HOEFLE, PHOENIX, GORMLEY & ROBERTS, P.A.
ATTORNEYS AT LAW
127 Parrott Avenue, P.O. Box 4480 | Portsmouth, NH, 03802-4480
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

October 31, 2018

HAND DELIVERED
Peter Stith, Planner
Mary Koepenick, Administrative Clerk
Portsmouth Zoning Board of Adjustment
1 Junkins Avenue
Portsmouth, NH 03801

Re: Zoning Relief
Paul Lane, Owner/Applicant
428 Hanover Street
Tax Map 138/Lot 7
Zoning District GRC

Dear Mr. Stith, Ms. Koepenick & Zoning Board Members:

On behalf of the above referenced Owner/Applicant, enclosed please find the following in support of requested zoning relief:

- Building Permit Application-submitted online 10/30/18.
- 10/31/18 Variance Application.
- 10/31/18 Board of Adjustment Application checklist.
- 10/31/18 Memorandum and exhibits in support of zoning relief. (original and eleven (11) copies).

Also enclosed is our check in the amount of $150 for the filing fee.

DANIEL C. HOEFLE dhoefle@hpgrlaw.com
R. TIMOTHY PHOENIX tphoenix@hpgrlaw.com
LAWRENCE B. GORMLEY lgormley@hpgrlaw.com
STEPHEN H. ROBERTS sroberts@hpgrlaw.com
R. PETER TAYLOR ptaylor@hpgrlaw.com
JOHN AHLGREN jahlgren@hpgrlaw.com
KIMBERLY J.H. MEMMESHEIMER kmemmesheimer@hpgrlaw.com
MATTHEW G. STACHOWSKE mstachowske@hpgrlaw.com
KEVIN M. BAUM kbaum@hpgrlaw.com
MONICA F. KIESER mkieser@hpgrlaw.com
SAMUEL HARKINSON sharkinson@hpgrlaw.com
OF COUNSEL:
SAMUEL R. REID

We look forward to presenting this application to the Zoning Board of Adjustment at its November 20, 2018 meeting.

Very truly yours,

R. Timothy Phoenix

RTP:pcb
Enclosures

cc: Paul Lane
Ross Engineering

CITY OF PORTSMOUTH
Zoning Board of Adjustment Application

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

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

Applicant Paul Lane Owner of Record Paul Lane

Applicant Street Address 428 Hanover Street Owner Street Address 428 Hanover Street

Applicant City / State / Zip Portsmouth NH 03801 Owner City / State / Zip Portsmouth, NH 03801

Applicant phone c/o (603) 436-0666 Owner phone (____) _____

Applicant e-mail c/o tphoenix@hpgrlaw.com

Location (street address) of proposed work: 428 Hanover Street

Existing use: Residential

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	Article 3, Section 10.321;Article 5 Section 520, Table10.521
☐ Other _____ See Article 2, Section 10.233.20	_____

To permit the following:

The construction of a +/- 470 s.f., 2-story addition to an existing residence

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.

Kevin Baum /Attorney — 10/31/18

Signature of Owner — Date

Please PRINT name here Kevin M. Baum for R. Timothy Phoenix

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. For applications requesting dimensional relief, the minimum requirements for adequate plans shall include the following:

☐ Site Plan(s) showing existing and proposed conditions including: - 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	☐ Scale of all drawings and plans (the scale is the ratio of the drawing's size relative to the actual size) ☐ Labeled photo(s) of existing conditions ☐ Building plans and elevations of any *proposed* structures or additions ☐ Interior floor plans for any renovations or expansion to existing structures

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

☐ 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)
☐ Interior floor plans and/or exterior site plans showing the location of the proposed use(s)
☐ Labeled photo(s) of existing conditions

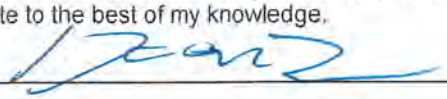
8. Plans should be 8 ½" x 11" in size, 11" x 17" plans may be used only if the plan would otherwise be unreadable.

9. 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.

10. The applicant shall submit one (1) original and eleven (11) copies of the application and any plans, exhibits, and supporting documents.

11. The applicant shall provide electronic files in Portable Document Format (PDF) of all submittals. An applicant may request a waiver from this requirement. The request should be made in writing to the Planning Director one week prior to the submission deadline and should explain why the applicant is unable to provide electronic files.

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.



10/13/18

(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

Board of Adjustment Application Check-List

Please complete and submit one (1) copy with your completed application.

Property Address 428 Hanover Street, Portsmouth, NH 03801
Completed By R. Timothy Phoenix

APPLICATION TYPE:

- ☒ Variance or Special Exception for Dimensional Requirements
- ☐ Variance or Special Exception for Use Requirements
- ☐ Other _____

FOR APPLICATIONS REQUESTING **DIMENSIONAL RELIEF**, THE FOLLOWING SUBMISSIONS MUST BE INCLUDED:

- ☒ Site Plan(s) showing existing and proposed conditions including:
  - ☒ 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
  - ☒ Scale of all drawings and plans (the scale is the ratio of the drawing's size relative to the actual size)
- ☒ Labeled photo(s) of existing conditions
- ☒ Building plans and elevations of any proposed structures or additions
- ☒ Interior floor plans for any renovations or expansion to existing structures

FOR APPLICATIONS REQUESTING **LAND USE RELIEF**, THE FOLLOWING SUBMISSIONS MUST BE INCLUDED:

- ☐ Site Plan(s) showing:
  - ☐ Location of the proposed use(s) on the property
  - ☐ Site plan showing location and dimensions of parking spaces
- ☐ Interior floor plans showing the location and layout of the proposed use
- ☐ Labeled photo(s) of existing conditions

ALL APPLICATIONS

- ☒ Complete application checklist **(1 original)**
- ☒ Complete and signed Building Permit application **(1 original)**
  - ☒ filed previously
  - ☐ included with this packet
- ☒ Complete and signed Board of Adjustment Application Form **(1 original, 11 copies)**
  - ☐ Property Owner signatures (on front and back of Board of Adjustment application form)
- ☒ 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) **(12 copies)**
- ☒ Required plans / exhibits are 8 ½" x 11" or 11" x 17" in size **(12 copies)**
- ☐ Additional information as requested by the Planning Department staff

_____

- ☒ Electronic file in Portable Document Format (PDF)
  - ☒ Sent by e-mail
  - ☐ Provided on CD-ROM
  - ☐ Provided on flash drive

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment ("ZBA")
FROM: R. Timothy Phoenix, Esquire
DATE: October 31, 2018
Re: Paul Lane, Owner/Applicant
428 Hanover Street
Tax Map 138/Lot 7
General Residence C ("GRC") Zone

Dear Chairman Rheaume and Zoning Board Members:

On behalf of the Owner/Applicant, Paul Lane ("Lane"), we are pleased to submit this memorandum and attached exhibits in support of Zoning Relief to allow an addition to the existing residence on the above-referenced property, to be considered by the ZBA at its November 20, 2018 meeting.

I. Exhibits

1. Plan Set-by Ross Engineering.
   a. Existing Conditions Plan
   b. Proposed Conditions Plan
   c. Proposed Floor Plans
   d. Proposed Elevations
2. Existing Conditions Site Photographs.
3. Tax Assessors Card.
4. Aerial Photograph of Site and Surrounding Area.
5. Aerial Renderings of Residence with Proposed Addition.
6. Zoning Overview Map.
7. 10/30/18 Letter From Chris Fischer, President of Andrew Hussey House Condominium in Support of the Variance Application.

