

**CITY OF PORTSMOUTH
PLANNING BOARD**

**CONDITIONAL USE PERMIT APPLICATION
ATTACHED ACCESSORY DWELLING UNIT**

LU 22-123

**15 Central Avenue
Portsmouth, NH 03801
Tax Map 209, Lot 4
Peter Ward
(Owner / Applicant)**

**NARRATIVE / WRITTEN STATEMENT
Zoning Ordinance Section 10.814**

Section 10.814.30 of the Zoning Ordinance provides that [a]ll accessory dwelling units shall comply with the following standards:

Section 10.814.31: The principal dwelling unit and the accessory dwelling unit shall not be separate in ownership (including by condominium ownership).

The Property serves as the Applicant's full-time residence. He has owned the Property since 1990 and has no intention of ever subdividing its ownership. Moreover, the Zoning Ordinance prohibits the conversion of the home into a two-family dwelling or two condominium units.

Section 10.814.32: Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the owner of the dwelling as his or her principal place of residence...[.]

See Answer immediately above. The Applicant will continue to reside in the existing residence on the Property once the AADU is approved.

Section 10.814.33: Neither the principal nor accessory dwelling shall be used for any business, except that the owner may have a home occupation use in the unit that he or she occupies as allowed or permitted elsewhere in the Ordinance.

Outside of home occupation uses, the Zoning Ordinance prohibits business uses of property within the SRB Zoning District. Accordingly, the Applicant does not intend to use the Property for business related purposes.

Section 10.814.34: Where municipal sewer service is not provided, the septic system shall meet NH Water Supply and Pollution Control Division requirements for the combined system demand for total occupancy of the premises.

The Property is served by municipal water.

Per Section 10.814.40 of the Zoning Ordinance, [a]n attached accessory dwelling unit (AADU) shall comply with the following additional standards:

Section 10.814.41: An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit.

There is no interior door provided between the AADU and the primary residence of the Applicant. Access to the AADU is achieved through an exterior to staircase to the north (right) side of the AADU above the garage. Applicant is requesting a modification / waiver of this standard to the extent that the Board finds that this section of the Ordinance is not satisfied.

Section 10.814.42: The accessory dwelling unit shall not have more than two bedrooms and shall not be larger than 750 sq. ft. gross floor area.

The AADU will have only 1 bedroom and 725 square feet of gross floor area is proposed.

Section 10.814.43: Any exterior changes to the single-family dwelling shall maintain the appearance of a single-family dwelling.

The appearance of the home on the Property with the AADU will be significantly improved with what is proposed. What is proposed for improvements is in keeping with what exists. The cladding and trim of the renovated garage structure will match closely with the style of the existing single-family home.

Section 10.814.44-45: No portion of the AADU shall be closer to the front lot line than the existing front wall of the principal dwelling unit.

This requirement is satisfied. See Site Plan submitted herewith. The building footprint is not changing on the Property with the AADU.

Section 10.814.451: An exterior wall of the AADU that faces a street on which the lot has frontage shall comprise no more than 40 percent of the total visible facade area of the dwelling as seen from the street.

This requirement is satisfied. See Elevations submitted herewith. The overall SF of the visible façade is 1395 SF. The portion of the façade comprised by the AADU = 301SF. That means only 22% of the total visible façade is the AADU portion.

Section 10.814.452: The addition to or expansion of the existing single-family dwelling may include an increase in building height only as an upward expansion of the existing principal building with no increase in building footprint.

This requirement is satisfied. *See* Elevations and Floor Plans submitted herewith. The footprint(s) of the existing structure(s) will not change.

Section 10.814.453: The building height of any addition or expansion that includes an increase in building footprint shall be less than the building height of the existing principal building.

This requirement is satisfied. *See* Elevations and Floor Plans submitted herewith. The existing principal building height will \pm 4'-0" taller than the garage/AADU roof height.

Section 10.814.454: The AADU shall be architecturally consistent with the existing principal dwelling through the use of similar materials, detailing, roof pitch, and other building design elements.

This requirement is satisfied. *See* Elevations submitted herewith. The cladding and trim of the renovated garage structure and roof pitch will match closely with the style of the existing single-family home.

Per Section 10.814.60 of the Zoning Ordinance, [b]efore granting a conditional use permit for an attached or detached ADU, the Planning Board shall make the following findings:

Section 10.814.61: Exterior design of the ADU is compatible with the existing principal dwelling on the lot.

The general design of the existing residence and area where the ADU will be located will not change dramatically. The proposed design is in keeping with the existing design and is compatible. The Portsmouth ZBA approved several dimensional variances in June 2022 in connection with the proposed AADU, finding that it would not alter the essential character of the neighborhood.

Section 10.814.62: The site plan provides adequate and appropriate open space, landscaping and off-street parking for both the ADU and the primary dwelling.

Most of the Property consists of well-maintained open space, landscape lawn and garden beds. Therefore, nothing additional is being proposed as part of this Application. The Applicant intends to maintain the appearance of the Property. The triangular parcel of land to the north consists of relatively dense vegetation.

Section 10.814.63: The ADU will maintain a compatible relationship to adjacent properties in terms of location, design and off-street parking layout and will not significantly reduce the privacy of adjacent properties.

The AADU will be constructed above existing garage space. There is an attic with a pitched roof above the garage that presently exists. Dormers will be added to the attic level, thus raising the roof height. Otherwise, the AADU will be constructed in space that already exists. There are already at least four (4) parking spaces on the Property, two (2) of which are "stacked". This will

not change. There are no direct abutters to the north, which consists of other land owned by the Applicant. The nearest abutting homes are a considerable distance away from the proposed AADU. Therefore, privacy will not be affected. As shown in the photographs submitted herewith, the surrounding residences are not consistent in design or character, thus it would be difficult to argue that the design of the proposed AADU would be incompatible. Moreover, in granting several variances in June 2022, the ZBA found that the proposed AADU would not *alter the essential character of the neighborhood*.

Section 10.814.64: *The ADU will not result in excessive noise, traffic or parking congestion.*

The Property will be utilized for single-family residential purposes. The AADU may serve as a rental unit or for use by a family member in the future, which has yet to be determined. The primary residence is only occupied by the Owner of the Property. It can be reasonably expected based on the size of AADU (750 s.f.) that only 1 or possibly 2 people would live in it. The use of the Property will result in no more traffic and noise than can be expected with a single-family residential use. There is sufficient area for parking on the Property to accommodate the AADU use.

MODIFICATION REQUEST

Section 10.814.70: *In granting a conditional use permit for an accessory dwelling unit, the Planning Board may modify a specific standard set forth in Sections 10.814.40 or 10.814.52 through 10.814.56....if the Board finds such modification will be consistent with the required findings in Section 10.814.60.*

The Applicant seeks a waiver/modification from the Planning Board pursuant to Section 10.814.41 of the Zoning Ordinance pertaining to the interior doorway requirement, and as more specifically explained above.

CONCLUSION

As demonstrated above, the proposed AADU meets the criteria for the Planning Board to grant a Conditional Use Permit to the Applicant. Accordingly, the Applicant hereby respectfully requests the Board's approval.

Dated: September 21, 2022
Revised 10/17/202

Respectfully Submitted,
Peter Ward



By: _____
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