

REGULAR MEETING*
BOARD OF ADJUSTMENT
EILEEN DONDERO FOLEY COUNCIL CHAMBERS
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE

*Members of the public also have the option to join the meeting over Zoom
(See below for more details)**

7:00 P.M.

April 26, 2022

AGENDA

I. NEW BUSINESS

- A.** The request of **Amanda J. Telford Revocable Trust (Owner)**, for property located at **322 Lincoln Avenue** whereas relief is needed to amend previously approved demolition of existing carriage house and construction of new accessory structure which requires the following: 1) Variances from Section 10.521 to allow a) 35% building coverage where 25% is the maximum allowed; b) a 3'6" side yard where 10' is required; and c) a 13' rear yard where 20' is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 130 Lot 26 and lies within the General Residence A (GRA) District. (LU-22-59)
- B.** The request of **William S. and Karen C. Bartlett (Owners)**, for property located at **607 Colonial Drive** whereas relief is needed to construct a 24' x 16' rear addition and 10'x 12' deck which requires the following: 1) A Variance from Section 10.521 to allow 25% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Map 260 Lot 26 and lies within the Single Residence B (SRB) District. (LU-22-60)
- C.** The request of **HCA Health SVC of NH (Owner)**, for property located at **333 Borthwick Avenue** whereas relief is needed for building addition on the existing hospital which requires the following: 1) A Variance from Section 10.531 to allow a 40' front yard where 50' is required. Said property is shown on Assessor Map 240 Lot 2 and lies within the Office Research (OR) District. (LU-22-35)
- D.** The request of **Mark Griffin (Owner)**, for property located at **728 State Street, Unit 1** whereas relief is needed to demolish existing garage and construct a new garage which requires the following: 1) Variances from Section 10.521 to allow 61.5% building coverage where 35% is the maximum allowed. 2) Variances from Section 10.573.20 to

allow a) a 1.5' side yard where 10' is required; b) a 0' front yard (Chatham St.) where 5' is required; and c) a 0.5' front yard (Winter St.) where 5' is required. 3) A Variance from Section 10.571 to allow an accessory structure in the front yard and closer to the street than the principal structure. 4) A Variance from Section 10.321 to allow a nonconforming structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 137 Lot 10-1 and lies within the General Residence C (GRC) District. (LU-22-63)

- E. WITHDRAWN** The request of **Portsmouth Lumber and Hardware LLC (Owner)**, for property located at **105 Bartlett Street** whereas relief is needed to remove two existing accessory structures and replace with one new shed which requires the following: 1) A Variance from Section 10.516.20 to allow a 6' setback where 15' is required from the railroad right of way. Said property is shown on Assessor Map 157 Lot 2 and lies within the Character District 4-W (CD4-W). **WITHDRAWN** (LU-22-58)
- F.** The request of **Randi and Jeff Collins (Owners)**, for property located at **77 Meredith Way** whereas relief is needed to construct a second free-standing dwelling which requires the following: 1) A Variance from Section 10.513 to allow a second principal structure on a lot. 2) A Variance from Section 10.1114.31 to allow 2 driveways on a lot where only 1 is allowed. Said property is shown on Assessor Map 162 Lot 16 and lies within the General Residence A (GRA) District. (LU-22-61)
- G.** The request of **64 Vaughan Mall LLC (Owner)**, for property located at **64 Vaughan Street** whereas relief is needed for the addition of a rooftop penthouse which requires the following: 1) A Variance from Section 10.5A43.30 and Map 10.5A21B to allow a building height of 51'6" where 42' is the maximum allowed for a penthouse. 2) A Variance from Section 10.1530 to allow a penthouse with a 9.5' setback from the edge of the roof where 15 feet is required. Said property is shown on Assessor Map 126 Lot 1 and lies within the Character District 5 (CD-5) and Downtown Overlay and Historic Districts. (LU-22-65)
- H.** The request of **William H. Schefer Jr. and Donna Schefer (Owner)**, for property located at **994 South Street, Unit 2** whereas relief is needed to install a mini-split system which requires the following: 1) A Variance from Section 10.515.14 to allow a 1.5' setback where 10' is required. Said property is shown on Assessor Map 150 Lot 9 and lies within the Single Residence B (SRB) District. (LU-22-54)

II. OTHER BUSINESS

III. ADJOURNMENT

Agenda, Board of Adjustment Meeting, April 26, 2022

**Members of the public also have the option to join this meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:*

https://us06web.zoom.us/webinar/register/WN_KkA8sEEHTeqjajOMliawjQ

TO: Zoning Board of Adjustment
FROM: Peter Stith, AICP, Planning Department
DATE: April 18, 2022
RE: Zoning Board of Adjustment April 26, 2022

NEW BUSINESS

1. 322 Lincoln Avenue
2. 607 Colonial Drive
3. 333 Borthwick Avenue
4. 728 State Street, Unit 1
5. 77 Meredith Way
6. 64 Vaughan Street
7. 994 South Street
8. 105 Bartlett Street - WITHDRAWN

NEW BUSINESS

1.

Request of **Amanda J. Telford Revocable Trust (Owner)**, for property located at **322 Lincoln Avenue** whereas relief is needed to amend previously approved demolition of existing carriage house and construction of new accessory structure which requires the following: 1) Variances from Section 10.521 to allow a) 35% building coverage where 25% is the maximum allowed; b) a 3'6" side yard where 10' is required; and c) a 13' rear yard where 20' is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 130 Lot 26 and lies within the General Residence A (GRA) District.

Existing & Proposed Conditions

| | <u>Existing</u> | <u>Proposed</u> | <u>Permitted / Required</u> |
|--|-----------------|--|-----------------------------|
| <u>Land Use:</u> | Single family | Demo accessory structure/construct new structure | Primarily residential |
| <u>Lot area (sq. ft.):</u> | 5,378 | 5,378 | 7,500 min. |
| <u>Lot Area per Dwelling Unit (sq. ft.):</u> | 5,378 | 5,378 | 7,500 min. |
| <u>Street Frontage (ft.):</u> | 48 | 48 | 100 min. |
| <u>Lot depth (ft.):</u> | 119 | 119 | 70 min. |
| <u>Primary Front Yard (ft.):</u> | 6'10" | 6'10" | 15 min. |
| <u>Left Side Yard (ft.):</u> | 17 | 17 | 10 min. |
| <u>Right Side Yard (ft.):</u> | 2.5' | 3.5' | 10 min. |
| <u>Rear Yard (ft.):</u> | 13 | 13 | 20 min. |
| <u>Height (ft.):</u> | <35 | <35 | 35 max. |
| <u>Building Coverage (%):</u> | 35 | 35.5 | 25 max. |
| <u>Open Space Coverage (%):</u> | 51 | 51 | 30 min. |
| <u>Parking:</u> | 2 | 2 | 1.3 |
| <u>Estimated Age of Accessory Structure:</u> | 100 years | Variance request shown in red. | |

Other Permits/Approvals Required

None.

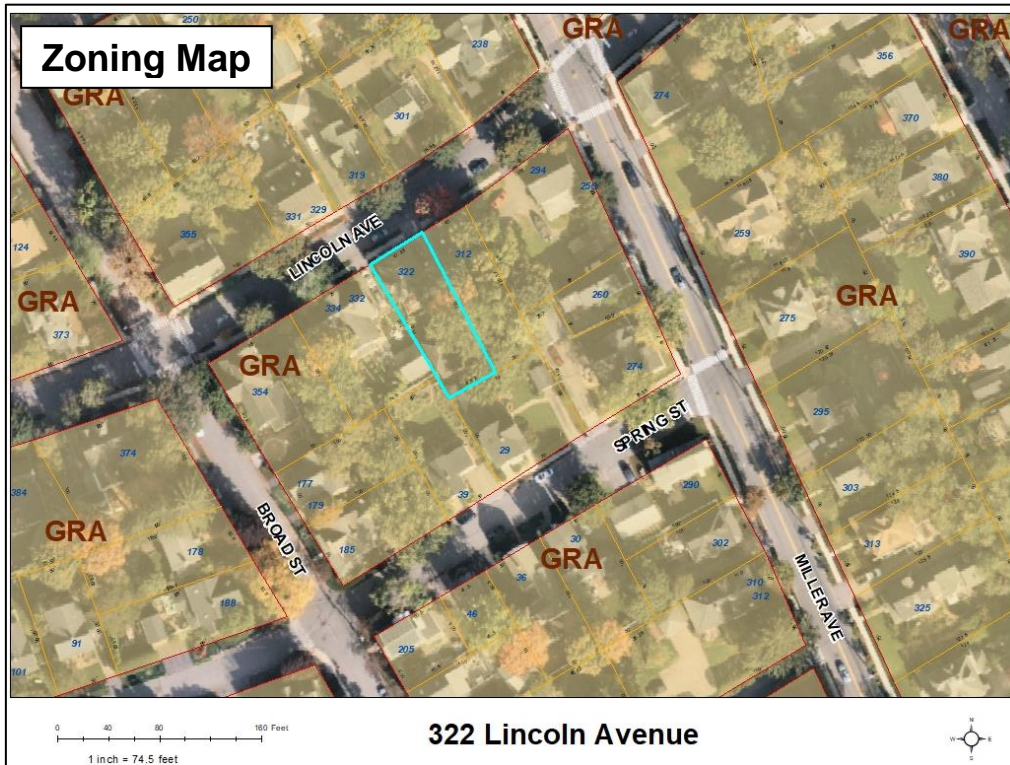
April 26, 2022 Meeting

Neighborhood Context

Aerial Map



Zoning Map



Previous Board of Adjustment Actions

September 17, 1996 – The Board **granted** variances to allow a deck with a 5' right side yard where 10' is required and a building coverage of 29.2% where 25% is the maximum allowed.

October 20, 2020 – The Board **granted** variances to demolish existing structure and construct new structure which requires the following: 1) Variances from Section 10.521 to allow a) 35.5% building coverage where 25% is the maximum allowed; b) a 3'6" right side yard where 10' is required; and c) a 13' rear yard where 20' is required. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance.

Planning Department Comments

The variances referenced in the history above were granted in 2020. The applicant has made some design changes which were not part of the original application in 2020. The applicant has provided images of what was approved in 2020 and what is now proposed. As stated below in Section 10.235 of the Ordinance, materials presented before the Board are deemed conditions of approval, thus the reason for this project coming back before the Board. The footprint will stay within the approvals that were granted, and actually will be slightly smaller than what was originally approved.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*

AND

- (b) *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.*

OR

Owing to these special conditions, 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.

10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

April 26, 2022 Meeting

2.

Request of **William S. and Karen C. Bartlett (Owners)**, for property located at **607 Colonial Drive** whereas relief is needed to construct a 24' x 16' rear addition and 10'x 12' deck which requires the following: 1) A Variance from Section 10.521 to allow 25% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Map 260 Lot 26 and lies within the Single Residence B (SRB) District.

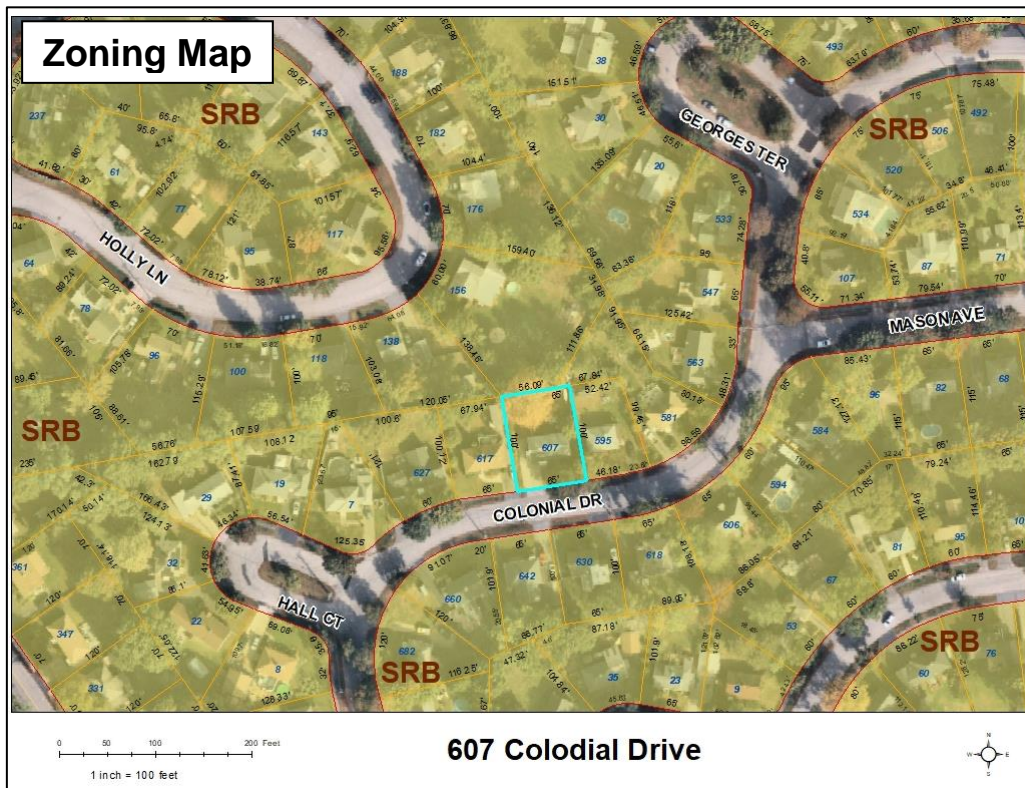
Existing & Proposed Conditions

| | <u>Existing</u> | <u>Proposed</u> | <u>Permitted / Required</u> |
|---|-----------------|-----------------------------------|-----------------------------|
| <u>Land Use:</u> | Single family | Rear addition | Primarily single residence |
| <u>Lot area (sq. ft.):</u> | 6,500 | 6,500 | 15,000 min. |
| <u>Lot area per dwelling (sq. ft.):</u> | 6,500 | 6,500 | 15,000 min. |
| <u>Lot depth (ft.):</u> | 100 | 100 | 100 min. |
| <u>Street Frontage (ft.):</u> | 65 | 65 | 100 min. |
| <u>Primary Front Yard (ft.):</u> | 25 | 25 | 30 min. |
| <u>Left Yard (ft.):</u> | 13 | 13 | 10 min. |
| <u>Right Yard (ft.):</u> | 10 | 10 | 10 |
| <u>Rear Yard (ft.):</u> | 50 | 34 | 30 min. |
| <u>Height (ft.):</u> | <35 | <35 | 35 max. |
| <u>Building Coverage (%):</u> | 17 | 25 | 20 max. |
| <u>Open Space Coverage (%):</u> | >40 | >40 | 40 min. |
| <u>Parking:</u> | 2 | 2 | 2 |
| <u>Estimated Age of Structure:</u> | 1942 | Variance request(s) shown in red. | |

Other Permits/Approvals Required

None.

Neighborhood Context



April 26, 2022 Meeting

Previous Board of Adjustment Actions

April 22, 1986 - The Board **granted** a variance from Article III, Section 10-302 requested to allow the construction of a 7' x 25' 1½ story addition to a single family dwelling with a front yard of 24'5" where a 30' front yard is required.

Planning Department Comments

The applicant is seeking to add a rear addition and deck to the existing dwelling. The proposed addition and deck will conform to the side and rear yard requirements, however the additional square footage will result in 25% building coverage where 20% is the maximum allowed for the SRB zone. The lot size is 6,500 where 15,000 is the standard for the SRB.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*

AND

- (b) *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.*

OR

Owing to these special conditions, 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.

10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

3.

Request of **HCA Health Services of NH, Inc. dba Portsmouth Regional Hospital (Owner)**, for property located at **333 Borthwick Avenue** whereas relief is needed for building addition on the existing hospital which requires the following: 1) A Variance from Section 10.531 to allow a 40' front yard where 50' is required. Said property is shown on Assessor Map 240 Lot 2 and lies within the Office Research (OR) District.

Existing & Proposed Conditions

| | <u>Existing</u> | <u>Proposed</u> | <u>Permitted / Required</u> |
|---|-----------------|--|-----------------------------|
| <u>Land Use:</u> | Hospital | Front addition | Primarily Office |
| <u>Lot area (sq. ft.):</u> | 909,097 | 909,097 | 130,680 min. |
| <u>Lot area per dwelling (sq. ft.):</u> | NA | NA | NA min. |
| <u>Lot depth (ft.):</u> | 1187 | 1187 | 300 min. |
| <u>Street Frontage (ft.):</u> | 1232 | 1232 | 300 min. |
| <u>Primary Front Yard (ft.):</u> | 88 | 40 | 50 min. |
| <u>Left Yard (ft.):</u> | 79 | 79 | 75 min. |
| <u>Right Yard (ft.):</u> | 71 | 71 | 75 |
| <u>Rear Yard (ft.):</u> | 157 | 157 | 50 min. |
| <u>Height (ft.):</u> | 65 | 15 | 60 max. |
| <u>Building Coverage (%):</u> | 19 | 20 | 30 max. |
| <u>Open Space Coverage (%):</u> | 40 | 39 | 30 min. |
| <u>Parking:</u> | 783 | 1,303* | 1,152 |
| <u>Estimated Age of Structure:</u> | 1987 | Variance request(s) shown in red. *includes recently approved offsite parking area | |

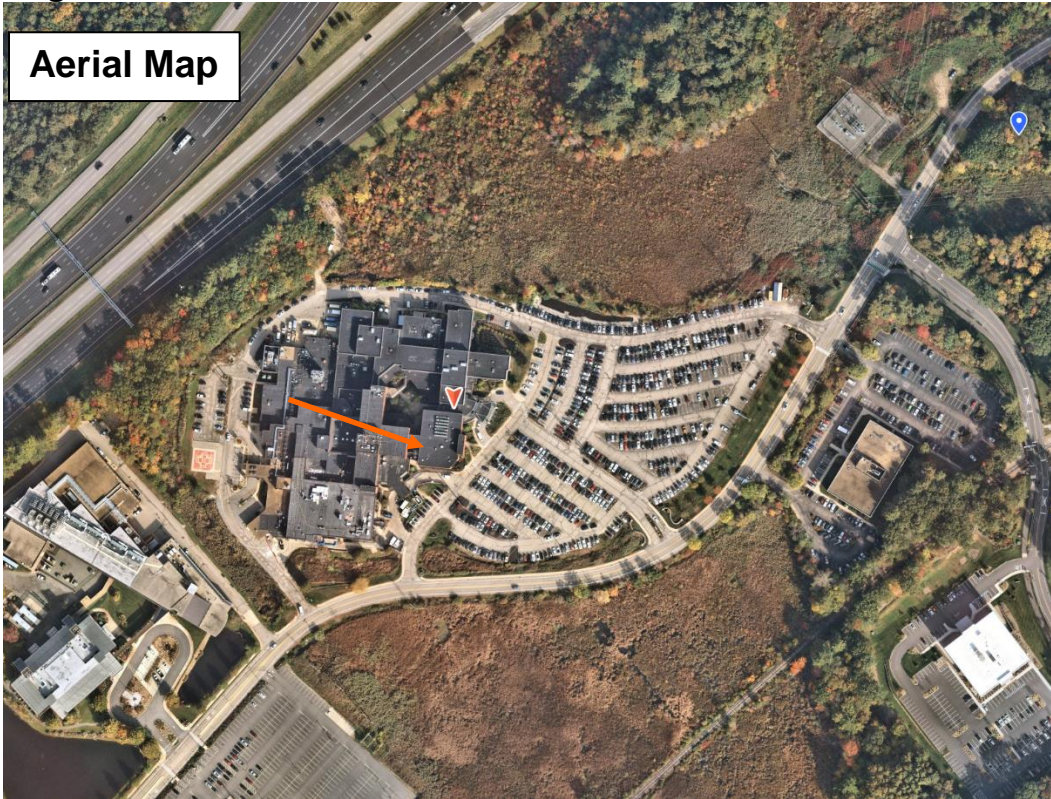
Other Permits/Approvals Required

TAC/Planning Board – Amended Site Plan

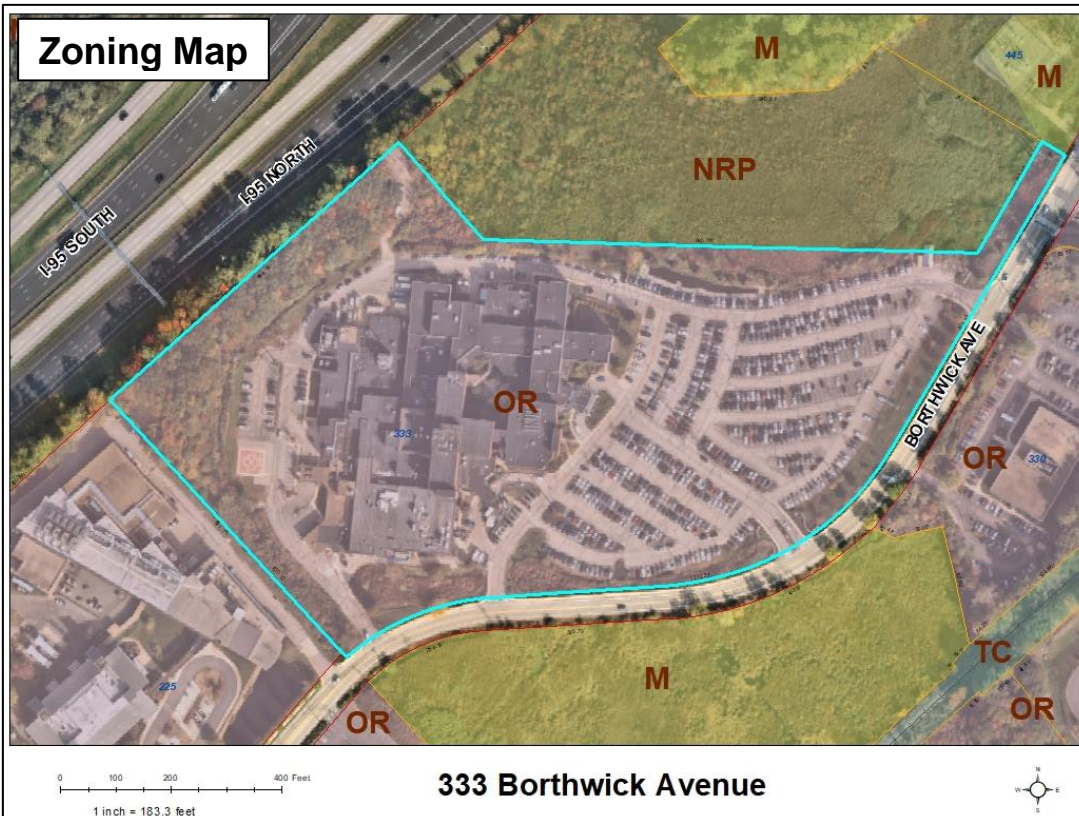
Conservation Commission/Planning Board – Wetland CUP

Neighborhood Context

Aerial Map



Zoning Map



April 26, 2022 Meeting

Previous Board of Adjustment Actions

June 20, 1989 – the Board **granted** a variance to allow the construction of an 88' high incinerator smoke stack

for waste disposal in a district which allows the maximum height of structures to be 60' with the **stipulation** that only waste material generated within the City's limits be allowed to be incinerated on the site; and, that the existing stack, as referenced in the Building Permit Application, be removed within 90 days of the new stack commencing operation. We also **stipulated** that approval from the NH DES be presented to the Building inspector prior to the issuance of a Certificate of Occupancy.

February 17, 1998 – The Board **granted** a Special Exception to allow a 24'x70' temporary modular computer training classroom from March 7, 1998 to August 30, 1998.

July 21, 1998 – The Board **granted** a Variance to allow the installation of panel antennae and related equipment on the roof of the Portsmouth Regional Hospital.

July 18, 2000 – The Board **granted** a Variance to allow the installation of wireless communication antenna and associated cabinets on the roof of the existing hospital building

October 17, 2000 – The Board **granted** a Variance to allow the installation G Cellular panel antennas, flush with rooftop of hospital penthouse; and the addition of one microwave on north side of penthouse. No antennas will be higher than existing walls on hospital building.

August 19, 2003 – The Board **granted** a Variance from Article II, Section 10-209 to allow the addition of PCS antennas and related base station equipment to the Portsmouth Hospital rooftop where such use is not allowed. The Board felt that this would not be contrary to public interest as we are becoming a "wireless" society and are becoming more dependent upon this technology.

December 18, 2007 – The Board **granted** petition to allow the installation of six new antennas with three of the existing antennas being removed with the following stipulations

- Antenna shall not exceed the height of the penthouse façade
- The antennas shall be painted the same color as the penthouse
- The related equipment shall be painted to match the existing hospital façade
- The fence screening the equipment shall be extended to shield the additional equipment.

May 15, 2012 – The Board **granted** a Special Exception under Section 10.232, Section 10.440 to allow a heliport as accessory use incidental to a permitted principal use in the emergency room parking lot to the left of the building.

July 22, 2014 – The Board **granted** a Special Exception under Section 10.440, Use #15.20 to allow a heliport as an accessory use incidental to a permitted principal use.

Planning Department Comments

Portsmouth Regional Hospital is proposing to construct a front addition to accommodate a radiation unit. The proposed addition will encroach into the 50 foot front yard and will be setback 40' from the front lot line. Amended site plan approval and a wetland CUP are both required for the project for the addition and encroachment into the 100 foot wetland buffer.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*

AND

- (b) *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.*

OR

Owing to these special conditions, 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.

10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

4.

Request of **Mark Griffin (Owner)**, for property located at **728 State Street, Unit 1** whereas relief is needed to demolish existing garage and construct a new garage which requires the following: 1) Variances from Section 10.521 to allow 61.5% building coverage where 35% is the maximum allowed. 2) Variances from Section 10.573.20 to allow a) a 1.5' side yard where 10' is required; b) a 0' front yard (Chatham St.) where 5' is required; and c) a 0.5' front yard (Winter St.) where 5' is required. 3) A Variance from Section 10.571 to allow an accessory structure in the front yard and closer to the street than the principal structure. 4) A Variance from Section 10.321 to allow a nonconforming structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 137 Lot 10-1 and lies within the General Residence C (GRC) District.

Existing & Proposed Conditions

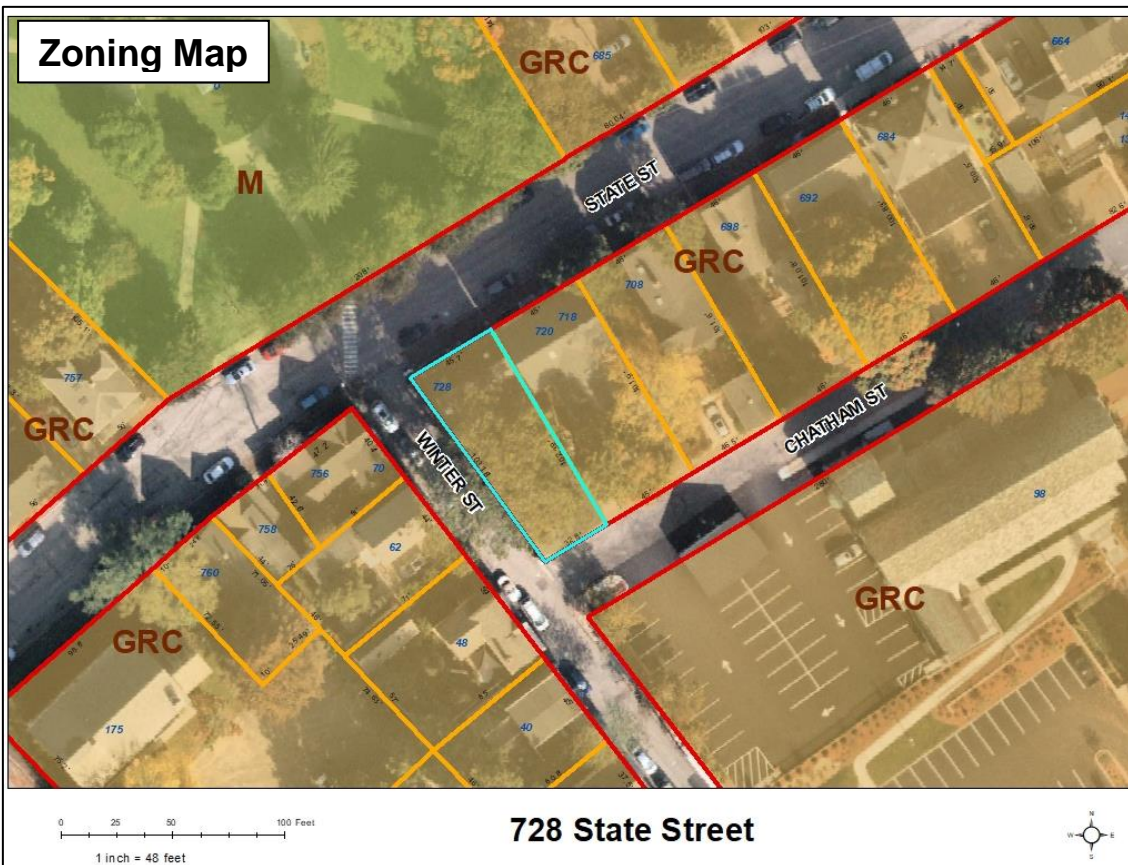
| | <u>Existing</u> | <u>Proposed</u> | <u>Permitted / Required</u> |
|---|------------------|--|-----------------------------|
| <u>Land Use:</u> | 3 unit structure | Demo garage/construct new garage | Primarily residential |
| <u>Lot area (sq. ft.):</u> | 4,201 | 4,201 | 3,500 min. |
| <u>Lot area per dwelling (sq. ft.):</u> | 1,400 | 1,400 | 3,500 min. |
| <u>Lot depth (ft.):</u> | 45 | 45 | 50 min. |
| <u>Street Frontage (ft.):</u> | 78 | 78 | 70 min. |
| <u>Primary Front Yard (ft.): State St</u> | 6 | 6 | 5 min. |
| <u>Secondary Yard (ft.): Winter St.</u> | 0.2 | 0.5' | 5 min. |
| <u>Left Yard (ft.):</u> | 0.17 | 1.5' | 10 min. |
| <u>Secondary Front Yard (ft.): Chatham St</u> | 0' | 0 | 5 min. |
| <u>Height (ft.):</u> | | | 35 max. |
| <u>Building Coverage (%):</u> | 61.6 | 61.5 | 35 max. |
| <u>Open Space Coverage (%):</u> | 38 | 38 | 20 min. |
| <u>Parking:</u> | 3 | 3 | 4 |
| <u>Estimated Age of Structure:</u> | 1860 (house) | Variance request(s) shown in red. | |

Other Permits/Approvals Required

None.

April 26, 2022 Meeting

Neighborhood Context



Previous Board of Adjustment Actions

No prior BOA history found.

Planning Department Comments

The applicant is seeking to demolish the existing garage and construct a new garage that is slightly more conforming, but due to the location on the lot and the lot size, will need several variances in order to proceed with the project. The lot has frontage on three sides, so any accessory structure would likely need relief from Section 10.571. Along State Street the lot is 45 feet and narrows to just 32 feet along Chatham where the new garage will be located. As shown in the applicant's submission, the proposed garage will be less volume than what exists today.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*

AND

- (b) *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.*

OR

Owing to these special conditions, 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.

10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

5.

Request of **Randi and Jeff Collins (Owners)**, for property located at **77 Meredith Way** whereas relief is needed to construct a second free-standing dwelling which requires the following: 1) A Variance from Section 10.513 to allow a second principal structure on a lot. 2) A Variance from Section 10.1114.31 to allow 2 driveways on a lot where only 1 is allowed. Said property is shown on Assessor Map 162 Lot 16 and lies within the General Residence A (GRA) District.

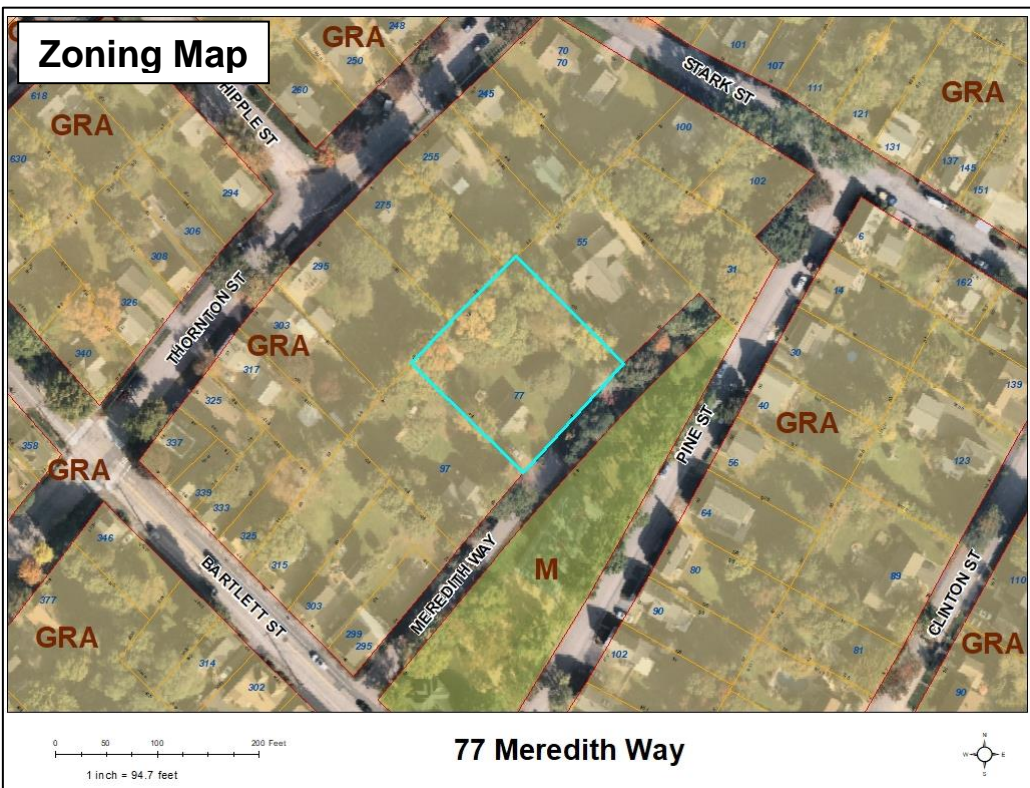
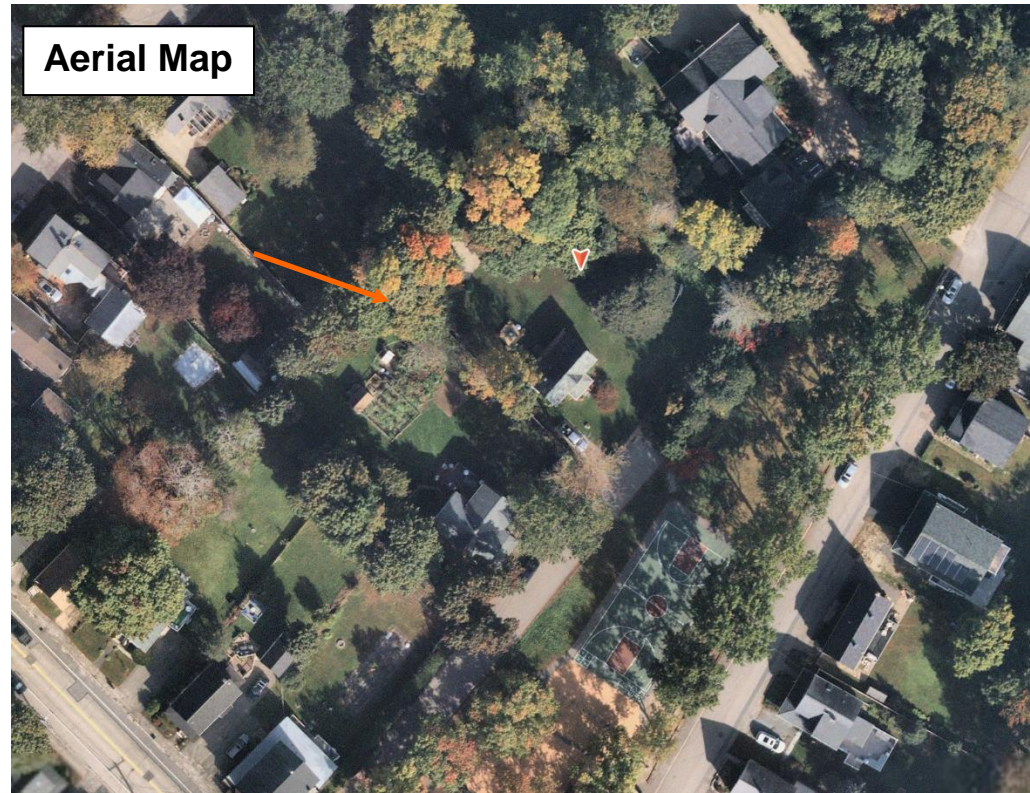
Existing & Proposed Conditions

| | <u>Existing</u> | <u>Proposed</u> | <u>Permitted / Required</u> |
|---|-----------------|--|-----------------------------|
| <u>Land Use:</u> | Single family d | Construct second principal dwelling | Primarily single residence |
| <u>Lot area (sq. ft.):</u> | 22,400 | 22,400 | 7,500 min. |
| <u>Lot area per dwelling (sq. ft.):</u> | 22,400 | 11,200 | 7,500 min. |
| <u>Lot depth (ft.):</u> | 151 | 151 | 70 min. |
| <u>Street Frontage (ft.):</u> | 37 | 37 | 100 min. |
| <u>Primary Front Yard (ft.):</u> | 26 | 19 | 15 min. |
| <u>Left Yard (ft.):</u> | 11.5 | | 10 min. |
| <u>Right Yard (ft.):</u> | 102 | 22 | 10 |
| <u>Rear Yard (ft.):</u> | 86 | 77 | 20 min. |
| <u>Height (ft.):</u> | <35 | <35 | 35 max. |
| <u>Building Coverage (%):</u> | 3.5 | 11.5 | 25 max. |
| <u>Open Space Coverage (%):</u> | >30 | >30 | 30 min. |
| <u>Parking:</u> | 2 | 4 | 3 |
| <u>Estimated Age of Structure:</u> | 1870 | Variance request(s) shown in red. | |

Other Permits/Approvals Required

None.

Neighborhood Context



April 26, 2022 Meeting

Previous Board of Adjustment Actions

June 16, 2020 The Zoning Board of Adjustment, at its regularly scheduled meeting of Tuesday, June 16, 2020, considered your request to withdraw the application to subdivide one lot into two lots which requires the following: A Variance from Section 10.521 to allow 0' of continuous street frontage for both lots where 100' is required for each. As a result of said consideration, the Board voted **to accept withdrawal** of the application.

Planning Department Comments

The applicant is seeking to construct a second freestanding dwelling on the existing lot and add a second driveway, where only one is allowed per lot. The lot is 22,400 square feet, almost three times the minimum lot size for the district and could be subdivided into two conforming lots with the exception of street frontage and the owner would need to extend the road to service the second lot. As the applicant's representative pointed out, a two family could be built by-right.

The application shows a proposed building envelope and a house plan, however the narrative states the plans that have been provided are possible designs and that the location may change for both the house and driveway. The proposed building envelope, along with the existing dwelling, result in approximately 11.5% building coverage where 25% is the maximum allowed in the district. If the Board is willing to approve the requested variances with the possibility of a different design and or location of the house and driveway, the Board should add a stipulation(s) to that effect.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*

AND

- (b) *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.*

OR

Owing to these special conditions, 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.

10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

April 26, 2022 Meeting

6.

Request of **64 Vaughan Mall LLC (Owner)**, for property located at **64 Vaughan Street** whereas relief is needed for the addition of a rooftop penthouse which requires the following: 1) A Variance from Section 10.5A43.30 and Map 10.5A21B to allow a building height of 51'6" where 42' is the maximum allowed for a penthouse. 2) A Variance from Section 10.1530 to allow a penthouse with a 9.5' setback from the edge of the roof where 15 feet is required. Said property is shown on Assessor Map 126 Lot 1 and lies within the Character District 5 (CD-5) and Downtown Overlay and Historic Districts.

