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

ZONING BOARD OF ADJUSTMENT

November 3, 2026

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

RE: **Board of Adjustment 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 **Tuesday, October 27, 2026**, considered the request for a rehearing of the appeal of the 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 **grant** the rehearing request, as presented and advertised. The rehearing will be held at the **November 17, 2026** Zoning Board of Adjustment meeting.

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

Very truly yours,

Beth L Margeson

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
Jeremy D. Eggleton, Esq., ORR & RENO, P.A.

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

ZONING BOARD OF ADJUSTMENT

November 3, 2026

Emilyn Anne and Eben Kennedy
1490 Islington Street
Portsmouth, New Hampshire 03801

RE: **Board of Adjustment Request for property located at 1490 Islington Street, Portsmouth NH 03801 (LU-26-126)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday October 27, 2026**, considered your application for the property located at 1490 Islington Street whereas relief is needed for construction of an addition and renovation of a single-family residence with an accessory dwelling unit to a two-family residence, which requires the following: 1) Variance from Section 10.440 to allow a two-family dwelling in the SRB District. Said property is shown on Assessor Map 233 Lot 108 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:

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,



Jeffrey Mattson, Vice 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: __October 27, 2026_____

Property Address: 1490 Islington Street

Application #: LU-26-126

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**	• Regarding single or multiple dwelling units, it was primarily to control the density of development in the zone, but the application would not change that because it was already being utilized as a two-family unit and would remain that way.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	**YES**	• Regarding single or multiple dwelling units, it was primarily to control the density of development in the zone, but the application would not change that because it was already being utilized as a two-family unit and would remain that way.

10.233.23 Granting the variance would do substantial justice.	**YES**	• Denying the application would be a loss to the applicant. The rationale was not having a bedroom by the crosswalk and the bedroom would be more logically situated in the back of the unit, which would not cost the public anything.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	**YES**	• Granting the variances would not diminish the values of surrounding properties because no change was proposed that would do so.
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**	• Literal enforcement of the ordinance would result in substantial hardship because the lot was a very oversized one for the zone and it was not a case where the structure is proposed to be knocked down and replaced by a substantially different new one. • It would be a use of an existing structure that is consistent with the common practice in the area and the fact that there were other duplexes. • Saying that this particular lot would not support a duplex when there are others in the immediate area that do not affect the character of the neighborhood is a misapplication of the zoning ordinance in a way that is not suitable for the property. The other condition was the proximity to the crosswalk, which was an annoyance for the way the first floor is laid out.

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

ZONING BOARD OF ADJUSTMENT

November 3, 2026

Nathan Alger
104 Thornton Street
Portsmouth, New Hampshire 03801

RE: **Board of Adjustment Request for property located at 104 Thornton Street, Portsmouth NH 03801 (LU-26-120)**

Dear :

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, October 27, 2026**, considered your application for the property located at 104 Thornton Street whereas relief is needed to demolish an existing carport and deck and construct an addition; and to permit after-the-fact installation of a fence, which requires the following: 1) 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; 2) Variance from Section 10.521 to a) allow a 4' rear yard setback where 20' is required, b) allow a 6' secondary front yard setback where 15' is required, c) to allow 44.5% building coverage where 25% is allowed; and 3) Variance from Section 10.515.13 to allow a fence exceeding 4' in height with a 0' front yard setback where 15' is required. Said property is shown on Assessor Map 160 Lot 11 and lies within the General Residence A (GRA) District. As a result of said consideration, the Board voted to **deny** the request as presented and advertised because it failed the following criteria: 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, and 10.233.25 the hardship criteria.

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:
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,



Beth Margeson, Chair of the Zoning Board of Adjustment

cc:

Derek Durbin, Durbin Law Offices

Findings of Fact | Variance
City of Portsmouth Zoning Board of Adjustment

Date: October 27, 2026

Property Address: 104 Thornton Street

Application #: LU-26-120

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.	**NO**	• The request is problematic because the spirit of the ordinance was to prevent overcrowding, particularly having structures abutting up against other ones on adjacent properties.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	**NO**	• Request is contrary to the spirit of the Ordinance.
10.233.23 Granting the variance would do substantial justice.		

