

III. NEW BUSINESS

- C. The request of **Peter Gamble (Owner)**, for property located at **170 Aldrich Road** whereas relief is needed to demolish the existing garage and construct a new garage which requires the following: 1) Variance from Section 10.521 to allow a) 7 foot right side yard where 10 feet is required; and b) 23% building coverage where 20% is allowed. Said property is located on Assessor Map 153 Lot 21 and lies within the Single Residence B (SRB) District. (LU-23-47)

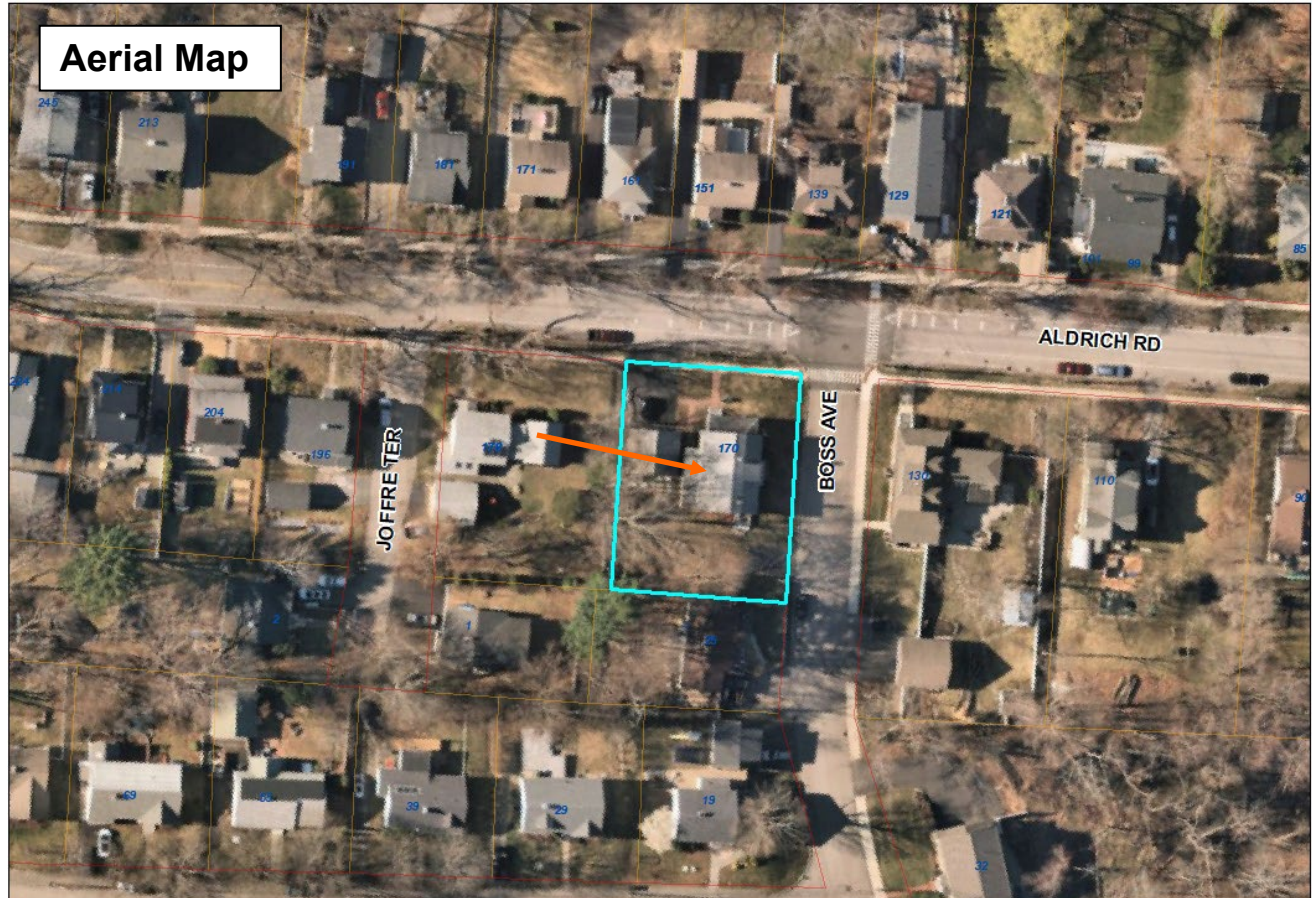
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Two-family	Demo garage and construct new	Primarily residential
<u>Lot area (sq. ft.):</u>	10,912.5	10,912.5	1,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	10,912.5	10,912.5	1,500 min.
<u>Lot depth (ft.):</u>	120	120	100 min.
<u>Street Frontage (ft.)</u>	215	215	100 min.
<u>Primary Front Yard (ft.):</u>	22	22	30) min.
<u>Left Yard (ft.):</u>	15	15	10 min.
<u>Right Yard (ft.):</u>	7	7	10 min.
<u>Rear Yard (ft.):</u>	46	46	30 min.
<u>Height (ft.):</u>	<24	24	35 max.
<u>Building Coverage (%):</u>	20.6	23	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40 min.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1930	Variance request(s) shown in red.	