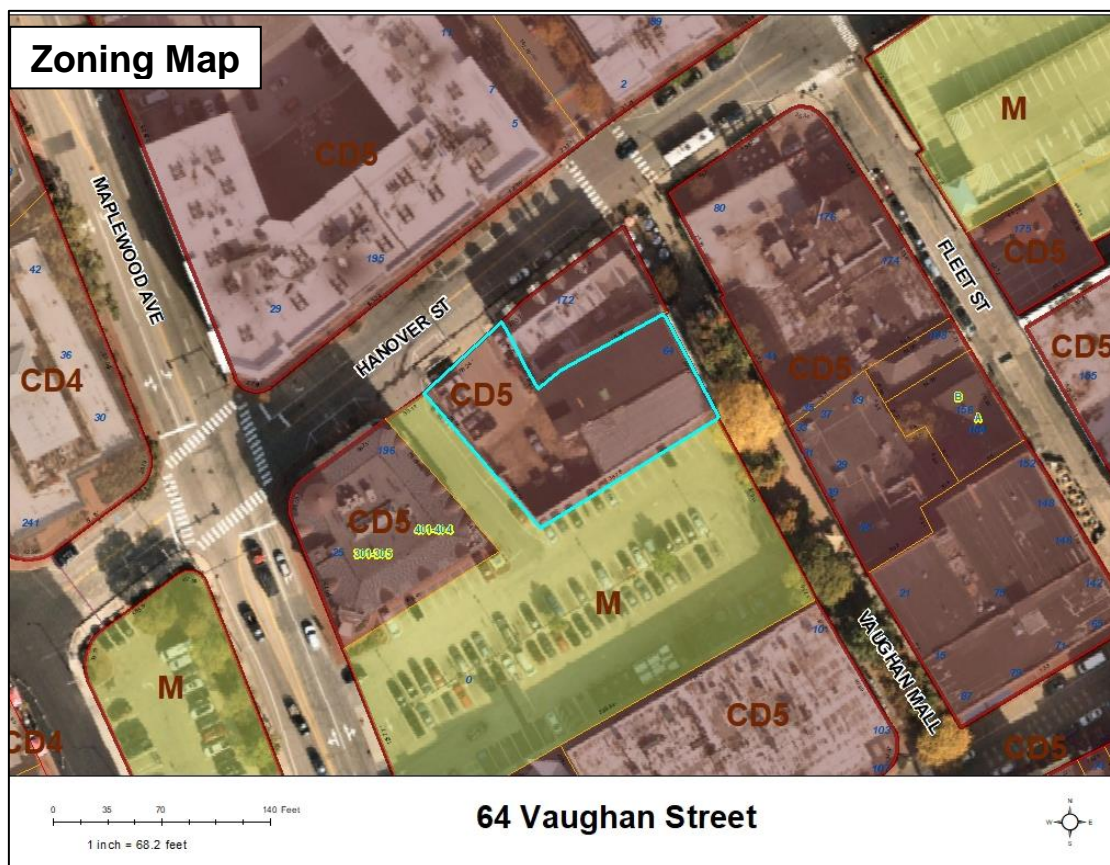
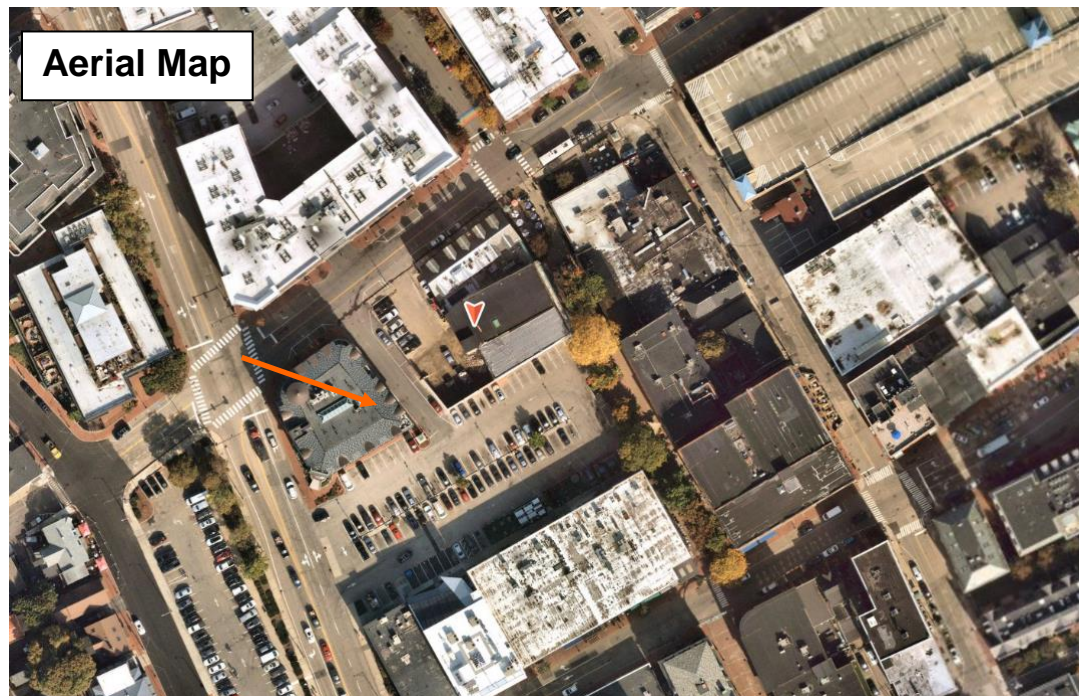
Existing & Proposed Conditions

| | <u>Existing</u> | <u>Proposed</u> | <u>Permitted / Required</u> |
|------------------------------------|------------------|--|---|
| <u>Land Use:</u> | | Professional office | Primarily mixed use |
| <u>Lot area (sq. ft.):</u> | 13,964 | 13,964 | NR min. |
| <u>Penthouse Setback (ft.):</u> | NA | 9.5' | 15' from edge min. |
| <u>Height (ft.):</u> | 40 | 51'6" | 3 stories or 40' max. Extra 2' for penthouse (42') |
| <u>Building Coverage (%):</u> | 70 | 89 | 95 max. |
| <u>Open Space Coverage (%):</u> | 0 | 5 | 5 min. |
| <u>Parking:</u> | 0 | 20 | No requirement |
| <u>Estimated Age of Structure:</u> | New construction | Variance request(s) shown in red. | |

Other Permits/Approvals Required

Historic District Commission
Planning Board/TAC – Amended Site Plan

Neighborhood Context



April 26, 2022 Meeting

Previous Board of Adjustment Actions

October 4, 1977 – the Board **granted** the following:

To construct a storage and loading addition to existing building with a single story, where two stories are required for new construction in the Central Business District.

March 23, 2021 – the Board **denied** the following:

Request for an addition of fourth story as part of redevelopment of the existing structure which requires 1) A Variance from Section 10.5A41.100 to allow a secondary front yard of 50.2 feet where 5 feet is the maximum. 2) A Variance from Section 10.5A41.100 to allow a building height of 52.5 feet and four stories where 40 feet and three stories is the maximum allowed.

Planning Department Comments

The applicant was before the Board in March of 2021 seeking relief for a fourth story and building height of 52.5'. That request was denied and at that time the use of the building was going to be mixed use with 14 residential units. The new owner will use the building for professional office space only and is proposing a penthouse. Staff feels this is a significant enough change that would not evoke Fisher v. Dover, but the Board may want to consider whether Fisher vs. Dover is applicable before this application is considered.

“When a material change of circumstances affecting the merits of the applications has not occurred or the application is not for a use that materially differs in nature and degree from its predecessor, the board of adjustment may not lawfully reach the merits of the petition. If it were otherwise, there would be no finality to proceedings before the board of adjustment, the integrity of the zoning plan would be threatened, and an undue burden would be placed on property owners seeking to uphold the zoning plan.” Fisher v. Dover, 120 N.H. 187, (1980).

The applicant is seeking to add a penthouse that would result in a height of 51'6" where 42 feet is the maximum allowed. The definition of a penthouse is below from Article 15.

Penthouse

A habitable space within the uppermost portion of a **building** above the **cornice** which is set back at least 15 feet from all edges of the roof and the total floor area of which does not exceed 50% of the area of the **story** below. For internal courtyards at least 40 feet from a **street** or vehicular right-of-way or easement, the **penthouse** shall be setback at least 8 feet from the edge of the roof of the **story** below.

There is a portion of the penthouse that does not meet the required 15 foot setback from the edge of the roof and the applicant is seeking relief to allow a penthouse that does not meet the required 15' setback from all edges of the roof. Since the project is still going through the Historic District Commission review, if the Board grants approval the following stipulation should be considered:

The design of the penthouse may change according to final review and approval by the HDC.

April 26, 2022 Meeting

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*

AND

- (b) *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.*

OR

Owing to these special conditions, 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.

10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

7.

Request of **William H. Schefer Jr. and Donna Schefer (Owners)**, for property located at **994 South Street, Unit 2** whereas relief is needed to install a mini-split system which requires the following: 1) A Variance from Section 10.515.14 to allow a 1.5' setback where 10' is required. Said property is shown on Assessor Map 150 Lot 9-2 and lies within the Single Residence B (SRB) District

Existing & Proposed Conditions

| | <u>Existing</u> | <u>Proposed</u> | <u>Permitted / Required</u> |
|---|-----------------|-----------------------------------|-----------------------------|
| <u>Land Use:</u> | Two-family | AC Unit | Primarily single residence |
| <u>Lot area (sq. ft.):</u> | 6,969 | 6,969 | 15,000 min. |
| <u>Lot area per dwelling (sq. ft.):</u> | 3,484 | 3,484 | 15,000 min. |
| <u>Lot depth (ft.):</u> | 125 | 125 | 100 min. |
| <u>Street Frontage (ft.):</u> | 51 | 51 | 100 min. |
| <u>Primary Front Yard (ft.):</u> | 10 | 10 | 30 min. |
| <u>Left Yard (ft.):</u> | 9.8' | 9.8' | 10 min. |
| <u>Right Yard (ft.):</u> | 4 | 1.5' | 10 |
| <u>Rear Yard (ft.):</u> | 66 | 66 | 30 min. |
| <u>Height (ft.):</u> | <35 | <35 | 35 max. |
| <u>Building Coverage (%):</u> | 16 | 16 | 20 max. |
| <u>Open Space Coverage (%):</u> | >40 | >40 | 40 min. |
| <u>Parking:</u> | 4 | 4 | 3 |
| <u>Estimated Age of Structure:</u> | 1920 | Variance request(s) shown in red. | |

Other Permits/Approvals Required

None.

Neighborhood Context

Aerial Map



Zoning Map



Previous Board of Adjustment Actions

No prior BOA history found.

Planning Department Comments

The applicant is seeking to add an AC Unit on the right side of the house, which is nonconforming due to it being located in the right yard. With the unit off set from the house, the proposed setback is 1.5' where 10' is required.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*

AND

- (b) *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.*

OR

Owing to these special conditions, 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.

10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

VIA VIEWPOINT

City of Portsmouth
Zoning Board of Adjustment
Attn: Chairman Arthur Parrott
1 Junkins Avenue
Portsmouth, NH 03801

RE: Variance Application of Amanda J. Telford, Trustee of the Amanda J. Telford Revokable Trust
322 Lincoln Avenue, Portsmouth

Dear Chairman Parrott,

Attached, please find the following materials for submission to the Zoning Board of Adjustment for consideration at its next regularly scheduled meeting:

1. Explanation of re-submission LU-20-188;
2. Narrative to Variance Application;
3. New design plan set;
4. Original Plan set (site plan, floor plans and Elevations) for LU-20-188; and
5. Photographs of the Property

Should you have any questions or concerns regarding the enclosed application materials, do not hesitate to contact me at your convenience.

Sincerely,

Amanda Telford

Amanda J Telford
Trustee of the Amanda J Telford Revocable Trust

**CITY OF PORTSMOUTH ZONING
BOARD OF ADJUSTMENT
APPLICATION NARRATIVE**

Amanda J. Telford, Trustee
Amanda J. Telford Revocable
Trust 322 Lincoln Avenue
Portsmouth, NH 03801
(Owner/Applicant)

Explanation of re-submission

This application is being presented as re-submission to the approved variance application LU-20-188 due to a design change.

The location of the structure on the property has not changed from the original application. The design simplifies the main structure and reduces the footprint and size of the structure, maintaining the same height.

The variance criteria as well as reason for the variance needed also have not changed. The original design plan is included as well as the simplified design and its required drawings.

INTRODUCTORY STATEMENT

Amanda Telford is the owner of the property located at 322 Lincoln Avenue, identified on Portsmouth Tax Map 130 as Lot 26 (the "Property"). The Property is zoned General Residence A ("GRA"). It is a 5,378 square foot lot with two structures on it - the Applicant's home and a small two-story outbuilding that most people refer to as a "carriage house" based on its design.

The carriage house, which is located to the rear of the Applicant's residence, was constructed in the early part of the 20th century based on the age of the wood comprising the structure, which is over 100 years old. The carriage house is structurally compromised. The wood sill is completely rotted and much of the foundation has caved in. This has created a convenient habitat for animals (i.e. racoons, skunks, etc.) which have taken up residence in the structure. The second floor of the structure has no structural support and as noted by the Applicant's architect in the design narrative submitted herewith, is "in imminent danger of catastrophic failure."

Exhibit A

The Applicant currently uses the first floor of the carriage house to store personal belongings, including a motorcycle and yard equipment. The second floor is unused due to its condition.

It would be impractical and cost prohibitive for the Applicant to try to salvage the existing carriage house through a renovation. Because saving the structure is infeasible, the Applicant is proposing to demolish it and replace it with a new building that retains the carriage house style and has a similar, but improved appearance. The new carriage house would be slightly relocated to improve the existing right yard setback encroachment by 1',

from 2'6" to 3'6", which will fall into line with the right side of the existing residence when viewed from Lincoln Street. The height of the new building will be the same as the former. The existing carriage house has an irregular footprint as a result of a "jog" in one corner of the building that the Applicant desires to square off with the replacement structure.

The Applicant intends to use the first floor of the new carriage house for storage of personal belongings, as she has always done. The second floor of the carriage house would contain a home office. The Applicant has worked remotely from her home for several years, which has been challenging for her having two children that reside with her and not having a dedicated office space. The current covid-19 crisis has further exacerbated her need for a workspace outside of her residence, particularly with two children attending school remotely from home.

SUMMARY OF ZONING RELIEF

The Applicant seeks the following variance from the Zoning Ordinance:

- I. A variance from Section 10.521 (Table of Dimensional Requirements) to allow for 35% (+/-) building coverage where 35% exists and 25% is the maximum allowed;
2. A variance from Section 10.521 to allow a right yard setback of 3'6" where 2'6" exists and 10' is the minimum required;
3. A variance from Section 10.521 to allow a rear yard setback variance of 13' where 13' exists and 20' is the minimum required; and
4. To allow a variance from Section I 0.321 permitting a non-conforming structure to be reconstructed and enlarged without complying with the terms of the Ordinance.

VARIANCE CRITERIA

Granting the variances will not be contrary to the public interest and will observe the spirit of the Ordinance.

In the case of *Chester Rod & Gun Club, Inc. v. Town of Chester*, the Court observed that the requirements that a variance not be "contrary to the public interest" or "injure the public rights of others" are coextensive and are related to the requirement that the variance be consistent with the spirit of the ordinance. 152 N.H. 577 (2005). The Court noted that since the provisions of all ordinances represent a declaration of public interest, any variance will, in some measure, be contrary to the ordinance, but to be contrary to the public interest or injurious to 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.'" Id. "There are two methods of ascertaining whether granting a variance would violate an ordinance's basic zoning objectives: (1) examining whether granting the variance would alter the essential character of the neighborhood or, in the alternative; and (2) examining whether granting the variance would threaten the public health, safety, or welfare." *Harborside Assoc v. Parade Residence Hotel*, 162 N.H. 508, 514 (2011).

The primary purpose behind boundary setback requirements is to maintain light, air and space between buildings on adjacent properties. The primary purpose of building coverage limitations is to prevent the overcrowding of land.

In the current instance, the right yard setback will be improved with the new carriage house, thus creating more light, air and space between it and the outbuilding on the abutting property over what exists. The carriage house will be relocated so that it falls in line with the Applicant's residence, which also encroaches into the right yard setback. The rear yard setback will remain the same. From a building density perspective, there will be no noticeable impact associated with the lot coverage. There are many examples of outbuildings on properties throughout the Applicant's neighborhood that encroach upon one or more of the boundary setbacks. Moreover, many of the properties exceed the maximum lot coverage requirement. These are common characteristics of the properties in the neighborhood. Accordingly, the essential character of the neighborhood will not be negatively impacted by granting the variance relief sought.

In addition, there will be no negative impact to the public health, safety or welfare by granting the variance relief. To the contrary, it is in the public's interest to see that the existing carriage house, which is structurally unsound, be torn down and replaced with a structure that complies with all current building and life safety codes and has greater separation from the outbuilding on the abutting property.

The impact of the proposed carriage house is mitigated by the fact that there is an outbuilding of similar size located in close proximity on the adjacent property at 332 Lincoln Avenue (Tax Map 130, Lot 27). That structure is located approximately 1' from the right (west) boundary of the Applicant's property. Overall, the demolition of the existing carriage house and its reconstruction in the proposed location will represent an improvement to the property.

It is important to note that the most directly impacted abutters residing at 312 Lincoln Avenue (to the left), 332 Lincoln Avenue (to the right) and 29 Spring Street (to the rear) have all signed a letter of support, which is submitted herewith as Exhibit B.

Substantial justice will be done by granting the variance relief:

Any loss to the individual that is not outweighed by a gain to the general public is an injustice. *New Hampshire Office of State Planning, The Board of Adjustment in New Hampshire, A Handbook for Local Officials* (1997); *Ma/achy Glen Assocs., Inc. v. Town of Chichester*, 155 N.H. 102 (2007).

There is no public benefit that would be realized by denying the variance. The carriage house has existed in its present location for over 100 years. It is unsafe in its current condition and represents a liability for Applicant. It is infeasible to salvage the existing structure, which serves as critical storage space for the Applicant. If the variance relief were denied, the Applicant would be unable to re-build the carriage house in-kind and would thus lose important storage space that she relies upon. In addition, she would be unable to create a home office on the Property apart from her residence. Finally, the carriage house is a unique and defining feature of the Property that gives it its current character. Losing this feature of the Property or forcing the Applicant to re-locate it or downsize it would create a hardship on the Applicant that is not outweighed by any corresponding benefit to the public.

The values of surrounding properties will not be diminished by granting the variance relief.

If the variances are approved, the proposed carriage house should only have a positive impact on surrounding property values. It will retain many characteristics of the existing carriage house design while improving upon its appearance and functionality and creating a code-compliant structure. This will positively impact the value of the Applicant's property, which should improve the values of those properties that surround it.

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

The Property has special conditions that distinguish it from surrounding properties. The existing non-conforming carriage house on the Property pre-dates the adoption of the Zoning Ordinance. The Property is narrower and deeper than most of the surrounding properties. The narrowness of the Property makes it difficult, if not impossible, to build any new or replacement structure on the Property without violating the setback regulations. Moreover, the existing residence itself has a building footprint of approximately 1,335 square feet, which is only 9.5 square feet shy of reaching the building coverage limitation (25%). Outside of the existing residence, there is no room to expand upon the home or create a reasonably sized outbuilding without having to apply for setback and lot coverage relief under the Ordinance. Given the special conditions of the Property, there is no fair and substantial relationship between the general purposes of the Ordinance provisions and their application to the Property.

Finally, the proposed use of the Property is also reasonable. The use of the Property will remain unchanged if the variance relief is granted. The existing carriage house has always been primarily used as storage space. The Applicant's residence provides minimal storage space and lacks a dedicated home office, which are critical to her daily life. The re-constructed carriage house will fulfill these needs while improving the right yard setback by 1' and maintaining the limited back yard space that the Applicant currently has and enjoys.

CONCLUSION

In conclusion, the Applicant has demonstrated that her application meets the five (5) criteria for granting the variance and respectfully requests that the Board approve his application.

Respectfully Submitted,

Amanda Telford

Amanda Telford

Dated: March 27, 2022

Placework

September 16, 2020
RE: 322 Lincoln Avenue

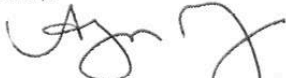
Dear Portsmouth Board of Adjustment Members:

I am writing to describe why we believe it is necessary to replace the the existing outbuilding on the 322 Lincoln Avenue lot, rather than repair it. The building was likely constructed in the early part of the 20th century; the existing wood structure and wood siding is likely over 100 years old. As such, the wood sill has rotted away around much of the foundation has caved in, crating large areas inhabited by neighborhood animals beneath the first floor. The structure has been altered several times on the interior of the building, to the point where beams meant to carry the second story are not longer bearing on anything below. Although the first floor is viable for storage, the second story is unsafe and the whole structure is rotted, listing, and in imminent danger of catastrophic failure.

Because merely repairing the structure is not technically feasible at this point, the owner wishes to replace the structure with a similar building in its place. The current building is used for storage and a motorcycle garage on the first floor; the second floor is not feasible for use even as storage due to the state of the structure. The building is colloquially referred to as a "carriage house", although the function of the original building is debatable. It has likely always been used as some form of lawn and garden storage. The proposed replacement building retains the footprint of the original, although straightens out a "bite" out of one corner for the sake of creating a more regular structure. The new building retains the original New England carriage house style, including a replication of the existing cupola, at the existing height. The eave height is raised in order to allow for a new home office within the building. The original dormer has been eliminated and additional windows added on the third floor to make it a more pleasant space to work during the day. (Note that the owner has worked from home for several years; the need for a home office is not purely tied to the Covid crisis, but is exacerbated by the need for a home-school area within the main house).

The design is consistent with other carriage house style buildings in the wider neighborhood, although it is also characteristic of these buildings to have unique features based on their site. Because this building is sited very close to a neighbor's garage, also within two feet of the property line, the owner has chosen to both move the structure one foot away from the west property line and to eliminate any windows on the west side. The windows on the south side of the building are also minimized, although they face a blank wall on the neighbor's property. The existing open space and yard is maintained between the south property line and the existing house, and only slightly diminished on the east side. The cupola is a characteristic feature that is appreciated by neighbors and this neighborhood landmark will be recreated atop the new building.

Sincerely,



Alyssa Manypenny Murphy, AIA

September 11, 2020

To whom it may concern:

We understand that Amanda Telford is requesting a variance in order to rebuild the carriage house on her property. As an abutter, we support the removal and rebuilding of the structure and do not oppose the request for the variance.

Rita Weathersby RITA WEATHERSBY
Signature Printed Name

312 LINCOLN AVE PORTSMOUTH
Address

Dani Rooney Dani Rooney
Signature Printed Name

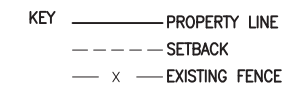
29 Spring St., Portsmouth
Address

Tom Rooney TOM ROONEY
Signature Printed Name

29 SPRING ST., PORTSMOUTH
Address

Theresa Fisher Theresa Fisher
Signature Printed Name
332 Lincoln Ave Portsmouth NH 03801
Address

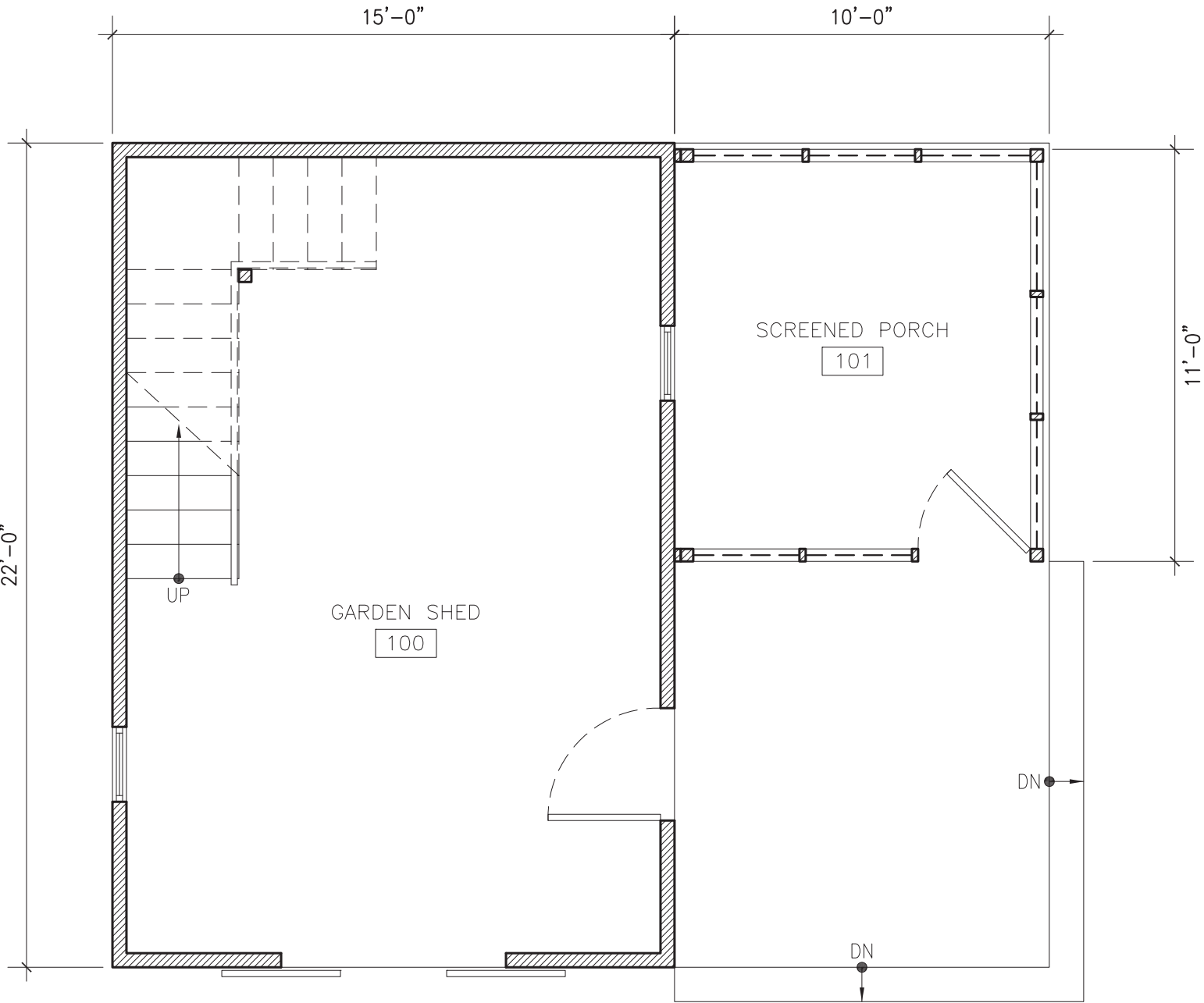
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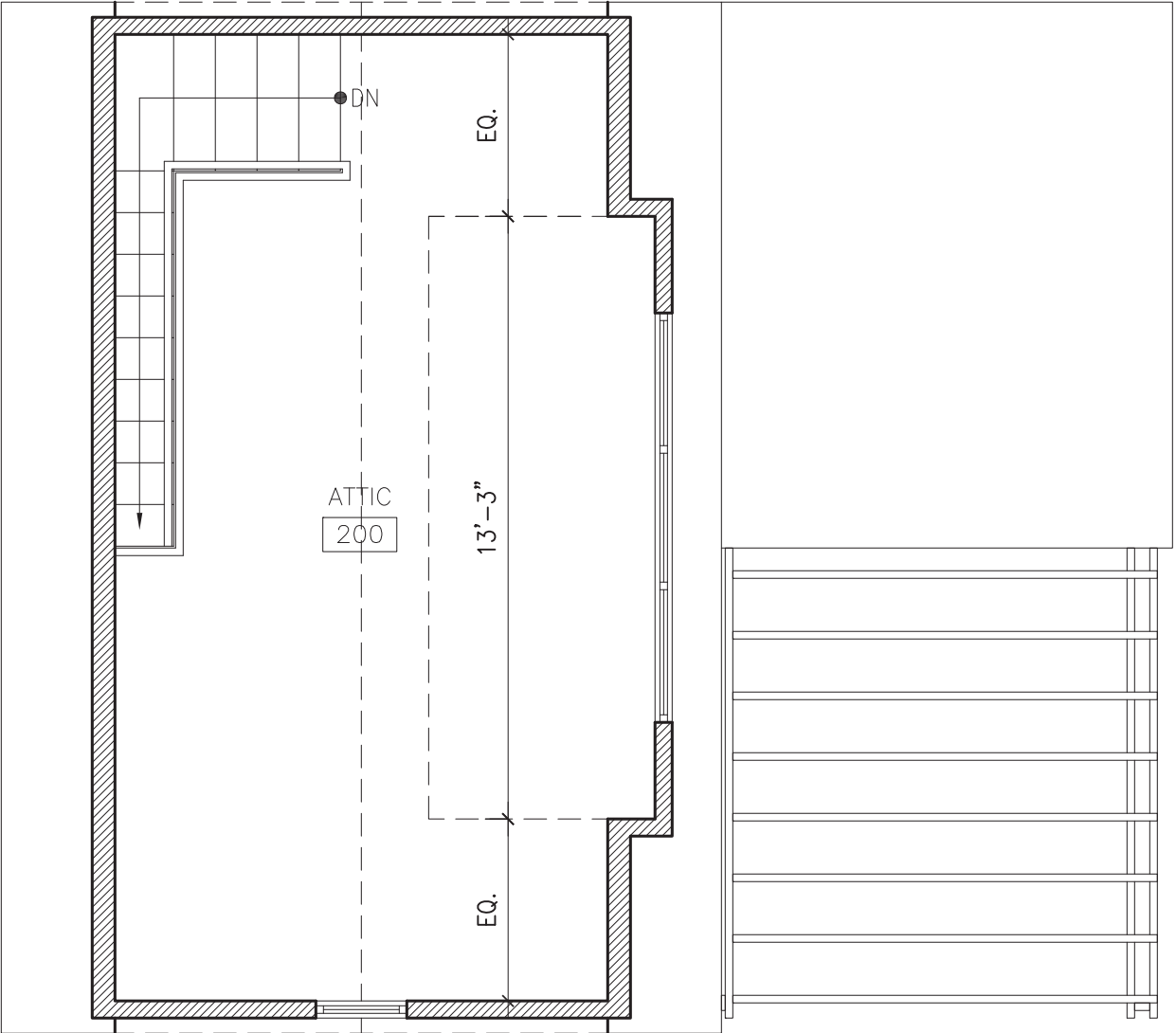
| | |
|------------------------|-------------|
| EXISTING LOT COVERAGE: | |
| HOUSE: | 1,237 |
| CARRIAGE HOUSE: | <u>652</u> |
| TOTAL: | 1,889 |
| EXISTING OPEN SPACE: | |
| SITE: | 5,378 |
| HOUSE: | -1,237 |
| CARRIAGE HOUSE | <u>-652</u> |
| WALKWAY: | -135 |
| DRIVE: | <u>-575</u> |
| TOTAL: | 2,779 |
| PROPOSED LOT COVERAGE: | |
| HOUSE: | 1,237 |
| SHED: | 330 |
| PORCH: | <u>220</u> |
| TOTAL: | 1,787 |
| PROPOSED OPEN SPACE: | |
| SITE: | 5,378 |
| HOUSE: | -1,237 |
| SHED: | -330 |
| PORCH | <u>-220</u> |
| WALKWAY: | -135 |
| DRIVE: | <u>-575</u> |
| TOTAL: | 2,881 |

SITE PLAN & MASSING

SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN



SECOND FLOOR PLAN

ELEVATIONS

SCALE: 3/32" = 1'-0"





322 LINCOLN AVENUE

1 OF 11

CITY OF PORTSMOUTH
Board of Adjustment
Public Hearing
October 20, 2020



Original Design Submission LU-20-188

BOA PUBLIC HEARING
PORTSMOUTH, NH

Placework
ARCHITECTURE • PLANNING

NOTES

2 OF 11

NOTES FOR VARIANCE REQUEST

1. Site plan by Placework Architecture based on City of Portsmouth Tax map and site observations.
2. Project parcel: Tax Map 130 Lot 26; +/-5,378 sf
3. Zone: GRA - General Residence A
4. Dimensional requirements:

| | Required | Existing | Proposed | Notes |
|-----------------------------|----------|-------------------------|---------------------------|-------------------------------------|
| Minimum lot area: | 7,500 | 5,378 | N/A | Conforming |
| Lot area/dwelling unit: | 7,500 | 5,378 | N/A | Conforming |
| Min street frontage: | 100' | 48' | N/A | Existing non-conforming |
| Min lot depth: | 70' | 119' | N/A | Conforming |
| Front yard: | 15' | 6'-10" | No change | Existing non-conforming |
| Left (East) yard: 10' | | 10'-0" (Carriage House) | No Change | Conforming |
| Right (West) yard: | 10' | 2'-6" (Carriage House) | 3'-6" to new construction | Increase conformance |
| | | 16'-7" (House) | No Change | Conforming |
| Rear yard: | 20' | 13'-0" (Carriage House) | No change | Conforming |
| | | 55'-6" (House) | No change | Conforming |
| Max. building height: | 35' | +/- 26' | No Change | Conforming |
| Max. building coverage: 25% | | 35.0% | 35.3% | Increase to Existing Non-Conforming |
| Minimum open space: 30% | | 2,779 - 51.6% | 2,770 - 51.5% | Conforming |

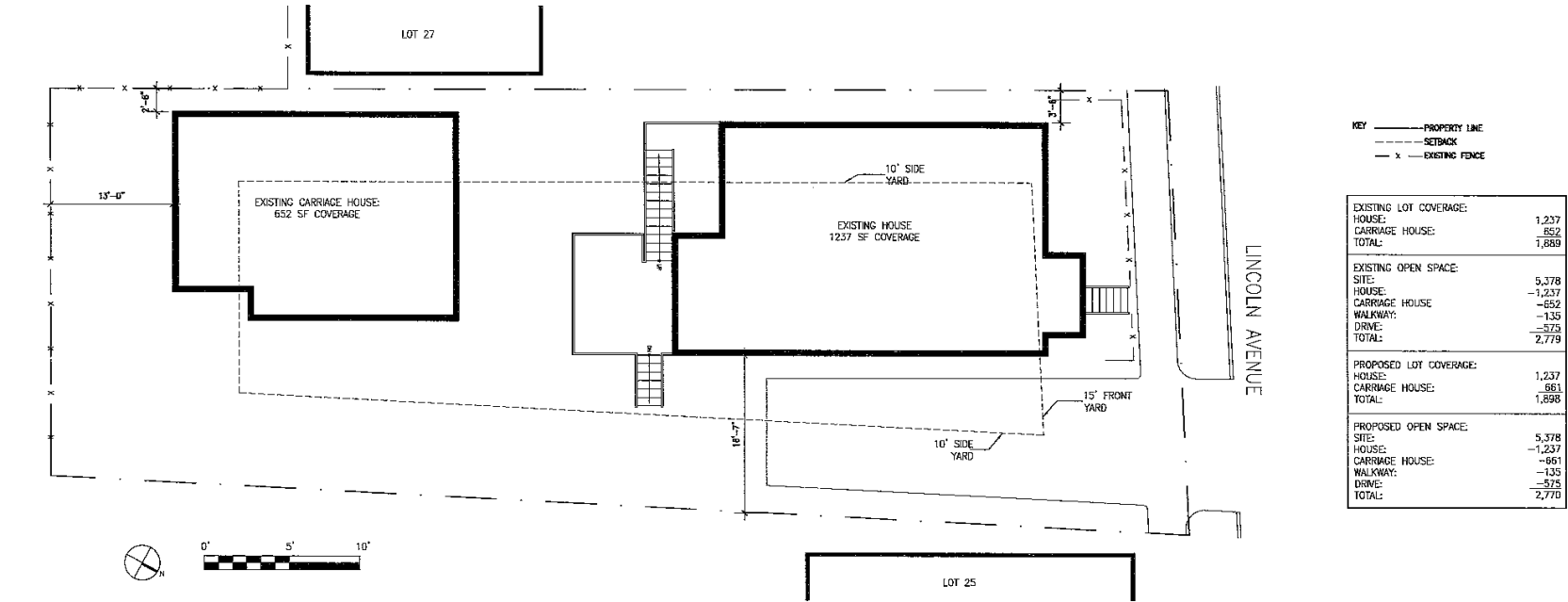


322 LINCOLN AVENUE
PORTSMOUTH, NH

Placework
ARCHITECTURE • PLANNING

EXISTING SITE PLAN

SCALE: 1/8"=1'-0"



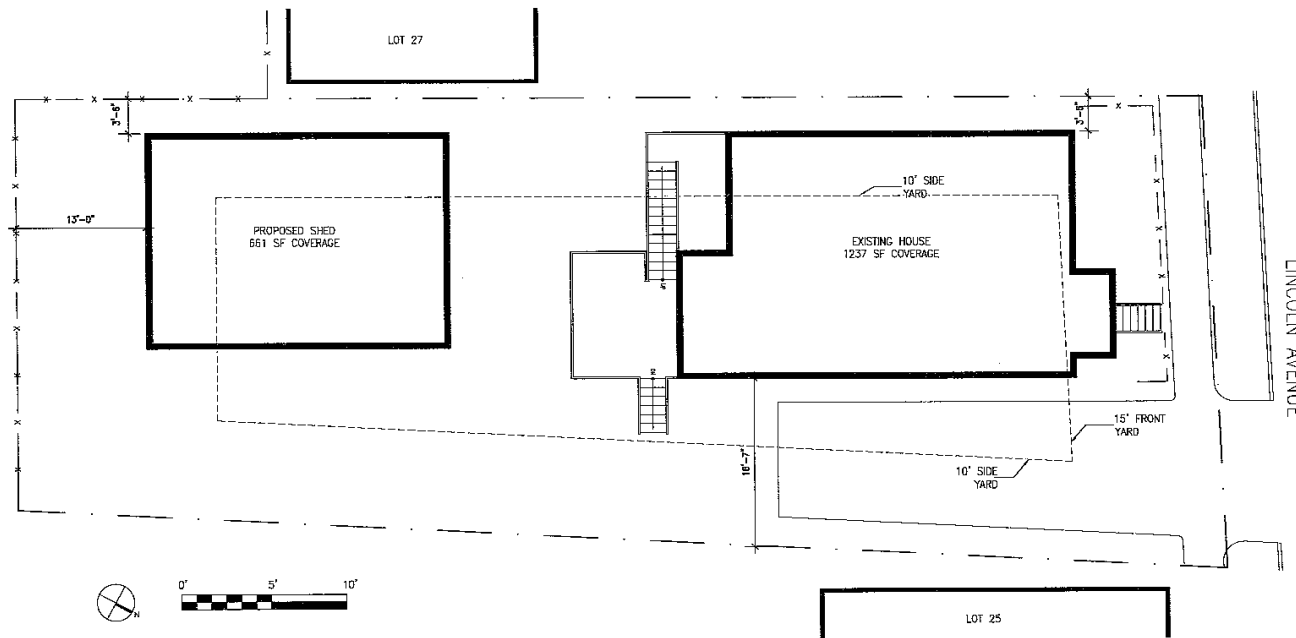
322 LINCOLN AVENUE
PORTSMOUTH, NH

Placework
ARCHITECTURE • PLANNING

PROPOSED SITE PLAN

SCALE: 1/8"=1'-0"

