

**REGULAR MEETING\***  
**BOARD OF ADJUSTMENT**  
**CONFERENCE ROOM A**  
**MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**  
**PORTSMOUTH, NEW HAMPSHIRE**

*Members of the public also have the option to join the meeting over Zoom  
(See below for more details)\**

**7:00 P.M.** (Continued from March 21, 2023)

**March 29, 2023**

**AGENDA**

<p><b>PLEASE NOTE: THE PUBLIC HEARING ON THIS DATE WILL BE HELD IN CONFERENCE ROOM A</b></p>
--

**I. NEW BUSINESS**

- C.** The request of **Michael Knight (Owner)**, for property located at **55 Mangrove Street** whereas relief is needed to replace existing 6 foot chain link fence with 8 foot cedar fence which requires the following: 1) A Variance from Section 10.515.13 to allow an 8 foot fence on the rear and side lot lines where a 6 foot maximum is allowed. Said property is located on Assessor Map 219 Lot 7 and lies within the Single Residence B (SRB) District. (LU-23-15)
- D.** The request of **John T McDonald III and Mary R McDonald (Owners)**, for property located at **74 Sunset Road** whereas relief is needed for an addition of a chimney bump out which requires the following: 1) Variances from Section 10.521 to allow a) a 6.5 foot left yard where 10 feet is required; and b) 26.6% building coverage where 20% is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be expanded, reconstructed, or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 153 Lot 14 and lies within the Single Residence B (SRB) District. (LU-22-182)
- E.** The request of **Katherine L Cook (Owner)**, for property located at **199 Clinton Street** whereas relief is needed to demolish the existing dwelling and construct a new single-family dwelling which requires the following: 1) Variances from Section 10.521 to allow a) a lot area and lot area per dwelling unit of 4,917 where 7,500 is required for each; b) 54 feet of frontage where 100 feet is required; c) a 4 foot front yard where 15 feet is required; d) a 9 foot right side yard where 10 feet is required; and e) 28% building

coverage where 25% is the maximum allowed. Said property is located on Assessor Map 159 Lot 26 and lies within the General Residence A (GRA) District. (LU-23-23)

- F. REQUEST TO POSTPONE** The request of **Joshua Wyatt and Erin Hichman (Owners)**, for property located at **196 Aldrich Road** whereas relief is needed to demolish existing garage and construct new garage and construct new addition over existing side porch which requires the following: 1) Variances from Section 10.521 to allow a) a secondary front yard of 3 feet where 30 feet is required; b) a 6 foot rear setback where 10 feet 7 inches is required; c) 23% building coverage where 20% is the maximum allowed. 2) A Variance from Section 10.571 to allow and accessory structure to be 10 feet from the front lot line and located in the front yard. 3) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed, or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 153 Lot 25 and lies within the Single Residence B (SRB) District. (LU-23-24) **REQUEST TO POSTPONE**
- G.** The request of **Colmax LLC (Owner)**, for property located at **411 The Hill #6-14 (411 Deer Street)** whereas relief is needed to convert building into a single family dwelling which requires the following: 1) A Variance from Section 10.642 to allow residential use on the ground floor in the Downtown Overlay District where is not permitted. 2) a Variance from Section 10.5A41.10A to allow a house in the Downtown Overlay District where it is not permitted. Said property is located on Assessor Map 118 Lot 26-1 and lies within the Character District 4-L1 (CD4-L1) in the downtown Overlay District. (LU-23-21)
- H.** The request of **Mark N Franklin and Julie S Franklin (Owners)**, for property located at **168 Lincoln Avenue** whereas relief is needed for demolition of the existing detached garage and porch and construction of a new attached garage and wrap-around porch which requires the following: 1) Variances from Section 10.521 to allow a) a 7.5 foot front yard where 15 feet is required; b) a 9 foot secondary front yard where 15 feet is required; c) 38% building coverage where 25% is the maximum allowed. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 113 Lot 6 and lies within the General Residence A (GRA) District. (LU-23-25)
- I. REQUEST TO POSTPONE** The request of **Murdock Living Trust (Owner)**, for property located at **15 Lafayette Road** whereas relief is needed to subdivide one lot into two lots which requires the following: 1) A Variance from Section 10.521 to allow 73.8 feet of continuous street frontage where 100 feet is required for the remainder lot. Said property is located on Assessor Map 152 Lot 2 and lies within the General Residence A (GRA) and Historic District. **REQUEST TO POSTPONE** (LU-23-26)

- J.** The request of **Seacoast Management Consulting LLC (Owner)**, for property located at **3 Walton Alley** whereas relief is needed to add an AC unit and relocate landing and steps which requires the following: 1) A Variance from Section 10.515.14 to allow a 1 foot side setback where 10 feet is required. 2) A Variance from Section 10.521 to allow a) an 8.5 foot setback where 25 feet is required; and b) 38.5% building coverage where 30% is the maximum allowed. Said property is located on Assessor Map 103 Lot 20 and lies within the General Residence B (GRB) and Historic District. (LU-23-22)
- K.** The request of **Jared J Saulnier (Owner)**, for property located at **4 Sylvester Street** whereas relief is needed to subdivide one lot into two lots which requires the following: Proposed Lot 1: 1) Variances from Section 10.521 to allow a) a lot area and lot area per dwelling of 9,645 square feet where 15,000 is required for each; b) 80 feet of lot depth where 100 feet is required; and c) a 9 foot right side yard where 10 feet is required. Proposed Lot 2: 1) Variances from Section 10.521 to allow a) a lot area and lot area per dwelling unit of 6,421 square feet where 15,000 is required for each; b) 40 feet of street frontage where 100 feet is required; and c) 80 feet of lot depth where 100 feet is required. Said property is located on Assessor Map 232 Lot 36 and lies within the Single Residence B (SRB) District. (LU-23-27)
- L. REQUEST TO POSTPONE** The request of **Cynthia Austin Smith and Peter (Owners)**, for property located at **9 Kent Street** whereas relief is needed to demolish the existing two-family and construct a single-family dwelling which requires the following: 1) Variances from Section 10.521 to allow a) a lot area and lot area per dwelling of 5,000 square feet where 7,500 square feet is required for each; b) 53% building coverage where 25% is the maximum allowed; c) a 4.5 foot rear yard where 20' is required; d) a 0.5 foot side yard where 10 feet is required; e) a 0 foot front yard where 11 feet is allowed under Section 10.516.10; and f) a 9.5 foot secondary front yard where 13 feet is allowed under Section 10.516.10. 2) A Variance from Section 10.515.14 to allow a 1.5 foot setback for a mechanical unit where 10 feet is required. Said property is located on Assessor Map 113 Lot 42 and lies within the General Residence A (GRA) District. **REQUEST TO POSTPONE** (LU-23-28)

## II. OTHER BUSINESS

## III. ADJOURNMENT

*\*Members of the public also have the option to join this meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:*

[https://us06web.zoom.us/webinar/register/WN\\_2GetzJBuRgu16mpHmi2WLA](https://us06web.zoom.us/webinar/register/WN_2GetzJBuRgu16mpHmi2WLA)

## II. NEW BUSINESS

- C. The request of **Michael Knight (Owner)**, for property located at **55 Mangrove Street** whereas relief is needed to replace existing 6 foot chain link fence with 8 foot cedar fence which requires the following: 1) A Variance from Section 10.515.13 to allow an 8 foot fence on the rear and side lot lines where a 6 foot maximum is allowed. Said property is located on Assessor Map 219 Lot 7 and lies within the Single Residence B (SRB) District. (LU-23-15)

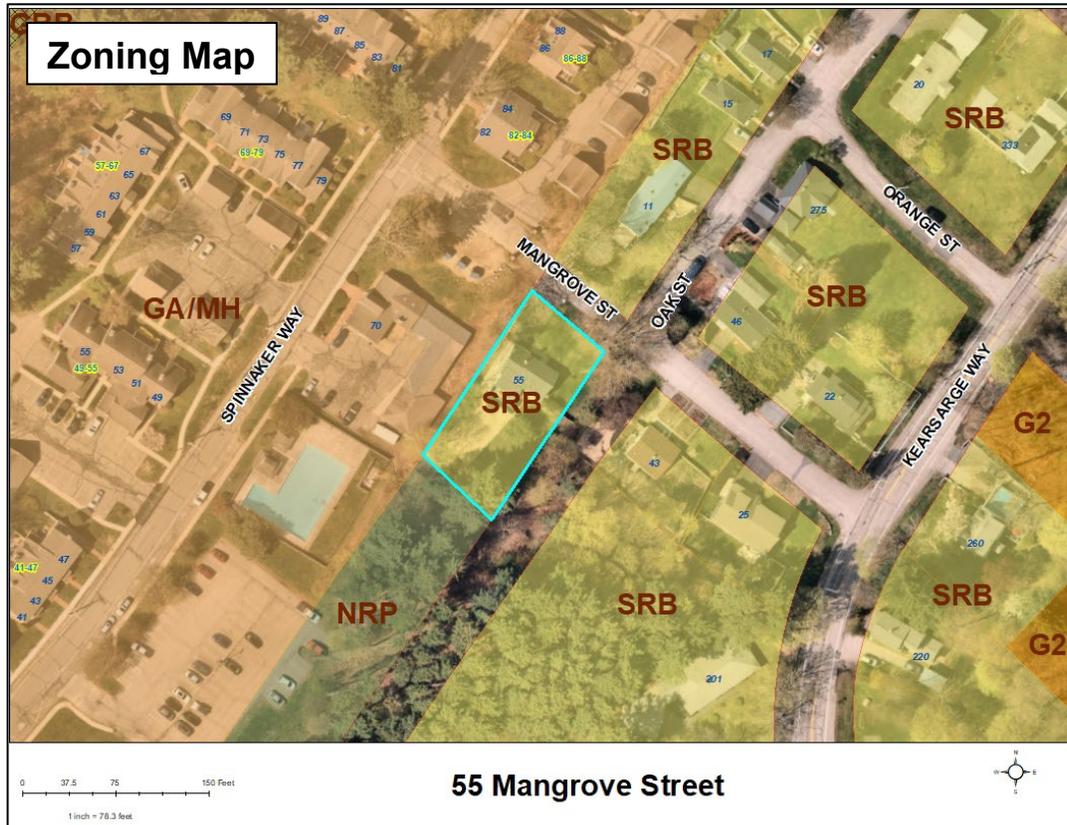
### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	<b>8-foot fence</b>	Primarily residential
<u>Lot area (sq. ft.):</u>	9,583	9,583	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	9,583	9,583	15,000 min.
<u>Lot depth (ft.):</u>	162	162	100 min.
<u>Street Frontage (ft.):</u>	60	60	100 min.
<u>Primary Front Yard (ft.):</u>	37	37	30 min.
<u>Right Yard (ft.):</u>	8	8/0 (fence)	10 min.
<u>Left Yard (ft.):</u>	20	20/0 (fence)	10
<u>Rear Yard (ft.):</u>	82	82/0 (fence)	30 min.
<u>Height (ft.):</u>	<35	<35 8' (fence)	35 6' (fence) max.
<u>Building Coverage (%):</u>	14.5	14.5	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40 min.
<u>Parking:</u>	2	2	2
<u>Estimated Age of Structure:</u>	1958	<b>Variance request(s) shown in red.</b>	

### Other Permits/Approvals Required

- Building Permit

### Neighborhood Context



## Previous Board of Adjustment Actions

### April 26, 1988 – Relief from Zoning Ordinance including:

Variance from Article III, Section 10-302 requested to permit construction of a 10'x 21' deck and 7'x 8' landing with stairs with a 6' right yard in a district where a 10' yard is required.

Applicant **withdrew the request** in writing the night of the meeting.

## Planning Department Comments

The applicant is requesting a variance to allow an 8 foot fence along the side and rear lot lines as shown in the highlighted plan in the application. Per Section 10.515.13, a 6-foot fence is the maximum allowed along the rear and side yard of any property.

**10.515.13** Fences not over 4 feet in height shall be exempt from **front yard** requirements, and fences not over 6 feet in height shall be exempt from side and **rear yard** requirements.

## Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*

**AND**

  - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

**OR**

  - Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

## 10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

Michael Knight  
55 Mangrove St.  
Portsmouth, NH 03801

2/28/2023

City of Portsmouth NH  
Zoning Board of Adjustment  
1 Junkins Ave  
Portsmouth, NH 03801

Dear Board Members,

Thank you for your consideration of approving the variance for an 8' tall cedar board fence to replace an existing, dilapidated chain link fence. Due to the steep grade dip in the back of my and my neighbors' properties, I'd like to improve not only the type of fence from chain link to cedar, but the height as well. This will create a uniform height with the existing 6' cedar fence currently in place next to the house where the grade is higher, improving the aesthetic view of the property from the street by compensating for the dip in grade in the back of the property.

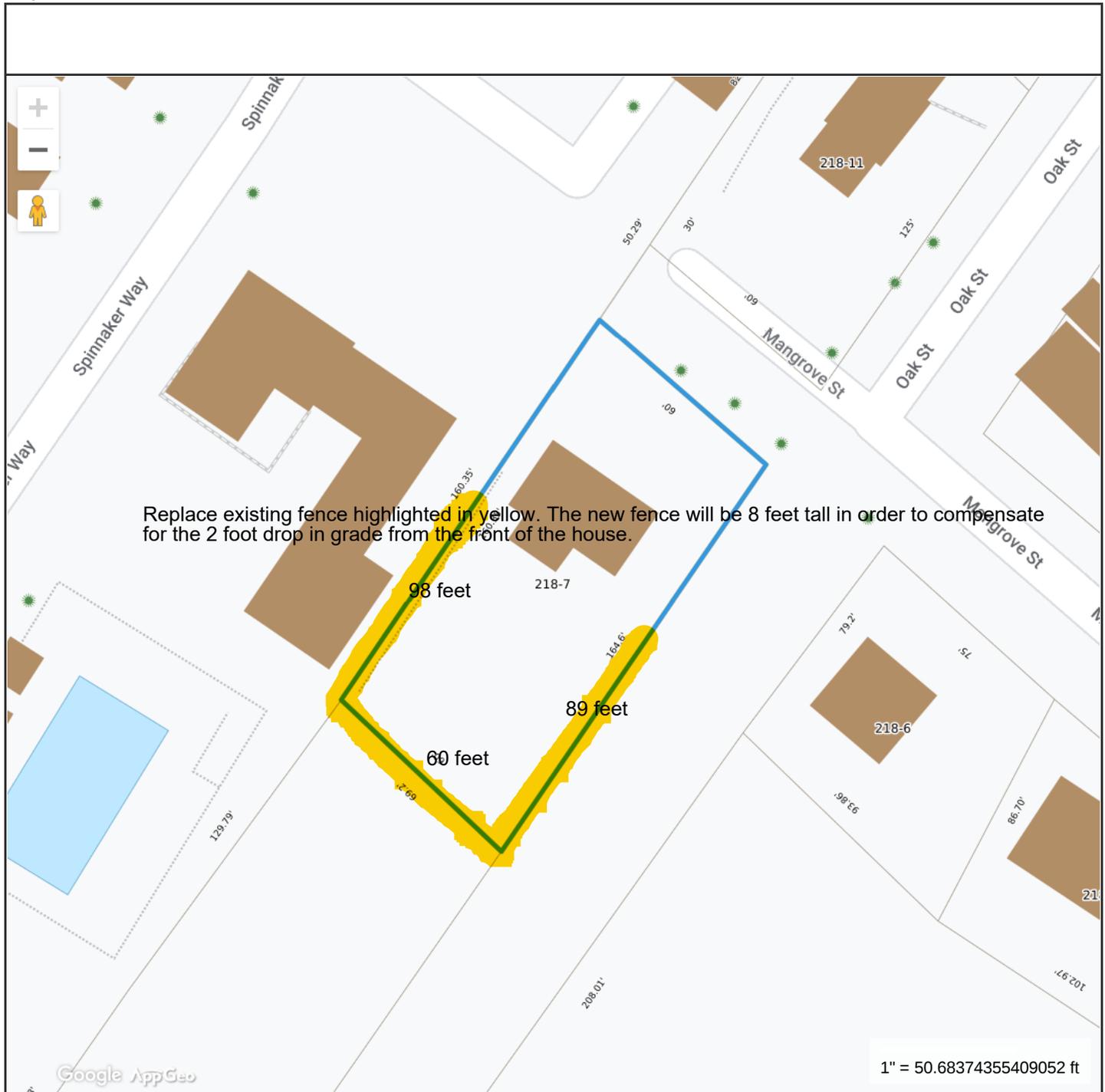
- 10.233.21 - Variance will not be contrary to the public interest.
  - If approved, please note that the variance will not be contrary to public interest due to the location of my property which is situated on a dead-end street and is the last house. There are no houses immediately beside any section of the fence.
- 10.233.22 The spirit of the Ordinance will be observed.
  - I certainly understand the need for this type of variance for front yard/street side fencing, or in the downtown or historic district where properties and neighbors are much closer together.
  - In my situation, the grade of my property as well as my neighbors' is far steeper in the back yard than the front. Installing a taller fence will compensate for that grade and create a uniform height when viewing the property from the street or from the sides of the house.
- 10.233.23 Substantial justice will be done.
  - This improvement will greatly improve the visual appeal of both me and my neighbors, as well as provide more privacy for all of us.
- 10.233.24 The values of surrounding properties will not be diminished.
  - Replacing the current dilapidated chain link fence with a professionally installed cedar fence will most certainly improve the property value for all of us. The current fence, in my opinion is a bit of an eye sore.
- 10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.
  - My neighbor to the left is the only one within view of the back yard. She greatly supports the fence replacement as it will improve her backyard privacy and curb appeal as well.











**Property Information**

**Property ID** 0218-0007-0000  
**Location** 55 MANGROVE ST  
**Owner** KNIGHT MICHAEL G



**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 09/21/2022  
 Data updated 3/9/2022

Print map scale is approximate.  
 Critical layout or measurement activities should not be done using this resource.

## II. NEW BUSINESS

- D. The request of **John T McDonald III** and **Mary R McDonald (Owners)**, for property located at **74 Sunset Road** whereas relief is needed for an addition of a chimney bump out which requires the following: 1) Variances from Section 10.521 to allow a) a 6.5 foot left yard where 10 feet is required; and b) 26.6% building coverage where 20% is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be expanded, reconstructed, or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 153 Lot 14 and lies within the Single Residence B (SRB) District. (LU-22-182)

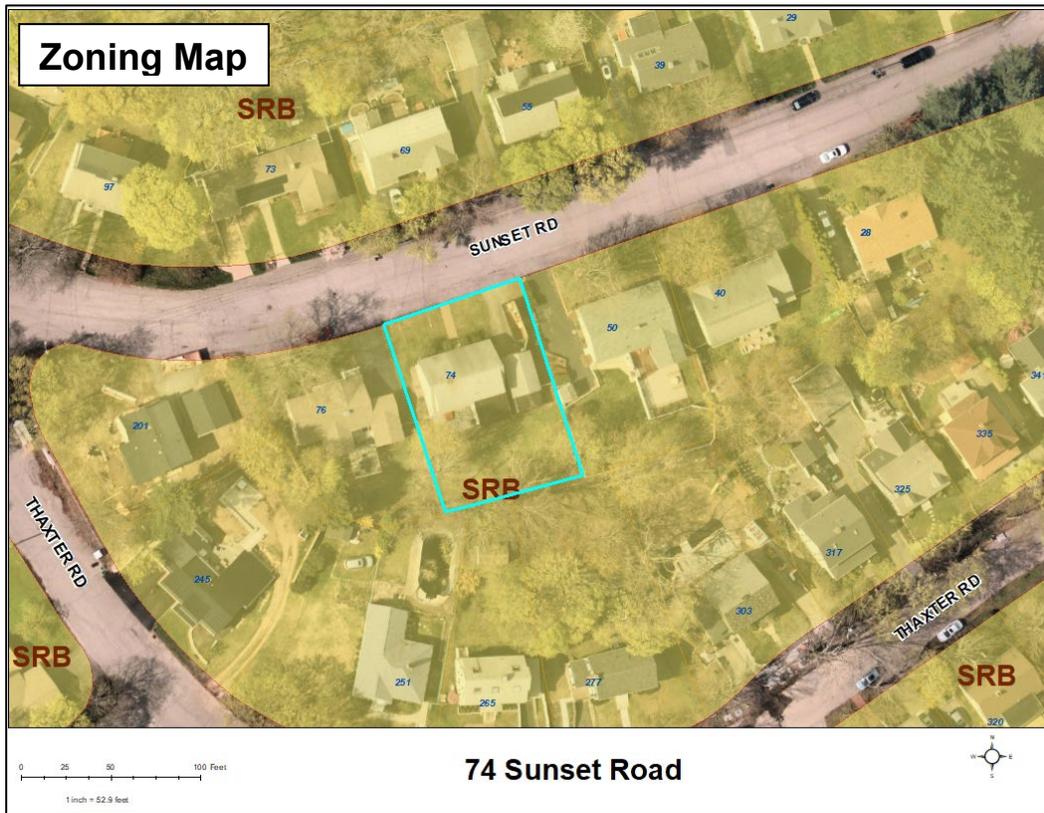
### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use</u>	Single family	New front porch And connector to garage	Primarily residential
<u>Lot area (sq. ft.):</u>	8,936	8,936	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	8,936	8,936	15,000 min.
<u>Lot depth (ft.):</u>	110	110	100 min.
<u>Street Frontage (ft.):</u>	80	80	100 min.
<u>Primary Front Yard (ft.):</u>	24	16* prior variance granted	30 min.
<u>Right Yard (ft.):</u>	9	<b>6.5</b>	10 min.
<u>Left Yard (ft.):</u>	8	8	10
<u>Rear Yard (ft.):</u>	41	41	30 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	23	<b>26.6</b> (26.5 previously approved)	20 max.
<u>Open Space Coverage (%):</u>	66	64	40 min.
<u>Parking:</u>	2	2	2
<u>Estimated Age of Structure:</u>	1959	<b>Variance request(s) shown in red.</b>	

### Other Permits/Approvals Required

- Building Permit

### Neighborhood Context



## Previous Board of Adjustment Actions

**September 27, 2022** – Relief from Zoning Ordinance including:

- 1) Variances from Section 10.521 to allow a) a 16 foot front yard where 30' is required; and b) 26.5% building coverage where 20% is required.
- 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be expanded, reconstructed or enlarged without conforming to the requirements of the Ordinance.

Board voted to **grant** the request as presented.

## Planning Department Comments

As shown in the history above, the applicant was before the Board this past summer with a proposal to improve the and expand the existing structure. During the construction and inspection process it was discovered that a portion of the addition was not in compliance with plans approved by the BOA at the September 27, 2022 meeting. The applicants latest request will rectify this error.

## Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*

**AND**

  - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

**OR**

  - (c) *Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

## 10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

# HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC

ATTORNEYS AT LAW

127 Parrott Avenue | Portsmouth, NH, 03801  
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

February 28, 2023

## HAND DELIVERED

Stephanie Casella, Planner  
Portsmouth City Hall  
1 Junkins Avenue  
Portsmouth, NH 03801

Re: Mary McDonald and John McDonald III, Owner/Applicant  
Property Location: 74 Sunset Road  
Tax Map 153, Lot 14  
Single Residence B ("SRB"), LU-22-182

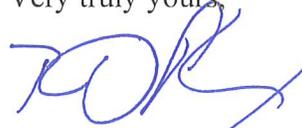
Dear Ms. Casella & Zoning Board Members:

On behalf of Mary McDonald and John McDonald III, enclosed please find the following in support of a request for zoning relief:

- Digital Application submitted via Viewpoint earlier today.
- Owner's Authorization.
- 2/28/2023– Memorandum and exhibits in support of Variance Application

We look forward to presenting this application to the Zoning Board at its March 21, 2023 meeting.

Very truly yours,



R. Timothy Phoenix

Enclosure

cc: Mary McDonald & John McDonald III  
Eric Weinrieb, Altus Engineering (email)  
Butch Ricci, Ricci Construction (email)

---

DANIEL C. HOEFLE	R. PETER TAYLOR	GREGORY D. ROBBINS	STEPHANIE J. JOHNSON
R. TIMOTHY PHOENIX	ALEC L. MCEACHERN	PETER V. DOYLE	OF COUNSEL:
LAWRENCE B. GORMLEY	KEVIN M. BAUM	MONICA F. KIESER	SAMUEL R. REID
STEPHEN H. ROBERTS	JACOB J.B. MARVELLEY	DUNCAN A. EDGAR	JOHN AHLGREN

## MEMORANDUM

**TO:** Portsmouth Zoning Board of Adjustment (“ZBA”)  
**FROM:** R. Timothy Phoenix, Esquire  
**DATE:** February 28, 2023  
**Re:** Mary McDonald and John McDonald III, Owner/Applicant  
Property Location: 74 Sunset Road  
Tax Map 153, Lot 14  
Single Residence B (“SRB”)/LU-22-182

Dear Chairman Parrott and Zoning Board Members:

On behalf of Mary McDonald and John McDonald III (“McDonald”) Owner/Applicant (“McDonald”), we are pleased to submit this memorandum and attached exhibits in support of zoning relief to slightly expand their existing home.

### **I. EXHIBITS**

- A. 8/30/22 Board of Adjustment Site Plan-by Altus Engineering, Inc.
- B. 8/18/22 Amended ZBA Site Plan depicting chimney.
- C. Site Photographs.
- D. Tax Map 153.
- E. 9/27/22 ZBA Minutes.
- F. 9/27/22 ZBA Notice of Decision.
- G. Abutter/Neighbor Support Letters
  - Mark and Julie Geller-73 Sunset Road
  - Jennifer and Rich Matthes, 69 Sunset Road
  - Scott Chaudoin, 76 Sunset Road

### **II. PROPERTY/PROJECT**

74 Sunset Rd. is an 8936 sq. ft. lot upon which was located a +/-1300 sf (footprint) 4-bedroom cape style home, detached one car garage with a shed attached to it. The home (right) and garage (left) each slightly violate the side setbacks. At 23.4% (2093 sq. ft.), the original building coverage slightly exceeded the SRB limit of 20%. The front of the house meets but is very close to the 24 foot front setback.

On September 27, 2022 the ZBA approved a reasonably modest project for a 240 sq. ft. entry porch with stairway access, front dormers to expand the 2<sup>nd</sup> floor (remaining 4-bedrooms), breezeway to attach the home to the detached garage, and the addition of a “doghouse” frame over the existing rear bulkhead. The right setback encroaching set of steps were removed. (**Exhibits A, E, F**). The dormer, breezeway and doghouse all met building setback requirements.

The McDonalds and their builder have since added a 2.25 x 5.5=12.375 s.f. chimney (**Exhibits B, C**) to the right side of the house . Relief is required because the existing house, thus the chimney are within the right side setback. The chimney also very slightly increases the building coverage by 12.375 s.f. from 26.5% to 26.6%.

**III. RELIEF REQUIRED**

<u>Variance Section</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
<u>PZO§10.521</u> <u>Right Setback</u>	10'	9'+/-	6.5'+/-
<u>Building Coverage</u>	20%	2368 s.f. (26.5%) (Variance approval)	2650.42 s.f. (26.6 %)

**IV. VARIANCE REQUIREMENTS**

1. **The variances will not be contrary to the public interest.**
2. **The spirit of the ordinance is observed.**

The first step in the ZBA’s analysis is to determine whether granting the variances are not contrary to the public interest and are consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102 (2007) and its progeny. Upon examination, it must be determined whether granting the variances “would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance’s basic zoning objectives.” Id. “Mere conflict with the zoning ordinance is not enough.” Id.

In considering whether a variance “in a marked degree conflict with the ordinance such that they violate the ordinance’s basic zoning objectives,” Malachy Glen, supra, also held:

One way to ascertain whether granting the variance would violate basic zoning objectives is to determine whether it would alter the essential character of the locality... . Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

The small 12.375 s.f. chimney in the side setback is more distant than the previous existing side steps (**Exhibit B**). The coverage increase is *de minimus*. The three closest neighbors

support the relief. Accordingly, granting the variance for the chimney neither alters the essential character of the locality, nor threatens the public health, safety or welfare.

**3. Granting the variances will not diminish surrounding property values.**

The chimney is very small. Sightlines will be maintained, with sufficient air and light considering that the chimney is no closer to the right side neighbor to than the former steps, and the neighbors support the relief. Thus, surrounding property values will in no way be diminished.

**4. Denial of the variances results in an unnecessary hardship.**

- a. Special conditions distinguish the property from others in the area.

The subject lot is approximately 40% smaller than the 15,000 ft.<sup>2</sup> SRB requirement. The existing home is 9 feet to the right side. ZBA approved Building coverage is 26.5% increasing to 26.6%. These factors combine to create special conditions.

- b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

The purpose of side setback and lot coverage requirements is to avoid overbulking and overcrowding, allow for adequate air and light, provide sightlines and area for stormwater treatment. It is reasonable for the McDonald family to add a chimney, which cannot be located in a way that would avoid a variance. The setback relief and additional *de minimus* impervious increase is supported by the abutters. No one is affected in any negative way. Accordingly, there is no fair and substantial relationship between the purposes of the setback and building coverage requirements and its application in this instance.

- c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005). This is a permitted residential use proposing modest expansion.

**5. Substantial justice will be done by granting the variances.**

If “there is no benefit to the public that would outweigh the hardship to the applicant” this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508 (2011). That is, “any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice.” Malachy Glen, supra at 109.

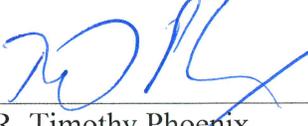
The McDonald family is generally constitutionally entitled to the use of the lot as they see fit. “The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions.” N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that “no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people.” Thus, our State Constitutional protections limit the police power of the State and its municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978). “Property” in the constitutional sense has been interpreted to mean not the tangible property itself, *but rather the right to possess, use, enjoy and dispose of it*. Burrows v. City of Keene, 121 N.H. 590, 597 (1981) (emphasis added).

Because: the chimney is very small; more distant from the right side line than the former steps; increases coverage almost immeasurably; is supported by the abutters; cannot be located so as to avoid the need for the variance; and do not violate the purposes of setback and lot coverage requirements, there is no harm to the public from granting the variance. Conversely, the McDonald family will be greatly harmed if the variance is denied because they in turn will be unable to add the amenity of a fireplace. There is thus no benefit to the public from granting the variance that outweighs the harm to the McDonald family if the variance is denied.

**V. CONCLUSION**

For all of the reasons stated, the McDonald family and entire team respectfully request that the Portsmouth Zoning Board of Adjustment grant the requested variance.

Respectfully submitted,  
Mary McDonald and John McDonald III

  
\_\_\_\_\_  
By: R. Timothy Phoenix

ZONE: SRB (SINGLE RESIDENCE B)  
EXISTING LOT AREA: 8,936 S.F.± (0.21 AC.±)

**ZONING SUMMARY**

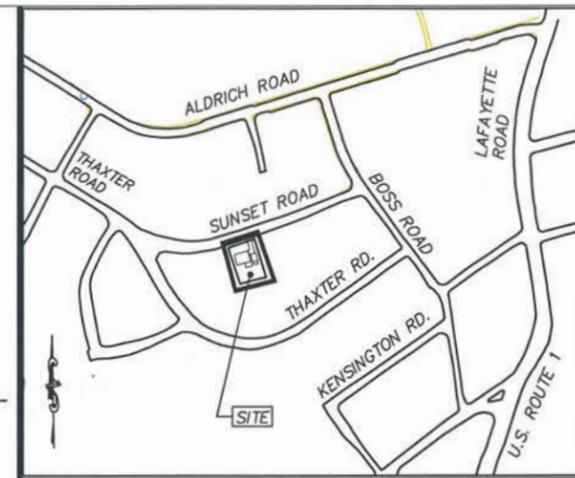
**DIMENSIONAL REQUIREMENTS**

	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA:	15,000 S.F.	±8,936 S.F.	±8,936 S.F.
MIN. STREET FRONTAGE:	100'	±80' (EX.) (SUNSET ROAD)	±80' (EXISTING)
MIN. LOT DEPTH:	100'	±110'± (EX.)	±110' (EXISTING)
FRONT SETBACK:	30' (24')**	±24'(EX.) (PER GIS)	±17' (PROP. PORCH) *
SIDE SETBACK:	10'	±8'(EX.) (PER GIS)	±8' (EX. GARAGE)
REAR SETBACK:	30'	±41'(EX.) (PER GIS)	±41' (EX. PORCH)
MAX. HEIGHT:	35'	<35' (EX.)	<35'
MAX. BUILDING COVERAGE:	20%	±23.4% (EX.) (±2,093 SF)	±26.5% (±2,365 SF) (INCL. PROP. BREEZEWAY, PORCH) *
MIN. OPEN SPACE:	40%	±66% (±5,893 SF)	±64% (±5,681 SF)
DWELLING COVERAGE:		±17.3% (EX.) (±1,550 SF)	±20.6% (±1,840 SF)

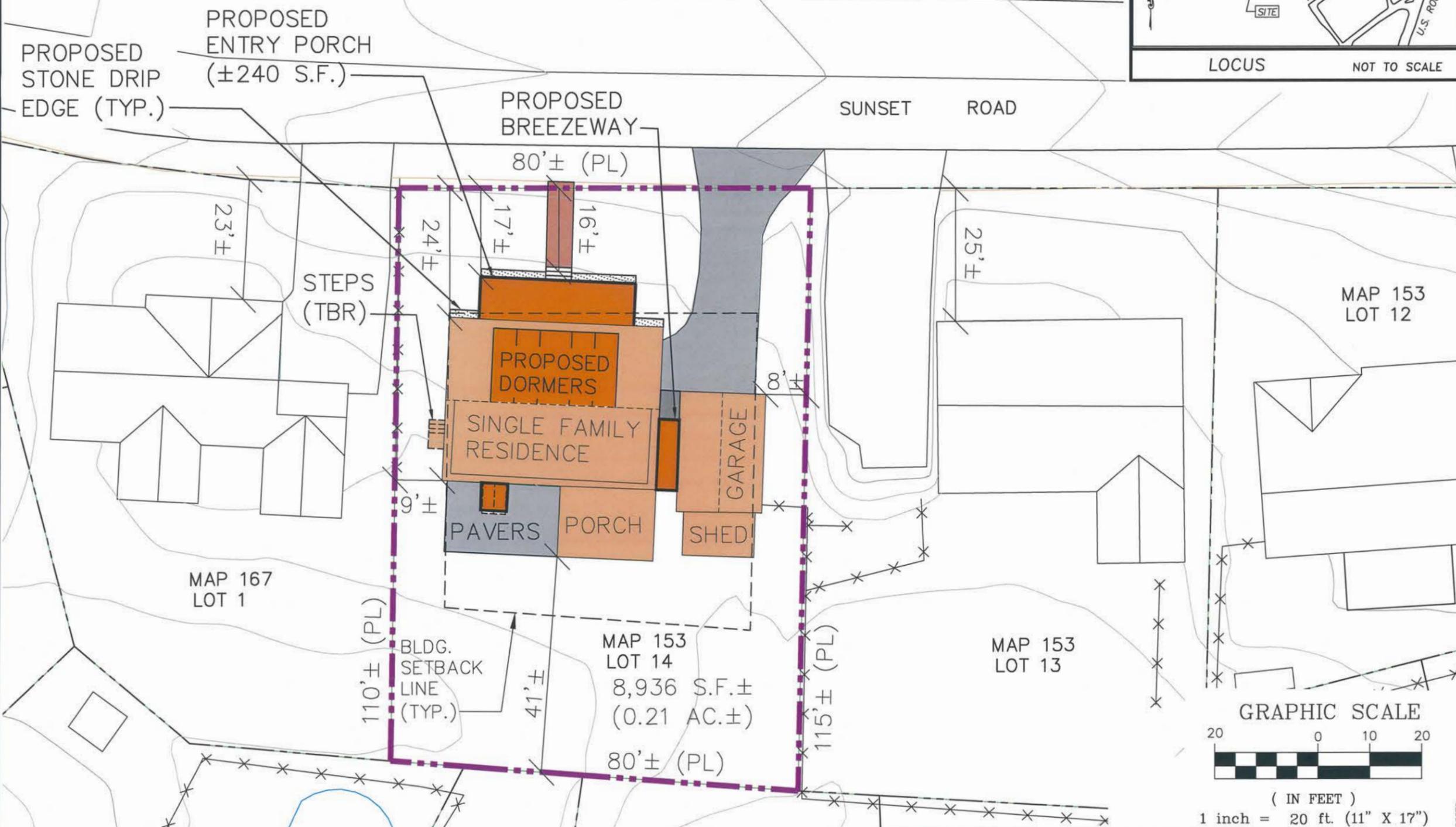
**PLAN REFERENCES:**

1. "PLAN OF LOTS, PORTSMOUTH, NH FOR E.A. RICCI AND F.E. PATERSON" DATED AUGUST 1950, BY JOHN W. DURGIN, C.E., RECORDED PLAN.
2. PORTSMOUTH G.I.S. (MAPGEO) DATA BASE.
3. SITE OBSERVATIONS BY ALTUS ENGINEERING, INC. AUGUST 2022.

\* ZONING RELIEF REQUIRED  
\*\* AVERAGE OF ADJACENT FRONT YARD BLDG. SETBACKS



**ALTUS ENGINEERING, INC.**  
133 Court Street  
(603) 433-2335  
Portsmouth, NH 03801  
www.altus-eng.com



NOT FOR CONSTRUCTION

ISSUED FOR:  
**BOARD OF ADJUSTMENT**

ISSUE DATE:  
**AUGUST 30, 2022**

REVISIONS  
NO. DESCRIPTION BY DATE  
0 INITIAL SUBMISSION EDW 08/30/22

DRAWN BY: \_\_\_\_\_ RLH  
APPROVED BY: \_\_\_\_\_ EDW  
DRAWING FILE: \_\_\_\_\_ 5378.dwg

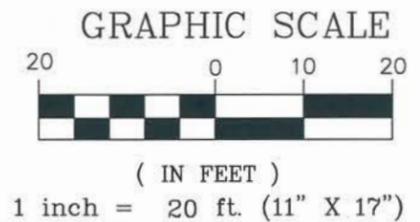
SCALE:  
22" x 34" - 1" = 10'  
11" x 17" - 1" = 20'

OWNER/APPLICANT:  
**MARY R. & JOHN THOMAS MCDONALD III**  
74 SUNSET ROAD  
PORTSMOUTH, NH 03801

PROJECT:  
**SITE IMPROVEMENTS**  
  
TAX MAP 153, LOT 14  
74 SUNSET ROAD  
PORTSMOUTH, NH

TITLE:  
**BOARD OF ADJUSTMENT SITE PLAN**

SHEET NUMBER:  
**1 of 1**



P5378

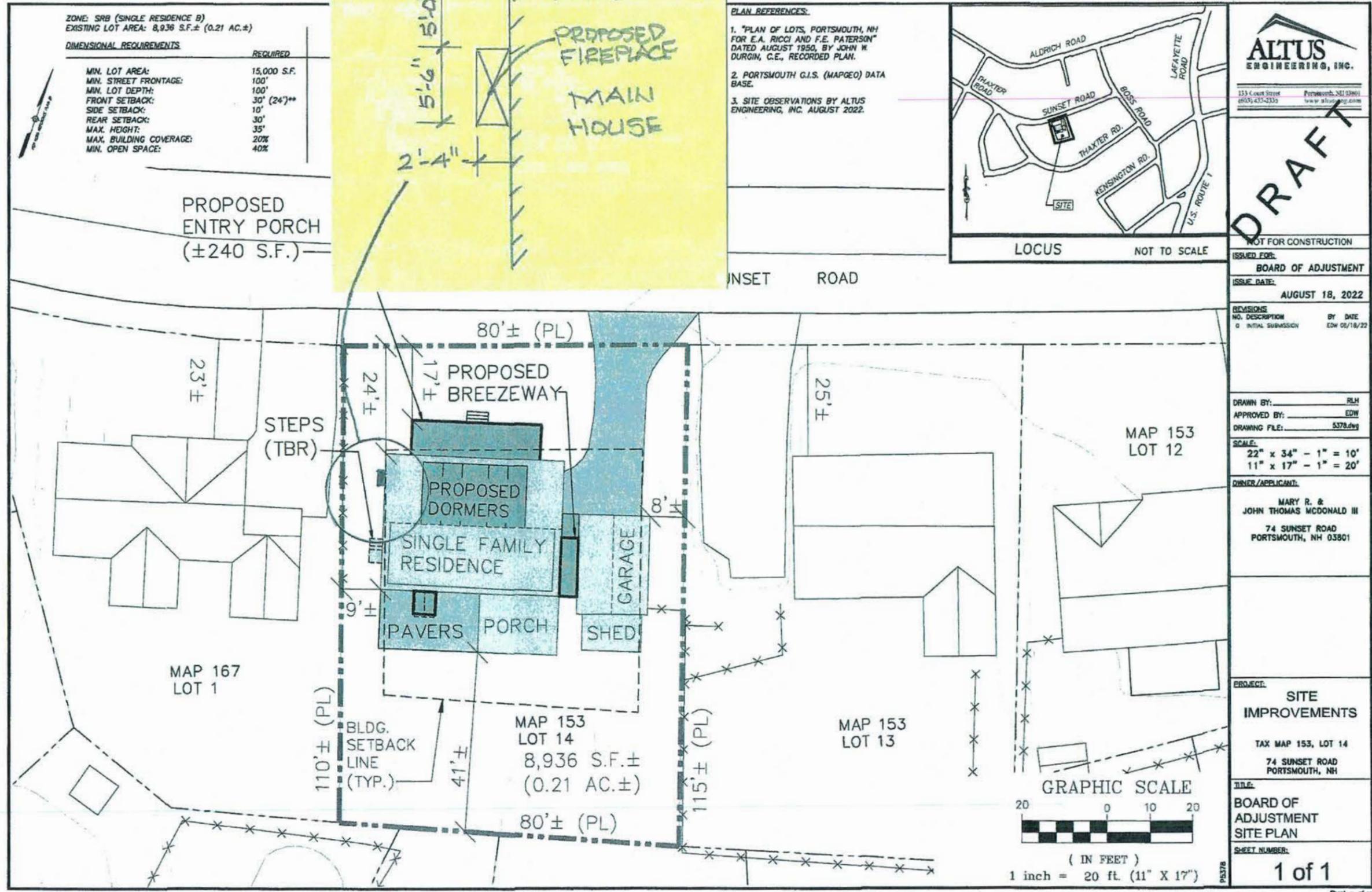


EXHIBIT C

Google Maps 69 Sunset Rd



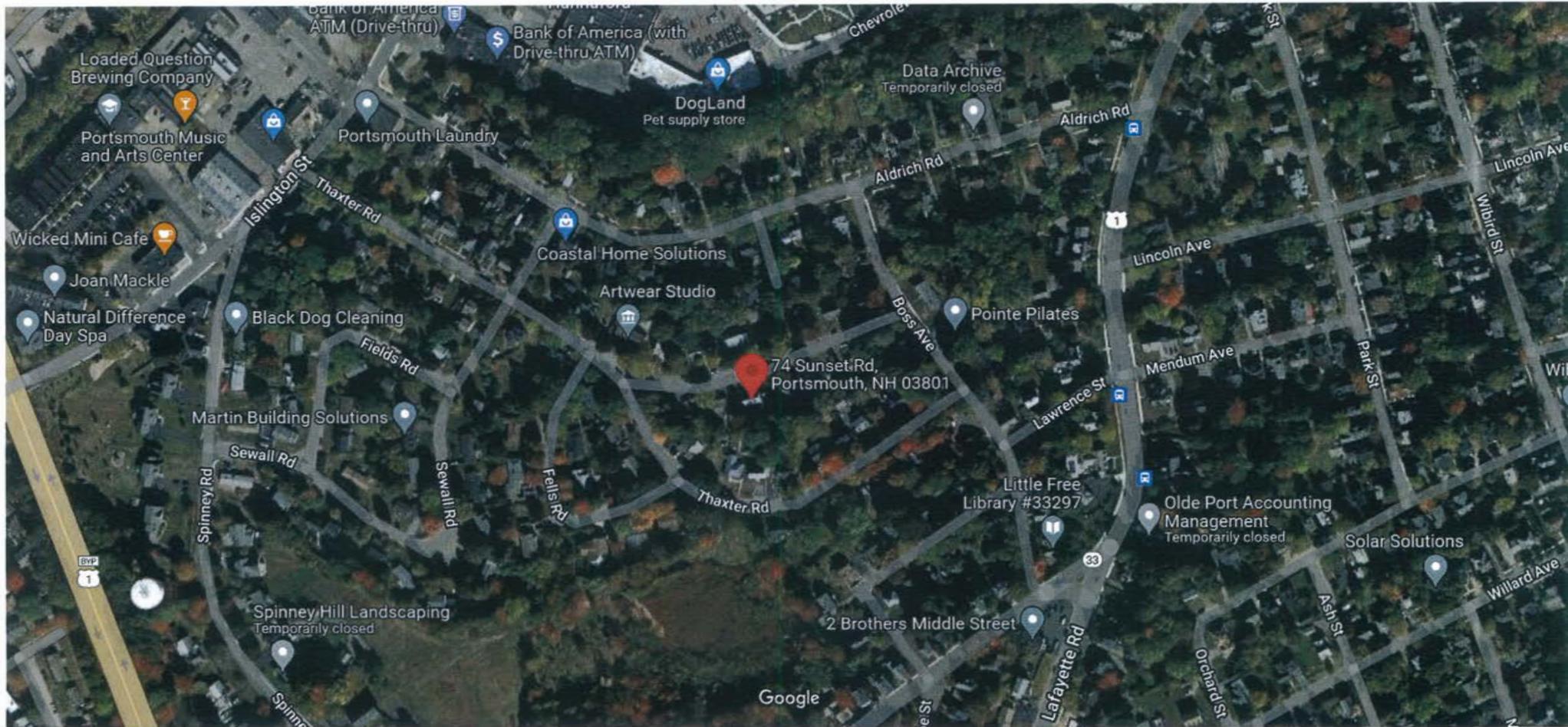
Image capture: Sep 2011 © 2022 Google

Portsmouth, New Hampshire

Google

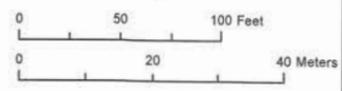
Street View - Sep 2011



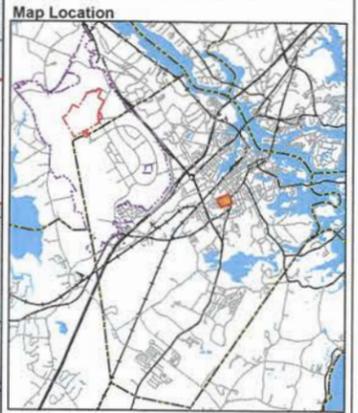
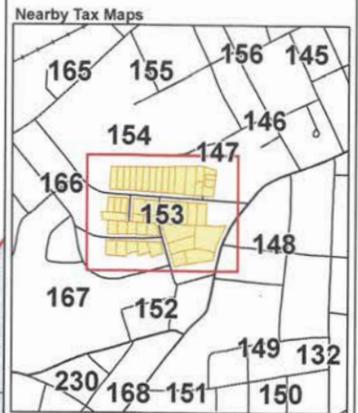




- Partial Legend**  
 See the cover sheet for the complete legend.
- 7-5A** Lot or lot-unit number
  - 2.56 ac Parcel area in acres (ac) or square feet (sf)
  - 27 Address number
  - 233-137 Parcel number from a neighboring map
  - 68 Parcel line dimension
  - SIMS AVE Street name
- Parcel/Parcel boundary
  - Parcel/ROW boundary
  - Water boundary
  - Structure (1994 data)
  - Parcel covered by this map
  - Parcel from a neighboring map (see other map for current status)



*This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.*



**MINUTES OF THE  
BOARD OF ADJUSTMENT MEETING  
EILEEN DONDERO FOLEY COUNCIL CHAMBERS  
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE  
PORTSMOUTH, NEW HAMPSHIRE**

7:00 P.M.

