



CITY OF PORTSMOUTH

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

ZONING BOARD OF ADJUSTMENT

July 22, 2025

Harborside Property Management LLC
92 Brewster Street
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 92 Brewster Street,
Portsmouth NH 03801 (LU-25-25)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **July 15, 2025**, considered your application for the property located at 92 Brewster Street whereas relief is needed to demolish the existing structure and construct a single-family home with Accessory Dwelling Unit which requires the following: 1) Variance from Section 10.521 to allow a) 2,884 s.f. of lot area where 3,500 s.f. are required, b) 2,884 s.f of lot area per dwelling unit where 3,500 s.f. are required, c) 52.33 feet of continuous street frontage where 70 feet are required, d) 9.5 foot right side yard where 10 feet are required, and e) 10 foot rear yard where 20 feet are required. Said property is shown on Assessor Map 138 Lot 54 and lies within the General Residence C (GRC) District. As a result of said consideration, the Board voted to **grant** the request as presented and advertised.

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

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

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

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

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

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

Very truly yours,

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

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Alex Ross, Ross Engineering

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 7-15-2022

Property Address: 92 Brewster Street

Application #: LU-25-25

Decision: **Grant**

Findings of Fact:

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

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

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	YES	<ul style="list-style-type: none">The building height is not really under discussion and it will be more conforming than the existing structure, so there will be additional light and air on a portion of the property.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none">The building height is not really under discussion and it will be more conforming than the existing structure, so there will be additional light and air on a portion of the property.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none">There is not a benefit to the public by denying the variance, so the loss to the property owner will outweigh any benefit to the public if the variance were to be denied.

<p>10.233.24 Granting the variance would not diminish the values of surrounding properties.</p>	<p>YES</p>	<ul style="list-style-type: none"> The neighborhood is going through some changes and modernizing, so having a more contemporary style and code-compliant house on the lot will not diminish the surrounding properties values in any way and in fact would improve them.
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>	<p>YES</p>	<ul style="list-style-type: none"> The property has unique characteristics because of its geometry and the right-of-way, so dimensional relief along some of the lot lines is required to place a reasonably sized house on the property. The proposed plan strikes a good balance between the size of the house and the requested relief and will not be a large deviation in terms of lot coverage.



CITY OF PORTSMOUTH

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ZONING BOARD OF ADJUSTMENT

July 22, 2025

Colbea Enterprises LLC
695 George Washington Highway
Lincoln, Rhode Island 02865

**RE: Board of Adjustment Request for property located at 1980 Woodbury Avenue,
Portsmouth NH 03801 (LU-25-39)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **July 15, 2025**, considered your application for the property located at 1980 Woodbury Avenue whereas relief is needed to demolish and redevelop an existing gas station and convenience store which requires the following: 1) Variance from Section 10.5B33.20 to allow for a front lot line build out of 0% where a minimum of 75% is required for a commercial building; 2) Variance from Section 10.5B34.60 to allow for a front setback from the lot line of 27 feet on Woodbury Avenue and 53.5 feet on Gosling Road where a maximum of 20 feet is required; 3) Variance from Section 10.5B83.10 to allow for parking spaces to be located between the principal building and the street; 4) Variance from Section 10.835.31 to allow outdoor service facilities to be located within 34.5 feet and 40.5 of a lot line where 50 feet is required; 5) Variance from Section 10.835.32 to allow for drive-through lanes, bypass lanes and stacking lanes to be located within 13 feet of the property line where 30 feet is required; 6) Variance from Section 10.843.33 to allow for pump islands to be located within 34.5 feet of the lot lines where 40 feet is required; 7) Variance from Section 10.1251.10 to allow for an aggregate sign area of 309 s.f. where a maximum of 223.5 s.f. is allowed; 8) Variance from Section 10.1251.20 to allow a 134 s.f. freestanding sign where a maximum of 100 s.f. is allowed; and 9) Variance from Section 10.1253.10 to allow for a freestanding sign at a height of 26.5 feet where a maximum of 20 feet is allowed. Said property is shown on Assessor Map 239 Lot 11 and lies within the Gateway Corridor (G1) District. As a result of said consideration, the Board voted to

grant Variances 1, 2, 3, and 6 as presented and advertised only.

The Board voted to **deny** Variances 4 and 5 as presented and advertised, because the request was not consistent with the spirit of the ordinance and failed to meet the hardship criterion.

The Board voted to **deny** Variances 7, 8, and 9 as presented and advertised, because the special conditions of the property don't support the variances, so it failed the hardship criterion.

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

Christopher Drescher, Attorney, Cronin Bisson & Zalinsky P.C.

Christopher Rice, Engineer, TFMoran Inc.

Jason Cook, Engineer, TFMoran Inc.

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 7-15-2025

Property Address: 1980 Woodbury Avenue

Application #: LU-25-39

Decision:

Grant Variances 1, 2, 3, and 6

Deny Variances 4 and 5

Deny Variances 7, 8, and 9

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 for Variances 1, 2, 3, and 6	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	YES	<ul style="list-style-type: none">• The use is allowed through a Conditional Use Permit and is currently on site and is changing more toward what the ordinance is trying to do in the Gateway District, making it slightly more walkable and pedestrian-serving.• The use can comply with what the ordinance is trying to accomplish in the Gateway District, like eliminating parking between the street and the buildings and having a front lot buildout so that it feels

		<p>part of the road rather than something separate from it.</p> <ul style="list-style-type: none"> In terms of the use, the applicant made a good argument that they are improving upon what is currently there and it is not dissimilar from other uses next to it.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none"> It makes the most sense for the neighboring properties in terms of being allowed and is in keeping with the general characteristics of the neighborhood and the spirit of the ordinance.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> The public wants that new look and feel and hopefully over time more of this type of business will be seen in the Gateway District.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> There is a residential use right behind the gas station but what is proposed is beneficial to that residential use
<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 / NO	<ul style="list-style-type: none"> The property is unique because it is a corner lot with a particular use and it has the residential abutting it. The applicant's sound study indicates that the sound issue will be improved. It makes the most sense in terms of layout in benefitting the general public and that it is an allowed use within the conditional use requirements.

