

**KR Investments, LLC  
271 Sagamore Road  
Map 221, Lot 15**

**APPLICATION FOR VARIANCE**

**Introduction**

The property subject to this application is located at 271 Sagamore Road and is depicted on the City's Tax Maps at Map 221, Lot 15. The property is located in the General Residence A ("GRA") Zone. The lot contains an existing single-family house and a garage, where the garage encroaches upon the side and rear setback, with a side setback of 4.2'+/-, where 10' is required and a rear setback of 7.7'+/-, where 20' is required. The total area of these encroachments into these setbacks is 198 +/- sq. ft. The Applicant intends to demolish the existing house and garage and replace the house with a new house that will contain an attached garage as part of the new structure. The proposed plan will remove all side and rear yard setback encroachments, however, the maximum building coverage will be 27.5% from an existing 12.8%, where 25% is permitted. The proposed structure is depicted on the enclosed plan prepared by McEaney Survey Associates, as well as within the building plans submitted herein.

The lot is considered a non-conforming lot as it is comprised of 6,880 sq. ft., where 7,500 sq. ft. is required, and has 60.08' of frontage, where 100' is required. Although the size of the lot will not be altered at all, according to staff and pursuant to Section 10.311, the Applicant has been advised that, in order to build the new proposed house, it will need a variance as to lot size, where GRA Zone requires 7,500 sq. ft. and a variance as to frontage, where the GRA Zone requires 100' of continuous frontage. In addition, the Applicant needs a variance as to maximum building coverage, as it proposes 27.5%, where 25% is permitted. Thus, the Applicant seeks variances from Section 10.520, Table 10.521 – Table of Dimensional Requirements, as to the lot area, continuous street frontage and maximum building coverage requirements.

In summary, the Applicant has identified that the following variances are needed for the project, as proposed:

- 1) Density: Section 10.520, Table 10.521 – Table of Dimensional Requirements permits 25% of building coverage for each lot, where 27.5 % is proposed;
- 2) Lot Size: Section 10.311 requires a lot size of a minimum of 7500 sq ft lot, where 6,880 is provided; and
- 3) Lot Frontage: Section 10.311 requires a continuous lot frontage of 100', where 60.08 is provided.

Additionally, as this Board may recall, in August of 2023, the previous owners of the property, Scott and Alexandra Scott, by and through their agent, applied for and received variances from Section 10.521 to allow a) .5 foot (6 inch) right yard setback where 10 feet is required; and b) 28% building coverage where 25% is the maximum.

For the reasons set forth herein, the Applicant respectfully submits that the grant of the variances is reasonable in light of the previously granted relief and the fact that the proposed structure will be made more conforming within a non-conforming lot, and can be supported by the following evidence:

**Variance Requirements:**

**1. The variance will not be contrary to the public interest.**

The Applicant respectfully submits that the proposed use represents a reasonable use of the property in question. By permitting the use, the public interest is served by permitting orderly development in an area where such development has already occurred. In addition, the proposed plan will result in the removal of all existing encroachments in the side and rear setbacks. All of these reasons are consistent with the purpose behind the General Residence A Zone, which provides for single-family, two-family and multifamily dwellings, with appropriate accessory uses, at moderate to high densities on lots not less than 7,500 square feet. In addition, the location of the single-family residence as depicted on the plan represents a context sensitive design considering the surrounding properties within the area. Given the conformance to the building setbacks, it is respectfully submitted that the proposed dwelling will be consistent with surrounding properties, and more conforming as to setbacks, despite the lack of lot area. As such, the proposed use will not be contrary to the public interest, as the use will not “alter the essential character of the locality.” See Chester Rod and Gun Club, Inc. v. Town of Chester, 152 NH 577 (2005). Granting the variance will permit the use of the lot as intended and consistent with the purposes of the specific zone.

**2. The spirit of the Ordinance will be observed.**

The Applicant respectfully submits that if the variances are granted, the spirit of the ordinance would be observed as the use in question is suitable, considering configuration of the lot and the surrounding properties, and therefore results in an encouragement of the most appropriate use of the land. In addition, by allowing the location of the single-family residence as depicted on the plan, the purpose of the zone, allowing for moderate to high density will be observed. To be contrary to the public interest or injurious to the public rights of others, the variance must unduly and in a marked degree conflict with the ordinance, such that it violates the ordinance’s basic zoning objectives. See Chester Rod and Gun Club, Inc. v. Town of Chester, 152 NH 577, at 581 (2005). It is respectfully submitted, that given the reasons set forth above, and the removal of the setback encroachments, the granting of the variances will promote the ordinance’s basic zoning objectives.

**3. Granting the variances will result in substantial justice.**

The grant of the variances would due substantial justice as it would allow the Applicant’s property to be utilized in a similar fashion to other properties located within the area, by allowing the location of a structure, in a location that is consistent with the intent of the ordinance, while removing and avoiding construction within setbacks. This test considers whether the benefit to

the Applicant outweighs the burden to the public. See Farrar v. City of Keene, 158 NH 684, 692 (2009). In this instance, given the proposed location of the structure, there will be no burden to the public whatsoever, and as to the neighbors, there will be a benefit with the removal of setback encroachments. Accordingly, the benefit to the Applicant would exceed the burden to the public, thus resulting in substantial justice being done.

**4. Granting the variances will not diminish the values of the surrounding properties.**

It is respectfully submitted that all of the surrounding properties have a value associated with them that is premised upon the existence of the same type of structure to be located upon the Applicant's property. In this instance, the location of the structure in the area sought by the Applicant will have no negative affect upon any abutter with respect to its property, as the use will be consistent with other uses in the near vicinity, and consistent with the intent of the existing zoning. To the contrary, given compliance with all setbacks, and the addition of an entirely new structure, it is respectfully submitted that the value of surrounding properties will be enhanced.

