III. NEW BUSINESS

D. The request of **Shawn Bardong and Michiyo Bardong (Owner)**, for property located at **39 Dearborn Street** whereas relief is needed to demolish the existing shed and construct a two-story addition which requires the following: 1) Variance from Section 10.521 to allow a) 5 foot front yard where 15 feet is required; and b) 2 foot right side yard where 10 feet is required. 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed, or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 140 Lot 3 and lies within the General Residence A (GRA) and Historic District. (LU-23-5)

Existing & Proposed Conditions

	Existing	Proposed	Permitted / Required	
Land Use:	Single- family	Expansion of livable space	Primarily residential	
Lot area (sq. ft.):	11,236	11,236	7,500	min.
Lot Area per Dwelling Unit (sq. ft.):	11,236	11,236	7,500	min.
Lot depth (ft.):	60	60	70	min.
Street Frontage (ft.)	19	19	100	min.
Primary Front Yard (ft.):	5	5	15	min.
Left Yard (ft.):	114	114	10	min.
Right Yard (ft.):	2	2	10	min.
Rear Yard (ft.):	2	2	20	min.
Height (ft.):	22.5	24.5	35	max.
Building Coverage (%):	13	17.2	25	max.
Open Space Coverage (%):	>50	>50	30	min.
Parking	2	2	2	
Estimated Age of Structure:	1700	Variance request(s) shown in red.		

Other Permits/Approvals Required

- Building Permit
- HDC

Neighborhood Context



0 25 50 100 Feet

39 Dearborn Street



Previous Board of Adjustment Actions

<u>August 26, 2008</u> – The Board **postponed** to September the request to construct a 7'10" by 13'9" shed which required the following relief:

- 1) 4'± left side yard setback where 10' was required; and
- 2) 65'± setback to salt water marsh or mean high water line where 100' was required. September 16, 2008 the above petition was **postponed** to October.

October 21, 2008 – The above petition was **amended** as follows and **postponed** to the November 18, 2008 meeting:

1) 5'± front setback where 15' was required was added

November 18, 2008 – The above petition was withdrawn by the applicant.

<u>March 17, 2015</u> – The Board **postponed** the petition to construct a 100 s.f. shed in the front yard and an 8' x 13' single story addition, as well as adding shed dormers was to the April meeting.

April 21, 2015 – The Board **granted** variances for the above petition, with the shed reduced to 12' x 18'. Which required the following relief

1) a 5' front yard where 15' was required;

- 2) a 5' right side yard where 10' was required;
- 3) a 3' rear yard where 20' was required and
- 4) an accessory structure to be located in a required front yard.

The variances were **granted with stipulations** regarding the following:

- a) the dimensions, construction and uses of the granted accessory structure;
- b) no flood lights on the accessory structure;
- c) the creation of an approximate 2,018 s.f. View Easement Area with specified components, rules regarding trees and vegetation, and removal of a utility trailer; and
- d) the review of the Planning Department, prior to issuance of a building permit, of the final building and site plans and determination that the plans and elevations were in compliance with the stipulations.

<u>August 27, 2019</u> – The Board voted to **granted** the following variance for the installation of a wall mounted outdoor AC condenser:

1) To allow a 2'6" right side setback where 10' is required.

<u>February 22, 2023</u> – The Board **granted** the application for constructing a second story over the existing 1.5 story building, removing, and expanding the front porch, and removing and expanding the existing mudroom on the eastern side of the structure which requires the following:

- 1) Variance from Section 10.521 to allow
 - a) 2 foot rear yard where 20 feet is required
 - b) 9 foot side yard where 10 feet is required
- 2) Variance from Section 10.321 to allow the extension and enlargement of a non-conforming structure.

Planning Department Comments

The applicant is requesting relief to remove the existing accessory structure and construct an addition to the primary structure.

The applicant had previously obtained relief for this project in February however, after further review by the Historic District Commission, the applicant is now proposing a new design which requires different relief.

Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

- 1. Granting the variance would not be contrary to the public interest.
- 2. Granting the variance would observe the spirit of the Ordinance.
- 3. Granting the variance would do substantial justice.
- 4. Granting the variance would not diminish the values of surrounding properties.
- 5. The "unnecessary hardship" test:
 - (a) The property has <u>special conditions</u> that distinguish it from other properties in the area. **AND**
 - (b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.

OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

Portsmouth, NH - Board of Adjustment Variance Statement for: 39 Dearborn Ext.

Date: 04.13.23

Chairman of the Board of Adjustment C/O Planning Department City of Portsmouth 1 Junkins Ave. Portsmouth, NH 03801

To The Chairman of the Board of Adjustment,

Please find this statement as addressing the requirements for a variance on the proposed project located at 39 Dearborn Ext.

Overview: The existing single-family structure was purchased by the current owners, Shawn and Michiyo Bardong as a home in our community with their three children. The renovated home will remain single-family with some much-needed additional square footage and upgrades to create a more functional home. The proposed renovation would include retaining the existing historic cape structure in existing condition, creating a glass connector between the existing historic structure and the addition for modern living that will house a family room and primary suite. We are proposing a small addition off the kitchen to house a mudroom entry that will be approached from the courtyard and parking area.

Per Section 10.233.21 – The variance will not be contrary to public interest. The house is very difficult to see from any public roadways. (I have included images for reference.) Only the direct neighbors can see the home and we will not be interrupting any views or sunlight to their structures.

Per Section 10.233.22 - The spirit of the Ordinance will be observed. With this addition / renovation we will be able to create a lovely courtyard with granite landing / steps between the driveway and house. This will finish a great deal of what has already been approved and bringing it to fruition.

Per Section 10.233.23 – Substantial Justice will be done. The existing home is already a non-conforming lot with the back setback 2'-6" and the right-side setback 2'-2". We will not be encroaching closer on any other property lines. No harm will be done to the neighborhood or community should this application be granted. We are in the process of securing an easement on the right side / back property line.

Per Section 10.233.24 - The values of the surrounding properties will not be diminished. The neighborhood is a lovely mix of historic homes, primarily colonials with additions. We have been through three HDC work sessions and they favored the connector solution to preserve the historic cape and create

separate structures for modern living that gives a nod to history and the neighboring structures.

Per Section 10.233.25 – Literal enforcement of the provisions of the ordinance would result in hardship.

- a. We are removing an existing shed / garage that currently stands 5' from the property line and while we are proposing the addition will move toward the water, we are staying as far away as possible and still provide functional living square footage. Additionally, we are also preserving a clear view of the historic cape with the glass connector. With the house already tucked into the top left corner of the property, there were very few options for the additions.
- b. The proposed ridge of the addition will be approx. 2' higher than the historic cape ridge. While considering mass and light on the property, we also acknowledge that the property itself sits approximately 4' lower than the abutters many of which are significantly taller than the proposed 22'-7" ridge line from their elevation advantage.
- c. The existing structure is not large enough for a family of five with both Shawn and Michiyo working from home. With the housing prices and lack of inventory in Portsmouth, they are willing to invest in the home and "love it back to life".

We encourage the Portsmouth Board of Adjustment to grant the variance to the Bardong Residence.

