

**City of Portsmouth
Zoning Board of Adjustment
Application Narrative**

Brian Porter
Erica Wygonik
319 Lincoln Avenue
Portsmouth, NH 03801
(Owner/applicant)

Introductory Statement

We are the owners of the property located at 319 Lincoln Avenue, identified on Portsmouth Tax Map 130 as Lot 31 (the "Property"). Our Property is zoned General Residence A ("GRA"). It is a 4,844 square foot lot with two structures on it - our home and a 2-car garage.

Our house is approximately 130 years old, and it is a traditional "New Englander" style common to the neighborhood. However, the garage is somewhat newer (we estimate that it was built between 1930 and 1960) and is of a different architectural style. Unfortunately, it was constructed to an inadequate standard, and the railroad ties used as foundation members have rotted over time. While components of the structure have been repaired over the decades, the concrete garage floor has fractured and partially collapsed, and the roof now leaks. Additionally, the back wall of the garage is formed of porous concrete blocks which also serve as a retaining wall. Moisture continuously penetrates through this wall, so the interior of the structure is always damp, and the garage floods in rainstorms.

It is impractical and cost prohibitive for us to continue to salvage the existing garage through renovation. Because rehabilitating the existing structure is infeasible, we are proposing to demolish it and replace it with a new building. Rather than replace this structure in its current location, we are proposing to replace the existing 2-car garage with a smaller 1-car garage moved closer to the street. By moving the structure forward on the lot and reducing its size, we are able to make several improvements for ourselves, our neighbors, and our city. We will be able to construct a watertight structure and be able to avoid continuous groundwater penetration into the back wall of the garage. As noted in our documents, we will significantly reduce the impervious surface area of our lot with water handling and climate benefits (improve open space from 43.2% to 55.6%). While the side setback will be slightly affected (decreasing from 3'9" to 2'9"), we will no longer encroach into the rear set back (currently 0'2" improved to a would-be-conforming 23'8"). This change also allows for the creation of a more coherent rear yard, the creation of a small mudroom between the garage and the house and improves the aesthetics of the neighborhood by replacing an architecturally inconsistent design with a smaller structure that mirrors the design of the house on the lot while reducing the building coverage on the lot (from 36.1% to 33.2%). Finally, it also creates a useful privacy screen for our neighbors. The current structure has a window that faces into our neighbor's yard, which we are proposing to eliminate in the current design.

We are also proposing to add a dormer on the northern part of our east-facing roof in order to replace the existing substandard $\frac{3}{4}$ bathroom in our attic with a facility that meets current building code. While this construction project will take place within the side setback of our lot, it will not

expand the footprint of the house. We are proposing small, high windows in the dormer to allow for natural light into the bathroom while minimizing any impact on our neighbors.

Summary of Zoning Relief

The Applicant seeks the following variance from the Zoning Ordinance:

1. A variance from Section 10.521 to allow a left yard setback of 2'9" where 3'9" exists and 10' is the minimum required;
2. A variance from Section 10.521 to allow a right yard setback of 1'10" where 1'10" exists and 10' is minimum required (no change; construction of dormer in the setback);
3. A variance from Section 10.521 to allow a building coverage of 33.2% where 36.1% exists and 25% is the maximum allowed.

Variance Criteria

Granting the variances will not be contrary to the public interest.

Our proposed project is designed to benefit the public interest by significantly increasing the open space on our property, which will allow us to better manage groundwater for both our property and for our neighbors. Removing impervious surfaces and increasing plantings will improve natural management of the groundwater. The separation of the garage from the existing retaining wall will also serve to allow for better management of groundwater coming from the rear hillside.

The dormer has minimal to no impact on our neighbors or the general public. We are building the dormer in the rear part of our house, so it is somewhat screened from the road.

The spirit of the ordinance will be observed.

Boundary setback requirements maintain light, air, and space between buildings on adjacent properties. Building coverage limitations prevent the overcrowding of land.

The proposed project will create more light and space between the garage and the rear lot line. While we are moving the garage slightly closer to our side neighbor (1'), the new location provides useful screening for their property and creates a more cohesive natural area toward the rear of both of our yards. In addition, the new location will allow us to better manage groundwater on our property to reduce the water penetrating our garage and basement and our neighbors' basement.

