

**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.

October 28, 2025

AGENDA

I. OLD BUSINESS

- A.** The request of **Charlie Neal and Joe McCarthy (Owners)**, for property located at **28 Whidden Street** whereas relief is needed to construct an addition to the rear of the structure which requires the following: 1) Variance from Section 10.521 to allow a) 42% building coverage where 30% is allowed, b) 11 foot rear yard where 25 feet are required; and 2) 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 located on Assessor Map 102 Lot 64 and lies within the General Residence B (GRB) and Historic Districts. (LU-25-127)

II. NEW BUSINESS

- A.** The request of **Double Mc LLC (Owner)**, for property located at **134 Pleasant Street** whereas relief is needed for redevelopment of the existing commercial building and construction of horizontal and vertical building expansions for a mixed-use building with below-grade parking and the relocation of drive-through teller lanes, which requires the following: 1) Variance from Section 10.440, Use #19.40 for a drive-through facility as an accessory to a permitted principle use; and 2) Variance from Section 10.331 to change the location and use of the drive-through facility. Said property is located on Assessor Map 116 Lot 30 and lies within the Character District 4 (CD4) and Historic District. (LU-25-138)
- B.** The request of **Tyler Garzo (Owner)**, for property located at **62 McKinley Road** whereas relief is needed to construct a detached accessory dwelling unit which requires the following: 1) Variance from Section 10.1114.31 to allow a second driveway where

only one is permitted. Said property is located on Assessor Map 268 Lot 26 and lies within the Single Residence B (SRB) District. (LU-25-136)

- C. The request of **ZJBV Properties LLC (Owner)** and **Jason Michalak (Applicant)**, for property located at **180 Islington Street** whereas relief is needed to establish a personal service use for a tattoo studio which requires the following: 1) Special Exception from Section 10.440 Use #7.20 to allow a personal service use. Said property is located on Assessor Map 137 Lot 19 and lies within the Character District 4-L2 (CD4-L2) and Historic District. (LU-25-137)
- D. The request of **Christopher J and Rachel A Delisle (Owners)**, for property located at **250 McKinley Road** whereas relief is needed to construct a second story addition to the primary structure which requires the following: 1) Variance from Section 10.521 to allow a) 23 foot front yard where 30 feet are required, b) 0 foot right side yard where 10 feet is required; and 2) 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 located on Assessor Map 250 Lot 117 and lies within the Single Residence B (SRB) District. (LU-25-139)
- E. The request of **Nuchow Hartzell Family Trust (Owner)**, for property located at **204 Aldrich Road** whereas relief is needed to construct an addition and ramp to the primary structure which requires the following: 1) Variance from Section 10.521 to allow a) 3 foot right side yard where 10 feet is required, b) 7 foot left side yard where 10 feet is required, c) 31% building coverage where 20% is the maximum allowed; and 2) 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 located on Assessor Map 153 Lot 26 and lies within the Single Residence B (SRB) District. (LU-25-140)
- F. The request of **Trenton and Denise Sensiba (Owners)**, for property located at **0 and 12 Ruth Street** whereas relief is needed for a lot line adjustment which requires the following: 1) Variance from Section 10.521 for 20.66 feet of frontage on Map 143 Lot 16 where 100 feet is required. Said property is located on Assessor Map 143 Lots 16 and 9-1 and lies within the General Residence A (GRA) District. (LU-25-118)

II. ADJOURNMENT

**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_qS4lAGIST6qUA4Y2mR_GuA



City of Portsmouth
Planning Department
1 Junkins Ave, 3rd Floor
Portsmouth, NH
(603)610-7216

MEMORANDUM

TO: Zoning Board of Adjustment
FROM: Jillian Harris, Principal Planner
DATE: October 23, 2025
RE: Zoning Board of Adjustment October 28, 2025

The agenda items listed below can be found in the following analysis prepared by City Staff:

I. Old Business

A. 28 Whidden Street

II. New Business

A. 134 Pleasant Street

B. 62 McKinley Road

C. 180 Islington Street

D. 250 McKinley Road

E. 204 Aldrich Road

F. 0 – 12 Ruth Street

I. OLD BUSINESS

- A. The request of **Charlie Neal and Joe McCarthy (Owners)**, for property located at **28 Whidden Street** whereas relief is needed to construct an addition to the rear of the structure which requires the following: 1) Variance from Section 10.521 to allow a) 42% building coverage where 30% is allowed, b) 11 foot rear yard where 25 feet are required; and 2) 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 located on Assessor Map 102 Lot 64 and lies within the General Residence B (GRB) and Historic Districts. (LU-25-127)

Existing & Proposed Conditions

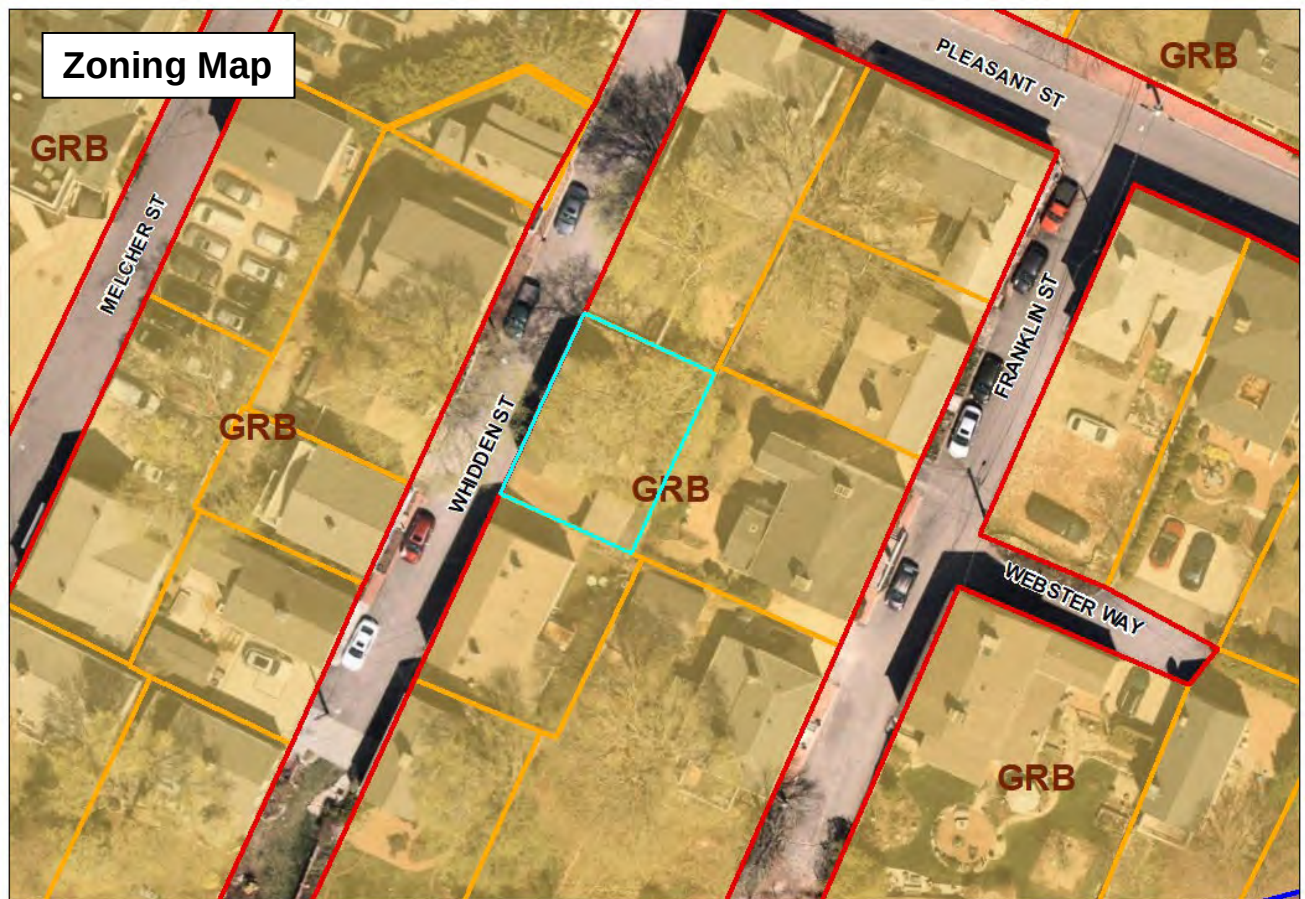
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	*Construct addition at rear of structure	Mixed-Use
<u>Lot area (sq. ft.):</u>	2,613.6	2,613	5,000 min.
<u>Front Yard (ft.):</u>	0	0	5 min.
<u>Left Yard (ft.):</u>	15	23 feet to addition	10 min.
<u>Right Yard (ft.):</u>	8	15'11" to addition	10 min.
<u>Rear Yard (ft.):</u>	16	11	25 min.
<u>Building Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	37.7	42	30 max.
<u>Open Space Coverage (%):</u>	36	33	25 min.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1780	Variance request(s) shown in red.	

*Relief needed to construct an addition to the already non-conforming primary structure that would further impact the non-conformity.

Other Permits/Approvals Required

- Building Permit
- Historic District Commission

Neighborhood Context



0 15 30 60 Feet
1 inch = 34.9 feet

28 Whidden Street



Previous Board of Adjustment Actions

- **December 16, 1986** – The Board **granted** a Variance from Article III, Section 10-302 is requested to allow the construction of a 68.5 s.f. rear addition with the following: a) a 17' rear yard where a rear yard of 25' is required; and b) building coverage of 37.8% where a maximum building coverage of 20% is allowed.
- **October 21, 2025** – The Board voted to postpone the applicants request to the October 28, 2025 meeting.

Planning Department Comments

The applicant is requesting relief to construct a 105 square foot addition to rear side of the structure.

Variance 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.

Portsmouth, NH - Board of Adjustment
Variance Statement for: 28 Whidden

Date: 10.01.25

Chairman of the Board of Adjustment
C/O Planning Department City of Portsmouth
1 Junkins Ave.
Portsmouth, NH 03801

To The Chairman of the Board of Adjustment,

Please find this statement addressing the requirements for a variance on the proposed project located at 28 Whidden Rd, Portsmouth, NH.

Overview: The existing single-family home located in the Historic District of Portsmouth, NH we are proposing an addition of a "Mudroom Hallway" that functions as a mudroom and storage shed area. The home will remain single family.

We are requesting relief for lot coverage from 36% to 42% on a .06ac lot with this addition of 105sf where 30% is allowed.

Per Section 10.233.21 – The variance will not be contrary to public interest. We do not see this proposal as contrary to public interest and is staying consistent to other additions / renovations in the neighborhood.

Per Section 10.233.22 - The spirit of the Ordinance will be observed. This home currently has no transition area from exterior to interior. We are trying to create a space to enter from the side and back while still connecting it to a shed that will be used as a seasonal studio space.

Per Section 10.233.23 – Substantial Justice will be done. We believe we are asking for a modest request of expanding the footprint of the addition by 105 square feet. We are already over lot coverage so there would be no way to expand the footprint without board approval. We believe that with the small amount of square footage we are requesting, it would significantly improve the function of this historic home.

Per Section 10.233.24 - The values of the surrounding properties will not be diminished. The neighborhood is a lovely mix of historic homes, primarily colonials with additions. All neighbors will benefit from the financial investment that the homeowners are willing to invest in the property.

Per Section 10.233.25 – Literal enforcement of the provisions of the ordinance would result in hardship.

- a. The non-conforming structure of the home has been a challenge and we worked hard to increase the current footprint by the minimal amount.
- b. The house has had little, or no work done for several years and feels as if it is truly back in the 1780's. We are trying to improve the property to modern living standards by having a transitional space to come in out of weather before stepping directly into our kitchen. The front door has not functioned in many decades but also does not offer the transition relief that we are looking for.
- c. Not receiving a variance for this project would be a hardship to the homeowners.

We encourage the Portsmouth Board of Adjustment to grant the variance to the Neal McCarthy Residence.

Submitted respectfully,

Amy Dutton
Amy Dutton Home
9 Walker Street
Kittery, Maine 03904
amy@amyduttonhome.com
207-337-2020

PHOTOS OF EXISTING PROPERTY:



FRONT VIEW with SHED



LEFT FRONT VIEW



REAR RIGHT VIEW



REAR LEFT VIEW with SHED



@AMY DUTTON HOME
DRAWINGS USED EXPRESSIVELY FOR
DESIGN ONLY FOR NOTED CLIENT. ALL
STRUCTURAL ENGINEERING PROVIDED BY
OTHER.

Building contractor / home owner to review and verify all
dimensions, specs and connections before construction
begins.

PRIMARY:
● INTERNATIONAL RESIDENTIAL CODE (IRC 2021)

SECONDARY:

- ELECTRICAL CODE SYSTEM: NEC 2020
- MECHANICAL SYSTEM CODE: IMC 2021
- PLUMBING SYSTEM CODE: (IPC 2021)
- INTERNATIONAL ENERGY CONSERVATION CODE (IECC 2021)

LIVING AREA

MAIN FLOOR	747 sqft
UPPER STORY, FINISHED	595 sqft
ATTIC	149 sqft
TOTAL	1,491 sqftsqft
SHED	238 sqft

LIVING AREA

MAIN FLOOR	747 sqft
SHED CONNECTOR ADDITION	105 sqft
UPPER STORY, FINISHED	595 sqft
ATTIC	149 sqft
TOTAL	1,596 sqft
SHED	238 sqft

DIM DISCLAIMER

BUILDING CONTRACTOR/HOME OWNER
TO REVIEW AND VERIFY ALL DIMENSIONS,
SPECS, AND CONNECTIONS BEFORE
CONSTRUCTION BEGINS.

OVERVIEW

SCALE: NTS

Layout Page Table	
Label	Title
O-1	OVERVIEW
S-1	SITE PLAN
S-2	SITE PLAN
G-1	GENERAL NOTES
G-2	GENERAL NOTES
A-1	FIRST FLOOR
A-2	ELEVATIONS
A-3	ELEVATIONS
A-4	ROOFS
A-5	WINDOW SCHEDULE

Revision Table	
Number	Date Revised By Description

OVERVIEW

PROJECT:
NEAL MCCARTHY
28 Whidden, Portsmouth
NH 03801

CONTACT:
AMY DUTTON HOME
4 WALKER STREET
KITTERY, ME 04101
207.345.6050

DATE:

10/1/2025

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DUTTON HOME 2025

SCALED FOR:
24" X 36"

SCALE:

SEE SCALE
ON DRAWINGS

SHEET:

O-1

CALCULATIONS

ZONING MAXIMUMS: GRB
front setback: 5'
rear setback: 25'
side setbacks: 10'
lot coverage: 30%

EXISTING CONDITIONS:
LOT SIZE: 0.06 AC

FRONT/REAR HEIGHT:
26' 4" EXISTING RIDGE HT FROM FRONT GRADE

LIVABLE SF: 1,491 SF
FIRST FLOOR 747 SF
UPPER STORY 595
ATTIC 149 SF

GROSS SF: 1,937 SF
FIRST FLOOR 747 SF
UPPER STORY 595 SF
ATTIC 595 SF

OUTBUILDINGS
SHED 238 SF

AREA OF FOOTPRINT: 985 SF
EXISTING SETBACKS:
FRONT: 0
REAR: 16.5'
LEFT: 15'
RIGHT: 8.1'

EXISTING LOT COVERAGE: 37.7 %
EXISTING PARCEL AREA: 2,613.6 SF (0.06 AC)

PROPOSED CONDITIONS:

FRONT/REAR HEIGHT:
9'-5" PROPOSED RIDGE HT FROM FRONT GRADE

LIVABLE SF: 1,596 SF
FIRST FLOOR 852 SF
UPPER STORY 595 SF
ATTIC 149 SF

GROSS SF: 2,042 SF
FIRST FLOOR 852 SF
UPPER STORY 595 SF
ATTIC 595 SF

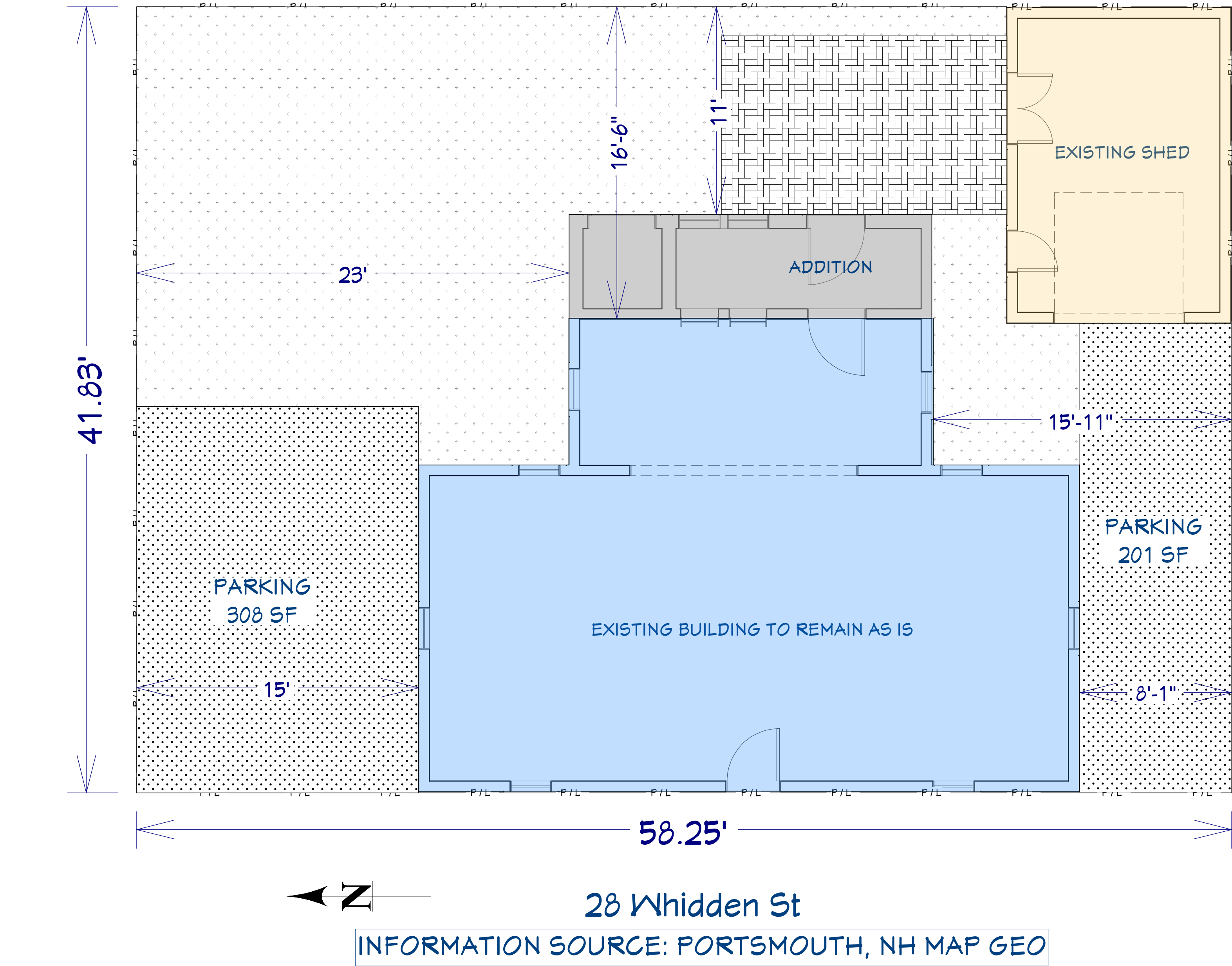
OUTBUILDINGS
SHED 238 SF

AREA OF FOOTPRINT: 1,090 SF
PROPOSED SETBACKS:
FRONT: 0
REAR: 11'
LEFT: 15'
RIGHT: 8.1'

PROPOSED LOT COVERAGE: 42%
EXISTING PARCEL AREA: 2,613.6 SF (0.06 AC)

CAD BLOCK GUIDE

- EXISTING FOOTPRINT (747 SQFT)
- EXISTING SHED (238 SQFT)
- PROPOSED ADDITION (105 SQFT)



- = 144 SF PERMEABLE PAVERS OR GRAVEL
- = 854 SF OPEN SPACE
- = 509 SF TOTAL PARKING AREA

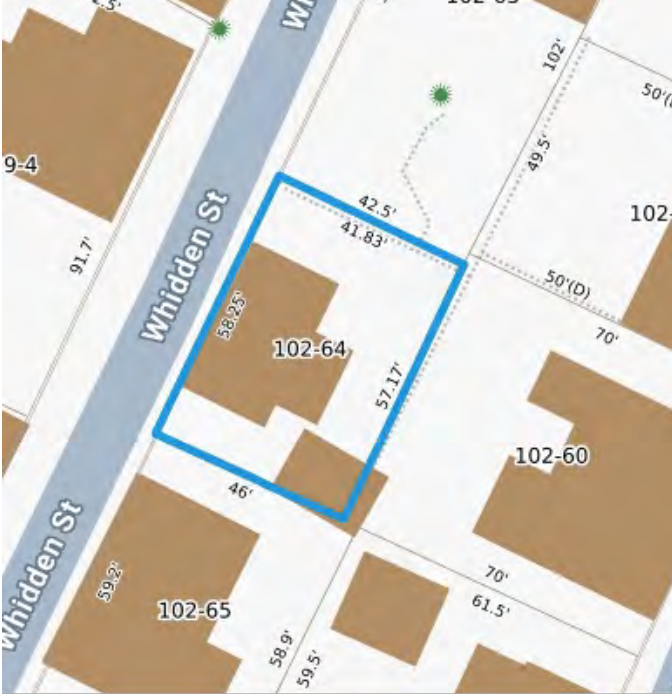
PROPOSED PLOT PLAN
SCALE: 1/4" = 1'-0"



SITE LOCATION



MAP VIEW



SITE PLAN



EXISTING CONDITION PHOTO

CALCULATIONS

ZONING MAXIMUMS: GRB
front setback: 5'
rear setback: 25'
side setbacks: 10'
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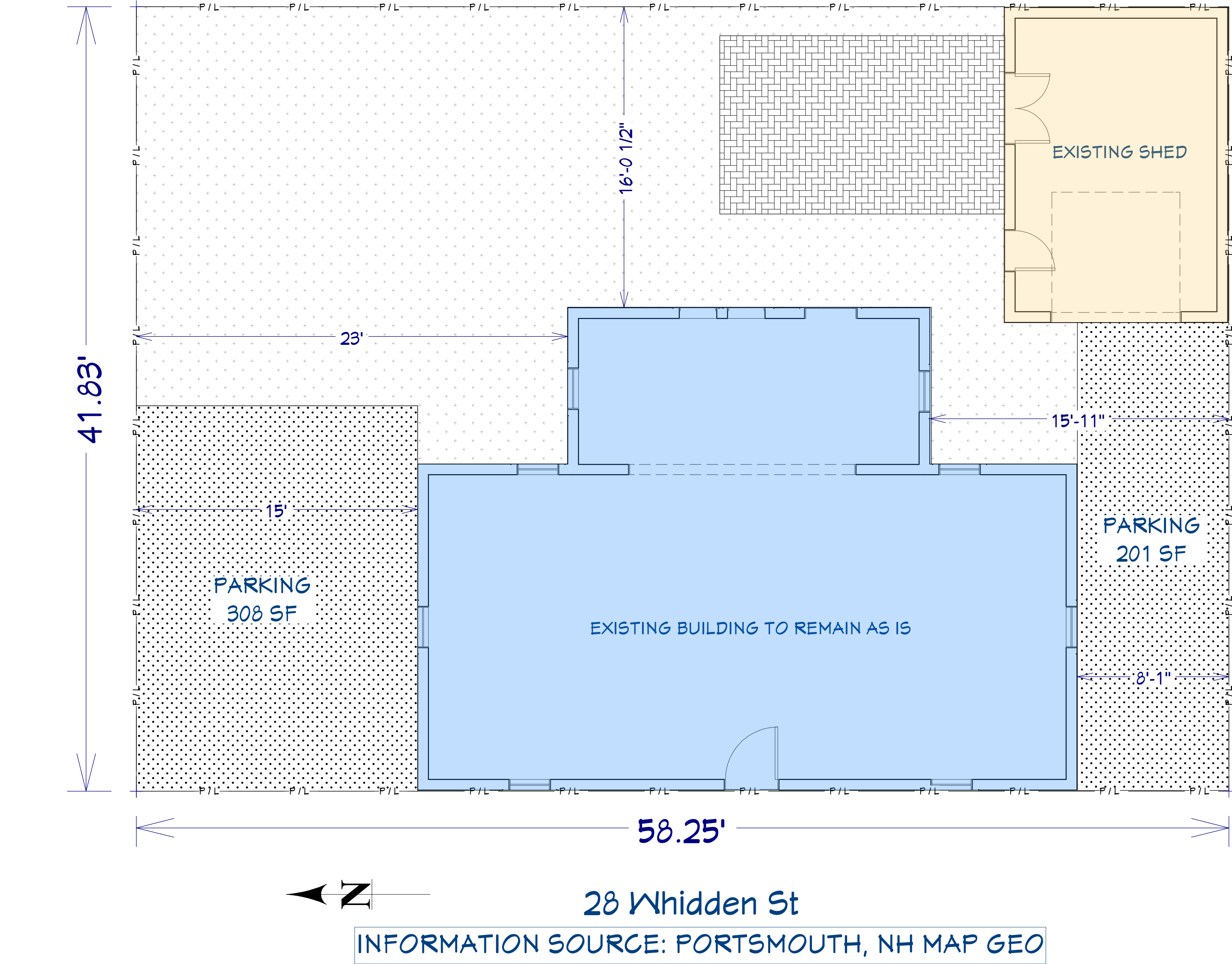
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- = 144 SF PERMEABLE PAVERS OR GRAVEL
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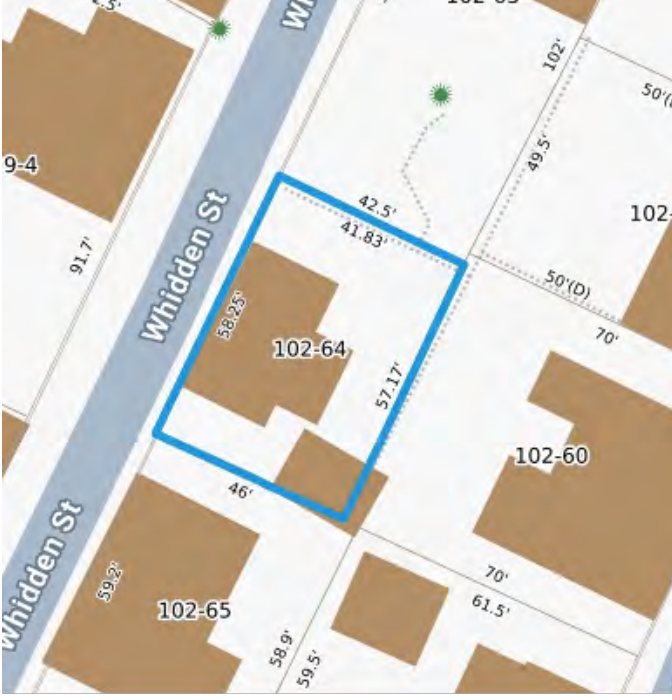
EXISTING PLOT PLAN
SCALE: 1/4" = 1'-0"



SITE LOCATION



MAP VIEW



SITE PLAN



EXISTING CONDITION PHOTO

Revision Table	
Number	Date Revised By Description

	BUILDER: THE BUILDER SHALL VERIFY THAT SITE CONDITIONS ARE CONSISTENT WITH THESE PLANS BEFORE STARTING WORK. WORK NOT SPECIFICALLY DETAILED SHALL BE CONSTRUCTED TO THE SAME QUALITY AS SIMILAR WORK THAT IS DETAILED. ALL WORK SHALL BE DONE IN ACCORDANCE WITH INTERNATIONAL BUILDING CODES AND LOCAL CODES. WRITTEN DIMENSIONS AND SPECIFIC NOTES SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS AND GENERAL NOTES. THE ENGINEER/DESIGNER SHALL BE CONSULTED FOR CLARIFICATION IF SITE CONDITIONS ARE ENCOUNTERED THAT ARE DIFFERENT THAN SHOWN, IF DISCREPANCIES ARE FOUND IN THE PLANS OR NOTES, OR IF A QUESTION ARISES OVER THE INTENT OF THE PLANS OR NOTES. CONTRACTOR SHALL VERIFY AND IS RESPONSIBLE FOR ALL DIMENSIONS (INCLUDING ROUGH OPENINGS). SPECIFIC MANUFACTURES AND MODEL NUMBERS SHOWN ON THE PLANS ARE INDICATIONS OF QUALITY ONLY. THE OWNER/ BUILDER SHALL NOT BE PROHIBITED FROM SUBSTITUTING MATERIALS AND/OR APPLIANCES OF EQUAL QUALITY/ STRENGTHS FROM NON-SPECIFIED MANUFACTURERS. THE OWNER/BUILDER MAY SUBSTITUTE MATERIALS PROVIDED THEY MEET CURRENT BUILDING CODE, AND ARE APPROVED FOR THAT SPECIFIC USE BY THE BUILDING OFFICIAL.	GENERAL ITEMS: GARAGE: THE GARAGE SHALL BE SEPARATED FROM THE RESIDENCE AND ITS ATTIC AREA BY NOT LESS THAN FIRE-RATED 5/8-INCH GYPSUM BOARD APPLIED TO THE GARAGE SIDE. GARAGES BENEATH HABITABLE ROOMS SHALL BE SEPARATED FROM ALL HABITABLE ROOMS ABOVE BY NOT LESS THAN 5/8-INCH TYPE X GYPSUM BOARD OR EQUIVALENT. WHERE THE SEPARATION IS A FLOOR-CEILING ASSEMBLY, THE STRUCTURE SUPPORTING THE SEPARATION SHALL ALSO BE PROTECTED BY NOT LESS THAN 1/2-INCH GYPSUM BOARD OR EQUIVALENT. (TABLE R302.6) DOORS TO BE 1 3/8" SOLID CORE OR RATED 20 MIN. EQUIPPED WITH A SELF-CLOSING DEVICE. WOOD BURNING APPLIANCES: WOOD STOVES AND FIREPLACES SHOWN ON PLANS MUST BE INSTALLED PRIOR TO FINAL INSPECTION PER THEIR INSTALLATION DIRECTIONS TO MEET WARRANTY REQUIREMENTS. THE AFFIDAVIT OF EMISSION STANDARDS IS TO BE ON SITE. SPECIAL WALL COVERINGS: ADHERED VENEERS AND ATTACHED STONE OVER WOOD WALLS MUST BE INSTALLED OVER A WATER-PROOF BARRIER. ALSO FLASHING MUST BE INSTALLED AS REQUIRED BY R703.6 AND WEEP SCREED MUST BE INSTALLED AT THE BOTTOM OF THE WALL FINISH.	GENERAL FRAMING NOTES: FLOOR: PROVIDE DOUBLE JOISTS. UNDER ALL WALLS RUNNING PARALLEL TO JOISTS. INSULATION: PROVIDE POSITIVE VENTILATION AT EA. END OF EA. RAFTER SPACE AT VAULTED CEILING AREAS. PROVIDE FOR PROPER ATTIC VENTILATION. (R806) FIRE BLOCKING: PROVIDE FIRE BLOCKING, DRAFT STOPS AND FIRE STOPS AS PER (IBC-SEC. R502.12). BRACKETS: PROVIDE POSITIVE CONNECTIONS AT EACH END OF ALL POSTS AND COLUMNS TO RESIST LATERAL DISPLACEMENT. ATTIC ACCESS - MAIN: BUILDINGS WITH COMBUSTIBLE CEILING OR ROOF CONSTRUCTION SHALL HAVE AN ATTIC ACCESS OPENING TO ATTIC AREAS THAT EXCEED 30 SQUARE FEET AND THAT HAVE A VERTICAL HEIGHT OF 30" OR MORE. THE ROUGH-FRAMED OPENING SHALL NOT BE LESS THAN 22" BY 30". THE ACCESS SHALL BE LOCATED IN A HALLWAY OR OTHER READILY ACCESSIBLE LOCATION. A MINIMUM HEIGHT OF 30" UNOBSTRUCTED HEADROOM SHALL BE PROVIDED IN THE ATTIC SPACE AT SOME POINT ABOVE THE ACCESS OPENING. (R807) ATTIC ACCESS - GARAGE: ATTIC ACCESS IN GARAGES SHOULD NOT COMPROMISE ANY REQUIRED FIRE SEPARATION. SEE IRC SECTION M1305.1.3 FOR ACCESS REQUIREMENTS WHERE MECHANICAL EQUIPMENT WILL BE LOCATED IN ATTICS. ICE SHIELD: 36" DOUBLE ROLE ENGINEERED TRUSSES: TRUSS MANUFACTURER MUST BE APPROVED PRIOR TO CONSTRUCTION	FOUNDATION: CONCRETE STRENGTH: *3,000 PSI @ 28 DAY MINIMUM * STEEL REINFORCING: GRADE 40MIN. *MIN. LAP LENGTH: 40 BAR DIAMETERS *1/8" PER FOOT SLOPE FROM BACK OF GARAGE TO DOORS INFILTRATION: ALL OPENINGS IN THE EXT. BLDG. ENVELOPE SHALL BE SEALED AGAINST AIR INFILTRATION. THE FOLLOWING AREAS MUST BE SEALED. * JOINTS AROUND WINDOW AND DOOR FRAMES * JOINTS BETWEEN WALL CAVITY AND WINDOW / DOOR FRAME. * JOINTS BETWEEN WALL AND FOUNDATION * JOINTS BETWEEN WALL AND ROOF * JOINTS BETWEEN WALL PANELS * UTILITY PENETRATIONS THROUGH EXTERIOR WALLS INSULATION: PROVIDE PROPER UNDER-FLOOR VENTILATION. (R408.1) FOUNDATION WALL: 8-10" CONT. POUR (2)#4 BAR HORIZONTAL (TOP& BOTTOM) (1) #6 BAR VERTIAL @ 48" OC LAP CORNERS & SPLICES OF REBAR PER CODE SECURE SILL TO FOUNDATION W/ 1/2"D. ANCHOR BOLTS THAT EXTEND 7" INTO CONCRETE TIGHTEN W/ NUT & WASHER @ 6' OC & MAX 12" FROM CORNER HEIGHT: 7'-10" HIGH (TYP. WHEN POSSIBLE) FOOTING: 10-12" X 20-24" (2) #4 HORIZONTAL (BOTTOM) (1)#4 DOWEL BAR @ 48" OC LALLY COLUMN PAD: 30"x 30" X 12" (2) #4 EACH WAY (BOTTOM) *MAINTAIN CONTINUOUS 4'-0" FROST DEPTH * 1/2" CTR. ANCHOR BOLD @ 4'-0" OC - 3 EA. CORNER / 2 EA. JOINT) PORCH FOUNDATION * 12" CTR. CONCRETE FILLED SONOTUBE (1) #6 BAR VERTICAL @ CTR SPREAD FOOTINGS & ANCHOR BOLD ELEVATED 4X4 OR 6X6 POST BASE *POSTS UNDER DECK CAN BE SOLID 4X4 UP TO 48" IN HEIGHT, SOLID 6X6 PT FOR HIGHER DECKS. *PRECAST BELL OR POURED FOOTINGS @ PORCH, 20" BASE TO FROST WITH 8" SONOTUBE DECK + PORCH *BOLT / SCREW CONNECTION : R502.2.2.1 *LATERAL CONNECTION: R502.2.2. BULKHEAD NOTES: *55"W X 72"L X 19.5" H (67" X 48" OPENING) *CONTRACTOR TO CONFIRM SIZE & LOGATION WINDOWS: WINDOWS: ALL GLAZING WITHIN 60 IN. OF TUB OR SHOWER FLOOR, 60 IN. OF A STAIR LANDING OR GREATER THAN 9 SQUARE FEET ARE TO HAVE SAFETY GLAZING EGRESS: WINDOW ESCAPE & RESCUE REQUIREMENTS (R310 & R612): EVERY BEDROOM SHALL BE PROVIDED WITH AN EGRESS WINDOW WITH FINISH SILL HEIGHT NOT GREATER THAN 44" ABOVE THE FINISH FLOOR HEIGHT AND SHALL HAVE A MINIMUM OPEN-ABLE AREA OF 5.7 SQ. FT. IN ALL ROOMS USED FOR SLEEPING AND IN ALL BASEMENTS WITH HABITABLE SPACES, ONE WINDOW SHALL OPEN A MINIMUM OF 5.7 SQUARE FEET, 20" WIDE, 24" HIGH WITH A MAXIMUM SILL HEIGHT OF 44". SKYLIGHTS: SKYLIGHTS ARE TO BE GLAZED WITH TEMPERED GLASS ON OUTSIDE AND LAMINATED GLASS ON THE INSIDE (UNLESS PLEXIGLAS). GLASS TO HAVE MAXIMUM CLEAR SPAN OF 25 IN. AND FRAME IS TO BE ATTACHED TO A 2x CURB WITH A MINIMUM OF 4 IN. ABOVE ROOF PLANE. OPENINGS: ALL PENETRATIONS OF THE BUILDING ENVELOPE SHALL BE SEALED WITH CAULK OR FOAM.	DECKS – STAIRS - RAILS: MINIMUM STAIR REQUIREMENTS: MAXIMUM RISE = 7 3/4" MINIMUM RUN = 10" MINIMUM HEAD CLEARANCE = 6'8" MINIMUM STAIR WIDTH 36" TREADS MUST BE UNIFORM AND CAN NOT VARY FROM THE LARGEST TO THE SMALLEST BY MORE THAN 3/8". A FLIGHT OF STAIRS SHALL NOT HAVE A VERTICAL-RISE LARGER THAN 12 FEET BETWEEN FLOOR LEVELS OR LANDINGS. EXTERIOR SPIRAL STAIRS TO BE FABRICATED AND INSTALLED PER THE MFG. INSTRUCTIONS. PORCHES, BALCONIES, RAMPS, OR RAISED FLOOR SURFACES LOCATED MORE THAN 30" ABOVE THE FLOOR OR GRADE BELOW SHALL HAVE GUARDS NOT LESS THAN 36" IN HEIGHT. OPEN SIDES OF STAIRS WITH A TOTAL RISE OF MORE THAN 30" ABOVE THE FLOOR OR GRADE BELOW SHALL HAVE GUARDS NOT LESS THAN 34" IN HEIGHT MEASURED VERTICALLY FROM THE NOSING OF THE TREADS. HANDRAILS SHALL BE PLACED BETWEEN 34" TO 38" ABOVE THE NOSING OF TREADS AND LANDING. STAIRWAYS FOR DWELLINGS WITH FOUR OR MORE RISERS SHALL HAVE HANDRAILS. (R311.7.8) THE HAND GRIP PORTION OF HANDRAILS SHALL NOT BE LESS THAN 1-1/2" OR GREATER THAN 2" IN GROSS-SECTIONAL DIMENSION. HANDRAILS SHALL BE CONTINUOUS THE FULL LENGTH OF THE STAIRS. THE ENDS OF HANDRAILS SHALL RETURN TO WALL OR TERMINATE INTO A NEWEL POST OR SAFETY TERMINAL. STAIRWAYS HAVING LESS THAN 2 RISERS DO NOT REQUIRE A HANDRAIL. THE OPENINGS BETWEEN BALLISTERS NEWELS IS TO BE NO MORE THAN 4". THE TRIANGULAR OPENINGS FORMED BY THE RISER, TREAD, AND BOTTOM OF GUARDRAIL SHALL NOT ALLOW A 6" DIAMETER SPHERE TO PASS THROUGH. GENERAL PLUMBING & HVAC NOTES: METALLIC GAS PIPE, WATER PIPE, AND FOUNDATION REINFORCING BARS SHALL BE BONDED TO THE ELECTRICAL SERVICE GROUND. DRYER, WATER HEATER, KITCHEN AND BATHROOM VENTING SHALL EXHAUST TO THE OUTSIDE OF THE BUILDING AND BE EQUIPPED WITH A BACK-DRAFT DAMPER. ALL GAS LINES SHALL BE SIZED FOR APPLIANCE LOAD. ALL JOINTS SHALL BE TAPED WHERE BURIED OR EXPOSED TO WEATHER. TUBS/SHOWERS SHALL BE PROVIDED WITH INDIVIDUAL CONTROL VALVES OF THE PRESSURE BALANCE OR THE THERMOSTATIC MIXING TYPE. THE WATER TEMPERATURE SHALL BE AT A MAXIMUM OF 120°F. WATER SOFTENER UNIT SHALL CONDITION WATER BEFORE ENTERING THE WATER HEATERS AND THE COLD-WATER SOURCE. EACH HOSE BIBB SHALL BE EQUIPPED WITH A BACK-FLOW PREVENTION DEVICE. HEAT DUCTING SHALL BE SECURED, SEALED, AND INSULATED AS APPROPRIATE. INSTALL WATERPROOF GYPSUM BOARD AT ALL WATER SPLASH AREAS TO MINIMUM 70" ABOVE SHOWER DRAINS. (see plumbing elevations for heights) INSULATE WASTE LINES FOR SOUND CONTROL. DIMENSIONS: DIMENSIONS ARE TO FACE OF STUD, UNLESS NOTED OTHERWISE. CLOSETS ARE 24" CLEAR INSIDE, UNLESS DIMENSIONED OTHERWISE. SQUARE FOOTAGES: 1. Square foot numbers are interior to room and use in calculating finishes. 2. Cabinet and fixtures are not subtracted. 3. Add for doorways when floor finishes run through.	
	BUILDING SITE: CERTIFICATIONS AND SPECIAL INSPECTIONS: CHANGES: ALL CHANGES MUST BE APPROVED BY THE BUILDING DEPARTMENT PRIOR TO CONSTRUCTION. DRAINAGE NOTES: REFER TO CIVIL ENGINEERING		FRAMING - GENERAL: INSTALL APPROVED FRAMING CLIPS AT EACH END OF ALL TRUSSES AND RAFTERS. FLOOR JOIST BLOCKING IS REQUIRED AT ALL BEARING POINTS OR FOLLOW MANUFACTURED JOIST INSTALLATION INSTRUCTIONS. BUILDINGS WITH COMBUSTIBLE CEILING OR ROOF CONSTRUCTION SHALL HAVE AN ATTIC ACCESS OPENING TO ATTIC AREAS THAT EXCEED 30 SQUARE FEET AND THAT HAVE A VERTICAL HEIGHT OF 30" OR MORE. THE ROUGH-FRAMED OPENING SHALL NOT BE LESS THAN 22" BY 30". THE ACCESS SHALL BE LOCATED IN A HALLWAY OR OTHER READILY ACCESSIBLE LOCATION. A MINIMUM HEIGHT OF 30" UNOBSTRUCTED HEADROOM SHALL BE PROVIDED IN THE ATTIC SPACE AT SOME POINT ABOVE THE ACCESS OPENING. (R807) PROVIDE FOR PROPER ATTIC VENTILATION. (R806) ATTIC ACCESS IN GARAGES SHOULD NOT COMPROMISE ANY REQUIRED FIRE SEPARATION. SEE IRC SECTION M1305.1.3 FOR ACCESS REQUIREMENTS WHERE MECHANICAL EQUIPMENT WILL BE LOCATED IN ATTICS. FIRE-BLOCKING SHALL BE PROVIDED PER (R302.11). CHANGE OF TRUSS MANUFACTURER MUST BE APPROVED PRIOR TO CONSTRUCTION. PLYWOOD SHEATHING SHALL BE AS FOLLOWS: ROOF SHEATHING SHALL BE 5/8" PLYWOOD OR OSB. WALL SHEATHING SHALL BE 1/2" INT-APA RATED 32/16 OR 7/16" OSB. FLOOR SHEATHING SHALL BE 3/4" T & G – OSB INT - APA – RATED	ROOF FRAMING / TRUSS NOTES: TRUSS DRAWING IS FOR ILLUSTRATION ONLY. ALL TRUSSES SHALL BE INSTALLED & BRACED TO MANUFACTURERS DRAWINGS & SPECIFICATIONS. ALL TRUSSES SHALL CARRY MANUFACTURERS STAMP. ALL TRUSSES SHALL BE INSTALLED & BRACED TO MANUFACTURERS SPECIFICATIONS. ALL TRUSSES WILL NOT BE FIELD ALTERED WITHOUT PRIOR BUILDING DEPT. APPROVAL OF ENGINEERING CALCULATIONS. SCISSORS TRUSS CEILING PITCH CALCULATED BY MANUFACTURER ALL TRUSSES SHALL HAVE DESIGN DETAILS & DRAWINGS ON SITE FOR FRAMING INSPECTION. ALL CONNECTIONS OF RAFTERS, JACK, OR HIP TRUSSES TO MAIN GIRDER TO BE PROVIDED BY TRUSS MANUFACTURER.		
	STRUCTURAL NOTES: SEE STRUCTURAL ENGINEERING PLANS FOR ALL STRUCTURAL SPECIFICATIONS.		LIGHTING E3803.1 AT LEAST ONE (1) WALL SWITCH-CONTROLLED LIGHTING OUTLET SHALL BE INSTALLED IN EVERY HABITABLE ROOM, IN BATHROOMS, HALLWAYS, STAIRWAYS, BASEMENTS, ATTACHED GARAGE, AND AT OUTDOOR ENTRANCES. EXCEPTION: IN HABITABLE ROOMS, OTHER THAN KITCHENS AND BASEMENT, ONE OR MORE RECEPTACLES CONTROLLED BY A WALL SWITCH SHALL BE PERMITTED IN LIEU OF A LIGHTING OUTLET. ALL INTERIOR AND EXTERIOR STAIRWAYS SHALL BE PROVIDED WITH A MEANS TO ILLUMINATE THE STAIRS, INCLUDING THE LANDINGS AND TREADS. INTERIOR STAIRWAYS SHALL BE PROVIDED WITH AN ARTIFICIAL LIGHT SOURCE LOCATED IN THE IMMEDIATE VICINITY OF EACH LANDING OF THE STAIRWAY. FOR INTERIOR STAIRS THE ARTIFICIAL LIGHT SOURCES SHALL BE CAPABLE OF ILLUMINATING TREADS AND LANDINGS TO LEVELS NOT LESS THAN 1 FOOT-CANDLE (11 LUX) MEASURED AT THE CENTER OF TREADS AND LANDINGS. EXTERIOR STAIRWAYS SHALL BE PROVIDED WITH AN ARTIFICIAL LIGHT SOURCE LOCATED IN THE IMMEDIATE VICINITY OF THE TOP LANDING OF THE STAIRWAY. EXTERIOR STAIRWAYS PROVIDING ACCESS TO A BASEMENT FROM THE OUTSIDE GRADE LEVEL SHALL BE PROVIDED WITH AN ARTIFICIAL LIGHT SOURCE LOCATED IN THE IMMEDIATE VICINITY OF THE BOTTOM LANDING OF THE STAIRWAY. SEE R303.7 FOR ALL REQUIREMENTS.			
	KITCHEN: (E3703.2, E3901.4 & E3902.6) PROVIDE A MINIMUM OF TWO (2) 20-AMP CIRCUITS FOR THE KITCHEN COUNTER. A RECEPTACLE OUTLET SHALL BE INSTALLED AT EACH COUNTER SPACE WIDER THAN 12 INCHES. ALL RECEPTACLES INSTALLED TO SERVE THE COUNTERTOP SURFACE IN A KITCHEN TO BE PROTECTED BY GROUND-FAULT CIRCUIT INTERRUPTERS KITCHEN COUNTER RECEPTACLES SHALL BE INSTALLED SO THAT NO POINT ALONG WALL LINE IS MORE THAN 24" MEASURED HORIZONTALLY FROM AN OUTLET MEASURED IN SUCH A MANNER THAT THERE WILL BE AN OUTLET FOR EVERY 4 LINEAR FEET OR FRACTION THEREOF OF COUNTER LENGTH. RECEPTACLES OUTLETS SHALL NOT BE INSTALLED IN A FACE-UP POSITION IN THE WORK SURFACES OR COUNTERTOPS. (E3902.7) BATHROOMS: AT LEAST ONE WALL RECEPTACLE OUTLET SHALL BE INSTALLED WITHIN 3' OF BASIN LOCATION. (E3901.6) ALL OUTLETS LOCATED IN THE BATHROOM SHALL BE PROTECTED BY A GROUND-FAULT CIRCUIT INTERRUPTER. (E3902.1) 2013					

