

From: Mike Schwartz  
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To: Zoning Board of Adjustment

Re: Variance for Off-Street Parking at 444 Middle Street

October 29, 2018

Dear City of Portsmouth Zoning Board of Adjustment,

Thank you for considering my request for a variance to the Parking requirement (10.1114.32) to use 444 Middle Street as an office for my K-12 education consulting company.

Our small company provides training and support services to schools. We will use the space for our own work as we do not see customers in our office. Our work with K-12 school staff is on the school site or in off-site conference space. Our company currently has only six employees who will use the office on a regular basis and even that 'regular use' means typically only 1-3 employees are in the office on a given day. Usually once per week five of us get together in the office for about 5-6 hours.

The house currently has a dedicated driveway for 444 Middle that is 93 feet long and 9 feet wide. The house is already zoned for mixed (office and residential) use.

Variance Request for Section 10.1114.32

*Except for one-family and two-family dwellings, all off-street parking areas shall be designed so that:*

*(a) Vehicles can enter and leave each parking space without passing over any other parking space or requiring the moving of any other vehicle, and*

*(b) Vehicles can enter and leave the parking area without backing into or from a public street or way.*

I believe the variance request meet the city requirements:

10.233.21 The variance will not be contrary to the public interest;	<ul style="list-style-type: none"><li>• The building is already zoned for mixed (office and residential use).</li><li>• The building is in an area of town that is zoned for this type of use.</li><li>• Our office use is only for our internal team</li></ul>
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	<p>members. We are a small company. We will have minimal use of the office.</p> <ul style="list-style-type: none"> <li>• We have parking for four spots in the driveway and there is also off-street parking, especially during our work hours (8-5).</li> </ul>
10.233.22 The spirit of the Ordinance will be observed;	<ul style="list-style-type: none"> <li>• We do have off street parking.</li> <li>• Our business is not one that has customers come to our office. So our parking needs are minimal.</li> </ul>
10.233.23 Substantial justice will be done;	<ul style="list-style-type: none"> <li>• Many surrounding properties appear to have variance for parking (I believe this is true for building across street – 439 Middle, building next door – 426 Middle, building down the street 314 Middle).</li> <li>• The building is in an area of town where mixed office and residential use is already allowed as a right.</li> <li>• Given the current limitations, without a variance I will be unable to operate as an office despite the zoning that allows for this mix used.</li> </ul>
10.233.24 The values of surrounding properties will not be diminished;	<ul style="list-style-type: none"> <li>• The alternative is to covert the backyard into parking. This may allow us to meet the requirements, but would take away substantial green space – likely reducing the value of surrounding properties.</li> <li>• The use of the building for K-12 education consulting will not diminish surrounding property values.</li> </ul>
10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.	<ul style="list-style-type: none"> <li>• The building was built in 1840, before the zoning laws and it is not conducive to meet today’s requirements.</li> <li>• The space does have parking (see attachments), but the strict requirement of the zoning would eliminate the use as an office.</li> <li>• The use of the space with the off-site parking on the driveway is reasonable as the district where the property is located allows for mixed office and residential use -- permitted by right.</li> </ul>

Thank you,



Mike Schwartz

# CITY OF PORTSMOUTH

## Zoning Board of Adjustment Application

<i>Department Use Only</i>		Date _____
Assessor Plan # _____	Lot # _____	Fee _____
Zone _____	Lot area _____	By _____

Fill in below by printing in ink or typing / Complete all Blanks or indicate "N/A" if not applicable

Applicant \_\_\_\_\_ Owner of Record \_\_\_\_\_

Applicant Street Address \_\_\_\_\_ Owner Street Address \_\_\_\_\_

Applicant City / State / Zip \_\_\_\_\_ Owner City / State / Zip \_\_\_\_\_

Applicant phone (\_\_\_\_) \_\_\_\_\_ Owner phone (\_\_\_\_) \_\_\_\_\_

Applicant e-mail \_\_\_\_\_

Location (street address) of proposed work: \_\_\_\_\_

Existing use: \_\_\_\_\_

Undersigned hereby requests:

Article and Section

- |   |  |
|---|--|
| <input type="checkbox"/> Appeal from an Administrative Decision<br>See Article 2, Section 10.234.30 |  |
| <input type="checkbox"/> Special Exception<br>See Article 2, Section 10.232.20                      |  |
| <input type="checkbox"/> Variance<br>See Article 2, Section 10.233.20                               |  |
| <input type="checkbox"/> Other _____<br>See Article 2, Section 10.233.20                            |  |

To permit the following:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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. Incomplete applications will not be accepted. 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 \_\_\_\_\_

### 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.
2. A Building Permit application must also be filed for the project for which zoning relief is being sought. The Building Permit 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.
3. 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 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) original 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:

<ul style="list-style-type: none"> <li><input type="checkbox"/> Site Plan(s) showing existing and proposed conditions including:               <ul style="list-style-type: none"> <li>- Front, side and rear setback / yard dimensions (this is the distance from a structure to the lot line)</li> <li>- Lot dimensions</li> <li>- Abutting street(s) and street names</li> <li>- Driveways / accessways</li> <li>- Dimensions (size and height) of structures</li> <li>- Dimensions and location of parking spaces</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Scale of all drawings and plans (the scale is the ratio of the drawing's size relative to the actual size)</li> <li><input type="checkbox"/> Labeled photo(s) of existing conditions</li> <li><input type="checkbox"/> Building plans and elevations of any <i>proposed</i> structures or additions</li> <li><input type="checkbox"/> Interior floor plans for any renovations or expansion to existing structures</li> </ul>
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8. For applications requesting relief from land use requirements, the minimum requirements for adequate plans shall include the following:

<ul style="list-style-type: none"> <li><input type="checkbox"/> Site Plan showing dimensions and location of parking spaces including the scale (the scale is the ratio of the drawing's size relative to the actual size)</li> <li><input type="checkbox"/> Interior floor plans and/or exterior site plans showing the location of the proposed use(s)</li> <li><input type="checkbox"/> Labeled photo(s) of existing conditions</li> </ul>
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9. Plans should be 8 ½" x 11" in size, 11" x 17" plans may be used only if the plan would otherwise be unreadable.
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.
12. 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.

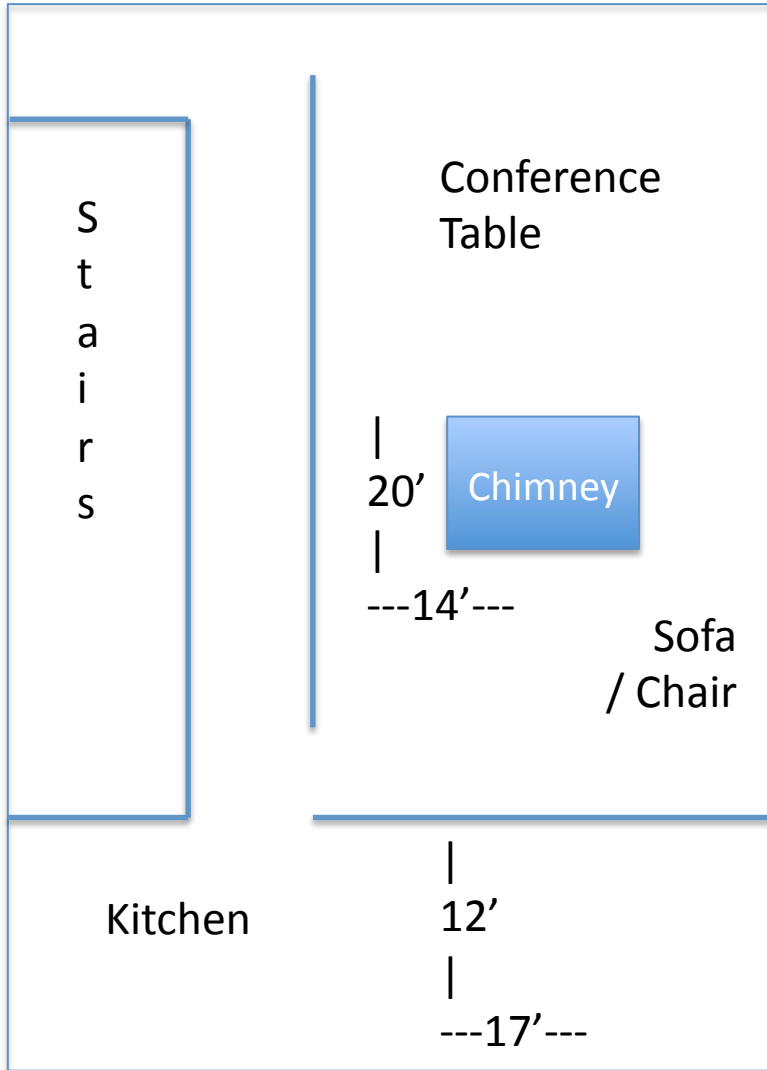
\_\_\_\_\_  
(Applicant's Signature, date)

