APPLICATION OF ANDREW SUPER
310 Dennett Street, Portsmouth

Map 143, Lot 27

APPLICANT'S NARRATIVE

PROJECT SUMMARY

Subject property:	310 Dennett Street, Portsmouth
Applicant:	Andrew Super, Owner of 310 Dennett Street
Location:	310 Dennett Street (Zoning GRA)
Relief requested:	Variance from Section 10.521 – Table of Dimensional Standards to permit a right side setback of 5.5 feet where 10 feet is required in order to reconstruct an existing deck as well as a variance from Section 10.521 to permit a proposed building coverage of 39% where 25% is required.
Proposal:	The applicant proposes to rebuild an existing deck at the same dimensions (13.5' x 13.5') with new framing. The current deck is unsafe due to age and the replacement will allow for the stairs and supports to be code compliant.

VARIANCE CRITERIA

A. The variance will not be contrary to public interest

Granting the requested variance to allow the replacement of the current deck at the existing scale and in the existing location will not substantially alter the characteristics of the neighborhood nor threaten public health, safety, or welfare. The proposal preserves the property's existing layout, use, and scale. The proposed deck does not create any new dimensional impacts beyond those historically present on the property.

B. The spirit of the ordinance is observed

The main structure at 310 Dennett Street was built in 1890, well before Portsmouth adopted zoning. The current deck is non-conforming, but the proposed replacement will not materially reduce light, air, or privacy for neighboring lots given that there will be no increase overall size.

C. Substantial justice will be done

Denial of the variance would impose a significant personal and practical burden on the homeowner by preventing the currently unsafe deck to be replaced. The deck is the second point of egress for the property and should be replaced for safety purposes. The deck is accessed via a sliding glass door and constructing it with a 10 foot setback to the closest property line would place the railing of deck in the middle of the sliding glass door, requiring a substantial alteration to the construction of the house. Likewise, the deck is already modestly sized and reducing its overall footprint to conform for building coverage would hinder its

functionality and decrease the property value of the home. The public gains no meaningful benefit from denying this request because the project does not measurably harm public health, safety, or welfare, and does not undermine the ordinance's objectives in any substantive way. The applicant has proactively engaged all immediate neighbors and has obtained their support.

D. Surrounding property values will not be diminished

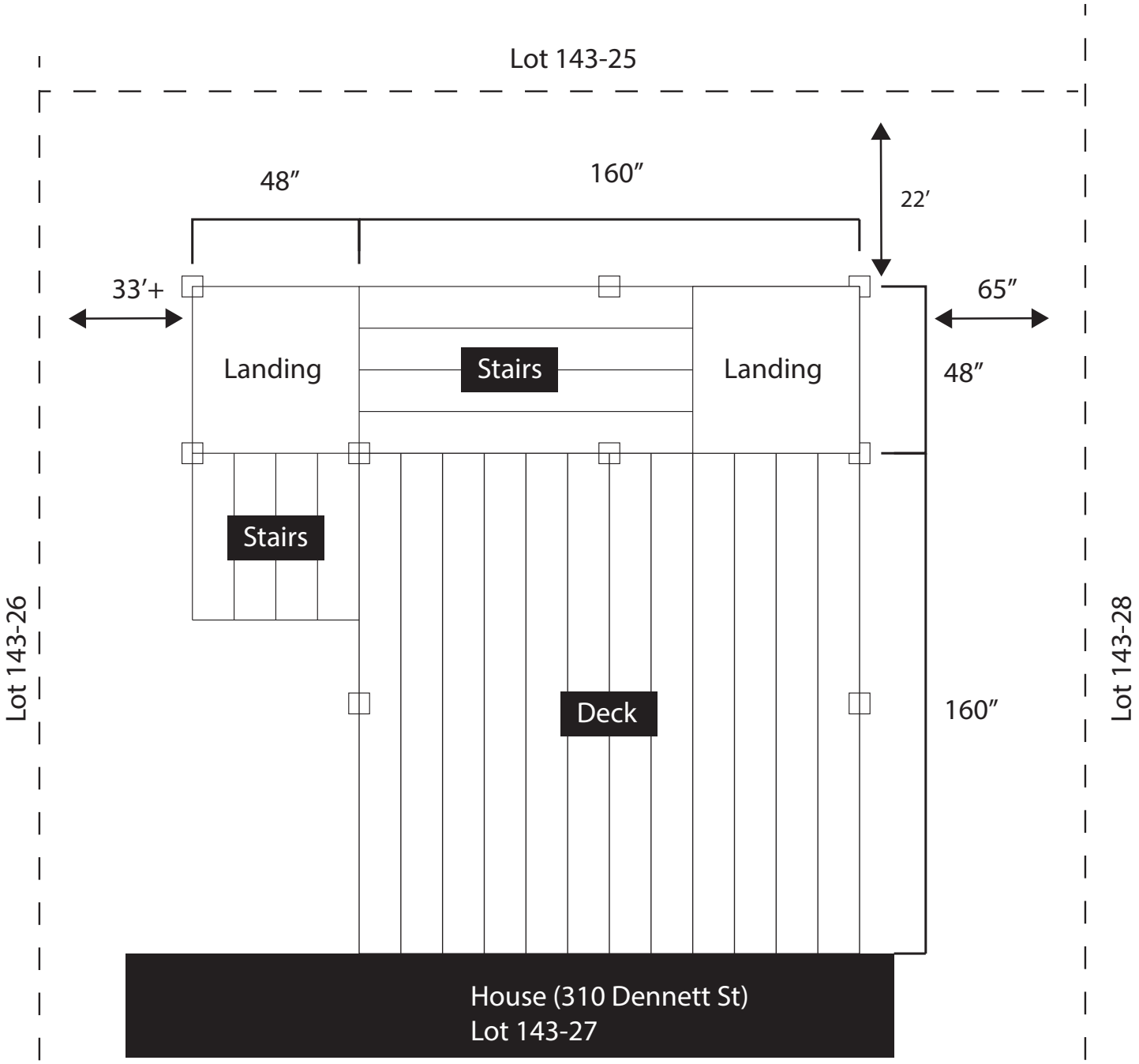
There is no credible basis to conclude that the proposed deck replacement will diminish surrounding property values.

