

**Variance Request**  
**Board of Adjustment, Portsmouth, NH**  
**50 Cornwall Street, Portsmouth, NH**

September 25, 2022

**INTRODUCTION**

We, Laurie and Charlie Moreno, have owned the residence at 50 Cornwall St. for 11 years. The original house is nearly 200 years old. In addition to renovating this historic structure, we are in the process of replacing a poorly constructed addition with a new home for ourselves. We are converting a 6-bedroom rental house, into two 3-bedroom residences, one of which we will occupy.

We would like to have a bathroom on the top floor of the new structure. For the bathroom to fit while allowing adequate space for the other rooms on the floor, we need to partially build the bathroom into the roof eaves. This requires a relatively small dormer on the roof—approximately 6-feet tall by 7-feet wide, totaling about 50± square feet. Since we did not envision this dormer in our initial house design, it now does not meet the sideyard setback requirements of the lot.

**Additional Background Information**

The original 1828 home and the former addition were both within the sideyard setbacks. In March 2021, the Board of Adjustment granted us variances for altering our existing non-conforming building and for the sideyard setback. The variance allowed the new structure to lie 1-foot from the property line. Upon surveying our lot last fall, we discovered that the west side of the now demolished addition overlapped the property line. The new structure's position now meets all setback requirements, including the variance requirement to have the west side of the structure stand at least 1-foot from the property line. This is a substantial improvement over the previous location over the property line.

**Responses to 5 Variance Criteria**

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

- The requested roof dormer does not alter the essential character of the neighborhood, nor does it detract from the neighboring properties. The dormer will hardly be noticeable for the following reasons: a) The dormer is small, especially relative to the size of the house; b) The dormer is on the third floor at the back of the main house; c) It is hidden from view by the house's roof from both the eastern and southern line of sight; and by trees on the western and streetside (north) line of sight; d) The edge of the dormer does not protrude past the side of the house—it sits about 2± feet inside the house edge, and is therefore about 3 feet from the property line.
- The spirit of the Ordinance is to allow space between structures and their corresponding property lines. In old neighborhoods that predate zoning, structures are often non-conforming to setbacks. While within the sideyard setback, the requested dormer does not change the yard space between the adjacent properties. It is a minor vertical expansion of part of the house and does not alter the house's footprint.
- The proposed dormer will not threaten public health, safety, or welfare, or otherwise injure public rights.

- The proposed dormer does not conflict with the explicit or implicit purpose of the ordinance.

### **3. Substantial justice is done.**

- The existing footprint of the house and use of the property will remain the same.
- We are benefitting the neighborhood by investing in our house and property, greatly improving the structure, aesthetics, and functionality (including adding 3 off-street parking spaces).
- We are building a modernized, energy-efficient, fire-safe structure, meeting current building and fire codes.
- The proposed dormer is a minimal vertical add-on to our house design with no perceptible effect on our abutters or the neighborhood.
- The proposed dormer will not perceptibly alter air movement, privacy, access, or light.


### **4. The values of surrounding properties are not diminished.**

- As we renovate the 1828 colonial and construct the new structure to mirror the colonial style and character of the original structure, we are improving the look and quality of the property, and therefore increasing property values of the surrounding homes.
- The proposed roof dormer is a minor adjustment to this much larger project. It is barely noticeable from the street or adjoining properties, and as such will not diminish property values.
- 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.

### **5. Literal enforcement of the ordinance would result in unnecessary hardship.**

- We have limited space on the third floor for a bedroom and an office. We would like to have a bathroom on that floor so that someone sleeping in the bedroom does not have to travel downstairs. Without the dormer, the bathroom loses its head space and must be moved about 6 feet into the office area, compromising that room since it is already of limited size.
- The proposed dormer will not change anything on the ground for the abutters, does not change the house's footprint, is hardly noticeable, does not change the amount of sunlight, nor detract from the look of the property. However, without the dormer, we will be missing an essential part of our house. Literal enforcement of the Ordinance therefore poses an unnecessary hardship.

Respectfully submitted,



Laurie and Charlie Moreno  
September 25, 2022

# MORENO VARDANCE APPLICATION

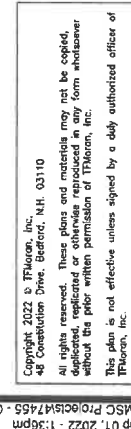


EXHIBIT B.  
SITE PHOTOS

50 Cornwall Street, Portsmouth, NH



Street view of proposed dormer site at the back of the main building.



Sideyard view (west side) of location of proposed dormer.

