

BY: VIEWPOINT & HAND DELIVERY

March 19, 2025

City of Portsmouth
Attn: Stefanie Casella, Planner
Zoning Board of Adjustment
1 Junkins Avenue
Portsmouth, NH 03801

**RE: Variance Application of Adam and Reagan Ruedig
70 Highland Street, Tax Map 134, Lot 27**

Dear Stefanie,

Please find the following submission materials in connection Adam and Reagan Ruedig's variance application for their property located at 70 Highland Street, Portsmouth.

- 1) Landowner Authorization Letter.
- 2) Narrative to Variance Application (including photos).
- 3) Existing and Proposed Conditions Plans.
- 4) Floor Plans and Elevations.
- 5) Abutter Letter of Support (Conrad).

One copy of the above application materials is being delivered to the Planning Department. Should you have any questions or concerns regarding the enclosed application materials, do not hesitate to contact me at your convenience.

Sincerely,



Derek R. Durbin, Esq.

LANDOWNER LETTER OF AUTHORIZATION

Adam Ruedig and Reagan Ruedig, record owners of property located at **70 Highland Street, Portsmouth NH**, identified on **Portsmouth Tax Map 134, as Lot 27** (the “Property”), hereby authorizes **Durbin Law Offices PLLC**, to file any building, zoning, planning or other municipal permit applications with the City of Portsmouth for said Property and to appear before its land use boards. This Letter of Authorization shall be valid until expressly revoked in writing.


Adam Ruedig (Feb 21, 2025 22:22 EST)

Adam Ruedig, Owner

Reagan Ruedig, Owner

LANDOWNER LETTER OF AUTHORIZATION

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Adam Ruedig, Owner

Reagan Ruedig

Reagan Ruedig, Owner

**CITY OF PORTSMOUTH
NARRATIVE
TO VARIANCE APPLICATION**

**Adam Ruedig and Reagan Ruedig
(Owners/Applicants)
70 Highland Street
Tax Map 134, Lot 27**

Introduction

Property

The Property at 70 Highland Street (the “Property”) is a 10,350 square foot (sq. ft.) improved lot that lies within the General Residence A (“GRA”) Zoning District. The Property contains a two and a half-story single-family home that the Ruedig family resides in.

Detached Garage

There is a detached one and a half story, two-car garage on the Property at the end of the existing driveway on the Property that the Ruedigs have primarily used for storage of bikes, lawn tools and outdoor equipment and accessories. The Ruedigs believe the garage was constructed in the 1930s.

The garage suffers from functional obsolescence. Due to the limited length and width of the building, it is a tight fit for many modern vehicles, which is the reason why the Ruedigs primarily use it for storage-related purposes. The garage also suffers from a significant degree of physical obsolescence. When the Ruedigs purchased the Property in 2013, there was a tree adjacent to the southwest corner of the garage. The tree had basically grown into the building. As a result, the foundation slab, wall and sill on the southern side of the garage rotted over time from the continuous moisture and water intrusion. The roof on the garage is also failing and needs to be replaced. It makes little economic or practical sense to try to save and renovate the garage rather than demolish and rebuild it. As such, the Ruedigs are seeking the variances necessary to demolish the existing garage and construct a new two-vehicle garage with a slightly larger footprint in its place. Because the existing garage is non-conforming with respect to the right and rear yard setbacks, the Ruedigs cannot build within or expand upon the footprint without obtaining dimensional variances from the Zoning Ordinance. They would like to expand upon the existing footprint to give them more length and space to fit their vehicles, which is the purpose behind the original design of the garage. The existing garage has a building footprint of 371 sq. ft. and a height of 14’. The proposed garage would have a building footprint of 639 sq. ft. and a height of 17’-11”.

In conjunction with the proposed garage, the Ruedigs intend to remove the existing asphalt driveway and install a pervious paver driveway in its place. This will reduce the total impervious surface coverage of the Property and be an aesthetic improvement over what exists.

Bulkhead

In addition to replacing the garage, the Ruedigs would like to rebuild an existing bulkhead that serves as access to the basement at the rear of the house. The bulkhead needs to be rebuilt to address water infiltration issues. The proposed bulkhead would be slightly larger than the existing feature to allow for a wider entry/exit point and staircase. This will make it easier for the Ruedigs to get items in and out of their basement. The existing bulkhead is 22 sq. ft whereas the proposed bulkhead would be 42 sq. ft.

While the proposed bulkhead will conform to the applicable building setbacks, the combination of the proposed garage and bulkhead will render the Property non-conforming with respect to building coverage, albeit by a very negligible amount.

Zoning Relief Summary

The Applicant seeks the following variances from the Board:

Article 10.521

- a) **Building Coverage:** To allow 25.7% (+/-) building coverage where 22.9% (+/-) exists and 25% is allowed;
- b) **Rear Yard Setback:** To allow for a 2'(+/-) rear yard setback where 2' exists and 20' is required.
- c) **Right Yard Setback:** To allow a 2' right yard setback where 10' is required and 2' exists.

Section 10.321: To allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance.

Variance Criteria

Granting the variances will not be contrary to the spirit and intent of the Zoning Ordinance or the public interest.

In the case of Chester Rod & Gun Club, Inc. v. Town of Chester, the Court noted that since the provisions of all ordinances represent a declaration of public interest, any variance will, in some measure, be contrary to the ordinance, but to be contrary to the public interest or injurious to public rights of others, "the variance must 'unduly, and in a marked degree' conflict with the ordinance such that it violates the ordinance's 'basic zoning objectives.'" Id. The Court observed that "[t]here are two methods of ascertaining whether granting a variance would violate an ordinance's basic zoning objectives: (1) examining whether granting the variance would alter the essential character of the neighborhood or, in the alternative; and (2) examining whether granting the variance would threaten the public health, safety, or welfare." Id.

A significant portion of the newly constructed garage expansion will comply with the right and rear yard setbacks. Those sections of the expanded garage that will not comply with the building setbacks are adjacent to open space on the abutting properties and will have little to no impact upon the light, air and space of those properties. It is important to point out that the proposed garage will not have any windows along the non-conforming aspects of the building. The existing garage has windows on all sides. The elimination of windows facing the affected neighboring properties will benefit the abutters and their privacy. The abutting landowners to the right (Conrads) wrote a letter of support for the variances after reviewing the Ruedigs plans. That letter has been included with the Ruedigs variance application.

The proposed location is the most logical area of the Property to construct the garage, as it is at the end of an already existing driveway cut. It would make little sense to try to construct a similar structure in any other location of the Property. The location and design of the proposed garage is also consistent with what exists on surrounding properties, as demonstrated by the photographs attached hereto as **Exhibit A**. There are numerous examples of similarly situated structures in the surrounding neighborhood. In fact, garages that fail to conform to the dimensional requirements of the Ordinance are the norm in the surrounding neighborhood rather than the exception.

The new garage and paver driveway result in an aesthetic improvement to the Property. The reduction in total impervious surface coverage on the Property will also benefit the neighbors and public, as it will allow more stormwater to drain into the ground as opposed to running off onto adjacent properties and the City storm drains. The City does not directly regulate impervious surface coverage on single-family residential properties.

The proposed garage and bulkhead expansions are reasonable in size and represent a minor increase in non-conformity that will be unnoticeable to anyone that is not intimately familiar with the Property.

For the foregoing reasons, granting the requested variances will not negatively alter the essential character of the neighborhood or otherwise constitute a detriment to the public's health, safety or welfare.

Substantial Justice will be done in granting the variances.

To determine whether substantial justice is done, the Board must balance the equities between the rights of a private landowner and the public interest in deciding whether to grant or deny a variance request. The "only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice." New Hampshire Office of State Planning, The Board of Adjustment in New Hampshire, A Handbook for Local Officials (1997); [*Malachy Glen Assocs., Inc. v. Town of Chichester*, 155 N.H. 102 \(2007\)](#).

There is no public interest served by denying the variances related to the garage and bulkhead expansions. It would constitute a loss to the Applicants, however, to deny a reasonable request to demolish and rebuild these structures in reasonable manner. Both structures are in poor condition structurally and are inadequately dimensioned to serve their intended purposes. In the present instance, the loss to the Ruedigs associated with denying the variances outweighs any perceived gain that would be realized by the public.

Surrounding property values will *not* be diminished by granting the requested variances.