This project also reduces the building coverage and, by reducing the length of our driveway, significantly increases the open space on our property to improve the existing non-conforming building coverage.

The dormer is in an existing nonconforming setback, which is not changed by this project.

Substantial justice will be done by granting the variance relief.

There is no public benefit that would be realized by denying the variance. The current structure cannot be fully utilized in its current state. Replacing it in its current location would more substantially encroach the setback requirements while not improving the lot coverage or the ability to manage groundwater. Losing this feature of the Property would create a hardship that is not outweighed by any corresponding benefit to the public.

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

If the variances are approved, the proposed garage and dormer should only have a positive impact on surrounding property values. The project would remove a dangerous and unattractive building,

improve upon the existing garage appearance and functionality, and create a code-compliant bathroom. These changes will positively impact the value of our property, which should improve the values of the properties that surround it.

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 non-conforming house and garage on the Property pre-date the adoption of the Zoning Ordinance. The lot is narrower than most of the surrounding properties. The narrowness of the Property makes it difficult, if not impossible, to build any new or replacement structure on the Property without violating the setback regulations. Further, the grade difference between the Property and its rear abutter is substantially larger than surrounding properties, creating notable groundwater issues with the existing garage location. Given the special conditions of the Property, 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 of the Property is also reasonable. The use of the Property will remain unchanged if the variance relief is granted. The existing garage currently serves as storage for bicycles and vehicles as well as a workshop. The proposed garage would provide a level floor surface and better protection for what is contained while reducing the side yard setback by 1' and significantly improving the rear yard setback. The dormer would also not change the use, just enable the $\frac{3}{4}$ bath to be code compliant.

Conclusion

In conclusion, we have demonstrated that our application meets the five (5) criteria for granting the variance and respectfully request the Board approve our application.

Respectfully submitted,
Brian Porter
Erica Wygonik

Dated: September 1, 2021

CITY OF PORTSMOUTH
Board of Adjustment Meeting
Public Hearing
September 21, 2021



NOTES FOR VARIANCE REQUEST

1. Site plan by Placework Architecture based on survey completed by Ross Engineering, LLC.
2. Project parcel: Tax Map 130 Lot 31; +/-4,844 sf
3. Zone: GRA - General Residence A
4. Dimensional requirements:

	Required	Existing	Proposed	Notes
Minimum lot area:	7,500	4,844	No Change	Existing non-conforming
Lot area/dwelling unit:	7,500	4,844	No Change	Existing non-conforming
Min street frontage:	100'	50'	No Change	Existing non-conforming
Min lot depth:	70'	98'-5"	No Change	Existing conforming
Front yard:	15'	5'-5"	No change	Existing non-conforming
Left (West) yard:	10'	3'-9"	2'-9" (New Garage)	Non-Conforming
Right (East) yard:	10'	1'-10"	No change (New Dormer)	Existing non-conforming
Rear yard:	20'	0'-2" (Garage)	23'-8" (New Garage)	Conforming
Max. building height:	35'	+/- 35'-5"	No Change	Existing non-conforming
Max. building coverage:	25%	36.1%	33.2%	Decrease Existing, Non-Conforming
Minimum open space:	30%	2,091 - 43.2%	2,695 - 55.6%	Conforming



