

# Portsmouth Planning Board

Young Residence 346 Colonial Drive Portsmouth, NH

August 26,2019



August 26, 2019

Charles Hoyt Designs 893 Ocean Blvd. Rye, NH 03870 603-812-8016

Dear Portsmouth Planning Board Members,

I, Charles Hoyt was hired by Kenneth Young of 346 Colonial Drive, Portsmouth, NH to design an accessory dwelling apartment in a neighborhood that welcomes such use. Mr, Young also hired me to represent him at all board meetings. This accessory dwelling if granted, will allow Kenneth's Father to live with and be cared for by Kenneth. I have taken great care in following the direction of the NH housing authority on this design.

I want to thank abutters and the board for your consideration in this project.

Sincerely,

Charles Hoyt Charles Hoyt

## Portsmouth Planning Board Accessory Dwelling Unit Conditional Use Permit Application for Consideration

Re:

Kenneth Young 346 Colonial Drive Portsmouth, New Hampshire August 26, 2019

#### I. Items for submission

- 1. Letter of introduction
- 2. Conditional Use Application (electronically submitted)
- 3. Plan set by Charles Hoyt Designs: Sheets A1-A5 and S1
- 4. Photos of existing house and lot
- 5. Google Earth map provided by the Town of Portsmouth
- 6. Letters of approval from neighbors/supporting documents

#### II. Relief Required:

#### A. Relief requirements for conditional use

To the best of my knowledge, this project supports the following findings:

- a. The principal and accessory dwelling unit will remain under common ownership of Kenneth Young.
- b. The Principal and accessory dwelling shall by occupied by Kenneth Young (owner) as his place of residence. Kenneth shall be ready to provide proof of this.
- c. Apart from a home occupancy use, the owner, Kenneth Young shall not use the ADU, nor his principal dwelling unit for any business.
- d. Municipal sewer is provided
- e. The accessory dwelling will not result in excessive

noise traffic or parking consequation. Weldon Young, Kenneth's father wishes to live with his son so he may be cared for by Kenneth.

#### III. Requesting waivers and dimensional relief from article and sections:

<u>Article</u>	<u>Section</u>	Accessory Dwelling Units:
8	10.814.44	Lot is a corner lot, therefore, left side is considered a front yard.
	10.814.451	Exterior wall on the left side/front comes close to
		and may exceed 40% of the total visible facade as seen from the street.
	10.814.453	Requirements for zoning for an ADU state, the Building must be less than the existing ridge height. Our proposed ridge is equal to the existing ridge. There will be an increase in height of 0" from the existing structure.

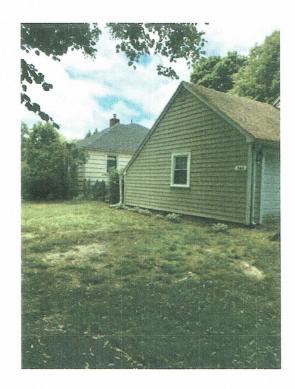
#### IV. Conclusion

To conclude, and for all the reasons stated herein, there is no benefit to the public from denying the conditional use permit. Mr. Young and his father, Weldon will be harmed by the denial of his right to utilize the home as they reasonably see fit.

We therefore humbly ask that the Board grant the requested Conditional Use Permit for my clients Kenneth and Weldon Young. We look forward to presenting our modest proposal to the Planning Boards in the near future.

Respectfully Submitted, Charles Hoyt

For Kenneth Young











YOUNG RESIDENCE 346 COLONIAL DRIVE PORTSMOUTH, NH.

PHOTOGRAPHS OF HOUSE AND LOT

6-19-19

P1





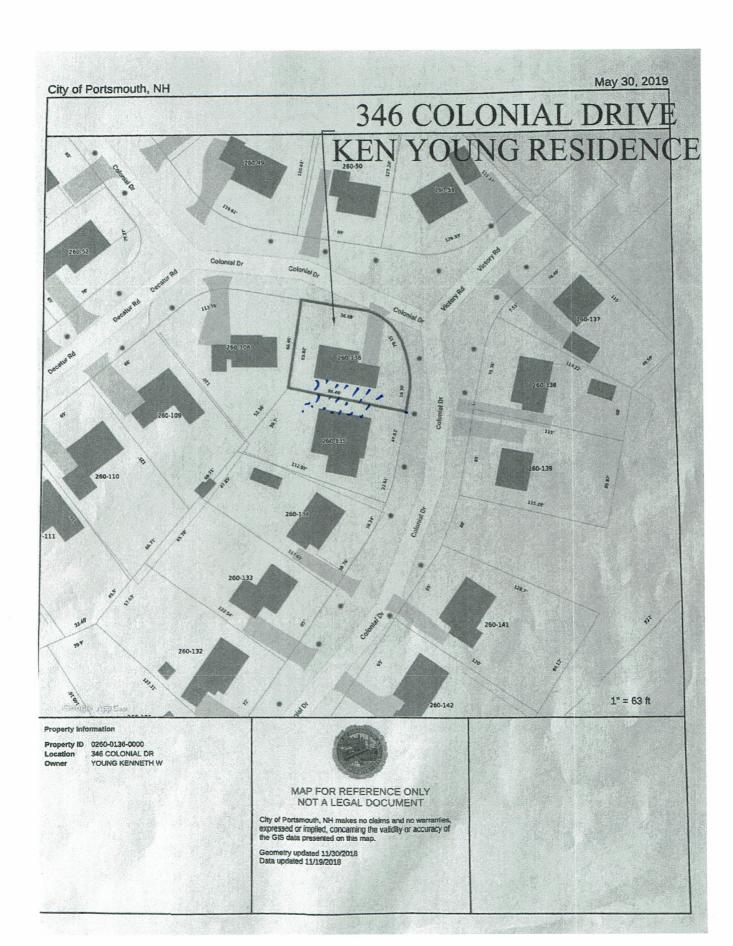


YOUNG RESIDENCE 346 COLONIAL DRIVE PORTSMOUTH, NH.

PHOTOGRAPHS OF NEIGHBORHOOD

6-19-19

P2



### dad's apartment

kennethwyoung@netscape.net

Mon 6/3/2019 8:00 PM

**To:** charleshoytdesigns@hotmail.com <charleshoytdesigns@hotmail.com> Hey Charlie,

Just wanted to take a minute to thank you again for handling most of the leg work in applying for the variances, permits, etc.

My dad and his dog came over this weekend for a visit. We had a great time walking around the neighborhood w/ our dogs, introducing him to some neighbors, going into town, and just watching some Red Sox games. It's exactly what we're both hoping to do a lot of w/ this addition. My parents divorced when I was very young, and jobs kept my dad in another state for many years, so I'm very much looking forward to having him close by again. If we were looking to build this next year, then perhaps I'd be able to do the running around myself this winter when it's my slow season. But, I'm in the middle of my busy season at work and most days don't get home until long after the City Offices are closed. Neither me or my dad want to delay this any longer than necessary, and want to just get him here as soon as possible. You are really helping us out a lot by taking the lead on this. MONEY WELL SPENT:)

-Kenny

### Fwd: Recommendation letter

Kenneth Young < Kennethwyoung@netscape.net > Tue 6/18/2019 10:31 AM

To: Charles Hoyt Architect <charleshoytdesigns@hotmail.com>

- Kenneth Young

Begin forwarded message:

From: Ruben Yzaguirre < yzaguirre.r@gmail.com >

Date: June 18, 2019 at 9:35:34 AM EDT

To: <u>kennethwyoung@netscape.net</u> **Subject: Recommendation letter** 

To Whom it may concern,

My name is Ruben Yzaguirre and I an writing this letter to express my support for the renovation of Ken Young's house. I live directly across the street from Ken (337 Colonial Dr.) and he has discussed with me his plans for the addition to his current living space and i fully support his idea and would like to see the project started.

Thanks,

Ruben Yzaguirre

## Fwd: Kenny young addition

Kenneth Young < Kennethwyoung@netscape.net > Mon 6/17/2019 9:32 AM

To: Charles Hoyt Architect <charleshoytdesigns@hotmail.com>

- Kenneth Young

Begin forwarded message:

From: <u>linz 3@yahoo.com</u>

Date: June 17, 2019 at 9:21:43 AM EDT

To: kennethwyoung@netscape.net

I, Lindsay Lewis, of 180 Decatur Rd, Portsmouth, NH have been made aware by Kenneth Young of 346 Colonial drive of his proposed addition for his dad to live in. I am in full support of this project.

Thank you, Lindsay Lewis Fwd: 346 colonial dr

Kenneth Young < Kennethwyoung@netscape.net > Mon 6/17/2019 10:19 AM

To: Charles Hoyt Architect <charleshoytdesigns@hotmail.com>

- Kenneth Young

Begin forwarded message:

From: sean evans < buffalo1sean@hotmail.com>

**Date:** June 17, 2019 at 9:34:09 AM EDT **To:** "kennethwyoung@netscape.net"

<a href="mailto:kennethwyoung@netscape.net">kennethwyoung@netscape.net</a>

Subject: 346 colonial dr

To whom it may concern,

My wife and I are the homeowners of 328 Colonia Dr., Which is directly across the street from Mr Young's residence. We are in full support of Mr. Young's proposed home addition. After speaking with him about the proposed addition, it's clear it would be suitable for the neighborhood.

