

ADDENDUM TO APPLICATION FOR SIGN VARIANCE
City of Portsmouth Zoning Ordinance
Article 12, Section 10.1240

I. Introduction.

The Applicant owns and operates Brewster's Bait & Tackle located at 121 Mechanic Street. Brewster's Bait & Tackle has provided a service to boaters, fishermen and fisherwomen, from near and far, for over sixty-four (64) years, by selling bait, tackle, boating supplies and ice. While some customer traffic comes and goes on foot, the majority of customers arrive by boat.

In October 2024, the Applicant painted "BAIT & ICE" on one side of the roof of the bait shop, the side facing the Pierce Island bridge. (See photo A attached.) The Applicant was unaware that this display constituted a "sign" for purposes of Article 12, Section 10.1240 of the City's zoning ordinance. Nevertheless, upon receiving notice from the City that a variance from the Zoning Ordinance was required, the Applicant began the application process.

The display is clearly visible from the Pierce Island bridge. This was intentional. Boaters, namely fishermen and fisherwomen, launch their boats at the public dock at Pierce Island and many of them are from out-of-town. They would not know of the availability of bait, tackle and/or ice before heading out on the water without this display. Boaters would not necessarily travel past Brewster's Bait and Tackle by car as Mechanic Street is not the thoroughfare to Pierce Island, and they would only see the display and know of the bait shop from the bridge.

The display is not visible from Marcy Street. The display is not visible from Prescott Park. (See attached photo B.) The display is not visible at all from the south side of Mechanic Street. (See attached photo C.) It's barely visible from the north side of Mechanic Street, although a stopped traveler at the intersection of Mechanic Street and Pierce Island Road can make out the word "BAIT" on the sign but only with considerable effort. (See attached photo D.) The display is certainly not visible from the neighbors' homes. The only way it is visible is if it is seen from the Pierce Island bridge or by boat as you travel upriver (coming from the Memorial Bridge by water toward the back channel).

The display is tasteful. It was professionally painted. It is not illuminated. It is not offensive. It does not protrude out from the roof. It is angled upward, so again, it cannot be seen from the streets or sidewalks (other than the Pierce Island bridge).

The display enhances Portsmouth's longstanding traditions of being a fishing town, having a working port, and emphasizing the benefits of being located on the Piscataqua River. It is a reminder of the City's heritage and history.

Indeed, there is a history of roof-top displays in the south end of Portsmouth. For many years, Lacava's Wharf which was located next door to Brewster's Bait and Tackle displayed the word, "LOBSTER" on its roof during the 1970s, 1980s and 1990s. This display was also exclusively seen by boaters traveling the Piscataqua River and fishermen/women who drove over the Pierce Island bridge.

II. Written Description of Request.

1. The Applicant is entitled to a variance from the sign prohibition under Article 12, Section 10.1240.

(a) The Applicant has the right to a reasonable use of his property, considering the unique setting of the property in its environment.

Here, the structure containing the display in question is located on the water and it is tucked into the water side of the property off the street. (See Image attached as E.) It is unlike all surrounding properties – in that it's a wooden frame bait shop. It's not a home, it's not a garage, it's not a shed. It has water access allowing boaters to dock up, ascend to the wharf, and enter the bait shop. It's unique characteristics distinguish it from all surrounding properties.

(b) No fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction on the property.

The zoning ordinance is intended to protect the health, safety and general welfare of the City and its residents. Enforcement of the sign ordinance in such a way as to prohibit this roof display would have no bearing or relationship to any health, safety or general welfare issues. To the extent the Article 12, Section 10.1240 - Sign Ordinance – is intended to prevent unsightly, distracting or distasteful signage, the proposed display is invisible to the public, except for travelers on the Pierce Island bridge. It is no more distracting than other landmarks in the south end. Finally, it's very tastefully and thoughtfully presented.

Further, the proposed display enhances the cultural and historic fabric of this City and, in particular, the south end community. It's one remaining reminder that Portsmouth has always taken pride in being a vibrant, fishing City with an active waterfront, a working port and recreational waterfront activities.

(c) A variance in this instance would not injure public or private rights of others.

There is no evidence that the proposed display would cause any harm to the public or private rights of others. Property values will not suffer (in fact, they may be enhanced), sight lines are not interrupted, there is no illumination, and there is no sound. In fact, there may not be a single home on Mechanic Street or the surrounding area that can see the roof display unless they go for a walk over the Pierce Island bridge.

By signing this application below, I, as the owner of the property under review, give my endorsement of this application.

Property Owner or
Authorized Signature:



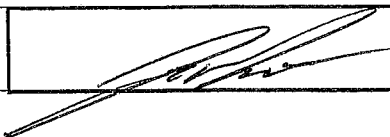
Date Signed:

1/17/25

5. Applicant Certification

By signing this application below, I hereby attest to the truth and accuracy of all facts and information presented with this application.