II. Property/Project

Lane owns an approximately 3,606 square foot (0.083 acre) lot located at 428 Hanover Street (the "Property"). **Exhibit 1.** The Property is currently developed with a two-story, single family residence constructed in approximately 1790. **Exhibits 1, 2 and 3**. That existing home is a permitted non-conforming structure as a portion of the building is located within the front and side setbacks and all of the porch, located on the eastern side of the home, is within the side setback. **Exhibit 1.a.** The surrounding area is primarily residential with many of the nearby properties non-conforming for setbacks and/or lot coverage. **Exhibit 4 and 5.** The Property is abutted by residences to the north (front) and west, parking for the 21 Brewster Street apartment

building to the southwest (rear), the Captain Andrew Hussey House Condominiums to the southeast (rear) and related condominium parking to the east. *Id.*

Prior to approximately 2005, the Property contained a garage that was largely in the western side setback. **Exhibit 1.a.** In 2003 the ZBA granted variances to permit a 12 by 22 foot garage in the rear of the lot, with only 1 foot, six inch side and rear setbacks. *Id.* That garage was ultimately not constructed.

Lane seeks to improve the relatively small (1,546 square feet per tax card) residence by constructing a two-story, 470 square foot addition extending from the southeastern (rear) side of the home to provide a family room and additional bedroom and bathroom to the existing, modest house. **Exhibit 1.b-c.** Lane also intends to remove the side porch located within the eastern (right) side setback. *Id.* Due in part to the location of the rear basement access (bulkhead) and in an effort to maintain yard area, the proposed addition will extend into the 10 foot side yard setback, resulting a setback between approximately 5.23 and 6.63 feet. *Id.* This extension, however, is an improvement over existing conditions with the removal of the existing porch located 6.41 feet into the setback. *Id.*

The additions will improve a modest, centuries old, home by adding needed living space, while maintaining outdoor yardspace. Lane's proposal is reasonable, the resulting home will retain a consistent density with other properties in the surrounding area, and, as discussed in detail below, meets the variance criteria.

III. Relief Required

Variance Section	Required	Existing	Proposed
PZO§10.520, Table 10.521 side setback	10'	3.59'	5.23' to 6.63'
PZO§10.520, Table 10.521 rear setback	20'	32.87'	10.22' to 9.37'
PZO§10.321 Expansion of a non-conforming structure	N/A	3.59' side setback	5.23' to 6.63' side setback

IV. Variance Requirements

1. **The variances will not be contrary to the public interest.**
2. **The spirit of the ordinance is observed.**

The first step in the ZBA's analysis is to determine whether granting the variances is not contrary to the public interest and is consistent with the spirit and intent of the ordinance, considered together pursuant to *Malachy Glen Associates, Inc. v. Town of Chichester*, 155 N.H. 102 (2007) and its progeny. Upon examination, it must be determined whether granting a variance "would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives." *Id.* "Mere conflict with the zoning ordinance is not enough." *Id.*

The intent of the GRC Zone is to "provide areas for single-family, two family and multifamily dwellings, with appropriate accessory uses, at moderate to high densities (ranging from approximately 5 to 12 dwelling units per acre), together with appropriate accessory uses and limited services." PZO §10.410 (emphasis added). The proposal meets the intent of the GRC Zone. It permits the improvement of an existing single family residence with a density consistent with that of the surrounding area. The Property, like many in the neighborhood, is nonconforming. The building is already partially within the side setback, and, while the addition will extend slightly beyond the existing building line, overall impact to the setback is significantly lessened with the removal of the existing (and entirely nonconforming) porch. There is no encroachment into the western side setback as was present with the prior existing garage and the 2003 approved, unbuilt garage. While the addition does not meet the 20 foot rear setback of the GRC, that portion of the Property abuts the CD4-L2 Zone that requires only a 5 foot rear setback. PZO §10.5A40, Figure 10.5A41.10A. Thus, at 10.15 to 9.46 feet, the rear setback is approximately double that required for the closest affected property (Map 138, Lot 15). **Exhibit 5.** Given these factors, granting the requested variances will not conflict with the basic zoning objectives of the PZO.

In considering whether variances "in a marked degree conflict with the ordinance such that they violate the ordinance's basic zoning objectives," *Malachy Glen*, *supra*, also held:

> One way to ascertain whether granting the variance would violate basic zoning objectives is to determine whether it would alter the essential character of the locality... . Another approach to [determine] whether granting the variance violates basic zoning

> objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

There will be no threat to the public health, safety or welfare by granting the requested variances. The variances will permit additional livable space within an existing home. They will allow Lane to improve a relatively small, aging residence. The requested dimensional relief is limited and, in the case of the side setback, an improvement over existing and prior conditions. The end result is an improved building with density and setbacks consistent with the surrounding area. The property potentially most affected by the proposal (Map 138, Lot 15) is located closer to the rear property line than the proposed addition and in a zone where only 5 foot setbacks are required. Moreover, its condominium association has voiced its support for the requested relief. **Exhibit 7**. Clearly, the requested variances neither alter the essential character of the locality nor threaten the public health safety or welfare. Accordingly, none of the requested variances are contrary to the public interest and all observe the spirit of the ordinance.

3. **Granting the variance will not diminish surrounding property values.**

The proposal will renovate the exiting aging structure while maintaining consistent density with that of the surrounding area. If anything, the addition will improve the value of the Property, and thus, likely the values of the surrounding properties. Given the overall improvements to the building and limited scope of the requests, the variances will not diminish surrounding property values.

4. **Denial of the variances results in an unnecessary hardship.**

a. Special conditions distinguish the property from others in the area.

The Property, while meeting minimum lot area requirements, is nevertheless small and located in a densely developed area. The existing building is already non-conforming with respect to the side setback, which is being improved with the removal of the porch. The Property also abuts the CR4-L2 Zone, specifically in the area nearest to the addition to the rear, which permits a much higher density, including 5 foot rear setbacks. In light of these conditions and restrictions, special conditions exist at the Property.

b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

All of Lane's requested relief relates to reductions to required setbacks. The purpose of setbacks is to prevent overcrowding, improve sightlines for pedestrians and motorists, and ensure adequate light and air circulation. None of these purposes are impaired by granting the requested variances. The building exists and is already non-conforming with the side setback requirement. The overall setback will be improved by the removal of the porch. Additionally, property closest to, and therefore most affected by, the addition are the Captain Andrew Hussey House Condominium and associated parking area. The location of the addition closer to the rear and east side setback will have little to any effect on this property given its size, height and location in the CD4-L2 Zone. The condominium association supports this Application. **Exhibit 7**. Moreover, the neighborhood overall is similarly densely developed with multiple nearby parcels non-conforming for setbacks. *See Walker v. City of Manchester*, 107 N.H. 382, 386 (1966) (Hardship may be found where similar nonconforming uses exist within the neighborhood and the proposed use will have no adverse effect on the neighborhood). *See also Belanger v. City of Nashua*, 121 N.H. 389 (1981) (Variance proper where ordinance no longer reflects the current character of neighborhood). Accordingly, there is no fair and substantial relationship between the purposes of the ordinance and its application in this instance.

c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. *Vigeant v. Hudson*, 151 N.H. 747 (2005). Residential use is permitted in the GRC Zone. Lane proposes simply to improve the long existing nonconforming residence on the Property by the construction of the addition. The addition will allow for a more livable home while retaining modest outdoor space. The side setback is improved over existing conditions. Rear setbacks are consistent with the surrounding, densely developed area, and at approximate 10 feet are double that required for the adjacent CD4-L2 Zone. Given these factors, the improvements and variances required for them are reasonable.

