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January 29, 2026

HAND DELIVERED

Stephanie Casella, Planner
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Laura Stewart & Evan Baker, Owner/Applicant
Project location: 20 Coffins Court
Tax Map 135, Lot 53
General Residence C (GRC) District

Dear Ms. Casella & Zoning Board Members:

On behalf of Laura Stewart & Evan Baker ("Stewart & Baker" or "Applicant"), enclosed please find the following Revised Memorandum and Exhibits in support of a request for zoning relief.

We look forward to presenting this application to the Zoning Board at its February 18, 2026 meeting.

Sincerely,



Stephanie J. Johnson
R. Timothy Phoenix
Enclosure

cc: Laura Stewart & Evan Baker (email)
Ross Engineering, LLC (email)
Maugel DeStefano Architects (email)

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REVISED MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment (“ZBA”)
FROM: Stephanie J. Johnson, Esquire
R. Timothy Phoenix, Esquire
DATE: January 29, 2026
Re: Laura Stewart & Evan Baker
20 Coffins Court
Tax Map 135/Lot 53
General Residence C (“GRC”)

Dear Chair Eldridge and Zoning Board Members:

On behalf of the Applicant, Laura Stewart and Evan Baker (“Stewart & Baker”), we are pleased to submit this memorandum and attached exhibits in support of Zoning Relief from the Portsmouth Zoning Ordinance (“PZO”) to allow installation of a spiral staircase in the rear of the home to improve outdoor access between the first and second floor decks and enable Stewart & Baker to screen in the first floor deck (the “Project”)¹. Although the Project is largely confined to the home’s existing footprint, relief is necessary because the existing home encroaches on side, front, and rear setbacks. The Project as proposed encroaches on the left side and rear yard setbacks, increases building coverage on the lot by 0.8%, and reduces open space by 0.7%, requiring additional relief.

I. EXHIBITS

- A. Site Plan Set – Ross Engineering, LLC.
 - Existing Conditions Plan
 - Site Plan
 - Elevations
- B. Architectural Plan Set – Maugel DeStefano Architects.
 - Elevations – South and West
 - Elevations – North and East
 - Sections & Perspectives
- C. Site Photos.
- D. Tax Map 135.

¹ Stewart & Baker applied for zoning relief to permit dormers to be installed on the third floor of their home, requiring relief as the right side of their home is 4.1' away from the lot line, encroaching on the required 10' setback. The Board of Adjustment (the “Board”) granted their variance to permit the dormers on January 21, 2026. Relief for the spiral staircase was continued to the February 18, 2026 meeting after it was determined that the application neglected to request rear setback relief for the spiral staircase.

II. PROPERTY/PROJECT

20 Coffins Court is an undersized 2,036-s.f. lot containing a five-bedroom, two-bathroom single family home with 1,559-s.f. of living area (“the Property”). Due to the size constraints of the existing lot, Stewart & Baker propose to remove the existing spiral staircase between their first and second floor decks and replace it with a spiral staircase situated to the left side of the existing decks, encroaching on the required left side yard and rear yard setbacks. The proposed spiral staircase will also marginally increase building coverage from 49.6% to 50.3% and decrease open space on the lot from 5.3% to 4.5%, requiring relief. Moving the spiral staircase outside of the existing decks will allow Stewart & Baker to screen in the first-floor deck. Screening in the existing deck does not require relief. Relief is required to enable Stewart & Baker to improve the functionality of the outdoor space in a manner that blends in with the neighborhood and increases the Property’s value.

III. RELIEF REQUIRED

<u>Variance Section</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
PZO §10.521 Dimensional Standards			
• Left Side Yard	10'	1.5' Deck 5.8' Spiral Staircase	1.5' Deck 5.8' Spiral Staircase
• Rear Yard	20'	6.9' Deck 6.9' Spiral Staircase	6.9' Deck 6.9' Spiral Staircase
• Building Coverage	30%	49.6%	50.3%
• Open Space	20%	5.3%	4.5%

IV. 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 the variances are not contrary to the public interest and are 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 the

variances “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.

Portsmouth Zoning Ordinance (“PZO”) Section 10.121 identifies the general purposes and intent of the ordinance “to promote the health, safety and general welfare of Portsmouth...in accordance with the...Master Plan.” These purposes are accomplished by regulating:

- The use of land, buildings and structures for business, industrial, residential and other purposes – The Property will continue to support a residential use in a residential zone.
- The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – The Project is largely contained within the existing home’s footprint, unnoticeably increasing building area and imperceptibly reducing open space on the lot, and encroaching no more into the setbacks than the existing structures on the Property.
- The design of facilities for vehicular access, circulation, parking and loading – No change.
- The impact on properties on of outdoor lighting, noise, vibration, stormwater runoff and flooding – The Project does not increase the impact of the existing home on outdoor lighting, noise, vibration, stormwater runoff or flooding as it makes use of the home’s existing footprint. The Project improves the aesthetics and livability of the home.
- The preservation and enhancement of the visual environment – The Project increases safety and functionality of existing outdoor space while maintaining the character of the existing single-family home, rather than tearing it down and replacing it with a modern structure out of character with the surrounding neighborhood.
- The preservation of historic districts and building and structures of historic architectural interest – As previously noted, the Project preserves the existing home, noted in tax records to have been built in 1880, rather than replacing it with a modern structure that would clash with the existing neighborhood’s aesthetic.
- The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – The existing driveway and lower-level patio are made from permeable pavers, ensuring infiltration of stormwater runoff, offsetting the Project’s negligible decrease in open space and scant increase in lot coverage.

