

Gee, Heffron Petition to the City of Portsmouth NH Zoning Board of Adjustment

1 August, 2019

Summary of Requirements

Name of owners:	Lindsay Gee Erin Heffron
Name of Applicant(s):	Erin Heffron
Title of petition:	Variance, dimensional relief
Total number of dwelling units:	2
Scale of all drawings and plans	Provided as scale bar or verbal scale on Boundary Survey and Building Plan
Existing land use:	Residential, two family, single residence B (SRB)
Labeled photo(s) of existing conditions	Provided in Appendix 1, 2, 3
Building plans and elevations of any proposed structures or additions	Appendix 5: Building Plans and Elevations
Interior floor plans for any renovations or expansion to existing structures	The interior structures proposed are just simple small enclosed entrance ways with no interior floor plan.
Site Plan(s) showing existing and proposed conditions including:	
<ul style="list-style-type: none"> • Front, side, and rear setback/yard dimensions 	<p>Tables of Current and Proposed Dimensions and Lot Requirements, below</p> <p>Appendix 4: 978-980 South Street Boundary Survey</p>
<ul style="list-style-type: none"> • Lot dimensions 	<p>Tables of Current and Proposed Dimensions and Lot Requirements, below</p> <p>Appendix 4: 978-980 South Street Boundary Survey</p>
<ul style="list-style-type: none"> • Abutting street(s) and street names 	Appendix 4: 978-980 South Street Boundary Survey
<ul style="list-style-type: none"> • Driveways/access ways 	Appendix 4: 978-980 South Street Boundary Survey
<ul style="list-style-type: none"> • Dimensions (size and height) of structures 	<p>Tables of Current and Proposed Dimensions and Lot Requirements, below</p> <p>Appendix 5: Building Plans and Elevations</p>
<ul style="list-style-type: none"> • Dimensions and location of parking spaces 	Figures 2 and 3, as well as Appendix 4: Boundary Survey
Written statement explaining how the request complies with the requirements of the Zoning Ordinance as provided in Article 2 Section 10.233.20	See Variance Criteria, below

Introductory Statement

This petition is on behalf of Lindsay J. Gee and Erin J. Heffron for property located at 978-980 South Street, Portsmouth NH, Tax Map 158 – Lot 8, single residence B (SRB) zoning district, seeking dimensional relief from zoning ordinance 10.521 establishing minimum yard dimensions and open space. The existing property is a duplex (multifamily, two dwelling units) where both units are owned by Gee and Heffron since July 2011; the current property is non-conforming, with an existing lot area of 6,182 sf where 15,000 sf is required and lot coverage of approximately 2,083 sf (33.7% of 6,182 sf). Gee and Heffron would like to rebuild and extend an existing entry for 978 South Street, moving the outer wall to within 0.7 ft of the property line and the eave of the roof to the property line. This change will remove existing concrete steps that currently extend beyond the property line (See Figures 3 to 7 and the Boundary Survey, Appendix 5) which would add a 0.7 ft setback where there is currently a 0.0 ft setback (currently non-conforming) and a 10 foot setback is required. Gee and Heffron would also like to rebuild and extend the entry and add a covered porch to the entry for 980 South Street; this would not decrease the set back (which is currently non-conforming by 0.1 ft along the main side wall of the house but will be 10 ft where the proposed entry and porch are located). These proposed changes would add a combined 40 sq ft (less than 1%) of coverage to the lot. In both instances, these rear entrances serve as the primary entrances to the units. The proposed entrance for 978 South Street would increase protection of the exposed wall, which in past years has suffered damage due to ice build-up (Figure 8), and would provide a safer entrance by reducing the amount of time occupants and guests would have to walk/stand on or near Rand Court. The proposed entrance and covered porch for 980 South Street would provide a protected entrance for occupants and guests. The proposed additions would not affect existing parking spaces, two of which are located in the grass and gravel area off of Rand Court, behind the property, with two additional spaces located in the existing garage. The proposed additions would not impact front and rear setbacks.

Summary of Variance Relief Requested

In summary, Mr. Gee and Ms. Heffron request the following variances from Section 10.521 of the Zoning Ordinance:

1. To allow a left side yard setback of 0.7 ft where 0.0 ft exists and a setback of 10 ft is required, for 978 South Street.
2. To allow an increase in lot coverage of 40 sf for 978/980 South Street, for a total building coverage of 34.3 % where 33.7% exists and 20% is required.

Tables of Current and Proposed Dimensions and Lot Requirements

	Current	Requested	Notes
978 Entrance Dimensions	4' 1" by 4' 7"	4' 8" by 4' 7"	Change door and steps to face south.
980 Entrance & Porch Dimensions	4' 1" by 4' 7"	11' 9" by 5' 3"	Add covered porch and change door to face south.

	Required	Existing	Requested	Change
Min Lot Size	15,000 sf	6,182 sf (currently non-conforming)	N/A	None
Max Building Coverage	20%	33.7% (currently non-conforming)	34.3%	+ <1%
Min Open Space	40%	Approx. 66%	<1%	- <1 %
Min Side Yard, 978	10 ft	0 ft (currently non-conforming)	0.7 ft	+0.7 ft
Min Side Yard, 980	10 ft	9.9 ft (currently non-conforming)	N/A	None
Min Rear Yard	40 ft	75.1 ft	75.0	- 0.1 ft
Min Front Yard	30 ft	4.9 ft (currently non-conforming)	N/A	None
Building Height	35 ft	30 ft +/-	N/A	None

Variance Criteria

Mr. Gee and Ms. Heffron feel this request complies with the requirements of the Zoning Ordinance as provided in Article 2, Section 10.233.20.

- The variance is not contrary to the public interest:** The proposed changes will not alter character of the neighborhood as many other properties are non-conforming and have had approved dimensional relief variances. The proposed changes will not threaten public health, safety, or welfare, as the extension of the 978 entry does not impede right of way on Rand Court, block or impede views of road or foot traffic, and the proposed extension and porch addition for the 980 entry does not alter views or impede foot traffic for occupants, neighbors, or the general public. Changing the entrance on 978 so that people enter from the rear of the property would improve the right of way on Rand Court by reducing the amount of time people would need to walk on Rand Court, providing safer entrance to occupants and guests and fewer obstacles to neighbors using Rand Court for entering/exiting their property. The current entry steps include a concrete base that extends beyond the property line which will be removed, which will add some additional space along the edge of the home even if the slightly larger entry that is requested is approved. Further, the proposed changes will be part of re-cladding the back of the house and replacing existing bulkheads, which will improve the overall appearance of the property, a benefit to the owners and occupants as well as surrounding properties. This continued investment in the property should only continue to increase the property's appearance and value, which would also benefit the neighborhood.
- The spirit of the ordinance is observed:** The proposed entrance to 978 slightly increases the current setback on this non-conforming property, and the changes are inward of the outermost boundaries of the established home and do not further impede right of way on Rand Court, block or impede views of road or foot traffic. Both proposed changes do further reduce existing non-conforming coverage on the lot, but again the changes are inward of the outermost walls of the established home and do not substantially alter views or impede the right of way of others, or substantially impede on the light, air, or space of abutting properties.
- Substantial justice is done:** The hardship on the applicant would not be outweighed by a benefit to the public by denying the variance, as there is no benefit to the general public in denying the

requested variance. As established above, the proposed changes do not alter the neighborhood, or threaten public health, safety, or welfare by impeding right of way or foot traffic or obstructing view.

- **The value of surrounding properties are not diminished:** The proposed changes do not impose on surrounding properties as far as right of way or viewshed. The proposed improvements would not diminish surrounding property values; more likely they would enhance surrounding property values by improving this property and increasing its value and visual appeal. Similar allowed variances on neighboring properties have been allowed and are viewed as an improvement to those properties and the neighborhood in general.
- **Literal enforcement of the ordinance would result in unnecessary hardship:** As the proposed changes do not detrimentally affect neighboring properties (the value of the surrounding properties are not diminished) or the public (not contrary to the public), and as the spirit of the ordinance is observed and substantial justice is done, literal enforcement of the ordinance would result in unnecessary hardship to the applicant.

Conclusion

Mr. Gee and Ms. Heffron feel they have demonstrated that their proposal meets the criteria for granting the requested variances, and respectfully request that the Board approve this variance application.

Attachments/Appendices

The following appendices are included as part of this proposal:

1. Overview images for 978 and 980 South Street, including images and approximate dimensions of existing off-street parking.
2. Images of 978 South Street entry as it exists as well as proposed changes.
3. Images of 980 South Street entry as it exists as well as proposed changes.
4. 978 – 980 South Street boundary survey.
5. 978 – 980 building plans and elevations for proposed entrance changes.

Appendix 1: 978 and 980 South Street Overview Images



Figure 1: View of 980 South (left) and 978 South (right) from rear of property. The road visible in the foreground and crossing diagonally across the image is Rand Court; South Street intersects Rand Court in the background. The gravel area behind house provides parking for both units; parking would not be impacted by the proposed changes.