The proposed improvements are consistent with other similar structures in the surrounding neighborhood and will benefit the Property aesthetically, environmentally and otherwise. The proposed garage is tastefully designed and is in keeping with the historic character of the existing structure. If anything, the surrounding property values will benefit from granting the variances.

Literal enforcement of the provisions of the Ordinance would result in an any unnecessary hardship.

The Property has special conditions that distinguish it from surrounding properties such that there is no fair and substantial relationship between the general purposes of the Ordinance provisions and their application to the Property.

The Property contains a non-conforming detached garage that encroaches into the rear and right yards setbacks. It cannot be reconstructed or reasonably expanded upon without obtaining variance relief. The existing bulkhead and garage were constructed before current zoning standards were adopted in Portsmouth. The garage was constructed long before modern vehicles existed. It could not be foreseen that vehicles would be as wide, tall and long as they currently are. While designed to fit two vehicles and store personal belongings, the garage is inadequately dimensioned to serve these purposes now. In order to reconstruct the garage and bulkhead to serve their intended purposes, dimensional variances are needed from current zoning standards.

The proposed use of the Property is reasonable. The existing and proposed uses of the Property are the same and are permitted by right in the GRA Zoning District. The proposed modifications to the Property will allow for more functional garage and bulkhead structures on the Property.

Conclusion

The five (5) criteria for granting each of the variances requested have been met for the reasons set forth above. The Ruedigs thank you for your time and consideration of their application and respectfully request your approval.

Respectfully Submitted

Dated: March 19, 2025

Adam and Reagan Ruedig


By: 
Derek R. Durbin, Esq.
DURBIN LAW OFFICES PLLC
144 Washington Street
Portsmouth, NH 03801
derek@durbinlawoffices.com

