

BY: Viewpoint & Hand Delivery

September 18, 2024

City of Portsmouth
Zoning Board of Adjustment
c/o Stefanie Casella, Planner II
1 Junkins Avenue
Portsmouth, NH 03801

Re: ZBA Variance Application – 339 Miller Avenue

Dear Mrs. Casella and Members of the Board,

Please find a copy of the following submission for the variance application filed on behalf of the property owners at 339 Miller Avenue. Items included in the application:

1. Property owners' letter of Authorization
2. Narrative to Variance Application
3. Architectural packet which includes architectural site plans, architectural plans and photos of the property.

Should you require anything further, please do not hesitate to contact our office.

Sincerely,



Mark R. Gianniny, AIA

CC:


Andrew Powell & Nicole Ruane

OWNER'S AUTHORIZATION

I, Andrew Powell and Nicole Ruane, Owner/Applicant of 339 Miller Avenue (Tax Map 0131, Lot 0031) hereby authorize Portsmouth Architects, PLLC (McHenry Architecture) to represent me before any and all City of Portsmouth Representatives, Boards and Commission for permitting this project.

Respectfully,

Date: 9/18/2024

Handwritten signature of Andrew Powell and Nicole Ruane in cursive script.

Andrew Powell and Nicole Ruane

Introduction

Andrew Powell and Nicole Ruane (collectively, the “Applicant”) are the owners of 339 Miller Avenue (Tax Map 0131, Lot 0031). The property is situated in the GRA General Residential District – A. The existing property is approximately 7,840 square feet (0.18 AC) and maintains a single-family dwelling with a detached garage in the rear. On either side of the property are single-family homes with a multi-family dwelling along the rear of the property.

As shown on the enclosed plans, the Applicant proposes to maintain most of the existing structure while removing an existing poorly constructed sunroom addition. The project consist of reconstructing the portion removed while reusing the existing sunroom footprint. This space will be converted to a conditioned eating area off the kitchen while adding a second story above. This will make the space usable year-round and increase the functionality of the room. The added second floor area above will create additional living space and make the adjacent space more useful. The existing entry stair and vestibule enclosure on the north side of the sunroom will be removed and only the stair reconstructed. The existing rear entry to the residence located on the south side of the sunroom includes a non-code compliant entry stair that will also be removed. A new modest rear entry addition with a code compliant stair and landing is also noted on the proposed plans.

Zoning Relief Summary

The Applicants seek the following variances from the Portsmouth Zoning Ordinance:

Article 10.521: To allow 28.2% (+/-) building coverage where 27.4% (+/-) exists and 25% is allowed.

Variance Criteria

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

The primary purpose of the building coverage limitation set forth in the Ordinance is to prevent the overcrowding of structures on land. In this instance, the existing property is currently non-conforming and exceeds the allowable building coverage by 2.4% (+/-). The proposed reconstruction and minimal addition will not extend into any setbacks and will not exceed any open space requirements by the ordinance. The entry addition and stair will modify the building coverage to 28.2% (+/-) an increase of 0.8% (+/-) from the current non-conformity. This is partially due to the larger stair and landing needed for code compliance.

The existing and proposed work is on the rear of the existing structure with limited visibility to the public. The proposal also improves aesthetics while conforming with the architectural character of the existing structure and surrounding area.

Thus, granting the variance neither alters the essential character of the neighborhood nor threatens the public health, safety and welfare.

3. Substantial justice will be done by granting the variances.

The proposal is quite modest, reusing the existing area of the sunroom while improving aesthetics and livability and continuing to comply with open space requirements. Access to air and light is maintained, so there is no harm to the public in granting the variance. Conversely, the applicant will be harmed by denial of the variance because they will be unable to create additional living space or make existing living space more functional. Without question, substantial justice will be done by granting the variance.

4. Granting the variances will not diminish surrounding property values.

The proposal increases the usability of the existing interior living space by making it a conditioned space attached to the kitchen, while also adding interior living space on the second floor. As noted above the proposal improves aesthetics while conforming with the architectural character of the existing structure and surrounding area. These enhancements result in a improvement to the property and therefore, its value and other nearby properties. Thus, the variance will not diminish surrounding property values.

