

APPLICATION OF MATTHEW WAJDA
183 COOLIDGE DRIVE

APPLICANT'S NARRATIVE

I. THE PROPERTY

Matthew Wajda is the owner of the property located at 183 Coolidge Drive. The lot consists of a single-family residence on a lot containing 20,370 square feet. The lot is shown on Assessor's Map 268 as Lot 29. The parcel is located in the Single Residence B District.

The lot was created as part of the Elwyn Park Subdivision in 1947. The Elwyn Park Subdivision created lots ranging in size from 10,000 sq. ft. to 25,000 sq. ft. In the area of 183 Coolidge the predominant lot size is 12,500 sq. ft. Approximately 75% of the lots in the vicinity of 183 Coolidge are non conforming as to lot size which is 15,000 sq. ft. per the current Zoning Ordinance.

Mr. Wajda would like to create a new lot of 10,270 sq. ft. with approximately 120 feet of frontage on Grant Avenue. As may be seen from the submitted photos this area is a large open space upon which a home could be located.

II. ARGUMENT

It is the Applicant's position that the within Application meets the five (5) criteria necessary for the Board to grant the requested variance. The proposed Lot on Grant Ave. would conforming as to frontage, and any home constructed thereon would conform to all setback requirements of the zoning ordinance. The resulting lot would have a buildable area sufficient for a single-family home. The resulting 10,270 square foot lot would be comparable in size to the surrounding lots. As can be seen from the Tax Maps, the lots along Harding Rd., McKinley, Garfield and Filmore Roads and Dwight Avenue, many of the lots are smaller or similar in size to the proposed 10,270 square foot lot.

Granting the requested variance would not substantially alter the characteristics of the neighborhood or threaten public health, safety or welfare. Thus, the test set forth by the Supreme Court in the case of Malachy Glen v. Town of Chichester, 155 NH 102 (2007) is met for whether or not granting the variance would be contrary to the spirit and intent of the ordinance or contrary to the public interest.

Substantial justice will be done by granting the requested variance as the hardship upon the owner is certainly not outweighed by some benefit to the general public should the variance request be denied. The hardship upon the Applicant is that the rear portion of his lot, similar in size to the surrounding lots would remain unavailable for a reasonable and productive use, allowed by ordinance.



There is no benefit to the general public in denying the requested variance as there is adequate access for emergency vehicles, adequate space to build a home and adequate light and area primarily because the lot to be created would be consistent with the size of surrounding lots in Elwyn Park.

There would be no diminution in value to surrounding properties. A newly constructed code compliant home on lot would certainly not diminish surrounding property values, but would in fact enhance surrounding property values.

Finally, there is a hardship created by the special conditions of the Wajda property. As can be seen from the Tax Map in comparison to surrounding lots, the Wajda lot is considerably larger than most surrounding lots, almost twice the size. The lot is benefited by frontage on two public streets. These factors differentiate 183 Coolidge from the majority of the lots in the area. The intent of the ordinance is to provide for lots with adequate light and air and access for emergency vehicles. Given the fact that the proposed lot is located, on a public street, and would comply with all setbacks, there is certainly adequate light and air and access for emergency vehicles. A home can be constructed within the setbacks which would be compliant with the zoning ordinance with all respects. The use on the proposed lot of a single-family residence is a use allowed by the ordinance. Therefore, the Applicant's proposal meets the hardship criteria given the special conditions of this lot and its location with regard to the public streets, given the lot's unique size and proposed reasonable use which is an allowed use by ordinance and the only use in the very large neighborhood, and the fact that there is no fair and substantial relationship between the purpose of the ordinance as applied to the proposed lot.