Revision Table	
Number	Date Revised By Description

AMY DUTTON
ARCHITECTURE & DESIGN

GENERAL NOTES

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10/1/2025
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SCALED FOR: 24" X 36"
SCALE:
SEE SCALE ON DRAWINGS
SHEET:
G-1

FRAMING NOTES

1. ALL DIMENSIONAL LUMBER SHALL BE DOUGLAS FIR LARCH NO. 2 AND LARGER LUMBER SHALL BE DOUGLAS FIR NO.1 OR BETTER, UNO.
2. WALL HEADERS: (2) 2 X 10 DF 2 W/ IKIT TYP. UNO
3. I-JOISTS AND LVL MEMBERS MUST BE INSTALLED IN COMPLIANCE WITH THEIR LISTINGS.
4. ALL TRUSSES SHALL BE ENGINEERED AND STAMPED WITH A SEPARATE ENGINEERED DOCUMENT.
5. PRE-MANUFACTURED WOOD JOISTS & TRUSSES SHALL BE OF THE SIZE AND TYPE SHOWN ON THE DRAWINGS, MANUFACTURED BY THE TRUSS OR JOIST COMPANY. NO MEMBERS SHALL BE MODIFIED AND MUST BE INSTALLED IN COMPLIANCE WITH THEIR LISTINGS. PROVIDE BRIDGING IN CONFORMANCE WITH THE MANUFACTURERS RECOMMENDATIONS. MEMBERS AND BRIDGING SHALL BE CAPABLE OF RESISTING THE WIND UPLIFT NOTED ON THE DRAWINGS. PRE-MANUFACTURED WOOD JOIST ALTERNATES WILL BE CONSIDERED, PROVIDED THE ALTERNATE IS COMPATIBLE WITH THE LOAD CAPACITY, STIFFNESS, DIMENSIONAL, AND FIRE RATING REQUIREMENTS OF THE PROJECT, AND IS ENGINEER OR ICBO APPROVED.
6. ALL JOISTS AND RAFTERS SHALL HAVE SOLID BLOCKING AT THEIR BEARING POINTS. CONNECT BLOCKING TO TOP OF WALL W/ SIMPSON FRAMING ANCHORS. ROOF JOIST TO HAVE HURRICANE CLIPS @ 48" O.C. OR SIMPSON H-1 HURRICANE CLIPS @ 24" O/C. INSTALL PRIOR TO ROOF SHEETING.
7. ALL WOOD & IRON CONNECTIONS MUST CARRY THE CAPACITY OF THE MEMBER. THE CONTRACTOR IS RESPONSIBLE FOR ALL CONNECTIONS. IF OTHER THAN STANDARD CONNECTIONS ARE REQUIRED, CONTACT PROJECT ENGINEER FOR ASSISTANCE. USE SIMPSON OR OTHER ICC LISTED CONNECTIONS.
8. NAILS: ALL SHEAR WALL SHEATHING NAILS SHALL BE COMMON NAILS ALL FRAMING NAILS SHALL BE COMMON NAILS. OR HOT DIPPED GALVANIZED BOX NAILS. FRAMING NAILS SHALL BE PER IBC TABLE 2304.4.1 OR IRC TABLE R602.3(1).
10. TRUSS SHALL BE ELIMINATED BY THE USE OF COLLAR TIES OR CEILING JOISTS, WHERE REQUIRED.
11. BEVELED BEARING PLATES ARE REQUIRED AT ALL BEARING POINTS FOR BCI & TJI RAFTERS.
12. ALL COLUMNS SHALL EXTEND DOWN THRU THE STRUCTURE TO THE FOUNDATION. ALL COLUMNS SHALL BE BRACED AT ALL FLOOR LEVELS. COLUMNS SHALL BE THE SAME WIDTH AS THE MEMBERS THAT THEY ARE SUPPORTING.
13. ALL EXTERIOR WALLS SHALL BE SHEATHED WITH 1/2" THICK 2-M-VN SHEATHING OR EQUAL W/ 8D COMMON NAILS @ 6" O.C. @ EDGES @ 12" O.C. IN FIELD. UNO. SHEATHING SHALL BE CONTINUOUS ACROSS ALL HORIZONTAL FRAMING JOINTS.
14. ALL ROOF SHEATHING AND SUB-FLOORING SHALL BE INSTALLED WITH FACE GRAIN PERPENDICULAR TO SUPPORTS, EXCEPT AS INDICATED ON THE DRAWINGS. ROOF SHEATHING SHALL EITHER BE BLOCKED, TONGUE-AND-GROOVE. SHEAR WALL SHEATHING SHALL BE BLOCKED WITH 2X FRAMING AT ALL PANEL EDGES. SHEATH ROOF PRIOR TO ANY OVER FRAMING.
15. PLYWOOD PANELS SHALL CONFORM TO THE REQUIREMENTS OF "U.S. PRODUCT STANDARD PS 1 FOR CONSTRUCTION AND INDUSTRIAL PLYWOOD" OR APA PRP-108 PERFORMANCE STANDARDS. UNO. PANELS SHALL BE APA RATED SHEATHING, EXPOSURE 1, OF THE THICKNESS AND SPAN RATING SHOWN ON THE DRAWINGS. PLYWOOD INSTALLATION SHALL BE IN CONFORMANCE WITH APA RECOMMENDATIONS. ALLOW 1/8" SPACING AT PANELS ENDS AND EDGES, UNLESS OTHERWISE RECOMMENDED BY THE PANEL MANUFACTURER.
16. GLULAM BEAMS SHALL BE FABRICATED IN CONFORMANCE WITH U.S. PRODUCT STANDARD PS 56, "STRUCTURAL GLUED LAMINATED TIMBER" AND AMERICAN INSTITUTE OF TIMBER CONSTRUCTION, ATTIC 117. EACH MEMBER SHALL BEAR AN ATTIC IDENTIFICATION MARK AND BE ACCOMPANIED BY A CERTIFICATE OF CONFORMANCE. ONE COAT OF END SEALER SHALL BE APPLIED IMMEDIATELY AFTER TRIMMING IN EITHER SHOP OR FIELD.
17. GLULAM BEAMS SHALL BE 24F-V4 DF/DF OR EQUAL FOR SIMPLE SPANS, AND 24F-V8 DF/DF FOR CONTINUOUS SPANS.
18. "VERSA-LAM" & "MICRO-LAM MEMBERS SHALL BE GRADE 2.0 E.
19. ANY WOOD IN CONTACT W/ CONCRETE OR MASONRY SHALL BE PRESSURE TREATED.
20. ALL WOOD & IRON CONNECTORS SHALL BE INSTALLED W/ ALL REQUIRED FASTENERS IN COMPLIANCE W/ THEIR WRITTEN APPROVAL.
21. ALL HANGERS TO BE "SIMPSON" OR EQUAL.
22. NOTIFY CONTRACTOR PRIOR TO DRILLING HOLES IN STEEL BEAMS.

OUTDOOR AND GARAGE OUTLETS:

AT LEAST TWO (2) OUTLETS, ACCESSIBLE AT GRADE LEVEL SHALL BE INSTALLED OUTDOORS AND LOCATED AT THE FRONT AND REAR OF THE DWELLING AND SHALL BE WATERPROOF AND NOT INSTALLED ON THE SMALL APPLIANCE BRANCH CIRCUIT. (E3901.7)

AT LEAST ONE (1) OUTLET MUST BE LOCATED IN AN ATTACHED GARAGE. (E3901.9)

AT LEAST ONE (1) OUTLET MUST BE LOCATED IN A BASEMENT. OUTLETS IN BASEMENTS USED AS NON-HABITABLE ROOMS SHALL BE GFCI PROTECTED.

ALL OUTLETS LOCATED OUTDOORS, IN CRAWL SPACES AT OR BELOW GRADE LEVEL OR IN A GARAGE SHALL BE PROTECTED BY A GROUND-FAULT INTERRUPTER. (E3902)

BALCONIES, DECKS, AND PORCHES THAT ARE ACCESSIBLE FROM INSIDE THE DWELLING UNIT SHALL HAVE AT LEAST ONE RECEPTACLE OUTLET INSTALLED THE PERIMETER OF THE AREA. (3901.7)

ELECTRICAL NOTES:

- 1 ALL APPLIANCES TO BE ON DEDICATED CIRCUITS - REFER TO APPLIANCE SPECS FOR AMP/VOLTAGE REQUIREMENTS
- 2 ELECTRICAL RECEPTACLES IN BATHROOMS, KITCHENS, FOUNDATION, AND GARAGE SHALL BE G.F.C.I. PER NATIONAL ELECTRICAL CODE REQUIREMENTS
- 3 ALL BEDROOM OUTLETS AND LIGHTS BE ARCH FAULT PROTECTED
- 4 ALL VENTILATION FANS TO BE FANTEC 300 CFM
- 5 PROVIDE ONE SMOKE DETECTOR AND CARBON MONOXIDE DETECTOR IN EACH ROOM AND ONE IN EACH CORRIDOR ACCESSING BEDROOMS. CONNECT SMOKE DETECTORS TO HOUSE POWER AND INTER-CONNECT SMOKE DETECTORS TO HOUSE POWER SO THAT WHEN ANY ONE IS TRIPPED, THEY WILL ALL SOUND. PROVIDE BATTERY BACKUP FOR ALL UNITS.
- 6 CIRCUITS SHALL BE VERIFIED WITH DESIGNER PRIOR TO WIRE INSTALLATION
- 7 FINAL SWITCHES FOR TIMERS AND DIMMERS SHALL BE VERIFIED WITH DESIGNER
- 8 FIXTURES TO BE SELECTED BY DESIGNER AND HOME OWNER
- 9 ALL LIGHTING SHALL BE DIMABLE AND USE LED BULBS

NOTE: ALL ELECTRICAL LOCATIONS TO BE CONFIRMED ON SITE WITH DESIGNER, LOCATIONS NOT EXACT UNLESS DIMENSIONED ON PLANS

SCHEDULE MEETING WITH DESIGNER TO REVIEW PLACEMENT AND PLAN ON SITE

CARBON MONOXIDE ALARMS

IRC SECTION R315

PROVIDE A CARBON MONOXIDE ALARMS OUTSIDE OF EACH SEPARATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOMS IN DWELLING UNITS WITH FUEL FIRED APPLIANCES OR ATTACHED GARAGES.

WHEN MECHANICAL WORK, GAS WORK, REMODELS, OR ADDITIONS REQUIRING A PERMIT OCCURS, THE INDIVIDUAL DWELLING UNITS WITH FUEL FIRED APPLIANCES OR ATTACHED GARAGES SHALL BE EQUIPPED WITH CARBON MONOXIDE ALARMS LOCATED AS REQUIRED FOR NEW DWELLINGS.

SMOKE DETECTORS - IRC SECTION R314

PROVIDE A SMOKE DETECTOR IN EACH SLEEPING ROOM AND AT A POINT CENTRALLY LOCATED IN THE HALLWAY OR AREA GIVING ACCESS TO EACH SLEEPING AREA.

THE SMOKE DETECTOR SHALL RECEIVE ITS PRIMARY POWER FROM BUILDING WIRING AND SHALL BE EQUIPPED WITH A BATTERY BACKUP.

DETECTORS SHALL BE INTERCONNECTED TO SOUND AN ALARM AUDIBLE IN ALL SLEEPING AREAS OF DWELLING UNITS IN WHICH THEY ARE LOCATED.

DETECTORS SHALL NOT BE ON A CIRCUIT WHICH IS GROUND-FAULT INTERRUPTER PROTECTED. DETECTORS IN BEDROOMS TO BE AFCI PROTECTED.

WHEN ALTERATIONS, REPAIRS OR ADDITIONS REQUIRING A PERMIT OCCUR, OR WHEN ONE OR MORE SLEEPING ROOMS ARE ADDED OR CREATED IN EXISTING DWELLINGS, THE INDIVIDUAL DWELLING UNIT SHALL BE EQUIPPED WITH SMOKE ALARMS LOCATED AS REQUIRED FOR NEW DWELLINGS; THE SMOKE ALARMS SHALL BE INTERCONNECTED AND HARD-WIRED.

EXCEPTIONS:

INTER CONNECTION AND HARD WIRING OF SMOKE ALARMS IN EXISTING AREAS SHALL NOT BE REQUIRED WHERE THE ALTERATIONS OR REPAIRS DO NOT RESULT IN THE REMOVAL OF INTERIOR WALL OR CEILING FINISHES EXPOSING THE STRUCTURE, UNLESS THERE IS AN ATTIC, CRAWL SPACE OR BASEMENT AVAILABLE WHICH COULD PROVIDE ACCESS FOR HARD WIRING AND INTERCONNECTION WITHOUT THE REMOVAL OF INTERIOR FINISHES.

WORK INVOLVING THE EXTERIOR SURFACES OF DWELLINGS, SUCH AS THE REPLACEMENT OF ROOFING OR SIDING, OR THE ADDITION OR REPLACEMENT OF WINDOWS OR DOORS, OR THE ADDITION OF A PORCH OR DECK, ARE EXEMPT FROM THE REQUIREMENTS OF THIS SECTION

RECEPTACLE OUTLETS:

(IRC CHAPTER 39)

IN EVERY HABITABLE ROOM, RECEPTACLE OUTLETS SHALL BE INSTALLED SO THAT NO POINT ALONG THE FLOOR LINE IN ANY WALL SPACE, INCLUDING ANY WALL SPACE 2 FEET OR MORE IN WIDTH, IS MORE THAN 6 FEET MEASURED HORIZONTALLY FROM AN OUTLET IN THAT SPACE SO THAT THERE WILL BE AN OUTLET FOR EVERY 12 LINEAR FEET OR FRACTION THEREOF OF WALL LENGTH. FIXED GLASS PANELS, RAILINGS AND OTHER FIXED ROOM DIVIDERS SUCH AS FREESTANDING BAR TYPE COUNTERS SHALL BE INCLUDED IN THE 6' MEASUREMENT. (E3901.2)

ALL RECEPTACLES INSTALLED WITHIN 6 FEET OF A LAUNDRY, UTILITY OR WET BAR SINK SHALL BE PROTECTED BY GROUND-FAULT CIRCUIT INTERRUPTERS. (E3902.7)

MINIMUM OF ONE RECEPTACLE OUTLET IN HALLWAYS 10' OR MORE IN LENGTH SHALL BE INSTALLED.

ALL ROOM CIRCUITS INCLUDING LIGHTING AND SMOKE DETECTORS TO BE AFCI PROTECTED. SEE CODE FOR EXCEPTIONS.

ALL RECEPTACLE OUTLETS SHALL BE TAMPERED RESISTANT. (E4002.14)

ABBREVIATIONS & SYMBOLS

CODE SUMMARY

THESE BUILDING PLANS HAVE BEEN DESIGNED IN ACCORDANCE WITH THE INTERNATIONAL RESIDENTIAL CODE - 2015 EDITION FOR NEW HAMPSHIRE

& @ Q APPROX. ARCH. ADJ. A.F.F. A.D.	AND AT CENTERLINE APPROXIMATE ARCHITECTURAL ADJUSTABLE ABOVE FINISH FLOOR AREA DRAIN	FDN. F.E. FGL. FIN. F.O. FLR F.D. FLUOR. FT. F.S.	FOUNDATION FIRE EXTINGUISHER FIBERGLASS FINISH(ED) FACE OF FLOOR FLOOR DRAIN FLUORESCENT FEET-FOOT FULL SIZE	FLYWD. P.T. PVC. PR. PNL. PTN. PL. POL.	PLYWOOD PRESSURE TREATED POLYVINYL CHLORIDE PAIR PANEL PARTITION PLATE POLISHED
BSMT. BLDG. BLK. BLKG. BM. BET.	BASMENT BUILDING BLOCK BLOCKING BEAM BETWEEN	GALV. G.C. G.L. GR. GYF.	GALVANIZED GENERAL CONTRACTOR GLASS GRADE GYPSUM	R. RAD. REINF. R.O. REQD. RF. R.D.	RISER RADIUS REINFORCED/REINFORCING ROUGH OPENING REQUIRED ROOF ROOF DRAIN
CAB. C.O. CLG. O.C. CL. CLR. COL. CONC. CONT. CONST. CU. CPT. C.M.U.	CABINET CASED OPENING CEILING CENTER(ON) CLOSET CLEAR COLUMN CONCRETE CONTINUOUS CONSTRUCTION CUBIC CARPET CONCRETE MASONRY UNIT	HGT./HT. HDWD. H.P. H.M. HORIZ.	HEIGHT HARDWOOD HIGH POINT HOLLOW METAL HORIZONTAL	SECT. SHT. SIM. S&P SYG. SH. SPECS. SQ. STD. STL. STRUCT. SUSP.	SECTION SHEET SIMILAR SHELF AND POLE SERVICE SHELVES SPECIFICATIONS SQUARE STANDARD STEEL STRUCTURAL SUSPENDED
DBL. D.F. D.A. DIA. DIM. DO. DET. DN. DN DWGS.	DOUBLE DOUGLAS FIR DOUBLE ACTING DIAMETER DIMENSION DITTO DETAIL DOWN DISHWASHER DRAWINGS	LAV. LAM.	LAVATORY LAMINATED	T. T&B TBD T&G TYP. T.W. T.O. T.O.F. T.O.F.W. T.O.S. T.O.W TEL. TEMP. TLT. U.N.O. V.I.F VERT.	TREADS TOP AND BOTTOM TO BE DETERMINED TOUGE AND GROOVE TYP. TO THE WEATHER TOP OF TOP OF FOOTING TOP OF FOUNDATION WALL TOP OF SLAB TOP OF WALL TELEPHONE TEMPERED TOILET UNLESS NOTED OTHERWISE VERIFY IN FIELD VERT
EA. EL. ELEV. ELV. EQ. EXIST. EXP. JT. EXP. EXT.	EACH ELEVATION(GRADE) ELEVATION(FACADE) ELEVATOR EQUAL EXISTING EXPANSION JOINT EXPOSED EXTERIOR	N. N.I.C. N.T.S. NO. O.H. OPNG. OPP. O.D. O.C. OA	NORTH NOT IN CONTACT NOT TO SCALE NUMBER OVERHEAD OPENING OPPOSITE OUTSIDE DIAMETER ON CENTER OVERALL	W/ WD. W.I.C WH WO W.C. W.I. W.R.	WITH WOOD WALK-IN CLOSET WATER HEATER WITHOUT WATER CLOSET WROUGHT IRON WATER RESISTANT

Revision Table	
Number	Date Revised By Description

GENERAL NOTES

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10/1/2025

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DUTTON HOME 2025

SCALED FOR:
24" X 36"

SCALE:

SEE SCALE
ON DRAWINGS

SHEET:

EXISTING FOUNDATION PLAN
SCALE: 1/8" = 1'-0"

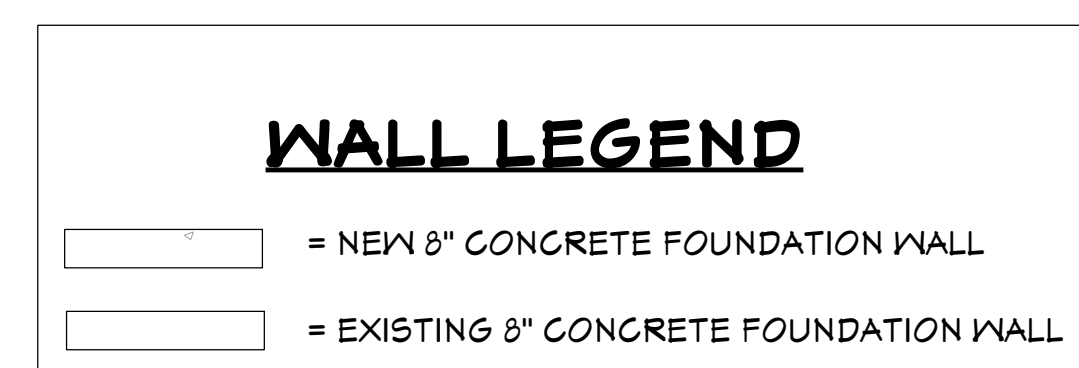
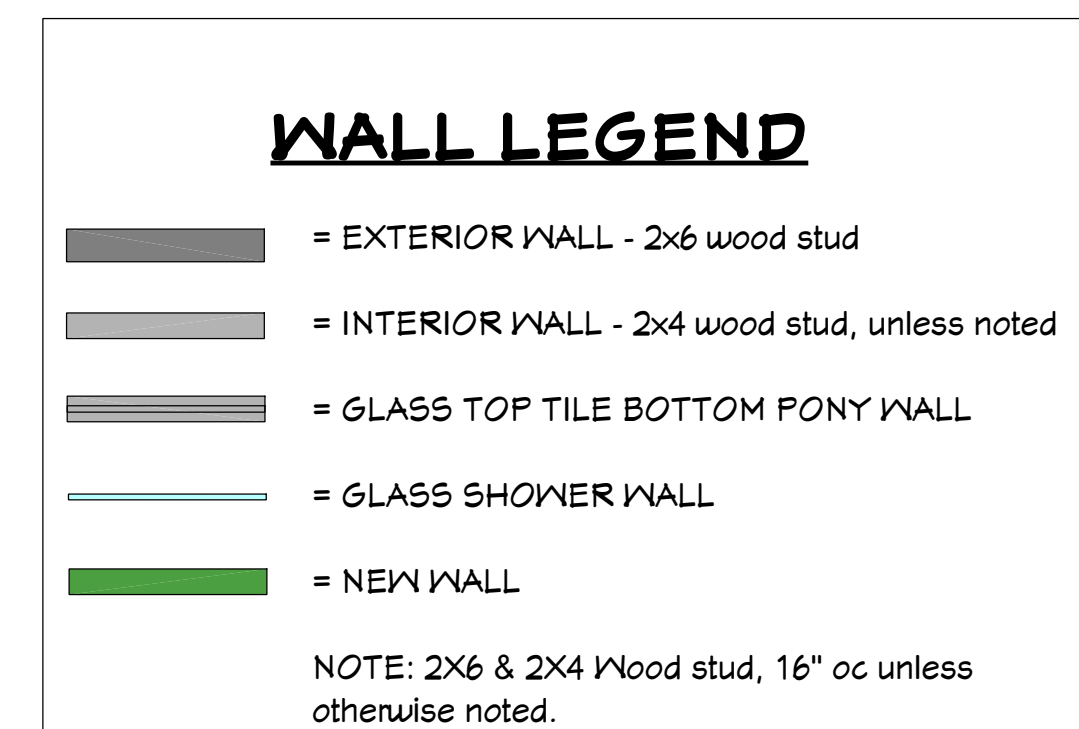
PROPOSED FOUNDATION PLAN

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

EXISTING FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

PROPOSED FIRST FLOOR PLAN

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



SECOND FLOOR PLAN REMAINS AS IS
SCALE: 1/4" = 1'-0"

[illegible]

FIRST FLOOR

PROJECT:
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10/1/2025

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SCALED FOR:

SCALE:

SEE SCALE
ON DRAWINGS

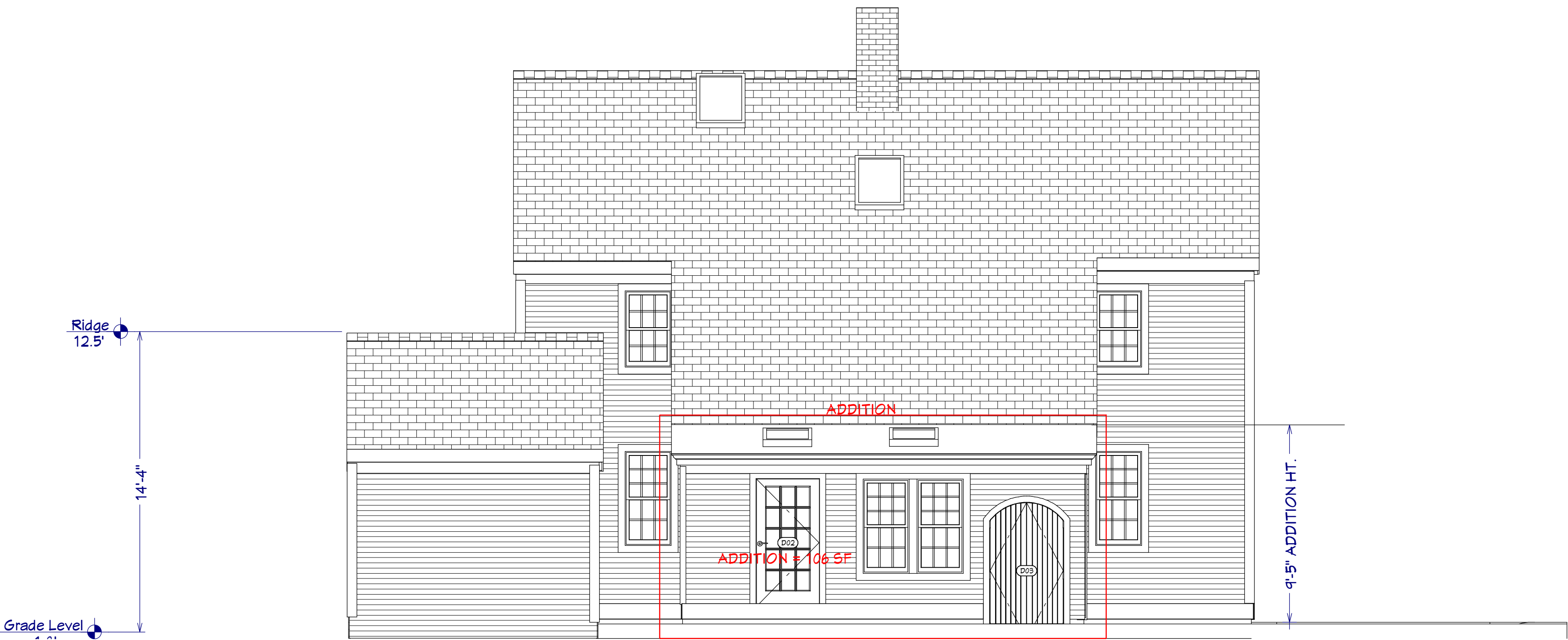
SHEET:

A-1



EXISTING TO REMAIN FRONT ELEVATION

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



PROPOSED REAR ELEVATION

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

ELEVATIONS

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

EXISTING REAR VIEW



EXISTING FRONT VIEW



EXISTING REAR ELEVATION

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

Revision Table			
Number	Date	Revised By	Description

ELEVATIONS

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10/1/2025

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SCALED FOR:
24" X 36"

SCALE:

SEE SCALE
ON DRAWINGS

SHEET:

A-2



PROPOSED SOUTH ELEVATION | SIDE VIEW

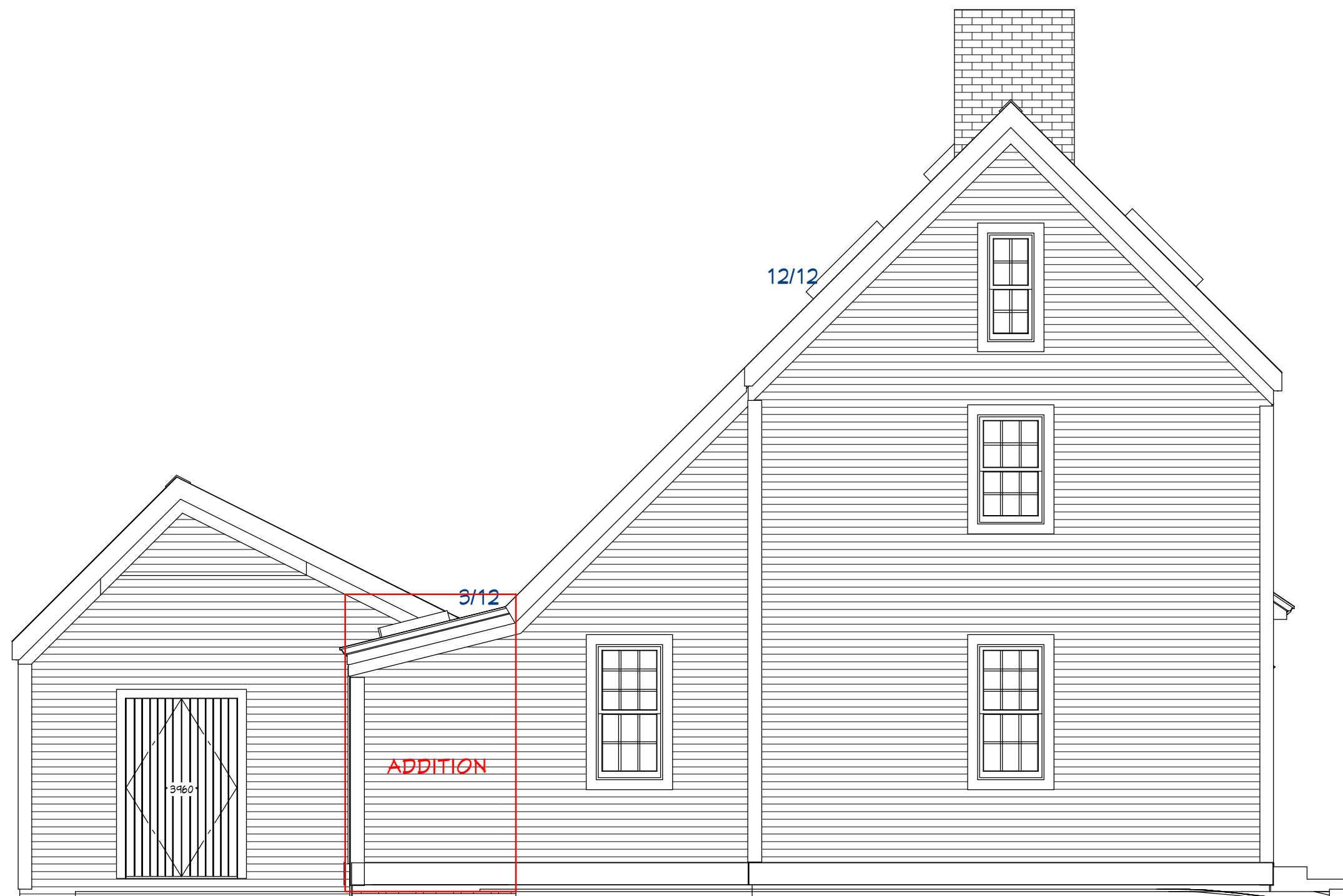
SCALE: 1/4" = 1'-0"



EXISTING WEST ELEVATION | SIDE VIEW

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

EXISTING EAST VIEW



PROPOSED NORTH ELEVATION | SIDE VIEW

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



EXISTING EAST ELEVATION | SIDE VIEW

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

ELEVATIONS

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

Revision Table	
Number	Description

ELEVATIONS

PROJECT:
NEAL MCCARTHY
28 Whidden, Portsmouth
NH 03801

CONTACT:
AMY DUTTON HOME
4 WALKER STREET
KITTEY, ME 04101
207.345.6050

DATE:

10/1/2025

COPYRIGHT ©AMY
DUTTON HOME 2025

SCALED FOR:
24" X 36"

SCALE:

SEE SCALE
ON DRAWINGS

SHEET:

A-3

II. NEW BUSINESS

- A. The request of **Double Mc LLC (Owner)**, for property located at **134 Pleasant Street** whereas relief is needed for redevelopment of the existing commercial building and construction of horizontal and vertical building expansions for a mixed-use building with below-grade parking and the relocation of drive-through teller lanes, which requires the following: 1) Variance from Section 10.440, Use #19.40 for a drive-through facility as an accessory to a permitted principle use; and 2) Variance from Section 10.331 to change the location and use of the drive-through facility. Said property is located on Assessor Map 116 Lot 30 and lies within the Character District 4 (CD4) and Historic District. (LU-25-138)

Existing & Proposed Conditions

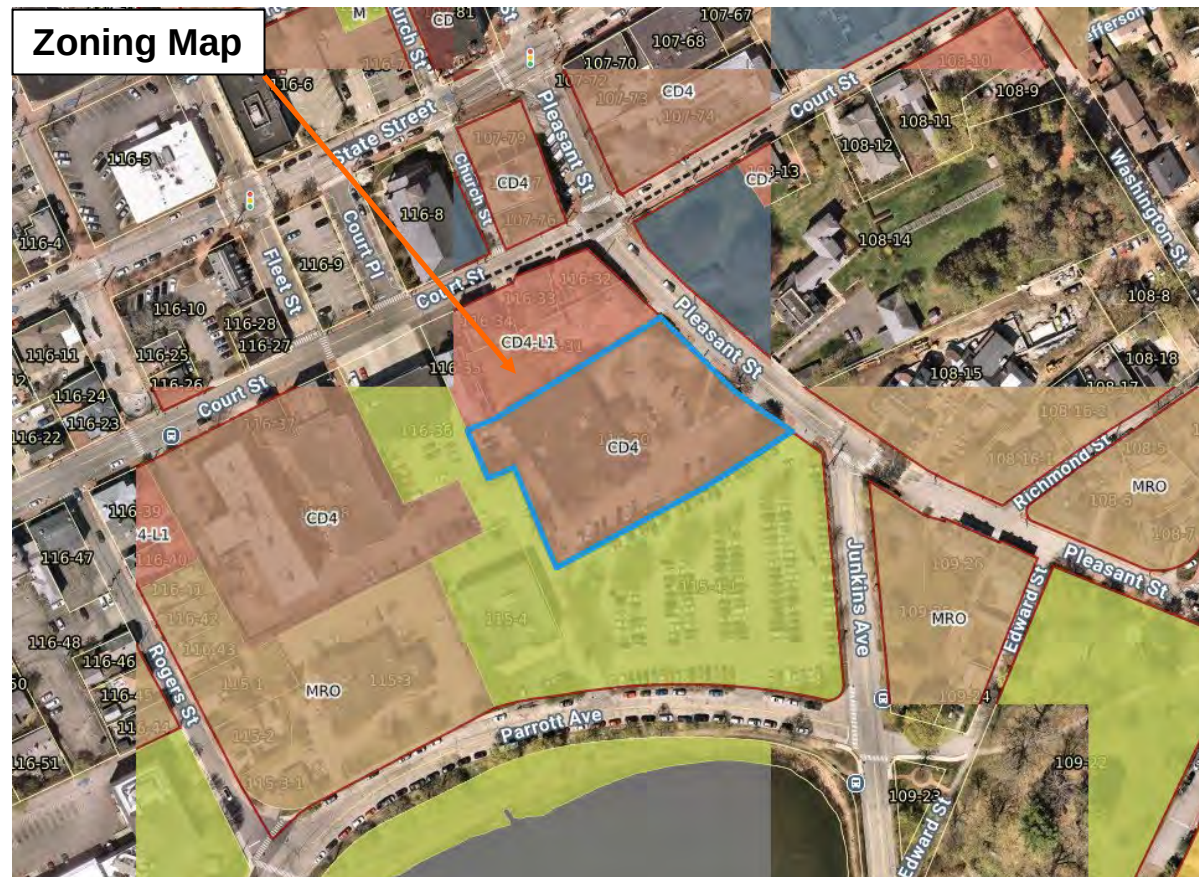
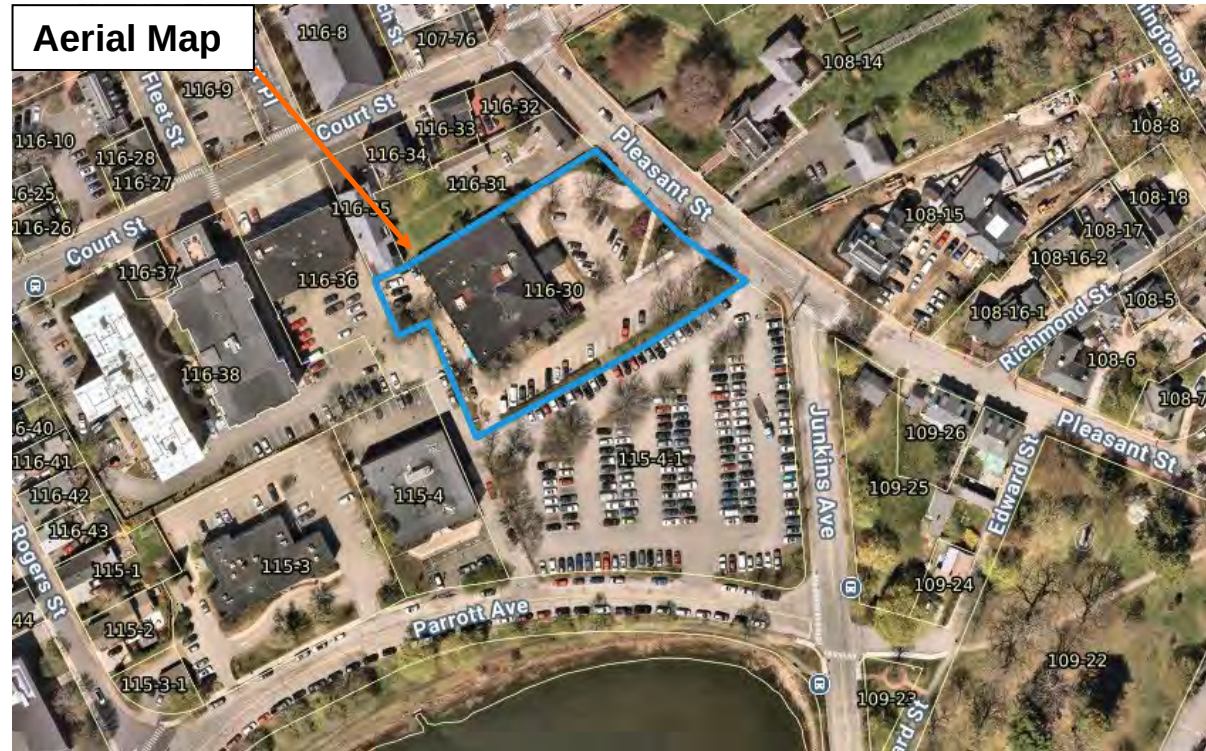
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Commercial	Mixed-Use, Co-living, Retail & Office (bank), Drive-thru facility*	Mixed-use
<u>Lot area (sq. ft.):</u>	53,084	53,084	NR
<u>Setback Front – Principal (ft.)</u>	N/A	10	10 max.
<u>Side Yard (ft.)</u>	0	0 (north) >50 (south)	NR
<u>Rear Yard (ft.)</u>	N/A	>5	5 min.
<u>Front Lot Line Buildout (%):</u>	N/A	51	50 min.
<u>Ground Floor Area Per Use (SF)</u>	11,241	10,336 (Bank) 10,701 (Retail)	15,000 max
<u>Ground Floor Height (ft.)</u>	9.9	14.5	12 min
<u>Height (ft.)</u>	19.5	27.6	2 full stories max and short 3rd/ 35 feet
<u>Height with Penthouse (ft.):</u>	N/A	26.2	37 max.
<u>Height with Roof appurtenance (ft.)</u>	N/A	26.2	45 max.
<u>Building Coverage (%):</u>	21.2	42.8	90 max.
<u>Open Space Coverage (%):</u>	>10	>10	10 min.
<u>Estimated Age of Structure:</u>	1955	Variance request(s) shown in red.	

***Drive-through facility as an accessory use to a permitted principal use not permitted per Section 10.440, Use #19.40**

Other Permits/Approvals Required

- Building Permit
- Historic District Commission Approval
- Site Plan Review – Technical Advisory Committee and Planning Board
- Coliving Conditional Use Permit – Planning Board
- Parking Conditional Use Permit – Planning Board (as necessary)

Neighborhood Context



Previous Board of Adjustment Actions

- **January 24, 1984** – a Special Exception as allowed in Article XII, Section 10-1201 (d)(1) to permit a reduction/elimination of the required parking by considering the availability of public parking spaces within 500' of the proposed use for a proposed addition of 2,400 s.f. of floor space (for banking use) within an existing building with 33 parking spaces being presently provided where approximately 72 parking spaces would be required. The Board voted to **grant** the request as presented and advertised.
- **August 19, 1986** – A Special Exception as allowed in Article XII, Section 10-1201 (d)(1) is requested to permit the conversion of 4,480 square feet of existing attic and basement space into additional office space within an existing building creating the need for an additional 23 parking spaces for a total of 96 spaces required where 33 parking spaces are being provided. Said reduction is requested considering the availability of public parking space within 500 ft. of the side. The Board voted to **deny** the request.
- **September 16, 1986** – The Board **denied** a request for Rehearing of the August 19, 1986 decision. The matter was appealed to the Rockingham County Superior Court, and on November 9, 1987 Judge Vincent Dunn upheld the decision of the Board.
- **January 26, 1988** – a Special Exception in Article XII, Section 10-1201 (1)(d)(1), to permit the conversion of 2,180 s.f. of unused attic and basement space within the existing building (which will require eleven additional parking spaces) thereby to allow for reduction in the required parking of ninety spaces, with thirty-seven spaces being provided where the Board may allow either the reduction or elimination of the required parking in consideration of the availability of public parking spaces within 500' of the proposed use. The Board voted to **grant** the request as presented and advertised.
- **October 20, 1992** – 1) a Variance from Article IX, Section 10-906 to allow the installation of two attached signs with a total aggregate area of 206 s.f. in a district where 60 s.f. is the maximum attached sign allowed; 2) a Variance from Article IX, Section 10-906 to allow the installation of 8 directional free-standing signs with advertising and 1 pylon free-standing sign for a total aggregate area of 92.5 s.f. in a district where 12 s.f. is the maximum allowed; 3) a Special exception as allowed in Article IX, Section 10-906 to allow 9 free-standing signs in the Central Business District where such signs may be allowed by a Special Exception; and 4) a Variance from Article IX, Section 10-906 to allow a total aggregate area of 298.5 s.f. in a district where 75 s.f. is the maximum aggregate area allowed. The Board voted to **grant** Variance 1 and Special Exception 3 as presented and advertised. The Board voted to **deny** Variances 2 and 4. They found that all the criteria had not been met and that the request for signage was excessive and not warranted for this area of town. They concluded that there were other alternatives for the 8 directional signs without using the advertising.
- **May 19, 1998** – 1) a Variance from Article II, Section 10-207 (22)(c&f) to allow 12,715 s.f. of existing bank space to be converted to business and professional office use with the remaining 8,285 s.f. to be continued to be used for banking, 2) a Variance from Article XII,

Section 10-1204 Table 15 to allow 33 parking spaces to be provided where 84 parking spaces are required; and 3) a Variance from Article IX, Section 10-908 Table 14 to allow a) 6 s.f. to be added to an existing 6 s.f. nonconforming freestanding sign, and b) a total aggregate of 252 s.f. of signage where 75 s.f. is the maximum allowed and 246 s.f. exists. The Board voted to **grant** Variances 1 and 2 as presented and advertised. The Board voted to **deny** Variance 3. The Board felt the property was over signed as it exists. They concluded that the existing signage could be redesigned to allow the new tenant signage that would not require relief from the Ordinance.

Planning Department Comments

The site is currently a two-story, 11,000 SF commercial building for Citizens Bank. The applicant is proposing to redevelop the property to include a front addition for expansion of the bank footprint, added retail space, residential apartments and coliving with associated site improvements. The bank has two existing drive-through teller lanes that are proposed to be moved to the south side of the newly redeveloped building. Due to the changes to the site and the existing nonconforming use, the applicant is seeking relief from Table 10.440, Use #19.40 to permit a drive-through facility as an accessory to a permitted principal use.

If the Board decides to grant approval of the requested variance, staff recommends the following condition for consideration:

1. The design and location of the buildings may change as a result of Planning Board review and approval.

Variance 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.

FRANCIS X. BRUTON, III
CATHERINE A. BERUBE
JOSHUA P. LANZETTA

OF COUNSEL
JAMES H. SCHULTE

Bruton & Berube, PLLC

ATTORNEYS AT LAW

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Dover, NH 03820

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(603) 743-6300
FAX (603) 343-2986

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September 24, 2025

VIA HAND DELIVERY

Phyllis Eldridge, Chair
City of Portsmouth Zoning Board of Adjustment
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

RE: Application for Variance
Owner/Applicant: Double MC, LLC
Property: 134 Pleasant Street, Portsmouth, NH
Tax Map 116, Lot 30
Zoning District: CD4

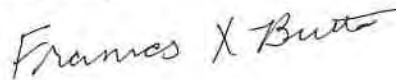
Dear Chair Eldridge:

Enclosed please find a complete copy of the Zoning Board of Adjustment Application that was submitted online, along with a copy of the project narrative and other associated materials in support of the above-named Applicant's request for Variance.

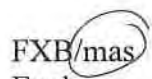
We understand, by submitting this application today, that this matter will be placed on the board's agenda for its meeting of October 21, 2025.

Should there be any questions regarding this application, please do not hesitate to contact us.

Sincerely,



Francis X. Bruton, III, Esquire
E-mail: fx@brutonlaw.com


Enclosures

cc: Double MC, LLC
Ambit Engineering, Inc.
ARCove, LLC

DOUBLE MC, LLC
APPLICATION FOR VARIANCE

I. INTRODUCTION

Double Mc, LLC, holds title to property located at 134 Pleasant Street as depicted on the City of Portsmouth Tax Map 116 as Lot 30 (hereinafter the “Property”). The Property is adjacent to a right-of-way located in the Municipal Parrott Avenue Parking lot and lies within the City of Portsmouth Character District 4 (CD4) and Historic District Commission (HDC) Zoning Districts. The Property is currently developed with an existing two-story building and a surface parking lot. The current use is a banking facility with two drive-through teller lanes, and offices for Citizens Bank and Collins Engineering. The Property has been utilized since 1982 as a banking facility with drive thru teller lanes.