**5. Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship. Unnecessary hardship means:**

**Owing to special conditions of the property that distinguish it from other properties in the area,**

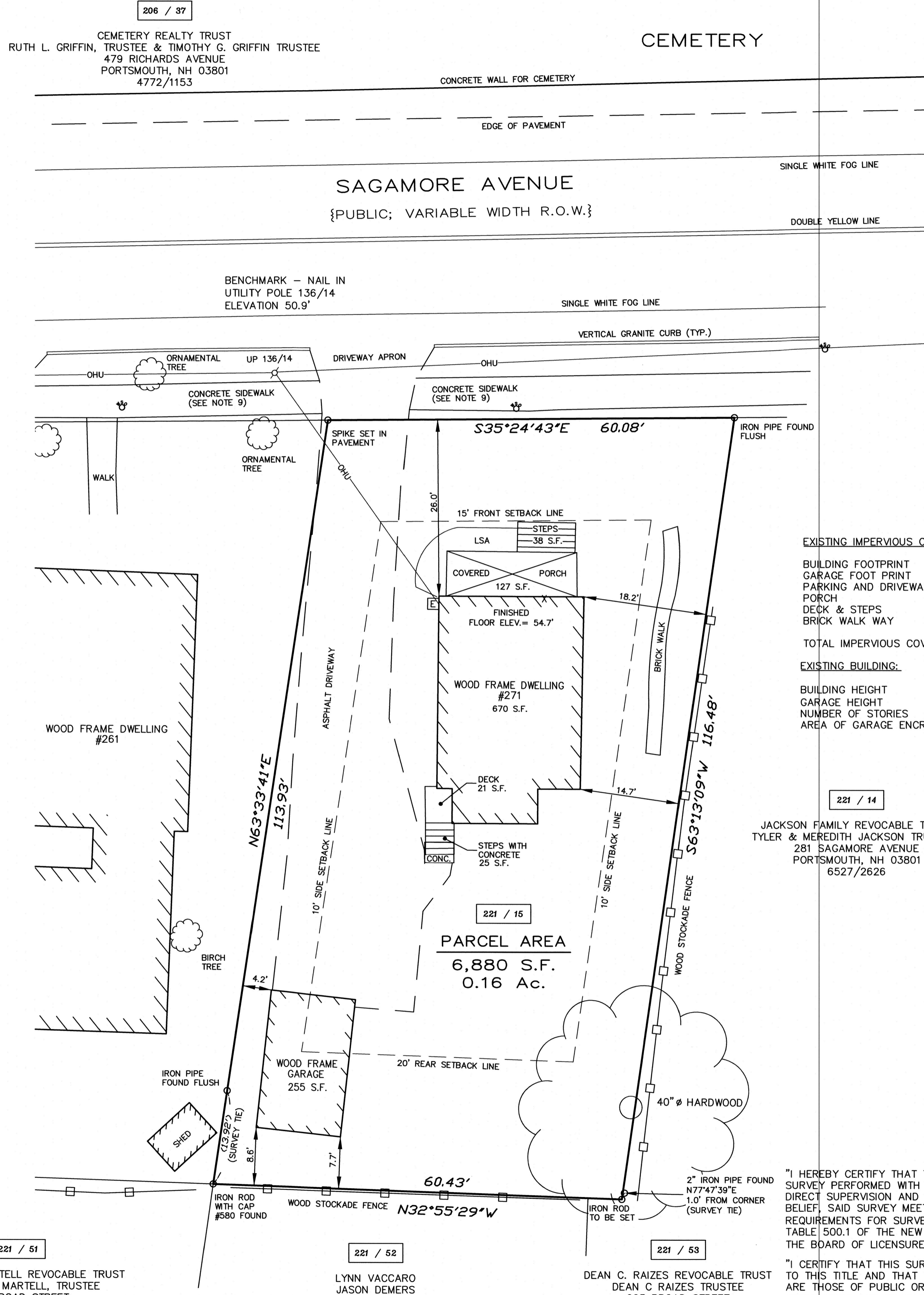
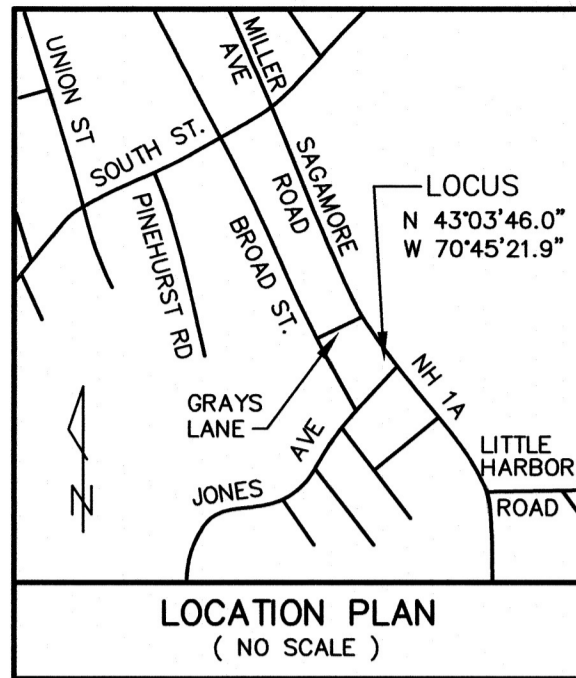
**(a) no fair and substantial relationship exists between the general public purposes of the Ordinance provision and the specific application of that provision to the property.**

As one can see from the plan, the parcel in this case is unique as it has an irregular shape and has multiple existing encroachments with the setback restrictions within the GRA Zone. As a result of the proposed plan of improvements, the lot is not going to be overcrowded given the structure proposed, as it will meet all applicable setbacks. The general purpose of the ordinance is to promote orderly development and to protect the health, safety and general welfare of the public. In this instance, the Applicant seeks to locate a single-family residence in the area that is also suitable, per the purposes of the specific zone, for single-family, two-family and multifamily dwellings. As such, the purpose of the ordinance and the purposes of the specific restrictions as to lot size, frontage and building coverage will be preserved given the design of the proposed structure, and in considering the context of the surrounding uses. Thus, the Applicant respectfully submits that there is no substantial relationship between the general public purpose of the ordinance, and the specific application of the lot area and frontage restrictions, and the minimal increase in building coverage, given the proposed use submitted by the Applicant.

**and**

**(b) the proposed use is a reasonable one.**

The proposed use is reasonable as it provides for the location of the single-family residence within an area that is “context sensitive,” given the other homes and dwelling uses within the area. The proposed location will allow the use of the property in a manner that is anticipated within the GRA Zone, and one where the building structure setbacks will be cured, as all such encroachments will be removed, making the use reasonable.



