

Planning Department
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

To: Portsmouth Zoning Board of Adjustment (“ZBA”)

From: Martin Ryan

Date: April 22, 2026

Re: Ryan Trust
221 Woodbury Ave, Tax map 175-10
General Residence A Zoning

Dear Chair & Zoning Board Members:

In support of the request for zoning relief, we respectfully submit this memorandum and the accompanying exhibits for the Zoning Board of Adjustment's (ZBA) consideration at its meeting on May 19th, 2026.

I. Attachments:

- A. City Tax Map
- B. Drawing Set
 - T1- Title Sheet
 - C1- Historic Map & Figure Ground
 - C2- Existing Site Plan
 - C3- Proposed Site Plan
 - C4- Site Diagram
 - A1- Site Elevation
 - A2- Site Elevations
 - P1- Context Photographs
 - P2- Context Photographs

Property:

Located at 221 Woodbury Avenue, the subject property is a 17,351-square-foot corner parcel with approximately 135 feet of Woodbury Avenue frontage and approximately 145 feet of Thornton Street frontage (see C2 Existing site Plan). Existing structures

include a well-maintained two-family residence constructed circa 1900 and a detached garage.

The applicants, who have resided at and maintained the property for 30 years, seeks a subdivision due to health-related challenges that make the current dwelling unfeasible. The objective is to subdivide the large parcel to create a new, adjacent lot. This will facilitate the construction of a more suitable residence, enabling the applicants to age in place within their established community.

While the proposed subdivision creates two appropriately sized lots that is consistent with the neighborhood's land use patterns, the project requires the approval of specific zoning variances.

Dimensional Requirements:

The proposed subdivision would be in accordance with the majority of dimensional standards, (See Table 10.521).

Lot Area: the existing lot is 17,351 SF. With the proposed subdivision, a new lot at 9,538 sf. would be created for the development of a single-family dwelling. The existing dwelling, which is a two-family home, will downgrade to a single-family dwelling on the remaining lot which would be 7,979 sf. Both lots would be conforming as the required lot sizes are a min. of 7,500 sf.

Lot Depth: the existing lot has a depth of 139'-1". The proposed lot would have a depth of 137'-4". The remaining lot would have a depth of 123'-8". The required depth for this zone is a minimum of 70'-0".

Front Setback: The existing two-family house has an existing, non-conforming front setback of 13'-2" where 15'-0" is required.

The proposed development of the newly formed lot would adhere to the setback requirements based upon section 10.516.10 "Front Yard Exception of Existing Alignments". The existing setback of 251 Woodbury Avenue and the existing structure of 221 Woodbury Avenue, the proposed house would be at 8'-0", an average of the sets of the two existing structures.

Rear setbacks: The existing 2 family house rear setback of 20'-0" is conforming .

The proposed development of the newly formed lot would adhere to the rear setback requirements.

Lot Coverage: With the proposed subdivision, the newly created Lot #1, containing the existing house and garage, would be at 21% where 25% is the maximum allowed.

The lot coverage of the proposed lot #2 would adhere to the lot coverage requirements.

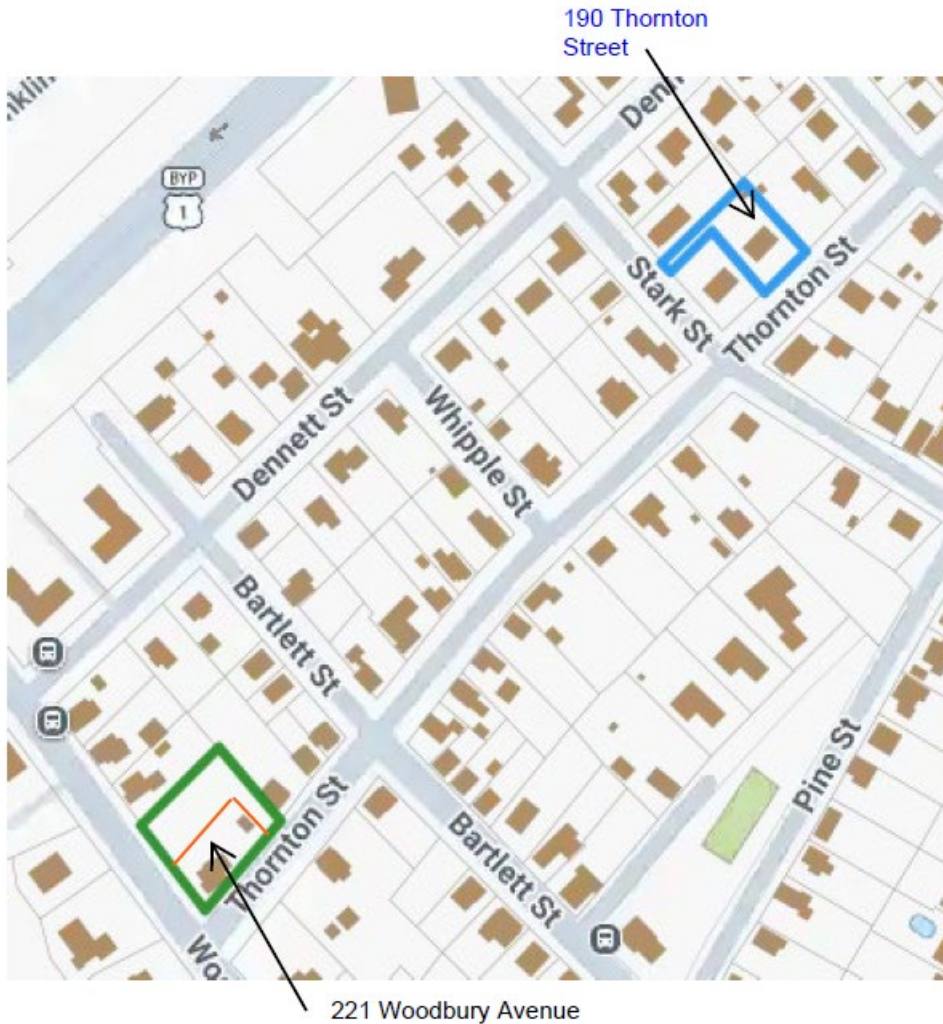
Open Space: With the proposed subdivision, Lot #1, containing the existing house and garage, would be at 21% where 25% is the maximum allowed.

Zoning Relief Required:

Lot Frontage: where 100 LF is required in Zone GRA, 63'-0" would be the proposed frontage on Woodbury Avenue for the newly created Lot 2. As shown on the Figure 1 drawing, the proposed and remaining lot frontage is typical for lot frontage and average for the pattern and character of the neighborhood.



Figure 1. West End Neighborhood



SUBDIVISION PRECEDENT

Figure 2- Precedent for lot configuration.

The proposed subdivision is deliberately designed to maintain the neighborhood's character by preventing driveways and garages from dominating the property's architectural facade. By relocating these visual elements to the interior of the lot, the proposed lot configuration successfully preserves the existing streetscape and the historic charm of the area. This approach would maintain the historic language of the "urban street wall". Additionally, this driveway configuration eliminates the danger of backing into street traffic. A comparable precedent for this L-shaped lot and driveway configuration can be found at 190 Thornton Street.