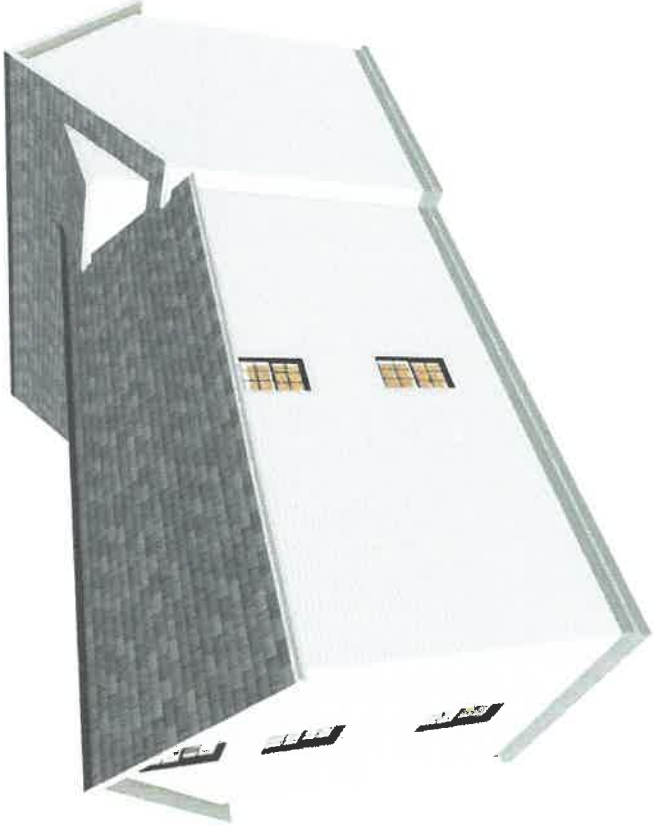


BUILDING PLAN SCHEMATIC - 50 CORNWALL STREET

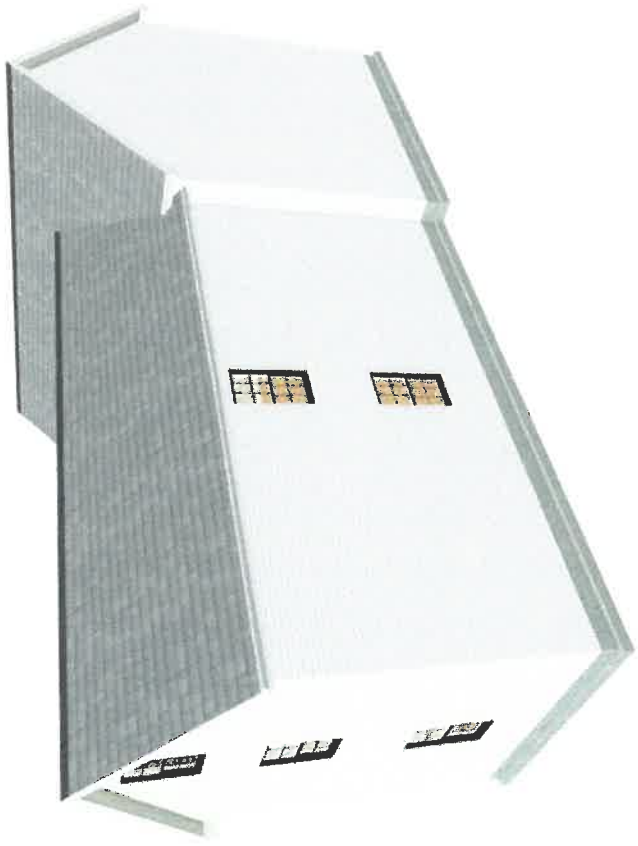
MORENO VARIANCE APPLICATION

EXHIBIT C1.

SHEET NUMBER 1		REVISION #	DRAWN BY:	DATE:	50 CORNWALL ST PORTSMOUTH, NH MORENO PROJECT	
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PROPOSED PROJECT  
WITH THIRD FLOOR  
SHED DORMER



PROPOSED PROJECT  
WITHOUT THIRD FLOOR  
SHED DORMER



FLOOR PLAN: 50 CORNWALL STREET

MORENO VARIANCE APPLICATION

EXHIBIT D.

