

Responses to Variance Criteria

Charles and Laurie Moreno, 50 Cornwall Street

INTRODUCTION

We have owned 50 Cornwall St. for ten years, and hope to renovate and improve the property with the intent of moving there and becoming part of the vibrant Portsmouth community. The proposed architectural plans improve the house by removing a poorly designed flat-roof addition and replacing it with a traditional colonial design, in keeping with the historical character of the original home and the surrounding neighborhood.

There are two parts to our project. First, we would like to renovate the older structure, an 1828 colonial. Second, we would like to rebuild the substandard addition which was added to the back of the house, mostly in 1980. This section is poorly constructed and is incompatible with the rest of the house. The proposed design makes the structure more cohesive and aesthetically pleasing.

This is a family project; we are not developers. We plan to live at 50 Cornwall and be a part of the neighborhood and community. We bought the house ten years ago with this goal in mind, but need the accessory dwelling to make it all feasible. We care about not affecting the neighborhood, and kept this in mind when designing the project and in reaching out to our neighbors.

50 Cornwall Street is located within a fairly densely populated neighborhood which is anchored by Goodwin Park, Rock Street Park, and North Mill Pond, which provide natural open space areas.

The attached density maps indicate that our proposal is consistent with the neighborhood build-out over the years, including recent residential construction. Our house is in the GRC zone which allows multi-family dwellings. The proposed end use as a two-family home will not increase neighborhood traffic or population density, and provides off-street parking.

We are requesting four variances: 1) Altering an existing non-conforming building; 2) Sideyard setback; 3) Building coverage; and 4) Density variance. **The first three variances are for pre-existing conditions and we are not expanding or altering them.** The end use of the fourth variance--the density variance--does not impact the neighborhood in the sense that it will not increase the number of people using the house. It will in fact decrease on-street parking.

Speaking to the five variance criteria, with #1 and 2 taken together:

1 & 2. Variance is not contrary to the public interest. The spirit of the Ordinance is observed.

- Although a density variance is being requested, the use of the property will not intensify from its long-standing present use. **The house has 6 bedrooms presently and will have 6 bedrooms in the future.**
 - Currently, the home has 6 bedrooms. The proposed two-family plan maintains the same number of bedrooms and will be owner-occupied, with fewer full-time residents. As such, it does not threaten public health, safety, or welfare, or otherwise injure public rights.
- **The proposed project is a vertical expansion of part of the house. This expansion does not alter the building's footprint. The sideyard setback and building coverage variance request does not increase non-compliance.**
 - The house was built circa 1828 and falls within the modern property line setback. House renovations will remain consistent with the original footprint. As such, it does not threaten public health, safety, or welfare, or otherwise injure public rights.
 - The existing building coverage of the property is 1% over the maximum 35% requirement. **The proposed house design does not alter or increase the percentage of the building coverage.** In this regard, it observes the spirit of the ordinance and is not contrary to the public interest, nor does it threaten public health, safety, or welfare, or other otherwise injure public rights.
- The project does not alter the essential character of the neighborhood; instead, it restores the home's compatibility to align with the neighborhood's historic architecture. The house design does not threaten public health, safety, or welfare, or other otherwise injure public rights.
- Conditions that may appear incongruous with the neighborhood, such as the proximity of the house to the sideline or a density of 6 or more persons living on the property, have existed for a long time. Furthermore, these conditions already exist throughout the neighborhood, as exhibited on the attached Map A6.
- This project does not conflict with the explicit or implicit purpose of the ordinance.
- The project observes the spirit of the Ordinance by not increasing neighborhood crowding, and by greatly improving the quality and appearance of the subject property.

3. Substantial justice is done.

- The existing footprint of the building and intensity of property use will remain the same.
- We will benefit the neighborhood by adding 3 off-street parking spaces on pervious surfaces.
 - The new parking spaces allow for additional traffic flow, reduced density, and improved safety and access in the neighborhood.
- We will be constructing a modernized, energy-efficient, fire-safe structure, meeting current building and fire codes.
- The property will be renovated and upgraded in a pleasing design, which benefits the neighborhood.
- The rear addition will have a vertical expansion, and we designed this expansion to have little or no effect on the abutters.
- The house renovation will not perceptibly alter air movement, privacy, access, or light in the neighborhood. (Please reference the attached shadow study, A7 and A8.)
- The house renovation project does not harm the general public or other individuals.

4. The values of surrounding properties are not diminished.

- The 1980 addition predates current zoning standards and architectural aesthetic, and is incongruous with the original historical structure.
 - The proposed design will rebuild the 1980 flat-roof addition to mirror the existing colonial.
 - It's important to us that we honor the historic significance of the home, in keeping with the surrounding neighborhood.
- The proposed house renovations will be aesthetically-pleasing and greatly improve the look of the property, therefore increasing property values of the surrounding homes.
 - In Portsmouth, in recent years, even modest renovation to a residence has consistently resulted in an increase of surrounding property values.
- In our proposal, the property's green space will be maintained and preserved.

5. Literal enforcement of the Ordinance would result in unnecessary hardship.

- One hardship is that with 6 bedrooms, the house is too large for two people.
- A second hardship is the awkward layout of the addition with physical deficiencies. The existing addition was poorly conceived and cannot be adequately renovated.
- A third hardship is that the existing addition does not meet standard building codes and is a safety liability.
 - The pre-existing design flaws of the addition include the lack of a foundation under part of the addition, a shallow 2' crawl space, and a flat-roofed section. These conditions present safety concerns and difficulties for maintenance, access, and drainage.
 - The existing flat roof is a major issue--any changes to correct the roof requires a variance.
 - We would like to resolve these issues, make the house habitable to us, and marry the two structures.
- The sideyard setback is a fourth hardship--The property is a narrow lot to begin with. The original owners located the house to one side so that they could have a yard. We cannot feasibly move the house to the center of the property to make it conforming--so this is a hardship.
- A fifth hardship is that the existing location and configuration of the house and the surrounding buildings make it challenging to renovate the house in any other way than proposed.
- Literal enforcement of the Ordinance does not resolve 50 Cornwall Street's special conditions as outlined above and intrinsically results in unnecessary hardship.

CONCLUSIONS

- We are not increasing the house's footprint; we are not increasing non-conformity.
- We will maintain the existing green space.
- The house design is aesthetically-pleasing and fits the historic nature of the neighborhood.
- The renovations greatly improve the appearance of the house and property, and consequently, increase the value of surrounding properties.
- The sizes of the two dwelling units are modest, not maxed out.
- The structure is in keeping with the density of single-family and multi-unit buildings in the surrounding neighborhood. We are not requesting a different end use than what has been done with the many apartments, condominiums, and townhouses around us.
- We will be taking 3 cars off of the street.

RENOVATION TO THE RESIDENCE AT 50 CORNWALL STREET

Zoning Board of Adjustment - March 2021, Portsmouth, New Hampshire

GENERAL PROJECT DISCRIPTION: GENERAL RESIDENTIAL DISTRICT C

PROPOSED WORK:

- REBUILDING OF THE REAR EXISTING ADDITION WITH A NEW ADDITION IN THE EXACT FOOTPRINT OF THE REMOVED PORTION REQUIRING A SETBACK RELIEF OF 1' - 0" +/- FROM THE RIGHT SIDE YARD.
- CONVERSION OF THE EXISTING SIX BEDROOM SINGLE FAMILY RESIDENCE TO A TWO FAMILY RESIDENCE WITH THREE BEDROOMS IN EACH RESIDENCE REQUIRING A DENSITY RELIEF OF 2,000 +/- SF PER DWELLING UNIT.
- INTERIOR RENOVATIONS IN THE EXISTING HOME.

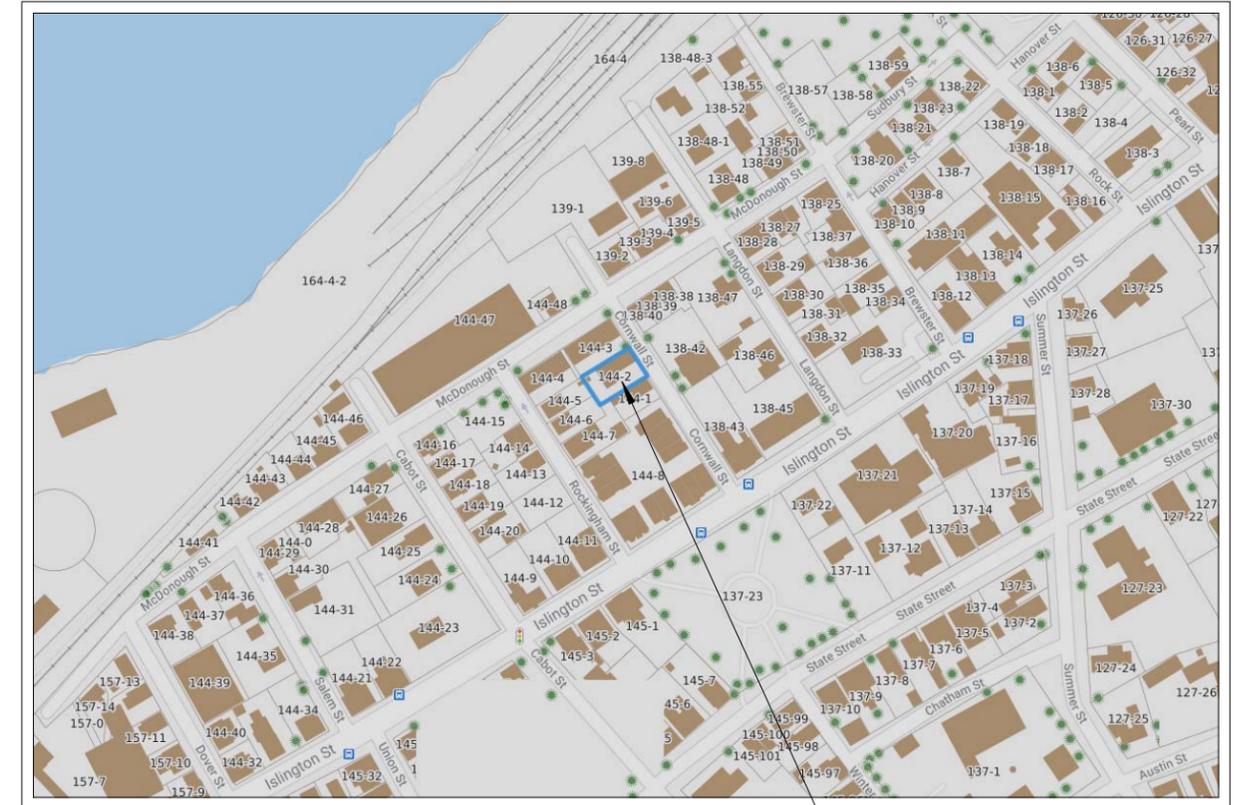
SHEET LIST

Sheet Number	Sheet Name
--------------	------------

PFR	PETITION FOR RELIEF
C	RENOVATIONS OF 50 CORNWALL ST
A1	SITE PLAN
A2	EXISTING FLOOR PLANS
A3	PROPOSED FLOOR PLANS
A4	EXISTING CONDITION PHOTOS
A5	MASSING CONCEPT
A6	NEIGHBORHOOD DENSITY CONTEXT
A7	EXISTING SHADOW STUDY
A8	PROPOSED SHADOW STUDY
A9	NEIGHBORHOOD CONTEXT