CRITERIA

The Five Variance Criteria (as set forth in NH RSA 674:33, I(b))

A. Public Interest:

Granting the requested variances will not be contrary to the spirit and intent of the ordinance nor will it be contrary to the public interest. The “public interest” and “spirit and intent” requirements are considered together pursuant to *Malachy Glen Associates v. Chichester*, 152 NH 102 (2007). The test for whether or not granting a variance would be contrary to the public interest or contrary to the spirit and intent of the ordinance is whether or not the variance being granted would substantially alter the characteristics of the neighborhood or threaten the health, safety and welfare of the public.

In this case, were the variance to be granted, there would be no change in the essential characteristics of the neighborhood, nor would any public health, safety or welfare be threatened. A second dwelling lot is entirely appropriate and consistent with the existing subdivision in which this property sits. It does not increase the amount of residential density beyond what is permitted by right. Thus, the fundamental residential character of the neighborhood will not be altered and the health, safety and welfare of the public will not be threatened.

B. Spirit of the Ordinance:

“The spirit of the Ordinance will be observed”. 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 owner that is not outweighed by a gain to the general public is an injustice.” *Malachy Glen*, supra at 109.

The neighborhood is diverse with older traditional homes and more contemporary homes where driveways and garages are present. The lot is also adjacent to a newly developed residential block and existing commercial buildings. The intent of Section 10.1113.20 is presumably to create and preserve a consistent aesthetic where buildings are visible from the street and separated from the street by landscaping or other similarly landscaping, fencing and garden features. The location of automobiles and driveways and garage doors are minimized. Much of the area between the buildings and the street will remain grassed and landscaped, thus preserving that aesthetic of the neighborhood.

C. Substantial Justice:

“Substantial justice will be done” If this variance is granted, the applicants will be allowed to continue to reside in the community. 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 owner that is not outweighed by a gain to the general public is an injustice.” Malachy Glen, supra at 109. The owners are constitutionally entitled to the use of the lot as it sees fit; including redevelopment for a permitted single-family home with an incorporated garage, fully zoning compliant except for frontage, which is being sought. “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.

Approval of the frontage variance, supports a development that adheres to the character of the neighborhood and all substantive zoning criteria. As the variance entails no detriment to adjacent properties, there is no public interest served by its denial. In contrast, the owners face undue hardship if the request is rejected.

D. Property Values:

“The values of the surrounding properties will not be diminished”. “The Project, as designed and presented in this application, will result in no diminution of value to surrounding properties. The traditional style, single family structure is consistent with the neighborhood land use pattern and quality and character of the existing structures in the neighborhood. The request is limited to lot frontage variance necessitated by a site constraint that cannot be remedied. As the development enhances the property without impacting adjacent owners, it successfully fulfills the fourth prong of the variance requirements.

E. Unnecessary Hardship:

“Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship”. Allowing this proposed use is fair and reasonable.

The occupants of the property wish to remain in the neighborhood. This can be accomplished by allowing the separate sale of the existing home and allowing the owners to build a new home on the newly approved lot.

The proposed use is a reasonable use. Residential use is permitted in this zone and is identical in character and consistent with the existing use of the adjacent and abutting properties. There is no fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property. The purpose of the 100 foot road

frontage requirement within the GRA zone is presumably to protect from overcrowding and overburdening lots and maintaining appropriate residential densities.

The dimensional requirements and expansion restrictions are to prevent overcrowding of land, promote adequate light and air, protect natural resources and promote health and general welfare, among other reasons. Since the proposed project will maintain the existing footprint of the home within the side yard setback, there is no fair and substantial relationship between the general purpose of the ordinance and this specific application. The proposed use as a single-family home is consistent with the neighborhood and is a permitted use in the zoning district; since the proposed use is permitted, it is considered reasonable. Granting this variance is essential for the owners to remain in the community and provide for their family's needs.

Thank you for your fair consideration on this matter.

