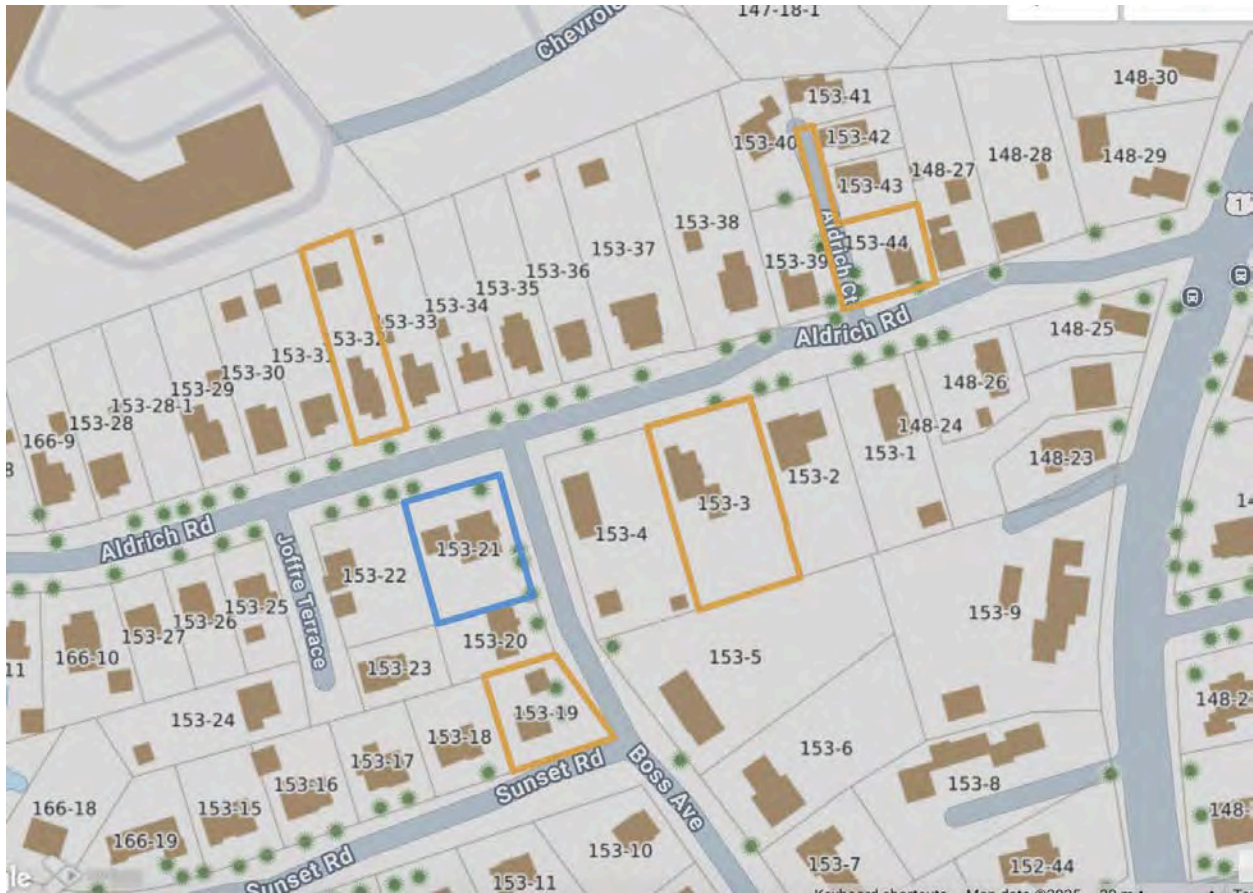




Current Tax Map

Green is 170 Aldrich

Yellow 19 Sunset, 161 Aldrich, 111 Aldrich, and 55 Aldrich



19 Sunset Road



161 Aldrich Road



55 Aldrich Road



110 Aldrich Road

Previous Emails

From:

To: Subject: Date:

[Sachiko Akiyama](#)

[Planning Info](#)

Letter in Support of Peter Gamble Thursday, May 11, 2023 10:26:09 AM

To the Zoning Board -

I am writing in support of Peter Gamble's proposal to expand his garage. I live at 161 Aldrich Road which is across the street from Peter.

I am confident that this will not negatively impact me or my neighbors. He has already made improvements to his house which has made our neighborhood more beautiful.

I hope that the board will approve his plans.

Sincerely, Sachiko Akiyama 161 Aldrich Road

From:

To: Subject: Date:

[Brian Caffrey](#)

[Planning Info](#)

170 Aldrich
Tuesday, May 16, 2023 1:51:47 PM

Hello,

I am just emailing to voice my support for the project that will go before the board at:

170 Aldrich St Portsmouth, NH

I live behind the owner and received my abutters notice but will not be attending any meetings live or Zoom.

Thank You!

From:

To: Subject: Date:

[Scott Fales](#)

[Planning Info](#)

170 Aldrich Road
Tuesday, May 16, 2023 1:20:27 PM

Members of the Board, I am in favor of and fully support Peter Gamble's variance request at 170 Aldrich Road. I believe the proposed design and use of the new structure will greatly enhance the neighborhood and is not adverse or detrimental to surrounding properties.

I reside at 151 Aldrich Road, Portsmouth, NH, which is my childhood home and for which I am named Trustee of the Verna J. Fales Trust for this address.

Sincerely, Scott K. Fales

From:

To: Date:

[Verna](#)

[Planning Info](#)

Monday, May 15, 2023 5:58:07 PM

My name is Verna Fales and I reside at 151 Aldrich Road in Portsmouth. I have lived here since 1966. I live directly across the street of my neighbor Peter Gamble of 170 Aldrich Rd who has a proposal to construct a garage with a second floor to be used for more usable space. I am in favor of this proposal. Peter Gamble has always maintained his property and is very mindful of his surrounding neighbors. He is a wonderful and caring neighbor. Thank you for considering a yes to his proposal.

Sent from my iPad

From:

To:

Cc: Subject: Date:

[John Sheehan](#)

[Planning Info](#)
petere3@gmail.com
170 Aldrich road garage variance Thursday, May 11, 2023 1:23:46 PM

I've received notification as an abutter for the May 16, 2023, Board of Adjustments meeting for Peter Gamble 170 Aldrich Road Portsmouth. I have no objection to this situation and support this variance request.

Regards,

John Sheehan
130 Aldrich Road Portsmouth

From:

To: Subject: Date:

Hello,

[Erin Hichman](#)

[Planning Info](#)

170 Aldrich
Friday, May 12, 2023 7:43:23 AM

I live at 196 Aldrich Rd, Portsmouth, NH 03801 and fully support Peter Gamble's renovation plans.

Thank you, Erin Hichman

From:

To: Subject: Date:

patricia@yorkhousing.info

[Planning Info](#)

Peter Gamble 170 Aldrich Road Tuesday, May 23, 2023 11:40:20 AM

Planning Board City of Portsmouth;

I am writing to support the request for a new rebuilt structure at the above address.

neighbor at 139 Aldrich Road. Peter Gamble has done many renovations over the years and maintains the home in a superior fashion. I have no doubt that this garage will be a nice addition to his property. Setbacks in this neighborhood are should not be an issue because all of the homes were built very close together and most everyone has a non-conforming lot. It will be of no consequence to anyone.

Regards,

Patricia Martine

Home:

139 Aldrich Road Portsmouth, NH 03801

Patricia Martine

Executive Director

York Housing

Mailing Address: 4 Pine Grove Lane Physical Address: 117 Long Sands Road York, Maine 03909

Phone: 207-363-8444

Fax: 207-351-2801 patricia@yorkhousing.info www.Yorkhousing.info

Tab 2

III. NEW BUSINESS

- C. The request of **Sean M and Katherine M McCool (Owners)**, for 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 located on Assessor Map 209 Lot 77 and lies within the Single Residence B (SRB) District. (LU-25-153)

Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>	
<u>Land Use:</u>	Single-family residence	Enclose carport and reconstruct front deck	Primarily residential	
<u>Lot area (sq. ft.):</u>	7,405	7,405	15,000	min
<u>Lot area per dwelling unit (sq. ft.)</u>	7,405	7,405	15,000	min.
<u>Frontage (ft.)</u>	75	75	100	min.
<u>Depth</u>	98	98	100	min.
<u>Front Yard (ft)</u>	20	20	20 (Sec. 10.516.10)	min.
<u>Rear Yard (ft.):</u>	50	50	30	min.
<u>Right Yard (ft.):</u>	7	7	10	min.
<u>Left Yard (ft.):</u>	11	11	10	min.
<u>Building Coverage (%)</u> :	21*	21*	20	max.
<u>Open Space Coverage (%)</u> :	72	72	40	min.
<u>Parking:</u>	3	2	1	min
<u>Estimated Age of Structure:</u>	1930	Variance request(s) shown in red.		

*Building coverage calculation included the back deck when this application was noticed. The applicant has since confirmed that the height of the back deck is under 18" and therefore it is excluded from building coverage per Article 15.

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

- July 28, 1964 – Permission to construct a closed porch within 4 feet of the left side yard property line. The Board voted to deny the request.
- June 21, 2011 – to replace existing porch and stairs with a 4' x 10' porch/stairs structure which requires the following: 1) Variance from Section 10.321 to allow the expansion of a nonconforming structure; and 2) Variance from Section 10.521 to allow building coverage of 29.2%± where 20% is the maximum coverage allowed. The Board voted to grant the request, with a corrected building coverage of 22.4% and otherwise as presented and advertised.

Planning Department Comments

The applicant is proposing to enclose an existing carport to make additional living space and to reconstruct an existing deck on the front entrance of the home. The applicant is seeking relief for the project as the existing structure is located in the right yard and exceeds the maximum building coverage allowed in the SRB District.

Variance Review Criteria

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

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*
AND
 - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*
OR
Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.235 Certain Representations Deemed Conditions

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

Board of Adjustment letter for Variance approval criteria.

10/20/2025

- **Variance must not be contrary to the public interest:**

We feel that granting this variance will not be contrary to the public interest because the tenants of the property are looking to use the existing footprint of the dwelling for the purpose of a single family dwelling and add space for their family not to expand any closer to the property line or use the property for anything other than a single family dwelling.

- **The spirit of the ordinance will be observed:**

The spirit of the ordinance will be observed because the homeowner is looking to better utilize the footprint of the home for living comfortably and doesn't need the overhang in front of the garage but could use the space inside the dwelling for living.

- **Substantial justice will be done:**

Substantial justice will be done for the homeowners because the space we are adding to the inside of the home will allow for them to live unencumbered by adding a primary master bedroom and an additional bathroom to the home. Not only will this add additional living space but also increase the value of this home and the homes around it.

- **The values of the surrounding properties will not be diminished:**

The values of the surrounding homes will not diminish due to adding a more appealing exterior look to this home and adding a bedroom and bathroom will increase it's value and the surrounding homes values along with it.

- **Literal enforcement of the provision would result in an unnecessary hardship:**

The literal enforcement of this provision would result in unnecessary hardship due to the need of an expanded space by the family. The lot constraints will not allow for any other additions to be added in a manner that meets all setback requirements without completely changing the layout of the dwelling. This plan also doesn't add further impervious areas to the lot. This variance would allow for the residents to gain better use of their current existing footprint without further impacting any other building requirements as we would not get any closer to the property lines or enlarge any existing structure footprint.

October 15, 2025

To Whom it May Concern,

I, Katherine McCool, authorize Nicholas Haseltine of Haseltine Builders LLC to apply for a variance on my behalf for our property located at 345 Leslie Drive.


Katherine McCool (Oct 16, 2025 08:35:34 EDT)

16/10/25

McCool consent letter (1)

Final Audit Report

2025-10-16

Created:	2025-10-16
By:	Ashley Haseltine (ashley@haseltinebuilders.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAUqA0GfChW6Z88hLJpYGYuqlxqkrrei0D

"McCool consent letter (1)" History

-  Document created by Ashley Haseltine (ashley@haseltinebuilders.com)
2025-10-16 - 11:59:44 AM GMT
-  Document emailed to Katie McCool (katie.mccool25@gmail.com) for signature
2025-10-16 - 11:59:47 AM GMT
-  Email viewed by Katie McCool (katie.mccool25@gmail.com)
2025-10-16 - 12:34:30 PM GMT
-  Signer Katie McCool (katie.mccool25@gmail.com) entered name at signing as Katherine McCool
2025-10-16 - 12:35:32 PM GMT
-  Document e-signed by Katherine McCool (katie.mccool25@gmail.com)
Signature Date: 2025-10-16 - 12:35:34 PM GMT - Time Source: server
-  Agreement completed.
2025-10-16 - 12:35:34 PM GMT

Tax Map



Property Information

Property ID 0209-0077-0000
Location 345 LESLIE DR
Owner MCCOOL SEAN M

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 09/26/2024

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.

As indicated









III. NEW BUSINESS

- D.** The request of **Kelly Ann and Kenneth Racicot (Owners)**, for 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 located on Assessor Map 222 Lot 33 and lies within the General Residence A (GRA) District. (LU-25-154)

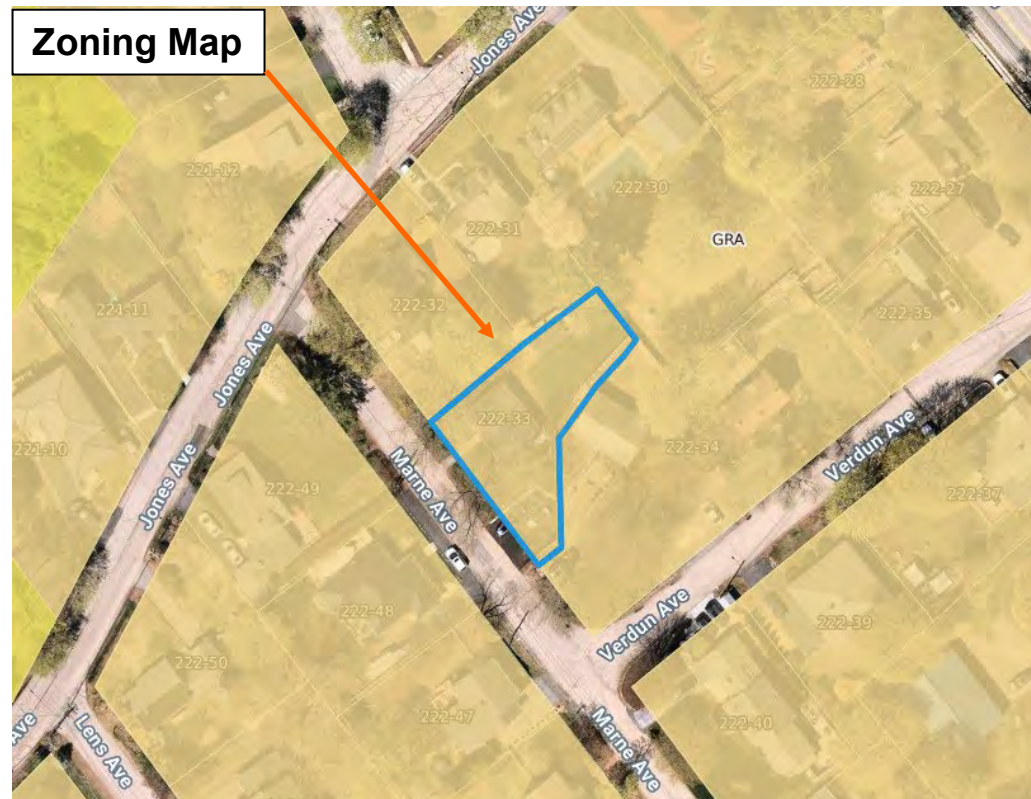
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	Add Porch	Primarily Residential
<u>Lot area (sq. ft.):</u>	7,461	7,461	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	7,461	7,461	7,500 min.
<u>Lot depth (ft.):</u>	120	120	100 min.
<u>Street Frontage (ft.):</u>	101	101	70 min.
<u>Front Yard (ft.):</u>	18.5	18.5	15 min.
<u>Right Side Yard (ft.):</u>	10	3	10 min.
<u>Left Side Yard (ft.):</u>	10	10	10 min.
<u>Rear Yard (ft.):</u>	>20	>20	20 min.
<u>Building Coverage (%):</u>	14	15	25 max.
<u>Open Space Coverage (%):</u>	>30	>30	30 min.
<u>Height (ft.)</u>	House:<35	Porch:12	35 max.
<u>Parking</u>	2	2	1 min.
<u>Estimated Age of Structure:</u>	1810	Variance request(s) shown in red.	