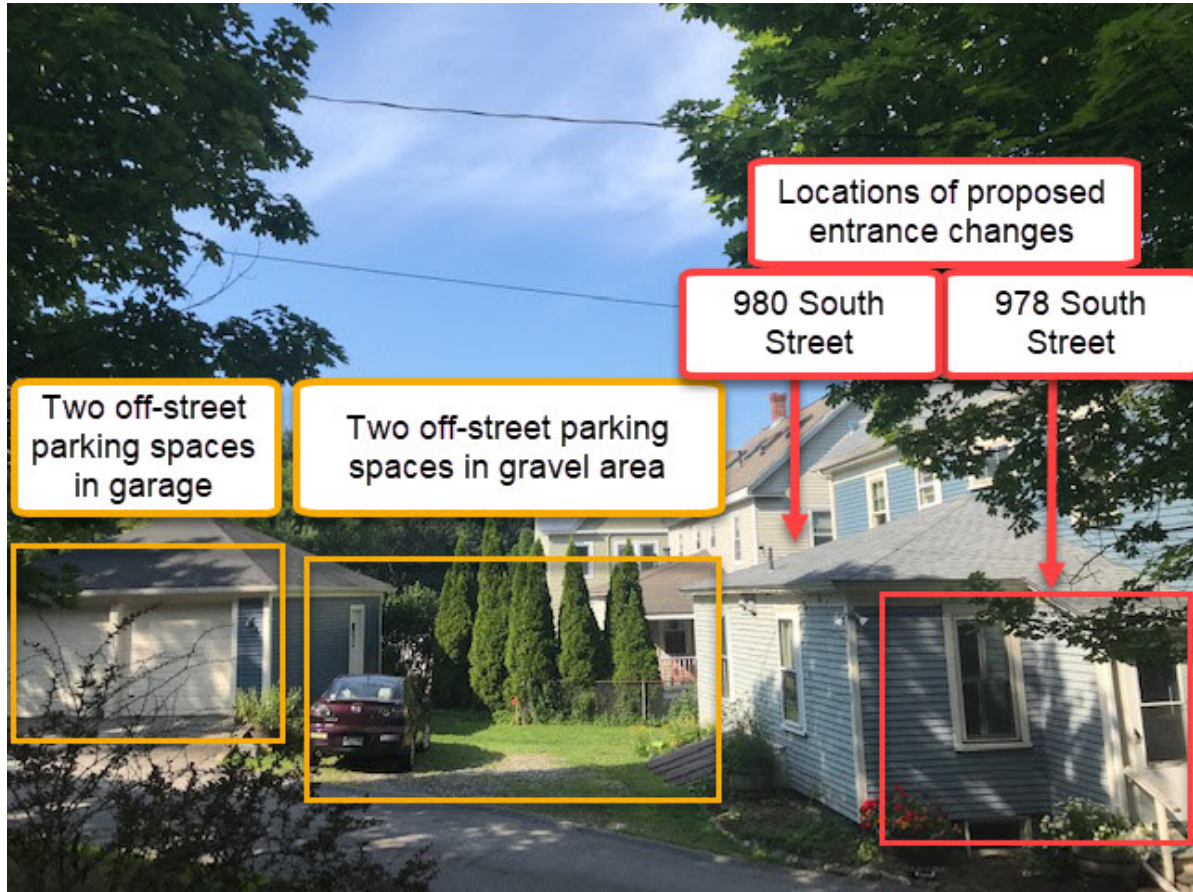


Figure 2: Location of existing off-street parking in relation to proposed entrance changes. Parking would not be impacted by proposed changes. Photo taken from across Rand Court from yard of 928 South Street.

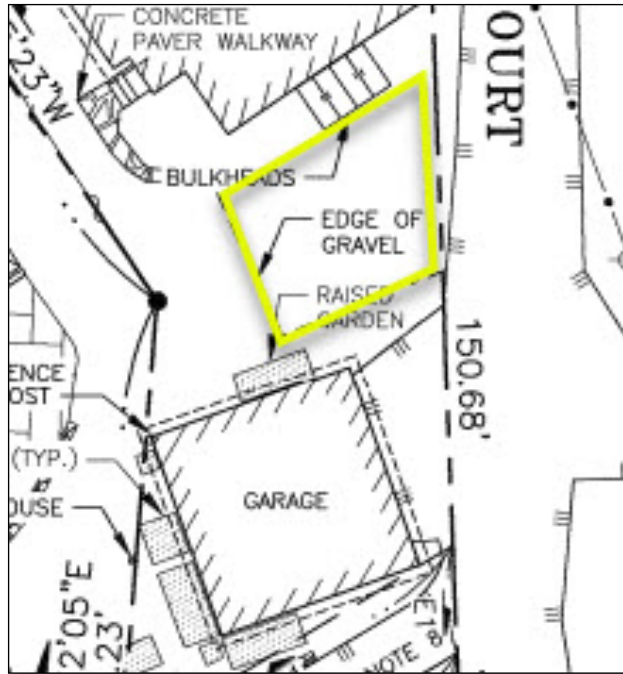


Figure 3: Inset from boundary survey showing location of existing off-street parking (in addition to parking in garage, also shown); this area is roughly 400 sf covered in gravel. Parking would not be impacted by proposed changes.

Appendix 2: 978 Entry Figures and Descriptions

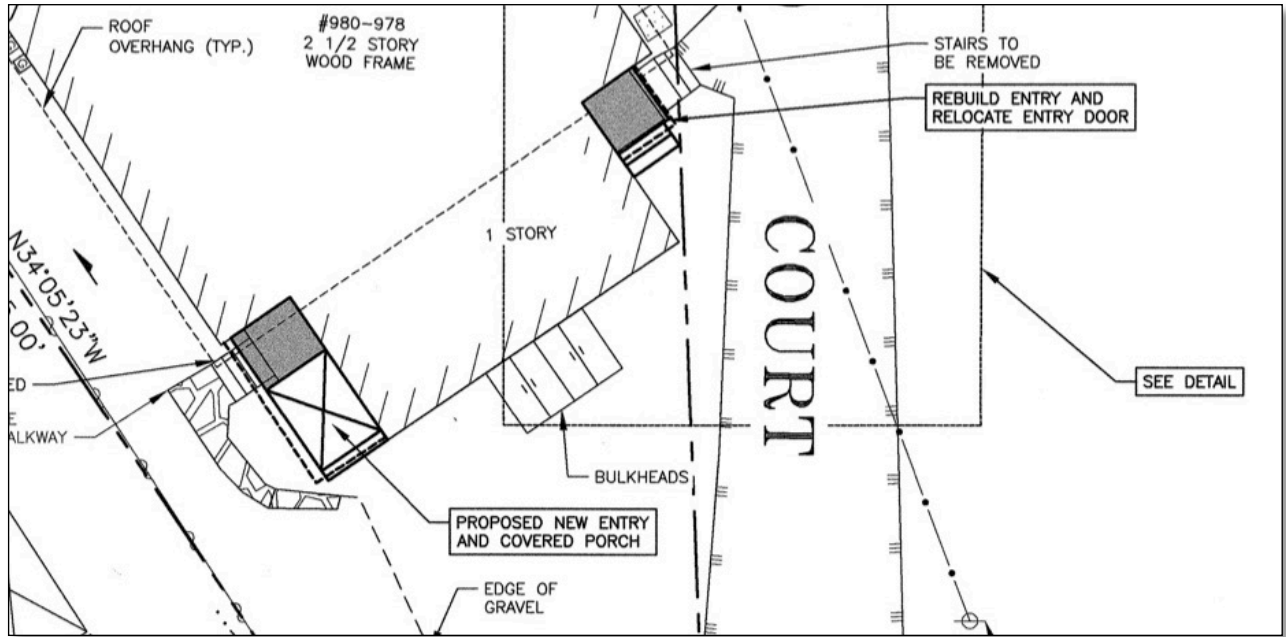


Figure 4: Overview showing existing and proposed changes. (Extract from survey plan, Appendix 4)

ENTRYWAY DETAIL SCALE: 1" = 5'

