



CITY OF PORTSMOUTH

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

ZONING BOARD OF ADJUSTMENT

February 25, 2026

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 **February 18, 2026**, 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) Special Exception from Section 10.440, Use #8.122 to allow a convenience goods 2 use with 24 hours per day operation; 2) 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; 3) Variance from Section 10.5B34.60 to allow for a front setback from the lot line of 27 feet on Woodbury Avenue and 36.5 feet on Gosling Road where a maximum of 20 feet is required; 4) Variance from Section 10.5B83.10 to allow for parking spaces to be located between the principal building and the street; and 5) Variance from Section 10.843.33 to allow for pump islands to be located within 37 feet of the lot lines where 40 feet is required. 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** 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 "Beth Margeson".

Beth Margeson, 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 | Special Exception

City of Portsmouth Zoning Board of Adjustment

Date: 02-18-2026

Property Address: 1980 Woodbury Ave

Application #: LU-25-39

Decision: **Grant**

Findings of Fact:

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

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

Special Exception Review Criteria: Section 10.232.20	Finding	Relevant Facts
10.232.21 Standards as provided by this Ordinance for the particular use permitted by special exception;	Yes	<ul style="list-style-type: none"> The use is allowed by special exception.
10.232.22 No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.	Yes	<ul style="list-style-type: none"> Granting the special exception would pose no hazard to the public or adjacent properties on account of potential fire, explosion, or release of toxic materials because it is a convenience store and the risk of such things is <i>de minimis</i>.
10.233.23 No detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking areas, accessways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat,	Yes	<ul style="list-style-type: none"> It would pose no detriment to surrounding property values, as it is a commercial use in a heavily commercialized area. Nothing about the building and its use as a convenience store would negatively affect the surrounding properties.

vibration, or unsightly outdoor storage of equipment, vehicles or other materials;		
10.233.24 No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity;	Yes	<ul style="list-style-type: none"> • It would pose no traffic or safety hazards because the ingress and egress into and out of the lot are very good and traffic comes from two major roadways, so the volume of traffic would be significantly different than what was currently being experienced on the site.
10.233.25 No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools; and	Yes	<ul style="list-style-type: none"> • There would be no excessive demand on municipal services because there is nothing about running a convenience store would place such demands upon municipal services.
10.232.26 No significant increase of stormwater runoff onto adjacent property or streets.	Yes	<ul style="list-style-type: none"> • There would be no increase in stormwater runoff onto adjacent properties, as the property is currently an impermeable surface.

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 2-18-2025

Property Address: 1980 Woodbury Avenue

Application #: LU-25-39

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 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 part of the road rather than something separate from it. • 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.

<p>10.233.22 Granting the variance would observe the spirit of the Ordinance.</p>	<p>YES</p>	<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.
<p>10.233.23 Granting the variance would do substantial justice.</p>	<p>YES</p>	<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.
<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"> • 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>	<p>YES</p>	<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.



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1 Junkins Avenue
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(603) 610-7216

ZONING BOARD OF ADJUSTMENT

February 25, 2026

Michael R Roylos
18 Loraine Street
Portland, Maine 04103

RE: Board of Adjustment Request for property located at 25 Sims Avenue, Portsmouth NH 03801 (LU-25-169)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **February 18, 2026**, considered your application for the property located at 25 Sims Avenue whereas relief is needed to create a buildable lot which requires the following: 1) Variance from Section 10.521 to allow a) 5,000 square feet of lot area where 15,000 is required, b) 5,000 square feet of lot area per dwelling unit where 15,000 is required, and c) 50 feet of frontage where 100 feet are required. Said property is shown on Assessor Map 233 Lot 71 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted to **grant** the request as presented and advertised.

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

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

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

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

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

Very truly yours,

A handwritten signature in cursive script that reads "Beth Margeson".

Beth Margeson, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Monica F. Kieser, Hoefle, Phoenix, Gormley & Roberts

R. Timothy Phoenix, Hoefle, Phoenix, Gormley & Roberts

Christopher Cloutier, Applicant

Isaac M Roylos

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 02-18-2026

Property Address: 25 Sims Ave.

