

HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC

ATTORNEYS AT LAW

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April 23, 2025

HAND DELIVERED

Stefanie Casella, Principal Planner
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Troy & Colleen Blanchard, Owner/Applicant
205 Broad Street
Tax Map 130/Lot 16
GRA Zone

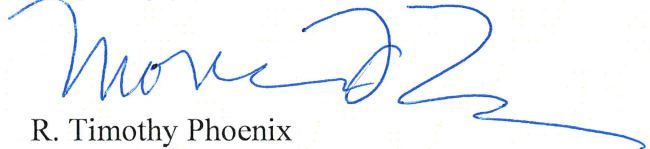
Dear Ms. Casella & Zoning Board Members:

On behalf of Troy & Colleen Blanchard, enclosed please find the following in support of a request for zoning relief:

- See Viewpoint Land Use Application uploaded today.
- Owner Authorization.
- 4/23/2025 – Memorandum and exhibits in support of Zoning Relief

We look forward to presenting this application to the Planning Board at its May 20, 2025 meeting.

Very truly yours,



R. Timothy Phoenix
Monica F. Kieser

Encl.

cc: Troy & Colleen Blanchard
Design Worth Calling Home, LLC
HaleyWard Engineering

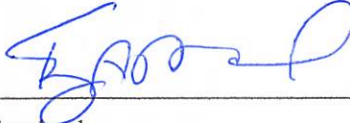
DANIEL C. HOEFLE	ALEC L. MCEACHERN	PETER V. DOYLE	STEPHEN H. ROBERTS In Memoriam
R. TIMOTHY PHOENIX	KEVIN M. BAUM	MONICA F. KIESER	OF COUNSEL:
LAWRENCE B. GORMLEY	JACOB J.B. MARVELLEY	CHRISTOPHER P. MULLIGAN	SAMUEL R. REID
R. PETER TAYLOR	GREGORY D. ROBBINS	KAREN W. OLIVER	JOHN AHLGREN

AUTHORIZATION

The undersigned, Troy and Colleen Blanchard owners of the property located at 205 Broad Street, Portsmouth, New Hampshire and further identified as Portsmouth Tax Map 130, Lot 16 (the "Property"), hereby authorize Hoefle, Phoenix, Gormley and Roberts, PLLC, to file documents and appear before the Portsmouth Planning Board and/or Zoning Board of Adjustment on their behalf in all matters relating to municipal land use approvals for the Property.

Dated:

4/20/21



Troy Blanchard

Dated:

4/20/21



Colleen Blanchard

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment (“ZBA”)
FROM: R. Timothy Phoenix, Esquire
Monica F. Kieser, Esquire
DATE: April 23, 2025
RE: Troy & Colleen Blanchard, Owners/Applicants
205 Broad Street
Tax Map 130/Lot 16
Zoning District General Residence A (“GRA”)

Dear Chair Eldrige and Zoning Board Members:

On behalf of the Owners/Applicants, Troy & Colleen Blanchard (“Blanchard”), we are pleased to submit this Memorandum and the attached exhibits in support of Zoning Relief to be considered by the ZBA at its May 20, 2025 meeting.

I. EXHIBITS

- A. Plan Set – Haley Ward.
- B. Architectural Plan Set – by Design Worth Calling Home.
- C. Site Photographs.
 - Satellite view.
 - Street views.
- D. Tax Map 130.

II. PROPERTY/PROJECT

205 Broad Street is a 3,025 s.f. lot at the corner of Broad and Spring Streets improved with a single-family home located on the Spring Street and Broad Street lot lines and a rear screened porch (the “Property”). (**Exhibit A**). There is no parking on the lot. Instead, a gravel area in the Spring Street public right-of-way accommodates one parking spot for the residence. (**Exhibit C**). In 2021, Blanchard dormered the third floor and converted a side porch to a mudroom, obtaining relief from this Board for work in the Broad and Spring Street yard setbacks. Blanchard now intends to remove the rear screened porch and construct a garage addition at the rear of the home which will wrap around the right side of the home and accommodate a basement office with first floor deck above (“the Project”). (**Exhibit B**). In addition to the garage and a basement office with deck above, the latter of which is proposed in a largely compliant location on the right side of the home, the Project will provide conditioned space on the first floor of the home to accommodate a family room and laundry area.

III. **RELIEF REQUIRED**

The following relief is required:

1. Portsmouth Zoning Ordinance §10.321 – Expansion of a Nonconforming Structure to permit construction of an addition in the Spring Street front and the rear yard setbacks.
2. Portsmouth Zoning Ordinance §10.521 – Table of Dimensional Standards – to permit a front setback of 7.4 ft. (Spring St.) for a garage addition where 7.4’ exists to the porch and 15 ft. is required, and a rear yard setback of 10.3 ft. where 12.3 ft. exists and 20 ft. is required.
3. Portsmouth Zoning Ordinance §10.521 – Table of Dimensional Standards – to permit building coverage of 45.9% where 34.9% exists and 25% is required.

IV. **Variance Requirements**

1. **The variances will not be contrary to the public interest.**
2. **The spirit of the ordinance is observed.**

The first step in the ZBA’s analysis is to determine whether granting the variances is not contrary to the public interest and is consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102 (2007) and its progeny. Upon examination, it must be determined whether granting a variance “would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance’s basic zoning objectives.” Id. “Mere conflict with the zoning ordinance is not enough.” Id.

The intent of the GRA Zone is to “provide areas for single-family, two family and multifamily dwellings, with appropriate accessory uses, at moderate to high densities (ranging from approximately 5 to 12 dwelling units per acre), together with appropriate accessory uses and limited services.” PZO §10.410 (emphasis added). The Project meets the intent of the GRA Zone, permitting the improvement of an existing single-family residence, importantly creating on-site parking, with no increase in density. The Property, like other in the neighborhood, is nonconforming with respect to yard setbacks and building coverage. **(Exhibit D)**. This proposal provides a garage addition in roughly the same location as the existing second story porch. Given these factors, granting the requested variances will not conflict with the basic zoning objectives of the PZO.

In considering whether variances “in a marked degree conflict with the ordinance such that they violate the ordinance’s basic zoning objectives,” Malachy Glen, *supra*, also held:

One way to ascertain whether granting the variance would violate basic zoning objectives is to determine whether it would alter the essential character of the locality. . . . Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

There will be no threat to the public health, safety or welfare by granting the requested variances, which will accommodate on-site interior parking (where none exists today) and provide additional livable space within an existing home. The dimensional relief is limited, enhances an existing building by filling in the screened porch and providing parking with setbacks consistent with the surrounding area. Clearly, the requested variances do not alter the essential character of the locality. Accordingly, the requested variances are not contrary to the public interest and observe the spirit of the ordinance.

3. Substantial justice will be done by granting the variances.

If “there is no benefit to the public that would outweigh the hardship to the applicant” this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508 (2011). That is, “any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice.” Malachy Glen, supra at 109.

Blanchard is constitutionally entitled to the use of the lot as they see fit, subject to the effect upon the expansion restrictions and dimensional requirements. “The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions.” N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that “no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people.” Thus, our State Constitutional protections limit the police power of the State and its municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978). “Property” in the constitutional sense has been interpreted to mean not the tangible property itself, *but rather the right to possess, use, enjoy and dispose of it*. Burrows v. City of Keene, 121 N.H. 590, 597 (1981). (emphasis added).

The Supreme Court has also held that zoning ordinances must be reasonable, not arbitrary and must rest upon some ground of difference having fair and substantial relation to the object of

the regulation. Simplex Technologies, Inc. v. Town of Newington, 145 N.H. 727, 731 (2001); Chesterfield at 69.

The existing home is located on the Spring Street lot line with the screened porch approximately 7.4 ft. from the Spring Street lot line. There is no parking available on the lot. The requested variances match the distance to the Spring Street lot line, provide non-existent interior parking at a similar distance from the rear lot line, so the public will not be negatively affected if the variances are granted. The Project also provides additional conditioned space within the proposed building perimeter. Given no harm to the public, Blanchard will be greatly harmed by denial of any of the variances as they will be unable to improve their home with a sorely needed garage. For these reasons, substantial justice will be done by granting each variance while a substantial injustice will be done by denying any of them.