September 27, 2022

**MEMBERS PRESENT:** Arthur Parrott, Chair; Jim Lee, Vice Chair; David MacDonald; Beth Margeson; Paul Mannle; Phyllis Eldridge; Thomas Rossi

**MEMBERS EXCUSED:** None.

**ALSO PRESENT:** Peter Stith, Planning Department

Chairman Parrott called the meeting to order at 7:00 p.m.

~~**I. NEW BUSINESS**~~

- ~~A. The request of **Emily Morgan Revocable Trust of 2021 (Owner)**, for property located at **127 Willard Street** whereas relief is needed to replace the existing front porch with new covered landing with steps which requires the following: 1) A Variance from Section 10.521 to allow a 6 foot secondary front yard where 15 feet is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be expanded, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 149 Lot 37 and lies within the General Residence A (GRA) district. (LU-22-180)~~

**SPEAKING TO THE PETITION**

The applicant Emily Dow was present to review the petition and criteria. There were no questions from the Board. Chairman Parrott opened the public hearing.

**SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one spoke, and Chairman Parrott closed the public hearing.

**DECISION OF THE BOARD**

Mr. Mannle moved to **grant** the variances as presented, seconded Mr. Rossi.

Referring to Sections 10.233.21 and .22 of the ordinance, Mr. Mannle said granting the variances ~~would not be contrary to the public interest because it was a small request. He said it would observe~~

~~Vice-Chair Lee concurred. He said he met with the construction superintendent, who showed him the barn. He said the barn had been there a long time and that it was exciting to see someone go to the expense and time to preserve the historic property.~~

Mr. Stith said there was a section in the ordinance stating that the Board will notify the applicant that the required elevation might result in increased premium rates for flood insurance up to amounts of \$25 per \$100 of coverage, and that such construction below the required elevation increases risk to life and property. He said those two items would be added to the Letter of Decision.

~~The motion passed by unanimous vote, 7-0.~~

- G.** The request of **John T. & Mary R. McDonald (Owners)**, for property located at **74 Sunset Road** whereas relief is needed to add a front porch, front dormer and connection to garage which requires the following: 1) Variances from Section 10.521 to allow a) a 16 foot front yard where 30' is required; and b) 26.5% building coverage where 20% is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be expanded, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 153 Lot 14 and lies within the Single Residence B (SRB) district. (LU-22-182)

### **SPEAKING TO THE PETITION**

Attorney Tim Phoenix was present on behalf of the applicant and reviewed the petition and criteria

Mr. Rossi said the applicant must establish that the property is burdened by the zoning restriction in a manner that is distinct from other similarly situated properties. He said the surrounding properties seemed almost identical in terms of size and setback. Attorney Phoenix said not all of the houses were identical, even though the ones across the street seemed to have similar setbacks. He said there were other lots in the area that were larger and had larger homes on them that appeared to meet the setbacks and probably met coverage. He cited a Manchester, NH case that stated that if an applicant was doing something that's already been done in that area, it was a form of hardship that allowed the applicant to proceed with getting their variances granted.

Chairman Parrott opened the public hearing.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one spoke, and Chairman Parrott closed the public hearing.

### **DECISION OF THE BOARD**

Vice-Chair Lee said he went through the house when it was for sale and that it was a nice house in a nice neighborhood but was burdened by an awkward floor plan. He said the proposed improvements made sense and would make the house more livable and enhance the values of the neighborhood.

Vice-Chair Lee moved to **grant** the variances as presented and advertised, seconded by Ms. Margeson.

Vice-Chair Lee referred to Sections 10.233.21 and .22 of the ordinance and said granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance because the proposed use would not be in conflict with the explicit or implicit purposes of the ordinance and would not alter the essential character of the neighborhood nor threaten the public's health, safety, or welfare or injure any public rights. He said substantial justice would be done because the benefit to the applicant would not be outweighed by the general public or other individuals, which satisfied Section 10.233.23. He said the addition and renovation of the property will add to the value of the surrounding properties, satisfying Section 10.233.24. Referring to Section 10.233.25, literal enforcement of the ordinance would result in an unnecessary hardship, he said the property is somewhat burdened by a zoning restriction that makes it distinct from other similarly situated properties, and because of those special conditions, a restriction is applied to the property that doesn't serve that purpose in a fair and substantial way. He said the proposed use is reasonable and doesn't alter the essential character of the neighborhood, so it satisfies the hardship criteria. For those reasons, he moved to grant the variances.

Ms. Margeson concurred. She said she had had the same question that Mr. Rossi had, and she did find that Walker vs. the City of Manchester applied because there were existing nonconformities in the area which constituted a special condition.

The motion **passed** by unanimous vote, 7-0.

~~H. The request of Neila LLC (Owner), for property located at 324 Maplewood Avenue~~  
whereas relief is needed to convert the existing garage into a dwelling unit which requires the following: 1) Variances from Section 10.5A41.10A to allow a) a lot area per dwelling unit of 1,780 square feet where 3,000 square feet is required; and b) a 1 foot side yard where 5 feet is required. 2) A Variance from Section 10.1114.21 to allow an 8.5 foot wide by 18 foot long parking space where 8.5 feet by 19 feet is required. Said property is located on Assessor Map 141 Lot 1 and lies within the Character District 4-L2 (CD4-L2) and the Historic district. (LU-22-183)

## **SPEAKING TO THE PETITION**

Attorney Monica Kaiser was present on behalf of the applicant, along with LLC Principle Nicole Abshier. She said Ms. Abshier lived next to the property and that the applicant had support from several abutters. Attorney Kaiser said the garage petition was before the Board twice in 2009 and both times Ms. Abshier opposed any upward expansion. She reviewed the tax map and the petition and said they were not proposing any physical changes to the site and that the garage would stay the same but the interior parking space was a half foot shorter than required. She asked if there were questions pertaining to Fisher v. Dover. Ms. Margeson said she didn't think it applied but said it seemed that the building was going up one story. Attorney Kaiser said that photo was from the proposal that was denied and that they were just making the garage nicer and renovating the inside. ~~She said the zoning had changed and the variance request was a lot less. She reviewed the criteria.~~



# CITY OF PORTSMOUTH

**EXHIBIT F**

Planning Department  
1 Junkins Avenue  
Portsmouth, New  
Hampshire 03801  
(603) 610-7216

## ZONING BOARD OF ADJUSTMENT

September 29, 2022

John T. McDonald III & Mary R. McDonald  
74 Sunset Road  
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment request for property located at 74 Sunset Road (LU-22-182)**

Dear Property Owners:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, September 27, 2022**, considered your application for the addition of a front porch, front dormer and connection to garage which requires the following: 1) Variances from Section 10.521 to allow a) a 16 foot front yard where 30' is required; and b) 26.5% building coverage where 20% is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be expanded, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 166 Lot 36 and lies within the Single Residence B (SRB) district. As a result of said consideration, the Board voted to **grant** the request as presented with the enclosed Findings of Fact.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

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

Very truly yours,

Arthur Parrott, Chairman of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

R. Timothy Phoenix, Hoefle, Phoenix, Gormley & Roberts, PLLC  
Eric Weinrieb, Altus Engineering, Inc.

**Tim Phoenix**

---

**From:** Julie Geller <Jules71462@outlook.com>  
**Sent:** Wednesday, February 22, 2023 8:10 AM  
**To:** McDonald, Mary Labbe  
**Subject:** Variance

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

-----  
We, Mark and Julie Geller of 73 Sunset Road approve of the variance. We are out of town, but you can reach us if need be.

Sent from my iPhone

February 22, 2023

to Sunset Road  
Portsmouth NH

I/we, Scott Chaudon, undersigned  
affirm that I/we have no issue or opposition to the fireplace cantilever on the right side of John and  
Mary McDonald's home at 74 Sunset Rd.

✓ I/we do not oppose the variance required by the City of Portsmouth.

Thank you,

Scott Chaudon 2/22/23

Print name

Scott Chaudon

Signature

Print name

Signature

February 22, 2023

I/we, Jennifer + Rich Matthes / \_\_\_\_\_, undersigned  
affirm that I/we have no issue or opposition to the fireplace cantilever on the right side of John and  
Mary McDonald's home at 74 Sunset Rd.

I/we do not oppose the variance required by the City of Portsmouth.

Thank you,

Jennifer Matthes

Print name

[Handwritten Signature]

Signature

Print name

Signature

## II. NEW BUSINESS

- E. The request of **Katherine L Cook (Owner)**, for property located at **199 Clinton Street** whereas relief is needed to demolish the existing dwelling and construct a new single-family dwelling which requires the following: 1) Variances from Section 10.521 to allow a) a lot area and lot area per dwelling unit of 4,917 where 7,500 is required for each; b) 54 feet of frontage where 100 feet is required; c) a 4 foot front yard where 15 feet is required; d) a 9 foot right side yard where 10 feet is required; and e) 28% building coverage where 25% is the maximum allowed. Said property is located on Assessor Map 159 Lot 26 and lies within the General Residence A (GRA) District. (LU-23-23)

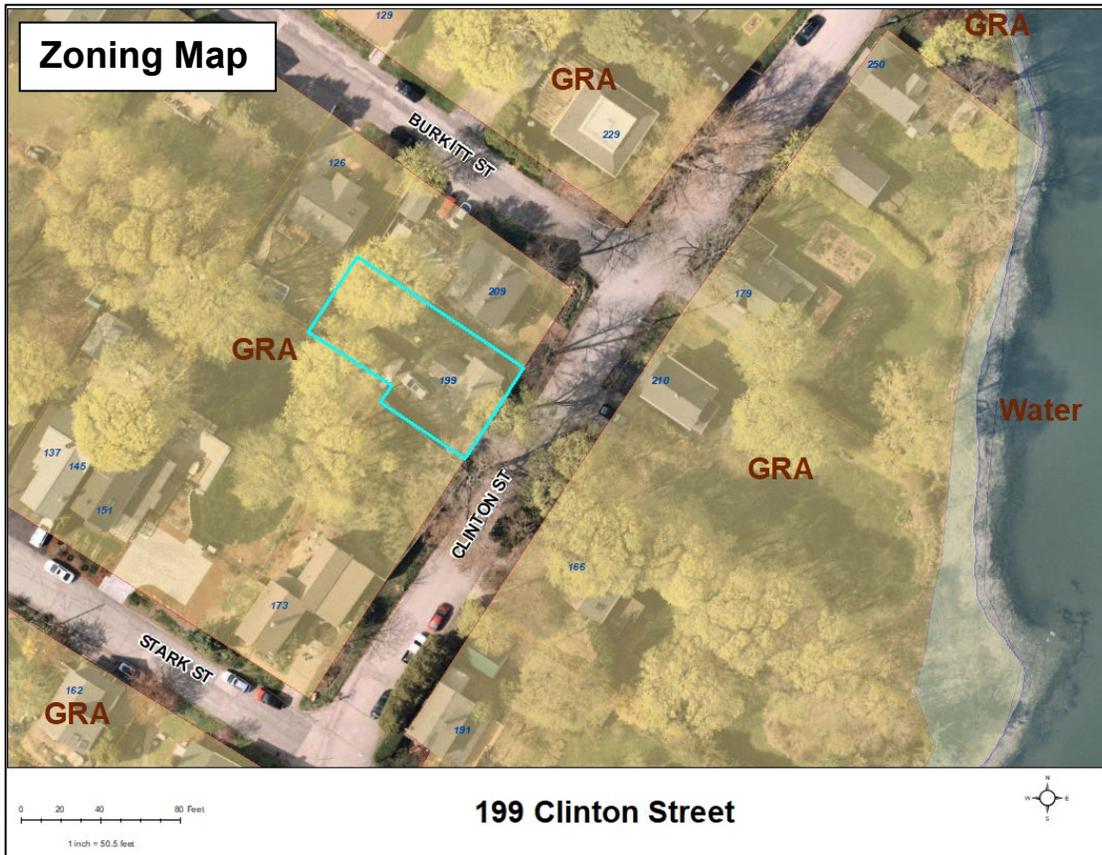
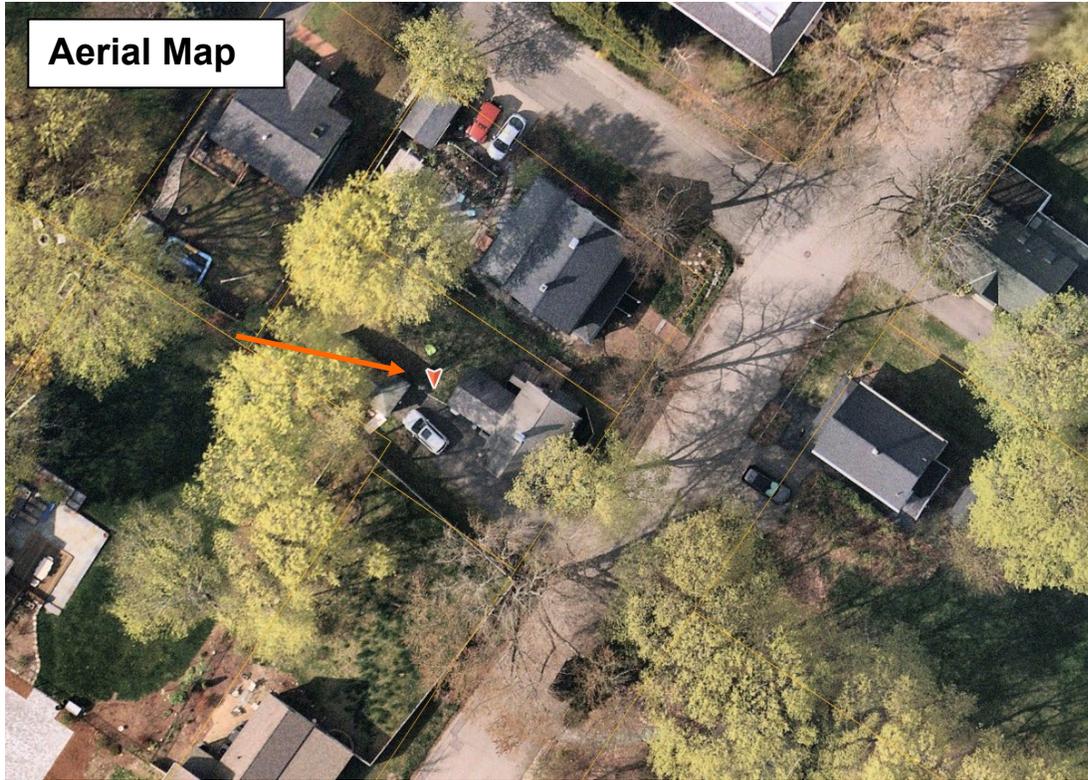
### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Demo existing/construct new dwelling	Primarily residential uses
<u>Lot area (sq. ft.):</u>	4,917	<b>4,917</b>	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	4,917	<b>4,917</b>	7,500 min.
<u>Street Frontage (ft.):</u>	54	<b>54</b>	100 min.
<u>Lot depth (ft.):</u>	100	100	70 min.
<u>Front Yard (ft.):</u>	5	<b>4</b>	15 min.
<u>Left Yard (ft.):</u>	15.5	17	10 min.
<u>Right Yard (ft.):</u>	2	<b>9</b>	10 min.
<u>Rear Yard (ft.):</u>	>20	>20	20 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	22	<b>28</b>	25 max.
<u>Open Space Coverage (%):</u>	>30	>30	30 min.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1880	<b>Variance request(s) shown in red.</b>	

### Other Permits/Approvals Required

- Demo/Building Permit

### Neighborhood Context



## Previous Board of Adjustment Actions

No previous BOA history found.

## Planning Department Comments

The applicant is proposing to demolish the existing single living unit structure and replace it with a new single living unit structure. The existing lot is non-conforming which requires lot specific dimensional variances when a primary structure is removed and replaced on a non-conforming site. In this case these variances include lot area, lot area per dwelling unit, and street frontage. The remaining requested variances are more specific to the placement and size of the new structure on the lot.

## Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*

(a) *The property has special conditions that distinguish it from other properties in the area.*

**AND**

(b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

**OR**

*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

## 10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

**APPLICATION OF KATHERINE COOK**  
**199 CLINTON STREET, PORTSMOUTH**  
**Map 159, Lot 26**

**APPLICANT'S NARRATIVE**

**I. THE PROPERTY:**

The applicant, Katherine Cook, owns and resides at the property located at 199 Clinton Street, which consists of a single family dwelling with a detached garage. The property is in the GRA zone and is non-conforming as to lot area, frontage, front yard setback and side yard setbacks.

According to city tax records, the existing dwelling dates back to 1880. At least one rear addition has been installed, and a detached garage has been erected as well. In addition to the above noted existing non-conformities, the property is notable in that the dwelling has no effective front door that faces Clinton Street. It has two egress doors, one in the rear of the property which accesses the kitchen, and one on the northeastern side of the property which opens onto a small raised deck. The interior layout of the dwelling is challenging, with several small rooms typical of homes dating back to that era. The home is rather small, with just 1,100 square feet of living area. The home is dated generally, and is not compliant with modern life and safety codes. It has improper and outdated electrical systems (for example, a 60 Amp service; knob and tube wiring). It has major structural issues as noted in the submitted report by HSS Engineering.

Ms. Cook has considered carefully whether or not to renovate and remodel the existing structure to address these deficiencies, however, she has determined that the cost to do so and appropriately modernize the dwelling would be prohibitive. Accordingly, we are proposing to raze the existing dwelling structure and replace it with a new dwelling, which will have a front door and covered porch facing Clinton Street. The existing detached garage will remain as is.

The project requires relief from Section 10.521 – Table of Dimensional Standards, as follows:

	<u>Existing</u>	<u>Proposed</u>	<u>Required</u>
Lot area (sq. ft.)	4,917	4,917	7,500
Lot area per dwelling (sq. ft)	4,917	4,917	7,500
Frontage (ft.)	54	54	100
Front yard setback (ft.)	5.8	4.2	15
Left side yard setback (ft.)	1.2	1.2	10
Right side yard setback (ft.)	2.0	9.3	10
Building coverage (%)	22 <sup>1</sup>	27.7	25

---

<sup>1</sup> Existing building coverage calculated as follows: Building – 678; Garage – 257; Deck – 137; Steps – 8; Total 1080 = 22%.

The dwelling's existing right side yard setback at its closest point is 2 feet from the raised deck. The project will bring this setback almost entirely into compliance, with the exception of a proposed protruding chimney structure at 9.3 feet. The front yard setback is 5.8 feet, which will be substantially maintained, with the exception of two steps leading to the proposed covered porch and new front door, which will be at 4.2 feet, however, what appears for all intents and purposes as the majority of the applicants' front lawn is in fact outside the boundary of the property. So the effective setback from the edge of pavement on Clinton Street is considerably larger. The existing left side yard setback is 1.2 feet from the existing garage, which will remain as is.

The frontage and lot area non-conformities cannot be brought into compliance with the ordinance. The existing front yard non-conformity will be increased from existing, but only to the extent of two stairs which exceed 18 inches in height leading to the front door and covered porch. Otherwise, the front yard setback will remain at 5.8 feet. Compliance with the front yard setback would require sliding the proposed structure back almost ten feet and would compromise the modest back yard on the property. The right side yard setback will be in substantially greater compliance.

## **II. CRITERIA:**

The applicant believes the within Application meets the criteria necessary for the Board to grant the requested variances.

**Granting the requested variances will not be contrary to the spirit and intent of the ordinance nor will it be contrary to the public interest.** The "public interest" and "spirit and intent" requirements are considered together pursuant to Malachy Glen Associates v. Chichester, 152 NH 102 (2007). The test for whether or not granting a variance would be contrary to the public interest or contrary to the spirit and intent of the ordinance is whether or not the variance being granted would substantially alter the characteristics of the neighborhood or threaten the health, safety and welfare of the public.

The essentially residential characteristics of the neighborhood would not be altered by this project. The existing structure and lot are already non-compliant with frontage, lot area and front and side yard setback requirements, and the non-conformities resulting from this project will in no way compromise the neighborhood.

Were the variances to be granted, there would be no change in the essential characteristics of the neighborhood, nor would public health, safety or welfare be threatened in any way.

**Substantial justice would be done by granting the variance.** Whether or not substantial justice will be done by granting a variance requires the Board to conduct a

---

balancing test. If the hardship upon the owner/applicant outweighs any benefit to the general public in denying the variance, then substantial justice would be done by granting the variance. It is substantially just to allow a property owner the reasonable use of his or her property.

In this case, there is no benefit to the public in denying the variances that is not outweighed by the hardship upon the owner. One of the affected side setbacks is becoming very nearly fully compliant, and the others are substantially retaining the existing non-compliant conditions. The increase in building coverage, approximately 283 square feet, is entirely reasonable given the lot is less than two-thirds the required size.

The proposed new dwelling will encroach into the front yard setback, however it is consistent with the existing footprint of the main dwelling structure and compliance would effectively eliminate a substantial portion of the applicant's usable back yard. Accordingly, the loss to the applicant clearly outweighs any gain to the public if the applicant were required to conform to the ordinance.

**The values of surrounding properties will not be diminished by granting the variance.** The proposal will improve the streetscape along Clinton Street and will result in a brand new, code-compliant dwelling. This will increase the value of the applicant's property and those around it. The property will become substantially compliant with the right yard setback and eliminate the entry door and raised deck facing the neighbor to the right, which currently is the property most affected by the existing setback nonconformities. The values of surrounding properties will not be negatively affected in any way.

**There are special conditions associated with the property which prevent the proper enjoyment of the property under the strict terms of the zoning ordinance and thus constitute unnecessary hardship.** The property is non-conforming as to frontage, lot area, lot area per dwelling, and setbacks. The dwelling is oriented well to the front of the property, although the paved portion of the Clinton Street right of way is actually several feet further away from the dwelling. There is no proper front door facing Clinton Street.

**The use is a reasonable use.** The proposal is a residential use in a residential zone.

**There is no fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property.** The purpose of the setback requirements is to provide sufficient access, light, air and privacy, and physical separation between properties. None of these purposes are frustrated by this proposal. The front yard setback and left side yard setbacks will not encroach significantly more than they do now. The amount of additional building coverage proposed, approximately 283 square feet, is minimal and not out of character for this neighborhood.

Accordingly, the relief requested here would not in any way frustrate the purpose of the ordinance and there is no fair and substantial relationship between the purpose of the setback requirements and their application to this property.

**III. Conclusion.**

For the foregoing reasons, the applicant respectfully requests the Board grant the variances as requested and advertised.

Respectfully submitted,

Dated: February 28, 2023

By: *Chris Mulligan*  
Christopher P. Mulligan, Esquire



**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 09/21/2022  
Data updated 3/9/2022

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

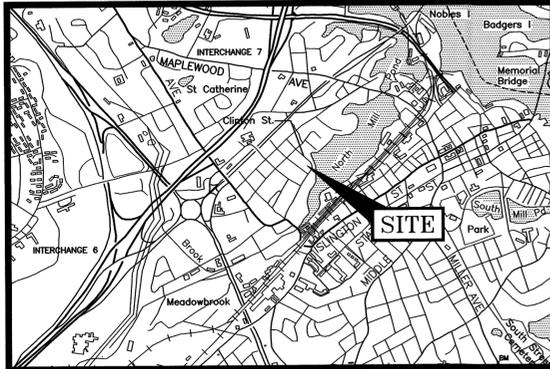
1" = 44.12544332677937 ft











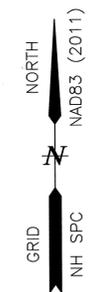
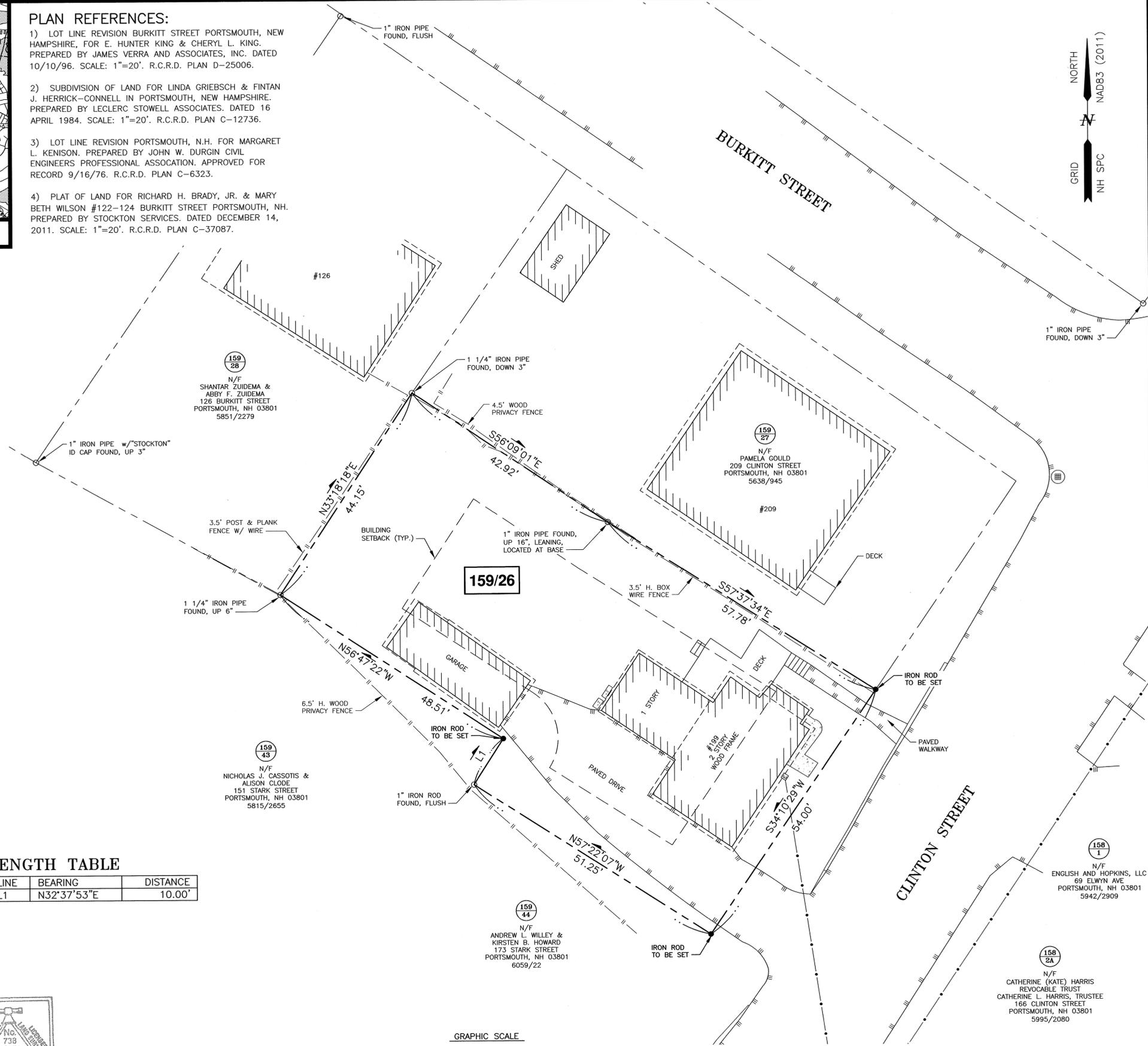
LOCATION MAP SCALE: 1" = 2,000'

**PLAN REFERENCES:**

- 1) LOT LINE REVISION BURKITT STREET PORTSMOUTH, NEW HAMPSHIRE, FOR E. HUNTER KING & CHERYL L. KING. PREPARED BY JAMES VERRA AND ASSOCIATES, INC. DATED 10/10/96. SCALE: 1"=20'. R.C.R.D. PLAN D-25006.
- 2) SUBDIVISION OF LAND FOR LINDA GRIEBSCH & FINTAN J. HERRICK-CONNELL IN PORTSMOUTH, NEW HAMPSHIRE. PREPARED BY LECLERC STOWELL ASSOCIATES. DATED 16 APRIL 1984. SCALE: 1"=20'. R.C.R.D. PLAN C-12736.
- 3) LOT LINE REVISION PORTSMOUTH, N.H. FOR MARGARET L. KENISON. PREPARED BY JOHN W. DURGIN CIVIL ENGINEERS PROFESSIONAL ASSOCIATION. APPROVED FOR RECORD 9/16/76. R.C.R.D. PLAN C-6323.
- 4) PLAT OF LAND FOR RICHARD H. BRADY, JR. & MARY BETH WILSON #122-124 BURKITT STREET PORTSMOUTH, NH. PREPARED BY STOCKTON SERVICES. DATED DECEMBER 14, 2011. SCALE: 1"=20'. R.C.R.D. PLAN C-37087.

**LEGEND:**

- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- R.C.R.D. ROCKINGHAM COUNTY REGISTER OF DEEDS MAP 11 / LOT 21
- BOUNDARY
- SETBACK
- RAILROAD SPIKE FOUND
- IRON ROD/PIPE FOUND
- DRILL HOLE FOUND
- STONE/CONCRETE BOUND FOUND
- IRON ROD SET



**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:**

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 159 AS LOT 26.
- 2) OWNER OF RECORD:  
 KATHERINE L. COOK  
 350 LITTLE HARBOR ROAD  
 PORTSMOUTH, NH 03801  
 6317/999
- 3) PARCEL NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE DATE JANUARY 29, 2021.
- 4) EXISTING LOT AREA:  
 4,917 S.F.  
 0.1129 ACRES
- 5) PARCEL IS LOCATED IN THE GENERAL RESIDENCE A (GRA) ZONING DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:
 

MIN. LOT AREA:	7,500 S.F.
FRONTAGE:	100 FEET
MIN. DEPTH:	70 FEET
SETBACKS:	FRONT 15 FEET
	SIDE 10 FEET
	REAR 20 FEET

 MAXIMUM STRUCTURE HEIGHT: 35 FEET  
 MAXIMUM BUILDING COVERAGE: 25%  
 MINIMUM OPEN SPACE: 30%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULTS OF A STANDARD BOUNDARY SURVEY ON ASSESSOR'S MAP 159 LOT 26 IN THE CITY OF PORTSMOUTH.

**LENGTH TABLE**

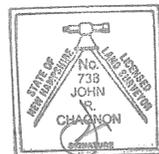
LINE	BEARING	DISTANCE
L1	N32°37'53"E	10.00'

**GRAPHIC SCALE**



"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."

JOHN R. CHAGNON, LLS 738 DATE 2.16.22



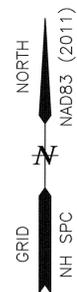
NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	2/16/22

**STANDARD BOUNDARY SURVEY  
 TAX MAP 159 - LOT 26**

OWNER:  
**KATHERINE COOK**  
 199 CLINTON STREET  
 CITY OF PORTSMOUTH  
 COUNTY OF ROCKINGHAM  
 STATE OF NEW HAMPSHIRE



LOCATION MAP SCALE: 1" = 200'



**NOTES:**

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 159 AS LOT 26.
- 2) OWNER OF RECORD:  
 KATHERINE L. COOK  
 350 LITTLE HARBOR ROAD  
 PORTSMOUTH, NH 03801  
 6317/999
- 3) PARCEL NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE DATE JANUARY 29, 2021.
- 4) EXISTING LOT AREA:  
 4,917 S.F.  
 0.1129 ACRES
- 5) PARCEL IS LOCATED IN THE GENERAL RESIDENCE A (GRA) ZONING DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:  

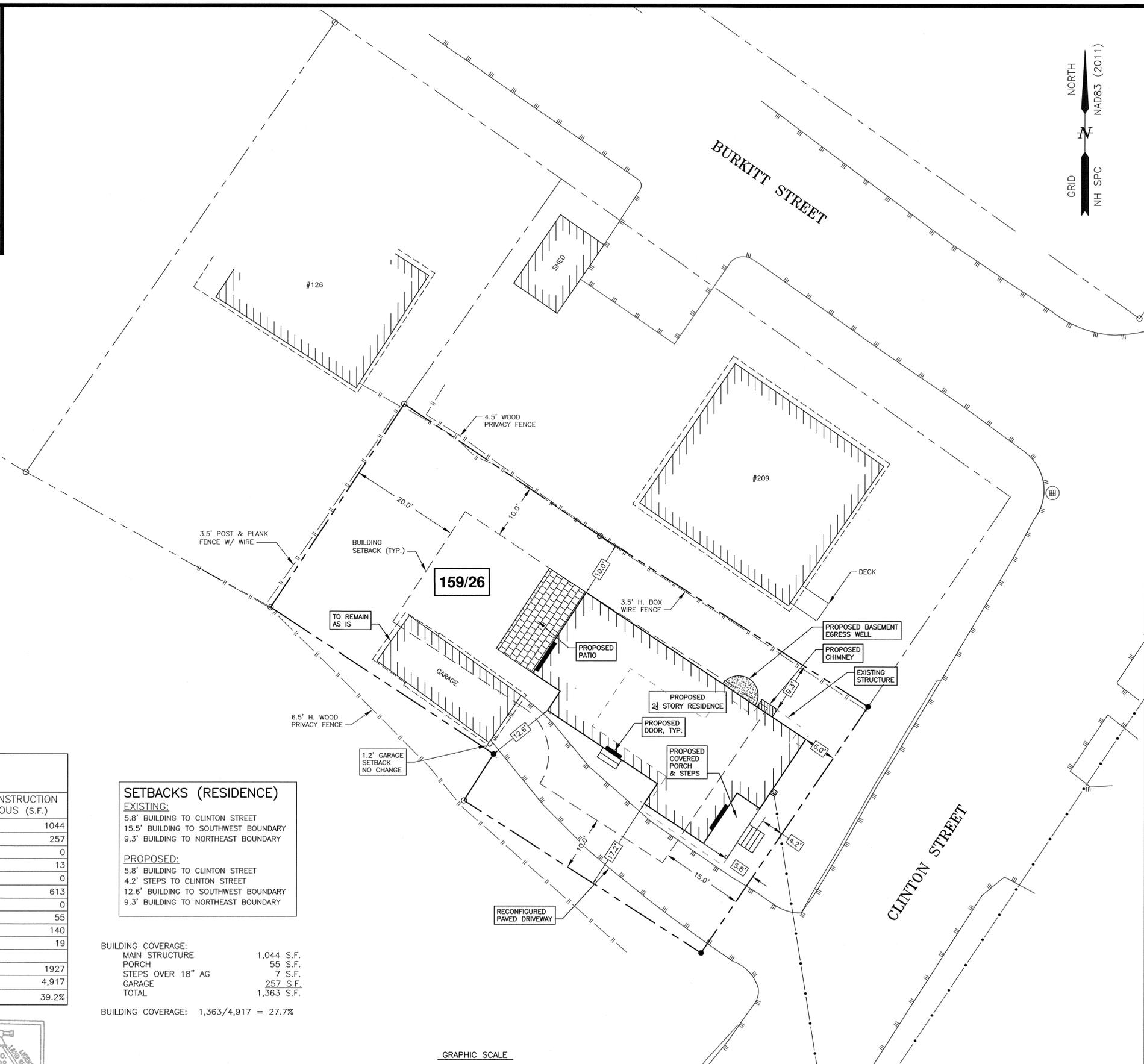
MIN. LOT AREA:	7,500 S.F.
FRONTAGE:	100 FEET
MIN. DEPTH:	70 FEET
SETBACKS:	FRONT 15 FEET
	SIDE 10 FEET
	REAR 20 FEET

MAXIMUM STRUCTURE HEIGHT:	35 FEET
MAXIMUM BUILDING COVERAGE:	25%
MINIMUM OPEN SPACE:	30%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED REPLACEMENT STRUCTURE ON ASSESSOR'S MAP 159 LOT 26 IN THE CITY OF PORTSMOUTH.
- 8) PROPOSED BUILDING FROM PLANS BY TW-DESIGNS DATED 12/6/22.

**LEGEND:**

- |      |                                    |
|------|------------------------------------|
| N/F  | NOW OR FORMERLY                    |
| RP   | RECORD OF PROBATE                  |
| SCRD | STRAFFORD COUNTY REGISTRY OF DEEDS |
|      | MAP 11 / LOT 21                    |
|      | BOUNDARY                           |
|      | SETBACK                            |
|      | RAILROAD SPIKE FOUND               |
|      | IRON ROD/PIPE FOUND                |
|      | DRILL HOLE FOUND                   |
|      | STONE/CONCRETE BOUND FOUND         |
|      | RAILROAD SPIKE SET                 |
|      | IRON ROD SET                       |
|      | DRILL HOLE SET                     |
|      | GRANITE BOUND SET                  |
|      | EDGE OF PAVEMENT (EP)              |
|      | OVERHEAD ELECTRIC/WIRES            |
|      | CONTOUR                            |
|      | WATER GATE VALVE                   |
|      | HYDRANT                            |
|      | CATCH BASIN                        |
|      | SEWER MANHOLE                      |
|      | DRAIN MANHOLE                      |
|      | SIGNS                              |
|      | UTILITY POLE (w/ GUY)              |
|      | METER (GAS, WATER, ELECTRIC)       |
|      | TYP.                               |
|      | LSA                                |
|      | VGC                                |
|      | TBM                                |
|      | FF                                 |



**STRUCTURE REPLACEMENT  
 COOK RESIDENCE  
 199 CLINTON STREET  
 PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
2	REVISED STEPS	2/23/23
1	ADD GARAGE SETBACK	1/6/23
0	ISSUED FOR COMMENT	1/4/23

REVISIONS	
NO.	DESCRIPTION

SCALE: 1"=10' DECEMBER 2022

VARIANCE PLAN **C1**

**IMPERVIOUS SURFACE AREAS (TO PROPERTY LINE)**

STRUCTURE	PRE-CONSTRUCTION IMPERVIOUS (S.F.)	POST-CONSTRUCTION IMPERVIOUS (S.F.)
MAIN BUILDING	678	1044
GARAGE	257	257
DECK	137	0
STAIRS	15	13
WALKWAYS	62	0
PAVEMENT	763	613
CONCRETE	4	0
PORCH	0	55
PATIO	0	140
GRAVEL	0	19
TOTAL	1916	1927
LOT SIZE	4,917	4,917
% LOT COVERAGE	39.0%	39.2%

**SETBACKS (RESIDENCE)**

**EXISTING:**  
 5.8' BUILDING TO CLINTON STREET  
 15.5' BUILDING TO SOUTHWEST BOUNDARY  
 9.3' BUILDING TO NORTHEAST BOUNDARY

**PROPOSED:**  
 5.8' BUILDING TO CLINTON STREET  
 4.2' STEPS TO CLINTON STREET  
 12.6' BUILDING TO SOUTHWEST BOUNDARY  
 9.3' BUILDING TO NORTHEAST BOUNDARY

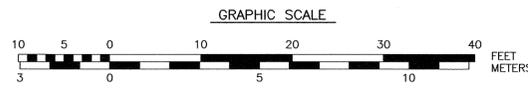
**BUILDING COVERAGE:**

MAIN STRUCTURE	1,044 S.F.
PORCH	55 S.F.
STEPS OVER 18" AG	7 S.F.
GARAGE	257 S.F.
TOTAL	1,363 S.F.

BUILDING COVERAGE: 1,363/4,917 = 27.7%

"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."

