

CITY OF PORTSMOUTH
Zoning Board of Adjustment Application

Department Use Only		Date _____
Assessor Plan # _____	Lot # _____	Fee _____
Zone _____	Lot area _____	By _____

Fill in below by printing in ink or typing / Complete all Blanks or indicate "N/A" if not applicable

Applicant Katherine Leigh Owner of Record Same
Applicant Street Address 127 Crescent Way Owner Street Address Same
Applicant City / State / Zip Portsmouth NH 03801 Owner City / State / Zip Same
Applicant phone (603) 501-8813 Owner phone () Same
Applicant e-mail PeaceKAR@gmail.com

Location (street address) of proposed work: 127 Crescent Way Portsmouth NH 03801

Existing use: Residential Single Family

Undersigned hereby requests:

Article and Section

☐ Appeal from an Administrative Decision
See Article 2, Section 10.234.30

☐ Special Exception
See Article 2, Section 10.232.20

☒ Variance
See Article 2, Section 10.233.20

☐ Other _____
See Article 2, Section 10.233.20

10.521

To permit the following:

Allow the proposed placement of a home study generation to allow a variance of 5 feet from the side lot line where a minimum of 10 feet is required. To allow functionality of the remaining rear property which is forced in.

The undersigned alleges that the required conditions exist for granting of this request according to the terms of the Zoning Ordinance as demonstrated in the attached submittals.

Only complete applications will be accepted by the deadline date. A complete application shall consist of: a completely filled out application with original signatures, the application fee, and 12 packets of required plans and any supporting documents or photos. Incomplete applications will not be accepted. Applications received after the deadline will be scheduled for the following month. The owner or his/her representative is required to attend the Public Hearing for the above appeal.

Katherine Leigh
Signature of Owner

12/04/18

Date

Please PRINT name here Katherine Leigh

January 2017

Page 1 of 2

I have discussed project w/ neighbor at #129
KL

Applicant's Responsibilities

1. All applications for Variances and Special Exceptions must be submitted to the Planning Department prior to the published deadline. In the case of Appeals from an Administrative Decision, the appeal shall be filed no later than 30 days from the date of the action which is being appealed.
2. A Building Permit application must also be filed for the project for which zoning relief is being sought. The Building Permit application can be submitted with the Board of Adjustment application or filed prior. The Planning Department may waive this requirement when the application is for a substandard lot for subdivision purposes and no other zoning relief is required.
3. An applicant shall be one of the following: a) the owner of record of the property, or b) the holder of a valid purchase and sales agreement for the purchase of the subject property, or c) the holder of a valid option for the purchase of the subject property.
4. All applications shall include a written statement explaining how the request complies with the requirements of the Zoning Ordinance as provided in Article 2 (see Section 10.234.30 for Administrative Appeals, Section 10.233.20 for Variances, Section 10.232.20 for Special Exceptions).
5. It is the obligation of the applicant to submit adequate plans and exhibits in accordance with the terms of the Zoning Ordinance for all applications for Administrative Appeals, Variances, Special Exceptions, and Equitable Waivers.
6. One (1) original copy of a completed and signed "Board of Adjustment Application Check-List" shall accompany all applications.
7. For applications requesting dimensional relief, the minimum requirements for adequate plans shall include the following:

- | | |
|--|---|
| <ul style="list-style-type: none"><input type="checkbox"/> Site Plan(s) showing existing and proposed conditions including:<ul style="list-style-type: none">- Front, side and rear setback / yard dimensions (this is the distance from a structure to the lot line)- Lot dimensions- Abutting street(s) and street names- Driveways / accessways- Dimensions (size and height) of structures- Dimensions and location of parking spaces | <ul style="list-style-type: none"><input type="checkbox"/> Scale of all drawings and plans (the scale is the ratio of the drawing's size relative to the actual size)<input type="checkbox"/> Labeled photo(s) of existing conditions<input type="checkbox"/> Building plans and elevations of any proposed structures or additions<input type="checkbox"/> Interior floor plans for any renovations or expansion to existing structures |
|--|---|

