

# 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

## Board of Adjustment Application Check-List

Please complete and submit one (1) copy with your completed application.

Property Address \_\_\_\_\_

Completed By \_\_\_\_\_

### APPLICATION TYPE:

- Variance or Special Exception for Dimensional Requirements
- Variance or Special Exception for Use Requirements
- Other \_\_\_\_\_

### FOR APPLICATIONS REQUESTING **DIMENSIONAL RELIEF**, THE FOLLOWING SUBMISSIONS MUST BE INCLUDED:

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

### FOR APPLICATIONS REQUESTING **LAND USE RELIEF**, THE FOLLOWING SUBMISSIONS MUST BE INCLUDED:

- Site Plan(s) showing:
  - Location of the proposed use(s) on the property
  - Site plan showing location and dimensions of parking spaces
- Interior floor plans showing the location and layout of the proposed use
- Labeled photo(s) of existing conditions

### ALL APPLICATIONS

- Complete application checklist **(1 original)**
  - Complete and signed Building Permit application **(1 original)**
    - filed previously
    - included with this packet
  - Complete and signed Board of Adjustment Application Form **(1 original, 11 copies)**
    - Property Owner signatures (on front and back of Board of Adjustment application form)
  - 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) **(12 copies)**
  - Required plans / exhibits are 8 ½" x 11" or 11" x 17" in size **(12 copies)**
  - Additional information as requested by the Planning Department staff
- 
- Electronic file in Portable Document Format (PDF)
    - Sent by e-mail
    - Provided on CD-ROM
    - Provided on flash drive

## Written Statement for Board of Adjustment

Solito, 2 Stark St., Portsmouth, NH

We are requesting a 0-foot side yard setback for an 8' fence where a 10' setback is required. We understand that we would be able to get a permit for a 6-foot fence right now. However, we recently had a low deck built in our backyard (see included permit issued August 23, 2018). The deck raises us up slightly. We would like to install a new 8-foot fence to maintain privacy between ours and our neighbor's yard.

We have discussed the plans with our neighbor, Bob Shouse, at 555 Dennett Street. He approves and likes the idea of added privacy.

We are also requesting a variance to allow for a farmer's porch to be built along the front of our home. The current setback is 13 feet. This is the distance from our home to the property line. There is also an additional 10 feet of mulch/plant space (technically town property but maintained by us) between our property line and the sidewalks at the street. This is a total of approximately 23 ft between our home and the sidewalks.

We believe a farmer's porch will improve our curb appeal while also staying consistent with the look and feel of other homes in the neighborhood. It will allow us to enjoy our front yard space and be more connected to the community.

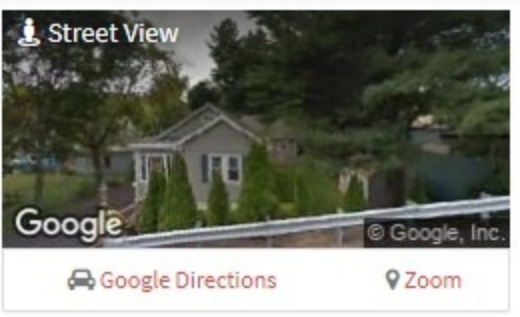
I would also like to note that the addition of a farmer's porch would leave plenty of space within the building coverage requirements. After building the farmer's porch, we would be at approximately 14% coverage. This is well within the allowance of 25%.

### **Criteria for a Variance: 10.233**

- **10.233.21: The variance will not be contrary to the public interest**
  - Neither the fence nor the porch will be contrary to public interest. In fact, they will both be quite the opposite in enhancing positive neighborly relations. Both us and our neighbors desire the new fence. We believe a farmer's porch will improve our curb appeal while also staying consistent with the look and feel of other homes in the neighborhood. It will allow us to enjoy our front yard space and be more connected to the community.
- **10.233.22: The spirit of the Ordinance will be observed**
  - The fence and porch would be consistent with the spirit of the ordinance. We are looking to improve our home and property and stay consistent with the neighborhood.
- **10.233.23: Substantial justice will be done**

- Neither improvement have any negative impact on substantial justice. There is no loss to be had as a result of these requests.
- **10.233.24: The values of surrounding properties will not be diminished.**
  - Values of existing properties will certainly be diminished; in fact, the opposite could be true.
- **10.233.25: Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.**
  - Regarding the fence, a decrease in privacy would be the result. Both 2 Stark Street and 555 Dennett Street wish to have a taller fence in place.
  - Regarding the porch, we are looking to improve the look and feel of our home. A porch will allow us to enjoy the front space in our yard. Without it, we feel there is a lack of appeal to our home.
  - Both of these requests are reasonable and will allow us to more fully enjoy our home and neighborhood for several years to come.
  - “No fair or substantial relationship exists between the general public purposes of the Ordinance provision and the specific application of that provision to the property.”

