

APPLICATION OF ZACHERY LEAVITT
0 ISLINGTON ST, PORTSMOUTH
Map 233, Lot 7-1

APPLICANTS' NARRATIVE

The Applicant, Zachery Leavitt, is seeking variances to construct a home on Map 233 Lot 7-1, which is owned by Jeremy Conte. The applicant has a Purchase and Sale agreement for the property.

THE PROPERTY

The Property is 5,222 sq ft in size and located in the SRB district. The lot presently has 2 connected dilapidated shed/garage structures which are to be removed. Both of these structures are non conforming as to rear and side yards. There is an existing paved driveway along the right side of the lot which will remain. The existing lot is non conforming as to lot size and frontage. The lot was originally shown on a plan dating back to 1899, but was involuntarily merged by the City with the adjacent Lot 233-7. On September 22, 2020 the City Council voted to unmerge the 2 lots which created Map 233 Lot 7-1. The applicant is seeking variances from Article 3 Section 10.311 for minimum lot size and street frontage.

THE PROPOSAL

The applicant proposes to build a 28' x 35' single family home on the lot which would meet the front side and rear yard setback requirements. The proposed front yard set back of 23.2 ' exceeds the average front setback of the lots along Islington Street within 200 feet, which is 18.7 feet, and thus pursuant to 10.516.10 the proposed front yard setback would be conforming. Proposed building coverage after removal of the existing structures would be 18.7% where 20% is the maximum allowed. Open Space on the lot would be 61% where 40% is required. The building height of 31' 10" is less than the 35' allowed. In short, all requirements of the Zoning ordinance are met, with the exception of lot size and frontage.

VARIANCE CRITERIA

The applicants request for variances meets the 5 criteria required for the Board to grant the variances.

Granting the variances will not substantially alter the characteristics of the neighborhood nor will public health safety or welfare be threatened. As can be seen from The tax maps of the area, most lots along Islington Street in the area of the applicant's

proposal are much less than the required 15,000 sq. ft, and most have less than 100 feet of frontage. The same is true for the neighborhood behind the site, Sheffield Road, Melbourne Street, and Essex Avenue which are all part of much earlier subdivisions, approved prior to today's zoning requirements. As such **granting the variances will not be contrary to the spirit and intent of the ordinance, nor will it be contrary to the public interest.**

Granting of the requested variances will not result in any diminution of surrounding property values. A new home as depicted on the proposed plans would be an improvement over what presently exists. There will be no setback non conformities and the proposed home is in keeping with neighborhood architecture.

Substantial justice will be done by granting the variances. The hardship upon the applicant, were the variances to be denied, is not outweighed by any benefit to the general public. The hardship upon the owner and applicant is that the lot is unbuildable without variances for lot size and frontage being granted. There is no benefit to the public in denying the requested variance.

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

Owing to the unique and special conditions of this property, it can be distinguished from other properties in the area. It is essentially a vacant lot which has existed for 120 plus years and which preceded zoning. The lot was then merged with the abutting lot by the City and has now been unmerged.

The proposed use is reasonable an in keeping with surrounding properties.

There is no fair and substantial relationship between the general public purposes of the Ordinance as they relate to this particular piece of property, given the history of the lot vis a vis the zoning ordinance.

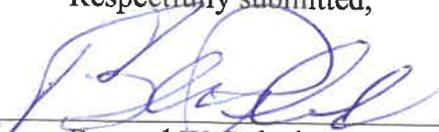
CONCLUSION

In conclusion, the requested variances should be granted as presented.

June 29, 2021

Respectfully submitted,

By:


Bernard W. Pelech, Esquire

BOSEN & ASSOCIATES, P.L.L.C.
ATTORNEYS AT LAW

April 21, 2020

Mayor Richard Becksted and
City Council Members
City Hall
1 Junkins Avenue
Portsmouth, NH 03801

John K. Bosen
Admitted in NH & MA

Christopher P. Mulligan
Admitted in NH & ME

Molly C. Ferrara
Admitted in NH & ME

Bernard W. Pelech
Admitted in NH & ME

RE: Unmerger of Lots
1240 Islington Street, Portsmouth, NH
Tax Map 233, Lot 7

Dear Mayor Becksted and City Councilors:

This office represents Jeremy Conte, owner of the property at 1240 Islington Street.