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



170 Aldrich Road



Previous Board of Adjustment Actions

September 5, 1978 – The Board of Adjustment granted the application to construct a garage on a lot whose frontage is 50' where 100' is required and whose area is 6,000 s.f. where 20,000 s.f. is required.

Planning Department Comments

The applicant is requesting relief to demolish the existing garage and construct a new garage with a slightly larger footprint. The existing garage received variances for construction in 1978 when there were two separate lots. The properties have since been merged to create one lot which explains the discrepancy in the sought dimensional relief.

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.

Dear Board of Adjustment members,

My name is Peter Gamble and have resided at 170 Aldrich Road Portsmouth, NH for 15 years. I come before you to seek relief to expand my existing 24 X 24 garage. My proposal is to construct a 26 X 30 garage with a second floor for the purpose of creating more useable space for storage, garage parking, workshop space, and workout/recreational space. The current garage was permitted on August 4, 1978, showing a 12' side setback requiring no variance yet with the advent of geo mapping the tax map, as of last year, was showing a 4' side setback. Through my research and the hiring of Ambit Engineering to conduct a property survey the side setback is now showing 9'. I have shared this information with James Mccarty (GEO Mapping) to help adjust tax map discrepancies and provide more accurate GEO Mapping. I also discussed this project with Paul Garand, Asst Building Inspector. He noted that to ensure proper foundation and footings for the new structure, the best course of action may be to demo and reconstruct around the outside of the existing footprint which is part of this proposal. I am including a shower/bathroom on the garage second floor as part of the workout/recreational room with no intentions of creating a living space. My property is already a two-family dwelling with the second dwelling unit reserved for my children and their families.

I am seeking a variance from Section 10.521 to allow a side setback of 7 feet where 10 is required and 22.4% building coverage where 20% is the maximum allowed.

With respect to the 5 guiding criteria:

1. The variance will not be contrary to the public interest; The project is inline with the public interest as the structure was permitted in accordance with the ordinance in 1978 and this new proposal improves upon the current structure as well as shows accurate side setbacks.
2. The spirit of the Ordinance will be observed; The spirit of the Ordinance will be observed as this project is in line with the current use of the property and consistent with surrounding properties.
3. Substantial justice will be done; Substantial justice will be done as this proposal will improve upon the existing permitted garage and allow for needed space parking, workshop, storage, and workout/recreational area.
4. The values of surrounding properties will not be diminished; This project will increase the values of surrounding properties.
5. Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship; Because this was a permitted garage already, in line with neighborhood improvements and in the spirit of the ordinance, not granting relief would results in a hardship.

