

**BOARD OF ADJUSTMENT  
PORTSMOUTH, NEW HAMPSHIRE**

**Remote Meeting Via Zoom Conference Call**

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*You are required to register to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. Public comments can be emailed in advance to [planning@cityofportsmouth.com](mailto:planning@cityofportsmouth.com). For technical assistance, please contact the Planning Department by email ([planning@cityofportsmouth.com](mailto:planning@cityofportsmouth.com)) or phone (603) 610-7296.*

Per NH RSA 91-A:2, III (b) the Chair has declared COVID-19 outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-16, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

**7:00 P.M.**

**AUGUST 18, 2020**

**AGENDA**

**I. APPROVAL OF MINUTES**

- A) Approval of the minutes of the meeting of July 21, 2020.

**II. PUBLIC HEARINGS – NEW BUSINESS**

- A) Petition of **Lockwood & Ingrid Barr, Owners, and James Martin, Applicant**, for property located at **421 Pleasant Street** wherein relief is needed from the Zoning Ordinance to replace existing 7' tall fence with new 6' tall fence which requires the following: 1) A Variance from Section 10.515.13 to allow a 6 foot tall fence within the front yard where a 4 foot tall fence is the maximum allowed. Said property is shown on Assessor Map 102 Lot 69 and lies within the General Residence B (GRB) District.
- B) Petition of the **Olson-George Revocable Trust, Owner**, for property located at **51 Park Street** wherein relief is needed from the Zoning Ordinance to install an AC unit which requires the following: 1) A Variance from Section 10.515.14 to allow a 2.5 foot left side yard where 10 feet is required. Said property is shown on Assessor Map 148 Lot 47 and lies within the General Residence A (GRA) District.
- C) Petition of **Jason & Katie Jenkins, Owners**, for property located at **35 Mark Street** wherein relief is needed from the Zoning Ordinance to install an HVAC unit as part of garage renovation which requires the following: 1) A Variance from Section 10.515.14

to allow a 4' setback where 10' is required. Said property is shown on Assessor Map 116 Lot 50 and lies within the Character District 4-L1 (CD4-L1) District.

- D) Petition of **Yeaton Flats, LLC, Owner**, for property located at **171 Austin Street** wherein relief is needed from the Zoning Ordinance to demolish existing three-story rear porch and construct new three-story porch which requires the following: 1) A Variance from Section 10.521 to allow a 7 foot right side yard where 10 feet is required. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 145 Lot 92 and lies within the General Residence C (GRC) District.
- E) Petition of **Gregory & Elizabeth LaCamera, Owners**, for property located at **34 Rock Street** wherein relief is needed from the Zoning Ordinance to replace existing bulkhead with full height door access and attached shed which requires the following: 1) Variances from Section 10.521 to allow a) a 2 foot right side yard where 10 feet is required; b) a 4 foot rear yard where 20 feet is required; and c) 59% building coverage where 35% is the maximum allowed. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 138 Lot 18 and lies within the General Residence C (GRC) District.
- F) Petition of **Jonathan & Amy Steinberg, Owners**, for property located at **353 Miller Avenue** wherein relief is needed from the Zoning Ordinance to replace 8' x 6' deck with new 12' x 10' deck which requires the following: 1) A Variance from Section 10.521 to allow 28.5% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Map 131 Lot 32 and lies within the General Residence A (GRA) District.
- G) Petition of the **Robin Husslage Revocable Living Trust, Owner**, for property located at **27 Rock Street** wherein relief is needed from the Zoning Ordinance for conversion of a single-family dwelling to a two family which requires the following: 1) A Special Exception from Section 10.440 #1.61 to allow the conversion of a building existing on January 1, 1980, with less than the required minimum lot area per dwelling unit, into 2 dwelling units where the use is allowed by special exception. Said property is shown on Assessor Map 138 Lot 2 and lies within the General Residence C (GRC) District.
- H) Petition of **Christoph Wienands & April Guille, Owners**, for property located at **307 Wibird Street** wherein relief is needed from the Zoning Ordinance for installation of AC unit which requires the following: 1) A Variance from Section 10.515.14 to allow a 7 foot left side yard where 10 feet is required. Said property is shown on Assessor Map 132 Lot 12 and lies within the General Residence A (GRA) District.
- I) Petition of **Andrew Lane, Owner**, for property located at **245 Thaxter Road** wherein relief is needed from the Zoning Ordinance to construct a 16' x 24' two-story addition

which requires the following: 1) Variances from Section 10.521 to allow a) a 19.5 foot front yard where 30 feet is required; and b) 20.5% building coverage where 20% is the maximum allowed. 2) A Variance from Section 10.321 to allow a non-conforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 165 Lot 3 and lies within the Single Residence B (SRB) District.

- J) Petition of the **Brown Family Revocable Trust, Owner**, for property located at **14 Alder Way** wherein relief is needed from the Zoning Ordinance to construct a 12 x 14 screen house which requires the following: 1) Variances from Section 10.521 to allow a) an 8 foot right side yard where 9.5 feet is required for an accessory structure; and b) 29% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Map 142 Lot 18 and lies within the General Residence A (GRA) District.

### III. OTHER BUSINESS

### IV. ADJOURNMENT

**MINUTES of the  
BOARD OF ADJUSTMENT MEETING  
PORTSMOUTH, NEW HAMPSHIRE  
Remote Meeting via Zoom Conference Call**

**7:00 P.M.**

**JULY 21, 2020**

**MEMBERS PRESENT:** Vice-Chairman Jeremiah Johnson, Jim Lee, Peter McDonell, Christopher Mulligan, John Formella, Arthur Parrott, Alternate Chase Hagaman

**MEMBERS EXCUSED:** Chairman David Rheame, Alternate Phyllis Eldridge

**ALSO PRESENT:** Peter Stith, Planning Department

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Vice-Chairman Johnson was the Acting Chair for the meeting. Alternate Hagaman took a voting seat for all petitions.

**I. APPROVAL OF MINUTES**

A) Approval of the minutes of the meeting of June 16, 2020

Mr. Parrott recused himself from the vote.

*The minutes were **approved** as presented by unanimous vote, 6-0.*

**II. PUBLIC HEARINGS – NEW BUSINESS**

A) Petition of **Sean Murphy, Owner**, for property located at **470 Lincoln Avenue** wherein relief was needed from the Zoning Ordinance for renovation of existing home which includes the following: 1) A Variance from Section 10.521 to allow a) a 4' right side yard where 10' is required; b) an 11' front yard where 15' is required; and c) 30% building coverage where 25% is the maximum allowed. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 133 Lot 45 and lies within the General Residence A (GRA) District.

Mr. Parrott was recused from the vote due to technical difficulties.

**SPEAKING TO THE PETITION**

The applicants Sean and Elizabeth Murphy were present to speak to the petition. Mr. Murphy reviewed the petition and criteria and noted that the abutters were in support of the project.

Mr. McDonell asked the applicant how his situation was unique from his neighbors relating to the building coverage. Mr. Murphy said his lot was below the standard code of 7500 square feet and was unique because it was 5000 square feet. Mr. Hagaman asked if the house could be extended to the rear so that the square footage could be added to the back end and the garage could be pushed back. Mr. Murphy said reconfiguring the kitchen would be daunting and costly.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one was present to speak, and Acting-Chair Johnson closed the public hearing.

### **DECISION OF THE BOARD**

*Mr. McDonell moved to **grant** the variances for the application as presented and advertised, and Mr. Hagaman seconded.*

Mr. McDonell said he was more concerned with the building coverage than the setbacks and thought what was proposed was a very reasonable addition and renovation. He said granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance. He said it would not conflict with the light and air purposes of the setback and building coverage requirements or alter the essential characteristics of the neighborhood. He said the design was a nice one that was in keeping with the neighborhood, had the best feasible configuration, and made sense. He said substantial justice would be done because the benefit to the applicant to make better use of the property would outweigh any harm to the general public. He said granting the variances would not diminish the value of surrounding properties because it was a tasteful addition and renovation and would likely increase property values. Regarding hardship, he said the special conditions of the property was that it was on a corner, which impacted the setback request. He said the size of the lot didn't really distinguish it from every lot in the area, but the fact that it existed on the corner spoke to the setback requirements of a corner lot and the location of the existing structure, and the fact that the building was the way it was spoke to the building coverage request conditions. He said the building could be built upward to try to avoid running into the building coverage requirements and needing relief for that, but it wouldn't make sense in that context. Therefore, the property had special conditions that distinguished it from others in the area and there was no fair and substantial relationship between the general purpose of the ordinance and their application in that case. He said the proposed use was a reasonable one, a single-family home that would stay that way.

Mr. Hagaman concurred, adding that rearranging the entire house to put an addition on would be silly, especially considering that the request for a variance wasn't extreme. He said the requirement was 15 feet but could be 13 feet and the applicant was asking for 11 feet, and the way the property was situated relative to the neighboring properties made a lot of sense.

*The motion **passed** by unanimous vote, 6-0.*

**B) Petition of Chris & Jaime Dunaway, Owners, for property located at 253 Melbourne Street, wherein relief was needed from the Zoning Ordinance for renovation of existing dwelling**

including a one-story rear addition and vertical expansion of existing roof which requires the following: 1) A Variance from Section 10.521 to allow a) a 14.5' front yard where 30' is required; b) an 8' right side yard where 10' is required; and c) 21% building coverage where 20% is the maximum allowed. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 233 Lot 88 and lies within the Single Residence B (SRB) District.

Mr. Parrott was recused from the vote due to technical difficulties.

### **SPEAKING TO THE PETITION**

The applicants Chris and Jaime Dunaway were present. Mr. Dunaway reviewed the petition, noting that they wanted to expand the house to make the finished attic on the second story a full living space. He said they also wanted to expand the kitchen. He reviewed the criteria and said their neighbors were very supportive of the project.

Mr. Mulligan said the front yard setback relief was reasonable but asked whether the side yard setback relief request was necessary because it looked like it was just two feet for extra decking. Mr. Dunaway said the current width of the deck was 10 feet but didn't leave much room to fit a table for four people, based on where the side door was. He said increasing it two feet would allow extra space to move around. Mr. Mulligan asked how many feet the deck would be off the ground, and Mr. Dunaway said it would be 24-30 feet due to the property's slope.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

Gary Morin of 238 Melbourne Street said he lived across the street from the applicant and was in favor of the project because it was reasonable and met all the criteria.

Mr. Stith noted that a letter was received from a neighbor who had concerns about the project.

No one else was present to speak, and Acting-Chair Johnson closed the public hearing.

### **DECISION OF THE BOARD**

*Mr. Mulligan moved to **grant** the variances for the application as presented and advertised, and Mr. Lee seconded.*

Mr. Mulligan said the applicant was working with a very modest home that was substandard by current standards, so it was difficult to find a way to appropriately improve it on such a small lot without requiring some relief. He said the front yard setback relief wasn't significant because the front yard wasn't very useful, and the right yard setback was pretty much the only significant variance requested for the deck because the proposal was reasonable and the applicant needed leeway to make use of the deck. He said the applicant wasn't proposing to increase the dwelling structure into that setback, so it was a natural expansion of a very small home on a small lot and

met the criteria. He said granting the variances would not be contrary to the public interest or the spirit of the ordinance because the essential characteristics of the neighborhood would remain and the public's health, safety, or welfare would not be impacted. Substantial justice would be done because the loss to the applicant if he were required to have strict conformance to the ordinance would not be counterbalanced by any gain to the public. He said the granting the variances would not diminish the value of surrounding properties because the project was a substantial upgrade and enhancement to the property and would bring code compliance and other modernizations to the home that would enhance the value of surrounding properties. He said the special conditions of the property relating to hardship were the topographic features that included a slope, a substandard lot that had less than half of the required lot area, and a very small home that needed relief for any improvements that could be undertaken realistically. He said there was no fair and substantial relationship between the purpose of the setback and lot coverage requirements and their relationship to the property and that the use was a reasonable one, a residential use in a residential zone, and met all the criteria.

Mr. Lee concurred and said it was a tastefully-designed project that would add to the functionality of the house and allow the owners to enjoy the home more.

*The motion passed by unanimous vote, 6-0.*

**C) Petition of 39 Cass Street, LLC, Owner, and Amy Dutton, Applicant,** for property located at **39 Cass Street** wherein relief was needed from the Zoning Ordinance to replace an existing structure with a new single-family dwelling which requires the following: 1) A Variance from Section 10.521 to allow a) a 5' left side yard where 10' is required and b) a 6.5' right side yard where 10' is required. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 156 Lot 9 and lies within the General Residence C (GRC) District.

Mr. Parrott was recused from the vote due to technical difficulties.

### **SPEAKING TO THE PETITION**

The applicant Amy Dutton representing the owners was present and reviewed the petition, noting that the house was bought as an investment in 2018 and was destroyed by a fire the following year. She said the owners would take all precautions during the excavation and would rebuild in the existing footprint. She reviewed the criteria and said they would be met.

Mr. Hagaman asked if there were other measures taken besides the fence to protect the neighbors' foundations from the demolition. Ms. Dutton said there would be no blasting that would impact the neighbors' foundations. She said the existing front structure would be removed and a bridge built over it for the excavation materials. She said the excavation would not go beyond the setbacks and there would be chain-link fences and barriers for buffers.

The owner and contractor Chris Martin was present and said filter fabric would protect abutters from any runoff or airborne debris. He said the excavation would go from the back to the front and would be at least twelve feet away from the abutter.

### **SPEAKING IN FAVOR OF THE PETITION**

Owner Kristin Martin agreed that everything would be done to minimize impacts.

Owner Chris Martin said he and his wife would pay homage to the original Cape structure.

### **SPEAKING IN OPPOSITION TO THE PETITION**

Sharon Finley of 29 Cass Street said her lot was on the 5-ft side of the half-foot setback and was the same size and frontage as the applicant's lot, and her New Englander left ten feet on each side and plenty of room for a driveway, so it wasn't true that only that particular Cape would fit on the applicant's lot. She said the Fire Department had to knock down her fence to access the home and that most of the debris from the fire went into her side yard, so she knew that five feet wasn't a sufficient buffer for her property. She said the applicant should consider turning the dimensions of the house around so that it didn't butt up against the abutters on each side.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

The applicant Ms. Dutton said the house existed on the footprint. She said construction was expensive, and taking everything down and pulling out the existing foundation would force them to build straight up for what would be a New Englander and would add a hardship to the Martins.

Hubert Khal of 52 Cass Street said he had nothing against the project but thought the applicant should take the opportunity to add off-street parking to help the neighborhood.

Sharon Finley said she agreed that off-street parking would be an asset.

Kristin Martin said she would include off-street parking if it were easy and affordable to redesign the house, but she had a limited budget and had to get the property up and running again.

No one else was present to speak, and Acting-Chair Johnson closed the public hearing.

### **DECISION OF THE BOARD**

Mr. Formella said the applicant had the right to rebuild in the existing footprint and was only before the Board due to the slight increases in height and floor space. He said he respected the abutters' points but they didn't relate to the increased height of the home, and that he would be concerned if the height increase blocked the view or affected light and air. He said the five foot setback was small but existed, and because the home burned, he found it hard not to be willing to allow the applicant to rebuild it in place with only a slight increase in height and floor space.



*Mr. Formella moved to **grant** the variances for the application as presented and advertised, and Mr. Hagaman seconded.*

Mr. Formella referred to his previous comments and said granting the variances would not be contrary to the public interest or to the spirit of the ordinance and would not alter the essential characteristics of the neighborhood because the home would be rebuilt within the existing footprint and wouldn't be much higher. He said the project would not threaten the public's health, safety, or welfare but would improve it because a new code-compliant home would replace an unsound structure. He said substantial justice would be done because not allowing rebuilding in the existing footprint would be a loss to the applicant, who would have to change the orientation of the house, which would significantly increase the cost of the rebuild and outweigh any gain to the public. He said granting the variances would not diminish the values of surrounding properties and would likely increase them. He said literal enforcement of the provisions of the ordinance would result in unnecessary hardship because any nonconformities for which variances were sought already existed, like the nonconforming structure that was damaged by fire. He said the conditions were unique because the owners had the right to rebuild and all wanted what to increase the height and floor space. He said there was no fair and substantial relationship between the setback requirements and their application to the ordinance and that it was a permitted use in the zone. He said the variances should be granted.

Mr. Hagaman concurred. He said the Board wasn't talking about a bare lot but a property that had an existing structure and would be rebuilt in the same footprint. He said it would be great to improve the parking and setbacks, but it wasn't realistic or financially feasible. He said the variance requests were reasonable and by right. As to whether it was contrary to the public interest, he said the objections made by the abutters were concerns about the impact of the demolition and reconstruction, and the applicant was taking measures to limit those impacts.

*The motion **passed** by unanimous vote, 6-0.*

**D) Petition of the Craig Willever Revocable Trust and the Melinda Willever Revocable Trust, Owners, and Dean Katiniotis, Applicant, for property located at 100 Jones Avenue wherein relief was needed from the Zoning Ordinance to demolish the existing garage and construct new attached garage which requires the following: 1) A Variance from Section 10.521 to allow a 3.5' left side yard where 10' is required. Said property is shown on Assessor Map 221 Lot 11 and lies within the General Residence A (GRA) District.**

Mr. Parrott resumed his voting seat.

### **SPEAKING TO THE PETITION**

The owner Craig Willever and the applicant Dean Katiniotis were present to speak to the petition. Mr. Katiniotis said the property was previously upgraded and that the only thing left was to rebuild the dilapidated garage. Mr. Willever noted that they needed sixteen feet to open the garage doors due to the stairway and that the abutters approved of the project.

In response to the Board’s questions, Mr. Katiniotis said the existing left side setback was five feet and that the living space on the proposed garage’s second level would be a playroom.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one was present to speak, and Acting-Chair Johnson closed the public hearing.

### **DECISION OF THE BOARD**

*Mr. Mulligan moved to **grant** the variance for the application as presented and advertised, and Mr. Parrott seconded.*

Mr. Mulligan said there was already a nonconforming encroaching garage on the lot that violated the side yard setback. He said he understood the applicant’s dilemma because the existing garage was useless and a lot of work was done to upgrade the house, so the project was a natural continuation of that upgrade. He said the variance request was reasonable, given the existing lot and the desire to add some living space to the garage rather than make an addition to the main dwelling that would compromise the backyard, and that the project seemed to have a lot of support from the neighbors. He said granting the variance would not be contrary to the public interest or to the spirit of the ordinance and the essential characteristics of the neighborhood would not be changed, nor the public’s health, safety, or welfare impacted. He said there was already an existing violation of the side yard setback and even with that violation, a retaining wall separated the property from the neighbor’s, so there was a natural barrier that would prevent any encroachment from affected light, air, and so on. He said substantial justice would be done because if the applicant were required to conform to the 10-ft left side setback, his loss would not be outweighed by any benefit to the public because the garage couldn’t be upgraded. He said granting the variance would not diminish the values of surrounding properties, noting that the neighbors were in favor and there would be new construction and code compliance. He said literal enforcement of the ordinance would result in unnecessary hardship because the property had special conditions consisting of an oddly configured lot with a trapezoid shape and a pre-existing nonconforming garage that would be upgraded in a meaningful way. He said the amount of relief was not that significant given what already existed, so there was no fair and substantial relationship between the purpose of the side yard setback and its application to the property. He said it was a reasonable residential use in a residential zone and should be granted.

Mr. Parrott concurred and had nothing to add.

*The motion **passed** by unanimous vote, 7-0.*

**E)** Petition of **Kenneth Riley, Owner**, for property located at **5 Hoover Drive**, wherein relief was needed from the Zoning Ordinance to install a 6 foot tall fence along the front property line which requires the following: 1) A Variance from Section 10.515.13 to allow a 6 foot tall fence in height to be located in the front yard. Said property is shown on Assessor Map 268 Lot 42 and lies within the Single Residence B (SRB) District.

The petition was withdrawn by the applicant.

**F)** Petition of **Wentworth Douglass Hospital, Owner**, and **Barlo Signs, Applicant**, for property located at **67, 73, 121 Corporate Drive**, wherein relief was needed from the Zoning Ordinance for re-facing three existing directional signs wherein relief was required from the Pease Development Authority Zoning Ordinance which includes the following: 1) A Variance from Section 306.01(d) to allow 432.83 square feet of sign area where 200 square feet per lot is the maximum. Said properties are shown on Assessor Map 303 Lots 04, 05 & 08 and lie within the Airport Business Commercial (ABC) District.

Mr. McDonell recused himself from the petition.

Acting-Chair Johnson said the Board would only recommend approval or not. Mr. Stith said the Pease Development Authority (PDA) Review Board had already approved the application.

### **SPEAKING TO THE PETITION**

Todd Sigmon representing Wentworth Douglass Hospital and the applicant Brandon Currier were present to speak to the petition. Mr. Currier said patients had a difficult time locating the medical offices. He said a case study was performed by placing temporary sandwich boards near the directional signs that decreased the confusion. He said they needed an additional 41 feet that would be split up between the existing 3-way directional signs and would increase safety. He said the signs would only be for the property's internal use and could not be read from Corporate Drive. He said the signage for the buildings was not sufficient, noting that over 200 patients showed up at the wrong building. He said the signs would be purely directional and not meant for advertising. He noted that the abutter Northeast Rehab was very supportive of the project.

Mr. Hagaman noted that the numbers for the buildings were dropped to the very bottom of the signs, and he asked if people would be able to see them at the bottom versus the top. Mr. Sigmon said they had done several versions of the sign and that the numbers were actually moved to the top left corner for a cleaner, easier look.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one was present to speak to the petition, and Acting-Chair Johnson closed the public hearing.

### **DECISION OF THE BOARD**

*Mr. Lee moved to **recommend approval** of the project to the PDA, and Mr. Parrott seconded.*

Mr. Lee said it was a reasonable application that the PDA had already approved and that he saw no downside for installing new signs that would ease the patients' confusion. He addressed the PDA's criteria and stated that the project would have no adverse effect or diminution of values on surrounding properties, would benefit the public interest, and would do substantial justice. He

said the proposed use would not be contrary to the spirit of the zoning rule and that denying the variance would result in unnecessary hardship to the applicant.

Mr. Parrott concurred and said it was just a technical change in the content of the signs and not the physical size, so it was an easy thing to approve and made a lot of sense for usability.

*The motion to recommend approval **passed** by unanimous vote, 6-0.*

**G)** Petition of **Ali Kodal & Pamela Henry, Owners**, for property located at **845 South Street**, wherein relief was needed from the Zoning Ordinance to demolish the existing 1 car garage and construct a new 2 car garage which requires the following: 1) A Variance from Section 10.521 to allow a 5' right side yard where 10' is required. 2) A Variance from Section 10.571 to allow an accessory structure to be located closer to the street than the principal building. 3) A Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 132 Lot 23 and lies within the General Residence A (GRA) District.

Mr. Mulligan and Acting-Chair Johnson recused themselves from the petition. Mr. Parrott assumed the role of Acting Chair.

#### **SPEAKING TO THE PETITION**

Attorney Bernie Pelech was present on behalf of the applicant and said the proposal was to demolish the existing garage and build a two-car garage closer to the right side yard property line, and also expand a nonconforming structure because the existing and proposed garages were in front of the residence. He reviewed the criteria, noting that the 1911 structures were built before zoning and that there was no other reasonable area to place the garage because it couldn't be moved substantially back from the street due to a grade drop-off.

There were no questions from the Board.

#### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one rose to speak, and Acting-Chair Parrott closed the public hearing.

#### **DECISION OF THE BOARD**

*Mr. McDonell moved to **grant** the variances to the application as presented and advertised, and Mr. Lee seconded.*

Mr. McDonell said the request was reasonable, to replace the existing one-car garage with a two-car garage that was mostly on the existing location of the one-car garage and would infill the space between the home and the garage. He said granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance, noting that he didn't see any

conflict between the purposes of the ordinance's setback provisions and the proposed use. He said the essential characteristics of the neighborhood would not be altered and there would be no impact to the public's health, safety because the proposed structure would be the same as the existing one, only in a two-car form, and there would be no real increase in height, if any. He said substantial justice would be done because the obvious benefit was to the applicant, who would get space to park two cars, and there would be no detriment to the public. He said granting the variances would not diminish the values of surrounding properties, noting that there was a slight decrease in the setback by 1-1/2 feet from what existed that wasn't nearly substantial enough to cause any concern. He said literal enforcement of the ordinance would result in unnecessary hardship to the applicant. He said the property's special conditions were that it was a corner lot and the existing home and grade of the lot that dictated the garage's location, which was the most feasible. He said there was no fair and substantial relationship between the purpose of the ordinance's provisions and their application to the case. He said it was a reasonable use, a residential use in a residential zone, and should be approved.

Mr. Lee concurred and said a two-car garage would be more in keeping with the house's scale. Mr. Parrott said it was a nice upgrade to what was already a nice property

*The motion passed by unanimous vote, 5-0.*

**H)** Petition of **Peter & Morgan Caraviello, Owners**, for property located at **366 Islington Street**, wherein relief was needed from the Zoning Ordinance to replace 2 existing heat pumps with one heat pump which requires the following: 1) A Variance from Section 10.5A41.10A to allow a 3.5' side yard where 5' is the minimum required. Said property is shown on Assessor Map 145 Lot 17 and lies within the Character District 4-L2 (CD4-L2) District.

Mr. Mulligan resumed his voting seat. Mr. Johnson resumed his seat as Acting-Chair and Mr. Parrott resumed his regular voting seat.

## **SPEAKING TO THE PETITION**

Project architect Anne Whitney was present on behalf of the applicant. She said the request was to remove the two heat pumps on the right side of the home and replace them with a new heat pump next to the existing AC condenser. She said the abutter was in agreement and also had two heat pumps on their side of the property, so they felt it was the best location. Ms. Whitney said the pump would be concealed from the abutter and from the street.

Acting-Chair Johnson asked if the new unit would be wall mounted. Ms. Whitney said both the new heat pump and the existing condenser would be ground mounted and lower than the top of the fence line. Acting-Chair Johnson also noted that the decibel level would be lower.

## **SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one was present to speak, and Acting-Chair Johnson closed the public hearing.

**DECISION OF THE BOARD**

*Mr. Parrott moved to **grant** the variance for the application as presented and advertised, and Mr. McDonell seconded.*

Mr. Parrott said the request was similar to ones the Board had seen in the past that had not caused any problems, and that there was little opportunity to do something different than what was proposed, given the configuration of the lot and buildings. He said granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance because it wouldn't conflict with the purposes of the ordinance, would not affect the essential characteristics of the neighborhood, and would pose no threat to the public's health, safety or welfare because there were already similar heat pumps and condensers nearby. He said substantial justice would be done because it was an obvious benefit to the applicant and no harm to the general public. He said granting the variance would not diminish the values of surrounding properties because that type of unit was well accepted and found throughout the city, and were becoming more quiet and friendly to the environment. He said the building and property lines were what they were and there was very little space to put the units, which left no other useful alternatives, so the hardship was the physical configuration of the units as well as the location of the buildings and property line. He said the request met all the criteria and should be approved.

Mr. McDonell concurred and had nothing to add.

*The motion **passed** by unanimous vote, 7-0.*

**D)** Petition of **Carrie Richesson, Owner**, for property located at **101 Martha Terrace**, wherein relief was needed from the Zoning Ordinance to construct a 24'x 24' garage attached to the existing house by a 10'x 10' mudroom which requires the following: 1) A Variance from Section 10.521 to allow a) an 8' secondary front yard where 30' is required; and 2) 17% building coverage where 10% is the maximum allowed. Said property is shown on Assessor Map 283 Lot 5 and lies within the Single Residence A (SRA) District.

**SPEAKING TO THE PETITION**

The applicant Carrie Richesson was present and reviewed the petition. She said the neighbors were in support and that the placement was the only practical location without incurring excessive costs and detrimental effects. She explained that the side street was not a through one and ended next to her lot. She said she previously got the Board's approval for the same proposal but for a 20'x24' garage, and that the Board had suggested that the garage entrance come off Patricia Drive instead of Martha Terrace. She said her contractors thought four additional feet would make the garage more functional and thought the garage would look nicer coming off Martha Terrace. She said the unique lot was a corner one with an unusual configuration.

There were no questions from the Board.

**SPEAKING IN FAVOR OF THE PETITION**

Mark Herrholz of 126 Martha Terrace said all the neighbors thought the garage and mudroom would be a great addition to the neighborhood, that most of the homes had two-car garages and small lots, and that the garage couldn't be placed anywhere else due to the septic system.

Anne Sullivan of 166 Martha Terrace said the garage wouldn't look awkward, especially if it came out on Martha Terrace. She said no neighbors had a problem with the project.

### **DECISION OF THE BOARD**

Mr. Stith clarified that the advertisement was for an 8-ft secondary front yard and suggested that the Board add a half-foot plus/minus to account for the 7-1/2 foot distance.

*Mr. Formella moved to **grant** the variances as presented, with the following stipulation:*

- *That a secondary front yard setback with a half-foot plus/minus be considered.*

*Mr. Lee seconded.*

Mr. Formella said that, at first glance, the front yard setback request seemed significant, but when considering the property's history and circumstances, the secondary front yard setback was really more of a driveway than a street and it was a much better street to have setback relief from than the previous request. He said granting the variances would not be contrary to the public interest or to the spirit of the ordinance, seeing that there was a unique amount of support from the neighbors. He said it would not alter the essential characteristics of the neighborhood nor impact the public's health, safety, or welfare. He said substantial justice would be done because there would be no gain to the public in denying the variance but would be a loss to the applicant because it would remove a better option for the garage and the neighborhood. He said granting the variances would not diminish the values of surrounding properties and thought they would be enhanced because building a garage off Patricia Drive instead of Martha Terrace would be safer and better for the neighborhood. He said literal enforcement of the provisions of the ordinance would result in unnecessary hardship because the property's special conditions were that it was a unique property that already had variance relief granted previously for a different street, and the variance request approval would offer very similar relief off of a different street as well as similar building coverage relief. He said the garage would be oriented in a safer way, the lot was a corner one that needed additional relief, and there would be more space for maintaining light, air, and so on. He said there was no fair and substantial relationship between the normal purposes of the dimensional requirements and their application to the property. He said the proposed use was a reasonable one and should be approved.

Mr. Lee concurred and had nothing to add.

The applicant Ms. Richesson asked about having the same language as the previous street option. Acting-Chair Johnson said the Board didn't normally approve options but thought it made sense because the applicant's case was unique. Mr. Formella said he would support it because the applicant had the previously-granted relief and the additional relief gave her a second option. Mr.

McDonnell noted that the proposed garage was a different size. It was agreed to amend the motion by stipulating that as long as the secondary front yard complied with the relief granted, the garage entrance could face either Patricia Drive or Martha Terrace.

Mr. Formella amended his motion as follows:

*Mr. Formella moved to **grant** the variances as presented, with the following stipulation:*

- *As long as the secondary front yard complies with the relief granted, the entrance to the garage can face either Martha Terrace or Patricia Drive.*

Mr. Lee concurred and had nothing to add.

*The motion **passed** by unanimous vote, 7-0.*

**J)** Petition of the **Kathleen Belavitch Revocable Trust, Owner**, for property located at **354 Lincoln Avenue**, wherein relief was needed from the Zoning Ordinance to demolish the existing shed and construct a new 80 sq. ft. addition to an existing garage which includes raising the height of the garage 2 feet and requires the following: 1) A Variance from Section 10.521 to allow a) a 1'-6" side yard where 13'6" is required; b) a 5' rear yard where 13'6" is required; and c) 33.5% building coverage where 25% is the maximum allowed. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be expanded, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 130 Lot 28 and lies within the General Residence A (GRA) District.

### **SPEAKING TO THE PETITION**

The property owner James Horne was present and reviewed the petition. He noted that he was previously approved for 36.1 percent building coverage, but the shed and existing garage were too small and didn't provide much storage. He said he also wanted to raise the garage a few feet.

Mr. Mulligan said the house was one in the nicest in Portsmouth and commended the applicant for seeking upgrades to the garage, which was very small for a house that large. He asked whether re-orienting the outbuilding and attaching it to the side of the garage that was closest to the house would affect the backyard's landscaping and hardscape. Mr. Horne said it would block a path from the driveway to the rear yard and that the hardscape was built out.

### **SPEAKING IN FAVOR OF THE PETITION**

Erica (no last name or address given) said she lived down the road from the applicant and thought the project was fine.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one else was present to speak, and Acting-Chair Johnson closed the public hearing.



## **DECISION OF THE BOARD**

*Mr. Mulligan moved to **grant** the variances for the application as presented and advertised, and Mr. Lee seconded.*

Mr. Mulligan referred to his previous comments and said the request was reasonable, noting that the house was a large dwelling with a really tiny garage. He said the request wasn't much of an upgrade to the garage because it was a vertical expansion and a replacement of a shed with an attachment on the rear. He said granting the variances would not be contrary to the public interest or to the spirit of the ordinance, would not affect the essential characteristics of the neighborhood, and would not implicate the public's health, safety, or welfare. He said substantial justice would be done because the loss to the applicant would far outweigh any gain to the public if he could not do the modest improvement. He said there were additional setback violations as a result of the project but nothing significant. He said granting the variances would not diminish the values of surrounding properties, noting that the property was one of the nicest in Portsmouth and he could not imagine that any project the owner did would not be in keeping with what he had previously done. He said the hardship was the property's special conditions of having a huge disparity in the size of the home versus the garage as well as being on a corner lot, which affected the way the Board looked at setbacks. He said there was no fair and substantial relationship between the purposes of the ordinance and its application to the property. He said it was a reasonable use, a residential use in a residential zone, and met all the criteria.

Mr. Lee concurred and had nothing to add.

*The motion **passed** by unanimous vote, 7-0.*

## **III. OTHER BUSINESS**

There was no other business.

## **IV. ADJOURNMENT**

The meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Joann Breault  
HDC Meeting Recording Secretary

TO: Zoning Board of Adjustment  
FROM: Peter Stith, AICP, Planning Department  
DATE: August 12, 2020  
RE: Zoning Board of Adjustment August 18, 2020 Meeting

**NEW BUSINESS**

1. 421 Pleasant Street
2. 51 Park Street
3. 35 Mark Street
4. 171 Austin Street
5. 34 Rock Street
6. 353 Miller Avenue
7. 27 Rock Street
8. 307 Wibird Street
9. 245 Thaxter Road
10. 14 Alder Way



## NEW BUSINESS

1.

Petition of **Lockwood & Ingrid Barr, Owners, and James Martin, Applicant**, for property located at **421 Pleasant Street** wherein relief is needed from the Zoning Ordinance to replace existing 7' tall fence with new 6' tall fence which requires the following: 1) A Variance from Section 10.515.13 to allow a 6 foot tall fence within the front yard where a 4 foot tall fence is the maximum allowed. Said property is shown on Assessor Map 102 Lot 69 and lies within the General Residence B (GRB) District.

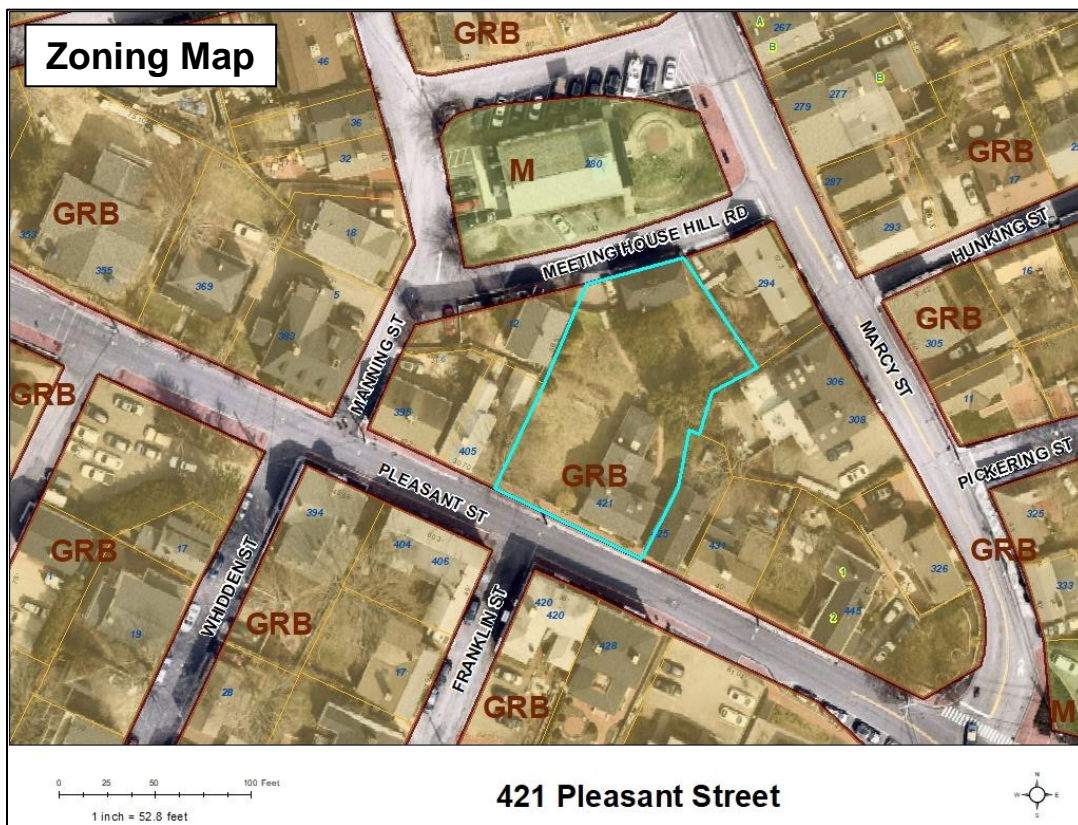
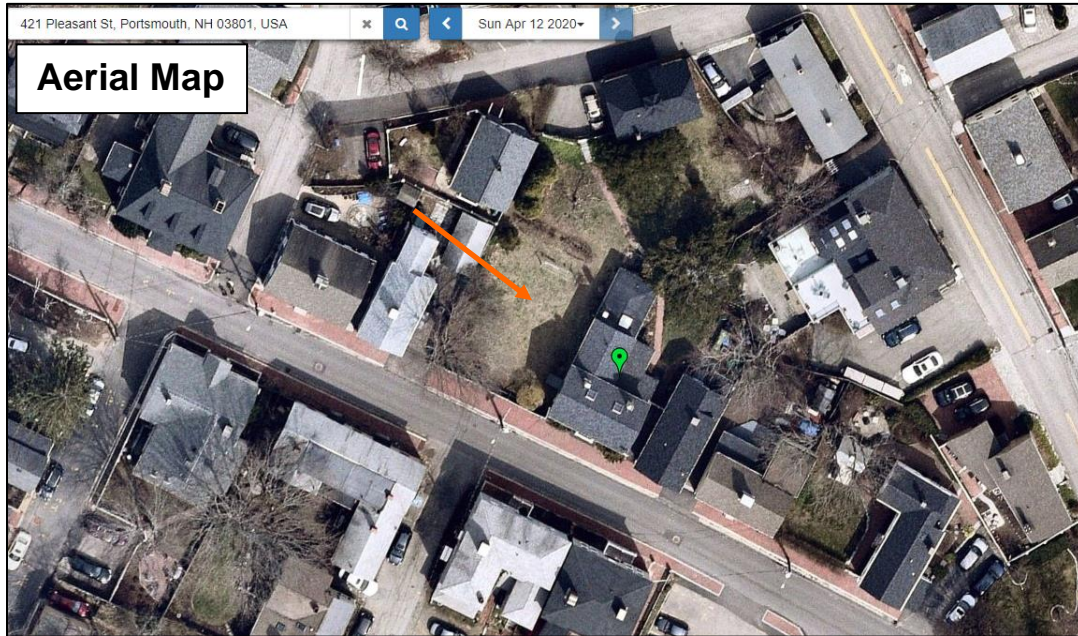
### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	<b>6' fence in front yard</b>	Primarily Residential Uses
<u>Lot area (sq. ft.):</u>	11,761	11,761	5,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	11,761	11,761	5,000 min.
<u>Street Frontage (ft.):</u>	83	83	80 min.
<u>Lot depth (ft.):</u>	>60	>60	60 min.
<u>Primary Front Yard (ft.):</u>	5 (house)	~1.5 (fence)	5 min.
<u>Left Side Yard (ft.):</u>	0 (fence)	0 (fence)	10 min.
<u>Right Side Yard (ft.):</u>	3 (house)	3 (house)	10 min.
<u>Rear Yard (ft.):</u>	>60	>60	25 min.
<u>Height (ft.):</u>	7 (fence)	6 (fence)	35 max.
<u>Building Coverage (%):</u>	17	17	30 max.
<u>Open Space Coverage (%):</u>	>25	>25	25 min.
<u>Parking:</u>	2	2	1.3
<u>Estimated Age of Structure:</u>	1880	<b>Variance request shown in red.</b>	

### Other Permits/Approvals Required

HDC

## Neighborhood Context



## Previous Board of Adjustment Actions

No BOA history found.

## Planning Department Comments

The applicant is proposing to replace an existing fence along the front and left side yard of the property. The existing front fence is 7 feet tall and the side yard fence is 6 feet tall. The Ordinance allows a 4' tall fence within the front yard, anything over that height must comply with the yard requirements for the district, which would be 5' in the GRB. The applicant is proposing to reduce the height of the existing front yard fence from 7 feet to 6 feet.

## Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*

### **AND**

- (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

### **OR**

*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*



2.

Petition of the **Olson-George Revocable Trust, Owner**, for property located at **51 Park Street** wherein relief is needed from the Zoning Ordinance to install an AC unit which requires the following: 1) A Variance from Section 10.515.14 to allow a 2.5 foot left side yard where 10 feet is required. Said property is shown on Assessor Map 148 Lot 47 and lies within the General Residence A (GRA) District.

**Existing & Proposed Conditions**

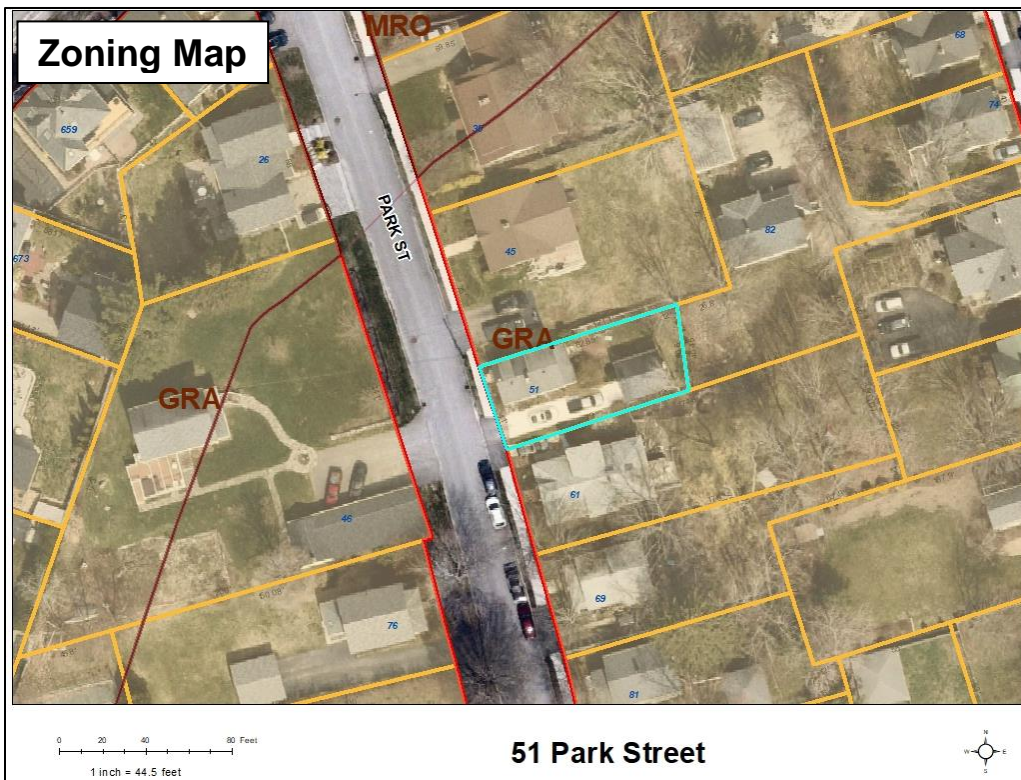
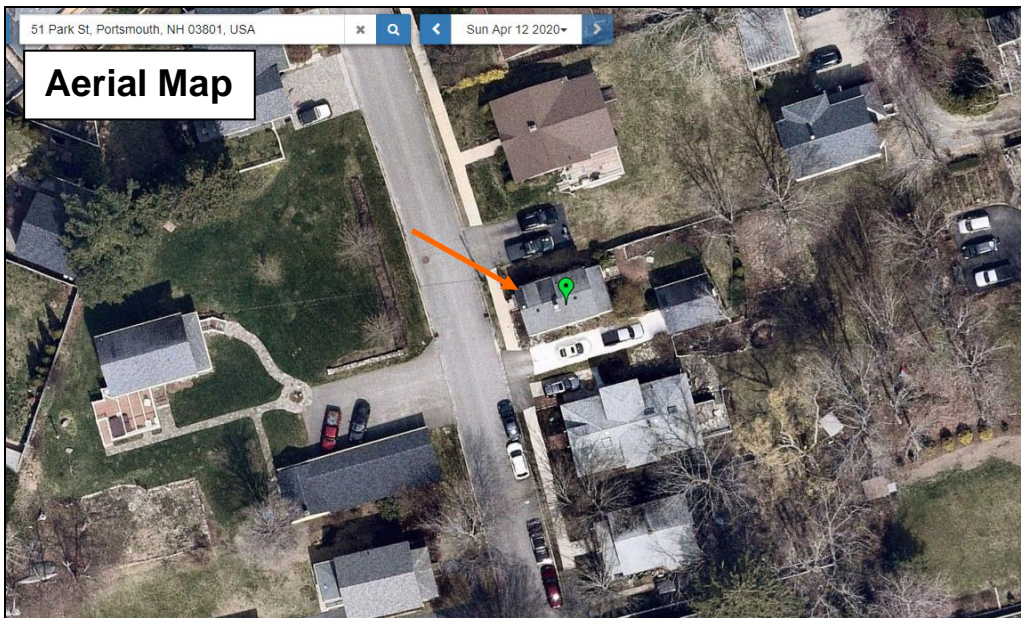
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Install AC Unit	Primarily residential
<u>Lot area (sq. ft.):</u>	3,920	3,920	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	3,920	3,920	7,500 min.
<u>Street Frontage (ft.):</u>	42	42	100 min.
<u>Lot depth (ft.):</u>	120	120	70 min.
<u>Primary Front Yard (ft.):</u>	5	5	15 min.
<u>Left Side Yard (ft.):</u>	5.6' (house)	<b>2.5</b> (AC Unit)	10 min.
<u>Right Side Yard (ft.):</u>	16	16	10 min.
<u>Rear Yard (ft.):</u>	50	50	20 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	29.5*	29.5*	25 max.
<u>Open Space Coverage (%):</u>	67	67	30 min.
<u>Parking:</u>	2	2	1.3
<u>Estimated Age of Structure:</u>	1915	<b>Variance request shown in red.</b> *see history for prior variance for building coverage.	

**Other Permits/Approvals Required**

None.

**Neighborhood Context**





## Previous Board of Adjustment Actions

November 18, 2008 – The Board granted the following variances as presented and advertised:

Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) to allow a 5'10" X 11'6" infill dormer with a 5' ± left side setback where 10' is the minimum required.

August 17, 1999 – The Board granted the following variance as presented and advertised:

To allow a new 1 ½ story garage to be reconstructed in the same location as the existing garage with: a) a 1.87' right side yard where 10' is the minimum required, and b) 29.5% building coverage where 25% is the maximum allowed.

### **Planning Department Comments**

The applicant is proposing to add an AC unit on the left side of the dwelling, 2.5' from the property line where 10' is required for mechanical units.

### **Review Criteria**

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*

*(a) The property has special conditions that distinguish it from other properties in the area.*

**AND**

*(b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

**OR**

*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*



3.

Petition of **Jason & Katie Jenkins, Owners**, for property located at **35 Mark Street** wherein relief is needed from the Zoning Ordinance to install an HVAC unit as part of garage renovation which requires the following: 1) A Variance from Section 10.515.14 to allow a 4 foot setback where 10 feet is required. Said property is shown on Assessor Map 116 Lot 50 and lies within the Character District 4-L1 (CD4-L1) District.

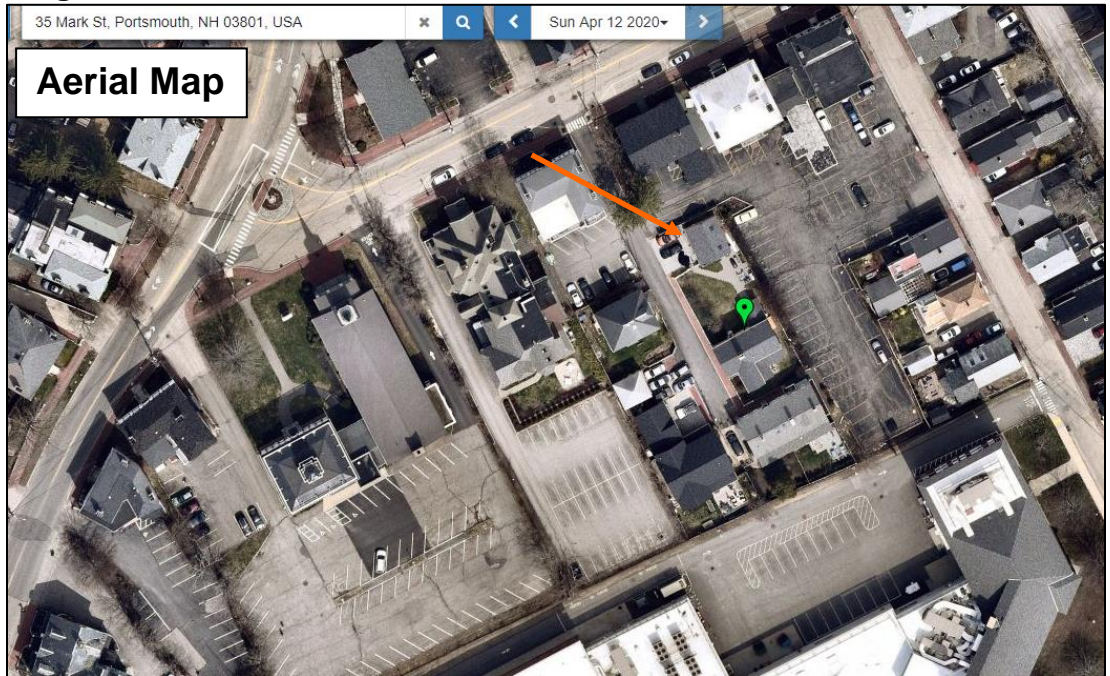
**Existing & Proposed Conditions**

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Construct new single family	Primarily Residential Uses
<u>Lot area (sq. ft.):</u>	6,098	6,098	3,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	6,098	6,098	3,000 min.
<u>Primary Front Yard (ft.):</u>	0	0	15 max.
<u>Right Side Yard (ft.):</u>	8	8	5 – 20 max.
<u>Left Side Yard (ft.):</u>	4	4*	5 – 20 max.
<u>Rear Yard (ft.):</u>	4*	4 (HVAC unit)	Greater of 5 ft. from rear lot line or 10 ft. from center line of alley. 10 ft. for mechanical unit
<u>Building Coverage (%)</u> :	35	35	60 max.
<u>Open Space Coverage (%)</u> :	>25	>25	25 min.
<u>Parking:</u>	2	2	1.3
<u>Estimated Age of Structure:</u>	1845	Variance requests shown in red. *prior variance	

**Other Permits/Approvals Required**

HDC

# Neighborhood Context



## Previous Board of Adjustment Actions

May 21, 2002 – The Board granted the following variances:

1. Article III, Section 10-303(A) and Article IV, Section 10-401(A)(2)(c) to allow a 12' X 14' two story addition with a 5.75' rear yard where 15' is the minimum required.
2. Article IV, Section 10-402(B) to allow a 22' X 26' 1 ½ story garage with the 4' rear yard and a 4' left side yard where 11.25' is the minimum required.

