Presenter:
Scott Rafferty
Owner of Islington Properties LLC
371 Islington Street, Suite A, Portsmouth, NH 03801

INTRODUCTION

Islington Properties LLC is asking for the following variances to be granted in order to change a 734 sq ft commercial unit with a full unfinished basement to a residential one bedroom, one bathroom apartment.

The two variances being sought are regarding the below Sections of the Zoning Ordinances:

- SECTION 10.5A41: Development Standards Development, structures and lots within Character districts (CD4-L2) shall comply with the applicable general description and standards set forth in Figures 10.5A41.10A-D (Development Standards) and elsewhere in Article 5A. Minimum lot area per dwelling unit is 3,000SF.

Islington Properties LLC is asking that 918SF per dwelling unit be allowed. This would be no more or less than what currently exists.

- SECTION 10.112.30: Specifically SECTION 10.1112.311. The required minimum number of off-street parking spaces for uses 1.10 through 1.90, including dwelling units in mixed-use developments, shall be based on the gross floor area of each dwelling unit, as follows: Dwelling Unit Floor Area Required Parking Spaces Less than 500 sq. ft. 0.5 spaces per unit, 500-750 sq. ft. 1.0 space per unit, Over 750 sq. ft. 1.3 spaces per unit.

Currently there are six(6) off street parking spots as part of the Islington Place Condominium Association

Current Units to meet today's zoning regulations(5 total):
1. 369A, 785 sq ft, commercial - retail (1 per 300 SF required) - 2.6 spaces required
2. 369B, 816 sq ft, residential - 1.3 spaces required
3. 371A, 734 sq ft, commercial **subject property** - 2.4 space required
4. 371B, 816 sq ft, residential - 1.3 spaces required
5. 373, 960 sq ft, residential - 1.3 spaces required

Total spaces required = 8.9 (rounds up to 9 spaces required for the site)

Proposed Units(5 total):
369A, 785 sq ft, commercial - retail (1 per 300 SF required) - 2.6 spaces required
369B, 816 sq ft, residential - 1.3 spaces required
371A, 734 sq ft, residential **subject property** - 1 space required (for residential conversion)
371B, 816 sq ft, residential - 1.3 spaces required

373, 960 sq ft, residential - 1.3 spaces required
Total spaces required = 7.5 (rounds up to 8 spaces required for the site)

10.233.21 The variance will not be contrary to the public interest

The variance will not be contrary to the public interest. The existing exterior site dimensions of the property and structure would not be changed.

10.233.22 The spirit of the Ordinance will be observed

The spirit of the Ordinance will be observed to turn unit 371A from commercial condominium unit to residential condominium unit. The space will not be altering the front of the existing structure on the outside, leaving the current building facade unchanged. There are already three(3) residential units at this location, all under 960 FINISHED SQ FT of living area, and adding one more does not negatively impact the abutters or surrounding properties as it would demand less parking than the current use. Also the proposed unit would be a one bedroom apartment making the impact to utilities minimal. The current ordinance allows residential uses in this district, CD4-L2.

10.233.23 Substantial justice will be done

By converting this unit into a residential space it will provide additional housing in a location where mixed use is allowed. The space will be put to better use by becoming a housing option in an area where there are limited options open for rent or purchase. The Association speaks in favor of allowing this change, as it would minimize daily activity around the property, enable better security as the entrance to commercial space shares a residential entrance with unit 371B, and relieve current parking demands.

10.233.24 The values of surrounding properties will not be diminished; and

The values of the surrounding properties will not be diminished because there are already three(3) residential units in the building offering higher resale values than the subject commercial unit. The front door to the apartment is currently shared with another residential unit, 371B. Changing the commercial space to residential would allow for better security as the entrance to the already existing residential unit would now not be open to the public. Also, the area already has several residential properties surrounding the subject unit. The Association itself is also made up of a majority of residential uses, 3 out of the 5. As for parking, each residential unit will have one (1) off street parking space to be assigned. Removing this commercial unit would relieve parking pressures for both the Association and surrounding properties.

