



City of Portsmouth
Planning Department
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Portsmouth, NH
(603)610-7216

MEMORANDUM

TO: Zoning Board of Adjustment
FROM: Jillian Harris, Principal Planner
DATE: July 15, 2026
RE: Zoning Board of Adjustment July 21, 2026

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

II. Old Business

- A. 34 Harvest Way – REQUEST TO WITHDRAW
- B. 315 Banfield Road – POSTPONED
- C. 72 Mirona Road

III. New Business

- A. 475 Broad Street
- B. 292 Wibird Street
- C. 555 Dennett Street
- D. 0 Joffre Avenue and 18 Barberry Lane
- E. 215 Bartlett Street

II. OLD BUSINESS

- A. REQUEST TO WITHDRAW** The request of **Lonza Biologics INC (Owner)**, for property located at **34 Harvest Way** whereas relief is needed to install two illuminated wall signs and one illuminated monument sign, which requires relief from the following: 1) from Section 306.01(d) of the Pease Development Authority Ordinance to allow signs to exceed a maximum aggregate area of two (2) square feet of sign area for each linear foot of street frontage up to a maximum of 200 square feet. Said property is located on Assessor Map 305 Lot 5 and lies within the Airport Business Commercial (ABC) District. (LU-26-12) **REQUEST TO WITHDRAW**

Planning Department Comments

At the April 28, 2026 meeting, the Board continued the request to the May 19th meeting, so that the applicant could provide the specific section of the Pease Development Authority Zoning Ordinance that is applicable, with the supporting rationale as to why the request is necessary. The application was postponed at the May 19th and June 16th meeting at the request of the applicant. The applicant has indicated they will be submitting a request for the Board to consider suspending the rules to allow the applicant to withdraw the application.

II. OLD BUSINESS

- B. POSTPONED** The request of **Hope for Tomorrow Foundation (Owner)**, for property located at **315 Banfield Road** whereas relief is needed to construct an addition to the existing school on the property, which requires the following: 1) Variance from Section 10.334 to allow the existing primary and secondary school use (Use #3.21) to be extended to another part of the remainder of the land. Said property is located on Assessor Map 266 Lot 5 and lies within the Industrial (I) District. (LU-26-41) **POSTPONED**

Planning Department Comments

Applicant has postponed consideration to the August BOA meeting

II. OLD BUSINESS

- C. The request of **Madison Commercial Group (Owner)**, for property located at **72 Mirona Road** whereas relief is needed to establish a 5,049 square foot Pilates/exercise studio which requires the following: 1) Special Exception from Section 10.440 Use #4.42 to allow a 5,049 square foot health club, yoga studio, or similar use where more than 2,000 square feet are allowed by Special Exception. Said property is located on Assessor Map 253 Lot 3 and lies within the Gateway Center (G2) District. (LU-26-76)

Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Commercial multi unit building	*Establish a pilates/exercise studio	Primarily Residential
<u>Gross Floor Area</u>	5,049	5,049	
<u>Estimated Age of Structure:</u>	1990	Request(s) shown in red.	

*Health club, yoga studio, or similar use with more than 2,000 sq. ft. GFA is allowed by special exception

Other Permits/Approvals Required

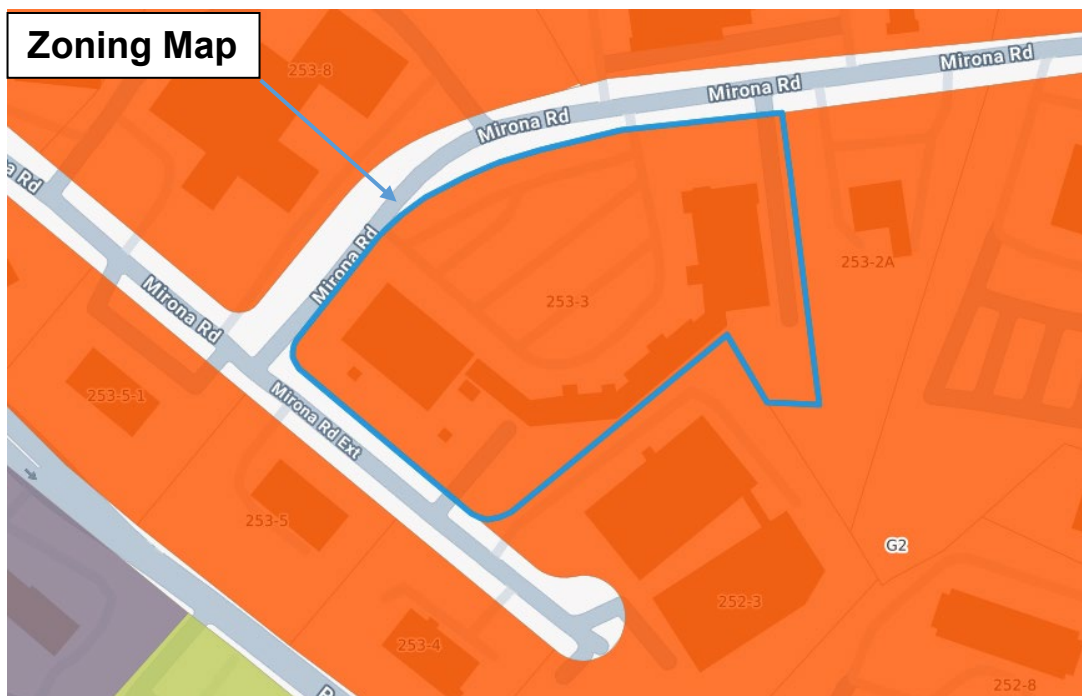
- Building Permit – Tenant Fit Up

Neighborhood Context

Aerial Map



Zoning Map



Previous Board of Adjustment Actions

November 26, 1968 –The Board **granted** the request to continue the manufacturing and sale of footwear and leather goods and factory outlet.