4 OF 11



KEY
 ——— PROPERTY LINE
 - - - - - SETBACK
 — x — EXISTING FENCE

| | |
|------------------------|--------|
| EXISTING LOT COVERAGE: | |
| HOUSE: | 1,237 |
| CARRIAGE HOUSE: | 652 |
| TOTAL: | 1,889 |
| EXISTING OPEN SPACE: | |
| SITE: | 5,378 |
| HOUSE: | -1,237 |
| CARRIAGE HOUSE: | -652 |
| WALKWAY: | -135 |
| DRIVE: | -575 |
| TOTAL: | 2,779 |
| PROPOSED LOT COVERAGE: | |
| HOUSE: | 1,237 |
| CARRIAGE HOUSE: | 661 |
| TOTAL: | 1,898 |
| PROPOSED OPEN SPACE: | |
| SITE: | 5,378 |
| HOUSE: | -1,237 |
| CARRIAGE HOUSE: | -661 |
| WALKWAY: | -135 |
| DRIVE: | -575 |
| TOTAL: | 2,770 |

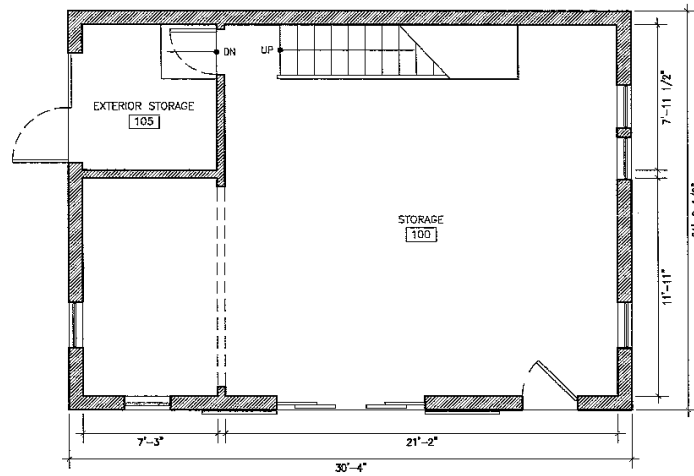
322 LINCOLN AVENUE
PORTSMOUTH, NH

Placework
ARCHITECTURE • PLANNING

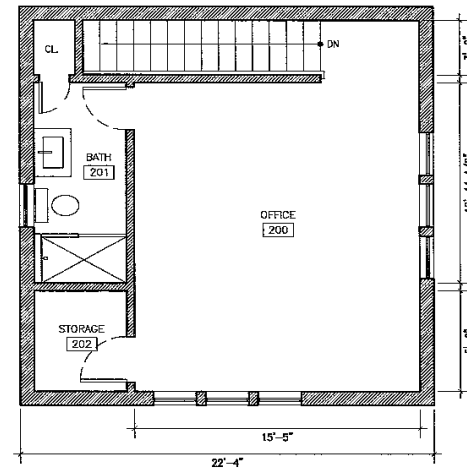
PLAN

SCALE: 3/16"=1'-0"

5 OF 11



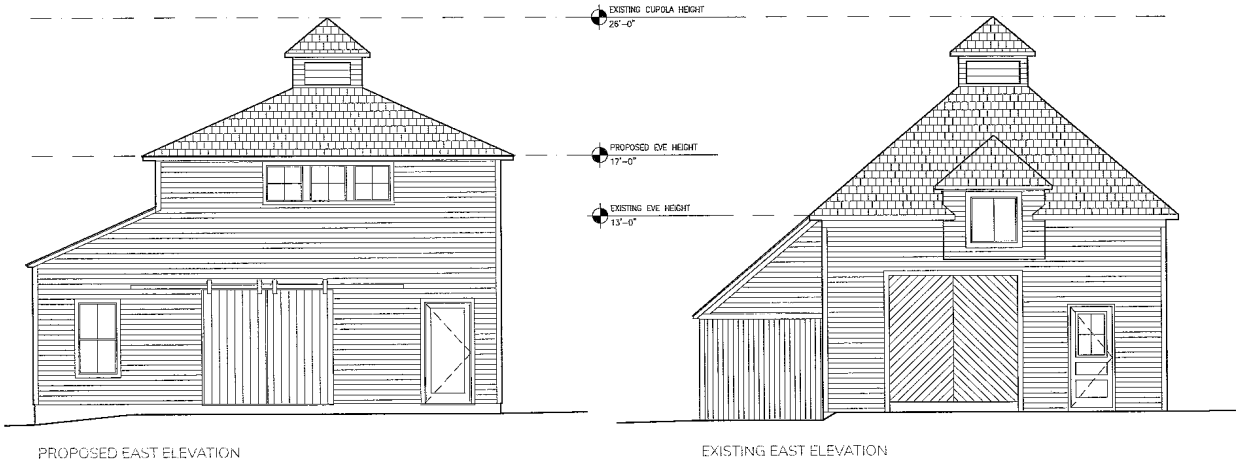
FIRST FLOOR PLAN



SECOND FLOOR PLAN

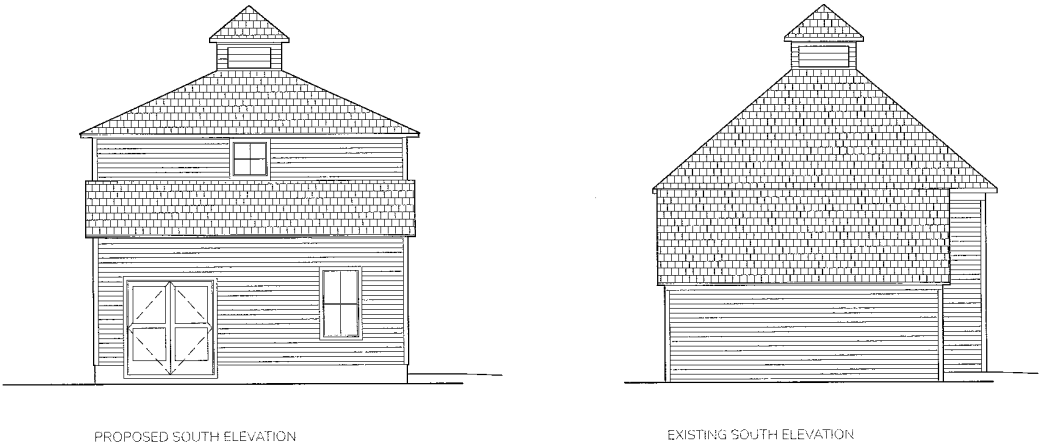
322 LINCOLN AVENUE
PORTSMOUTH, NH

Placework
ARCHITECTURE • PLANNING



322 LINCOLN AVENUE
PORTSMOUTH, NH

Placework
ARCHITECTURE • PLANNING



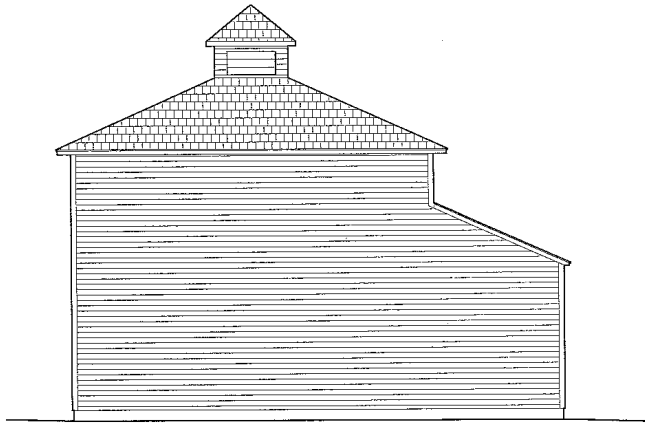
322 LINCOLN AVENUE
PORTSMOUTH, NH

Placework
ARCHITECTURE • PLANNING

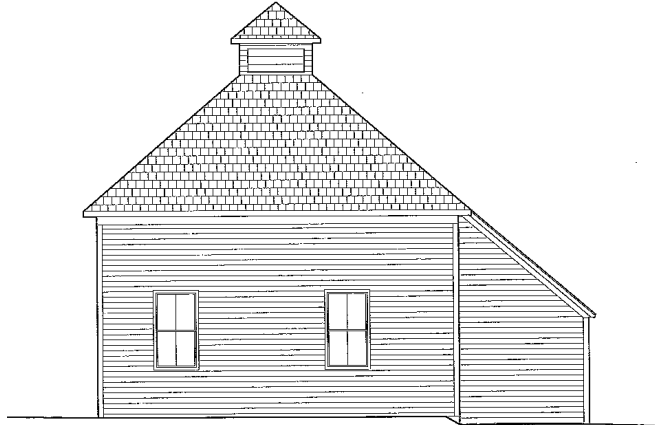
ELEVATIONS

SCALE: 3/16"=1'-0"

8 OF 11



PROPOSED WEST ELEVATION



EXISTING WEST ELEVATION

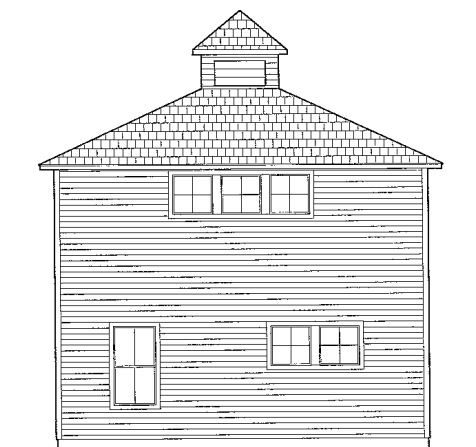
322 LINCOLN AVENUE
PORTSMOUTH, NH

Placework
ARCHITECTURE • PLANNING

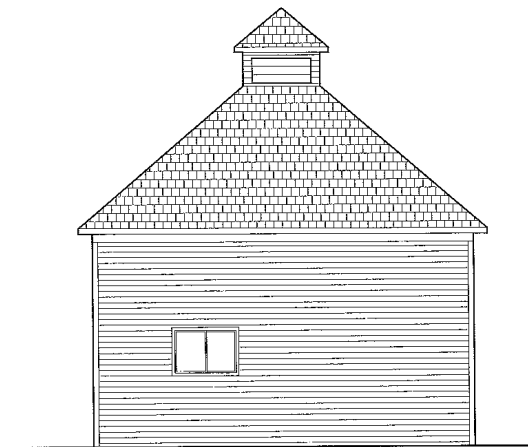
ELEVATIONS

SCALE: 1/4"=1'-0"

9 OF 11



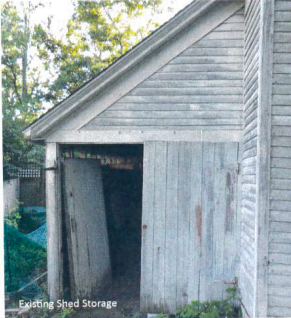
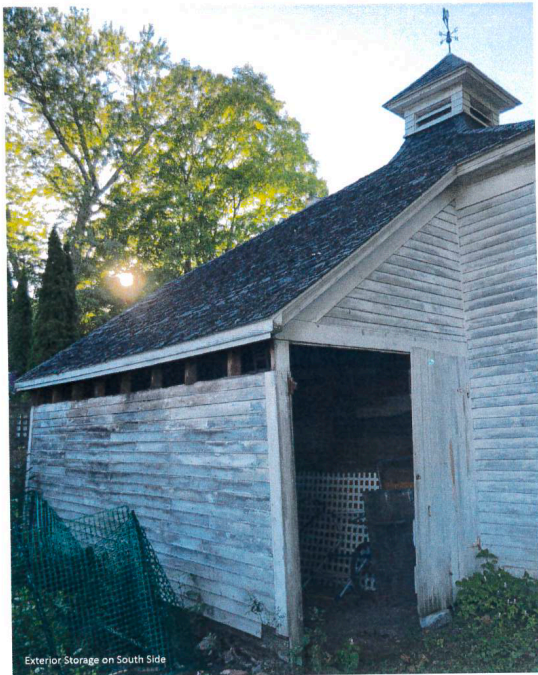
PROPOSED NORTH ELEVATION



EXISTING NORTH ELEVATION

322 LINCOLN AVENUE
PORTSMOUTH, NH

Placework
ARCHITECTURE • PLANNING



322 LINCOLN AVENUE
PORTSMOUTH, NH

Placework
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322 LINCOLN AVENUE
PORTSMOUTH, NH

Placework
ARCHITECTURE • PLANNING

Land Use Application for Dimensional Relief
For Property at 607 Colonial Drive in Portsmouth
Submitted March 30th 2022

Summary of Existing Conditions and Request for Dimensional Relief

The property at 607 Colonial Drive was built in 1942 and was purchased by the current property owner and resident in 1975. The single-family Cape Code style home is located in the SRB residential district.

The current Minimum Lot Area in the SRB district per the Zoning Ordinance is 15,000 sf; however, the actual lot area for this plot is only 6,500 sf.

The dimensions for the existence residence are 42' x 25', for Total Gross Floor Area of 1,050 sf. The existing Area of Footprint (including entrance stairways) is 1,080 sf, which represents 16.6% Building Coverage.

The existing setbacks for the front, rear and left and right sides of the property are 25', 50' and 13' and 10', respectively. The existing setbacks are within the Minimum Yard Dimensions, except for the front setback, which had legally existed at the time the property was purchased and is in line with average front setbacks of the surrounding properties.

The proposed project includes renovations inside the home and 24x16 addition to the back of the house to update existing kitchen and bath, create a laundry room and master bath, expand doorways and open up floor plan to make the living areas more accessible for 72 year old resident. Also includes a 10x12 deck to back of house next to addition to create a sliding door entrance way.

The dimensions for the proposed addition to the back of the house are 24' x 16' of living area, plus 10' x 12' of the deck. The proposed Total Gross Floor Area is 1,434 sf and the Area of Footprint (including the deck, entrance stairways and bulkhead) is 1,613 sf, which represents 24.8% Building Coverage.

The proposed setbacks for the front, rear and left and right sides of the property would be 25', 34' and 13' and 10', respectively. The proposed setbacks would continue to be within the Minimum Yard Dimensions as outlined above.

The variance being requested for this proposed project is for the Building Coverage of 24.8%, which would be above the 20% Building Coverage per the Ordinance.

Compliance with Zoning Ordinance

The request for dimensional relief outlined above complies with the requirements of the Zoning Ordinance as provided in Article 2 (Section 10.233.20) as outlined below.

- 10.233.21 The variance will not be contrary to the public interest: The variance for building coverage will not have any impact on public interest as the addition will be in the rear of the

property, the minimum yard dimensions will be maintained, and the renovations will improve the curb appeal of the property.

- 10.233.22 The spirit of the Ordinance will be observed: The proposed renovations and addition will still be in compliance with the minimum yard dimensions. The only impact will be to the building coverage. This modest addition, including the increased floor area and deck/entranceways, will increase the building coverage to 24.8%. Though this coverage would be above the 20% minimum coverage noted in the Ordinance, there would still be substantial open space in the plot. [Note that if the lot area of the plot were at the current minimum of 15,000 sf for the SRB district per the Ordinance, then the building coverage of the proposed property would only be at 10.7%.]
- 10.233.23 Substantial justice will be done: The proposed renovations and addition to the rear of the property will be similar to other surrounding properties. Also, there will be no impact to the front dimensions of the property or the minimum yard dimensions.
- 10.233.24 The values of surrounding properties will not be diminished: The value of this property will be increased with the proposed renovations, which will improve the values of the surrounding properties as well.
- 10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship: Given the size and age of the property, the various living spaces in the residence are condensed into the existing 1,050 sf gross floor area, and the laundry is located in the unfinished basement. The property owner and resident, who is 72 years old, currently has difficulty carrying anything up and down the stairs. As she needs further assistance with mobility in the future, she would have difficulty maneuvering around some cramped spaces and through doorways within the living area, as well as getting in/out of the bathtub in the existing sole bathroom. The request for this modest addition will allow us to create a laundry room and master bath with a walk-in shower on the main floor, and to expand doorways and open up the floor plan, and add sliding door access from the deck, to make the living areas more accessible for the owner going forward.



amy brownrigg <aebrownrigg@gmail.com>

Land Use Application

1 message

Karen Bartlett <karencb607@gmail.com>
To: aebrownrigg@gmail.com

Sat, Mar 12, 2022 at 12:18 PM

I hereby authorize you, Amy Brownrigg (my daughter), to act as my property representative to submit a land use application with the City of Portsmouth, NH on my behalf, related to a proposed addition at my residence at [607 Colonial Drive](#).

Thank you,
Karen Bartlett



LOCATION:

607 Colonial Dr.
Portsmouth, NH

OWNER:

Bartlett, Karen C

PARCEL INFO:

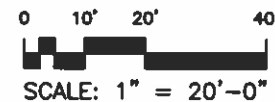
Map-Lot: 260-26
Parcel Area: 0.15 / 6,534 sf
Zone: SRB

CONDITIONS:

| | |
|-----------|----------|
| Existing: | 1,050 sf |
| Proposed: | 1,434 sf |

Decks:

| | |
|-----------|--------|
| Existing: | None |
| Proposed: | 120 sf |



OWNER:

Karen Bartlett
607 Colonial Dr.
Portsmouth, NH

ARCHITECTURAL DESIGN:



**BARTLETT RESIDENCE
RENOVATIONS & ADDITION**
607 Colonial Drive
Portsmouth, NH

DRAWN BY: EM
ISSUED: MARCH 28, 2022

PHASE
SCHEMATIC DESIGN

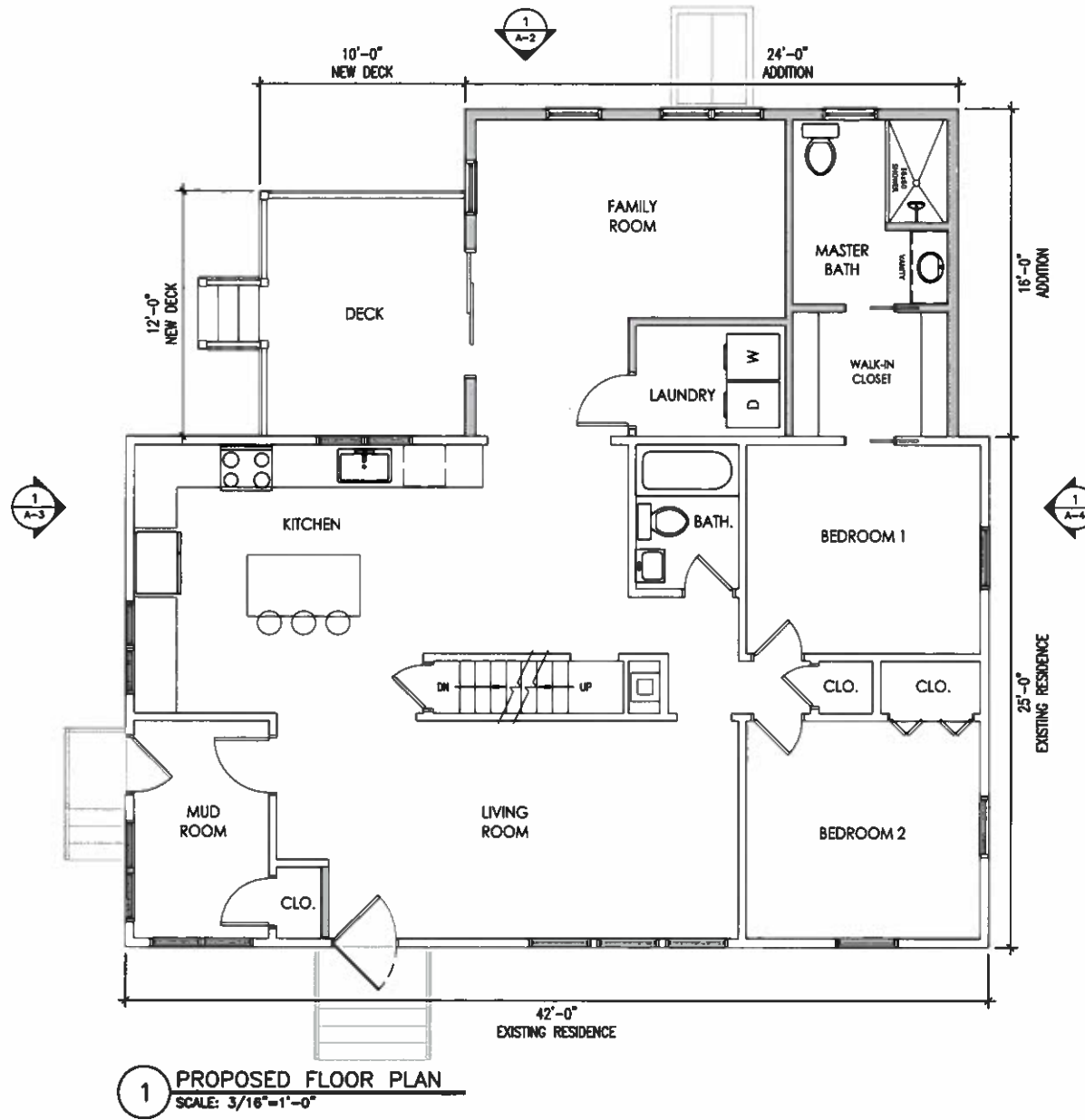
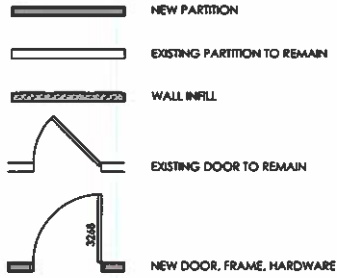
SHEET CONTENTS

PLOT PLAN

SHEET NO.

A-0

FLOOR PLAN LEGEND



OWNER:

Karen Bartlett
607 Colonial Dr.
Portsmouth, NH

ARCHITECTURAL DESIGN:

EVENKEEL
DEVELOPMENT

BARTLETT RESIDENCE
RENOVATIONS & ADDITION
607 Colonial Drive
Portsmouth, NH

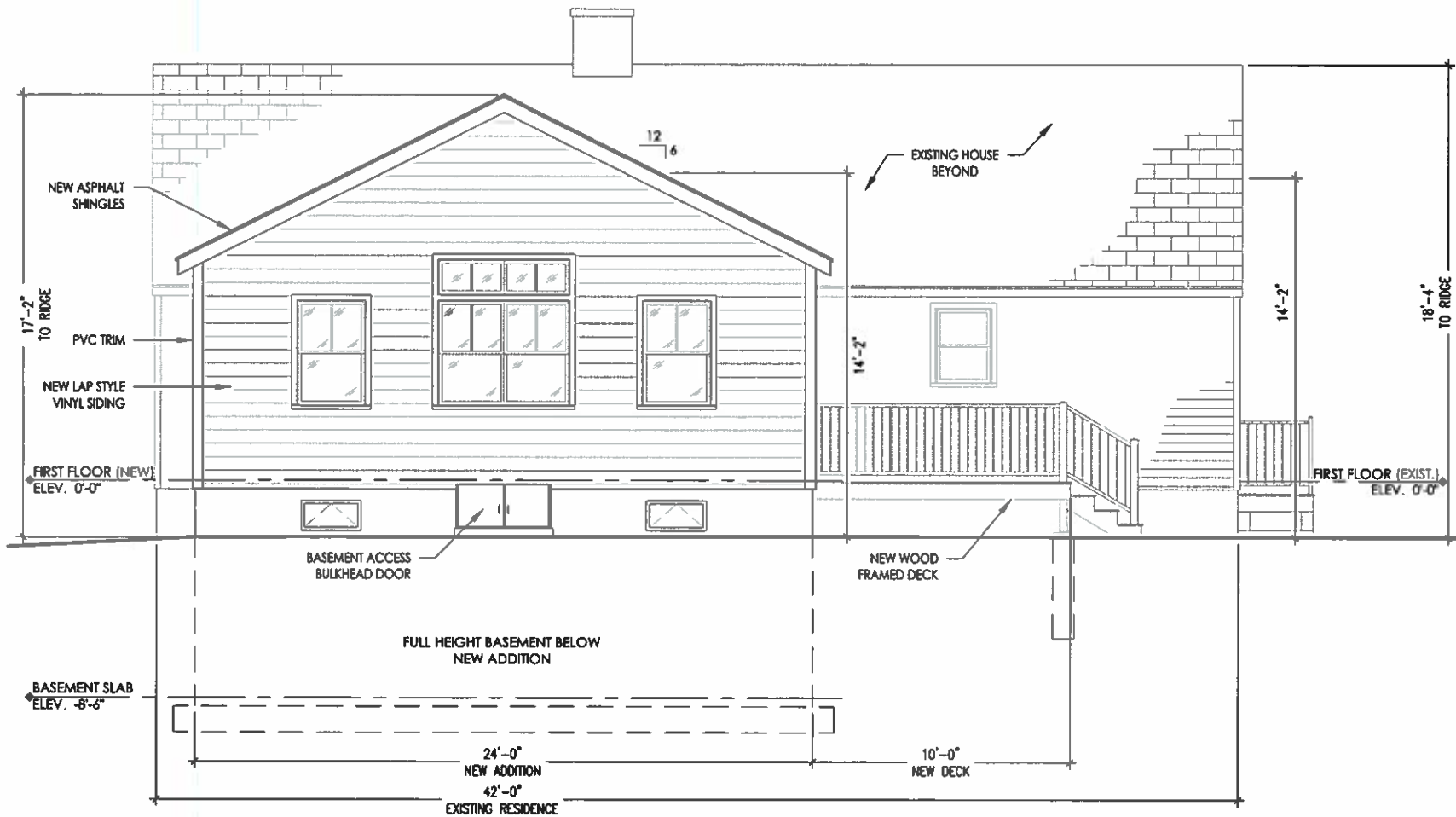
DRAWN BY: EM
ISSUED: MARCH 28, 2022

PHASE
SCHEMATIC DESIGN

SHEET CONTENTS
PROPOSED
FLOOR PLAN

SHEET NO.

A-1



1 NORTH ELEVATION
SCALE: 1/4"=1'-0"

OWNER:

Karen Bartlett
607 Colonial Dr.
Portsmouth, NH

ARCHITECTURAL DESIGN:

EVENKEEL
DEVELOPMENT

BARTLETT RESIDENCE
RENOVATIONS & ADDITION
607 Colonial Drive
Portsmouth, NH

DRAWN BY: EM
ISSUED: MARCH 28, 2022

PHASE

SCHEMATIC DESIGN

SHEET CONTENTS

EXTERIOR
ELEVATIONS

SHEET NO.

A-2

OWNER:

Karen Bartlett
607 Colonial Dr.
Portsmouth, NH

ARCHITECTURAL DESIGN:



BARTLETT RESIDENCE
RENOVATIONS & ADDITION
607 Colonial Drive
Portsmouth, NH

DRAWN BY: EM
ISSUED: MARCH 28, 2022

PHASE
SCHEMATIC DESIGN

SHEET CONTENTS

EXTERIOR
ELEVATIONS

SHEET NO.

A-3



1 WEST ELEVATION
SCALE: 1/4"=1'-0"



1 EAST ELEVATION
SCALE: 1/4"=1'-0"

OWNER:

Karen Bartlett
607 Colonial Dr.
Portsmouth, NH

ARCHITECTURAL DESIGN:

EVENKEEL
DEVELOPMENT

BARTLETT RESIDENCE
RENOVATIONS & ADDITION
607 Colonial Drive
Portsmouth, NH

DRAWN BY: EM

ISSUED: MARCH 28, 2022

PHASE

SCHEMATIC DESIGN

SHEET CONTENTS

EXTERIOR
ELEVATIONS

SHEET NO.

A-4

607 Colonial Drive



Left (West) Side



Front of House



Right (East) Side



Back of House



Backyard

For Front Yard Setback Variance Request / Board of Adjustment



Transmittal

Date: _____ Job Number: _____
Project Name: _____
To: _____

We are sending these by

| | | |
|--------------|---------|-------|
| US Mail | FedEx | UPS |
| Hand Deliver | Courier | Other |

We are sending you

| | | | | | |
|---------------|--------------------------|---------------------|----------------|--------------|-------|
| Attached | Under separate cover via | the following items | | | |
| Shop drawings | Prints/Plans | Samples | Specifications | Change Order | Other |

| Number | Date | Copy | Description |
|--------|------|------|-------------|
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These are transmitted as checked below:

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|------------------------|--------------------------|------------------|
| For your use | Approved as submitted | Resubmit |
| As requested | Approved as noted | Submit |
| For review and comment | Returned for corrections | Return |
| Copies for approval | Copies for distribution | Corrected prints |

Copy to:

Signed:

Phone:



March 28, 2022

City of Portsmouth Board of Adjustment

RE: *Portsmouth Regional Hospital – Radiation Oncology – Building Setback Variance Request*

Project Narrative

The existing Portsmouth Regional Hospital is located at 333 Borthwick Ave, Portsmouth, NH 03801 (Map 240, Lot 2-1). The medical campus is located on the east side of Blue Star Turnpike (I-95), the west side of Borthwick Avenue, and can be accessed via multiple entrances from Borthwick Avenue.

The scope of the proposed Radiation Oncology project consists of internal renovations, and a 1-story building addition to provide the local community a new line of service for cancer treatment. The anticipated construction cost is \$10.76M.

The footprint of the proposed building addition is approximately ±8,715 square feet, and is located on the southeast corner of the existing hospital building to attempt to accommodate building setbacks and an existing 300' Eversource electrical easement that is located across the front of the hospital site.

The proposed sitework is anticipated to consist of asphalt, concrete, utility, landscape, and drive-under canopy demolition where the current patient discharge canopy and associated drive are located as well as removal of existing sidewalk and landscaping located along the south side of the existing hospital building. Site improvements are anticipated to consist of the new building addition, new drive-under canopy and associated drive, sidewalk connectivity, new granite curb, new mobile imaging pad, and associated new utilities/ utility relocations.

Working with the existing hospital building location, code requirements, internal building corridors, room sizes to accommodate the proposed radiology equipment and space for patient maneuverability, and the thickened concrete walls surrounding the radiology equipment for radiation shielding of others located outside the room, a small portion of the proposed building addition does encroach into the existing 50' front yard setback. Thus, a variance for dimensional relief to the front yard setback is being requested to be heard on the April 19, 2022 Board of Adjustment meeting.

This variance request should comply with Section 10.233.20 as the variance will not be contrary to the public interest as the hospital will provide a service to the local community that is nonexistent today; other than this variance, the spirit of the Zoning Ordinance will be observed; surrounding property values should not be diminished as the existing land use is medical and will continue to be medical; and due to existing site limitations (electrical easement), code requirements, specialized equipment and associated shielding listed above, the literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

A portion of the project scope is located adjacent to and partially within a previously man-made stormwater management area which is now delineated as a city jurisdictional wetland and has an associated 100-ft wetland buffer, in which a portion of the site improvements will occur. A small amount

of disturbance to the actual wetland is being proposed. A separate submittal to the Conservation Commission has been made for review and approval.

Please refer to the photos below, and attached supporting documentation. If you have any questions or need more information, please feel free to reach me by email (chris.akers@kimley-horn.com) or by phone at 615-476-4764.

Sincerely,
Chris Akers, Project Manager



February 21, 2022

Kimley-Horn and Associates, Inc.
10 Lea Avenue, Suite 400
Nashville, TN 37210

404 Wyman Street, Suite 385
Waltham, MA 02451

RE: Agent Authorization

To Whom It May Concern:

Be advised that I am the Chief Executive Officer of the Portsmouth Regional Hospital located at 333 Borthwick Ave, Portsmouth, NH 03801. I am an authorized agent to the owners of HCA Health Services of New Hampshire, Inc. dba Portsmouth Regional Hospital. As the authorized agent, I hereby authorize and empower:

Kimley-Horn and Associates, Inc. to act as agent/ representative to communicate and submit required information as necessary in obtaining site-related approvals and permits for the proposed Radiation Oncology Addition project located at 333 Borthwick Ave, Portsmouth, NH 03801.

A handwritten signature in blue ink, appearing to read 'D. Carucci', written over a horizontal line.

Owner's Signature
Dean M. Carucci, CEO

| Photographs | Observations |
|--|---|
|  | <p>Southern portion of hospital campus from Borthwick Ave. Subject wetland in foreground.</p> |
| Photographs | Observations |
|  | <p>East elevation of hospital building where Radiation Oncology addition is proposed.</p> <p>Construction activity from current ICU Med/ Surg Stepdown project.</p> |



Southeast elevation of hospital building where Radiation Oncology addition is proposed.

Construction activity from current ICU Med/ Surg Stepdown project.

Photographs

Observations



Existing brick canopy at Patient Discharge to be removed.

Construction activity from current ICU Med/ Surg Stepdown project.



Brick emergency generator enclosure to remain.

Details


| | | | | | |
|-----------------------|-------------------|------------------|--------------------------------------|------------------|--------------|
| Property | | Ownership | | Valuation | |
| Location | 333 BORTHWICK AVE | Owner | HCA HEALTH SVC OF NH INC D/B/A | Total | \$86,709,000 |
| Map-Lot | 0240-0002-0001 | | PRH 32902 C/O DUCHARME | Last Sale | \$0 on |
| Vision Account Number | 35555 | | MCMILLEN & ASSOC | Book/Page | 2784/1340 |
| | | Address | PO BOX 80610, INDIANAPOLIS, IN 46280 | | |
| Land | | Zoning | | | |
| Parcel Area (AC) | 20.87 | Zoning | | | |
| | | | OR | | |

Q Search

Selection

Themes

Markup



Q Search


→

Advanced Search

Download Results

More

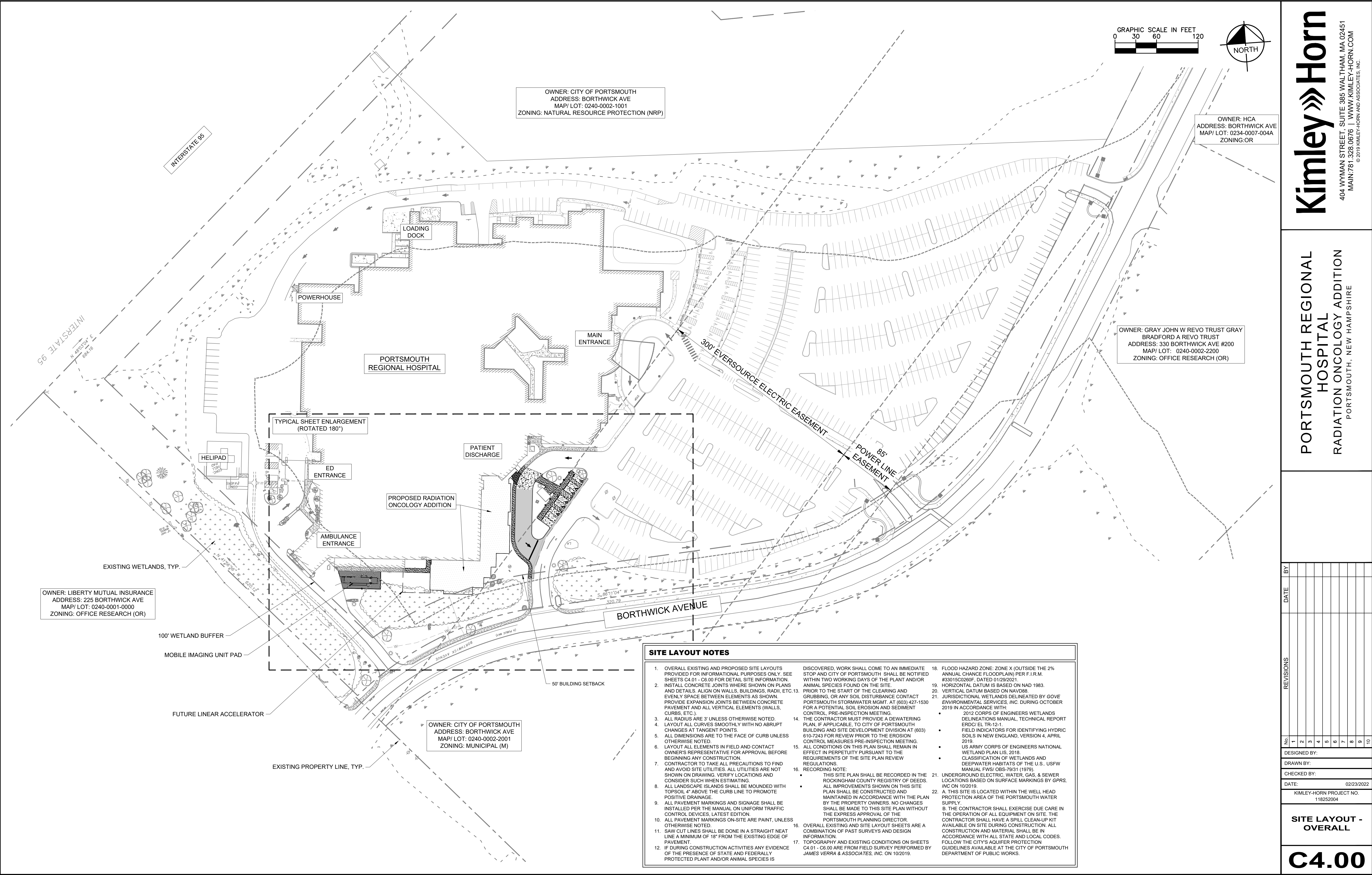
Showing 1-1 results. Scroll to see more.



333 BORTHWICK AVE

HCA HEALTH SVC OF NH INC D/B/A PRH 3-

0240-0002-0001



Kimley»Horn

404 WYMAN STREET, SUITE 385 WALTHAM, MA 02451
MAIN/781.328.0676 | WWW.KIMLEY-HORN.COM
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PORTSMOUTH REGIONAL
HOSPITAL
RADIATION ONCOLOGY ADDITION
PORTSMOUTH, NEW HAMPSHIRE

| NO. | BY | REVISIONS | | | | | | | | | |
|-----------------------------------|----|-----------|---|---|---|---|---|---|---|---|---|
| | | DATE | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| DESIGNED BY: | | | | | | | | | | | |
| DRAWN BY: | | | | | | | | | | | |
| CHECKED BY: | | | | | | | | | | | |
| DATE: 02/23/2022 | | | | | | | | | | | |
| KIMLEY-HORN PROJECT NO. 118252004 | | | | | | | | | | | |
| SITE LAYOUT - OVERALL | | | | | | | | | | | |
| C4.00 | | | | | | | | | | | |

| SITE DATA TABLE | | |
|---|--|-------------------|
| OWNER OF RECORD | HCA HEALTH SERVICES OF NH INC D/B/A PRH 32902 | |
| SITE ADDRESS | 333 BORTHWICK AVE. PORTSMOUTH, NH 03801 | |
| SITE AREA | ± 20.87 AC | |
| DISTURBANCE LIMITS W/ THIS PROJECT | ± 0.7 AC | |
| TAX MAP & LOT | TAX MAP 240, LOT 2-1 | |
| ZONING | OR - OFFICE RESEARCH | |
| SETBACKS | REQUIRED | PROPOSED |
| FRONT YARD SETBACK | 50'-0" | ±40' |
| REAR YARD SETBACK | 50'-0" | ±157' |
| SIDE YARD SETBACK | 75'-0" | ±71' " (EXISTING) |
| MIN. OPEN SPACE ON A LOT | 30% | ±39.0% |
| MAX BUILDING COVERAGE | 30% | ± 20.1% |
| BUILDING DATA | | |
| | EXISTING | PROPOSED ADDITION |
| HOSPITAL BEDS | 233 | 0 |
| HOSPITAL/ MOB FLOOR PLATE | ±173,916 SF | ± 9,180 SF |
| HOSPITAL GROSS AREA | ±427,495 SF | ± 9,180 SF |
| MEDICAL OFFICE BUILDING GROSS AREA (ATTACHED TO HOSPITAL BUILDING) | ±46,665 SF | 0 SF |
| BUILDING HEIGHT | ± 65'-4" | ± 14'-8" |
| PARKING DATA | | |
| | EXISTING | PROPOSED |
| ONSITE STANDARD SPACES | 754 | 745 |
| OFFSITE STANDARD SPACES | 154 | 154 |
| ACCESSIBLE (INCL. VAN ACCESSIBLE) | 29 | 31 |
| TOTAL SPACES | 937 | 930 |

- SITE LAYOUT NOTES
1. INSTALL CONCRETE JOINTS WHERE SHOWN ON PLANS AND DETAILS. ALIGN ON WALLS, BUILDINGS, RADII, ETC. EVENLY SPACE BETWEEN ELEMENTS AS SHOWN. PROVIDE EXPANSION JOINTS BETWEEN CONCRETE PAVEMENT AND ALL VERTICAL ELEMENTS (WALLS, CURBS, ETC.).