Respectfully Submitted,

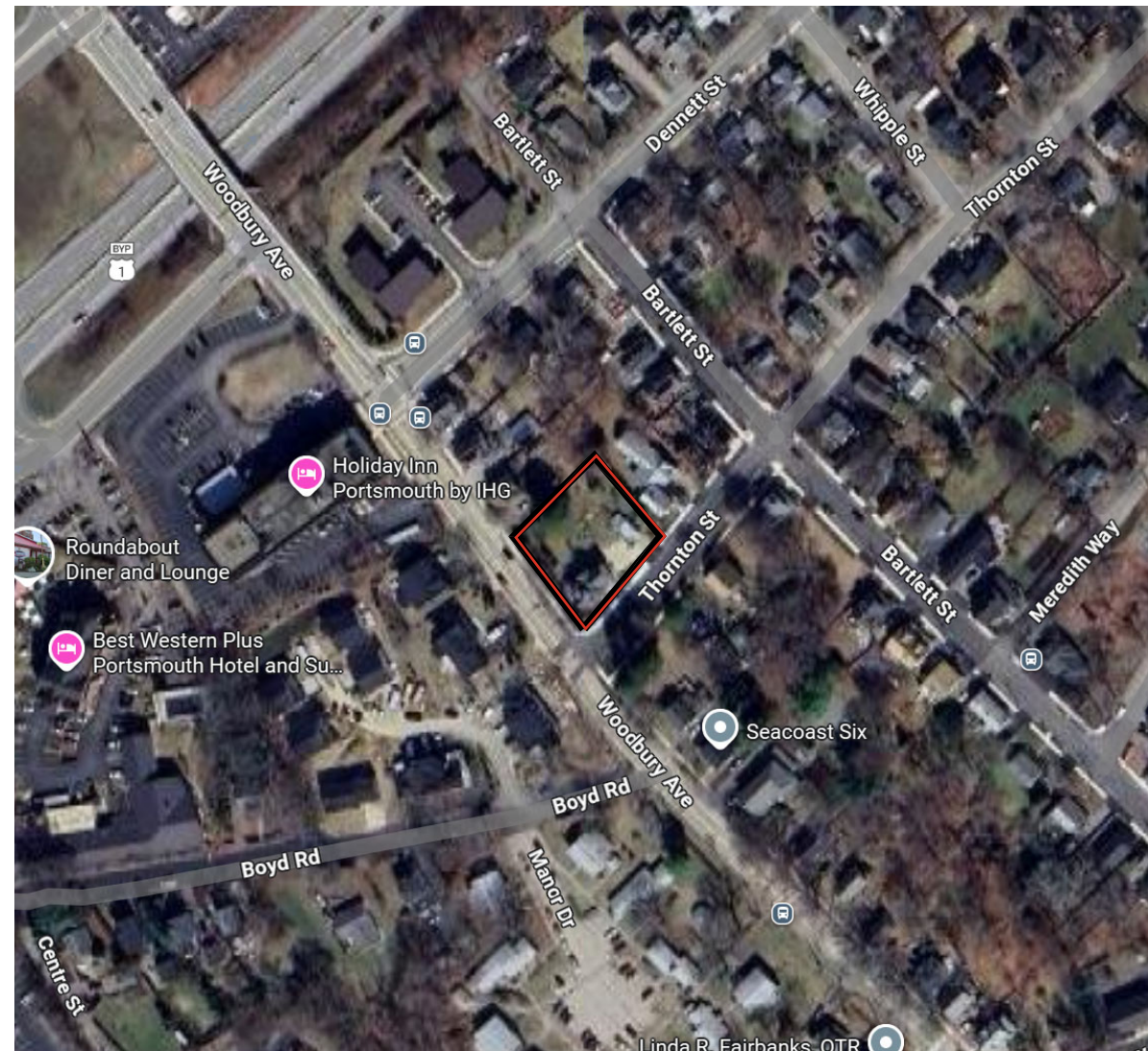
Martin Ryan

221 WOODBURY AVENUE PORTSMOUTH, NH 03801 SUBDIVISION PROPOSAL PLAN

OWNER- RYAN TRUST
APRIL 22, 2026

DRAWING LIST

NO	TITLE
T1	TITLE SHEET
C1	HISTORIC MAP & FIGURE GROUND
C2	EXISTING SITE PLAN
C3	PROPOSED SITE PLAN
C4	SITE DIAGRAMS
A1	SITE ELEVATIONS
A2	SITE ELEVATIONS
P1	CONTEXT PHOTOGRAPHS
P2	CONTEXT PHOTOGRAPHS



AERIAL VIEW
SCALE: NTS

MARTIN RYAN ARCHITECT
221 Woodbury Ave
Portsmouth, NH 03801

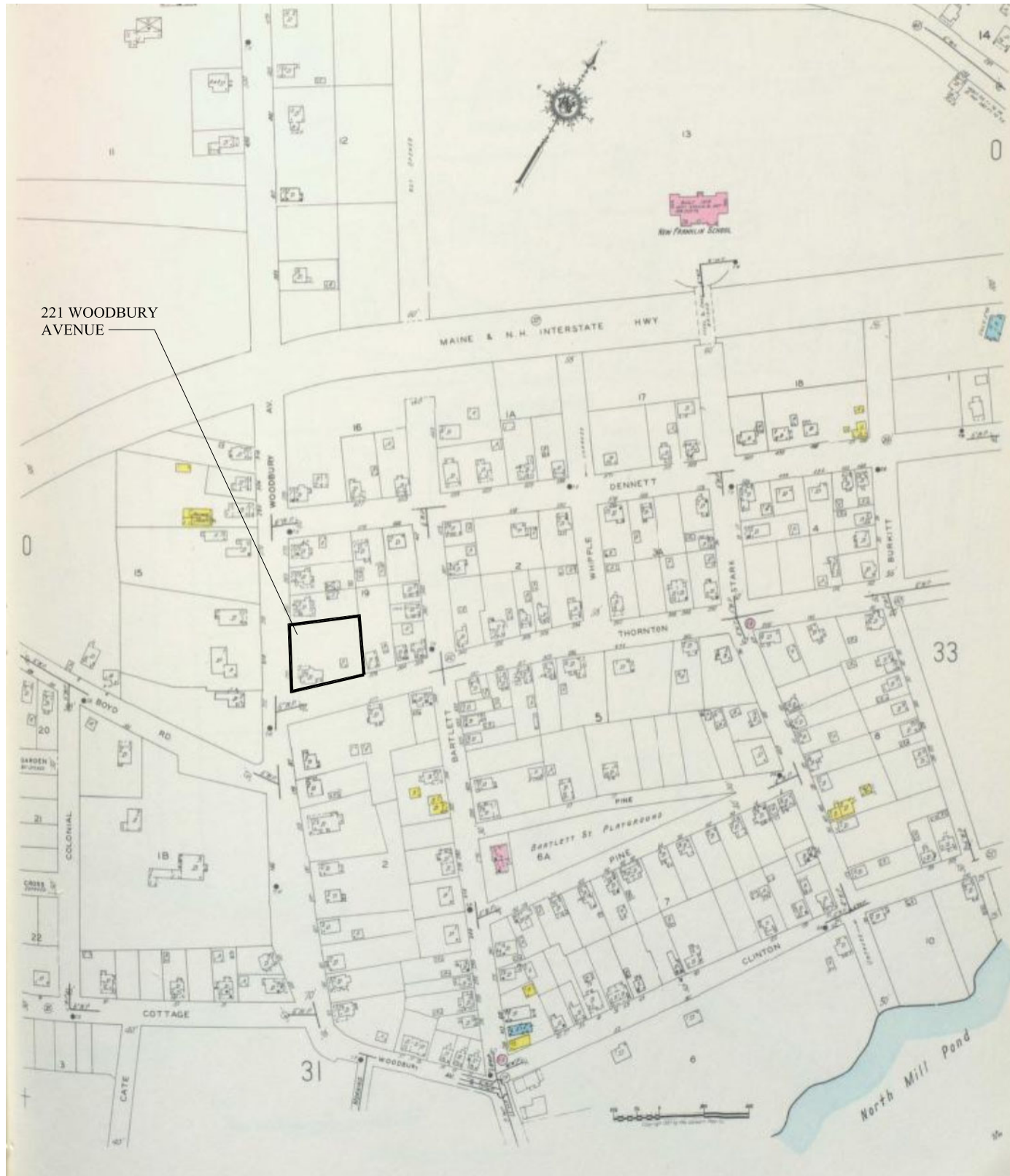
APRIL 22, 2026

221 WOODBURY AVE
PORTSMOUTH, NH
SUBDIVISION PLAN

DATE: 04-22-26
DESIGN:
DRAWN:
CHECKED:
SCALE:
JOB:

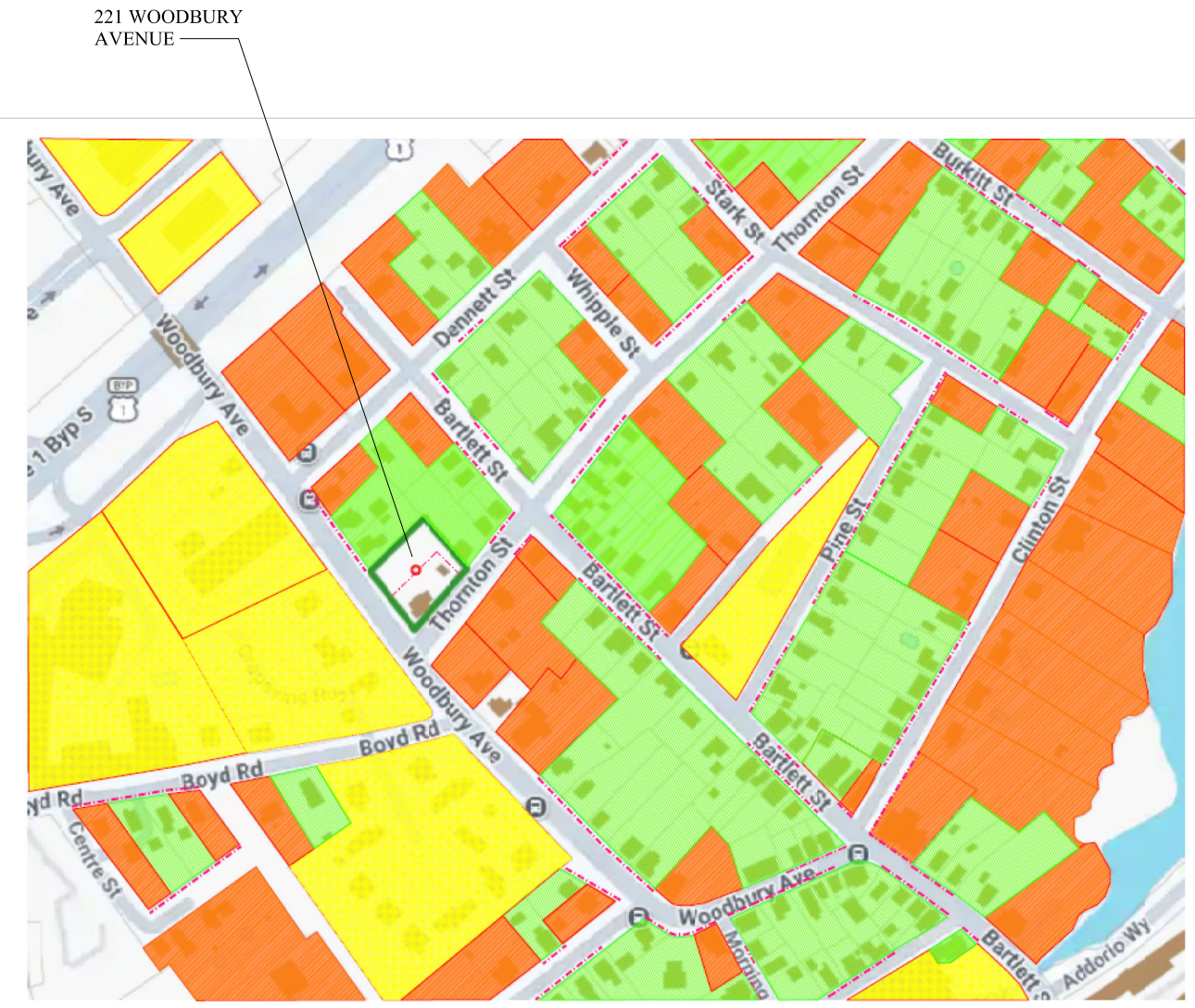
TITLE SHEET

T1



221 WOODBURY AVENUE

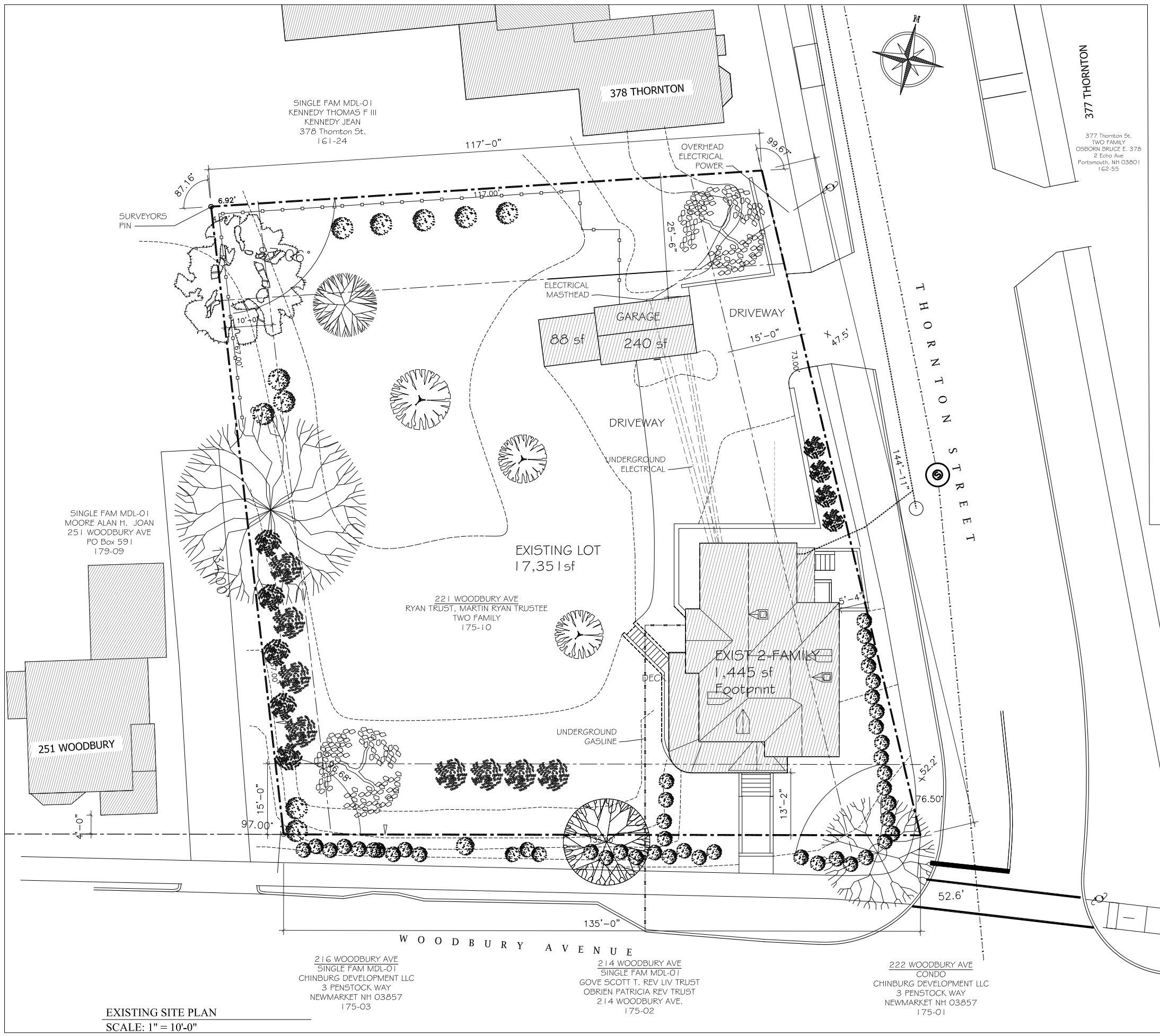
SANBORNE MAP 1920
SCALE: NTS



- GREEN— LOTS WITH LESS THAN THE 100LF REQUIRED STREET FRONTAGE
- ORANGE— LOTS THAT MEET THE 100 LF STREET FRONTAGE REQUIREMENT
- YELLOW— COMMERCIAL OR MULT-FAMILY LOTS
- FRONTAGE EQUAL OR LESS THAN 63 LF

FIGURE GROUND
SCALE: NTS

DATE: 04-22-26
DESIGN: _____
DRAWN: _____
CHECKED: _____
SCALE: _____
JOB: _____



SITE NOTES:

OWNER OF RECORD: RYAN TRUST
ADDRESS: 221 WOODBURY AVE
 PORTSMOUTH, NEW HAMPSHIRE
PARCEL: AS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 175 AS LOT 10.
PARCEL AREA = ~17,351 SF = 0.403 ACRES
ZONING DISTRICT: GENERAL RESIDENTIAL A (GRA)

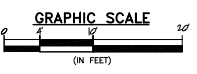
ZONING DIMENSIONS AND DENSITY REQUIREMENTS:

	REQUIRED	EXISTING
A) MINIMUM LOT SIZE	7,500 SF	17,351 SF
B) MINIMUM LOT FRONTAGE		
WOODBURY AVE	100 LF	135.0 LF
THORNTON STREET	100 LF	144.9 LF
C) MINIMUM FRONT SETBACK		
WOODBURY AVE	15 LF	13.1 LF
THORNTON STREET	15 LF	5.33 LF
D) MINIMUM SIDE SETBACK	10 LF	66 LF
E) MINIMUM REAR SETBACK	20 LF	25.5 LF
F) MAXIMUM LOT COVERAGE		
25%	4,337 SF	1,767 SF
10.18%		
G) MINIMUM OPEN SPACE		
30%	5,205 SF	13,018 SF
89.82%		

LEGEND

- IRON ROD/ PIPE FOUND
- BENCHMARK
- SEWER MANHOLE
- DRAIN MANHOLE
- UTILITY POLE
- CATCH BASIN
- HYDRANT
- GATE VALVE
- SIGN
- PROPERTY LINE
- EDGE OF PAVEMENT
- EXISTING CONTOUR
- PROPOSED CONTOUR
- WATER LINE
- STORM DRAIN LINE
- SANITARY SEWER LINE
- OVERHEAD UTILITY LINE
- UNDERGROUND ELECTRIC LINE

SINGLE FAM MDL-01
 GAMSTER COLBY T.
 GAMSTER AMANDA D.
 187 WOODBURY AVE.
 162-56



EXISTING SITE PLAN
 SCALE: 1" = 10'-0"

MARTIN RYAN ARCHITECT
 221 Woodbury Ave
 Portsmouth, NH 03801

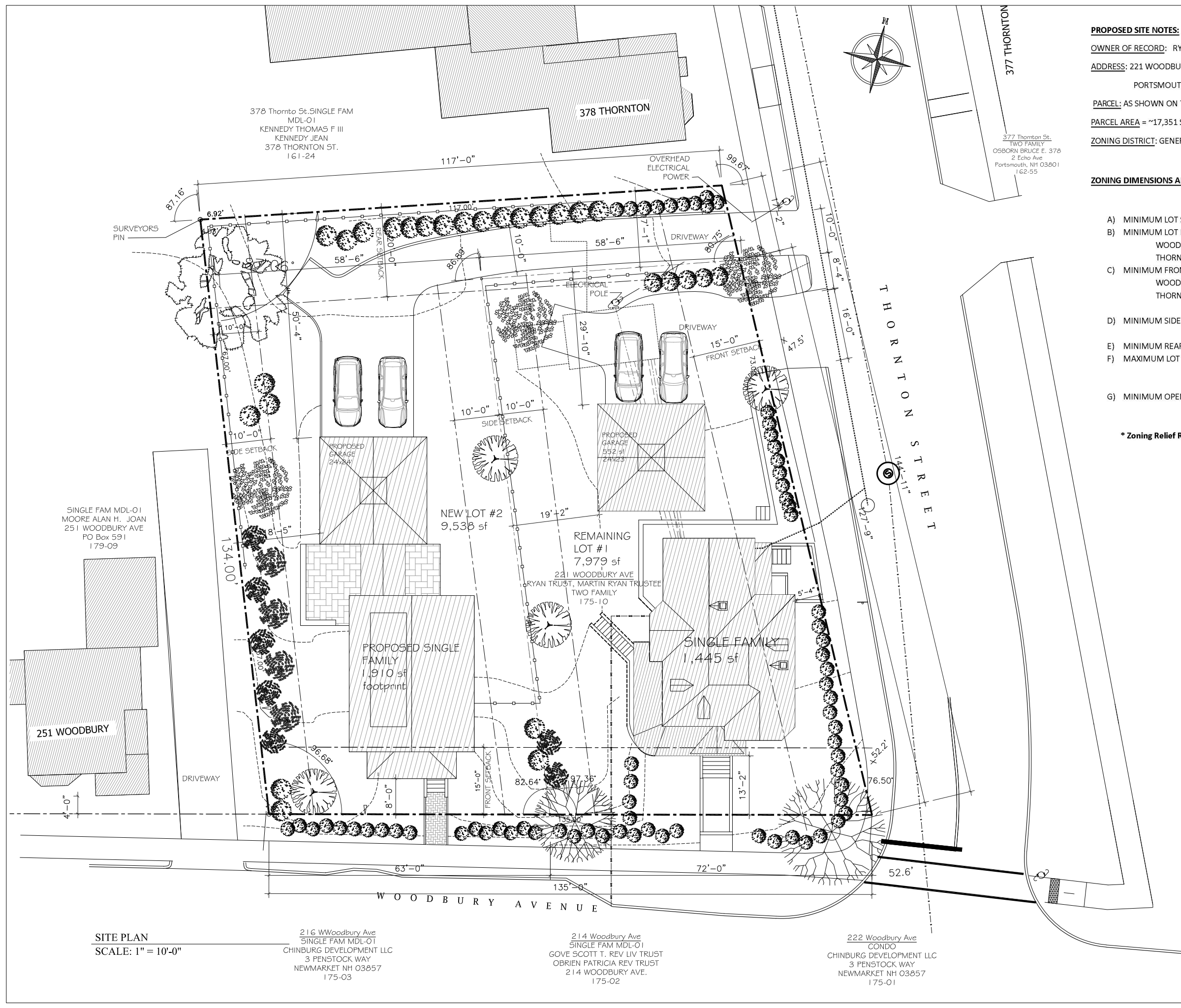
APRIL 22, 2026

221 WOODBURY AVE
 PORTSMOUTH, NH
 SUBDIVISION PLAN

DATE: 04-22-26
 DESIGN:
 DRAWN:
 CHECKED:
 SCALE:
 JOB:

EXISTING SITE
 PLAN

C2



PROPOSED SITE NOTES:

OWNER OF RECORD: RYAN TRUST
 ADDRESS: 221 WOODBURY AVE
 PORTSMOUTH, NEW HAMPSHIRE
 PARCEL: AS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 175 AS LOT 10.
 PARCEL AREA = ~17,351 SF = 0.403 ACRES
 ZONING DISTRICT: GENERAL RESIDENTIAL A (GRA)

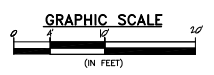
ZONING DIMENSIONS AND DENSITY REQUIREMENTS:

	REQUIRED	EXISTING	LOT#1	LOT#2
A) MINIMUM LOT SIZE	7,500 SF	17,358 SF	7,979 SF	9,538 SF
B) MINIMUM LOT FRONTAGE				
WOODBURY AVE	100 LF	135.0 LF	72.0 LF	63.0 LF *
THORNTON STREET	100 LF	144.9 LF	144.9 LF	N/A
C) MINIMUM FRONT SETBACK				
WOODBURY AVE	15 LF	13.1 LF	13.1 LF	9.33 LF
THORNTON STREET	15 LF	5.33 LF	5.4 LF	N/A
D) MINIMUM SIDE SETBACK	10 LF	66 LF	19.1 LF	18.4 LF
E) MINIMUM REAR SETBACK	20 LF	25.5 LF	29.8 LF	49 LF
F) MAXIMUM LOT COVERAGE				
25%	4,337 SF	1,812 SF	1,997 SF	1,910 SF
30%	5,205 SF	13,018 SF	5,982 SF	7,628 SF
G) MINIMUM OPEN SPACE				
25%			25%	20%
75%			75%	80%

