

CITY OF PORTSMOUTH Zoning Board of Adjustment Application

Department Use Only

Assessor Plan # _____ Lot # _____ Date 9-25-18

Zone _____ Lot area _____ Fee \$150.00 # 7148 n# 310524

By [Signature]

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

Applicant Bruce Osborn Owner of Record Bruce Osborn

Applicant Street Address 2 Echo Av Owner Street Address 2 Echo Av

Applicant City / State / Zip Portsmouth NH 03801 Owner City / State / Zip Portsmouth NH 03801

Applicant phone (603) 431-5444 Owner phone (603) 431-5444

Applicant e-mail _____

Location (street address) of proposed work: 187 Woodbury Ave

Existing use: Single Family Home

Undersigned hereby requests:

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

To permit the following:

Abutters wish to relocate common property line, swapping triangles of property at front and rear. Lot 56 gains frontage, lot 57 gains existing asphalt ownership.

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] Signature of Owner

9/25/18 Date

Please PRINT name here Bruce E. Osborn

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:

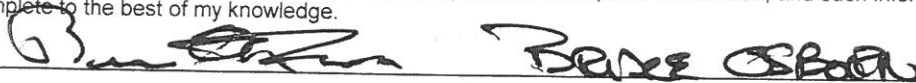
<ul style="list-style-type: none"> <input type="checkbox"/> Site Plan(s) showing existing and proposed conditions including: <ul style="list-style-type: none"> - Front, side and rear setback / yard dimensions (this is the distance from a structure to the lot line) - Lot dimensions - Abutting street(s)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

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.

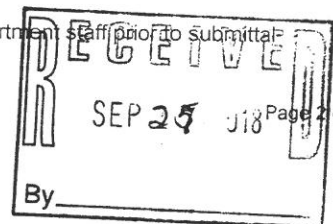


9/25/18

(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



Supplement to request for variance for 187 Woodbury Avenue

The Variance is not contrary to the public interest.

We doubt the public would have any interest in the matter at hand, the two abutting properties are really the only two entities who have an interest, there will be no change in the appearance of the streetscape.

The spirit of the ordinance is observed.

The result of the proposed change will create a Lot 57 that will be slightly less nonconforming than currently exists.

Substantial justice is done.

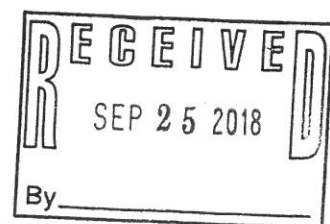
The benefit to the applicant is righting an error that was made 70 years ago. No harm is caused to the general public.

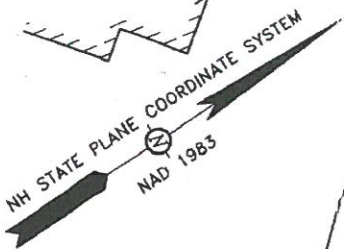
The values of surrounding properties are not diminished.

The streetscape is not changing, nothing is being built, there is no reason for the surrounding property values to change.

Literal enforcement of the ordinance would result in unnecessary hardship.

We believe that the only reason the Board of Adjustment is involved is because Lot 57 is currently and will remain a nonconforming lot due to its front property line dimension, which under this Variance is slightly less in nonconformity.





