



CITY OF PORTSMOUTH

Community Development Department
(603) 610-7281

Planning Department
(603) 610-7216

PLANNING DEPARTMENT

May 31, 2019

Peter N. Floros, Trustee
PNF Trust of 2013
282 Middle Street
Portsmouth, New Hampshire 03801

Re: Property at 266 – 278 State Street, Permit LU 19-79
Assessor Plan 107, Lots 78, 79 and 80

Dear Applicant:

The Board of Adjustment at its reconvened meeting on May 28, 2019 completed its consideration of your application described as follows:

Application:

Case 5-12

Petitioner: PNF Trust of 2013, Peter N. Floros, Trustee
Property: 266 -278 State Street
Assessor Plan: Map 107, Lots 78, 79 & 80
District: Character District 4, the Downtown Overlay District and the Historic District

Description: Construct mixed use three story building with penthouse.

Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following variances:

- from Section 10.5A43.31 to allow a 55' height where 45' is the maximum allowed for 2-3 stories (short 4th);
- to allow a structure to be designated as a penthouse without meeting the 15' setback from the edge of the roof as outlined in the definition of a penthouse;
- from Section 10.5A41.10C to allow 93% building coverage where 90% is the maximum allowed and a 3' rear setback from the lot line at the center building where 5' is the minimum required.

Action:

The Board voted to **grant** the petition as presented and advertised with the following stipulation:

Stipulation:

- With the granting of the variance for building coverage, 7% of open space is allowed.

Review Criteria:

The petition was granted for the following reasons:

- Granting the variance will not be contrary to the public interest and the spirit of the ordinance will be observed.
- Substantial justice will be done and the value of surrounding properties will not be diminished as there will be occupied buildings, both new and restored, on a lot that has been vacant for two years.
- Literal enforcement of the ordinance would result in unnecessary hardship due to the special condition of having to incorporate the adjacent Times Building into the design of the newly proposed project. Due to this condition, there is no fair and substantial relationship between the general purposes of the ordinance provisions and their specific application to the property.

As provided for in NH RSA Chapter 677, the Board's decision may be appealed 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 Department for more details about the appeals process. Construction drawings or sketches must be reviewed and approved by the Building Inspector prior to the issuance of a building permit. Approvals by other land use boards may also be required prior to the issuance of a building permit.

The minutes and tape recording of the meeting may be reviewed in the Planning Department.

Very truly yours,



David Rheame, Chairman
Board of Adjustment

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c: Robert Marsilia, Chief Building Inspector
Roseann Maurice-Lentz, City Assessor
John K. Bosen, Esq.