2. ALL RADII ARE 3' UNLESS OTHERWISE NOTED.

3. LAYOUT ALL CURVES SMOOTHLY WITH NO ABRUPT CHANGES AT TANGENT POINTS.

4. ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.

5. LAYOUT ALL ELEMENTS IN FIELD AND CONTACT OWNER'S REPRESENTATIVE FOR APPROVAL BEFORE BEGINNING ANY CONSTRUCTION.

6. CONTRACTOR TO TAKE ALL PRECAUTIONS TO FIND AND AVOID SITE UTILITIES. ALL UTILITIES ARE NOT SHOWN ON DRAWING. VERIFY LOCATIONS AND CONSIDER SUCH WHEN ESTIMATING.

7. ALL LANDSCAPE ISLANDS SHALL BE MOUNDED WITH TOPSOIL 4" ABOVE THE CURB LINE TO PROMOTE POSITIVE DRAINAGE.

8. ALL PAVEMENT MARKINGS AND SIGNAGE SHALL BE INSTALLED PER THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION.

9. ALL PAVEMENT MARKINGS ON-SITE ARE PAINT, UNLESS OTHERWISE NOTED.

10. SAW CUT LINES SHALL BE DONE IN A STRAIGHT NEAT LINE A MINIMUM OF 18" FROM THE EXISTING EDGE OF PAVEMENT.

11. IF DURING CONSTRUCTION ACTIVITIES ANY EVIDENCE OF THE PRESENCE OF STATE AND FEDERALLY PROTECTED PLANT AND/OR ANIMAL SPECIES IS DISCOVERED, WORK SHALL COME TO AN IMMEDIATE STOP AND CITY OF PORTSMOUTH SHALL BE NOTIFIED WITHIN TWO WORKING DAYS OF THE PLANT AND/OR ANIMAL SPECIES FOUND ON THE SITE.

12. PRIOR TO THE START OF THE CLEARING AND GRUBBING, OR ANY SOIL DISTURBANCE CONTACT PORTSMOUTH STORMWATER MGMT. AT (603) 427-1530 FOR A POTENTIAL SOIL EROSION AND SEDIMENT CONTROL. PRE-INSPECTION MEETING.

13. THE CONTRACTOR MUST PROVIDE A DEWATERING PLAN, IF APPLICABLE, TO CITY OF PORTSMOUTH BUILDING AND SITE DEVELOPMENT DIVISION AT (603) 610-7243 FOR REVIEW PRIOR TO THE EROSION CONTROL MEASURES PRE-INSPECTION MEETING.

14. ALL CONDITIONS ON THIS PLAN SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE SITE PLAN REVIEW REGULATIONS.

15. RECORDING NOTE:
 - THIS SITE PLAN SHALL BE RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.
 - ALL IMPROVEMENTS SHOWN ON THIS SITE PLAN SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PLAN BY THE PROPERTY OWNERS. NO CHANGES SHALL BE MADE TO THIS SITE PLAN WITHOUT THE EXPRESS APPROVAL OF THE PORTSMOUTH PLANNING DIRECTOR.

16. TOPOGRAPHY AND EXISTING CONDITIONS FROM FIELD SURVEY PERFORMED BY JAMES VERRA & ASSOCIATES, INC. ON 10/2019.

17. FLOOD HAZARD ZONE: ZONE X (OUTSIDE THE 2% ANNUAL CHANCE FLOODPLAIN) PER F.I.R.M. #33015C0260F, DATED 01/29/2021.

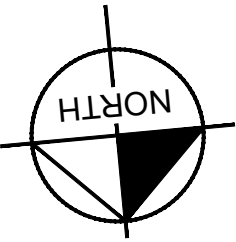
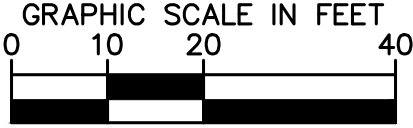
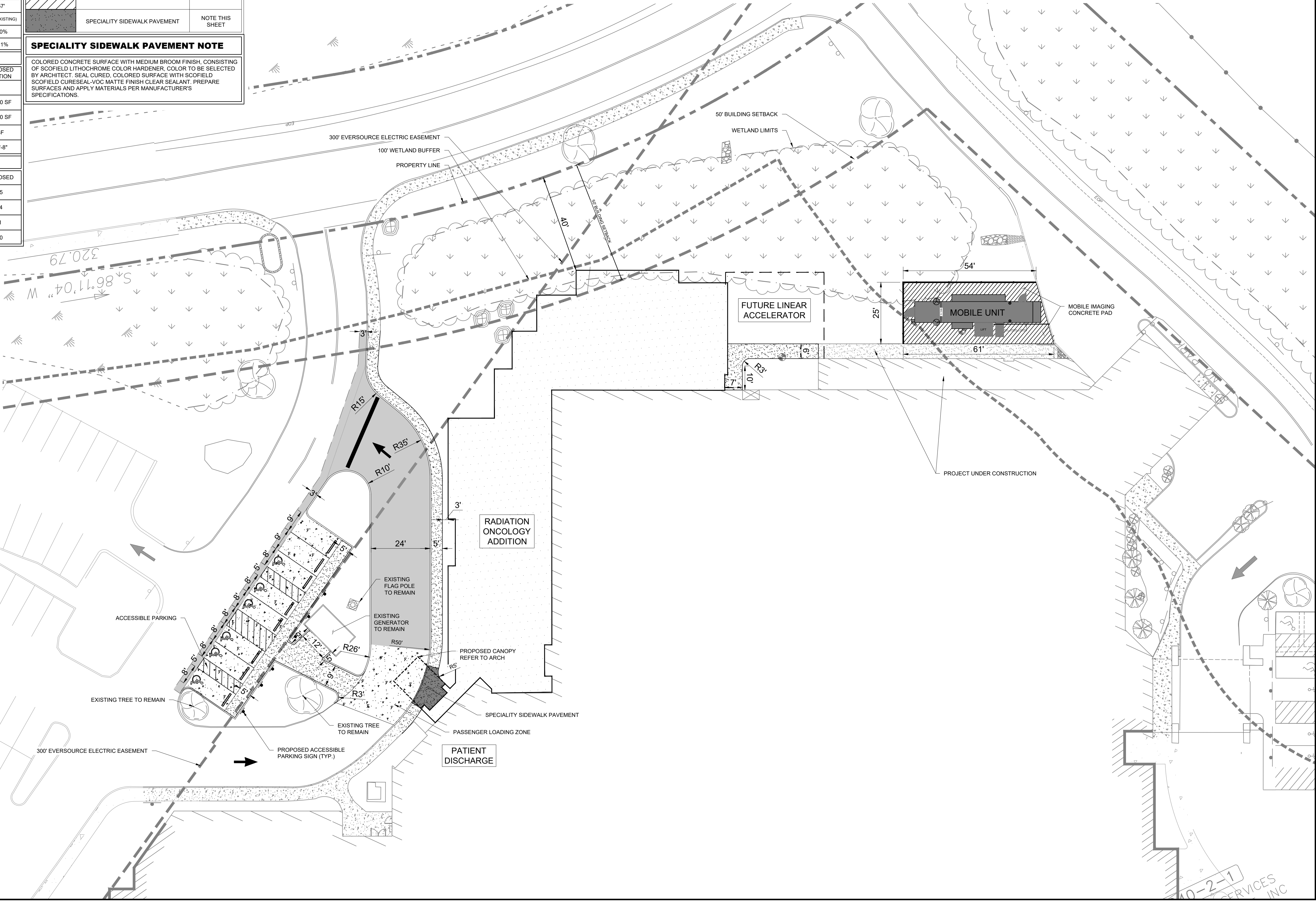
18. HORIZONTAL DATUM IS BASED ON REFERENCE PLAN #1.

19. VERTICAL DATUM BASED ON NGVD 29.

20. JURISDICTIONAL WETLANDS DELINEATED BY GOVE ENVIRONMENTAL SERVICES, INC. DURING OCTOBER 2019 IN ACCORDANCE WITH:
 - 2012 CORPS OF ENGINEERS WETLANDS DELINEATIONS MANUAL, TECHNICAL REPORT ERDC/EL TR-12-1.
 - FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 4, APRIL 2019.
 - US ARMY CORPS OF ENGINEERS NATIONAL WETLAND PLAN US. 2018.
 - CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE U.S. USFW MANUAL FWS/ OBS-79/31 (1979).

21. UNDERGROUND ELECTRIC, WATER, GAS, & SEWER LOCATIONS BASED ON SURFACE MARKINGS BY GPRS, INC ON 10/2019.

| PAVEMENT LEGEND | | |
|--|------------------------------|-----------------|
| | DESCRIPTION | DET #/ SHT # |
| | SIDEWALK CONCRETE | 1 / C7.00 |
| | ASPHALT PAVEMENT | 2 / C7.00 |
| | CONCRETE PAVEMENT | 3 / C7.00 |
| | MOBILE IMAGING CONCRETE PAD | 4 / C7.00 |
| | SPECIALITY SIDEWALK PAVEMENT | NOTE THIS SHEET |
| SPECIALITY SIDEWALK PAVEMENT NOTE | | |
| COLORED CONCRETE SURFACE WITH MEDIUM BROOM FINISH, CONSISTING OF SCOFIELD LITHOCHROME COLOR HARDENER, COLOR TO BE SELECTED BY ARCHITECT. SEAL CURED, COLORED SURFACE WITH SCOFIELD SCOFIELD CURESEAL-VOO MATTE FINISH CLEAR SEALANT. PREPARE SURFACES AND APPLY MATERIALS PER MANUFACTURER'S SPECIFICATIONS. | | |



Kimley»Horn

404 WYMAN STREET, SUITE 385 WALTHAM, MA 02451
MAIN:781-328.0676 | WWW.KIMLEY-HORN.COM
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PORTSMOUTH REGIONAL
HOSPITAL

RADIATION ONCOLOGY ADDITION
PORTSMOUTH, NEW HAMPSHIRE

| NO. | REVISIONS | | DATE | BY |
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DESIGNED BY:

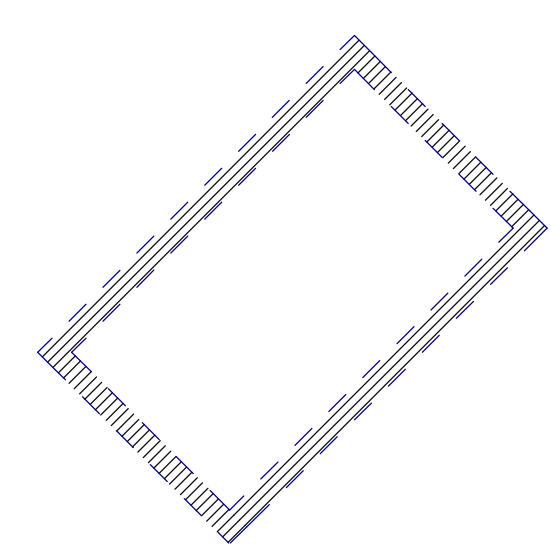
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















DATE: 02/23/2022

KIMLEY-HORN PROJECT NO. 118252004

SITE LAYOUT -
ENLARGEMENT

C4.01



| PARTITION LEGEND | | | - SEE SHEET A4.01 |
|------------------|---|--|---|
| HIGHEST PRIORITY | 1 | TWO HOUR RATED FIRE & SMOKE BARRIER - SHAFTWALL | 2S  2S  2S |
| ↑ | 2 | TWO HOUR RATED FIRE & SMOKE BARRIER | 2FS  2FS  2FS |
| | 3 | TWO HOUR RATED FIRE BARRIER | 2F  2F  2F |
| | 4 | ONE HOUR RATED FIRE & SMOKE BARRIER - SHAFTWALL | 1S  1S  1S |
| | 5 | ONE HOUR RATED FIRE & SMOKE BARRIER | 1FS  1FS  1FS |
| | 6 | ONE HOUR RATED FIRE BARRIER | 1F  1F  1F |
| | 7 | ONE HOUR RATED FIRE BARRIER - (INCIDENTAL USE/HAZARDOUS AREA) | 1HR  1HR  1HR |
| | 8 | SMOKE PARTITION | NS  NS  NS |
| ↓ | 9 | PARTITION TO CEILING - STUDS TO DECK, STOP GYPSUM BOARD 4" ABOVE CEILING | |
| | | | |
| LOWEST PRIORITY | | | |

VENDOR INFORMATION

NOTED 1st FLOOR PLAN
- PART A
A1.01B

HCA Healthcare™
HCA DESIGN MANAGEMENT
MIKAL MALIK PHD
HCA CONSTRUCTION

M,P,E, & T CONSULTANT
I.C. THOMASSON ASSOCIATES, INC.
2950 KRAFT DRIVE,
NASHVILLE, TN 37204
MANAGER: ZACK MCCOY

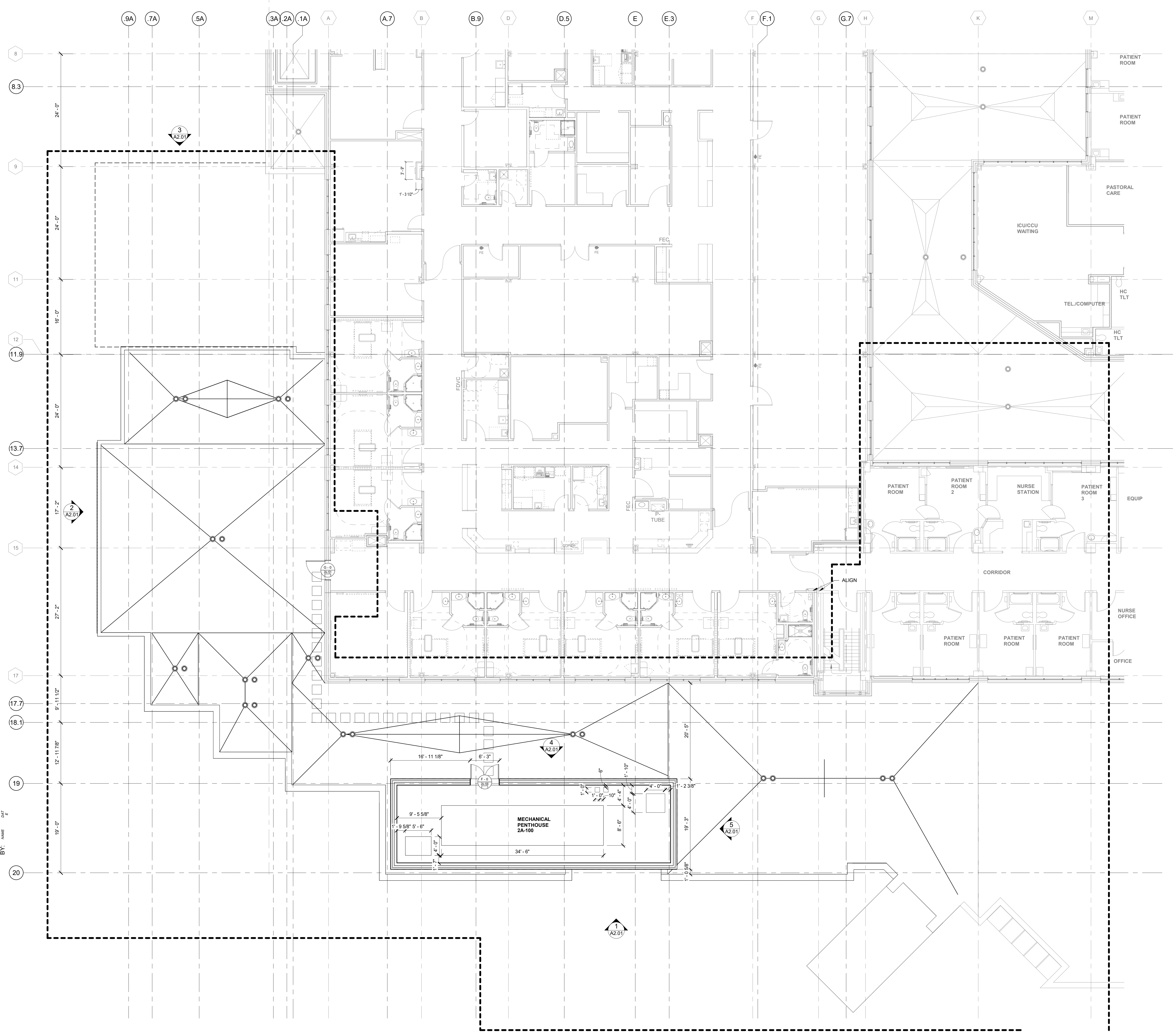
STRUCTURAL CONSULTANT
STANLEY D. LINDSEY & ASSOC., LTD.
750 OLD HICKORY BLVD., BLDG 1, STE 175
BRENTWOOD, TN 37027
MANAGER: MARK HILNER

CIVIL CONSULTANTS
HORN & ASSOCIATES, INC
FIVE, SUITE 400
E, TN 37210
P: CHRIS AKERS

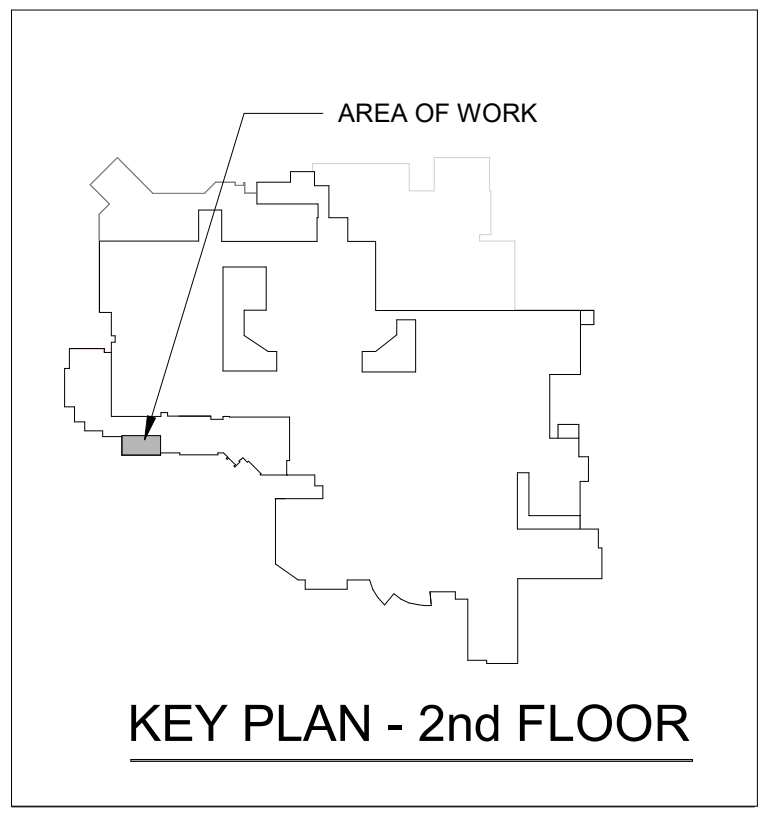
GENERAL CONTRACTORS

BM 560 03/26/2022 Portsmouth Radiation Oncology 2/18/2022 Portsmouth Onco_R201.rvt
3/23/2022 4:28:40 PM
DRAWING
FILED
ON:

RESPONSIBILITY
CHECK BY:
DATE: 02/20/19



- ### DIMENSION NOTES
1. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS. WHERE THERE IS A QUESTION REGARDING DIMENSIONS, CONSULT THE ARCHITECT BEFORE PROCEEDING. DO NOT SCALE DRAWINGS.
 2. REFER TO LARGE SCALE PLANS FOR ADDITIONAL DIMENSIONS.
 3. ALL INTERIOR WALL DIMENSIONS ARE FROM OUTSIDE FACE OF GYPSUM BOARD TO OUTSIDE FACE OF GYPSUM BOARD OR TO CENTERLINE OF COLUMN UNLESS NOTED OTHERWISE.
 4. UNLESS INDICATED OTHERWISE, ALL INTERIOR WALLS ARE 4 7/8" THICK AND ARE CONSTRUCTED OF 5/8" GYPSUM BOARD ON EACH SIDE OF 3/8" METAL STUDS.
 5. CORRIDOR WIDTHS GIVEN ARE THE MINIMUM CLEAR DIMENSIONS.
 6. REFER TO ANSII A117.1 DETAILS FOR ACCESSIBLE DOOR CLEARANCE REQUIREMENTS. DOORS SHALL BE MOUNTED 6 INCHES FROM FINISH FACE OF WALL TO HINGE SIDE OF FRAME, UNLESS NOTED OTHERWISE REFER TO DETAIL 1/6.01.
 7. THE DIMENSIONS PROVIDED REFLECT INFORMATION INDICATED IN THE ORIGINAL CONTRACT DOCUMENTS FURNISHED BY THE OWNER AND HAVE NOT BEEN FIELD CHECKED OR OTHERWISE VERIFIED. IT IS INTENDED THAT THE NEW CONSTRUCTION BE ALIGNED WITH THE EXISTING BUILDING AS SHOWN. NEW WINDOWS SHALL ALIGN WITH EXISTING ELEMENTS AS SHOWN, ETC. THE CONTRACTOR SHALL DETERMINE THE ACTUAL CONDITIONS AND ADVISE THE ARCHITECT IF ADJUSTMENTS ARE NECESSARY.
 8. CONTRACTOR SHALL "3D LASER SCAN" THE PORTION OF THE EXISTING HOSPITAL WHERE WORK IS INDICATED TO DETERMINE THE ACTUAL DIMENSIONS OF THE BUILDING WITH THE LEVEL OF ACCURACY REQUIRED FOR THE PROPER FABRICATION OF THE WALL PANELS AND ALIGNMENT OF WINDOWS AND OTHER ELEMENTS.



DIMENSIONED AND NOTED 2nd FLOOR

HCA Healthcare
HCA DESIGN MANAGER
MICHAEL WALKER
HCA CONSTRUCTION
MANAGER
PH 615-344-6598
PH 615-344-2467

M.P.E. & T CONSULTANT
I.C. THOMASSON ASSOCIATES, INC.
2550 KRAFT DRIVE,
NASHVILLE, TN 37204
MANAGER: EASON HOGG

STRUCTURAL CONSULTANT
STANLEY D. LINDSEY & ASSOC. LTD.
750 OLD HICKORY BLVD., BLDG. 1, STE. 175
BIRMINGHAM, AL 35202
MANAGER: DARRIN BENDER

CIVIL CONSULTANT
KIMLEY-HORN & ASSOCIATES, INC.
10 LEX AVE. SUITE 400
NASHVILLE, TN 37203
MANAGER: CHRIS FISHER

VENDOR INFORMATION

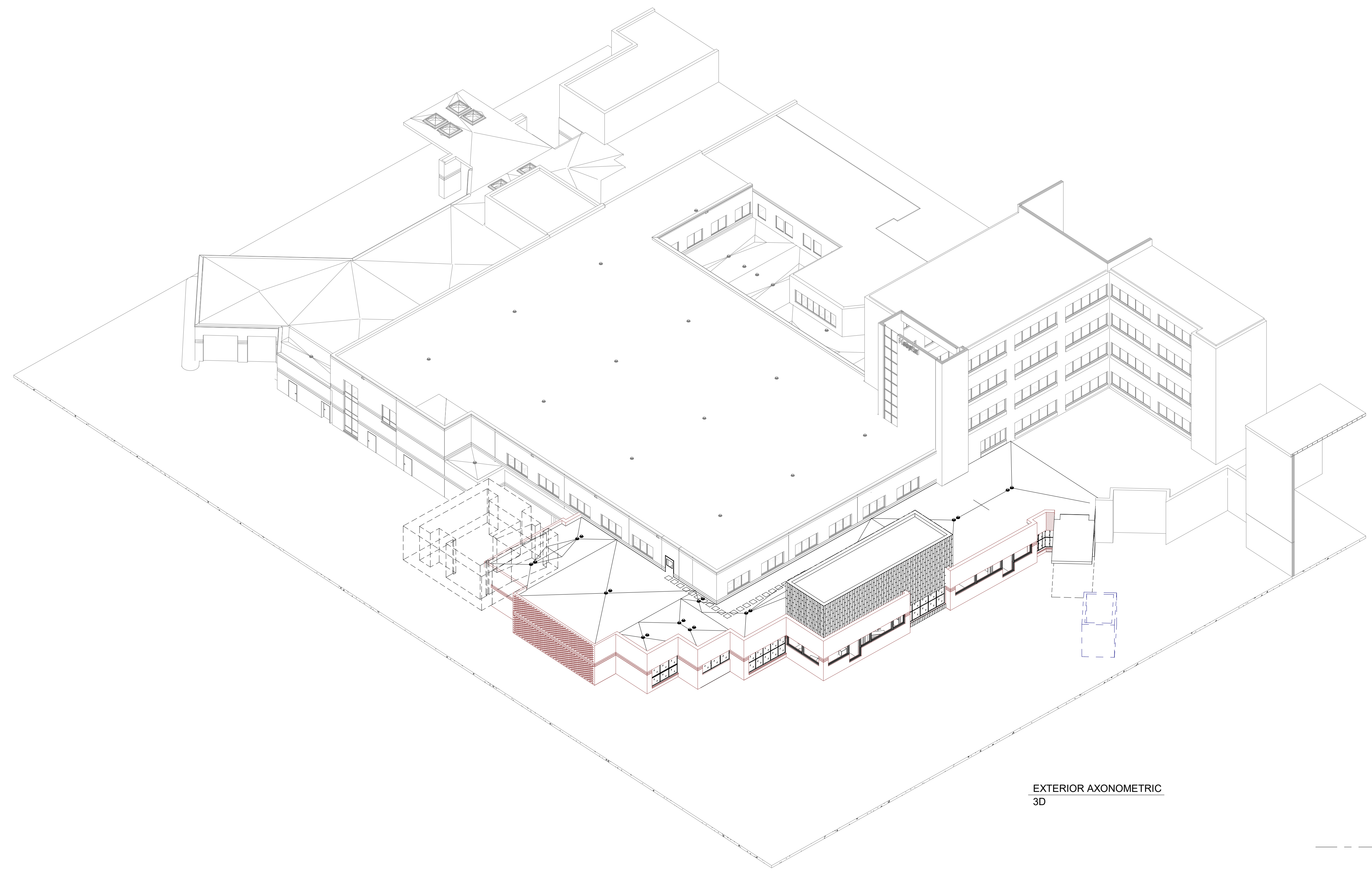
PORTSMOUTH REGIONAL HOSPITAL
RADIATION ONCOLOGY ADDITION
333 Borthwick Ave, PORTSMOUTH, NH 03801
HCA# 320200021
GTG# 376505

GOULD TURNER GROUP, ARCHITECTUR
615 3RD AVENUE SOUTH, SUITE 1000
KNOXVILLE, TENNESSEE 37203
37203
Architects - Planners - Interiors

REVISION S:
CONSTRUCTION DOCUMENT
DATE 04/25/2022

BM 260 2/23/2022 Portsmouth Radiation Oncology 2/23/2022 Portsmouth Onco_R201.rvt
3/23/2022 2:25:46 PM
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FILED
ON:

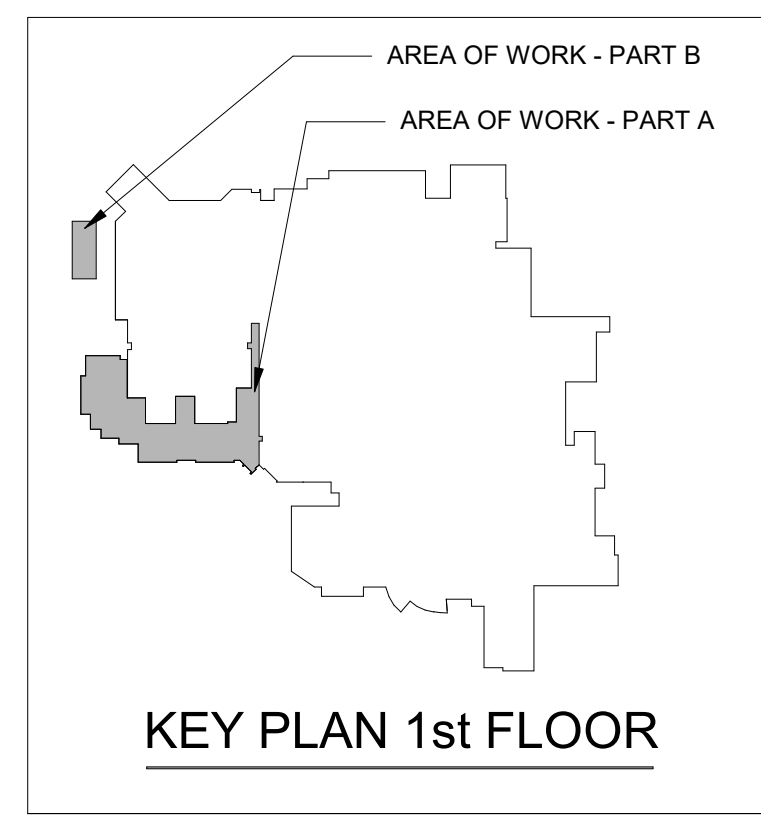
RESPONSIBILITY
CHECK BY:
DATE: 02/23/19



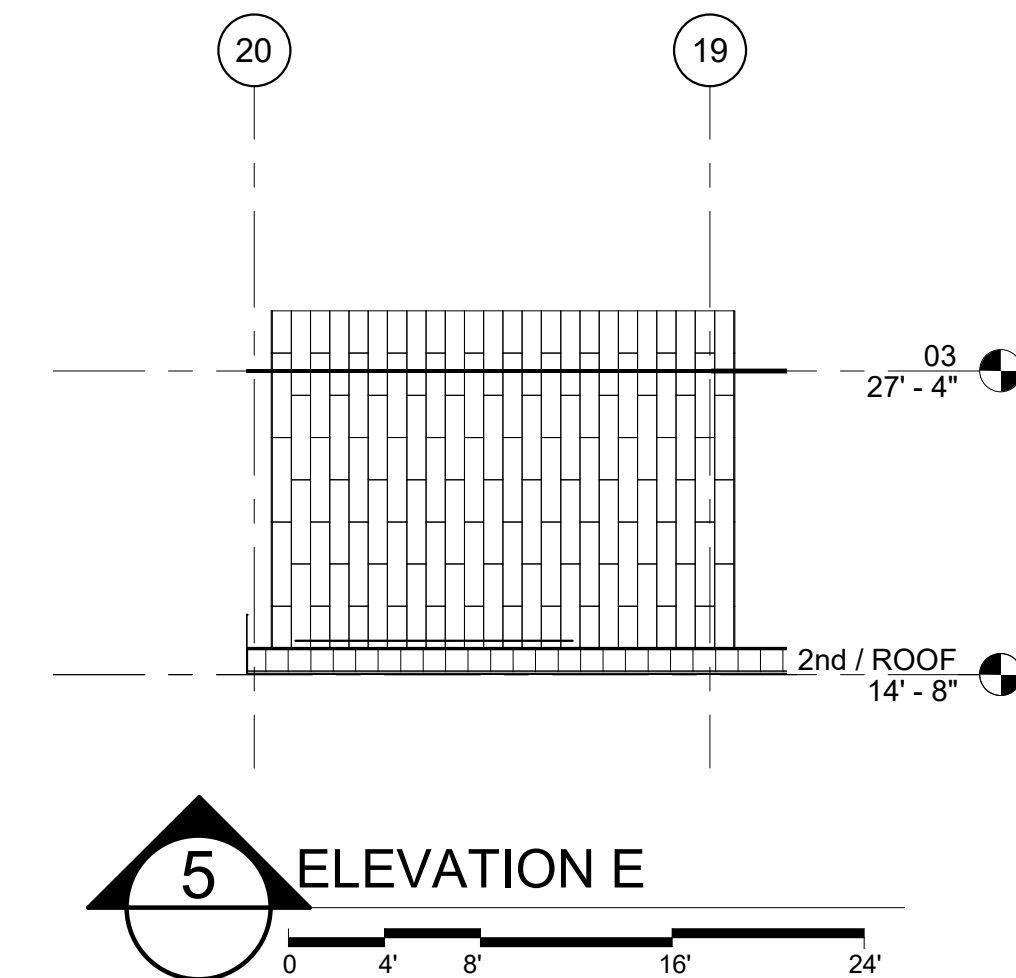
EXTERIOR AXONOMETRIC
3D

- EXTERIOR ELEVATION NOTES**
1. ALL BRICK CONTROL JOINTS SHALL ALIGN WITH EXISTING JOINTS.
 2. ALL EXTERIOR FINISHES (INCLUDING EIFS, BRICK, CAST STONE, MORTAR, CAULK, ETC.) SHALL MATCH EXISTING IN FINISH, SIZE, COLOR AND TEXTURE.
 3. REFER TO SHEET A6.01 FOR EXTERIOR WINDOW ELEVATIONS
 4. ALL EXTERIOR LOUVERS SHALL HAVE DARK BRONZE FINISH TO MATCH EXISTING
 5. ALL ALUMINUM STOREFRONT SYSTEMS SHALL HAVE DARK BRONZE FINISH TO MATCH EXISTING

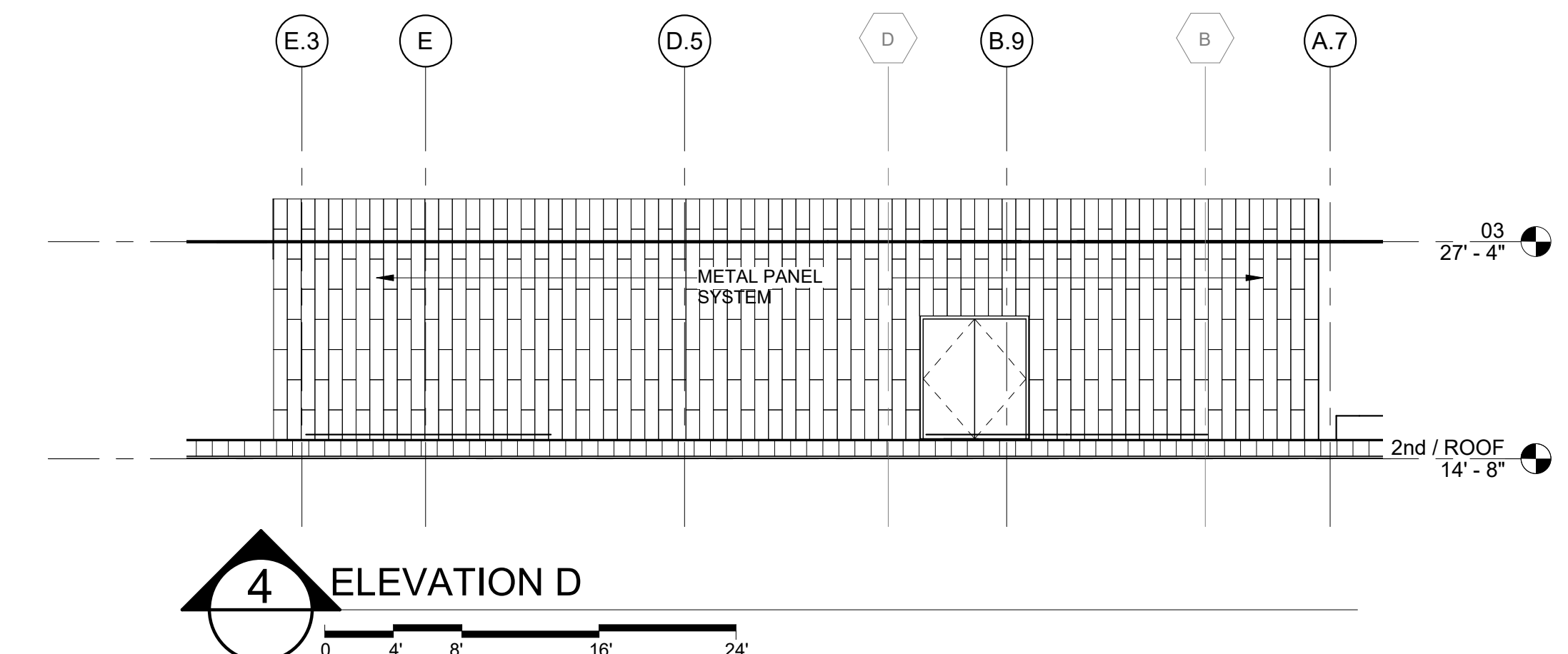
- EXTERIOR MATERIALS LEGEND**
- BRICK - MATCH EXISTING
 - BRICK SOLDIER COURSE - MATCH EXISTING
 - NEW WINDOWS SHALL MATCH APPEARANCE OF EXISTING GLASS UNITS
*ALL GLAZING SHALL BE VISION GLASS
 - *INDICATES SPANDREL PANEL



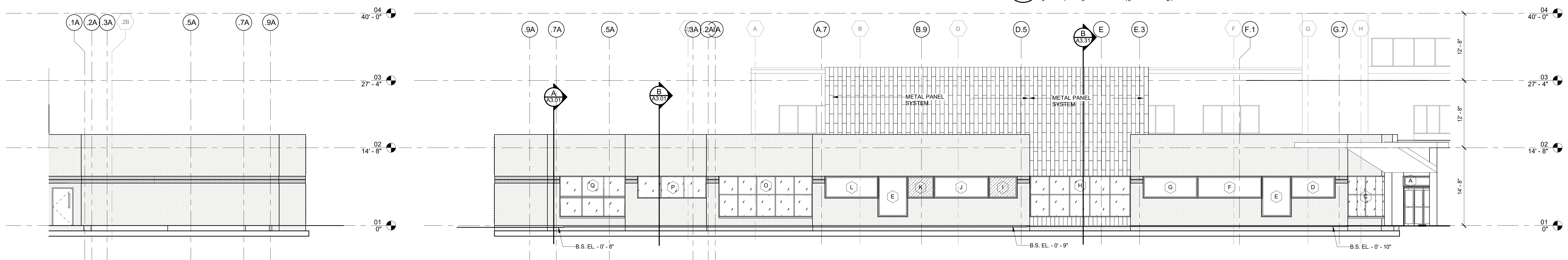
KEY PLAN 1st FLOOR



5 ELEVATION E

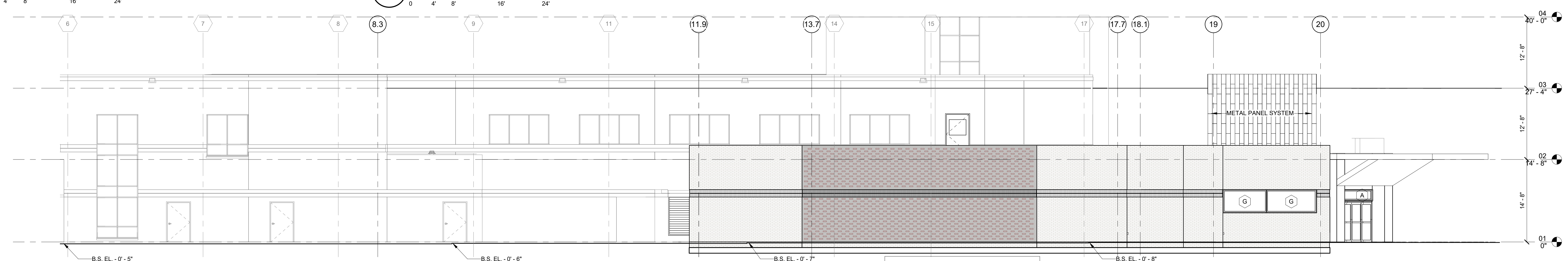


4 ELEVATION D



3 ELEVATION C

1 ELEVATION A



2 ELEVATION B

- SHADED AREA DENOTES:**
- CORBEL RUNNING BOND PATTERN
 - MATCH EXISTING RUNNING BOND PATTERN
 - 1-INCH CORBEL
 - VERTICAL EVERY (3) COURSES
 - HORIZONTALLY - STAGGERED w/ (2) BRICKS BETWEEN CORBELS

HCA
Healthcare
HCA DESIGN MANAGER:
MICHAEL WALKER
HCA CONSTRUCTION
MANAGER
PH: 615-344-6588

M.P.E. & T CONSULTANT
I.C. THOMASSON ASSOCIATES, INC.
2850 KRAFT DRIVE,
NASHVILLE, TN 37204
MANAGER: EAGAN MCCOY

STRUCTURAL CONSULTANT
STANLEY D. LINDSEY & ASSOC. LTD.
750 OLD HICKORY BLVD., BLDG 1, STE 175
BIRMINGHAM, AL 35202
MANAGER: DARRIN BAKER

CIVIL CONSULTANT
KIMLEY-HORN & ASSOCIATES, INC.
10 LEA AVE, SUITE 400
NASHVILLE, TN 37203
MANAGER: CHRIS WATERS

VENDOR INFORMATION

PORTSMOUTH REGIONAL HOSPITAL
RADIATION ONCOLOGY ADDITION
333 Borthwick Ave, PORTSMOUTH, NH 03801
HCA# 320200021
GT GF 3768305

GOULD TURNER GROUP, ARCHITECTUR
615.330.1000
1005 AVENUE SOUTH, SUITE 100
KNOXVILLE, TENNESSEE 37203
37203 by Gould Turner Group - 2022

CONSTRUCTION DOCUMENT

REVISION S:

DATE
04/25/2022



Architects - Planners - Interiors

HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC

ATTORNEYS AT LAW

127 Parrott Avenue, P.O. Box 4480 | Portsmouth, NH, 03802-4480
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

March 30, 2022

HAND DELIVERED

Peter Stith, Principal Planner
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Mark Griffin, Owner/Applicant
728 State Street
Tax Map 137/Lot 10
General Residence C District

Dear Mr. Stith & Zoning Board Members:

On behalf of Mark Griffin ("Griffin"), enclosed please find the following in support of a request for zoning relief:

- Digital Application submitted via Viewpoint this morning.
- Owner's Authorization.
- 3/30/2022 – Memorandum and exhibits in support of Variance Application

We look forward to presenting this application to the Zoning Board at its April 19, 2022 meeting.

