

**RE: APPLICATION OF PAMELA HENRY AND ALI KODAL
845 SOUTH STREET**

APPLICANT'S NARRATIVE

I. THE PROPERTY

845 South Street is located in the General Residence A District. The lot size is slightly over one half acre and the parcel is shown on Tax Map 132, as Lot 23. Currently there exists upon the property a single family residence with a detached garage. The detached garage is a nonconforming structure as the one car garage encroaches in the right side yard by several feet..

II. THE PROPOSAL

The Applicant proposes to demolish the nonconforming garage and to construct a two car garage with a breezeway between the garage and the residence. The new garage will have a 5' 4" right yard setback whereas the existing garage has a 6' 9"" right yard setback.

Because the structure is being expanded, a variance from Article 3, Section 10.321 is required to allow expansion of a nonconforming structure and a variance from Article 5, Section 10.521 is required for the new right yard setback of 5' 4".

Because the proposed garage is an accessory building and will be located in front of the principal building, a third variance, from Article 5 Section 10.571 is required.

III. ARGUMENT

The Applicant believes that the five (5) criteria necessary for the Board to grant the required variances are met by the within Application. First and foremost, granting the requested variances will not result in a substantial change to the characteristics of the neighborhood nor will public health, safety and welfare be threatened. In essence, the proposal is to demolish the detached garage and replacing it with a 2 car garage and breezeway.

Because the essential characteristics of the neighborhood will not be substantially altered, and because the public health, safety and welfare will not be threatened, granting the requested variances would be within the spirit and intent of the ordinance and would not be contrary to the public interest.

Granting the requested variances would not result in any diminution in value of surrounding properties. As can be seen from the attached elevations and photographs, the new breezeway and garage are in keeping with the characteristics of the existing structure as well as

those of surrounding properties. Removing the detached one car garage and replacing it with the 2 car garage and small breezeway will certainly not diminish any surrounding property values.

Granting the requested variances would result in substantial justice being done because the hardship upon the owner/applicant were the variances be denied is not outweighed by some benefit to the general public. **Installing a breezeway** certainly benefits the Applicants in that they do not have to be exposed to the elements when going from their vehicles into the home. Secondly, the garage is certainly in keeping with the characteristics of the neighborhood, is well thought out and attractive and will not in any way deter from the public interest. Thus, to balance the hardship upon the owners were the Application to be denied against a perceived benefit to the general public in denying the variance, it is clear that there is no benefit to the general public in denying the requested variance

Finally, there is a hardship inherent in the land due to the special conditions of the lot combined with the placement of the existing structures thereon. The residence and garage were constructed in 1911. Their construction predates Portsmouth's first zoning Ordinance and thus there were no setback requirements. Although the lot meets the minimum lot size requirements for the District, the placement of the existing residence and garage is such that the garage does not conform with setbacks required in today's zoning ordinance. Secondly, there is no fair and substantial relationship between the intent of the ordinance as it is applied to this particular lot. Because of the shape of the lot and the configuration of structures on adjacent lots, the residence existing at 845 South Street has adequate light, air and access for emergency vehicles and personnel. The intent of the zoning ordinance in creating setbacks is clearly to provide for adequate light, air and emergency vehicle access and that is accomplished at 845 South Street despite the encroachment into the right side yard setback. The use is a reasonable use being allowed by the zoning ordinance

IV. CONCLUSION

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

Respectfully submitted,

Dated: June 30, 2020

Bernard W. Pelech, Esq.