- REFERENCE PLANS:**
- BOUNDARY PLAN OF LAND PREPARED FOR ERIC KATZ TAX MAP 221, LOT No.16 251 SAGAMORE ROAD CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM STATE OF NEW HAMPSHIRE; SCALE: 1" = 10'; DATED: JUNE 15, 2021 BY MCENEANEY SURVEY ASSOCIATES OF NEW ENGLAND
  - PLAN OF LOTS OF LAND EXTENDING FROM SOUTH ROAD TO JONES AVENUE, PORTSMOUTH, N.H. SCALE: 1" = 50'; DATED: AUGUST 1, 1893; BY: A.C. HOYT. RECORDED R.C.R.D. PLAN 00287. (SEE SIMILAR PLAN RECORDED AS PLAN 0156).

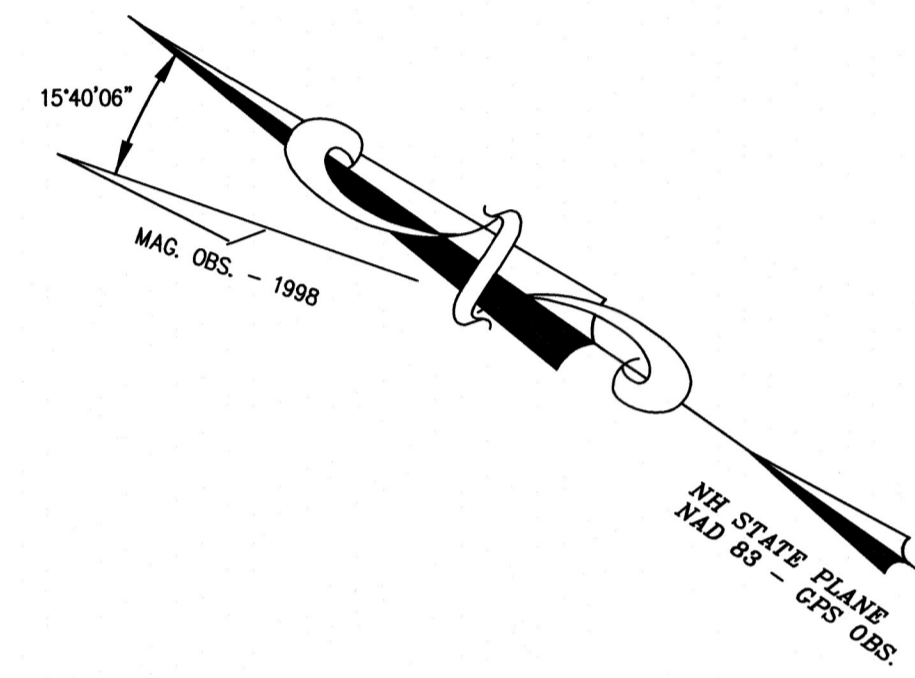
- NOTES:**
- OWNER OF RECORD: ALEXANDER JO & SCOTT ALAN SCOTT, 271 SAGAMORE AVENUE, PORTSMOUTH, NH 03801, R.C.R.D. VOLUME 6320, PAGE 1270
  - 221 / 15 - DENOTES TAX MAP AND PARCEL NUMBER.
  - PARCEL AREA = 6,880 S.F. / 0.16 Ac.
  - THE INTENT OF THIS PLAN IS TO DEPICT THE SUBJECT PARCEL BOUNDARIES AND EXISTING CONDITIONS AS OF JULY 9, 2024.
  - ZONING DISTRICT: GRA - GENERAL RESIDENCE A
- MINIMUM LOT DIMENSIONS:  
 LOT AREA = 7,500 S.F.  
 CONTINUOUS STREET FRONTAGE = 100 FEET  
 DEPTH = 70 FEET
- MINIMUM YARD DIMENSIONS:  
 FRONT = 15 FEET  
 SIDE = 10 FEET  
 REAR = 20 FEET
- MAXIMUM STRUCTURE DIMENSION:  
 STRUCTURE HEIGHT = 35 FEET  
 SLOPED ROOF = 30 FEET  
 FLAT ROOF = 30 FEET  
 ROOF APPURTENANCE HEIGHT = 8 FEET  
 BUILDING COVERAGE = 25 PERCENT  
 MINIMUM OPEN SPACE = 30 PERCENT
- THE SUBJECT PARCEL IS LOCATED OUTSIDE OF THE 0.2 PERCENT ANNUAL CHANCE FLOODPLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY NUMBER 330139; PANEL 0259; SUFFIX F; MAP NUMBER 33015C0259F; EFFECTIVE DATE JANUARY 29, 2021.
  - BASIS OF BEARING IS NH STATE PLANE (NAD83) BASED ON GPS OBSERVATION DATED JULY 2, 2024. VERTICAL DATUM IS NH STATE PLANE (NAD83) BASED ON GPS OBSERVATION DATED JULY 2, 2024.
  - THIS PLAN SHOWS ONLY THOSE FEATURES THAT WERE VISUALLY APPARENT ON THE DATE OF THE SURVEY. THE ABSENCE OF SUBSURFACE STRUCTURES, UTILITIES, ETC. FROM THIS PLAN, BUT IN EXISTENCE, IS NOT INTENDED OR IMPLIED.
  - GAS MAIN APPEARS TO BE LOCATED ALONG THE BACK EDGE OF THE SIDEWALK FROM MARKINGS FOUND AT OTHER LAND PARCELS ALONG SAGAMORE AVENUE.
  - EXISTING BUILDING COVERAGE = 12.8%  
 GARAGE = 255 S.F.  
 EXISTING DWELLING = 881 S.F.

**EXISTING IMPERVIOUS CALCULATIONS:**

BUILDING FOOTPRINT	= 670 S.F.
GARAGE FOOT PRINT	= 255 S.F.
PARKING AND DRIVEWAYS	= 1,379 S.F.
PORCH	= 127 S.F.
DECK & STEPS	= 84 S.F.
BRICK WALK WAY	= 74 S.F.
<b>TOTAL IMPERVIOUS COVERAGE</b>	<b>= 2,589 S.F.</b>

**EXISTING BUILDING:**

BUILDING HEIGHT	= 29.0' ABOVE GRADE
GARAGE HEIGHT	= 14.0' ABOVE GRADE
NUMBER OF STORIES	= 2
AREA OF GARAGE ENCROACHMENT	= 198 S.F.