The request was amended to a one story addition rather than a two story addition.

## Planning Department Comments

The applicant is proposing to convert part of the existing garage into a home office and add an HVAC unit as part of the conversion. The history shows that the garage received variances in 2002 to allow a 4 foot side and rear yard. In 2002 this property was zoned MRO and had different dimensional requirements. The current zoning allows outbuildings to be 3 feet from the side and rear, so the upward expansion of the garage is permitted by right. The AC unit must still adhere to the setback requirement, thus the need for the variance.

## Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*

**AND**

  - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

**OR**

*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*



4.

Petition of **Yeaton Flats, LLC, Owner**, for property located at **171 Austin Street** wherein relief is needed from the Zoning Ordinance to demolish existing three-story rear porch and construct new three-story porch which requires the following: 1) A Variance from Section 10.521 to allow a 7 foot right side yard where 10 feet is required. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 145 Lot 92 and lies within the General Residence C (GRC) District.

**Existing & Proposed Conditions**

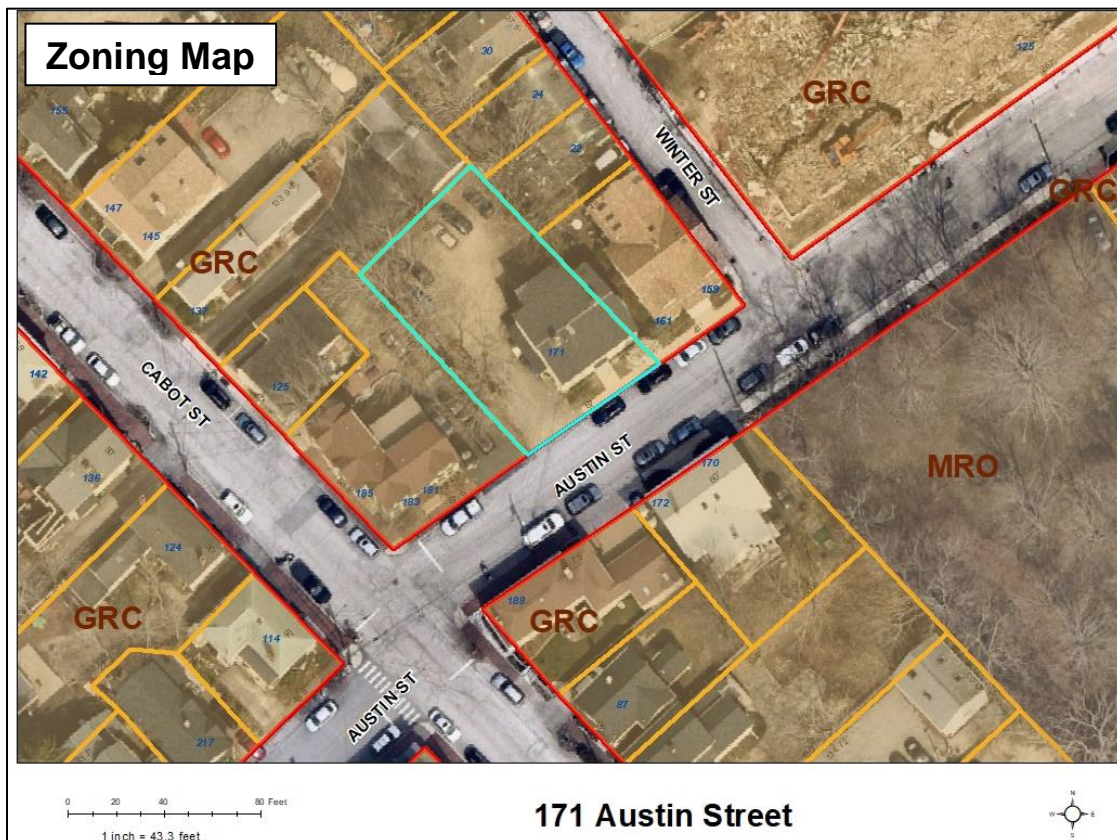
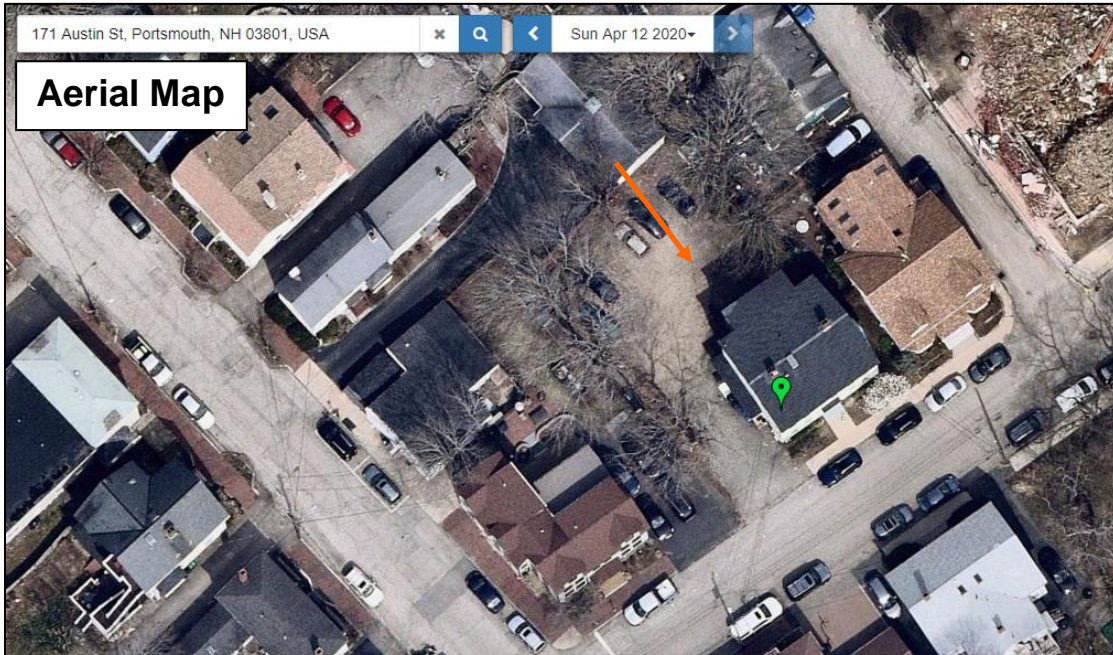
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	6 unit dwelling family	Demo rear porch/ Construct new rear porch	Primarily Residential Uses
<u>Lot area (sq. ft.):</u>	6,098	6,098	3,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	1,016	1,016	3,500 min.
<u>Street Frontage (ft.):</u>	67	67	70 min.
<u>Lot depth (ft.):</u>	71	71	50 min.
<u>Primary Front Yard (ft.):</u>	43	43	5 min.
<u>Right Side Yard (ft.):</u>	7	7	10 min.
<u>Left Side Yard (ft.):</u>	36.5'	30.5'	10 min.
<u>Rear Yard (ft.):</u>	59	57.5'	20 min.
<u>Height (ft.):</u>	29' (porch)	29' (porch)	35 max.
<u>Building Coverage (%):</u>	26	27	35 max.
<u>Open Space Coverage (%):</u>	30	29	20 min.
<u>Parking:</u>	8	8	6
<u>Estimated Age of Structure:</u>	1880	Variance requests shown in red.	

**Other Permits/Approvals Required**

None.



## Neighborhood Context



## Previous Board of Adjustment Actions

No BOA history found.

## Planning Department Comments

The applicant is proposing to demolish the rear porch and construct a new, code compliant one that is slightly larger. The porch will provide a means of egress for the tenants and will maintain the existing alignment along the right side property line at 7 feet but be extended out an additional 1.5 feet. Because the proposed porch is more than the minimum required by code to provide egress, a variance is required.

## Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*

**AND**

- (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

**OR**

*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*



5.

Petition of **Gregory & Elizabeth LaCamera, Owners**, for property located at **34 Rock Street** wherein relief is needed from the Zoning Ordinance to replace existing bulkhead with full height door access and attached shed which requires the following: 1) Variances from Section 10.521 to allow a) a 2 foot right side yard where 10 feet is required; b) a 4 foot rear yard where 20 feet is required; and c) 59% building coverage where 35% is the maximum allowed. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 138 Lot 18 and lies within the General Residence C (GRC) District.

**Existing & Proposed Conditions**

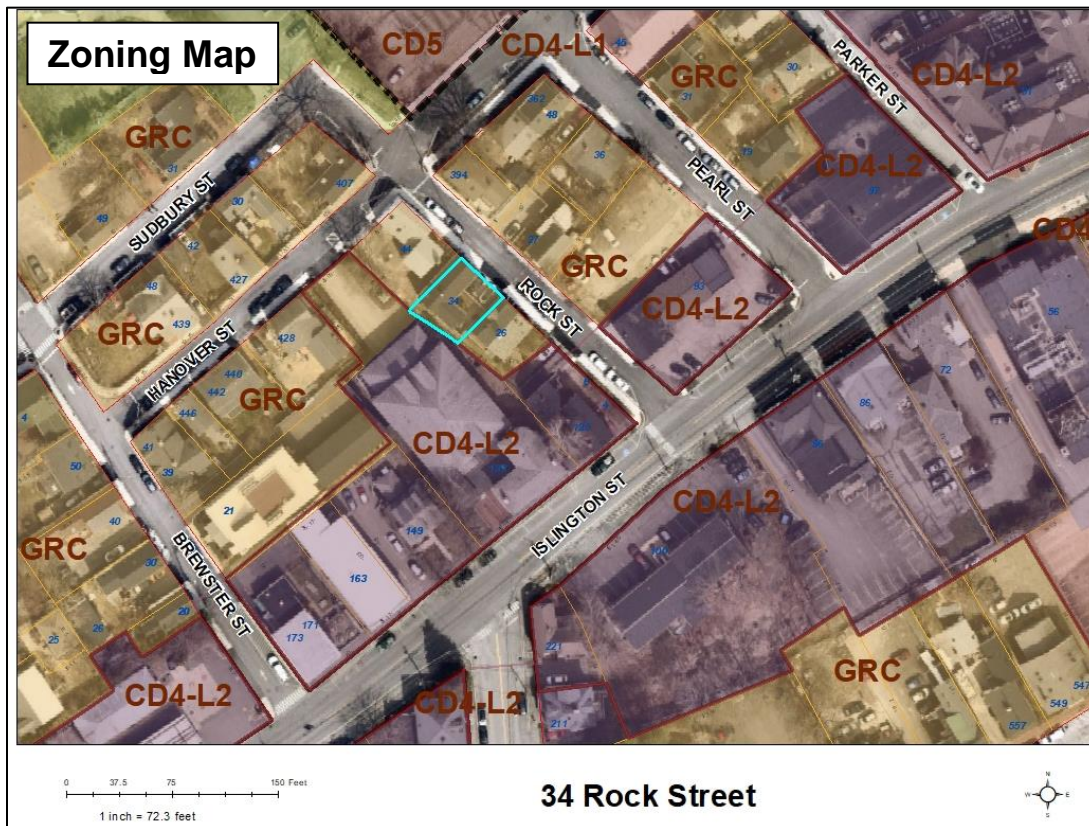
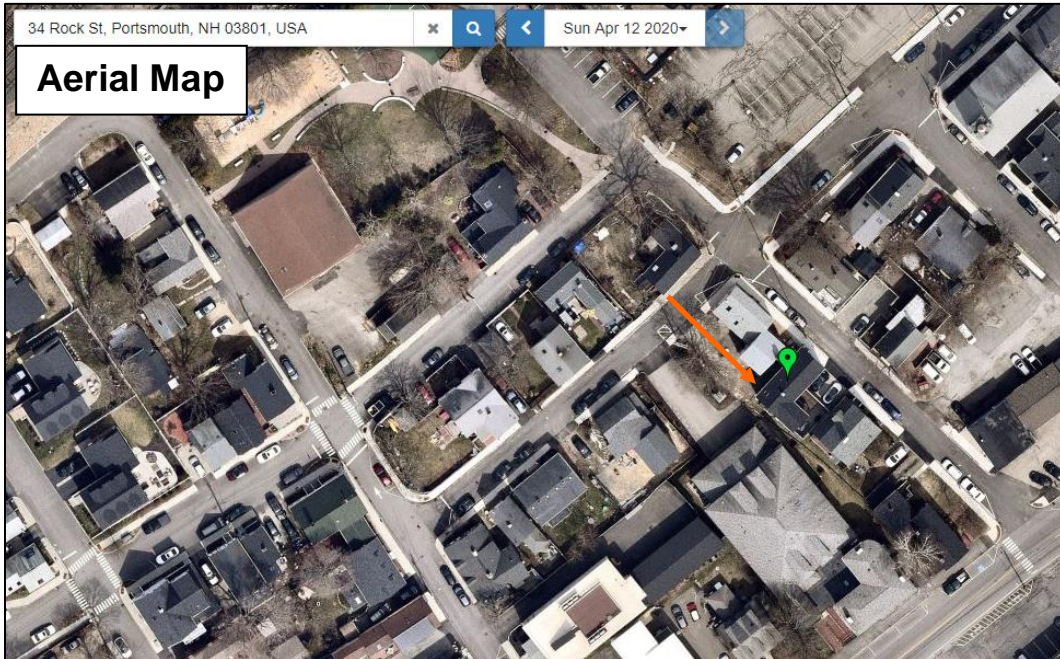
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Construct basement access and rear shed	Primarily Residential Uses
<u>Lot area (sq. ft.):</u>	1,742	1,742	3,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	1,742	1,742	3,500 min.
<u>Street Frontage (ft.):</u>	41.5'	41.5'	70 min.
<u>Lot depth (ft.):</u>	47.5'	47.5'	50 min.
<u>Primary Front Yard (ft.):</u>	0	0	5 min.
<u>Left Side Yard (ft.):</u>	8'5"	8'5"	10 min.
<u>Right Side Yard (ft.):</u>	1	<b>2</b>	10 min.
<u>Rear Yard (ft.):</u>	34"	<b>4</b>	20 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	57	<b>59</b>	35 max.
<u>Open Space Coverage (%):</u>	~29	~26	20 min.
<u>Parking:</u>	2	2	1.3
<u>Estimated Age of Structure:</u>	2016	<b>Variance requests shown in red.</b>	

**Other Permits/Approvals Required**

None.



# Neighborhood Context



## Previous Board of Adjustment Actions

September 27, 2016 – The Board granted the following variances as presented and advertised:

1. Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed, enlarged or structurally altered except in conformity with the Ordinance.
2. Section 10.521 to allow the following: a) an 8'5" ± left side yard setback where 10' is required, b) a 2'10" ± rear yard setback where 20' is required, and c) 53.28% ± building coverage where 35% is the maximum allowed.

## Planning Department Comments

The applicant is proposing to replace the existing rear bulkhead with a full sized entry door access to the basement with a small shed attached. There appears to be no area on the lot that would accommodate a conforming addition or even an accessory structure without a variance due to the small size and shape of the lot.

## Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*

### **AND**

- (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

### **OR**

*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

6.

Petition of **Jonathan & Amy Steinberg, Owners**, for property located at **353 Miller Avenue** wherein relief is needed from the Zoning Ordinance to replace 8' x 6' deck with new 12' x 10' deck which requires the following: 1) A Variance from Section 10.521 to allow 28.5% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Map 131 Lot 32 and lies within the General Residence A (GRA) District.

**Existing & Proposed Conditions**

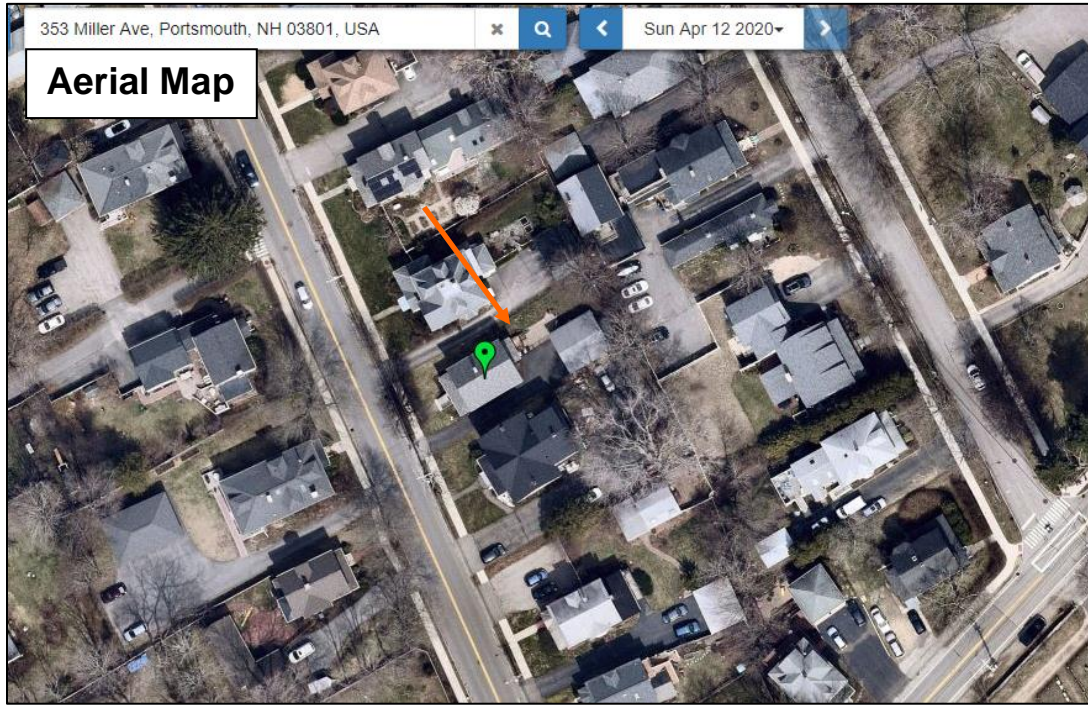
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Construct basement access and rear shed	Primarily Residential Uses
<u>Lot area (sq. ft.):</u>	6,534	6,534	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	6,534	6,534	7,500 min.
<u>Street Frontage (ft.):</u>	50	50	100 min.
<u>Lot depth (ft.):</u>	129	129	70 min.
<u>Primary Front Yard (ft.):</u>	17	17	15 min.
<u>Left Side Yard (ft.):</u>	10	10	10 min.
<u>Right Side Yard (ft.):</u>	8	8	10 min.
<u>Rear Yard (ft.):</u>	63	63	20 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	27	<b>28.5</b>	25 max.
<u>Open Space Coverage (%):</u>	>30	>30	30 min.
<u>Parking:</u>	2	2	1.3
<u>Estimated Age of Structure:</u>	1908	<b>Variance requests shown in red.</b>	

**Other Permits/Approvals Required**

None.



# Neighborhood Context



## Previous Board of Adjustment Actions

July 19, 2007 – The Board granted the following variance as presented and advertised: Article IV, Section 10-402(B) and Article III, Section 10-302(A) to allow a 24' X 26" one story garage with a) a 2' ± right side yard where 10' is the minimum required, and b) 26.6% ± building coverage where 25% is the maximum allowed.

June 18, 1991 – The Board granted the following variance as presented and advertised: Article III, Section 10-302 to permit a 12' X 14'9" addition to an existing garage with, a) a 2' right yard where a 10' right yard is required, and b) a lot coverage of 22.64% where a lot coverage of 20% is the maximum allowed.

## Planning Department Comments

The owner is proposing to replace the existing deck with a slightly larger deck, which will increase the building coverage to 28.5% where 25% is the maximum allowed. The new deck will maintain the 12 foot side yard and the enlargement will be towards the interior of the lot.

## Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*

**AND**

- (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

**OR**

*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*



7.

Petition of the **Robin Huslage Revocable Living Trust, Owner**, for property located at **27 Rock Street** wherein relief is needed from the Zoning Ordinance for conversion of a single-family dwelling to a two family which requires the following: 1) A Special Exception from Section 10.440 #1.61 to allow the conversion of a building existing on January 1, 1980, with less than the required minimum lot area per dwelling unit, into 2 dwelling units where the use is allowed by special exception. Said property is shown on Assessor Map 138 Lot 2 and lies within the General Residence C (GRC) District.

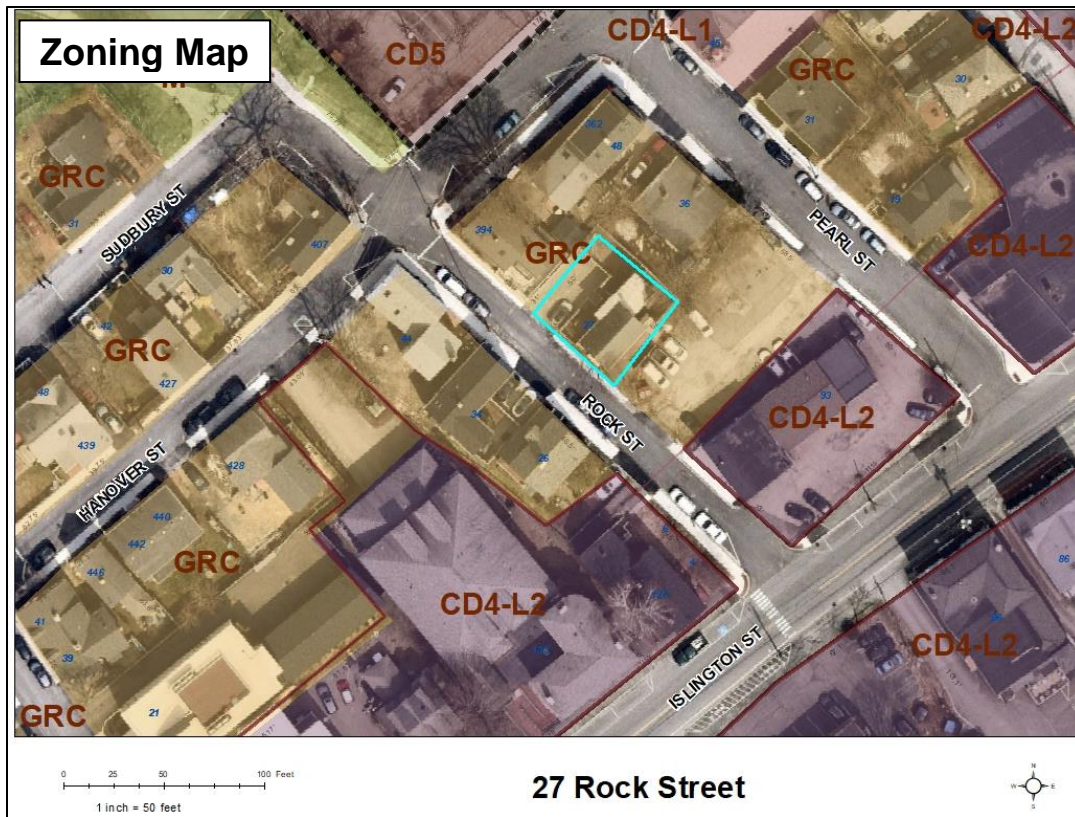
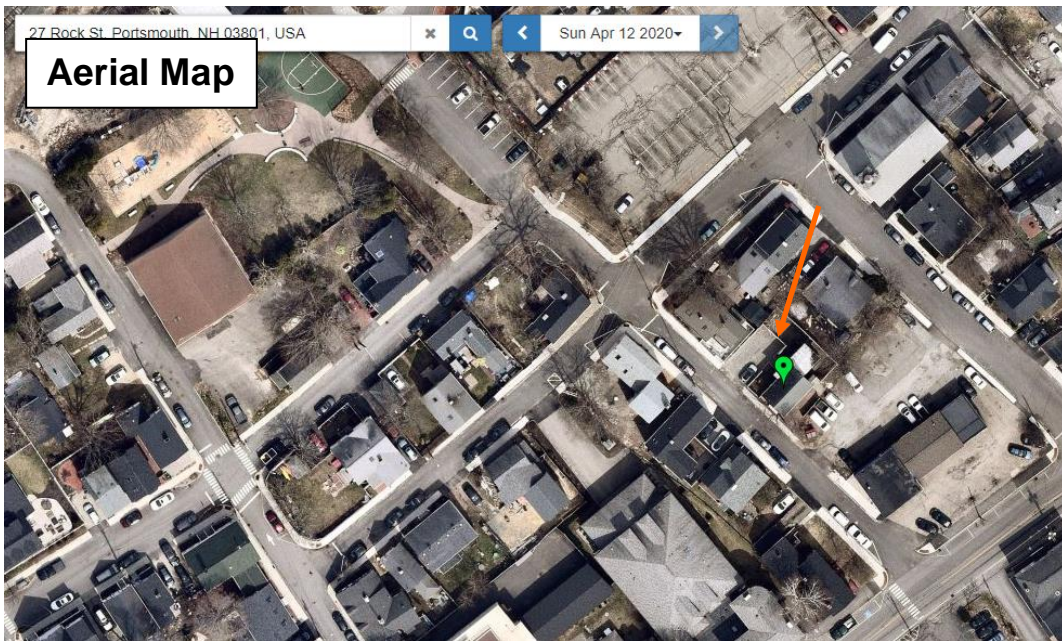
**Existing & Proposed Conditions**

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	<b>Convert SFD to two family</b>	Primarily Residential Uses
<u>Lot area (sq. ft.):</u>	2,675	2,675	3,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	2,675	1,338	3,500 (1,000 per min.
<u>Street Frontage (ft.):</u>	54	54	70 min.
<u>Lot depth (ft.):</u>	51	51	50 min.
<u>Primary Front Yard (ft.):</u>	4	4	5 min.
<u>Left Side Yard (ft.):</u>	24	24	10 min.
<u>Right Side Yard (ft.):</u>	4	4	10 min.
<u>Rear Yard (ft.):</u>	3	3	20 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	27	27	35 max.
<u>Open Space Coverage (%):</u>	44	44	20 min.
<u>Parking:</u>	4	4	3
<u>Estimated Age of Structure:</u>	1860	<b>Special Exception request shown in red.</b>	

**Other Permits/Approvals Required**

None.

**Neighborhood Context**



### Previous Board of Adjustment Actions

No BOA history found.

## Planning Department Comments

The proposal is to convert the existing single family home into a duplex per Section 10.812 which allows for a pre-1980's home to be converted if it meets the requirements of the section below:

The conversion of a **dwelling** existing on January 1, 1980, to additional **dwelling** units as a permitted **use** or by special exception with less than the minimum required **lot area** per **dwelling unit** (per Section 10.440, use 1.50) shall comply with all the following requirements:

10.812.11 The conversion shall not include any change to the exterior of the **building** except for minimum egress components required for **Building Code** compliance.

10.812.12 The **lot** shall comply with the applicable minimum **open space** and maximum **building coverage** requirements in Article 5 and the **off-street parking** requirements in Article 11.

The Inspections Department may require a second means of egress for the upstairs unit that would be allowed under this section, but no other exterior changes would be allowed.

## Review Criteria

The application must meet all of the standards for a **special exception** (see Section 10.232 of the Zoning Ordinance).

1. *Standards as provided by this Ordinance for the particular use permitted by special exception;*
2. *No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials;*
3. *No detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking areas, accessways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials;*
4. *No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity;*
5. *No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools; and*
6. *No significant increase of stormwater runoff onto adjacent property or streets.*



8.

Petition of **Christoph Wienands & April Guille, Owners**, for property located at **307 Wibird Street** wherein relief is needed from the Zoning Ordinance for installation of AC unit which requires the following: 1) A Variance from Section 10.515.14 to allow a 7 foot left side yard where 10 feet is required. Said property is shown on Assessor Map 132 Lot 12 and lies within the General Residence A (GRA) District.

**Existing & Proposed Conditions**

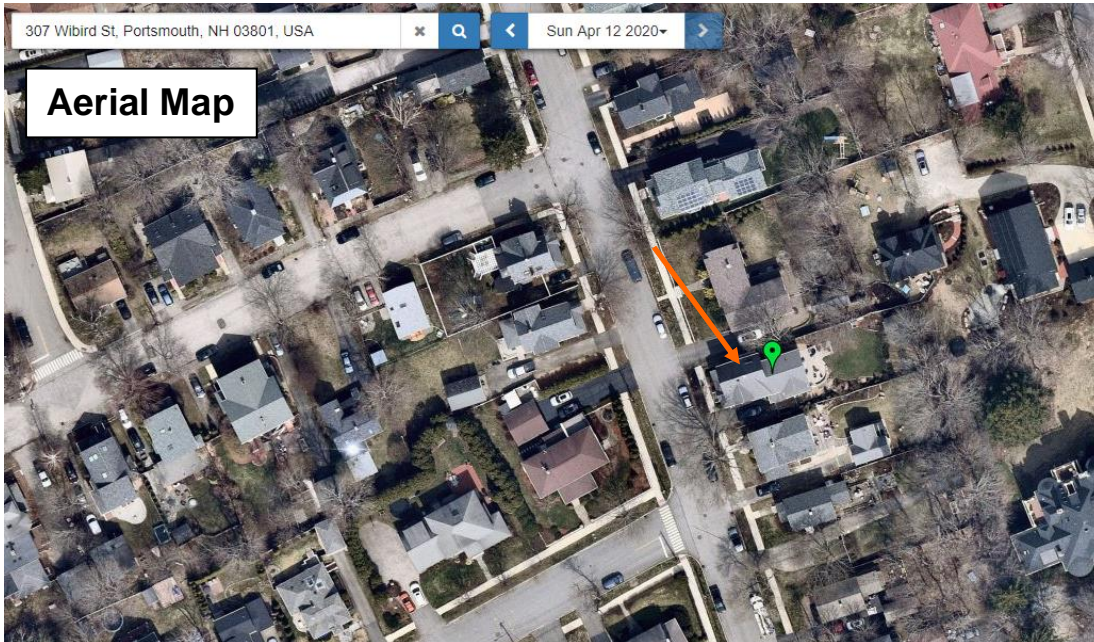
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Install AC Unit	Primarily Residential Uses
<u>Lot area (sq. ft.):</u>	6,534	6,534	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	6,534	6,534	7,500 min.
<u>Street Frontage (ft.):</u>	46	46	100 min.
<u>Lot depth (ft.):</u>	145	145	70 min.
<u>Primary Front Yard (ft.):</u>	2	2	15 min.
<u>Left Side Yard (ft.):</u>	<1	<b>7</b>	10 min.
<u>Right Side Yard (ft.):</u>	11	11	10 min.
<u>Rear Yard (ft.):</u>	91	91	20 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	26	26	25 max.
<u>Open Space Coverage (%):</u>	>30	>30	30 min.
<u>Parking:</u>	2	2	1.3
<u>Estimated Age of Structure:</u>	1908	<b>Variance requests shown in red.</b>	

**Other Permits/Approvals Required**

None.



# Neighborhood Context



## Previous Board of Adjustment Actions

March 18, 2014 – The Board granted the following variances as presented and advertised:

1. Section 10.321 to allow a lawful nonconforming building or structure to be extended or reconstructed without conforming to the requirements of the Ordinance.
2. Section 10.521 to allow the following: a) a left side yard of 9'5" ± where 10' is the minimum required, and b) building coverage of 26.3% ± where 18.1% ± exists and 25% is the maximum allowed.

April 21, 2009 – The Board granted the following variances as presented and advertised:

1. Article III, Section 10-302 and Article IV, Section 10-401(A)(2)(c) to allow the existing steps to be moved back to the original location and rebuild the steps 7'2" X 5'6" with a 0' ± front setback where 15' is the minimum required.

## Planning Department Comments

The applicant seeks to add an AC unit in the left side yard, 7 feet from the property line where 10 feet is required.

## Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.***AND**
  - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.***OR**

*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*



9.

Petition of **Andrew Lane, Owner**, for property located at **245 Thaxter Road** wherein relief is needed from the Zoning Ordinance to construct a 16' x 24' two-story addition which requires the following: 1) Variances from Section 10.521 to allow a) a 19.5 foot front yard where 30 feet is required; and b) 20.5% building coverage where 20% is the maximum allowed. 2) A Variance from Section 10.321 to allow a non-conforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 165 Lot 3 and lies within the Single Residence B (SRB) District.

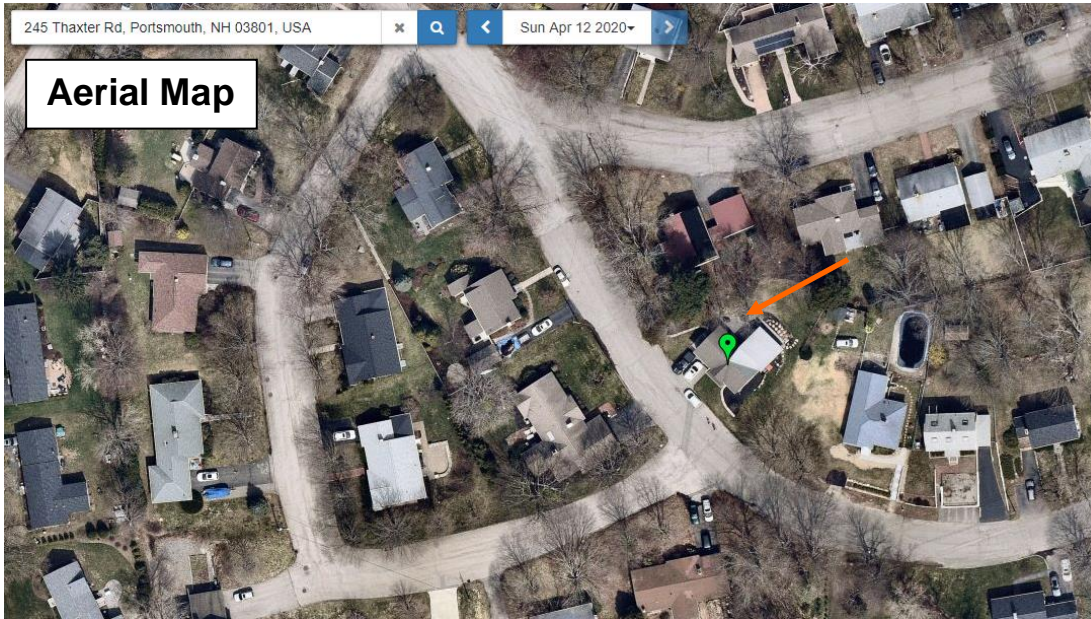
**Existing & Proposed Conditions**

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	Construct two-story addition	Primarily single family uses
<u>Lot area (sq. ft.):</u>	9,321	9,321	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	9,321	9,321	15,000 min.
<u>Street Frontage (ft.):</u>	110	110	100 min.
<u>Lot depth (ft.):</u>	115	115	100 min.
<u>Primary Front Yard (ft.):</u>	14'5"	<b>19.5'</b> (addition)	30 min.
<u>Right Side Yard (ft.):</u>	11	11	10 min.
<u>Left Side Yard (ft.):</u>	27	11	10 min.
<u>Rear Yard (ft.):</u>	>30	>30	30 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	16	<b>20.5</b>	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40 min.
<u>Parking</u>	2	2	1.3
<u>Estimated Age of Structure:</u>	1970/2016	<b>Variance request shown in red.</b>	

**Other Permits/Approvals Required**

None.

# Neighborhood Context



## Previous Board of Adjustment Actions

September 16, 2014 – The Board granted the following variances as presented and advertised:

1. Section 10.321 to allow a lawful nonconforming building to be added to or enlarged without conforming to the requirements of the Ordinance.
2. Section 10.521 to allow an 18' ± front yard setback where 30' is required.

## Planning Department Comments

The owner is proposing a left side addition to the existing home which will encroach into the front yard and increase the building coverage above the maximum allowed for the district. The existing house is 14'5" from the front property line and the proposed addition will be 19'10", however it was advertised as 19'6", which if approved, would account for any discrepancies and allow for a plus/minus range.

## Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*

**AND**

- (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

**OR**

*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*



10.

Petition of the **Brown Family Revocable Trust, Owner**, for property located at **14 Alder Way** wherein relief is needed from the Zoning Ordinance to construct a 12' x 14' screen house which requires the following: 1) Variances from Section 10.521 to allow a) an 8 foot right side yard where 9.5 feet is required for an accessory structure; and b) 29% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Map 142 Lot 18 and lies within the General Residence A (GRA) District.

**Existing & Proposed Conditions**

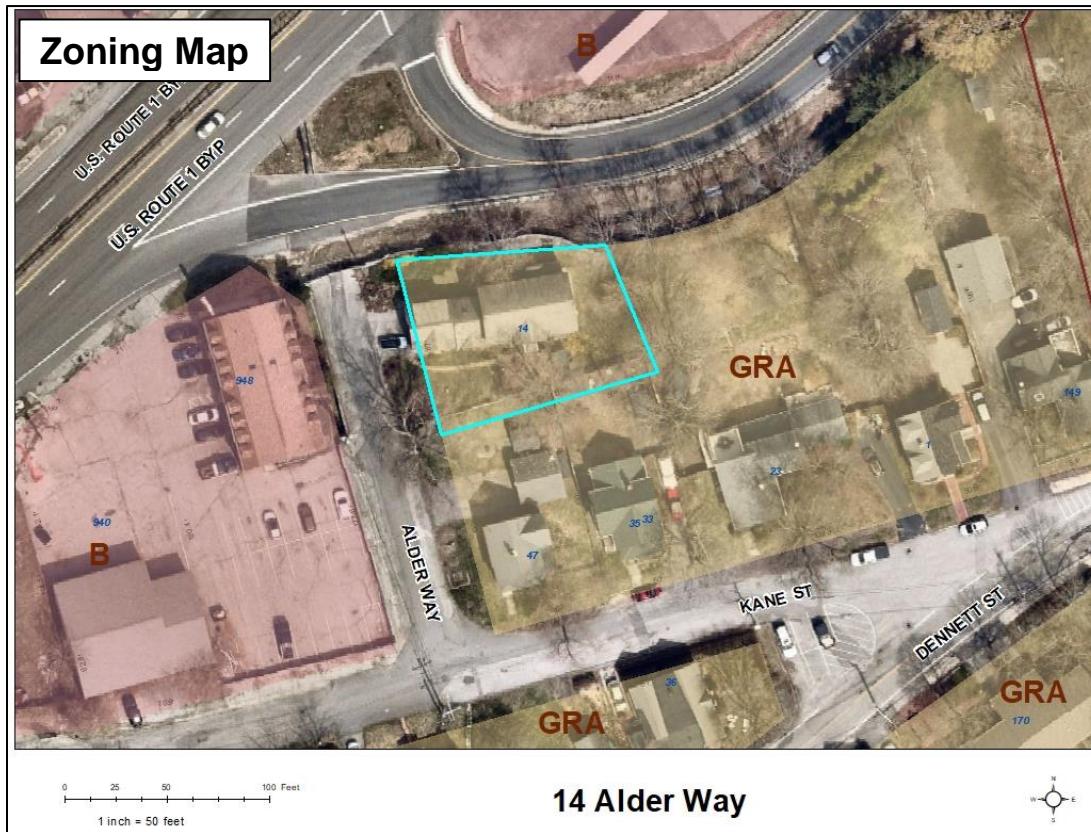
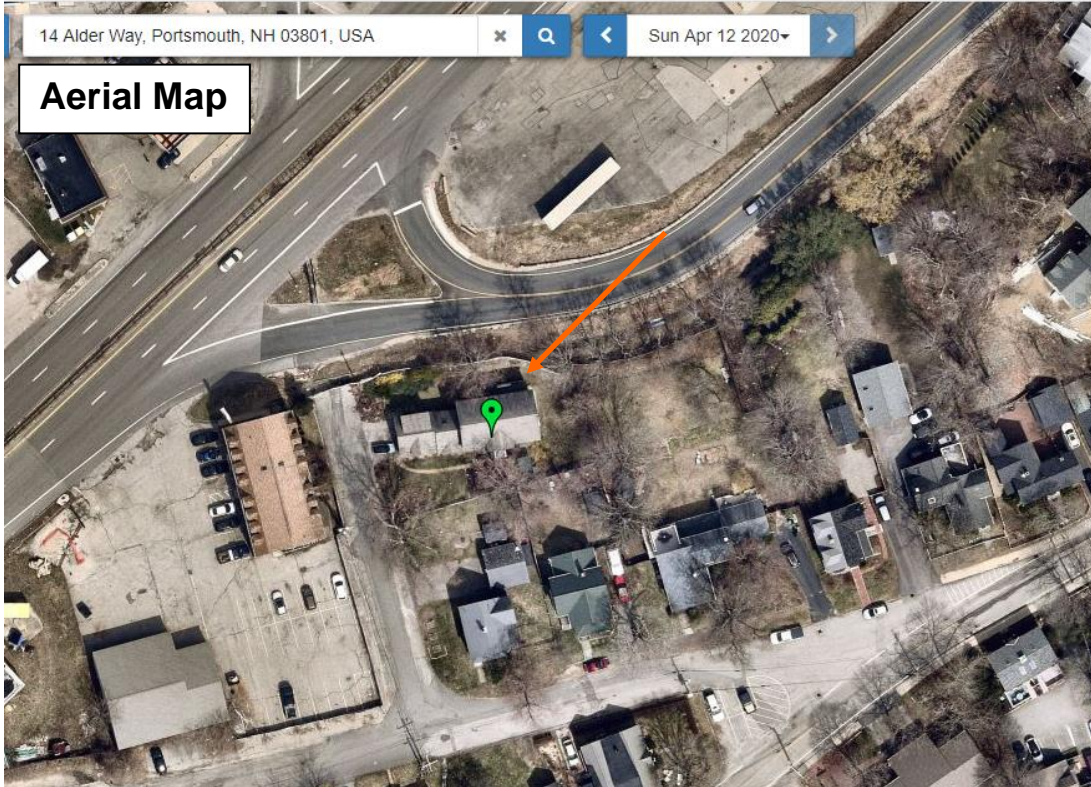
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Construct	Primarily Residential Uses
<u>Lot area (sq. ft.):</u>	8,276	8,276	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	8,276	8,276	7,500 min.
<u>Street Frontage (ft.):</u>	87	87	100 min.
<u>Lot depth (ft.):</u>	96	96	70 min.
<u>Primary Front Yard (ft.):</u>	0.7*	0.7*	15 min.
<u>Left Side Yard (ft.):</u>	10	10	10 min.
<u>Right Side Yard (ft.):</u>	24	<b>8</b>	10 (9.5' for structure) min.
<u>Rear Yard (ft.):</u>	22	22	20 min.
<u>Height (ft.):</u>	<35	9.5 (screen house)	35 max.
<u>Building Coverage (%):</u>	26	29	25 max.
<u>Open Space Coverage (%):</u>	>30	>30	30 min.
<u>Parking:</u>	2	2	1.3
<u>Estimated Age of Structure:</u>	2006	<b>Variance requests shown in red.</b> *prior variance granted	

**Other Permits/Approvals Required**

None.



# Neighborhood Context



## Previous Board of Adjustment Actions

July 19, 2011 – The Board granted the following equitable waiver:

To allow a previously constructed 1 ½ story garage with a 0.7' ± front yard setback where 15' is required.

## Planning Department Comments

The applicant is proposing to construct a screened accessory structure on the property which will encroach into the right side yard and increase the building coverage to 29% where 25% is the maximum allowed. The property abuts Route 1 and the applicant has indicated the desire to locate the structure in the proposed location because of the noise associated from the traffic.

## Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*

### **AND**

- (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

### **OR**

*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

Scroll down for **SUPPORTING DOCUMENTS AND PHOTOS** - 421 Pleasant St

Current Fencing PHOTOS:



Dark Green (road front) is currently 7' high. Driveway side to left is 6'. Looking to replace all 112' with 6' height.

Left side (currently 6' high) – replacing in-kind

- (8) 6' cedar 1x4 privacy panels
- (9) 5" cedar posts with post caps

Road Facing side (currently 7' high)

- (4) 6' cedar 1x4 privacy panels
- (5) 5" cedar posts with post caps
- (1) 6' x 16' double drive gate with all necessary hardware

Photo of planned Replacement Fence: (CENTRAL FENCE)



SEE DETAILED PLANS FROM CENTRAL FENCE BELOW

Tues 6/9 @ 4:00

Order No. 4972

**Central Fence @ Deck Home Improvement Agreement: Proposal for Fencing Installation**  
 #162 Route 108 • Somersworth, NH 03878  
 603-749-1100

Customer's Last Name, First Name Martin, James Date 6/22/2020

Service Address 405 Pleasant St. PRICE IS VALID FOR 30 DAYS FROM DATE OF PROPOSAL

City Portsmouth State NH Zip 03801

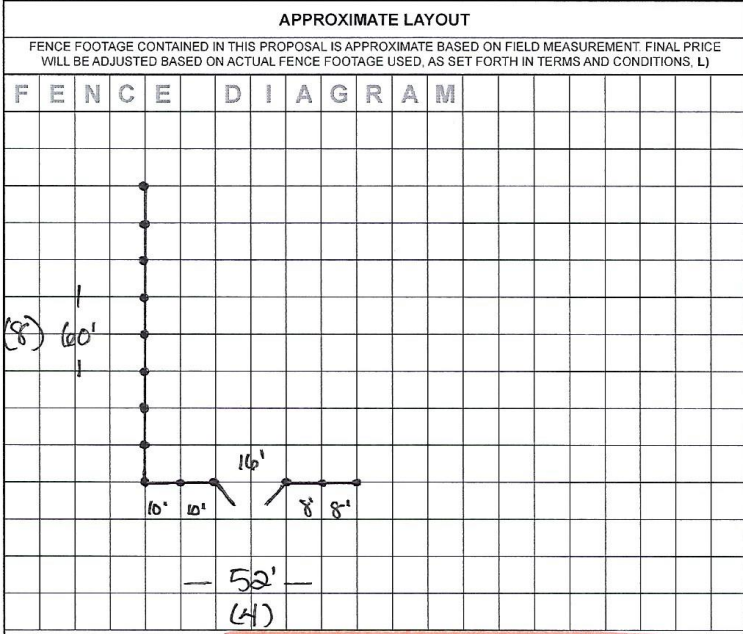
Customer's Daytime Phone No. 603-498-1970 Customer's Evening Phone No. \_\_\_\_\_ Customer's E-mail Address jamesandchris@comcast.net

Nearest Cross Street \_\_\_\_\_

**PERMIT/INSPECTION INFORMATION**

Permit required?  Yes  No  Homeowner to obtain permit (Installation Professional requires copy of permit before installation)  Installation professional to obtain permit

Selection	\$7084 @
ADDITIONAL COST OPTIONS ADD THE PRICES IN THIS COLUMN TO THE SELECTION	
TAKE DOWN AND HAUL AWAY OLD FENCE	\$
PERMIT COST	\$
SUB TOTAL	\$
SALES TAX	\$
DEPOSIT <u>VISA 9167</u>	\$2833 @
BALANCE DUE (UPON COMPLETION)	\$4251 @



Design Approved by Customer

- CASH
- CHECK # \_\_\_\_\_
- CREDIT 046861D
- DEBIT

**FENCE INSTALLATION RELATED TO GRADE: PLEASE INITIAL ONE**

PLEASING TO THE EYE  FOLLOWING FLOW  STEPPED INSTALLATION

**PLEASING TO THE EYE**  
 FENCE TO BE LEVEL WITH HIGHEST GRADE (CUSTOMER TO FILL IN GAPS)

**FOLLOWING FLOW**  
 SLIGHTLY UNEVEN GRADE WITH FENCE FOLLOWING FLOW OF THE GROUND - FENCE WILL BE UNEVEN AT TOP

**STEPPED INSTALLATION**  
 STEEP SLOPE WHERE FENCE CANNOT "TRACK" ENOUGH TO FOLLOW GRADE AND MUST BE STEPPED RESULTING IN LARGE GAPS UNDER FENCE - (CUSTOMER TO FILL IN GAPS)

Product	<u>Cedar w/ Cap Strip</u>
Style:	<u>Privacy</u> Height: <u>6'</u>
Footage:	<u>124'</u> If Gates: <u>1-16' DG</u>
Post Cap:	<u>NE</u> Color: _____
Rail Type:	<u>2x3</u> Post Type: <u>5x5c</u>
Picket Type:	<u>1x4</u> \$7084 @

Product	
Style:	Height:
Footage:	If Gates:
Post Cap:	Color:
Rail Type:	Post Type:
Picket Type:	\$

Product	
Style:	Height:
Footage:	If Gates:
Post Cap:	Color:
Rail Type:	Post Type:
Picket Type:	\$

Customer has the right to cancel project within 3 days of signing contract and/or making deposit. After which customer will be responsible for cost of materials and a 20% restocking fee.