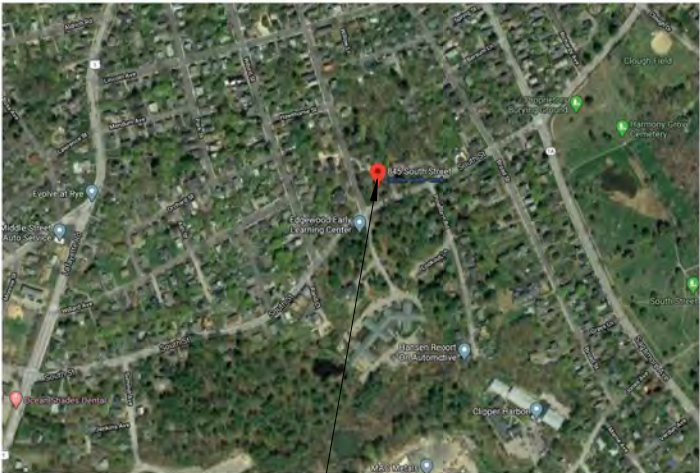
KODAL RESIDENCE - GARAGE

Zoning Board of Adjustment - July 2020, Portsmouth, New Hampshire

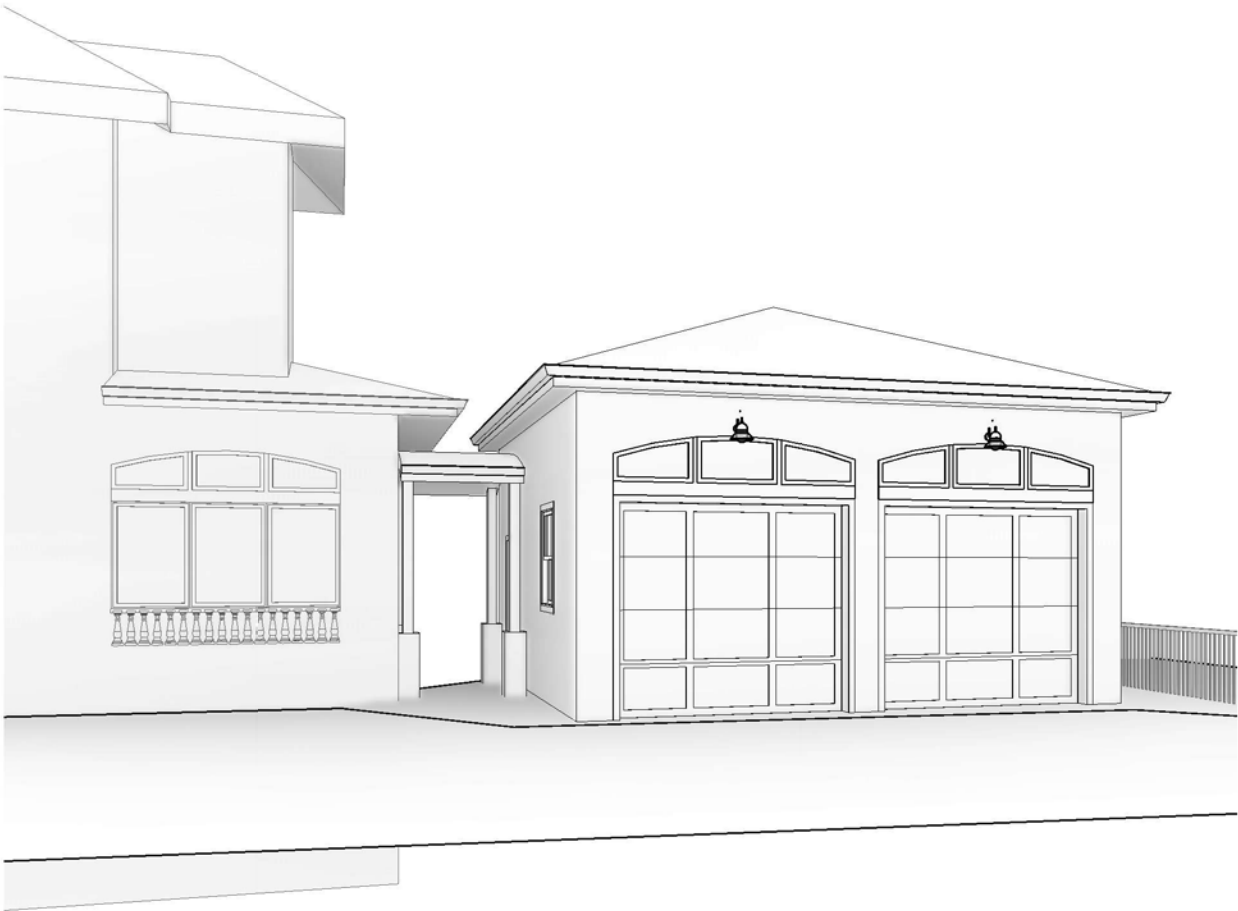
General Project Description:

- Proposed Work:
- Removal of the existing one car garage.
 - Construction of a new two car garage with a structurally independant breezeway.
- Variance Request:
- To provide a 5' - 4" side yard setback where 6' - 9" exists and 10' - 0" is required.

| Sheet List | |
|--------------|-----------------------------|
| Sheet Number | Sheet Name |
| C | COVER |
| A1 | EXISTING CONDITIONS |
| A2 | PICTURES OF EXISTING GARAGE |
| A3 | PROPOSED FLOOR PLANS |
| A4 | PROPOSED ELEVATIONS |
| A5 | PROPOSED ELEVATIONS |
| A6 | PERSPECTIVE VIEW |



