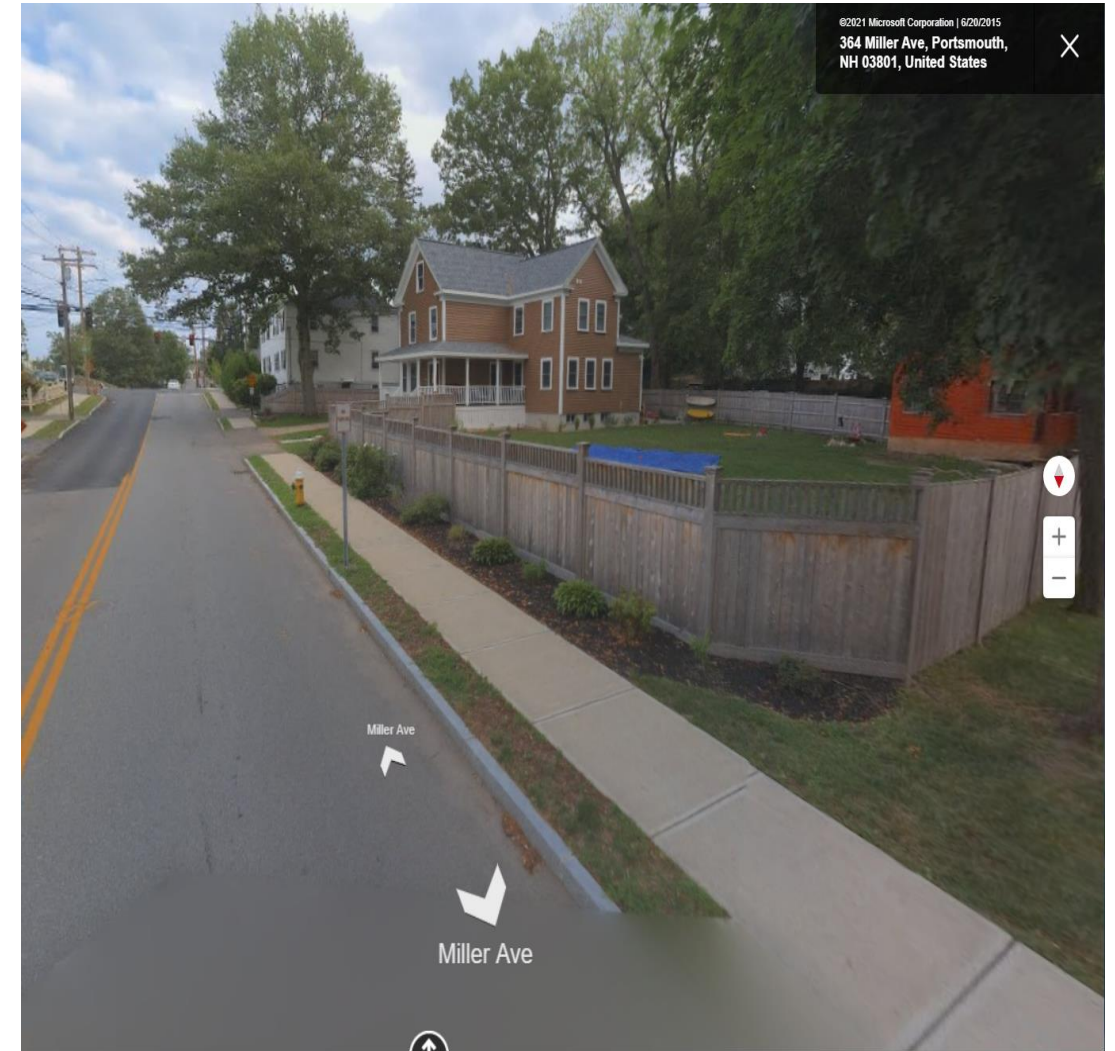


# 2<sup>nd</sup> Driveway Cut Variance Request

396 Miller Ave

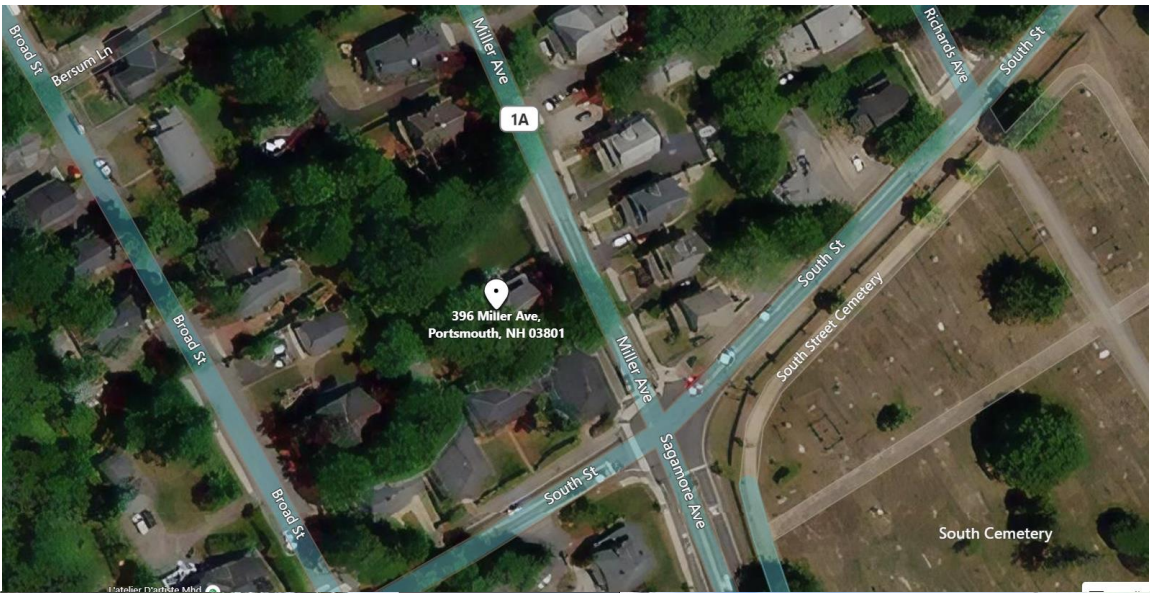
# Summary

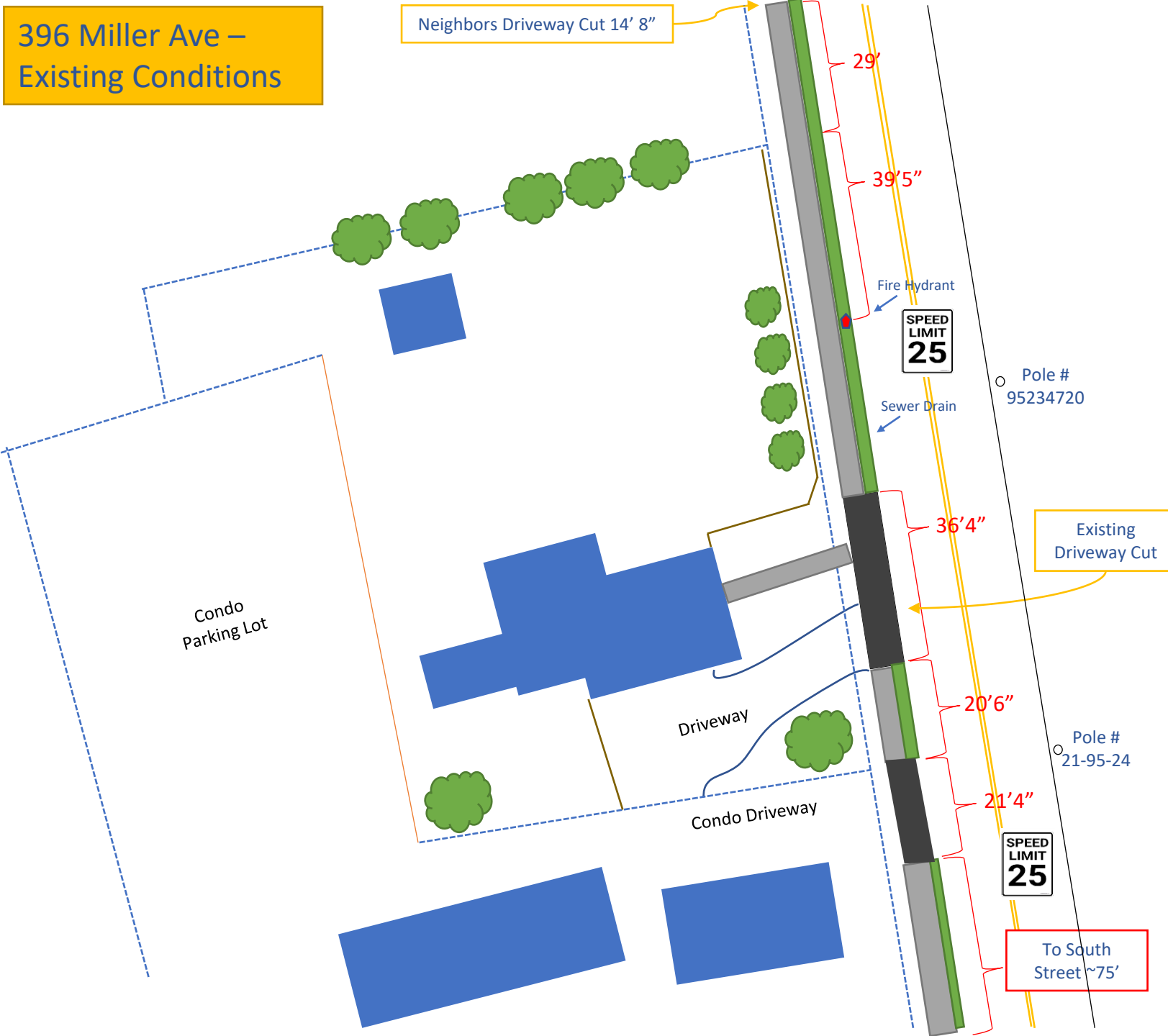
- Request to add a second driveway cut where a single cut exists
  - Reduce existing cut from 36' to 13'
  - Add second 13' cut on opposite end of 134' road frontage.
- Address need for additional driveway capacity while:
  - Reducing reversing into busy intersection
  - Eliminate need for on-street parking
  - Alleviate risk of/past damage and disruption from on-street parking.