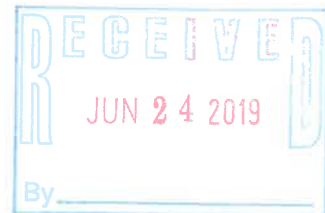
IV. CONCLUSION

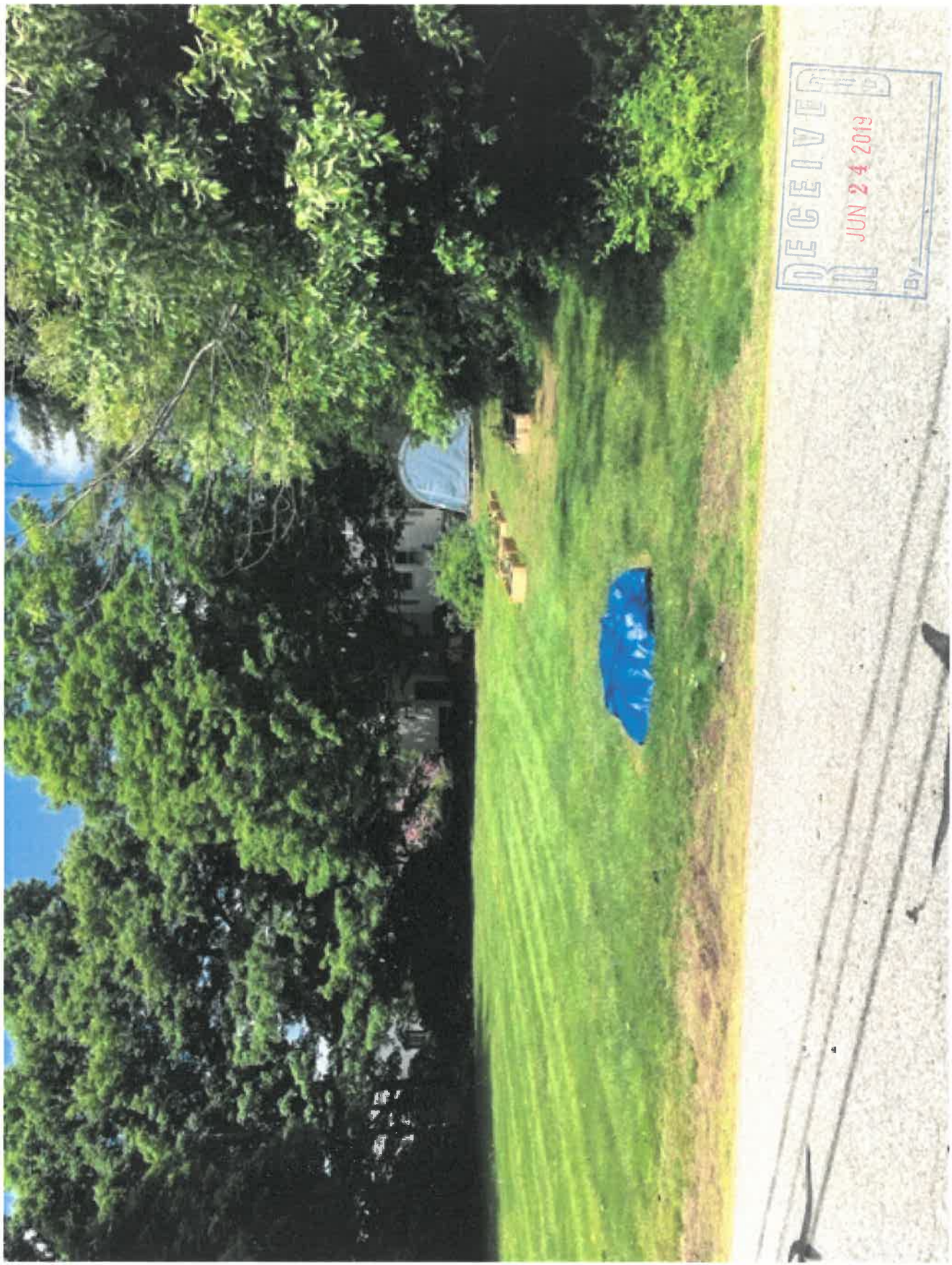
In conclusion, it is the Applicant's position that the variance request meets the five (5) criteria necessary for the Board to grant the requested variance are met by the within Application and it is respectfully requested that the Application be granted as presented and advertised.