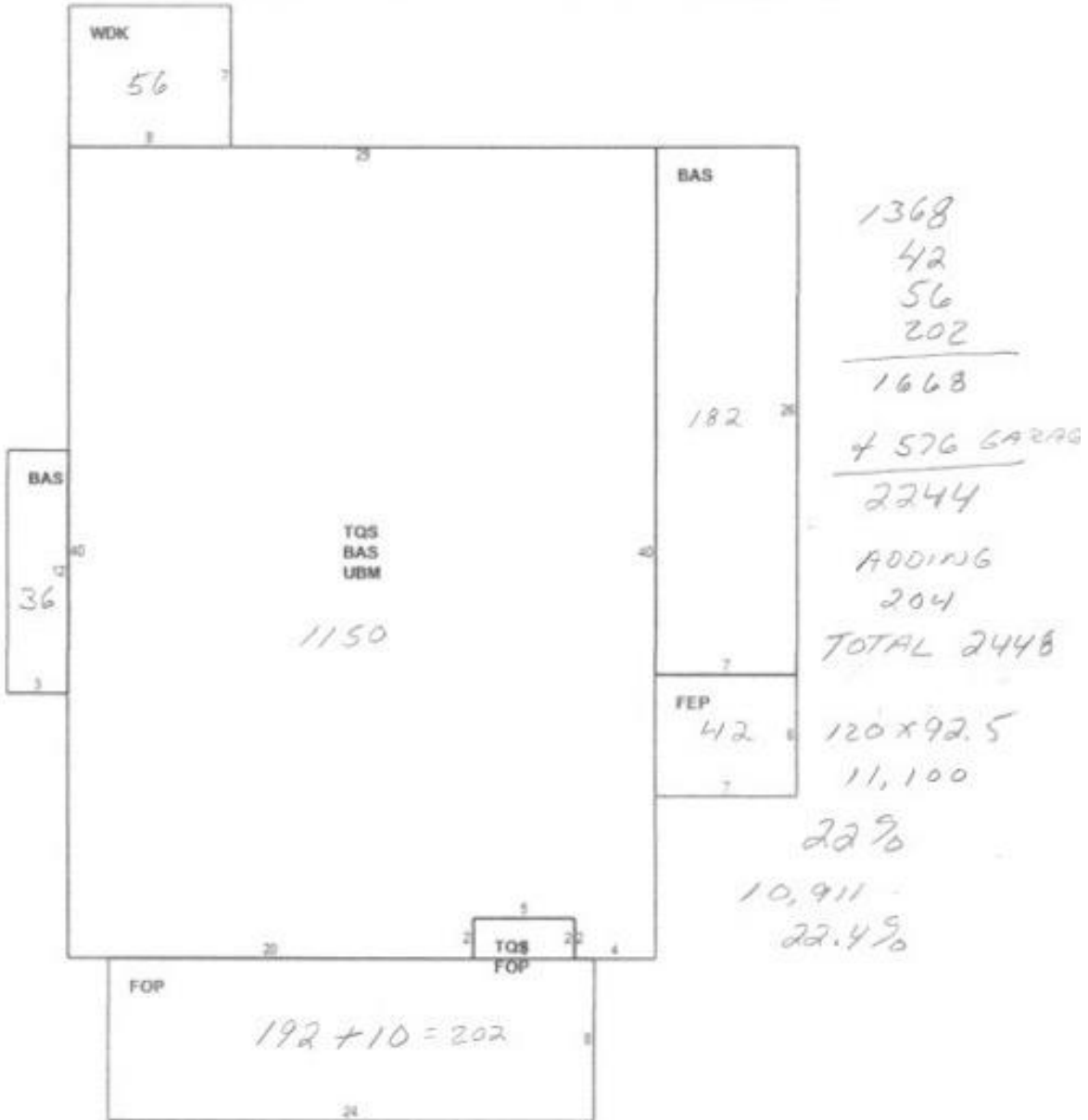
I thank you all for taking the time to review my application and I look forward to meeting you all in person.

Sincerely,
Peter Gamble





Building Layout



CITY OF PORTSMOUTH

APPLICATION FOR BUILDING PERMIT
OR CHANGE IN LAND USE

DATE Aug 4 1978
EST COST 1 5,700
FEE 18,000
PAID check - CA

OWNER MURRAY D LEVY PHONE 436-4517 8/4/78

ADDRESS 170 ALDRICH RD

Location of Work 170 ALDRICH RD Plan # 46A Lot # 23
Size of Lot Frontage 92' Depth 120 Zone SR II

Present Use of Land or Building LAWN
Number of Units on Property 1-2 car garage
Proposed Use of Land or Building New 2 car garage
Number of Units to be Utilized _____

Contractor's Name ART SPAIN Address Greenland RD
Business Phone 436-0631

Size of Present Bldg. _____ x _____ No. of stories _____
Size of Proposed Bldg. 24' x 24' No. of stories 1

Front Setback 35' Right Side Setback 12'
Left Side Setback 80' Rear Setback 61'

Construction _____

General Information In building a 2 car garage
since the one I had on Boss Ave will
have to be torn down in a year or two.