DISTRIBUTION: White - Central Fence Copy Yellow - Customer Copy Pink - Installation Professional Copy

421 PLEASANT ST

<b>Property</b>	421 PLEASANT ST
<b>Location</b>	0102-0069-0000
<b>Map Lot</b>	32942
<b>Vision Account Number</b>	
<b>Ownership</b>	BARR LOCKWOOD C BARR INGRID B
<b>Address</b>	421 PLEASANT STREET, PORTSMOUTH, NH 03801
<b>Valuation</b>	Total 996,100 Last Sale 50 on 1977-08-08 Deed Date 1977-08-08 Book/Page Z289/1824
<b>Land</b>	Land Use 1010 Land Use SINGLE FAM MDL-01 Description 102 Market 102 Delimitation R Local District R Parcel Area (Ac) 0.27
<b>Zoning</b>	GBB



Zoom To Share Print

421 PLEASANT ST

- Q Search
- Selection
- Themes
- Markup

Q Search

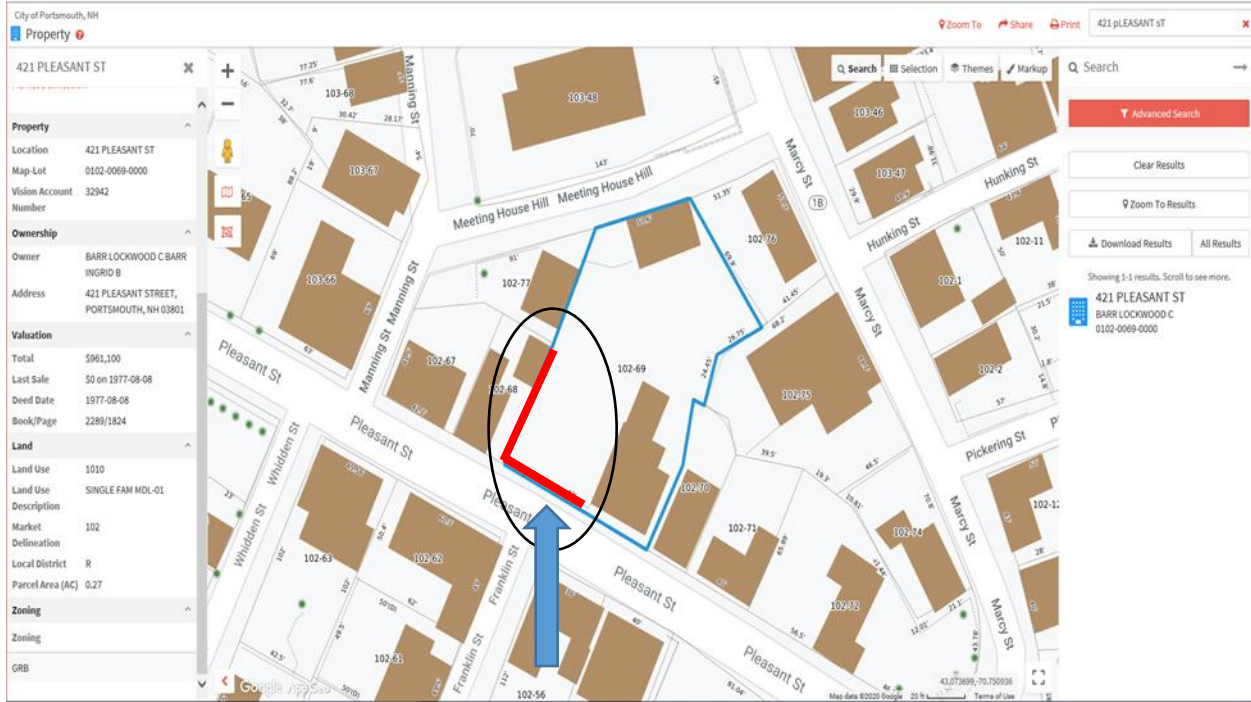
Advanced Search

Clear Results

Zoom To Results

Download Results All Results

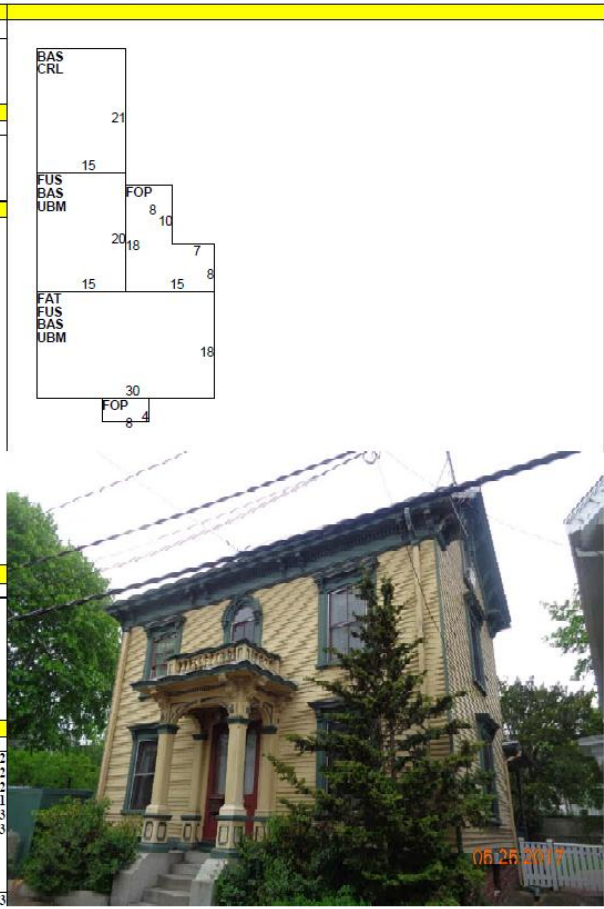
Showing 1-1 results. Scroll to see more.  
 421 PLEASANT ST  
 BARR LOCKWOOD C  
 0102-0069-0000



Replacement location above

Property Location: 421 PLEASANT ST		Account # 32942		MAP ID: 0102/ 0069/ 0000/ /		Bldg Name:		State Use: 1010										
Vision ID: 32942		Bldg #: 1 of 1		Sec #: 1 of 1		1 Card 1 of 1		Print Date: 09/27/2019 22:27										
<b>CURRENT OWNER</b>		<b>TOPO</b>	<b>UTILITIES</b>	<b>STRT/ROAD</b>	<b>LOCATION</b>	<b>CURRENT ASSESSMENT</b>												
BARR LOCKWOOD C BARR INGRID B 421 PLEASANT STREET PORTSMOUTH, NH 03801		1 Level	0 All Public	1 Paved		Description	Code	Appraised Value	Assessed Value									
Additional Owners:		<b>SUPPLEMENTAL DATA</b>			RESIDENTL	1010	460,500	460,500	2229 PORTSMOUTH, NH									
		Other ID: 0102-0069-0000	CONDO CV	2 Off-St PKG	RES LAND	1010	474,100	474,100										
		OLDACTNUM 36420	INLAW Y/N		RESIDENTL	1010	26,500	26,500										
		PHOTO	LOT SPLIT		<b>VISION</b>													
		WARD	2015 Reval V JM															
		PREC.	Ex/Cr Applic															
		1/2 HSE																
		GIS ID: 32942	ASSOC PID#															
					Total 961,100 961,100													
<b>RECORD OF OWNERSHIP</b>		<b>BK-VOL/PAGE</b>	<b>SALE DATE</b>	<b>Q/M</b>	<b>YR</b>	<b>PREVIOUS ASSESSMENTS (HISTORY)</b>												
BARR LOCKWOOD C		2289/1824	08/08/1977	I		Yr	Code	Assessed Value	Yr	Code	Assessed Value	Yr	Code	Assessed Value				
						2019	1010	460,500	2018	1010	403,200							
						2019	1010	474,100	2018	1010	371,500							
						2019	1010	26,500	2018	1010	26,500							
						Total:		961,100	Total:		961,100	Total:		801,200				
<b>EXEMPTIONS</b>		<b>OTHER ASSESSMENTS</b>			This signature acknowledges a visit by a Data Collector or Assessor													
Year	Type	Description	Amount	Code	Description	Number	Amount	Comm. Int.										
2008	1	VETERAN-1	500															
		Total:	500															
<b>ASSESSING NEIGHBORHOOD</b>		<b>APPRAISED VALUE SUMMARY</b>																
NBHD: SUB	NBHD Name	Street Index Name	Tracine	Batch														
102/A																		
<b>NOTES</b>		EXT W/ORNATE DETAILING; RPL WINS KIT:PNTD FLUSH CABS/GRAN W/ISL/RECSS LTS 1/2 BATH W/GRAN TOP VAN; BATH:CLAWFOOT/ MAPLETOP VAN; ORNATE STAIRCASE																
<b>BUILDING PERMIT RECORD</b>		<b>VISIT/ CHANGE HISTORY</b>																
Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp	Date Comp	Comments	Date	Type	IS	ID	Cd	Purpose/Result				
06-202	03/23/2006			35,000		100		RENO KITCH & BA	08/13/2018			BH	FR	Field Review Stat Update				
									07/10/2017			PM	FR	Field Review Stat Update				
									04/10/2015			RT	FR	Field Review Stat Update				
									03/18/2013			JM	FR	Measur+Listed				
									06/19/2006		1	DB	1	Entry + Sign				
<b>LAND LINE VALUATION SECTION</b>																		
B #	Use Code	Use Description	Zone	D	Front	Depth	Units	Unit Price	L Factor	S.A	C Factor	ST Ldx	Adj	Notes-Adj	Special Pricing	S Adj Fact	Adj. Unit Price	Land Value
1	1010	SINGLE FAM MDL-01	GRB	R			11,670		14.01	1.0000	1	1.00	102	2.90 0		1.00	40.63	474,100
Total Card Land Units: 0.27 AC Parcel Total Land Area: 0.27 AC Total Land Value: 474,100																		

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)								
Element	Cd	Ch	Description	Element	Cd	Ch	Description					
Style	03		Colonial	Bsmt Garage								
Model	01		Residential									
Grade	A+		A+									
Stories	2											
Occupancy	1											
Exterior Wall 1	11		Clapboard									
Exterior Wall 2												
Roof Structure	03		Gable/Hip									
Roof Cover	03		Asph/F Gls/Cmp									
Interior Wall 1	03		Plastered									
Interior Wall 2												
Interior Flr 1	09		Pine/Soft Wood									
Interior Flr 2												
Heat Fuel	03		Gas									
Heat Type	04		Hot Water									
AC Type	01		None									
Total Bedrooms	03		3 Bedrooms									
Total Bthrms	1											
Total Half Baths	1											
Total Xtra Fixtrs	0											
Total Rooms	8											
Bath Style	1		Avg Quality									
Kitchen Style	1		Avg Quality									
Kitchen Gr												
WB Fireplaces	1											
Extra Openings	2											
Metal Fireplaces	0											
Extra Openings	0											
<b>OB-OUTBUILDING &amp; YARD ITEMS(L) /XF-BUILDING EXTRA FEATURES(B)</b>												
Code	Description	Sub	Sub Descrip	L/B	Units	Unit Price	Yr	Gds	Dp Rr	Cnd	%Cnd	App Value
BRN6	STY W/BSM			L	620	38.00		1940	A		75	26,500
<b>BUILDING SUB-AREA SUMMARY SECTION</b>												
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprc. Value						
BAS	First Floor	1,155	1,155	1,155	246.98	285,262						
CRL	Crawl Space	0	315	16	12.55	3,952						
FAT	Attic	135	540	135	61.75	33,342						
FOP	Porch, Open	0	232	46	48.97	11,361						
FUS	Upper Story, Finished	840	840	840	246.98	207,463						
UBM	Basement, Unfinished	0	840	168	49.40	41,493						
Ttl. Gross Liv/Lease Area:		2,130	3,921	2,360		582,873						



**REASON FOR VARIANCE REQUEST:**

**FENCE REPLACEMENT – 421 Pleasant St., Portsmouth, NH 03801: Reason for Variance request (aligning to Zoning Ordinance Art. 2, section 10.233.20)**

The reason for this variance request is the homeowner (Ingrid Barr) is not comfortable replacing her current deteriorating 7’ fence (roadfront) with only a 4’ fence (per town ordinance) as it would remove the privacy that she needs and has been accustomed to for the last 40 years (example: she regularly has her grandchildren over to play in her yard and would not be comfortable with only a 4’ fence between them and the sidewalk/road). Replacing with only a 4’ high fence would create an unnecessary hardship.

We are seeking approval to replace the current 7’ fence, which is deteriorating and falling apart, with a new 6’ high cedar fence. This new fence would not be contrary to the public interest as it will be replacing an old fence which is in bad shape, with a new cedar plank fence that is commonly used in the area and keeping in spirit of the historic district. It will also be 1’ shorter than the current one.

As mentioned above, the planned new fence is 6’ tall with 1x4 cedar planks and post and caps every 8’ which will only help with values of surrounding properties. This new fence would only result in improvement to the property values in the vicinity and would not change the essential characteristics of the neighborhood.

Thank you for your consideration.

Jamie Martin (405 Pleasant St.)

On behalf of Ingrid Barr (421 Pleasant St.)



Land Use Application LU-20-147.

Date: July 27, 2020

Christopher George. Owner

Building Permit: BLDG 20-413

I am requesting the Board of Adjustments to waive the 10 foot offset in the placement of an exterior air conditioning unit at 51 Park Street on the north side of our house. The unit is to be placed. 8 feet from the Northwest corner of the house right next to the house. The AC unit is 36.25H x 35.25W X31.75D or approximately 3 feet by 3 feet.

The distance between our home and the neighbor's property line with this placement is 7 feet and 6 inches. The distance between our home and the beginning of the driveway of our neighbor is 12 feet and 6 inches. The driveway of our neighbor is 18 feet across. The distance between our home and our neighbor's home is 33 feet and 6 inches. What this means is that the AC unit would be placed behind our lilac bush and behind our neighbor's basketball hoop and at least a foot lower than the surface of our neighbor's driveway and Park Street. It will also be blocked visually from the neighbor's house by the cars and trucks in their driveway.

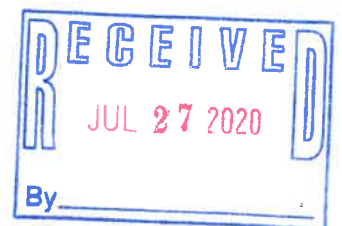
I have spoken to Mal, the owner of the abutting property and she has given verbal permission to place the AC unit there.

We are also purchasing an AC unit that is the quietest performing condenser on the market. (quoting Larry Haas, the respectable and trusted person who is overseeing this project.). The literature on the unit mentions minimal vibration noise due to advanced fan blade design.

I am now in my 70's and I have carried individual window AC units up from the basement each spring and back down in the Fall each year since we moved here in 2006. I am no longer able to do this because of the weight of the units and because my back has been compromised.

Thanks you for your consideration of this request.

Chris George, 51 Park Street, Portsmouth, NH 03801



Hi Peter,

I wrote an earlier email that was not accurate. I thought the 7'6" on the plot map was to the neighbor's property but Larry Haas tells me that that measurement was describing the distance from the northwest corner of the house to the unit on the north side. You are correct that the 5 feet 6 inches is the distance from our foundation to the neighbor's property and that that would leave 2 feet 6 inches to their property line from the outside of the AC unit.

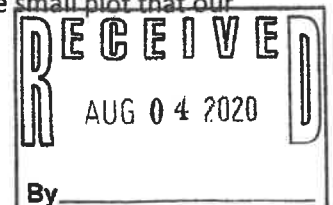
Chris George



Addendum to narrative for land use application LU-20-147  
Christopher George owner  
Date: August 3, 2020

In response to each of the requirements:

1. 10.233.21. This request for a variance will not be contrary to public interest because it is the most reasonable place to have the AC unit placed on the property. Further, my neighbor on that side of the house has verbally approved the placement of the air conditioning unit in that place on my property.
2. 10.233.22. I believe the spirit of the ordinance will be observed as the unit will be out of sight of our neighbor, thus, not an eyesore and it will not be disruptive to the neighbor in terms of noise because it is over 30 feet from their house and is the type of air conditioning unit that is manufactured to be quiet. The quieter unit added \$1,000 to the installation cost.
3. 10.233.23. Substantial justice will be done in that the placement of the AC unit on the north side of our house will be in the position that is the most out of sight for our neighbors and because it will be the least disruptive to all involved. Justice will be accomplished because it is the most out of sight spot on our property and because the unit is particularly quiet.
4. 10.233.24. The value of the property on the north side of our house will not be diminished because the unit will be hidden by the shrubbery and the basketball hoop and by the trucks and cars in their parking lot. It will also be difficult to see the unit from our neighbor's home because the elevation of the spot it is being placed is one foot lower than Park Street and our neighbor's driveway. The fact that our neighbor quickly agreed to the request when I asked her further substantiates this point. And this was after I asked her to think more about it and speak with her children. She told me that it was not an issue.
5. 10.233.25. Literal enforcement of the 10 foot offset rule is simply not possible on the north, west and south sides of our house. Our house is a small house (under 1000 square feet and land is 1/10<sup>th</sup> of an acre) we do not meet the 10 foot offset from our neighbors or on Park Street on those three sides. Although it is physically possible to place it within the 10 foot offset in our backyard on the east side of the house, it would place the unit next to our back steps and patio. The attachment to the heating unit which it needs to hook into, would be the furthest distance of any side and the wiring and attachments would have to go through two foundations (porch addition and house.) Placing the unit on this east side of our house would ruin the quiet and relaxed atmosphere that we have created in our garden and patio in the backyard.
6. 10.233.31. I believe that the special conditions in this instance are the small plot of land that our home sits on and has since it was first built in 1910. We reside on 1/10 of an acre of land and our house is in the bottom 5 percent of square footage for residential property in our city. Being able to place an AC unit abutting the house in the most inconspicuous of places seems a reasonable request. What distinguishes our home from our neighbors is the small plot that our

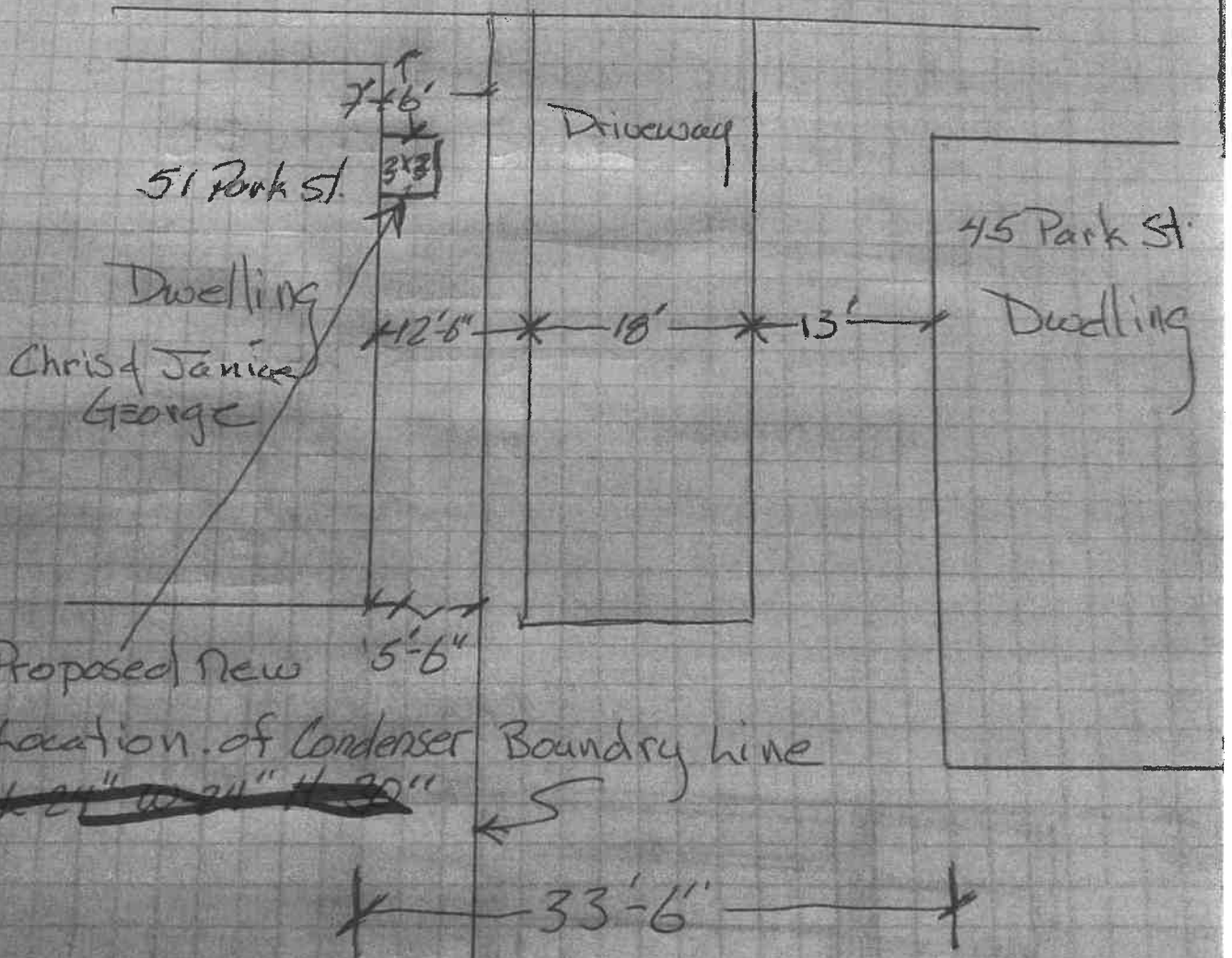


house was built on over a hundred years ago. The second reason that this variance meets this criteria is because the 10 foot offset rule is in place in order to keep unsightly or loud additions from neighbors from disrupting (noise) or from making unattractive the land of an abutting neighbor's property. In this case, where the neighbor's house is 33 feet away from our foundation; those concerns are greatly muted. Further, they are greatly mitigated by the placement of the unit in a swale and at a place next to our house that is blocked visually from our neighbor by a large iris shrub, along with the neighbor's basketball hoop and the vehicles in their driveway. And thirdly, the choice of an AC unit that is built to be quiet also helps to address why the general public purposes of this ordinance are being addressed in this variance. I believe the reasonableness of this variance request is based on the distance from our neighbor, the lack of visuals on the unit from our neighbor's yard and the fact that our neighbor agreed to our placement of the unit there.

7-15-20

Park St.

side walk



51 Park St.  
Dwelling  
Chris & Janice  
George

Driveway

45 Park St.  
Dwelling

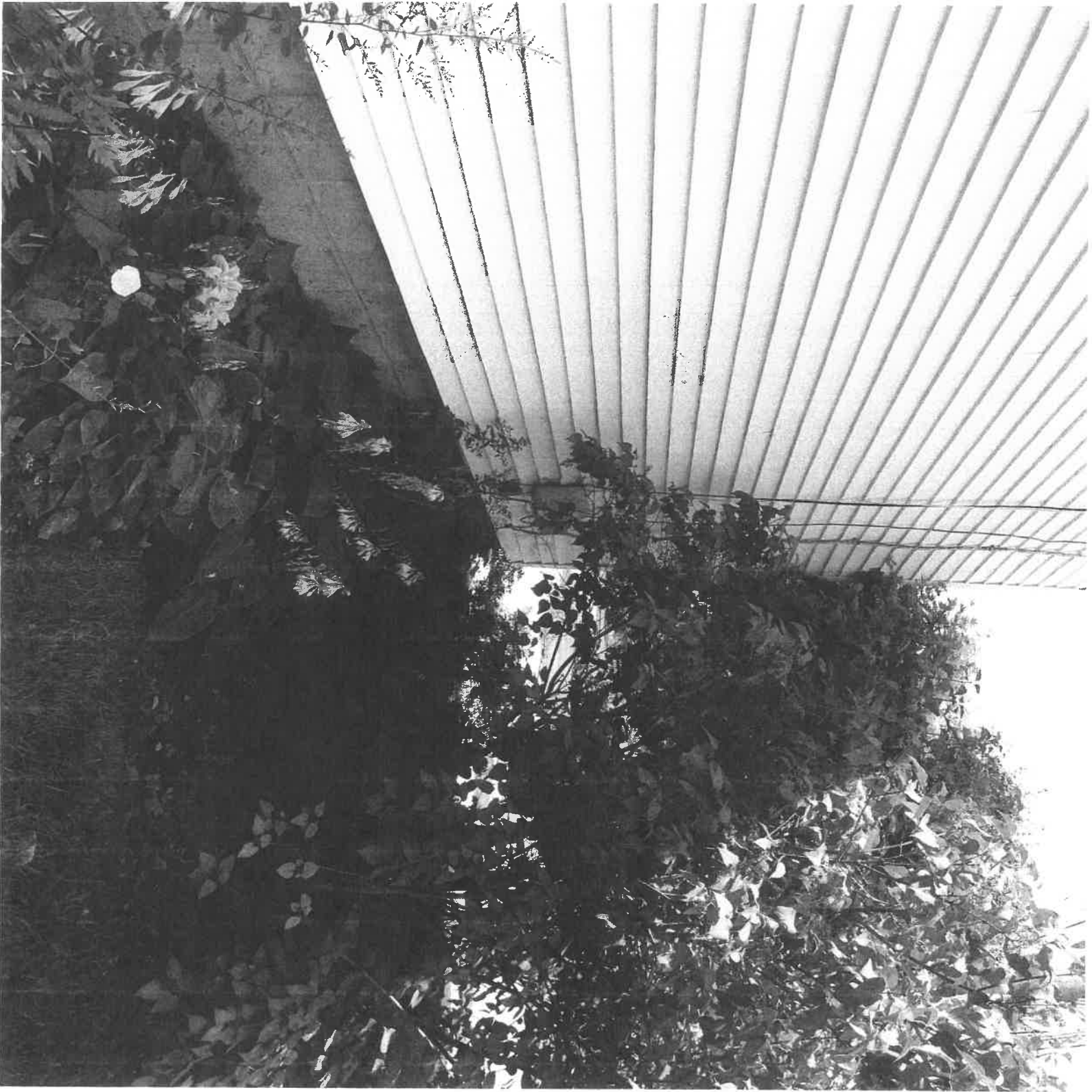
12'-6" \* 18' \* 15'

- Proposed New 5'-6"

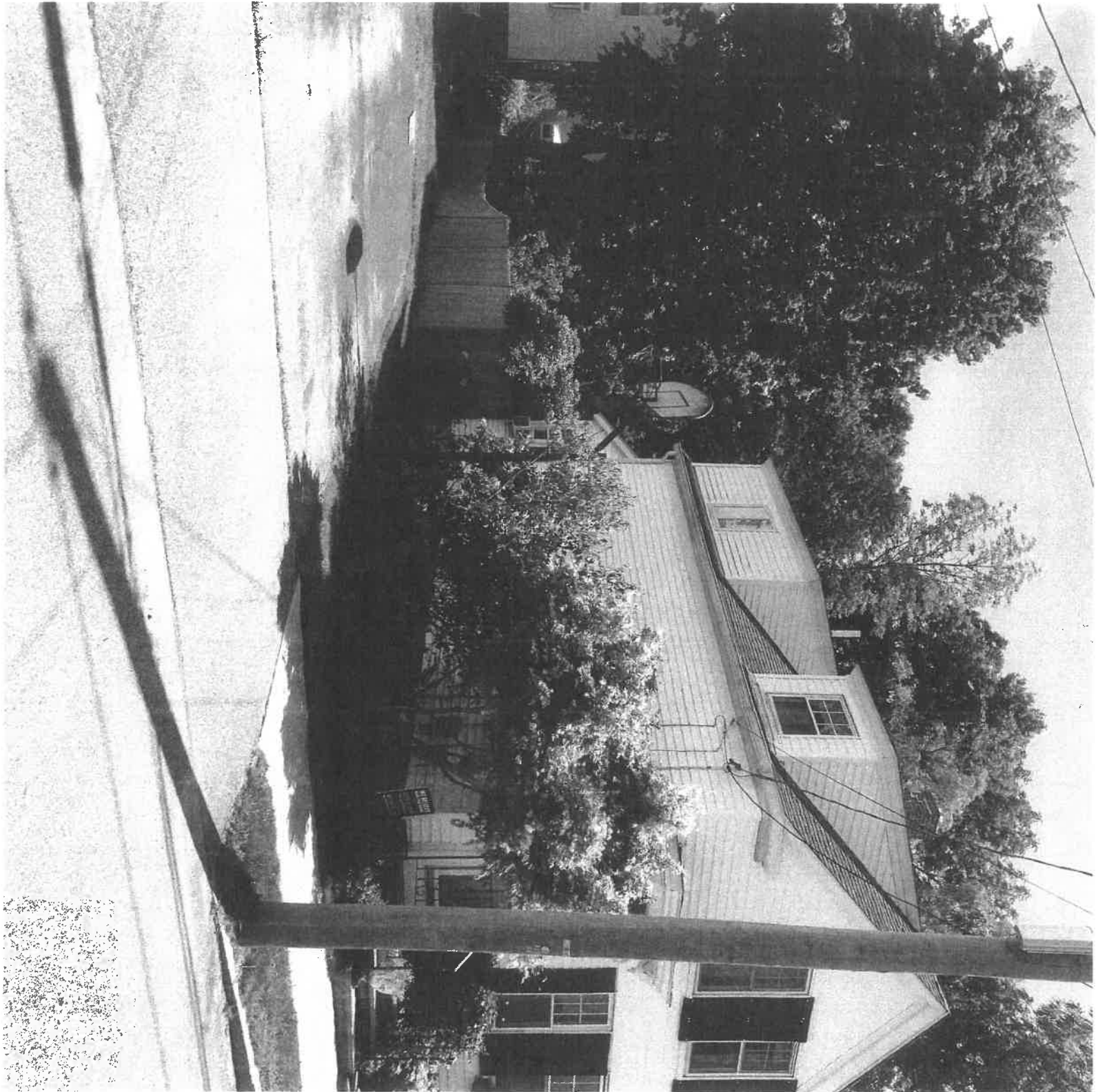
Location of Condenser Boundary line  
~~12'-6" to 21" # 30"~~

33'-6"

Hous Designer/Build  
92 Patterson Ln.  
Newington N.H. 0384



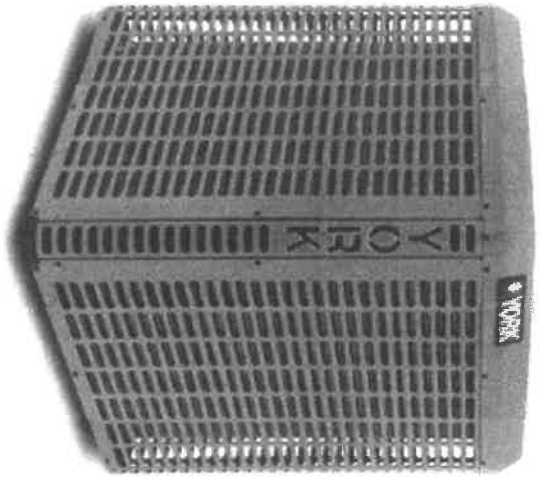
The AC unit  
would be  
placed where  
the flowering  
hosta is  
pictured  
in the  
lower center  
of the  
photograph.



This is a  
pic we of  
the north  
side of our  
home with  
the neighbor's  
gas ket ball  
hoop.

Home > LX, YCG36B21S

< BACK



# LX, YCG36B21S

SIGN IN FOR PRICE

## Specifications

<b>Dimension</b>	36.25HX35.25WX31.75D
<b>Tonnage</b>	3
<b>Compressor Type</b>	Scroll
<b>SEER</b>	17
<b>Max Fuse</b>	35



**Copper Line** 3/4" x 3/8"

**Parts Warranty\*** 10-Year Limited Parts Warranty

**Other Warranty\*** 10-Year Limited Compressor Warranty  
1-Year Labor Limited Warranty

\* 10-Years parts / 10-Years compressor limited warranty if registered online within 90 days of installation. Otherwise, the warranty reverts to the standard 5-Years parts / 10-Years compressor limited warranty as published in the product warranty certificate. One-year labor warranty if product registered within 90 days of install.

- Add to Projects
- Add to Favorites
- Add to Compare

**Overview**    **Related Products**

**Description**



**Get more comfort in less space with our high-efficiency split system design.**

- Proven single-stage compressor satisfies the degree of comfort you need.
- Small-footprint cabinets deliver maximum performance that is both space and budget friendly.
- Minimal vibration noise thanks to advanced fan blade design.
- Add healthy allergen filtration and indoor-air-quality options in our low-leakage air handler.



**Delivers outstanding efficiency to cut utility bills.**

- Save up to 41 cents per dollar with efficient 17 SEER models compared to an older, 10 SEER unit.
- Enjoy advanced levels of efficiency with matched components that do more with less energy.
- Get efficient heat transfer thanks to optimized coils for effective airflow and refrigerant circulation.



**Good Housekeeping Seal**

- This model is proud to have earned the Good Housekeeping Seal — a nearly-century-old symbol of quality and trust.



**Improved alloy, MicroChannel Coil ensures reliability.**

- Industry-leading quality control and assembly processes are backed by the manufacturing expertise of Johnson Controls.
- Count on internally protected compressor to withstand high temperatures and pressures.
- Heavy-gauge steel cabinet and tubular base rails provide added support.

**Product Documentation**

**Brochure**

**Repair Parts**

**Tech Guide**

July 27, 2020

Variance Application for: 35 Mark St. Portsmouth NH  
Contact/Owner: Jason and Katie Jenkins  
(603) 431-1743  
jasonrjenkins@gmail.com

We are proposing renovations to our detached garage located at 35 Mark St. Alterations include raising the existing roof structure 36" to provide additional headroom on the second floor, insulating and finishing the space to become a home office. This project was approved by the HDC in Sept 2019.

We would like to add a mini-split HVAC system to heat and cool living space on the second floor. This requires us to install a condenser on the outside of the garage, preferably on the back of the garage where it is shielded from view by a tall privacy fence. However, this wall is approximately 5 feet from our property line, and we are requesting a variance to allow this placement.

The unit we have specified is a Mitsubishi MUZ-FH15NAH which measures 33"Wx34"Hx13"D. See full specification included in this packet. The unit will protrude approximately 13" from the back wall of the garage, hence the existing setback on that boundary will be reduced from a current value of approximately 5' to approximately 4'.

With this application we are seeking relief from the following Portsmouth zoning ordinance:

**10.515.14 A mechanical system (i.e. HVAC, power generator, etc.) that is less than 36 inches above the ground level with a mounting pad not exceeding 10 square feet shall be exempt from yard requirements, but shall be set back at least 10 feet from a property line; and shall not be located closer to the street than the front of the principal structure.**

In this instance we seek to install an HVAC condenser for an energy-efficient mini-split heat pump on the back of our existing detached 2-car garage. It may, in fact, be slightly higher than 36" (to account for snow depth) and will not have a mounting pad. We intend to locate the condenser on the back wall of the garage, which is only about 5-feet from the property line. We have chosen the proposed location for several reasons.

1. It is the most inconspicuous location on the building, as it is not visible from the street and the entire back and left walls are obscured by a tall 6-foot privacy fence.
2. The property is location in the Historic District, so this location provides maximum compatibility with the goals of the HDC.
3. The location satisfies the regulation that the condenser not be located nearer the street than the structure.
4. The proposed location is most conducive for locating the condenser close to the internal head of the unit to minimize coolant piping and maximize building envelope efficiency.

5. The proposed location is maximally distant from windows and doors on the first floor, which reduced the chances of excess heat re-entering the structure through open windows.

Below we provide commentary to the variance requirements:

**10.233.20 In order to authorize a variance, the Board must find that the variance meets all of the following criteria:**

**10.233.21 The variance will not be contrary to the public interest;**

The proposed location of the HVAC condenser was carefully chosen for the minimal visual and aural impact it will have to the surroundings; hence it does not present any detriment to the public interest. Many other condensers of this sort have been successfully installed in the city without public complaint.

**10.233.22 The spirit of the Ordinance will be observed;**

The setback requirement is important so that mechanical systems do not adversely impact neighboring properties, but in this case the property abuts a large parking lot with a large separation (approx.. 40' minimum) between any neighboring buildings, and the HVAC condenser will also be obscured by a tall fence which will block sound and sight of the condenser; thus it will not adversely impact the neighboring buildings.

**10.233.23 Substantial justice will be done;**

Installation of a modest HVAC condenser in this location and application is reasonable for the building's intended use and consistent with other similar applications within the city, thus granting the variance represents substantial justice.

**10.233.24 The values of surrounding properties will not be diminished;**

The property value of the subject property will be increased by this project. Locating the HVAC condenser in a hidden and unobtrusive place will prevent negative effects on the subject and neighboring properties, hence the value of surrounding properties will not be diminished.

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

To meet the literal provisions of the Ordinance would represent a hardship as detailed below on both counts of section 10.233.31:

**10.233.30 For purposes of section 10.233.25, "unnecessary hardship" means that one of the following conditions exists:**

**10.233.31 Owing to special conditions of the property that distinguish it from other properties in the area,**

**(a) no fair and substantial relationship exists between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and**

The main house of the subject property dates from 1791 and the garage subject to this request was built by a prior owner in 2001. The small downtown parcel has small setbacks on all sides. The existing

conditions are the reason we are driven to the proposed location. To install no HVAC condenser at all would represent a hardship as we would not be able to efficiently cool and heat the upstairs of the garage. To locate the HVAC condenser on another wall of the garage would negatively impact the appearance of the garage when viewed from the street and from the main house. Any other location that we can think of is much too close to the first-floor door and windows and would not have any visual screening. These potential negative impacts would represent a hardship to both the property owners and to the city's Historic District.

**(b) the proposed use is a reasonable one. (Under this provision, an unnecessary hardship shall be deemed to exist only if both elements of the condition are based on the special conditions of the property.)**

The proposed variance is reasonable as there are many other similar HVAC condensers in use within the city. The homeowner and builder have worked to evaluate all reasonable alternatives and seek the variance only as a last resort to efficiently meet the energy needs of the structure.

**10.233.32 Owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the Ordinance, Article 2 Administration and Enforcement As Amended Through December 16, 2019 2-5 and a variance is therefore necessary to enable a reasonable use of it. (Under this provision, an unnecessary hardship shall not be deemed to exist if any reasonable use, including an existing use, is permitted under the Ordinance.)**

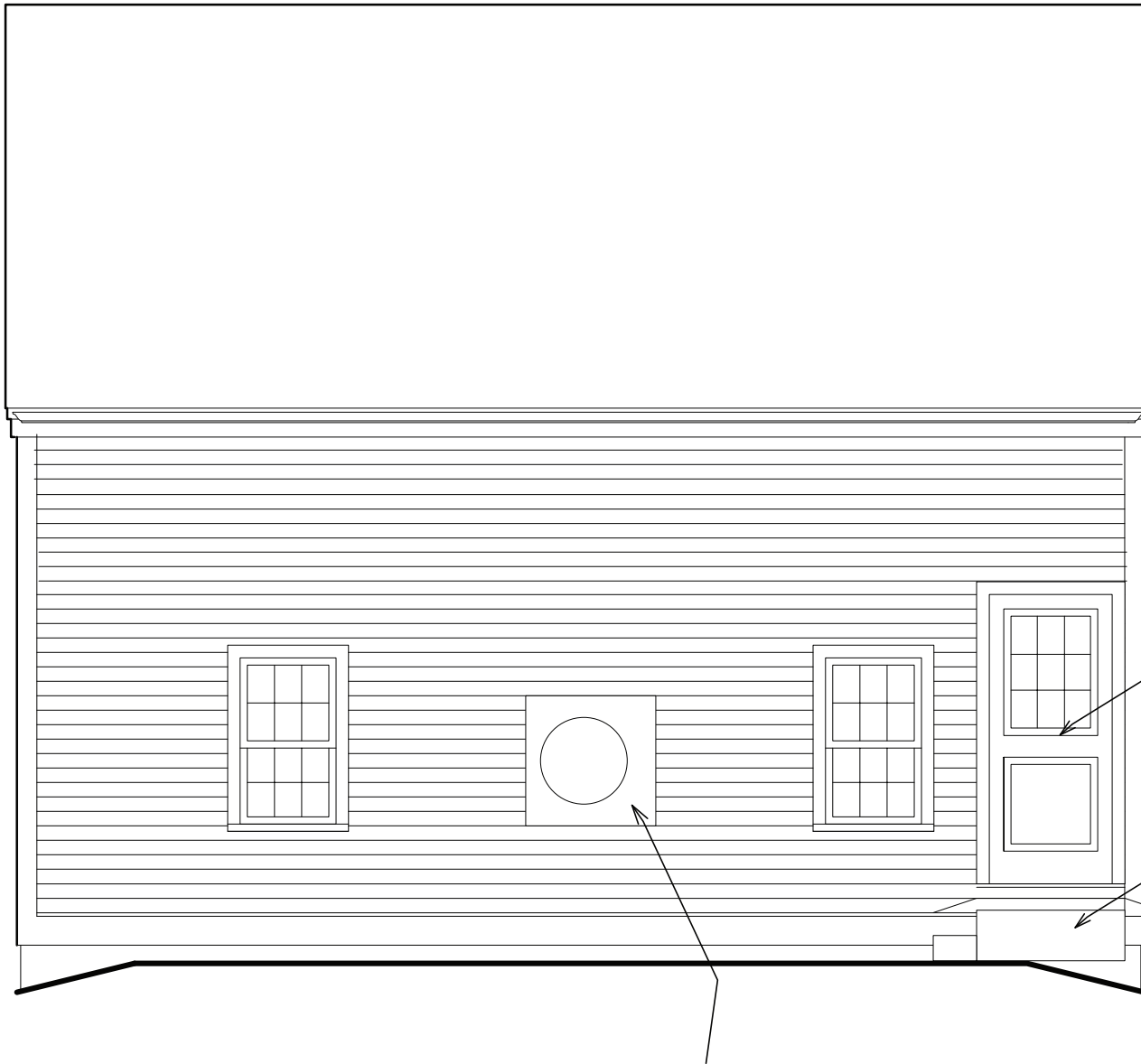
Strict conformance with the ordinance would require either moving the existing building - obviously a very expensive proposal - or locating the condenser on a different wall, which for reasons given above would be a detriment to the property, thus we feel that a variance is appropriate to enable a reasonable use of the property.

Thank you for your time and consideration in evaluating this proposal.

Sincerely,

Jason & Katie Jenkins

35 Mark St. Portsmouth NH 03801



New exterior door at bottom of interior stairwell to provide fire egress from upstairs. Threshold approx 21" above grade.

New exterior landing granite 14"H - 36"x36" with one step down to grade. No railing.

New HVAC condenser  
33"Wx34"Hx13"D

\*Note: Back of garage is obscured by a tall privacy fence, so this door and condenser will be barely noticeable.

3

### GARAGE: BACK ELEVATION

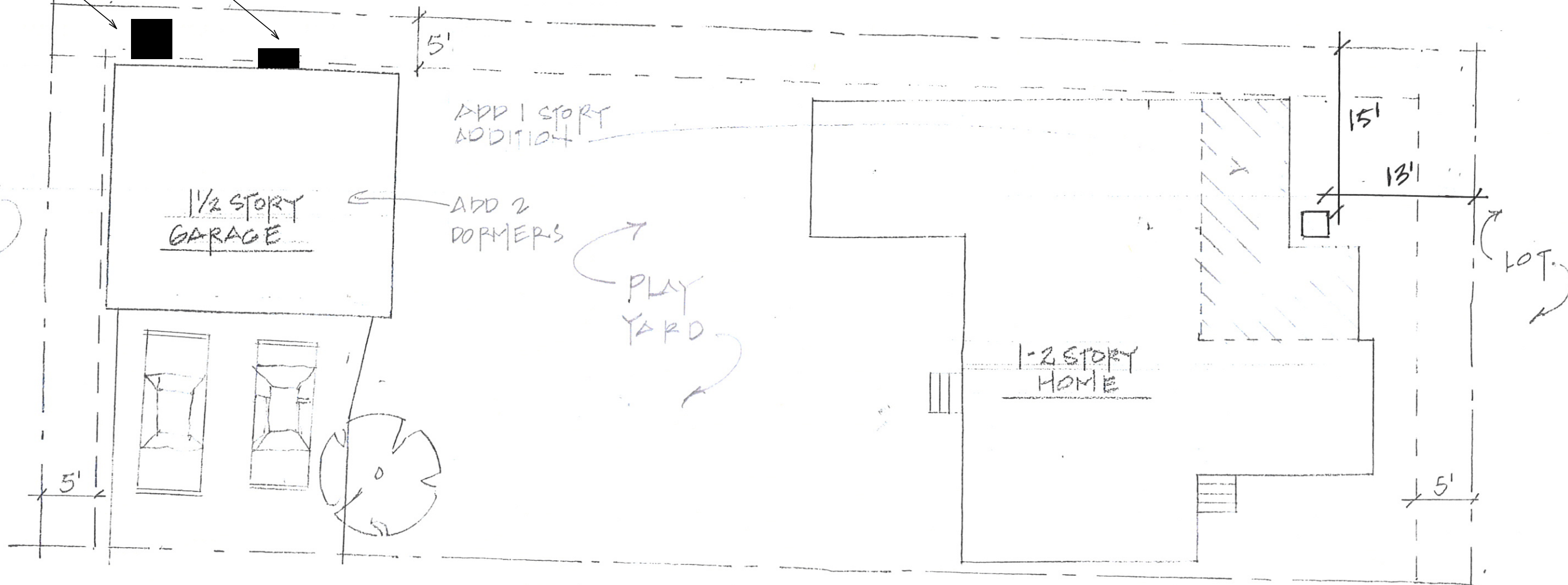
1/4" = 1'-0"

New Landing

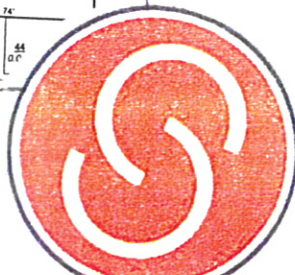
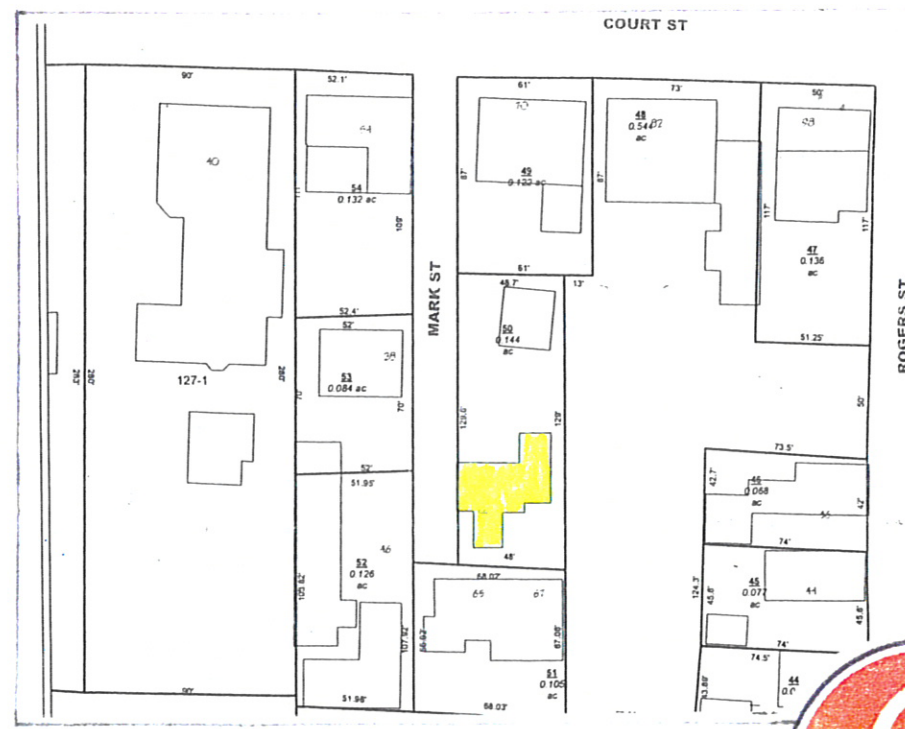
New Condenser