175-1
 FREDERICK J. BAILEY III
 JOYCE NELSON
 4 SHORE RD
 WOLFEBORO, NH 03894

175-10
 MARTIN L. RYAN
 221 WOODBURY AVE
 PORTSMOUTH, NH 03801

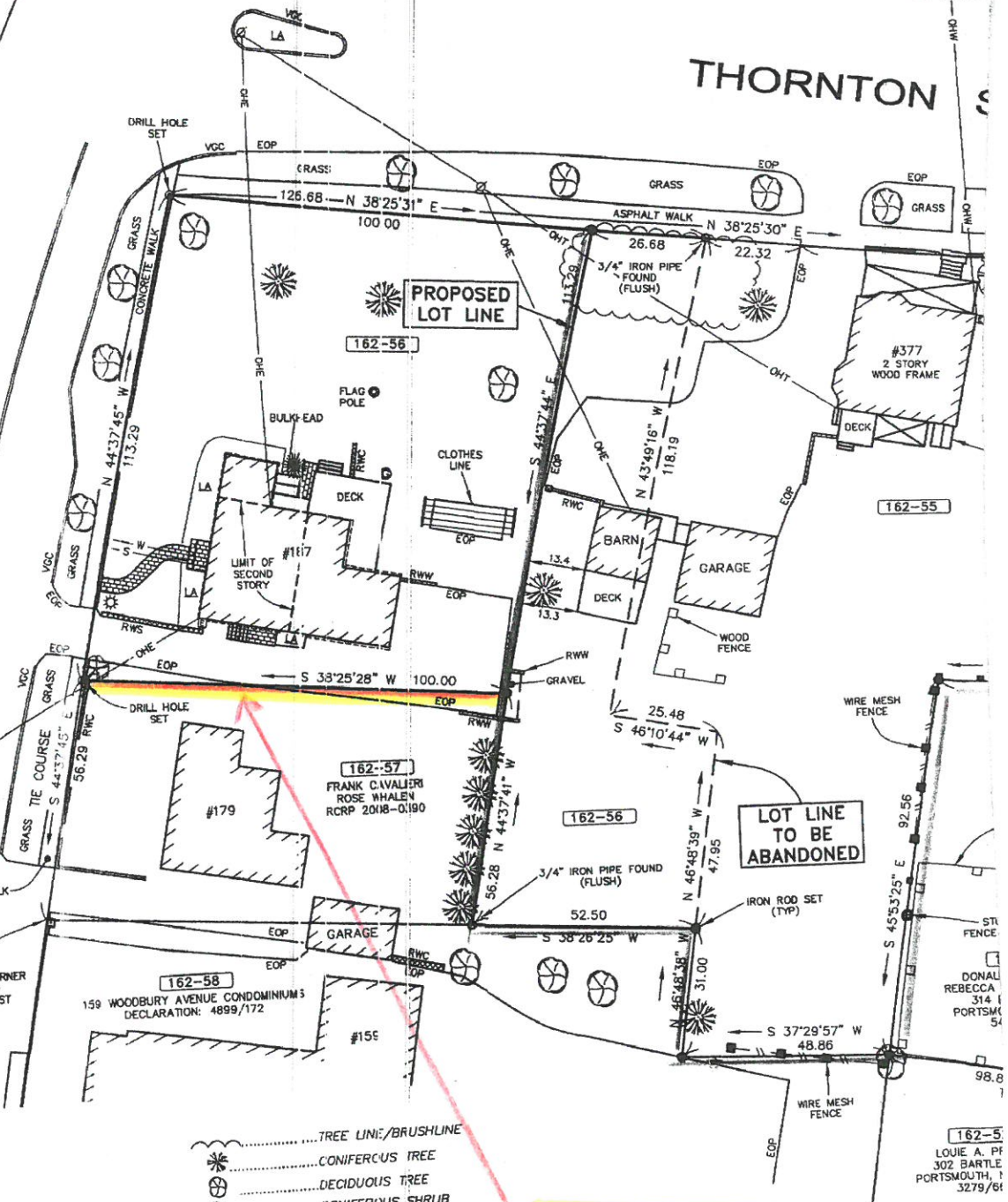
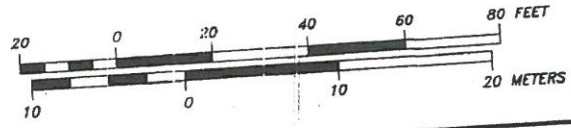
THORNTON