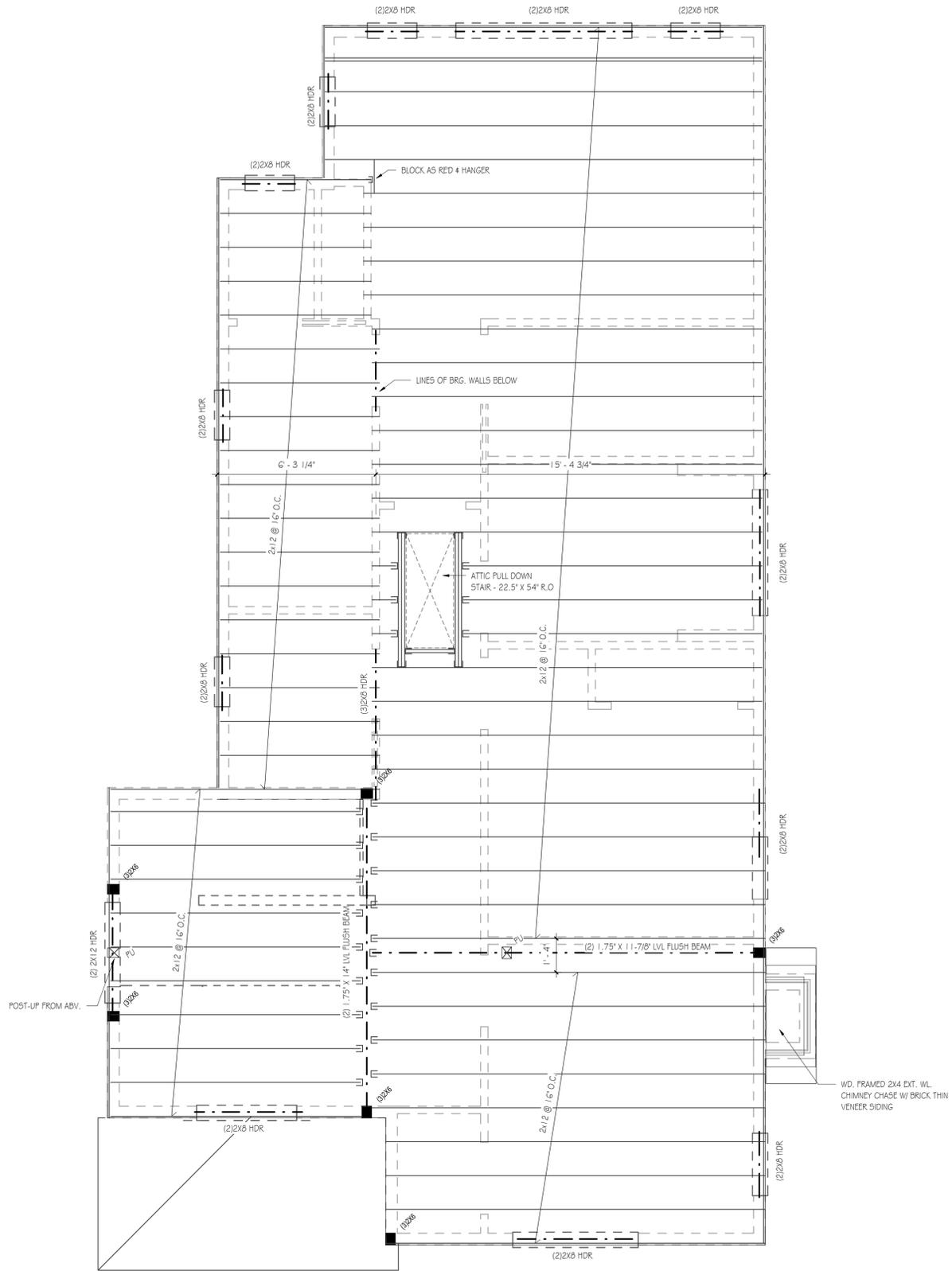
JOHN R. CHAGNON, LLS 738  
 DATE 2.23.23



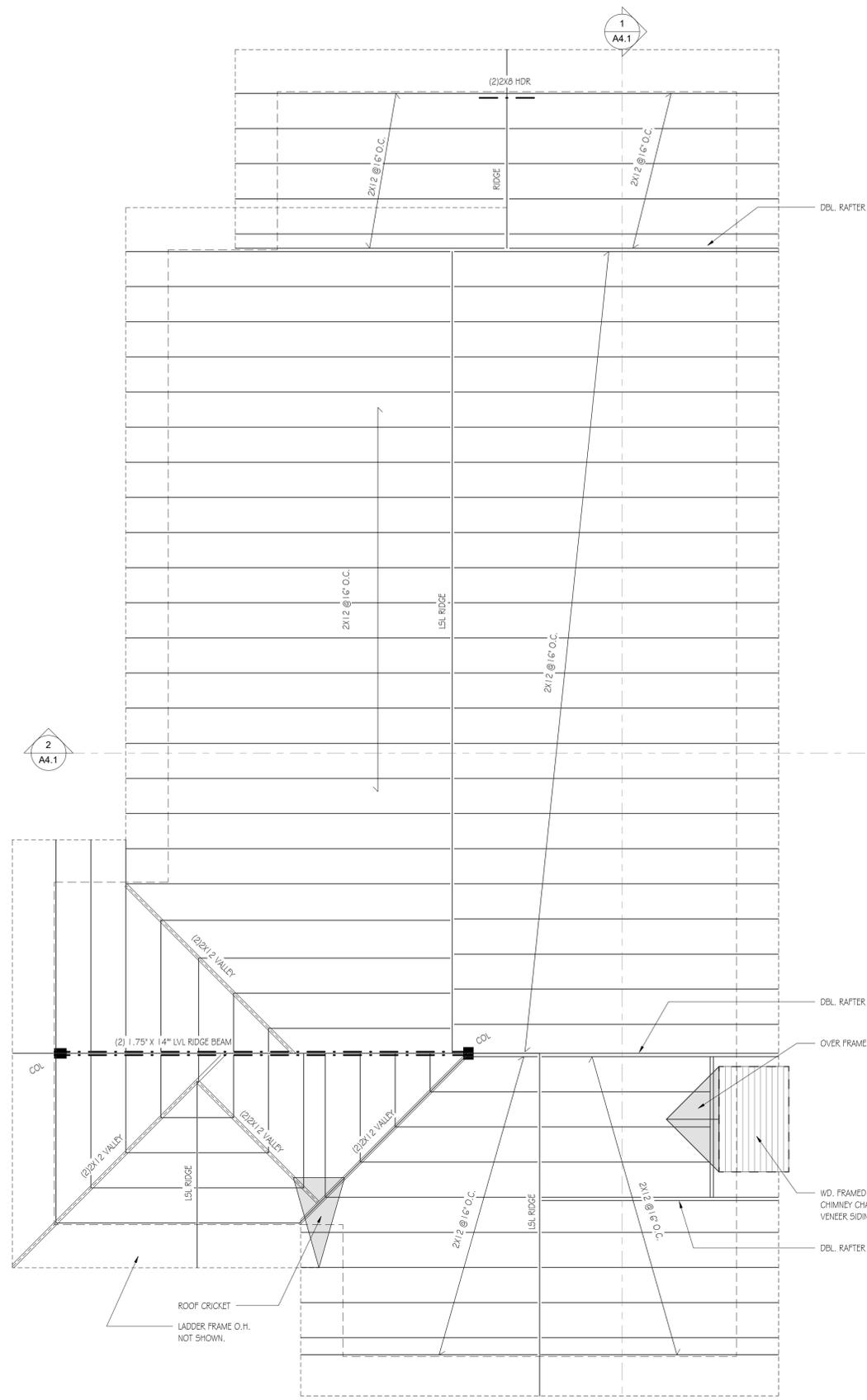
J:\0853\1N\_3400\3420\3421\2022\_Survey\Plans & Specs\Site\3421\_Site\_2022.dwg, 2/23/2023 11:25:33 AM, Canon TX-3000.pcl







1 ATTIC FRAMING PLAN  
3/8" = 1'-0"



2 ROOF FRAMING PLAN  
3/8" = 1'-0"

- STRUCTURAL GENERAL NOTES:**
1. TYPICAL INTERIOR CONC. FOOTINGS SHALL BE MINIMUM 3'X3'1" W/ (3) #5S EACH WAY @ BOTTOM
  2. FOUNDATION FOOTINGS TO BE CONT. 6'X16" W/ (3) #5S CONT. @ BOTTOM (B.O.F. @ 48" BELOW GRADE)
  3. PROVIDE 2x4 KEYWAY @ FOOTING TO FOUNDATION WALL
  4. FOUNDATION WALLS TO BE 8" THICK W/ (2) #5S CONT. @ TOP & BOTTOM
  5. ALL FLOOR JOISTS SHALL BE 2x12 K.D. SPP No. 1 / No. 2 @ 16" O.C., U.N.O.
  6. ALL INTERIOR BEARING WALLS TO BE 2x6 K.D. WD. STUDS @ 16" O.C. #2 OR BETTER
  7. ALL FLOOR SHEATHING SHALL BE 3/4" PLYWOOD TAG GLED & NAILED TO WD. JOISTS
  8. INSTALL BOOM HOLD DOWN IN EXT. WALL CORNERS W/ LESS THAN 48" OF CONT. WALL SHEATHING
  9. ALL WINDOW & DOOR HEADERS NOT DESIGNATED ON PLANS SHALL BE (2) 2x6 SPP No. 1 OR BETTER
  10. SILL PLATE ANCHORS SHALL BE 10" LONG "J" GALV. BOLTS W/ 8" EMBEDMENT, SPACED 4' - 0" O.C. MAX. W/ MAX. 12" FROM CORNER, MIN. (2) BOLTS PER PLATE
  11. PROVIDE CONT. SILL SEAL MATL. UNDER P.T. WD. SILL PLATE
  12. PROVIDE DOUBLE JACK STUDS ON OPENINGS LARGER THAN 4' - 0"
  13. PROVIDE STR. COLUMN BASE CONNECTORS @ ALL COLUMN BASES, TYP. G.C. TO COORDINATE, SIMPSON OR EQ.
  14. PROVIDE STR. COLUMN CAP CONNECTORS @ ALL COLUMN TO BEAM CONNECTIONS, TYP. G.C. TO COORDINATE, SIMPSON OR EQ.

No.	Description	Date
	Revision Schedule	

Project Info:  
**Cook Residence**  
  
199 Clinton St.  
Portsmouth, NH

Sheet Status:  
Latest Release:  
Issued For: FOR CONSTRUCTION  
Orig. Issue Date: FEB 7, 2023  
JOB NO: 22038  
DRAFTED: Author  
CHECKED: Checker  
SCALE: As indicated

Sheet Title:  
**FRAMING PLANS**

Sheet Number:  
**S1.2**

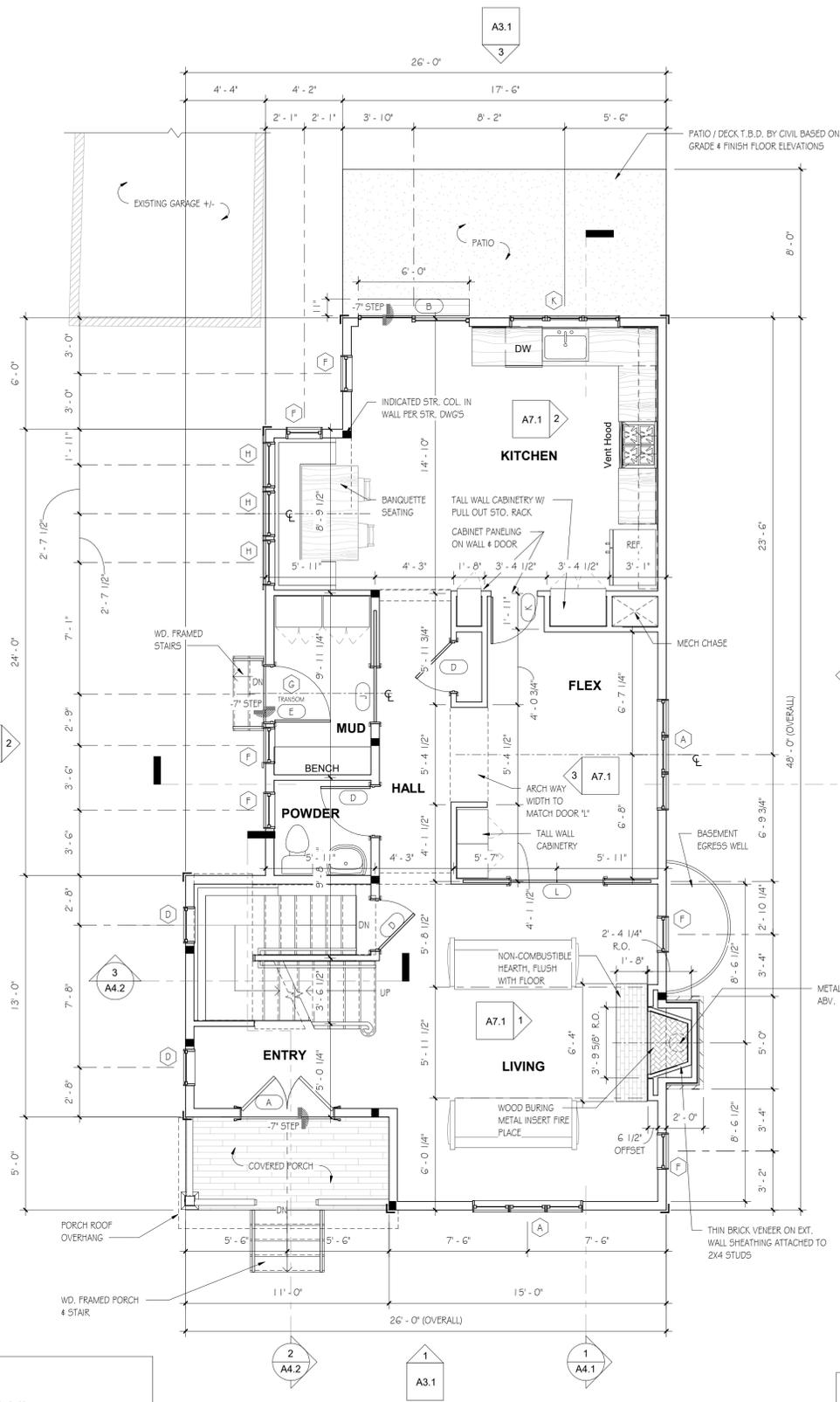
**ENVIRONMENTAL LOADS:**  
1. GROUND SNOW LOADS FOR PORTSMOUTH, NH SHALL BE 50lbs./S.F. PER GROUND.  
A. AS DETERMINED BY THE SNOW LOADS FOR NEW HAMPSHIRE ERDC/CRREL TR-02-6  
2. ALL FRAMING & STR. FRAMING MEMBERS SHALL BE SIZED TO MEET REQ. 90 M.P.H. WIND LOADING

**DESIGNED INSULATION VALUES:**  
ROOF & ATTIC R-38 SPRAY FOAM INSULATION  
FLOORS R-30 SPRAY FOAM INSULATION  
WALLS (ABV. GRADE) R-21 SPRAY FOAM INSULATION  
FND. WALL (BELOW GRADE) R-15 CONT. RIGID INSUL.  
\* RIGID INSULATION IN CONTACT WITH CONC. OR GROUND SHALL BE XPS W/ A MIN. OF R-5 PER IN.

**TYPICAL EXTERIOR WALL ASSEMBLY:**  
• EXTERIOR SIDING PER ELEVATION  
• AIR INFILTRATION BARRIER  
• 1/2" PLYWOOD SHEATHING  
• 2x6 K.D. WD. STUDS @ 16" O.C.  
• R-21 SPRAY FOAM INSULATION @ ALL WALL CAVITIES  
• 1/2" GWB, PTD. (1 COAT PRIMER & 2 COATS PAINT)

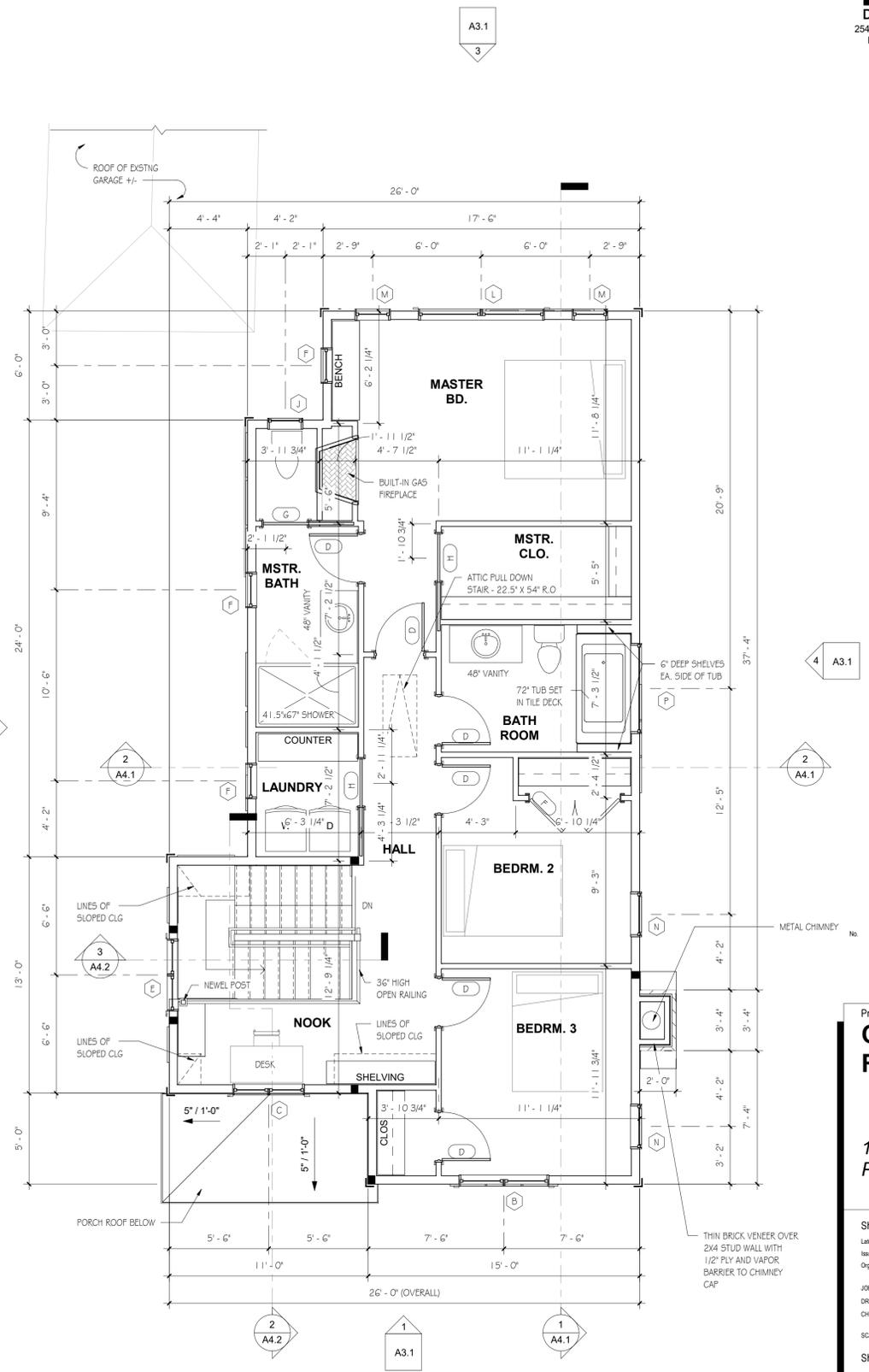
**TYPICAL FLOOR ASSEMBLY:**  
• 3/4" T&G PLYWOOD FLOOR SHEATHING GLUED & SCREWED TO JOISTS  
• 2x12 K.D. WD. FLOOR JOISTS @ 16" O.C.  
• R-30 SPRAY FOAM INSULATION @ ALL FIRST FLOOR JOIST BAYS  
• 1x3 WD. STRAPPING @ 16" O.C.  
• PTD. 1/2" G.W.B.

**GENERAL NOTES:**  
1. ALL DOOR SIZES SHOWN INDICATE SLAB SIZES, NOT R.O. (REFER TO SHEET A6.1 FOR MORE INFO ON EXT. DOORS)  
2. ALL DOOR STYLES, MATERIALS, FINISHES & TYPES SHALL BE SELECTED BY OWNER & COORDINATED W/ CONTRACTOR  
3. ALL WINDOWS W/ FALL HEIGHT TO GRADE GREATER THAN 6 FEET FROM WINDOW SILL MUST HAVE MIN. SILL HEIGHT OF 24" OR GREATER.  
4. ALL TEMPERED GLAZING LOCATIONS SHALL BE COORDINATED WITH THE G.C. & WINDOW SUPPLIER PRIOR TO WINDOW ORDER PLACEMENT.  
5. ALL BEDROOMS SHALL HAVE AT LEAST ONE EMERGENCY EGRESS WINDOW. G.C. SHALL COORDINATE W/ WINDOW SUPPLIER PRIOR TO ORDER PLACEMENT.  
6. ALL ELECTRICAL FIXTURES & LIGHTING FIXTURES SHALL BE SELECTED BY OWNER & COORDINATED W/ CONTRACTOR  
7. ALL MECHANICAL SYSTEMS & FIXTURES SHALL BE SELECTED BY OWNER & COORDINATED W/ CONTRACTOR  
8. ALL PLUMBING FIXTURES SHALL BE SELECTED BY OWNER & COORDINATED W/ CONTRACTOR  
9. ALL INTERIOR FINISH WORK, MILLWORK, FLOORING, ETC. SHALL BE SELECTED BY OWNER & COORDINATED W/ CONTRACTOR  
10. ALL ROOF OVERHANGS SHALL HAVE PERFORATED SOFFIT MATL. TO ALLOW VENTING (REFER TO VENTING CALCULATIONS)  
11. ALL ROOF RIDGES SHALL HAVE CONT. RIDGE VENTS, HOLD ROOF SHEATHING BACK AS REQD. (REFER TO VENTING CALCULATIONS)  
12. ALL WET OR HIGH HUMIDITY ROOMS TO HAVE MOISTURE RESISTANT GWB, PTD.  
13. VAPOR BARRIER USED @ INSIDE FACE OF EXT. WALLS & @ CEILING FASTENED TO UNDERSIDE OF ROOF RAFTERS SHALL BE 6 MIL POLY TYPE I OR II  
14. RIDGE VENT CALCULATIONS BASED ON COBRA EXHAUST VENT W/ 14.1 SQ. IN. NET FREE AREA (NFA) MIN.  
15. EAVE VENTS BASED ON CERTAINTED VINYL CARPENTRY UNIVERSAL SOFFIT TRIPLE 4" FULLY VENTED W/ 5.9 SQ. IN. NET FREE AREA (NFA) MIN.  
16. ALL DIMENSIONS ARE PULLED FROM OUTSIDE FACE OF FRAMING @ EXTERIOR WALLS & CENTER OF FRAMING @ ALL INTERIOR WALLS (U.N.O.)



1 FIRST FLOOR  
1/4" = 1'-0"

**SQUARE FOOTAGE:**  
FIRST FLOOR - 1,044 S.F.  
SECOND FLOOR - 1,044 S.F.  
TOTAL S.F. - 2,088 S.F.



2 SECOND FLOOR  
1/4" = 1'-0"

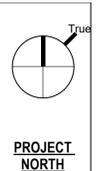
Project Info:  
**Cook Residence**

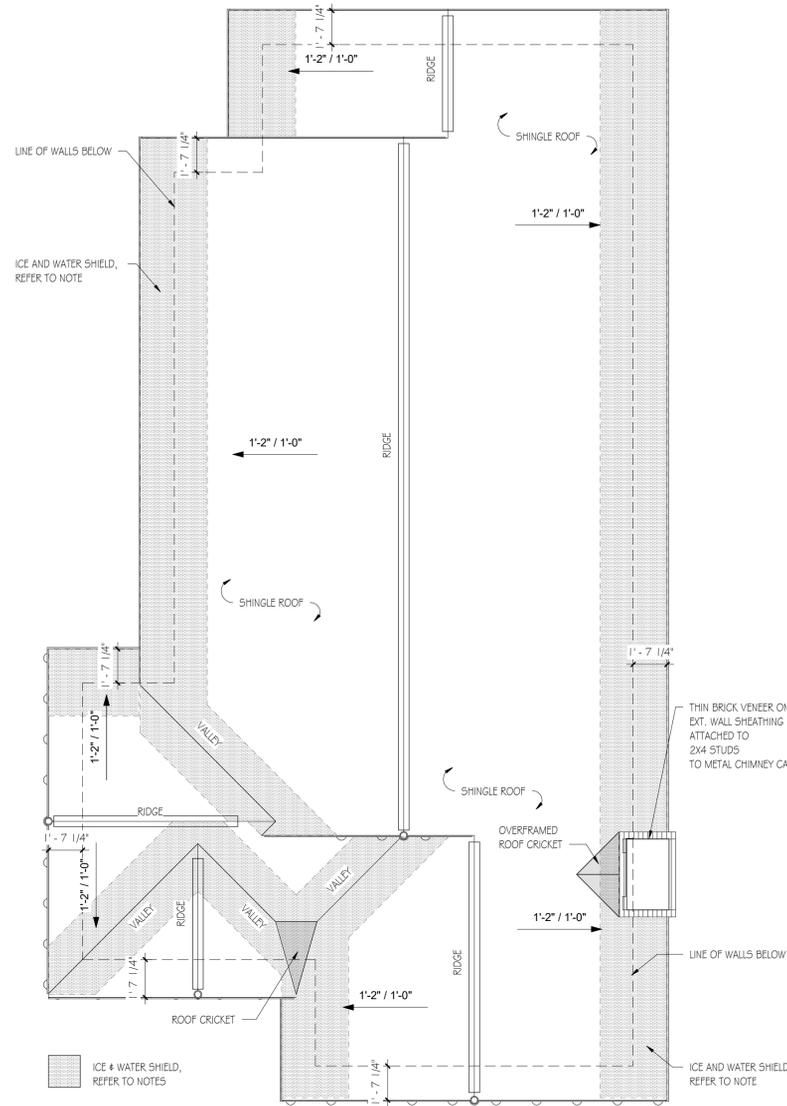
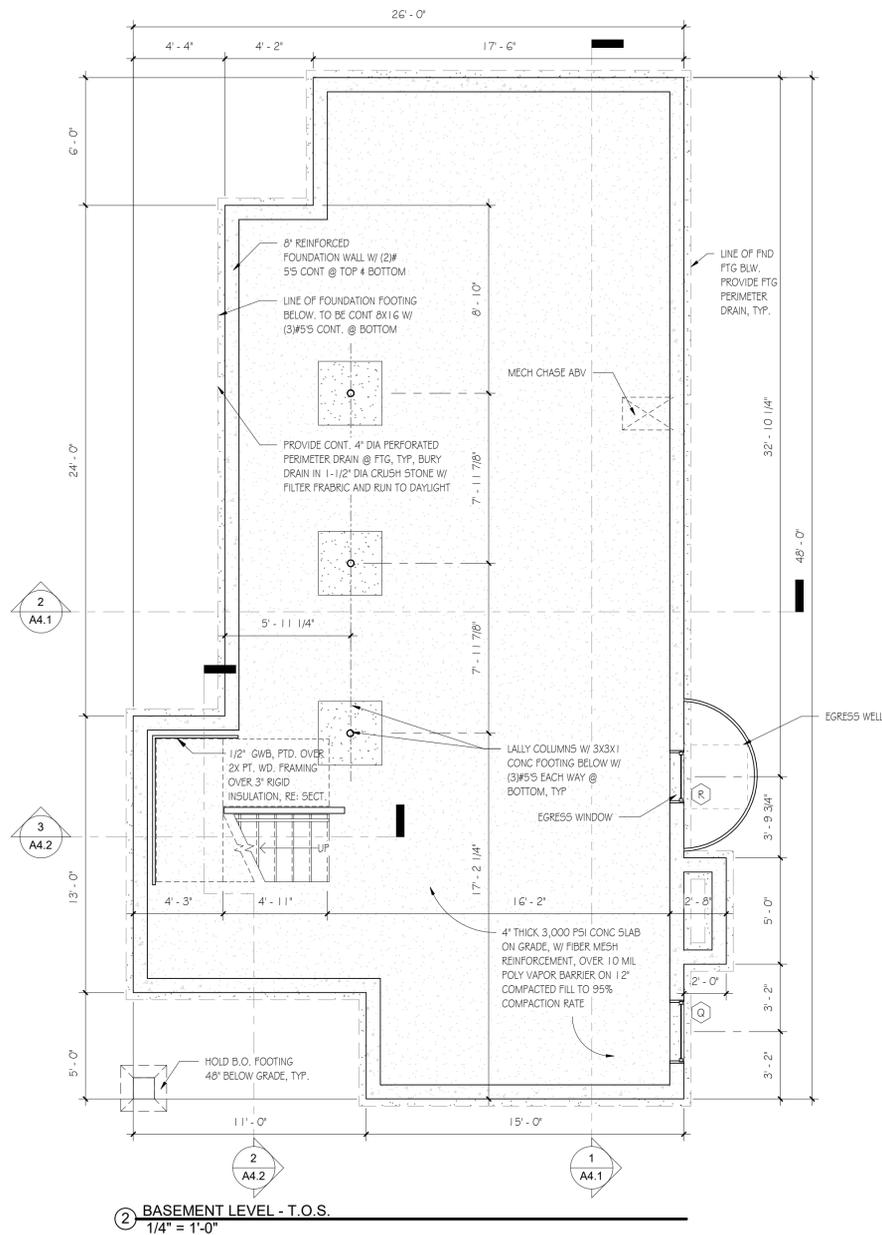
199 Clinton St.  
Portsmouth, NH

Sheet Status:  
Latest Release: FOR CONSTRUCTION  
Issued For: FEB 7, 2023  
Orig. Issue Date:  
JOB NO: 22038  
DRAFTED: JMT  
CHECKED: Checker  
SCALE: 1/4" = 1'-0"

Sheet Title:  
**FIRST & SECOND FLOOR PLANS**

Sheet Number:  
**A1.1**





ROOF VENTING CALCULATIONS: PROVIDE ATTIC VENTING EVEN THOUGH NOT INSULATED

ROOF	AREA	REQD VENTED AREA	PROVIDED VENTED AREA			TOTAL VENTED AREA PROVIDED
			RIDGEVENTS <sup>1</sup>	EAVES <sup>2</sup>	MUSHROOMS <sup>3</sup>	
ROOF	1,284 SF	8.56 SF	6.27 5.F.	3.99 5.F.	NA	10.26 5.F.

(ROOF AREA / 150 = REQD. VENTED AREA PER IRC 2018 R306.2)

**ROOF VENTING NOTES:**

- RIDGE VENT CALCULATIONS BASED ON COBRA EXHAUST VENT W/ 14.1 SQ. IN. NET FREE AREA (NFA) MIN.
- EAVE VENTS BASED ON CERTAINTED VINYL CARPENTRY UNIVERSAL SOFFIT TRIPLE 4" FULLY VENTED W/ 5.9 SQ. IN. NET FREE AREA (NFA) MIN.
- MUSHROOM STYLE VENTS BASED ON AIRHAWK 5LP SLANT BLACK PLASTIC VENT W/ 6.1 SQ. IN. NET FREE AREA (NFA)

**ICE & WATER SHIELD NOTES:**

- APPLY FIRST SHEET OF CONT. 3'-0" WIDE ICE & WATER SHIELD STARTING @ EDGE OF EAVE.
- APPLY SECOND LAYER FURTHER UP ROOF W/ 6" OVERLAP OVER FIRST LAYER.
- APPLY (1) CONT. SHEET OF ICE & WATER SHIELD @ EACH SIDE OF ROOF VALLEYS. RUN SHEETS UP FROM EDGE OF EAVE TO RIDGE.
- ICE & WATER SHIELD SHALL OVERLAP 6" @ VALLEY ALLOWING SHEETS TO EXTEND OUT ON ROOF 30" ON EACH SIDE.

**ENVIRONMENTAL LOADS:**

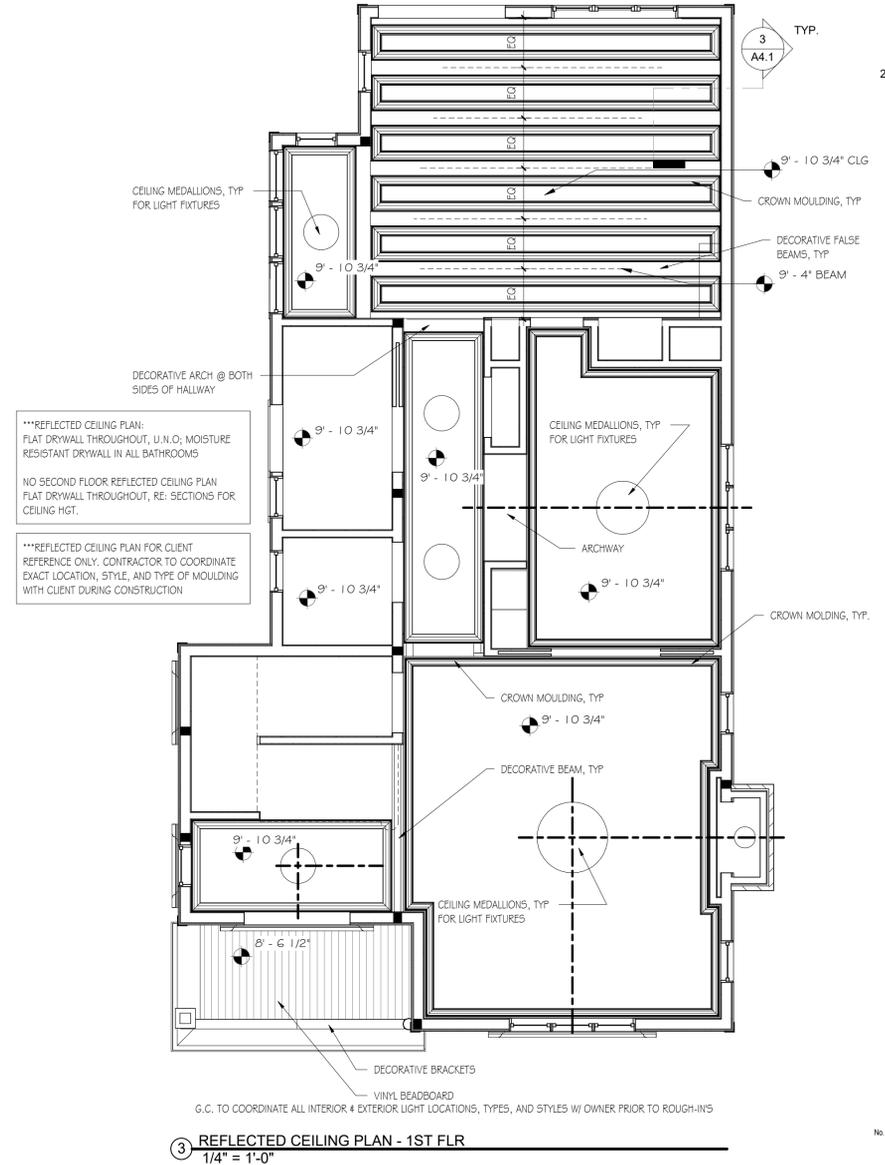
- GROUND SNOW LOADS FOR PORTSMOUTH, NH SHALL BE 50lb/5.F. PER GROUND.
  - AS DETERMINED BY THE SNOW LOADS FOR NEW HAMPSHIRE ERDCRREL TR-02-G
- ALL FRAMING & STR. FRAMING MEMBERS SHALL BE SIZED TO MEET REQD. 90 M.P.H. WIND LOADING

**DESIGNED INSULATION VALUES:**

ROOF & ATTIC R-38 SPRAY FOAM INSULATION  
 FLOORS R-30 SPRAY FOAM INSULATION  
 WALLS (ABV. GRADE) R-21 SPRAY FOAM INSULATION  
 FND. WALL (BELOW GRADE) R-15 CONT. RIGID INSUL  
 \* RIGID INSULATION IN CONTACT WITH CONC. OR GROUND SHALL BE XPS W/ A MIN. OF R-5 PER IN.

**TYPICAL ROOF ASSEMBLY:**

- ROOF SHINGLES / CLADDING PER ROOF PLAN
- 1.5# ROOFING FELT PAPER
- (2) ROWS ICE & WATER SHIELD UP ROOF EAVES (W/ 6" OVERLAP)
- RAFTERS PER PLAN, SECURED TO PLATES W/ HURRICANE TIES
- R-38 CLOSED CELL SPRAY FOAM



No.	Description	Date
	Revision Schedule	

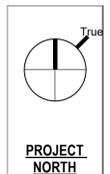
Project Info:  
**Cook Residence**

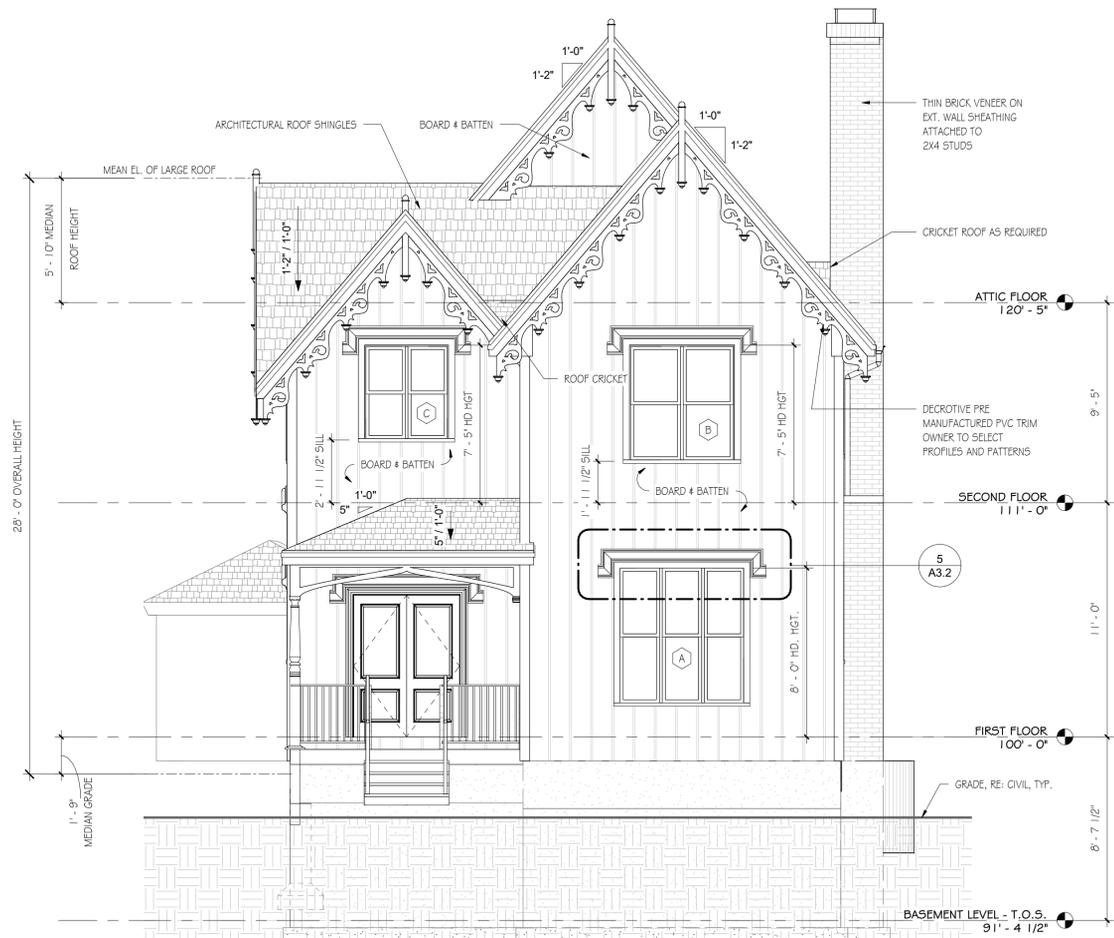
199 Clinton St.  
Portsmouth, NH

Sheet Status:  
 Latest Release: FOR CONSTRUCTION  
 Issued For: FEB 7, 2023  
 Orig. Issue Date:  
 JOB NO: 22038  
 DRAWN: JMT  
 CHECKED: Checker  
 SCALE: 1/4" = 1'-0"

Sheet Title:  
**BSMNT, ROOF, & RFLCTD CLNG PLNS & WNDW SCHDLE & NOTES**

Sheet Number:  
**A1.2**

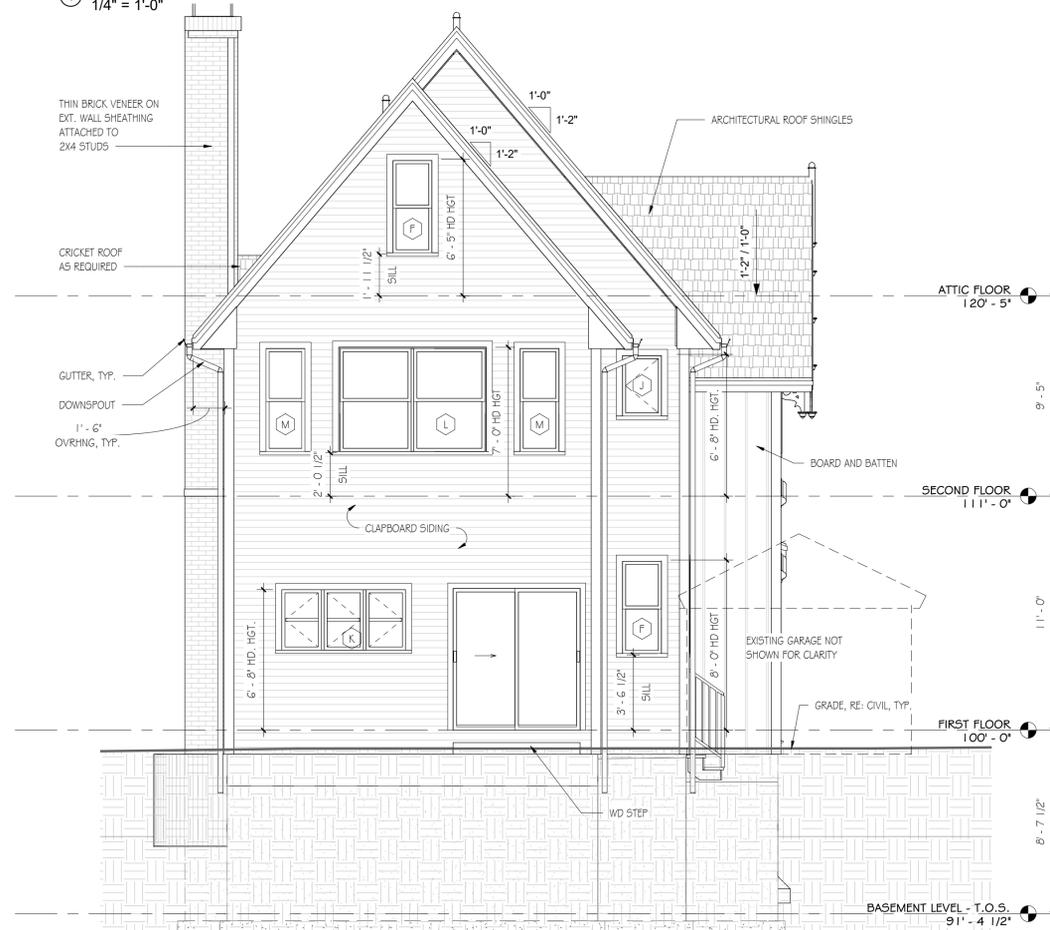




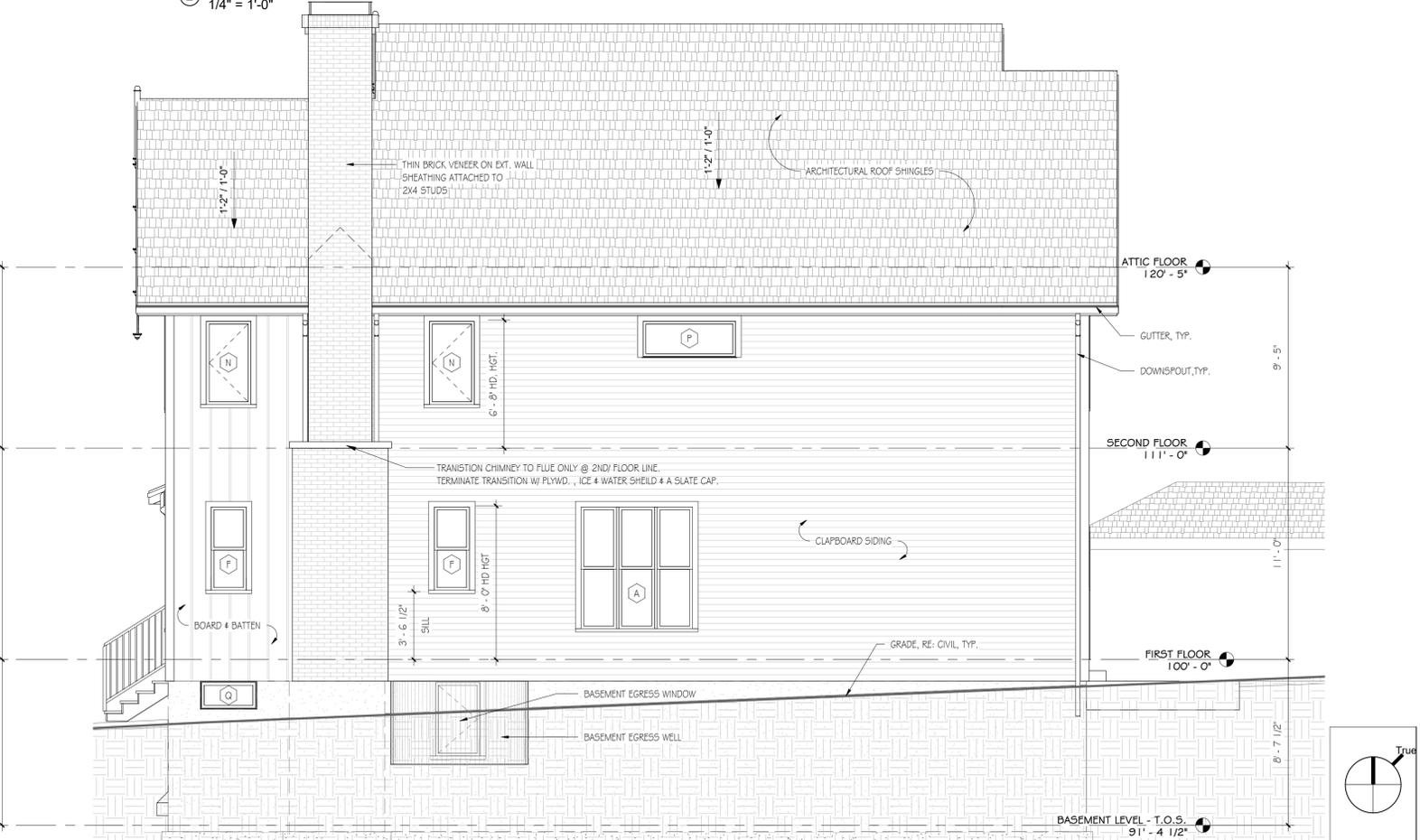
1 South  
1/4" = 1'-0"