Submitted respectfully,

Amy Dutton
Amy Dutton Home
9 Walker Street
Kittery, Maine 03904
amy@amyduttonhome.com
207-337-2020

PHOTOS OF EXISTING PROPERTY:



FRONT VIEW



RIGHT SIDE VIEW



LEFT SIDE VIEW



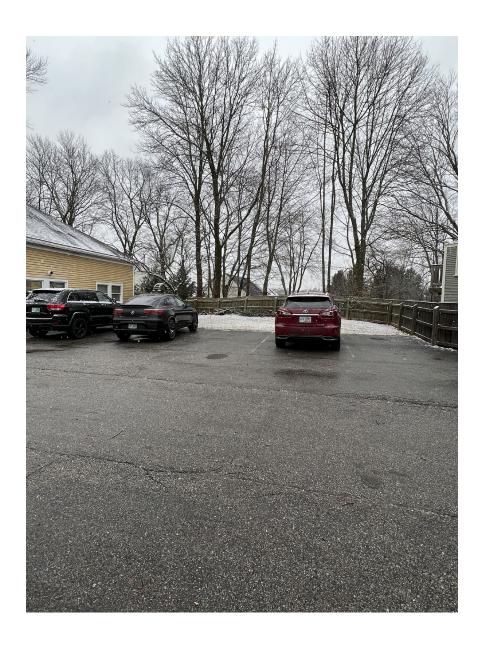
BACK VIEW



VIEW FROM DENNET STREET



VIEW FROM DEARBORN STREET



VIEW FROM MAPLEWOOD



OVERVIEW

SCALE: NTS

SPECIFICATIONS + NOTES

*ROOFING MATERIAL: Asphalt Roof (to match existing roof over kitchen) *ALL TRIM PACKAGE: PVC OR BORAL *SIDING: Maibec cedar lap siding and shingles

*BRACKETS:ProMood Market - Bracket 02T9 - P 32", H:42", T: 5.5" (Ptd: WHITE)

*STAIR SYSTEM:

EXTERIOR: Granite

*WINDOWS:

MANUFRACTURER: Marvin, Elevate EXT. FINISH: White

INT. FINISH: White

*D00RS:

MANUFRACTURER: Brosco - 4 Panel

EXT. FINISH: White INT. FINISH: White

*BATHROOMS: _FLOORING - Tile

TUB DESIGN - Modern

SHOWER FLOOR - Tile

SHOWER MALLS - Tile _SHOWER HEADS - Standard & Handheld

SHOWER NICHE VS. SHELVES

_SHOWER DOOR - 1/2" glass lead-free

NOTE: MAJOR PLUMBING CHANGES

*FLOORING:

1ST FLOOR: PINE

_2ND FLOOR: PINE HEATED FLOOR: Primary Bath | Mudroom

*FIREPLACE:

WOOD: stove HEARTH: FLUSH

*MATERIAL: Soapstone

NOTES:

*CEILING HEIGHTS; 1ST FLOOR: 8'4 | 2ND FLOOR: 12'

*GORNER BOARDS: 6" TYP

*RAKE BOARD: 8" TYP. PVC OR BORAL. (FILLED & PAINTED)

*SOFFIT - BEADBOARD AZEC

*ROOF VENT - RIDGE VENT

*ARCHITECTURAL DETAIL:

*MINDOW TRIM: 4-1/2" TYP. PVC

@ABRIGO HOME

TOTAL

DRAWINGS USED EXPRESSIVELY FOR DESIGN ONLY FOR NOTED CLIENT. ALL STRUCTURAL ENGINEERING PROVIDED BY OTHER.

Building contractor / home owner to review and verify all dimensions, specs and connections before construction begins. ELECTRICAL SYSTEM CODE: IEC 2017

MECHANICAL SYSTEM CODE: IMC 2015 PLUMBING SYSTEM CODE: 2021 Uniform Plumbing Code

FINAL CD SET DATE: 04.11.23

LIVING AREA

1738 sqft MAIN FLOOR 2ND FLOOR 992 sqft

2730 sqft

DIM DISCLAIMER

BUILDING CONTRACTOR/HOME OWNER TO REVIEW AND VERIFY ALL DIMENSIONS, SPECS, AND CONNECTIONS BEFORE CONSTRUCTION BEGINS.

WALL LEGEND = ADDITION

Layout Page Table OVERVIEW
GENERAL NOTES GENERAL NOTES GENERAL NOTES OVERVIEW PLOT PLAN
PLOT PLAN
DEMOLITION PLAN
DEMOLITION PLAN RENOVATION PLAN FOUNDATION

FIRST FLOOR SECOND FLOOR ROOFS MINDOM AND DOOR SCHEDULE
MINDOM AND DOOR SCHEDULE

ELEVATIONS ELEVATIONS ELEVATIONS ELEVATIONS

ELEVATIONS LANDSCAPE PLAN
SECTION
SECTION L-1 A-13 A-14 A-15

SECTION FRAMING FRAMING OVERVIEW DETAILS ELECTRICAL PLUMBING KITCHEN CABINETRY BATH CABINETRY

CABINETRY COUNTERTOP & TILE PLAN
COUNTERTOP & TILE QUANTITIES

CABINET SCHEDULE FURNITURE PLAN
FURNITURE SCHEDULE

CLIENT:
BARDONG
39 DEARBORN
PORTSMOUTH

CONTAC1ABRIGO HOME
PO BOX 1564
PORTSMOUTH, 1201.345.6050

DATE: 4/13/2023

COPYRIGHT @ ABRIGO HOME 2022

SCALED FOR: 24" × 36"

SCALE: SEE SCALE

ON DRAWINGS SHEET:



YIEW FROM WATER



YIEW FROM DEARBORN





HEIGHT STUDY IN RELATIONSHIP TO ABUTTER



VIEW FROM DENNETT



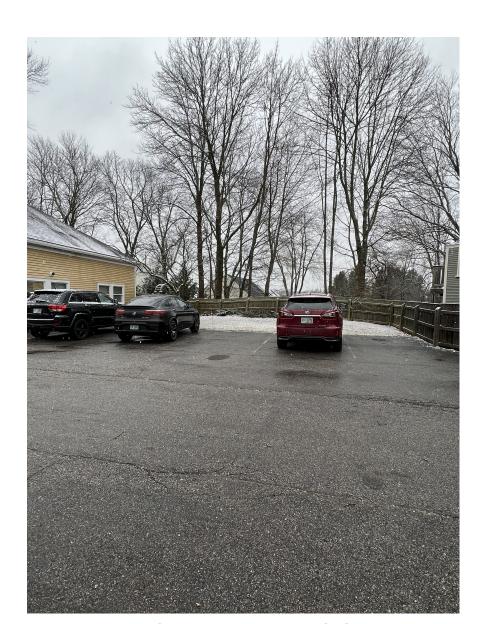
RELATIONSHIP OF SHED TO PROPERTY LINE (ON OTHER SIDE OF FENCE)



