

APPLICATION OF FRIENDS OF LAFAYETTE HOUSE, INC.
413 Lafayette Road, Portsmouth, NH
Map 230, Lot 23A

APPLICANT'S NARRATIVE

I. **THE PROPERTY:**

The applicant, Friends of Lafayette House, Inc. is a 501(c) (3) non-profit organization owns the property located at 413 Lafayette Road, Portsmouth, New Hampshire which currently houses 12 adult developmentally disabled residents (the, "Property"). Two (2) house managers, Julie and Dennis Barratt also reside at the property in a 300 square foot caretaker living quarters. In addition to the caretaker quarters, the property consists of 13 bedrooms, 8 bathrooms, a kitchen, living room and dining room. It is considered a "residential care facility" under the ordinance, which use is not permitted in this zone.

The Property is approximately .76 acres in size, has 8 parking spaces and is situated off Lafayette Road in the SRB zoning district. An overview of the Property is shown on the attached map. The property is unique in that it has frontage on Andrew Jarvis Drive, but an address on Lafayette Road, where it is accessible via a deeded easement.

The Friends of Lafayette House provides housing and associated programming for developmentally disabled adults and has provided such services on this site since 2017, when it acquired the property from Great Bay Services, which provided these housing services to the disabled population on this site since 1984. Many of the current clients have resided here for more than ten years. The need for such services on the seacoast, and in New Hampshire in general, is acute given the relatively low level of government funding devoted to them. Accordingly, it falls to privately funded non-profit organizations to provide the bulk of these desperately needed services.

The property has capacity for 12 clients, and that number will not be increased. The house managers live on-site Monday through Friday in separate living quarters. A respite shift of caretakers takes over for the weekend and presently occupies the house managers' living space. The proposal before the Board is to construct a 635 square foot addition to the building to create a completely separate caretaker apartment for the weekend respite staff. This will make the living arrangements much easier and more desirable for the house managers and staff. Except for rare events, such as weather events or personal emergencies, it is not anticipated that the existing caretaker living quarters and the proposed new apartment will be occupied at the same time. In other words, the actual residential density on the site will not increase.

Because the current group home use, which falls within the definition of a “residential care facility” in the ordinance, is not permitted in the SRB, the applicant needs a variance from 10.331 and/or 10.334 to enlarge or expand the non-conforming use.

Furthermore, because the proposed addition, at 635 square feet, pushes the building coverage to 20.4 % where 20 % is the maximum permitted, a variance from 10.520 is required.

II. **THE VARIANCES:**

The Applicant believes all criteria necessary to grant the requested variances are met.

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 essential characteristics of the neighborhood would not be altered by this project. The existing facility, housing up to 12 clients, already exists on this site harmoniously with the surrounding residential properties, Portsmouth High School and the nearby houses of worship. The current use has existed on site for almost forty years.

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

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 loss to the applicant from denying the variance is not outweighed by some benefit to the general public, it is an injustice. Here, the loss to the applicant greatly exceeds any benefit to the public by requiring strict compliance with the ordinance. The non-conforming use already exists at the site and has for nearly forty years and any proposed expansion to the physical, built environment would require variance relief. The proposed expansion is very modest, and is necessary to assure the continued successful operation of the applicant’s very important service to the community. The proposed addition puts the property .4% over the maximum allowable building coverage.

Values of surrounding properties will not be diminished. The use on the site has existed for nearly forty years without any negative impact on surrounding property values and the improvements these variances would facilitate are exceedingly minor. Values of surrounding properties will not be negatively impacted in any manner by granting the variances.

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 lot in question is larger than the residential lots in its neighborhood, is in close proximity with municipal and religious institutional uses, and has been the site of the residential care facility use since 1984. It has frontage on Andrew Jarvis Drive but a Lafayette Road address, where it has access via a deeded easement.

The use is a reasonable use. The use already exists on the site and is not being expanded in any significant way.

There is no fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property. The existing use is not permitted in the SRB zone. However, it has existed on this site since 1984. The minor proposed expansion of the building will not in any material way increase the nonconformity of the use. The building coverage as a result of the proposed addition is .4% more than the maximum allowed.

Accordingly, the proposed use 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 ordinances and their application to this property.

II. Conclusion.

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

Respectfully submitted,

Dated: February 23, 2024

By: John K. Bosen,
John K. Bosen, Esquire



Ganz Law Office

Box 62

LCHIP	ROA474216	25.00
TRANSFER TAX	RO093549	2,884.00
RECORDING		14.00
SURCHARGE		2.00

A handwritten signature in black ink that reads "Cathy Ann Tracy".