Application #: LU-25-169

Decision: **Grant**

Findings of Fact:

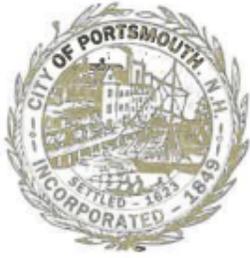
Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific 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"> • A few properties across the street are the same size and many other properties in the neighborhood are below the required square footage for the zone. • The house will be a modest one by nature of the smaller lot and fitting within the yard setbacks. • The ordinance stated that there was a desire for more affordable homes, and by the nature of the parcel being smaller, it will fall under that.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none"> • A few properties across the street are the same size and many other properties in the neighborhood are below the required square footage for the zone.

		<ul style="list-style-type: none"> • The house will be a modest one by nature of the smaller lot and fitting within the yard setbacks. • The ordinance stated that there was a desire for more affordable homes, and by the nature of the parcel being smaller, it will fall under that.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> • The benefit to the applicant should not be outweighed by harm to the general public or others. The Board heard comments from the neighbors that were concerning but did not apply specifically to the property and the variances being requested • It will not change anything about the actual property because it is the same parcel that has been re-established with the same property lines. • The flooding issues will still remain if the variances are denied. • Denying the variances will prevent an otherwise buildable lot with a decent-sized home. • The benefit to the applicant will not outweigh any potential harm of a future stormwater mitigation system failing from lack of maintenance.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> • The expert testimony is not conclusive but also cannot be ignored. • The parcel exists and any new construction of a modest single-family home will not decrease 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</p>	YES	<ul style="list-style-type: none"> • Literal enforcement of the ordinance will result in unnecessary hardship due to the property's special conditions that includes the legal definition of the merging and unmerging. • Despite the small lot size, there is a buildable envelope that will meet all the yard setbacks regarding light, air, and privacy. • The proposed use is a reasonable one, a modest single-family home in a neighborhood of modest single-family homes.

<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>		
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ZONING BOARD OF ADJUSTMENT

February 25, 2026

Stewart Baker Revocable Trust
Evan Baker & Laura Stewart Trustees
20 Coffins Court
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 20 Coffins Court,
Portsmouth NH 03801 (LU-25-164)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **February 18, 2026**, considered your application for the property located at 20 Coffins Court whereas relief is needed for the construction of a spiral staircase on the left side of the home and dormers on the third floor which requires the following: 1) Variance from Section 10.521 to allow a) 4 foot right side yard and a 5 foot left side yard where 10 feet are required (*approved January 21, 2026*), b) 50.5% building coverage where 35% is allowed; c) 4.5% open space where 20% is required; and d) a 6.5 foot rear yard where 20 feet is required. Said property is shown on Assessor Map 135 Lot 53 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.

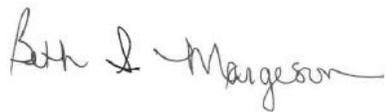
This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

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:

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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 "Beth I Margeson".

Beth Margeson, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

R. Timothy Phoenix, Esq., Attorney, Hoefle, Phoenix, Gormley & Roberts, PLLC

Stephanie Johnson, Esq., Attorney, Hoefle, Phoenix, Gormley & Roberts, PLLC

Daniel Dadmun, Engineer, Ross Engineering, LLC

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 02-18-2026

Property Address: 20 Coffins Ct.

Application #: LU-25-164

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 Board had heard and considered the application in a previous meeting and the reason it was before the Board now was because there was a technical issue regarding the noticing of the application at the prior meeting. On that basis, all the facts the Board found in the previous discussion were still relevant, and granting the variance would be consistent with Sections 10.233.21 and .22.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none"> The project will observe the spirit of the ordinance because it is a small change in the footprint of the house and will not conflict with the purposes of the ordinance in terms of preserving open air, light, and

		space in the surrounding properties.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> • There will be no loss to the general public that would outweigh the loss to the applicant should the petition be denied.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> • The Board heard confirmation from the surrounding property owners that were in support of the project.
<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 home is an older one and nothing can be done about its location on the property. • The encroachments are preexisting and impractical to change, and the application does not add to those in a substantial way. • The application is driven by the desire to create a screened-in porch on the back side and to move the stairs closer to the edge of the property. It is an open structure and will not affect light and air.



