



CELEBRATING 40 YEARS OF SERVICE TO OUR CLIENTS

LIZABETH M. MACDONALD
CHRISTOPHER L. BOLDT
DOUGLAS M. MANSFIELD
KATHERINE B. MILLER
CHRISTOPHER T. HILSON
HEIDI J. BARRETT-KITCHEN
ERIC A. MAHER
CHRISTOPHER D. HAWKINS
JOHN K. BOSEN
ELAINA H. SMITH
WILLIAM K. WARREN
COURTNEY P. VAUGHAN
KATIE A. MOSHER

OF COUNSEL
MOLLY C. FERRARA
SCOTT S. ANDERS

RETIRED
MICHAEL J. DONAHUE
CHARLES F. TUCKER
ROBERT D. CIANDELLA
JOHN J. RATIGAN
DENISE A. POULOS
SHARON CUDDY SOMERS
ROBERT M. DEROSIER
NICHOLAS R. AESCHLIMAN

August 5, 2026

Beth Margeson, Chair
Zoning Board of Adjustment
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

RE: **Ann Wiley (Applicant)**
64 Woodworth Avenue, Tax Map 243, Lot 42

Dear Chair Margeson and Board Members,

Please accept the Applicant's attached BOA Submission with respect to the property located at 64 Woodworth Avenue. Included for your review and consideration are the following:

- Exhibit 1: Narrative
- Exhibit 2: Letter of Authorization
- Exhibit 3: Building Permit Plan
- Exhibit 4: Front Elevation and Floor Plan
- Exhibit 5: Exterior Photographs
- Exhibit 6: Abutter Letters of Support

The Applicant respectfully requests that you include this Submission on the agenda for the Board's August 18, 2026, meeting. Thank you, and please contact our office if you have any questions.

Yours truly,

Courtney P. Vaughan, Esq.
cvaughan@dtclawyers.com

DONAHUE, TUCKER & CIANDELLA, PLLC
16 Acadia Lane, P.O. Box 630, Exeter, NH 03833
111 Maplewood Avenue, Suite D, Portsmouth, NH 03801
Towle House, Unit 2, 164 NH Route 25, Meredith, NH 03253
83 Clinton Street, Concord, NH 03301

Exhibit 1

APPLICATION OF ANN WILEY
64 Woodworth Ave, Portsmouth

Map 243, Lot 42

APPLICANT'S NARRATIVE

PROJECT SUMMARY

Subject property: 64 Woodworth Avenue, Portsmouth, NH

Applicant: Ann Wiley, Owner of 64 Woodworth Avenue

Location: 64 Woodworth Avenue (SRB — Single Residence B District)

Relief Requested: Variance from Section 10.521 — Table of Dimensional Standards to permit a left-side setback of 8.8 feet where 10 feet is required in order to construct a one-bedroom addition (not an accessory dwelling unit); and a variance from that same Section 10.521 to permit a proposed building coverage of 26%, where 20% is required.

Proposal: The Applicant proposes a modest one-bedroom addition to the existing single-family home, increasing gross floor area from 982 square feet to 1,248 square feet (approximately a 20% increase). The addition is intended to allow the homeowner to provide in-home care for her father. The Application includes a site plan, scaled drawings, and four written letters of acknowledgment and support from immediate abutters.

VARIANCE CRITERIA

A. The Variance will not be contrary to public interest

The “public interest” and “spirit and intent” requirements are considered together pursuant to Malachy Glen Associates v. Chichester, 152 N.H. 102 (2007). The test is whether granting the variance would substantially alter the characteristics of the neighborhood or threaten the health, safety, and welfare of the public. Granting the requested variance to permit the one-bedroom addition that results in a left side setback of 8.8 feet and an increase in building coverage from 20% to 26% will not substantially alter the characteristics of the neighborhood nor threaten public health, safety, or welfare. The proposal preserves the existing single-family residential use and scale of the property, does not increase building height or intensity, and will not introduce new traffic, commercial activity, or other impacts that would undermine neighborhood character or municipal services. The addition is modest in footprint and massing and will be constructed in a manner consistent with residential building standards, ensuring continued compliance with safety and health codes.