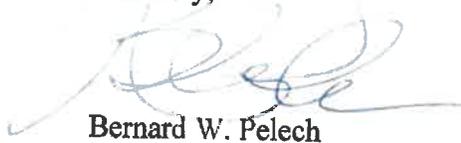
On behalf of Mr. Conte I would respectfully request that the two lots which he acquired on December 19, 2019 be unmerged pursuant to NH RSA 674:39 aa, as they were involuntarily merged by the City of Portsmouth prior to September 18, 2010.

Enclosed herewith are all deeds for the two lots from 1899 to the present. Also enclosed is the recorded Sugden Brothers Plan from 1899 showing the two lots (14 + 16) which are presently owned by Mr. Conte.

My extensive research reveals that there has been no voluntary merger of these two lots by Mr. Conte or any of his predecessors in title.

As such it is requested that the two lots presently shown on Lot 7 on Tax Map 233 be unmerged as the requirements for unmerger set forth in NH RSA 674:39 aa are met.

Sincerely,



Bernard W. Pelech

BWP/sdm
Enclosures

CC: Juliet Walker, Portsmouth City Planner
Robert Sullivan, Portsmouth City Attorney

69100

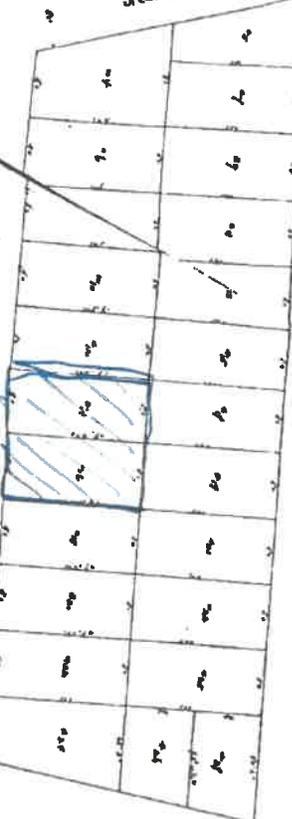


Spring Hill

How Street

Islington Street

How Street



How Street

Islington Street

How Street



Section 1



Public Road

00169 1 of 2



Property information

Property ID 0233-0007-0000
Location 1240 ISLINGTON ST
Owner CONTE JEREMY JAMES



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

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Geometry updated 4/1/2019
Data updated 7/17/2019

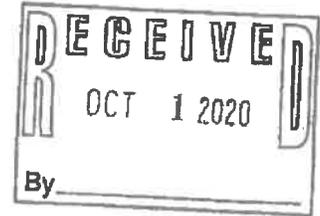


COPY

CITY OF PORTSMOUTH

City Hall, One Junkins Avenue
Portsmouth, New Hampshire 03801
kconard@cityofportsmouth.com
(603) 610-7201

Karen S. Conard
City Manager



September 28, 2020

Jeremy Conte
1240 Islington St.
Portsmouth, NH 03801

RE: Restoration of Involuntarily Merged Lots
1240 Islington St. (formerly lots 14 & 16)
Assessors Map 233, Lot 7

Dear Mr. Conte:

The City Council considered your request dated April 21, 2020 to restore the lots referenced above to their premerger status, and voted on September 22, 2020 to grant the request. The City will update all zoning and tax maps to identify the premerger boundaries of said lots or parcels as recorded at the Rockingham County Registry of Deeds.

NOTE: The restoration of these lots to their premerger status shall not be deemed to cure any non-conformity with the City's Zoning Ordinance or other existing local land use ordinances. Any development or redevelopment of either lot shall conform to land use ordinances unless relief has been granted in accordance with such ordinances and State law.

Sincerely,

Karen S. Conard
City Manager

cc: Rosann Maurice-Lentz, Assessor
James McCarty, GIS Coordinator
Bernard W. Pelech, Bosen & Associates, PLLC

REFERENCE PLANS:

- 1) PLAN OF HOUSE LOTS SUGDEN BROS. OWNERS SCALE: 1" = 40'; NOT DATED.
RECORDED R.C.P.D. PLAN 00169.