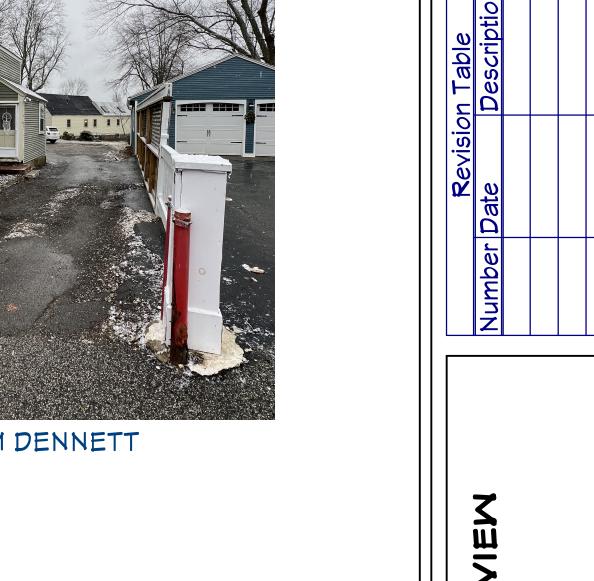
VIEW FROM DEARBORN



SHED IN RELATIONSHIP TO CAPE & ENTRY



YIEW FROM MAPLEWOOD



CLIENT:
BARDONG
39 DEARBORN EXT
PORTSMOUTH, NH

CONTACT:BRIGO HOME
0 BOX 1564
ORTSMOUTH, NH 03801

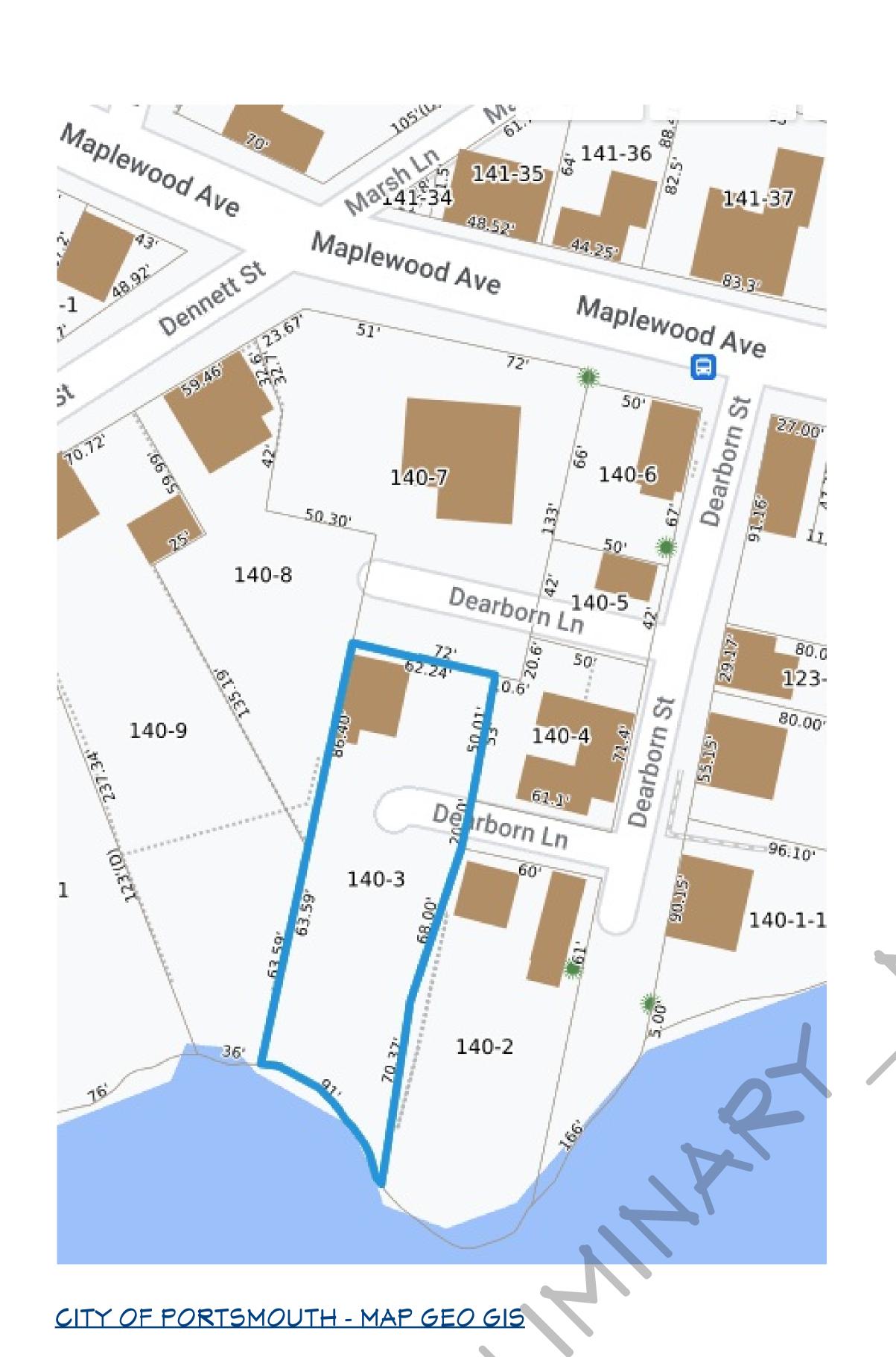
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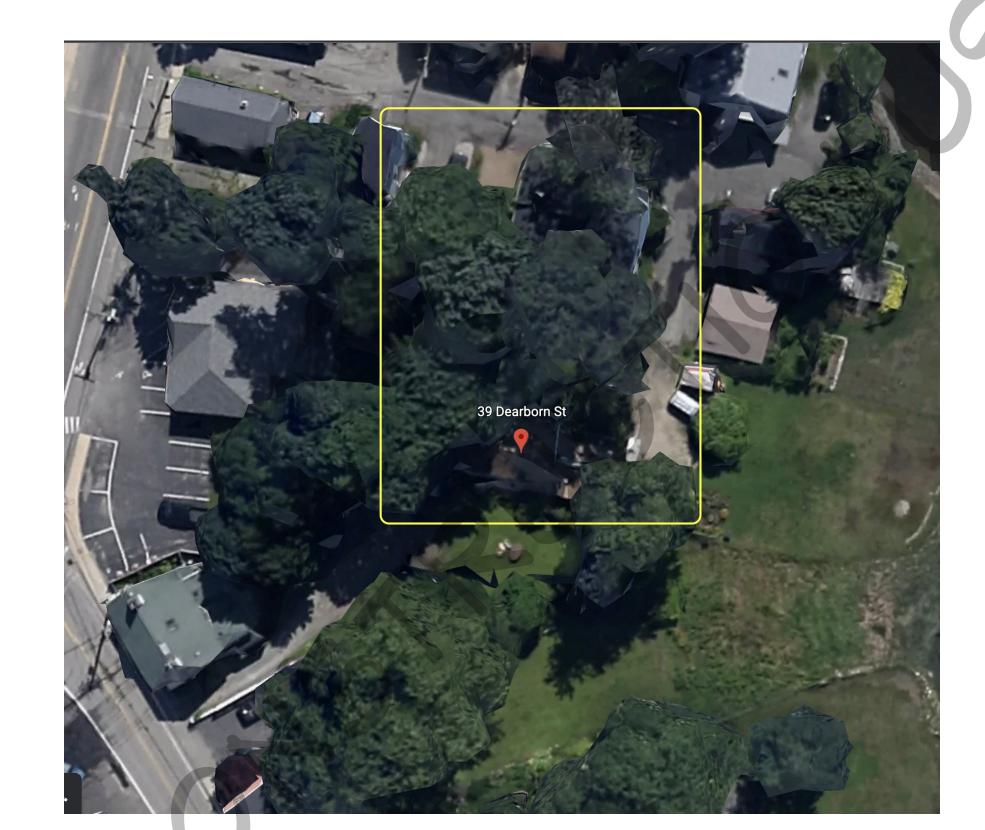
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SCALED FOR: 24" × 36" SCALE:

SEE SCALE
ON DRAWINGS
SHEET:

0-2





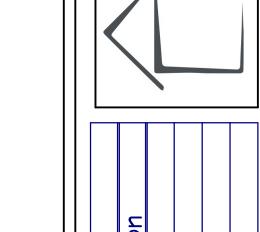
GOOGLE SATELITE SITE

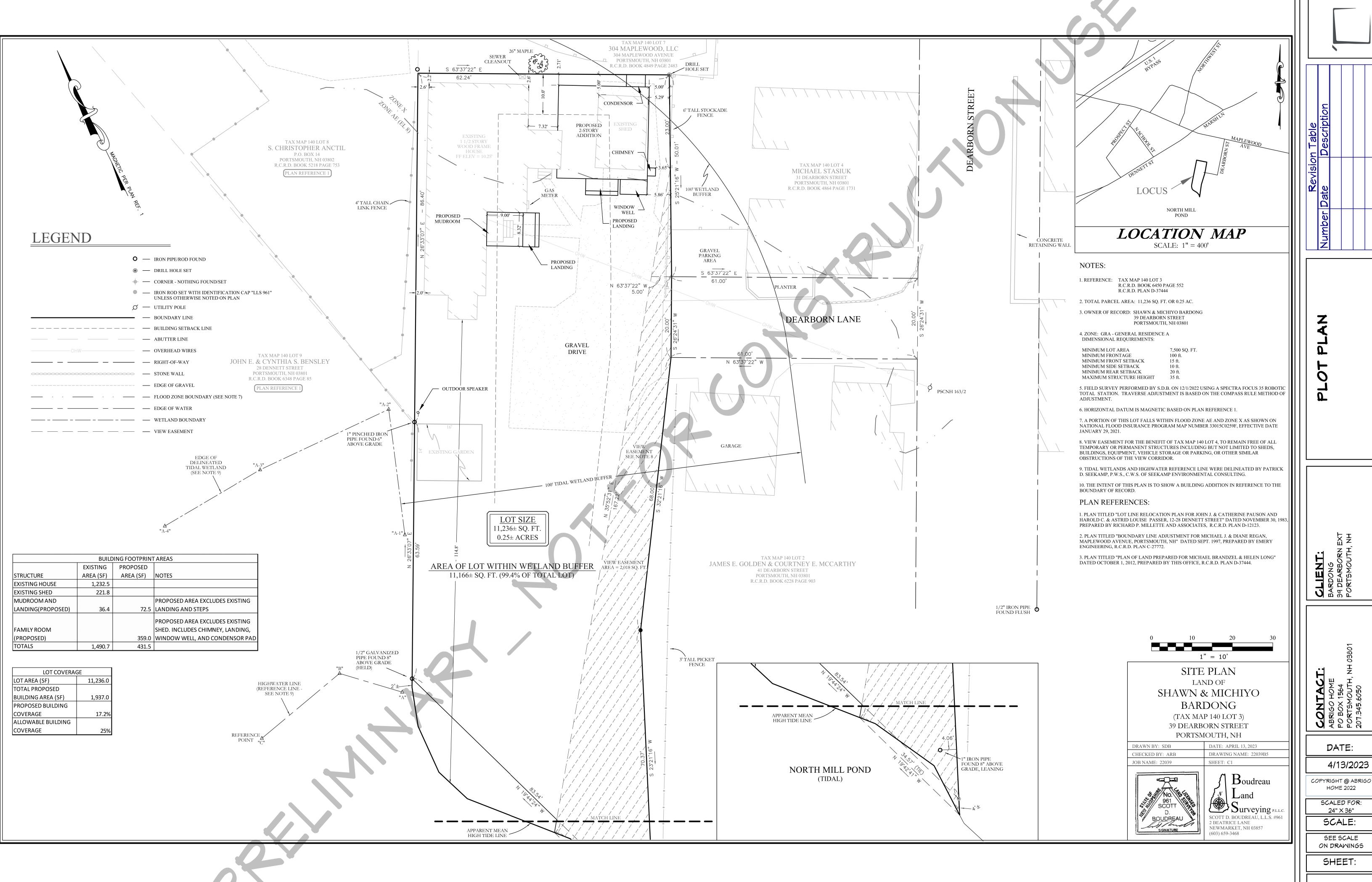


GLASS HOUSE ELEVATION FROM EAST SCALE: 1/8" = 1'-0"

DATE: 4/13/2023 COPYRIGHT @ ABRIGO HOME 2022 SCALED FOR: SCALE: SEE SCALE ON DRAWINGS SHEET: A1

SITE PLAN





SCALED FOR: 24" × 36" SCALE:

> SEE SCALE ON DRAWINGS

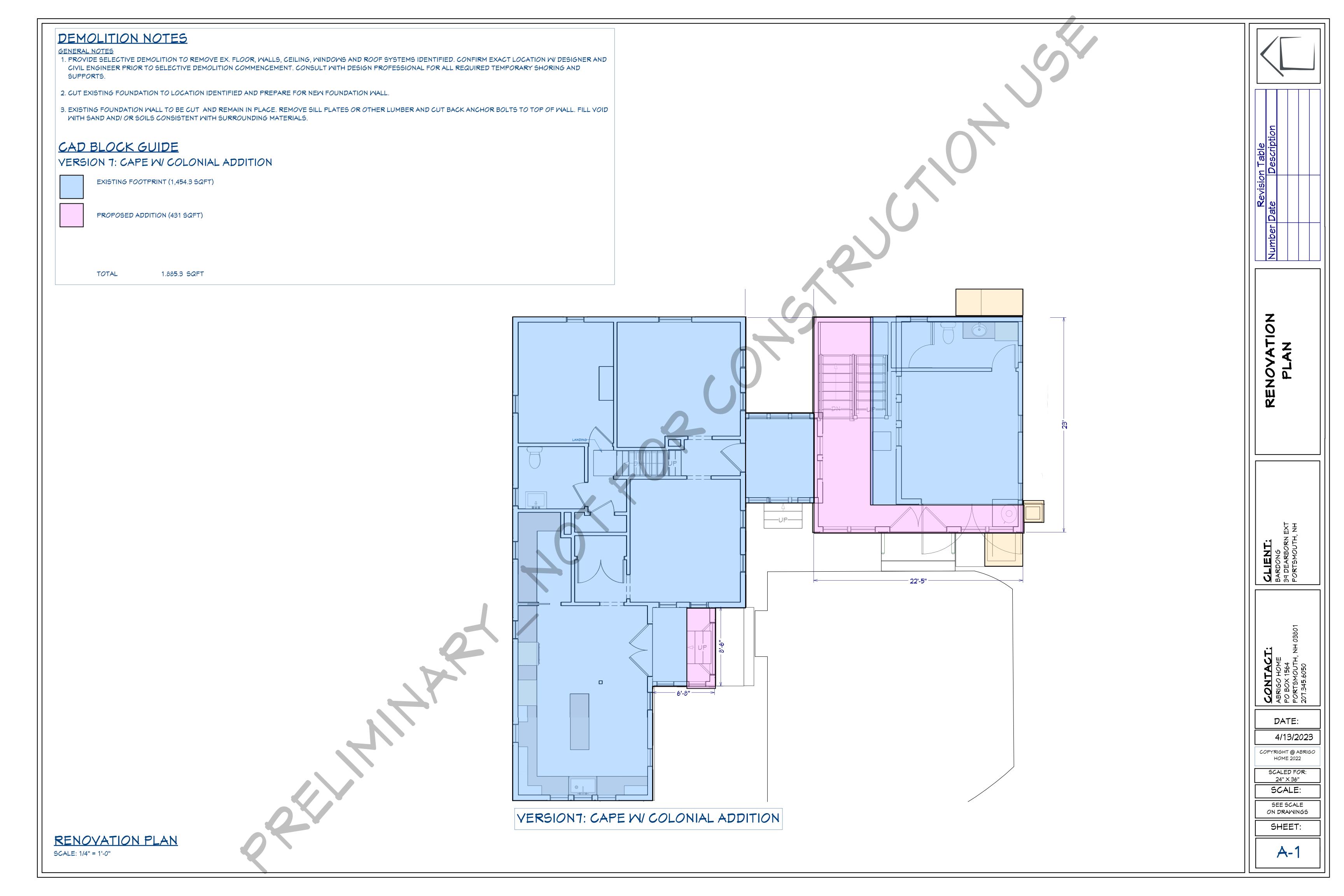
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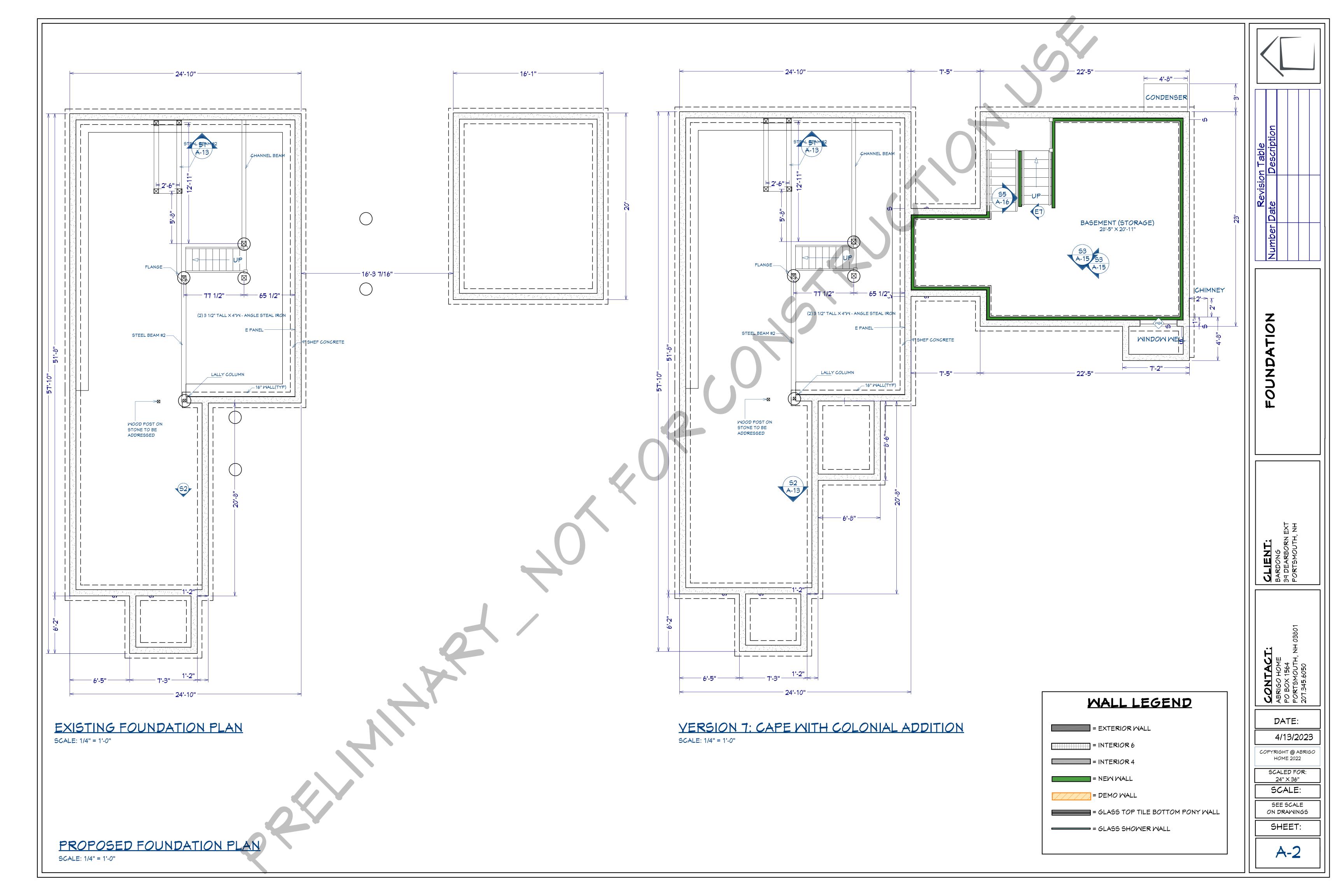
4/13/2023