221 / 16  
 261 SAGAMORE AVENUE, LLC  
 273 CORPORATE DRIVE SUITE 150  
 PORTSMOUTH, NH 03801  
 6297/2333

221 / 14  
 JACKSON FAMILY REVOCABLE TRUST  
 TYLER & MEREDITH JACKSON TRUSTEES  
 281 SAGAMORE AVENUE  
 PORTSMOUTH, NH 03801  
 6527/2626

**LEGEND**

- S.F. - SQUARE FEET
- Ac. - ACRE
- LSA - LANDSCAPED AREA
- (TYP.) - TYPICAL
- OHU - OVERHEAD UTILITIES
- ± - MORE OR LESS
- ∅ - DIAMETER
- R.C.R.D. - ROCKINGHAM COUNTY REGISTRY OF DEEDS
- ☉ - WATER SHUT-OFF (CURB STOP)
- ⊕ UP 410/5 - UTILITY POLE W/ I.D. Nos.
- - MONUMENT (SEE DESCRIPTION)
- ⊞ - ELECTRIC METER

NO.	DATE	DESCRIPTION	BY	CHK
REVISIONS				
24-2617	BOUNDARY	24-08	13-14	
PROJECT NO	TYPE	FIELDBOOK & PAGES		

221 / 51  
 BEVERLY A. MARTELL REVOCABLE TRUST  
 BEVERLY A. MARTELL, TRUSTEE  
 585 BROAD STREET  
 PORTSMOUTH, NH 03801  
 5890/2028

221 / 52  
 LYNN VACCARO  
 JASON DEMERS  
 579 SAGAMORE  
 PORTSMOUTH, NH 03801  
 6524/296

221 / 53  
 DEAN C. RAIZES REVOCABLE TRUST  
 DEAN C. RAIZES TRUSTEE  
 603 BROAD STREET  
 PORTSMOUTH, NH 03801  
 6057/936

"I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL GROUND SURVEY PERFORMED WITH A TOTAL STATION, BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, SAID SURVEY MEETS OR EXCEEDS THE MINIMUM PRECISION REQUIREMENTS FOR SURVEY CLASSIFICATION "U" AS SET FORTH IN TABLE 500.1 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS."

"I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN." (RSA 676:18 )  
 7/9/24  
 DATE: / KEVIN M. MCENEANEY LLS #661

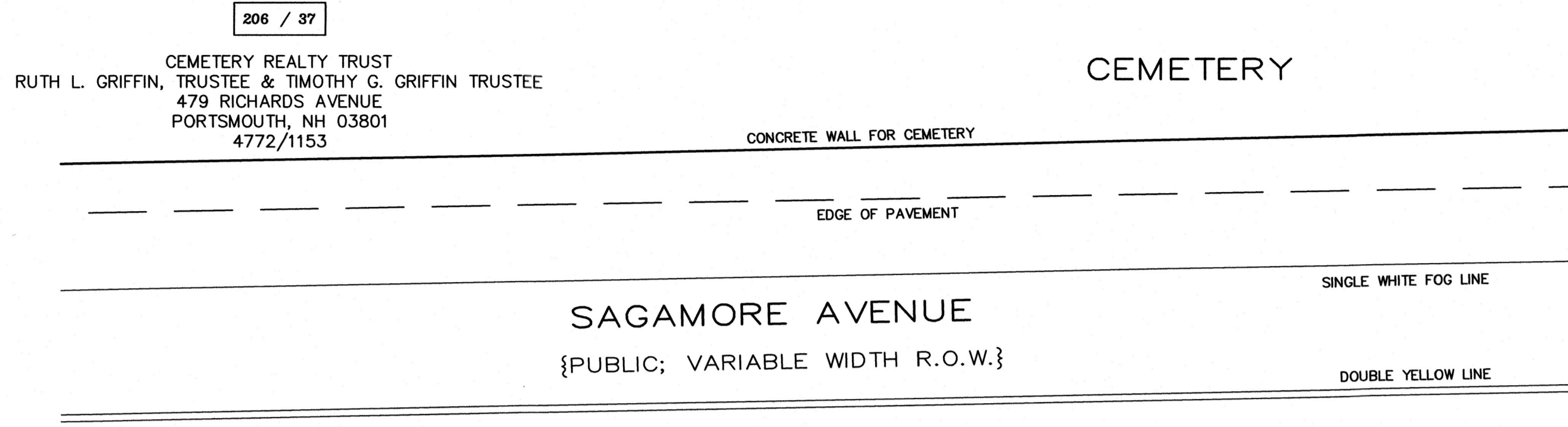
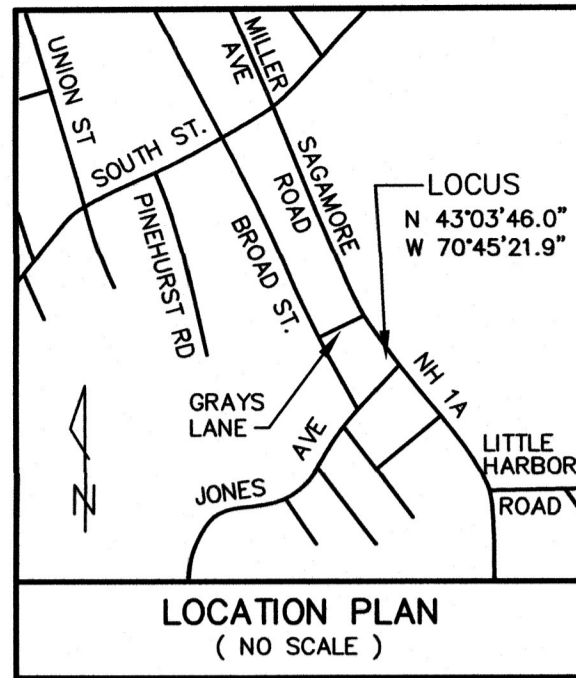
**BOUNDARY PLAN OF LAND**  
 PREPARED FOR  
**KR INVESTMENTS, LLC**  
 TAX MAP 221, LOT No. 15  
**271 SAGAMORE AVENUE**  
**CITY OF PORTSMOUTH**  
**COUNTY OF ROCKINGHAM**  
**STATE OF NEW HAMPSHIRE**