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that **Community Home Solutions, Inc.**, a New Hampshire corporation, of 14 New Zealand Road, Seabrook, New Hampshire 03874, for consideration paid, grant to **Friends of Lafayette House, a New Hampshire non-profit corporation**, with a mailing address of PO Box 4545, Portsmouth, New Hampshire 03802, with warranty covenants, the following:

A certain parcel of land, together with the buildings and improvements thereon, situate in Portsmouth, County of Rockingham and State of New Hampshire, identified as Lot 2 on subdivision plan entitled "Plan of Land of J. Philip McCaffery for Great Bay School and Training Center, by Richard P. Millette & Associates", dated December 1981, with Revision I dated January 7, 1982, and recorded in the Rockingham County Registry of Deeds as Plan No. D- 10590 (the "Premises"), as more particularly bounded and described as follows:

Beginning at a point which is 155 feet distant from the Southwest corner of land now or formerly of Lester A. and Priscilla M. Pettis, on a bearing S 79° 23' 39" E from Lafayette Road and from said point of beginning, and being at the Southerly side of Lot 3 on aforesaid plan; thence running S 79° 23' 39" E a distance of 154.32 feet to a point at land now or formerly of Church of Jesus Christ of Latter Day Saints; thence running South by said Church land S 22° 05' 21" W a distance of 179.22 feet to land now or formerly of the City of Portsmouth; thence running S 88° 21' 21" W a distance of 183.14 feet to Lot 1 on said Plan; thence running N 21° 15' 21" E a distance of 187.72 feet to a point at a right of way in common of fifty (50) feet in width; thence running S 79° 18' 39" E a distance of twenty (20) feet to a point; thence running N 21° 15' 21" E, a distance of 30.53 feet to the point of beginning.

There is granted herewith a fifty (50) foot easement right of way as shown on said Plan, extending from Lot 2 to Lafayette Road. This right of way shall run with the land, for all purposes of vehicular and pedestrian passage, for the benefit of Lot 1, Lot 2 and Lot 3 on said Plan, and also for the benefit of land abutting this right of way to the North, now or formerly owned by Lester A. Pettis and Priscilla M. Pettis.

Premises are conveyed subject to the terms of an Option Agreement, a Notice of which is recorded in Rockingham County Registry of Deeds at Book 5879, Page 1258.

Said conveyance is subject to the mortgage to the Newburyport Five Cents Savings Bank dated December 14, 2017 and recorded at Book 5879, Page 120, the Assignment of Rents to the Newburyport Five Cents Savings Bank dated December 14, 2017 and recorded at Book 5879, Page 1247 and a UCC-1 Financing Statement dated December 14, 2017 and recorded at Book 5888, Page 630.

The grantee herein has assumed the financial obligations to Newburyport Five Cents Savings Bank.

Subject to all rights, restrictions and easements of record.

This is not homestead property of Grantor.

Meaning and intending to describe the same premises conveyed to Grantor by deed of Great Bay Services, Inc. dated December 14, 2017 and recorded in the Rockingham County Registry of Deeds at Book 5879, Page 1225.

Executed this 10th day of December, 2019.

Community Home Solutions, Inc.



Witness


By Francis G. Chase, President

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

December 10, 2019

Then appeared the above-named Francis G. Chase, duly authorized President of Community Home Solutions, Inc., known to me or satisfactorily proven through proof of identification (i.e. his driver's license) to be the individual who executed the foregoing instrument, and acknowledged same to be his voluntary act and deed.

Before me,

Mary Keohan Ganz, Justice of the Peace
State of New Hampshire
My Commission Expires: August 28, 2024


Mary Keohan Ganz - Justice of the Peace
My Commission Expires: 08/28/2024

#8784-A/BF

C:\Users\lang\Google Drive\b0 - WORD PERFECT DOCS\Real Estate\Community Home Solutions - 413 Lafayette Road 8784-ABF2019-12-10 Warranty Deed.wpd

413 LAFAYETTE RD

Location 413 LAFAYETTE RD

Mblu 0230/ 023A/ 0000/ /

Acct# 35469

Owner FRIENDS OF LAFAYETTE
HOUSE

PBN

Assessment \$884,100

Appraisal \$884,100

PID 35469

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2022	\$450,500	\$433,600	\$884,100
Assessment			
Valuation Year	Improvements	Land	Total
2022	\$450,500	\$433,600	\$884,100

Owner of Record

Owner	FRIENDS OF LAFAYETTE HOUSE	Sale Price	\$192,266
Co-Owner		Certificate	
Address	400 LITTLE HARBOR RD STE 1104 PORTSMOUTH, NH 03801	Book & Page	6065/669
		Sale Date	12/10/2019
		Instrument	36

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
FRIENDS OF LAFAYETTE HOUSE	\$192,266		6065/669	36	12/10/2019
COMMUNITY HOME SOLUTIONS INC	\$200,000		5879/1225	36	12/14/2017
GREAT BAY SCH	\$0		2406/1040		02/05/1982

Building Information

Building 1 : Section 1

Year Built: 1983
Living Area: 6,070
Replacement Cost: \$648,033
Building Percent Good: 68
Replacement Cost
Less Depreciation: \$440,700

Building Attributes	
Field	Description
Style:	Apartments
Model	Commercial
Grade	C

