

171 AUSTIN ST
Board of Adjustment
DIMENSTIONAL RELIEF REQUEST
July 28, 2020

FACTS

- Total Number of Dwelling Units: **6**
- Lot Area: **6,970**
- Proposed project: **Replace existing back decks**
- Existing Land Use: **Multifamily (6-units)**
- Project Representative:

Jason Chute
Yeaton Flats, LLC
7 Squire Way
Exeter, NH 03833
C: (603) 793-7292
Jason@YeatonFlats.com

- Dimensions of Existing and Proposed:
 - Existing Deck Structure: 8' W x 23' 6" L x 29' 3" H (plus steps on the ground level extending an additional 36")
 - Proposed Deck Structure: **9' 6" W x 29' 6" L** x 29' 3" H (plus steps on the ground level extending an additional 36")
- Setbacks (more or less):
 - FRONT (Austin St) – **67'**
 - Existing: 43'
 - Proposed: 43'
 - LEFT SIDE (Cabot St) – **101.5'**
 - Existing: 36'6"
 - Proposed: 30'6"
 - BACK (State St) – **64.1'**
 - Existing: 59'
 - Proposed: 57' 6"
 - RIGHT SIDE (Winter St) – **110'**
 - Existing: **7'**
 - Proposed: **7'**

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NARRATIVE

PROPERTY

171 Austin St is located in the General Residence C District. The lot size is 6,970 sq ft. and is shown on Tax Map 145, as Lot 92. Currently there exists a 6-unit multifamily building with rear decks. The rear deck is nonconforming as it encroaches on the right side yard by a few feet.

PROPOSED

The applicant proposes to demolish a nonconforming 3-story deck and replace it with a slightly larger 3-story deck. The new deck will have a 7' setback along the right side, *the same as the existing*, but will extend 1.5' farther along the right side setback. The left side of the deck will be expanded by 6', but there are no encroachment issues of the deck on the rear or left side.

Because the structure is being expanded, a variance of Article 3, Section 10.233 is required to allow expansion of the nonconforming structure due to the existing and proposed right side setback of 7'.

10.233 VARIENCES

The applicant believes that the five (5) criteria necessary for the board to grant the required variances are met within the application.

10.233.21. Granting the requested variance will not result in a substantial change to the characteristics of the neighborhood, nor will public health, safety and welfare be threatened. In essence, the proposal is to replace the structure with an almost identical structure in the same location, with a slightly larger footprint allowing for more useable outdoor space for residents and safer, more functional stairs to the ground-level.

10.233.22. Because the essential characteristics of the neighborhood will not be substantially altered, and because the public health, safety and welfare will not be threatened, granting the requested variances would be within the spirit and intent of the ordinance and would not be contrary to the public interest.

10.233.23. Granting the requested variance would result in substantial justice being done because the hardship upon the applicant were the variances denied is not outweighed by some benefit to the general public. Having a larger outdoor space certainly benefits the residents of 171 Austin St. Therefore, the hardship upon the owners were the application denied versus a perceived benefit to the general public benefit to the general public in denying the variance, it is clear there is no benefit to the general public in denying the requested variance.

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10.233.24. Granting the requested variance would not result in any diminution in value of surrounding properties. In fact, we will be removing an unsightly structure and will be replacing it with something more in line with the renovated, neighboring properties on both sides.

10.233.25. There is a hardship inherent in the land due to special conditions of the lot combined with the placement of the existing structures thereon. The building itself was built c.1843. The building construction predates Portsmouth's first zoning ordinance and thus there were no setback requirements. The placement of the building, and location of unit deck doors limits the applicant's ability to meet today's zoning ordinance. As well as the existing condition of the decks is so poor, the existing stairs do not, and cannot meet code with the existing layout. The rise/run of the stairs is inconsistent and the clearances on the landings are too small (<36"). Furthermore, nothing can be saved from the existing structure, so the entire structure must be torn down and rebuilt. There is no fair and substantial relationship between the intent of the ordinance as it is applied to this particular lot and deck structure. The use is reasonable use being allowed by the zoning ordinance.

CONCLUSION

It is the applicant's position that the variance requested meets the five (5) criteria necessary for the Board to grant the variances are met within the application and it is respectfully requested that the application be granted as presented.