2 West  
1/4" = 1'-0"



3 North  
1/4" = 1'-0"



4 East  
1/4" = 1'-0"

No.	Description	Date
	Revision Schedule	

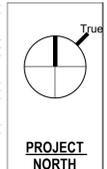
Project Info:  
**Cook Residence**

199 Clinton St.  
Portsmouth, NH

Sheet Status:  
Latest Release:  
Issued For: FOR CONSTRUCTION  
Orig. Issue Date: FEB 7, 2023  
JOB NO: 22038  
DRAFTED: JMT  
CHECKED: Checker  
SCALE: 1/4" = 1'-0"

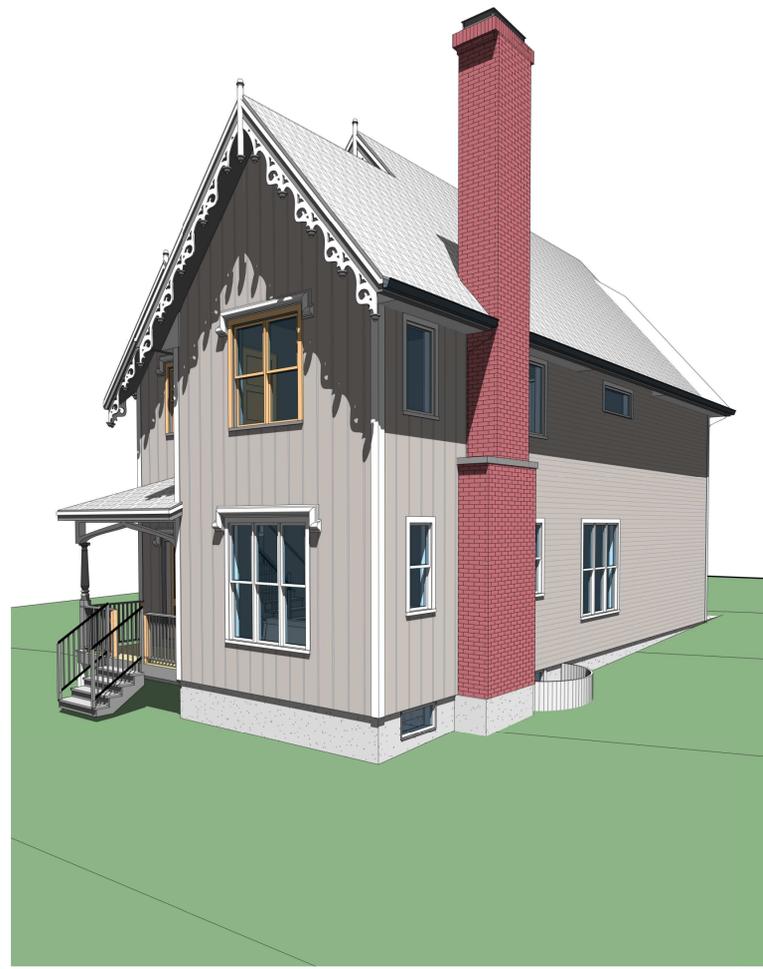
Sheet Title:  
**ELEVATIONS**

Sheet Number:  
**A3.1**





① Street View West



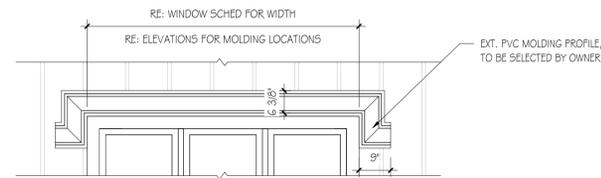
② Street View East



③ Street View Front



④ Driveway View Garage



⑤ WINDOW TRIM HOOD DTL  
1/2" = 1'-0"

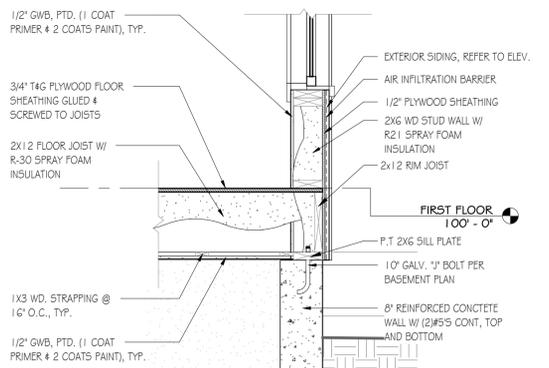
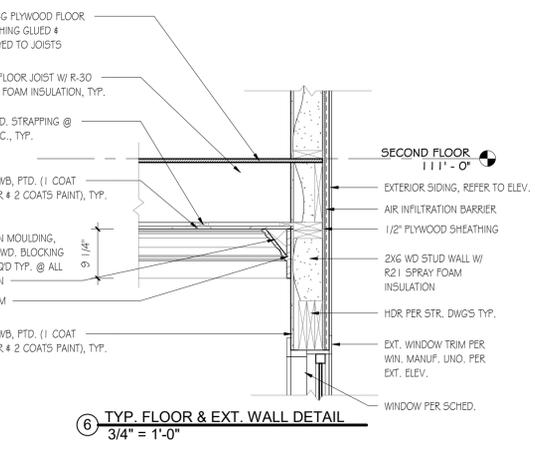
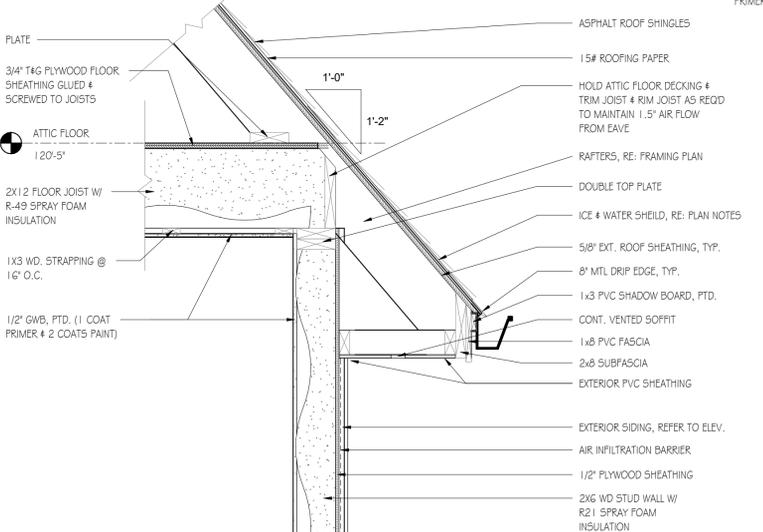
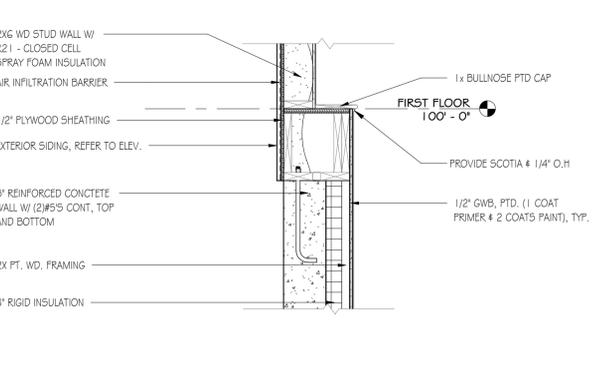
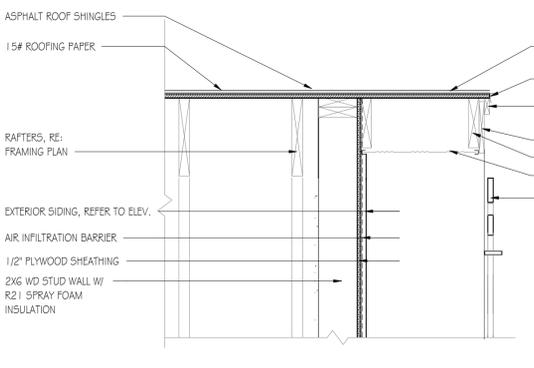
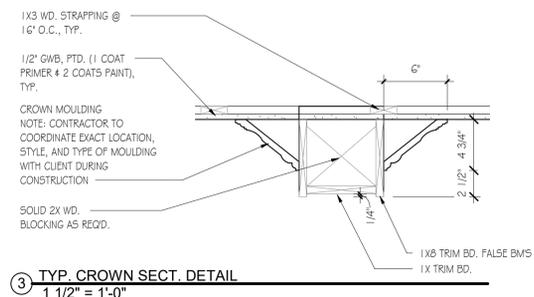
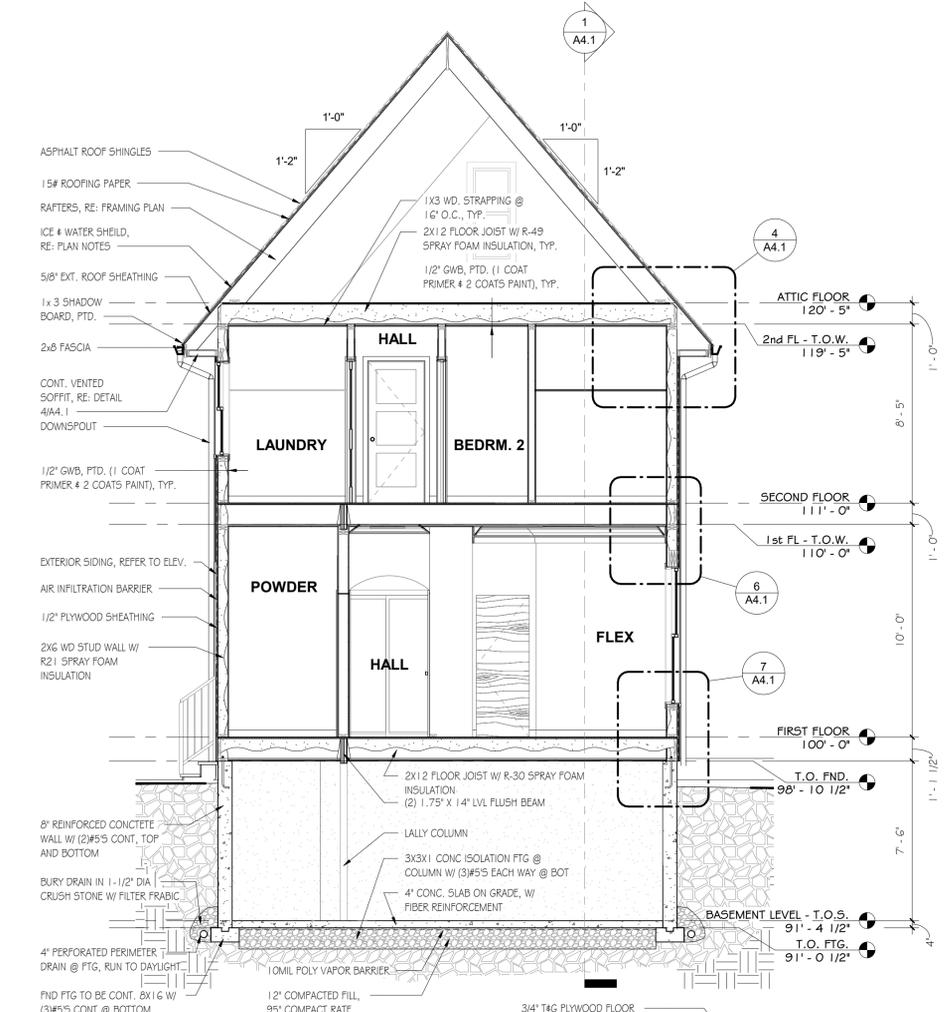
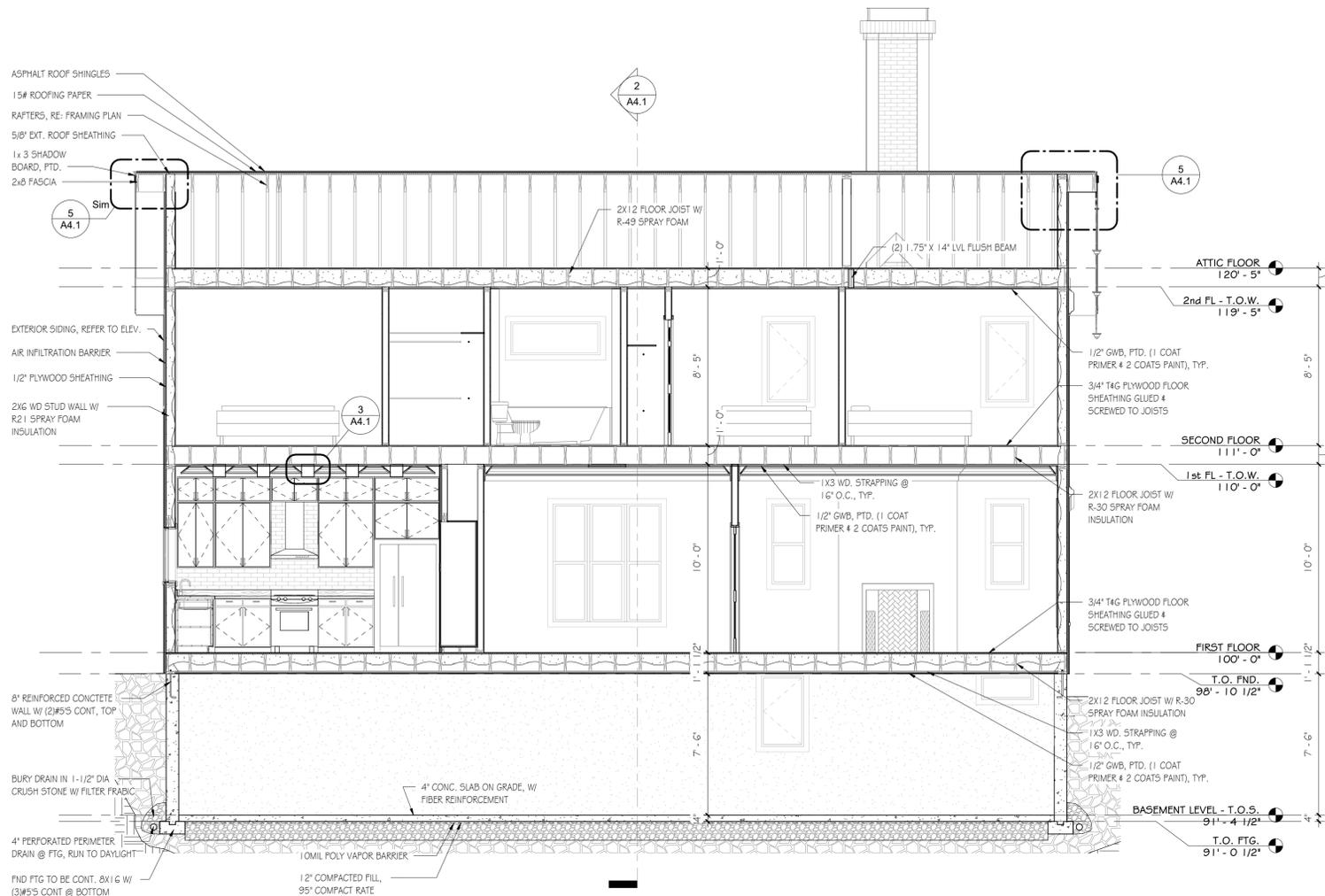
No.	Description	Date
Revision Schedule		

Project Info:  
**Cook Residence**  
  
199 Clinton St.  
Portsmouth, NH

Sheet Status:  
Latest Release:  
Issued For: FOR CONSTRUCTION  
Orig. Issue Date: FEB 7, 2023  
JOB NO: 22038  
DRAFTED: Author  
CHECKED: Checker  
SCALE: 1/2" = 1'-0"

Sheet Title:  
**EXTERIOR 3D VIEWS**

Sheet Number:  
**A3.2**



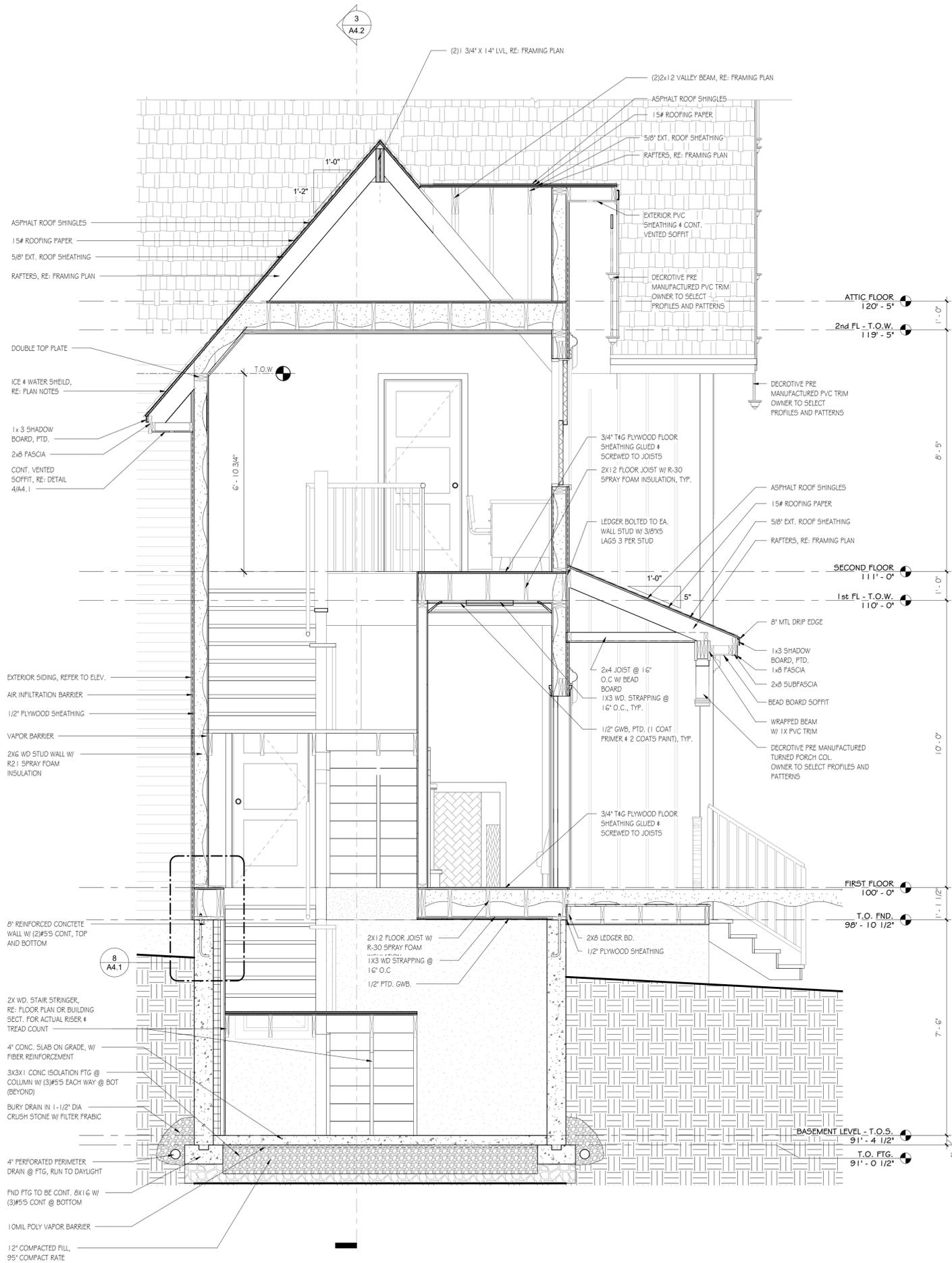
No.	Description	Date
	Revision Schedule	

Project Info:  
**Cook Residence**  
199 Clinton St.  
Portsmouth, NH

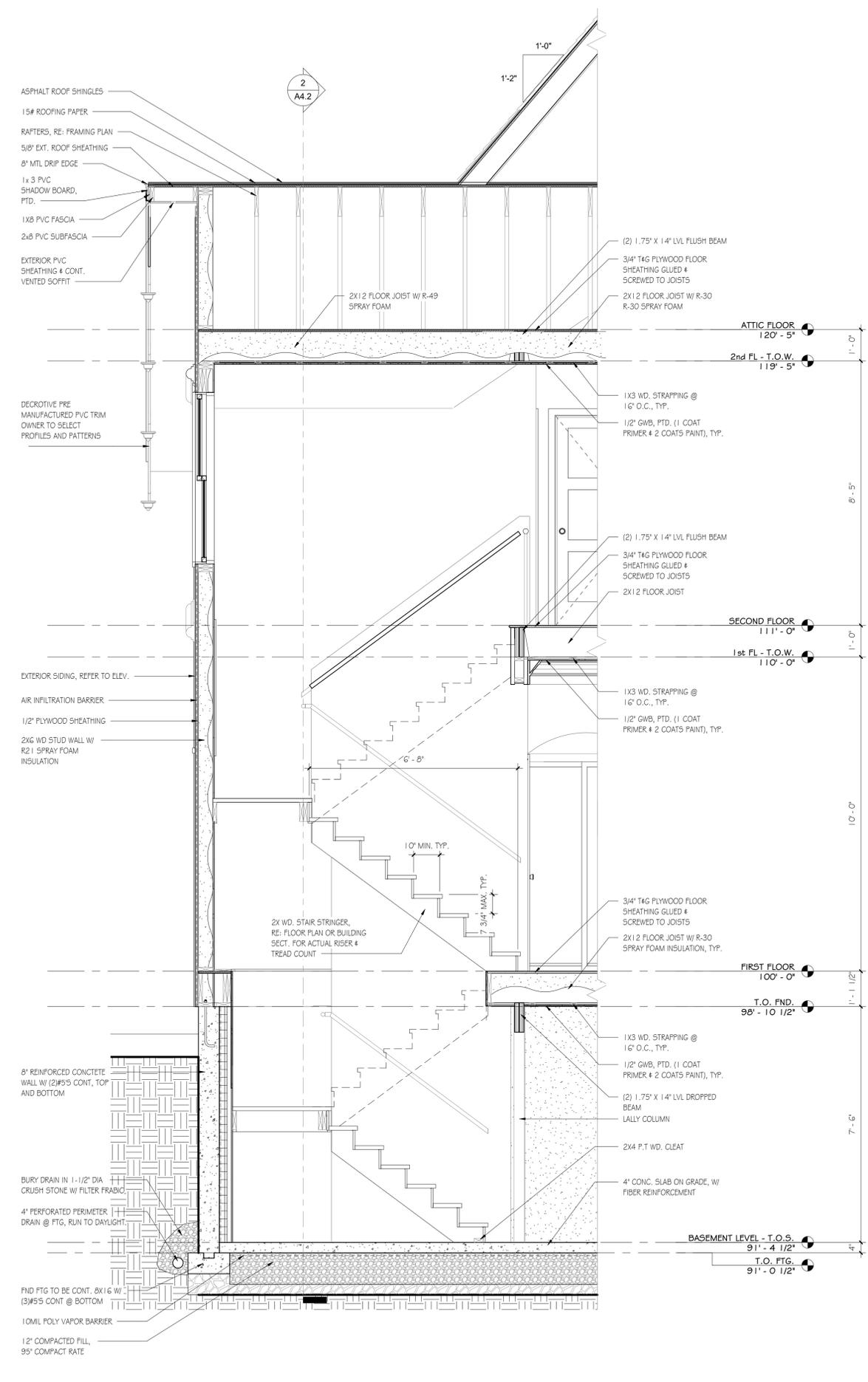
Sheet Status:  
Latest Release: FOR CONSTRUCTION  
Issued For: FEB 7, 2023  
Job No: 22038  
Drafted: JMT  
Checked: Checker  
Scale: As indicated

Sheet Title:  
**BUILDING SECTIONS**

Sheet Number:  
**A4.1**



2 CROSS SECTION @ STAIR  
1/2" = 1'-0"



3 STAIR SECTION  
1/2" = 1'-0"

No.	Description	Date
Revision Schedule		

Project Info:  
**Cook Residence**  
  
199 Clinton St.  
Portsmouth, NH

Sheet Status:  
Latest Release: FOR CONSTRUCTION  
Issued For: FEB 7, 2023  
Orig. Issue Date:  
JOB NO: 22038  
DRAWN: JMT  
CHECKED: Checker  
SCALE: 1/2" = 1'-0"

Sheet Title:  
**BUILDING SECTIONS**

Sheet Number:  
**A4.2**



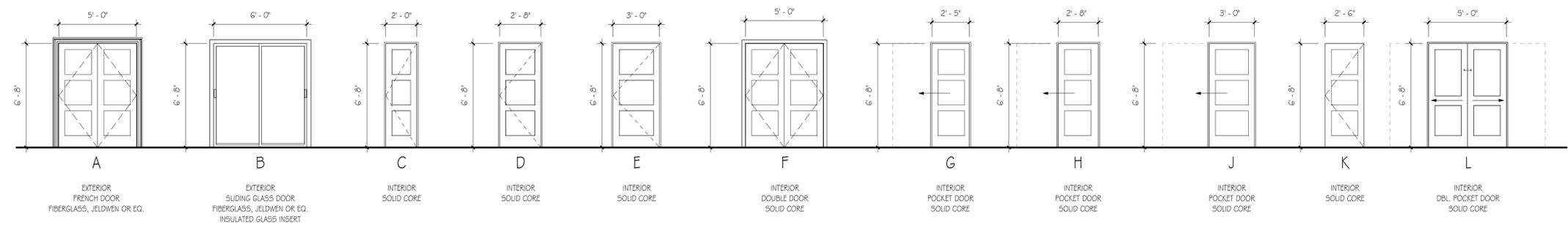
Type Mark	Manufacturer	Model	Description	Rough Width	Rough Height	Width	Height	Sill Height	Head Height	Comments
A	MARVIN ESSENTIAL	ESDH2066	3-WIDE DOUBLE HUNG	6'-0"	6'-0"	5'-11 1/2"	6'-5 1/2"	1'-6 1/2"	6'-0"	
B	MARVIN ESSENTIAL	ESDH2056	2-WIDE DOUBLE HUNG	5'-0"	5'-0"	4'-11 1/2"	5'-5 1/2"	1'-11 1/2"	7'-5"	
C	MARVIN ESSENTIAL	ESDH2046	2-WIDE DOUBLE HUNG	4'-0"	4'-0"	3'-11 1/2"	4'-5 1/2"	2'-11 1/2"	7'-5"	
D	MARVIN ESSENTIAL	ESCA2040	CASEMENT	2'-0"	4'-0"	1'-11 1/2"	3'-5 1/2"	<vanes>	<vanes>	SEE ELEVATIONS FOR SILL & HEAD HEIGHTS
E	MARVIN ESSENTIAL	ESDH2056	2-WIDE DOUBLE HUNG	4'-0"	5'-0"	3'-11 1/2"	5'-5 1/2"	1'-11 1/2"	7'-5"	
F	MARVIN ESSENTIAL	ESDH2046	DOUBLE HUNG	2'-0"	4'-0"	1'-11 1/2"	4'-5 1/2"	<vanes>	<vanes>	SEE ELEVATIONS FOR SILL & HEAD HEIGHTS
G	MARVIN ESSENTIAL	ESCATR3010	TRANSOM	3'-0"	1'-0"	2'-11 1/2"	11 1/2"	7'-0 1/2"	8'-0"	
H	MARVIN ESSENTIAL	ESDH2646	DOUBLE HUNG	2'-6"	4'-6"	2'-5 1/2"	4'-5 1/2"	3'-6 1/2"	8'-0"	
J	MARVIN ESSENTIAL	ESCA2030	CASEMENT	2'-0"	3'-0"	1'-11 1/2"	2'-11 1/2"	3'-8 1/2"	6'-8"	
K	MARVIN ESSENTIAL	ESCA2030	3-WIDE CASEMENT	6'-0"	3'-0"	5'-11 1/2"	2'-11 1/2"	3'-8 1/2"	6'-8"	
L	MARVIN ESSENTIAL	ESDH3650 (E)	2-WIDE DOUBLE HUNG	7'-0"	5'-0"	6'-11 1/2"	4'-11 1/2"	2'-0 1/2"	7'-0"	EGRESS WINDOW
M	MARVIN ESSENTIAL	ESDH2050	DOUBLE HUNG	2'-0"	5'-0"	1'-11 1/2"	4'-11 1/2"	2'-0 1/2"	7'-0"	
N	MARVIN ESSENTIAL	ESCA2646 (E)	CASEMENT	2'-6"	4'-6"	2'-5 1/2"	4'-5 1/2"	2'-2 1/2"	6'-8"	EGRESS WINDOW
P	MARVIN ESSENTIAL	ESCATR5020	TRANSOM	5'-0"	2'-0"	4'-11 1/2"	1'-11 1/2"	4'-8 1/2"	6'-8"	
Q	MARVIN ESSENTIAL	ESCATR3010	TRANSOM	3'-0"	1'-6"	2'-11 1/2"	1'-5 1/2"	6'-0 1/2"	7'-6"	
R	MARVIN ESSENTIAL	ESCA2640 (E)	CASEMENT	2'-6"	4'-0"	2'-5 1/2"	3'-11 1/2"	3'-6 1/2"	7'-6"	EGRESS WINDOW

**WINDOW NOTES:**  
 1. TEMPERED GLAZING AS REQD, G.C. TO COORDINATE  
 2. INSULATED GLAZING W/ ARGON GAS  
 3. G.C. TO VERIFY & CONFIRM R.O.S PRIOR TO FRAMING

**WINDOW LEGEND**  
 1/4" = 1'-0"

Type Mark	Operation	Rough Width	Rough Height	Door Material	Door Finish	Frame Type	Frame Finish	Lock Set	Comments
A	DOUBLE SWING	5'-0"	6'-8"	FIBERGLASS JELDWEN OR EQ.		FIBER GLASS	PTD.		
B	SLIDER	6'-0"	6'-8"	FIBERGLASS JELDWEN OR EQ.		FIBER GLASS	PTD.		
D	SWING	2'-8"	6'-8"	SOLID-CORE WOOD		WD	PTD		
D	SWING	2'-8"	6'-8"	SOLID-CORE WOOD		WD	PTD		
D	SWING	2'-8"	6'-8"	SOLID-CORE WOOD		WD	PTD		
D	SWING	2'-8"	6'-8"	SOLID-CORE WOOD		WD	PTD		
D	SWING	2'-8"	6'-8"	SOLID-CORE WOOD		WD	PTD		
D	SWING	2'-8"	6'-8"	SOLID-CORE WOOD		WD	PTD		
D	SWING	2'-8"	6'-8"	SOLID-CORE WOOD		WD	PTD		
D	SWING	2'-8"	6'-8"	SOLID-CORE WOOD		WD	PTD		
D	SWING	2'-8"	6'-8"	SOLID-CORE WOOD		WD	PTD		
E	SWING	3'-0"	6'-8"	SOLID-CORE WOOD		WD	PTD		
F	SWING	5'-0"	6'-8"	SOLID-CORE WOOD		WD	PTD		
G	POCKET	2'-6"	6'-8"	SOLID-CORE WOOD		WD	PTD		
H	POCKET	2'-8"	6'-8"	SOLID-CORE WOOD		WD	PTD		
H	POCKET	2'-8"	6'-8"	SOLID-CORE WOOD		WD	PTD		
J	POCKET	3'-0"	6'-8"	SOLID-CORE WOOD		WD	PTD		
K	SWING	2'-6"	6'-8"	SOLID-CORE WOOD		WD	PTD		
L	POCKET	5'-0"	6'-8"	SOLID-CORE WOOD		WD	PTD		

**DOOR & WINDOW GENERAL NOTES**  
 1. G.C TO COORDINATE DOOR SLAB STYLE, WINDOW GRILLS, HARDWARE AND COLORS WITH OWNER PRIOR TO PURCHASE.



**DOOR LEGEND**  
 1/4" = 1'-0"

No. Description Date  
 Revision Schedule

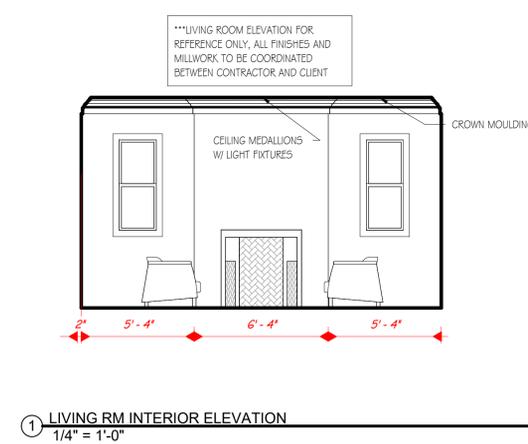
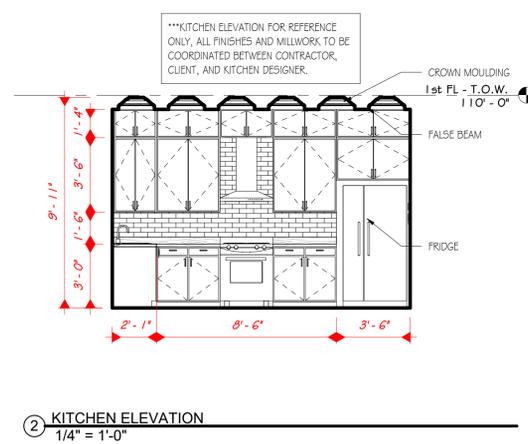
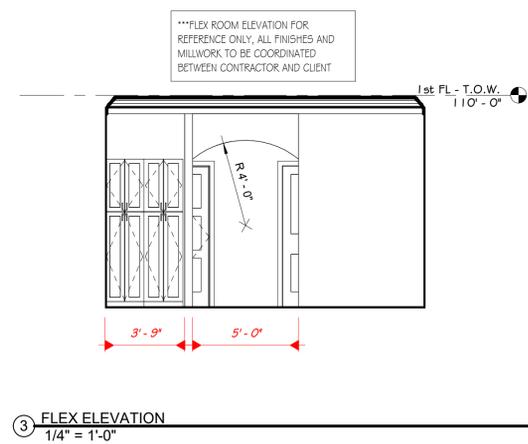
Project Info:  
**Cook Residence**  
 199 Clinton St.  
 Portsmouth, NH

Sheet Status:  
 Latest Release: FOR CONSTRUCTION  
 Issued For: FEB 7, 2023  
 Orig. Issue Date:  
 Job No: 22038  
 Drafted: Author  
 Checked: Checker  
 Scale: 1/4" = 1'-0"

Sheet Title:  
**SCHEDULES**

Sheet Number:  
**A6.1**

No.	Description	Date
Revision Schedule		



Project Info:  
**Cook Residence**  
  
199 Clinton St.  
Portsmouth, NH

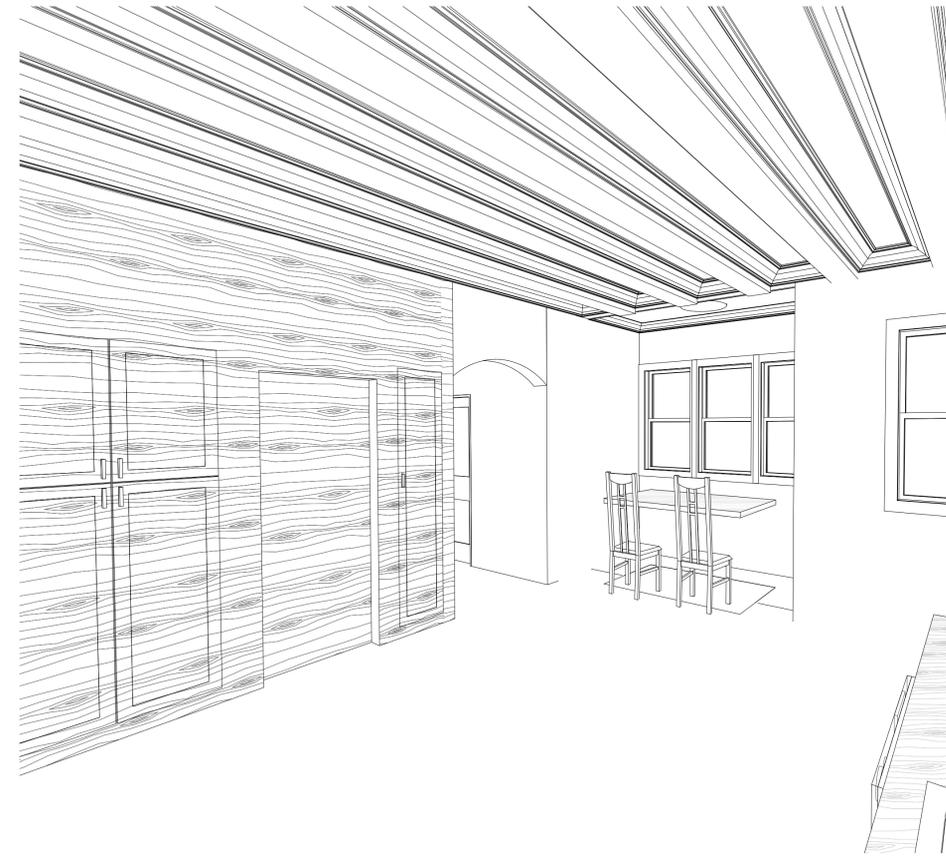
Sheet Status:  
Latest Release:  
Issued For: FOR CONSTRUCTION  
Orig. Issue Date: FEB 7, 2023  
JOB NO: 22038  
DRAFTED: Author  
CHECKED: Checker  
SCALE: 1/4" = 1'-0"

Sheet Title:  
**INTERIOR ELEVATIONS**

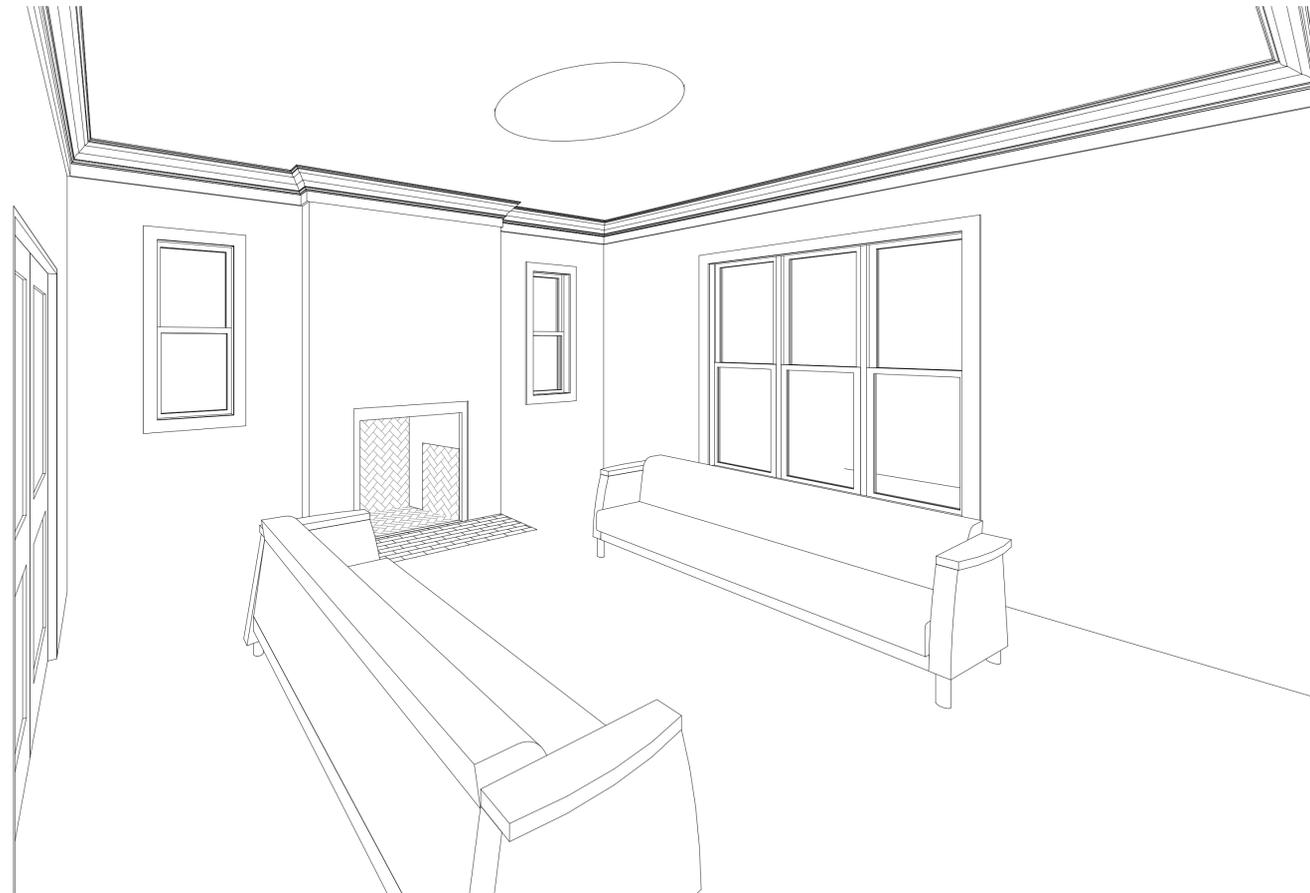
Sheet Number:  
**A7.1**



① Kitchen Whole



③ Kitchen Banquette



② LIVING ROOM FIREPLACE

No.	Description	Date
	Revision Schedule	

Project Info:  
**Cook Residence**

199 Clinton St.  
Portsmouth, NH

Sheet Status:  
Latest Release:  
Issued For: FOR CONSTRUCTION  
Orig. Issue Date: FEB 7, 2023  
JOB NO: 22038  
DRAFTED: Author  
CHECKED: Checker  
SCALE:

Sheet Title:  
**FUN VIEWS WE MADE WHILE WORKING**

Sheet Number:  
**A7.2**



No.	Description	Date
	Revision Schedule	

Project Info:  
**Cook Residence**

*199 Clinton St.  
 Portsmouth, NH*

Sheet Status:  
 Latest Release:  
 Issued For: FOR CONSTRUCTION  
 Orig. Issue Date: FEB 7, 2023  
 JOB NO: 22038  
 DRAFTED: Author  
 CHECKED: Checker  
 SCALE:

Sheet Title:  
**RENDER**

Sheet Number:  
**R1.1**



750 Central Avenue, Suite-S  
Dover, NH 03820  
**Direct (603) 834-9780**  
**(978) 444-0050**  
Cell (603) 512-7015

[Hossein@HSS-Eng.com](mailto:Hossein@HSS-Eng.com)  
[www.HSS-Eng.com](http://www.HSS-Eng.com)

## MEMORANDUM

**MEMO #:** 1

**PROJECT:** 199 Clinton Street, Portsmouth, NH 03801

**DATE:** February 27, 2023

**TO:** Ms. Katherine Cook

**SUBJECT:** General Structural Evaluation of 199 Clinton Street, Portsmouth, NH

As requested, a general review of the building's existing conditions was completed on February 27, 2023. It is my understanding that the main portion of the house is over 140 years old. The building includes a later addition of unknown age.