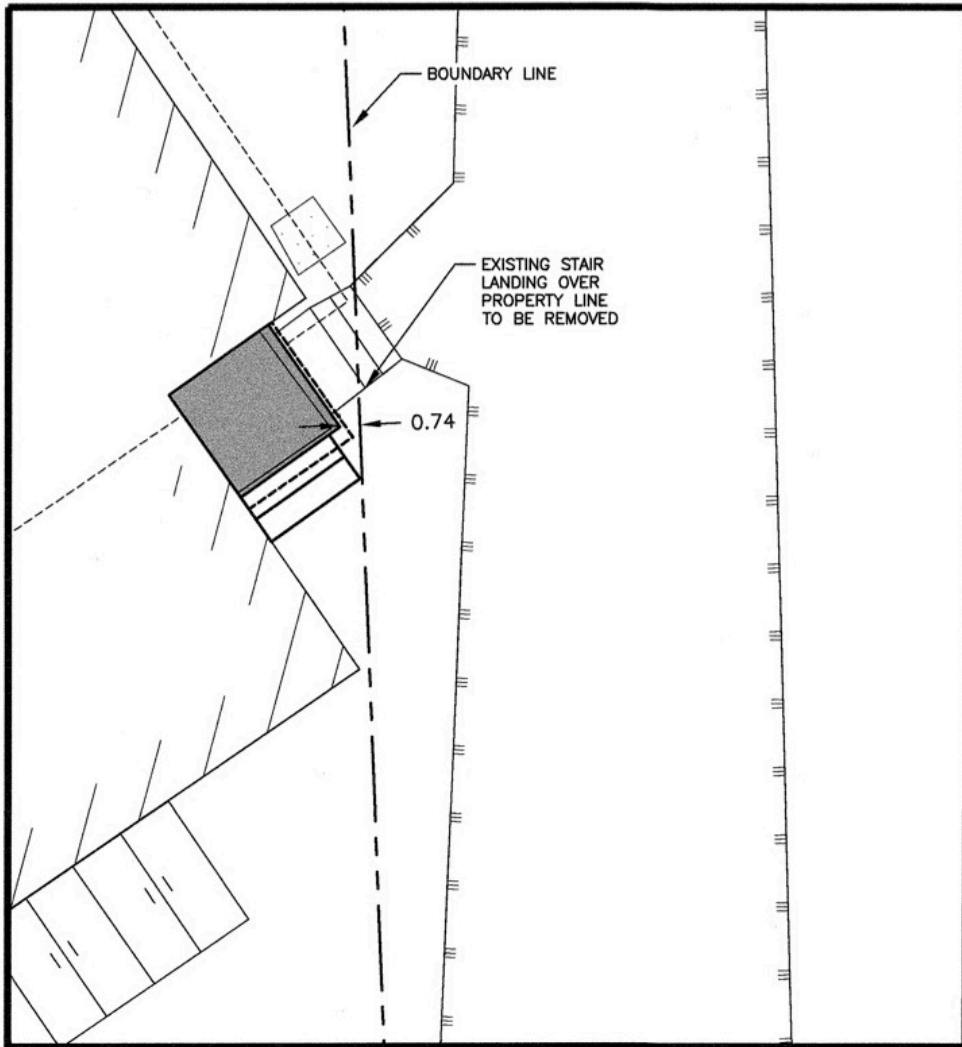


Figure 5: Detail from plan showing existing and proposed entry with stairs to be removed. (Extract from survey plan, Appendix 4).



Figure 6: Current configuration of entrance to 978 South Street, overview.



Figure 7: Current configuration of entrance to 978 South Street. Red arrow is drawing attention to boundary stake in image. Also shows current stairs extending beyond the property line.

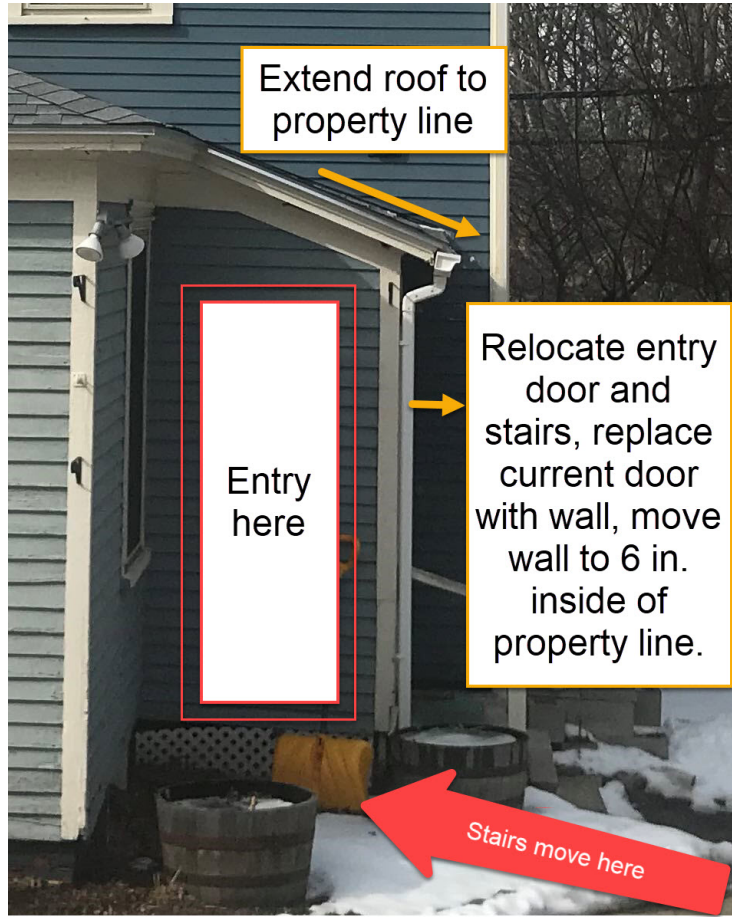


Figure 8: Proposed changes to entrance of 978 South Street.

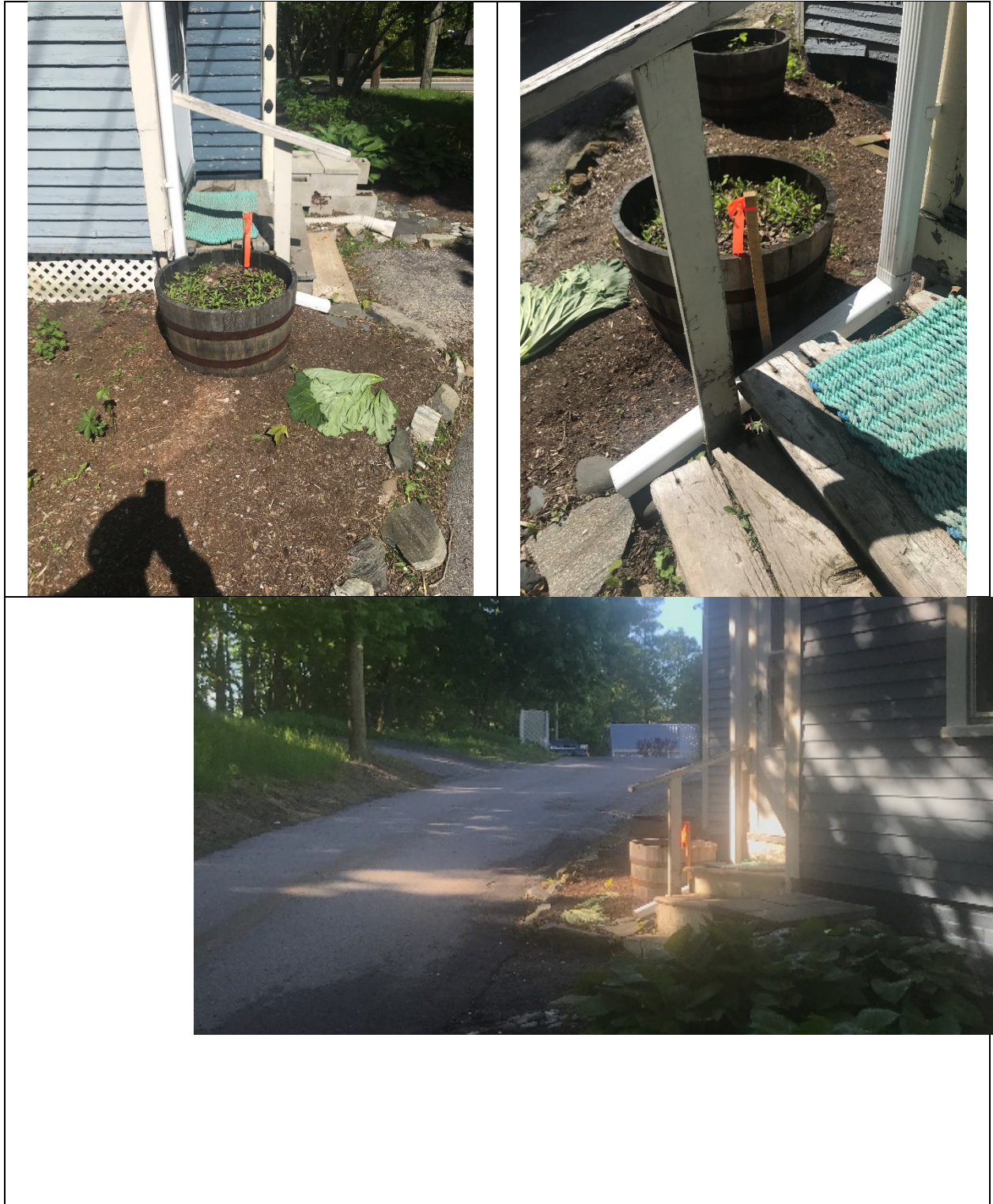


Figure 9: Location of boundary stake from various angles. The worn wooden planks of the steps conceal existing concrete steps that extend beyond the property line. These steps will be removed as part of this proposed change.



Figure 10: Example of ice build-up near 978 entry.