2 STARK ST



- Google Maps Link
- City of Portsmouth
- Property Data
- Market Delineation

Property

Location 2 STARK ST  
 Map-Lot 0161-0041-0000  
 Vision 35027  
 Account Number

Ownership

Owner SOLITO RICHARD J



Search Selection Themes Markup

Search

2 stark st

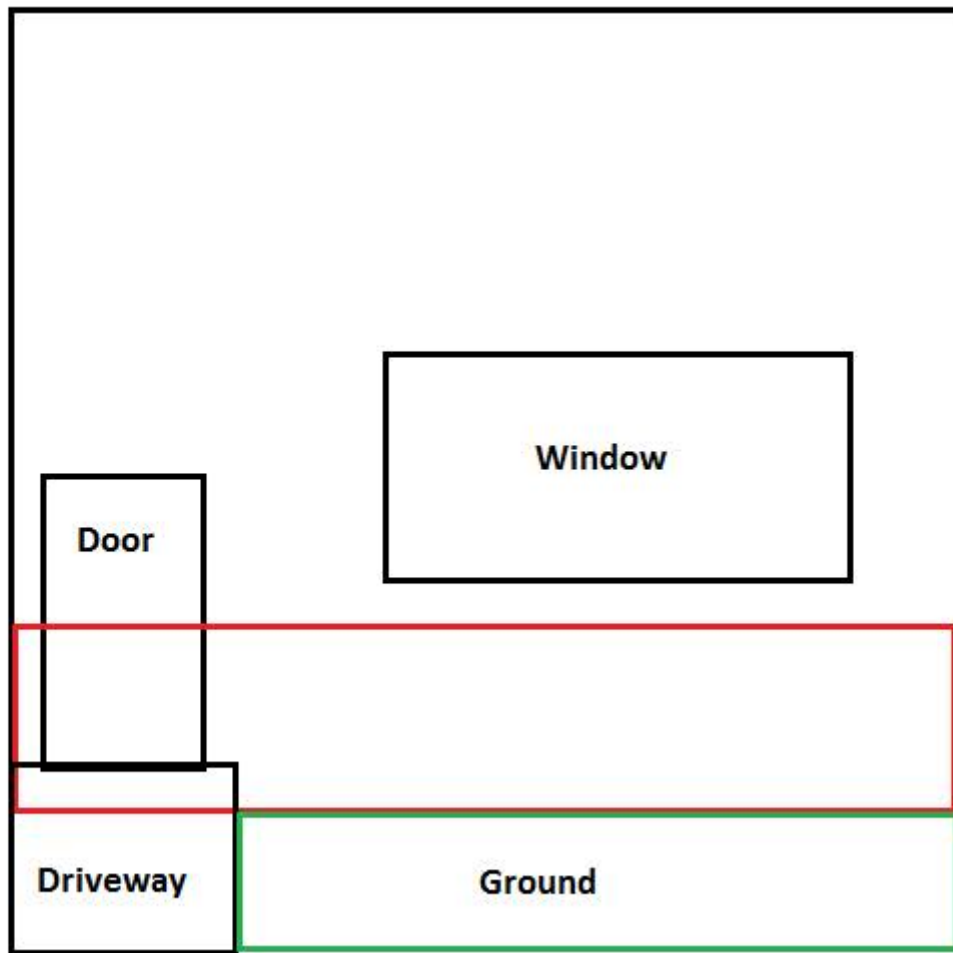
Download Results

- 2 STARK ST  
SOLITO RICHARD J  
0161-0041-0000
- 24 STARK ST  
DOLAN TIMOTHY  
0161-0009-0000
- 59 BOSS AVE  
STARK GAVIN J  
0152-0029-0000
- 102 STARK ST  
DIMECO PATRICK M  
0159-0048-0000
- 121 STARK ST  
KRANS ERIC L  
0159-0040-0000
- 131 STARK ST  
LANDRY ERNEST T REVOC TRUST ...  
0159-0041-0000



- FENCE: 8 ft tall x 56 ft long
- PORCH: 7 ft deep x 24 ft long  
(landing at stairs is 4 ft deep)
- PORCH: 32 in from ground to porch floor
- SET BACKS:
- Current Property Line to House: 13 ft.
- Property Line to Porch: 6 ft.
- Sidewalks to Porch: 23 ft.
- Property Line to Front Steps: 11 ft.
- Fence to Garage: 22 Ft.