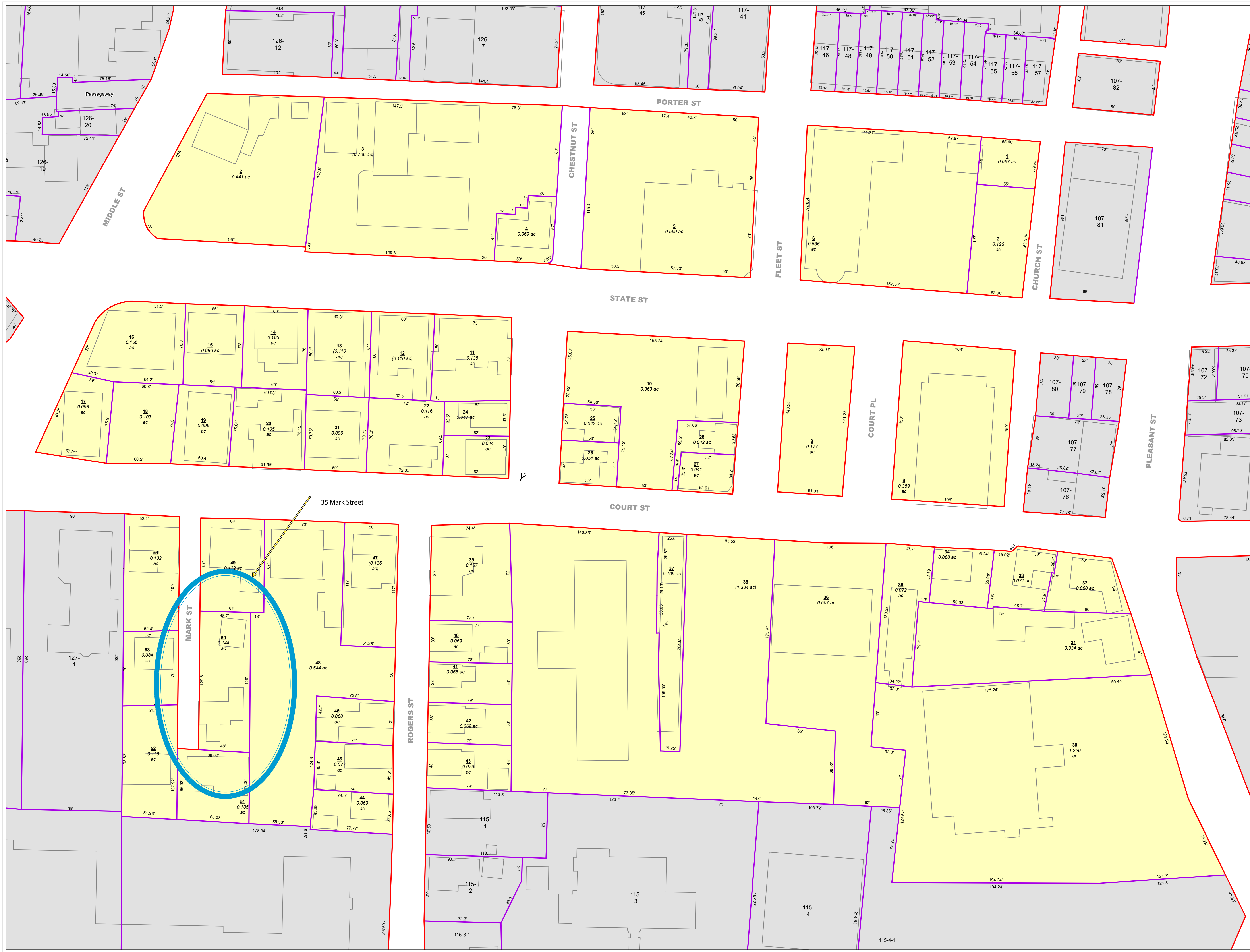
PRIVATE PARKING LOT

LOT

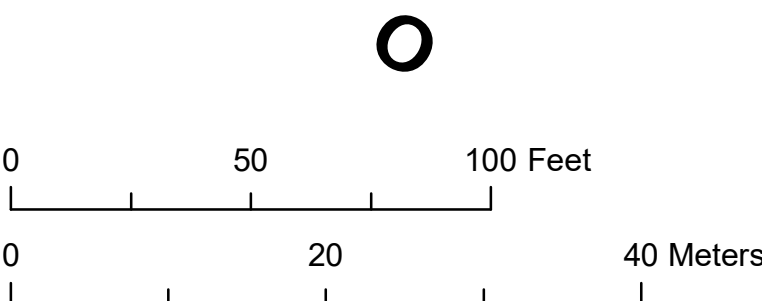


MARK STREET

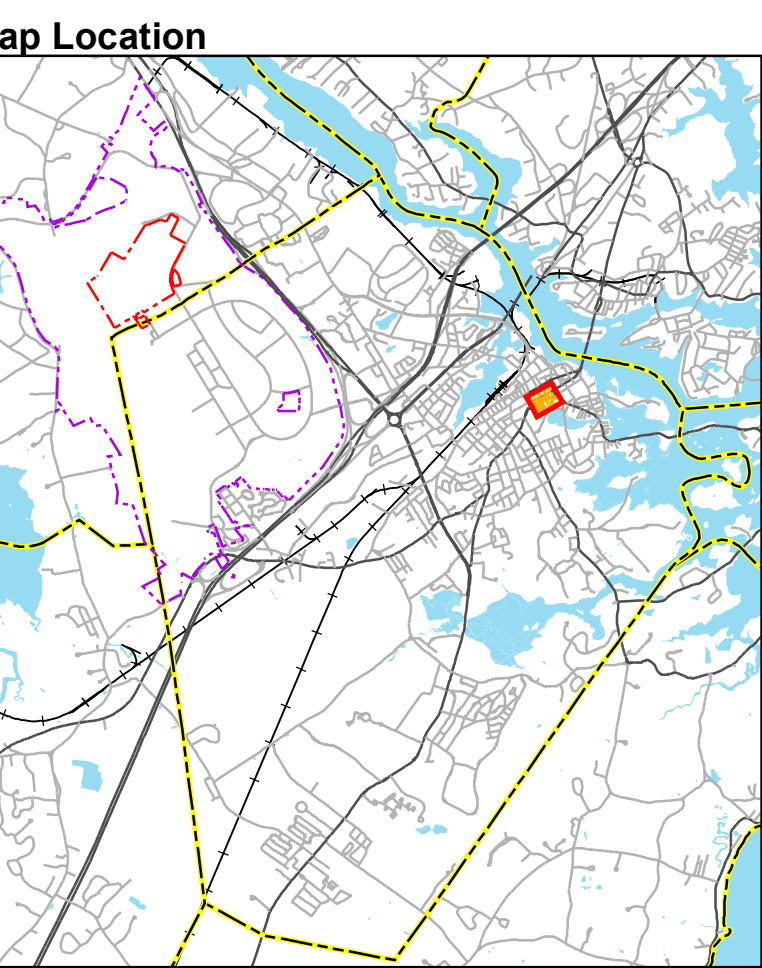
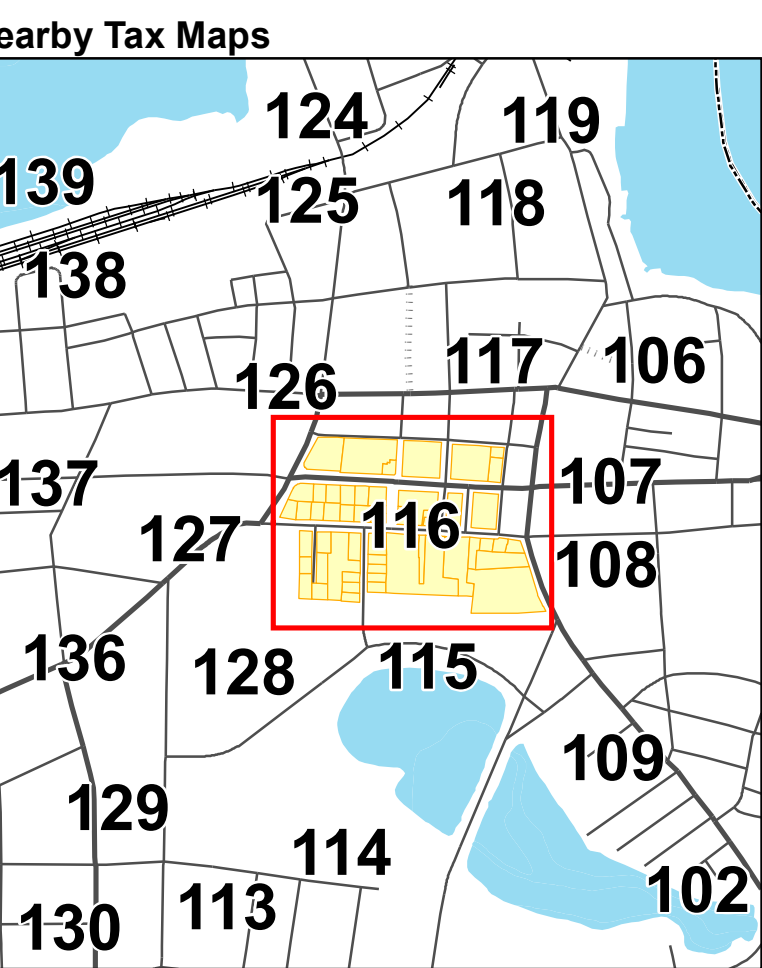




- Partial Legend**  
See the cover sheet for the complete legend.
- 7-5A** Lot or lot-unit number
  - 2.56 ac Parcel area in acres (ac) or square feet (sf)
  - Address number
  - 233-137 Parcel number from a neighboring map
  - 68' Parcel line dimension
  - Street name
- SIMS AVE**  
Street name
- Parcel/Parcel boundary
  - Parcel/ROW boundary
  - Water boundary
  - Structure (1994 data)
- Parcel covered by this map
  - Parcel from a neighboring map (see other map for current status)



*This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.*

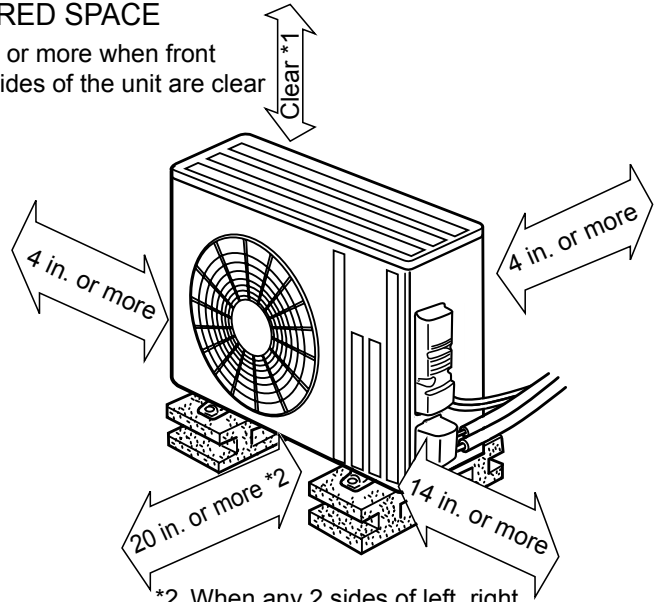
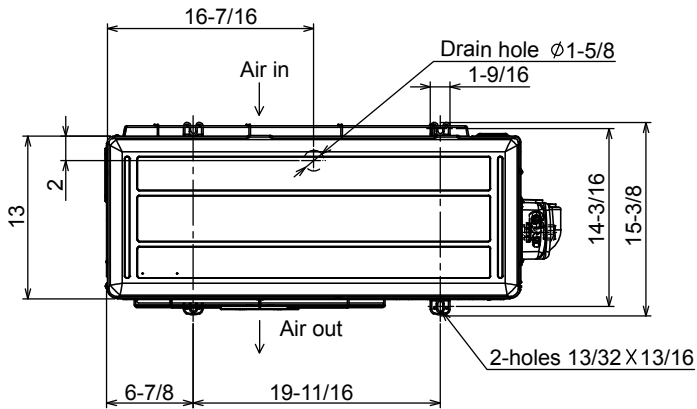


# DIMENSIONS: MUZ-FH15NAH

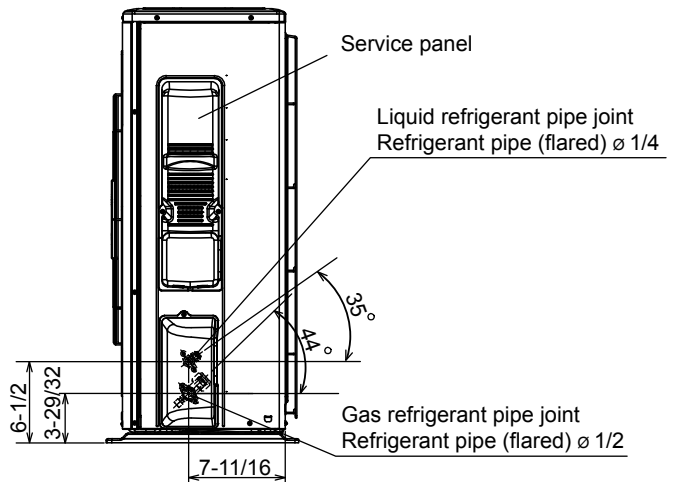
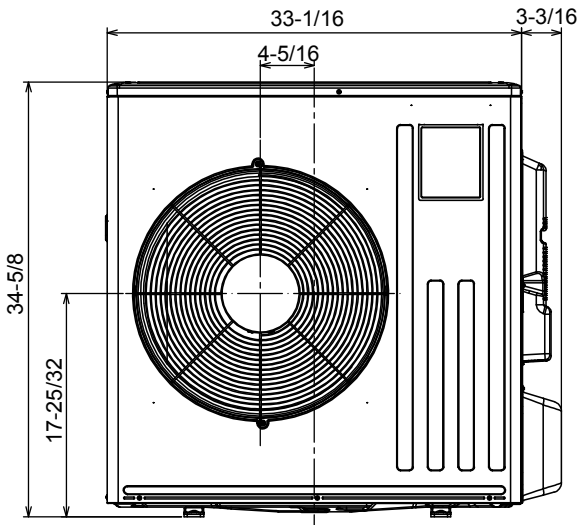
Unit: inch

## REQUIRED SPACE

\*1 20 in. or more when front and sides of the unit are clear



\*2 When any 2 sides of left, right and rear of the unit are clear



1340 Satellite Boulevard, Suwanee, GA 30024  
Toll Free: 800-433-4822 www.mehvac.com





35 Mark St. Portsmouth  
Existing Conditions of Detached 2-car garage





35 Mark St. Garage. Existing Condition (above) vs. Proposed (below)





Proposed

2

GARAGE: SIDE ELEVATION (PLAY YARD)

1/4" = 1'-0"



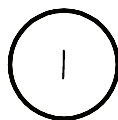
Existing Conditions

2 GARAGE: SIDE ELEVATION (PLAY YARD)  
1/4" = 1'-0"

2nd FLR.  
T.O. SUBFLR.  
(EXIST'G)



Proposed



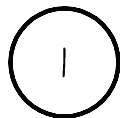
GARAGE: FRONT ELEVATION (MARK ST.)

1/4" = 1'-0"

2nd FLR.  
T.O. SUBFLR.  
(EXIST'G)



Existing Conditions



GARAGE: FRONT ELEVATION (MARK ST.)

1/4" = 1'-0"

**171 AUSTIN ST**  
Board of Adjustment  
**DIMENSTIONAL RELIEF REQUEST**  
July 28, 2020

**FACTS**

- Total Number of Dwelling Units: **6**
- Lot Area: **6,970**
- Proposed project: **Replace existing back decks**
- Existing Land Use: **Multifamily (6-units)**
- Project Representative:

Jason Chute  
Yeaton Flats, LLC  
7 Squire Way  
Exeter, NH 03833  
C: (603) 793-7292  
Jason@YeatonFlats.com

- Dimensions of Existing and Proposed:
  - Existing Deck Structure: 8' W x 23' 6" L x 29' 3" H (plus steps on the ground level extending an additional 36")
  - Proposed Deck Structure: **9' 6" W x 29' 6" L x 29' 3" H** (plus steps on the ground level extending an additional 36")
- Setbacks (more or less):
  - FRONT (Austin St) – **67'**
    - Existing: 43'
    - Proposed: 43'
  - LEFT SIDE (Cabot St) – **101.5'**
    - Existing: 36'6"
    - Proposed: 30'6"
  - BACK (State St) – **64.1'**
    - Existing: 59'
    - Proposed: 57' 6"
  - RIGHT SIDE (Winter St) – **110'**
    - Existing: **7'**
    - Proposed: **7'**

**171 AUSTIN ST**  
Board of Adjustment  
**DIMENSTIONAL RELIEF REQUEST**  
July 28, 2020

**NARRATIVE**

**PROPERTY**

171 Austin St is located in the General Residence C District. The lot size is 6,970 sq ft. and is shown on Tax Map 145, as Lot 92. Currently there exists a 6-unit multifamily building with rear decks. The rear deck is nonconforming as it encroaches on the right side yard by a few feet.

**PROPOSED**

The applicant proposes to demolish a nonconforming 3-story deck and replace it with a slightly larger 3-story deck. The new deck will have a 7' setback along the right side, *the same as the existing*, but will extend 1.5' farther along the right side setback. The left side of the deck will be expanded by 6', but there are no encroachment issues of the deck on the rear or left side.

Because the structure is being expanded, a variance of Article 3, Section 10.233 is required to allow expansion of the nonconforming structure due to the existing and proposed right side setback of 7'.

**10.233 VARIENCES**

The applicant believes that the five (5) criteria necessary for the board to grant the required variances are met within the application.

**10.233.21.** Granting the requested variance will not result in a substantial change to the characteristics of the neighborhood, nor will public health, safety and welfare be threatened. In essence, the proposal is to replace the structure with an almost identical structure in the same location, with a slightly larger footprint allowing for more useable outdoor space for residents and safer, more functional stairs to the ground-level.

**10.233.22.** Because the essential characteristics of the neighborhood will not be substantially altered, and because the public health, safety and welfare will not be threatened, granting the requested variances would be within the spirit and intent of the ordinance and would not be contrary to the public interest.

**10.233.23.** Granting the requested variance would result in substantial justice being done because the hardship upon the applicant were the variances denied is not outweighed by some benefit to the general public. Having a larger outdoor space certainly benefits the residents of 171 Austin St. Therefore, the hardship upon the owners were the application denied versus a perceived benefit to the general public benefit to the general public in denying the variance, it is clear there is no benefit to the general public in denying the requested variance.



**171 AUSTIN ST**  
Board of Adjustment  
**DIMENSTIONAL RELIEF REQUEST**  
July 28, 2020

**10.233.24.** Granting the requested variance would not result in any diminution in value of surrounding properties. In fact, we will be removing an unsightly structure and will be replacing it with something more in line with the renovated, neighboring properties on both sides.

**10.233.25.** There is a hardship inherent in the land due to special conditions of the lot combined with the placement of the existing structures thereon. The building itself was built c.1843. The building construction predates Portsmouth's first zoning ordinance and thus there were no setback requirements. The placement of the building, and location of unit deck doors limits the applicant's ability to meet today's zoning ordinance. As well as the existing condition of the decks is so poor, the existing stairs do not, and cannot meet code with the existing layout. The rise/run of the stairs is inconsistent and the clearances on the landings are too small (<36"). Furthermore, nothing can be saved from the existing structure, so the entire structure must be torn down and rebuilt. There is no fair and substantial relationship between the intent of the ordinance as it is applied to this particular lot and deck structure. The use is reasonable use being allowed by the zoning ordinance.

**CONCLUSION**

It is the applicant's position that the variance requested meets the five (5) criteria necessary for the Board to grant the variances are met within the application and it is respectfully requested that the application be granted as presented.

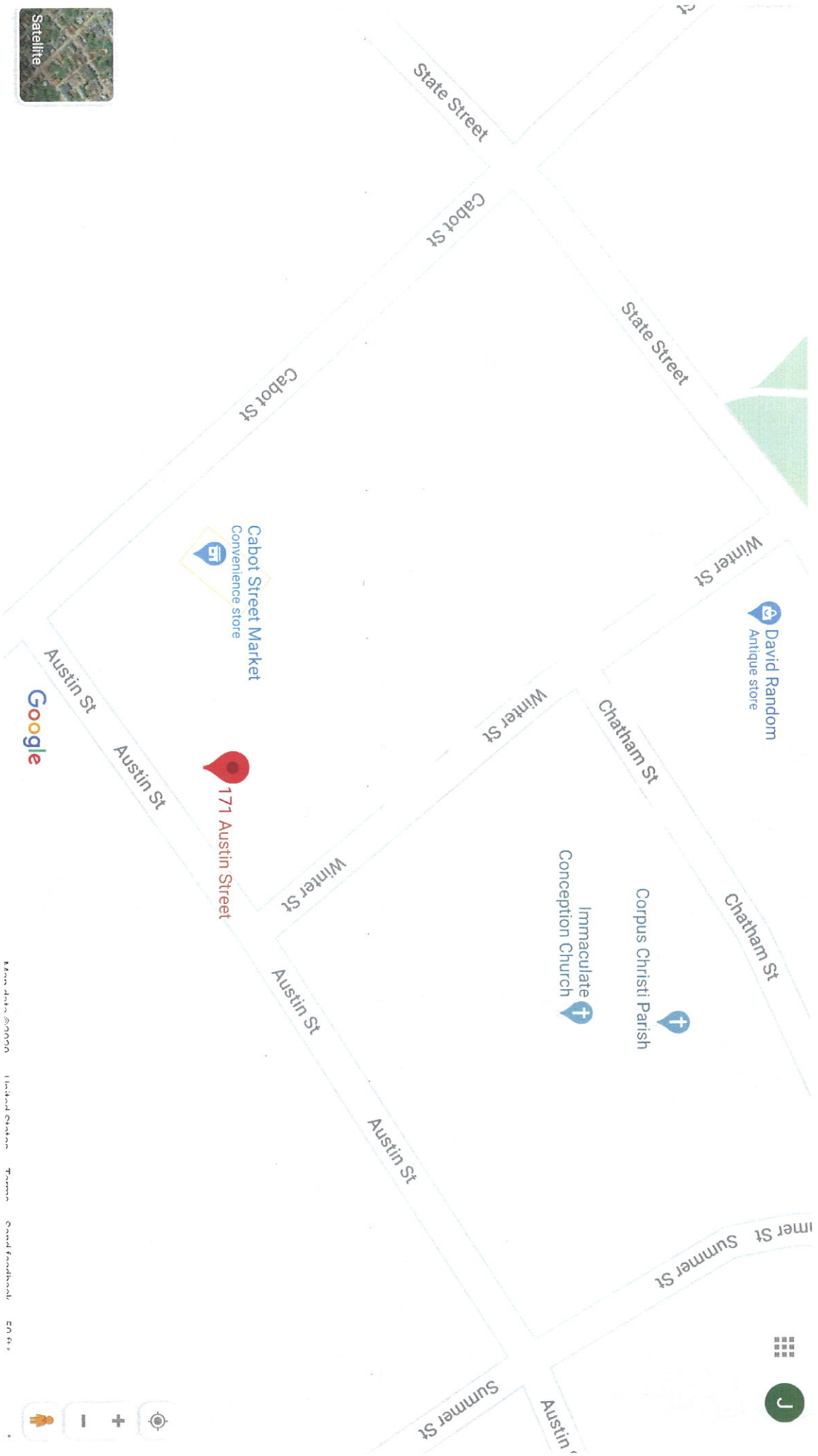
  
JASON CHUTE

**171 AUSTIN ST**  
Board of Adjustment  
**DIMENSTIONAL RELIEF REQUEST**  
July 28, 2020

- Total Number of Dwelling Units: **6**
- Lot Area: **6,970**
- Proposed project: **Replace existing back decks**
- Existing Land Use: **Multifamily (6-units)**
- Project Representative:

Jason Chute  
Yeaton Flats, LLC  
7 Squire Way  
Exeter, NH 03833  
C: (603) 793-7292  
Jason@YeatonFlats.com

- Dimensions of Existing and Proposed:
  - Existing Deck Structure: 8' W x 23' 6" L x 29' 3" H (plus steps on the ground level extending an additional 36")
  - Proposed Deck Structure: **9' 6" W x 29' 6" L x 29' 3" H** (plus steps on the ground level extending an additional 36")
- Setbacks (more or less):
  - FRONT (Austin St)
    - Existing: 43'
    - Proposed: 43'
  - LEFT SIDE (Cabot St)
    - Existing: 36'6"
    - Proposed: 30'6"
  - BACK (State St)
    - Existing: 59'
    - Proposed: 57' 6"
  - RIGHT (Winter St)
    - Existing: **7'**
    - Proposed: **7'**

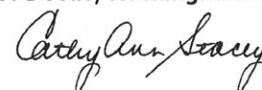


Google

Map data © OpenStreetMap contributors, Imagery © Mapbox



Return to:



LCHIP	ROA477019	25.00
TRANSFER TAX	RO094037	12,525.00
RECORDING		14.00
SURCHARGE		2.00

**WARRANTY DEED**

KNOW ALL BY THESE PRESENTS, that **171 AUSTIN STREET, LLC**, a New Hampshire Limited Liability Company, with a mailing address of 549 Route 1 Bypass, Portsmouth, New Hampshire 03801, for consideration paid, hereby grant to **YEATON FLATS, LLC**, a New Hampshire limited liability company of 7 Squire Way, Exeter, New Hampshire 03833 with **WARRANTY COVENANTS**, the following described premises:

A certain lot or parcel of land together with the buildings thereon, situate in said Portsmouth, County of Rockingham and State of New Hampshire, bounded and described as follows:

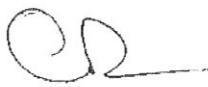
Southerly by Austin Street sixty-seven (67) feet, more or less; westerly by land now or formerly of Eva S. Drew one hundred one and five tenths (101.5) feet, more or less; northerly by land now or formerly of Winifred Raines sixty five (65) feet, more or less; easterly by land now or formerly of Francis L. Stevens and land now or formerly of Margaret W. Kimball, one hundred ten (110) feet, more or less.

*This is not homestead property.*

Meaning and intending to convey the same premises conveyed to the Grantor by deed of Karl M. Belilah and Gale A. Belilah dated November 6, 2006 and recorded in the Rockingham County Registry of Deeds at Book 4729, Page 2428.

Signed this 31st day of December, 2019.

171 Austin Street, LLC

By:   
Anthony DiLorenzo, Manager



**Property Information**

Property ID 0145-0092-0000  
 Location 171 AUSTIN ST  
 Owner YEATON FLATS LLC

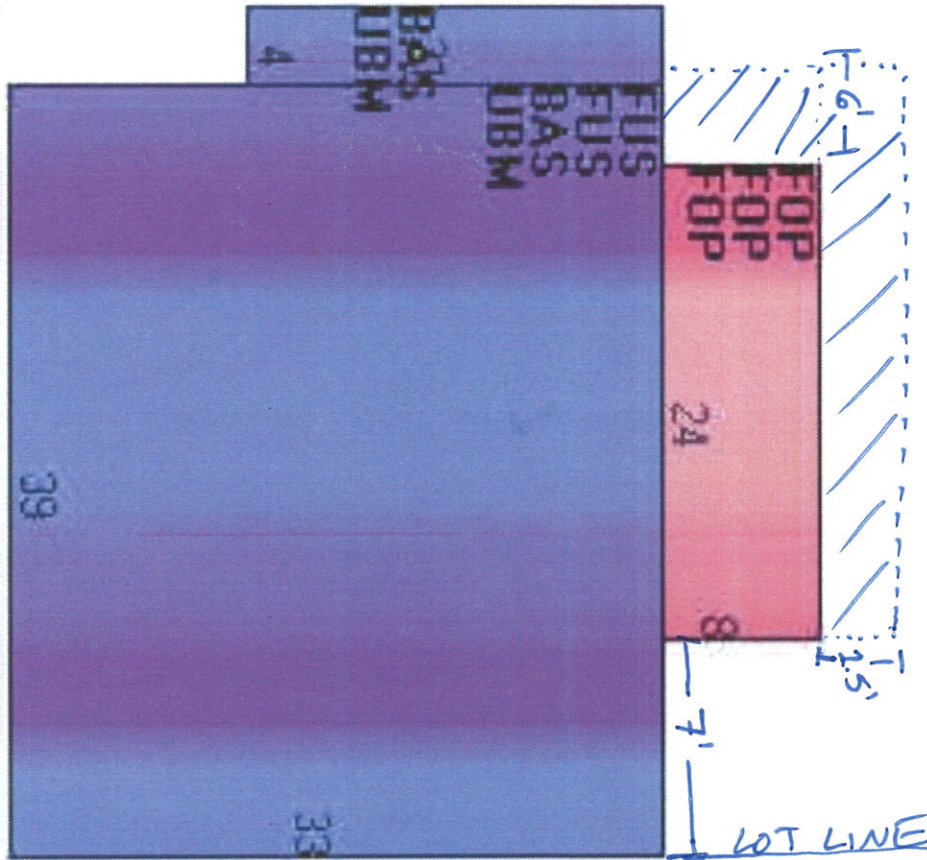


**MAP FOR REFERENCE ONLY  
 NOT A LEGAL DOCUMENT**

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 4/1/2019  
 Data updated 7/17/2019

DRIVEWAY  
(171 AUSTIN ST.)



General Notes

No.	Revisions/Issue	Date

Project Name and Address

JD. DESIGN

Project Name and Address

171 AUSTIN ST  
PORTSMOUTH NH  
03801

Project: 913

Date: 06/28/20

Scale: 1/4"=1'

SCALE 1/4" = 1'-0"



**STRUCTURAL NOTES:**

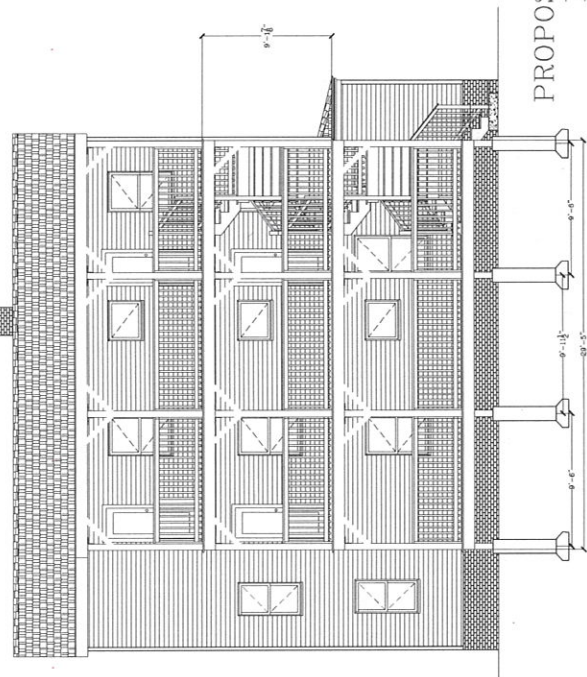
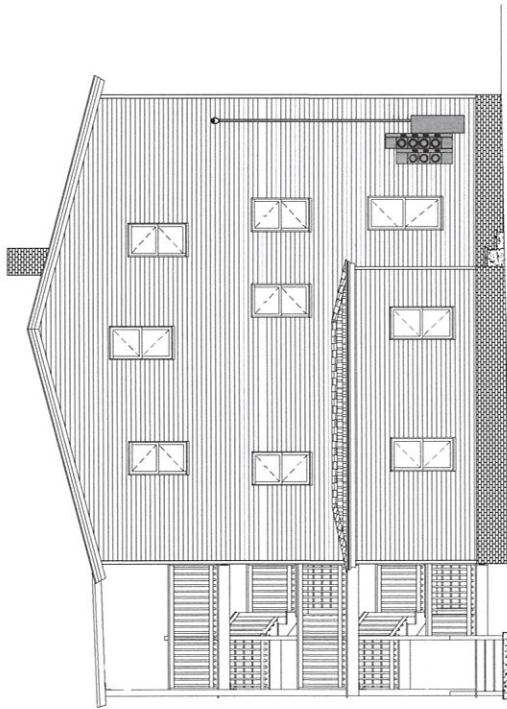
ALL WORK SHALL CONFORM TO THE LATEST NEW HAMPSHIRE STATE BUILDING CODE AND THE INTERNATIONAL BUILDING CODE. ALL FOUNDATIONS SHALL REST ON SOLID BEARING (MIN CAPACITY 27/50) WHERE RESTING ON FILL, SUCH FILL'S CAPACITY SHALL BE VERIFIED BY TESTS AND REPORTED IN WRITING BY THE ENGINEER. NOTIFY THE ENGINEER IF LESSER CAPACITY MATERIAL IS ENCOUNTERED BEFORE PROCEEDING WITH THE WORK. ALL WOOD SHALL BE PRESSURE TREATED SELECT STRUCTURAL GRADE LUMBER UNLESS OTHERWISE SPECIFIED IN DRAWINGS.

ALL LOADS AND LOADING CONDITIONS ARE PER IBC 2015

LVL BEAMS : FB=2650 PSI  
CONCRETE : FC=4000, PSI  
REINFORCEMENT : F60,000  
DIMENSIONAL LUMBER SHALL BE OF CONSTRUCTION GRADE OR BETTER. ALL EXPOSED WOOD SHALL BE PRESSURE TREATED. ALL EXPOSED CONNECTORS AND FASTENERS SHALL BE GALVANIZED. ALL STRUCTURAL COLUMNS ARE 6X4 PSI OR 3 5 PROVIDE BRACING OF ALL COLUMNS(STEEL AND TIMBER) AT EACH FLOOR LEVEL. USE SIMPSON HURRICANE TIES TO ATTACH ROOF RAFTERS TO THE WALL.  
ALL FASTENERS AND CONNECTORS SHOULD BE GALVANIZED. USE 4" O.C. @ EDGES AND 12" O.C. IN FIELD TO ATTACH ALL FLOOR AND ROOF PLYWOOD AND EXTERIOR SHEATHING CONTRACTOR TO PROVIDE SPECIFICATION FOR SIDE-LOADED CONNECTIONS. ALL COMBINED LVL PILES SHALL BE CONNECTED PER MANUFACTURER SPECIFICATION FOR SIDE-LOADED ASSEMBLIES. THE CONTRACTOR SHALL VERIFY ALL EXISTING FOUNDATIONS AND FOUNDATION CONDITIONS. NOTIFY THE ENGINEER OF ANY DISCREPANCY BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR SHALL PROVIDE ALL NECESSARY SHORING & BRACING UNTIL ALL STRUCTURAL WORK IS COMPLETE.

**GENERAL NOTES:**

A. IT WILL BE THE CONTRACTORS RESPONSIBILITY TO VERIFY AND EXECUTE ALL WORK IN STRICT ACCORDANCE WITH ALL NEW HAMPSHIRE STATE BUILDING CODE AND INTERNATIONAL BUILDING CODE. THE CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS ON THE JOB SITE BEFORE STARTING WORK AND TO COORDINATE WITH WORK ACCORDINGLY. THE CONTRACTOR SHALL NOTIFY THE ENGINEER AND THE DESIGNER PROMPTLY AND PRIOR TO ANY CONSTRUCTION. CONTRACTOR SHALL PROVIDE IN WRITING TO OWNER, ARCHITECT AND ENGINEER REQUEST FOR ADDITIONAL INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR UNDERSTOOD BY CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORK SHOWN IN THE CONTRACT DOCUMENTS EXCEPT WHERE SPECIFICALLY DESIGNATED TO BE DONE BY A SEPARATE SUBCONTRACTOR OR BY A CONTRACTOR WORKING DIRECTLY FOR THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING THE WORK OF THESE CONTRACTORS.  
D. THE GENERAL CONTRACTOR IS TO DO ALL CUTTING AND PATCHING OF EXISTING FLOOR, WALL, CEILING, ROOFS FOR ANY WORK TO BE DONE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CUTTING AND PATCHING IS NOT SPECIFICALLY IDENTIFIED IN THE DRAWINGS.  
E. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR INITIATING, MAINTAINING AND SUPERVISING ALL SAFETY AND PROGRAMS NECESSARY FOR THE COMPLETION OF THE WORK.  
F. ALL WORK TO BE CONSIDERED NEW WORK UNLESS INDICATED OTHERWISE. CONTRACTOR SHALL VERIFY WITH OWNER AND ARCHITECT THAT ALL EXISTING CONDITIONS ARE AS SHOWN. VERIFICATION SHALL BE PROVIDED IN A WRITTEN FORMAT ALONG WITH THE CONTRACT DOCUMENTS.  
G. THE GENERAL CONTRACTOR SHALL FILE FOR AND SECURE ALL APPROVALS, PERMITS AND CERTIFICATES OF COMPLIANCE AS REQUIRED AND PAY FOR SUCH FEES.  
H. THE CONTRACTOR SHALL BE RESPONSIBLE FOR A COMPLETE AND THOROUGH CLEAN-UP AT THE END OF THE PROJECT, AND FOR DAILY CLEAN-UP OF CONSTRUCTION DEBRIS.  
I. THE GENERAL CONTRACTOR IS TO ENSURE WHERE EXISTING FOUNDATIONS ARE FOUND TO BE UNSATISFACTORY, THE CONTRACTOR IS TO REPAIR AND PATCH EXISTING CONSTRUCTION WITH FIRE RESISTIVE CONSTRUCTION OF SAME OR HIGHER RATING.



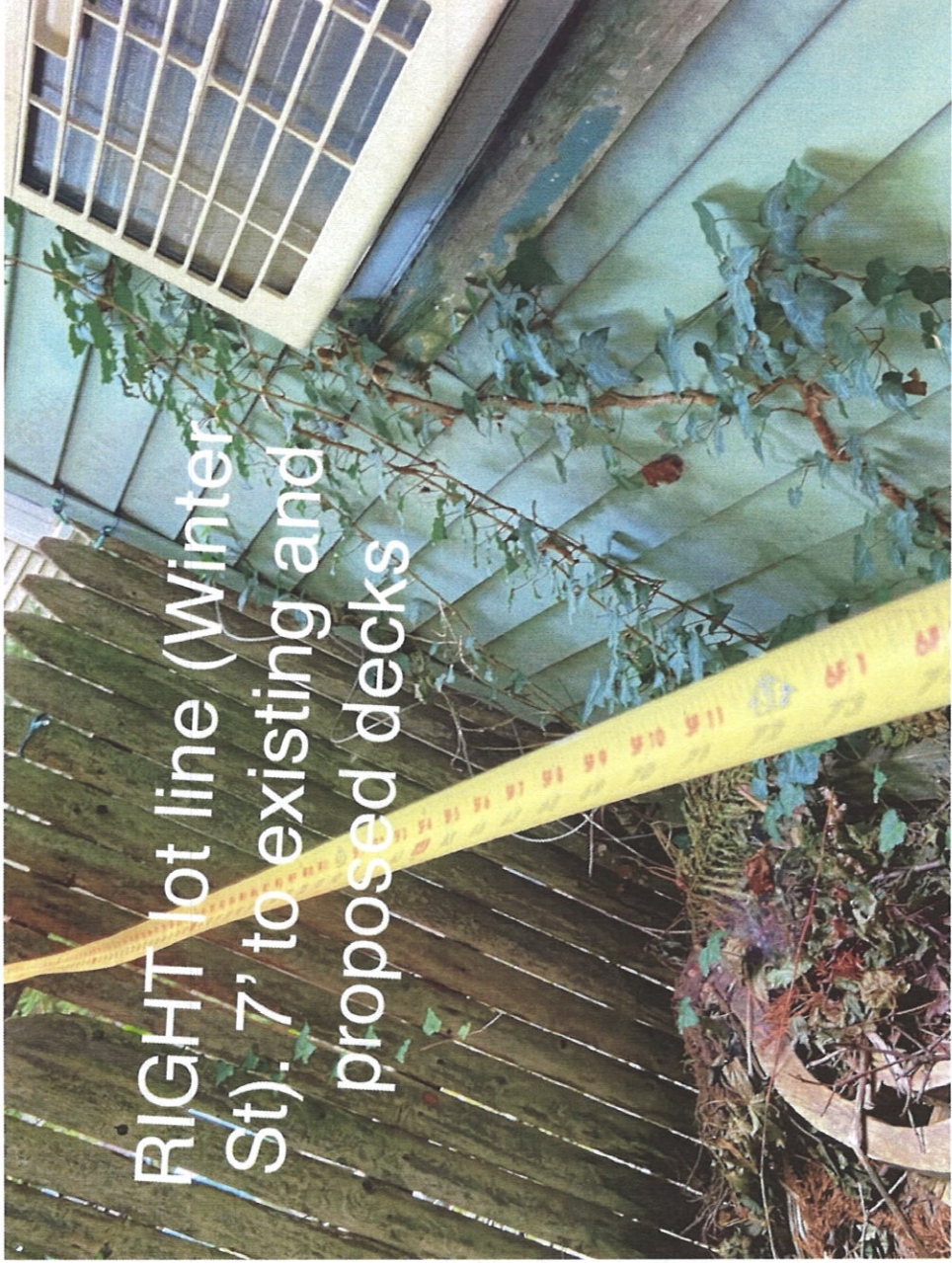
PROPOSED PORCH  
ELEVATIONS



RIGHT lot line  
(Winter St). 7' to  
existing and  
proposed decks

RIGHT LOT LINE ①



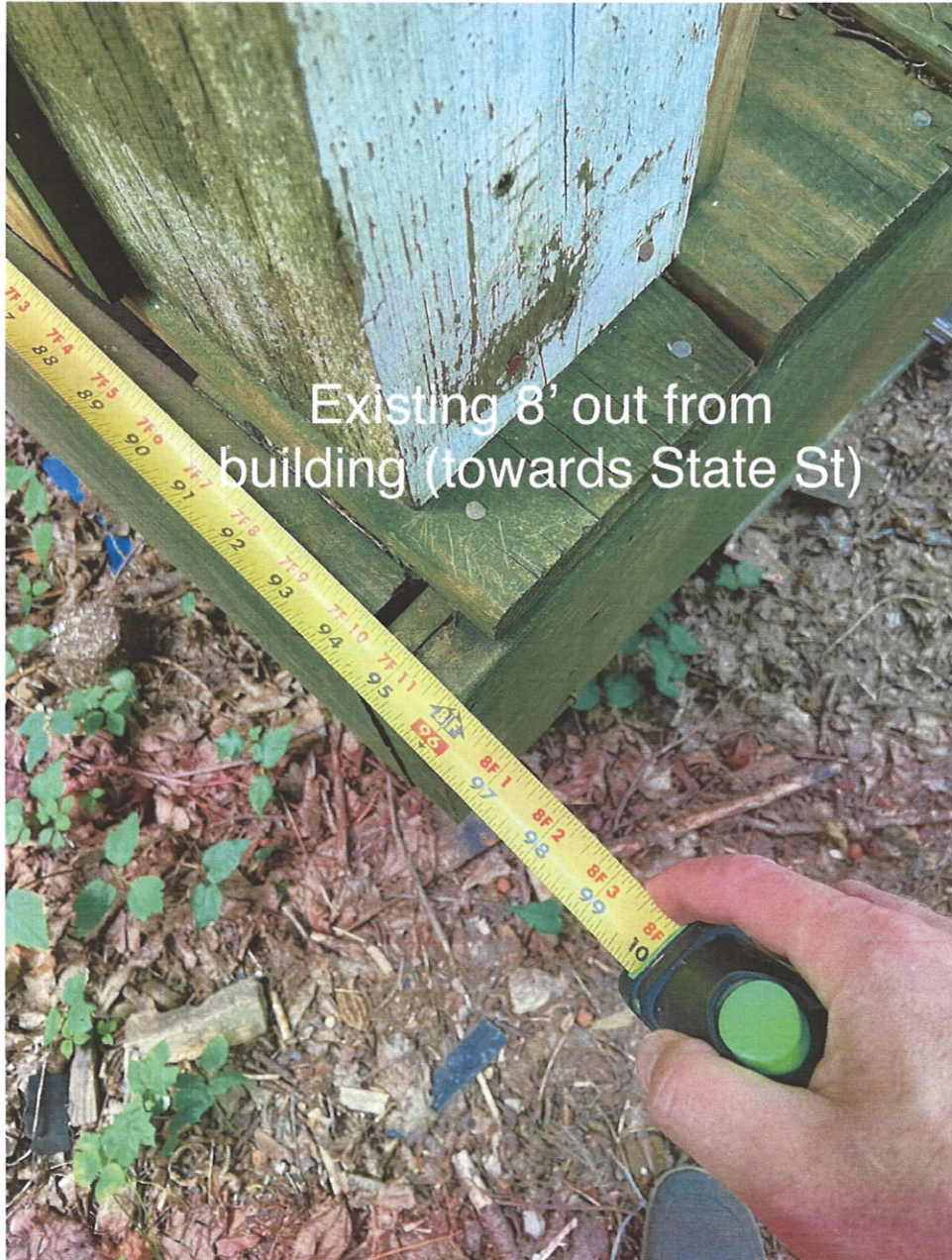


RIGHT lot line (Winter St). 7' to existing and proposed decks

RIGHT LOT LINE (2)



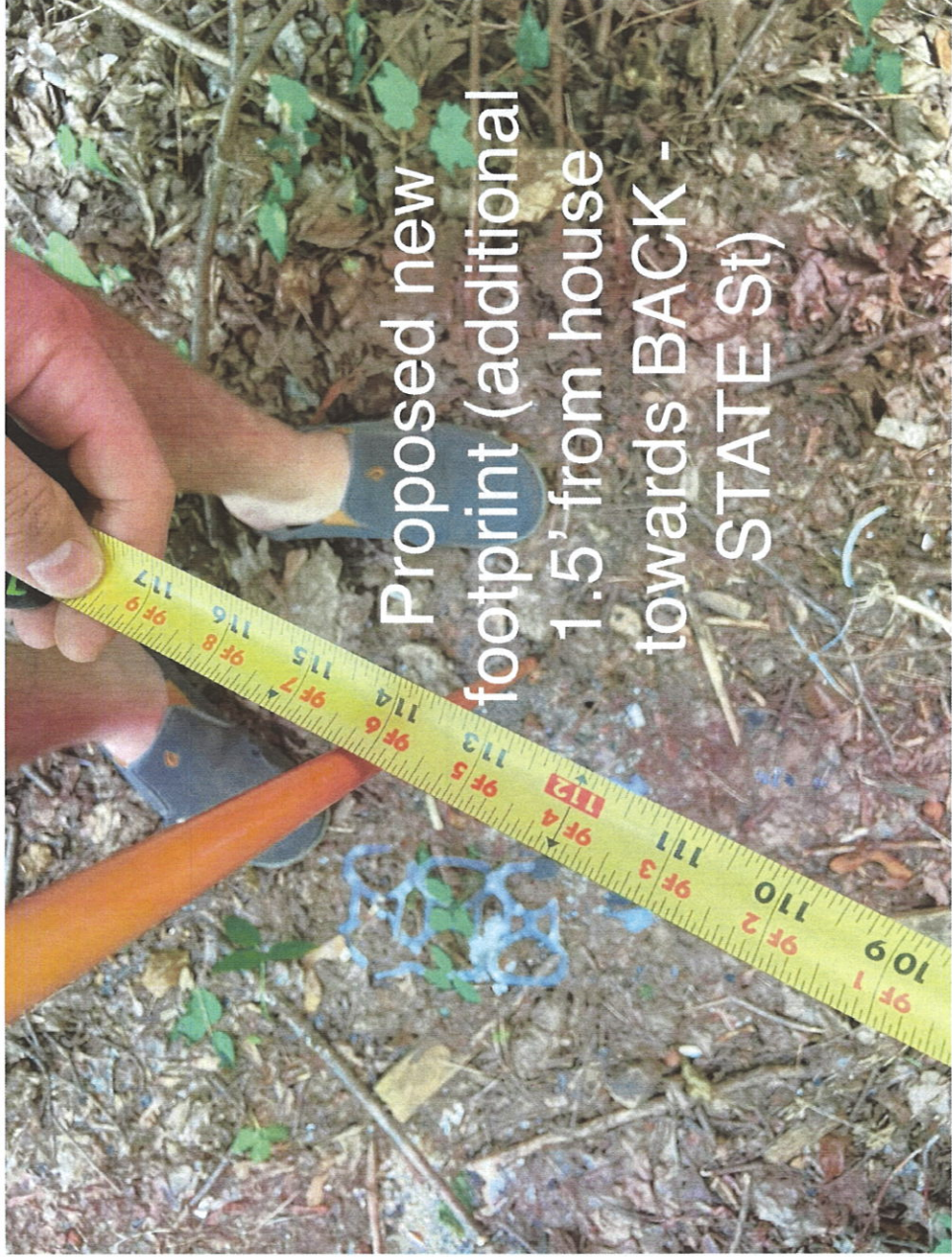
EXISTING WIDTH ①



EXISTING WIDTH (2)



PROPOSED WIDTH ①



Proposed new footprint (additional 1.5' from house - towards BACK - STATE St)

Proposed WIDTH ②



EXISTING + PROPOSED  
LENGTH (1)



PROPOSED LENGTH (2)

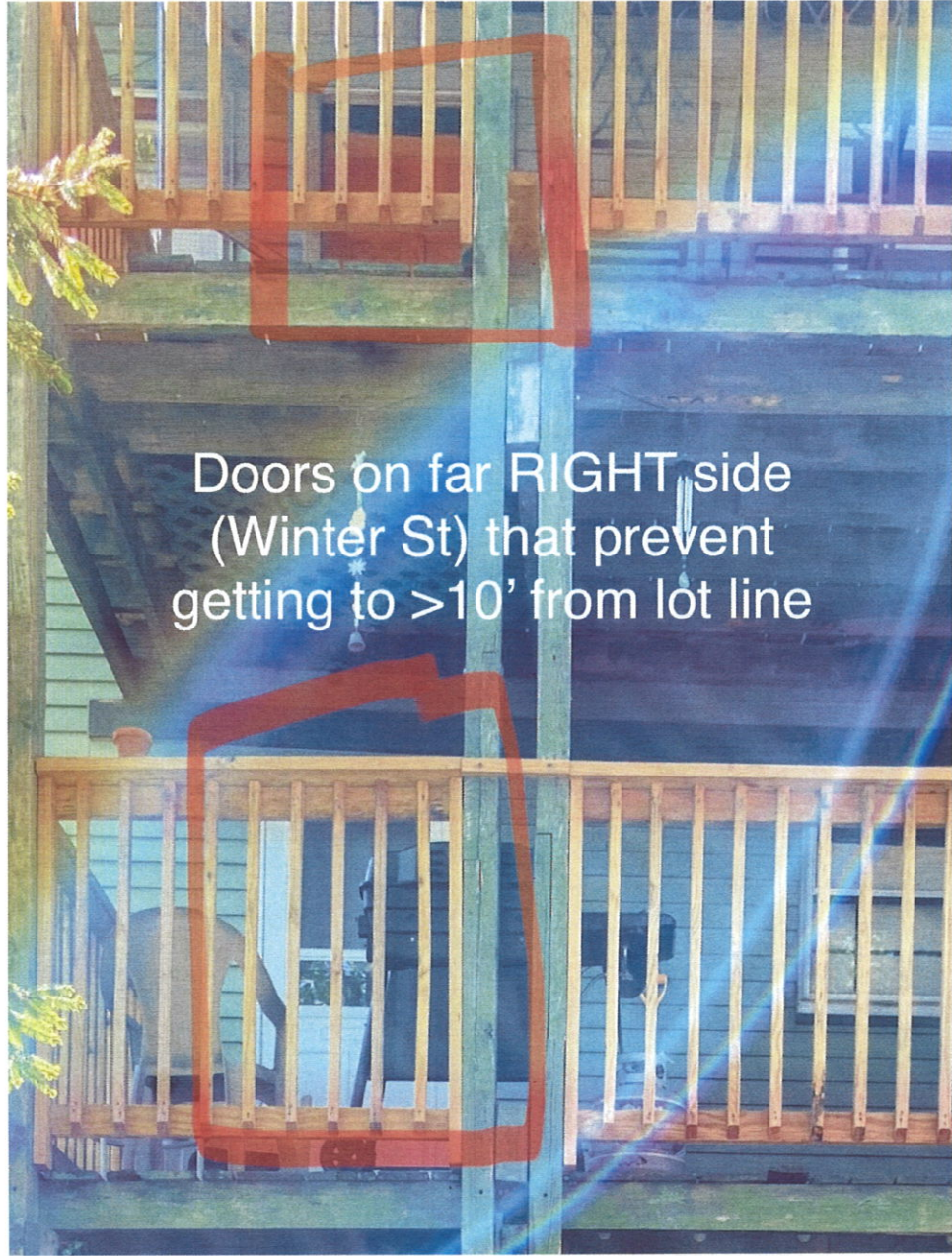


EXISTING + PROPOSED LENGTH w/ STEPS ③





PROPOSED LENGTH W/ STEPS (4)



Doors on far RIGHT side  
(Winter St) that prevent  
getting to >10' from lot line

EXISTING CONDITIONS (1)