DIMENSIONAL CRITERIA			
GENERAL RESIDENCE DISTRICT C			
	REQUIRED	EXISTING	PROPOSED
BUILDING COVERAGE	35%	36.3% +/-	36.3% +/-
RIGHT SIDE YARD SETBACK	10' - 0"	1' - 0" +/-	1' - 0" +/-
LEFT SIDE YARD SETBACK	10' - 0"	15' - 0"	15' - 0"
REAR YARD SETBACK	20' - 0"	22' - 0"	22' - 0"
FRONT YARD SETBACK	5' - 0"	2' - 0"	2' - 0"
LOT SIZE	3,500 SF	4,000 SF	4,000 SF
LOT AREA PER DWELLING UNIT	3,500 SF	4,000 SF	2,000 SF +/-
LOT FRONTAGE	70' - 0"	50' - 0"	50' - 0"
LOT DEPTH	50' - 0"	80' - 0"	80' - 0"
BUILDING HEIGHT	35' - 0"	28' - 0"	32' - 0" +/-
PARKING SPACES	3 SPACES	0 SPACES	3 SPACES
OPEN SPACE	20%	57%	40%

RED INDICATES VARIANCE REQUEST



LOCUS MAP

50 CORNWALL STREET



VIEW FROM CORNWALL STREET



VIEW FROM LEFT SIDE YARD



VIEW FROM REAR YARD

EXISTING IMAGES

© 2021 McHenry Architecture

50 CORNWALL ST
50 CORNWALL STREET
PORTSMOUTH, NH 03801

RENOVATIONS OF 50 CORNWALL ST
MARCH 2021 - ZONING BOARD OF ADJUSTMENT

McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire

C

03/16/2021
McHA: RD / JJ
NOT TO SCALE

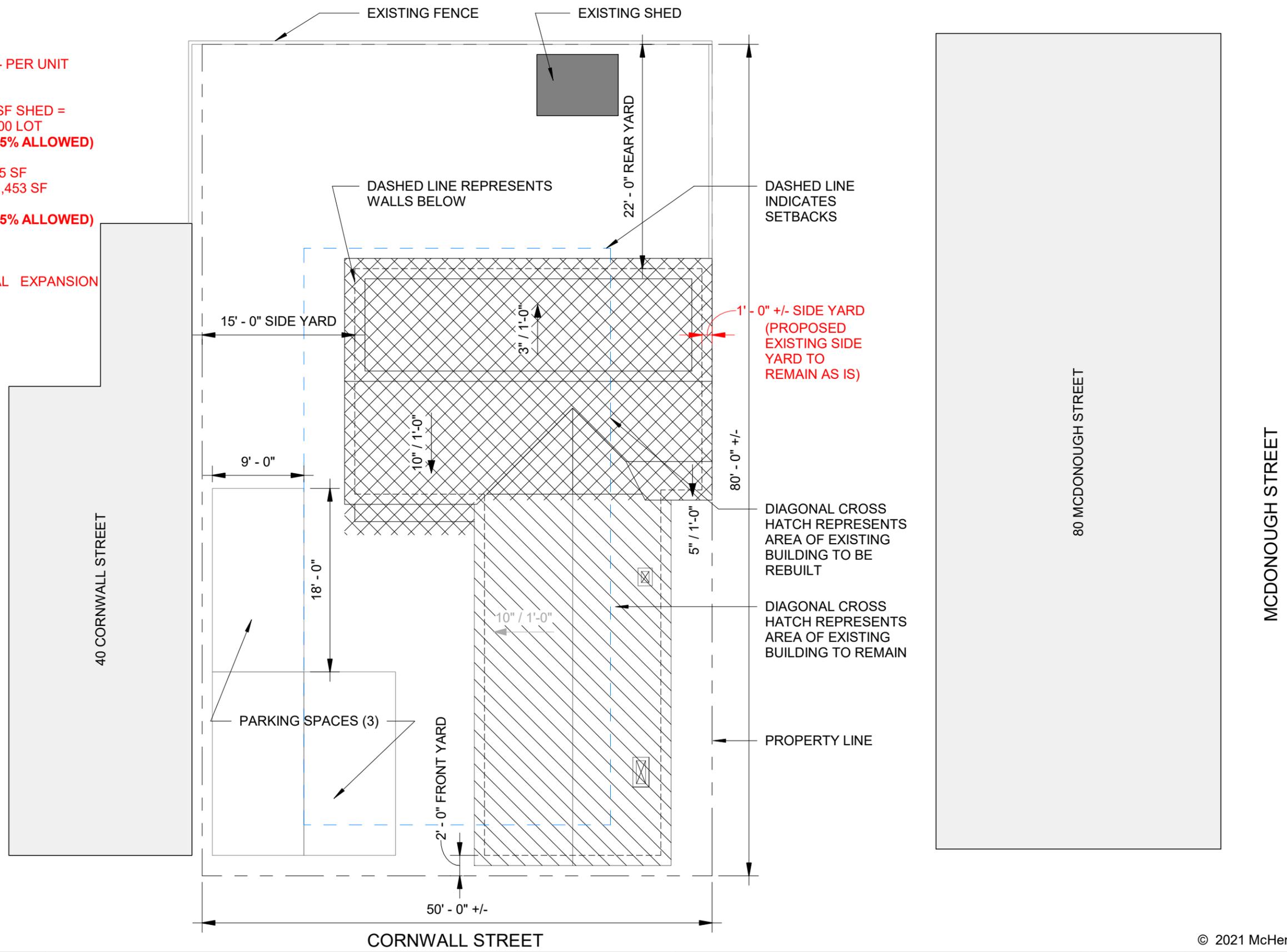
DENSITY CALCULATION:
 80' X 50' LOT
 3,500 SF PER UNIT REQUIRED
 4,000 SF LOT / 2 UNITS = 2,000 SF +/- PER UNIT

COVERAGE CALCULATION:
 EXISTING - 1,405 SF BUILDING + 48 SF SHED =
 1,453 SF BUILDING COVERAGE / 4,000 LOT
 = 36.3% +/- **BUILDING COVERAGE (35% ALLOWED)**

PROPOSED - 1,370 SF BUILDING + 35 SF
 COVERED PORCH + 48 SF SHED = 1,453 SF
 BUILDING COVERAGE / 4,000 LOT
 = 36.3% +/- **BUILDING COVERAGE (35% ALLOWED)**

SIDE YARD SETBACK (NORTHWEST):
 EXISTING - 1'-0" +/-
 PROPOSED - 1'-0" +/- WITH VERTICAL EXPANSION

NON-CONFORMING LOT



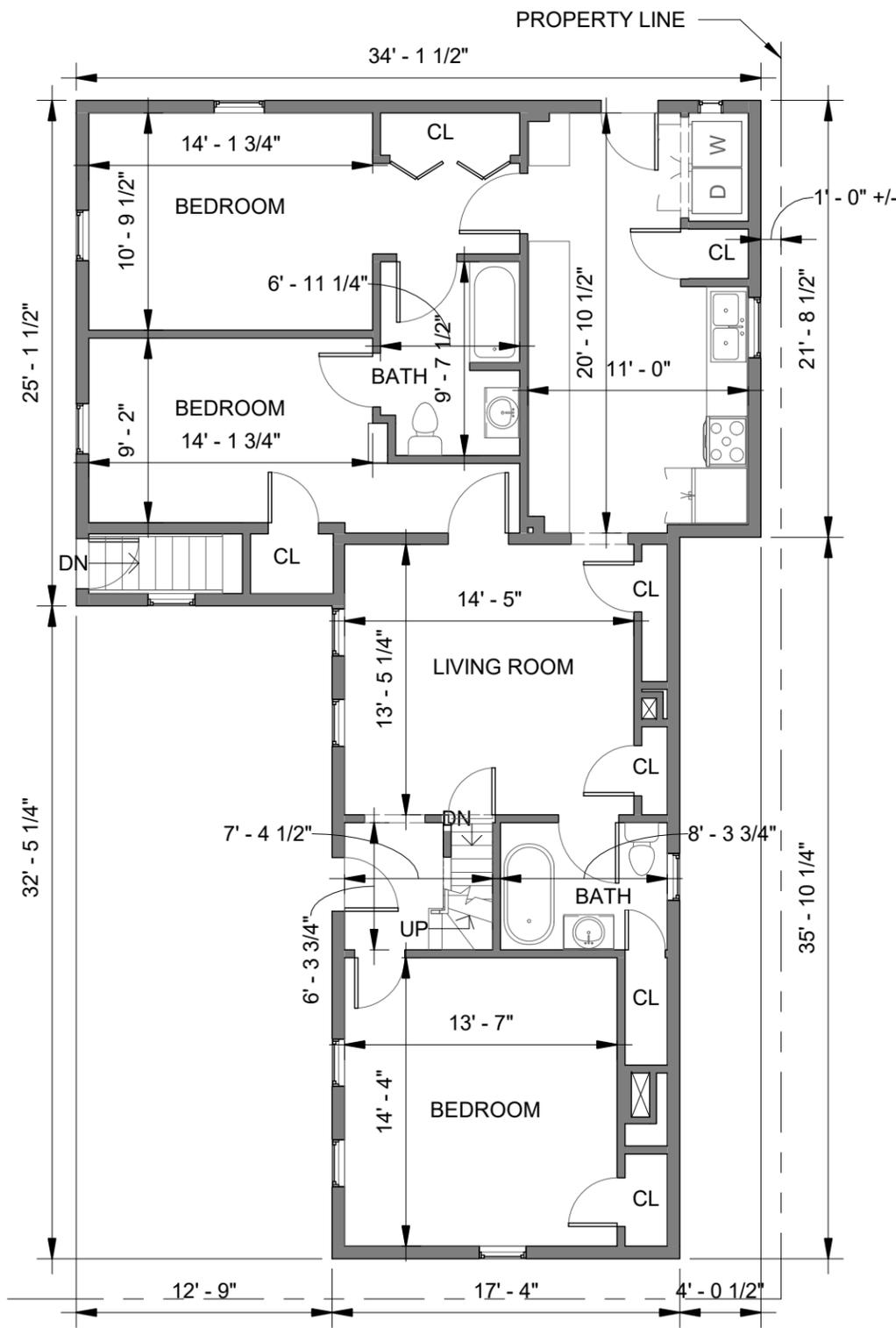
50 CORNWALL ST
 50 CORNWALL STREET
 PORTSMOUTH, NH 03801

