



CITY OF PORTSMOUTH

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

ZONING BOARD OF ADJUSTMENT

May 29, 2026

Carpenter Family REV TR
Peter & Denise Carpenter TTEES
40 Merrimac Street, Unit 1
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 40 Merrimac Street,
Portsmouth NH 03801 (LU-26-53)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **May 26, 2026**, considered your application for the property located at 40 Merrimac Street whereas relief is needed to demolish the existing rear deck and construct a new deck which requires the following: 1) Variance from Section 10.521 to allow a 3.5-foot side yard where 10 feet are required. Said property is shown on Assessor Map 129 Lot 18 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.

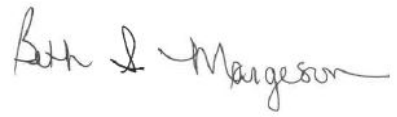
This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

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.portsmouthnh.gov/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

Maarten and Johanna de Ruiter

Susan T. Barrow

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 5-26-2026

Property Address: 40 Merrimac St.

Application #: LU-26-53

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 and would observe the spirit of the ordinance because of the siting of the property and the buildings adjacent to it. • It would not alter the essential characteristics of the neighborhood, which was essentially a residential area.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none"> • It would not affect the health, safety, and welfare of the neighborhood and would have no effect on light and air on any of the buildings on either side of it because the buildings were quite distant.

<p>10.233.23 Granting the variance would do substantial justice.</p>	<p>YES</p>	<ul style="list-style-type: none"> • There was no benefit to the public by denial that would outweigh the loss to the applicant. • Denial would keep the applicant limited to the current size of the deck once it was replaced, which would affect their enjoyment of the deck to a certain extent, but there would be no benefit to the public that would support denial.
<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"> • No evidence was presented that it would. • Some abutters commented in favor of the change and did not raise any concerns about any impact on their property values.
<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 special conditions that distinguished the property from many others in the area included that it is a large lot with an unusual shape, and the location of the structure was also unusual because it is on one side of the property and has minimum setbacks on two sides of the property including where the deck is. • Relating to the context of the neighborhood, the adjoining property structures were not nearby at all. The minor change to the deck will not have any impact on any of the abutters.



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1 Junkins Avenue
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(603) 610-7216

ZONING BOARD OF ADJUSTMENT

May 29, 2026

801 Islington Street LLC

1 Middle Street, Suite 1
Portsmouth, New Hampshire 03801

RE: Board of Adjustment Request for property located at 801 Islington Street, Unit 33, Portsmouth NH 03801 (LU-26-54)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **May 26, 2026**, considered your application for the property located at 801 Islington Street, Unit 33 whereas relief is needed to establish a yoga studio which requires the following: 1) Special Exception from Section 10.440 Use #4.40 to allow a yoga studio more than 2,000 square feet gross floor area. Said property is shown on Assessor Map 165 Lot 8 and lies within the Character District 4-W (CD4-W). As a result of said consideration, the Board voted to **grant** the request as presented and advertised.

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

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

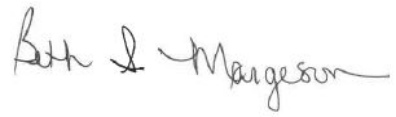
This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

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

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Very truly yours,

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

Beth Margeson, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Evergreen Yoga & Meditation, LLC d/b/a Studio 108

Francis X. Bruton, Attorney, Bruton & Berube, PLLC

Findings of Fact | Special Exception

City of Portsmouth Zoning Board of Adjustment

Date: 5-26-2026

Property Address: 801 Islington St., Unit 33

Application #: LU-26-54

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 those things did not apply to the applicant's type of business.
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, vibration, or unsightly outdoor storage of equipment, vehicles or other materials;	Yes	<ul style="list-style-type: none"> It would pose no detriment to property values in the vicinity or change in the essential characteristics of any area.