5. Denial of the variance results in unnecessary hardship.

The property has a special condition as it relates to the existing non-conforming building coverage and rear entry stairs that are not code compliant. 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. As previously discussed, the proposed reconstruction would be completed on the same footprint as the existing sunroom with a modest addition to provide a new rear entrance and stair. The code compliant stair and landing also add to the 0.8% (+/-) building coverage increase. Without the proposed variance the existing space cannot be fully utilized by the applicants.

ADDITION TO THE RESIDENCE AT 339 MILLER AVENUE

Zoning Board of Adjustment - October 2024, Portsmouth, New Hampshire

PROPOSED WORK:

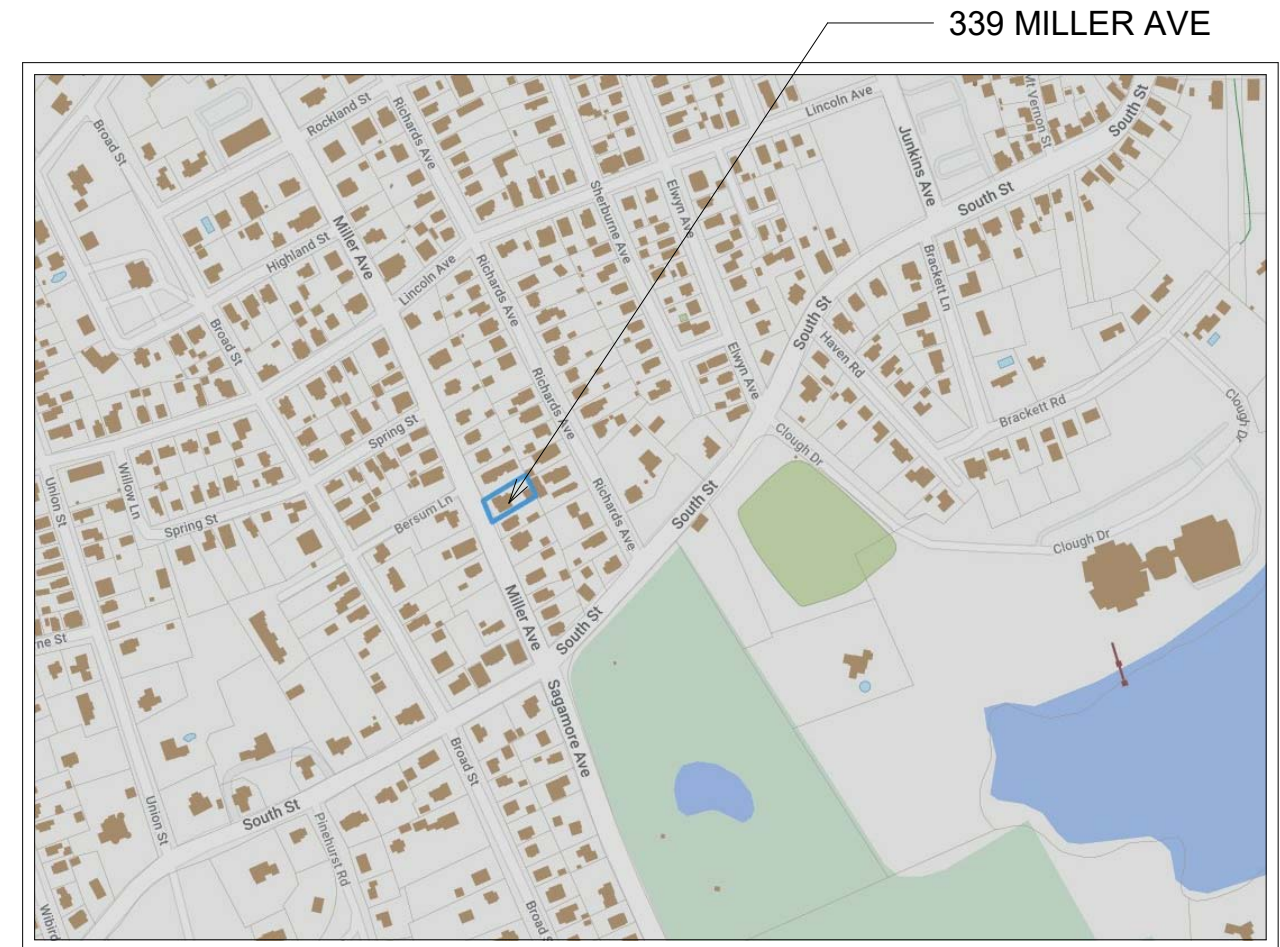
- REMOVAL OF EXISTING SUNROOM ADDITION
- RECONSTRUCTION OF REMOVED PORTION TO MATCH EXISTING SUNROOM FOOTPRINT
- SPACE TO BE CONVERTED TO CONDITIONED EATING AREA OFF KITCHEN WITH SECOND STORY ABOVE
- EXISTING ENTRY STAIR AND VESTIBULE ENCLOSURE ON NORTH SIDE OF SUNROOM TO BE REMOVED AND ONLY THE STAIR RECONSTRUCTED
- REMOVAL OF NON-CODE COMPLIANT ENTRY STAIR ON SOUTH SIDE OF SUNROOM. NEW MODEST REAR ENTRY ADDITION WITH CODE COMPLIANT STAIR AND LANDING TO BE CONSTRUCTED