NOTES:

- 1) OWNER OF RECORD: JAMES GAYNE
1240 ISLINGTON STREET
PORTSMOUTH, NEW HAMPSHIRE 03801
S.C.A.D. VOLUME 6885, PAGE 1433
[SMB / 7-1] - DENOTES TAX MAP AND PARCEL NUMBER.
- 2) PARCEL AREA = 5,225 S.F. / 0.12 AC.
PARCEL IS NONCONFORMING IN BOTH AREA AND STREET FRONTAGE
- 3) THE INTENT OF THIS PLAN IS TO DEPICT A PROPOSED SINGLE FAMILY HOUSE AND GARAGE. A VARIANCE APPLICATION FOR RELIEF OF SETBACK REQUIREMENTS, THE MINIMUM FRONT, SIDE AND REAR SETBACKS ARE LESS THAN WHAT IS REQUIRED IN THE SBB ZONE.
- 4) ZONING DISTRICT: SBB - SINGLE RESIDENCE B
MINIMUM LOT DIMENSIONS:
- 15,000 S.F.
- 100 FEET
CONTINUOUS STREET FRONTAGE
MINIMUM YARD DIMENSIONS:
- 30 FEET
- 30 FEET
- 30 FEET
MAXIMUM STRUCTURE DIMENSION:
- 35 FEET
- 35 FEET
- 35 FEET
ROOF APPEARANCE HEIGHT:
- 8 FEET
- 20 PERCENT
BUILDING COVERAGE:
- 40 PERCENT
MINIMUM OPEN SPACE:
- 40 PERCENT
- 5) THE SUBJECT PARCEL IS LOCATED OUTSIDE OF THE 0.2 PERCENT ANNUAL CHANCE FLOOD ZONE PANEL 0209F, SUFFOLK COUNTY, NEW HAMPSHIRE COMMUNITY DEVELOPMENT AND PLANNING DEPARTMENT, MAP NUMBER: 2001020209F, EFFECTIVE DATE: JANUARY 28, 2021.
- 6) BASIS OF BEARING IS NH STATE PLANE (NAD83) BASED ON GPS OBSERVATION DATED MAY 11, 2021.
- 7) VERTICAL DATUM IS NH STATE PLANE (NAD83) BASED ON GPS OBSERVATION DATED MAY 11, 2021.
- 8) THIS PLAN SHOWS ONLY THOSE FEATURES THAT WERE VISUALLY APPARENT ON THE DATE OF THE SURVEY, THE ABSENCE OF SUBSURFACE FEATURES, SUCH AS UTILITY LINES, ETC. FROM THIS PLAN, BUT IN EXISTENCE, IS NOT INTENDED OR IMPLIED.

VARIANCE PLAN
PREPARED FOR
ZACHERY LEAVITT
TAX MAP 233, LOT No. 7-1
ISLINGTON STREET
CITY OF PORTSMOUTH
STATE OF NEW HAMPSHIRE

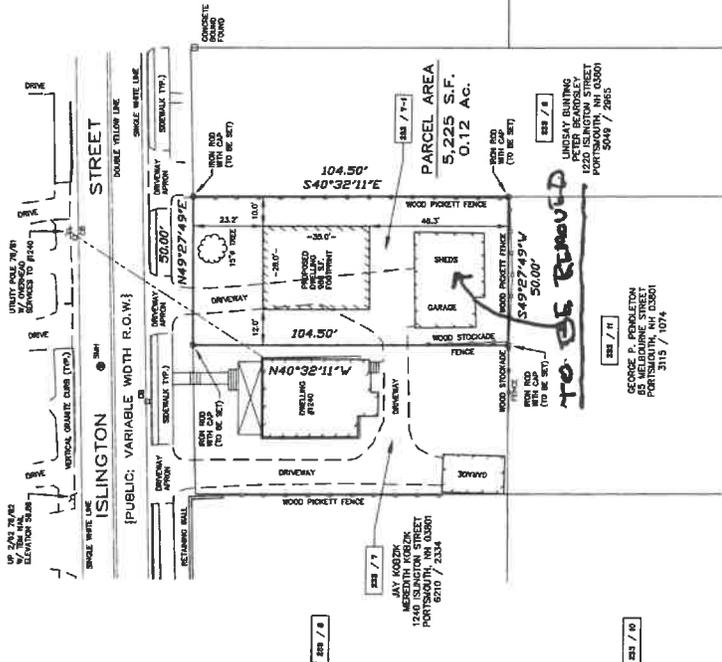
DRAWN BY: RJM
SCALE: 1" = 20'
DATE: JAN. 13, 2021

I, HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL GROUND SURVEY CONDUCTED WITH A TOTAL STATION, BY ME OR THOSE DIRECTLY EMPLOYED BY ME, AND THAT THE SURVEY MEASUREMENTS AND CALCULATIONS EXCEED THE MINIMUM PRECISION REQUIREMENTS FOR SURVEY CLASSIFICATION "A" AS SET FORTH IN THE NH STATE ENGINEERING AND SURVEYING STATUTES AND ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS.

[SMB / 136]
CHRISTOPHER J. ZARUBKA
FRANK F. ZARUBKA
1223 ISLINGTON STREET
PORTSMOUTH, NH 03801
800 / 228

[SMB / 134]
ISLINGTON FLAT TRUST
EVERARD E. HATCH, TRUSTEE
1223 ISLINGTON STREET
PORTSMOUTH, NH 03801
8145 / 2132

[SMB / 138]
ISLINGTON STREET REALTY TRUST
JAMES & MARY GRALTON, TRUSTEES
150 WASHINGTON STREET
QUINCY, MA 02170



[SMB / 7]
JAY MOZIK
ROBERT MOZIK
1240 ISLINGTON STREET
PORTSMOUTH, NH 03801
6010 / 2334

[SMB / 8]
GEORGE P. FROBENIUS
1220 ISLINGTON STREET
PORTSMOUTH, NH 03801
3115 / 1074

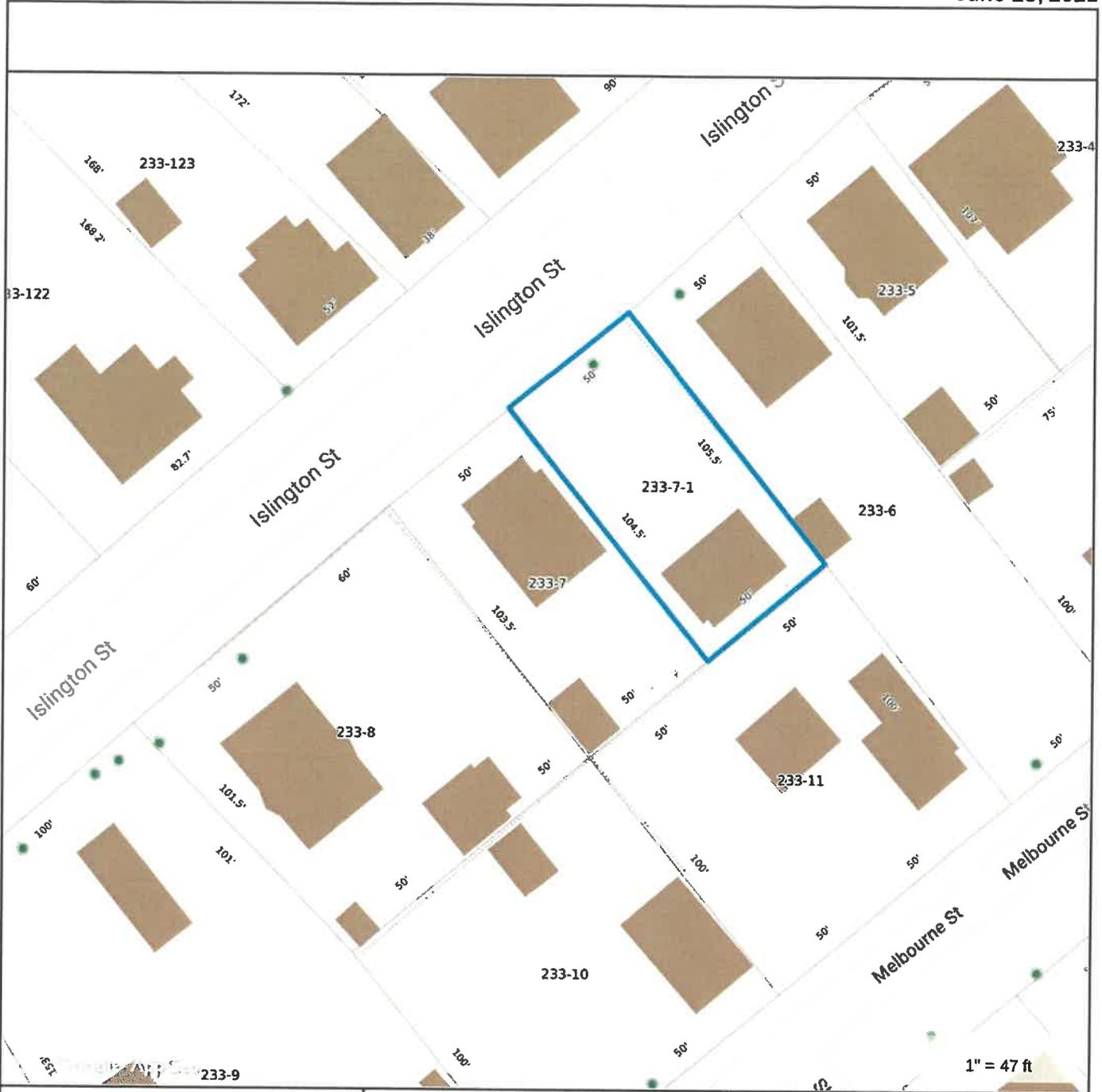
[SMB / 9]
LINDSAY BUNTING
1220 ISLINGTON STREET
PORTSMOUTH, NH 03801
3040 / 2865