Very truly yours,



R. Timothy Phoenix
Stephanie J. Johnson

Encl.

cc: Mark Griffin
Attar Engineering, Inc.
Reflective Designworks

| | | | |
|---------------------|----------------------------|----------------------|---------------------|
| DANIEL C. HOEFLE | R. PETER TAYLOR | MONICA F. KIESER | AMANDA M. FREDERICK |
| R. TIMOTHY PHOENIX | KIMBERLY J.H. MEMMESHEIMER | SAMUEL HARKINSON | OF COUNSEL: |
| LAWRENCE B. GORMLEY | KEVIN M. BAUM | JACOB J.B. MARVELLEY | SAMUEL R. REID |
| STEPHEN H. ROBERTS | GREGORY D. ROBBINS | DUNCAN A. EDGAR | JOHN AHLGREN |

OWNER'S AUTHORIZATION

I, Mark Griffin, Owner/Applicant of 728 State Street, Tax Map 137, Lot 10, hereby authorize law firm Hoefle, Phoenix, Gormley & Roberts, PLLC to represent me before the City of Portsmouth Zoning Board of Adjustment for permitting the project.

Respectfully submitted,

By:


Mark Griffin

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment (“ZBA”)
FROM: R. Timothy Phoenix, Esquire
Stephanie J. Johnson, Esquire
DATE: March 30, 2022
Re: Mark Griffin, Owner/Applicant
Property Location: 728 State Street
Tax Map 137, Lot 10
Zoning District General Residence C (“GRC”)

Dear Chairman Parrott and Zoning Board Members:

On behalf of Mark Griffin, Owner/Applicant (“Griffin”), we are pleased to submit this memorandum and attached exhibits in support of Zoning Relief to allow replacement of a non-conforming detached garage at 728 State Street, to be considered by the Portsmouth Zoning Board of Adjustment (“ZBA”) at its April 19, 2022 meeting.

I. EXHIBITS

- A. Site Plan Set – issued by Attar Engineering, Inc.
 - Existing Conditions Survey
 - Site Plan
 - Foundation/Framing Plan
- B. Architectural Plans – issued by Reflective Designworks.
 - Perspective
 - Existing Elevations
 - Proposed Elevations
 - Sections
 - Volume Study
- C. Site Photographs.
- D. Tax Map 137.

II. PROPERTY/PROJECT

728 State Street is a 4,021 s.f. corner lot with frontage on three streets located in a thickly settled neighborhood. The lot contains 45.70 ft. of frontage on State Street (principal front) tapering to 32.80 ft. at Chatham Street. Upon the lot is a three-unit residential condominium occupying 1,585 s.f. as well as an 892 s.f. detached, three-stall, gabled-roof garage and workroom with a volume of 13,463 cu. ft. (the “Property”). The existing garage is over the Chatham Street lot line at the southeast corner and encroaches on the Winter and Chatham Street secondary front setback. It also is within 1.19’ of the side lot line where 10 ft. is required.

Griffin plans to demolish the existing garage and rebuild a new, slightly smaller, 872 s.f. garage entirely on the lot with slightly improved setbacks (the “Project”). The design incorporates an eyebrow gable, which reduces volume to 11,938 cu. ft. Relief is required only because the proposed structure, while smaller in area and volume, does not conform to current setback and building coverage requirements. The new garage is nonetheless consistent with the neighborhood which includes several small lots with nonconforming accessory buildings. **(Exhibit C & D)**. Applicant’s proposal is therefore reasonable and consistent with other properties in the surrounding area.

III. RELIEF REQUIRED

| <u>Variance Section</u> | <u>Required</u> | <u>Existing</u> | <u>Proposed</u> |
|---|---|---|--|
| <u>PZO §10.335</u> <u>Reconstruction of</u> <u>Nonconforming</u> <u>Structure</u> | Conform | Garage does not conform to yard requirements or building coverage | Replacement garage with smaller area, less volume as indicated below |
| <u>PZO §10.571</u> <u>Accessory Buildings,</u> <u>Structures, and Uses</u> | Not in front yard Not closer than principal building | See below | See below |
| <u>PZO §10.573.20</u> <u>Setback for Accessory</u> <u>Structure</u> ¹ | 5’ secondary front | 3.68’ (Winter St.) 0.23’ (Winter St.) 0.14’ (Chatham St.) -0.06’ (Chatham St.) | 3.69’ (Winter St.) 0.51’ (Winter St.) 0.14’ (Chatham St.) 0.04’ (Chatham St.) |
| | 10’ side | 1.38’ 1.19’ | 1.56’ 1.23’ |
| <u>PZO §10.521 Table of</u> <u>Dimensional Standards</u> <u>– Residential and Mixed</u> <u>Residential Districts</u> | 35% Building Coverage | 61.60% | Slight decrease to 61.10% |

¹ An accessory structure greater than 10 ft. in height must be set back the height of the structure or the applicable yard requirement, whichever is less.

IV. VARIANCE REQUIREMENTS

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

The first step in the ZBA's analysis is to determine whether granting the variances are not contrary to the public interest and are consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102 (2007) and its progeny. Upon examination, it must be determined whether granting the variances "would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives." Id. "Mere conflict with the zoning ordinance is not enough." Id.

Portsmouth Zoning Ordinance ("PZO") Section 10.121 identifies the general purposes and intent of the ordinance "to promote the health, safety, and general welfare of Portsmouth...in accordance with the...Master Plan" This is accomplished by regulating:

1. The use of land, buildings and structures for business, industrial, residential and other purposes – The intended use of the property is and will remain residential. The requested relief will allow a slightly smaller garage in the same location as the present garage.
2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – The lot is comparable in size to others in the area and the intensity of use will not change, as a smaller garage is proposed. The proposed garage is smaller in area and volume and will be moved entirely onto the lot. The replacement garage is less non-conforming, as it will reduce building coverage on the lot and create slightly more open space. The decreased volume will also improve access to air and light for abutting owners.
3. The design of facilities for vehicular access, circulation, parking and loading – The location of the garage will remain nearly the same, ensuring a straight route to the street, eliminating the need for turning radius and additional impervious surfaces.
4. The impact on properties on of outdoor lighting, noise, vibration, stormwater runoff and flooding – The proposal replaces an existing garage with one smaller in area and volume with slightly improved setbacks and slightly reduced building coverage. There will be no increase in noise or lighting and no change to existing stormwater management. The existing garage incorporates gutters to direct stormwater and the proposed garage will also utilize gutters so there will be no increase in stormwater over existing conditions.
5. The preservation and enhancement of the visual environment – The replacement of the deteriorating garage with one smaller in volume will improve the visual environment over existing conditions.
6. The preservation of historic districts and building and structures of historic architectural interest – The Property is not in the Historic Overlay District.

7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – Granting the variances will not undermine these purposes of the Ordinance where no wetlands exist near the Project, building coverage does not increase and open space remains compliant at 38.90%.

The intent of the GRC Zone is to “provide areas for single-family, two family and multifamily dwellings, with appropriate accessory uses, at moderate to high densities (ranging from approximately 5 to 12 dwelling units per acre), together with appropriate accessory uses and limited services.” PZO §10.410 (emphasis added). The Property, like many in the neighborhood, contains a home and accessory building which do not comply with front and side setbacks. **(Exhibit C & D)**. The proposal meets the intent of the GRC Zone because it allows for reconstruction of the accessory structure with a slight decrease in area and volume, and does not change the intensity of the use. Given these factors, granting the requested variances will not conflict with the basic zoning objectives of the PZO.

In considering whether variances “in a marked degree conflict with the ordinance such that they violate the ordinance’s basic zoning objectives,” Malachy Glen, supra, also held:

One way to ascertain whether granting the variance would violate basic zoning objectives is to determine whether it would alter the essential character of the locality... . Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

There are numerous other properties in the immediate area that are similarly sized and include an accessory structure encroaching on front, side, or rear setbacks. **(Exhibits C & D)**. The garage will essentially remain in the same location, shifted entirely onto the lot with a lower volume design, thus improving over existing conditions. Given the number of accessory buildings within side or rear setbacks, the proposal is in keeping with the surrounding area. Granting the variances neither alters the essential character of the locality nor threatens the public health, safety, or welfare. Accordingly, granting the variances to allow replacement of an existing garage with a smaller, less non-conforming garage is not contrary to the public interest and observe the spirit of the ordinance.

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

The Project removes a deteriorating garage and replaces it with a new garage containing 1,525 cubic ft. less volume than the existing structure, thus improving the value of the Property

and improving access to air and light for abutting properties. The use of the accessory structure and its impacts will be match existing conditions. Accordingly, the variances will not diminish surrounding property values.

4. Denial of the variances results in an unnecessary hardship.

a. Special conditions distinguish the property from others in the area.

The Property contains three condominium units and a garage for unit owners on a very small 4,021 s.f. lot. The lot's tapering shape results in a narrow section where the existing three-car garage is located. The home and garage do not conform to front and/or side yard requirements, yet drive the location of a proposed replacement garage. These circumstances combine to create special conditions

b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

The purpose of setbacks and nonconforming expansions is to prevent overcrowding and overburdening of land, improve sightlines for pedestrians and motorists, ensure adequate light and air circulation, and provide sufficient area for stormwater treatment. The Project moves the new garage entirely onto the lot, The existing home and garage do not conform to front and/or side yard requirements. the existing landscaped area and avoids the construction of a driveway that would increase impervious surfaces. Reconstructing the garage will not increase or change existing stormwater management. The slightly smaller garage will improve yard setbacks and its lower volume design will improve abutters access to air and light over existing conditions. Accordingly, there is no fair and substantial relationship between the purposes of the ordinance and its application in this instance.

c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigean v. Hudson, 151 N.H. 747 (2005). Residential use is permitted in the GRC Zone and includes accessory buildings incidental to the permitted use. The proposed garage is reasonably sized, smaller and less non-conforming than the previous structure, and results in a more functional space.

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

If "there is no benefit to the public that would outweigh the hardship to the applicant" this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508

(2011). That is, “any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice.” Malachy Glen, supra at 109.

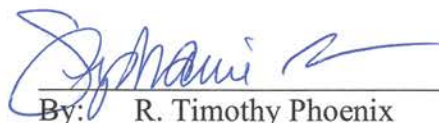
Griffin is constitutionally entitled to the use of the lot as he sees fit; including the reconstruction of an existing garage, subject only to its effect of the reconstructed garage on the dimensional requirements. “The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions.” N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that “no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people.” Thus, our State Constitutional protections limit the police power of the State and its municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978). “Property” in the constitutional sense has been interpreted to mean not the tangible property itself, *but rather the right to possess, use, enjoy and dispose of it*. Burrows v. City of Keene, 121 N.H. 590, 597 (1981) (emphasis added).

The requested variances allow for a smaller, less non-conforming garage to be constructed than exists today. The Project retains the same use while slightly improving upon existing setbacks and building coverage, so there is no harm to the public in granting the variances. Conversely, Griffin will be greatly harmed by denial of any of the variances because he will be unable to have a more functional garage. Without question, substantial justice will be done by granting the variances.

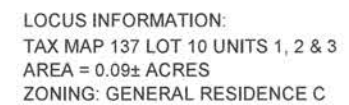
VI. CONCLUSION

For all of the reasons stated, Mark Griffin respectfully requests that the Portsmouth Zoning Board of Adjustment grant the requested variances.

Respectfully submitted,
Mark Griffin



By: R. Timothy Phoenix
Stephanie J. Johnson



LEGEND

| | |
|------------------|----|
| REBAR FOUND | |
| REBAR SET | |
| DRILL HOLE FOUND | |
| UTILITY POLE | |
| SEWER MANHOLE | |
| CATCH BASIN | |
| STOCKADE FENCE | |
| LANDSCAPED AREA | LA |

1) "EXISTING CONDITIONS SURVEY - LAND OF MARK GRIFFIN - LOCATED AT 728 STATE STREET - PORTSMOUTH, ROCKINGHAM COUNTY, NH"
PREPARED BY ATTAR ENGINEERING, INC., ELIOT, ME. DATED 3/28/22.

REFERENCE: PORTSMOUTH ZONING ORDINANCE, CURRENT EDITION (PZO)

PZO 10.410 – PROPERTY LOCATED IN THE GENERAL RESIDENCE C (GRC) ZONING DISTRICT.

PZO 10.521 – MINIMUM YARD DIMENSIONS 5' PRIMARY FRONT, 5' SECONDARY FRONT, 10' SIDE

PZO 10.521 – MAXIMUM BUILDING COVERAGE 35%

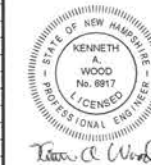
PZO 10.521 – MINIMUM OPEN SPACE 20%

PZO 10.1530 – DEFINITIONS

- BUILDING COVERAGE IS DEFINED AS:
THE AGGREGATE HORIZONTAL AREA OR PERCENTAGE (DEPENDING ON CONTEXT) OF A LOT OR DEVELOPMENT SITE COVERED BY ALL BUILDINGS AND STRUCTURES ON THE LOT, EXCLUDING
(A) GUTTERS, CORNICES AND EAVES PROJECTING NOT MORE THAN 30 INCHES FROM A VERTICAL WALL, AND
(B) STRUCTURES LESS THAN 18 INCHES ABOVE GROUND LEVEL (SUCH AS DECKS AND PATIOS);
(C) BALCONIES, BAY WINDOWS OR AWNINGS PROJECTING NOT MORE THAN 2 FEET FROM A VERTICAL WALL, NOT EXCEEDING 4 FEET IN WIDTH, AND CUMULATIVELY NOT EXCEEDING 50% OF THE WIDTH OF THE BUILDING FACE;
(D) FENCES; AND
(E) 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.
- OPEN SPACE IS DEFINED AS:
LAND AREA VERTICALLY OPEN TO THE SKY, FREE OF ALL STRUCTURES, PARKING AREA/LOTS, DRIVEWAYS AND OTHER USES WHICH PRECLUDE ATTRACTIVE LANDSCAPING IN SUCH AREA. OPEN SPACE SHALL BE PREDOMINANTLY PERVIOUS, MAY BE LANDSCAPED WITH LAWN, TREES, SHRUBS OR OTHER PLANTING, AND MAY INCLUDE WALKS AND TERRACES. FOR THE PURPOSES OF THIS DEFINITION, WATER AREAS ARE CONSIDERED TO CONSTITUTE OPEN SPACE.
- OPEN SPACE COVERAGE IS DEFINED AS:
THE AGGREGATE HORIZONTAL AREA OR PERCENTAGE (DEPENDING ON CONTEXT) OF A LOT OR DEVELOPMENT SITE COVERED BY OPEN SPACE.



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| | | |
| A. | | |
| NO. | DESCRIPTION REVISIONS | DATE |



| | | |
|---|--|---|
| <p align="center">SITE PLAN LAND OF MARK GRIFFIN LOCATED AT 728 STATE STREET PORTSMOUTH, ROCKINGHAM COUNTY, NH</p> | | |
| <p>FOR:</p> | <p align="center">MR. MARK GRIFFIN 728 STATE STREET PORTSMOUTH, NH 03801</p> | |
|  | <p align="center">ATTAR ENGINEERING, INC. CIVIL ♦ STRUCTURAL ♦ MARINE ♦ SURVEYING 1284 STATE ROAD — ELIOT, MAINE 03903 PHONE: (207)439-6023 FAX: (207)439-2128</p> | |
| <p>SCALE: 1"=10'</p> | <p>APPROVED BY:</p> | <p>DRAWN BY: CBW</p> |
| <p>DATE: 3/28/22</p> | | <p>REVISION: DATE: — : —</p> |
| <p>JOB FILE: C246-21</p> | <p>FILE: ATTAR 728 STATE STREET_SITE</p> | <p>SHEET 1 OF 1</p> |



Proposed Structure



Exhibit B

chris@rlkt.co
802 999 1641

Reflective
Designworks

728 State St
Portsmouth, NH

Griffin Proposed Garage

Perspective

By: Chris Kiper

21 OCT 2021

Existing Structure To Be Demolished And Replaced



View from main house on State Street



View from Winter Street



View from Chatham Street

Paved street / sidewalk pitches down from right of photo to left of photo



View from Chatham Street

chris@rldt.co
802 999 1641

 Reflective
Designworks

728 State St
Portsmouth, NH

Griffin Proposed Garage

Existing

By: Chris Kiper

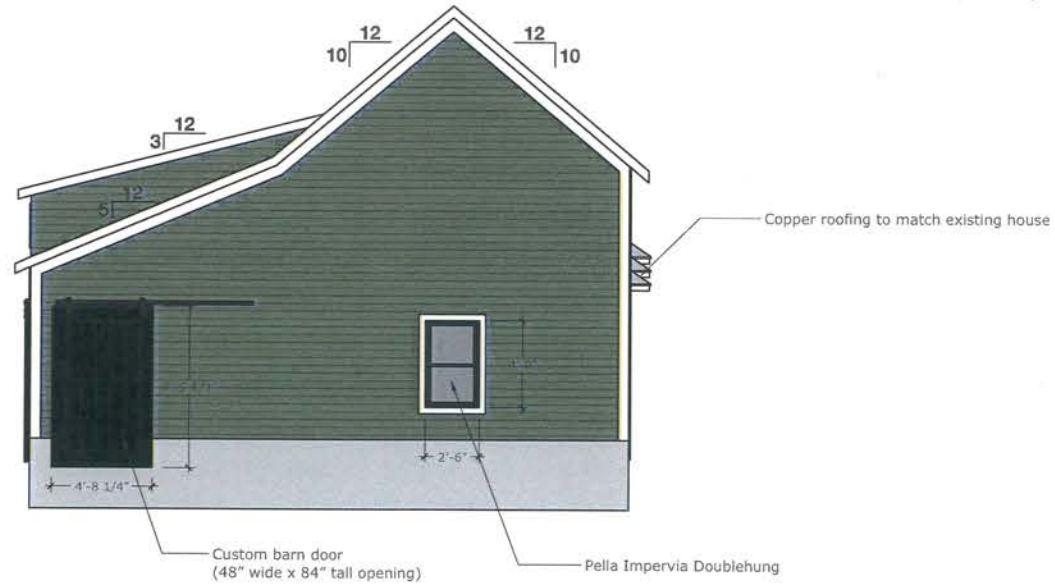
21 OCT 2021



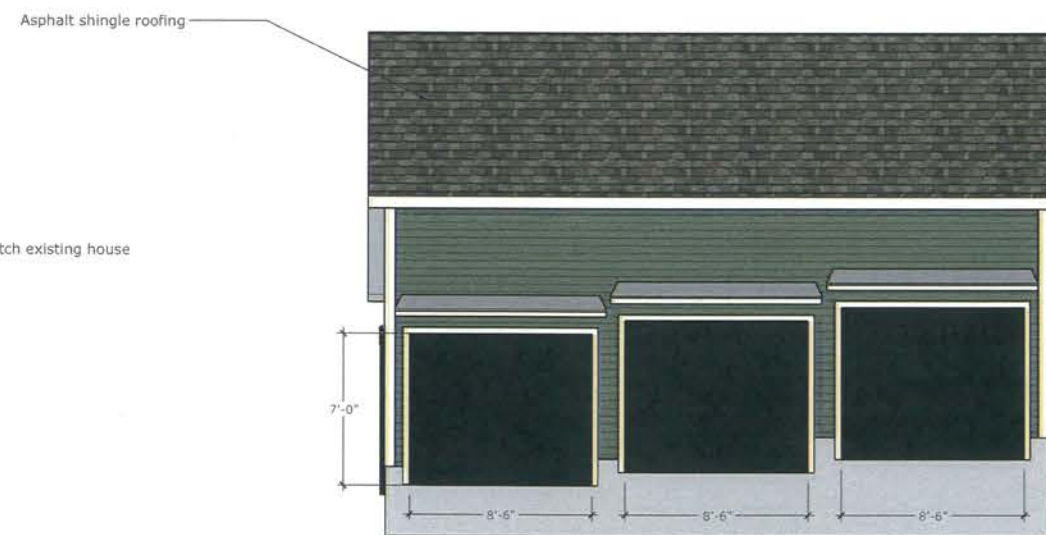
Northwest Elevation
Scale 1/4" = 1'-0"



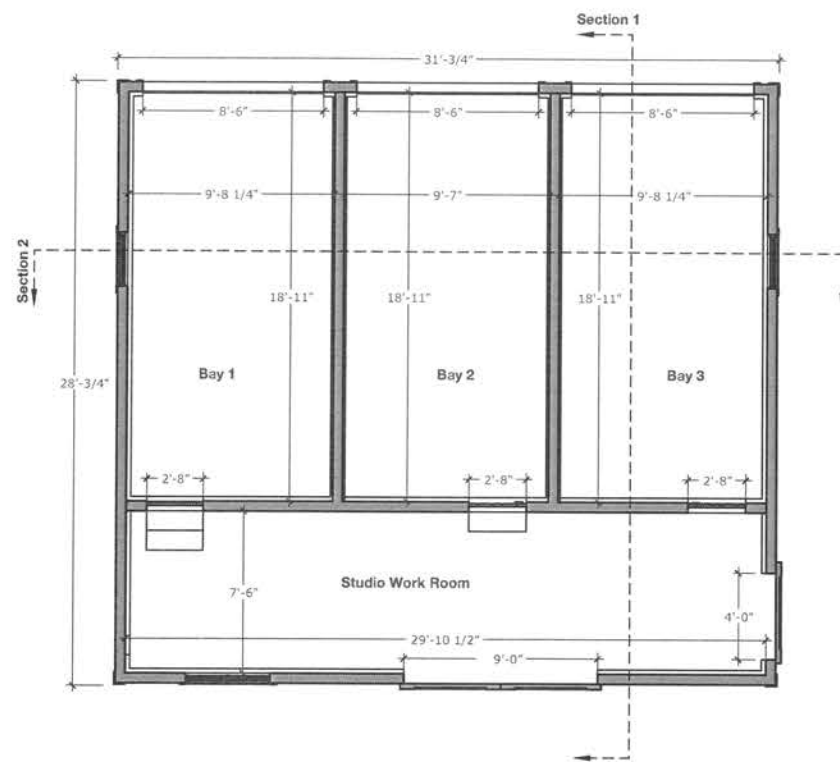
Northeast Elevation
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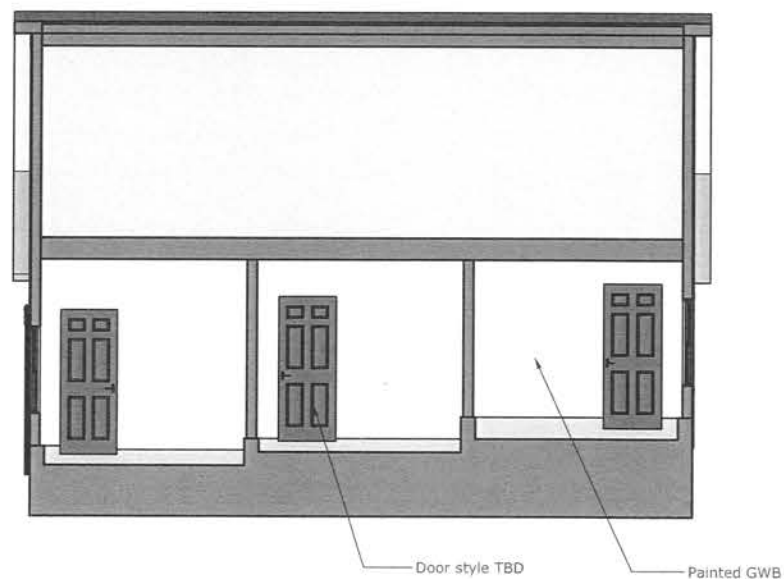
Southwest Elevation
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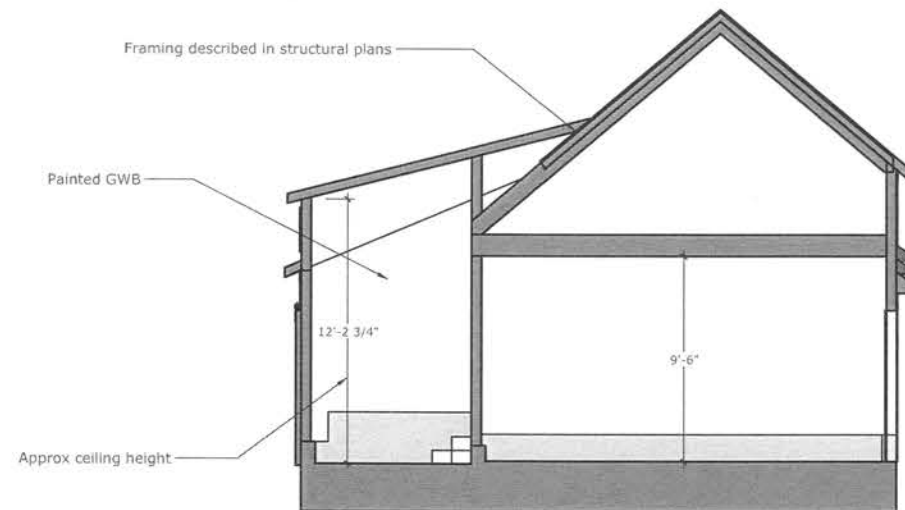
Southeast Elevation
Scale 1/4" = 1'-0"



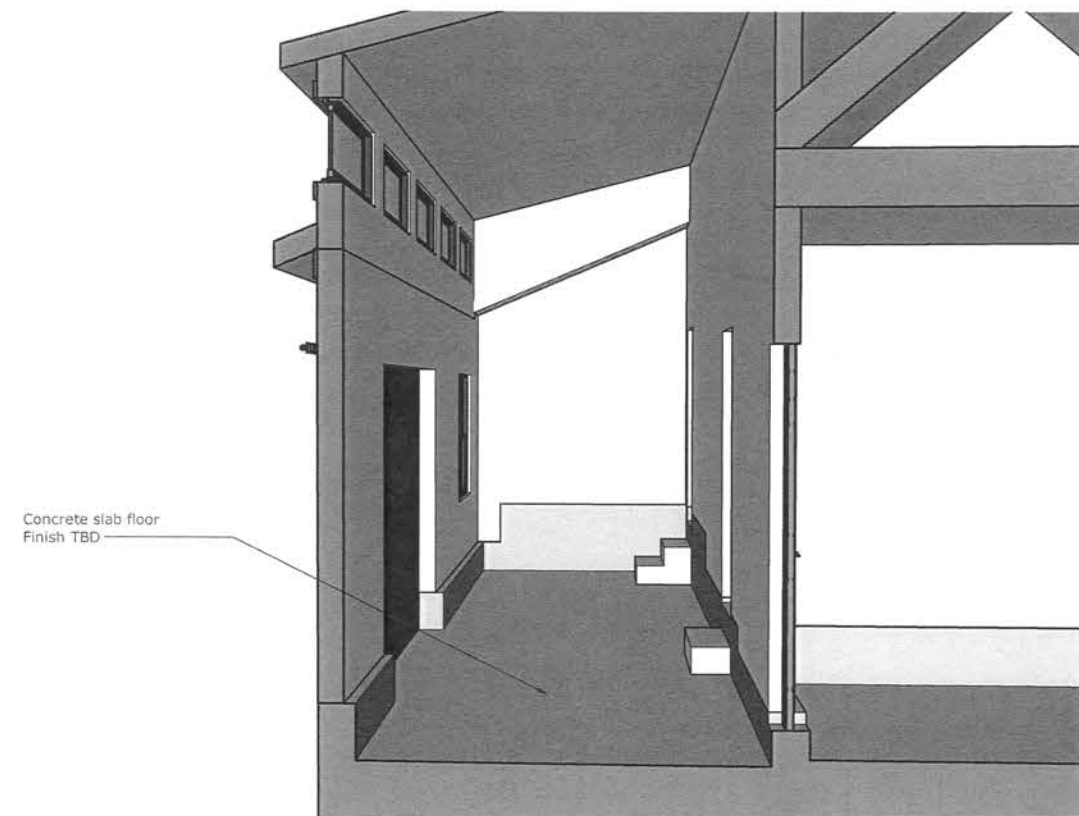
Floor Plan
Scale 1/4" = 1'-0"



Section 2
Scale 1/4" = 1'-0"



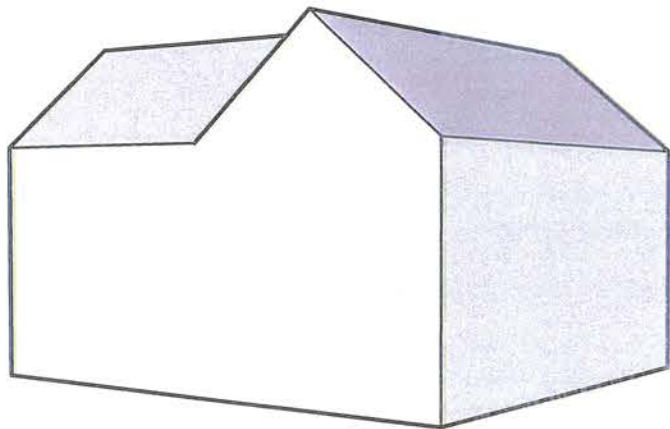
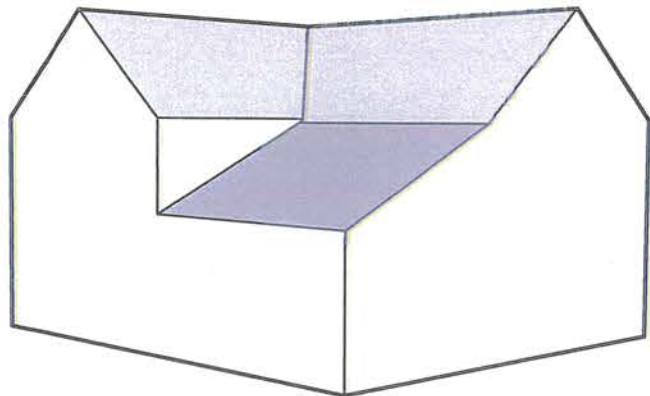
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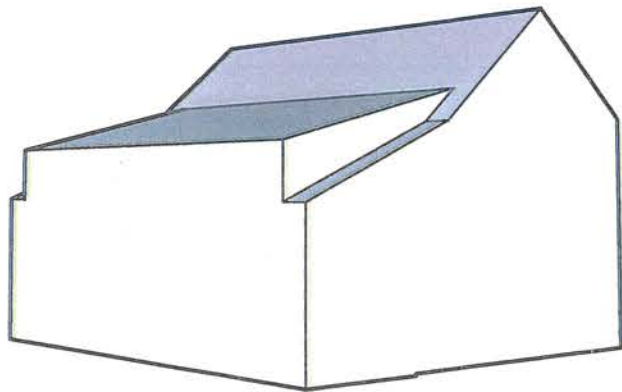
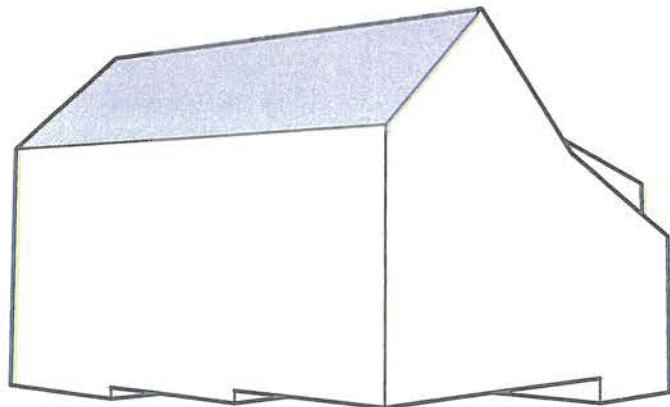
Interior Perspective "Studio/Work Room"

728 STATE STREET VOLUME STUDY

EXISTING STRUCTURE
VOLUME = 13,463 CUBIC FEET



PROPOSED STRUCTURE
VOLUME = 11,938 CUBIC FT



3/29/22, 3:00 PM

728 State Street - Google Maps

Google Maps 728 State Street



Imagery ©2022 Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2022 50 ft

Exhibit C

3/29/22, 2:28 PM

Portsmouth, New Hampshire - Google Maps

Google Maps Portsmouth, New Hampshire



Image capture: Oct 2008 © 2022 Google

3/29/22, 2:23 PM

62 Winter St - Google Maps

Google Maps 62 Winter St



Image capture: Oct 2008 © 2022 Google

3/29/22, 2:24 PM

40 Winter St - Google Maps

Google Maps 40 Winter St



Image capture: Sep 2017 © 2022 Google

3/29/22, 2:27 PM

9 Chatham St - Google Maps

Google Maps 9 Chatham St

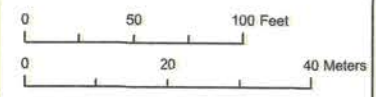


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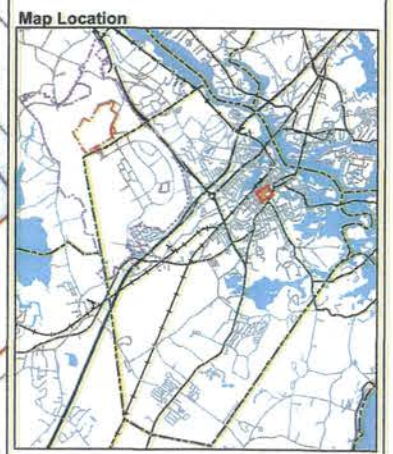
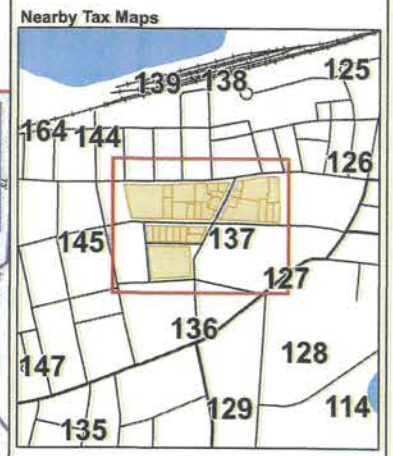


- Partial Legend**
See the cover sheet for the complete legend.
- 7-5A Lot or lot-unit number
 - 2.56 ac Parcel area in acres (ac) or square feet (sf)
 - Address number
 - 233-137 Parcel number from a neighboring map
 - or Parcel line dimension
 - SIMS AVE Street name
 - Parcel/Parcel boundary
 - Parcel/ROW boundary
 - Water boundary
 - Structure (1994 data)
 - Parcel covered by this map
 - Parcel from a neighboring map (see other map for current status)

Exhibit D



This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.



APPLICATION OF RANDI and JEFFREY COLLINS
77 Meredith Way, Portsmouth
Map 162, Lot 16

APPLICANT'S NARRATIVE

I. THE PROPERTY:

The applicants, Randi and Jeffrey Collins, seek a variance from Section 10.513 to permit the construction of a second, single family residential dwelling on an existing lot of record and from Section 10.1114.31 to permit a second driveway to access the dwelling.

The existing dwelling on the lot, built in 1870 according to city tax records, is grossly substandard and unsuitable for the applicants' needs. For example, the half story second floor has slanted ceilings with only six feet of head room at the highest point, and the stairway is at a very steep, non-code compliant pitch. The home is simply inadequate for an older couple like the Collins. Their objective is to take advantage of the unusually large lot to construct a second, modern dwelling for themselves.

The property is within the General Residence A Zone and is depicted as Lots 55, 56, and 57 on the 1856 subdivision plan submitted herewith, and as Lot 16 on current tax map 162 submitted herewith.¹

Meredith Way has never been completed as it was originally laid out. Because Meredith Way as it exists on the ground does not extend significantly beyond applicant's driveway, it is the Planning Department's position that the property does not have the required 100 feet of continuous street frontage and, therefore, the lot is nonconforming within the meaning of Section 10.311. The property both as it exists now and if this project is approved otherwise complies with all other dimensional requirements as to lot area, lot area per dwelling, depth, setbacks, building height, open space and building coverage.² As shown on the submitted site plans, the property's lot area is 22,400 square feet. Given that a portion of Meredith Way abutting the property has never been built, title to one-half (½) of the unbuilt way where it abuts the lot actually increases the lot area from that depicted on the site plan. Accordingly, the property has more than three times the required minimum lot area and lot area per dwelling unit (7,500 square feet). It is abutted to the southeast by a city park, so there is practically no concern that a second dwelling will present any kind of overcrowding at all. If approved, this would be just the third dwelling with road access from Meredith Way.

¹ The applicants' request to the City Council to restore the lots to their pre-merger status pursuant to RSA RSA674:39-aa has been withdrawn without prejudice. This variance application, if granted, would render that request moot.

² The shed depicted in the northwest corner of the property is less than ten feet in height and less than 100 square feet in area, so it qualifies for the five foot setback under 10.573.10. It is currently 4.9 feet from the left side lot line. The applicants are willing to relocate the shed to bring this into full compliance, if necessary.

It should be noted that the applicants are entitled by right in the GRA zone to construct a two-family dwelling on the lot with building coverage that greatly exceeds what is proposed here. There is enough lot area that a town house or three family dwelling would be permitted by special exception. Accordingly, the increase in residential density by a single household will not exceed what is already allowed in this location, and there should be no related concerns regarding increases in traffic, noise, overcrowding, etc. In fact, what is proposed here - a second, stand-alone single family dwelling oriented on the property in a manner similar to the existing homes on the block - is more consistent with the neighborhood and is far preferable to these other alternatives.