Applicant Signature:



Date Signed:

1/17/25

Variance Application

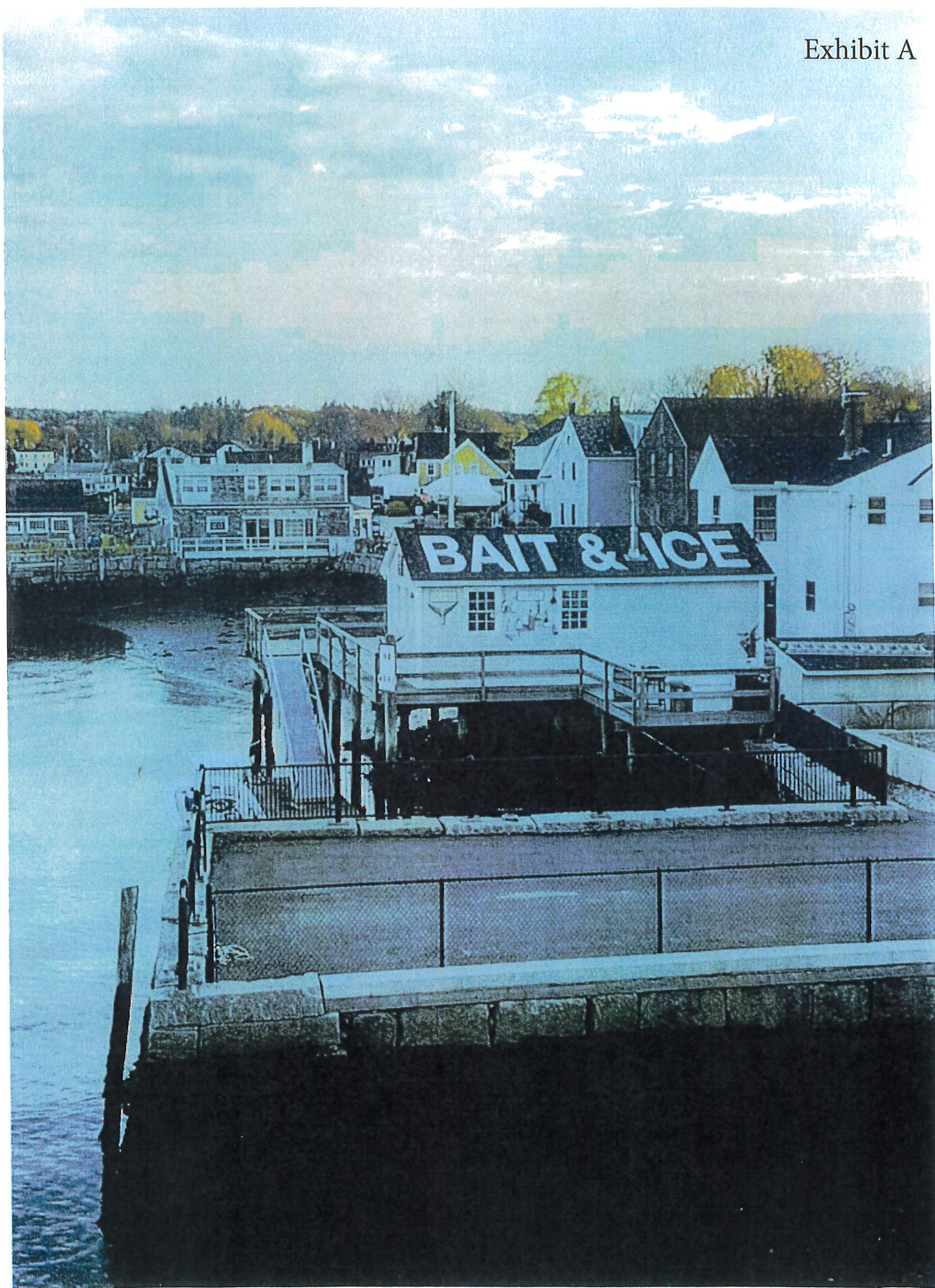
