

CITY OF PORTSMOUTH ZONING BOARD OF ADJUSTMENT

Statement in Support of Variance Request

Property: 1490 Islington Street, Portsmouth, New Hampshire

Applicant/Owner: Emilyn Kennedy

Members of the Board of Adjustment:

My name is Emilyn Kennedy, and I am the new owner and resident of 1490 Islington Street. I am an Army veteran and a first-time homeowner. As someone in my early 30s, I never thought I would be able to purchase a home in Portsmouth, but I feel incredibly fortunate to be able to now call the city home.

1490 Islington Street is in the Single Residence B (SRB) zone, Tax Map #233, Lot #108. The property is approximately 36,590 square feet (0.84 acres) and contains a two-story, wood framed dwelling built in 1893, with two exterior porches, and an existing detached barn.

I am respectfully requesting a use variance to allow the property to be re-zoned to a two-family dwelling within the SRB zoning district.

The purpose of this request is not to substantially change the existing residential use, density, or character of the property. Rather, I am seeking to resolve an unusual situation created by the existing configuration and permitting history of the house and to build a modest addition that will provide a functional bedroom for the first-floor owner-occupied unit.

Background and Existing Conditions

Prior to my ownership as of June of this year, the previous owner received a permit for and undertook substantial work to configure the house as a single-family residence with an accessory dwelling unit (ADU). The second floor was renovated as a complete two-bedroom residential rental unit, including its own new kitchen and bathroom. The home's existing front entry hall and front door (facing Islington Street) provide access to the second-floor unit, while the first-floor residence has its own entrance from the side porch facing the driveway.

Although the physical layout of the property was designed with the second-floor functioning as the rental unit, the prior permit identified the **first floor** as the ADU. My understanding is that this designation was made because the first floor living area could satisfy the applicable ADU size limitation of 750 sq ft, while the completed second-floor unit exceeded it, at 827 sq ft when including the front entry.

The permit was never formally closed by the prior owner. When I purchased the property and began working with the City to resolve and close the outstanding permit, this discrepancy became apparent.

The difficulty is that the first-floor unit, as presently configured, does not have a practical, private bedroom. The room previously intended to serve as the first-floor bedroom is the front living room featuring a bay window immediately adjacent to Islington Street. Directly outside its window is a city-installed pedestrian crossing signal located on my property. Due to the busyness of the crosswalk which provides entrance to the NH Rail Trail, the signal produces an audible sound throughout the day and night, making the front room nonfunctional as a bedroom.

I, therefore, am looking to construct a modest, one-story addition at the rear of the house containing a bedroom, bathroom, and closet. I will continue to occupy the first-floor unit as my primary residence, while the existing second-floor unit would remain a residential rental unit.

The addition would solve the functional problem with the first-floor residence, but it would also increase its square footage such that the property could no longer satisfy the dimensional requirements necessary to characterize one of the two units as an ADU. For that reason, I am requesting a variance to allow the property to be classified and used as a two-family dwelling.

I respectfully submit that the proposed use satisfies each of the five criteria required for a variance.

1. Granting the Variance Would Not Be Contrary to the Public Interest

Granting this variance would not alter the essential character of the neighborhood or threaten the public health, safety, or welfare.

The property would remain residential in appearance and use. There would continue to be only two dwelling units on the property, the same number of residential living spaces included in the previously approved single-family-plus-ADU configuration. The variance would not introduce a commercial use, multifamily building, or substantially greater residential density.

The property is also unusually well-suited from a dimensional standpoint to accommodate two dwelling units. The lot comprises approximately 36,590 square feet. At the SRB dimensional standard of 15,000 square feet of lot area per dwelling unit, this property exceeds the two-family requirement by approximately 6,590 square feet.

The property also contains six existing off-street parking spaces, providing ample space for the parking needs associated with two residential units, without creating additional demand for on-street parking.

The proposed one-story addition would be located at the rear of the existing house and would allow the property to continue functioning as a low-density residential property. The addition meets all setback criteria, 12' from left side (north) property line where 10' is required, 114' from the right side (south) property line where 10' is required, and 151' from the rear property line where 30' is required. The addition is architecturally consistent with the rest of the house and is modest in size at 387 sq ft. All surrounding and abutting neighbors are aware of the proposed addition and none, including the directly abutting neighbors to the north, have expressed that they do not have an objection to the project.

2. Granting the Variance Would Observe the Spirit of the Ordinance

The requested variance is consistent with the underlying purposes of the City's residential zoning regulations: maintaining appropriate residential density, protecting neighborhood character, providing adequate lot area and parking, and ensuring safe and functional residential development.

Although a two-family dwelling is not a permitted use in the SRB district, the circumstances of this property are unusual. The house has already been configured to contain two independent residential living areas through a previously approved permit. The requested variance does not seek to significantly intensify the use of the property. Instead, it would allow the two existing residential living areas to be classified in a manner consistent with their actual physical configuration while allowing a modest addition necessary to provide the owner-occupied first floor with a functional bedroom.

The size of the existing second-floor unit further demonstrates that this is a modest request rather than an attempt to circumvent the purpose of the City's ADU regulations. The second-floor rental contains approximately 827 square feet of living area, only 77 square feet above the 750-square-foot ADU standard applicable and well below the maximum 950 square feet permitted for an ADU under current New Hampshire state law.

Furthermore, the property exceeds the SRB lot-area-per-dwelling-unit standard that would dimensionally accommodate two dwelling units. The proposed use therefore does not attempt to place two units on an undersized lot or create a level of density inconsistent with the dimensional standards applicable to the district. The purposes of the ordinance are to prevent overcrowding, protect light, air, privacy, maintain the character, and ensure open space – we find all of which are furthered by this project.

The proposal maintains the low-density residential nature of the property while allowing the existing house to be used safely, practically, and efficiently.

3. Granting the Variance Would Do Substantial Justice

The substantial justice criterion asks the Board to weigh the loss to the individual if the variance is denied against any corresponding gain to the public. As expressed, “Any loss to the individual which is not outweighed by a gain to the public is an injustice.”

In this case, denial of the variance would impose a substantial, identifiable loss to the property owner, while providing little, if any, corresponding benefit to the public.

Without the variance, the first-floor unit would be forced to rely upon a room that is not reasonably functional as a bedroom or would lose the ability to maintain the property's existing two-unit residential arrangement because neither unit would fall within the applicable ADU size limitation.

The requested variance provides a straightforward resolution: the property would remain occupied by the owner on the first floor with one rental dwelling on the second floor, but the two residential spaces would be treated as separate dwelling units rather than requiring one to satisfy the dimensional definition of an ADU. In practical terms, therefore, denying the variance would not reduce the number of residential living areas currently templated for the property, alleviate a parking problem, prevent excessive density, or protect the neighborhood from a new or incompatible use.

By contrast, it is difficult to identify a corresponding public benefit that would result from denial.

The distinction created by the addition is largely one of legal classification rather than actual neighborhood impact. Before the addition, the property could contain two residential units because one could qualify as an ADU. After the addition, the property would still contain the same two residential units. Furthermore, even with the addition, the property remains a three-bedroom property, as it was when originally used as a single-family home. The bedrooms are now split between two units, with a two-bedroom unit and a one-bedroom unit.

The loss to the applicant from strict enforcement is therefore concrete and substantial, while the public gain from requiring strict compliance in this circumstance is minimal or nonexistent. Denying the variance would impose a significant burden on the reasonable use of this property without achieving a corresponding public benefit

4. Granting the Variance Would Not Diminish Surrounding Property Values

There is no reason to expect that the proposed variance would diminish surrounding property values.