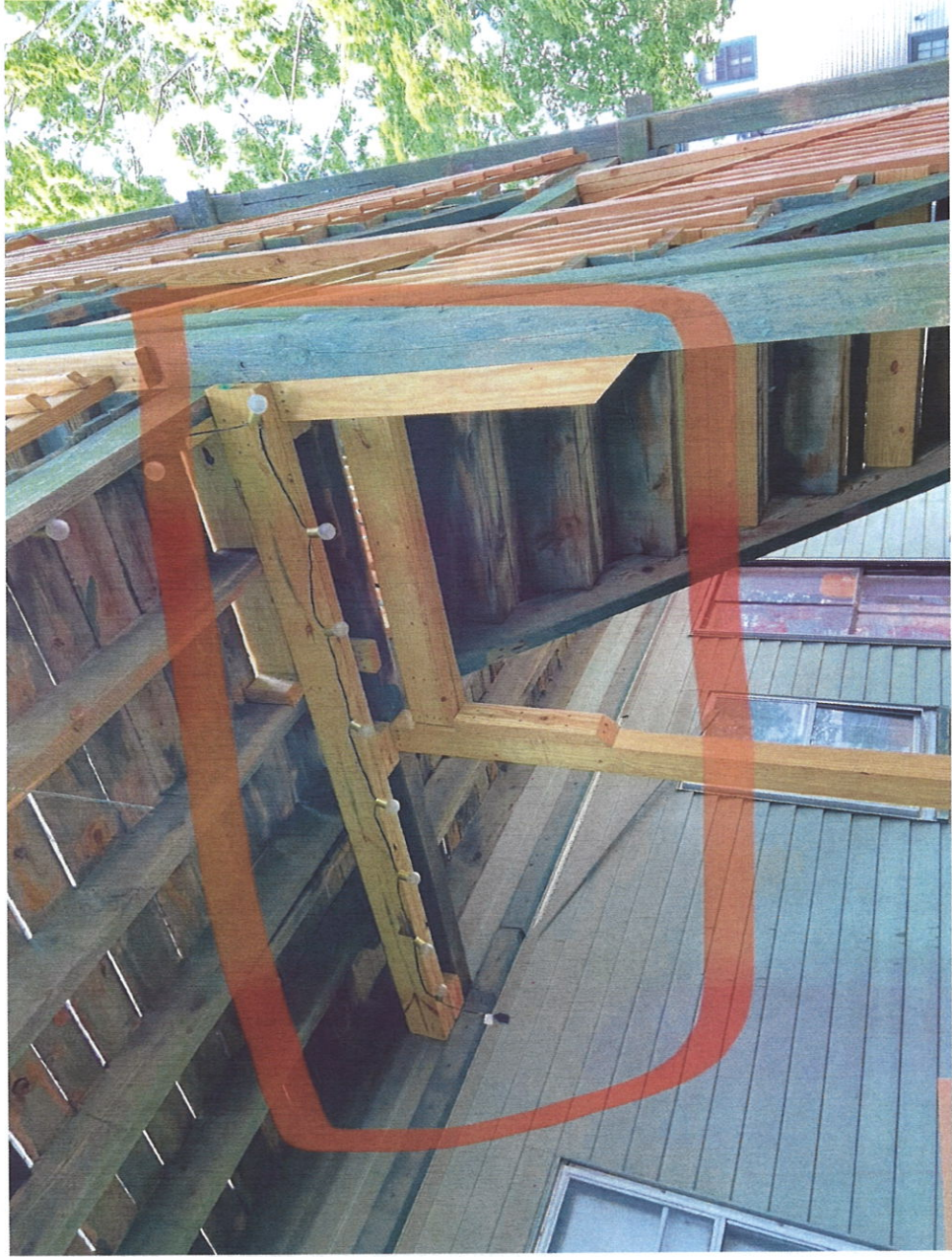
EXISTING CONDITIONS ②



EXISTING CONDITIONS ~~2~~ ③



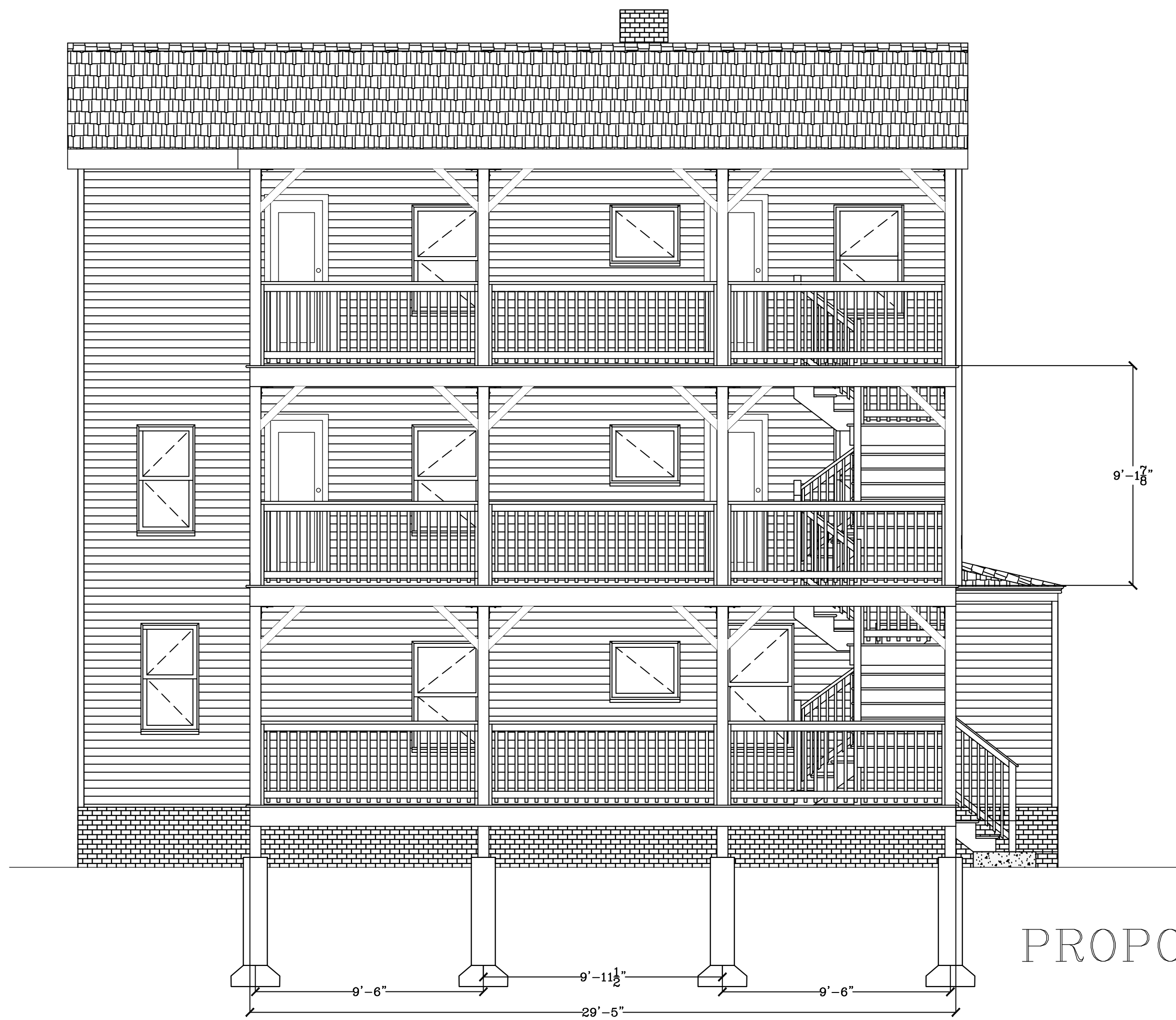
EXISTING CONDITIONS (4)



EXISTING CONDITIONS (S)



EXISTING CONDITIONS (6)



PROPOSED PORCH  
ELEVATIONS

**STRUCTURAL NOTES:**

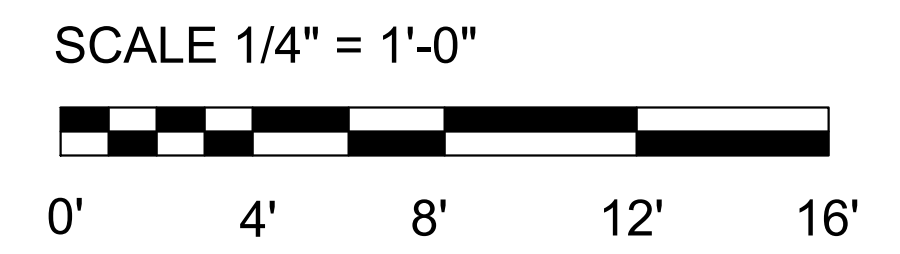
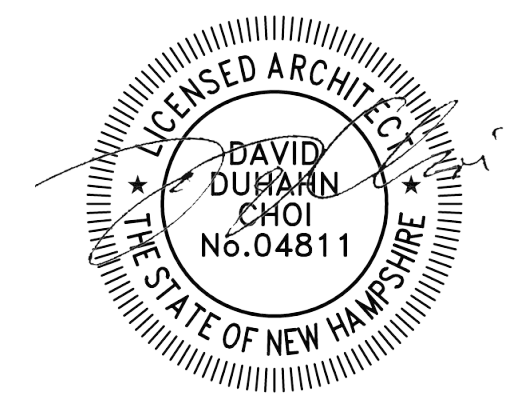
ALL WORK SHALL CONFORM TO THE LATEST NEW HAMPSHIRE STATE BUILDING CODE AND THE INTERNATIONAL BUILDING CODE. ALL FOUNDATIONS SHALL REST ON SOLID BEARING (MIN. CAPACITY 2T/SF). WHERE RESTING ON FILL, SUCH FILL'S MATERIAL & COMPACTION METHOD SHALL BE AS APPROVED IN WRITING BY THE ENGINEER. NOTIFY THE ENGINEER IF LESSER CAPACITY MATERIAL IS ENCOUNTERED BEFORE PROCEEDING WITH THE WORK. ALL WOOD SHALL BE PRESSURE TREATED SELECT STRUCTURAL FOR DECKS/PORCHES AND WHERE INDICATED IN DRAWINGS.

ALL LOADS AND LOADING CONDITIONS ARE PER IBC 2015

LVL BEAMS : FB=2650 PSL  
 CONCRETE : FC=4000 psi  
 REINFORCEMENT: FY=60 KSI  
 ALL DIMENSIONAL LUMBER SHALL BE OF CONSTRUCTION GRADE OR BETTER; ALL EXPOSED WOOD SHALL BE PRESSURE TREATED; ALL EXPOSED CONNECTORS AND FASTENERS SHALL BE GALVANIZED; ALL STRUCTURAL COLUMNS ARE 6X4 PSL OR 3.5" LALLY'S, UNO  
 PROVIDE BRACING OF ALL COLUMNS(STEEL AND TIMBER) AT EACH FLOOR LEVEL. USE SIMPSON HURRICANE TIES TO ATTACH ROOF RAFTERS TO THE WALLS.  
 NAILING AND FASTENING:  
 ALL FASTENERS AND CONNECTORS SHOULD BE GALVANIZED. USE 4" O.C. @ EDGES AND 12" O.C. IN FIELD TO ATTACH ALL FLOOR AND ROOF PLYWOOD AND EXTERIOR SHEATHING. CONTRACTOR MAY SUBSTITUTE SINGLE LVL BEAMS FOR COMBINATION OF 1.75"PILES. ALL COMBINED LVL PILES SHALL BE CONNECTED PER MANUFACTURER SPECIFICATION FOR SIDE-LOADED ASSEMBLIES. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS IN THE FIELD AND SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCY BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR SHALL PROVIDE ALL NECESSARY SHORING & BRACING UNTIL ALL STRUCTURAL WORK IS COMPLETE.

**GENERAL NOTES:**

- A. IT WILL BE THE CONTRACTORS RESPONSIBILITY TO VERIFY AND EXECUTE ALL WORK IN STRICT ACCORDANCE WITH ALL NEW HAMPSHIRE STATE BUILDING CODE AND, INTERNATIONAL BUILDING CODE AND OTHER REGULATIONS.
- B. DO NOT SCALE THE DRAWINGS. VERIFY ALL CONDITIONS AND DIMENSIONS ON THE JOB SITE BEFORE STARTING WORK AND TO COORDINATE WITH WORK ACCORDINGLY. THE CONTRACTOR SHALL REPORT ALL DISCREPANCIES TO THE ENGINEER AND THE DESIGNER PROMPTLY AND PRIOR TO ANY CONSTRUCTION. CONTRACTOR SHALL PROVIDE IN WRITING TO OWNER, ARCHITECT AND ENGINEER REQUEST FOR ADDITIONAL INFORMATION OF SCOPE OF WORK. IN THE ABSENCE OF THIS WRITTEN REQUEST, SCOPE OF WORK SHALL BE DETERMINED AS UNDERSTOOD BY CONTRACTOR.
- C. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR ALL WORK SHOWN IN THE CONTRACT DOCUMENTS EXCEPT WHERE SPECIFICALLY DESIGNATED TO BE DONE BY A SEPARATE SUBCONTRACTOR OR BY A CONTRACTOR WORKING DIRECTLY FOR THE OWNER. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR COORDINATING THE WORK OF THESE CONTRACTORS.
- D. THE GENERAL CONTRACTOR IS TO DO ALL CUTTING AND PATCHING OF EXISTING FLOOR, WALL, CEILING, ROOFS FOR ANY NEW PLUMBING HVAC, OR ELECTRICAL WORK, EVEN IF THE CUTTING AND PATCHING IS NOT SPECIFICALLY IDENTIFIED.
- E. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR INITIATING, MAINTAINING AND SUPERVISING ALL SAFETY PRECAUTIONS AND PROGRAMS NECESSARY FOR THE COMPLETION OF THE WORK.
- F. ALL WORK TO BE CONSIDERED NEW WORK UNLESS INDICATED OTHERWISE. CONTRACTOR SHALL VERIFY WITH OWNER AND ENGINEER SCOPE OF NEW WORK VERSUS EXISTING CONDITION TO REMAIN PRIOR TO COMMENCE OF WORK. THIS VERIFICATION SHALL BE PROVIDED IN A WRITTEN FORMAT ALONG WITH MARK-UPS ON PLANS
- G. THE GENERAL CONTRACTOR SHALL FILE FOR AND SECURE ALL APPROVALS, PERMITS AND CERTIFICATES OF COMPLIANCE AS REQUIRED AND PAY FOR SUCH FEES.
- H. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR A COMPLETE AND THOROUGH CLEAN UP AT THE END OF THE PROJECT, AND FOR DAILY CLEAN-UP OF CONSTRUCTION DEBRIS.
- I. THE GENERAL CONTRACTOR IS TO ENSURE WHERE EXISTING CONSTRUCTION IS TO REMAIN, FIRE RESISTIVE CONSTRUCTION IS TO BE COMPLETE AND UNINTERRUPTED. GENERAL CONTRACTOR IS TO REPAIR AND PARCH EXITING CONSTRUCTION WITH FIRE RESISTIVE CONSTRUCTION OF SAME OR HIGHER RATING.



General Notes

No.	Revision/Issue	Date

Firm Name and Address  
  
 JD.DESIGN

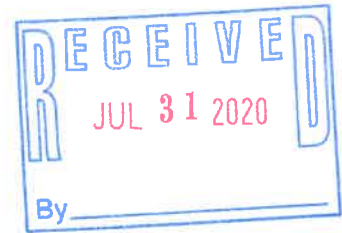
Project Name and Address  
 171 AUSTIN ST  
 PORTSMOUTH NH  
 03801

Project 913	Sheet A-1
Date 06/28/20	
Scale 1/4" = 1'	



Portsmouth, NH - Board of Adjustment Variance Statement for: 34 Rock Street

Zoning Board of Adjustment  
Planning Department City of Portsmouth 1 Junkins Ave.  
Portsmouth, NH 03801



To Zoning Board of Adjustment,

Please find this statement addressing the requirements for a variance on the proposed project located at 34 Rock Street.

Overview: The existing single-family structure is 1,976 square feet and was renovated in 2017. At the time, we left the existing bulkhead in the rear yard for access to the basement. We plan to build structure on top of that existing bulkhead foundation for easier access and a small shed next to it for storage.

This will be non-conforming structure. The current right, left and rear yard setbacks are currently non-complying. This small project would not increase that non-compliance. Currently our rear setback is 34". The new structure will be 48", a variance from Article 5, Section 10.521. Currently our side setbacks are 1' on the right side and 8' 5" on the left side. The new structure will be 2' on the right side and not impact the left side. The building coverage will increase by 43 square feet, which is already non-conforming. This is a variance from Article 5, Section 10.521 and will increase the coverage by ~2% from 988 square feet to 1,031. This will change the coverage from 57% to 59%. Note that the bulkhead existing foundation is there and that structure is not included in the current building coverage due to its height of 4' 7".

We have spoken with surrounding neighbors and have only heard support for the proposal so far. We can provide letters of support as needed.

Keeping in mind the 5 Criteria:

1. The new structure would be staying within the character of the neighborhood.
  - a. We restored the property in 2017 and have improved the character of the neighborhood. We will continue to do so with this project by using premium materials (cedar shingles, etc).
2. It would improve the safety and health of the homeowners and neighborhood.
  - a. The current structure is extremely old and is an access hazard for the owners. There is only access from inside, through the basement. The new structure should be safer for both the owners and community.
3. Substantial justice is done.

a. No harm will be done to the neighborhood or community should this application be granted

4. The values of the surrounding properties are not diminished.

a. We renovated the property in 2017 and have committed to the value of the neighborhood. This small but tasteful project will continue that trend.

5. Literal enforcement of the ordinance would result in unnecessary hardship

1. The existing structure is a home located on a small non-conforming lot; conforming to setbacks would restrict functional use for the owners.
2. The existing height of the structure is 4' 7". The new structure will be 9' and only a slightly larger footprint.

We encourage the Portsmouth Board of Adjustment to grant the variance for 34 Rock Street.

Respectfully,

Gregory LaCamera  
34 Rock Street  
Portsmouth, NH 03801

Front Left:



Front Center:



Right Side:



Back Left:

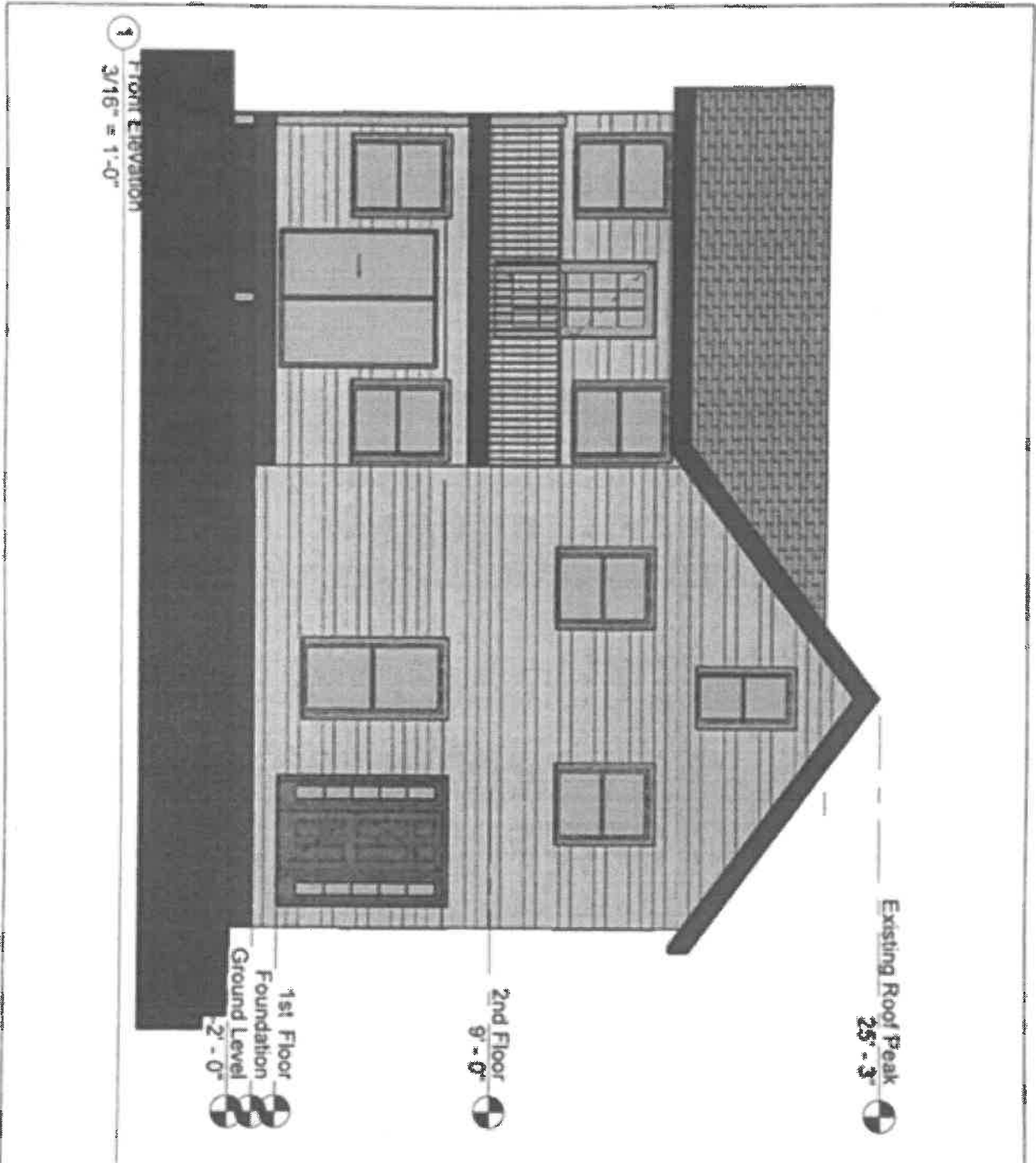


Back Bulkhead:



Back Right:





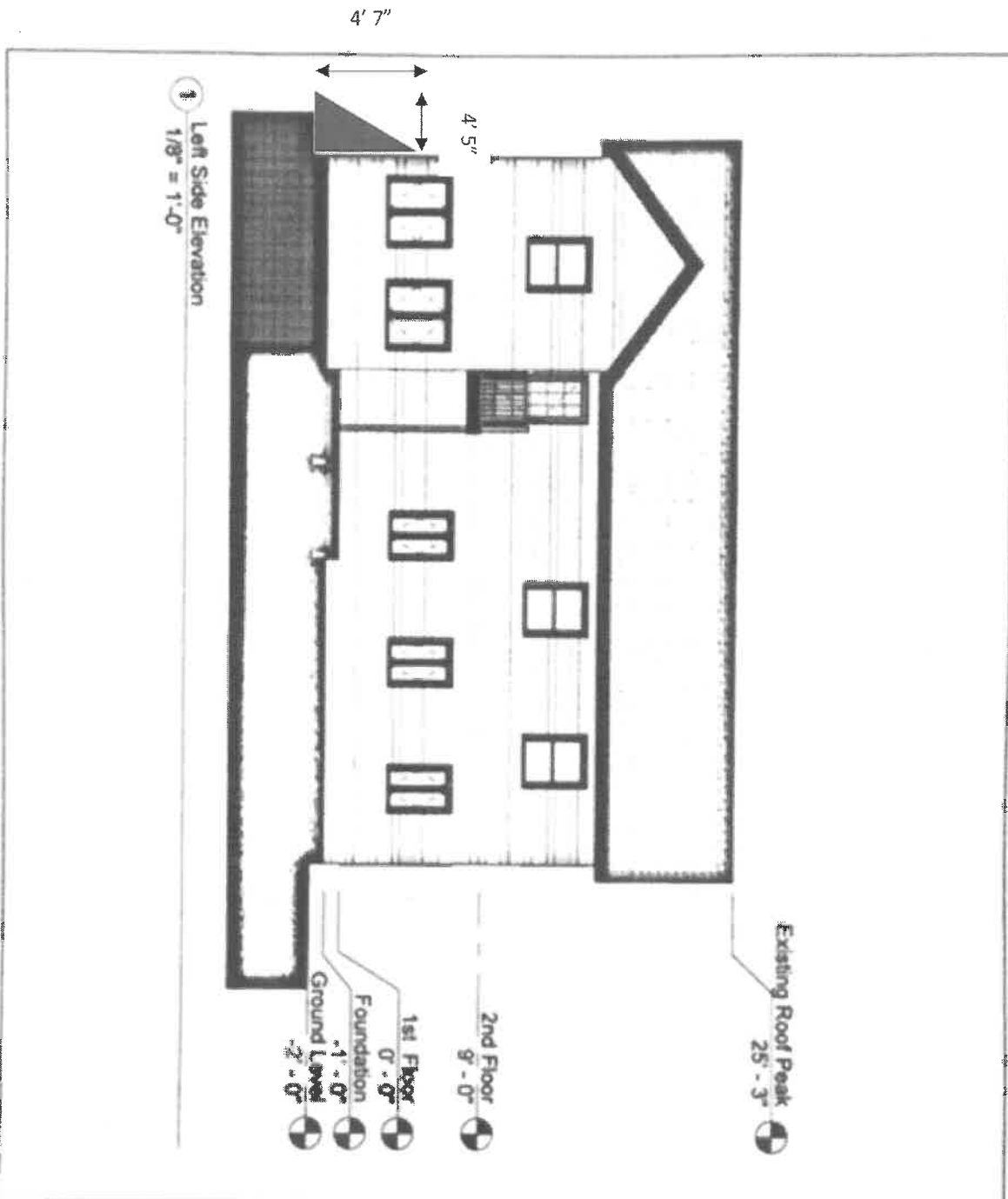
FRONT ELEVATION  
3/16" = 1'-0"

1st Floor  
Foundation  
Ground Level  
2'-0"

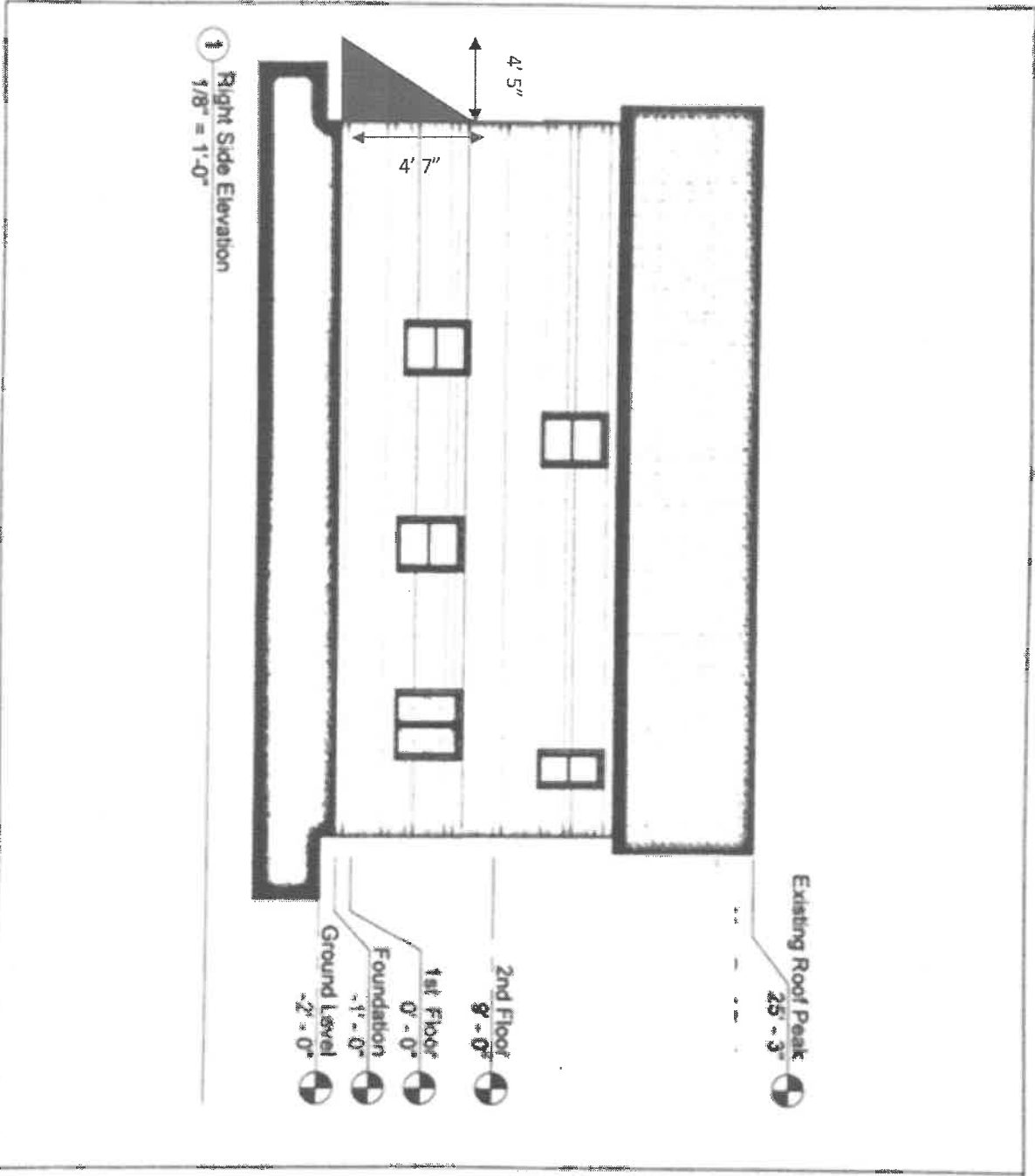
2nd Floor  
9'-0"

Existing Roof Peak  
25'-3"

	<b>C. Boudle Builders Rock St.</b>	<b>Front Elev.</b>	Existing
		Project number _____ Date <u>7/28/20</u> Drawn by _____ Checked by _____	GL EL
			<b>18</b> Scale 3/16" = 1'-0"



	C. Boudle Builders Rock St.	Left Side Elev.		Existing
		Project number	7/28/20	2B
		Date	GL	
		Drawn by	EL	
		Checked by	Scale 1/8" = 1'-0"	



1 Right Side Elevation  
1/8" = 1'-0"

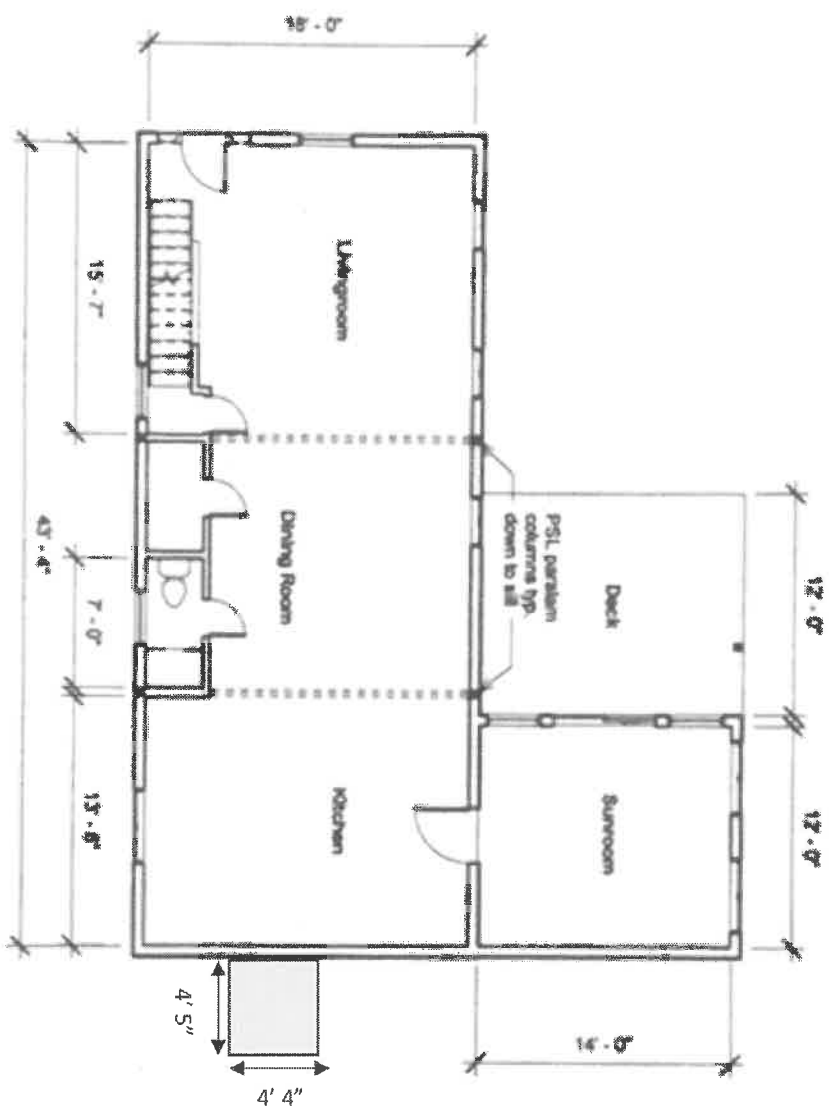
Existing Roof Peak  
25'-3"

2nd Floor 9'-0"  
1st Floor 0'-0"  
Foundation -1'-0"  
Ground Level -2'-0"

	C. Boudle Builders Rock St.	Right Side Elev.		Existing
		Project number		<b>3B</b>
Date	7/28/20	GL		
Drawn by		EL		
Checked by		Scale 1/8" = 1'-0"		



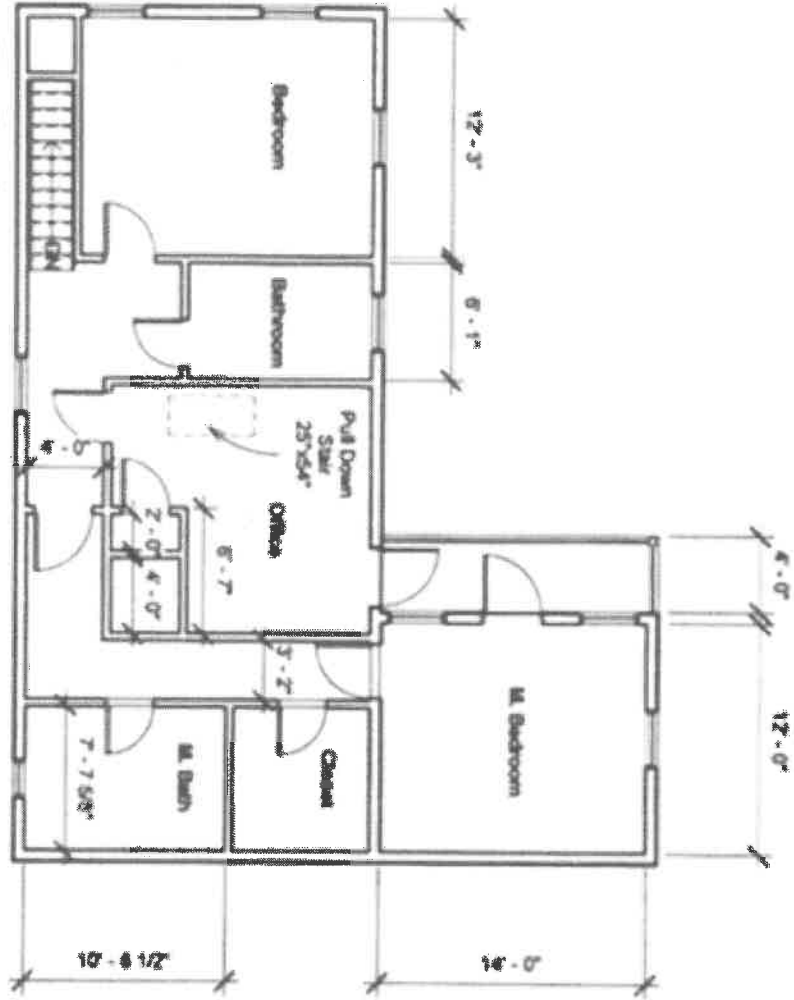
1 1st Floor Plan View  
 1/8" = 1'-0"



Existing Bulkhead

	<b>C. Boudle Builders</b> <b>Rock St.</b>	<b>1st Floor Plan</b>		Existing
		Project number Date Drawn by Checked by	7/28/20 GL EL	<b>4B</b> Scale 1/8" = 1'-0"

1 2nd Floor Plan View  
 1/8" = 1'-0"




**C. Boudle  
 Builders  
 Rock St.**

**2nd Floor Plan**

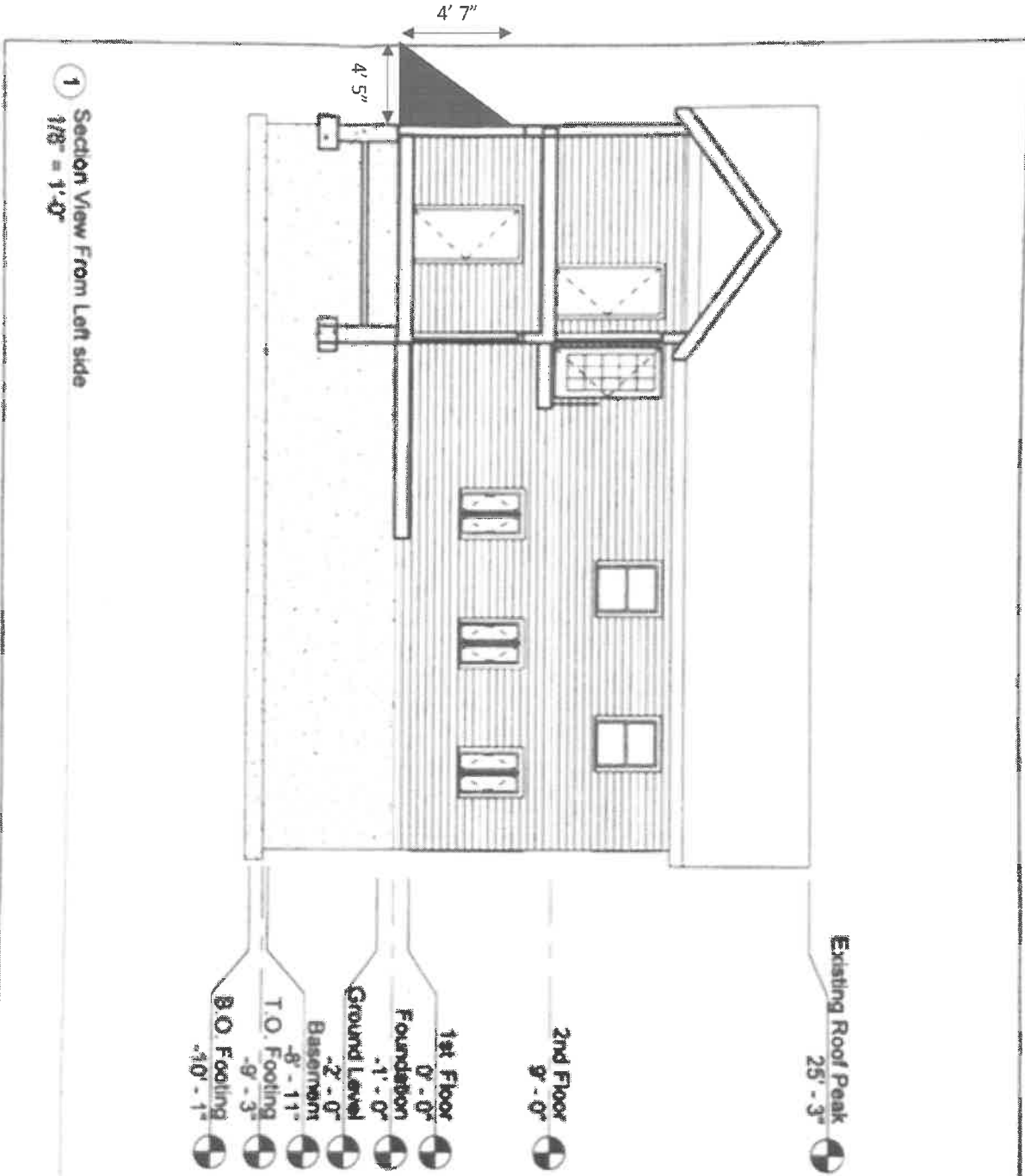
Existing

Project number  
 Date  
 Drawn by  
 Checked by

7/28/20  
 GL  
 EL

**5B**

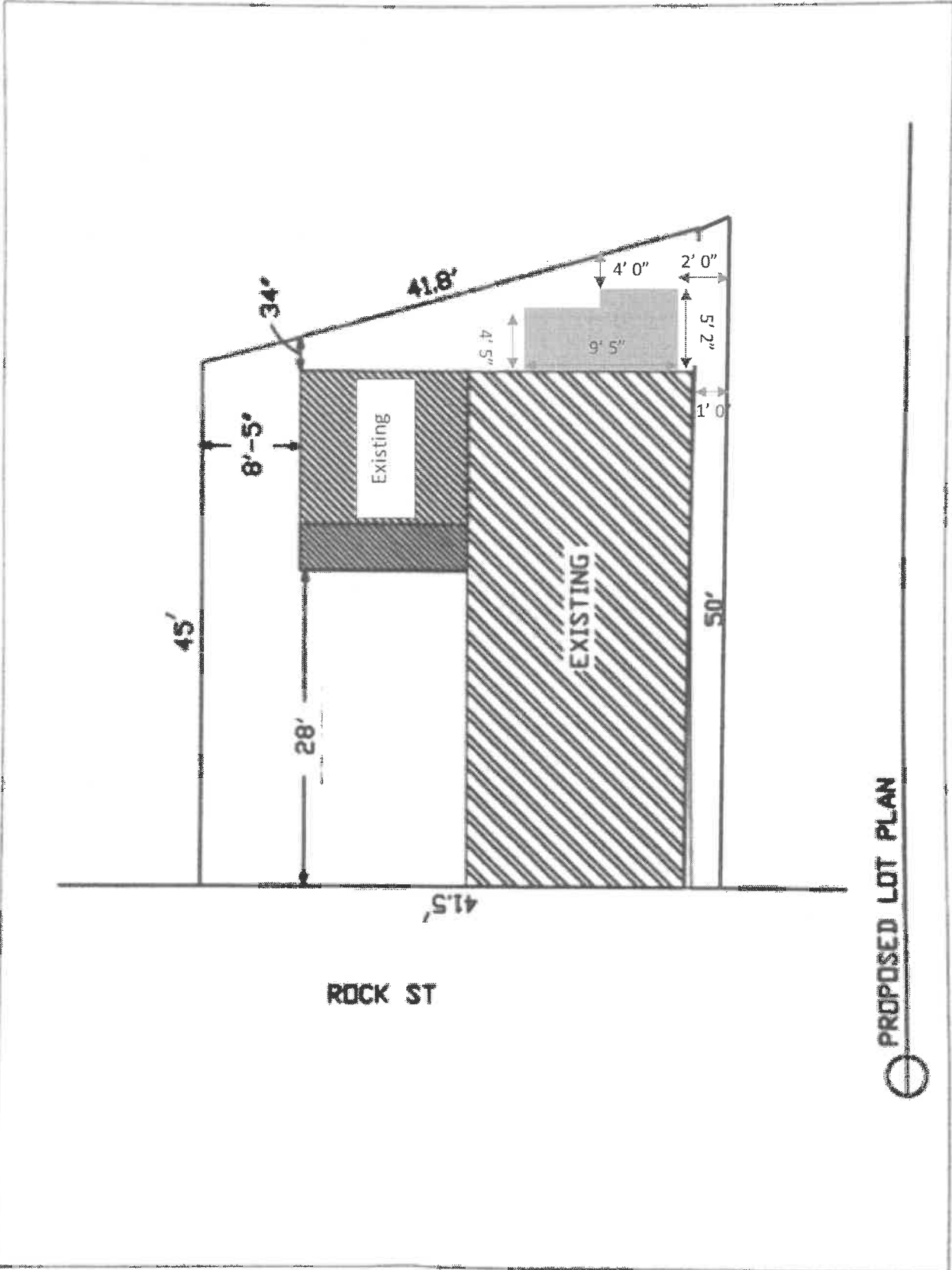
Scale 1/8" = 1'-0"

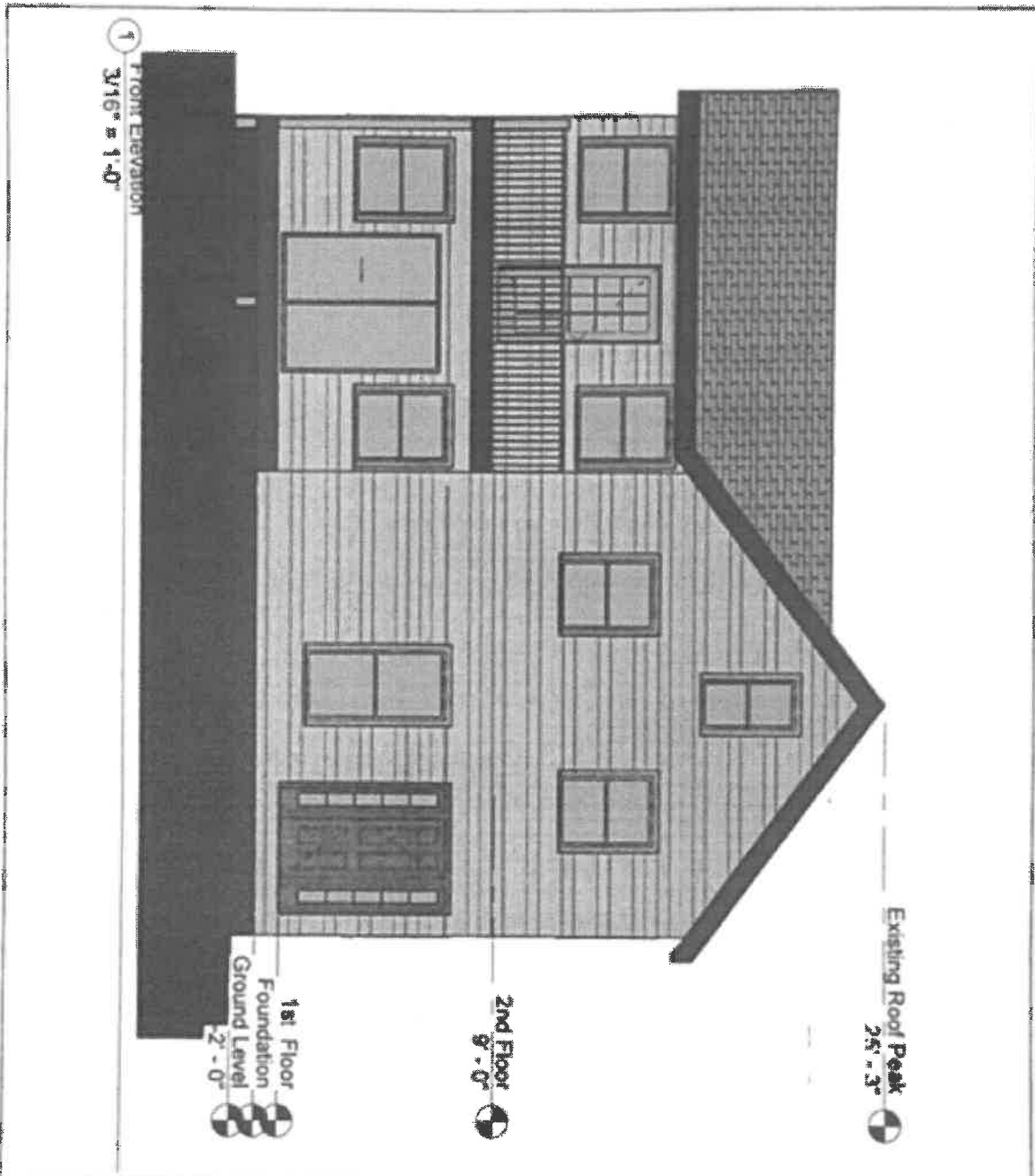


1 Section View From Left side  
1/8" = 1'-0"

- Existing Roof Peak 25' - 3"
- 2nd Floor 9' - 0"
- 1st Floor 0' - 0"
- Foundation -1' - 0"
- Ground Level -2' - 0"
- Basement -8' - 11"
- T.O. Footing -9' - 3"
- B.O. Footing -10' - 1"

	<b>C. Boudle Builders</b> <b>Rock St.</b>	<b>Section View 2</b>		Existing
		Project number	7/28/20	Existing
		Date	GL	<b>7B</b>
		Drawn by	EL	Scale: 1/8" = 1'-0"
		Checked by	EL	





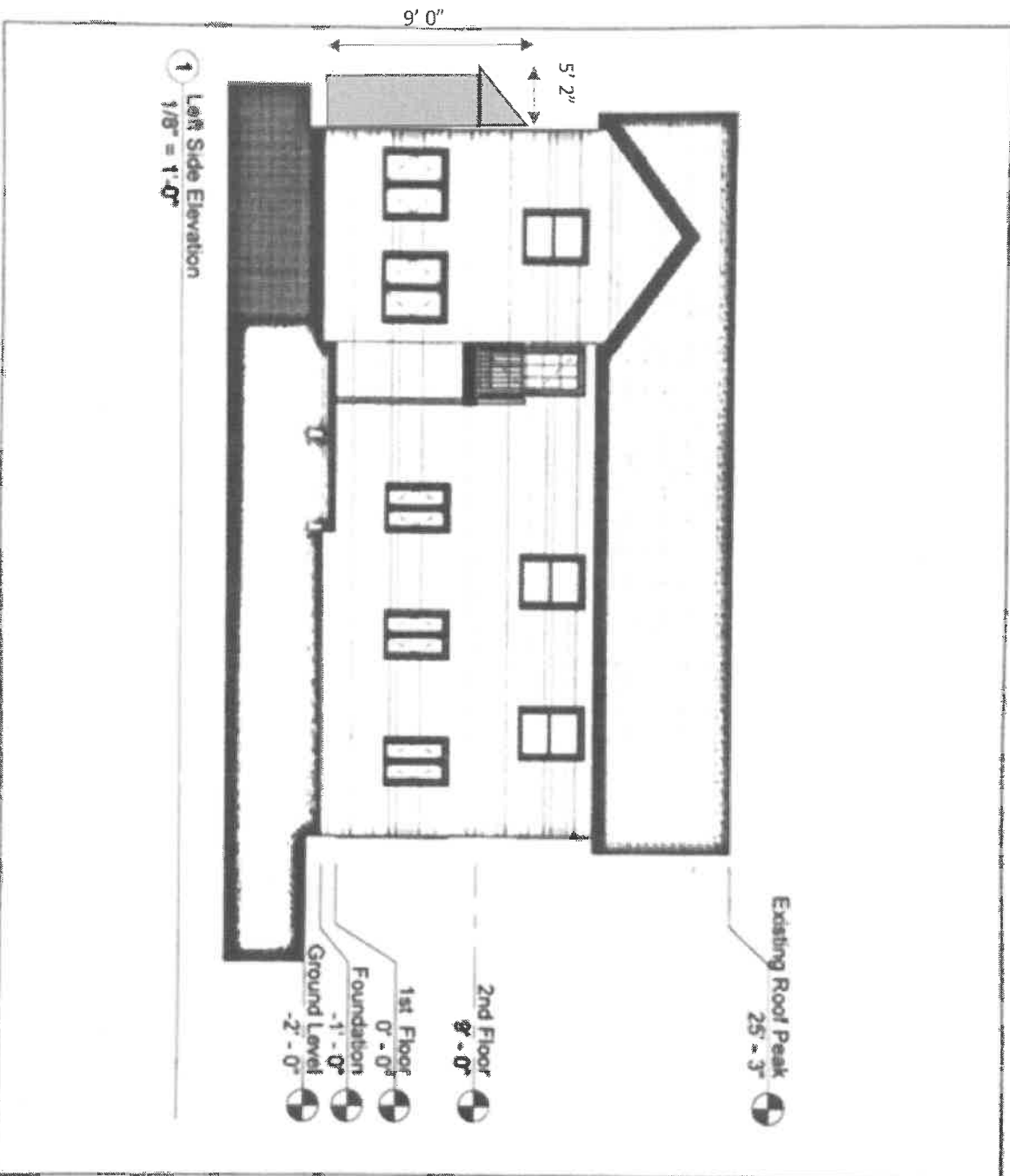
Project number  
Date  
Drawn by  
Checked by

