



CITY OF PORTSMOUTH

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

ZONING BOARD OF ADJUSTMENT

May 29, 2025

Jeannette MacDonald
86 Farm Lane
Portsmouth, New Hampshire 03801

RE: Board of Adjustment Request for property located at 86 Farm Lane, Portsmouth NH 03801 (LU-25-67)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **May 27, 2025**, considered your application for the property located at 86 Farm Lane whereas relief is needed to subdivide the existing property into 3 separate lots. The proposed parent lot requires the following: 1) Variance from Section 10.521 to allow a) 28-foot rear yard setback where 30 feet is required; and b) 23-foot secondary front yard where 30 feet is required. Proposed lot 1 requires the following: 2) Variance from Section 10.521 to allow a) 10,664 s.f. of lot area where 15,000 s.f. is required; b) 10,664 s.f. of lot area per dwelling unit where 15,000 s.f. is required; and c) 75 feet of continuous street frontage where 100 feet is required. Proposed lot 2 requires the following: 3) Variance from Section 10.521 to allow a) 11,250 s.f. of lot area where 15,000 s.f. is required; b) 11,250 s.f. of lot area per dwelling unit where 15,000 s.f. is required; and c) 75 feet of continuous street frontage where 100 feet is required. Said property is shown on Assessor Map 236 Lot 74 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted to **grant** the request as presented with the following **conditions**:

- 1) The approval shall be contingent upon the Planning Board approval of the subdivision and City Council acceptance of fee simple ownership of the new right-of-area proposed; and
- 2) The subdivision layout may change as a result of TAC and Planning Board reviews if it does not increase the zoning relief required.

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

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

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

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

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

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

Very truly yours,

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

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Derek Durbin, Attorney, Durbin Law Offices PLLC

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 05-27-2025

Property Address: 86 Farm Lane

Application #: LU-25-67

Decision: **Grant**

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	YES	<ul style="list-style-type: none">Granting the variance would not be contrary to the public interest because the goal was to have 1-3 dwellings per acre, and the proposal would result in three dwellings per acre and would be very similar to the density and character of the surrounding neighborhood.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none">A few more houses would not threaten the public's health, safety and welfare and the purpose of the zoning provision was to regulate density and that is met.

10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> Substantial justice would be done because the benefit to the applicant would not be outweighed by any harm to the public and the two new lots would be for two new single-family homes that would benefit the applicant due to the oversized lot.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> Granting the variances would not diminish the values of surrounding properties because the two lots would be nicely shaped and have a large buildable area for appealing new construction homes that would fetch a premium.
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>	YES	<ul style="list-style-type: none"> Literal enforcement of the ordinance would result in unnecessary hardship and the special conditions of the property were its size, its location relative to the paper street, and the orientation of the lot depth relative to Farm Lane. The lot is almost three times what is required for the SRB zoning district for both the lot area and the lot area per dwelling unit. The proposed use was a reasonable one by proposing two new single-family home lots in a single-family home neighborhood.



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ZONING BOARD OF ADJUSTMENT

May 29, 2025

Giri Portsmouth 505 Inc
2300 Crown Colony Drive Suite 203
Quincy, Massachusetts 02169

**RE: Board of Adjustment Request for property located at 505 US Route 1 Bypass,
Portsmouth NH 03801 (LU-25-66)**

Dear Property Owner :

The Zoning Board of Adjustment, at its regularly scheduled meeting of **May 27, 2025**, considered your application for the property located at 505 US Route 1 Bypass whereas relief is needed to develop additional parking and an Electric Vehicle Charging Station which requires the following: 1) Variance from Section 10.5B83.10 for off-street parking spaces to be located between the principal building and a street or within any required perimeter buffer area; 2) Variance from Section 10.1113.20 for off-street parking spaces located in a front yard, or between a principal building and a street (including on a corner lot). Said property is shown on Assessor Map 234 Lot 5 and lies within the Gateway Corridor (G1) District. As a result of said consideration, the Board voted to **grant** the request as presented with the following **condition**:

1) The required Conditional Use Permits shall be obtained.

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

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

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

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

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

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

Very truly yours,

A handwritten signature in cursive script that reads "Phyllis Eldridge". The ink is dark and the signature is fluid.

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Rebecca Mauser-Hoye, Weston & Sampson Engineers, Inc.