5. Substantial justice will be done by granting the variance.

If "there is no benefit to the public that would outweigh the hardship to the applicant" this factor is satisfied. *Harborside Associates, L.P. v. Parade Residence Hotel, L.L.C.*, 162 N.H. 508

(2011). That is, "any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice." *Malachy Glen*, *supra* at 109. The requested variances allow for a more livable residence while improving the existing side setback. The closest properties to the addition are either developed with a large condominium that is significantly taller than the proposed improvement or used as parking areas. The Captain Andrew Hussey House Condominium Association supports the proposal and requested relief. Thus, Lane will be greatly harmed by denial of any of the variances while there will be no gain to the general public by denial. Without question, substantial justice will be done by granting each variance while a substantial injustice will be done by denying any of them.

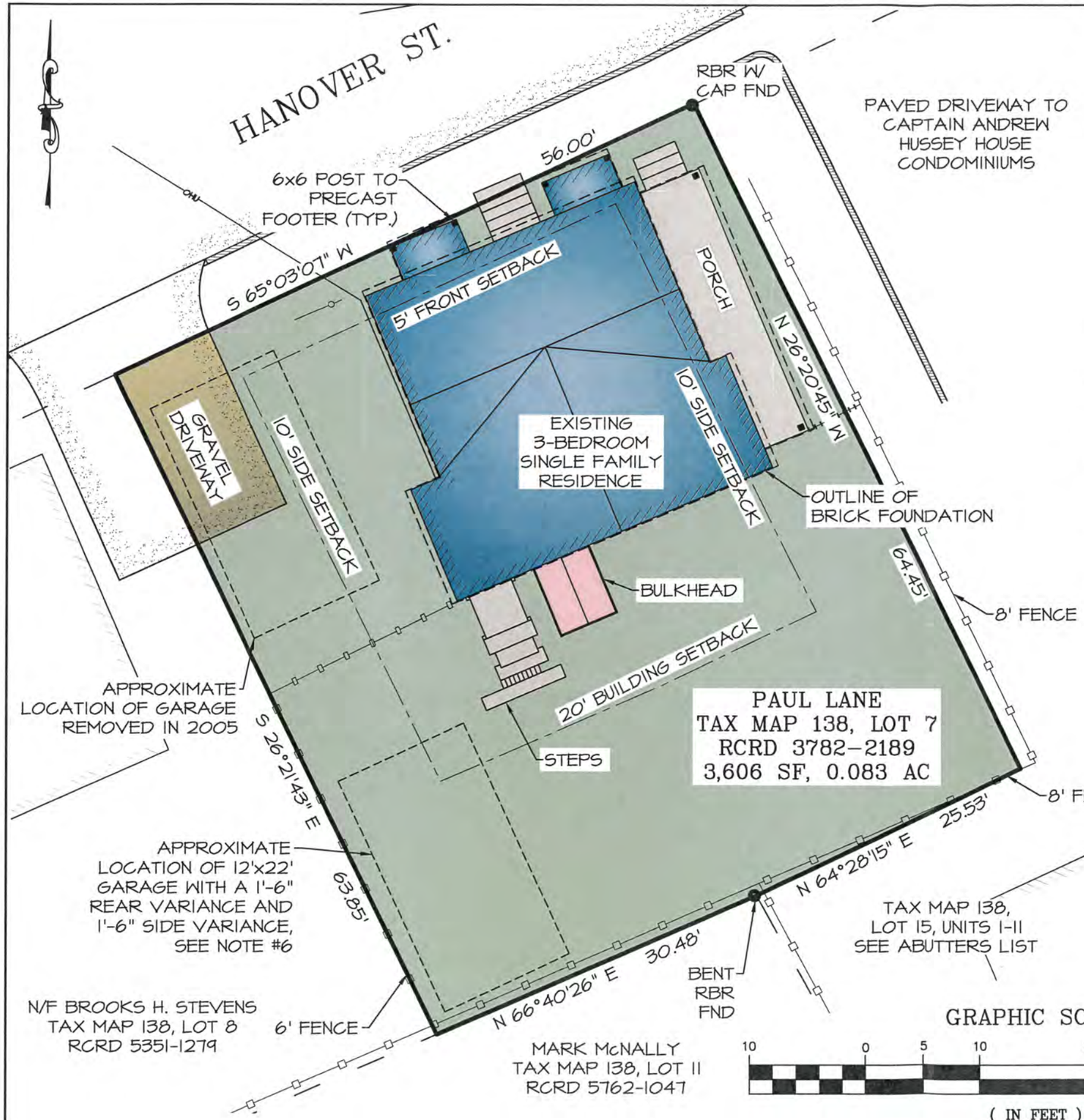
VI. Conclusion

For all of the reasons stated, Lane respectfully requests that the Portsmouth Zoning Board of Adjustment grant the requested variances.

Respectfully submitted,

Paul Lane

By: R. Timothy Phoenix
Kevin M. Baum
Hoefle, Phoenix, Gormley & Roberts, P.A.
127 Parrott Avenue
Portsmouth, NH 03801
(603) 436-0666



NOTES

1) OWNER OF RECORD:
PAUL LANE
TAX MAP 138, LOT 7
428 HANOVER ST.
PORTSMOUTH, NH 03801
RCRD: 3782-2189
AREA = 3,606 SF, 0.083 ACRES

2) BASIS OF BEARING HELD FROM PLAN REFERENCE #2.

3) PARCEL IS IN GENERAL RESIDENCE ZONE C (GRC):

MINIMUM LOT AREA	3,500 SF
MINIMUM LOT FRONTAGE	70 FT
MINIMUM LOT DEPTH	50 FT
SETBACKS:	
FRONT	5 FT
SIDE	10 FT
REAR	20 FT
MAXIMUM BUILDING HEIGHT	35 FT
MAXIMUM BUILDING COVERAGE	35%
MINIMUM OPEN SPACE	20%

4) THE PARCEL IS NOT IN THE FLOOD HAZARD ZONE AS PER FEMA FLOOD INSURANCE RATE MAP #33015C0259E, PANEL 259E OR 681, DATED MAY 17, 2005.

5) AS PER REFERENCE PLAN #1, A 264 SF GARAGE PREVIOUSLY EXISTED ON THE LOT AND WAS REMOVED IN 2005. THE BUILDING COVERAGE, INCLUDING THE GARAGE WOULD HAVE BEEN 34.3%.

6) AT ITS REGULARLY SCHEDULED MEETING OF NOVEMBER 18, 2003, THE ZONING BOARD OF ADJUSTMENT GRANTED VARIANCES TO ALLOW A 12'x22' GARAGE WITH A 1'-6" REAR AND 1'-6" SIDE YARD.