DRAWN BY: JJJ FILE: 2617\DWGS\24-2617  
 SCALE: 1" = 10' DATE: JULY 9, 2024

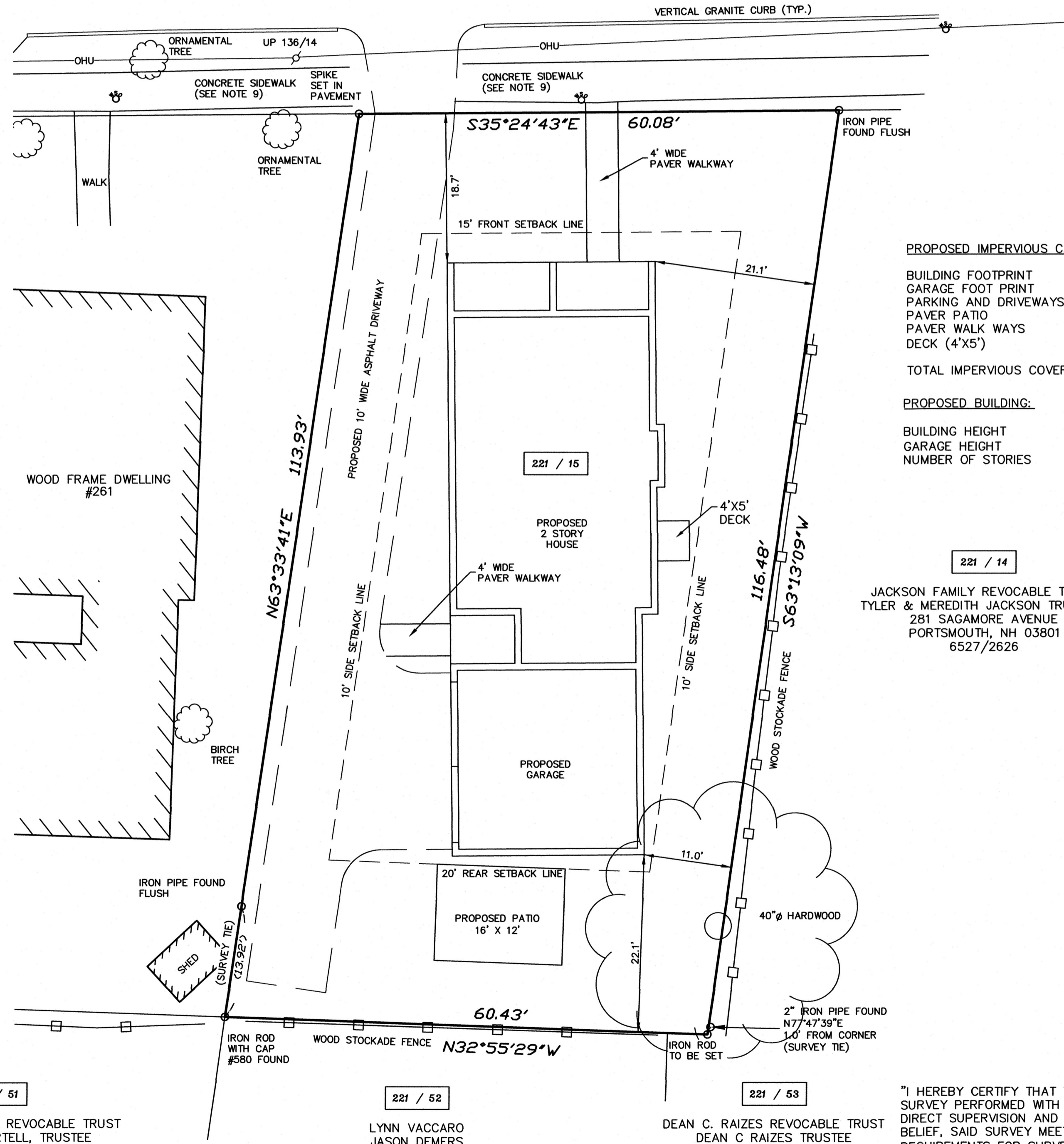
**McEneaney**  
**Survey**  
**Associates**  
 of NEW ENGLAND

P.O. Box 1166 - 181 WATSON ROAD  
 DOVER, NH 03820 (603) 742-0911

SURVEYING - PLANNING - CONSULTING



BENCHMARK - NAIL IN UTILITY POLE 136/14 ELEVATION 50.9'



**PROPOSED IMPERVIOUS CALCULATIONS:**

BUILDING FOOTPRINT	= 1,316 S.F.
GARAGE FOOT PRINT	= 556 S.F.
PARKING AND DRIVEWAYS	= 1,366 S.F.
PAVER PATIO	= 192 S.F.
PAVER WALK WAYS	= 110 S.F.
DECK (4'X5')	= 20 S.F.
<b>TOTAL IMPERVIOUS COVERAGE</b>	<b>= 3,560 S.F.</b>

**PROPOSED BUILDING:**

BUILDING HEIGHT	= 32.6' ABOVE GRADE
GARAGE HEIGHT	= 28.7' ABOVE GRADE
NUMBER OF STORIES	= 2

**REFERENCE PLANS:**

- BOUNDARY PLAN OF LAND PREPARED FOR ERIC KATZ TAX MAP 221, LOT No.16 251 SAGAMORE ROAD CITY OF PORTSMOUTH COUNTY OF ROCKINGHAM STATE OF NEW HAMPSHIRE; SCALE: 1" = 10'; DATED: JUNE 15, 2021 BY MCENEANEY SURVEY ASSOCIATES OF NEW ENGLAND
- PLAN OF LOTS OF LAND EXTENDING FROM SOUTH ROAD TO JONES AVENUE, PORTSMOUTH, N.H. SCALE: 1" = 50'; DATED: AUGUST 1, 1893; BY: A.C. HOYT. RECORDED R.C.R.D. PLAN 00287. (SEE SIMILAR PLAN RECORDED AS PLAN 0156).

**NOTES:**

- OWNER OF RECORD: KR INVESTMENTS, LLC 273 CORPORATE DRIVE SUITE 150 PORTSMOUTH, NH 03801 R.C.R.D. VOLUME 6560, PAGE 1340
- 221 / 15 - DENOTES TAX MAP AND PARCEL NUMBER.
- PARCEL AREA = 6,880 S.F. / 0.16 Ac.
- THE INTENT OF THIS PLAN IS TO DEPICT A PROPOSED BUILDING.
- ZONING DISTRICT: GRA - GENERAL RESIDENCE A
 