8. For applications requesting relief from land use requirements, the minimum requirements for adequate plans shall include the following:

- | |
|---|
| <ul style="list-style-type: none"><input type="checkbox"/> Site Plan showing dimensions and location of parking spaces including the scale (the scale is the ratio of the drawing's size relative to the actual size)<input type="checkbox"/> Interior floor plans and/or exterior site plans showing the location of the proposed use(s)<input type="checkbox"/> Labeled photo(s) of existing conditions |
|---|

9. Plans should be 8 1/2" x 11" in size, 11" x 17" plans may be used only if the plan would otherwise be unreadable.
10. The Planning Department is authorized by the Board of Adjustment to refuse applications which do not meet these minimum requirements. The Planning Department may also require additional information and/or exhibits as needed to illustrate the scope of the project. Public Hearings shall not be scheduled, advertised or held until such time as the minimum requirements for adequate plans have been submitted. The Board may postpone any application requiring more information prior to any action being taken.
11. The applicant shall submit one (1) original and eleven (11) copies of the application and any plans, exhibits, and supporting documents.
12. The applicant shall provide electronic files in Portable Document Format (PDF) of all submittals.

I have read the above list of responsibilities, have provided all required information, and such information is current, accurate, and complete to the best of my knowledge.

Katherine Leigh Katherine Leigh

12/04/18

(Applicant's Signature, date)

The Applicant is encouraged to consider the following when completing the application:

- ☐ Provide neat and clear plans
- ☐ Use of color or highlights is encouraged in order to identify pertinent areas on plans
- ☐ Applicants are encouraged to review the application with a member of the Planning Department staff prior to submittal
- ☐ All applicants are encouraged to discuss the project with impacted neighbors



Cover Letter Addressing Variance Request

By Katherine Leigh
Property owner at
127 Crescent Way
Portsmouth
603-501-8813
Peacekate@gmail.com

Dear Board,

As the photos enclosed show, the preparatory work for installation of a generator has been started, prior to receiving a building permit. I accept responsibility for this error but it was from ignorance rather than being deliberate.

Since I realized my lack of due diligence I have attempted to get back on track. I apologized then and I also apologize now.

Getting beyond this fact, I am attempting to have installed a generator to alleviate my anxieties as an elder living alone, concerning loss of power and thus heat.

I want to continue to live in Portsmouth where I have been a small business owner downtown for fifteen years, a resident and tax payer for eleven years and have served my community as tenth poet laureate. I think having a low maintenance generator installed could ease my mind and allow me to live independently longer.

As you know the properties in Atlantic Heights are mostly small homes with small yards. Mine is 800 square feet with a relatively large yard. I have lived there by myself for 11 years. I am 67 years old.

The smallest capacity generator will give me heat and light during power outages.

The placement we are requesting only potentially impacts one

neighbor who owns the adjoining attached dwelling. I have spoken with her and she has voiced support, stating also that she has no visible impact by the placement.

Each of us has a fence dividing our yards so it is actually a double fence.

If we instead place the generator closer to the center of the yard, increasing the setback, it will be visible from several homes.

The homes across the street from me have the highest property values. They would be able to look up my driveway and see it. Whereas if it is placed as shown in our diagram it will literally not be visible to anyone but me.

Since the generator will rarely be running, and only during power outages, it will not have sound or smell impact. It is the visual impact I would like to mitigate, if possible.

I do not anticipate any way that the proposed location will negatively impact anyone.

Given the specs of the generator and the complete plan for installation, I do not foresee any dangerous aspects of the positioning.

In closing, I have remorse over having preparatory work initiated without checking on required permitting myself. But upon review of our assessment as to ideal placement of the unit, I am still in agreement.