DIMENSIONAL CRITERIA			
GENERAL RESIDENCE DISTRICT A			
	REQUIRED	EXISTING	PROPOSED
BUILDING FOOTPRINT		1,625 SF	1,695 SF
DETACHED GARAGE		520 SF	520 SF
TOTAL		2,145 SF	2,215 SF
LOT SIZE	7,500 SF	7,840 SF (0.18 AC)	7,840 SF (0.18 AC)
LOT AREA PER DWELLING UNIT	7,500 SF	7,840 SF +/-	7,840 SF +/-
STREET FRONTAGE	100' - 0"	61' - 0" +/-	61' - 0" +/-
LOT DEPTH	70' - 0"	103' - 0" +/-	103' - 0" +/-
FRONT YARD SETBACK	15' - 0"	19' - 0" +/-	19' - 0" +/-
RIGHT SIDE YARD SETBACK	10' - 0"	0' - 0" +/-	0' - 0" +/-
LEFT SIDE YARD SETBACK	10' - 0"	8' - 0" +/-	8' - 0" +/-
REAR YARD SETBACK	20' - 0"	3' - 8" +/-	3' - 8" +/-
BUILDING HEIGHT (SLOPED)	35' - 0"	29'-0" +/-	29'-0" +/-
BUILDING COVERAGE	25%	27.4% +/-	28.2% +/-
MIN OPEN SPACE	30%	55.6% +/-	54.7% +/-

