# CITY OF PORTSMOUTH Zoning Board of Adjustment Application

Department Use Only		Date	
Assessor Plan # Lot #		Fee	
Zone Lot area _	· · · · · · · · · · · · · · · · · · ·	Ву	
Fill in below by printing in ink or typ			blicable
Applicant JASON AND NATASHA KARLIN	Owner of Recor	d (SAME)	
Applicant Street Address 88 Lincoln AVE			
Applicant City / State / Zip PORTS MOUTH, NH 03	Owner City / St	ate / Zip <u>(S4me)</u>	
Applicant phone (603) 436.1602	Owner phone (	(SAME)	
Applicant e-mail jnkar lin@comcast.r	net		
Location (street address) of proposed work:		NUE	
Existing use: SINGLE - FAMILY RESIDE	NCE		
Undersigned hereby requests:		<u>Article</u> a	nd <u>Section</u>
Appeal from an Administrative Decision See Article 2, Section 10.234.30			
Special Exception See Article 2, Section 10.232.20	8		
Variance See Article 2, Section 10.233.20		(PLEASE SEE AT	MACHED)
Other Section 10 233 20			
See Article 2, Section 10.255.20			
To permit the following:  (PLEASE SEE ATTACHED LETTER DATE	TED 27 NOV 201	8)	
(1) [2/30 000 7			
The undersigned alleges that the required conditio Ordinance as demonstrated in the attached submit	ns exist for granting of ttals.	this request according	to the terms of the Zoning
Only complete applications will be accepted by the filled out application with original signatures, the applications or photos. Incomplete applications will scheduled for the following month. The owner or habove appeal.	oplication fee, and 12 p not be accepted. App	packets of required plans plications received after	s and any supporting the deadline will be
7. AMM _	$M_{\perp}$	Lhi	27 Nov 2018
Signature of Owner			Date
Please PRINT name here JASON KARLIN	NA	TASHA KARLIN	
January 2017			Page 1 of 2

#### **Applicant's Responsibilities**

- All applications for Variances and Special Exceptions must be submitted to the Planning Department prior to the published deadline. In the case of Appeals from an Administrative Decision, the appeal shall be filed no later than 30 days from the date of the action which is being appealed.
- 2. A Building Permit application must also be filed for the project for which zoning relief is being sought. The Building Permit application can be submitted with the Board of Adjustment application or filed prior. The Planning Department may waive this requirement when the application is for a substandard lot for subdivision purposes and no other zoning relief is required.
  - 3. An applicant shall be one of the following: a) the owner of record of the property, or b) the holder of a valid purchase and sales agreement for the purchase of the subject property, or c) the holder of a valid option for the purchase of the subject property.
- 4. All applications shall include a written statement explaining how the request complies with the requirements of the Zoning Ordinance as provided in Article 2 (see Section 10.234.30 for Administrative Appeals, Section 10.233.20 for Variances, Section 10.232.20 for Special Exceptions).
- 5. It is the obligation of the applicant to submit adequate plans and exhibits in accordance with the terms of the Zoning Ordinance for all applications for Administrative Appeals, Variances, Special Exceptions, and Equitable Waivers.
- 6. One (1) orginal copy of a completed and signed "Board of Adjustment Application Check-List" shall accompany all applications.
  - 7. For applications requesting dimensional relief, the minimum requirements for adequate plans shall include the following:
  - Site Plan(s) showing existing and proposed conditions including:
    - Front, side and rear setback / yard dimensions (this is the distance from a structure to the lot line)
    - Lot dimensions
    - Abutting street(s) and street names
    - Driveways / accessways
    - Dimensions (size and height) of structures
    - Dimensions and location of parking spaces