Thank you for your consideration,
Katherine Leigh

Katherine Leigh 12/09/18

December 10, 2018

To whom it may concern:

My name is Johanna Rodden and I live at 129 Crescent Way in Atlantic Heights. My neighbor Kate Leigh located at 129 Crescent Way would like to place A generator in her backyard. I support Kate's generator project and the placement that she has Selected.

Please feel free to call me with any questions you may have. My telephone number is 603-380-2884.

Thank you!

Cheers -  Johanna Rodden



IMG_2093.JPG
3717K

shows generator as placed



IMG_2094.JPG
3302K

shows pad and 33" height



IMG_2095.JPG
5198K

show existing trench(es)



IMG_2096.JPG
5034K

shows view up driveway



Kate Leigh <peacekate@gmail.com>

Photos**Kate Leigh** <peacekate@gmail.com>

Sat, Dec 8, 2018 at 10:25 AM

To: Katherine Leigh <peacekate@gmail.com>

5 attachments**IMG_2092.JPG**
4339K

shows double fence
between #127 and #129

I respectfully approach the Board to consider a variance in setbacks to allow the installation of a generator. (Please refer to cover letter as to the existing trenches and placement of generator on its pad)
A setback from the nearest fence of the double-fenced property line of 5 feet where 10 feet is required. The photos included show the double fence.

My home is called an attached single family dwelling. My neighbor and I share a wall. We each constructed a fence along or adjacent to what we consider our property line, as an extension of the midpoint of the back of our building to the joining of two chainlink fences, in place for many decades, as is ubiquitous throughout this neighborhood (Atlantic Heights). This neighbor in #129 Crescent Way cannot see the generator from her upper windows. She is in favor of the proposed location of my generator. Because the property line runs back at an angle into my yard, the actual set back for the proposed location is 5 feet at the front corner of the generator and eight inches less from the back corner of the generator. All other setbacks are compliant with requirements.

In order to get a 10 foot setback to this side of the generator, I would have to place the generator in the exact middle of my yard, where it is visible to several neighbors; whereas in this proposed location, as seen in the photographs, the generator is visible to none but me.

The five variance criteria:

1) Public Interest

I feel that the proposed location for the generator is well thought-out, utilitarian, and the most suitable location given the size restrictions of the yards. It takes into consideration the visual impact of the generator, minimizing it to be almost nil. Therefore, the proposed location and the generator itself will in no way alter the essential character of the neighborhood, nor will it threaten the health, safety, or general public welfare.

2) Spirit of the Ordinance

I feel the generator will not deviate from the spirit of the ordinance. Although I do not have knowledge of other generators in the neighborhood, this generator is the smallest available to provide power for heat and light, and it is new and state of the art. (See spec sheet) I feel the generator will increase the value of the home, and most importantly to me, allow me to live independently without anxieties associated with loss of electrical power.

3) Substantial Justice

I don't feel my gain with the inclusion of a generator represents an injustice to my neighbors. (Potentially it will provide the service of a warm shelter!) Since it will only be on during outages, it will not change a thing in everyday life for any of us. Closest neighbor in #129 has expressed support for the installation.

4) Diminish Surrounding Property Values

I have no reason to think that the installation of a generator in the proposed location will diminish any property values, especially since no one can see it there.

5) Unnecessary Hardship

I feel it is a reasonable use of this portion of my property to install a generator, since I am 67 years old, live alone, and want the security of knowing I can remain comfortable in my home during unpredictable power outages. I conceived of the installation of a safe reliable generator as a way to protect my safety and security in my home, and it will certainly help me live independently longer.

Thank you for your consideration,
Katherine Leigh

Katherine Leigh 12/09/18



Home Standby Generator Systems

When the power goes out, Champion's home standby generators automatically turn on and provide seamless, reliable power to your home. Since it is connected to your propane or natural gas system it never needs refueling. No more searching for flashlights, no extension cords, no refueling in the dark. Comfort and security...on-demand.