During a Conceptual Review with the Planning Board on September 18, 2025, the Property Owner was told that a variance would be required for the drive-through teller lanes because our plans proposed changing the side of the transaction window and other subtle changes and that use is not permitted within the CD4 zone. The drive-through teller lanes and transaction window has existed as an integral part of the Property, its use and value for the last 43 years. Downtown Portsmouth currently has drive-through teller lanes for TD Bank, M&T Bank and Piscataqua Savings Bank with all properties located within CD4 and CD5 zones. In recent history there were also teller drive-through lanes for Eastern Bank near the Foundry Garage and for Indian Head Bank and Trust at 3 Pleasant Street. To the best of the Applicant’s knowledge, the site has not been the subject of any zoning enforcement action related to the drive-through teller lanes and its associated accessory structure. It appears the use of drive-through teller lanes was removed at the same time character based zoning was enacted in or around 2015. For those reasons, it is believed, and therefore averred, that the drive-through use is a valid nonconforming use.

The project consists of the adaptive reuse of the existing two-story structure, with horizontal and vertical building expansions toward Pleasant Street, below grade (basement) parking and relocating the drive-through teller lanes. By relocating the drive-through teller lanes and the parking underground, the extensive non-conforming surface parking lots will be removed in favor of a new building that will activate Pleasant Street and bring the front yard set-back into compliance with CD4 zone. The CD4 zone requires a front yard building setback of no greater than 10 feet and the existing building has a front yard setback of approximately 100 feet from the Pleasant Street front property line. The existing location of the drive-through makes it impossible to construct a new building that conforms to the zoning ordinance without changes to the drive-through location. Character based zoning requires front property lines to be activated with buildings and not parking lots or drive-through lanes. The Owner’s proposed plans will bring life to a new pedestrian friendly sidewalk on Pleasant Street, cure the non-conforming front yard building set back, improve vehicular circulation and improve the non-conforming drive-through teller lane use. The new building and teller drive-through lanes will be the new home for Kennebunk Savings Bank.

The Portsmouth Zoning Ordinance provides:

10.331 A lawful nonconforming use may continue, but may not be extended, enlarged or changed except in conformity with this Ordinance.

Given the foregoing, the Applicant requests a variance from Section 10.331 to change the location and use of the drive-through, as described above.

For the foregoing reasons, and based upon the following, the Applicant respectfully submits that the grant of the variance requested herein is reasonable and appropriate.

II. VARIANCE CRITERIA

New Hampshire RSA 674:33, I (a)(2) and Section 10.233 of the Portsmouth Zoning Ordinance set forth five criteria upon which variances may be granted. The application of these criteria to the Applicant's proposal is discussed hereafter.

A. Granting the variances will not be contrary to the public interest.

To be contrary to the public interest or injurious to public rights, the variance must unduly and in a marked degree conflict with the basic zoning objectives of the ordinance. See *Chester Rod & Gun Club*, 152 N.H. at 581. In making the determination, the Board should determine whether the variance would “alter the essential character of the locality or threaten public health, safety or welfare.”

Section 10.121 of the Portsmouth Zoning Ordinance states that, “[t]he purpose of this Ordinance is to promote the health, safety and general welfare of Portsmouth and its region in accordance with the City of Portsmouth Master Plan.

The existing drive-through window is located in the middle of the existing building and results in car headlights shining on the abutting property to the north and cars existing directly onto Pleasant Street. The Owner proposes to relocate the drive-through lanes as depicted on the attached plans which gets car headlights and any noise from transaction windows away from the residential scale abutter to the north and more appropriately accessed from the existing travel lanes and the Parrott Avenue Municipal Parking lot. The proposed construction on the Property will act as a solid buffer between the activities of the drive-through that currently exist, making the new location more desirable than the current location. The proposed relocation also provides for much needed expansion space for Kennebunk Savings Bank who has leased the Property. It is respectfully submitted that granting the variance would not alter the essential character of the locality or threaten public health, safety or welfare of the immediate neighborhood by relocating the existing drive-through as proposed.

B. The spirit of the ordinance is observed.

When considering whether the granting of the variance will observe the spirit of the ordinance, the New Hampshire Supreme Court has indicated this review is substantially related, and similar to the review regarding public interest. See *Harborside Associates, L.P. v. Parade*

Resident Hotel, LLC, 162 NH 508, 514 (2011). Thus, the Applicant submits that the rationale set forth above regarding “public interest” is equally applicable to the Board’s review as to whether the spirit of the ordinance is observed with the grant of the variance.

C. The granting of the requested relief will do substantial justice.

In *Malachy Glen Associates v. Town of Chester*, 155 N.H. 102, 109 (2002), the New Hampshire Supreme Court held that, “...the only guiding rule [in determining whether the requirement for substantial justice is satisfied] is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.” The Court also noted that it would look at whether a proposed development was consistent with the area's present use. In this instance, the grant of the variance would result in substantial justice as it would allow the relocation of an existing drive-through use for banking purposes. The location of the drive-through will meet the performance and setback standards set forth in Section 10.835.20 and Section 10.835.30 of the Zoning Ordinance. The relocation of the drive-through would abut an existing large public parking lot, and would move the drive-through away from inhabited residential scale properties to the north. There is no negative aspect that the public will suffer from this relocation. Thus, denial of the variances would result in a loss to the Applicant that is not outweighed by any gain to the general public. As such, granting the requested relief would result in substantial justice.

D. Granting the variance will not result in the diminution on value of the surrounding properties.

It is respectfully submitted that all of the surrounding properties have a value associated with them which is premised upon existing buildings and uses located upon the Property. In this instance, it is believed, and therefore averred, that the aesthetic upgrades of the property and the changes to the drive-through, as described herein, will not result in a diminution of surrounding property values. The Applicant believes that the change will increase the value of surrounding property by improving the property with attractive architecture abutting Pleasant Street, incorporating a drive-through into the building design and extensive landscaping. Currently, the Property is non-conforming for the building set-back from Pleasant Street. The Zoning Ordinances requires a structure to be no more than 10 feet from the front property line and currently the Property has a parking lot on the front property line and the building is approximately 100 feet from the front property line. This plan continues an existing non-conforming use of a drive-through teller lane and at the same time cures the non-conforming front yard setback, so overall, it gets the Property closer to zoning conformance.

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

An unnecessary hardship exists when, owing to special conditions of the property that distinguish it from other property, no fair and substantial relationship exists between the public purposes of the ordinance provisions and the specific application of those provisions to the property and the proposed use is a reasonable one. (Section 10.233.31 of Zoning Ordinance).

The property is distinguished from other properties in the area given its large size, at approximately 1.22 acres, located next to the downtown area. The Property is also unique given the location of the property to a large public parking lot. In addition, the Property is one of only a few properties within its vicinity that has a nonconforming drive-through facility. This nonconforming drive-through has been utilized for over thirty years by a bank, as is now proposed.

The current location of the current drive-through is adjacent to inhabited parcels and points directly at Pleasant Street. The relocation diminishes these aspects of the current use by locating the drive-through to a location that is adjacent to the Parrot Street parking lot and away from the travel view of Pleasant Street. The proposed drive-through meets or exceeds all performance and setback standards of a drive-through regulated by the Zoning Ordinance. Meeting the performance and setback standards highlights how the general purpose of the Zoning Ordinance is preserved and met, all of which is possible given the unique size of the Property. Coupled with the improvements to the drive-through, as described hereinabove, the Applicant respectfully submits that the change of location and continued use of the existing drive-through improves the nonconforming use, and, for these reasons, denying the ability to so change this nonconforming use would result in an unnecessary hardship.

The Applicant respectfully submits that the change to the drive-through, as detailed herein, results in a reasonable change to this nonconforming use.

III. CONCLUSION.

For all the reasons set forth hereinabove, Double MC, LLC respectfully requests that the relief request herein be granted.

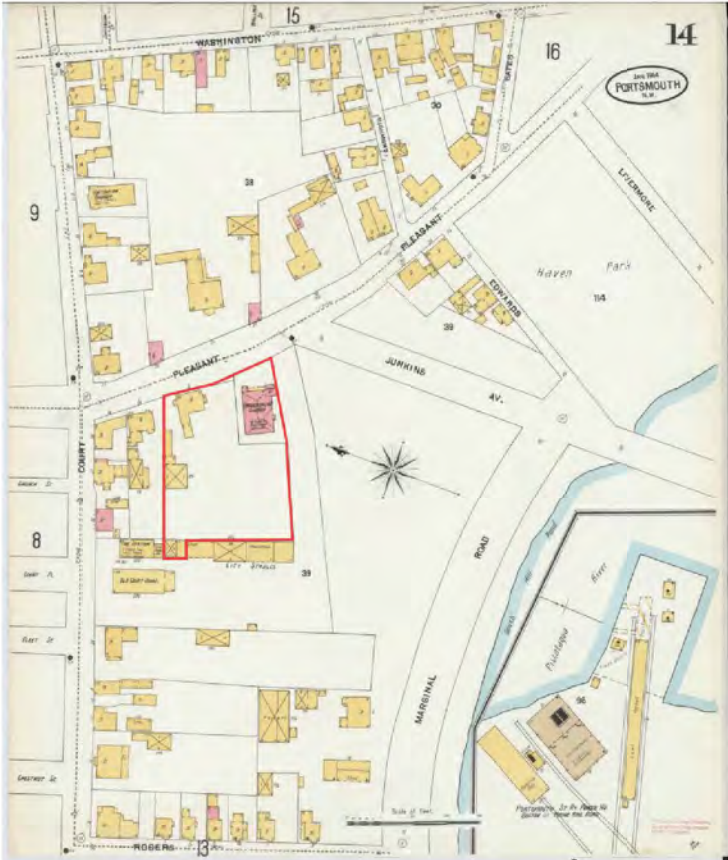


H0.2 EXISTING PHOTOS
 134 PLEASANT STREET
 PORTSMOUTH, NH 03801

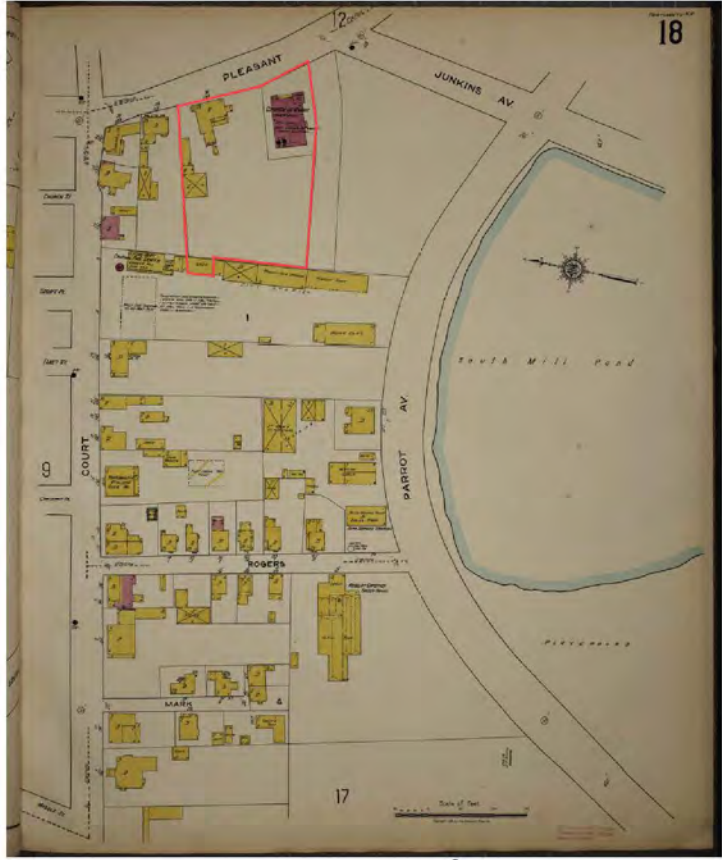
07/25/2025



1813
UNIVERSALIST CHURCH & HOUSING



1904
UNIVERSALIST CHURCH & HOUSING



1920
UNIVERSALIST CHURCH & HOUSING



1952
GROCERY IN CONSTRUCTION TILL 1953
CHURCH DEMOLISHED AFTER



1877
UNIVERSALIST CHURCH & HOUSING



1892
UNIVERSALIST CHURCH & HOUSING



1910
UNIVERSALIST CHURCH & HOUSING

H0.4

HISTORIC TIMELINE 134 PLEASANT STREET PORTSMOUTH, NH 03801

07/25/2025



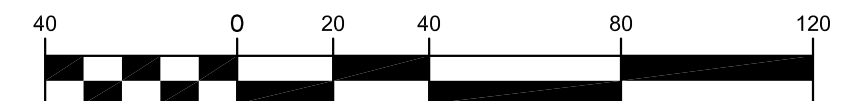
COPYRIGHT © 2025

EXISTING DRIVE UP WINDOW DIMENSION SKETCH

OWNER: DOUBLE MC, LLC
PROPERTY LOCATION: 134 PLEASANT STREET
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE



GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.

SCALE: 1"=40' DATE: AUGUST 4, 2025



HALEY WARD

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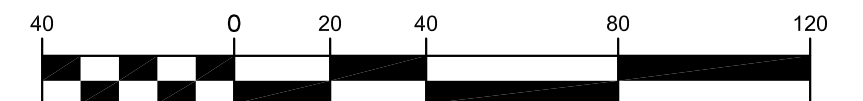
200 Griffin Rd. Unit 14
Portsmouth, New Hampshire 03801
603.430.9282

PROPOSED DRIVE UP WINDOW DIMENSION SKETCH

OWNER: DOUBLE MC, LLC
PROPERTY LOCATION: 134 PLEASANT STREET
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE



GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.

SCALE: 1"=40'

DATE: SEPTEMBER 24, 2025



WWW.HALEYWARD.COM

HALEY WARD

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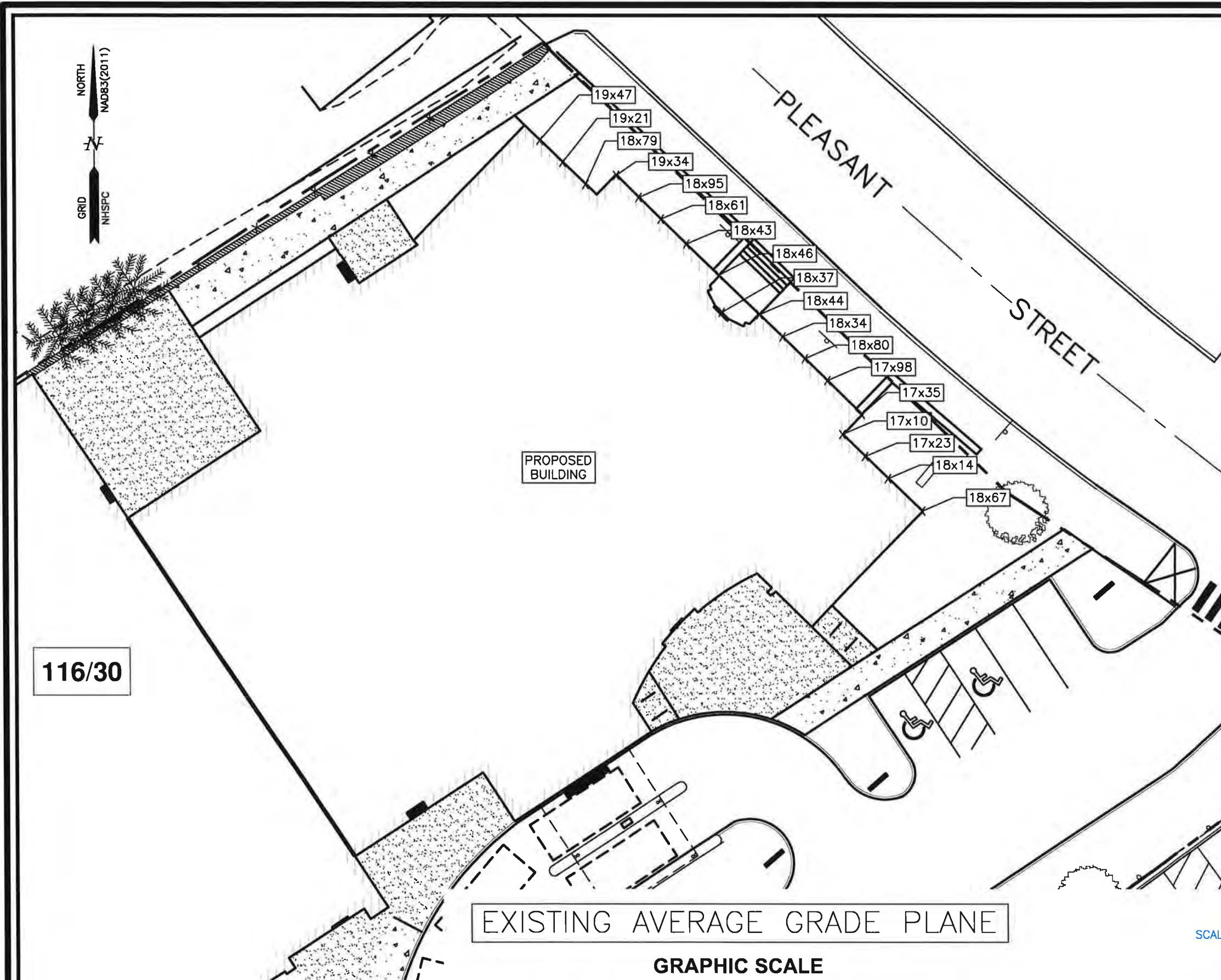
200 Griffin Rd. Unit 14
Portsmouth, New Hampshire 03801
603.430.9282

ZONING DEVELOPMENT STANDARD 10/7/2025

CD4 (CD-4, HDC): CHARACTER DISTRICT 4

	REQUIRED	EXISTING	PROPOSED
Height	2 stories with short 3rd = 35' max	2 stories, 19'-6"	2 STORIES, 27'-7"
Penthouses	may exceed bldg height by 2'	n/a	25'-6"
Roof appurtenance	may exceed bldg height by 10'	n/a	25'-6"
Façade Types	stoop, step, shopfront, officefront, recessed-entry, dooryard, gallery & arcade	n/a	SHOPFRONT
Building Types	Rowhouse, Apartments, live/work, small or large commercial, mixed use, flex space & community.	commercial	large commercial & residential
Setback Front (principle) max	10	n/a	10', principal façade
Setback Front (secondary) max	15	n/a	
Side	NR	n/a	11'-8" (north) and 50'-9" (south, drivethrough)
Rear, min	>of: 5' from rear line or 10' from cl alley	n/a	5'
Front lotline buildout	50% min	n/a	51%
Lot area (sf)	NR	53,084	53,084
LOT area per dwelling	NR	n/a	n/a
Coverage, maximum	90%	21.2%	42.8%
Footprint, max* 10.5a43.40	15,000	11,241	connected buildings, 11,717 & 11,012
Ground floor area per use, max	15,000	11,241 (bank)	10,336 Bank & 10,701 Retail
Open space, minimum	10%	> 10%	> 10%
Permitted uses (cd4 & cd5)	multifamily, live/work, office, retail, restaurant (<500occ)	office (bank)	coliving, retail & office (bank)
Block length, max (ft)	200	n/a	104'-10"
Façade modulation length, max (ft)	80	n/a	27'-8"
Entrance spacing, max (ft)	50	n/a	50'
Floor height above sidewalk, max	36"	4"	4"
Ground floor height, min	12'	n/a	14'-6" addition & 9'-11" existing
Second floor height, min	10'	n/a	10'-0" addition & 8'-9" existing
Glazing, shopfront, min	70%	n/a	design is in development
Glazing, other	20%-50%	n/a	design is in development
Roof types(pitch)	flat, gable (6:12-12:12), hip(>3:12), gambrel/mansard(6:12-30:12)	flat	flat and hipped
Parking, off-street	when >20 spaces, max spaces = 120% of min required is the max allowed. 10.1112.60 mixed used - some shared spaces allowed.		design is in development, and will conform to ordinance
Parking, Residential	Coliving, .25 spaces per sleeping unit		design is in development, see attached summary
Parking, Professional office	1 per 350 GFA		design is in development, see attached summary
Parking, Professional office	1 per 300 GFA		design is in development, see attached summary

P:\NH\5010156-McNabb_Properties\1532-134 Pleasant St. Portsmouth-JRC\02-CAD_Files\Civil\5010156-1532 Site 2025.dwg, 10/9/2025 11:09:52 AM



EXISTING AVERAGE GRADE				
	SOUTH	WEST	NORTH	EAST
	N/A	N/A	N/A	19.47
				19.21
				18.79
				19.34
				18.95
				18.61
				18.43
				18.46
				18.37
				18.44
				18.34
				18.80
				17.98
				17.35
				17.10
				17.23
				18.14
				18.67
TOTAL	N/A	N/A	N/A	331.68
/# GRADES	N/A	N/A	N/A	331.68/18
AVG. GRAD	N/A	N/A	N/A	18.43
*SPOT GRADES TAKEN AT POINTS 6' ON CENTER ALONG PROPOSED BUILDING FOOTPRINT.				

EXISTING AVERAGE GRADE: 18.43



SCALE: 1"=20'

SEPTEMBER 2025
REVISED 10-08-2025



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200 Griffin Rd. Unit 14
Portsmouth, New Hampshire 03801
603.430.9282

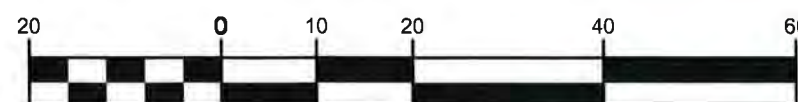
FB 276 PG 60

5010156.1532

SITE REDEVELOPMENT
134 PLEASANT STREET
PORTSMOUTH, N.H.

EXISTING AVERAGE GRADE PLANE

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

LEGEND:

DESCRIPTION

DESCRIPTION	EXISTING
RCRD	ROCKINGHAM COUNTY REGISTRY OF DEEDS
1234/123	DEED BOOK/PAGE
N/F	NOW OR FORMALLY
TYP.	TYPICAL
TBS	TO BE SET
LSA	LANDSCAPE AREA
INV.	INVERT
ELV.	ELEVATION
FF	FINISHED FLOOR
DYL	DOUBLE YELLOW LINE
SGC	SLOPED GRANITE CURB
VGC	VERTICAL GRANITE CURB
MAP 21 LOT 8	
BENCHMARK	
RAILROAD SPIKE	
BOUND	
IRON ROD/PIPE FOUND	
SET 5/8" REBAR WITH SURVEYOR'S CAP	
SEWER MANHOLE	
DRAIN MANHOLE	
COMMUNICATIONS MANHOLE	
ELECTRIC MANHOLE	
UTILITY POLE	
CATCH BASIN	
HYDRANT	
GATE VALVE	
GAS/WATER SHUTOFF	
BOLLARD	
BORING	
TREES	
GAS/ELECTRIC METER	
LIGHT POLE	
MAIL BOX	
AIR CONDITIONER	
SIGN	
SPOT GRADE	
ELECTRIC PEDESTAL	
ELECTRIC HANDHOLD	
PROPERTY LINE	
APPROXIMATE EXTERIOR PROPERTY LINE	
EDGE OF PAVEMENT	
EDGE OF GRAVEL	
STONE WALL	
FENCE	
SHRUBLINE	
MINOR FOOT CONTOUR	
MAJOR FOOT CONTOUR	
GAS LINE	
WATER LINE	
STORM DRAIN LINE	
SANITARY SEWER LINE	
OVERHEAD UTILITY LINE	
UNDERGROUND COMMUNICATIONS LINE	

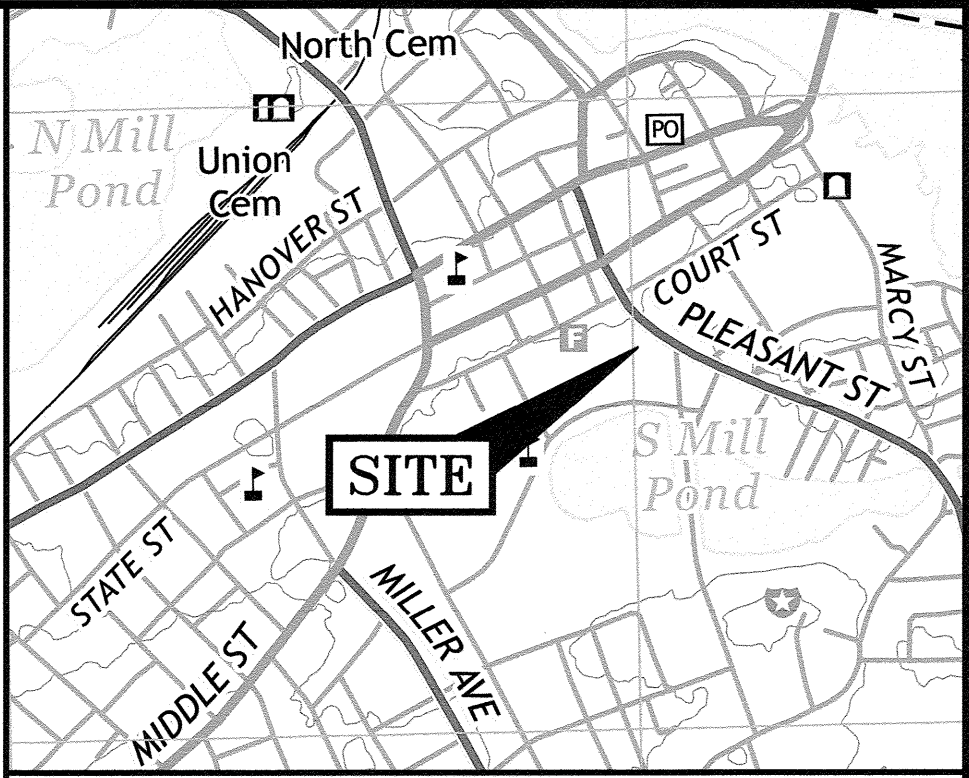
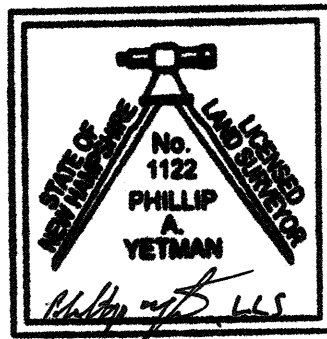
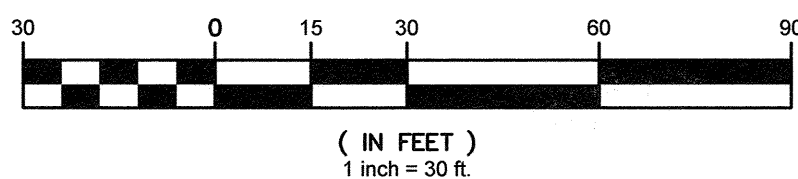
LINE TABLE:

LINE	BEARING	DISTANCE
L1	N66°28'05"E	32.60'
L2	S04°27'10"E	0.98'
L3	N57°05'10"E	175.24'
L4	N58°07'10"E	50.44'
L5	S45°49'50"E	122.39'
L6	S56°42'50"E	79.29'
L7	S54°09'10"W	121.33'
L8	S62°18'10"W	194.24'
L9	N23°38'50"W	124.67'
L10	S66°22'00"W	32.60'
L11	N23°20'25"W	60.00'

"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

PHILIP A. YETMAN, LLS 1122 DATE 7/18/2025

GRAPHIC SCALE

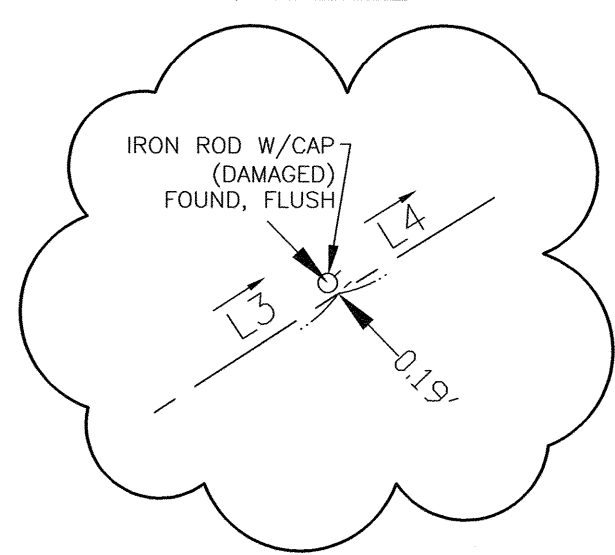


LOCATION MAP SCALE: 1" = 1,000'

NOTES:

- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S TAX MAP 116 AS LOT 30.
- OWNERS OF RECORD:
DOUBLE MC, LLC
10 PLEASANT STREET SUITE 400
PORTSMOUTH, N.H. 03801
RCRD 6505/2411
- PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE JANUARY 29, 2021.
- EXISTING LOT AREA:
53,084 S.F.
1.22 ACRES
- PARCEL IS LOCATED IN THE CHARACTER DISTRICT 4 (CD4) DISTRICT.
- DIMENSIONAL REQUIREMENTS: SEE PORTSMOUTH ORDINANCE FOR REQUIREMENTS.
- THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULTS OF AN EXISTING CONDITIONS SURVEY OF ASSESSOR'S MAP 116, LOT 30 IN THE CITY OF PORTSMOUTH.
- VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
- PARCEL IS BENEFITED BY A RIGHT OF WAY TO COURT STREET AS DESCRIBED IN RCRD 1257/466.
- PARCEL IS BENEFITED BY A RIGHT OF WAY AS DESCRIBED IN RCRD 2975/349 AND SHOWN ON RCRD D-18880 AND RCRD D-26343.
- ABUTTER INFORMATION TAKEN FROM THE CITY OF PORTSMOUTH ASSESSORS GIS WEBSITE.

DETAIL A:



PLAN REFERENCES:

- ALTA/ACSM LAND TITLE SURVEY FOR CITIZENS BANK OF NEW HAMPSHIRE, 134 PLEASANT STREET COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H., PREPARED BY: MILLETTE, SPRAGUE & COLWELL, INC., DATED: JUNE 9, 1998, SCALE: 1"=20', RCRD-26343.
- COURTHOUSE LOT SUBDIVISION OF LAND PREPARED FOR CITY OF PORTSMOUTH, PORTSMOUTH NEW HAMPSHIRE. PREPARED BY: THOMAS F. MORAN INC., DATED: JULY 1, 1988, SCALE: 1"=40', RCRD D-18880.
- PLAN OF BOUNDARY LINE PARROT AVENUE PARKING LOT FOR CITY OF PORTSMOUTH IN PORTSMOUTH, N.H., PREPARED BY: BERRY SURVEYING & ENGINEERING, DATED: MAY 30, 2014, SCALE: 1"=20', NOT RECORDED.
- LOT LINE RELOCATION PLAN TAX MAP 116-LOTS 38 & 37 FOR PORTSMOUTH HOUSING AUTHORITY. PREPARED BY: AMBIT ENGINEERING, INC., DATED: FEBRUARY 2018, SCALE: 1"=30', RCRD D-41899.
- BOUNDARY PLAN OF LAND TAX MAP 116-LOT 37 PREPARED FOR: PORTSMOUTH HOUSING AUTHORITY. PREPARED BY: AMBIT ENGINEERING, INC., DATED: FEBRUARY 2020, RCRD D-42016.
- LOT LINE ADJUSTMENT PLAN FOR DAVID L. BAKER, SR. IN PORTSMOUTH, N.H., PREPARED BY: SEACOAST ENGINEERING ASSOCIATES INC., DATED: MARCH 23, 1990, SCALE: 1"=20', RCRD D-20209.
- PLAN OF LOTS NOS. 202, 208 & 222 COURT STREET PORTSMOUTH, N.H., PREPARED BY: JOHN W. DURGIN CIVIL ENGINEERS, DATED: JANUARY 1974, SCALE: 1"=10', RCRD C-4259.
- CONDOMINIUM SITE PLAN FIREHOUSE TOWN HOMES CONDOMINIUM. PREPARED BY: AMBIT ENGINEERING, INC., DATED: JANUARY 2020, SCALE: 1"=10', RCRD D-43127.

REV.	DATE	DESCRIPTION	RJB	PAY
0	07-18-2025	ISSUED FOR COMMENT		

DRAWING ISSUE STATUS

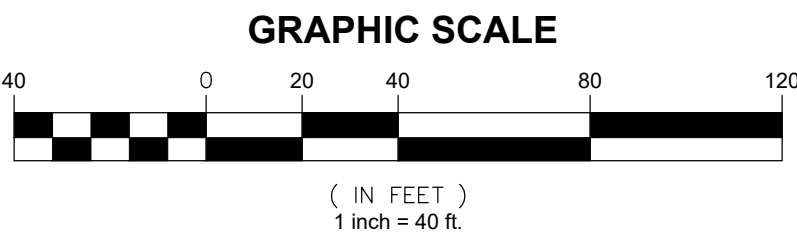
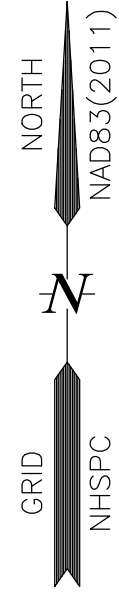
SITE SURVEY



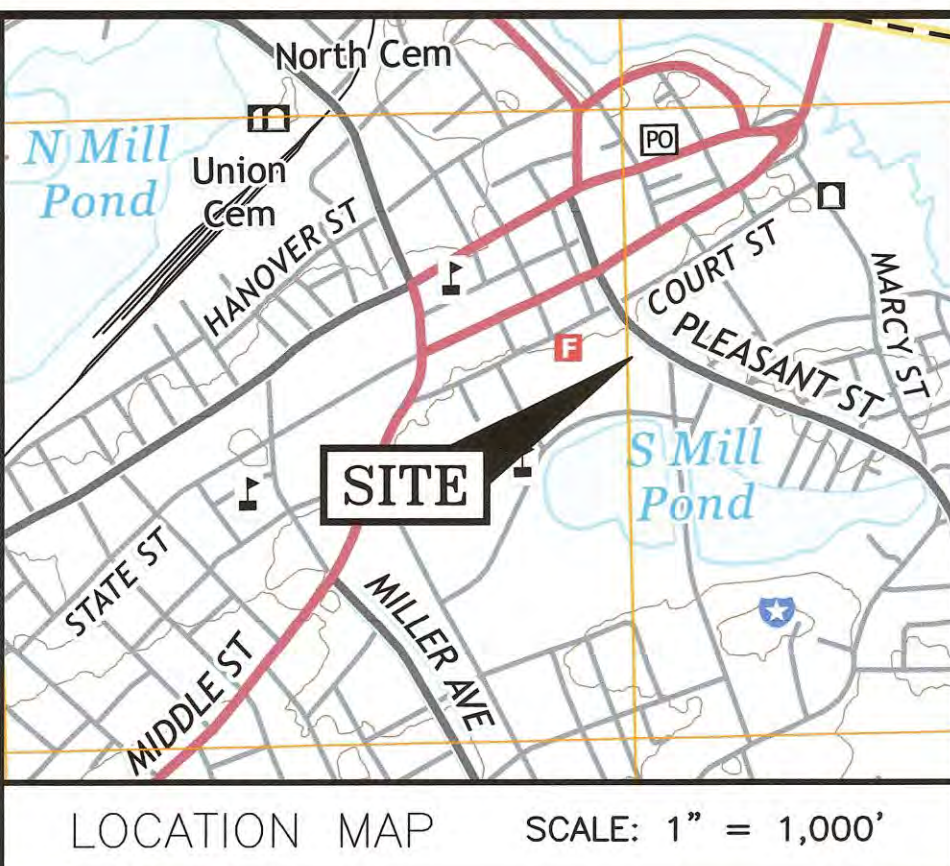
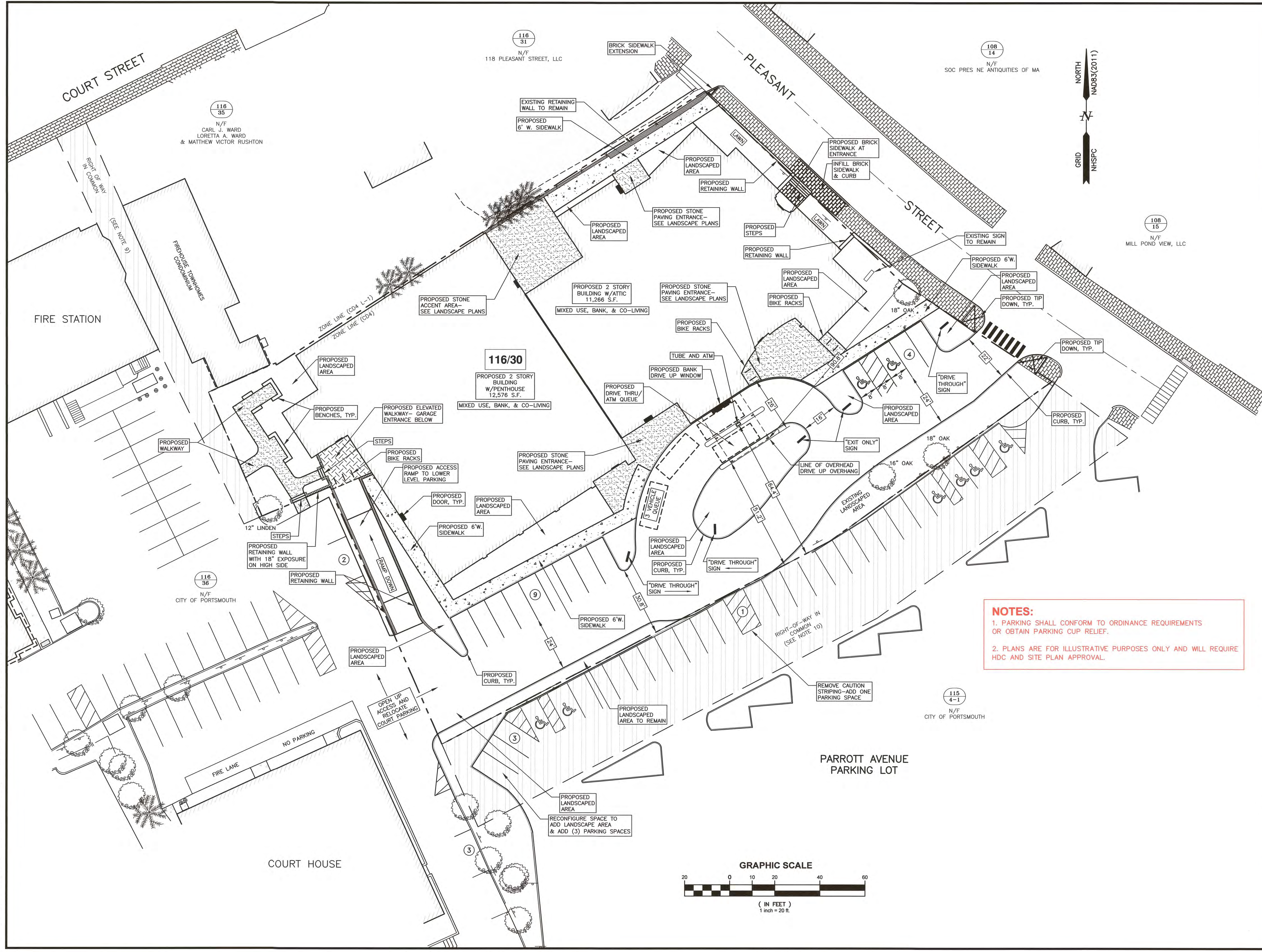
PROJECT
DOUBLE MC, LLC
134 PLEASANT STREET PORTSMOUTH, N.H.

EXISTING CONDITIONS PLAN

DATE	SCALE
MARCH 2025	1"=30'
DRAWN BY	DESIGNED BY
RJB	PAY
PROJECT No.	FIELD BOOK/PAGE
5010156-1532	FB 276 PG 60
DRAWING No.	REV.
V101	0



0	7/25/25	ISSUED FOR COMMENT	RJB	JRC
REV.	DATE	DESCRIPTION	BY	CHK.
DRAWING ISSUE STATUS				
SITE SURVEY				
 HALEY WARD ENGINEERING ENVIRONMENTAL SURVEYING 200 Griffin Road, Unit 14 Portsmouth, NH 03801 603-430-9282 WWW.HALEYWARD.COM				
PROJECT				
DOUBLE MC, LLC 134 PLEASANT STREET PORTSMOUTH, N.H.				
TITLE				
ORTHOPHOTO PLAN				
DATE		SCALE		
JULY 2025		1"=40'		
DRAWN BY		DESIGNED BY		CHECKED BY
RJB		---		PAY
PROJECT No.		FIELD BOOK / PAGE		
5010156.1532		FB 276 PG 60		
DRAWING No.				REV.
V103				0



- NOTES:**
- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S TAX MAP 116 AS LOT 30.
 - 2) OWNERS OF RECORD:
DOUBLE MC, LLC
10 PLEASANT STREET SUITE 400
PORTSMOUTH, N.H. 03801
RCRD 6505/2411
 - 3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE JANUARY 29, 2021.
 - 4) EXISTING LOT AREA:
53,084 S.F.
1.22 ACRES
 - 5) PARCEL IS LOCATED IN THE CHARACTER DISTRICT 4 (CD4) DISTRICT.
 - 6) DIMENSIONAL REQUIREMENTS: SEE PORTSMOUTH ORDINANCE FOR REQUIREMENTS.
 - 7) THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED MIXED USE DEVELOPMENT ON ASSESSOR'S MAP 116, LOT 30 IN THE CITY OF PORTSMOUTH.
 - 8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
 - 9) PARCEL IS BENEFITED BY A RIGHT OF WAY TO COURT STREET AS DESCRIBED IN RCRD 1257/466.
 - 10) PARCEL IS BENEFITED BY A RIGHT OF WAY AS DESCRIBED IN RCRD 2975/349 AND SHOWN ON RCRD D-18880 AND RCRD D-26343.
 - 11) ABUTTER INFORMATION TAKEN FROM THE CITY OF PORTSMOUTH ASSESSORS GIS WEBSITE.
 - 12) PROPOSED USES:
-KENNEBUNK SAVINGS BANK WITH RELOCATED DRIVE THRU.
-CO-LIVING PODS WITH SLEEPING UNITS.

- NOTES:**
1. PARKING SHALL CONFORM TO ORDINANCE REQUIREMENTS OR OBTAIN PARKING CUP RELIEF.
 2. PLANS ARE FOR ILLUSTRATIVE PURPOSES ONLY AND WILL REQUIRE HDC AND SITE PLAN APPROVAL.

3	10-08-2025	PLAN NOTES	SJR	JRC
2	09-22-2025	REVISED DRIVE THROUGH	SJR	JRC
1	09-05-2025	REVISED LAYOUT	SJR	JRC
0	07-18-2025	ISSUED FOR COMMENT	SJR	JRC
REV.	DATE	DESCRIPTION	BY	CHK.

DRAWING ISSUE STATUS

PERMIT PLANS

HALEY WARD
ENGINEERING | ENVIRONMENTAL | SURVEYING
200 Griffin Road, Unit 14
Portsmouth, NH 03801
603-430-9282
WWW.HALEYWARD.COM

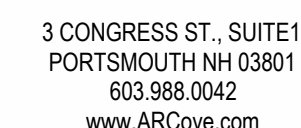
PROJECT

DOUBLE MC, LLC
134 PLEASANT STREET PORTSMOUTH, N.H.

