

BY: VIEWPOINT & HAND DELIVERY

September 21, 2022

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

**RE: AADU CUP Application of Peter Ward
15 Central Avenue, Tax Map 209, Lot 4**

Dear Stefanie,

Our Office represents Peter Ward, owner of the property located at 15 Central Avenue in Portsmouth. Enclosed herewith, please find the following CUP-related materials for submission to the Planning Board for consideration at its next regularly scheduled meeting:

- 1) Landowner Letter of Authorization;
- 2) Narrative to CUP Addressing AADU Requirements;
- 3) Site Plan;
- 4) Floor Plans and Elevations;
- 5) GIS Map; and
- 6) Photographs of Property and Surrounding Properties.

One (1) copy of the application submission is being hand-delivered to the Planning Department contemporaneously with the electronic filing through Viewpoint. 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.

LANDOWNER LETTER OF AUTHORIZATION

Peter Ward, record owner of property located at **15 Central Avenue, Portsmouth, NH**, identified on Portsmouth **Tax Map 209, as Lot 4** (the "Property"), hereby authorizes **Durbin Law Offices PLLC** and **Matthew Beebe** and their agents and representatives, to file any building, zoning, planning or other municipal permit applications with the City of Portsmouth for said Property and to appear before its land use boards. This Letter of Authorization shall be valid until expressly revoked in writing.



Peter Ward

May 26, 2022

**CITY OF PORTSMOUTH
PLANNING BOARD**

**CONDITIONAL USE PERMIT APPLICATION
ATTACHED ACCESSORY DWELLING UNIT**

LU 22-123

**15 Central Avenue
Portsmouth, NH 03801
Tax Map 209, Lot 4
Peter Ward
(Owner / Applicant)**

**NARRATIVE / WRITTEN STATEMENT
Zoning Ordinance Section 10.814**

Section 10.814.30 of the Zoning Ordinance provides that [a]ll accessory dwelling units shall comply with the following standards:

Section 10.814.31: The principal dwelling unit and the accessory dwelling unit shall not be separate in ownership (including by condominium ownership).

The Property serves as the Applicant's full-time residence. He has owned the Property since 1990 and has no intention of ever subdividing its ownership. Moreover, the Zoning Ordinance prohibits the conversion of the home into a two-family dwelling or two condominium units.

Section 10.814.32: Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the owner of the dwelling as his or her principal place of residence...[.]

See Answer immediately above. The Applicant will continue to reside in the existing residence on the Property once the AADU is approved.

Section 10.814.33: Neither the principal nor accessory dwelling shall be used for any business, except that the owner may have a home occupation use in the unit that he or she occupies as allowed or permitted elsewhere in the Ordinance.

Outside of home occupation uses, the Zoning Ordinance prohibits business uses of property within the SRB Zoning District. Accordingly, the Applicant does not intend to use the Property for business related purposes.

Section 10.814.34: Where municipal sewer service is not provided, the septic system shall meet NH Water Supply and Pollution Control Division requirements for the combined system demand for total occupancy of the premises.

The Property is served by municipal water.

Per Section 10.814.40 of the Zoning Ordinance, [a]n attached accessory dwelling unit (AADU) shall comply with the following additional standards:

Section 10.814.41: An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit.

There is an interior door to the garage space below the AADU from a breezeway connected to the primary residence. The interior door is technically located outside of the AADU since it connects to the garage space below. Accordingly, out of an abundance of caution, the Applicant is requesting a modification / waiver of this standard to the extent that the Board finds that this section of the Ordinance is not satisfied.

Section 10.814.42: The accessory dwelling unit shall not have more than two bedrooms and shall not be larger than 750 sq. ft. gross floor area.

The AADU will have only 1 bedroom and will be limited to 750 square feet in gross floor area.

Section 10.814.43: Any exterior changes to the single-family dwelling shall maintain the appearance of a single-family dwelling.

The appearance of the home on the Property with the AADU will be significantly improved with what is proposed. What is proposed for improvements is in keeping with what exists.