The property would remain residential and owner-occupied. The one-story addition at the rear of the existing home is architecturally consistent, does not involve the construction of a separate dwelling building, and meets all setback requirements. The property already contains the physical improvements necessary to accommodate the second-floor residential unit, including a kitchen, bathroom, bedrooms, and separate access arrangement. The property's large lot and existing off-street parking further limit the potential for impacts to neighboring properties. All surrounding and abutting neighbors have been made aware of the proposed addition and have indicated that they do not object to the project.

The proposed addition will be designed as an appropriate extension of the existing residence and is a part of continued investment in, and improvement of, the property, which will maintain, and improve, the residential quality of the property and therefore the surrounding neighborhood.

5. Literal Enforcement Would Result in Unnecessary Hardship Due to Special Conditions of the Property

This property presents special conditions that distinguish it from other properties in the area and makes literal enforcement of the use restriction unnecessarily burdensome in this circumstance.

First, the property has an unusual existing configuration resulting from its prior permitted conversion. The house already contains two independent residential living areas, with the second floor configured as a complete two-bedroom rental unit, despite the first floor having been identified as the ADU for purposes of the prior permit.

Second, the existing first-floor configuration does not provide a reasonably functional bedroom. The room that was intended to serve that purpose faces Islington Street and has a city-installed pedestrian crossing signal directly outside its window on the property. The signal's ongoing audible operation, together with the room's immediate proximity to the highly trafficked Islington Street, creates a condition particular to this property that materially affects the reasonable use of that room as sleeping space.

Third, the property itself is one of the largest in the neighborhood and is substantially large enough to accommodate two dwelling units under the dimensional standards applicable to the SRB district.

These conditions distinguish this request from a general desire to convert a single-family house into a higher-density investment property. I am proposing to live in the first-floor unit as my primary residence and rent out the second-floor unit, providing further housing availability in the city. The property already contains a second residential unit, and the number of dwelling units would remain at two. The variance is necessary because creating a functional bedroom for the owner-occupied unit through the proposed rear addition would make the existing ADU classification unworkable based on unit size.

Under these circumstances, there is not a fair and substantial relationship between the general purpose served by prohibiting two-family dwellings in the SRB district and applying that prohibition rigidly to this property. The purposes of controlling density and protecting neighborhood character are substantially addressed here by the size of the lot, the existing two-unit residential configuration, the available off-street parking, the continued owner occupancy, and the modest nature of the proposed addition.

The proposed two-family use is therefore a reasonable use of this particular property, and literal enforcement of the prohibition would create an unnecessary hardship arising from the property's unique physical and existing conditions.

Conclusion

This request is ultimately a limited one. I am seeking permission to make a modest rear addition that will provide a functional and private bedroom for my owner-occupied first-floor residence while retaining the existing second-floor rental unit. Because that addition prevents either unit from fitting within the applicable ADU size limitation, a two-family use variance provides the most logical way to resolve the property's unusual existing circumstances.

For these reasons, I respectfully submit that the requested variance is not contrary to the public interest, observes the spirit of the Ordinance, does substantial justice, will not diminish surrounding property values, and is warranted because literal enforcement of the Ordinance would result in unnecessary hardship due to the special conditions of this property.

I respectfully request that the Board grant the variance to permit the property at 1490 Islington Street to be used as a two-family dwelling.

Thank you for your consideration.

Emilyn Kennedy

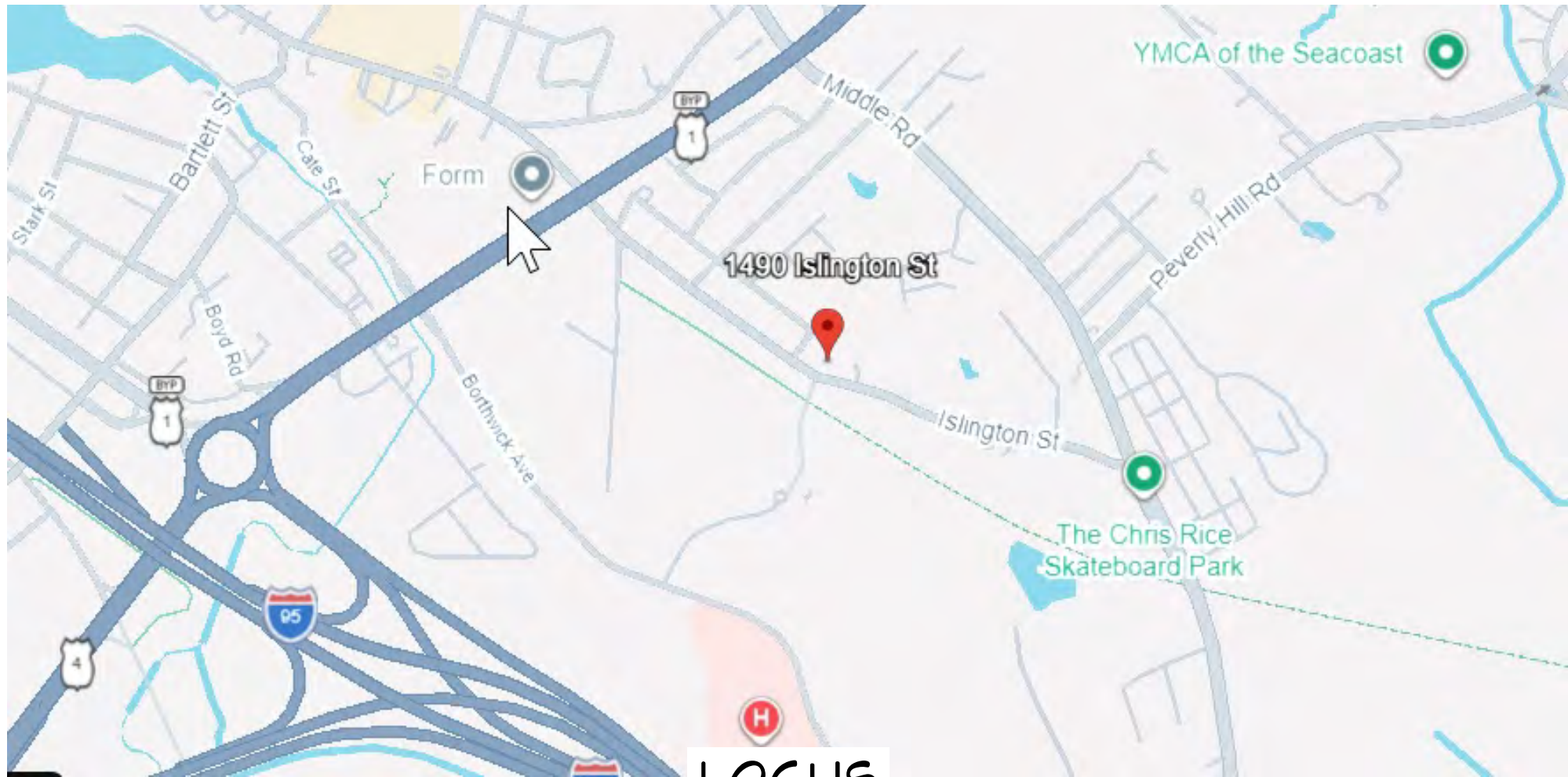
Owner, 1490 Islington Street

Enclosures:

- New Construction Plans
- Existing Plans/Layout
 - o Second Floor (Proposed Rental Unit)
 - o First Floor (original ADU)
- Current Photos
 - o Exterior Views
 - o Second Floor Renovations
 - o First Floor “Bedroom”
 - o Site/Setback Views