* Zoning Relief Required

LEGEND

- IRON ROD/ PIPE FOUND
- BENCHMARK
- SEWER MANHOLE
- DRAIN MANHOLE
- UTILITY POLE
- CATCH BASIN
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- WATER LINE
- STORM DRAIN LINE
- SANITARY SEWER LINE
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- UNDERGROUND ELECTRIC LINE



MARTIN RYAN ARCHITECT
 221 Woodbury Ave
 Portsmouth, NH 03801

APRIL 22, 2026

221 WOODBURY AVE
 PORTSMOUTH, NH
 SUBDIVISION PLAN

DATE: 04-22-26
DESIGN:
DRAWN:
CHECKED:
SCALE:
JOB:

PROPOSED SITE
 PLAN

C3

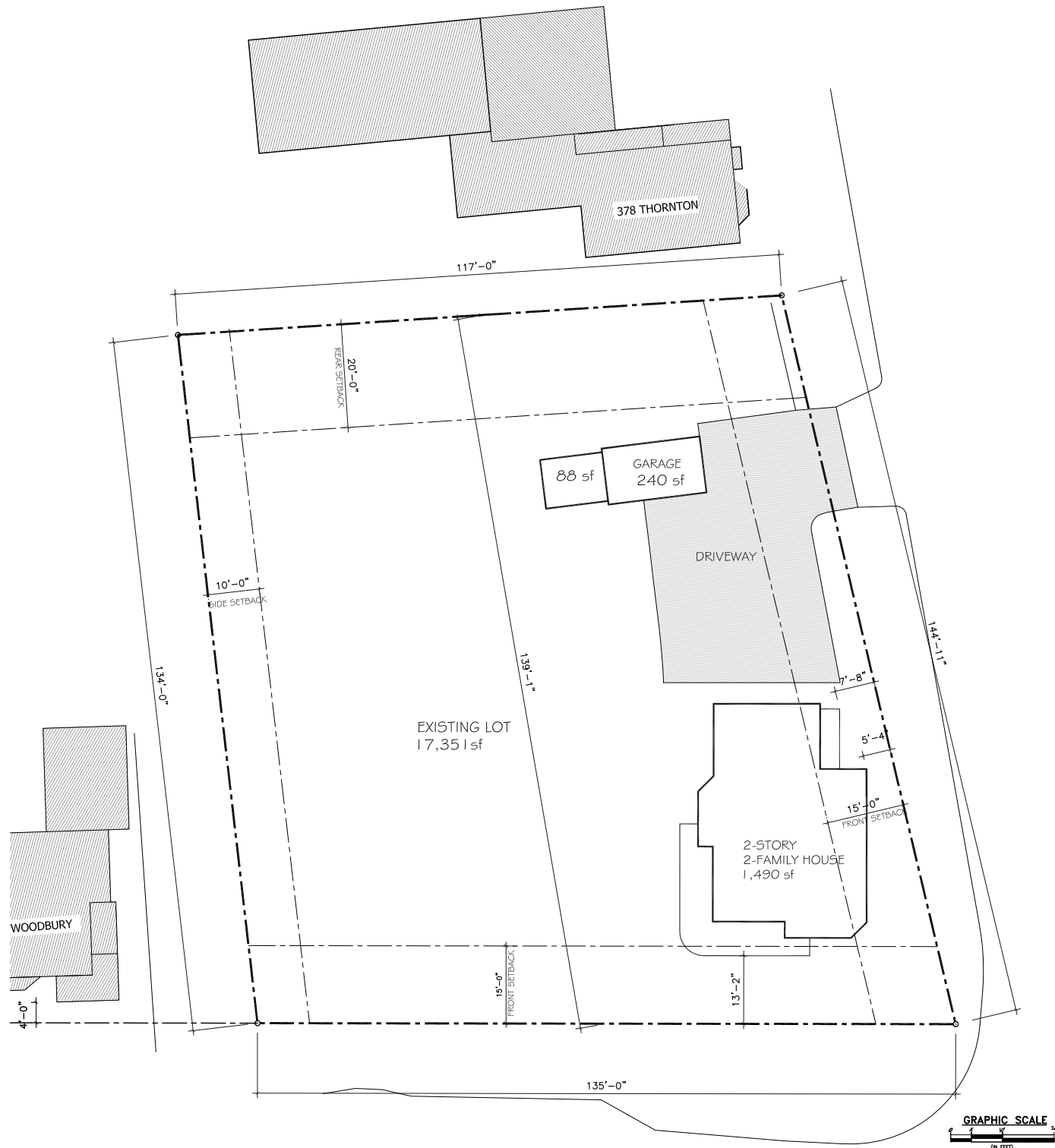
SITE PLAN
 SCALE: 1" = 10'-0"

