

**RE: APPLICATION OF FRANCIS T. DELBENE AND GYWN M. BURDELL**  
**32 UNION ST.**

**APPLICANT'S NARRATIVE**

**I. THE PROPERTY**

The Applicants are the owners of property located at 32 Union St., which property is shown on Assessor's Map 145 as Lot 29. The lot consists of 5,529 square feet. .

Presently, there are 2 dwelling units located on the property.

The lot is located in a General Residence C District.

**II. THE PROPOSAL**

The Applicant proposes to construct a garage on the lot and to construct an apartment above the new garage as shown on the submitted site plan. The proposed structure received 2 variances from this Board on June 19, 2018. A Variance to allow the garage to have a 6 foot rear yard, and Variance to allow a lot area per dwelling unit of 1,887 sq. ft.. The calculation of the lot area per dwelling unit was based upon the Tax Map lot size of 5,663 sq. ft.

In May of 2019, a Survey of the property conducted by James Verra and Associates revealed that the lot size was 5,529 sq. ft. a difference of 132 sq. ft. from the Tax Map size. Thus the applicants are required to seek a new variance for a lot area per dwelling unit of 1,843 sq. ft.

A variance was previously granted to allow each unit to have 1,887 square feet of lot area per dwelling unit where 3,500 square feet of lot area per dwelling unit is required. The survey has reduced the lot area per dwelling unit by 44 sq. ft.

**III. ARGUMENT**

It is the Applicant's position that the within Application meets the five (5) criteria necessary for the Board to grant the required variance.

The relief being requested is minimal. The variance granted one year ago is essentially the same relief being sought now.

Granting the requested variance would not result in any essential change to the characteristics of the neighborhood. The predominant use of the neighborhood is multi-family dwellings. Across Union St. from this site are numerous multi-family structures and to the rear of 32 Union Street is the Martin Hill Inn, and an accessway and parking lot. Also to the rear of the property is the multi -building multi-family complex being built behind 410 Islington St.

Thus, granting the requested variance would not result in substantial change of the characteristics of the neighborhood nor would it threaten public health, safety, and welfare. Thus, granting the variance would not be contrary to the spirit and intent of the ordinance or contrary to the public interest.

Substantial justice would be done by granting the requested variance as the hardship upon the Applicant is not outweighed by some benefit to the general public.

Granting the requested variance would not result in any diminution in value of surrounding properties. The surrounding properties are predominately multi-family residential units.

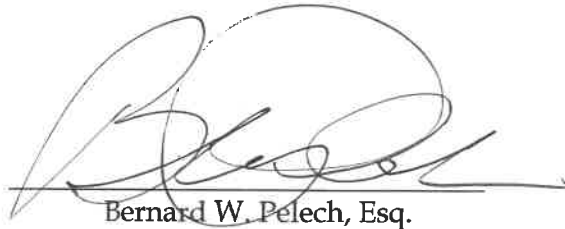
There is a hardship inherent in the property resulting from the unique larger size of the lot and the parcel of land containing the accessway and parking lot behind it.

The use is a permitted use and there is no fair and substantial relationship between the purpose and intent of the ordinance as it applies to this particular property given the fact that the neighborhood consists of a majority of lots which are non conforming as to lot area per dwelling unit.

#### IV. CONCLUSION

In conclusion, it is the Applicant's position that the variance request meets 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,



Bernard W. Pelech, Esq.

Dated: June 24, 2019







**Property Information**

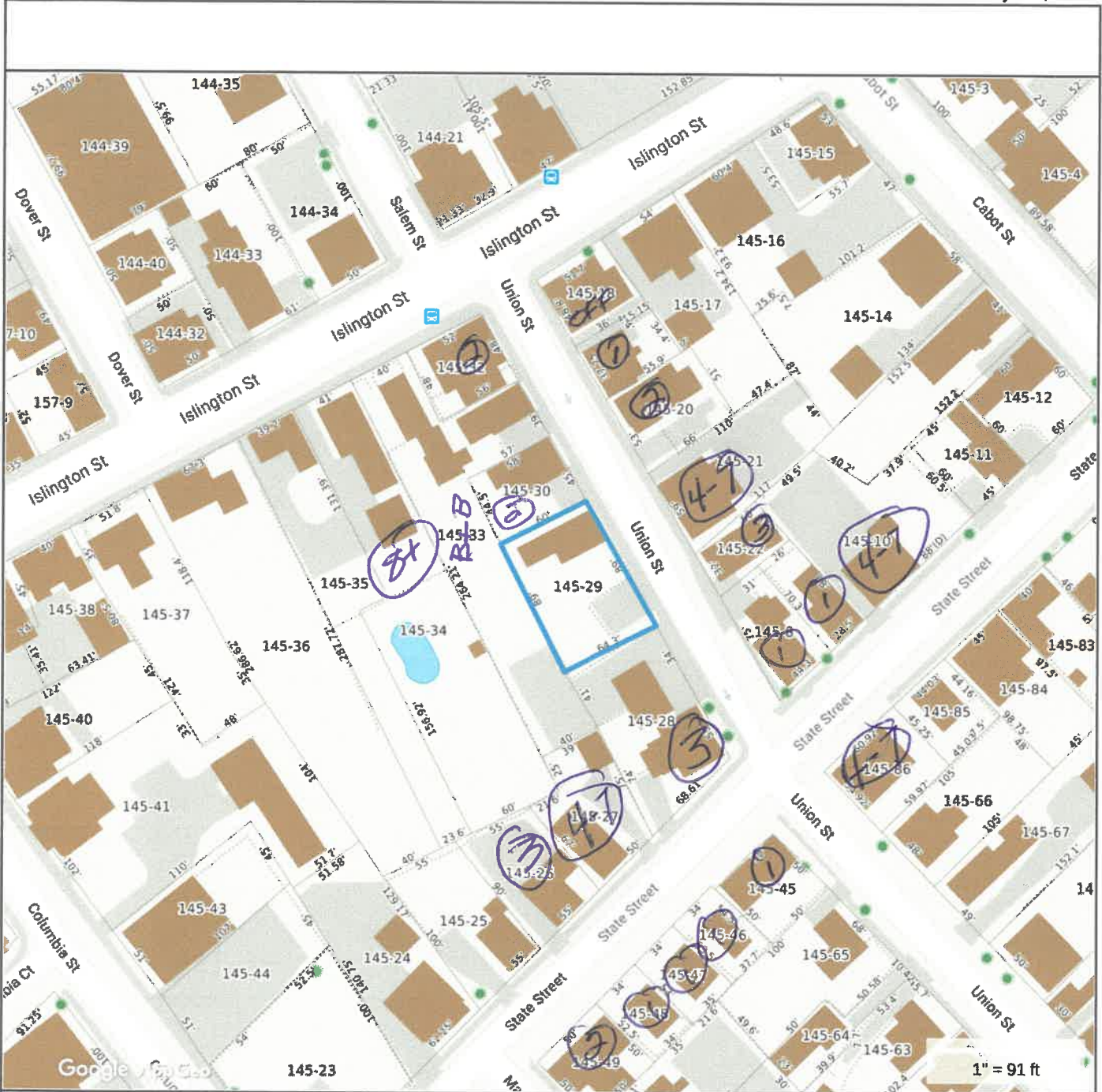
**Property ID** 0145-0029-0000  
**Location** 32 UNION ST  
**Owner** DELBENE FRANCIS T




**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/30/2018  
Data updated 11/19/2018



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Location	32 UNION ST
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 Geometry updated 11/30/2018  
 Data updated 11/19/2018

(?) # of UNITS