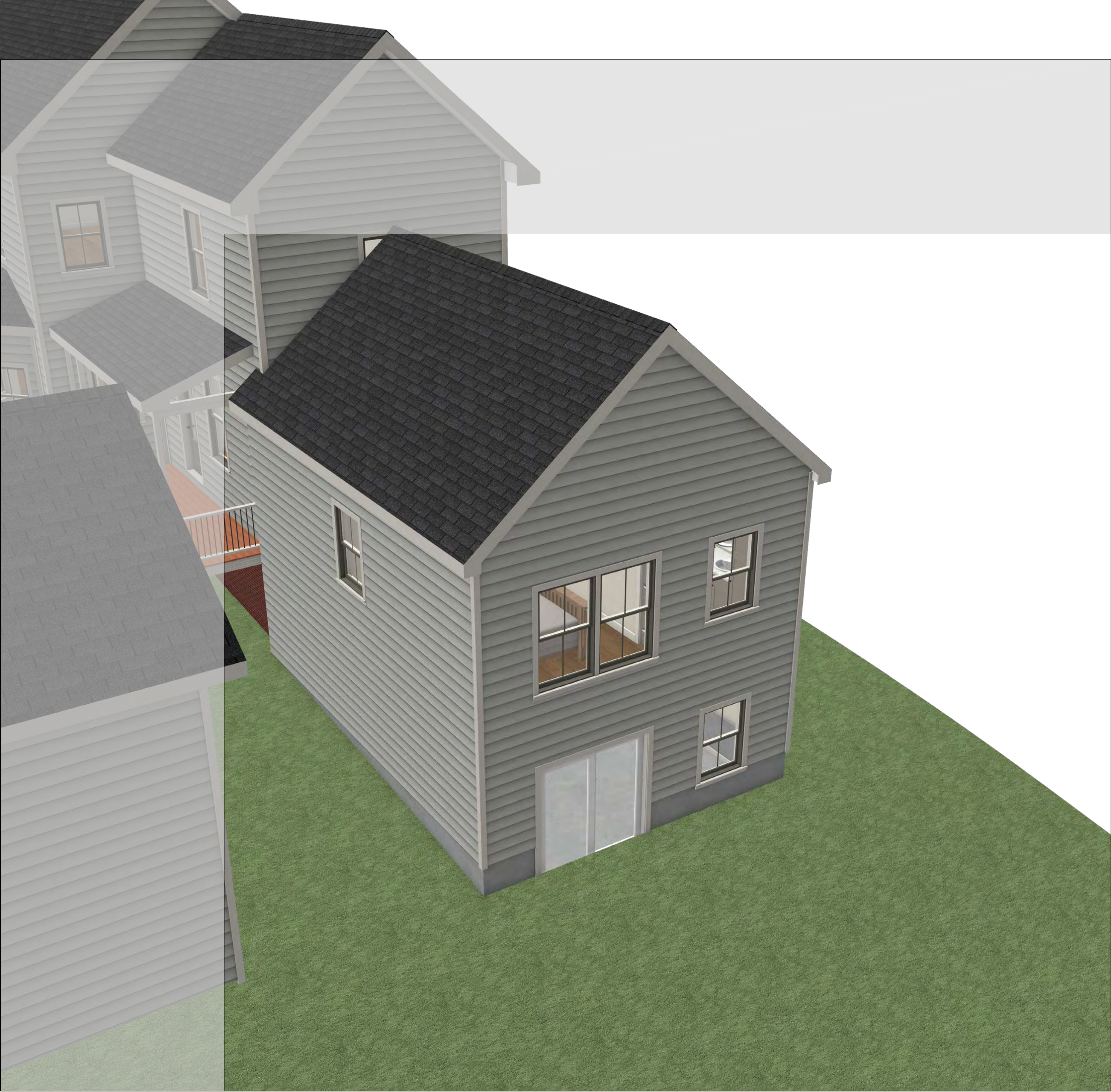


1490 ISLINGTON ST
PORTSMOUTH, NH



LOCUS

PROJECT NARRATIVE: Create single story gable addition. 1 bedroom, 1 bath, pantry, two closets and laundry closet. Storage in basement



REAR EDITION



REVISION TABLE		REVISION BY	DESCRIPTION
NUMBER	DATE		

EMILYN KENNEDY
1490 ISLINGTON ST
PORTSMOUTH, NH
03801

Project Overview

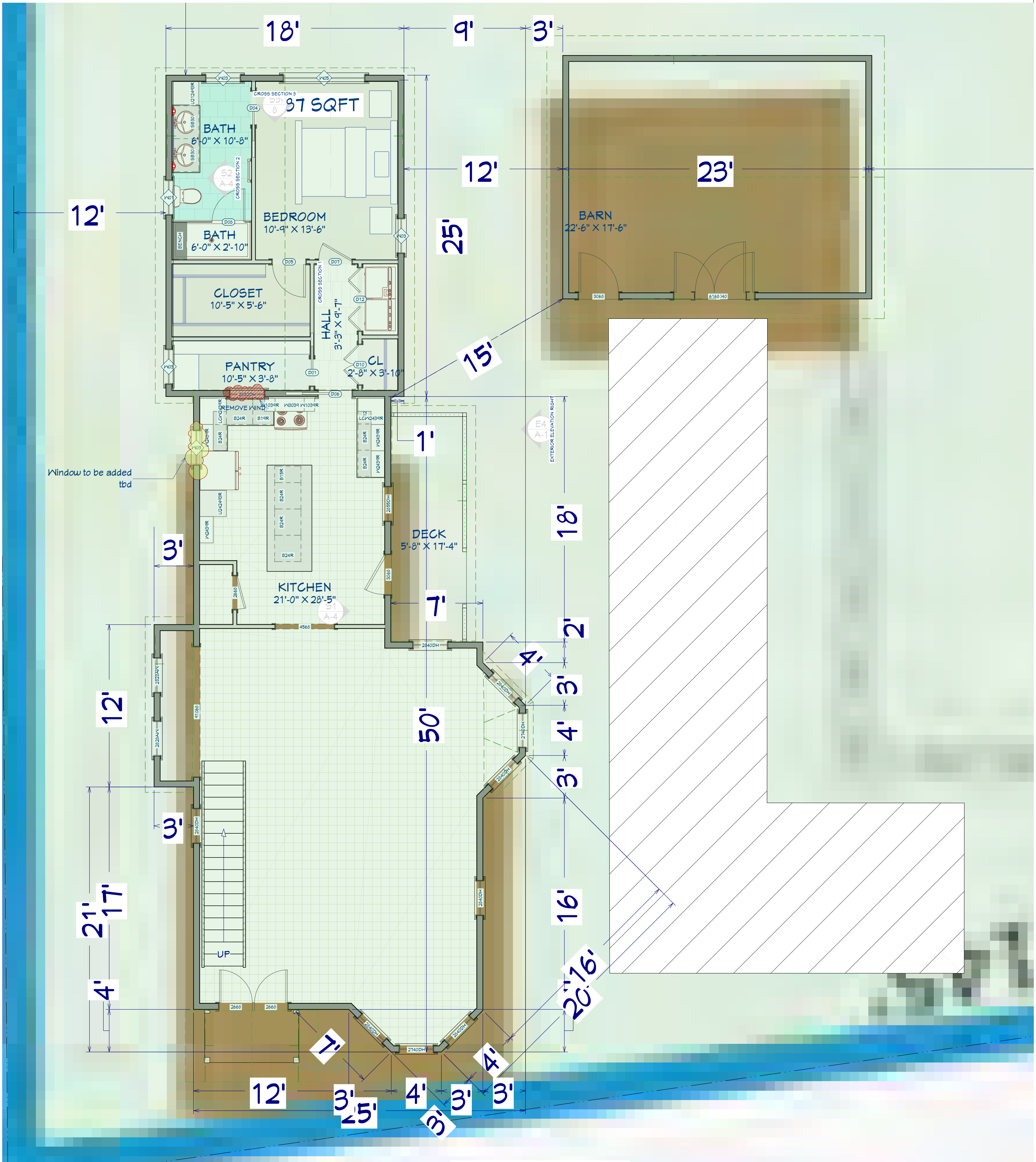
DATE:
9/22/2026

SCALE:
LABELED

SHEET:
P-1



PLOT PLAN 1/16" = 1'



