

APPLICATION OF PATRICK and WENDY QUINN
0 Melbourne Street
Map 233, Lot 54

APPLICANT'S NARRATIVE

I. **THE PROPERTY:**

The applicants, Patrick and Wendy Quinn, are under contract to acquire the above-referenced property, which is an existing vacant lot of record in the SRB Zone, upon which they seek to build a single-family residence.

Under current zoning, this lot is deficient as to minimum lot size and frontage, and, should a single-family dwelling be placed upon it, it would be deficient as to lot area per dwelling. Accordingly, in order to proceed, the applicant is requesting relief from Section 10.521 as follows:

To permit lot area and lot area per dwelling of 6,197 sf where 15,000 sf are required; and

To permit 50 feet of continuous street frontage where 100 feet is required.

The lot is shown as Lot 5 on the Daniels Park subdivision plan dated June 1918 which is submitted herewith and has been a lot of record since that time. It lies on the southeastern side of Melbourne Street, between Essex Avenue and Sheffield Road, where it is the middle of three lots. The proposed dwelling would be the only one with a driveway onto Melbourne Street between Essex and Sheffield on that side of the street. The single-family home proposed is effectively the only use permitted on this lot in the SRB zone.

The applicant has submitted herewith a site plan and building plans which demonstrate *possible* building design elements. The exact location and dimensions of the driveway access would need to be finalized in connection with the Inspection Department and Public Works. Final decisions as to the exact location of the proposed new dwelling have not been made, but the applicant will stipulate that the proposed building envelope for the new home shown in the site plan will not change. However, the proposed dwelling will meet all applicable setback, height and lot coverage requirements. The dwelling footprint will be within the 20% building coverage requirement. The dwelling will have a height no greater than 35 feet. The dwelling will require no relief from the setback, height and open space requirements.

It is understood that, should the variance requested here be granted, the Inspection Department will need to review and approve all construction drawings and sketches prior to issuing a building permit to the applicant.

II. CRITERIA:

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

A. **Granting the requested variance 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.

In this case, were the variances to be granted, there would be no change in the essential characteristics of the neighborhood, nor would the public health, safety or welfare be threatened. An additional single-family dwelling on this property is entirely appropriate and consistent with the existing residential neighborhood in which it sits. The proposal will meet all dimensional requirements of the ordinance save for those that are impossible to comply with. Thus, the essentially residential character of the neighborhood will not be altered. A single-family dwelling, which is permitted by right in this zone, and which will feature modern, code-compliant construction, will not threaten the health, safety and welfare of the public in any manner.

B. **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. There is no other permitted use in this zone that the applicants could put the property to that fits with character of the neighborhood, and in any event, any use would require the exact same relief as is requested here.

In this case, there is no benefit to the public in denying the variances that is not outweighed by the hardship upon the owner.

C. **The values of surrounding properties will not be diminished by granting the variance.** A newly constructed, fully code-compliant home with appropriate landscaping, vegetation and screening will increase property values in the neighborhood. The values of the surrounding properties will not be negatively affected in any way by the relief requested. To the contrary, values would be enhanced if this project were to be approved.

D. **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 in question is smaller and

more narrow than most lots in the immediate vicinity. It is an existing lot of record that has less than the currently required lot area and frontage, deficiencies which cannot be rectified. Because there is no way to make the lot and this proposal complies with these requirements, special conditions that distinguish the property from others in the area exist.

The use is a reasonable use. Residential use is permitted in this zone and is identical in character and consistent with the existing use of the adjacent and abutting properties. If the use is permitted, it is deemed reasonable (Vigeant v. Hudson, 151 NH 747 (2005)).

There is no fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property. There is no way for the applicant to comply with the lot area and frontage requirements. These requirements exist to prevent the overburdening/overcrowding of land. Other than frontage and lot area, this proposal will be entirely dimensionally compliant. There is no permitted use available to applicant that would not require identical relief. Thus, there is no fair and substantial relationship between the purpose of the lot area and frontage restrictions and their application to this property.

E. Alternatively, if the board deems the criteria in subparagraph (D) are not established, an unnecessary hardship nevertheless exists because, owing to special conditions of the property that distinguish it from other properties in the area, 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.

As noted above, the applicant cannot remedy the lot area and frontage deficiencies on this lot no matter what use they propose. By definition, a variance is necessary to enable the reasonable use of this lot for single family residential purposes.

