

Application of 553-559 Islington Street, LLC

STATEMENT OF EXPLANATION

Property Address: 553-559 Islington Street
Zone: CD4-L2

Variance from Portsmouth Zoning Ordinance 10.321 to Permit a Lawful Nonconforming Structure to be Extended, Reconstructed or Enlarged While Deviating from the Development Standards Required in Character District 4 Limited 2

I. The Property and Proposed Project

The project proposes comprehensive interior alterations of the existing six-unit apartment building, and a small addition at the rear of the building to permit the structure to be brought into or to exceed code compliance. The proposed addition will allow for reconfiguration of the existing units making room for the replacement of the existing interior staircase with a larger code-compliant interior central staircase and the addition of a front to rear common area hall, increasing egress and life-safety/first responder access to the units. The project proposes other interior alterations required for code compliance and a more functional unit layout without changing the existing number of units. The additional interior alterations include fire separations between units, addition of a sprinkler system, and new interior fixtures and finishes. Site improvements will include removal of an existing garage and addition of paving and striping for parking areas where none presently exists, as well as the addition of new planting beds at the front of the property that will complement the City's planned City Street Tree location and related improvements.

The Purpose of the Character Districts within the City is "to promote the development of walkable, mixed-use, human-scaled places by providing standards for building form and placement and related elements of development." The proposed alterations are aimed at revitalizing the existing six (6) residential units by modernizing the units and bringing them into code compliance, thus providing desirable reasonably affordable residential spaces within walking distance of the businesses in this mixed-use area of the City.

II. Variances Sought

The variances sought fall under section 10.321 of the Ordinance requiring a lawful nonconforming structure to conform to all the regulations of the district in which it is located if the same is to be extended, reconstructed or enlarged. Specifically, the variances sought are from the Development Standards required by Figure 10.5A41.10A. In each of the following instances, the deviation from the Development Standard is the same or less non-conforming than the present condition.

Figure 10.5A41.10A – Minimum lot area per dwelling unit – 3,000 sf is required

1,201 SF is existing
1,201 SF is proposed

Figure 10.5A41.10A – Minimum open space – 25% is required

19.2% is existing
19.5% is proposed

Figure 10.5A41.10A – Minimum ground story height, 11 ft is required

The existing building is 10'-7 1/2"
The proposed addition is 10'-7 1/2"

Lawful Non-conforming conditions to remain (no change proposed):

Side Yard - Existing side yard setback at the westerly side of the property is lawful non-conforming. A 5 foot minimum is required and a 20 foot maximum is permitted, and a 0 foot setback is existing with no proposed change. The proposed project will not alter the footprint of this portion of the building within the side yard.

Facade Glazing – Existing façade glazing is lawful non-conforming. The Development Standards requires a 20% minimum Façade Glazing percentage, where a 16% Façade Glazing percentage is existing with no proposed change.

Front Lot Line Buildout - Existing front lot line buildout is lawful non-conforming. The Development Standards requires a front lot line buildout of at least 60% and permits up to 80% where a 92% front lot line buildout is existing, with no proposed change.

III. Compliance with the Variance Standard (Criteria)

Section 10.233.21, requiring that the variance will not be contrary to the public interest, is taken together with section 10.233.22, requiring that the spirit of the Ordinance will be observed, pursuant to Malachy Glen Associates v. Chichester, 155 NH 102 (2007). With the approval and completion of the proposed alterations to the property, the essential character of the neighborhood, having residential spaces coinciding harmoniously with a variety of walkable, mixed-use, human-scaled places, will be preserved in observance of the spirit of the Ordinance. The approval and completion of the proposed alterations will allow for the existing six-unit property to remain six units of reasonable affordability benefitting the public interest by maintaining units of this nature in the City. The health safety and welfare of the public will not be negatively impacted by the proposes project which will maintain the existing nature of the property while permitting the rejuvenation of its historic character. The proposed alterations will result in better access for life-safety and other first responder personnel and as such the proposed changes serve as a positive impact on the health, safety and welfare of the occupants of the building, their guests and any responding City personnel in the event of an emergency.

Section 10.233.23, requiring that substantial justice will be done. Whether or not substantial justice will be done by granting a variance requires the Board to conduct a balancing test. If the hardship upon the owner/applicant outweighs any benefit to the general public in denying the variance, then substantial justice would be done by granting the variance. It is substantially just to allow a

property owner the reasonable use of his or her property. In this case, there is no benefit to the public in denying the variance that is not outweighed by the hardship upon the owner. Substantial justice will be done by granting the variance since, if required to strictly comply with the Development Standards of the Ordinance, the property and its character will be negatively impacted, and the likely result will be fewer units of larger configurations and of less relative affordability. The loss to the applicant and to future residents of the property, and the public if the variance is not granted would not be counterbalance by corresponding gain to the public, especially where the variances sought, at least in part, will result in a more conforming property.

Section 10.233.24, requiring that the values of surrounding properties will not be diminished. The values of surrounding properties will not be diminished as a result of the substantial upgrades and enhancement to the property which will include bringing the property into code compliance and overall general modernization and aesthetic revitalization. The same will enhance the property's appearance and livability for its future occupants and in turn increase its value, and thereby will increase the value of surrounding properties. The proposed alterations will allow the building, which is not and has not been rented to capacity in recent years, to accommodate the needs of those in the rental market by making the six existing units more tenantable and as such the area's walkable businesses and the properties in which they are located, are reasonably certain to enjoy an increase in patronage and therefore overall value.