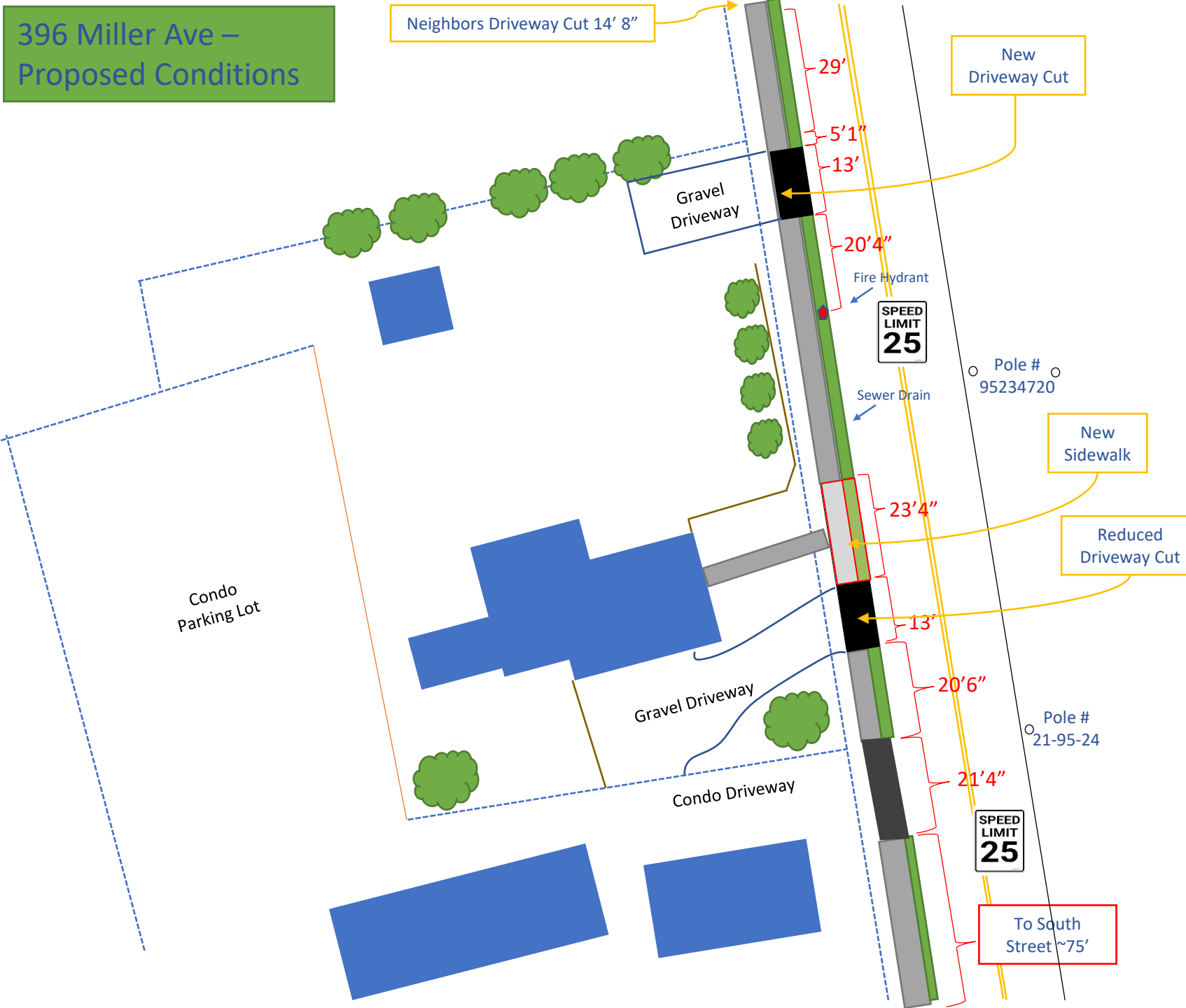
396 Miller Ave –  
Existing Conditions





- Single 36'4" Driveway cut with an effective 13' usable driveway
- Shape and size take into consideration the preservation of (2) 150+ yr old Oak trees.
- Movement of vehicles requires either
  - parking on driveway cut blocking pedestrian traffic or;
  - multiple reverses into oncoming traffic for dangerous South/Middle intersection
- On-street parking is legal but a safety, traffic and neighbor concern.





- Reduce existing driveway cut from 36'4" to 13'
- Add new 13' driveway cut at north end of Miller frontage
- Reduce overall driveway cut by 10'4"

396 Miller Ave –  
Proposed Conditions



- Reduce existing driveway cut from 36'4" to 13'
- Add new 13' driveway cut at north end of Miller frontage