- Scale of all drawings and plans (the scale is the ratio of the drawing's size relative to the actual size)
- Labeled photo(s) of existing conditions
- Building plans and elevations of any proposed structures or additions
- Interior floor plans for any renovations or expansion to existing structures
- For applications requesting relief from land use requirements, the minimum requirements for adequate plans shall include the following:
- Site Plan showing dimensions and location of parking spaces including the scale (the scale is the ratio of the drawing's size relative to the actual size)
- □ Interior floor plans and/or exterior site plans showing the location of the proposed use(s)
- □ Labeled photo(s) of existing conditions
- ✓ 9. Plans should be 8 ½" x 11" in size, 11" x 17" plans may be used only if the plan would otherwise be unreadable.
  - 10. The Planning Department is authorized by the Board of Adjustment to refuse applications which do not meet these minimum requirements. The Planning Department may also require additional information and/or exhibits as needed to illustrate the scope of the project. Public Hearings shall not be scheduled, advertised or held until such time as the minimum requirements for adequate plans have been submitted. The Board may postpone any application requiring more information prior to any action being taken.
- √ 11. The applicant shall submit one (1) original and eleven (11) copies of the application and any plans, exhibits, and supporting documents.
- √ 12. The applicant shall provide electronic files in Portable Document Format (PDF) of all submittals.

I have read the above list of responsibilities, have provided all required information, and such information is current, accurate, and complete to the best of my knowledge.

The Applicant is encouraged to consider the following when completing the application:

(Applicant's Signature, date)

27 Nov 2018

Provide neat and clear plans

- Use of color or highlights is encouraged in order to identify pertinent areas on plans
- Applicants are encouraged to review the application with a member of the Planning Department staff prior to submittal

All applicants are encouraged to discuss the project with impacted neighbors

27 November 2018 – Attachment to City of Portsmouth Zoning Board of Adjustment Application

Subject:

Karlin Residence 88 Lincoln Avenue Portsmouth, NH

We respectfully come before the Board to request the variances described below to construct an addition and renovation to our home, which will improve our quality of life in the neighborhood we love. The proposed construction will encroach no closer to property lines than existing structures and the modest increase in building coverage will result in a marked improvement in usable space. The table below summarizes building areas.

EXISTING AREA DESCRIPTION	EXISTING AREA (GSF)	PROPOSED AREA (GSF)	PROPOSED AREA DESCRIPTION
1st Floor Living Spaces	685	685	Renovation 1st Floor Living Spaces
Covered Front Porch (excludes steps)	96	96	Covered Front Porch (excludes steps)
Subtotal: 1st Floor (excludes back deck and steps)	781	781	Subtotal: Renovation 1st Floor (excludes new back steps)
2nd Floor	685	685	Renovation 2nd Floor
Attic	481	685	Renovation Attic (includes 204GSF added at new south portion)
Total: House	1947	2151	Subtotal: House - Renovation Portion
		376	Addition 1st Floor Living Spaces
Garage Ground Level	357	458	Garage in Addition
		834	Subtotal: Addition 1st Floor
Garage Attic	332	834	Addition 2nd Floor
		311	Addition Attic
		1521	Subtotal: Addition Living Spaces
Total: Garage (to be demolished)	689	1979	Subtotal: Addition Living Sp + Garage
Total: House	1947	3672	Subtotal: House (Living Sp + Porch, excludes Garage)
Total: House + Garage	2636	4130	Total: House + Garage

The table on the next page summarizes variance request information.

Petitioners:	Jason R. and Natasha S. Karlin		
Property:	88 Lincoln Avenue		
Assessor Plan:	Map 113, Lot 2		
Zoning District:	General Residence A (GRA)		
Description:	Addition and Renovation		
Requests:	<ol> <li>A Variance from Section 10.321 (Nonconforming Buildings and Structures) to allow a lawful nonconforming building to be extended, reconstructed and enlarged without conforming to all the regulations of the GRA District.</li> <li>A Variance from Section 10.521 (Table of Dimensional Standards) to allow construction with the following parameters:         <ol> <li>A lot area of 5,127sf where 7,500sf is required.</li> <li>A primary front yard setback of approximately 9' where 15' is required.</li> <li>A secondary front yard setback of approximately 0' where 15' is required.</li> <li>A rear yard setback of approximately 3'-7" where 20' is required.</li> <li>Building coverage of 35% where 25% (maximum) is allowed.</li> </ol> </li> </ol>		

Amplifying information on the variances requested at number 2 above:

- a. Lot area: The lot size would remain unchanged by the proposed construction but since our lot is smaller than required, we assume a variance must be requested to construct the addition.
- b. Primary front yard setback: We believe the existing house would be deemed compliant with the exception at 10.516.10 for existing alignments; our house is roughly in line with those of our neighbors on Lincoln Avenue. The footprint of the proposed addition is well back from Lincoln Avenue. However, since the existing portion of the house is non-compliant with the 15' setback required for new construction, we assume a variance must be requested.
- c. Secondary front yard setback: We believe the existing house would be deemed compliant with the exception at 10.516.10 for existing alignments; our house is roughly in line with that of our neighbors at 43 McNabb Court.
  - a. A variance is requested to perform the proposed (vertical) extension work on the existing portion of the house since the work is within the 15' setback required for new construction.
    - i. The purpose of the shed dormer at the attic level is to increase headroom above the stairs and a portion of the floor plate to create a master bathroom. We presently have to duck under the roofline while climbing the stairs.
    - ii. The purpose of raising the existing roof at the south portion of the house to match the attic-level roof is to simplify connection details for the addition portion and increase usable space on the existing second floor and attic level.
  - b. A variance is requested to construct the connector element of the addition. The existing garage is set back approximately 11'-7" from the McNabb-side property line. The proposed addition maintains the existing setback but 15' is required for new construction. The stairs within the proposed connector element will be safer in winter than the existing exterior stairs to be removed.

- d. Rear yard setback: A variance is requested to rebuild and enlarge the garage. The existing detached garage is set back approximately 3'-7" from the rear property line. The proposed construction maintains this existing setback but 20' is required for new construction. The proposed garage is enlarged northward, away from the rear property line and towards the house, to create an additional off-street parking space. By rotating the ridge direction and raising the peak approximately 2', the existing large but underutilized garage attic space becomes a much-needed family room connected to the house. The houses of our neighbors to the south at 43 and 53 McNabb Court are set well forward on their lots and away from our existing garage so the existing condition does not appear congested. The proposed construction on the existing garage footprint maintains this arrangement.
- e. Building coverage: Due to our small lot size, our existing house along with detached garage and lawn shed covers 28% of the lot where 25% is the maximum allowed. A variance is requested to construct an addition that increases coverage to 35%. The net footprint area increase of the addition is a modest 326 square feet but due to the lot size, this rounds up to a 7% increase. To minimize the net area increase, the plan proposes demolishing an existing deck and portion of the existing garage footprint. The majority of the additional footprint (all but 17sf) complies with setback requirements for new construction and no part of the proposed construction is closer to property lines than existing structures. The volume of the addition will allow reconfiguring interior spaces to alleviate cramped conditions that hinder us from hosting guests and fully enjoying our property. Please note that after construction, open space will still be 59%, which far exceeds the minimum requirement of 30%. The positioning of the existing house at the far west side of the lot and the garage at the south side of the lot triggers most of the variance requests for setback relief but also creates a large east-side yard (left side yard) that easily accommodates the proposed addition while maximizing remaining open space.

The five criteria for authorizing a variance at section 10.233.20 are listed below with our interpretations.

- Public Interest: The health, safety and general welfare of the public will not be harmed. By creating an additional off-street parking space, the general welfare of passersby will be improved.
- 2. Spirit of the Ordinance: We believe that the proposed addition and renovation project, which seeks to create a more livable single-family residence, preserves the character of the neighborhood. The existing setbacks of the current structures are maintained and increased footprint is mostly located in compliance with setback requirements for new construction. Open space is largely preserved. We feel the scale and massing of the proposed project fits in well with surrounding properties.
- Substantial Justice: We believe that the gain to us realized by completing the proposed
  alterations to our property does not come at the expense of injustice to our neighbors; our
  neighbors have expressed their support.
- 4. Surrounding Property Values: The improvements to our property would be expected to raise the value of surrounding properties. The existing detached garage is in need of repair so the improved appearance of the proposed project will benefit our closest neighbors in particular.
- 5. Unnecessary Hardship: We believe that literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship as defined under Section 10.233.31.