BOYD ROAD

WOODBURY AVENUE

174-2
 PORTSMOUTH HOUSING AUTHORITY
 245 MIDDLE ST
 PORTSMOUTH, NH 03801

- LEGEND:**
- IRON ROD
 - IRON ROD SET
 - ⊙ IRON PIPE
 - ⊙ DRILL HOLE
 - WOOD FENCE
 - WIRE MESH FENCE
 - WOOD FENCE POST
 - STEEL FENCE POST
 - 110-5 TAX SHEET - LOT NUMBER
 - RCRD ROCKINGHAM COUNTY REGISTRY OF DEEDS
 - RCRP ROCKINGHAM COUNTY REGISTRY OF PROBATE
 - EOP EDGE OF PAVEMENT
 - VGC VERTICAL FACED GRANITE CURB
 - RWC CONCRETE RETAINING WALL
 - RWS STONE RETAINING WALL
 - RWW WOOD RETAINING WALL
 - ⊙ UTILITY POLE
 - ⊙ UTILITY POLE W/TRANSFORMER
 - ⊙ ELECTRIC METER
 - ⊙ VERTICAL PROPANE TANK
 - TREE LINE/BRUSHLINE
 - ⊙ CONIFERUS TREE
 - ⊙ DECIDUOUS TREE
 - ⊙ CONIFERUS SHRUB
 - ⊙ DECIDUOUS SHRUB
 - W WATER LINE
 - S SEWER LINE
 - OHW OVERHEAD WIRES
 - OHE OVERHEAD ELECTRIC
 - OHT OVERHEAD TELEPHONE
 - ⊙ BRICK PAVERS
 - ⊙ RETAINING WALL



Common property line is being rotated clockwise. Left hand triangle of property is given to Lot 57 (thereby gaining frontage) right hand triangle of property is given to Lot 56.



CITY OF PORTSMOUTH

Community Development Department
(603) 610-7281

Planning Department
(603) 610-7216

PLANNING DEPARTMENT

July 23, 2018

Bruce Osborn
2 Echo Avenue
Portsmouth, NH 03801

Frank Cavaliere, et al
179 Woodbury Avenue
Portsmouth, NH 03801

RE: Subdivision Application for Property Located at 179 & 187 Woodbury Avenue

Dear Mr. Osborn & Mr. Cavaliere:

The Planning Board, at its regularly scheduled meeting of July 19, 2018, considered your request for Preliminary and Final Subdivision Approval (Lot Line Revision) between two lots as follows:

1. Map 162, Lot 56 increasing in area from 11,246 ± s.f. to 11,366 ± s.f. with 113' ± of continuous street frontage along Woodbury Avenue; and
2. Map 162, Lot 57 decreasing in area from 5,587 ± s.f. to 5,467 ± s.f. with 56" ± of continuous street frontage along Woodbury Avenue.

As a result of said consideration, the Board voted as follows:

A. Voted to determine that the application is complete according to the Subdivision Review Regulations and to accept the application for consideration.

B. Voted to **grant** Preliminary & Final Subdivision Approval with the following stipulations:

1. Applicant must apply for and receive required variance(s) for Lot 162-57 from the Zoning Board of Adjustment.
2. Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.

1 Junkins Avenue
Portsmouth, New Hampshire 03801
Fax (603) 427-1593

Page two.
RE: 179 & 187 Woodbury Avenue
July 23, 2018

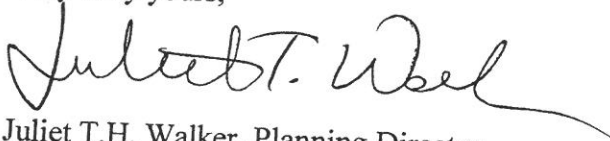
3. GIS data shall be provided to the Department of Public Works in the form as required by the City.
4. The final plat shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

All stipulations of subdivision approval, including recording of the plat as required by the Planning Department, shall be completed within 6 months of the date of approval by the Planning Board, unless an extension is granted by the Planning Director or the Planning Board in accordance with Section III.D of the Subdivision Rules and Regulations. If all stipulations have not been completed within the required time period, the Planning Board's approval shall be deemed null and void.

This subdivision approval is not final until the Planning Director has certified that the applicant has complied with the conditions of approval imposed by the Planning Board.

The minutes and audio recording of this meeting are available through the Planning Department.

Very truly yours,



Juliet T.H. Walker, Planning Director
for Dexter Legg, Chairman of the Planning Board
JTHW:jms

cc: Robert Marsilia, Building Inspector
Rosann Maurice-Lentz, City Assessor
James Verra & Associates, Inc.

Board of Adjustment Application Check-List

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

Property Address 187 Woodbury Ave
Completed By Bruce Osborn

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 setbacks / 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 signature (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 1/2" 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