Appendix 3: 980 Entry Figures and Descriptions

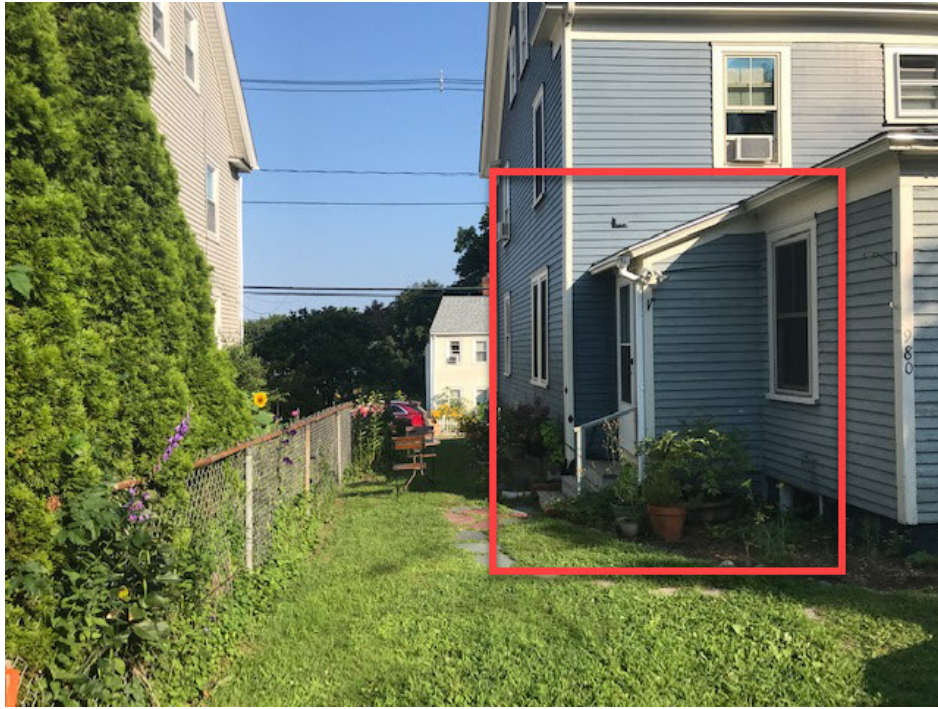


Figure 11: Current configuration of entrance to 980 South Street, overview, from back of property.



Figure 12: Side yard of 980 South Street from front of house (view from South Street). Proposed entry extension and porch would not laterally extend beyond the side wall of the house as shown here.



Figure 13: Current configuration of entrance to 980 South Street.

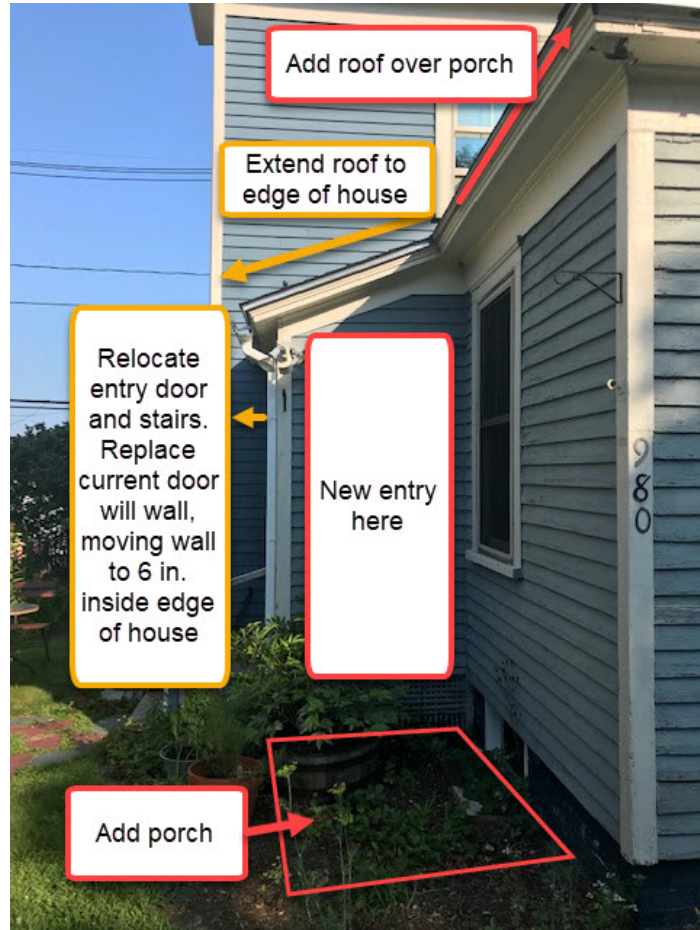


Figure 14: Proposed changes to 980 South Street entrance.



Figure 15: Entries for 994 (left) and 992 (right) South Street, similar to what is proposed for 980 South Street.

Appendix 4: 978-980 South Street Boundary Survey

Page intentionally left blank, boundary survey follows

LEGEND:

N/F	NOW OR FORMERLY
RP	RECORD OF PROBATE
RCRD	ROCKINGHAM COUNTY
(17/21)	REGISTRY OF DEEDS
	MAP 11 / LOT 21
BOUNDARY	
RR SPK FND	BOUNDARY SETBACK
IR FND	RAILROAD SPIKE FOUND/SET
IP FND	IRON ROD FOUND/SET
DH FND	IRON PIPE FOUND/SET
NHNB FND	DRILL HOLE FOUND/SET
TB FND	NHDOT BOUND FOUND
BND w/DH	TOWN BOUND FOUND
ST BND w/DH	BOUND w/ DRILL HOLE
	STONE BOUND w/DRILL HOLE
	OVERHEAD ELECTRIC/WIRES
	CONTOUR
	SPOT ELEVATION
	EDGE OF PAVEMENT (EP)
	WOODS / TREE LINE
	UTILITY POLE (w/ GUY)
	WATER SHUT OFF/CURB STOP
	GATE VALVE
	HYDRANT
	METER (GAS, WATER, ELECTRIC)
	CATCH BASIN
	SEWER MANHOLE
	ELEVATION
	EDGE OF PAVEMENT
	FINISHED FLOOR
	INVERT
	TEMPORARY BENCHMARK
	TYP.
	LANDSCAPED AREA