Respectfully submitted,

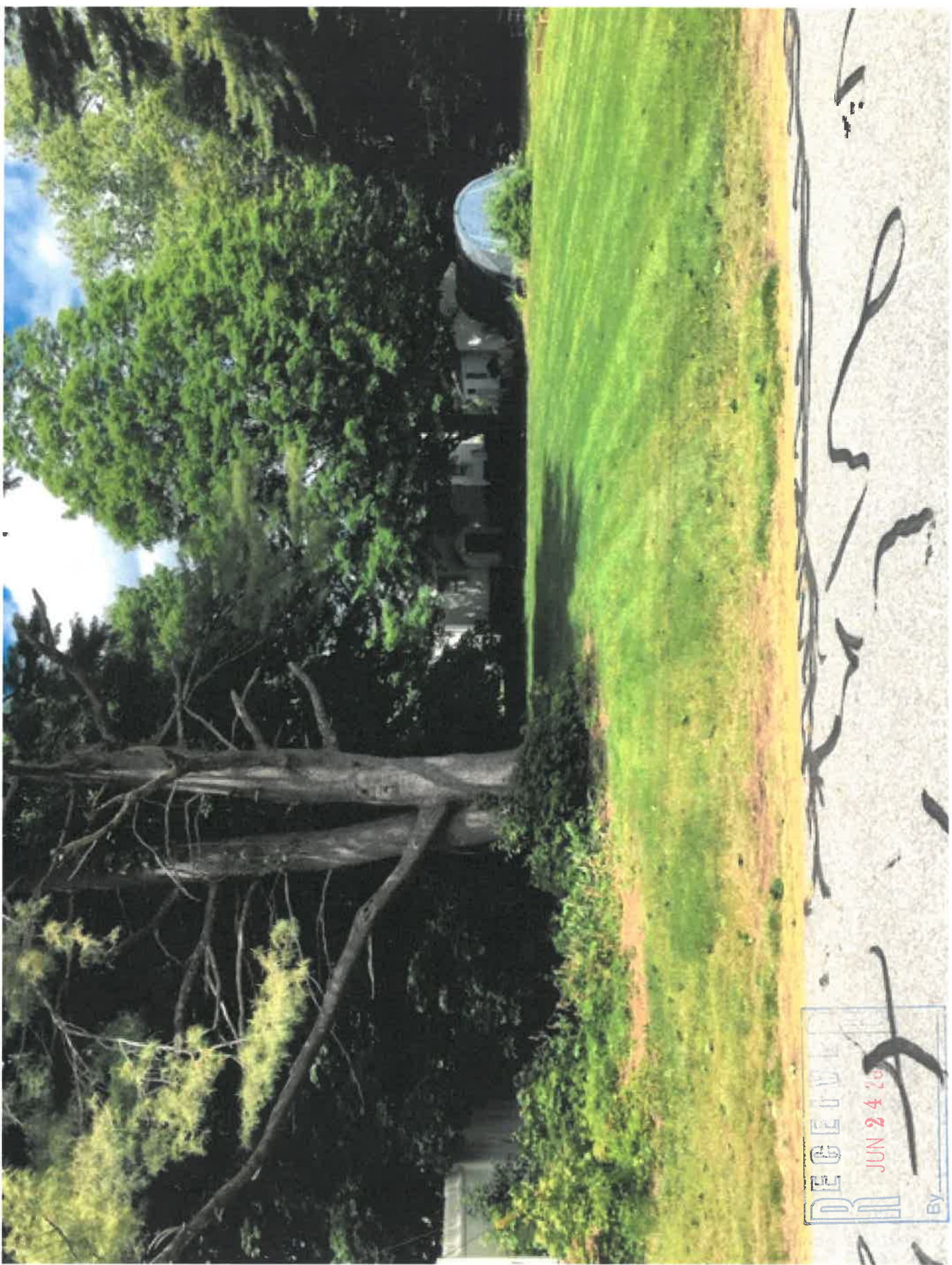

Bernard W. Pelech, Esq.