E. Literal enforcement of the ordinance results in unnecessary hardship

Literal enforcement of the 10-foot side setback requirement and the 25% building coverage would result in unnecessary hardship as defined in 10.233.32. The main structure at 310 Dennett Street is approximately 5 feet from the property line separating plot 143-27 and 143-28. Site constraints prohibit the construction of a conforming deck without substantively altering its size and functionality. Moving the deck to allow for the 10-foot side setback would place the side of the deck in the middle of the sliding glass door used to access the deck. This change would also force the deck to be at most 6 feet wide, completely altering its use as an outdoor space. It would be impossible to maintain the same scale of the deck and allow for the setback requirement without first demolishing and rebuilding a side porch to allow for the ledger board to be properly attached to the structure. The lot at 143-27 is modest in size and the settled location of the existing house and side porch are unique conditions that leave no practical alternative than to rebuild the deck in its current location. This request does not introduce a new use to the property and does not materially change the property's relationship to neighboring lots. However, denial of this request will materially change the functionality of the property and negatively impact its market value.

CONCLUSION AND RELIEF REQUESTED

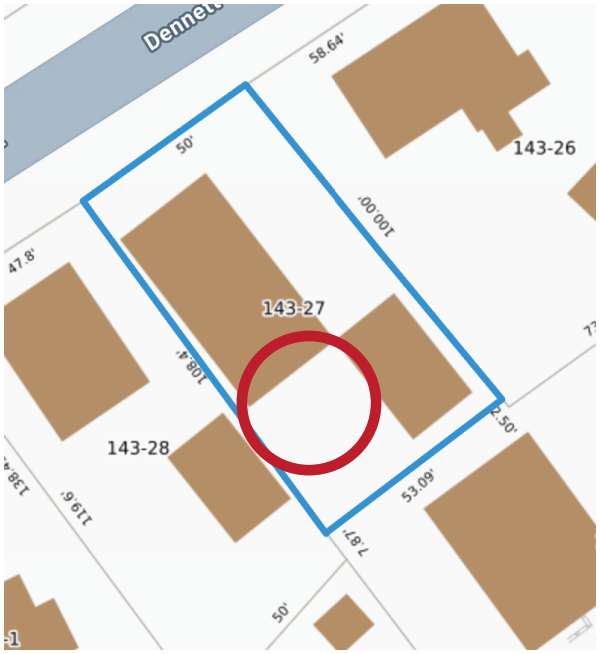
For the reasons set forth above, the proposed reconstruction of the 13.5'x13.5' deck satisfies the statutory variance criteria. The applicant requests that the Zoning Board grant a variance from Section 10.521 to permit the right side setback of 5.5 feet and a variance of the same section to allow for a 39% building coverage rather than the 25% required and to allow the reconstruction of the described deck. The application package includes a drawing of the proposed deck, photographs of the existing deck, and the available MapGeo property information showing the proximity of the existing structure to the abutting lot lines.



Diamond pier footings (5 for main deck, 4 for staircase and landing)
Joists 12″ on center
5 stringers for stairs
New deck will be located in exact location of current deck 65″ FROM THE CLOSEST PROPERTY LINE AND 22′+ FROM THE PROPERTIES TO THE NORTH AND EAST







Location of deck to be replaced.