Thank You,

Sean and Hannah Evans

Sent from my iPhone

## **Building application representation**

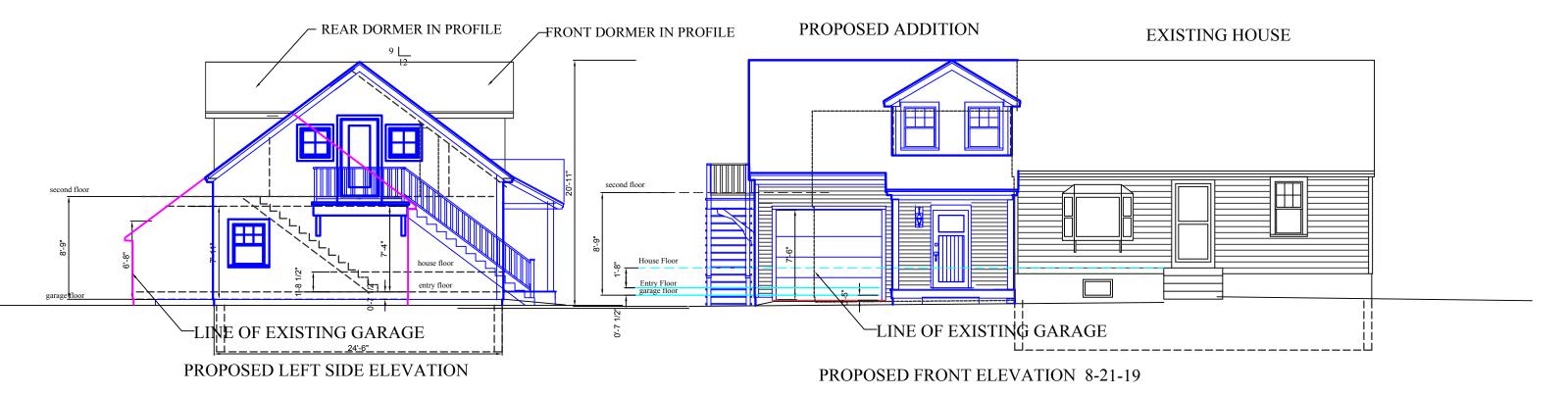
Kenneth Young < Kennethwyoung@netscape.net> Wed 6/19/2019 11:33 AM

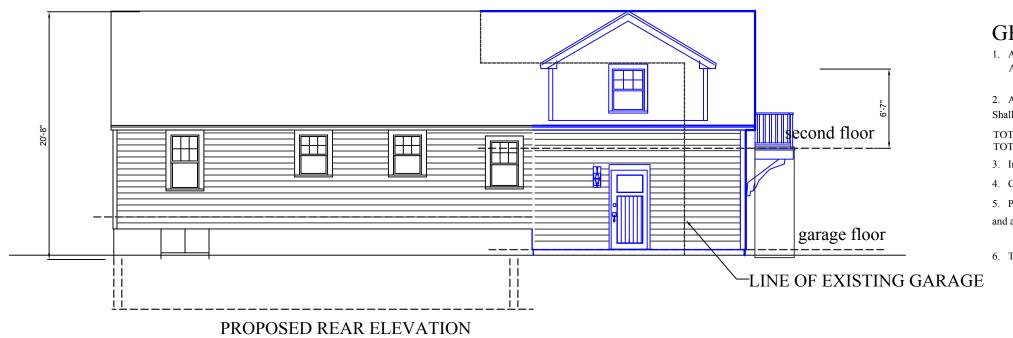
To: Charles Hoyt Architect <charleshoytdesigns@hotmail.com>

To whom it may concern,

I have asked Charlie Hoyt to represent me to the City of a Portsmouth in order to gain approval for all permits/variances/allowances etc for my proposed building project at 346 Colonial Drive Portsmouth.

- Kenneth Young



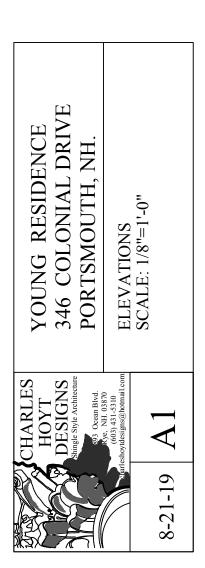


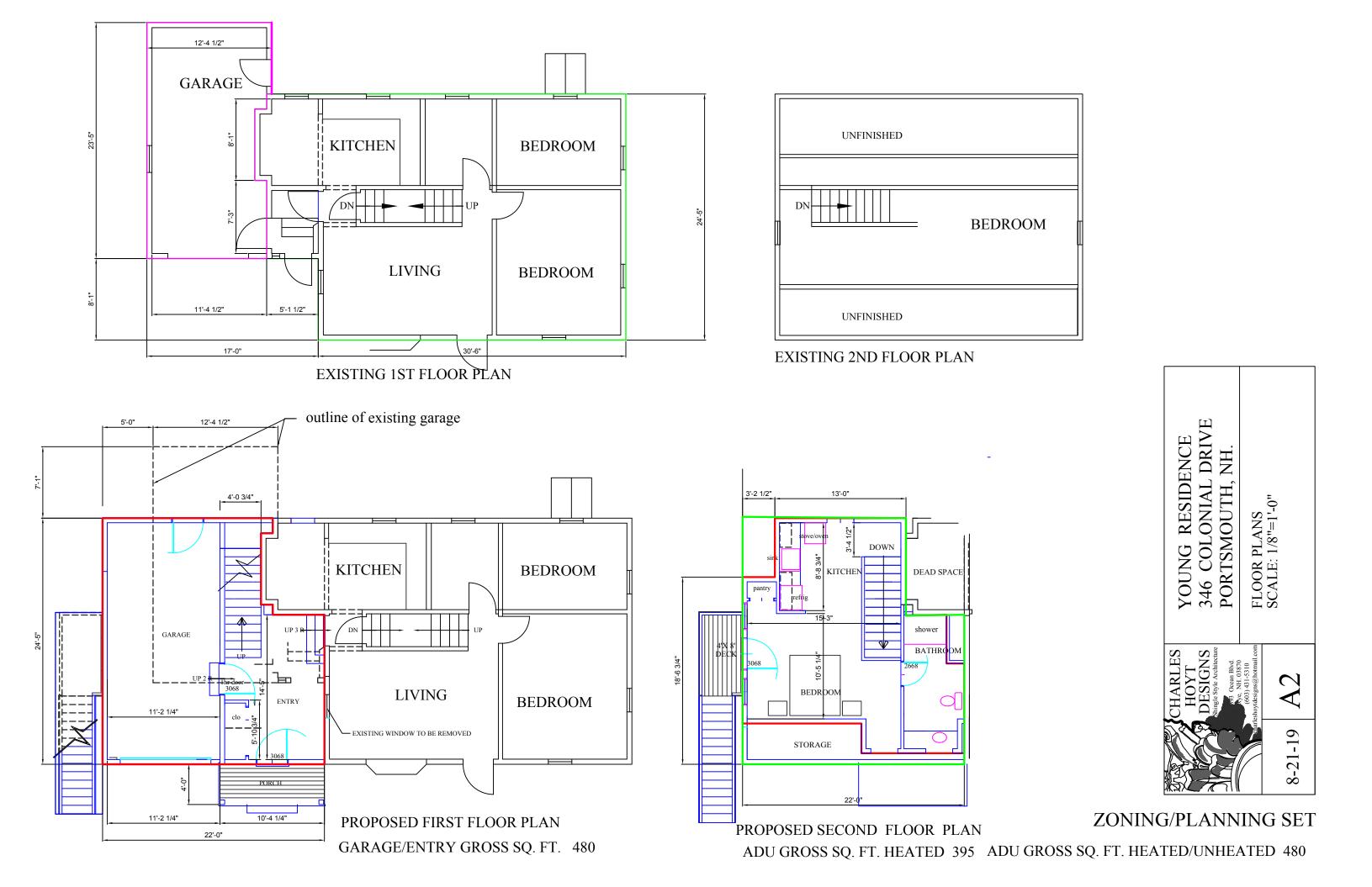
#### **GENERAL NOTES:**

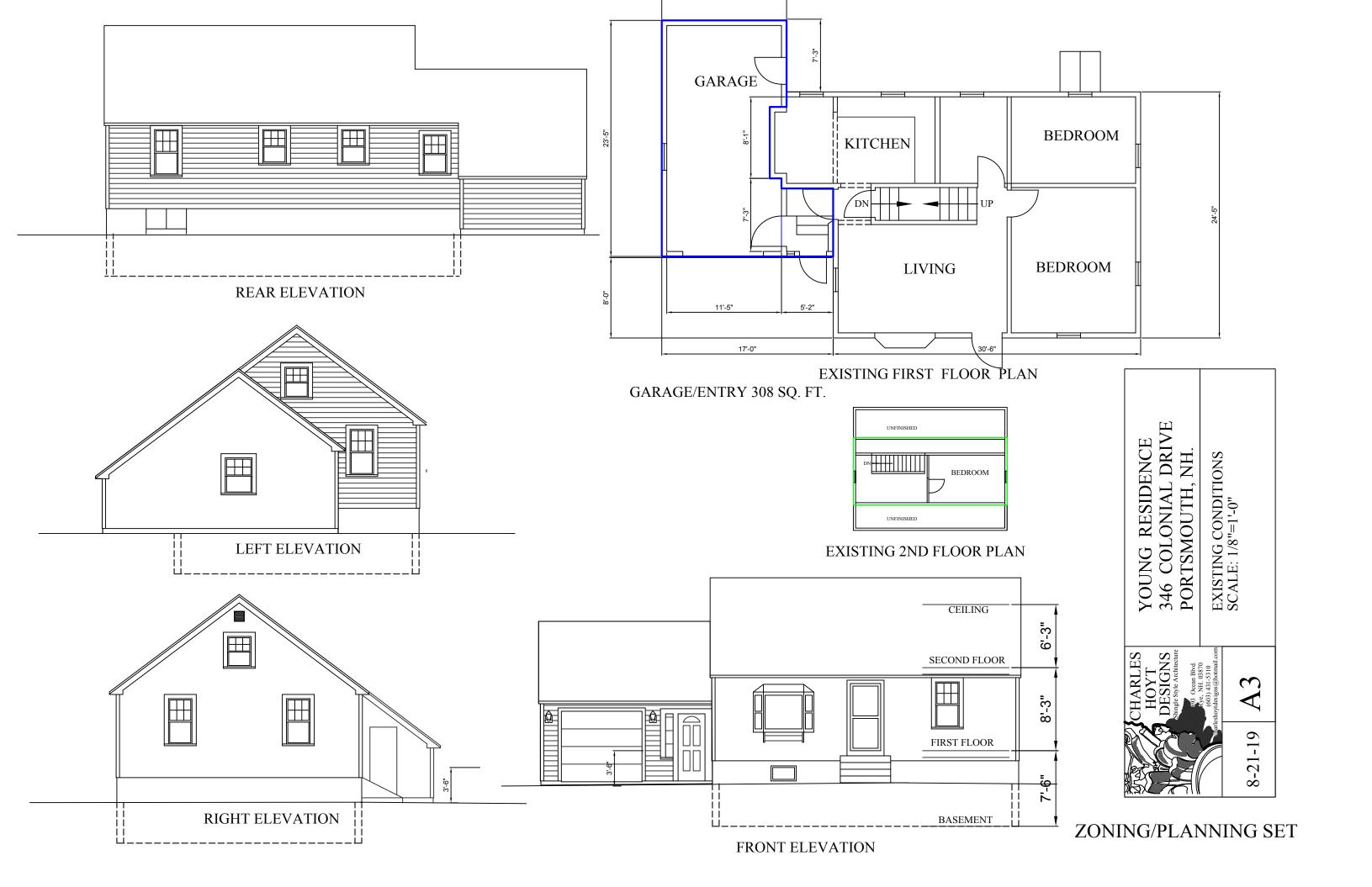
- All Construction shall Meet Or Exceed The 2009 I.B.C.
   And Local Building Ordinance's Governing Accessory Dwelling Units
- 2. As Per Town Ordinance's: All Accessory Dwelling Units Shall Not Exceed 750 Sq. Feet

