



CITY OF PORTSMOUTH

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

ZONING BOARD OF ADJUSTMENT

September 22, 2026

Hope for Tomorrow Foundation
315 Banfield Road
Portsmouth, New Hampshire 03801

RE: Board of Adjustment Request for property located at 315 Banfield Road, Portsmouth NH 03801 (LU-26-41)

Dear Property Owner:

The Planning Department has received your postponement request for the 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 shown on Assessor Map 266 Lot 5 and lies within the Industrial (I) District. Your application hearing at the regularly scheduled meeting of **September 15, 2026** has been **postponed** to the October 20, 2026 meeting.

This matter will be placed on the agenda for the Board of Adjustment meeting scheduled for **October 20, 2026**. One (1) copy of any revised plans and/or exhibits must be filed in the Planning & Sustainability Department no later than **Friday October 2, 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,

Stefanie Casella, Staff Liaison to the Zoning Board of Adjustment

cc:

Derek Durbin, Durbin Law Offices, PLLC



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Planning & Sustainability
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Hampshire 03801
(603) 610-7216

ZONING BOARD OF ADJUSTMENT

September 22, 2026

Ann Marie Wiley REV TR
Ann Marie Wiley TTEE
64 Woodworth Avenue
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 64 Woodworth Avenue,
Portsmouth NH 03801 (LU-26-102)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **September 15, 2026**, considered your application for the property located at 64 Woodworth Avenue whereas relief is needed to construct an addition to the existing structure which requires the following: 1) Variance from Section 10.521 to allow a) 8.5 foot left yard where 10 feet are required, and b) 26% building coverage where 20% is the maximum. Said property is shown on Assessor Map 243 Lot 42 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted to **postpone** the request to the October 20, 2026 meeting per the applicant's request.

This matter will be placed on the agenda for the Board of Adjustment meeting scheduled for **October 20, 2026**. One (1) copy of any revised plans and/or exhibits must be filed in the Planning & Sustainability Department no later than **Friday October 2, 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:

John K. Bosen, DTC Lawyers
Courtney Vaughan, DTC Lawyers



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ZONING BOARD OF ADJUSTMENT

September 22, 2026

Michael J Ferrelli
18 Barberry Lane
Portsmouth, New Hampshire 03801

RE: Board of Adjustment Request for property located at 0 Joffre Avenue and 18 Barberry Lane, Portsmouth NH 03801 (LU-26-92)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **September 15, 2026**, considered your application for the 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 property is shown on Assessor Map 233 Lots 131 and 135 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted to **grant** the request as presented with the following **conditions**:

- 1) That an agreement, deed, covenant, or other written instrument of similar effect shall be approved by the City Legal Department and recorded with the Registry of Deeds reserving a driveway access agreement across tax map 233 lot 131 to tax map 233 lot 135 prior to issuance of a building permit for this lot: and
- 2) The exact location and configuration of the driveway across tax map 233 lot 131 to tax map 233 lot 135 may be modified by the Department of Public Works or the Fire Department prior to issuance of a driveway permit.

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 dark ink, appearing to read "Beth Margeson". The signature is fluid and cursive, with the first name "Beth" and last name "Margeson" clearly distinguishable.

Beth Margeson, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Derek Durbin, Durbin Law Offices PLLC

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 9-15-2026

Property Address: 0 Joffre Avenue and 18 Barberry Lane

Application #: LU-26-92

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	• There is no evidence that it will affect the health, safety or welfare of the neighborhood, have any negative effect on light and air, or alter the essential characteristics of the neighborhood. • The proposed lot is undersized and it remains to be seen exactly how much undersized it is for the neighborhood, but there is a utility access on one side, so it will have no effect on anyone on that side. The lot has a paper street in front of it that may turn out to be properties owned by the owner but it does not have any effect on that side either. • Lot size was designed to prevent overcrowding, which will not happen in this case.

