

To: Portsmouth Board of Adjustment
From: Peter Gamble
Date: June 12, 2023
Ref: Rehearing Application LU-23-47

Dear Madam Chair and members of the Zoning Board of Adjustment,

I am respectfully submitting my application LU-23-47 for property located at 170 Aldrich Road, Tax Map 153-21. This proposal was originally heard and denied at the May 23rd 2023 BOA meeting and a request for rehearing was granted at the June 21st 2023 meeting.

My proposal is to expand an existing 24 X 24 accessory structure to a 26 X 30 garage with a partial 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 for side setback. To accurately show all setbacks and lot area I hired Ambit Engineering to conduct a property survey that is registered with the Rockingham County Register of Deeds. 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 would be to demo and reconstruct around the outside of the existing footprint which is part of this proposal. Included is a proposed shower/bathroom on the garage second floor as this will primarily be used as a workout space. 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.

My property at 170 Aldrich Road has been in lawful nonconforming use for over 60 years as a two-family home. It has been my primary residence for 17 years. The current garage is one story, is in need of repair, and has limited parking room. RSA 674:19, protects lawful nonconforming uses and prevents new zoning ordinances from impacting all lawfully existing uses. Nonconformity protections apply both to principle and accessory uses of a property. This provision does two things. It supports my request to update my accessory building consistent with the Single Residence B (SRB) district and prevents any additional living space under Section 10.440 which prohibits 3 family dwelling units in SRB district and prohibits an Accessory Dwelling Unit as per Section 10.814.12 of the Portsmouth Zoning Ordinance. As a condition to this variance, I suggest the Board state that living space in this accessory structure is prohibited.

The proposal is consistent with properties with that have recently updated existing accessory structures as permitted in the SRB district. Two specific properties within 300 feet of mine received relief by the BOA to construct a second floor to include plumbing. One is 19 Sunset Road, Tax Map 153-19 (BOA 4/18/17 and 1/17/2023) and the other is 161 Aldrich Road, Tax Map 153-32 (BOA 2016). Other close proximity properties with similar increase size and updates are 55 Aldrich, 196 Aldrich, 124 Kensington, and 2 Monroe Street (BOA 3/16/2021).

Attachments include: Signed/Stamped Survey, Property Deed, Tax Map locator, Westfield Park Plan, Aerial View, Setback/Sketch, Layout of 1st and 2nd floor, Frame Design, Height and Dimensions, Neighborhood Photos, Previous Permit, Current Lot Coverage, and supporting emails.

With respect to the 5 guiding criteria:

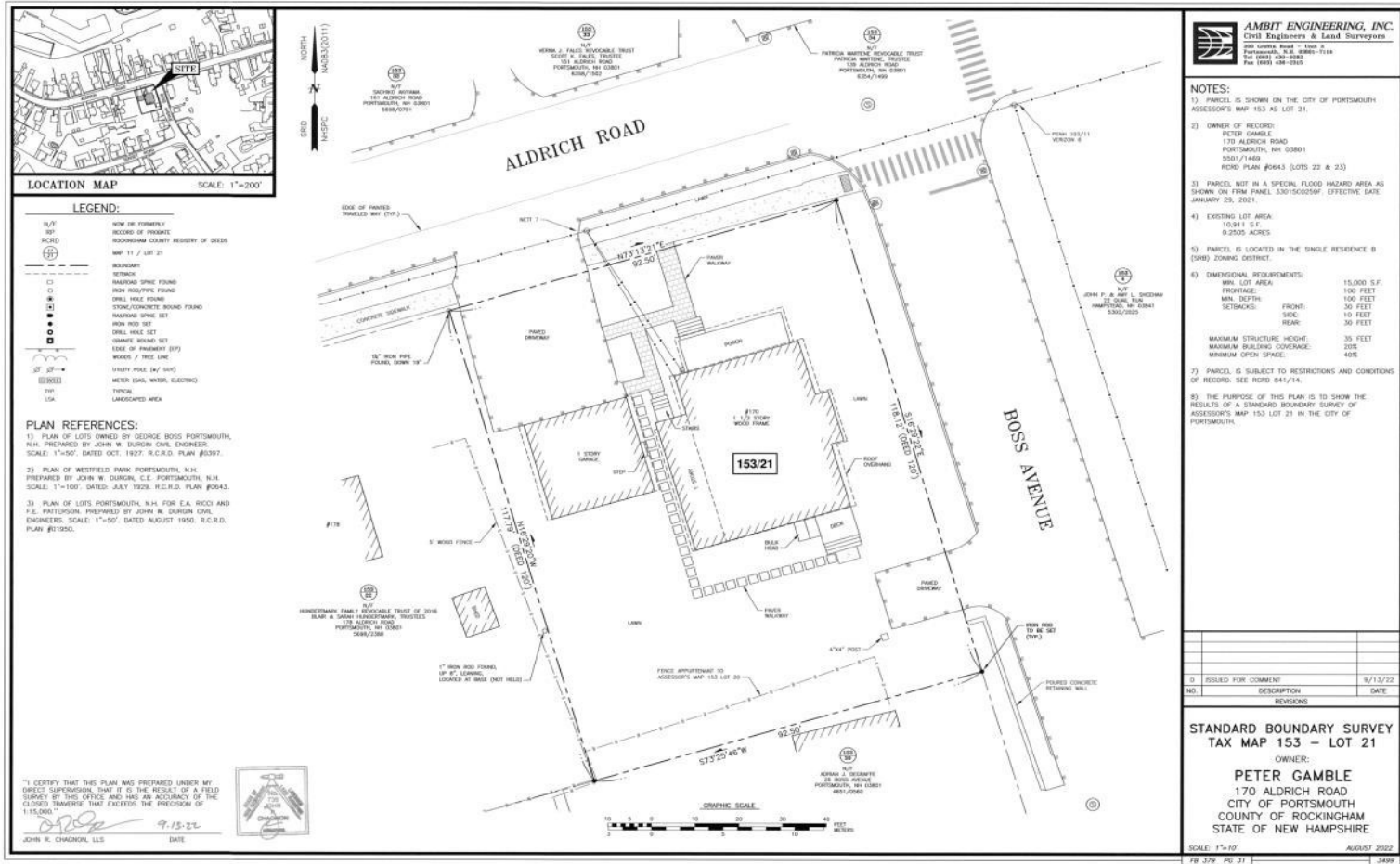
1. The variance will not be contrary to the public interest; The project is inline with the public interest as the structure was permitted in accordance with the ordinance in 1978 and this new proposal improves and updates to code the current structure that is permitted in the SRB district.
2. The spirit 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 as depicted in this proposal.
3. Substantial justice will be done; Substantial justice will be done as this proposal will improve upon the existing permitted garage, bring the structure to current building code 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. This is consistent with the improvements on going in the Aldrich Road area.
5. Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship; The SRB district requires 15,000 sq ft coverage yet very few properties in my neighbor meet this requirement. The improvements to this accessory structure are in line with neighborhood improvements to include additional space, proper building code, and with a minimal impact. In the spirit of the ordinance, not granting relief would results in a hardship inconsistent with surrounding properties.