**C. Boudle Builders**  
**Rock St.**

**Front Elev. Proposed** (no change)

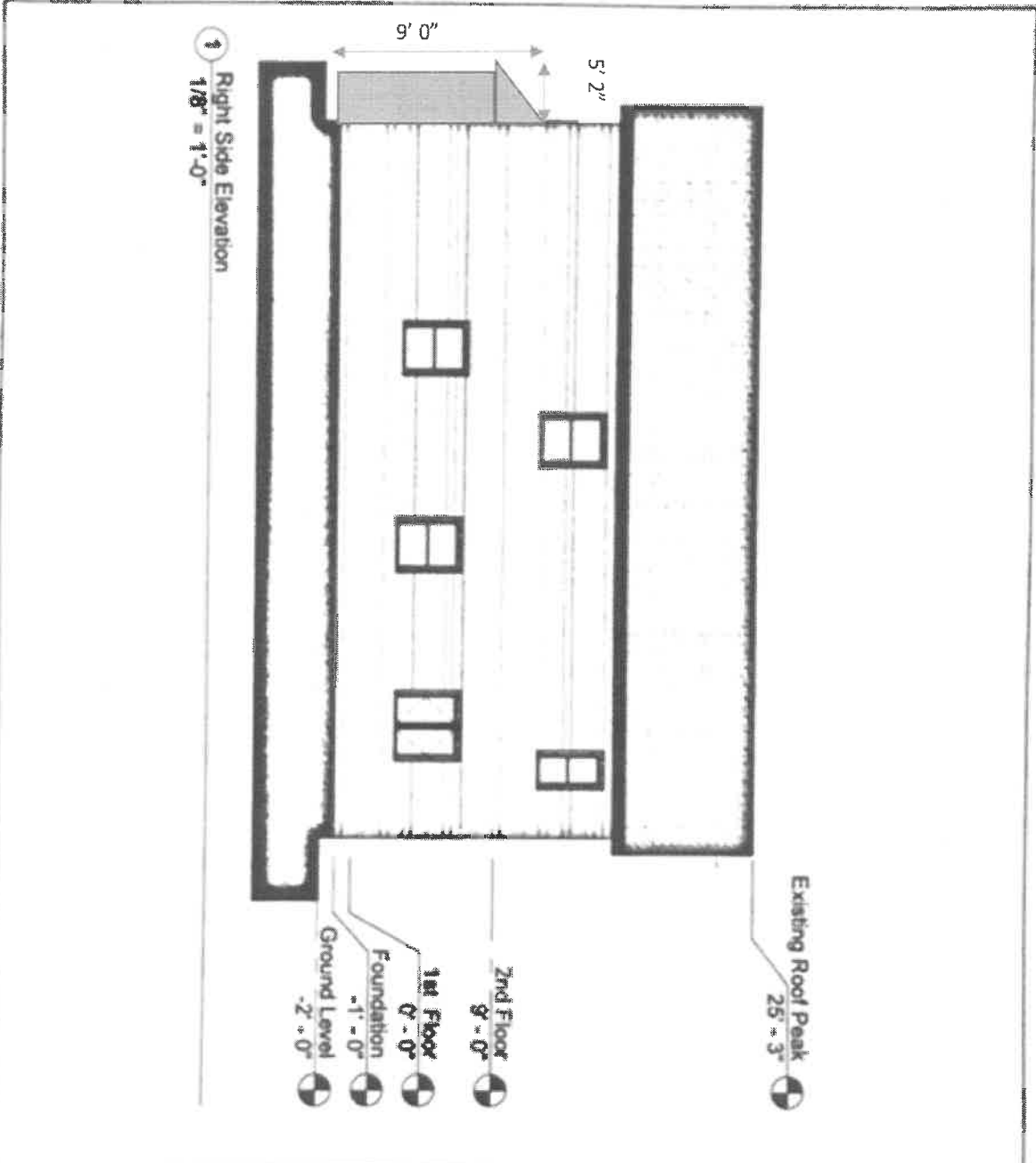
7/28/20  
GL  
EL

**1B**  
Scale 3/16" = 1'-0"



1 Left Side Elevation  
 1/8" = 1'-0"

	<b>C. Boudle Builders</b> <b>Rock St.</b>	<b>Left Side Elev. Proposed</b>		<i>(changes in green)</i> <b>2B</b>
		Project number Date Drawn by Checked by	7/28/20 GL EL	



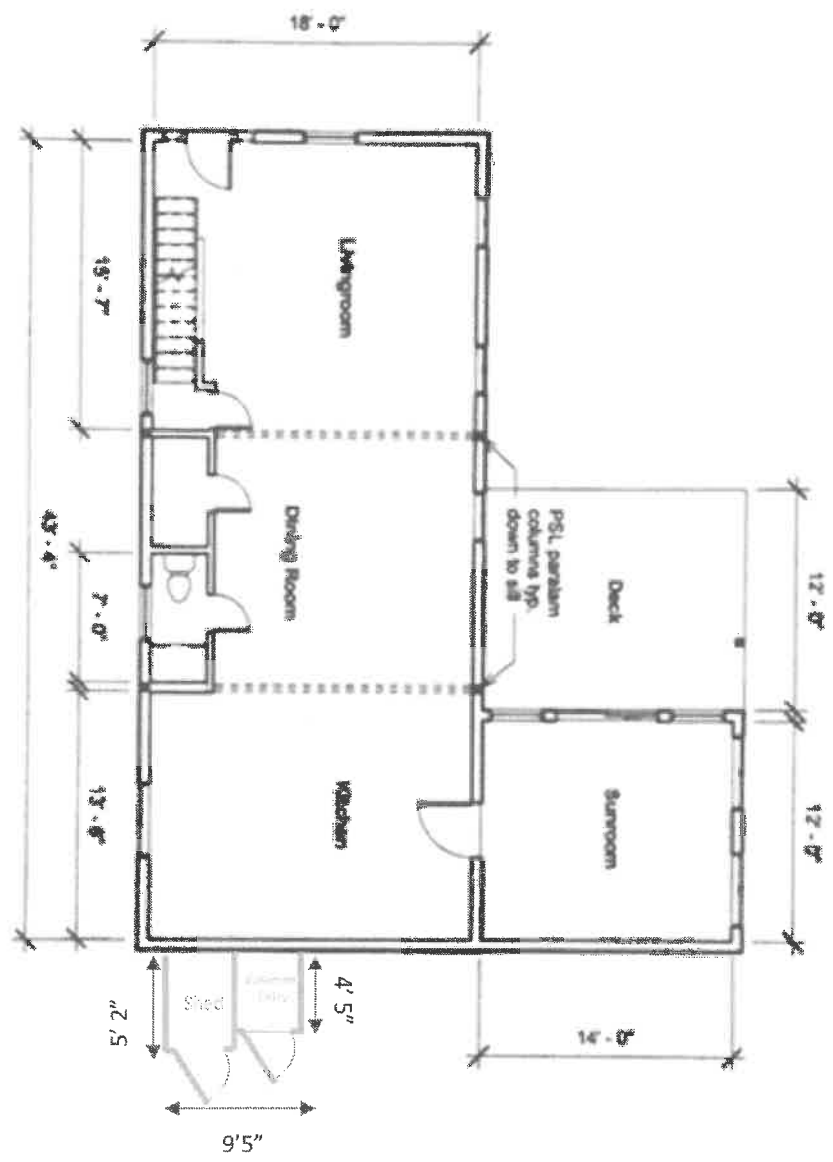
1 Right Side Elevation  
1/8" = 1'-0"

- Existing Roof Peak 25'-3"
- 2nd Floor 9'-0"
- 1st Floor 0'-0"
- Foundation -1'-0"
- Ground Level -2'-0"

	C. Boudle Builders Rock St.	Right Side Elev. Proposed		3B	Scale 1/8" = 1'-0"
		Project number	7/28/20		
		Date	GL		
		Drawn by	EL		
		Checked by			

(changes in green)

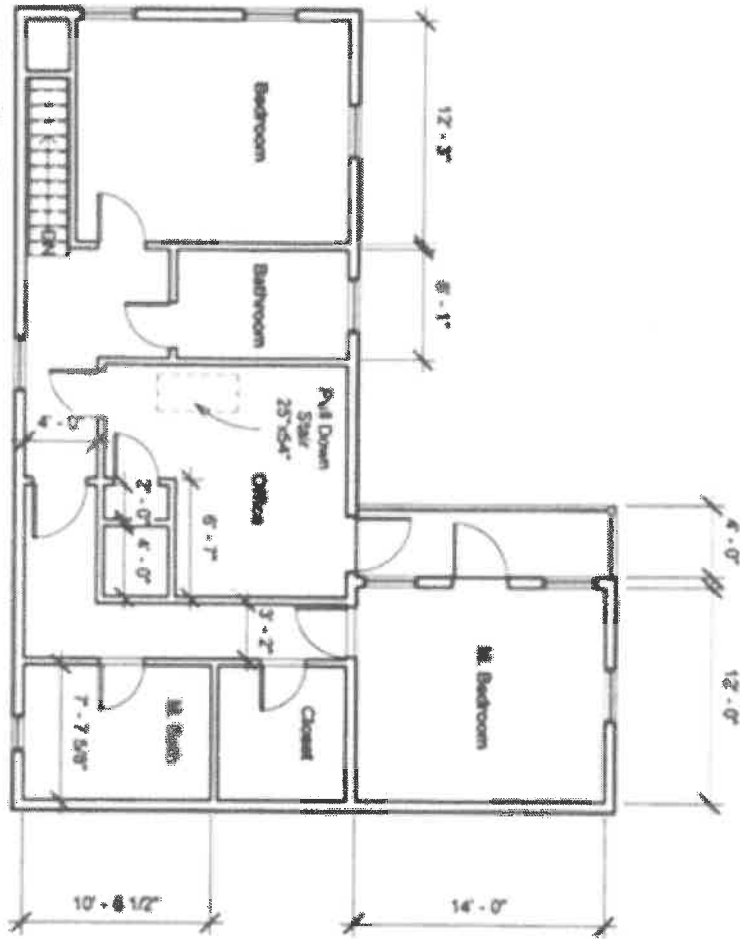
1 1st Floor Plan View  
1/8" = 1'-0"



	<b>C. Boudle Builders</b> <b>Rock St.</b>	<b>1st Floor Plan Proposed</b>		(changes in green)  <b>4B</b>
		Project number Date Drawn by Checked by	7/28/20 GL EL	

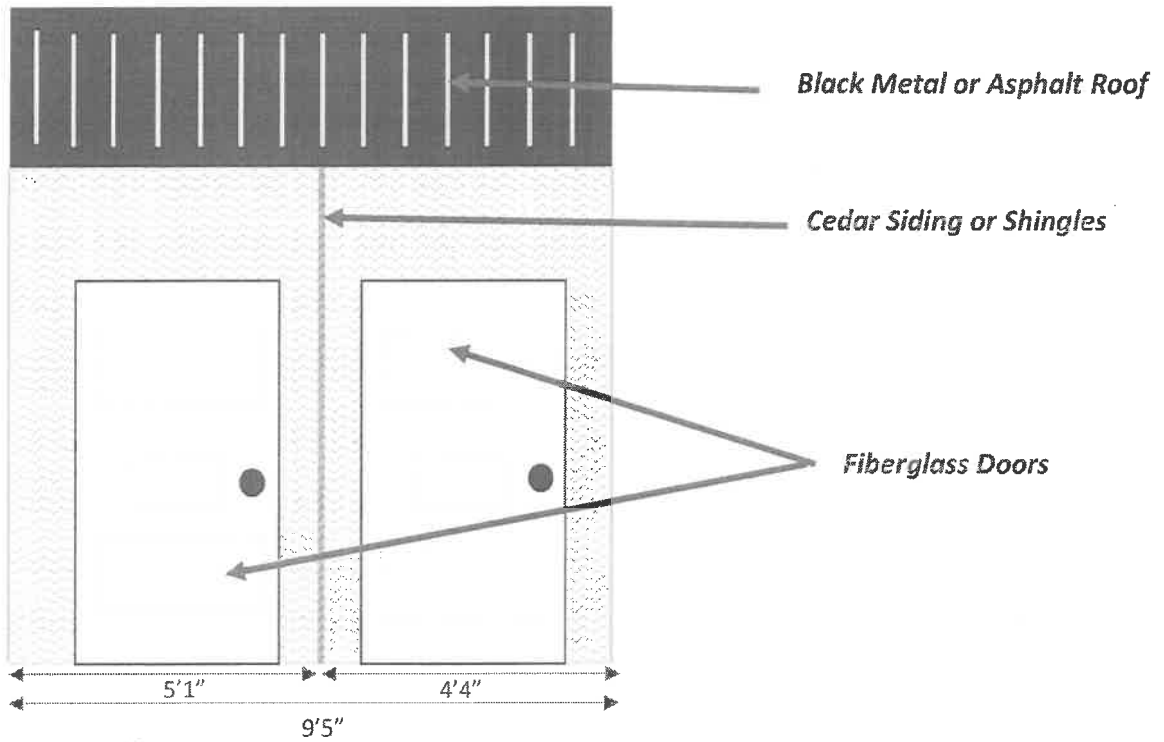


1 2nd Floor Plan View  
 1/8" = 1'-0"

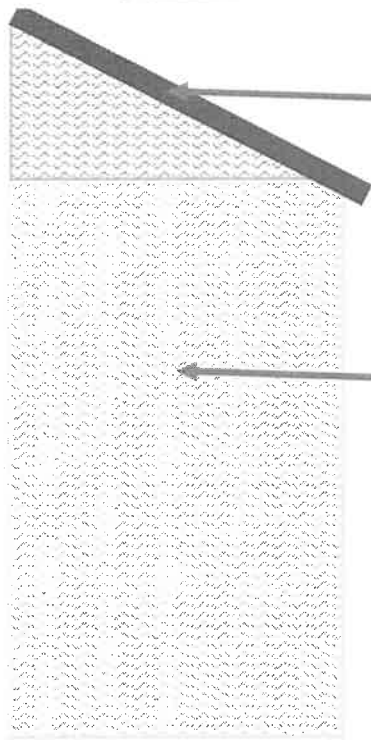


	C. Boudle Builders Rock St.	2nd Floor Plan Proposed (no change)	
		Project number	7/28/20
		Date	GL
		Drawn by	EL
		Checked by	Scale 1/8" = 1'-0"
			<b>5B</b>

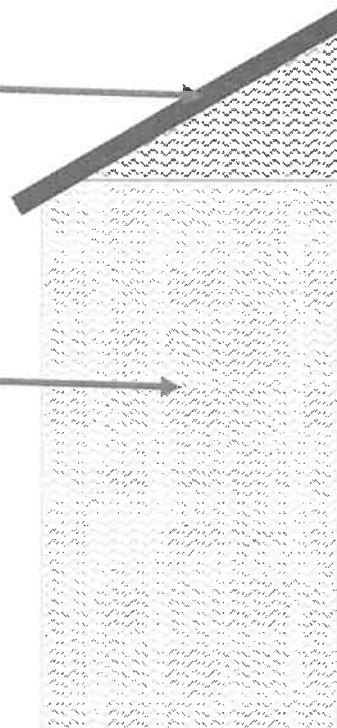
**Front View**



**Left View**



**Right View**



**Black Metal or  
Asphalt Roof**

**Cedar Siding  
or Shingles**

## Variance Details

To Whom it May Concern,

I would like to include an additional description on the project. The reason for the variance is to replace and slightly expand the existing deck that is on the back of the house. We are asking for a variance to extend our land use percentage from the current 27.2% to 28.3%. The additional size will align the deck with the house and create a more conformed structure. We greatly appreciate your consideration for this variance.

Best,

Jonathan and Amy Steinberg

## 353 Miller Ave Request for Variance

To Whom it May Concern,

My wife and I would like to request a variance to replace and slightly expand the existing deck that is on the back of the house. The current deck was built by the previous owners without a permit and is currently outside of code and is unsafe. Our intention is to properly rebuild the deck to match the width of the back of the house at 12' and slightly extend the depth a little to 10' to allow for a more natural walking path. We will follow code and work with the inspector to ensure that this is done properly. We are asking for a variance to extend our land use percentage from the current 27.2% to 28.3%. The additional size will align the deck with the house and create a more aesthetic and safe structure.

**Please see below the requests for variances of section 10.521 and 10.321 to add 72 sq ft to a distressed deck.**

1. A variance from section 10.321 to allow a nonconforming building to be added to or enlarged without all the regulations of the zoning district in which it is located.
2. A dimensional variance from section 10.521 to allow building coverage of 28.3% where 25% is required

**10.233.21** The Variance will not be contrary to the public interest as we are creating a similar residential structure that already exists and the proposed additional structure will match the character of the surrounding buildings and are of similar coverage and size. The variance will ultimately improve the function of a distressed deck and improve public safety.

**10.233.22** The spirit of the ordinance will be observed by building a structure that meets the character of the surrounding homes and all new structures will be within the setbacks.

**10.233.23** Substantial Justice will be done by granting the variance as we intend to improve the condition of an unsafe structure.

**10.233.24** The values of the surrounding properties will not be diminished as the aesthetic will match the existing home and surrounding properties.

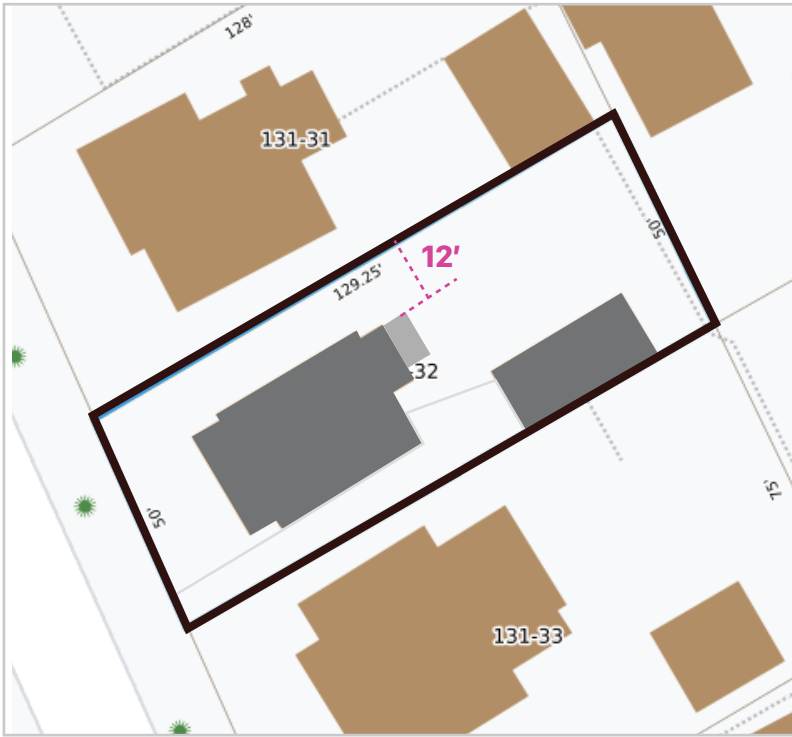
**10.233.25** Literal Enforcement of the Provisions of the ordinance would result in an unnecessary hardship as we are a non-conforming lot, currently at 27.2% coverage, where surrounding homes have coverage in some cases, at 50-60%.

We greatly appreciate your consideration for this variance.

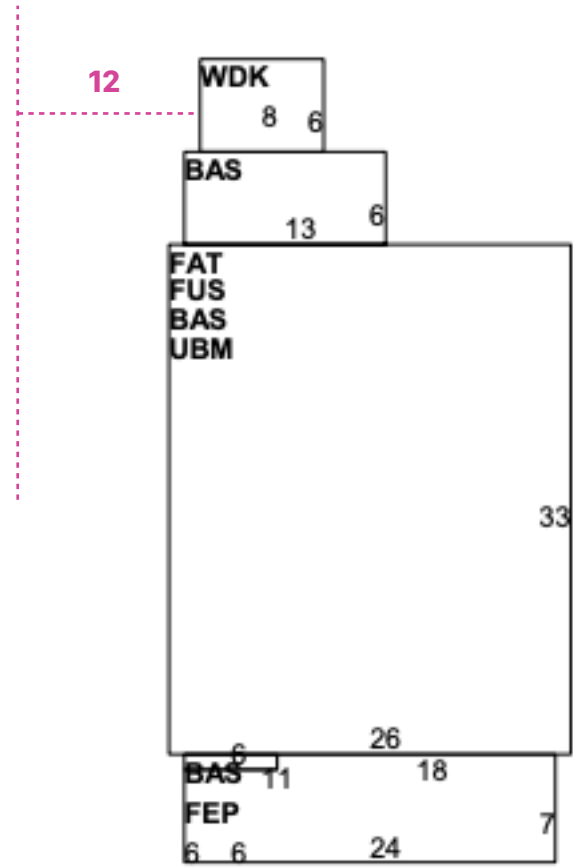
Best,

Jonathan and Amy Steinberg

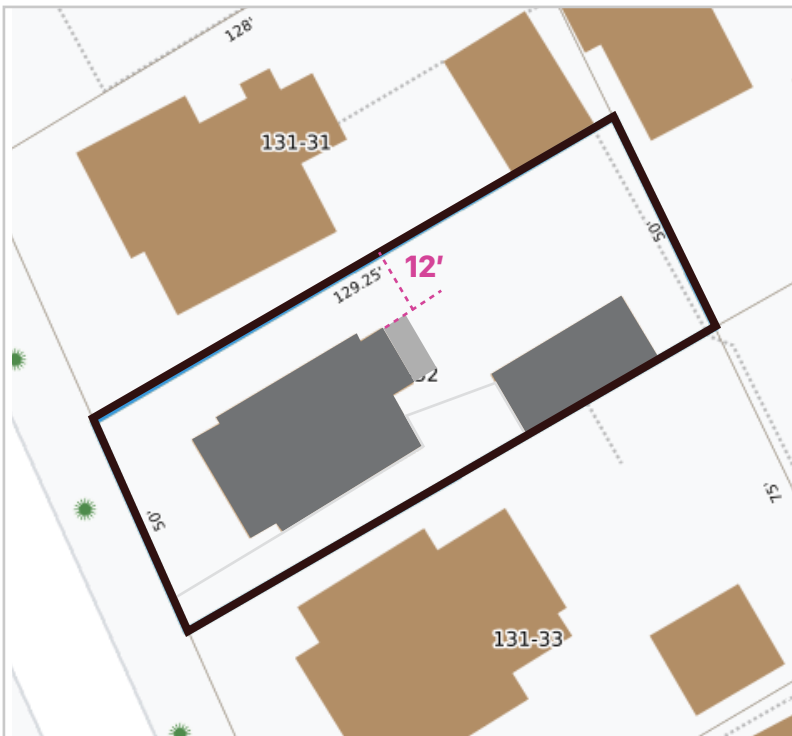
## Existing Deck



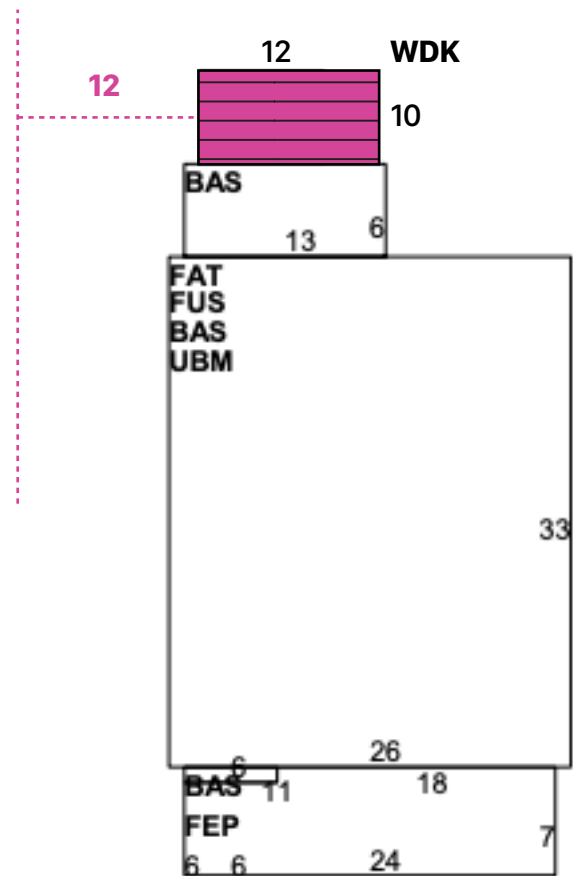
## Property Line



## Proposed Update



## Property Line



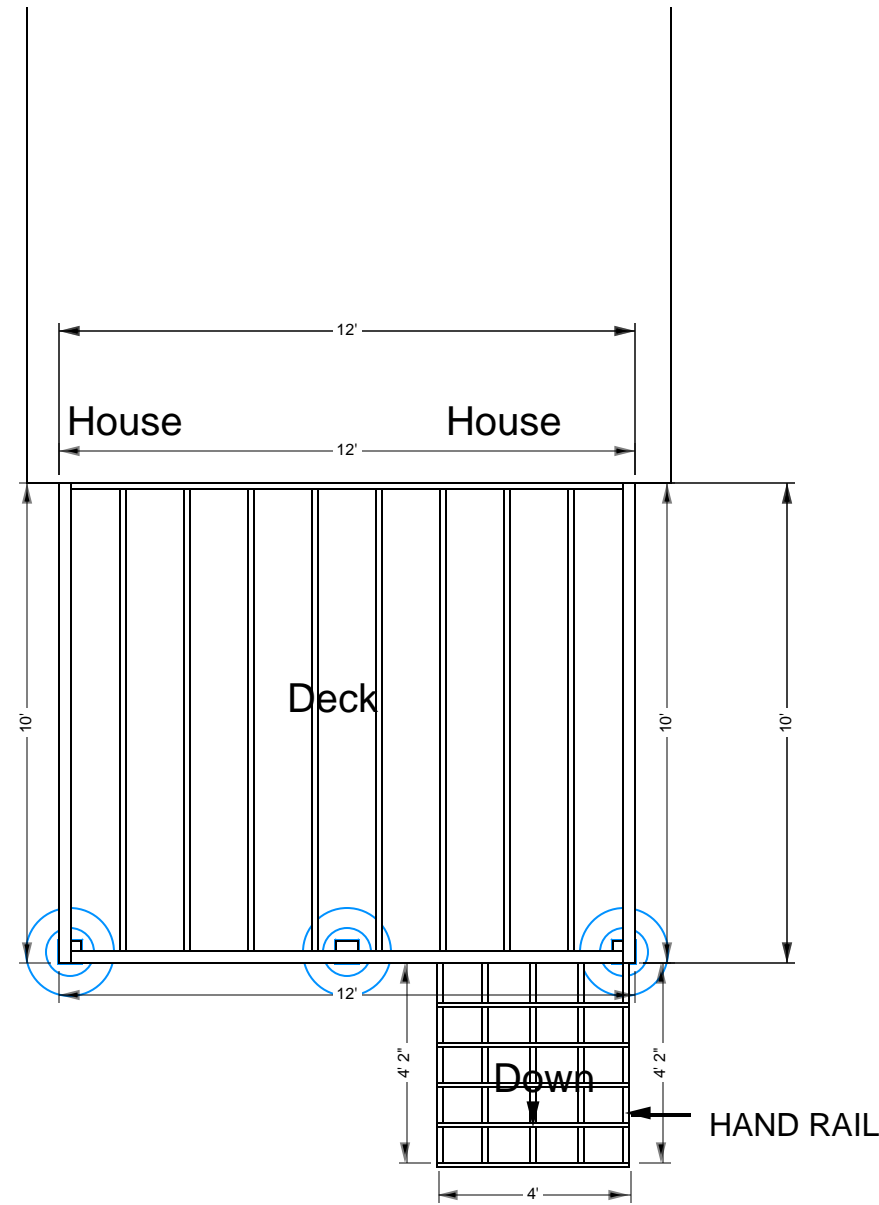
**\*\*\*Distance to property line from edge of will remain 12' and will not extend closer than the current structure.**

SCALE: 1/4" = 1' WHEN PRINTED ON 11X17 PAPER

BASED ON THE INTERNATIONAL RESIDENTIAL CODE

STAIRWAY ILLUMINATION: ALL EXTERIOR STAIRWAYS SHALL BE ILLUMINATED AT THE TOP LANDING TO THE STAIRWAY. ILLUMINATION SHALL BE CONTROLLED FROM INSIDE THE DWELLING OR AUTOMATICALLY ACTIVATED.

DISCLAIMER: THIS PLAN IS NOT CONSIDERED COMPLETE UNLESS APPROVED BY YOUR BUILDING INSPECTOR OR STRUCTURAL ENGINEER. BUILDER ACCEPTS ALL RESPONSIBILITY AND LIABILITY. DECKS.COM LLC AND ASSOCIATED SPONSORS ACCEPT NO LIABILITY FOR THE USE OF THIS PLAN.



Total Depth: 48  
 Base Diameter: 22  
 Pier Diameter: 12

Footings to be installed to 48" depth as is required by your local building ordinance. Frost footing sizes based on 55 lbs per square foot tributary loads applied to 1500 psi soil compression capacity (assumed clay soil). See footing detail in deck construction guide.

DISCLAIMER: ONLY USE #2 OR BETTER PRESSURE TREATED SOUTHERN PINE 2X10 FOR FRAMING MATERIALS. NEVER SUBSTITUTE SOFTWOODS OR COMPOSITE FOR FRAMING MATERIALS.

2x10 Ledger Board to be flashed and bolted (2) 1/2" bolts with washers or equivalent every 16" on center. (See ledger detail in deck construction guide)  
 Joists to be 2x10 pressure treated southern yellow pine installed 16" on center.  
 Beams to be 2-2x10 pressure treated southern yellow pine nailed.  
 Guard Rails to be 36" high with less than 4" openings per IRC code. (See rail detail in deck construction guide)  
 Stairs to be built max rise 7-3/4" min rise 4" in run 10" per IRC code. (See stair detail in deck construction guide)  
 Decking to be 5/4x6 Pressure Treated Pine. (Follow manufacturers' installation instructions)  
 All hardware to be corrosion resistant and installed per manufacturers' instructions.

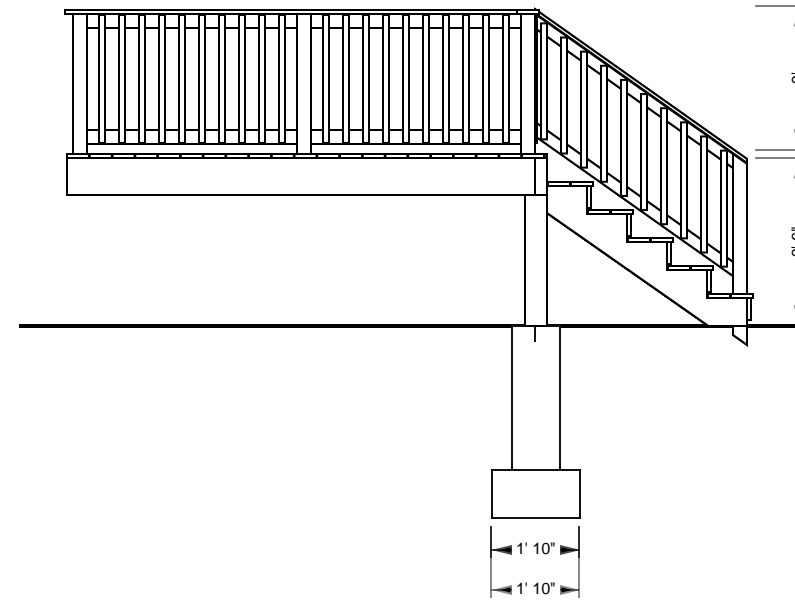


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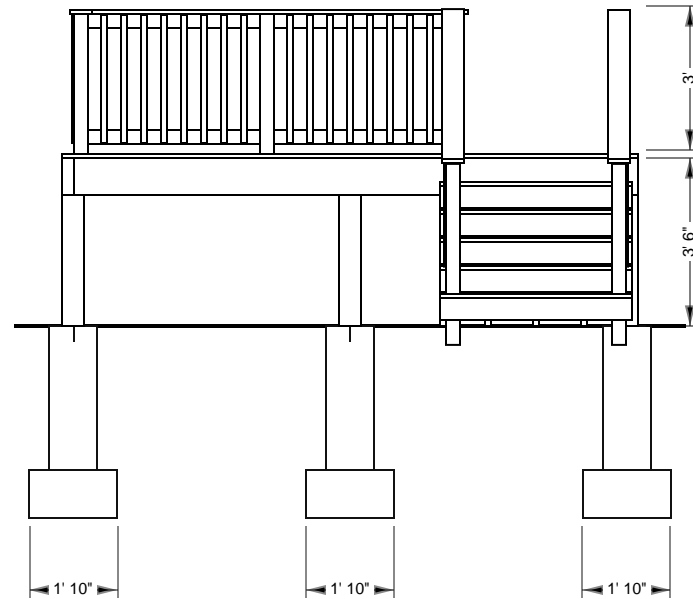


SCALE: 1/4" = 1' WHEN PRINTED ON 11X17 PAPER

BASED ON THE INTERNATIONAL RESIDENTIAL CODE

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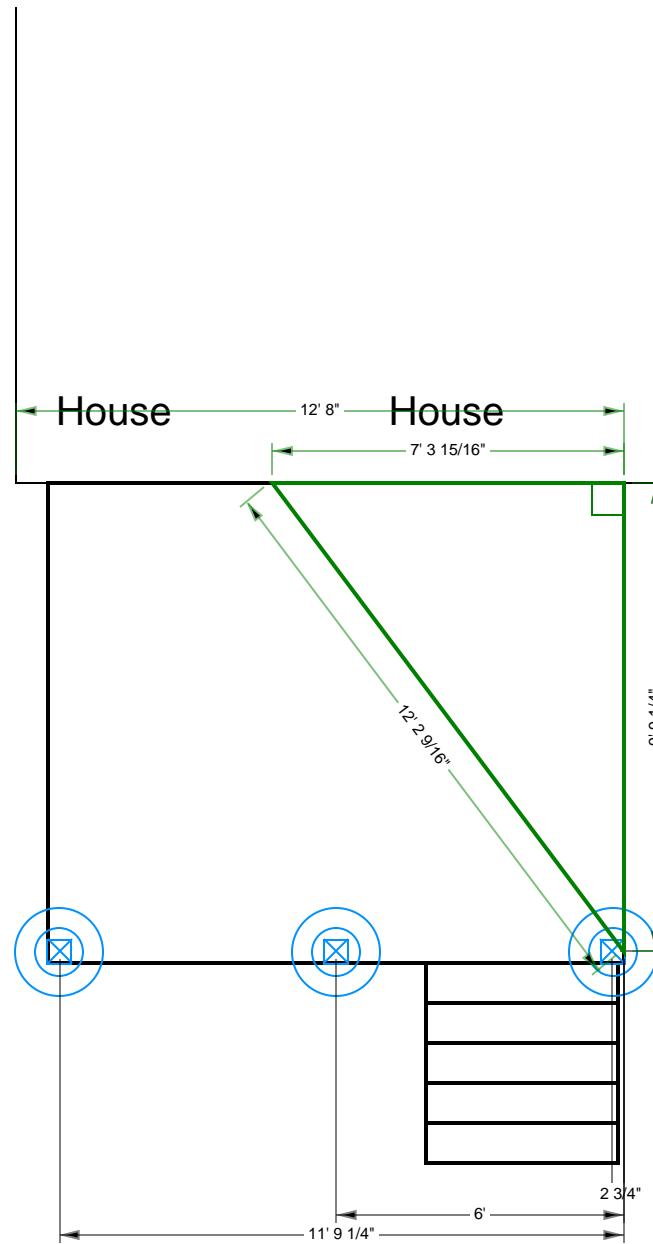




SCALE: 1/4" = 1' WHEN PRINTED ON 11X17 PAPER

BASED ON THE INTERNATIONAL RESIDENTIAL CODE

STAIR FOOTING REQUIREMENTS  
WHERE THE STAIRWAY MEETS GRADE, ATTACH THE STAIR  
STRINGERS TO THE STAIR GUARD RAIL POSTS. POSTS SHALL  
BEAR ON FOOTINGS



Total Depth: 48  
Base Diameter: 22  
Pier Diameter: 12

Footings to be installed to 48" depth as is required by your local building ordinance. Frost footing sizes based on 55 lbs per square foot tributary loads applied to 1500 psi soil compression capacity (assumed clay soil). See footing detail in deck construction guide.

DISCLAIMER: USE ONLY 2,500 PSI CONCRETE FOR FROST FOOTING FOUNDATIONS.

DISCLAIMER: THIS PLAN IS NOT CONSIDERED COMPLETE UNLESS APPROVED BY YOUR BUILDING INSPECTOR OR STRUCTURAL ENGINEER. BUILDER ACCEPTS ALL RESPONSIBILITY AND LIABILITY. DECKS.COM LLC AND ASSOCIATED SPONSORS ACCEPT NO LIABILITY FOR THE USE OF THIS PLAN. © DECKS.COM LLC

Footings to be installed to 48" depth as is required by your local building ordinance. Frost footing sizes based on 55 lbs per square foot tributary loads applied to 1500 psi soil compression capacity (assumed clay soil). See footing detail in deck construction guide.



Robin Husslage  
27 Rock Street  
Portsmouth, NH 03801  
[rhusslage@hotmail.com](mailto:rhusslage@hotmail.com)  
Cell: 603-553-1525

July 29, 2020

Board of Adjustment  
City of Portsmouth  
1 Junkins Avenue  
Portsmouth, NH 03801

Re: **27 Rock Street, Portsmouth, NH**  
**Application for Special Exception: *Conversion of an Existing Dwelling to a Multifamily Dwelling with less than the required minimum lot area per dwelling unit***

Dear Board Members:

Enclosed please find twelve (12) copies of my Application for Special Exception and related materials for consideration by the Zoning Board of Appeals which has been completed online via the City's online land use permitting system, Viewpoint:

1. Narrative to Special Exception Application
2. Photographs of Property (annotated)
3. Immediate Neighborhood Showing Mix of Homes
4. Survey of 27 Rock Street (to scale)
5. Lot and 1<sup>st</sup> Floor Plan (to scale)
6. Home-Current State: Single Family Home (to scale on 11X17" Sheet)
7. Home-After Renovation: 2-Family Home (to scale on 11X17" Sheet)

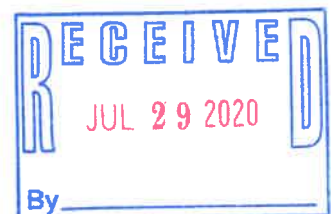
I, the owner and applicant, am seeking a special exception to convert my Single-Family dwelling built in 1860 to a 2-family dwelling which is located on a non-conforming lot in the GRC-zoned part of Portsmouth.

I respectfully request that this matter be placed on the Board's August 18<sup>th</sup> meeting agenda. In the meantime, if you have any questions or require further information, please don't hesitate to contact me.

Very truly yours,



Robin Husslage



**City of Portsmouth  
Zoning Board of Adjustment  
Application for Special Exception**

**Robin Husslage  
(Owner/Applicant)  
Tax Map 138, Lot 2  
27 Rock Street  
Portsmouth, NH 03801**

**Introductory Statement**

It is the owner/applicant's desire to convert their Existing Single-Family Dwelling built in 1860 located in the GRC zoned area of Portsmouth at 27 Rock Street (Tax Map 138, Lot 2) which is a non-conforming lot (.06 acres, 2,675 sq ft) into a Two-Family Dwelling. Zoning Ordinance 10.812 states that the conversion of a dwelling existing on January 1, 1980, to additional dwelling units with less than the minimum required lot area per dwelling unit (per Section 10.440, use 1.5) can be allowed by special exception if the resulting property complies with all requirements in 10.812.11 and 10.812.12.

This property, when converted into a two-family dwelling, will meet all requirements of the required Zoning Ordinances 10.812.11 and 10.812.12 as required in Article 2, Section 10.232.20, for a Special Exception. Therefore, the owner/applicant respectfully requests that the Board grant this Special Exception, allowing the owner/applicant to convert their Single-Family Dwelling into a Two-Family Dwelling.

**Information Required for Relief from Land Use Requirements - Special Exception Application**

- **Total Number of Dwelling Units (for residential projects):**  
*2 Dwelling Units: (1) 1-bedroom unit (1st floor) and (2) 4-bedroom unit (2nd & 3rd Floors)*
- **Lot area:**  
*.06 acres (2,675 SQ FT per survey)*
- **Description of existing and proposed land uses:**
  - **Existing Uses:** *Single-Family Dwelling in GRC*
  - **Proposed Land Uses:** *2-Family Dwelling in GRC*
- **Location and gross floor area of the area devoted to the existing and proposed land uses:**
  - **Existing land use location and gross floor area:**  
*The single-family dwelling located in GRC has 3 floors of living space for a total of: 1,872 SQ FT gross floor area (1<sup>st</sup> Floor: 711 SQ FT; 2<sup>nd</sup> Floor: 693 SQ FT; 3<sup>rd</sup> Floor: 468 SQ FT)*

- **Proposed land use location and gross floor areas:**
  - **1-Bedroom Unit (1<sup>st</sup> Floor):** 711 SQ FT gross floor area
  - **4-Bedroom Unit (2<sup>nd</sup> & 3<sup>rd</sup> Floors):** 1,161 SQ FT gross floor area  
(2<sup>nd</sup> Floor: 693 SQ FT gross floor area and 3<sup>rd</sup> Floor: 468 SQ FT gross floor area)
  
- **Existing and proposed number of parking spaces:**
  - **Existing # of Parking Spaces:** 4 parking spaces
  - **Proposed # of Parking Spaces:** 4 parking spaces
  
- **Project representatives – names and contact information**

*Robin Husslage*  
*27 Rock Street*  
*Portsmouth, NH 03801*  
*Cell: 603-553-1525*  
*Email: rhusslage@hotmail.com*

### Special Exception Criteria

10.232.20 Special exceptions shall meet all of the following standards:

10.232.21 Standards as provided by this Ordinance for the particular use permitted by special exception;

### Zoning Ordinance Responses

**10.812: Conversion of Existing Dwelling to Multifamily Dwelling.** The conversion of a dwelling existing on January 1, 1980, to additional dwelling units as a permitted use or by special exception with less than the minimum required lot area per dwelling unit (per Section 10.440, use 1.5) shall comply with all of the following requirements:

**10.812.11: The conversion shall not include any change to the exterior of the building except for minimum egress components required for Building Code compliance.**

*The conversion of this small, single-family dwelling to a two-family dwelling with two small dwelling units will not require any changes to the exterior of the dwelling unless it is determined that a new egress is required from the 2<sup>nd</sup> floor for Building Code compliance.*

**10.812.12: The lot shall comply with the applicable minimum open space and maximum building coverage requirements in Article 5 and the off-street parking requirements in Article 11.**

- **Open Space on property:**  
*The lot provides 44% of Open Space which is not covered by buildings or driveway, where a minimum of 20% is required in GRC.*
  
- **Building Coverage:**  
*The lot has just 27% of Building Coverage where 35% maximum Building Coverage is allowed in GRC.*

- **Off-Street Parking Requirements:**

*4 parking spaces are provided on the lot where 2.3 parking spaces are required for residential uses (1 unit is 500-750 sq ft = 1 parking spot; 1 unit is 750+ sq ft = 1.3 parking spots)*

- **Lot Area Required per dwelling Unit:**

*The lot (.06 Acres = 2,675 SQ FT) provides 1,338 SQ FT per dwelling unit in the proposed 2-family dwelling where 1,000 SQ FT per dwelling unit are required in GRC for the conversion of an Existing Dwelling to a Multifamily Dwelling thus meeting this minimum square footage requirement per dwelling unit.*

- **10.232.22 No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials:**

*There will be no change in purpose or use by conversion of this single-family dwelling to a two-family dwelling and as such poses no hazard to the public or adjacent properties on account of potential fire, explosion or release of toxic materials.*

- **10.232.23 No detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking areas, accessways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials:**

*When this single-family dwelling is converted to a two-family dwelling, there will be no change to the exterior of the building or its appearance. The dwelling will remain in keeping with the immediate GRC neighborhood composed of single family, two-family, and multifamily dwellings. As such, no detriment to property values in the vicinity or change in the essential characteristics of the neighborhood will be experienced on account of the location or scale of the converted 2-family dwelling, parking areas, accessways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials.*

- **10.232.24 No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity:**

*Conversion of this dwelling from a single-family dwelling to a two-family dwelling will not create a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity. In fact, by the recent addition of a 4-car driveway in anticipation of this two-family conversion, the traffic safety hazard and level of traffic congestion are reduced as there is now a place for all inhabitants living in the home as well as guests to quickly exit the street and park in the driveway which provides 4 parking spots where 2.3 parking spots are required.*

- **10.232.25 No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools:**

*Conversion of this single-family dwelling to a two-family dwelling will not result in any external changes to the building, change its use, nor increase the number of bedrooms, and, therefore, will not create excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools.*

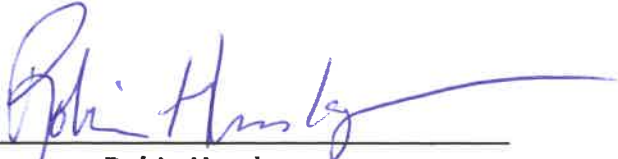
- **10.232.26 No significant increase of stormwater runoff onto adjacent property or streets:**

*Conversion of this dwelling from a small, single-family home to a two-family dwelling with no change in footprint or size, will not increase the stormwater runoff onto adjacent property or streets. During the recent street renovations on Rock Street, gutter downspouts from the majority of the home's roof were piped underground and connected to the new stormwater drain system installed by the Portsmouth DPW. The remaining downspout at the rear of the property is piped to a large French drain located underground in the back yard. Additionally, the newly installed 4-car driveway was carefully prepared to facilitate drainage into the underlying soils and is finished with a permeable gravel surface.*

### **Conclusion**

This property, when converted into a two-family dwelling, will meet all requirements of the required Zoning Ordinances 10.812.11 and 10.812.12 as required in Article 2, Section 10.232.20, for a Special Exception. Therefore, the owner/applicant respectfully requests that the Board grant this Special Exception, allowing the owner/applicant to convert their Single-Family Dwelling into a Two-Family Dwelling.

Respectfully Submitted,



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**Robin Husslage**  
Owner/Applicant

July 29, 2020

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**Date**

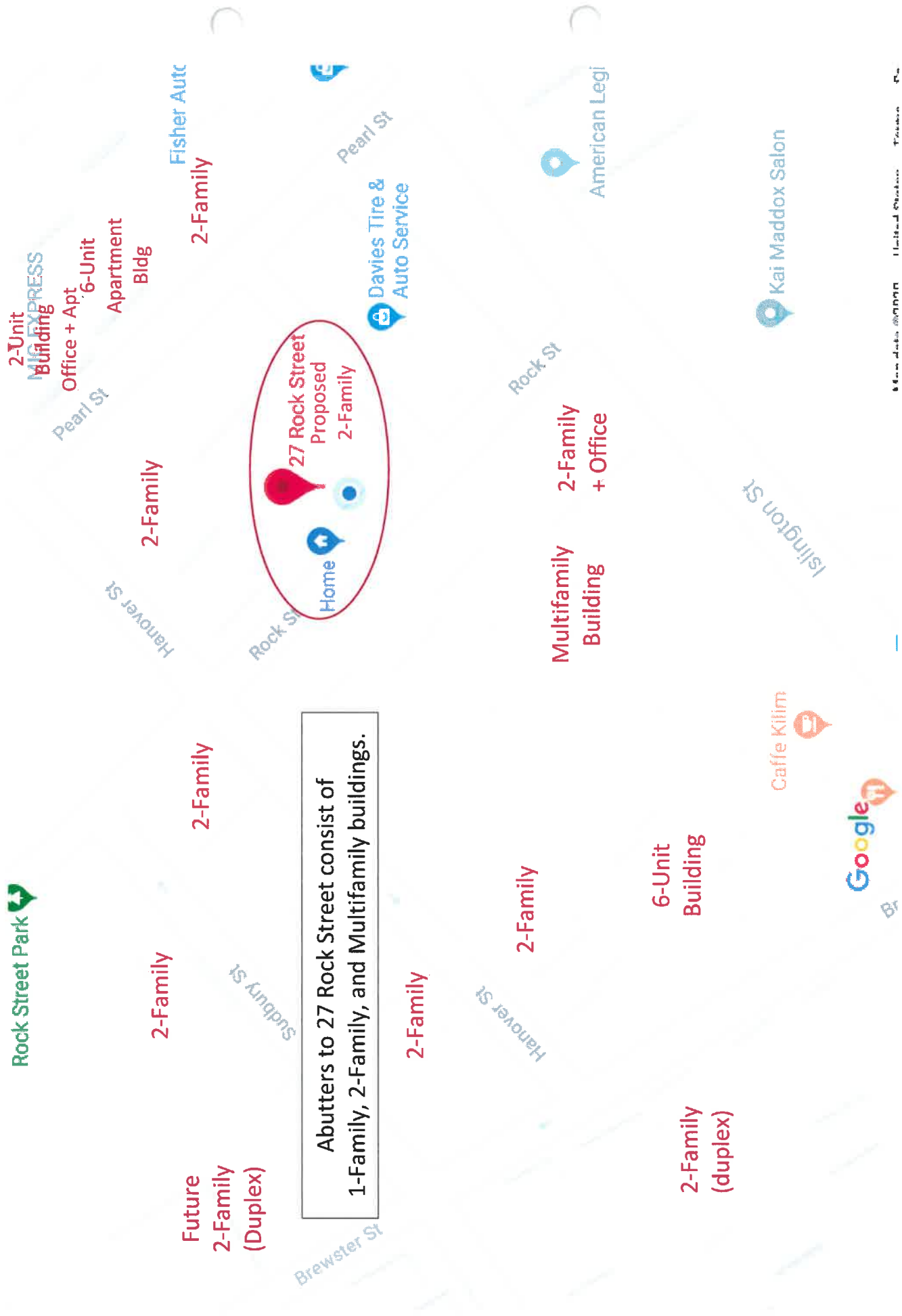
# 27 Rock Street – Tax Map 138, Lot 2



Front View of Home  
From Rock St



# Immediate Neighborhood: a Mix of Single-, Two-Family, & Multifamily Homes







**LOCUS PLAN  
N.T.S.**

**NOTES**

- 1) OWNER OF RECORD, ROBIN K. HINSLAGE AS SEEN ON TAX MAP 199, LOT 2 27 ROCK ST. PORTSMOUTH, NH 03801 AREA: 2,615 SQ. FT. 0.06 ACRES
- 2) PARCEL IS IN GENERAL RESIDENCE C (GRD) VIKING LOT AREA 3,500 SF VIKING FRONTAGE: 70 FT VIKING DEPTH: 30 FT SETBACK FRONT: 5 FT SIDE: 10 FT REAR: 20 FT MAXIMUM BUILDING HEIGHT: 38 FT FLAT ROOF MAXIMUM BUILDINGS COVERAGE: 30 F VIKING OPEN SPACE: 26%
- 3) THE PARCEL IS NOT WITHIN A FEMA FLOOD ZONE, AS PER FLOOD INSURANCE RATE MAP 19505C0224R, PANEL 254 OF 68, DATED MAY 11, 2005.