Note: Not to Scale

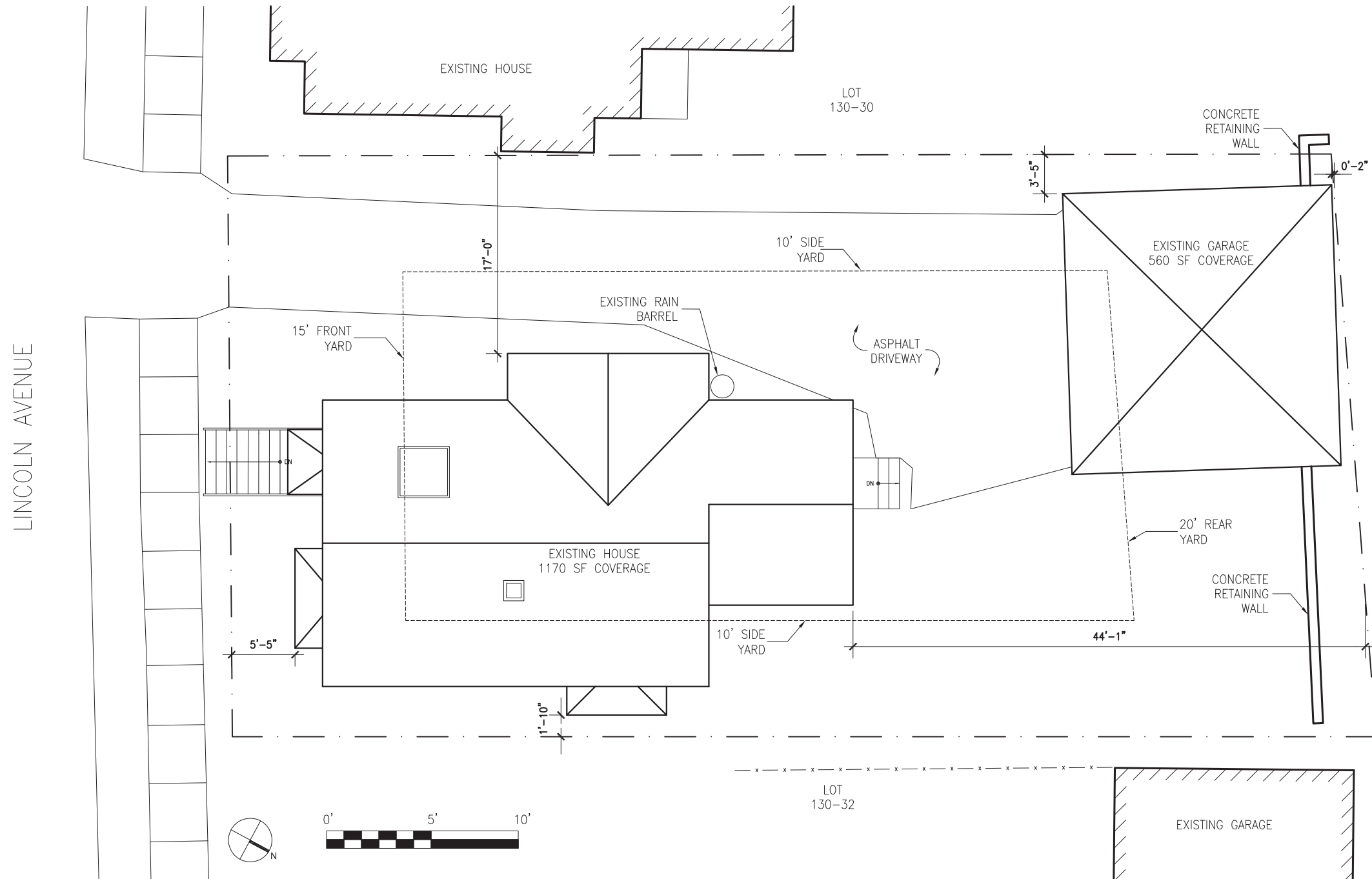
ROSS ENGINEERING, LLC

Civil/Structural Engineering
& Surveying

909 Islington St.
Portsmouth, NH 03801
(603) 433-7560

EXISTING SITE PLAN

SCALE: 3/32"=1'-0"