October 27, 1970 –The Board **granted** the request to extend present factory outlet located at 72 Mirona Road for an area of 120' x 50'.

March 7, 1978 –The Board **granted** the following: a) a Variance to extend a non-conforming retail sales use in an Industrial District; and b) a Variance to erect said 40' x 100', 2 story addition 2 ½' from the rear property line.

February 23, 1982 – The applicant **requested** the following: 1) a Variance from Article II, Section 10-213 to allow the construction of a general merchandise complex in an Industrial District; 2) a Variance from Article III, Section 10-302 to allow a front yard of 16' where 70' is required and a rear yard of 10' where 50' is required; 3) a Variance from Article III, Section 10-302(B) to allow 6 accesses and egresses where 4 accesses and egresses are permitted.

The Board voted to **grant** Variance 1 as presented and advertised.

The Board voted to **deny** Variances 2 and 3.

March 16, 1982 – The Board **granted** the following: a Variance from Article III, Section 10-302 to allow construction of an additional 22,635 s.f. of retail commercial space with a rear yard of 10' where 50' is required.

September 28, 1993 – The Board **granted** the following: a Variance from Article II, Section 10-206 to allow a 2,250 s.f. professional office to be located in a retail shopping center where professional offices are not allowed.

March 20, 2001 – The applicant **requested** the following: 1) a Variance from Article III, Section 10-304(A) to allow: a) 34.7' front yard where 70' is required, and b) 18.8% open space where 20% is the minimum required, 2) a Variance from Article XII, Section 10-204 Table 15 to allow 254 parking spaces to be provided where 282 parking spaces are required, 3) a Variance from Article XII, Section 10-1201(3)(a)(4) to allow vehicles back out onto Mirona Road, 4) a Variance from Article XII, Section 10-1201(3)(e)(2) to allow off street parking, maneuvering and traffic aisles to be located within 40' of the property line and no landscaping being provided and, 5) a Variance from Article XII, Section 10-1203(A)(2) to allow 4 loading areas to be provided where 8 loading areas are required; and 6) a Variance from Article XII, Section 10-1201(A)(2) to allow the parking spaces in the garage to be 18' in length where 19' in length is required.

The Board voted to **grant** Variances 1, 2, 3, 5, and 6 as presented and advertised. However, Variance 2 should reflect 264 parking spaces being provided. Variance 4 was withdrawn.

July 22, 2003 – The Board **granted** the following: 1) a Variance from Article III, Section 10-304(A) to allow a 30' front yard where 70' was the minimum required, and 2) a Variance from Article XIII, Section 10-1204, Table 15 to allow 188 parking spaces to be provided where 215 parking spaces were required.

February 19, 2008 – The applicant **withdrew the request for the following**: a Variance from Article XII, Section 10-1204 was requested to allow a two story addition to the existing building (51,042 sf) for 2,844 sf of retail space on the 1st floor and 2,914 sf of office space on the 2nd floor including a 2 car garage requiring a total of 216 parking spaces where 201 parking spaces are provided.

March 18, 2008 – The Board **granted** the following: a Variance from Article XII, Section 10-1204 was requested to allow 201 parking spaces to be provided where 222 parking spaces are required in conjunction with a two story (1,757 sf footprint) addition for retail and office uses and a 1,062 sf garage.

February 17, 2009 – The Board **granted** the following: a One Year Extension of the Variance granted March 18, 2008.

March 17, 2026 – The Board **granted** the following: 1) Special Exception from Section 10.440 Use #7.20 to allow Personal Services.

Planning Department Comments

The applicant is proposing to establish a Pilates and exercise studio greater than 2,000 SF. It should be noted that the history provided in this memo reflects the history of the entire property, it is not specific to the unit presented. At the June 16, 2026 meeting, the Board postponed the application at the request of the applicant. The application was updated to include a parking demand analysis that outlines shared use parking calculations for the site and concludes that existing on-site parking will adequately serve the proposed uses, including the pilates studio.