Section 10.233.25, requiring that literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship. That, owing to special conditions of the property that distinguish it from other properties in the area, namely that:

- i. the nonconformities for which the variances are being sought already exist at the property, a six (6) unit apartment building built in or about 1900 and having been used as a six (6) unit apartment building for decades; and
- ii. that the variances sought will not increase the nonconformity, and in the instance of the minimum open space, will reduce the existing nonconformity; and
- iii. that the existing International Building Code requires the replacement of the existing stairs with code compliant stairs if any alterations to the existing structure are to be undertaken;

that (a) no fair and substantial relationship exists between the general public purposes of the Ordinance provisions and the specific application of those provisions to the property where:

- a. the minimum lot area per dwelling unit will not change if the variance is approved; and
- b. where the ground story height will not change and the addition will be built in an aesthetically harmonious manner to the existing structure if the variance is approved; and

- c. as noted above, if approved, the project will result in a more conforming open space percentage; and
- d. if the variance is denied and the proposed addition is not permitted, it would be extraordinarily difficult if not impossible to add the code compliant staircase while maintaining the existing use of the property as a six (6) unit residential apartment building.

Additionally, literal enforcement of the Development Standards required by Figure 10.5A41.10A as applied to this property would require demolition of an existing section of the building to meet the side yard setback and the front lot line buildout requirements while at the same time the Development Standards would require the addition of larger transparent windows and doors on the front façade, rendering the building less desirable as residences. The same would undoubtedly constitute an unnecessary hardship upon the applicant in overall expense and by reducing the number of existing units and in changing the character of the existing use that the Character Districts were intended to preserve and create.

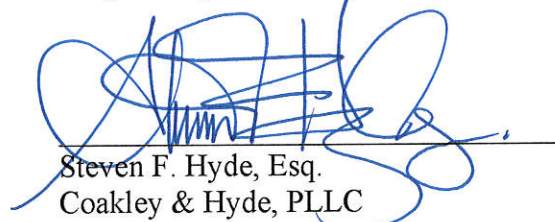
Additionally, (b) the proposed use is a reasonable one where it is the existing and historic use of the property without an increase in nonconformity.

IV. Conclusion

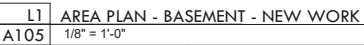
For the foregoing reasons, the Applicant respectfully requests the Board GRANT the variances as requested and advertised.

