

HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC

ATTORNEYS AT LAW

127 Parrott Avenue | Portsmouth, NH, 03801

Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

December 17, 2025

HAND DELIVERED

Stefanie Casella, Principal Planner
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Owners: Lisa Reyes
Applicant: Chris Ward
Property: 238 Austin Street
Tax Map 135, Lot 61
General Residence C District

Dear Ms. Casella & Zoning Board Members:

On behalf of the Lisa Reyes ("Owner") and Chris Ward ("Applicant") enclosed please find the following in support of a request for zoning relief:

- Viewpoint Land Use Application uploaded today.
- Owner & Applicant Authorizations.
- 12/17/2025 – Memorandum and Exhibits in support of Zoning Relief

We look forward to presenting this application to the Zoning Board at its January 21, 2026 meeting.

Very truly yours,



R. Timothy Phoenix
Monica F. Kieser

Encl.

cc: Chris Ward
Garrepy Group, LLC (via email)
Ross Engineering, LLC (via email)
Technical Illustrations (via email)

DANIEL C. HOEFLE	ALEC L. MCEACHERN	PETER V. DOYLE	STEPHEN H. ROBERTS In Memoriam
R. TIMOTHY PHOENIX	KEVIN M. BAUM	MONICA F. KIESER	OF COUNSEL:
LAWRENCE B. GORMLEY	JACOB J.B. MARVELLEY	CHRISTOPHER P. MULLIGAN	SAMUEL R. REID
R. PETER TAYLOR	GREGORY D. ROBBINS	KAREN W. OLIVER	JOHN AHLGREN

OWNER'S AUTHORIZATION

I, Lisa Reyes, Owner of 238 Austin Street, Tax Map 135/Lot 61, hereby authorize law firm Hoefle, Phoenix, Gormley & Roberts, PLLC to represent me before any and all City of Portsmouth Representatives, Boards and Commissions for permitting the project.

Respectfully submitted,

Date: 12/15/2025

Signed by:


Lisa Reyes

APPLICANT'S AUTHORIZATION

I, Christopher Ward, Applicant of 238 Austin Street, Tax Map 135, Lot 61, hereby authorize law firm Hoefle, Phoenix, Gormley & Roberts, PLLC to represent me before any and all City of Portsmouth Representatives, Boards and Commissions for permitting the project.

Respectfully submitted,

Date:

12/16/20

A handwritten signature in dark ink, appearing to be "Christopher Ward", written over a horizontal line.

Christopher Ward

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment (“ZBA”)
FROM: R. Timothy Phoenix, Esquire
Monica F. Kieser, Esquire
DATE: December 17, 2025
RE: Owners: Lisa Reyes
Applicant: Chris Ward
Property: 238 Austin Street
Tax Map 135, Lot 61
General Residence C District

Dear Chair Eldridge and Members of the Zoning Board of Adjustment (“ZBA”):

On behalf of Owner Lisa Reyes (“Owner”) and Applicant Chris Ward (“Applicant”), we are pleased to submit this Memorandum and exhibits in support of a an application for relief from the Portsmouth Zoning Ordinance (“PZO” or “Ordinance”) to be considered by the ZBA at its January 21, 2026 meeting.

I. EXHIBITS

- A. Plan Set – Ross Engineering, LLC.
 - Existing Conditions Plan
 - Proposed Conditions Plan
 - Overlay Plan
 - Neighborhood Building Coverage
- B. Architectural Plans – Technical Illustrations.
 - Austin Street Elevation & Floor Plan
 - Coffins Court Elevation & Floor Plan
- C. Site Photographs.
 - Satellite Views
 - Street Views
- D. Tax Map 135.

II. PROPERTY

238 Austin Street is a 6,384 square foot “S” shaped parcel with double frontage: 49.75 linear feet of frontage on Austin Street and 75.36 linear feet of frontage on Coffins Court (“the Property”). **(Exhibit A)**. The Property is developed with a small home, shed, and dilapidated barn. **(Exhibit A, C)**. The existing home, shed, and barn do not conform to yard setbacks, or building coverage **(Exhibits A and C)**. Applicant plans to remove the existing structures, subdivide the lot, and construct a new home on each lot largely within the applicable building

envelope while improving building coverage and open space (“the Project”). The Project is a clear benefit given it provides two new homes where two structures have historically existed, greatly improving on existing nonconforming aspects. While the Property is oversized with double frontage, relief from lot size/density is required for the Coffins Court lot and relief from frontage is required for the Austin Street lot to maintain the existing 49.75 feet of frontage. Relief is also required to accommodate bulkheads in yard setbacks. Importantly, the subdivided lots accommodate homes while providing compliant building coverage, and open space, and setbacks are only required for bulkhead egress.

III. RELIEF REQUIRED

<u>Ordinance</u>	<u>Existing</u>	<u>Proposed</u>	
<u>PZO §10.520/Table §10.521 Dimensional Standards</u>		<u>Austin Lot</u>	<u>Coffins Lot</u>
3,500 s.f. Lot area	6,384 s.f.	3,500 s.f. compliant	2,884 s.f.
<u>3,500 s.f. Lot area/dwelling</u>	6,384 s.f./dwelling	3,500 s.f./dwelling compliant	2,884 s.f./dwelling
<u>70 ft. Frontage</u>	49.75’ on Austin 75.36’ on Coffins	49.75’ Austin	75.36’ Coffins compliant
<u>35% Building Coverage</u>	40.5% overall	33.3% compliant	35% compliant
<u>Front Yard 5’</u>	house 3.5’ barn 2.8’	compliant	compliant
<u>Side Yard 10’</u>	barn 1.7’ & 2.3’ shed 3.1’ house 3.2’	bulkhead 8.7’ ¹ AC 9.1’ house compliant	bulkhead 5.6’ AC unit 9.0’ house compliant ²
<u>Rear Yard 20’</u>	compliant	compliant	bulkhead 18.4’

¹ If a bulkhead protrudes into the setback but is less than 18” tall, relief is not required. PZO §10.515.12. We request the relief in an abundance of caution.

² Steps may protrude into a side or rear yard setback per PZO §10.516.40.

IV. ADDITIONAL PERMITS REQUIRED

- Subdivision Approval
- Driveway Permit
- Building Permit

V. VARIANCE REQUIREMENTS

1. The variances will not be contrary to the public interest.
2. The spirit of the ordinance is observed.

The first step in the ZBA's analysis is to determine whether granting a variance is not contrary to the public interest and is consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102 (2007) and its progeny. Upon examination, it must be determined whether granting a variance "would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives." *Id.* "Mere conflict with the zoning ordinance is not enough." *Id.*

The purpose of the Portsmouth Zoning Ordinance as set forth in PZO §10.121 is "to promote the health, safety and the general welfare of Portsmouth and its region in accordance with the City of Portsmouth Master Plan... [by] regulating:"

1. The use of land, buildings and structures for business, industrial, residential and other purposes – The proposal provides two single-family homes where single-family homes are permitted by right.
2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – The irregular "S" shaped lot has long existed and accommodated two nonconforming structures. Creating two lots cures the odd shape of the lot, allowing more efficient use of the land for its permitted use. The Austin Street lot will comply in all respects except for continuous frontage on Austin Street – which has remained 49.75 feet for decades. The requested lot size/lot size per dwelling unit for the single-family home on Coffins provides a permitted single-family home on a lot with area similar to others in the area (**Exhibits A, D**), but with compliant frontage. Each home will be more conforming as to setbacks, building coverage and open space.
3. The design of facilities for vehicular access, circulation, parking and loading – Both lots will provide compliant parking.
4. The impacts on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding – The Project provides a permitted residential use and offers an improvement in stormwater management by providing new structures that more nearly conform to yard setbacks.

5. The preservation and enhancement of the visual environment – The newly constructed homes will improve the visual environment compared to the dated and obsolete structures that exist today.
6. The preservation of historic districts, and buildings and structures of historic or architectural interest – The Property is not in the Historic District.
7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – No wetlands on site/nearby.

Additionally, the General Residence C district is zoned for higher densities according to the zoning ordinance.

To provide areas for single-family, twofamily and multifamily dwellings, with appropriate accessory uses, at moderate to high densities (ranging from approximately 5 to 12 dwelling units per acre), together with appropriate accessory uses and limited services.

Based upon the foregoing, the variances do not “in a marked degree conflict with the ordinance such that they violate the ordinance’s basic zoning objectives.” Malachy Glen, supra, which also held:

One way to ascertain whether granting the variance would violate basic zoning objectives is to examine whether it would alter the essential character of the locality.... Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

The Property is an oddly shaped, oversized lot that has long existed in a thickly settled area and supported a modest home and large dated barn – a use that is no longer compatible in the area. While corner lots are common, this is the only “through lot” in the area. The existing structures significantly violate setbacks while the Project proposes two homes centered on respective lots, meeting building coverage and open space requirements while greatly improving setbacks – needed to accommodate bulkheads only. The Property is located in an area with many other lots which do not conform to current zoning requirements for frontage, lot size, and lot area/dwelling unit. **(Exhibits A, D)**. Accordingly, establishing permitted residential use on two smaller lots among similar developed lots in the neighborhood will neither “alter the essential character of the locality,” which is significantly single-family nor “threaten the public health, safety or welfare.”

3. Substantial justice is done by granting the variances.

If “there is no benefit to the public that would outweigh the hardship to the applicant” this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508 (2011). That is, “any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice.” Malachy Glen, supra at 109.

The Owner is constitutionally entitled to the use of the lot as she sees fit, including selling the lot to Applicant for subdivision, subject to the effect of establishing permitted uses in more compliant structures on lots of insufficient size or frontage. “The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions.” N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that “no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people.” Thus, our State Constitutional protections limit the police power of the State and its municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978).

“Property” in the constitutional sense has been interpreted to mean not the tangible property itself, but rather the right to possess, use, enjoy and dispose of it. Burrows v. City of Keene, 121 N.H. 590, 597 (1981). (emphasis added). The Supreme Court has held that zoning ordinances must be reasonable, not arbitrary and must rest upon some ground of difference having fair and substantial relation to the object of the regulation. Simplex Technologies, Inc. v. Town of Newington, 145 N.H. 727, 731 (2001); Chesterfield at 69.

