

### III. NEW BUSINESS

- H. The request of **Carl Krukoff (Owner)**, for property located at **3360 Lafayette Road** whereas relief is needed to convert a two bay garage into a third living unit which requires the following: 1) Variance from 10.521 to allow 8,002.5 square feet per dwelling unit where 15,000 square feet is required, 2) Variance from 10.331 to allow a non-conforming use to be extended or enlarged without conforming to the requirements of the Zoning Ordinance, 3) Variance from section 10.440 Use #1.51 to allow three (3) dwelling units where one (1) is permitted. Said property is located on Assessor Map 297 Lot 12 and lies within the Single Residence B (SRB) District. (LU-23-59)

#### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Two-family	<b>Create a 3<sup>rd</sup> dwelling unit</b>	Primarily residential
<u>Lot area (sq. ft.):</u>	24,007.5	24,007.5	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	12,003.75	<b>8,002.5</b>	15,000 min.
<u>Lot depth (ft.):</u>	>190	>190	100 min.
<u>Street Frontage (ft.)</u>	>300	>300	100 min.
<u>Primary Front Yard (ft.):</u>	>30	>30	30 min.
<u>Secondary Front Yard (ft.):</u>	20	20	30 min.
<u>Right Yard (ft.):</u>	20	20	10 min.
<u>Rear Yard (ft.):</u>	>100	>100	30 min.
<u>Height (ft.):</u>	35	35	35 max.
<u>Building Coverage (%):</u>	8	8	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40 min.
<u>Parking</u>	3	4	4
<u>Estimated Age of Structure:</u>	1936	<b>Variance request(s) shown in red.</b>	

#### Other Permits/Approvals Required

- Building Permit
- Site Plan Review – TAC and Planning Board
- Parking Conditional Use Permit if required parking can not be satisfied - TAC and Planning Board

## Neighborhood Context



0 45 90 180 Feet  
1 inch = 93.5 feet

**3360 Lafayette Road**



### Previous Board of Adjustment Actions

No previous history found

### Planning Department Comments

The applicant is requesting relief to construct a new living unit to create a total of three units within the existing home. The applicant is not proposing exterior work at this time and all construction will take place within the existing building footprint.

The applicant has not provided a parking plan with their submission. The Board may want to consider asking the applicant how they plan to manage parking.

### Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*

3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*  
**AND**
  - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*  
**OR**  
*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

### **10.235 Certain Representations Deemed Conditions**

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

## **Project: 3360 Lafayette Road, Portsmouth NH**

### **Summary:**

- I currently own a Two-Family Home in the SRB Zoning district where the minimum lot size per dwelling unit is 15,000 sqft and would like to convert the existing garage space into an additional unit. The current size of the property is .55 acres and therefore the current lot area per dwelling unit is 11,979 sqft. **I am requesting a variance for a third dwelling unit and also relief for the minimum lot area per dwelling unit.**

### **Description of Proposed Project:**

- A conversion of an attached two bay garage of approximately 676 sqft into an additional dwelling space. Garage doors would be removed and replaced with an exterior wall with vinyl siding matching the existing building. Vinyl, double hung windows to be installed at front and rear of the unit, with side and rear entrance added. Interior work needed for a two bedroom, one bathroom, with kitchen and open concept living space: insulation on exterior walls, electrical work, heating, plumbing, sheetrock and flooring. Footprint of the home would remain the same with no increase in height and width of structure.

### **Description of Existing Land Use:**

- Property is currently described as a Two Family, zoned Single Residence B (SRB). Section 10.410 of Establishment and Purpose of District describes SRB Zoning as follows: "To provide areas for single-family dwellings at low to medium densities (approximately 1 to 3 dwellings per acre), and appropriate accessory uses."