The intent of the GRC Zone is to “provide areas for single-family, two family 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.” PZO §10.410. The Project meets the intent of the GRC Zone. The proposed spiral staircase provides additional usability and safety via outdoor ingress and egress between the existing first and second floor decks at the rear of the property without increasing the encroachment of the existing home. Moving the spiral staircase from its current location within the two decks will enable Stewart & Baker to screen in the first-floor deck, providing

them with an outdoor space free from insects and other pests. Given these factors, granting the requested variances will not conflict with the basic zoning objectives of the PZO.

In considering whether variances “in a marked degree conflict with the ordinance such that they violate the ordinance’s basic zoning objectives,” Malachy Glen, supra, also held:

One way to ascertain whether granting the variance would violate basic zoning objectives is to determine 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)

Coffins Court is a very narrow lane connecting Union Street and Cabot Street. See Exhibit D. Stewart & Baker’s home encroaches on existing setbacks. Exhibits A, D. Four of the nine lots with frontage on Coffins Court are undersized: 37 Coffins Court (single-family home, 2,178-s.f.); 45 Coffins Court (two-family home, 1,306-s.f.), 179 Union Street (three-family home, 2,613-s.f.), and 74 Cabot Street (single-family home, 3,485-s.f.). *Id.* This proposal simply relocates an existing spiral staircase at the rear of the structure outside of the existing decks and is in keeping with the surrounding area. The proposed design is tasteful and maintains the existing neighborhood aesthetic. Granting the variances reasonably permits a safer means of outdoor ingress and egress between the existing first and second floor decks. Clearly, the variances neither alter the essential character of the locality nor threaten the public health, safety, or welfare. Accordingly, granting the variances is not contrary to the public interest and observes the spirit of ordinance.

3. Substantial justice will be 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.

Stewart & Baker are constitutionally entitled to the reasonable use of their land. For all of the reasons previously stated, it is entirely reasonable to relocate an existing spiral staircase to a more suitable location without disturbing the Property’s original footprint. The proposed staircase is wider than the existing one, making it safer to use. By moving the staircase outside of the existing decks, they can fully screen in the first-floor deck, preventing insects and other

Stewart & Baker/20 Coffins Court

animals from entering. “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.

The variances allow a safer and more functional spiral staircase to be built in a more suitable location without increasing the footprint of the existing home. The Project is visually consistent with the existing neighborhood's character and appearance. Stewart & Baker have lived in the home for over twenty years. As long-time Portsmouth residents, rather than proposing a replacement home that would stand out, the Project continues to fit the character of the existing neighborhood, honoring their home's original design and aesthetics while improving functionality of their outdoor space. The addition of a spiral staircase at the rear of the property results in an imperceptible expansion of the existing structure's rear and left side yard encroachment and unnoticeable increase in building coverage (0.7%) and decrease in open space (0.8%). Thus, there is no gain to the public from denial of the variances. Conversely, Stewart & Baker will be greatly harmed by denial of any of the variances because they will be unable to reasonably improve the functionality and safety provided by the exterior staircase connecting their existing decks. Accordingly, substantial justice will be done by granting the variances, while a substantial injustice will be imposed upon Stewart & Baker if denied.

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

The Project provides a small increase in volume within the existing home's perimeter in a thickly settled neighborhood with multiple nonconforming structures. The proposed staircase encroaches less than the existing deck on the left side of the lot and no more than the existing decks in the rear of the lot. Given the limited scope of the request and its imperceptible effect on building coverage and open space, it is clear that granting the variances will not diminish surrounding property values. The neighbor located behind their property at 54 Cabot Street (Exhibit D) supports the requested relief.

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

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

The Property, at .05 acres, is a very small lot situated in a high-density residential neighborhood. The Property is developed with a 145-year-old, nonconforming structure within the front, side, and rear setbacks. The existing deck and stairs leading to the lower-level patio are entirely within the left side and rear yard setbacks. Any change to the Property would require similar relief. Additionally, the Property is located in a densely developed area with many other homes that do not comply with front, side, or rear yard requirements. These circumstances combine to create special conditions.

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

The purpose of setbacks is to prevent overcrowding and overburdening of land, provide sightlines for pedestrians and motorists, ensure adequate light and air circulation, and provide sufficient area for stormwater treatment. None of these purposes are impaired by granting the requested variances. The nonconforming home already exists in the front, side, and rear yard setbacks and the proposed spiral staircase, although located within the left side and rear yard setbacks, does not encroach any further into the rear yard than the existing decks, and is more conforming with the left side yard setback than the existing deck and stairs leading to the lower patio. No expansion beyond the existing footprint is proposed here.

Moreover, the overall neighborhood is similarly densely developed with multiple nearby nonconforming lots and structures. See Walker v. City of Manchester, 107 N.H. 382, 386 (1966) (Hardship may be found where similar nonconforming uses exist within the neighborhood and the proposed use will have no adverse effect on the neighborhood). See also Belanger v. City of

Nashua, 121 N.H. 389 (1981) (Variance proper where ordinance no longer reflects the current character of neighborhood). Balancing the clearly minimal effect upon neighbors against the reasonable request to improve functionality and safety of the outdoor spiral staircase connecting the first and second floor decks at the rear of the Property, there is no fair and substantial relationship between the purposes of the setback, lot coverage, and open space requirements and their application in this instance.

c. The proposed use is reasonable.