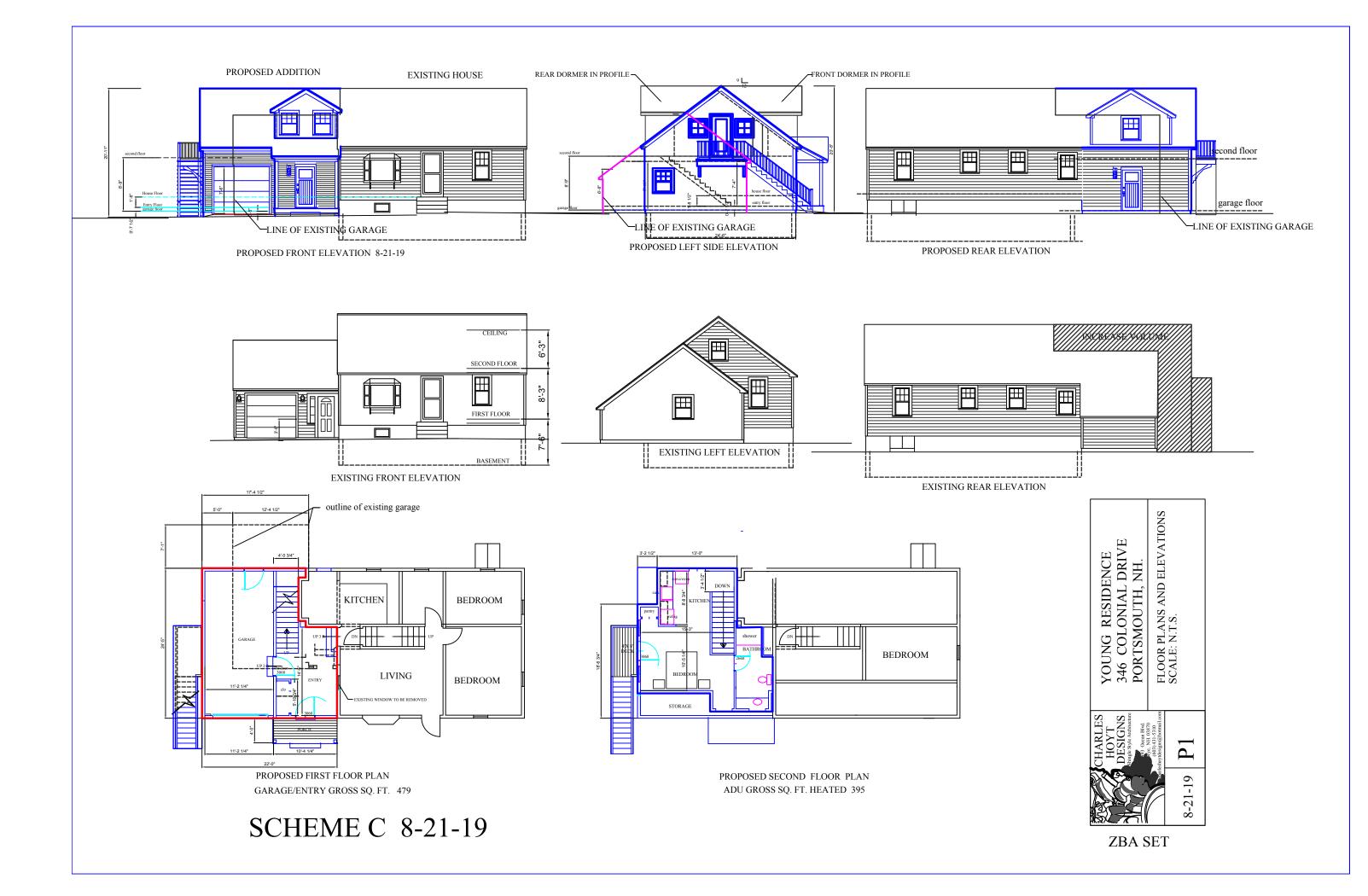
TOTAL HEATED SQUARE FEET: 395 TOTAL GROSS SQUARE FEET: 480

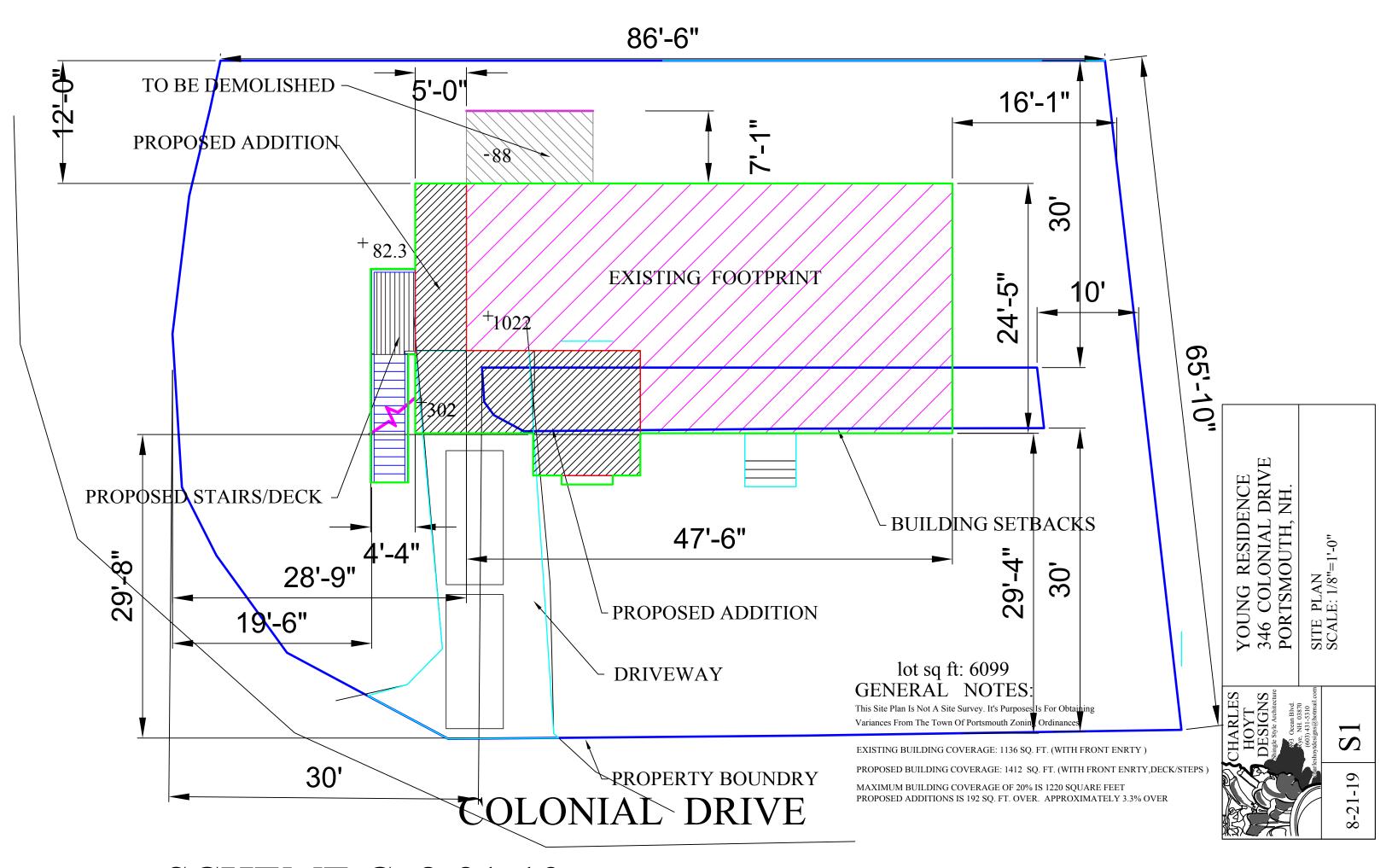
- 3. Insulation at Roof, Walls, and Floor to meet code
- 4. Contractor to verify structural conditions of existing house
- 5. Provide a (1) hour separation between apartment and existing house, and apartment and Garage.
- 6. This single family residence is in the SRB zone.











