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May 1, 2019

Planning Department
City of Portsmouth
1 Junkins Avenue, 3rd Floor
Portsmouth, NH 03801

**RE: Zoning Board of Adjustment Submittal
2219 Lafayette Road – Tax Map 272 Lot 1
MSC Project #45407.80**

Dear Reviewer:

On behalf of our client, 2219 Lafayette Road LLC, we respectfully submit an Application for Variance relative to the above-referenced project. We have submitted the online portion of the application and twelve (12) copies of the following materials have been hand delivered for your review:

- **Letter of Authorization**
- **Request for Granting a Variance**
- **Variance Plans (Sheets S-00 – S-02) Dated April 30, 2019**
- **Architectural Document Set (Sheets A1.1-A1.4, A2.1, A3.1-A3.2, A4.1)**
- **Photograph Exhibit**

Project Description

The property is located in the Gateway Neighborhood Mixed Use Corridor (G1) and the Single Residence A (SRA) Zone. The principal building and all improvements are within the G1 Zone. The property contains the Portsmouth Used Car Superstore.

The project proposes to convert the facility to an Acura car dealership. We are proposing four (4) small additions to the existing building with associated parking adjustments.

TFMoran, Inc.
48 Constitution Drive, Bedford, NH 03110
T(603) 472-4488 www.tfmoran.com



MSC a division of TFMoran, Inc.
170 Commerce Way–Suite 102, Portsmouth, NH 03801
T(603) 431-2222



Zoning Board of Adjustment Submittal
2219 Lafayette Road – Tax Map 272 Lot 1
MSC Project #45407.80

May 1, 2019

Based on our review of the City of Portsmouth's Zoning Ordinance, we are requesting relief in the form of variances from the following sections:

Variance Request #1

Requirement: Article II Section 10.1113.20

Reason for Variance:

To permit parking between a principal building and a street.

Variance Request #2

Requirement: Article II Section 10.1114.21

Reason for Variance:

To allow 8.5' x 18' parking stalls where 8.5' x 19' is required.

We appreciate your consideration of these matters and look forward to presenting this project to the Board. We respectfully request that we be placed on the upcoming agenda for the Zoning Board of Adjustment meeting on May 21, 2019.

If you have any questions or concerns, please do not hesitate to contact us.

Respectfully,

MSC a division of TFMoran, Inc.

Brenda Kolbow, LLS

Survey Project Manager

BMK/cbj



Civil Engineers
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 Land Surveyors
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 Scientists

Letter of Authorization

I, Anthony DiLorenzo, of 2219 Lafayette Road, LLC, 549 Highway 1 Bypass, Portsmouth, NH, hereby authorize MSC a division of TFMoran, Inc., 170 Commerce Way, Suite 102, Portsmouth, NH, to act on my behalf concerning property owned by 2219 Lafayette Road, LLC located on Lafayette Road, Portsmouth, NH, known as Tax Map 272, Lot 1. I hereby appoint MSC a division of TFMoran, Inc. as my agent to act on my behalf in the review process, to include any required signatures.

 Asset Title Holding, Inc.

5-1-19

 Date

 Witness

5-1-19

 Date

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Request for Granting a Variance

Location: 2219 Lafayette Road – Tax Map 272 Lot 1

Owner: 2219 Lafayette Road LLC

Submitted by: MSC, a division of TFMoran, Inc.
Project No: 45407.80

Date: May 1, 2019

Introduction

2219 Lafayette Road, LLC is seeking variances from Article II Sections 10.1113.20 and 10.1114.21 of the City of Portsmouth's Zoning Ordinance to permit parking between a principal building and a street (10.1113.20) and 8.5' x 18' parking stalls where 8.5' x 19' is required (10.1114.21).

The property is located in the Gateway Neighborhood Mixed Use Corridor (G1) and the Single Residence A (SRA) Zone. The principal building and all improvements are within the G1 Zone. The property is located at 2219 Lafayette Road and contains the Portsmouth Used Car Superstore. The owner plans to convert the facility to an Acura car dealership.

The proposed improvements to the site consist of four (4) small additions to the existing building, which in affect causes the reconfiguration of a portion of the existing parking spaces. The existing parking spaces were created under previous regulations that allowed for smaller dimensions. Current regulations require 8 ½" x 19' spaces, where 8 ½" x 18' was previously allowed. These new parking spaces need to smoothly transition to the existing spaces. Extending the new spaces would affect the size of the adjacent drive aisles and cause a domino affect which would ultimately result in expanding the existing pavement and adding to the overall footprint and impervious surface area.

Requirements for Granting a Variance:

Requirement #1 – The variance is not contrary to the public interest.

Requirement #2 – The spirit of the ordinance is observed.

Request for Granting a Variance

Explanation: In determining whether granting a variance would be contrary to the public interest and if it is consistent with the spirit and intent of the ordinance, the ZBA may consider these two criteria together pursuant to *Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102 (2007)*. It must be determined that granting the variance “would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance’s basic zoning objectives....Mere conflict with the zoning ordinance is not enough”. In this case, granting these variances will not be contrary to the public interest because the use of the property is not going to change and there will not be any substantial changes to the site that would affect the public health, safety or general welfare. The spirit of the ordinance will be observed by allowing for the expansion of an existing business and promoting the continued economic vitality the City’s primary gateway area (G-1).

Requirement #3 – Substantial justice is done.

Explanation: The existing and proposed use of this property is a car dealership which displays vehicles for sale in front of the principal building to provide for optimal viewing of their products. There will also be some customer and employee parking in front of the principal building. Expanding the pavement in the rear of the building is not being proposed because that would result in impacts to the 100’ wetland buffer. The current layout of the parking spaces was created under previous zoning regulations that allowed for smaller dimensions. Changing the alignment of these spaces causes a domino affect that would reconfigure all of the parking spaces and drive aisles onsite that would create the need to expand the existing pavement and adding to the overall footprint and impervious surface area. The majority of the parking spaces are for vehicles that are on display and are only moved when being test driven and are not maneuvering throughout the day.

Requirement #4 – The values of surrounding properties are not diminished.

Explanation: The values of the surrounding properties will not be diminished because the use of the property is not going to change. The proposed changes to the site are improvements to the

Request for Granting a Variance

existing building and will not diminish the surrounding properties, which are VIP Tires & Service, Lou's Custom Exhaust, and a small commercial shopping center across the street.

Requirement #5 – Literal enforcement of the ordinance would result in unnecessary hardship.

Unnecessary hardship means:

Because of special conditions of the property that distinguish it from other properties in the area:

- a. No Fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because:

The general purpose of the ordinance is to promote the health, safety and general welfare of Portsmouth and its region in accordance with the City of Portsmouth Master Plan. The parking of vehicles in front of an existing car dealership and providing 18' long parking spaces does not alter this purpose. In addition, the existing parking onsite has had 18' long parking spaces since its' opening without issue.

And

- b. The proposed use is a reasonable one because:

The parking of vehicles in front of the principal building has already been in use and the dimensions of the existing parking spaces were created under previous regulations allowing for smaller dimensions.