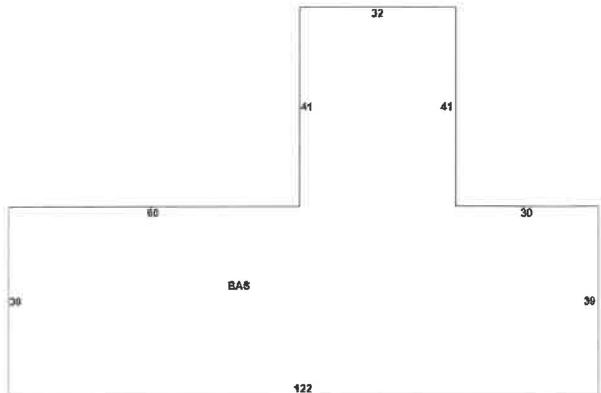
Stories:	1
Occupancy	4.00
Residential Units	
Exterior Wall 1	Clapboard
Exterior Wall 2	
Roof Structure	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Floor 1	Inlaid Sht Gds
Interior Floor 2	
Heating Fuel	Gas
Heating Type	Hot Water
AC Type	Central
Bldg Use	BOARDING HS MDL-94
Total Rooms	
Total Bedrms	
Total Baths	
Kitchen Grd	
Heat/AC	HEAT/AC PKGS
Frame Type	WOOD FRAME
Baths/Plumbing	AVERAGE
Ceiling/Wall	CEIL & WALLS
Rooms/Prtns	AVERAGE
Wall Height	8.00

Building Photo



(<https://images.vgsi.com/photos2/PortsmouthNHPhotos/100\01\07104.JPG>)

Building Layout



([ParcelSketch.ashx?pid=35469&bid=35469](#))

Building Sub-Areas (sq ft)	Legend
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% Comm Wall	
1st Floor Use:	
Class	

Code	Description	Gross Area	Living Area
BAS	First Floor	6,070	6,070
		6,070	6,070

Extra Features

Extra Features					<u>Legend</u>
Code	Description	Size	Value	Bldg #	
SPR1	SPRINKLERS-WET	6070.00 S.F.	\$7,200	1	

Land

Land Use

Use Code 9300
Description CHARTBL 94
Zone SRB
Neighborhood 302
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 0.76
Frontage
Depth
Assessed Value \$433,600
Appraised Value \$433,600