10.233.24 Granting the variance would not diminish the values of surrounding 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.	**NO**	• There was an existing but not substantial structure, so that did not contribute to the uniqueness of the property relative to others in the zone. The property did not have enough unique conditions to say there was something special about it relative to others in the zone and should be granted the level of relief being asked for, with a two-story addition at four feet back from the property line.

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

ZONING BOARD OF ADJUSTMENT

November 3, 2026

Schofield-Kanner Revocable Trust
David L Schofield & Nancy E Kanner TTEES
35 Swett Avenue
Portsmouth, New Hampshire 03801

RE: **Board of Adjustment Request for property located at 0 Woodworth Avenue, Portsmouth NH 03801 (LU-26-125)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, October 27, 2026**, considered your application for the property located at 0 Woodworth Avenue whereas relief is needed to construct a new single-family residence on a vacant lot, which requires the following: 1) Variance from Section 10.521 to allow a) lot area of 3,440 SF where 15,000 SF is required, b) lot area per dwelling unit of 3,440 SF where 15,000 SF is required, c) 40 feet of contiguous street frontage where 100 feet is required, d) lot depth of 86 feet where 100 feet is required, e) a front yard setback of 17 feet where 30 feet is required, f) a rear yard setback of 10 feet where 30 feet is required, and g) a building coverage of 35% where 20% is allowed. Said property is shown on Assessor Map 232 Lot 73 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted to **deny** the request as presented and advertised because it failed the following criteria: 10.233.21 granting the variance would not be contrary to the public interest and 10.233.22 granting the variance would observe 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:
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,

Beth L Margeson

Beth Margeson, Chair of the Zoning Board of Adjustment

cc:

Derek Durbin, Durbin Law Offices
Cain Investments, LLC

Findings of Fact | Variance
City of Portsmouth Zoning Board of Adjustment

Date: October 27, 2026

Property Address: 0 Woodworth Ave

Application #: LU-26-125

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.	**NO**	• The request is problematic because the applicant is asking for a lot of relief and some of it is due to the land, but the relief for the front yard and rear yard setbacks and building coverage would conflict with the purpose of the ordinance and would be contrary to the public interest in terms of crowding, air, light, and privacy.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	**NO**	• Request is contrary to the spirit of the Ordinance because the project could alter the essential characteristics of the neighborhood and how the zoning is being applied. There are a few comparable properties in the area, but some of the bigger homes are on bigger lots, so a good-sized

		home like the applicant's is not demonstrated in the neighborhood.
10.233.23 Granting the variance would do substantial justice.		
10.233.24 Granting the variance would not diminish the values of surrounding 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.		

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

ZONING BOARD OF ADJUSTMENT

November 3, 2026

Peters Family Trust
Timothy N & Ashlie W Peters TTEES
54 Lincoln Avenue
Portsmouth, New Hampshire 03801

RE: **Board of Adjustment Request for property located at 54 Lincoln Avenue, Portsmouth NH 03801 (LU-26-124)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, October 27, 2026**, considered your application for the property located at 54 Lincoln Avenue whereas relief is needed to construct a second-floor accessory dwelling unit over an existing detached garage, which requires the following: 1) Variance from Section 10.521 to allow a) a rear yard setback of 10 feet where 20 feet is required; and b) building coverage of 29% where 25% is allowed. Said property is shown on Assessor Map 111 Lot 21 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.

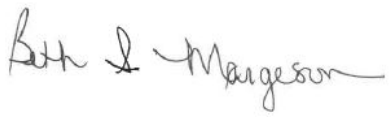
This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

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,



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: __October 27, 2026_____

Property Address: 54 Lincoln Ave

Application #: LU-26-124

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 additional relief requested is minimal in the form of a set of stairs and not a major structure. In terms of visual characteristics to the neighborhood, the applicant selected the least impactful location.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	**YES**	• The additional relief requested is minimal in the form of a set of stairs and not a major structure. In terms of visual characteristics to the neighborhood, the applicant selected the least impactful location.