MINIMUM LOT DIMENSIONS:	
LOT AREA	= 7,500 S.F.
CONTINUOUS STREET FRONTAGE	= 100 FEET
DEPTH	= 70 FEET
MINIMUM YARD DIMENSIONS:	
FRONT	= 15 FEET
SIDE	= 10 FEET
REAR	= 20 FEET
MAXIMUM STRUCTURE DIMENSION:	
STRUCTURE HEIGHT	
SLOPED ROOF	= 35 FEET
FLAT ROOF	= 30 FEET
ROOF APPURTENANCE HEIGHT	= 8 FEET
BUILDING COVERAGE	= 25 PERCENT
MINIMUM OPEN SPACE	= 30 PERCENT
- THE SUBJECT PARCEL IS LOCATED OUTSIDE OF THE 0.2 PERCENT ANNUAL CHANCE FLOODPLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY NUMBER 330139; PANEL 0259; SUFFIX F; MAP NUMBER 33015C0259F; EFFECTIVE DATE JANUARY 29, 2021.
- BASIS OF BEARING IS NH STATE PLANE (NAD83) BASED ON GPS OBSERVATION DATED JULY 2, 2024. VERTICAL DATUM IS NH STATE PLANE (NAD83) BASED ON GPS OBSERVATION DATED JULY 2, 2024.
- THIS PLAN SHOWS ONLY THOSE FEATURES THAT WERE VISUALLY APPARENT ON THE DATE OF THE SURVEY. THE ABSENCE OF SUBSURFACE STRUCTURES, UTILITIES, ETC. FROM THIS PLAN, BUT IN EXISTENCE, IS NOT INTENDED OR IMPLIED.
- GAS MAIN APPEARS TO BE LOCATED ALONG THE BACK EDGE OF THE SIDEWALK FROM MARKINGS FOUND AT OTHER LAND PARCELS ALONG SAGAMORE AVENUE.
- PROPOSED BUILDING COVERAGE (HOUSE & GARAGE) = 27.5%  
PROPOSED HOUSE = 1,892 S.F.

221 / 16  
261 SAGAMORE AVENUE, LLC  
273 CORPORATE DRIVE SUITE 150  
PORTSMOUTH, NH 03801  
6297/2333

221 / 14  
JACKSON FAMILY REVOCABLE TRUST  
TYLER & MEREDITH JACKSON TRUSTEES  
281 SAGAMORE AVENUE  
PORTSMOUTH, NH 03801  
6527/2626

221 / 51  
BEVERLY A. MARTELL REVOCABLE TRUST  
BEVERLY A. MARTELL, TRUSTEE  
585 BROAD STREET  
PORTSMOUTH, NH 03801  
5890/2028

221 / 52  
LYNN VACCARO  
JASON DEMERS  
579 SAGAMORE  
PORTSMOUTH, NH 03801  
6524/296

221 / 53  
DEAN C. RAIZES REVOCABLE TRUST  
DEAN C. RAIZES TRUSTEE  
603 BROAD STREET  
PORTSMOUTH, NH 03801  
6057/936

"I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL GROUND SURVEY PERFORMED WITH A TOTAL STATION, BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, SAID SURVEY MEETS OR EXCEEDS THE MINIMUM PRECISION REQUIREMENTS FOR SURVEY CLASSIFICATION "U" AS SET FORTH IN TABLE 500.1 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS."

**PROPOSED BUILDING LOCATION PLAN**  
PREPARED FOR  
**KR INVESTMENTS, LLC**  
TAX MAP 221, LOT No. 15  
**271 SAGAMORE AVENUE**  
CITY of PORTSMOUTH  
COUNTY of ROCKINGHAM  
STATE of NEW HAMPSHIRE