Dated: June 20, 2019





REAR YARD FROM SWAOT

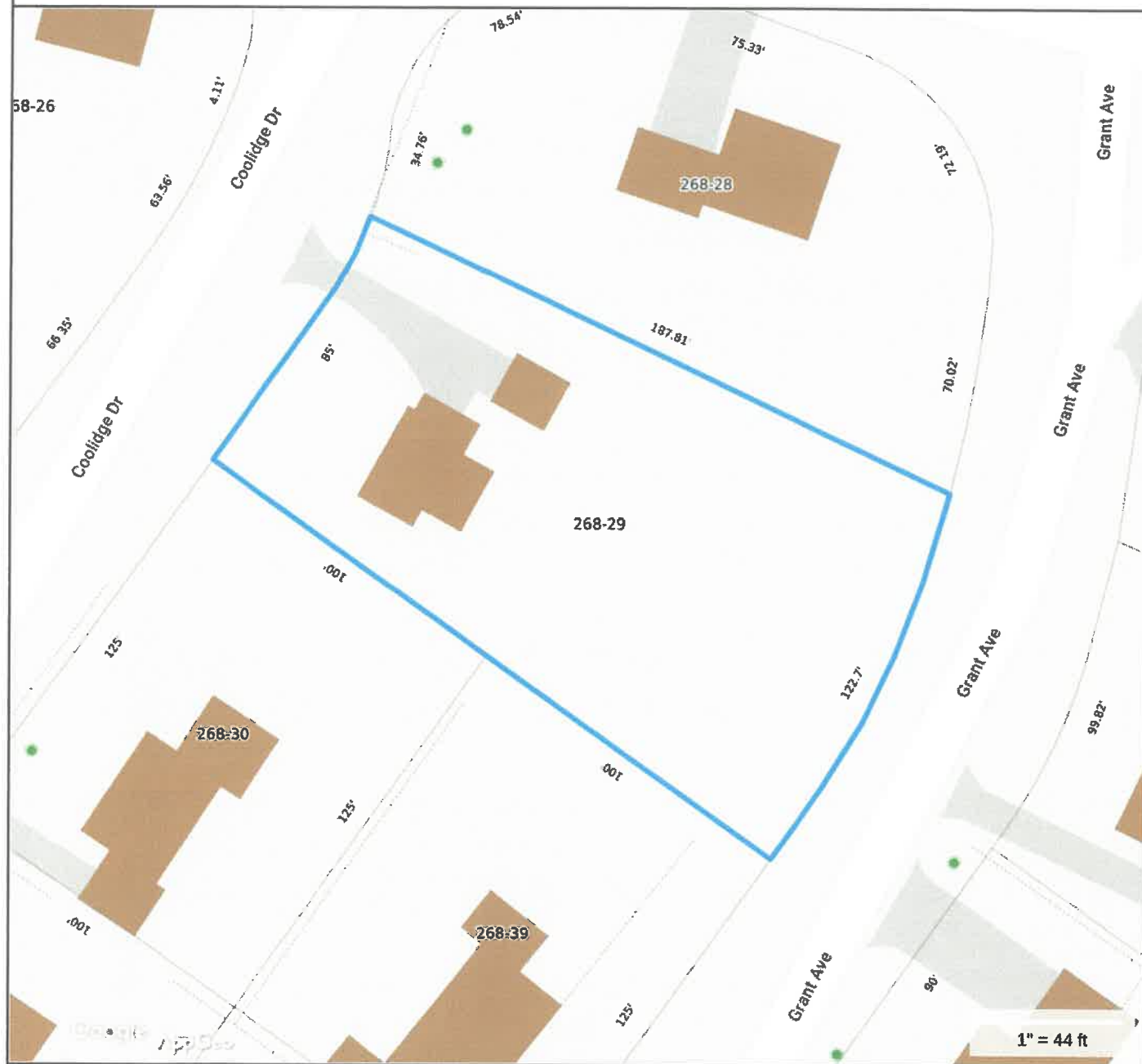


REAR YARD FROM GRANT



FRONT VIEW FROM COOLIDGE

183 Coolidge Drive



Property Information

Property ID 0268-0029-0000
Location 183 COOLIDGE DR
Owner WAJDA MATTHEW



**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 11/30/2018
Data updated 11/19/2018



183 Coolidge Drive



Property Information

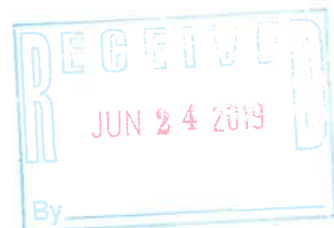
Property ID 0268-0029-0000
Location 183 COOLIDGE DR
Owner WAJDA, MATTHEW



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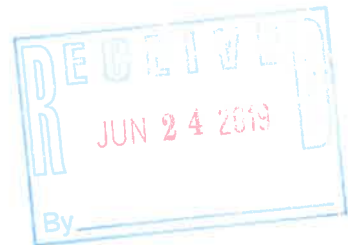
Property Information
Property ID 0250-0067-0000
Location 12 FILLMORE RD
Owner ROZEK RICHARD G REVOCABLE TRUST