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

Enforcement of the provisions of the Ordinance would cause unnecessary hardship because this would allow for public access to one of the residential units using a shared entrance as the subject commercial space. If this space is forced to be used as commercial, that would allow for the current entrance to be less secure for the existing residential unit, especially considering the building is located on a busy street, Islington Street.

Secondly, having a business come in to use the space would result in the parking situation continuing to be a challenge. The average business to use this unit would need a demand for about 3+ parking spaces daily. A one bedroom apartment, under 750 sq ft, would need one parking space regularly, which is currently provided by the Association. For each residential unit there is one(1) parking space to be used. There are 6 total off street spots. Each unit has one(1) spot with an additional shared guest spot for the use of the Association. Changing the unit from commercial to residential will help with the limited parking available. We have spoken to all of the current Association members and they are all on board with the plans to change this unit to residential.

2006 AUG 11 PM 12: 11   050083
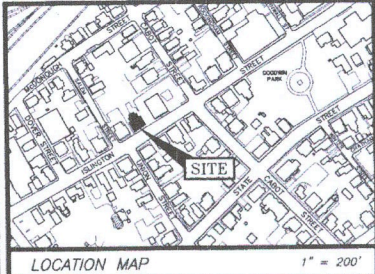
LOCATION MAP
1" = 200'
SITE

LEGEND:
N/F	NOW OR FORMERLY
RP	RECORD OF PROBATE
RCRD	ROCKINGHAM COUNTY REGISTRY OF DEEDS
	MAP 11/LOT 21
RR SPK FND	RAILROAD SPIKE FOUND / SET
IR FND	IRON ROD FOUND / SET
IP FND	IRON PIPE FOUND / SET
DH FND	DRILL HOLE FOUND / SET
BND w/DH	BOUND WITH DRILL HOLE
ST BND w/DH	STONE BOUND WITH DRILL HOLE
OHW	OVERHEAD ELECTRIC/WIRES
EP	EDGE OF PAVEMENT (EP)
	LIMITED COMMON AREA (LCA) BOUNDARY
	UTILITY POLE
	WATER SHUT OFF/CURB STOP
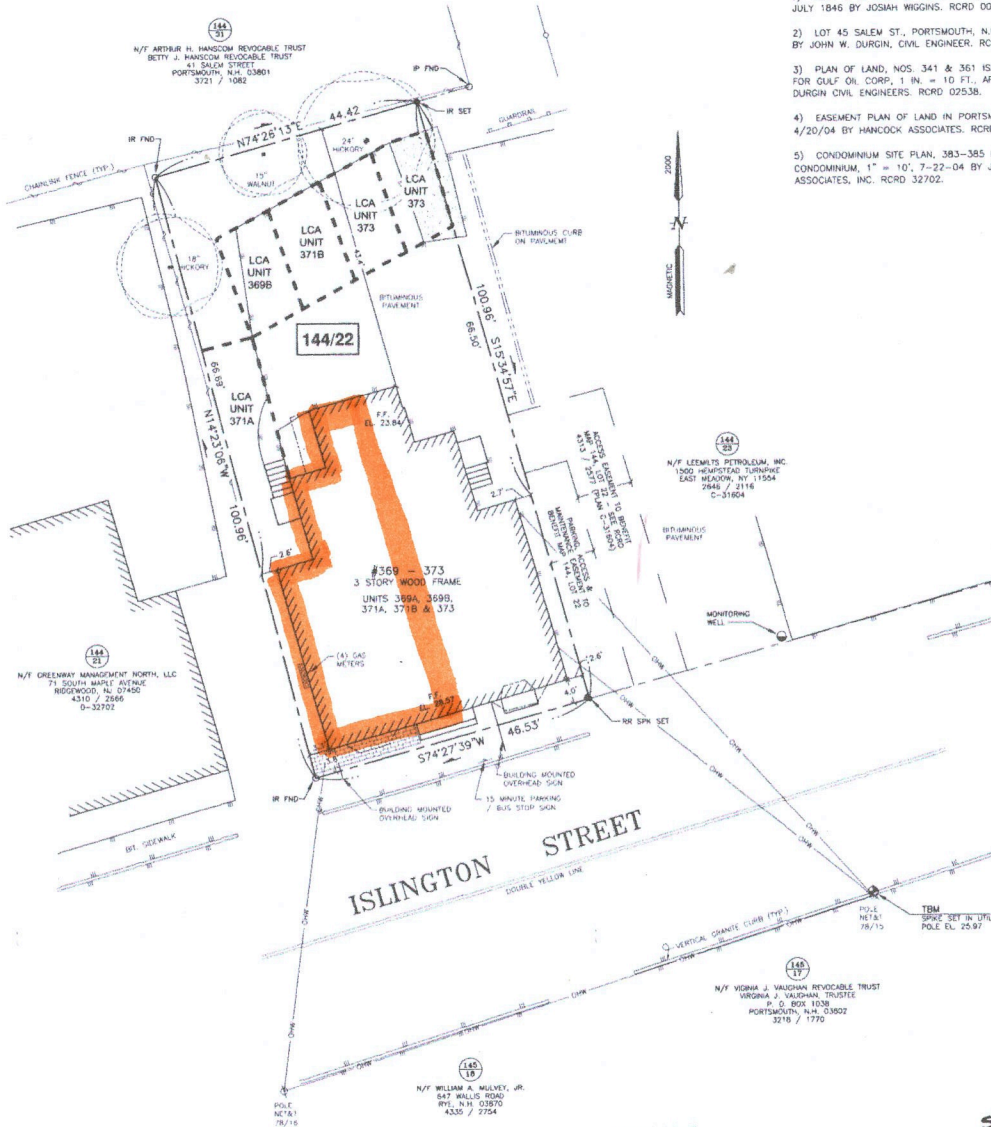
I, JOHN R. CHAGNON, LICENSED LAND SURVEYOR, HEREBY CERTIFY:
A) THAT THIS SITE PLAN ACCURATELY DEPICTS THE LOCATION AND DIMENSIONS OF THE IMPROVEMENTS SHOWN HEREON, SPECIFICALLY UNITS 369A, 369B, 371A, 371B & 373, AND
B) THAT SAID UNITS 369A, 369B, 371A, 371B & 373 HAVE BEEN SUBSTANTIALLY COMPLETED, AND
C) THAT THIS PLAN COMPLIES WITH THE PROVISIONS OF RSA 356-B: 20.