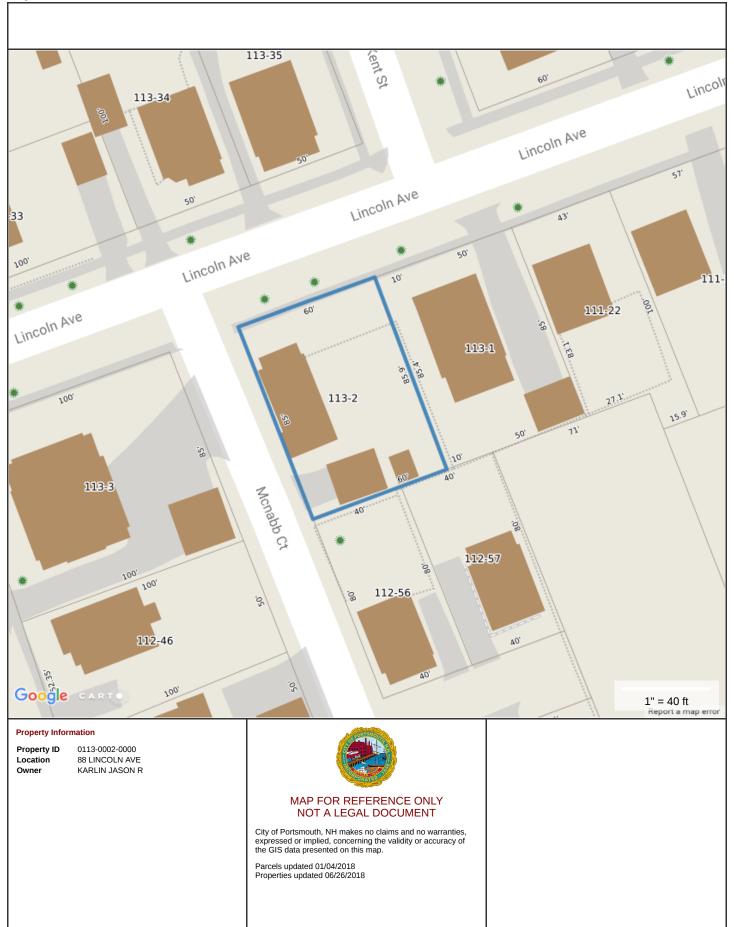
- a. The existing property is non-conforming and therefore cannot be altered or improved without variances. We believe the existing house and garage were constructed prior to the imposition of the dimensional requirements in the Ordinance. As described in the amplifying information above, the unique siting of the existing structures very close to the west and south property lines triggers the need to request relief from setback requirements but creates an unusually large left side yard that can accommodate the proposed construction without appearing congested. If the existing structures complied with setback requirements for new construction, the proposed footprint increase could be constructed seeking relief only for the coverage limitation. In other words, the total proposed coverage would fit inside the buildable area defined by current setback requirements. We don't believe the intent of the Ordinance is to prevent reasonable development, which the proposed project represents. Denial of the variances requested would impose an unnecessary hardship.
- b. We believe that construction of the addition and renovation project is a reasonable use of the property. The modest increase in building coverage leverages presently underutilized space for improved enjoyment of the property. Specifically, we will be able to host family gatherings and similar events that our present small house prevents us from doing. Safer access would be provided by the enclosed stairs and an additional off-street parking space is created as would be required under section 10.1112.30 for new construction.

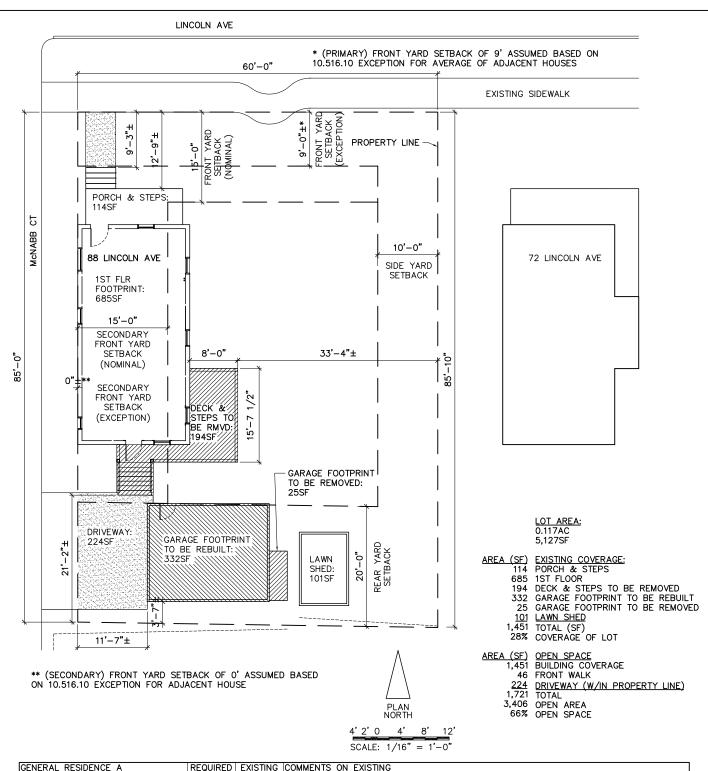
Thank you for your consideration.