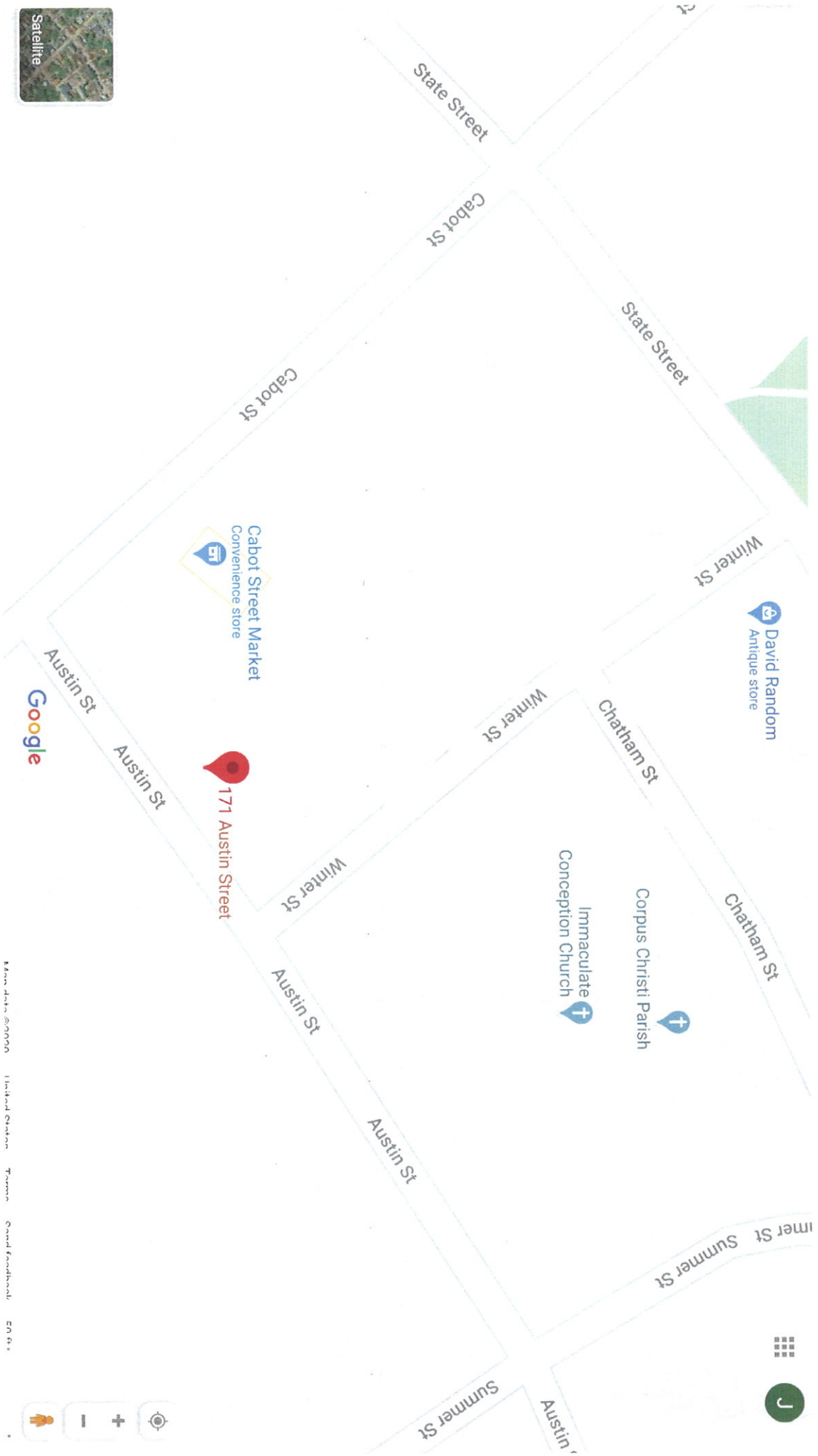

JASON CHUTE

171 AUSTIN ST
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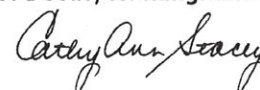


Google

Map data © OpenStreetMap contributors, Imagery © Mapbox



Return to:



LCHIP	ROA477019	25.00
TRANSFER TAX	RO094037	12,525.00
RECORDING		14.00
SURCHARGE		2.00

WARRANTY DEED

KNOW ALL BY THESE PRESENTS, that 171 AUSTIN STREET, LLC, a New Hampshire Limited Liability Company, with a mailing address of 549 Route 1 Bypass, Portsmouth, New Hampshire 03801, for consideration paid, hereby grant to YEATON FLATS, LLC, a New Hampshire limited liability company of 7 Squire Way, Exeter, New Hampshire 03833 with WARRANTY COVENANTS, the following described premises:

A certain lot or parcel of land together with the buildings thereon, situate in said Portsmouth, County of Rockingham and State of New Hampshire, bounded and described as follows:

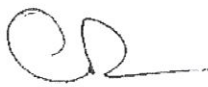
Southerly by Austin Street sixty-seven (67) feet, more or less; westerly by land now or formerly of Eva S. Drew one hundred one and five tenths (101.5) feet, more or less; northerly by land now or formerly of Winifred Raines sixty five (65) feet, more or less; easterly by land now or formerly of Francis L. Stevens and land now or formerly of Margaret W. Kimball, one hundred ten (110) feet, more or less.

This is not homestead property.

Meaning and intending to convey the same premises conveyed to the Grantor by deed of Karl M. Belilah and Gale A. Belilah dated November 6, 2006 and recorded in the Rockingham County Registry of Deeds at Book 4729, Page 2428.

Signed this 31st day of December, 2019.

171 Austin Street, LLC

By: 
Anthony DiLorenzo, Manager



Property Information

Property ID 0145-0092-0000
 Location 171 AUSTIN ST
 Owner YEATON FLATS LLC

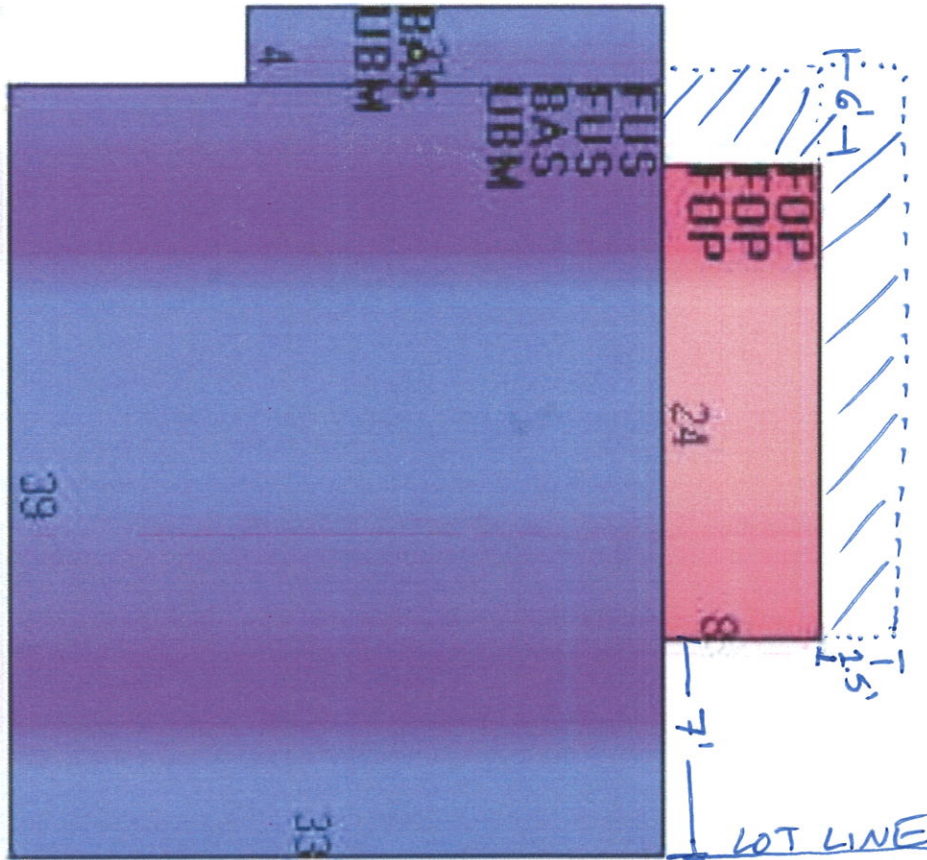


**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

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

Geometry updated 4/1/2019
 Data updated 7/17/2019

DRIVEWAY
(171 AUSTIN ST.)