50 CORNWALL STREET: RENOVATIONS AND  
ADDITION  
50 CORNWALL STREET, LLC  
50 CORNWALL STREET  
PORTSMOUTH, NH 03801

McHENRY  
ARCHITECTURE  
Model Street  
Portsmouth, NH  
603.433.0274



PERMIT SET ONLY

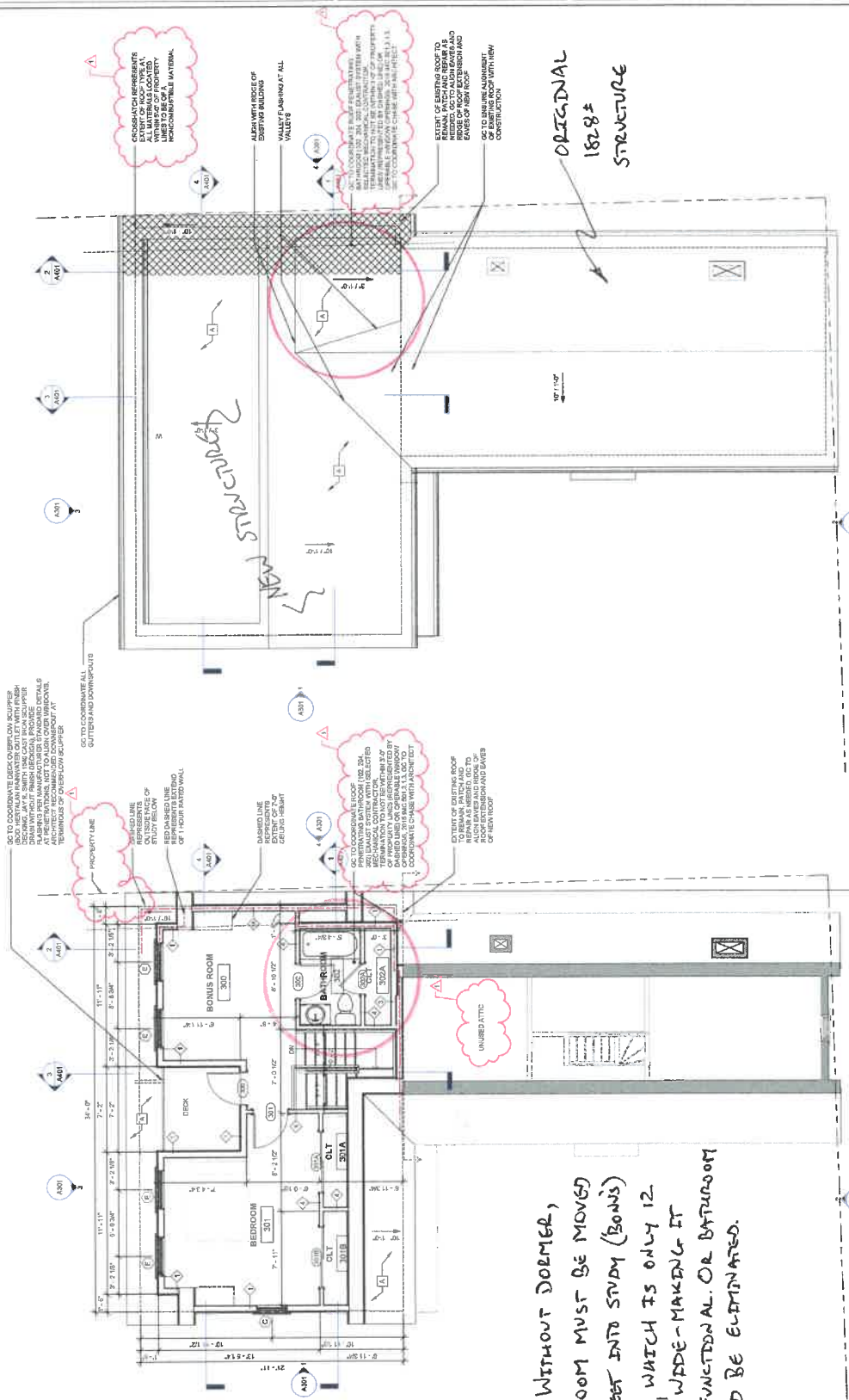
NO.	REVISION	DATE
1	ISSUED FOR PERMIT	10/27/2022

PROJECT NAME:  
50 CORNWALL STREET:  
RENOVATIONS AND  
ADDITION

DRAWING NAME:  
THIRD FLOOR PLAN AND  
ROOF PLAN

PROJECT NUMBER:  
21012  
DATE:  
05/17/2022  
DRAWN BY:  
RD  
CHECKED BY:  
MG

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



NOTE: WITHOUT DORMER,  
BATHROOM MUST BE MOVED  
5 1/2 FEET INTO STUDY (BONUS)  
ROOM, WHICH IS ONLY 12  
FEET WIDE-MAKING IT  
NON-FUNCTIONAL. OR BATHROOM  
WOULD BE ELIMINATED.

1 THIRD FLOOR  
1/4" = 1'-0"

2 ROOF PLAN  
1/4" = 1'-0"

THIRD FLOOR

Roof Plan

1/4" = 1'-0"

1/4" = 1'-0"