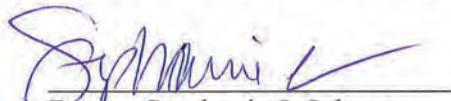
If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005). Residential use is permitted in the GRC Zone. The Project improves the functionality and safety of an outdoor staircase. The resulting increase in setback encroachment, decrease in open space, and increase in lot coverage is so minuscule as to be unnoticeable.

V. CONCLUSION

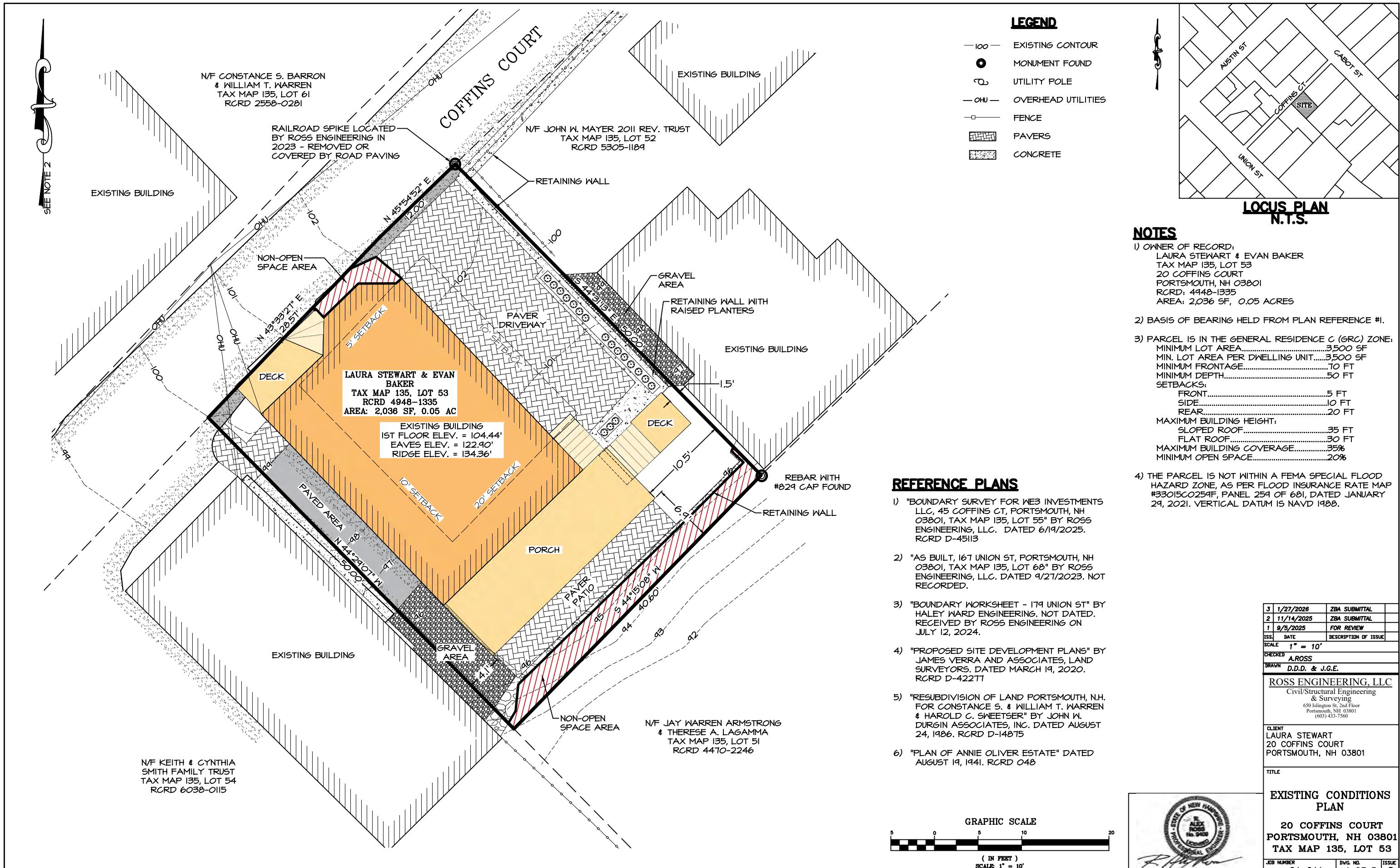
For all of the reasons stated, Stewart & Baker respectfully request that the Portsmouth Zoning Board of Adjustment grant the requested variances.