A municipality’s ordinance must reflect the current character of the neighborhood, See Belanger v. City of Nashua, 121 N.H. 389, 393 (1981) (upholding reversal of use variance denial where current character of neighborhood had evolved since its original classification as single-family residential). Here, the vast majority of conforming lot are nonconforming as to lot size, frontage, building coverage and/or yard setback requirements. **(Exhibits A, D).**

The existing structures have presented too daunting a renovation project for the last two owners. Granting the requested variances creates opportunity for sorely needed single-family homes centered on more traditionally configured lots in keeping with the area. The Project provides greater yard setbacks, increasing abutters access to air, light, space, and separation, improving stormwater management. Each lot will meet the requirements for building coverage

and open space. The variance for frontage on Austin Street results in no change “on the ground” while the removal of the barn in favor of a new home provides a more open and visually appealing streetscape on Coffins Court.

There is no harm to any neighbor or the general public from granting the variances to establish a permitted residential use and certainly no harm to the public who benefits from an increase in housing stock. Conversely, Owner and Applicant will be greatly harmed by denial as Owner will be deprived of her constitutional right to dispose of their property and Applicant will lose the opportunity to reasonably develop the Property. Accordingly, there is no benefit to the public from granting the variance that outweighs the harm to the owner from denial.

4. Granting the variance will not diminish surrounding property values.

The creation of an additional lot to support a permitted use on a lot similar to those in the area will not negatively affect any abutter. The Project removes two dated and obsolete structures while providing new, attractive housing with improved setbacks and stormwater treatment. Providing greater access to air, light, space, and improved stormwater management improves over existing conditions. The Project also increases open space and reduces building coverage even as it adds a single-family home. The benefits are clear and supported by expert testimony. **(Exhibit D)**. Accordingly granting the variances will not diminish surrounding property values.

5. Denial of the variances results in an unnecessary hardship.

a. Special conditions distinguish the property/project from others in the area.

The Property is one of the largest on the block and is oddly shaped. It is the only “through lot” in the area. Its configuration of frontage on two streets connected by a narrower corridor prevents it from being utilized more efficiently. The Property contains two significantly nonconforming structures that are obsolete. These factors combine to create special conditions distinguishable from other properties in the area.

b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

Lot area, frontage, density limits, and setbacks exist in order to: prevent overburdening/overcrowding of the land; provide sight lines, air, light, and space; and ensure separation between properties to treat stormwater. The Project demonstrates that the Property

can be subdivided into two smaller lots that largely comply with the ordinance and match the surrounding area. The new lots can support new homes that are far more conforming than what currently exists, ensuring adequate air, light, space, and separation so stormwater is managed on each lot. This is a significant improvement compared to existing conditions. Additionally, the Project improves building coverage and open space overall and ensures compliant building coverage and open space on each individual lot, unlike many properties in the area. For these reasons, there is no fair and substantial relationship between the general public purposes of the Ordinance, the lot size, density, frontage, and setbacks proposed are consistent with other lot in the area.

c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005). Residential uses are permitted in the GRC Zone. We note also that the New Hampshire Supreme Court case of Walker v. City of Manchester, 107 NH 382 (1966) held that a hardship may be found where similar nonconforming uses exist within the neighborhood and the proposed use will have no adverse effect upon the neighborhood. We note that while Walker does not limit or distinguish its analysis based on the underlying cause of the surrounding nonconformity (pre-existing, result of variances, or a planned unit development), much of the area is nonconforming for area, density, frontage, building coverage/open space and setbacks (**Exhibit A, D**). Accordingly, the proposed use is reasonable, and denial would create an unnecessary hardship for Owner and Applicant.

VI. CONCLUSION

For all the reasons stated, Owner and Applicant respectfully request that the Portsmouth Zoning Board of Adjustment grant the requested relief. We look forward to presenting this application at the January 21, 2026 ZBA Meeting.

Respectfully submitted,
Chris Ward

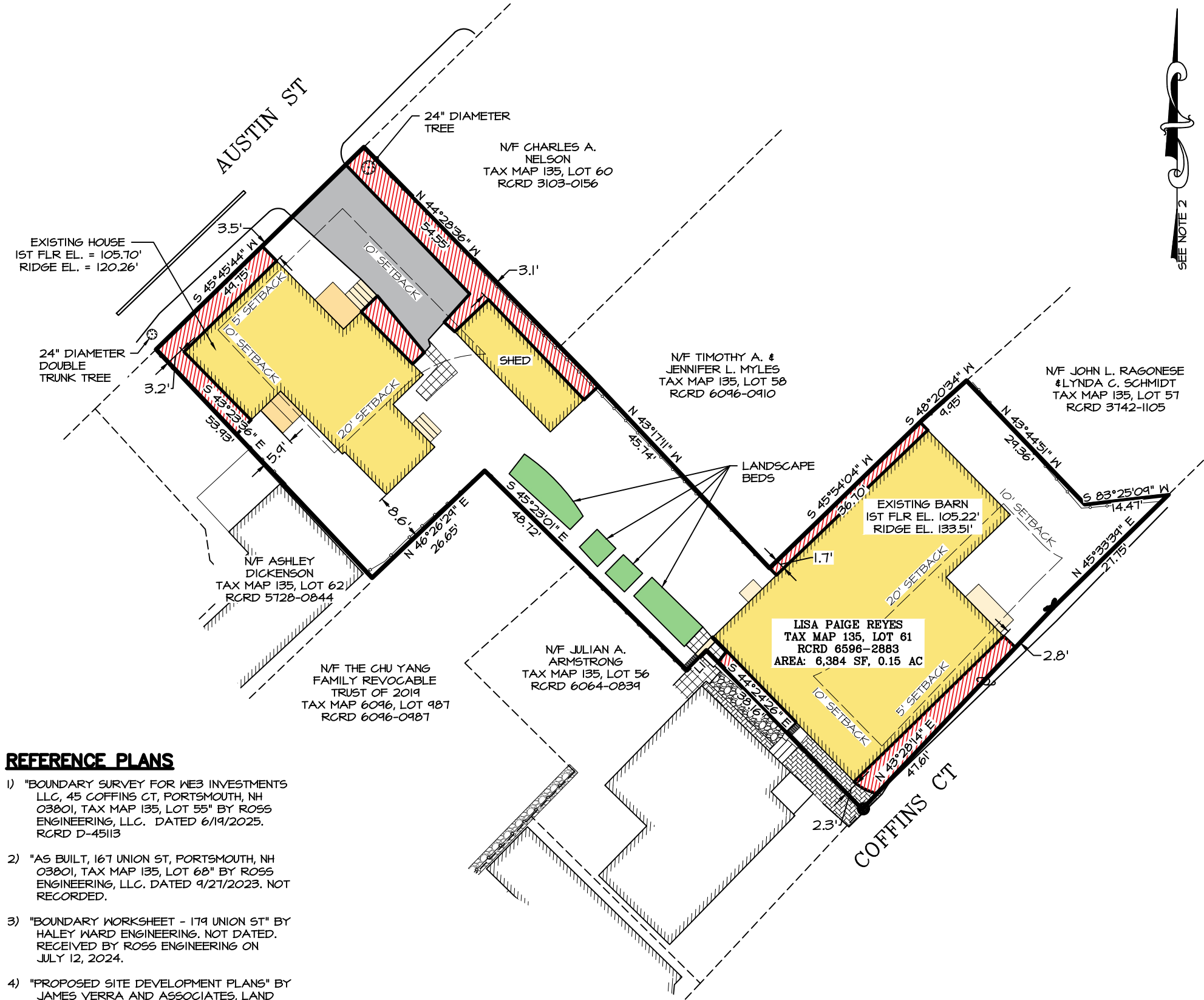
By:



R. Timothy Phoenix, Esquire
Monica F. Kieser, E

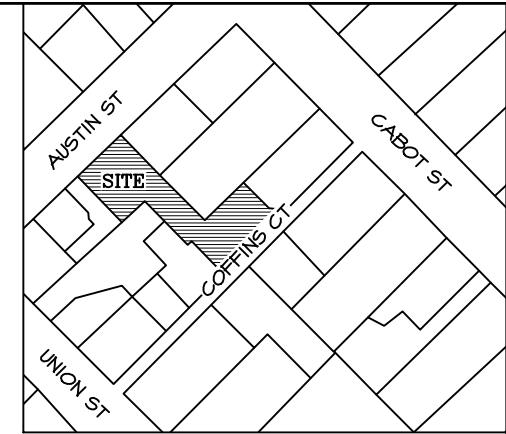
REFERENCE PLANS

- 1) "BOUNDARY SURVEY FOR WE3 INVESTMENTS LLC, 45 COFFINS CT, PORTSMOUTH, NH 03801, TAX MAP 135, LOT 55" BY ROSS ENGINEERING, LLC. DATED 6/14/2025. RCRD D-45113
- 2) "AS BUILT, 167 UNION ST, PORTSMOUTH, NH 03801, TAX MAP 135, LOT 68" BY ROSS ENGINEERING, LLC. DATED 9/27/2023. NOT RECORDED.
- 3) "BOUNDARY WORKSHEET - 179 UNION ST" BY HALEY WARD ENGINEERING. NOT DATED. RECEIVED BY ROSS ENGINEERING ON JULY 12, 2024.
- 4) "PROPOSED SITE DEVELOPMENT PLANS" BY JAMES VERRA AND ASSOCIATES, LAND SURVEYORS. DATED MARCH 19, 2020. RCRD D-42277
- 5) "RESUBDIVISION OF LAND PORTSMOUTH, N.H. FOR CONSTANCE S. & WILLIAM T. WARREN & HAROLD C. SWEETSER" BY JOHN W. DURGIN ASSOCIATES, INC. DATED AUGUST 24, 1986. RCRD D-14875
- 6) "PLAN OF ANNIE OLIVER ESTATE" DATED AUGUST 19, 1941. RCRD 048



LEGEND

- MONUMENT FOUND
- UTILITY POLE
- WOODEN FENCE
- CHAIN LINK FENCE
- NON-OPEN SPACE



LOCUS PLAN
N.T.S.