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ZONING BOARD OF ADJUSTMENT

February 25, 2026

Lisa Paige Reyes
238 Austin Street
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 238 Austin Street,
Portsmouth NH 03801 (LU-25-177)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **February 18, 2026**, considered your application for the property located at 238 Austin Street whereas relief is needed to demolish the existing structures, subdivide the lot and construct a new home on each lot which requires the following for the proposed Austin Street Lot: 1) Variance from Section 10.521 to allow a) 49.75 feet of frontage where 70 feet is required; and b) an 8.5 foot right side yard where 10 feet is required. The following is required for the proposed Coffins Court Lot: 1) Variance from Section 10.521 to allow a) 2,884 sq. ft. of lot area where 3,500 sq. ft. is required, b) 2,884 sq. ft. of lot area per dwelling unit where 3,500 sq. ft. is required, c) a 5.5 ft. side yard where 10 feet is required; and d) an 18 foot rear yard where 20 feet is required. Said property is shown on Assessor Map 113 Lot 28 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 "Beth I Margeson".

Beth Margeson, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Chris Ward, Applicant

R. Timothy Phoenix, Hoefle, Phoenix, Gormley & Roberts, PLLC

Monica F. Kieser, Hoefle, Phoenix, Gormley & Roberts, PLLC

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 02-18-2026

Property Address: 238 Austin St.

Application #: LU-25-177

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 proposal will not violate the general characteristics of the neighborhood in a significant way. Applicants go to the Board to ask for some level of relief, and the zoning ordinance is very broad in its application. The Board recognizes that individual properties may have characteristics that lend themselves to doing something that is not strictly in compliance with the neighborhood. It will be tight but better than what was there now. The Planning Board and TAC could have significant concerns that could change what would or would not get developed in that location.

<p>10.233.22 Granting the variance would observe the spirit of the Ordinance.</p>	<p>YES</p>	<ul style="list-style-type: none"> • The proposal will not violate the general characteristics of the neighborhood in a significant way. Applicants go to the Board to ask for some level of relief, and the zoning ordinance is very broad in its application. The Board recognizes that individual properties may have characteristics that lend themselves to doing something that is not strictly in compliance with the neighborhood. It will be tight but better than what was there now. • The Planning Board and TAC could have significant concerns that could change what would or would not get developed in that location.
<p>10.233.23 Granting the variance would do substantial justice.</p>	<p>YES</p>	<ul style="list-style-type: none"> • The property is tight and oddly shaped, and the applicant is trying to take advantage of that, which gives the applicant the slight advantage in the balancing test.
<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 barn has a unique historic interest and harks back in time, and a new residential use will not negatively impact surrounding property values because the home will be consistent with other things in that area.
<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 is unique because it fronts on two streets and has an ell connector that once belonged to two separate parcels. • A lot has changed in the 150-year period, and to say that it should not change one more time does not make sense. • The proposal is to put in a residential use that is consistent with the other residential uses in the immediate neighborhood.



CITY OF PORTSMOUTH

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ZONING BOARD OF ADJUSTMENT

February 25, 2026

Ahmad & Whitney Hussein
9 Willard Avenue
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 9 Willard Avenue,
Portsmouth NH 03801 (LU-26-1)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **February 18, 2026**, considered your application for the property located at 9 Willard Avenue whereas relief is needed to demolish the existing detached garage and shed and construct a new two-story addition with attached garage which requires the following: 1) Variance from Section 10.521 to allow a) a 7.5 foot rear yard where 20 feet is required; and b) 26.5% building coverage where 25% is the maximum. Said property is shown on Assessor Map 149 Lot 24 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 "Beth I Margeson". The signature is written in black ink on a white background.

Beth Margeson, 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: 02-18-2026

Property Address: 9 Willard Ave.

Application #: LU-26-1

Decision: **Grant**

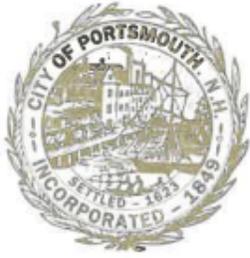
Findings of Fact:

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 spirit of the ordinance with regard to setbacks generally pertains to light, space, and air movement between properties. The current condition of the property is that there is a structure to be demolished that is more encroaching on the rear yard setback than the proposed new structure, so it is an improvement over current conditions that directly affect achieving the purpose of the ordinance in a positive way.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none"> The spirit of the ordinance with regard to setbacks generally pertains to light, space, and air movement between properties. The current condition of the property is that there is a structure

		to be demolished that is more encroaching on the rear yard setback than the proposed new structure, so it is an improvement over current conditions that directly affect achieving the purpose of the ordinance in a positive way.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> • There will be no loss to the public by granting the variance.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> • It will be less encroachment on the rear lot line. • The design is a pleasant one and looks like it will add to the streetscape and the neighborhood's appearance and have a positive impact on 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>	YES	<ul style="list-style-type: none"> • What is unique about the property is the lot itself is somewhat of an irregular-shaped one where the front lot line and rear lot line don't run in a parallel direction and the house itself is not oriented on the same access as the rear line, so the part of the new structure that intrudes on the rear yard setback is really a point and not the entire broad side of the structure. Those are special conditions that make the application of the setback standard somewhat inappropriate in this case.