JOHN R. CHAGNON, LLS #738
11/2/05
DATE

THIS PLAN IS A CONDOMINIUM INSTRUMENT UNDER RSA CHAPTER 356-B AND IS NOT A SUBDIVISION OF LAND.

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

JOHN R. CHAGNON, LLS #738
11/2/05
DATE

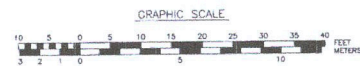NO. 738 JOHN R. CHAGNON

PLAN REFERENCES:
1) PLAN OF A TRACT OF LAND IN THE TOWN OF PORTSMOUTH, JULY 1846 BY JOSIAH WIGGINS. RCRD 00561.
2) LOT 45 SALEM ST., PORTSMOUTH, N.H., 1" = 20'±, DEC. 1938 BY JOHN W. DURGIN, CIVIL ENGINEER. RCRD 0889.
3) PLAN OF LAND, NOS. 341 & 361 ISLINGTON ST., SURVEYED FOR GULF OIL CORP., 1 IN. = 10 FT., APR. 1956 BY JOHN W. DURGIN CIVIL ENGINEERS. RCRD 02538.
4) EASEMENT PLAN OF LAND IN PORTSMOUTH, N.H., 1" = 20', 4/20/04 BY HANCOCK ASSOCIATES. RCRD C-31604.
5) CONDOMINIUM SITE PLAN, 383-385 ISLINGTON STREET CONDOMINIUM, 1" = 10', 7-22-04 BY JAMES VERRA and ASSOCIATES, INC. RCRD 32702.

AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

NOTES:
1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSORS MAP 144 AS LOT 22.
2) OWNER OF RECORD:
GHAMAMI REVOCABLE TRUST OF 2005
238 PARSONS ROAD
RYE, N.H. 03870
4517 / 1608
3) PARCEL IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33015C0259E, EFFECTIVE MAY 17, 2005.
4) EXISTING LOT AREA:
4,591 S.F.
0.1054 AC.
5) PARCEL IS LOCATED IN THE MIXED RESIDENTIAL BUSINESS & HISTORIC A DISTRICTS.
6) THE PURPOSE OF THIS PLAN IS TO SHOW A 5 UNIT CONDOMINIUM ON THE PROPERTY AS PROVIDED IN RSA 356: B-20.
7) DATUM: MEAN SEA LEVEL
BENCHMARK: SPIKE SET IN POLE NET&T 78/15 (PSNH 2/21). ELEVATION: 25.97
8) OFFSETS SHOWN HEREON ARE PERPENDICULAR TO BOUNDARY LINES AND ARE TO THE FACE OF THE BUILDING.
9) SEE AGREEMENT OF LICENSE AT RCRD 1427 / 41 AND TERMINATION, REVOCATION AND CANCELLATION OF AGREEMENT OF LICENSE AT RCRD 4414 / 2034.

NO.		DESCRIPTION	DATE
0	ISSUED FOR COMMENT		11/2/05
	REVISIONS		

CONDOMINIUM SITE PLAN
369 - 373 ISLINGTON STREET CONDOMINIUM
TAX MAP 144 LOT 22
FOR
THE GHAMAMI REVOCABLE TRUST
369 -- 373 ISLINGTON STREET
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE

SCALE: 1" = 10'   OCTOBER 2005
FB 102 PG 51   1491

sheet 1 of 2
D-34059

(Site plan labels)
N/F ARTHUR H. HANSCOM REVOCABLE TRUST
BETTY J. HANSCOM REVOCABLE TRUST
41 SALEM STREET
PORTSMOUTH, N.H. 03801
3721 / 1082

N74°26'13"E   44.42
24" HICKORY
19" WALNUT
18" HICKORY
CHAINLINK FENCE (TYP)