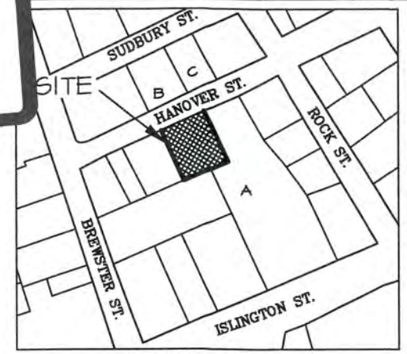
REFERENCE PLANS

1) "PLAN OF LOT NO. 428 HANOVER ST. PORTSMOUTH, N.H." BY JOHN W. DURGIN, CIVIL ENGINEER. DATED JULY OF 1935. RCRD 0783.

2) "CONDOMINIUM SITE PLAN MAP 138 - LOT 15 THE CAPTAIN ANDREW HUSSEY HOUSE CONDOMINIUM" BY AMBIT ENGINEERING, CIVIL ENGINEERS & LAND SURVEYORS. REVISED DECEMBER 8, 2004. RCRD D-32369.

3) "EXISTING CONDITIONS, 21 BREWSTER STREET PORTSMOUTH, N.H." BY ROSS ENGINEERING. REVISED NOVEMBER 11, 2016. NOT RECORDED.

EXHIBIT
1. a



LOCUS PLAN
N.T.S.

ABUTTERS LIST

A) MAP 138 LOT 15
UNIT #1
CHRISTOPHER J. FISCHER
&
MARGOT-PARKER S. PHILPOT
RCRD 5316-0397

UNIT #2
KIMBERLY M. PERRY
RCRD 5256-0967

UNIT #3
CAROLYN E. KELLY
RCRD 4492-1391

UNIT #4
PAUL J. AMBROSE
RCRD 4632-1405

UNIT #5
DAVID E. & WENDY W. KEYES
RCRD 5230-0433

UNIT #6
HARVEY M. & MERLE SCHLESINGER
RCRD 5502-2611

UNIT #7
PETER H. JR. & JENNIFER R. CLARK
RCRD 5571-2499

UNIT #8
STEVEN R. LIEBER & ZHU XIA HONG
RCRD 4612-0677

UNIT #9
LISA A. LETIZIO
RCRD 5345-2032

UNIT #10
LAWRENCE J. & BEATRICE K. CATALDO
RCRD 4573-0170

UNIT #11
AMY MACNICHOLL
RCRD 4460-1312

B) MAP 138 LOT 21
JILL A. DIGNAN
RCRD 5814-1-719

C) MAP 138 LOT 23
RANDLE W. WRIGHT
RCRD 4899-1038

3	10/31/2018	ZBA SUBMITTAL	
2	10/3/2018	REVISIONS	
1	9/19/2018	FOR REVIEW	
ISS.	DATE	DESCRIPTION OF ISSUE	
SCALE	1" = 10'		
CHECKED	A.ROSS		
DRAWN	A.L.G.		
CHECKED			

ROSS ENGINEERING
Civil/Structural Engineering
& Surveying
909 Islington St.
Portsmouth, NH 03801
(603) 433-7560

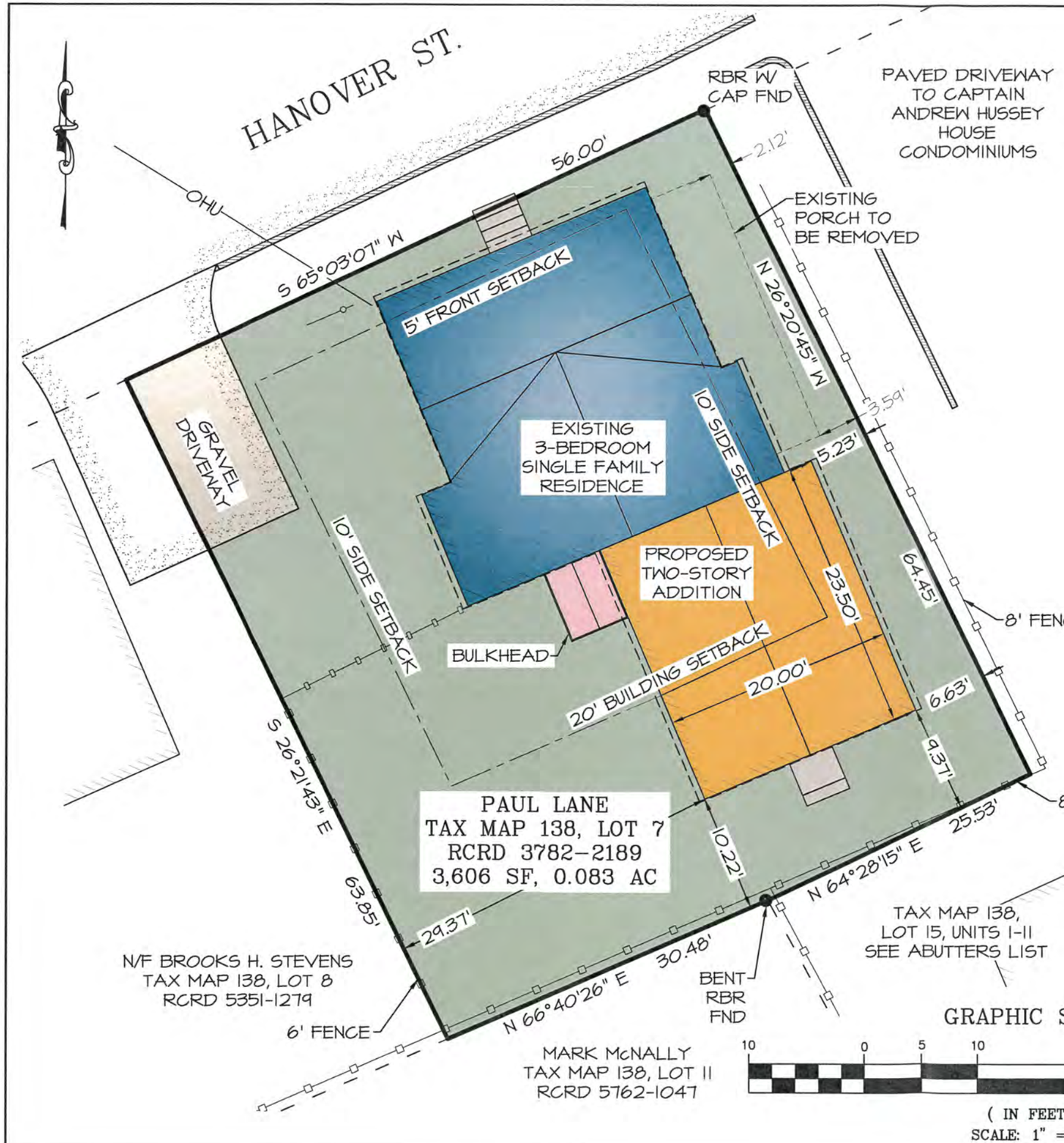
CLIENT
PAUL LANE
428 HANOVER ST.
PORTSMOUTH, N.H. 03801

TITLE
EXISTING CONDITIONS

428 HANOVER STREET
PORTSMOUTH, NH
TAX MAP 138, LOT 7

JOB NUMBER	DWG. NO.	ISSUE
16-161	1 OF 2	3

STATE OF NEW HAMPSHIRE
R. ALEX ROSS
No. 9409
LICENSED
PROFESSIONAL ENGINEER



NOTES

1) OWNER OF RECORD:
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2) BASIS OF BEARING HELD FROM PLAN REFERENCE #2.