My comments are as noted below:

- Foundation for the main building is a combination of stone & clay brick. Several areas of deteriorating brick were observed during my visit. The deteriorations included mortar failure in the brick and/or stone foundation in addition to locations where clay bricks have deteriorated into a powdery red substance.
- The front foundation wall has a significant outward bow. The outward bow has caused a partial disengagement of the First-Floor joists from the perimeter sill plate, thereby creating a significant structural concern.
- The existing clay brick and stone foundation system is in generally poor condition and requires urgent attention.
- Although not readily visible during my review, an inspection of the property in July 2021 revealed that the foundation for the rear addition is comprised of concrete masonry units (CMU) of unknown capacity. The inspection report noted horizontal cracks in the CMU foundation wall. Horizontal cracks in CMU foundations indicate an overstressed unreinforced or under-reinforced foundation that require urgent repair or replacement.
- Existing First Floor framing within the original building is comprised of 1.75"± x 6.5"± wood joists spaced at approximately 20 inches on center with spans of up to 15 feet. Most joists have notched ends of approximately 3.5" high x 2.5" long which severely affect their load-bearing capacity. Additionally, the notched ends only provide about 0.75" to 1" of bearing length to the joist end which further limits the joists' capacity.
- The First Floor joists are severely undersized for the Code mandated Dead & Live Loads and have sagged significantly throughout the First-Floor Level.
- Framing members forming the stairwell into the Basement were found to be severely undersized.
- Although not readily visible, it is expected that the Second-Floor joists have the same characteristics of the First-Floor joists that have led to significant floor sags throughout.

Ms. Katherine Cook  
RE: 199 Clinton Street, Portsmouth, NH  
February 27, 2023  
page 2

- As a result of sagging floor systems, cracks within the wall plasters are present.

It is my opinion that damages to the existing foundation systems for the original building & the addition are significant enough to warrant their replacements.

It is also my opinion that existing floor framing (First & most likely the Second floor) system are significantly undersized and, as a minimum, should be reinforced.

Sincerely,  
**HSS Engineering, PLLC**



Hossein Salehkhov, P.E.  
Principal



## II. NEW BUSINESS

- F. **REQUEST TO POSPONE** The request of **Joshua Wyatt** and **Erin Hichman (Owners)**, for property located at **196 Aldrich Road** whereas relief is needed to demolish existing garage and construct new garage and construct new addition over existing side porch which requires the following: 1) Variances from Section 10.521 to allow a) a secondary front yard of 3 feet where 30 feet is required; b) a 6 foot rear setback where 10 feet 7 inches is required; c) 23% building coverage where 20% is the maximum allowed. 2) A Variance from Section 10.571 to allow and accessory structure to be 10 feet from the front lot line and located in the front yard. 3) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed, or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 153 Lot 25 and lies within the Single Residence B (SRB) District. (LU-23-24)  
**REQUEST TO POSPONE**

### **Planning Department Comments**

Applicant has requested to postpone consideration due to a new survey of the property that was recently conducted and brought forward new information. Applicant would like to submit updated materials and has requested to be considered at the April 18, 2023 Board of Adjustment meeting.

## II. NEW BUSINESS

- G.** The request of **Colmax LLC (Owner)**, for property located at **411 The Hill #6-14 (411 Deer Street)** whereas relief is needed to convert building into a single family dwelling which requires the following: 1) A Variance from Section 10.642 to allow residential use on the ground floor in the Downtown Overlay District where is not permitted. 2) A Variance from Section 10.5A41.10A to allow a house in the Downtown Overlay District where it is not permitted. Said property is located on Assessor Map 118 Lot 26-1 and lies within the Character District 4-L1 (CD4-L1) in the downtown Overlay District. (LU-23-21)

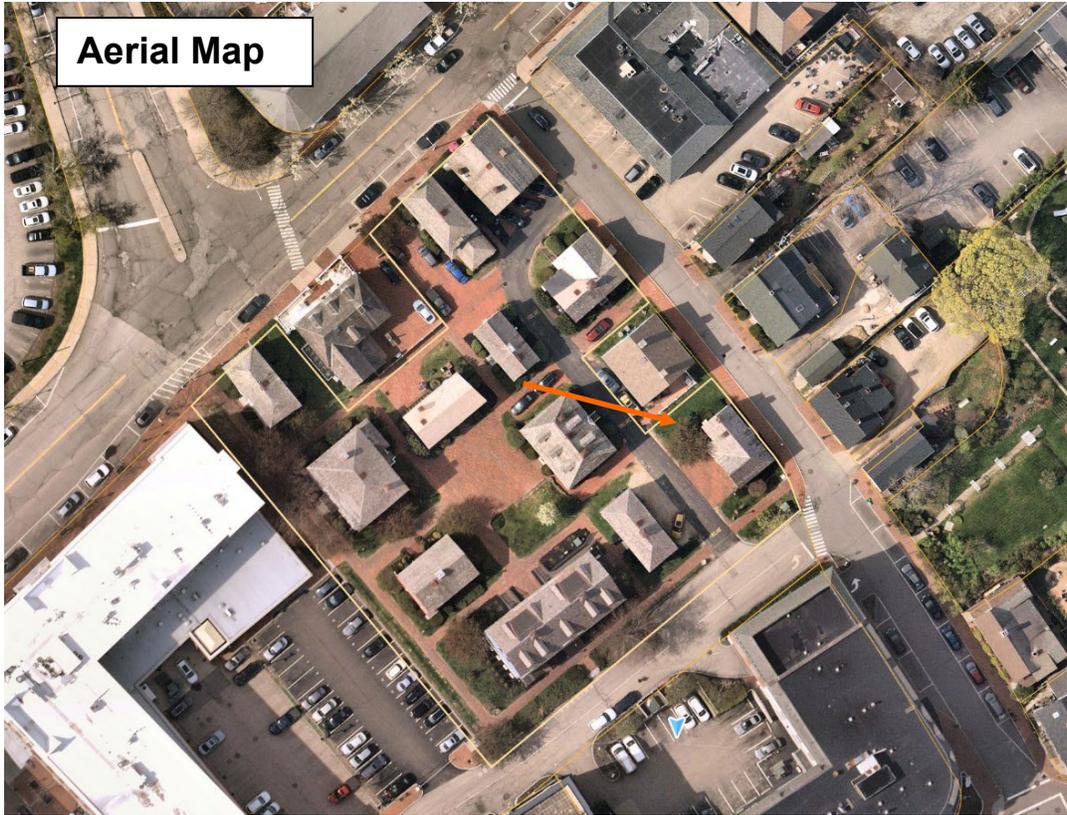
### Existing & Proposed Conditions

	<u>Existing/</u>	<u>Proposed</u>	<u>Permitted /</u> <u>Required</u>
<u>Land Use:</u>	Office	<b>Single Family</b>	Primarily Mixed Use
<u>Lot area (acres):</u>	52,272	52,272	3,000 min.
<u>Lot area/dwelling (ft.):</u>	7,467	6,534	3,000 min.
<u>Primary Front Yard (ft.):</u>	1.5	1.5	15 max.
<u>Left Yard (ft.):</u>	26	26	5 – 20 max.
<u>Right Yard (ft.):</u>	20	20	5- 20 max.
<u>Rear Yard (ft.):</u>	200	200	Greater or 5 ft. from lot line or 10 ft from CL of alley
<u>Height (ft.):</u>	<35	<35	35
<u>Open Space Coverage (%)</u> :	>25	>25	25 min.
<u>Parking:</u>	2	2	2
<u>Estimated Age of Structure:</u>	1750	<b>Variance request(s) shown in red.</b>	

### Other Permits/Approvals Required

- Building Permit
- Historic District Commission (if necessary)

### Neighborhood Context



## Previous Board of Adjustment Actions

No previous BOA history found.

## Planning Department Comments

The applicant is seeking to convert the existing structure from an office use to a single unit residential structure. Although a house is permitted in the CD4-L1 district, the Downtown Overlay prohibits the building type and only allows nonresidential uses on the first floor.

## Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*

**AND**

  - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

**OR**

  - (c) *Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

## 10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

# The Ward-Whidden House

## Residential Conversion

411 The Hill,  
Portsmouth, NH



By: Paul Delisle

Delisle47@gmail.com

### **Introduction**

The Ward Whidden House was built circa 1730 by Michael Whidden Jr. a local “joiner” who is accredited for much of its Georgian woodwork. Whidden used this house as an example to showcase his fine carpentry. The property was first recognized for its historic significance in the 1930s when the Historic American Buildings Survey made drawings and took photographs of its architectural features. The building was later moved from Deer Street to its current location of 411 The Hill on High Street in the 70s to preserve its history. This property has been preserved significantly over its 300-year lifetime by its owners and the town of Portsmouth. Today documentation of the historic building from the 1930’s is archived at the New Hampshire State Historic Preservation Office in Concord.

Currently the property is vacant and is zoned for commercial use with residential usage on the second floor only. According to city ordinance, requirements to add residential use to the property such as a second-floor apartment will require a sprinkler system and fire alarm system. This creates a **Hardship**, as a sprinkler system will likely ruin the historic integrity of the building. The building codes for sprinkler systems require installation of steel piping and orange CPVC piping which will interfere with the original crown molding and other Historical trim work which is the hallmark of this property. Additionally, all interior doors will have to be replaced with fire-rated doors, further taking away the historical charm of the building. On top of this we will have to add a fire alarm panel, horns, strobes and exit signs in the building. We have added appendices to show existing trim work and examples of sprinkler systems installed in similar buildings.

Our proposed solution is a variance to allow for residential use on the first floor and therefore give us the ability to convert the house to a single-family home as it originally was built. As a single-family home, we can preserve the Historical character of the house. It is important to note that the properties across the street are mostly all residential, making it an appropriate location for more housing in downtown Portsmouth.

### **Historic Significance**

The building has many significant historical features many of which were documented by the University of New Hampshire and the Historical American Buildings Society in the 1930's. Many of these drawings are shown below and appendix 1. Figures 1 and 2 show the staircase where majority of historic trim remains today. The trim depicted by the HABS drawings are still present in the building and are likely original. This includes handcrafted rosettes which surround the stairwell window. Much of this woodwork is often accredited to Micheal Whidden Jr. and may be up to 300 years old. The interior of the building has a deep history in its architecture and appearance which should be preserved.



Figure 1. Stairwell facing South

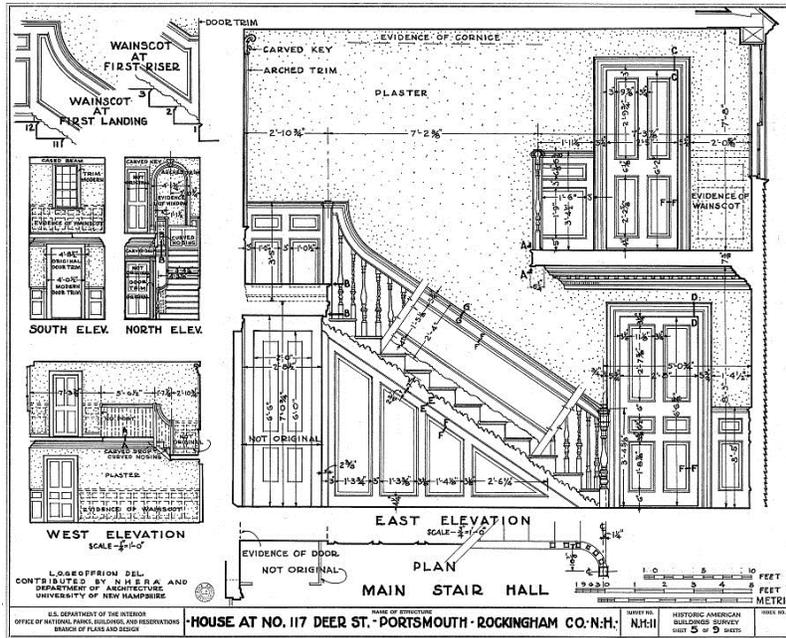


Figure 2. HABS Stair Elevation

Original wainscoting and crown molding is present throughout the hallway and stairwell of the house.



Figure 3. Downstairs Woodwork

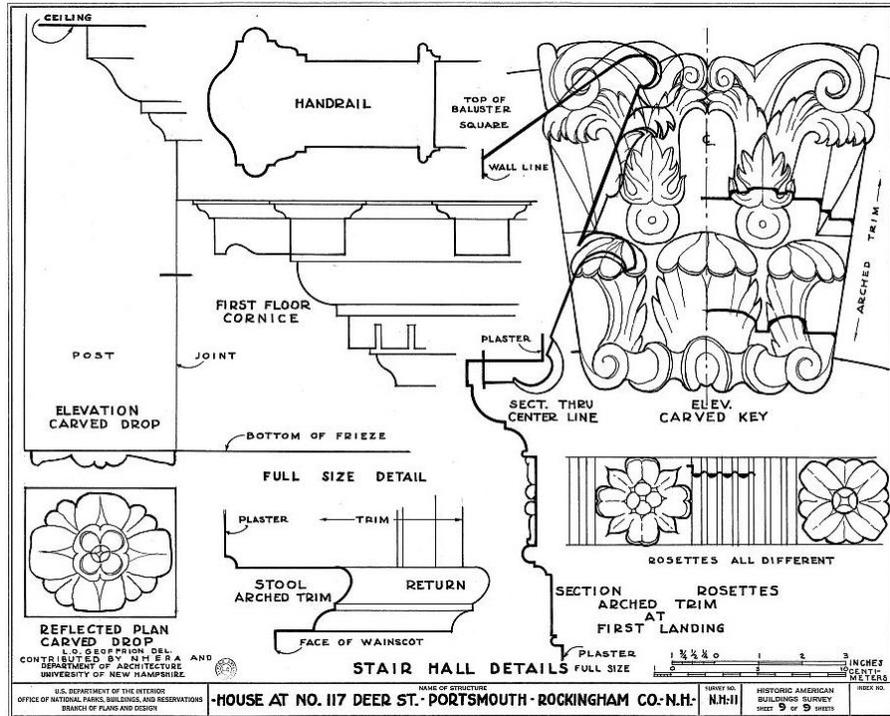


Figure 4. HABS Stair Hall Details



Figure 5. Hallway Trim

## The Impact of Sprinkler Systems

The following figures 6 and 7 demonstrate the substantial visual impact of fire sprinkler system installation on an existing building. These sprinkler systems were installed in a converted multifamily building which involved using bright orange CPVC piping. Installation of these pipes to an old building will involve removal of historic trim and or blocking this trim with the piping. This would have significant impact on the historical aesthetic of the house.



Figure 6. Orange CPVC Piping



Figure 7. Fire Alarm Panel

**Variance Points:**

10.233.21 The variance will not be contrary to the public interest;

**Residential usage on the first floor of this building will not be contrary to the public interest as all of the buildings directly across the street have residential use on the first floor and actually most are completely residential.**

10.233.22 The spirit of the Ordinance will be observed;

**Residential usage on the first floor observes the Ordinance as building directly abuts other residential buildings and can be seen as an extension of the usage on the other side of the street.**

10.233.23 Substantial justice will be done;

**Residential usage on the first floor will help with the shortage of housing in the area vs the glut of office space which is not in demand.**

**Residential use on the first floor would allow for a single family dwelling which does not trigger the requirement for a sprinkler system thus maintaining the character of this 300 year old gem.**

10.233.24 The values of surrounding properties will not be diminished;

**Residential usage in Portsmouth has significantly more value than office space based on demand**

10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

**Enforcement would result in a hardship because without the variance, the ordinance only allows for an apartment upstairs which triggers the Building codes for change of use with the fire department. This would require us to install a Sprinkler system in the building which would result in a significant change to the historical nature of the interior of the building. Residential use on the first floor would allow for a single family dwelling which does not trigger the requirement for a sprinkler system**

## References

NH-11 Michael Whidden House, 117 Deer Street, Portsmouth, WPA Historic American Buildings Survey of New Hampshire Papers, 1935-1941, MC 33, Milne Special Collections and Archives, University of New Hampshire Library, Durham, NH, USA.

NH-11 Michael Whidden House at 117 Deer Street, Portsmouth, Rockingham County, WPA Historic American Buildings Survey of New Hampshire Papers, 1935-1941, MC 33, Milne Special Collections and Archives, University of New Hampshire Library, Durham, NH, USA.

WPA Historic American Buildings Survey of New Hampshire Papers, 1935-1941. University of New Hampshire Library. <https://library.unh.edu/find/archives/collections/wpa-historic-american-buildings-survey-new-hampshire-papers-1935-1941#series-2>.

## Appendices

### Appendix 1. HABS Document 1971

## II. NEW BUSINESS

- H. The request of **Mark N Franklin** and **Julie S Franklin (Owners)**, for property located at **168 Lincoln Avenue** whereas relief is needed for demolition of the existing detached garage and porch and construction of a new attached garage and wrap-around porch which requires the following: 1) Variances from Section 10.521 to allow a) a 7.5 foot front yard where 15 feet is required; b) a 9 foot secondary front yard where 15 feet is required; c) 38% building coverage where 25% is the maximum allowed. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 113 Lot 6 and lies within the General Residence A (GRA) District. (LU-23-25)

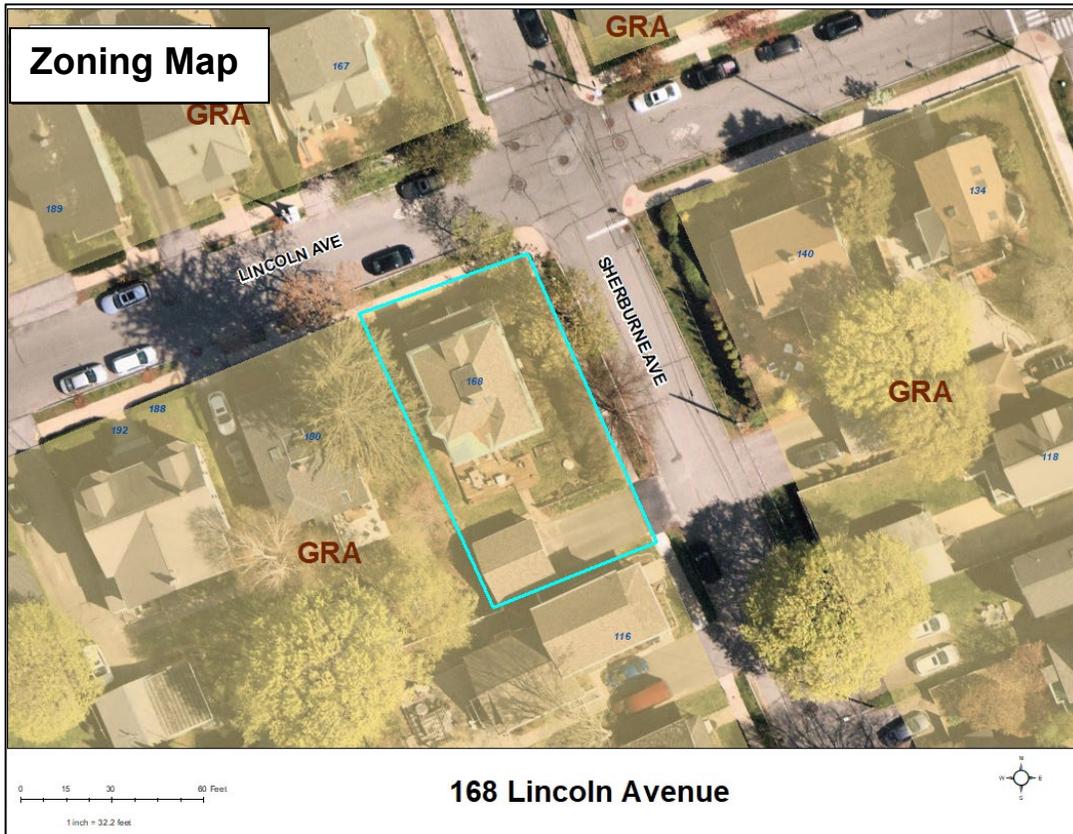
### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Demo garage/construct new garage and porch	Primarily residential
<u>Lot area (sq. ft.):</u>	5,925	5,925	7,500 min.
<u>Lot area per dwelling (sq. ft.):</u>	5,925	5,925	7,500 min.
<u>Lot depth (ft.):</u>	105	105	70 min.
<u>Street Frontage (ft.):</u>	163	163	100 min.
<u>Primary Front Yard (ft.):</u>	7.5	<b>7.5</b>	15 min.
<u>Secondary Front Yard (ft.):</u>	16.2	<b>9</b>	15 min.
<u>Right Yard (ft.):</u>	1.5 (garage) 8.8 (primary structure)	10 (garage) 8.8 (primary structure)	10 min.
<u>Rear Yard (ft.):</u>	1.7	20	20 min.
<u>Height (ft.):</u>	31.6	32.6	35 max.
<u>Building Coverage (%):</u>	33	<b>38</b>	25 max.
<u>Open Space Coverage (%):</u>	>30	>30	30 min.
<u>Parking:</u>	2	2	2
<u>Estimated Age of Structure:</u>	1900	<b>Variance request(s) shown in red.</b>	

### Other Permits/Approvals Required

- Building Permit

### Neighborhood Context



## Previous Board of Adjustment Actions

No previous BOA history found.

## Planning Department Comments

Applicant is proposing to remove the existing detached garage and back porch for the purpose of building a new attached garage and expanding the existing front porch. As this is a corner lot, there are two front yards, with the principal on Lincoln and the secondary front on Sherburne Ave. The new attached garage will conform to the yard requirements where the existing detached garage is nonconforming and located very close to the rear lot line.

## Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*

**AND**

- (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

**OR**

*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

## 10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

Petition of Mark N. Franklin and Julie S. Franklin for property located at 168 Lincoln Ave, wherein relief is required from the Zoning Ordinance to allow for the following:

The removal of an existing detached 2-car garage (412 sq ft), located within both side yard setbacks, and the removal of an existing deck (274 sq ft, 24" above grade), partially located within the side yard setback

The construction of a new attached 2-car garage (775 sq ft) with two stories of living space above.

The removal of an existing covered front porch (200 sq ft) partially located in the front yard setback, and the construction of a new wrap-around covered porch (382 sq ft) partially located in the front yard and secondary front yard setbacks in it's place;

The construction of a 13'-4" wide and 2'-2" deep 2-story extension at the first floor kitchen and second floor laundry and bath;

The construction of two new dormers on the third floor;

The construction of a new roof on the south-west corner to allow for a connection to the third story of the new garage addition.

Variances are requested from:

1) Section 10.321 (Nonconforming Buildings and Structures) to

- a. Allow a lawful nonconforming building (residence) to be extended and enlarged.

2) Section 10.521 (Table of Dimensional Relief Standards) to allow construction with the following parameters:

- a. A lot area of 5,925 sq ft where 7,500 is required
- b. A front yard setback of approximately 7'-6" where 15' is required and 7'-6" is existing.
- c. A secondary front yard setback of approximately 9'-0" where 15' is required and 16'-2" is existing.
- d. Building coverage of 37.6% where 25% is allowed and 33% is existing

We are adding onto our house to make it more livable for our family and visitors. Two bedrooms are being added so that family and guests can stay with us when visiting. Both of our families live out of state and enjoy visiting New Hampshire and seeing us. We have previously hosted Rwandan medical residents who spent up to 8 weeks working with Mark in the ICU where they gain skills to bring back to home. We hope to continue this in Portsmouth and having a private living space is important for them.

**The variance will not be contrary to the public interest.**

The proposed addition will not alter the essential character of the neighborhood. We will maintain the exterior of the house in a similar style that fits in well with the surrounding properties. The addition will improve the energy efficiency of the home with new windows, doors, and a new heating system.

**The spirit of the ordinance will be observed.**

The proposed exterior improvements will actually enhance the character of the neighborhood. The proposed addition will improve the performance and look of the property. By adding within the buildable area and removing the nonconforming garage outside of the buildable area, we will bring our house more into compliance with the ordinance.

**Substantial Justice will be done.**

The house in its current configuration is inadequate for a family raising children in the 21st century. The proposed addition and renovation creates a new master suite, a new guest suite, a new mudroom, and more flexibility of home and work space overall. This will allow the owners to face the challenges of the foreseeable future in a home adapted for 21st century living. The removal of the existing detached garage creates a visual buffer with the abutting neighbor.

**The values of surrounding properties will not be diminished.**

The renovations and additions to the house and property will enhance this corner lot, making the neighborhood more desirable to live in. The proposed enhancements will add value to the property and thereby increase the value of the surrounding homes.

**Literal enforcement of the provisions of the Ordinance would result in unnecessary hardship.**

Literal enforcement would prevent the owners from raising their family and meeting the challenges of the foreseeable future in a fully functional 21st century home. With increased expectations to work or study from home during weather events and illnesses, more space and privacy is needed for each member of the family.

# Application for a Variance to permit the following:

- The removal of an existing detached 2-car garage (412 sq ft), located within both side yard setbacks, and the removal of an existing deck (274 sq ft, 24" above grade), partially located within the side yard setback
- The construction of a new attached 2-car garage (775 sq ft) with two stories of living space above.
- The removal of an existing covered front porch (200 sq ft) partially located in the front yard setback, and the construction of a new wrap-around covered porch (382 sq ft) partially located in the front yard and secondary front yard setbacks in it's place;
- The construction of a 13'-4" wide and 2'-2" deep 2-story extension at the first floor kitchen and second floor laundry and bath;
- The construction of two new dormers on the third floor;
- The construction of a new roof on the south-west corner to allow for a connection to the third story of the new garage addition.

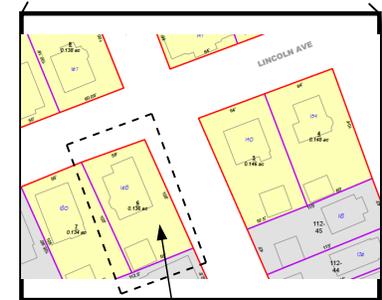
## Variences requested:

- 1) Section 10.321 (Nonconforming Buildings and Structures) to
  - a. Allow a lawful nonconforming building (residence) to be extended and enlarged.
- 2) A variance from Section 10.521 (Table of Dimensional Relief Standards) to allow construction with the following parameters:
  - a. A lot area of 5,925 sq ft where 7,500 is required
  - b. A front yard setback of approximately 7'-6" where 15' is required and 7'-6" is existing.
  - c. A secondary front yard setback of approximately 9'-0" where 15' is required and 16'-2" is existing.
  - d. Building coverage of 37.6% where 25% is allowed and 33% is existing

## List of Drawings

- AD-01 COVER SHEET & LOCATION MAP
- AD-02 EXISTING PLOT PLAN
- AD-03 PROPOSED PLOT PLAN
- AD-04 EXISTING & PROPOSED FLOOR PLANS @ FIRST FLOOR
- AD-05 EXISTING & PROPOSED FLOOR PLANS @ SECOND FLOOR
- AD-06 EXISTING & PROPOSED FLOOR PLANS @ THIRD FLOOR
- AD-07 EXISTING & PROPOSED ROOF PLANS
- AD-08 PROPOSED ELEVATION NORTH
- AD-09 PROPOSED ELEVATION EAST
- AD-10 PROPOSED ELEVATION SOUTH
- AD-11 PROPOSED ELEVATION WEST
- AD-12 SUMMARY FIVE CRITERIA

## Location Map



Location of property  
168 Lincoln Ave,  
Portsmouth NH 03801,  
Tax Map 113, Lot 6.



Variance Submittal for an Addition to  
**The Franklin Residence**  
168 Lincoln Ave, Portsmouth NH 03801

## Cover Sheet

Issue date: March 01, 2023 | Scale: n/a  
Revision dates:

# AD-01

**lot 113-6:** **5,925 sq ft**

existing residence footprint: 1,068 sq ft

existing front porch footprint: 200 sq ft

existing garage footprint: 412 sq ft

existing deck footprint: 274 sq ft

existing o.a. footprint: 1,954 sq ft

existing lot coverage: 33 %

existing lot coverage if lot were 7,500 sq ft: 26%

GRA zoning requirements:

min lot size: 7,500 sq ft

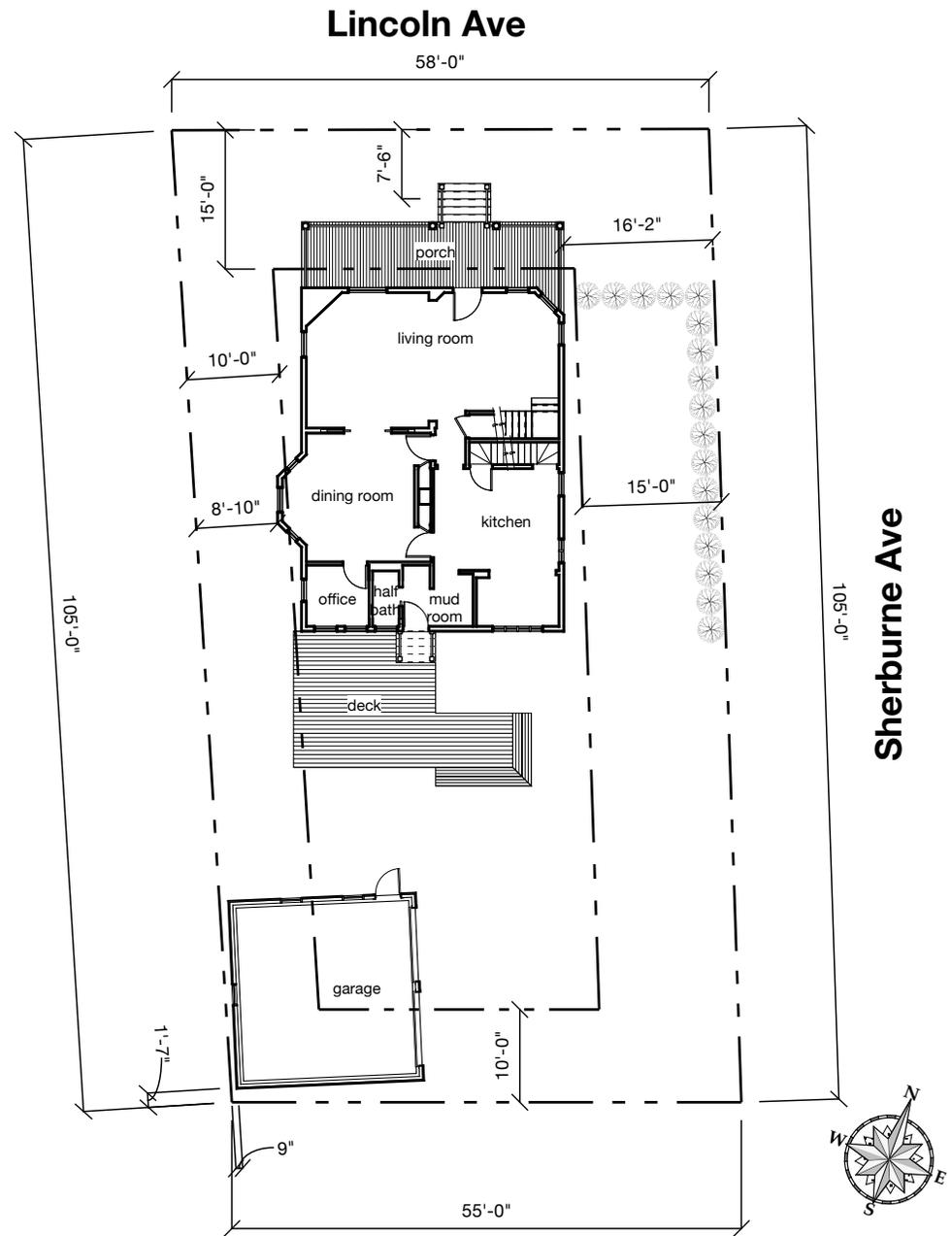
front yard : 15'

side yard : 10'

rear yard: 20'

building coverage 25%

minimum open space 30%



**NOTE:**

THIS PLOT PLAN WAS DRAWN FROM INFORMATION GATHERED OFF THE OFFICIAL TAX MAP & MAPGEO INFORMATION. ALL DIMENSIONS TO BE VERIFIED IN FIELD.



Variance Submittal for an Addition to  
**The Franklin Residence**  
 168 Lincoln Ave, Portsmouth NH 03801

**Existing Plot Plan**

Issue date: March 01, 2023 | Scale: 1" = 20'-0"

Revision dates:

**AD-02**

**lot 113-6:**

**5,925 sq ft**

existing residence footprint: 1,068 sq ft

proposed front porch footprint: 382 sq ft

addition footprint: 775 sq ft

proposed o.a. footprint: 2,225 sq ft

proposed lot coverage: 37.6 %

proposed lot coverage if lot were 7,500 sq ft: 29.7%

**GRA zoning requirements:**

min lot size: 7,500 sq ft

front yard : 15'

side yard : 10'

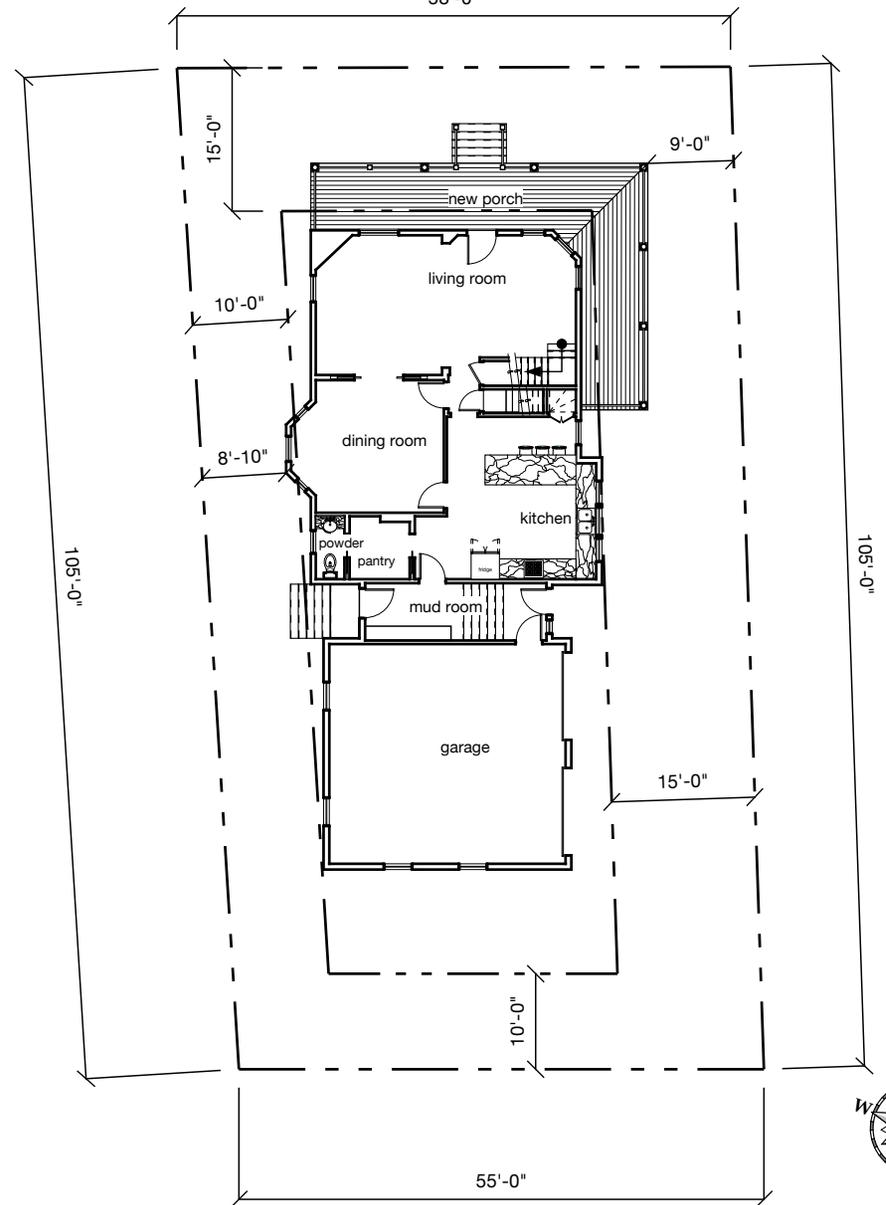
rear yard: 20'

building coverage 25%

minimum open space 30%

**Lincoln Ave**

58'-0"



**NOTE:**

THIS PLOT PLAN WAS DRAWN FROM INFORMATION GATHERED OFF THE OFFICIAL TAX MAP & MAPGEO INFORMATION. ALL DIMENSIONS TO BE VERIFIED IN FIELD.