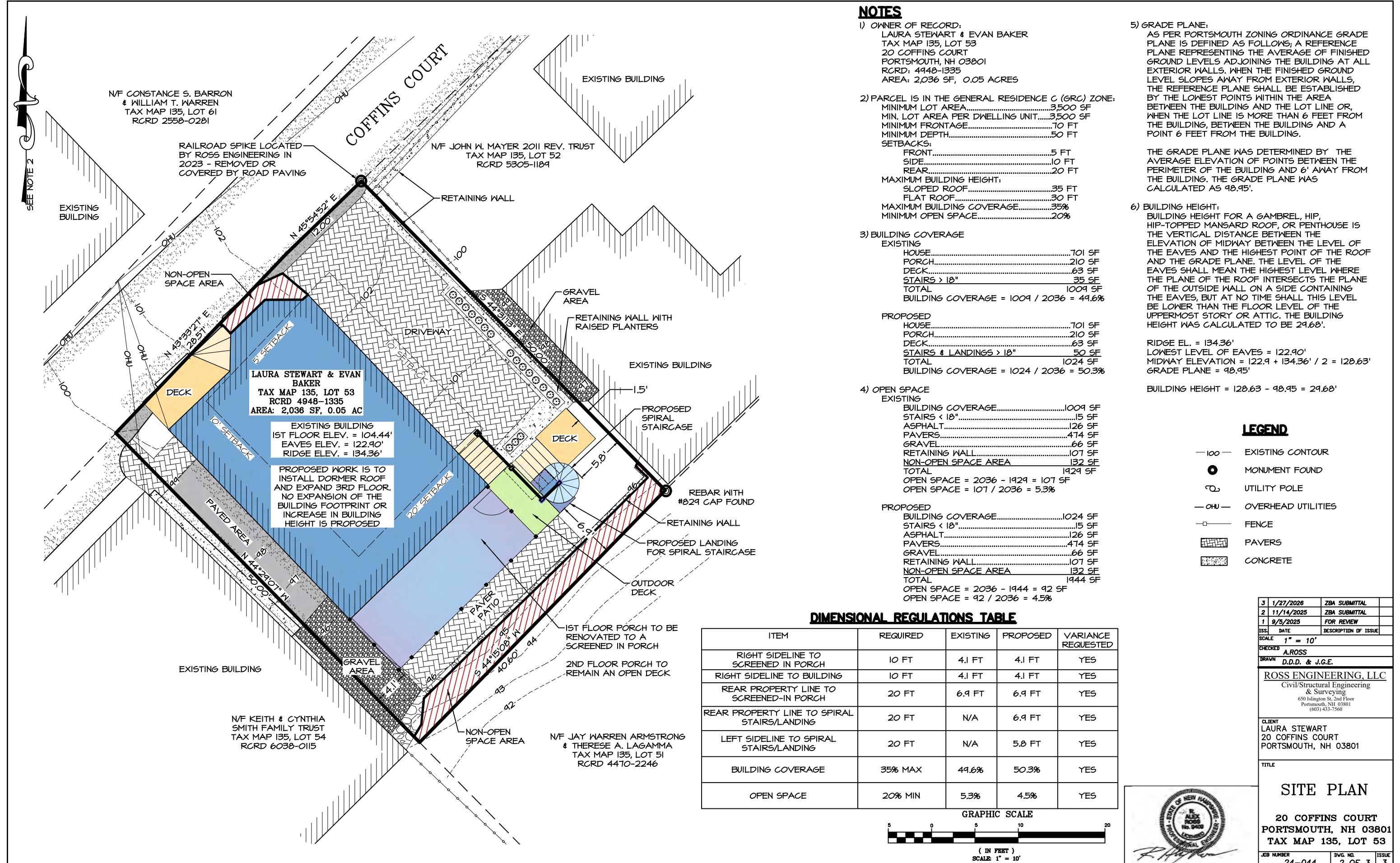
Respectfully submitted,

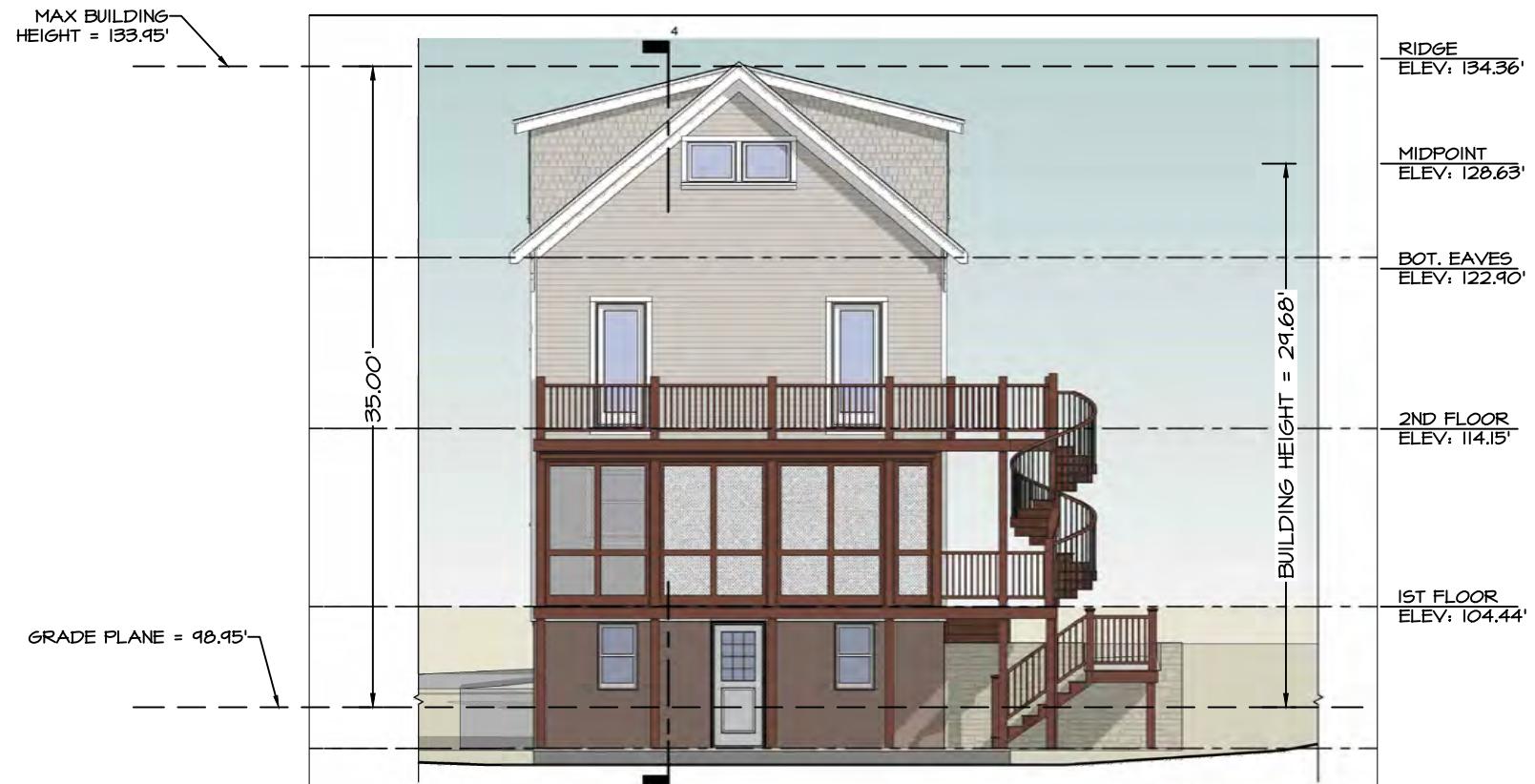
Laura Stewart & Evan Baker



By: _____
Stephanie J. Johnson
R. Timothy Phoenix







NOTES

1) GRADE PLANE:
AS PER PORTSMOUTH ZONING ORDINANCE GRADE PLANE IS DEFINED AS FOLLOWS; A REFERENCE PLANE REPRESENTING THE AVERAGE OF FINISHED GROUND LEVELS ADJOINING THE BUILDING AT ALL EXTERIOR WALLS. WHEN THE FINISHED GROUND LEVEL SLOPES AWAY FROM EXTERIOR WALLS, THE REFERENCE PLANE SHALL BE ESTABLISHED BY THE