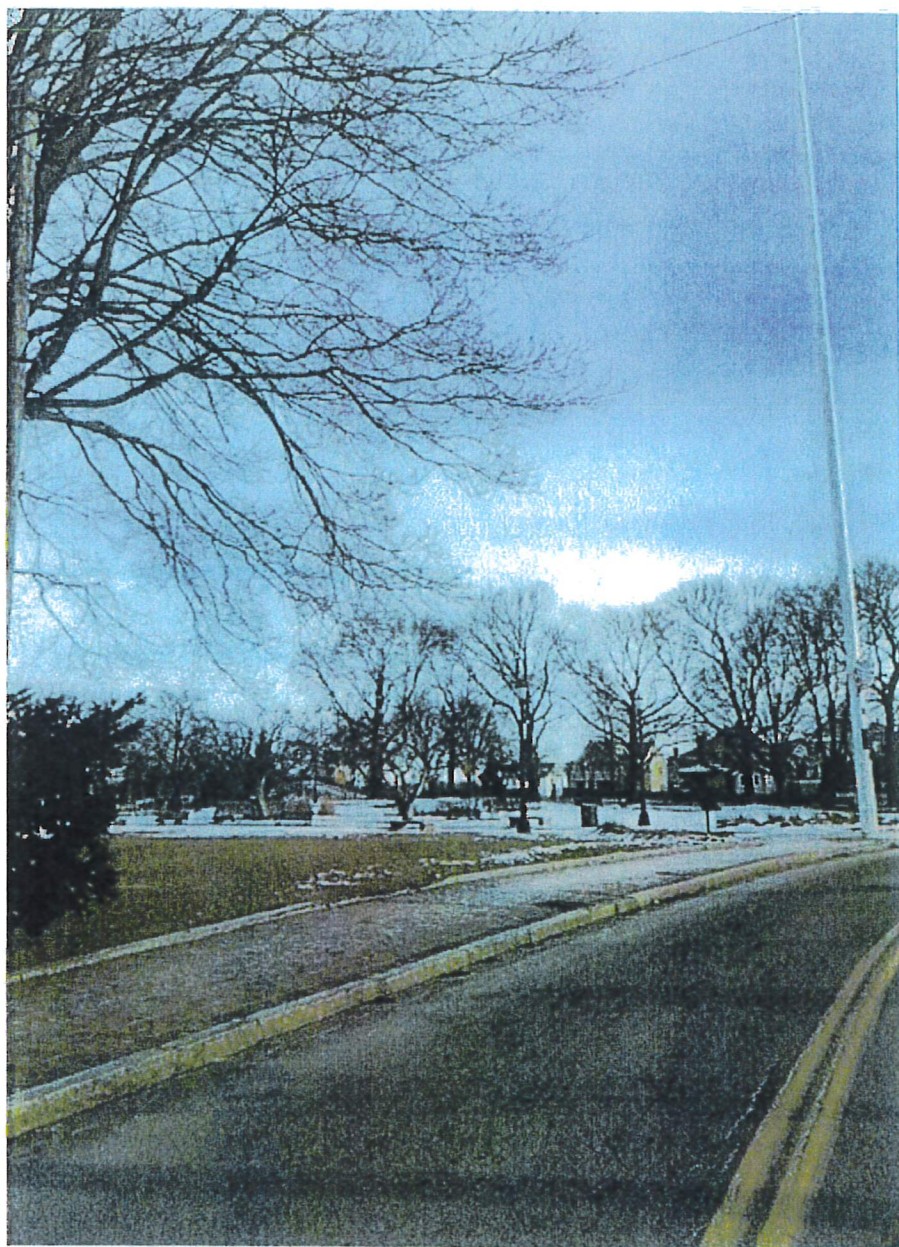
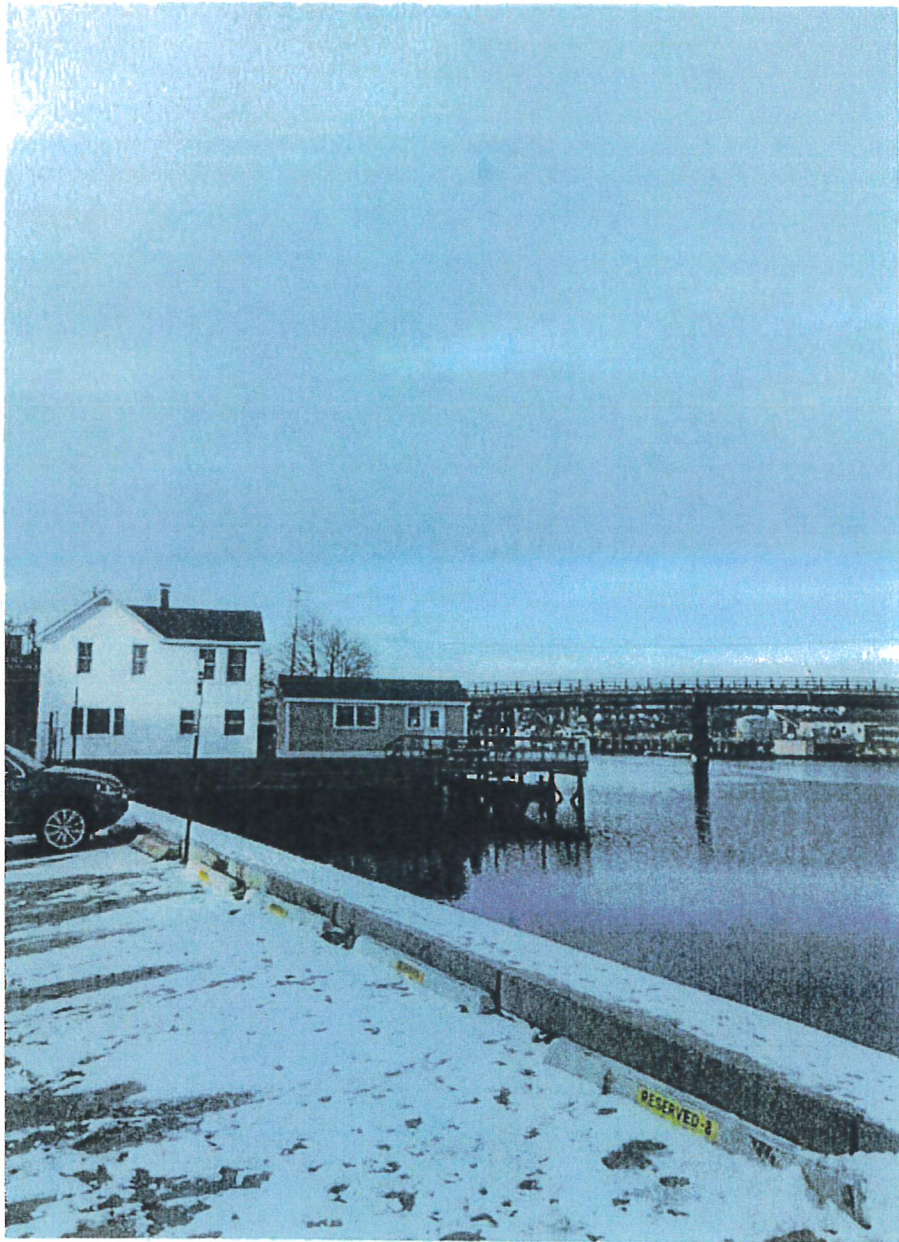