August 26, 2020

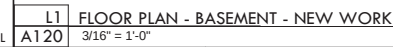
Respectfully submitted,

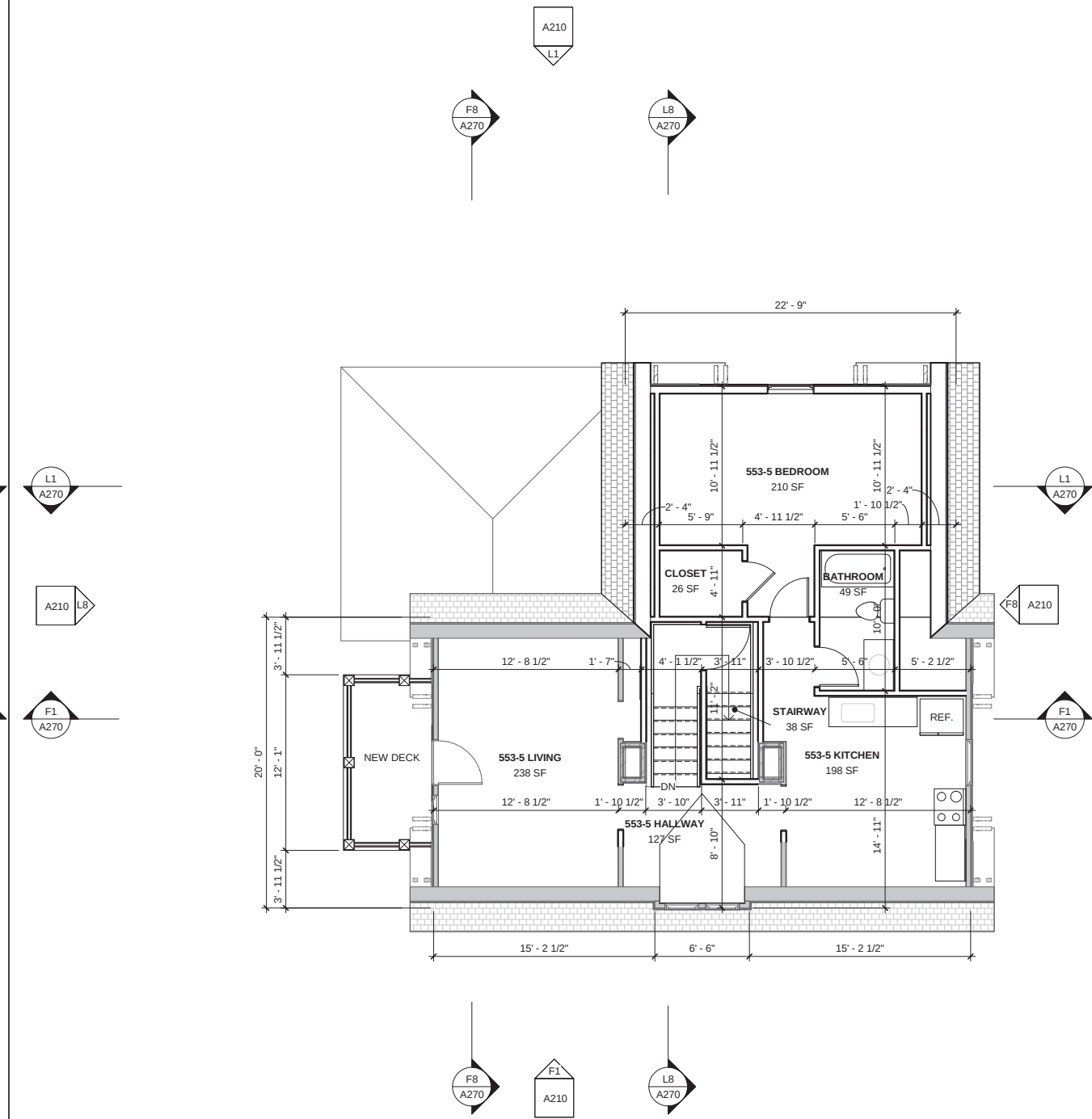
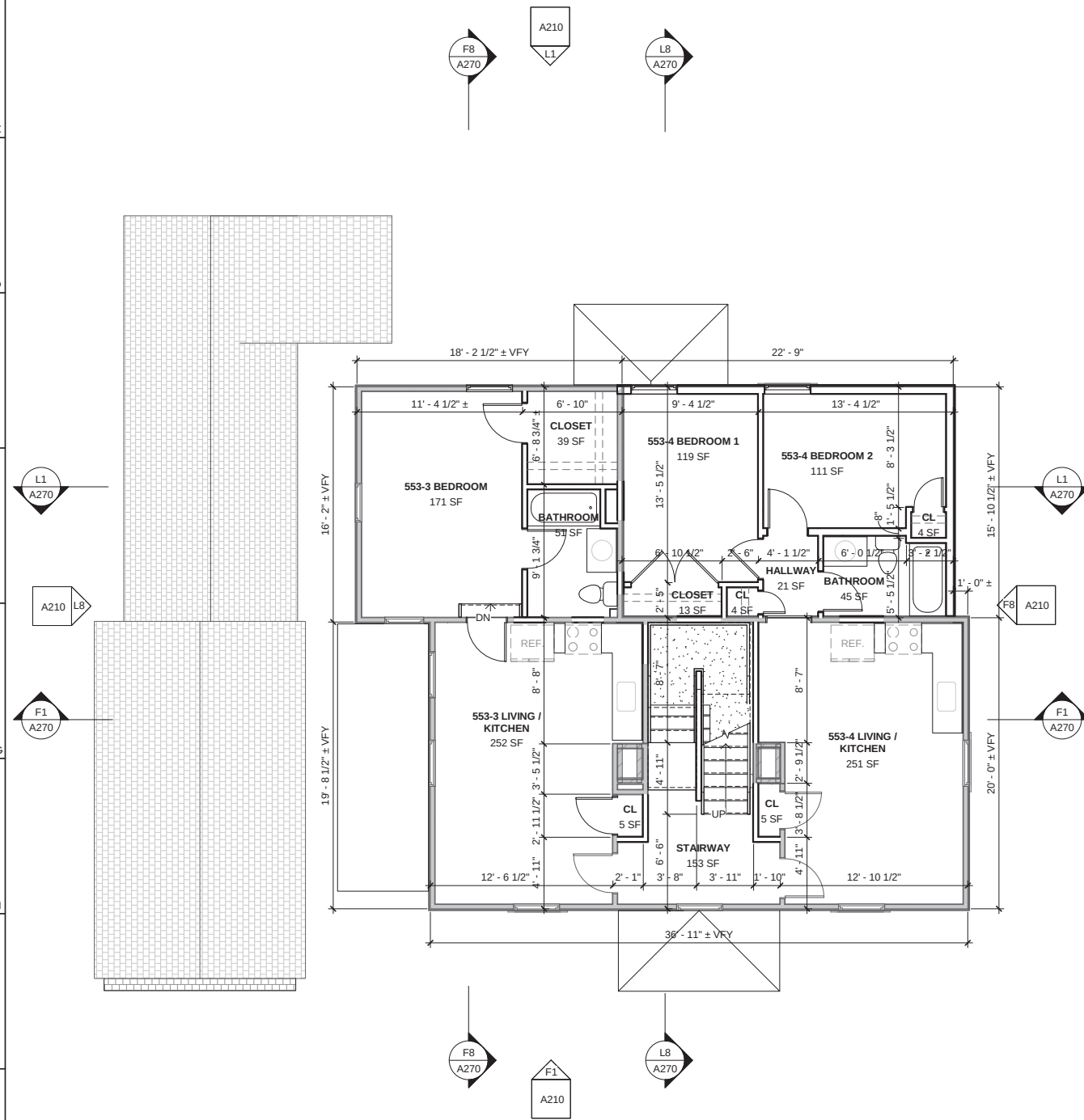


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Portsmouth, New Hampshire 03801
Ph.: 603-319-1731
e-Mail: shyde@coakleyhyde.com









NO.	REVISION	DATE

DATE ISSUED: 8/24/20
 DATE REVISED:
 DRAWN BY: Tim Brochu
 SCALE: AT 22"x34" As indicated