4. Granting the variance will not diminish surrounding property values.

The proposal will provide on-site parking and a basement office, renovate the nonconforming home by repurposing an existing rear screened porch as conditioned space and providing an office/deck in a compliant location on the right side of the home. The result will be a clear improvement, increasing the value of Blanchard's home. The limited scope of the requested relief maintains consistency with the surrounding neighborhood, which includes many expanded homes. Accordingly, granting the variances will likely increase the value of the surrounding properties, but certainly will not diminish surrounding property values.

5. Denial of the variances results in an unnecessary hardship.

a. Special conditions distinguish the property from others in the area.

At 3,025 s.f., the Property is very small, less than half the size of a compliant 7,500 lot, yet must comply with the same dimensional requirements as the surrounding lots, most of which are significantly larger. The Property is also subject to two front yard setbacks. The resulting square-shaped building envelope is located in the middle of the lot and cannot be accessed from the existing curb cut on Spring Street, permitting no garage addition without relief. These circumstances combine to create special conditions.

b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

The purpose of expansion restrictions, yard setbacks, and building coverage is to prevent overbulking or overcrowding of land and to maintain air, light, sightlines for pedestrians and

motorists, space for abutters, and separation for stormwater treatment. None of these purposes are impaired by granting the requested variances. The screened porch already exists in the Spring Street front and rear yards with the proposed addition matching the dimension to the Spring Street lot line while providing on-site interior parking. Additional space exists between the lot line and the traveled portion of Spring Street to preserve existing sightlines, improved by moving a car onto the lot. A garage addition in the same location as the existing screened porch is an excellent use of space on a lot which currently accommodates no parking on the lot and results in minimal difference in the rear yard setback. The increase in building coverage from wrapping the addition around the right side of the home is directly related to the very small lot and mitigated by the proposed stormwater “drip strips” on the rear and side of the addition. Accordingly, there is no fair and substantial relationship between the purposes of the ordinance and its application in this instance.

c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005). Residential use is permitted in the GRA Zone. Blanchard proposes to repurpose an underutilized rear screened porch to include a garage and office on the ground level and additional conditioned space on the first floor of the home. The neighborhood overall is similarly densely developed with multiple nearby parcels non-conforming for setbacks and/or coverage. Accordingly, the proposed use is reasonable and denial of the variances will result in an unnecessary hardship.

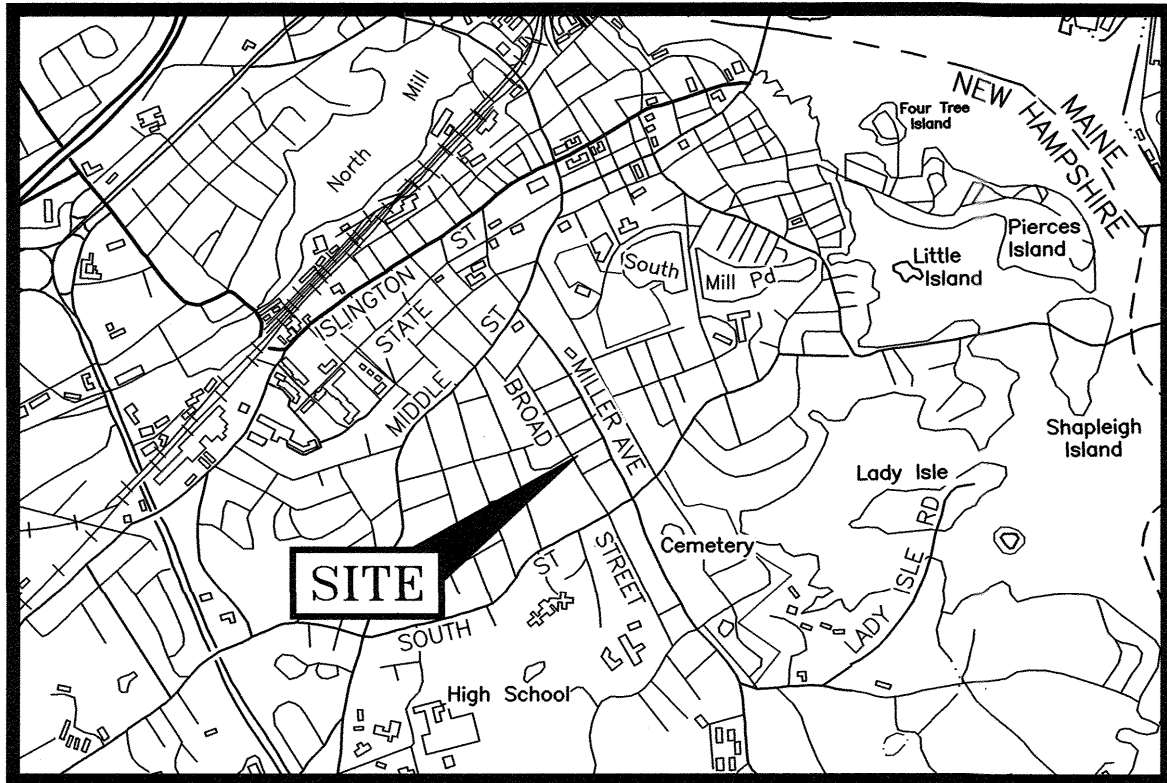
V. **CONCLUSION**

For all of the reasons stated, Blanchard respectfully requests that the Portsmouth Zoning Board of Adjustment grant the requested variances.

Respectfully submitted,
Troy and Colleen Blanchard



By: R. Timothy Phoenix
Monica F. Kieser



LOCATION MAP

SCALE: 1" = 2000'

LEGEND:

EXISTING	
N/F	NOW OR FORMERLY
RP	RECORD OF PROBATE
RCRD	ROCKINGHAM COUNTY REGISTRY OF DEEDS
11/21	MAP 11/LOT 21
RR SPK FND	RAILROAD SPIKE FOUND
IR FND	IRON ROD FOUND
IP FND	IRON PIPE FOUND
DH FND	DRILL HOLE FOUND
S	SEWER LINE
D	STORM DRAIN
RD	ROOF DRAIN (GUTTER)
W	WATER LINE
100	OVERHEAD ELECTRIC WIRES
97x3	CONTOUR
SPOT ELEVATION	
EDGE OF PAVEMENT (EP)	
WOODS / TREE LINE	
UTILITY POLE	
WATER SHUT OFF/CURB STOP	
GV	GATE VALVE
HYD	HYDRANT
FF	FINISHED FLOOR
TBM	TEMPORARY BENCH MARK
TYP	TYPICAL
C	CENTERLINE
BRICK / STONE WALKWAY	