3) PARCEL IS IN GENERAL RESIDENCE ZONE C (GRC):

MINIMUM LOT AREA	3,500 SF
MINIMUM LOT FRONTAGE	70 FT
MINIMUM LOT DEPTH	50 FT
SETBACKS:	
FRONT	5 FT
SIDE	10 FT
REAR	20 FT
MAXIMUM BUILDING HEIGHT	35 FT
MAXIMUM BUILDING COVERAGE	35%
MINIMUM OPEN SPACE	20%

4) COVERAGES:

BUILDING COVERAGE

EXISTING BUILDING COVERAGE

BUILDING	792 SF
STEPS >18"	33 SF
BULK HEAD	23 SF
PORCH	125 SF
TOTAL	973 SF = 30.0%

PROPOSED BUILDING COVERAGE

BUILDING	752 SF
STEPS >18"	10 SF
BULK HEAD	23 SF
ADDITION	470 SF
TOTAL	1,255 SF = 34.8%

OPEN SPACE

EXISTING OPEN SPACE

BUILDING COVERAGE	1,237 SF
GRAVEL DRIVEWAY	145 SF
OVERHANG	63 SF
TOTAL	1,445 SF = 59.9%

PROPOSED OPEN SPACE

BUILDING COVERAGE	1,255 SF
GRAVEL DRIVEWAY	145 SF
OVERHANG	25 SF
TOTAL	1,425 SF = 60.5%

5) EXISTING BUILDING HEIGHT 23'-2"
PROPOSED BUILDING HEIGHT 24'-3"

6) THE PARCEL IS NOT IN THE FLOOD HAZARD ZONE AS PER FEMA FLOOD INSURANCE RATE MAP #33015C0259E, PANEL 259E OR 681, DATED MAY 17, 2005.

7) AS PER REFERENCE PLAN #1, A 264 SF GARAGE PREVIOUSLY EXISTED ON THE LOT AND WAS REMOVED IN 2005. THE BUILDING COVERAGE, INCLUDING THE GARAGE WOULD HAVE BEEN 34.3%.

8) A TWO STORY, 470 SF ADDITION IS PROPOSED TO THE SOUTHEAST OF THE EXISTING HOUSE.

9) AT ITS REGULARLY SCHEDULED MEETING OF NOVEMBER 18, 2003, THE ZONING BOARD OF ADJUSTMENT GRANTED VARIANCES TO ALLOW A 12'x22' GARAGE WITH A 1'-6" REAR AND 1'-6" SIDE YARD. THE BUILDING COVERAGE, INCLUDING THE GARAGE WOULD HAVE BEEN 34.3%.

10) THE FOLLOWING VARIANCES ARE REQUESTED:
SECTION 10.321: STRUCTURALLY ENLARGE AN EXISTING NONCONFORMING BUILDING.
SECTION 10.20 - TABLE 10.521:
1) 5.23' SIDE SETBACK WHERE 10' IS REQUIRED
2) 9.37' REAR SETBACK WHERE 20' IS REQUIRED

ABUTTERS LIST

A) MAP 138 LOT 15
UNIT #1
CHRISTOPHER J. FISCHER & MARGOT-PARKER S. PHILPOT
RCRD 5316-0347

UNIT #2
KIMBERLY M. PERRY
RCRD 5256-0967

UNIT #3
CAROLYN E. KELLY
RCRD 4492-1341

UNIT #4
PAUL J. AMBROSE
RCRD 4632-1405

UNIT #5
DAVID E. & WENDY W. KEYES
RCRD 5230-0433

UNIT #6
HARVEY M. & MERLE SCHLESINGER
RCRD 5502-2611

UNIT #7
PETER H. JR. & JENNIFER R. CLARK
RCRD 5571-2499

UNIT #8
STEVEN R. LIEBER & ZHU XIA HONG
RCRD 4612-0677

UNIT #9
LISA A. LETIZIO
RCRD 5345-2032

UNIT #10
LAWRENCE J. & BEATRICE K. CATALDO
RCRD 4573-0170

UNIT #11
AMY MACNICHOLL
RCRD 4460-1312

B) MAP 138 LOT 21
JILL A. DIGNAN
RCRD 5814-719

C) MAP 138 LOT 23
RANDLE W. WRIGHT
RCRD 4899-1038

EXHIBIT
1. 6

3	10/31/2018	ZBA SUBMITTAL	
2	10/3/2018	REVISIONS	
1	9/19/2018	FOR REVIEW	
ISS.	DATE	DESCRIPTION OF ISSUE	

SCALE: 1" = 10'
CHECKED: A.ROSS
DRAWN: A.L.G.
CHECKED:

ROSS ENGINEERING
Civil/Structural Engineering & Surveying
909 Islington St.
Portsmouth, NH 03801
(603) 433-7560

CLIENT
PAUL LANE
428 HANOVER STREET
PORTSMOUTH, N.H. 03801

TITLE
PROPOSED SITE PLAN

428 HANOVER STREET
PORTSMOUTH, NH
TAX MAP 138, LOT 7

STATE OF NEW HAMPSHIRE - R. ALEX ROSS No. 9409 LICENSED PROFESSIONAL ENGINEER -

JOB NUMBER	DWG. NO.	ISSUE
16-161	2 OF 2	3

EXHIBIT
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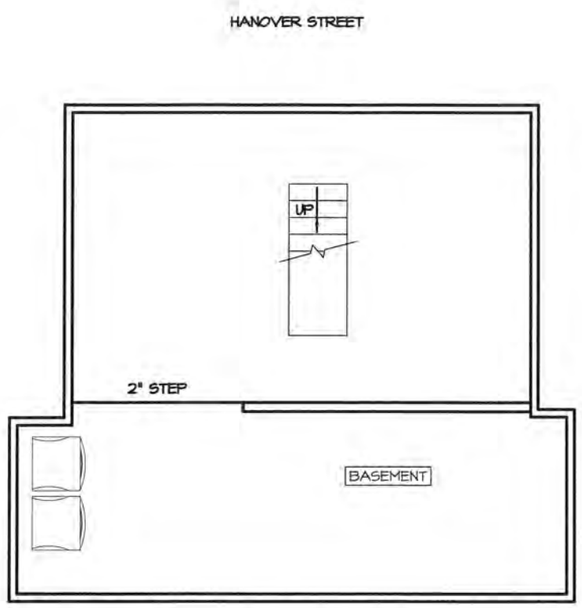
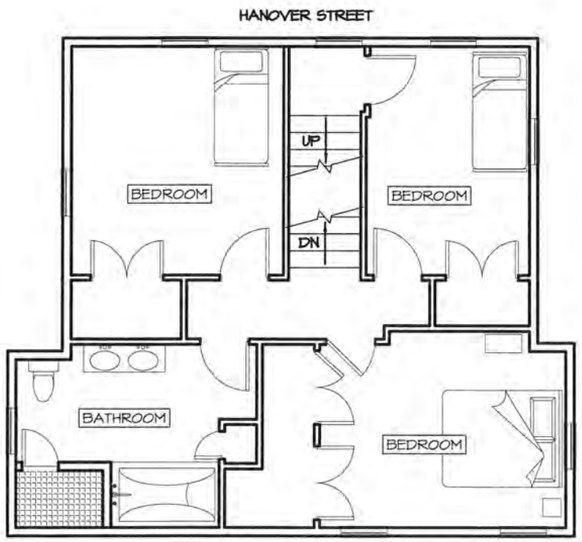
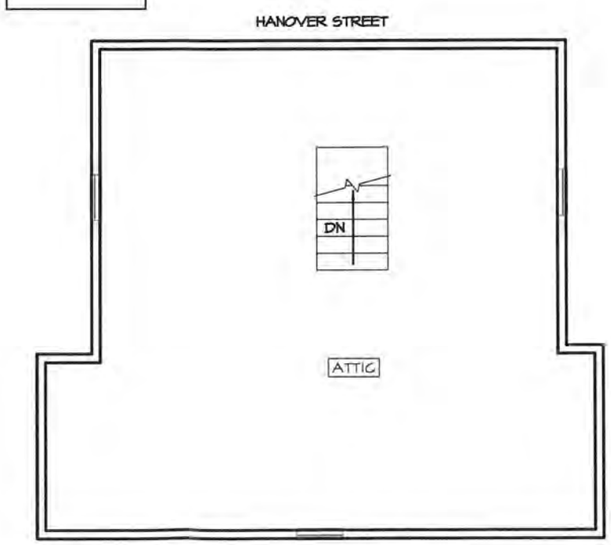