B. The spirit of the ordinance is observed

Section 10.521's dimensional standards are intended to preserve light, air, privacy, and the residential character of neighborhoods by maintaining reasonable separation between structures. The proposed addition respects those objectives because it produces only a small, incremental change to the property's spatial relationships and does not materially reduce light, air, or privacy for neighboring lots. Increasing the home from 982 square feet to 1,248 square feet (approximately a 20% increase) keeps the structure within the modest scale typical of the SRB district. The addition will match the existing home's scale and architectural character, will not increase the building height, and will not change the property's single-family use. These factors demonstrate that the variance will not undermine the ordinance's purpose and that the spirit of the ordinance is preserved.

C. Substantial justice will be done

Substantial justice requires balancing the applicant's private loss if relief is denied against any public gain from strict enforcement. Denial would impose a significant personal and practical burden on the homeowner by preventing the creation of a safe, accessible living arrangement for her father and likely forcing either a more disruptive, costly alternative on the lot or relocation to institutional care. The public gains no meaningful benefit from denying this modest, well-designed addition because the project does not create measurable harm to public health, safety, or welfare, nor does it undermine the ordinance's objectives in any substantive way. The applicant has proactively engaged all immediate neighbors and obtained four written letters of acknowledgment and support, which are attached to this application; those abutter statements confirm that adjacent property owners do not perceive adverse impacts to privacy, light, or neighborhood character and therefore reinforce that denying the variance would produce a private hardship without corresponding public advantage. On balance, granting the variance advances substantial justice by avoiding an inequitable private loss while producing no detriment to the public.

D. Surrounding property values will not be diminished

There is no credible basis to conclude that surrounding property values will be diminished by the proposed addition. The improvement is modest and sympathetic to the existing neighborhood fabric, enhancing the property's livability without altering its residential character. The SRB neighborhood features a pattern of modest renovations and additions; this project aligns with that pattern and will be executed with attention to design and materials that complement the block. The four abutter support letters further indicate that neighbors do not expect negative effects on the enjoyment or marketability of their properties. Given the limited scale of the addition, its compatibility with surrounding homes, and neighbor support, the evidence supports a finding that the requested relief will not reduce surrounding property values.

E. Literal enforcement of the ordinance results in unnecessary hardship

Literal enforcement of the 10-foot side setback and the 20% building coverage requirement would result in unnecessary hardship under RSA 674:33, I(b), because special conditions of the property distinguish it from others in the district and make strict compliance inequitable. The parcel at 64 Woodworth Avenue is a modest SRB lot with an existing house footprint and site constraints that limit where an addition can be located without creating disproportionate impacts elsewhere on the lot; these physical circumstances are inherent to the lot and are not the product of the applicant's actions. Measured facts in the record, most notably the existing building placement and the modest lot area, demonstrate that the property's configuration materially constrains expansion options. Applying the statutory two-part test, these special conditions support the first element: there is no fair and substantial relationship between the general public purposes of the 10-foot side setback and the 20% building coverage requirements, and the specific application of that provision to this parcel. The ordinance's dimensional rules are intended to prevent overcrowding and to protect light, air, and privacy, but the proposed one-bedroom addition increases gross floor area from 982 to 1,248 square feet (~20%), does not increase building height, does not introduce a new use, and does not materially change the property's relationship to neighboring lots; under these site-specific facts, literal application of the setback does not advance the ordinance's public purposes in any meaningful way. The second element of the primary test, reasonableness of the proposed use, is likewise satisfied: the addition is a customary, single-family residential improvement designed to allow the homeowner to care for her father at home, is proportionate in scale, and is compatible with the SRB neighborhood pattern.

If the Board finds the primary two-part showing incomplete, the statutory fallback also supports relief: owing to the property's special conditions, the parcel cannot be reasonably used in strict conformity with the ordinance, and a variance is therefore necessary to enable a reasonable use. Practical alternatives that would meet the 10-foot side setback and the 20% building coverage standard would require either a substantially larger and more disruptive reconfiguration of the house and yard, a reduction in usable living space that would defeat the family care objective, or relocation of the family member to institutional care; outcomes that are impractical, inequitable, and contrary to the reasonable residential use the ordinance contemplates. The record further includes measured dimensions, scaled drawings, and neighborhood context that corroborate the lot's constrained nature, and the applicant's outreach (including four abutter letters of acknowledgment and support) confirms that the proposed minimal encroachment will not harm neighbors or the neighborhood's character. Because the special conditions of the property render strict enforcement inequitable, because literal application bears no fair and substantial relationship to the ordinance's purpose here, and because the proposed use is reasonable (and, alternatively, because strict conformity prevents reasonable use), literal enforcement would produce unnecessary hardship, and the requested variance is warranted under RSA 674:33, I(b).