BUILDING COVERAGE AREA

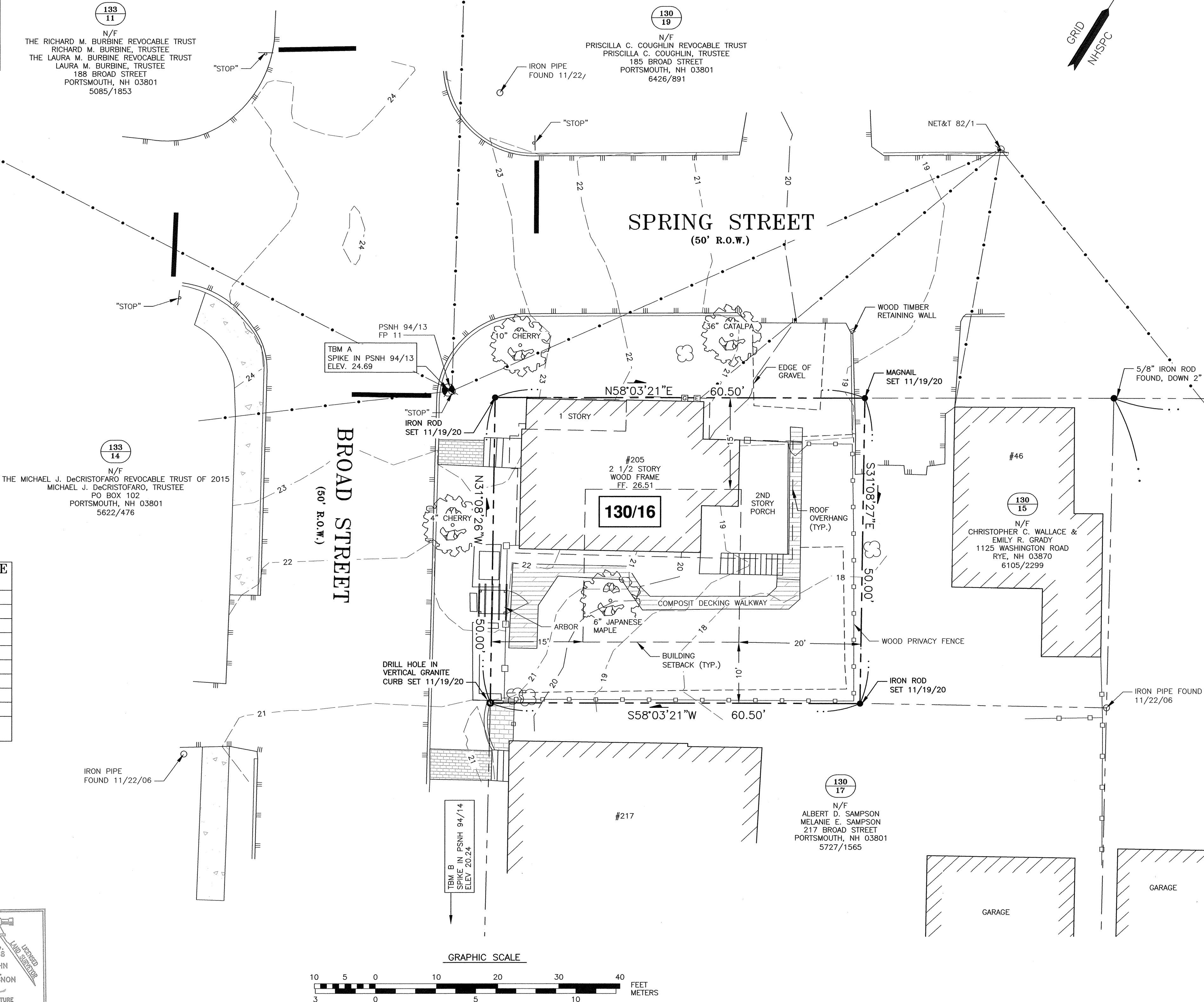
	EXISTING
RESIDENCE	792
PORCH	207
DECK	15
STAIRS	42
TOTAL (S.F.)	1,056
LOT AREA (S.F.)	3,025
BUILDING COVERAGE (%)	34.9%

IMPERVIOUS COVERAGE AREA

	EXISTING
RESIDENCE	792
PORCH	207
DECK	15
STAIRS	42
WALKWAY	230
GRAVEL PARKING	18
TOTAL (S.F.)	1,304
LOT AREA (S.F.)	3,025
IMPERVIOUS COVERAGE (%)	43.1%

PLAN REFERENCES:

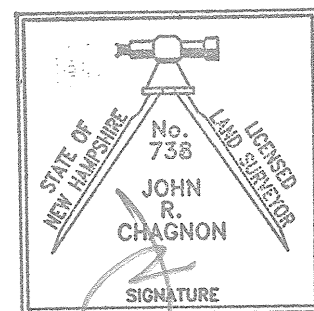
- 1) PROPERTY SURVEY, PORTSMOUTH, N.H., FOR BENJAMIN & ESTHER YOFFE, SCALE: 1" = 10' PREPARED BY KIMBALL CHASE COMPANY, INC. DATED 10/3/83, RCRD D-12014
- 2) BROADMOOR CONDOMINIUMS PORTSMOUTH, N.H. SITE PLAN, SCALE 1" = 10' PREPARED BY KIMBALL CHASE COMPANY, INC. DATED 7/18/84, RCRD D-13647
- 3) LOT LINE ADJUSTMENT FOR BETH GRIFFIN TAX MAP 131, LOT 15 PORTSMOUTH, NH, SCALE 1" = 20', PREPARED BY ALEX ROSS CIVIL ENGINEER AND SURVEYOR, DATED 7/28/05, RCRD D-33057
- 4) PROPERTY STAKEOUT SKETCH, OWNER JENNIFER JANAK & JASON LANSBERRY, 36 SPRING STREET, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE, SCALE: 1" = 20', PREPARED BY AMBIT ENGINEERING, INC., DATED NOVEMBER 29, 2006, NOT RECORDED



"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."

JOHN R. CHAGNON, LLS

DATE



NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 130 AS LOT 16.
- 2) OWNERS OF RECORD:
TROY ALLAN BLANCHARD
COLLEEN ELIZABETH BLANCHARD
205 BROAD STREET
PORTSMOUTH, N.H. 03801
6026/2578
- 3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE JANUARY 29, 2021.
- 4) EXISTING LOT AREA:
3,025 S.F.
0.0694 ACRES
- 5) PARCEL IS LOCATED IN GENERAL RESIDENCE A (GRA) ZONE.
- 6) DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 7,500 S.F.
FRONTAGE: 100 FEET
SETBACKS: FRONT 15 FEET
SIDE 10 FEET
REAR 20 FEET
MAXIMUM STRUCTURE HEIGHT: 35 FEET
MAXIMUM BUILDING COVERAGE: 25%
MINIMUM OPEN SPACE: 30%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON TAX MAP 130 LOT 16 IN THE CITY OF PORTSMOUTH.
- 8) VERTICAL DATUM IS MEAN SEA LEVEL NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS (±0.2').
- 9) ABUTTING STRUCTURES LOCATIONS SHOULD BE CONSIDERED APPROXIMATE ONLY.

BLANCHARD
RESIDENCE
205 BROAD STREET
PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	2/13/25
REVISIONS		

EXHIBIT A

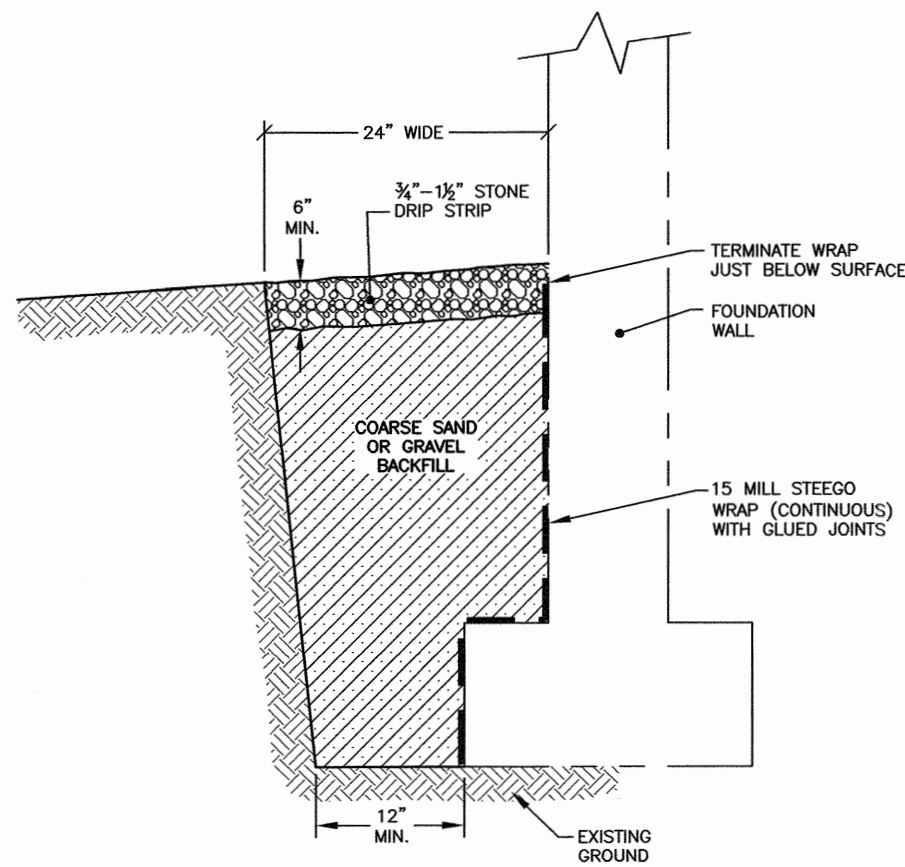
SCALE: 1" = 10' FEBRUARY 2025

EXISTING CONDITIONS
PLAN

C1

BUILDING COVERAGE AREA		
	EXISTING	PROPOSED
RESIDENCE	792	1,315
PORCH	207	0
DECK	15	27
STAIRS	42	47
TOTAL (S.F.)	1,056	1,389
LOT AREA (S.F.)	3,025	3,025
BUILDING COVERAGE (%)	34.9%	45.9%