BASEMENT FLOOR PLAN

FIRST FLOOR PLAN



SECOND FLOOR PLAN



ATTIC FLOOR PLAN

GRAPHIC SCALE

6 0 6 12 24

(IN FEET)
1/8 inch = 1 ft.

NO.	DATE	DESCRIPTION OF ISSUE
3	10/26/2018	ZBA SUBMITTAL
2	10/3/2018	REVISIONS
1	9/19/2018	FOR REVIEW

SCALE: 1/8" = 1'-0"
CHECKED: A.ROSS
DRAWN: DDD
CHECKED: A.ROSS

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Portsmouth, NH 03801
(603) 433-7560

CLIENT
PAUL LANE
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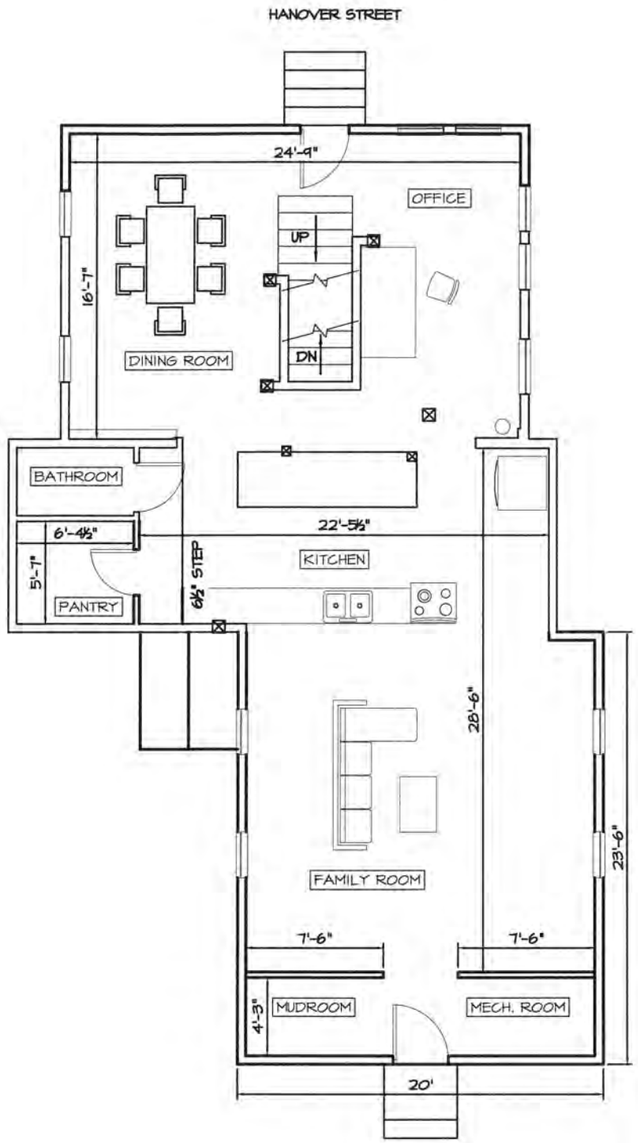
PORTSMOUTH, NH

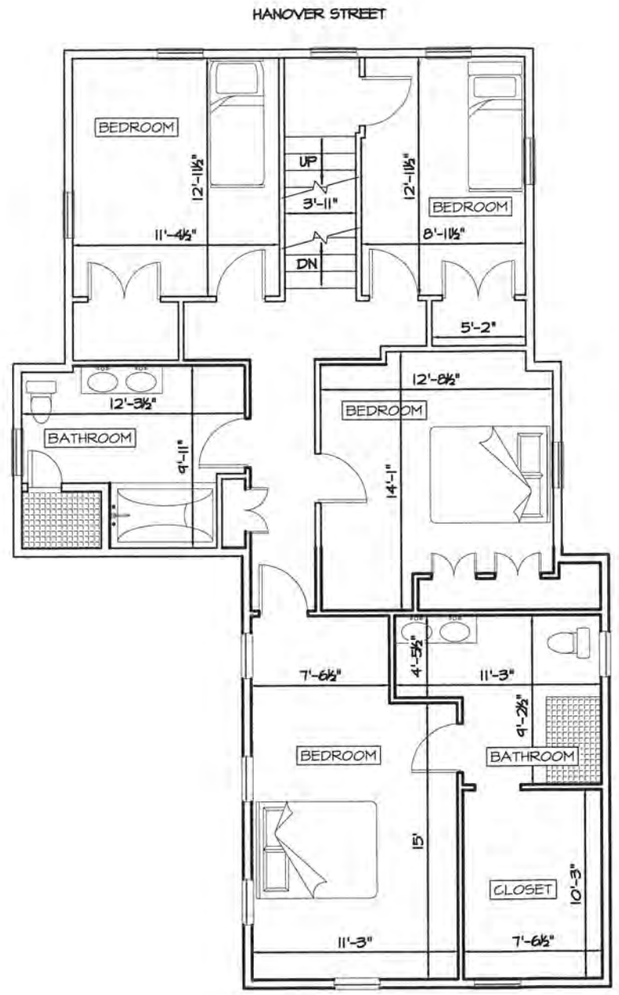
Alex Ross
CIVIL ENGINEER & SURVEYOR
SEAL

TITLE
EXISTING FLOOR PLANS
428 HANOVER ST.
FOR
PAUL LANE
TAX MAP 138 LOTS 7
PORTSMOUTH, NH

JOB NUMBER	DWG NO.	ISSUE
16-161	3 OF 4	3



FIRST FLOOR PLAN



SECOND FLOOR PLAN

GRAPHIC SCALE

6 0 6 12 24

(IN FEET)
1/8 inch = 1 ft.

ISS.	DATE	DESCRIPTION OF ISSUE
3	10/26/2018	ZBA SUBMITTAL
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SCALE: 1/8" = 1'-0"
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DRAWN: DDD
CHECKED: A.ROSS

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CLIENT
PAUL LANE
428 HANOVER ST.
PORTSMOUTH, NH

Alex Ross
CIVIL ENGINEER & SURVEYOR

SEAL

TITLE
PROPOSED
FLOOR PLANS
428 HANOVER ST.
FOR
PAUL LANE
TAX MAP 138 LOTS 7
PORTSMOUTH, NH

JOB NUMBER	DWG. NO.	ISS. #
16-161	4 OF 4	3

EXHIBIT
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FRONT ELEVATION

WEST ELEVATION

REAR ELEVATION

EAST ELEVATION

GRAPHIC SCALE

6 0 6 12 24

(IN FEET)
1/8 inch = 1 ft.