845 SOUTH STREET
PORTSMOUTH, NH



Perspective View Looking At Breezeway



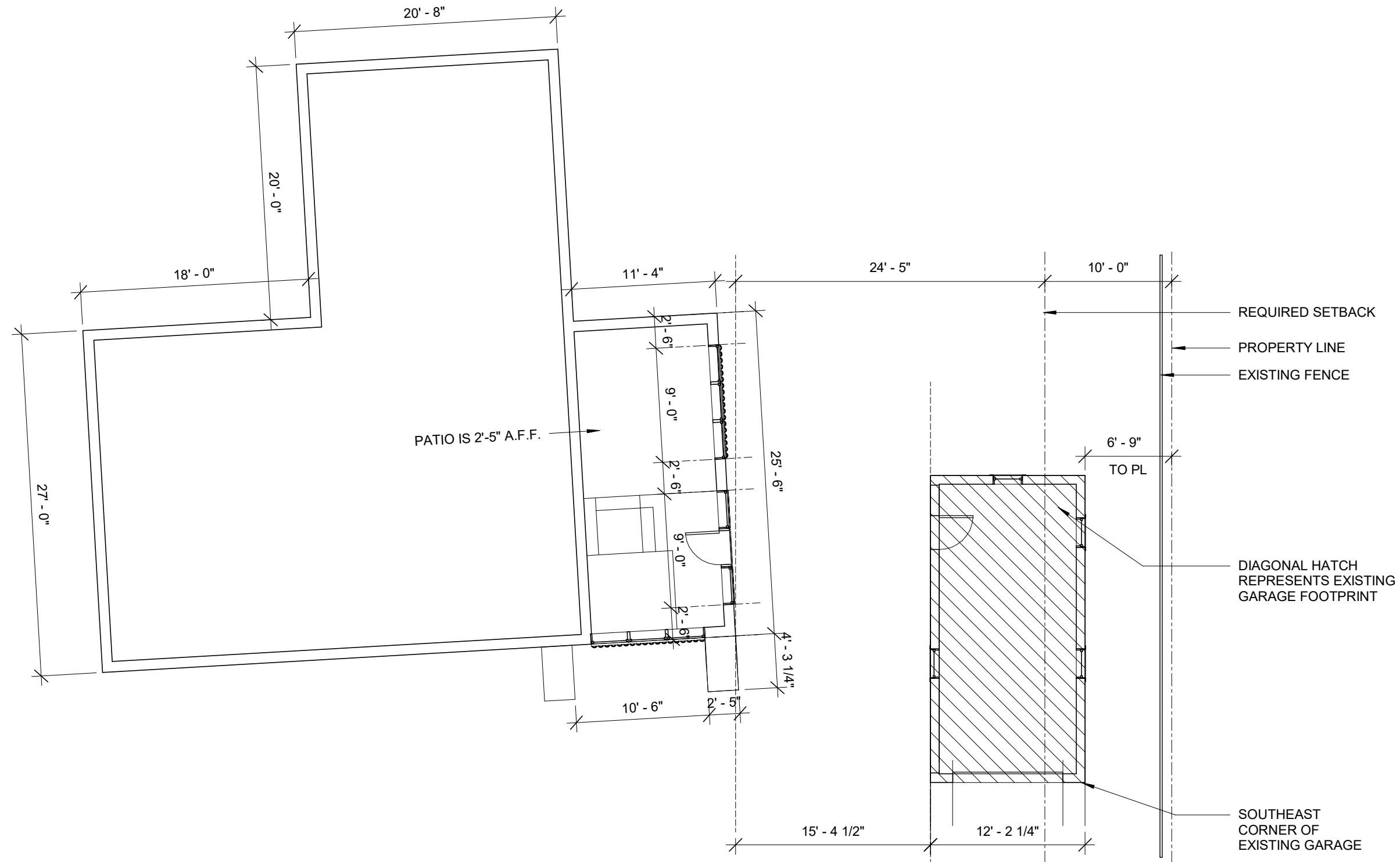
KODAL RESIDENCE
845 SOUTH STREET
PORTSMOUTH, NH