### **Compliance of Requirements of Zoning Ordinance:**

- 10.233.21- this request will benefit public interest by aiding in the expansion of residential living space for Portsmouth families or prospective families looking to move into Portsmouth during a time when rental inventory is at historic lows.
- 10.233.22- this request will maintain the spirit of the SRB zoning ordinance through the continuance of providing residential usage within a medium

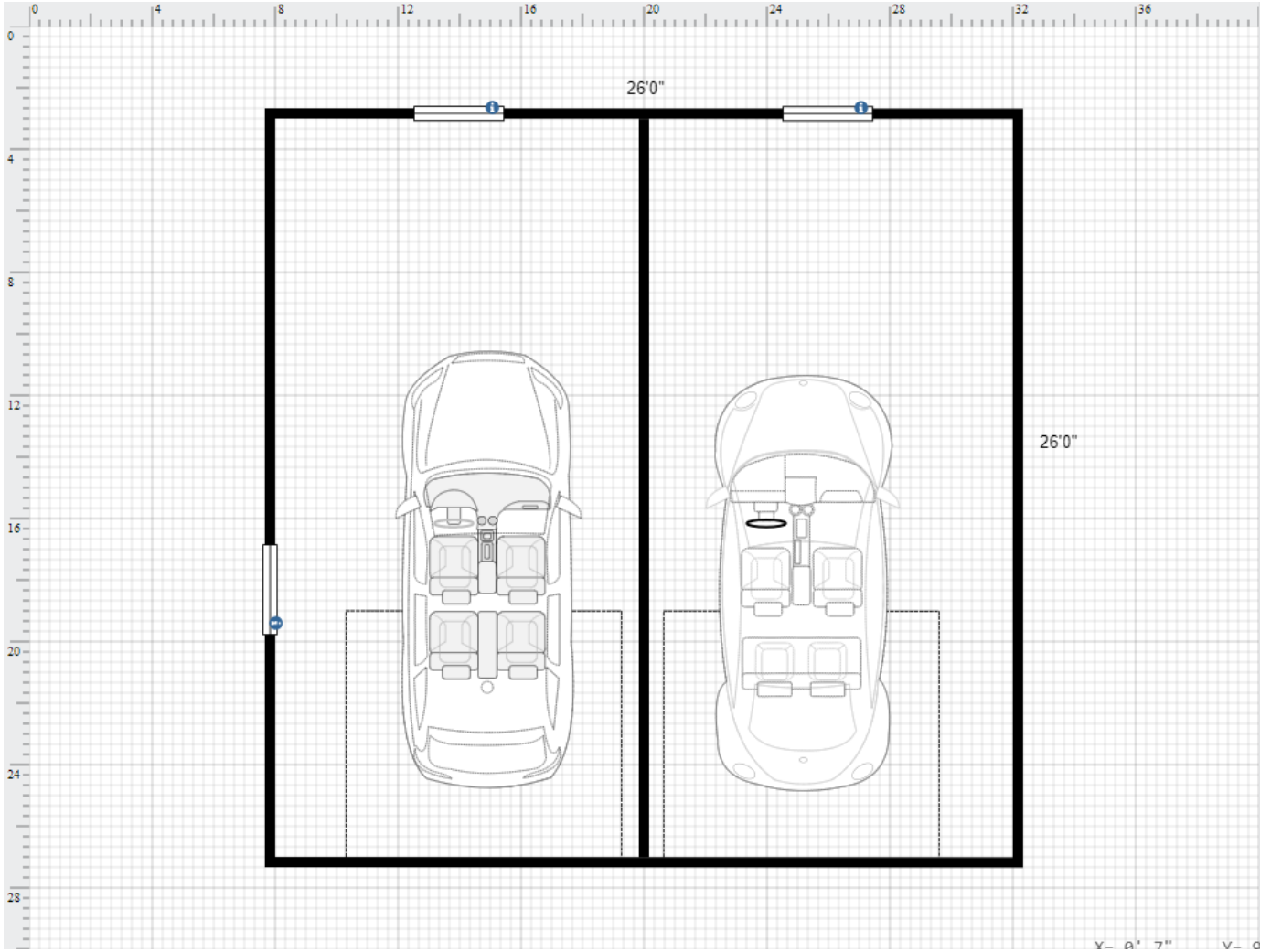
density area and without expanding the building's size, footprint or townhouse style.