PLOT PLAN 1/4" = 1'

REKSTED ASSOCIATES
CONSULTING & DESIGN
603-431-1587

NUMBER	DATE	REVISION BY	DESCRIPTION

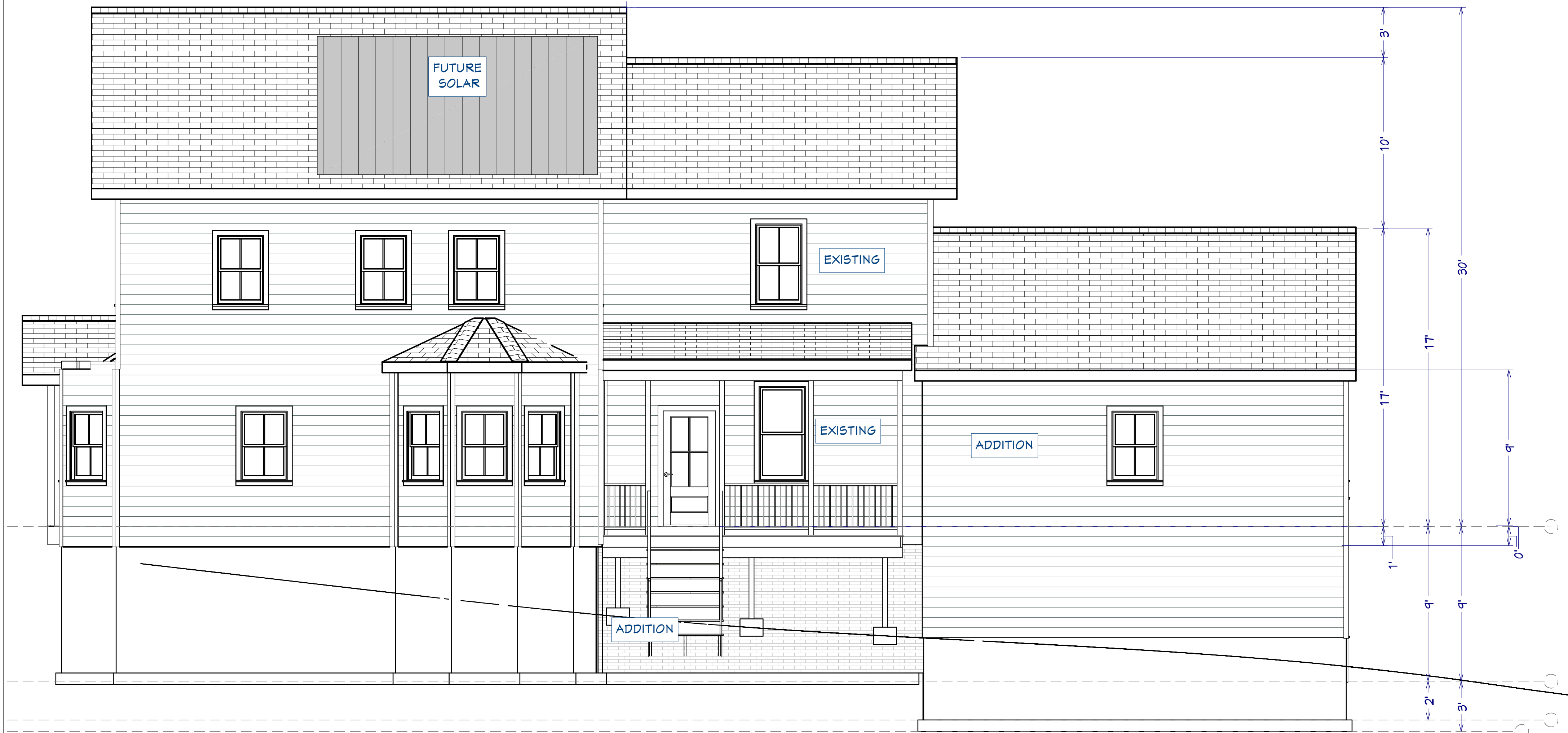
EMILYN KENNEDY
1490 ISLINGTON ST
PORTSMOUTH, NH
03801