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

- **September 22, 2015** – a lot line relocation between 34 Marne Avenue and 43 Verdun Avenue which requires the following: 34 Marne Avenue – 1) Variances from Section 10.521 to allow a lot area and a lot area per dwelling unit of 7,461± s.f. where 7,500 s.f. is required for both. 43 Verdun Avenue – 2) a Variance from Section 10.570 to allow a left side yard setback of 6.9' where 10' is required for an accessory structure; and 3) a Variance from Section 10.570 to allow a rear yard setback of 5'4" where 15' is required for an accessory structure. The Board voted to grant the petition as presented and advertised.
- **July 16, 2024** – constructing a shed behind the primary structure which requires the following: 1) Variance from Section 10.573.20 to allow a 5 foot side yard where 10 feet is required. The Board voted to grant the request as presented and advertised.

Planning Department Comments

The applicant is requesting relief to construct a side porch to the existing home in the right side yard.

Variance Review Criteria

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

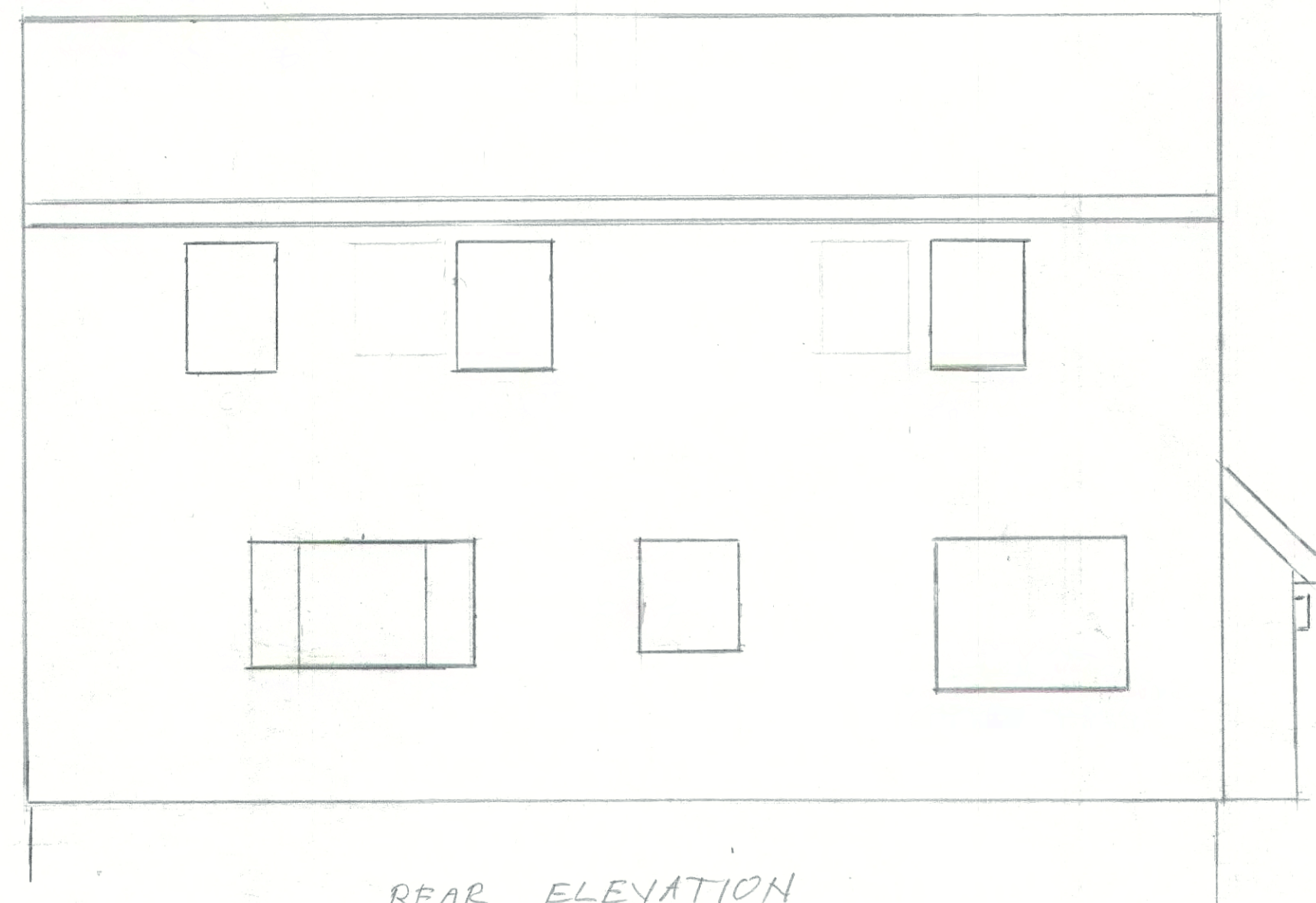
1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*
AND
 - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*
OR
Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.235 Certain Representations Deemed Conditions

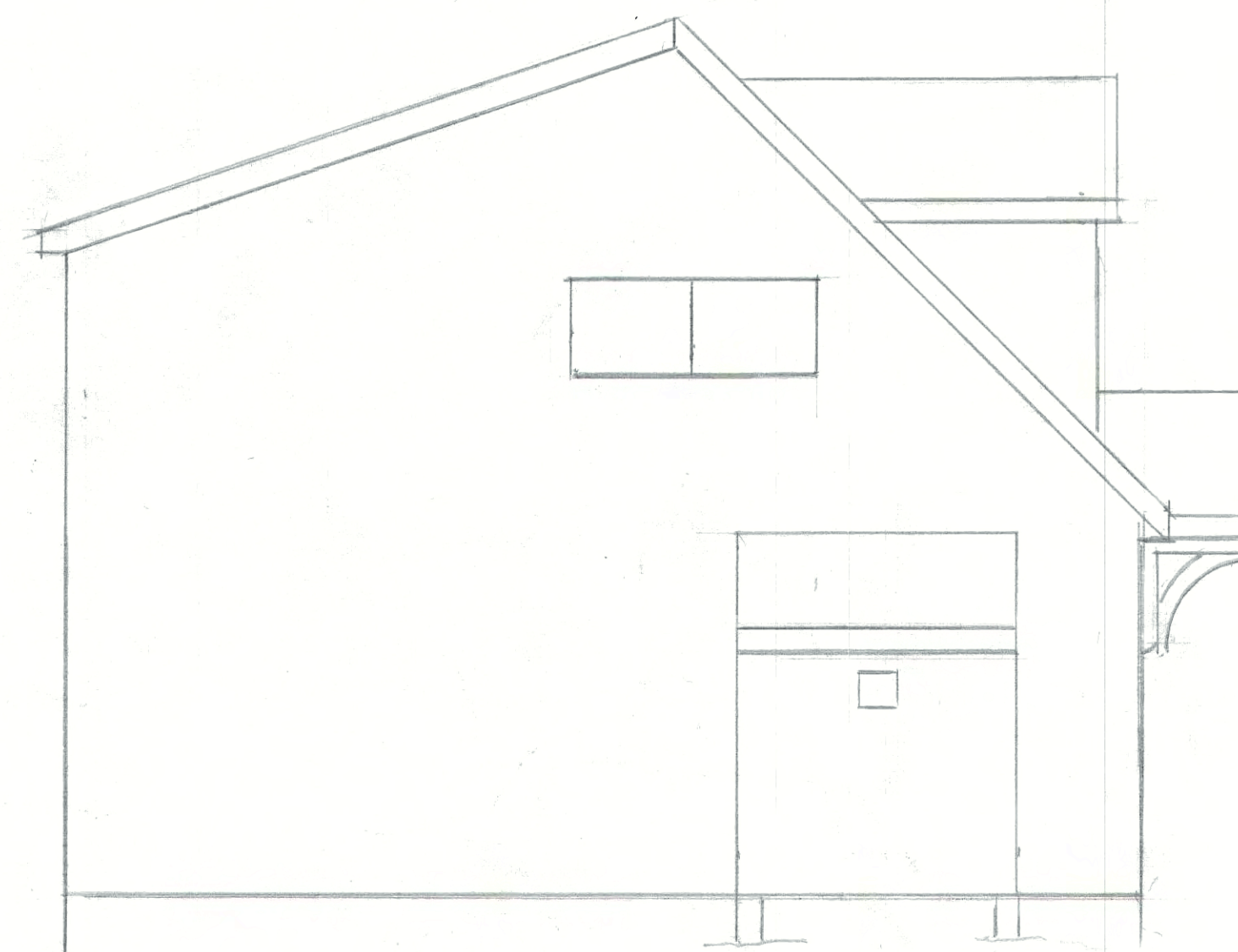
Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon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