Section 10.814.44-45: No portion of the AADU shall be closer to the front lot line than the existing front wall of the principal dwelling unit.

This requirement is satisfied. See Site Plan submitted herewith.

Section 10.814.451: An exterior wall of the AADU that faces a street on which the lot has frontage shall comprise no more than 40 percent of the total visible facade area of the dwelling as seen from the street.

This requirement is satisfied. See Elevations submitted herewith.

Section 10.814.452: The addition to or expansion of the existing single-family dwelling may include an increase in building height only as an upward expansion of the existing principal building with no increase in building footprint.

This requirement is satisfied. See Elevations and Floor Plans submitted herewith.

Section 10.814.453: The building height of any addition or expansion that includes an increase in building footprint shall be less than the building height of the existing principal building.

This requirement is satisfied. See Elevations and Floor Plans submitted herewith.

Section 10.814.454: The AADU shall be architecturally consistent with the existing principal dwelling through the use of similar materials, detailing, roof pitch, and other building design elements.

This requirement is satisfied. See Elevations submitted herewith.

Per Section 10.814.60 of the Zoning Ordinance, [b]efore granting a conditional use permit for an attached or detached ADU, the Planning Board shall make the following findings:

Section 10.814.61: Exterior design of the ADU is compatible with the existing principal dwelling on the lot.

The general design of the existing residence and area where the ADU will be located will not change dramatically. The proposed design is in keeping with the existing design and is compatible. The Portsmouth ZBA approved several dimensional variances in June 2022 in connection with the proposed AADU, finding that it would not alter the essential character of the neighborhood.

Section 10.814.62: The site plan provides adequate and appropriate open space, landscaping and off-street parking for both the ADU and the primary dwelling.

Most of the Property consists of well-maintained open space, landscape lawn and garden beds. Therefore, nothing additional is being proposed as part of this Application. The Applicant intends to maintain the appearance of the Property. The triangular parcel of land to the north consists of relatively dense vegetation.

Section 10.814.63: The ADU will maintain a compatible relationship to adjacent properties in terms of location, design and off-street parking layout and will not significantly reduce the privacy of adjacent properties.

The AADU will be constructed above existing garage space. There is an attic with a pitched roof above the garage that presently exists. Dormers will be added to the attic level, thus raising the roof height. Otherwise, the AADU will be constructed in space that already exists. There are already at least four (4) parking spaces on the Property, two (2) of which are “stacked”. This will not change. There are no direct abutters to the north, which consists of other land owned by the Applicant. The nearest abutting homes are a considerable distance away from the proposed AADU. Therefore, privacy will not be affected. As shown in the photographs submitted herewith, the surrounding residences are not consistent in design or character, thus it would be difficult to argue that the design of the proposed AADU would be incompatible. Moreover, in granting several variances in June 2022, the ZBA found that the proposed AADU would not *alter the essential character of the neighborhood.*

Section 10.814.64: *The ADU will not result in excessive noise, traffic or parking congestion.*

The Property will be utilized for single-family residential purposes. The AADU may serve as a rental unit or for use by a family member in the future, which has yet to be determined. The primary residence is only occupied by the Owner of the Property. It can be reasonably expected based on the size of AADU (750 s.f.) that only 1 or possibly 2 people would live in it. The use of the Property will result in no more traffic and noise than can be expected with a single-family residential use. There is sufficient area for parking on the Property to accommodate the AADU use.

MODIFICATION REQUEST

Section 10.814.70: *In granting a conditional use permit for an accessory dwelling unit, the Planning Board may modify a specific standard set forth in Sections 10.814.40 or 10.814.52 through 10.814.56....if the Board finds such modification will be consistent with the required findings in Section 10.814.60.*

Out of an abundance of caution, The Applicant seeks a waiver/modification from the Planning Board pursuant to Section 10.814.41 of the Zoning Ordinance pertaining to the interior doorway requirement, and as more specifically explained above.