DRAWN BY: JJJH FILE: 2617\DWGS\24-2617  
SCALE: 1" = 10' DATE: JULY 18, 2024

**McGeneaney Survey Associates**  
of NEW ENGLAND  
P.O. Box 1166 - 181 WATSON ROAD  
DOVER, NH 03820 (603) 742-0911

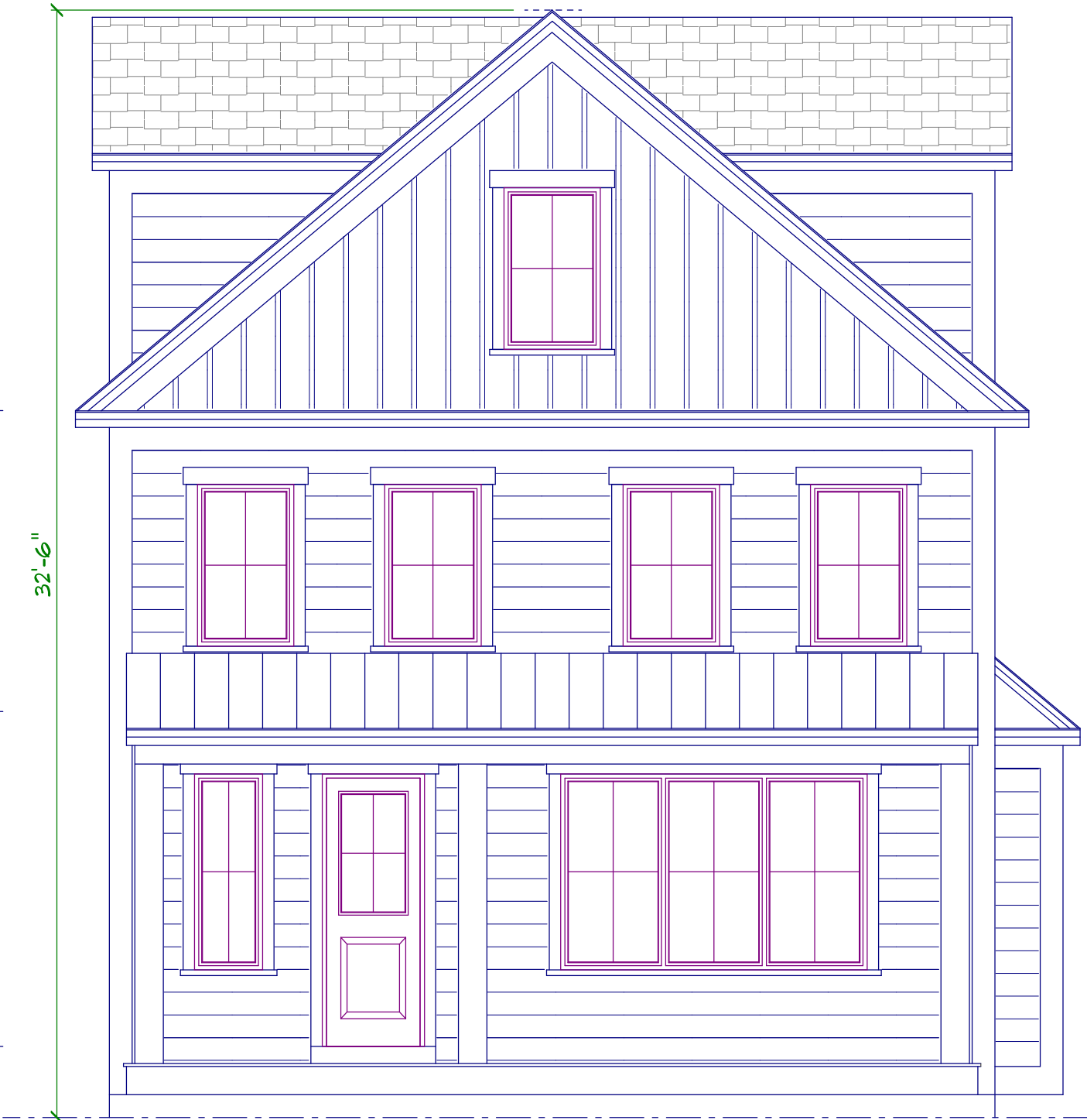
SURVEYING - PLANNING - CONSULTING

**LEGEND**

- S.F. - SQUARE FEET
- Ac. - ACRE
- LSA - LANDSCAPED AREA
- (TYP.) - TYPICAL
- OHU - OVERHEAD UTILITIES
- ± - MORE OR LESS
- Ø - DIAMETER
- R.C.R.D. - ROCKINGHAM COUNTY REGISTRY OF DEEDS
- ☒ - WATER SHUT-OFF (CURB STOP)
- ☒ UP 410/5 - UTILITY POLE W/ I.D. Nos.
- - MONUMENT (SEE DESCRIPTION)
- ⊠ - ELECTRIC METER

NO.	DATE	DESCRIPTION	BY	CHK
REVISIONS				
24-2617		BOUNDARY	24-08	13-14
PROJECT NO		TYPE	FIELDBOOK & PAGES	

7/23/2024 14:32:54 File: M:\2617\Drawings\24-2617 PROPOSED.BLDG Layout 2617 PROPOSED.BLDG



32'-6"