10.233.23 Granting the variance would do substantial justice.	**YES**	• There was nothing in the public's purview that would outweigh the applicant's ability to make better use of the garage space by adding a second floor and turning it into an ADU, which would be more housing for a potential renter or family member and would be one less housing unit needed in the City, so that was a positive public benefit.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	**YES**	• There was nothing in the modest vertical expansion that would do so, and adding an ADU would probably increase the value of the applicant's property and surrounding ones.
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**	• Literal enforcement of the ordinance would result in substantial hardship due to the property's special conditions of being abutted by public open land and a deep lot that probably would not be fully developed. The use was reasonable because it would expand a fully approved use by adding a modest second story to an existing garage and not increasing the garage's footprint.

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

ZONING BOARD OF ADJUSTMENT

November 3, 2026

Michael & Stephanie Febonio
9 Sheafe Street
Portsmouth, New Hampshire 03801

RE: **Board of Adjustment Request for property located at 9 Sheafe Street, Portsmouth NH 03801 (LU-26-123)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, October 27, 2026**, considered your application for the property located at 9 Sheafe Street whereas relief is needed to construct an 8-foot fence which requires the following: 1) Variance from Section 10.515.13 to allow an 8-foot fence in the secondary front yard. Said property is shown on Assessor Map 107 Lot 13 and lies within the Character District 4 (CD4) and the Historic 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.

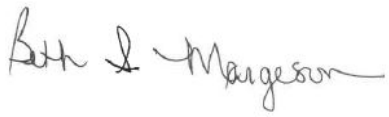
This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

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,



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: __October 27, 2026_____

Property Address: 9 Sheafe St

Application #: LU-26-123

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**	• It will not affect the health, safety, and welfare of the neighborhood in an adverse way; it will have no effect on light and air; and will not alter the essential character of the neighborhood. A lot of the buildings on the street extend all the way to the street line, and there were already walls on the street that extend all the way to the street.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	**YES**	• It will not affect the health, safety, and welfare of the neighborhood in an adverse way; it will have no effect on light and air; and will not alter the essential character of the neighborhood. A lot of the buildings on the street extend all the way to the street line, and there were already walls on the

		street that extend all the way to the street.
10.233.23 Granting the variance would do substantial justice.	**YES**	• There was no benefit to the public by denial that would outweigh the loss to the applicant, and denying the variance would not allow the applicant the security he needs due to the activities that take place on Custom House Lane.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	**YES**	• Granting the variance will not diminish the value of surrounding properties, no evidence was presented that it would and no abutters expressed concerns about the fence affecting their properties. There were 6-to-6-1/2 foot fences on other nearby properties and the property values were not diminishing in those areas due to the fences.
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**	• Sheafe Street is normally the front yard and Custom House Lane marks the boundary for the rear yard, but the applicant's thru lot was more unusual than most of the thru lots the Board had seen because Custom House Lane seemed to function more as an alley than a street. Custom House Lane is not representative of a typical street frontage, so there was not much of a pedestrian experience and if anything, the pedestrians back there were doing undesirable activities. • The applicant's yard is narrow and the relief for the fence will provide security for the yard. The fence is higher than what the Board usually approves but is a short stretch that is next to a garage that goes all the way to the property line on one side. The Board did not believe that there is a fair and substantial relationship between the purpose of the ordinance and its specific application to the property.

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

ZONING BOARD OF ADJUSTMENT

November 3, 2026

325 Corporate Drive II LLC
C/O The Kane Company
210 Commerce Way, Suite 300
Portsmouth, New Hampshire 03801

RE: **Board of Adjustment Request for property located at 325 Corporate Drive, Portsmouth NH 03801 (LU-26-122)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, October 27, 2026**, considered your application for the property located at 325 Corporate Drive whereas relief is needed to install two wall signs and monument signage, which requires the following: 1) Variance from Section 306.01(d) of the Pease Development Ordinance to allow signs to exceed the 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 shown on Assessor Map 318 Lot 2 and lies within the Airport Business Commercial (ABC) District. As a result of said consideration, the Board voted to recommend **approval**, 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,