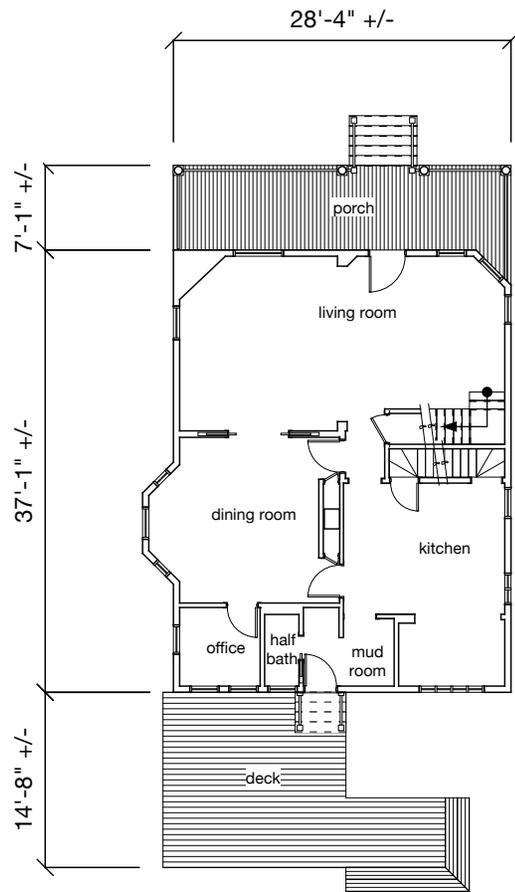


Variance Submittal for an Addition to  
**The Franklin Residence**  
 168 Lincoln Ave, Portsmouth NH 03801

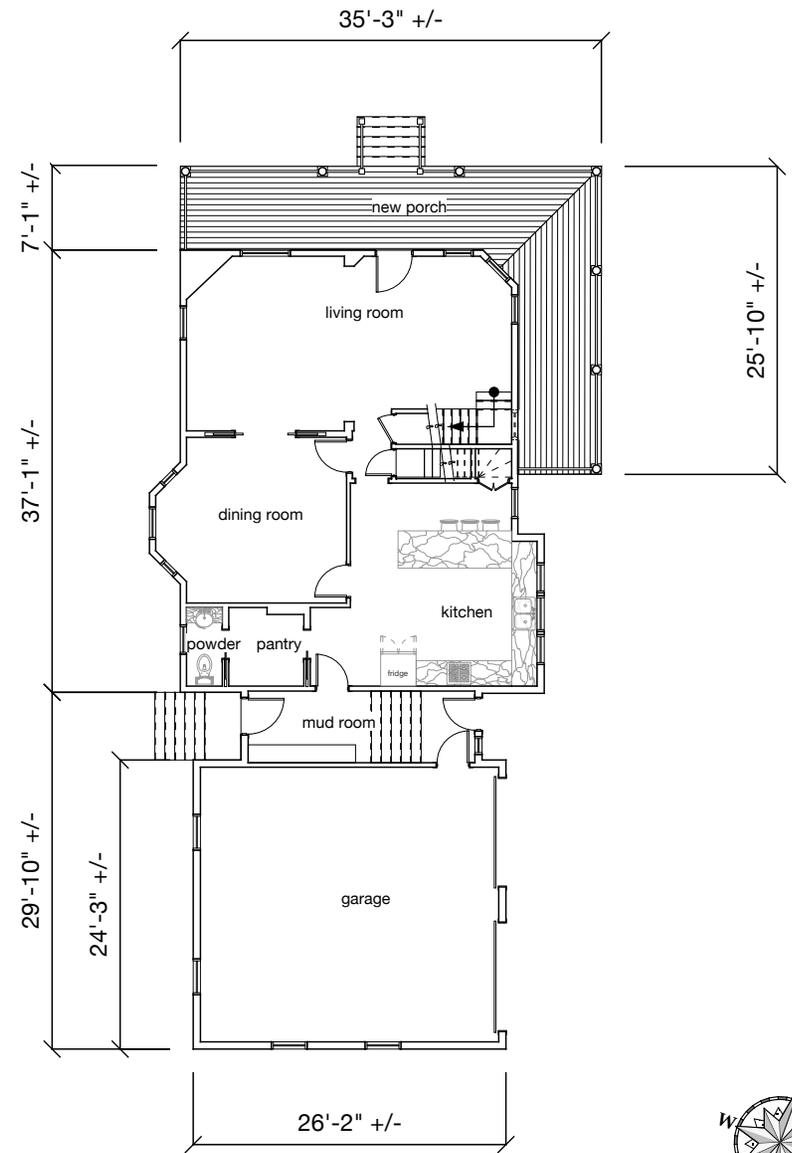
**Proposed Plot Plan**

Issue date: March 01, 2023 | Scale: 1" = 20'-0"  
 Revision dates:

**AD-03**



existing



proposed

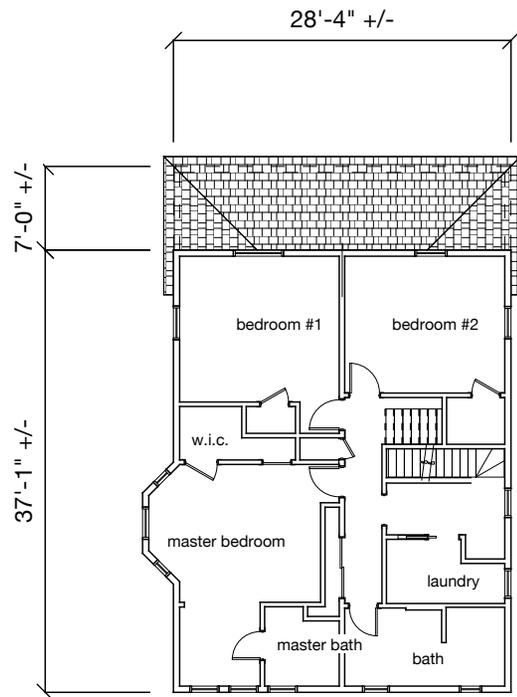


Variance Submittal for an Addition to  
**The Franklin Residence**  
 168 Lincoln Ave, Portsmouth NH 03801

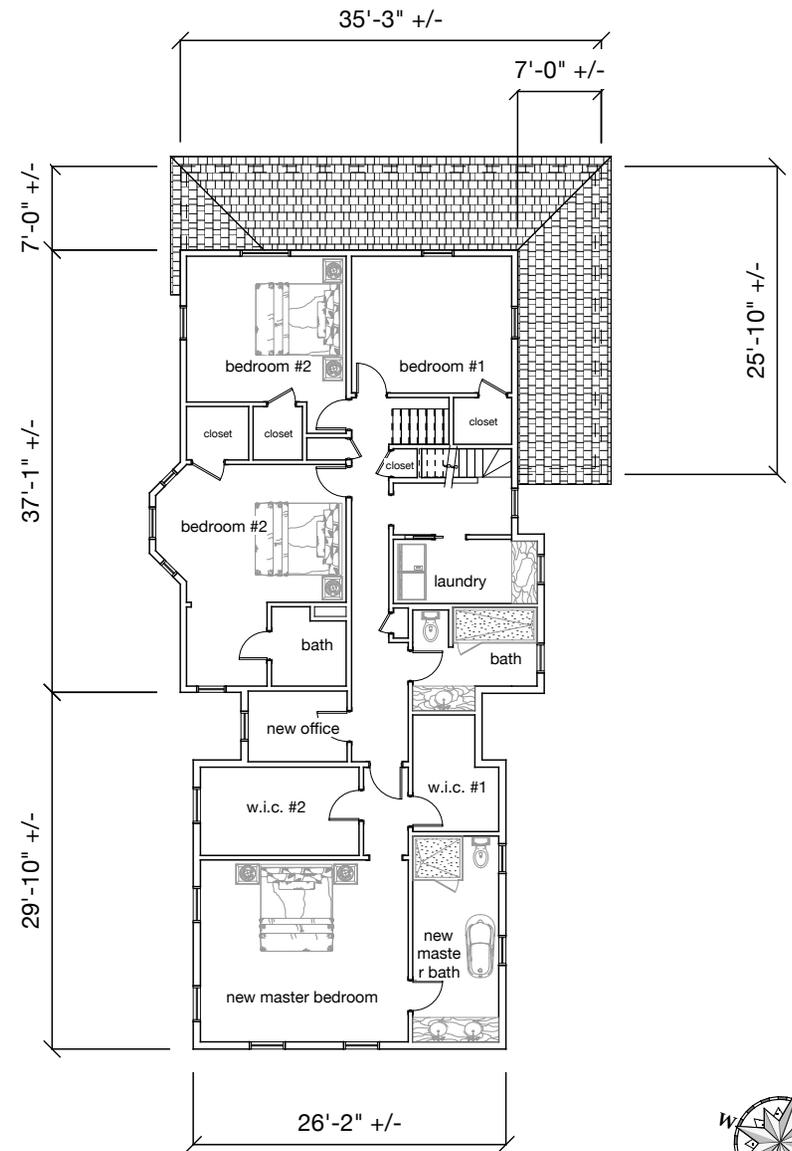
**First Floor Plans**

Issue date: March 01, 2023 | Scale: 1/16" = 1'-0"  
 Revision dates:

**AD-04**



existing



proposed

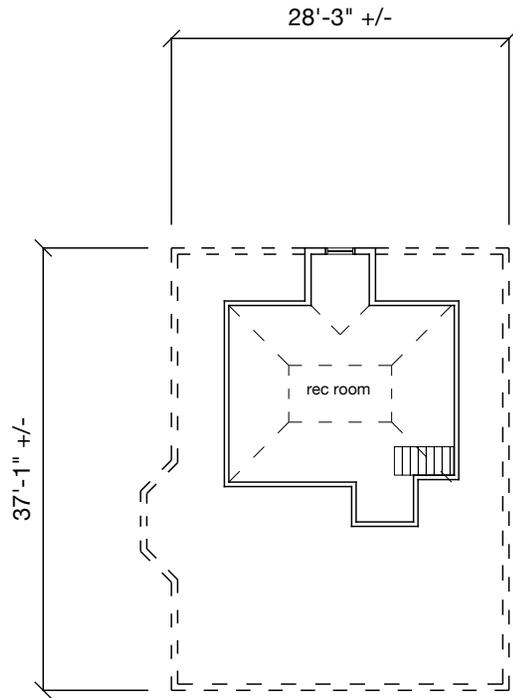


Variance Submittal for an Addition to  
**The Franklin Residence**  
 168 Lincoln Ave, Portsmouth NH 03801

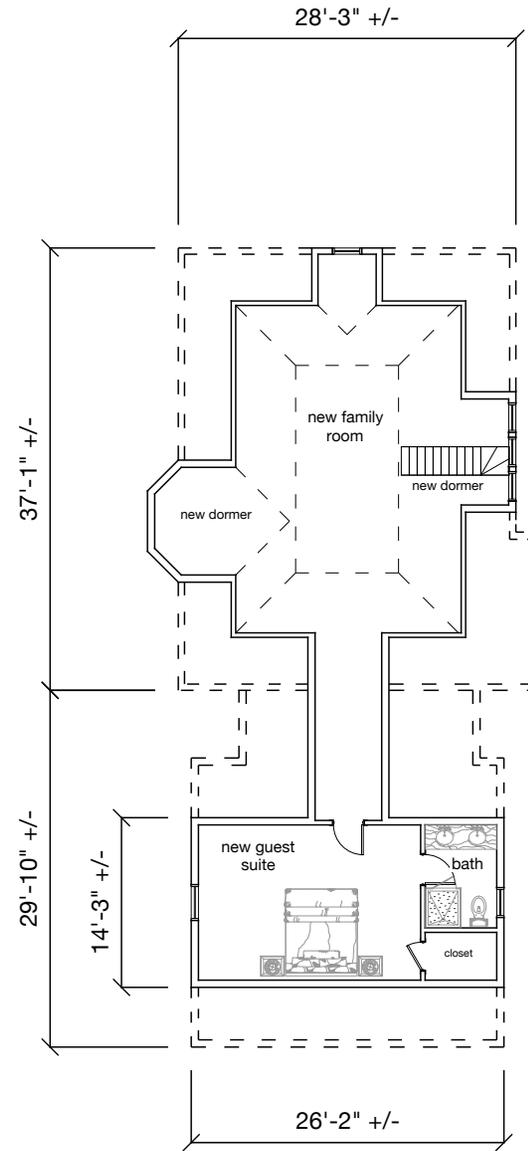
## Second Floor Plans

Issue date: March 01, 2023    Scale: 1/16" = 1'-0"  
 Revision dates:

**AD-05**



existing



proposed

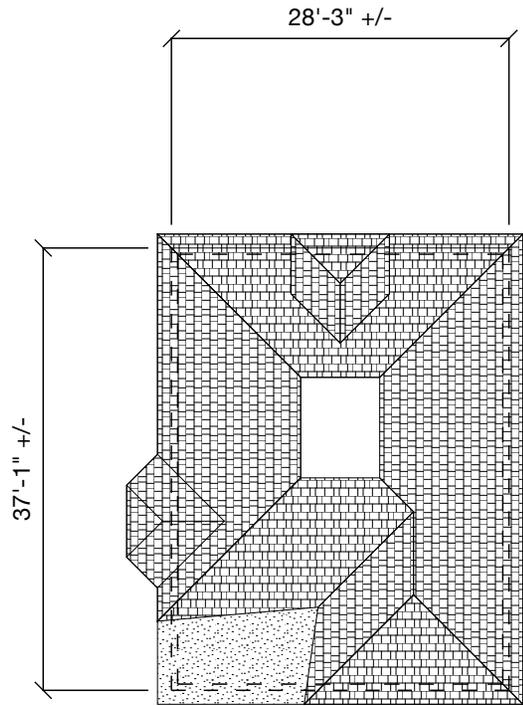


Variance Submittal for an Addition to  
**The Franklin Residence**  
 168 Lincoln Ave, Portsmouth NH 03801

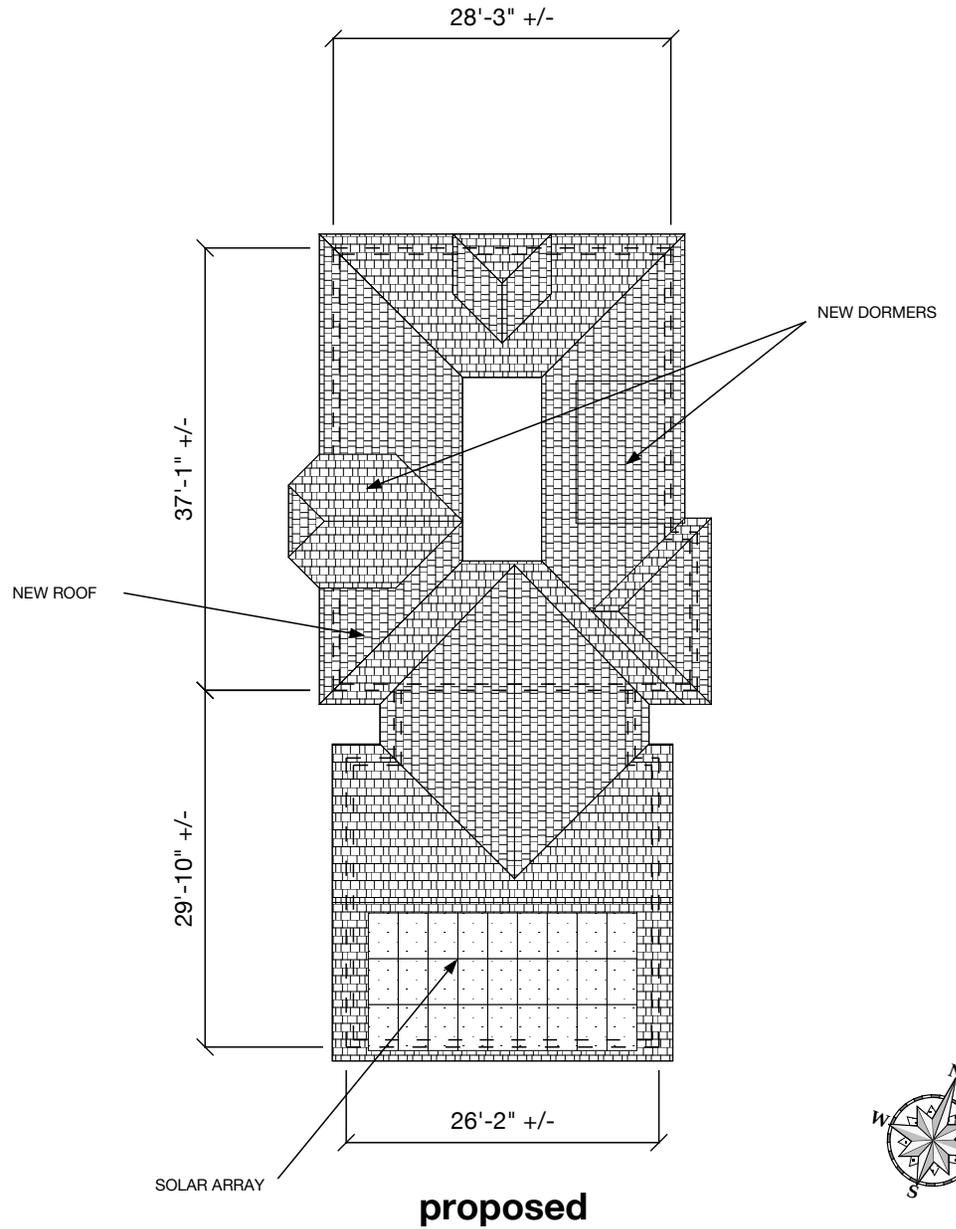
### Third Floor Plans

Issue date: March 01, 2023    Scale: 1/16" = 1'-0"  
 Revision dates:

**AD-06**



existing



proposed



Variance Submittal for an Addition to  
**The Franklin Residence**  
 168 Lincoln Ave, Portsmouth NH 03801

### Roof Plans

Issue date: February 28, 2023 | Scale: 1/16" = 1'-0"  
 Revision dates:

**AD-07**



Variance Submittal for an Addition to  
**The Franklin Residence**  
 168 Lincoln Ave, Portsmouth NH 03801

### Exterior Elevation North

Issue date: March 01, 2023    Scale: 1/8" = 1'-0"  
 Revision dates:

**AD-08**



NEW WRAP-AROUND PORCH

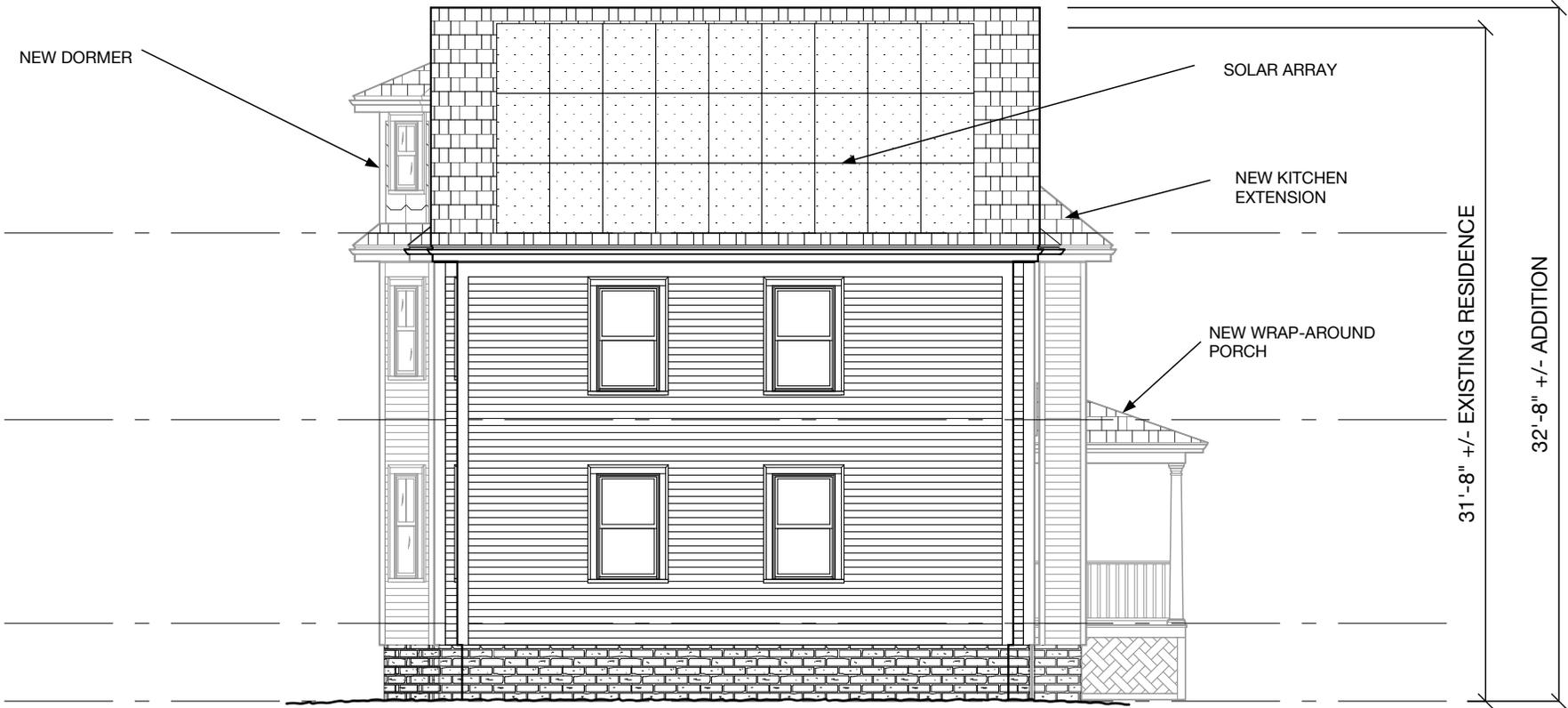


Variance Submittal for an Addition to  
**The Franklin Residence**  
 168 Lincoln Ave, Portsmouth NH 03801

### Exterior Elevation East

Issue date: March 01, 2023    Scale: 1/8" = 1'-0"  
 Revision dates:

**AD-09**

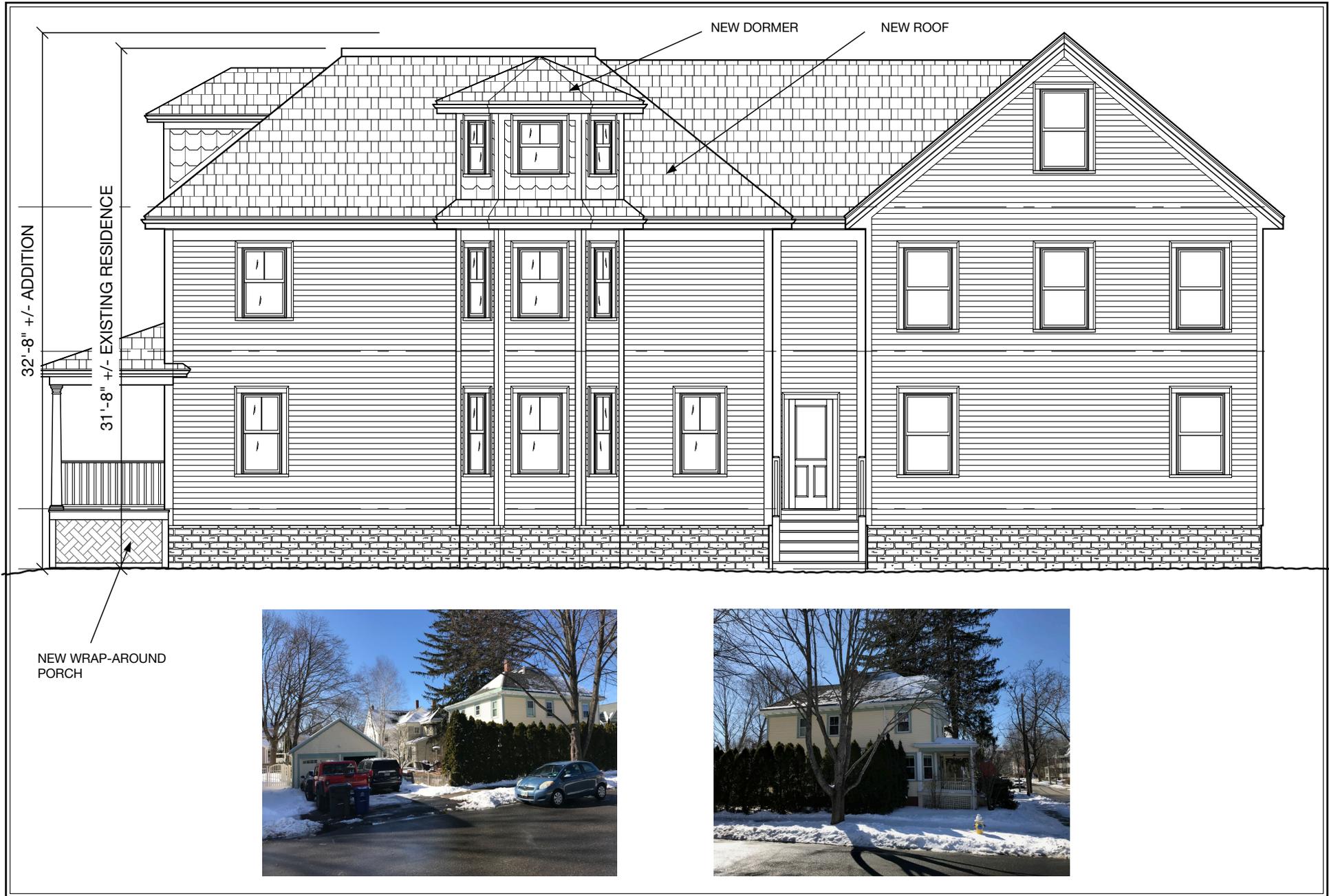


Variance Submittal for an Addition to  
**The Franklin Residence**  
 168 Lincoln Ave, Portsmouth NH 03801

### Exterior Elevation North

Issue date: March 01, 2023    Scale: 1/8" = 1'-0"  
 Revision dates:

**AD-10**



Variance Submittal for an Addition to  
**The Franklin Residence**  
 168 Lincoln Ave, Portsmouth NH 03801

**Exterior Elevation East**

Issue date: March 01, 2023    Scale: 1/8" = 1'-0"  
 Revision dates:

**AD-11**

## Five Criteria Summary

- **The variance will not be contrary to the public interest.**

The proposed addition will not alter the essential character of the neighborhood. The proposed exterior improvements will actually enhance the character of the neighborhood.

- **The spirit of the ordinance will be observed.**

The proposed addition will improve the performance and look of the property.

- **Substantial Justice will be done.**

The house in it's current configuration is inadequate for a family raising children in the 21st century. The proposed addition and renovation creates a new master suite, a new guest suite, a new mudroom, and overall more flexibility of home and work space. This will allow the owners to face the challenges of the foreseeable future in a home adapted for 21st century living.

The removal of the existing detached garage provides a visual separation with the abutting neighbor.

- **The values of surrounding properties will not be diminished.**

The proposed addition will add value to the property and thereby increase the value of the surrounding homes.

- **Literal enforcement of the provisions of the Ordinance would result in unnecessary hardship.**

Literal enforcement would prevent the owners from raising their family and meeting the challenges of the foreseeable future in a fully functional 21st century home. With increased expectations to work or study from home during weather events and illnesses, more space and privacy is needed for each member of the family.



Variance Submittal for an Addition to  
**The Franklin Residence**  
168 Lincoln Ave, Portsmouth NH 03801

### Summary

Issue date: March 01, 2023 | Scale: n/a  
Revision dates:

**AD-12**

## II. NEW BUSINESS

- I. The request of **Murdock Living Trust (Owner)**, for property located at **15 Lafayette Road** whereas relief is needed to subdivide one lot into two lots which requires the following: 1) A Variance from Section 10.521 to allow 73.8 feet of continuous street frontage where 100 feet is required for the remainder lot. Said property is located on Assessor Map 152 Lot 2 and lies within the General Residence A (GRA) and Historic District. (LU-23-26)

### **Planning Department Comments**

The applicant has requested to postpone due to a member of the project team being unavailable to present at the rescheduled meeting. The applicant is requesting postponement to the April 18, 2023 Board of Adjustment meeting.

## II. NEW BUSINESS

- J. The request of **Seacoast Management Consulting LLC (Owner)**, for property located at **3 Walton Alley** whereas relief is needed to add an AC unit and relocate landing and steps which requires the following: 1) A Variance from Section 10.515.14 to allow a 1 foot side setback where 10 feet is required. 2) A Variance from Section 10.521 to allow a) an 8.5 foot setback where 25 feet is required; and b) 38.5% building coverage where 30% is the maximum allowed. Said property is located on Assessor Map 103 Lot 20 and lies within the General Residence B (GRB) and Historic District. (LU-23-22)

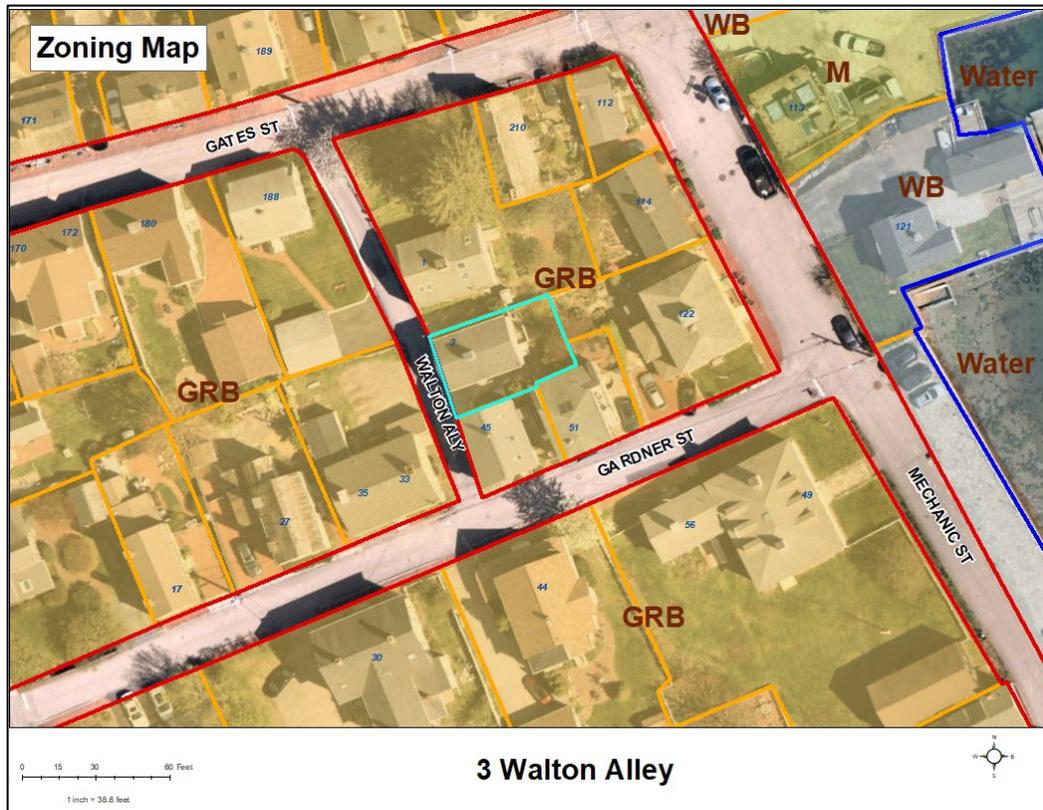
### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	Add AC unit and new landing & steps	Primarily residential
<u>Lot area (sq. ft.):</u>	1,746	1,746	5,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	1,746	1,746	5,000 min.
<u>Street Frontage (ft.):</u>	32.7	32.7	80 min.
<u>Lot depth (ft.)</u>	51	51	60 min.
<u>Front Yard (ft.):</u>	0	0	5 min.
<u>Left Yard (ft.):</u>	<1	<b>1 (AC Unit)</b>	10 min.
<u>Right Yard (ft.):</u>	3	3	10 min.
<u>Rear Yard (ft.):</u>	14	<b>11.5 (advertised as 8.5)</b>	25 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%)</u> :		<b>38.5</b>	30 max.
<u>Open Space Coverage (%)</u> :	<25	<25	25 min.
<u>Parking</u>	1	1	2
<u>Estimated Age of Structure:</u>		<b>Variance request(s) shown in red.</b>	

### Other Permits/Approvals Required

- Building Permit
- Historic District Commission

### Neighborhood Context



## Previous Board of Adjustment Actions

No previous BOA history found.

## Planning Department Comments

The applicant has applied for the requested relief to install an AC mechanical unit and reconfigure the stairs to project perpendicular to the house.

The applicants' submission materials reflect the request of an 8.5 feet rear yard, but after further review by staff it was determined that only 11.5 feet is needed with the proposed dimensions of the structure. See below for corrected details.

- Primary structure sits 18.5 feet from the rear boundary line.
- Existing porch structure extends 4.5 feet from the primary structure creating an existing rear yard of 14 feet.
- Proposed porch structure will extend 8 feet from the primary structure creating an proposed rear yard of 11.5 feet.

As this updated dimension is lesser relief than the advertised dimension, staff recommends the below or a similar stipulation be included if the request is granted.

- ***The Board recognizes the advertised relief requested for the rear yard is in error and grant a 11.5 foot rear yard.***

## Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

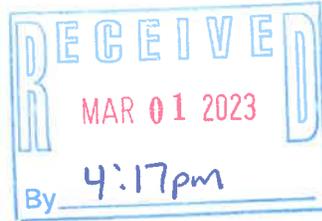
1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*  
**AND**
  - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*  
**OR**  
*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

## 10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

Application LU-22-100

3 Walton Aly, Map 103 Lot 20



To permit the following:

1. AC Unit with a side setback of 1' where 10' is required as well as renovation of rear steps with a rear setback of 8.6 feet (maximum) where 25' is required.

The property owner declares that:

2. The size of the lot with existing structures; ex: gas meter, stairs, and bulkhead render the location to the rear right side of the home (looking at the rear of the home) as the only viable location. Locating it under the stairs is not an option due to the elevation per inspector Dana Tobey. The location shown is out of any public view, seen only by the abutting neighbors, and will be screened per historic board approval and requirement with a lattice-type screening, abutter's fence in addition to plantings/shrubs. Steps to be rebuilt according to historic board approval and requirements and due to rotting/disrepair and pipe/venting location.

Criteria for the Variance:

1. The Variances are not contrary to the public interest in that this location will have no public view of the AC or steps and will be fenced in from the Abutter's rear yard(s).
2. The Variances are consistent with the spirit of the ordinance as noted in Item
3. Substantial justice will be done, as this work will allow the upgrade of the existing mechanical system without impacting the neighborhood. Use of window AC units would take away from the historic charm of the neighborhood, a split unit would take away from the interior of the historic home. Proposed location is the least obvious and is the furthest from all abutter's living space.
4. These Variances will not diminish the value of surrounding properties. The renovation of property with new steps and AC will increase its property value and in turn neighborhood values.
5. The special condition of this property is the existing non-conforming side setback and rear setback (structures on property lines), and room for this unit cannot be created due to the requirement for egress from the rear door and basement bulkhead.

03/01/2023 Lisa Messina-Haghighat, owner

Seacoast Properties, LLC.



RECEIVED  
MAR 01 2023

WALTON AVE  
LU-22-100

20'-5 1/4"

6'-8"

5'

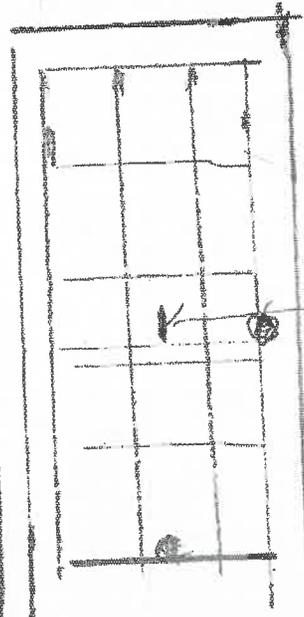
2'-6"

REAR YARD  
18'5"

Stair  
Straight  
to  
yard

2'-4"

GAS  
Meter



76"

SDL

EXISTING

48"

50"

FURNACE  
HOT WATER  
HEATER  
OUTLETS

AC  
1' to  
Lot  
line

5 ft landing  
+ 43" Stairs  
8.6 feet

MOVE  
STAIRS  
TO  
HERE

NEW CUSTOM  
BULKHEAD  
PVC

Neighbors Fence

RECEIVED  
MAR 01 2023

3 Walton Ave  
L4-22 100



# SALES FACT SHEET

## RA13 SERIES

Efficiencies up to 15 SEER/13 EER

Nominal Sizes 1.5 to 5 Ton

[5.28 to 17.6 kW]

Cooling Capacities 17.3 to 60.5 kBTU

[5.7 to 17.7 kW]



## Rheem *Classic*® Series Air Conditioners

### Features:

- Composite base pan – dampens sound, captures louver panels, eliminates corrosion and reduces number of fasteners needed
- Powder coat paint system – for a long lasting professional finish
- Scroll compressor – uses 70% fewer moving parts for higher efficiency and increased reliability
- Modern cabinet aesthetics – increased curb appeal with visually appealing design
- Curved louver panels – provide ultimate coil protection, enhance cabinet strength, and increased cabinet rigidity
- Optimized fan orifice – optimizes airflow and reduces unit sound
- Rust resistant screws – confirmed through 1500-hour salt spray testing
- PlusOne™ **Expanded Valve Space** – 3"-4"-5" service valve space – provides a minimum working area of 27-square inches for easier access
- PlusOne™ **Triple Service Access** – 15" wide, industry leading corner service access – makes repairs easier and faster. The two fastener removable corner allows optimal access to internal unit components. Individual louver panels come out once fastener is removed, for faster coil cleaning and easier cabinet reassembly
- Diagnostic service window with two-fastener opening – provides access to the high and low pressure.
- External gauge port access – allows easy connection of "low-loss" gauge ports
- Single-row condenser coil – makes unit lighter and allows thorough coil cleaning to maintain "out of the box" performance
- 35% fewer cabinet fasteners and fastener-free base – allow for faster access to internal components and hassle-free panel removal
- Service trays – hold fasteners or caps during service calls
- QR code – provides technical information on demand for faster service calls
- Fan motor harness with extra long wires allows unit top to be removed without disconnecting fan wire.

### GENERAL TERMS OF LIMITED WARRANTY\*

Rheem will furnish a replacement for any part of this product which fails in normal use and service within the applicable period stated, in accordance with the terms of the limited warranty.

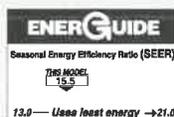
Conditional Parts

(Registration Required) ..... Ten (10) Years

\*For complete details of the Limited and Conditional Warranties, including applicable terms and conditions, contact your local contractor or the Manufacturer for a copy of the product warranty certificate.

Model RA13	Nominal Cooling Capacity	Voltage	Phase	Operating			Service Valve - Liquid	Service Valve - Suction	Shipping Lbs. [kg]	Price
				Width "W" Inches [mm]	Length "L" Inches [mm]	Height "H" Inches [mm]				
18	18,000	208/230	1	29.75 [755]	29.75 [755]	27 [685]	3/8"	3/4"	127 [57.6]	
24	24,000	208/230	1	29.75 [755]	29.75 [755]	25 [635]	3/8"	3/4"	142 [64.4]	
30	30,000	208/230	1	29.75 [755]	29.75 [755]	25 [635]	3/8"	3/4"	163 [73.9]	
36	36,000	208/230 208/230 460	1 3 3	29.75 [755]	29.75 [755]	27 [685]	3/8"	3/4"	164 [74.4]	
42	42,000	208/230 208/230 460	1 3 3	29.75 [755]	29.75 [755]	31 [787]	3/8"	7/8"	195 [88.4]	
48	48,000	208/230 208/230 460	1 3 3	33.75 [857]	33.75 [857]	27 [685]	3/8"	7/8"	202 [91.6]	
60	60,000	208/230 208/230 460	1 3 3	35.75 [908]	35.75 [908]	31 [787]	3/8"	7/8"	235 [107.1]	

[ ] Designates Metric Conversions





# SALES FACT SHEET

## ACCESSORIES

Description	Part No.	Price
Low Ambient Control (RXAD-A08)	RXAD-A08	
Crankcase Heater for 1.5 - 3 ton Models	44-17402-44	
Crankcase Heater for 3.5 - 5 ton Models	44-17402-45	
Low Pressure Control	RXAC-A07	
High Pressure Control	RXAB-A07	
Compressor Sound Cover 1.5 - 3 ton Models	68-23427-26	
Compressor Sound Cover 3.5 - 5 ton Models	68-23427-25	
Compressor Hard Start Kit	SK-A1	
Compressor Time Delay	RXMD-B01	
Liquid Line Solenoid Valve (24 VAC, 50/60 Hz)	200RD2T3TVLC	
Liquid Line Solenoid Coil (24 VAC, 50/60 Hz)	61-AMG24V	
Liquid Line Solenoid Valve (120/240 VAC, 50/60 Hz)	200RD2T3TVLC	
Liquid Line Solenoid Coil (120/240 VAC, 50/60 Hz)	61-AMG120/240V	
Top Cap w/Label	91-101123-21	

**Total Price** \$

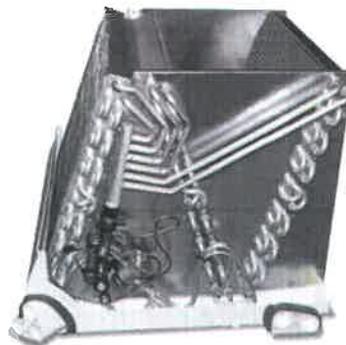


The new degree of comfort.™

## Cased/Uncased Coils For Gas And Oil Furnaces

### RCF- Series

featuring Industry Standard R-410A  
Refrigerant  
Airflow Capacity  
600-1,900 CFM [283-897 L/s]



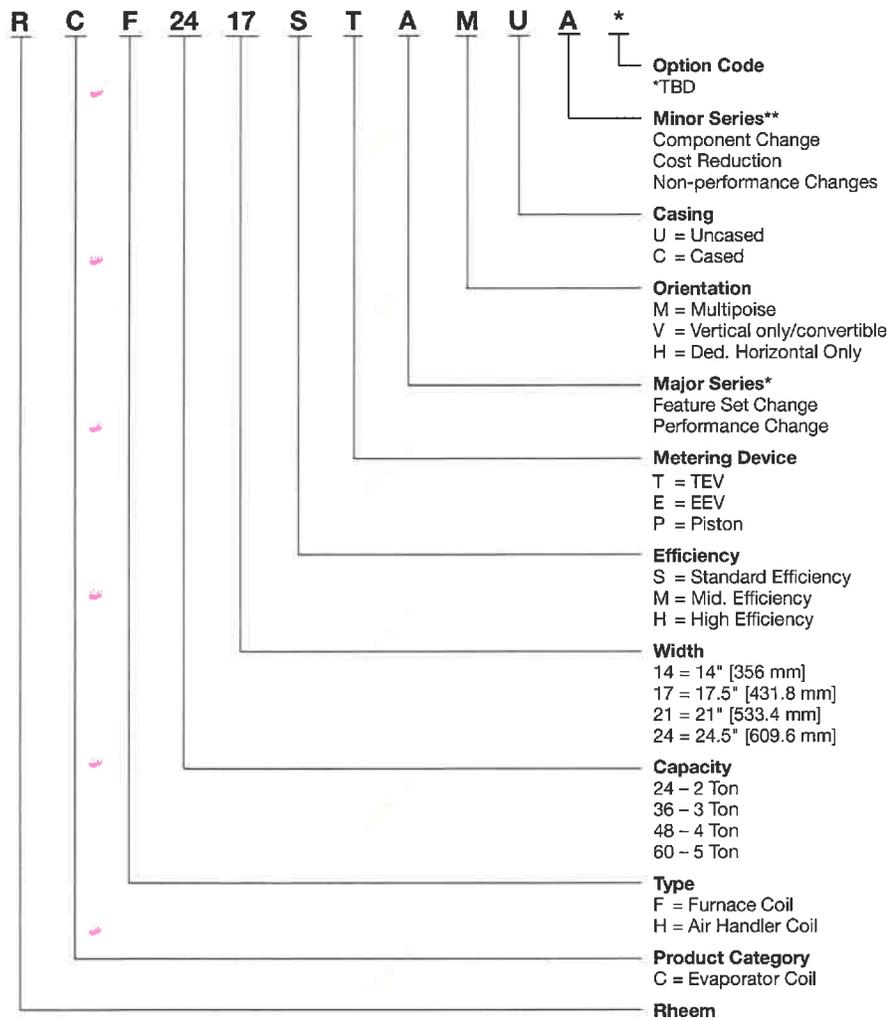
(TXV Metering Device Shown)

- Rheem® Indoor Furnace cased coils and replacement uncased coils are designed for use with Rheem outdoor units and are available for vertical upflow or downflow, and horizontal left or horizontal right airflow. When matched with Rheem outdoor units, the coils provide a nominal capacity range from 18,000 BTU/HR [5.24 kW] to 60,000 BTU/HR [17.6 kW].
- Constructed of aluminum fins bonded to internally grooved aluminum tubing.
- Coils are tested at the factory with an extensive refrigerant leak check.
- Coils have copper sweat refrigerant connections.
- Feature two sets of 3/4" [14.1 mm] N.P.T. Condensate drain connections for ease of connection.
- Chatleff metering device connections, at inlet and outlet of TXV or EEV and equalizer connections (TXV only).
- Approved for system application with variety of Rheem outdoor units.
- Condensate drain pan is constructed of high grade, heat resistant, corrosion free thermal-set material.
- Compatible with Germicidal Light System (UV resistant)
- Bi-Directional airflow eliminates the need to switch any internal components from horizontal left to right.
- Unique drain pan design maximizes application flexibility and condensate removal.
- N-Coil design maximizes performance and minimizes height required at installation.
- Coils are AHRI certified for system application with a variety of Rheem outdoor units.