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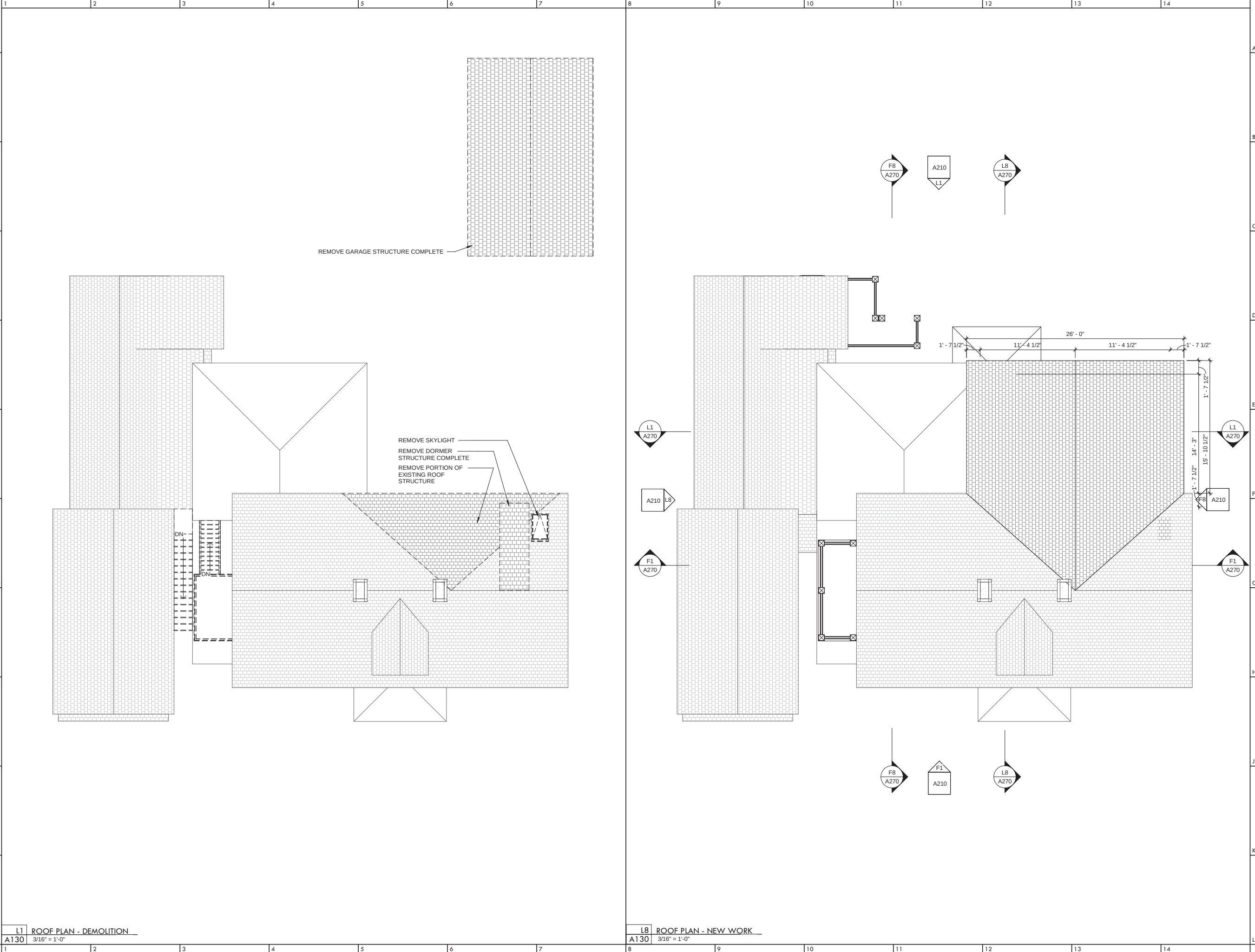
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L1 ROOF PLAN - DEMOLITION
3/16" = 1'-0"

L8 ROOF PLAN - NEW WORK
3/16" = 1'-0"

adra ARCHITECTURE LLC

90 Government Street | Kittery Maine 03904

207-613-7036 | www.adraarchitecture.com

NOT FOR CONSTRUCTION

LICENSED ARCHITECT

TIMOTHY B. BROCHU

No 03883

THE STATE OF NEW HAMPSHIRE

553-559 Islington Street, LLC

553-559 ISLINGTON STREET REDEVELOPMENT

553 Islington Street
Portsmouth, NH 03801

NO.	REVISION	DATE

DATE ISSUED: 8/24/20

DATE REVISED:

DRAWN BY: Tim Brochu

SCALE: AT 22"x34" As indicated

KEY PLAN

NOT FOR CONSTRUCTION
ZONING BOARD OF
ADJUSTMENT

ROOF PLANS - DEMOLITION & NEW WORK

A130

553-559 Islington Street, LLC

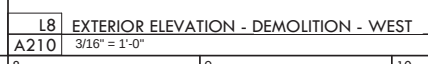
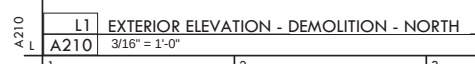
553-559 ISLINGTON STREET REDEVELOPMENT

553 Islington Street
Portsmouth, NH 03801

ISSUED: 8/24/20

ZONING BOARD OF ADJUSTMENT

ROOF PLANS - DEMOLITION & NEW WORK



a) THE LOCATIONS OF UNDERGROUND UTILITIES ARE APPROXIMATE AND THE LOCATIONS ARE NOT GUARANTEED BY THE OWNER OR THE DESIGNER. IT IS THE CONTRACTORS' RESPONSIBILITY TO LOCATE UTILITIES AND ANTICIPATE CONFLICTS. CONTRACTOR SHALL REPAIR EXISTING UTILITIES DAMAGED BY THEIR WORK AND RELOCATE EXISTING UTILITIES THAT ARE REQUIRED TO BE RELOCATED PRIOR TO COMMENCING ANY WORK IN THE IMPACTED AREA OF THE PROJECT.

b) ALL MATERIALS SCHEDULED TO BE REMOVED SHALL BECOME THE PROPERTY OF THE CONTRACTORS UNLESS OTHERWISE SPECIFIED. THE CONTRACTOR SHALL DISPOSE OF ALL MATERIALS OFF-SITE IN ACCORDANCE WITH ALL FEDERAL, STATE, AND LOCAL REGULATIONS, ORDINANCES AND CODES. THE CONTRACTOR SHALL COORDINATE REMOVAL, RELOCATION, DISPOSAL, OR SALVAGE OF UTILITIES WITH THE OWNER AND APPROPRIATE UTILITY COMPANY.