216 Woodbury Ave
 SINGLE FAM MDL-01
 CHINBURG DEVELOPMENT LLC
 3 FENSTOCK WAY
 NEWMARKET NH 03857
 175-03

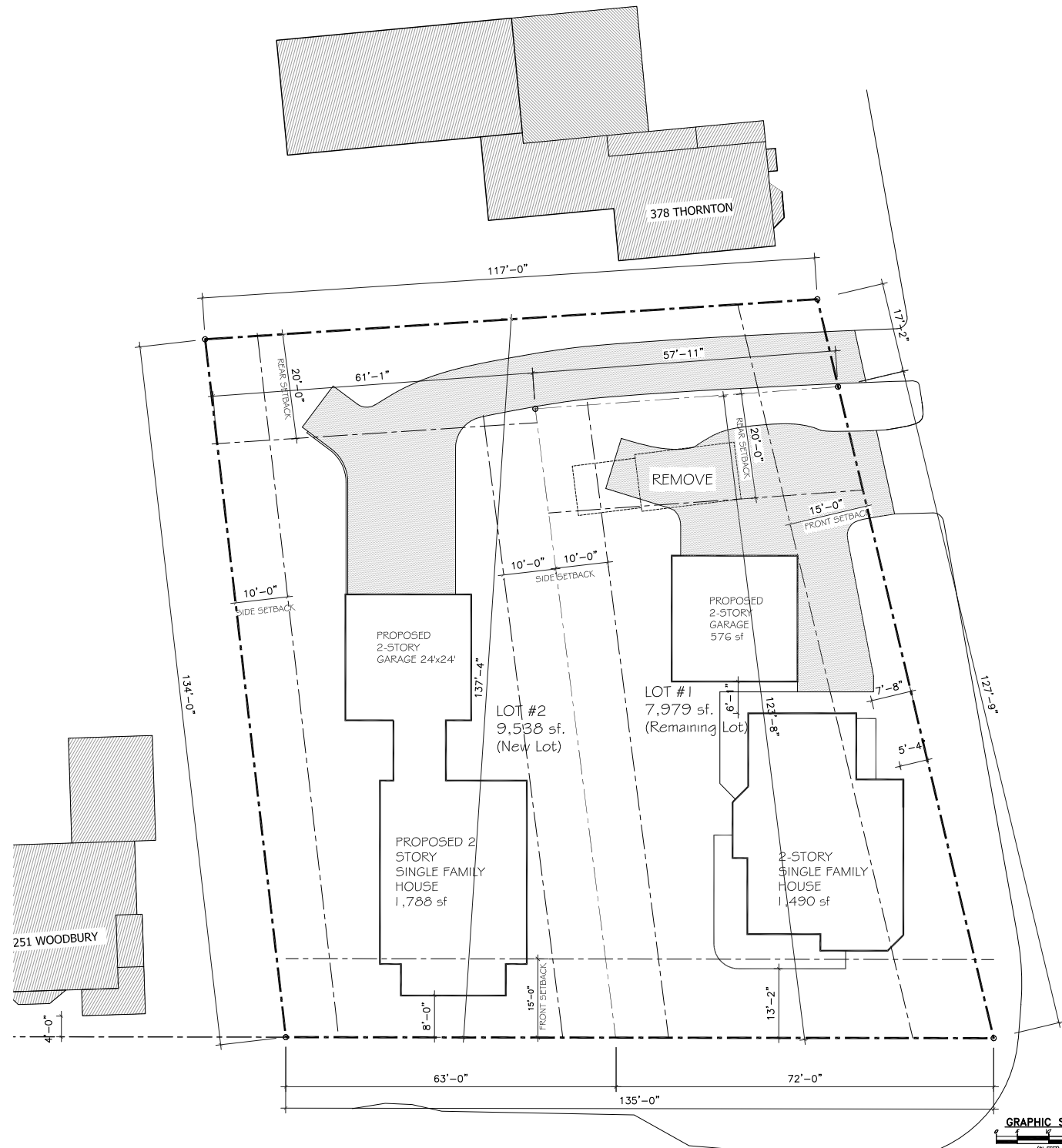
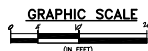
214 Woodbury Ave
 SINGLE FAM MDL-01
 GOVE SCOTT T. REV LIV TRUST
 OBRIEN PATRICIA REV TRUST
 214 WOODBURY AVE.
 175-02

222 Woodbury Ave
 CONDO
 CHINBURG DEVELOPMENT LLC
 3 FENSTOCK WAY
 NEWMARKET NH 03857
 175-01

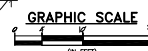
187 Woodbury Ave
 SINGLE FAM MDL-01
 GAMSTER COLBY T.
 GAMSTER AMANDA D.
 187 WOODBURY AVE.
 162-56



EXISTING SITE DIAGRAM
SCALE: NTS



PROPOSED SITE DIAGRAM
SCALE: NTS



DATE: 04-22-26
DESIGN:
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SCALE:
JOB:



251 WOODBURY

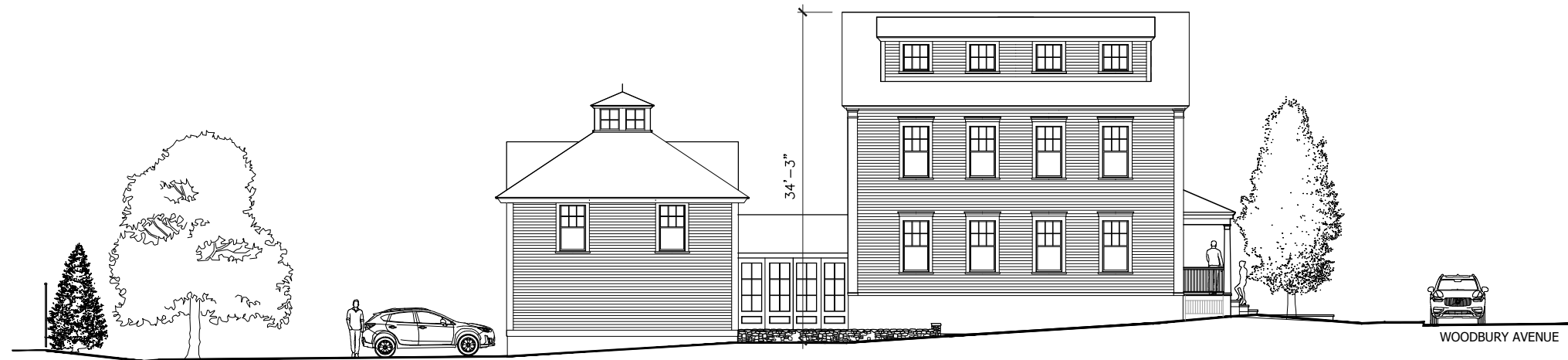
221 WOODBURY

THORNTON STREET

PROPOSED LOT

REMAINING LOT

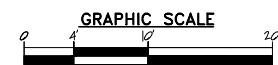
① WOODBURY AVENUE ELEVATION



34'-3"