I thank you all for taking the time over these past few months to review my application and I look forward to meeting you all in person.

Sincerely,

Peter Gamble



10/13/2022 10:58 AM C:\Users\jrc3\OneDrive\Documents\153\153 Tax Map 153 - Lot 21.dwg

Deed 170 Aldrich Road. 92.5 X 120 feet

After Recording Return To:

PETER GAMBLE
170 ALDRICH RD
PORTSMOUTH, NH 03801-4906
APN# 0153-0021-0000

Return To:

TIMIOS, INC.
5716 Corsa Avenue
Suite 102
Westlake Village, CA 91362

Warranty Deed

KNOW ALL MEN BY THESE PRESENTS THAT I, SARA HOLLAND MACCORKLE, TRUSTEE OF THE NORTHSTAR REVOCABLE TRUST U/T/D JUNE 18, 2002 , of 42 SUNNYSIDE DR, GREENLAND, NH 03840, County of ROCKINGHAM, State of New Hampshire, for consideration paid, grant to PETER GAMBLE, single man of 170 ALDRICH RD, PORTSMOUTH, NH 03801-4906, County of ROCKINGHAM, State of New Hampshire

With warranty covenants

All that certain property situated in the county of ROCKINGHAM, and State of NEW HAMPSHIRE, being described as follows: TWO CERTAIN LOTS OR PARCELS OF LAND, WITH THE BUILDINGS THEREON, SITUATE IN SAID PORTSMOUTH, ROCKINGHAM COUNTY, NEW HAMPSHIRE AND BOUNDED AND DESCRIBED AS FOLLOWS: BOUNDED NORTHERLY BY ALDRICH ROAD, NINETY-TWO AND FIVE TENTHS (92.5) FEET, MORE OR LESS, EASTERLY BY BOSS AVENUE, FORMERLY KNOWN AS AN EXTENSION OF LAWRENCE STREET, ONE HUNDRED TWENTY (120) FEET, MORE, OR LESS; SOUTHERLY BY LAND OF EARNEST WEEKS (FORMERLY OWNED BY KATHERINE G. NEAL) NINETY TWO AND FIVE TENTHS (92.5) FEET, MORE OR LESS; AND WESTERLY BY LAND OF ALEX MUNTON (FORMERLY OF ONE AUSTIN) ONE HUNDRED AND TWENTY (120) FEET, MORE OR LESS, SAID PREMISES ARE CONVEYED UNDER AND SUBJECT TO CERTAIN CONDITIONS AND RESERVATIONS INSOFAR AS THEY, SAME ARE NOW APPLICABLE, VIZ: NO DWELLING HOUSE TO BE ERRECTED ON SAID LAND TO COST LESS THAN \$3000; NO DWELLING HOUSE OR OTHER BUILDINGS SHALL BE ERRECTED NEARER THAN THIRTY (30) FEET TO SAID ALDRICH ROAD; ANY GARAGE OR OTHER OUT BUILDINGS SHALL BE ERRECTED IN FRONT OF THE REAR LINE OF ANY DWELLING HOUSE ERRECTED ON THE LOT. BEING THE SAME PROPERTY CONVEYED TO SARA HOLLAND MACCORKLE, TRUSTEE OF THE NORTHSTAR REVOCABLE TRUST U/T/D JUNE 18, 2002 BY DEED FROM SARA COOK HOLLAND, TRUSTEE OF THE SARA COOK HOLLAND REVOCABLE TRUST U/T/D JUNE 18, 2002 RECORDED 11/28/2011 IN DEED BOOK 5265 PAGE 255, IN THE REGISTER'S OFFICE OF ROCKINGHAM COUNTY, NEW HAMPSHIRE.

REGISTERED

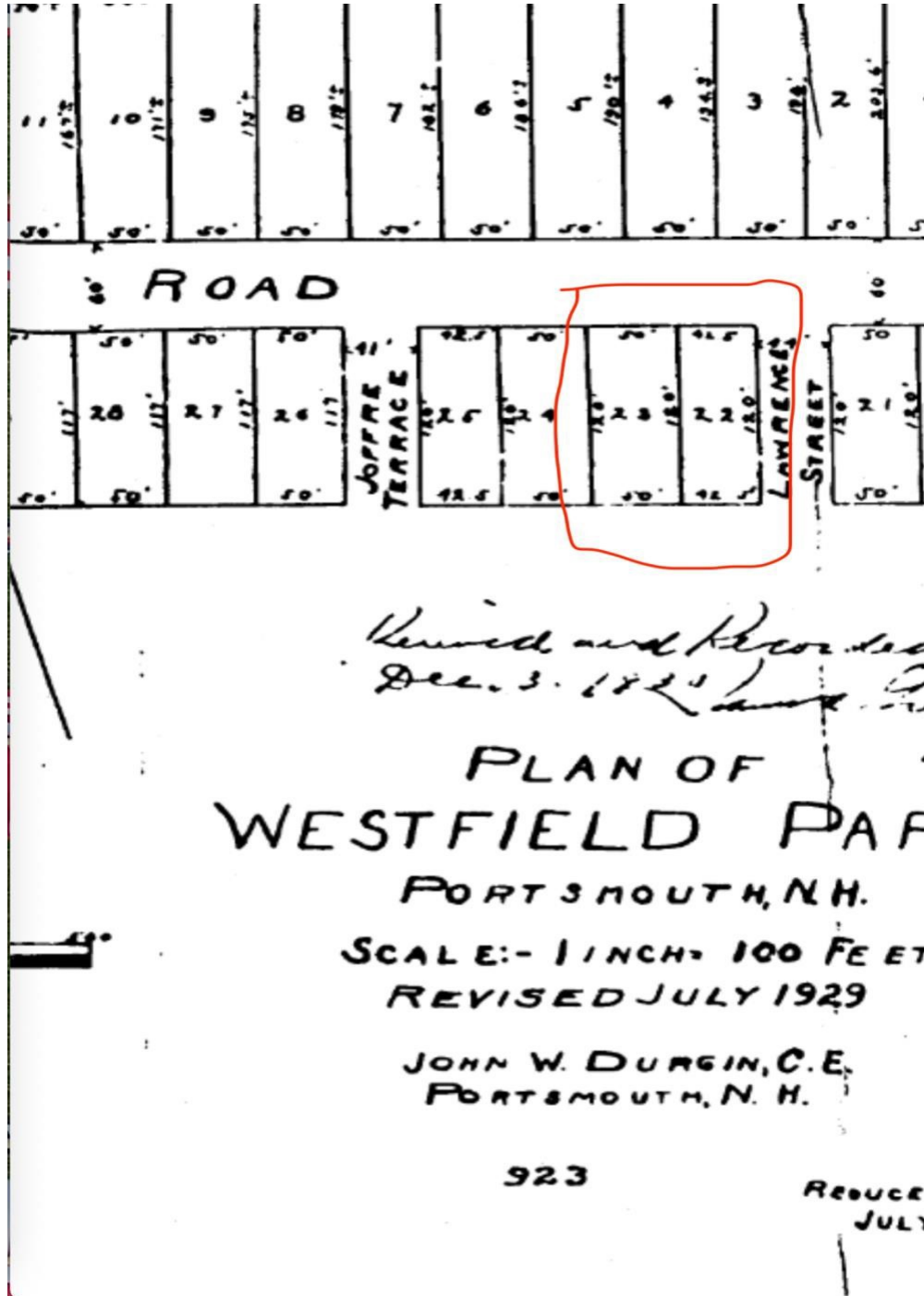
Meaning and intending to describe and convey the same premises conveyed to