GENERAL INFORMATION

OWNER

ANTHONY DILORENZO
549 US HIGHWAY 1 BY-PASS
PORTSMOUTH, NH 03801

APPLICANT

2219 LAFAYETTE ROAD LLC
549 US HIGHWAY 1 BY-PASS
PORTSMOUTH, NH 03801

PREPARED FOR

2219 LAFAYETTE ROAD LLC
549 US HIGHWAY 1 BY-PASS
PORTSMOUTH, NH 03801

RESOURCE LIST

PLANNING/ ZONING DEPARTMENT
1 JUNKINS AVENUE, 3RD FLOOR
PORTSMOUTH, NH 03801
(603) 610-7296
JULIET WALKER, PLANNING DIRECTOR

BUILDING DEPARTMENT
1 JUNKINS AVENUE, 3RD FLOOR
PORTSMOUTH, NH 03801
(603) 610-7261
ROBERT MARSILIA, CHIEF BUILDING INSPECTOR

PUBLIC WORKS
680 PEVERLY HILL ROAD
PORTSMOUTH, NH 03801
(603) 427-1530
PETER RICE, DIRECTOR

POLICE DEPARTMENT
3 JUNKINS AVENUE
PORTSMOUTH, NH 03801
(603) 427-1512
ROBERT MERNER, CHIEF

FIRE DEPARTMENT
170 COURT STREET
PORTSMOUTH, NH 03801
(603) 427-1515
STEVEN E. ACHILLES, CHIEF

VARIANCE PLANS

KEY ACURA OF PORTSMOUTH

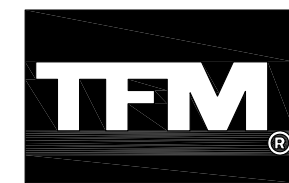
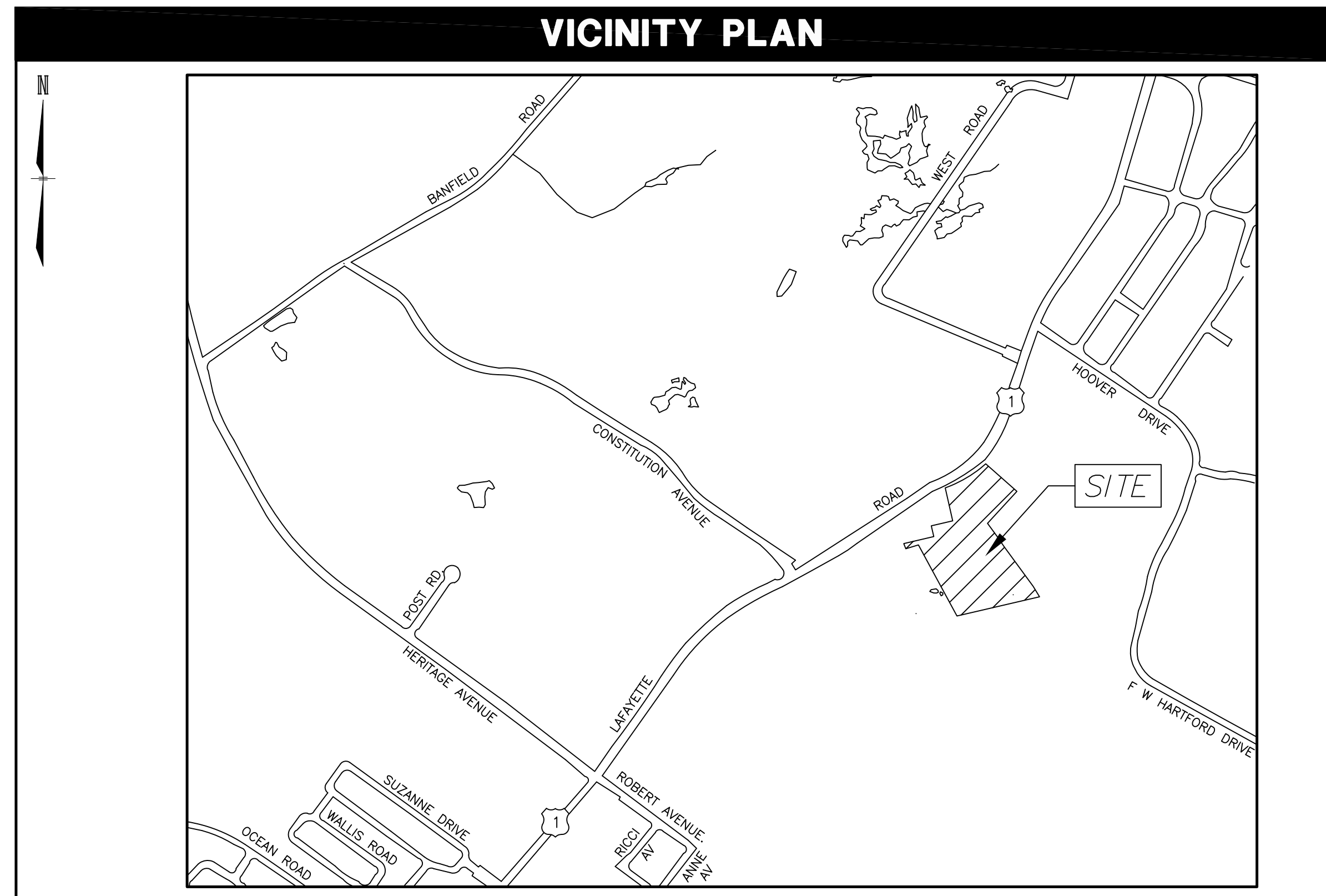
**2219 LAFAYETTE ROAD
PORTSMOUTH, NEW HAMPSHIRE**

APRIL 30, 2019

INDEX OF SHEETS

SHEET	SHEET TITLE
S-00	COVER SHEET
S-01	VARIANCE PLAN - EXISTING CONDITIONS
S-02	VARIANCE PLAN - PROPOSED CONDITIONS

VICINITY PLAN



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170 Commerce Way, Suite 102
Portsmouth, NH 03801
Phone (603) 431-2222
Fax (603) 431-0910
www.TFMoran.com

VARIANCE PLANS

**TAX MAP 272 LOT 1
KEY ACURA OF PORTSMOUTH
COVER SHEET
2219 LAFAYETTE ROAD
PORTSMOUTH, NEW HAMPSHIRE
COUNTY OF ROCKINGHAM
OWNED BY
2219 LAFAYETTE ROAD, LLC**