- Reduce overall driveway cut by 10'4"



# 10.233.21 - The variance will not be contrary to the public interest

- Moves majority of “reversing” traffic further away from busy and dangerous intersection.
- Reduces parked cars on south end of Miller. Has resulted in traffic congestion and neighbor complaints
- Improves sightlines for traffic coming from Sagamore or turning from South.





# 10.233.22 - The spirit of the Ordinance will be observed

- Reduces sum of driveway cut from 36'4" to 26'
- Large road frontage (134') and smaller cuts maintain sidewalk to driveway ratio similar or greater than surrounding neighborhoods.
- Fits within structure of existing lots within the larger neighborhood.





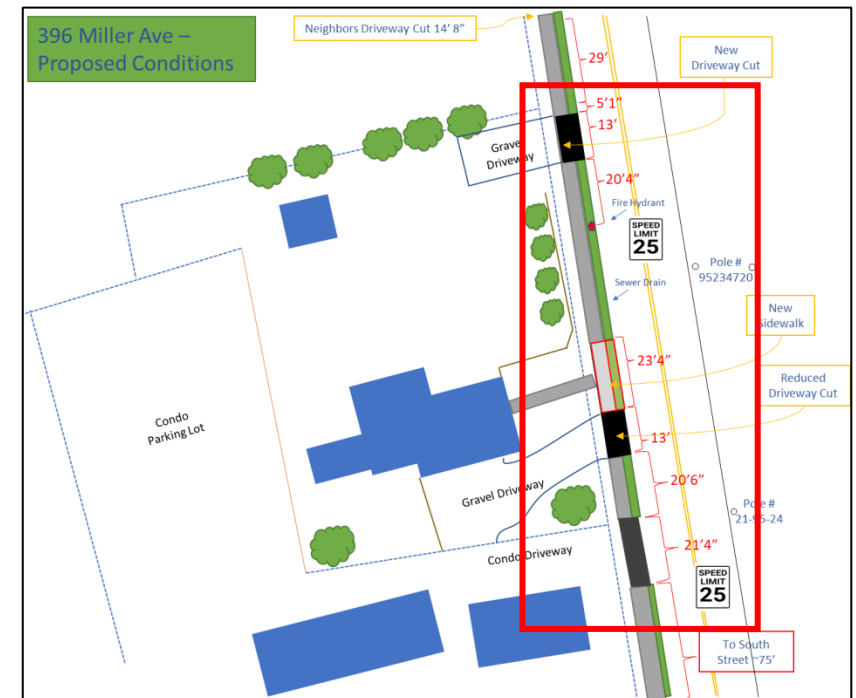
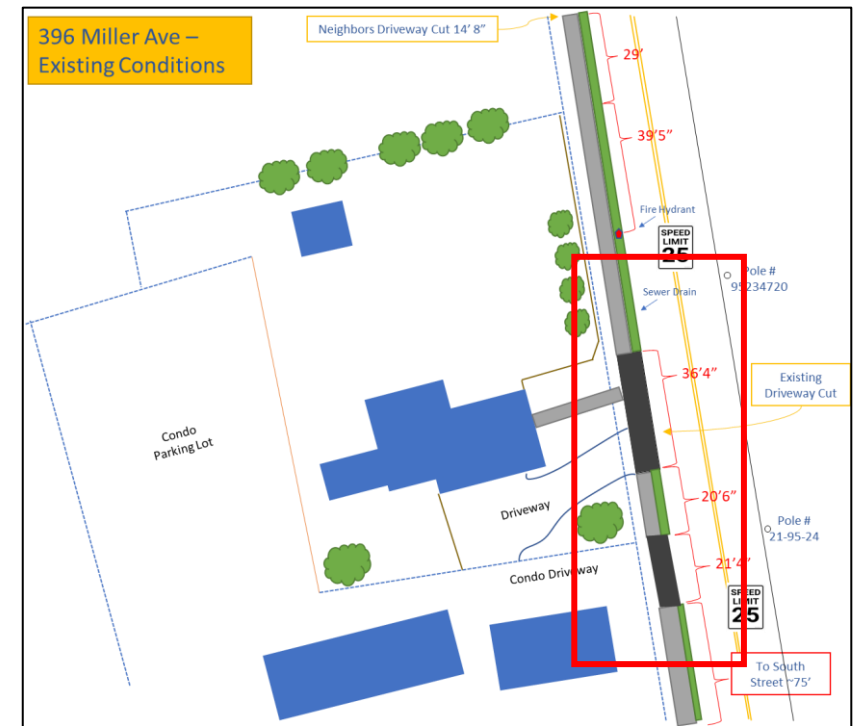
# 10.233.23 Substantial justice will be done