TITLE

VARIANCE PLAN

DATE	JULY 2025	SCALE	1"=20'
DRAWN BY	SJR	DESIGNED BY	---
CHECKED BY	JRC	PROJECT No.	5010156.1532
FIELD BOOK / PAGE	FB 276	PG 60	
DRAWING No.	C201	REV.	3



PORTSMOUTH, NH 03801

PROJECT NO: 1028

OWNER

Double Mc, LLC
134 Pleasant Street
Portsmouth, New Hampshire 03801

CIVIL ENGINEERING

 Haley Ward
200 Griffin Road, Unit
Portsmouth, NH 03801
(603) 430-9282

LANDSCAPE ARCHITECT

 Terra Firma Landscape Architecture
163a Court St
Portsmouth, NH 03801
(603) 531-9109

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

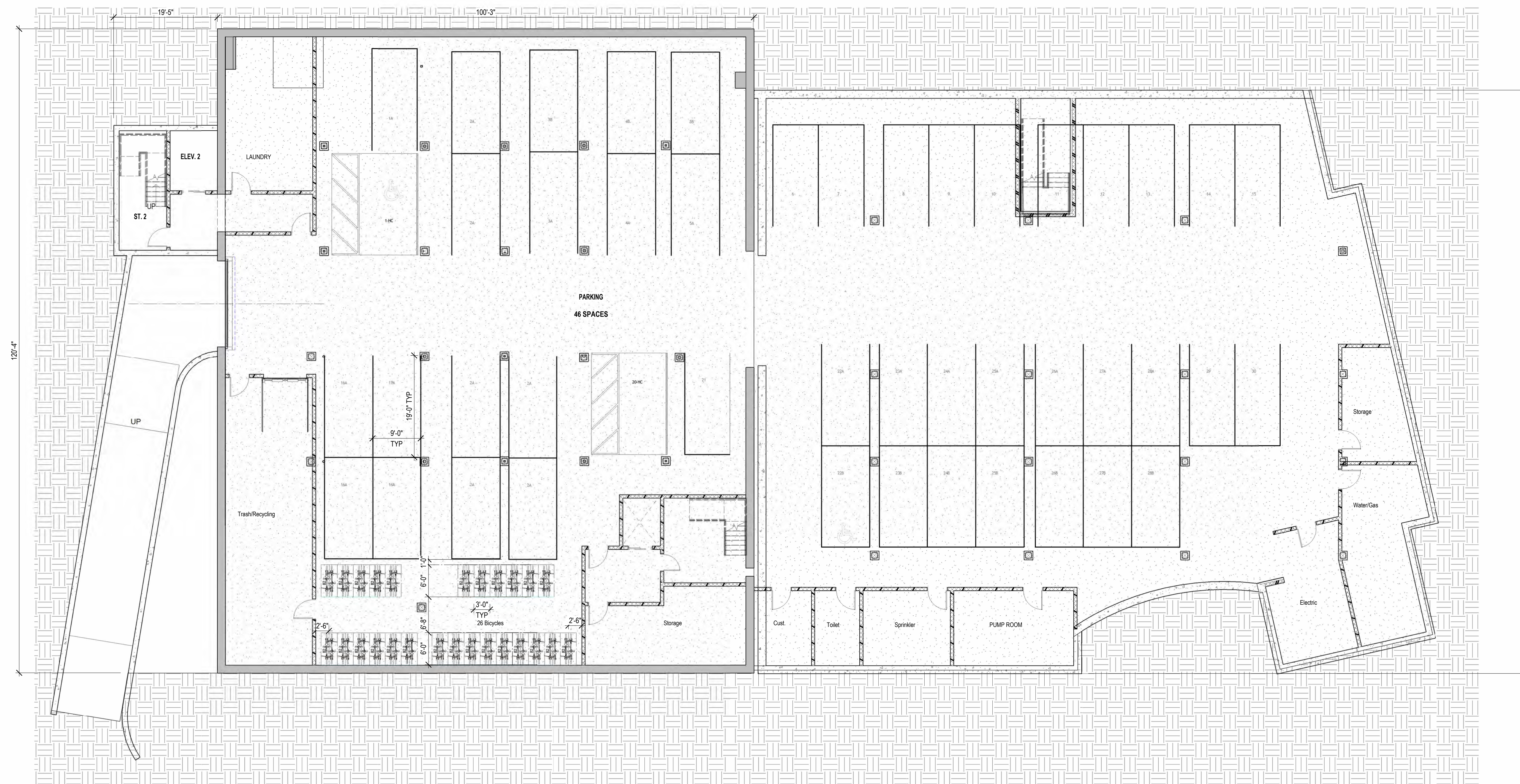
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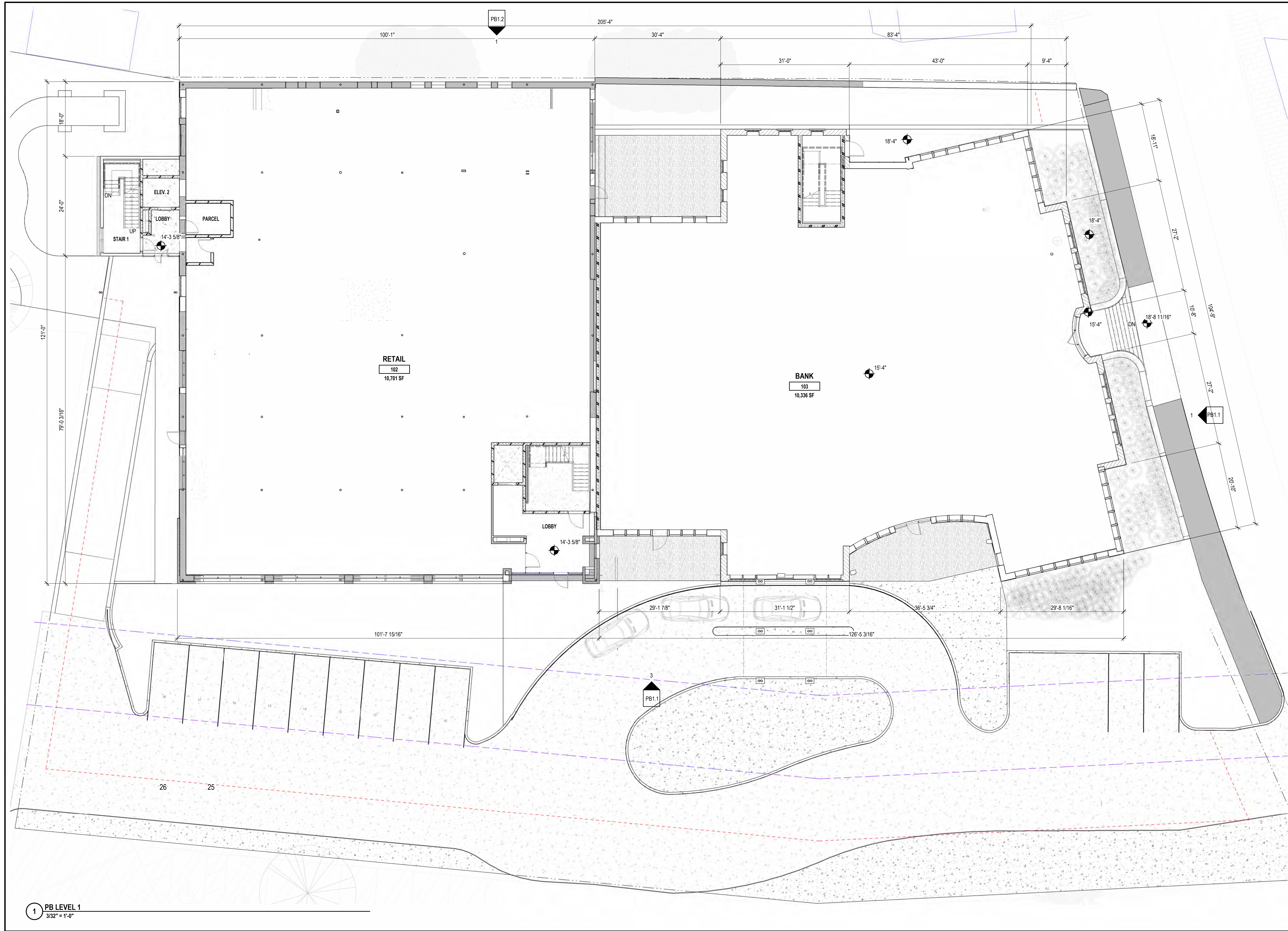
CHECKED: Checker

PB0.1

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1 PB BASEMENT
3/32" = 1'-0"



1 PB LEVEL 1
3/32" = 1'-0"



3 CONGRESS ST., SUITE 1
PORTSMOUTH NH 03801
603.988.0042
www.ARCove.com

134 PLEASANT STREET

PORTSMOUTH, NH 03801

PROJECT NO: 1028

OWNER

Double Mc, LLC
134 Pleasant Street
Portsmouth, New Hampshire 03801

CIVIL ENGINEERING

Haley Ward
200 Griffin Road, Unit
Portsmouth, NH 03801
(603) 430-9282

LANDSCAPE ARCHITECT

Terra Firma Landscape Architecture
163a Court St
Portsmouth, NH 03801
(603) 531-9109

LEVEL 1 FLOOR PLAN

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

DATE: 09/08/2025

DRAWN: HA

CHECKED: TK

PB0.2



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PORTSMOUTH NH 03801
603.988.0042
www.ARCove.com

134 PLEASANT STREET

PORTSMOUTH, NH 03801

PROJECT NO: 1028

OWNER

Double Mc, LLC
134 Pleasant Street
Portsmouth, New Hampshire 03801

CIVIL ENGINEERING

Haley Ward
200 Griffin Road, Unit
Portsmouth, NH 03801
(603) 430-9282

LANDSCAPE ARCHITECT

Terra Firma Landscape Architecture
163a Court St
Portsmouth, NH 03801
(603) 531-9109

LEVEL 2A FLOOR PLAN

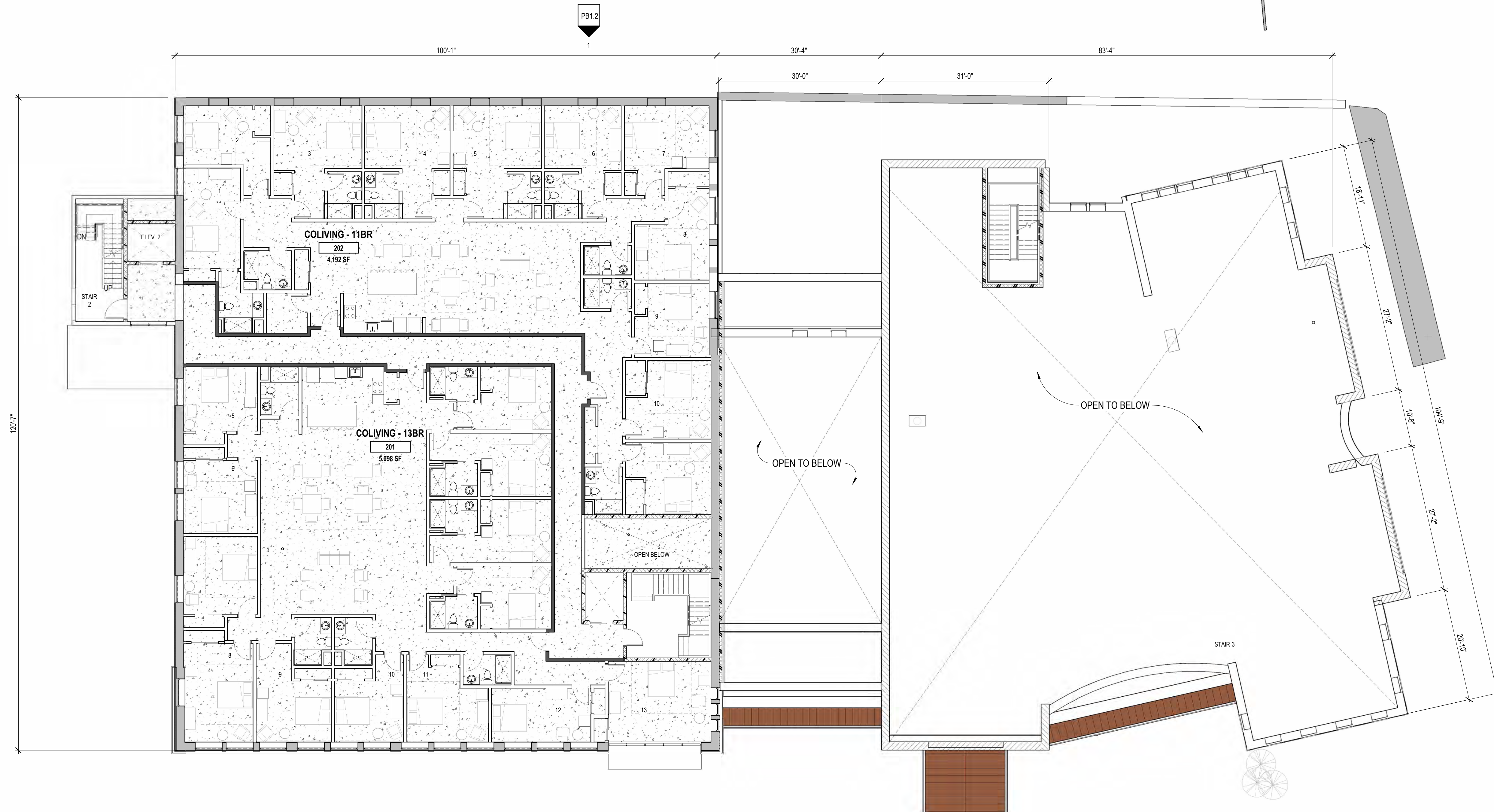
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DATE: 09/17/2025

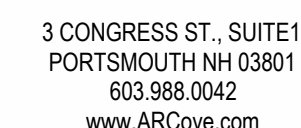
DRAWN: HA

CHECKED: TK

PB0.3



1 PB LEVEL 2A
3/32" = 1'-0"



PORTSMOUTH, NH 03801

PROJECT NO: 1028

OWNER

Double Mc, LLC
134 Pleasant Street
Portsmouth, New Hampshire 03801

CIVIL ENGINEERING

 Haley Ward
200 Griffin Road, Unit
Portsmouth, NH 03801
(603) 430-9282

LANDSCAPE ARCHITECT

 Terra Firma Landscape Architecture
163a Court St
Portsmouth, NH 03801
(603) 531-9109

LEVEL 2B FLOOR PLAN

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

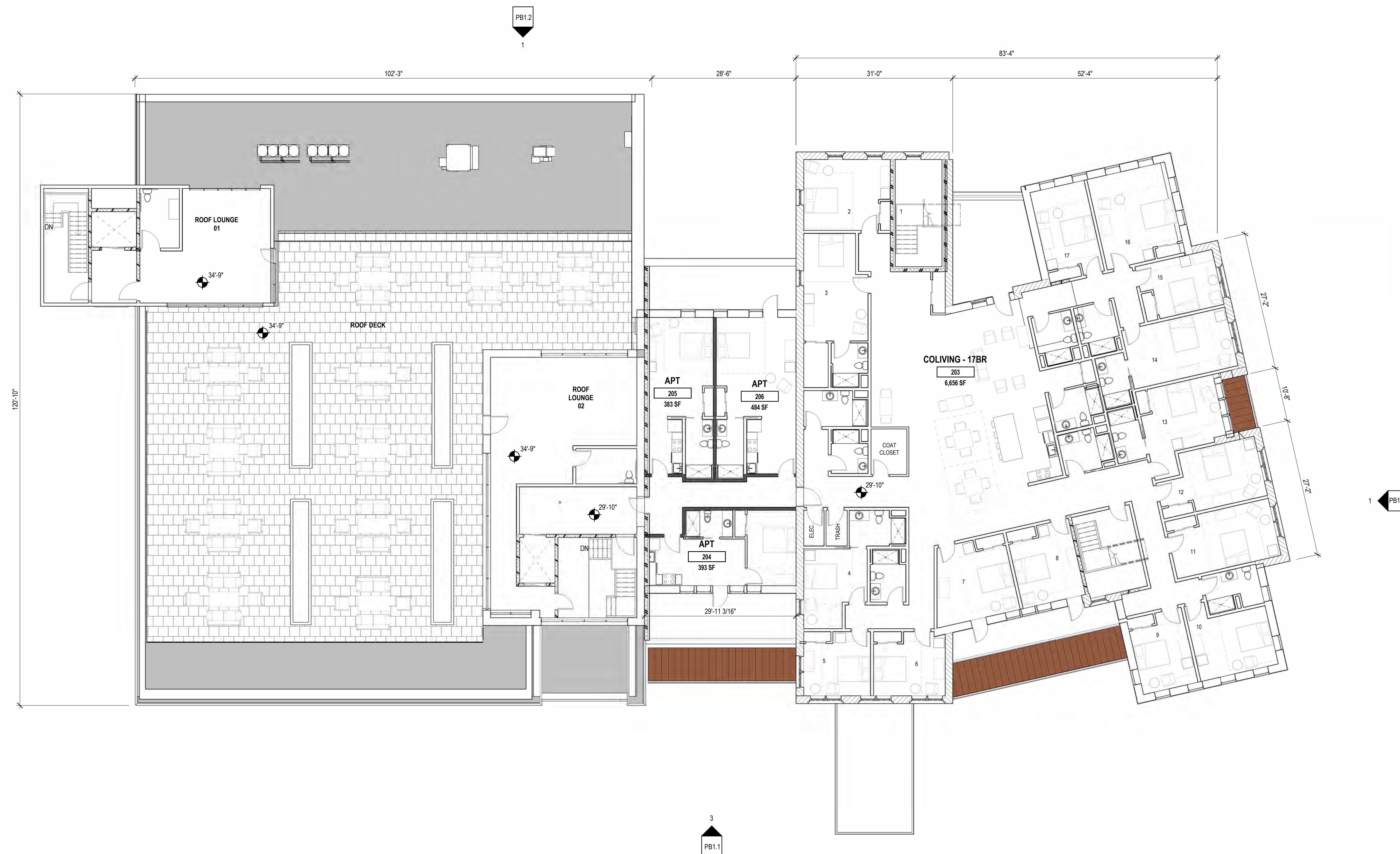
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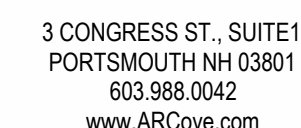
CHECKED: Checker

PB0.4

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1 PB LEVEL 2B
3/32" = 1'-0"



PORTSMOUTH, NH 03801

PROJECT NO: 1028

OWNER

Double Mc, LLC
134 Pleasant Street
Portsmouth, New Hampshire 03801

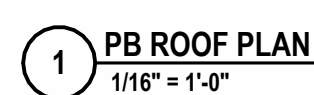
CIVIL ENGINEERING

 Haley Ward
200 Griffin Road, Unit
Portsmouth, NH 03801
(603) 430-9282

LANDSCAPE ARCHITECT



Terra Firma Landscape Architecture
163a Court St
Portsmouth, NH 03801
(603) 531-9109



ROOF PLAN



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

DATE: 09/05/2025

DRAWN: Author

CHECKED: Checker

PB0.5



3 CONGRESS ST., SUITE 1
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603.988.0042
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134 PLEASANT STREET

PORTSMOUTH, NH 03801

PROJECT NO: 1028

OWNER

Double Mc, LLC
134 Pleasant Street
Portsmouth, New Hampshire 03801

CIVIL ENGINEERING

Haley Ward
200 Griffin Road, Unit
Portsmouth, NH 03801
(603) 430-9282

LANDSCAPE ARCHITECT

Terra Firma Landscape Architecture
163a Court St
Portsmouth, NH 03801
(603) 531-9109



1 PB EAST ELEVATION
3/32" = 1'-0"



3 PB SOUTH ELEVATION
3/32" = 1'-0"

SOUTH - EAST ELEVATIONS

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

DATE: 09/05/2025

DRAWN: Author

CHECKED: Checker

PB1.1



3 CONGRESS ST., SUITE 1
PORTSMOUTH NH 03801
603.988.0042
www.ARCove.com

134 PLEASANT STREET

PORTSMOUTH, NH 03801

PROJECT NO: 1028

OWNER

Double Mc, LLC
134 Pleasant Street
Portsmouth, New Hampshire 03801

CIVIL ENGINEERING

Haley Ward
200 Griffin Road, Unit
Portsmouth, NH 03801
(603) 430-9282

LANDSCAPE ARCHITECT

Terra Firma Landscape Architecture
163a Court St
Portsmouth, NH 03801
(603) 531-9109

NORTH - WEST ELEVATIONS

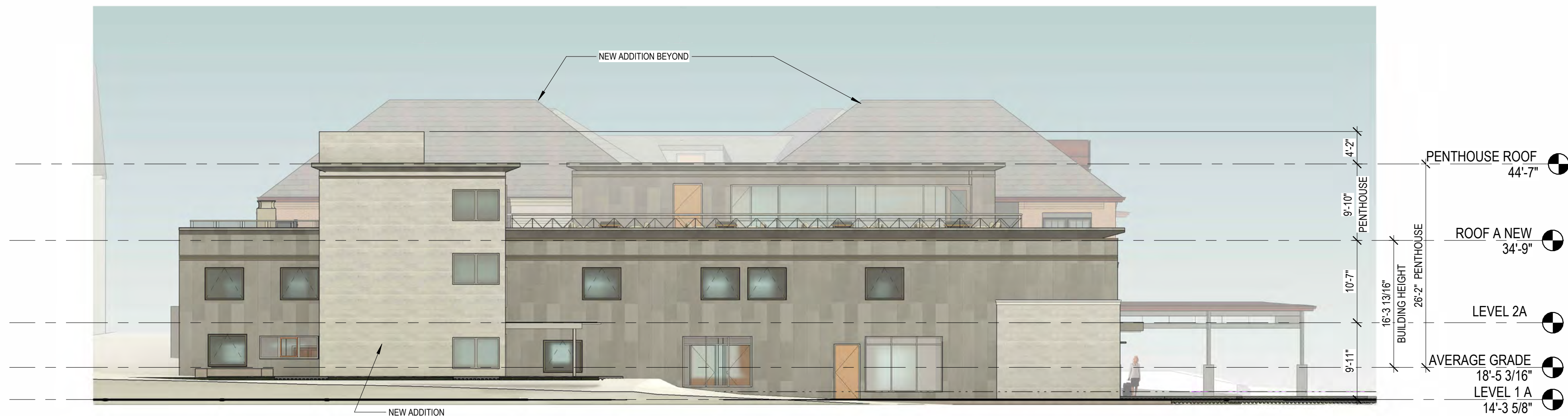
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DATE: 09/05/2025

DRAWN: Author

CHECKED: Checker

PB1.2





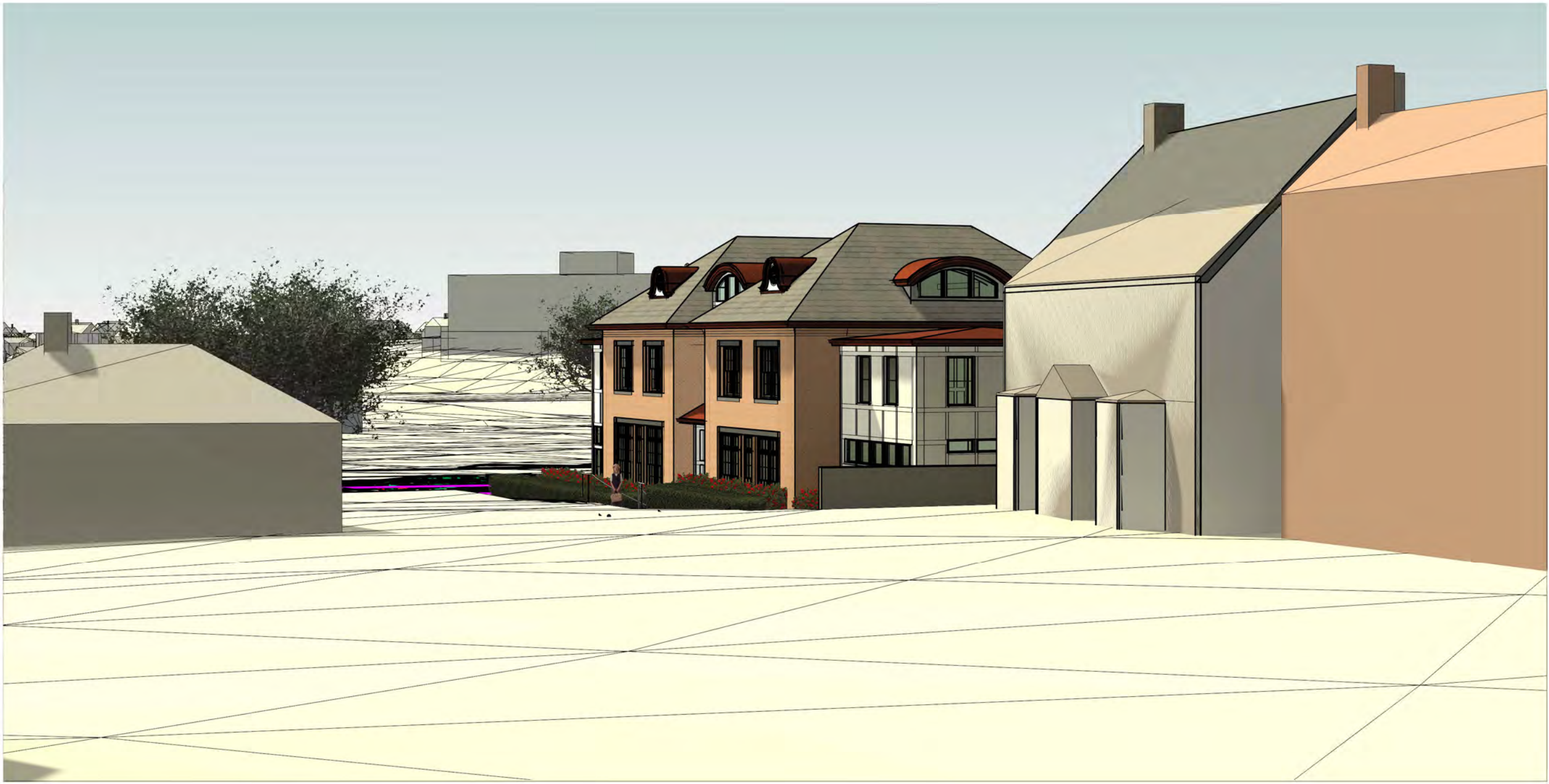
1 VIEW FROM LANGDON HOUSE PB



2 VIEW FROM JUNKINS AVENUE AT CITY HALL PB



3 VIEW FROM PLEASANT STREET AT JUNKINS AVENUE PB



4 VIEW FROM PLEASANT STREET AT TREADWELL HOUSE PB



3 CONGRESS ST., SUITE1
PORTSMOUTH NH 03801
603.988.0042
www.ARCove.com

134 PLEASANT STREET

PORTSMOUTH, NH 03801

PROJECT NO: 1028

OWNER

Double Mc, LLC
134 Pleasant Street
Portsmouth, New Hampshire 03801

CIVIL ENGINEERING

Haley Ward
200 Griffin Road, Unit
Portsmouth, NH 03801
(603) 430-9282

LANDSCAPE ARCHITECT

Terra Firma Landscape Architecture
163a Court St
Portsmouth, NH 03801
(603) 531-9109

VIGNETTES

SCALE:

DATE: 09/05/25

DRAWN: Author

CHECKED: Checker

PB2.1





2 3D View SE BOA



3 3D View SW BOA



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PORTSMOUTH NH 03801
603.988.0042
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134 PLEASANT STREET
PORTSMOUTH, NH 03801

PROJECT NO: 1028

OWNER
Double Mc, LLC
134 Pleasant Street
Portsmouth, New Hampshire 03801

CIVIL ENGINEERING
Haley Ward
200 Griffin Road, Unit
Portsmouth, NH 03801
(603) 430-9282

LANDSCAPE ARCHITECT
Terra Firma Landscape Architecture
163a Court St
Portsmouth, NH 03801
(603) 531-9109

VIGNETTES

0' 4' 8' 16'
SCALE:
DATE: 09/24/2025
DRAWN: Author
CHECKED: Checker

II. NEW BUSINESS

- B.** The request of **Tyler Garzo (Owner)**, for property located at **62 McKinley Road** whereas relief is needed to construct a detached accessory dwelling unit which requires the following: 1) Variance from Section 10.1114.31 to allow a second driveway where only one is permitted. Said property is located on Assessor Map 268 Lot 26 and lies within the Single Residence B (SRB) District. (LU-25-136)

Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>	
<u>Land Use:</u>	Single-family residence	DADU and second driveway	Primarily residential	
<u>Lot area (sq. ft.):</u>	16,860	16,860	15,000	min.
<u>Lot area per dwelling unit (sq. ft.):</u>	16,860	16,860	15,000	min.
<u>Depth</u>	180	180	100	min.
<u>Front Yard (ft)</u>	26.25	26.25	30	min.
<u>Rear Yard (ft.):</u>	80	>30	30	min.
<u>Right Yard (ft.):</u>	>10	>10	10	max.
<u>Left Yard (ft.):</u>	Secondary Front:26.25	Secondary Front: 26.25	10	min.
<u>Building Coverage (%)</u> :	9	15	20	min.
<u>Open Space Coverage (%)</u> :	>40	>40	40	min.
<u>Parking:</u>	>2	4	4	min
<u>Estimated Age of Structure:</u>	1947	Variance request(s) shown in red.		

Other Permits/Approvals Required

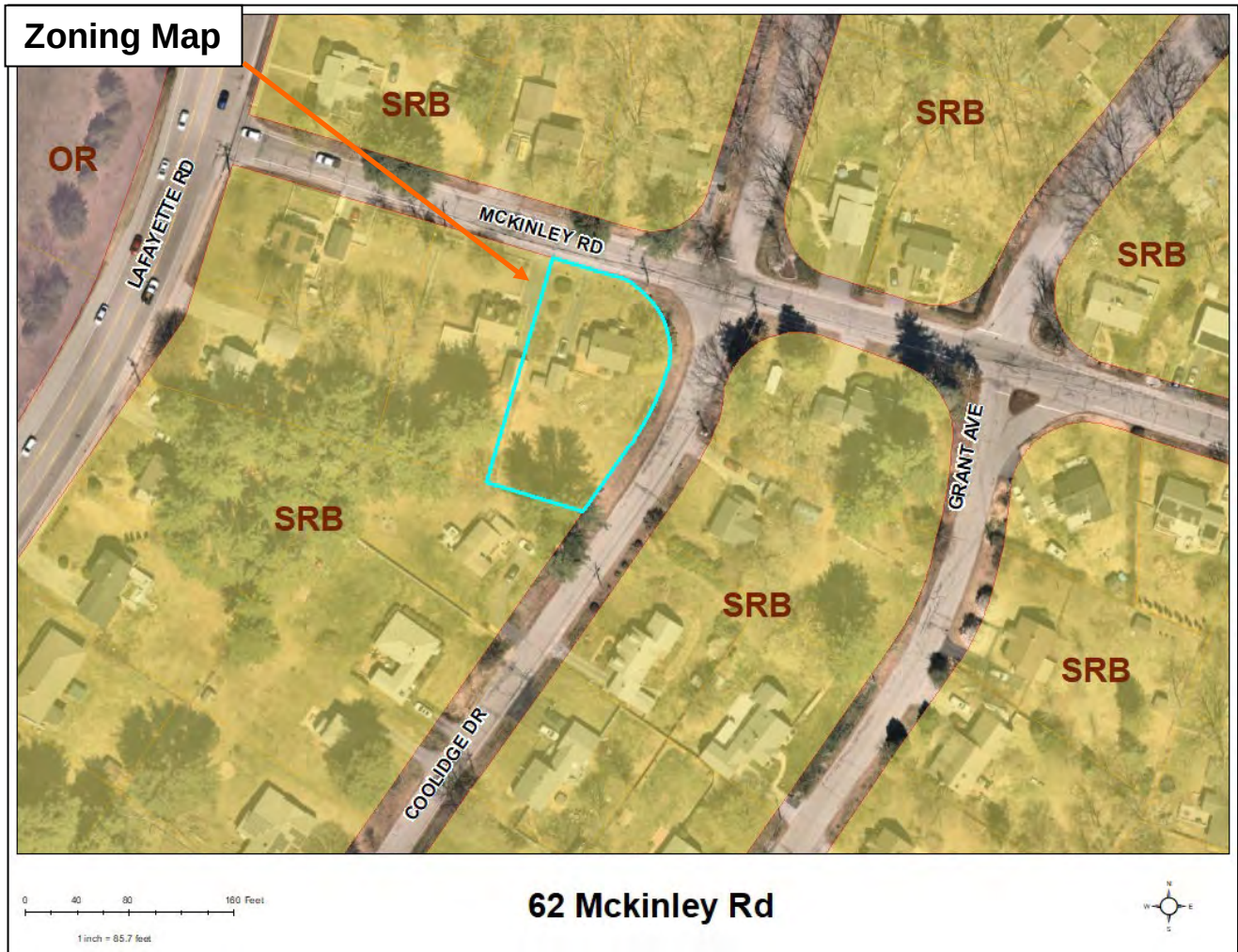
- Driveway Permit
- Building Permit

Neighborhood Context

Aerial Map



Zoning Map



Previous Board of Adjustment Actions

- **August 19, 2025** – to subdivide the existing lot into two lots and demolish and reconstruct the existing garage which requires the following: 1) Variance from Section 10.521 to allow a) 8,430 square feet of lot area for proposed lot 26 where 15,000 square feet are required, c) lot depth of 87 feet for proposed lot 26 where 100 feet are required, d) 13 foot rear yard area where 30 feet are required, e) 8,430 square feet of lot area for proposed lot 26-1 where 15,000 square feet are required, f) 8,430 square feet of lot area per dwelling unit for proposed lot 26-1 where 15,000 square feet are required, and g) lot depth of 88 feet where 100 feet are required. The Board voted to **deny** the request, as it failed the hardship criteria because there was nothing truly unique about the property that required the variance to allow the lot to be subdivided in order to enjoy the property or to be consistent with the characteristics of the surrounding lots.

Planning Department Comments

The applicant is requesting relief to add a second driveway to the property to access a proposed Detached Accessory Dwelling Unit.

Section 10.1114.31 of the [Zoning Ordinance](#) is provided below.

10.1114.31 - *Access to and egress from all parking areas shall be only via driveways which meet the standards for “General Accessway and Driveway Design” in the Site Plan Review Regulations.*

The relevant driveway language from Section 3.3 [General Accessway and Driveway Design](#) is provided below.

3.3.2 Accessway and Driveway Design and Location

...

3. Driveways shall be limited to one per lot.

Fisher vs. Dover

The applicant was before the Board on August 19, 2025 seeking relief from Section 10.521 to subdivide the existing lot into two lots and demolish and reconstruct the existing garage. The requested variances were denied at the August 19, 2025 meeting citing there was nothing truly unique about the property that required the variance to allow the lot to be subdivided in order to enjoy the property or to be consistent with the characteristics of the surrounding lots. The Board should consider whether it is appropriate to evoke Fisher vs Dover before the 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).

To view the August 19, 2025 proposal please see the meeting packet at the following link (page 192-207): https://files.cityofportsmouth.com/agendas/2025/BOA/08-19-2025+meeting/8-19-2025+BOA+Packet_rev.pdf

Variance 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.

Tyler Garzo

62 McKinley Rd ♦ Portsmouth, NH 03801

September 21, 2025

City of Portsmouth Zoning Board of Adjustment
1 Junkins Avenue
Portsmouth, NH 03801

Subject: Request for Variance - Second Driveway for Concept Detached Accessory Dwelling Unit at 62 McKinley Road

Dear Members of the Zoning Board of Adjustment,

I am writing to request a variance from Section 10.1114.31 of the Portsmouth Zoning Ordinance to construct a second driveway to serve a concept Detached Accessory Dwelling Unit (DADU) at my property located at 62 McKinley Road. As a corner lot, my property has frontage on both McKinley Road and Coolidge Drive. The proposed second driveway would be located on Coolidge Drive and constructed of asphalt or stone, measuring ± 10 feet wide by ± 50 feet long.

While the Ordinance generally limits properties to a single driveway, the unique configuration of my corner lot and the need for safe, functional access to the DADU justify this request. I have reviewed the five criteria for a variance under Section 10.233.20 and offer the following:

1. Unnecessary Hardship (Section 10.233.25):

Literal enforcement of the single-driveway provision would create a hardship not of my own making. The existing driveway on McKinley Road currently accommodates 2-3 vehicles. Requiring this driveway to also serve the DADU would reduce usable parking and force reliance on street parking as well as vehicle jockeying. McKinley Road is not well-suited for additional on-street parking that is not of a temporary nature.

Additionally, the turning radius needed to access the Coolidge-facing DADU from the existing driveway is insufficient. Architects for other properties before the board advised that a minimum of 26 feet is required between the garage and adjacent structures to safely maneuver vehicles. Achieving this would require widening the existing driveway and relocating the existing garage, compromising both safety and aesthetics. A second driveway on Coolidge Drive would provide direct, unobstructed access to the DADU without these issues.

To offset the addition of asphalt/stone, I propose removing a portion of the existing paved area adjacent to the primary garage or not aligned with the primary garage. This will help balance impervious surface coverage and improve site drainage. Almost 250 sqft of asphalt will be removed.

2. Not Contrary to Public Interest (Section 10.233.21):

The proposed driveway will enhance safety by preventing hazardous vehicle maneuvers and conflicts on McKinley Road related to vehicle jockeying. It will have minimal impact on pedestrian or vehicular traffic. The corner lot configuration allows for a second driveway without disrupting the flow or character of the neighborhood. There are several properties on Coolidge with 20' driveways, this is only a 10' driveway.

3. Spirit of the Ordinance Observed (Section 10.233.22):

The DADU supports the city's goals of expanding housing options and promoting sustainable development. A dedicated driveway ensures safe, independent access without disrupting the residential character of the area. The modest size and thoughtful placement of the driveway on Coolidge Drive respects the spirit of the Ordinance.

4. No Diminution of Property Values (Section 10.233.24):

I am committed to using high-quality materials and maintaining a visually appropriate design that complements the neighborhood. The driveway will improve the functionality and safety of the property without negatively affecting surrounding property values.

5. Substantial Justice (Section 10.233.23):

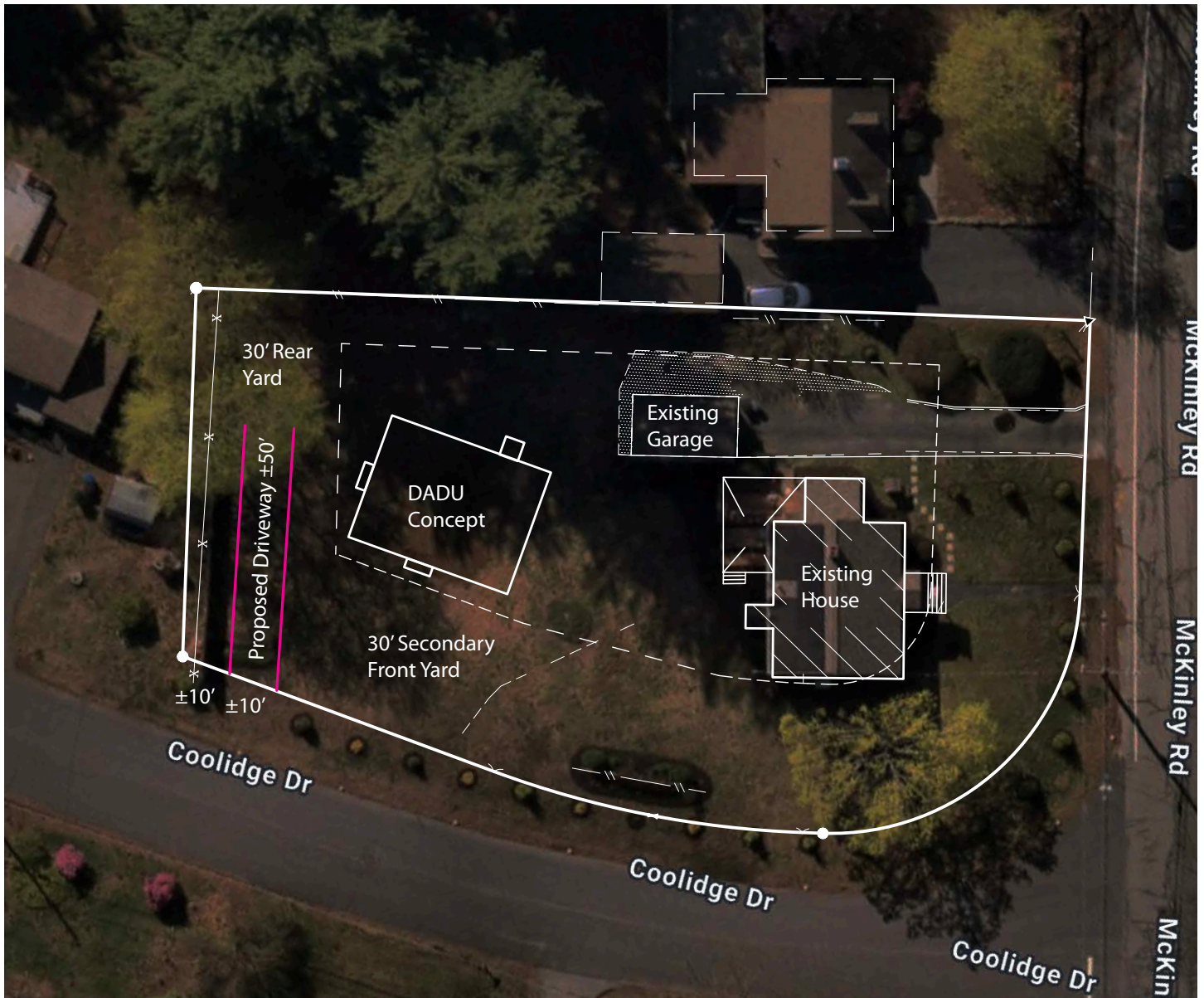
Granting this variance allows me to make reasonable use of my property and fully utilize the DADU allowed by right. It provides a fair solution that balances zoning goals with the practical realities of a corner lot. My property has ample frontage on both McKinley Road and Coolidge Drive to accommodate a second driveway without adverse impact to neighbors or the public. Both the existing and proposed driveways are single car width where they meet the road.

A site plan illustrating the proposed driveway and concept DADU placement is attached. I am committed to working with the city to ensure all construction meets the highest standards and complies with applicable regulations.

Thank you for your time and consideration.

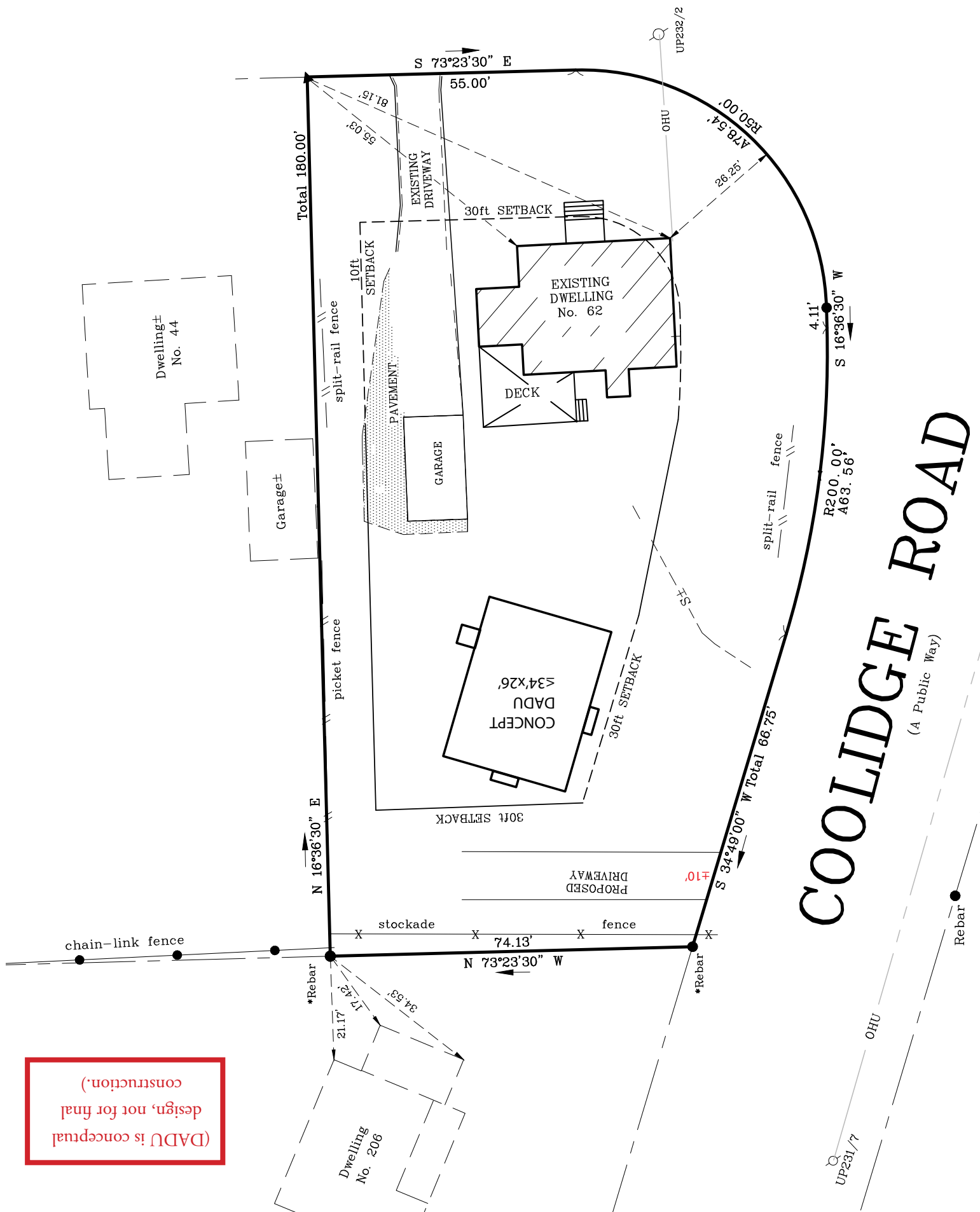
Tyler Garzo

(DADU is conceptual design, not for final construction.)



McKINLEY ROAD

(A Public Way)



COOLIDGE ROAD

(A Public Way)

(DADU is conceptual design, not for final construction.)

Proposed driveway position with DADU AI mock-up (conceptual design, not for construction):



Proposed driveway construction area:
 $\pm 10'$ from rear lot line, $\pm 10'$ driveway, $\pm 10'$ to rear yard line.



(DADU is conceptual
design, not for final
construction.)

Proposed driveway construction area:
±23' from fence to small tree including ±3' to rear lot line behind fence accommodates ±10' driveway.



Proposed driveway construction area:
±10' from rear lot line, ±10' driveway.



Existing garage rear, remove asphalt outlined in red:



Existing garage side, remove asphalt in red:



McKinley Rd frontage, driveway width $\pm 10'$, remove wider area marked in red which runs to rear of garage:



McKinley Rd frontage, driveway on right.