IMPERVIOUS COVERAGE AREA		
	EXISTING	PROPOSED
RESIDENCE	792	1,315
PORCH	207	0
DECK	15	27
STAIRS	42	47
WALKWAY	230	0
GRAVEL PARKING	18	60
RETAINING WALL	0	11
TOTAL (S.F.)	1,304	1460
LOT AREA (S.F.)	3,025	3,025
IMPERVIOUS COVERAGE (%)	43.1%	48.3%

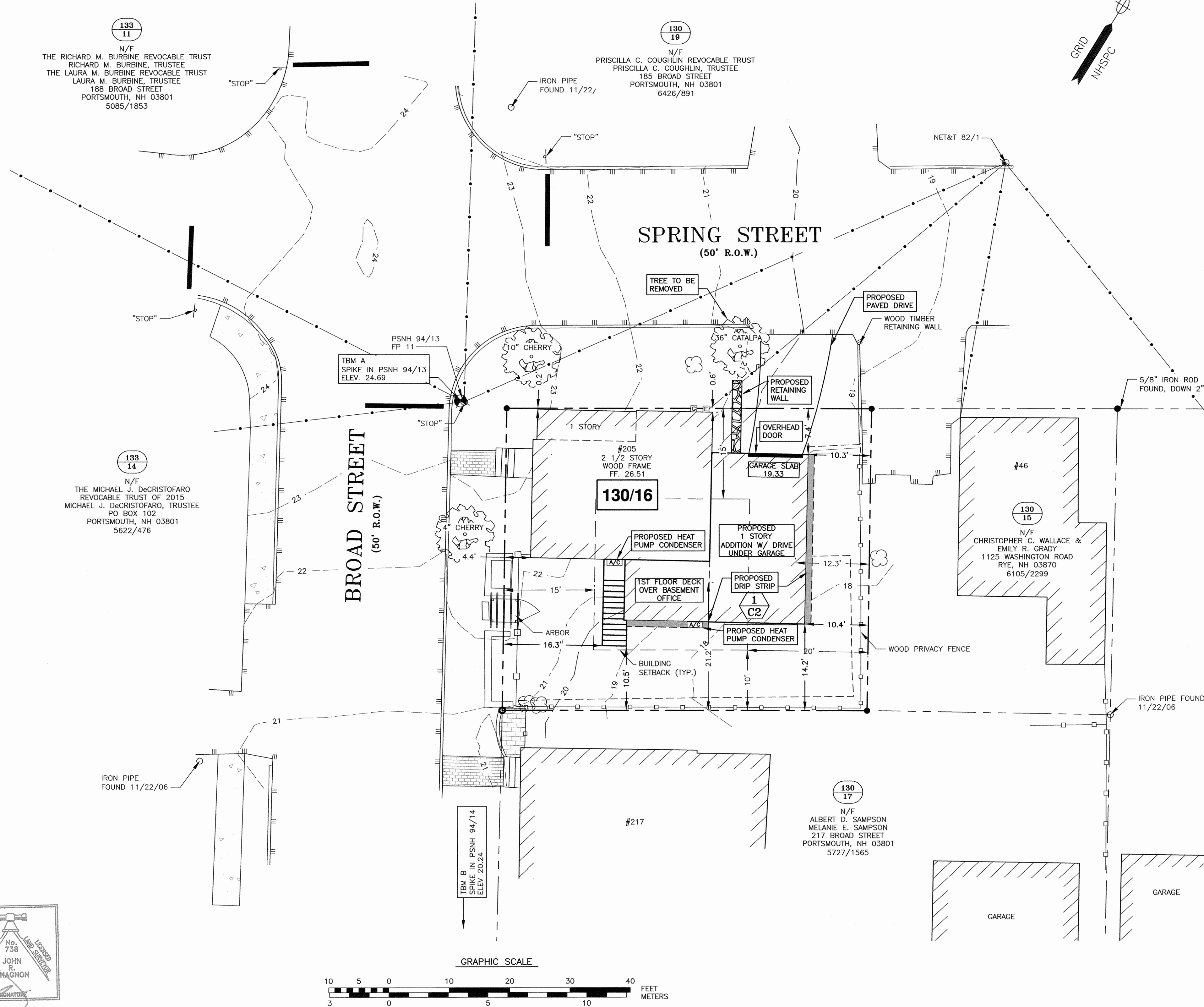
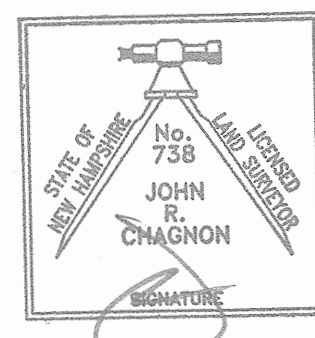


1 C2 STONE DRIP APRON
(UNDER BUILDING DRIP LINE) NTS

"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."

JOHN R. CHAGNON, LLS

DATE



- NOTES:
- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 130 AS LOT 16.
 - OWNERS OF RECORD:
TROY ALLAN BLANCHARD
COLLEEN ELIZABETH BLANCHARD
205 BROAD STREET
PORTSMOUTH, N.H. 03801
6026/2578
 - PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE JANUARY 29, 2021.
 - EXISTING LOT AREA:
3,025 S.F.
0.0694 ACRES
 - PARCEL IS LOCATED IN GENERAL RESIDENCE A (GRA) ZONE.
 - DIMENSIONAL REQUIREMENTS:
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FRONTAGE: 100 FEET
SETBACKS: FRONT 15 FEET
SIDE 10 FEET
REAR 20 FEET
MAXIMUM STRUCTURE HEIGHT: 35 FEET
MAXIMUM BUILDING COVERAGE: 25%
MINIMUM OPEN SPACE: 30%
 - THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED RENOVATIONS ON TAX MAP 130 LOT 16 IN THE CITY OF PORTSMOUTH.
 - VERTICAL DATUM IS MEAN SEA LEVEL NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS ($\pm 0.2'$).

BLANCHARD
RESIDENCE
205 BROAD STREET
PORTSMOUTH, N.H.