CONCLUSION AND RELIEF REQUESTED

For the reasons set forth above, the proposed one-bedroom addition at 64 Woodworth Avenue satisfies the statutory variance criteria. The applicant respectfully requests that the Zoning Board grant a variance from Section 10.521 to permit the left side setback of 8.8 feet and a variance from that same section to allow for 26% building coverage, rather than the 20% required, to allow construction of the described addition. The application package includes a site plan (Exhibit B), scaled architectural drawings (Exhibit C), and four abutter letters of acknowledgment and support demonstrating neighborhood acceptance (Exhibit D).

Respectfully submitted,

August 4, 2026

By: _____



Courtney P. Vaughan, Esq.

Exhibit 2

LETTER OF AUTHORIZATION

I, Ann Marie Wiley, Trustee of the Ann Marie Wiley Revocable Trust, owner of property depicted on Tax Map 243, Lot 42, located at 64 Woodworth Avenue, Portsmouth, New Hampshire, do hereby authorize James Gregoire, Littlewoods, LLC and Donahue, Tucker and Ciandella, PLLC, to execute any land use applications to the City of Portsmouth and to take any action necessary for the application and permitting process, including but not limited to, attendance and presentation at public hearings, of the said property.

Dated: 6/19/26

THE ANN MARIE WILEY REVOCABLE TRUST

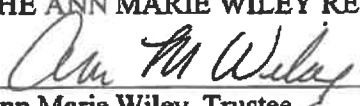
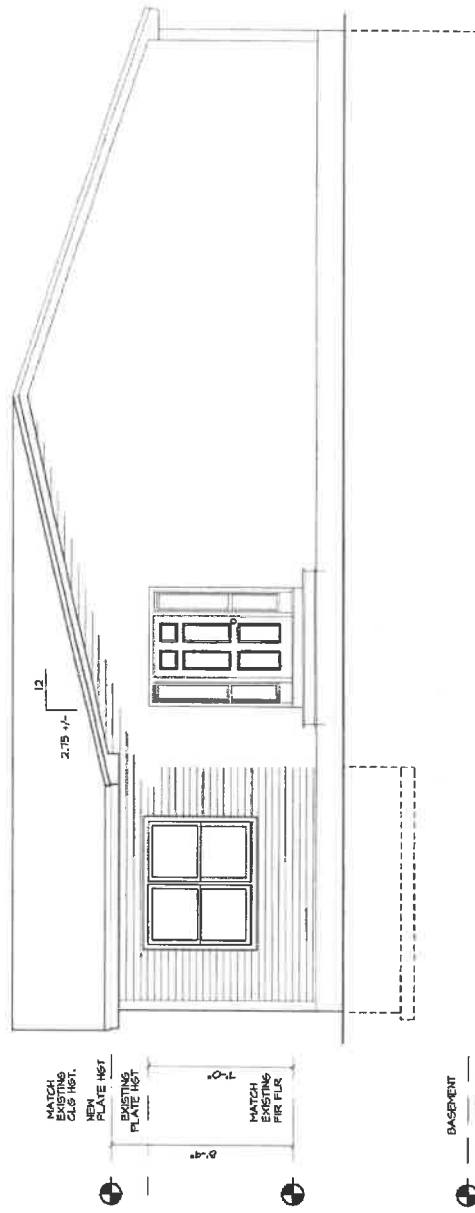
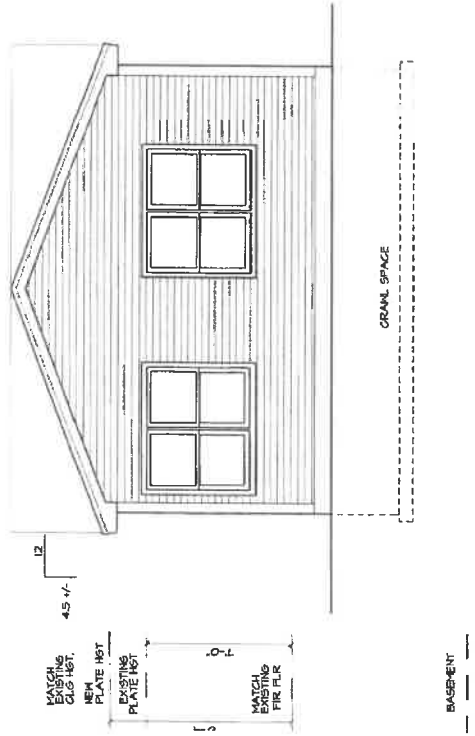