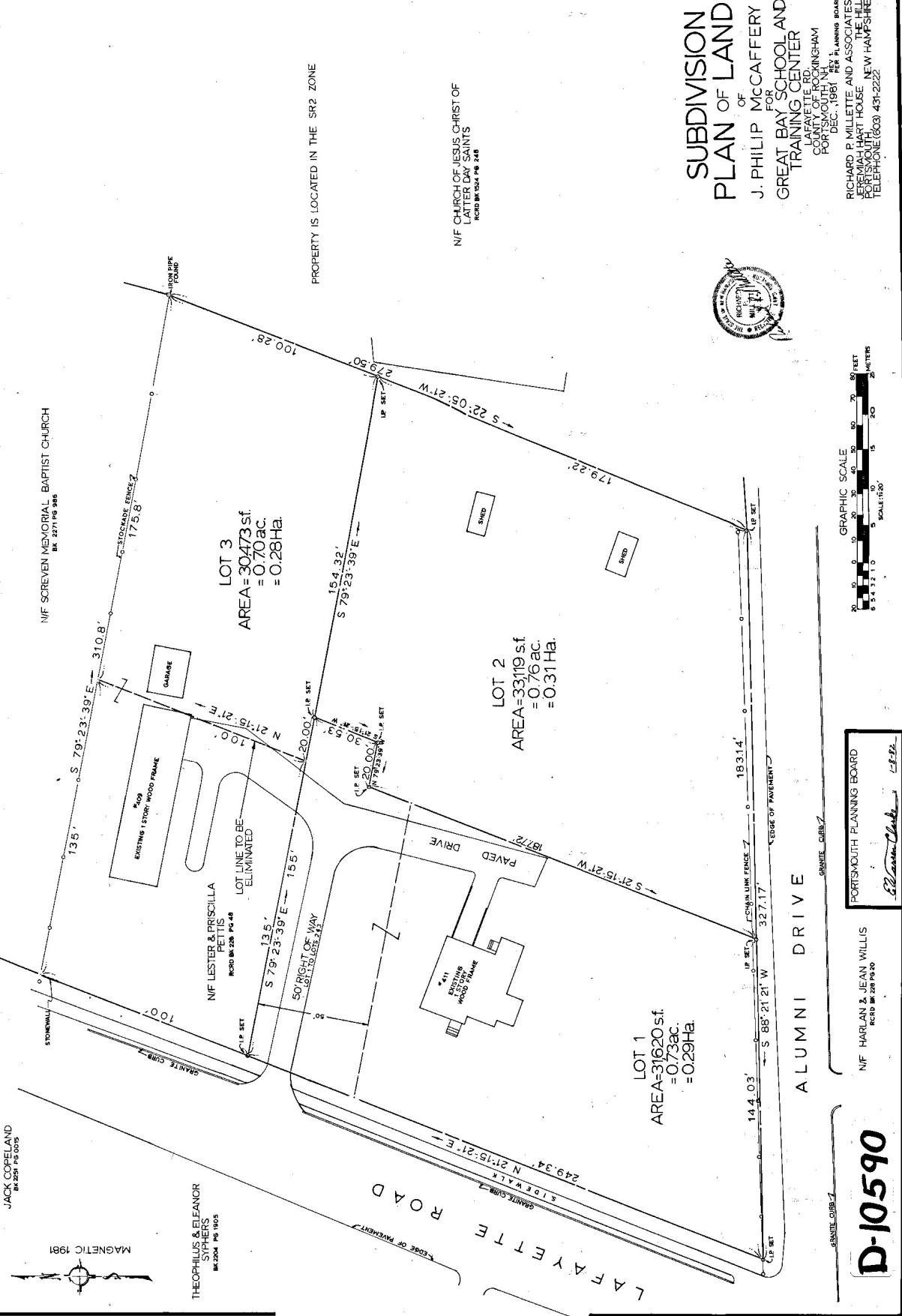
Outbuildings

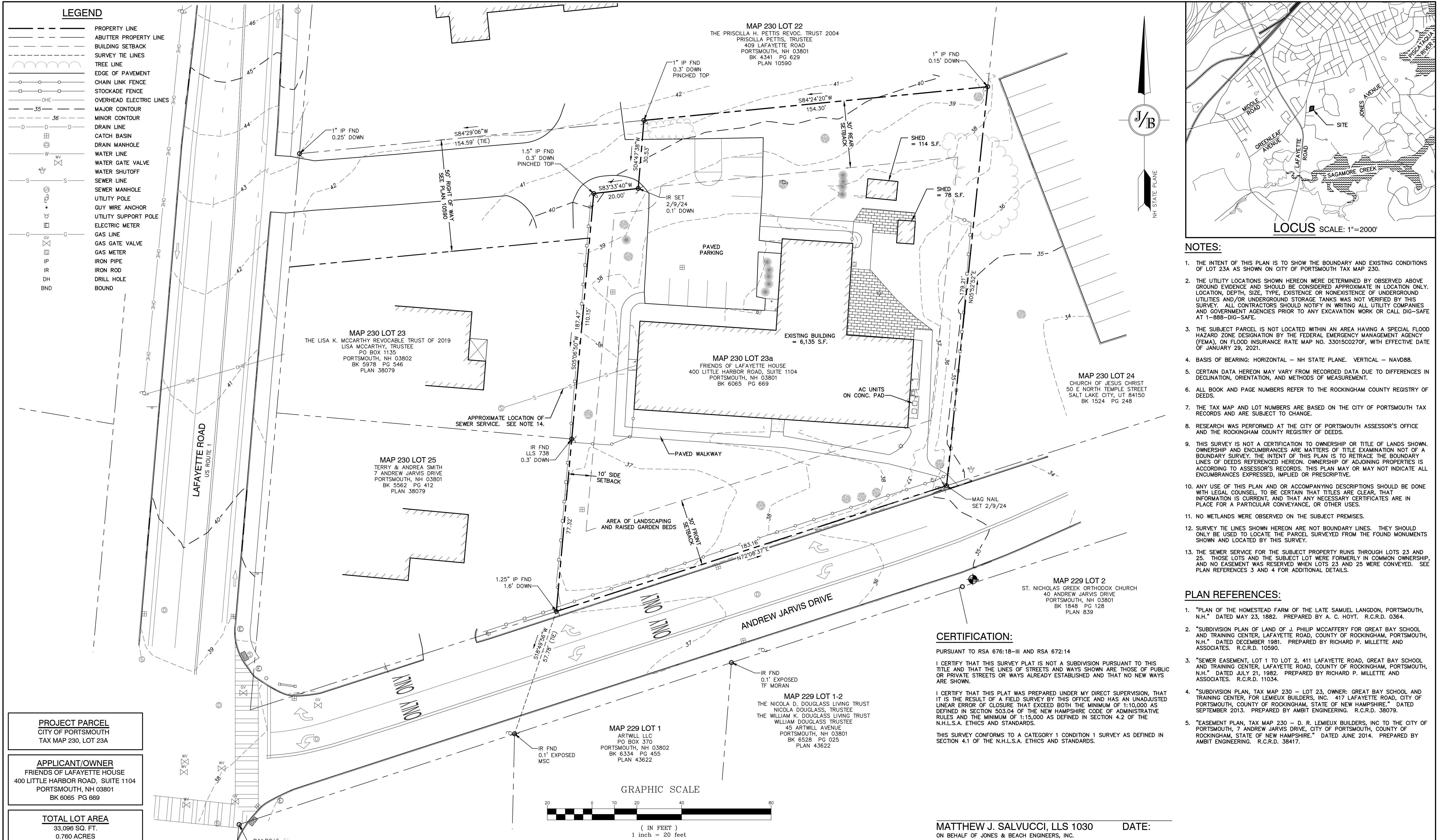
Outbuildings					<u>Legend</u>	
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
PAV1	PAVING-ASPHALT			1800.00 S.F.	\$1,600	1
SHD1	SHED FRAME			80.00 S.F.	\$500	1
SHD1	SHED FRAME			80.00 S.F.	\$500	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2021	\$450,500	\$433,600	\$884,100
2020	\$450,500	\$433,600	\$884,100
2019	\$501,900	\$433,600	\$935,500