LEGEND

- S.F. - SQUARE FEET
- AC. - ACRE
- (1/2) - MORE OR LESS
- R.C.P.D. - ROCKINGHAM COUNTY REGISTERED OF DEEDS
- TEMP - TEMPORARY BENCHMARK
- CB - CATCH BASIN
- SMB - SMOKE MANHOLE

NO.	DATE	DESCRIPTION	BY	CHK
21-2358		VARIANCE	21-04	12-17
PROJECT NO		TYPE	FIELDBOOK & PAGES	



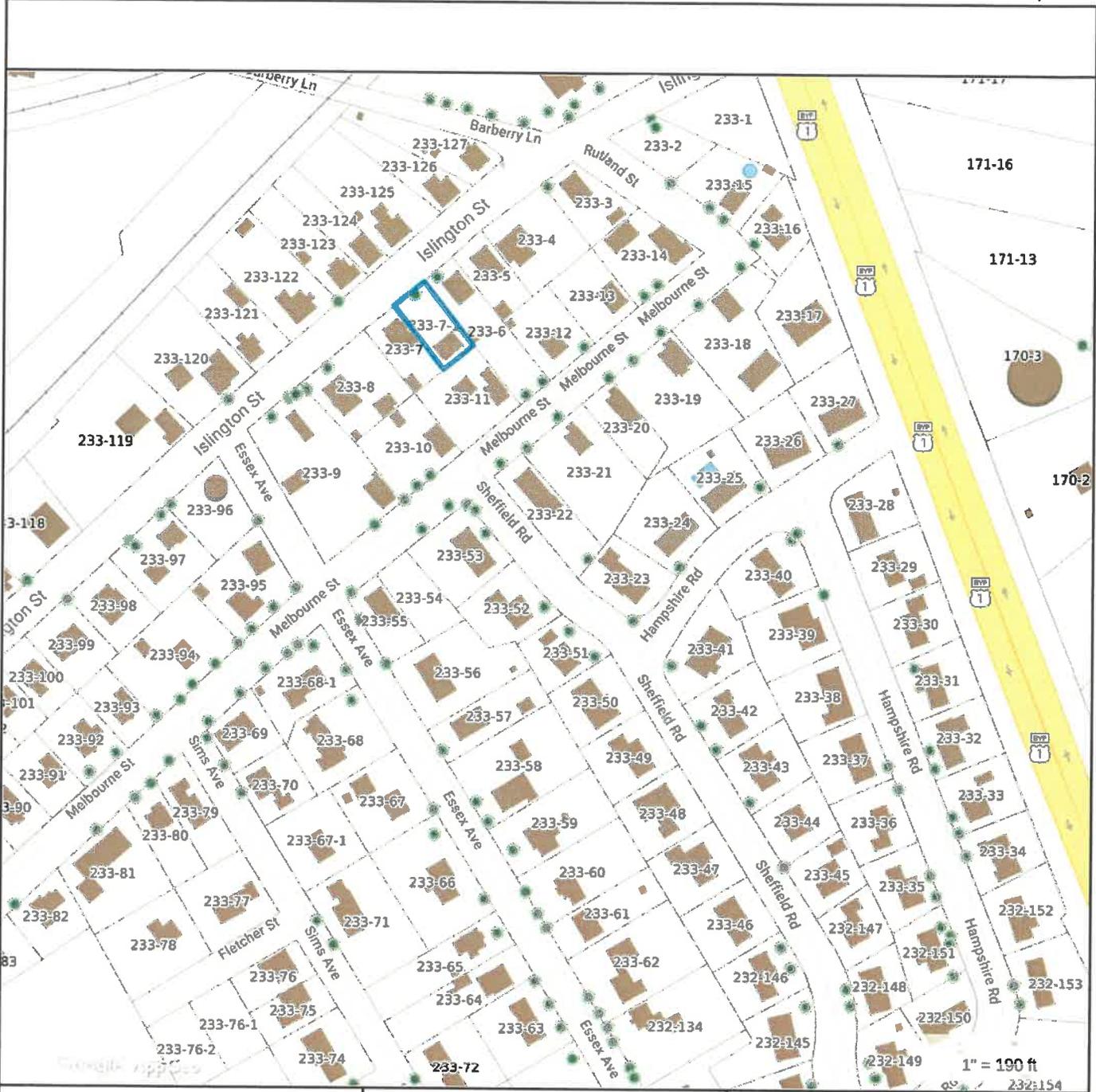
Property Information	
Property ID	0233-0007-0001
Location	0 ISLINGTON ST
Owner	CONTE JEREMY JAMES


**MAP FOR REFERENCE ONLY
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Geometry updated 4/1/2019
Data updated 7/17/2019

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.



Property Information

Property ID 0233-0007-0001
Location 0 ISLINGTON ST
Owner CONTE JEREMY JAMES



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Geometry updated 4/1/2019
 Data updated 7/17/2019

**Print map scale is approximate.
 Critical layout or measurement
 activities should not be done using
 this resource.**

R404.1.2(1) - 2015 IRC