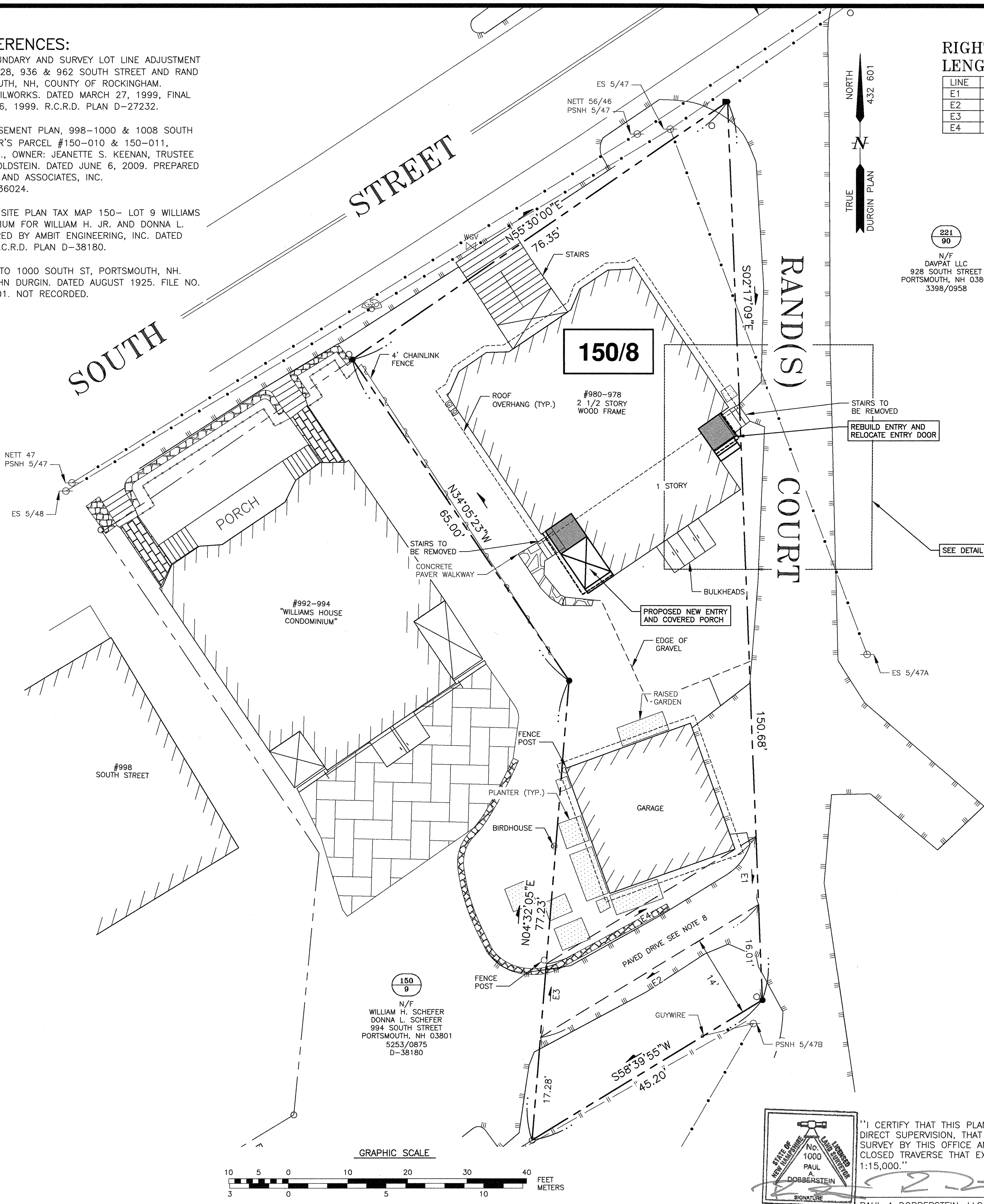
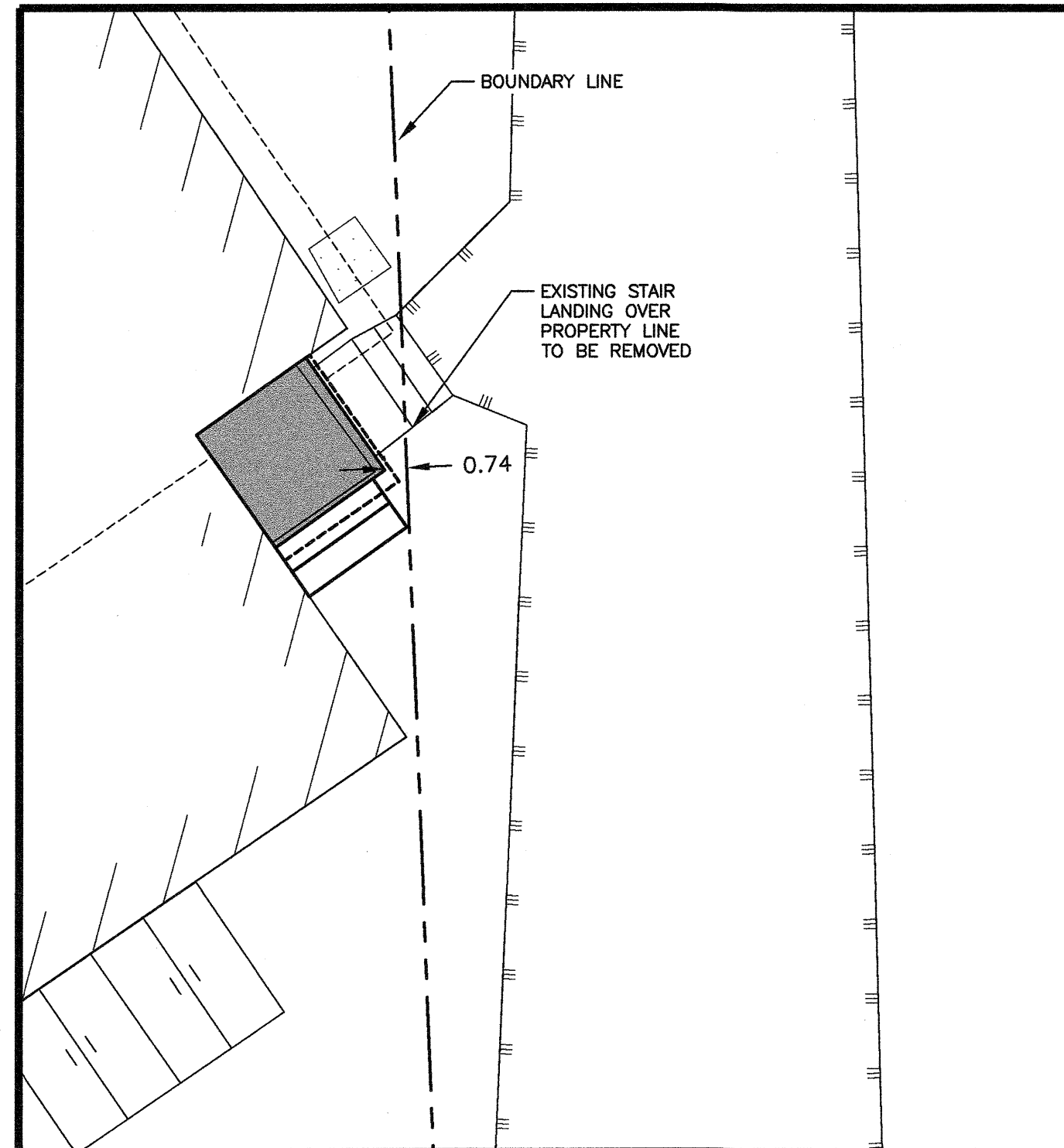
PLAN REFERENCES:

- STANDARD BOUNDARY AND SURVEY LOT LINE ADJUSTMENT PLAN OF LAND, 928, 936 & 962 SOUTH STREET AND RAND COURT, PORTSMOUTH, NH, COUNTY OF ROCKINGHAM. PREPARED BY CIVILWORKS. DATED MARCH 27, 1999, FINAL REVISION APRIL 26, 1999. R.C.R.D. PLAN D-27232.
- DRIVEWAY EASEMENT PLAN, 998-1000 & 1008 SOUTH STREET, ASSESSOR'S PARCEL #150-010 & 150-011, PORTSMOUTH, N.H., OWNER: JEANETTE S. KEENAN, TRUSTEE FOR DANIEL J. GOLDSTEIN. DATED JUNE 6, 2009. PREPARED BY JAMES VERRA AND ASSOCIATES, INC. R.C.R.D PLAN C-36024.
- CONDOMINIUM SITE PLAN TAX MAP 150- LOT 9 WILLIAMS HOUSE CONDOMINIUM FOR WILLIAM H. JR. AND DONNA L. SCHEFER. PREPARED BY AMBIT ENGINEERING, INC. DATED MAY 24, 2014. R.C.R.D. PLAN D-38180.
- LOT NO. 978 TO 1000 SOUTH ST, PORTSMOUTH, NH. PREPARED BY JOHN DURGIN. DATED AUGUST 1925. FILE NO. 432 PLAN NO. 601. NOT RECORDED.

VARIANCES REQUESTED

- SECTION 10.521--TO ALLOW FOR A LEFT SIDE YARD OF 0.7' WHERE 0.0' EXISTS AND 10' IS REQUIRED
- SECTION 10.521--TO ALLOW FOR BUILDING COVERAGE OF 34.3% WHERE 33.7% EXISTS AND 20% IS ALLOWED.

ENTRYWAY DETAIL SCALE: 1" = 5'

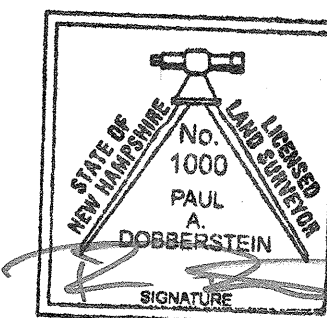
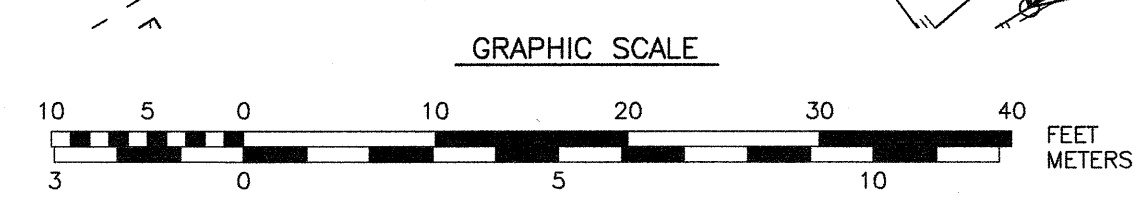


RIGHT-OF-WAY LENGTH TABLE

LINE	BEARING	DISTANCE
E1	S02°17'09"E	11.44'
E2	S58°39'55"W	42.85'
E3	N04°32'05"E	12.34'
E4	S58°39'55"W	41.18'

(221/90)
N/F
DAMPAT LLC
928 SOUTH STREET
PORTSMOUTH, NH 03801
3398/0958

(150/9)
N/F
WILLIAM H. SCHEFER
DONNA L. SCHEFER
994 SOUTH STREET
PORTSMOUTH, NH 03801
5253/0875
D-38180



"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

PAUL A. DOBBERSTEIN, L.L.S. DATE 7/31/2019

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:**
- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 150 AS LOT 8.
 - OWNERS OF RECORD:
LINDSAY J. GEE
ERIN HEFFRON
978 SOUTH ST
PORTSMOUTH, NH 03801
5480/2796
 - PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259E. EFFECTIVE DATE MAY 17, 2005.
 - EXISTING LOT AREA:
6,182 S.F.
0.1419 ACRES
 - PARCEL IS LOCATED IN THE SINGLE RESIDENCE B (SRB) ZONING DISTRICT.
 - DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 15,000 S.F.
FRONTAGE: 100 FEET
SETBACKS:
FRONT 30 FEET
SIDE 10 FEET
REAR 30 FEET
MAXIMUM STRUCTURE HEIGHT: 35 FEET
MAXIMUM STRUCTURE COVERAGE: 20%
MINIMUM OPEN SPACE: 40%
 - THE PURPOSE OF THIS PLAN IS TO SHOW PROPOSED IMPROVEMENTS ON TAX MAP 150 LOT 8 IN THE CITY OF PORTSMOUTH FOR APPLICATION FOR VARIANCES.
 - PARCEL IS SUBJECT TO A RIGHT OF WAY 10 FEET WIDE FOR THE BENEFIT OF ASSESSOR'S MAP 150 LOTS 9 & 10 (994-996 & 998-1000 SOUTH STREET). SEE PLAN REFERENCE 4.
 - PARCEL BENEFITS IN COMMON WITH OTHERS THE RIGHT OF WAY KNOWN AS RAND COURT.

