May 1, 2019

Planning Department
City of Portsmouth
1 Junkins Avenue, 3rd Floor
Portsmouth, NH 03801

RE: Zoning Board of Adjustment Submittal
2219 Lafayette Road – Tax Map 272 Lot 1
MSC Project #45407.80

Dear Reviewer:

On behalf of our client, 2219 Lafayette Road LLC, we respectfully submit an Application for Variance relative to the above-referenced project. We have submitted the online portion of the application and twelve (12) copies of the following materials have been hand delivered for your review:

- Letter of Authorization
- Request for Granting a Variance
- Variance Plans (Sheets S-00 – S-02) Dated April 30, 2019
- Photograph Exhibit

Project Description

The property is located in the Gateway Neighborhood Mixed Use Corridor (G1) and the Single Residence A (SRA) Zone. The principal building and all improvements are within the G1 Zone. The property contains the Portsmouth Used Car Superstore.

The project proposes to convert the facility to an Acura car dealership. We are proposing four (4) small additions to the existing building with associated parking adjustments.
Based on our review of the City of Portsmouth’s Zoning Ordinance, we are requesting relief in the form of variances from the following sections:

**Variance Request #1**  
*Requirement: Article II Section 10.1113.20*

*Reason for Variance:*  
To permit parking between a principal building and a street.

**Variance Request #2**  
*Requirement: Article II Section 10.1114.21*

*Reason for Variance:*  
To allow 8.5’ x 18’ parking stalls where 8.5’ x 19’ is required.

We appreciate your consideration of these matters and look forward to presenting this project to the Board. We respectfully request that we be placed on the upcoming agenda for the Zoning Board of Adjustment meeting on May 21, 2019.

If you have any questions or concerns, please do not hesitate to contact us.

Respectfully,

MSC a division of TFMoran, Inc.

Brenda Kolbow, LLS  
*Survey Project Manager*

BMK/cbj
Letter of Authorization

I, Anthony DiLorenzo, of 2219 Lafayette Road, LLC, 549 Highway 1 Bypass, Portsmouth, NH, hereby authorize MSC a division of TFMoran, Inc., 170 Commerce Way, Suite 102, Portsmouth, NH, to act on my behalf concerning property owned by 2219 Lafayette Road, LLC located on Lafayette Road, Portsmouth, NH, known as Tax Map 272, Lot 1. I hereby appoint MSC a division of TFMoran, Inc. as my agent to act on my behalf in the review process, to include any required signatures.

[Signature]
Asset Title Holding, Inc.

5-1-13
Date

[Signature]
Witness

5-1-19
Date
Request for Granting a Variance

Location: 2219 Lafayette Road – Tax Map 272 Lot 1
Owner: 2219 Lafayette Road LLC
Submitted by: MSC, a division of TFMoran, Inc.
    Project No: 45407.80
Date: May 1, 2019

Introduction

2219 Lafayette Road, LLC is seeking variances from Article II Sections 10.1113.20 and 10.1114.21 of the City of Portsmouth’s Zoning Ordinance to permit parking between a principal building and a street (10.1113.20) and 8.5’ x 18’ parking stalls where 8.5’ x 19’ is required (10.1114.21).

The property is located in the Gateway Neighborhood Mixed Use Corridor (G1) and the Single Residence A (SRA) Zone. The principal building and all improvements are within the G1 Zone. The property is located at 2219 Lafayette Road and contains the Portsmouth Used Car Superstore. The owner plans to convert the facility to an Acura car dealership.

The proposed improvements to the site consist of four (4) small additions to the existing building, which in effect causes the reconfiguration of a portion of the existing parking spaces. The existing parking spaces were created under previous regulations that allowed for smaller dimensions. Current regulations require 8 ½” x 19’ spaces, where 8 ½” x 18’ was previously allowed. These new parking spaces need to smoothly transition to the existing spaces. Extending the new spaces would affect the size of the adjacent drive aisles and cause a domino affect which would ultimately result in expanding the existing pavement and adding to the overall footprint and impervious surface area.

Requirements for Granting a Variance:

Requirement #1 – The variance is not contrary to the public interest.
Requirement #2 – The spirit of the ordinance is observed.
Request for Granting a Variance

Explanation: In determining whether granting a variance would be contrary to the public interest and if it is consistent with the spirit and intent of the ordinance, the ZBA may consider these two criteria together pursuant to Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102 (2007). It must be determined that granting the variance “would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance’s basic zoning objectives….Mere conflict with the zoning ordinance is not enough”. In this case, granting these variances will not be contrary to the public interest because the use of the property is not going to change and there will not be any substantial changes to the site that would affect the public health, safety or general welfare. The spirit of the ordinance will be observed by allowing for the expansion of an existing business and promoting the continued economic vitality the City’s primary gateway area (G-1).

Requirement #3 – Substantial justice is done.