LOT AREA 7461 sq ft.
EXISTING LOT COVERAGE 13.8%
PROPOSED LOT COVERAGE 13.92%

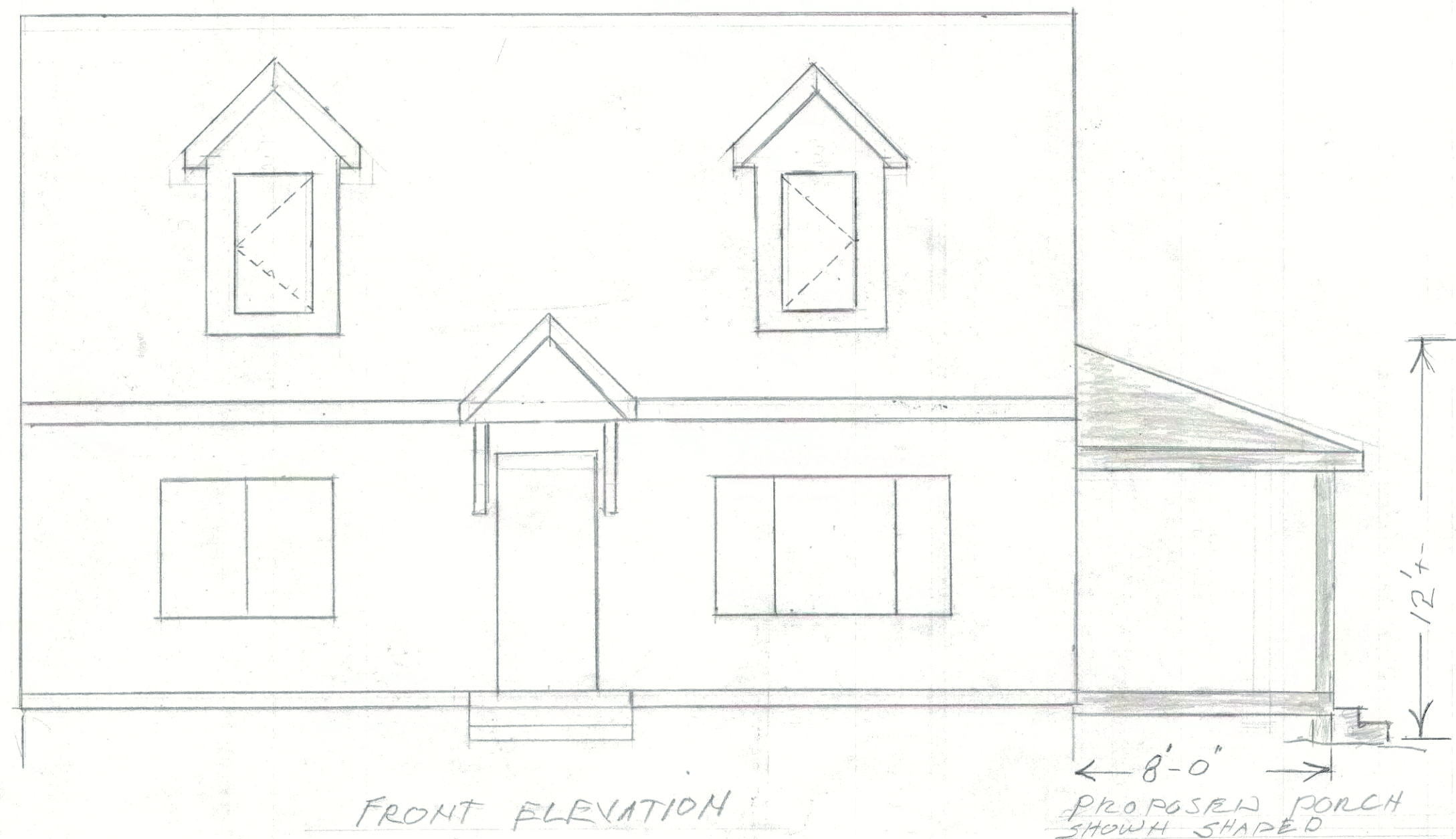




REAR ELEVATION

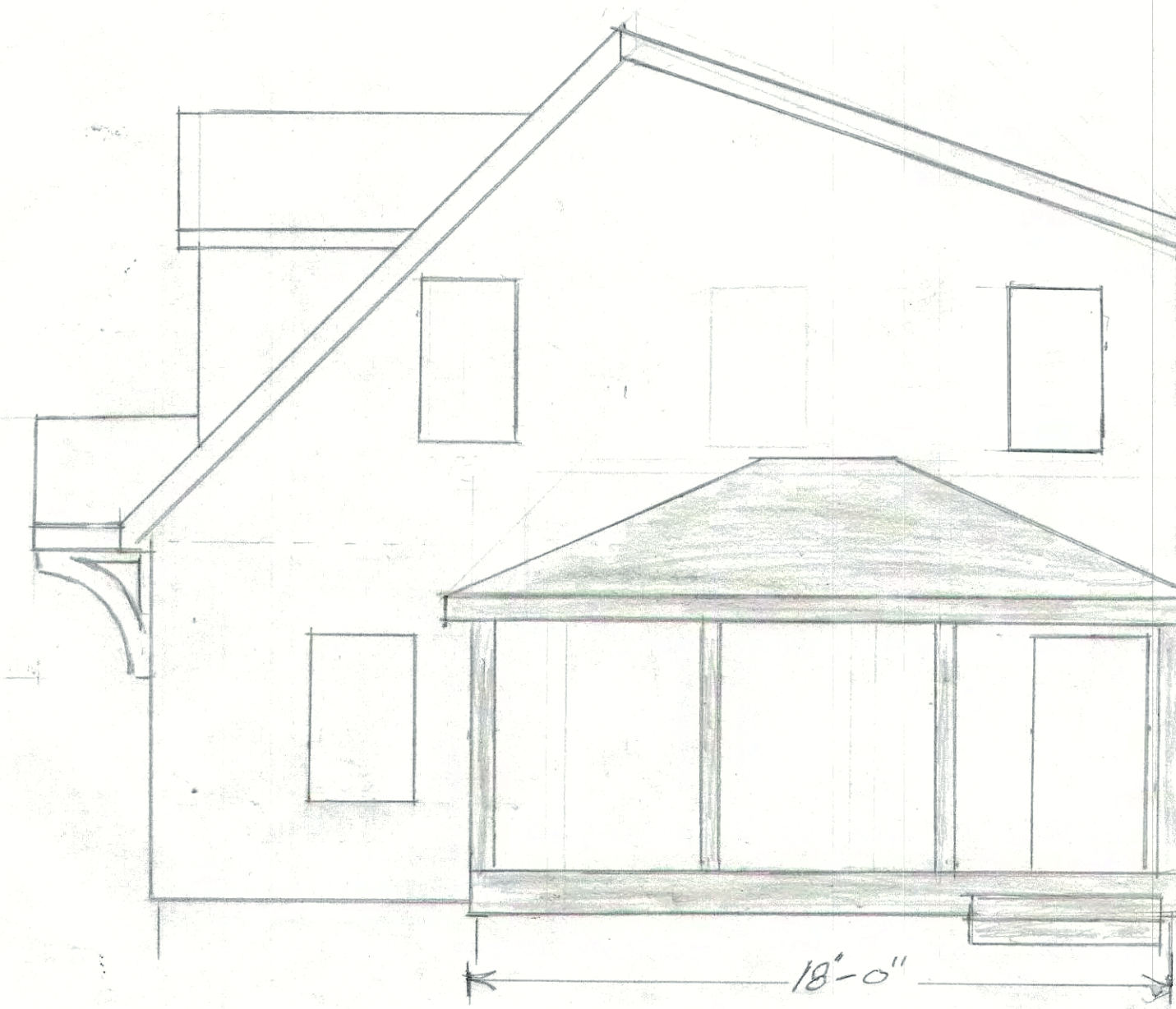


LEFT ELEVATION

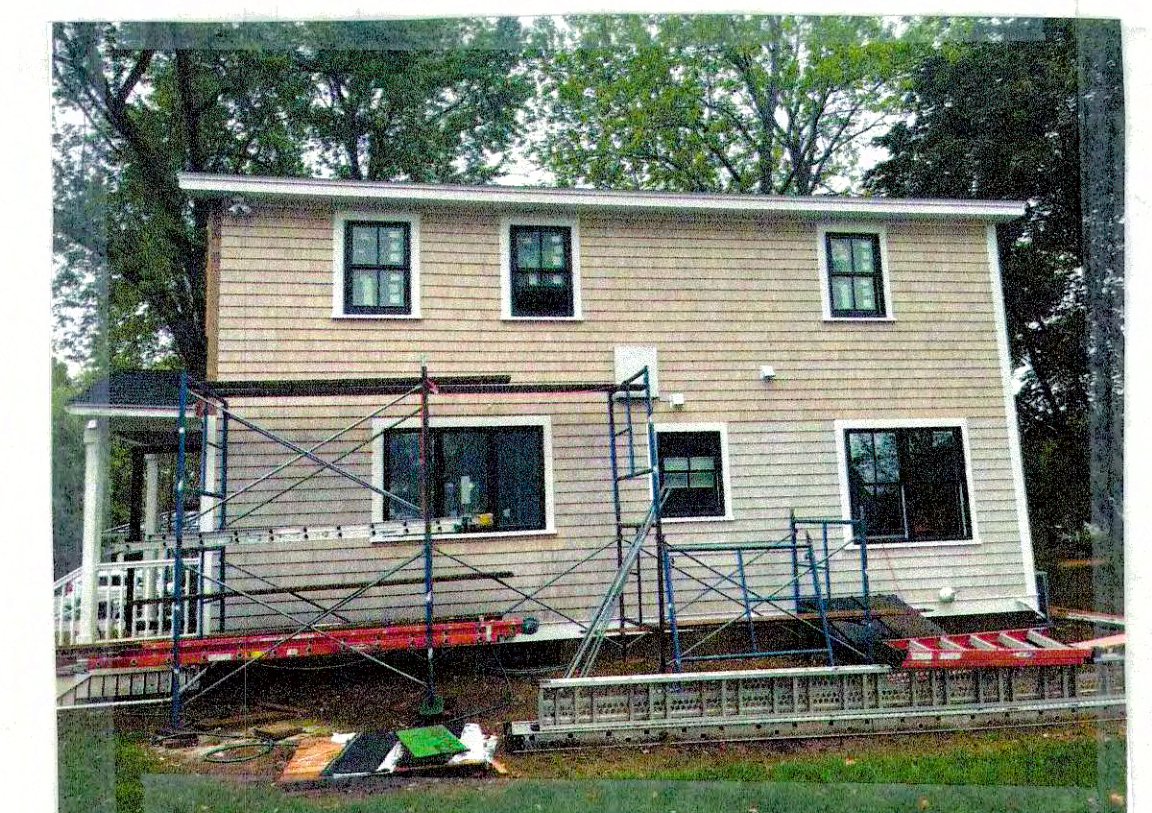
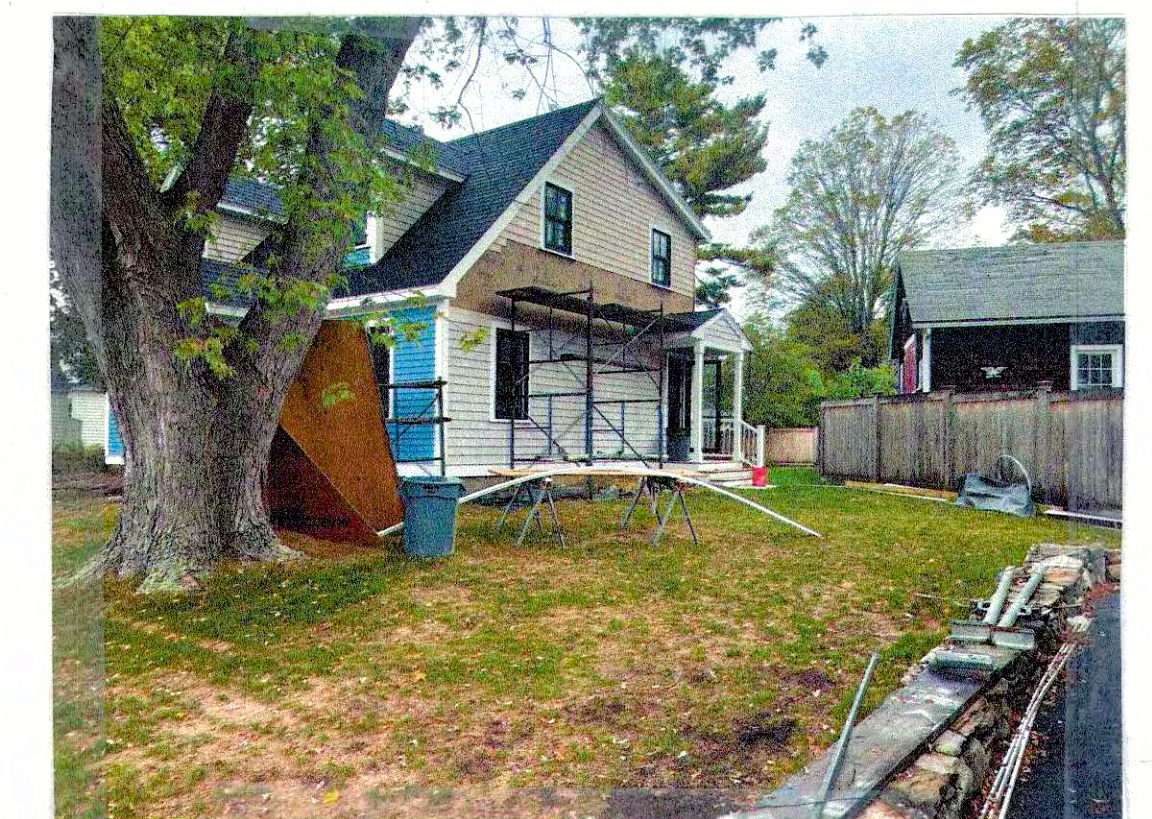


FRONT ELEVATION

PROPOSED PORCH
SHOWN SHAPED



RIGHT ELEVATION
PROPOSED PORCH SHOWN



RACICOT RESIDENCE
34 MARLBOROUGH AVE
PORTSMOUTH NH

Statement in Support of Variance Request

Applicant: Jon Bailey

Property Address: 34 Marne Avenue, Portsmouth, NH

Zoning District: General Residence A (GRA)

Lot Size: 7,461 sq. ft.

Relief Requested: Variance for side yard setback to allow construction of an 8' x 18' side porch with a proposed setback of 3 feet 5 inches from the side property line where 10 feet is required by the Zoning Ordinance.

Project Description

The applicant proposes to construct an 8-foot by 18-foot open side porch on the existing single-family dwelling at 34 Marne Avenue. The porch is designed to enhance access, safety, and livability while maintaining architectural consistency with the existing home and surrounding neighborhood.

The property lies within the General Residence A (GRA) zoning district, where the required minimum side yard setback is 10 feet. The requested variance seeks to permit a side setback of 3 feet 5 inches for the proposed porch addition.

Justification for Variance (per Article 2, Section 10.233.20 – Variances)

- 1. The variance will not be contrary to the public interest.** The proposed porch is a modest, residential-scale improvement that will not alter the essential character of the neighborhood or threaten public health, safety, or welfare. The porch maintains consistent design, materials, and scale with nearby homes. It improves property aesthetics and usability without adversely affecting neighboring properties.
- 2. The spirit of the ordinance is observed.** The spirit and intent of the setback requirement are to preserve light, air, privacy, and separation between structures. The proposed porch is open in design and does not significantly increase building mass or enclosure. Adequate spacing from the adjacent property remains, ensuring compliance with the ordinance's underlying purpose.
- 3. Substantial justice will be done.** Strict enforcement of the 10-foot side setback would prevent the homeowner from constructing a small porch that enhances safe and practical access to the home. Granting the variance allows for a reasonable improvement while imposing no discernible harm to the public or abutters. Denial would create an unnecessary hardship without a corresponding public benefit.
- 4. The value of surrounding properties will not be diminished.** The porch is designed to complement the existing home and neighborhood character. Its professional construction and proportionate design will enhance curb appeal and overall property value, contributing positively to the area. There is no evidence that similar improvements have negatively affected nearby property values.
- 5. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship.**

a) **Special Conditions:** The structure's existing placement and the lot's configuration limit options for expansion.
b) **Reasonable Use:** The proposed porch represents a reasonable residential use consistent with other properties in the neighborhood.

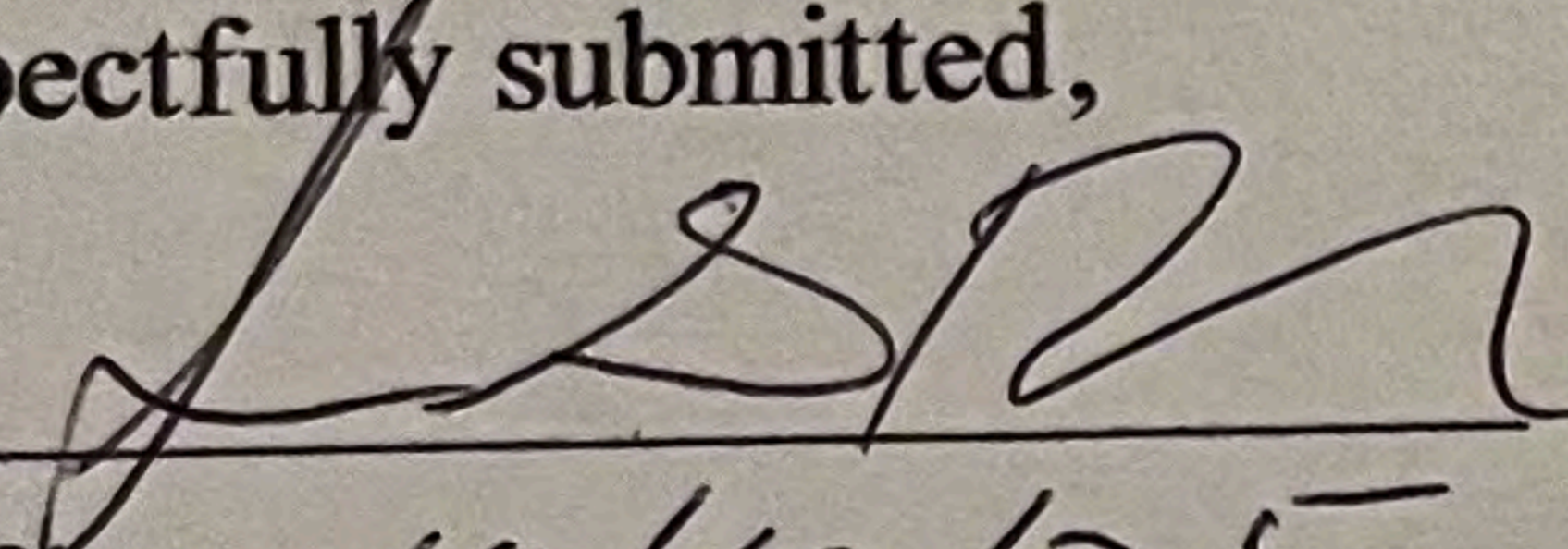
c) **Relationship to the Ordinance's Purpose:** The ordinance intends to prevent overcrowding and maintain neighborhood character — both of which are preserved here.

The hardship arises from the property's configuration, not from the applicant's actions, and the requested relief is the minimum necessary to afford reasonable use of the property.

Conclusion

For these reasons, the applicant respectfully requests that the Portsmouth Zoning Board of Adjustment grant a Variance from the side yard setback requirement in the General Residence A (GRA) district to allow construction of an 8' x 18' side porch with a proposed setback of 3 feet 5 inches from the side property line where 10 feet is required.

Respectfully submitted,


Date: 10/19/25









III. NEW BUSINESS

- E. The request of **Brian and Margaret Corain (Owners)**, for 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 located on Assessor Map 152 Lot 28 and lies within the Single Residence B (SRB) District. (LU-25-148)

Existing & Proposed Conditions

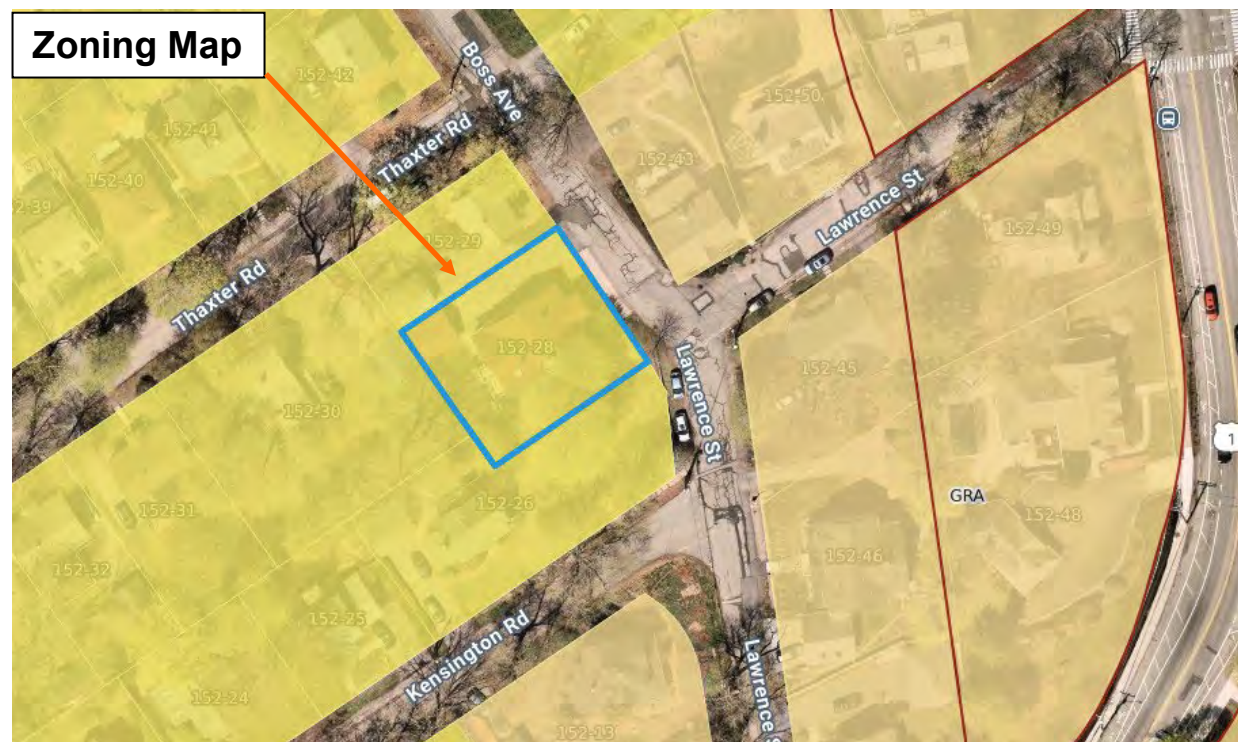
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>	
<u>Land Use:</u>	Two-family residence	Single-Family residence and addition*	Primarily residential	
<u>Lot area (sq. ft.):</u>	8,712	8,712	15,000	min.
<u>Lot area per dwelling unit (sq. ft.):</u>	4,356	8,712	15,000	min.
<u>Frontage (ft.)</u>	85	85	100	min.
<u>Depth</u>	100	100	100	min.
<u>Front Yard (ft)</u>	8	8	30	min.
<u>Rear Yard (ft.):</u>	24	24	30	min.
<u>Right Yard (ft.):</u>	27	27	10	min.
<u>Left Yard (ft.):</u>	17	17	10	min.
<u>Building Coverage (%)</u> :	27	27	20	max.
<u>Open Space Coverage (%)</u> :	46.8	46.8	40	min.
<u>Parking:</u>	4	4	2	min
<u>Estimated Age of Structure:</u>	1924	Variance request(s) shown in red.		