- On-street parking is legal/allowed but doing so creates traffic challenges and agitates neighbors due to the road width and traffic volumes.
- Reversing cars into oncoming traffic and traffic with hindered visibility creates the potential for traffic incidents. The amount of reversing will increase as licensed drivers in the family increases.
- Parking on-street has resulted in:
  - 2 Cars Toted
  - 1 Smashed rear windshield
  - 2 Broken Rear windows
- Current Driveway does not provide for additional off-street parking for a family of 6. Expansion threatens viability of 2 heritage Oak trees which are > 170 years old.
- Despite large lot, placement of house on lot and location of the driveway prevents addition of an otherwise acceptable garage.



# 10.233.24 The values of surrounding properties will not be diminished;

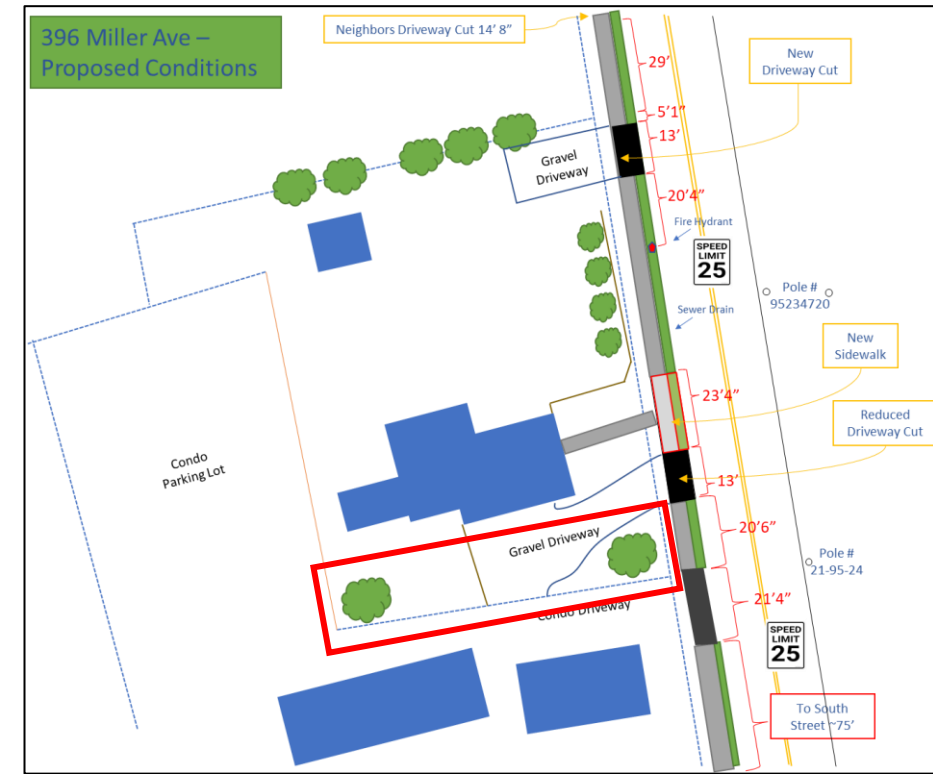
- Reduces overall driveway cuts creating two small driveways similar in size and spacing to other properties
- Removes “landing” pad in front of house and allows for more presentable landscaping while preventing use as a loading zone for deliveries.
- Increases handicap accessibility by creating more contiguous sidewalk and reducing frequency of blocked sidewalk due to large driveway cut being utilized for parking/deliveries.