Explanation: The existing and proposed use of this property is a car dealership which displays vehicles for sale in front of the principal building to provide for optimal viewing of their products. There will also be some customer and employee parking in front of the principal building. Expanding the pavement in the rear of the building is not being proposed because that would result in impacts to the 100’ wetland buffer. The current layout of the parking spaces was created under previous zoning regulations that allowed for smaller dimensions. Changing the alignment of these spaces causes a domino affect that would reconfigure all of the parking spaces and drive aisles onsite that would create the need to expand the existing pavement and adding to the overall footprint and impervious surface area. The majority of the parking spaces are for vehicles that are on display and are only moved when being test driven and are not maneuvering throughout the day.

Requirement #4 – The values of surrounding properties are not diminished.

Explanation: The values of the surrounding properties will not be diminished because the use of the property is not going to change. The proposed changes to the site are improvements to the
existing building and will not diminish the surrounding properties, which are VIP Tires & Service, Lou’s Custom Exhaust, and a small commercial shopping center across the street.

**Requirement #5** – Literal enforcement of the ordinance would result in unnecessary hardship. Unnecessary hardship means:

Because of 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 purpose of the ordinance provision and the specific application of that provision to the property because:**

The general purpose of the ordinance is to promote the health, safety and general welfare of Portsmouth and its region in accordance with the City of Portsmouth Master Plan. The parking of vehicles in front of an existing car dealership and providing 18’ long parking spaces does not alter this purpose. In addition, the existing parking onsite has had 18’ long parking spaces since its’ opening without issue.

And

b. **The proposed use is a reasonable one because:**

The parking of vehicles in front of the principal building has already been in use and the dimensions of the existing parking spaces were created under previous regulations allowing for smaller dimensions.
VARIANCE PLANS
KEY ACURA OF PORTSMOUTH
2219 LAFAYETTE ROAD
PORTSMOUTH, NEW HAMPSHIRE
APRIL 30, 2019
FLOOR PLAN GENERAL NOTES:
1) REFER TO SHEETS A4.0 FOR WALL TYPE INFORMATION
2) REFER TO SHEETS A6.2 FOR ROOM FINISH SCHEDULE
3) REFER TO SHEETS A6.1 FOR DOOR & WINDOW SCHEDULE
4) REFER TO SHEETS A1.4 & A1.5 FOR REFLECTED CEILING PLAN & LIGHTING FIXTURE SCHEDULE
5) REFER TO STRUCTURAL DRAWINGS FOR ALL CONCRETE SLAB THICKNESSES & REINFORCEMENT PLACEMENT LOCATIONS
6) REFER TO STRUCTURAL DRAWINGS FOR ALL STRUCTURAL COLUMN SIZES & LOCATIONS
7) GRID IS TO OUTSIDE FACE OF WALL GIRT OR CENTER LINE OF MAIN FRAME @ P.E.B. GRID IS TO CENTER LINE OF STEEL COLUMNS @ STRUCTURAL STEEL BUILDING
8) ALL INTERIOR WALL DIMENSIONS ARE FROM CENTER OF WALL & OUTSIDE FACE OF EXTERIOR WALL FOR NEW PARTITIONS
9) REFER TO COVER SHEET FOR TYPICAL ABBREVIATIONS
10) ALL UNDIMENSIONED DOORS TO MAINTAIN A MINIMUM JAMB DISTANCE OF 4" @ HINGE, U.N.O. OR SHOWN CENTERED IN WALL
11) TOP OF FOUNDATION WALL @ ALL NEW EXTERIOR DOORS TO BE DROPPED 8" TO EL. 99' - 4" REFER TO STRUCTURAL DRAWINGS
12) REFER TO SHEET CR.2 FOR ALL NEW PLUMBING FIXTURE DIMENSIONAL CRITERIA. FIXTURE TAGS REFERENCE PARTICULAR FIXTURE
13) REFER TO CIVIL DWG'S. FOR SIDE WALK & PARKING LAYOUT
14) REFER TO SHEET A1.2 FOR TECHNICIAN BAY FLOOR PLAN

EXG. SPACES TO REMAIN. PAINT, REPAIR & REMODEL EXG. TO REMAIN SPACES AS REQ'D. PER FINISH SCHEDULE
EXG. P.E.B. EXT. WALLS TO REMAIN
CONC. FILLED 8" Dia. PTD. STL. BOLLARDS, TYP. @ ALL O.H. DOORS
EXG. GAS METER LOCATION
1 HR. FIRE RATED CEILING ABOVE CONC. FILLED 8" Dia. PTD. STL. BOLLARDS, TYP. @ ALL O.H. DOORS
REFER TO SHEET A1.1