MINIMUM HORIZONTAL REINFORCEMENT FOR CONCRETE BASEMENT WALLS^{a,b}

MAXIMUM UNSUPPORTED HEIGHT OF BASEMENT WALL (feet)	LOCATION OF HORIZONTAL REINFORCEMENT
≤ 8	One No. 4 bar within 12 inches of the top of the wall story and one No. 4 bar near mid-height of the wall story.
> 8	One No. 4 bar within 12 inches of the top of the wall story and one No. 4 bar near third points in the wall story.

TABLE R404.1.2(4) - 2015 IRC
MINIMUM VERTICAL REINFORCEMENT FOR 12-INCH NOMINAL FLAT CONCRETE BASEMENT WALLS^{a,c,d,e,f,g,h,i}

MAXIMUM UNSUPPORTED WALL HEIGHT (feet)	MAXIMUM UNBALANCED BACKFILL HEIGHT ^a (feet)	MINIMUM VERTICAL REINFORCEMENT-BAR SIZE AND SPACING (inches)					
		GW, GT, SW, SP ^b	GU, GC, SU, SU-IG and ML ^c	IS ^d	SC, MC, CL and Inorganic CL ^e	GS ^f	OS ^g
9	4	NR	NR	NR	NR	NR	NR
	5	NR	NR	NR	NR	NR	NR
	6	NR	NR	NR	NR	NR	NR
	7	NR	NR	NR	NR	6 @ 31	6 @ 31
	8	NR	6 @ 31	6 @ 31	6 @ 28	6 @ 28	6 @ 28
	9	6 @ 37	6 @ 28	6 @ 24	6 @ 24	6 @ 24	6 @ 24