I/We, SARA COOK HOLLAND, TRUSTEE OF THE SARA COOK, release to said grantee(s) all rights of homestead and other interests therein.

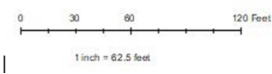
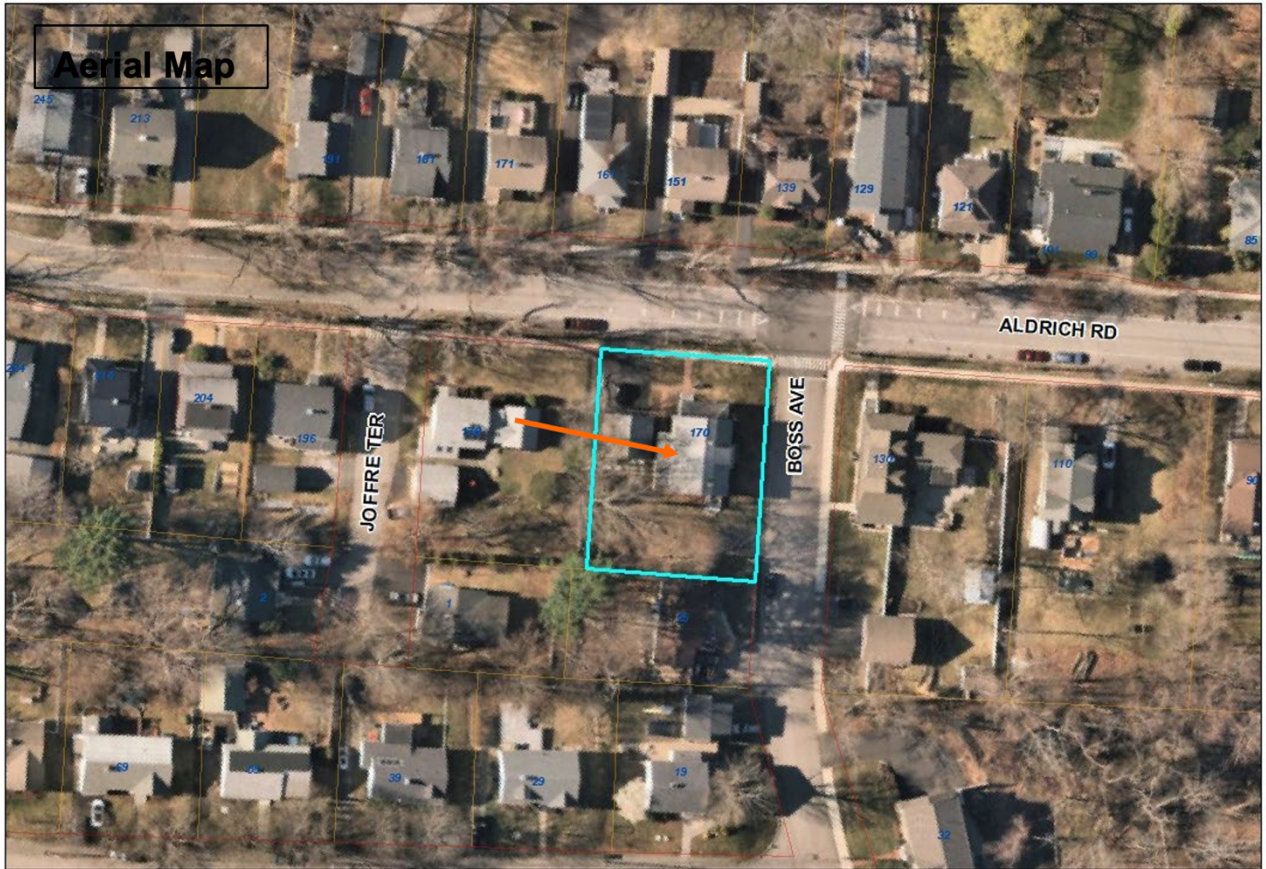
Current Tax Map
Green is 170 Aldrich
Yellow 19 Sunset, 161 Aldrich, and 196 Aldrich