EXHIBIT A



**Front Elevation of Ruedig Home and Garage
70 Highland Street – TM 134-27**





Garage to be Demolished



Garage to be Demolished



**Abutting Property to Left
94 Highland Street - TM 134-26
(Garage/Shed Structure within Right Yard Setback)**



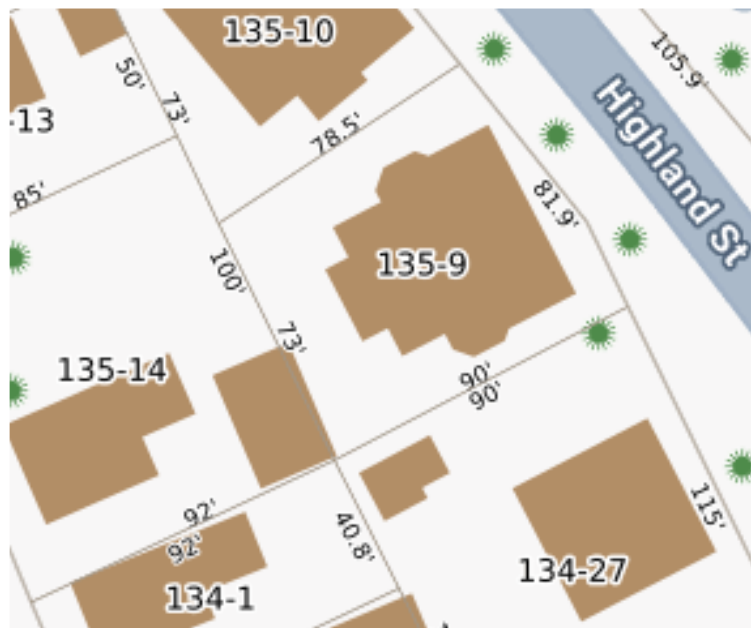


**112 Highland Street - TM 134-25
(Garage Structure in Right Yard Setback)**





**Abutting Property to Right
52 Highland Street – TM 135-9**



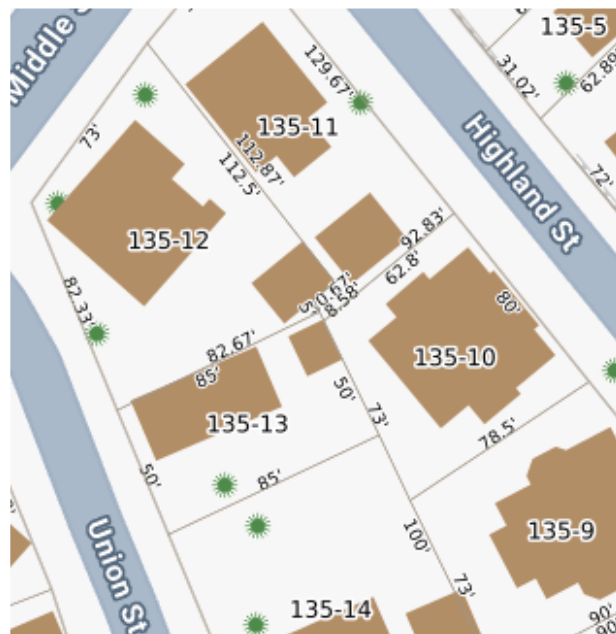


**Abutting Property to Rear Left (343 Union Street, TM 134-3)
(Garage/Barn Structure in Right Yard Setback)**





**34 Highland Street – TM 135-10 & 461 Middle Street - TM 135-11
(Garage in Side Yard Setback)**



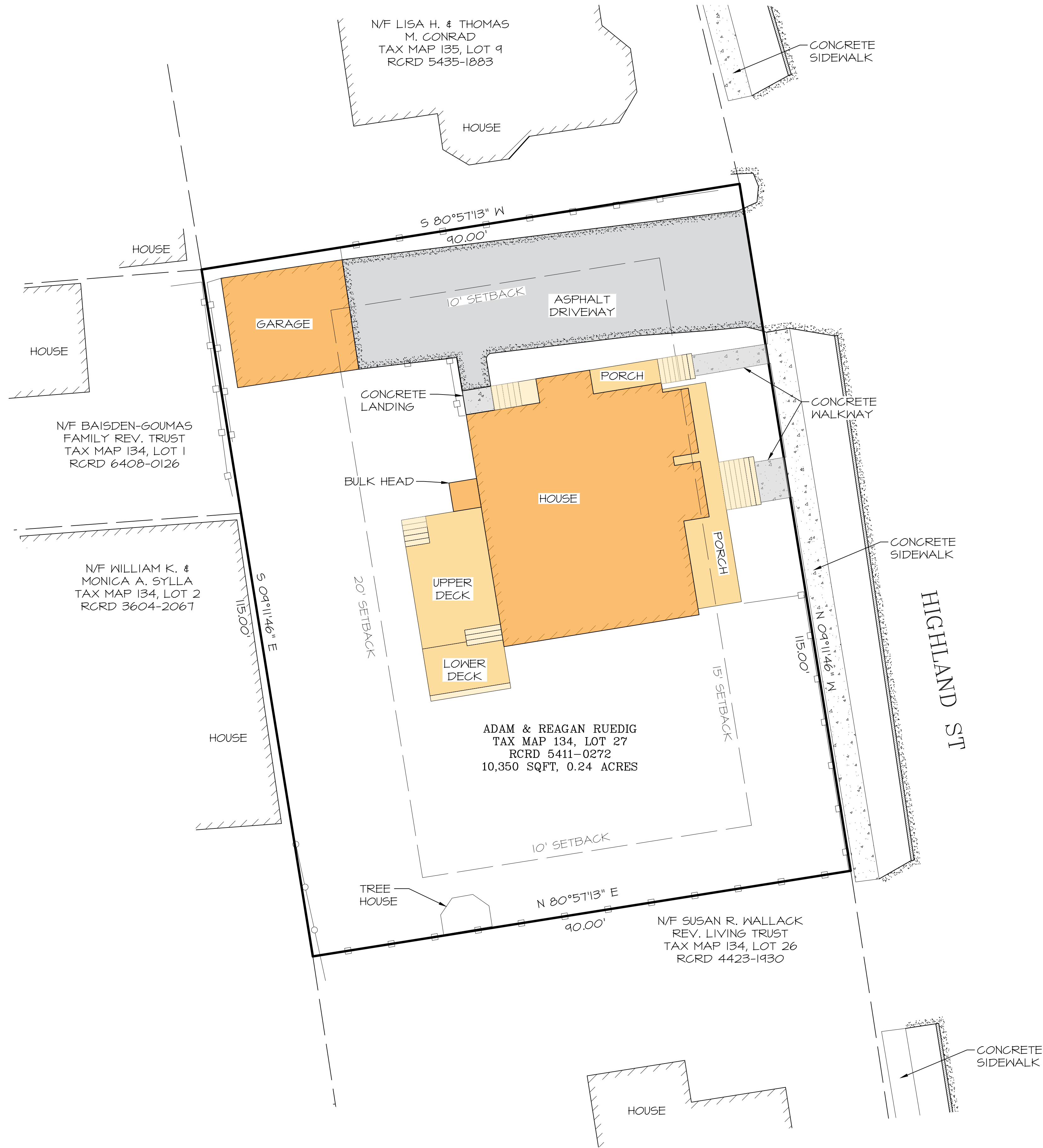


**(393 Union Street – TM 134-7 & 407 Union Street – TM 134-8)
(Garage Structures in Side Yard Setbacks)**





SEE NOTE 2



LEGEND

- CHAIN LINK FENCE
- WOODEN FENCE
- VERTICAL GRANITE CURB



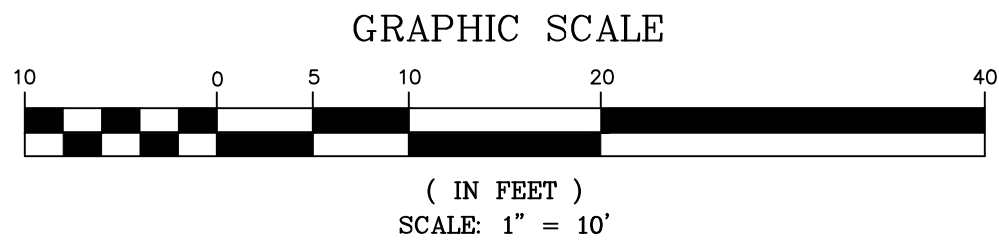
LOCUS PLAN N.T.S.

NOTES

- OWNER OF RECORD:
ADAM & REAGAN RUEDIG
TAX MAP 134, LOT 27
70 HIGHLAND ST
PORTSMOUTH, NH 03801
RCRD: 5411-0272
AREA: 10,350 SF, 0.24 ACRES
- BASIS OF BEARING HELD FROM PLAN REFERENCE #1.
- PARCEL IS IN GENERAL RESIDENCE A ZONE (GRA):
MINIMUM LOT AREA.....7,500 SF
MIN. LOT AREA PER DWELLING UNIT.....7,500 SF
MINIMUM FRONTAGE.....100 FT
MINIMUM DEPTH.....70 FT
SETBACKS:
FRONT.....15 FT
SIDE.....10 FT
REAR.....20 FT
MAXIMUM BUILDING HEIGHT:
SLOPED ROOF.....35 FT
FLAT ROOF.....30 FT
MAXIMUM BUILDING COVERAGE.....25%
MINIMUM OPEN SPACE.....30%
- THE PARCEL IS NOT WITHIN A FEMA FLOOD ZONE, AS PER FLOOD INSURANCE RATE MAP #33015C0254F, PANEL 254 OF 681, DATED JANUARY 29, 2021. VERTICAL DATUM IS NAVD 1988.

REFERENCE PLANS

- "PLAN OF LAND DAVID & SUE ALLEN 383 UNION ST PORTSMOUTH, N.H." BY AMBIT SURVEY CIVIL ENGINEERS & LAND SURVEYORS, DATED JUNE 1995, NOT RECORDED.
- "PLAN OF LAND ESTATE OF GEORGE B. WARD PORTSMOUTH, N.H." BY JOHN W. DURGIN CIVIL ENGINEERS, DATED DECEMBER 1974. RCRD D-4932



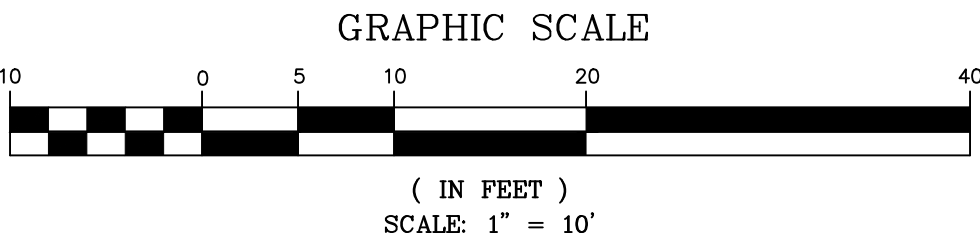
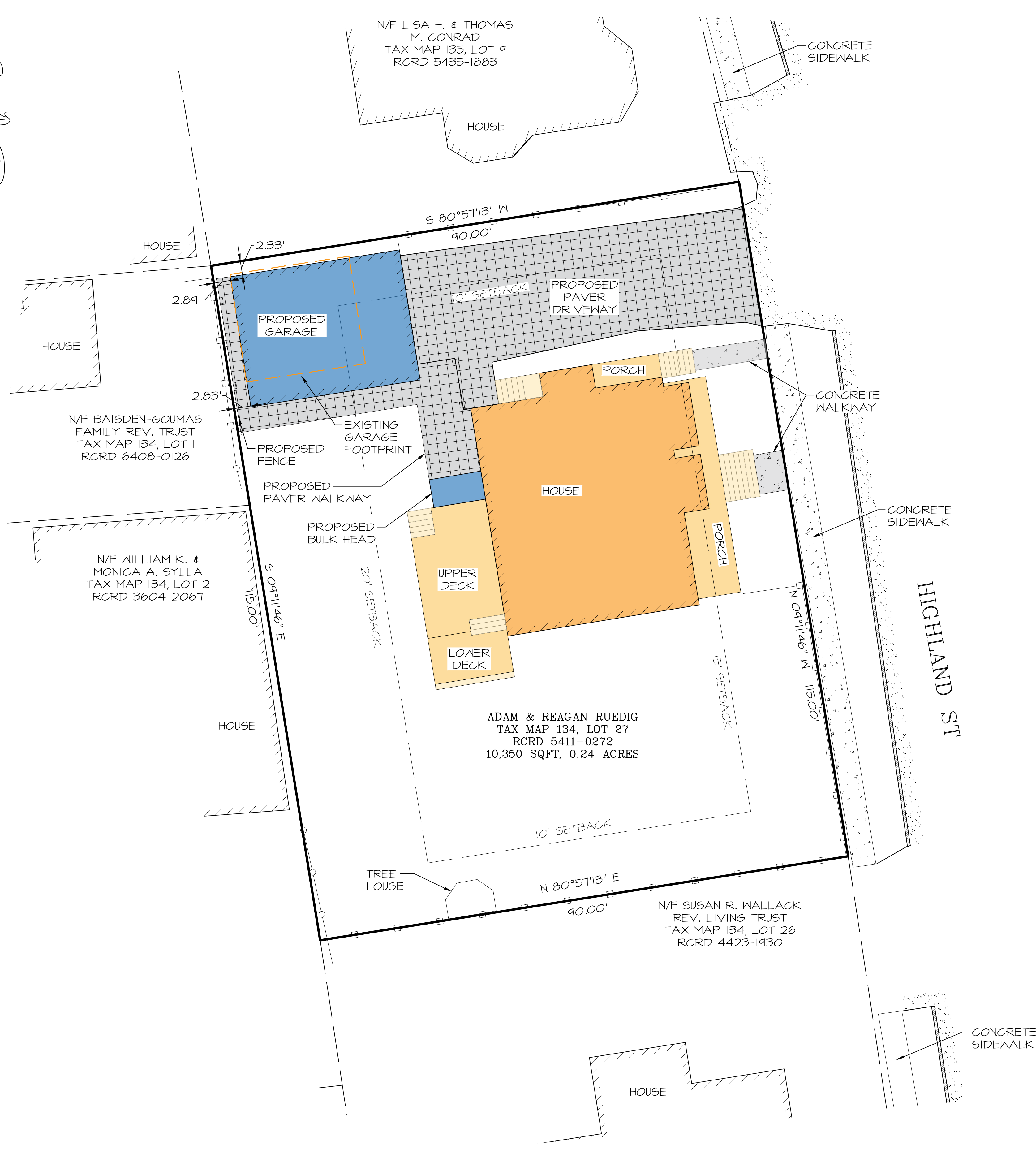
1	1/30/2025	PRELIMINARY	
ISS.	DATE	DESCRIPTION OF ISSUE	
SCALE	1" = 10'		
CHECKED	A.ROSS		
DRAWN	D.D.D.		
ROSS ENGINEERING, LLC Civil/Structural Engineering & Surveying 909 Islington St. Portsmouth, NH 03801 (603) 433-7560			
CLIENT MATT BEEBE 81 LINCOLN ST. PORTSMOUTH, NH 03801			
TITLE EXISTING CONDITIONS PLAN 70 HIGHLAND ST. PORTSMOUTH, NH 03801 TAX MAP 134, LOT 27			
JOB NUMBER	DWG. NO.	ISSUE	
24-066	1 OF 2	2	

