



CITY OF PORTSMOUTH

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

ZONING BOARD OF ADJUSTMENT

September 1, 2026

Road to West, LLC
140 West Road
Portsmouth, New Hampshire 03801

RE: Board of Adjustment Request for property located at 140 West Road, Portsmouth NH 03801 (LU-26-107)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **August 25, 2026**, considered your application for the property located at 140 West Road whereas relief is needed to establish an indoor recreation space, restaurant, event space, and outdoor dining area which requires the following: 1) Variance from Section 10.440 to allow a) Use #9.43, a restaurant and function room with an occupant load from 250 to 500 where it is not allowed, b) Use #4.30, indoor recreation use where it is not allowed, and c) Use #19.50, outdoor dining as accessory use to a permitted principal use; 2) Variance from Section 10.1113.20 to allow parking spaces between the principal building and street; and 3) Variance from Section 10.1113.41 to allow a 2 foot parking space setback where 50 is required. Said property is shown on Assessor Map 252 Lot 2-1301 and lies within the Industrial (I) 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 cursive script, reading "Beth I Margeson". The signature is written in dark 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

John Bosen, DTC Lawyers

Courtney Vaughan, DTC Lawyers

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 8-25-2025

Property Address: 140 West Road

Application #: LU-26-107

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	• The proposed use is allowed in the ordinance but it is just in this specific industrial zone that it is not allowed. However, it is on the edge of that zone near another zone where it is allowed and is only separated by a street, which is a special condition. • The essential character of the neighborhood will not be altered because the building and use already exists and the neighborhood is somewhat eclectic from an industrial standpoint. • It will not threaten the public's health, safety or welfare or otherwise injure public rights. The parking already exists and does not have a negative impact.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	• The proposed use is allowed in the ordinance but it is just in this specific industrial zone that it is not allowed. However, it is on the edge of that zone near another zone where it is

		allowed and is only separated by a street, which is a special condition. • The essential character of the neighborhood will not be altered because the building and use already exists and the neighborhood is somewhat eclectic from an industrial standpoint. • It will not threaten the public's health, safety or welfare or otherwise injure public rights. The parking already exists and does not have a negative impact.
10.233.23 Granting the variance would do substantial justice.	YES	• The benefit to the applicant will not be outweighed by harm to other individuals.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	• The Board did not hear expert testimony but had no reason to think the way the property is being utilized would be detrimental to the neighboring properties.
10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship. (a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and 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.	YES	• There are special conditions that distinguish it from other properties, including the physical reality of the property being on the sharp bend in West Road that is somewhat unique and the existing structure's location with the parking where it is. • It will be an unnecessary hardship to demolish the building and move it closer to the street and put the parking in the back. The revision to the zoning is more recent and seems to be more applicable to future builds. • The area is zoned Industrial but is on the edge of the zone. In terms of the neighborhood, it is obviously more or less industrial than perhaps other places where this type of use would be allowed. The proposed use is a reasonable one and it has been a reasonable use and should continue to be one.