RED INDICATES VARIANCE REQUEST



339 MILLER AVENUE - EXISTING IMAGE



LOCUS MAP

339 MILLER AVE

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ADDITION

339 MILLER AVE.
PORTSMOUTH, NH 03801

COVER

OCTOBER 2024 - ZONING BOARD OF ADJUSTMENT

4 Market Street
Portsmouth, New Hampshire
603.430.0274

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09/17/2024

McHA: EKW/MG

Project Number: 23102

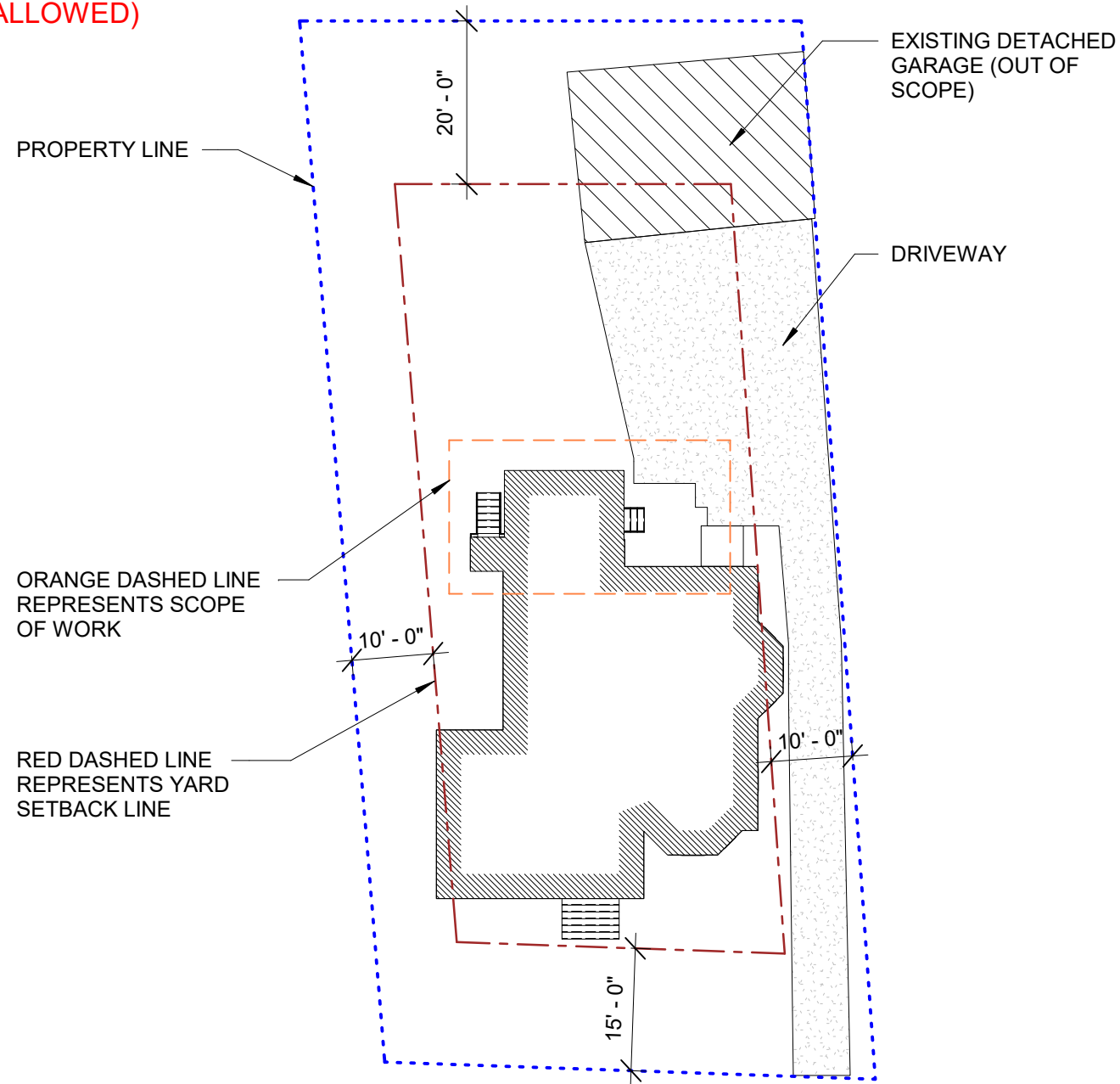
NOT TO SCALE

BUILDING COVERAGE CALCULATION:

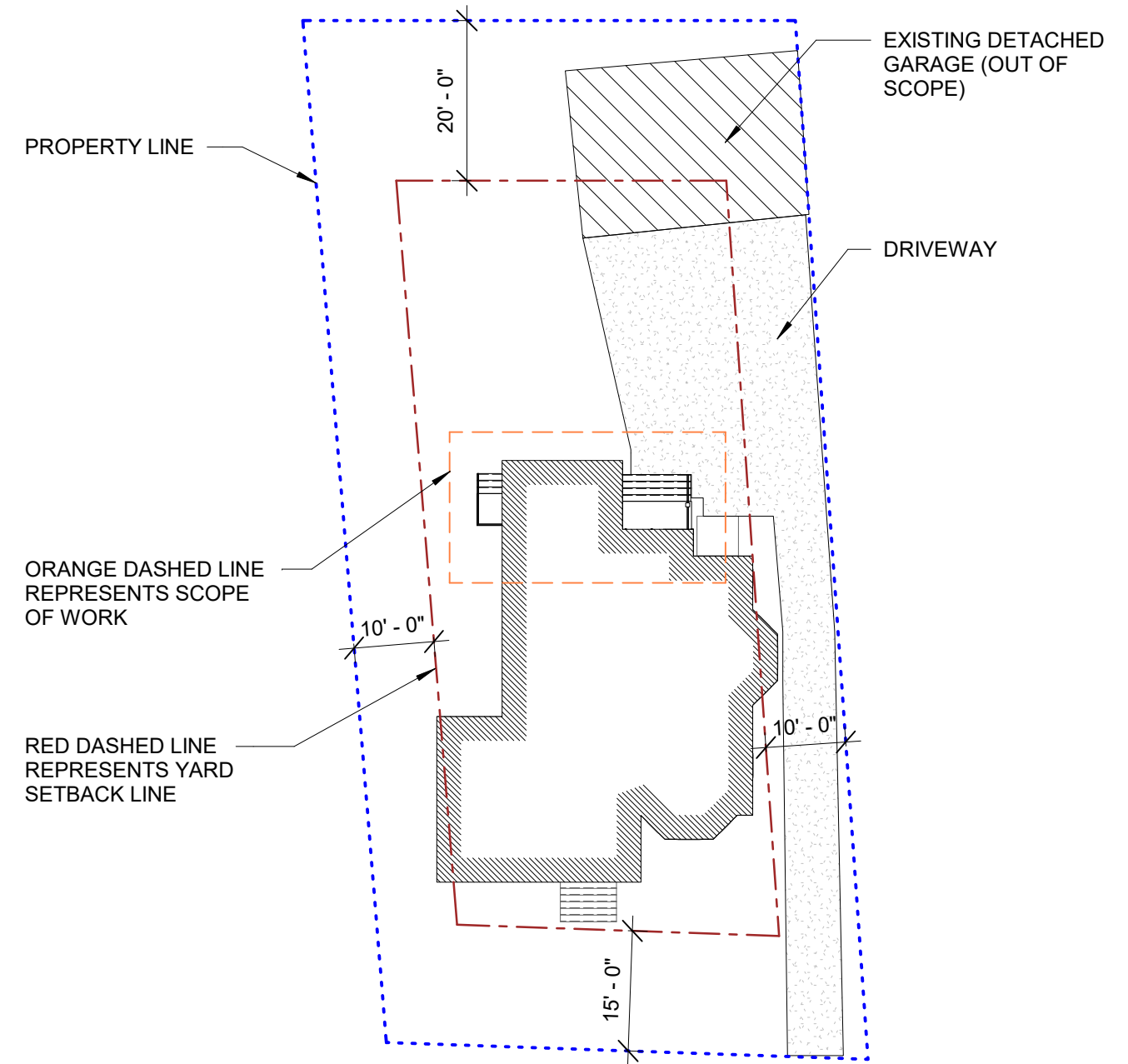
EXISTING= 1,625 SF + 520 SF GARAGE= 2,145 SF
 BUILDING COVERAGE / 7,840 SF LOT = 27.4% BUILDING
 COVERAGE (25% ALLOWED)

PROPOSED= 1,695 SF + 520 SF GARAGE= 2,215 SF
 BUILDING COVERAGE / 7,840 SF LOT = 28.2% BUILDING
 COVERAGE (25% ALLOWED)