LCA UNIT 373
LCA UNIT 373
LCA UNIT 371B
LCA UNIT 369B
LCA UNIT 371A

144/22

BITUMINOUS CURB ON PAVEMENT
BITUMINOUS PAVEMENT

100.96   S15°34'57"E   66.50

N14°23'06"W   100.96   66.50

F.F. EL 23.84

#369 - 373
3 STORY WOOD FRAME
UNITS 369A, 369B, 371A, 371B & 373

(4) GAS METERS

N/F LEEMILTS PETROLEUM, INC.
1500 HEMPSTEAD TURNPIKE
EAST MEADOW, NY 11554
2646 / 2116
C-31604

ACCESS EASEMENT TO BENEFIT MAP 144, LOT 23 (PLAN C-31604)
ACCESS & MAINTENANCE EASEMENT TO BENEFIT MAP 144, LOT 22

MONITORING WELL

N/F GREENWAY MANAGEMENT NORTH, LLC
71 SOUTH MAPLE AVENUE
RIDGEWOOD, NJ 07450
4310 / 2666
C-32702

S74°27'39"W   46.53

IR FND
RR SPK SET
BUILDING MOUNTED OVERHEAD SIGN
15 MINUTE PARKING / BUS STOP SIGN
BUILDING MOUNTED OVERHEAD SIGN

144/21   MAP 11/LOT 21

ISLINGTON STREET
DOUBLE YELLOW LINE
VERTICAL GRANITE CURB (TYP)
BIT. SIDEWALK

POLE NET&T 78/15
TBM SPIKE SET IN UTILITY POLE EL. 25.97

N/F VIRGINIA J. VAUGHAN REVOCABLE TRUST
VIRGINIA J. VAUGHAN, TRUSTEE
P.O. BOX 1038
PORTSMOUTH, N.H. 03802
3218 / 1770

N/F WILLIAM A. MULVEY, JR.
547 WALLIS ROAD
RYE, N.H. 03870
4335 / 2754

POLE NET&T 78/15

GRAPHIC SCALE
10 5 0   10 15 20 25 30 35 40 FEET
3 2 1 0   5   10 METERS

BASEMENT
F.F. ELEVATION 21.06

LCA Unit 371A
806 S.F.
Basement
Ht. 6'-7" (Floor to Bottom of Joist)

LCA Unit 369A
806 S.F.
Basement
Ht. 6'-7" (Floor to Bottom of Joist)

GAS METERS
ELECTRIC METERS
3/4" WATER SUPPLY

ISLINGTON STREET

FIRST FLOOR
F.F. ELEVATION 28.56

LCA Units 369B, 373
LCA Unit 371A
Porch
Storage
Retail
Units 369A & 371A
Bathroom
116 S.F.
Retail
Unit 371A
675 S.F.
Unit 369A
727 S.F.
BUILT-IN CABINETS
LCA Units 371A & 371B
LCA Unit 369B
LCA Unit 369A
Porch
Step

ISLINGTON STREET

SECOND FLOOR
F.F. ELEVATION 39.06

LCA Units 371B, 373
Kitchen
Kitchen
Bedroom
Bedroom
Unit 371B
816 S.F.
Living Room
Bathroom
Living Room
Unit 369B
816 S.F.
Bathroom

ISLINGTON STREET

THIRD FLOOR
F.F. ELEVATION 48.36

COMMON AREA
LCA Unit 373
152 S.F.
Kitchen
COMMON AREA
Living Room
Unit 373
1,280 S.F.
Bedroom
Bathroom
Bedroom
COMMON AREA

ISLINGTON STREET

UNIT AREAS:
UNIT 369A: 727 S.F.
UNIT 369B: 816 S.F.
UNIT 371A: 675 S.F.
UNIT 371B: 816 S.F.
UNIT 373: 1,280 S.F.

LEGEND:
LCA   LIMITED COMMON AREA
CA   COMMON AREA
CL   CLOSET
W   WASHER
D   DRYER
F   FURNACE
HW   HOT WATER HEATER
S.F.   SQUARE FEET

GRAPHIC SCALE
3/16" = 1'-0"
FEET
METERS

I, JOHN R. CHAGNON, PROFESSIONAL ENGINEER, HEREBY CERTIFY:
A) THAT THIS FLOOR PLAN ACCURATELY DEPICTS THE LOCATION AND DIMENSIONS OF THE IMPROVEMENTS SHOWN HEREON, SPECIFICALLY UNITS 369A, 371A, 371B, & 373, AND
B) THAT SAID UNITS 369A, 371A, 371B, & 373 HAVE BEEN SUBSTANTIALLY COMPLETED, AND
C) THAT THIS PLAN COMPLIES WITH THE PROVISIONS OF RSA 356-B : 20.

JOHN R. CHAGNON, PE #7951

STATE OF NEW HAMPSHIRE
JOHN CHAGNON NO. 7951
PROFESSIONAL ENGINEER
ROCHESTER

2005 AUG 11 PM 2:12

W:\Jobs\JN1400s\jn1490s\jn1491\1491PLANS\1491CF01.dwg CONDO_FLOOR_PLAN

CABINETRY CONSTRUCTION

BUILDER & BROKER

REAL ESTATE

Open Concepts Contracting
603.380.7151
CRAHDCO.COM

Open Concepts Realty
603-380-7151

373 AB

369B

369A

CABINETRY CONSTRUCTION

BUILDER

Open
Concepts
Contracting

03.380.7151
CRANDCO.COM

37 AB 373 369B

371-B
Tydeman