General Notes

No.	Revisions/Issue	Date

Print name and address

J.D. DESIGN

Project Name and Address

171 AUSTIN ST
PORTSMOUTH NH
03801

Project: 913

Date: 06/28/20

Scale: 1/4"=1'

SCALE 1/4" = 1'-0"



STRUCTURAL NOTES:

ALL WORK SHALL CONFORM TO THE LATEST NEW HAMPSHIRE STATE BUILDING CODE AND THE INTERNATIONAL BUILDING CODE. ALL FOUNDATIONS SHALL REST ON SOLID BEARING (MIN CAPACITY 27/SP) WHERE RESTING ON FILL, SUCH FILL'S COMPOSITION AND CHARACTERISTICS SHALL BE PROVIDED IN WRITING BY THE ENGINEER. NOTIFY THE ENGINEER IF LESSER CAPACITY MATERIAL IS ENCOUNTERED BEFORE PROCEEDING WITH THE WORK. ALL WOOD SHALL BE PRESSURE TREATED SELECT STRUCTURAL GRADE LUMBER UNLESS OTHERWISE SPECIFIED IN DRAWINGS.

ALL LOADS AND LOADING CONDITIONS ARE PER IBC 2015

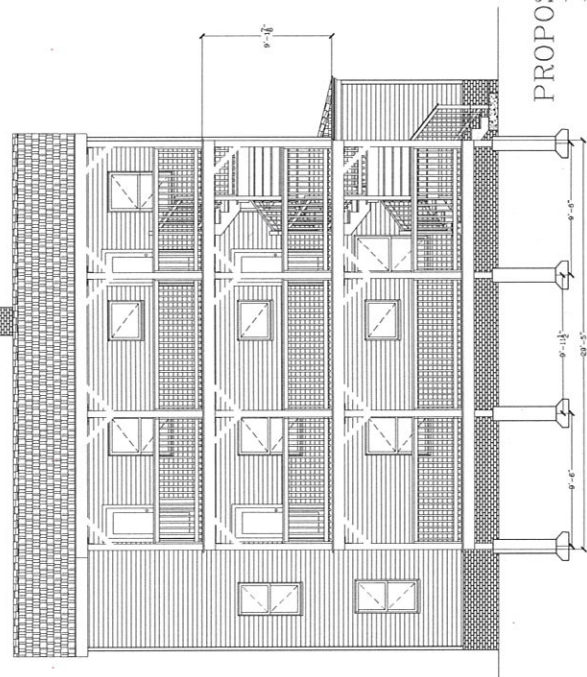
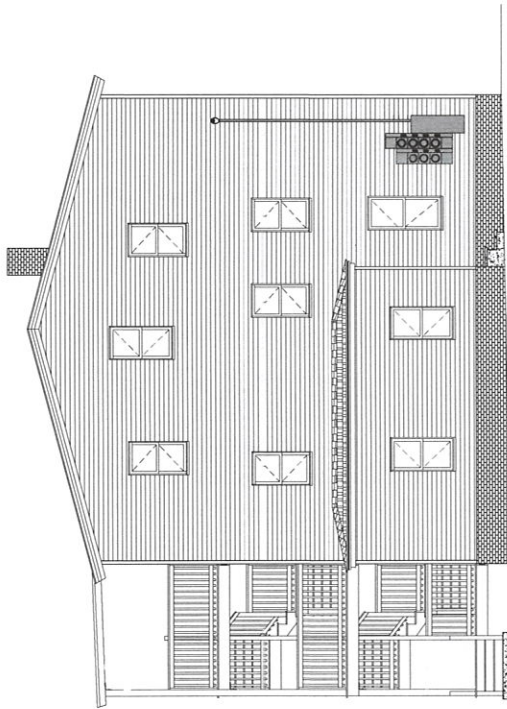
LVL BEAMS : FB=2650 PSI
CONCRETE : FC=4000 PSI
REINFORCEMENT : Fy=60,000 PSI

ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED. EXPOSED WOOD SHALL BE PRESSURE TREATED, OR BETTER. ALL EXPOSED WOOD SHALL BE PRESSURE TREATED. ALL EXPOSED CONNECTORS AND FASTENERS SHALL BE GALVANIZED. ALL STRUCTURAL COLUMNS ARE 6X4 PSI OR 3 5/8 X 6 PSI UNLESS OTHERWISE NOTED.

PROVIDE BRACING OF ALL COLUMNS(STEEL AND TIMBER) AT EACH FLOOR LEVEL. USE SIMPSON HURRICANE TIES TO ATTACH ROOF RAFTERS TO THE WALL. ALL FASTENERS AND CONNECTORS SHOULD BE GALVANIZED. USE 4" O.C. @ EDGES AND 12" O.C. IN FIELD TO ATTACH ALL FLOOR AND ROOF PLYWOOD AND EXTERIOR SHEATHING. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS OF ALL 1.75" PILES. ALL COMBINED LVL PILES SHALL BE CONNECTED PER MANUFACTURER SPECIFICATION FOR SIDE-LOADED ASSEMBLIES. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND CONDITIONS OF ALL EXISTING STRUCTURE. THE ENGINEER OF ANY DISCREPANCY BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR SHALL PROVIDE ALL NECESSARY SHORING & BRACING UNTIL ALL STRUCTURAL WORK IS COMPLETE.