FRONT ELEVATION

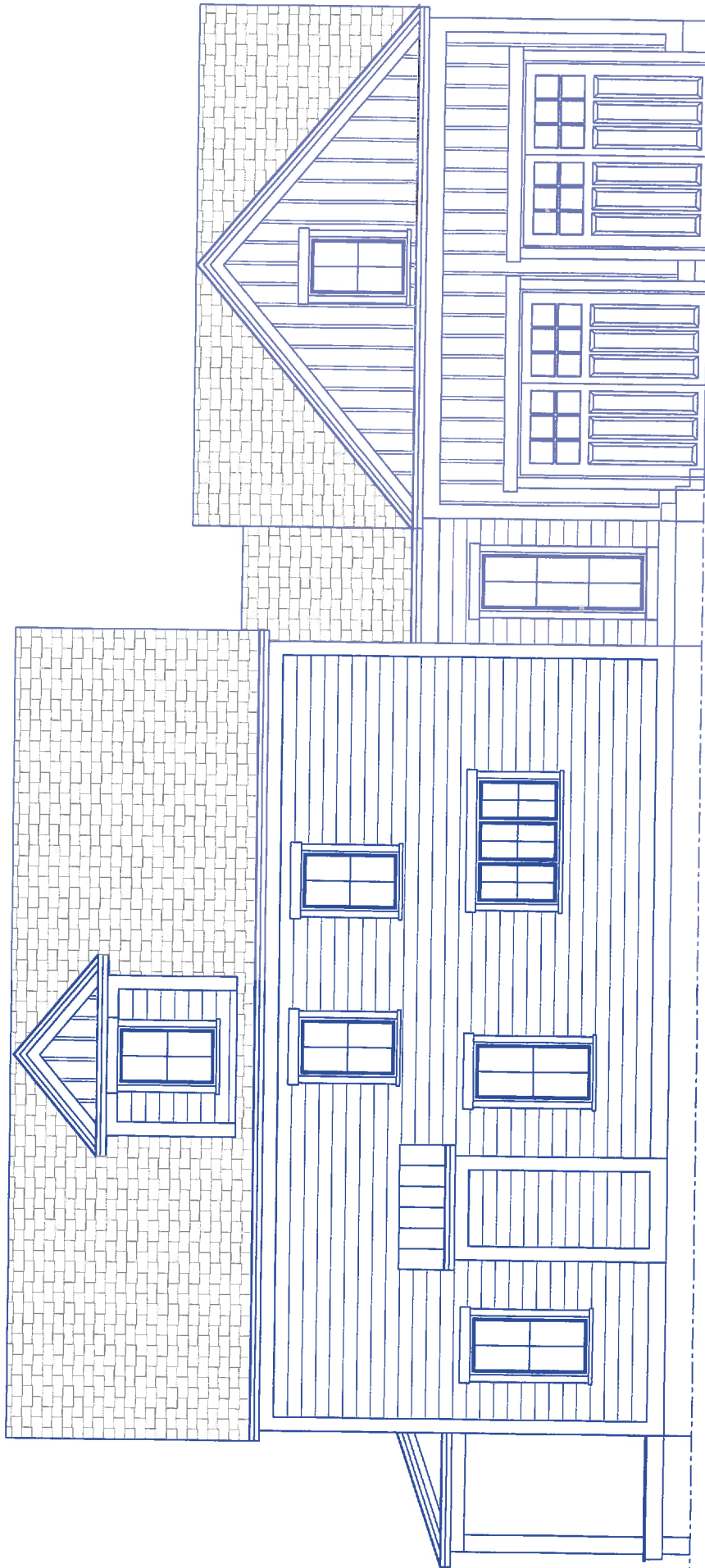


REAR ELEVATION

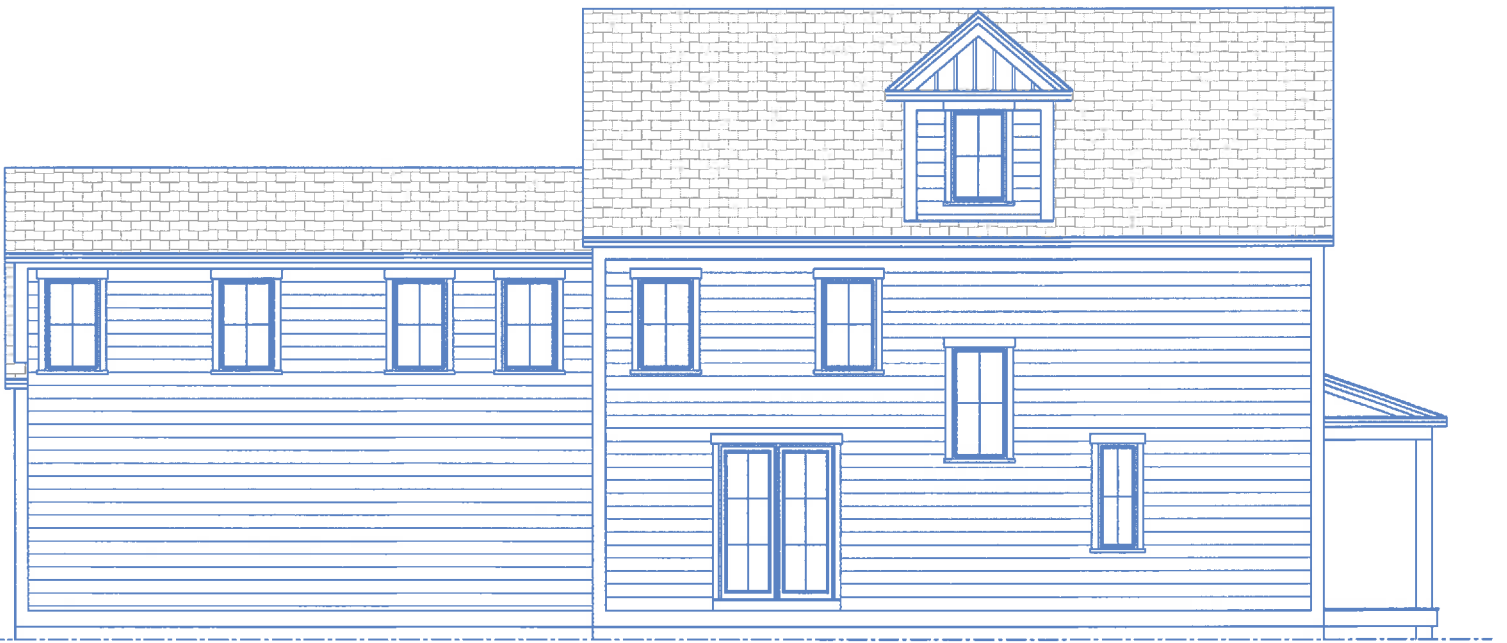




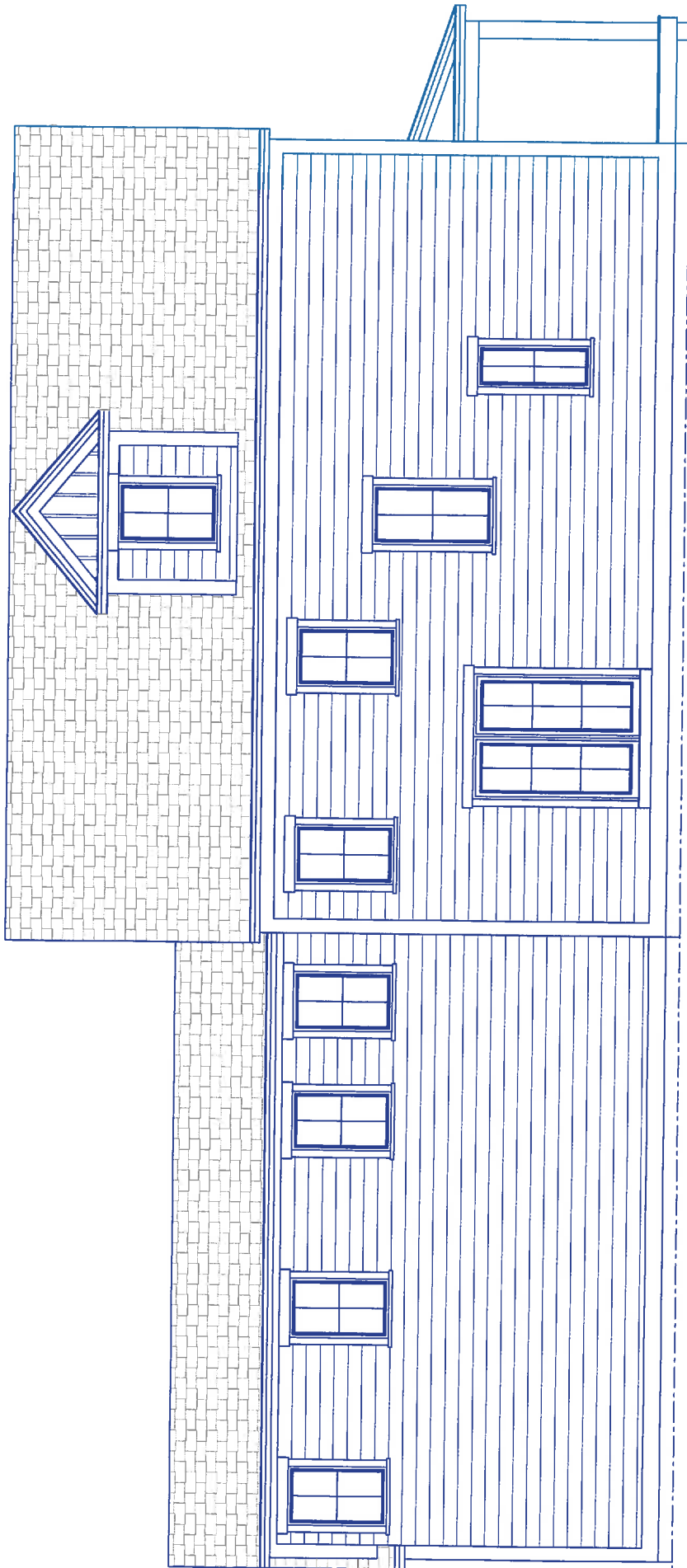
RIGHT/DRIVEWAY ELEVATION



RIGHT/DRIVEWAY ELEVATION



LEFT ELEVATION



LEFT ELEVATION

PHOTOS OF EXISTING CONDITIONS

**Front view of 271 Sagamore Avenue**



**Right side view of 271 Sagamore Avenue**



**Right side view of House at 271 Sagamore Avenue**



**Right side view of Garage at 271 Sagamore Avenue**





**Left side view of House at 271 Sagamore Avenue**



Left side view of Garage at 271 Sagamore Avenue



**Rear view of 271 Sagamore Avenue**

