

June 7, 2024

TO: City of Portsmouth Zoning Board of Adjustment

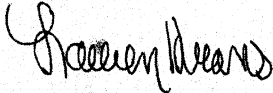
RE: Supporting carport proposal and request for variance at 133 Pearson Street

I live at 5 Plains Avenue which is also the first house on Pearson Street.

I support Avi Magidoff request for a side setback variance and the placement of a carport on the existing driveway 30 feet away from the street front.

I ask that you approve his request for a variance for a side setback of 4 feet.

Sincerely,

A handwritten signature in black ink, appearing to read "Lauren Krans". The signature is written in a cursive style with a large initial "L".

Lauren Krans
5 Plains Ave
Portsmouth NH 03801

TO: City of Portsmouth Zoning Board of Adjustment
RE: Supporting carport proposal and request for variance at 133 Pearson Street

7 June 2024

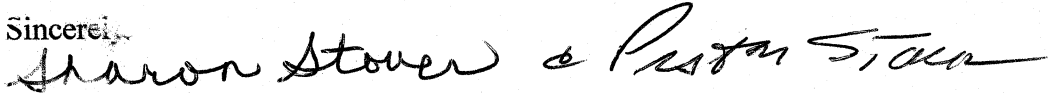
We own, and live in the house at 75 Pearson Street.

Several years ago, our neighbor at 65 Pearson Street added a garage with a 3.5 foot variance right next to our property. We supported her request for a variance. With several years of living experience, with the garage adjacent to our kitchen window, we can attest that this has not diminished our enjoyment of our property. Also, it does not appear to have affected our property's value.

We support the proposal by Avi Magidoff for a carport, which will be placed on an existing driveway 30 feet away from the street front.

We recommend that you approve his request for a variance for a side setback of 4 feet.

Sincerely,



Sharon and Preston Stover
75 Pearson Street
Portsmouth, NH 03801

Compose

Inbox

Starred

Snoozed

Important

Sent

Scheduled 8

Drafts

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133 Pearson Street Variance

Inbox x



Trust Trustee <58pearsonstreettrust@gmail.com>
to scasella, me

Mon, Jun 10, 12:34 PM

Board of Adjustment
Hearing on 133 Pearson Street proposed carport and setback variance

Dear Ms. Casella,

We, the Trustees of 58 Pearson Street Trust, owners of 58 Pearson Street, are writing in support of Avi Magidoff's application for a variance, to allow a carport to be placed on his driveway with a 4-foot setback. Mr. Magidoff's property is unique in that it is at the end of our street, and the carport will not affect anyone's views or create a sense of congestion in any way. His carport will not create any additional traffic either. We urge you to approve the request and grant Mr. Magidoff's variance so that he may build his carport.

Sincerely,

The Trustees
58 Pearson Street Trust
58 Pearson Street
Portsmouth, NH 03801

Labels

June 18, 2024

Board of Adjustment
1 Junkins Ave 3rd Floor
Portsmouth, NH 03801

RE: 133 Pearson Street proposed carport and setback variance of 4 feet

Dear Board of Adjustment Members:

Please accept this letter in support of Avi Magidoff's application for a variance, to allow a carport to be placed on his driveway with a 4 foot setback. I reside and own 44 Pearson Street.

I believe this carport would enhance the neighborhood and will not affect our property values in any way.

The 4 foot variance, in place of the standard 10, will not result any sense of congestion, as there are no structures nearby and plenty of green space around it. This property, at the end of our street, is unusual and enforcing the standard setback requirement on this property would not enhance the neighborhood, whereas I feel that approving the variance will.

I encourage you to approve the variance requested.

Sincerely,

A handwritten signature in black ink, appearing to read 'Laura Daley', with a stylized flourish at the end.

Laura Daley
603-493-7371
44 Pearson Street
Portsmouth, NH 03801

Zoning Board of Adjustment
Planning Department
City of Portsmouth NH

July 10, 2024

RE: 133 Pearson Street, request for variance for side setback (LU-24-107)

I am writing in support of Mr. Magidoff's application.

The Riverbrook Condominium Association, where I live and have served as HOA president, does not directly abut the lot on which the driveway is proposed, however, we do abut Mr. Magidoff's 2 other lots, so we are basically an abutter.

We are very lucky that we have plenty of green space around us, and much of that space is due to the Magidoff and the Foley properties. The carport, on an already existing driveway will in no way affect our condominiums.

The Magidoff property is extremely well maintained with gardens that feed many in the neighborhood, and offers plenty of green space. None of that will be affected by the carport.