Section 10.233 Variance Evaluation Criteria for Variances 4 and 5	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 applicant's own sound study said there will be leakage across into the abutting property and that they were doing something to try to make it better but did not know exactly what it would be. • The applicant wants a drive-thru, gas station, and restaurant use on the very small lot. They are trying to jam too much stuff into it and shoving their need up against the neighboring property. • The ordinance is trying to protect residential neighborhoods from the sound of cars queueing and people ordering at drive-thrus.
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 applicant improved the order board a bit, but the queueing is the same and there is nothing about the characteristics of the property that said it is a unique situation for a hardship.

Section 10.233 Variance Evaluation Criteria for Variances 7, 8, and 9	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 sign regulations were adopted to maintain and enhance the city's residential and commercial characters. In the Gateway District, exceeding the limits will adversely affect the character of the area, particularly for a property that is one of the first at the entrance to the city and the Gateway District. G1 is a new zoning area since the original gas station was built. It is aspirational in some respects because the city is trying to change what is going on in the area and the zoning is designed to enhance the area.
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 existing signs are much smaller and there is no evidence presented that those signs are inadequate. The argument could be made that there are not as many activities taking place on the property compared to what the applicant proposed, but the freestanding sign area exceeds the limits by 34 percent and the height by close to 32 percent, and the applicant did not demonstrated any real hardship as to why they can not meet their needs by staying within the criteria of the ordinance.



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ZONING BOARD OF ADJUSTMENT

July 22, 2025

Life Storage LP
Sovran Self Storage
6890 S 2300 E PO Box 71870
Salt Lake City, Utah 84171

**RE: Board of Adjustment Request for property located at 70 Heritage Avenue,
Portsmouth NH 03801 (LU-25-36)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **July 15, 2025**, considered your application for the property located at 70 Heritage Avenue whereas relief is needed for after-the-fact installation of mini-storage units which requires the following: 1) Variance from Section 10.531 to allow a 2-foot rear setback where 50 feet is required; and 2) Variance from Section 10.330 to allow the expansion of a nonconforming use where it is not permitted. Said property is shown on Assessor Map 285 Lot 11B and lies within the Industrial (I) District. As a result of said consideration, the Board voted to **deny** the request as presented and advertised, because the request failed to meet the hardship criteria.

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:

Monica Kieser, Hoefle, Phoenix, Gromley & Roberts
Kevin Baum, Hoefle, Phoenix, Gromley & Roberts

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 7-15-2025

Property Address: 70 Heritage Avenue

Application #: LU-25-36

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.		
10.233.23 Granting the variance would do substantial justice.		
10.233.24 Granting the variance would not diminish the values of surrounding properties.		
10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship. (a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and	NO	<ul style="list-style-type: none">There is nothing special about the property that meant that the structures must be two feet away from the property line or that they must exist at all.The applicant failed to establish hardship in support of those structures.

<p>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.</p> <p>OR</p> <p>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>		<ul style="list-style-type: none"> • There is nothing unique about the property that said it should be allowed to have that much more additional nonconforming use, especially that close to a property line in the G1 District.
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ZONING BOARD OF ADJUSTMENT

July 22, 2025

Port Hunter LLC
PO Box 332
New Castle, New Hampshire 03854

**RE: Board of Adjustment Request for property located at 361 Miller Avenue,
Portsmouth NH 03801 (LU-25-76)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **July 15, 2025**, considered your application for the property located at 361 Miller Avenue whereas relief is needed to demolish the existing detached garage and construct a new detached garage which requires the following: 1) Variance from Section 10.521 to allow a building coverage of 26% where a maximum of 25% is permitted; 2) Variance from Section 10.573.20 to a) allow an accessory building with a 10.5 foot rear setback where 20 feet is required; and b) a 6 foot left side yard setback where 10 feet is required. Said property is shown on Assessor Map 131 Lot 33 and lies within the General Residence A (GRA) District. As a result of said consideration, the Board voted to **grant** the request as presented and advertised.

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

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

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

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

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

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

Very truly yours,

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

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Colby T. Gamester, Esq., Gamester Law Office

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 7-15-2025

Property Address: 361 Miller Avenue

Application #: LU-25-76

Decision: **Grant**

Findings of Fact:

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

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

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	YES	<ul style="list-style-type: none">It will not affect the health, safety, and welfare of the neighborhood will have no effect on light and air, and will not alter the essential characteristics of the neighborhood.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none">It will be consistent with the spirit of the ordinance because the new garage will be much better.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none">Granting the variance would do substantial justice because there will be no benefit to the public by denying the variance, and there could possibly be harm to the public because it would likely adversely impact the historic tree.

10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> There is no evidence of diminishing values, and if anything, it would likely improve them by replacing the decrepit garage.
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>	YES	<ul style="list-style-type: none"> The property has special conditions of a large multi-family residence, which is unusual in that neighborhood, and it has a large historic tree in one corner that limits where the garage can be placed. The way it is presently set up made for limited parking that is difficult to access. Given the special conditions, there is no fair and substantial relationship between the purposes of the ordinance and its specific application to the property.