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

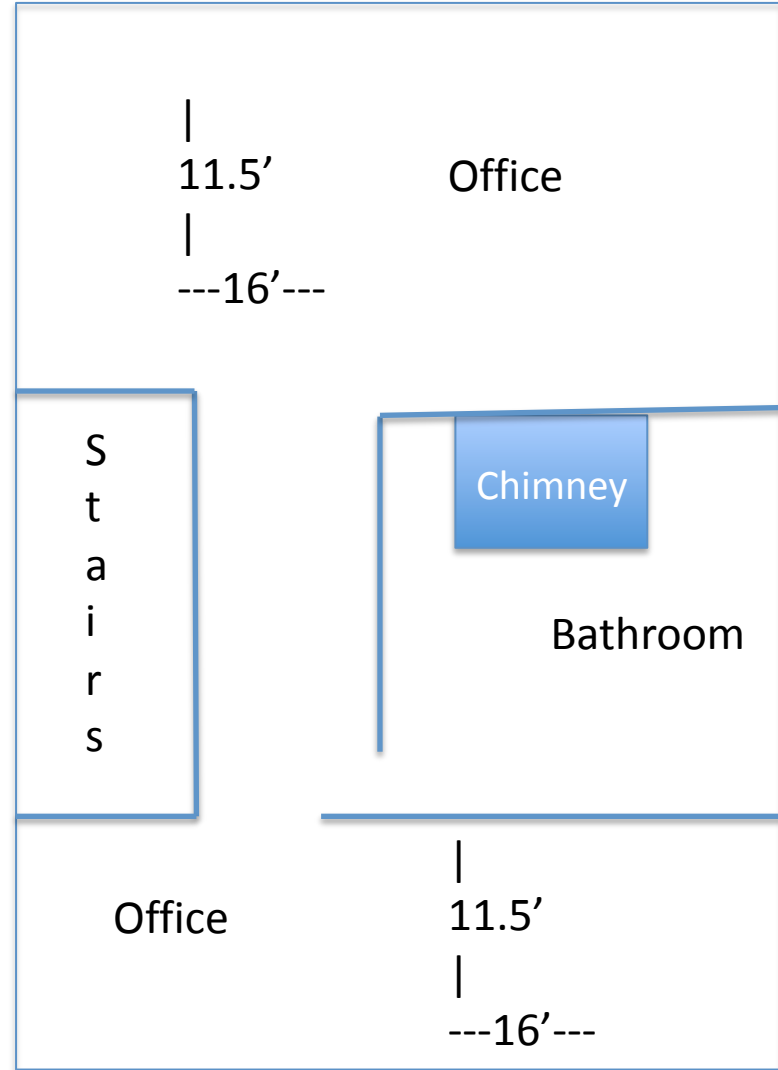
- Provide neat and clear plans
- Use of color or highlights is encouraged in order to identify pertinent areas on plans
- Applicants are encouraged to review the application with a member of the Planning Department staff prior to submittal
- All applicants are encouraged to discuss the project with impacted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

# 444 Middle Street – Office Layout

## Lower Floor



## Upper Floor



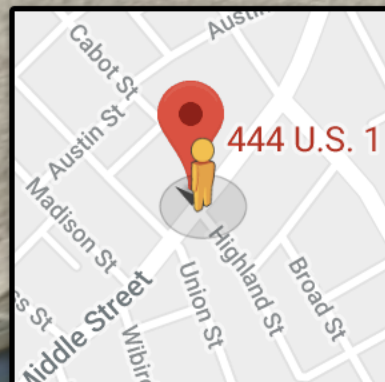


442 US-1

Portsmouth, New Hampshire

Google, Inc.

Street View - Sep 2017



Google