NOTES

- 1) OWNER OF RECORD:
LISA PAIGE REYES
TAX MAP 135, LOT 61
236 AUSTIN ST
PORTSMOUTH, NH 03801
RCRD: 6596-2883
AREA: 6,384 SF, 0.15 ACRES
- 2) BASIS OF BEARING HELD FROM PLAN REFERENCE #1.
- 3) PARCEL IS IN THE GENERAL RESIDENCE C (GRC) ZONE:
MINIMUM LOT AREA.....3,500 SF
MIN. LOT AREA PER DWELLING UNIT.....3,500 SF
MINIMUM FRONTAGE.....70 FT
MINIMUM DEPTH.....50 FT
SETBACKS:
FRONT.....5 FT
SIDE.....10 FT
REAR.....20 FT
MAXIMUM BUILDING HEIGHT:
SLOPED ROOF.....35 FT
FLAT ROOF.....30 FT
MAXIMUM BUILDING COVERAGE.....35%
MINIMUM OPEN SPACE.....20%
- 4) THE PARCEL IS NOT WITHIN A FEMA SPECIAL FLOOD HAZARD ZONE, AS PER FLOOD INSURANCE RATE MAP #33015C0259F, PANEL 259 OF 681, DATED JANUARY 29, 2021. VERTICAL DATUM IS NAVD 1988.
- 5) BUILDING COVERAGE
HOUSE.....778 SF
BARN.....1554 SF
SHED.....190 SF
DECK > 18".....31 SF
STAIRS > 18".....12 SF
BULKHEAD.....26 SF
TOTAL.....2591 SF
COVERAGE = 2591 / 6384 = 40.6%
- 6) OPEN SPACE
BUILDING COVERAGE.....2591 SF
STAIRS < 18".....28 SF
WALKWAY.....42 SF
RETAINING WALL.....6 SF
COBBLESTONE.....38 SF
RAMP.....27 SF
ASPHALT.....379 SF
NON-OPEN SPACE.....664 SF
TOTAL.....3775 SF
OPEN SPACE = 6384 - 3775 = 2609 SF
OPEN SPACE = 2609 / 6384 = 40.9%

LENGTH TABLE

	BEARING	DISTANCE
LI	N 44°36'54" E	4.80'

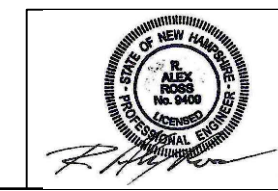
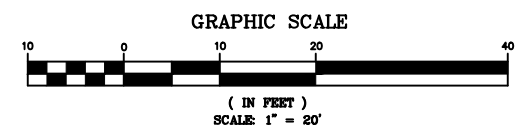
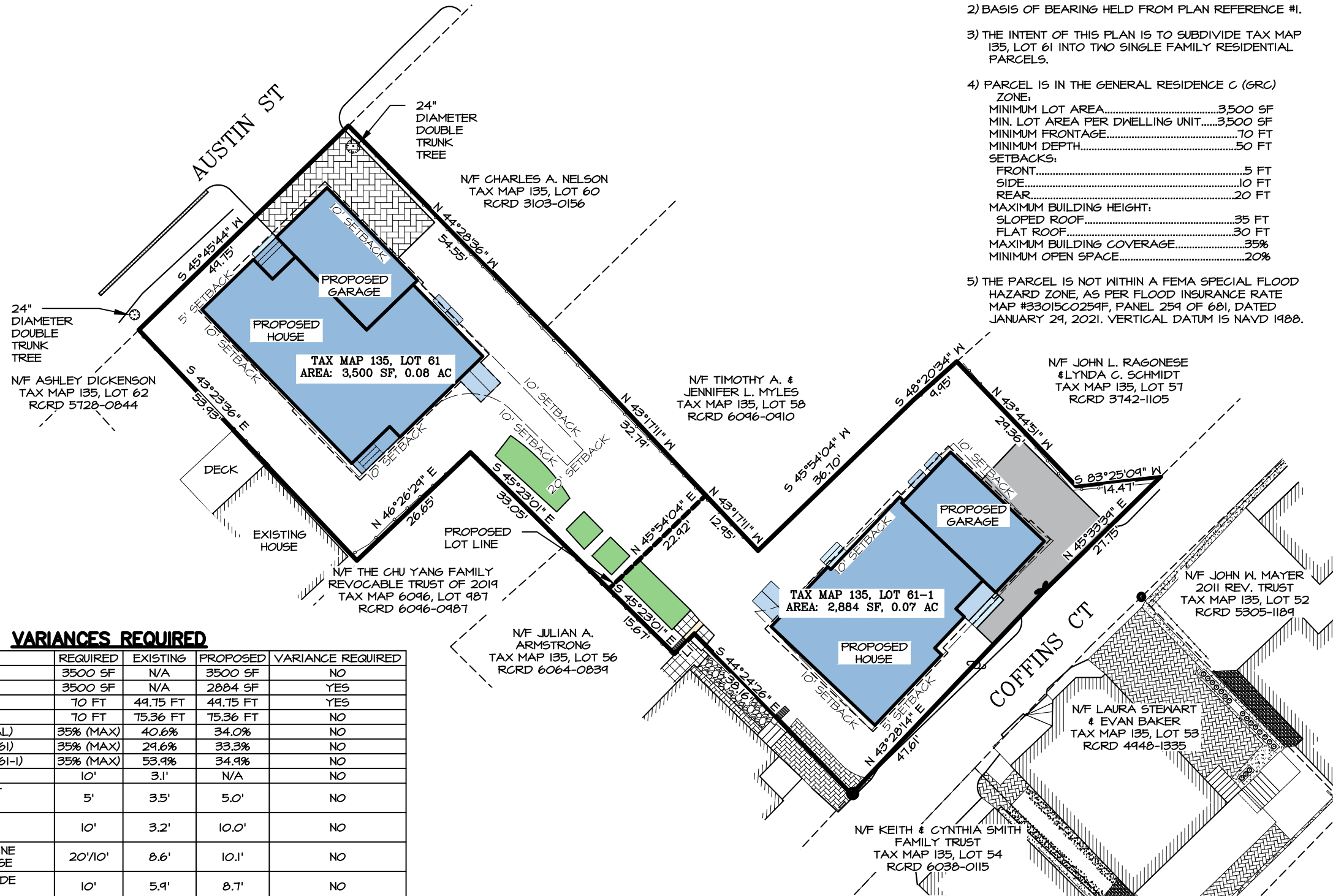


EXHIBIT A

1	12/17/2025	ZBA SUBMITTAL	
ISS.	DATE	DESCRIPTION OF ISSUE	
SCALE	1" = 20'		
CHECKED	A.ROSS		
DRAWN	D.D.D.		
ROSS ENGINEERING, LLC Civil/Structural Engineering & Surveying 650 Idington St, 2nd Floor Portsmouth, NH 03801 (603) 433-7560			
CLIENT WARD DEVELOPMENT MIKE GARREPY & CHRIS WARD			
TITLE EXISTING CONDITIONS PLAN 238 AUSTIN ST PORTSMOUTH, NH 03801 TAX MAP 135, LOT 61			
JOB NUMBER	DWG. NO.	ISSUE	
25-089	1 OF 6	1	



VARIANCES REQUIRED

SETBACKS	REQUIRED	EXISTING	PROPOSED	VARIANCE REQUIRED
LOT SIZE (LOT 61)	3500 SF	N/A	3500 SF	NO
LOT SIZE (LOT 61-1)	3500 SF	N/A	2884 SF	YES
FRONTAGE (LOT 61)	70 FT	49.75 FT	49.75 FT	YES
FRONTAGE (LOT 61-1)	70 FT	75.36 FT	75.36 FT	NO
BUILDING COVERAGE (TOTAL)	35% (MAX)	40.6%	34.0%	NO
BUILDING COVERAGE (LOT 61)	35% (MAX)	29.6%	33.3%	NO
BUILDING COVERAGE (LOT 61-1)	35% (MAX)	53.9%	34.9%	NO
SHED TO SIDE SETBACK	10'	3.1'	N/A	NO
AUSTIN ST HOUSE TO FRONT SETBACK	5'	3.5'	5.0'	NO
AUSTIN ST HOUSE TO SIDE SETBACK	10'	3.2'	10.0'	NO
AUSTIN ST HOUSE TO SIDELINE CLOSEST TO REAR OF HOUSE	20'/10'	8.6'	10.1'	NO
AUSTIN ST BULKHEAD TO SIDE SETBACK	10'	5.9'	8.7'	NO
COFFINS CT BUILDING TO FRONT SETBACK	5'	2.8'	5.2'	NO
COFFINS CT BUILDING TO SIDE SETBACK	10'	2.3'	10.2'	NO
COFFINS CT BUILDING TO SIDELINE CLOSEST TO REAR OF BUILDING	20'/10'	1.7'	10.2'	NO
COFFINS CT BULKHEAD TO SIDELINE CLOSEST TO REAR OF BUILDING	20'/10'	N/A	5.6'	YES
COFFINS CT BULKHEAD TO PROPOSED REAR LINE	20'	N/A	18.4'	YES

NOTES

- OWNER OF RECORD:
LISA PAIGE REYES
TAX MAP 135, LOT 61
236 AUSTIN ST
PORTSMOUTH, NH 03801
RCRD: 6596-2883
AREA: 6,384 SF, 0.15 ACRES
- BASIS OF BEARING HELD FROM PLAN REFERENCE #1.
- THE INTENT OF THIS PLAN IS TO SUBDIVIDE TAX MAP 135, LOT 61 INTO TWO SINGLE FAMILY RESIDENTIAL PARCELS.
- PARCEL IS IN THE GENERAL RESIDENCE C (GRC)
ZONE:
MINIMUM LOT AREA.....3,500 SF
MIN. LOT AREA PER DWELLING UNIT.....3,500 SF
MINIMUM FRONTAGE.....10 FT
MINIMUM DEPTH.....50 FT
SETBACKS:
FRONT.....5 FT
SIDE.....10 FT
REAR.....20 FT
MAXIMUM BUILDING HEIGHT:
SLOPED ROOF.....35 FT
FLAT ROOF.....30 FT
MAXIMUM BUILDING COVERAGE.....35%
MINIMUM OPEN SPACE.....20%
- THE PARCEL IS NOT WITHIN A FEMA SPECIAL FLOOD HAZARD ZONE, AS PER FLOOD INSURANCE RATE MAP #33015C0254F, PANEL 254 OF 681, DATED JANUARY 29, 2021. VERTICAL DATUM IS NAVD 1988.