Sincerely,

Jason and Natasha Karlin



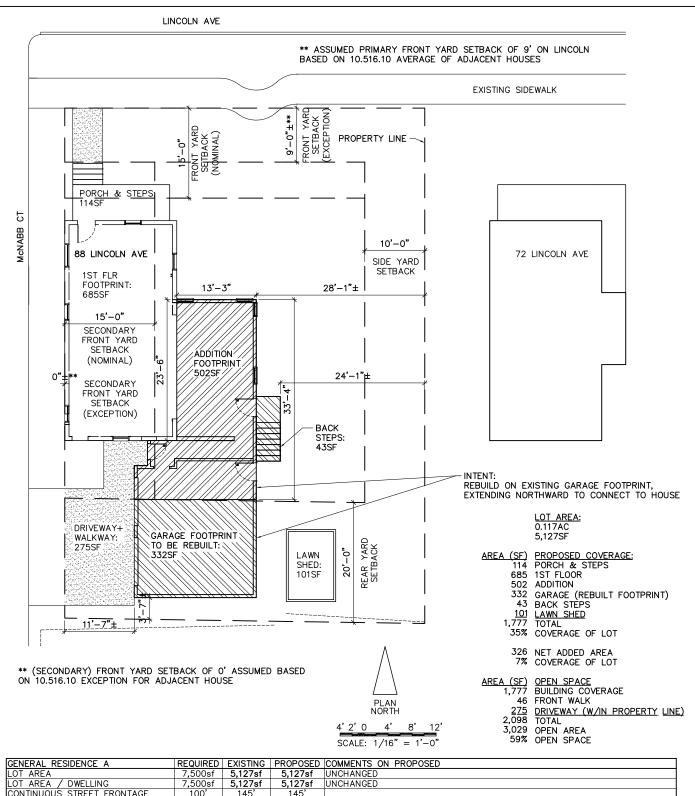




GENERAL RESIDENCE A	REQUIRED	EXISTING	COMMENTS ON EXISTING
LOT AREA	7,500sf	5,127sf	NON-CONFORMING
LOT AREA / DWELLING	7,500sf	5,127sf	NON-CONFORMING
CONTINUOUS STREET FRONTAGE	100'	145'	60' LINCOLN+85' McNABB
DEPTH	70'	85'	
FRONT YARD-PRIMARY (LINCOLN)	15'/9'*		EXISTING ASSUMED TO COMPLY BASED ON 10.516.10 EXCEPTION
FRONT YARD-SECONDARY (McNABB)	15'/0'**	0'	EXISTING ASSUMED TO COMPLY BASED ON 10.516.10 EXCEPTION
SIDE YARD	10'	33'-4"	MEASURED TO PRINCIPAL BUILDING (DECK)
REAR YARD	20'	21'-2"	MEASURED TO PRINCIPAL BUILDING (BACK STEPS)
HEIGHT-SLOPED ROOF	35'	32'	
ROOF APPURTENANCE	8'	<8'	EXISTING CHIMNEY
BUILDING COVERAGE	25%	28%	NON-CONFORMING
MINIMUM OPEN SPACE	30%	66%	

88 LINCOLN AVE

SITE-EXISTING



GENERAL RESIDENCE A	REQUIRED	EXISTING	PROPOSED	COMMENTS ON PROPOSED
LOT AREA	7,500sf	5,127sf	5,127sf	UNCHANGED
LOT AREA / DWELLING	7,500sf	5,127sf	5,127sf	UNCHANGED
CONTINUOUS STREET FRONTAGE	100'	145'	145'	
DEPTH	70'	85'	85'	
FRONT YARD-PRIMARY (LINCOLN)	15'/9'*	9'	9'	UNCHANGED
FRONT YARD-SECONDARY (McNABB)	15'/0'**	0'	0'/11'-7"	EXIST UNCHANGED/ ADDITION ENCROACHES NO CLOSER THAN EXIST GARAGE
SIDE YARD	10'	33'-4"	24'-1"	
REAR YARD	20'	21'-2"	3'-7"	ADDITION ENCROACHES NO CLOSER THAN EXISTING GARAGE
HEIGHT-SLOPED ROOF	35'	32'	32'	
ROOF APPURTENANCE	8'	<8'	<8'	
BUILDING COVERAGE	25%	28%	35%	NET INCREASE OF 7% (326 SF)
MINIMUM OPEN SPACE	30%	66%	59%	· ·