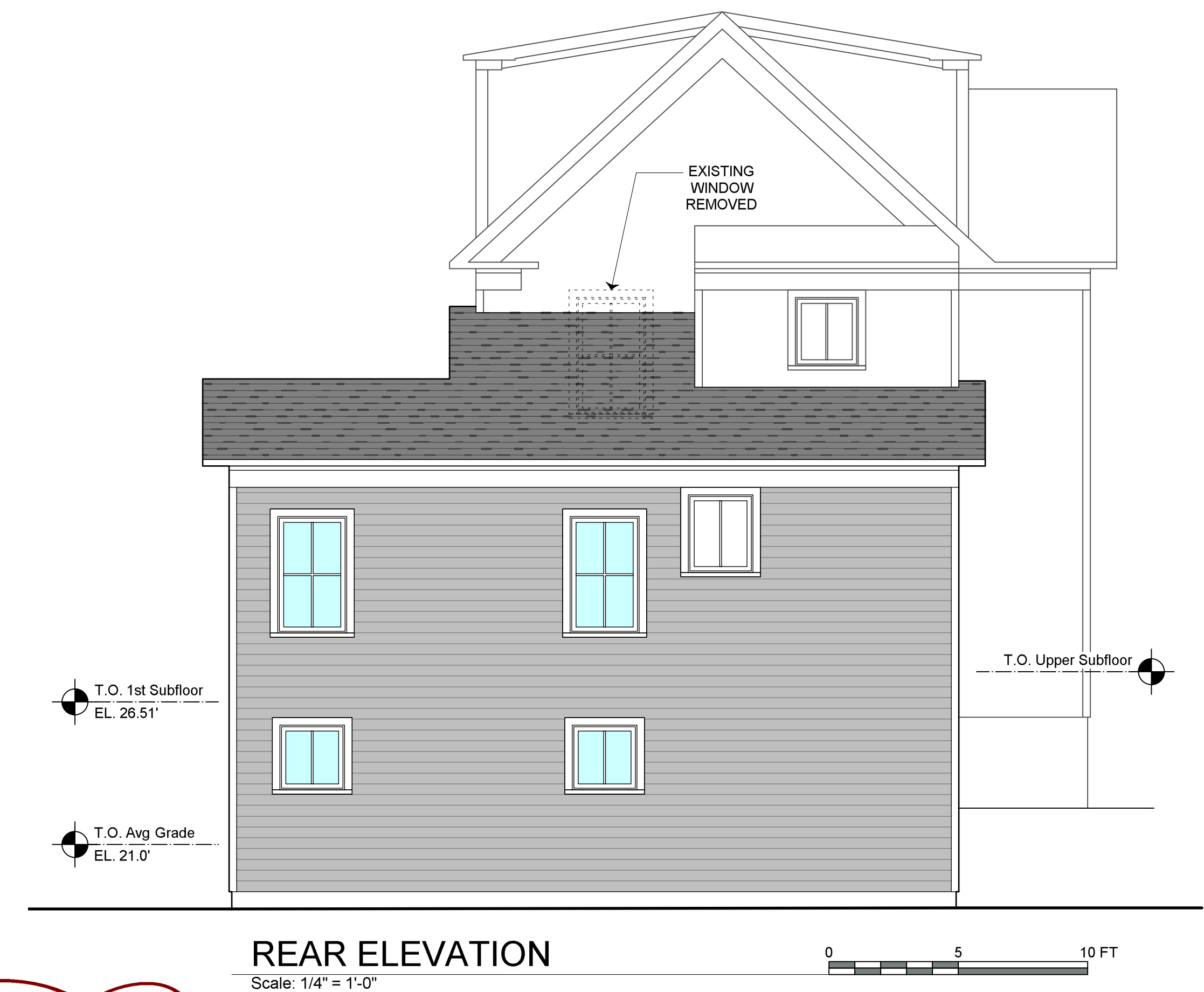
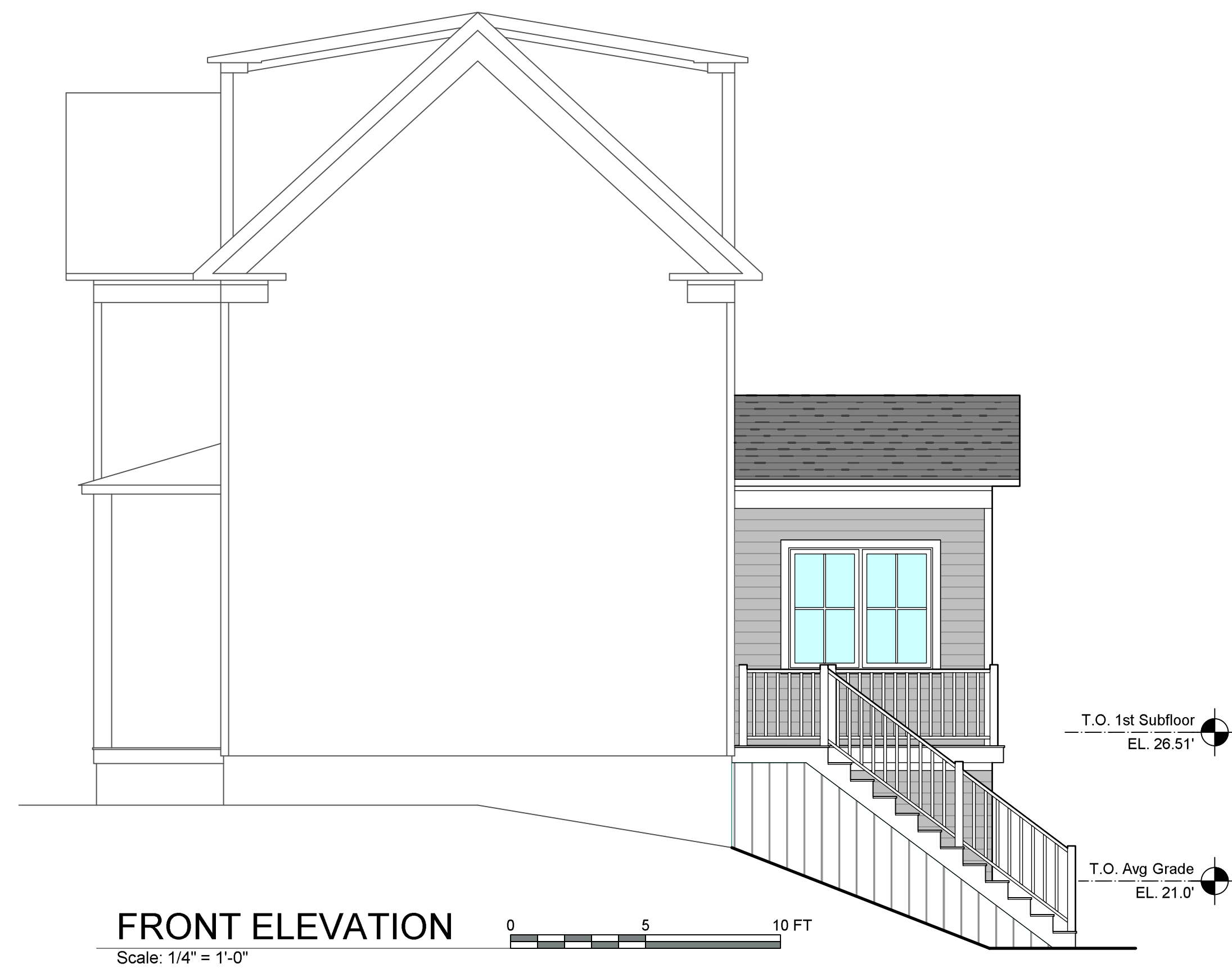
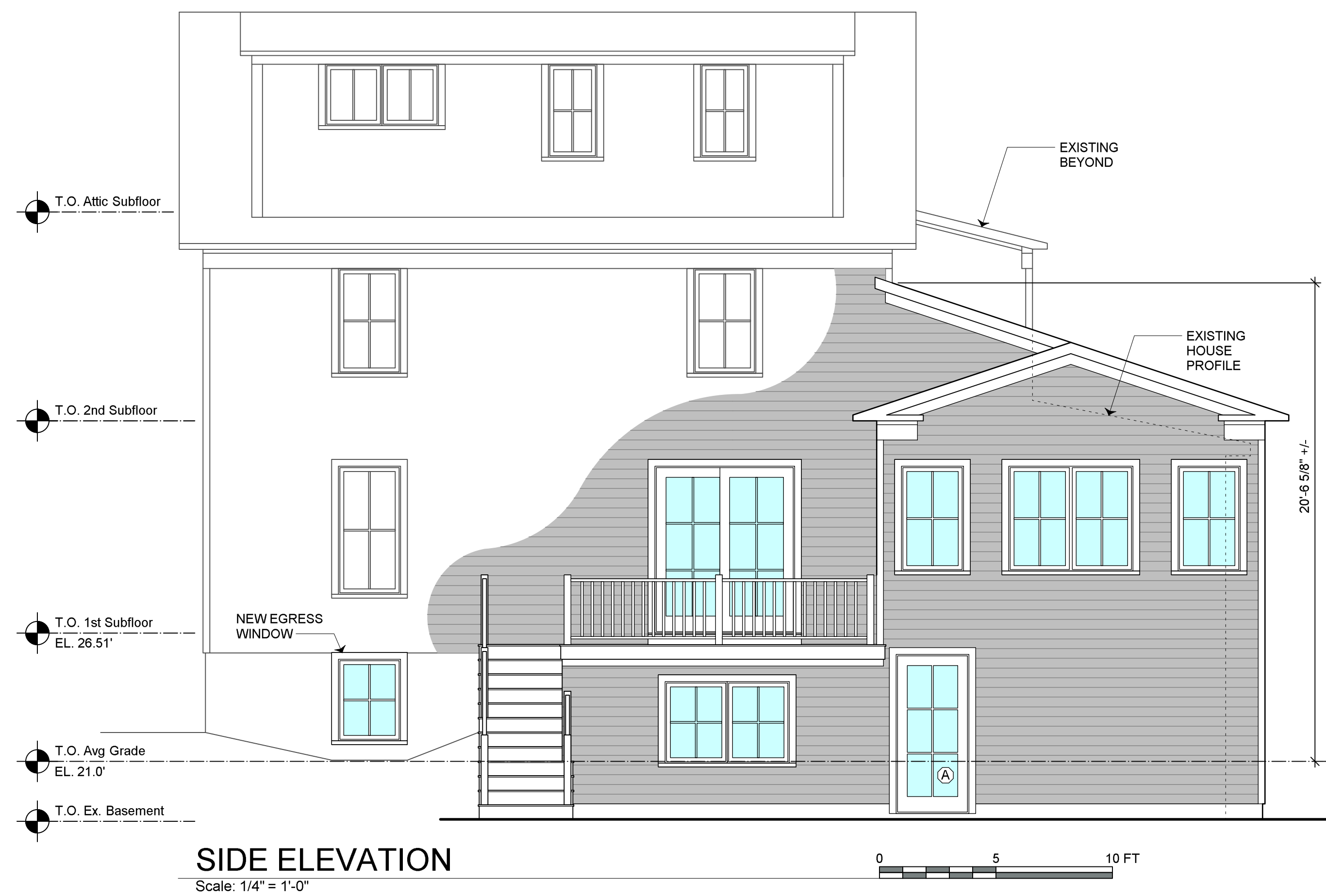
NO.	DESCRIPTION	DATE
2	ADD RETAINING WALL	3/14/25
1	ISSUED FOR APPROVAL	3/14/25
0	ISSUED FOR COMMENT	2/13/25