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

- Lot size and current building coverage is adequate, but a garage addition is prevented by:
  - house position on the lot
  - driveway cut in relation to house position and
  - the necessity to preserve (2) 170+ yr old legacy Oak Trees
- Removal or Expansion of existing drive reduces property value and usability:
  - Either change threatens vitality of (2) 170+ yr old legacy Oak Trees each providing significant value to 396 Miller and the entire neighborhood.
  - Removal moves all access for deliveries, guests and other needs a significant distance from home (100 ft for driveway, 150+ ft for on-street parking).



396 Miller Ave –  
Building Dimensions

City of Portsmouth, NH

Property / 396 MILLER AVE

Zoom To Share Property Quick Search



Back To Property

Google Maps Link

City of Portsmouth

Property Data

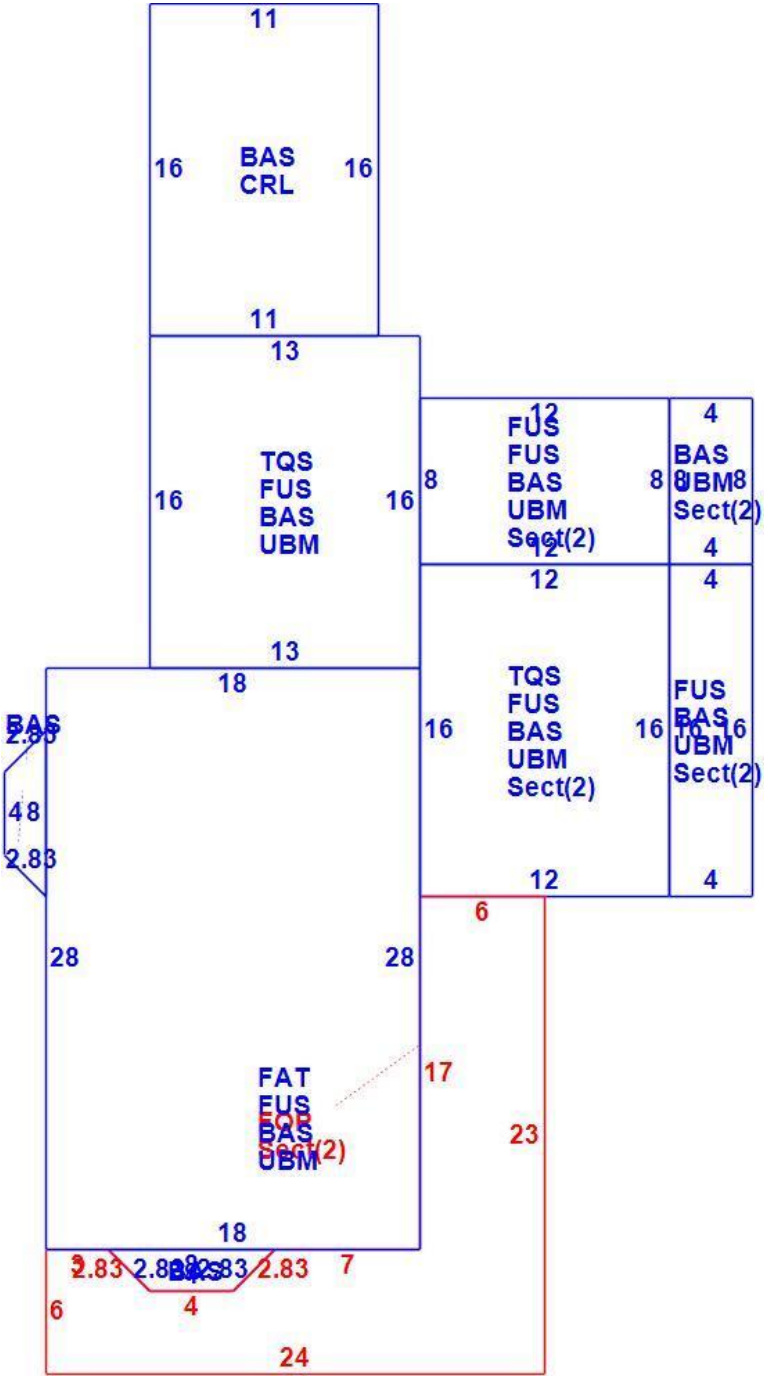
Market Delineation



Details

Print

Property		Ownership		Valuation	
Location	396 MILLER AVE	Owner	OBRIEN TIMOTHY W OBRIEN REBECCA R	Total	\$937,300
Map-Lot	0131-0024-0000	Address	396 MILLER AVE, PORTSMOUTH, NH 03801	Last Sale	\$415,000 on 2013-04-16
Vision Account Number	33828			Deed Date	2013-04-16
				Book/Page	5429/1353
Land		Zoning			
Parcel Area (AC)	0.31	Zoning			
		GRA			