PLOT PLAN

DATE:
9/22/2026

SCALE:
Labeled

SHEET:
P-2



E4 EXTERIOR ELEVATION RIGHT
1/4 IN = 1 FT



E3 EXTERIOR ELEVATION BACK
1/4 IN = 1 FT



E2 EXTERIOR ELEVATION LEFT
1/4 IN = 1 FT



NUMBER	DATE	REVISION BY	DESCRIPTION

EMILYN KENNEDY
1490 ISLINGTON ST
PORTSMOUTH, NH
03801

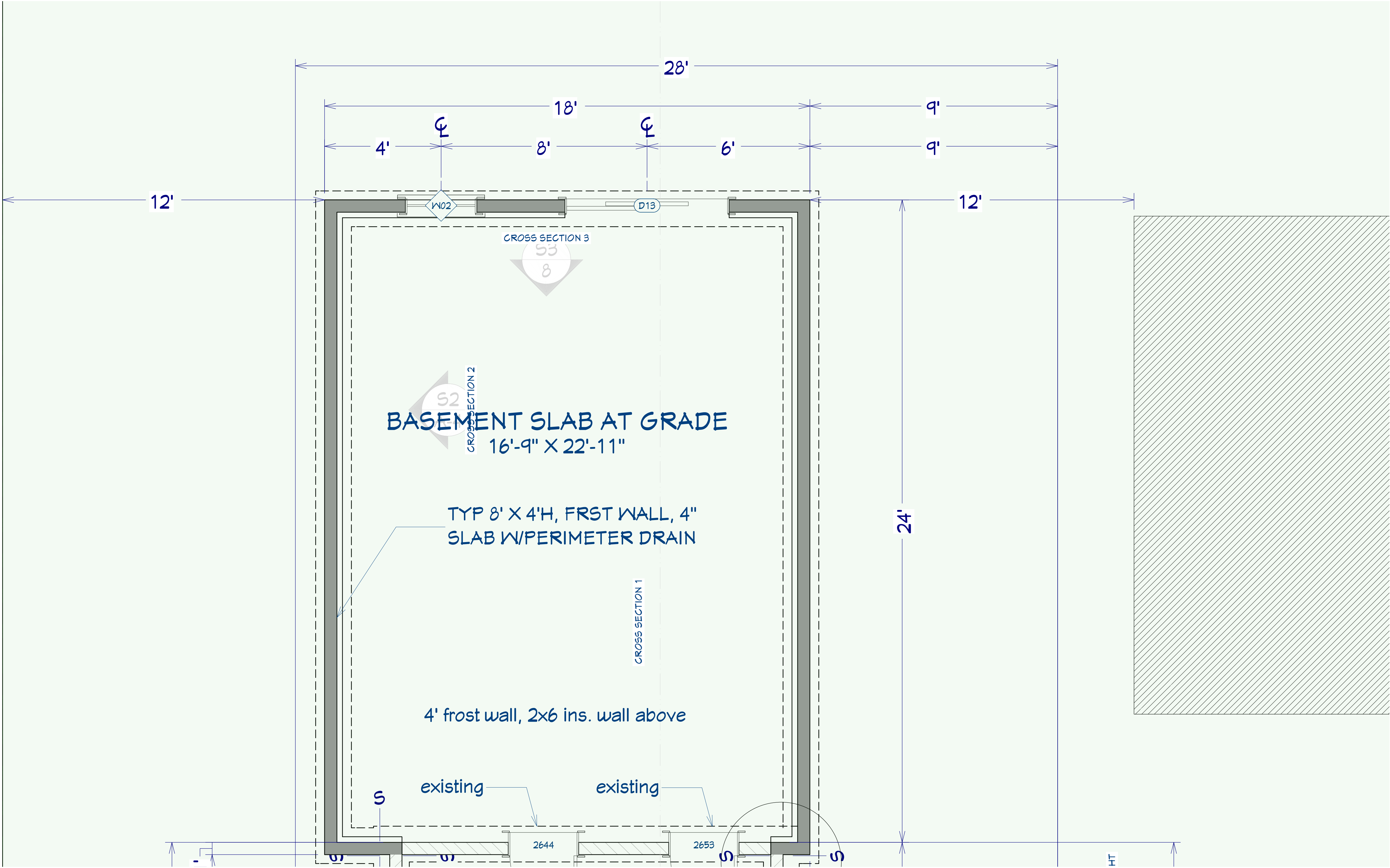
ELEVATIONS

DATE:
9/22/2026

SCALE:
LABELED

SHEET:
A-1

PERMIT SET



FOUNDATION
1/2 IN = 1 FT



REVISION TABLE		REVISION BY	DESCRIPTION
NUMBER	DATE		

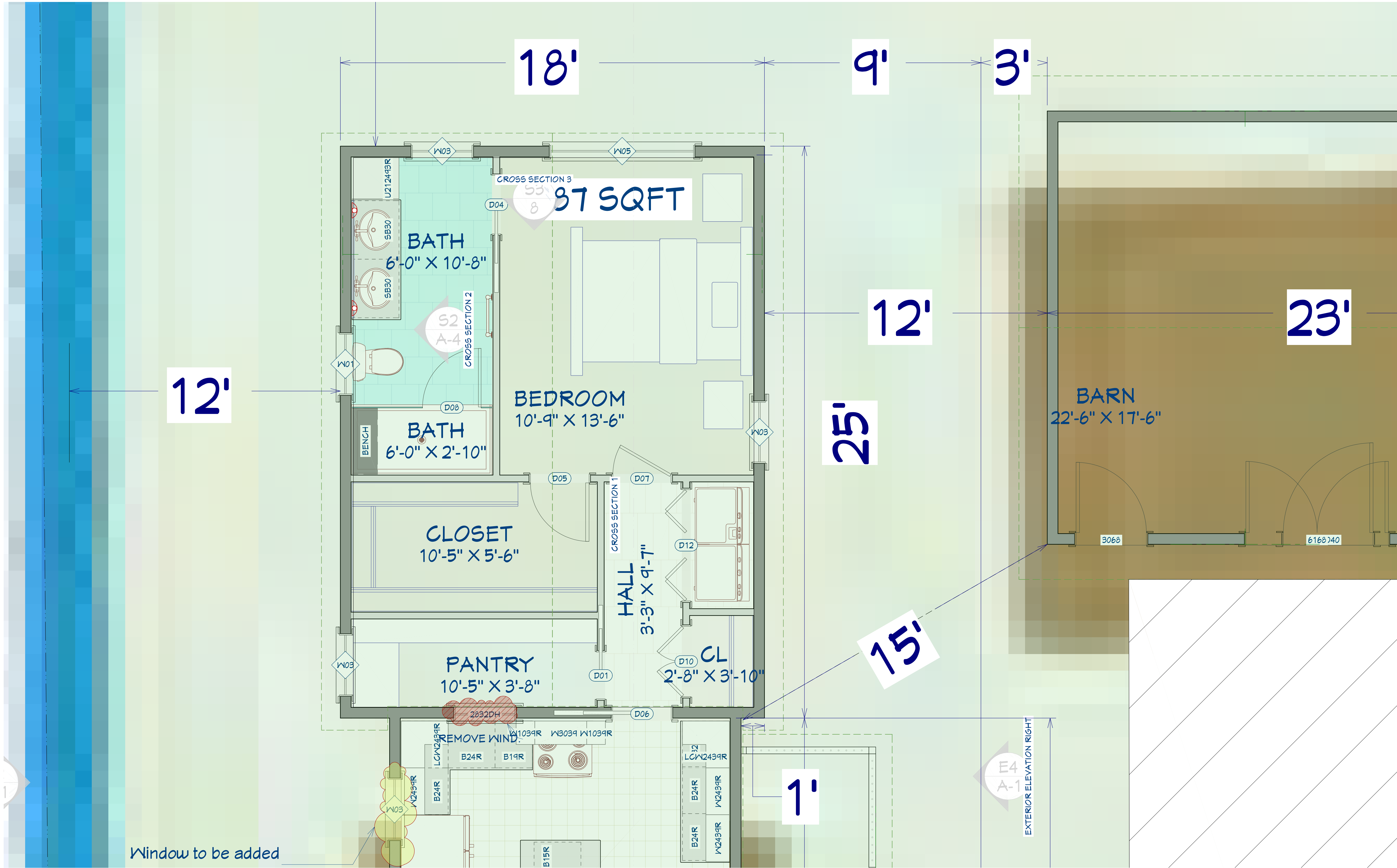
EMILYN KENNEDY
1490 ISLINGTON ST
PORTSMOUTH, NH
03801