The carport will allow Mr. Magidoff the ability to stay on the property as he ages, allowing all of us to benefit from his land stewardship.

I do, of course, understand the importance of setbacks as a way to prevent congestion and maintain safety. Given that the carport will be dozens of feet away from other neighboring structures and that the land on the other side of the property line is deeded to the city, the underlying concerns for setbacks are being addressed by virtue of the particular placement of the property.

Sincerely,



Susan Seiden
Riverbrook Condominium Association
777 Middle Road, unit 39
Portsmouth NH 03801
(603) 988-9049

Compose



1 of 12,417

Inbox

Starred

Snoozed

Important

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8

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"Jay and Cheryl Damren" regarding carport

Inbox x



Cheryl Damren <cnjdamren@gmail.com>
to me

2:14 PM (6 minutes ago)

Jay and Cheryl Damren
25 Pearson Street
Portsmouth, NH 03801

July 12, 2024

To whom it may concern;

In regards to the request application for variance of the carport structure at 133 Pearson Street,

we are in support of this. As homeowners on Pearson Street we have no objections and know it will not have a negative impact to anyone on the street.

Sincerely,

Labels

Compose

5 of 46

Inbox

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Snoozed

Important

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Scheduled 7

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Re: Wanted to check with you regarding -

Inbox x



Katie Wentworth <katiwentworth126@gmail.com>
to me

Fri, May 31, 8:42 PM

Hi Avi, your carport looks fine to us.
We appreciate your checking with us ahead of time.
Dick and Katie

On Thu, May 30, 2024 at 6:48 PM Avi Magidoff <avimagidoff@gmail.com> wrote:

Dear Katie and Dick:

I wanted to check in with you about building a carport on my driveway.

The one I am looking at is on <https://www.backyarddiscovery.com/collections/carports/products/20x12-barrington-gazebo-carport>

It will be on the driveway, 30 feet away from the street - so basically starting just past where the orange cones are now. While it will be at least 50 feet, if not 60, from your house, I wanted to check in and see if you have any input or concerns.

I do not believe it will have any impact on your air, light, or water flow. I do believe you will be able to see it from your upstairs, north facing windows (though probably not in the summer?). I have chosen a design I believe is the least imposing (a "hip-roof") that I believe is quite pleasing, and I am happy to hear your take on it (if you like another

126 Pearson



joanne.brawn@comcast.net



Compose



4 of many

Inbox

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Important

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Scheduled 7

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Re: Want to check in with you on...

Inbox x



Joanne Brawn <joanne.brawn@comcast.net>

Fri, May 31, 8:33 PM

to me

If approved by the City, we would not have any objections. We would prefer though that it be placed closer to the back of your driveway near the Riverbrook lot line.

Thanks 😊

On 05/31/2024 8:18 PM EDT Avi Magidoff <avimagidoff@gmail.com> wrote:

No, I am trying to get feedback from you before I make any commitments ;-)

On Fri, May 31, 2024 at 8:04 PM Joanne Brawn <joanne.brawn@comcast.net> wrote:

Have you gotten the necessary permits or variances from the City yet?

On 05/30/2024 6:42 PM EDT Avi Magidoff <avimagidoff@gmail.com> wrote:

Dear Joanne and Brian:

I wanted to check in with you about building a carport on my driveway

121 Pearson

From: [Kimberli Kienia](#)
To: [Kimberli Kienia](#)
Subject: FW: 133 Pearson Street Variance
Date: Monday, June 10, 2024 6:00:55 PM

From: Trust Trustee <58pearsonstreettrust@gmail.com>
Sent: Monday, June 10, 2024 12:35 PM
To: Stefanie L. Casella <SLCasella@cityofportsmouth.com>
Cc: Avi Magidoff <avimagidoff@gmail.com>
Subject: 133 Pearson Street Variance

Board of Adjustment
Hearing on 133 Pearson Street proposed carport and setback variance

Dear Ms. Casella,

We, the Trustees of 58 Pearson Street Trust, owners of 58 Pearson Street, are writing in support of Avi Magidoff's application for a variance, to allow a carport to be placed on his driveway with a 4-foot setback. Mr. Magidoff's property is unique in that it is at the end of our street, and the carport will not affect anyone's views or create a sense of congestion in any way. His carport will not create any additional traffic either. We urge you to approve the request and grant Mr. Magidoff's variance so that he may build his carport.