REVISIONS	

SCALE: 1" = 10' FEBRUARY 2025

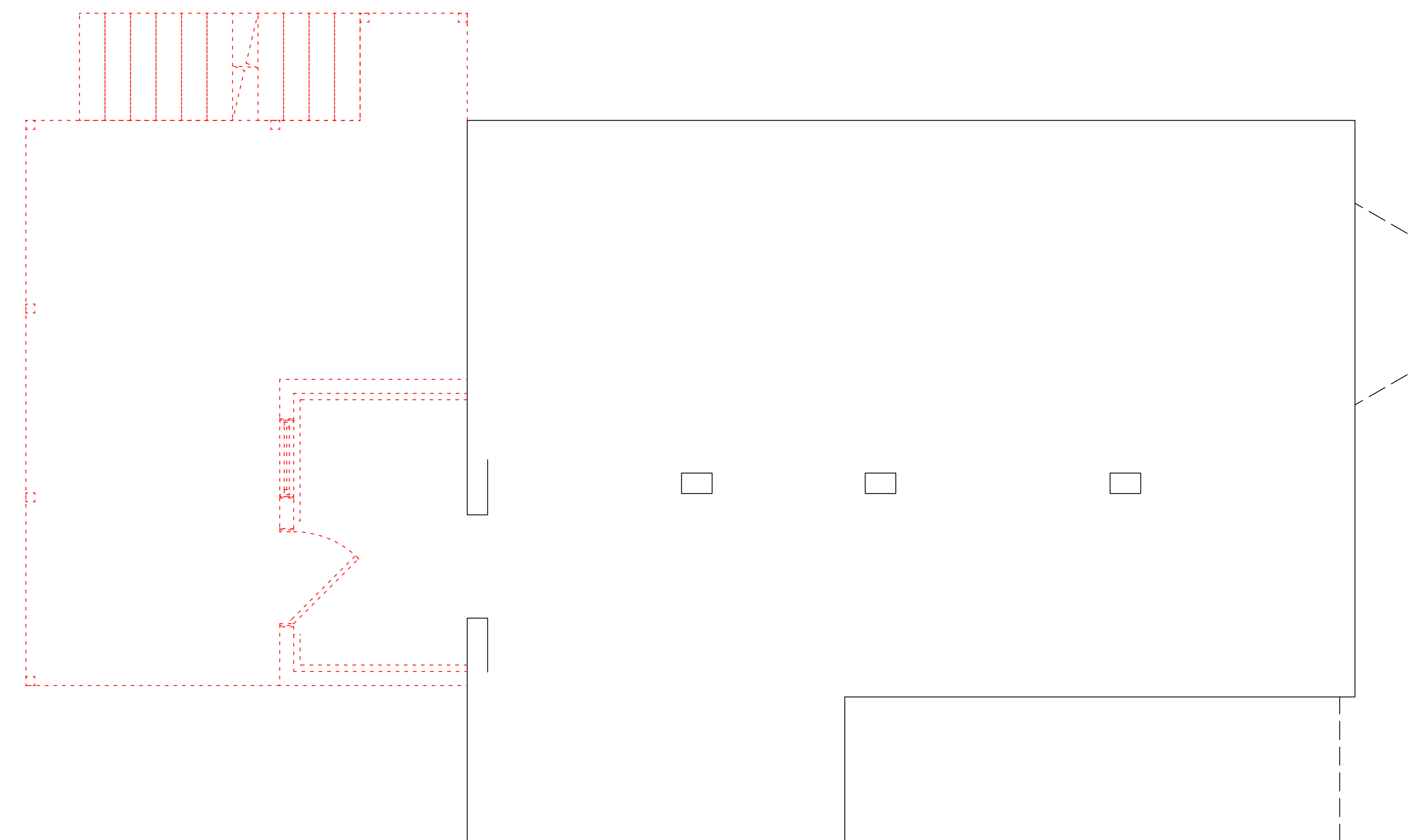
VARIANCE APPLICATION PLAN

C2



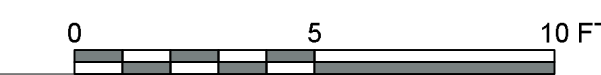
Blanchard Residence

205 Broad St, Portsmouth, NH

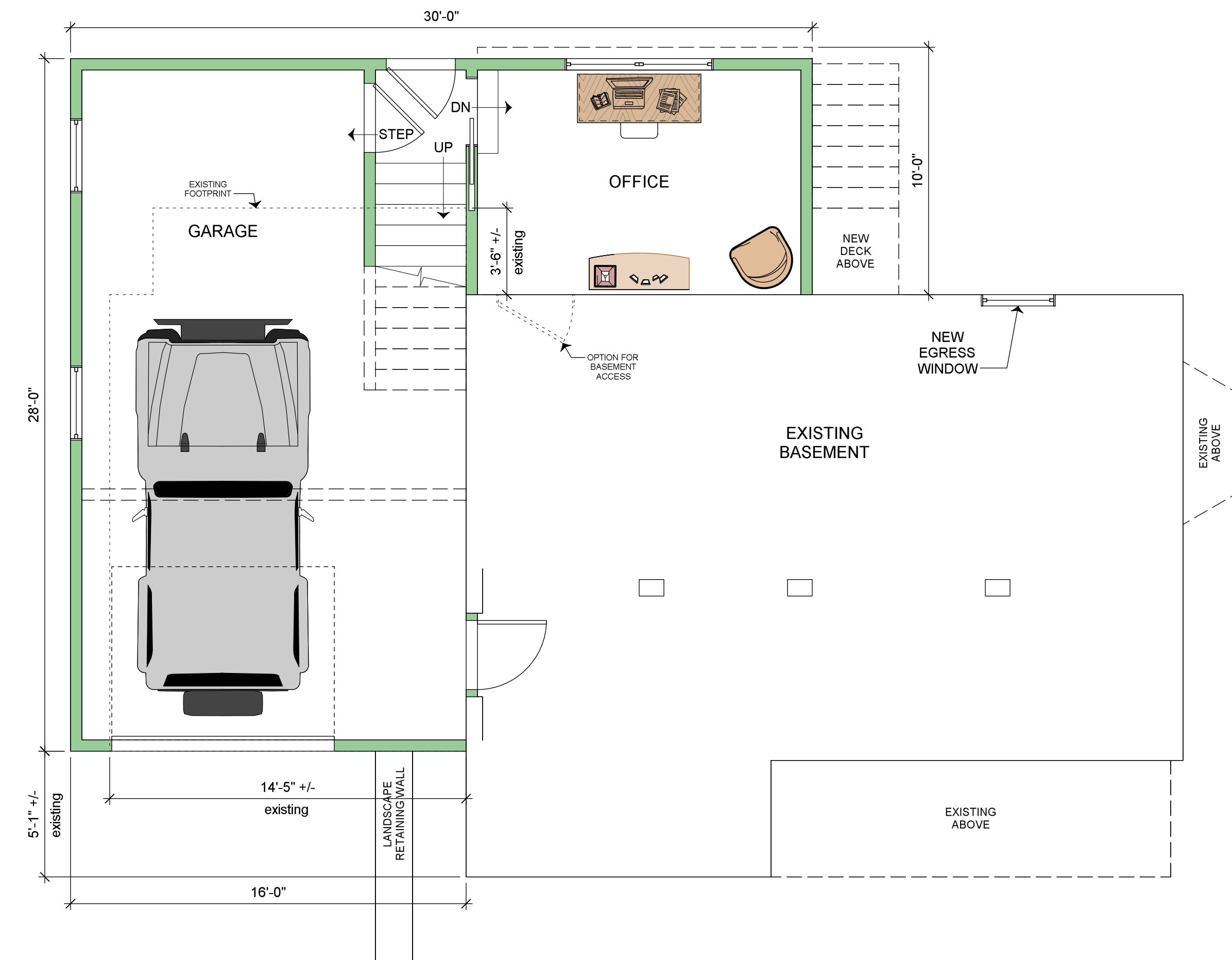