LEGEND

- CHAIN LINK FENCE
- WOODEN FENCE
- VERTICAL GRANITE CURB

NOTES

- 1) OWNER OF RECORD:
ADAM & REAGAN RUEDIG
TAX MAP 134, LOT 27
TO HIGHLAND ST
PORTSMOUTH, NH 03801
RCRD: 5411-0212
AREA: 10,350 SF, 0.24 ACRES
- 2) PARCEL IS IN GENERAL RESIDENCE A ZONE (GRA):
MINIMUM LOT AREA.....7,500 SF
MIN. LOT AREA PER DWELLING UNIT.....7,500 SF
MINIMUM FRONTAGE.....100 FT
MINIMUM DEPTH.....70 FT
SETBACKS:
FRONT.....15 FT
SIDE.....10 FT
REAR.....20 FT
MAXIMUM BUILDING HEIGHT:
SLOPED ROOF.....35 FT
FLAT ROOF.....30 FT
MAXIMUM BUILDING COVERAGE.....25%
MINIMUM OPEN SPACE.....30%
- 3) BUILDING COVERAGE:
EXISTING:
HOUSE.....1,390 SF
GARAGE.....371 SF
PORCHES.....226 SF
DECKS & LANDINGS > 18".....271 SF
BULKHEAD.....22 SF
STAIRS > 18".....88 SF
TOTAL.....2,368 SF
COVERAGE = 2368 / 10350 = 22.9%
- PROPOSED:
HOUSE.....1,390 SF
GARAGE.....639 SF
PORCHES.....226 SF
DECKS & LANDINGS > 18".....271 SF
BULKHEAD.....42 SF
STAIRS > 18".....88 SF
TOTAL.....2,656 SF
COVERAGE = 2656 / 10350 = 25.7%
- 4) OPEN SPACE:
EXISTING:
BUILDING COVERAGE.....2368 SF
STAIRS < 18".....47 SF
DECK < 18".....101 SF
CONCRETE LANDING & WALKWAY.....93 SF
ASPHALT.....1,269 SF
TOTAL.....3,878 SF
OPEN SPACE = 10350 - 3878 = 6472
OPEN SPACE = 6472 / 10350 = 62.5%
- PROPOSED:
BUILDING COVERAGE.....2656 SF
STAIRS < 18".....47 SF
DECK < 18".....101 SF
CONCRETE WALKWAY & LANDING.....74 SF
PERVIOUS PAVERS.....1,478 SF
TOTAL.....4,356 SF
OPEN SPACE = 10350 - 4356 = 5994
OPEN SPACE = 5994 / 10350 = 57.9%



1	1/30/2025	PRELIMINARY	
ISS.	DATE	DESCRIPTION OF ISSUE	
SCALE	1" = 10'		
CHECKED	A.ROSS		
DRAWN	W.D.P		
ROSS ENGINEERING, LLC Civil/Structural Engineering & Surveying 909 Islington St. Portsmouth, NH 03801 (603) 433-7560			
CLIENT MATT BEEBE 81 LINCOLN ST. PORTSMOUTH, NH 03801			
TITLE SITE PLAN 70 HIGHLAND ST. PORTSMOUTH, NH 03801 TAX MAP 134, LOT 27			
JOB NUMBER	DWG. NO.	ISSUE	
24-066	2 OF 2	2	