CITY OF PORTSMOUTH

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

ZONING BOARD OF ADJUSTMENT

February 25, 2026

Nicole Snow
Phoebe Hart LLC
404 The Hill #8-3
Portsmouth, New Hampshire 03801

RE: Board of Adjustment Request for property located at 404 The Hill, Unit #8-3, Portsmouth NH 03801 (LU-26-6)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **February 18, 2026**, considered your application for the property located at 404 The Hill, Units 8-3 whereas relief is needed for a personal service business which requires the following: 1) Variance from Section 10.440, Use #7.20 to allow a personal services business where it is not allowed. Said property is shown on Assessor Map 118 Lot 26-8 and lies within the Character District 4-L1 (CD4-L1). As a result of said consideration, the Board voted to **grant** the request as presented with the following **conditions**:

1) The use shall be limited to a by-appointment basis only.

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 black ink that reads "Beth Margeson". The signature is written in a cursive style with a large initial "B" and a long, sweeping underline.

Beth Margeson, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Ashley Stearns, Blush LLC

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 02-18-2026

Property Address: 404 The Hill, Units 8-3

Application #: LU-26-6

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"> There will be no public interest in preventing the business from operating in the neighborhood because it is already there and there will be no impact in moving it one or two doors down.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none"> There will be no public interest in preventing the business from operating in the neighborhood because it is already there and there will be no impact in moving it one or two doors down.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> There will be no loss to the public by denying the application, particularly since it is a business currently in operation in almost the same location.

<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"> It is inconceivable that continuing to operate the same business that has been successfully operated within ten years would suddenly 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>	<p>YES</p>	<ul style="list-style-type: none"> Normally the hardship is based on a unique aspect of the property that differentiates it from the surrounding ones, but there is also the consideration of whether or not the strict application of the ordinance achieves any particular purpose of the ordinance, and in this case it does not.

<p>Stipulations</p>
<p>1. <i>The use shall be limited to a by-appointment basis only</i></p>
<p>2.</p>
<p>3.</p>
<p>4.</p>



CITY OF PORTSMOUTH

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

ZONING BOARD OF ADJUSTMENT

February 25, 2026

Nathaniel J LeGros
140 Summer Street
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 140 Summer Street,
Portsmouth NH 03801 (LU-26-7)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **February 18, 2026**, considered your application for the property located at 140 Summer Street whereas relief is needed to demolish the existing one-story detached garage and construct a new two-story attached garage which requires the following: 1) Variance from Section 10.521 to allow a) a 4 foot right side yard where 10 feet is required, b) a 4 foot rear yard where 20 feet is required; and c) 39% building coverage where 35% is allowed. Said property is shown on Assessor Map 137 Lot 2 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:

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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 black ink that reads "Beth Margeson". The signature is written in a cursive style with a large initial "B" and a long, sweeping underline.

Beth Margeson, 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: 02-18-2026

Property Address: 140 Summer St.

Application #: LU-26-7

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"> • A good argument was made that the addition would fit in with the character of the neighborhood despite its unique features. • The Board's concern with the setbacks are about light, air, and privacy. • Granting the variance will not conflict with the purpose of the ordinance because it will be the same residential use but with a single-car garage and workshop addition.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none"> • A good argument was made that the addition would fit in with the character of the neighborhood despite its unique features. • The Board's concern with the setbacks are about light, air, and privacy.

		<ul style="list-style-type: none"> Granting the variance will not conflict with the purpose of the ordinance because it will be the same residential use but with a single-car garage and workshop addition.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> The benefit to the applicant will not be outweighed by any harm to the general public or others. Being within the setbacks, the property with its surrounding neighbors and location will not harm the public.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> The Board heard no testimony to suggest otherwise and the neighbors were in support.
<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 an unnecessary hardship due to the special conditions of the property and the combination of factors, including the irregular-shaped corner lot and the existing house on it outside of the typical building envelope. The addition would not impose on someone's light, air, and privacy.