SITE PLAN
 MARCH 2021 - ZONING BOARD OF ADJUSTMENT

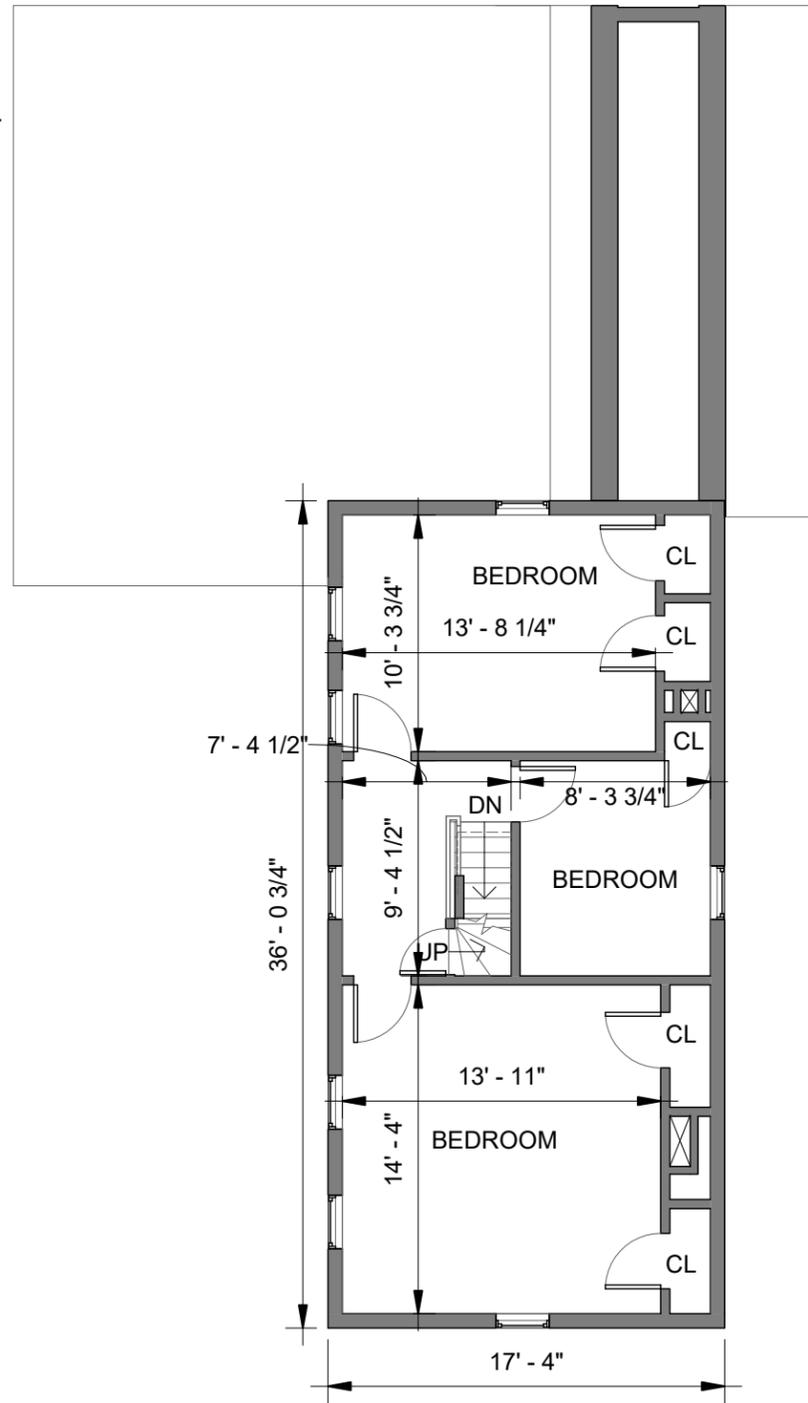
McHENRY ARCHITECTURE
 4 Market Street
 Portsmouth, New Hampshire

A1

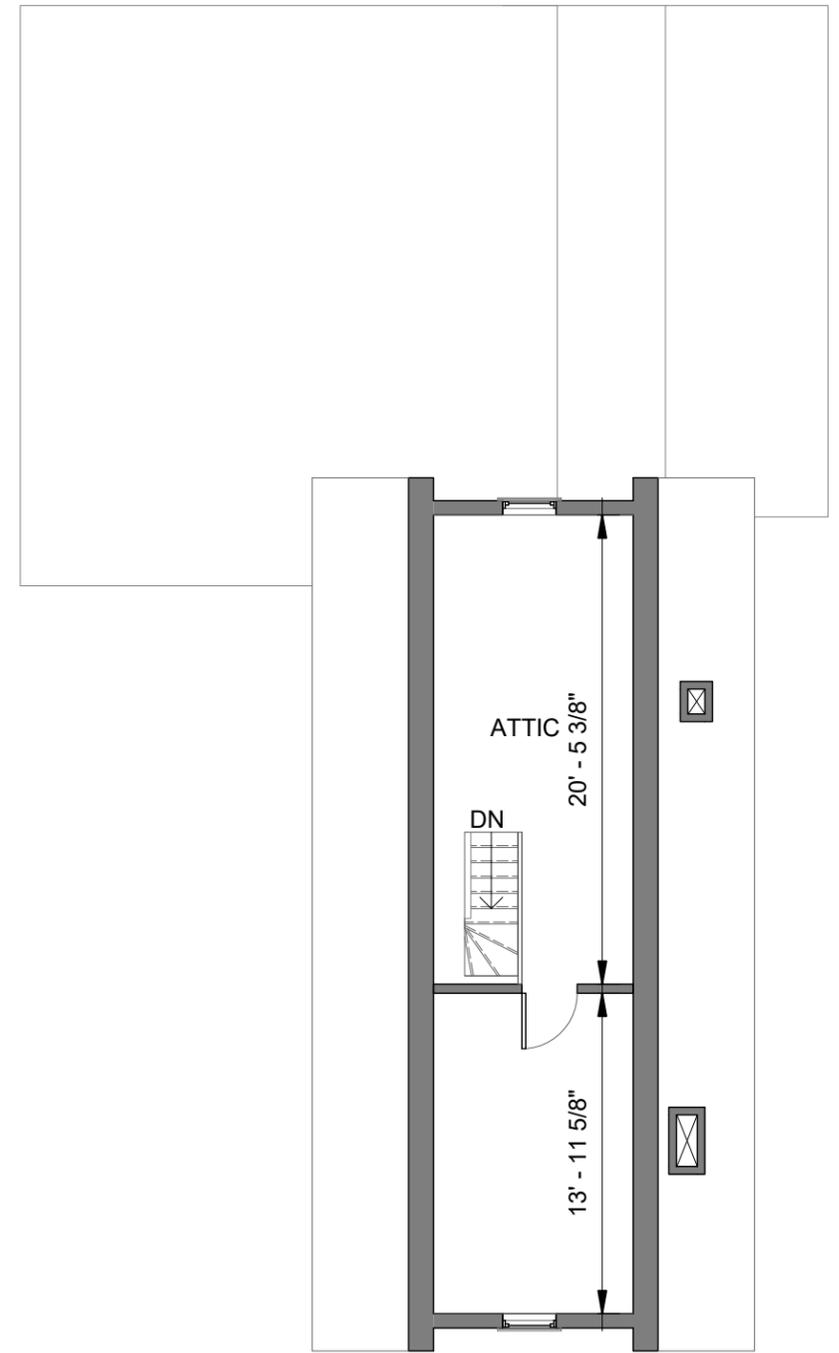
© 2021 McHenry Architecture
 03/16/2021
 McHA: RD / JJ
 Scale: 1" = 10'-0"