## APPLICATION FOR CONDITIONAL USE PERMIT 346 COLONIAL DRIVE, PORTSMOUTH, NEW HAMPSHIRE

#### I. INTRODUCTION

Kenneth Young ("Mr. Young") owns the property located at 346 Colonial Drive in the City of Portsmouth (Tax Map 260, Lot 136) ("the Property"). Mr. Young lives on the Property and wishes to construct an attached accessory dwelling unit ("ADU") on the Property to allow for his aging father to reside with Mr. Young in his home.

Mr. Young is seeking a conditional use permit ("CUP") for the construction of the attached ADU in pursuant to Section 10.814 of the City of Portsmouth Zoning Ordinance. In additional the Conditional Use Permit, Mr. Young is also seeking variances from the City of Portsmouth Zoning Board of Adjustment from the following provisions of the Zoning Ordinance:

- Section 10.310 related to the expansion of a structure on a non-conforming lot. That section provides: "Any lot that has less than the minimum lot area or street frontage required by this Ordinance shall be considered nonconforming and no use or structure shall be established on such lot unless the Board of Adjustment has granted a variance from the applicable requirements of this Ordinance.
- Section 10.321 related to the expansion of a lawful, non-conforming building or structure. That section provides: "A lawful nonconforming building or structure may continue and be maintained or repaired, but may not be extended, reconstructed, or enlarged unless such extension, reconstruction, or enlargement conforms to all the regulations of the district in which it is located."
- Section 10.521 which establishes a 15,000 square feet minimum lot size requirement in the SRB Zone.
- Section 10.521, which establishes a 30' front setback in the SRB Zone.
- Section 10.521, which establishes a 30' rear setback in the SRB Zone.
- Section 10.521, which establishes a maximum building coverage of 20% in the SRB Zone.
- Section 10.814.22, which establishes requirements for attached accessory dwelling units in pre-existing, non-conforming structures. That section provides: "An attached accessory dwelling unit is permitted on existing nonconforming lots and within existing nonconforming buildings as long as there is no increase in building height or building footprint for any portion of the existing building and no increase to the nonconformity."

#### II. CURRENT PROPERTY LAYOUT

The Property is a .14-acre parcel in the SRB Zone. The Property is located where Colonial Drive sharply curves and converges with Victory Road, and Decatur Road. The Property is rectangular-shaped, with curved sidelines on the Property's northerly and easterly boundaries. A copy of the Tax Map 22 is attached for the Board's convenience.

The Property is presently improved with a 1,032 square foot (gross living space) single-family home of a cape design with a 276 square foot attached garage that was constructed in or around 1940. The front façade of the building on the Property has two entrances – a main entrance that leads to the single-family residence on the Property and a second entrance that leads to the garage adjacent and attached to the single-family residence. The total footprint of the structures located on the Property is approximately 1,111square feet. The total existing building coverage on the Property is approximately 18.6%, which is 1.4% below the allowable 20% maximum coverage.

Because the Property is located on a sharp curve and has street frontage on two of its four sides, the Property is subject to the Zoning Ordinance's 30' front setback on two sides and the 30' rear setback on a third side, leaving an exceedingly small building envelope on the Property. As such, the single-family residence on the Property constitutes a pre-existing, non-conforming use as the garage is located within 5 feet of the rear sideline, the single family home is located within 7' 1" of the rear sideline, and the existing structures are located between 28' 9" and 29' 4" of the two front sidelines.

#### III. PROPOSED USE

The CUP sought by Mr. Young is to allow Mr. Young to construct a 480 gross square foot (385 square foot GLA) attached ADU above the garage on the Property to allow Mr. Young to care for his aging father. Mr. Young's proposed use is more fully set forth in the floor plans and site plan appended to this CUP application prepared by Charles Hoyt Design.

Starting with the changes to the site, Mr. Young's proposal will result in the demolition of the existing garage, and the construction of a new garage with the ADU built above that reconstructed garage. The existing garage is located within 5' of the existing rear property line, and, when reconstructed, the garage/ADU will be brought forward such that the rear of the reconstructed garage will be in line with the rear of the primary dwelling on the Property. As such, the garage will be relocated to 12' from the rear property line from 5'.

The front of the existing garage will also be in line with the existing primary dwelling, with the exception being that Mr. Young will build a small portico on the front of the home that will result in a slight encroachment into the Property's front northerly, front setback. The reconstructed garage/ADU will be expanded approximately 9' 4" toward the easterly, front sideline of the Property, resulting in the eastern portion of the garage/ADU to be within 19' 6" of the easterly, front sideline. The reconstructed garage/ADU will be 5' closer to the easterly, front sideline than

the current garage, and a deck that will lead to the ADU and provide a second means of egress from the ADU – as required by the State Fire Code – will add an additional 4' 4" of expansion toward the easterly, front sideline. The resulting building coverage on the Property with the improvements will be approximately 23.3%, 3.3% over the allowable 20% maximum coverage.

The elevation of the garage/ADU will be 20' 11" in height at the ridgeline, which is a 4' 4" increase from the ridgeline of the existing garage on the Property. Architecturally, Mr. Hoyt designed the garage/ADU to be aesthetically consistent with the primary dwelling on the Property. The front and rear of the garage/ADU will be in line with the primary dwelling unit, and the ADU's height will be equal to the primary dwelling on the Property. The modest ADU will include the incorporation of a dormer above the front entrance of the ADU. That dormer is also consistent in design with the existing cape, and will function to displace snow above the designed joint entryway.

The interior design of the ADU reflects a kitchen, a bathroom, and a studio style bedroom/living room. Access to the ADU will be through a shared entry-way that will lead to an interior staircase. A second means of access will be through the exterior staircase that will terminate at the deck (4' x 8') referenced above.

#### IV. CRITERIA FOR ISSUANCE OF A CUP

Section 10.814.60 of the City of Portsmouth Zoning Ordinance provides that, before granting a CUP for an attached ADU, the Planning Board must make the following findings:

- The exterior design of the ADU is consistent with the existing principal dwelling on the lot.
- The site plan provides adequate and appropriate open space, landscaping and offstreet parking for both the ADU and the primary dwelling.
- The ADU will maintain a compatible relationship to adjacent properties in terms of location, design, and off-street parking layout, and will not significantly reduce the privacy of adjacent properties.
- The ADU will not result in excessive noise, traffic or parking congestion.

In granting a conditional use permit for an accessory dwelling unit, the Planning Board may modify a specific standard set forth in Sections 10.814.40 or 10.814.52 through 10.814.56, including requiring additional or reconfigured off-street parking spaces, provided that the Board finds such modification will be consistent with the required findings in Section 10.814.60.

#### V. REQUEST FOR MODIFICATION

Per the suggestion of the Planning Department, Mr. Young is seeking a modification from the following design standards applicable to attached ADUs, as authorized by Section 10.814.70.

• Section 10.814.43: Any exterior changes to the single-family dwelling shall maintain the appearance of a single-family dwelling. If there are two or more doors in the front of the dwelling, one door shall be designed as the principal entrance and the other

doors shall be designed to appear to be secondary.

- Section 10.814.44: No portion of the AADU shall be closer to the front lot line than the existing front wall of the principal dwelling unit.
- Section 10.814.451: An exterior wall of the AADU that faces a street on which the lot has frontage shall comprise no more than 40 percent of the total visible façade area of the dwelling as seen from that street.
- Section 10.814.452: The addition to or expansion of the existing single-family dwelling may include an increase in building height only as an upward expansion of the existing principal building with no increase in building footprint.
- Section 10.814.453: The building height of any addition or expansion that includes an increase in building footprint shall be less than the building height of the existing principal building.
- Section 10.814.453: The AADU shall be architecturally consistent with the existing principal dwelling through the use of similar materials, detailing, roof pitch, and other building design elements.

The support for the issuance of the above-referenced modifications is reflected below.

#### VI. MR. YOUNG'S PROPOSAL SATISIFIES 10.814.60

As set forth above, the issuance of a CUP will allow for the construction of a modest attached ADU to the existing single-family residence on the Property.

The project has been professionally designed to be architecturally and aesthetically consistent with the existing primary dwelling unit on the Property. The attached ADU will result in the existing garage to be demolished and rebuilt (which in turn will reduce the extent of an existing non-conformity at the Property's rear setback). The reconstructed garage/ADU will be of the same material and construction as the existing single-family residence and will be the same height as the existing single-family residence. The site plan does not materially impact open space on the Property – which is already modest due to the lot's limited size – as the expansion will only result in a small increase to the building's footprint. The Property has adequate space for parking for the ADU because the ADU is designed to only comfortably house one individual, and the Property has a garage and space for two parking spaces in the driveway. Moreover, the design of the ADU will not significantly reduce the privacy of adjacent properties. Further, because the attached ADU is anticipated to be a 480 square feet (gross), there is no anticipation that the ADU will result in excessive noise, traffic, or parking congestion and will not materially differ from other properties in the neighborhood.

With the exception of the standards for which waiver is sought, the proposed attached ADU will comply with all required criteria for the issuance of a CUP. The attached ADU will have an interior door separating it from the primary dwelling unit, will only have one bedroom and will be smaller than 750 square feet. Further, the existing primary entrance for the Property will take on an appearance of a secondary entranceway, and the shared entranceway will take on the appearance of the primary entrance through the construction of a portico over that shared entranceway. Such a design is authorized by 10.814.43, which allows for two or more doors to the front of a dwelling so

long as one is designed as the primary entrance and the other is designed to be secondary.

With regard to Mr. Young's requests for modifications from the established design criteria, the Planning Board should grant those requests because the grant of the modifications is consistent with the required findings set forth in Section 10.814.60.