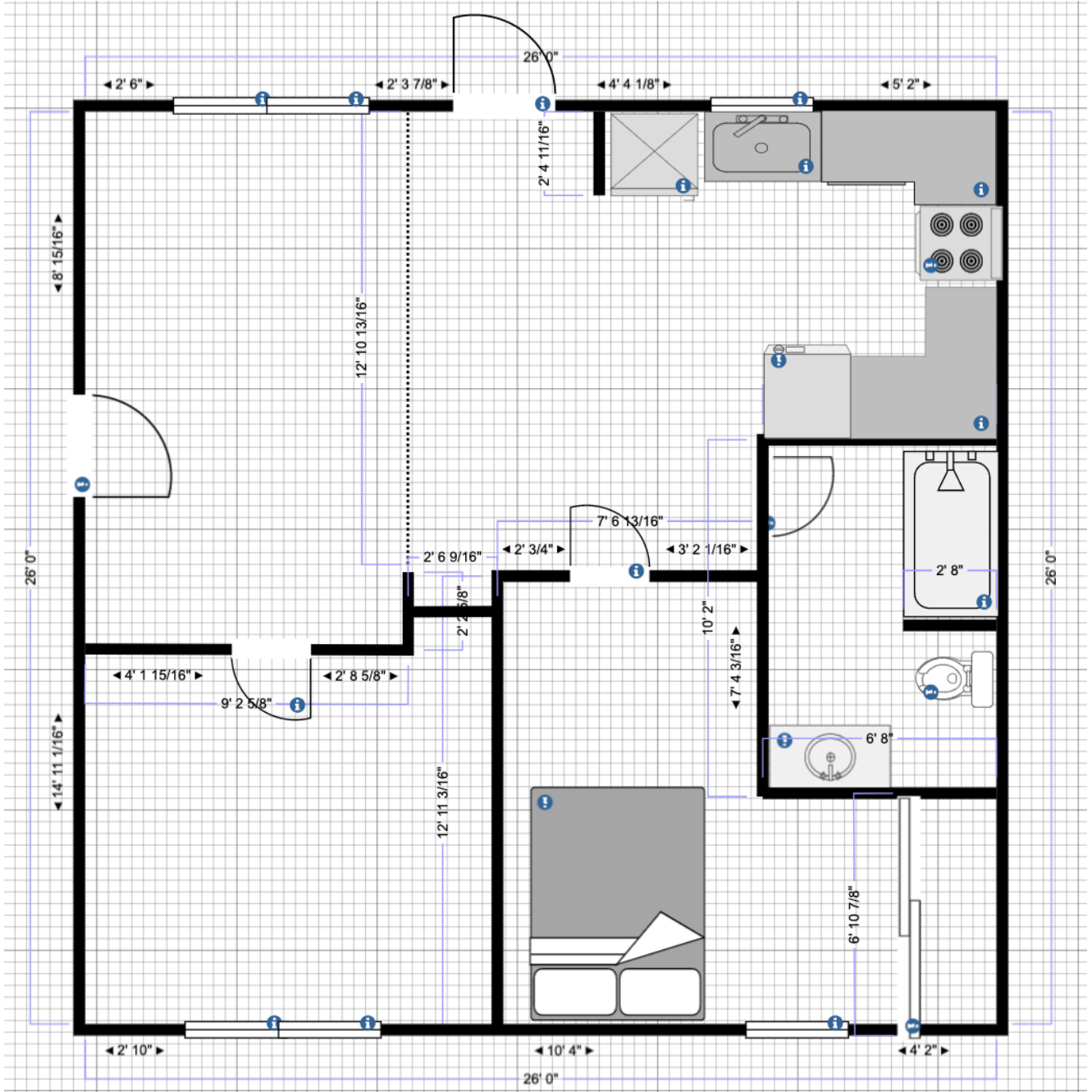
- 10.233.23- this request provides substantial justice of the variant use by indicating and conforming to surrounding developments. See map 2.1 for overview of neighboring properties, uses and styles. Those neighboring include:
  - Weatherstone Condominiums- 20 unit complex in SRB Zoning District
  - Juniper Commons Condominiums- 50 unit complex with SRA Zoning
  - Hillcrest Estates- 190+ mobile home units
- 10.233.24- this request will not diminish the value of the neighboring properties as the construction will not substantially alter the appearance of the building, will provide additional low density housing for residents and would be in alignment with neighboring communities.
- 10.233.25- enforcement of the current zoning would result in an unnecessary hardship owing to its specific usage as a multi-family residence and to maximize its usage under that. During a time of low inventory, an additional rental unit, at a more affordable price point, may be of greater benefit to the general public.