LOWEST POINTS WITHIN THE AREA BETWEEN THE BUILDING AND THE LOT LINE OR, WHEN THE LOT LINE IS MORE THAN 6 FEET FROM THE BUILDING, BETWEEN THE BUILDING AND A POINT 6 FEET FROM THE BUILDING.

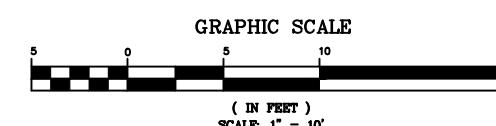
THE GRADE PLANE WAS DETERMINED BY THE AVERAGE ELEVATION OF POINTS BETWEEN THE PERIMETER OF THE BUILDING AND 6' AWAY FROM THE BUILDING. THE GRADE PLANE WAS CALCULATED AS 98.95'.

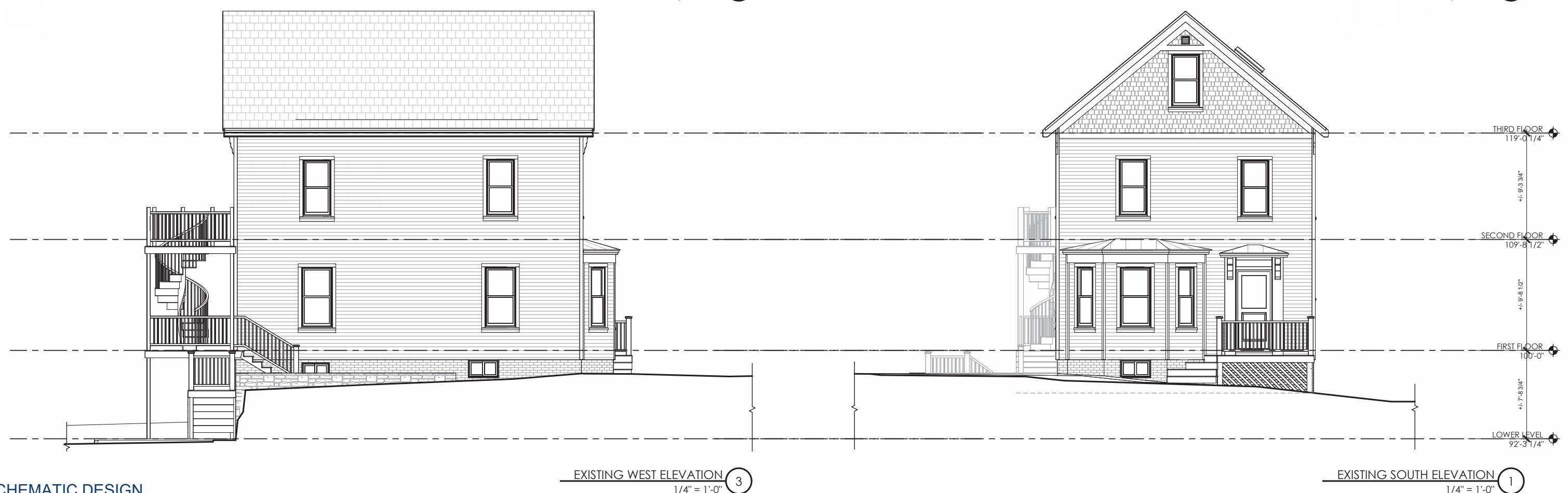
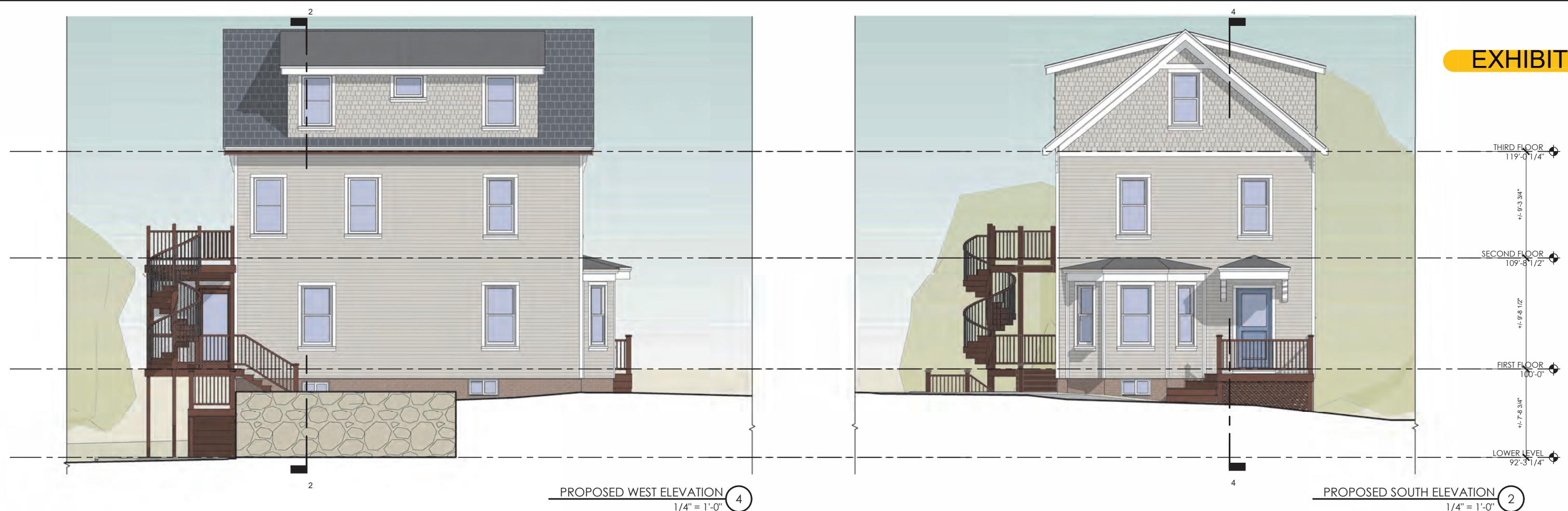
2) BUILDING HEIGHT:
BUILDING HEIGHT FOR A GAMBREL, HIP, HIP-TOPPED MANSARD ROOF, OR PENTHOUSE IS THE VERTICAL DISTANCE BETWEEN THE ELEVATION OF MIDWAY BETWEEN THE LEVEL OF THE EAVES AND THE HIGHEST POINT OF THE ROOF AND THE GRADE PLANE. THE LEVEL OF THE EAVES SHALL MEAN THE HIGHEST LEVEL WHERE THE PLANE OF THE ROOF INTERSECTS THE PLANE OF THE OUTSIDE WALL ON A SIDE CONTAINING THE EAVES, BUT AT NO TIME SHALL THIS LEVEL BE LOWER THAN THE FLOOR LEVEL OF THE UPPERMOST STORY OR ATTIC. THE BUILDING HEIGHT WAS CALCULATED TO BE 29.68'.