COVER

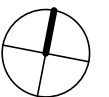
ZONING BOARD OF ADJUSTMENT - JULY 2020

McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire

C
07/21/2020
McHA: RD / JJ
Scale:
Locus



1 FIRST FLOOR PLAN - EXISTING
1/8" = 1'-0"



KODAL RESIDENCE
845 SOUTH STREET
PORTSMOUTH, NH

EXISTING CONDITIONS
ZONING BOARD OF ADJUSTMENT - JULY 2020

McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire

A1

07/21/2020
McHA: RD / JJ
Scale: 1/8" = 1'-0"
E



EXISTING CONDITIONS FROM SOUTH STREET



EXISTING CONDITIONS FROM SIDE YARD SETBACK



EXISTING CONDITIONS FROM SOUTH STREET

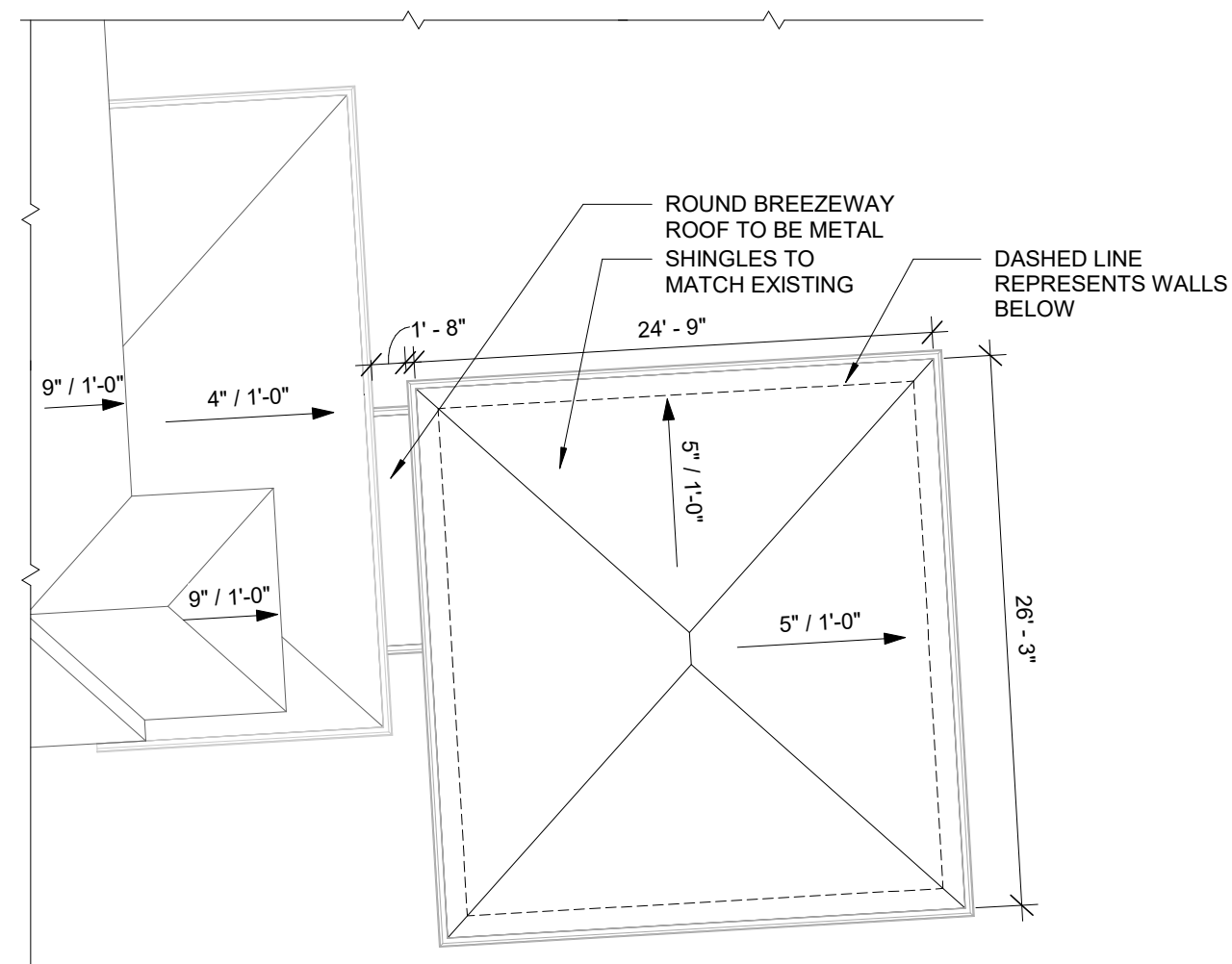
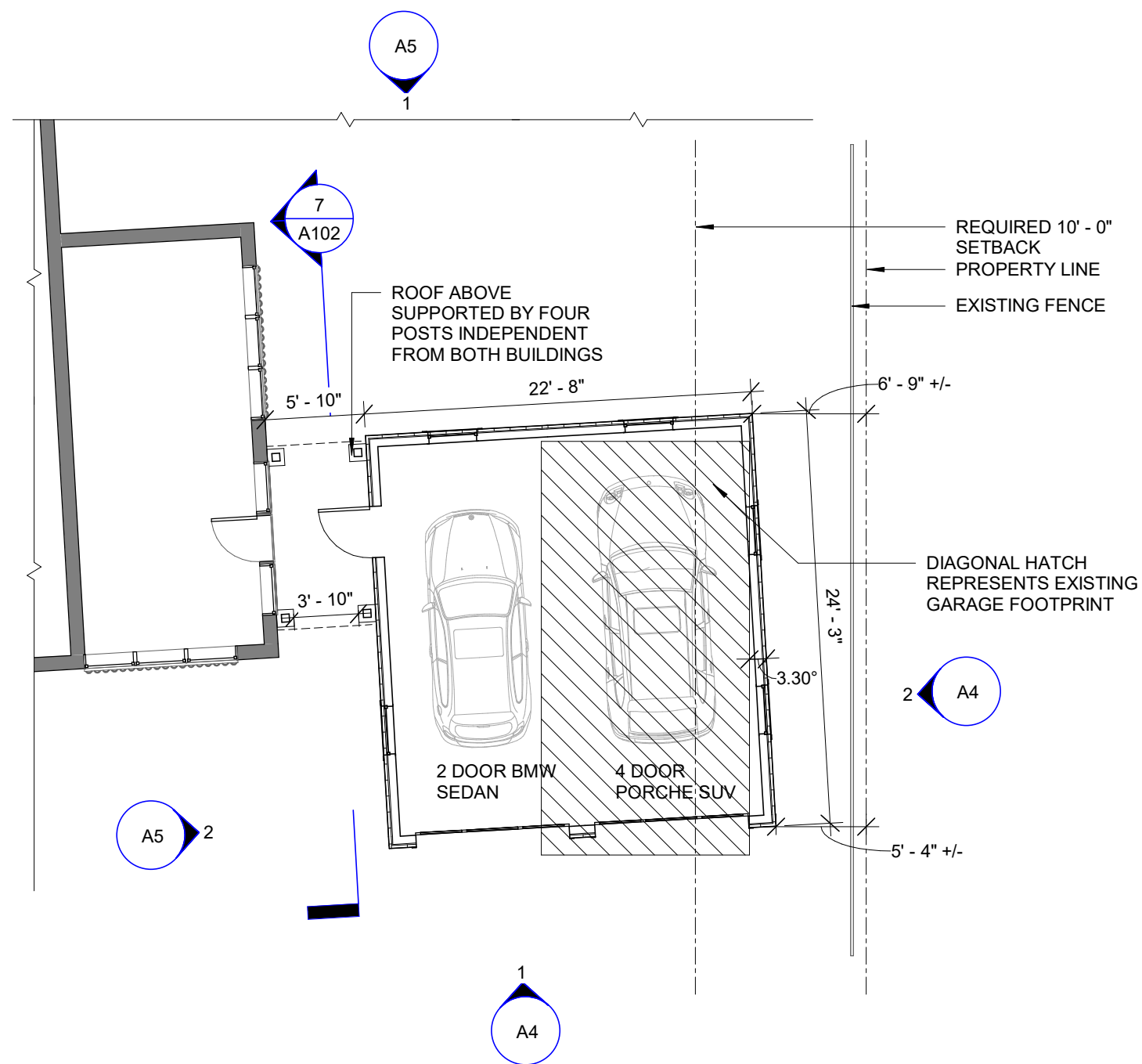
KODAL RESIDENCE
845 SOUTH STREET
PORTSMOUTH, NH