The applicant has submitted herewith a site plan and building plans which demonstrate *possible* building design elements. The applicants anticipate that the final design will at a minimum incorporate an attached garage, for example. 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 applicants will stipulate that the proposed building envelope for the new home shown in the site plan, towards the “front” or southeast corner of the property, will not change. However, the proposed dwelling will meet all applicable setback, height and lot coverage requirements. The dwelling footprint will be within the 25% 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 lot coverage requirements. The property is abutted to the southeast by a city park which cannot be developed, so there is practically no concern that a second dwelling will present any kind of overcrowding or other externalities at all.

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 applicants.

II. CRITERIA:

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

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 any public health, safety or welfare be threatened. A second dwelling on this property is entirely appropriate and consistent with the existing residential subdivision in which it sits and does not increase the amount of residential density beyond what is permitted by right. Thus, the essentially residential character of the neighborhood will not be altered and the health, safety and welfare of the public will not be threatened.

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. The applicants are entitled by right to build a two family structure with far more lot coverage than what is here proposed. A second, stand-alone dwelling is far more in keeping with the established neighborhood.

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

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, especially given the available alternatives.

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 located at the terminus of a dead end and on a partially unbuilt paper street and abuts a substantial amount of undevelopable park land. It has more than three times the required lot area per dwelling for the GRA zone. These are special conditions that distinguish it from others in the area.

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.

There is no fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property. The purpose of the prohibition of more than a single, free-standing dwelling on a lot within the GRA zone is presumably to protect from overcrowding and overburdening lots and maintaining appropriate residential densities. Given the size of this lot, its location at the terminus of a dead end, its proximity to undevelopable park land and the uses available by right, none of these

purposes are frustrated by this project. Thus, there is no fair and substantial relationship between the purpose of the restriction and its application to this property.

III. Conclusion.

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

Respectfully submitted,

Dated: 4-5-2022

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







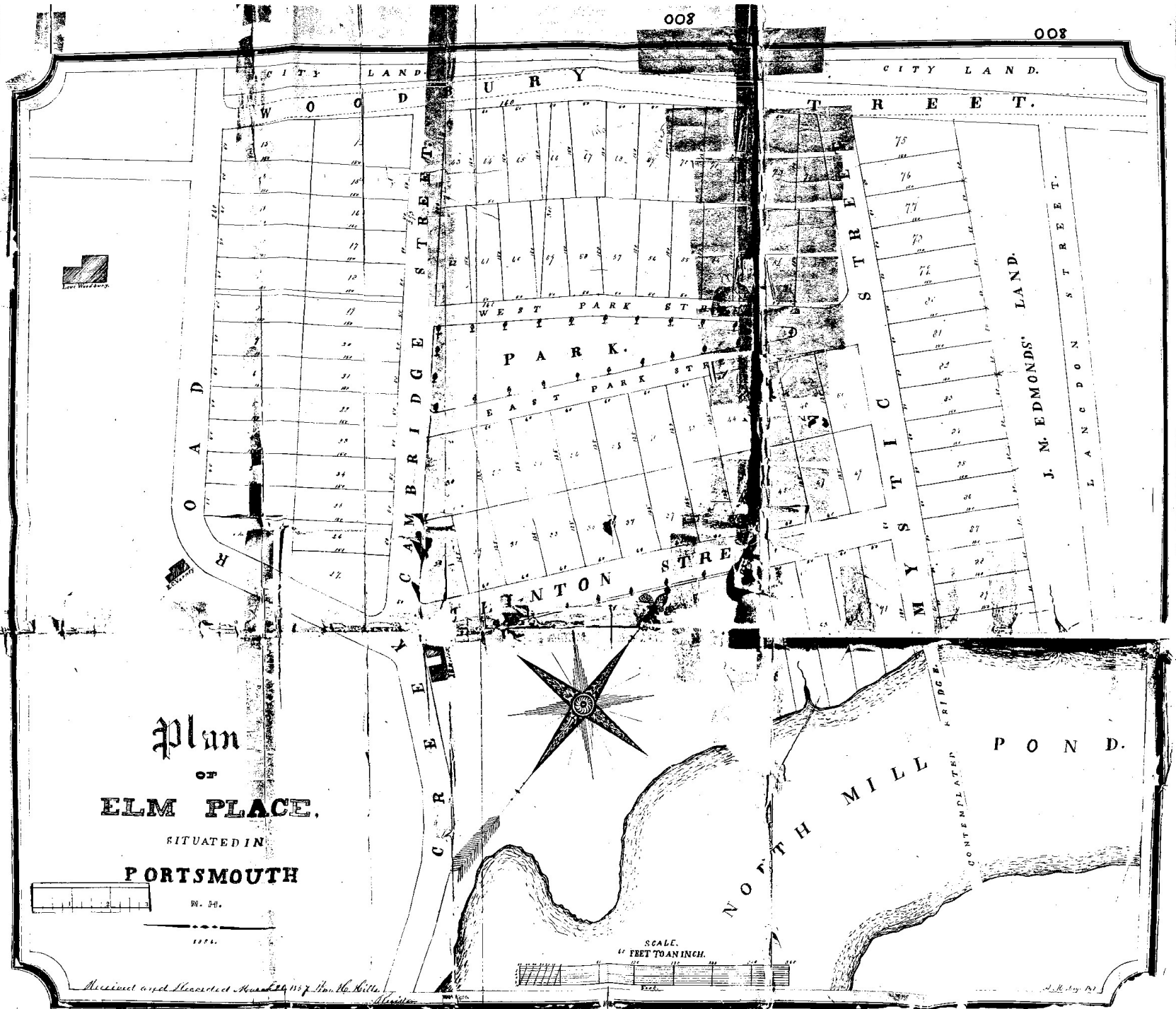


MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

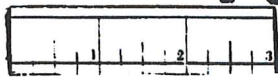
Geometry updated 3/9/2022
Data updated 3/9/2022

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.



Low Woodbury.

Plan
OF
ELM PLACE,
SITUATED IN
PORTSMOUTH



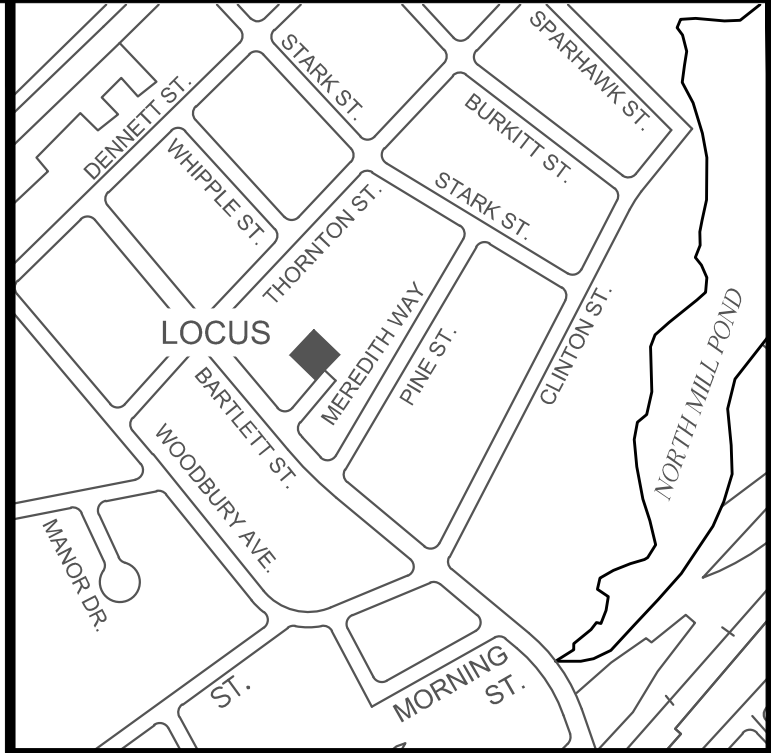
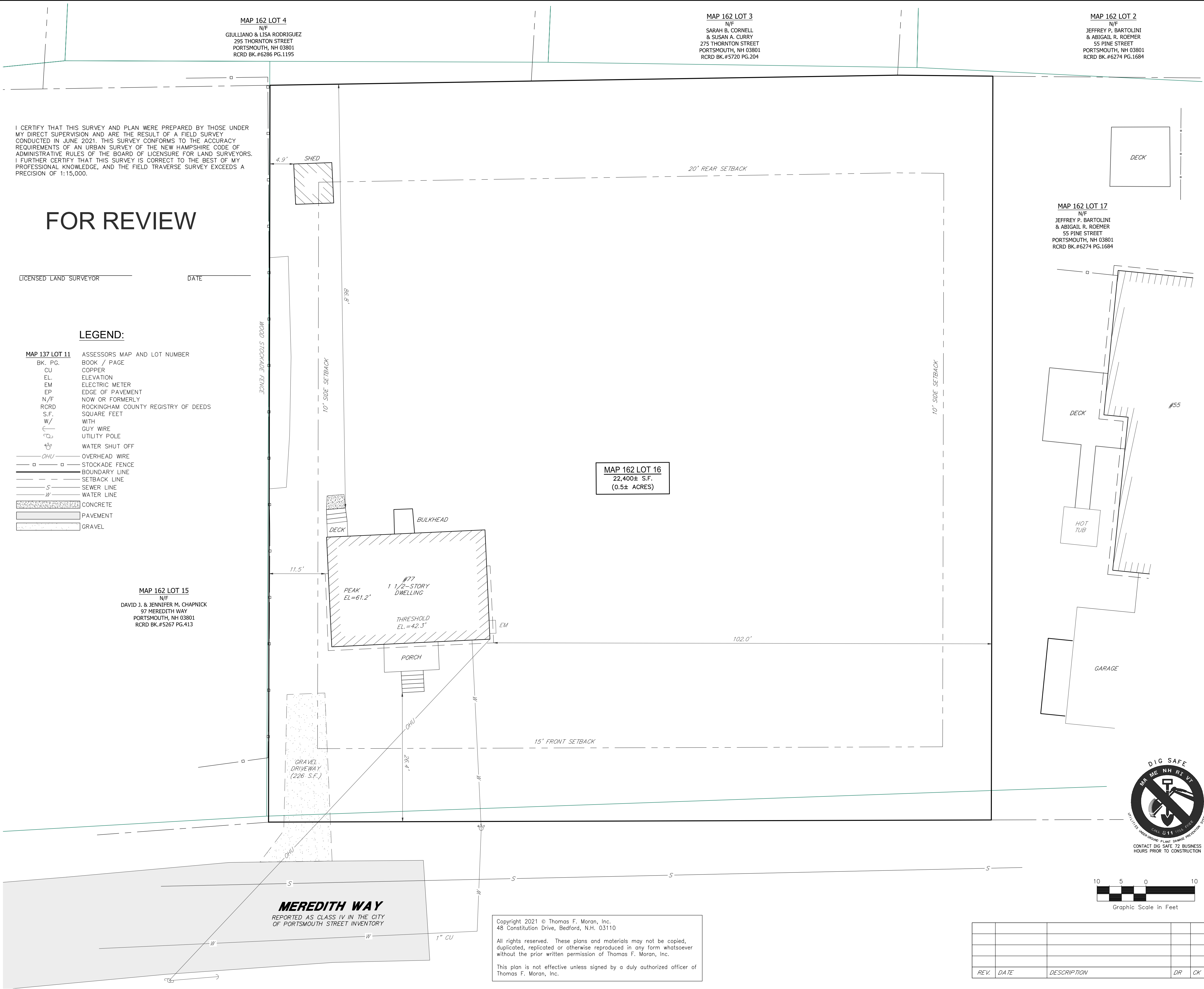
N. H.

1876.

Revised and Rechecked March 11, 1877. H. H. Hille.



Mar 23, 2022 - 4:38pm
F:\MSC Projects\47442 - 77 Meredith Way - Portsmouth\47442-00 - Collins - 77 Meredith Way\Carlson Survey\Drawings\47442-00 Survey.dwg



LOCATION PLAN

NOTES:

- THE PARCEL IS LOCATED IN THE GENERAL RESIDENCE A (GRA) ZONING DISTRICT.
- THE PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 162 AS LOT 16.
- THE PARCEL IS LOCATED IN ZONE X AS SHOWN ON NATIONAL FLOOD INSURANCE PROGRAM (NFIP), FLOOD INSURANCE RATE MAP (FIRM) ROCKINGHAM COUNTY, NEW HAMPSHIRE, PANEL 259 OF 681, MAP NUMBER 33015C0259F, MAP REVISED JANUARY 29, 2021.
- | MINIMUM LOT DIMENSIONS: | REQUIRED: |
|-------------------------------|------------|
| LOT AREA: | 7,500 S.F. |
| LOT AREA PER DWELLING UNIT: | 7,500 S.F. |
| CONTINUOUS STREET FRONTAGE: | 100' |
| DEPTH: | 70' |
| MINIMUM YARD DIMENSIONS: | |
| FRONT: | 15' |
| SIDE: | 10' |
| REAR: | 20' |
| MAXIMUM STRUCTURE DIMENSIONS: | |
| STRUCTURE HEIGHT: | |
| SLOPED ROOF: | 35' |
| FLAT ROOF: | 30' |
| ROOF APPURTENANCE HEIGHT: | 8' |
| BUILDING COVERAGE: | 25% |
| MINIMUM OPEN SPACE: | 30% |
- OWNER OF RECORD:
MAP 162 LOT 16:
RANDI & JEFF COLLINS
77 MEREDITH WAY
PORTSMOUTH, NH 03801
RCRD BK.#6274 PG.#1666
- PARCEL AREA:
MAP 162 LOT 16:
22,400± S.F.
(0.5± ACRES)
- THE INTENT OF THIS PLAN IS TO SHOW THE LOCATION OF BOUNDARIES IN ACCORDANCE WITH THE CURRENT LEGAL DESCRIPTIONS. IT IS NOT AN ATTEMPT TO DEFINE THE EXTENT OF OWNERSHIP OR DEFINE THE LIMITS OF TITLE.
- THE PURPOSE OF THIS PLAN IS TO SHOW THE BOUNDARY LINES, TOPOGRAPHY AND CURRENT SITE FEATURES OF MAP 162 LOT 16.
- FIELD SURVEY COMPLETED BY TCE JUNE 2021 USING A TOPCON DS103 AND A TOPCON FC-5000 DATA COLLECTOR.
- HORIZONTAL DATUM IS NAVD83 (2011) PER STATIC GPS OBSERVATIONS. THE VERTICAL DATUM IS NAVD88 PER STATIC GPS OBSERVATIONS. THE CONTOUR INTERVAL IS 2 FEET.
- EASEMENTS, RIGHTS, AND RESTRICTIONS SHOWN OR IDENTIFIED ARE THOSE WHICH WERE FOUND DURING RESEARCH PERFORMED AT THE ROCKINGHAM COUNTY REGISTRY OF DEEDS. OTHER RIGHTS, EASEMENTS, OR RESTRICTIONS MAY EXIST WHICH A TITLE EXAMINATION OF SUBJECT PARCEL(S) WOULD DETERMINE.
- THE LOCATION OF ANY UNDERGROUND UTILITY INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE. TFMORAN, INC. MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF UNDERGROUND UTILITIES SHOWN. PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR SHALL CONTACT DIG SAFE.

PLAN REFERENCES:

- "PLAN OF ELM PLACE, SITUATED IN PORTSMOUTH, N.H." DATED 1856. RCRD PLAN #008.
- "LOT LINE REVISION, PINE STREET, PORTSMOUTH, NEW HAMPSHIRE, FOR JOYCE M. MAYO & CITY OF PORTSMOUTH" PREPARED BY DURGIN, VERRA AND ASSOCIATES, INC., DATED 6/9/93 WITH REVISION 1 DATED 10/4/93. RCRD PLAN #0-22843.

TAX MAP 162 LOT 16

EXISTING CONDITIONS PLAN

COLLINS

77 MEREDITH WAY

PORTSMOUTH, NEW HAMPSHIRE

COUNTY OF ROCKINGHAM

OWNED BY

RANDI & JEFF COLLINS

SCALE: 1" = 10' (22x34)
1" = 20' (11x17)

MARCH 22, 2022

Seacoast Division



Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists

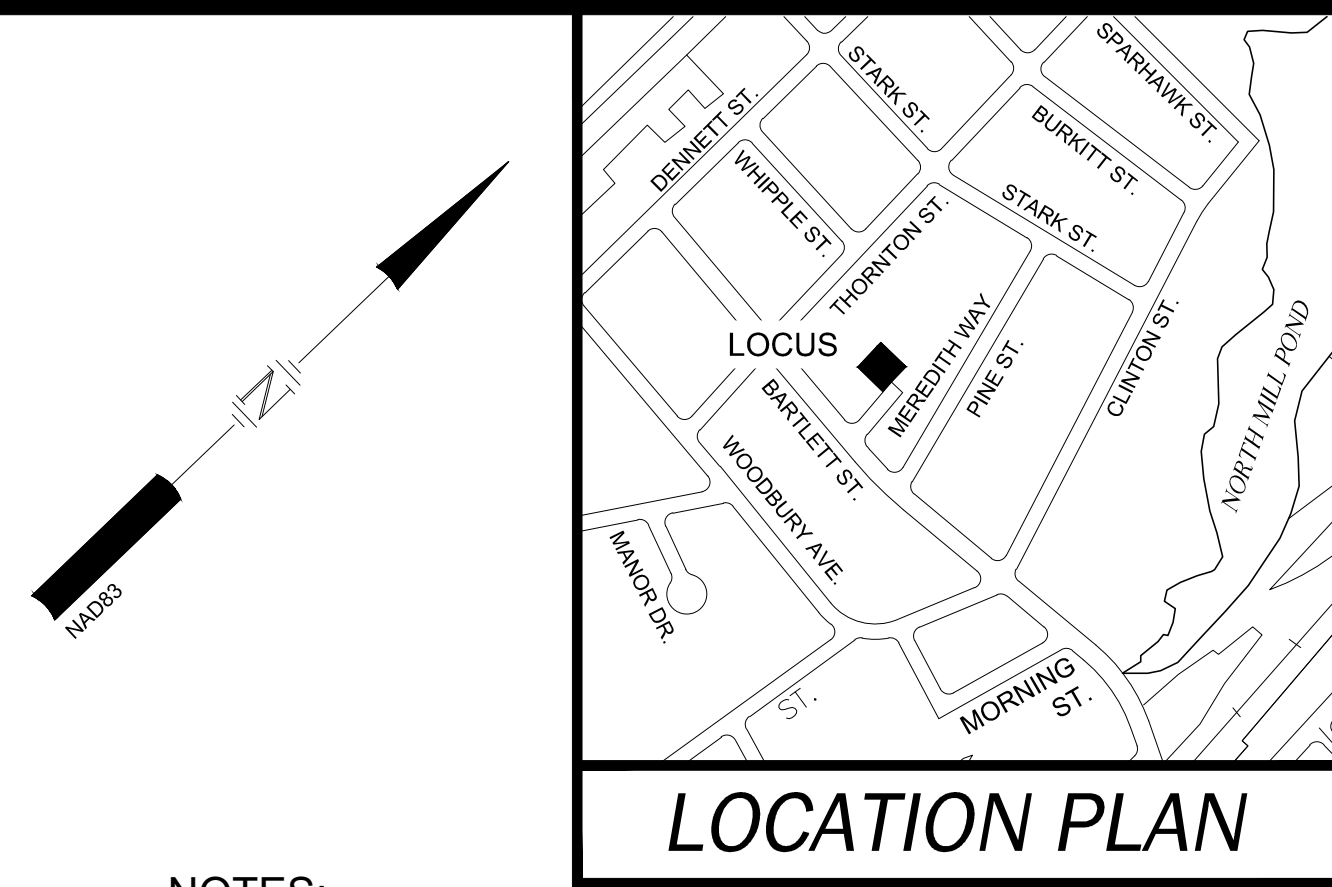
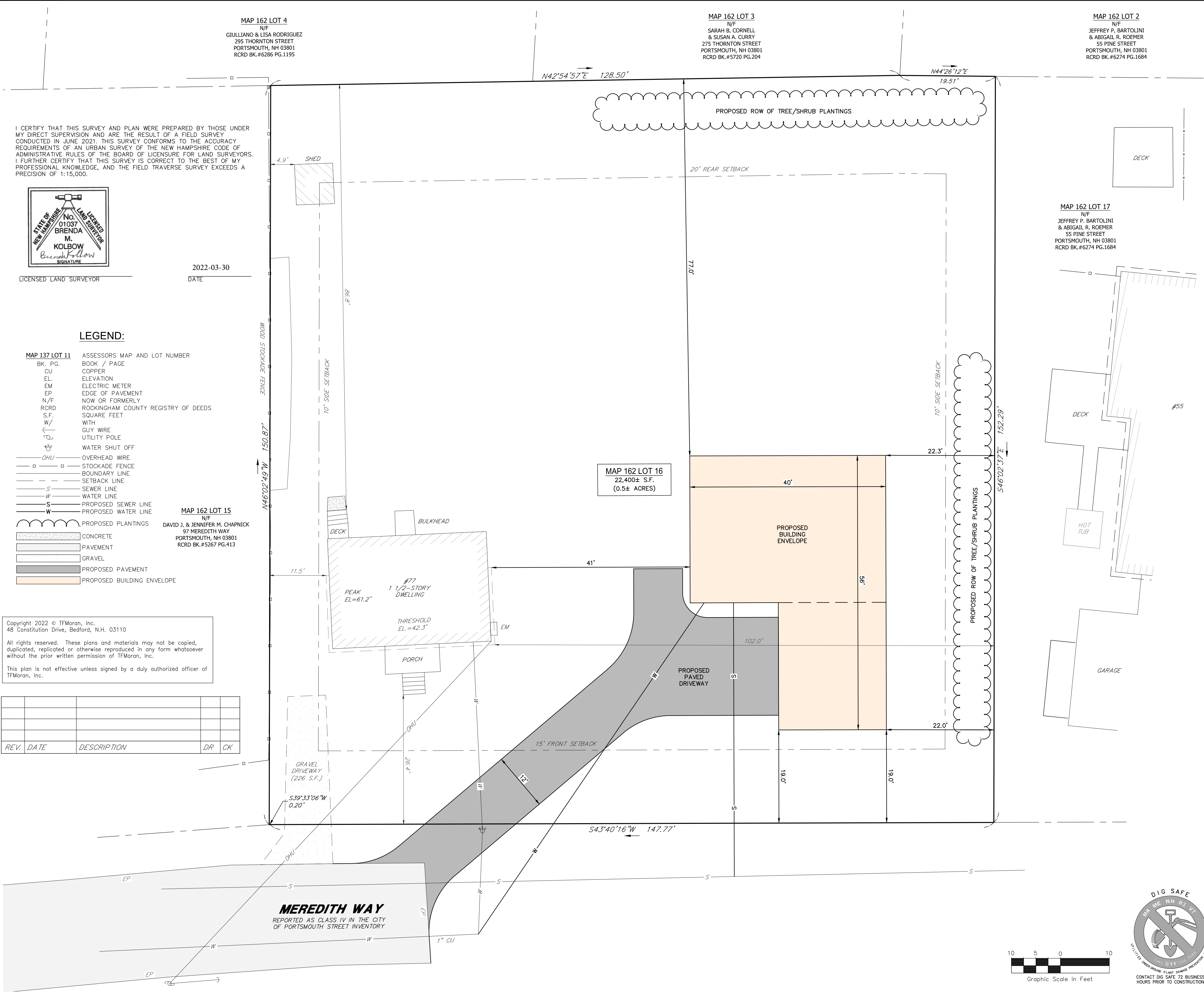
170 Commerce Way, Suite 102
Portsmouth, NH 03801
Phone (603) 431-2222
Fax (603) 431-0910
www.tfmoran.com

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This plan is not effective unless signed by a duly authorized officer of Thomas F. Moran, Inc.

Mar 30, 2022 - 12:16pm
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LOT AREA PER DWELLING UNIT: 7,500 S.F.
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DEPTH: 70'
MINIMUM YARD DIMENSIONS:
FRONT: 15'
SIDE: 10'
REAR: 20'
MAXIMUM STRUCTURE DIMENSIONS:
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BUILDING COVERAGE: 30%
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- THE PURPOSE OF THIS PLAN IS TO SHOW THE BOUNDARY LINES, CURRENT SITE FEATURES AND PROPOSED SITE FEATURES OF MAP 162 LOT 16 TO ACCOMPANY A VARIANCE APPLICATION TO THE CITY OF PORTSMOUTH ZONING BOARD OF ADJUSTMENT.
- FIELD SURVEY COMPLETED BY TCE JUNE 2021 USING A TOPCON DS103 AND A TOPCON FC-5000 DATA COLLECTOR.
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TAX MAP 162 LOT 16
ZONING RELIEF PLAN
PROPOSED CONDITIONS
77 MEREDITH WAY
PORTSMOUTH, NEW HAMPSHIRE
COUNTY OF ROCKINGHAM
OWNED BY
RANDI & JEFF COLLINS

SCALE: 1" = 10' (22x34)
1" = 20' (11x17)

MARCH 30, 2022

Seacoast Division
Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists

170 Commerce Way, Suite 102
Portsmouth, NH 03801
Phone (603) 431-2222
Fax (603) 431-0910
www.tfmoran.com

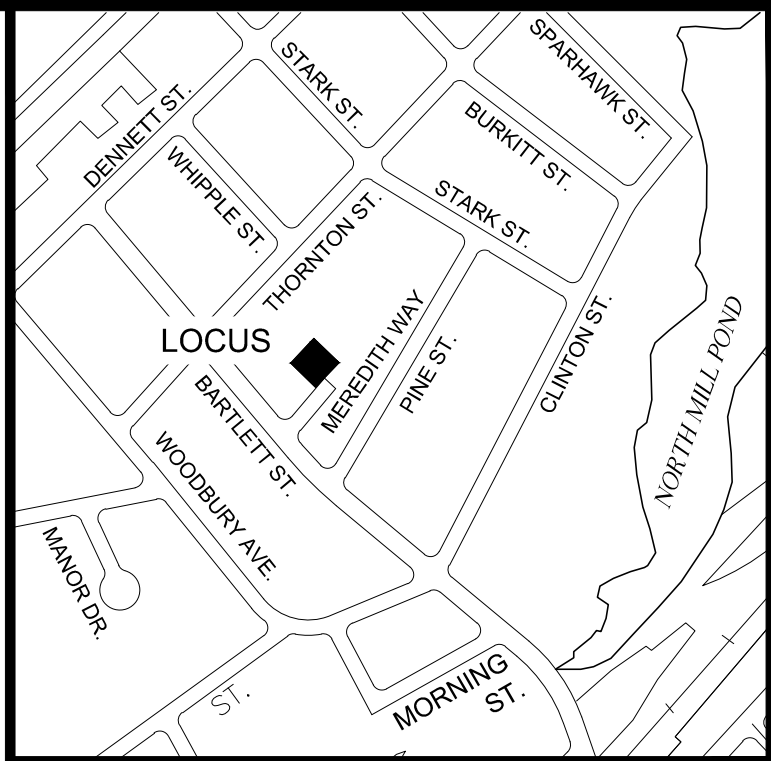
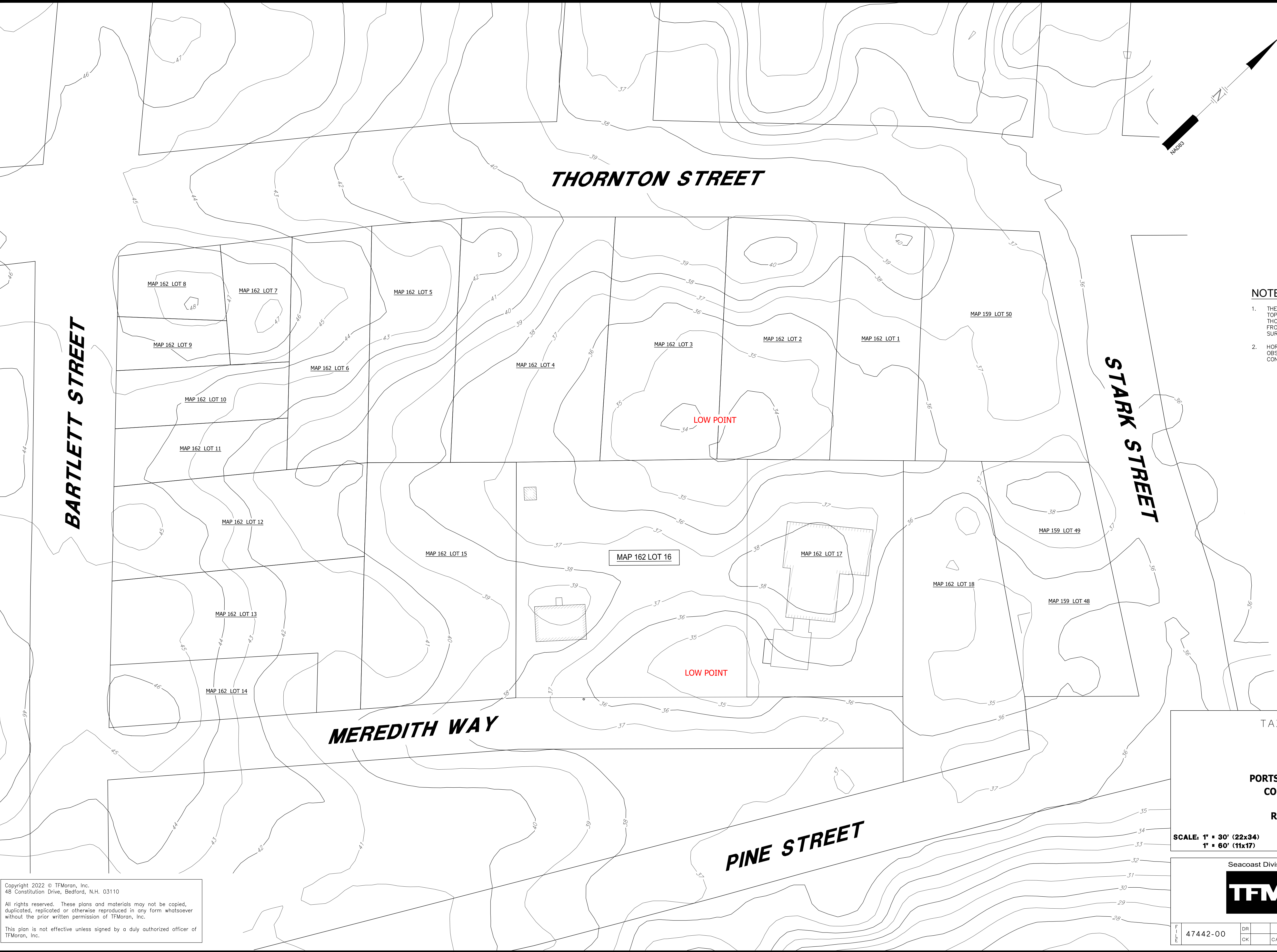
TFM

47442-00

DR CK FB CADFILE

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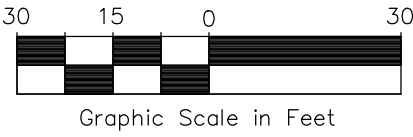
Mar 30, 2022 - 12:08pm
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LOCATION PLAN

NOTES:

1. THE PURPOSE OF THIS PLAN IS TO SHOW THE APPROXIMATE TOPOGRAPHY OF THE LAND BETWEEN MEREDITH WAY AND THORNTON STREET. TOPOGRAPHY IS LIDAR DOWNLOADED FROM THE NOAA WEB SITE. THIS IS NOT A BOUNDARY SURVEY.
2. HORIZONTAL DATUM IS NAD83 (2011) PER STATIC GPS OBSERVATIONS. THE VERTICAL DATUM IS NAVD88. THE CONTOUR INTERVAL IS 2 FEET.



TAX MAP 162 LOT 16
LIDAR SKETCH PLAN
COLLINS
77 MEREDITH WAY
PORTSMOUTH, NEW HAMPSHIRE
COUNTY OF ROCKINGHAM
OWNED BY
RANDI & JEFF COLLINS

SCALE: 1" = 30' (22x34)
1" = 60' (11x17)

MARCH 30, 2022

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Seacoast Division
TFM
Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists

170 Commerce Way, Suite 102
Portsmouth, NH 03801
Phone (603) 431-2222
Fax (603) 431-0910
www.tfmoran.com

| | | | | | | |
|------|----------|----|----|----|---------|-----|
| FILE | 47442-00 | DR | OK | FB | CADFILE | S-1 |
|------|----------|----|----|----|---------|-----|

Nikolas 2 (3855-V1)

Farm cottage house plan with 4 bedrooms, master suite, home office, courtyard garage, fireplace, covered porch

SHARE :

GENERAL SUMMARY

TECHNICAL DETAILS

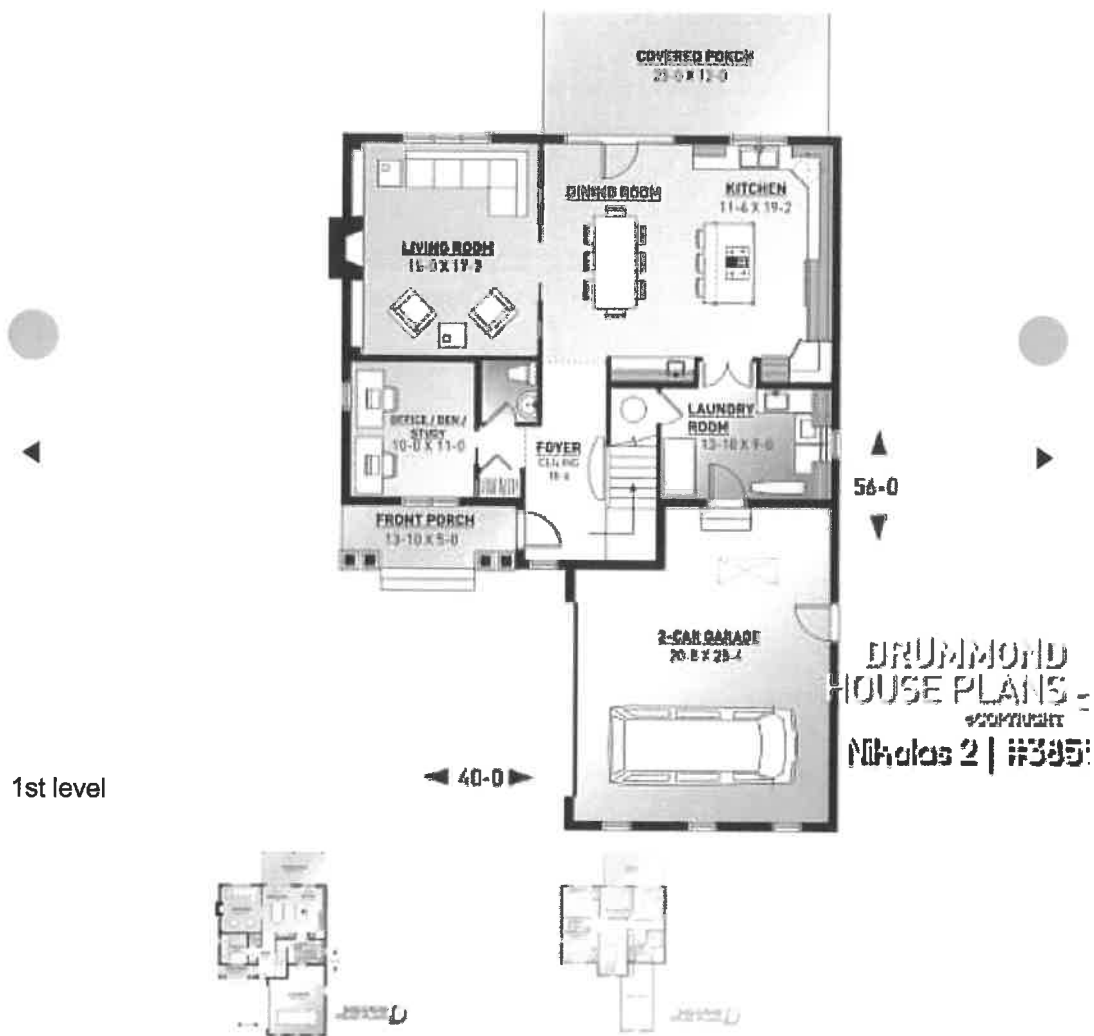
PHOTOS

| BEDROOMS | BATH(S) | HALF B. | LIVING AREA |
|----------|---------|---------|-------------|
| 3, 4 | 2 | 1 | 2422 sq.ft. |



front - BASE MODEL





Buy this plan

From 1325\$

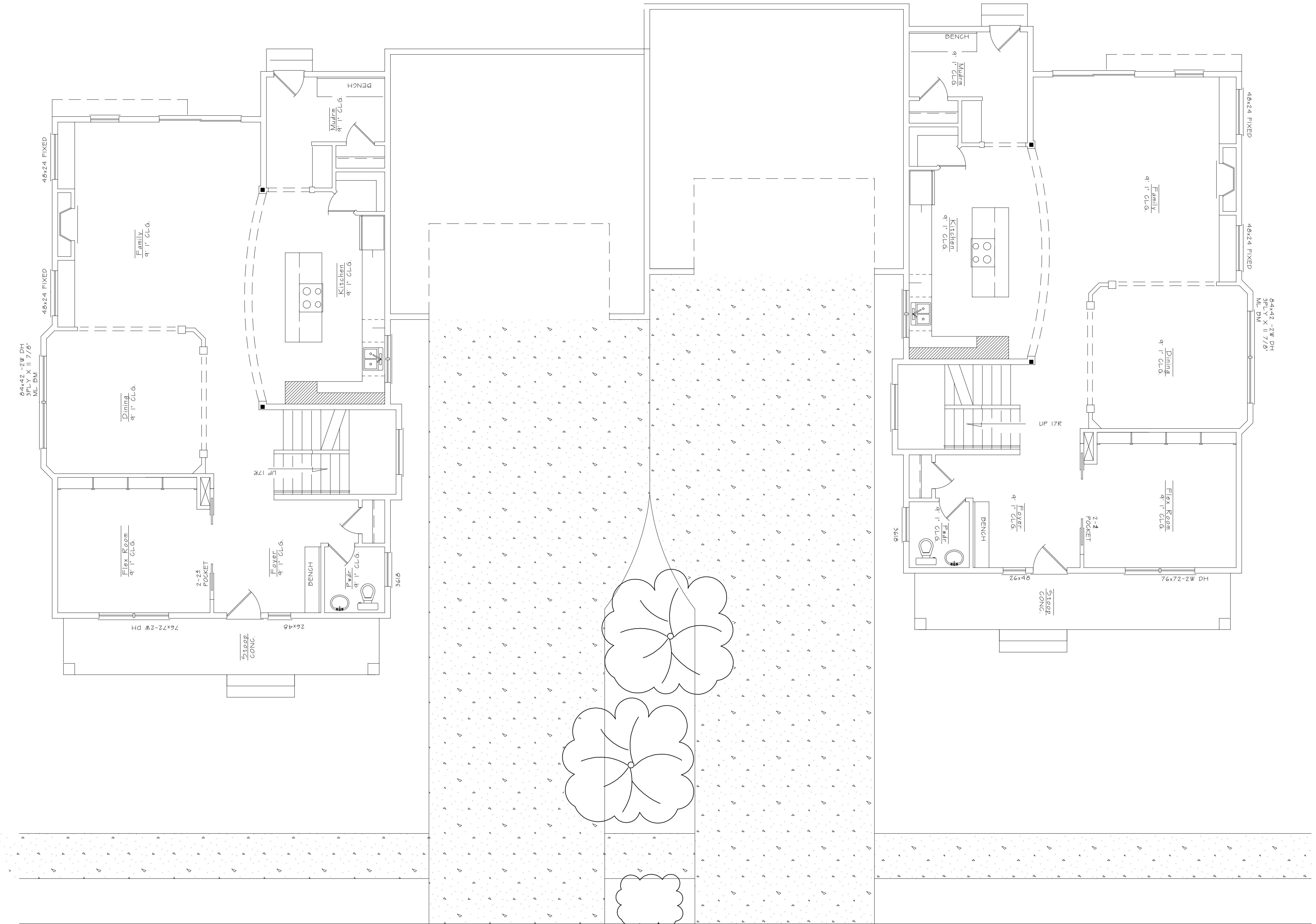
[See prices and options](#)

Modify this plan

[Get a quote](#)

[A problem?](#)

Two-family permitted by right



CITY OF PORTSMOUTH
ZONING BOARD OF ADJUSTMENT

64 VAUGHAN STREET, PORTSMOUTH, NEW HAMPSHIRE

Tax Map 126 Lot 1

NOVOCURE, INC.