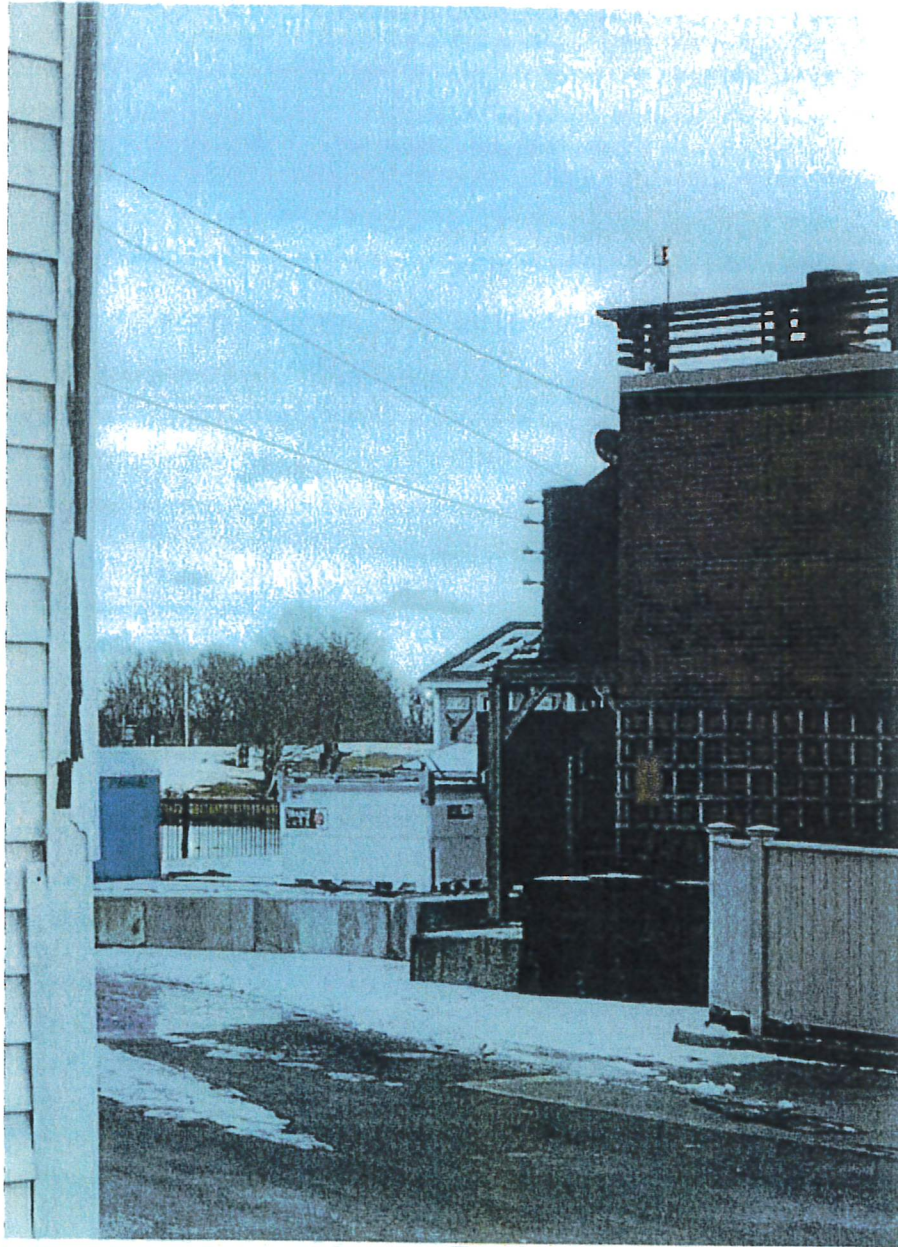
Exhibit B











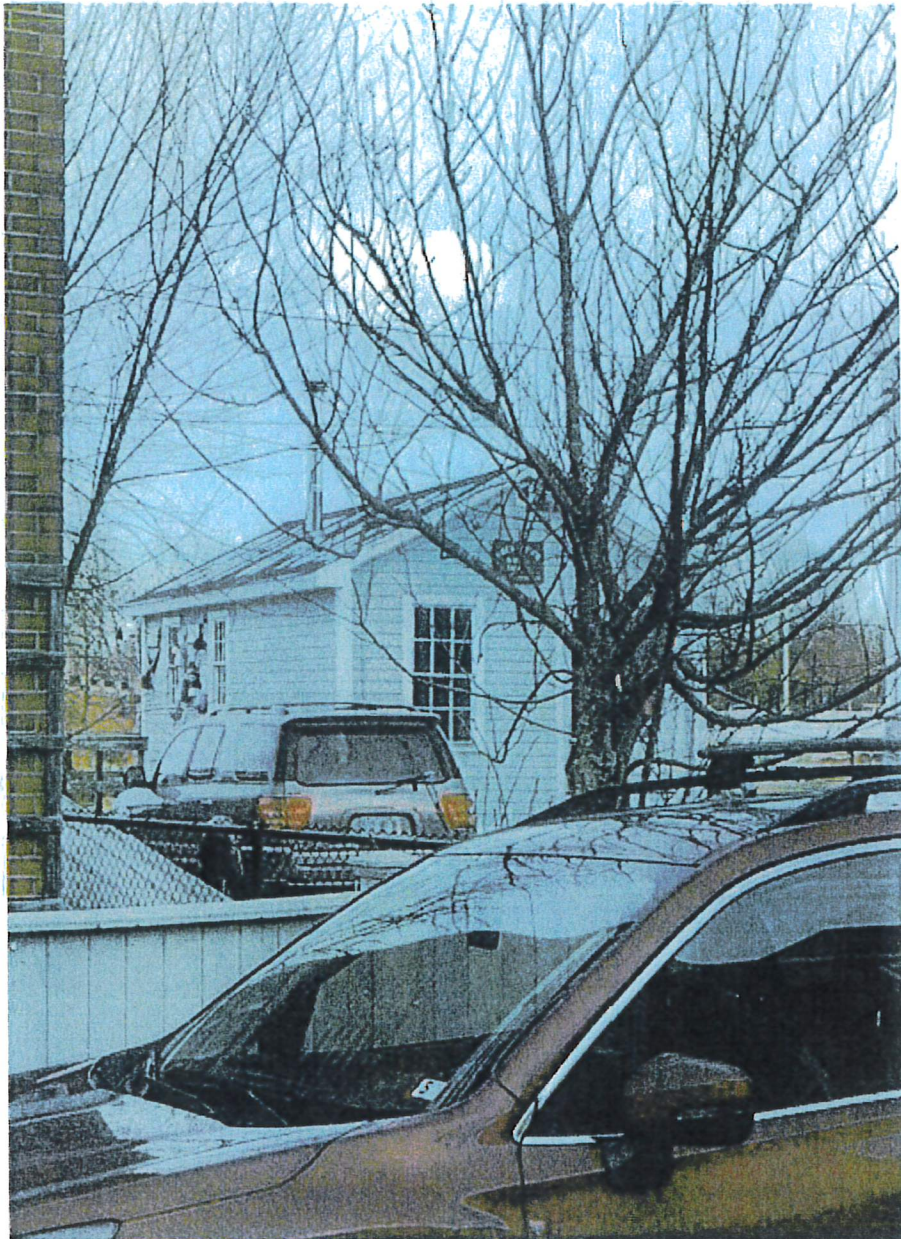