RIDGE EL. = 134.36'
LOWEST LEVEL OF EAVES = 122.90'
MIDWAY ELEVATION = $122.9 + 134.36' / 2 = 128.63'$
GRADE PLANE = 98.95'

BUILDING HEIGHT = $128.63 - 98.95 = 29.68'$

3	1/27/2026	ZBA SUBMITTAL
2	11/14/2025	ZBA SUBMITTAL
1	9/5/2025	FOR REVIEW
ISS. DATE	DESCRIPTION OF ISSUE	
SCALE 1" = 10'		
CHECKED A.ROSS		
DRAWN D.D.D. & J.G.E.		
ROSS ENGINEERING, LLC		
Civil/Structural Engineering		
& Surveying		
650 Islington St., 2nd Floor		
Portsmouth, NH 03801		
(603) 433-7560		
CLIENT		
LAURA STEWART		
20 COFFINS COURT		
PORTSMOUTH, NH 03801		
TITLE		
ELEVATIONS		
20 COFFINS COURT		
PORTSMOUTH, NH 03801		
TAX MAP 135, LOT 53		
JOB NUMBER	DWG. NO.	ISSUE
24-044	3 OF 3	3





SCHEMATIC DESIGN

BAKER RESIDENCE

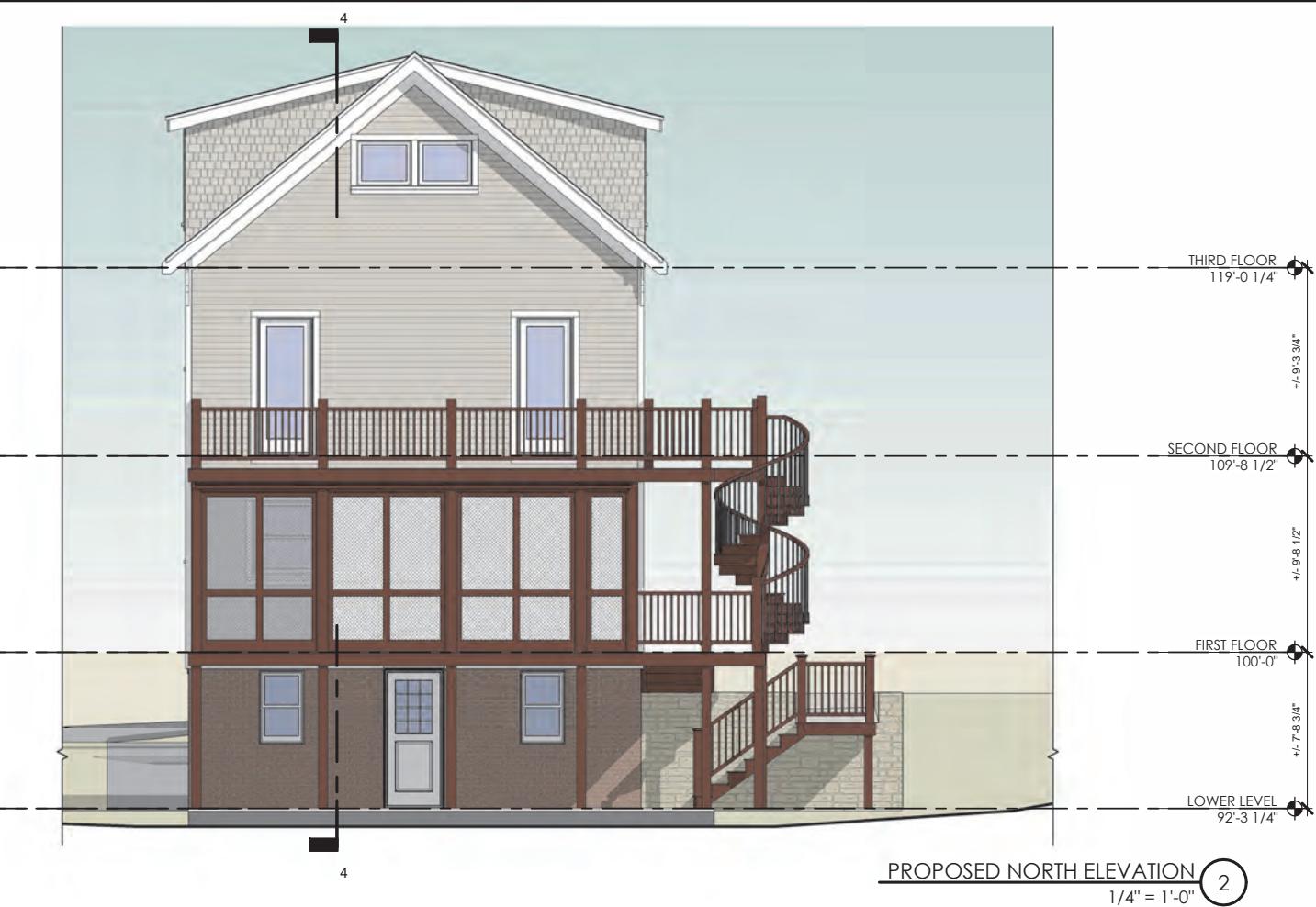
20 COFFINS COURT, PORTSMOUTH NH

ELEVATIONS

SEPTEMBER 23, 2025



PROPOSED EAST ELEVATION 1/4" = 1'-0"



PROPOSED NORTH ELEVATION 1/4" = 1'-0"



EXISTING EAST ELEVATION 1/4" = 1'-0"



EXISTING NORTH ELEVATION 1/4" = 1'-0"