88 LINCOLN AVE

SITE-PROPOSED



PROPOSED CONDITIONS - VIEWED FROM NORTHEAST





**EXISTING CONDITIONS - VIEWED FROM NORTHEAST** 



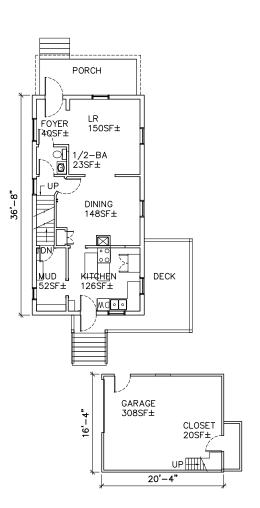
PROPOSED CONDITIONS - VIEWED FROM SOUTHWEST



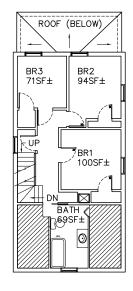


**EXISTING CONDITIONS - VIEWED FROM SOUTHWEST** 





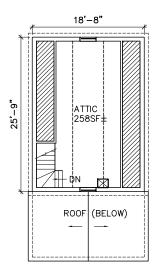
EXISTING 1ST FLOOR PLAN
685 GSF± INTERIOR
665 GSF± PORCH, DECK AND GARAGE
1350 GSF± TOTAL

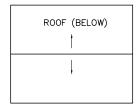


GARAGE ATTIC 308SF±

EXISTING 2ND FLOOR PLAN 685 GSF± INTERIOR 332 GSF± GARAGE ATTIC 1017 GSF± TOTAL

ALL FLOORS
1851 GSF± INTERIOR
997 GSF± EXTERIOR
2848 GSF± TOTAL

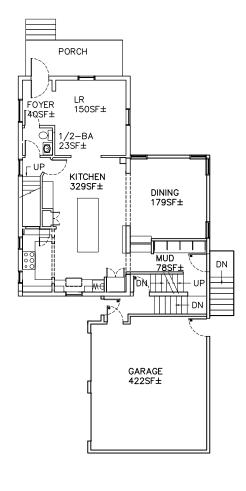




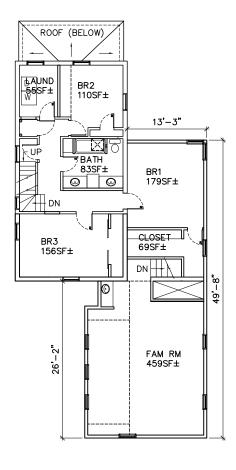
EXISTING ATTIC FLOOR PLAN 481 GSF±



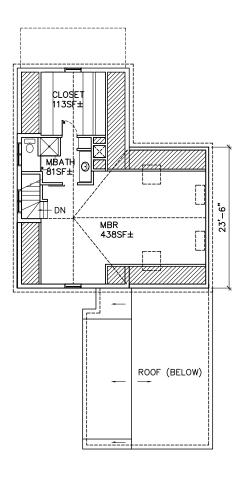
4' 2' 0 4' 8' 12' SCALE: 1/16" = 1'-0"



PROPOSED 1ST FLOOR PLAN 1063 GSF± INTERIOR 612 GSF± PORCH, STEPS AND GARAGE 1675 GSF± TOTAL



PROPOSED 2ND FLOOR PLAN 1519 GSF±



PROPOSED ATTIC FLOOR PLAN 995 GSF±

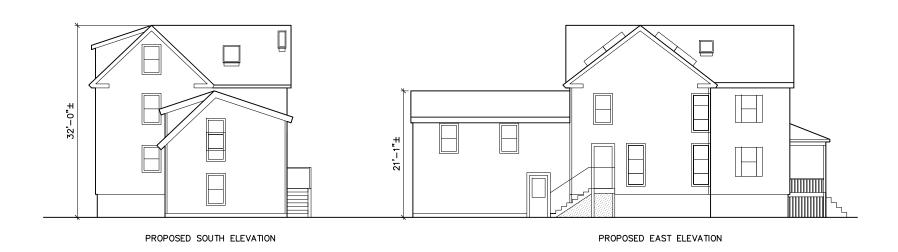
ALL FLOORS: 3577 GSF± INTERIOR 612 GSF± PORCH, STEPS AND GARAGE 4189 GSF± TOTAL