I certify that the information given is true and correct to the best of my knowledge. No change from the above information will be made without approval of the Building Inspector. Construction will not begin until Building Permit is issued.

SUBJECT TO CODE REQUIREMENTS

Murray Levy
Signature of Applicant

If not Owner, state relationship _____

Date 8/8/78
1. Variance _____ Zoning
2. Spec. Exc. _____ Disapproved RPT
3. Historic District _____ Approved
4. Bldg. Code Bd. of Appeals _____
5. Site Review _____

Reason Lot does not meet requirement of Art III Sec 10-301(2)
Fire Department Approval _____ K. Hutchinson

age - 18' x 18' - Boss Ave side of lot garage going on other lot
39' x 30' present Building
Signed Paul Sampson Chief Building Inspector



BOARD OF ADJUSTMENT
CITY HALL
PORTSMOUTH, NEW HAMPSHIRE

September 19, 1978

Morris D. Levy
170 Aldrich Road
Portsmouth, N. H. 03801

RE: 170 Aldrich Road

The Board of Adjustment at its regular meeting of September 19, 1978, and after due public hearing completed its consideration of your application wherein you requested to be allowed to: construct a garage on a lot whose frontage is 50' where 100' is required and whose area is 6,000 s.f. where 20,000 s.f. is required. Said property is shown on Assessor Plan 46A as Lot 23 and lies within a Single Residence II District.

As a result of such consideration, it was voted that your request be granted with the following stipulations: N/A.

If your request of above has been acted upon favorably, it is necessary that you contact the Building Inspector prior to construction or change of use.

Respectfully submitted,

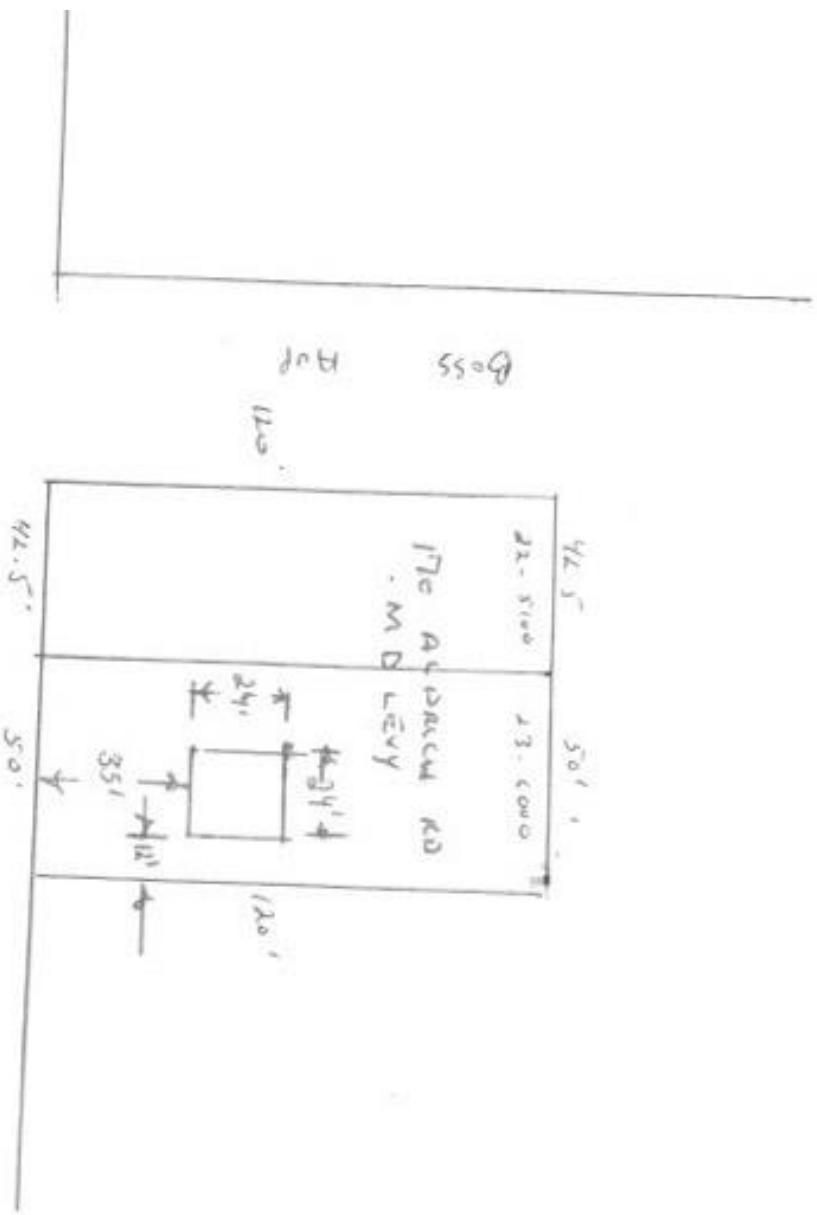
Nancy Carey
CHAIRMAN, BOARD OF ADJUSTMENT