APRIL 30, 2019



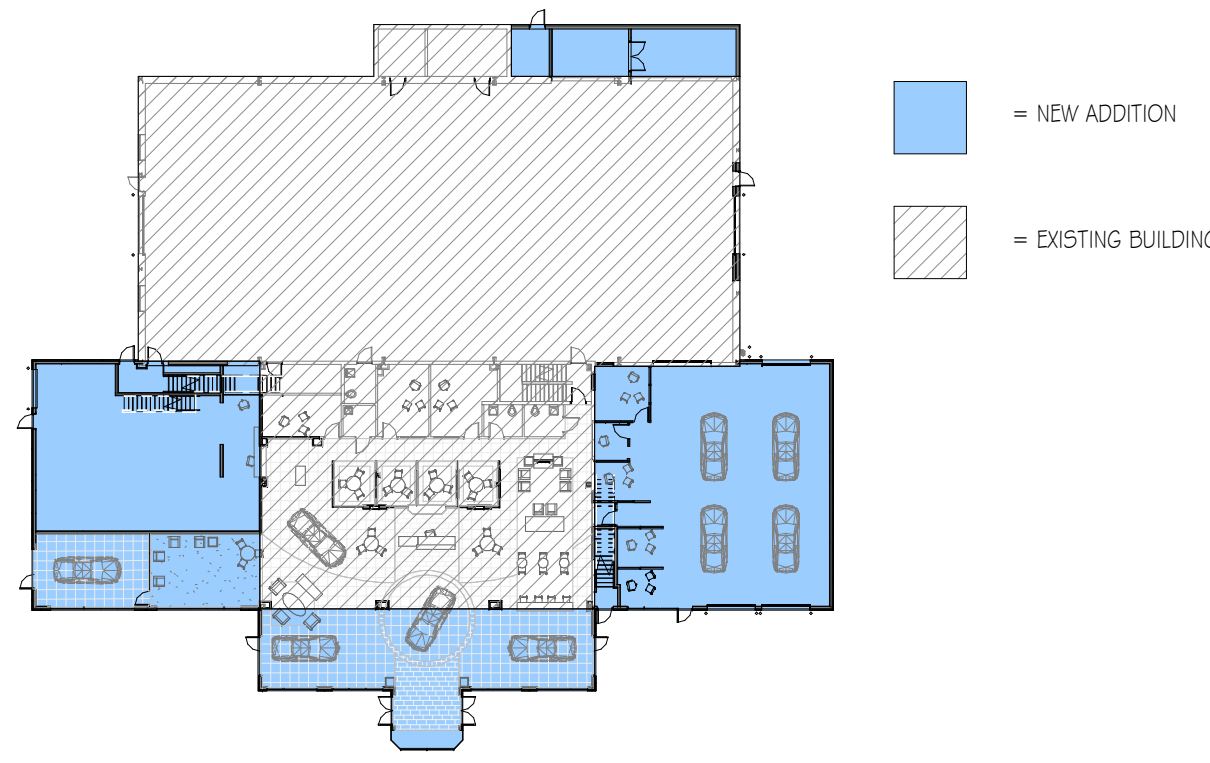
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This plan is not effective unless signed by a duly authorized officer of Thomas F. Moran, Inc.



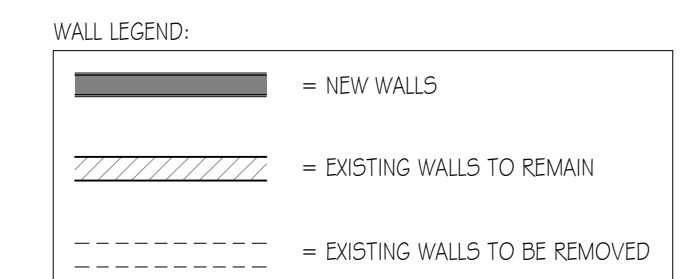
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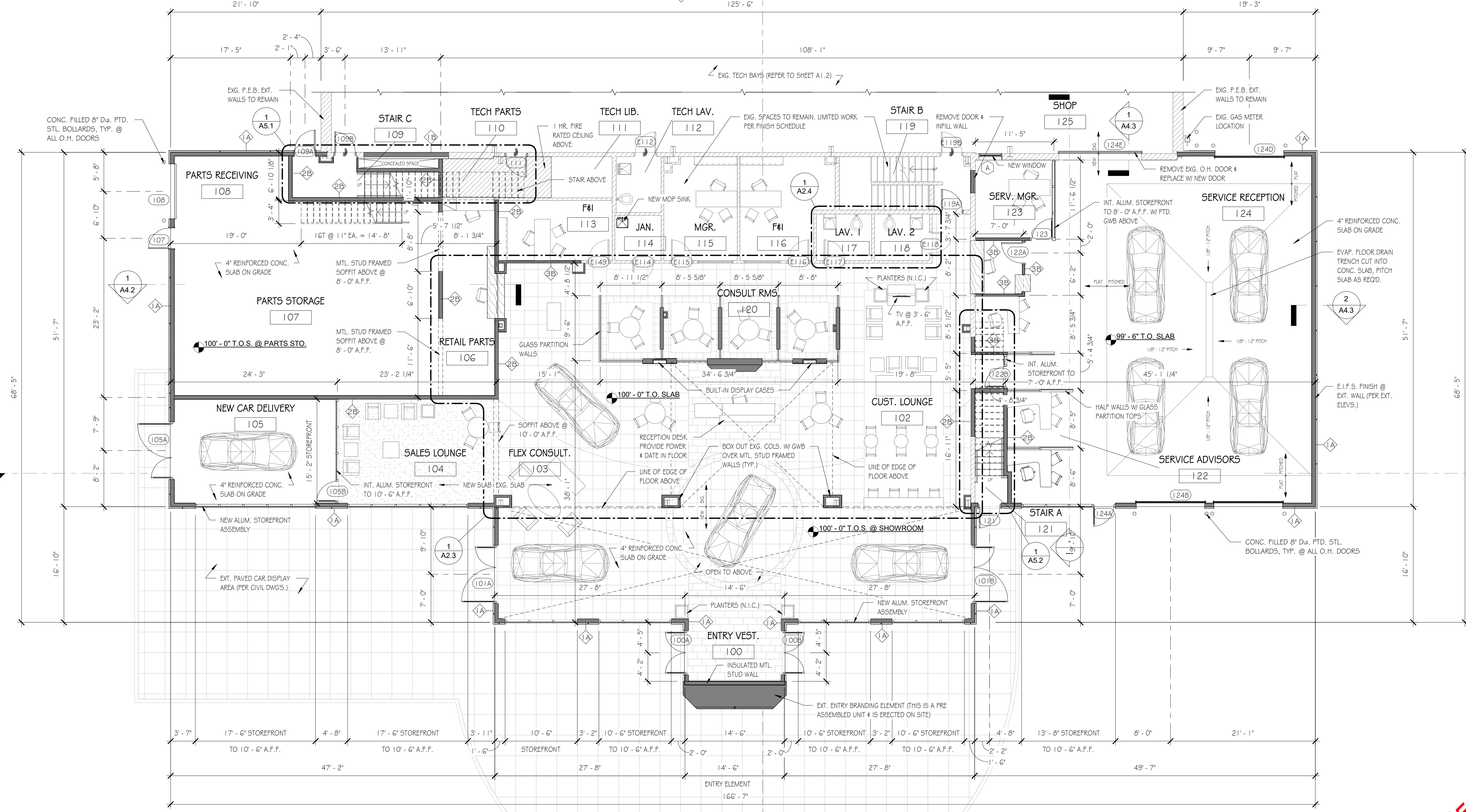
45407.80	DR	FB	-	S-00
	CK	CADFILE		