Special Exception Review Criteria

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

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

10.235 Certain Representations Deemed Conditions

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

III. NEW BUSINESS

- A. The request of **Brian and Martha Ratay (Owners)**, for property located at **475 Broad Street** whereas relief is needed to construct a detached garage which requires the following: 1) Variance from Section 10.521 to a) allow 30% building coverage where 25% is allowed; b) a 5-foot right side yard where 10 feet are required; and c) 5.5-foot rear yard where 14 feet are required. Said property is located on Assessor Map 221 Lot 96 and lies within the General Residence A (GRA) District. (LU-26-95)

Existing & Proposed Conditions

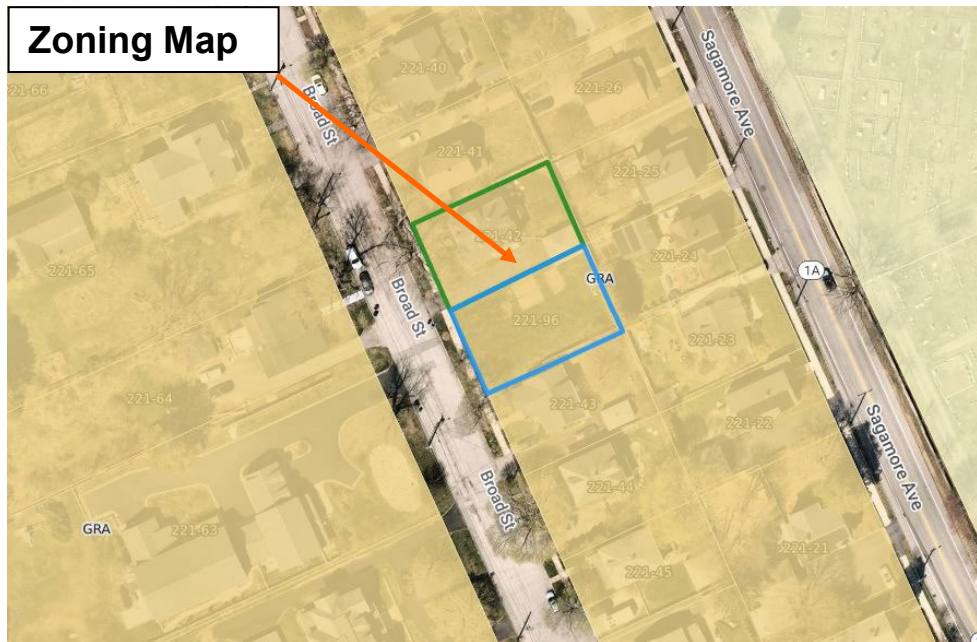
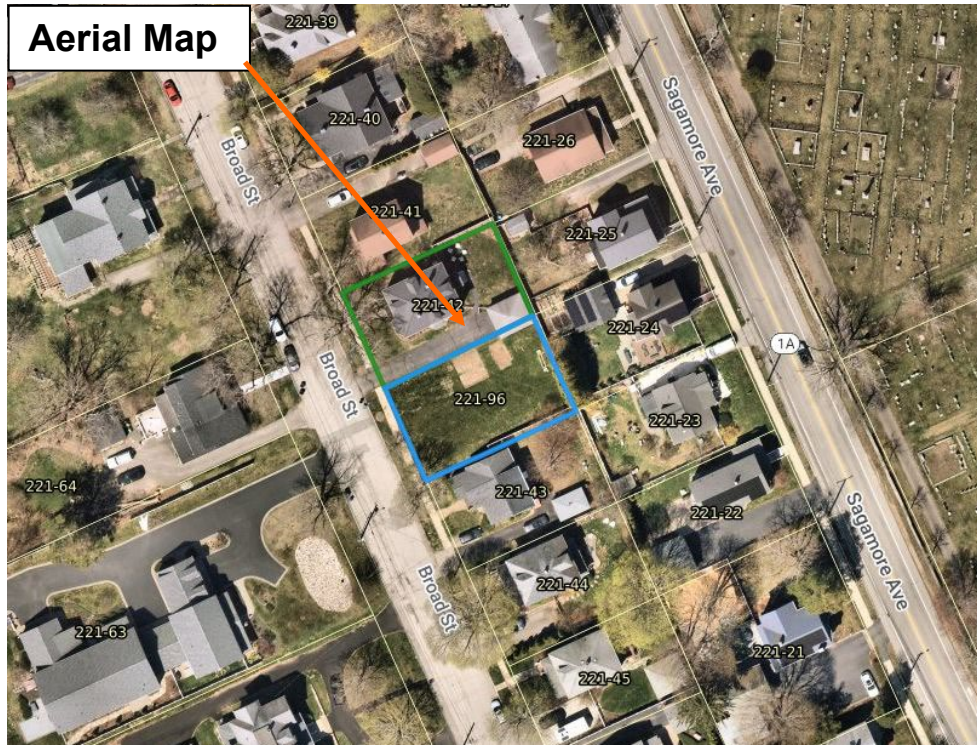
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family Residential	Detached garage	Primarily residential
<u>Lot area (sq. ft.):</u>	6,101	6,101	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	6,101	6,101	7,500 min.
<u>Lot depth (ft.):</u>	100	100	70 min.
<u>Street Frontage (ft.):</u>	60	60	100 min.
<u>Front Yard (ft.):</u>	20	20	15 min.
<u>Right Yard (ft.):</u>	Garage: 5	Garage: 5	10 min.
<u>Left Yard (ft.):</u>	Garage: >10	Garage: >10	10 min.
<u>Rear Yard (ft.):</u>	Garage: 5.5	Garage: 5.5	14* min.
<u>Height (ft.):</u>	14	14	35 max.
<u>Building Coverage (%):</u>	30	30	25 max.
<u>Open Space Coverage (%):</u>	52	52	30 min.
<u>Parking:</u>	2	>2	2
<u>Estimated Age of Structure:</u>	n/a	Variance request(s) shown in red.	