1 FIRST FLOOR
1/8" = 1'-0"



2 SECOND FLOOR
1/8" = 1'-0"



3 ATTIC
1/8" = 1'-0"

© 2021 McHenry Architecture

50 CORNWALL ST

50 CORNWALL STREET
PORTSMOUTH, NH 03801

EXISTING FLOOR PLANS

MARCH 2021 - ZONING BOARD OF ADJUSTMENT

McHENRY ARCHITECTURE

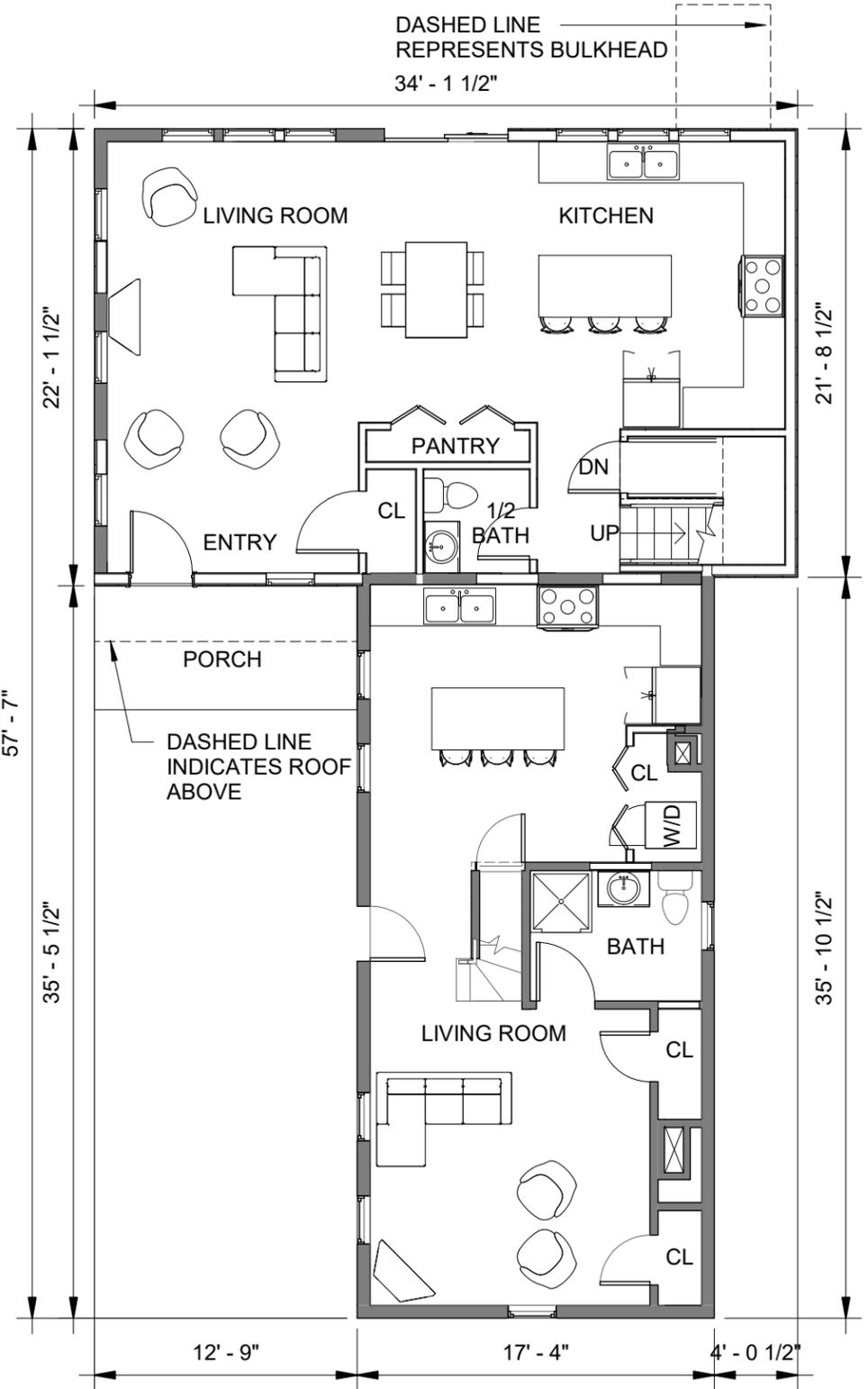
4 Market Street
Portsmouth, New Hampshire

A2

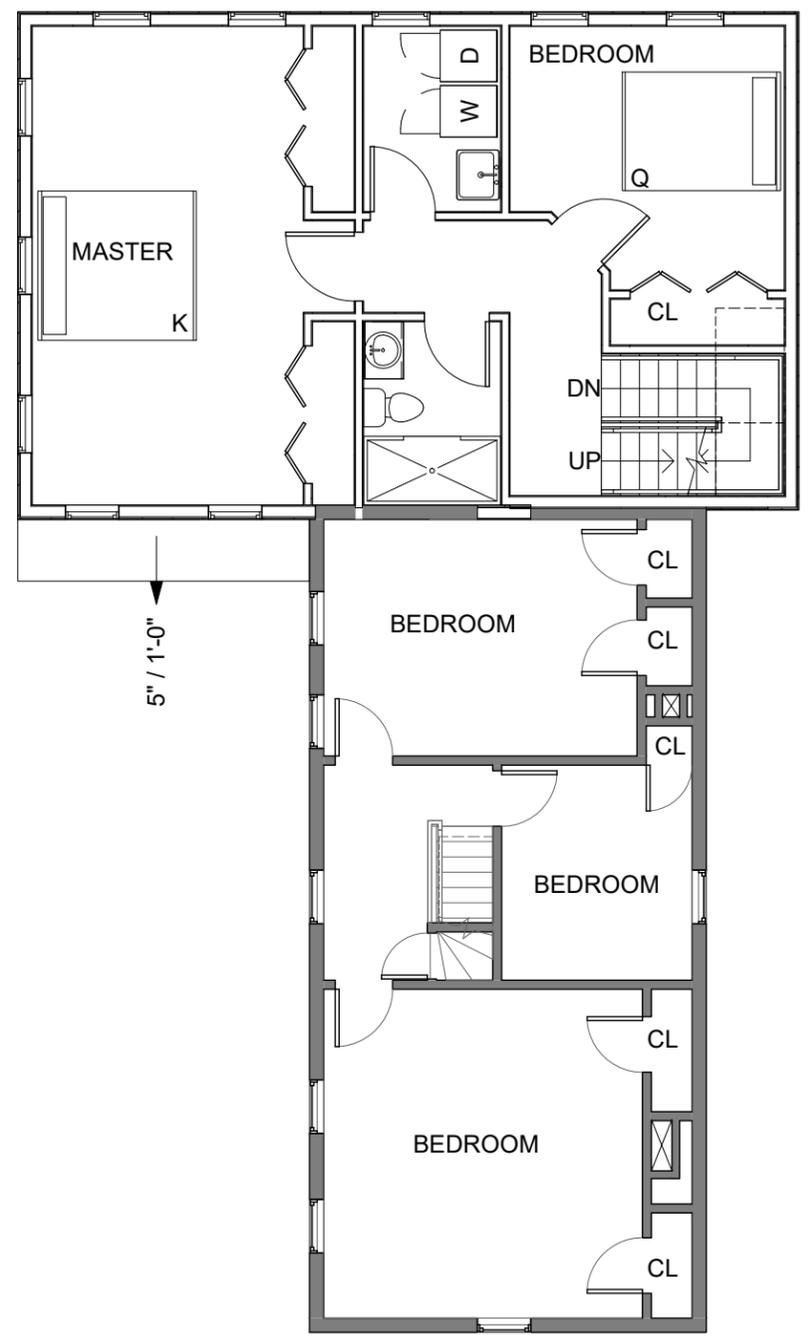
03/16/2021

McHA: RD / JJ

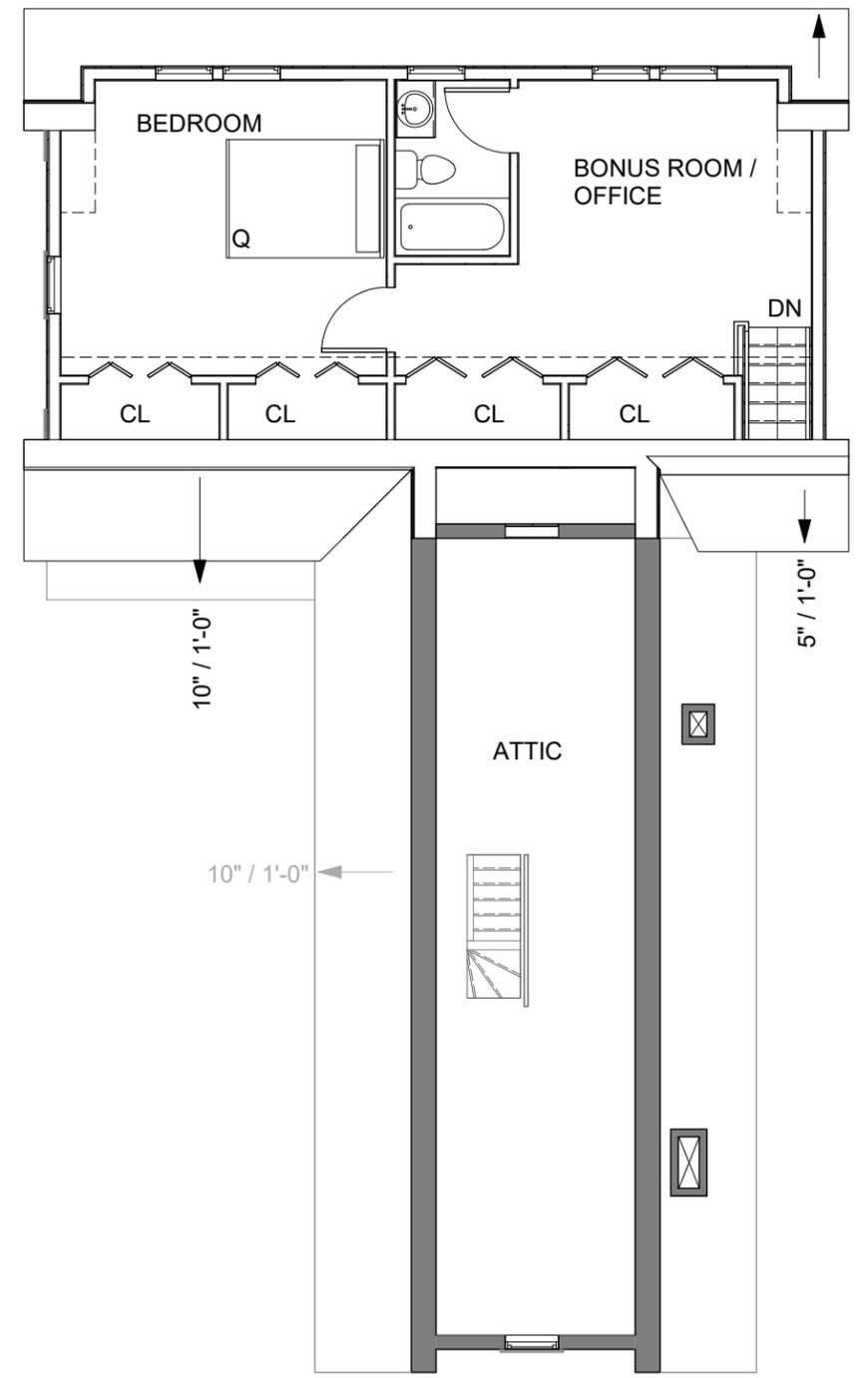
Scale: 1/8" = 1'-0"