*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

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

- **April 10, 1979** – a Variance from Article III, Section 10-302 to allow the construction of a rear porch and stairway 25' from the rear property line where 30' is required. The Board voted to grant the request.

Planning Department Comments

The property is currently a two-family home that is proposed to be reverted back to a single-family home. The applicant is proposing to construct an addition in place of an existing deck and to partially re-construct the second floor of the existing home for additional usable footprint with the incorporation of dormers. The proposed construction requires relief for the addition in the rear yard and for building coverage over the maximum that is permitted.

Variance Review Criteria

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

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*
AND
 - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*
OR
Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.235 Certain Representations Deemed Conditions

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

City of Portsmouth

Zoning Board of Adjustment

1 Junkins Avenue

Portsmouth, NH 03801

Re: Variance Application

61 Lawrence St.

Portsmouth, NH 03801

To Whom it May Concern:

Please find the attached documents in support of zoning relief for the construction of a mudroom addition in place of an existing deck structure and a partial re-construction of the second floor and roof structure to the property at 61 Lawrence St - where the rear existing deck is currently within the rear setback, the existing home is within the front setback, and the existing home exceeds the allowed 20% building coverage.

We hope to be considered by the ZBA at the November 18, 2025 meeting.

Property/Project

61 Lawrence St. is currently a two-family home with street frontage on Lawrence St. We are proposing to revert the property back to a single-family home.

In addition, we are proposing to replace the existing rear deck structure with a single-story enclosed mudroom. Finally, we are proposing to remove part of the existing roof of the house in order to expand the usable footprint of the second floor by incorporating roof dormers. The existing height of the home would remain unchanged. The project is seeking several variances, to the extent required, due to the fact that:

- The existing footprint is within the 30' front yard setback (11' existing; 20' proposed).
- The existing footprint is within the 30' rear yard setback (24' existing; 24' proposed).
- The existing building coverage exceeds the maximum 20% coverage (27.0% existing; 27.0% proposed), including the existing deck and detached garage.

Variance Criteria

The variance will not be contrary to the public interest, and the spirit of the ordinance will be observed

Granting this variance will not be contrary to the public interest and the spirit of ordinance is observed for the improvements to the existing property, which was originally built in 1924. The proposed improvements do not conflict with the basic zoning objectives of the ordinance, nor do they create a threat to public health, safety, and welfare. The project will maintain the essential character of the neighborhood since the expansion is modest in nature and consistent with existing architectural details. Additionally, the proposed use does not expand the existing footprint of the home. Therefore, it's reasonable to conclude that granting this variance is not contrary to the public interest and that the spirit of the ordinance is observed.

Substantial justice will be done

The benefit to the Owner does not outweigh any harm to the general public. The proposed project complies with all other zoning requirements and will increase the value and curb appeal of the home, which in turn will help to preserve the value of surrounding properties.

The values of surrounding properties will not be diminished

The proposed project will increase the value of the home, which will help preserve surrounding property values. The project will have no negative impact on the essential character of the home and therefore the neighborhood and there is no evidence that the proposed project will diminish the value of surrounding properties.

Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship

This property is undersized in its lot square footage, as it is more than forty percent undersized for the requirement in its zoning district. The dimensional requirements and expansion restrictions are to prevent overcrowding of land, promote adequate light and air, protect natural resources and promote health and general welfare, among other reasons. Since the proposed project will maintain the existing footprint of the home, there is no fair and substantial relationship between the general purpose of the ordinance and this specific application.

The proposed use as a single-family home is more consistent with the neighborhood and is a permitted use in the zoning district; since the proposed use is permitted, it is considered reasonable. By not granting this variance, the Owner would not be able to reasonably improve their property to increase its functionality and meet the needs of their family.

For the reasons described above, we respectfully request the Board grant this variance.

Respectfully,

A handwritten signature in black ink that reads "Chris Atwood". The signature is written in a cursive, flowing style.

Chris Atwood

Otter Creek Homes

61 Lawrence St. - SITE PLAN

(Scale: 1" = 10')

Map: 152

Lot: 28

Zone: SRB

Frontage: 100' (85' Existing & Proposed)

Depth: 100' (100' Existing & Proposed)

Front Setback: 30' (11' Existing & Proposed)

Side Setback: 10' (17' Existing & Proposed)

Rear Setback: 30' (24' Existing & Proposed)

Max. Building Height: 35' (28' Existing & Proposed)

Building Coverage: 20% Maximum
(27% Existing & Proposed)

Minimum Open Space: 40% Minimum
(46.8% Existing & Proposed) 100'

Building Coverage Calculations

Lot Size: 8,712 ft²

Coverage: 2,350 ft² including garage,
house & decks
= 27.0%.

Minimum Open Space Calculations

Lot Size: 8,712 ft²

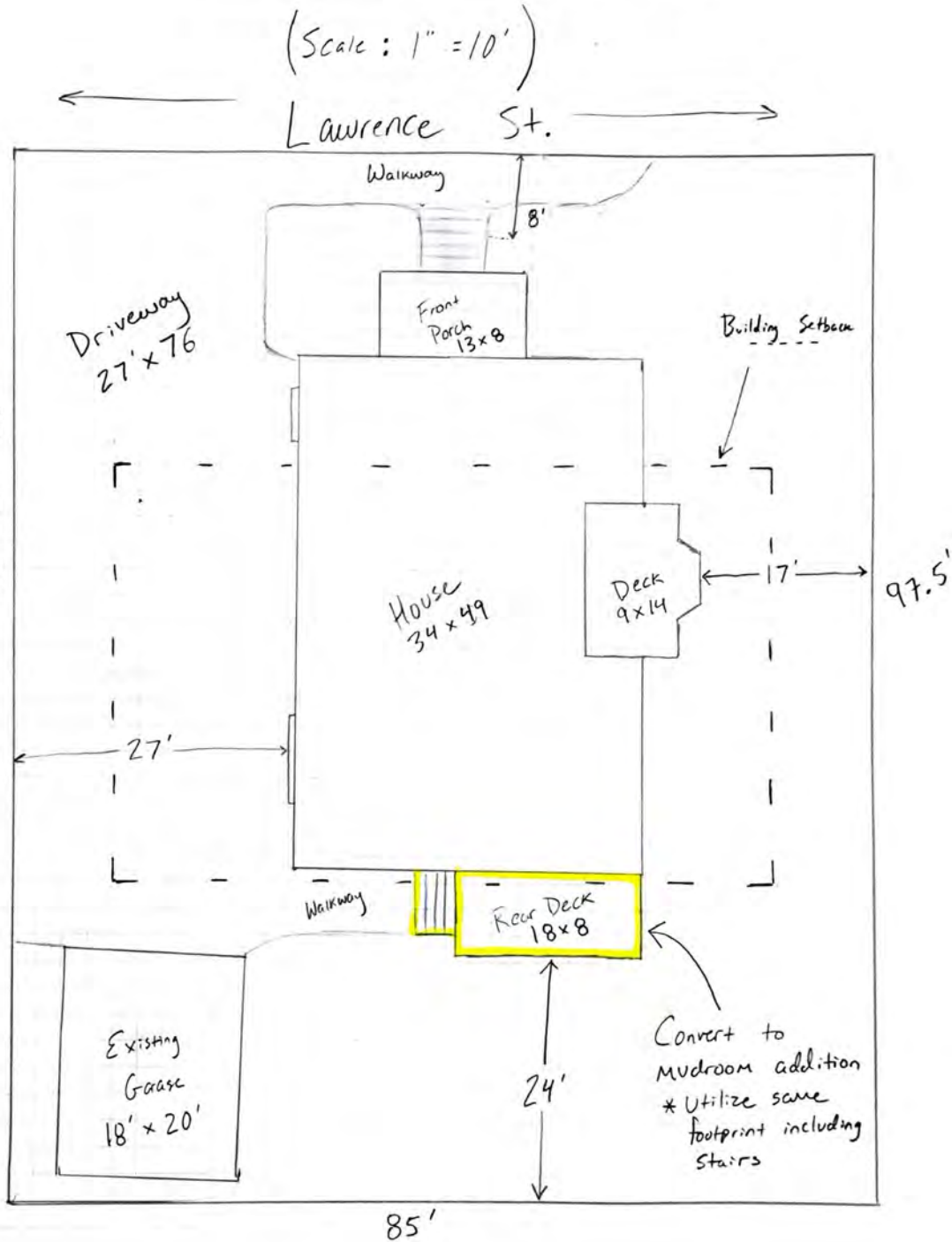
Coverage: Building = 2,350

Driveway = 1,998

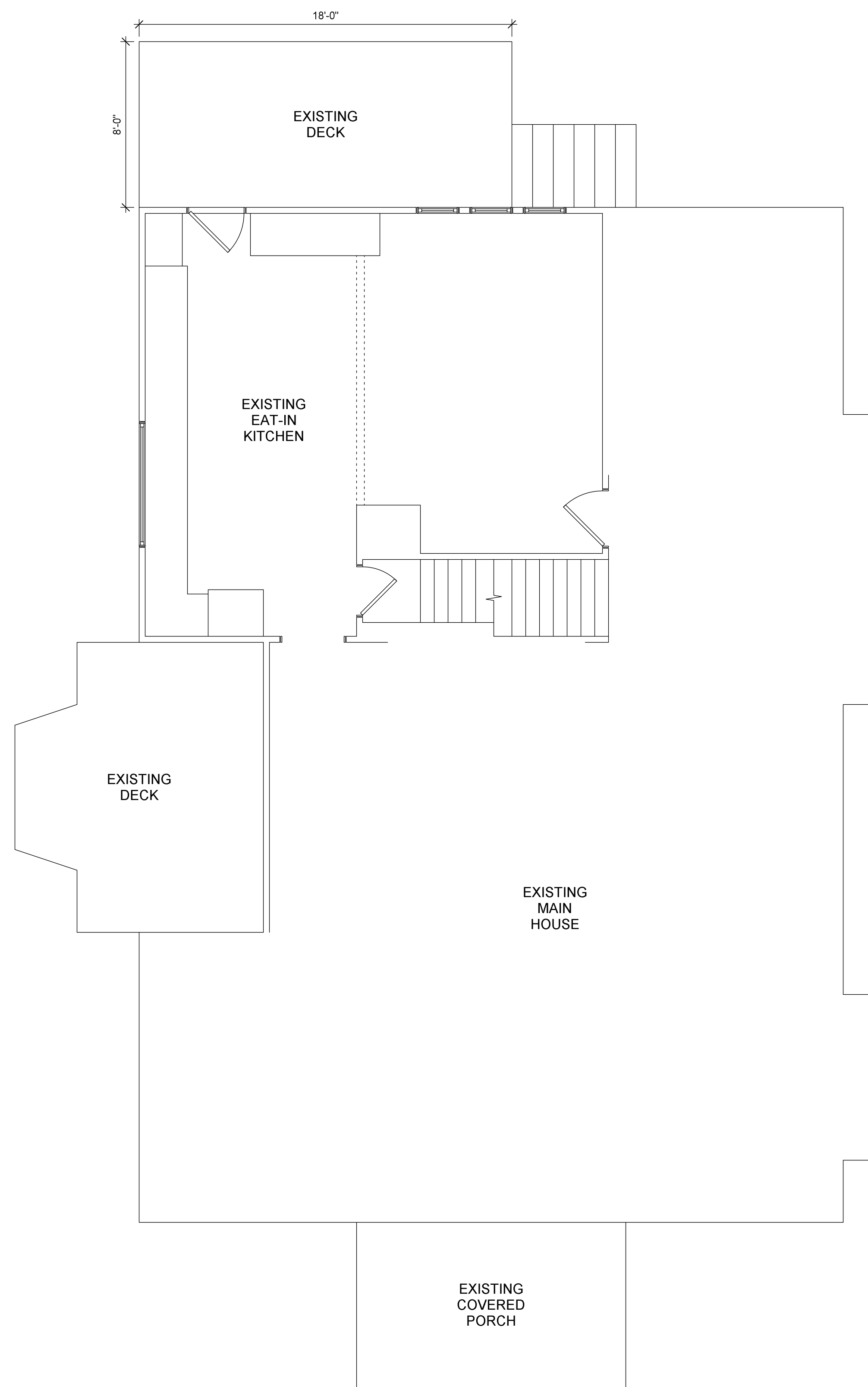
Other Impervious = 290

Total = 4,638 (53.2%)

