

## **Request for Variance**

692 State Street

Reference - Building Permit Application BLDG-24-303

**Project** – Install home standby generator

**Issue** – The only feasible / safe location for the standby generator that is adjacent to the home (access to gas/electric) does not meet Portsmouth zoning code 10.515.14, that requires it to be 10 feet from a property line.

### **Portsmouth Zoning Reference - 10.515.14**

10.515.14 "A mechanical system (i.e. HVAC, power generator, etc.) that is less than 36 inches above the ground level with a mounting pad not exceeding 10 square feet shall be exempt from yard requirements, but *shall be set back at least 10 feet from a property line*; and shall not be located closer to the street than the front of the principal structure."

## Factors to Consider

- The homes in this little stretch along State Street, were *constructed in the 1850s, and the lots do not meet current zoning requirements*. The buildings are built almost to the property line. *See photos page 4.*
- The desired location is the only space adjacent to the home without first floor windows (generator safety guidelines). This allows gas/electric connections. *See photos page 5.*
- The desired location is the only place where the generator will not be visible to both my neighbours and is the least visible location. *See photos page 5.*
- I have asked my neighbour (Farrell Funeral home – John Leith), whose property line would be within 10 feet of the generator, and he is fine with this location. *See email capture on page 7.*
- Meeting the 10-foot property line zoning rule would create an economic and aesthetic hardship (see diagram page 6)
  - It would require me to place the generator in the middle of my yard and I would need to run underground gas/electric to this location. Easily increasing the cost of the project by 50%.
  - The generator would then be very visible to my home and my neighbours.

## Variance Zoning Criteria

- **10.233.21 The variance will not be contrary to the public interest**
  - There is no impact on the public interest.
- **10.233.22 The spirit of the Ordinance will be observed**
  - The chosen location is the best for neighbors as it is the least visible.
- **10.233.23 Substantial justice will be done**
  - The variance would allow one house to more resilient without unnecessary expense that benefits no one.
- **10.233.24 The values of surrounding properties will not be diminished**
  - This would have no impact on property values.
- **10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship**
  - Enforcement of the ordinance would raise the cost of the installation by 50-100%, requiring underground gas/electric, as well as installation of some sort of visual barrier to make it visually acceptable.

Narrow spaces between homes mean generator needs to be at back of house. It is difficult to meet 10' feet from property line zoning requirement with this historic lots with homes built near edge of property line



Zoning map  
property detail



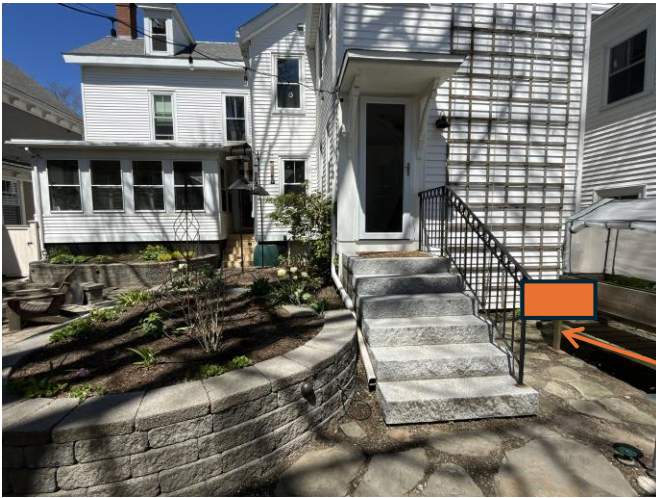
Between 692 State and neighbour on one side (Forbes residence, 698 State St.).



Between 692 State and neighbour on one side (Farrell Funeral home, 682 State St.)

Location chosen for generator is only available spot adjacent to house (for electric / Gas connection) without first floor windows (safety rule from generator install guidelines).

- This location also hides the generator from view of both neighbours.
  - The granite steps hide it from the Forbes residence.
  - It is behind a fence on the Farrell Funeral home side.