cc: Building Inspector

NOTE: Please be advised that under N.H. RSA 31:74 any person or party to the action or proceeding of the Board of Adjustment may ask for a re-hearing within twenty days of the decision or order of the Board of Adjustment.

Planning Department
Portsmouth, N.H.
(431-5421)

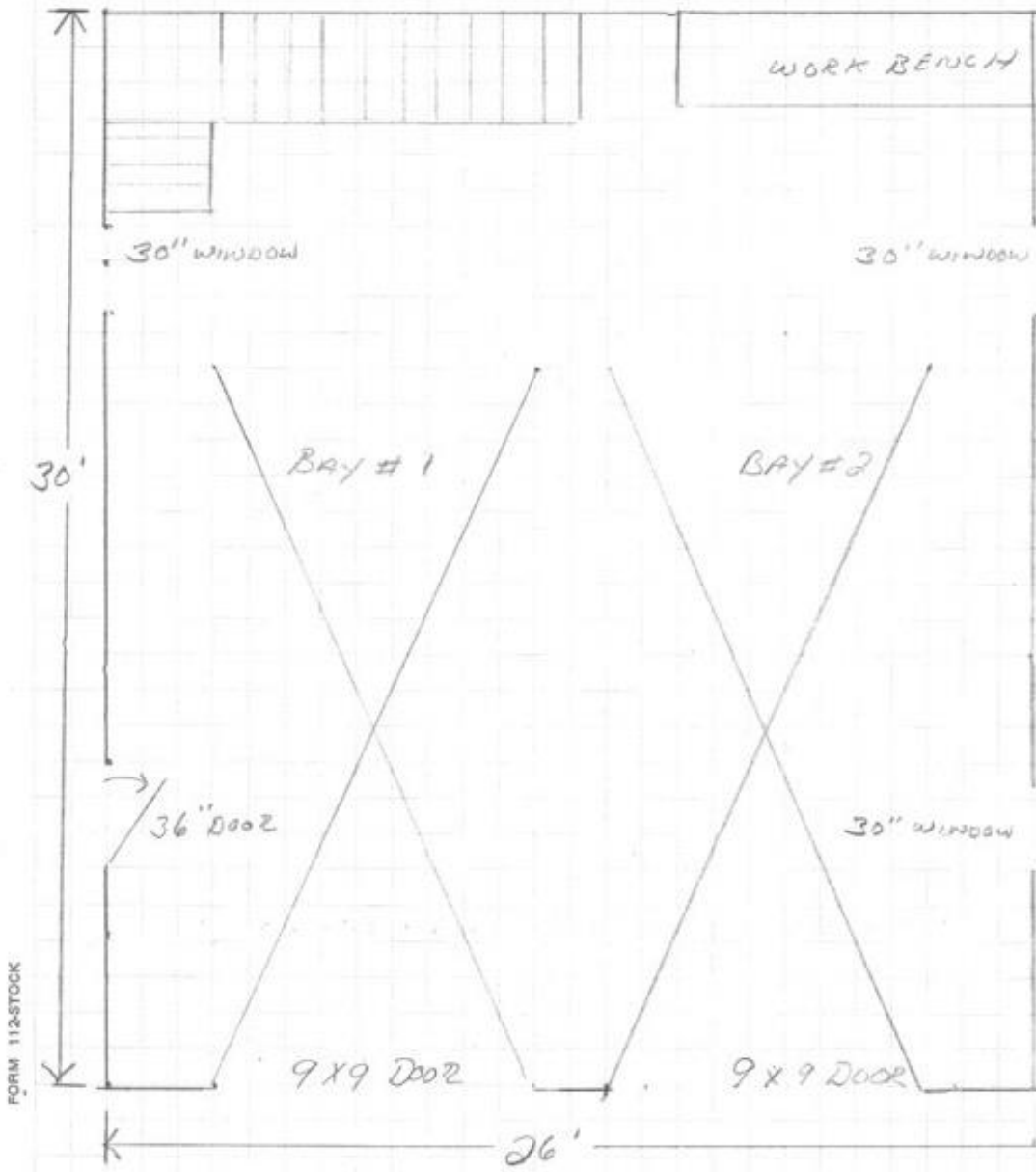
bjs



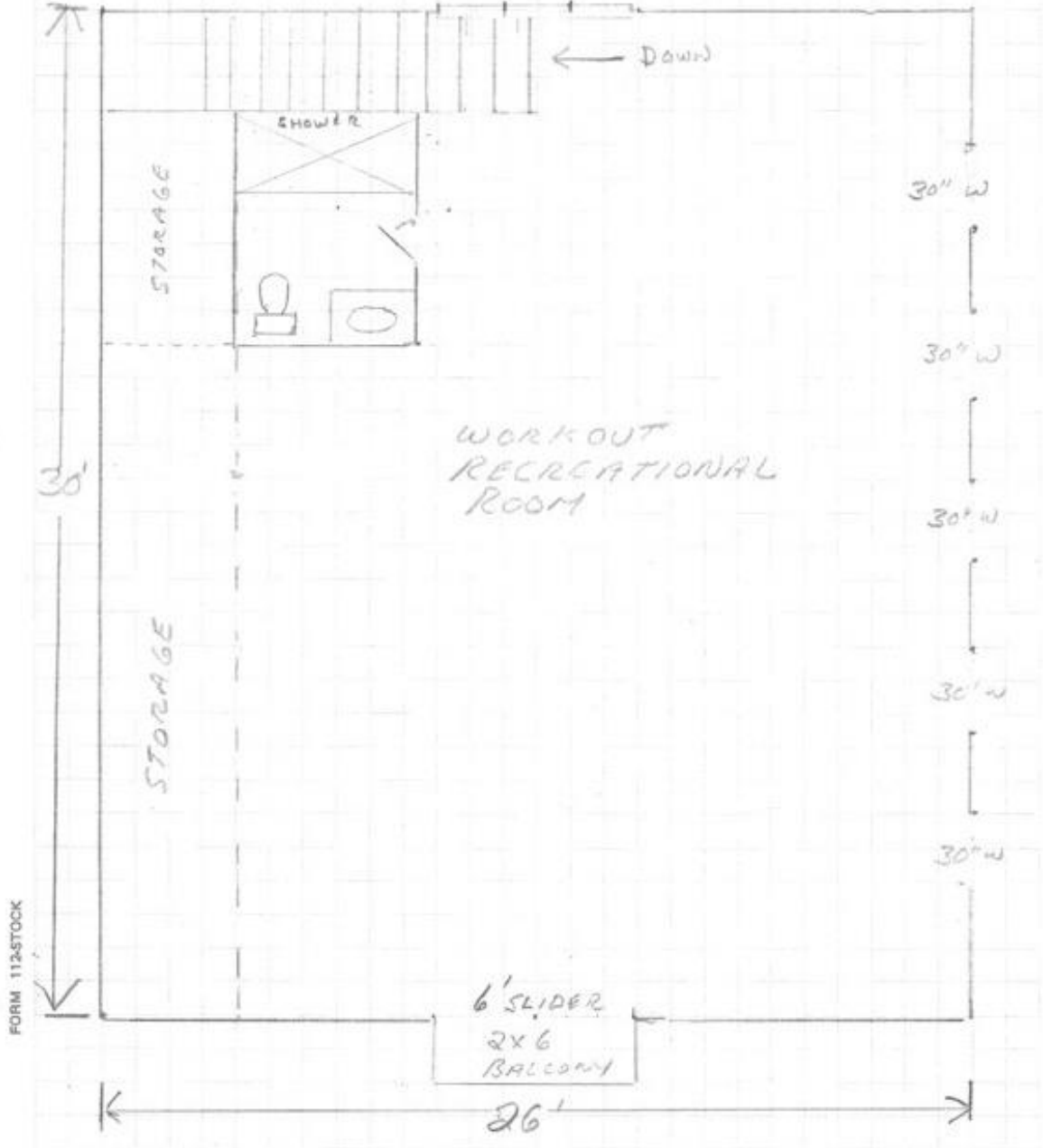
House	1170 SF
Garage	324
Proposed	576
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	2070 / 1100 = 1.88

