CITY OF PORTSMOUTH Zoning Board of Adjustment Application

Department Use Only		Da	ate
Assessor Plan #	Lot #	Fe	ee
Zone	Lot area	Ву	/
Fill in below	by printing in ink or typing / (Complete all Blanks or	indicate "N/A" if not applicable
Applicant 30 Maplewood,	LLC	_Owner of Record _	Same as Applicant
Applicant Street Address	Maplewood Avenue	_Owner Street Addr	ress
Applicant City / State / Zip			e / Zip
Applicant phone $(\underline{603})$ <u>610</u>	0-8260	_Owner phone ()
Applicant e-mailskelm@so	mmastudios.com		
Location (street address) of pro	oposed work: <u>46-64 M</u>	laplewood Avenue	
Existing use:Parking Lot			
Undersigned hereby requests:			Article and Section
Appeal from an Administra See Article 2, Section 10.2		Stal	ll Layout 10.1114.21 Table of Dimensions To
Special Exception	.54.50		mit One 8 x 19 Space
See Article 2, Section 10.2	32.20		Vehicular Circulation 10.1114.32 (a) To
Variance See Article 2, Section 10.2	33.20	<u></u>	ermit 10 Parking Spaces to be stacked
Other			
See Article 2, Section 10.2	33.20		
To permit the following: Par	rking spaces in an unde	rground garage th	at vary from the ordinance dimensional
requirements. Parkin	g Spaces to be stacked i	in a Commercial a	pplication.

The undersigned alleges that the required conditions exist for granting of this request according to the terms of the Zoning Ordinance as demonstrated in the attached submittals.

Only complete applications will be accepted by the deadline date. A complete application shall consist of: a completely filled out application with original signatures, the application fee, and 12 packets of required plans and any supporting documents or photos. <u>Incomplete applications will not be accepted</u>. Applications received after the deadline will be scheduled for the following month. The owner or his/her representative is required to attend the Public Hearing for the above appeal.

Signature of Owner

Date

Please PRINT name here

Stephen Kelm, Managing member

January 2017

Applicant's Responsibilities

- 1. All applications for Variances and Special Exceptions must be submitted to the Planning Department prior to the published deadline. In the case of Appeals from an Administrative Decision, the appeal shall be filed no later than 30 days from the date of the action which is being appealed.
- A Building Permit application must also be filed for the project for which zoning relief is being sought. The Building Permit 2. application can be submitted with the Board of Adjustment application or filed prior. The Planning Department may waive this requirement when the application is for a substandard lot for subdivision purposes and no other zoning relief is required.
- An applicant shall be one of the following: a) the owner of record of the property, or b) the holder of a valid purchase and sales 3. agreement for the purchase of the subject property, or c) the holder of a valid option for the purchase of the subject property.
- 4. All applications shall include a written statement explaining how the request complies with the requirements of the Zoning Ordinance as provided in Article 2 (see Section 10.234.30 for Administrative Appeals, Section 10.233.20 for Variances, Section 10.232.20 for Special Exceptions).
- 5. It is the obligation of the applicant to submit adequate plans and exhibits in accordance with the terms of the Zoning Ordinance for all applications for Administrative Appeals, Variances, Special Exceptions, and Equitable Waivers.
- 6. One (1) orginal copy of a completed and signed "Board of Adjustment Application Check-List" shall accompany all applications.
- 7. For applications requesting dimensional relief, the minimum requirements for adequate plans shall include the following:

α	Site Plan(s) showing existing and proposed conditions	ďX	Scale of all drawings and plans (the scale is the ratio of the	1
	including:		drawing's size relative to the actual size)	
	- Front, side and rear setback / yard dimensions (this	ďX	Labeled photo(s) of existing conditions	
	is the distance from a structure to the lot line)	X	Building plans and elevations of any proposed structures or	
	- Lot dimensions		additions	
	 Abutting street(s) and street names 		Interior floor plans for any renovations or expansion to	
	- Driveways / accessways		existing structures	
	- Dimensions (size and height) of structures			
	 Dimensions and location of parking spaces 			

8. For applications requesting relief from land use requirements, the minimum requirements for adequate plans shall include the following:

Site Plan showing dimensions and location of parking spaces including the scale (the scale is the ratio of the drawing's size relative п to the actual size)

- Interior floor plans and/or exterior site plans showing the location of the proposed use(s)
- Labeled photo(s) of existing conditions
- Plans should be 8 1/2" x 11" in size, 11" x 17" plans may be used only if the plan would otherwise be unreadable. 9.
- 10. The Planning Department is authorized by the Board of Adjustment to refuse applications which do not meet these minimum requirements. The Planning Department may also require additional information and/or exhibits as needed to illustrate the scope of the project. Public Hearings shall not be scheduled, advertised or held until such time as the minimum requirements for adequate plans have been submitted. The Board may postpone any application requiring more information prior to any action being taken.
- 11. The applicant shall submit one (1) original and eleven (11) copies of the application and any plans, exhibits, and supporting documents.
- The applicant shall provide electronic files in Portable Document Format (PDF) of all submittals.