Requested Generator Location

**Back Yard View** – No other locations adjunct to House without windows

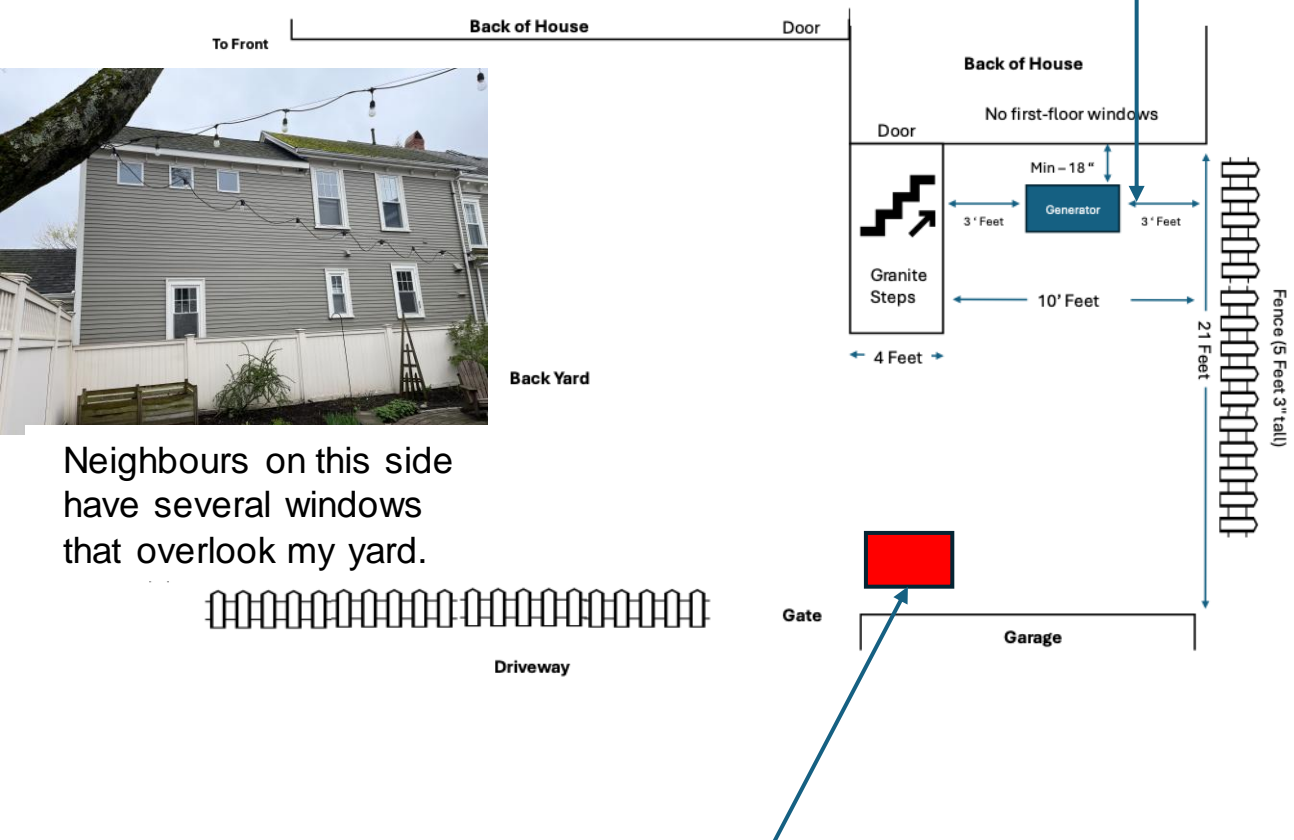


**Back Yard View Detail** – Hidden from view of both neighbours

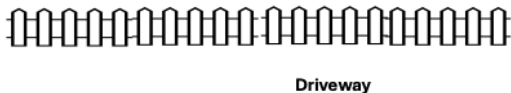
# Generator Layout Diagram

## Requested Location

- Next to house for gas / electric hook-up
- Out of sight of my neighbours



Neighbours on this side have several windows that overlook my yard.



## 10 Foot Zoning Compliant Location

- It would require me to place the generator in the middle of my yard and I would need to run underground gas / electric to this location and likely some sort of enclosure to shield in visually. Increasing the cost of the project by 50%-100%.
- The generator would then be very visible to my home and my neighbours.

# Email from Neighbour (Farrell Funeral Homeowner – John Leith)