WOODBURY AVENUE

② WEST ELEVATION



MARTIN RYAN ARCHITECT
221 Woodbury Ave
Portsmouth, NH 03801

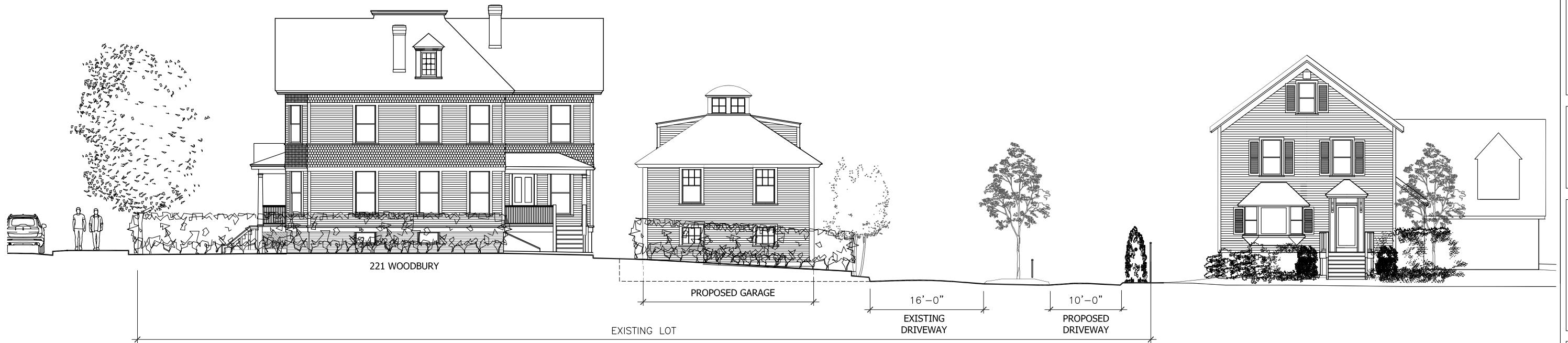
APRIL 22, 2026

221 WOODBURY AVE
PORTSMOUTH, NH
SUBDIVISION PLAN

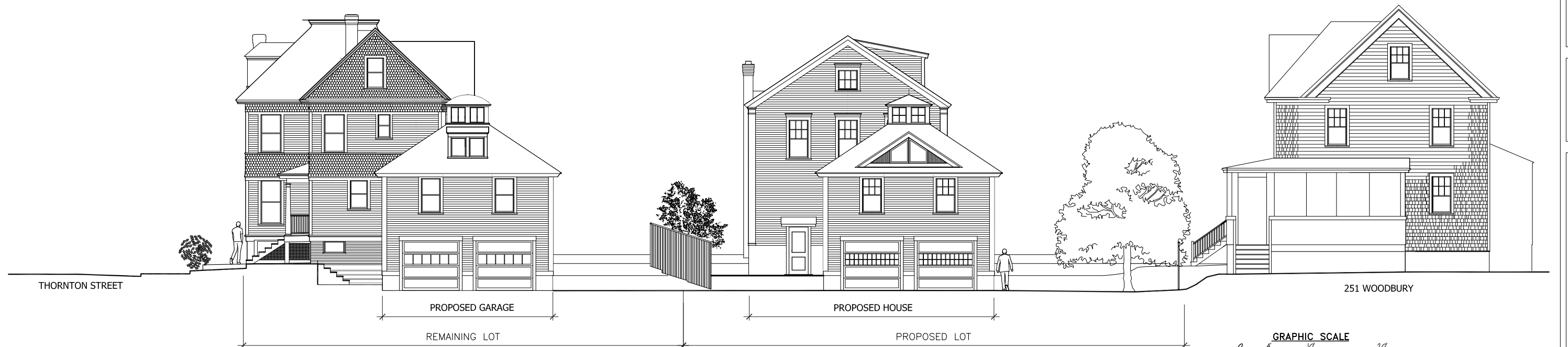
DATE: 04-22-26
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SITE
ELEVATIONS

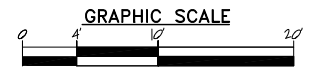
A1



3 THORNTON STREET ELEVATION



4 NORTH ELEVATION



MARTIN RYAN ARCHITECT
 221 Woodbury Ave
 Portsmouth, NH 03801

APRIL 22, 2026

221 WOODBURY AVE
 PORTSMOUTH, NH
 SUBDIVISION PLAN

DATE: 04-22-26
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 JOB:

SITE
 ELEVATIONS

A2



PHOTOGRAPH #1



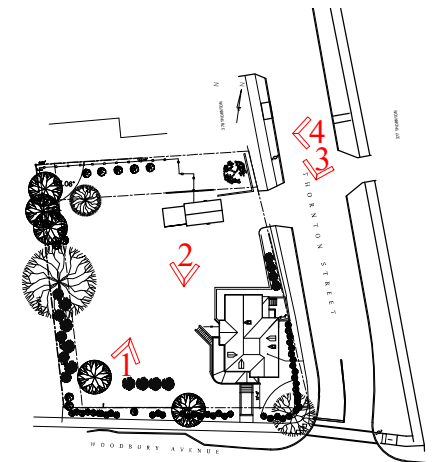
PHOTOGRAPH #2



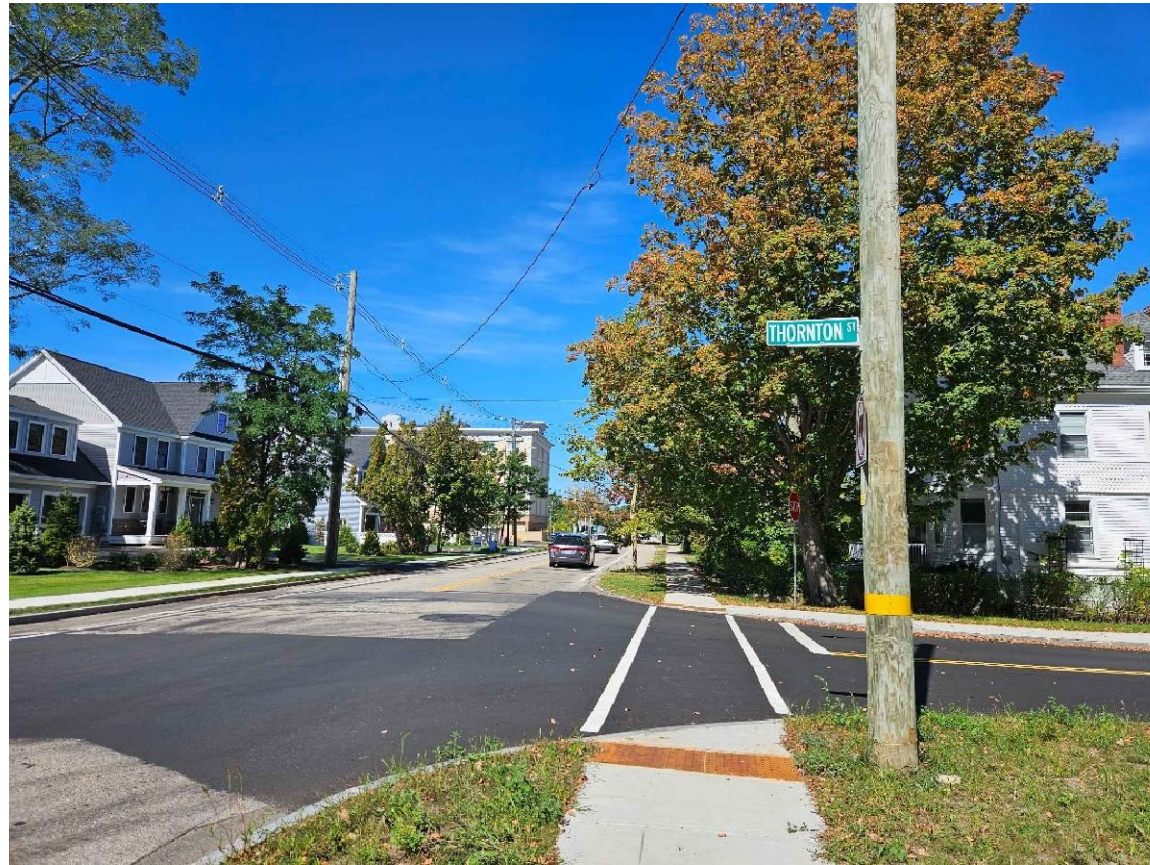
PHOTOGRAPH #3



PHOTOGRAPH #4



SITE KEY PLAN
SCALE: NTS



PHOTOGRAPH #5



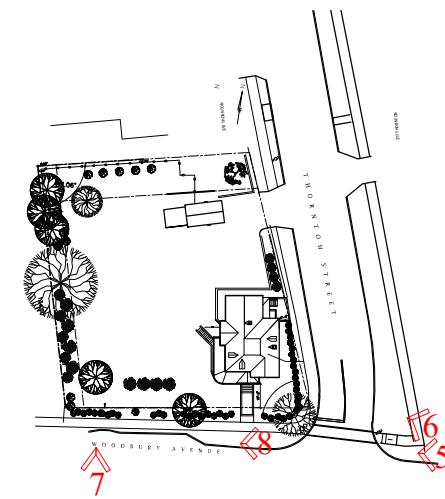
PHOTOGRAPH #6



PHOTOGRAPH #7



PHOTOGRAPH #8



SITE KEY PLAN
SCALE: NTS