**Section 10.573.20*

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

- **August 20, 2024** – constructing a primary structure and detached garage on a vacant lot which requires the following: 1) Variance from Section 10.521 to allow a) 6,101 square feet of lot area where 7,500 is required, b) 6,101 square feet of lot area per dwelling unit where 7,500 is required, c) 60 feet of street frontage where 100 feet are required, d) 31% building coverage where 25% is allowed, e) 5 foot right side yard where 10 feet are required, and f) 2 foot rear yard where 20 feet are required. The Board voted to **grant** the request as presented and advertised.

Planning Department Comments

At the August 20, 2024 meeting, the applicant was granted relief to construct a primary structure and a detached garage on the existing vacant property. The applicant is under active construction and back before the Board seeking a change to the design and scale of the detached garage, constructed as a one-story traditional gabled roof, rather than a modern, taller, single plane roof. The design change means there will no longer be a back staircase and changes the relief needed for the construction of the garage. The applicant is requesting relief for the rear setback (5.5 feet), the right side yard setback (5 feet) and 30% building coverage where 25% is allowed.

Variance Review Criteria

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

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

10.235 Certain Representations Deemed Conditions

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

III. NEW BUSINESS

- B.** The request of **Jonah Goldblatt and Gabrielle Dell'Aquilo (Owners)**, for property located at **292 Wibird Street** whereas relief is needed to demolish the existing detached garage and construct a new two-story attached garage addition and enlarged rear deck, which requires the following: 1) Variance from Section 10.521 to a) allow a building coverage of 31% where 25% is the maximum; b) allow a left side yard setback of 4.5 feet where 10 feet is required; and c) allow a right side yard setback of 3 feet where 10 feet is required. Said property is located on Assessor Map 149 Lot 25 and lies within the General Residence A (GRA) District. (LU-26-88)

Existing & Proposed Conditions

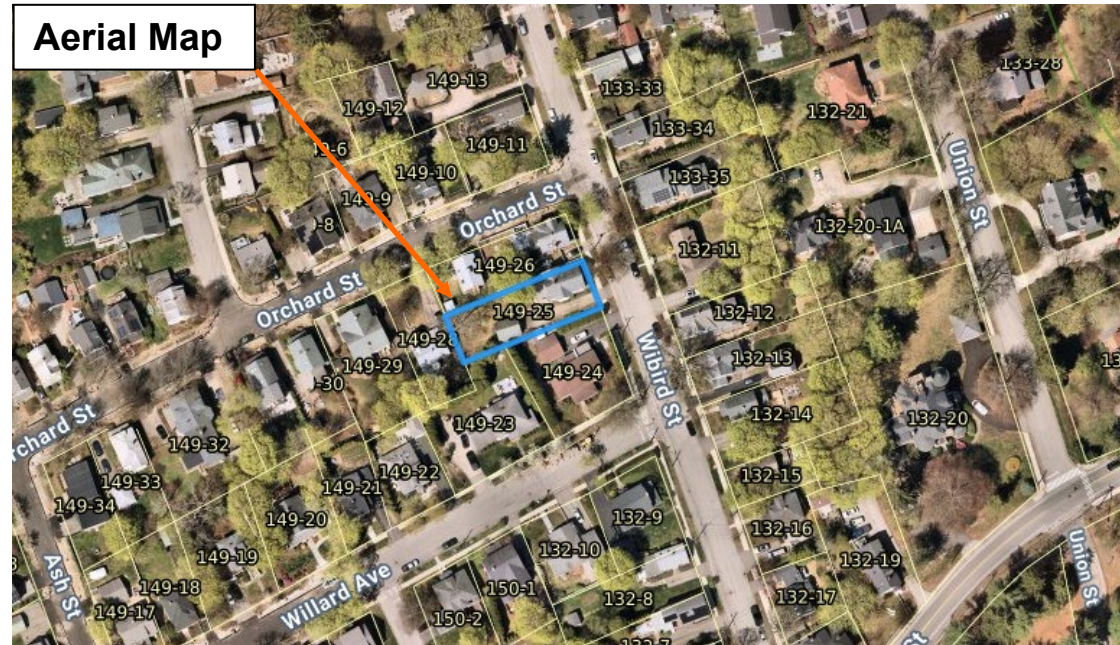
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Two-Family Residential	*Demo detached garage and construct attached garage addition and deck with conversion to Single-family Residential	Primarily Residential
<u>Lot area (sq. ft.):</u>	7,331	7,331	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	3,666	7,331	7,500 min.
<u>Front Yard (ft.):</u>	3	3	15 min.
<u>Right Side Yard (ft.):</u>	0	2.8*	10 min.
<u>Left Side Yard (ft.):</u>	2	4.5	10 min.
<u>Rear Yard (ft.):</u>	38	58	20 min.
<u>Building Coverage (%):</u>	25	31	25 max.
<u>Open Space Coverage (%):</u>	58	61	30 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Estimated Age of Structure:</u>	1899	Variance request(s) shown in red.	