c) ANY EXISTING WORK OR PROPERTY DAMAGED OR DISRUPTED BY CONSTRUCTION/ DEMOLITION ACTIVITIES SHALL BE REPLACED OR REPAIRED TO THE ORIGINAL EXISTING CONDITIONS BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.

d) THE CONTRACTOR SHALL VERIFY LOCATION OF ALL EXISTING UTILITIES AND CALL DIG SAFE AT LEAST 72 HOURS PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION/CONSTRUCTION ACTIVITIES.

e) SAWCUT AND REMOVE PAVEMENT ONE FOOT OFF PROPOSED EDGE OF PAVEMENT OR EXISTING CURB LINE IN AREAS WHERE PAVEMENT TO BE REMOVED ABUTS EXISTING PAVEMENT OR CONCRETE TO REMAIN.

f) IT IS THE CONTRACTOR'S RESPONSIBILITY TO FAMILIARIZE THEMSELVES WITH THE CONDITIONS OF ALL THE PERMIT APPROVALS.

g) THE CONTRACTOR SHALL OBTAIN AND PAY FOR ADDITIONAL CONSTRUCTION PERMITS, NOTICES AND FEES NECESSARY TO COMPLETE THE WORK AND ARRANGE FOR AND PAY FOR ANY INSPECTIONS AND APPROVALS FROM THE AUTHORITIES HAVING JURISDICTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY ADDITIONAL AND OFF-SITE DISPOSAL OF MATERIALS REQUIRED TO COMPLETE THE WORK.

h) THE CONTRACTOR SHALL REMOVE AND DISPOSE OF ALL EXISTING STRUCTURES, CONCRETE, UTILITIES, VEGETATION, PAVEMENT, AND CONTAMINATED SOIL WITHIN THE WORK LIMITS SHOWN UNLESS SPECIFICALLY IDENTIFIED TO REMAIN. ANY EXISTING DOMESTIC / IRRIGATION SERVICE WELLS IN THE PROJECT AREA IDENTIFIED DURING THE CONSTRUCTION AND NOT CALLED OUT ON THE PLANS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER AND ENGINEER FOR PROPER CAPPING / RE-USE. ANY EXISTING MONITORING WELLS IN THE PROJECT AREA IDENTIFIED DURING THE CONSTRUCTION AND NOT CALLED OUT ON THE PLANS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER AND ENGINEER TO COORDINATE MONITORING WELL REMOVAL AND/OR RELOCATION WITH NHDOS AND OTHER AUTHORITY WITH JURISDICTION PRIOR TO CONSTRUCTION.

i) ALL WORK WITHIN THE CITY OF PORTSMOUTH RIGHT OF WAY SHALL BE COORDINATED WITH THE CITY OF PORTSMOUTH DEPARTMENT OF PUBLIC WORKS (DPW).

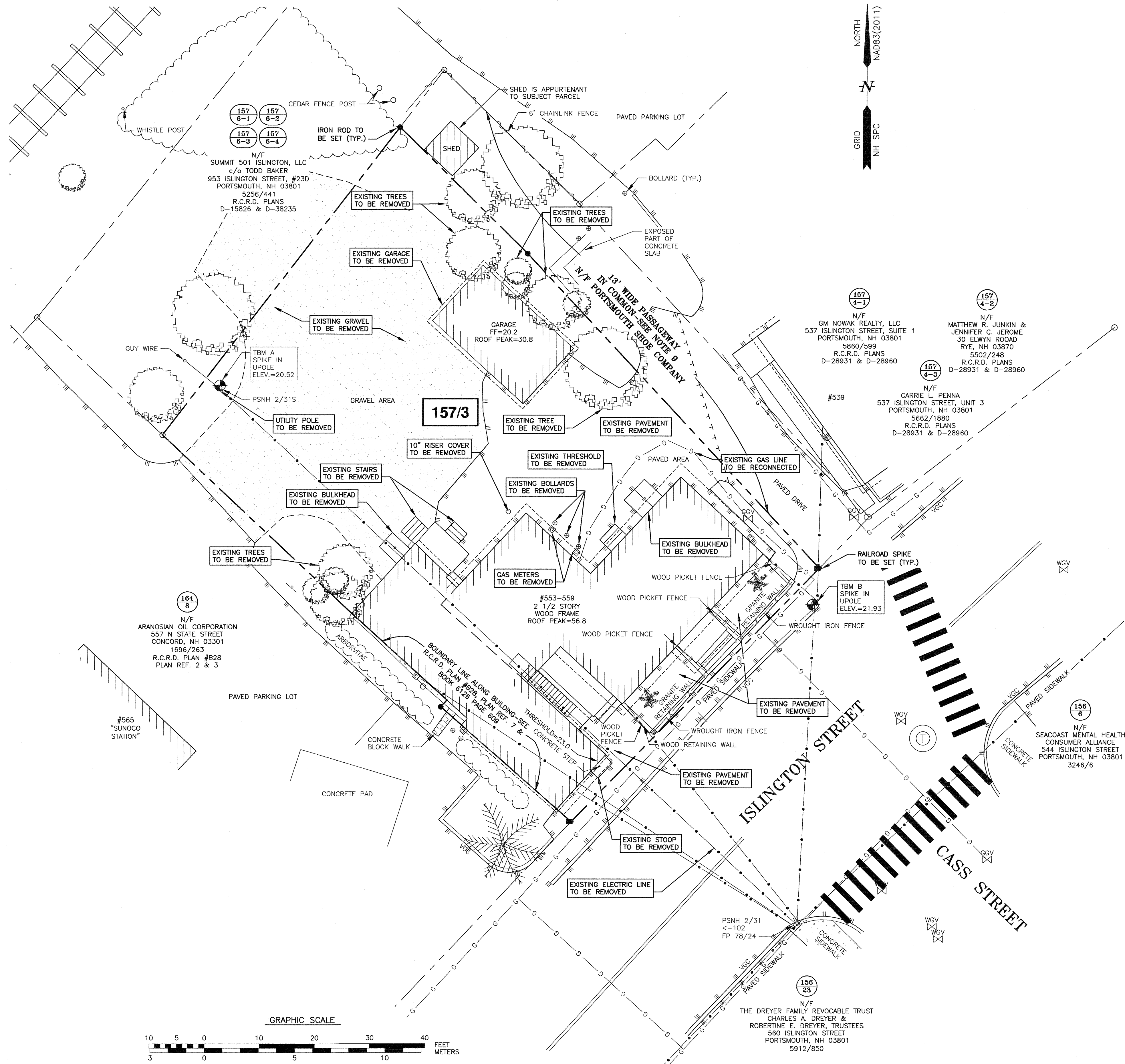
j) REMOVE TREES AND BRUSH AS REQUIRED FOR COMPLETION OF WORK. CONTRACTOR SHALL GRUB AND REMOVE ALL SLUMPS WITHIN LIMITS OF WORK AND DISPOSE OF OFF-SITE IN ACCORDANCE WITH FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS.