= NEW WALLS
= EXISTING WALLS TO REMAIN
= EXISTING WALLS TO BE REMOVED
1) REFER TO SHEETS A4.0 FOR WALL TYPE INFORMATION
2) REFER TO SHEETS A6.2 FOR ROOM FINISH SCHEDULE
3) REFER TO SHEETS A6.1 FOR DOOR & WINDOW SCHEDULE
4) REFER TO SHEETS A1.4 & A1.5 FOR REFLECTED CEILING PLAN & LIGHTING FIXTURE SCHEDULE
5) REFER TO STRUCTURAL DRAWINGS FOR ALL CONCRETE SLAB THICKNESSES & REINFORCEMENT PLACEMENT LOCATIONS
6) REFER TO STRUCTURAL DRAWINGS FOR ALL STRUCTURAL COLUMN SIZES & LOCATIONS
7) GRID IS TO OUTSIDE FACE OF WALL GIRT OR CENTER LINE OF MAIN FRAME @ P.E.B. GRID IS TO CENTER LINE OF STEEL COLUMNS @ STRUCTURAL STEEL BUILDING
8) ALL INTERIOR WALL DIMENSIONS ARE FROM CENTER OF WALL & OUTSIDE FACE OF EXT. WALL FOR NEW PARTITIONS
9) REFER TO COVER SHEET FOR TYPICAL ABBREVIATIONS
10) ALL UNDIMENSIONED DOORS TO MAINTAIN A MINIMUM JAMB DISTANCE OF 4" @ HINGE, U.N.O. OR SHOWN CENTERED IN WALL
11) TOP OF FOUNDATION WALL @ ALL NEW EXTERIOR DOORS TO BE DROPPED 8" TO EL. 99'
12) REFER TO SHEET CR.2 FOR ALL NEW PLUMBING FIXTURE DIMENSIONAL CRITERIA. FIXTURE TAGS REFERENCE PARTICULAR FIXTURE
13) REFER TO CIVIL DWG'S. FOR SIDE WALK & PARKING LAYOUT
14) REFER TO SHEET A1.2 FOR TECHNICIAN BAY FLOOR PLAN
TEXT LEGEND:

1) GENERAL ROOF PLAN NOTES:
2) NEW P.E.B. ROOF, MATCH PITCH W/ EXG.
3) R.D. = ROOF DRAIN
4) O.R.D. = OVERFLOW ROOF DRAIN
5) PITCH STEEL AS REQ'D. TO ACHIEVE ROOF SLOPES INDICATED ON DWG'S.
6) HATCH INDICATES EXTENT OF SLOPED ROOF INSULATION
7) "1" / "1'-0"

EXG. P.E.B. ROOF TO REMAIN

NEW ROOF

= INDICATES TAPERED INSULATION

MIN. ROOF INSULATION THICKNESS SHALL BE 3"

WRAP ACM PANELS UP & OVER T.O. PARAPET. SLOPED BACK TOWARDS STANDING SEAM MTL. ROOF @ P.E.B.

ROOF @ 1/4" : 12" MIN., REFER TO SECTIONS FOR MORE DETAILS

STANDARD ROOF DECK ASSEMBLY PITCHED TO DRAIN

FULLY ADHERED 60 MIL. E.P.D.M., INSTALLATION REQUIREMENTS

MTL. FLASHING

WALL MOUNTED LIGHT

SEALANT @ DRAIN RIM

FIXTURE BELOW

VALLY

ZURN (OR EQ.) ROOF DRAIN W/ SCREEN OR APPROVED EQ.

EXG. P.E.B. ROOF TO REMAIN

WALL MOUNTED LIGHT

SEALANT @ DRAIN RIM

FIXTURE BELOW

VALLY

EXG. P.E.B. ROOF TO REMAIN

WALL MOUNTED LIGHT

SEALANT @ DRAIN RIM

FIXTURE BELOW

VALLY

EXG. STANDING SEAM MTL. ROOF TO REMAIN

OVER PARAPET, SLOPE BACK TOWARDS ROOF 1/4" : 12" MIN.

ROOF DRAIN @ EXTERIOR WALL IN HIGHLY VISIBLE AREA

EXG. ROOF ACCESS

126' - 5 1/2"

T.O. NEW ROOF (HIGH PT.)

3/8" / 1'-0"

2 ROOF DRAIN SECTION DETAIL

1/4" / 1'-0"

VALLEY

121' - 0"

T.O. PARAPET

122' - 8"

T.O. ROOF (HIGH PT.)

119' - 9 1/2"

T.O. ROOF (LOW PT.)

120' - 3"

T.O. NEW ROOF (HIGH PT.)

119' - 9 1/2"

T.O. EXG. ROOF (HIGH PT.)

120' - 3"

T.O. EXG. ROOF (LOW PT.)

121' - 0"

T.O. PARAPET

STAIR A

2219 Lafayette Rd.
Portsmouth, NH

Key Acura

Portsmouth

Printed on: 4/11/2019 7:40:53 AM

PROGRESS SET 4/11/2019 7:40:53 AM
Facing easterly from east side of building

Facing the front of the building from the road
Facing the westerly side of the building from parking lot

Facing westerly from the front of building
Facing southeasterly from east side of building

Facing the easterly side of building from parking lot