NOW OR FORMER



18-Inches  
Driveway to  
Porch

32-Inches Ground to  
Porch







**FENCE LOCATION**



**PORCH LOCATION**





**Visual example of how a front porch would improve our home.**



# City of Portsmouth Building Permit

Inspection Department  
1 Junkins Avenue  
Portsmouth, NH 03801  
603-610-7243

**Permit Number:**

32503

**Date of Issue:**

August 23, 2018

**Expires:**

Fri Aug 23 2019 12:23:38  
GMT+0000 (UTC)

**Const. Cost:**

\$8500

**Owner:** SOLITO RICHARD J & SOLITO MYRINDA A  
**Applicant:** Myrinda Solito  
**Contractor:** Chris Desjardins, Tropical Handyman & Remodel **Phone #:** 352-221-3002  
**Location:** 2 STARK ST

**Description of Work:** Residential Addition: Construct new deck addition as per approved plans. Construct 18'0 x 22'0 deck. New deck will be constructed two steps down, off existing deck and connected to the rear of the house. Deck will be approximately 14 inches above grade and without a guardrail. (Irregular footprint)

**Zoning:** General Residence A (GRA)  
**Map/Lot:** 0161--0041--0000-  
**Design Occupant Load:**  
**Total # of Dwelling Units:** 1

**Use Group:** Addition  
**Const. Type:**  
**Bldg. Code:** IRC **Edition:** 2009

## Remarks:

### STREET NUMBER

\* Per City Ord. Sec. 11.502 (F) Street/Unit Number must be affixed to Main Structure as to be plainly visible from the street. Construction sites must post the address clearly on the property. No site activity allowed before 7:00AM or after 6:00PM. No weekend construction allowed.

\* All stairs, handrails and guard systems shall be constructed to building code requirements for strength, geometry, graspability, fall protection and other code required dimensional features. NOTE: Contractor assumes all responsibility for code conformance.

\* Deck ledger shall be attached to house band joists per IRC Section R502.2.2 and Table R502.2.2.1 or shall be freestanding and structurally independent of house.

\* All renovation or painting work in residential structures built before 1978 and involving more than 6 square feet of painted surfaces per room, shall be done by certified persons per the federal EPA, RRP rules.  
NOTE: Homeowner doing this type work may not be subject to the federal regulations-check the EPA website.

\* Asbestos Removal shall comply with New Hampshire Code of Administrative Rule Env-A1800. Disposal shall comply with Env-A 1805.08. Documents maintained, including all licenses, certificates, and proof of training held by all supervisors and workers engaged in the asbestos abatement project

\* Uplift protection required through structure from footing to post base. 7 inch anchor bolt minimal connection required.

\* lateral Connection threaded Rod required per code. See Section 502.2.2.1

The PERMIT HOLDER has read this permit, the permit application, and the Building Official's marked-up plans and agrees to perform the work authorized including any conditions or requirements indicated thereon; and any stipulations imposed by a Land Use Board in conjunction with the project. The CONTRACTOR shall be responsible for notifying the Inspection Department 48 hours in advance, for FOUNDATION, FRAMING, and FINAL inspections. A Certificate of Occupancy is required for all Building Permits. Buildings shall not be occupied until ALL inspections (BUILDING, ELECTRICAL, PLUMBING, MECHANICAL, and FIRE) are complete and Occupancy has been issued. By signing this permit, the owner or his/her representative (Permit Holder), authorizes property access by city officials to conduct interior and exterior inspections and property tax assessments during and/or after the construction process.

**The Permit Card Shall Be Posted and Visible From the Street During Construction.**

**Code Official:**

This is an e-permit. To learn more, scan this barcode or

visit [viewpointcloud.com/#/records/](http://viewpointcloud.com/#/records/)