*Plans provided note a 2.8' proposed right side yard setback

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

August 24, 1976 – a Special Exception to convert a single family to a two-family dwelling. The Board voted to **grant** the request as presented with the following **conditions**:

- 1) Provided the petitioner define adequate turn-around in the rear of the property in order that people can drive out of the driveway; and
- 2) That the petitioner go to the Planning Department to secure information on the proper turning radii.

Planning Department Comments

The applicant proposes to demolish the existing detached garage and to construct a new two-car garage addition to the main dwelling, to enlarge the rear deck and to renovate the interior of the dwelling from a two-family to a single-family residence. The applicant proposes to reduce impervious area and install stormwater management improvements as part of the project to address drainage.

Staff notes that the right side yard setback was noticed as 3-feet where 10-feet is required. The plans provided outline a proposed 2.8' setback for the right side yard with removal of the existing stairs. Should the Board decide to grant the requested relief, staff recommends a condition of the approval that the right side yard setback is 2.8 feet.

Variance Review Criteria

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

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

AND

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

OR

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

10.235 Certain Representations Deemed Conditions

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

III. NEW BUSINESS

- C. The request of **Jane M Shouse Revocable Trust (Owner)**, for property located at **555 Dennett Street** whereas relief is needed to demolish the existing detached garage and construct a new rear addition which requires the following: 1) Variance from Section 10.521 to a) allow a building coverage of 27% where 25% is the maximum allowed. Said property is located on Assessor Map 161 Lot 39 and lies within the General Residence A (GRA) District. (LU-26-86)

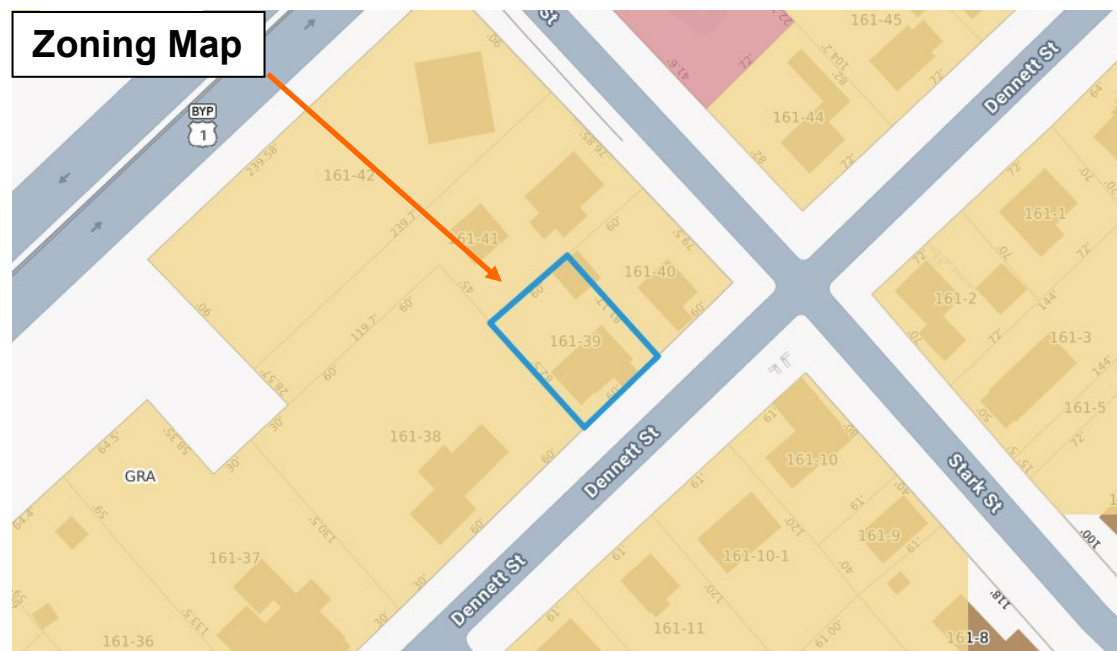
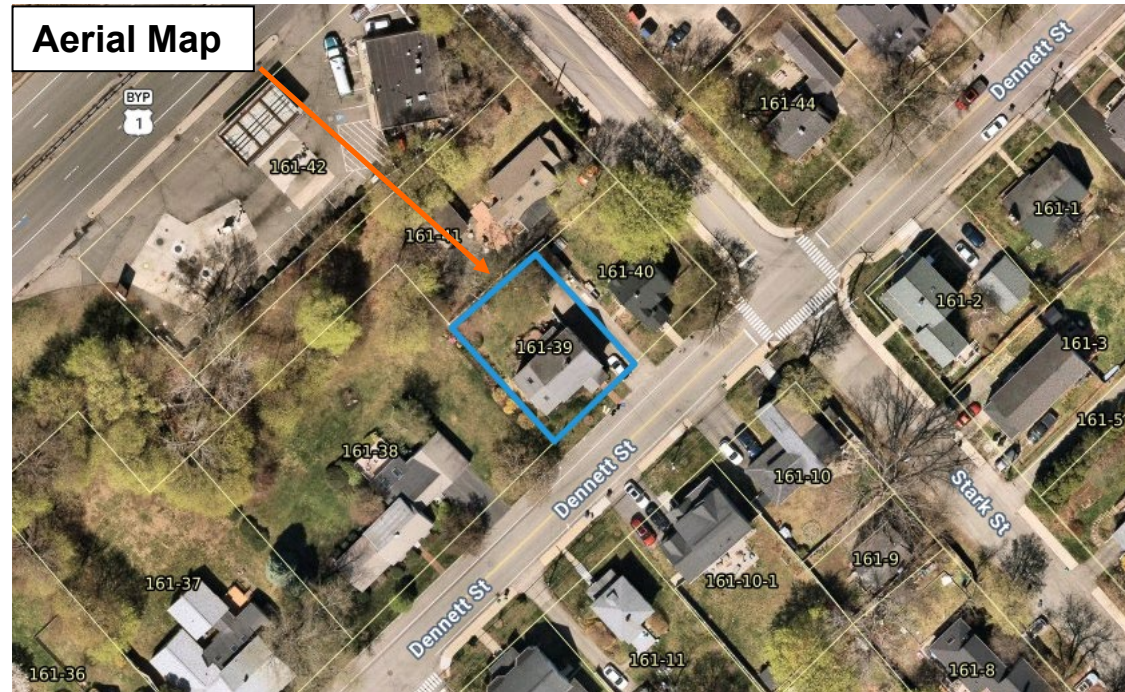
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single Family Home	*Demo existing detached garage and construct new rear addition	Primarily Residential
<u>Lot area (sq. ft.):</u>	4,792	4,792	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	4,792	4,792	7,500 min.
<u>Front Yard (ft.):</u>	Home:4 Garage:>15	Home:4 Garage: n/a	15 min.
<u>Right Side Yard (ft.):</u>	Garage: 0	Home: 10 Garage: n/a	10 min.
<u>Left Side Yard (ft.):</u>	Home: 12 Garage: >10	Home: 12 Garage: n/a	10 min.
<u>Rear Yard (ft.):</u>	Home: 30.5 Garage: 0	Home: 30.5 Garage: n/a	20 min.
<u>Building Coverage (%):</u>	32	27	25 max.
<u>Open Space Coverage (%):</u>	53	58	30 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Parking</u>	2	2	1
<u>Estimated Age of Structure:</u>	1900	Variance request(s) shown in red.	