TABLE R401.4.1
PRESUMPTIVE LOAD-BEARING VALUES OF FOUNDATION MATERIALS

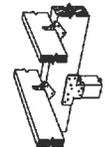
3,000	Sandy gravel and/or gravel (GW and GP)
2,000	Sand, silty sand, clayey sand, silty gravel and clayey gravel (SW, SP, SM, SC, GM and GC)
1,500	Clay, sandy clay, silty clay, clayey silt, silt and sandy silt (CL, ML, MH and CH)

SEE TABLE R401.4.1 (2015 IRC) FOR FULL TABLE

TABLE R403.1(1)
MINIMUM WIDTH AND THICKNESS FOR CONCRETE FOOTINGS FOR LIGHT-FRAME CONSTRUCTION (Inchey^{a,b})

SNOW LOAD OR ROOF LIVE LOAD	STORY AND TYPE OF STRUCTURE WITH LIGHT FRAME	LOAD-BEARING VALUE OF SOIL					
		1500	2000	2500	3000	3500	4000
50 psf	1 story—slab-on-grade	12 x 6	12 x 6	12 x 6	12 x 6	12 x 6	12 x 6
	1 story—with crawl space	16 x 6	12 x 6	12 x 6	12 x 6	12 x 6	12 x 6
	1 story—plus basement	21 x 6	16 x 6	13 x 6	12 x 6	12 x 6	12 x 6
	2 story—slab-on-grade	14 x 6	12 x 6	12 x 6	12 x 6	12 x 6	12 x 6
	2 story—with crawl space	19 x 6	14 x 6	12 x 6	12 x 6	12 x 6	12 x 6
	2 story—plus basement ^a	25 x 7	19 x 6	15 x 6	12 x 6	12 x 6	12 x 6
	3 story—slab-on-grade	17 x 6	13 x 6	12 x 6	12 x 6	12 x 6	12 x 6
	3 story—with crawl space	22 x 6	17 x 6	13 x 6	12 x 6	12 x 6	12 x 6
	3 story—plus basement	28 x 9	21 x 6	17 x 6	14 x 6	12 x 6	12 x 6

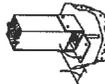
For SF: 1 inch = 25.4 mm, 1 ft² = 14.4 Nm², 1 pound per square foot = 47.9 N/m².
 a. Interpretation allowed. Encompasses 16 mm aluminum.
 b. Based on 32-foot-wide house with load-bearing center wall that carries half of the tributary attic, and floor framing. For every 2 feet of adjustment to the width of the house, add or subtract 2 inches of footing width and 1 inch of footing thickness (but not less than 6 inches thick).
 -SEE TABLE R403.1(1) (2015 IRC) FOR FULL TABLE