#### **Compliance of Requirements of Special Exemptions:**

- The request to convert a two bay garage will not produce any hazard to the general public and the space will be built in compliance with current building codes as mandated by the city of portsmouth. Additionally, there is a 300' buffer in proximity of any adjacent homes or structures. As noted concerning the improvement of the project, the value of neighboring lots will not be diminished in that the construction will not substantially alter the building's appearance, profile and footprint. And the updated unit remains in line with surrounding developments as well as remains in the spirit of the building's current use. Likewise, this additional residential space will not expand upon any of the following negative factors, including but not limited to adding any— noise, glare, heat, odor, gas, dust, pollutants, vibrations, unsightly outdoor storage equipment; vehicles or other materials. Additional demand on town municipalities would be minimal and adjacent to recently and presumably updated systems (Juniper Commons). Lastly, because of the confinement of this project to only internal updates and minimal alterations to the exterior structure without expanding size or

scope of the original buildings footprint, there should be no significant increase of stormwater runoff onto adjacent property or streets.







Section 10.520 Residential and Mixed Residential Districts

10.521 Table of Dimensional Standards – Residential and Mixed Residential Districts<sup>1</sup>

	R	SRA	SRB	GRA	GRB	GRC	GA/MH	MRO	MRB
Minimum <b>Lot</b> Dimensions									
<b>Lot area</b>	5 acres	1 acre	15,000 sf	7,500 sf	5,000 sf	3,500 sf	5 acres	7,500 sf	7,500 sf
<b>Lot area per dwelling unit</b>	5 acres	1 acre	15,000 sf	7,500 sf	5,000 sf	3,500 sf	10,000 sf	7,500 sf	7,500 sf
Continuous <b>street frontage</b>	NA	150'	100'	100'	80'	70'	N/A	100'	100'
Depth	NA	200'	100'	70'	60'	50'	N/A	80'	80'
Minimum <b>Yard</b> Dimensions									
Front	50'	30'	30' <sup>2</sup>	15'	5'	5'	30' <sup>2,4</sup>	5'	5' <sup>2</sup>
Side	20'	20'	10'	10'	10'	10'	25'	10'	10'
Rear	40'	40'	30'	20'	25'	20'	25'	15'	15'
Maximum <b>Structure</b> Dimensions									
<b>Structure height</b>									
<b>Sloped roof</b>	35'	35'	35'	35'	35'	35' <sup>3</sup>	35' <sup>3,4</sup>	40'	40'
<b>Flat roof</b>	35'	30'	30'	30'	30'	30'	35' <sup>3,4</sup>	30'	30'
<b>Roof appurtenance height</b>	8'	8'	8'	8'	8'	8'	8'	10'	10'
<b>Building coverage</b>	5%	10%	20%	25%	30%	35%	20% <sup>4</sup>	40%	40%
Minimum <b>open space</b>	75%	50%	40%	30%	25%	20%	50%	25%	25%