- FLOOR PLAN GENERAL NOTES:
- 1) REFER TO SHEETS A4.0 FOR WALL TYPE INFORMATION
 - 2) REFER TO SHEETS AG.2 FOR ROOM FINISH SCHEDULE
 - 3) REFER TO SHEETS AG.1 FOR DOOR & WINDOW SCHEDULE
 - 4) REFER TO SHEETS A1.4 & A1.5 FOR REFLECTED CEILING PLAN & LIGHTING FIXTURE SCHEDULE
 - 5) REFER TO STRUCTURAL DRAWINGS FOR ALL CONCRETE SLAB THICKNESSES & REINFORCEMENT PLACEMENT LOCATIONS
 - 6) REFER TO STRUCTURAL DRAWINGS FOR ALL STRUCTURAL COLUMN SIZES & LOCATIONS
 - 7) GRID IS TO OUTSIDE FACE OF WALL, GRT OR CENTER LINE OF MAIN FRAME @ P.F.B. GRID IS TO CENTER LINE OF STEEL COLUMNS @ STRUCTURAL STEEL BUILDING
 - 8) ALL INTERIOR WALL DIMENSIONS ARE FROM CENTER OF WALL & OUTSIDE FACE OF EXT. WALL FOR NEW PARTITIONS
 - 9) REFER TO COVER SHEET FOR TYPICAL ABBREVIATIONS
 - 10) ALL UNDIMENSIONED DOORS TO MAINTAIN A MINIMUM JAMB DISTANCE OF 4" @ HINGE, U.N.O. OR SHOWN CENTERED IN WALL
 - 11) TOP OF FOUNDATION WALL @ ALL NEW EXTERIOR DOORS TO BE DROPPED 8" TO EL. 99'-4" REFER TO STRUCTURAL DRAWINGS
 - 12) REFER TO SHEET CR.2 FOR ALL NEW PLUMBING FIXTURE DIMENSIONAL CRITERIA. FIXTURE TAGS REFERENCE PARTICULAR FIXTURE
 - 13) REFER TO CIVIL DWGS. FOR SIDE WALK & PARKING LAYOUT
 - 14) REFER TO SHEET A1.2 FOR TECHNICIAN BAY FLOOR PLAN



3 NEW VS. EXISTING KEY PLAN
1" = 40'-0"



1 EXISTING FIRST FLOOR PLAN
1/8" = 1'-0"

No.	Description	Date
	Revision Schedule	

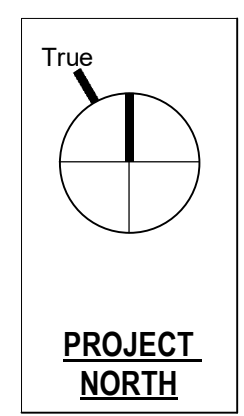
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Key Acura of Portsmouth
 2219 Lafayette Rd.
 Portsmouth, NH

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 Org. Issue Date: N.F.C.
 JOB NO:
 DRAFTED: MLN
 CHECKED: JMT
 SCALE: As indicated

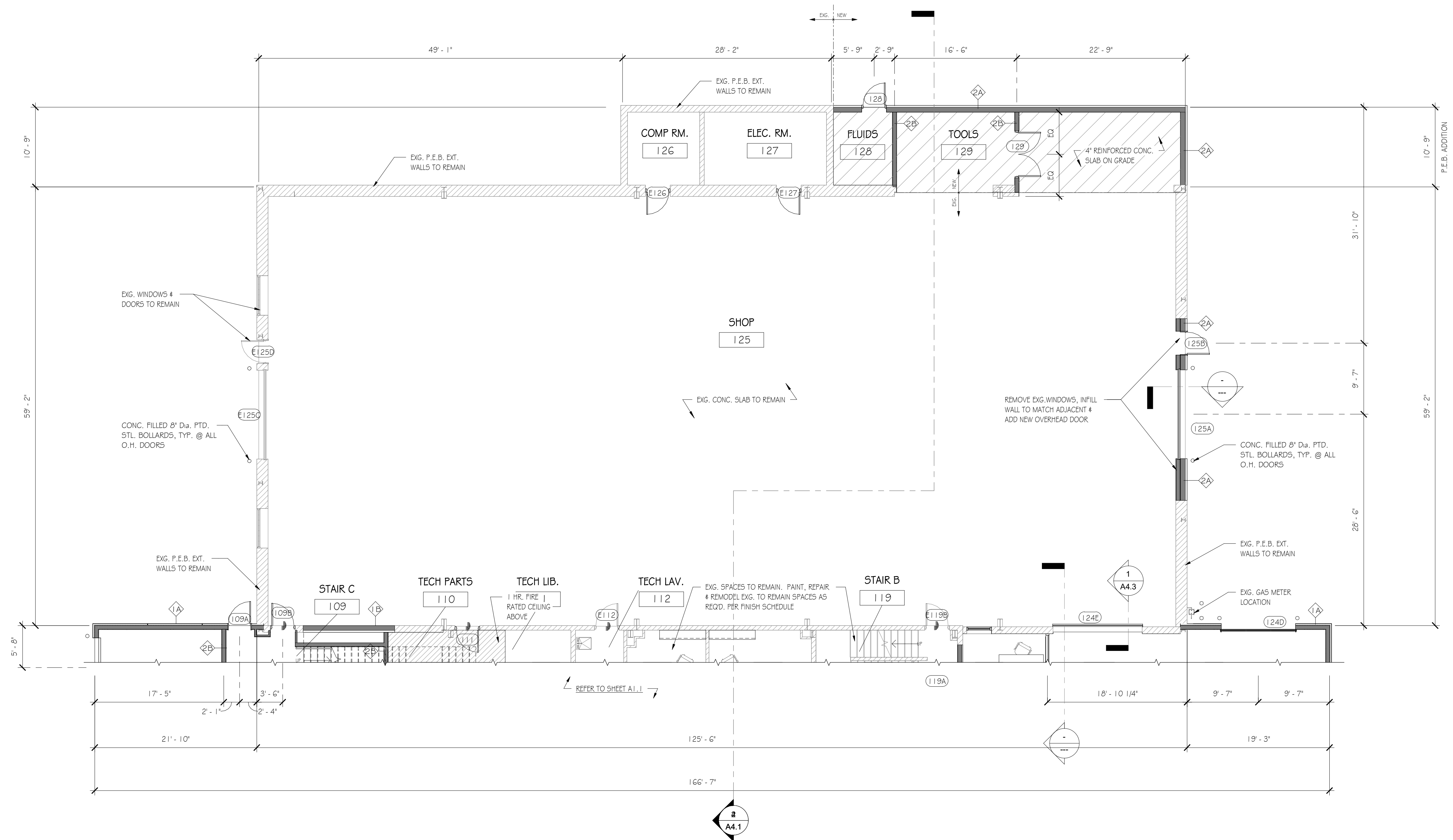
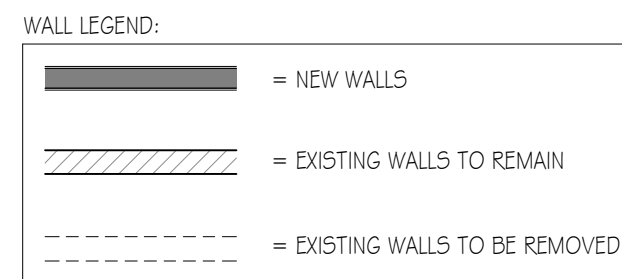
Sheet Title:
First Floor Plan