FOUNDATION

DATE:
9/22/2026

SCALE:
Labeled

SHEET:
A-2



○ 1ST FLOOR
1/2 IN = 1 FT



REVISION TABLE		REVISION BY	DESCRIPTION
NUMBER	DATE		

EMILYN KENNEDY
1490 ISLINGTON ST
PORTSMOUTH, NH
03801

FIRST FLOOR

DATE:
9/22/2026

SCALE:
Labeled

SHEET:
A-3



REVISION TABLE		REVISION BY	DESCRIPTION
NUMBER	DATE		

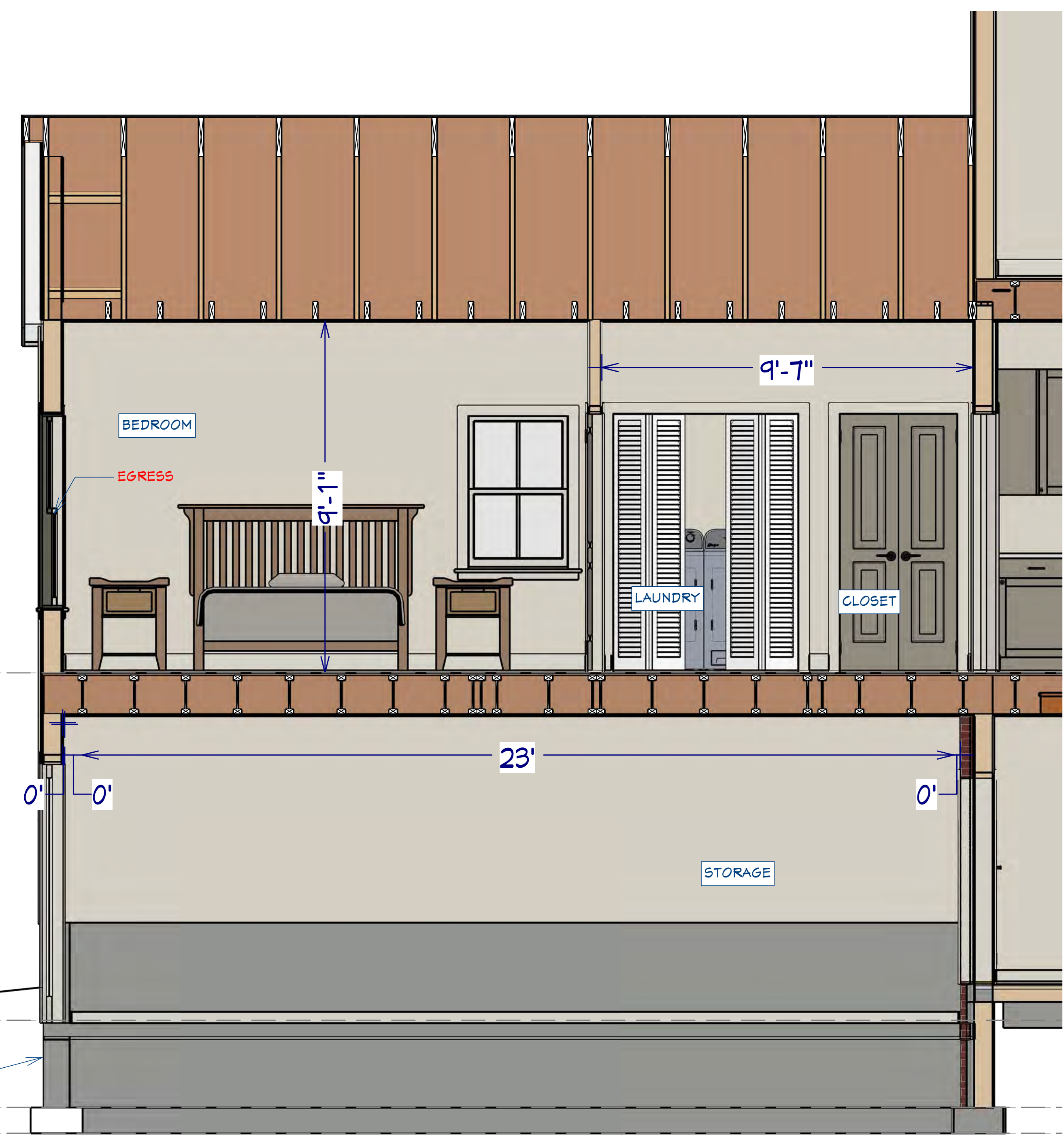
EMILYN KENNEDY
1490 ISLINGTON ST
PORTSMOUTH, NH
03801

SECTION VIEWS INTERIOR

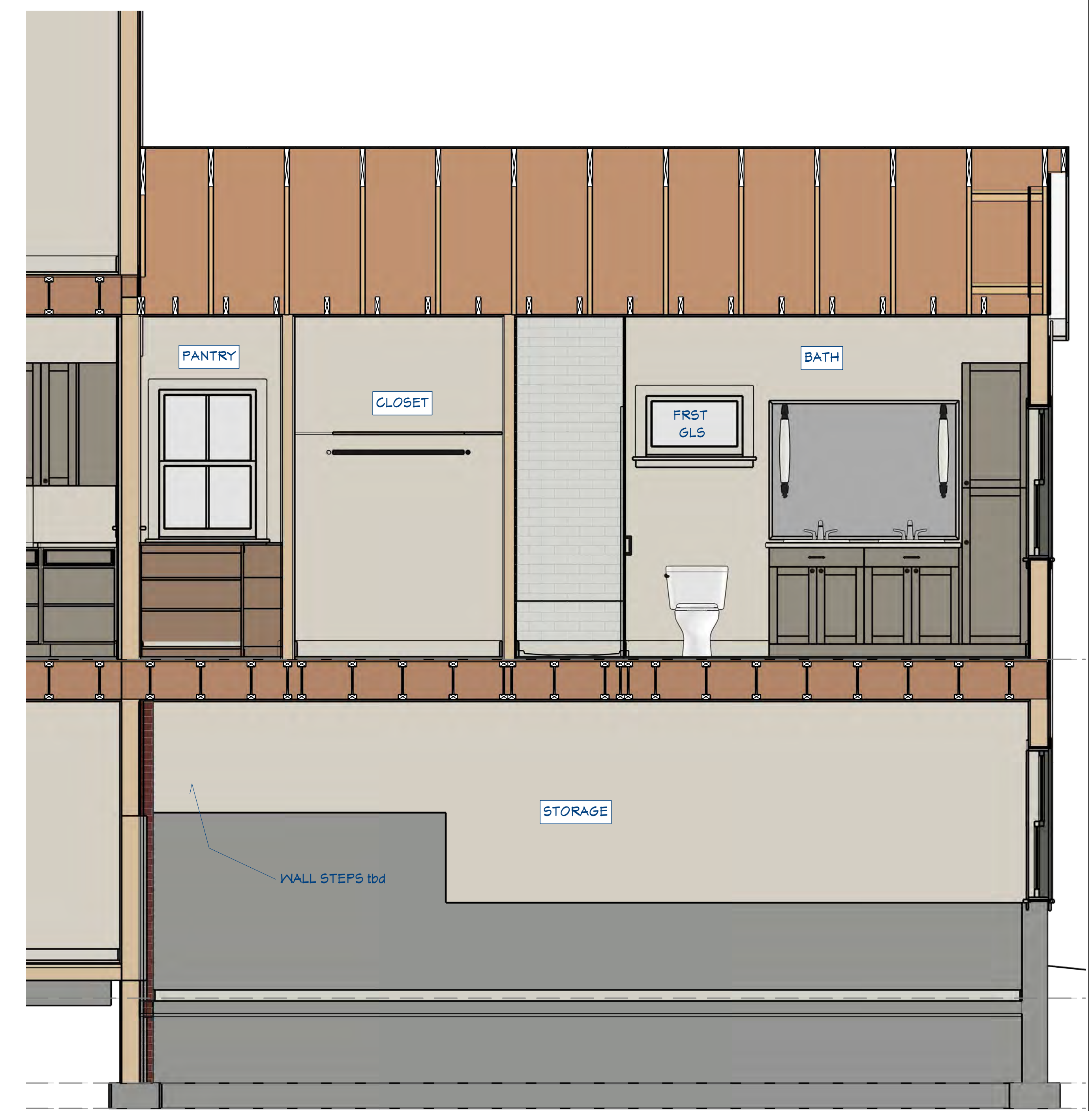
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9/22/2026