8.5-14 kW

The **SIMPLE SOLUTION**™



TOTALLY AUTOMATIC 24/7

No refueling, manual operation, or extension cords needed



QUIETEST IN CLASS

Low-tone muffler design with custom sound baffling system



10 YEAR WARRANTY

Longest standard warranty on the home standby market



SUB ZERO/HIGH HEAT

24V starting system designed to operate from -22° to 104° F



EASY ACCESS

Innovative gullwing enclosure for easy installation and service

How do I **CHOOSE A HOME STANDBY GENERATOR?**

1 How big is your home?

This determines the size **GENERATOR** you need.



Up to 1,500 ft²
with 3-ton AC



1,500 to 3,000 ft²
with 4-ton AC



3,000 to 4,000 ft²
with 5-ton AC

Standby
Generator

8.5 kW

12.5 kW

14 kW

2 What do you want to power?

This determines the type of **TRANSFER SWITCH** you need.



Pre-selected Circuits:

Transfer
Switch

ATS50 or ATS100

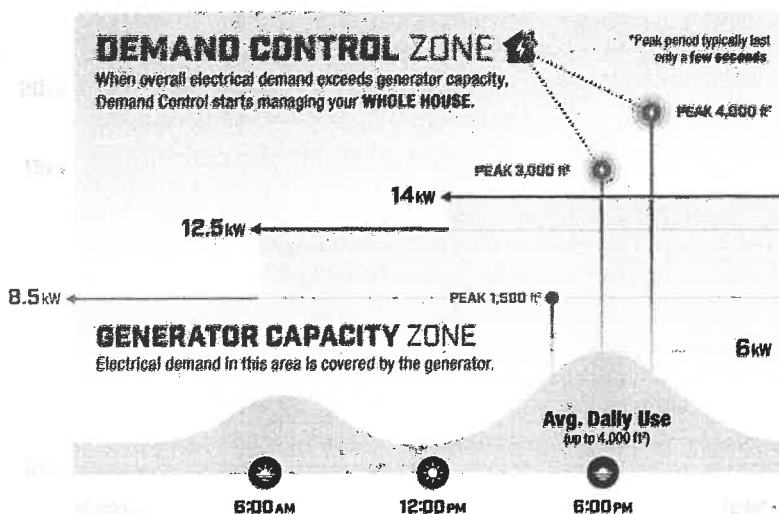


Managed Power:

ATS200 with **DEMAND CONTROL**

How does the **WHOLE HOUSE** transfer switch with **DEMAND CONTROL** work?

Smaller generator, smarter switch. The process of buying a home standby generator shouldn't be difficult, so we spent a lot of time and energy creating The Simple Solution™. Our engineers poured over a large sampling of energy data from a broad cross-section of average American homes. They found that most homes throughout the day rarely exceed an electrical demand of about 6,000W – even during peak periods. Only during brief peak requirements that last only a few seconds (e.g. starting a central AC) does a home require more power. This is where Champion's **WHOLE HOUSE** transfer switch takes over. Your home's circuits are divided into prioritized zones – from vital to managed. Through our **DEMAND CONTROL** intelligent load management technology, your home's power requirements are monitored continuously. If your generator nears maximum capacity, pre-designated, high demand appliances are briefly managed to avoid overload. As soon as demand lowers, the generator will automatically reacquire the appliances that are managed.