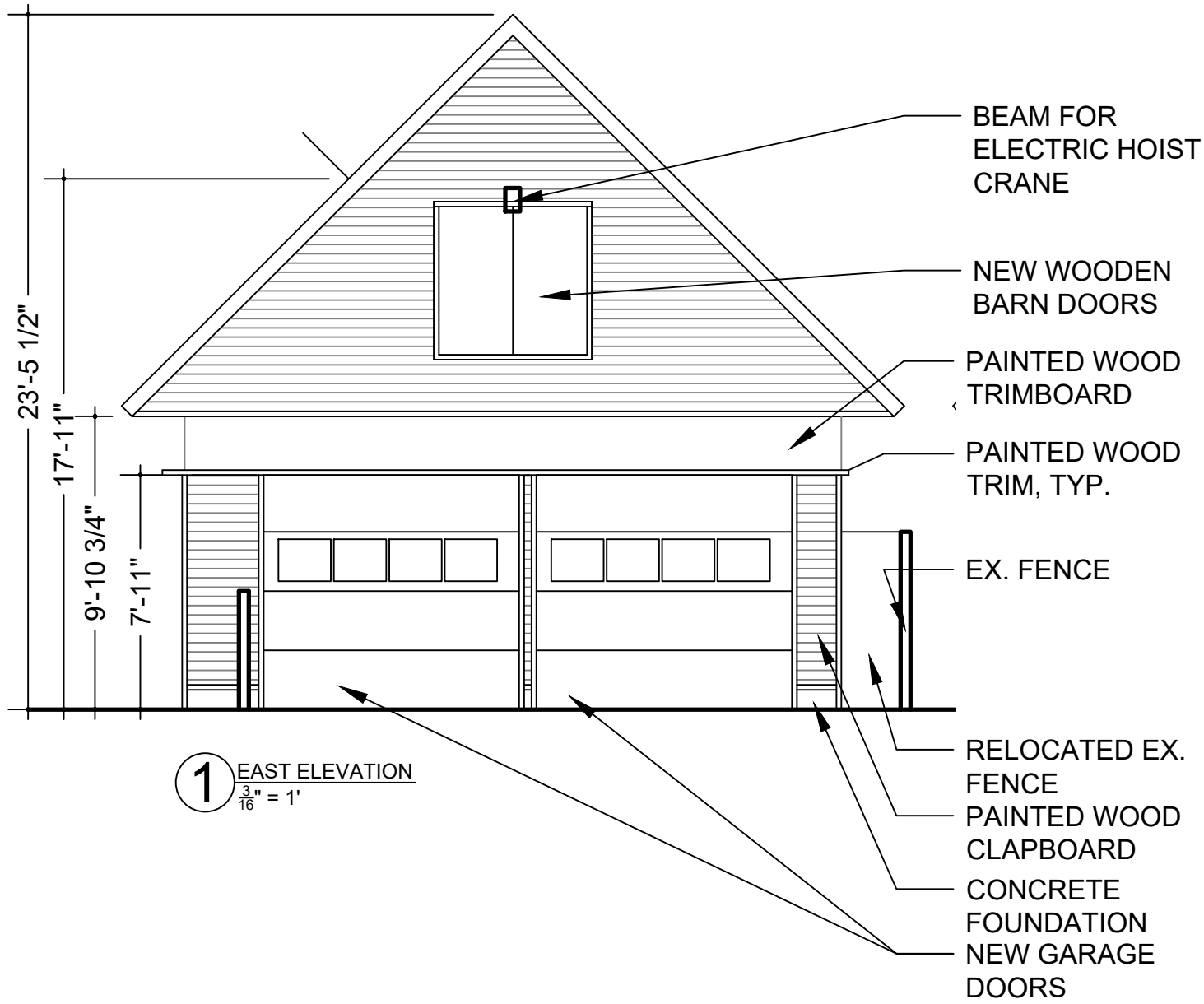
70 HIGHLAND

11.19.24
DRAFT

ELEVATIONS

GARAGE

A300



70 HIGHLAND

11.19.24
DRAFT

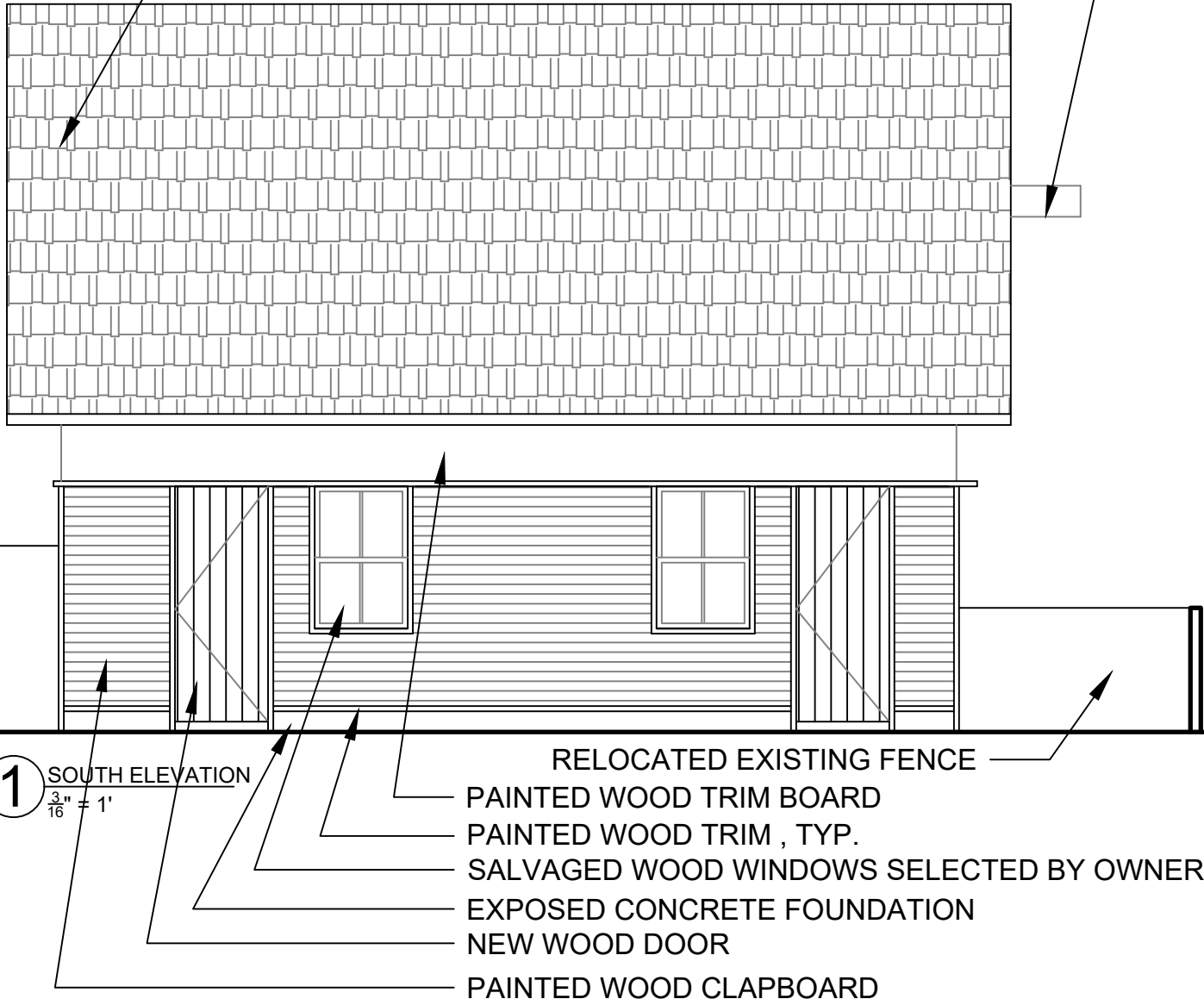
ELEVATIONS

GARAGE

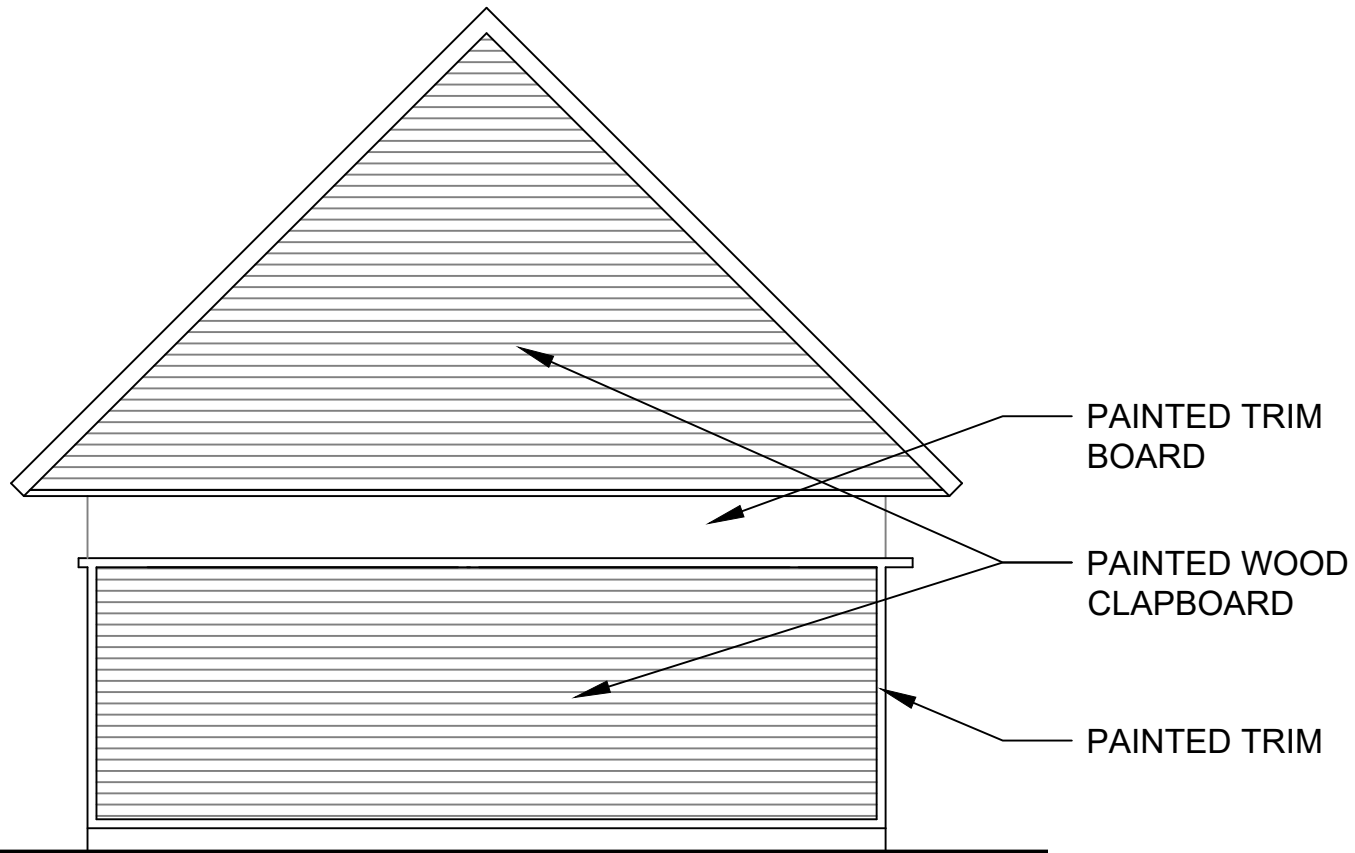
A301

ASPHALT SHINGLE ROOF TO MATCH HOUSE

BEAM FOR ELECTRIC HOIST CRANE



70 HIGHLAND



1 WEST ELEVATION
 $\frac{3}{16}'' = 1'$

11.19.24
DRAFT

ELEVATIONS

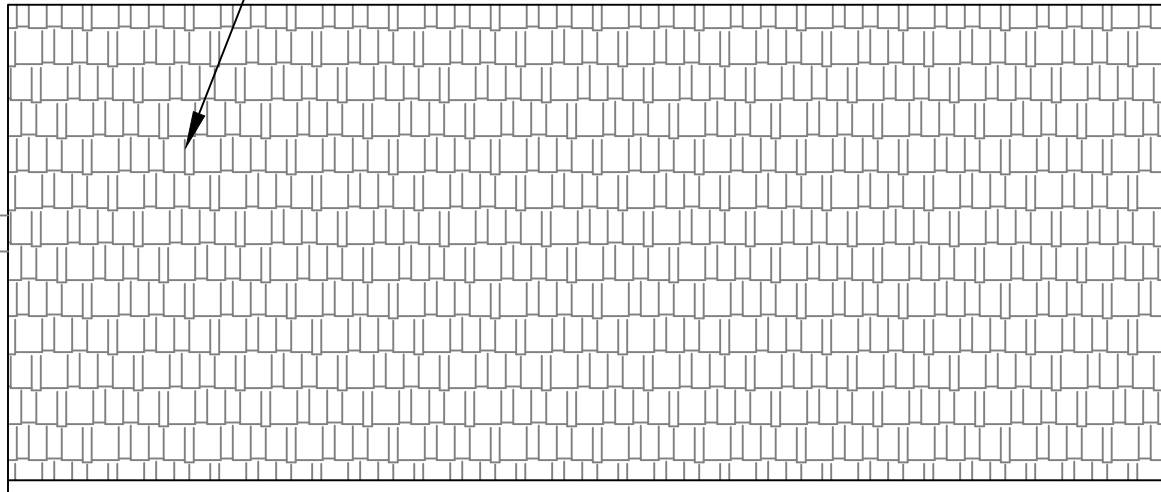