Ilan Guthertz, Coakley Road EV Charging 1 LLC

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 05-27-2025

Property Address: 505 US Route 1 Bypass

Application #: LU-25-66

Decision: **Grant**

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	YES	<ul style="list-style-type: none">Granting the variance would not be contrary to the public interest because the purpose of the Gateway zoning that was recently introduced to the area was to promote walkable spaces for pedestrian use, and the application forced that issue because people would walk to area businesses.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none">Granting the variance would observe the spirit of the Ordinance because this was a new section of the ordinance that was added due to concerns about the lack of available EV

		charging stations and was intended for the type of situation that the applicant presented.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> Substantial justice would be done because the loss to the public would not be outweighed by any loss to the applicant if they were denied. There is no loss to the public by granting the variance for this type of fairly low traffic volume use and it is reasonable and would not pose additional difficulties for the public.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> Granting the variances would not diminish the values of surrounding properties because it was a commercial area and this type of use is not inconsistent with what is seen in the surrounding properties of car dealerships, hotels, and so on.
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>	YES	<ul style="list-style-type: none"> Literal enforcement of the ordinance would result in unnecessary hardship and the special conditions of the property were the fact that the parcel was located in an area where it was possible to walk to other amenities.



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ZONING BOARD OF ADJUSTMENT

May 29, 2025

Troy Allan & Colleen Elizabeth Blanchard
205 Broad Street
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 205 Broad Street,
Portsmouth NH 03801 (LU-25-68)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **May 27, 2025**, considered your application for the property located at 205 Broad Street whereas relief is needed to demolish an existing screened porch and construct an addition with a first floor deck which requires the following: 1) Variance from Section 10.521 to a) allow a front yard setback of 7.5 feet where 15 feet is required; b) allow a rear yard setback of 10 feet where 20 feet is required; c) allow building coverage of 46% where 25% is allowed; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance . Said property is shown on Assessor Map 130 Lot 16 and lies within the General Residence A (GRA) District. As a result of said consideration, the Board voted to **deny** the request as presented and advertised, because it failed to meet the hardship criterion and the request was not consistent with the spirit of the ordinance.

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

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

Very truly yours,

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc:

John Chagnon, Haley Ward
R. Timothy Phoenix, Attorney

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 05-27-2025

Property Address: 205 Broad Street

Application #: LU-25-68

Decision: **Deny**

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.		
10.233.22 Granting the variance would observe the spirit of the Ordinance.	No	<ul style="list-style-type: none">The application does not observe the spirit of the Ordinance. It is clear that the lot coverages and side setbacks regulate the

		movement of light, air, and the appearance of overbulking on the lot.
10.233.23 Granting the variance would do substantial justice.		
10.233.24 Granting the variance would not diminish the values of surrounding properties.		
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>	No	<ul style="list-style-type: none"> • The application does not meet the hardship test and a nonconforming lot is not a hardship that promotes further nonconformance. • A fair and substantial relationship exists between the general public purpose of the ordinance and its specific application in this instance. It is directly applicable to the lot, given how small it is, and the Board did not find that the lot had hardship resulting in the need to go up to 46 percent building coverage.



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ZONING BOARD OF ADJUSTMENT

May 29, 2025

Wendy M Freedman
911 South Street Unit C
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 911 South Street #3 (Unit C),
Portsmouth NH 03801 (LU-25-59)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **May 27, 2025**, considered your application for the property located at 911 South Street #3 whereas relief is needed to demolish an existing deck and construct a 100 s.f. addition which requires the following: 1) Variance from Section 10.521 to allow a side yard setback of 5 feet where 10 feet is required; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 132 Lot 19 C and lies within the General Residence A (GRA) District. As a result of said consideration, the Board voted to **grant** the request as presented and advertised.

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

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

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

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

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

Very truly yours,

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

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 05-27-2025

Property Address: 911 South St #3

Application #: LU-25-59

Decision: **Grant**

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	YES	<ul style="list-style-type: none">Granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance. There would be no public interest in preventing the small addition from occurring.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	Granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance. There would be no

		public interest in preventing the small addition from occurring.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> Substantial justice would be done because there would be no loss to the public by granting the variances, whereas there would be a loss to the owner in terms of her ability to enjoy some extra space within her living unit.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> Granting the variances would not diminish the values of surrounding properties because other residents of the condo association signed a document of approval, which indicated that they felt there was no negative impact to the value of their units.
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>	YES	<ul style="list-style-type: none"> Literal enforcement of the ordinance would result in unnecessary hardship and the special conditions of the property were the fact that the dwelling's location was already fixed in the left side yard. The purpose of the provisions in the ordinance, particularly the left yard setback, is to preserve light and space for the surrounding properties. The proposed structure was a very minor one and would not significantly infringe upon the light and space environment of the area.