NA = Not Applicable NR = No Requirement

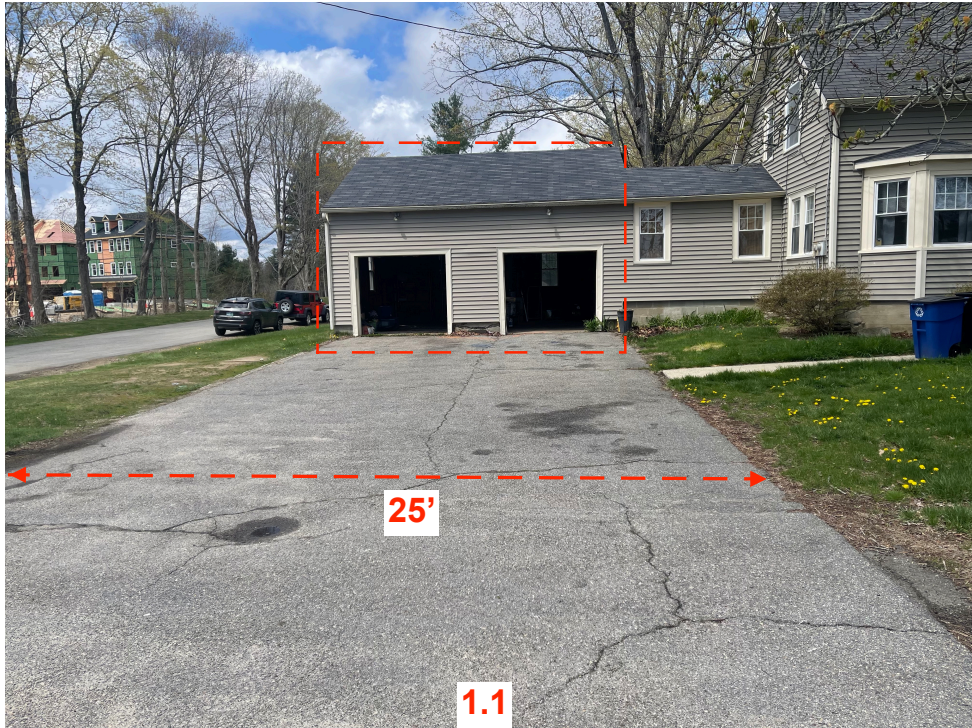
Notes:

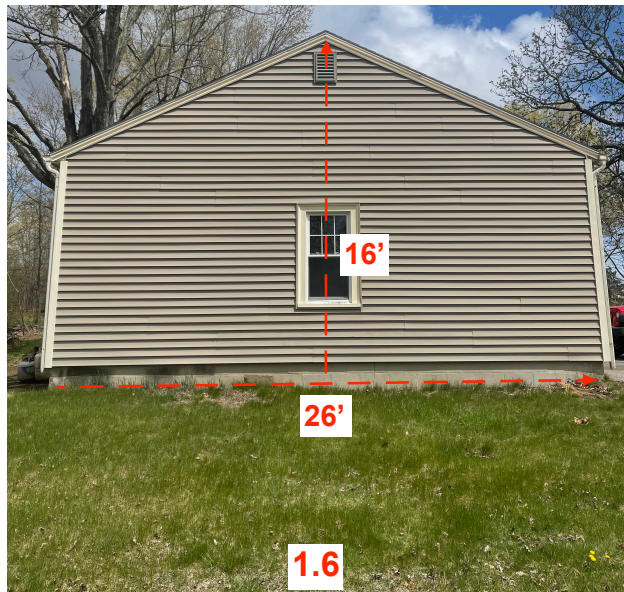
1. See Article 5A and Article 5B for dimensional standards in Character and Gateway Neighborhood Mixed Use Districts.
- \*2. See Section 10.533 for special front **yard** requirements on Lafayette Road.
3. Within the General Residence C and Garden Apartment/Mobile Home Park districts an additional 8' of height may be added to the maximum **structure** height in order to provide for **multifamily dwellings** that include vehicular parking spaces located within the residential **building** itself, if the additional height results in increased **open space** when compared to a site plan showing what **open spaces** would remain if required parking spaces were located in the open and in **accessory structures**.
4. See Section 10.816 for requirements within a **manufactured housing park**.