KEY ——— PROPERTY LINE
 - - - - - SETBACK
 - x - x - EXISTING FENCE

EXISTING LOT COVERAGE:	
HOUSE:	1,170
GARAGE:	560
RETAINING WALL:	20
TOTAL:	1,750

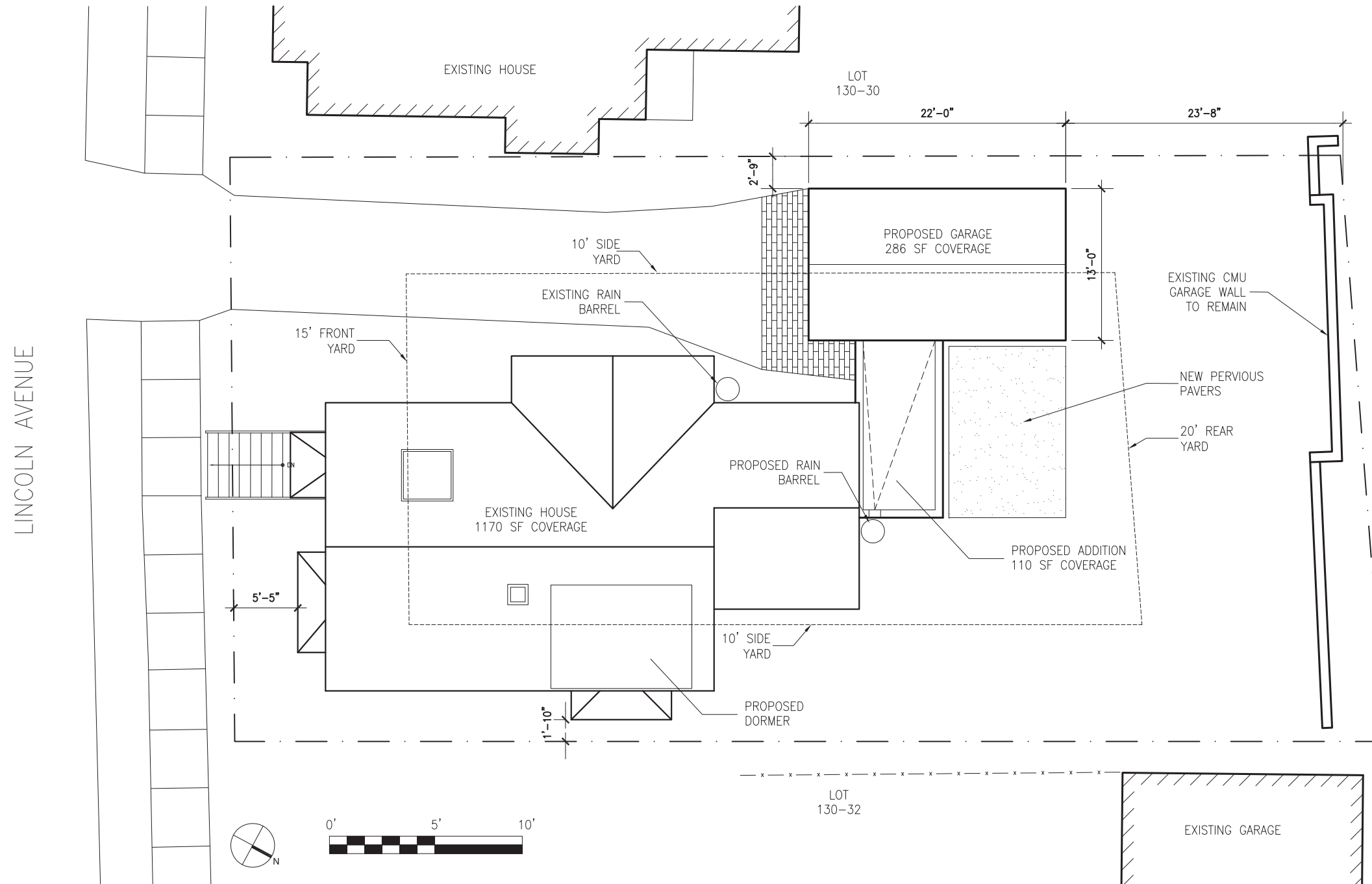
EXISTING OPEN SPACE:	
SITE:	4,844
HOUSE:	-1,170
GARAGE:	-560
DRIVE:	-1003
RETAINING WALL:	-20
TOTAL:	2,091

PROPOSED LOT COVERAGE:	
HOUSE:	1,170
MUDROOM:	110
GARAGE:	286
RETAINING WALL:	43
TOTAL:	1,609

PROPOSED OPEN SPACE:	
SITE:	4,844
HOUSE:	-1,170
GARAGE:	-286
MUDROOM:	-110
DRIVE:	-540
RETAINING WALL:	-43
TOTAL:	2,695

PROPOSED SITE PLAN

SCALE: 3/32"=1'-0"