Neighbor/abutter at 44 McKinley Rd (to west):



Neighbor/abutter at 206 Coolidge Dr (to south),
note substantial tree screening on rear lot line which is $\pm 3'$ left of fence:



II. NEW BUSINESS

- C. The request of **ZJBV Properties LLC (Owner)** and **Jason Michalak (Applicant)**, for property located at **180 Islington Street** whereas relief is needed to establish a personal service use for a tattoo studio which requires the following: 1) Special Exception from Section 10.440 Use #7.20 to allow a personal service use. Said property is located on Assessor Map 137 Lot 19 and lies within the Character District 4-L2 (CD4-L2) and Historic District. (LU-25-137)

Existing & Proposed Conditions

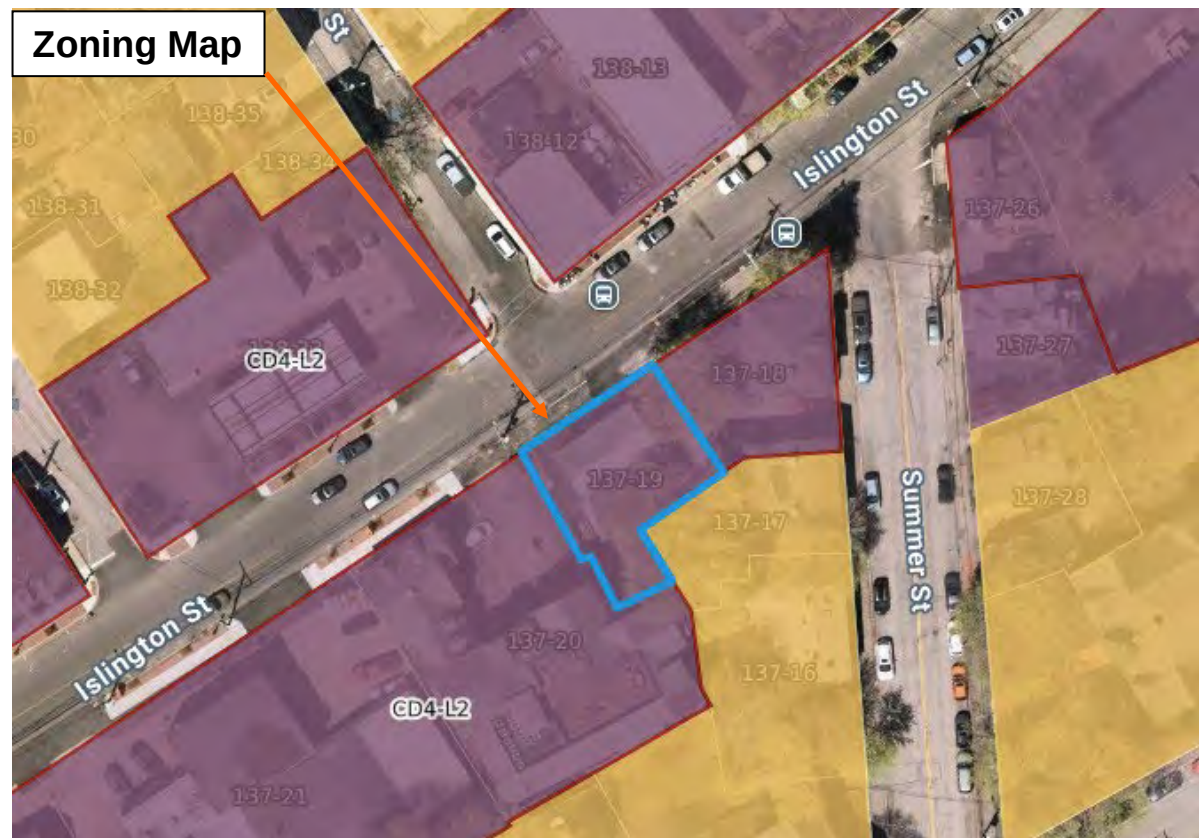
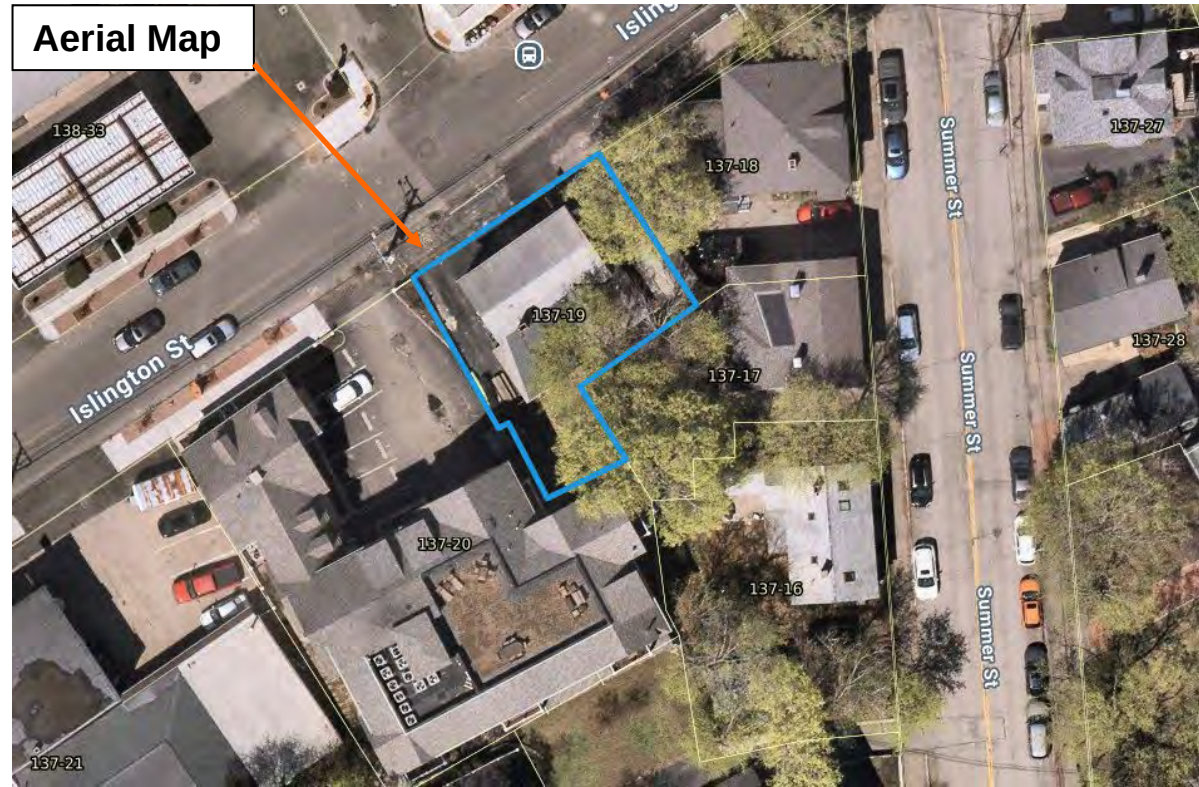
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	2 Commercial Units, 1 Residential Unit	Personal Service Use (Allowed by Special Exception)	Mixed residential and commercial uses
<u>Unit #1 Area (sq. ft.)</u>	1200	1200	
<u>Parking (Spaces)</u>	0	0	7 (1 per 400 SF)*
<u>Estimated Age of Structure:</u>	1840	Special Exception request(s) shown in red.	

*Parking CUP granted in 2024 for 0 spaces where 9 spaces are required based on 2 spaces for the residential unit and 7 spaces for 1,916 SF retail space (1 per 300 SF), rounded to 9 spaces out of an abundance of caution.

Other Permits/Approvals Required

- Tenant Fit-up/Building Permit
- Sign Permit

Neighborhood Context



Previous Board of Adjustment Actions

- **September 29, 1970** – to recommence operation of kennel in single family dwelling unit at 180 Islington Street. The Board voted to **deny** the request.
- **October 27, 1970** – a Rehearing in regards to a decision rendered by the Board of Adjustment on September 29, 1970 wherein it denied the petitioner's request for permission to recommence operation of kennel in single family dwelling unit at 180 Islington Street. The Board voted to **deny** the request for Rehearing.

Planning Department Comments

The applicant is requesting to establish a tattoo studio in one of the two first-floor commercial units at 180 Islington St. This use is considered a "personal service" under the Zoning Ordinance and is allowed by Special Exception in the CD4-L2 district. The property owner received a Parking CUP in 2024 for 0 spaces where 9 are required. There is an existing paved parking area in the front and side of the building, but it does not meet dimensional requirements for parking. The parking requirement for the proposed use is 1 per 400SF which is less than what was considered for a retail use in the space (1 per 300SF) and therefore meets the CUP that was previously granted.

Special Exception Review Criteria

The application must meet all of the standards for a **special exception** (see Section 10.232 of the Zoning Ordinance).

1. *Standards as provided by this Ordinance for the particular use permitted by special exception;*
2. *No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials;*
3. *No detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking areas, accessways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials;*
4. *No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity;*
5. *No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools; and*
6. *No significant increase of stormwater runoff onto adjacent property or streets.*

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.

Project Narrative & Analysis Criteria Submission

Proposed Tattoo Studio – 180 Islington Street, Portsmouth, NH

Project Narrative

The proposal is to establish a professional tattoo studio at 180 Islington Street in Portsmouth, NH. The goal is to provide a safe, creative, and welcoming environment for clients while enhancing the city's reputation as a hub for arts and culture.

The studio will be designed to meet all applicable health, safety, and zoning requirements. Interior improvements will include fresh paint, upgraded workstations, and modern sanitation facilities consistent with Portsmouth Board of Health standards for body art establishments. By utilizing an existing commercial space without altering its footprint, this project will maintain the character of the surrounding neighborhood while adding to the mix of local creative businesses.

This project is intended to serve residents and visitors of Portsmouth, contributing positively to the downtown economy and supporting the city's cultural vibrancy. The business will operate in a manner consistent with other professional service establishments in the area, with minimal impact on traffic, noise, or municipal resources.

Analysis Criteria – Section 10.232.20

10.232.21 – Standards as provided by this Ordinance for the particular use permitted by special exception

The tattoo studio will comply fully with all city ordinances and regulations governing body art establishments, including health department licensing, zoning standards, and building code requirements. This ensures the proposed use is consistent with permitted uses by special exception within this zoning district.

10.232.22 – No hazard to the public or adjacent property

The tattoo studio does not involve hazardous materials, explosives, or toxic substances. All materials used (inks, disinfectants, sharps containers) are industry-standard, non-toxic, and disposed of in compliance with OSHA and state health regulations. As such, the operation will not pose any fire, explosion, or health hazard to the public or adjacent properties.

10.232.23 – No detriment to property values or essential character of area

Tattoo studios are increasingly recognized as legitimate small businesses within the arts and personal services sectors. The studio will operate inside an existing commercial building without exterior alterations beyond signage, ensuring compatibility with the surrounding neighborhood. The business will not generate odors, smoke, gas, dust, or pollutants. Noise levels will remain minimal, limited to normal conversation and background music within the shop. The shop will not use outdoor storage. These factors ensure there is no detriment to surrounding property values or change to the essential character of the area.

10.232.24 – No traffic safety hazard or substantial increase in congestion

The tattoo studio will generate typical customer traffic consistent with other small professional service businesses in the downtown area. Parking is available nearby on Islington Street and in adjacent lots. The anticipated level of traffic will not create safety hazards or result in a substantial increase in congestion beyond what the neighborhood currently supports.

10.232.25 – No excessive demand on municipal services

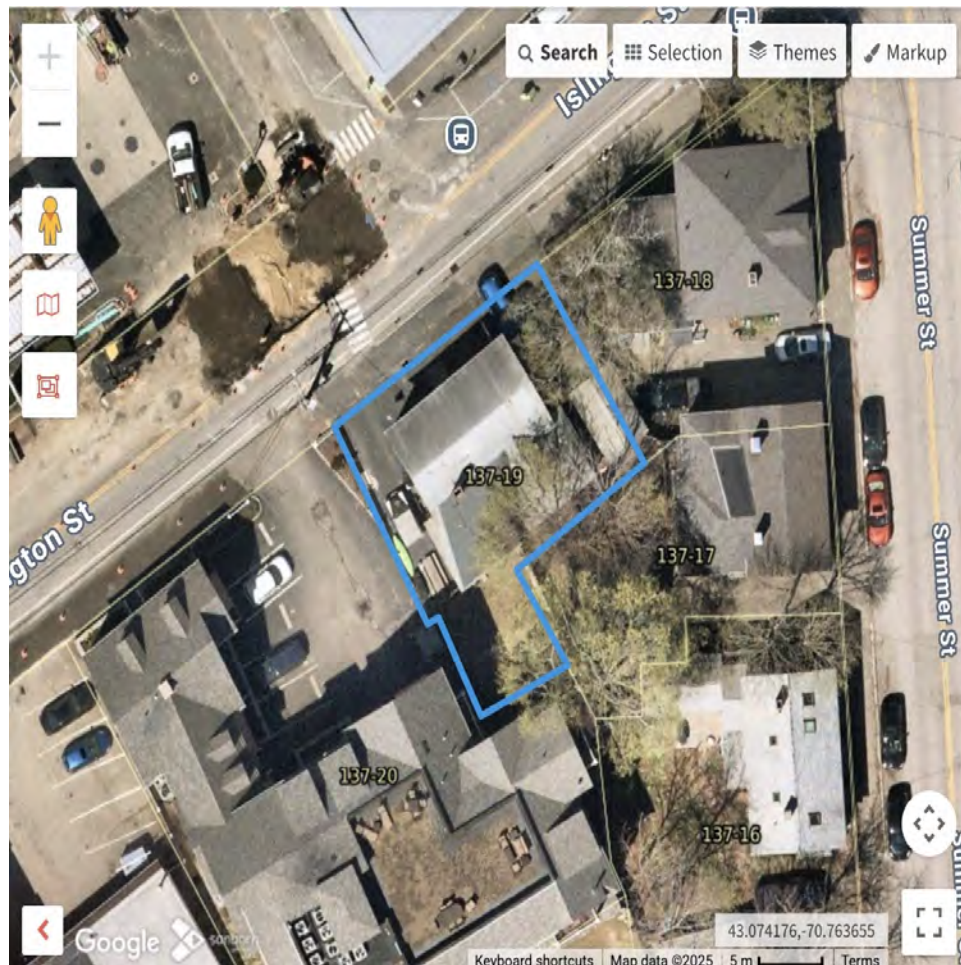
The tattoo studio will have minimal demand on municipal services. Water use is limited to handwashing and standard sanitation. Sewer and waste disposal needs are minimal and handled in accordance with municipal systems. Police and fire services are not expected to be required beyond normal emergency availability. No school resources are impacted.

10.232.26 – No significant increase of stormwater runoff

The project will be located inside an existing building with no proposed changes to the exterior footprint, parking surfaces, or landscaping. Therefore, there will be no increase in impervious surface area or stormwater runoff onto adjacent properties or streets.

Site Layout

The building at 180 Islington Street is oriented along Islington Street in a commercial district with surrounding retail, service, and residential uses. The tattoo studio will be located entirely within the existing commercial unit of the building. No exterior additions are proposed. Site features include: paved sidewalks, public right-of-way access, nearby parking lots, and existing mechanical units located at the rear of the building. No wetlands or sensitive environmental features are impacted.



Site Photos

The following photos provide context of the property and surrounding area:







ABOUT THE PROPERTY

FORMER TATTOO SHOP DOWNTOWN PORTSMOUTH

- MEETS NH REQUIREMENTS FOR A TATTOO PARLOR
- 180 Islington St, Portsmouth, NH 03801

FOR LEASE

Unit #1:

*** FRESHLY RENOVATED ***

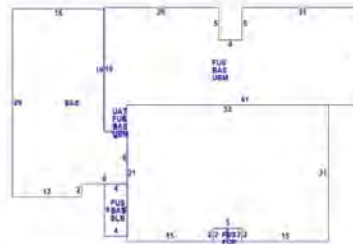
THIS UNIT MEETS NH REQUIREMENTS FOR A TATTOO PARLOR INCLUDING SECONDARY SINK WITH FILTER TO MOVE IN

- 1200 +/- Square feet
- Signage available
- Newer floor
- Newer molding
- Newer paint

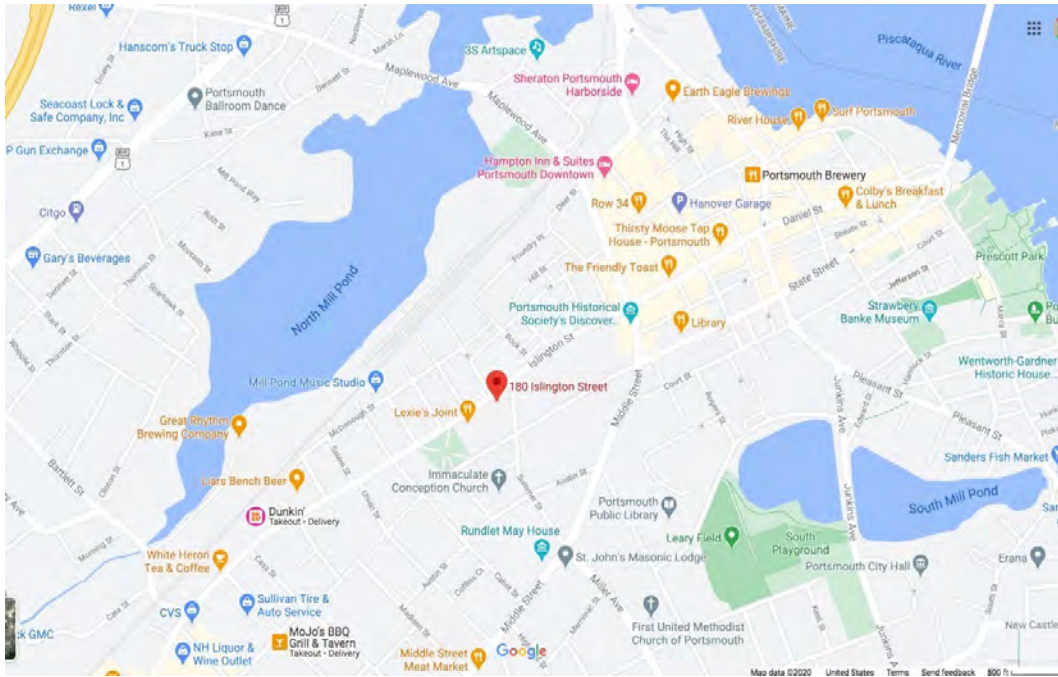
- A/C
 - Floor Sink with commercial filter
 - Large Front window
 - Heavily used road to downtown Portsmouth NH
 - Approx. 3blocks from downtown
 - Private Bathroom
 - Parking Available
 - Walk Score 95 -- Walker's Paradise
- <http://www.walkscore.com/score/180-Islington-Street-Portsmouth-NH-03801> Less
- (Downtown, Portsmouth NH, Beach, Seacoast, Office, Yoga, Boutique, Cafe, Storefront, Message, Etc)

Residential Units	
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Floor 1	Carpet
Interior Floor 2	Inlaid Sht Gds
Heating Fuel	Gas
Heating Type	Hot Water
AC Type	Unit/AC
Bldg Use	MIX C
Total Rooms	
Total Bedrms	
Total Baths	
Kitchen Grd	
Heat/AC	NONE
Frame Type	WOOD FRAME
Baths/Plumbing	AVERAGE
Ceiling/Wall	CEIL & WALLS

Building Layout



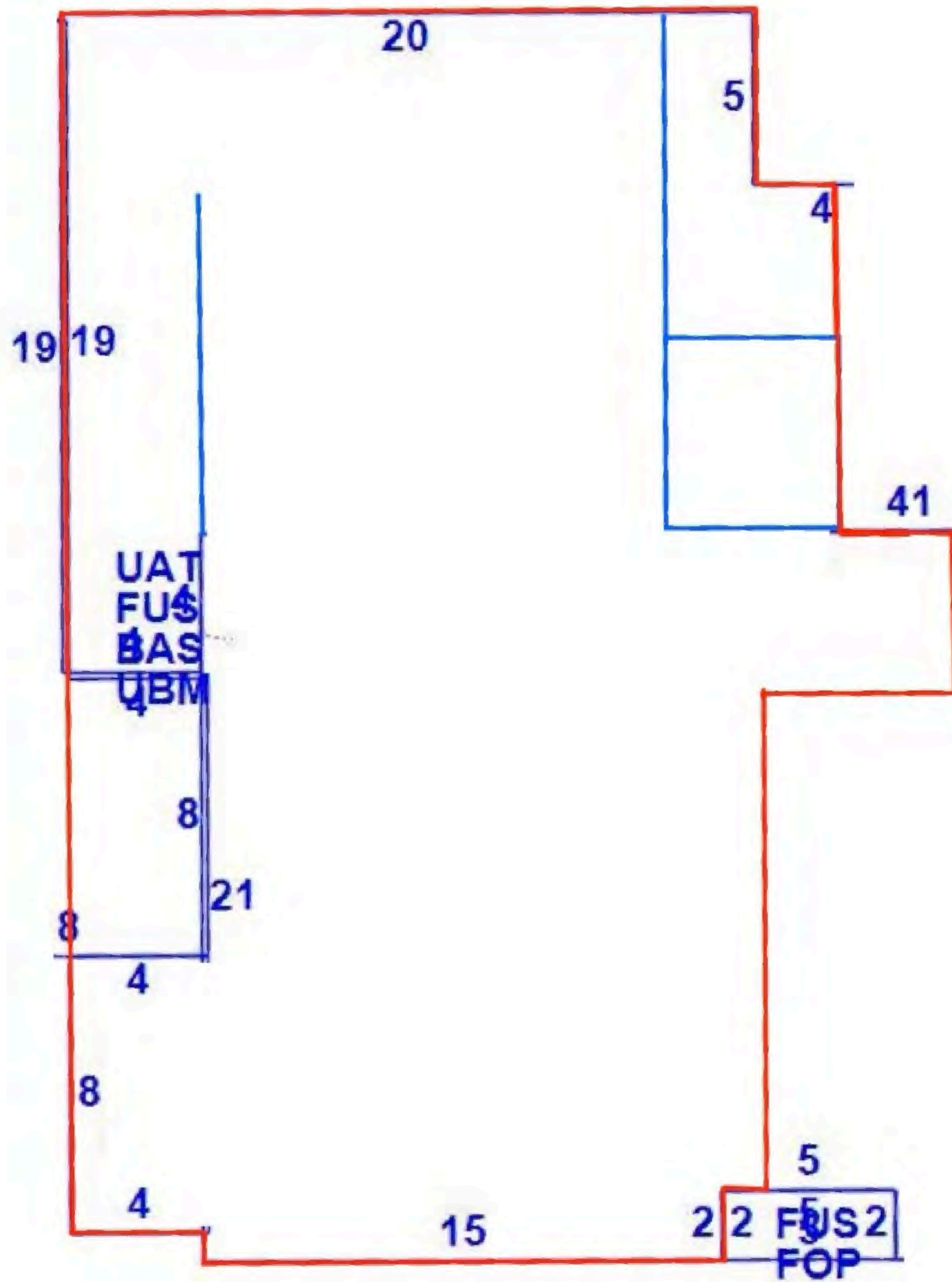
Building Sub-Areas (sq ft)		Legend	
Code	Description	Gross Area	Living Area
BAS	First Floor	1,916	1,916
FUS	Upper Story, Finished	1,438	1,438
FOP	Porch, Open	10	0
SLB	Slab	32	0
UAT	Attic	725	0
UBM	Basement, Unfinished	1,396	0
		5,517	3,354





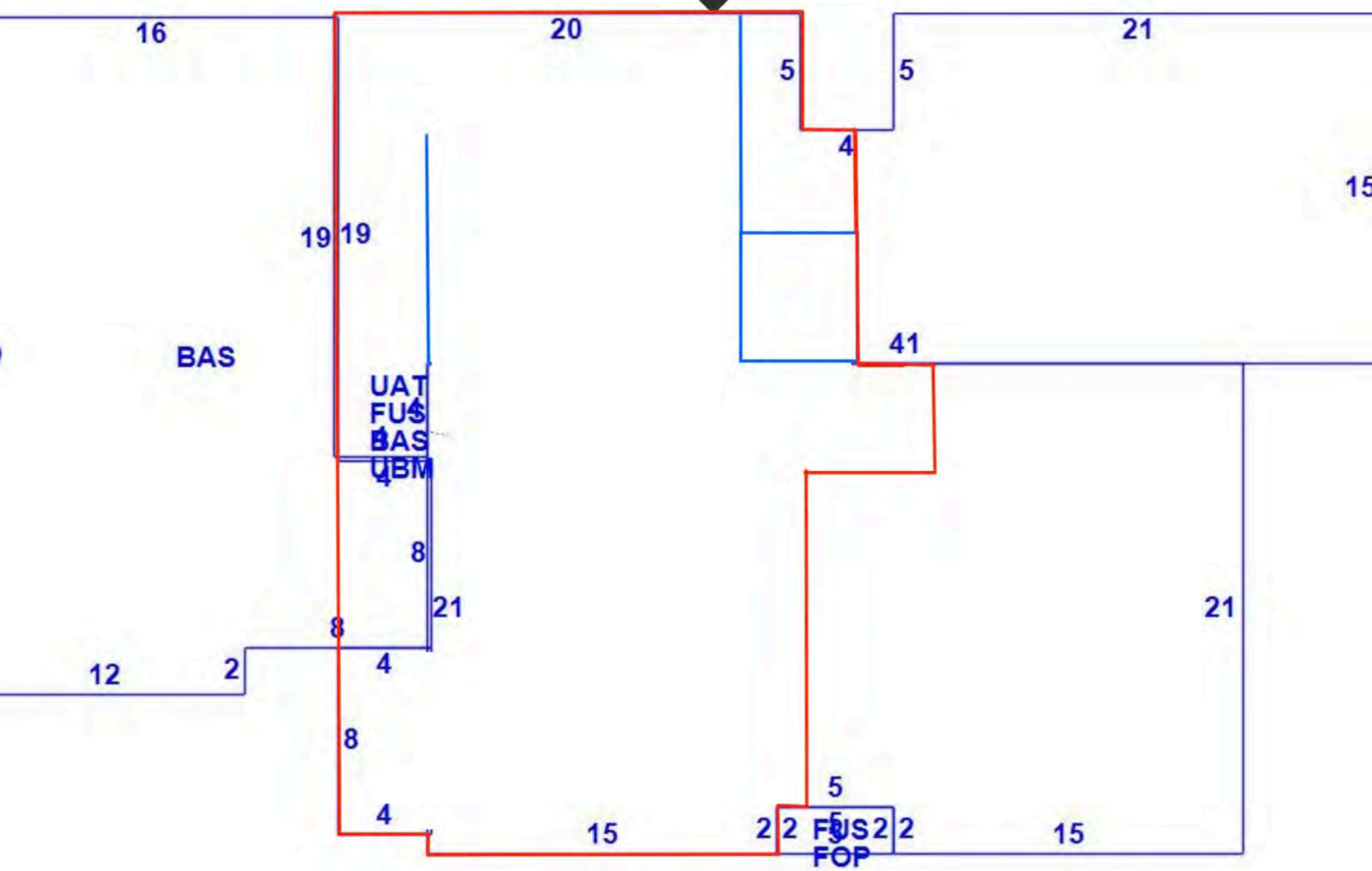


Unit #1 Floor Plan



Building Layout

Building Layout





II. NEW BUSINESS

- D.** The request of **Christopher J and Rachel A Delisle (Owners)**, for property located at **250 McKinley Road** whereas relief is needed to construct a second story addition to the primary structure which requires the following: 1) Variance from Section 10.521 to allow a) 23 foot front yard where 30 feet are required, b) 0 foot right side yard where 10 feet is required; and 2) 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 located on Assessor Map 250 Lot 117 and lies within the Single Residence B (SRB) District. (LU-25-139)

Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	Second Story Addition to Primary Structure*	Primarily Residential
<u>Lot area (sq. ft.):</u>	9,147	9,147	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	9,147	9,147	15,000 min.
<u>Lot depth (ft.):</u>	100	100	100 min.
<u>Street Frontage (ft.):</u>	90	90	100 min.
<u>Front Yard (ft.):</u>	23	23	30 min.
<u>Right Side Yard (ft.):</u>	0	0	10 min.
<u>Left Side Yard (ft.):</u>	22	22	10 min.
<u>Rear Yard (ft.):</u>	38	41	30 min.
<u>Building Coverage (%)</u> :	21	19.4	20 max.
<u>Open Space Coverage (%)</u> :	72	74	40 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1958	Variance request(s) shown in red.	

Other Permits/Approvals Required

- Wetland CUP / Planning Board
- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

- No previous BOA history.

Planning Department Comments

The applicant is requesting relief to remove an existing sunroom addition and construct a second story addition to the existing primary structure. The existing structure is non-conforming for setbacks and therefore requires relief for the addition within the front and side yards.

Variance 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.

Narrative:

The Delisle family is requesting approval to add a partial second story addition on their ranch home in Elwyn Park. Our family has owned the home a little over 10 years and has outgrown the space. A second story addition will afford our growing children more personal space and the family an additional bathroom. They are requesting setback variances in line with existing conditions, with no new encroachment from the current building envelope. As part of this project, they plan to remove a three-season porch and deck from the rear of the home and replace with smaller egresses. The design of the overall addition is intentionally modest to fit the character of the surrounding homes, maintaining similar roof gables, appearances, and features. As part of the plan an existing bow window which extrudes out of the front of the home will be replaced with double-hung windows, marginally increasing the front setback distance. The home is currently situated nearly on the west lot line, with basement window-well egresses leaving the distance between the home and lot line effectively 0 ft. As part of the project, a cement pad for an A/C condenser will be added no further than the extruding window wells.

Thank you for your time to review our request, and we appreciate your support of our project.

The Delisle Family

10.233.21 The variance will not be contrary to the public interest; The addition is a modest second story that maintains a similar roof/gable and appearance of the current façade. The design is intended to fit the character of surrounding homes and will not extend beyond current setbacks to neighbors or roadway.

10.233.22 The spirit of the Ordinance will be observed; This project maintains current setbacks. Efforts have been made to increase square footage of the home only to what is necessary to afford the family more living space, without significantly altering the appearance or creating wasteful space. No additional encroachment is planned beyond the current presented scope. The planned A/C condenser on the west side of the home will be no closer than the current extruding basement window wells.

10.233.23 Substantial justice will be done; The family has lifelong ties to Portsmouth and the neighborhood, and desires to remain in the home they've started a family in. The addition allows the family's growing children more personal space, and additional bathroom, and enables the current owners to age in place. The family has already extended living space into the lower level of the home in attempts to maximize the usage of their home. The plan as presented is the most economical for the family, fits within their long-term plans as Portsmouth residents, and does not further disrupt existing non-conformance.

10.233.24 The values of surrounding properties will not be diminished; Efforts have been made to increase square footage of the home only to what is necessary to afford the family more living space, without significantly altering the appearance and character of the home and thus surrounding neighbors. The addition is expected to increase property value, as all new exterior finish and fixtures are planned and are in line with surrounding properties that have been improved.

10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship. The home is currently non-conforming, as with many other homes in the neighborhood, including direct neighbors. Alterations to bring the house into conformance would be cost-prohibitive and require extensive foundation work and construction within the wetland buffer.

East/West (side) setbacks: ~22ft, and **Effectively 0Ft, given basement window well egresses**

North (front) setback: ~23ft

South (rear) setback: ~41ft

Wetland distance ~50ft:



Property Information

Property ID 0250-0117-0000
 Location 250 MCKINLEY RD
 Owner DELISLE CHRISTOPHER J



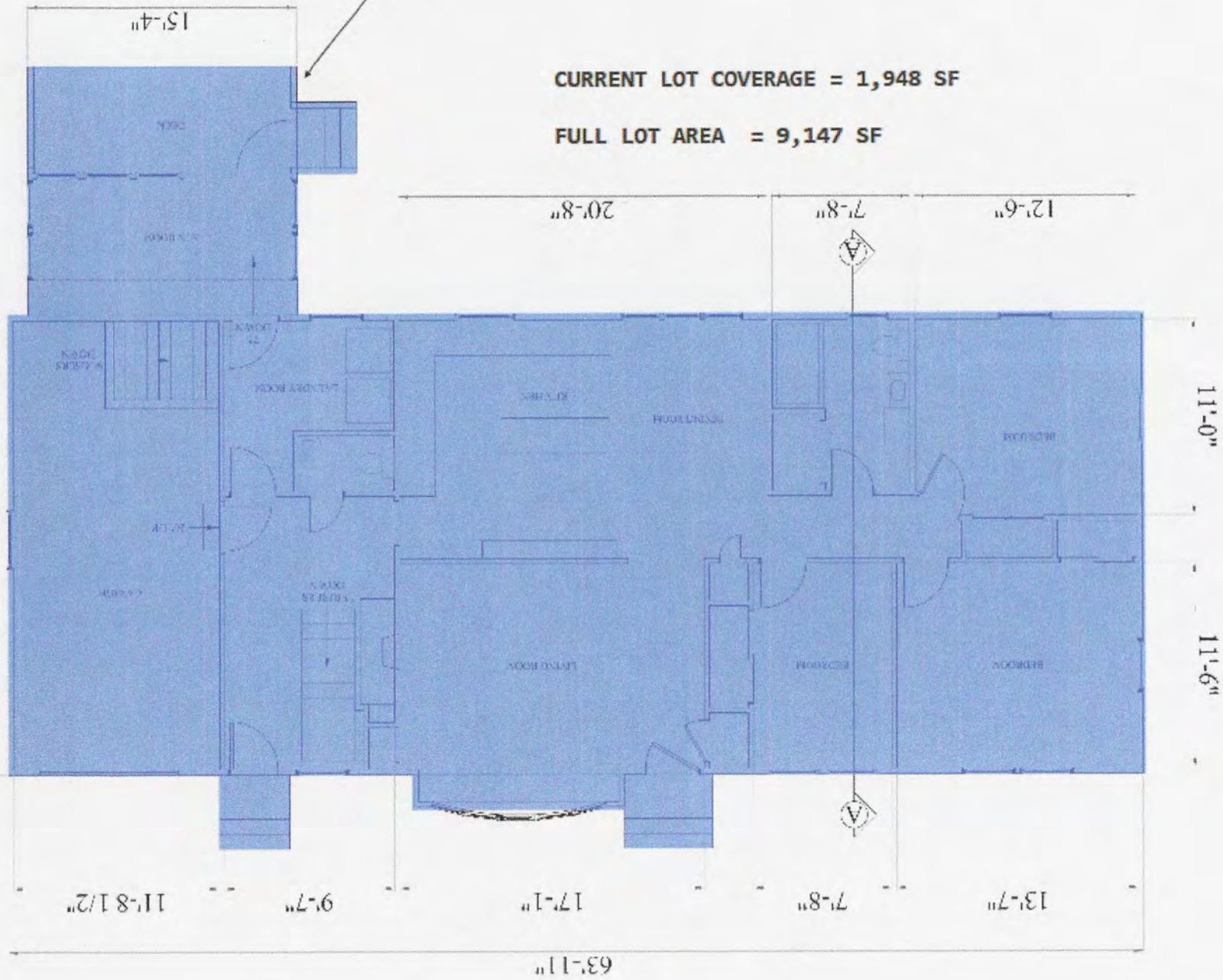
**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

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.

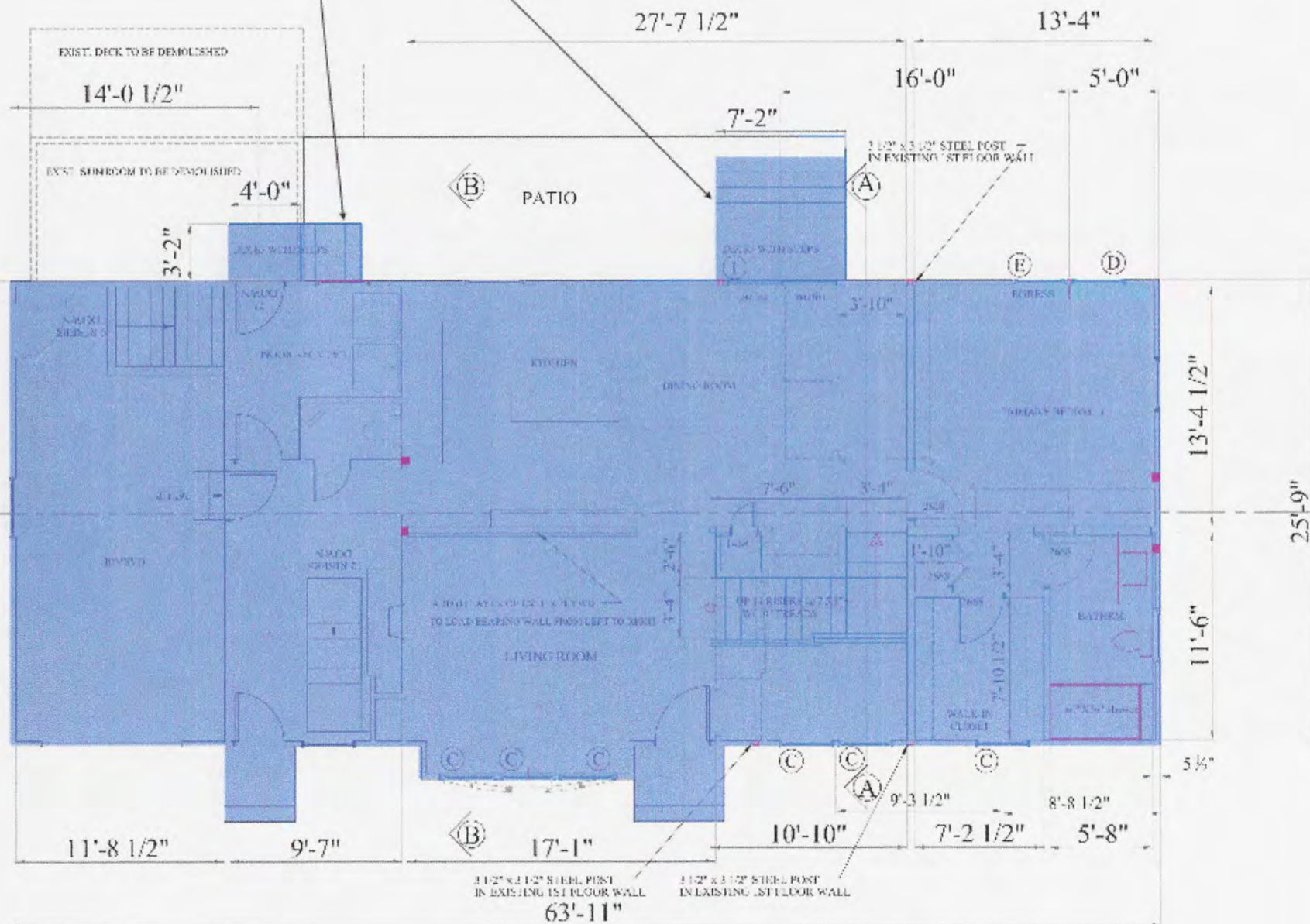
Geometry updated 09/26/2024

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

228 SF (removal)



TOTAL LOT AREA = 9,147 SF



PROPOSED 1ST. FLOOR PLAN

Property Location 250 MCKINLEY RD
Vision ID 31045 Account # 31045

Map ID 0250/ 0117/ 0000/ /
Bldg # 1

Bldg Name
Sec # 1 of 1 Card # 1 of 1

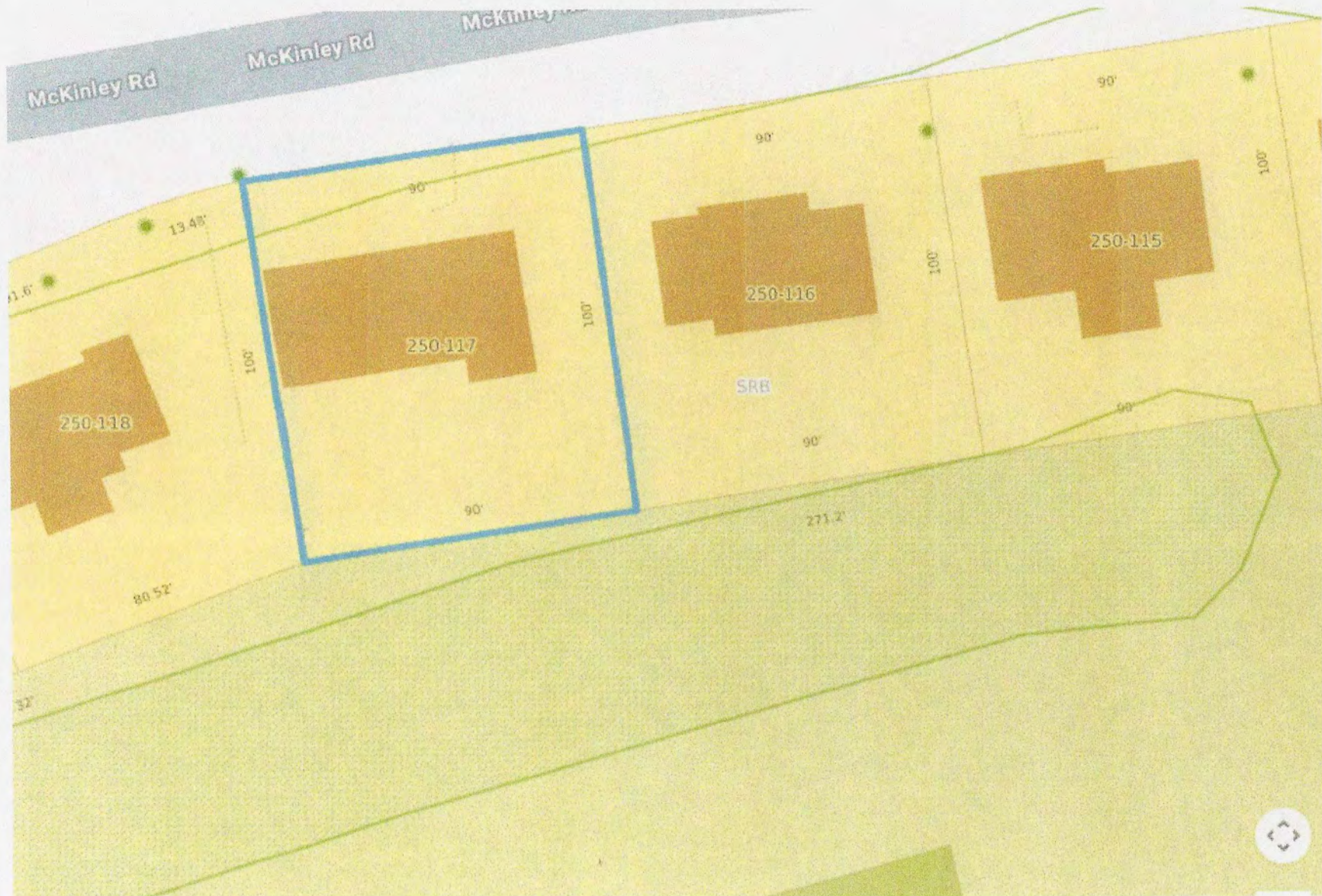
State Use 1010
Print Date 11/15/2024 12:51:16

CURRENT OWNER		TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT				2229 PORTSMOUTH, NH VISION										
		1 Level	0 All Public	1 Paved		Description	Code	Appraised	Assessed											
DELISLE CHRISTOPHER J				7 2 Off-St PKG		RESIDNTL	1010	377,800	377,800											
DELISLE RACHEL A						RES LAND	1010	284,300	284,300											
250 MCKINLEY RD						RESIDNTL	1010	800	800											
PORTSMOUTH NH 03801		SUPPLEMENTAL DATA																		
		Alt Prcl ID 0250-0117-0000-0000 OLDACTN 20620 PHOTO WARD PREC. 1/2 HSE GIS ID 31045			CONDO C INLAW Y/ LOT SPLT 2015 Reva JM Ex/Cr Appli Assoc Pid#															
						Total		662,900	662,900											
RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)												
		Year	Code	Assessed	Year	Code	Assessed V	Year	Code	Assessed	Year	Code	Assessed							
DELISLE CHRISTOPHER J		5622	2670	06-02-2015	Q	I	384,000	00	2024	1010	377,800	2023	1010	245,700	2022	1010	228,100			
POMERANZ JOHN E		5541	0769	06-30-2014	Q	I	358,000	00		1010	284,300		1010	173,800		1010	173,800			
VARDAKIS FAMILY REVOC TRUST		5512	1575	02-11-2014	Q	I	0	00		1010	800		1010	1,100						
VARDAKIS ANDREW P		5436	2053	05-08-2013	U	I	0													
OFFENBERG GAYLE L		5066	0598	11-13-2009	Q	I	310,000	00												
		Total				662,900		Total		420,600		Total		401,900						
EXEMPTIONS		OTHER ASSESSMENTS				This signature acknowledges a visit by a Data Collector or Assessor														
Year	Code	Description	Amount	Code	Description	Number	Amount	Comm Int												
		Total		0.00																
ASSESSING NEIGHBORHOOD														APPRAISED VALUE SUMMARY						
Nbhd	Nbhd Name		B		Tracing		Batch		Appraised Bldg. Value (Card)					343,300						
114									Appraised Xf (B) Value (Bldg)					34,500						
									Appraised Ob (B) Value (Bldg)					800						
									Appraised Land Value (Bldg)					284,300						
									Special Land Value					0						
									Total Appraised Parcel Value					662,900						
									Valuation Method					C						
									Total Appraised Parcel Value					662,900						
BUILDING PERMIT RECORD														VISIT / CHANGE HISTORY						
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments	Date	Id	Type	Is	Cd	Purpose/Result						
ER-20-134	05-12-2020	EL		1,000	12-08-2020	100		Install 15a TR receptacles in fi	01-19-2021	BH			QC	Value Reviewed						
BLDG-20-1	05-05-2020	RE		16,000	12-08-2020	100		Residential Alter@ Finish base	12-08-2020	BH	03		50	Building Permit						
PMGR-20-2	05-01-2020	HA		4,000	12-08-2020	100		RELOCATE BOILER & HOT W	04-10-2020	JW	03		50	Building Permit						
PMGR-20-2	03-27-2020	HA		5,000	04-10-2020	100		na relocation of gas fired boiler	12-04-2018	BH	02	1	50	Building Permit						
1783	06-26-2017	BP		4,500	12-04-2018	100	09-14-2017	RESIDENTIAL ALTER - ADJU	11-21-2017	BH	02	1	50	Building Permit						
									06-27-2017	PM				FR	Field Review Stat Update					
									05-22-2017	JP				SR	Sales Review					
LAND LINE VALUATION SECTION																				
B	Use Code	Description	Zone	Frontage	Depth	Land Units	Unit Price	Size Ad	Site	Cond.	ST Idx	S.I. Adj.	Notes- Adj	Special Pricing	Adj Unit P	Land Value				
1	1010	SINGLE FAM M	SRB			9,000 SF	26.33	1.0000	1	1.00	114	1.200	0		1.0000	31.59	284,300			
Total Card Land Units														0 AC	Parcel Total Land Area		0	Total Land Value		284,300

State Use 1010
Print Date

A photograph of a single-story house with a dark exterior and a light-colored garage. A silver car is parked in the garage. The house is surrounded by trees and a lawn. Power lines are visible in the foreground.

31045



- Transparency
- Wetlands
- 100ft Wetlands Buffer
- Attribution
- City of Portsmouth
- NOAA Navigational Chart
- Transparency
- Attribution
- NOA Office of Coast Survey navigation
- Trash/Recycling Routes
- School Districts
- Wards and Polling Locatio
- Zoning
- Zoning
- Transparency



WINDOW SCHEDULE

TAG	DESCRIPTION	ROUGH OPENING	UNIT NO.	NOTES
A	AVOIDING	3'-0 1/2" x 2'-4"	AX31	
B	CIRCLE	2'-4 3/8" x 2'-4 3/8"	CR24	
C	DOUBLE LUNG	3'-0 1/8" x 4'-4 7/8"	TW21042	
D	CASEMENT - LEFT	3'-0 1/2" x 4'-5 3/8"	CXW145	LEFT - FORESS
E	CASEMENT - RIGHT	3'-0 1/2" x 4'-5 3/8"	CXW145	RIGHT - FORESS
F	CASEMENT	2'-6 1/8" x 3'-0 7/8"	TW24210	

DOOR SCHEDULE

TAG	DESCRIPTION	ROUGH OPENING	UNIT NO.	NOTES
1	GLASS DOOR	6'-0" x 6'-8"	F302008	400 SERIES CUSTOM GLASS PATIO DOOR

GENERAL WINDOW / DOOR NOTES:

TEMPERED GLASS WHERE APPLICABLE.
 ENSURE WINDOWS / DOORS MEET STORM IMPACT PERFORMANCE STANDARDS, WHERE APPLICABLE.