With regard to the requests related to Sections 10.814.44 and 10.814.451, Mr. Young is seeking a modification from this design standard because the Property has frontage on two sides, and, therefore, one of the Property's sidelines has frontage on Colonial Drive. As such, the lateral expansion of the garage/attached ADU will result in the Property expanding closer to the westerly sideline than the current structure and more than 40% the westerly façade of the building (which is the side of the building) will constitute the ADU. However, the spirit and intent of the design criteria set forth in Section 10.814.44 and 10.814.451 is not furthered by applying those standards to the sideward expansion in Mr. Young's proposal because these design criteria were clearly intended to apply to the front façade, not the side of a structure.

With regard to the request for modification from Section 10.814.43 and Section 10.814.453, the Project is designed to be aesthetically consistent with the existing single-family structure. Notwithstanding, Mr. Hayes in the Planning Department suggested that: (1) the portico and dormer do not maintain the appearance of a single family home and (2) the portico and dormer are not consistent with the existing single family home. Therefore, out of an abundance of caution, Mr. Young is seeking a modification from Sections 10.814.451 and .453.

Here, the Board should grant Mr. Young's request for a modification because the existing single-family residence already has two entrances on the front façade, and, therefore, the proposed portico will not add a new entryway and will not materially alter the appearance of the existing single-family structure. Moreover, the proposed portico will not detract from the appearance of the structure as a single-family home – rather, the portico will take on the role as the primary entrance and will redesignate the remaining entrance as a second entrance, which is authorized by Section 10.814.43. Moreover, the addition of a dormer and portico to the front of home is consistent with a cape design, will add functionality by divesting snow off of the roof, will maximize available space while curtailing expansion of the building footprint, and will not detract from the structure's existing appearance as a single family home.

Lastly, the Planning Board should grant a modification from the section 10.814.453 because although the building footprint will be increased slightly, the height will not be equal to, and will not exceed, the existing single-family dwelling. Section 10.814.453 only allows for an expansion of the building footprint so long as the addition's height is less than the existing principal building. Here, the height of the proposed ADU will not be less than, but will be the same, of the existing primary dwelling building. As such, the height of the proposed ADU will still be consistent with the appearance of the existing primary dwelling on the Property.

#### VII. CONCLUSION

For the reasons set forth above, and throughout this Application, Mr. Young humbly requests that this Board grant Mr. Young a CUP.

Mr. Young appreciates the Planning Board's careful consideration of this matter.







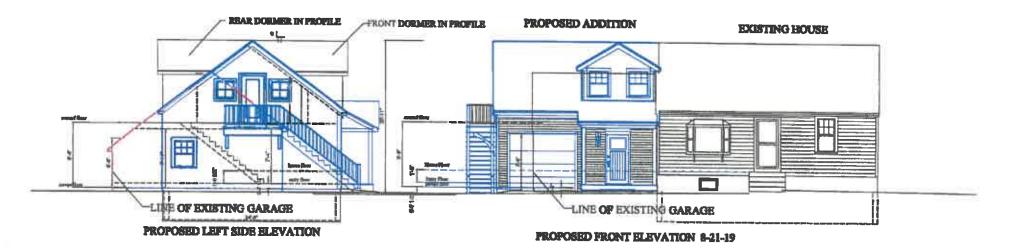


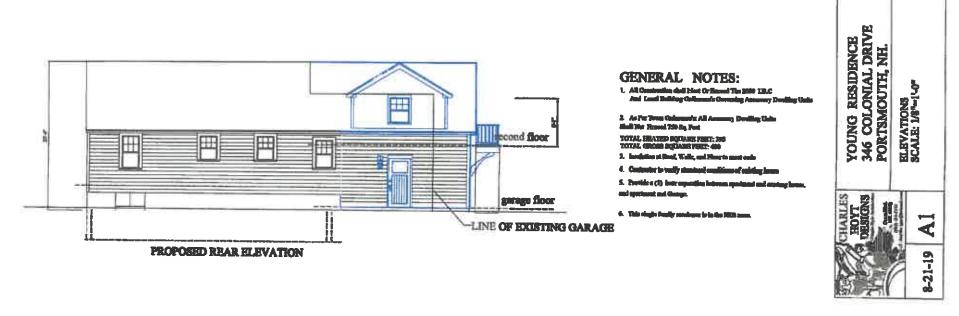


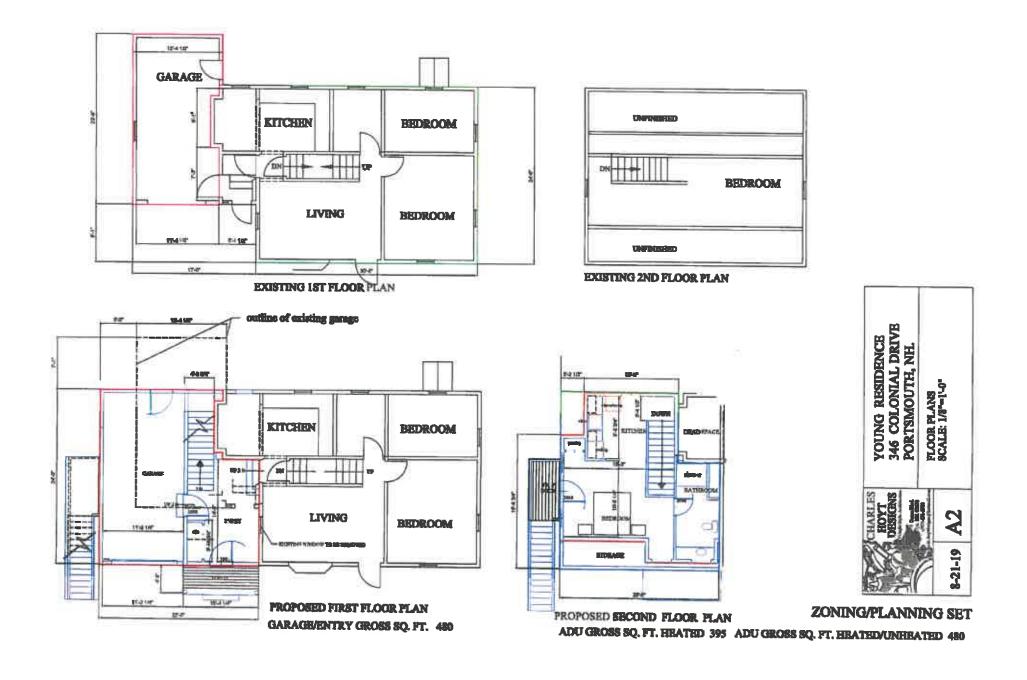
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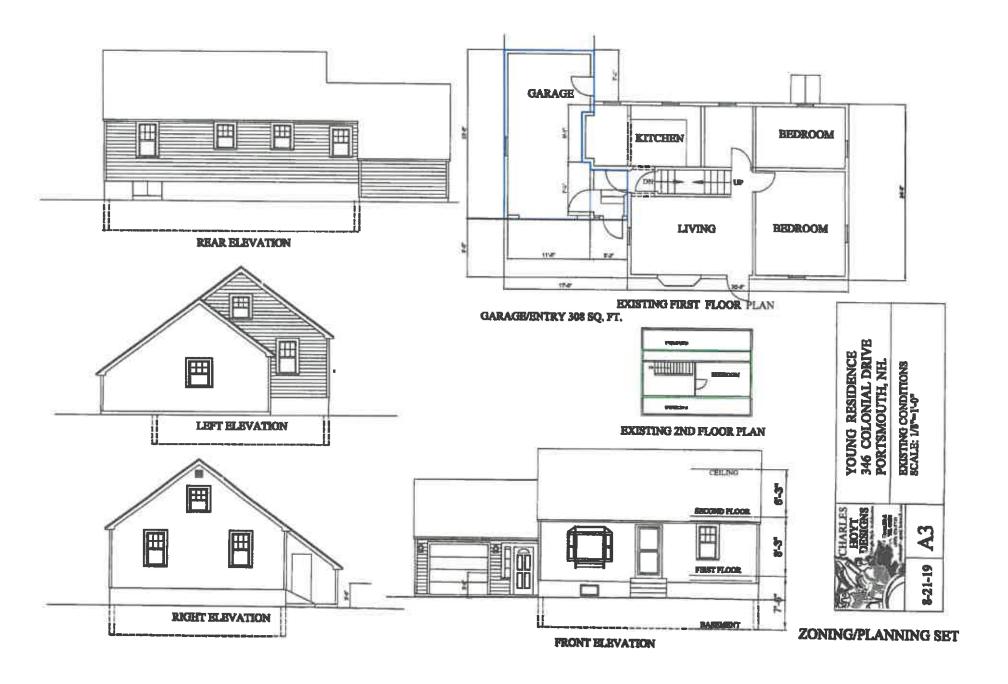
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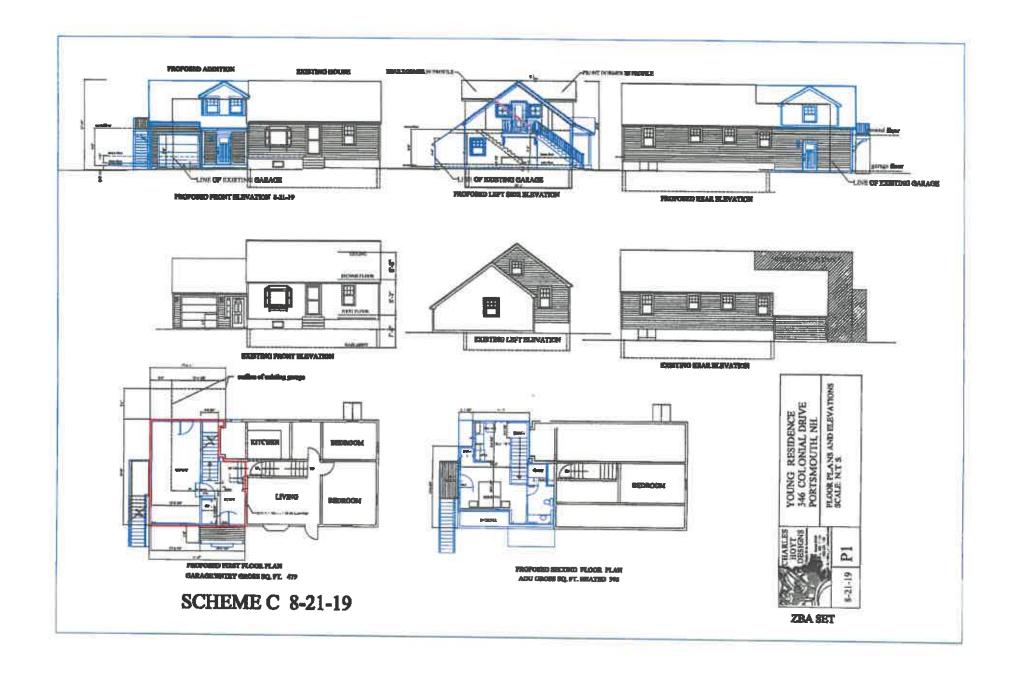
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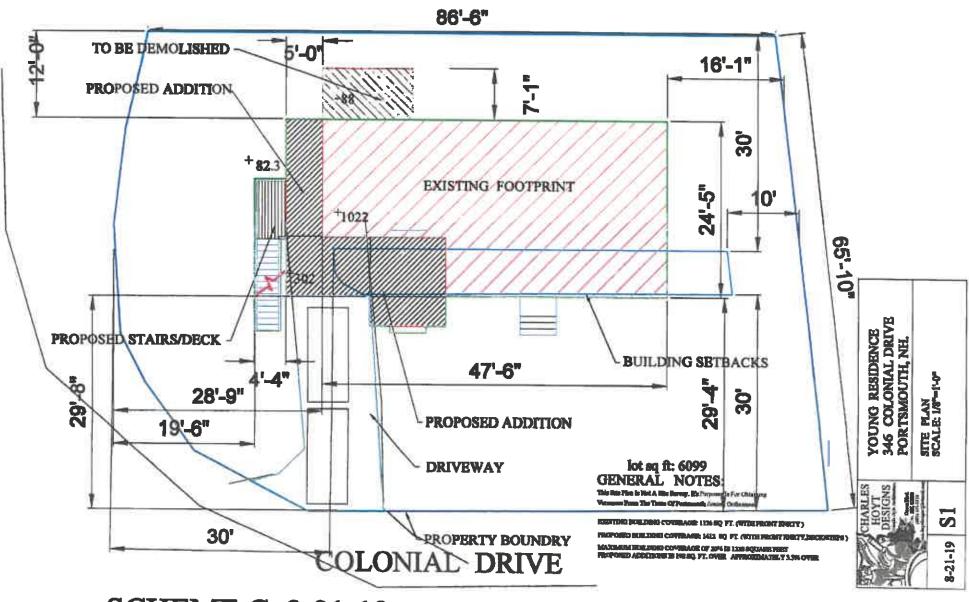