**PROPOSED IMPROVEMENTS
GEE & HEFFRON
RESIDENCE
978-980 SOUTH STREET
PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	7/31/19
REVISIONS		

SCALE: 1"=10' JULY 2019

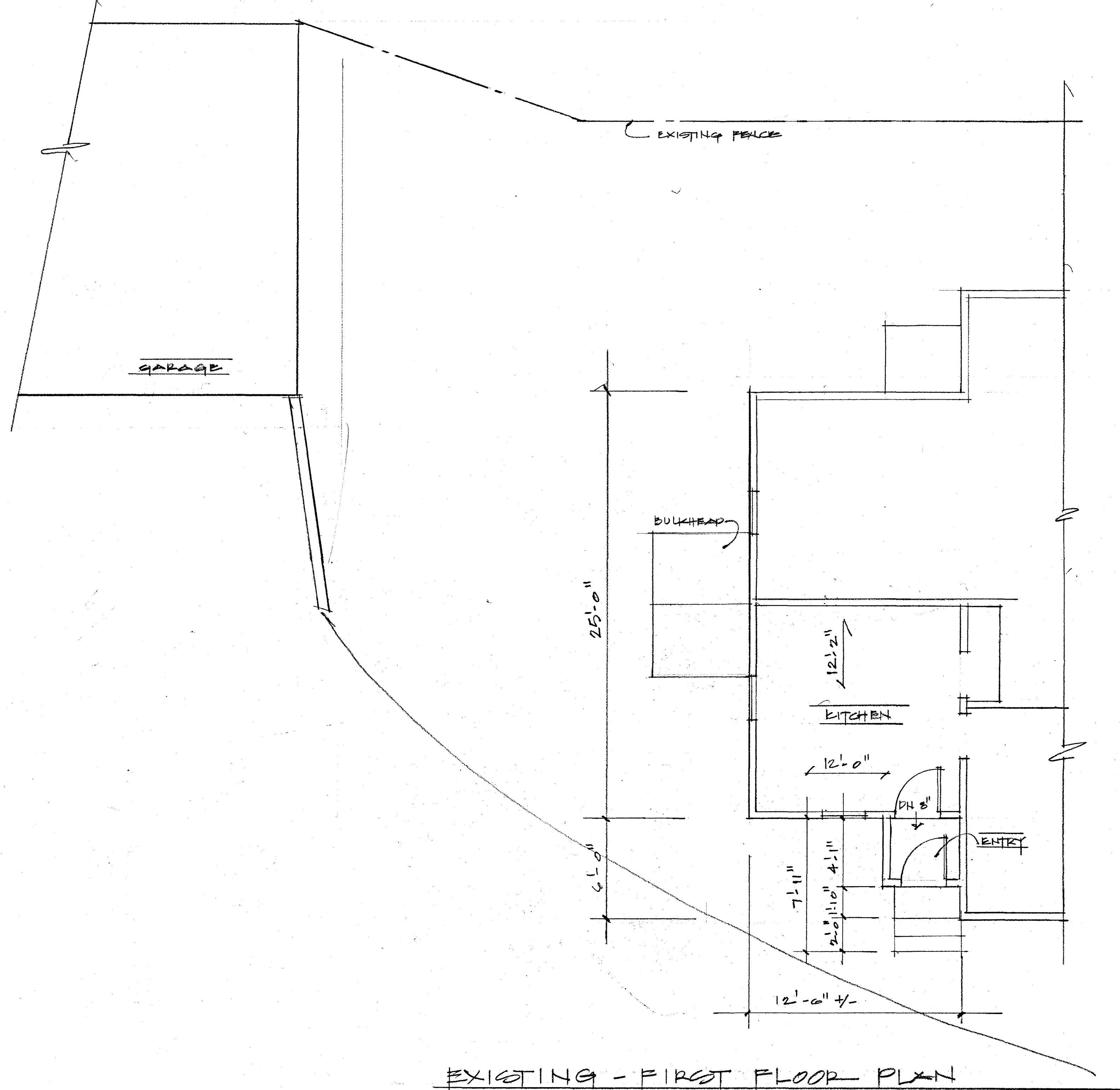
VARIANCE PLAN **C1**

Appendix 5: Building Plans and Elevations

Page intentionally left blank, building plans follow

11-19-13

4-9-15
6-28-19



EXISTING - FIRST FLOOR PLAN

1/4" = 1'-0"

CEE / HEFRON RESIDENCE

9700 SOUTH STREET
PORTSMOUTH, NH

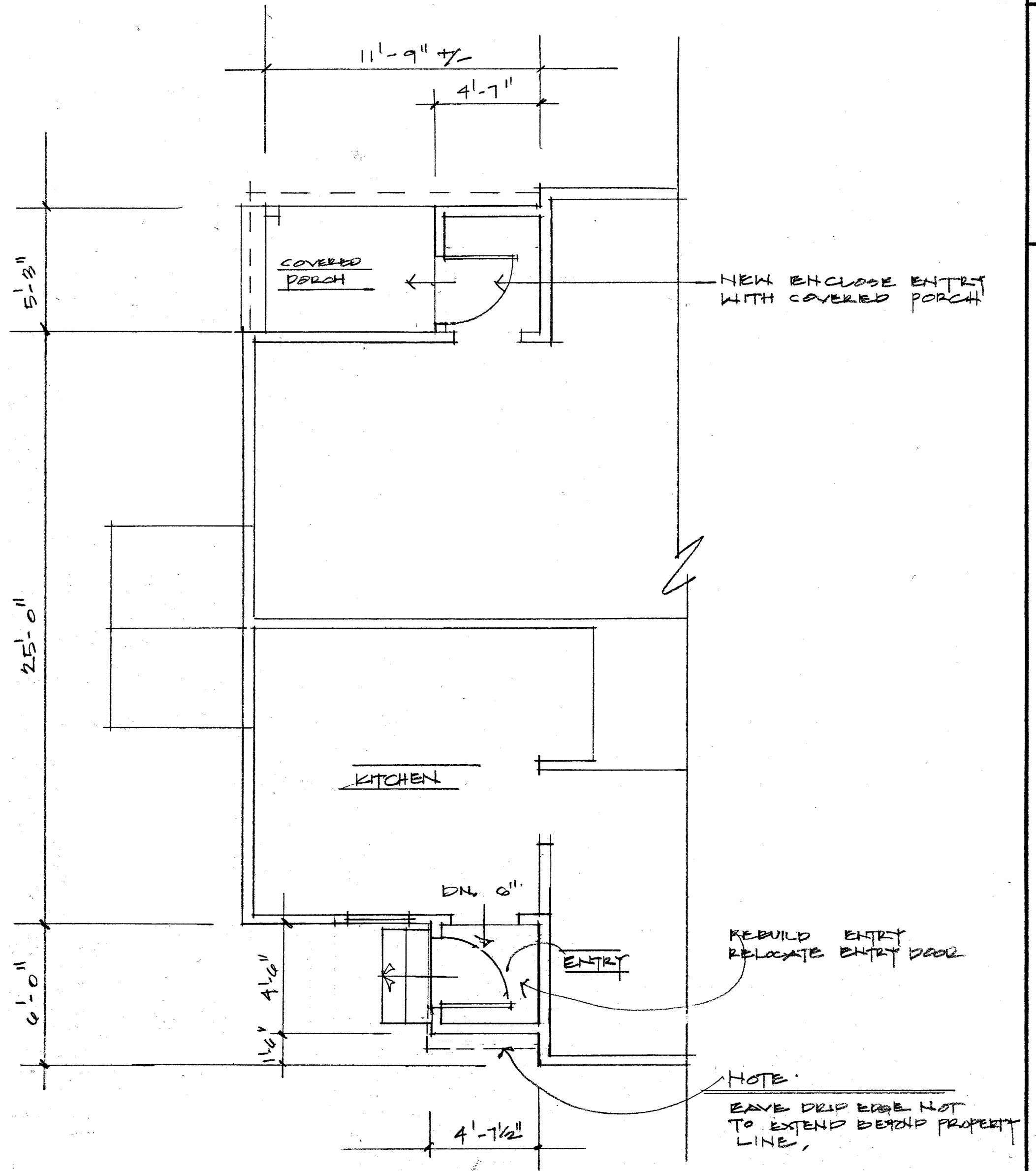
1030

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4-9-15

6-22-19

7-31-19



PROPOSED—
NEW ENTRY 978 & 979

1/4" = 1'-0"