Westfield Park Plan Lots 23 and 22. 92.5 X 120 feet



Neighborhood Context



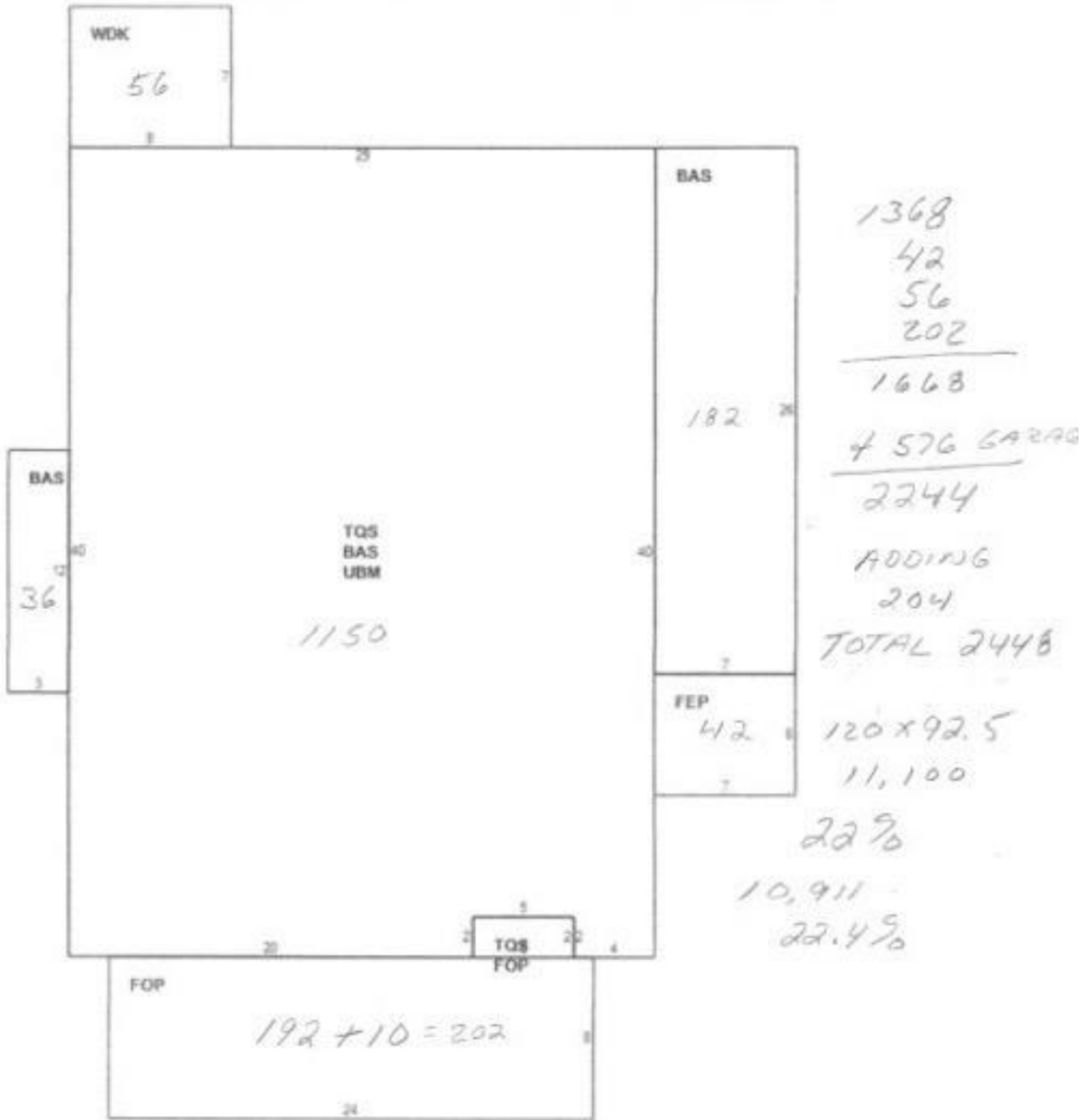
170 Aldrich Road







Building Layout



CITY OF PORTSMOUTH

APPLICATION FOR BUILDING PERMIT
OR CHANGE IN LAND USE

DATE Aug 4 1977
EST COST 1 3,700
FEE 18,000
PAID check - 00

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 SPAINA Address Greenland RD
Business Phone 436-2631

Size of Present Bldg. _____ x _____ No. of stories _____
Size of Proposed Bldg. 34' 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 <u>8/8/77</u> | 1. Variance _____ | Zoning <input checked="" type="checkbox"/> |
| | 2. Spec. Exc. _____ | Disapproved <input checked="" type="checkbox"/> <u>RPT</u> |
| | 3. Historic District _____ | Approved <input checked="" type="checkbox"/> |
| | 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. J. 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,

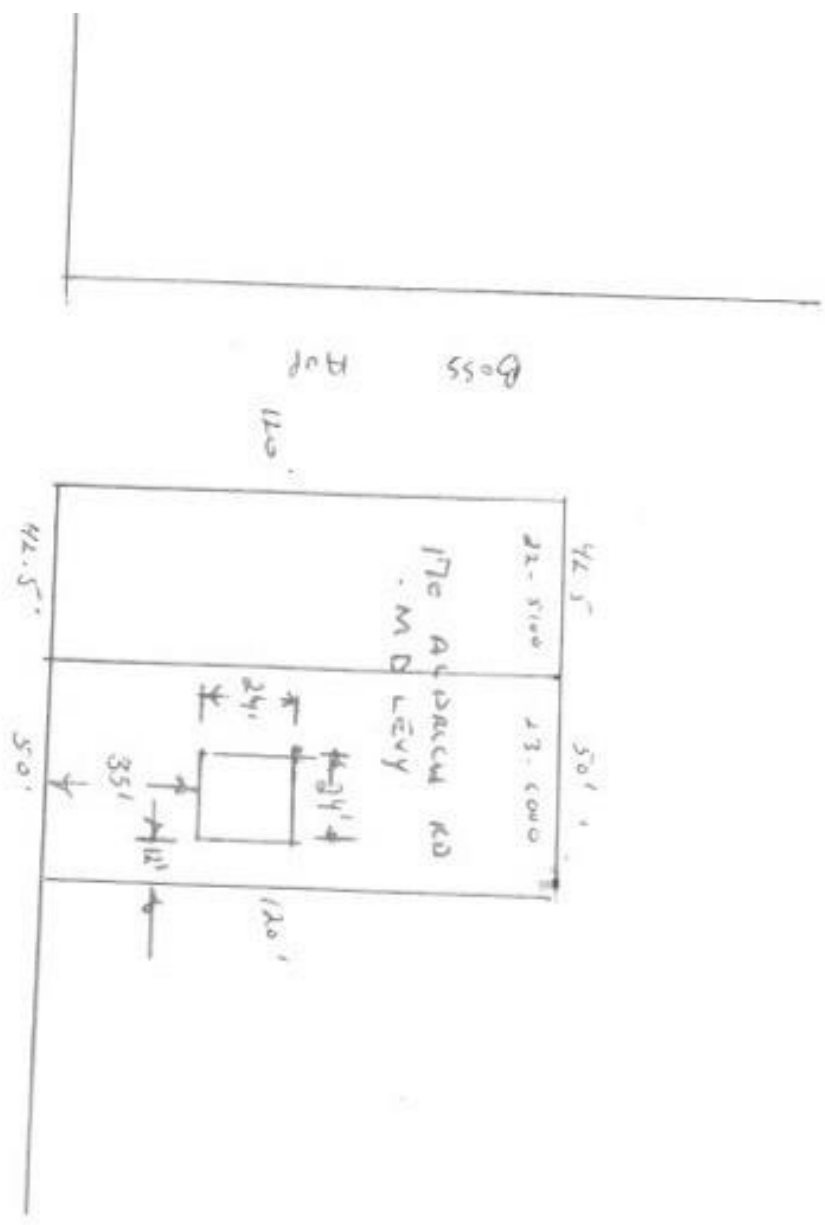
Nancy Carey
CHAIRMAN, BOARD OF ADJUSTMENT