k) CONTRACTOR SHALL PROTECT ALL PROPERTY MONUMENTATION THROUGHOUT DEMOLITION AND CONSTRUCTION OPERATIONS. SHOULD ANY MONUMENTATION BE DISTURBED, THE CONTRACTOR SHALL EMPLOY A NH LICENSED LAND SURVEYOR TO REPLACE THEM.

7) PROVIDE INLET PROTECTION BARRIERS AT ALL CATCH BASINS WITHIN CONSTRUCTION LIMITS AND MAINTAIN FOR THE DURATION OF THE PROJECT. INLET PROTECTION BARRIERS SHALL BE HIGH FLOW SILT SACK BY ACF ENVIRONMENTAL OR APPROVED EQUAL. INSPECT BARRIERS WEEKLY AND AFTER EACH RAIN OF 0.25 INCHES OR GREATER. CONTRACTOR SHALL COMPLETE A MAINTENANCE INSPECTION REPORT AFTER EACH INSPECTION. SEDIMENT DEPOSITS SHALL BE REMOVED AFTER EACH STORM EVENT OR MORE OFTEN IF WARRANTED OR FABRIC BECOMES CLOGGED. EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF ANY CLEARING OR DEMOLITION ACTIVITIES.

m) THE CONTRACTOR SHALL PAY ALL COSTS NECESSARY FOR TEMPORARY PARTITIONING, BARRICADING, FENCING, SECURITY AND SAFELY DEVICES REQUIRED FOR THE MAINTENANCE OF A CLEAN AND SAFE CONSTRUCTION SITE.

n) ANY CONTAMINATED MATERIAL REMOVED DURING THE COURSE OF THE WORK WILL REQUIRE HANDLING IN ACCORDANCE WITH NHDES REGULATIONS. CONTRACTOR SHALL HAVE A HEALTH AND SAFETY PLAN IN PLACE, AND COMPLY WITH ALL APPLICABLE PERMITS, APPROVALS, AUTHORIZATIONS, AND REGULATIONS

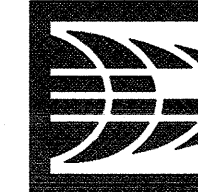
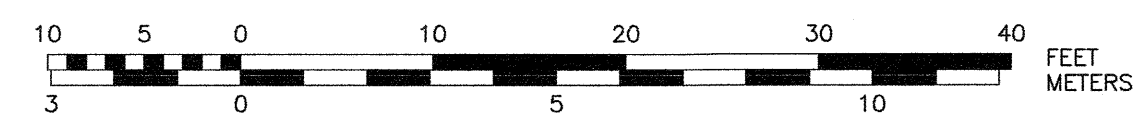


APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN

DATE _____

GRAPHIC SCALE



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

1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.

2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.

3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. (NHDES DECEMBER 2008).

4) EXISTING UTILITY CONNECTIONS SHALL BE ABANDONED IN ACCORDANCE WITH UTILITY COMPANY REQUIREMENTS. UTILITIES THAT ARE TO BE REUSED SHALL BE CUT & CAPPED.

5) CONTRACTOR WILL COORDINATE STREET CLOSINGS, IF ANY, WITH CITY OF PORTSMOUTH.

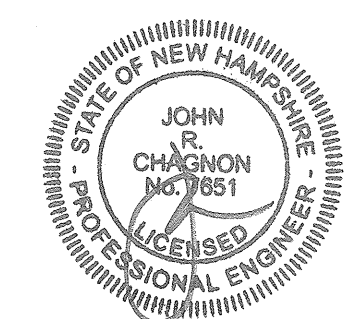
6) DURING CONSTRUCTION, TEMPORARY FENCING SHALL BE INSTALLED, AS REQUIRED, TO PROTECT THE SITE FROM THE PUBLIC.

7) COORDINATE DEMOLITION WITH CITY OF PORTSMOUTH,
PERMITS REQUIRED.

PROPERTY REDEVELOPMENT
553-559 ISLINGTON, LLC
553-559 ISLINGTON STREET
PORTSMOUTH, N.H.