## TABLE OF CONTENTS

Model Number Identification .....	3
Coil Specifications .....	4-5
Coil Dimensions and Weights .....	6-7
Accessories .....	8-9
Limited Warranty .....	10

## Model Number Identification



[ ] Designates Metric Conversions

TXV MODELS AVAILABLE	
RCF2414STAMCA	RCF3624MTAVUA
RCF2417STAMCA	RCF4821STSVUA
RCF2417MTAMCA	RCF4821MTAVUA
RCF2421MTAMCA	RCF4824STAVUA
RCF3617STAMCA	RCF6021STAVUA
RCF3621STAMCA	RCF6024STAVUA
RCF3621MTAMCA	RCF2417HTAMCA
RCF3621HTAMCA	RCF2421HTAMCA
RCF3624MTAMCA	RCF3624HTAMCA
RCF4821STAMCA	RCF4824HTAMCA
RCF4821MTAMCA	RCF6024HTAMCA
RCF4824STAMCA	RCF2417HTAVUA
RCF6021STAMCA	RCF2421HTAVUA
RCF6024STAMCA	RCF3624HTAVUA
RCF2414STAVUA	RCF4824HTAVUA
RCF2417STAVUA	RCF6024HTAVUA
RCF2417MTAVUA	RCF2417SPAVUA
RCF2421MTAVUA	RCF3617SPAVUA
RCF3617STAVUA	RCF3621SPAVUA
RCF3621STAVUA	RCF4821SPAVUA
RCF3621MTAVUA	RCF4824SPAVUA
RCF3621HTAVUA	

EEV MODELS AVAILABLE	
RCF2417SEAMCA	RCF2417SEAVUA
RCF3617SEAMCA	RCF3617SEAVUA
RCF2421MEAMCA	RCF2421MEAVUA
RCF3621MEAMCA	RCF3621MEAVUA
RCF6021SEAMCA	RCF6021SEAVUA
RCF6024MEAMCA	RCF6024MEAVUA

**Table 1: Coil Specifications/Airflow Pressure Drop**

Coil Model (-)CF	Approx. Design Cooling Air Flow Range CFM [L/s]	Face Area Sq. Ft. [m <sup>2</sup> ]	Fins Per Inch / Rows Deep	Width	Nominal Capacity	Wet Coil Static Pressure Drop (Inches W.C.) [kPa] @ CFM [L/s] – (Coil Only)													
						600 [283]	700 [330]	800 [378]	900 [425]	1000 [472]	1100 [519]	1200 [566]	1300 [614]	1400 [661]	1500 [708]	1600 [755]	1700 [802]	1800 [850]	1900 [897]
RCF2414STAM	600/900 [283/425]	4.56 [0.42]	16/2	14	1.5 – 2	0.165	0.209	0.262	0.325	—	—	—	—	—	—	—	—	—	
RCF2417STAM RCF2417SEAM	600/900 [283/425]	4.56 [0.42]	16/2	17		0.120	0.157	0.199	0.246	—	—	—	—	—	—	—	—	—	
RCF2417MTAM	600/900 [283/425]	5.70 [0.52]	16/2			0.113	0.145	0.181	0.222	—	—	—	—	—	—	—	—	—	
RCF3617STAM RCF3617SEAM	700/1300 [330/614]	5.70 [0.52]	16/2	21	2.5 – 3	0.113	0.145	0.181	0.222	0.266	0.315	0.368	—	—	—	—	—	—	
RCF2421MTAM RCF2421MEAM	600/900 [283/425]	5.70 [0.52]	16/2		1.5 – 2	0.113	0.145	0.181	0.222	—	—	—	—	—	—	—	—	—	
RCF2421HTAM	600/900 [283/425]	5.70 [0.52]	16/2	21	2.5 – 3	0.113	0.145	0.181	0.222	—	—	—	—	—	—	—	—	—	
RCF3621STAM	700/1300 [330/614]	5.70 [0.52]	16/2			0.113	0.145	0.181	0.222	0.266	0.315	0.368	—	—	—	—	—	—	
RCF3621MTAM RCF3621MEAM	700/1300 [330/614]	8.55 [0.79]	16/2			0.062	0.086	0.112	0.140	0.170	0.202	0.236	—	—	—	—	—	—	
RCF3621HTAM	700/1300 [330/614]	7.60 [0.70]	13/3	24	3.5 – 4	0.106	0.125	0.146	0.169	0.194	0.221	0.251	—	—	—	—	—	—	
RCF4821MTAM	1100/1800 [519/850]	7.60 [0.70]	13/3			0.106	0.125	0.146	0.169	0.194	0.221	0.251	0.282	0.315	0.350	0.386	0.425	0.466	—
RCF4821STAM	1100/1800 [519/850]	8.55 [0.79]	16/2			0.062	0.086	0.112	0.140	0.170	0.202	0.236	0.272	0.309	0.349	0.391	0.434	0.480	0.527
RCF6021STAM RCF6021SEAM	1400/1600 [661/755]	7.60 [0.70]	13/3	24	5	0.036	0.050	0.065	0.081	0.098	0.117	0.137	0.158	0.180	0.203	0.228	0.254	—	—
RCF3624MTAM	700/1300 [330/614]	8.55 [0.79]	16/2			2.5 – 3	0.062	0.086	0.112	0.140	0.170	0.202	0.236	0.272	0.309	—	—	—	—
RCF3624HTAM	700/1300 [330/614]	9.98 [0.93]	14/3				0.036	0.050	0.065	0.081	0.098	0.117	0.137	0.158	0.180	—	—	—	—
RCF4824STAM	1100/1800 [519/850]	8.55 [0.79]	16/2	24	3.5 – 4	0.062	0.086	0.112	0.140	0.170	0.202	0.236	0.272	0.309	0.349	0.391	0.434	0.480	—
RCF4824HTAM	1100/1800 [519/850]	9.98 [0.93]	14/3			0.036	0.050	0.065	0.081	0.098	0.117	0.137	0.158	0.180	0.203	0.228	0.254	0.281	—
RCF6024STAM RCF6024MEAM	1400/1800 [661/755]	9.98 [0.93]	14/3			5	0.036	0.050	0.065	0.081	0.098	0.117	0.137	0.158	0.180	0.203	0.228	0.254	0.281
RCF6024HTAM	1400/1800 [661/755]	9.98 [0.93]	14/3	0.036	0.050		0.065	0.081	0.098	0.117	0.137	0.158	0.180	0.203	0.228	0.254	0.281	—	

**Important Note:** Gas furnace heating CFM can exceed the design cooling CFM. Ductwork and coil selection must accommodate the higher of the cooling or gas heating CFM to prevent furnace limit tripping, excessive noise, and coil freeze-up.

[ ] Designates Metric Conversions

**Table 1: Coil Specifications/Airflow Pressure Drop (con't.)**

Coil Model (-)CF	Approx. Design Heating Air Flow Range CFM [L/s]	Face Area Sq. Ft. [m <sup>2</sup> ]	Fins Per Inch / Rows Deep	Width	Nominal Capacity	Dry Coil Static Pressure Drop (Inches W.C.) [kPa] @ CFM [L/s] - (Coil-Only)													
						600 [283]	700 [330]	800 [378]	900 [425]	1000 [472]	1100 [519]	1200 [566]	1300 [614]	1400 [661]	1500 [708]	1600 [755]	1700 [802]	1800 [850]	1900 [897]
RCF2414STAM	600/1600 [283/755]	4.56 [0.42]	16/2	14	1.5 - 2	0.118	0.118	0.145	0.176	0.210	0.247	0.288	0.332	0.379	0.429	0.483	—	—	—
RCF2417STAM RCF2417SEAM	600/1500 [283/707]	4.56 [0.42]	16/2	17		0.116	0.116	0.151	0.190	0.235	0.284	0.338	0.397	0.461	0.530	—	—	—	—
RCF2417MTAM	600/1600 [283/755]	5.70 [0.52]	16/2		2.5 - 3	0.101	0.101	0.129	0.161	0.196	0.235	0.277	0.323	0.373	0.425	0.482	—	—	—
RCF3617STAM RCF3617SEAM	600/1600 [283/755]	5.70 [0.52]	16/2	1.5 - 2		0.101	0.101	0.129	0.161	0.196	0.235	0.277	0.323	0.373	0.425	0.482	—	—	—
RCF2421MTAM	600/1600 [283/755]	5.70 [0.52]	16/2		2.5 - 3	0.101	0.101	0.129	0.161	0.196	0.235	0.277	0.323	0.373	0.425	0.482	—	—	—
RCF2422HTAM RCF2421MEAM	600/1600 [283/755]	5.70 [0.52]	16/2	3.5 - 4		0.101	0.101	0.129	0.161	0.196	0.235	0.277	0.323	0.373	0.425	0.482	—	—	—
RCF3621STAM	600/1600 [283/755]	5.70 [0.52]	16/2		5	0.101	0.101	0.129	0.161	0.196	0.235	0.277	0.323	0.373	0.425	0.482	—	—	—
RCF3621MTAM	600/1900 [283/896]	8.55 [0.79]	16/2	1.5 - 2		0.039	0.039	0.056	0.075	0.095	0.117	0.141	0.166	0.193	0.222	0.252	0.284	0.318	0.353
RCF3621HTAM RCF3621MEAM	600/1900 [283/896]	7.60 [0.70]	13/3		0.043	0.043	0.053	0.066	0.080	0.096	0.115	0.135	0.158	0.182	0.208	0.237	0.267	0.299	
RCF4821MTAM	600/1900 [283/896]	7.60 [0.70]	13/3	3.5 - 4	0.043	0.043	0.053	0.066	0.080	0.096	0.115	0.135	0.158	0.182	0.208	0.237	0.267	0.299	
RCF4821STAM	600/1900 [283/896]	8.55 [0.79]	16/2		0.039	0.039	0.056	0.075	0.095	0.117	0.141	0.166	0.193	0.222	0.252	0.284	0.318	0.353	
RCF6021STAM RCF6021SEAM	600/1900 [283/896]	7.60 [0.70]	13/3	5	0.080	0.080	0.092	0.106	0.121	0.136	0.153	0.171	0.190	0.211	0.232	0.254	0.278	0.302	
RCF3624MTAM	600/1900 [283/896]	8.55 [0.79]	16/2	2.5 - 3	0.039	0.039	0.056	0.075	0.095	0.117	0.141	0.166	0.193	0.222	0.252	0.284	0.318	0.353	
RCF3624HTAM	600/1900 [283/896]	9.98 [0.93]	14/3		0.023	0.023	0.038	0.055	0.074	0.095	0.119	0.144	0.171	0.200	0.231	0.264	0.300	0.337	
RCF4824STAM	600/1900 [283/896]	8.55 [0.79]	16/2	3.5 - 4	0.039	0.039	0.056	0.075	0.095	0.117	0.141	0.166	0.193	0.222	0.252	0.284	0.318	0.353	
RCF4824HTAM	600/1900 [283/896]	9.98 [0.93]	14/3		0.023	0.023	0.038	0.055	0.074	0.095	0.119	0.144	0.171	0.200	0.231	0.264	0.300	0.337	
RCF6024STAM RCF6024MEAM	600/1900 [283/896]	9.98 [0.93]	14/3	5	0.023	0.023	0.038	0.055	0.074	0.095	0.119	0.144	0.171	0.200	0.231	0.264	0.300	0.337	
RCF6024HTAM	600/1900 [283/896]	9.98 [0.93]	14/3		0.023	0.023	0.038	0.055	0.074	0.095	0.119	0.144	0.171	0.200	0.231	0.264	0.300	0.337	

**Important Note:** Gas furnace heating CFM can exceed the design cooling CFM. Ductwork and coil selection must accommodate the higher of the cooling or gas heating CFM to prevent furnace limit tripping, excessive noise, and coil freeze-up.

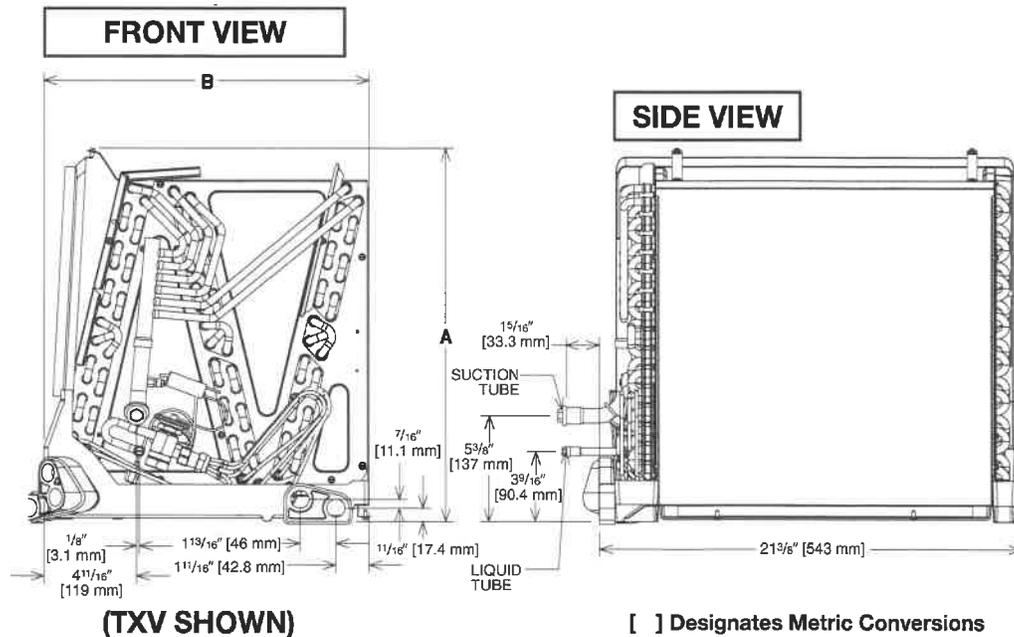
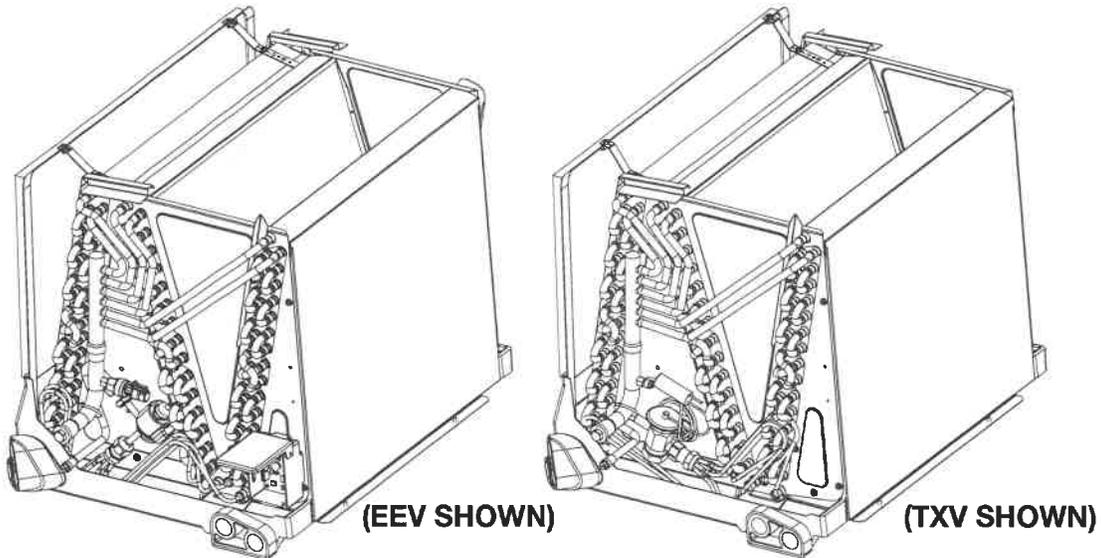
[ ] Designates Metric Conversions

**Table 2: Coil Dimensions and Weights**

Coil Model RCF	Connections		Uncased Coil Dimensions (in.) [mm]		Weight	
	Sweat (in.) [mm]		A	B	Coil Weight (lbs.) [Kg.]	Shipping Weight (lbs.) [Kg.]
	Liquid	Suction				
	I.D.	I.D.				
2414ST	3/8 [9.53]	3/4 [19.05]	21 3/4 [552]	127/8 [327]	43 [19]	47 [21]
2417SP/2417ST/2417SE	3/8 [9.53]	3/4 [19.05]	15 3/8 [390]	16 3/8 [416]	43 [19]	48 [22]
2417MT/2417HT/3617ST/3617SP/3617SE	3/8 [9.53]	3/4 [19.05]	18 3/4 [476]	16 3/8 [416]	49 [22]	54 [24]
2421MT/2421HT/3621ST/3621SP/2421ME	3/8 [9.53]	3/4 [19.05]	18 3/4 [476]	19 7/8 [505]	51 [23]	60 [27]
3621MT/4821ST/4821SP/3621ME	3/8 [9.53]	3/4 [19.05]	26 5/8 [676]	19 7/8 [505]	71 [32]	78 [35]
3621HT/4821MT/6021ST/6021SE	3/8 [9.53]	7/8 [22.23]	33 [838]	19 7/8 [505]	76 [34]	86 [39]
3624MT/4824ST/4824ST	3/8 [9.53]	3/4 [19.05]	26 11/16 [678]	23 3/8 [594]	83 [37]	93 [42]
3624HT/4824HT/6024ST/6024HT/6024ME	3/8 [9.53]	3/4 [19.05]	30 15/16 [786]	23 3/8 [594]	100 [45]	108 [48]

\*The 14 inch, 2 ton RCF coil (2414) is part of the "N-Coil" design series, even though the coil shape resembles an "A" coil design.

**FIGURE 1: DIMENSIONS UNCASSED**

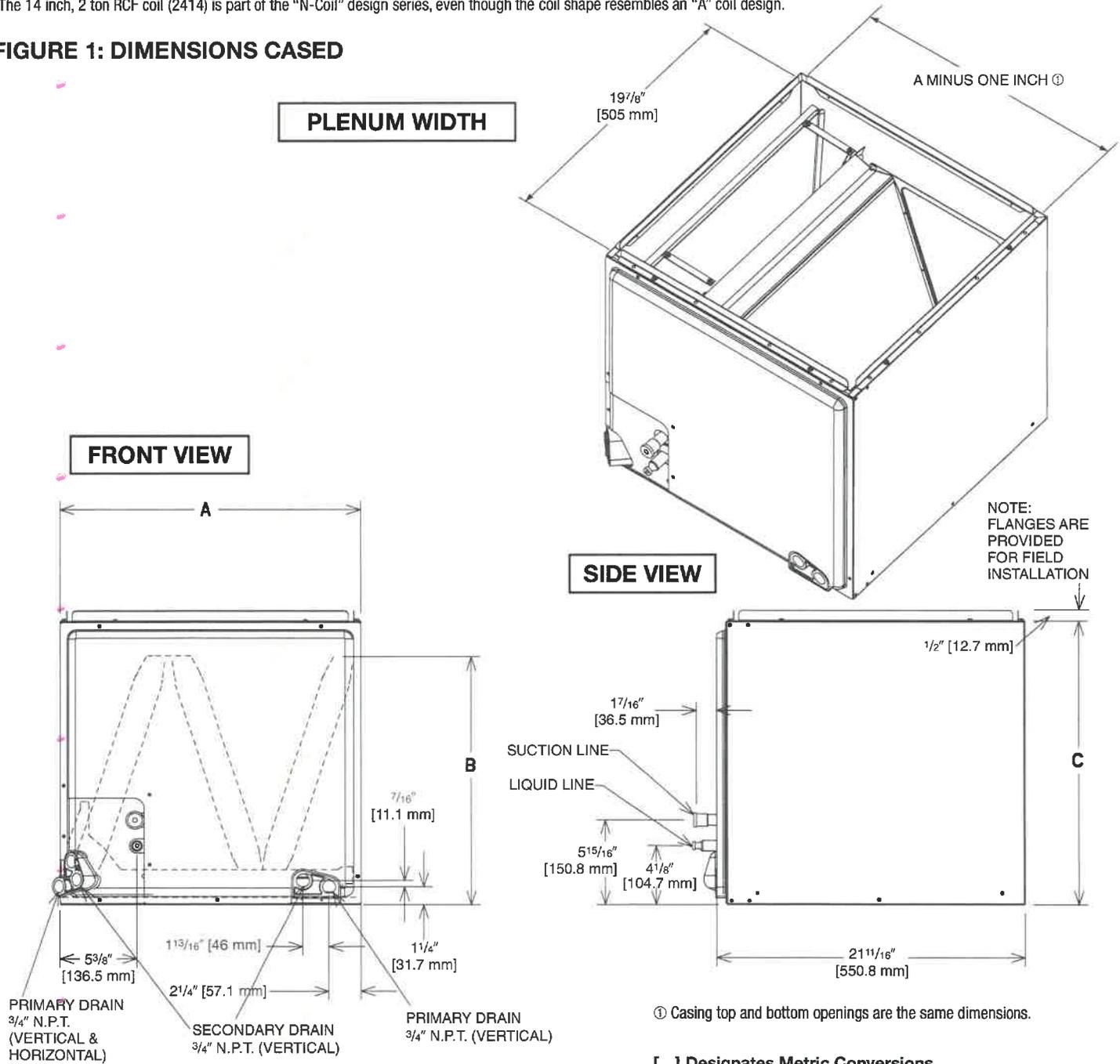


**Table 2: Coil Dimensions and Weights**

Coil Model RCF	Connections		Cased Coil Dimensions (in.) [mm]			Weight	
	Sweat (in.) [mm]		A	B	C	Coil Weight (lbs.) [Kg.]	Shipping Weight (lbs.) [Kg.]
	Liquid	Suction					
	I.D.	I.D.					
2414ST	3/8 [9.53]	3/4 [19.05]	14 [356]	21 [533]	23 <sup>3</sup> / <sub>16</sub> [584]	43 [19]	47 [21]
2417SP/2417ST/2417SE	3/8 [9.53]	3/4 [19.05]	17 <sup>1</sup> / <sub>2</sub> [445]	14 <sup>1</sup> / <sub>2</sub> [368]	20 [508]	43 [19]	48 [22]
2417MT/2417HT/3617ST/3617SP/3617SE	3/8 [9.53]	3/4 [19.05]	17 <sup>1</sup> / <sub>2</sub> [445]	17 <sup>7</sup> / <sub>8</sub> [454]	20 [508]	49 [22]	54 [24]
2421MT/2421HT/3621ST/3621SP/2421ME	3/8 [9.53]	3/4 [19.05]	21 [533]	17 <sup>1</sup> / <sub>2</sub> [445]	20 [508]	51 [23]	60 [27]
3621MT/4821ST/4821SP/3621ME	3/8 [9.53]	3/4 [19.05]	21 [533]	25 <sup>7</sup> / <sub>8</sub> [657]	28 [711]	71 [32]	78 [35]
3621HT/4821MT/6021ST/6021SE	3/8 [9.53]	7/8 [22.23]	21 [533]	32 [813]	34 <sup>1</sup> / <sub>2</sub> [876]	76 [34]	86 [39]
3624MT/4824ST/4824ST	3/8 [9.53]	3/4 [19.05]	24 <sup>1</sup> / <sub>2</sub> [622]	25 <sup>3</sup> / <sub>8</sub> [645]	32 [812]	83 [37]	93 [42]
3624HT/4824HT/6024ST/6024HT/6024ME	3/8 [9.53]	3/4 [19.05]	24 <sup>1</sup> / <sub>2</sub> [622]	30 <sup>1</sup> / <sub>4</sub> [768]	32 [812]	100 [45]	108 [48]

\*The 14 inch, 2 ton RCF coil (2414) is part of the "N-Coil" design series, even though the coil shape resembles an "A" coil design.

**FIGURE 1: DIMENSIONS CASED**



### Table 3: Coil Application

Coils can be matched to heating products as listed in table below.

Coil Model RCF	Furnace Width (In.) (mm)	
	Oil	Gas
2414ST 2417ST/ 2417SE 2417HT/2417MT 3617ST/ 3617SE	—	14 [356]
2417ST/2417SE 2417MT/2417HT/2417SP 3617ST/3617SP/3617SE	17½ [431]	17½ [444] 14 [356]
2421MT/2421HT/2421ME 3621ST/3621SP 3621MT/4821ST/4821SP/3621ME/6021ST/6021SE	21 [533]	21 [533] 17½ [444]
3624MT/3624HT 4824ST/4824HT/4824SP 6024ST/6024HT/6024ME	24½ [622]	24½ [622] 21 [533]

### Accessories

• **PLENUM ADAPTER ACCESSORY  
RXBA-AE**

This plenum adapter accessory is for use with the 24½" wide cased indoor cooling and heat pump coils. This allows a 24½" wide cased coil to be installed on a 28" wide oil furnace. This is a field-installed accessory only.

• **RXBA-AC (Upflow/Horizontal)**

These plenum adapter accessories are for use when a cooling coil is matched with a gas furnace of one smaller size.

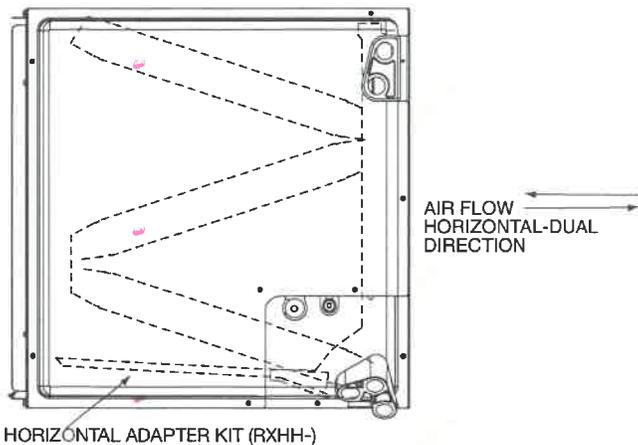
• **HORIZONTAL ADAPTER KIT RXHH (See Figure 2)**

This horizontal adapter kit is used to convert a upflow or downflow coil for a horizontal application. See Table 4 to order the proper horizontal adapter kit.

Table 4: Horizontal Adapter Kit Model No.

Coil Model	Horizontal Adapter Kit Model No.
2414S	RXHH-A01
2417S	RXHH-A02
2417M/2421M/3617S/ 3621S/2421H	RXHH-A03
3621M/3624M/ 4821S/4824S	RXHH-A04
3624H/4824H/ 6024S/6024H	RXHH-A05
3621H/4821M/6021S	RXHH-A06

FIGURE 2: HORIZONTAL ADAPTER KIT ILLUSTRATION



• **INDOOR COIL CASING- RXBC (See Table 5)**

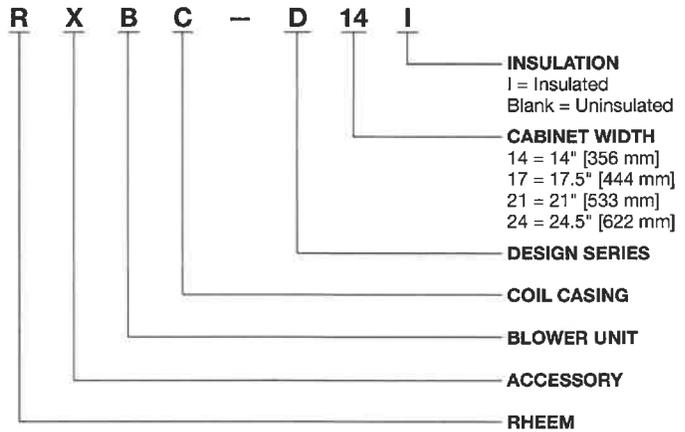


Table 5: Unit Dimensions and Weights- RXBC Indoor Coil Casings

Model Number	Width (in.) [mm]	Height (in.) [mm]	Depth (in.) [mm]	Unit Weight		Supply Air/Return Air Openings	
				Weight (lbs.) [Kg.]	Ship. Wt. (lbs.) [Kg.]	Width (in.) [mm]	Depth (in.) [mm]
RXBC-D14AI	14 [356]	23⅞ [589]	21⅝ [549]	19 [9]	23 [10]	13 [330]	19⅜ [508]
RXBC-D17AI	17½ [445]	20 [508]		18 [8]	23 [10]	16½ [419]	
RXBC-D21AI	21 [533]	20 [508]		20 [9]	26 [12]	20 [508]	
RXBC-D21BI	21 [533]	28 [711]		27 [12]	36 [17]	20 [508]	
RXBC-D24AI	24½ [622]	32½ [826]		34 [16]	44 [20]	23½ [597]	

Table 6: Uncased Coil Adapter Kit

Uncased Coil Adapter Model Number RXBA	A Width (in.) [mm]	Uncased Coil Model RCFP
B14x20	13⅞ [333]	-HUxx14
B17x20	16⅝ [422]	-HUxx17
B21x20	20⅞ [511]	-HUxx21
B24x20	23⅝ [599]	-HUxx24

[ ] Designates Metric Conversions

## Accessories (cont.)

### • UNCASED COIL ADAPTER KIT RXBA- (See Figure 3 & 4)

This uncased coil adapter kit is used to adapt the coil to a furnace or ductwork. See Table 6 to order the proper adapter kit. Each kit contains a quantity of 20 adapters.

FIGURE 3: UNCASED COIL ADAPTER KIT ILLUSTRATION

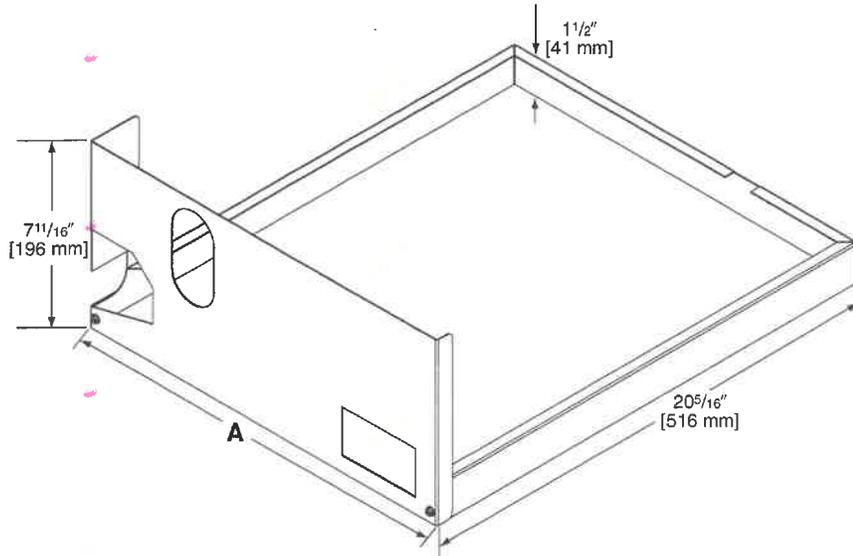
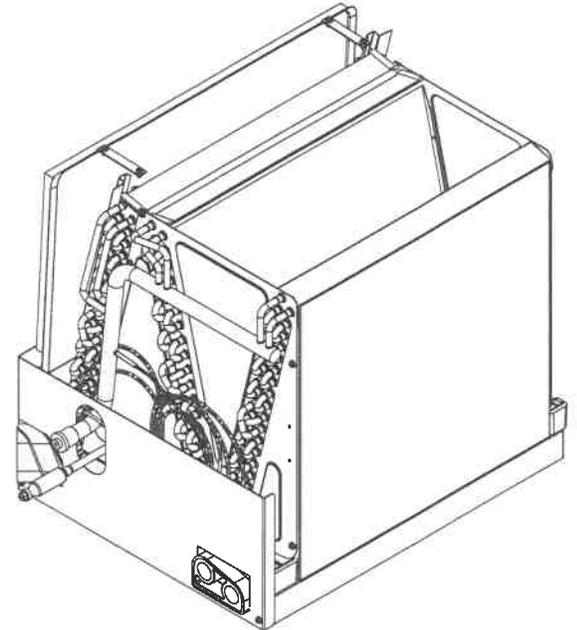


FIGURE 4: UNCASED COIL ADAPTER KIT ASSEMBLED



Note: Sliding the coil into the coil rail before attaching coil rack front.

[ ] Designates Metric Conversions

## R-22 TXV Conversion Kits

To be used to convert R410-A coil to operate with R-22

FURNACE COIL CROSS REFERENCE CHART		
ORIGINAL COIL	RECOMMENDED ALUMINUM TUBE REPLACEMENT COIL	R-22 TXV CONVERSION KIT MODEL NO.
RCFA-**2414	RCF2414STAT	RXCT-HBA
RCFA-**2417	RCF2417STA	RXCT-HBA
RCFA-**3617	RCF3617STA, RCF2417MTA, or RCF2417HTA	RXCT-HBB
RCFA-**3621	RCF3621STA, RCF2417MTA, or RCF2421HTA	RXCT-HBB
RCFA-**4821	RCF4821STA or RCF3621MTA	RXCT-HBC
RCFA-**4824	RCF4824STA or RCF3624MTA	RXCT-HBC
RCFA-**6024	RCF6024STA, RCF6024HTA, RCF4824HTA, or RCF3624HTA	RXCT-HBD

\*\*= AU, HM, or HU

## GENERAL TERMS OF LIMITED WARRANTY\*

Rheem will furnish a replacement for any part of this product which fails in normal use and service within the applicable periods stated, in accordance with the terms of the limited warranty.

Parts.....Five (5) Years

\*For complete details of the Limited and Conditional Warranties, including applicable terms and conditions, contact your local contractor or the Manufacturer for a copy of the product warranty certificate.





The new degree of comfort.™

*In keeping with its policy of continuous progress and product improvement, Rheem reserves the right to make changes without notice.*

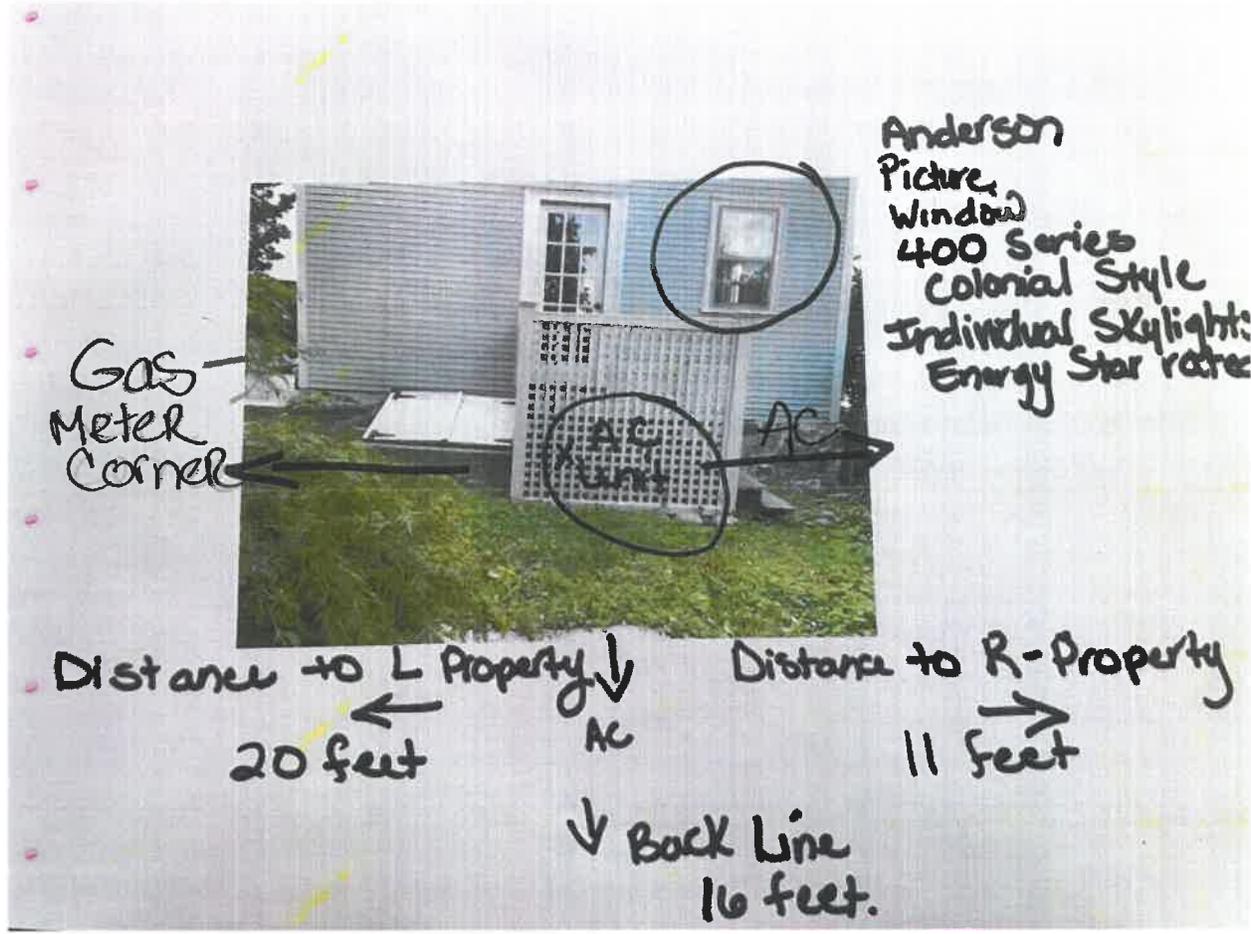
Rheem Heating, Cooling & Water Heating • P.O. Box 17010  
Fort Smith, Arkansas 72917 • [www.rheem.com](http://www.rheem.com)

Rheem Canada Ltd./Ltée • 125 Edgeware Road, Unit 1  
Brampton, Ontario • L6Y 0P5



INTEGRATED HOME COMFORT

3 Walton  
LU- 22-100



RECEIVED  
MAR 01 2023



Rotting  
Stairs  
and  
Vent pipes  
Reason for  
Step  
replacement →

3 Walton Lu-22100



3 Walton  
LU-22-100



3 Watton  
LU-100



Abbot's  
Fence →

AC Unit

DECEIVED

3 Walton Lu-22-100



DEPT 11  
M 4 1 2023  
11

AC

## II. NEW BUSINESS

- K. The request of **Jared J Saulnier (Owner)**, for property located at **4 Sylvester Street** whereas relief is needed to subdivide one lot into two lots which requires the following: Proposed Lot 1: 1) Variances from Section 10.521 to allow a) a lot area and lot area per dwelling of 9,645 square feet where 15,000 is required for each; b) 80 feet of lot depth where 100 feet is required; and c) a 9 foot right side yard where 10 feet is required. Proposed Lot 2: 1) Variances from Section 10.521 to allow a) a lot area and lot area per dwelling unit of 6,421 square feet where 15,000 is required for each; b) 40 feet of street frontage where 100 feet is required; and c) 80 feet of lot depth where 100 feet is required. Said property is located on Assessor Map 232 Lot 36 and lies within the Single Residence B (SRB) District. (LU-23-27)

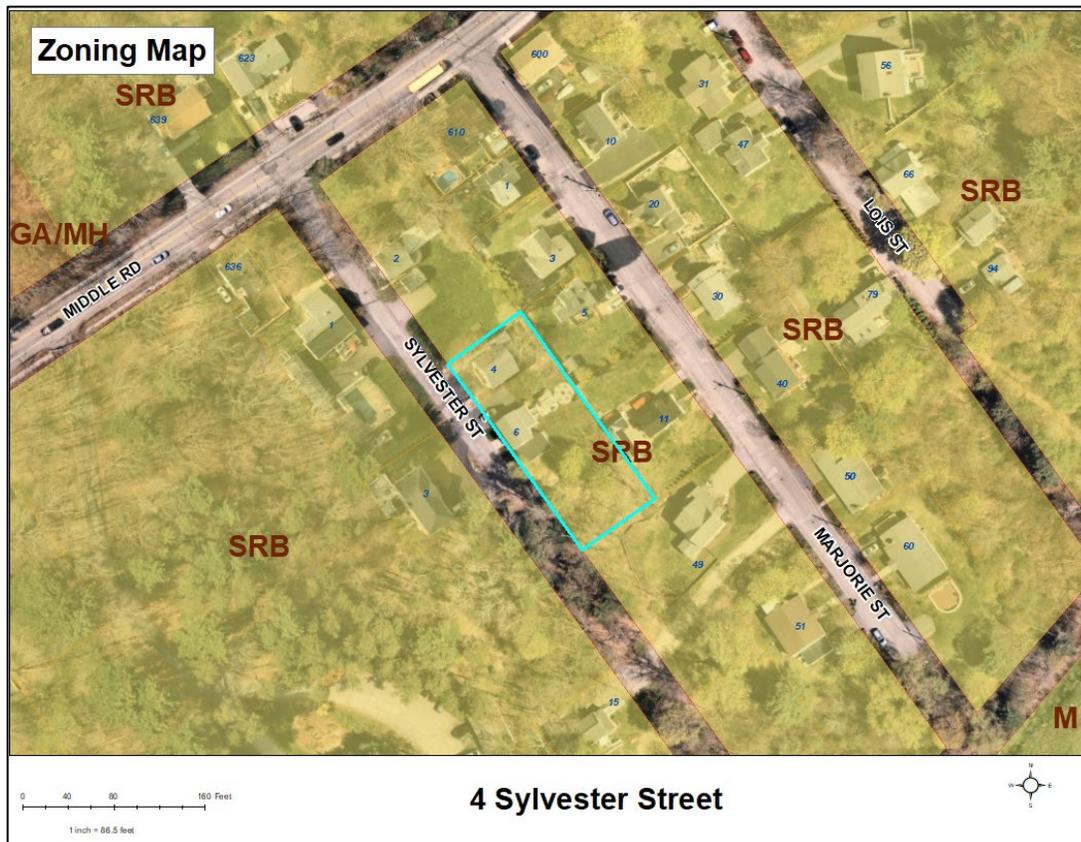
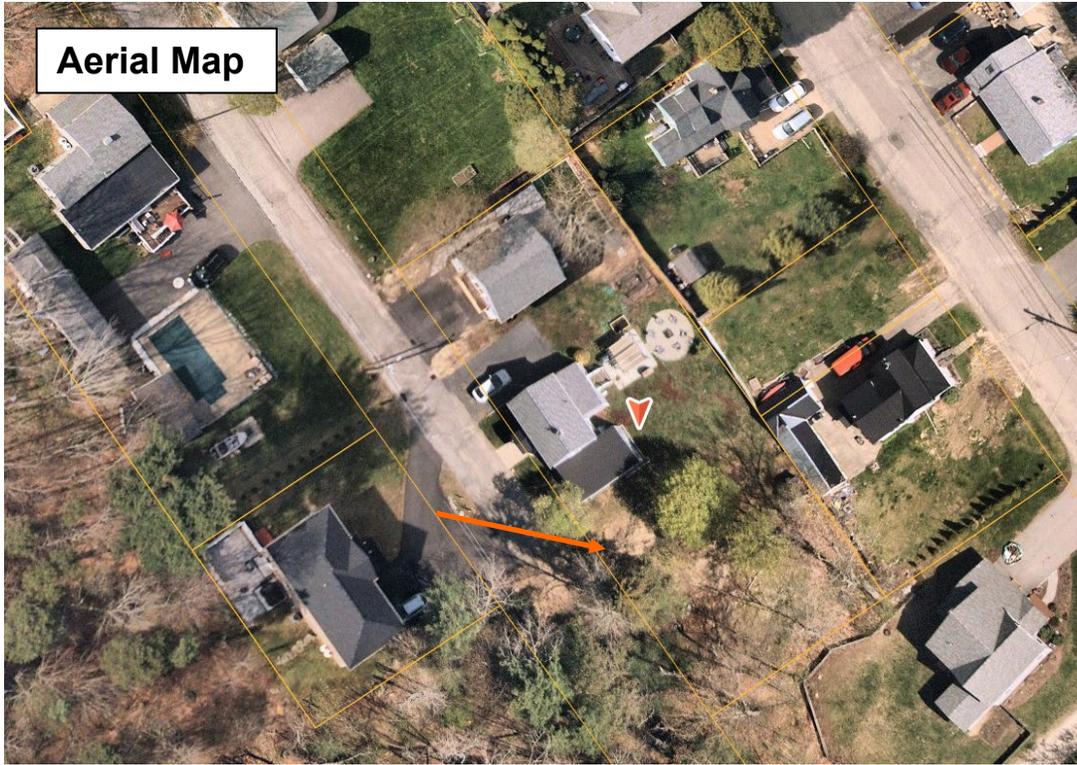
### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>		<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	2 lot subdivision		Primarily single family
		Lot 1 (232-36)	Lot 2	
<u>Lot area (sq. ft.):</u>	16,067	<b>9,645</b>	<b>6,421</b>	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	16,067	<b>9,645</b>	<b>6,421</b>	15,000 min.
<u>Street Frontage (ft.):</u>	200	120	<b>40</b>	100 min.
<u>Lot depth (ft.)</u>	80	<b>80</b>	<b>80</b>	100 min.
<u>Front Yard (ft.):</u>	7.9	7.9	30	30 min.
<u>Left Yard (ft.):</u>	9.7	9.7	10	10 min.
<u>Right Yard (ft.):</u>	>10	<b>9</b>	10	10 min.
<u>Rear Yard (ft.):</u>	33.9	33.9	30	30 min.
<u>Height (ft.):</u>	21.75	21.75	N/A	35 max.
<u>Building Coverage (%)</u> :	11%	18.5	0	20 max.
<u>Open Space Coverage (%)</u> :	78.8	67.2	100	40 min.
<u>Parking</u>	2	2	N/A	2
<u>Estimated Age of Structure:</u>		<b>Variance request(s) shown in red.</b>		

### Other Permits/Approvals Required

- TAC/Planning Board – Subdivision Approval
- Building Permit

### Neighborhood Context



## Previous Board of Adjustment Actions

April 18, 2017 – Relief from Zoning Ordinance to Keep 4 chickens in a 4' x 6' coop.

Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including a Special Exception under Section 10.440, Use #17.20 to allow the keeping of farm animals in a district where it is only allowed by Special Exception. The Board voted to **grant** the petition as presented and advertised **with the following stipulations**: The number of chickens will be limited to four with no roosters.