Alex Ross
CIVIL ENGINEER & SURVEYOR
SEAL

ISS.	DATE	DESCRIPTION OF ISSUE
3	10/26/2018	ZBA SUBMITTAL
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1	9/19/2018	FOR REVIEW

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DRAWN: DDD
CHECKED: A.ROSS

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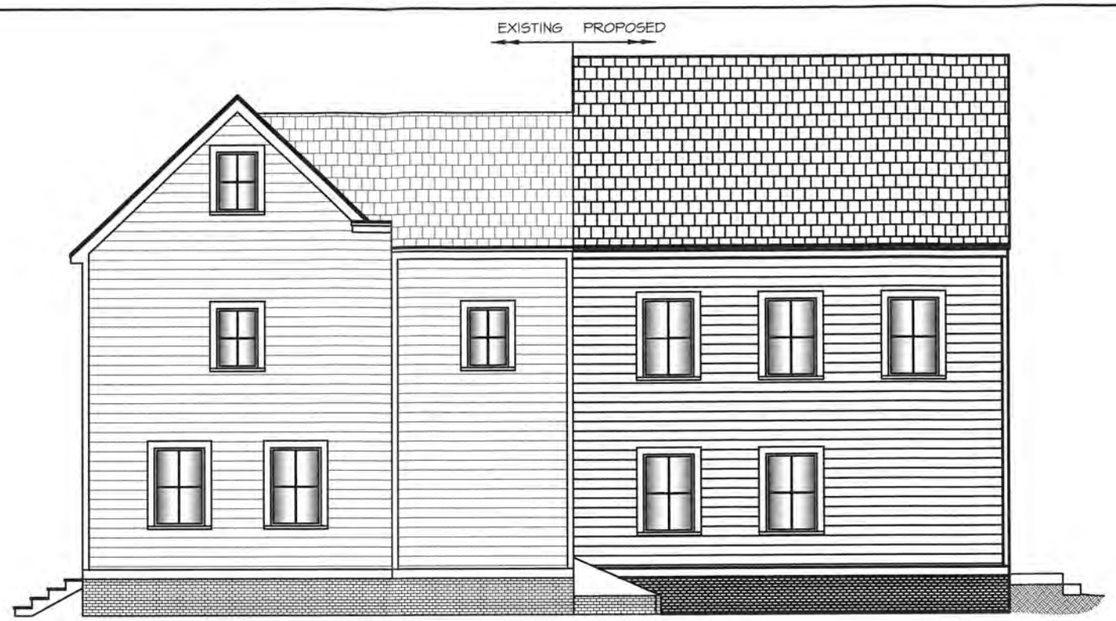
CLIENT
PAUL LANE
428 HANOVER ST.
PORTSMOUTH, NH

TITLE
EXISTING
ELEVATIONS
428 HANOVER ST.
FOR
PAUL LANE
TAX MAP 138 LOTS 7
PORTSMOUTH, NH

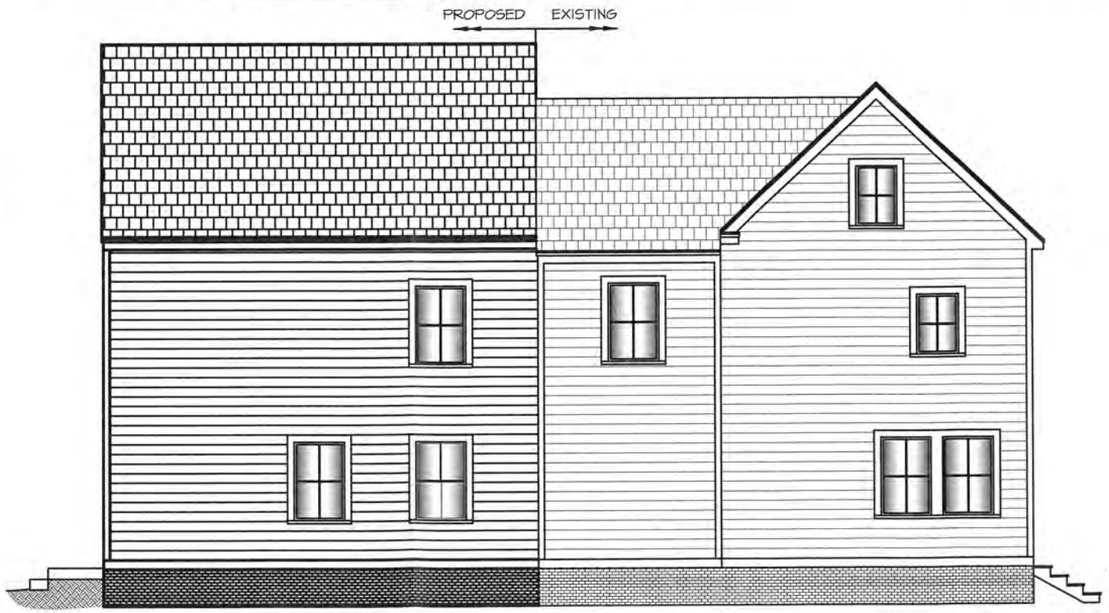
JOB NUMBER	DWG NO.	ISSUE
16-161	1 OF 4	3

FRONT ELEVATION



WEST ELEVATION

REAR ELEVATION



EAST ELEVATION

GRAPHIC SCALE

6 0 6 12 24

(IN FEET)
1/8 inch = 1 ft.

3	10/26/2018	ZBA SUBMITTAL
2	10/3/2018	REVISIONS
1	9/19/2018	FOR REVIEW
ISS.	DATE	DESCRIPTION OF ISSUE

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CLIENT
PAUL LANE
428 HANOVER ST.
PORTSMOUTH, NH

Alex Ross
CIVIL ENGINEER & SURVEYOR
SEAL

TITLE:
PROPOSED
ELEVATIONS
428 HANOVER ST.
FOR
PAUL LANE
TAX MAP 138 LOTS 7
PORTSMOUTH, NH

JOB NUMBER	DWG. NO.	ISSUE
16-161	2 OF 4	3

EXHIBIT
2

LANE, PAUL & ERIN
428 HANOVER STREET
PORTSMOUTH, NH 03801

11A Hampton Rd.
Exeter, NH 03833
Phone: (603) 772-1180
Fax: (603) 772-1181

FRONT VIEW

LANE, PAUL & ERIN
428 HANOVER STREET
PORTSMOUTH, NH 03801

11A Hampton Rd.
Exeter, NH 03833
Phone: (603) 772-1180
Fax: (603) 772-1181

LEFT SIDE VIEW

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REAR VIEW

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PORTSMOUTH, NH 03801

11A Hampton Rd.
Exeter, NH 03833
Phone: (603) 772-1180
Fax: (603) 772-1181

RIGHT SIDE VIEW

LANE, PAUL & ERIN
428 HANOVER STREET
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Exeter, NH 03833
Phone: (603) 772-1180
Fax: (603) 772-1181