III. Conclusion.

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

Respectfully submitted,

Dated: 6-13-2022

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

MELBOURNE ST

Location MELBOURNE ST

Mblu 0233/ 0054/ 0000/ /

Acct# 30420

Owner CARLL BRUCE R

PBN

Assessment \$204,300

Appraisal \$204,300

PID 30420

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2023	\$0	\$204,300	\$204,300

Assessment			
Valuation Year	Improvements	Land	Total
2023	\$0	\$204,300	\$204,300

Owner of Record

Owner CARLL BRUCE R

Sale Price \$0

Co-Owner

Address 2224 S BRENTWOOD DR
PALM SPRINGS, CA 92264

Certificate

Book & Page 6202/987
Sale Date 12/01/2020
Instrument 38

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
CARLL BRUCE R	\$0		6202/987	38	12/01/2020
CARLL MARY J REVOC LIV TRUST	\$0		4530/0598		05/02/2005

Building Information**Building 1 : Section 1****Year Built:**

Living Area: 0

Replacement Cost: \$0

Building Percent Good:**Replacement Cost**

Less Depreciation: \$0

Building Attributes	
Field	Description
Style:	Vacant
Model	
Grade:	
Stories:	

Occupancy	
Exterior Wall 1	
Exterior Wall 2	
Roof Structure:	
Roof Cover	
Interior Wall 1	
Interior Wall 2	
Interior Flr 1	
Interior Flr 2	
Heat Fuel	
Heat Type:	
AC Type:	
Total Bedrooms:	
Total Bthrms:	
Total Half Baths:	
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	
Kitchen Style:	
Kitchen Gr	
WB Fireplaces	
Extra Openings	
Metal Fireplaces	
Extra Openings 2	
Bsmt Garage	

Building Photo



(<https://images.vgsi.com/photos2/PortsmouthNHPhotos/\00\00\31\22.JPG>;

Building Layout

(ParcelSketch.ashx?pid=30420&bid=30420)

Building Sub-Areas (sq ft)	<u>Legend</u>
No Data for Building Sub-Areas	

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code 1310
Description RES ACLNPO
Zone SRB
Neighborhood 123
Alt Land Appr Category No

Land Line Valuation

Size (Acres) 0.14
Frontage
Depth
Assessed Value \$204,300
Appraised Value \$204,300

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2023	\$0	\$204,300	\$204,300
2022	\$0	\$204,300	\$204,300

2021	\$0	\$204,300	\$204,300
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Assessment			
Valuation Year	Improvements	Land	Total
2023	\$0	\$204,300	\$204,300
2022	\$0	\$204,300	\$204,300
2021	\$0	\$204,300	\$204,300

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DANIELS PARK

Portsmouth, N.H.

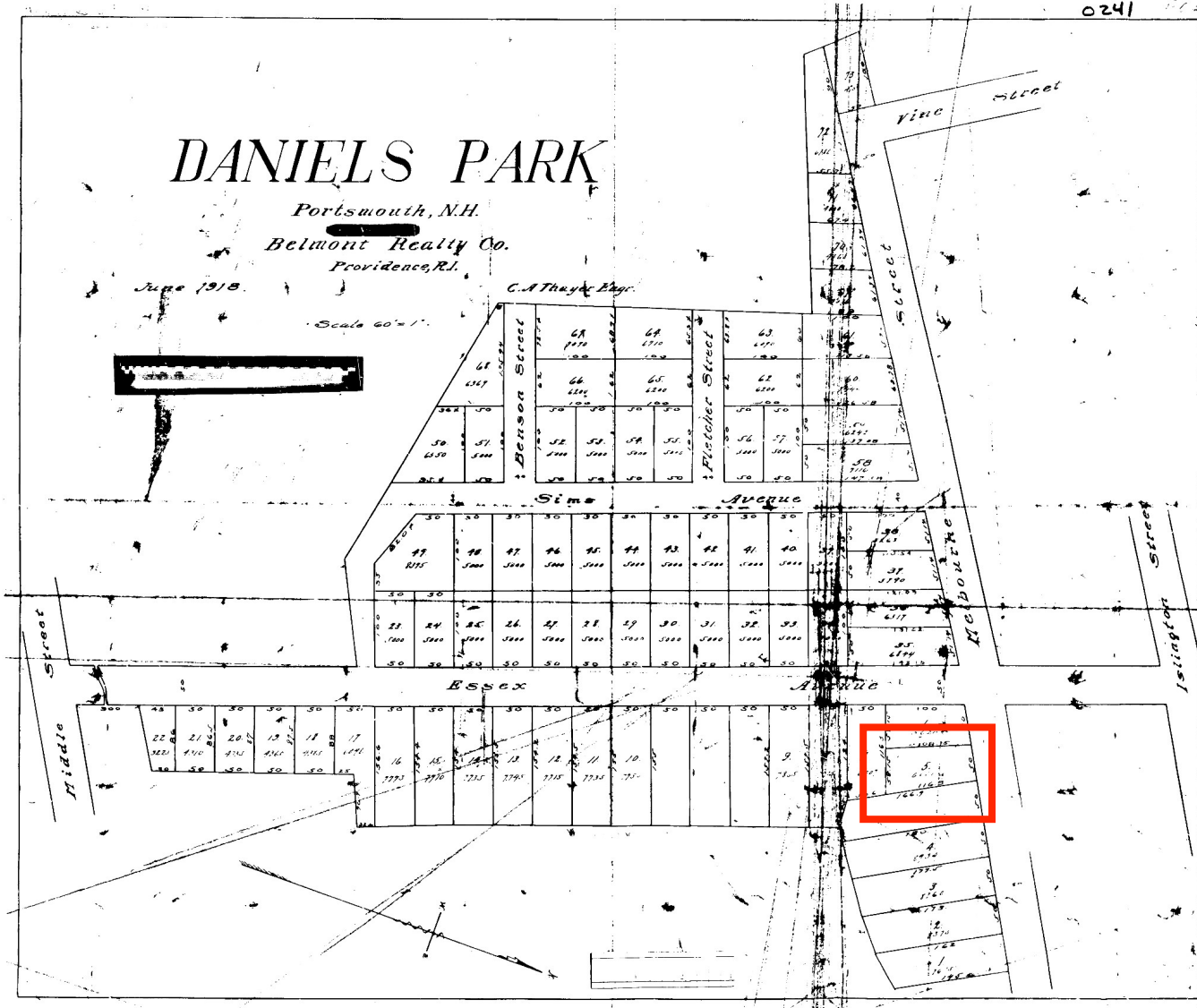
Belmont Realty Co.