GARAGE

A302

70 HIGHLAND

BEAM FOR ELECTRIC HOIST CRANE

ASPHALT SHINGLES TO MATCH HOUSE ROOF



11.19.24
DRAFT

ELEVATIONS

GARAGE

A303

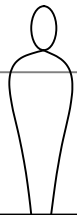
PAINTED TRIM BOARD

PAINTED WOOD TRIM

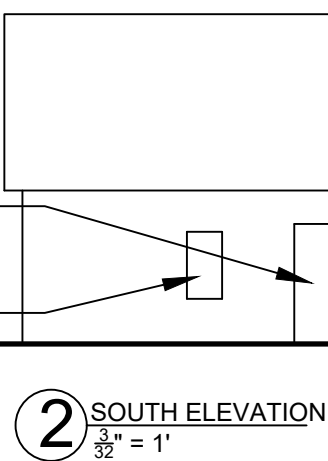
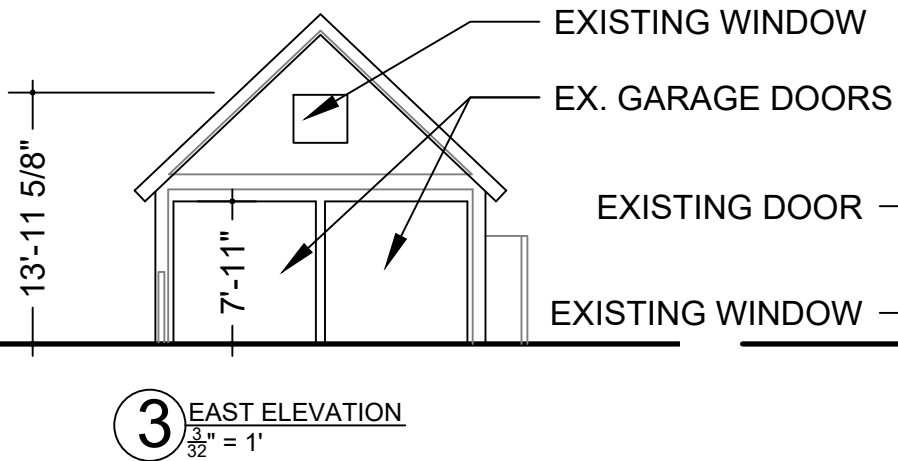
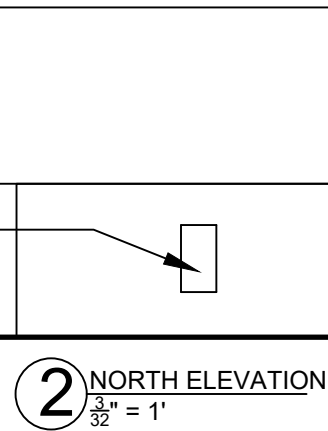
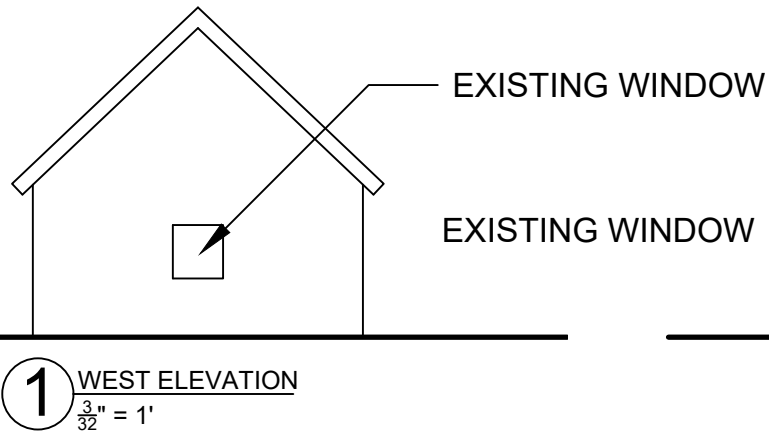
PAINTED WOOD CLAPBOARD