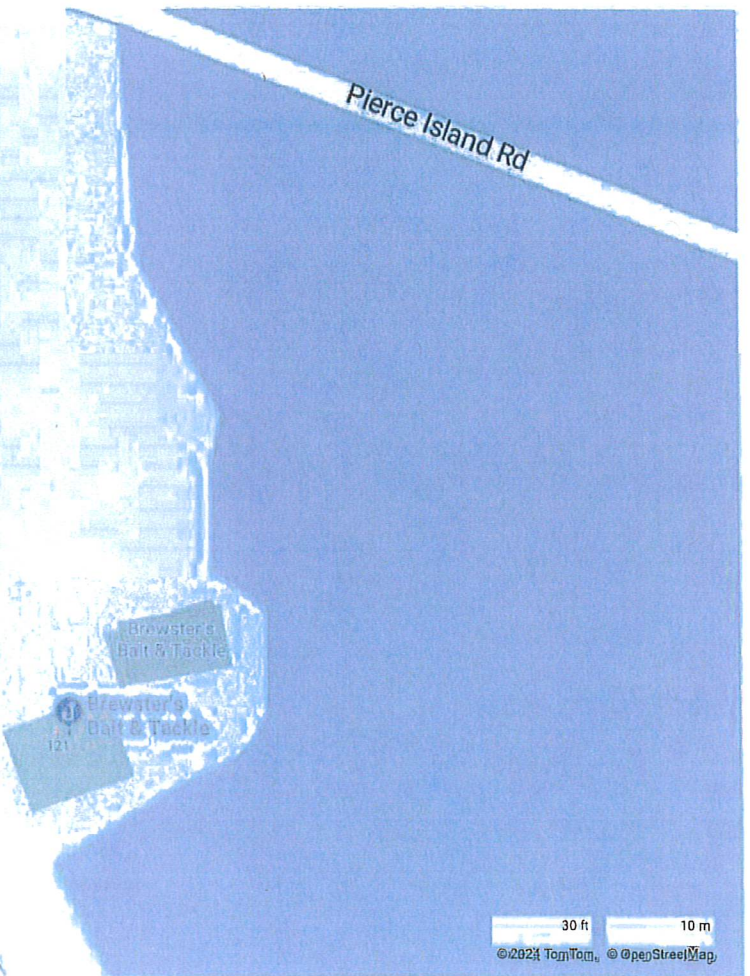
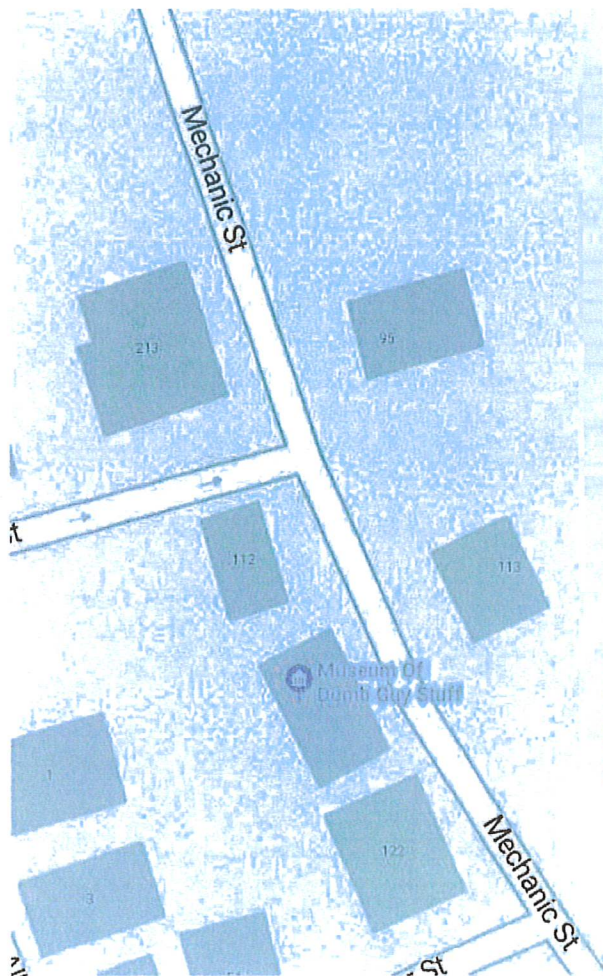
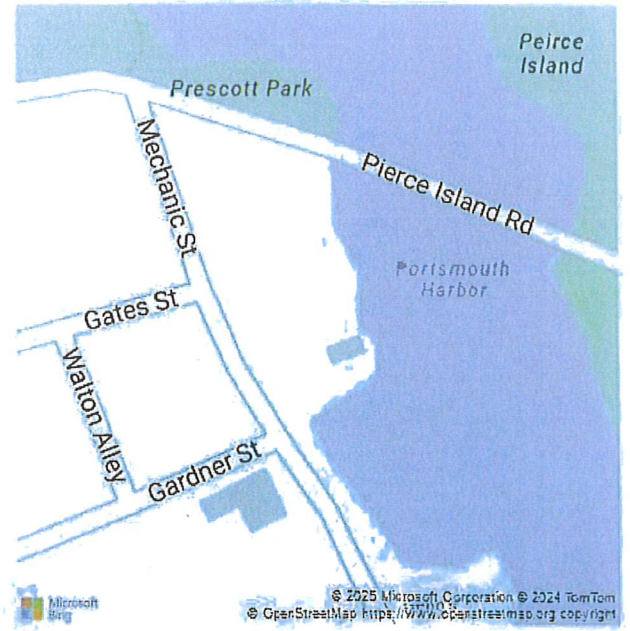