### 10.533 Special Yard Requirements on Lafayette Road

Notwithstanding the minimum **front yard** requirements specified in Section 10.521 or Section 10.531, for any **lot** adjoining Lafayette Road between the Route 1 Bypass and the Rye town line, no **building, structure**, parking area, or display or storage area shall be located less than 80 feet from the centerline of Lafayette Road or 30 feet from the sideline of Lafayette Road, whichever represents the greater **setback**, except as otherwise permitted by this Ordinance.

**Site Conditions**  
**3360 Lafayette Road, Portsmouth**



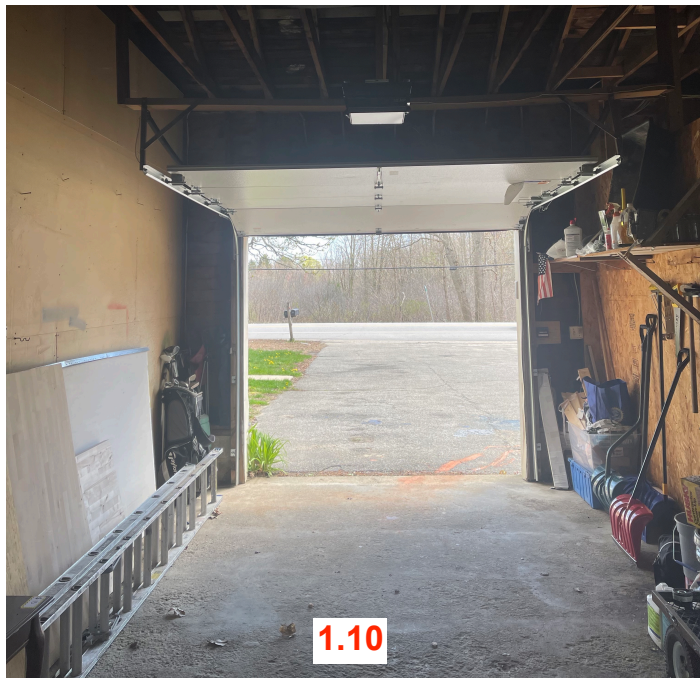




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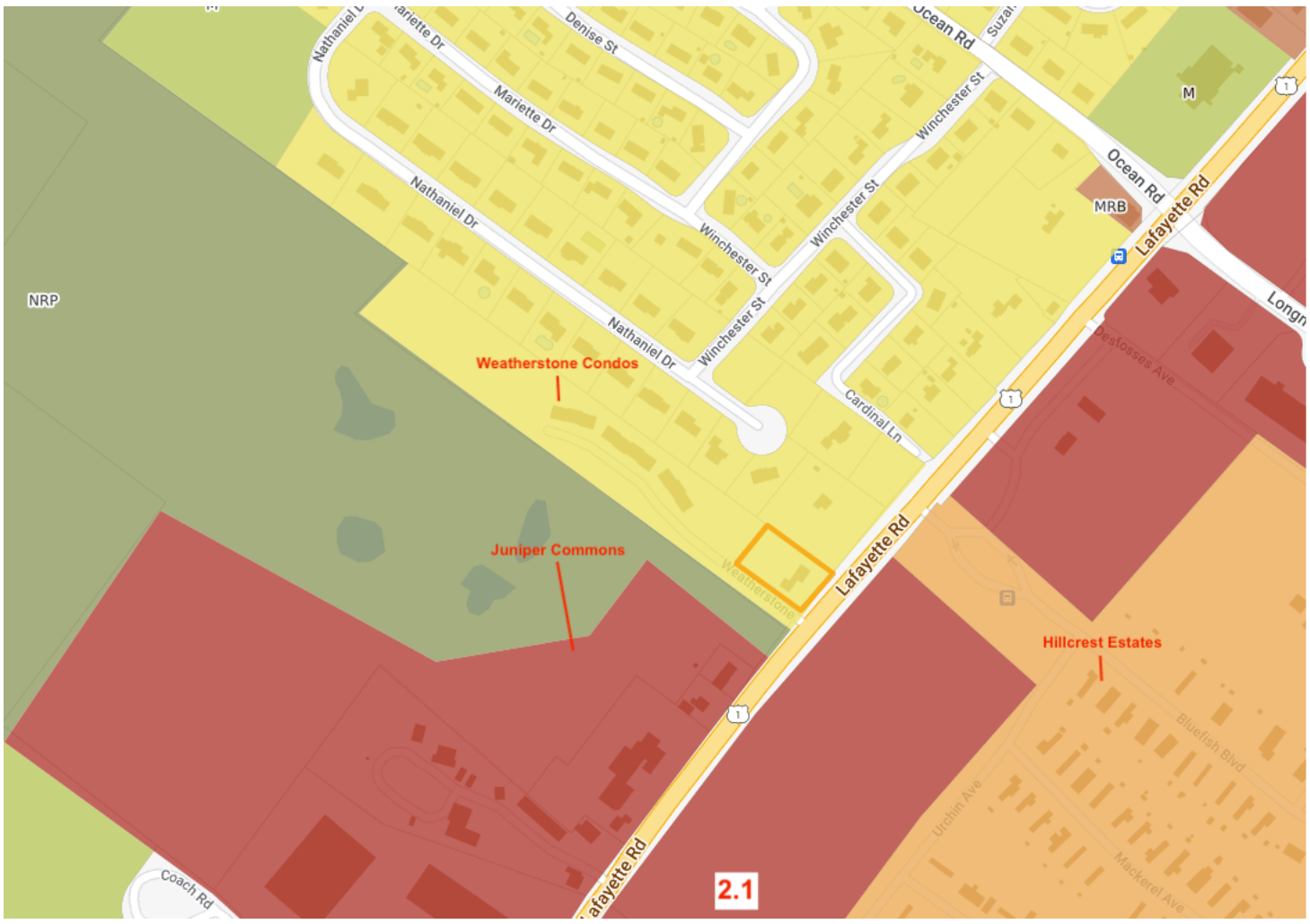


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- Residential Districts**
  - R Rural
  - SRA Single Residence A
  - SRB Single Residence B
  - GRA General Residence A
  - GRB General Residence B
  - GRC General Residence C
  - GAMH Garden Apartment/Mobile Home Park
- Mixed Residential Districts**
  - MRO Mixed Residential Office
  - MRB Mixed Residential Business
  - G1 Gateway Corridor
  - G2 Gateway Center
- Business Districts**
  - GB General Business
  - B Business
  - WB Waterfront Business
- Industrial Districts**
  - OR Office Research
  - I Industrial
  - WI Waterfront Industrial
- Airport Districts**
  - AIR Airport
  - AI Airport Industrial
  - PI Pease Industrial
  - ABC Airport Business Commercial
- Conservation Districts**
  - M Municipal
  - NRP Natural Resource Protection
- Character Districts**
  - CD5 Character District 5
  - CD4 Character District 4
  - CD4W Character District 4-W
  - CD4-L1 Character District 4-L1
  - CD4-L2 Character District 4-L2
- Civic District**
  - Civic District
- Municipal District**
  - Municipal District
- Overlay Districts**
  - OLOD Osprey Landing Overlay District
  - Downtown Overlay District
  - Historic District