Providence, R.I.

June 1918.

C. A. Thayer, Engr.

Scale 60' = 1".



0241





TAX MAP 233 LOT 9
 WILLIAM CHAMBERLIN
 DENISE CHAMBERLIN
 105 MELBOURNE ST
 PORTSMOUTH, NH 03801

TAX MAP 233 LOT 53
 JOHANNA SORIS
 BARBARA SORIS
 14 SHEFFIELD RD
 PORTSMOUTH, NH 03801

TAX MAP 233 LOT 52
 BECKETT MILLER REVOC TRUST
 24 SHEFFIELD RD
 PORTSMOUTH, NH 03801

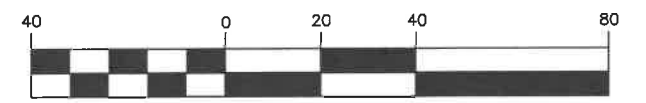
TAX MAP 233 LOT 56
 SHEILA REARDON
 105 ESSEX AVE
 PORTSMOUTH, NH 03801

TAX MAP 233 LOT 55
 BRUCE CARLL DR
 222A S BRENTWOOD DR
 PALM SPRINGS, CA 92264

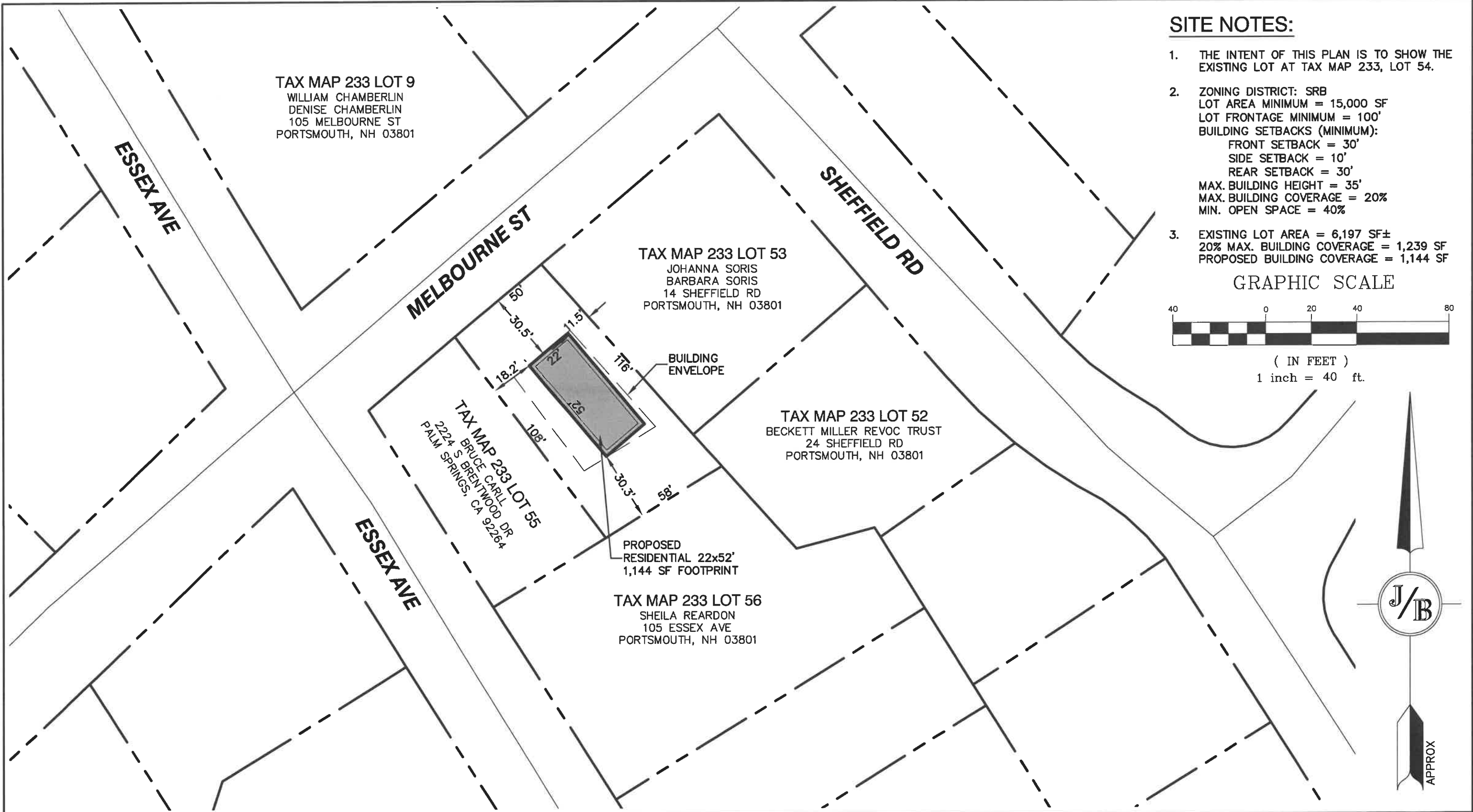
SITE NOTES:

1. THE INTENT OF THIS PLAN IS TO SHOW THE EXISTING LOT AT TAX MAP 233, LOT 54.
2. ZONING DISTRICT: SRB
 LOT AREA MINIMUM = 15,000 SF
 LOT FRONTAGE MINIMUM = 100'
 BUILDING SETBACKS (MINIMUM):
 FRONT SETBACK = 30'
 SIDE SETBACK = 10'
 REAR SETBACK = 30'
 MAX. BUILDING HEIGHT = 35'
 MAX. BUILDING COVERAGE = 20%
 MIN. OPEN SPACE = 40%
3. EXISTING LOT AREA = 6,197 SF±
 20% MAX. BUILDING COVERAGE = 1,239 SF
 PROPOSED BUILDING COVERAGE = 1,144 SF

GRAPHIC SCALE



(IN FEET)
 1 inch = 40 ft.



Design: XXX	Draft: XXX	Date: 05/30/24
Checked: XXX	Scale: AS SHOWN	Project No.: XXXXX
Drawing Name: XXXXX-DWGNAME.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.		

Rev.	Date	Revision	By
0	5/30/24	ISSUED FOR REVIEW	EJH

J/B Jones & Beach Engineers, Inc.
 Civil Engineering Services
 85 Portsmouth Ave. PO Box 219 Stratham, NH 03885
 603-772-4746
 E-Mail: JBE@jonesandbeach.com

Drawing Name:	EXHIBIT PLAN
Project:	124 MELBOURNE ST PORTSMOUTH, NH
Owner of Record:	CLIENT NAME CLIENT ADDRESS