## Planning Department Comments

The applicant is requesting relief to subdivide the existing lot into two lots with dimensions as stated in the conditions table. 40 feet of frontage is requested for lot 2 as the applicant is proposing to extend the road to the mid-point of proposed lot 2, not the entire length of the lot.

Applicant has not yet proposed any construction on proposed lot 2 so the open space calculation is 100%, building coverage is 0%, and the building height and parking is not applicable. A narrow building envelope is shown on the proposed plan that would accommodate a small dwelling.

## Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*  
**AND**
  - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*  
**OR**  
*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

## 10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

# HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC

ATTORNEYS AT LAW

127 Parrott Avenue | Portsmouth, NH, 03801  
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

March 1, 2023

## HAND DELIVERED

Peter Stith, Principal Planner  
Portsmouth City Hall  
1 Junkins Avenue  
Portsmouth, NH 03801

Re: Jared J. Saulnier, Owner/Applicant  
4 Sylvester Street  
Tax Map 232/Lot 36

Dear Mr. Stith & Zoning Board Members:

On behalf of Jared J. Saulnier ("Saulnier"), enclosed please find the following in support of a request for zoning relief:

- Digital Application submitted via Viewpoint earlier today.
- Owner Authorization.
- 3/1/2023 – Memorandum and exhibits in support of variance application.

We look forward to presenting this application to the Zoning Board at its March 21, 2023 meeting.

Very truly yours,



R. Timothy Phoenix  
Monica F. Kieser

Encl.

cc: Jared J. Saulnier  
Altus Engineering (email)

---

DANIEL C. HOEFLE	R. PETER TAYLOR	GREGORY D. ROBBINS	STEPHANIE J. JOHNSON
R. TIMOTHY PHOENIX	ALEC L. MCEACHERN	PETER V. DOYLE	OF COUNSEL:
LAWRENCE B. GORMLEY	KEVIN M. BAUM	MONICA F. KIESER	SAMUEL R. REID
STEPHEN H. ROBERTS	JACOB J.B. MARVELLEY	DUNCAN A. EDGAR	JOHN AHLGREN

**OWNER'S AUTHORIZATION**

I, Jared J. Saulnier, Owner/Applicant of 4 Sylvester Street, Tax Map 232/Lot 36, hereby authorize law firm Hoefle, Phoenix, Gormley & Roberts, PLLC to represent me before any and all City of Portsmouth Representatives, Boards and Commissions for permitting the project.

Respectfully submitted,

Date: 01-11-2023

*Jared Saulnier*  
\_\_\_\_\_  
Jared J. Saulnier

## MEMORANDUM

**TO:** Portsmouth Zoning Board of Adjustment (“ZBA”)  
**FROM:** R. Timothy Phoenix, Esquire  
Monica F. Kieser, Esquire  
**DATE:** March 1, 2023  
**RE:** Jared J. Saulnier, Owner/Applicant  
4 Sylvester Street  
Tax Map 232/Lot 36  
Single Residence B District

Dear Chair Eldridge and Zoning Board Members:

On behalf of the Owner/Applicant, Jared J. Saulnier (“Saulnier”), we are pleased to submit this memorandum and attached exhibits in support of Zoning Relief for the subdivision of the existing lot to be considered by the ZBA at its March 21, 2023 meeting.

### I. EXHIBITS

- A. Prospect Park, Annex #3, 1903 – Rockingham County Registry of Deeds #00225
- B. Plat of Land & Limited Elevations – issued by James Verra & Associates, Inc.
- C. ZBA Plan – issued by Altus Engineering.
- D. Map of area depicting lots with less than required area, frontage, and/or depth.
- E. Site Photographs.
  - Satellite view
  - Street views
- F. Tax Map 233.

### II. PROPERTY/PROJECT

4 Sylvester Street is a 16,067 s.f. lot with 200 ft. of frontage comprised of five (5) historic lots (40 ft. by 80 ft.) depicted on the 1903 Plan of Prospect Park, Annex #3 (the “Property”).

**(Exhibits A & B).** Although Sylvester Street is laid out on the Prospect Park Plan, it does not continue past the Property, which is the last house on the left, but continues on the other side of a wooded area with access from Marjorie. The Property is developed with a single family home and garage on the left side of the lot, and a shed and wood storage structure on the right side of the lot. A 20 ft. utility easement benefitting the City crosses the Property between the home and garage. The garage was constructed outside that easement area and is therefore 9.7 ft. from the left side lot line. The Property contains nearly twice the required frontage but like nearly all the historic lots, is 80 ft. deep, failing to conform to today’s Single Residence B District Requirements.

Saulnier proposes to subdivide the Property into two lots, Lot 1 containing 9,645 s.f., and

119.90 ft. of frontage and the existing home and barn, and Lot 2 containing 6,421 s.f., 80 ft. of frontage and an existing lot depth of 80 ft. (the “Project”). **(Exhibit C)**. The Project confers the benefit of an additional buildable lot in Portsmouth, where housing opportunities are in high demand and many lots fail to conform to current requirements for frontage, lot area, lot area/dwelling unit, and lot depth. **(Exhibit D)**. In anticipation of a Subdivision Application, Saulnier seeks variances to permit two lots with less than 15,000 s.f., one with a side yard of less than 10 ft., and one lot with less than 100 ft. of frontage and less than 100 ft. lot depth.

**III. RELIEF REQUIRED**

<u>Variance Section/Requirement</u>	<u>Existing</u>	<u>Proposed</u>
<u>PZO §10.520/Table §10.521:</u> <u>Dimensional Standards</u> 15,000 s.f. Lot area 15,000 s.f. Lot area/dwelling unit	16,067 s.f.	Lot 1: 9,645 s.f. Lot 2: 6,421 s.f.
<u>PZO §10.520/Table §10.521:</u> <u>Dimensional Standards</u> 100’ Continuous Street Frontage	200.01’	Lot 1: 119.90’ (no relief) Lot 2: 80.11’ ft.
<u>PZO §10.520/Table §10.521:</u> <u>Dimensional Standards</u> 100’ Lot Depth	80’	80’
<u>PZO §10.520/Table §10.521:</u> <u>Dimensional Standards</u> 10’ Side Yard	Lot 1: 9.7’ (left side)	Lot 1: 9.1’ (right side)

**IV. VARIANCE REQUIREMENTS**

- 1. The variances will not be contrary to the public interest.**
- 2. The spirit of the ordinance is observed.**

The first step in the ZBA’s analysis is to determine whether granting the variances is not contrary to the public interest and is consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102 (2007) and its progeny. Upon examination, it must be determined whether granting a variance “would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance’s basic zoning objectives”. Id. “Mere conflict with the zoning ordinance is not

enough”. *Id.*

Portsmouth Zoning Ordinance (“PZO”) Section 10.121 identifies the general purposes and intent of the ordinance “to promote the health, safety and general welfare of Portsmouth...in accordance with the...Master Plan” This is accomplished by regulating:

1. The use of land, buildings and structures for business, industrial, residential and other purposes – The intended use of the property is and will remain residential. The requested relief will satisfy the need for additional housing with creation of additional building lot on an underutilized area of land in a populated area where many similar sized lots exist.
2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – Lot 2 has 80.11 ft. of frontage where 100 ft. is required, but is the last lot on a dead-street; though under the required 15,000 s.f., it can accommodate a modest sized home without increasing the intensity of land use in the area. Many lots in the area are smaller than 15,000 s.f., lack 100 feet of frontage and/or depth, or required side yards, so the new lot fits in the area.
3. The design of facilities for vehicular access, circulation, parking and loading – Both lots will have sufficient space to accommodate appropriate facilities for these needs.
4. The impact on properties on of outdoor lighting, noise, vibration, stormwater runoff and flooding – The creation of an additional residential lot will not impact surrounding properties.
5. The preservation and enhancement of the visual environment – Allowance of an additional residential building lot among similarly sized developed lots will not negatively affect the visual environment.
6. The preservation of historic districts and building and structures of historic architectural interest – The Property is not located in the Historic Overlay District.
7. The protection of natural resources, including groundwater, surface water, wetlands, wild life habitat and air quality – The granting of the variances will not undermine these purposes of the Ordinance.

The intent of Single Residence B District is “[t]o provide areas for single-family dwellings at low to medium densities (approximately 1 to 3 dwellings per acre), and appropriate accessory uses. PZO §10.410. The Property is comprised of five lots depicted on a plan recorded prior to zoning. The proposal meets the intentions of the Single Residence B District by providing another residential building lot that is consistent with many in the area. Given these factors, granting the limited requested variances will not conflict with the basic zoning objectives of the PZO.

In considering whether variances “in a marked degree conflict with the ordinance such that they violate the ordinance’s basic zoning objectives,” Malachy Glen, *supra*, also held:

One way to ascertain whether granting the variance would violate basic zoning objectives is to determine whether it would alter the essential character of the locality... . Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

Notably, there are several properties in the immediate area with lot areas less than 15,000 s.f., less than 100 ft. of frontage, **and** less than 100 ft. lot depth; more yet lack required lot area **or** frontage, **or** depth. **(Exhibit D)**. The minimal deviation from the required side yard is not noticeable and also matches yard setbacks of the small lots nearby. Given the existence of many similar lots in the area, granting the variances for a lot on a major thoroughfare in this area will not alter the essential characteristics of the neighborhood.

Similarly, there will be no threat to the public health, safety or welfare by granting the requested variances when the relief required is for a building lot size, frontage, depth, and side yard comparable to several existing in the surrounding area. Allowance of an additional residential building lot in a populated residential zone satisfies the need for additional housing and affords Saulnier the highest and best use of his land.

The requested variances neither alter the essential character of the locality nor threaten the public health safety or welfare. Accordingly, none of the variances are contrary to the public interest and all observe the spirit of the ordinance.

**3. Granting the variance will not diminish surrounding property values.**

Granting the requested variances will not diminish surrounding property values. The proposal will satisfy the need for housing in Portsmouth through creation of an additional building lot on Sylvester Street comparable to others in the surrounding area. The later addition of a modest home on a lot similar in size to many in the area will not diminish surrounding property values.

**4. Denial of the variances results in an unnecessary hardship.**

- a. Special conditions distinguish the property from others in the area.

The Property contains nearly twice the required frontage and is comprised of five historic lots. The home and garage are located on the left side of the lot separated by a 20 ft. utility easement. This configuration under-utilizes prospective Lot #2 as an additional yard, when a more productive use would be as an additional residential building lot. A hardship may be found where similar nonconforming uses exist within the neighborhood and the proposed use

will have no adverse effect on the neighborhood. See Walker v. City of Manchester, 107 N.H. 382, 386 (1966). In Walker, an applicant sought to convert the use of a large building to a dwelling and funeral home in a residential zone. Denied by the Manchester Zoning Board of Adjustment, the Trial Court and Supreme Court found that a hardship existed, thus the variances should have been granted, where numerous other large dwellings in the area had been converted to office or other business use, and numerous funeral homes existed in an otherwise residential district via the issuance of variances. Here, the density, frontage, and lot configuration resulting from the requested variances are similar to the conditions in the surrounding area with similar sized developed lots and will have no adverse effect on the neighborhood, thus a hardship exists. Walker, supra.

Finally, a municipality's ordinance must reflect the current character of the neighborhood, See Belanger v. City of Nashua, 121 N.H. 389, 393 (1981). Granting the requested variances allow the subject lot to be in keeping with the character of other residential uses in the vicinity. Thus, the variances in this instance will allow the Ordinance to reflect the character of the area. In light of these conditions and restrictions, special conditions exist at the Property.

- b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

The purpose of dimensional requirements is to regulate density and prevent overcrowding of land and population. The purpose of frontage requirements is to provide air, light and promote visibility for motorists, cyclists, and pedestrians. The requested variances do not undermine the purpose of the Ordinance, particularly in the context of the Property's location at the end of Sylvester among many similar sized properties.

- c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005). Residential use is permitted and the creation of Lot 2 is consistent with the overall intent of the zoning district and similar conditions in the neighborhood. Thus, the improvements and variances required for them are reasonable.

**5. Substantial justice will be done by granting the variance.**

If "there is no benefit to the public that would outweigh the hardship to the applicant" this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, L.L.C., 162 N.H. 508

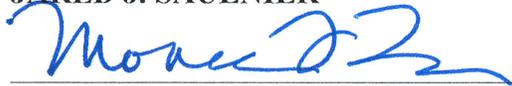
(2011). That is, “any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice.” Malachy Glen, *supra* at 109. The variances needed to create a building lot for a modestly sized residential home in a residential zone satisfy the need for housing and result in a lot comparable to many others in the surrounding area, so will not impact the general public. Conversely, Saulnier will be greatly harmed by denial of any of the variances, as he will lose the ability to create needed housing in Portsmouth. Without question, substantial justice will be done by granting each variance while a substantial injustice will be done by denying any of them.

V. **CONCLUSION**

For all of the reasons stated, Jared J. Saulnier respectfully requests that the Portsmouth Zoning Board of Adjustment grant each variance request.

Respectfully submitted,

**JARED J. SAULNIER**



By: R. Timothy Phoenix  
Monica F. Kieser

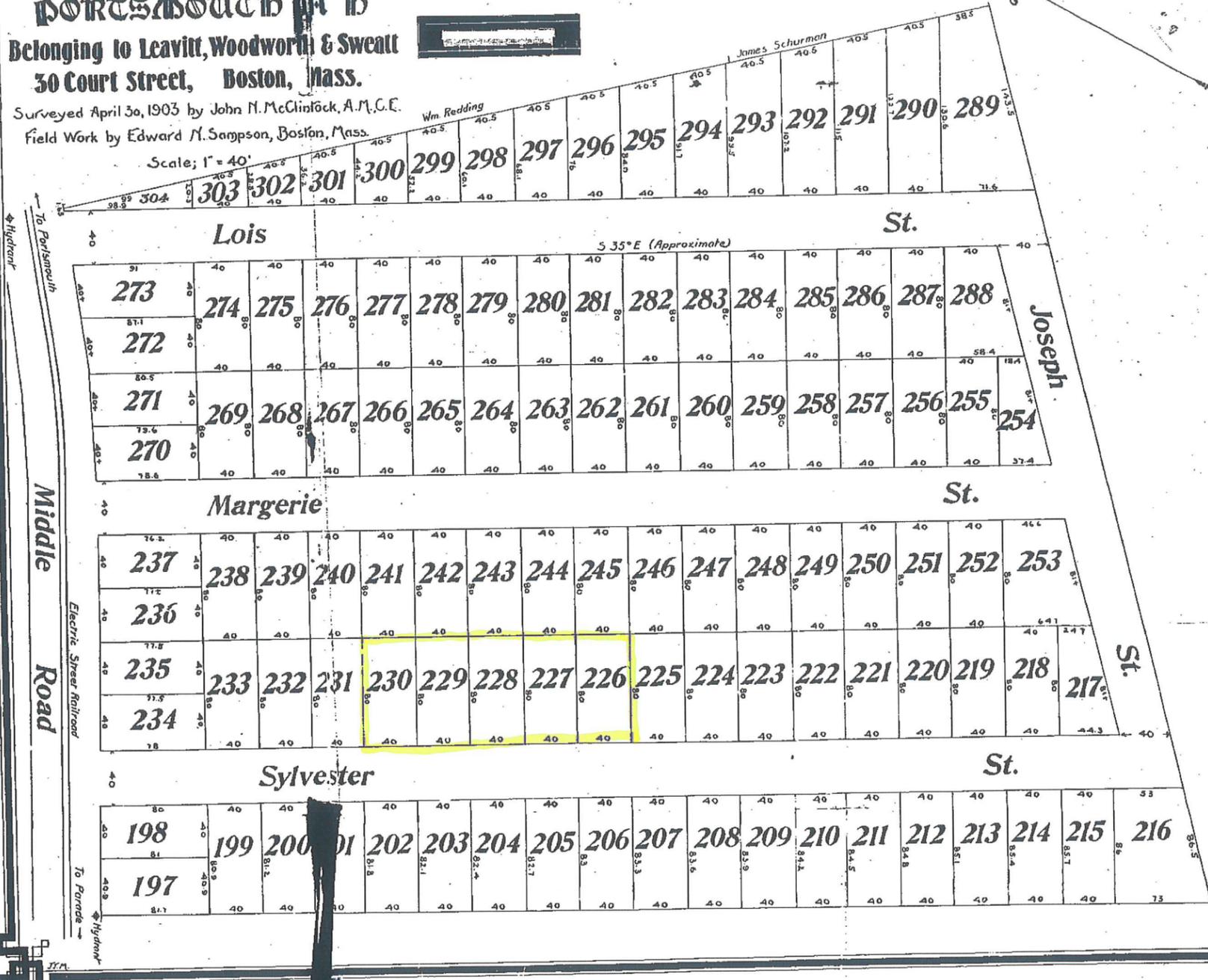
# PROSPECT PARK PORTSMOUTH N.H.

Belonging to Leavitt, Woodworth & Sweatt  
30 Court Street, Boston, Mass.

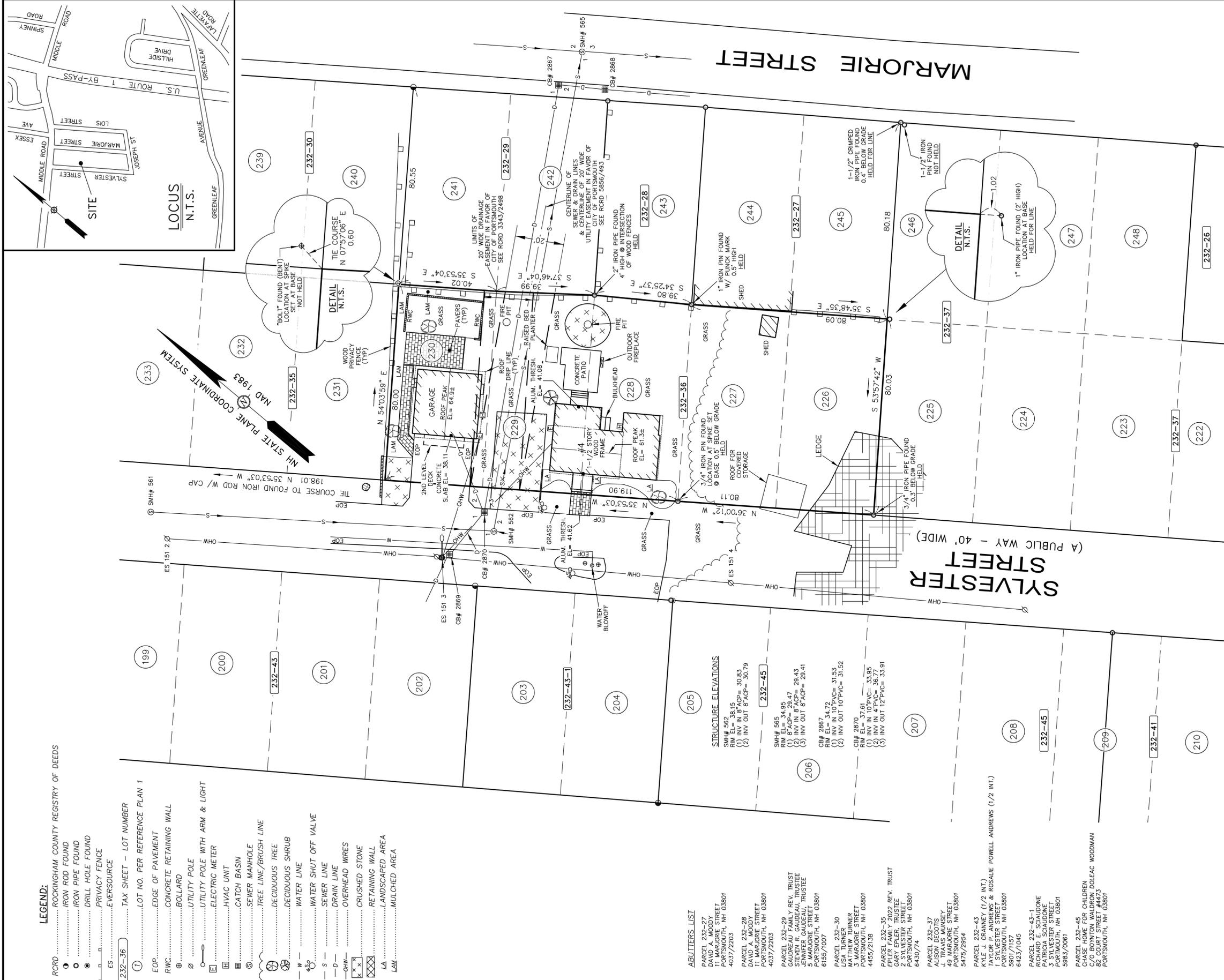
ANNEX NO. 3.

Surveyed April 30, 1903 by John N. McClintock, A.M.C.E.  
Field Work by Edward N. Sampson, Boston, Mass.

Scale; 1" = 40'



- LEGEND:**
- RCRD ..... ROCKINGHAM COUNTY REGISTRY OF DEEDS
  - ..... IRON ROD FOUND
  - ..... IRON PIPE FOUND
  - ⊙ ..... DRILL HOLE FOUND
  - ..... PRIVACY FENCE
  - ES ..... EVERSOURCE
  - 232-36 ..... TAX SHEET - LOT NUMBER
  - ① ..... LOT NO. PER REFERENCE PLAN 1
  - EOP ..... EDGE OF PAVEMENT
  - RWC ..... CONCRETE RETAINING WALL
  - ⊕ ..... BOLLARD
  - ⊕ ..... UTILITY POLE
  - ⊕ ..... UTILITY POLE WITH ARM & LIGHT
  - ⊕ ..... ELECTRIC METER
  - ⊕ ..... HVAC UNIT
  - ⊕ ..... CATCH BASIN
  - ⊕ ..... SEWER MANHOLE
  - ⊕ ..... TREE LINE/BRUSH LINE
  - ⊕ ..... DECIDUOUS TREE
  - ⊕ ..... DECIDUOUS SHRUB
  - ⊕ ..... WATER LINE
  - ⊕ ..... WATER SHUT OFF VALVE
  - ⊕ ..... SEWER LINE
  - ⊕ ..... DRAIN LINE
  - ⊕ ..... OVERHEAD WIRES
  - ⊕ ..... CRUSHED STONE
  - ⊕ ..... RETAINING WALL
  - LA ..... LANDSCAPED AREA
  - LAM ..... MULCHED AREA



**ABUTTERS LIST**

PARCEL 232-27 DAVID A. MOODY 11 MARJORIE STREET PORTSMOUTH, NH 03801 4037/2203	PARCEL 232-28 DAVID A. MOODY 11 MARJORIE STREET PORTSMOUTH, NH 03801 4037/2203	PARCEL 232-29 GARDEE E. FAUVEY REV. TRUST JENNIFER GAUDEAU, TRUSTEE JENNIFER GAUDEAU, TRUSTEE 5 MARJORIE STREET PORTSMOUTH, NH 03801 6155/1007	PARCEL 232-30 US4 MATTHEW TURNER 3 MARJORIE STREET PORTSMOUTH, NH 03801 4455/2138	PARCEL 232-35 EPLER FAMILY 2022 REV. TRUST GARY EPLER, TRUSTEE JENNIFER EPLER, TRUSTEE 5 MARJORIE STREET PORTSMOUTH, NH 03801 6430/74	PARCEL 232-37 J. TRAVIS MUNSEY 49 MARJORIE STREET PORTSMOUTH, NH 03801 5475/2984	PARCEL 232-43 KYLE J. CRANNEY (1/2 INT.) TAYLOR P. ANDREWS & ROSALIE POWELL ANDREWS (1/2 INT.) 5901/1157 6423/1045	PARCEL 232-43-1 RICHARD E. SGAUDONE PATRICIA SGAUDONE 3 SYLVESTER STREET PORTSMOUTH, NH 03801 5983/081	PARCEL 232-45 CHASE HOME FOR CHILDREN 1000 WOODMAN 52 COURT STREET #423 PORTSMOUTH, NH 03801
--	--	--	---	---	--	--	---	--

**STRUCTURE ELEVATIONS**

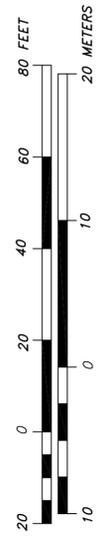
SMH# 562 RIM EL= 38.15 (1) INV IN 8"ACP= 30.83 (2) INV OUT 8"ACP= 30.79	SMH# 565 RIM EL= 34.95 (1) INV IN 8"ACP= 29.47 (2) INV IN 8"ACP= 29.43 (3) INV OUT 8"ACP= 29.41	CB# 2867 RIM EL= 34.72 (1) INV IN 10"PVC= 31.51 (2) INV OUT 10"PVC= 31.52	CB# 2870 RIM EL= 37.81 (1) INV IN 4"PVC= 33.95 (2) INV IN 4"PVC= 35.77 (3) INV OUT 12"PVC= 33.91
--	---	--	--

**NOTES:**

- OWNER OF RECORD..... JARED J. SAULNIER  
ADDRESS..... 4 SYLVESTER ST, PORTSMOUTH, NH 03801  
DEED REFERENCE..... 6159/1512  
TAX SHEET / LOT..... 232-36  
PARCEL AREA ..... 16,067 S.F.
- ZONED..... SRB  
MINIMUM LOT AREA 15,000 S.F.  
FRONTAGE..... 100'
- THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND ARE BASED UPON THE FIELD LOCATION OF ALL VISIBLE STRUCTURES (IE CATCH BASINS, MANHOLES, WATER GATES ETC.) AND INFORMATION COMPILED FROM PLANS PROVIDED BY UTILITY COMPANIES AND GOVERNMENTAL AGENCIES. ALL CONTRACTORS SHOULD NOTIFY, IN WRITING, SAID AGENCIES PRIOR TO ANY EXCAVATION WORK AND CALL DIG-SAFE @ 1-888-DIG-SAFE.
- THIS PLAN IS BASED ON A FIELD SURVEY PERFORMED 8/2022 & 11/2022. ON SITE CONTROL ESTABLISHED USING SURVEY GRADE GPS UNITS.  
HORIZONTAL DATUM: NAD 1983 (2011) (EPOCH 2010.0000)  
VERTICAL DATUM: NAVD 1988  
PRIMARY BM: CITY CONTROL POINT "ROBE"
- PARCEL 232-36 IS SUBJECT TO 2'0" WIDE UTILITY EASEMENTS IN FAVOR OF THE CITY OF PORTSMOUTH AS SHOWN HEREON.
- PARCEL 232-36 LIES IN ZONE X (NO SCREEN). AREA OF MINIMAL FLOOD HAZARD AS SHOWN ON FLOOD INSURANCE RATE MAP 33015C0270F, REVISED 1/29/2021, BY FEMA.

- REFERENCE PLANS:**
- PROSPECT PARK, ANNEX NO. 3, PORTSMOUTH, NH, BELONGING TO LEAVITT, WOODWORTH & SHEATT, SURVEYED 4/30/1903, RCRD PLAN 00225.
  - PLAN OF LAND, PORTSMOUTH, N.H., FOR MAX MILTON, SCALE: 1"=30', DATED 7/1974, FILE NO. 72A, PLAN NO. 4336, BY JOHN W. DURGIN, CEPA, NOT RECORDED.
  - A PLAN OF LAND IN PORTSMOUTH, N.H., FOR THE CHASE HOME FOR CHILDREN; SCALE: 1"=60', DATED 9/10/1980, BY JOHN W. DURGIN ASSOCIATES, INC., NOT RECORDED.
  - EASEMENT PLAN, ACCESS EASEMENT, MARJORIE STREET, PORTSMOUTH, NH, DATED 3/2013, RCRD PLAN D-37716.
  - PLAT OF LAND PREPARED FOR ARNE, LLC, 3 SYLVESTER STREET, PORTSMOUTH, NH, DATED 2/15/2019, RCRD PLAN D-41324.

**EXHIBIT B**



REV. NO. DATE DESCRIPTION APPROV

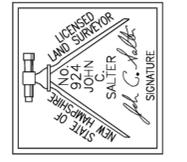
**PLAT OF LAND & LIMITED ELEVATIONS**  
**4 SYLVESTER STREET**  
**PORTSMOUTH, NEW HAMPSHIRE**  
**ASSESSOR'S PARCEL 232-36**

for  
**JARED J. SAULNIER**

**JAMES VERRA and ASSOCIATES, INC.**  
101 SHATTUCK WAY  
SUITE 8  
NEWINGTON, N.H. 03801-7876  
603-436-3597

DATE: 12/13/2022  
JOB NO: 24021  
SCALE: 1" = 20'  
DWG NAME: 24021  
PLAN NO: 24021  
SHEET: 1 OF 1

PROJECT MGR: \_\_\_\_\_  
DRAWN BY: \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_  
DATE: \_\_\_\_\_





**SITE NOTES**

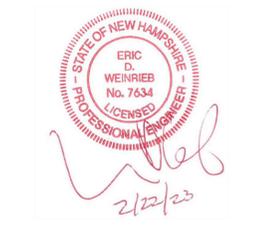
- DESIGN INTENT – THIS PLAN SET IS INTENDED TO DEPICT THE REESTABLISHMENT OF AN ABANDONED LOT LINE TO SUBDIVIDE LOT 232-36 INTO TWO RESIDENTIAL HOUSE LOTS.
- LOT AREA: 16,067 S.F. (±0.37 AC.)
- ZONE: SINGLE RESIDENCE B (SRB)
- DIMENSIONAL REQUIREMENTS:

	REQUIRED	EXIST.	LOT 1	LOT 2
MIN. LOT AREA:	15,000 S.F.	16,067	9,645	6,421
MIN. STREET FRONTAGE:	100'	200.01'	119.90'	80.11'
MIN. LOT DEPTH:	100'	80.02'	80.15'	80.17'
FRONT SETBACK*:	30'	7.95'	7.95'	30' MIN.
(*MAY BE REDUCED TO AVERAGE WITHIN 200' ON SAME SIDE OF STREET)				
SIDE SETBACK:	10'	±9.7'	±9.1'	10' MIN.
REAR SETBACK:	30'	±33.9'	±33.9'	30' MIN.
MAX. BUILDING HEIGHT:	35'	±21.75'	±21.75'	35' MAX.
MAX. BLDG. COVERAGE:	20%	11.1%	18.5%	20% MAX.
MIN. OPEN SPACE:	40%	78.8%	67.2%	40% MIN.

- THE FOLLOWING VARIANCES FROM THE PORTSMOUTH ZONING ORDINANCE ARE REQUIRED:
  - SECTION 10.520, TABLE 10.521 – VARIANCE REQUIRED TO ALLOW A LOT SIZE LESS THAN THE REQUIRED MINIMUM (9,645 S.F. AND 6,421 S.F. VS. 15,000 S.F.).
  - SECTION 10.520, TABLE 10.521 – VARIANCE REQUIRED TO ALLOW LOT FRONTAGE LESS THAN THE REQUIRED MINIMUM (80.11' VS. 100')
  - SECTION 10.520, TABLE 10.521 – VARIANCE REQUIRED TO ALLOW LOT DEPTH LESS THAN THE REQUIRED MINIMUM (80.17' VS. 100').
  - SECTION 10.520, TABLE 10.521 – VARIANCE REQUIRED TO ALLOW A SIDE SETBACK LESS THAN THE REQUIRED MINIMUM (9.1' VS. 10').



133 Court Street Portsmouth, NH 03801  
(603) 433-2335 www.altus-eng.com



NOT FOR CONSTRUCTION

ISSUED FOR: ZBA

ISSUE DATE: FEBRUARY 21, 2023

NO.	DESCRIPTION	BY	DATE
0	ZBA	EBS	02/21/23

**EXHIBIT C**

DRAWN BY: EBS  
APPROVED BY: EBS  
DRAWING FILE: 5313-SUB.dwg

SCALE:  
22" x 34" - 1" = 20'  
11" x 17" - 1" = 40'

OWNER:  
JARED SAULNIER  
4 SYLVESTER STREET  
PORTSMOUTH, NH 03801

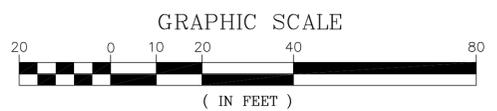
APPLICANT:  
JARED SAULNIER  
4 SYLVESTER STREET  
PORTSMOUTH, NH 03801

PROJECT:  
SAULNIER  
SUBDIVISION  
TAX MAP 232 LOT 36  
4 SYLVESTER STREET  
PORTSMOUTH, NH

TITLE:

ZBA PLAN

SHEET NUMBER:  
**C-1**



### Lots with less than the required Lot Area/Frontage/Depth



## EXHIBIT D



MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT

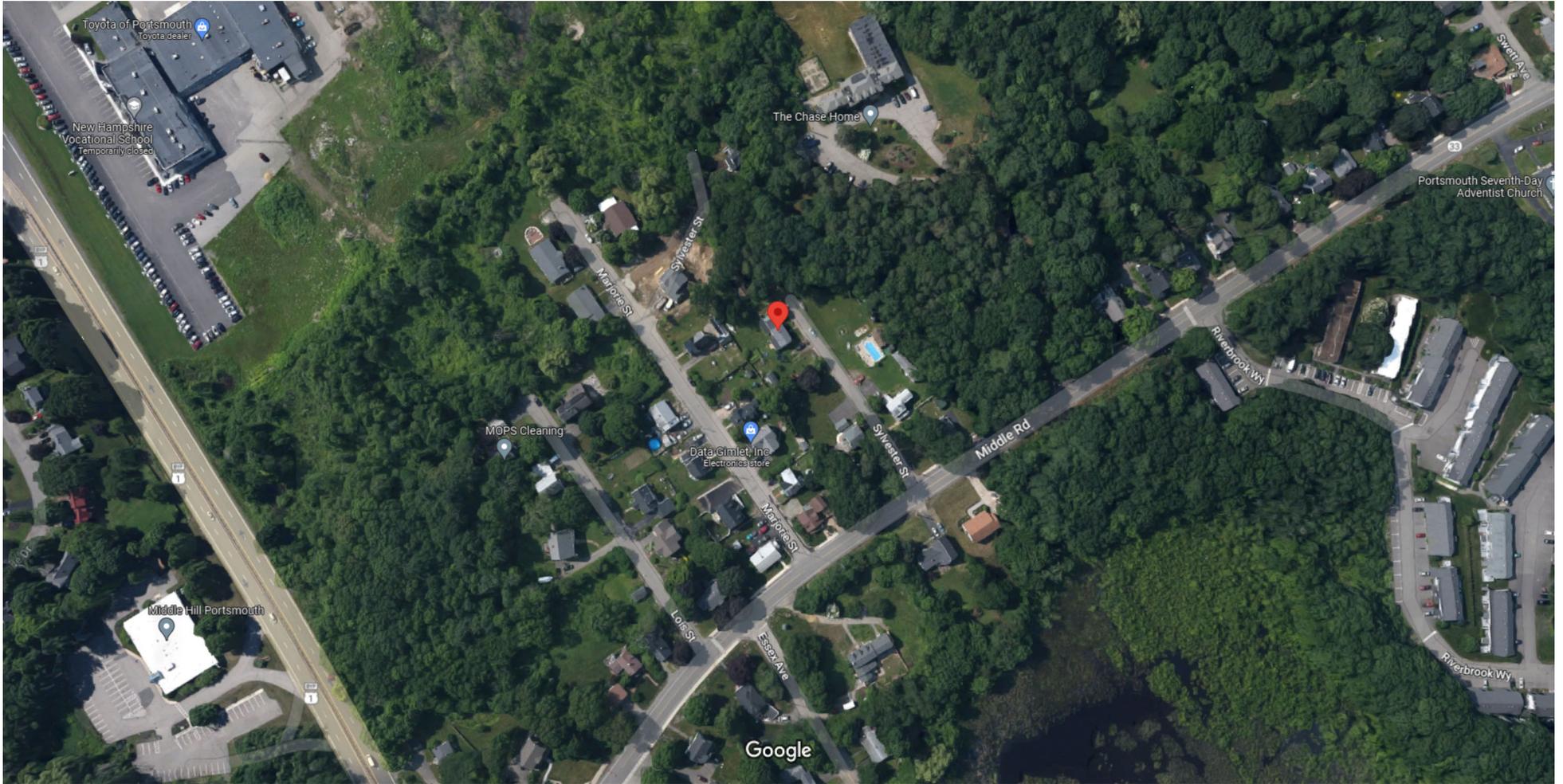
City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 09/21/2022  
Data updated 3/9/2022

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

- Subject Property
- Lots with Insufficient Frontage
- Lots under 15,000 s.f.
- Lots with Insufficient Depth

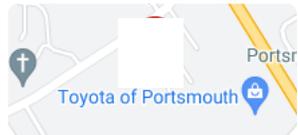
1" = 176.5429167011476 ft



Imagery ©2023 Google, Imagery ©2023 Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO, Map data ©2023 100 ft



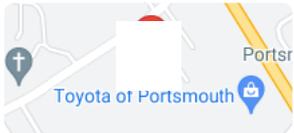
Image capture: Sep 2019 © 2023 Google

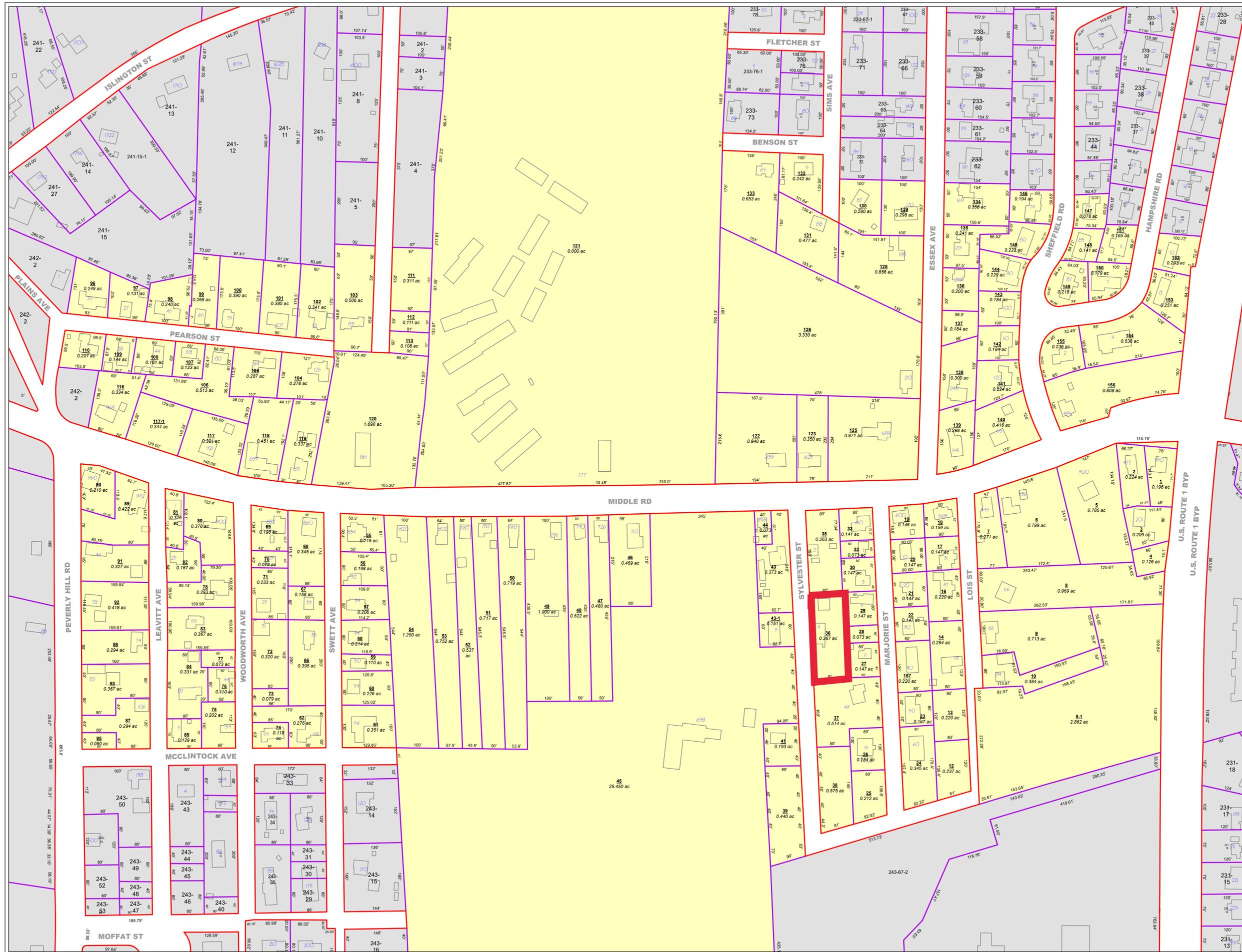


Portsmouth, New Hampshire  
Google Street View  
Sep 2019 See more dates



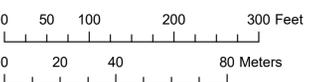
Image capture: Sep 2019 © 2023 Google



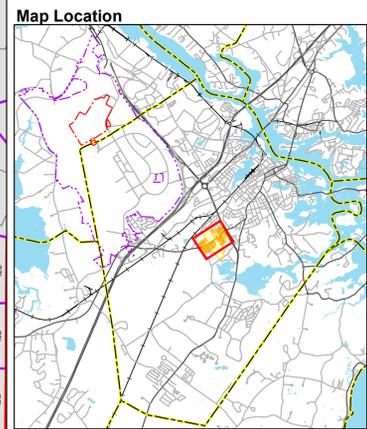
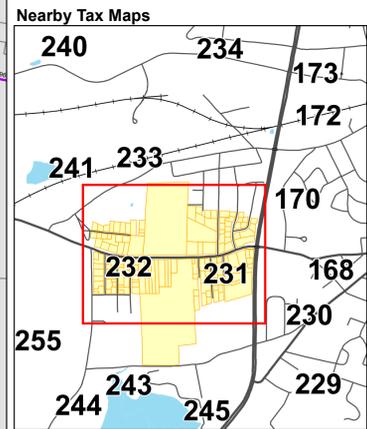


- Partial Legend**  
 See the cover sheet for the complete legend.
- 7-5A Lot or lot-unit number
  - 2.56 ac Parcel area in acres (ac) or square feet (sf)
  - 25 Address number
  - 233-137 Parcel number from a neighboring map
  - 68' Parcel line dimension
  - Street name
- Parcel/Parcel boundary
  - Parcel/ROW boundary
  - Water boundary
  - Structure (1994 data)
- Parcel covered by this map
  - Parcel from a neighboring map (see other map for current status)

**EXHIBIT F**



*This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.*



## II. NEW BUSINESS

- L. **REQUEST TO POSTPONE** The request of **Cynthia Austin Smith** and **Peter (Owners)**, for property located at **9 Kent Street** whereas relief is needed to demolish the existing two-family and construct a single-family dwelling which requires the following: 1) Variances from Section 10.521 to allow a) a lot area and lot area per dwelling of 5,000 square feet where 7,500 square feet is required for each; b) 53% building coverage where 25% is the maximum allowed; c) a 4.5 foot rear yard where 20' is required; d) a 0.5 foot side yard where 10 feet is required; e) a 0 foot front yard where 11 feet is allowed under Section 10.516.10; and f) a 9.5 foot secondary front yard where 13 feet is allowed under Section 10.516.10. 2) A Variance from Section 10.515.14 to allow a 1.5 foot setback for a mechanical unit where 10 feet is required. Said property is located on Assessor Map 113 Lot 42 and lies within the General Residence A (GRA) District. (LU-23-28) **REQUEST TO POSTPONE**

### **Planning Department Comments**

The applicant has requested to postpone due to a member of the project team being unavailable to present at the rescheduled meeting. The applicant is requesting postponement to the April 18, 2023 Board of Adjustment meeting.