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EXISTING SOUTH ELEVATION

SCALE: 3/16"=1'-0"



EXISTING WEST ELEVATION

SCALE: 3/16"=1'-0"

EXISTING RIDGE ABOVE GRADE
35'-5"

EXISTING THIRD FLOOR
20'-9"

EXISTING SECOND FLOOR
11'-9"

EXISTING FIRST FLOOR
1'-9"

EXISTING GRADE
0'-0"



EXISTING NORTH ELEVATION

SCALE: 3/16"=1'-0"



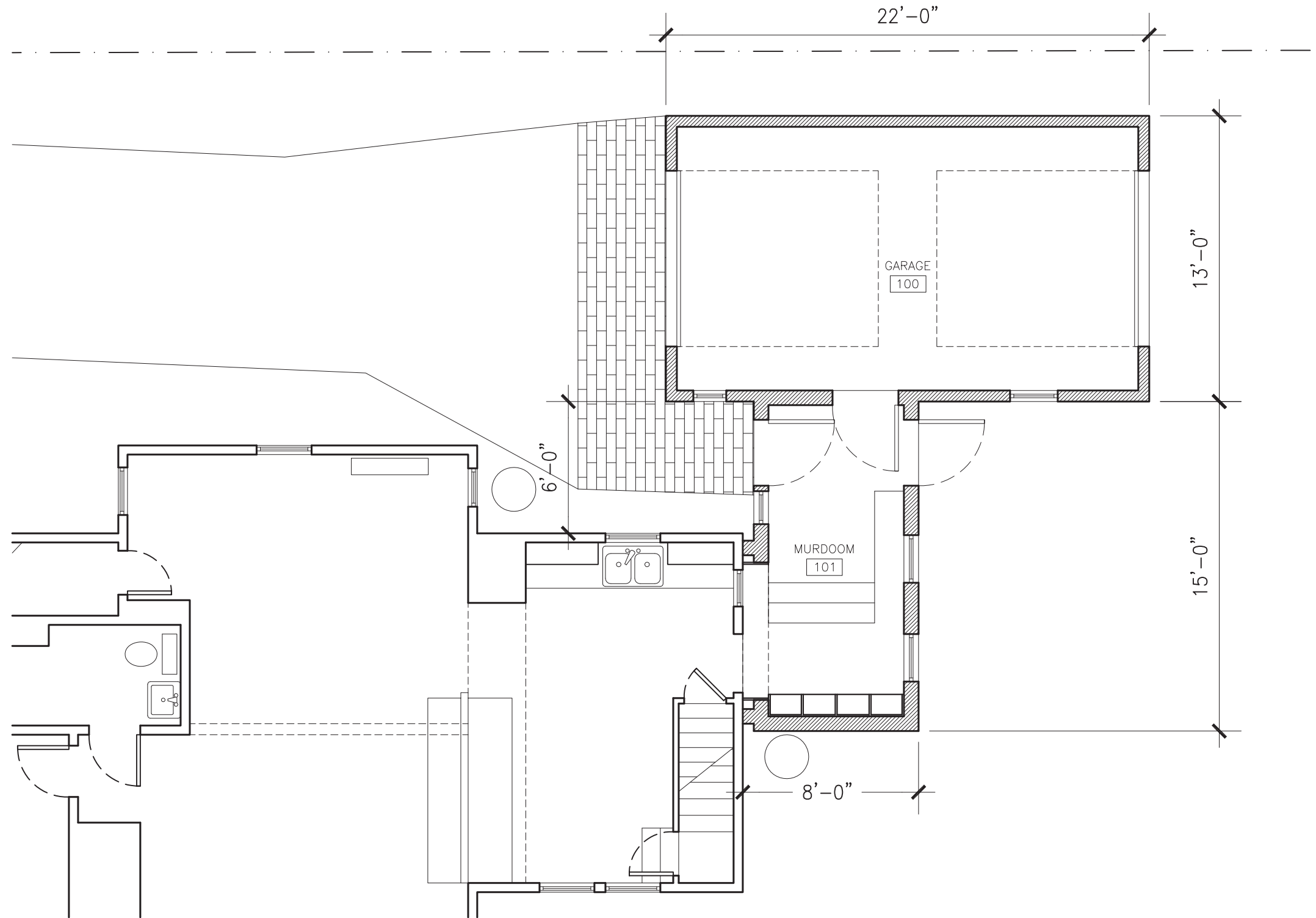
EXISTING EAST ELEVATION

SCALE: 3/16"=1'-0"



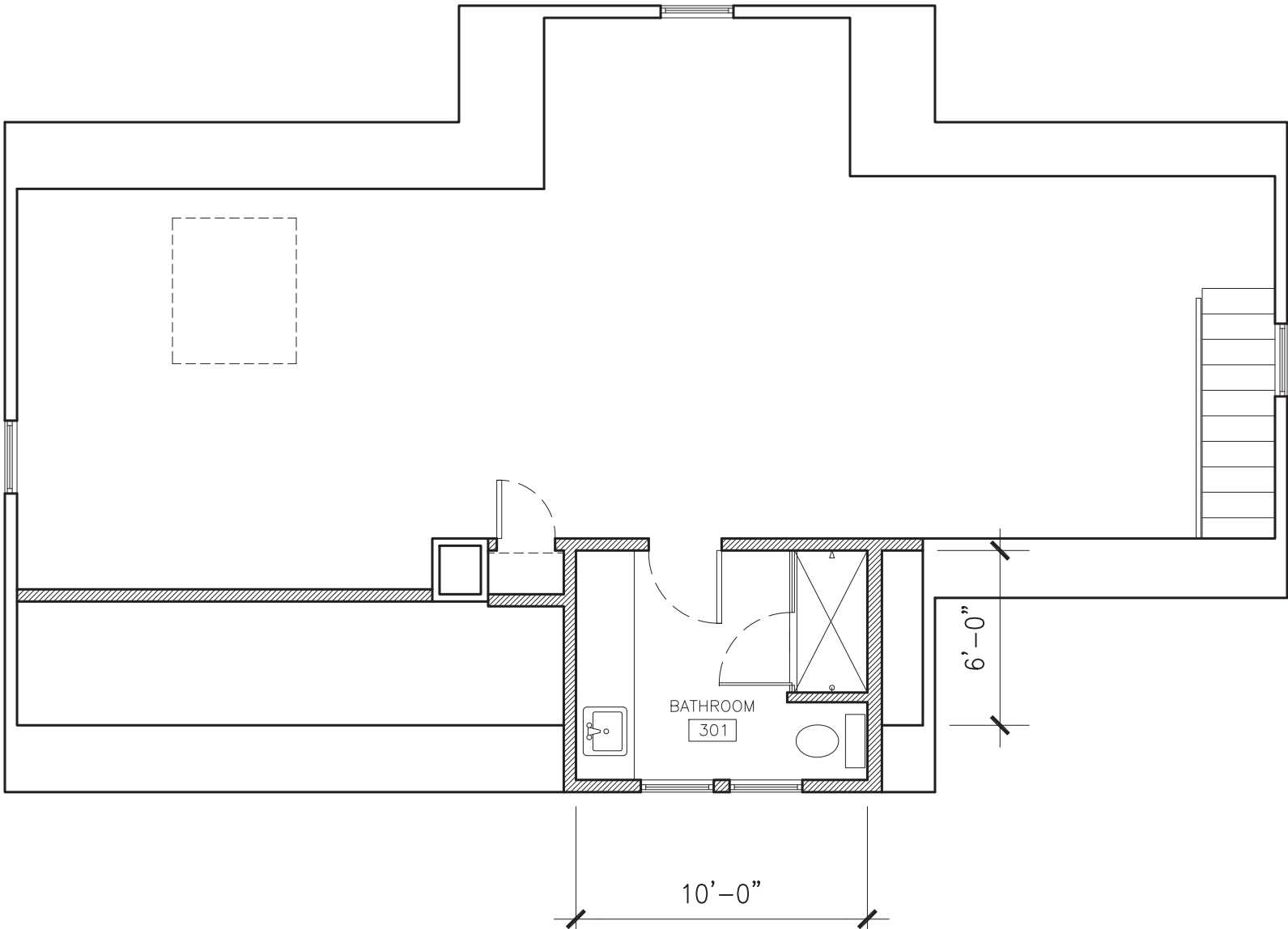
PROPOSED ADDITION & GARAGE PLAN

SCALE: 3/16"=1'-0"