Sincerely,

The Trustees
58 Pearson Street Trust
58 Pearson Street
Portsmouth, NH 03801

June 7, 2024

TO: City of Portsmouth Zoning Board of Adjustment

RE: Supporting carport proposal and request for variance at 133 Pearson Street

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I support Avi Magidoff request for a side setback variance and the placement of a carport on the existing driveway 30 feet away from the street front.

I ask that you approve his request for a variance for a side setback of 4 feet.

Sincerely,

A handwritten signature in black ink that reads "Lauren Krans". The signature is written in a cursive, flowing style.

Lauren Krans
5 Plains Ave
Portsmouth NH 03801

From: [DEBORAH JOYCE](#)
To: [Planning Info](#)
Subject: Re: Feedback for Abutter Notice for 0 Melbourne Street
Date: Monday, July 8, 2024 4:05:32 PM

To Members of the Board of Adjustment (Hearing to be held on July 16th),
The following is my feedback regarding the request of Bruce R. Carll, owner of property located at 0 Melbourne St., for variances to construct a single residential unit on a vacant and undersized lot.

I, Deborah L. Joyce owner of property at 34 Hampshire Rd. since 2008, received an Abutter Notice regarding the above request and am opposed to Mr. Carll's request for variances in order to construct the above single residential unit.

My reasoning is based on the closeness of properties already in that area of Melbourne Street which backs up to Hampshire Rd. not far from where I reside.

Thank you for your consideration.

Sincerely,

Deborah L. Joyce
34 Hampshire Road
Portsmouth

7/9/2024

Dear Members of the Zoning Board of Appeals,

I am writing to express my strong opposition to the variance request submitted by Bruce Carll/his potential buyers for the property located at 0 Melbourne Street. The request seeks relief to construct a single residential unit on a vacant and undersized lot, requiring significant deviations from the current zoning requirements.

The specific variances requested include:

1. Allowing a 6,197 square foot lot area where 15,000 square feet are required.
2. Allowing 6,197 square feet of lot area per dwelling unit where 15,000 square feet are required.
3. Allowing 50 feet of frontage where 100 feet are required.

On behalf of several residents in the neighborhood who have signed below, we all urge the Zoning Board to consider the following points in **strong opposition** to this variance request:

1. Preservation of Neighborhood Character

The established zoning regulations are in place to maintain the character and harmony of our neighborhood. Granting such a substantial variance would set a concerning precedent, potentially leading to a cascade of similar requests. This could ultimately erode the spacious and uniform nature of our community, which is highly valued by its residents.

2. Overcrowding and Density

The significant reduction in lot area and frontage requirements could contribute to overcrowding and increased density in the area. This could strain local infrastructure, including roads, sewage systems, and public services, which are designed to support a specific population density.

3. Impact on Property Values

The introduction of a residential unit on an undersized lot may adversely affect the property values of surrounding homes. Homeowners have invested in this neighborhood with the understanding that certain zoning standards would be upheld, ensuring the stability and desirability of the area. My property at 105 Essex Avenue directly abuts this lot and I vehemently oppose this 3 story dwelling being built, which will be in direct view of the back of my residence, and will look directly down into my backyard over my 6 foot privacy fence.

4. Environmental Concerns

Undersized lots can lead to inadequate space for proper drainage, green spaces, and the preservation of natural habitats. Ensuring that lot sizes conform to established standards helps protect our environment and maintain the ecological balance.

5. Safety and Accessibility

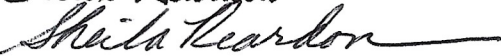
Adequate frontage is critical for ensuring safe and accessible entry and exit from properties. Reducing the frontage from 100 feet to 50 feet could create potential safety hazards for both residents and visitors, as well as complicate access for emergency services.

In conclusion, I respectfully urge the Zoning Board of Appeals to deny the variance request for 0 Melbourne Street. Upholding the current zoning regulations is essential to preserving the character, safety, and sustainability of our neighborhood.

Thank you for considering our concerns. I trust that the Board will act in the best interests of the community and neighbors that this will directly impact.

Sincerely,

Sheila Reardon



105 Essex Ave Portsmouth NH

Signatures of neighbors opposing this build:

Whitney Dooley 140 Essex Ave
Jeanne Pendergast 70 Sheffield Road

James F. Pendergast 70 SHEFFIELD RD.
M J Pendergast 70 SHEFFIELD RD.