## 3360 LAFAYETTE RD

**Location** 3360 LAFAYETTE RD

**Mblu** 0297/ 0012/ 0000/ /

**Acct#** 32778

**Owner** KRUKOFF CARL ANDREW

**PBN**

**Assessment** \$330,300

**Appraisal** \$330,300

**PID** 32778

**Building Count** 1

### Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2022	\$213,700	\$116,600	\$330,300
Assessment			
Valuation Year	Improvements	Land	Total
2022	\$213,700	\$116,600	\$330,300

### Owner of Record

**Owner** KRUKOFF CARL ANDREW

**Sale Price** \$500,000

**Co-Owner**

**Certificate**

**Address** 18 OWL LN  
LEE, NH 03861

**Book & Page** 6413/89

**Sale Date** 06/02/2022

**Instrument** 38

### Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
KRUKOFF CARL ANDREW	\$500,000		6413/89	38	06/02/2022
KRUKOFF PATRICIA	\$185,000		3452/1842	0	01/31/2000

### Building Information

#### Building 1 : Section 1

**Year Built:** 1936  
**Living Area:** 1,650  
**Replacement Cost:** \$280,183



**Building Percent Good:** 76  
**Replacement Cost**  
**Less Depreciation:** \$212,900

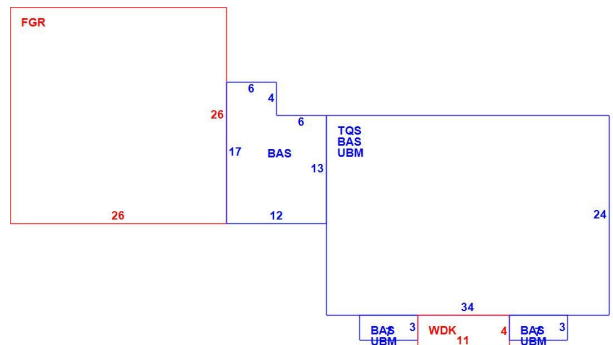
**Building Photo**



(<https://images.vgsi.com/photos2/PortsmouthNHPhotos/\00\0068\52.JP>)

Building Attributes	
Field	Description
Style:	2 Unit
Model	Residential
Grade:	C
Stories:	1.75
Occupancy	2
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	Carpet
Heat Fuel	Gas
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	4 Bedrooms
Total Bthrms:	2
Total Half Baths:	0
Total Xtra Fixtrs:	2
Total Rooms:	9
Bath Style:	Avg Quality
Kitchen Style:	Avg Quality
Kitchen Gr	
WB Fireplaces	0
Extra Openings	0
Metal Fireplaces	0
Extra Openings 2	0
Bsmt Garage	

**Building Layout**



(ParcelSketch.ashx?pid=32778&bid=32778)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,038	1,038
TQS	Three Quarter Story	816	612
FGR	Garage, Attached	676	0
UBM	Basement, Unfinished	858	0
WDK	Deck, Wood	44	0
		3,432	1,650

**Extra Features**

Extra Features	Legend
No Data for Extra Features	

**Land**

**Land Use**

**Use Code** 1040  
**Description** TWO FAMILY  
**Zone** SRB  
**Neighborhood** 118  
**Alt Land Appr** No  
**Category**

**Land Line Valuation**

**Size (Acres)** 0.55  
**Frontage**  
**Depth**  
**Assessed Value** \$116,600  
**Appraised Value** \$116,600

**Outbuildings**

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
SHD1	SHED FRAME			264.00 S.F.	\$800	1

**Valuation History**

Appraisal			
Valuation Year	Improvements	Land	Total
2021	\$213,700	\$116,600	\$330,300
2020	\$213,700	\$116,600	\$330,300
2019	\$213,700	\$116,600	\$330,300

Assessment			
Valuation Year	Improvements	Land	Total
2021	\$213,700	\$116,600	\$330,300
2020	\$213,700	\$116,600	\$330,300
2019	\$213,700	\$116,600	\$330,300