Assessment			
Valuation Year	Improvements	Land	Total
2021	\$450,500	\$433,600	\$884,100
2020	\$450,500	\$433,600	\$884,100
2019	\$501,900	\$433,600	\$935,500





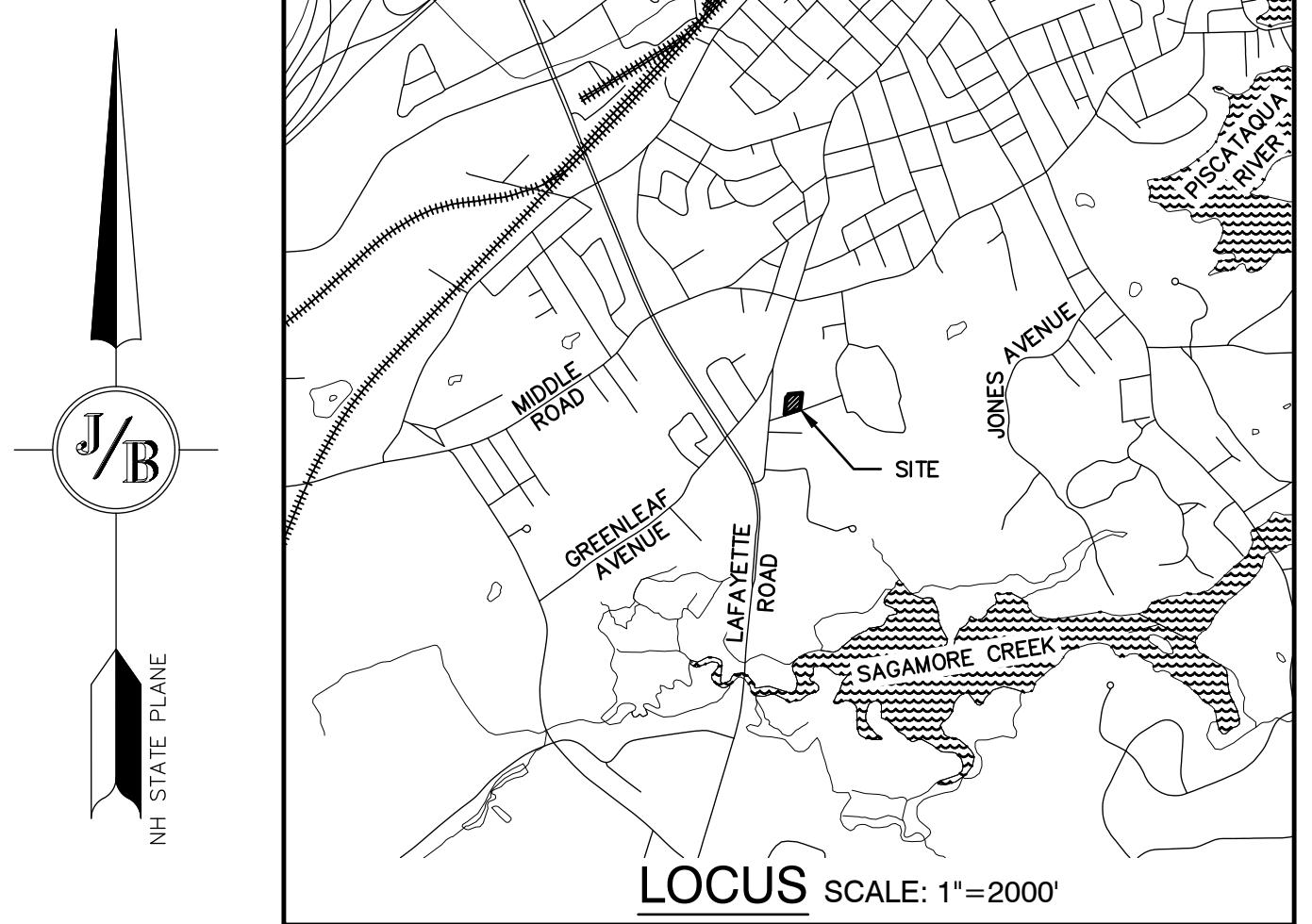
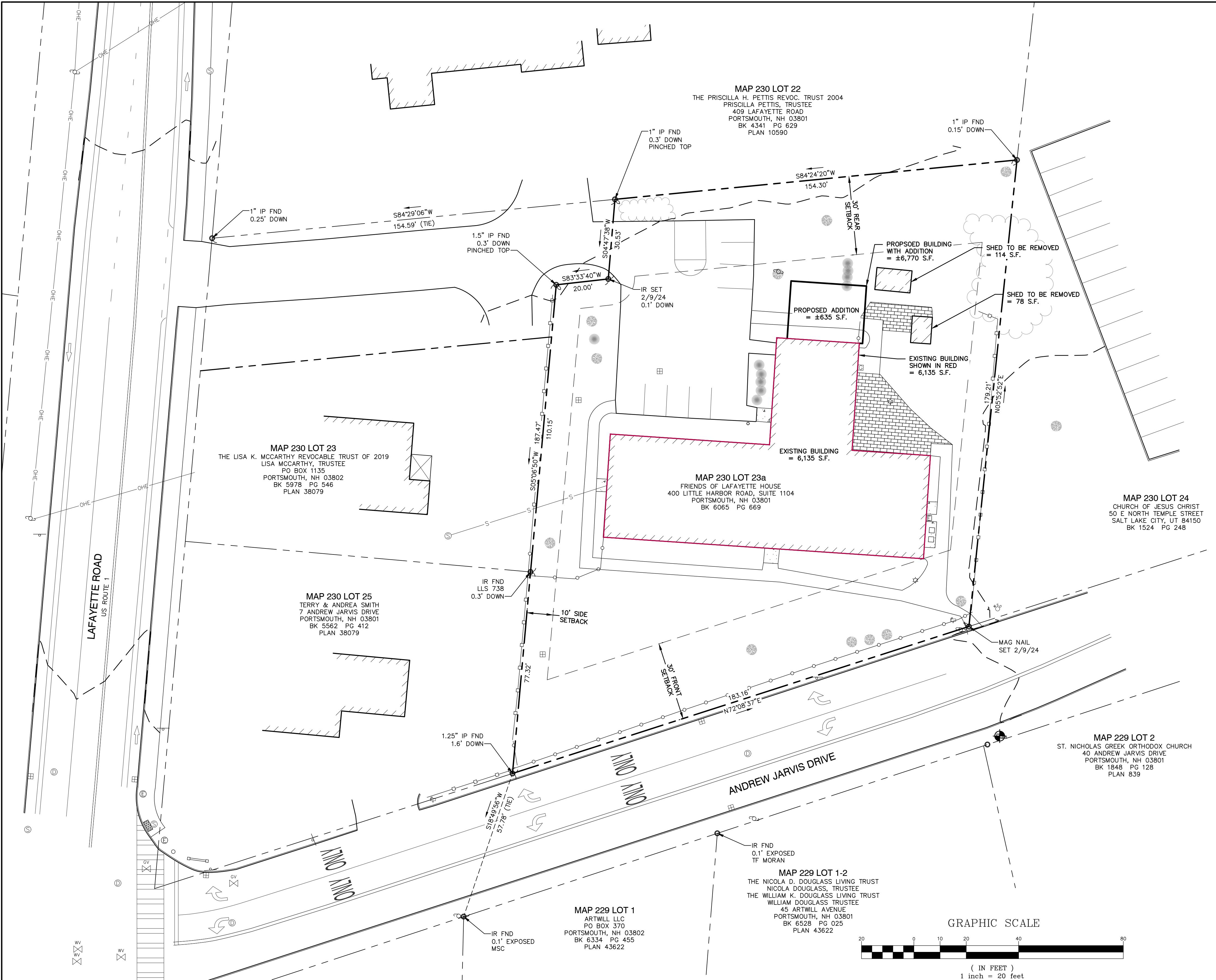
Design: JAC Draft: KDR Date: 2/28/24
Checked: JAC Scale: 1" = 20' Project No.: 23036
Drawing Name: 23036-PLAN.dwg
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.