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



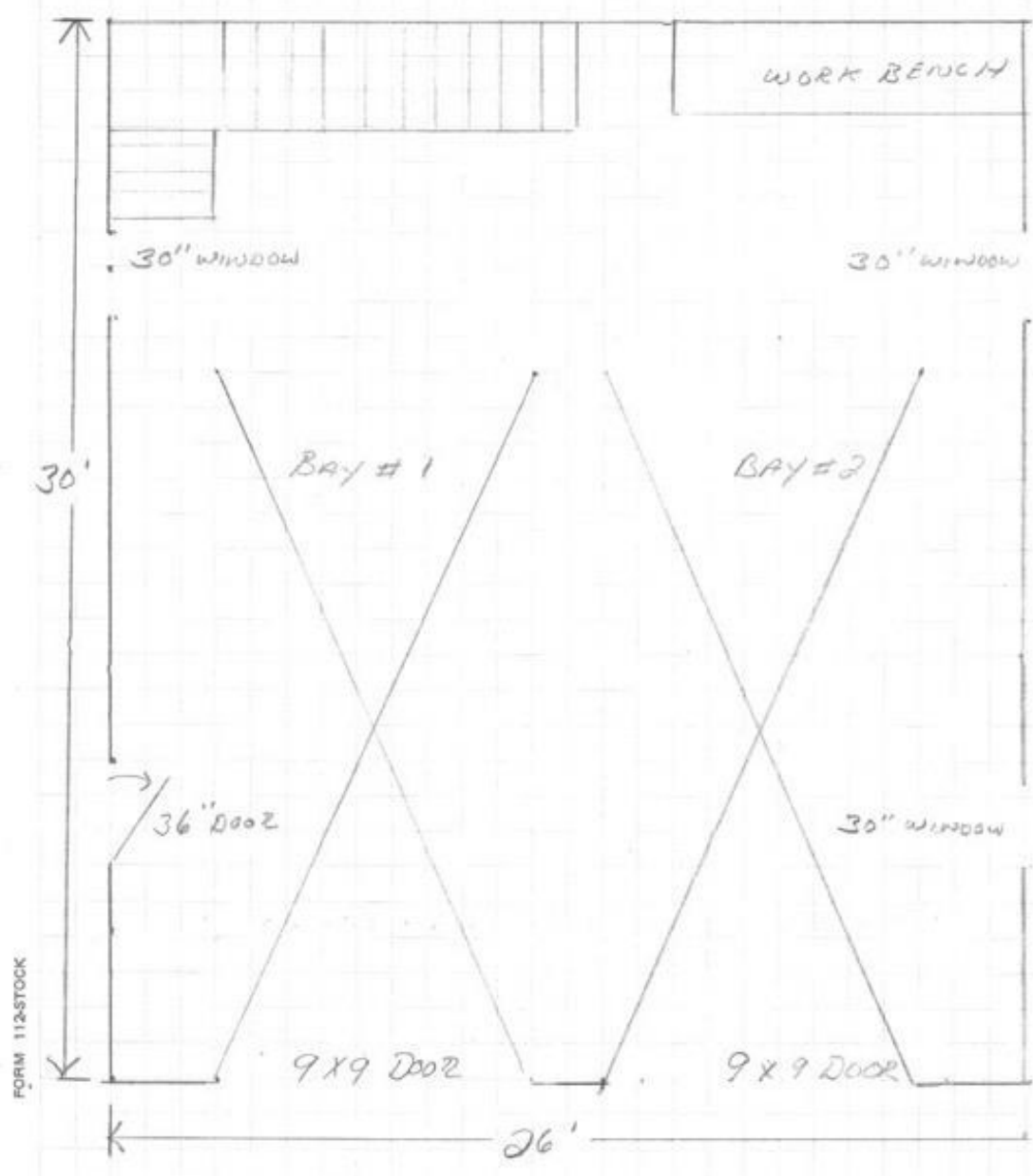
ALOKICH

House - 1170 S.F.
 Garage - 324
 Proposed - 576

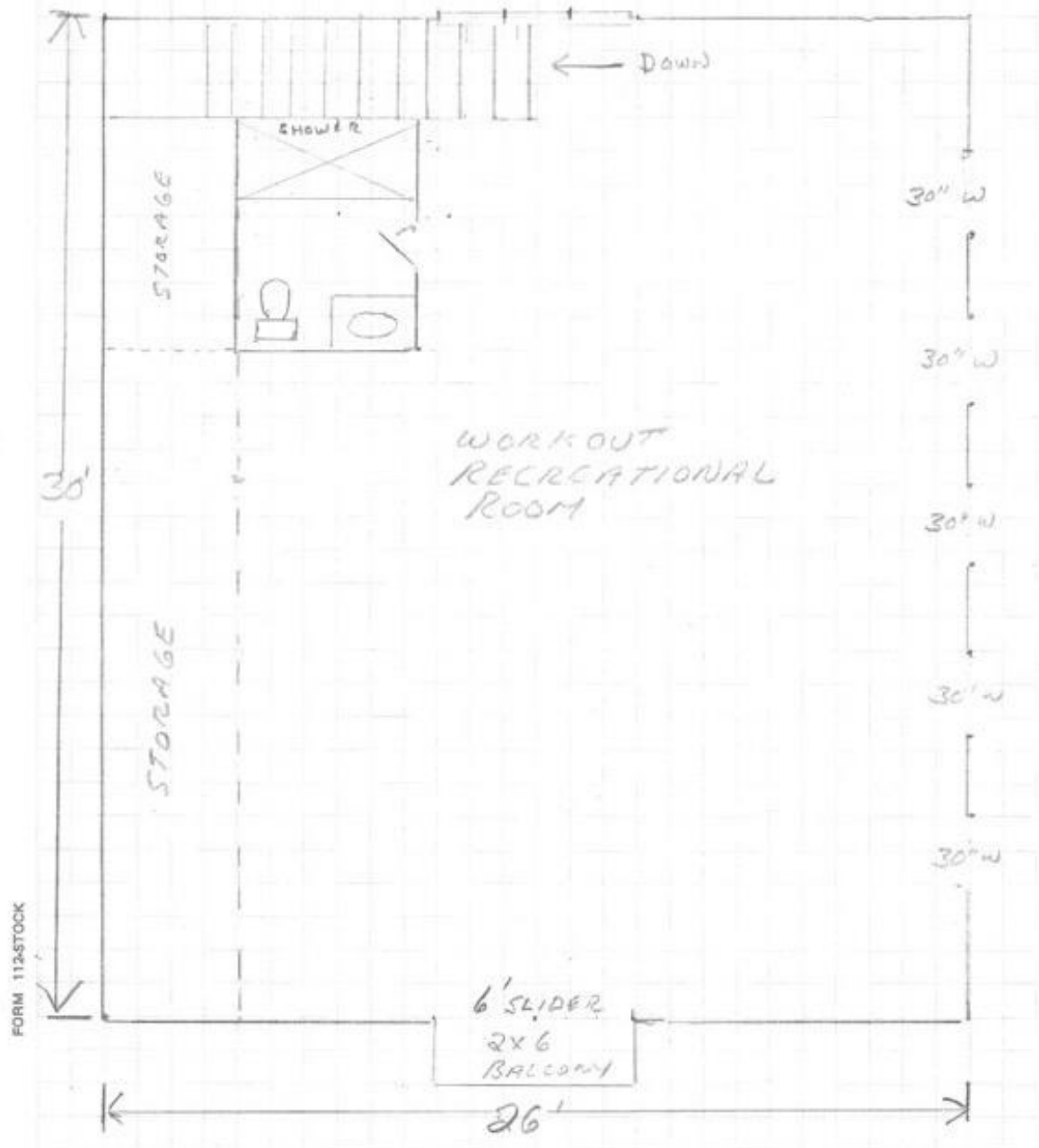
 2070 / 1100 = 1.88

6/10 avg year
 600 per 35x16

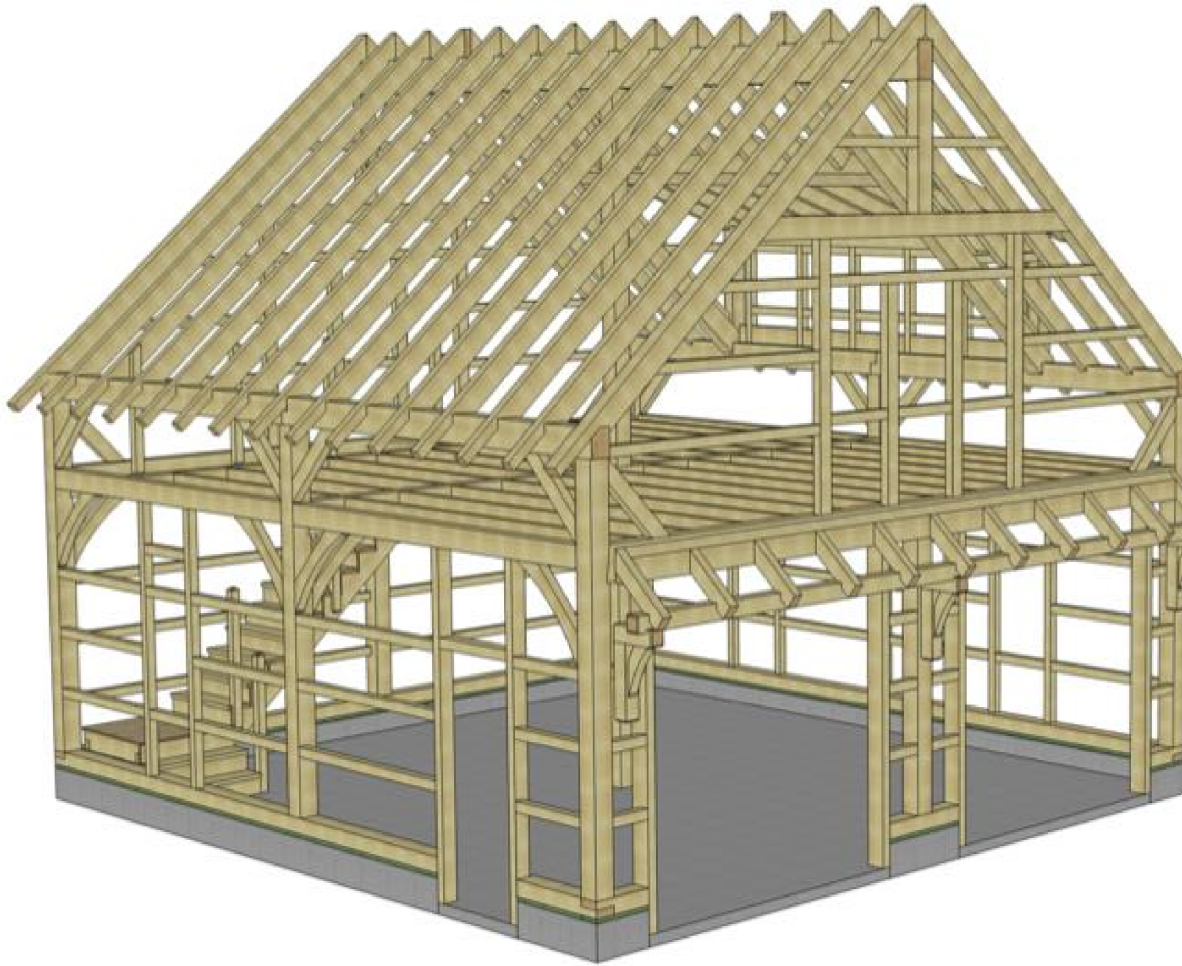
1ST FLOOR GARAGE



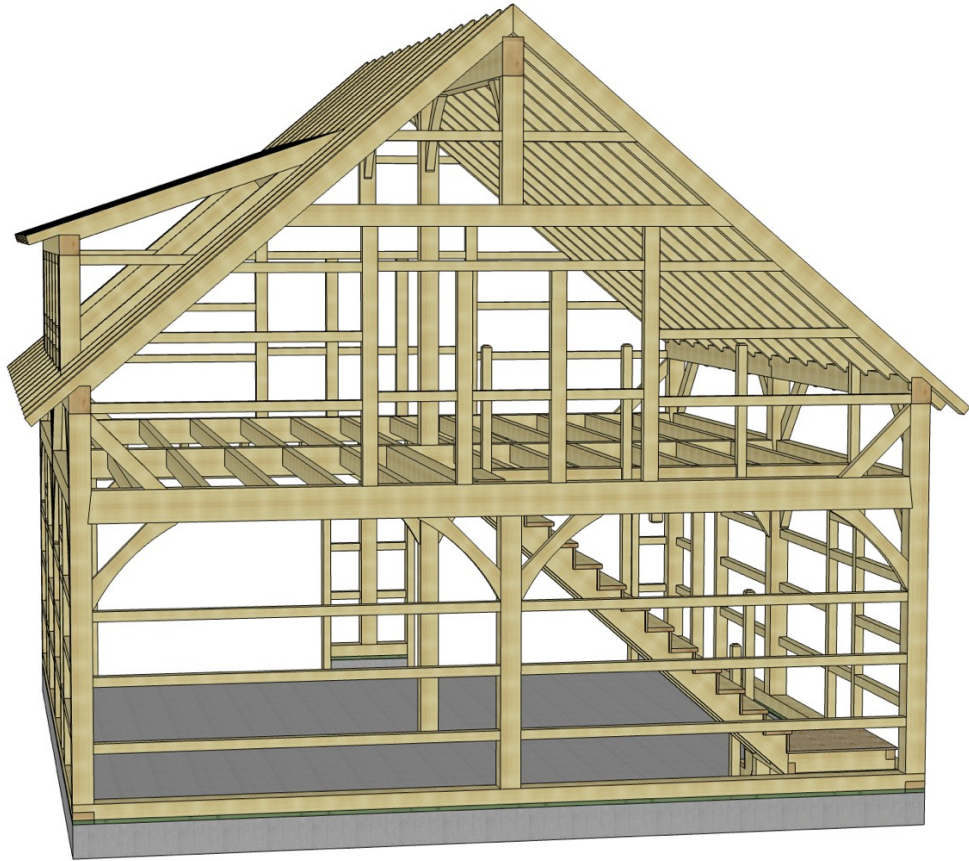
2ND FLOOR GARAGE

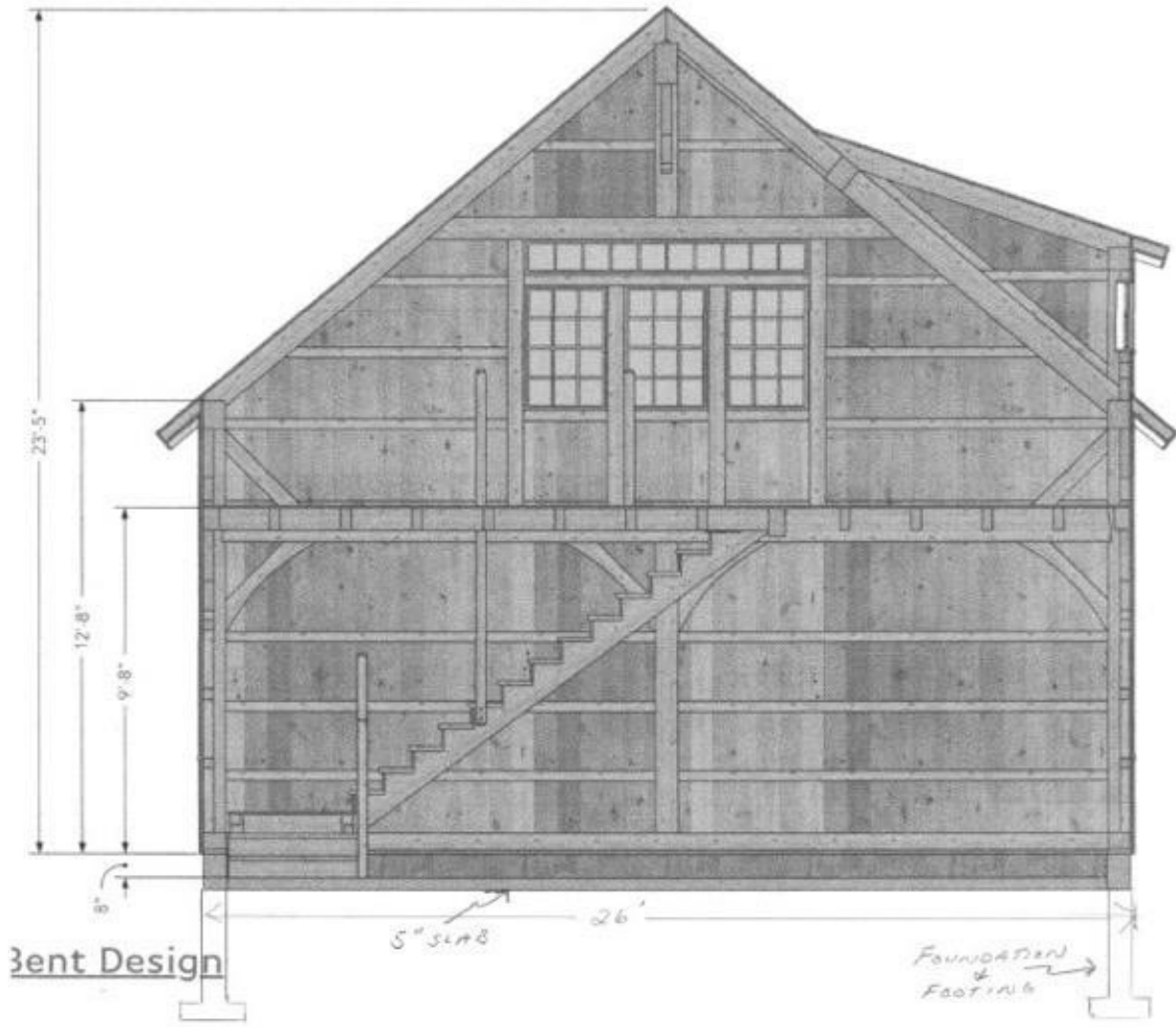


Frame for 1/1/2 story request

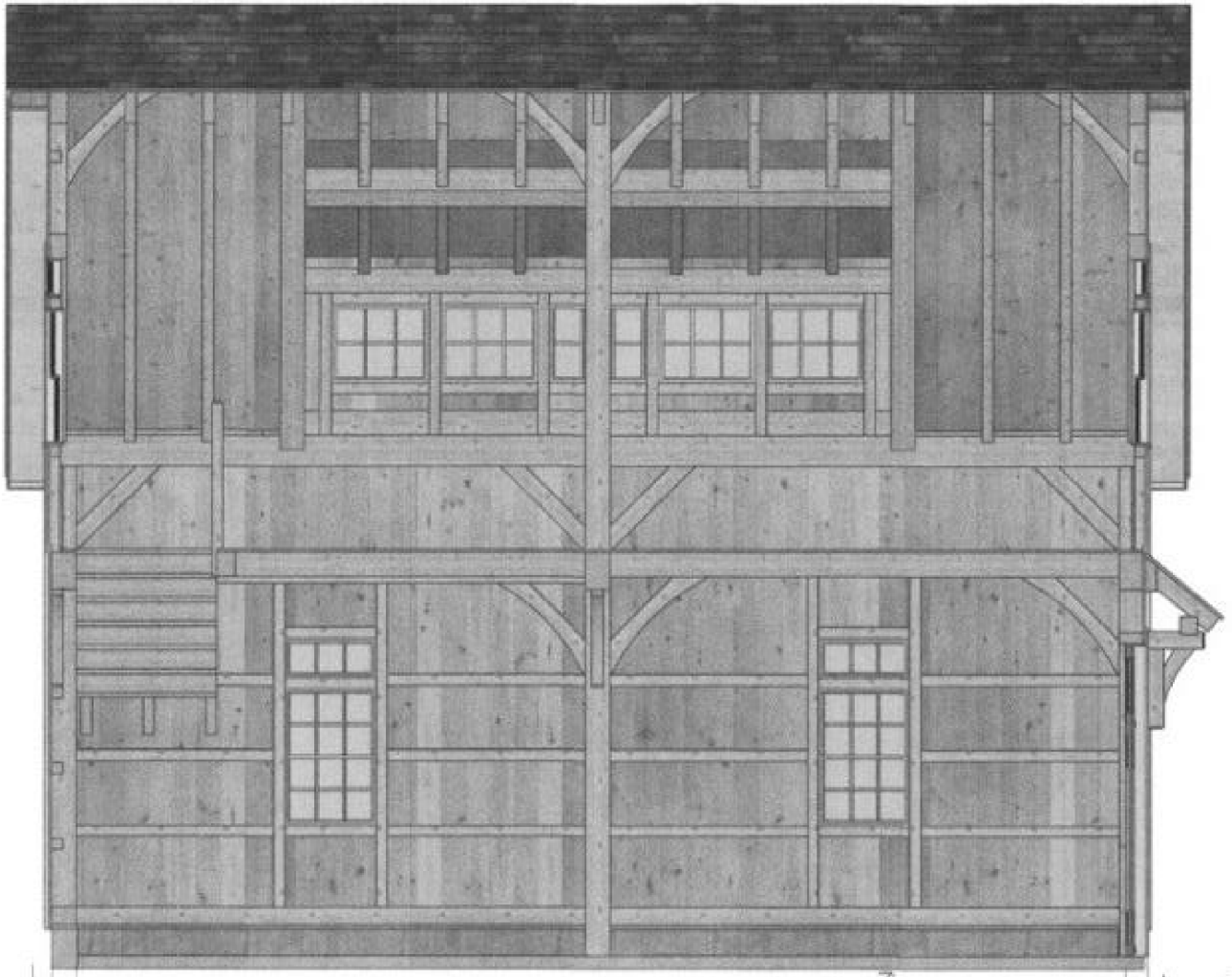


Frame for 1/1/2 story request





Bent Design



Bent Design

30'

5" SLAB

Foundations
& Footings





19 Sunset Road



161 Aldrich Road



55 Aldrich Road



From:

To: Subject: Date:

[Sachiko Akiyama](#)

[Planning Info](#)

Letter in Support of Peter Gamble Thursday, May 11, 2023 10:26:09 AM

To the Zoning Board -

I am writing in support of Peter Gamble's proposal to expand his garage. I live at 161 Aldrich Road which is across the street from Peter.

I am confident that this will not negatively impact me or my neighbors. He has already made improvements to his house which has made our neighborhood more beautiful.