6) COMBINED BUILDING COVERAGE

EXISTING	
HOUSE.....	778 SF
BARN.....	1554 SF
SHED.....	190 SF
DECK > 18".....	31 SF
STAIRS > 18".....	12 SF
BULKHEAD.....	26 SF
TOTAL.....	2591 SF
COVERAGE = 2591 / 6384 =	40.6%

PROPOSED	
HOUSE & ATTACHED GARAGE.....	2099 SF
PORCH.....	20 SF
STAIRS > 18".....	3 SF
BULKHEAD.....	50 SF
TOTAL.....	2172 SF
COVERAGE = 2172 / 6384 =	34.0%

7) COMBINED OPEN SPACE

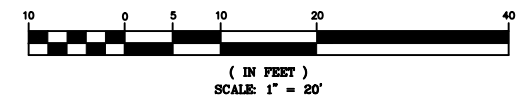
EXISTING	
BUILDING COVERAGE.....	2591 SF
STAIRS < 18".....	28 SF
WALKWAY.....	42 SF
RETAINING WALL.....	6 SF
COBBLESTONE.....	38 SF
RAMP.....	21 SF
ASPHALT.....	379 SF
NON-OPEN SPACE.....	664 SF
TOTAL.....	3775 SF
OPEN SPACE = 6384 - 3775 =	2609 SF
OPEN SPACE = 2609 / 6384 =	40.9%

PROPOSED	
BUILDING COVERAGE.....	2172 SF
STAIRS < 18".....	21 SF
AC PAD.....	18 SF
COBBLESTONE.....	38 SF
RETAINING WALL.....	6 SF
WALKWAY.....	15 SF
PERVIOUS PAVEMENT DRIVEWAY.....	258 SF
ASPHALT.....	299 SF
NON-OPEN SPACE.....	45 SF
TOTAL.....	2878 SF
OPEN SPACE = 6384 - 2878 =	3506 SF
OPEN SPACE = 3506 / 6384 =	54.9%

LENGTH TABLE

	BEARING	DISTANCE
LI	N 44°36'59" E	4.80'

GRAPHIC SCALE

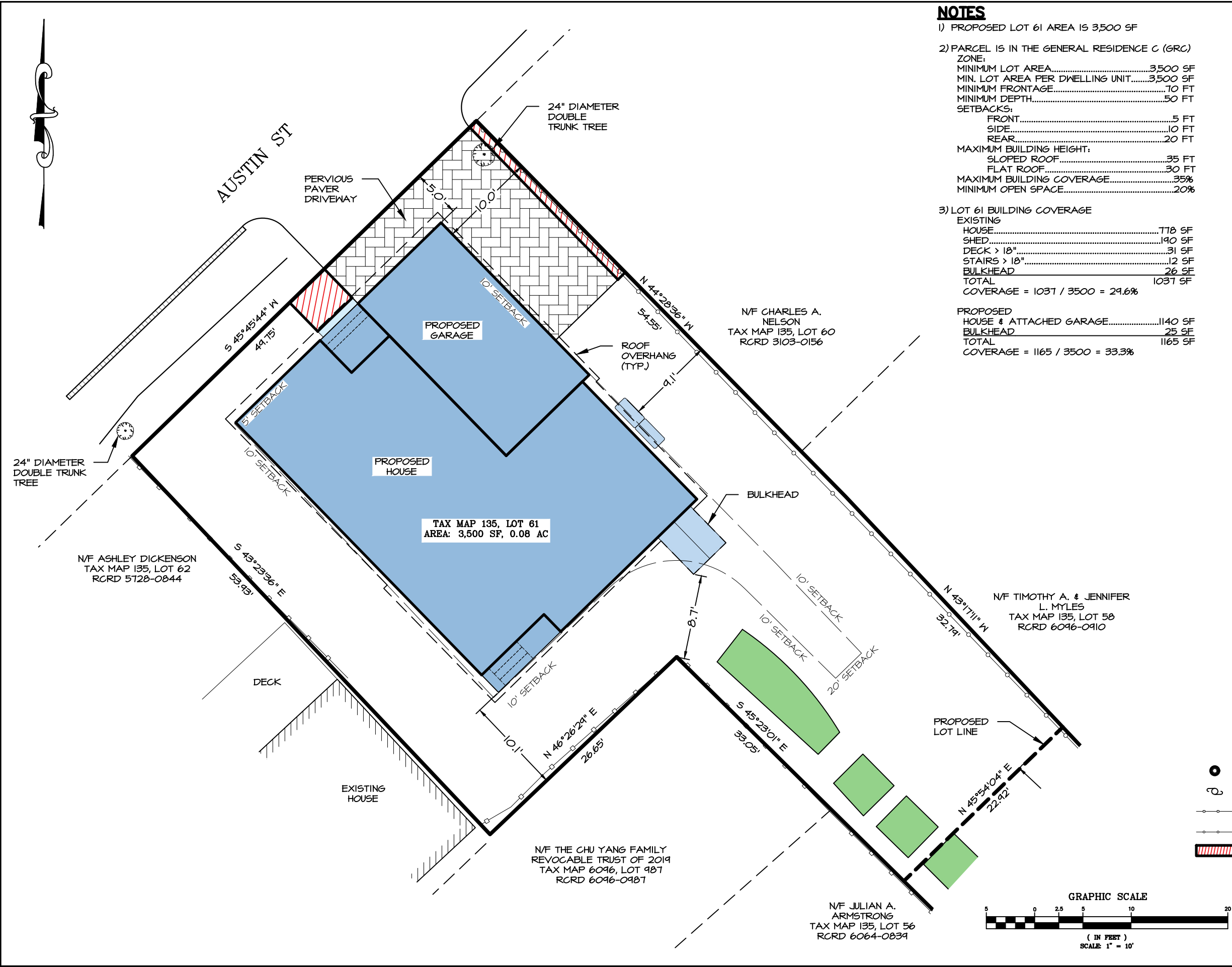


LEGEND

- MONUMENT FOUND
- ⊕ UTILITY POLE
- WOODEN FENCE
- CHAIN LINK FENCE



1	12/17/2025	ZBA SUBMITTAL	
ISS.	DATE	DESCRIPTION OF ISSUE	
SCALE	1" = 20'		
CHECKED	A.ROSS		
DRAWN	D.D.D.		
ROSS ENGINEERING, LLC Civil/Structural Engineering & Surveying 650 Islington St, 2nd Floor Portsmouth, NH 03801 (603) 433-7560			
CLIENT WARD DEVELOPMENT MIKE GARREPY & CHRIS WARD			
TITLE SUBDIVISION PLAN 238 AUSTIN ST PORTSMOUTH, NH 03801 TAX MAP 135, LOT 61			
JOB NUMBER	DWG. NO.	ISSUE	
25-089	2 OF 6	1	



NOTES

- 1) PROPOSED LOT 61 AREA IS 3,500 SF
- 2) PARCEL IS IN THE GENERAL RESIDENCE C (GRC)
ZONE:
MINIMUM LOT AREA.....3,500 SF
MIN. LOT AREA PER DWELLING UNIT.....3,500 SF
MINIMUM FRONTAGE.....10 FT
MINIMUM DEPTH.....50 FT
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MAXIMUM BUILDING COVERAGE.....35%
MINIMUM OPEN SPACE.....20%
- 3) LOT 61 BUILDING COVERAGE
EXISTING
HOUSE.....778 SF
SHED.....190 SF
DECK > 18".....31 SF
STAIRS > 18".....12 SF
BULKHEAD.....26 SF
TOTAL.....1037 SF
COVERAGE = 1037 / 3500 = 29.6%
- PROPOSED
HOUSE & ATTACHED GARAGE.....1140 SF
BULKHEAD.....25 SF
TOTAL.....1165 SF
COVERAGE = 1165 / 3500 = 33.3%

4) LOT 61 OPEN SPACE

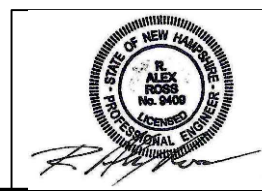
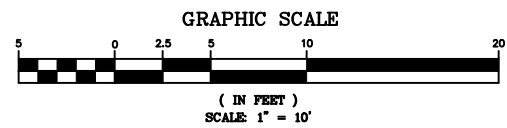
EXISTING	
BUILDING COVERAGE.....	1037 SF
STAIRS < 18".....	16 SF
WALKWAY.....	27 SF
ASPHALT.....	379 SF
NON-OPEN SPACE.....	435 SF
TOTAL.....	1894 SF
OPEN SPACE = 3500 - 1894 =	1606 SF
OPEN SPACE = 1606 / 3500 =	45.9%

PROPOSED

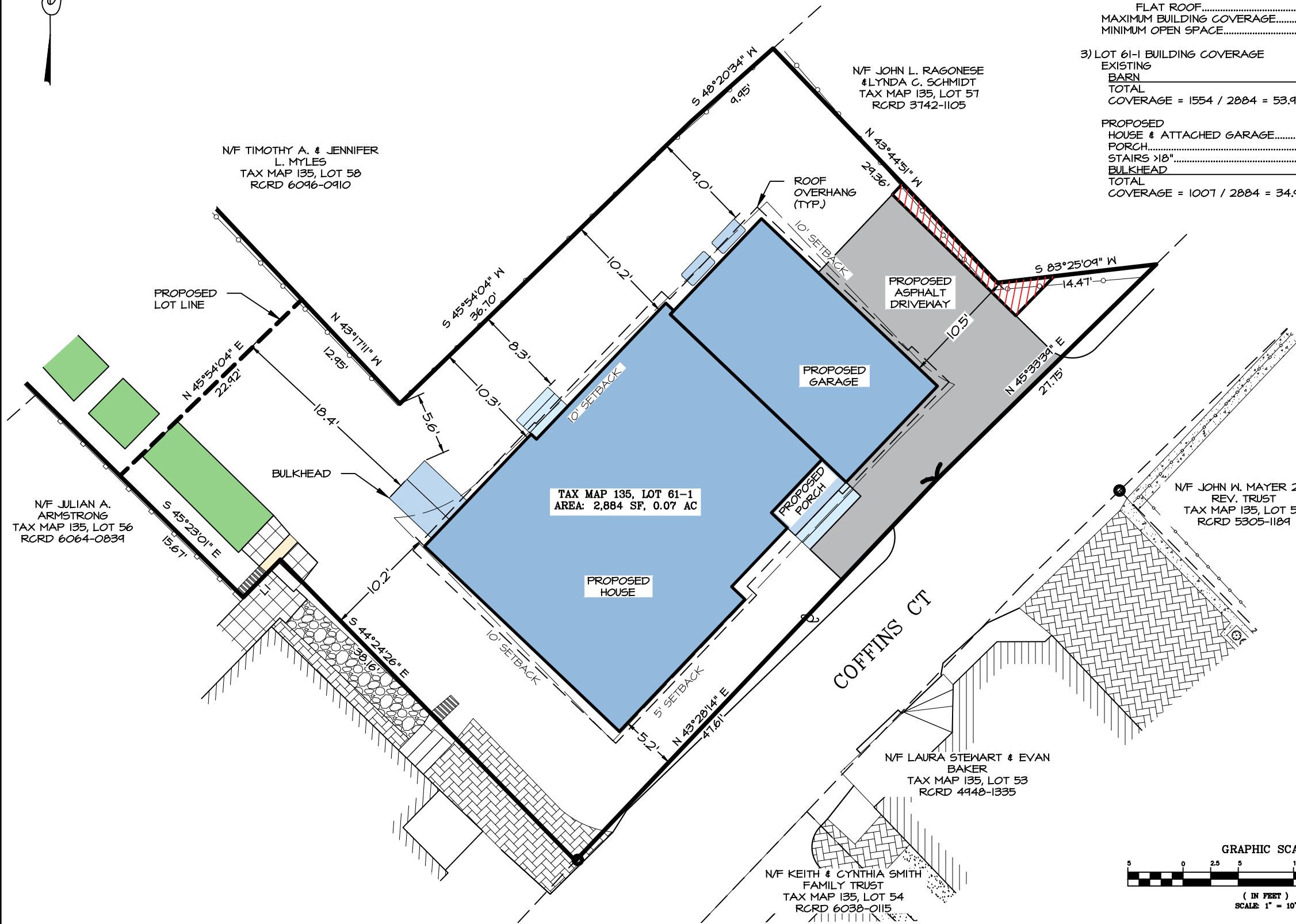
BUILDING COVERAGE.....	1165 SF
STAIRS < 18".....	4 SF
AC PAD.....	9 SF
PERVIOUS PAVER DRIVEWAY.....	258 SF
NON-OPEN SPACE.....	21 SF
TOTAL.....	1457 SF
OPEN SPACE = 3500 - 1457 =	2043 SF
OPEN SPACE = 2043 / 3500 =	58.4%