BASEMENT DEMO PLAN

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

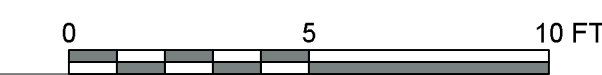


— EXISTING WALL TO REMAIN
- - - EXISTING TO BE REMOVED



PROPOSED BASEMENT PLAN

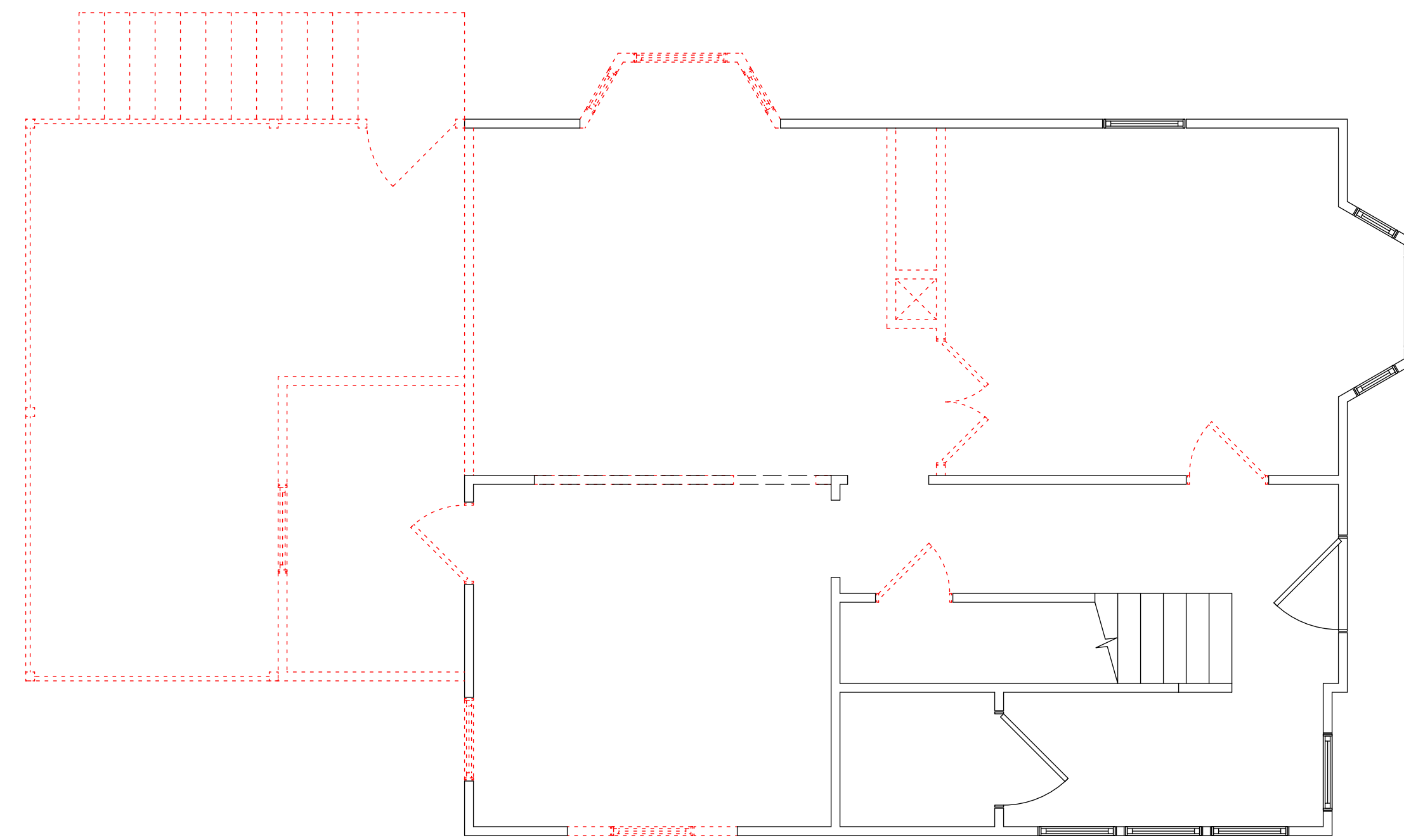
Scale: 1/4" = 1'-0"