NOTE: PROPERTY BOUNDRIES TAKE FROM PORTSMOUTH, NH PROVIDED MAPGEO



1 EXISTING ARCHITECTURAL SITE PLAN
 1" = 20'-0"



2 PROPOSED ARCHITECTURAL SITE PLAN
 1" = 20'-0"

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ADDITION

339 MILLER AVE.
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SITE PLAN

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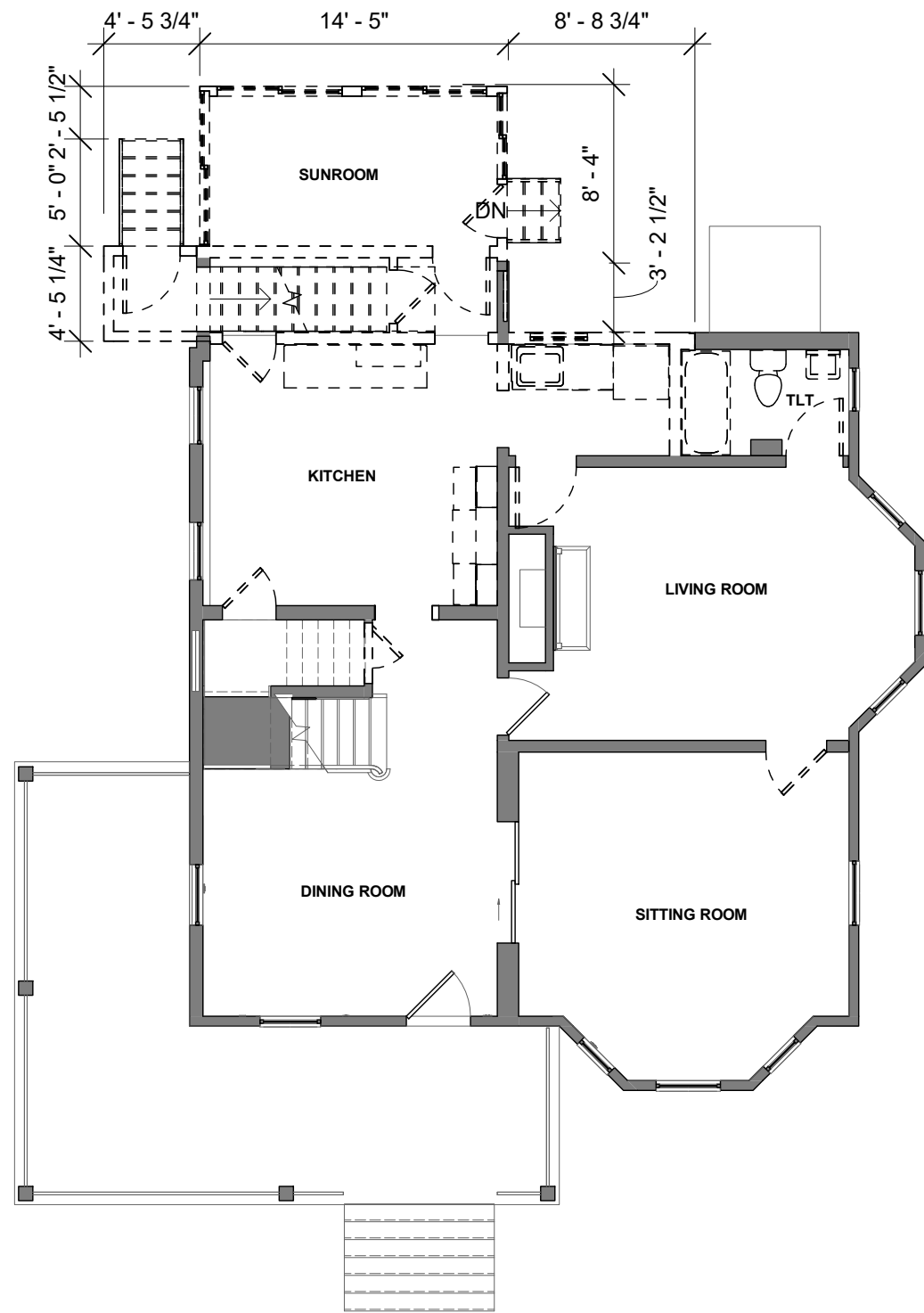
A1