DRAWING No.	C1
SHEET 1 OF 1	
JBE PROJECT No.	XXXXXX



Shop



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Favorites

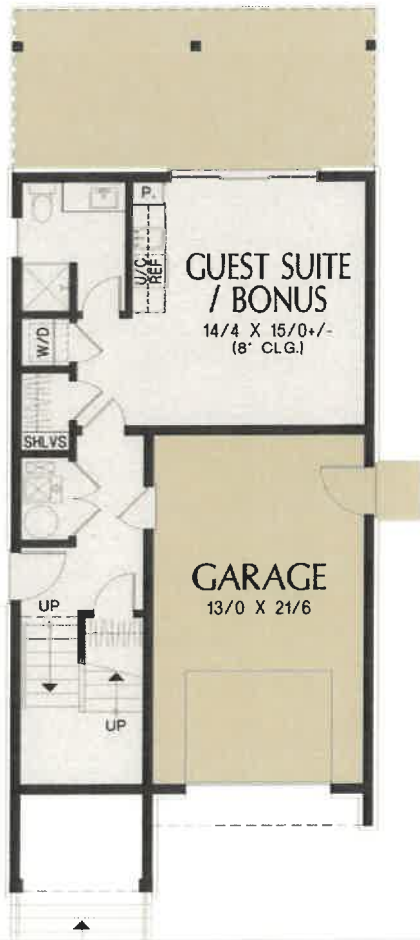


Cart



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FIRST FLOOR



In-Law Suite
Master Up



Front Entry Garage



Kitchen Island
Open Floor Plan



Laundry Lower Level
Laundry Second Floor



Front Porch
Rear Porch



Bonus Room
Flex Room



Shop



Sign In



Favorites

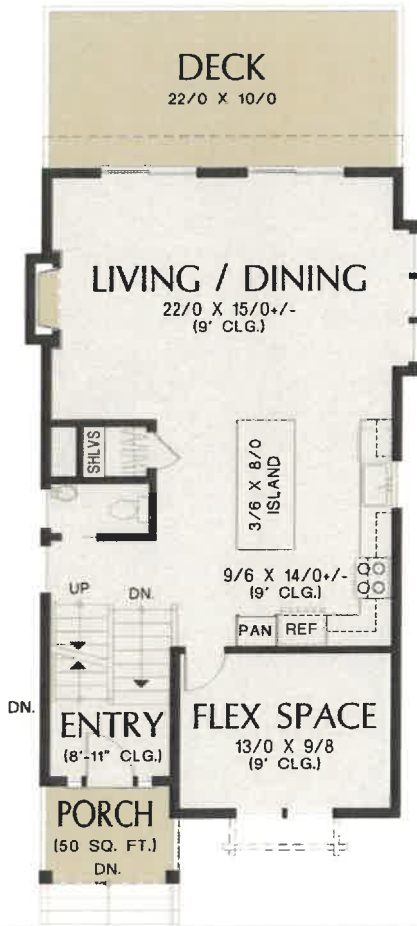


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MAIN FLOOR



Shop



Sign In



Favorites

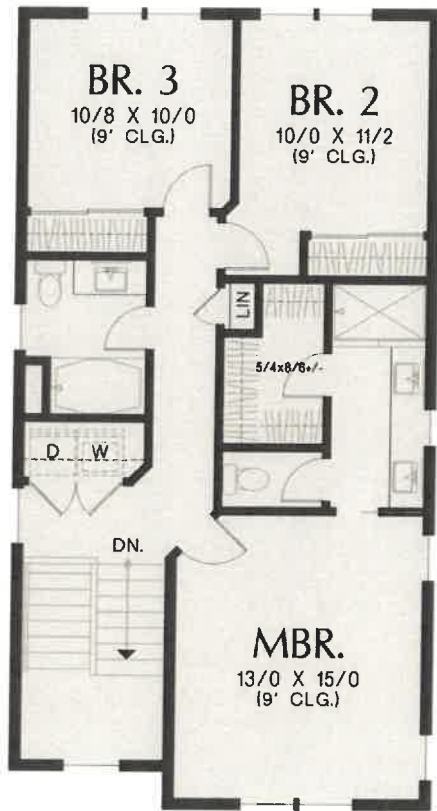


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THIRD FLOOR



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DETAILS

HEATED SQ FT

TOTAL HEATED AREA:	2,197 sq. ft.
FIRST FLOOR:	497 sq. ft.
SECOND FLOOR:	879 sq. ft.
THIRD FLOOR:	821 sq. ft.

UNHEATED SQ FT

GARAGE:	300 sq. ft.
FLOORS:	3
BEDROOMS:	4
BATHROOMS:	3
HALF BATHS:	1

GARAGES:	1 car
WIDTH:	22ft.
DEPTH:	54ft.
HEIGHT:	29ft.-4in.

FOUNDATION: **Slab Foundation
Basement Foundation**

MAIN ROOF PITCH: **10:12**

EXTERIOR FRAMING: **2x6**

CEILING HEIGHTS

BASEMENT:	8 feet
FIRST FLOOR:	9 feet
SECOND FLOOR:	9 feet

WHAT'S INCLUDED IN THESE PLANS?

- **Exterior Elevations** - all at 1/4" scale and - usually two sheets.



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