CONCLUSION

As demonstrated above, the proposed AADU meets the criteria for the Planning Board to grant a Conditional Use Permit to the Applicant. Accordingly, the Applicant hereby respectfully requests the Board's approval.

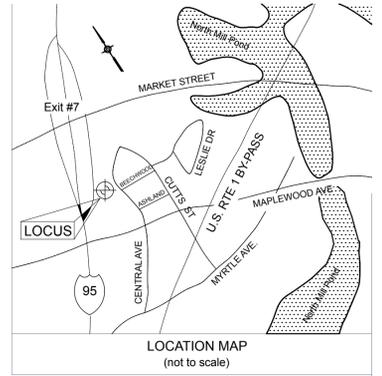
Respectfully Submitted,

Peter Ward

Dated: September 21, 2022



By: Durbin Law Offices PLLC
Derek R. Durbin, Esq.
144 Washington Street
Portsmouth, NH 03802
(603)-287-4764
derek@durbinlawoffices.com



PLAN REFERENCES:

1. "PLANS FOR PROPOSED FEDERAL AID R.O.W. PROJECT I-95-1(10)14, NH PROJECT No. P-5875-B, INTERSTATE ROUTE 95, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM" BY THE STATE OF NEW HAMPSHIRE, DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS RECORDED AT R.C.R.D. PLAN #D-2498, SHEETS 1-3 & 6.
2. "JACKSON FARM, PLAN OF LOTS IN PORTSMOUTH, N.H. OWNED BY PICKERING & HARTFORD" BY Wm. A. GROVER DATED 1918 AND RECORDED AT R.C.R.D. PLAN #0798.
3. "PLAN OF THE SUBDIVISION OF PART OF THE JACKSON FARM, PORTSMOUTH, N.H." DATED MARCH 1902 AND RECORDED AT R.C.R.D. PLAN #00226.
4. "PLAN OF LAND, PORTSMOUTH, N.H., CAVARETTA TO COTTRELL" BY JOHN W. DURGIN DATED AUGUST 1975 AND RECORDED AT R.C.R.D. PLAN #C-5407.
5. "PROPOSED LOT LINE ADJUSTMENT BETWEEN FRANCIS X. & LINDA MAHLER, CUTTS ST., PORTSMOUTH, NH." BY BARRETT ASSOCIATES DATED SEPT. 25, 1995 AND RECORDED AT R.C.R.D. PLAN #C-24422.
6. "PLAN OF BUCKMINSTER, PORTSMOUTH, N.H." DATED 1902 AND RECORDED AT R.C.R.D. PLAN #00270.

NOTES:

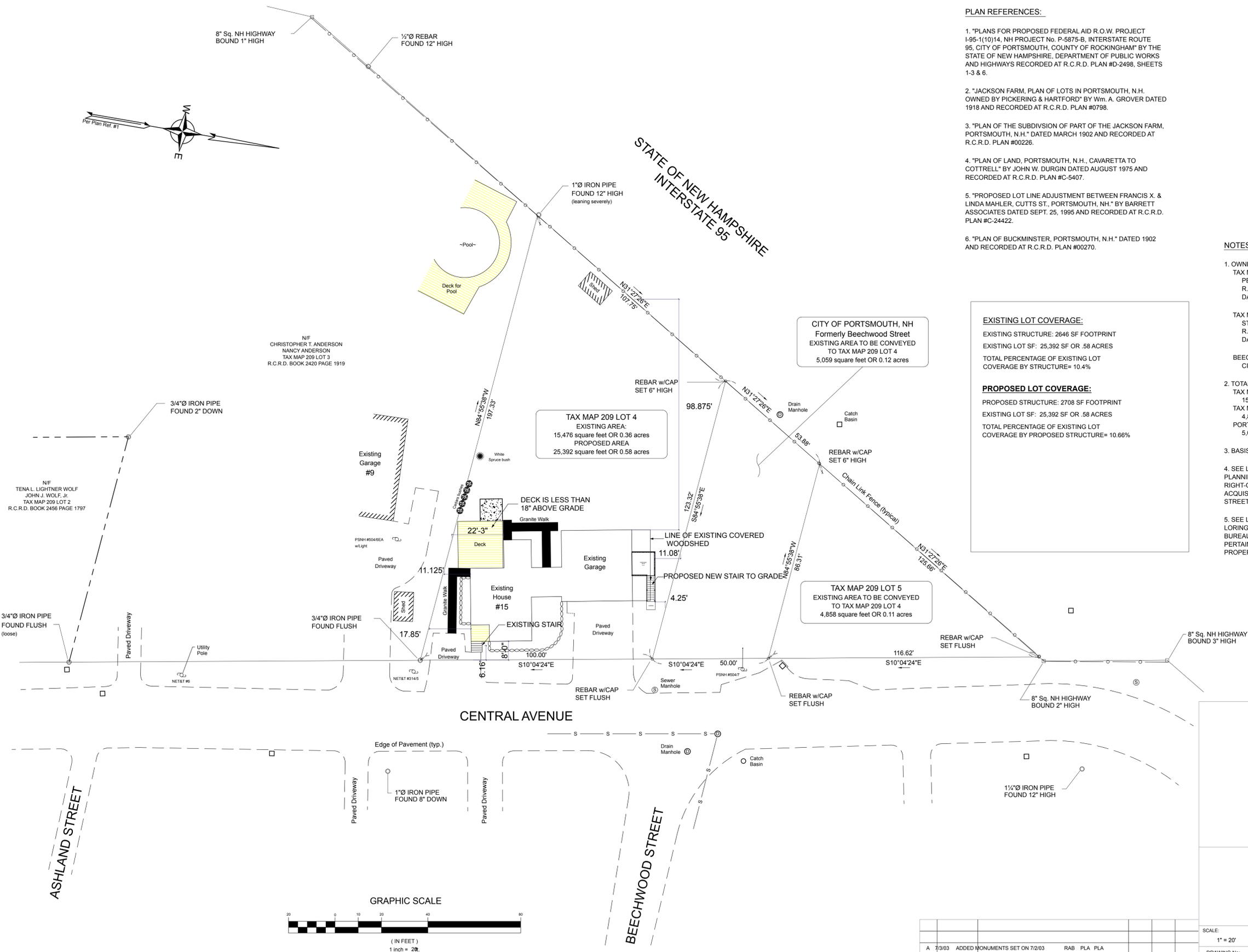
1. OWNER OF RECORD:
TAX MAP 209 LOT 4:
PETER V. WARD
R.C.R.D. BOOK 2835 PAGE 0001
DATED APRIL 27, 1990

TAX MAP 209 LOT 5:
STATE OF NEW HAMPSHIRE
R.C.R.D. BOOK 1903 PAGE 147
DATED APRIL 1, 1968

BEECHWOOD STREET:
CITY OF PORTSMOUTH, NH
2. TOTAL PARCEL AREA:
TAX MAP 209 LOT 4:
15,476 square feet OR 0.36 acres
TAX MAP 209 LOT 5:
4,858 square feet OR 0.11 acres
PORTION OF BEECHWOOD STREET:
5,059 square feet OR 0.12 acres
3. BASIS OF BEARING IS PER PLAN REFERENCE #1.
4. SEE LETTER TO LUCY E. TILLMAN, CITY OF PORTSMOUTH, PLANNING DEPARTMENT FROM PHILLIP J. MILES, BUREAU OF RIGHT-OF-WAY, DATED MAY 6, 1999, PERTAINING TO THE ACQUISITION OF THE PAPER STREET FORMERLY BEECHWOOD STREET BY PETER WARD.
5. SEE LETTER TO ATTORNEY CHARLES A. MEADE, MEADE & LORING (ATTORNEY FOR PETER WARD) FROM PHILLIP J. MILES, BUREAU OF RIGHT-OF-WAY, DATED SEPTEMBER 18, 2002, PERTAINING TO THE ACQUISITION OF THE STATE OWNED PROPERTY (TAX MAP 209 LOT 5) BY PETER WARD.