Fay Horn 71 Sheffield Rd.
Susan B. 30 SHEFFIELD RD

Rich & Patti Fransoso 3 Melbourne St.
KATH BRADSHAW 43 RUTLAND ST

Kelly Cole 44 Melbourne Street

Cassy Saltus 122 Essex Ave
STEVE BROWN 64 ESSEX AVE

Linda Rand 64 Essex Ave
Dorothy Pendergast 157 Essex Ave

Rhonda O Fats 541 Middle Rd

William Fats 541 Middle Rd

Phil Scapri 276 Melbourne St

Jimmy Scapri 276 Melbourne St
Grace Lacasa 20 Sims Ave, Portsmouth
Ann Carlton
Ann Carlton 100 Essex Ave Portsmouth

Marcia Welsh 35 Hampshire Rd, Portsmouth

Rose Sully 61 Sheffield Rd Portsmouth NH

Owari 24 Sheffield Rd Portsmouth, NH

Nancy A Gentile 20 Islington St #312 Portsmouth NH

Kathleen Vaccaro 55 Sheffield Road Portsmouth

Cowl Mathes (Mathes) 7 Hampshire Rd.

Karl A 7 Hampshire Rd Portsmouth

Deborah L Joyce 34 Hampshire Rd, Portsmouth

Kate Beckell 24 Sheffield Rd., Portsmouth

W. O. O. 140 ESSEX AVE. PORTSMOUTH

Denise Charle 105 Melbourne St Portsmouth

J. Williams 161 ESSEX AVE, Portsmouth, NH

Shirley Ashby 589 Middle Road Portsmouth

Ian Ashby 589 middle Road Portsmouth
N.H.
N.H.

Robert S. Wade
Kathleen Berk

169 Essex Ave. Portsmouth, N.H.
~~258~~ Melbourne St. Portsmouth, N.H.

To: The Board of Adjustment
From: Johanna Soris
14 Sheffield Rd., Portsmouth, NH 03801
Re: Certified Notice of the Request of Bruce R. Carll
For Property located at 0 Melbourne St.

I am a direct abutter of the property known as 0 Melbourne Street.¹ I am writing to record my objection to the type of relief requested by Mr. Carll and contained in the Application submitted on behalf of Patrick and Wendy Quinn.

The proposed residence put forth in the Application is not identical in character with adjacent and abutting residences.

My objection is based upon an analysis made by Mr. Rheume at a hearing involving 0 Islington St. held on August 17, 2021. The issue Mr. Rheume was addressing was “is the proposed structure in keeping with the characteristics of the neighborhood?”²

The abutters were objecting to what they perceived as the massive structure proposed for 0 Islington Street. Mr. Rheume summarizes the history of the Islington St. lots describing them as same size “trolley stop” lots of a standard narrow size. He states that the 0 Islington Street proposed structure is in keeping with the characteristics of the neighborhood. He notes nearly all of the homes on Islington Street are similarly spaced so having another home on Islington St. on a narrow lot would not be *acharacteristic of this neighborhood and therefore continues the rhythmic sense of the housing on Islington Street.* He then states that if this proposal were on Melbourne St. he would be a lot more hesitant to approve the Applicant’s request because the homes on Melbourne St. are consistently wider.

¹ (See atchs. selected pictures of houses on Sheffield, Essex, Melbourne and Hampshire)

² (See, https://www.youtube.com/live/vfu0_J4Grsg?si=YTM5glgDE6wBI1VG&t=8067 at 2:11:25)

The abutters also strenuously objected to the fact that 0 Islington Street was not going to have the large front porch as did the majority of the houses from Rutland Street toward the Plains. Mr. Rheume addressed this issue as well. He stated that this was more of a design issue. He noted that the ZBA does not have jurisdiction over design issues in the same way that the HDC does. However he stated that the ZBA had been “tiptoeing” into design issues.

As an example, and continuing along this theme of the importance of consistency and the rhythmic nature of homes in neighborhoods, Mr. Rheume recalled a homeowner’s request to enclose an open front porch on Richards Avenue. Several of the neighbors had similar open porches along the street and objected to the enclosing of the porch. The Board denied the request to enclose the porch because open porches were *characteristic* of the homes on Richards Avenue and enclosing one porch would disrupt the *rhythmic sense* of the housing in the neighborhood.

Similar to the porch analysis, The Applicant for 0 Melbourne is asking to build an entire structure which is completely *acharacteristic* for the adjacent streets as follows:

- The structure is three stories high and has the look and feel of a freestanding “garage under condominium unit” like those found at West End Yards and those being built on Peveryly Hill Road across from Market Basket, for example. There are no such structures in the Melbourne, Sheffield, Hampshire, or Essex neighborhood. This objection is based upon the fact that such an unusual structure is *acharacteristic* of this longstanding neighborhood and *disrupts the rhythmic* nature of the neighborhood.
- The homes on the streets listed above are ranch homes, capes, and two story houses built on large lots in the 1900’s. Most of the homes are vintage 1950’s homes which are one or two story dwellings. Only one has a finished third floor and looks nothing like a garage under three story condominium.