Sheet Number:
A1.1

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- FLOOR PLAN GENERAL NOTES:**
- 1) REFER TO SHEETS A4.0 FOR WALL TYPE INFORMATION
 - 2) REFER TO SHEETS A6.2 FOR ROOM FINISH SCHEDULE
 - 3) REFER TO SHEETS A6.1 FOR DOOR & WINDOW SCHEDULE
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 - 13) REFER TO CIVIL DWGS. FOR SIDE WALK & PARKING LAYOUT
 - 14) REFER TO SHEET A1.2 FOR TECHNICIAN BAY FLOOR PLAN



No.	Description	Date
	Revision Schedule	

Project Info:
Key Acura of Portsmouth
2219 Lafayette Rd.
Portsmouth, NH

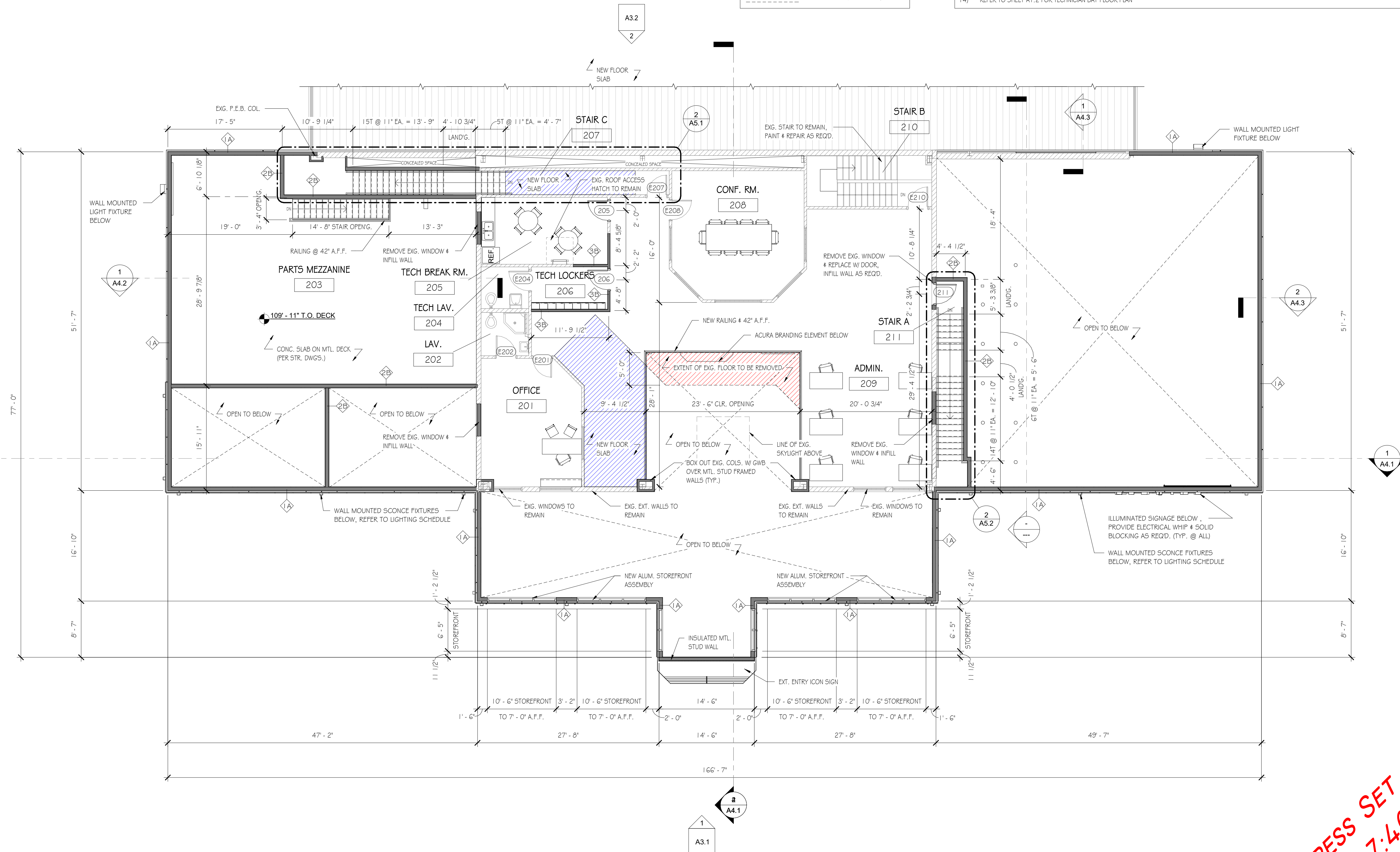
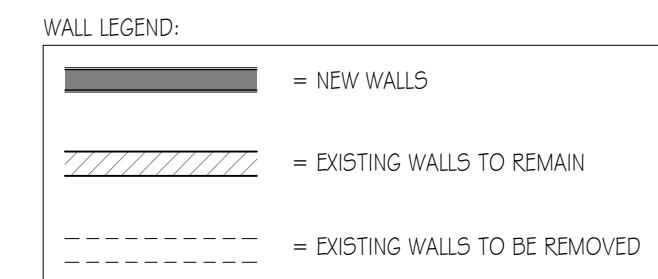
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Issued For: Progress Set
Org. Issue Date: N.F.C.
JOB NO:
DRAFTED: MLN
CHECKED: JMT
SCALE: As indicated
Sheet Title:
Shop Floor Plan

Sheet Number:
A1.2

PROGRESS SET
4/11/2019 7:40:49 AM

1 SHOP FLOOR PLAN
1/8" = 1'-0"

- FLOOR PLAN GENERAL NOTES:**
- 1) REFER TO SHEETS A4.0 FOR WALL TYPE INFORMATION
 - 2) REFER TO SHEETS A6.2 FOR ROOM FINISH SCHEDULE
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 - 13) REFER TO CIVIL DWGS. FOR SIDE WALK & PARKING LAYOUT
 - 14) REFER TO SHEET A1.2 FOR TECHNICIAN BAY FLOOR PLAN