EXISTING LOT COVERAGE:
EXISTING STRUCTURE: 2646 SF FOOTPRINT
EXISTING LOT SF: 25,392 SF OR .58 ACRES
TOTAL PERCENTAGE OF EXISTING LOT COVERAGE BY STRUCTURE= 10.4%

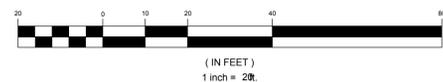
PROPOSED LOT COVERAGE:
PROPOSED STRUCTURE: 2708 SF FOOTPRINT
EXISTING LOT SF: 25,392 SF OR .58 ACRES
TOTAL PERCENTAGE OF EXISTING LOT COVERAGE BY PROPOSED STRUCTURE= 10.66%



NIF
CHRISTOPHER T. ANDERSON
NANCY ANDERSON
TAX MAP 209 LOT 3
R.C.R.D. BOOK 2429 PAGE 1919

NIF
TENAL L. LIGHTNER WOLF
JOHN J. WOLF, Jr.
TAX MAP 209 LOT 2
R.C.R.D. BOOK 2456 PAGE 1797

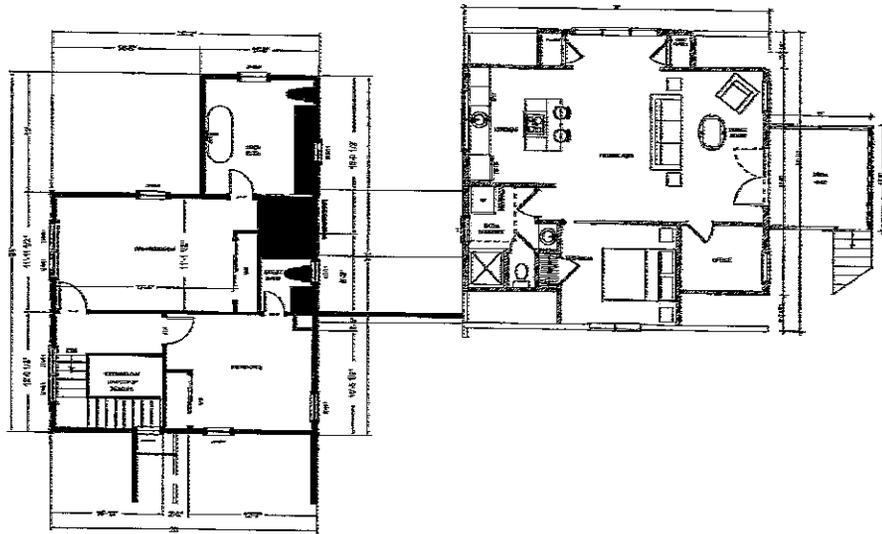
GRAPHIC SCALE



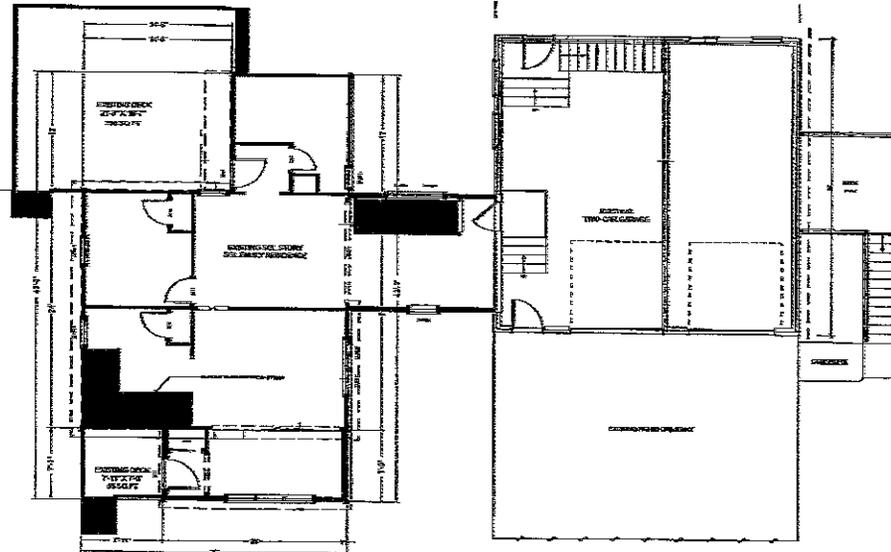