1 FIRST FLOOR
1/8" = 1'-0"



2 SECOND FLOOR
1/8" = 1'-0"



3 THIRD FLOOR
1/8" = 1'-0"

50 CORNWALL ST
50 CORNWALL STREET
PORTSMOUTH, NH 03801

PROPOSED FLOOR PLANS
MARCH 2021 - ZONING BOARD OF ADJUSTMENT

McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire

A3

© 2021 McHenry Architecture
03/16/2021
McHA: RD / JJ
Scale: 1/8" = 1'-0"



VIEW FROM CORNWALL STREET



VIEW FROM CORNWALL STREET



VIEW FROM CORNWALL STREET LOOKING AT RIGHT SIDE YARD



VIEW FROM LEFT (SOUTHEAST) SIDE YARD LOOKING TOWARDS REAR YARD



VIEW FROM REAR YARD LOOKING AT RIGHT SIDE YARD



VIEW LOOKING AT RIGHT (NORTHWEST) SIDE YARD

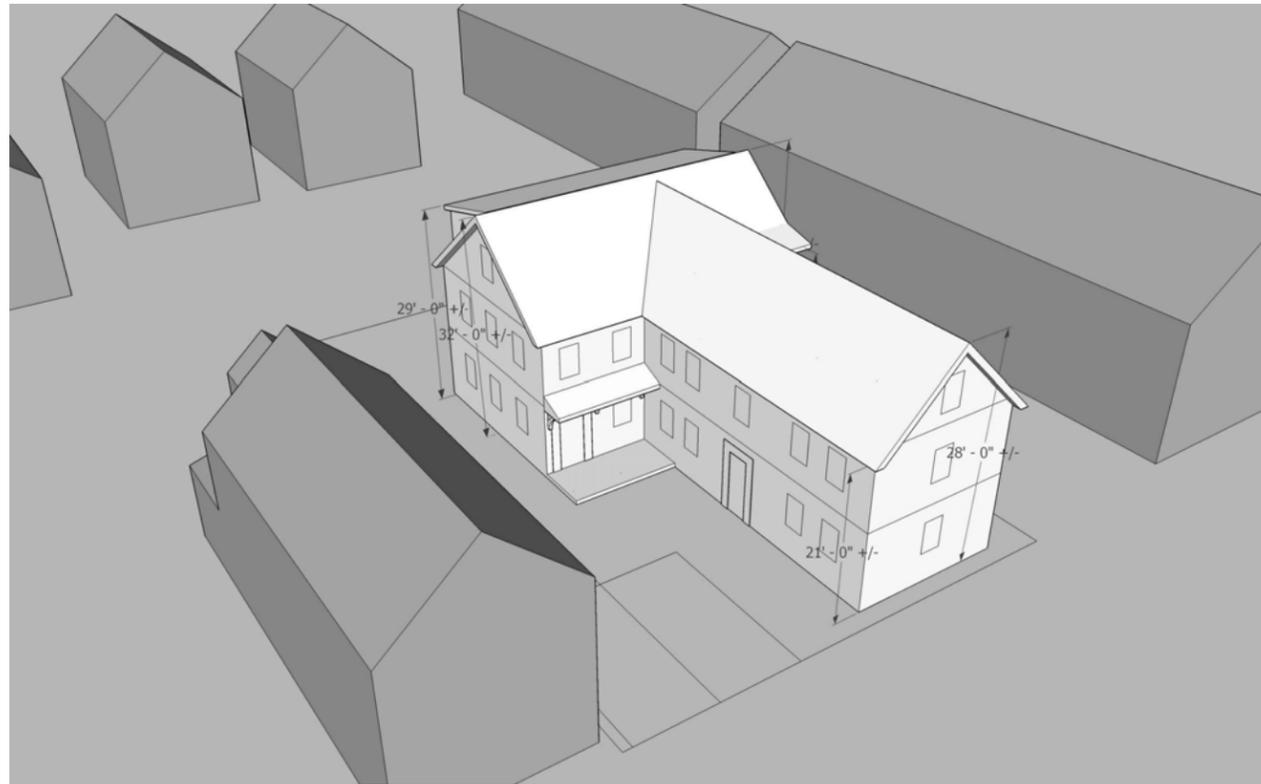
50 CORNWALL ST
50 CORNWALL STREET
PORTSMOUTH, NH 03801

EXISTING CONDITION PHOTOS
MARCH 2021 - ZONING BOARD OF ADJUSTMENT

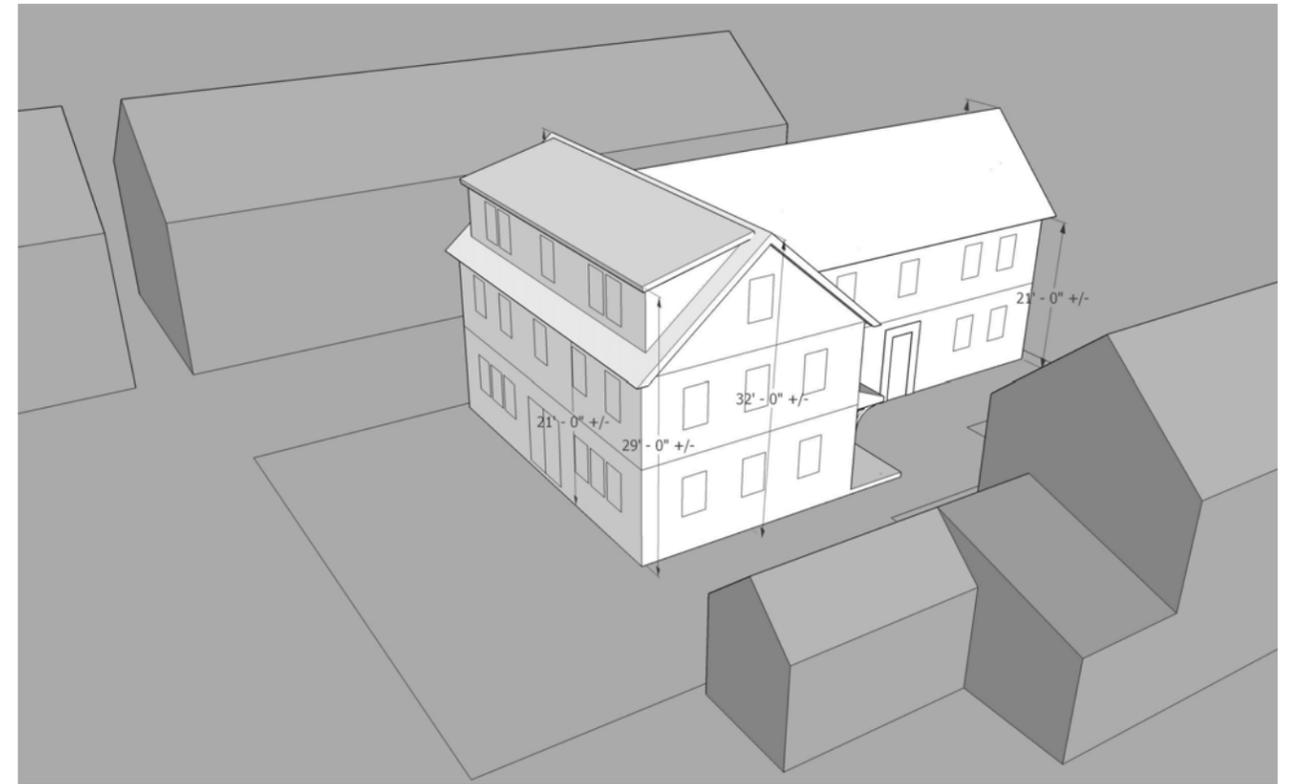
McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire

A4

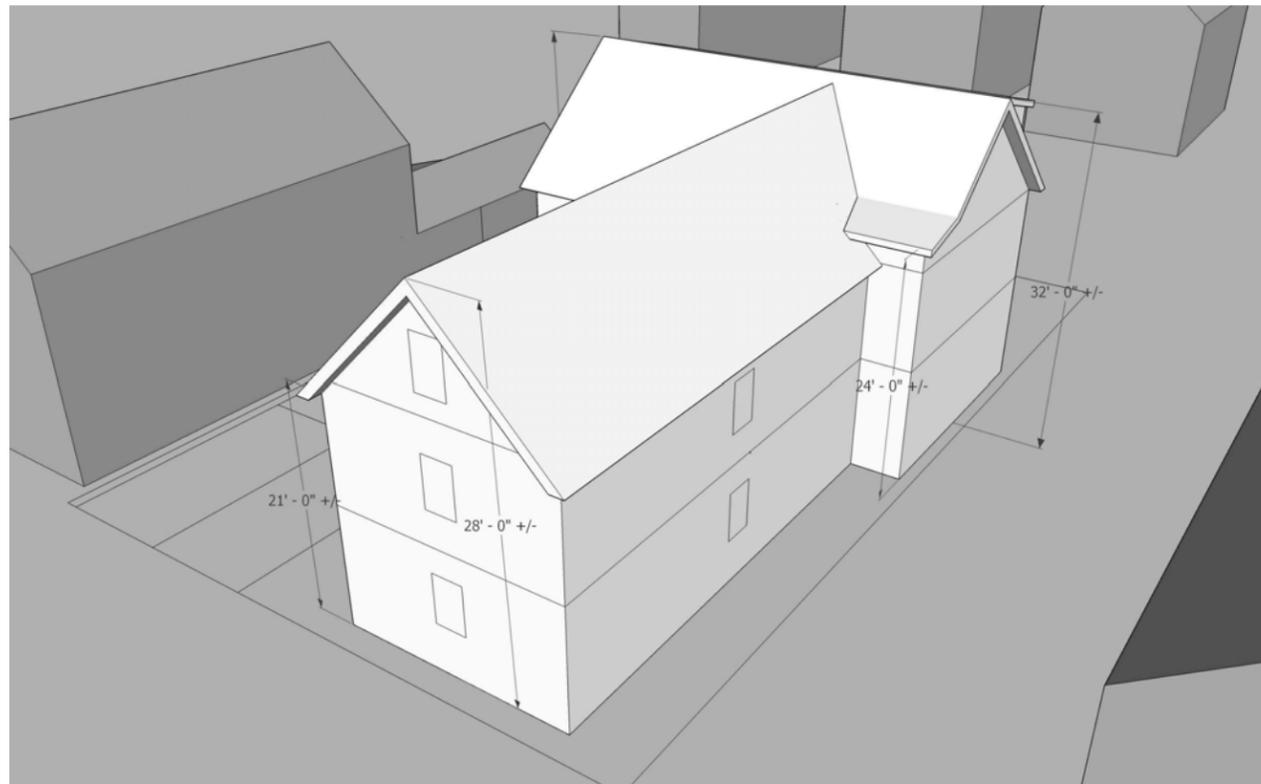
© 2021 McHenry Architecture
03/16/2021
McHA: RD / JJ
NOT TO SCALE