PRELIMINARY

GEE / HEFRON RESIDENCE

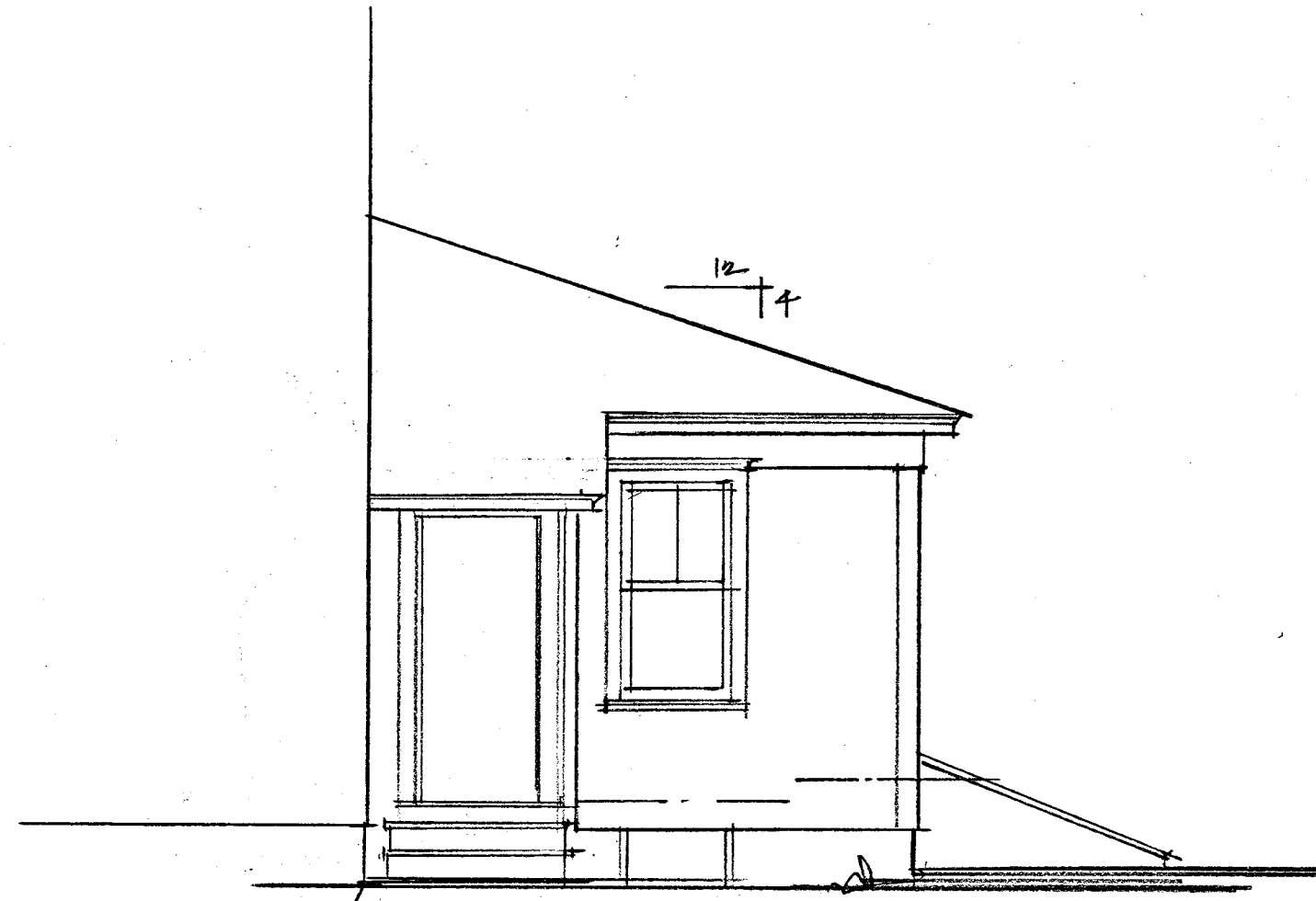
978 / 980 SOUTH STREET
PORTSMOUTH, NH

1232

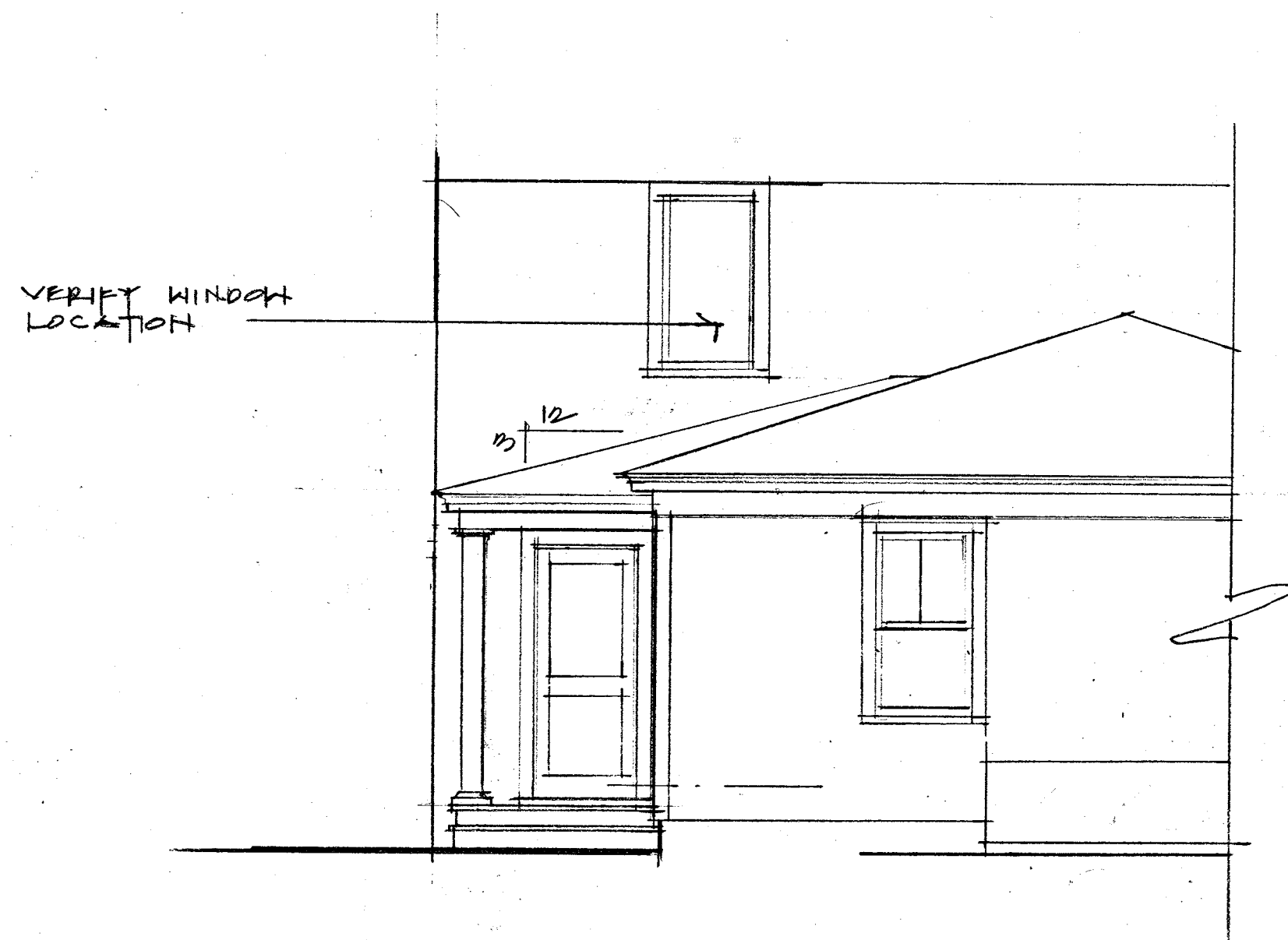
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6-20-19