1 SECOND FLOOR
1/8" = 1'-0"

PROGRESS SET
4/11/2019 7:40:52 AM

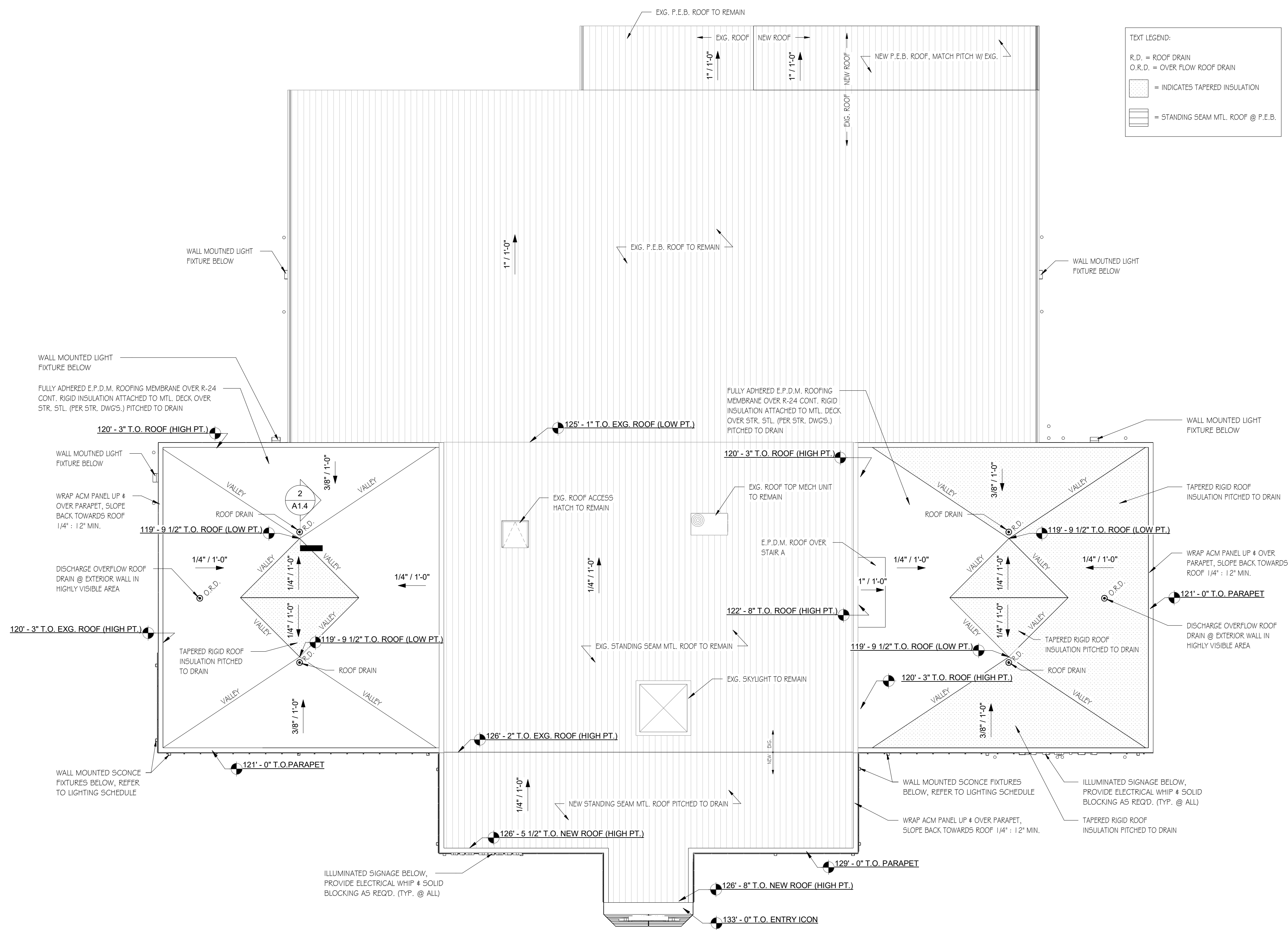
No.	Description	Date
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Project Info:
Key Acura of Portsmouth
2219 Lafayette Rd.
Portsmouth, NH

Sheet Status:
Latest Release:
Issued For: Progress Set
Org. Issue Date: N.F.C.
JOB NO:
DRAFTED: MLN
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SCALE: As indicated

Sheet Title:
Second Floor Plan

Sheet Number:
A1.3



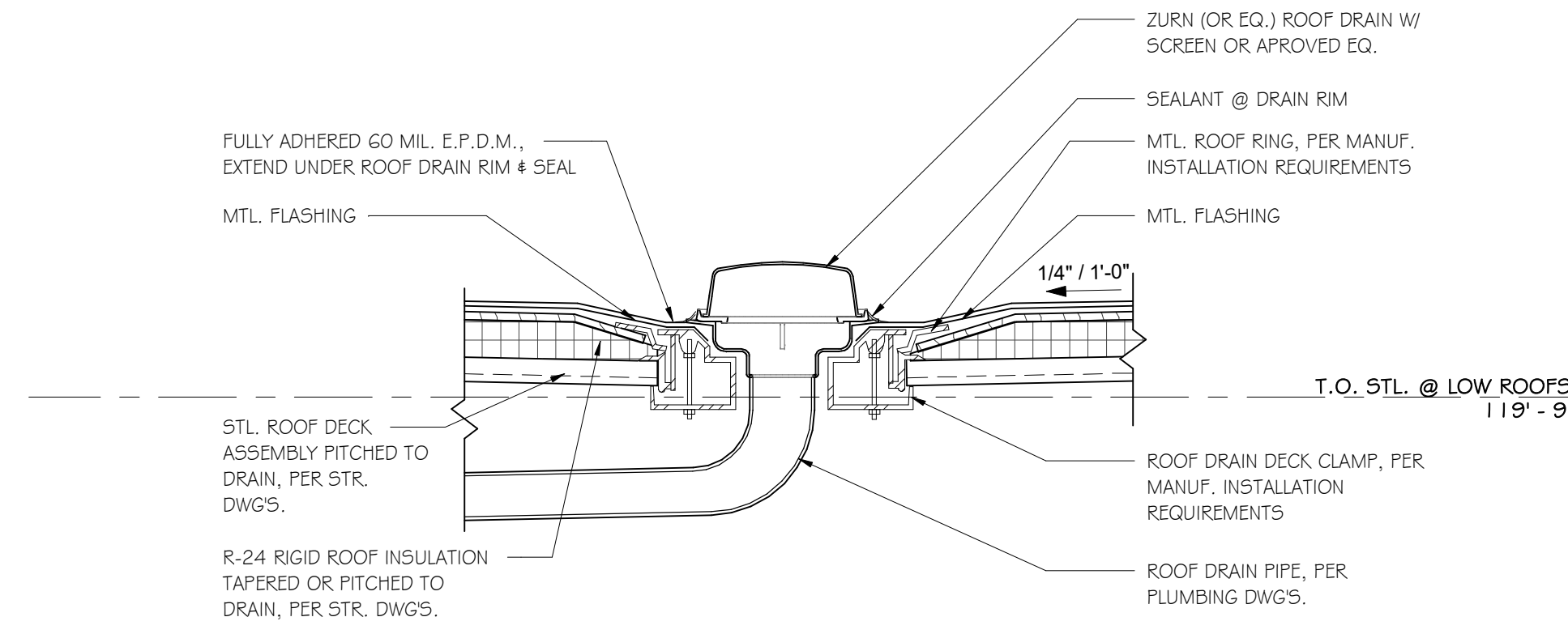
TEXT LEGEND:

R.D. = ROOF DRAIN
O.R.D. = OVER FLOW ROOF DRAIN

[Symbol] = INDICATES TAPERED INSULATION

[Symbol] = STANDING SEAM MTL. ROOF @ P.E.B.