The SIMPLE SOLUTION™

HOME STANDBY GENERATOR SYSTEMS

SPECIFICATIONS	8.5kw	12.5kw	14kw
Generator only model #	100199	100136	100237
Generator + ATS50 Emergency Essentials switch (NEMA 1/NEMA 3R) model #	100174/100177	100176	100295/100292
Generator + ATS100 Emergency Essentials switch (NEMA 1/NEMA 3R) model #	100176	100176/100179	100295/100292
Generator + ATS200 Whole House switch w/Demand Control (service entry) model #	100291	100291	100294
Voltage (single phase)	120/240		
Amps @ 240V on LPG	35.4	52	58.3
Amps @ 240V on NG	31.3	45.8	52.1
Engine/alternator RPM	3600		
Champion OHV engine (CC)	439	717	754
Fuel consumption @ 1/2 load - NG cu. ft/hr	103.2	122.2	115.9
Fuel consumption @ full load - NG cu. ft/hr	129.3	198.1	181.5
Fuel consumption @ 1/2 load - propane cu. ft/hr (gal/hr)	0.1 (1.1)	0.2 (1.5)	0.2 (1.6)
Fuel consumption @ full load - propane cu. ft/hr (gal/hr)	0.2 (1.6)	0.3 (2.6)	0.4 (2.6)
Governor	Mechanical		
dBA at normal operation	59.5	63	63.5
Enclosure	Gullwing design/corrosion resistant steel with all-weather mounting pad		
Dimensions (L x W x H)	49 x 28 x 28 in.		
Generator weight	365 lb.	426 lb.	445 lb.
Starting system	Sub zero/high heat 24V		
Warranty	10 year limited		
Oil recommendation	Mobil 1 5W-30 full synthetic		
Oil capacity (qt./L)	1.2/1.1	1.5/1.4	1.5/1.4

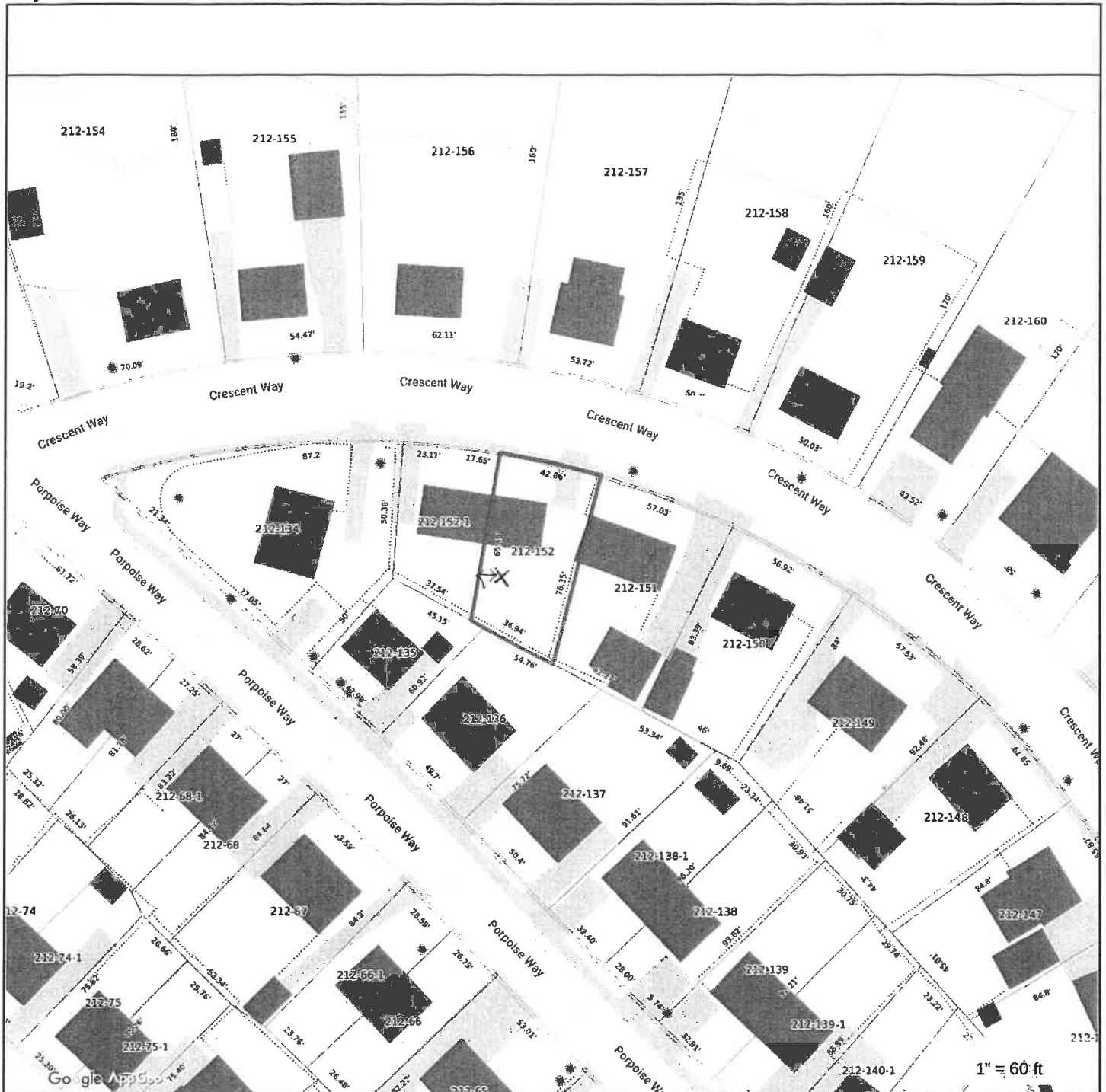
Model	Generator	Description	Output (Propane/NG)	Engine
100199	8.5 kW	Generator only	8,500W 7,500W	439cc Champion OHV
100174		ATS50 Emergency Essentials switch (NEMA 1)		
100177		ATS50 Emergency Essentials switch (NEMA 3R)		
100136	12.5 kW	Generator only	12,500W 11,000W	717cc V-twin Champion OHV
100176		ATS100 Emergency Essentials switch (NEMA 1)		
100179		ATS100 Emergency Essentials switch (NEMA 3R)		
100291		ATS200 Whole House switch w/Demand Control (service entry)		
100237	14 kW	Generator only	14,000W 12,500W	754cc V-twin Champion OHV
100295		ATS100 Emergency Essentials switch (NEMA 1)		
100292		ATS100 Emergency Essentials switch (NEMA 3R)		
100294		ATS200 Whole House switch w/Demand Control (service entry)		