REAR YARD

LANE, PAUL & ERIN
428 HANOVER STREET
PORTSMOUTH, NH 03801

11A Hampton Rd.
Exeter, NH 03833
Phone: (603) 772-1180
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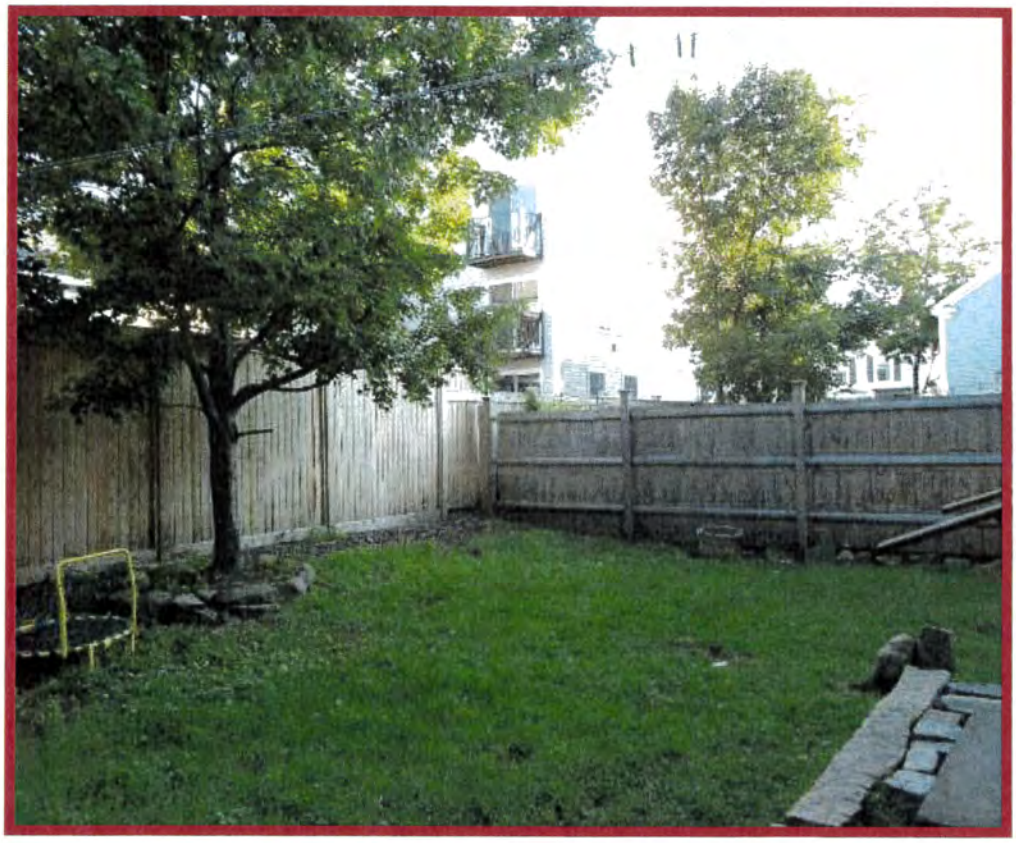


REAR

428 HANOVER ST

Location	428 HANOVER ST	**Mblu**	0138/ 0007/ 0000/ /
Acct#	34167	**Owner**	LANE PAUL
PBN		**Assessment**	$518,600
Appraisal	$518,600	**PID**	34167
Building Count	1		

Current Value

Appraisal			
Valuation Year	**Improvements**	**Land**	**Total**
2019	$255,900	$262,700	$518,600
Assessment			
Valuation Year	**Improvements**	**Land**	**Total**
2019	$255,900	$262,700	$518,600

Owner of Record

Owner	LANE PAUL	**Sale Price**	$155,000
Co-Owner		**Certificate**	
Address	428 HANOVER ST PORTSMOUTH, NH 03801	**Book & Page**	3782/2189
		Sale Date	06/05/2002
		Instrument	38

Ownership History

Ownership History					
Owner	**Sale Price**	**Certificate**	**Book & Page**	**Instrument**	**Sale Date**
LANE PAUL	$155,000		3782/2189	38	06/05/2002

Building Information

Building 1 : Section 1

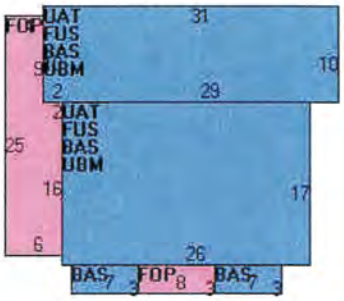
Year Built:	1790
Living Area:	1,546
Replacement Cost:	$360,403
Building Percent Good:	71
Replacement Cost Less Depreciation:	$255,900

Building Attributes	
Field	**Description**
Style	Antique
Model	Residential
Grade:	B+
Stories:	2
Occupancy	1
Exterior Wall 1	Clapboard
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	
Heat Fuel	Gas
Heat Type:	Radiant
AC Type:	None
Total Bedrooms:	3 Bedrooms
Total Bthrms:	1
Total Half Baths:	1
Total Xtra Fixtrs:	1
Total Rooms:	6
Bath Style:	Avg Quality
Kitchen Style:	Avg Quality
Kitchen Gr	
WB Fireplaces	0
Extra Openings	0
Metal Fireplaces	0
Extra Openings	0

Building Photo

(http://images.vgsi.com/photos2/PortsmouthNHPhotos//\00\00\8

Building Layout



(http://images.vgsi.com/photos2/PortsmouthNHPhotos//Sketches

Building Sub-Areas (sq ft)			Legend
Code	**Description**	**Gross Area**	**Living Area**
BAS	First Floor	794	794
FUS	Upper Story, Finished	752	752
FOP	Porch, Open	156	0
UAT	Attic	752	0
UBM	Basement, Unfinished	752	0
		3,206	1,546

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code	1010
Description	SINGLE FAM MDL-01
Zone	GRC
Neighborhood	105
Alt Land Appr	No
Category	

Land Line Valuation

Size (Acres)	0.08
Frontage	
Depth	
Assessed Value	$262,700
Appraised Value	$262,700

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	**Improvements**	**Land**	**Total**
2017	$255,900	$219,900	$475,800
2016	$249,000	$166,200	$415,200
2015	$255,300	$166,200	$421,500

Assessment			
Valuation Year	**Improvements**	**Land**	**Total**
2017	$255,900	$219,900	$475,800
2016	$249,000	$166,200	$415,200
2015	$255,300	$166,200	$421,500

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428 Hanover Street

Property Information

Property ID	0138-0007-0000
Location	428 HANOVER ST
Owner	LANE PAUL

EXHIBIT 4

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.

Parcels updated 01/04/2018
Properties updated 10/26/2018

EXHIBIT
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5

PROPOSED FRONT AERIAL VIEW

PROPOSED REAR AERIAL VIEW

428 Hanover Street - Zoning Overview

Property Information
Property ID 0138-0007-0000
Location 428 HANOVER ST
Owner LANE PAUL

EXHIBIT
tabbies
6

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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Parcels updated 01/04/2018
Properties updated 10/26/2018

October 30, 2018

City of Portsmouth
Zoning Board of Adjustment
1 Junkins Ave.
Portsmouth, NH 03801

To Whom It May Concern:

My name is Chris Fischer, president of the Captain Andrew Hussey House condominium association, located at 133 Islington Street. Our condominium is an abutter to Paul Lane's property, located at 428 Hanover Street. We are aware of Paul's intention to construct an addition to his house that would require variances pertaining to setbacks. We support the Zoning Board of Adjustment granting all required relief for this project.

Sincerely,

Chris Fischer
President, Captain Andrew Hussey House Condominium Association