- GENERAL ROOF PLAN NOTES:**
- 1) ALL ROOF SLOPES @ E.P.D.M. ROOFS ARE 1/4" PER FOOT MIN.
 - 2) PITCH STEEL AS REQD. TO ACHIEVE ROOF SLOPES INDICATED ON DWGS.
 - 3) HATCH INDICATES EXTENT OF SLOPED ROOF INSULATION
 - 4) ALL E.P.D.M. ROOFS TO BE 60 MIL FULLY ADHERED E.P.D.M.
 - 5) MIN. ROOF INSULATION THICKNESS SHALL BE 3"
 - 6) WRAP ACM PANELS UP & OVER T.O. PARAPET. SLOPED BACK TOWARDS ROOF @ 1/4" : 12" MIN., REFER TO SECTIONS FOR MORE DETAILS
 - 7) NEW P.E.B. ROOF # NEW STANDING SEAM MTL. ROOF OVER SHOWROOM ADDITION TO MATCH PITCH OF EXG. ADJACENT ROOF



2 ROOF DRAIN SECTION DETAIL
1" = 1'-0"

1 PROPOSED ROOF PLAN
1" = 10'-0"

No.	Description	Date
	Revision	Schedule

Project Info:
Key Acura of Portsmouth
2219 Lafayette Rd.
Portsmouth, NH

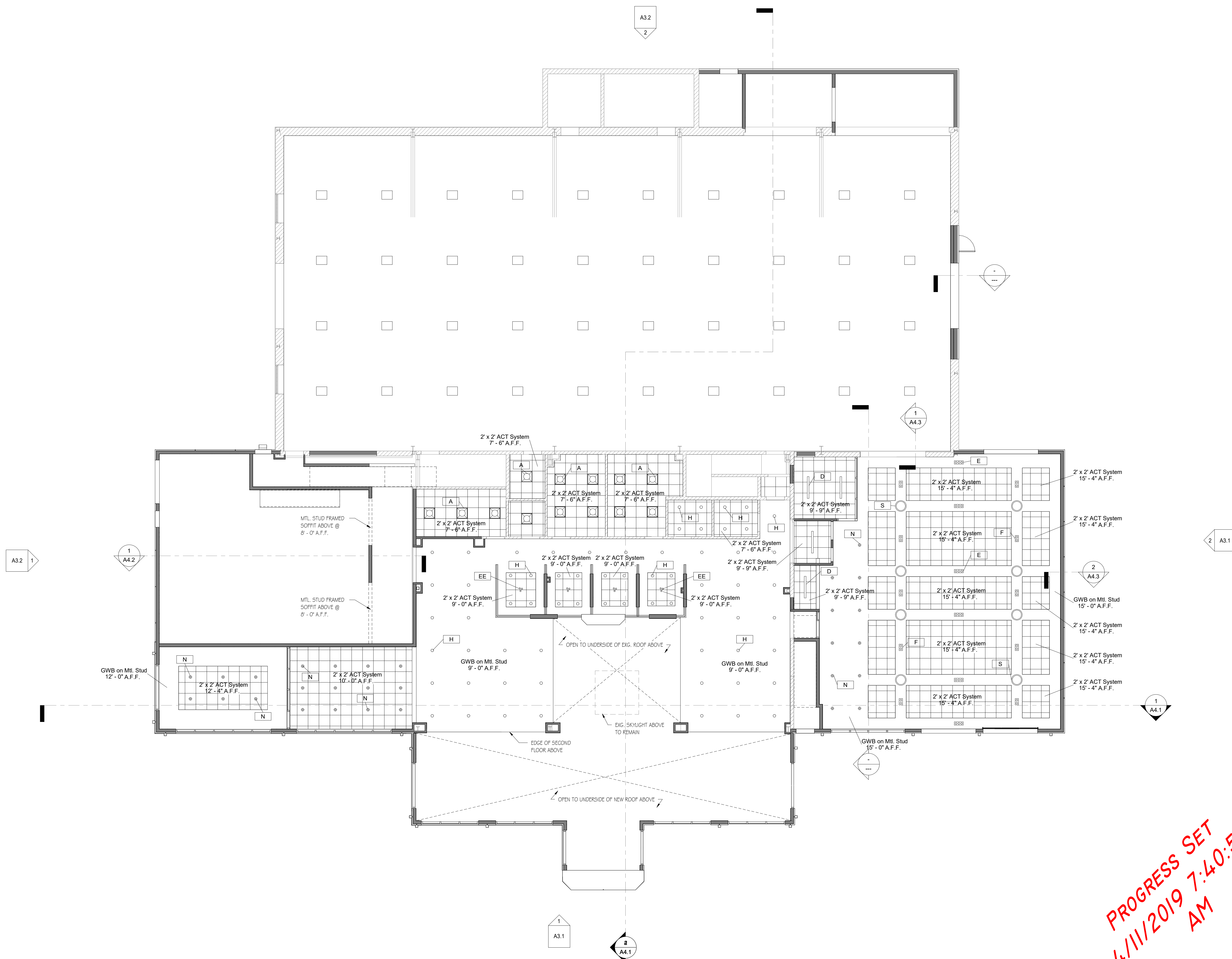
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Latest Release:
Issued For: Progress Set
Org. Issue Date: N.F.C.