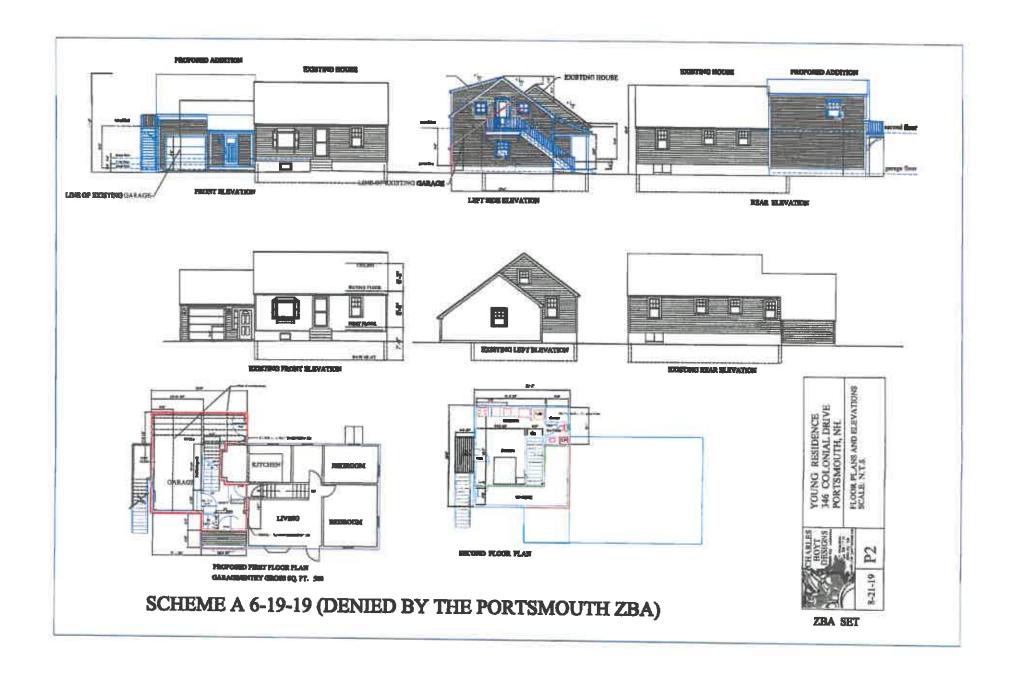


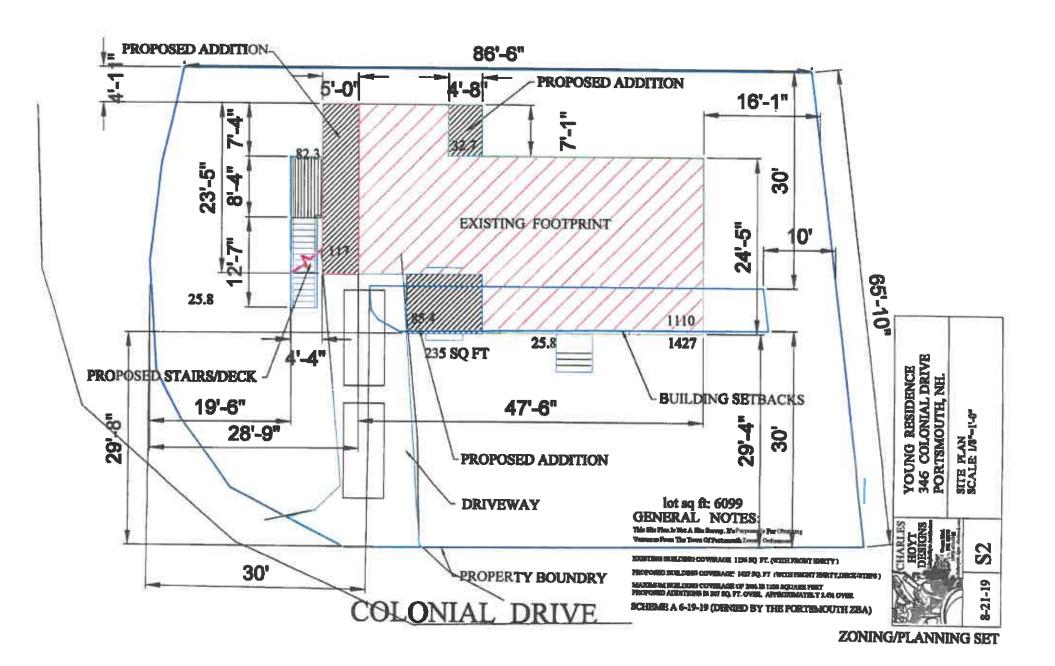
























#### Eric A. Maher

From:

Kenneth Young < Kennethwyoung@netscape.net>

Sent

Friday, September 06, 2019 6:57 PM Eric A. Maher, Charles Hoyt Architect

To: Subject:

Fwd: Updated addition design

#### - Kenneth Young

#### Begin forwarded message:

From: Lindsay Stevens < linz 3@yahoo.com > Date: August 21, 2019 at 10:33:43 PM EDT

To: Kenneth Young < Kennethwyoung@netscape.net >

Subject: Re: Updated addition design

You can count on 180 Decatur!

Sent from my iPhone

On Aug 21, 2019, at 9:05 PM, Kenneth Young < Kennethwyoung@netscape.net > wrote:

Hi all,

As some of you know, my first proposal to the Portsmouth Zoning Board was denied due largely to the objection of my abutting neighbor & her lawyer. Since that rejection in June, my architect & I have come up with a new set of plans to resubmit to the Board. All of you have previously submitted your statements of support for this project -which I GREATLY appreciate- but I want to also pass along the updated copy for your perusal, as it gives more details about the project than my verbal description. This proposal is a modest addition that creates a 395 sq ft living space above a new garage for my dad to live in. We believe that this plan is the smallest & least invasive design that still allows a reasonable living area, and would significantly enhance this corner of our neighborhood.

Please let me know if I can still count on your support moving forward. I am happy to supply more detailed drawings of this project if you would like.

Thank you!

Kenny Young

<a1.pdf>

#### Eric A. Maher

From:

Kenneth Young < Kennethwyoung@netscape.net>

Sent

Friday, September 06, 2019 6:56 PM Eric A. Maher; Charles Hoyt Architect

To: Subject:

Fwd: ken young's colonial drive proposal

#### - Kenneth Young

#### Begin forwarded message:

From: Aidan Henderson <urokidd@yahoo.com>
Date: August 27, 2019 at 5:03:55 PM EDT

To: < kennethwyoung@netscape.net>

Subject: Re: ken young's colonial drive proposal

Mr. Young,

Thank you so much for sharing your design. Cynthia and I are impressed by the design we reviewed. It shows conformity to the surrounding architecture and blends with the neighborhood without dominating the landscape. We don't find any objection with what you want to accomplish.