PROPOSED THIRD FLOOR PLAN

SCALE: 3/16"=1'-0"



PROPOSED SOUTH ELEVATION

SCALE: 3/16"=1'-0"



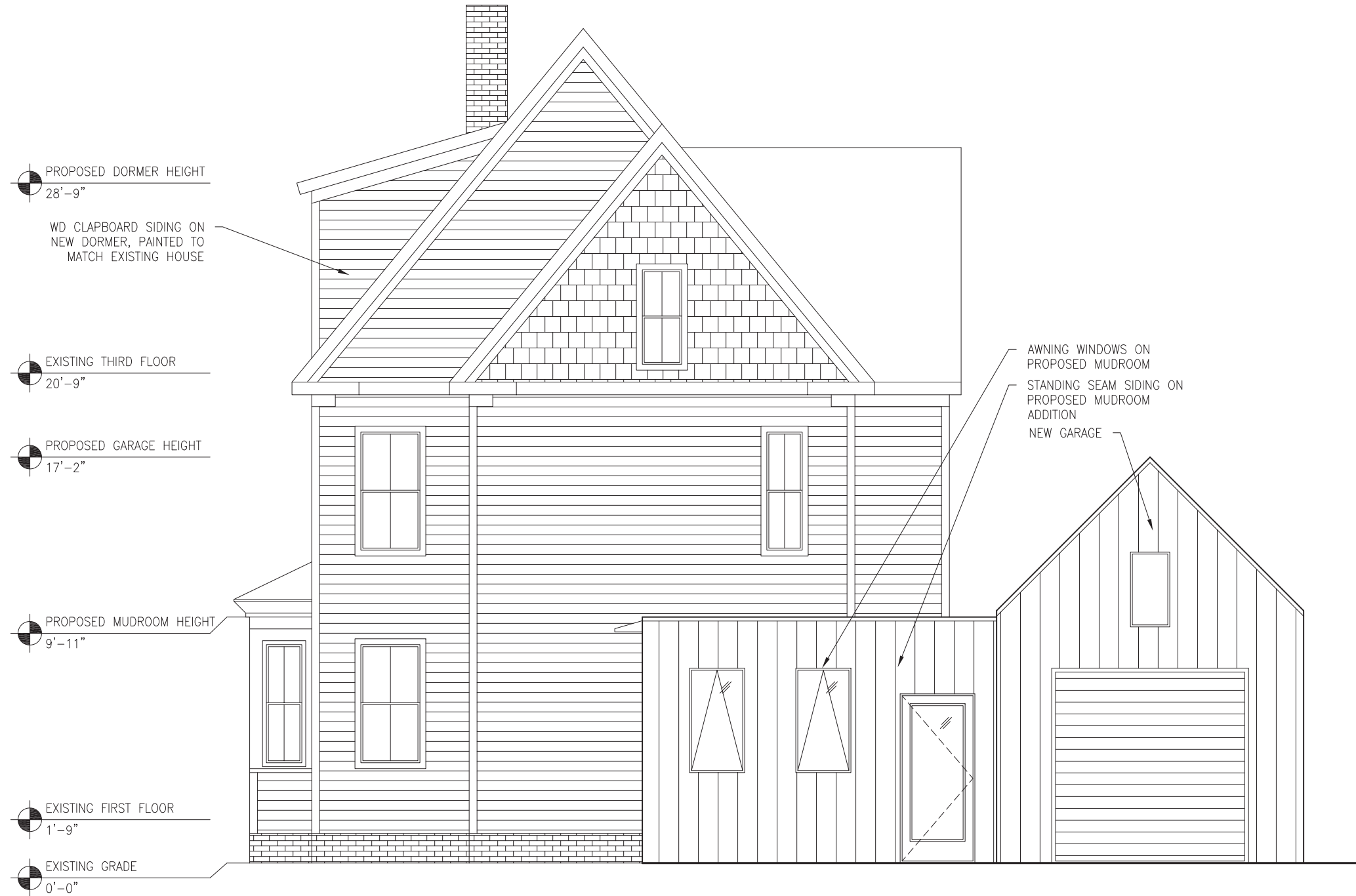
PROPOSED WEST ELEVATION

SCALE: 3/16"=1'-0"



PROPOSED NORTH ELEVATION

SCALE: 3/16"=1'-0"



PROPOSED EAST ELEVATION

SCALE: 3/16"=1'-0"





SOUTH ELEVATION FROM STREET