JOB NO:
DRAFTED: MLN
CHECKED: JMT
SCALE: As indicated

Sheet Title:
Roof Plan

Sheet Number:
A1.4

PROGRESS SET
4/11/2019 7:40:53 AM



No.	Description	Date
	Revision Schedule	

Project Info:
Key Acura of Portsmouth
2219 Lafayette Rd.
Portsmouth, NH

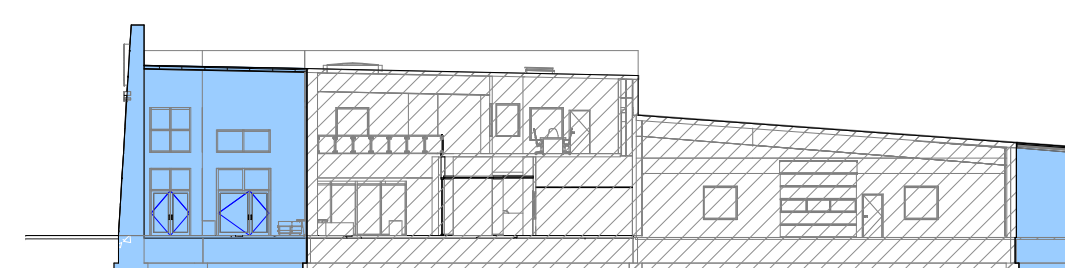
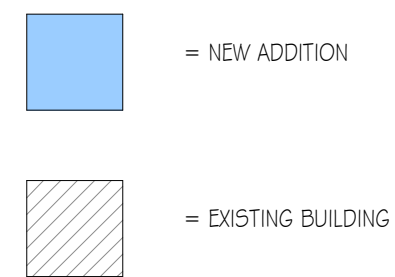
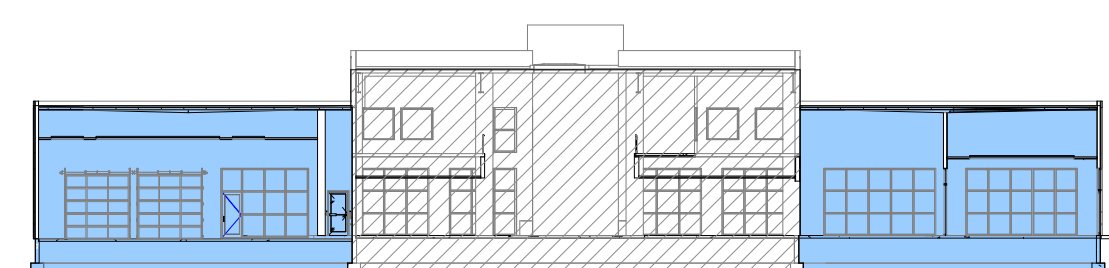
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Latest Release:
Issued For: Progress Set
Org. Issue Date: N.F.C.
JOB NO:
DRAFTED: MLN
CHECKED: JMT
SCALE: 1/8" = 1'-0"

Sheet Title:
First Floor Reflected Ceiling Plan

Sheet Number:
A2.1

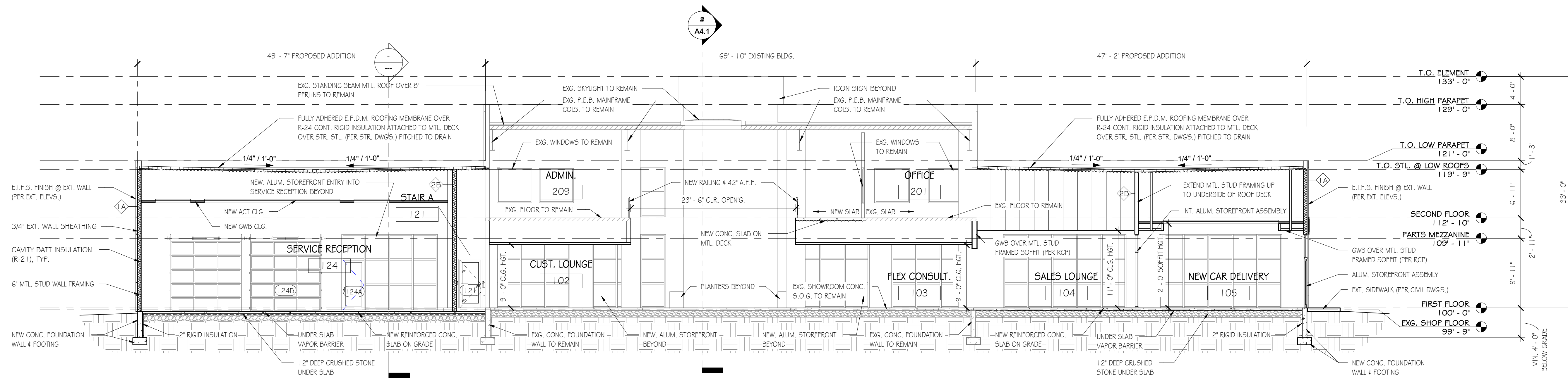
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4/11/2019 7:40:56 AM

FIRST FLOOR REFLECTED CEILING PLAN
1/8" = 1'-0"

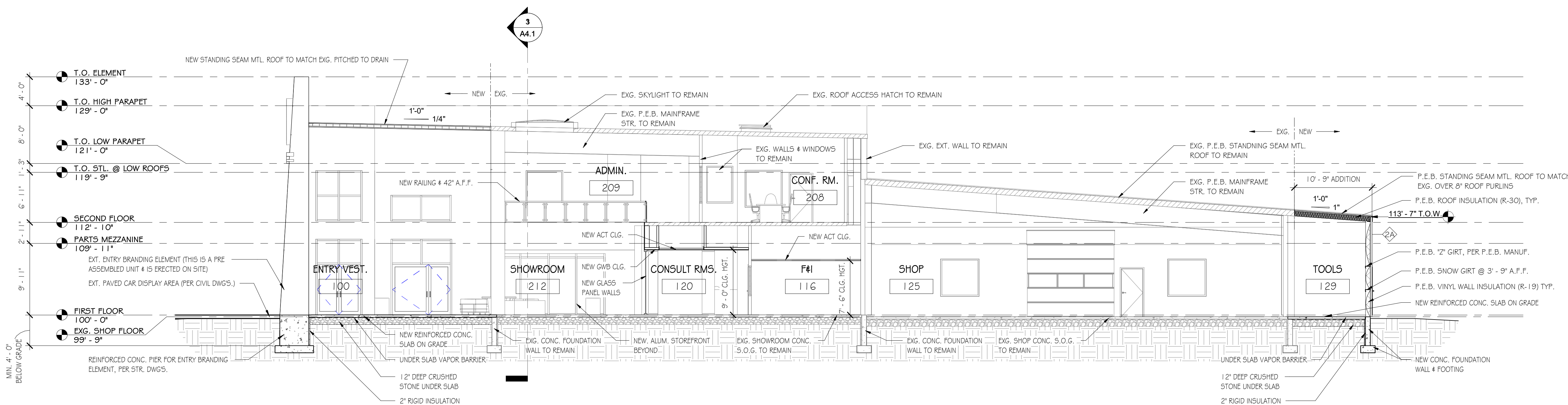


3 NEW VS. EXISTING KEY SECTION "A"
 1" = 30'-0"

4 NEW VS. EXISTING KEY SECTION "B"
 1" = 30'-0"



1 BUILDING SECTION "A"
 1/8" = 1'-0"



2 BUILDING SECTION "B"
 1/8" = 1'-0"

No.	Description	Date
	Revision Schedule	

Project Info:
Key Acura of Portsmouth
 2219 Lafayette Rd.
 Portsmouth, NH

Sheet Status:
 Latest Release: Progress Set
 Issued For: N.F.C.
 Org. Issue Date:
 JOB NO:
 DRAFTED: MLN
 CHECKED: JMT
 SCALE: As indicated

Sheet Title:
Building Sections

Sheet Number:
A4.1

PROGRESS SET
4/11/2019 7:41:46 AM

Photo Exhibit – For Variance Application – Tax Map 272 Lot 1 – 2219 Lafayette Road



Facing easterly from east side of building



Facing the front of the building from the road

Photo Exhibit – For Variance Application – Tax Map 272 Lot 1 – 2219 Lafayette Road



Facing the westerly side of the building from parking lot



Facing westerly from the front of building

Photo Exhibit – For Variance Application – Tax Map 272 Lot 1 – 2219 Lafayette Road



Facing southeasterly from east side of building



Facing the easterly side of building from parking lot