GENERAL SPECIFICATIONS

1. Provide a 120 VAC Interconnected smoked/carbon mon. detectors per IRC R314 and R315.
2. Separate electrical, plumbing and mechanical permits required.
3. Minimum window sill heights shall conform to IRC Section R312.2 (24" minimum) or window shall have a window opening limiting device comply with ASTM F2090.
4. Roofing shall comply with Section R905 of the IRC.
5. Contractor to contact Dig Safe by calling 811 or visit www.digsafe.com prior to start of construction.
6. Frost protection of a min. of 46" below grade is required for all footings of structures including decks that serve the required egress.
7. Vent terminations: Deck additions cannot cover or alter existing vent locations. If required, venting shall be located to meet min. code clearances.
8. Per Section R109.1.4 Frame and Masonry inspection. Inspection of the framing and masonry construction shall be made after the roof, masonry, all framing, firestopping, draftstopping and bracing are in place and prior to exterior wall coverings and trim is installed, and after the electrical, plumbing and mechanical rough inspections are approved. Contractor is responsible for notifying the Building Department at least 48 hours in advance for all inspections.
9. Glazing located in Hazardous locations as outlined in section R308, R308.4.1 through 7, shall meet specifications outlined for that installation.

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A2	PROPOSED SECOND FLOOR PLAN
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A4	EXISTING AND PROPOSED REAR ELEVATION
A5	EXISTING AND PROPOSED LEFT ELEVATION
A6	EXISTING AND PROPOSED RIGHT ELEVATION
A7	PARTIAL BASEMENT PLAN
A8	SECOND FLOOR FRAMING PLAN
A9	ROOF FRAMING PLAN
A10	SECTIONS
A11	STRUCTURAL TRUSS DETAIL
A12	RIDGE BEAM CALCULATIONS
E1	EXISTING FIRST FLOOR PLAN
E2	EXISTING FRONT AND REAR ELEVATIONS
E3	EXIST. RIGHT AND LEFT ELEV. AND SECTION

MINIMUM INSULATION R-VALUES

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BATT INSULATION IN EXTERIOR WALLS	MIN. R-13
BATT INSUL. UNDER SLAB @ EXT. WALL, 4 IN	MIN. R-10

BUILDING PERMIT SET



CHARLES HOYT DESIGNS
Sample-style Architecture
P.O. BOX 536
Rte 1 South, N.J. 08571
(609) 312-8016
charles@charleshoym.com

2250 MCKINLEY ROAD
PORTSMOUTH, NH

COVER SHEET
SCALE: 1/4"=1'-0" on 24" x 36"
SCALE: 1/8"=1'-0" on 11" x 17"

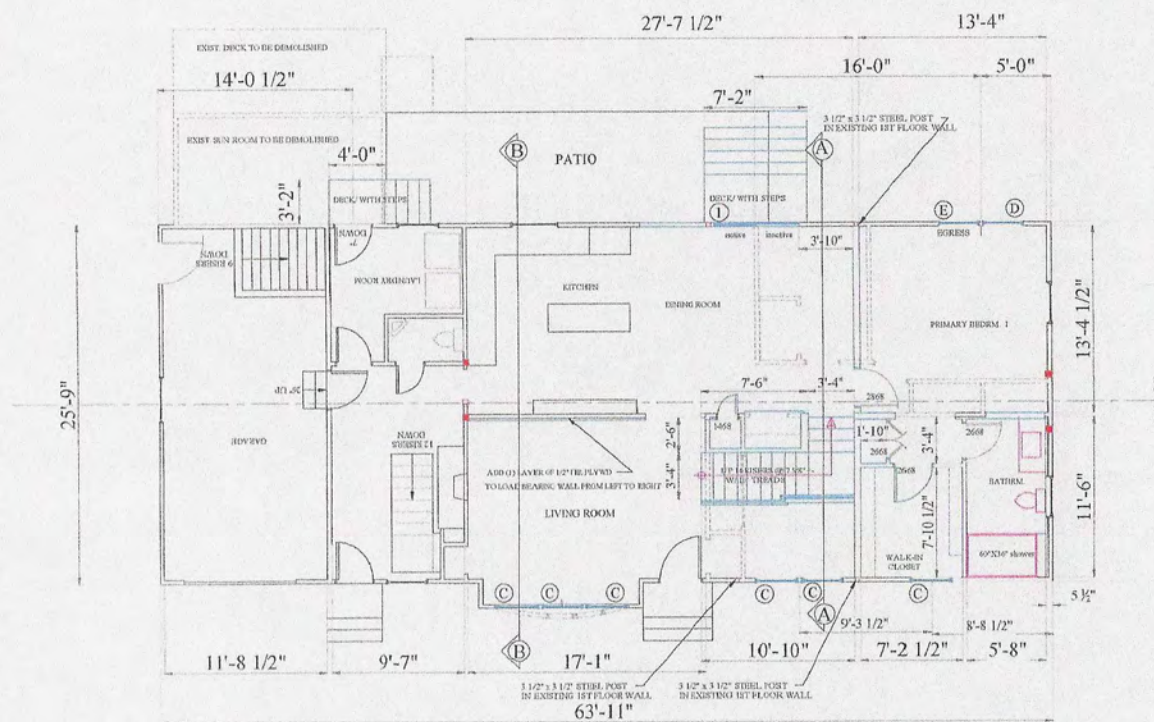
COVER SHEET

DATE: 5-20-25
SHEET: 1 of 16
A0

REVISIONS:	
REV	DATE: DISCRIPTION:

REV.	DATE	DESCRIPTION
1.	1/16/24	Revised Rear Deck & Front Porch

KEY	DATE	DESCRIPTION
1.	1/16/24	Revised Rear Deck & Front Porch



PROPOSED 1ST. FLOOR PLAN

BUILDING PERMIT SET

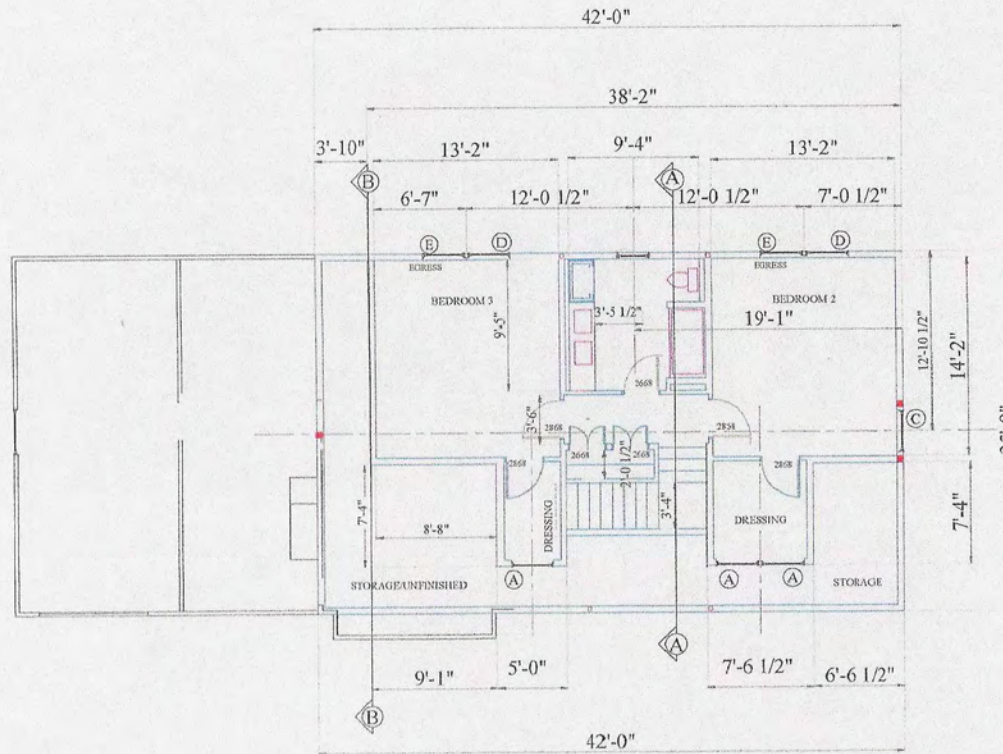


DATE: 5-20-25
 PROJECT: A1
 SHEET: 2 of 16

250 MCKINLEY ROAD
 PORTSMOUTH, NH

PROPOSED FIRST FLOOR PLAN
 SCALE: 1/4" = 1'-0" on 24" x 36"
 SCALE: 1/8" = 1'-0" on 11" x 17"

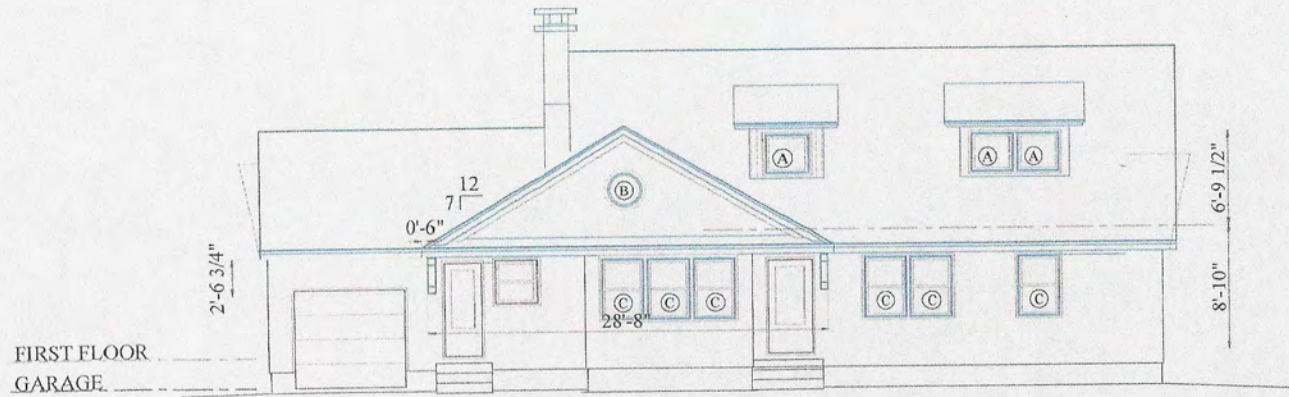
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1.	1/16/24	Revised Rear Deck & Front Porch



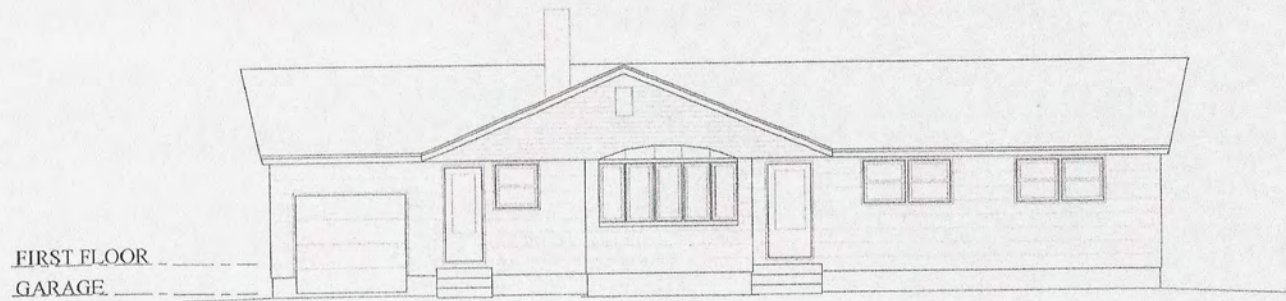
PROPOSED 2ND. FLOOR PLAN

BUILDING PERMIT SET

CHARLES HOYT DESIGNS 700 S. DUNSTON RD. PORTSMOUTH, NH 02871 603.431.2316 charles@hoyt-designs.com		250 MCKINLEY ROAD PORTSMOUTH, NH		PROPOSED SECOND FLOOR PLAN SCALE: 1/4"=1'-0" on 24" x 36" SCALE: 1/8"=1'-0" on 11" x 17"	
DATE	5-20-25	REVISIONS	A2	3 of 16	
REVISIONS: REV. DATE DESCRIPTION 1. 1/16/24 Revised Rear Deck & Front Porch					



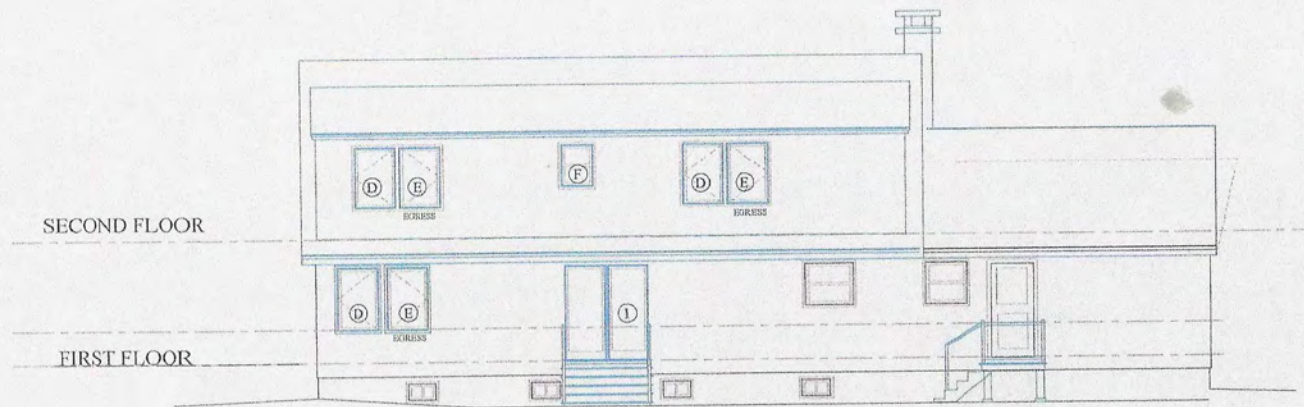
PROPOSED FRONT ELEVATION



EXISTING FRONT ELEVATION

BUILDING PERMIT SET

CHARLES HOYT DESIGNS 250 MCKINLEY ROAD PORTSMOUTH, NH 603.883.5558 www.charleshoymtdesigns.com	REVISIONS: REV. DATE DESCRIPTION: 1. 1/16/24 Revised Rear Deck & Front Porch	
	EXISTING AND PROPOSED FRONT ELEVATION SCALE: 1/4"=1'-0" on 24" x 36" SCALE: 1/8"=1'-0" on 11" x 17"	
DATE: 5-20-25 DRAWING: A3 SHEET: 4 of 16		



PROPOSED REAR ELEVATION



EXISTING REAR ELEVATION

BUILDING PERMIT SET

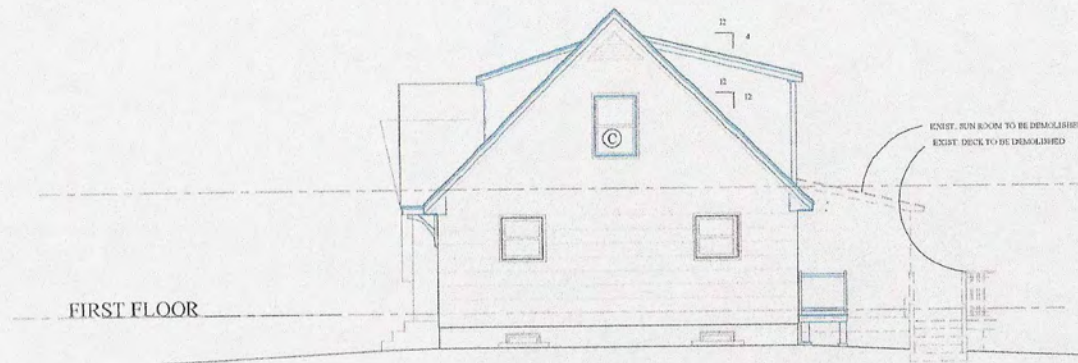


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5-20-25
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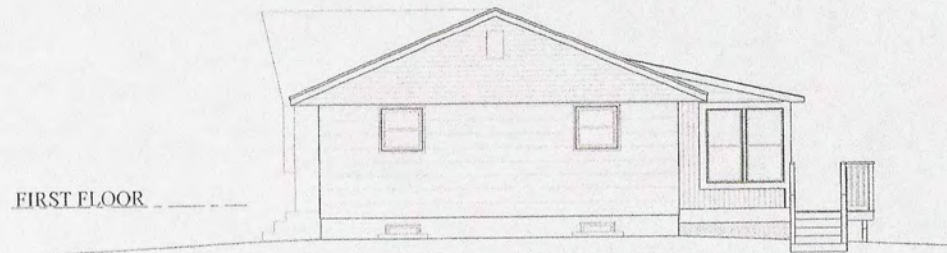
250 MCKINLEY ROAD
PORTSMOUTH, NH
EXISTING AND PROPOSED REAR ELEVATION
SCALE: 1/4"=1'-0" on 24" x 36"
SCALE: 1/8"=1'-0" on 11" x 17"

REVISIONS:

REV.	DATE	DESCRIPTION
1.	1/16/24	Revised Rear Deck & Front Porch



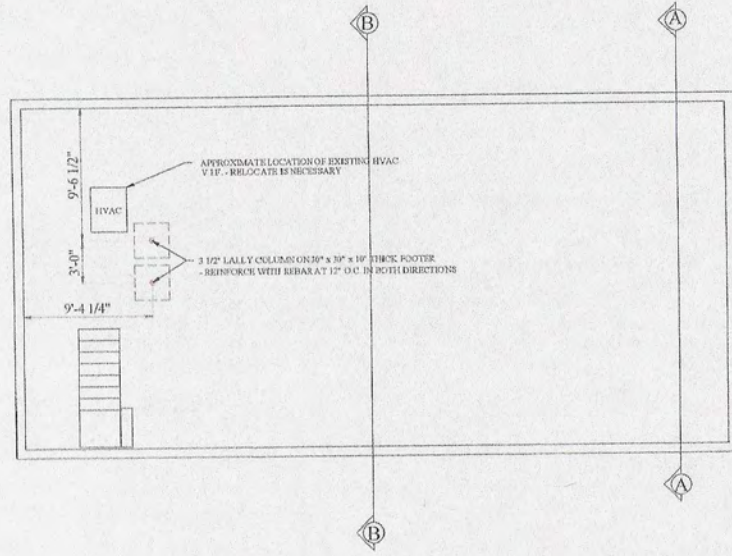
PROPOSED RIGHT ELEVATION



EXISTING RIGHT ELEVATION

BUILDING PERMIT SET

CHARLES HOYT DESIGNS Single Story Architecture 70 BOX 526 Rt. 1, Box 526 (603) 112-0105 charles@choytdesigns.com	REVISIONS: REV. DATE DESCRIPTION 1. 1/16/24 Revised Rear Deck & Front Porch	
	250 MCKINLEY ROAD PORTSMOUTH, NH EXISTING AND PROPOSED RIGHT ELEVATION SCALE: 1/4"=1'-0" on 24" x 36" SCALE: 1/8"=1'-0" on 11" x 17"	
5-20-25 DATE	A6 SHEET	7 of 16



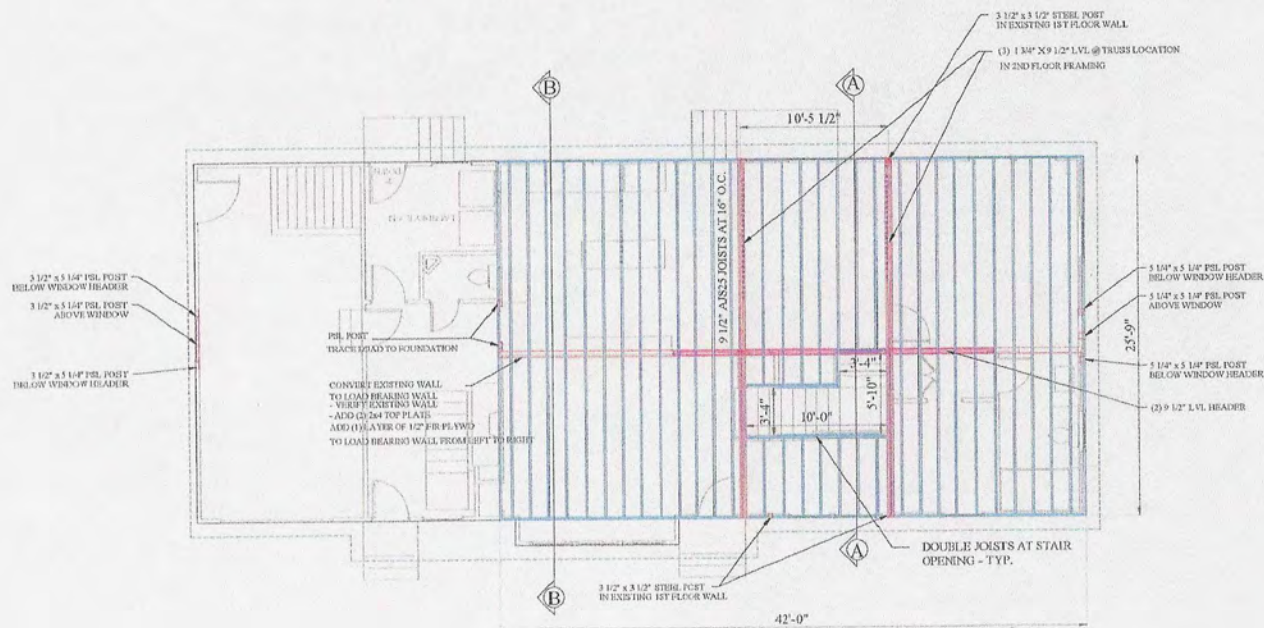
PARTIAL BASEMENT PLAN

BUILDING PERMIT SET

CHARLES HOYT DESIGNS Structural & Architectural 70 BOX ST. Box 1000, 101, 02471 Portsmouth, NH 02871 (603) 431-1000 charles@choytdesigns.com	REVISIONS:		
	REV.	DATE	DESCRIPTION
	1.	1/16/24	Revised Rear Deck & Front Porch
250 MCKINLEY ROAD, PORTSMOUTH, NH			
PARTIAL BASEMENT PLAN			
SCALE: 1/4" = 1'-0" on 24" x 36"			
SCALE: 1/8" = 1'-0" on 11" x 17"			
DATE: 5-20-25	SHEET: A7	8 of 16	

1. Roof Shingle: Landmark (color: Country Grey) by certified triple Laminate HD Profile (or approved equal) 45 year Asphalt Shingle
2. Roof Sheathing: 5/8" ZIP system with ZIP tape at all joints
3. All Structural Beam to Beam, Beam, to Post, fastened with an approved Connector
4. Grace Ice and Water Shield at eaves and valleys
5. Rafters: 2x12 at 16" o.c. - typ.
Raft Extensions: 2x6 at 16" O.C.
6. Hurricane Clips: Simpson H2.5A (or approved equal) at wall, at every joist
7. Walls: 2x6 wood stud Exterior Walls - typ.
2x4 wood stud Interior Walls - typ.

8. Insulation: Exterior walls: R-20 Batt Insulation
Roof Insulation" R-49 Closed Cell Polyurethane
Spray Insul.
Floor: R-30 Batt Insulation
9. Floors: 9 1/2" AJS25 at 16" O.C. - typ.
10. Fasten Rafters to Ridge with Simpson Hangers:
LRU210Z (or approved equal)
11. All Structural Beam to Beam, Beam, to Post, fastened
with an approved Connector
12. Exterior Finish: Siding (T.B.Det.)
over 1/2" ZIP system with ZIP tape at all joints



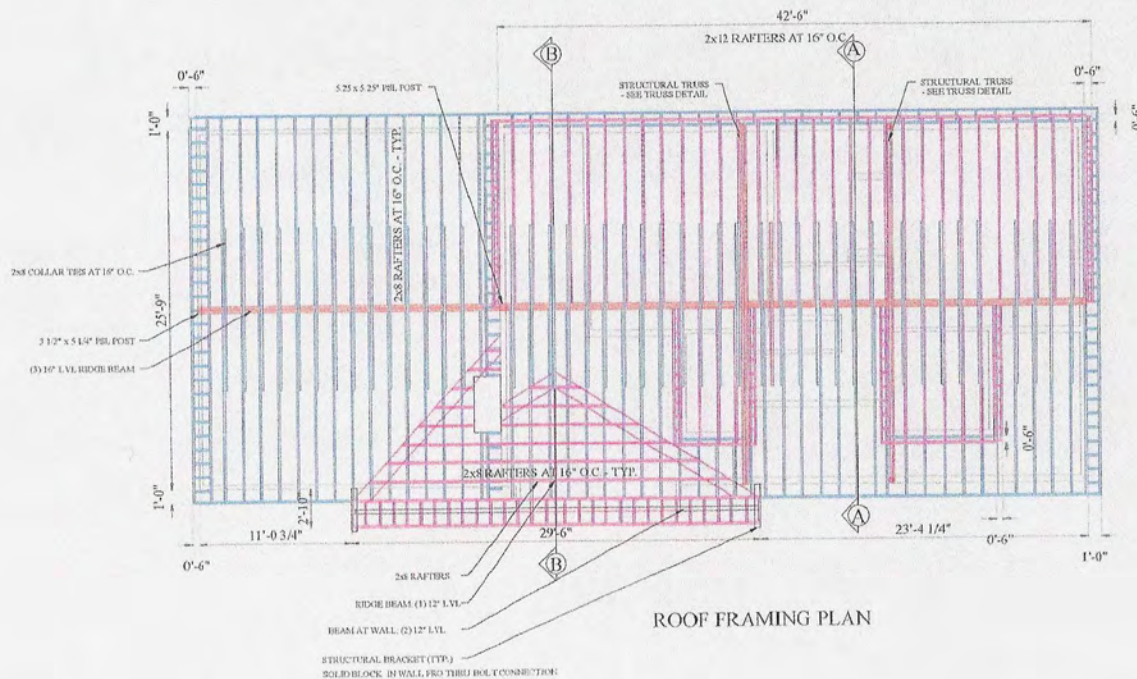
SECOND FLOOR FRAMING

BUILDING PERMIT SET

 CHARLES HOYT DESIGNS Building Sets for Architects 7700 BOX 1556 By Branch, N.J. 03811 Tel: 908/261-1111 charles@hoytdesigns.com	DATE: _____ REVISIONS: <table border="1"> <tr> <th>REV.</th> <th>DATE</th> <th>DISCRPTION:</th> </tr> <tr> <td>1.</td> <td>1/16/24</td> <td>Revised Rear Deck & Front Porch</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>		REV.	DATE	DISCRPTION:	1.	1/16/24	Revised Rear Deck & Front Porch												
	REV.	DATE	DISCRPTION:																	
1.	1/16/24	Revised Rear Deck & Front Porch																		
250 MCKINLEY ROAD PORTSMOUTH, NH SECOND FLOOR FRAMING PLAN SCALE: 1/4"=1'-0" on 24" x 36" SCALE: 1/8"=1'-0" on 11" x 17"	5-20-25 SHEET 8 OF 8																			

NOTES:

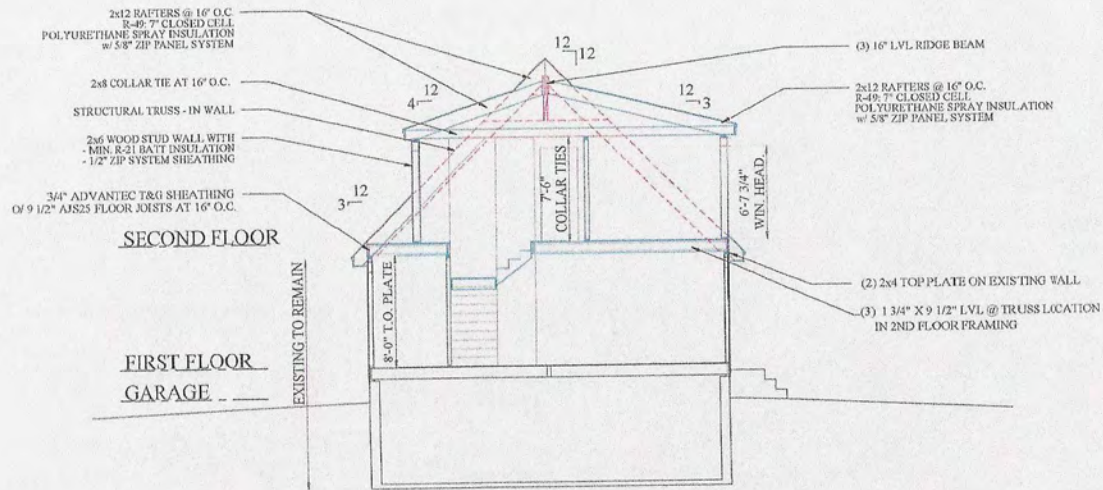
1. Roof Shingle: Landmark (color: Country Grey) by certified triple Laminate HD Profile (or approved equal) 45 year Asphalt Shingle
2. Roof Sheathing: 5/8" ZIP system with ZIP tape at all joints
3. All Structural Beam to Beam, Beam, to Post, fastened with an approved Connector
4. Grace Ice and Water Shield at eaves and valleys
5. Rafters: 2x12 @ 2X8S at 16" o.c. - typ. Rafter Extensions: 2x6 at 16" O.C.
6. Hurricane Clips: Simpson H2.5A (or approved equal) at wall, at every joist
7. Walls: 2x6 wood stud Exterior Walls - typ. 2x4 wood stud Interior Walls - typ.
8. Insulation: Exterior walls: R-20 Batt Insulation
Roof Insulation" R-49 Closed Cell Polyurethane Spray Insul.
Floor: R-30 Batt Insulation
9. Floors: 9 1/2" AJS25 at 16" O.C. - typ.
10. Fasten Rafters to Ridge with Simpson Hangers: LRU210Z (or approved equal)
11. All Structural Beam to Beam, Beam, to Post, fastened with an approved Connector
12. Exterior Finish: Siding (T.B.Det.) over 1/2" ZIP system with ZIP tape at all joints



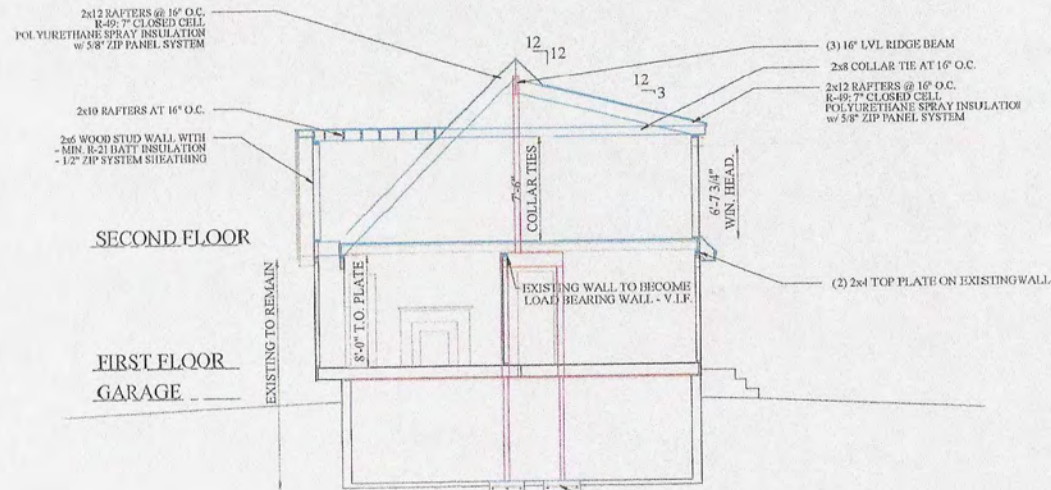
ROOF FRAMING PLAN

BUILDING PERMIT SET

CHARLES HOYT DESIGNS 250 MCKINLEY ROAD PORTSMOUTH, NH 760 BOX 256 Portsmouth, NH 03871 603.866.1131 charles@hoyt-designs.com		REVISIONS: <table border="1"> <thead> <tr> <th>REV.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>1/16/24</td> <td>Revised Rear Deck & Front Porch</td> </tr> </tbody> </table>	REV.	DATE	DESCRIPTION	1.	1/16/24	Revised Rear Deck & Front Porch
REV.	DATE	DESCRIPTION						
1.	1/16/24	Revised Rear Deck & Front Porch						
ROOF FRAMING PLAN SCALE: 1/4" = 1'-0" on 24" x 36" SCALE: 1/8" = 1'-0" on 11" x 17"		DATE: 5-20-25 SHEET: 10 of 16						

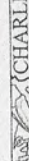


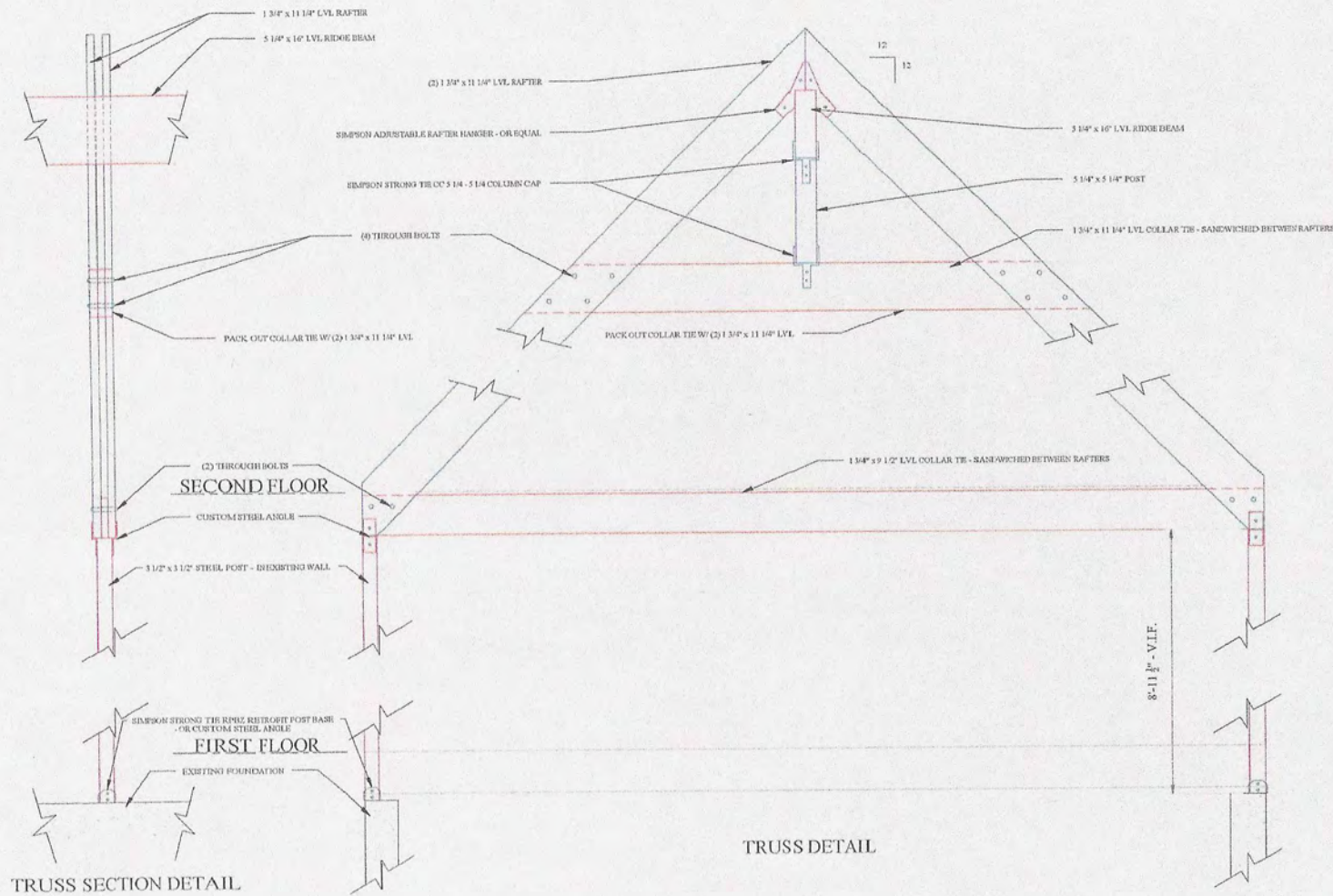
SECTION A



SECTION B

BUILDING PERMIT SET

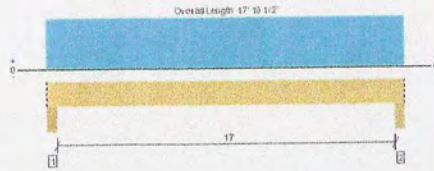
 CHARLES HOYT DESIGNS Residential Architecture 700 BOX 526 Rye Beach, NH 03581 (603) 885-1111 charles@hoyt-designs.com	REVISIONS:		REV. DATE DESCRIPTION:	
		1.	1/16/24	Revised Rear Deck & Front Porch
250 MCKINLEY ROAD PORTSMOUTH, NH		SECTIONS		SCALE: 1/4"=1'-0" on 24" x 36" SCALE: 1/8"=1'-0" on 11" x 17"
DATE: 5-20-25		A10		11 of 16



BUILDING PERMIT SET

CHARLES HOYT DESIGNS 250 MCKINLEY ROAD PORTSMOUTH, NH		STRUCTURAL TRUSS DETAIL SCALE: 1"=1'-0" on 24" x 36" SCALE: 1/2"=1'-0" on 11" x 17"	
DATE: 5-20-25 SHEET: A11 12 of 16	PROJECT: 250 MCKINLEY ROAD CLIENT: CHARLES HOYT DESIGNS DRAWN BY: J. H. H.	REVISIONS: REV. DATE DESCRIPTION: 1. 1/16/24 Revised Rear Deck & Front Porch	

Level, Roof, Drop Beam
3 piece(s) 1 3/4" x 16" 2.0E Microlam® LVL



Drawing is Conceptual. All locations are measured from the outside face of left support (or left cantilever end). All dimensions are horizontal (typ.).

Design Results	Actual @ Location	Allowed	Result	LOF	Load Combination (Pattern)
Member Reaction (Rts)	2765 @ 3 3/4"	2672 (1.25)	Passed (18%)	—	1.0 D + 1.0 Lr (All Spans)
Shear (Rts)	2971 @ 1' 9 1/4"	1959	Passed (19%)	1.25	1.0 D + 1.0 Lr (All Spans)
Moment (Rts-Bs)	15410 @ 8' 11 1/4"	5819	Passed (26%)	1.25	1.0 D + 1.0 Lr (All Spans)
Live Load Defl. (in)	0.134 @ 8' 11 1/4"	0.863	Passed (0.999+)	—	1.0 D + 1.0 Lr (All Spans)
Total Load Defl. (in)	0.232 @ 8' 11 1/4"	1.150	Passed (0.823)	—	1.0 D + 1.0 Lr (All Spans)

• Deflection criteria: LL (L/240) and TL (L/180).

• Allowed moment does not reflect the adjustment for the beam stability factor.

Supports	Bearing Length		Loads to Supports (Rts)			
	Total	Available	Required	Dead	Roof Live	Factored
1 - Column - PSL	5.25'	5.25'	1.30'	1729	1966	3095
2 - Column - PSL	5.25'	5.25'	1.30'	1729	1966	3095

• Blocking/Facing are assumed to carry no loads applied directly above them and the full loads are applied to the member being designed.

Lateral Bracing	Bracing Intervals	Comments
Top Edge (Top)	17' 11" o/c	
Bottom Edge (Bot)	17' 11" o/c	

• Maximum allowable bracing intervals based on applied load.

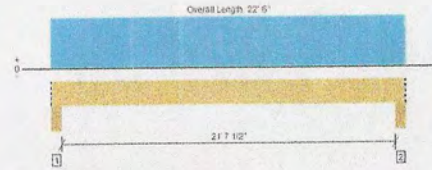
Vertical Loads	Location (Side)	Tributary Width	Dead (9.99)	Roof Live (1.25)	Comments
0 - Self Weight (PL)	0 to 17' 10 1/2"	N/A	24.5	—	
1 - Uniform (PL)	0 to 17' 10 1/2" (Roof)	17'	15.5	20.0	Default Load

• Side loads are assumed to not induce cross-grain tension.

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The product application, input design loads, dimensions and output information have been provided by ForteWEB Software Operator.

ROOF RIDGE BEAM

Level, Roof, Drop Beam
3 piece(s) 1 3/4" x 16" 2.0E Microlam® LVL



Drawing is Conceptual. All locations are measured from the outside face of left support (or left cantilever end). All dimensions are horizontal (typ.).

Design Results	Actual @ Location	Allowed	Result	LOF	Load Combination (Pattern)
Member Reaction (Rts)	4900 @ 3 3/4"	2672 (1.25)	Passed (24%)	—	1.0 D + 1.0 Lr (All Spans)
Shear (Rts)	4128 @ 1' 9 1/4"	1959	Passed (21%)	1.25	1.0 D + 1.0 Lr (All Spans)
Moment (Rts-Bs)	26505 @ 11' 3"	5819	Passed (47%)	1.25	1.0 D + 1.0 Lr (All Spans)
Live Load Defl. (in)	0.224 @ 11' 3"	1.094	Passed (0.780)	—	1.0 D + 1.0 Lr (All Spans)
Total Load Defl. (in)	0.662 @ 11' 3"	1.458	Passed (0.937)	—	1.0 D + 1.0 Lr (All Spans)

• Deflection criteria: LL (L/240) and TL (L/180).

• Allowed moment does not reflect the adjustment for the beam stability factor.

Supports	Bearing Length		Loads to Supports (Rts)			
	Total	Available	Required	Dead	Roof Live	Factored
1 - Column - PSL	5.25'	5.25'	1.30'	2435	2913	4900
2 - Column - PSL	5.25'	5.25'	1.30'	2435	2913	4900

• Blocking/Facing are assumed to carry no loads applied directly above them and the full loads are applied to the member being designed.

Lateral Bracing	Bracing Intervals	Comments
Top Edge (Top)	8' 6" o/c	
Bottom Edge (Bot)	22' 6" o/c	

• Maximum allowable bracing intervals based on applied load.

Vertical Loads	Location (Side)	Tributary Width	Dead (9.99)	Roof Live (1.25)	Comments
0 - Self Weight (PL)	0 to 22' 6"	N/A	24.5	—	
1 - Uniform (PL)	0 to 22' 6" (Roof)	11'	17.4	20.0	Default Load

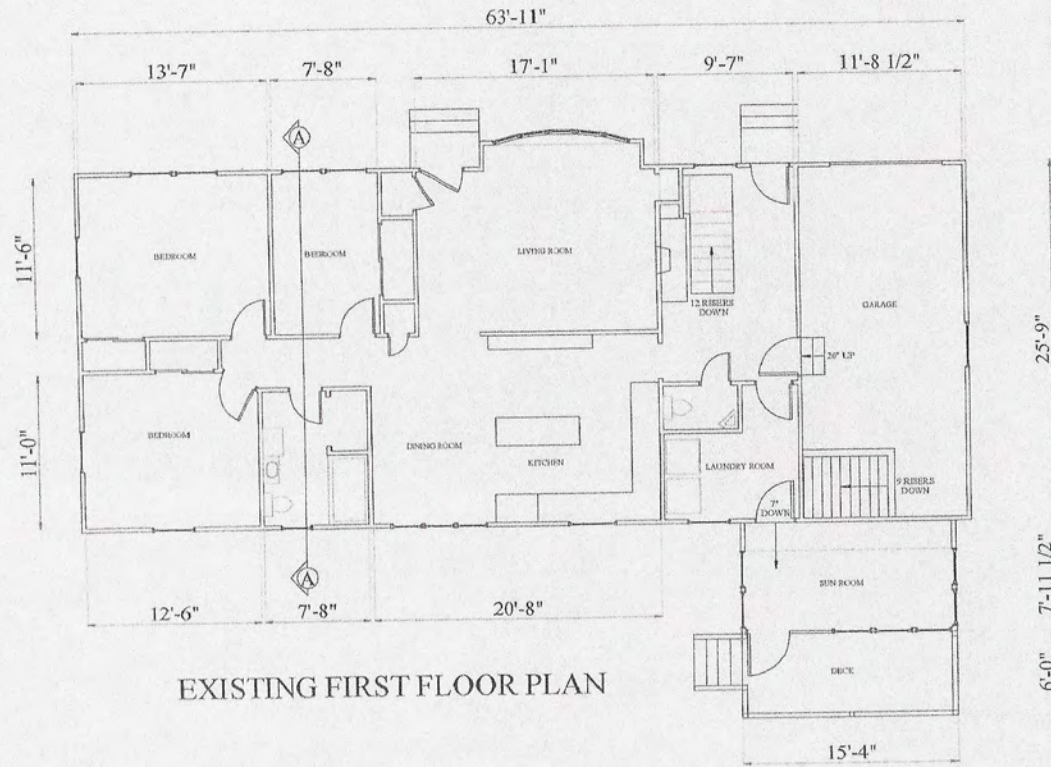
• Side loads are assumed to not induce cross-grain tension.

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The product application, input design loads, dimensions and output information have been provided by ForteWEB Software Operator.