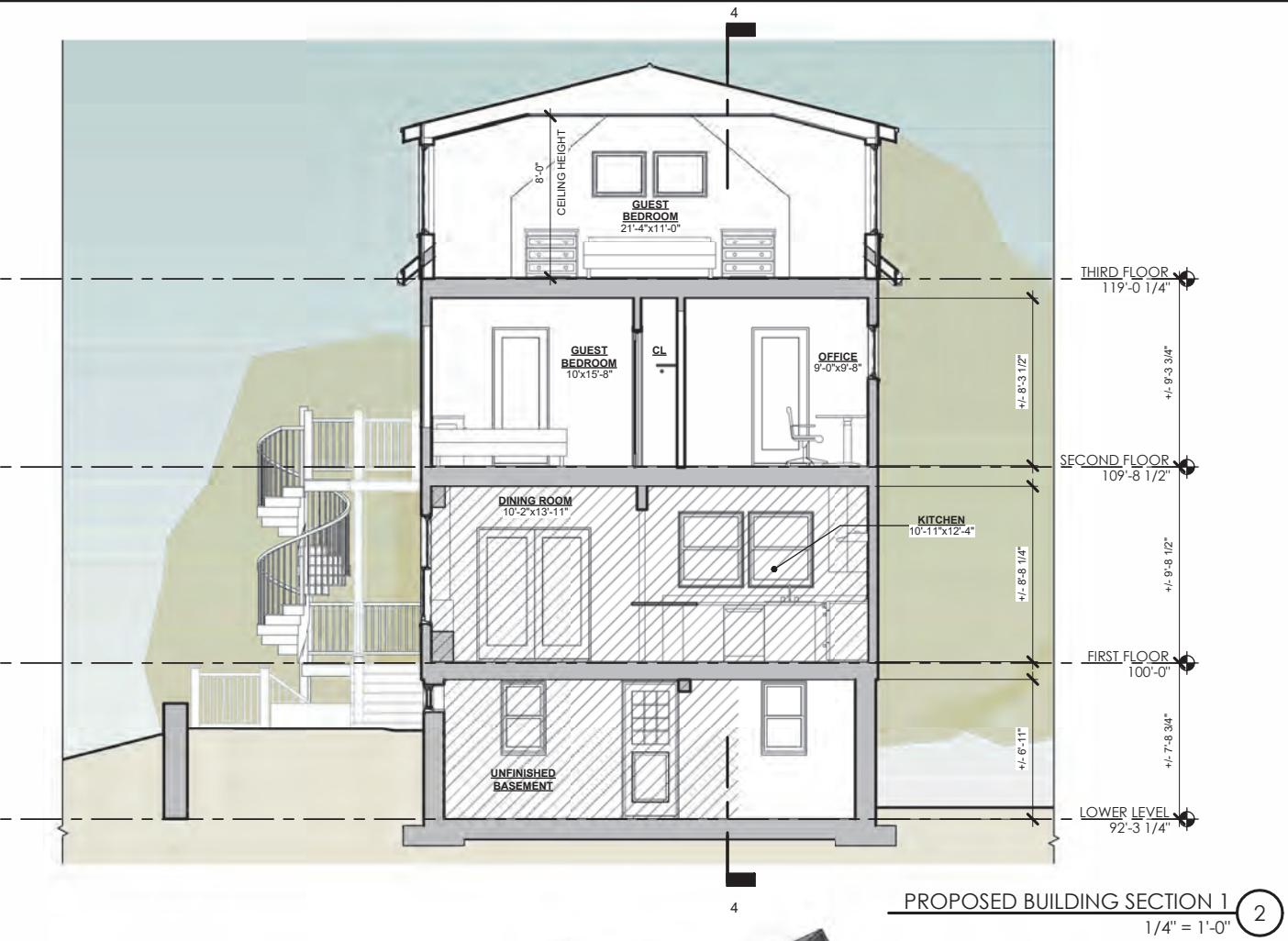
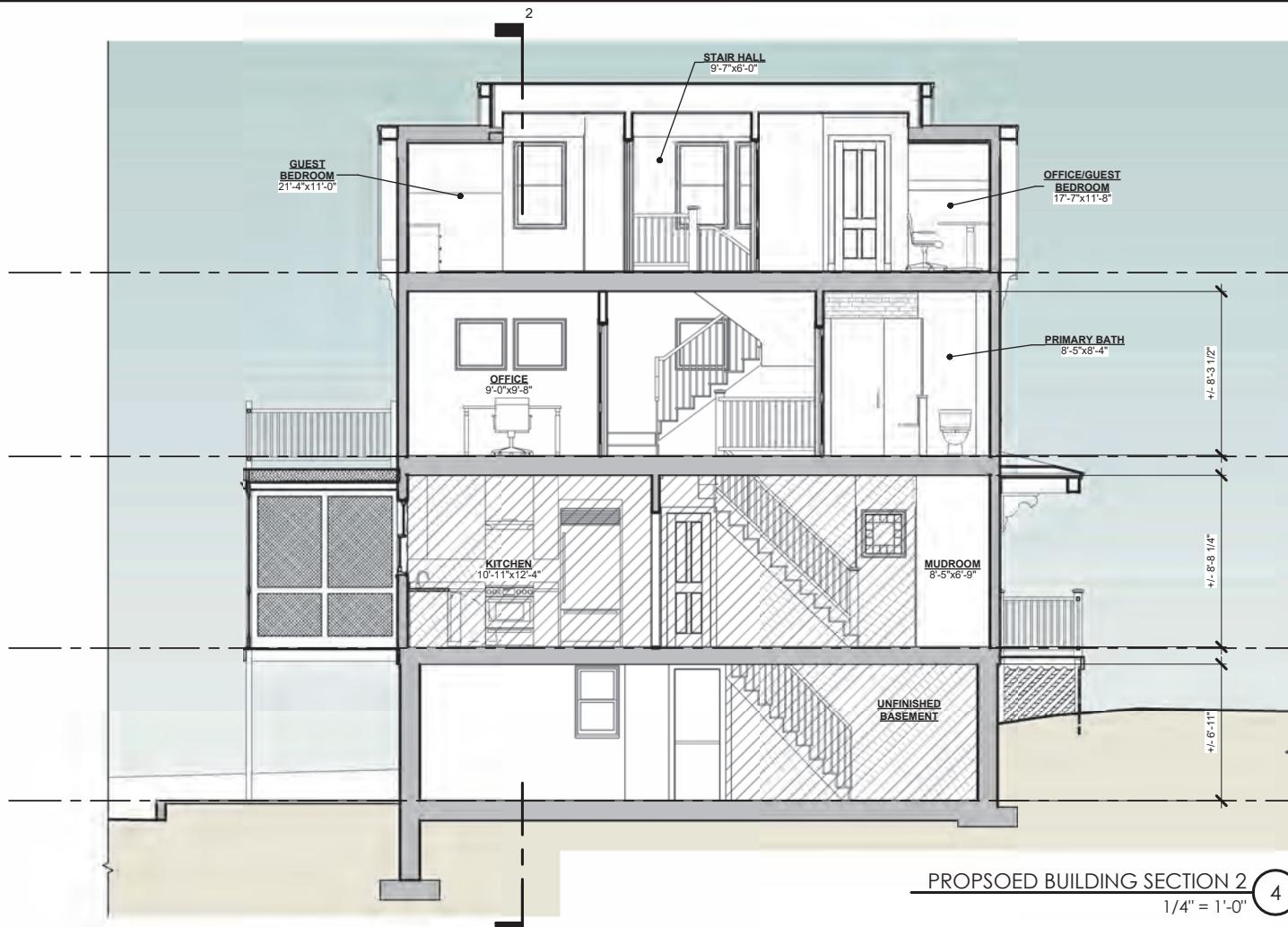
SCHEMATIC DESIGN

BAKER RESIDENCE

20 COFFINS COURT, PORTSMOUTH NH

ELEVATIONS

SEPTEMBER 23, 2025



SCHEMATIC DESIGN

BAKER RESIDENCE

20 COFFINS COURT, PORTSMOUTH NH

SECTIONS & PERSPECTIVES

SEPTEMBER 23, 2025