Open Space = 46.8%

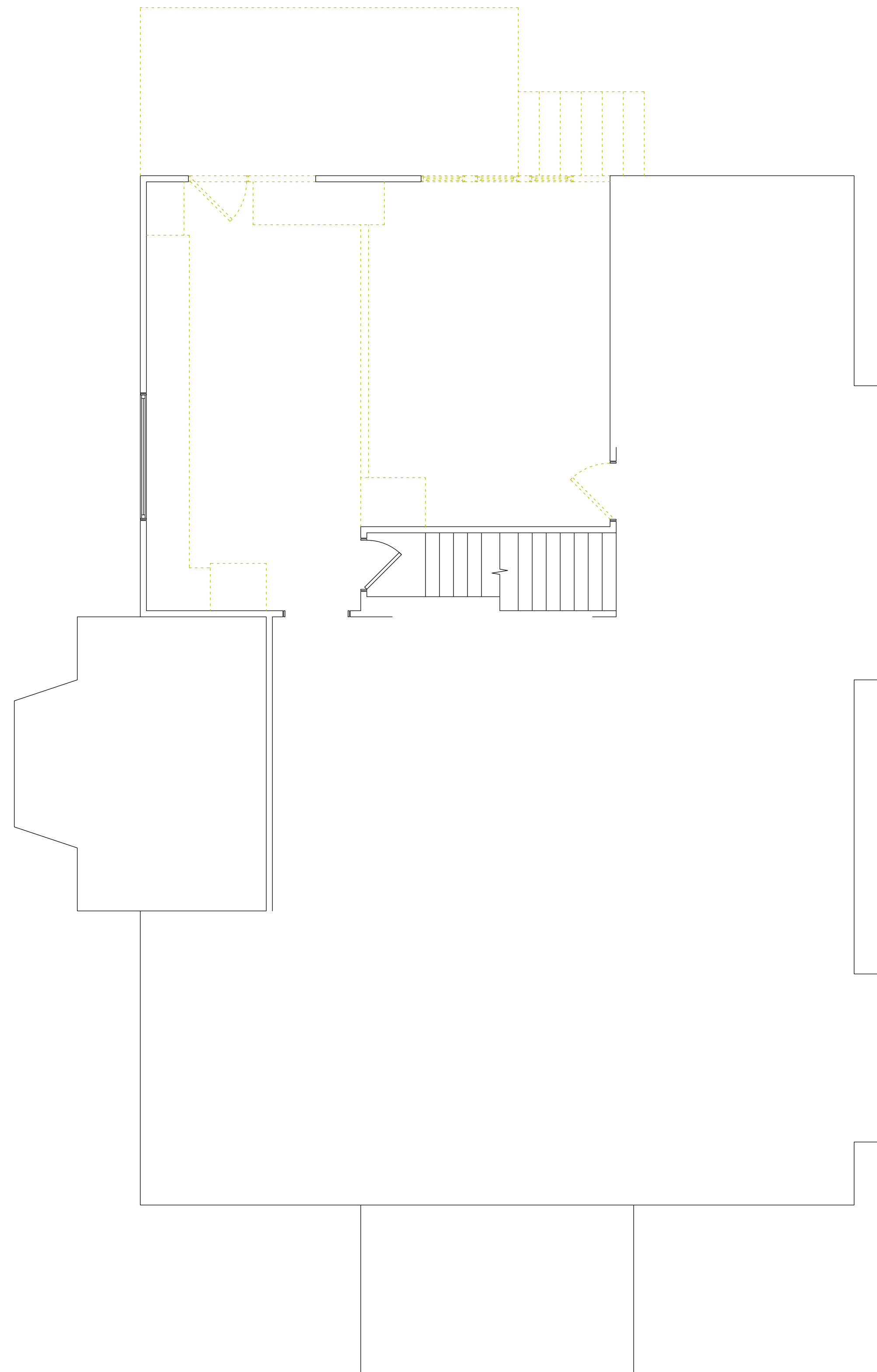


Prepared by: Otter Creek Homes
Chris Atwood



EXISTING FIRST FLOOR PLAN

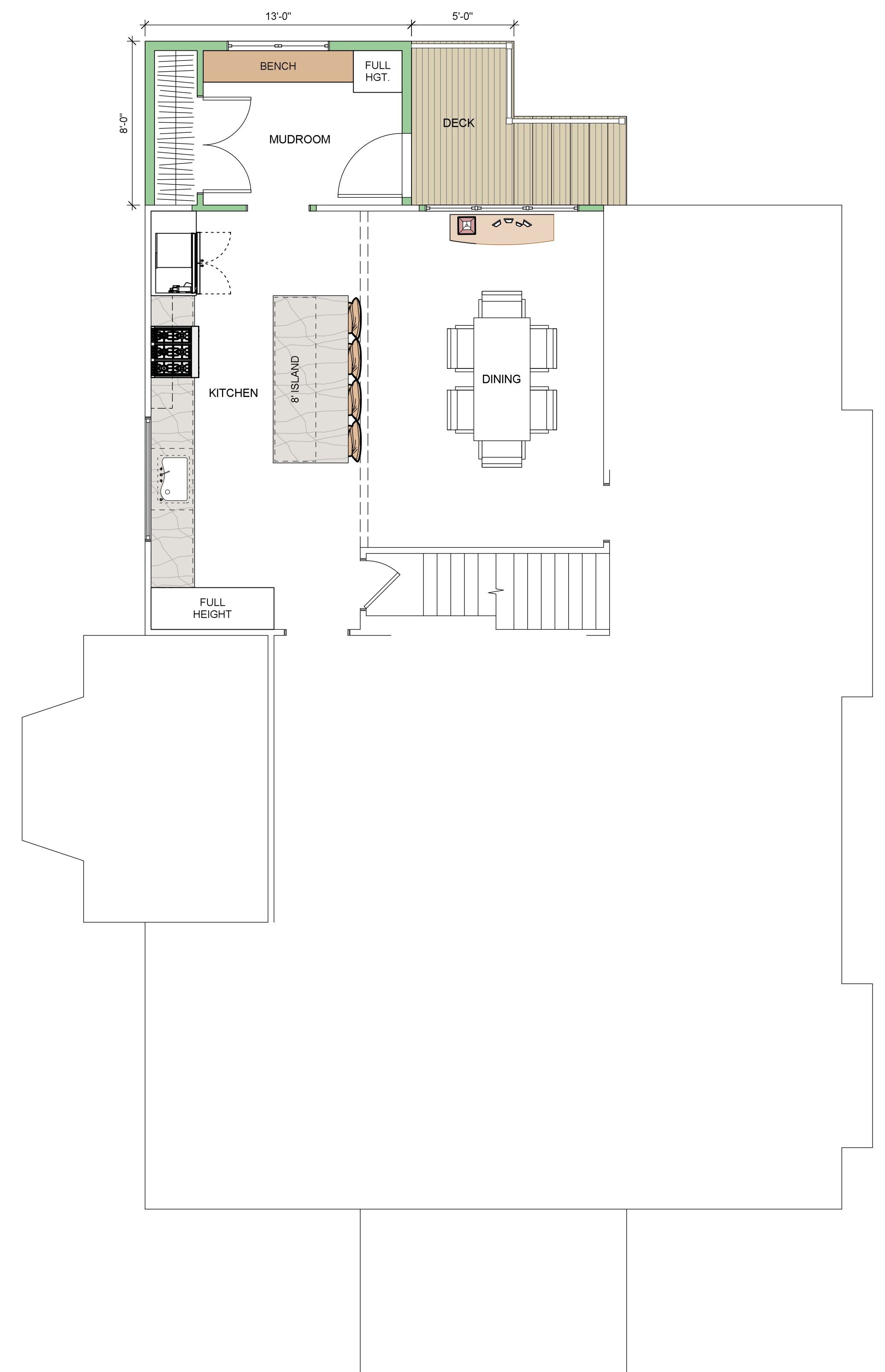
Scale: 1/4" = 1'-0"



FIRST FLOOR DEMO PLAN

Scale: 1/4" = 1'-0"

- EXISTING FOUNDATION WALL TO REMAIN
- - - EXISTING TO BE REMOVED



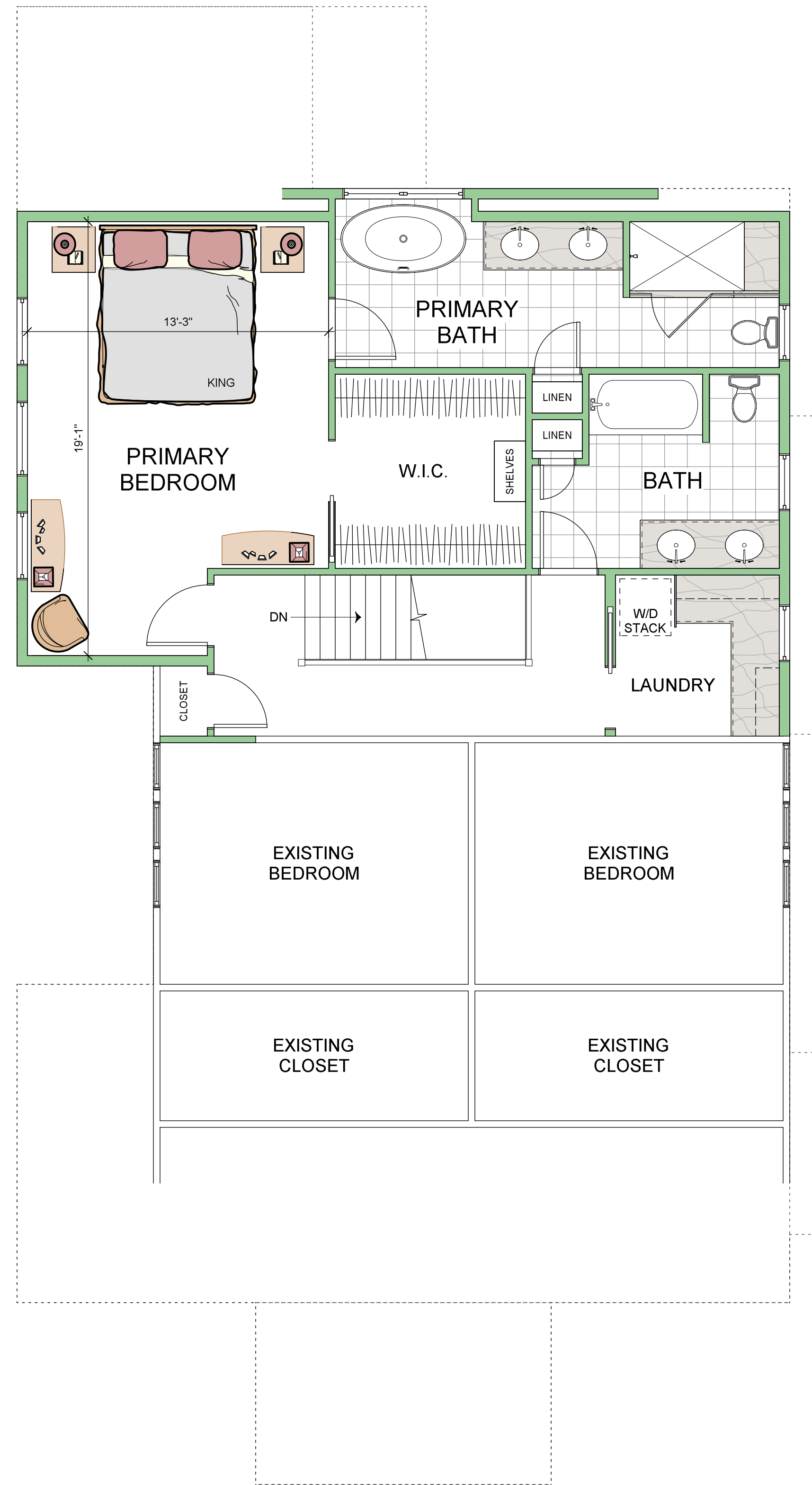
PROPOSED FIRST FLOOR PLAN

Scale: 1/4" = 1'-0"

- EXISTING FOUNDATION WALL TO REMAIN
- NEW STUD WALL

Corain Residence
61 LAWRENCE ST, PORTSMOUTH, NH

Design
WORTH CALLING
HOME LLC



PROPOSED SECOND FLOOR PLAN

Scale: 1/4" = 1'-0"

EXISTING FOUNDATION WALL TO REMAIN
NEW STUD WALL

Corain Residence
61 LAWRENCE ST, PORTSMOUTH, NH

Design
WORTH CALLING
HOME LLC



EXISTING CONDITIONS



EXISTING CONDITIONS



EXISTING CONDITIONS



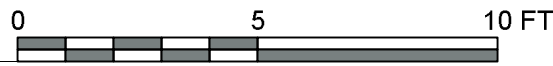
EXISTING SIDE ELEVATION

Scale: 1/4" = 1'-0"



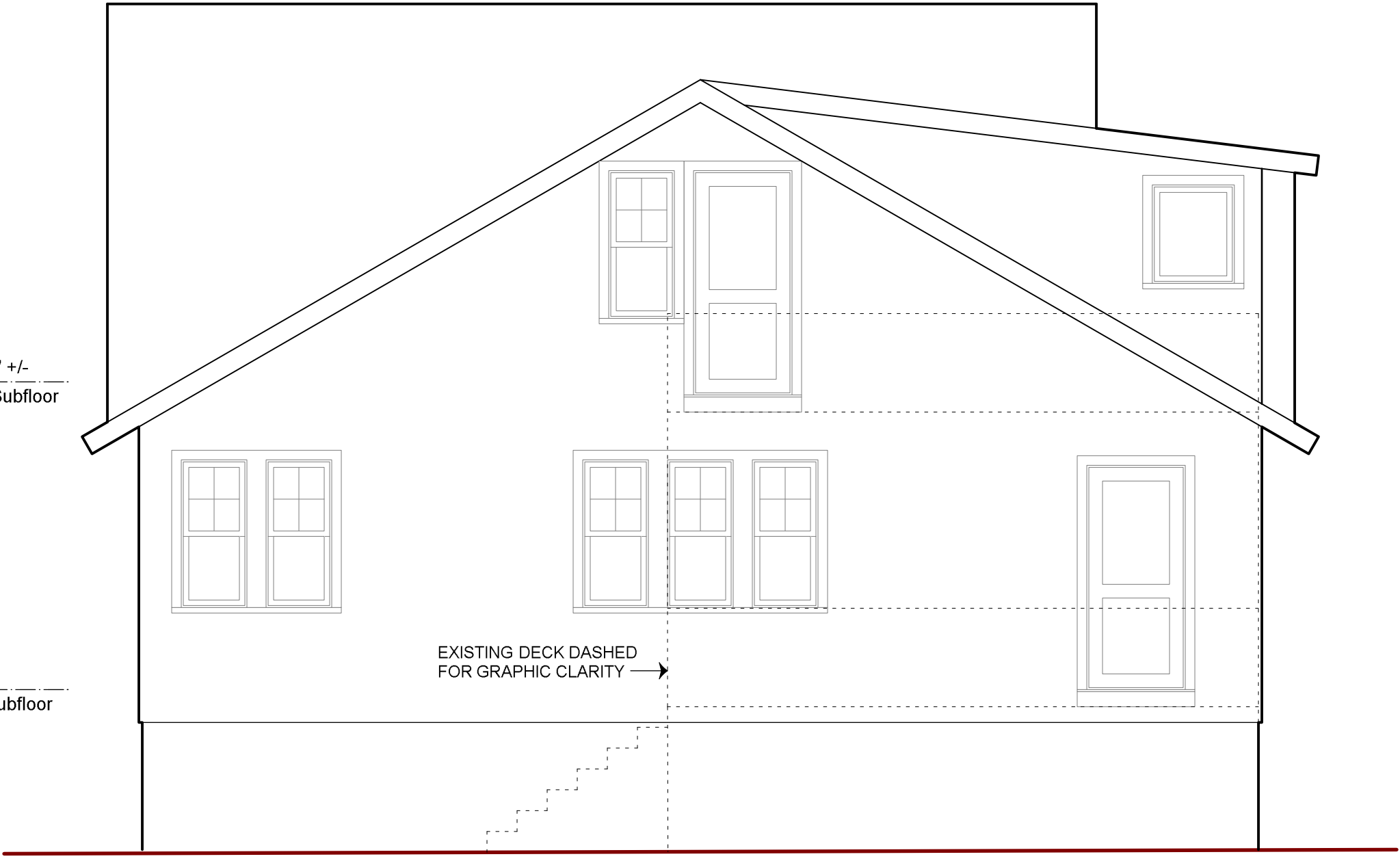
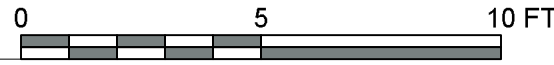
EXISTING FRONT ELEVATION

Scale: 1/4" = 1'-0"



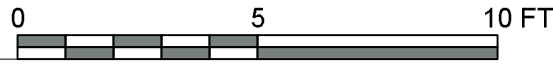
EXISTING SIDE ELEVATION

Scale: 1/4" = 1'-0"



EXISTING REAR ELEVATION

Scale: 1/4" = 1'-0"



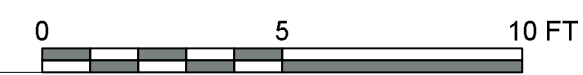
Corain Residence

61 LAWRENCE ST, PORTSMOUTH, NH



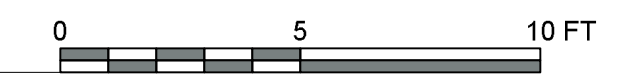
PROPOSED SIDE ELEVATION

Scale: 1/4" = 1'-0"