6/10 avg year
 600 per 35x16

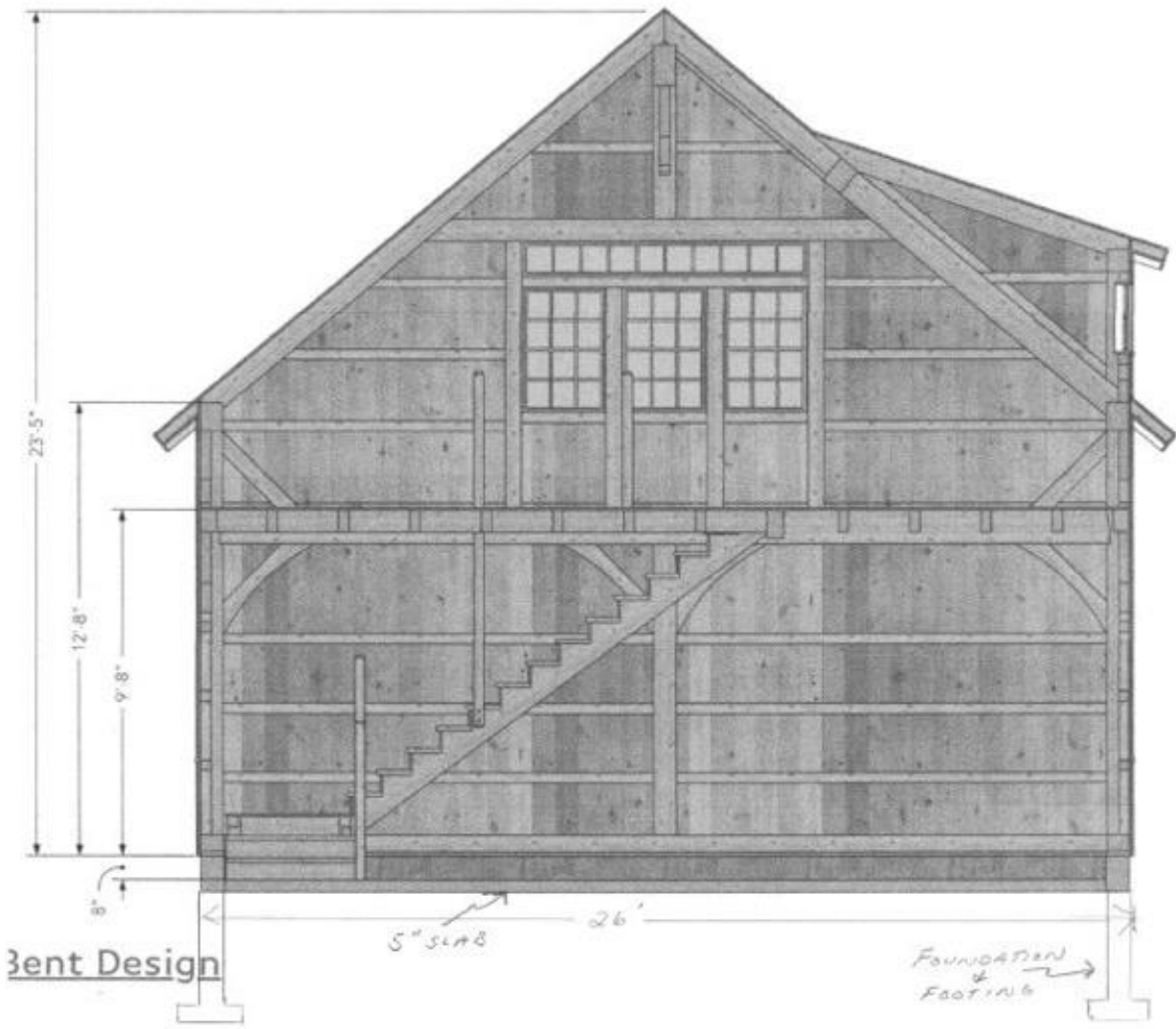
1ST FLOOR GARAGE