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

- **October 18, 1994** – 1) a Variance from Article III, Section 10-302 to allow the construction of a 12' x 28' one-story addition with a 13' front yard where a 20' front yard is required; and 2) a Variance from Article IV, Section 10-401(5) to allow the expansion of a nonconforming building where no increase in the extent of a nonconforming building is allowed.

The Board voted to **grant** the request as presented with the following **conditions**:

- 1) The play house be moved to be in conformance with the required setbacks.

Planning Department Comments

The applicant is proposing to demolish the existing one-story detached garage that encroaches across the property line with lot 161-40. The applicant proposes to construct a rear addition in place of the existing rear deck, which requires relief for building coverage that exceeds the maximum 25% permitted in the GRA District.

Variance Review Criteria

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

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

10.235 Certain Representations Deemed Conditions

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

II. NEW BUSINESS

- D.** The request of **Michael J Ferrelli (Owner)**, for property located at **0 Joffre Avenue and 18 Barberry Lane** whereas relief is needed to construct a single-family home on a vacant lot which requires the following: 1) Variance from Section 10.521 to a) allow for 0 feet of street frontage where 100 feet is required; b) allow for 12,185 square feet of lot area where 15,000 square feet is required; c) allow for 12,185 square feet of lot area per dwelling where 15,000 square feet is required; and 2) Variance from Section 10.1114.31 to allow for two driveways on a single lot where one is permitted. Said properties are located on Assessor Map 233, Lot 135 and Lot 131 and lie within the Single Residence B (SRB) District. (LU-26-92)