GENERAL NOTES:

- A. IT WILL BE THE CONTRACTORS RESPONSIBILITY TO VERIFY AND EXECUTE ALL WORK IN STRICT ACCORDANCE WITH ALL NEW HAMPSHIRE STATE BUILDING CODE AND INTERNATIONAL BUILDING CODE. THE CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS ON THE JOB SITE BEFORE STARTING WORK AND TO COORDINATE WITH WORK ACCORDINGLY. THE CONTRACTOR SHALL NOTIFY THE ENGINEER AND THE DESIGNER PROMPTLY AND PRIOR TO ANY CONSTRUCTION. CONTRACTOR SHALL PROVIDE IN WRITING TO OWNER, ARCHITECT AND ENGINEER REQUEST FOR ADDITIONAL INFORMATION. THE CONTRACTOR SHALL PROVIDE A WRITTEN REQUEST. SCOPE OF WORK SHALL BE DETERMINED AS UNDERSTOOD BY CONTRACTOR.
- B. THE CONTRACTOR IS RESPONSIBLE FOR ALL WORK SHOWN IN THE CONTRACT DOCUMENTS EXCEPT WHERE SPECIFICALLY DESIGNATED TO BE DONE BY A SEPARATE SUBCONTRACTOR OR BY A CONTRACTOR WORKING DIRECTLY FOR THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING THE WORK OF THESE CONTRACTORS.
- C. THE GENERAL CONTRACTOR IS TO DO ALL CUTTING AND PATCHING OF EXISTING FLOOR, WALL, CEILING, ROOFS FOR ANY WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR IDENTIFYING ALL CUTTING AND PATCHING IS NOT SPECIFICALLY IDENTIFIED IN THE CONTRACT DOCUMENTS.
- D. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR INITIATING, MAINTAINING AND SUPERVISING ALL SAFETY AND PROGRAMS NECESSARY FOR THE COMPLETION OF THE WORK.
- E. ALL WORK TO BE CONSIDERED NEW WORK UNLESS INDICATED OTHERWISE. CONTRACTOR SHALL VERIFY WITH OWNER AND ENGINEER ALL CONDITIONS PRIOR TO COMMENCEMENT OF WORK. VERIFICATION SHALL BE PROVIDED IN A WRITTEN FORMAT ALONG WITH THE CONTRACT DOCUMENTS.
- F. THE GENERAL CONTRACTOR SHALL FILE FOR AND SECURE ALL APPROVALS, PERMITS AND CERTIFICATES OF COMPLIANCE AS REQUIRED AND PAY FOR SUCH FEES.
- G. THE CONTRACTOR SHALL BE RESPONSIBLE FOR A COMPLETE AND THOROUGH CLEAN-UP AT THE END OF THE PROJECT, AND FOR DAILY CLEAN-UP OF CONSTRUCTION DEBRIS.
- H. THE GENERAL CONTRACTOR IS TO ENSURE WHERE EXISTING CONDITIONS ARE NOTED IN THE CONTRACT DOCUMENTS IS TO BE REPAIRED AND UNINTERRUPTED GENERAL CONTRACTOR IS TO COMPLETE AND PATCH EXISTING CONSTRUCTION WITH FIRE RESISTIVE CONSTRUCTION OF SAME OR HIGHER RATING.