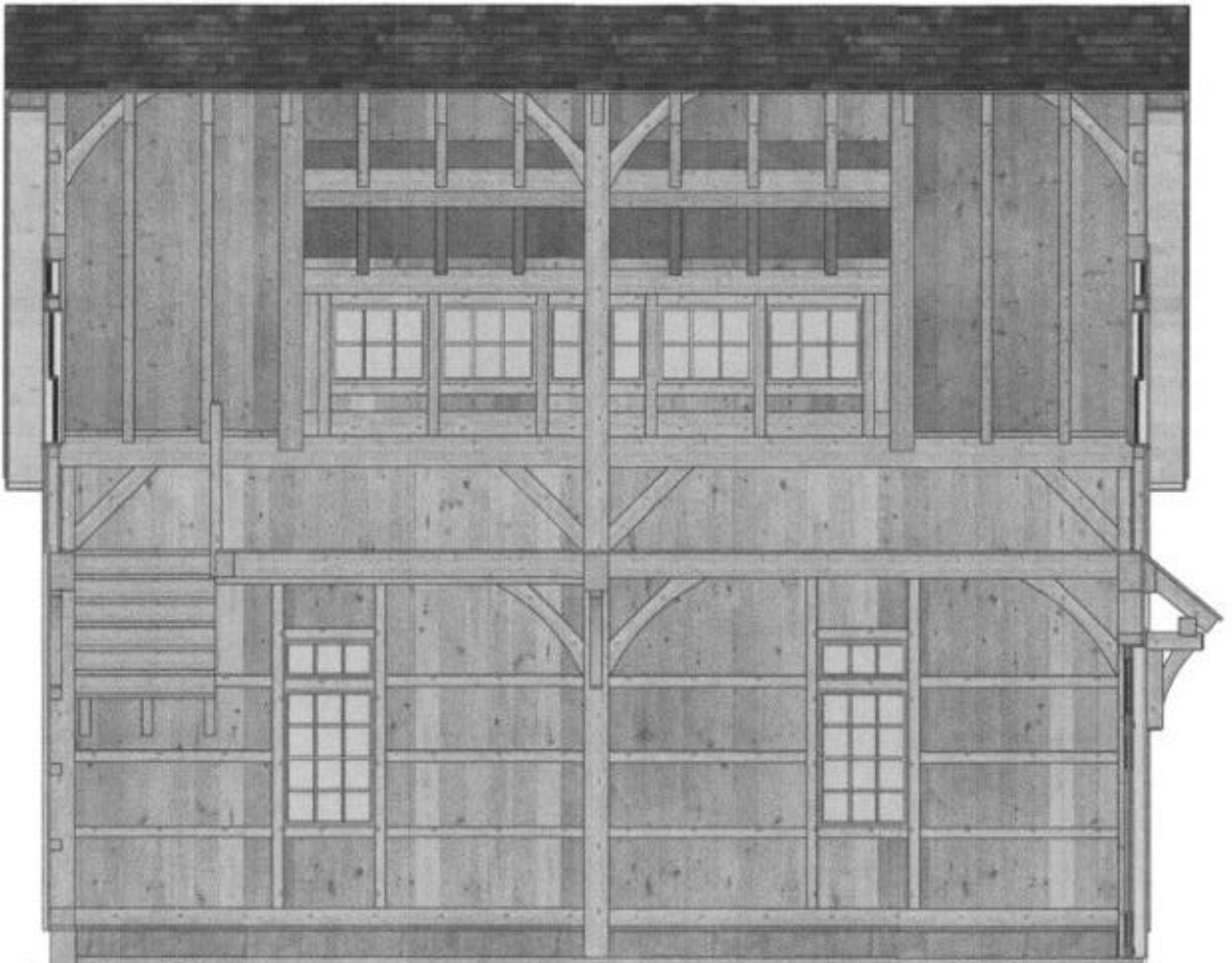


2ND FLOOR GARAGE









Bent Design

30'

5" SLAB

FOUNDATION
&
FOOTING