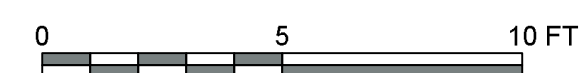
PROPOSED FRONT ELEVATION

Scale: 1/4" = 1'-0"



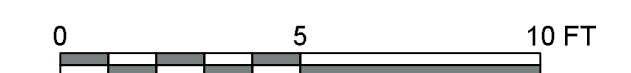
PROPOSED SIDE ELEVATION

Scale: 1/4" = 1'-0"



PROPOSED REAR ELEVATION

Scale: 1/4" = 1'-0"



Corain Residence

61 LAWRENCE ST, PORTSMOUTH, NH

Design
WORTH CALLING
HOME LLC

61 LAWRENCE ST

Location 61 LAWRENCE ST

Mblu 0152/ 0028/ 0000/ /

Acct# 34772

Owner CORAIN BRIAN & MARGARET

PBN

Assessment \$1,013,100

Appraisal \$1,013,100

PID 34772

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2024	\$463,900	\$549,200	\$1,013,100
Assessment			
Valuation Year	Improvements	Land	Total
2024	\$463,900	\$549,200	\$1,013,100

Owner of Record

Owner	CORAIN BRIAN & MARGARET	Sale Price	\$1,195,000
Co-Owner		Certificate	
Address	61 LAWRENCE ST	Book & Page	6619/366
	PORTSMOUTH, NH 03801	Sale Date	05/09/2025
		Instrument	25

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
CORAIN BRIAN & MARGARET	\$1,195,000		6619/366	25	05/09/2025
HAMILTON ALISON A	\$0		5083/2522		01/20/2010
HAMILTON WILLIAM A	\$0		2260/0168		

Building Information

Building 1 : Section 1

Year Built:	1924
Living Area:	2,232

Less Depreciation: \$454,900

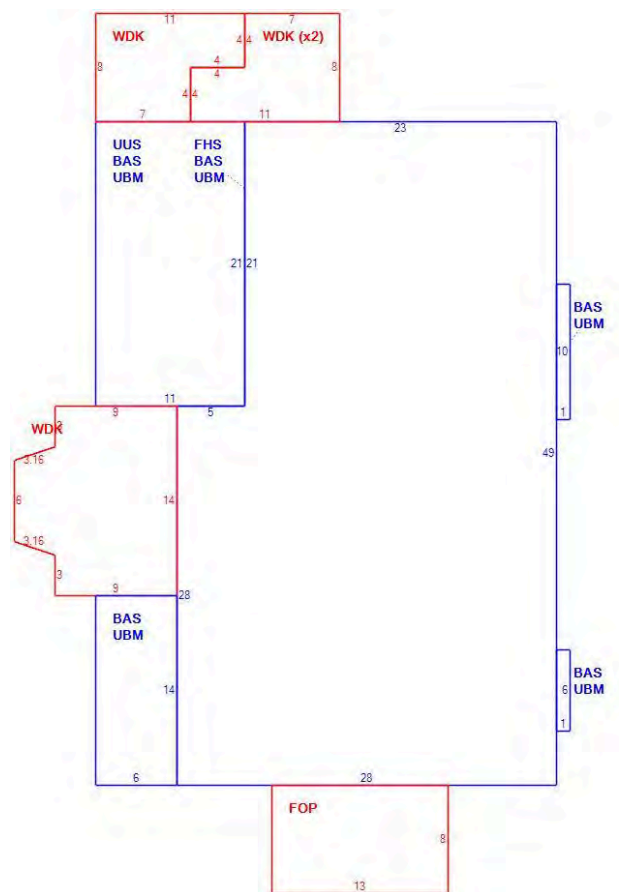
Building Attributes	
Field	Description
Style:	2 Unit
Model	Residential
Grade:	B
Stories:	1.5
Occupancy	2
Exterior Wall 1	Wood Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Plastered
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	
Heat Fuel	Gas
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	3 Bedrooms
Total Bthrms:	2
Total Half Baths:	0
Total Xtra Fixtrs:	2
Total Rooms:	10
Bath Style:	Avg Quality
Kitchen Style:	Avg Quality
Kitchen Gr	
WB Fireplaces	1
Extra Openings	0
Metal Fireplaces	0
Extra Openings 2	0
Bsmt Garage	

Building Photo



(https://images.vgsi.com/photos2/PortsmouthNHPhotos/\^0041\34772_34

Building Layout



(ParcelSketch.ashx?pid=34772&bid=34772)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,598	1,598
FHS	Half Story, Finished	1,267	634
FOP	Porch, Open	104	0
UBM	Basement, Unfinished	1,598	0
UUS	Upper Story, Unfinished	231	0

WDK	Deck, Wood	363	0
		5,161	2,232

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use	Land Line Valuation
Use Code 1040	Size (Acres) 0.20
Description TWO FAMILY	Frontage
Zone SRB	Depth
Neighborhood 104	Assessed Value \$549,200
Alt Land Appr No	Appraised Value \$549,200
Category	

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FGR1	GARAGE-AVE	02	DETACHED	360.00 S.F.	\$9,000	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2023	\$326,900	\$350,600	\$677,500
2022	\$326,900	\$350,600	\$677,500
2021	\$326,900	\$350,600	\$677,500

Assessment			
Valuation Year	Improvements	Land	Total
2023	\$326,900	\$350,600	\$677,500
2022	\$326,900	\$350,600	\$677,500
2021	\$326,900	\$350,600	\$677,500



III. NEW BUSINESS

- F. The request of **Stefanie Casella** and **Finn Johnson (Owners)**, for 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 located on Assessor Map 143 Lot 13-1 and lies within the General Residence A (GRA) District. (LU-25-156)

Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	Demo & Rebuild Addition*	Primarily Residential
<u>Lot area (sq. ft.):</u>	4,821	4,821	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	4,821	4,821	7,500 min.
<u>Lot depth (ft.):</u>	101	101	100 min.
<u>Street Frontage (ft.):</u>	42	42	70 min.
<u>Front Yard (ft.):</u>	20	20	15 min.
<u>Right Side Yard (ft.):</u>	0	0	10 min.
<u>Left Side Yard (ft.):</u>	10	10	10 min.
<u>Rear Yard (ft.):</u>	42	42	20 min.
<u>Building Coverage (%):</u>	28.5	28.5	25 max.
<u>Open Space Coverage (%):</u>	58.7	58.7	30 min.
<u>Height (ft.)</u>	20	20	35 max.
<u>Parking</u>	3	3	1 min.
<u>Estimated Age of Structure:</u>	1955	Variance request(s) shown in red.	

*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

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

- **March 21, 2017** – a lot Line adjustment between 268 & 276 Dennett Street which requires the following: Lot 13 1) A Variance from Section 10.521 to allow continuous street frontage of 57.6'± where 100' is required; Lot 13-1 2) Variances from Section 10.521 to allow: continuous street frontage of 42.4'± where 100' is required; a right side yard of 0'± where 10' is required; and 28.5%± building coverage where 25% is the maximum allowed. The Board voted to grant the request as presented and advertised.
- **June 16, 2020** – demolition of the right side portion of house and reconstruction of a new addition which requires the following: 1) Variance from Section 10.521 to allow a 0' right side yard where 10' is required; and 2) Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. The application was withdrawn by the applicant.

Planning Department Comments

The applicant is proposing to demolish and reconstruct and addition on the existing home. The proposed addition requires relief for its location in the right side yard and for building coverage over the maximum 25% that is allowed in the GRA District.

Variance Review Criteria

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

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*
AND
 - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*
OR
Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.235 Certain Representations Deemed Conditions

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

Variance Application
268 Dennett St

Dear Chair Eldridge and Members of the Zoning Board of Adjustment:

We are applying for 3 variances to allow for the demolition and reconstruction of the right side of our home. The goal of the project is to create a more cohesive and efficient use of space within the footprint of our existing home and eliminate an exterior door that is only accessible to us from our neighbor's yard. Our home is unique in its history and layout as it used to be the garage for the adjacent property at 276 Dennett St. Over the years, it was made into an in-law apartment that served 276 Dennett St. and now sits on its own lot. This property was before the Board in 2017 to create the lot lines and conditions as they are today.

As this property was once an accessory structure to the neighboring property, it still holds oddities in its layout that we would like to fix in order to create a better home for ourselves and minimize the impacts to our neighbors. We are proposing to demolish the second floor sunroom and construct a 2 story addition in the same footprint. As it sits today, to enter our home we go through one of two doors located in the open breezeway underneath the sunroom (please see floor plans and existing conditions pictures). These two doors both open to separate stairwells that bring you to either side of the kitchen. As this is a small home, we find the redundancy to be an inefficient use of space and confusing. Additionally, under the outermost stairwell there is a storage area that is only accessible from the sideyard of our neighbors property. The new construction will enclose the bottom portion to create a mudroom and storage area, eliminate one of the stairwells, and give us access to all of our home without having to move through our neighbors yard. We did consider attempting to adapt the existing structure to a conditioned space, however, after speaking with the Building and Inspections Department we were informed that a new foundation would be required which will not be possible without removing everything.

As such, we request the following variances:

- 1) Section 10.521 to allow a) a 0 foot right yard and b) 28.5% building coverage.
- 2) Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance.

The project needs zoning relief due to the increase in roof height and the addition of conditioned space on the first floor. We believe this is a reasonable request as the new

roofline will eliminate runoff onto our neighbors property and the creation of the mudroom will not change the viewer and pedestrian experience from the right of way.

We believe our project meets the required variance criteria found in Section 10.223 for the following reasons:

10.233.21 The variance will not be contrary to the public interest;

The existing small single family home will remain a small single family home. There will be no change in the function or purpose of the home and it will continue to have the same footprint. There will be no difference for the average pedestrian with the exception of the improved aesthetics.

10.233.22 The spirit of the Ordinance will be observed;

The side yard areas were created to prevent overcrowding on residential lots. The existing footprint received a variance in 2017 and therefore the footprint is in conformance. Furthermore, the existing 8 foot access and maintenance easement on the left side of the 276 Dennett St property (serving 268 Dennett St), ensures that there will continue to be separation between the structures.

10.233.23 Substantial justice will be done;

The benefit to the applicant will not be outweighed by the harm to the public. The public will not notice any difference between how the property is being used currently and the proposed changes.

10.233.24 The values of surrounding properties will not be diminished;

The changes proposed are small and are designed to improve current impacts to the neighboring property. By removing the exterior door only accessible by the neighbors yard and changing the roofline to shed water onto our own property, we believe this will positively impact our neighbors at 276 Dennett St. As for the rest of the neighborhood, we do not expect these changes to diminish value or otherwise.

10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

The property has special conditions due to the existing footprint and unique history. Literal enforcement of the ordinance would not serve the property in a fair and substantial way as it would prevent us from using the existing footprint in a sustainable way, and force continued impact on our neighbors. The changes have a minimal impact and we believe the proposed use is a reasonable one.

Should the board find that our proposal meets all the criteria, we would request that a condition be added to the approval that states the following or similar:

The Board approves the request with the understanding that the placement and design of windows and doors may change as a result of the building permit process.

Sincerely,

Stefanie Casella and Finn Johnson
Owners



Front

The existing sunroom roof measures 16 feet in height. The new roofline would be cohesive with the existing roofline and measure 18 feet in height (20 feet at the peak and 16 feet at the eaves).



Right Side

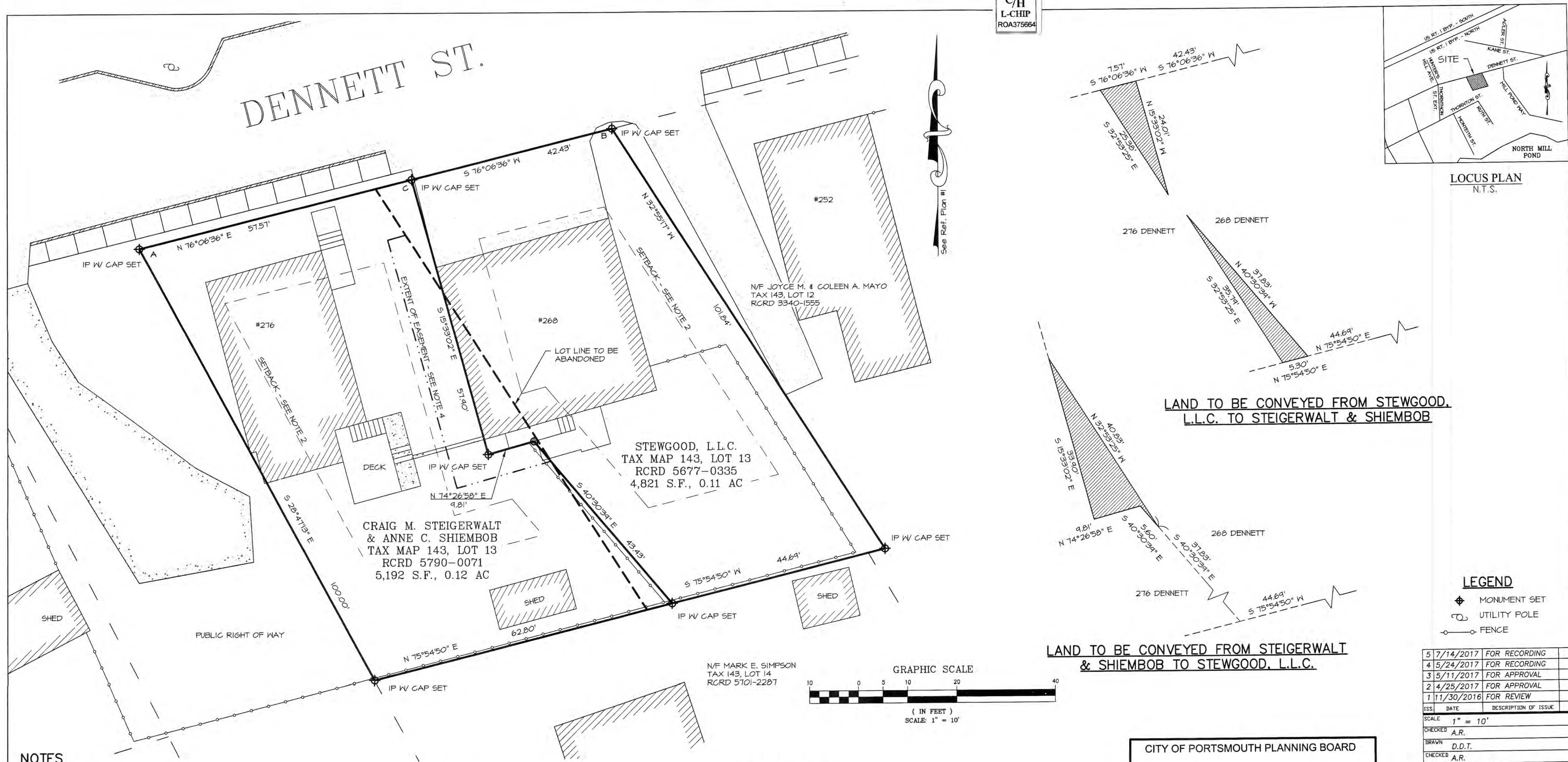


View of storage space only accessible from 276 Dennett St



Rear

C/H
L-CHIP
ROA375664



NOTES

- OWNERS OF RECORD:
268 DENNETT STREET
STEWGOOD, L.L.C.
PO BOX 442
NEW CASTLE, NH 03854
TAX MAP 143 LOT 13
RCRD 5677-0335
PARCEL AREA: 4,821 S.F., 0.11 ACRES
276 DENNETT STREET
CRAIG M. STEIGERWALT & ANNE C. SHIEMBOB
22 HARRINGTON ST.
NEWTON, MA 02460
RCRD 5790-0071
PARCEL AREA: 5,192 S.F., 0.12 ACRES
- PARCEL IS IN THE GENERAL RESIDENCE A ZONE
LOT REQUIREMENTS PER PORTSMOUTH ZONING ORDINANCE:
MINIMUM LOT SIZE.....1,500 S.F.
MINIMUM LOT FRONTAGE.....100'
SETBACKS:
FRONT.....15'
SIDE.....10'
REAR.....20'
MAXIMUM BUILDING HEIGHT.....35'
MAXIMUM BUILDING COVERAGE.....25%
MINIMUM OPEN SPACE.....30%

- PARCELS WERE UN-MERGED BY THE CITY COUNCIL AT ITS REGULARLY SCHEDULED MEETING ON FEBRUARY 16, 2016.
- A BUILDING AND MAINTENANCE EASEMENT EXISTS FOR THE BENEFIT OF 268 DENNETT STREET. SEE ROCKINGHAM COUNTY REGISTRY OF DEEDS, BOOK 5790, PAGE 0073.
- PROPERTY MARKERS SHALL BE SET AS REQUIRED BY THE DEPARTMENT OF PUBLIC WORKS PRIOR TO THE FILING OF THE PLAT.
- GIS DATA SHALL BE PROVIDED TO THE DEPARTMENT OF PUBLIC WORKS IN THE FORM AS REQUIRED BY THE CITY.
- THE FINAL PLAT AND ALL EASEMENT DEEDS SHALL BE RECORDED CONCURRENTLY AT THE REGISTRY OF DEEDS BY THE CITY OR AS DEEMED APPROPRIATE BY THE PLANNING BOARD.
- COORDINATES OF LOT CORNERS:
A - WEST CORNER
B - EAST CORNER
C - COMMON CORNER

NORTHING
21811.01
211935.70
211912.44
EASTING
1223385.35
1223469.10
1223433.57

LOT AREAS

	EXISTING AREA	AREA CHANGED	PROPOSED AREA
276 DENNETT ST.	5,192 S.F.	0 S.F.	5,192 S.F.
268 DENNETT ST.	4,821 S.F.	0 S.F.	4,821 S.F.