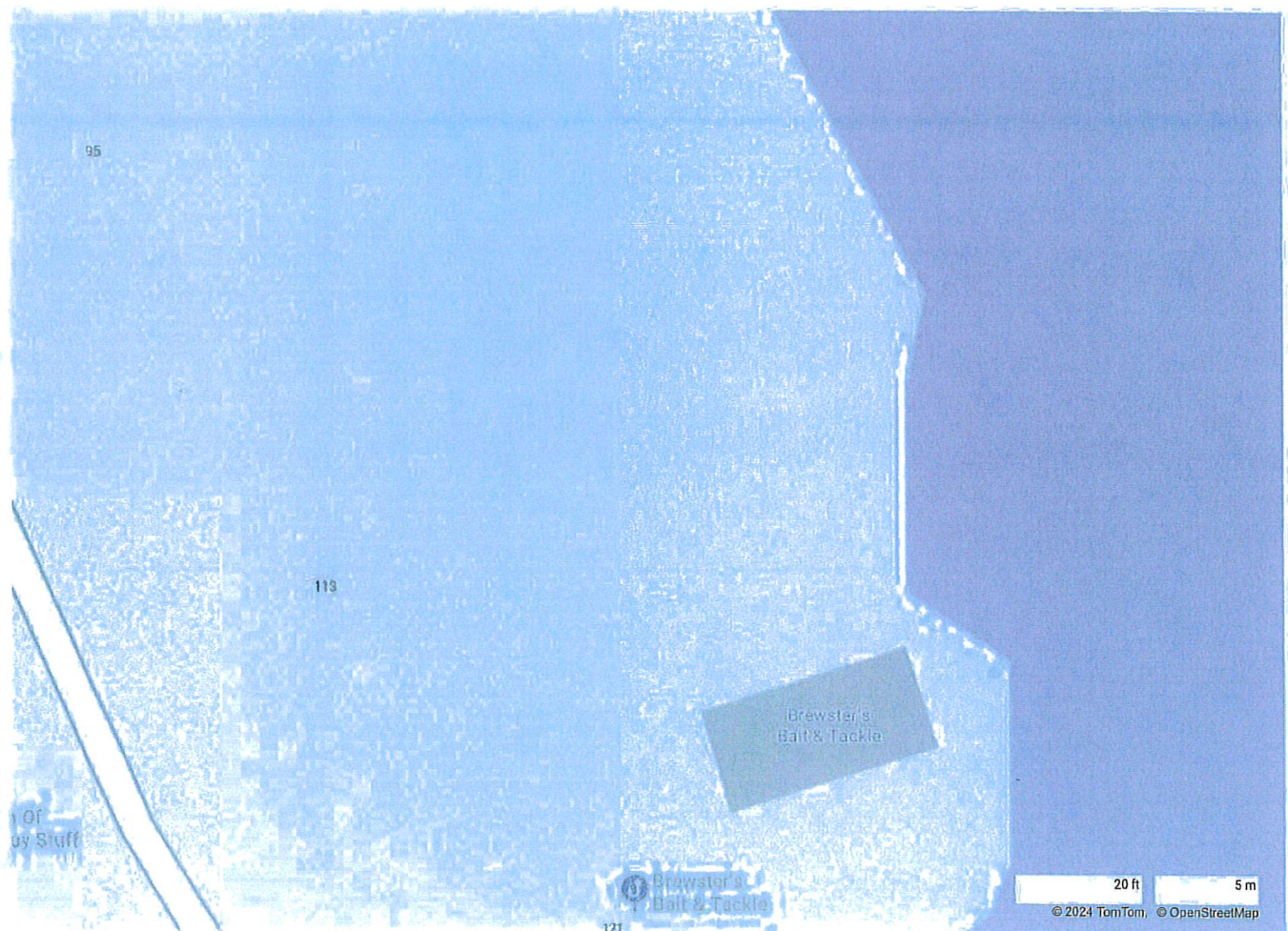
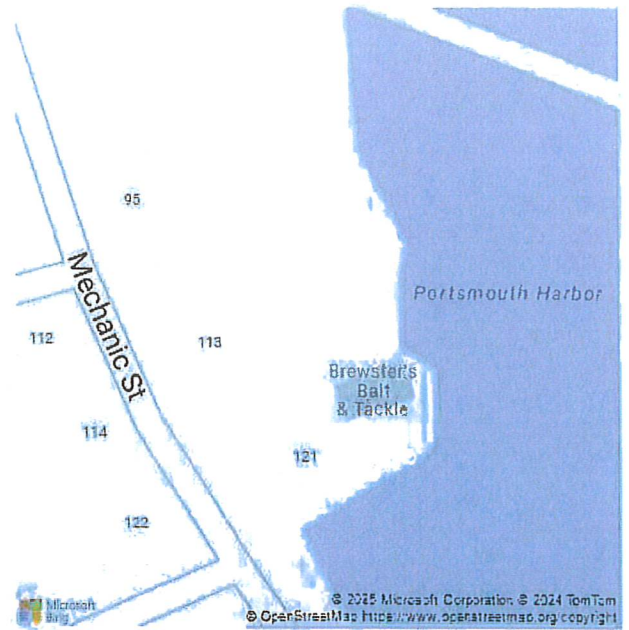
Exhibit E