SIMPSON STRONG-TIE
 ACH WITH TWO HTS



POST CAP



POST STAND OFF

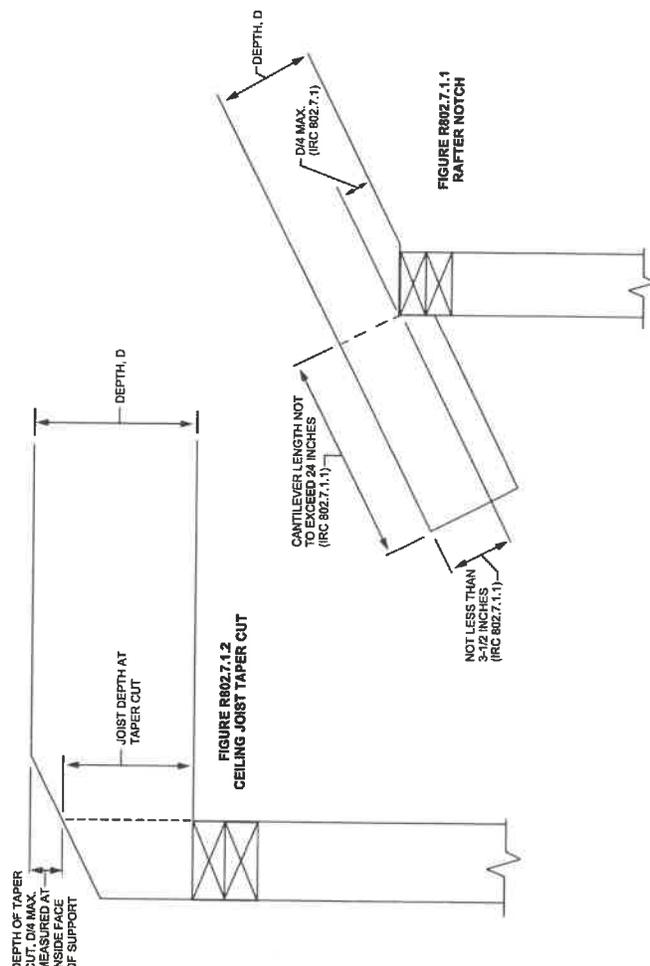


FIGURE RB02.7.1.2
 CEILING JOIST TAPER CUT

FIGURE RB02.7.1.1
 RAFTER NOTCH

PERMISSION OF BRUCE GUTTSCHNIG AND/OR CREWIGHT...
 FOR THE REVIEW...
 TO ASSIST IN THE REVIEW...



PROJECT LOCATION:
 ZACHERY LEVITT
 PORTSMOUTH NH

SCALE: AS INDICATED
 DATE DRAWN: 5/03/21
 DATE ISSUED: 5/03/21
 CHECKED BY: ZL
 DRAWN BY: JD

REVISIONS

1	3/17/21	PRELIMINARY FLOOR PLANS RELEASED FOR REVIEW
2	3/17/21	WORKING DRAWINGS RELEASED FOR REVIEW
3	5/03/21	
4		
5		

6

0 ISLINGTON ST

Location 0 ISLINGTON ST

Mblu 0233/ 0007/ 0001/ /

Acct# 54216

Owner CONTE JEREMY JAMES

PBN

Assessment \$179,900

Appraisal \$179,900

PID 54216

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$800	\$179,100	\$179,900

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$800	\$179,100	\$179,900

Owner of Record

Owner CONTE JEREMY JAMES

Sale Price \$432,000

Co-Owner

Certificate

Address 1240 ISLINGTON ST

Book & Page 6069/833

PORTSMOUTH, NH 03801

Sale Date 12/23/2019

Instrument 81

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
CONTE JEREMY JAMES	\$432,000		6069/833	81	12/23/2019

Building Information

Building 1 : Section 1

Year Built:

Living Area: 0

Replacement Cost: \$0

Building Percent Good:

Replacement Cost**Less Depreciation:** \$0**Building Photo**

(<http://images.vgsi.com/photos2/PortsmouthNHPhotos/\00\00\30\23.JPG>)

Building Layout

 Building Layout (ParcelSketch.aspx?pid=54216&bid=51745)

Building Sub-Areas (sq ft)	Legend
No Data for Building Sub-Areas	

Building Attributes	
Field	Description
Style	Outbuildings
Model	
Grade:	
Stories:	
Occupancy	
Exterior Wall 1	
Exterior Wall 2	
Roof Structure:	
Roof Cover	
Interior Wall 1	
Interior Wall 2	
Interior Flr 1	
Interior Flr 2	
Heat Fuel	
Heat Type:	
AC Type:	
Total Bedrooms:	
Total Bthrms:	
Total Half Baths:	
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	
Kitchen Style:	
Kitchen Gr	
WB Fireplaces	
Extra Openings	
Metal Fireplaces	
Extra Openings 2	
Bsmt Garage	

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code 1060
Description AC LND IMP
Zone SRB
Neighborhood 123
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 0.12
Frontage
Depth
Assessed Value \$179,100
Appraised Value \$179,100

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
SHD1	SHED FRAME			640.00 S.F.	\$700	1
SHD1	SHED FRAME			120.00 S.F.	\$100	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$800	\$179,100	\$179,900

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$800	\$179,100	\$179,900