LOT REQUIREMENTS

		BUILDING COVERAGE	OPEN SPACE	STREET FRONTAGE
		S.F.	%	FEET
276 DENNETT ST.	EXISTING	1,447	28.8%	3,584
	PROPOSED	1,328	25.6%	3,616
268 DENNETT ST.	EXISTING	1,208	25.1%	2,864
	PROPOSED	1,374	28.3%	2,830

REFERENCE PLANS

- "BOUNDARY SURVEY FOR STEWGOOD, L.L.C." BY ROSS ENGINEERING. DATED DECEMBER 28, 2016. RCRD D-34425.

LAND TO BE CONVEYED FROM STEWGOOD, L.L.C. TO STEIGERWALT & SHIEMBOB

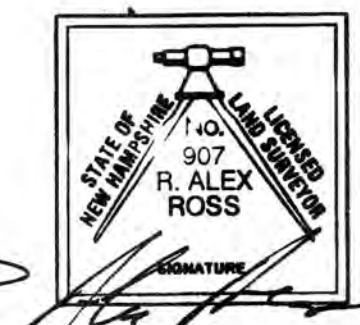
LAND TO BE CONVEYED FROM STEIGERWALT & SHIEMBOB TO STEWGOOD, L.L.C.

CITY OF PORTSMOUTH PLANNING BOARD

Dexter H. Lee
CHAIRPERSON

7/20/2017
DATE

Alex Ross
CIVIL ENGINEER & SURVEYOR



LEGEND

- MONUMENT SET
- UTILITY POLE
- FENCE

ISS.	DATE	DESCRIPTION OF ISSUE
5	7/14/2017	FOR RECORDING
4	5/24/2017	FOR RECORDING
3	5/11/2017	FOR APPROVAL
2	4/25/2017	FOR APPROVAL
1	11/30/2016	FOR REVIEW

SCALE	1" = 10'
CHECKED	A.R.
DRAWN	D.D.T.
CHECKED	A.R.

ROSS ENGINEERING
Civil/Structural Engineering
& Surveying
909 Islington St.
Portsmouth, NH 03801
(603) 433-7560

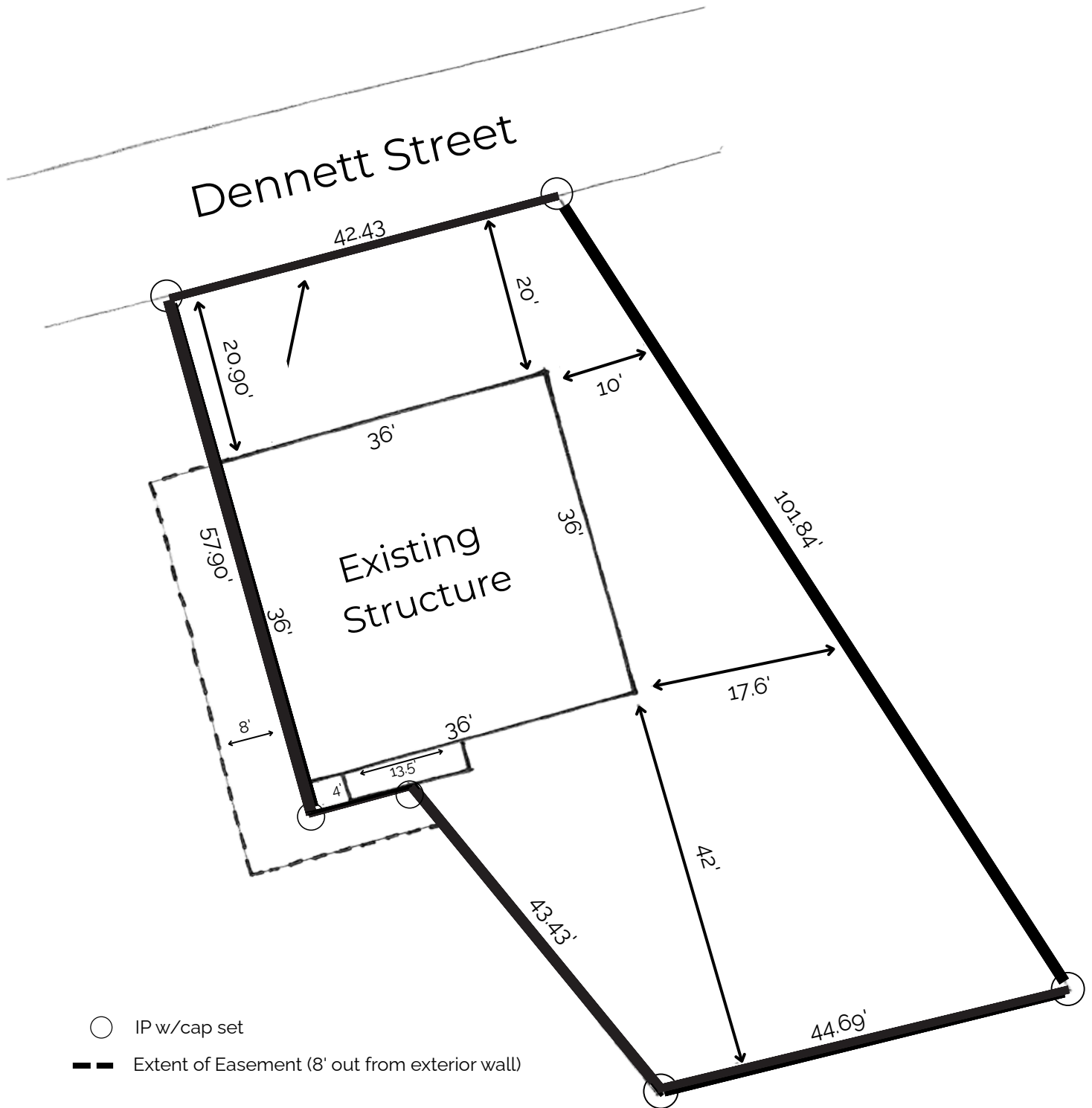
CLIENT
BILL STEWART
276 DENNETT STREET
PORTSMOUTH, N.H. 03801

TITLE
Lot Line Adjustment
for
Stewgood, L.L.C. & Craig M.
Steigerwalt & Anne C. Shiembob
268 & 276 Dennett St.
Tax Map 143, Lot 13
Portsmouth, N.H. 03801

J.D. NUMBER	DWG. NO.	ISSUE
16-061	1 OF 1	5

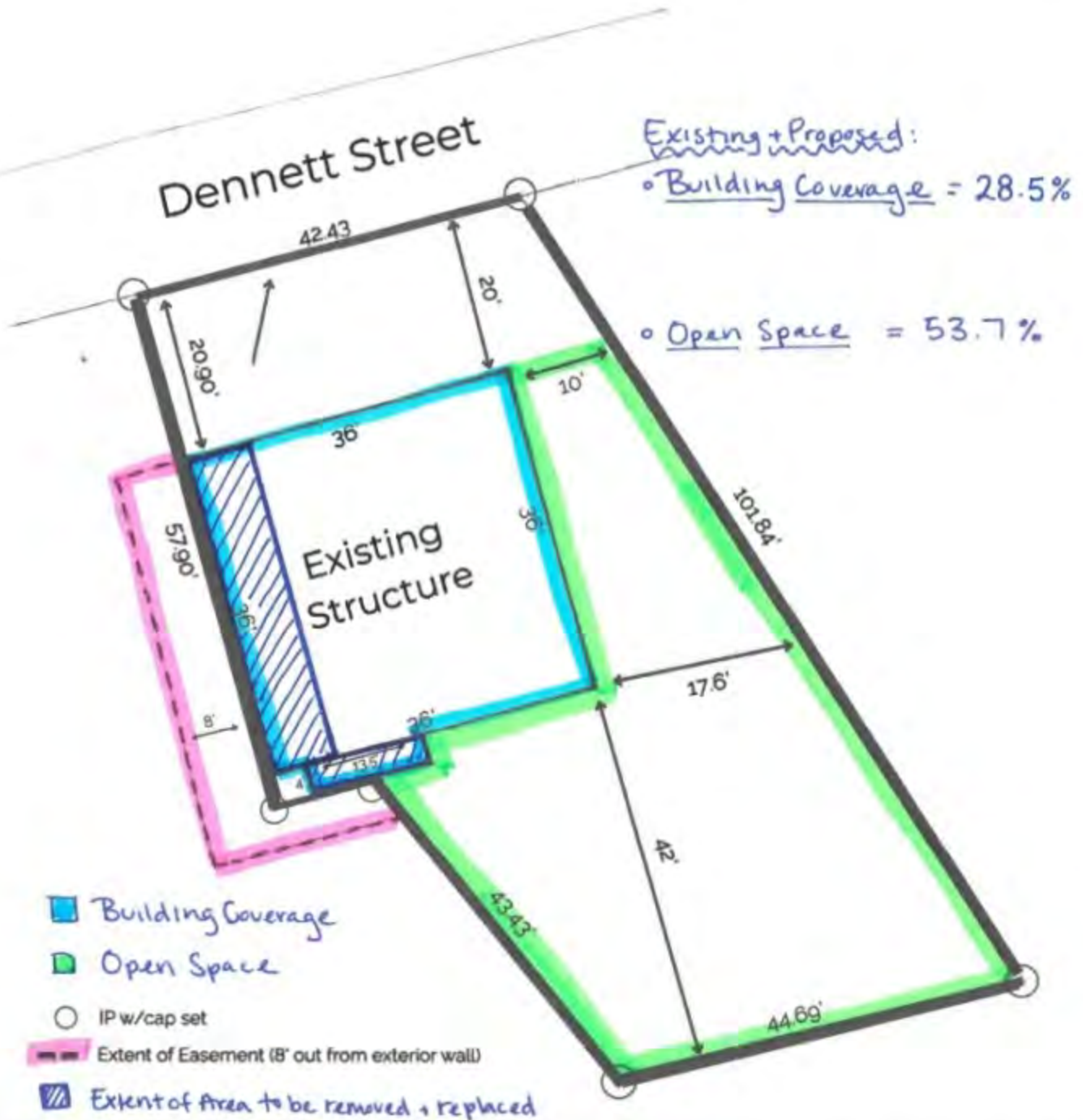
D-40257

Site Plan- 268 Dennett Street Portsmouth, NH

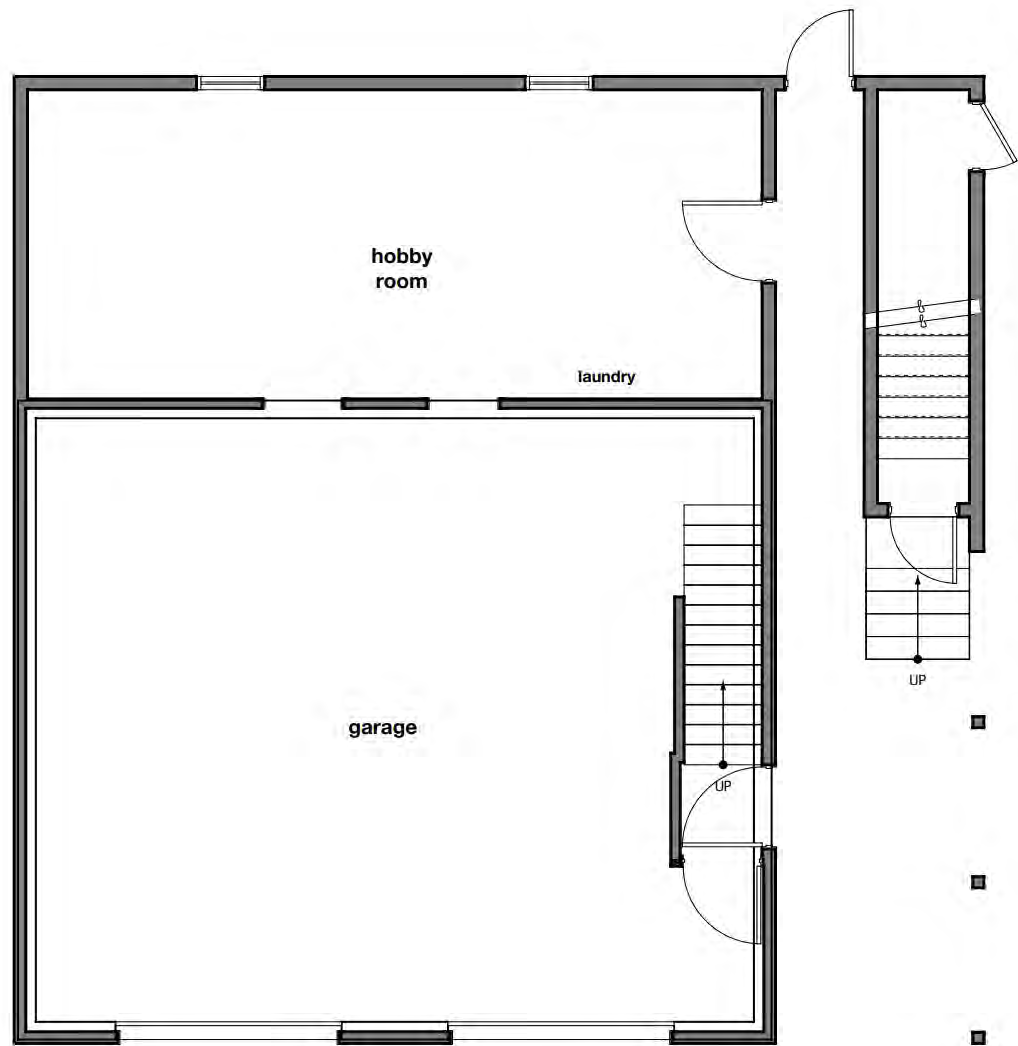


- Existing footprint of home is not to be increased.
- Derived from existing survey and contractor field checks. Contractor assumes no responsibility for survey or measurement accuracy.