AERIAL VIEW FROM LEFT SIDE / FRONT YARD



AERIAL VIEW FROM LEFT SIDE / REAR YARD



AERIAL VIEW FROM RIGHT SIDE / FRONT YARD



VIEW FROM RIGHT SIDE / FRONT YARD

© 2021 McHenry Architecture

50 CORNWALL ST
50 CORNWALL STREET
PORTSMOUTH, NH 03801

MASSING CONCEPT
MARCH 2021 - ZONING BOARD OF ADJUSTMENT

McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire

A5

03/16/2021
McHA: RD / JJ
NOT TO SCALE



PROPERTY DENSITY DATA					
KEYNOTE	ADDRESS	NUMBER OF UNITS	REQUIRED SQUARE FEET PER UNIT	SQUARE FEET PER UNIT	COMMENTS
01	50 CORNWALL STREET	2	3,500 SF	2,000 SF	
02	40 CORNWALL STREET	1	3,500 SF	2,400 SF	
03	275 ISLINGTON STREET	14	3,000 SF	1,724.5 SF	CD4-L2
04	35 ROCKINGHAM STREET	3	3,500 SF	1,386 SF	
05	45 ROCKINGHAM STREET	1	3,500 SF	2,835 SF	
06	49 ROCKINGHAM STREET	1	3,500 SF	2,430 SF	
07	98 McDONOUGH STREET	4	3,500 SF	925 SF	
08	80 McDONOUGH STREET	4	3,500 SF	795 SF	
09	40 ROCKINGHAM STREET	1	3,500 SF	3,500 SF	
10	44 ROCKINGHAM STREET	2	3,500 SF	1,524 SF	
11	89 McDONOUGH STREET	1	3,500 SF	1,306 SF	
12	63 McDONOUGH STREET	2	3,500 SF	1,306.5 SF	
13	57 McDONOUGH STREET	1	3,500 SF	1,742 SF	
14	51 McDONOUGH STREET	1	3,500 SF	1,306 SF	
15	72 LANGDON STREET	1	3,500 SF	1,306 SF	
16	68 McDONOUGH STREET	1	3,500 SF	1,306 SF	
17	64 McDONOUGH STREET	1	3,500 SF	1,306 SF	
18	58 McDONOUGH STREET	1	3,500 SF	1,306 SF	
19	48 LANGDON STREET #50	2	3,500 SF	4,791.5 SF	
20	28 LANGDON STREET	5	3,500 SF	1,306 SF	
21	239 ISLINGTON STREET	7	3,000 SF	1,804.5 SF	CD4-L2
22	249 ISLINGTON STREET	11	3,000 SF	712 SF	CD4-L2
23	43 CORNWALL STREET	6	3,500 SF	1,379 SF	
24	28 McDONOUGH STREET	8	3,500 SF	326 SF	
25	47 LANGDON STREET	1	3,500 SF	3,920 SF	
26	37 LANGDON STREET	2	3,500 SF	1,960 SF	
27	25 LANGDON STREET	1	3,500 SF	1,742 SF	
28	21-23 LANGDON STREET	2	3,500 SF	1,742 SF	

RED INDICATES VIOLATING DENSITY

GRAPHIC KEY

- : 50 CORNWALL STREET
GENERALL RESIDENCE DISTRICT C
- : OVER 3,500 SF PER UNIT
GENERALL RESIDENCE DISTRICT C
- : UNDER 3,500 SF PER UNIT
GENERALL RESIDENCE DISTRICT C
- : UNDER 3,000 SF PER UNIT
CD4-L2 DISTRICT
- : NOT IN SURVEY OF PROPERTIES
- 01** : PROPERTY DATA KEYNOTE

© 2021 McHenry Architecture

50 CORNWALL ST

50 CORNWALL STREET
PORTSMOUTH, NH 03801

NEIGHBORHOOD DENSITY CONTEXT

MARCH 2021 - ZONING BOARD OF ADJUSTMENT

McHENRY ARCHITECTURE

4 Market Street
Portsmouth, New Hampshire

A6

03/16/2021

McHA: RD / JJ

NOT TO SCALE

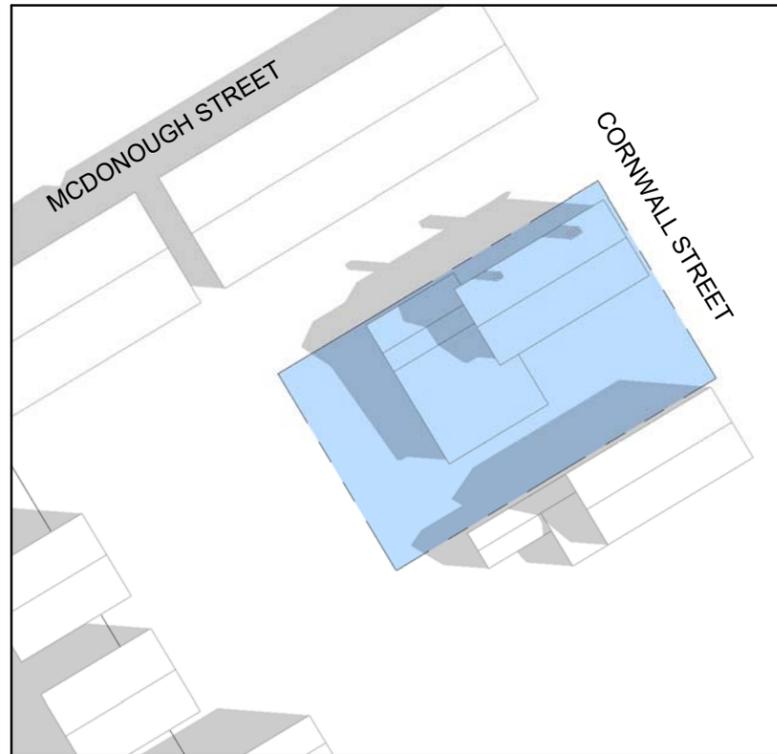


EXISTING 50 CORNWALL SATELLITE VIEW:

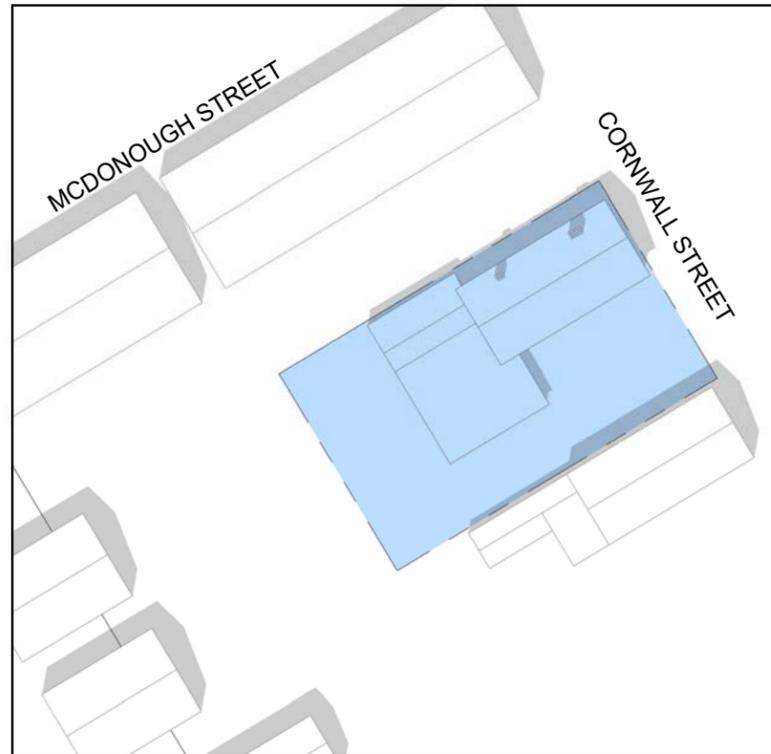
NOTE - THE DECIDUOUS TREES LOCATED ON THE PROPERTY OF 80 MCDONOUGH STREET ARE NOT REPRESENTED ON THE SHADOW STUDY. THE HEIGHT OF THESE TREES ARE MUCH HIGHER THAN THE NEIGHBORING BUILDINGS INCLUDING 50 CORNWALL STREET. WE BELIEVE THAT THE ADDITIONAL HEIGHT OF THE PROPOSED ADDITION WOULD HAVE A MINIMAL IMPACT SHADOW WISE SINCE THESE MASSIVE TREES ALREADY SHADE THE MAJORITY OF 80 MCDONOUGH DURING THE TIMES OF THE YEAR THESE TREES HAVE THEIR LEAVES. ALSO NOTE THAT THIS IS WHEN THE SUN IS AT ITS HIGHEST POINT. WHEN THERE ARE NO LEAVES ON THESE TREES, THE LOW ALTITUDE OF THE SUN IN THE WINTER MONTHS ALREADY PRODUCE SHADOW ON THE PROPERTY.