1	ISSUED FOR APPROVAL	8/4/20
0	ISSUED FOR COMMENT	7/20/20
NO.	DESCRIPTION	DATE

REVISIONS



SCALE 1"=10'

JULY 2020

DEMOLITION PLAN

C2

IMPERVIOUS SURFACE AREAS
(TO PROPERTY LINE)

STRUCTURE	PRE- CONSTRUCTION IMPERVIOUS (S.F.)	POST- CONSTRUCTION IMPERVIOUS (S.F.)
MAIN STRUCTURE	1880	2291
BULKHEAD	40	38
CONCRETE	39	153
STAIRS/PORCH	137	209
PAVEMENT	1436	3,112
GRAVEL	2289	N/A
TOTAL	5,821	5,803
LOT SIZE	7,207	7,207
% LOT COVERAGE	80.8%	80.5%

DEVELOPMENT STANDARDS:

CD4-L2: CHARACTER DISTRICT 4-LIMITED
BUILDING PLACEMENT (PRINCIPLE):

	REQUIRED	EXISTING	PROPOSED
MAX. PRINCIPLE FRONT YARD:	15 FEET	3 FEET	3 FEET
MAX. SECONDARY FRONT YARD:	12 FEET	NA	NA
MIN. SIDE YARD:	5-20 FEET	0 FEET	0 FEET
MIN. REAR YARD:	5 FEET	48 FEET	48 FEET
FRONT LOT LINE BUILDOUT:	60%-80%	92%	92%

BUILDING TYPES:

ALLOWED BUILDING TYPES: HOUSE, DUPLEX, ROWHOUSE, APARTMENT
BUILDING, LIVE/WORK BUILDING

ALLOWED FACADE TYPE: PORCH, STOOP, STEP, FORECOURT,
RECESSED-ENTRY, DOORYARD

BUILDING FORM:

MAX. STRUCTURE HEIGHT:	35 FEET	31.0 FEET	31.0 FEET
MAX. FINISHED FLOOR SURFACE OF GROUND FLOOR ABOVE			
SIDEWALK GRADE:	36 IN. MAX	30/12 IN.	30/12 IN.
MIN. GROUND STORY HEIGHT:	11 FEET	10'-7 1/2"	10'-7 1/2"
FACADE GLAZING:	20-40%	16%	16%
ROOF TYPE: FLAT, GABLE, HIP, GAMBREL, MANSARD			

LOT OCCUPATION:

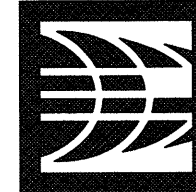
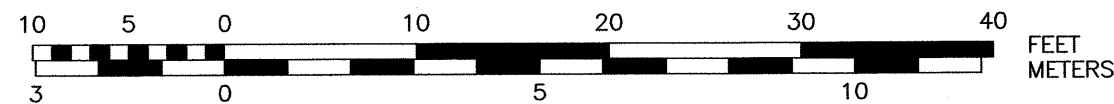
MAX. BUILDING BLOCK	80 FEET	41 FEET	41 FEET
MAX FACADE MOD. LENGTH:	50 FEET	36'11"	36'11"
MIN. ENTRANCE SPACING:	NR		
MAX. BUILDING COVERAGE:	60%	28%	35%
MAX. BUILDING FOOTPRINT:	2,500 SF	2188SF	2500 SF
MIN. LOT AREA:	3,000 SF	7,207 SF	7,207 SF
MIN. LOT AREA/DWELLING:	3,000 SF	1,201 SF	1,201 SF
MIN. OPEN SPACE COVERAGE:	25%	19.2%	19.5%
MAX. GROUND FLOOR GFA/USE:	NR		

APPROVED BY THE PORTSMOUTH ZONING BOARD

CHAIRMAN

DATE

GRAPHIC SCALE



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Civil Engineers & Land Surveyors

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Tel (603) 430-9292
Fax (603) 436-2315

NOTES:

- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 157 AS LOT 3.
- OWNER OF RECORD:
553-559 ISLINGTON STREET, LLC
553-559 ISLINGTON STREET
PORTSMOUTH, NH 03801
6126/609
- PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259E. EFFECTIVE DATE MAY 17, 2005.
- EXISTING LOT AREA:
7,207 S.F.
0.1655 ACRES
- PARCEL IS LOCATED IN THE CHARACTER DISTRICT 4-L2 ZONING DISTRICT. SEE ZONING ORDINANCE FOR DIMENSIONAL REQUIREMENTS.
- THE PURPOSE OF THIS PLAN IS TO SHOW PROPOSED DEVELOPMENT ON TAX MAP 157 LOT 3 IN THE CITY OF PORTSMOUTH.
- PROPOSED BUILDING COVERAGE:
STRUCTURES: 2,291 SF
DECK/STAIRS/STOOP: 209 SF
TOTAL: 2,500 SF