LEGEND

- MONUMENT FOUND
- UTILITY POLE
- WOODEN FENCE
- CHAIN LINK FENCE
- ▨ NON-OPEN SPACE



1	12/17/2025	ZBA SUBMITTAL	
ISS.	DATE	DESCRIPTION OF ISSUE	
SCALE	1" = 10'		
CHECKED	A.ROSS		
DRAWN	D.D.D.		
ROSS ENGINEERING, LLC Civil/Structural Engineering & Surveying 650 Islington St, 2nd Floor Portsmouth, NH 03801 (603) 433-7560			
CLIENT WARD DEVELOPMENT MIKE GARREPY & CHRIS WARD			
TITLE SITE PLAN 238 AUSTIN ST PORTSMOUTH, NH 03801 TAX MAP 135, LOT 61			
JOB NUMBER	DWG. NO.	ISSUE	
25-089	3 OF 6	1	



NOTES

- 1) PROPOSED LOT 61-1 AREA IS 2,884 SF
- 2) PARCEL IS IN THE GENERAL RESIDENCE C (GRC) ZONE:
- MINIMUM LOT AREA.....3,500 SF
 - MIN. LOT AREA PER DWELLING UNIT.....3,500 SF
 - MINIMUM FRONTAGE.....10 FT
 - MINIMUM DEPTH.....50 FT
 - SETBACKS:
 - FRONT.....5 FT
 - SIDE.....10 FT
 - REAR.....20 FT
 - MAXIMUM BUILDING HEIGHT:
 - SLOPED ROOF.....35 FT
 - FLAT ROOF.....30 FT
 - MAXIMUM BUILDING COVERAGE.....35%
 - MINIMUM OPEN SPACE.....20%
- 3) LOT 61-1 BUILDING COVERAGE
- | | |
|--------------------------|---------|
| EXISTING | |
| BARN | 1554 SF |
| TOTAL | 1554 SF |
| COVERAGE = 1554 / 2884 = | 53.9% |
- PROPOSED
- | | |
|--------------------------|---------|
| HOUSE & ATTACHED GARAGE | 959 SF |
| PORCH | 20 SF |
| STAIRS >18" | 3 SF |
| BULKHEAD | 25 SF |
| TOTAL | 1007 SF |
| COVERAGE = 1007 / 2884 = | 34.9% |

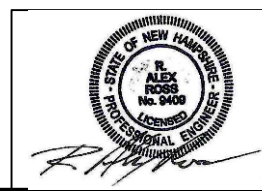
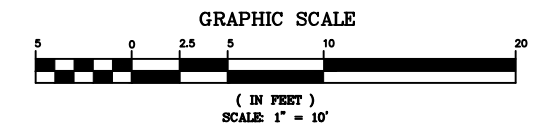
- 4) LOT 61-1 OPEN SPACE
- EXISTING
- | | |
|----------------------------|---------|
| BUILDING COVERAGE | 1554 SF |
| STAIRS < 18" | 12 SF |
| WALKWAY | 15 SF |
| RETAINING WALL | 6 SF |
| COBBLESTONE | 38 SF |
| RAMP | 27 SF |
| NON-OPEN SPACE | 229 SF |
| TOTAL | 1881 SF |
| OPEN SPACE = 2884 - 1881 = | 1003 SF |
| OPEN SPACE = 1003 / 2884 = | 34.8% |
- PROPOSED
- | | |
|----------------------------|---------|
| BUILDING COVERAGE | 1007 SF |
| STAIRS < 18" | 23 SF |
| AC PAD | 9 SF |
| COBBLESTONE | 38 SF |
| RETAINING WALL | 6 SF |
| WALKWAY | 15 SF |
| ASPHALT | 299 SF |
| NON-OPEN SPACE | 24 SF |
| TOTAL | 1421 SF |
| OPEN SPACE = 2884 - 1421 = | 1463 SF |
| OPEN SPACE = 1463 / 2884 = | 50.7% |

LENGTH TABLE

	BEARING	DISTANCE
LI	N 44°36'54" E	4.80'

LEGEND

- MONUMENT FOUND
- UTILITY POLE
- WOODEN FENCE
- CHAIN LINK FENCE
- ▨ NON-OPEN SPACE



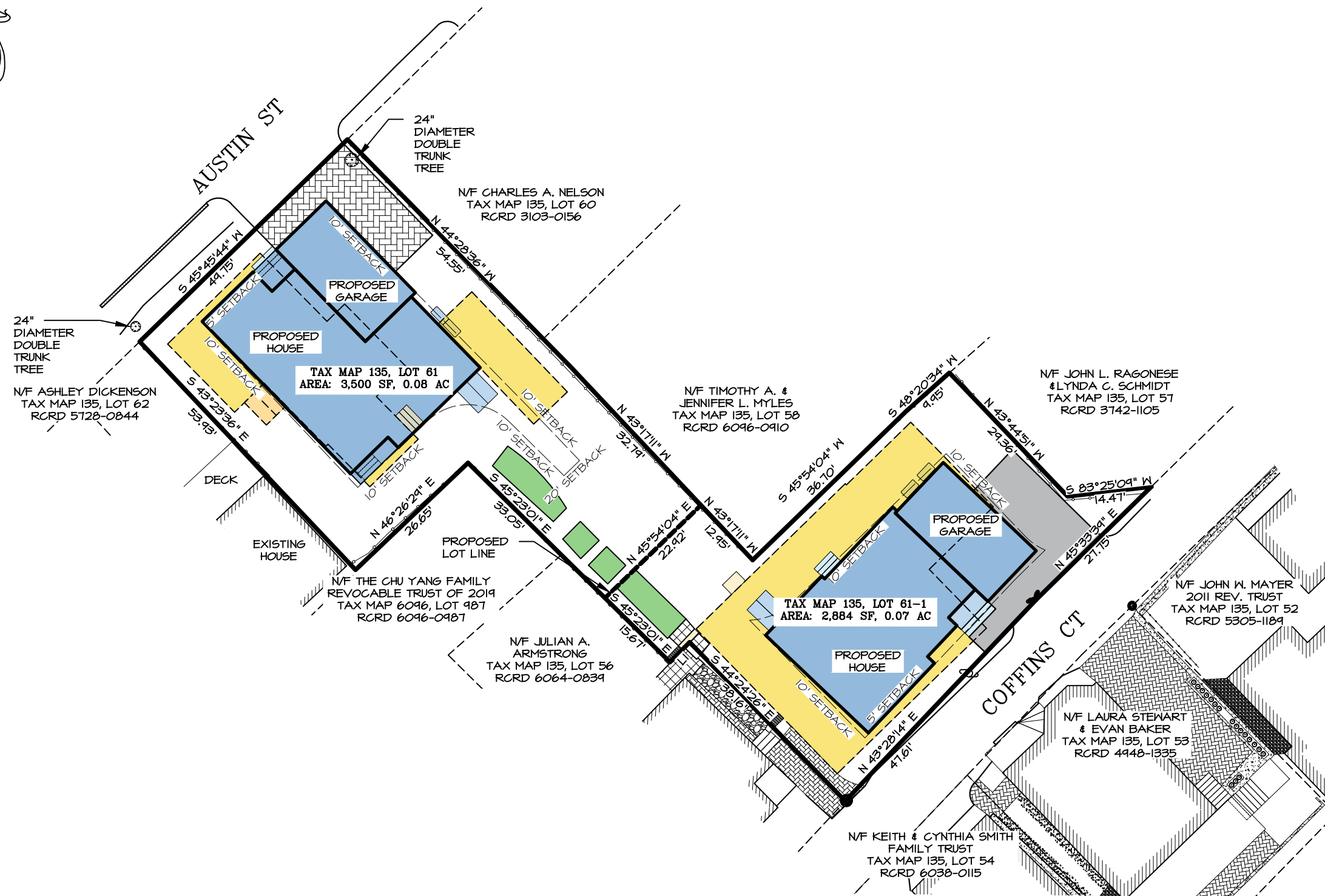
1	12/17/2025	ZBA SUBMITTAL
ISS.	DATE	DESCRIPTION OF ISSUE
SCALE	1" = 10'	
CHECKED	A.ROSS	
DRAWN	D.D.D.	
ROSS ENGINEERING, LLC Civil/Structural Engineering & Surveying 650 Islington St, 2nd Floor Portsmouth, NH 03801 (603) 433-7560		
CLIENT WARD DEVELOPMENT MIKE GARREPY & CHRIS WARD		
TITLE SITE PLAN 238 AUSTIN ST PORTSMOUTH, NH 03801 TAX MAP 135, LOT 61		
JOB NUMBER	DWG. NO.	ISSUE
25-089	4 OF 6	1

19 LOTS WERE REVIEWED
17 LOTS ARE NONCONFORMING

 BUILDING COVERAGE > 35%



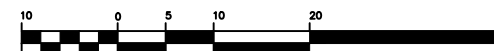
1	12/17/2025	ZBA SUBMITTAL	
ISS.	DATE	DESCRIPTION OF ISSUE	
SCALE	NTS		
CHECKED	A.ROSS		
DRAWN	D.D.D.		
ROSS ENGINEERING, LLC Civil/Structural Engineering & Surveying 650 Islington St, 2nd Floor Portsmouth, NH 03801 (603) 433-7560			
CLIENT WARD DEVELOPMENT MIKE GARREPY & CHRIS WARD			
TITLE NEIGHBORHOOD BUILDING COVERAGE 238 AUSTIN ST PORTSMOUTH, NH 03801 TAX MAP 135, LOT 61			
JOB NUMBER	DWG. NO.	ISSUE	
25-089	5 OF 6	1	



LENGTH TABLE

	BEARING	DISTANCE
LI	N 44°36'59" E	4.80'

GRAPHIC SCALE



(IN FEET)
SCALE: 1" = 20'

LEGEND

- MONUMENT FOUND
- ⊕ UTILITY POLE
- WOODEN FENCE
- CHAIN LINK FENCE

1	12/17/2025	ZBA SUBMITTAL
ISS.	DATE	DESCRIPTION OF ISSUE
SCALE	1" = 20'	
CHECKED	A.ROSS	
DRAWN	D.D.D.	