— EXISTING WALL TO REMAIN
— NEW PROPOSED STUD WALL

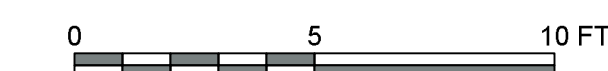
Blanchard Residence

205 Broad St, Portsmouth, NH

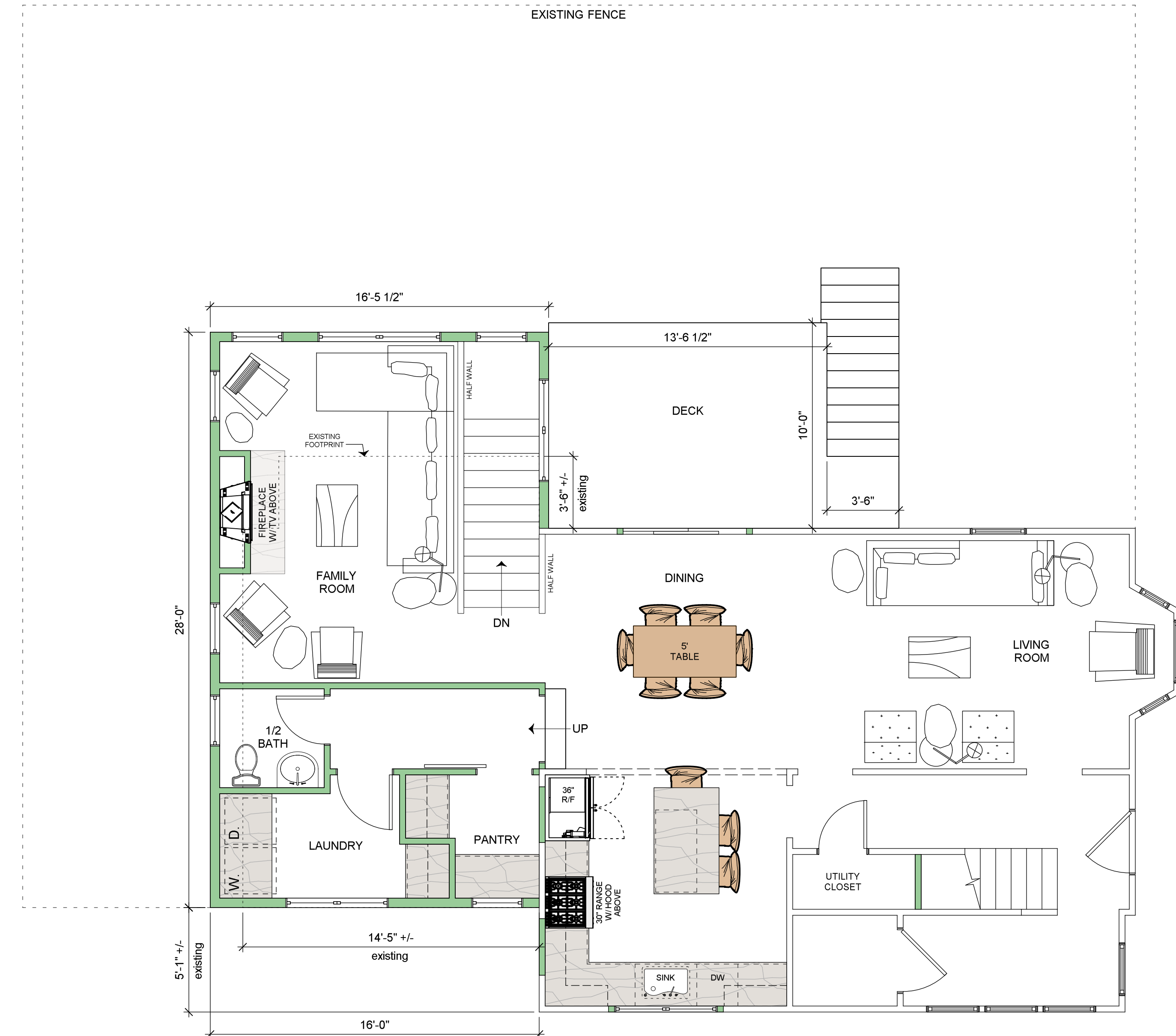


FIRST FLOOR DEMO PLAN

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

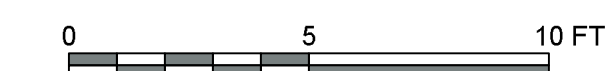


EXISTING WALL TO REMAIN
EXISTING TO BE REMOVED



PROPOSED FIRST FLOOR PLAN

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



EXISTING WALL TO REMAIN
NEW PROPOSED STUD WALL

Blanchard Residence

205 Broad St, Portsmouth, NH

205 Broad St



Imagery ©2025 Google, Imagery ©2025 Airbus, Maxar Technologies, Map data ©2025 50 ft

EXHIBIT C

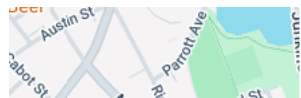
Google Maps

205 Broad St



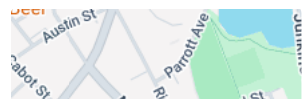
Google

Image capture: Nov 2024 © 2025 Google



Google Maps

45 Spring St

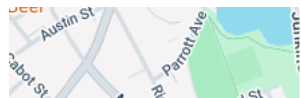


Google Maps

46 Spring St



Image capture: Nov 2024 © 2025 Google





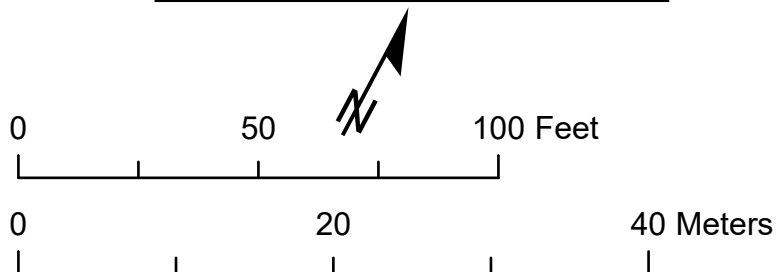
Partial Legend
See the cover sheet for the complete legend.

7-5A Lot or lot-unit number
2.56 ac Parcel area in acres (ac) or square feet (sf)
 Address number
233-137 Parcel number from a neighboring map
68' Parcel line dimension
SIMS AVE Street name

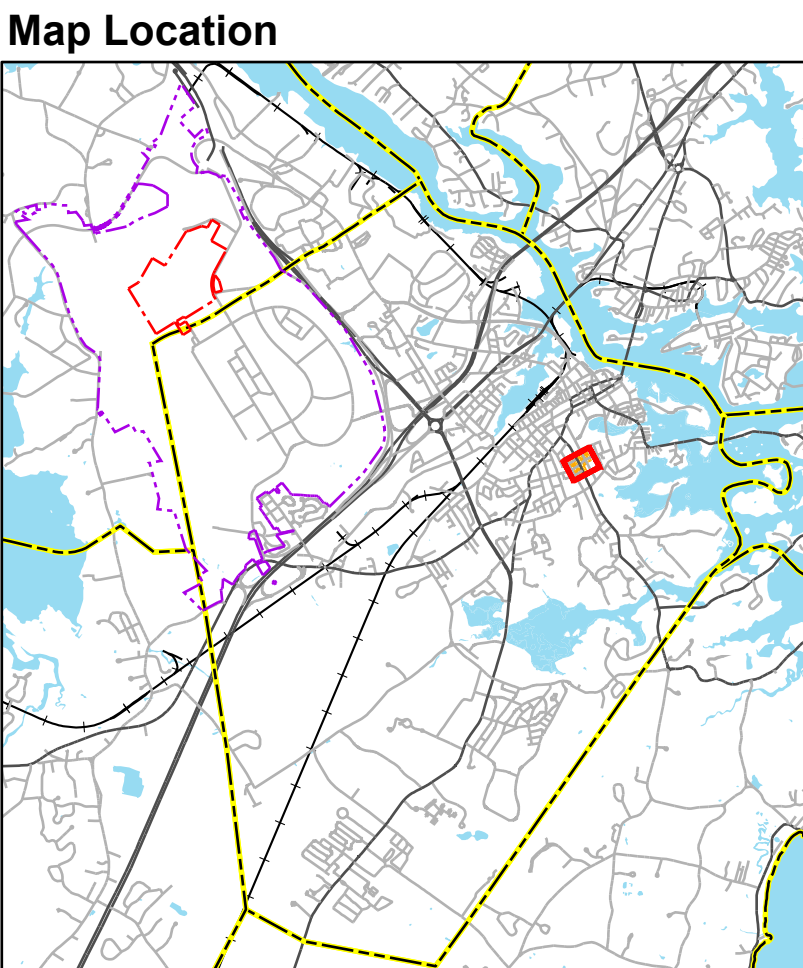
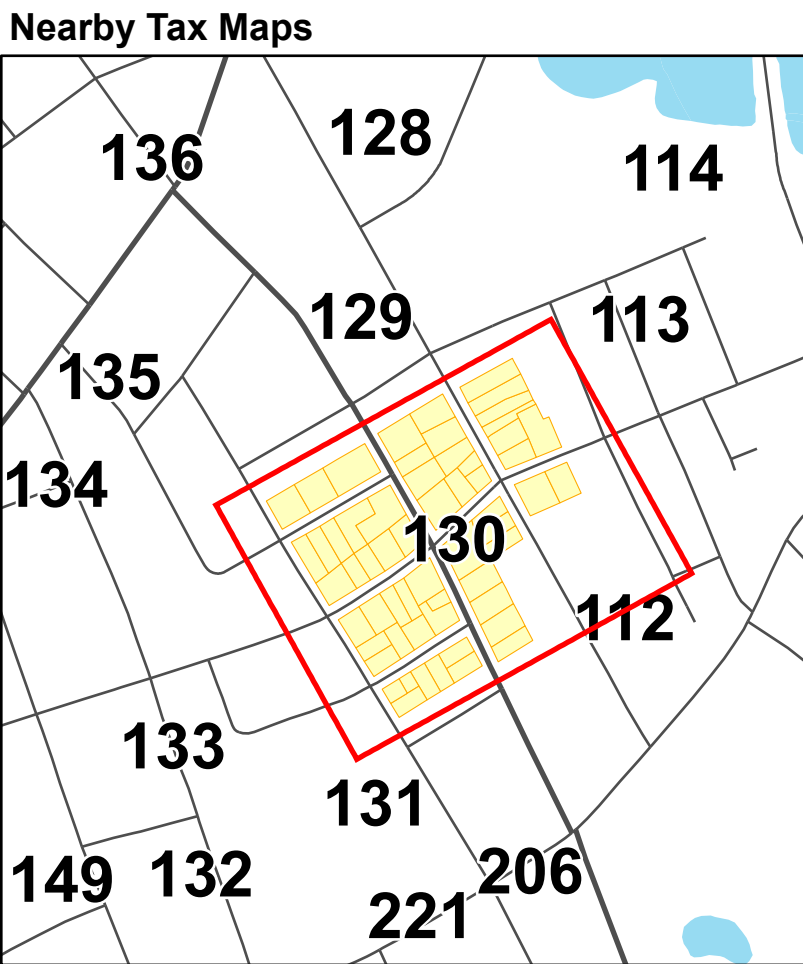
Parcel/Parcel boundary
 Parcel/ROW boundary
 Water boundary
 Structure (1994 data)

Parcel covered by this map
 Parcel from a neighboring map (see other map for current status)

EXHIBIT D



This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.



Portsmouth, New Hampshire
2024
Tax Map 130