EXPOSED CONCRETE FOUNDATION

1 NORTH ELEVATION
 $\frac{3}{16}" = 1'$



70 HIGHLAND



03.18.25
DRAFT

EX. ELEVATIONS

GARAGE

E300

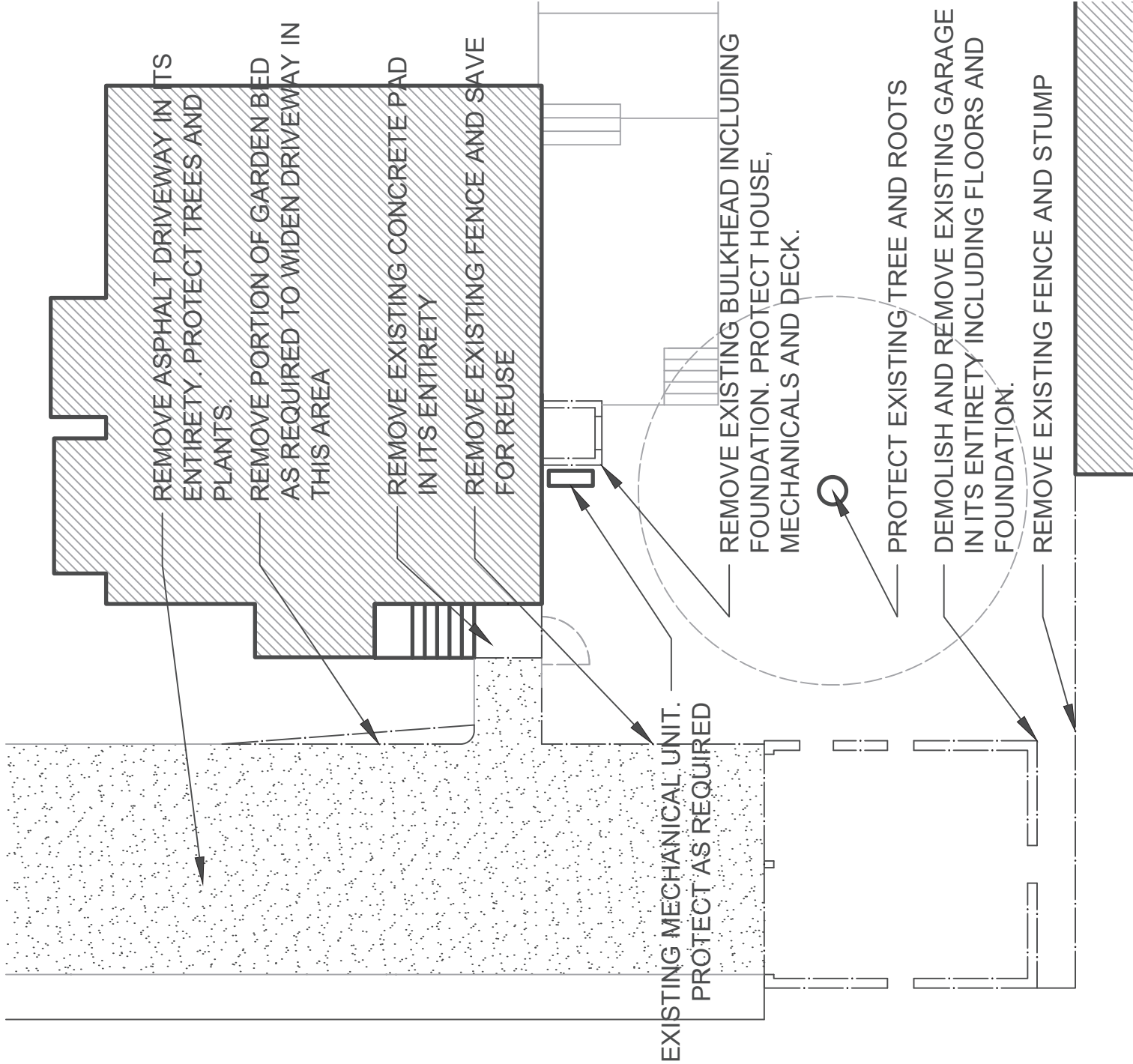
70 HIGHLAND

11.19.24
DRAFT

DEMOLITION

GARAGE

D100



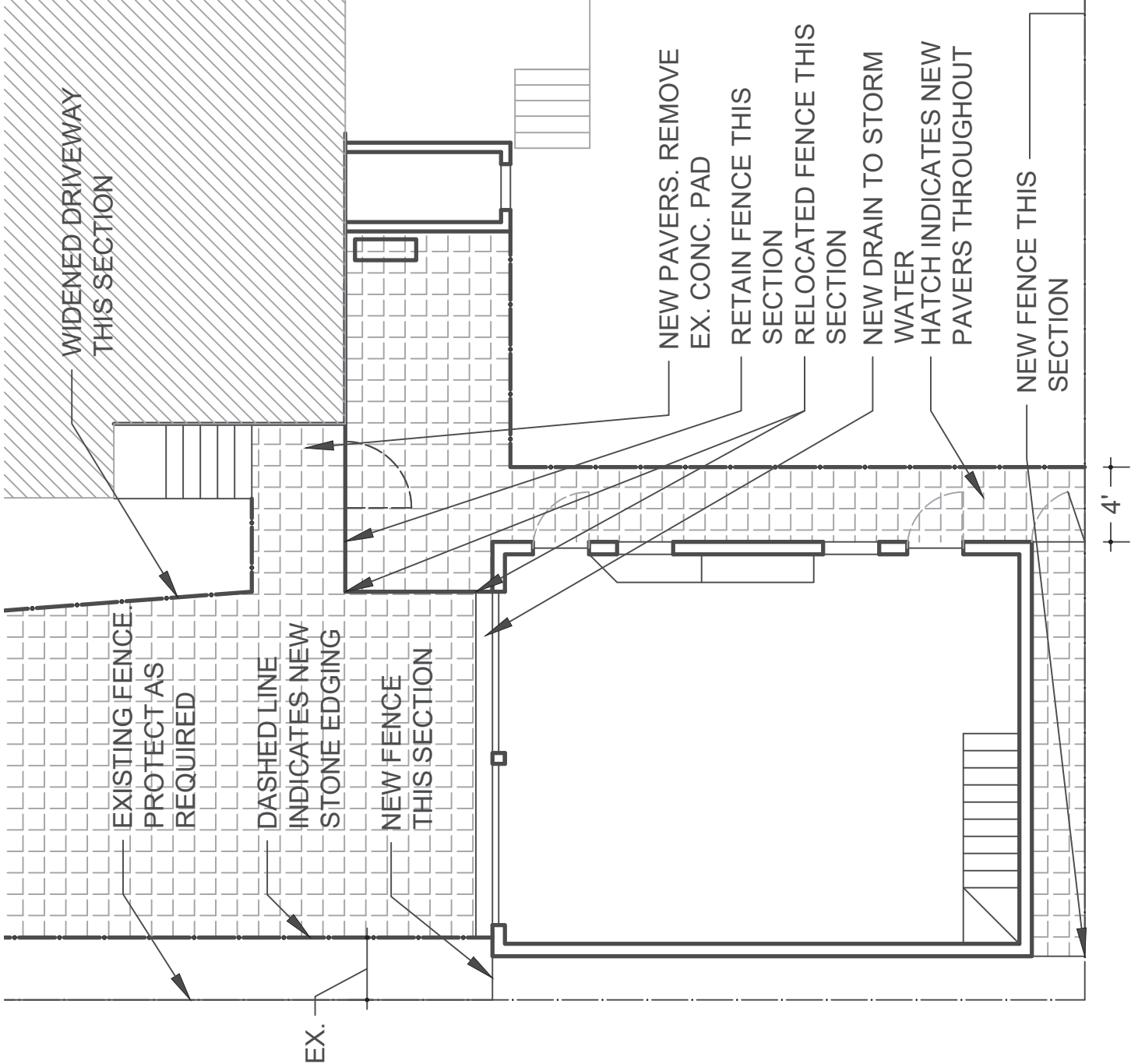
70 HIGHLAND

11.19.24
DRAFT

SKETCH

GARAGE

A100



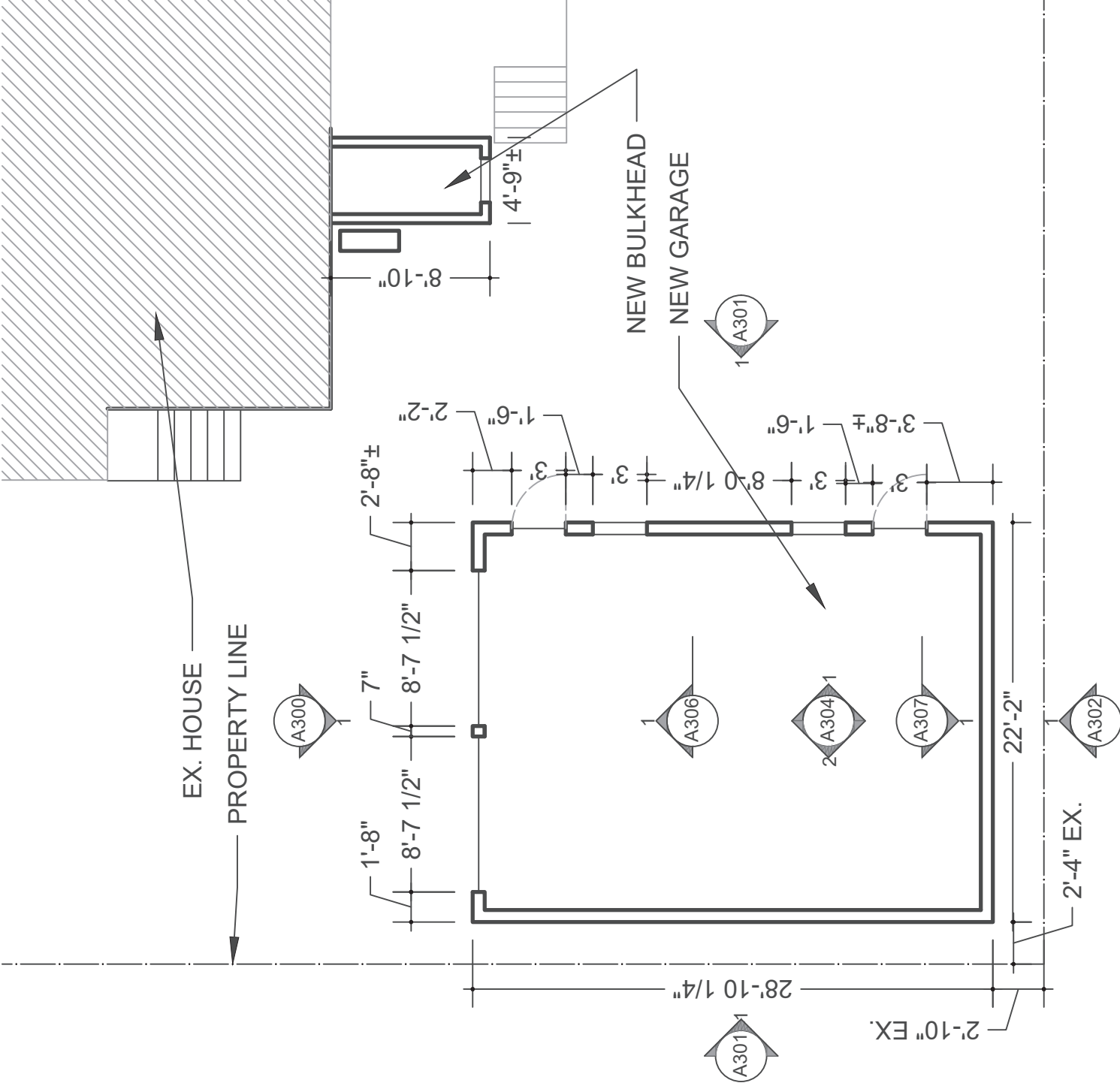
70 HIGHLAND

11.19.24
DRAFT

DIM. PLAN

GARAGE

A100



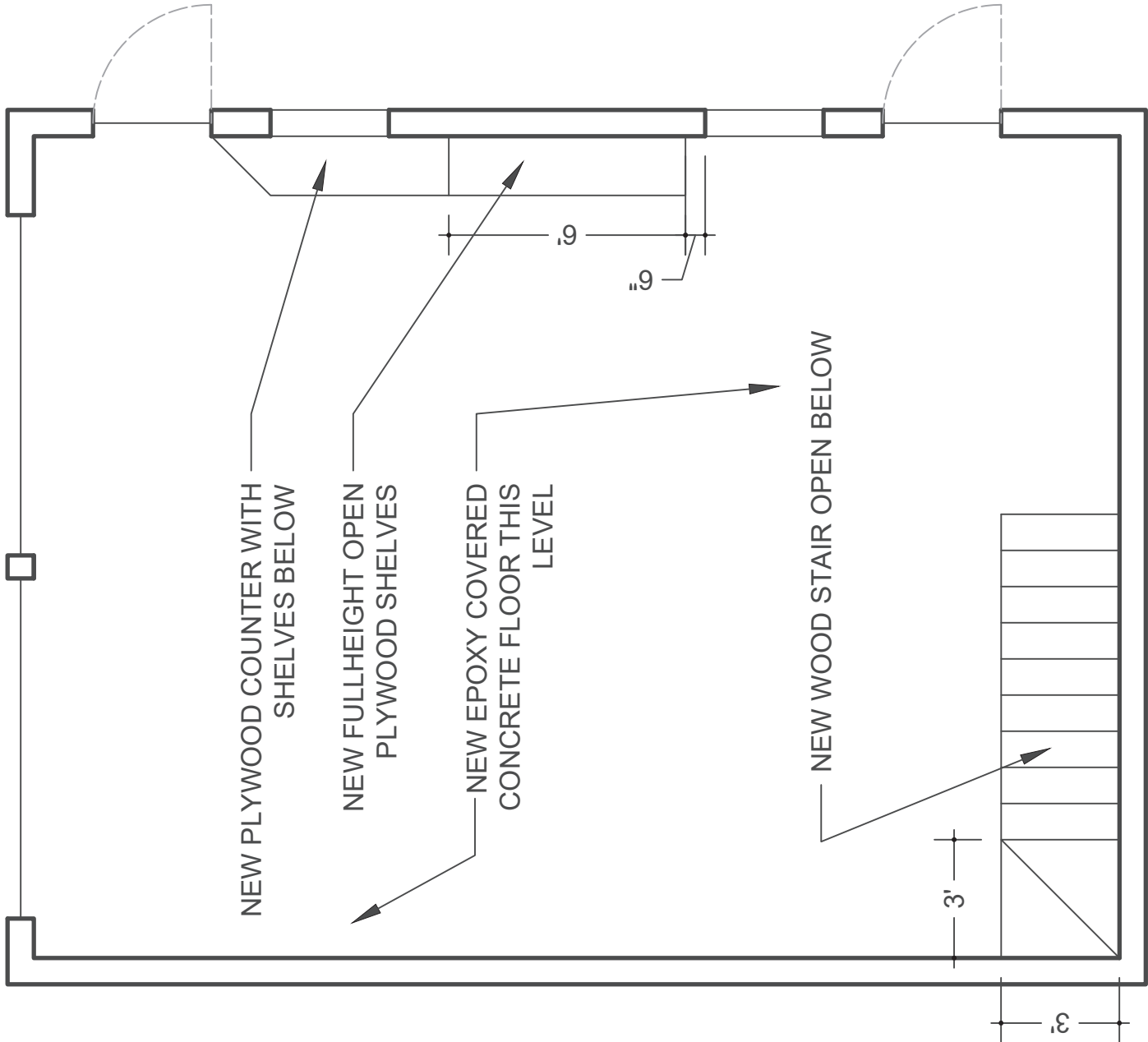
70 HIGHLAND