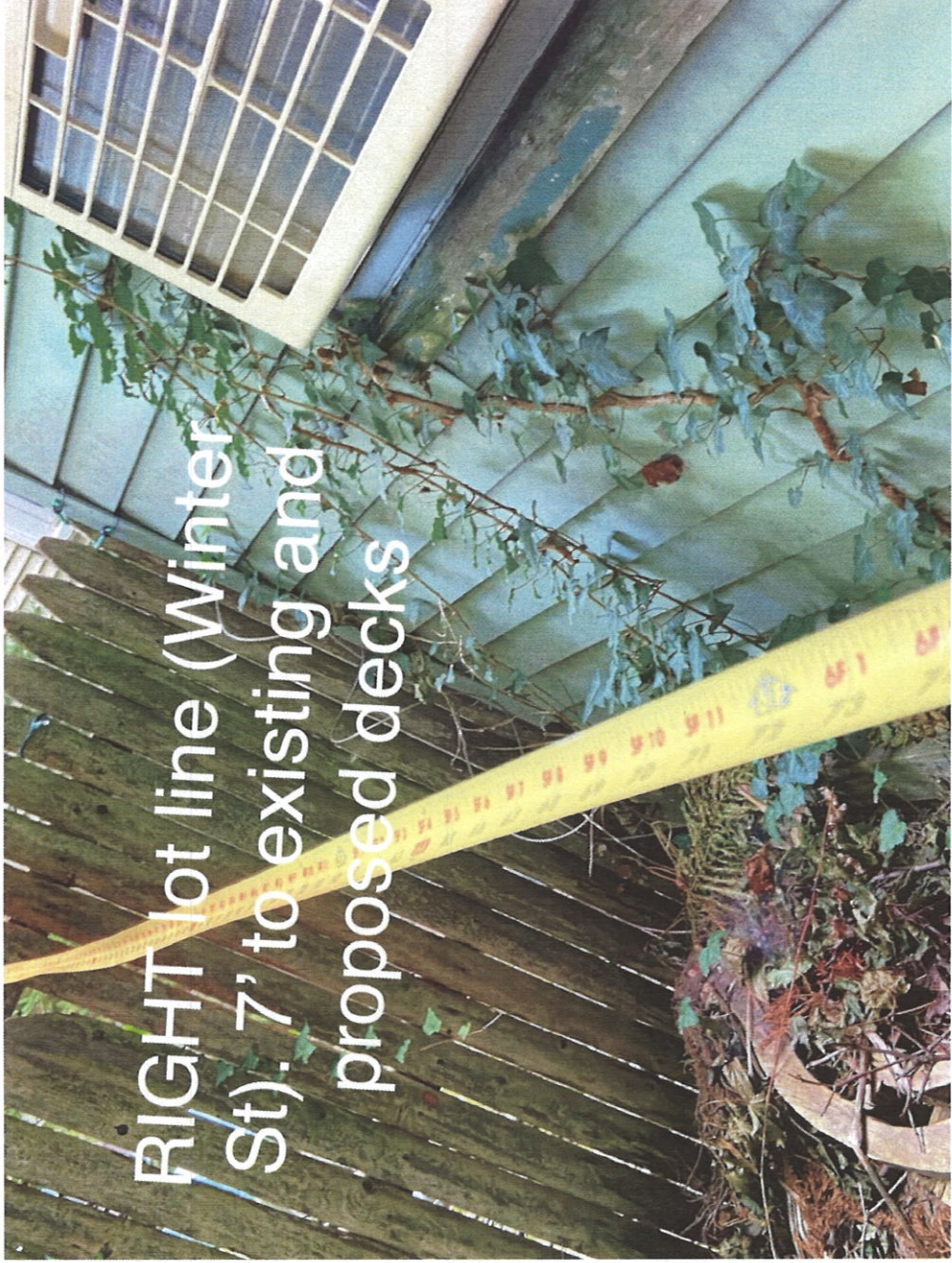


PROPOSED PORCH ELEVATIONS



RIGHT lot line
(Winter St). 7' to
existing and
proposed decks

RIGHT LOT LINE ①



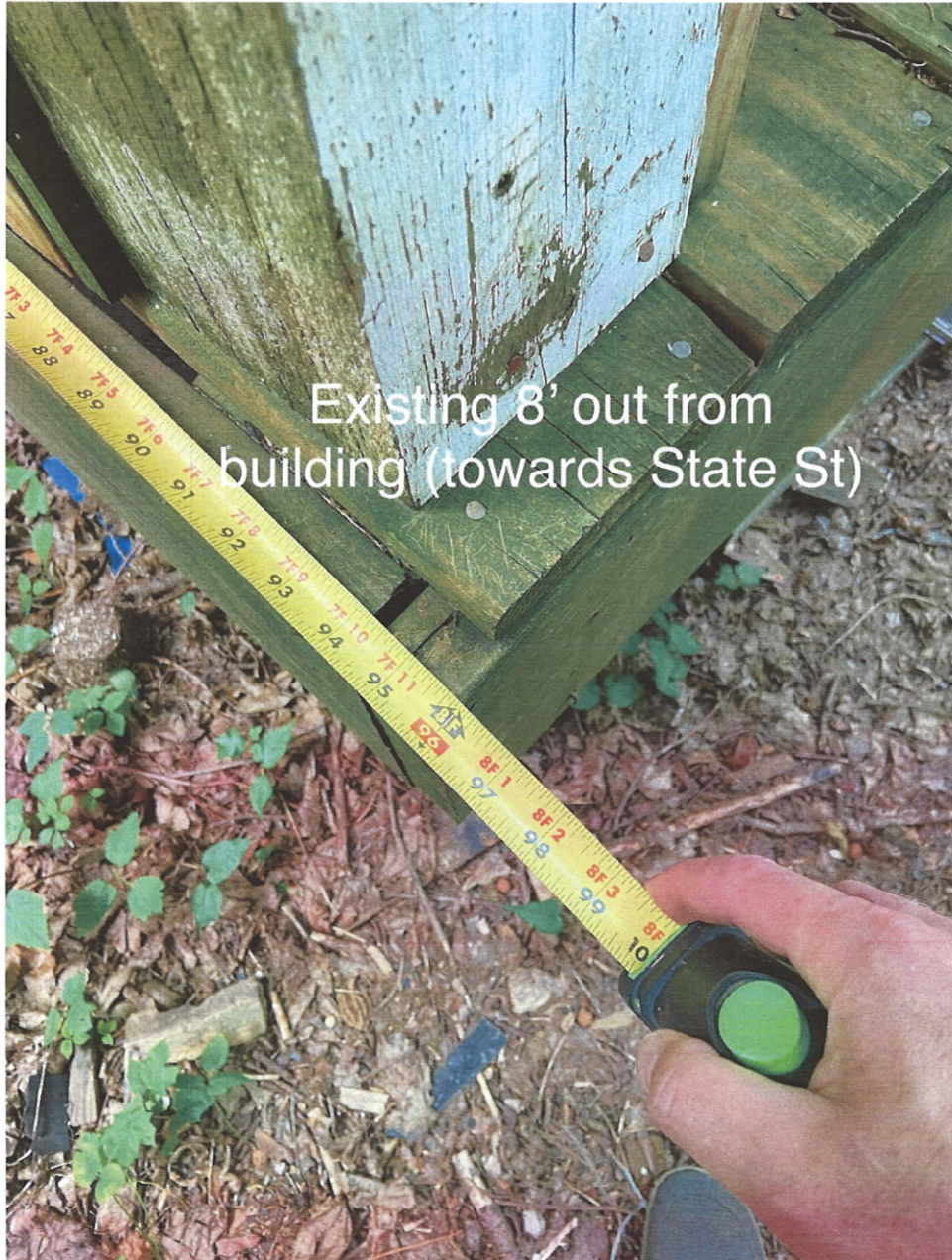
RIGHT lot line (Winter St). 7' to existing and proposed decks

RIGHT LOT LINE (2)



Existing 8' out from
building (towards State St)