Locate a certified Champion Home Standby Dealer and Installer by visiting:
www.championpowerequipment.com or emailing hsb@cpeauto.com

Champion Power Equipment, Inc.
 12039 Smith Ave. - Santa Fe Springs, CA 92670 - USA
hsb@cpeauto.com - 1-877-338-0999

From the ground to the highest top of the generator is 33"



Property Information

Property ID 0212-0152-0000
 Location 127 CRESCENT WAY
 Owner LEIGH KATHERINE



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 11/30/2018
 Data updated 11/19/2018

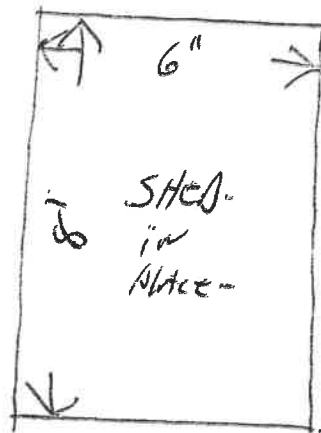
X = proposed location
 of generator
 ↔ = setback needing
 variance

neighbor's fence
space for neighbor's tools, etc. (ordering)

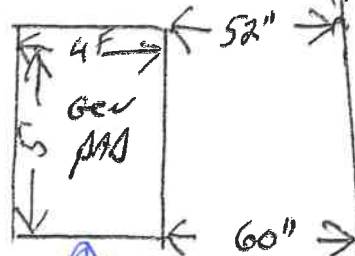
my fence

Fence
30'

vegetation inc
trees and flowering plants



Probeset



line of
view into
yard

Trench 20'

electric
box

propane
tank

12' 6" 3' 9"

10' 6"

24' 6"

House

Ankins driveway

127 crescent way