# PLAN REFERENCES:

- 1.) "SOUTH COMMON CONDOMINIUM SITE PLAN FOR HIGH STREET ASSOCIATES 673, 675, 677, SOUTH STREET, PORTSMOUTH N. H." BY RICARD P. MILLETTE AND ASSOCIATES, DATED 6-22-84 SHEET 1 OF 4, RCRD PLAN #D-14148.
- 2.) "LOT LINE RELOCATION & LOT LINE RATIFICATION PLAN FOR WILLIAM H. BROOKE, JR., RUTH A. FERNALD & SOUTH COMMON CONDOMINIUM ASSOCIATION, SOUTH STREET & BROAD STREET, PORTSMOUTH, N. H." BY AMBIT SURVEY, DATED AUG. 10, 1989, RCRD PLAN #D-19952.
- 3.) "SITE PLAN FOR DOUG BEAN 364 MILLER AVENUE, TAX MAP 131 LOT 25, PORTSMOUTH, N. H." BY ROSS ENGINEERING, PROJECT #13-043, REVISED 6-13-2013, NOT FOUND RECORDED.
- 4.) "THE CONDOMINIUMS AT LINCOLN HILL MANOR SITE PLAN 352 & 354 MILLER AVENUE, TAX MAP 131 LOT 26, PORTSMOUTH, N. H." BY ROSS ENGINEERING, CERTIFIED 3-26-2018, RCRD PLAN #D-40723.

NOW OR FORMERLY  
JOSHUA & HOLLY COLLINS  
364 MILLER AVENUE  
PORTSMOUTH, N. H. 03801  
R.C.R.D. VOL. 5910 PG. 2391  
TAX MAP 131 LOT 25

3/8" IRON PIN FOUND  
0.1'± UNDERGROUND  
(INSIDE IRON PIPE PER  
PLAN REFERENCE #3)

NOW OR FORMERLY  
KENDALL P. & SARAH N. FAULSTICH  
267 BROAD STREET  
PORTSMOUTH, N. H. 03801  
R.C.R.D. VOL. 3507 PG. 622  
TAX MAP 131 LOT 18

IRON PIN W/CAP  
SET 4-23-19  
0.6'± HIGH

24.03'  
N09°31'37"W

IRON PIN W/CAP  
SET 4-23-19  
0.9'± HIGH

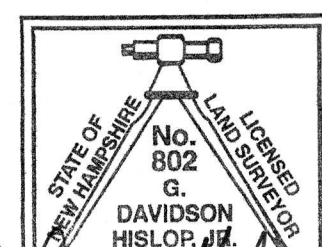
573°46'20"W  
35.00'  
(SURVEY TIE)

1" IRON PIPE  
FOUND 0.6'±  
HIGH

PAVED  
PARKING  
AREA

## CERTIFICATION

I CERTIFY THAT THE DETAILS DEPICTED ON THIS PLAN ARE SHOWN ACCURATELY RELATIVE TO THE LOT LINES AND THAT THIS PLAN SHOWS EXISTING CONDITIONS AS OF TIME OF AN INSTRUMENT FIELD SURVEY CONDUCTED UNDER MY SUPERVISION ON APRIL 16, 2019.



G. DAVIDSON HISLOP, JR. LLS #802 DATE

MAG NAIL  
SET 4-23-19  
IN PAVEMENT

NOW OR FORMERLY  
SOUTH COMMON CONDOMINIUM ASSOCIATION  
675 SOUTH STREET  
PORTSMOUTH, N. H. 03801  
R.C.R.D. PLAN D-19952  
TAX MAP 131 LOT 22

NOW OR FORMERLY  
SOUTH COMMON CONDOMINIUM ASSOCIATION  
673 SOUTH STREET  
PORTSMOUTH, N. H. 03801  
R.C.R.D. PLAN D-19952  
TAX MAP 131 LOT 23