PICTURES OF EXISTING GARAGE
ZONING BOARD OF ADJUSTMENT - JULY 2020

McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire

A2

07/21/2020
McHA: RD / JJ
Scale:
E



1 FIRST FLOOR PLAN
1/8" = 1'-0"

2 ROOF PLAN
1/8" = 1'-0"



KODAL RESIDENCE
845 SOUTH STREET
PORTSMOUTH, NH

PROPOSED FLOOR PLANS
ZONING BOARD OF ADJUSTMENT - JULY 2020

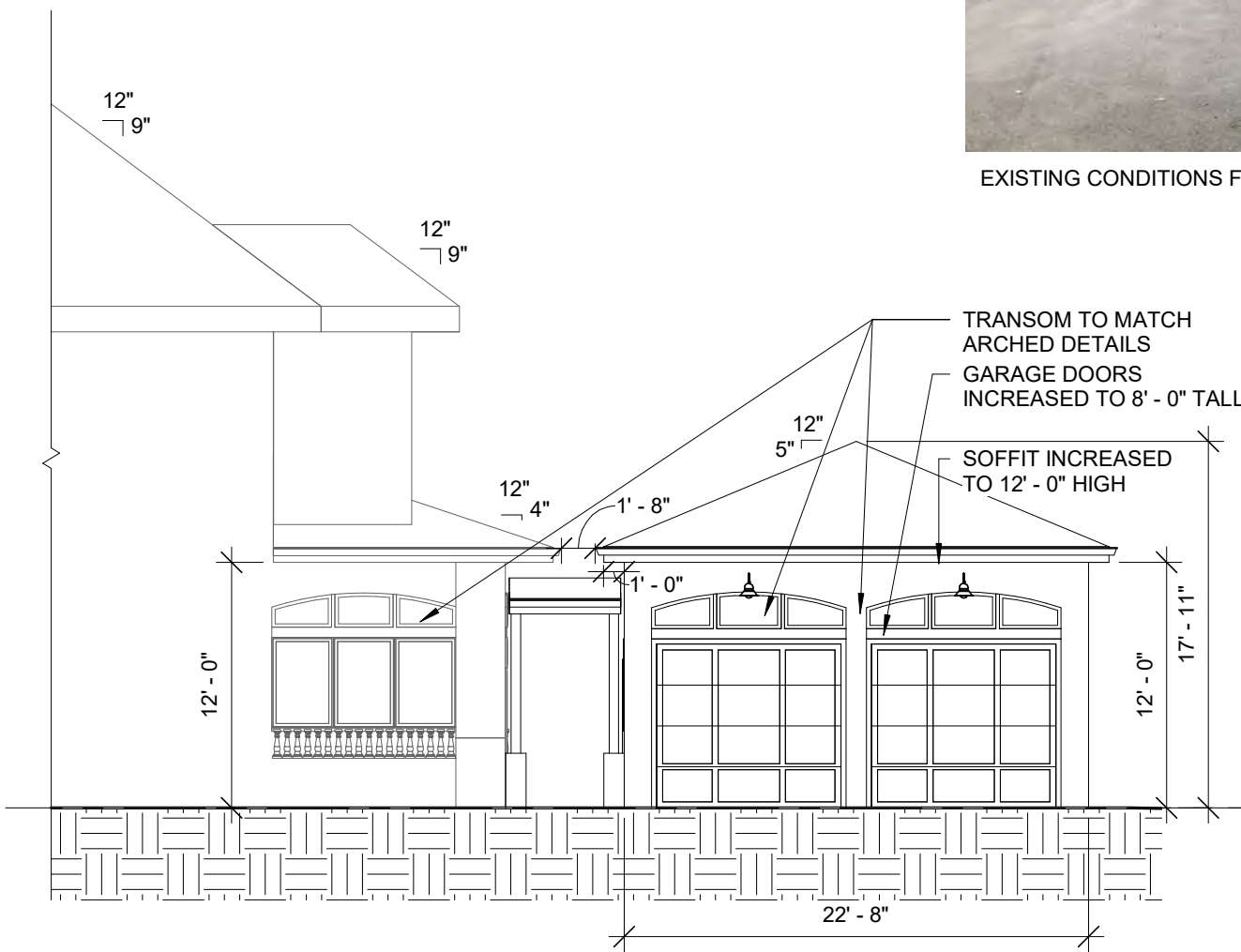
McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire

A3

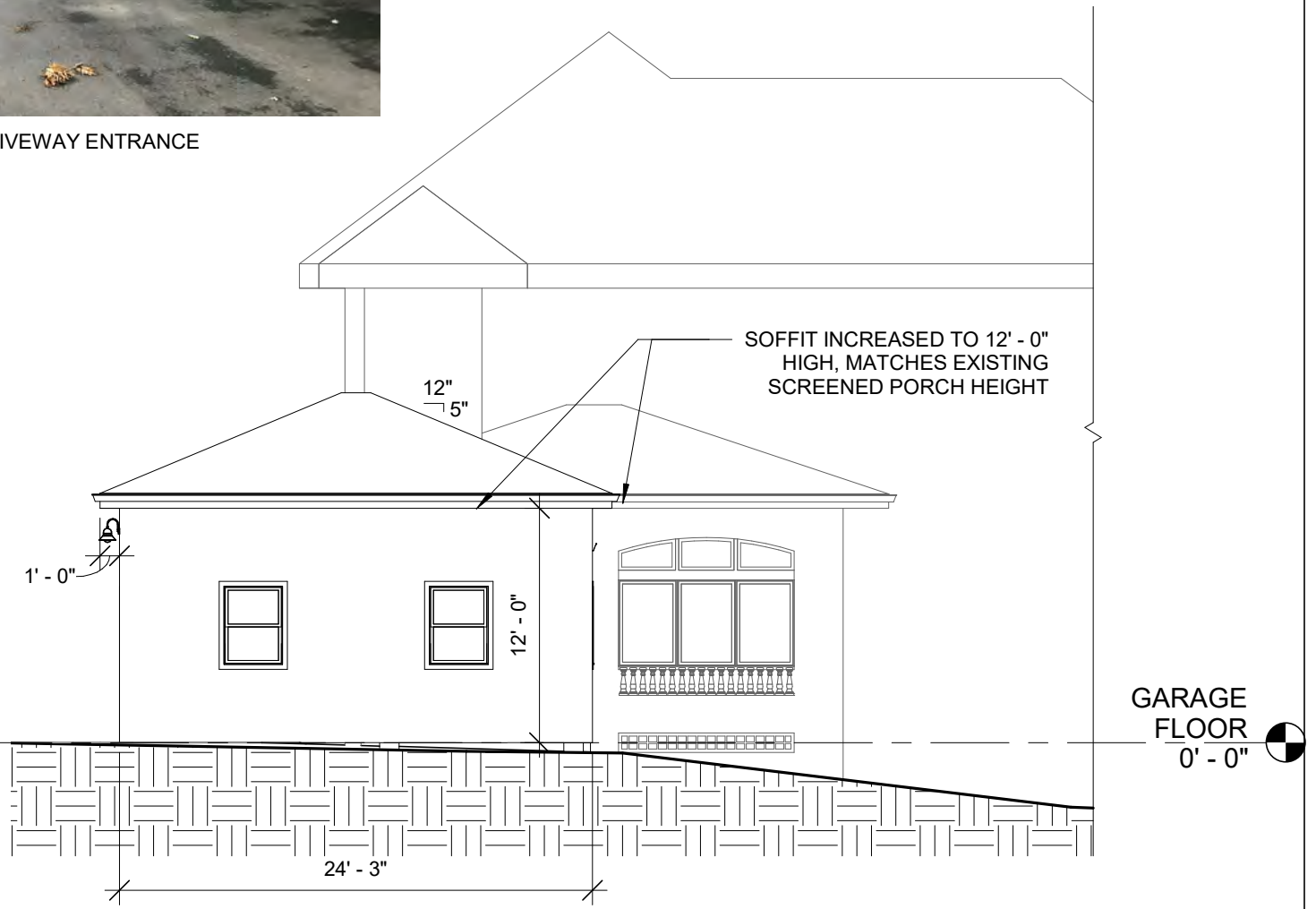
07/21/2020
McHA: RD / JJ
Scale: 1/8" = 1'-0"
P