ROSS ENGINEERING, LLC
Civil/Structural Engineering
& Surveying
650 Islington St, 2nd Floor
Portsmouth, NH 03801
(603) 433-7560

CLIENT
WARD DEVELOPMENT
MIKE GARREPY & CHRIS WARD

TITLE
**OVERLAY
PLAN**

238 AUSTIN ST
PORTSMOUTH, NH 03801
TAX MAP 135, LOT 61

JOB NUMBER	DWG. NO.	ISSUE
25-089	6 OF 6	1



C:\T\INC\2025\Austin Street\B0



RIGHT SIDE ELEVATION
1/4" = 1'-0"



REAR ELEVATION
1/4" = 1'-0"



LEFT SIDE ELEVATION
1/4" = 1'-0"



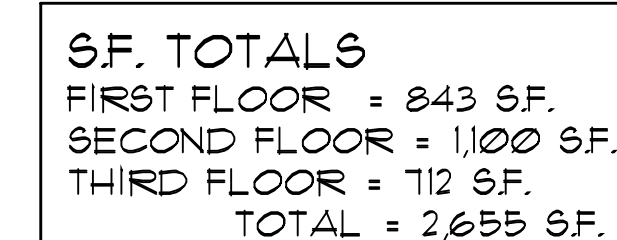
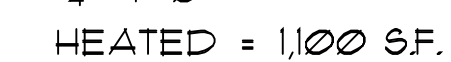
FRONT ELEVATION
1/4" = 1'-0"

AUSTIN STREET

EXHIBIT B

1. THESE PLANS ARE BUILT TO FOLLOW THE IRC 2021 BUILDING CODE AND STATE FIRE CODE AS ADMINISTERED BY THE TOWN OF PORTSMOUTH, NH.
2. ALL DIMENSIONS ARE FRAMING DIMENSIONS, CONTRACTOR SHALL VERIFY ALL DIMENSIONS PRIOR TO EXCAVATION.
3. DO NOT SCALE DRAWING, WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS.

PROJECT: 238 Austin Street (Coffins Ct.) ZBA Portsmouth, NH 03801		
E-mail: tech-112@comcast.net	Phone: 603-964-1300 Fax: 603-960-1414	DATE: 12-16-25
Technical Illustrations		REVISED:
ARCHITECTURAL DRAFTING SERVICE		DWG. NO. 1
196 Bunker Hill Ave. Stratham, NH 03885		



EXISTING IMPERVIOUS COVERAGE = 1,432 S.F.
PROPOSED IMPERVIOUS COVERAGE 1,271 S.F.

3. DO NOT SCALE DRAWING, WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS.

C:\TI-INC\2025\Austin StreetB0



RIGHT SIDE ELEVATION
1/4" = 1'-0"



REAR ELEVATION
1/4" = 1'-0"



LEFT SIDE ELEVATION
1/4" = 1'-0"

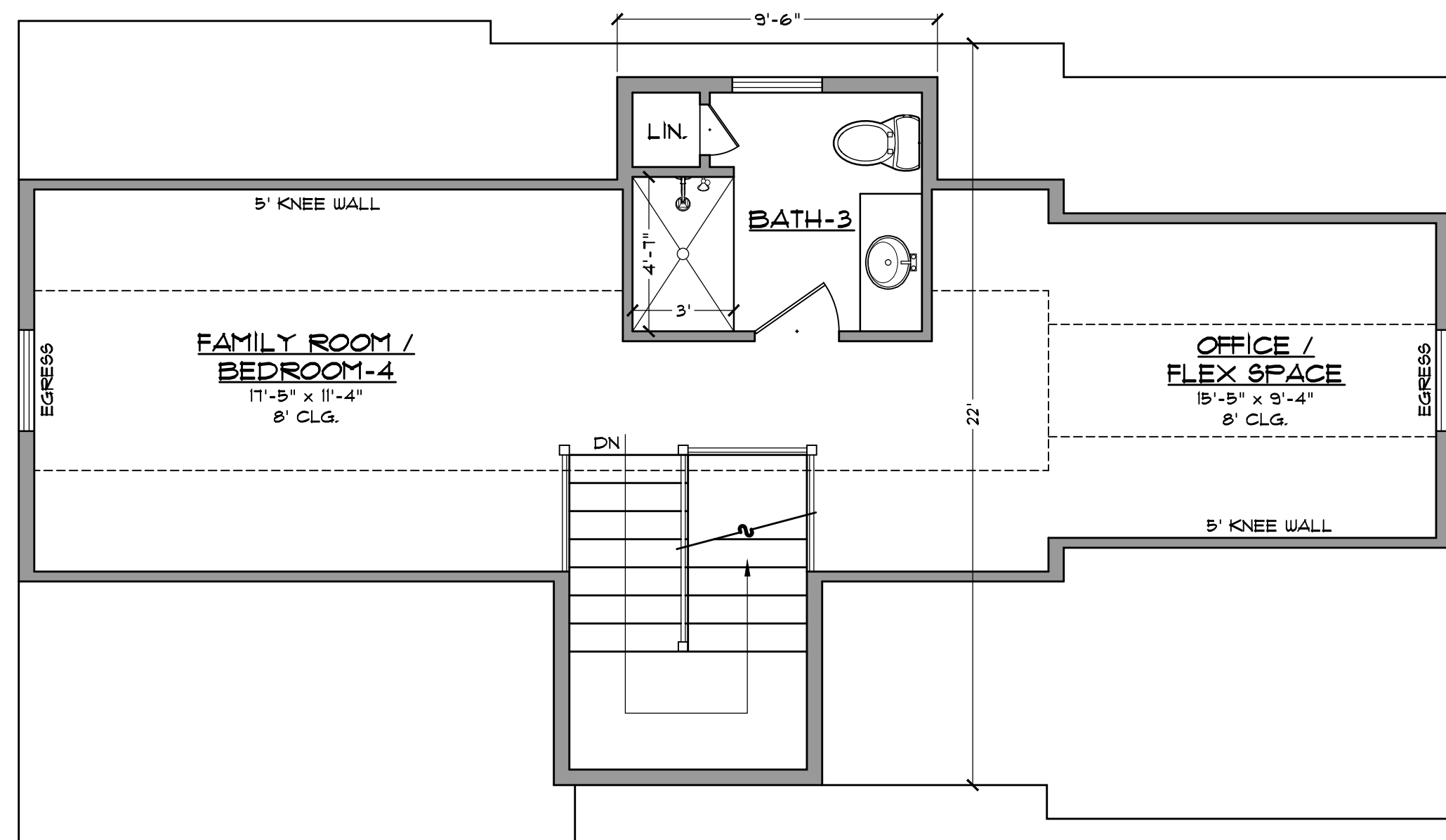


FRONT ELEVATION
1/4" = 1'-0"

COFFINS COURT

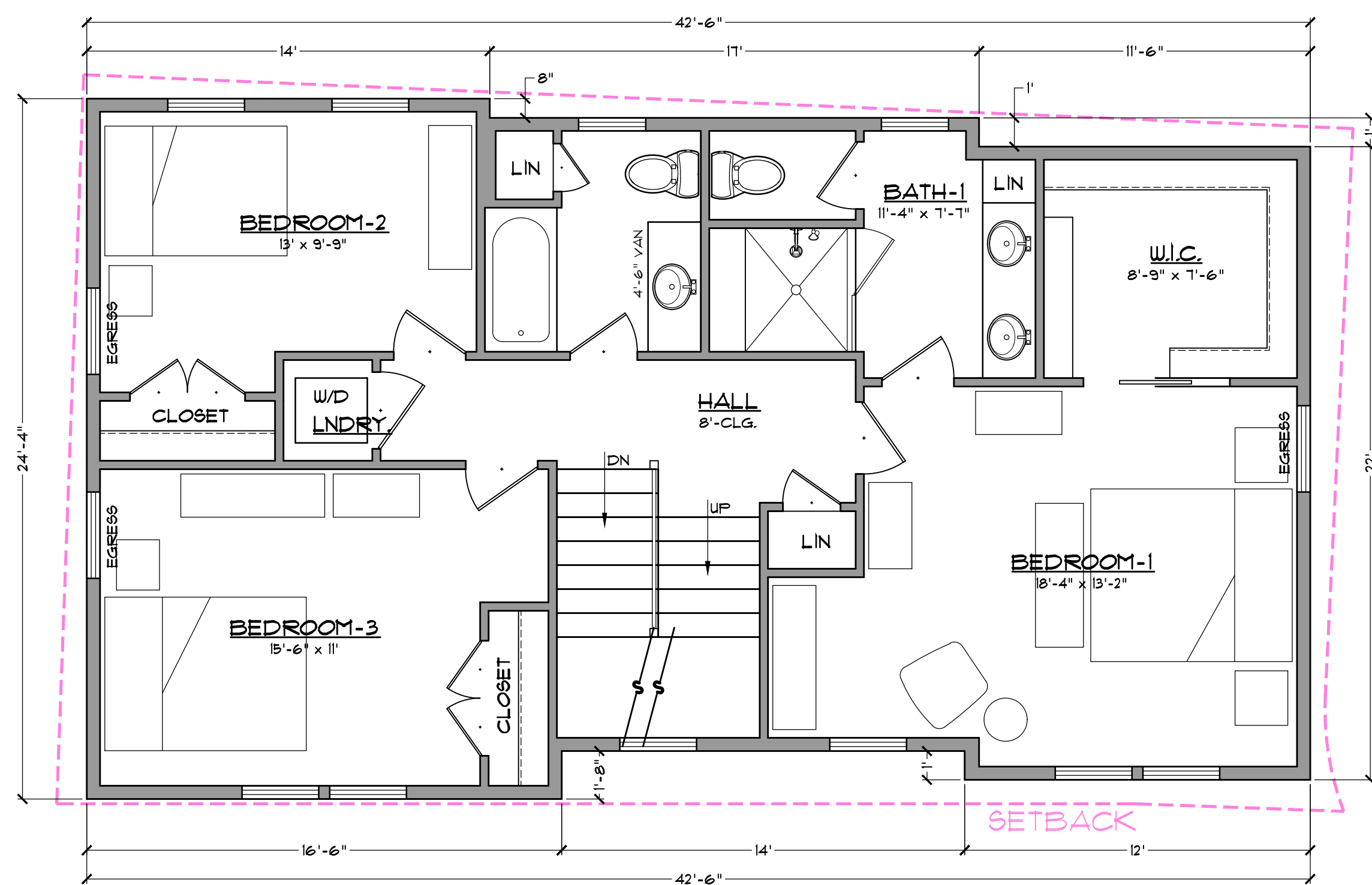
1. THESE PLANS ARE BUILT TO FOLLOW THE IRC 2021 BUILDING CODE AND STATE FIRE CODE AS ADMINISTERED BY THE TOWN OF PORTSMOUTH, NH.
2. ALL DIMENSIONS ARE FRAMING DIMENSIONS, CONTRACTOR SHALL VERIFY ALL DIMENSIONS PRIOR TO EXCAVATION.
3. DO NOT SCALE DRAWING, WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS.