SUMMER SOLSTICE:
 JUNE 21ST SUNRISE: 5:04 am
 JUNE 21ST SUNSET: 8:26 pm

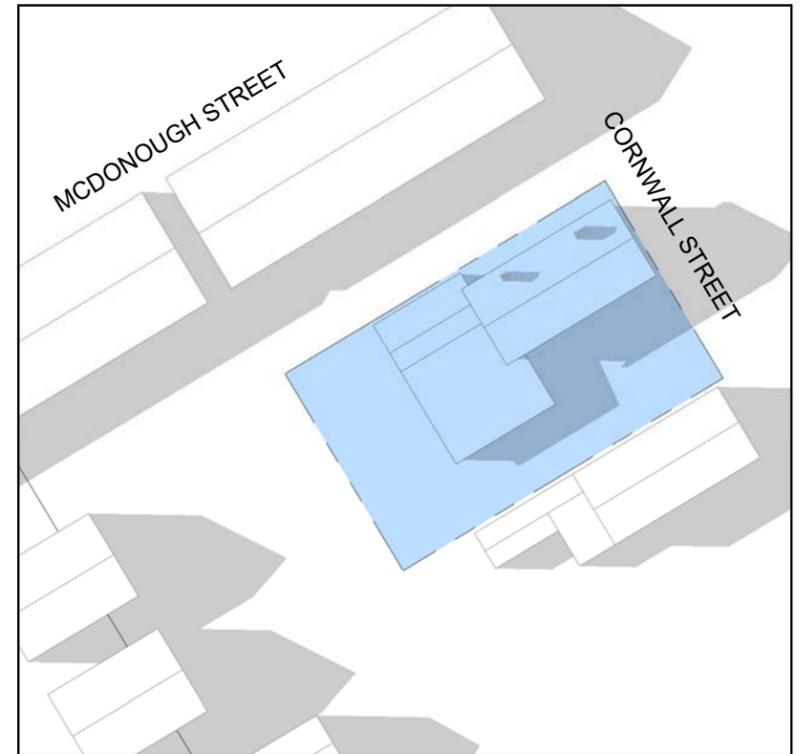
WINTER SOLSTICE:
 DECEMBER 21ST SUNRISE: 7:11 am
 DECEMBER 21ST SUNSET: 4:11 pm



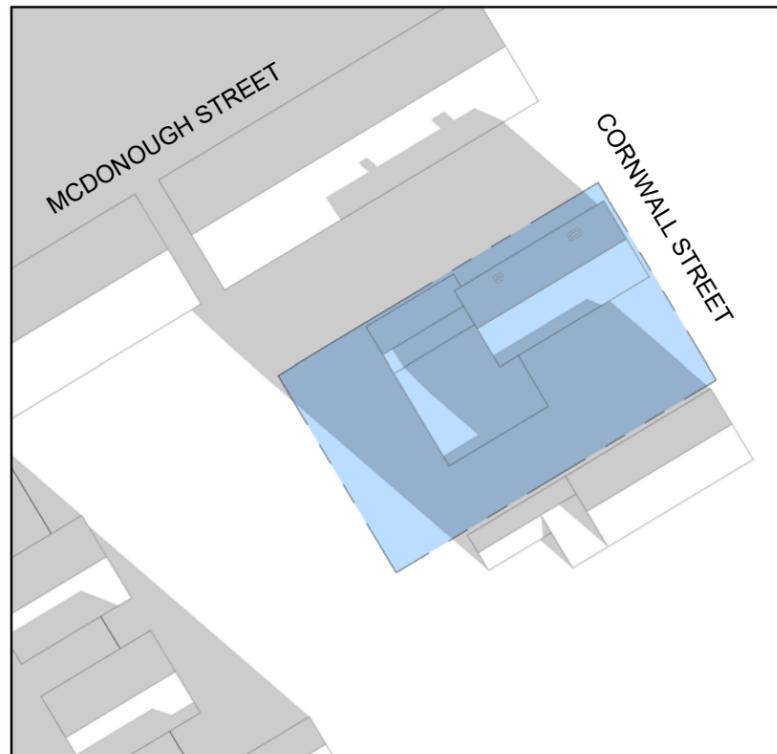
1 SUMMER SOLSTICE - JUNE 21ST 8AM
 1" = 40'-0"



2 SUMMER SOLSTICE - JUNE 21ST 12PM
 1" = 40'-0"



3 SUMMER SOLSTICE - JUNE 21ST 4PM
 1" = 40'-0"



4 WINTER SOLSTICE - DECEMBER 21ST 8AM
 1" = 40'-0"



5 WINTER SOLSTICE - DECEMBER 21ST 12PM
 1" = 40'-0"



6 WINTER SOLSTICE - DECEMBER 21ST 3PM
 1" = 40'-0"

© 2021 McHenry Architecture

50 CORNWALL ST
 50 CORNWALL STREET
 PORTSMOUTH, NH 03801



EXISTING SHADOW STUDY
 MARCH 2021 - ZONING BOARD OF ADJUSTMENT

McHENRY ARCHITECTURE
 4 Market Street
 Portsmouth, New Hampshire

A7
 03/16/2021
 McHA: RD / JJ
 AS INDICATED

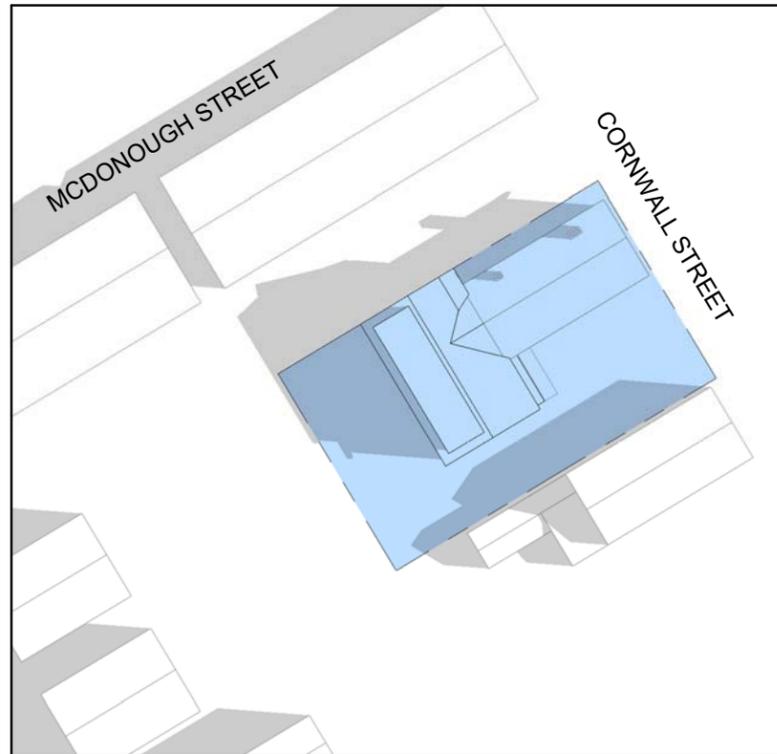


EXISTING 50 CORNWALL SATELLITE VIEW:

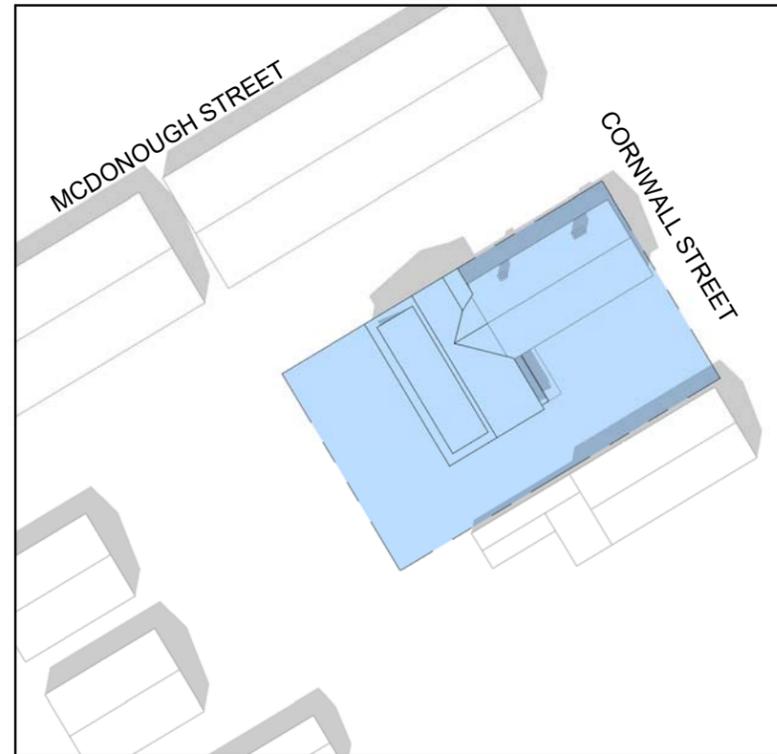
NOTE - THE DECIDUOUS TREES LOCATED ON THE PROPERTY OF 80 MCDONOUGH STREET ARE NOT REPRESENTED ON THE SHADOW STUDY. THE HEIGHT OF THESE TREES ARE MUCH HIGHER THAN THE NEIGHBORING BUILDINGS INCLUDING 50 CORNWALL STREET. WE BELIEVE THAT THE ADDITIONAL HEIGHT OF THE PROPOSED ADDITION WOULD HAVE A MINIMAL IMPACT SHADOW WISE SINCE THESE MASSIVE TREES ALREADY SHADE THE MAJORITY OF 80 MCDONOUGH DURING THE TIMES OF THE YEAR THESE TREES HAVE THEIR LEAVES. ALSO NOTE THAT THIS IS WHEN THE SUN IS AT ITS HIGHEST POINT. WHEN THERE ARE NO LEAVES ON THESE TREES, THE LOW ALTITUDE OF THE SUN IN THE WINTER MONTHS ALREADY PRODUCE SHADOW ON THE PROPERTY.