<p>10.233.24 No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity;</p>	<p>Yes</p>	<ul style="list-style-type: none"> • It would be a low intensity use for a small Pilates class. There would be no creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity because the use would be a low-intensity one and the hours would be earlier than other businesses in the vicinity, such as the restaurants that would cause increased traffic later in the day.
<p>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</p>	<p>Yes</p>	<ul style="list-style-type: none"> • Granting the special exception would pose no excessive demand on municipal services included but not limited to water, sewer, waste disposal, police and fire protection, and schools because there was no reason to think that an instructional Pilates class would cause such issues.
<p>10.232.26 No significant increase of stormwater runoff onto adjacent property or streets.</p>	<p>Yes</p>	<ul style="list-style-type: none"> • It would pose no significant increase of stormwater runoff onto adjacent properties or streets because there would be no external changes to the building.



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ZONING BOARD OF ADJUSTMENT

May 29, 2026

Ryan Trust
Martin Ryan TTEE
221 Woodbury Avenue
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 221 Woodbury Avenue,
Portsmouth NH 03801 (LU-26-57)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **May 26, 2026**, considered your application for the property located at 221 Woodbury Avenue whereas relief is needed to subdivide the existing parcel into two parcels, for demolition of the existing one-story detached garage and construction of a new two-story detached garage on lot 1; and a new single-family residential structure on lot 2, which requires the following: 1) Variance from Section 10.521 to allow 63 feet of frontage where 100 feet is required. Said property is shown on Assessor Map 175 Lot 10 and lies within the General Residence A (GRA) District. As a result of said consideration, the Board voted to **postpone** the request to the June 16th meeting per the applicant's request.

This matter will be placed on the agenda for the Board of Adjustment meeting scheduled for **June 16, 2026**. One (1) copy of any revised plans and/or exhibits must be filed in the Planning & Sustainability Department no later than **Friday June 5, 2026**. Please remember you will be required to provide an electronic file (in a PDF format) of all plans and exhibits.

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

Very truly yours,

Beth Margeson, Chair of the Zoning Board of Adjustment

cc:



CITY OF PORTSMOUTH

Planning & Sustainability
Department
1 Junkins Avenue
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Hampshire 03801
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ZONING BOARD OF ADJUSTMENT

May 29, 2026

Maximillian Kolbe Hochschwender
44 Rogers Street
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 44 Rogers Street,
Portsmouth NH 03801 (LU-26-55)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **May 26, 2026**, considered your application for the property located at 44 Rogers Street whereas relief is needed to construct a rear addition to the existing residential structure which requires the following: 1) Variance from Section 10.521 to allow a 3-foot side yard where 10 feet is required; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 116 Lot 45 and lies within the Mixed Residential Office (MRO) and Historic Districts. As a result of said consideration, the Board voted to **grant** the request as presented and advertised.

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

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

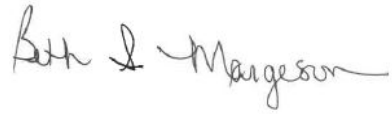
This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

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

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Very truly yours,

A handwritten signature in cursive script that reads "Beth 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
Derek Durbin, Attorney, Durbin Law Offices PLLC
Flybird LLC

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 5-26-2026

Property Address: 44 Rogers St

Application #: LU-26-55

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 and would observe the spirit of the ordinance because the essential characteristics of the neighborhood would be maintained.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none"> Several other homes in the area have additions and the applicant's addition would simply look like a taller addition compared to what was there now and would not excessively change the overall nature of the neighborhood.

<p>10.233.23 Granting the variance would do substantial justice.</p>	<p>YES</p>	<ul style="list-style-type: none"> Granting the variances would do substantial justice because the applicant was just looking for additional living space, which is a common situation in many parts of Portsmouth where the only opportunity to get additional living space was to provide an addition or expand one additional floor and fill in a bit on the second floor, as the applicant wanted to do.
<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"> Granting the variances would not diminish the values of surrounding properties because it would be a relatively modest additional height to the addition and would be tastefully presented and continue to allow the home to be a fully functional single-family one. It would increase the applicant's property value and those of surrounding homes and would serve as a positive comparison for other neighboring 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"> The special conditions that distinguished the property from many others in the area included the narrow lot with the home situated on one side of it. Relating to the context of the neighborhood, it was an older home that had an addition in the back of it and from a historic standpoint, that offsetting it slightly would be a beneficial visual aid to help people understand what the natures of what the original home and the addition were. The neighboring property had their home situated in the same manner, so with that rhythm, the negative effects to light and air would be diminished. The positioning of the home was a unique characteristic and was just an addition of one story on that side of the property. It was a reasonable request to maintain a single-family resident use.