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 – PEASE

Date: _10-27-2026__
Property Address: _325 Corporate Drive_
Application #: LU-26-122_
Decision: **Recommend Approval**

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:

Part 317.01(c) Variance Evaluation Criteria	**Finding** (Meets Criteria)	**Relevant Facts**
1. No adverse effect or diminution in values of surrounding properties would be suffered.	**Yes**	• The request would have no adverse effect on or diminution in the value of surrounding properties because the corner lot is somewhat separated from some of the other businesses and is a unique location in the Pease complex. • The monument signage is minimal overall, which is a key factor, and the other signs that are wall signs that Pease proposes adding a substantial amount to the overall square footage are more hidden, so none of the surrounding properties would be negatively impacted.
2. Granting the variance would be if benefit to the public interest.	**Yes**	• It will provide improved wayfinding, and the monument sign out front would still be modest.

3. Denial of the variance would result in unnecessary hardship to the person seeking it.	**Yes**	• The lot had an exceptional amount of frontage penalizing them, understanding that there is a 200 sf cap with that, and in this case, that seems egregious relative to what the applicant should normally be allowed to have.
4. Granting the variance would be substantial justice.	**Yes**	• The public would get what they need in terms of wayfinding and the applicant can take advantage of the remainder of the signage once they're on the lot.
5. The proposed use would not be contrary to the spirit of this zoning rule.	**Yes**	• The proposed use will not be contrary to the spirit of the zoning rule. It caps this amount of signage at 200 sf, which is a tight cap, and the intent is to have the signage along the roadside be very modest. The additional signage will not be apparent until someone gets onto the property site. Relative to what would be by the rest of the criteria of 2 sf per foot of linear footage, the 300 sf request is very modest.

Stipulations
1.
2.
3.
4.

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

ZONING BOARD OF ADJUSTMENT

November 3, 2026

Rocket Too Trust
Keri Jill Marshall & Peter J Mahar TTEES
47 Depot Road
East Kingston, New Hampshire 03827

RE: **Board of Adjustment Request for property located at 10 Merrimac Street, Portsmouth NH 03801 (LU-26-128)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, October 27, 2026**, considered your application for the property located at 10 Merrimac Street whereas relief is needed to reconstruct a porte-cochere which requires the following: 1) Variance from Section 10.521 to allow a) a rear yard setback of 10 feet where 20 feet is required; and b) building coverage of 26% where 25% is allowed. Said property is shown on Assessor Map 129 Lot 17 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.

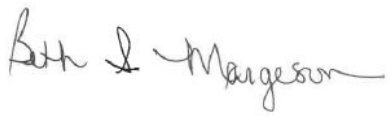
This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

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,



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: __October 27, 2026_____

Property Address: 10 Merrimac St

Application #: LU-26-128

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 primary difference is the rear yard setback and the change in building coverage is de minimis, as is the rear yard setback. The spirit of the ordinance with regard to setbacks would be preserved because the porte-cochere is an open structure that does not infringe upon light, air, and circulation around surrounding properties.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	**YES**	• The primary difference is the rear yard setback and the change in building coverage is de minimis, as is the rear yard setback. The spirit of the ordinance with regard to setbacks would be preserved because the porte-cochere is an open structure that does not infringe upon light, air, and

		circulation around surrounding properties.
10.233.23 Granting the variance would do substantial justice.	**YES**	• Substantial justice will be done because there is a quantifiable and quantified loss to the applicant if they did not get the changes approved so that they can get their house registered with the National Park Service and get some renumeration for the investment they put into preserving the property. There is no gain to the public by denying the variance that would outweigh the substantial benefit to the property owner.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	**YES**	• The project would restore the property to what it once was, which would only enhance the neighborhood and the values of surrounding 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**	• Literal enforcement of the ordinance will result in an unnecessary hardship, noting that the unique aspects of the property are its historic nature and the fact that what is being proposed is a restoration and repair of damage to an historic structure that should never have occurred.