15 CENTRAL ST SITE PLAN

SCALE: 1" = 20'

SCALE:	PROJECT NO.	DATE:	SHEET	DRAWN BY:	CHK
1" = 20'	03604	6/19/03	1 OF 1	R.A.B.	PLA.
DRAWING No:	03604 Lot Consolidation		Tax Map 209 Lot 4 & 5		
FIELD BOOK No:	*Portsmouth, NH #7*				
REV.	DATE	STATUS	BY	CHKD	APPD.
A	7/3/03	ADDED MONUMENTS SET ON 7/2/03	RAB	PLA	PLA



2 SECOND FLOOR PLAN 3/20' = 1"=0'



2 FIRST FLOOR PLAN 3/20' = 1"=0'

MDB DESIGN/BUILD LLC
Construction Consulting
Residential Design

811 Lincoln Ave. Portsmouth, NH 02801
603-234-2288
603-440-0664 FAX

CONSULTANTS

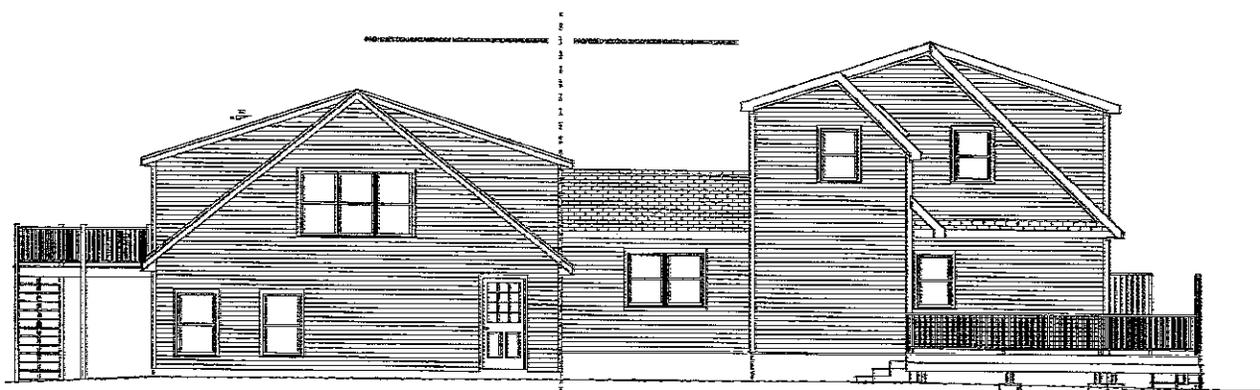
ADDITION AND RENOVATION TO
WARD RESIDENCE
15 Central Ave.
Portsmouth, NH 02801