0	2/28/24	ADDING BUILDING SETBACKS
REV.	DATE	REVISION
		BY

Designed and Produced in NH
J/B Jones & Beach Engineers, Inc.
Civil Engineering Services 603-772-4746
85 Portsmouth Ave. PO Box 219 Stratham, NH 03885 E-MAIL: JBE@JONESANDBEACH.COM

Plan Name: **EXISTING CONDITIONS PLAN**
Project: **BUILDING ADDITION**
Owner of Record: **FRIENDS OF LAFAYETTE HOUSE**
400 LITTLE HARBOR ROAD, SUITE 1104, PORTSMOUTH, NH 03801

DRAWING No. **C1**
SHEET 1 OF 2
JBE PROJECT NO. 23036



SITE NOTES:

- THE INTENT OF THIS PLAN IS TO ADD A BUILDING ADDITION TO AN EXISTING BUILDING.
- EXISTING IMPERVIOUS AREAS:
BUILDING FOOTPRINT = 6,135 S.F. (18.5%)
SHED TOTAL AREAS = 192 S.F.
PAVED AREA = 3,939 S.F.
PATIO/WALKWAY/CONCRETE AREA = 2,745 S.F.
TOTAL LOT COVERAGE = 13,011 S.F. (39.3%)
- PROPOSED IMPERVIOUS AREAS:
BUILDING FOOTPRINT = 6,770 S.F. (20.4%)
PAVED AREA = 3,939 S.F.
PATIO/WALKWAY/CONCRETE AREA = 2,611 S.F.
TOTAL LOT COVERAGE = 13,320 S.F. (40.2%)
- THIS PLAN SET HAS BEEN PREPARED BY JONES & BEACH ENGINEERS, INC., FOR MUNICIPAL AND STATE APPROVALS AND FOR CONSTRUCTION BASED ON DATA OBTAINED FROM ON-SITE FIELD SURVEY AND EXISTING MUNICIPAL RECORDS. THROUGHOUT THE CONSTRUCTION PROCESS, THE CONTRACTOR SHALL INFORM THE ENGINEER IMMEDIATELY OF ANY FIELD DISCREPANCY FROM DATA AS SHOWN ON THE DESIGN PLANS, INCLUDING ANY UNFORESEEN CONDITIONS, SUBSURFACE, OR OTHER CONDITIONS THAT EVALUATE AND RECOMMENDS AN COURSE OF ACTION BETWEEN ITEMS ON THIS PLAN/PLAN SET, AS WELL AS BETWEEN THE PLANS AND ON-SITE CONDITIONS, MUST BE RESOLVED BEFORE RELATED CONSTRUCTION HAS BEEN INITIATED. CONTRACTOR TO ALWAYS CONTACT DIG SAFE PRIOR TO DIGGING ON SITE OR OFFSITE TO ENSURE SAFETY AND OBEY THE LAW.
- SUBJECT PROPERTY IS NOT LOCATED WITHIN FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD ZONE. REFERENCE FEMA COMMUNITY PANEL NO. 33015C0270FB, DATED JANUARY 29, 2021.