- It is my understanding that some applicants are leery of providing complete renderings of the inside and outside of the proposed residence until they receive the variance and therefore use “place holder” pictures from the internet and floor plans to describe their proposed residence. The Applicants for 0 Melbourne St. provide floor plans for the proposed structure. The first (street) floor is comprised of a single car “garage under” opening on to Melbourne Street. The garage is 13” x 21.6.” Behind the garage is a guest suite/bonus room that is 14.4” x 15”. Near the guest suite/bonus room is what appear to be a washer and a dryer. Based upon the very small pictures from the internet it appears that a small front porch entry way is to the left of the garage opening. Based upon another very small picture from the internet, the rear of the first floor of the structure has sliding doors onto a deck of some kind.
- The so-called main floor is directly above the first (street) floor. The floor plan shows the entry way from the porch which is 8” x 11”. Beside the entry is a room captioned “flex space” which is labeled 13” x 9.8”. Behind the flex space is a kitchen which is 9.6 “x 14” and to the back of the proposed residence is the living/dining area which is 22” x 15”.
- At the very back of the main floor, the floor plan labels an area as a deck which is 22” x 10”. The internet pictures show what appear to be sliding doors and a balcony so there is a discrepancy as to whether the area will be a deck or a balcony. This causes confusion for the abutter which calls into question the use of the internet pictures as place holders for this structure.
- The third floor has a master bedroom which is 13” x15” and what one could surmise is the master bathroom. There is a washer and dryer on this floor and two more bedrooms, 10.8”x10” and 10” x 11.2”. There is another unidentified room which is likely a bathroom. The third floor has two windows facing the rear of the property.

The Application was submitted without any renderings of the front, left, rear or right elevations in the context of the surrounding homes with accompanying annotations. I reiterate my understanding as to why the Applicants may have chosen to leave those renderings out of their submission; on the other hand I

think even simple drawings should be required when such an unusual structure is being proposed.

Once again I would draw the Board's attention to the character of the neighborhood. It is well established with houses on Sheffield, Hampshire and Essex dating back to the 1950's and 1960's. Most of the homes on Melbourne date back to earlier 1900's. The residents of these homes take obvious pride in their properties. Any changes made to the outside of these properties over all these years have not changed the character of the streets. Our streets may not have been in existence as long Richards and Lincoln and Wibird, and our homes may be more humble by comparison, but we all take pride in our streets, homes and neighborhood. We are asking for the same consideration as the neighbors were given in the Richards Ave. "enclosed porch" matter.

I also ask the Board to consider this scenario: Allowing the Applicant's relief for 0 Melbourne Street does not address the fate of 124 Melbourne. This is the slippery slope argument – having granted relief to allow the Applicants to build a structure so out of character with the surrounding homes in 2024, what is to stop the Applicants from building another similarly uncharacteristic structure on 124 Melbourne Street in two years? Two uncharacteristic homes side by side do not resolve the issues with this relief, rather it compounds the problem.

In conclusion, one thing is obvious; this is a free standing garage under condominium which is *not consistent* with the houses in the adjacent neighborhoods and which will *disrupt the look and rhythmic nature* of the surrounding neighborhood. This condominium belongs with other condos in another part of the city.

Submitted: July 11 2024

Houses of Essex Ave



Sheila Reardon
105 Essex Ave
Certified abutter



Stephen Rand
64 Essex Ave



140 Essex Ave



151 Essex Ave



170 Essex Ave

Houses of Melbourne St



3 Melbourne St



64 Melbourne St



85 Melbourne St



163 Melbourne St

Houses of Sheffield Rd



Johanna Soris
14 Sheffield Rd
Certified abutter



24 Sheffield Rd
Kate Beckett and David Miller
Certified abutter



30 Sheffield Rd



Jim and Jeanne Prendergast
70 Sheffield Rd



79 Sheffield Rd



100 Sheffield Rd

Houses of Hampshire Rd



4 Hampshire Rd



7 Hampshire Rd



12 Hampshire Rd



16 Hampshire Rd



20 Hampshire Rd



21 Hampshire Rd



24 Hampshire Rd



27 Hampshire Rd



28 Hampshire Rd



32 Hampshire Rd



35 Hampshire Rd