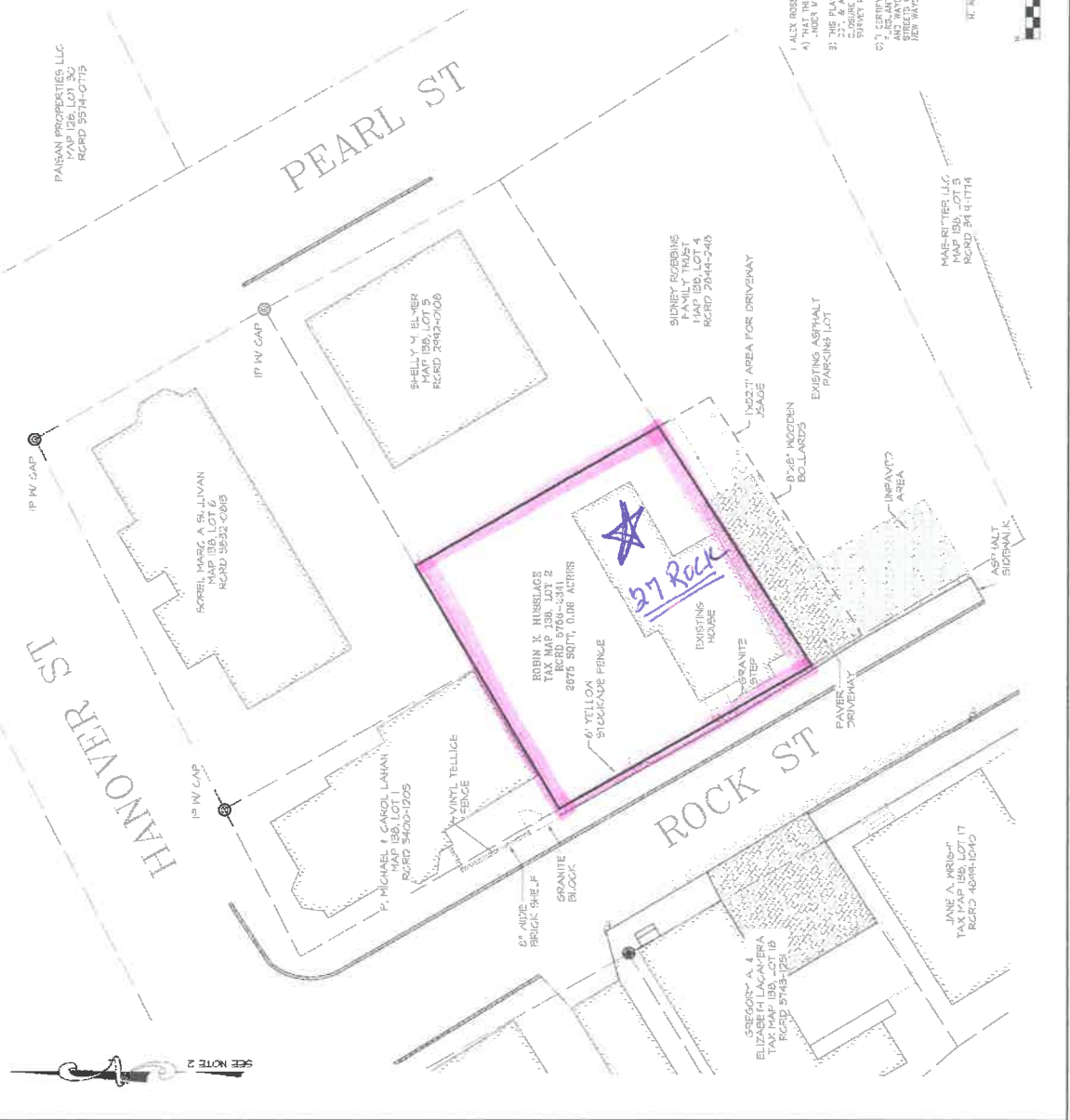
**REFERENCE PLANS**

- 1: AMENDED SITE PLAN BY KIMBALL CHASE COMPANY, INC. DATED FEBRUARY 10, 2007. RORD 0-04116
- 2: PEARL HANOVER CONDOMINIUMS SITE PLAN BY ROSAS ENGINEERING, DATED FEBRUARY 10, 2010. RORD 06254

DATE	PREPARED BY
FEB 10, 2010	BOSS ENGINEERING
DRAWN BY	BOSS ENGINEERING
CHECKED BY	BOSS ENGINEERING
DATE	RECEIVED BY TITLE
FEB 10, 2010	BOSS ENGINEERING

**LEGEND**

- MONUMENT - ROUND
- UTILITY POLE
- 6" 5" COCKADE FENCE
- VERTICAL GRANITE CURB
- PAVING
- COBBLES/STONES



SEE NOTE 2

ALLY ROSS SURVEY CERT. NO. 232 & AS 2300 OF 2010, THE EXISTING SURVEY PER N.E.M.A. STANDARDS, CATEGORY 1, CONDITION 1. CERTIFY THAT THIS SURVEY PLAN IS NOT A SUB-DIVISION PERMANENT TO THIS TIER AND THAT THE LINES OF STREETS OR WAYS & GRADY ESTABLISHED AND THAT NEW WAYS ARE SHOWN.

ALL CURB CROSS SECTIONS SHALL BE PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION.

THIS PLAN IS A RESULT OF FIELD SURVEY PERFORMED BY ME & MY ASSISTANTS ON THE DATE INDICATED ABOVE. I HAVE BEEN A REGISTERED PROFESSIONAL SURVEYOR PER N.E.M.A. STANDARDS, CATEGORY 1, CONDITION 1.

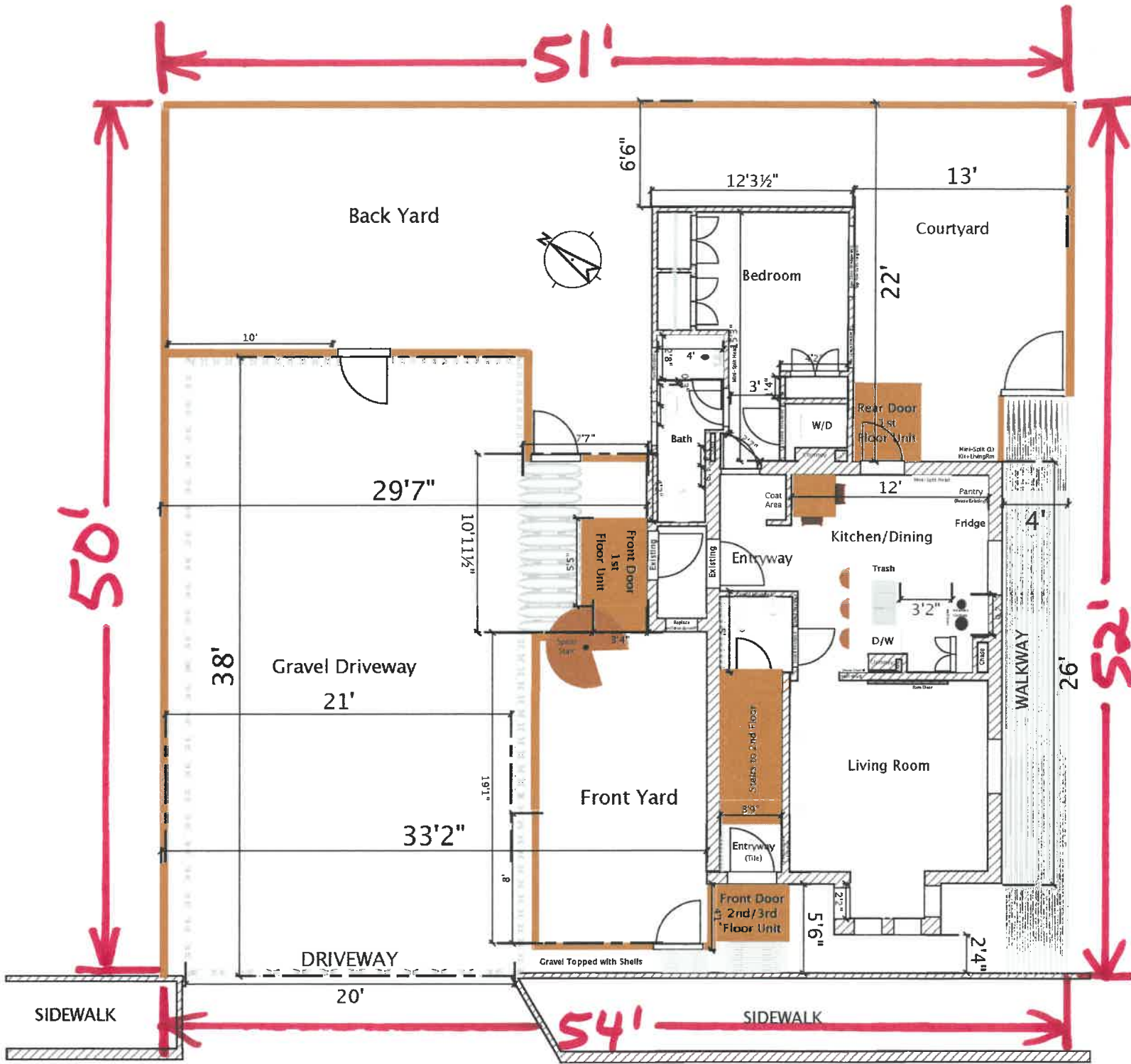


HORIZONTAL SCALE  
1" = 10'

VERTICAL SCALE  
1" = 10'

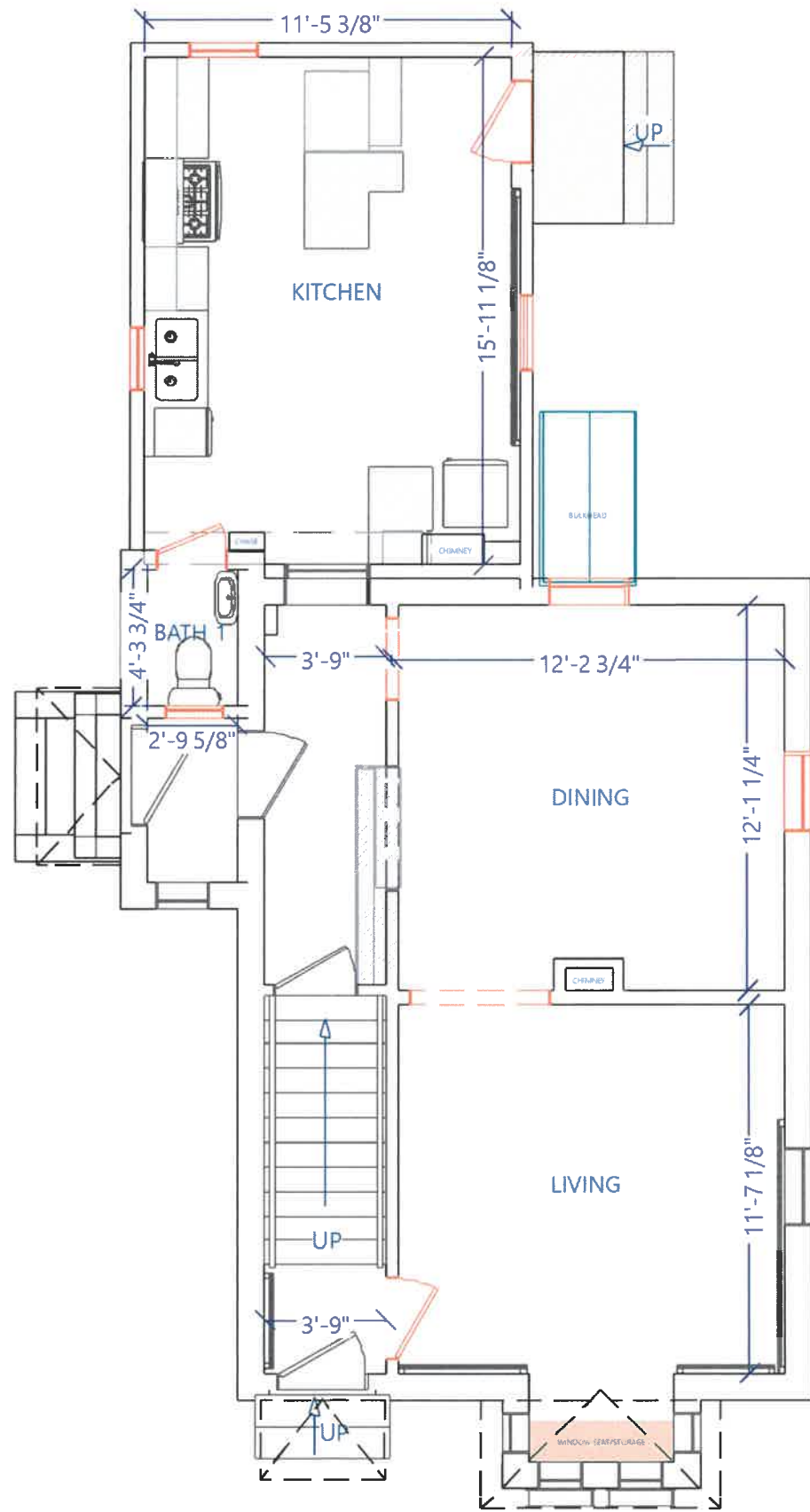
DATE

DATE

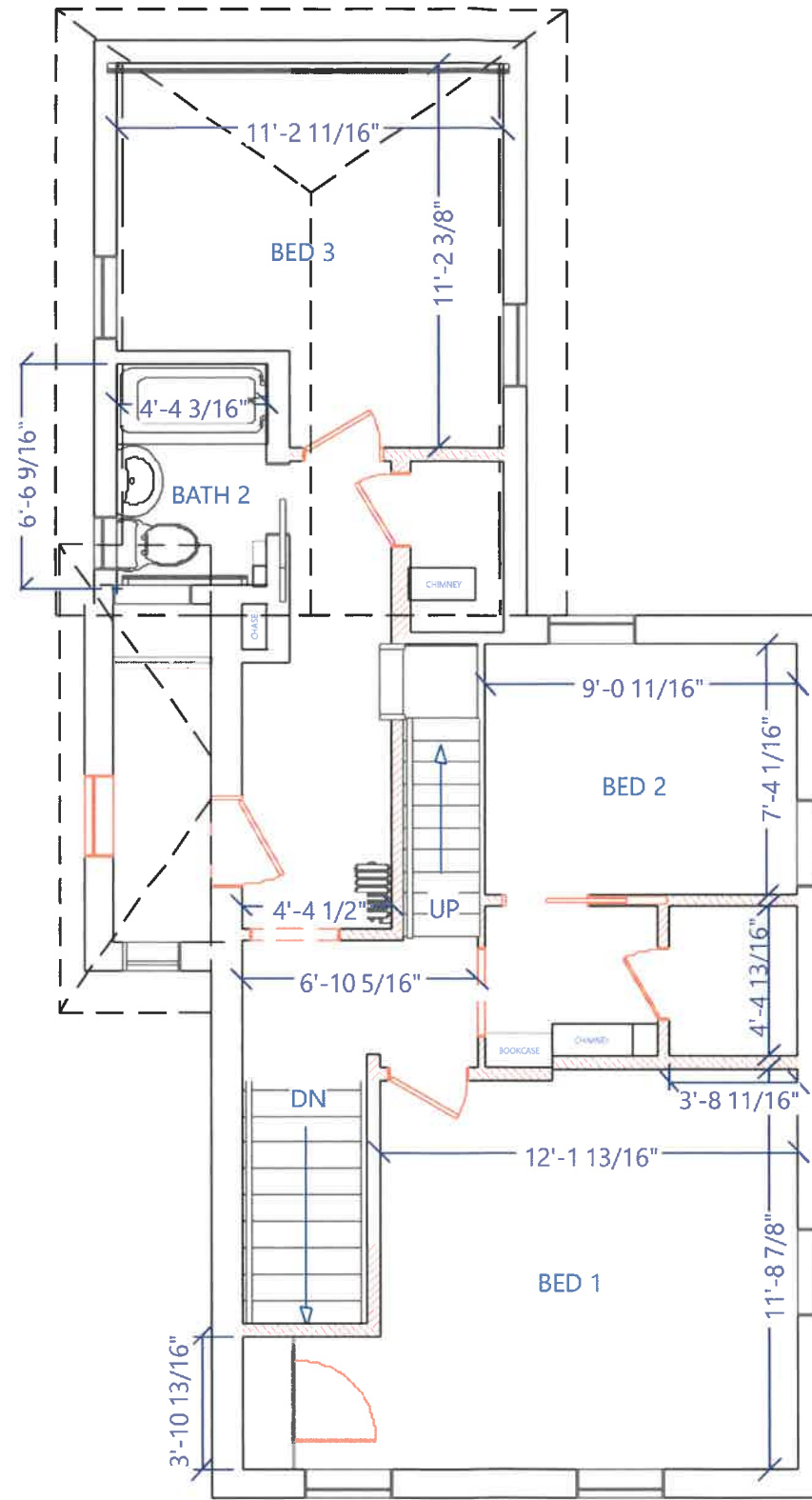


27 Rock Street: 1st Floor: 1-Bedroom 1 1/2-Bath Unit  
 2nd/3rd Floors: 4-Bedroom 2 Full Bath Unit

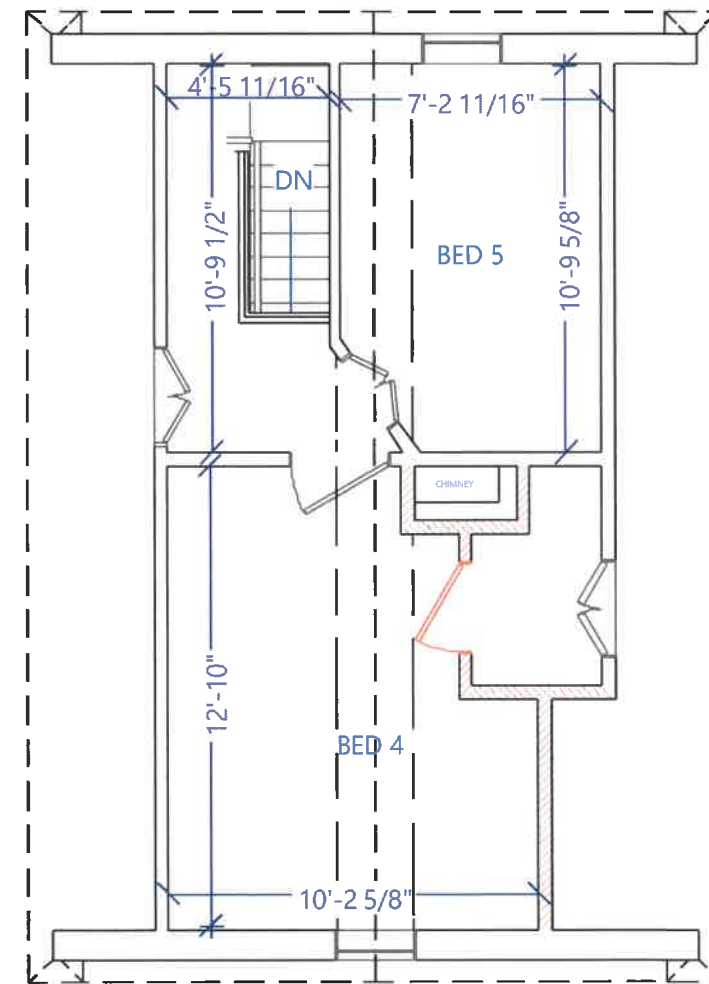
Plan Scale: 1/100



1st FLOOR



2nd FLOOR



3rd FLOOR

Roof ridge line ~29' above ground  
Flat roof ~19'4" above ground

■ Demo



HUSSLAGER | 27 Rock St | Portsmouth NH 03801

EXISTING CONDITIONS

DRAWINGS PROVIDED BY:

Oxland Builders, LLC  
PO Box 357  
Stratham, NH 03885

7/28/2020

3/16" = 1'

A1



HUSSLAGE | 27 Rock St | Portsmouth NH 03801

REMODELED DESIGN

DRAWINGS PROVIDED BY:

Oxland Builders, LLC  
PO Box 357  
Stratham, NH 03885

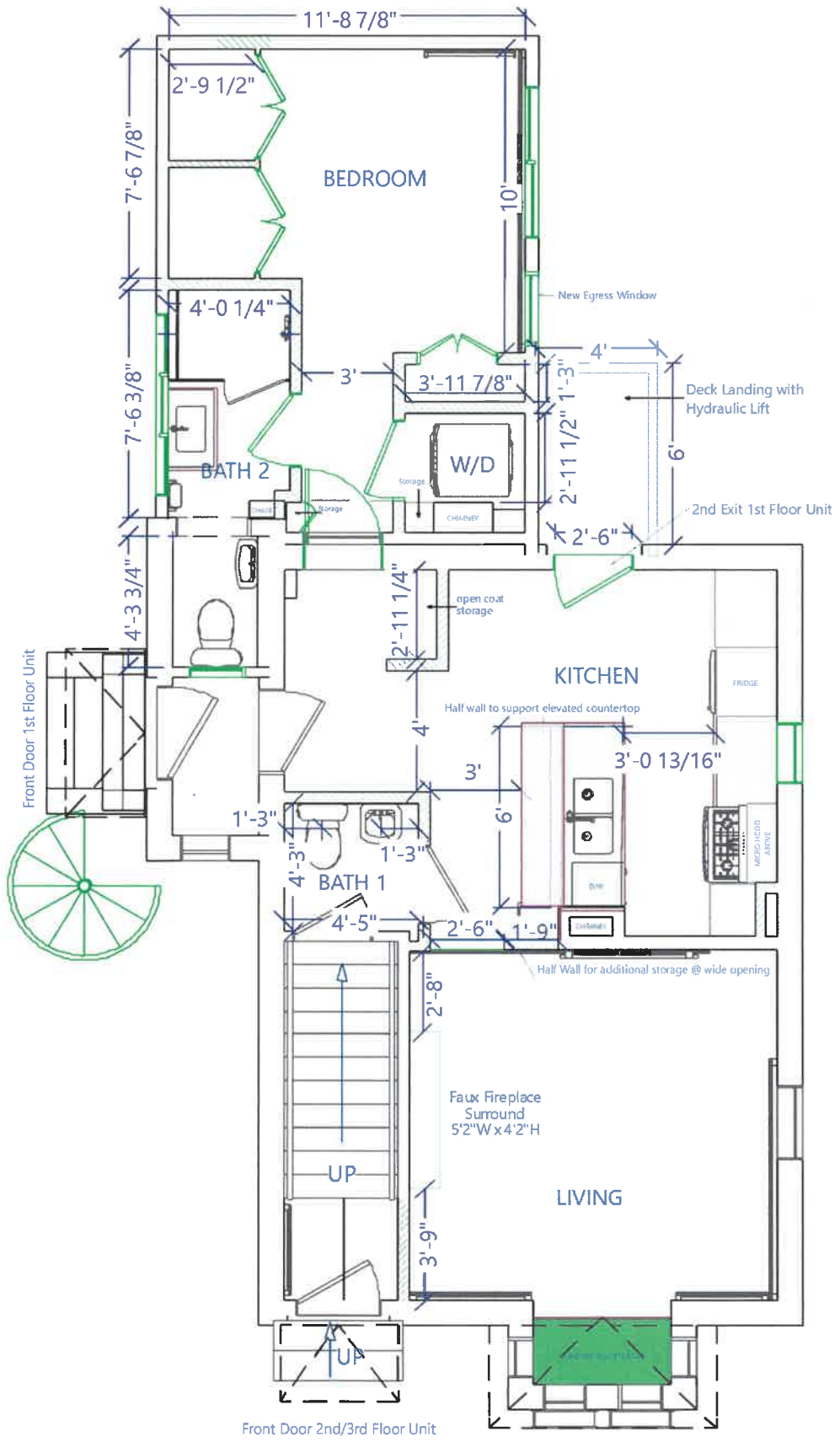
7/28/2020

3/16" = 1'

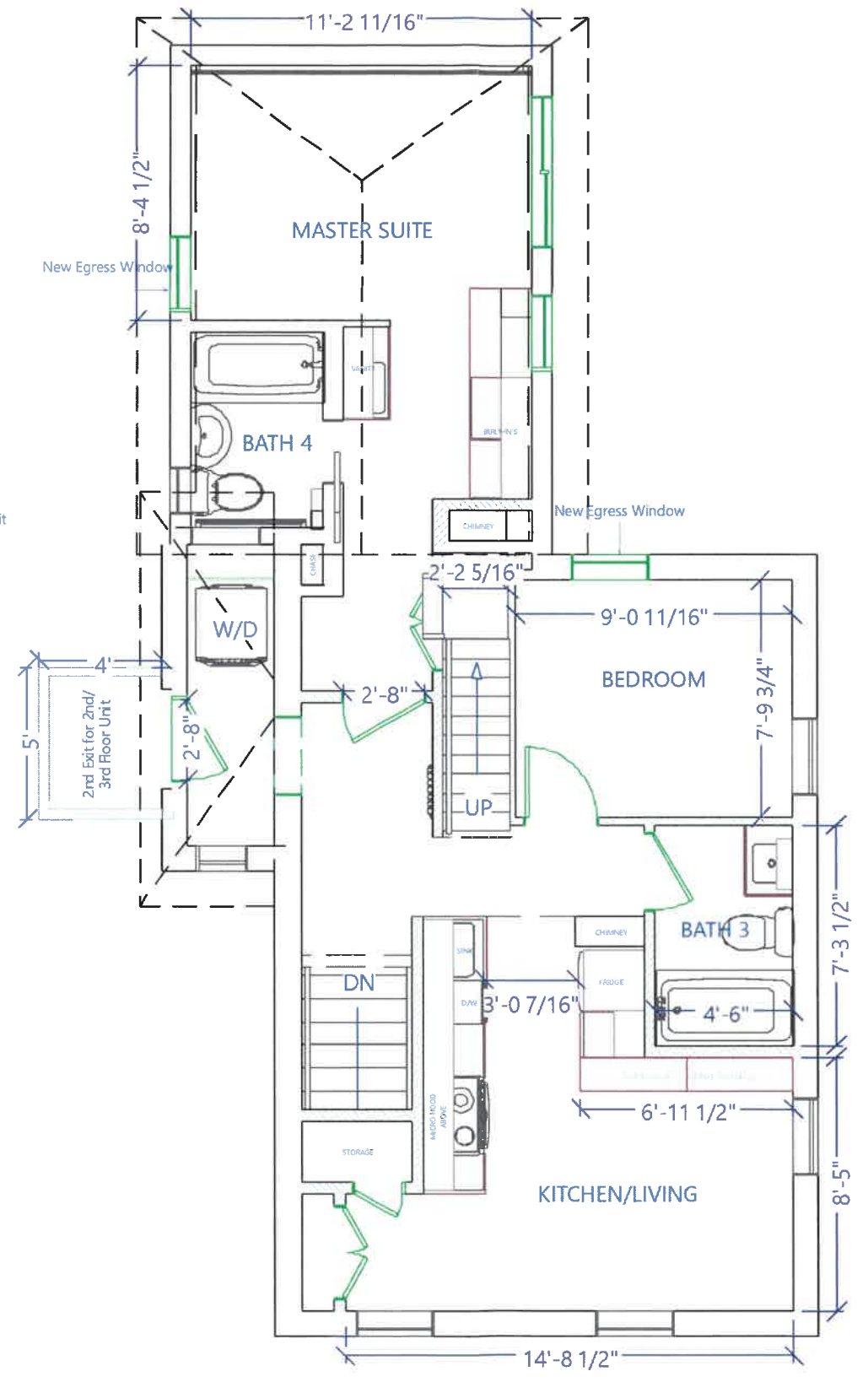
A2

Measures to provide acoustic privacy throughout will be taken

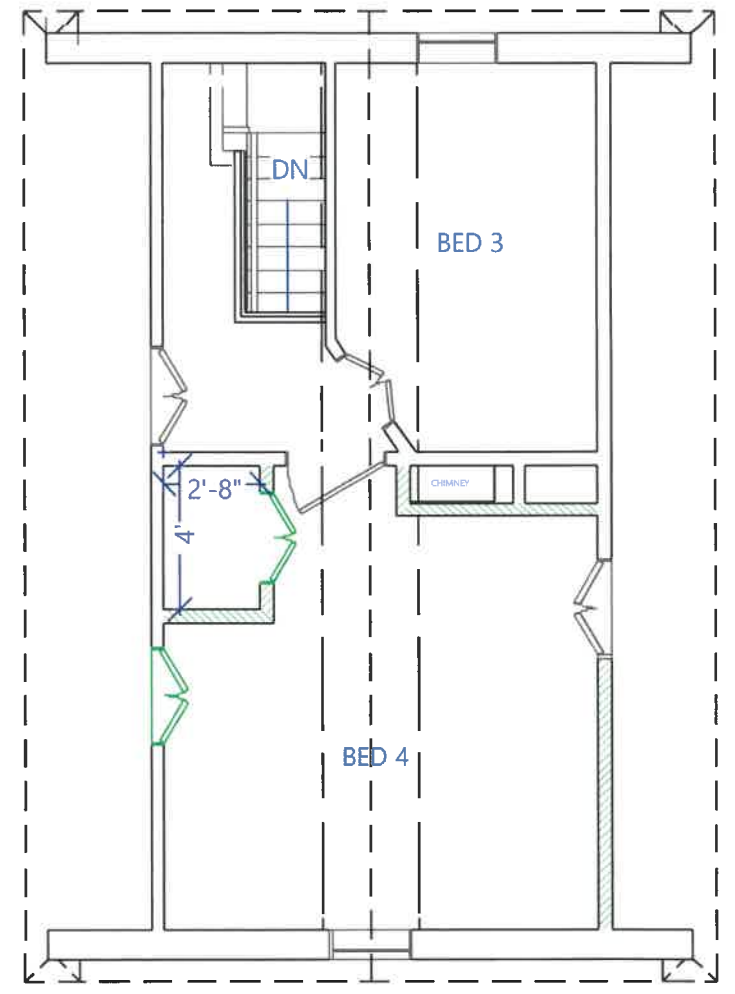
New



1st FLOOR



2nd FLOOR



3rd FLOOR

July 25, 2020

City of Portsmouth  
Portsmouth, NH 03801

Attn: Board of Adjustment

We would like to add air conditioning to our house. At present, the two window units we own can only cool part of the house but especially not the third floor. Our office is located on that third floor and since the Coronavirus outbreak has seen near daily use due to work from home.

We plan to install a set of ductless Mitsubishi mini-split units throughout our home, which require the installation of an outdoor heat pump unit. The only feasible location for this heat pump is on the North side of our house.

Our information is that in our neighborhood such an installation requires 10 feet setback from the property line. Because the side yard on the North side is only 9 feet wide and the installation of the heat pump will result in just over 7 feet of setback, we herewith are applying for relief from the city's Zoning Ordinance in order to allow for this installation.

We believe this request complies with the requirements of the Zoning Ordinance as provided in Article 2 (Section 10.233.20):

*10.233.21 The variance will not be contrary to the public interest and 10.233.22 The spirit of the Ordinance will be observed.*

The heat pump unit will not alter the character of the neighborhood, nor will it threaten public health, safety or welfare. The heat pump unit will be completely out of sight, behind a corner of our house and behind a fence, which both will reduce any noise coming from the unit. On the other side of the fence and property line our neighbors' driveway is located, which creates over 20 feet of effective distance between the heat pump and their home.

*10.233.23 Substantial justice will be done.*

Installation of efficient whole-house air conditioning, instead of only two window units, will allow us to better enjoy our property during the hot times of the year, especially of the third floor, on which our office and guest room are located. Conversely, use of this air conditioning system will not harm the general public.

*10.233.24 The values of the surrounding properties will not be diminished.*

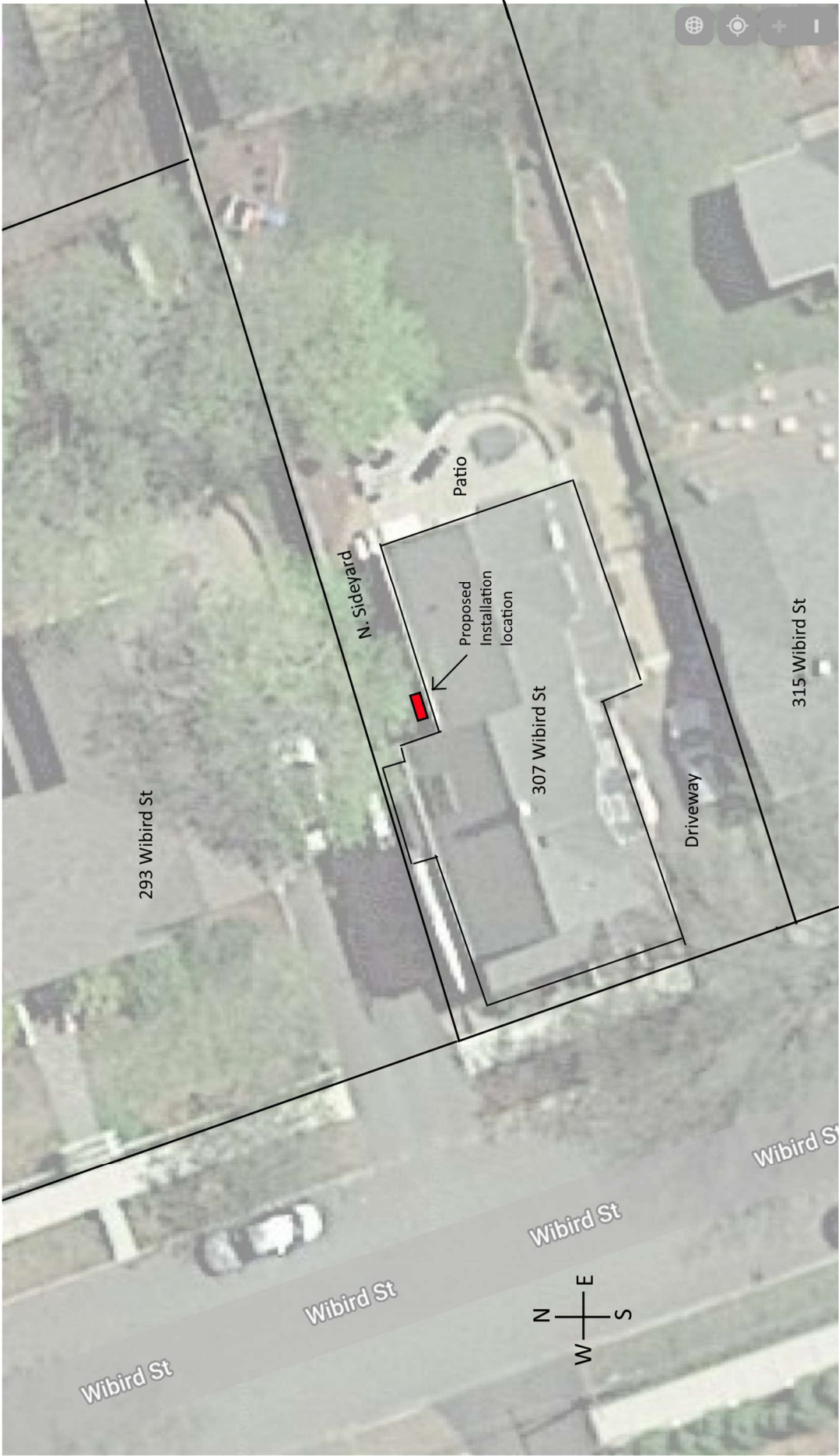
We discussed this project with our neighbors abutting the North sideyard and they did not object to the project. Because otherwise the heat pump unit is completely out of sight and noise blocked in most directions, the values of surrounding properties will not be diminished in any way. There is no foot traffic in the area where the pump will be installed.

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

The chosen location for installation is the only feasible location on our property. The East-facing side of our home is entirely occupied by a patio, the South-facing sideyard consists mostly of a driveway and is exposed to direct sun (reduced heat pump efficiency), snow and falling ice, and the West side faces the street. Because of the historically narrow lot size in our neighborhood, a literal enforcement of the 10 foot setback would create an unnecessary hardship for us.

Attached you will find technical information about the exterior heat pump unit, as well as pictures and a sketch of the proposed installation location with dimensions. Thank you for your consideration. Please let us know if you need additional information.

April & Christoph Wienands  
307 Wibird St  
Portsmouth, NH 03801



293 Wibird St

N. Sideyard

Patio

Proposed  
Installation  
location

307 Wibird St

Driveway

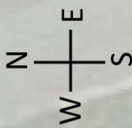
315 Wibird St

Wibird St

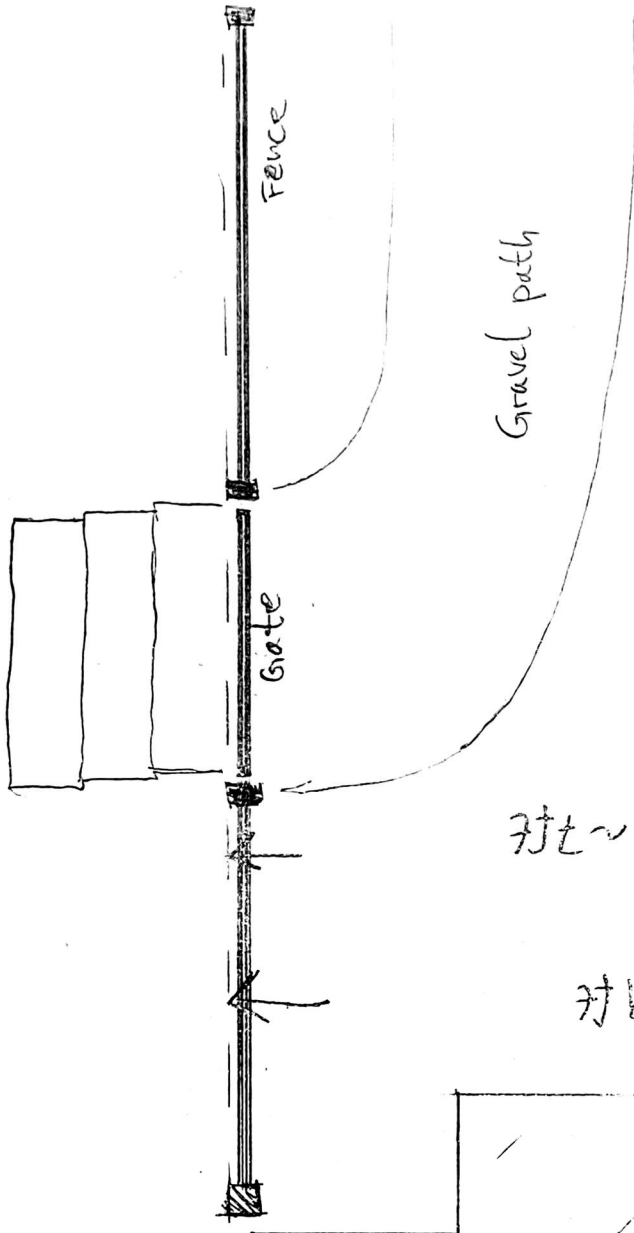
Wibird St

Wibird St

Wibird St



Driveway 293 Wibird St



Property line

307 Wibird St.



Sideyard on North side



**View onto North side of property from street**

Driveway of 293 Wibird St on the left

Installation of heat pump behind fence on far end of building



# Mitsubishi MXZ-4C36NA spec sheet

MXZ H2i Outdoor Units | Heat Pump 

Model Name			MXZ-2C20NAHZ	MXZ-3C24NAHZ	MXZ-3C30NAHZ	MXZ-4C36NAHZ
Cooling * Non-Ducted/ Ducted	Rated Capacity	Btu/h	18,000 / 20,000	22,000 / 23,600	28,400 / 27,400	36,000 / 36,000
	Capacity Range	Btu/h	6,000-20,000	6,000-23,600	6,000-28,400	6,000-36,000
	Rated Total Input	W	1,334 / 1,819	1,630 / 2,360	2,272 / 2,661	2,570 / 3,180
Heating at 47F* (Non-Ducted/ Ducted)	Rated Capacity	Btu/h	22,000 / 22,000	25,000 / 24,600	28,600 / 27,600	45,000 / 45,000
	Capacity Range	Btu/h	7,400-25,500	7,200-30,600	7,200-36,000	7,200-45,000
	Rated Total Input	W	1,612 / 1,748	1,725 / 1,871	2,096 / 2,187	3,340 / 4,250
Heating at 17F* (Non-Ducted/ Ducted)	Rated Capacity	Btu/h	13,700 / 13,700	14,000 / 14,000	16,000 / 16,500	34,000 / 36,000
	Maximum Capacity	Btu/h	22,000 / 22,000	25,000 / 24,600	28,600 / 27,600	45,000 / 45,000
	Rated Total Input	W	1,450 / 1,588	1,622 / 1,835	1,991 / 1,993	3,500 / 4,590
Heating at 5F*	Maximum Capacity	Btu/h	22,000	25,000	28,600	45,000
Efficiency	SEER (Non-Ducted/Ducted)		17.0 / 15.0	19.0 / 15.5	18.0 / 16.0	19.1 / 15.8
	EER (Non-Ducted/Ducted)		13.5 / 11.0	13.5 / 10.0	12.5 / 10.3	14.0 / 11.3
	HSPF (Non-Ducted/Ducted)		9.8 / 9.5	10.0 / 9.0	11.0 / 9.8	11.3 / 10.1
Electrical Requirements	Power Supply	V, Ph, Hz	208 / 230V, 1-Phase, 60 Hz			
	Recommended Fuse/Breaker Size	A	40	40	40	50
	MCA	A	29	30	30	42
Voltage	Indoor - Outdoor S1-S2	V	AC 208 / 230			
	Indoor - Outdoor S2-S3	V	DC ± 24			
Compressor			DC INVERTER - driven Twin Rotary			
Fan Motor (ECM)	FLA		1.9	1.9	1.9	0.4 + 0.4
Sound Pressure Level	Cooling	dB(A)	54	54	54	49
	Heating		58	58	58	53
External Dimensions (H x W x D)		In / mm	41-9/32 x 37-13/32 x 13			52-11/16 x 41-11/32 x 13(+1)
Net Weight		Lbs / kg	187 / 85	189 / 86	189 / 86	276 / 125
External Finish			Munsell No. 3Y 7.8/11			
Refrigerant Pipe Size O.D.	Liquid (High Pressure)	In / mm	1/4 / 6.35			3/8 / 9.52
	Gas (Low Pressure)		A,B: 3/8 / 9.52	A: 1/2 / 12.7; B,C: 3/8 / 9.52		5/8 / 15.88
Max. Piping Length for Each Indoor Unit		Ft / m	164 / 50	230 / 70		492 / 150
Max. Refrigerant line Length			82 / 25	82 / 25		262 / 80
Max. Refrigerant Pipe Height Difference	If IDU is Above ODU	Ft / m	49 / 15	49 / 15		164 / 50
	If IDU is Below ODU	Ft / m	49 / 15	49 / 15		131 / 40
Connection Method			Flared / Flared			
Refrigerant			R410A			

144 Washington Street  
P.O. Box 1222  
Portsmouth, NH 03802  
[www.durbinlawoffices.com](http://www.durbinlawoffices.com)



Durbin Law Offices, P.L.L.C.

Derek R. Durbin, Esq.  
603.287.4764  
derek@durbinlawoffices.com  
*\*Also admitted in MA*

**VIA VIEWPOINT**

July 29, 2020

City of Portsmouth  
Zoning Board of Adjustment  
Attn: David Rheume, Chairman  
1 Junkins Avenue  
Portsmouth, NH 03801

**RE: Variance Application of Andrew J. Lane  
245 Thaxter Road, Portsmouth (Tax Map 167, Lot 3)**

Dear Chairman Rheume,

Our Office represents Andrew J. Lane, owner of property located at 245 Thaxter Road, Portsmouth. Attached herewith, please find the following materials for submission to the Zoning Board of Adjustment for consideration at its next regularly scheduled meeting:

- 1) Landowner Letter of Authorization;
- 2) Narrative to Variance Application;
- 3) Plan Set (Site Plan, Floor Plans and Elevations);
- 4) Tax Map Image of Property; and
- 5) Photographs of the Property.

Should you have any questions or concerns regarding the enclosed application materials, do not hesitate to contact me at your convenience.


Sincerely,

A handwritten signature in blue ink, appearing to read 'Derek R. Durbin', with a large, stylized flourish at the end.

Derek R. Durbin, Esq.

LETTER OF AUTHORIZATION

**Andrew J. Lane**, owner of property located at 245 Thaxter Road, identified on Portsmouth Tax as Map 167, Lot 3 (the "Property"), hereby authorizes Durbin Law Offices PLLC, of 144 Washington Street, Portsmouth, New Hampshire 03801, to act as its agent and representative in connection with the filing of any building, zoning, planning or other municipal permit applications with the City of Portsmouth for said Property. This Letter of Authorization shall be valid until expressly revoked in writing.

  
\_\_\_\_\_  
**Andrew J. Lane**

July 27, 2020

**CITY OF PORTSMOUTH  
ZONING BOARD OF ADJUSTMENT  
APPLICATION NARRATIVE**

Andrew J. Lane  
245 Thaxter Road  
Portsmouth, NH 03801  
(Owner/Applicant)

**INTRODUCTORY STATEMENT**

Andrew J. (“AJ”) Lane is the owner of the property located at 245 Thaxter Road, identified on Portsmouth Tax Map 167 as Lot 3 (the “Property”). The Property is zoned Single-Family Residence B (“SRB”). It is a 0.21 acre lot (9,321 square feet) that contains a modest-sized single-family home with 3 bedrooms and 1 bathroom and an attached garage. Mr. Lane lives in the home with his wife and young child.

Mr. Lane desires to renovate the home to add some additional room to accommodate his growing family and to support a work-at-home environment. To accomplish these goals, Mr. Lane would like to construct a 384 square foot (16’ x 24’) two-story addition to the left side of his home. Attached hereto as Exhibit A, is a summary from Brandon Holben explaining the architectural goals and intent of the design.

The existing home has a front yard setback of 14’5” (+/-) where 30’ is the minimum required under the Zoning Ordinance (the “Ordinance”) for the SRB Zoning District. The proposed two-story addition, which will be inset from the existing home, will encroach into the front yard setback by 19’10” (+/-). Despite the fact that the proposed addition will have a greater front yard setback than the existing home, the proposed two-story addition still requires a variance under the terms of the Ordinance. The addition will comply with all of the other dimensional requirements of the Ordinance, except for building coverage, which would be exceeded by less than 0.5% over what is allowed.

**SUMMARY OF ZONING RELIEF**

The Applicant seeks the following variance from the Zoning Ordinance:

1. A variance from Section 10.521 (Table of Dimensional Requirements) to allow a 19’10” (+/-) front yard setback from Thaxter Road where 30’ is the minimum required in the GRA Zoning District;
2. A variance from Section 10.521 (Table of Dimensional Requirements) to allow building coverage of 20.4% (+/-) where 20% is the maximum allowed in the GRA Zoning District; and
3. A variance from Section 10.321 to allow the reconstruction and enlargement of a lawful nonconforming structure.

## VARIANCE CRITERIA

***Granting the variances will not be contrary to the public interest and will observe the spirit of the Ordinance.***

“There are two methods of ascertaining whether granting a variance would violate an ordinance’s basic zoning objectives: (1) examining whether granting the variance would alter the essential character of the neighborhood or, in the alternative; and (2) examining whether granting the variance would threaten the public health, safety, or welfare.” *Harborside Assoc v. Parade Residence Hotel*, 162 N.H. 508, 514 (2011).

The proposed two-story addition will have a greater setback from the front property boundary than the existing home, thus it will have no additional impact to the light, air and space of abutting properties across the street over what exists. The addition will be consistent in look and architectural appearance and be built with the same materials as the existing home. It will comply with all zoning regulations other than the front yard setback requirement and building coverage. However, the increase in building coverage over what is allowed by Ordinance is less than a 0.5 percent (35 square feet). Accordingly, granting the variance will not alter the essential character of the neighborhood or create any negative impact to public health, safety or welfare.

***Substantial justice will be done by granting the variance relief.***

Any loss to the individual that is not outweighed by a gain to the general public is an injustice. *New Hampshire Office of State Planning, The Board of Adjustment in New Hampshire, A Handbook for Local Officials* (1997); *Malachy Glen Assocs., Inc. v. Town of Chichester*, 155 N.H. 102 (2007).

The existing home provides little space for a family of three (3) to grow. The current configuration of the home and the lack of living space also creates a very challenging work-at-home environment, which is critical for the Applicant. The loss to the Applicant in denying the relief necessary to build the proposed two-story addition to the home is clear. It is also clear that there would be no gain to the public if the Board were to deny the variance relief sought. As such, the equitable balancing test for whether substantial justice is done weights in favor of the Applicant.

***The values of surrounding properties will not be diminished by granting the variance relief.***

The proposed improvements will integrate seamlessly with the existing home, which has a modern, aesthetically appealing architectural design. These improvements will inherently increase the Applicant’s property value, which will in turn benefit surrounding properties and their values.

*Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.*

The Property has special conditions that distinguish it from surrounding properties. The existing home is essentially built into a hill. The Property has a steep downward slope from the rear boundary to the front boundary that contains a significant amount of ledge behind the home. The front of the Property is wider than the rear. These conditions provide the likely explanation for why the home was built so close to the front property boundary, unlike most of the properties across Thaxter Road.

To achieve zoning compliance with the front yard setback requirement under the Ordinance, the Applicant would have to locate the addition to the left-rear side of the home. To do this, the Applicant would have to remove an existing deck and have significant site work done, which would inevitably involve the blasting of ledge. These factors make it impractical and infeasible to construct a reasonably sized addition on the Property in any location other than what is proposed. As proposed, the design of the addition integrates seamlessly with the front façade of the home, which already encroaches into the front yard setback by 15'7". This encroachment will remain unchanged if the variance relief is denied. The proposed addition will be inset from the left-front of the existing home by an additional 4'3", creating less of an impact to the front yard setback than what exists.

Owing to the special conditions of the Property described above, there is no fair and substantial relationship between the general purposes of the Ordinance provisions and their application to the Property.