ZONING SUMMARY		
ZONE	SINGLE RESIDENCE (SRB)	PROVIDED
MINIMUM LOT AREA	15,000 S.F.	33,096 S.F.
MINIMUM LOT DEPTH	100'	173'
FRONT SETBACK	30'	30'
SIDE SETBACK	10'	20'
REAR SETBACK	30'	38'
MAXIMUM BUILDING COVERAGE	20%	20.4%
MINIMUM OPEN SPACE COVERAGE	40%	59.8%

APPROVED — PORTSMOUTH, NH
PLANNING BOARD

PROJECT PARCEL
CITY OF PORTSMOUTH
TAX MAP 230, LOT 23A

APPLICANT/OWNER
FRIENDS OF LAFAYETTE HOUSE
400 LITTLE HARBOR ROAD, SUITE 1104
PORTSMOUTH, NH 03801
BK 6065 PG 669

TOTAL LOT AREA
33,096 SQ. FT.
0.760 ACRES

DATE:

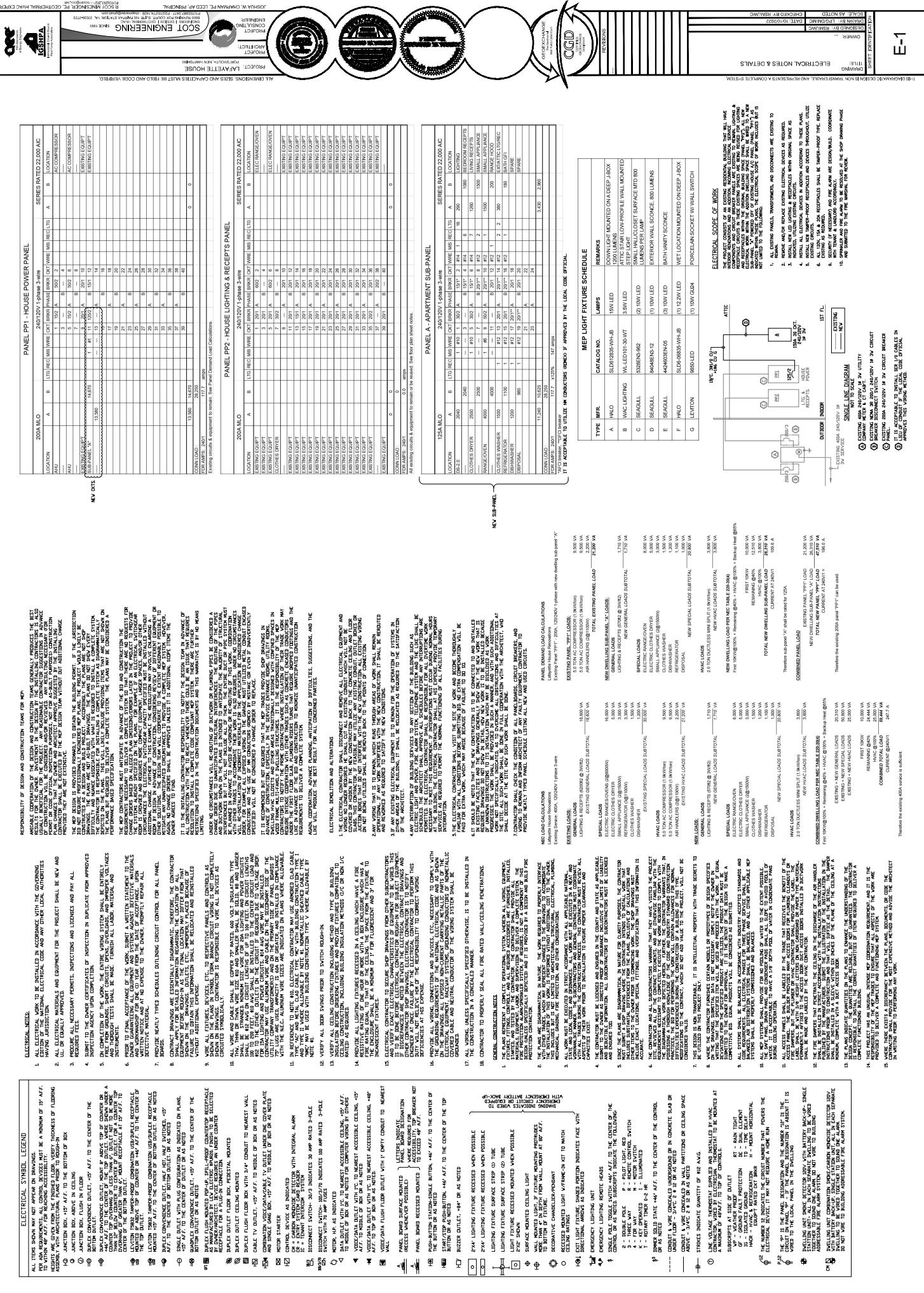
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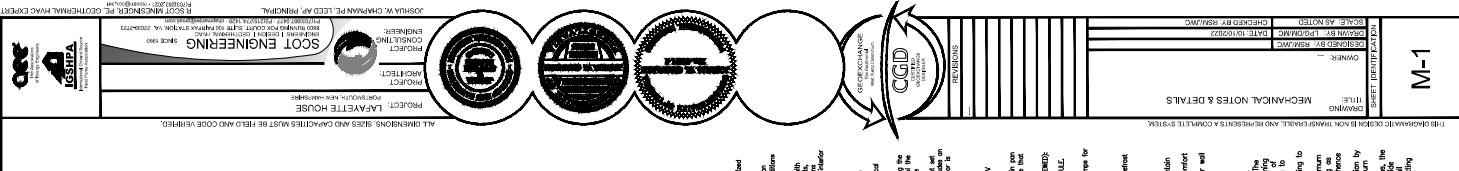
0	2/28/24	ADDING BUILDING SETBACKS
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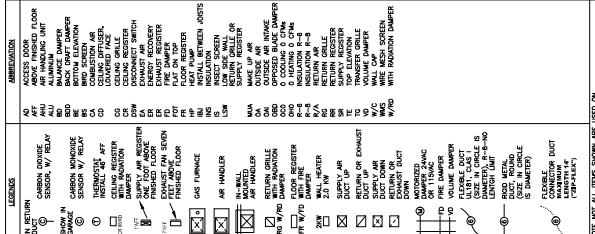
Plan Name: **ZBA SITE PLAN**
MAP 230, LOT 23A
Project: **BUILDING ADDITION**
413 LAFAYETTE ROAD, PORTSMOUTH, NH
Owner of Record: FRIENDS OF LAFAYETTE HOUSE
400 LITTLE HARBOR ROAD, SUITE 1104, PORTSMOUTH, NH 03801