APPLICANT'S NARRATIVE

THE APPLICANT

The Applicant, Novocure Inc., acquired the property at 64 Vaughan Street, formerly the home of Cabot Furniture, in December, 2021. Novocure is a global oncology company focused on treating some of the most aggressive cancers. Novocure has begun renovations of the historic property to house its North American Flagship operations. Novocure intends to occupy the entire building which will be used for executive offices and a training and development center where doctors and other health care professionals will be introduced to Novocure's products and technologies. Novocure expects 200 to 250 employees to be based at this facility.

THE PROPERTY

The lot is irregularly shaped, with approximately 75' of frontage on the pedestrian Vaughan Mall and 68' of frontage on Hanover Street and it abuts the rear alley connecting Hanover Street to the Worth Parking Lot. The existing structure dominates the site and is built up to or very close to the lot lines on Vaughan Mall and the Worth Lot. The property was previously approved for a mixed-use renovation including the addition of approximately 2,480 square feet of building footprint in 2021. The building addition brings the structure forward to approximately 5 feet from its Hanover Street frontage. The exterior design has been fully approved by the Historic District Commission.

Built in the late 19th century as a 3-story brick and heavy timber structure with a flat roof and full basement, the main building was originally owned and occupied by the Margeson Bros. Furniture Co. Early in the 20th century, the building was more than doubled in size with an addition constructed of essentially the same materials and form on the Worth Lot side. A single story "modern" block addition with a shed roof was added mid-century toward the rear facing Hanover Street which was used as a loading dock for shipping and receiving. In 1993, artist Robert Wyland received the owner's permission to install a mural on the side of the building facing the Worth Lot, which became a landmark of sorts referred to as the "Whaling Wall." Unfortunately, through inappropriate preparation and application of paints, over time the mural has significantly degraded along with the facade of the building.

The previously approved redevelopment of the property ameliorates several adverse conditions on the site. Substandard utility and mechanical systems including water, sewer, drainage, HVAC and fire protection all will be upgraded to meet modern standards. Pedestrian connectivity around the building to Vaughan Mall from Maplewood Avenue, Hanover Street or the rest of downtown to the West, South and East will be enhanced via improvements to the building façade and to the Worth Lot. Underground parking will be constructed, where none exists and none is required for this office use in the Downtown Overlay District.¹ The redevelopment revives and restores this historic structure and integrates it into the surrounding community. As noted, the design was enthusiastically approved by the Historic District Commission.

THE PROPOSED PROJECT

Novocure's acquisition of the property and its intended use changes the mixed-use aspect of the development as now no residential, retail or restaurants will be incorporated into the site. The intended use will be professional office, which use is permitted by right. The building will host a daily influx of professionals that may at times exceed 300 people, including employees and visitors. Given Novocure's unique mission and its intention to convene visiting medical professionals, scientists and other partners for training, seminars and conferences, it desires to construct dedicated assembly space to accommodate such use. The convening space will not be dedicated to any type of permanent office space for Novocure employees. The convening space will provide employees and guests access to outdoor space where there is no other such space available on or near the property.

The existing flat rubber membrane roof on top the main, historic structure is the logical location to locate such a convening space with outdoor access. Accordingly, we are proposing to add an additional 11 feet, 6 ¼" of height to that portion of the building to accommodate the recessed, semi-transparent penthouse shown on the submitted plans. The penthouse will provide approximately 2,500 square feet of functional space, along with an outdoor patio and seating also shown on the plans. The proposed structure is designed to shield the necessary rooftop mechanical units.

It should be noted that, even with the additional proposed height, the building will be shorter than many of its recently renovated or constructed neighbors. The buildings across Hanover Street are 5-6 stories and 45'-70' tall. The neighboring mixed-use building at 25 Maplewood has a tower, skylight and mechanical appurtenances all of which are higher than what is proposed. Jimmy's Jazz Club across the Worth Lot is higher. Rooftop appurtenances on the building itself are permitted to a height of ten feet. Accordingly, the massing and scale of the proposed addition will not be out of place and will not in any manner dominate its surroundings. In fact, due to the siting of the proposed addition recessed from the building's edge, there are few ground-level locations where it will be visible at all. In any event, the project, if approved by this Board, will also require approval from the HDC.

¹ Please note that the site plan submitted herewith represents the plan previously approved by the Planning Board for a mixed-use development. The final amount of underground parking to be provided with this project has yet to be determined. No off street parking at all is required for this use. 10.1115.21.

In addition to the Historic District, the property is in the CD-5 zone and the Downtown Overlay District.

The project as proposed requires a variance from Section 10.5A43.30 and Map 10.5A21.B to permit the following:

- building height of 54' at the peak, 51' 6 1/8" to midpoint where 40 feet plus 2 feet for penthouse level is the maximum allowed.

Due to the unique shape of the lot and building, at the edge of the chamfered parapet the exterior face of the penthouse is 9'-9 3/4" from the parapet edge of the roof, thus a variance from section 10.1530 is also required, to permit a penthouse with a setback from the roof edge of 9'-9 3/4" where 15 feet is required.

VARIANCE CRITERIA

The Applicant believes that this project meets the criteria necessary for granting the requested variances.

Granting the requested variances 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 any public health, safety or welfare be threatened. The property is a very visible "cornerstone" of downtown where similar heights are not uncommon. The health, safety and welfare of the public will not be negatively impacted in any fashion, as the introduction of the proposed penthouse will eliminate the existing, environmentally deleterious flat, membrane roof and replace it with activated space that will allow Novocure's employees and guests an outdoor space in which to congregate, each lunch, etc.

The essentially urban character of the neighborhood will not be altered in any fashion by this project, nor will the health, safety or welfare of the public be threatened by granting the relief requested, as what is proposed is entirely consistent with the mass and scale of neighboring buildings. The project must obtain further approval from the HDC so the interest of the public will be more than adequately protected.

Substantial justice would be done by granting the variances. 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. The proposed added height will in no way detract from any neighboring properties, many of which are taller than what is proposed. The proposed penthouse adds functionality to the space where otherwise an unattractive flat roof would exist. It shields the rooftop mechanicals and provides the building's occupants with access to outdoor space that is not available anywhere else on or near the site.

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

The values of surrounding properties will not be diminished by granting the variances. The proposed penthouse addition is not visible from most ground level locations near the site. The surrounding properties and those in the vicinity have similar or taller heights than proposed here. The penthouse will sit entirely within the footprint of the existing building.

The values of the surrounding properties will not be negatively affected in any way.

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 main building is an historic structure dating back to the late 19th century. The property has frontage on two rights of way, Vaughan Mall and Hanover Street, and borders the Worth Lot which does not meet the definition of a "street" under the ordinance, but has many of the same characteristics of one – i.e., regular vehicular circulation throughout the site. There is no open, outdoor space on site in which the applicant's employees and guests can congregate, eat lunch, etc. The building's use as entirely office with no ground floor retail or other use is unusual in this vicinity. This is an irregular, L-shaped lot with a similar L-shaped building.

The use is a reasonable use. The proposed use is accessory to the office use which is permitted in this zone.

There is no fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property. The additional height requested is necessary to create functional space that adds to the environment. The additional height will not in any manner dominate or be out of scale with any of the neighboring properties. There is no fair and substantial relationship between the purposes of the height requirements and their application to this property.

The requested penthouse setback relief is driven by the irregular L-shaped lot and building. The purpose of the 15-foot penthouse setback presumably is to limit its visibility. As noted above, the proposed penthouse is not visible from almost all ground level locations, and certainly not in the area where relief is necessary.

I. Conclusion.

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

Respectfully submitted,

DATE: April 7, 2022

Christopher P. Mulligan
Christopher P. Mulligan, Esquire

AUTHORIZATION
64 VAUGHAN STREET, PORTSMOUTH
Map 126, Lot 1

Novocure Inc., owner of the above-referenced property in Portsmouth, New Hampshire, hereby authorizes representatives of Bosen & Associates, PLLC and JSA Architects, Inc. to represent its interests before the Portsmouth land use boards and to submit any and all applications and materials related thereto on our behalf.

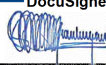
Date:

Novocure Inc.

By: _____

Name:

Title:

DocuSigned by:

319C91BBCD58423...



| Property Information | |
|----------------------|---------------------|
| Property ID | 0126-0001-0000 |
| Location | 64 VAUGHAN ST |
| Owner | 64 VAUGHAN MALL LLC |



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 3/9/2022
Data updated 3/9/2022

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

APPROVED BY THE PORTSMOUTH PLANNING BOARD

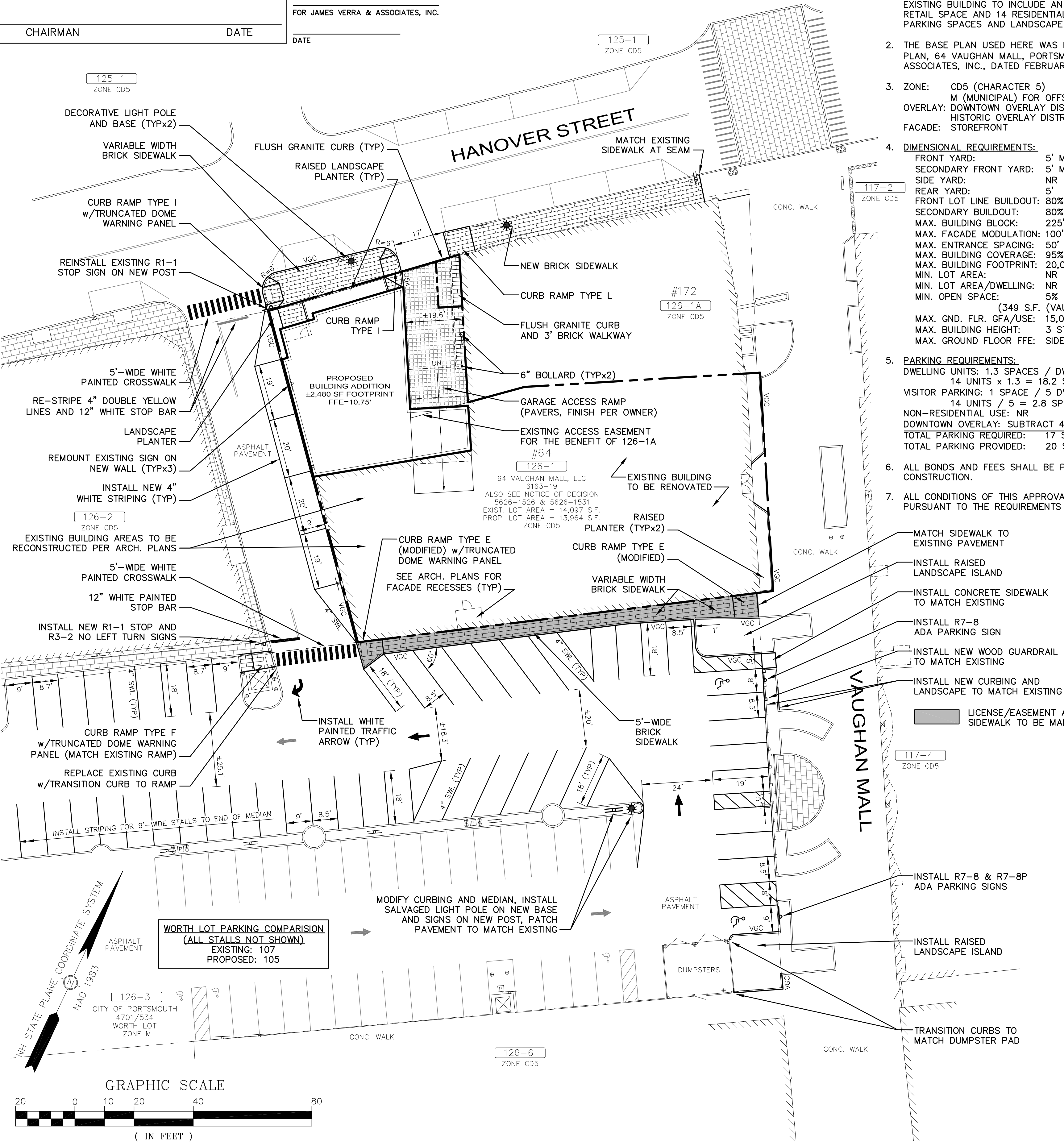
THE SOLE PURPOSE OF THIS PLAN IS TO DEPICT THE LOCATION OF EXISTING AND PROPOSED IMPROVEMENTS ON THE SITE. RECORDING OF THIS PLAN WAS A REQUIREMENT OF THE PORTSMOUTH PLANNING BOARD AS PART OF THEIR APPROVAL.

FOR JAMES VERRA & ASSOCIATES, INC.

CHAIRMAN

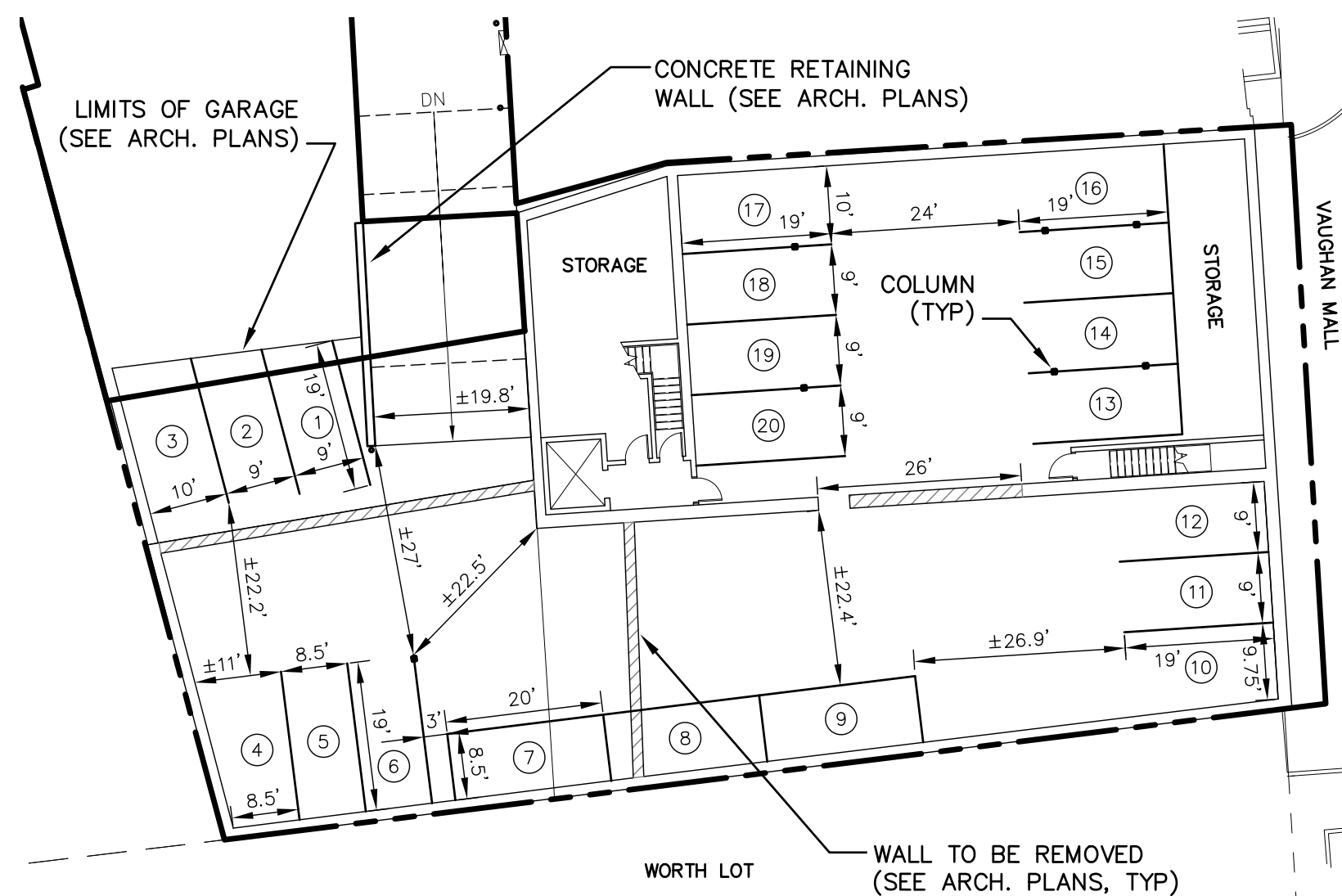
DATE

DATE

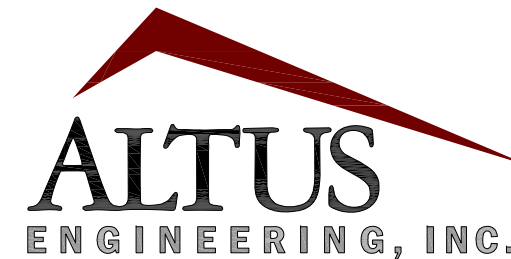


NOTES

- DESIGN INTENT -- THIS PLAN IS INTENDED TO DEPICT THE RETROFIT OF THE EXISTING BUILDING TO INCLUDE AN ADDITION, UNDERGROUND PARKING GARAGE, RETAIL SPACE AND 14 RESIDENTIAL UNITS ALONG WITH A SIDEWALK, MODIFIED PARKING SPACES AND LANDSCAPE ISLANDS ON THE ADJUTING WORTH LOT.
- THE BASE PLAN USED HERE WAS DEVELOPED FROM "EXISTING CONDITIONS PLAN, 64 VAUGHAN MALL, PORTSMOUTH, NH" BY JAMES VERRA AND ASSOCIATES, INC., DATED FEBRUARY 3, 2020.
- ZONE: CD5 (CHARACTER 5)
M (MUNICIPAL) FOR OFFSITE IMPROVEMENTS ON WORTH LOT
OVERLAY: DOWNTOWN OVERLAY DISTRICT
HISTORIC OVERLAY DISTRICT
FACADE: STOREFRONT
- | DIMENSIONAL REQUIREMENTS: | | EXISTING | PROPOSED |
|---------------------------|--|--------------|-------------|
| FRONT YARD: | 5' MAX. | 4.3' | SAME |
| SECONDARY FRONT YARD: | 5' MAX. | 58.1' | 5' |
| SIDE YARD: | NR | 0' | SAME |
| REAR YARD: | 5' | 0.15' | SAME |
| FRONT LOT LINE BUILDOUT: | 80% WIDTH MIN. | 100% | SAME |
| SECONDARY BUILDOUT: | 80% WIDTH MIN. | 0% | 80% (47') |
| MAX. BUILDING BLOCK: | 225' | | |
| MAX. FACADE MODULATION: | 100' | | |
| MAX. ENTRANCE SPACING: | 50' | | |
| MAX. BUILDING COVERAGE: | 95% | 70.0% | 89.4% |
| MAX. BUILDING FOOTPRINT: | 20,000 S.F. | 10,008 S.F. | 12,488 S.F. |
| MIN. LOT AREA: | NR | 14,097 S.F. | 13,964 S.F. |
| MIN. LOT AREA/DWELLING: | NR | | |
| MIN. OPEN SPACE: | 5% | 0% (0 SF) | 5% (698 SF) |
| | (349 S.F. (VAUGHAN) + 349 S.F. (HANOVER) = 698 S.F.) | | |
| MAX. GND. FLR. GFA/USE: | 15,000 S.F. | ±10,014 S.F. | 12,476 S.F. |
| MAX. BUILDING HEIGHT: | 3 STORIES OR 40' | ±40' | 40' |
| MAX. GROUND FLOOR FFE: | SIDEWALK GRADE +3' | | |
- | PARKING REQUIREMENTS: | |
|--|--|
| DWELLING UNITS: 1.3 SPACES / DWELLING UNIT OVER 750 S.F. | |
| 14 UNITS x 1.3 = 18.2 SPACES REQUIRED | |
| VISITOR PARKING: 1 SPACE / 5 DWELLING UNITS (FOR LOT w/OVER 4 UNITS) | |
| 14 UNITS / 5 = 2.8 SPACES REQUIRED | |
| NON-RESIDENTIAL USE: NR | |
| DOWNTOWN OVERLAY: SUBTRACT 4 SPACES/LOT | |
| TOTAL PARKING REQUIRED: 17 SPACES | |
| TOTAL PARKING PROVIDED: 20 SPACES (UNDERGROUND) | |
- ALL BONDS AND FEES SHALL BE PAID/POSTED PRIOR TO INITIATING CONSTRUCTION.
- ALL CONDITIONS OF THIS APPROVAL SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE SITE PLAN REVIEW REGULATIONS.
- ALL CONSTRUCTION SHALL MEET THE MINIMUM CONSTRUCTION STANDARDS OF THE CITY OF PORTSMOUTH & NHDOT'S STANDARD SPECIFICATIONS FOR ROAD & BRIDGE, LATEST EDITION. THE MORE STRINGENT SPECIFICATION SHALL GOVERN.
- CLEAN AND COAT VERTICAL FACE OF EXISTING PAVEMENT AT SAWCUT LINE WITH RS-1 IMMEDIATELY PRIOR TO PLACING NEW BITUMINOUS CONCRETE.
- THE CONTRACTOR SHALL VERIFY ALL BENCHMARKS AND TOPOGRAPHY IN THE FIELD PRIOR TO CONSTRUCTION.
- AREA OF DISTURBANCE IS UNDER 43,560 SF, COVERAGE UNDER EPA NPDES PHASE II CONSTRUCTION GENERAL PERMIT IS NOT REQUIRED.
- PAVEMENT MARKINGS SHALL BE CONSTRUCTED USING WHITE, YELLOW, OR BLUE TRAFFIC PAINT (WHERE SPECIFIED) MEETING THE REQUIREMENTS OF AASHTO M248, TYPE F OR EQUAL. PAINTED ISLANDS AND LOADING ZONES SHALL BE 4"-WIDE DIAGONAL WHITE LINES 3'-0" O.C. BORDERED BY 4"-WIDE WHITE LINES. PARKING STALLS SHALL BE SEPARATED BY 4"-WIDE WHITE LINES. SEE DETAILS FOR HANDICAP SYMBOLS, SIGNS AND SIGN DETAILS. PAVEMENT MARKINGS SHALL BE INSTALLED AT LEAST 14-DAYS AFTER INSTALLATION OF WEARING COURSE PAVEMENT. CONTRACTOR SHALL APPLY TWO (2) COATS OF ALL PAVEMENT MARKINGS.
- PAVEMENT MARKINGS AND SIGNS SHALL CONFORM TO THE REQUIREMENTS OF THE "MANUAL ON UNIFORM TRAFFIC DEVICES," "STANDARD ALPHABETS FOR HIGHWAY SIGNS AND PAVEMENT MARKINGS" AND THE AMERICANS WITH DISABILITIES ACT (ADA), LATEST EDITIONS.
- UNLESS OTHERWISE NOTED, ALL NEW CURBING SHALL BE VERTICAL GRANITE WITH A MINIMUM RADIUS OF 4'.
- THE CONTRACTOR SHALL VERIFY ALL BUILDING DIMENSIONS WITH THE ARCHITECTURAL AND STRUCTURAL DRAWINGS PRIOR TO CONSTRUCTION. ANY AND ALL DISCREPANCIES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF BOTH THE ARCHITECT AND CIVIL ENGINEER FOR RESOLUTION.
- ALL CONDITIONS ON THIS PLAN SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE SITE PLAN REVIEW REGULATIONS.
- ALL IMPROVEMENTS SHOWN ON THIS SITE PLAN SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PLAN BY THE PROPERTY OWNER AND ALL FUTURE PROPERTY OWNERS. NO CHANGES SHALL BE MADE TO THIS SITE PLAN WITHOUT THE EXPRESS APPROVAL OF THE PORTSMOUTH PLANNING DIRECTOR
- THIS SITE PLAN SHALL BE RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.
- SITWORK CONTRACTOR SHALL PREPARE A STAMPED AS-BUILT SITE PLAN STAMPED BY A LICENSED LAND SURVEYOR (LLS) & PROVIDE A DIGITAL (CAD FORMAT) COPY FOR THE CITY'S G.I.S. DATA BASE.
- TRASH AND RECYCLING SHALL BE STORED INSIDE BUILDING.
- THIS DEVELOPMENT IS SUBJECT TO LICENSING AGREEMENTS w/THE PORTSMOUTH CITY COUNCIL.
- RESTAURANTS SHALL NOT OCCUPY BUILDING WITHOUT THE INSTALLATION OF A GREASE TRAP MEETING CITY CODE.
- ALL SIDEWALKS TO BE CONSTRUCTED WITHIN PROJECT LIMITS SHALL BE BRICK. CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING PORTSMOUTH DPW TO CONFIRM BRICK SPECIFICATIONS.
- STREET ADDRESSES FOR EACH USE SHALL BE DETERMINED BY PORTSMOUTH FIRE DEPARTMENT & DPW.
- SNOW SHALL BE STORED AT THE EDGE OF PAVEMENT, IN AREAS SHOWN ON THE PLAN, OR TRUCKED OFF SITE.
- | BUILDING USES BY FLOOR (BY FOOTPRINT, ACTUAL SPACE MAY VARY): | |
|---|--------------------------|
| BASEMENT: | ±9,326 S.F. PARKING |
| FLOOR 1: | ±12,334 S.F. RETAIL |
| FLOORS 2-4: | ±12,488 S.F. RESIDENTIAL |
| TOTAL: | ±59,124 S.F. |



BASEMENT GARAGE PARKING LAYOUT



133 Court Street Portsmouth, NH 03801
(603) 433-2335 www.altus-eng.com

NOT FOR CONSTRUCTION

ISSUED FOR:

PLANNING BOARD

ISSUE DATE:

NOVEMBER 18, 2021

REVISIONS

| NO. | DESCRIPTION | BY | DATE |
|-----|------------------------|-----|----------|
| 0 | TAC WORK SESSION | EBS | 05/05/20 |
| 1 | TAC WORK SESSION | EBS | 07/07/20 |
| 2 | TAC | EBS | 10/19/20 |
| 3 | PB CONSULTATION | EBS | 11/02/20 |
| 4 | REV. BLDG. HEIGHT | EBS | 01/26/21 |
| 5 | TAC | EBS | 03/22/21 |
| 6 | REV. FOOTPRINT FOR HDC | EBS | 04/08/21 |
| 7 | TAC | EBS | 04/19/21 |
| 8 | TAC | EBS | 05/19/21 |
| 9 | TAC | EBS | 06/21/21 |
| 10 | PLANNING BOARD | EBS | 07/28/21 |
| 11 | REV. VAUGHAN ENTRANCE | EBS | 11/18/21 |

DRAWN BY: EBS

APPROVED BY: EDW

DRAWING FILE: 5042-SITE.dwg

SCALE: 22"x34" 1" = 20'

11"x17" 1" = 40'

OWNER:

64 VAUGHAN MALL, LLC

41 INDUSTRIAL DRIVE
EXETER, NH 03833

APPLICANT:

HAMPSHIRE
DEVELOPMENT CORP.

41 INDUSTRIAL DRIVE
EXETER, NH 03833

PROJECT:

64 VAUGHAN MALL
BUILDING RESTORATION

TAX MAP 126, LOT 1

64 VAUGHAN MALL
PORTSMOUTH, NH 03801

TITLE:

SITE PLAN

SHEET NUMBER:

C-3

PS042

NOVOCURE FLAGSHIP

64 VAUGHAN MALL, PORTSMOUTH, NH

COVER SHEET

64 Vaughan Mall

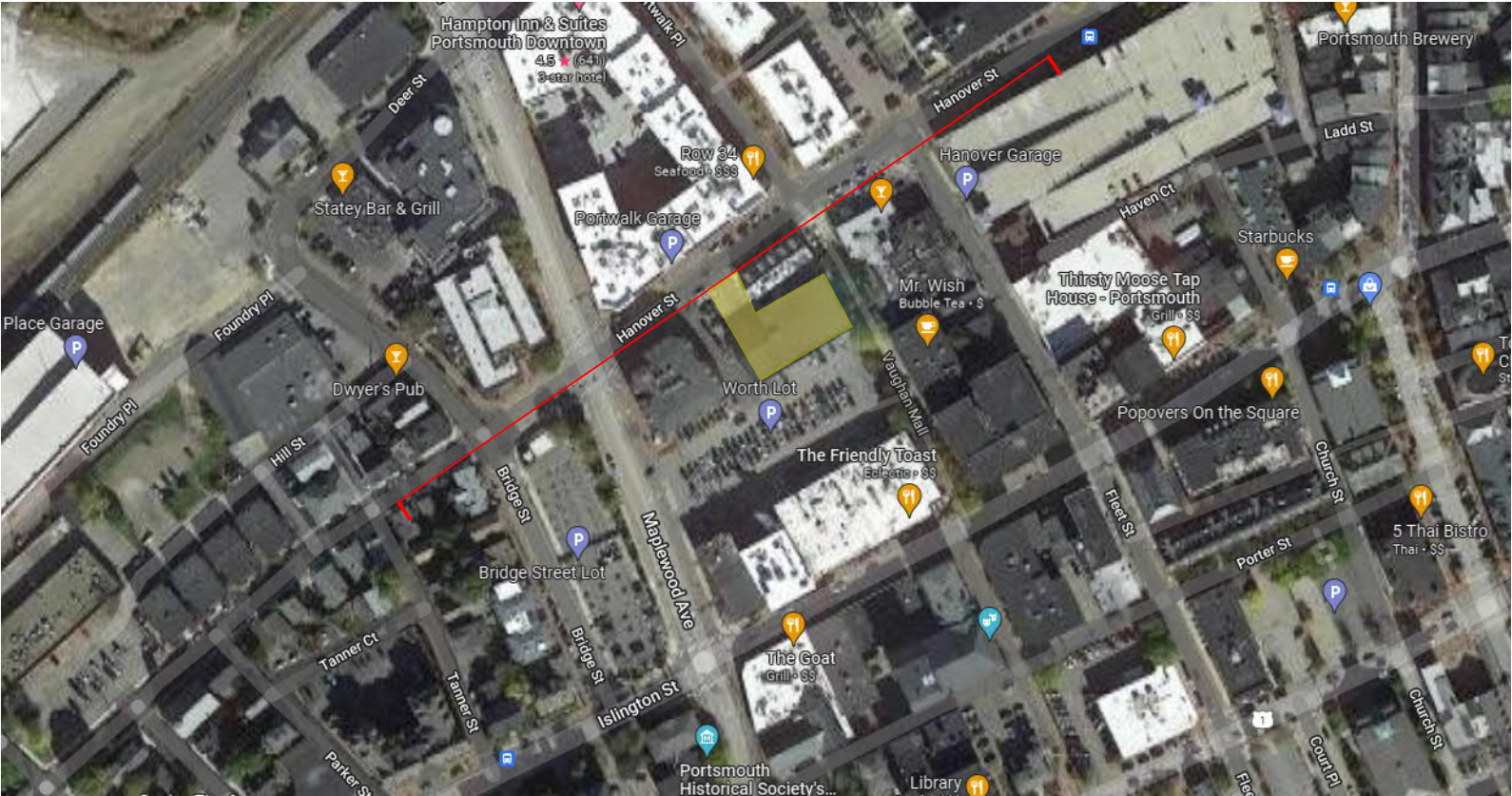
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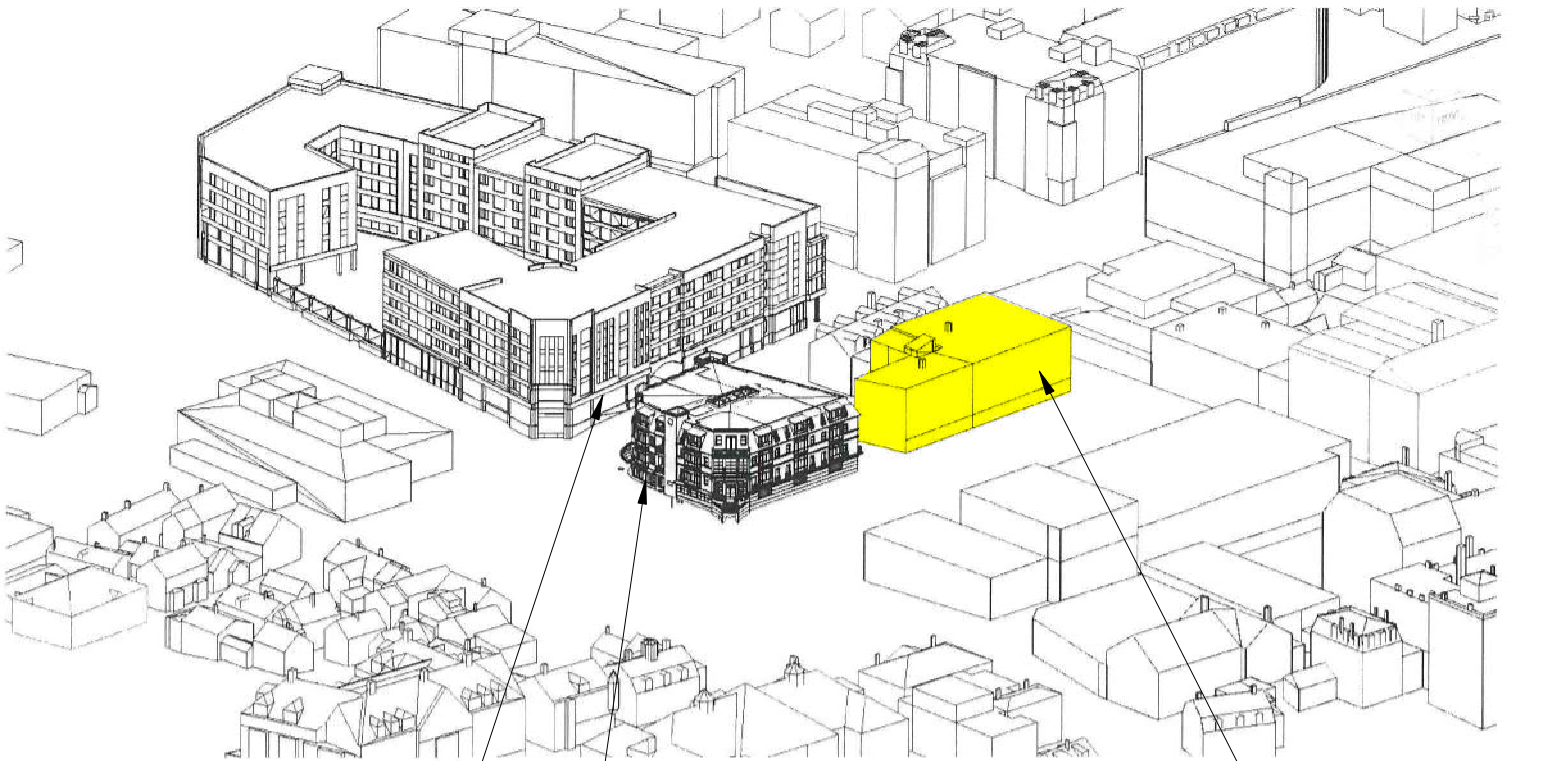


ARCHITECTS
INTERIORS
PLANNERS

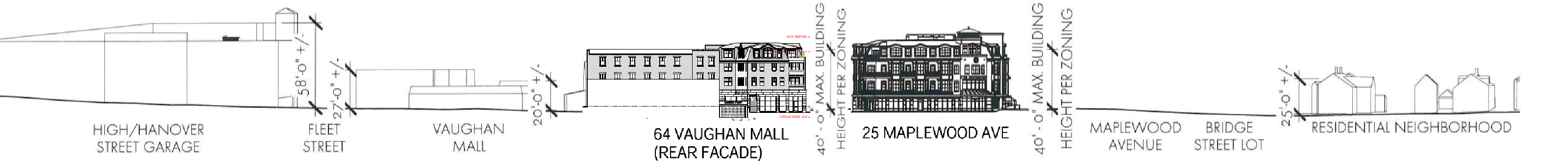
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LOCUS PLAN



CITY OF PORTSMOUTH 3D MODEL EXISTING CONDITIONS



SITE SECTION ALONG HANOVER STREET AS APPROVED



SITE SECTION ALONG HANOVER STREET WITH PENTHOUSE ADDED

SPACE & MASSING DIAGRAM

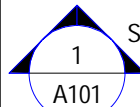
64 Vaughan Mall

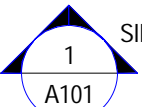
04/11/2022
SCALE: 1/64" = 1'-0"

SHEET 1 OF 17

| AREA CALCULATION TABLE | | | |
|-------------------------------|--------------------------------------|--|-------------------------------|
| | PROPOSED PENTHOUSE INTERIOR SPACE | PROPOSED PENTHOUSE EXTERIOR TERRACE | EXISTING 3RD FLOOR BELOW |
| AREA | 2501 SQ. FT. (NET) | 1440 SQ. FT. (NET) | 6346 SQ. FT. (GROSS) |
| % OF AREA FROM FLOOR BELOW | 40% | 23% | N/A |
| FUNCTION OF SPACE | ASSEMBLY - UNCONCENTRATED | ASSEMBLY - UNCONCENTRATED | BUSINESS AREA |
| OCCUPANT LOAD FACTOR | 15 SQ. FT. NET/ OCCUPANT | 15 SQ. FT. NET/ OCCUPANT | 100 SQ. FT.GROSS/ OCCUPANT |
| OCCUPANTS | 166 OCCUPANTS | 96 OCCUPANTS | 63 OCCUPANTS |

DRAFTING SYMBOLS KEY

SIM

SIM

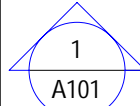
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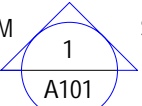
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A101

A101

SITE SECTION

SIM

SIM


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A101

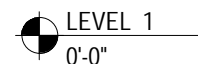
A101

BUILDING SECTION


1

1

EXTERIOR ELEVATION

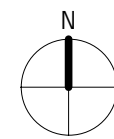
LEVEL 1
0'-0"