Existing & Proposed Conditions

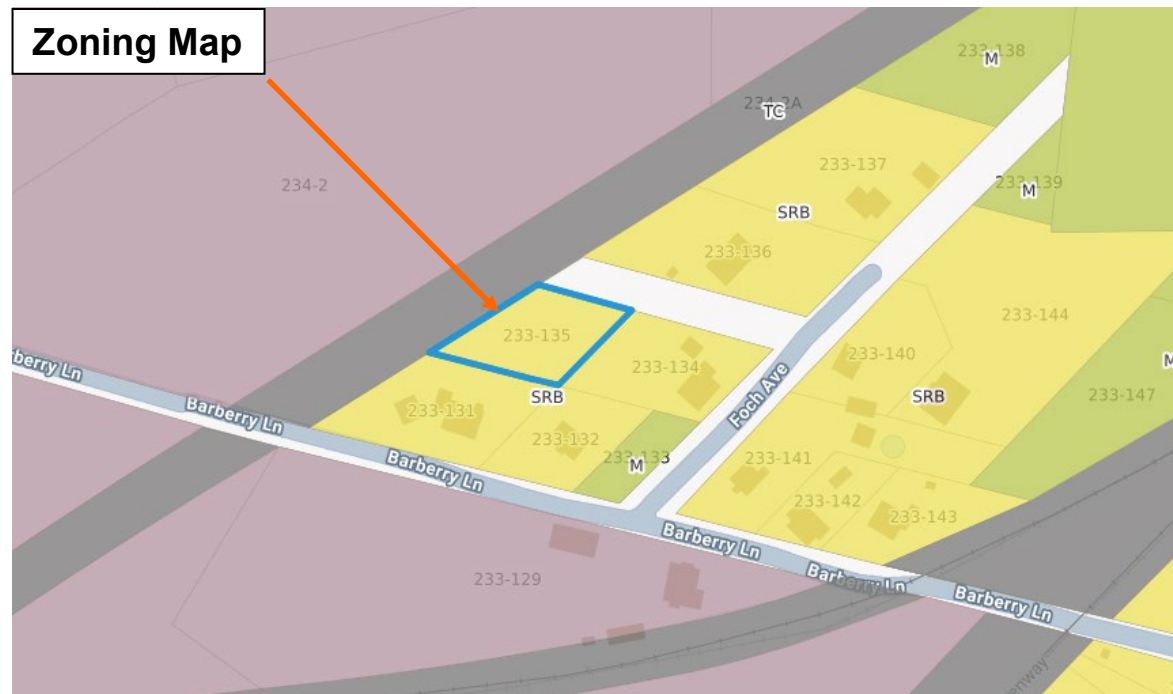
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Vacant lot	Construct new SFR on vacant lot & driveway access from 18 Barberry Lane*	Primarily Residential
<u>Lot area (0 Joffre) (sq. ft.):</u>	12,185	12,185	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	12,185	12,185	15,000 min.
<u>Frontage (ft.):</u>	0	0	100 min.
<u>Depth (ft.):</u>	>100	>100	100 min.
<u>Front Yard (ft.):</u>	N/A	>30	30 min.
<u>Right Side Yard (ft.):</u>	N/A	>10	10 min.
<u>Left Side Yard (ft.):</u>	N/A	>10	10 min.
<u>Rear Yard (ft.):</u>	N/A	>30	30 min.
<u>Building Coverage (%):</u>	N/A	<20	20 max.
<u>Open Space Coverage (%):</u>	100	>40	40 min.
<u>Height (ft.):</u>	N/A	<35	35 max.
<u>Parking</u>	0	1	1
<u>Estimated Age of Structure:</u>	1961	Variance request(s) shown in red.	

***Variance from Section 10.1114.31 to allow for two driveways on a single lot**

Other Permits/Approvals Required

- Wetland CUP / Planning Board
- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

- No Previous BOA history was found.

Planning Department Comments

The applicant is proposing to construct a new single-family residential dwelling on a vacant lot that does not conform to the minimum frontage or lot area requirements. The City was unable to find evidence to suggest that Joffre Avenue was formally accepted as a public way and the abutting landowners may have rights to claim to the centerline of the paper street. The applicants plan includes the area of Joffre Avenue to the centerline of the paper street abutting the property. To provide access to the lot, the applicant is proposing a second driveway on 18 Barberry Lane with a 16' driveway easement.

Variance Review Criteria

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

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

10.235 Certain Representations Deemed Conditions

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

III. NEW BUSINESS

- E. The request of **Kaitlyn O and Brendan A West (Owners)**, for property located at **315 Bartlett Street** whereas relief is needed to demolish the existing home and construct a new home on the lot which requires the following: 1) Variance from Section 10.521 to a) allow a 9.5-foot left side yard where 10 feet is required; b) a 7-foot right side yard where 10 feet is required; and c) 60 feet of street frontage where 100 feet is required. Said property is located on Assessor Map 162 Lot 12 and lies within the General Residence A (GRA) District. (LU-26-93)