I have read the above list of responsibilities, have provided all required information, and such information is current, accurate, and complete to the best of my knowledge.

<u>3'-3'(-/7</u> (Applicant's Signature, date)

The Applicant is encouraged to consider the following when completing the application:

- Provide neat and clear plans
- Use of color or highlights is encouraged in order to identify pertinent areas on plans
- Π Applicants are encouraged to review the application with a member of the Planning Department staff prior to submittal
- All applicants are encouraged to discuss the project with impacted neighbors

APPLICATION OF 30 MAPLEWOOD, LLC Ordinance Parking Relief 30 Maplewood Avenue Map 125, Lot 2A

Applicant's Narrative

PROPERTY:

The subject property, Tax Map 125 Lot 2A, was recently subdivided from Tax Map 125 Lot 2 (see the attached "Subdivision Plan"). The division left the remodeled building at 30 Maplewood Avenue on its own lot. The area divided from Tax Map 125 Lot 2 is currently a surface parking lot. The applicant, 30 Maplewood, LLC, wishes to develop a Mixed Use building to be known as 46 - 64 Maplewood Avenue on the property. As proposed, the applicant needs relief from the Parking requirements section of the Portsmouth Zoning ordinance.

To construct the proposed underground parking within the proposed structure efficiently the applicant needs the following relief:

§10.1114.21	Stall Layout - Table of Dimensional Requirements To Permit One 8 foot x 19 foot Parking Space
§10.1114.32 (a)	Vehicular Circulation To permit 10 Parking Spaces to be stacked

CRITERIA:

The applicant believes the within Application meets the criteria necessary for the Board to grant the requested variance.

Granting the requested variance will not be contrary to the spirit and intent of the ordinance nor will it be contrary to the public interest. The test for whether or not granting a variance would be contrary to the public interest or contrary to the spirit and intent of the ordinance is whether or not the variance being granted would substantially alter the characteristics of the neighborhood or threaten the health, safety and welfare of the public.

The characteristics of the neighborhood would not be altered by this project. The proposed parking is below grade (underground) and consequently shielded from public view (see the attached rendering showing the entrance). The minor dimensional variations will not diminish the use of the space as a parking garage.

Substantial justice would be done by granting the variance. Whether or not substantial justice will be done by granting a variance requires the Board to conduct a balancing test. If the hardship upon the owner/applicant outweighs any benefit to the general public in denying the variance, then substantial justice would be done by granting the variance. It is substantially just to allow a property owner the reasonable use of his or her property. There is no benefit to the public in denying the variances that is not outweighed by the hardship upon the owner. The dimensional relief proposed herein is consistent with relief granted in similar circumstances. The slight variations will still allow the garage to perform as expected. Forcing the applicant to comply with the ordinance would require a significant loss of off street parking and would serve no public purpose that is not significantly outweighed by the resulting detriment to the applicant.

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

variance. The proposed use is permitted in this zone; as opposed to the use which exists on site now through a Variance. The proposed project will provide parking as required in the Ordinance so as to protect and enhance the neighborhood. The proposed mixed-use building will be a benefit. The values of the surrounding properties will not be negatively impacted.

There are special conditions associated with the property which prevent the proper enjoyment of the property under the strict terms of the zoning ordinance and thus constitute unnecessary hardship. The underground parking spaces are a benefit to the re-development of this parcel. Additional space is not available to add aisle and rows. Stacking the parking is an efficient use of space; the stacked space will be used by a single residential owner who will have control over the timing of the parking. This is a common application / conservation of limited space which allows for more parking off the street and / or out of the public garage.

<u>The use is a reasonable use</u>. The proposed parking is permitted; the request is for some dimensional relief as well as the ability to stack spaces. This use is similar in character and is consistent with the other properties in Downtown Portsmouth. The burden to the adjacent parking network will be lessened as a result of this request.

There is no fair and substantial relationship between the purposes of the ordinance as it is applied to this particular property. The purpose of the dimensional requirements, as well as the stacking prohibition, is to promote the ability to park safely and efficiently. The requested relief does not alter this function. The garage is not open to the public; therefore the users are well aware of the available space and will be careful regarding use of that space. When constructed, the spaces will become limited common area associated with the units which will have exclusive rights to the spaces. The Portsmouth Ordinance requires 1 ½ spaces per dwelling unit; therefore some units will be given 1 space; the others will get 2 (stacked) spaces. In fact, even the public is aware of the tightening of dimensions in garage environments; due to the cost to create garage parking. The proposed relief requested here would not frustrate the purpose of the ordinance and there is no detrimental relationship between the purpose of the dimensional requirements and the relief requested under this application at this property.