DRAWING No. **C2**
SHEET 2 OF 2
JBE PROJECT NO. 23036

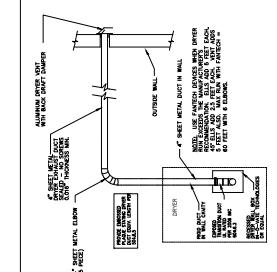




GENERAL HVAC CONSTRUCTION NOTES, NOT ALL APPLY



SPECIAL REPORT: HOW JAPAN HAS USED ITS
HIS PROJECT



DRYER INSTALLATION DETAILS

COOPERATION IN THE DESIGN BY THE ENGINEERS AND CONSTRUCTION FIRMS GENERALLY IS ALSO USEFUL.

Official inspection purposes, not for
permits or code enforcement.

out additional charge provided they are not extensive.

MEP design is provided primarily to obtain the building permit. Professionally engineered MEP plans, the project would likely be considered complete.

Surprisingly the plots are not sharp drawings. The plots are associated with what is required to insure a minimum amount of environmentally favorable

Items that are not shown on the plans but required to consider a performance based specification.

MEP contractors must anticipate in advance of the bid and contract award.

After a complete system go that there are no requests for changes/errata later in the project to provide the systems already

In some circumstances the electrical sagudgear capacity specified must be exceeded to prevent damage to the electrical equipment.

use of different equipment or other solutions. The design team is responsible to mitigate any unanticipated circumstances to provide a

Change orders shall be approved unless it is additional scope item.

Whenever there could be an issue that requires resolution, there can further restrictions specified in the construction documents.

one smiling.

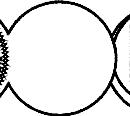
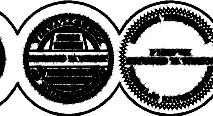
For no circumstances will re-routing of ductwork or plumbing anticipated structural interferences. The routing of the pipes on

where pure use of structural materials such as wood, stone, or concrete must be planned in advance to avoid re-working or re-modelling their work. In other words, there must be a plan to accommodate their work in the early stages of construction.

aterials for the application be considered change order, for example metal conduit encased conductors and the use of NM conductors.

(vertently specified) will not be considered a change order to r

air through an opposed blade damper during unoccupied and full 100% occupancy. Full occupancy is determined by a carbon dioxide sensor of 1,100ppm set point mounted in the return air duct with a relay o



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