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ZONING BOARD OF ADJUSTMENT

May 29, 2026

RRNR Revocable Trust
Russell & Nancy Rogers TTEES
111 Crescent Way
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 111 Crescent Way,
Portsmouth NH 03801 (LU-26-58)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **May 26, 2026**, considered your application for the property located at 111 Crescent Way whereas relief is needed to demolish and reconstruct a detached garage which requires the following: 1) Variance from Section 10.573.20 to allow a 3-foot left side yard and a 4-foot rear yard where 8 feet is required from any lot line. Said property is shown on Assessor Map 212 Lot 151 and lies within the General Residence B (GRB) 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.

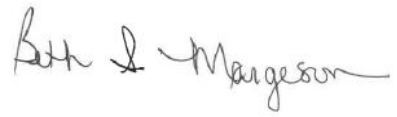
This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

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Very truly yours,

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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: 5-26-2026

Property Address: 111 Crescent Way

Application #: LU-26-58

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	Granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance because it spoke to the general characteristics of the neighborhood.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none"> • There is no vertical expansion and it is simply a 100 percent rebuild of a garage structure that went back many years. • Light and air, while impeded, was not a large condition because it was really two garages that are not being intensified by the request.

<p>10.233.23 Granting the variance would do substantial justice.</p>	<p>YES</p>	<ul style="list-style-type: none"> • Granting the variances would do substantial justice because the applicant would get the benefit of restoring their garage space to being fully usable and safe and having more storage area and there really was no general public interest that would outweigh the benefits to the applicant.
<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"> • Granting the variances would not diminish the values of surrounding properties because the applicant would just renovate an existing structure into a better condition that would add to the property's value and those of the 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"> • The special conditions that distinguished the property from many others in the area included the neighborhood layout in 1917 resulting in close property lines and driveways and the applicant was close to the shared driveway, so the structure needed to be close to the front and rear property lines. • The structure would be modest in height and its impact on the neighborhood would be minimal. • The additional structure would be toward the interior of the property and would still be an 8-ft high structure.



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ZONING BOARD OF ADJUSTMENT

May 29, 2026

Hill Hanover Group LLC
C/O JPK Properties LLC
1 New Hampshire Avenue, #125
Portsmouth, New Hampshire 03801

RE: Board of Adjustment Request for property located at 181 Hill Street, Portsmouth NH 03801 (LU-26-59)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **May 26, 2026**, considered your application for the property located at 181 Hill Street whereas relief is needed to demolish three existing multi-family buildings and to construct two new three-story multi-family buildings connected by an underground parking garage and elevated courtyard area which requires the following: 1) Variance from Section 10.5A41.10A to allow a) 1,008 square feet of lot area per dwelling unit where 3,000 feet is required, b) a building footprint of 5,232 square feet where 2,500 square feet is the maximum, c) a building footprint of 3,035 square feet where 2,500 square feet is the maximum, d) 18% open space where 25% is required; and 2) Variance from Section 10.440 to allow 10 dwelling units in a building where up to 8 dwelling units are permitted. Said property is shown on Assessor Map 125 Lot 14 and lies within the Character District 4-L1 (CD4-L1). As a result of said consideration, the Board voted to **deny** the request as presented and advertised because it is 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 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,

Beth Margeson, Chair of the Zoning Board of Adjustment

cc:

Derek Durbin, Attorney, Durbin Law Offices PLLC

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 5-26-2026

Property Address: 181 Hill St.

Application #: LU-26-59

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 CD4-L1 zone was designed to do a step down from the downtown area into residential areas, and it established specific requirements for lot area per dwelling unit. • In addition, the application conflicted with the size of the buildings and the number of units per building requirement in the ordinance without really explaining why it was necessary. • The proposed size of Building B was twice the size of the maximum building footprint and was asking for 10 residences where eight were called for, and the lot area per dwelling unit was decreasing from what now existed.

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</p> <p>(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> <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>		