Ann Marie Wiley, Trustee

EXHIBIT 3



Property Information Property ID 0243-0042-0000 Location 64 WOODWORTH AVE Owner WILEY ANN MARIE REV TR	 MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map. Geometry updated 03/06/2026	Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.
--	---	--

EXHIBIT 4



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

EXHIBIT 5

64 Woodworth Ave
External View



EXHIBIT 6

NEIGHBOR ACKNOWLEDGMENT OF PROPOSED HOME ADDITION

Date: 6/30/26

To Whom It May Concern:

I, * Tom Gallant, (Neighbor's Name), residing at
72 WOODWORTH AVE. (Neighbor's Address), acknowledge that
I have been informed of the proposed addition to the residence located at:

64 Woodworth Avenue, Portsmouth, NH 03801

owned by **Ann Wiley** _____

After reviewing the information provided regarding the proposed addition, I have no
objection to or contest regarding the construction of the addition as proposed.

This acknowledgment is provided voluntarily and indicates that I do not oppose the
proposed project. I understand that this statement does not waive any legal rights that may
exist under applicable laws or regulations.

Signature: Tom Gallant

Date: 6/30/26

NEIGHBOR ACKNOWLEDGMENT OF PROPOSED HOME ADDITION

Date: 6-15-26

To Whom It May Concern:

I, Danny Hatch (Neighbor's Name), residing at
4 McClintock Ave (Neighbor's Address), acknowledge that
I have been informed of the proposed addition to the residence located at:

64 Woodworth Avenue, Portsmouth, NH 03801

owned by **Ann Wiley** _____.

After reviewing the information provided regarding the proposed addition, I have no
objection to or contest regarding the construction of the addition as proposed.

This acknowledgment is provided voluntarily and indicates that I do not oppose the
proposed project. I understand that this statement does not waive any legal rights that may
exist under applicable laws or regulations.

Signature:



Date: 6-18-26

NEIGHBOR ACKNOWLEDGMENT OF PROPOSED HOME ADDITION

Date: 6/18/2026

To Whom It May Concern:

I, Anne Turner (Neighbor's Name), residing at
10 McClintock Street Ave (Neighbor's Address), acknowledge that
I have been informed of the proposed addition to the residence located at:

64 Woodworth Avenue, Portsmouth, NH 03801

owned by Ann Wiley.

After reviewing the information provided regarding the proposed addition, I have no
objection to or contest regarding the construction of the addition as proposed.

This acknowledgment is provided voluntarily and indicates that I do not oppose the
proposed project. I understand that this statement does not waive any legal rights that may
exist under applicable laws or regulations.

Signature: Anne W. Turner

Date: 6/18/2026

NEIGHBOR ACKNOWLEDGMENT OF PROPOSED HOME ADDITION

Date: 6/19/26

To Whom It May Concern:

I, Eliza Hobson (Neighbor's Name), residing at
5 McClinton St. (Neighbor's Address), acknowledge that
I have been informed of the proposed addition to the residence located at:

64 Woodworth Avenue, Portsmouth, NH 03801

owned by Ann Wiley

After reviewing the information provided regarding the proposed addition, I have no
objection to or contest regarding the construction of the addition as proposed.

This acknowledgment is provided voluntarily and indicates that I do not oppose the
proposed project. I understand that this statement does not waive any legal rights that may
exist under applicable laws or regulations.

Signature: Eliza Hobson

Date: 6/19/26