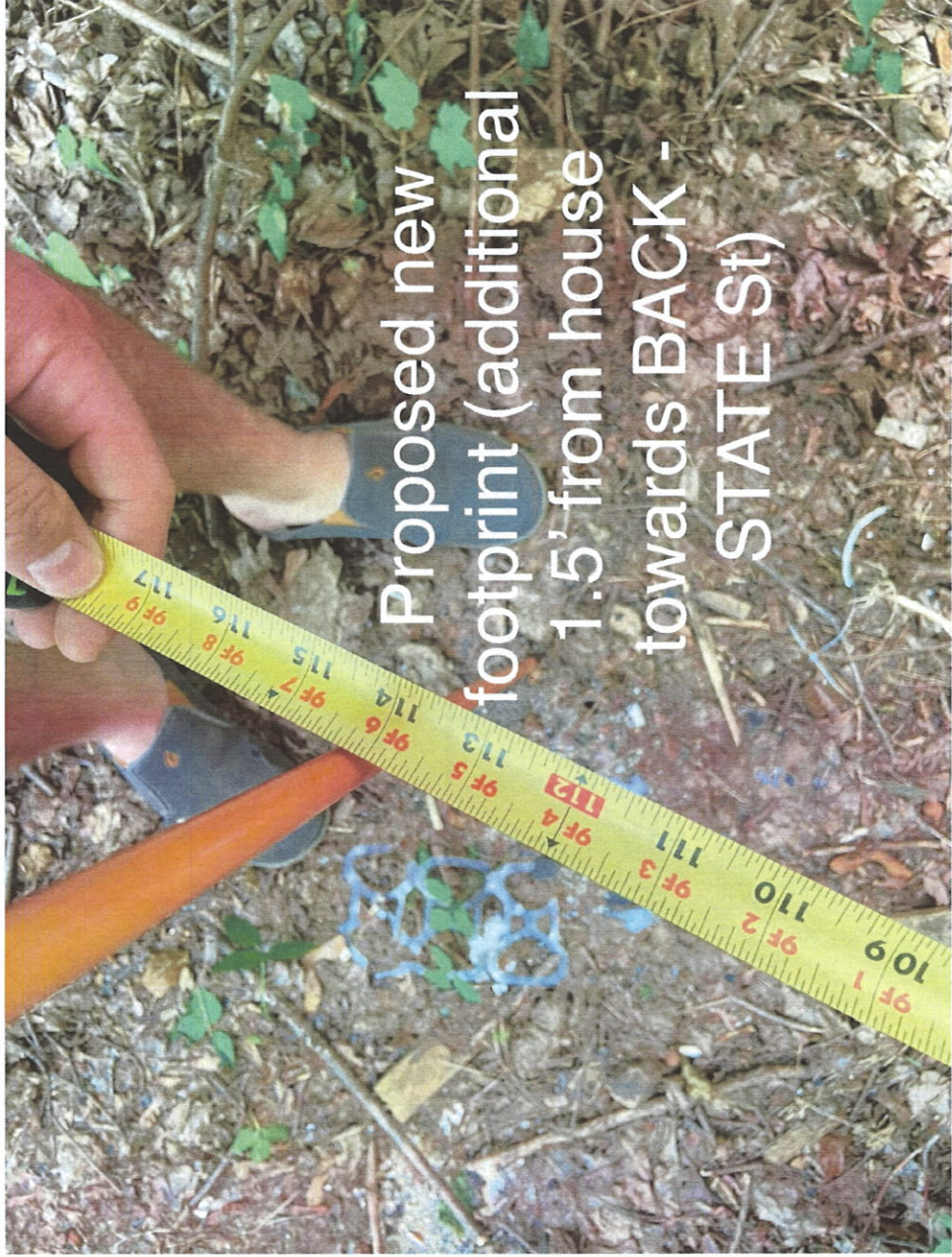
EXISTING WIDTH ①



EXISTING WIDTH (2)



PROPOSED WIDTH ①



Proposed new footprint (additional 1.5' from house - towards BACK - STATE St)

Proposed WIDTH ②



EXISTING + PROPOSED
LENGTH (1)



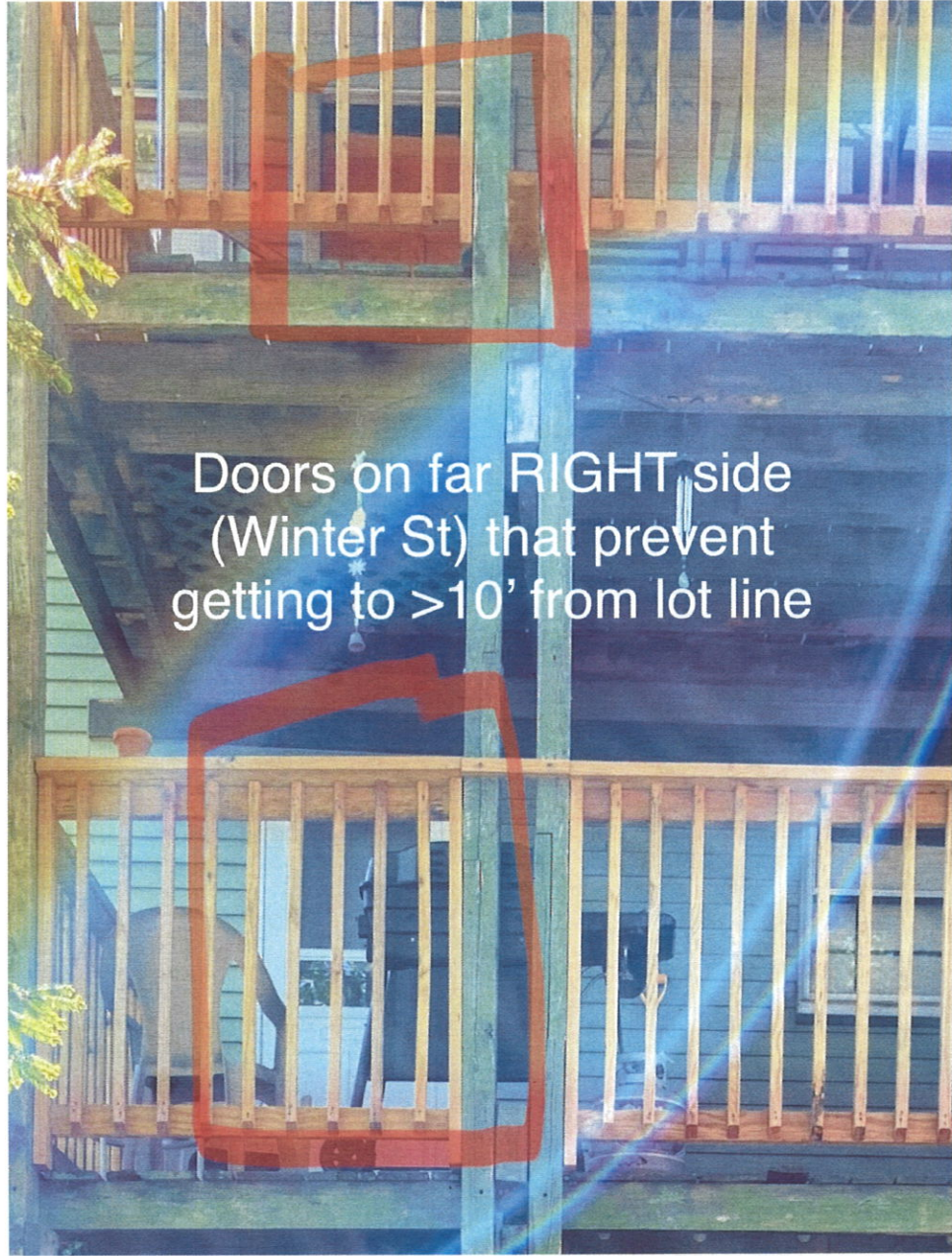
PROPOSED LENGTH (2)