DATUM/SPOT ELEVATION

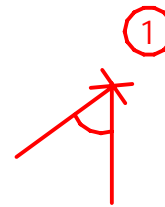
A1

View Name

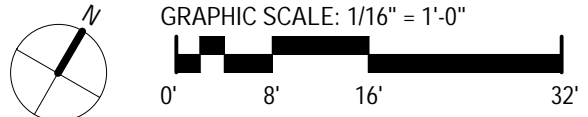
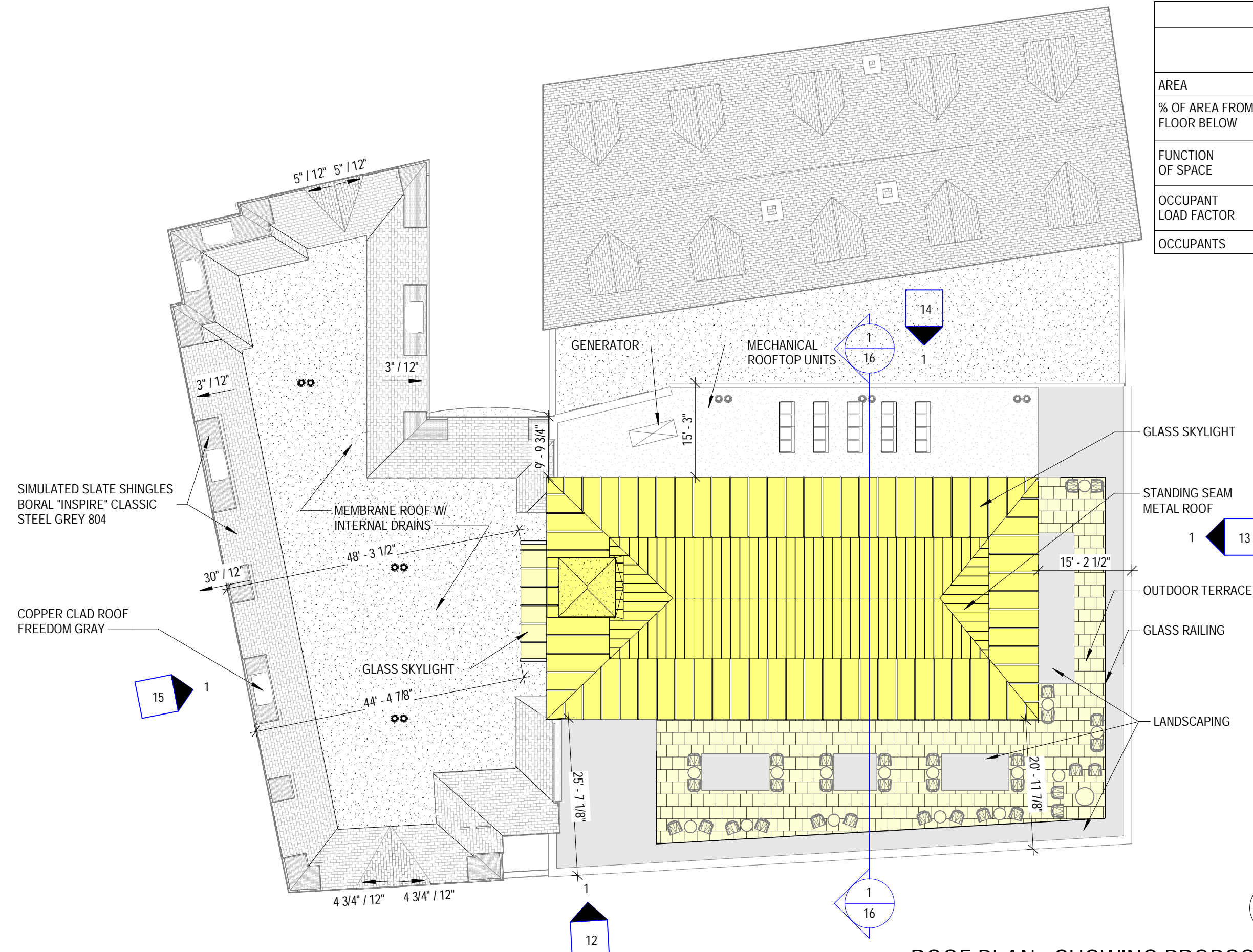
TITLE MARK

N

NORTH ARROW

1

PERSPECTIVE VIEW

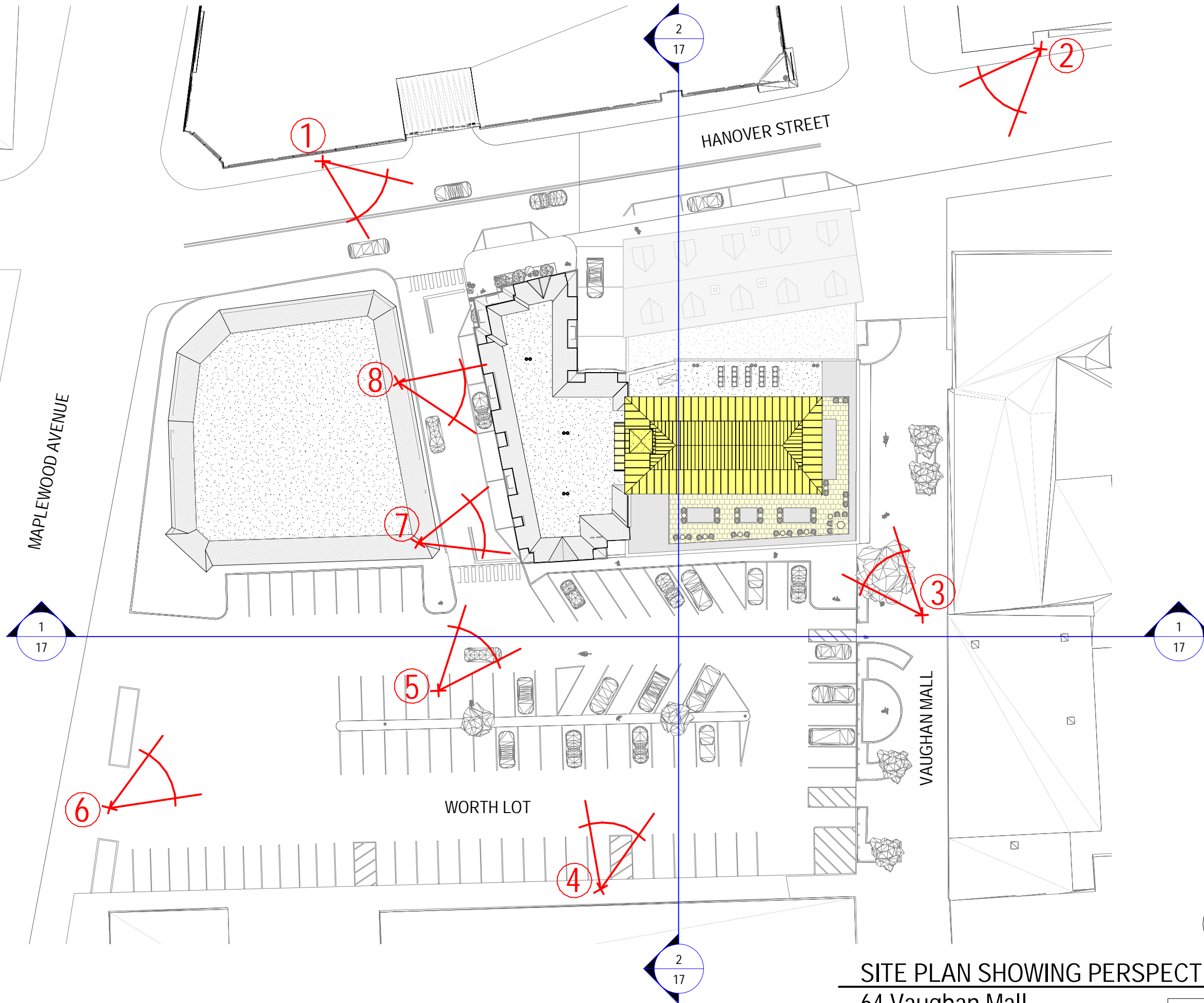


ROOF PLAN - SHOWING PROPOSED GLASS PENTHOUSE

64 Vaughan Mall

04/11/2022
SCALE: As indicated

SHEET 2 OF 17



| DRAFTING SYMBOLS KEY | | | |
|----------------------|------------------|----------------------|-----|
| | SIM | | SIM |
| | | SITE SECTION | |
| | SIM | | SIM |
| | | BUILDING SECTION | |
| | 1 | | 1 |
| | | EXTERIOR ELEVATION | |
| | LEVEL 1 0'-0" | DATUM/SPOT ELEVATION | |
| | View Name | TITLE MARK | |
| | N | NORTH ARROW | |
| | 1 | PERSPECTIVE VIEW | |

SITE PLAN SHOWING PERSPECTIVES

64 Vaughan Mall

04/11/2022

SCALE: As indicated

SHEET 3 OF 17



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0 HANOVER STREET VIEW 01 - HDC APPROVED SUBMISSION 11/19/2021

WITH PENTHOUSE ADDED

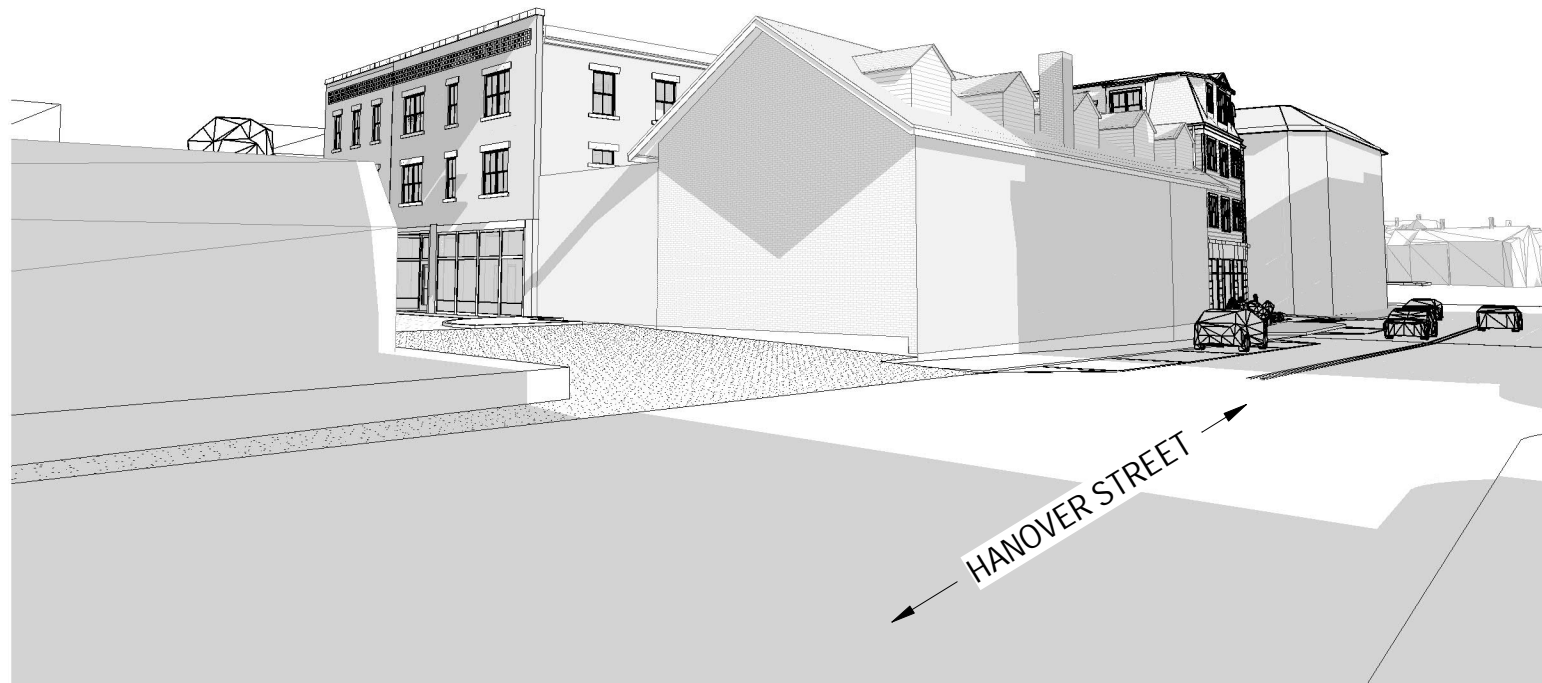


1 HANOVER STREET VIEW 01

1

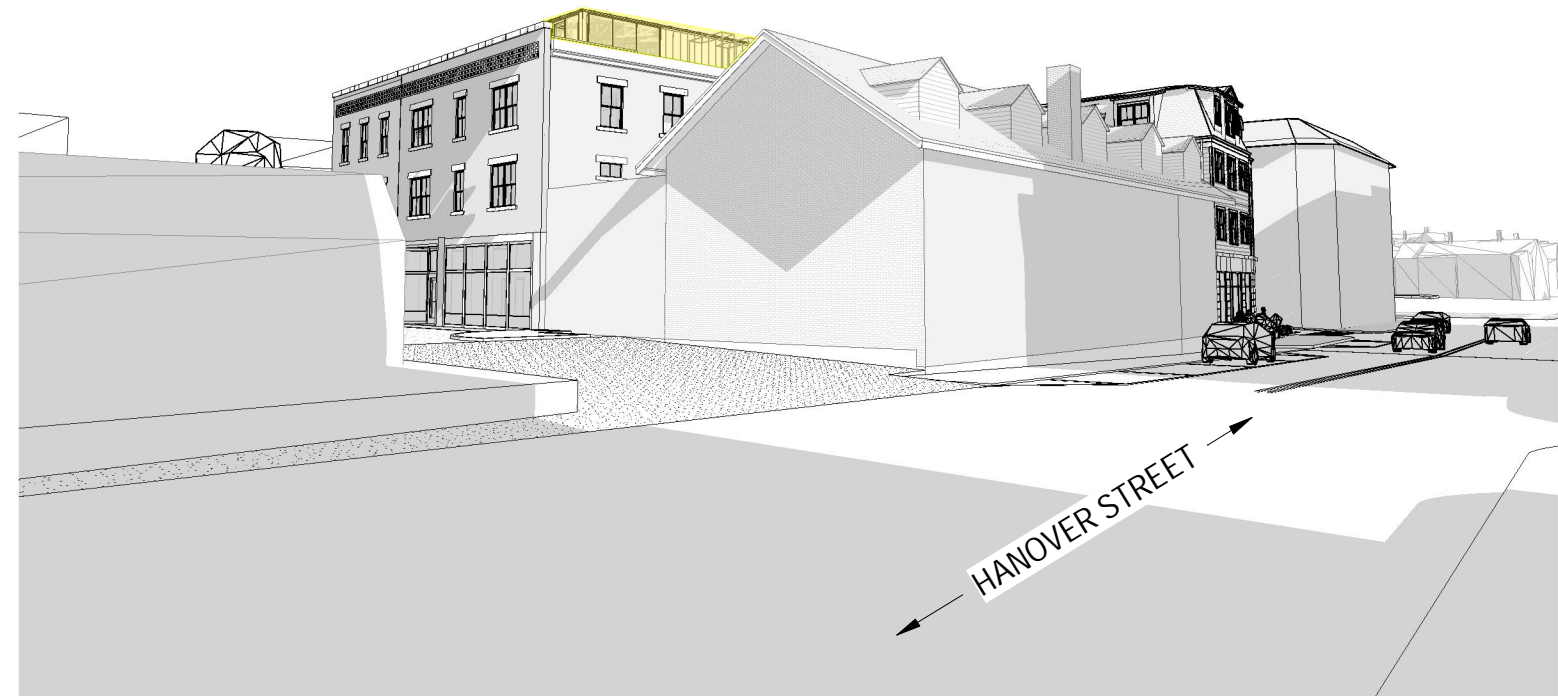
HANOVER STREET VIEW 01
64 Vaughan Mall
04/11/2022
SCALE:

AS APPROVED



0 HANOVER STREET VIEW 02 - HDC APPROVED SUBMISSION 11/19/2021

WITH PENTHOUSE ADDED



2 HANOVER STREET VIEW 02

3 HANOVER STREET VIEW 02
64 Vaughan Mall
04/11/2022
SCALE:

SHEET 5 OF 17



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0 VAUGHAN MALL VIEW - HDC APPROVED SUBMISSION 11/19/2021

WITH PENTHOUSE ADDED



3 VAUGHAN MALL VIEW

2 VAUGHAN MALL VIEW
64 Vaughan Mall
04/11/2022
SCALE:

AS APPROVED



0 WORTH LOT VIEW 01 - HDC APPROVED SUBMISSION 11/19/2021

WITH PENTHOUSE ADDED



4 WORTH LOT VIEW 01

AS APPROVED



0 WORTH LOT VIEW 02 - HDC APPROVED SUBMISSION 11/19/2021

WITH PENTHOUSE ADDED



5 WORTH LOT VIEW 02

5

WORTH LOT VIEW 02
64 Vaughan Mall
04/11/2022
SCALE:

SHEET 8 OF 17

AS APPROVED



← WORTH LOT →

0

WORTH LOT VIEW 03 - HDC APPROVED 11/19/2021

WITH PENTHOUSE ADDED



← WORTH LOT →

6

WORTH LOT VIEW 03

6

WORTH LOT VIEW 03

64 Vaughan Mall

04/11/2022
SCALE:

SHEET 9 OF 17



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0 ADJACENT BUILDING FOURTH FLOOR DECK VIEW 01 - HDC APPROVED SUBMISSION 11/19/2021

WITH PENTHOUSE ADDED



7 ADJACENT BUILDING FOURTH FLOOR DECK VIEW 01

7

AS APPROVED



0 ADJACENT BUILDING FOURTH FLOOR DECK VIEW 02

WITH PENTHOUSE ADDED

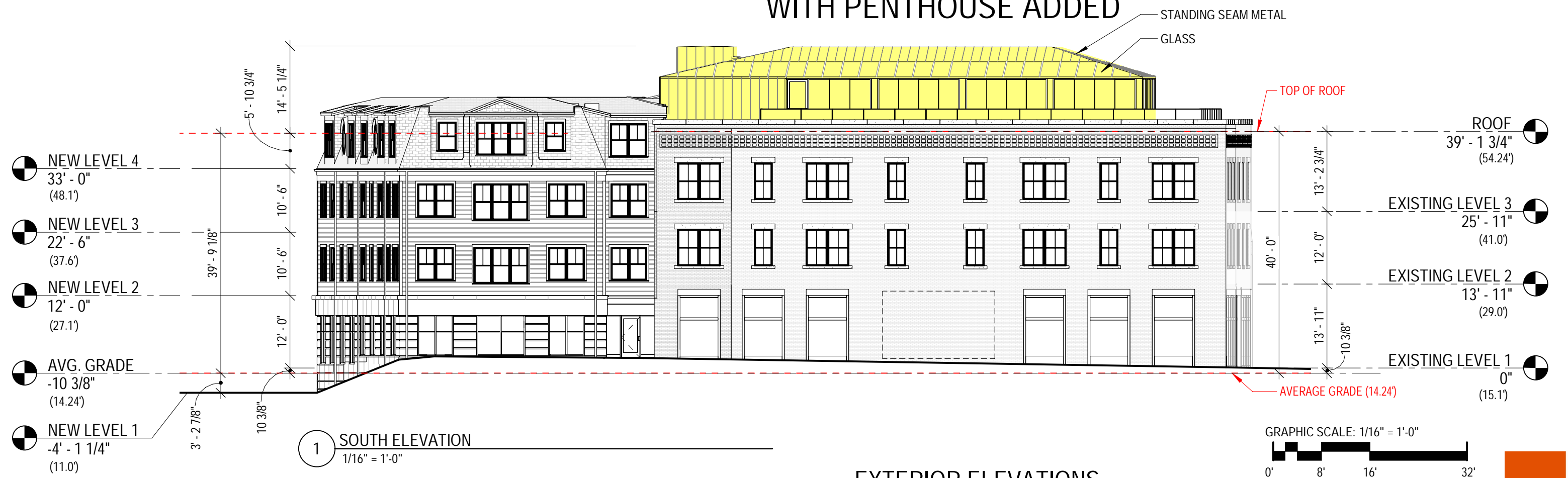


8 ADJACENT BUILDING FOURTH FLOOR DECK VIEW 02

AS APPROVED



WITH PENTHOUSE ADDED



EXTERIOR ELEVATIONS

64 Vaughan Mall

04/11/2022
SCALE: 1/16" = 1'-0"

SHEET 12 OF 17

AS APPROVED

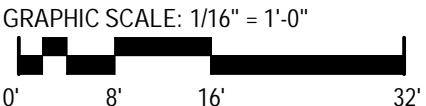


2 EAST ELEVATION - HDC APPROVED SUBMISSION 11/19/2021
1/16" = 1'-0"

WITH PENTHOUSE ADDED



1 EAST ELEVATION
1/16" = 1'-0"



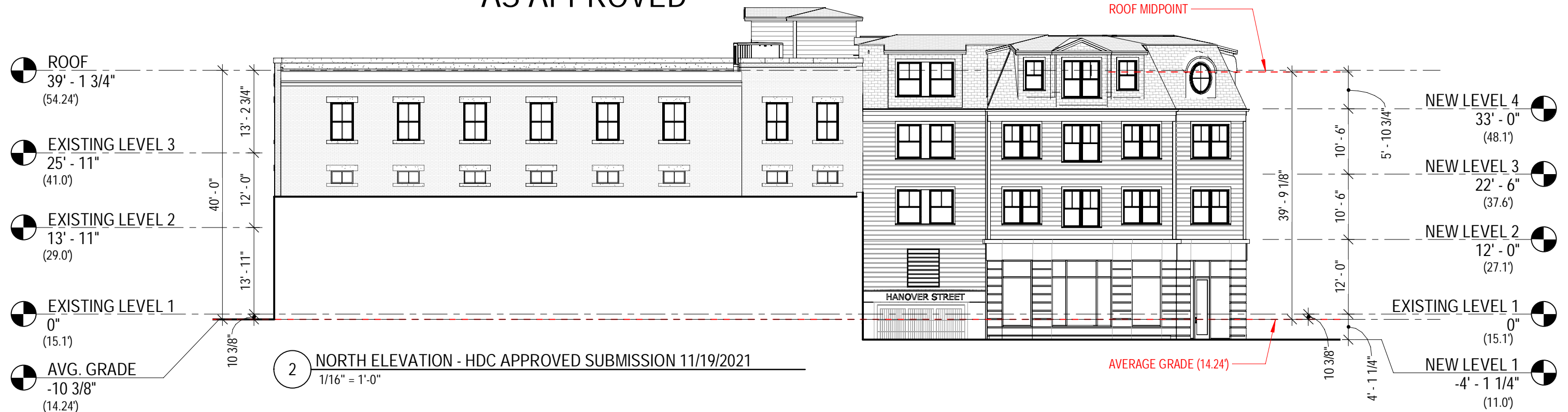
EXTERIOR ELEVATIONS

64 Vaughan Mall

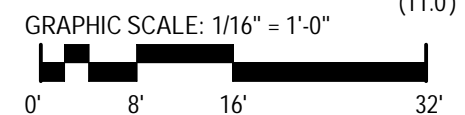
04/11/2022
SCALE: 1/16" = 1'-0"

SHEET 13 OF 17

AS APPROVED



WITH PENTHOUSE ADDED



EXTERIOR ELEVATIONS

64 Vaughan Mall

04/11/2022

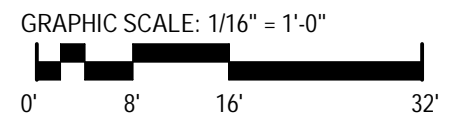
SCALE: 1/16" = 1'-0"

SHEET 14 OF 17



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EXTERIOR ELEVATIONS

64 Vaughan Mall

04/11/2022

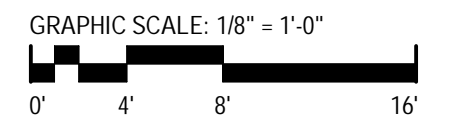
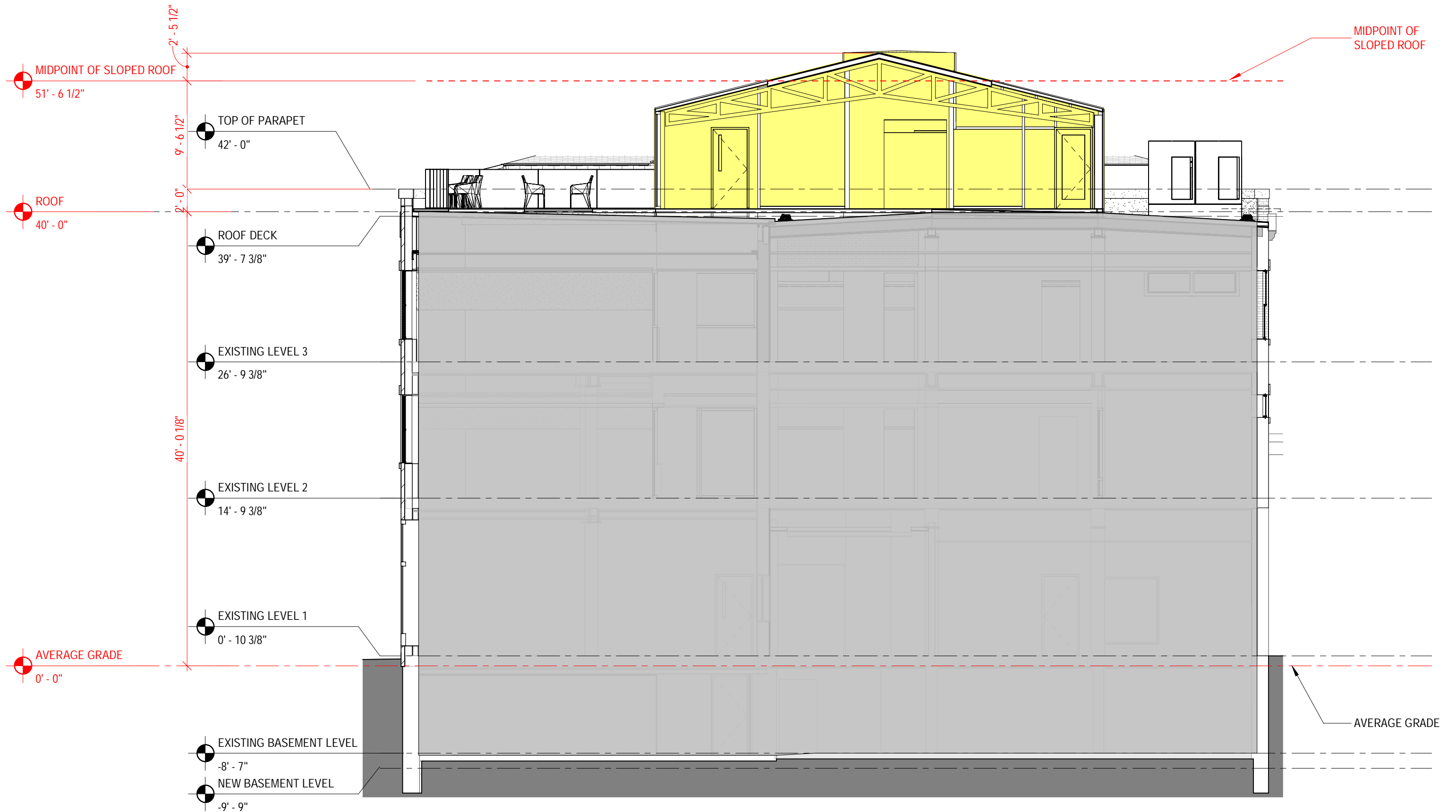
SCALE: 1/16" = 1'-0"

SHEET 15 OF 17



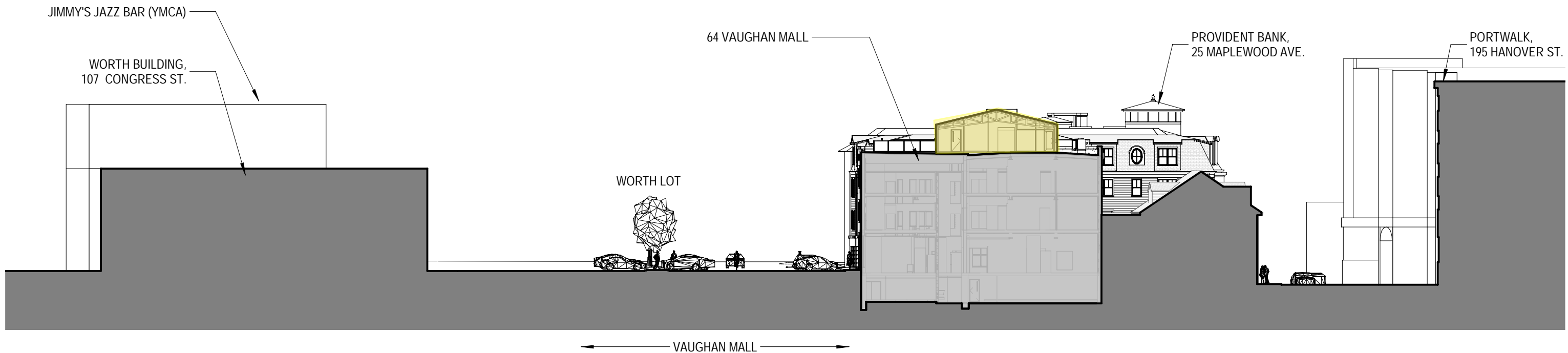
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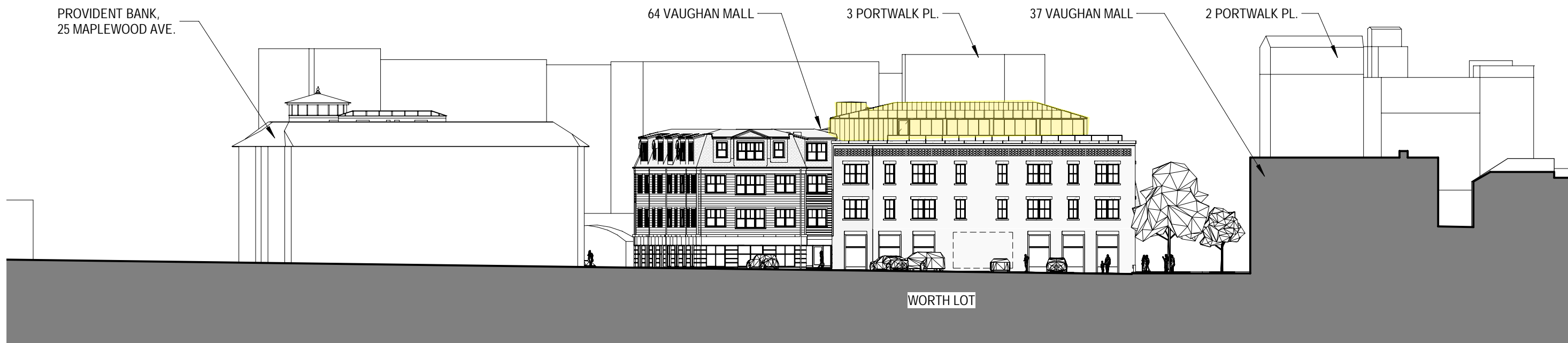


BUILDING SECTION
64 Vaughan Mall
04/11/2022
SCALE: 1/8" = 1'-0"

SHEET 16 OF 17



2 SITE SECTION - 02
1/32" = 1'-0"



1 SITE SECTION - 01
1/32" = 1'-0"

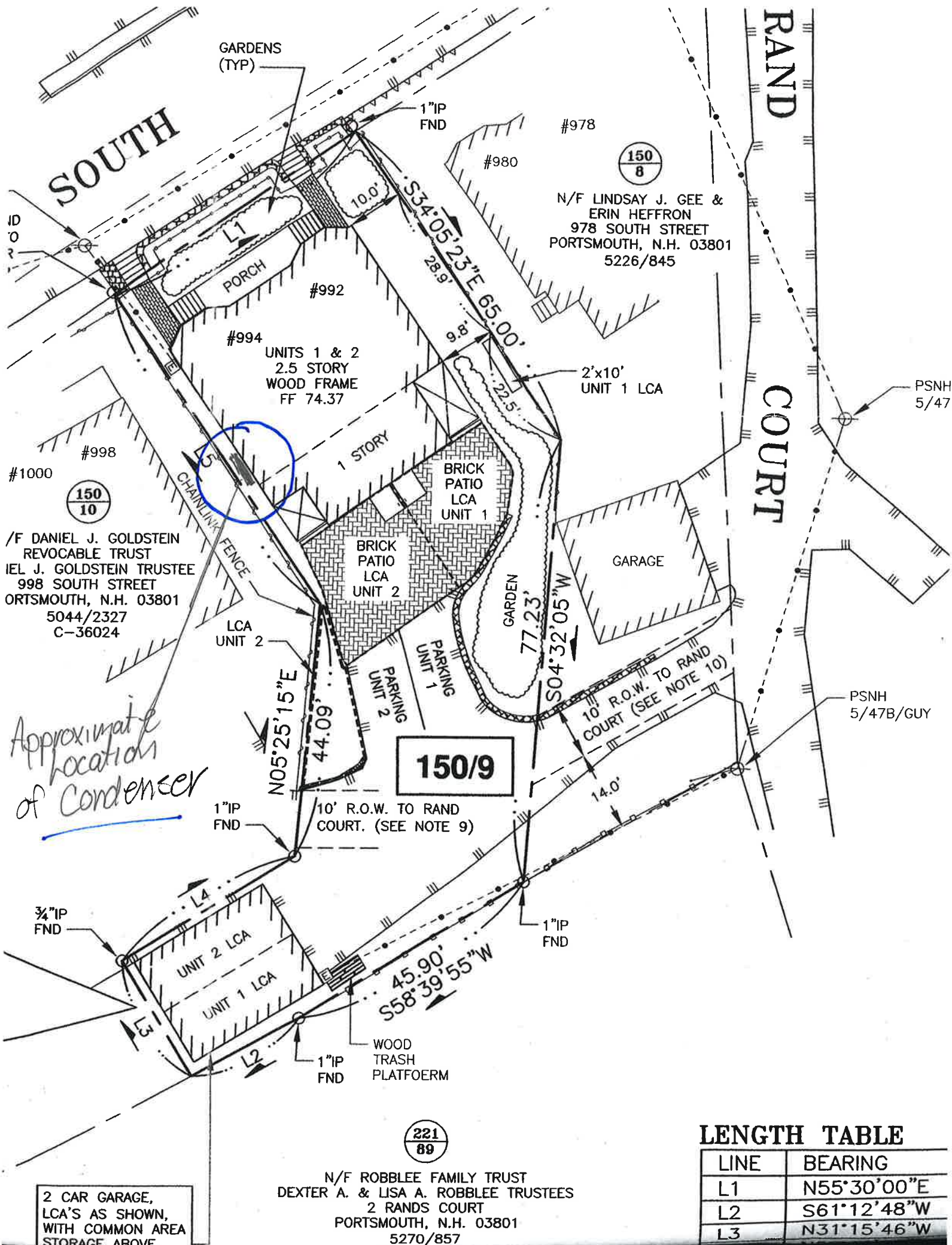
SITE SECTIONS 64 Vaughan Mall

04/11/2022
SCALE: 1/32" = 1'-0"

SHEET 17 OF 17



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Job Name:

System Reference:

Date:



Outdoor Unit: MXZ-5C42NA2

ACCESSORIES

- ☐ 3/8" x 1/2" Port Adapter (MAC-A454JP-E)
- ☐ 1/2" x 3/8" Port Adapter (MAC-A455JP-E)
- ☐ 1/2" x 5/8" Port Adapter (MAC-A456JP-E)
- ☐ 1/4" x 3/8" Port Adapter (PAC-493PI)
- ☐ 3/8" x 5/8" Port Adapter (PAC-SG76RJ-E)
- ☐ M-NET Adapter (PAC-IF01MNT-E)
- ☐ Base Heater (PAC-645BH-E)

(For data on specific indoor units, see the MXZ-C Technical and Service Manual.)

| Specifications | | | Model Name |
|---|-------------------------------|-----------------------|---|
| Unit Type | | | MXZ-5C42NA2 |
| Cooling* (Non-ducted / Ducted) | Rated Capacity | Btu/h | 40,500 / 37,400 |
| | Capacity Range | Btu/h | 12,600 - 43,000 |
| | Rated Total Input | W | 4,403 / 4,112 |
| Heating at 47°F* (Non-ducted / Ducted) | Rated Capacity | Btu/h | 45,000 / 41,000 |
| | Capacity Range | Btu/h | 11,400 - 53,600 |
| | Rated Total Input | W | 3,575 / 3,463 |
| Heating at 17°F* (Non-ducted/Ducted) | Rated Capacity | Btu/h | 24,400 / 23,000 |
| | Rated Total Input | W | 2,943 / 2,869 |
| Connectable Capacity | | Btu/h | 12,000 - 51,000 |
| Electrical Requirements | Power Supply | Voltage, Phase, Hertz | 208 / 230V, 1-Phase, 60 Hz |
| | Recommended Fuse/Breaker Size | A | 40 |
| | MCA | A | 32.5 |
| Voltage | Indoor - Outdoor S1-S2 | V | AC 208 / 230 |
| | Indoor - Outdoor S2-S3 | V | DC ±24 |
| Compressor | | | INVERTER-driven Scroll Hermetic |
| Fan Motor (ECM) | | F.L.A. | 2.43 |
| Sound Pressure Level | Cooling | dB(A) | 56 |
| | Heating | dB(A) | 58 |
| External Dimensions (H x W x D) | | In mm | 41-9/32 x 37-13/32 x 13 (1048 x 950 x 330) |
| Net Weight | | Lbs / kg | 189 (86) |
| External Finish | | | Munsell No. 3Y 7.8/11 |
| Refrigerant Pipe Size O.D. | Liquid (High Pressure) | In / mm | 1/4 (6.35) |
| | Gas (Low Pressure) | In / mm | A: 1/2 (12.7) ; B,C,D,E: 3/8 (9.52) |
| Max. Refrigerant Line Length | | Ft / m | 262 (80) |
| Max. Piping Length for Each Indoor Unit | | Ft / m | 82 (25) |
| Max. Refrigerant Pipe Height Difference | If IDU is Above ODU | Ft / m | 49 (15) |
| | If IDU is Below ODU | Ft / m | 49 (15) |
| Connection Method | | | Flared/Flared |
| Refrigerant | | | R410A |

* Rating Conditions per AHRI Standard:

Cooling | Indoor: 80° F (27° C) DB / 67° F (19° C) WB

Cooling | Outdoor: 95° F (35° C) DB / 23.9° C (75° F) WB

Heating at 47°F | Indoor: 70° F (21° C) DB / 60° F (16° C) WB

Heating at 47°F | Outdoor: 47° F (8° C) DB / 43° F (6° C) WB

Heating at 17° F | Indoor: 70° F (21° C) DB

Heating at 17° F | Outdoor: 17° F (-8° C) DB / 15° F (-9° C) WB

Approximate Size
and Location
of Condenser









8' from
House

13' ^{wide}
wide

Location
of
GAS
meters

30"



Variance Criteria Justification

10.233.21 The variance will not be contrary to the public interest;

The purpose of the mini-split system is to air condition and heat my house in the most efficient manner available to us. Rather than multiple, inefficient air conditioners hanging out a variety of windows (and eventually ending up at the dump), the mini-split would seem to have the least impact on the public interest and more directly, my immediate neighbors. The proposed location is in an area so small as to be rendered inconsequential for landscaping or any use other than access to the property,

10.233.22 The spirit of the Ordinance will be observed;

The area described is well under the standard setbacks. It is an older property that does not conform to other zoning regulations as currently exist. The addition of the split system does not make an area that has no real use any less useful. Several years ago the gas company moved the gas meters to this side of the house rendering this access even more restricted than its original configuration. A further impediment should not be a greater problem.

10.233.23 Substantial justice will be done;

Until 2 years ago my wife and I rarely used air conditioning. Recently, whether due to age or climate change, summers seem to have become hotter and more humid. A mini-split allows for separate spaces to be cooled as opposed to central air which would be extremely costly to retrofit in an old house. It can also be used as a supplemental and more efficient heating system. We have always worked on renovations to the house that make it more efficient to heat and cool. It is our belief that this will lower our impact on the environment and use of fossil fuels.

10.233.24 The values of surrounding properties will not be diminished;

While I would not call a condenser unit pleasing to the eye, it is less of an eyesore than 4 or 5 window units hanging out the side of my unit. The condenser is as quiet as 1 unit so it will have a lower impact on the noise level

near my adjacent neighbor. Because we will be able to run the refrigeration lines in through a basement window, no visual impact will be on the outside of the building other than the condenser unit. The visual impact will be entirely on the side next to us and not from any other area of the street or other neighbors. I cannot imagine how this could negatively affect anyone else's property values but rather serve as an example of what can be done in an older home to improve efficiency and comfort.

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

I have had 3 separate installers come to the property and make estimates. All agreed that this is the only spot that makes sense from a practical and aesthetic standpoint, Because I live in a condo it cannot go on any common area property. There is a porch in the front of the house but it cannot go under that. The proposed location offers the easiest and most direct route into the house while impacting my neighbors the very least. Without this variance, there is no way to install the mini-split system. While not having efficient and less noisy air conditioning system may not seem like a hardship, I feel that the need for this system will only grow every year.