Site Plan- 268 Dennett Street Portsmouth, NH

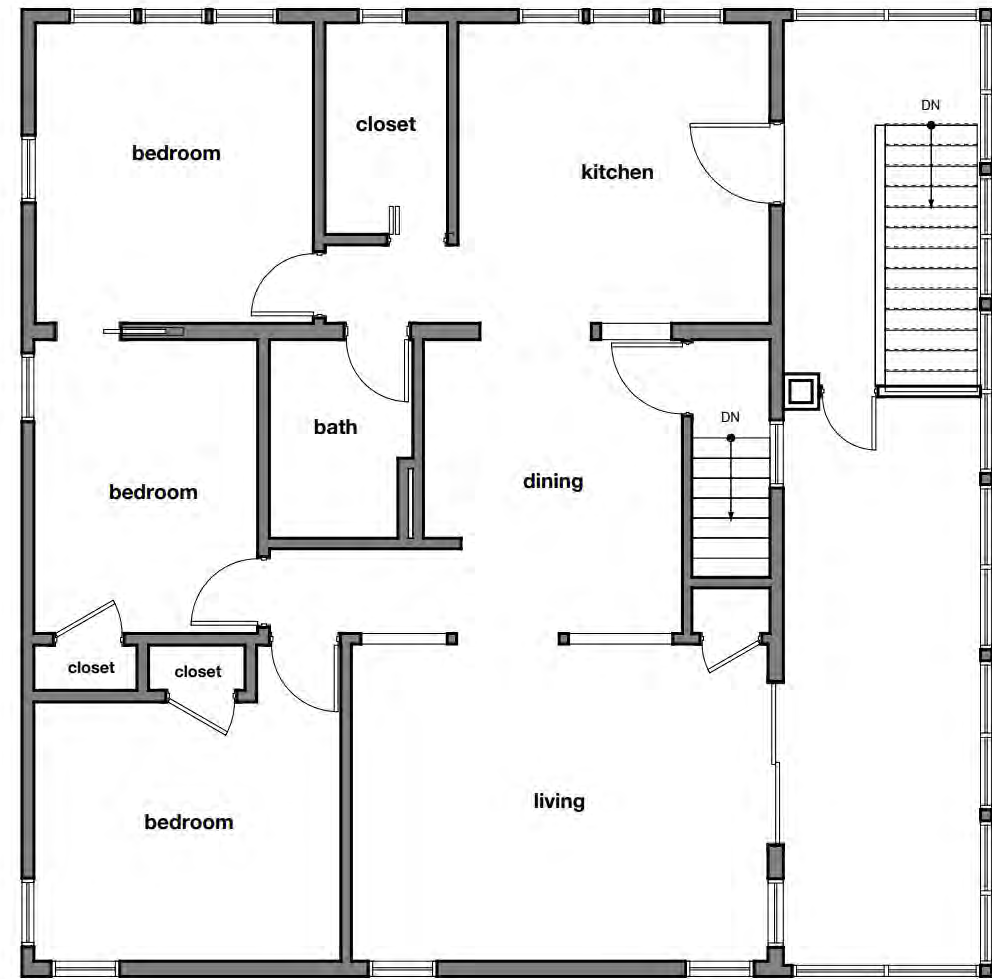


- Existing footprint of home is not to be increased.
- Derived from existing survey and contractor field checks. Contractor assumes no responsibility for survey or measurement accuracy.



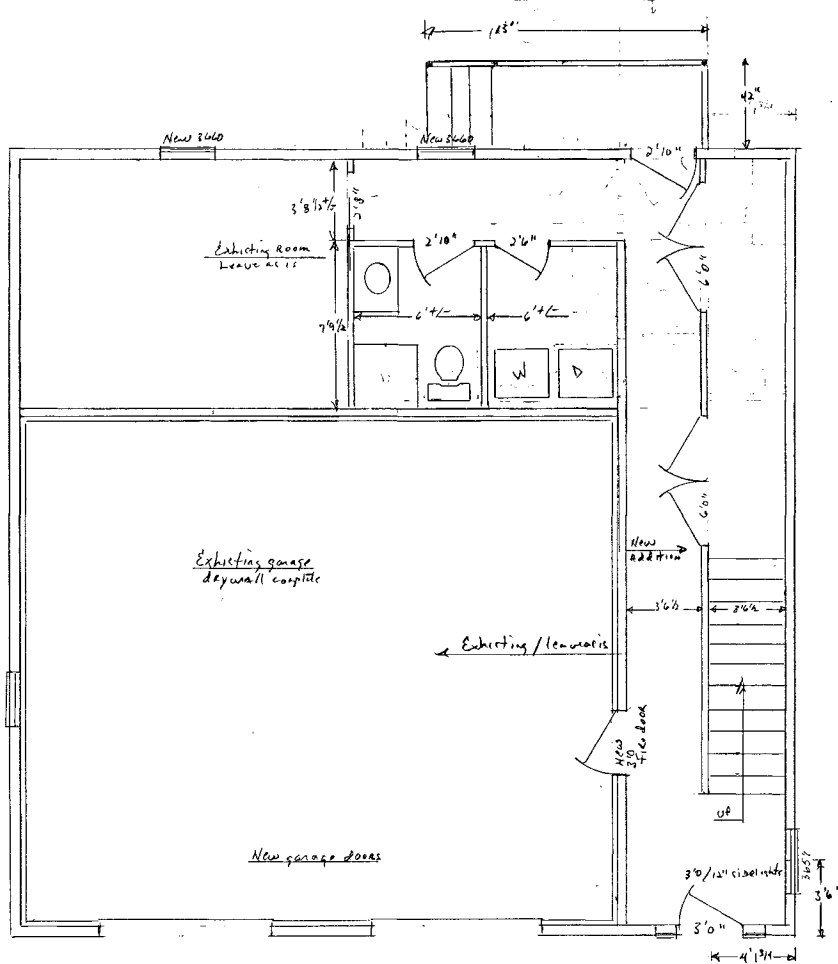
Existing Floor Plan - First Floor

1/4" = 1'-0"

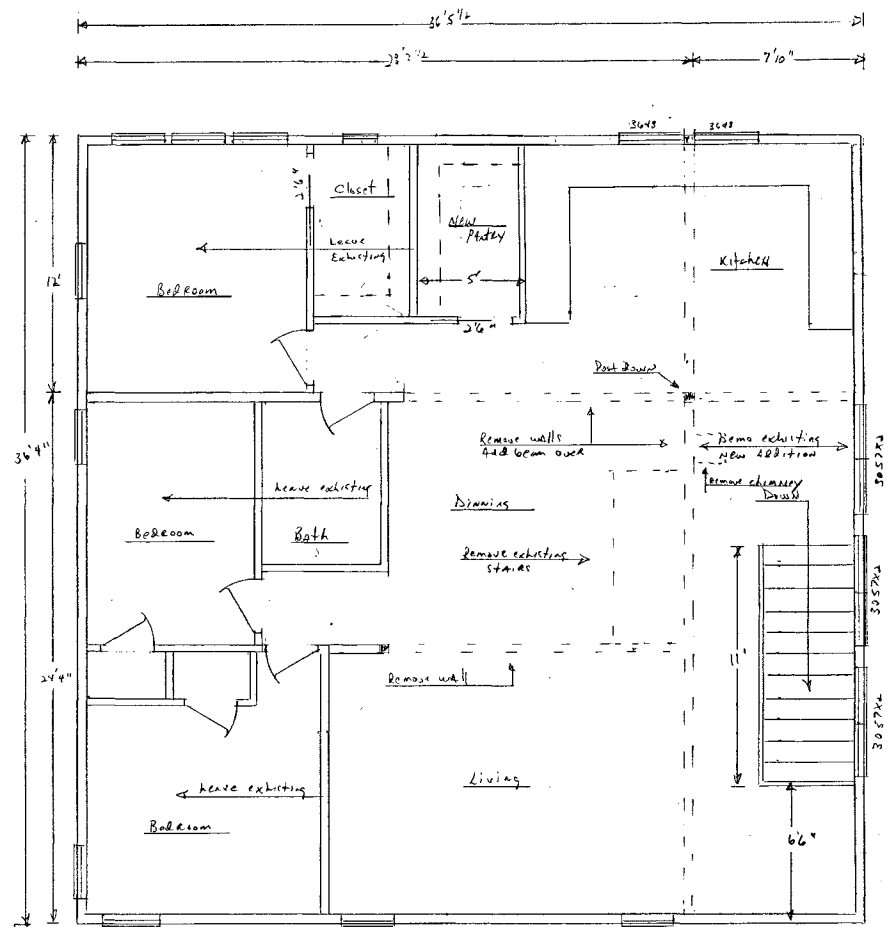


Existing Floor Plan - Second Floor

1/4" = 1'-0"

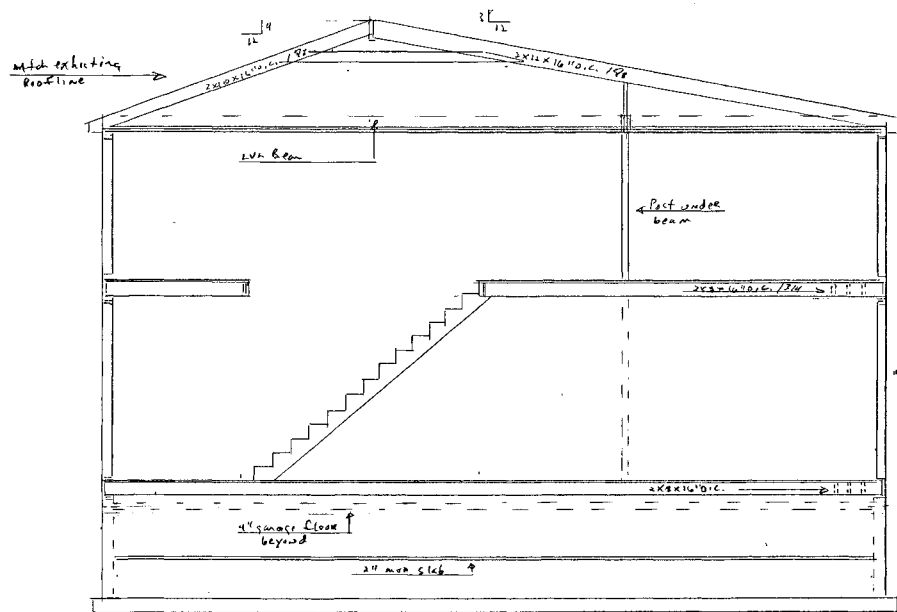


1st floor

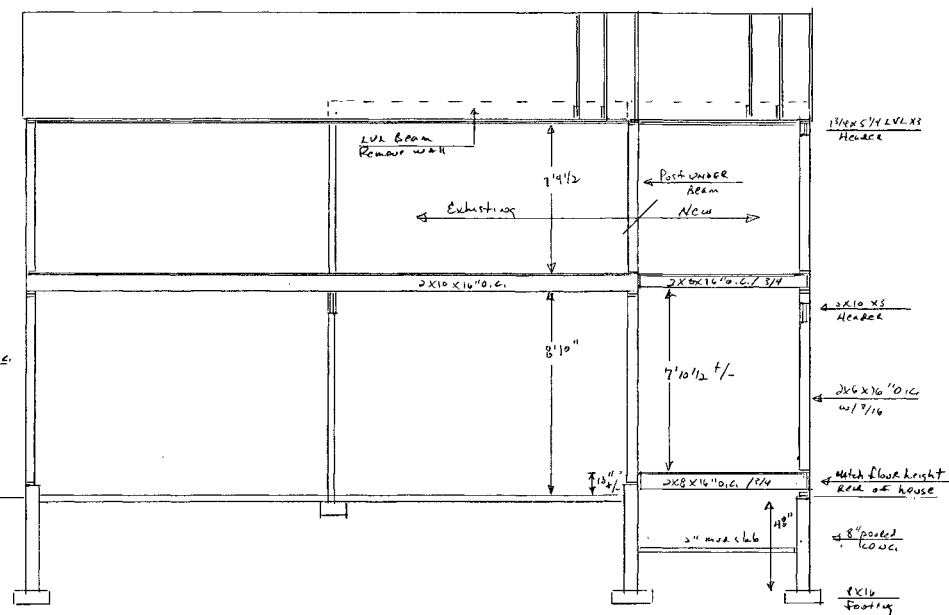


2nd floor

SCALE:	APPROVED BY:	DRAWN BY:
DATE:		REVISED
		DRAWING NUMBER



Side
Elevation



Front
Elevation

		APPROVED BY:	DRAWN BY	
SCALE:				
DATE:			REVISED	
			DRAWING NUMBER	

← New built section | remain as is →



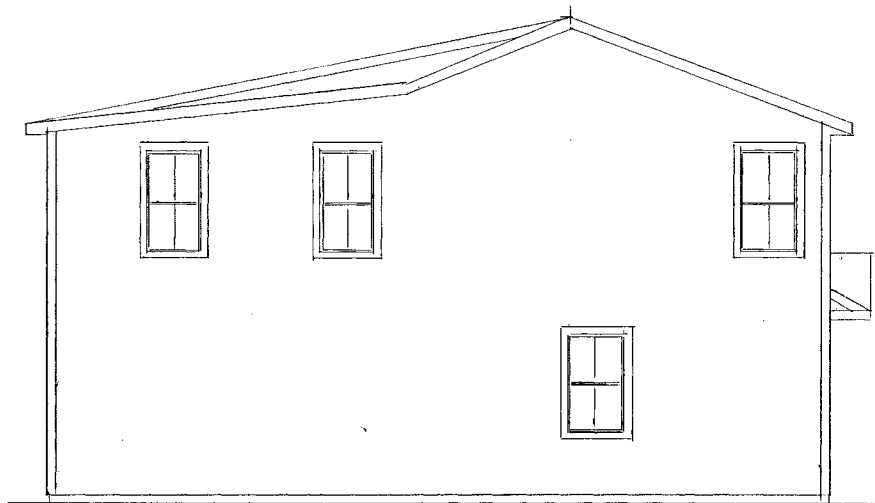
Rear

← Remain As is | New built section →

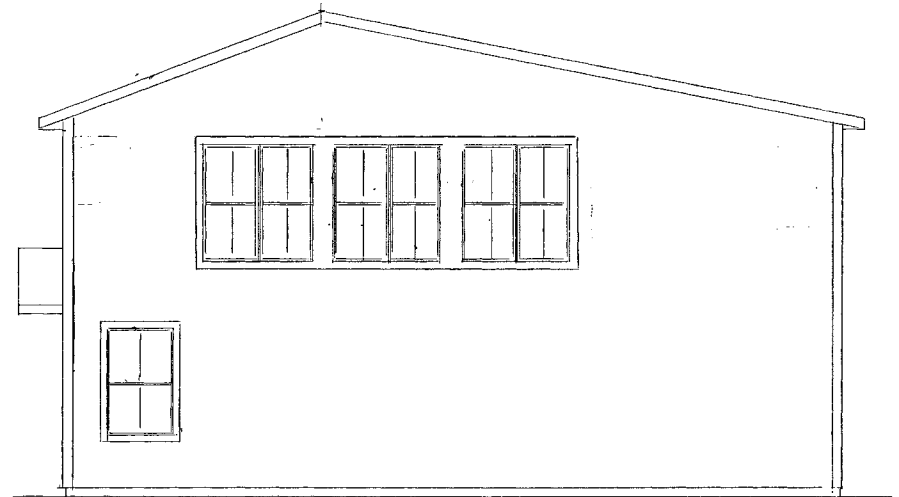


Front

SCALE:	APPROVED BY:	DRAWN BY:
DATE:		REVISED:
		DRAWING NUMBER



Left
Existing



Right
New Addition

SCALE:		APPROVED BY:	DRAWN BY:
DATE:		REVISD	
DRAWING NUMBER			