NO.	DATE	DESCRIPTION
1	3/26/22	PRELIMINARY PLANS

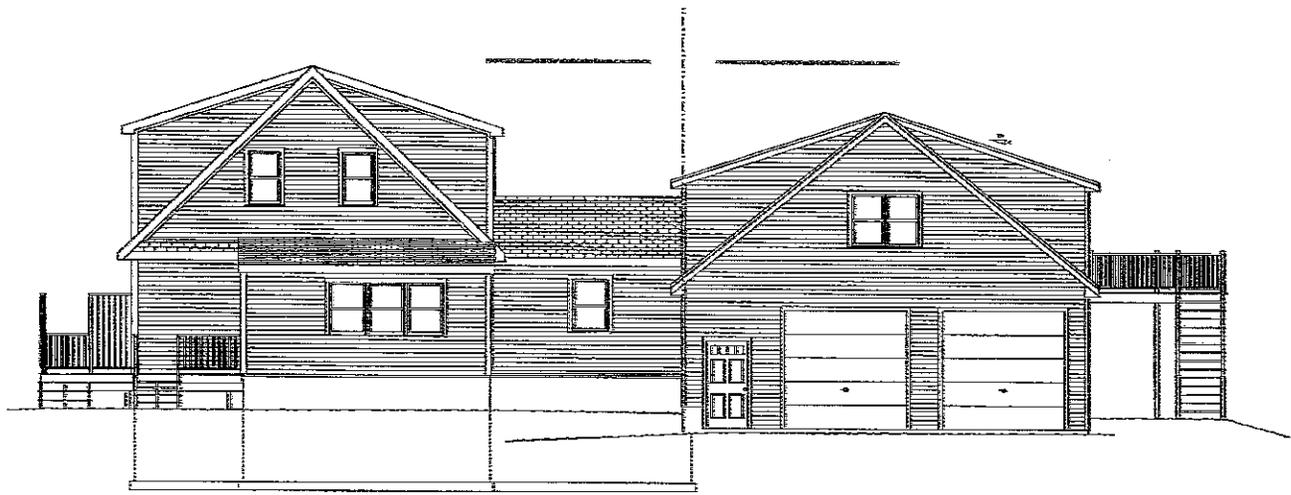
PROJECT NO.:
SHEET NO.:
DRAWN BY:
CHECKED BY:
COPYRIGHT:

SHEET TITLE
Garage Floor Plans

A1



REAR ELEVATION 7/8" = 1'-0"



FRONT ELEVATION 7/8" = 1'-0"

MOB DESIGN/BUILD LLC
 Construction Consulting
 Residential Design

81 Lincoln Ave. Portsmouth, NH 03801
 603-434-7388
 603-442-8664 FAX

CONSULTANTS

ADDITION AND RENOVATION TO

WARD RESIDENCE
 15 Coastal Ave.
 Portsmouth, NH 03801

NO.	DATE	DESCRIPTION
3/20/22		PRELIMINARY PLANS

PROJECT NO.
 MODEL FILE
 DRAWN BY
 CHECK BY
 DATE

SHEET TITLE

Elevations

A2

MDB DESIGN/BUILD LLC
 Construction Consulting
 Residential Design

81 Lincoln Ave., Portsmouth, N.H. 03801
 603-234-7308
 603-442-9554 FAX

CONSULTANTS

ADDITION AND RENOVATION TO
WARD RESIDENCE
 15 Central Ave
 Portsmouth, NH 03801

MARK	DATE	DESCRIPTION
3/28/21		PRELIMINARY PLANS

PROJECT NO.:
 MODEL FILE:
 DRAWN BY:
 CHECK BY:
 COPYRIGHT:

SHEET TITLE
 Elevations

A3



2 SIDE ELEVATION 1/8" = 1'-0"



3 SIDE ELEVATION 1/8" = 1'-0"



Front (East) Elevation from Central Avenue



West (Rear) Elevation



Right Side (North) Elevation



South (Left) Side Elevation from Central Street

SURROUNDING PROPERTIES



**12 Central Avenue
Tax Map 209, Lot 23
3-Unit Condominium
(Abutting Property across Central Avenue to right)**

SURROUNDING PROPERTIES



**14 Central Avenue
Tax Map 209, Lot 22)
Single Family Home
(Abutting Property directly across Central Avenue)**

SURROUNDING PROPERTIES



**9 Central Avenue
Tax Map 209, Lot 3
(Abutting Property to Left)**

SURROUNDING PROPERTIES



**20 Central Avenue
Tax Map 209, Lot 30
(Property Across Central Avenue to Left)**

SURROUNDING PROPERTIES



**Streetscape
Central Avenue
(View from North)**