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Notes



Notes



SUPPLEMENTAL VARIANCE APPLICATION
121 Mechanic Street
Portsmouth, N.H.

The Board should approve this variance request because it meets all five (5) criteria for a variance as follows:

1. Section 10.233.21 The variance will not be contrary to the public interest.

The display on the property is not contrary to the public interest. It does not protrude from the building, it does not interfere with foot or motor traffic in the neighborhood, it is professionally displayed and maintained, it is not illuminated or distracting, it does not contain offensive, insulting or unreasonable language, and it faces the Piscataqua River, not the neighbors, so it is subtle and primarily hidden from the general public.

2. Section 10.233.22 The spirit of the ordinance will be observed.

The spirit of the City's sign ordinance is to "maintain and enhance the character of the City's neighborhoods and to protect the public from potentially hazardous and distracting displays." (See, City of Portsmouth Zoning Ordinance, Article 12, FAQ's.)

The neighborhood is not affected by the display on the roof of the property because it is barely visible. Moreover, the sign enhances the history and character of the neighborhood which has historically involved a working port, commercial fishing port and recreational activities. Not only is there nothing hazardous or distracting about the display, but the display is barely visible to the neighborhood and meant to be seen by water traffic and motor vehicle traffic over the Pierce Island bridge only.

3. Section 10.233.23 Substantial justice will be done.

Substantial justice will be done because this is a reasonable, practical and simple means of identifying the bait and tackle business on the property. It serves to notify a limited population of customers and the public; a specific group that puts in their watercraft directly across the river.

4. Section 10.233.24 The values of surrounding properties will not be diminished.

The surrounding properties are not impacted in any way by the display on the roof of the property. The display is barely visible from Mechanic Street, and not visible at all from most angles, including from Prescott Park.

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

A hardship exists because the property consists of special conditions – it is a historic waterfront property that for over sixty-four (64) years has contained a bait and tackle business catering to fishermen and fisherwomen traveling primarily by boat. The business is located directly across the river from the public boat launch, which caters to the very same group of people needing bait and supplies on the water.

The ordinance exists to protect the City's neighborhoods from hazardous and distracting displays. It was not enacted with the goal of restricting roof displays geared toward water traffic. The sign is a reasonable extension of the existing, small business and is professionally and tastefully done. The public should, and most likely will, support this sign as a reminder of the City's heritage and history.

For all of these reasons, this Board should authorize the variance as requested.