EXISTING CONDITIONS FROM DRIVEWAY ENTRANCE



1 FRONT ELEVATION VIEW
1/8" = 1'-0"



2 SIDE ELEVATION BY PROPERTY LINE
1/8" = 1'-0"

KODAL RESIDENCE
845 SOUTH STREET
PORTSMOUTH, NH

PROPOSED ELEVATIONS
ZONING BOARD OF ADJUSTMENT - JULY 2020

McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire

A4

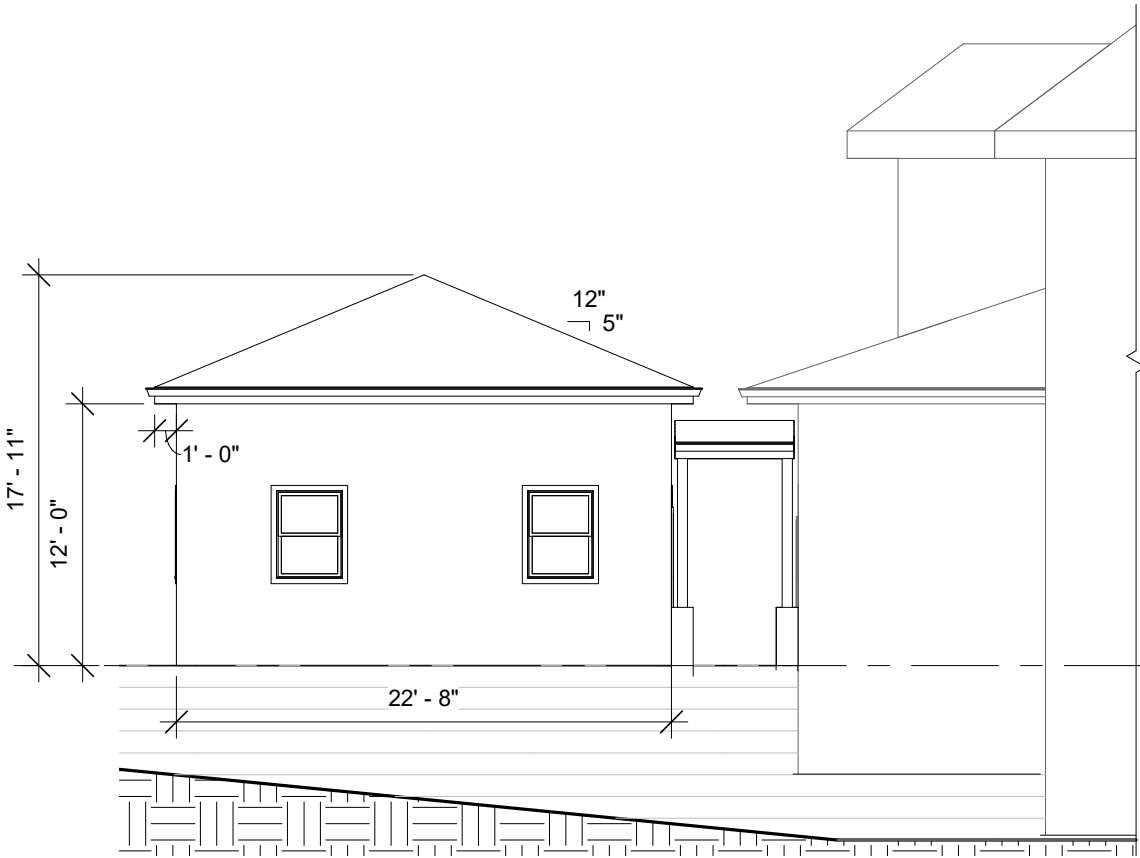
07/21/2020
McHA: RD / JJ
Scale: 1/8" = 1'-0"
P