Regards

Aidan

#### Sent from Yahoo Mail for iPhone

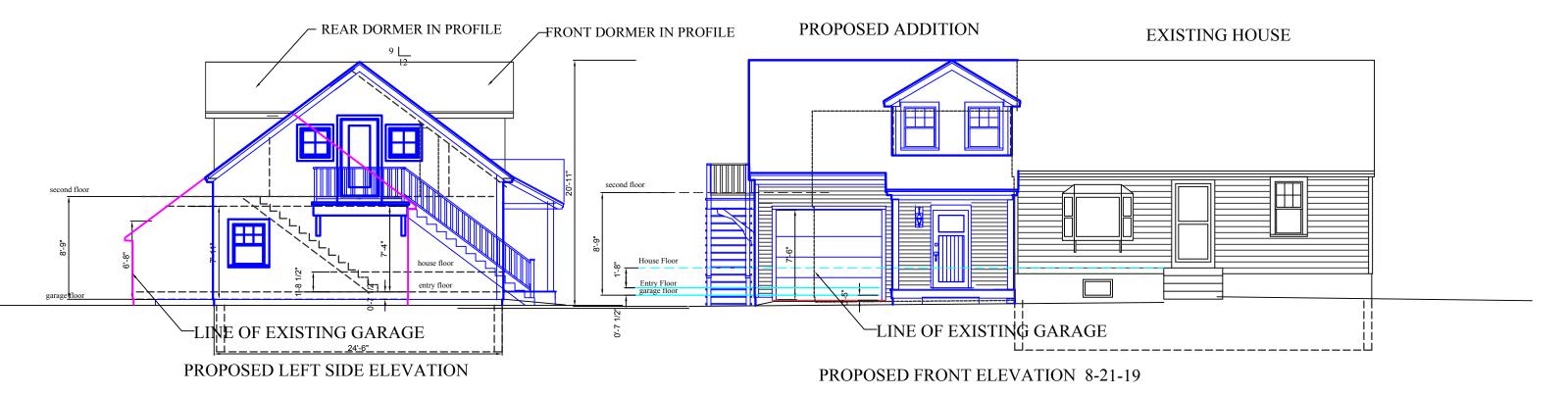
On Saturday, August 24, 2019, 7:53 PM, kennethwyoung@netscape.net wrote:

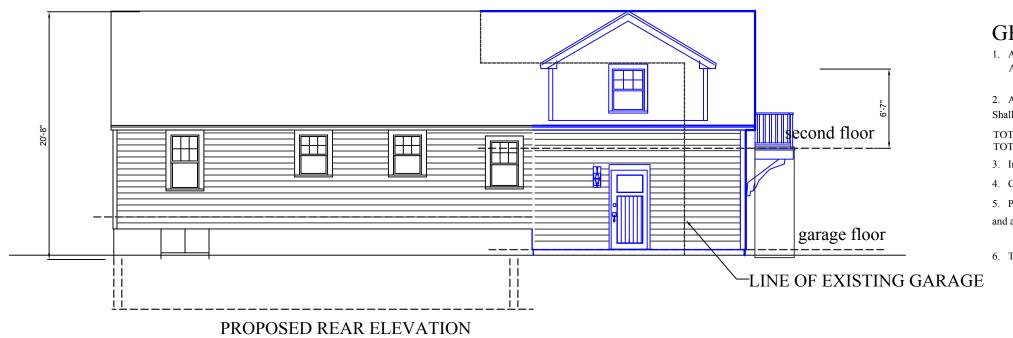
Hi Aldan,

This is the architect's design for my dad's proposed addition. I would love it if you & Boots could look it over. If you feel comfortable w/ this being built, it would help my cause greatly if you could support it:)