SCALE:
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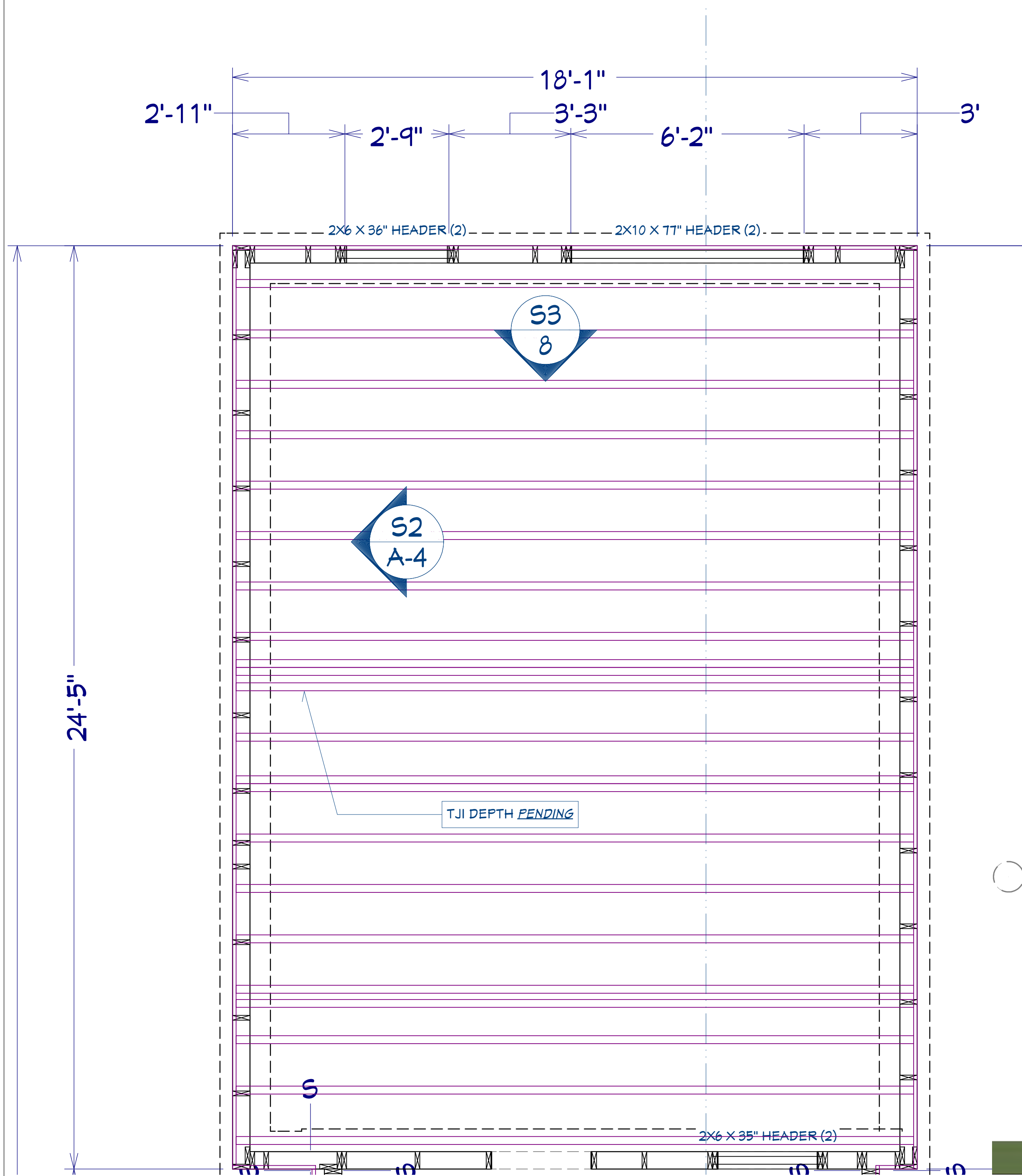
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A-4



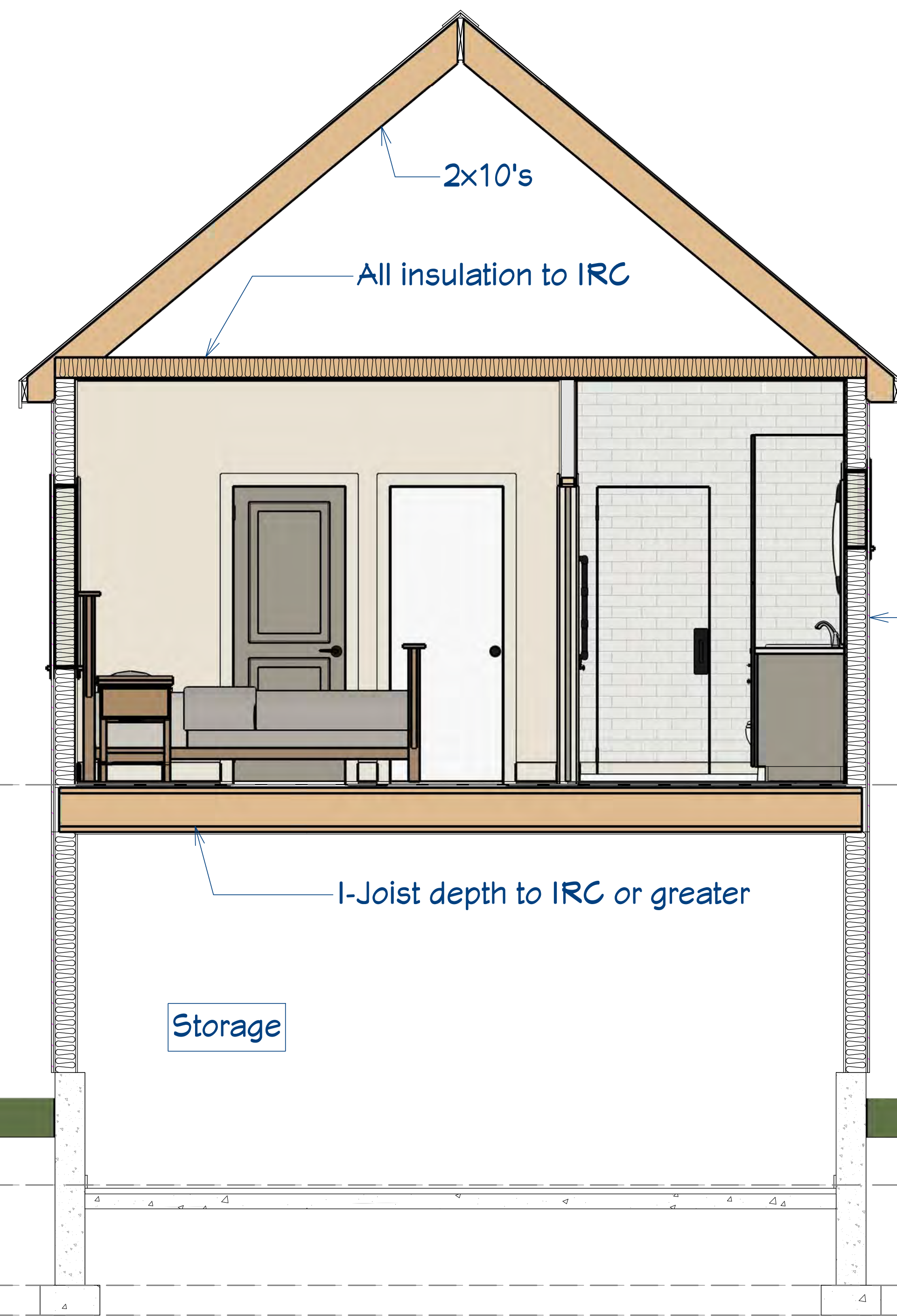
S1 CROSS SECTION 1
1/2 IN = 1 FT



S2 CROSS SECTION 2
1/2 IN = 1 FT



FRAMING, FLOOR PLAN VIEW 1/2" = 1'