Conclusion.

For the foregoing reasons, the applicant respectfully requests the Board grant the variances as requested and advertised.





SITE PHOTOGRAPHS







LEGEND:

LCA N/F RP RCRD RR SPK $\begin{pmatrix} 11\\ 21 \end{pmatrix}$ O IR FND O IP FND • IR SET RR SPK SET OH FND O DH SET BND w/DH ST BND w/DH 1 A (10)

LIMITED COMMON AREA NOW OR FORMERLY RECORD OF PROBATE ROCKINGHAM COUNTY **REGISTRY OF DEEDS** RAILROAD SPIKE

MAP 11/LOT 21 IRON ROD FOUND IRON PIPE FOUND IRON ROD SET RAILROAD SPIKE SET DRILL HOLE FOUND DRILL HOLE SET BOUND WITH DRILL HOLE STONE BOUND WITH DRILL HOLE REFERENCE TO FIFTH AMENDMENT TO BE RECORDED (HEREWITH) PARKING COUNT (10)

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	22.00'	43.23'	36.60'	S78'04'35"E	112°35'04"
C2	22.00'	28.79'	26.78'	S15'42'12"W	74*58'29"
C3	28.00'	42.34'	38.42'	N83°29'34"W	86*38'01"
C4	486.00'	113.21'	112.95'	N46'50'56"W	13*20'46"
C5	32.00'	55.44'	48.76'	N03*59'34"W	99*14`58"

LENGTH TABLE

LINE	BEARING	DISTANCE
L1	N45'12'15"E	8.50'
L2	S46'31'15"W	4.30'
L3	N45'37'55"E	18.89'
L4	S53°11'26"W	67.15'

PLAN REFERENCES:

- VAUGHAN STREET URBAN RENEWAL PROJECT N.H. R-10, PORTSMOUTH, NEW HAMPSHIRE, DISPOSITION PLAN PARCEL 7. DATED OCT. 1973 BY ANDERSON-NIHOLS & CO., INC. RCRD #D-4119.
- VAUGHAN STREET URBAN RENEWAL PROJECT N.H. R-10, PORTSMOUTH, NEW HAMPSHIRE, DISPOSITION PLAN PARCEL 10. DATED OCT. 1973 BY ANDERSON-NIHOLS & CO., INC. RCRD #D-4125.
- VAUGHAN STREET URBAN RENEWAL PROJECT N.H. R-10, PORTSMOUTH, NEW HAMPSHIRE, DISPOSITION MAP. DATED NOV. 1969 BY ANDERSON-NIHOLS & CO., INC. RCRD #D-2408.
- EASEMENT SITE PLAN, TAX MAP 125 LOT 2, 30 MAPLEWOOD, LLC TO PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE (PSNH), SCALE: 1" = 20', OCTOBER 2013 BY AMBIT ENGINEERING. RCRD D-38148.
- PROPOSED EASEMENT TO CITY OF PORTSMOUTH, SCALE: 1" = 10', 9/18/13 BY AMBIT ENGINEERING. BK 5512. PG 1046.
- CONDOMINIUM SITE PLAN, TAX MAP 125 LOT 2, BY AMBIT ENGINEERING. RCRD D-38936; AMENDED AT RCRD D-39005.

VARIANCE GRANTED JUNE 21, 2016: TO ALLOW THE CONTINUED USE OF LOT 2 AS A PARKING LOT; CASE # 6-2. WAVER: TO ALLOW PROPOSED LOT LINE TO BE NOT PERPENDICULAR TO STREET LINE. GRANTED 5/19/16



APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN

DATE



126

DETAIL FROM

CITY AERIAL

MAPS (TYP.) -

(126 2 N/F SHAINES AND MCEACHERN CO (PORTSMOUTH) LLC 282 CORPORATE DRIVE PORTSMOUTH, N.H. 03801 4496 / 0556

126 55 N/F STEPHEN & CHRISTINE MAYEUX 64 BRIDGE STREET PORTSMOUTH, N.H. 03801 2869 / 0647

> (126) 59 N/F CITY OF PORTSMOUTH P. 0. BOX 628 PORTSMOUTH, N.H. 03802 2166 / 0388 #D-4125



AMBIT ENGINEERING, INC. Civil Engineers & Land Surveyors 200 Griffin Road - Unit 3 Portsmouth, N.H. 03801-7114 Tel (603) 430-9282 Fax (603) 436-2315 NOTES: 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSORS MAP 125 AS LOT 2. 2) OWNER OF RECORD: 30 MAPLEWOOD, LLC - DECLARANT 30 MAPLEWOOD CONDOMINIUM 36 MAPLEWOOD AVENUE PORTSMOUTH, N.H. 03801 5099/2424 PLAN D-38936 DECLARATION: BK 5636, BK 1930 FIRST AMENDMENT: BK 5647, PG 1038 SECOND AMENDMENT: BK 5688, PG 2226 THIRD AMENDMENT: BK 5783 PG 2443 FOURTH AMENDMENT: BK 5807, PG 2635 3) PARCEL IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33015C0259E, MAY 17, 2005. 4) EXISTING LOT AREA: 56.685 S.F. 1.3013 AC. PROPOSED LOT AREAS: LOT 1 LOT 2 3 34,887 S.F. 21,798 S.F. 0.8009 AC. 0.5004 AC. 5) PARCEL IS LOCATED IN THE CHARACTER DISTRICT 4-L, HISTORIC DISTRICT, AND DOWNTOWN OVERLAY DISTRICT. 6) THE PURPOSE OF THIS PLAN IS TO SHOW THE SUBDIVISION OF ONE LOT INTO 2 LOTS. 7) PARCEL IS SUBJECT TO: AN EASEMENT TO EVERSOURCE (PUBLIC SERVICE COMPANY OF N.H.) RECORDED AT RCRD 5516/946 (SEE D-38148) AN EASEMENT TO THE CITY OF PORTSMOUTH AT RCRD 5512/1047. 8) THE AREA BETWEEN THE 30 MAPLEWOOD AVENUE BUILDING - RR SPK SET AND THE (FUTURE) 46 MAPLEWOOD AVENUE BUILDING WILL BE 7/27/16 SUBJECT TO AN ACCESS AND UTILITY EASEMENT. 9) LOT 2 IS BURDENED BY A POTENTIAL NO BUILD AREA; SUBJECT TO FINAL DESIGN APPROVAL BY THE PORTSMOUTH BUILDING INSPECTOR'S OFFICE FOR ANY BUILDING ON LOT 2, THE APPLICANT SHALL REVIEW APPLICABLE IBC CODES RELATIVE E TO THE SETBACKS TO THE OPENINGS IN THE 30 MAPLEWOOD AVENUE BUILDING AND DESIGN ACCORDINGLY TO COMPLY. AVEN 10) PARKING CALCULATION FOR PROPOSED LOT 1: USE: 8 RESIDENTIAL UNITS 8 UNITS X 1.5 SPACE/UNIT = 12 SPACES 12-4 (ORDINANCE REDUCTION) = 8 SPACES REQUIRED SPACES PROVIDED: 13 (INCLUDES 1 ADA) 7 NOTE 2 & 7 4/18/17 $\begin{pmatrix} 125 \\ 1 \end{pmatrix}$ ADD UNIT TO NOTE 10 3/16/17 5 ADD MONUMENTS AS SET 7/27/16 4 NOTE 9, APPROVALS & WAIVERS 6/30/16 3 NOTES 9 & 10; ADA SPACES 5/11/16 4/18/16 2 EASEMENTS ISSUED FOR APPROVAL 10/22/15 ISSUED FOR COMMENT 10/6/15 0 NO. DESCRIPTION DATE REVISIONS SUBDIVISION PLAN TAX MAP 125 - LOT 2 **OWNER:** 30 MAPLEWOOD, LLC 30-46 MAPLEWOOD AVENUE CITY OF PORTSMOUTH COUNTY OF ROCKINGHAM STATE OF NEW HAMPSHIRE OCTOBER 2015 SCALE: 1'' = 20'FB 220, PG 8 1808



A. Civic Space-

Conditional Use Permit Qualifying Criteria

We are providing permanently accessible, public open space such as widened sidewalks, plazas and pedestrian-only throughways. (This will tally more than 30% of our lot size). We have spoken with the abutting property, (aka VFW) and will be drafting an easement with them to extend landscaping up to their building and make cosmetic improvements to their building to improve the experience between and around these 2 neighboring structures.

B. Parking-

We are providing underground and concealed parking. We are also diminishing and beautifying the remaining surface parking on the adjacent lot.

C. Building Materials-

We are using high quality building materials such as masonry, glass, and metal, high quality windows, storefront systems, and awning assemblies.

D. Building Scale Elements-

Scaling elements, details and massing techniques focusing on the pedestrian experience have been implemented such as stepping the building, horizontal bands, eave bands and decorative building caps, awnings, pilasters and columns as well as varied windows, door sizes and multiple points of entry.