11.19.24
DRAFT

DETAIL PLAN

GARAGE

A200



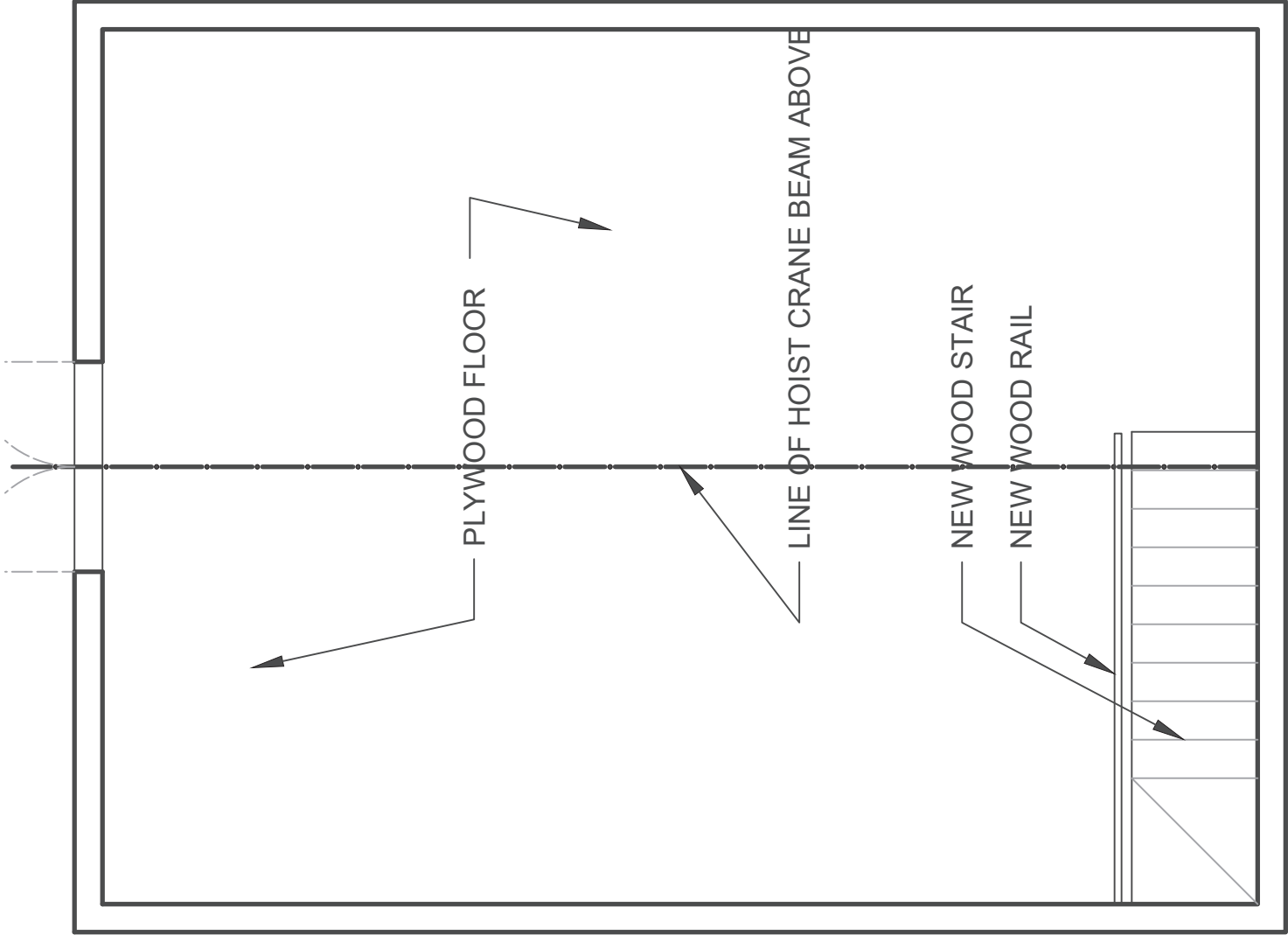
70 HIGHLAND

11.19.24
DRAFT

SECOND FL.

GARAGE

A201



March 18, 2025

To: The Portsmouth Zoning Board of Adjustment,

We are the abutting neighbors of Reagan and Adam Ruedig who reside at 70 Highland Street. We have reviewed their plans for renovation of their garage. We approve them and have no reservations for their project.

Sincerely,

Lisa and Tom Conrad

52/ 54 Highland Street