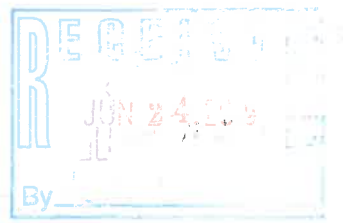
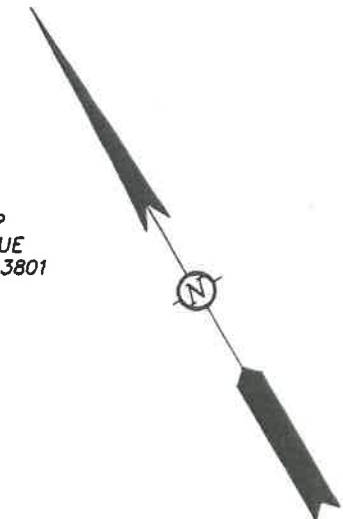
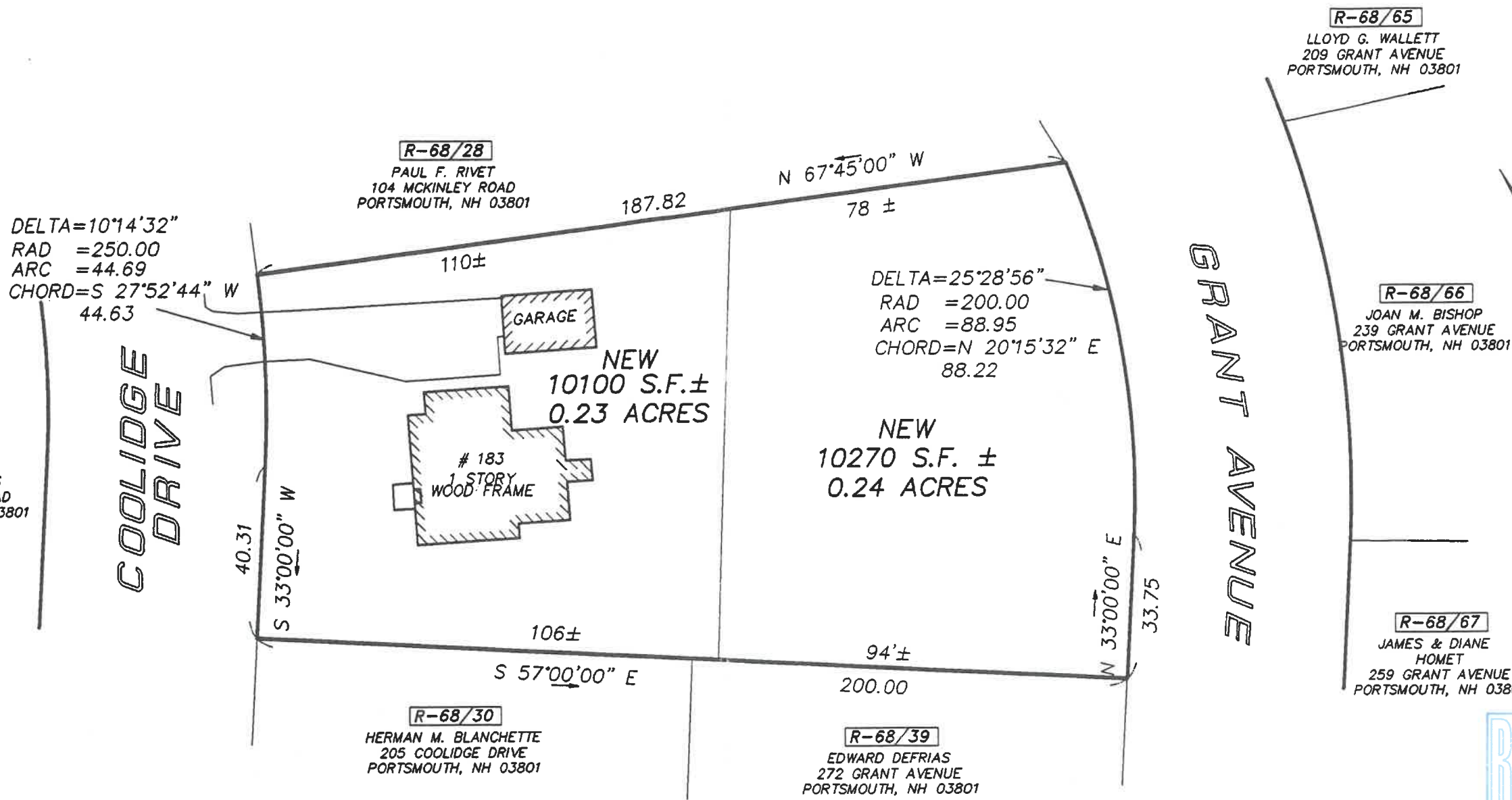


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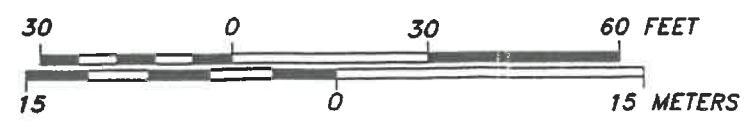




NOTES:

- OWNER OF RECORD..... W. FRANK REARDON
 ADDRESS..... 183 COOLIDGE DRIVE, PORTSMOUTH, NH 03801
 DEED REFERENCE..... 1107/279
 TAX SHEET / LOT..... R-68/29
- ZONED:..... SRB
 MINIMUM LOT AREA 15,000S.F.
 FRONTAGE..... 100'

FRONT YARD SETBACK.....30'
 SIDE YARD SETBACK.....10'
 REAR YARD SETBACK.....30'



VARIANCE APPLICATION SKETCH
183 COOLIDGE DRIVE, PORTSMOUTH, NH
 for
W. FRANK REARDON

JAMES VERRA and ASSOCIATES INC.
 445 ROUTE 1 BY-PASS, PORTSMOUTH, NH 03801
 19 NOVEMBER 1998 - SCALE: 1"=30'