SUMMER SOLSTICE:
 JUNE 21ST SUNRISE: 5:04 am
 JUNE 21ST SUNSET: 8:26 pm

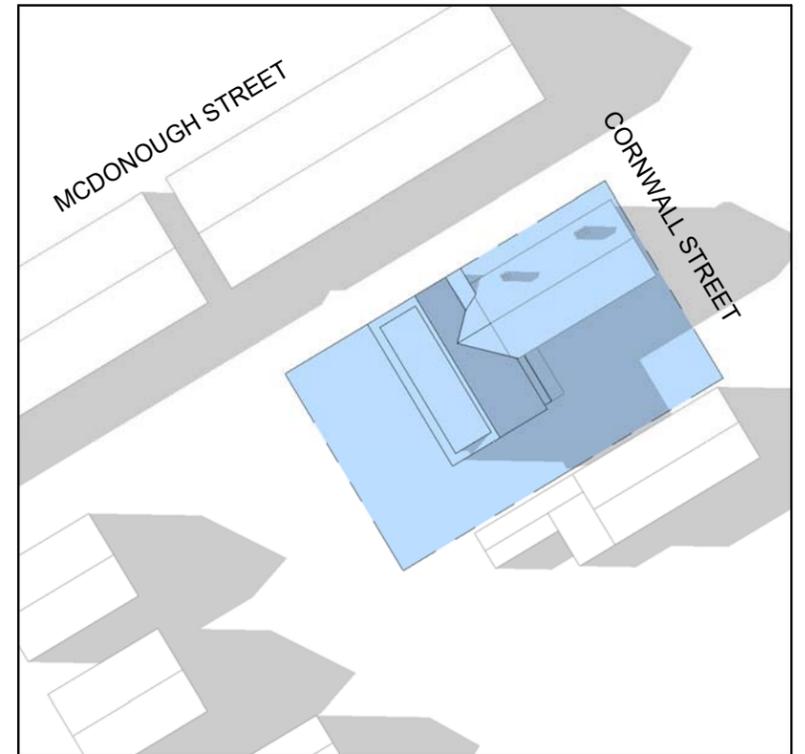
WINTER SOLSTICE:
 DECEMBER 21ST SUNRISE: 7:11 am
 DECEMBER 21ST SUNSET: 4:11 pm



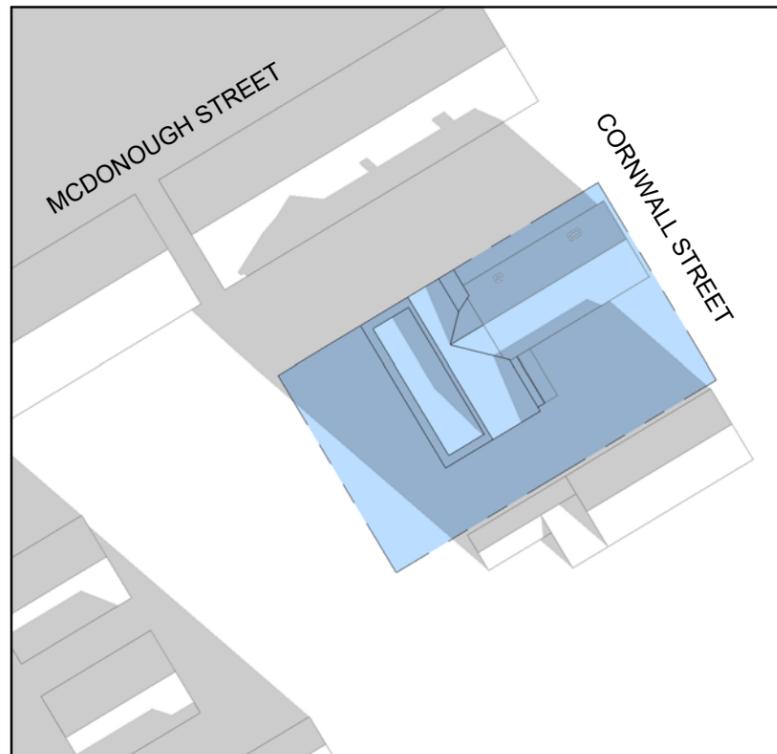
1 SUMMER SOLSTICE - JUNE 21ST 8AM
 1" = 40'-0"



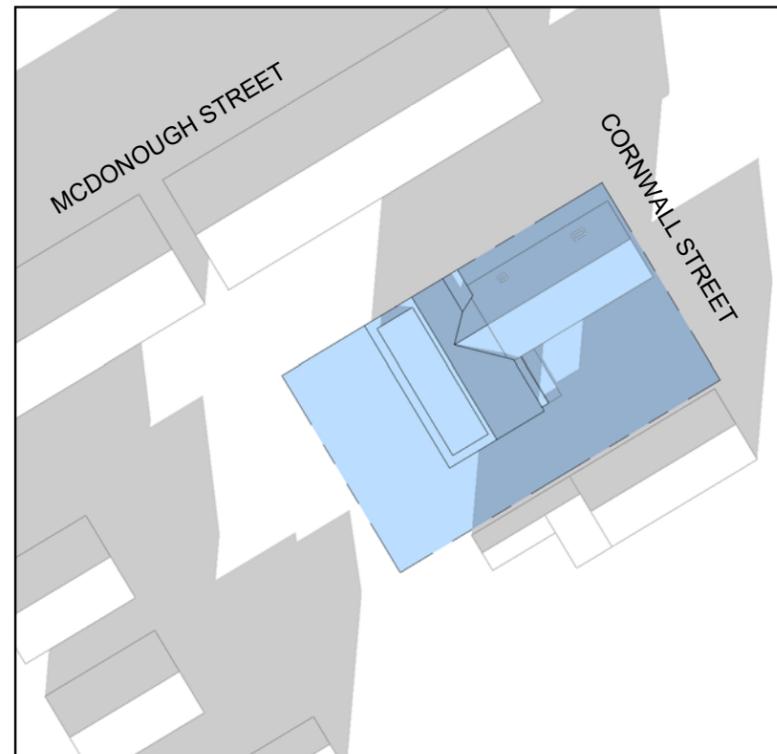
2 SUMMER SOLSTICE - JUNE 21ST 12PM
 1" = 40'-0"



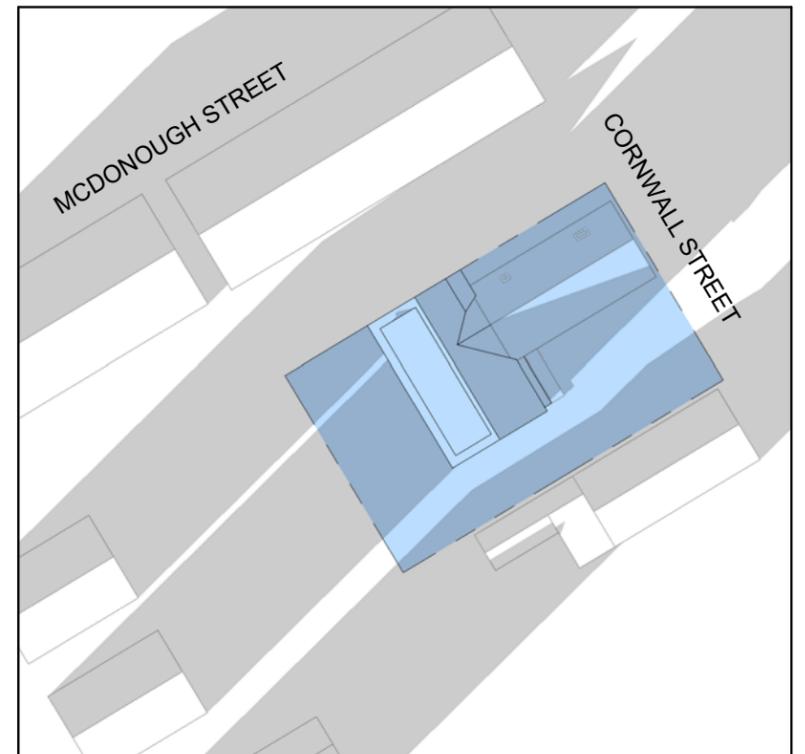
3 SUMMER SOLSTICE - JUNE 21ST 4PM
 1" = 40'-0"



4 WINTER SOLSTICE - DECEMBER 21ST 8AM
 1" = 40'-0"



5 WINTER SOLSTICE - DECEMBER 21ST 12PM
 1" = 40'-0"



6 WINTER SOLSTICE - DECEMBER 21ST 3PM
 1" = 40'-0"

© 2021 McHenry Architecture

50 CORNWALL ST
 50 CORNWALL STREET
 PORTSMOUTH, NH 03801



PROPOSED SHADOW STUDY

MARCH 2021 - ZONING BOARD OF ADJUSTMENT

McHENRY ARCHITECTURE

4 Market Street
 Portsmouth, New Hampshire

A8

03/16/2021

McHA: RD / JJ

AS INDICATED



IMAGE OF PROPERTIES NUMBERED 21 / 22



IMAGE OF PROPERTIES NUMBERED 03 / 22



IMAGE OF PROPERTY NUMBERED 03



IMAGE OF PROPERTIES NUMBERED 22 / 23



IMAGE OF PROPERTIES NUMBERED 16 / 17 / 18



IMAGE OF PROPERTIES NUMBERED 12 - 15



IMAGE OF PROPERTIES NUMBERED 07 / 08



IMAGE OF PROPERTIES NUMBERED 03-07 / 09-10

NOTE: REFER TO SHEET A6 FOR CONTEXT IMAGE REFERENCE

© 2021 McHenry Architecture

50 CORNWALL ST

50 CORNWALL STREET
PORTSMOUTH, NH 03801

NEIGHBORHOOD CONTEXT

MARCH 2021 - ZONING BOARD OF ADJUSTMENT

McHENRY ARCHITECTURE

4 Market Street
Portsmouth, New Hampshire

A9

03/16/2021

McHA: RD / JJ

NOT TO SCALE