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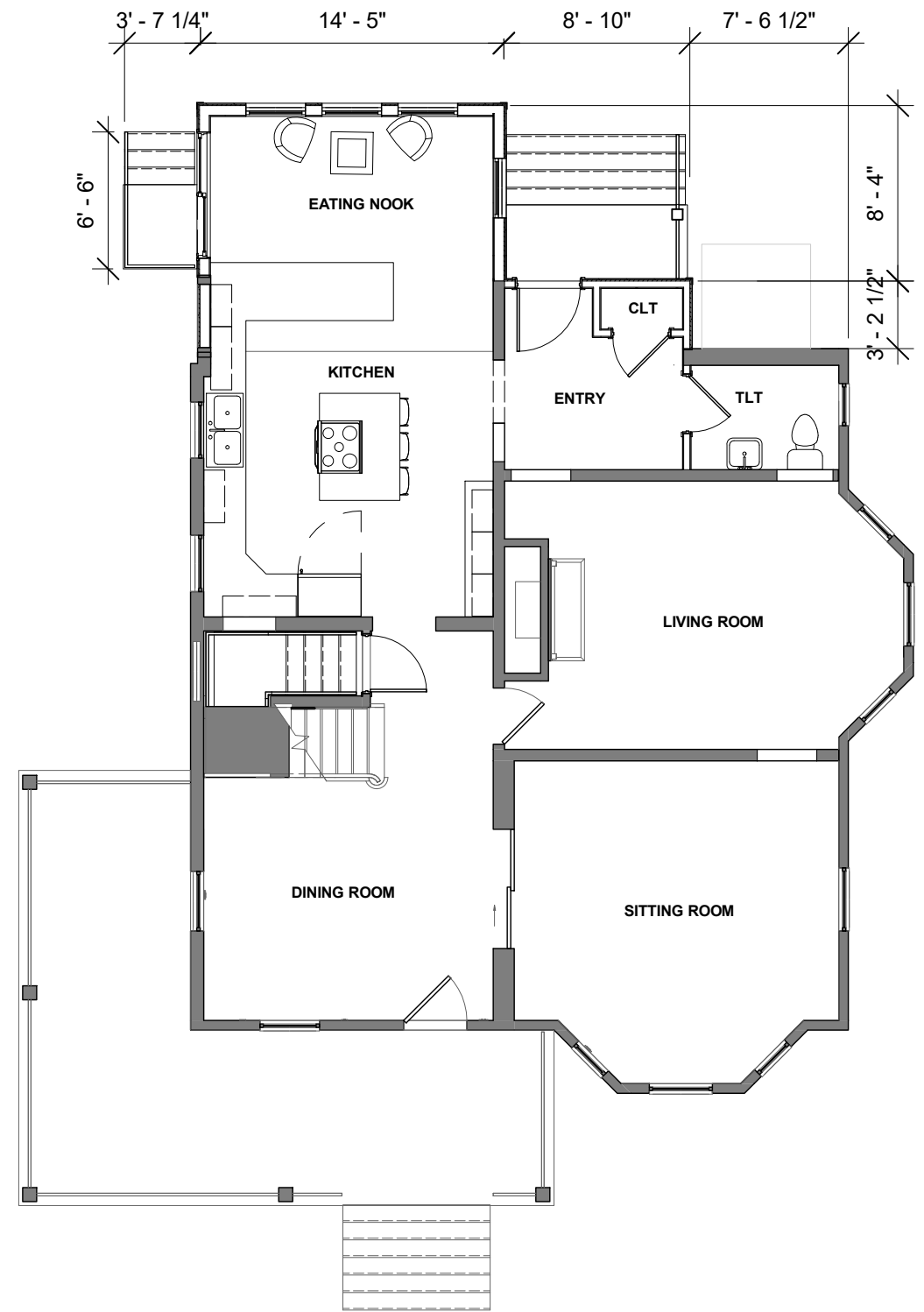
McHA: EKW/MG

Project Number: 23102

NOT TO SCALE



1 FIRST FLOOR EXISTING REMOVALS PLAN
1/8" = 1'-0"



2 FIRST FLOOR PLAN
1/8" = 1'-0"

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FLOOR PLANS

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AS INDICATED



VIEW FROM REAR OF DRIVWAY LOOKING WEST



VIEW FROM REAR OF DRIVWAY LOOKING SOUTH



VIEW FROM REAR OF DRIVWAY LOOKING SOUTHWEST

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EXISTING CONDITIONS PHOTOS

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ADDITION PERSPECTIVES

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PROPOSED ADDITION
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