EXISTING + PROPOSED LENGTH w/ STEPS ③



PROPOSED LENGTH W/ STEPS (4)



Doors on far RIGHT side
(Winter St) that prevent
getting to >10' from lot line

EXISTING CONDITIONS (1)



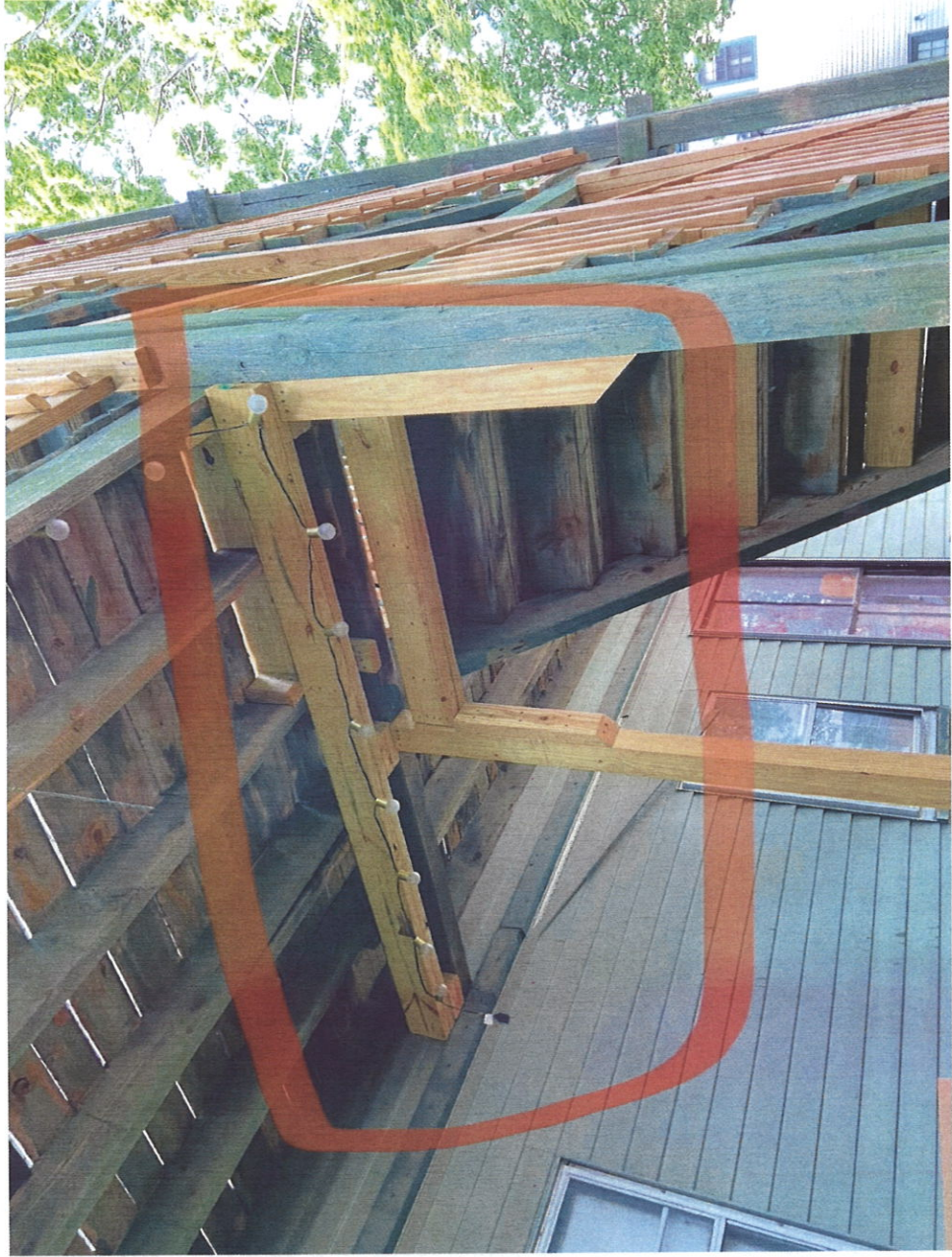
EXISTING CONDITIONS ②



EXISTING CONDITIONS ~~2~~ 3



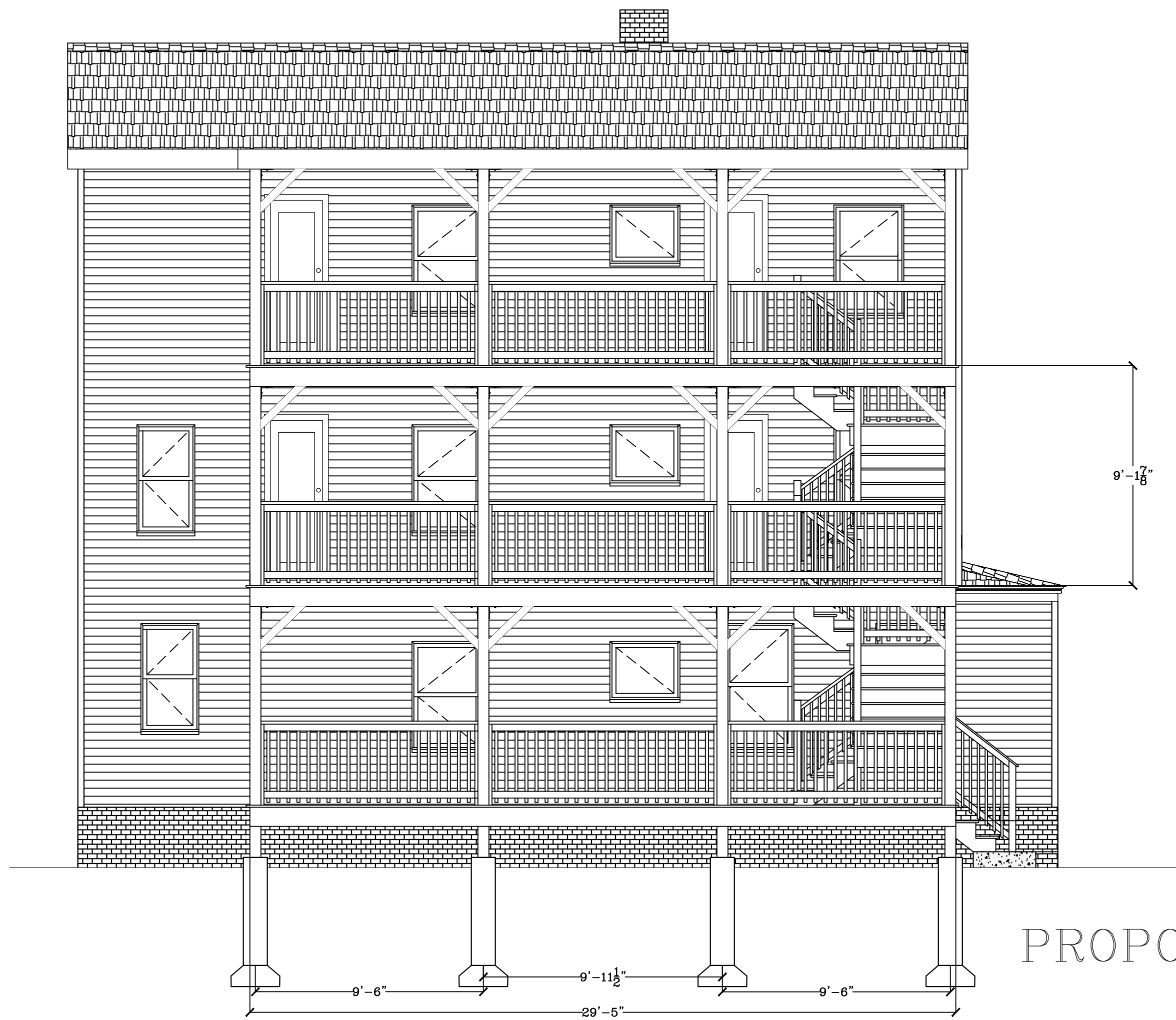
EXISTING CONDITIONS (4)



EXISTING CONDITIONS (S)



EXISTING CONDITIONS (6)



PROPOSED PORCH
ELEVATIONS

STRUCTURAL NOTES:

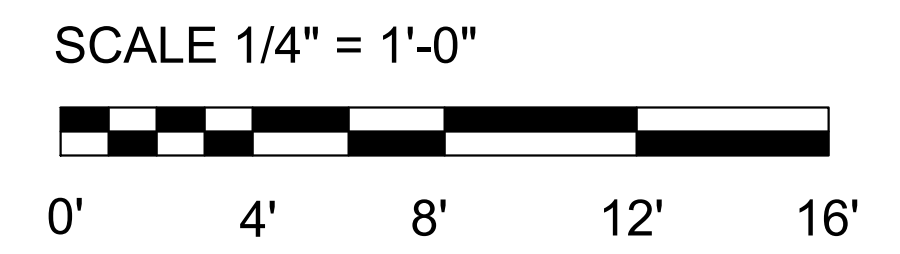
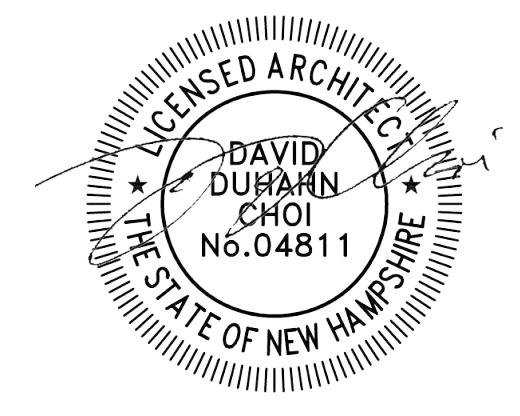
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ALL LOADS AND LOADING CONDITIONS ARE PER IBC 2015

LVL BEAMS : FB=2650 PSL
 CONCRETE : FC=4000 psi
 REINFORCEMENT: FY=60 KSI
 ALL DIMENSIONAL LUMBER SHALL BE OF CONSTRUCTION GRADE OR BETTER; ALL EXPOSED WOOD SHALL BE PRESSURE TREATED; ALL EXPOSED CONNECTORS AND FASTENERS SHALL BE GALVANIZED; ALL STRUCTURAL COLUMNS ARE 6X4 PSL OR 3.5" LALLY'S, UNO