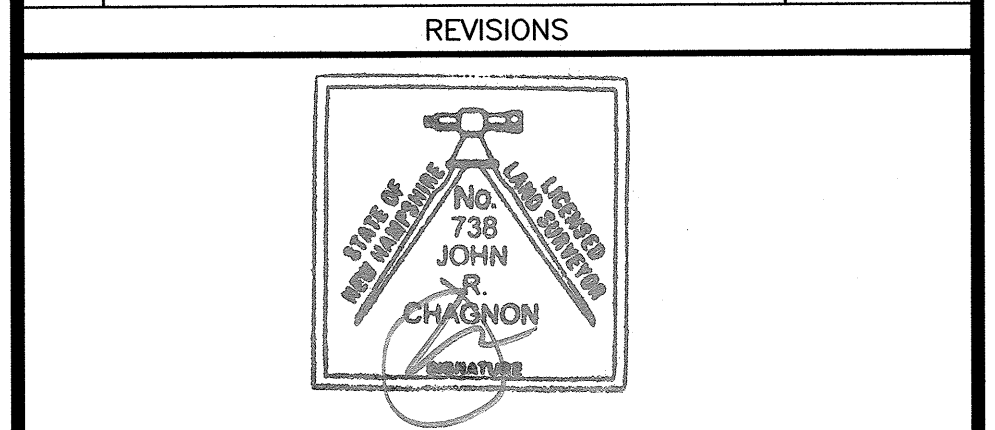
2,500 SF / 7,207 SF = 35%
- REQUIRED PARKING:
2 UNITS x 1.3 SPACES PER UNIT = 3 SPACES
4 UNITS x 1 SPACES PER UNIT = 4 SPACES
VISITOR, 1 SPACE/5 UNITS = 2 SPACES

REQUIRED PARKING: 9 SPACES

PROVIDED PARKING: 8 SPACES
CONDITIONAL USE PERMIT REQUIRED
- ARCHITECTURAL PLANS BY ADRA ARCHITECTURE LLC
- ANY DAMAGE TO EXISTING CITY SIDEWALKS TO BE REPAIRED TO DPW SATISFACTION.

PROPERTY REDEVELOPMENT
553-559 ISLINGTON, LLC
553-559 ISLINGTON STREET
PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
2	ISSUED TO ZBA	8/25/20
1	ISSUED FOR APPROVAL	8/4/20
0	ISSUED FOR COMMENT	7/20/20

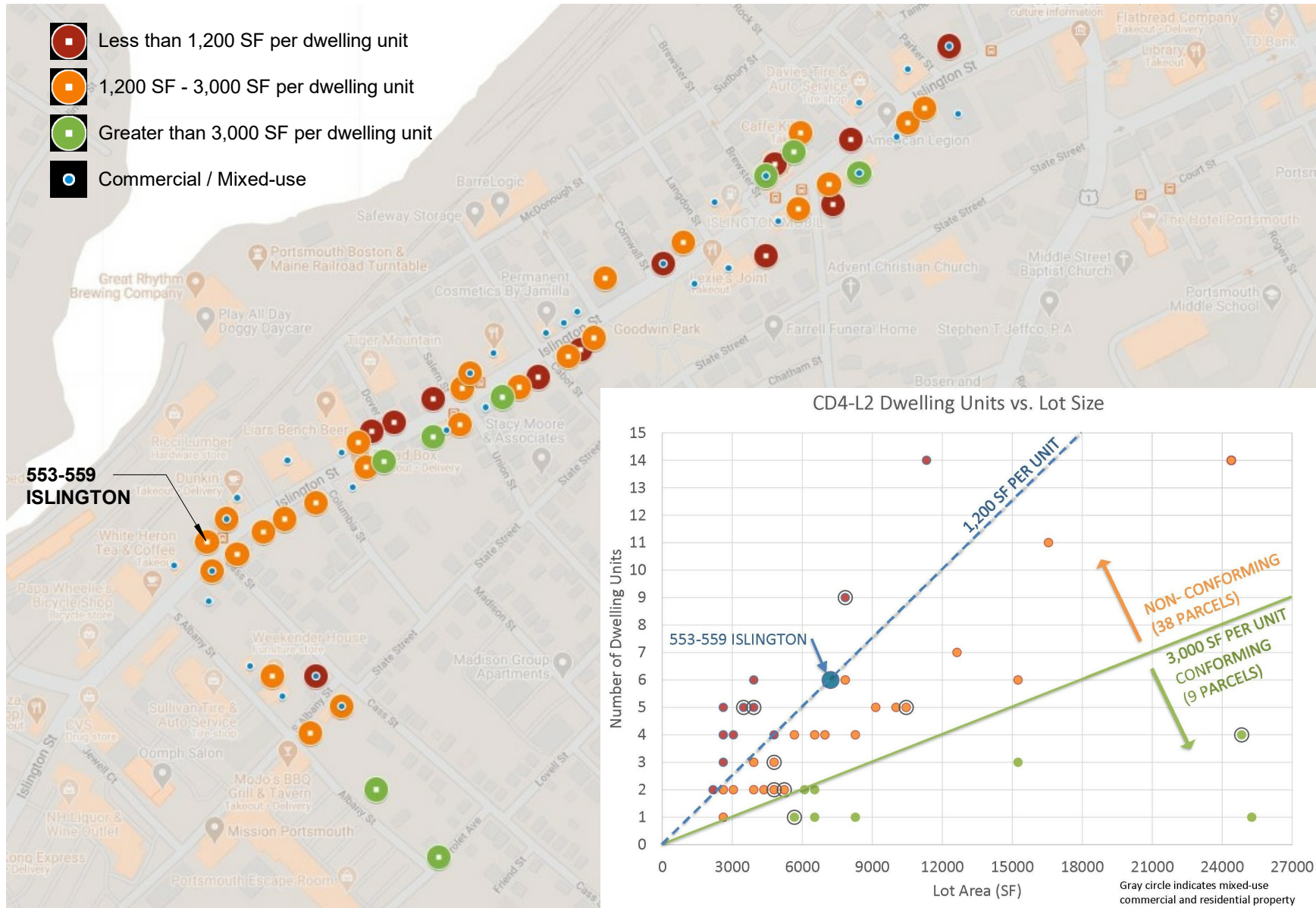


SCALE 1"=10'

JULY 2020

VARIANCE
PLAN

C3



CD4-L2 Dwelling Units vs. Lot Size