MAP 131  
LOT 24

1 ST. WD  
SHOP

52.79'  
N11°32'28"W

20' REAR SETBACK

PEA STONE

21/2 ST. WD.  
HOUSE #396

PEA STONE  
PARKING AREA

96.04'  
S81°05'09"W

PAVED DRIVEWAY

15' FRONT SETBACK

134.53'  
S09°31'37"E

6'± WOOD STOCKADE FENCE

PAVERS

WV

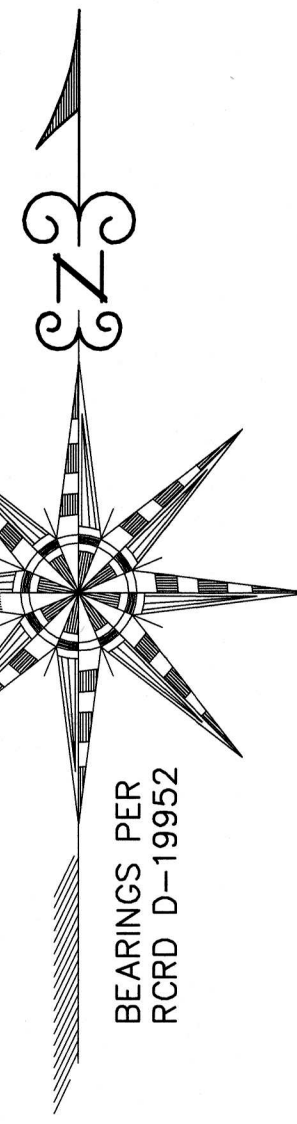
MILLER  
AVENUE

CONCRETE SIDEWALK

IRON PIN W/CAP  
SET 4-23-19  
FLUSH

## LEGEND

- PROPERTY LINE  
CITY SETBACK LINE  
IRON PIPE OR PIN  
UTILITY POLE  
WATER SHUTOFF  
EDGE OF PAVEMENT  
WOOD STOCKADE FENCE  
GRANITE CURB  
ROCKINGHAM CNTY. REG. DEEDS RCRD  
OVERHEAD ELECTRIC  
GAS METER  
ELECTRIC METER  
SURVEY TIE LINE
- DECIDUOUS TREE  
CATCH BASIN  
FIRE HYDRANT  
SIGN



BEARINGS PER  
RCRD D-19952

## PLAN REFERENCES:

- 1.) SUBJECT LOT IS LOCATED IN CITY OF PORTSMOUTH ZONE "GENERAL RESIDENCE A" THE ZONING REQUIREMENTS AND EXISTING ARE AS FOLLOWS:
- 2.) THIS PLAN REFLECTS EXISTING SITE CONDITION DETAILS WHICH ARE THE RESULTS OF AN ON THE GROUND INSTRUMENT FIELD SURVEY PERFORMED BY KNIGHT HILL LAND SURVEYING SERVICES, INC. ON APRIL 16, 2019. UNADJUSTED TRAVERSE 1/96,300.
- 3.) THIS PROPERTY DOES NOT LIE IN A FLOOD ZONE AS INDICATED ON THE FLOOD INSURANCE RATE MAP (FIRM) FOR ROCKINGHAM COUNTY, PORTSMOUTH, N. H. FIRM #33015C0259E, WITH AN EFFECTIVE DATE OF MAY 17, 2005.
- 4.) SUBJECT LOT IS SERVICED BY MUNICIPAL SEWER AND WATER.
- 5.) BEARINGS SHOWN ARE 1984 MAGNETIC PER PLAN REFERENCE 2.

## SITE DATA

TAX MAP 131 LOT 24

RECORD OWNER: TIMOTHY W. O'BRIEN  
REBECCA R. O'BRIEN  
396 MILLER AVENUE  
PORTSMOUTH, N. H. 03801  
RECORD DEED: R.C.R.D. BK. 5429 PG. 1353  
AREA: EXISTING AREA = 13,640± SQ.FT./0.31 AC.

## EXISTING CONDITIONS PLAN

for land OWNED by

TIMOTHY W. & REBECCA R. O'BRIEN

known as

TAX MAP 131 LOT 24

located along

396 MILLER AVENUE

PORTSMOUTH, N.H.

COUNTY OF ROCKINGHAM

APRIL 26, 2019 SCALE 1" = 10' PROJECT # 2185PNTS

PREPARED FOR:  
TIM O'BRIEN  
396 MILLER AVE.  
PORTSMOUTH, N.H., 03801  
603-502-7031  
timo439@yahoo.com

PREPARED BY:  
KNIGHT HILL LAND  
SURVEYING SERVICES, INC.  
c/o DAVE HISLOP  
34 OLD POST ROAD  
NEWINGTON, N. H. 03801  
(603) 436-1330  
dave@khlandsurveying.com

## GRAPHIC SCALE

