

August 5, 2025

To the Portsmouth Planning Board,

I am writing to appeal the decision to grant variances for the proposed construction at **92 Brewster Street**. I'm requesting a rehearing, as I believe the board made an error in decision-making on July 15th 2025. We live at **7 McDonough Street**, and we believe the variances granted did not adequately consider the impact on our property or the surrounding neighborhood. We would like to highlight these concerns:

1. Three full stories & variances near the right of way path:

10.233.21 – The variance would not be contrary to the public interest.

We believe this condition has not been met. The proposed structure is a **full three-story** building, which is unprecedented in our immediate neighborhood and rare in Portsmouth. This scale disrupts the character of the neighborhood and diminishes light, air, and open space for our house, our yard, and our neighbors.

Regarding the property line to house variances requested near the right of way: The house would sit less than 8.5 feet from the right of way path, with the driveway being adjacent to the right of way. The 10' required distance should be **from** the edge of brick path right of way closest to the house, not from the outer edge as the design shows. That path is used daily by the mailman, our kids, residents, and neighbors. Having such a tight space for the right of way and the driveway is going to cause crowding and accidents. The increased enclosure will directly affect how the right of way can be used.

2. Impact on property value:

10.233.24 – The variance would not diminish the values of surrounding properties.

We believe this condition has also not been met. The new massive structure would be less than 14 feet from our property, yet our house was not pictured in the plans, and the impact not considered. Our home is bordered closely by two other properties (3 and 13 McDonough), leaving the front and rear of our lot as our only sources of natural light and air. The proposed structure at 92 Brewster would sit just 14 feet from the rear of our property and rise three full stories, significantly reducing our access to sunlight and open air.

From our house at 7 McDonough, the size and height of the proposed building just 30 feet away, will dominate our entire rear view from any point in our yard or house, at every level of our house. The structure will obstruct our daughter's bedroom window, and be uncomfortable having a full size living room windows directly across from hers. It will obstruct our view of several mature trees and the North Mill Pond, altering the visual and environmental quality of our home. This was not pictured in any of the plans or elevations.

3. Granting variances due to hardship:

10.233.25 – Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

The claimed hardship arises not from the unique conditions of the lot, but from the developer's decision to accommodate **two residential units**. A single-unit design would not require these variances and could be constructed in a way that respects the existing zoning requirements. As noted by Jon in his public comment:

“This lot is buildable with no setback relief in a way that is consistent with the surrounding properties, including new/recent construction. There is no hardship to the owner pertaining to setbacks.”

In summary, we ask the Board to reconsider the approval of the variances for 92 Brewster Street. The scale and design of the proposed development impose a substantial burden on surrounding properties—ours in particular—while failing to demonstrate a true hardship under the ordinance.

I fully understand the need for improved housing and development, and if this proposal were more reasonable in fitting with the character of our neighborhood, respecting the property line variances, and not trying to crowd two units where one would fit comfortably, I would be very supportive.

Thank you for your time and consideration.

Sincerely,
Abby Kirschner & Chris Schnaars
7 McDonough Street
Portsmouth, NH



CITY OF PORTSMOUTH

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

ZONING BOARD OF ADJUSTMENT

July 22, 2025

Harborside Property Management LLC
92 Brewster Street
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 92 Brewster Street,
Portsmouth NH 03801 (LU-25-25)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **July 15, 2025**, considered your application for the property located at 92 Brewster Street whereas relief is needed to demolish the existing structure and construct a single-family home with Accessory Dwelling Unit which requires the following: 1) Variance from Section 10.521 to allow a) 2,884 s.f. of lot area where 3,500 s.f. are required, b) 2,884 s.f of lot area per dwelling unit where 3,500 s.f. are required, c) 52.33 feet of continuous street frontage where 70 feet are required, d) 9.5 foot right side yard where 10 feet are required, and e) 10 foot rear yard where 20 feet are required. Said property is shown on Assessor Map 138 Lot 54 and lies within the General Residence C (GRC) 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.cityofportsmouth.com/planportsmouth/zoning-board-adjustment/zoning-board-adjustment-archived-meetings-and-material>

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

Very truly yours,

A handwritten signature in cursive script that reads "Phyllis Eldridge". The signature is written in dark ink and is positioned above the printed name.

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Alex Ross, Ross Engineering

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 7-15-2022

Property Address: 92 Brewster Street

Application #: LU-25-25

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	<ul style="list-style-type: none">The building height is not really under discussion and it will be more conforming than the existing structure, so there will be additional light and air on a portion of the property.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none">The building height is not really under discussion and it will be more conforming than the existing structure, so there will be additional light and air on a portion of the property.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none">There is not a benefit to the public by denying the variance, so the loss to the property owner will outweigh any benefit to the public if the variance were to be denied.

<p>10.233.24 Granting the variance would not diminish the values of surrounding properties.</p>	<p>YES</p>	<ul style="list-style-type: none"> • The neighborhood is going through some changes and modernizing, so having a more contemporary style and code-compliant house on the lot will not diminish the surrounding properties values in any way and in fact would improve them.
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(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.</p>	<p>YES</p>	<ul style="list-style-type: none"> • The property has unique characteristics because of its geometry and the right-of-way, so dimensional relief along some of the lot lines is required to place a reasonably sized house on the property. The proposed plan strikes a good balance between the size of the house and the requested relief and will not be a large deviation in terms of lot coverage.