S3 CROSS SECTION 3
1/2 IN = 1 FT



REVISION TABLE	REVISION BY	DESCRIPTION
NUMBER	DATE	

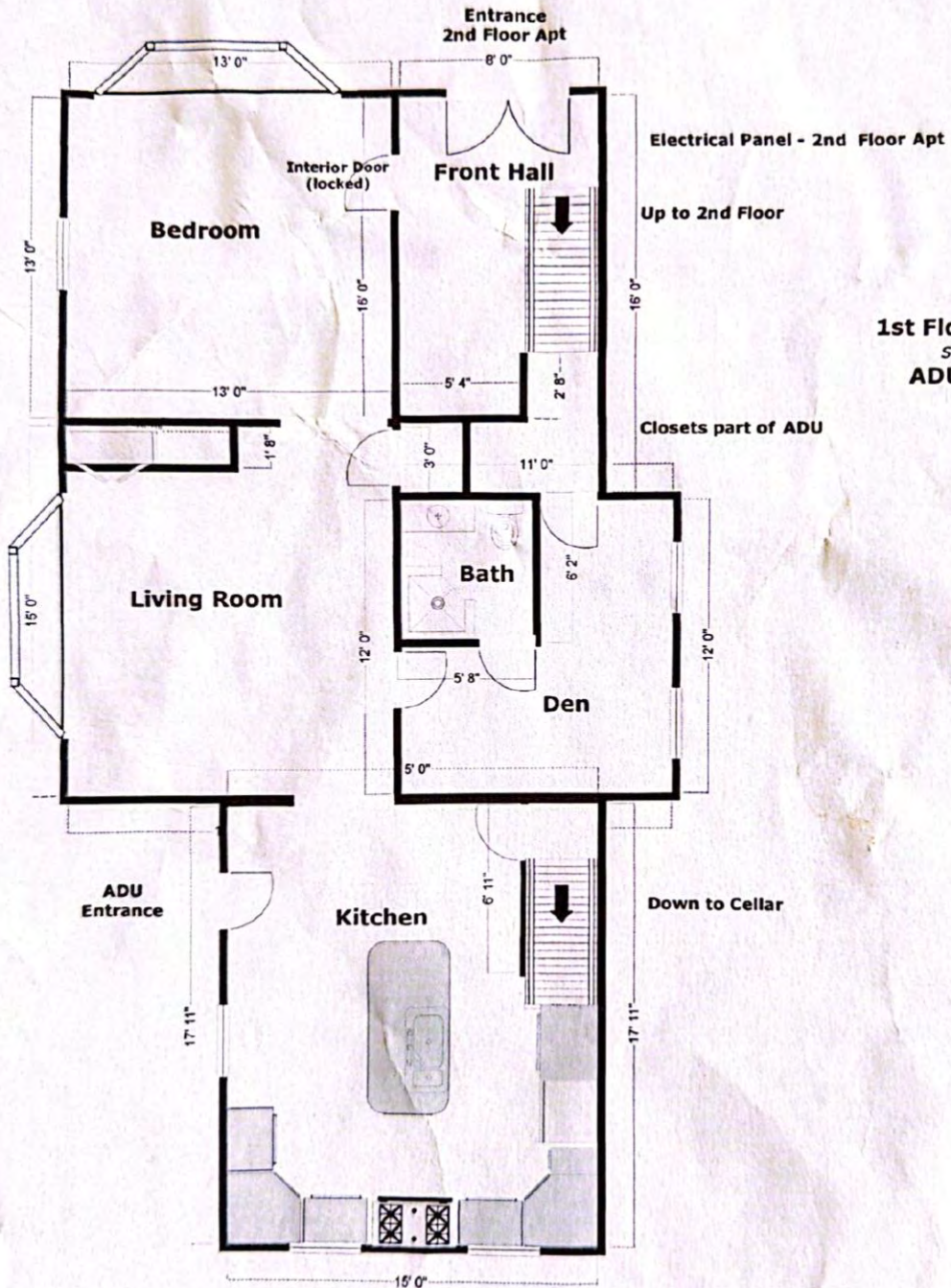
EMILYN KENNEDY
1490 ISLINGTON ST
PORTSMOUTH, NH
03801

DATE:
9/22/2026

SCALE:
Labeled

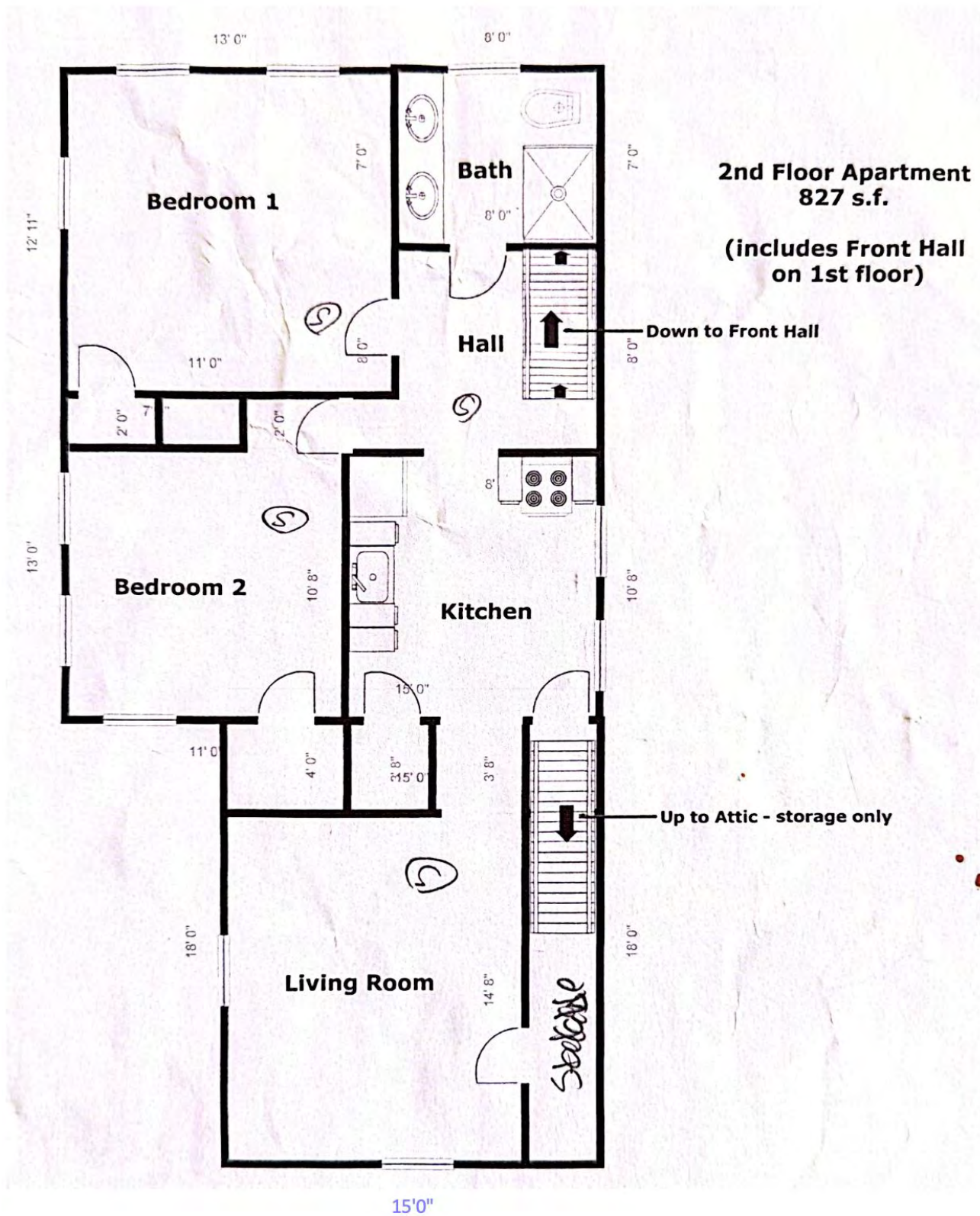
SHEET:

Existing Plans/Layout from Previous Owner – Current Layout
First Floor (Original ADU) Layout



1st Floor Apartment
shaded blue
ADU = 727 s.f.

**Second Floor Layout - Current
(Proposed Rental Unit)**



Current Photos
Front of House with City-Installed Crossing Sign







Rear of House – Proposed Addition Location





View from Current Rear Wall of House



**Left (North) Side Property Boundary
View from Rear of Property**



**Left (North) Boundary of Property
View from Islington Street**



Right (South) Side of House - Driveway with 6 Parking Spaces



Current Photos of Upstairs Rental Unit

Front Entry (First Floor)



Upstairs Hall/Entry



New Kitchen





Bedroom 1 (facing Islington Street)



Bedroom 2



New Bathroom



Living Room



Current First Floor “Bedroom” facing Islington Street