I hope that the board will approve his plans.

Sincerely, Sachiko Akiyama 161 Aldrich Road

From:

To: Subject: Date:

[Brian Caffrey](#)

[Planning Info](#)

170 Aldrich
Tuesday, May 16, 2023 1:51:47 PM

Hello,

I am just emailing to voice my support for the project that will go before the board at:

170 Aldrich St Portsmouth, NH

I live behind the owner and received my abutters notice but will not be attending any meetings live or Zoom.

Thank You!

From:

To: Subject: Date:

[Scott Fales](#)

[Planning Info](#)

170 Aldrich Road
Tuesday, May 16, 2023 1:20:27 PM

Members of the Board, I am in favor of and fully support Peter Gamble's variance request at 170 Aldrich Road. I believe the proposed design and use of the new structure will greatly enhance the neighborhood and is not adverse or detrimental to surrounding properties.

I reside at 151 Aldrich Road, Portsmouth, NH, which is my childhood home and for which I am named Trustee of the Verna J. Fales Trust for this address.

Sincerely, Scott K. Fales

From:

To: Date:

[Verna](#)

[Planning Info](#)

Monday, May 15, 2023 5:58:07 PM

My name is Verna Fales and I reside at 151 Aldrich Road in Portsmouth. I have lived here since 1966. I live directly across the street of my neighbor Peter Gamble of 170 Aldrich Rd who has a proposal to construct a garage with a second floor to be used for more usable space. I am in favor of this proposal. Peter Gamble has always maintained his property and is very mindful of his surrounding neighbors. He is a wonderful and caring neighbor. Thank you for considering a yes to his proposal.

Sent from my iPad

From:

**To:
Cc: Subject: Date:**

[John Sheehan](#)

[Planning Info](#)
petere3@gmail.com
170 Aldrich road garage variance Thursday, May 11, 2023 1:23:46 PM

I've received notification as an abutter for the May 16, 2023, Board of Adjustments meeting for Peter Gamble 170 Aldrich Road Portsmouth. I have no objection to this situation and support this variance request.

Regards,

John Sheehan
130 Aldrich Road Portsmouth

From:

To: Subject: Date:

Hello,

[Erin Hichman](#)

[Planning Info](#)

170 Aldrich
Friday, May 12, 2023 7:43:23 AM

I live at 196 Aldrich Rd, Portsmouth, NH 03801 and fully support Peter Gamble's renovation plans.

Thank you, Erin Hichman

From:

To: Subject: Date:

patricia@yorkhousing.info

[Planning Info](#)

Peter Gamble 170 Aldrich Road Tuesday, May 23, 2023 11:40:20 AM

Planning Board City of Portsmouth;

I am writing to support the request for a new rebuilt structure at the above address.

neighbor at 139 Aldrich Road. Peter Gamble has done many renovations over the years and maintains

the home in a superior fashion. I have no doubt that this garage will be a nice addition to his property.

Setbacks in this neighborhood are should not be an issue because all of the homes were built very close

together and most everyone has a non-conforming lot. It will be of no consequence to anyone.

Regards,

Patricia Martine

Home:

139 Aldrich Road Portsmouth, NH 03801

Patricia Martine

Executive Director

York Housing

Mailing Address: 4 Pine Grove Lane Physical Address: 117 Long Sands Road York, Maine 03909

Phone: 207-363-8444

Fax: 207-351-2801 patricia@yorkhousing.info www.Yorkhousing.info