Finally, the proposed use is reasonable. The Property is used as a single-family home, which is permitted by right in the SRB Zoning District. This use will remain the same if the variance relief is granted.

### **CONCLUSION**

In conclusion, the Applicant has demonstrated that his application meets the five (5) criteria for granting the variance relief sought and respectfully requests that the Board approve the application.



Dated: July 29, 2020

Respectfully Submitted,

AJ Lane

By and Through His Attorneys,  
Durbin Law Offices PLLC

A handwritten signature in blue ink, appearing to read 'Derek R. Durbin', with a long horizontal flourish extending to the right.

By: Derek R. Durbin, Esq.  
144 Washington Street  
Portsmouth, NH 03801  
(603)-287-4764  
derek@durbinlawoffices.com

MEMORANDUM

---

Date: 28JUL2020

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To:

---

Subject: 245 Thaxter Road

---

CC to:

---

245 Thaxter Road is an existing 2 level ranch that was extensively renovated in 2016 with a contemporary style addition and later with complimentary siding, windows, doors and landscaping. The improvements have increased property values for the neighborhood and the owners are looking to continue this effort with a new project.

The proposed addition is in keeping with the contemporary style of the existing home and adds additional elements to maintain a level of scale that responds to the unique site characteristics. The interior program of spaces is reflective of the exterior massing created to balance each addition. The addition steps up toward the rear yard creating a loft space on the interior that connects to the elevated rear yard.

The material use is consistent with the existing siding utilizing a board and batten pattern against a premium gapped shiplap siding. A warm wood planking product is used at the garage to add some natural material and reduce the scale of the wall as it recedes back from the road while complimenting the existing wood accents on the existing house.

Thank You,

Brandon Holben, AIA, LEED AP  
Principal Architect  
WINTER HOLBEN

# 245 THAXTER RD

## PORTSMOUTH, NEW HAMPSHIRE

### DRAWING INDEX:

- T1.1 TITLE SHEET
  - T1.2 SITE MAP
- ARCHITECTURAL DRAWINGS
- A1.1 EXISTING FIRST FLOOR PLAN
  - A1.2 EXISTING SECOND FLOOR PLAN
  - A2.1 EXISTING ELEVATIONS SOUTH/WEST
  - A2.2 EXISTING ELEVATION NORTH/EAST
  - A3.1 PROPOSED FIRST FLOOR PLAN
  - A3.2 PROPOSED SECOND FLOOR PLAN & LOFT PLAN
  - A3.3 PROPOSED ROOF PLAN
  - A4.1 PROPOSED ELEVATIONS SOUTH/WEST
  - A4.2 PROPOSED ELEVATION NORTH/EAST
  - A5.1 PROPOSED RENDER VIEWS



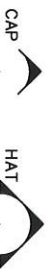
### LEGEND:

**DRAWING SCALES:** (PLACE ON LAYER ANNO-TEXT3 (WHITE))



**MISCELLANEOUS BLOCKS:**  
 \* = EXPLODE AFTER INSERTING

ANGLE 4



CL 4

**GRAPHIC SCALE**

\*CGSBU

CHECK GRAPHIC SCALE BEFORE USING



\*DETOUT



WINTTYPE

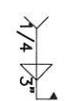


\*DETAIL 1  
 A1.2 SCALE: 1/8"=1'-0"

\*SECTCUT



\*WELDSYM



WALLTYPE



ROOMNO



SHEET TITLE

TITLE SHEET

PROJECT

245 THAXTER RD

DRAWING

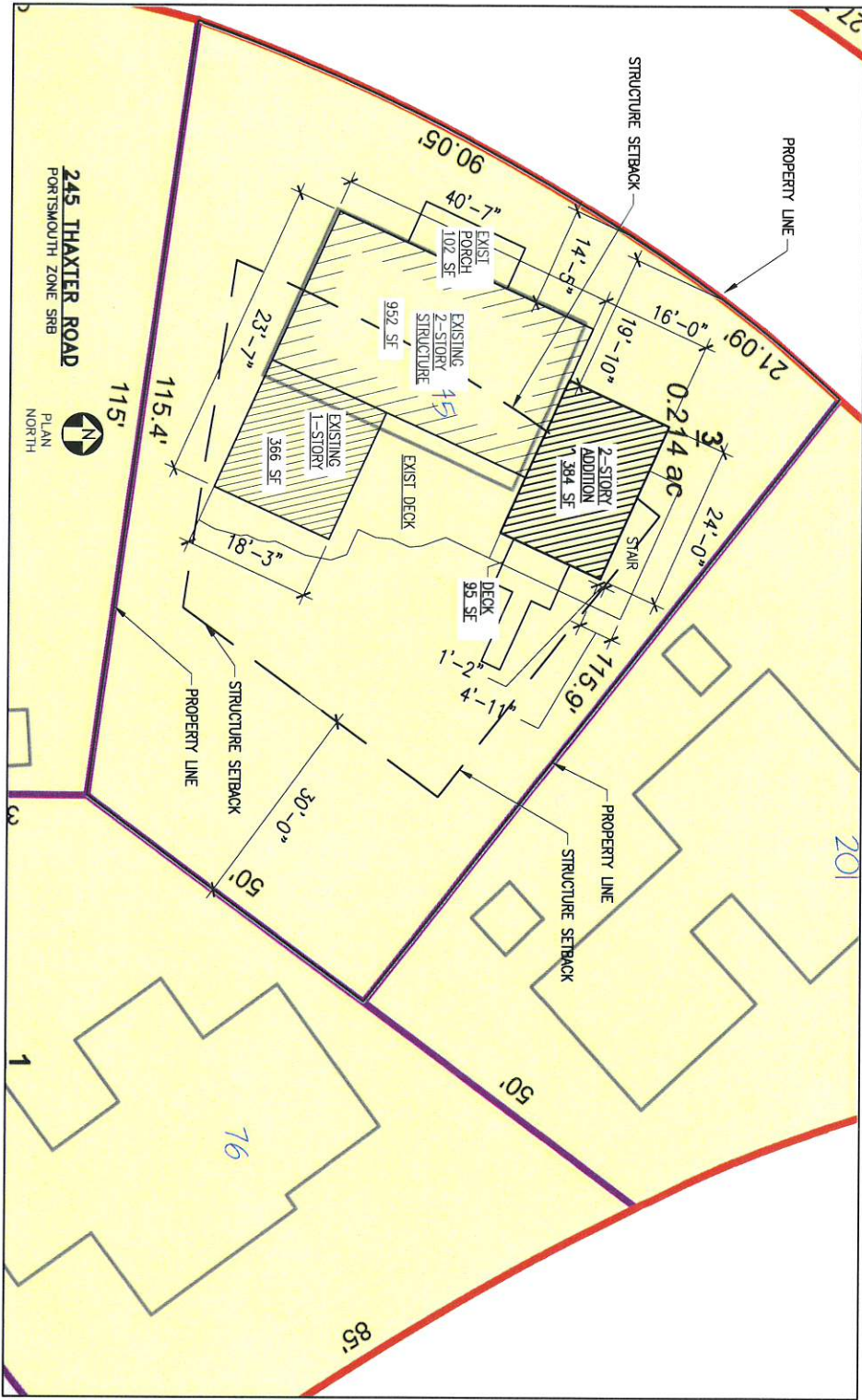
T1.1

**WINTER  
 HOLBEN**  
 architecture + design

7 WALLINGFORD SQUARE  
 UNIT 2099  
 KITTERY, ME 03904  
 207.594.3104

REF:  
 PROJECT NO: 20071  
 DATE: 07/07/2020  
 FILE: 20071-245 THAXTER  
 7-21.DWG

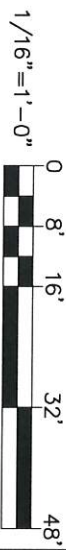
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 CHK'D BY: BMH



245 THAXTER ROAD  
 FORTSMOUTH ZONE SRB



**GRAPHIC SCALES**



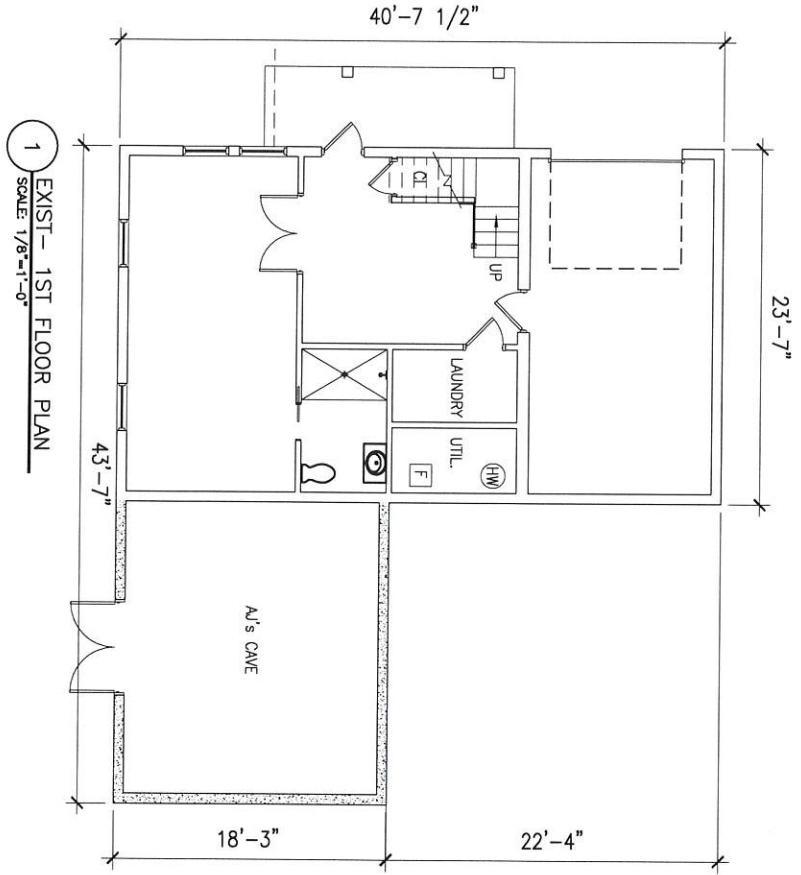
CHECK GRAPHIC SCALES BEFORE USING

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DATE:	07/07/2020
FILE:	20071-245 THAXTER-SITE
	8/21/21-200729.DWG
DRAWN BY:	BMH
CHK'D BY:	BMH

**WINTER HOLBEN**  
 architecture + design

7 WALLINGFORD SQUARE  
 UNIT 209  
 KITTERY, ME 03904  
 207.994.3104

SHEET TITLE	SITE MAP	DRAWING
PROJECT	245 THAXTER RD	
		T1.2



1  
EXIST - 1ST FLOOR PLAN  
SCALE: 1/8"=1'-0"

1/8"=1'-0"



CHECK GRAPHIC SCALES BEFORE USING

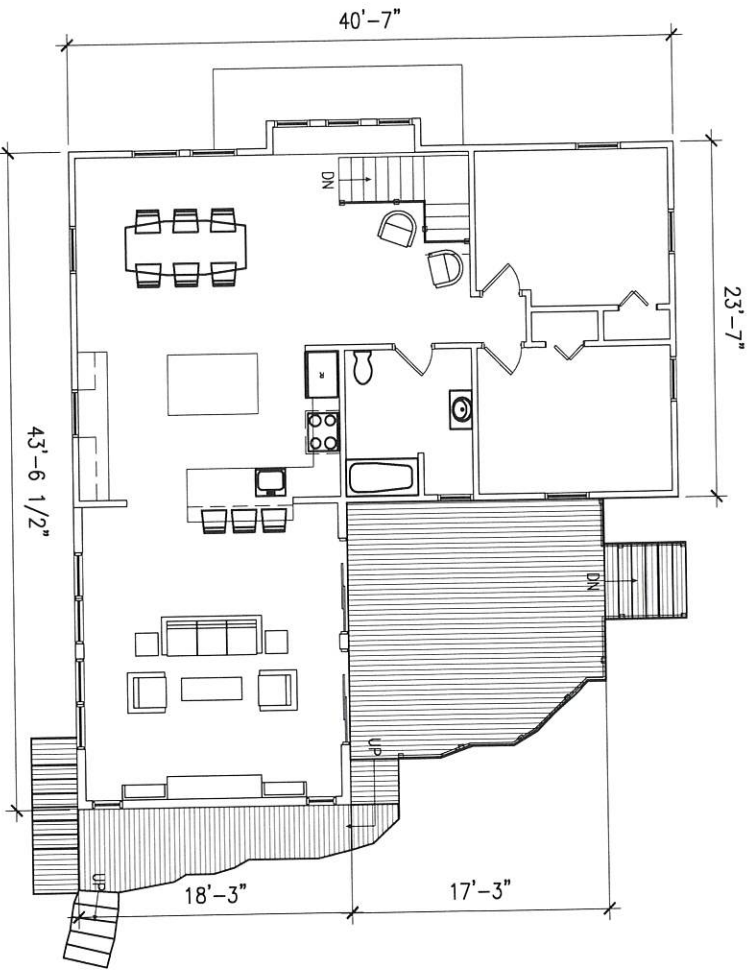
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DATE:	07/07/2020
FILE:	20071-245 THAXTER - 7-21.DWG
DRAWN BY:	BMH
CHK'D BY:	BMH

**WINTER  
HOLBEN**  
architecture + design

7 WALLINGFORD SQUARE  
UNIT 2099  
KITTERY, ME 03904  
207.594.3104

SHEET TITLE	EXISTING FIRST FLOOR
PROJECT	245 THAXTER RD
DRAWING	A1.1

2 EXIST- 2ND FLOOR PLAN  
SCALE: 1/8"=1'-0"



CHECK GRAPHIC SCALES BEFORE USING

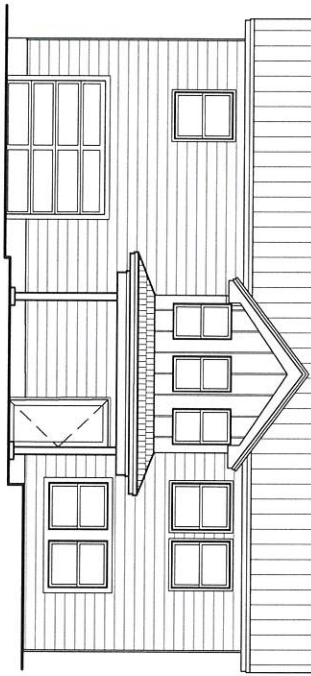
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DATE:	07/07/2020
FILE:	20071-245 THAXTER - 7-21.DWG
DRAWN BY:	BMH
CHK'D BY:	BMH

**WINTER  
HOLBEN**  
architecture + design

7 WALLINGFORD SQUARE  
UNIT 2099  
KITTERY, ME 03904  
207.994.2104

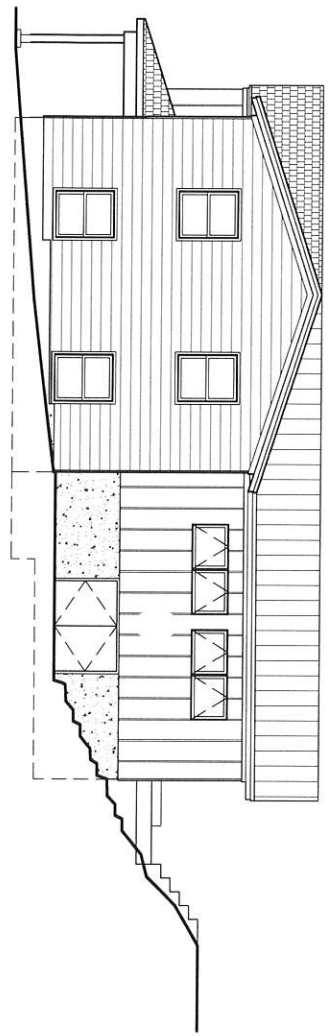
SHEET TITLE		EXISTING SECOND FLOOR	
PROJECT		245 THAXTER RD	
		DRAWING	
		A1.2	

T.O. ROOF  
 ELEV=20'-7"  
 2ND CEILING  
 ELEV=15'-7"  
 2ND FLOOR  
 ELEV=8'-3"  
 1ST FLOOR  
 ELEV=0'-0"



1  
 EXIST- WEST ELEVATION  
 SCALE: 1/8"=1'-0"

T.O. ROOF  
 ELEV=20'-7"  
 2ND CEILING  
 ELEV=15'-7"  
 2ND FLOOR  
 ELEV=8'-3"  
 1ST FLOOR  
 ELEV=0'-0"



2  
 EXIST- SOUTH ELEVATION  
 SCALE: 1/8"=1'-0"

1/8"=1'-0"



CHECK GRAPHIC SCALES BEFORE USING

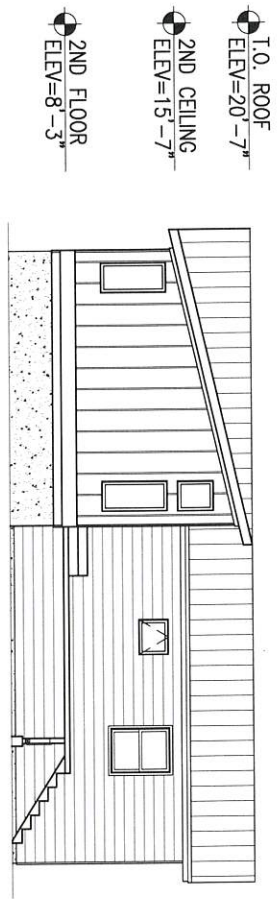
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PROJECT NO:	20071
DATE:	07/07/2020
FILE:	20071-245 THAXTER - 7-21.DWG
DRAWN BY:	BMH
CHK'D BY:	BMH

**WINTER  
HOLBEN**  
 architecture + design

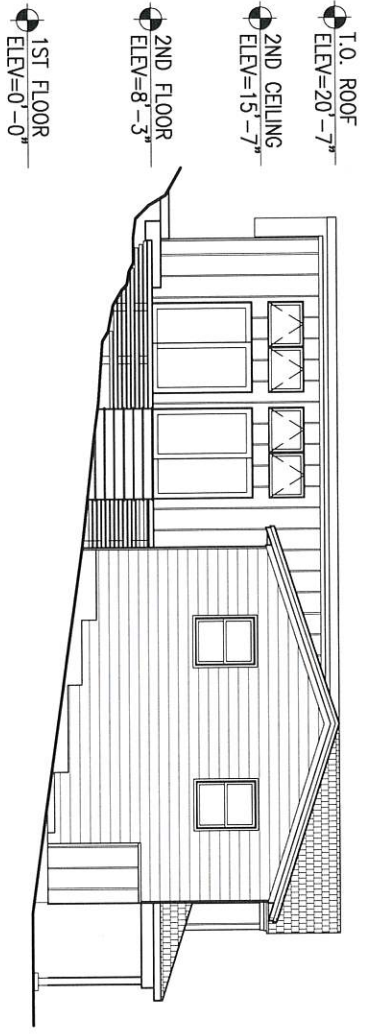
7 WALLINGFORD SQUARE  
 UNIT 2099  
 KITTERY, ME 03904  
 207.954.3104

SHEET TITLE	EXISTING SOUTH AND WEST ELEVATIONS
PROJECT	245 THAXTER RD

DRAWING  
 A2.1



1 EXIST - EAST ELEVATION  
SCALE: 1/8"=1'-0"



2 EXIST - NORTH ELEVATION  
SCALE: 1/8"=1'-0"

1/8"=1'-0"

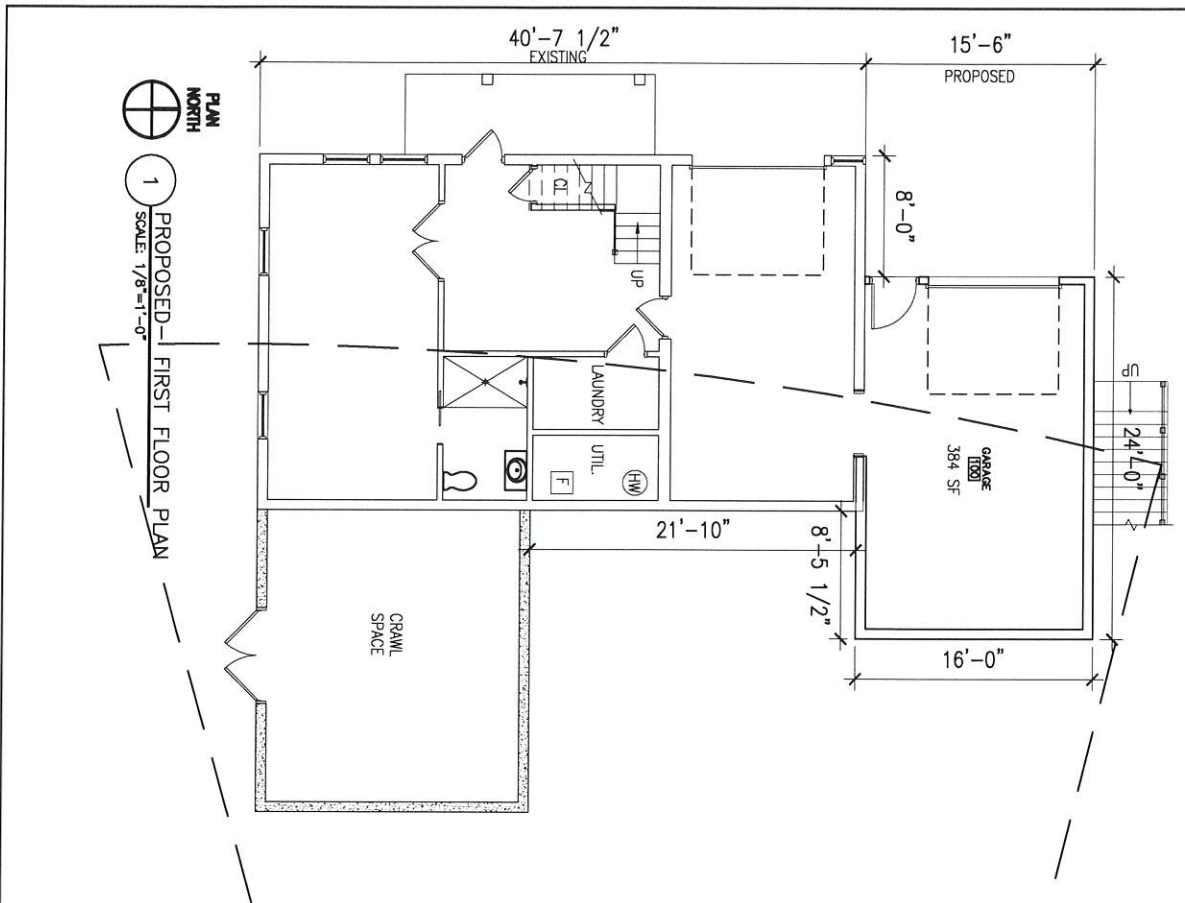


GRAPHIC SCALES

CHECK GRAPHIC SCALES BEFORE USING

REF: PROJECT NO: 20071 DATE: 07/07/2020 FILE: 20071-245 THAXTER - 7-21.DWG	<b>WINTER HOLBEN</b> architecture + design 7 WALLINGFORD SQUARE UNIT 2099 KITTERY, ME 03904 207-994.3104	SHEET TITLE <b>EXISTING NORTH AND EAST ELEVATIONS</b>	
		PROJECT <b>245 THAXTER RD</b>	
DRAWN BY: BMH CHK'D BY: BMH			DRAWING <b>A2.2</b>





1/8" = 1'-0"



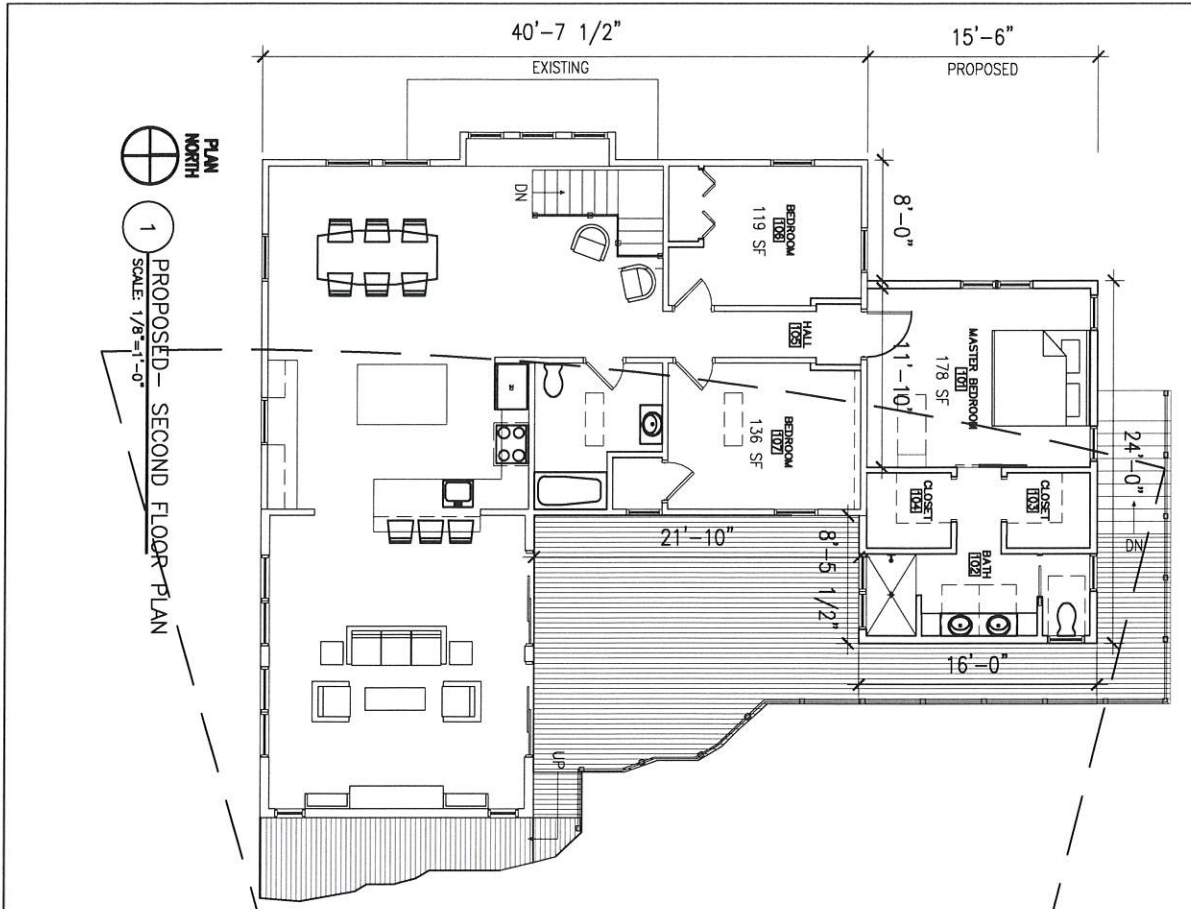
CHECK GRAPHIC SCALES BEFORE USING

REF:	
PROJECT NO:	20071
DATE:	07/07/2020
FILE:	20071-245 THAXTER - 7-21.DWG
DRAWN BY:	BMH
CHK'D BY:	BMH

**WINTER HOLBEN**  
architecture + design

7 WALLINGFORD SQUARE  
UNIT 2099  
KITTERY, ME 03904  
207.594.3104

SHEET TITLE	PROPOSED FIRST FLOOR PLAN
PROJECT	245 THAXTER RD
DRAWING	A3.1

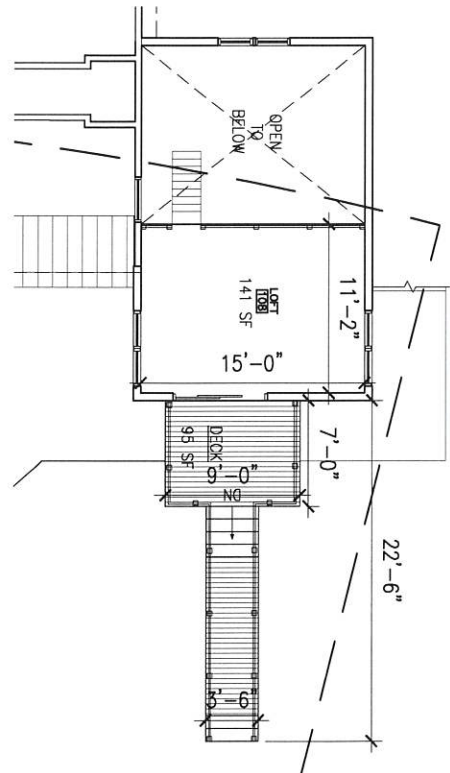


1

PROPOSED - SECOND FLOOR PLAN  
SCALE: 1/8"=1'-0"

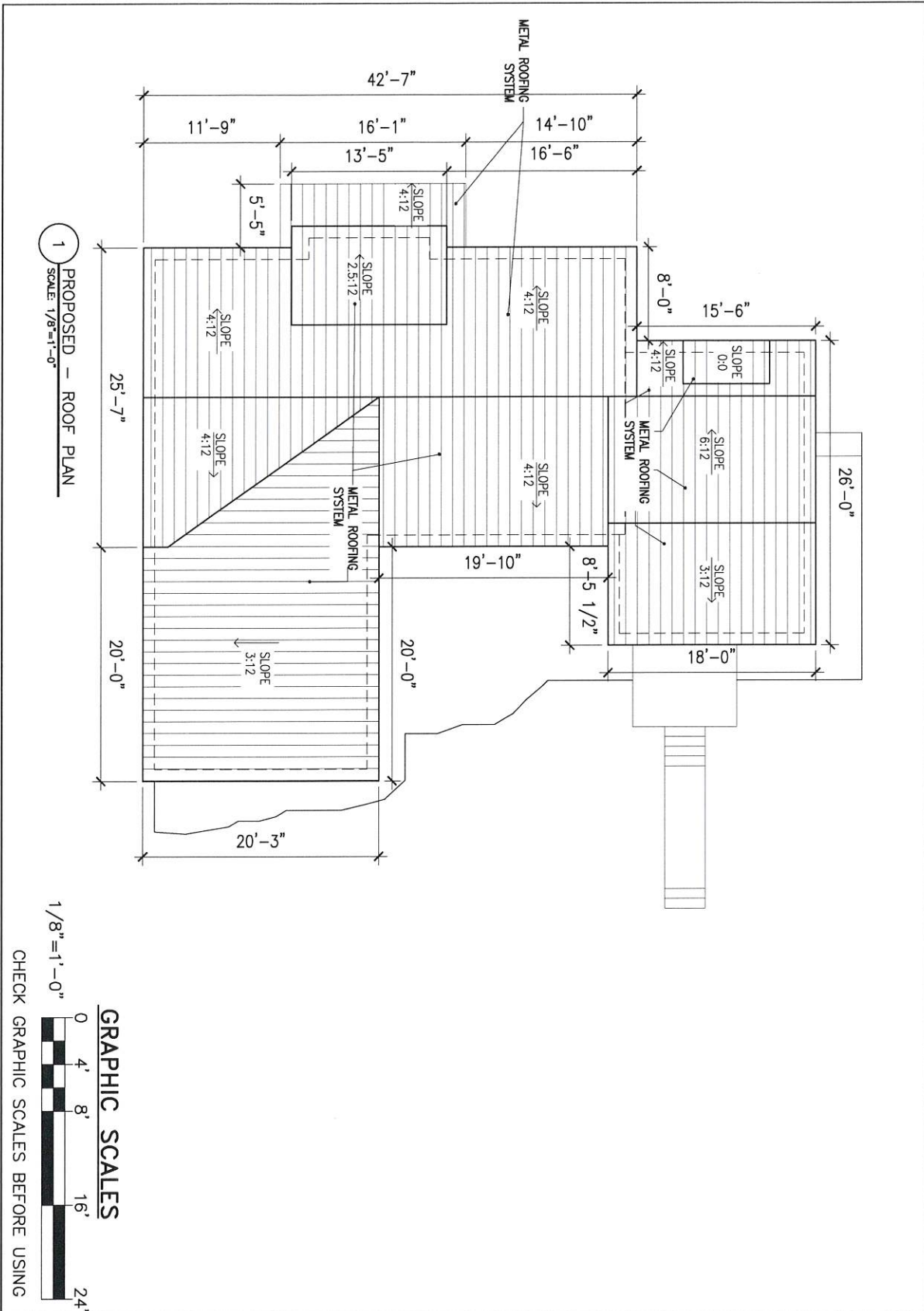
2

PROPOSED - LOFT PLAN  
SCALE: 1/8"=1'-0"



CHECK GRAPHIC SCALES BEFORE USING

REF: PROJECT NO: 20071 DATE: 07/07/2020 FILE: 20071-245 THAXTER - 7-21.DWG	<b>WINTER HOLBEN</b> architecture + design 7 WALLINGFORD SQUARE UNIT 2099 KITTERY, ME 03904 207.594.3104	SHEET TITLE	PROPOSED SECOND FLOOR & LOFT PLAN
		PROJECT	245 THAXTER RD
DRAWN BY: BMH CHK'D BY: BMH		DRAWING	A3.2



REF:	
PROJECT NO:	20071
DATE:	07/07/2020
FILE:	20071-245 THAXTER 7-21.DWG
DRAWN BY:	CKS
CHK'D BY:	BMH

**WINTER  
HOLBEN**  
architecture + design

7 WALLINGFORD SQUARE  
UNIT 2099  
KITTERY, ME 03904  
207.994.3104

SHEET TITLE	PROPOSED ROOF PLAN
PROJECT	245 THAXTER RD
DRAWING	A3.3

T.O. ROOF  
ELEV=28'-2"

LOFT FLOOR  
ELEV=17'-9"

2ND FLOOR  
ELEV=8'-3"

1ST FLOOR  
ELEV=0'-0"

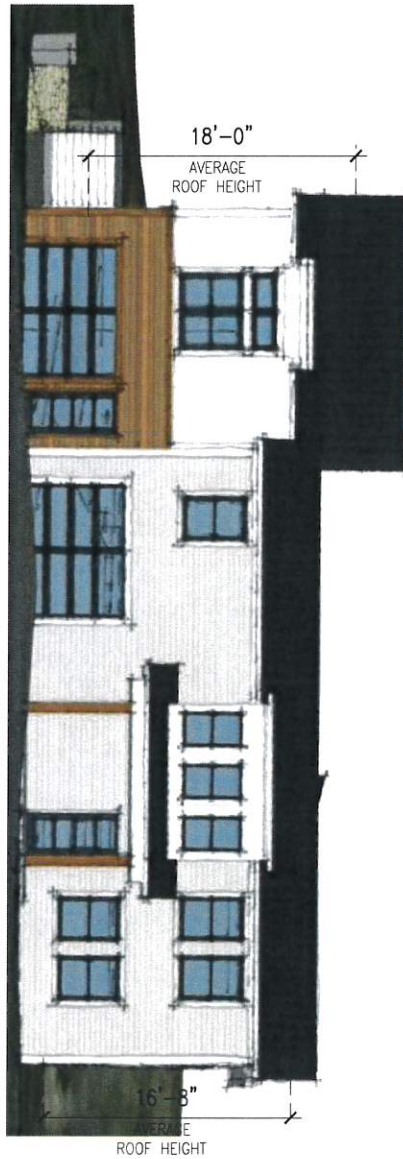
T.O. ROOF  
ELEV=28'-2"

LOFT FLOOR  
ELEV=17'-9"

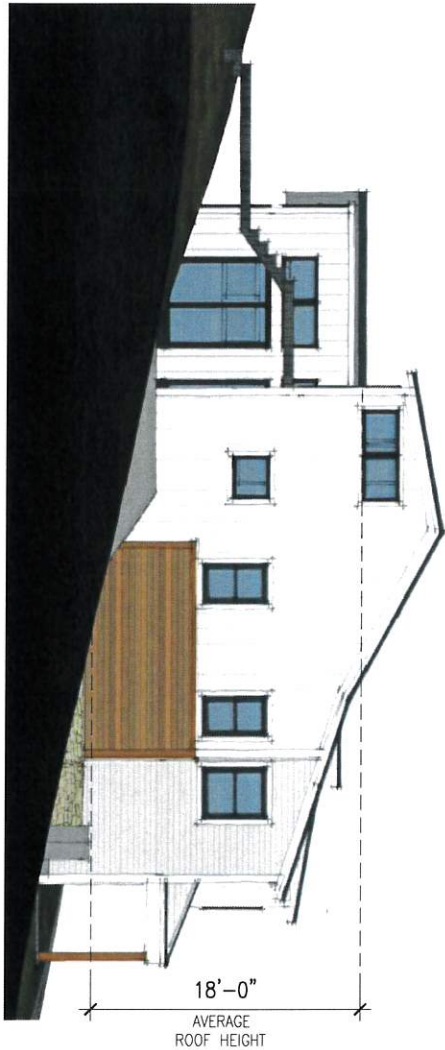
2ND FLOOR  
ELEV=8'-3"

1ST FLOOR  
ELEV=0'-0"

1 PROPOSED - WEST ELEVATION  
SCALE: 1/8"=1'-0"



2 PROPOSED - SOUTH ELEVATION  
SCALE: 1/8"=1'-0"



CHECK GRAPHIC SCALES BEFORE USING

1/8"=1'-0"



REF:
PROJECT NO: 20071
DATE: 07/07/2020
FILE: 20071-245 THAXTER - 7-21.DWG
DRAWN BY: BMH
CHK'D BY: BMH

**WINTER HOLBEN**  
architecture + design

7 WALLINGFORD SQUARE  
UNIT 2099  
KITTERY, ME 03904  
207.994.3104

SHEET TITLE	PROPOSED SOUTH AND WEST ELEVATIONS
PROJECT	245 THAXTER RD
DRAWING	A4.1

T.O. ROOF  
ELEV=28'-2"

LOFT FLOOR  
ELEV=17'-9"

2ND FLOOR  
ELEV=8'-3"

1ST FLOOR  
ELEV=0'-0"

T.O. ROOF  
ELEV=28'-2"

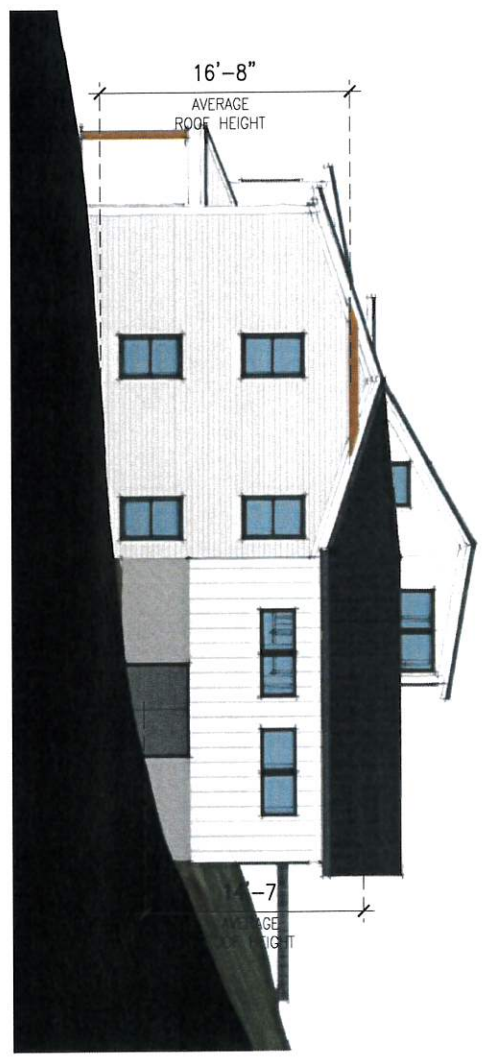
LOFT FLOOR  
ELEV=17'-9"

2ND FLOOR  
ELEV=8'-3"

1ST FLOOR  
ELEV=0'-0"



1 PROPOSED - EAST ELEVATION  
SCALE: 1/8"=1'-0"



2 PROPOSED - NORTH ELEVATION  
SCALE: 1/8"=1'-0"



REF: PROJECT NO: 20071 DATE: 07/07/2020 FILE: 20071-245 THAXTER - 7-21.DWG DRAWN BY: AVO CHK'D BY: BMH	<b>WINTER HOLBEN</b> architecture + design 7 WALLINGFORD SQUARE UNIT 2099 KITTERY, ME 03904 207.954.3104	SHEET TITLE <b>PROPOSED NORTH AND EAST ELEVATIONS</b>	
		PROJECT <b>245 THAXTER RD</b>	
		DRAWING <b>A4.2</b>	



REF:  
 PROJECT NO: 20071  
 DATE: 07/07/2020  
 FILE: 20071-245 THAXTER  
 - 7-21.DWG  
 DRAWN BY: BMH  
 CHK'D BY: BMH

**WINTER  
 HOLBEN**  
 architecture + design  
 7 WALLINGFORD SQUARE  
 UNIT 2099  
 KITTERY, ME 03904  
 207.594.3104

SHEET TITLE  
**PROPOSED RENDER VIEWS**  
 PROJECT  
**245 THAXTER RD**  
 DRAWING  
**5.1**



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NOT A LEGAL DOCUMENT**

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Geometry updated 4/1/2019  
Data updated 7/17/2019

Front Elevation Picture





Left Elevation Picture



Rear-Left Elevation Picture



Rear – Right Elevation Picture



## Requirements for Granting a Variance



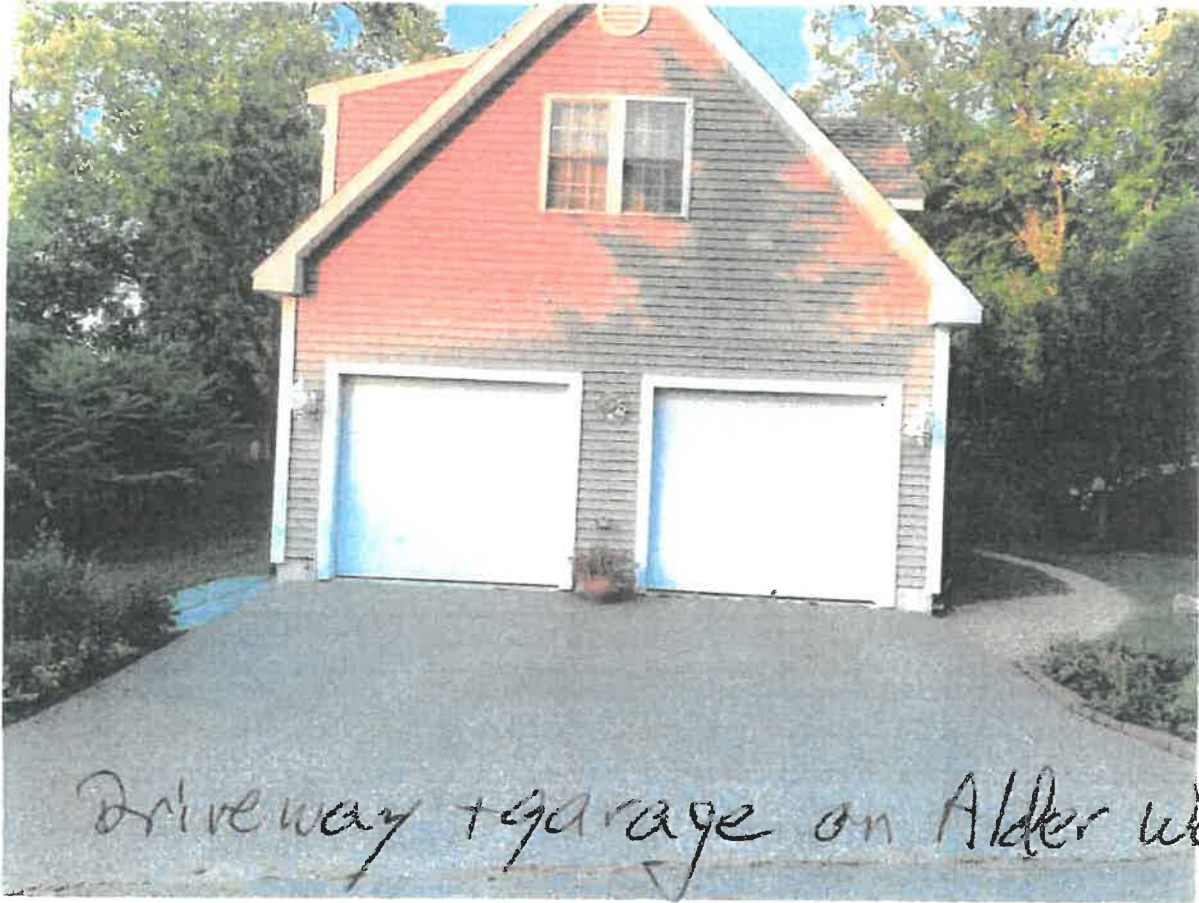
1. I think the variance request is consistent with the public interest since it will be nice to look at for anyone passing by. (If they can even see it.) In addition, it will be used by our neighbors, as we are friendly with them and they will be invited to join us in using it. (I have already described the project to both neighbors and they both support the plan. Please let me know if it would be helpful to either get a letter from them indicating their support or if it would be helpful for them to get on the Zoom meeting on August 18<sup>th</sup> and I'll see if they're available.)
2. I think the spirit of the ordinance is also being observed. If we could locate the screen house anywhere else on the property without needing a variance, we would. As you can see from the property description and the location of our house, we abut the Maplewood exit off the Rte 1 Bypass so the side of the house by the exit and the backyard have consistent and significant noise from both the exit and the bypass. The side of the house between us and our neighbors is the only place on our property shielded from that noise.
3. I can't see how any harm will be done to either our neighbors or the general public (just the opposite) so satisfying the "substantial justice" piece of this ordinance is hopefully straight forward and accomplished.
4. The values of the neighboring properties would either stay the same or increase due to this screen house being tastefully done. We're planning on using nice stained wood and an architectural shingle roof to match the roof on the main house.
5. Per #2 above, if there was another place on our property that we could put the screen house without dealing with the constant traffic noise, we would. As you can see from the pictures, there's a deck on the Maplewood exit side of the house that the previous owner built. In our 10 years we have owned the house, we haven't used the deck once. We also don't use the backyard for the same reason.

There is currently a small garden shed where we would like to build this screen house. We would like to move that garden shed to the back yard as it is handy for storing tools during the winter but if we need to remove it as part of this application, we will.

Thank you for your consideration.

Steve and Kathy Brown

Street view



←  
Wooded  
Exit

→  
Neighbors

Driveway + garage on Alder way

Street view



side of house by neighbors

Top  
of  
partic  
umbrella

street view

side of house by neighbors

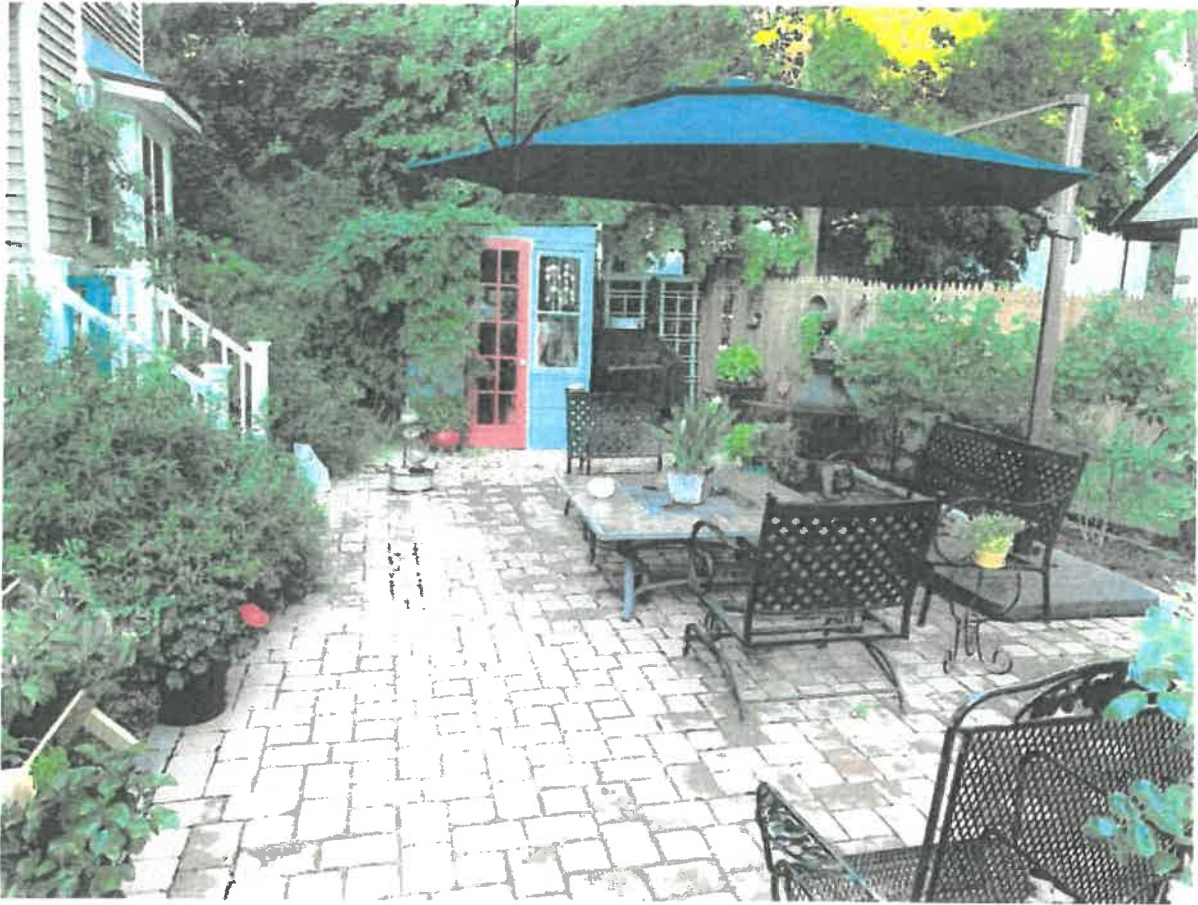


street view

side of house by exit + Rte 1 Bypass



proposed location of screen house



Patio between house + neighbors

Notice that from the street, you can't even see the patio or where we would like to build the screen house, which is past the patio.



**Property Information**

**Property ID** D142-0018-0000  
**Location** 14 ALDER WAY  
**Owner** BROWN FAMILY REVOCABLE TRUST



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Geometry updated 4/1/2019  
Data updated 7/17/2019



**BROWN, STEPHEN /041824 /GA045**

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**From:** steve brown <mott\_brown@yahoo.com>  
**Sent:** Tuesday, August 4, 2020 12:06 PM  
**To:** BROWN, STEPHEN /041824 /GA045  
**Subject:** Screen house

↑ 11 ft



↓ 12'

↓ 14'

[Sent from Yahoo Mail for iPhone](#)