		The restriction on driveways, as pointed out, is that the requirement for street frontage is to help reduce and control lot density. That is not really an issue in this case, and there is no access to it. The restriction on the number of driveways also facilitates traffic flow and the streetscape. Due to where the two driveways will turn out to be, it is not an issue because Barberry Lane is there.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	- There is no evidence that it will affect the health, safety or welfare of the neighborhood, have any negative effect on light and air, or alter the essential characteristics of the neighborhood. - The proposed lot is undersized and it remains to be seen exactly how much undersized it is for the neighborhood, but there is a utility access on one side, so it will have no effect on anyone on that side. The lot has a paper street in front of it that may turn out to be properties owned by the owner but it does not have any effect on that side either. - Lot size was designed to prevent overcrowding, which will not happen in this case. - The restriction on driveways, as pointed out, is that the requirement for street frontage is to help reduce and control lot density. That is not really an issue in this case, and there is no access to it. The restriction on the number of driveways also facilitates traffic flow and the streetscape. Due to where the two driveways will turn out to be, it is not an issue because Barberry Lane is there.
10.233.23 Granting the variance would do substantial justice.	YES	There is not any foreseen possible benefit to the public by denial, and there will be a significant loss to the applicant because he would not be able to develop his lot.

10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	No evidence was present that it would.
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 a few special conditions to the lot including that it was created prior to the adoption of the zoning ordinance, so it is an existing nonconforming lot with respect to size. The problem with street frontage is that the street that was planned was never accepted by the City and has never been built, and the City has no interest in it, so that leaves no access to the lot. - The lot also abutted a utility right-of-way on one side. Given these special conditions that distinguish the property from other properties in the area, and owing to these conditions, there is no fair and substantial relationship between the purpose of the ordinance and its specific application to the property.

Stipulations
1. <i>An agreement, deed, covenant, or other written instrument of similar effect shall be approved by the city's Legal Department and recorded with the Registry of Deeds reserving a driveway access agreement across tax map 233 lot 131 to tax map 233 lot 135 prior to the issuance of a building permit for this lot; and</i>
2. <i>The exact location and configuration of the driveway across tax map 233 lot 131 to tax map 233 lot 135 may be modified by the Department of Public Works or the Fire Department prior to issuance of a driveway permit.</i>



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ZONING BOARD OF ADJUSTMENT

September 22, 2026

Kathleen B Logan REV TR
Kathleen B and Kent A Logan TTEES
21 Blossom Street
Portsmouth, New Hampshire 03801

RE: Board of Adjustment Administrative Appeal Request for property located at 28 Blossom Street, Portsmouth NH 03801 (LU-26-114)

Dear Appellants:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **September 15, 2026**, considered the request for the appeal of decision of administrative officials to classify the art studio attached to the side of the third dwelling unit as an R2 non-transient sleeping unit for property located at 28 Blossom Street. Said property is located on Assessor Map 111 Lot 40 and lies within the General Residence B (GRB) and Historic Districts.

As a result of said consideration, the Board voted to **deny** the appeal because the physical changes requested by the Code Official would not convert the space into something other than an art studio and there is nothing in those physical changes that is incompatible with the use of an art studio.

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: Shanti Wolph, Chief Building Inspector
Rosann Maurice-Lentz, City Assessor
Susan E. Lassen
Scott A. Lupkas
Guy D. and Elizabeth R. Spiers
Burke-Zabarsky REV TR



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ZONING BOARD OF ADJUSTMENT

September 22, 2026

Christopher Daniell
50 Whidden Street
Portsmouth, NH 03801

**RE: Board of Adjustment Request for property located at 50 Whidden Street,
Portsmouth NH 03801 (LU-26-15)**

Dear Mr. Daniell:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **September 15, 2026**, considered your application for the property located at 50 Whidden Street whereas relief is needed to construct a rear addition and cantilevered deck which requires the following: 1) Variance from Section 10.521 to allow a 9.5 foot rear yard where 25 feet are required. Said property is shown on Assessor Map 102 as Lot 66 and lies within the General Residence B (GRB) and Historic Districts. As a result of said consideration, the Board voted to **postpone** the request to the October 20, 2026 meeting per the applicant's request.

This matter will be placed on the agenda for the Board of Adjustment meeting scheduled for **October 20, 2026**. One (1) copy of any revised plans and/or exhibits must be filed in the Planning & Sustainability Department no later than **Friday October 2, 2026**. Please remember you will be required to provide an electronic file (in a PDF format) of all plans and exhibits.

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Very truly yours,

Jeffrey Mattson, Vice Chair of the Zoning Board of Adjustment

cc:

Colby T. Gamester, Attorney, Gamester Law