GARAGE RIDGE BEAM

BUILDING PERMIT SET

REVISIONS:		DATE:	DISCUSSION:
1	1/16/24	Revised Rear Deck & Front Porch	
250 MCKINLEY ROAD PORTSMOUTH, NH RIDGE BEAM CALCULATIONS SCALE: 1/4"=1'-0" on 24" x 36" SCALE: 1/8"=1'-0" on 11" x 17"			
CHARLES HOYT DESIGNS 850 Beach, NH 03811 (603) 250-0000 charles@choytdesigns.com		DATE: 5-20-25 13 of 16	



BUILDING PERMIT SET



Charles Hoyt Designs
Shane Hoyt Architecture
70 BOX 124
Rye Beach, WI 54971
(920) 835-1818
charles@choytdesigns.com

DATE: 5-20-25
SHEET: E1
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250 MCKINLEY ROAD
PORTSMOUTH, NH

EXISTING FIRST FLOOR PLAN
SCALE: 1/4"=1'-0" on 24" x 36"
SCALE: 1/8"=1'-0" on 11" x 17"

REVISIONS:	
REV.	DATE/DESCRIPTION
1.	1/16/24 Revised Rear Deck & Front Porch



**CHARLES
HOYT
DESIGNS**
Shanghai Style Architecture

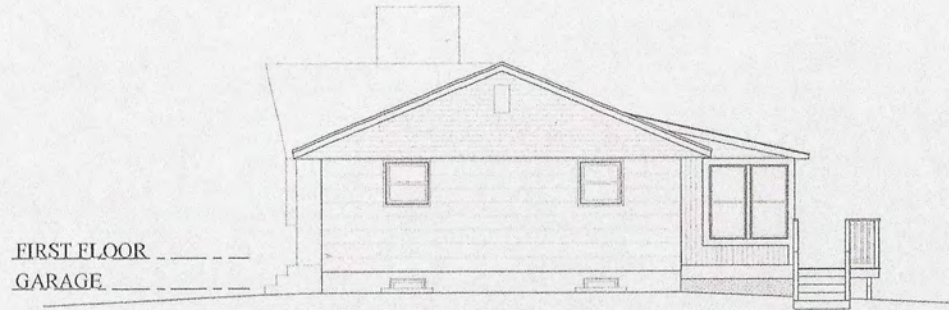
P.O. BOX 326
Rye Beach, WI 54981
(608) 812-8016

REV. NO.		REV. DATE	DISCRIPTION
1.		1/16/24	Revised Rear Deck & Front Porch

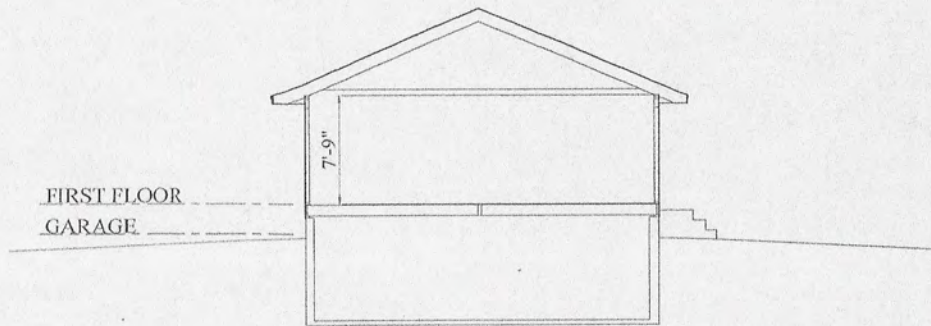
250 MCKINLEY ROAD
PORTSMOUTH, NH

EXISTING FRONT AND REAR ELEVATIONS
SCALE: 1/4"=1'-0" on 24" x 36"
SCALE: 1/8"=1'-0" on 11" x 17"

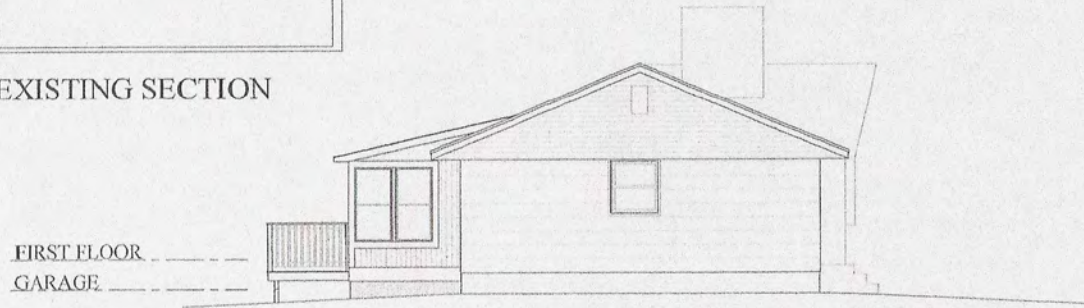
DATE 5-20-25
DRAWING E2
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EXISTING RIGHT ELEVATION



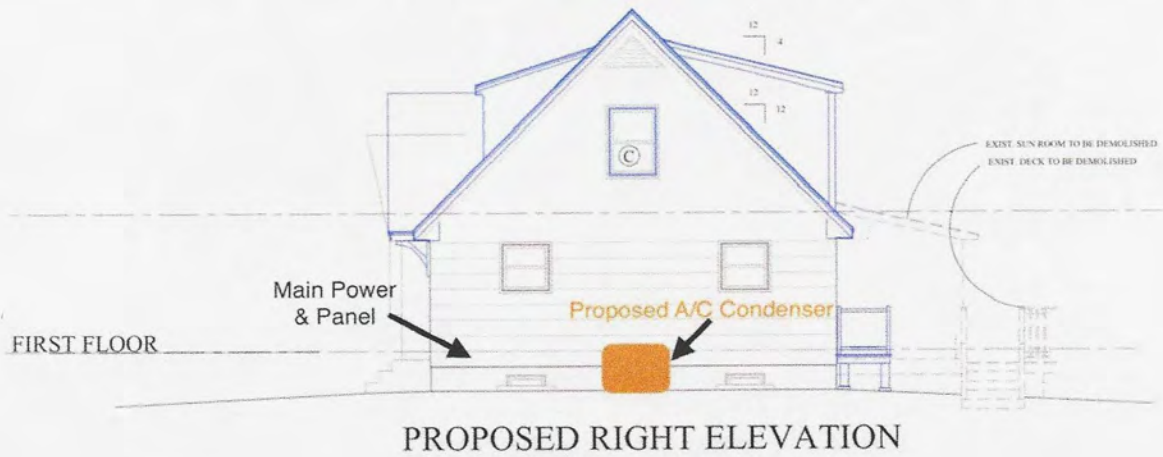
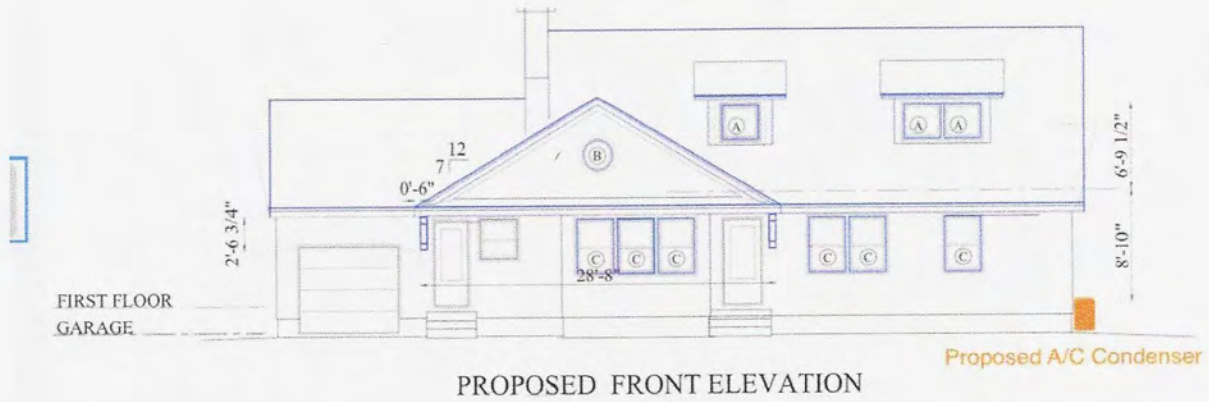
EXISTING SECTION



EXISTING LEFT ELEVATION

BUILDING PERMIT SET

CHARLES HOYT DESIGNS 250 MCKINLEY ROAD PORTSMOUTH, NH (603) 412-8105 www.charleshoymcdesigns.com	REVISIONS: REV. DATE DESCRIPTION 1. 1/16/24 Revised Rear Deck & Front Porch	
	EXISTING SECTION AND RIGHT AND LEFT ELEVATIONS SCALE: 1/4"=1'-0" on 24" x 36" SCALE: 1/8"=1'-0" on 11" x 17"	
3-20-23 E3 16 of 16		







II. NEW BUSINESS

- E. The request of **Nuchow Hartzell Family Trust (Owner)**, for property located at **204 Aldrich Road** whereas relief is needed to construct an addition and ramp to the primary structure which requires the following: 1) Variance from Section 10.521 to allow a) 3 foot right side yard where 10 feet is required, b) 7 foot left side yard where 10 feet is required, c) 31% building coverage where 20% is the maximum allowed; and 2) 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 located on Assessor Map 153 Lot 26 and lies within the Single Residence B (SRB) District. (LU-25-140)

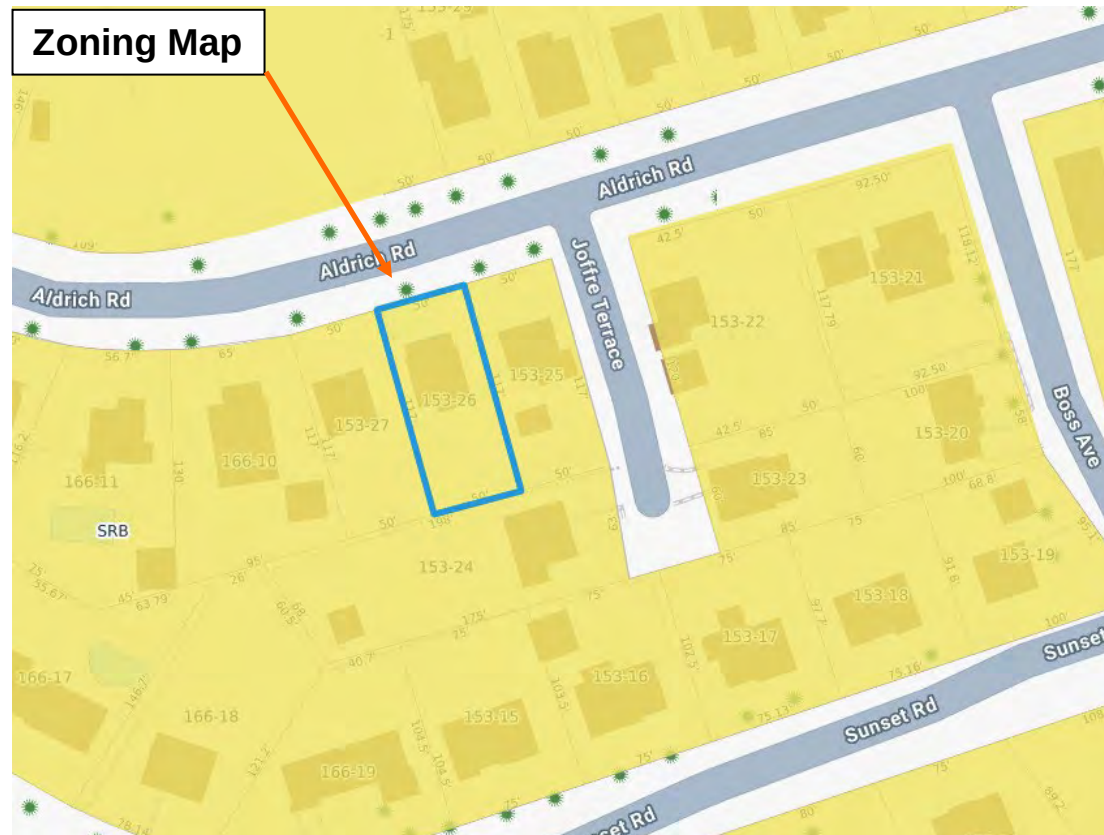
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	Ramp and Addition to Primary Structure*	Primarily Residential
<u>Lot area (sq. ft.):</u>	5,703	5,703	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	5,703	5,703	15,000 min.
<u>Lot depth (ft.):</u>	114	114	100 min.
<u>Street Frontage (ft.):</u>	50	50	100 min.
<u>Front Yard (ft.):</u>	19	19	30 min.
<u>Right Side Yard (ft.):</u>	7	3	10 min.
<u>Left Side Yard (ft.):</u>	10.5	7	10 min.
<u>Rear Yard (ft.):</u>	48	30.5	30 min.
<u>Building Coverage (%):</u>	20	31	20 max.
<u>Open Space Coverage (%):</u>	73	61	40 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1928	Variance request(s) shown in red.	

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

- No previous BOA history.

Planning Department Comments

The applicant is requesting relief to construct an addition and ramp to the primary structure to renovate the existing home for ADA accessibility. The existing structure is non-conforming for setbacks and requires relief for the additions in the right and left side yards and for additional building coverage over the maximum 20% that is permitted.

Variance 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.

BY: VIEWPOINT & HAND DELIVERY

September 24, 2025

City of Portsmouth
Attn: Stefanie Casella, Planner
Zoning Board of Adjustment
1 Junkins Avenue
Portsmouth, NH 03801

**RE: Variance Application of Leslie P. Nuchow and Emily E. Hartzell, Trustees of The
Nuchow Hartzell Family Trust
204 Aldrich Road, Tax Map 153, Lot 26**

Dear Stefanie,

Please find a copy of the following materials relative to the above referenced variance application filed through Viewpoint for the property located at 204 Aldrich Road, Portsmouth:

- 1) Landowner Letter of Authorization
- 2) Narrative to Variance Application with Exhibits
- 3) Plans (Existing/Proposed Conditions, Floor Plans and Elevations)
- 4) Photographs of Property

A copy of the above application materials is being delivered to the Planning Department. Should you have any questions or concerns regarding the enclosed application materials, do not hesitate to contact me at your convenience.

Sincerely,



Derek R. Durbin, Esq.

**NARRATIVE
VARIANCE APPLICATION**

**204 Aldrich Road
Tax Map 153, Lot 26**

**Leslie P. Nuchow and Emily E. Hartzell,
Trustees of The Nuchow Hartzell Family Trust**

INTRODUCTION

Existing Conditions

The Property at 204 Aldrich Road is a 5,703 square foot lot with a two and a half story single-family home on it (the “Property”). The Property, along with others on Aldrich Road, was first shown on a plan pertaining to the Westfield Park subdivision, recorded in the Rockingham County Registry of Deeds in 1927. The Property lies within the SRB Zoning District. The Property is non-conforming with respect to the SRB Zoning District requirements in the following respects:

Provision	Requirement	Existing Condition	Non-Conforming Feature
Lot Area / Lot Area per Dwelling Unit	15,000 sq. ft.	5,703 sq. ft.	Lot
Frontage	100’	50’	Lot
Front Yard Setback	30’	19’	Front Porch/House
Right Yard Setback	10’	9.5’ 7.0’	House Shed

The single-family home on the Property was constructed in 1928 per the City’s assessing records. It contains approximately 1,470 square feet of finished living space between the first two floors and has 3 bedrooms and 1.5 bathrooms. The house is relatively small and suffers from a significant degree of functional obsolescence. It has an antiquated floor plan and very small rooms. The first floor consists of a kitchen, dining room, living room and a small half bathroom. The only full bathroom in the house is located on the second floor and is small and narrow. The staircase is also relatively narrow and takes two right-hand turns between the first and second floors. In its present condition, most areas of the home are not ADA accessible and would be unable to accommodate a person using a walker or wheelchair.

Proposed Conditions

Leslie Nuchow suffers from chronic medical conditions which limit her mobility and ability to safely navigate stairs. **Exhibit A.** Her health provider has determined that it is medically necessary for her to reside in a one-story living arrangement. **Id.** Accordingly, Leslie and her spouse, Emily, are proposing a first-floor renovation and 837 square foot addition to the rear of the house. The existing first floor would be reconfigured to accommodate an open concept living

arrangement and an expanded living room/family room area. The proposed addition is designed to accommodate a separate entrance and mudroom, full bathroom that is wheelchair accessible, a primary bedroom, and small office and laundry area. Where the addition is proposed to the rear of the house, the Applicants will remove an existing one-story rear addition, bulkhead, deck and shed. All proposed improvements are intended to make the first floor more accessible so that it can serve as Leslie's living area within the home.

ZONING RELIEF SUMMARY

The Applicant seeks the following variance approvals from the Board:

Section 10.521

- (a) To allow a 3.4' (+/-) right yard setback for the construction of a wheelchair ramp where 10' is required.

The existing shed has a 7.4' (+/-) right yard setback while the existing house has a 9.5' (+/-) right yard setback.

- (b) To allow a 7.4' (+/-) left yard setback for the construction of a bulkhead where 10' is required.

- (c) To allow 30.8% (+/-) building coverage where 20% is allowed and 20.1% exists.

Section 10.321

To allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance.

VARIANCE CRITERIA

Granting the variances will not be contrary to the spirit and intent of the Zoning Ordinance or the public interest.

In the case of Chester Rod & Gun Club, Inc. v. Town of Chester, 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. The Court observed that "[t]here 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." Id.

The primary purpose of minimum setback standards is to ensure that adequate light, air and space between abutting properties and the structures thereon. The primary purpose of the maximum building coverage standard is to protect against the overcrowding of structures on land.

Building Coverage Variance / Expansion of a Non-Conforming Structure

A 10.8% increase in building coverage over what is permitted by the Ordinance may seem a lot of relief at first blush, but it is not when you consider both the purpose behind the request and the diminutive size of the Property. The Property is 5,703 square feet. On a compliant property, what is being proposed (1,761 sq. ft.) would amount to just under 12% building coverage. It is important to point out that the SRB Zoning standards are not reflective of the conditions and character of most properties in this area of Portsmouth where lot sizes fall well under the 15,000 sq. ft requirement. This creates a unique burden on many of the properties, including the Applicants' Property, which has only 38% of the total land area required for a compliant lot and is one of the smallest properties along Aldrich Road. Any reasonably sized addition to the existing house necessitates building coverage relief. The purpose of the addition is to create an ADA accessible first floor living space so that Leslie Nuchow can age-in-place in the home. The proposed floor plan is a reasonable one to achieve that purpose and contains minimal amenities aside from a first-floor bedroom which is necessary for Leslie given her medical conditions. Even with the 10+% increase in building coverage, the Property will meet the open space requirement. Outside of the home and the proposed addition, the only impervious features of the Property relate to the existing driveway, front walkway, and the proposed wheelchair ramp. Much of the "green space" associated with the Property will be preserved with the addition. As such, granting the building coverage variance will not alter the essential character of the neighborhood or negatively affect public health, safety or welfare.

Setback Variances

The request for left yard setback relief relates to the proposed construction of a bulkhead to allow for access to the basement of the home. The request for right yard setback relief relates to the construction of a proposed wheelchair ramp.

The Property is only 50' in width. The existing house already encroaches slightly into the right yard setback and barely maintains the 10' left yard setback line. With the proposed addition, there is no feasible way to construct a bulkhead or wheelchair ramp without encroaching into the side yard setbacks.

The proposed bulkhead will only be 36" above grade at its highest elevation. It will replace an existing bulkhead at the rear of the house that will be demolished.

The proposed wheelchair ramp will be 18" or less above grade and will only be installed at the point that it becomes necessary. The Applicants have included it in their plans to avoid having to come back to the Board for additional setback relief in the future.

The variances for the bulkhead and wheelchair ramp are *de minimis* requests when you consider the size, height and overall impact of what is being proposed. While each is defined as a

“structure” under the broad definition of that term in the Ordinance, neither of these features will negatively impact the light, air and space of the abutting properties to the east and west at 214 and 196 Aldrich Road, both of which have structures that encroach into the yard setbacks. The owners of both properties have issued letters of support for the Applicants’ plans. **Exhibits B-1 and B-2.** The bulkhead and wheelchair ramp are each being constructed for different but similar purposes. Both features will allow for safe access to different areas of the home. Accordingly, granting the setback variances will not alter the essential character of the neighborhood or negatively affect the public health, safety or welfare.

Substantial Justice will be done in granting the variances.

To determine whether substantial justice is done, the Board must balance the equities between the rights of a private landowner and the public interest in deciding whether to grant or deny a variance request. The “only guiding rule is that 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); [*Malachy Glen Assocs., Inc. v. Town of Chichester*, 155 N.H. 102 \(2007\)](#).

It would represent a significant loss to the Applicants for the Board to deny the variances necessary to create a modest, ADA-accessible first floor living arrangement for the home considering Leslie Nuchow’s physical limitations. The addition to the home, which drives the relief being requested, is reasonable in scale and contains only the basic amenities required for Leslie Nushow to reside on the first floor of the home. The addition itself will not encroach into any of the building setbacks. The proposed improvements to the Property align with the open space goals of the Ordinance. For these reasons, there is no public interest served by denying the variance relief being sought. On the contrary, there is a public policy and interest served by allowing reasonable accommodations to people with recognized physical limitations or disabilities so that they may continue to reside in their own homes long-term. In balancing the equities, it would constitute an injustice to deny the variances.

Surrounding property values will not be diminished by granting the variances.

The left (west), right (east) and rear (south) abutting property owners have all written letters of support for the Applicants’ project and the variances being sought. These properties are the most directly impacted by the Applicants’ plans. If there was a legitimate concern about the diminution of surrounding property values, these abutting owners would not have written letters of support. In the end, the proposed addition is only one story in height and will comply with the building setbacks and be situated a considerable distance from the nearest abutting structures. The proposed addition, bulkhead and wheelchair ramp will not create any tangible impact upon the abutting properties. The addition is tastefully designed and will be in keeping with the character of homes and structures on surrounding properties. Therefore, the proposed improvements should only help to preserve or enhance surrounding property values.

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

The Property has special conditions that distinguish it from surrounding properties such that it is unreasonably burdened if the SRB Zoning standards are strictly applied to it.

The most prominent special conditions of the Property are its size and width. The Property was created long before current SRB zoning standards were adopted. The Property remains in its original configuration from when the Westfield Subdivision Plan of 1927 was recorded. It has only 5,703 square feet of land area, which is 38% of what is required in the SRB Zoning District. It is smaller than most of the surrounding properties on Aldrich Road, which average approximately 0.21 acres or 9,119 square feet in size. **Exhibit D.** It, along with the abutting properties to the left (west) and right (east) are the smallest in the neighborhood. **Exhibit E.** If the Property were 9,148 square feet in size, the proposed building coverage would be 19.3%. If it had the required 15,000 square feet of lot area, the proposed building coverage would be 11.8%.

The Property is also approximately 50' wide. Much of the existing home is just over 28' in width, which is relatively narrow by today's homebuilding standards. This means that almost any expansion of the existing footprint to the left (east) or right (west) requires a setback variance.

When considering the special conditions of the Property, there is no fair and substantial relationship between the general purposes of the SRB building coverage and setback requirements and their application to the Property.

The proposed use of the Property is also reasonable. The Property will continue to be used for single-family residential purposes, a use which is permitted and encouraged within the SRB Zoning District.

Alternative Hardship Test (RSA 674:33, V)

RSA 674:33, V provides that the Board "may grant a variance from the terms of a zoning ordinance without finding a hardship arising from the condition of a premises subject to the ordinance, when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that:

- (a) Any variance granted under this paragraph shall be in harmony with the general purpose and intent of the zoning ordinance.
- (b) In granting any variance pursuant to this paragraph, the zoning board of adjustment may provide, in a finding included in the variance, that the variance shall survive only so long as the particular person has a continuing need to use the premises.

In the present case, Leslie Nuchow's medical provider has determined, due to her medical conditions, which limit her physical ability to safely navigate stairs, that it is necessary for her to reside in an accessible first floor living arrangement. **See Exhibit A.** The proposed first floor renovation and addition allows for that. For the reasons outlined above, the Applicants submit to

the Board that granting the variances will be consistent with the spirit and intent of the building setback and coverage restrictions. Accordingly, in addition to meeting the standard hardship criteria outlined in RSA 674:33, I(e), the alternative hardship test outlined in RSA 674:33, V is also met.

CONCLUSION

The Applicants, Emily and Leslie, thank you for your time and consideration of their application and respectfully request your approval of the variances being requested.

September 24, 2025

Respectfully Submitted,
Emily Hartzell
Leslie Nuchow

A handwritten signature in black ink, appearing to read "Derek R. Durbin". The signature is fluid and cursive, with a large loop at the end.

By: Derek R. Durbin, Esq.
DURBIN LAW OFFICES PLLC
144 Washington Street
Portsmouth, NH 03801
(603)-287-4764
derek@durbinlawoffices.com

EXHIBIT A

THE AIM CLINIC

Physical and Occupational Therapy

9/11/2025

To Whom It May Concern,

I am writing on behalf of my patient, Leslie Nuchow, whom I have been treating for chronic medical conditions that significantly limit her mobility and ability to safely navigate stairs.

Ms. Nuchow experiences severe knee pain that restricts her walking and makes stair use especially difficult. In addition, she has respiratory issues that are exacerbated by walking and climbing stairs, further compromising her safety and independence.

Due to these health concerns, it is medically necessary for Ms. Nuchow to reside in a one-story living arrangement. Climbing or descending stairs places her at increased risk of falls, injury, respiratory distress, and worsening of her underlying conditions. A single-level home will provide a safer environment and support her quality of life.

Please accept this letter as a formal medical recommendation in support of her need for one-story housing. If additional information is required, please do not hesitate to contact my office.

Sincerely,



Susanne Clare, NP-C
NPI 1245780345

1 Hampton Road, Suite 301, Exeter, NH 03833

theaimclinic.com / info@theaimclinic.com / p. 603.583.4603 / f. 603.583.4469

EXHIBIT B-1

Chair of Zoning Board of Adjustment
City Hall
1 Junkins Ave.
Portsmouth, NH 03801

August 12, 2025

To the Board of Adjustment -

We are writing on behalf of the application for a variance by Leslie Nuchow and Emily Hartzell of 204 Aldrich Road. Our property abuts theirs, and we support their plan to build an addition behind their existing home.

Sincerely,

Liz Mackey (Elizabeth Mackey) 8-12-25
Carl Pufahl 8/12/25

Liz Mackey
Carl Pufahl
214 Aldrich Road
Portsmouth, NH 03801

EXHIBIT B-2

Chair of Zoning Board of Adjustment
City Hall
1 Junkins Ave.
Portsmouth, NH 03801

August 15, 2025

To the Board of Adjustment -

Our property at 196 Aldrich Road abuts the property of Leslie Nuchow and Emily Hartzell at 204 Aldrich Road. They have told us about their plan to add on to the rear of their house. We fully support their plan and support the Board issuing necessary variances for this project. In addition, we would add that this residential neighborhood was created (subdivided) long before zoning laws were created. See Plan #0643 (Rockingham County Registry of Deeds), 1929 Plan of Westfield Park; see *also* 1917 Plan, Plan #0233. In that regard, we would urge the Board to account for more modern land uses and accessibility needs when administering the City's land use controls.

Sincerely,

/s/ Josh Wyatt

/s/ Erin Hichman

Erin Hichman and Josh Wyatt
196 Aldrich Road
Portsmouth, NH 03801

EXHIBIT B-3

Chair of Zoning Board of Adjustment
City Hall
1 Junkins Ave.
Portsmouth, NH 03801

8/16/25

To The Members of the Board of Adjustment,

We own the property at 2 Joffre Terrace.

Our yard abuts Leslie Nuchow and Emily Hartzell's yard at 204 Aldrich Road.

We have no objection to their plans to add on to the back of their home. We support their variance application.

Thank you,

Florine and Gabrielle Hilson

EXHIBIT C

Address	Tax Lot	Zone	Size (AC)	Size (Sq Ft) - Approx.
<u>East/Left</u>				
196 Aldrich Rd	153-25	SRB	0.13	5663
178 Aldrich Rd.	153-22	SRB	0.25	10890
170 Aldrich Rd.	153-21	SRB	0.25	10890
<u>West/Right</u>				
260 Aldrich Rd.	166-12	SRB	0.17	7405
234 Aldrich Rd.	166-11	SRB	0.25	10890
224 Aldrich Rd.	166-10	SRB	0.22	9583
214 Aldrich Rd.	153-27	SRB	0.13	5663
<u>North/Front</u>				
277 Aldrich Rd.	166-7	SRB	0.26	11326
261 Aldrich Rd.	166-8	SRB	0.21	9148
245 Aldrich Rd.	166-9	SRB	0.19	8276
213 Aldrich Rd	153-28	SRB	0.2	8712
0 Aldrich Rd	153-28-1	SRB	0.21	9148
191 Aldrich Rd	153-29	SRB	0.2	8712
181 Aldrich Rd	153-30	SRB	0.21	9148
<u>South/Rear</u>				
2 Joffre Terrace	153-24	SRB	0.26	11326
Average Sq. Ft.				9,119

EXHIBIT D**Property Information**

Property ID 0153-0026-0000
 Location 204 ALDRICH RD
 Owner NUCHOW HARTZELL FAMILY TRUST

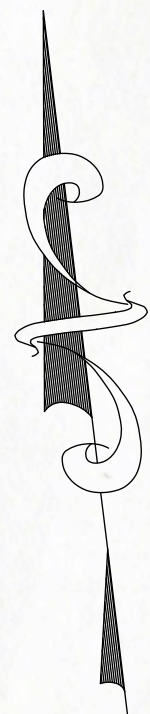


**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

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 09/26/2024

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



Lot Coverage

204 Aldrich Rd

Lot 0153-0026-000 Zone SRB

Lot size 5703sqft

Building Coverage Existing total 1146 sqft

Existing Home	918 sqft
Shed TBR	96 sqft
Porch and bulkhead TBR	132 sqft

Building Coverage Proposed total 1761 sqft

Shed TBR	
Porch and bulkhead TBR	
New Bulkhead*	5 sqft
Existing Home	918 sqft
Proposed 1 Story Addition	838 sqft

Proposed total new building coverage 30.8%
Allowed for SRB 20%

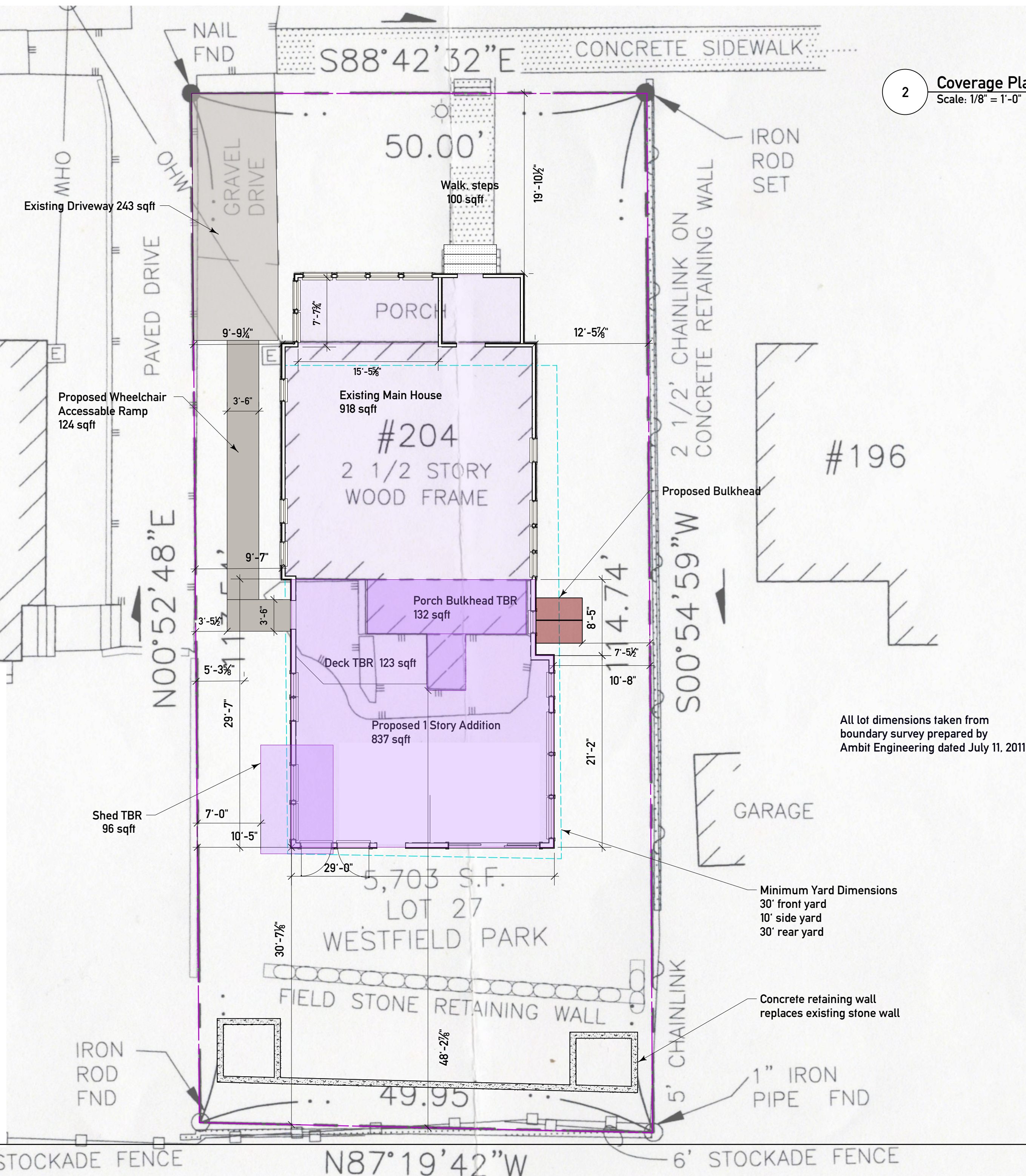
Open Space

House deck porch	1173 sqft
Shed drive walk	382 sqft
Existing open space	73%

House and 1 story addition	1756 sqft
Bulkhead** drive walk	396 sqft
Handicap Ramp	124 sqft
Proposed new open space	61%

Allowed minimum for SRB 60%

* area of proposed bulkhead over 18"
** total area of proposed bulkhead



2

Coverage Plan
Scale: 1/8" = 1'-0"

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Hugo Design

105 Bartlett St Ste 206
Portsmouth, NH 03801
207.752.3046 info@charleshugo.com

Leslie and Emily

204 Aldrich Rd
Portsmouth, NH

Site Plan

Lot Coverages

Hugo Design

10 Pepperrell Rd
Kittery Point, ME 03905
207.752.3046
info@charleshugo.com

Date: 9/24/25

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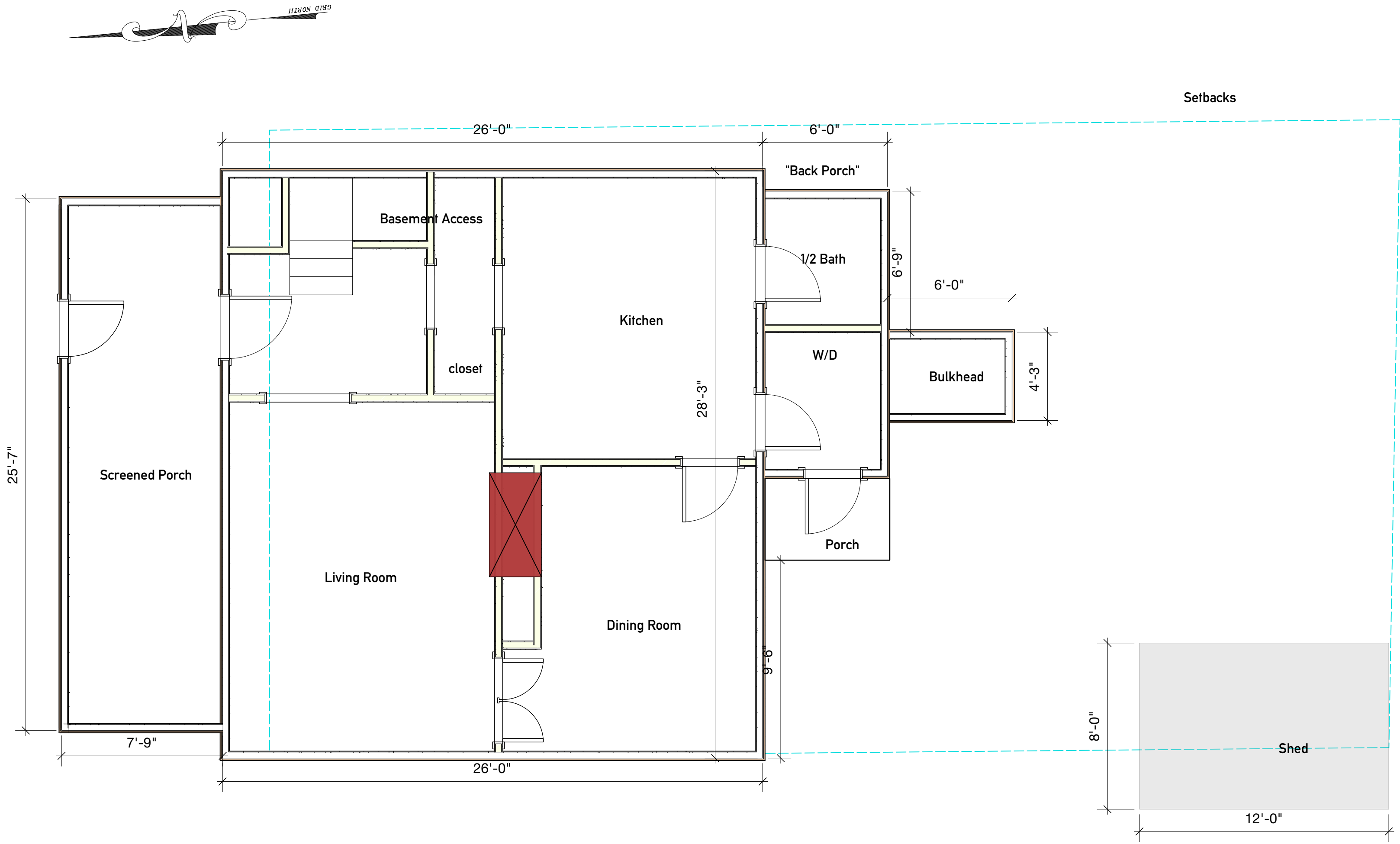
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1.0 1st Floor Existing
Scale: 1/4" = 1'-0"

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Proj. Date: CAD File Name: Nuchow 9-16-25 B.W. Variance Copy.vwx

Hugo Design
105 Bartlett Street 206
Portsmouth, NH 03801
207.752.3046 info@charleshugo.com

Leslie and Emily
204 Aldrich Rd
Portsmouth, NH

First Floor Existing

Project Title

Sheet Title

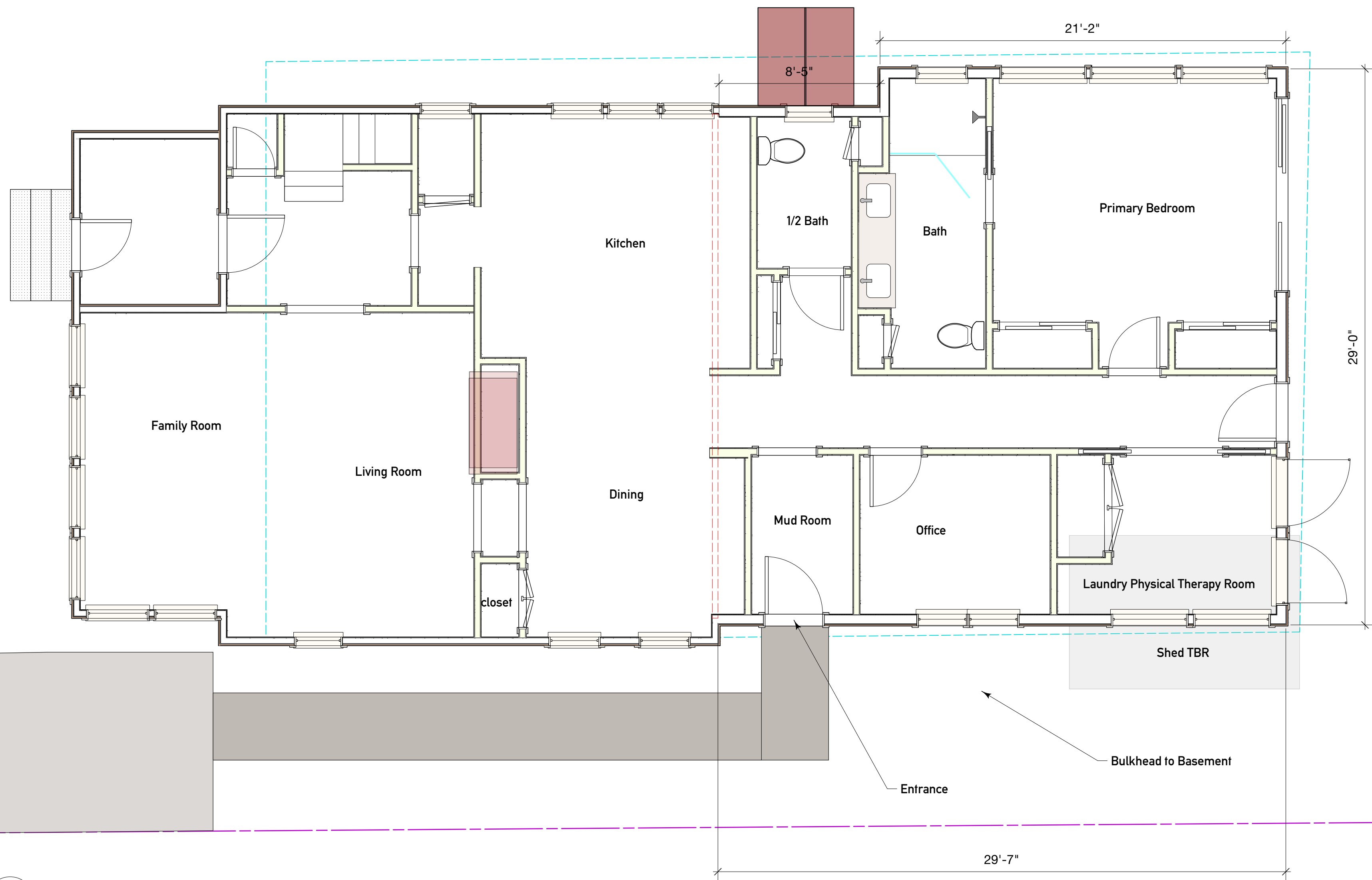
Hugo Design

10 Pepperrell Rd
Kittery Point, ME 03905
207.752.3046
info@charleshugo.com

Date: 9/16/25

Sheet No.

1.1



Proposed 1 Story Addition
Scale: 1/4" = 1'-0"

Plot Date	CAD File Name
	Nuchow 9-16-25 B:W Variance Copy.vwx

105 Bartlett St ste 206
Portsmouth, NH 03801
207.752.3046 info@charleshugo.com

204 Aldrich Rd
Portsmouth, NH

One Story

Designed By	Drawn By	Sheet Scale
CCH	CCH	$1/4" = 1'-0"$

10 Pepperrell Rd
Kittery Point, ME 03905
207.752.3046
info@charleshugo.com

Date 9/5/25

1.4



Existing West Elevation



8.1 Proposed Elevation West
Scale: 1/4" = 1'-0"

Project Title		Project Title		Project Title	
Elevation West		Leslie and Emily		Hugo Design	
Designed By CCH		204 Aldrich Rd Portsmouth, NH		105 Bartlett St Ste 206 Portsmouth, NH 03801	
Drawn By CCH		207.752.3046 info@charleshugo.com		207.752.3046 info@charleshugo.com	
Sheet Scale 1/4" = 1'-0"		Nuchow 9-16-25 B.W Variance Copy.vwx		Nuchow 9-16-25 B.W Variance Copy.vwx	
Date 9/17/25		All rights reserved. The drawings, designs and ideas embodied herein are the property of Charles Hugo or Hugo Design and shall not be used for any other project without the written authorization of Charles Hugo or Hugo Design.		All rights reserved. The drawings, designs and ideas embodied herein are the property of Charles Hugo or Hugo Design and shall not be used for any other project without the written authorization of Charles Hugo or Hugo Design.	
Sheet No. 8.3					



Existing Rear Elevation

8.1

Proposed Elevation South
Scale: 1/4" = 1'-0"

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Project Title: CAD File Name: Nuchow 9-16-25 B.W Variance Copy.vwx
Date: 9/17/25

Hugo Design
105 Bartlett St Ste 206
Portsmouth, NH 03801
207.752.3046 info@charleshugo.com

Leslie and Emily
204 Aldrich Rd
Portsmouth, NH

Elevation South

Designed By: CCH
Drawn By: CCH
Sheet Scale: 1/4" = 1'-0"

Hugo Design

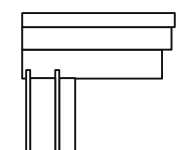
10 Pepperrell Rd
Kittery Point, ME 03905
207.752.3046
info@charleshugo.com

Date: 9/17/25
Sheet No:

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Proposed Elevation North
Scale: 1/4" = 1'-0"



Nuchow 9-16-25 B:W Variance Copy.vwx

Leslie and Emily
204 Aldrich Rd
Portsmouth, NH

Elevation Street (North)

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Hugo Design

10 Pepperrell Rd
Kittery Point, ME 03905
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info@charleshugo.com

9/23/25

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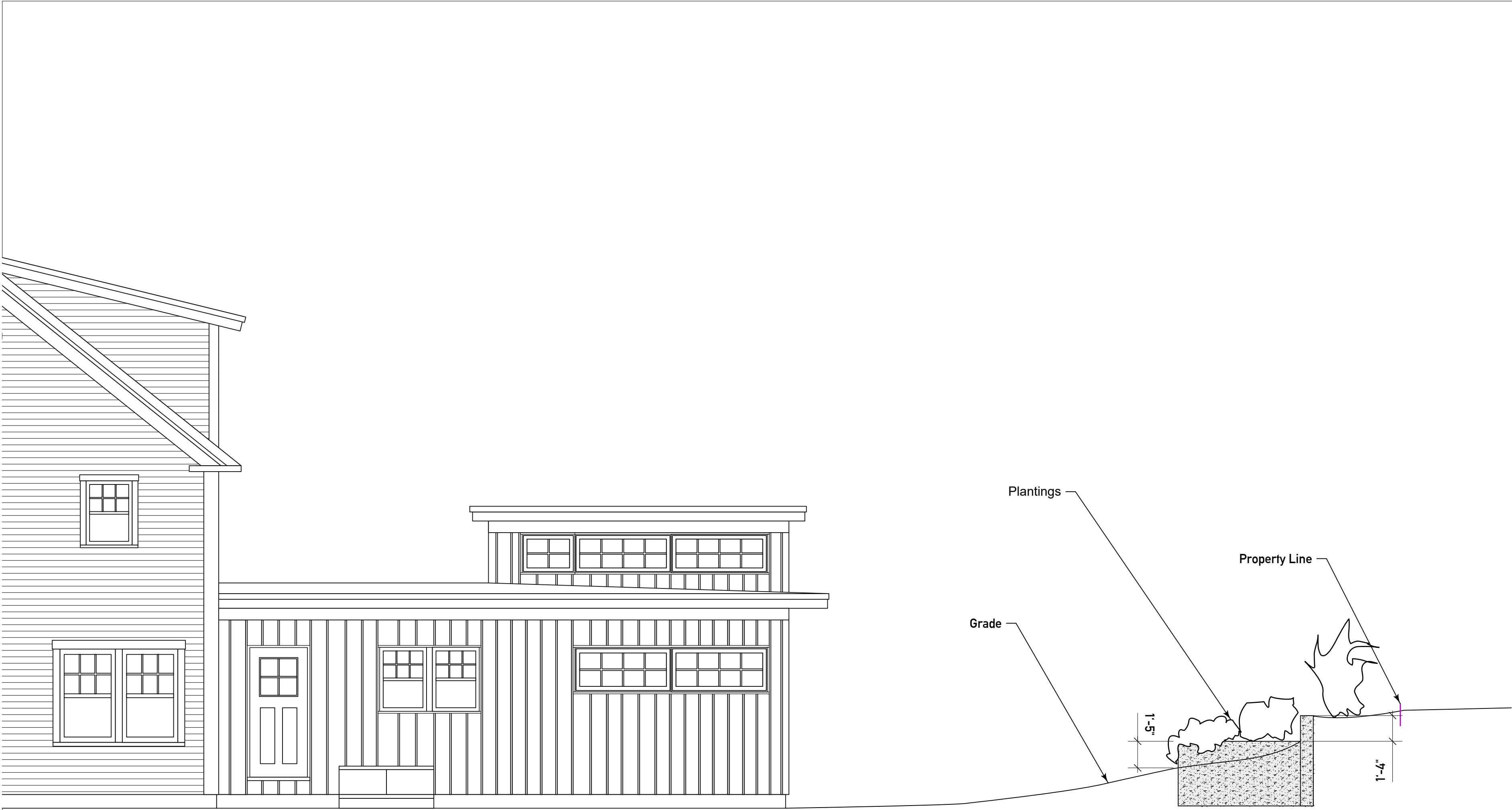


Existing East Elevation



8.1 **Proposed Elevation East**
Scale: 1/4" = 1'-0"

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Hugo Design 105 Bartlett St Ste 206 Portsmouth, NH 03801 207.752.3046 info@charleshugo.com		Leslie and Emily 204 Aldrich Rd Portsmouth, NH		Elevation East		Nuchow 9-16-25 B-W Variance Copy.vwx	
Hugo Design 10 Pepperrell Rd Kittery Point, ME 03905 207.752.3046 info@charleshugo.com		Designed By CCH		Drawn By CCH		Sheet Scale 1/4" = 1'-0"	
Date 9/23/25		Sheet No. 8.1					



1 Retaining Wall Detail
Scale: 1/4" = 1'-0"

Hugo Design 105 Bartlett St Ste 206 Portsmouth, NH 03801 207.752.3046 info@charleshugo.com		Leslie and Emily 204 Aldrich Rd Portsmouth, NH		Hardscape Plan Retaining Wall Detail		Project Title		All rights reserved. The drawings, designs and ideas embodied herein are the property of Charles Hugo or Hugo Design and may not be reproduced, stored in a retrieval system, or used in any work other than the project for which they have been prepared without the prior written consent or express written authorization of Charles Hugo or Hugo Design.	
Designed By	CCH	Drawn By	CCH	Sheet Scale	3/16" = 1'-0"	Sheet Title	Project Title	Sheet No.	5.2
Hugo Design 10 Pepperrell Rd Kittery Point, ME 03905 207.752.3046 info@charleshugo.com						Date 10/7/25			
Date 10/7/25						Sheet No. 5.2			

EXTERIOR PHOTOS



Front Elevation View



Front / Right Side Elevation



Rear Elevation

INTERIOR PHOTOS



Staircase



First Floor Bathroom

II. NEW BUSINESS

- F. The request of **Trenton and Denise Sensiba (Owners)**, for property located at **0 and 12 Ruth Street** whereas relief is needed for a lot line adjustment which requires the following: 1) Variance from Section 10.521 for 20.66 feet of frontage on Map 143 Lot 16 where 100 feet is required. Said property is located on Assessor Map 143 Lots 16 and 9-1 and lies within the General Residence A (GRA) District. (LU-25-118)

Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	Lot Line Adjustment	Primarily Residential
<u>Lot area (sq. ft.):</u>	12 Ruth St: 29,500 0 Ruth St: 16,022	12 Ruth St: 28,613 0 Ruth St: 16,909	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	12 Ruth St: 29,500 0 Ruth St: 16,022	12 Ruth St: 28,613 0 Ruth St: 16,909	7,500 min.
<u>Lot depth (ft.):</u>	12 Ruth St: 152 0 Ruth St: 147	12 Ruth St: 152 0 Ruth St: 107	70 min.
<u>Street Frontage (ft.):</u>	12 Ruth St: 145 0 Ruth St: 0.66	12 Ruth St: 125 0 Ruth St: 20.66	100 min.
<u>Front Yard (ft.):</u>	12 Ruth St: 29	12 Ruth St: 29	15 min.
<u>Right Side Yard (ft.):</u>	12 Ruth St: 34.6	12 Ruth St: 14.6	10 min.
<u>Left Side Yard (ft.):</u>	12 Ruth St: 13.96	12 Ruth St: 13.96	10 min.
<u>Secondary Front Yard (Waterfront) (ft.):</u>	12 Ruth St: 52.5	12 Ruth St: 52.5	15 min.
<u>Building Coverage (%):</u>	12 Ruth St: 9.4	12 Ruth St: 9.7	25 max.
<u>Open Space Coverage (%):</u>	12 Ruth St: 79.2	12 Ruth St: 78.5	30 min.
<u>Parking</u>	>2	>2	2
<u>Estimated Age of Structure:</u>	1990	Variance request(s) shown in red.	