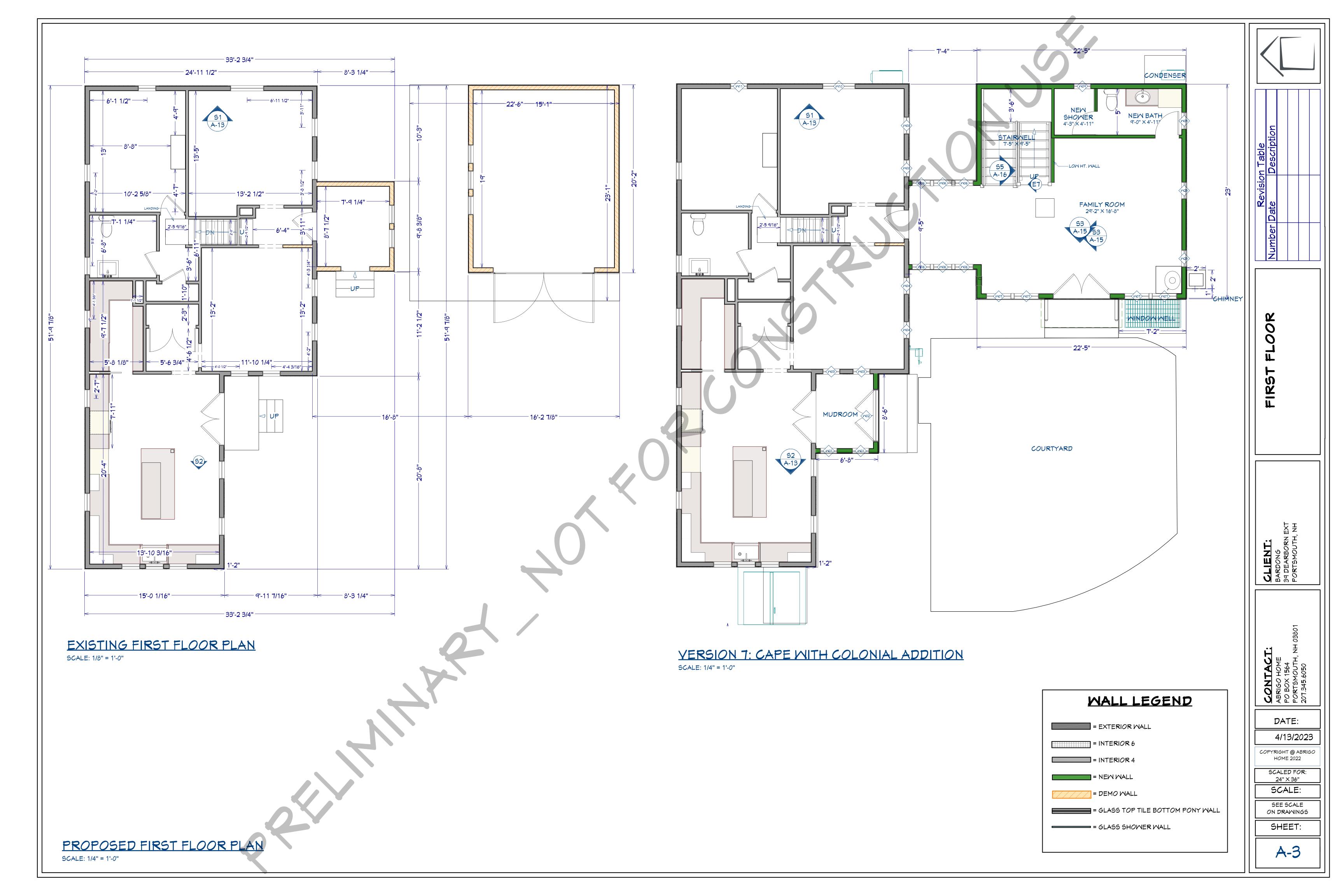
HOME 2022

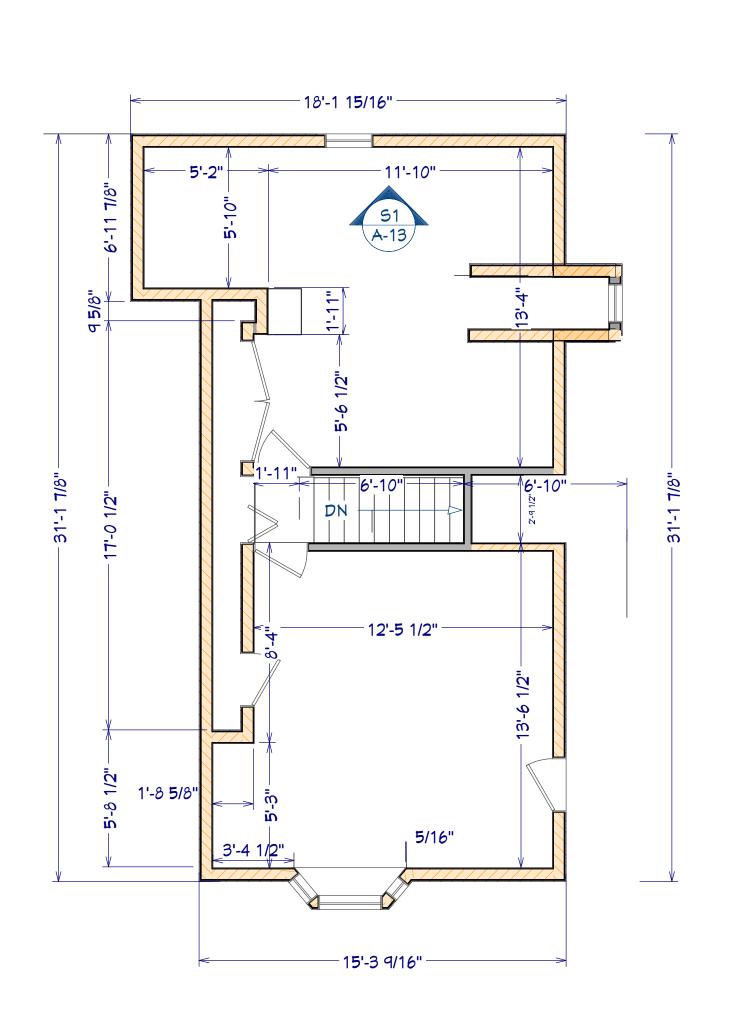
SHEET:

SITE PLAN



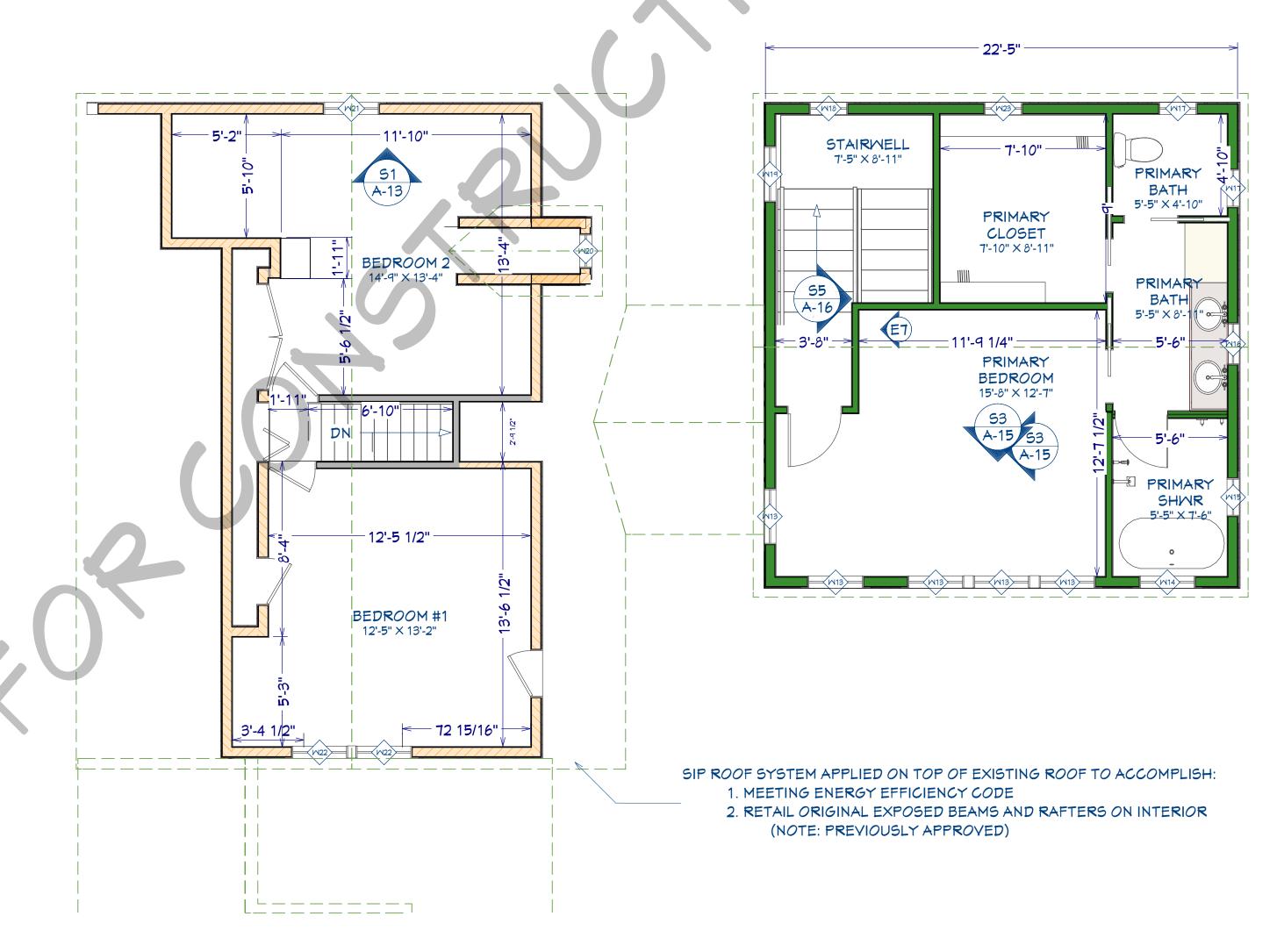






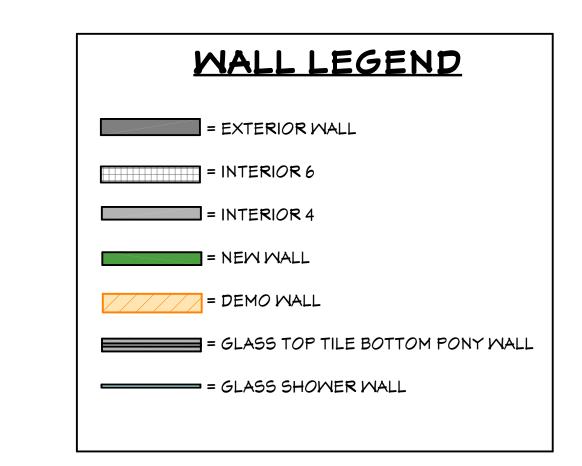
EXISTING FIRST FLOOR PLAN

SCALE: 148" = 1'-0"



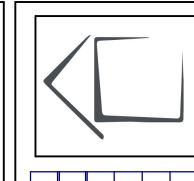
YERSION 7: CAPE WITH COLONIAL ADDITION

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



PROPOSED SECOND FLOOR PLAN

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



Revision Table

Description

SECOND FLOOR

BARDONG 39 DEARBORN EXT PORTSMOUTH, NH

CONTACT:ABRIGO HOME
O BOX 1564
OORTSMOUTH, NH 03801

DATE:

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HOME 2022

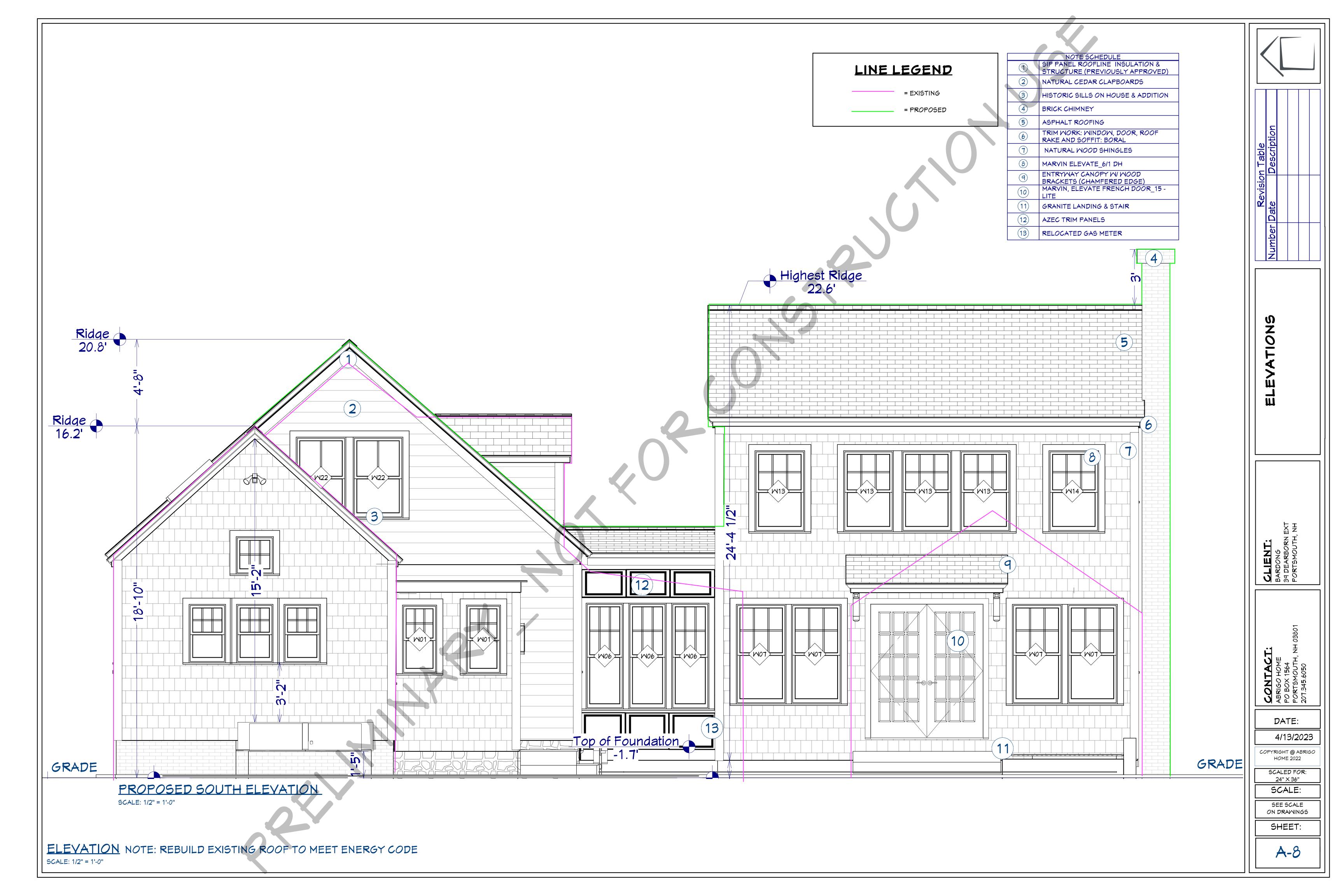
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SCALE:

SEE SCALE ON DRAWINGS

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A-4





EXISTING WEST ELEVATION

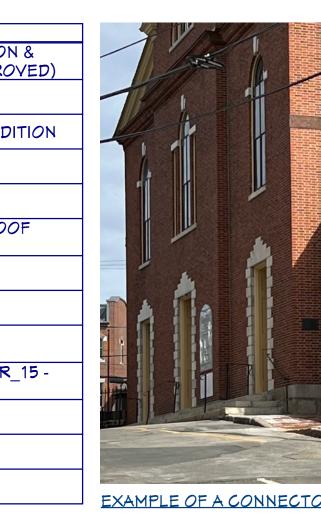
SCALE: 1/4" = 1'-0"



VERSION 7: CAPE WITH COLONIAL ADDITION

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

EXISTING VIEW FROM WATER NOTE SCHEDULE
SIP PANEL ROOFLINE INSULATION &
STRUCTURE (PREVIOUSLY APPROVED)



NATURAL CEDAR CLAPBOARDS HISTORIC SILLS ON HOUSE & ADDITION BRICK CHIMNEY ASPHALT ROOFING TRIM WORK: WINDOW, DOOR, ROOF RAKE AND SOFFIT: BORAL NATURAL WOOD SHINGLES MARVIN ELEVATE_6/1 DH ENTRYMAY CANOPY W/ WOOD
BRACKETS (CHAMFERED EDGE)
MARVIN, ELEVATE FRENCH DOOR_15 LITE GRANITE LANDING & STAIR

AZEC TRIM PANELS

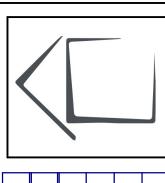
RELOCATED GAS METER

EXAMPLE OF A CONNECTOR - ST. JOHN'S CHURCH



PROPOSED SOUTH ELEVATION | SIDE VIEW NOTE: REBUILD EXISTING ROOF TO MEET ENERGY CODE

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



DATE:

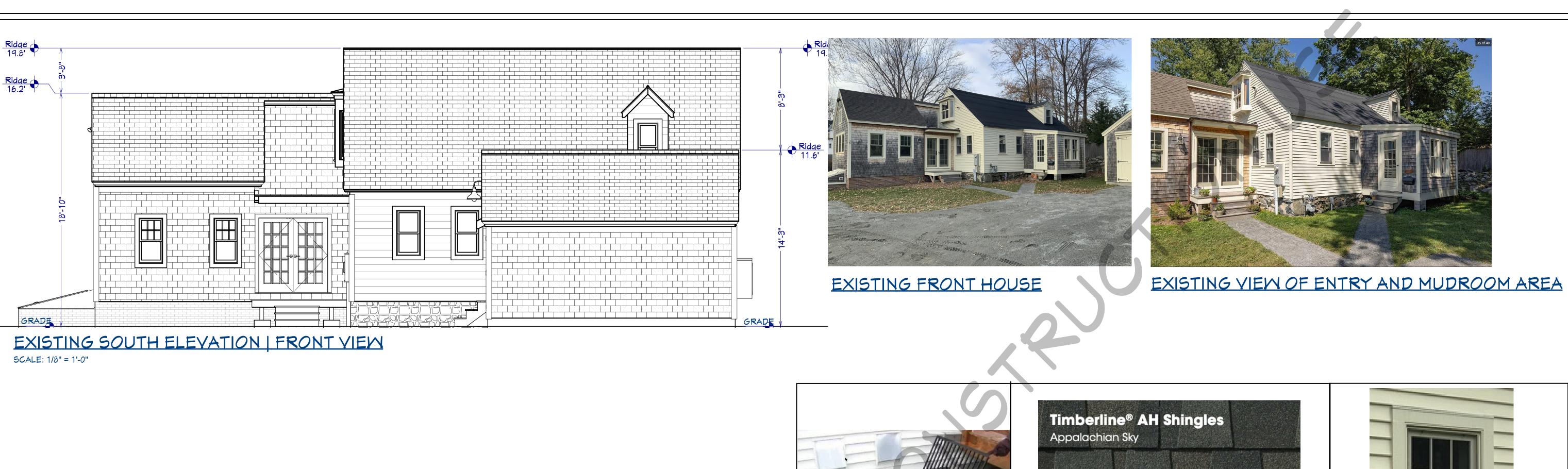
4/13/2023

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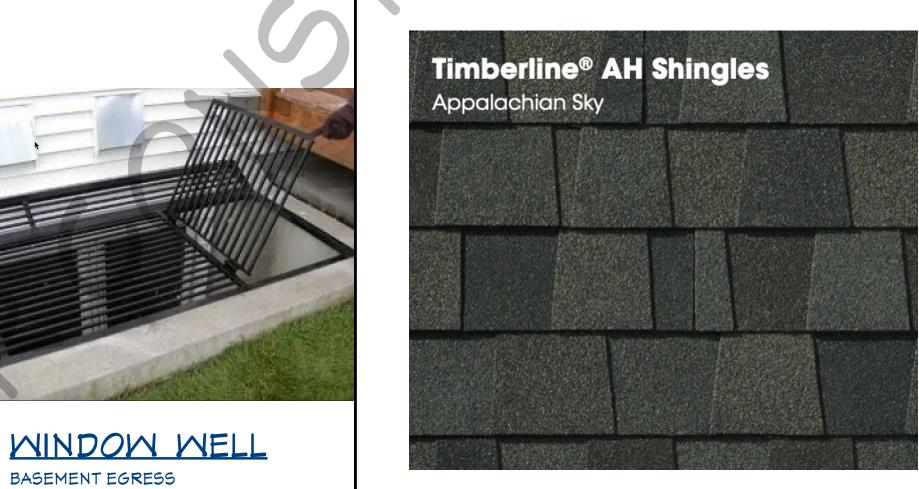
SCALED FOR: 24" × 36" SCALE:

SEE SCALE ON DRAWINGS

SHEET:











WINDOW & DOOR TRIM TO MATCH EXISTING HISTORIC TRIM PACKAGE





EXISTING FRONT DOOR EXISTING 15-LITE FRENCH DOOR PROPOSED 15 LITE DOOR TO MATCH IN PRIMARY PROPOSED TRANSOM INSTALLED OVER THIS RELOCATED 15-LITE DOOR BRONZE FINISH



INCANDESCENT BULB 40M NIGHT SKY COMPLIANT

YERSION 7: CAPE WITH COLONIAL ADDITION (FRONT)

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

PROPOSED EAST ELEVATION | FRONT VIEW NOTE: REBUILD EXISTING ROOF TO MEET ENERGY CODE

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

DATE: 4/13/2023

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SCALE: SEE SCALE ON DRAWINGS SHEET:

> A-10 ELEVATIONS



Revision Table

Description

ELEVATIONS

BARDONG 39 DEARBORN EXT PORTSMOUTH, NH

CONTACT:ABRIGO HOME
PO BOX 1564
PORTSMOUTH, NH 0380
207.345.6050

DATE: 4/13/2023

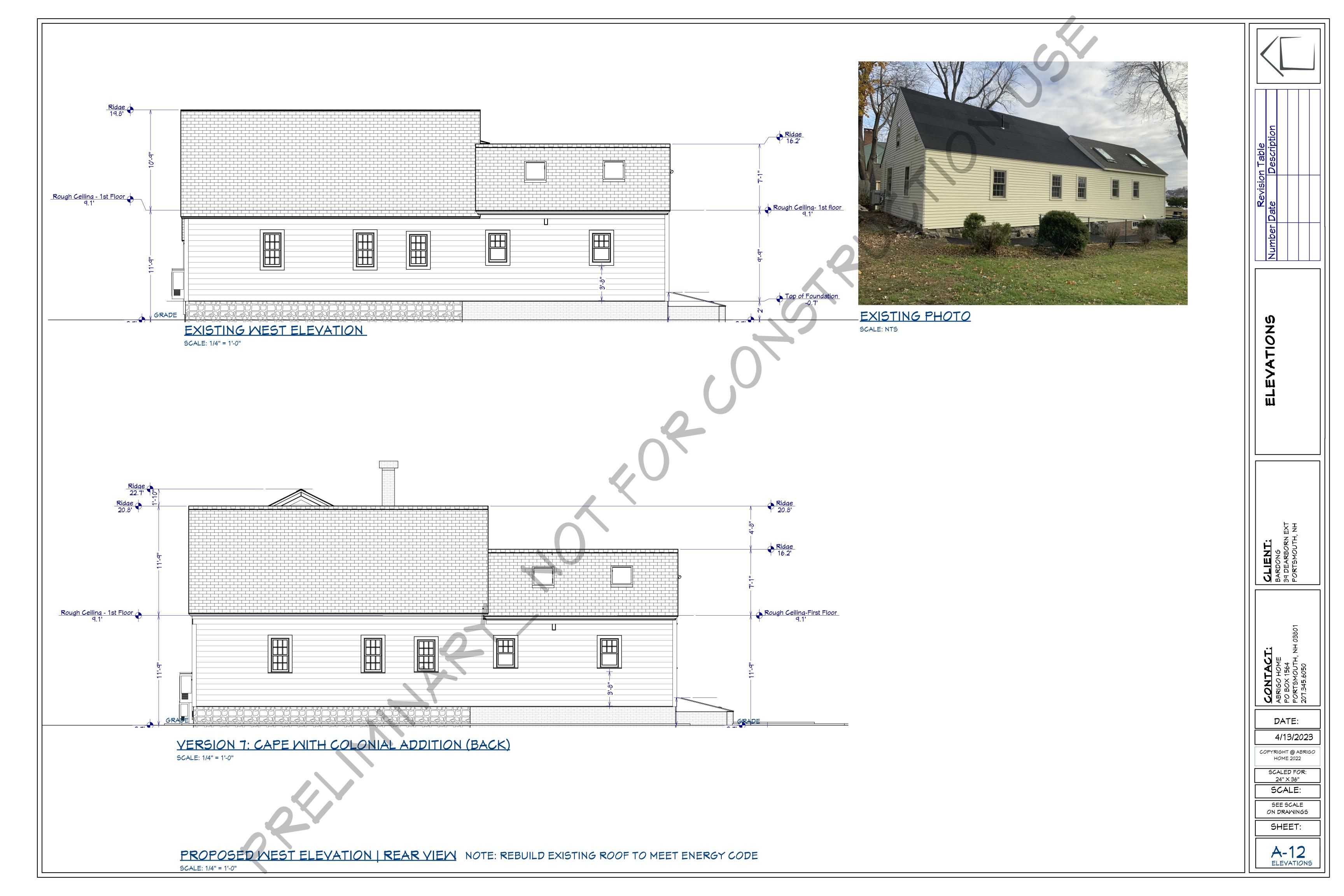
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SCALE:

ON DRAWINGS
SHEET:

A-11





LANDSCAPING PERSPECTIVE

PLANT SCHEDULE:

	PLANT SCHEDULE					
3D ELEVATION	NUMBER	QTY	COMMON NAMES	SCIENTIFIC NAME		
	P01	3	RHODODENDRON	RHODODENDRON		
	P02	14	PLANTAIN LILY	H <i>O</i> STA		
	P03	4	EASTERN ARBORVITAE, AMERICAN ARBORVITAE, NORTHERN WHITE CEDAR	THUJA OCCIDENTALIS		
	P04	18	PORCUPINE GRASS	MISCANTHUS SINENSIS		



DRIVENAY PAVERS

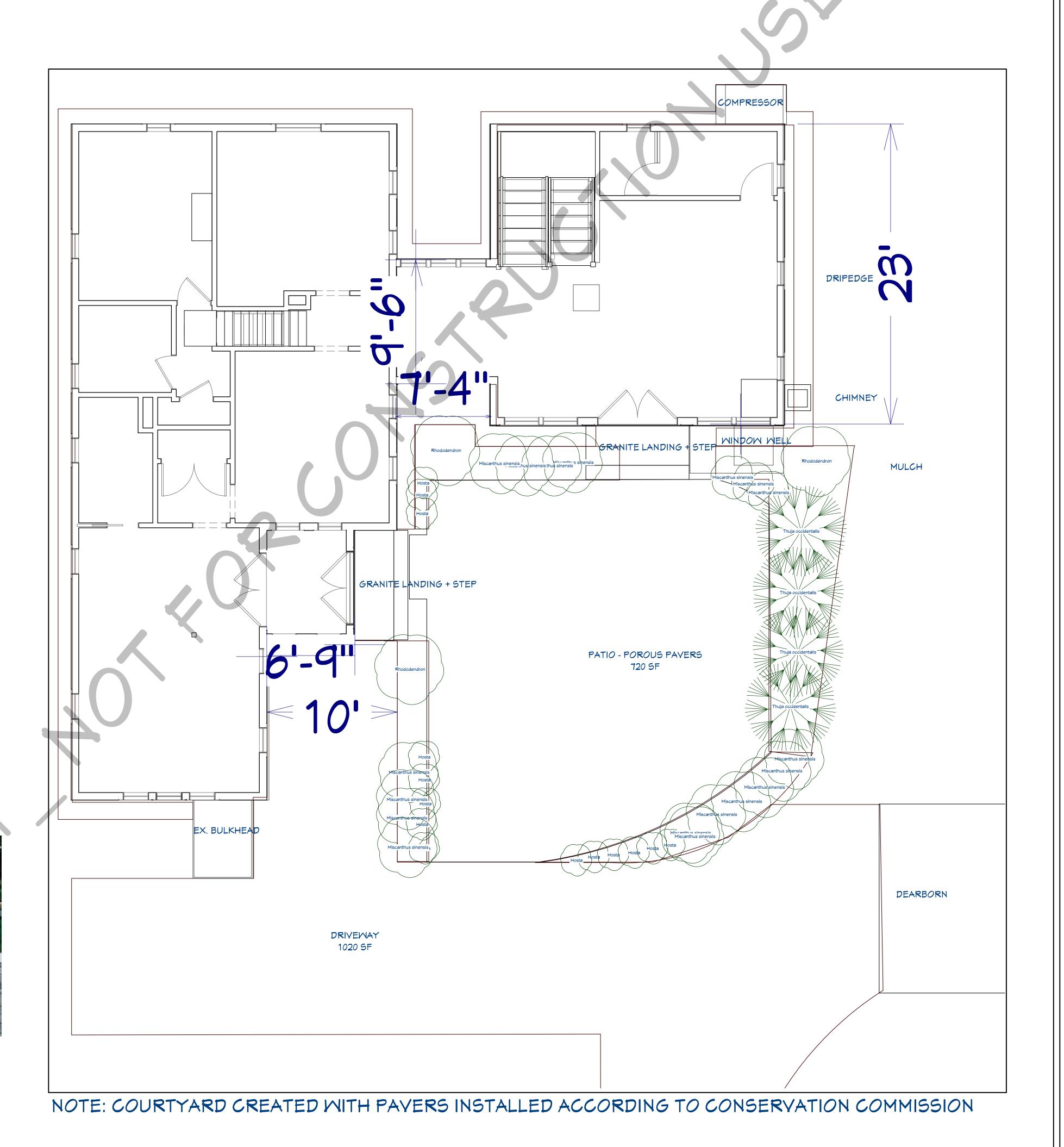
GRANITE SQUARE POROUS W/ GRASS INSTALL

LANDSCAPE PLAN

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



COURTYARD PAVERS
GRANITE SQUARE POROUS INSTALLATION



DATE:

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SCALED FOR:

SCALE:

SEE SCALE

ON DRAWINGS

SHEET:

4/13/2023