PROJECT: 238 Austin Street (Coffins Ct.) ZBA Portsmouth, NH 03801		
E-mail: tech-ill2@comcast.net	Phone: 603-964-1300 Fax: 603-960-1414	DATE: 12-16-25
Technical Illustrations		REVISED:
ARCHITECTURAL DRAFTING SERVICE		DWG. NO. 1
196 Bunker Hill Ave. Stratham, NH 03885		



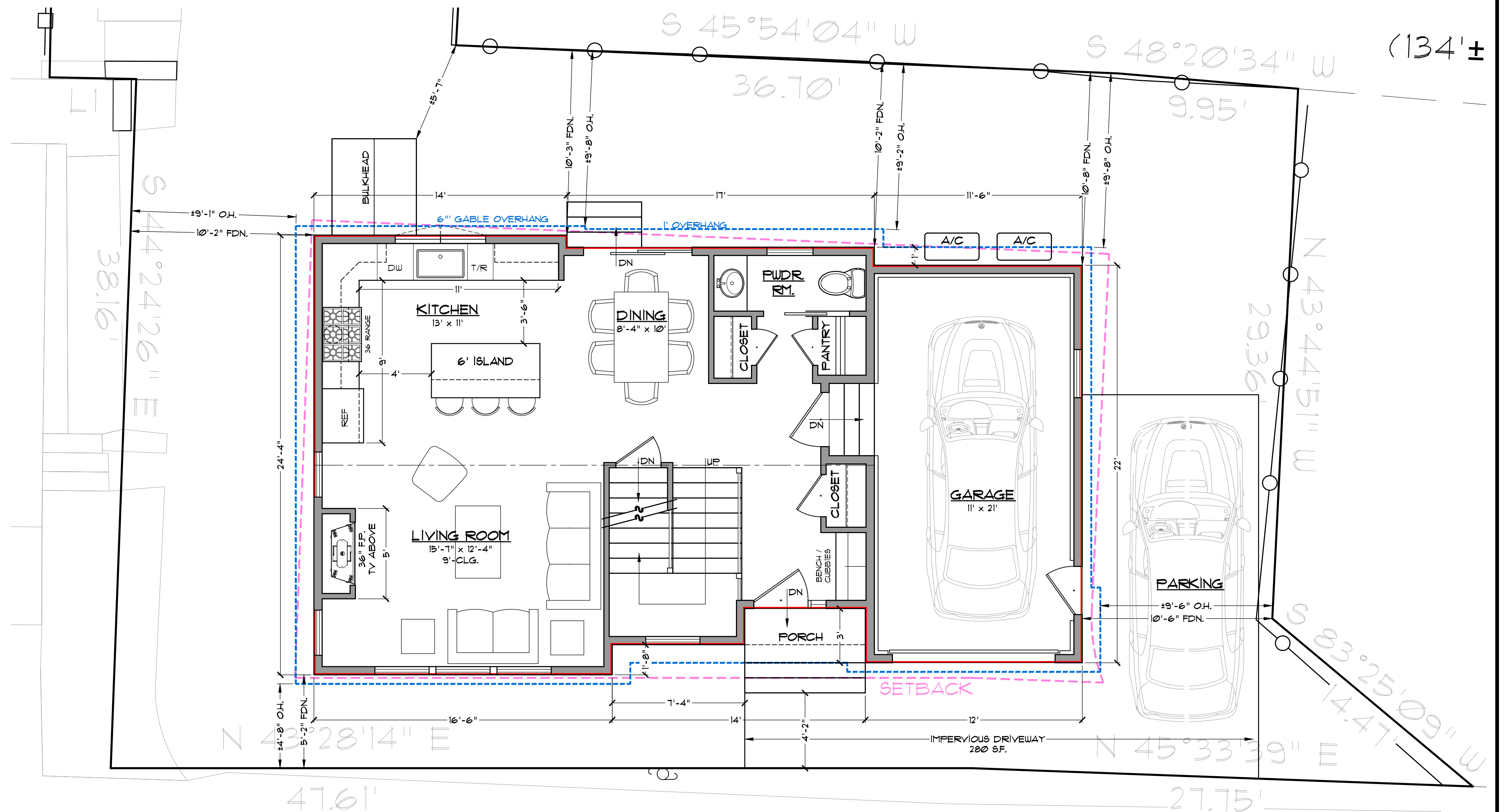
THIRD FLOOR PLAN

1/4" = 1'-0"
HEATED = 486 S.F.



SECOND FLOOR PLAN

1/4" = 1'-0"
HEATED = 912 S.F.
60 S.F. DEDUCT FOR STAIRS



FIRST FLOOR PLAN

1/4" = 1'-0"
HEATED = 695 S.F.
GARAGE = 265 S.F.
TOTAL = 960 S.F.

S.F. TOTALS	
FIRST FLOOR	= 695 S.F.
SECOND FLOOR	= 912 S.F.
THIRD FLOOR	= 486 S.F.
TOTAL	= 2,093 S.F.

EXISTING IMPERVIOUS COVERAGE = 1,554 S.F.
PROPOSED IMPERVIOUS COVERAGE = 1,408 S.F.
STRUCTURE = 1,128 S.F.
DRIVEWAY = 280 S.F.

FIRE PREVENTION PLAN

- ① SMOKE DETECTOR
- ② SMOKE / CARBON MONOXIDE DETECTOR
- ③ HEAT DETECTOR

1. THESE PLANS ARE BUILT TO FOLLOW THE IRC 2021 BUILDING CODE AND STATE FIRE CODE AS ADMINISTERED BY THE TOWN OF PORTSMOUTH, NH.

2. ALL DIMENSIONS ARE FRAMING DIMENSIONS, CONTRACTOR SHALL VERIFY ALL DIMENSIONS PRIOR TO EXCAVATION.

3. DO NOT SCALE DRAWING, WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS.

COFFINS CT.

PROJECT: 238 Austin Street (Coffins Ct.) ZBA Portsmouth, NH 03801		
E-mail: tech-112@comcast.net	Phone: 603-964-1300 Fax: 603-580-1414	DATE: 12-16-25
Technical Illustrations		REVISED:
ARCHITECTURAL DRAFTING SERVICE		DWG. NO. 3
196 Bunker Hill Ave. Stratham, NH 03885		