Thanksl

-Kenny



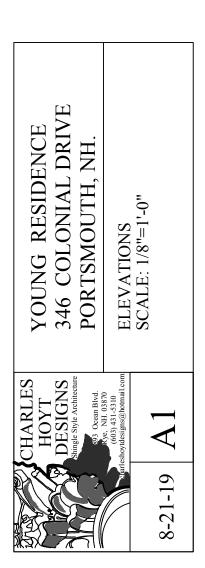


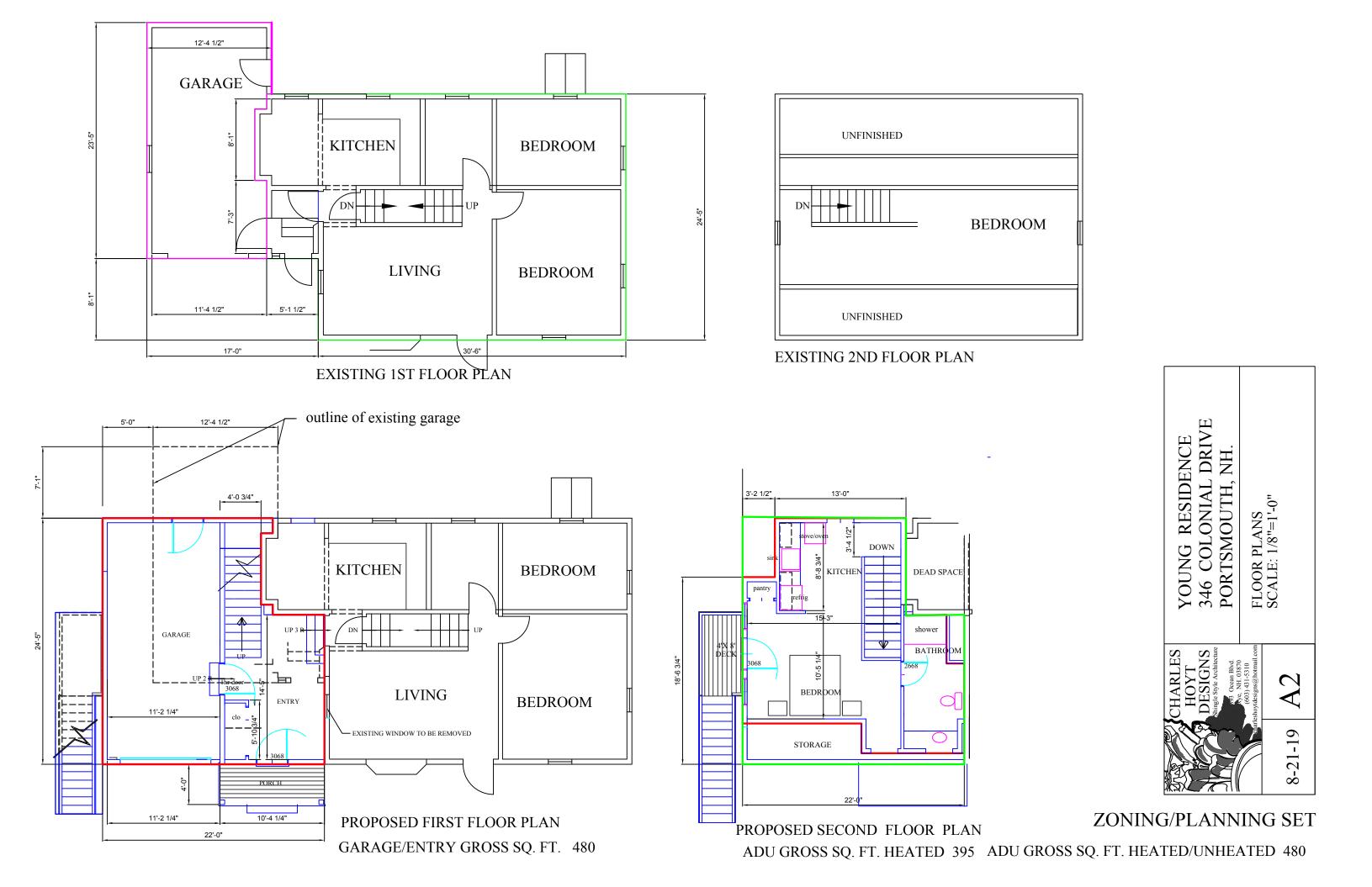
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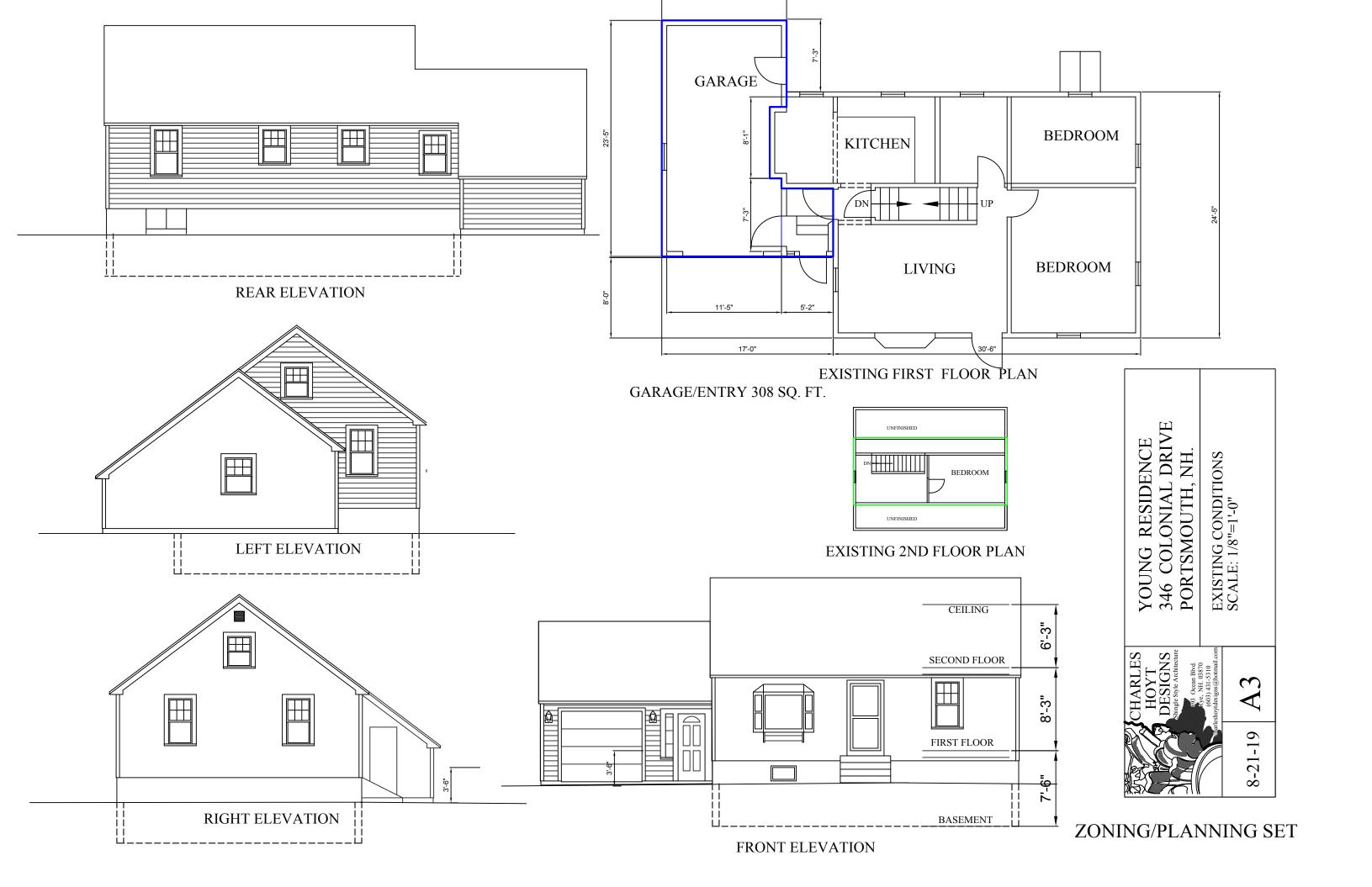
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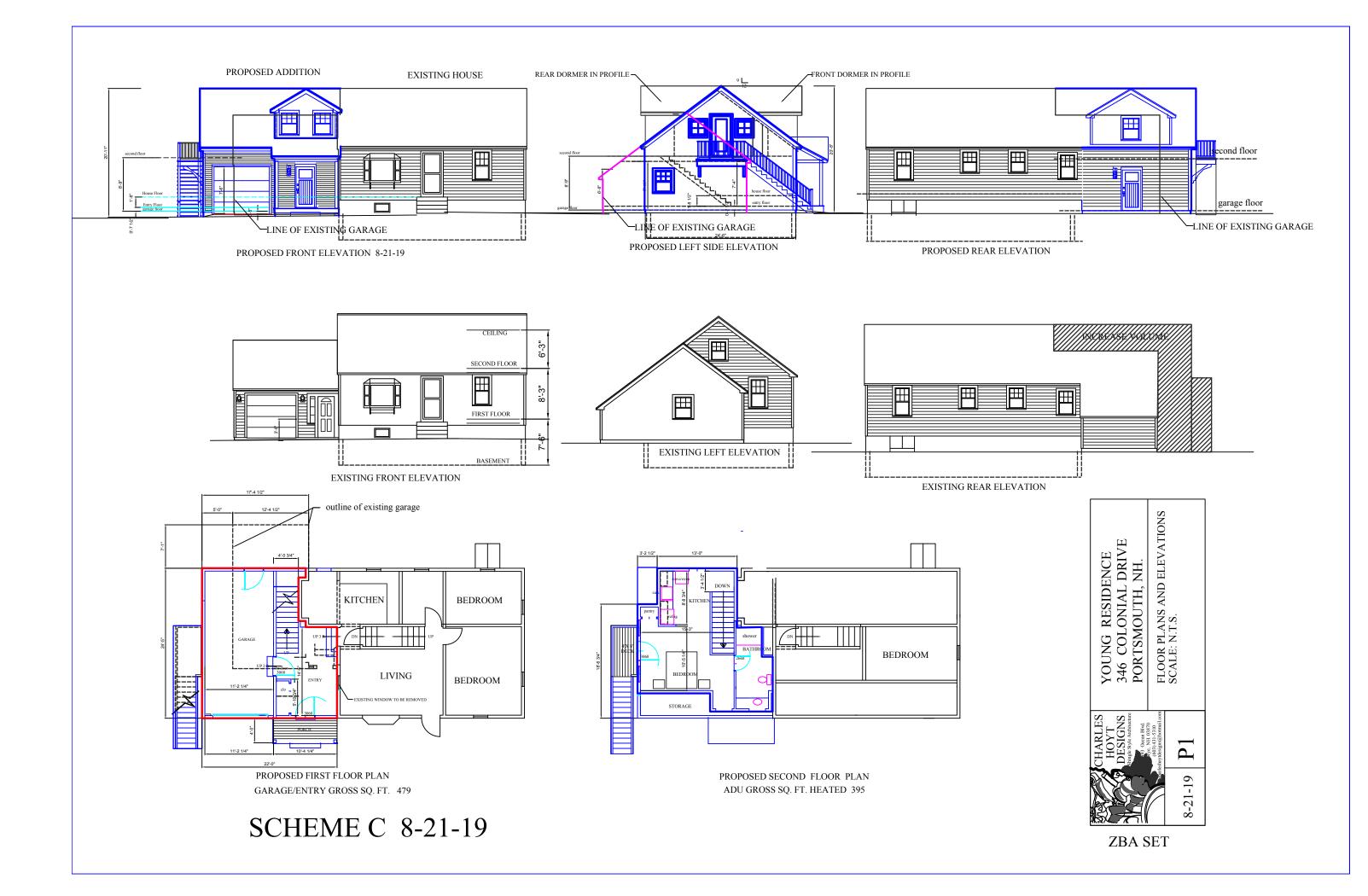
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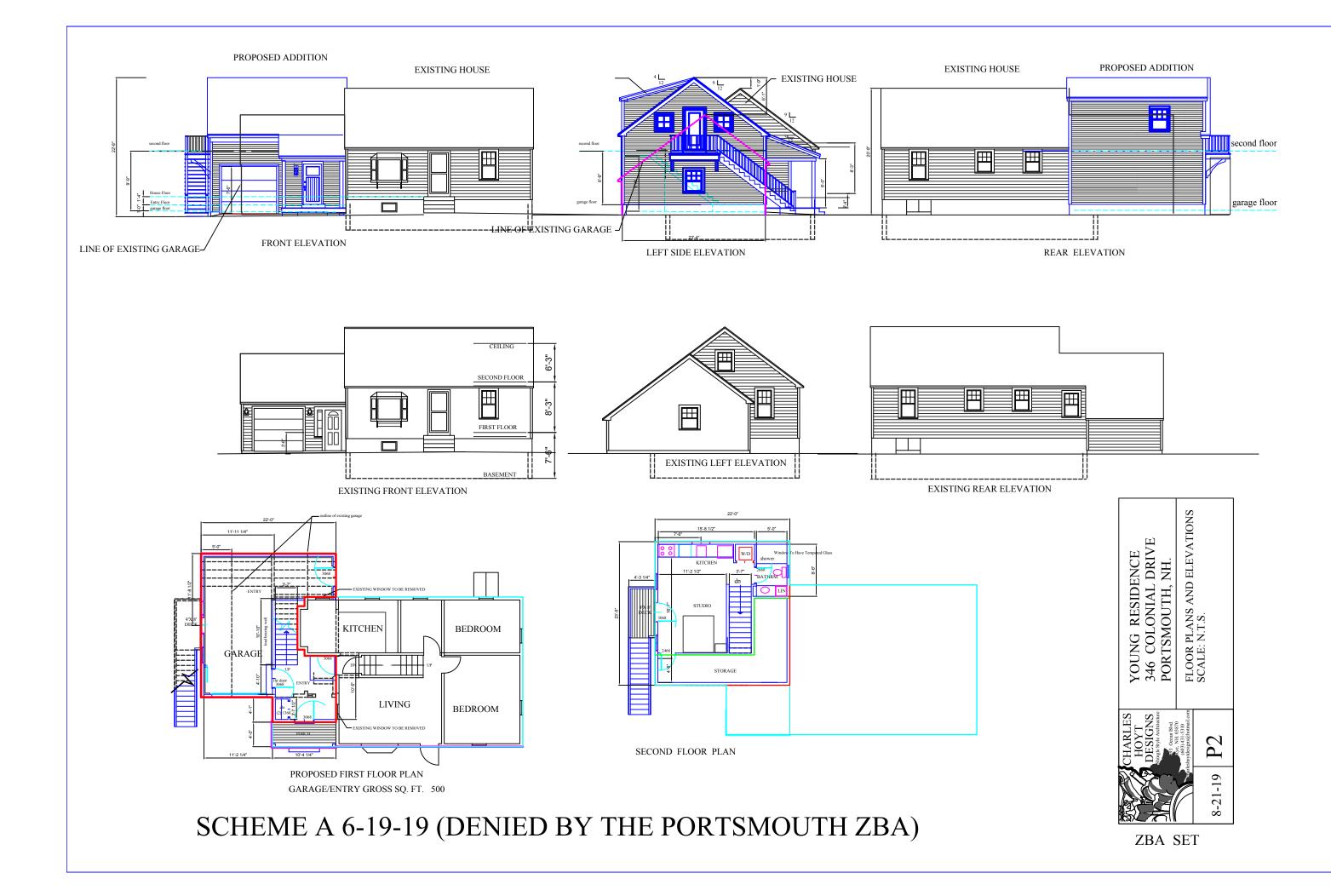
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YOUNG RESIDENCE 346 COLONIAL DRIVE PORTSMOUTH, NH.

PHOTOGRAPHS OF HOUSE AND LOT

6-19-19 F

P1