 PROVIDE BRACING OF ALL COLUMNS(STEEL AND TIMBER) AT EACH FLOOR LEVEL. USE SIMPSON HURRICANE TIES TO ATTACH ROOF RAFTERS TO THE WALLS.
 NAILING AND FASTENING:
 ALL FASTENERS AND CONNECTORS SHOULD BE GALVANIZED. USE 4" O.C. @ EDGES AND 12" O.C. IN FIELD TO ATTACH ALL FLOOR AND ROOF PLYWOOD AND EXTERIOR SHEATHING. CONTRACTOR MAY SUBSTITUTE SINGLE LVL BEAMS FOR COMBINATION OF 1.75"PILES. ALL COMBINED LVL PILES SHALL BE CONNECTED PER MANUFACTURER SPECIFICATION FOR SIDE-LOADED ASSEMBLIES. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS IN THE FIELD AND SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCY BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR SHALL PROVIDE ALL NECESSARY SHORING & BRACING UNTIL ALL STRUCTURAL WORK IS COMPLETE.

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General Notes

No.	Revision/Issue	Date

Firm Name and Address

 JD.DESIGN

Project Name and Address
 171 AUSTIN ST
 PORTSMOUTH NH
 03801

Project 913	Sheet A-1
Date 06/28/20	
Scale 1/4" = 1'	