Google Maps

238 Austin St



Imagery ©2025 Google, Imagery ©2025 Airbus, Map data ©2025 20 ft

EXHIBIT C



*** LOT LINES ARE APPROXIMATE ***

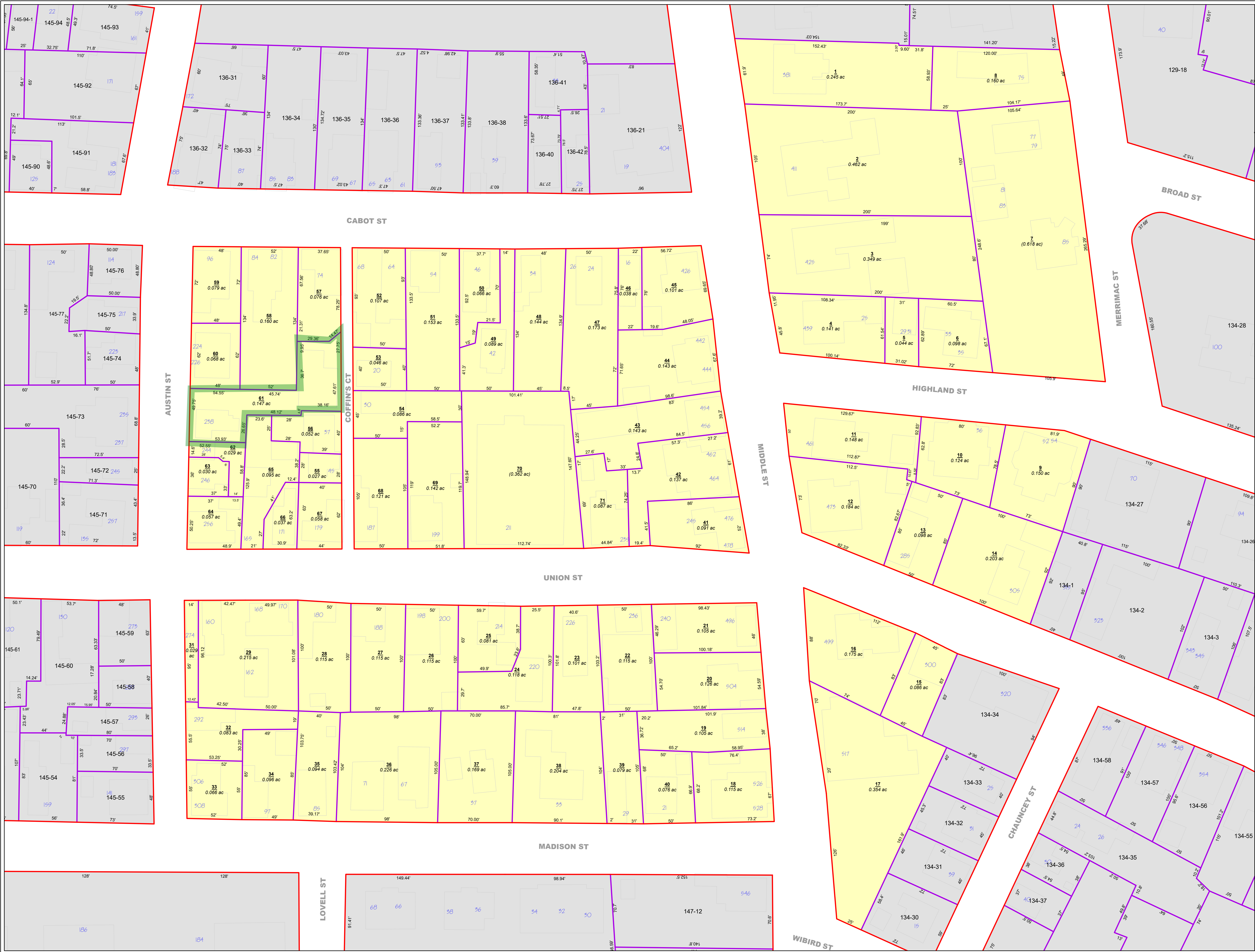
Google Maps

238 Austin St



Image capture: Nov 2024 © 2025 Google





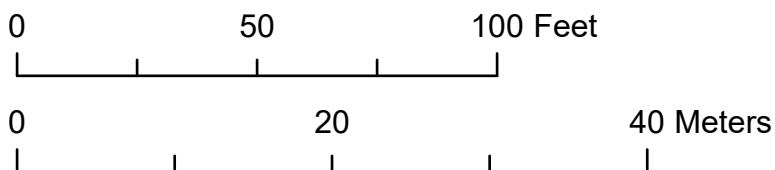
Partial Legend
See the cover sheet for the complete legend.

7-5A Lot or lot-unit number
2.56 ac Parcel area in acres (ac) or square feet (sf)
123 Address number
233-137 Parcel number from a neighboring map
68' Parcel line dimension
SIMS AVE Street name

Parcel/Parcel boundary
Parcel/ROW boundary
Water boundary
Structure (1994 data)

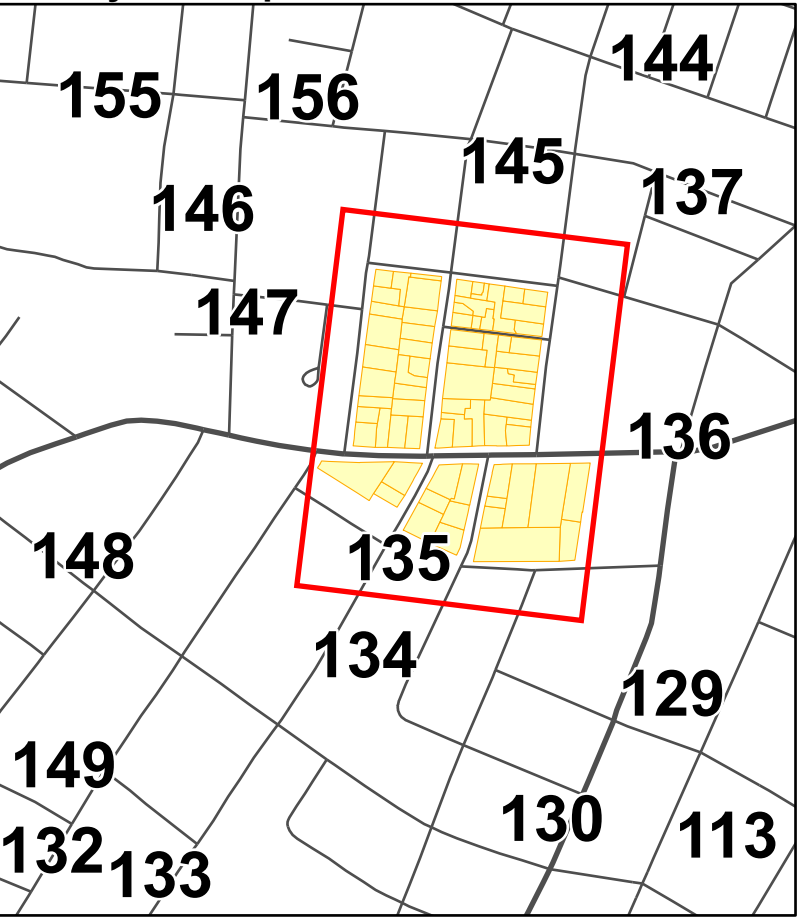
Parcel covered by this map
Parcel from a neighboring map (see other map for current status)

EXHIBIT D

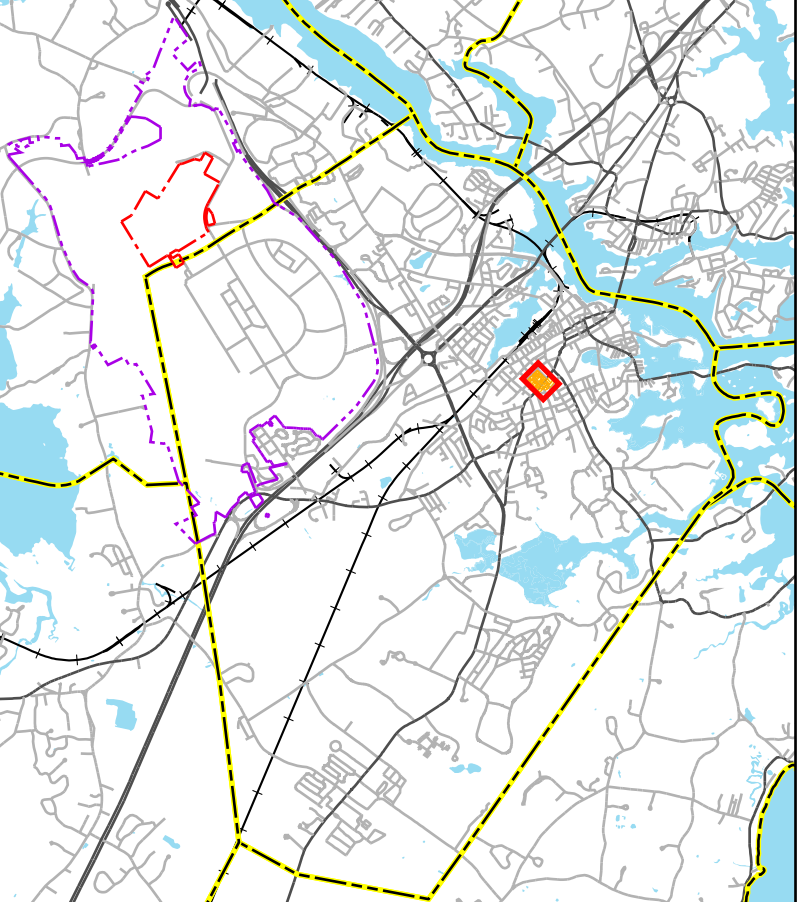


This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.

Nearby Tax Maps



Map Location



Portsmouth, New Hampshire
2025

Tax Map 135

December 18, 2025

Zoning Board of Adjustment
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Re: 238 Austin Street (Coffins Court) - Variance Proposal.
Map 135, Lot 61
General Residence "C" District

Dear Board Members:

The firm of Hoefle, Phoenix, Gormley & Roberts, PLLC has requested my professional opinion on the granting variances for the subject property from the Portsmouth Zoning Ordinance (PZO) and their impact on surrounding property values.

As a New Hampshire real estate licensee and Broker, I have spent over 18 years working in the Seacoast area real estate market. My residence is in downtown Portsmouth, NH, and our local LandVest office, of which I am the Managing Broker, is located on 56 State Street, Portsmouth – less than 1 mile from the subject property. As such, I have reviewed the survey plans, the neighborhood building coverage exhibit prepared by Ross Engineers and the architectural plans for the proposed subdivision. I have also visited the subject property and toured the neighborhood.

The existing condition of the property is somewhat derelict. An empty home void of siding fronts on Austin Street that was the subject of an attempted, yet failed, renovation. The house sits empty, gutted to the studs. To the side of the house sits an old shed. To the "rear" of the property sits an old, dilapidated barn that fronts on Coffins Court. The barn sits close to the road and very close to the abutting property lines – almost covering the entirety of the lot along Coffins Court. The barn sits empty yet appears to be structurally unsound.

The uses in the immediate area are a mix of single-family, duplex, and multi-family homes found on conforming and nonconforming lots of record. On Austin Street: directly abutting the parcel to the north is a two-unit residential structure; to the south, is a single-family home and directly across the street at 235 Austin Street appears a 4-unit, multi-family. The proposed lot on Coffins Court lot is surrounded by single family homes.

The proposed plan is to remove to the existing structures, subdivide the existing lot, and construct two new, code compliant, modest homes, largely located within the applicable building envelopes. The result is that it greatly improves yard setbacks, open space, and overall coverage.



The proposed homes are in keeping with the neighborhood in size and architectural style, provide covered garage space and off-street driveway parking.

The relief required for the proposed plan are variances to the PZO Section 10.520/Table 10.521 for creating a lot that is 2,884 sf in size where 3,500 sf is required (Coffins Ct. Lot) and to allow for the Austin Street lot to have 49.75 ft of frontage where 70 ft is required (note that the 49.75 feet is existing). Additionally, side and rear building setbacks are requested for minor intrusions for bulkheads and HVAC units (if applicable). The proposed homes are to be located otherwise entirely within the required building setbacks and the lots will meet the building coverage and open space requirements.

The removal of the existing structures alone would be a vast improvement to the property and the neighborhood. The addition of two new code compliant homes on both Austin Street and Coffins Court, located within the building setbacks would add further improvement and value to the property.

It is my professional opinion, based on my review of the application and two decades of experience working in the local real estate market, that the Board's granting of these variances to allow for two lots to be created and two homes to be built, will not diminish the value of surrounding properties.

Sincerely,

DocuSigned by:

James (Jim) Nadeau

12/18/2025

2BF276421E7E4CA...

James Nadeau – Lic. #063742

Managing Broker, Portsmouth, NH

LandVest/Christie's International Real Estate