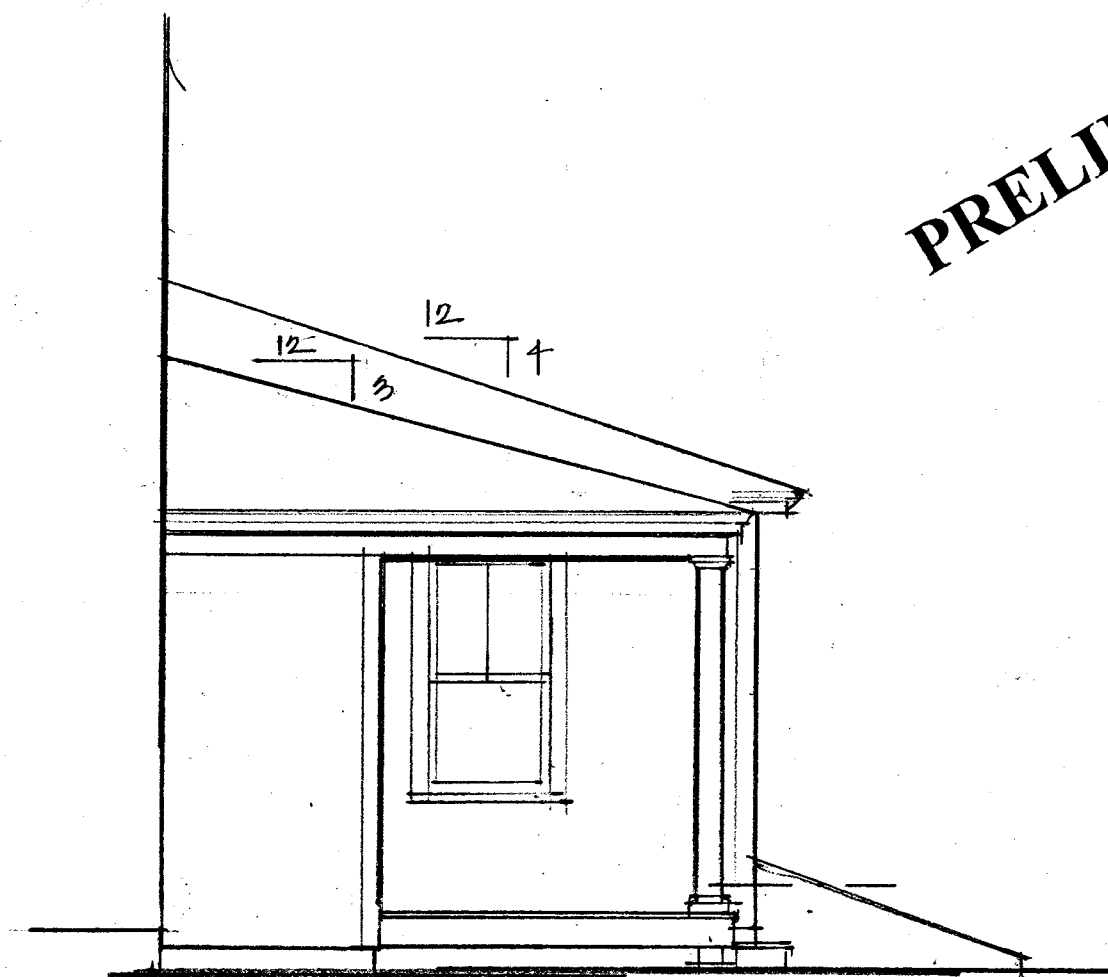
6-20-19



EXISTING - SIDE ELEVATION - 980
1/4" = 1'-0"



PROPOSED: BACK ELEVATION - 980



SIDE ELEVATION - 980
1/4" = 1'-0"

PRELIMINARY

GEE / HEFRON RESIDENCE

970 / 980 SOUTH STREET
PORTSMOUTH, NH

1336

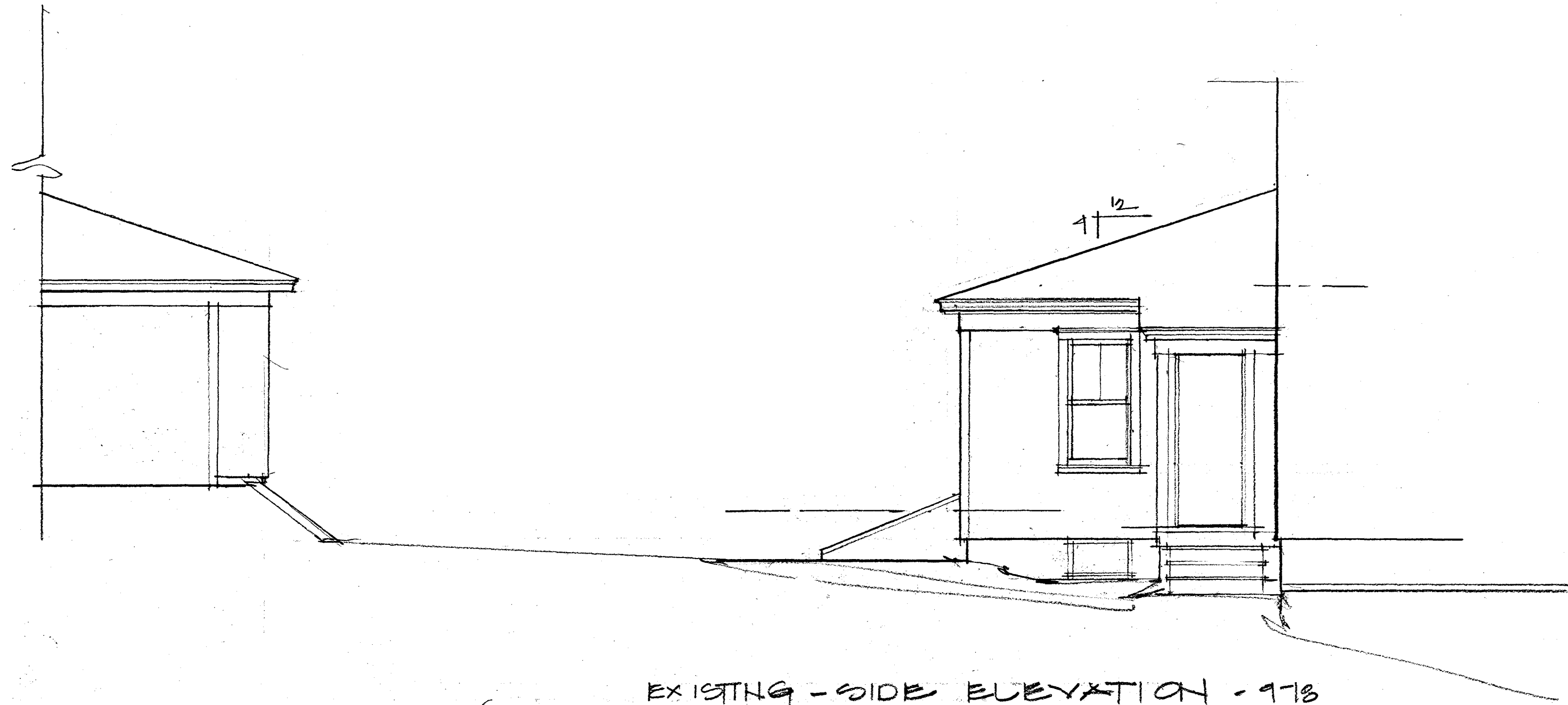
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11-19-13

4-9-15

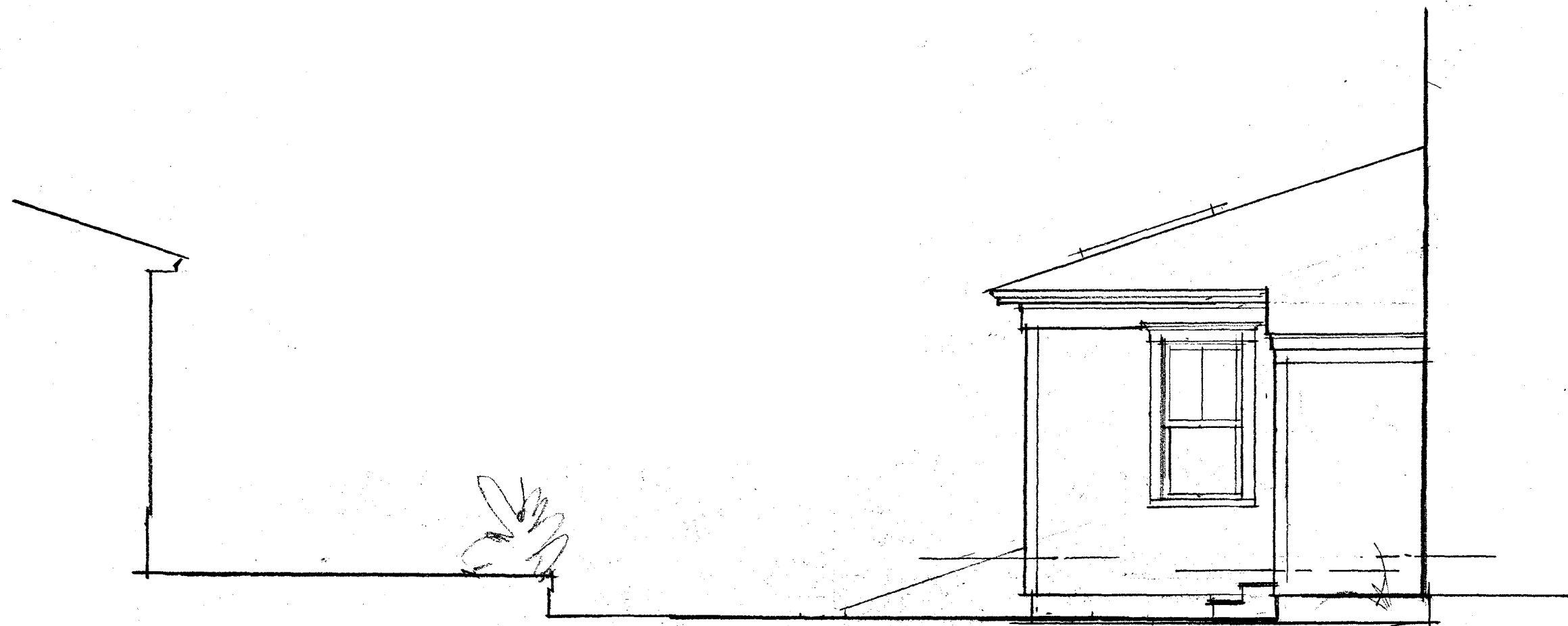
6-23-19

7-31-19



EXISTING - SIDE ELEVATION - 978

1/4" = 1'-0"



PROPOSED - SIDE ELEVATION - 978

1/4" = 1'-0"

PRELIMINARY

GEE / HEFRON RESIDENCE

978 / 980 SOUTH STREET
PORTSMOUTH, NH

1336