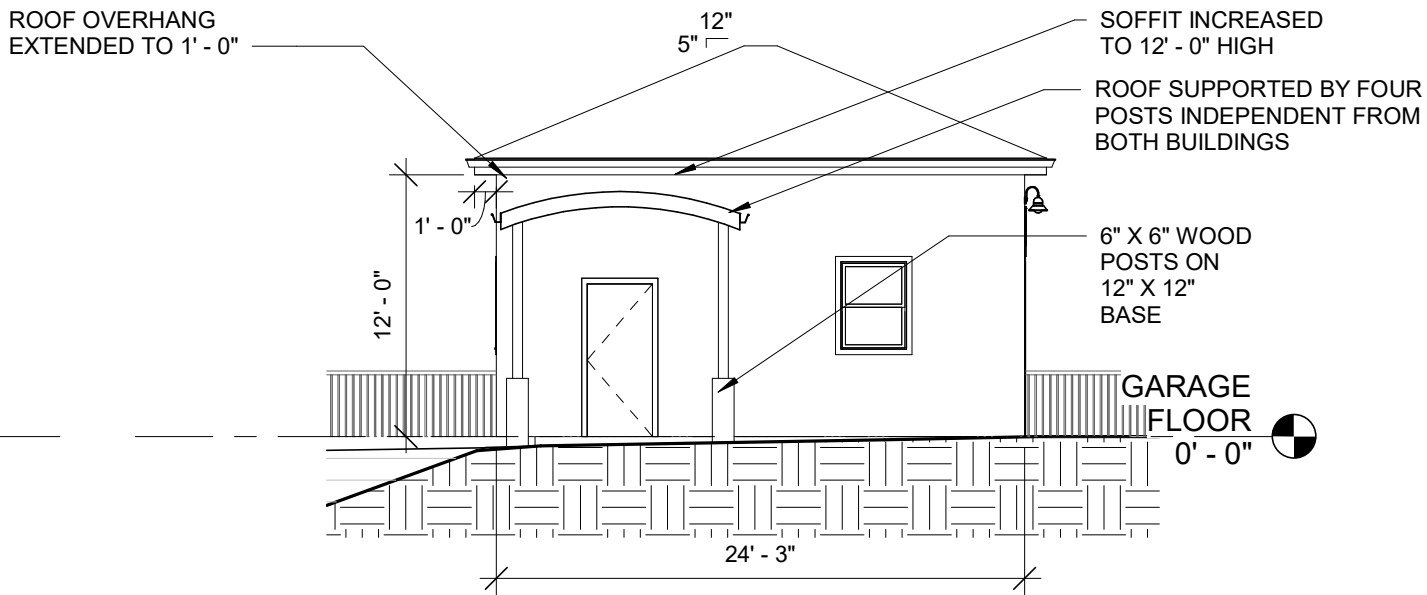
EXISTING CONDITIONS FROM REAR YARD



EXISTING CONDITIONS FROM PROPERTY LINE



1 REAR ELEVATION
1/8" = 1'-0"



2 SIDE ELEVATION SECTION
1/8" = 1'-0"

KODAL RESIDENCE
845 SOUTH STREET
PORTSMOUTH, NH

PROPOSED ELEVATIONS
ZONING BOARD OF ADJUSTMENT - JULY 2020

McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire

A5

07/21/2020
McHA: RD / JJ
Scale: 1/8" = 1'-0"
P



GUTTER PROFILE
TO MATCH EXISTING

METAL BREEZWAY
ROOF

SOFFIT DETAIL WORK
TO MATCH EXISTING

TRANSOM TO MATCH
ARCHED PROFILE

STUCCO SIDING TO
MATCH EXISTING

WINDOW AND DOOR
TRIM TO MATCH
EXISTING



KODAL RESIDENCE

845 SOUTH STREET
PORTSMOUTH, NH

PERSPECTIVE VIEW

ZONING BOARD OF ADJUSTMENT - JULY 2020

McHENRY ARCHITECTURE

4 Market Street
Portsmouth, New Hampshire

A6

07/21/2020

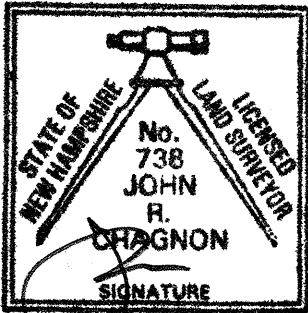
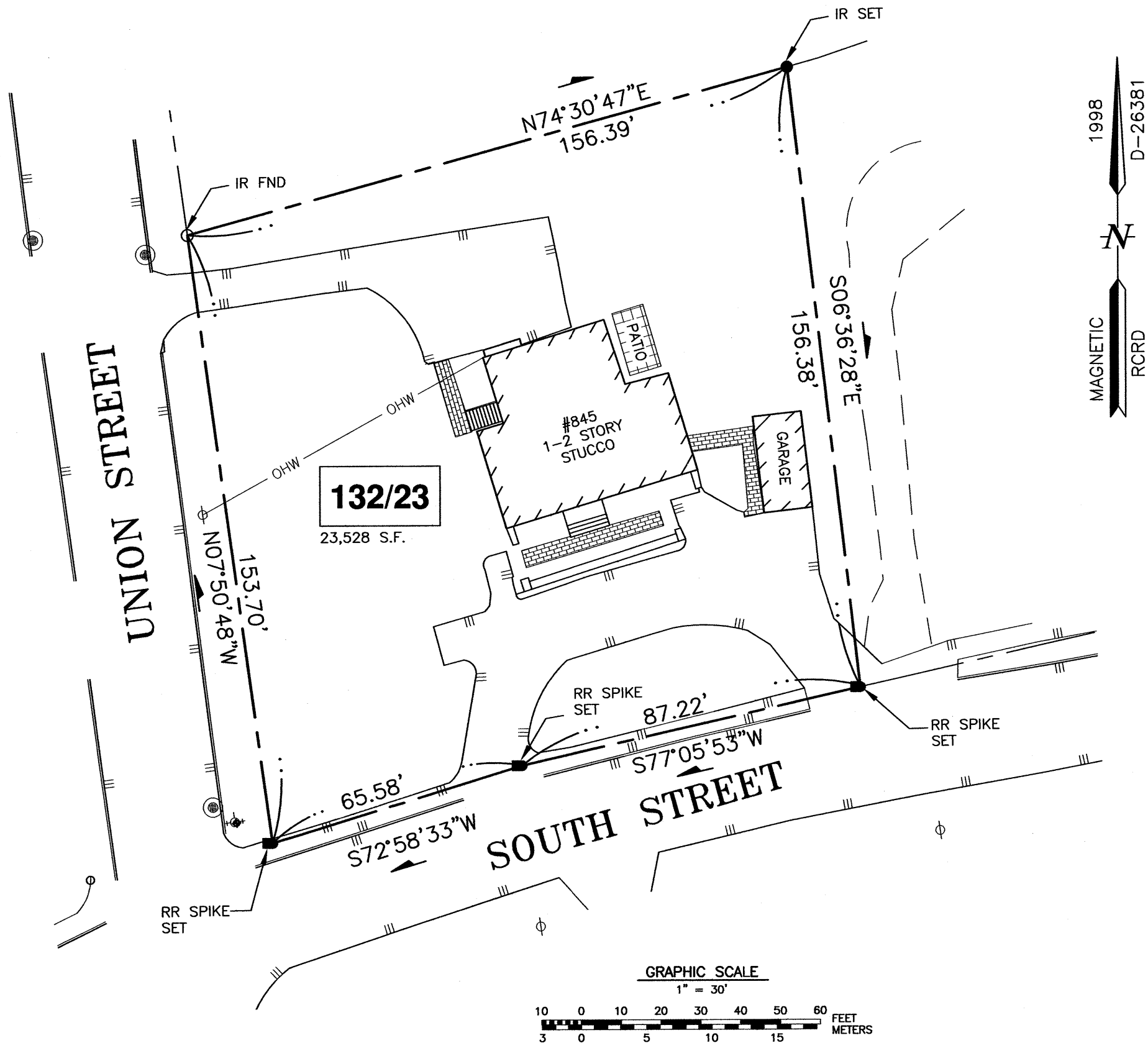
McHA: RD / JJ

Scale:

E/P

PROPERTY STAKEOUT SKETCH

OWNER: ALI S. KODAL & PAMELA J. HENRY
PROPERTY LOCATION: 845 SOUTH STREET
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE



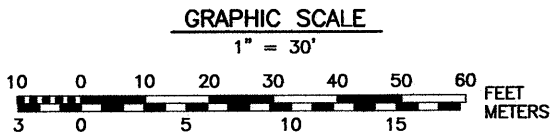
DEED REFERENCE: RCRD 2917/2527

SCALE: 1"=30' 12 SEPTEMBER 2008



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Civil Engineers & Land Surveyors

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Tel (603) 430-9282
Fax (603) 436-2315



NOTICE: PROPERTY CORNERS SET 9/5/08