SOUTH EAST CORNER OF EXISTING GARAGE



NORTH EAST CORNER OF REAR YARD



NORTH ELEVATION (REAR)



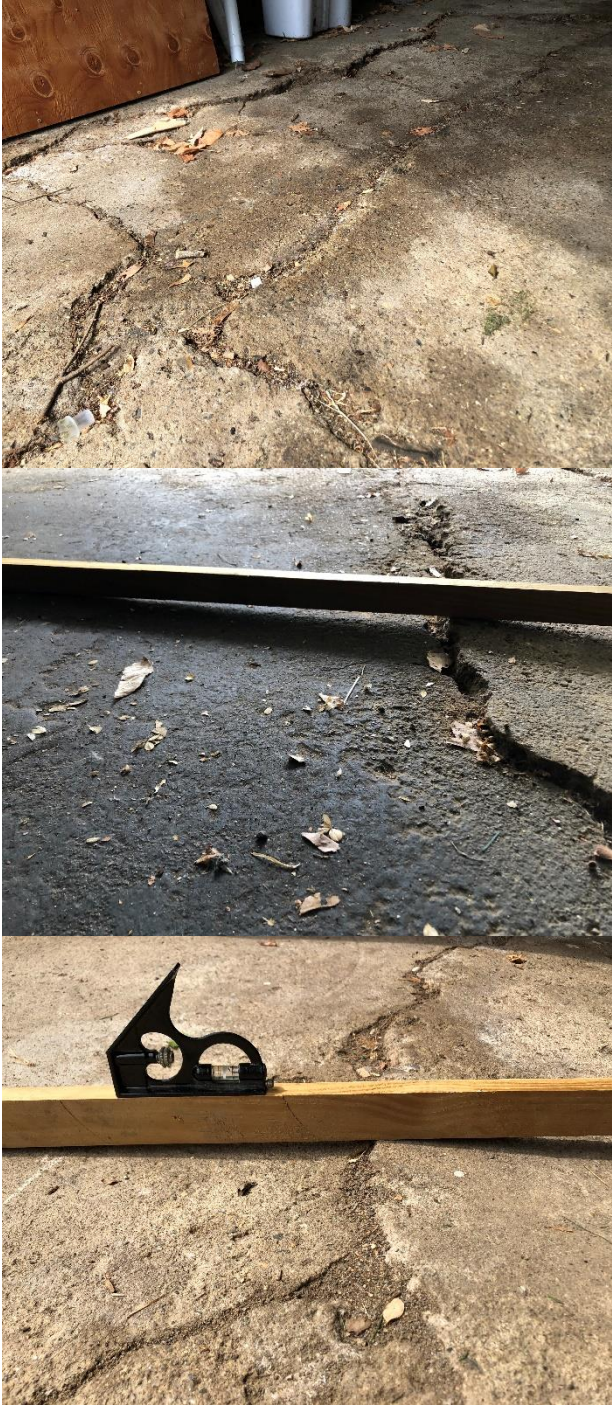
WEST PROPERTY LINE (TOWARD REAR)



WEST PROPERTY LINE (TOWARD FRONT)



REAR YARD: PROPOSED SITE OF GARAGE & MUDROOM



Existing Garage Foundation