Other Permits/Approvals Required

- Subdivision/LLA Approval – Technical Advisory Committee and Planning Board
- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

- No previous BOA history.

Planning Department Comments

The applicant is the current property owner of two lots at 12 Ruth Street (Map 143, Lot 9-1) and 0 Ruth Street (Map 143, Lot 16) and is proposing a lot line adjustment to transfer an 887 SF parcel (A) from 12 Ruth Street to 0 Ruth Street. The Lot Line Adjustment will increase existing frontage on the 0 Ruth Street parcel from 0.66 ft. to 20.66 ft and requires relief from the 100 ft. frontage requirement in the GRA District.

Variance 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.

Variance Application for §10.521 Street Frontage

Applicants: Trenton Sensiba and Denise Sensiba, 12 Ruth Street, Portsmouth, NH 03801

Regarding Property: Assessor Map 143, Lot 16 (“Lot 16”), Ruth Street, Portsmouth, NH 03801
Assessor Map 143, Lot 9-1, 12 Ruth Street, Portsmouth, NH 03801

Zoning District: General Residence A (GRA)

Relief Requested: To grant the Applicants a variance from §10.521 of the Zoning Ordinance which requires 100 feet of continuous street frontage because the Applicants seek to increase Lot 16’s existing non-conforming street frontage of less than one foot to 20.66 feet of frontage through a lot line adjustment of land from 12 Ruth Street.

To: Esteemed Members of the Portsmouth Zoning Board of Adjustment

Dear Members of the Board,

Lot 16 is an existing nonconforming lot under §10.310 of the Zoning Ordinance. Specifically, Lot 16 qualifies as a non-conforming lot under §10.312, because it was shown on a recorded plan in 1902 (which was on or before March 21, 1966). At some point, the City inadvertently merged Lot 16 with 12 Ruth Street, but Lot 16 was restored to independent status by the Planning Board in 1988. Under §10.312, lots such as Lot 16 are recognized as compliant with frontage despite having less than the required minimum.

Vehicle access to Lot 16 presently requires the use of a prescriptive easement over 12 Ruth Street. As a matter of practice, it is often better for property owners to have fee simple ownership of access to their property rather than relying on a prescriptive easement. Driveway easements are one of the most common sources of property disputes in property law. They require ongoing cooperation between owners, invite conflicts over maintenance and liability, and can restrict access when blocked or neglected. Lenders and buyers view them as unstable, and emergency vehicles prefer clear, fee-simple frontage. Owning the access outright removes these risks and provides certainty.

The Applicants wish to secure such legal ownership for their vehicle access. To effectuate this, the Applicants propose to transfer a small strip of land from the adjoining 12 Ruth Street to Lot 16. This will require approval of a lot line adjustment. Approval of the lot line adjustment also requires a redetermination of the non-conforming status because even though the frontage is increasing, Lot 16’s increased frontage will still remain non-conforming, albeit to a lesser extent.

The lot line adjustment is expected to:

- Increase Lot 16's frontage from its present 0.66 feet and bring its frontage to 20.66 feet, closer to conformity with the current frontage requirements.
- Provide Lot 16 with a safe, fee-simple owned driveway instead of the existing prescriptive easement over 12 Ruth Street which often causes conflict and hardships in court
- Allow 12 Ruth Street to be unburdened by the easement.
- Align Lot 16 with many other dead-end street lots in Portsmouth that have less than the required frontage yet function safely and effectively under the ordinance.

The Applicants are aware that other non-conforming lots exist in the City. For example, 141 and 142 Mill Pond Way (Map 140, Lots 20 and 24), also abutting North Mill Pond, do not meet frontage and were built in 2012 and 2018. Those lots are also at a dead-end residential street zoned GRA, like Lot 16.

Dead-end lots present a unique situation and often achieve the ordinance's purposes without strict enforcement of the frontage requirement. The City has long recognized that many historic lots do not strictly conform to frontage standards, yet continue to provide safe, orderly, and attractive residential use.

Also, in 2024, the Board granted relief at 0 Melbourne Street, a long-standing nonconforming lot of record that lacked the 100 feet of frontage required by §10.521.

Analysis of the Five Criteria (§10.233)

1. Not Contrary to the Public Interest (§10.233.21)

Frontage requirements exist to ensure safe access, orderly development, and preservation of neighborhood character. This variance advances those goals by increasing Lot 16's frontage and providing a clear, fee-owned access strip, thereby making the existing, Planning Board approved lot more compliant with today's code.

In addition, the proposed frontage strip for the lot line adjustment also contains land where the City currently directs public stormwater runoff from Ruth Street. If it remains part of 12 Ruth Street, which will be sold, future cooperation with the City would be uncertain on how the City addresses its stormwater runoff onto 12 Ruth Street and Lot 16. By approving this variance, the strip becomes part of Lot 16, where the Applicants have already demonstrated willingness to work with the City to address the City's public stormwater management for Ruth Street. This outcome protects public infrastructure, reduces legal conflict, and serves the community's interest in safe and orderly residential development.

The lot line adjustment will not change the character of the neighborhood in that the neighborhood is zoned as GRA and the Applicants plan to keep Lot 16 residential. Accordingly, granting the variance will not be contrary to the public interest.

Denying this variance doesn't serve the public and it also doesn't erase Lot 16 or its rights. It simply locks the property into the worst possible non-conforming state — stuck at less than a foot of frontage, forever dependent on an easement.

2. Spirit of the Ordinance Observed (§10.233.22)

The spirit of the frontage requirement is to ensure each lot has adequate frontage along a public street for safe access and compatibility with surrounding properties. The Applicants' variance request for its lot line adjustment advances these purposes by increasing Lot 16's frontage relative to its current condition. The lot will still preserve all other zoning standards, including setbacks and lot area.

Because Lot 16 is located at the end of a quiet dead-end street, its frontage geometry is unique. As such, the variance does not present the same crowding concerns that reduced frontage along a busier, linear street could produce. For these reasons, granting the variance will be consistent with the spirit of the ordinance.

The Applicants are not asking the Board to create a new non-conformity. They are asking the Board to make an existing one less severe. From 0.66 feet to 20.66 feet is a move toward compliance.

3. Substantial Justice Done (§10.233.23)

Granting the variance will enable the Applicants to obtain legal fee simple ownership of the ingress and egress to their property. Therefore, granting the variance will effectuate substantial justice.

Denial of this variance, on the other hand, would prevent the Applicants from obtaining 100% control over their ingress and egress without any counter balanced public benefit for the denial. Lot 16 is already a lawful nonconforming lot under the City Ordinance. If denied, the Applicants would be forced to rely on a prescriptive easement over 12 Ruth Street for access. In short, there would be common ownership of the land over which the Applicants will traverse if the variance is denied; the Applicants will not be able to have 100% control over their ingress and egress property. That would be a less orderly and less stable outcome.

12 Ruth Street will be sold soon while the applications keep lot 16. Driveway easements are one of the most litigated property issues in New Hampshire. They force constant cooperation between neighbors, spark disputes over maintenance and liability, and leave access vulnerable to obstruction or conflict. This directly undermines the purpose of the frontage requirement — safe, orderly, and reliable access. By contrast, fee-simple ownership provides clarity for emergency response, stability for lenders and buyers, and consistency with the ordinance's intent. Lots that rely solely on prescriptive easements are viewed as unstable in the market, reducing value and tax base. And when disputes arise, they often spill into City resources — from police calls to court cases. Forcing Lot 16 to remain dependent on one of the most dispute-prone legal tools in property law, when a simple lot line adjustment can fix the problem, would be both unsafe and

unfair. The Board has recognized in past cases, including 0 Melbourne Street, that relief is warranted to correct a lack of frontage rather than locking these lots in permanently.

There is another ancillary public benefit for granting the variance and this involves the City's stormwater from Ruth Street that currently inundates the Applicants' properties. The Applicants have approached the City to discuss an easement for the City to control its Ruth Street stormwater. This easement would run along the current boundary between 12 Ruth Street and Lot 16. 12 Ruth Street will be up for sale soon. If sold, and if there is no lot line adjustment, the City will have to negotiate with two, not just one, property owner regarding the design of the easement and stormwater easement. This may leave the stormwater management uncertain under the new ownerships.

4. Values of Surrounding Properties Not Diminished (§10.233.24)

The adjustment is not expected to diminish surrounding property values because the Planning Board approved this subdivision in 1902 as numerous residential lots. Since 1902, some of these lots have legally changed their lot lines by merging. Indeed, Lot 16 comprises three of those early 1902 50-foot frontage lots. These lot line changes have not caused the values reported in the tax cards to decline, therefore, the Applicants have no expectation that their lot line adjustment will diminish property values on Ruth Street especially when there is no evidence that 141 and 142 Mill Pond Way's minimal frontage diminished property values in that neighborhood.

The lot line adjustment and associated frontage variance will not change the character of this residential GRA zoned neighborhood and thereby cause property values to diminish. Lot 16 will remain in keeping with the neighborhood's character, with increased frontage and preserved setbacks. By clarifying legal access and stormwater control, the variance strengthens the stability and value of both lots and avoids conflict that might otherwise adversely impact neighboring properties.

5. Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship. (§10.233.25)

(§10.233.31) Owing to special conditions of the property that distinguish it from other properties in the area, (a) no fair and substantial relationship exists between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and (b) the proposed use is a reasonable one. (Under this provision, an unnecessary hardship shall be deemed to exist only if both elements of the condition are based on the special conditions of the property.)

Lot 16's condition was created by the City's own actions in 1902 and 1971, not by the Applicants. In 1988, the City itself acknowledged this and restored Lot 16 as an approved subdivision lot of record.

Literal enforcement of the frontage requirement would create unnecessary hardship due to Lot 16's special physical conditions. Lot 16 is located at the end of a dead-end street. Lot 16's

frontage geometry is different than the rest of the street and many other lots. Achieving full 100 feet of frontage is not physically possible in this case.

That is because Lot 16 is the aggregation of three historic house lots approved by the Planning Board in 1902. In 1902, the three lots, combined, had about 150 feet of frontage on the proposed Ruth Street. In 1902, Ruth Street was proposed to extend to North Mill Pond. The City, however, did not accept the proposed dedication. In 1971, the City accepted a deed of a different dedication of Ruth Street, one that only gave Lot 16 about 0.66 feet of frontage. These approvals caused Lot 16 to have physically different frontage conditions than other residential lots on Ruth Street. This made Lot 16 physically unable to satisfy the frontage requirement.

The 100-foot frontage requirement restriction on Lot 16 (see §10.521-Table of Dimensional Standards) is not necessary to give full effect to the purpose of the ordinance, which is to “promote public safety, health, convenience, comfort, prosperity and general welfare.” (see §10.141). Full application of the Dimensional Standards to Lot 16 is not necessary to promote a valid public purpose of keeping the property zoned GRA and limited to residential use.

Relief can be granted without frustrating the purpose of the ordinance because Lot 16 is already a legal nonconforming residential lot. As such, the lot already satisfies the public purpose of the ordinance. The Applicants simply seek to make Lot 16 more compliant by increasing the frontage. The Applicants make no request to change Lot 16’s GRA zone or its residential use, therefore Lot 16 will remain a reasonable use after the lot line adjustment and associated variance.

Requiring strict compliance would impose a hardship by preventing the Applicants from benefiting from a lot line adjustment to increase Lot 16’s fee simple frontage and improve compliance. It would force the Applicants to rely on an easement over 12 Ruth Street for ingress and egress, which is a less stable and valuable outcome because of the servient and dominant estates that land ownership creates.

Granting the variance avoids these hardships while still meeting the ordinance’s intent of ensuring safe access, orderly development, protection of neighborhood character, as well as promoting public safety, health, convenience, comfort, prosperity and general welfare.

Finally, it is only fair that Lot 16 receive the same relief the Board has granted in other recent cases, such as 0 Melbourne Street and Mill Pond Way. Denying here would leave Lot 16 uniquely trapped in a condition the Board has already recognized as warranting relief elsewhere. The Applicants are not asking for special treatment. They are asking for equal treatment. Portsmouth has long recognized that historic nonconforming lots deserve a path forward. This Board has granted similar relief for other dead-end and undersized lots. It would be arbitrary and unfair to leave Lot 16 locked in its worst-case frontage condition when the same correction has been allowed elsewhere.

Thank you for your time. Warmest Regards,

Trenton and Denise Sensiba

Ruth Street, 143-16



Mill Pond Way, a dead-end street on the North Mill Pond, provides a comparison.



CURRENT STREET FRONTAGE DOCUMENTATION for NONCONFORMING LOT

Denise Sensiba has filed for a variance for frontage on Ruth Street of her Lot 16 for a lot line adjustment. This Street Frontage Documentation is intended to set forth how Lot 16 is an existing approved nonconforming residential lot. Lot 16 is identified as City Assessor Map 143, Lot 16 (the “Property”). The Property is located within the City’s General Residence A Zoning District (the “GRA District”).

Lot 16 is a legal nonconforming lot for the following reasons:

Article 3, Section 10.312 of the Portsmouth Zoning Ordinance outlines frontage requirements where the lot meets the minimum lot area requirements but has less than the minimum street frontage.

Under **Section 10.312.30**, the frontage of a lot is considered to be in compliance if any of three identified conditions are met. Lot 16 meets two of the three listed conditions. Specifically, Ordinance section 10.310 and subsections 10.312.20 and 10.312.30.

Lot 16 was “shown on a plan or described in a deed recorded after March 21, 1966”, and “such lot was created in compliance with the Zoning Ordinance, Subdivision Rules and Regulations” and such other ordinances and regulations which properly apply and were in effect at the time of recording in the Rockingham County Registry of Deeds. Section 10.312.30

Additionally, Lot 16 qualifies as a legal nonconforming lot under Section 10.312.20 because the subject lots have been under contiguous ownership, were shown on recorded plans and described in recorded deeds on or before March 21, 1966 and the Planning Board approved the plat.

In support of both analyses:

- Please see the attached **1902 subdivision plan**, which shows the Property as separate parcels prior to later conveyances. Three of the approved 1902 lots were merged to create what is now Lot 16. At the time the lots were approved by the City, the developer proposed Ruth Street extending to North Mill Pond. The developer also sold lots per this 1902 plan and those deeds are recorded at the registry of deeds, thereby perfecting the developer’s ‘dedication’ under RSA 231 of Ruth Street. The City, however, did not timely accept the dedicated street so it reverted to the developer.
- Please see the attached **1988 Corrective Deed**, which reinstated the Property after it was inadvertently merged with 12 Ruth Street. This deed also included the City of **Portsmouth Planning Board’s approval of Lot 16**, which formally recognized and restored the Property as a separate, buildable lot of record.
- Please see the attached 1971 deed where the developer deeded Ruth Street to the City and describes Ruth Street as being just over 409 feet in length.
- Please see the attached survey plan showing the metes and bounds of the 1971 described street as well as the boundary of Lot 16. As shown on the survey plan, Lot 16 fronts on Ruth Street. The frontage is minimal; however, frontage exists and qualifies the lot as a

legal nonconforming residential lot consistent with the Planning Board's 1988 approval and Section 10.310 of the City's ordinance.

Portsmouth Zoning Ordinance:

Article 3: Nonconforming Lots

Section 10.310 Nonconforming Lots

10.311

Any lot that has less than the minimum lot area or street frontage required by this Ordinance shall be considered to be nonconforming, and no use or structure shall be established on such lot unless the Board of Adjustment has granted a variance from the applicable requirements of this Ordinance.

10.312

Notwithstanding the provision of Section 10.311, a lot that has the minimum lot area but has less than the minimum street frontage required by this Ordinance shall be considered to be in compliance with respect to the frontage requirement if one of the following conditions applies:

- **10.312.10**

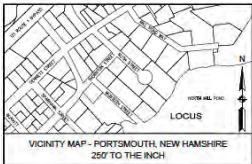
The lot was shown on a recorded plan or described in a recorded deed on or before March 21, 1966, and such lot was not held in common ownership with any adjoining or contiguous lot on or before March 21, 1966; or

- **10.312.20**

The lot was shown on a recorded plan or described in a recorded deed on or before March 21, 1966, and the Planning Board has approved a plat demonstrating that such lot and all adjoining or contiguous lots under common ownership have been combined to create a lot or lots most nearly consistent with the minimum street frontage requirement; or

- **10.312.30**

The lot was shown on a plan or described in a deed recorded after March 21, 1966, and such lot was created in compliance with the Zoning Ordinance, Subdivision Rules and Regulations and such other ordinances and regulations which properly apply and were in effect at the time of recording in the Rockingham County Registry of Deeds.



VICINITY MAP - PORTSMOUTH, NEW HAMPSHIRE
250 TO THE INCH

NOTES

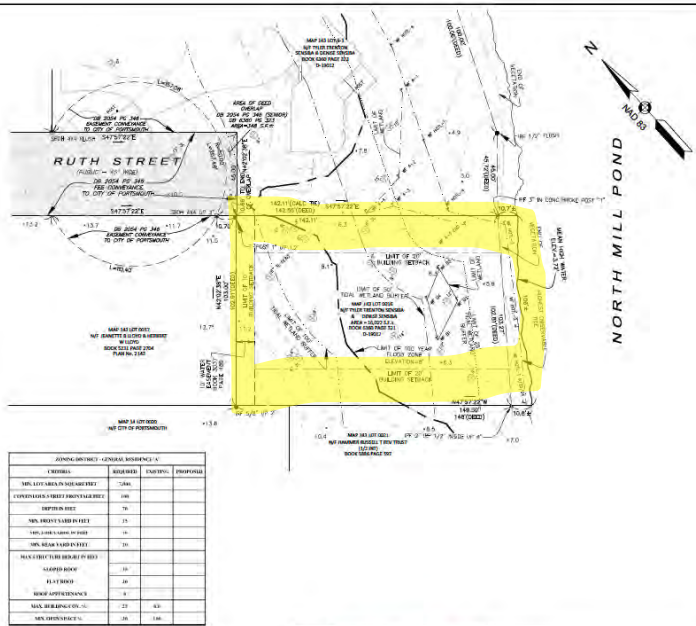
1. THE PURPOSE OF THIS PLAN IS TO SHOW EXISTING PROPERTY LINES AND THE RESULT OF AN AS-BUILT SURVEY OF THE PROPERTY LINES. THIS PLAN IS NOT A DEED OR A SUBSTITUTE FOR A DEED.
2. MEASUREMENTS AND SURVEY DATA ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 AND THE NORTH AMERICAN HORIZONTAL DATUM OF 1983. MEASUREMENTS AND SURVEY DATA ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 AND THE NORTH AMERICAN HORIZONTAL DATUM OF 1983.
3. LAND MEASUREMENTS OF PRIVATE PROPERTY ARE BASED ON THE RESULT OF THIS SURVEY. MEASUREMENTS AND SURVEY DATA ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 AND THE NORTH AMERICAN HORIZONTAL DATUM OF 1983.
4. ALL MEASUREMENTS, SURVEY DATA AND SURVEY DATA ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 AND THE NORTH AMERICAN HORIZONTAL DATUM OF 1983.
5. THE SURVEYOR HAS REVIEWED THE SURVEY DATA AND THE RESULT OF THIS SURVEY. MEASUREMENTS AND SURVEY DATA ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 AND THE NORTH AMERICAN HORIZONTAL DATUM OF 1983.
6. THE SURVEYOR HAS REVIEWED THE SURVEY DATA AND THE RESULT OF THIS SURVEY. MEASUREMENTS AND SURVEY DATA ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 AND THE NORTH AMERICAN HORIZONTAL DATUM OF 1983.
7. THE SURVEYOR HAS REVIEWED THE SURVEY DATA AND THE RESULT OF THIS SURVEY. MEASUREMENTS AND SURVEY DATA ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 AND THE NORTH AMERICAN HORIZONTAL DATUM OF 1983.

REFERENCES

- PLAN OF LOT 12, RUTH STREET, PORTSMOUTH, NEW HAMPSHIRE
DATED: 10/10/2024
SCALE: 1" = 20'
- PLAN OF LOT 12, RUTH STREET, PORTSMOUTH, NEW HAMPSHIRE
DATED: 10/10/2024
SCALE: 1" = 20'
- PLAN OF LOT 12, RUTH STREET, PORTSMOUTH, NEW HAMPSHIRE
DATED: 10/10/2024
SCALE: 1" = 20'

1. I CERTIFY THAT THE SURVEY DATA IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.
2. I CERTIFY THAT THE SURVEY DATA IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.
3. I CERTIFY THAT THE SURVEY DATA IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

APPROVED BY THE CITY OF PORTSMOUTH
DATE: 10/10/2024
SCALE: 1" = 20'



TOPOGRAPHIC PLAN OF LAND
12 RUTH STREET
PORTSMOUTH, NEW HAMPSHIRE 03801

PREPARED FOR
DORIS SPENCER
12 RUTH STREET, PORTSMOUTH, NEW HAMPSHIRE 03801

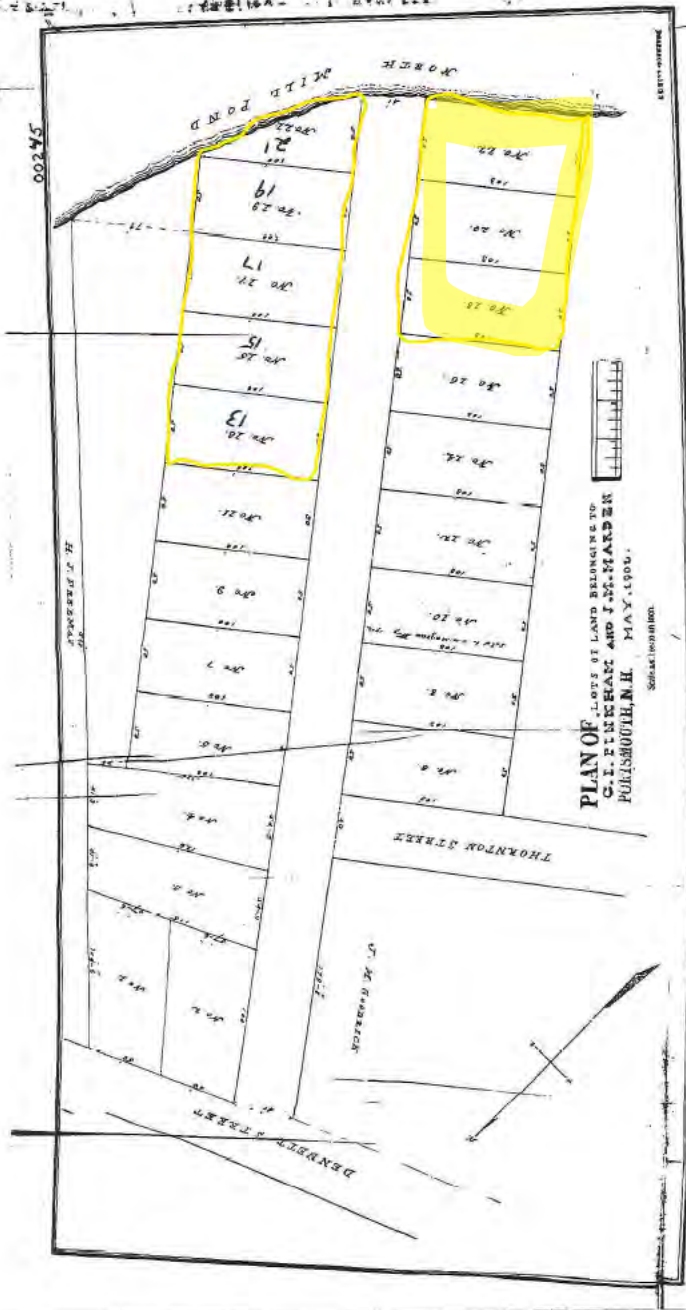
DATE: OCTOBER 10, 2024
SHEET: 1 OF 1

REVISIONS

NO.	DATE	DESCRIPTION
1	10/10/2024	ADD WATER EASEMENT AND SURVEY DATA
2	10/10/2024	REVISIONS TO SURVEY DATA
3	10/10/2024	REVISIONS TO SURVEY DATA

SCALE: 20 FEET TO THE INCH

DATE: OCTOBER 10, 2024
SHEET: 1 OF 1



PLAN OF LOTS AT LAND BELONGING TO
C. I. FINEHART AND J. M. GARDEN
PUBLISHED MAY 1, 1906.

Scale 1/2 inch = 100 feet

00245

THORNTON STREET

C. M. ROBERTSON

DENVER STREET

BK2771 P1209

CORRECTIVE DEED

KNOW ALL MEN BY THESE PRESENTS, That I EMERSON A. McCOURT of 61 Dearborn St. Extension, Portsmouth, County of Rockingham, State of New Hampshire 03801

for consideration paid, grant to SUSAN R. FLORES of 282 Middle Street, Portsmouth, County of Rockingham, State of New Hampshire 03801

with warranty covenants

A certain parcel of land situate off Ruth Street in Portsmouth, County of Rockingham, State of New Hampshire, being more particularly bound and described as follows:

BEGINNING at a point at land now or formerly of Woodrow P. Bunnell; thence running North 60° 48' 19" East by land of Joseph R. and Ruth V. Mitchell, a distance of 102.91 feet to a point at other land of Emerson A. McCourt; thence turning and running South 28° 47' 05" East by said other land of Emerson A. McCourt, a distance of 142.56 feet to a point; thence turning and running South 57° 00' 34" West, a distance of 102.81 feet to a point at land of said Bunnell; thence running North 28° 55' 35" West by said land now or formerly of Woodrow P. Bunnell and partially by a chain link fence, a distance of 149.36 feet to the point of beginning.

Also conveying any interest and title that the Grantor may have in the marsh land between said premises and the shore of the North Mill Pond, so-called.

This is a corrective deed, to correct the description of a portion of the property conveyed by Emerson A. McCourt to Susan R. Flores, dated December 30, 1986 and recorded in the Rockingham County Registry of Deeds, Book 2654, Page 335, wherein this parcel was inadvertently combined with another lot. The parcel herein conveyed is shown as Lot 16 on Map U-43 on the property maps of the City of Portsmouth, New Hampshire.

The recording of this deed was approved by the City of Portsmouth Planning Board on November 17, 1988.

Kathleen McGuyer
Witness

E. Warren Clarke
E. Warren Clarke, Chairman
Portsmouth Planning Board

I RUTH H. McCOURT, ~~husband~~ wife of said grantor, release to said grantor all rights of homestead and other interests therein.

Signed this 13th day of September, 1988

Emerson A. McCourt I.S.
EMERSON A. McCOURT
Ruth H. McCourt I.S.
RUTH H. McCOURT
I.S.

State of New Hampshire

Rockingham ss.: September 13, A.D. 1988

Personally appeared EMERSON A. McCOURT and RUTH H. McCOURT known to me, or satisfactorily proven, to be the persons whose names subscribed to the foregoing instrument and acknowledged that they executed the same.

MARYANN TOWLE, NOTARY PUBLIC
MY COMMISSION EXPIRES 1-13-93

before me,

Maryann Towle
Notary Public

5590.1

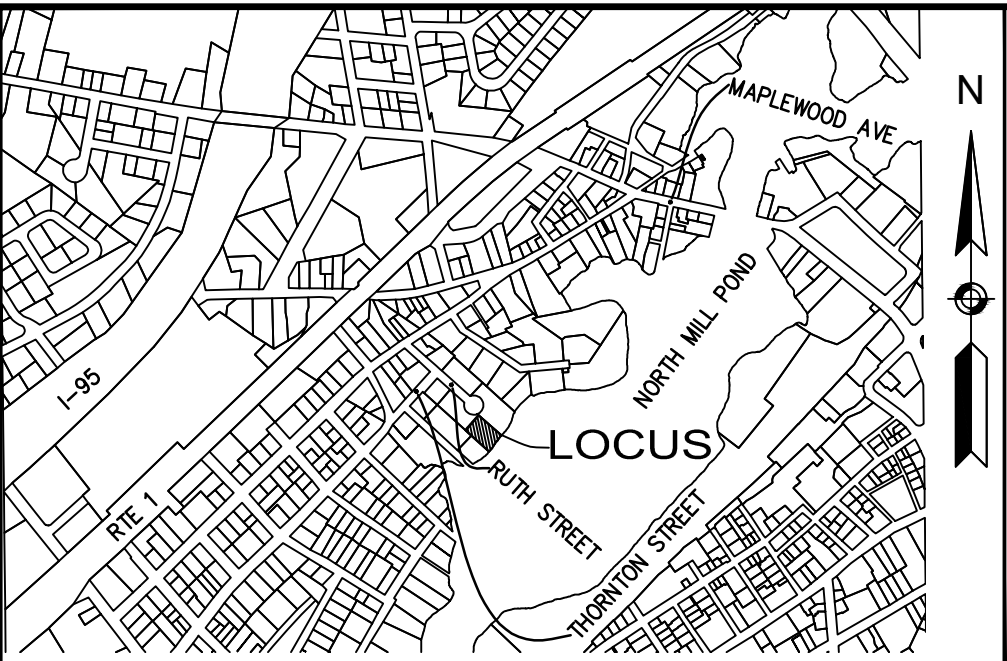
Dec 2 8 39 AM '88

ROCKINGHAM COUNTY
REGISTRY OF DEEDS









PORTSMOUTH, NEW HAMPSHIRE
1000' TO THE INCH

NOTES

- THE PURPOSE OF THIS PLAN IS TO SHOW THE SEVERANCE OF PARCEL A FROM MAP 143 LOT 9-1 AND THE SIMULTANEOUS COMBINING OF SAID PARCEL A WITH MAP 143 LOT 0016 AS ONE CONTIGUOUS PARCEL.
- HORIZONTAL AND VERTICAL DATUMS ARE RELATED TO THE NORTH AMERICAN DATUM OR 1983(NAD83) AND THE NORTH AMERICAN VERTICAL DATUM ON 1988(NAV88), RESPECTIVELY AND ARE THE RESULT OF JG LAND SERVICES GPS OBSERVATIONS, TOTAL STATION NETWORK TRAVERSING AND DIFFERENTIAL LEVELING RELATIVE TO THE SMART NET CORRS NETWORK.
- LINE SHOWING DIVISION OF PRIVATE OWNERSHIP OF ABUTTING PROPERTIES ARE RELATIVE TO TOWN ASSESSOR'S RECORDS AND THEIR LOCATIONS ARE CONSIDERED TO BE APPROXIMATE.
- NO UNDERGROUND UTILITIES ARE SHOWN ON THIS SURVEY.
- THE HIGHEST OBSERVABLE TIDE LINE (HOTL) DEPICTED ON THIS PLAN WAS DETERMINED ON SEPTEMBER 25, 2024 BY QUALIFIED COASTAL PROFESSIONAL, JASON R. AUBE. THE HOTL WAS DETERMINED IN ACCORDANCE WITH THE NHDES WETLANDS BUREAU ADMINISTRATIVE RULES. UNDER ENV-WT 602.23, HIGHEST OBSERVABLE TIDE LINE MEANS A LINE DEFINING THE FARTHEST LANDWARD LIMIT OF TIDAL FLOW, NOT INCLUDING STORM EVENTS, THAT CAN BE RECOGNIZED BY INDICATORS SUCH AS THE PRESENCE OF A STRAND LINE OF FLOTSAM AND DEBRIS, THE LANDWARD MARGIN OF SALT-TOLERANT VEGETATION, OR A PHYSICAL BARRIER THAT BLOCKS INLAND FLOW OF THE TIDE.
- THE WETLANDS DEPICTED ON THIS PLAN WERE DELINEATED ON SEPTEMBER 25, 2024 BY JASON R. AUBE CWS #313. THESE WETLANDS WERE DELINEATED ACCORDING TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL (JANUARY 1987) AND THE REGIONAL SUPPLEMENT TO THE U.S. CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0 (JANUARY 2012). THE PRESENCE OF DOMINANT HYDROPHYTIC VEGETATION WAS DETERMINED USING THE NORTHCENTRAL AND NORTHEAST 2016 REGIONAL WETLAND PLANT LIST, VERSION 3.3, 2016, PUBLISHED BY THE ARMY CORPS OF ENGINEERS. HYDRIC SOILS WERE DETERMINED USING THE NH HYDRIC SOILS TECHNICAL COMMITTEE'S "FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND", VERSION 4, 2017, PUBLISHED BY THE NEW ENGLAND INTERSTATE WATER POLLUTION CONTROL COMMISSION.
- MEAN HIGH WATER ELEVATION WAS DETERMINED BY INTERPOLATING VALUES PROVIDED FOR TIDAL BENCHMARK STATIONS SEAVEY ISLAND (PID 8419870) AND ATLANTIC TERMINALS 114A (PID 842005).

REFERENCES

PLAN OF LOTS OF LAND
PORTSMOUTH, NEW HAMPSHIRE
PREPARED FOR: C.I. PINKHAM AND J.M. MARDEN
DATED MAY OF 1902, SCALE: 25 FEET TO THE INCH
PLAN No. 00245

PLAN OF LOT
PORTSMOUTH, NEW HAMPSHIRE
PREPARED FOR: EMERSON A McCOURT
DATED: FEB. OF 1968, REVISED OCT. 1970
SCALE: 1" = 30'
PLAN No. 2143

SUBDIVISION PLAN OF LAND
RUTH STREET, PORTSMOUTH, NEW HAMPSHIRE
PREPARED FOR: PETER FLORES & EMERSON A. McCOURT
DATED: DEC. 12, 1988, SCALE: 1" = 20'

ZONING DISTRICT - GENERAL RESIDENCE 'A'						
CRITERIA	MAP 143 LOT 0016			MAP 143 LOT 9-1		
	REQUIRED	EXISTING	PROPOSED	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA IN SQUARE (FEET)	7,500	16,022	16,909	7,500	29,500	28,613
CONTINUOUS STREET FRONTAGE (FEET)	100	0.66	20.66	100	145	125
DEPTH IN FEET	70	152	152	70	147	107
MIN. FRONT YARD IN FEET	15			15	29.16	29.16
MIN. SIDE YARDS IN FEET	10			10	13.96	13.96
MIN. REAR YARD IN FEET	20			20		
MAX STRUCTURE HEIGHT IN FEET	35					
SLOPED ROOF	35			35	26.9	26.9
FLAT ROOF	30			30	N/A	N/A
ROOF APPURTENANCE	8			8	N/A	N/A
MAX. BUILDING COV. %	25	0.0	0.0	25	9.4	9.7
MIN. OPEN SPACE %	30	100	100	30	79.2	78.5

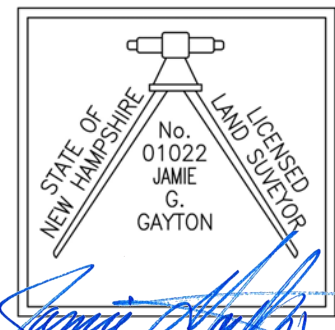
LEGEND

N/F	NOW OR FORMERLY
SBDH FND	WETLAND FEATURE
IRF/IRS	BOUND FOUND
IPF	IRON ROD FOUND OR SET
DHS/DHF	IRON PIPE FOUND
TBM A	DRILL HOLE FOUND OR SET
	TEMPORARY BENCH MARK
	UTILITY POLE
	STONE WALL
	TREE LINE
	BUILDING SETBACK
	EDGE OF WETLAND FEATURE
	50' WETLAND BUFFER
	LIMIT OF 100 YEAR FLOOD ZONE
	LIMIT OF ZONING DISTRICT

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN HEREON ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY ME OR BY THOSE UNDER MY SUPERVISION AND FALL UNDER THE URBAN SURVEY CLASSIFICATION OF THE NH CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS. I CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. RANDOM TRAVERSE SURVEY BY TOTAL STATION WITH A PRECISION GREATER THAN 1:15,000.

I CERTIFY THAT THE PARCELS SHOWN HEREON LIE WITHIN ZONE "X" (AREA OF MINIMAL FLOODING) AND ZONE "AE" (ELEVATION 8' AND BELOW) AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR THE CITY OF PORTSMOUTH, NEW HAMPSHIRE. COMMUNITY PANEL NO. 330139 0259 F, EFFECTIVE DATE: JANUARY 29, 2021.

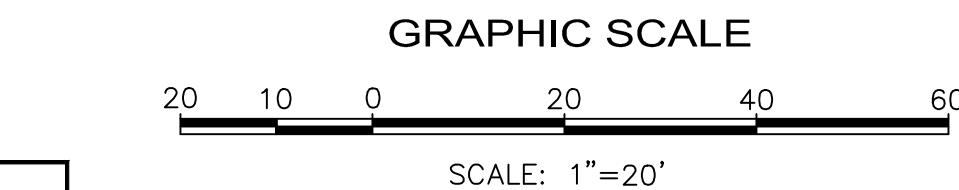


OCTOBER 2, 2025

JAMIE G. GAYTON L.L.S. No. 1022 DATE

THE CERTIFICATIONS SHOWN HEREON ARE INTENDED TO MEET REGISTRY OF DEED REQUIREMENTS AND ARE NOT A CERTIFICATION TO TITLE OR OWNERSHIP OF THE PROPERTY SHOWN HEREON. OWNERS OF ADJOINING PROPERTIES ARE ACCORDING TO CURRENT TOWN ASSESSOR'S RECORDS.

APPROVED BY THE CITY OF PORSTMOUTH	
CHAIRMAN:	



REVISIONS		
REV.	COMMENTS	DATE
1	ZONING CHART AND SET BACK EDITS	10/2/25

SCALE: 20 FEET TO THE INCH

FILE NAME: 5303-12 Ruth Ave_SUB3.dwg

FIELD BOOK NO: 5300

DRAWN BY: JGG

CHECKED BY: JGG

FIELD CHIEF: JGG

PROJECT NO: 5303

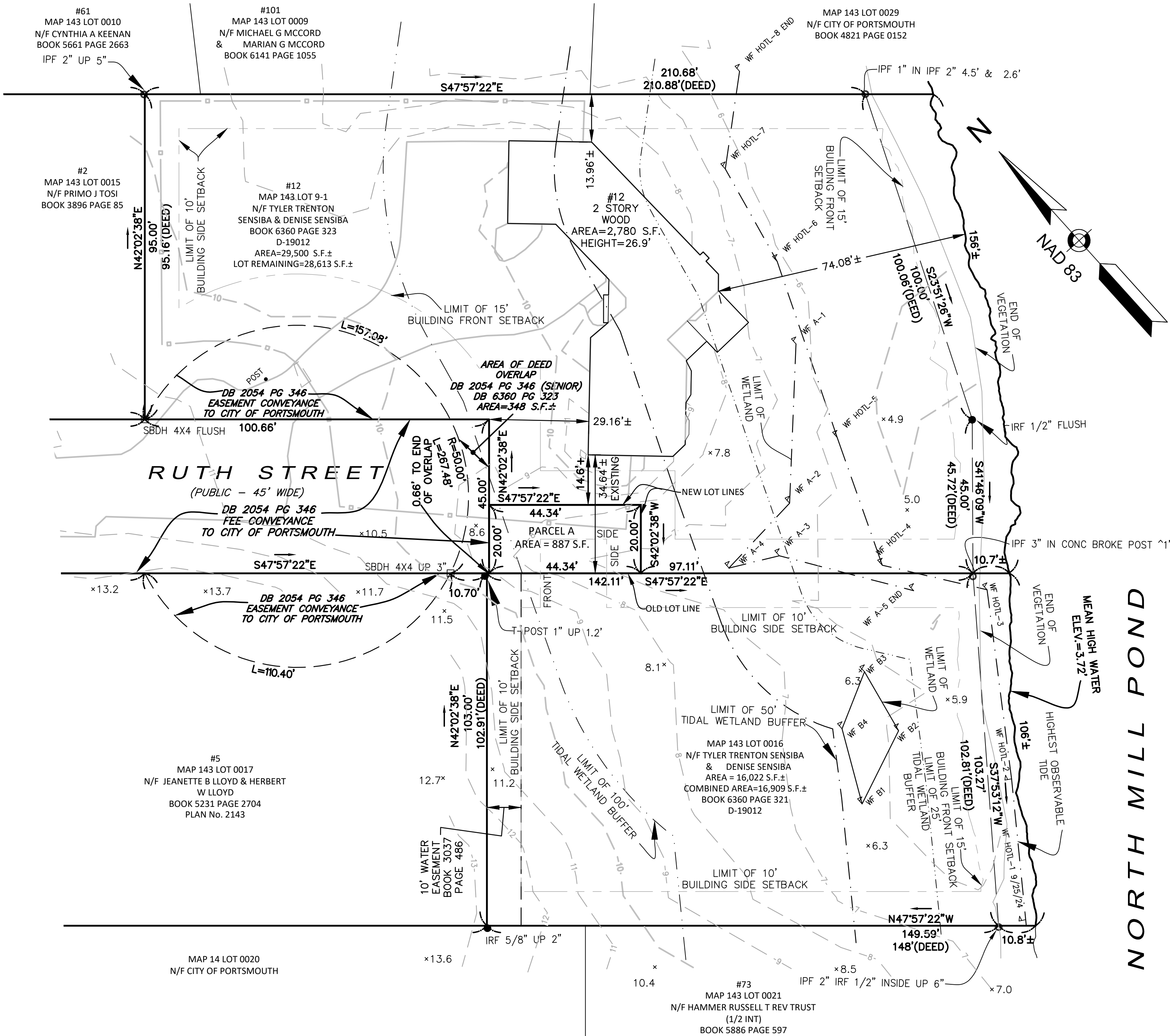
LOT LINE REVISION PLAN OF LAND
MAP 143 LOT 9-1 AND MAP 143 LOT 0016
12 RUTH STREET
PORTSMOUTH, NEW HAMPSHIRE 03801

PREPARED FOR
DENISE SENSIBA

12 RUTH STREET, PORTSMOUTH, NEW HAMPSHIRE 03801

DATE: SEPTEMBER 24, 2025

SHEET 1 OF 1



ZONING DISTRICT – GENERAL RESIDENCE "A"

Criteria	Required	Existing	Proposed	Required	Existing	Proposed
	MAP 143 LOT 0016	MAP 143 LOT 0016	MAP 143 LOT 0016	MAP 143 LOT 9-1	MAP 143 LOT 9-1	MAP 143 LOT 9-1
Min. Lot Area in Square Feet	7,000	16,622	16,909	7,000	29,500	28,613
Continuous Street Frontage Feet	100	0.66	20.66	100	145	125
Depth in Feet	70	152	152	70	147	107
Min. Front Yard in Feet	15			15	29.16	29.16
Min. Side Yards in Feet	10			10	34.64	13.96
Min. Rear Yard in Feet	20			20	52.5	52.5
Max Structure Height in Feet						
Sloped Roof	35			35	26.9	26.9
Flat Roof	30			30	N/A	N/A
Roof Appurtenance	8			8	N/A	N/A
Max. Building Cov. %	25	0.0	0.0	25	9.4	9.7
Min. Open Space %	30	100	100	30	79.2	78.5