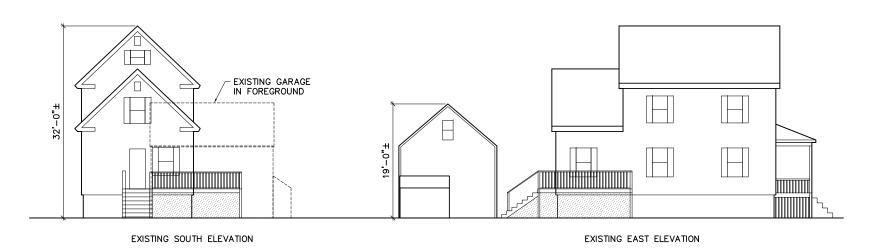


4' 2' 0 4' 8' 12' SCALE: 1/16" = 1'-0"









1' 2' 0 4' 8' 12' SCALE: 1/16" = 1'-0"

### 2 December 2018

Karlin Residence 88 Lincoln Avenue Portsmouth, NH Tax Map 113, Lot 2 General Residence A (GRA) District



Subj: NEIGHBOR REVIEW OF PROPOSED ADDITION AND RENOVATION PROJECT AT 88 LINCOLN AVENUE

The undersigned have reviewed the plans for the proposed addition and renovation project for which variances are being requested, support the project, and agree with the Karlin's interpretation of the variance authorization criteria.

- 1. The variance will not be contrary to the public interest;
- 2. The spirit of the Ordinance will be observed;
- 3. Substantial justice will be done;
- 4. The values of surrounding properties will not be diminished; and
- 5. Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

Duniel of Elizabeth Lacava

Name(s) (Printed):

Address: 72 Lincoln Ave

Signature:

ature:

#### 28 November 2018

Karlin Residence, 88 Lincoln Avenue Portsmouth, NH, Tax Map 113, Lot 2, General Residence A (GRA) District

Subj: NEIGHBOR REVIEW OF PROPOSED ADDITION AND RENOVATION PROJECT

We, the undersigned, have reviewed the plans for the proposed addition and renovation project for which variances are being requested and agree with the Karlins' interpretation of the variance authorization criteria with one exception:

3. Substantial justice will be done: We requested modification of the 2<sup>nd</sup> floor south facing window in their Family Room for the purpose of preserving our mutual privacy. Our preferred modification would be a higher window (ideally with bottom edge of window no less than 5 ft above the floor), but we did agree to their alternative modification of using frosted glass in the same window(s) depicted in the plans provided to us.

We agree with the remainder of their interpretation of the variance authorization criteria:

- 1. The variance will not be contrary to the public interest.
- 2. The spirit of the Ordinance will be observed.
- 4. The values of surrounding properties will not be diminished.
- 5. Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

Gregory Sullivan and Stephanie Sullivan, 43 McNabb Court, Portsmouth, NH

Jason Karlin and Natasha Karlin, 88 Lincoln Ave, Portsmouth, NH

## 2 December 2018

Karlin Residence 88 Lincoln Avenue Portsmouth, NH Tax Map 113, Lot 2 General Residence A (GRA) District

Subj: NEIGHBOR REVIEW OF PROPOSED ADDITION AND RENOVATION PROJECT AT 88 LINCOLN AVENUE

The undersigned have reviewed the plans for the proposed addition and renovation project for which variances are being requested, support the project, and agree with the Karlin's interpretation of the variance authorization criteria.

- 1. The variance will not be contrary to the public interest;
- 2. The spirit of the Ordinance will be observed;
- 3. Substantial justice will be done;
- 4. The values of surrounding properties will not be diminished; and
- 5. Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

Name(s) (Printed): MICHAEL R. SINGER

Address: 53 McNABB CT.

Signature: PORTSTOUTH, NH 03801

Signature: 12/10/2018