Date:

2/19/25



Philip L. Pettis, Esq., duly authorized
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SECOND SUPPLEMENT TO VARIANCE APPLICATION

121 Mechanic Street

Portsmouth, N.H.

April 1, 2025

At the City's Request, the applicant submits the following information:

1. The original online application contained the best available estimates of the dimensions of the sign. Since then, the Owner has taken measurements and they are, as follows:

Roof: 32'w x 9'h

Rooftop Letters: 29.166'w x 6.166' h

Total Square Footage: 179.84 sq ft

2. There are four other, existing "signs" on/around the building. They are:

"RENT A POLE": 2.25'w x .75'h (1.6875 sq ft) (See Ex. A)

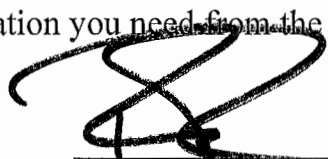
"GO FISHING": 2.25'w x .75'h (1.6875 sq ft) (See Ex. A)

"BREWSTER'S BAIT AND TACKLE (east side)": 2'h x 1.833 w (3.666 sq ft) (Ex. B)

"BREWSTER'S BAIT AND TACKLE (west side)": 2'h x 1.833 w (3.666 sq ft) (Ex. C)

Please advise if there is any further information you need from the Applicant. Thank you.

Date: April 1, 2025



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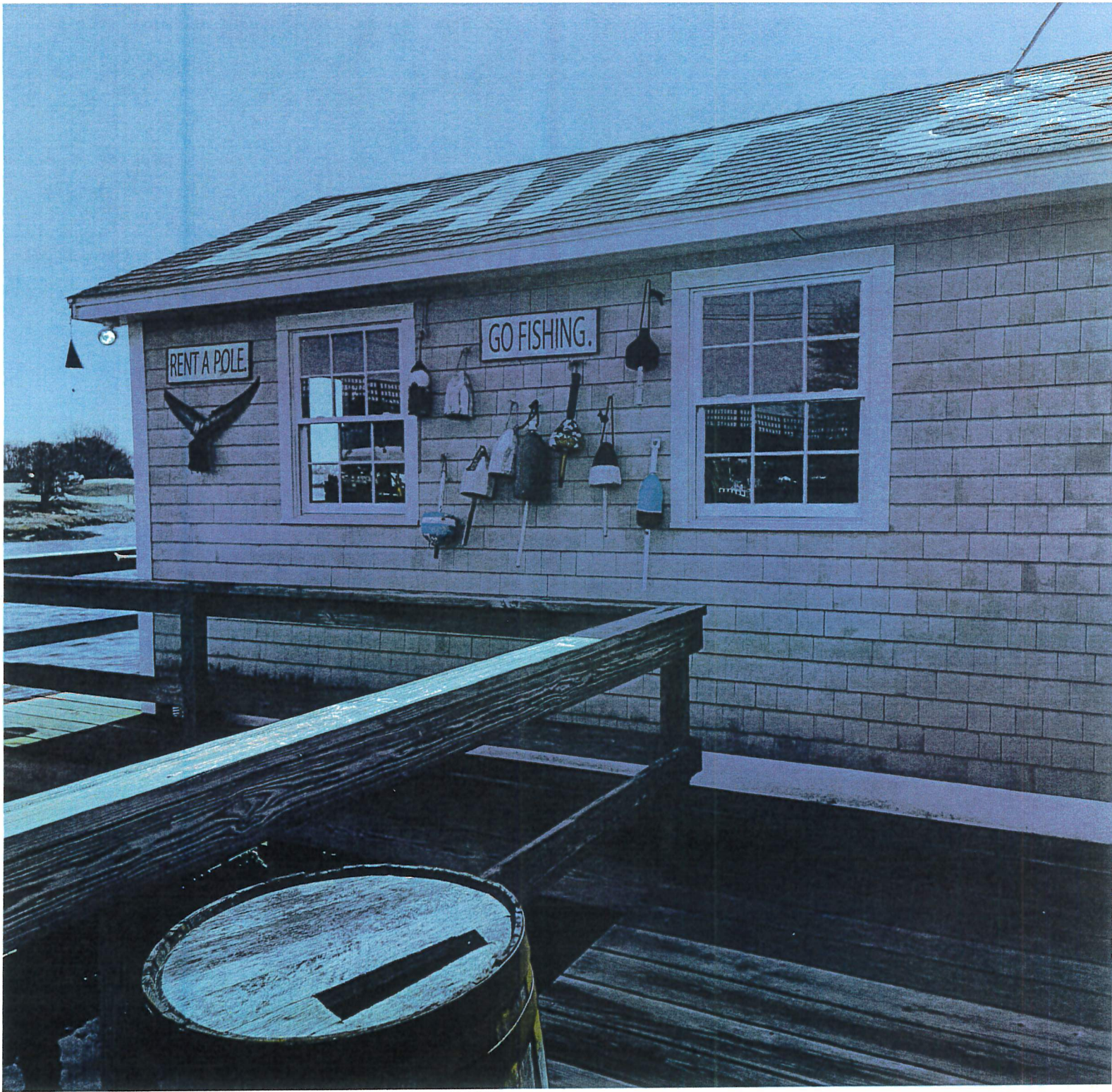


Exhibit A