Existing & Proposed Conditions

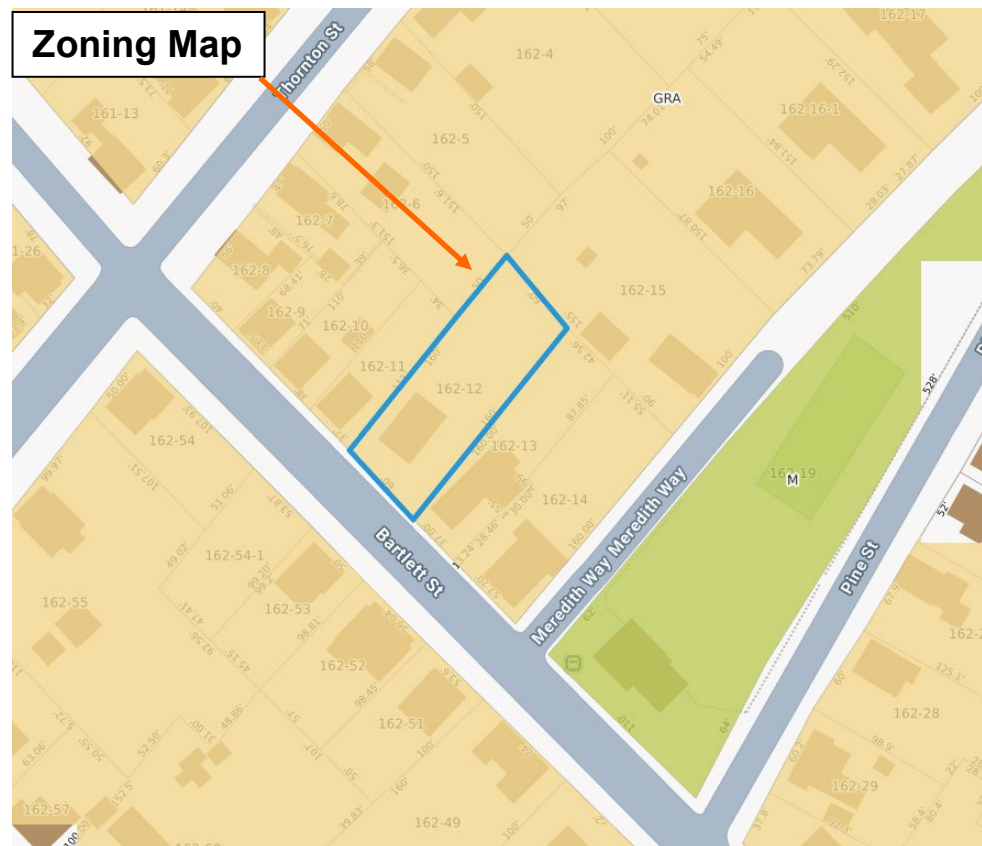
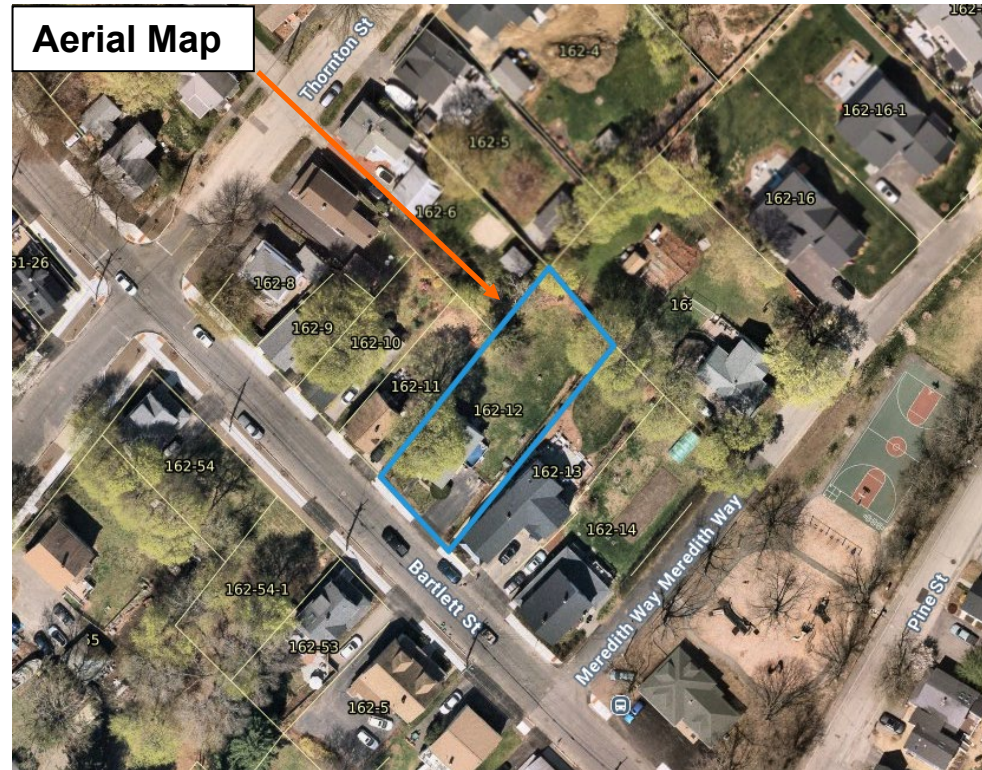
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	SFR	Demo existing home and construct new SFR	Primarily Residential
<u>Lot area (sq. ft.):</u>	9,481	9,481	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	9,481	9,481	7,500 min.
<u>Frontage (ft.):</u>	60	60	100 min.
<u>Depth (ft.):</u>	160	160	70 min.
<u>Front Yard (ft.):</u>	>11	11	11* min.
<u>Right Side Yard (ft.):</u>	>10	7	10 min.
<u>Left Side Yard (ft.):</u>	9.9	9.5	10 min.
<u>Rear Yard (ft.):</u>	>20	>20	20 min.
<u>Building Coverage (%):</u>	12	22.5	25 max.
<u>Open Space Coverage (%):</u>	75	60	30 min.
<u>Height (ft.):</u>	<35	29.5	35 max.
<u>Parking</u>	2	3	1
<u>Estimated Age of Structure:</u>	1975	Variance request(s) shown in red.	

***Section 10.573.20**

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

- No Previous BOA history was found.

Planning Department Comments

The applicant proposes to demolish the existing one-story home and to construct a new two-story home with attached garage in its place. Because the existing home is proposed to be removed to the foundation and the lot may have been held in common ownership with other lots prior to 1966, relief is required for street frontage that does not meet the minimum requirements for the GRA District per Section 10.311.

Variance Review Criteria

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

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*

(a) The property has special conditions that distinguish it from other properties in the area.

AND

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

OR

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

10.235 Certain Representations Deemed Conditions

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