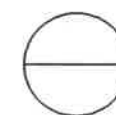


35 MARK STREET

8/13/2020

PORTSMOUTH, NH



LOT PLAN

SCALE: 1" = 10'-0"

LOT PLAN GENERATED FROM TAX MAP
& FIELD MEASUREMENTS.
(NOT A SURVEY PLAN)

July 27, 2020

Variance Application for: 35 Mark St. Portsmouth NH

Contact/Owner: Jason and Katie Jenkins
(603) 431-1743
jasonrjenkins@gmail.com

We are proposing renovations to our detached garage located at 35 Mark St. Alterations include raising the existing roof structure 36" to provide additional headroom on the second floor, insulating and finishing the space to become a home office. This project was approved by the HDC in Sept 2019.

We would like to add a mini-split HVAC system to heat and cool living space on the second floor. This requires us to install a condenser on the outside of the garage, preferably on the back of the garage where it is shielded from view by a tall privacy fence. However, this wall is approximately 5 feet from our property line, and we are requesting a variance to allow this placement.

The unit we have specified is a Mitsubishi MUZ-FH15NAH which measures 33"Wx34"Hx13"D. See full specification included in this packet. The unit will protrude approximately 13" from the back wall of the garage, hence the existing setback on that boundary will be reduced from a current value of approximately 5' to approximately 4'.

With this application we are seeking relief from the following Portsmouth zoning ordinance:

10.515.14 A mechanical system (i.e. HVAC, power generator, etc.) that is less than 36 inches above the ground level with a mounting pad not exceeding 10 square feet shall be exempt from yard requirements, but shall be set back at least 10 feet from a property line; and shall not be located closer to the street than the front of the principal structure.

In this instance we seek to install an HVAC condenser for an energy-efficient mini-split heat pump on the back of our existing detached 2-car garage. It may, in fact, be slightly higher than 36" (to account for snow depth) and will not have a mounting pad. We intend to locate the condenser on the back wall of the garage, which is only about 5-feet from the property line. We have chosen the proposed location for several reasons.

1. It is the most inconspicuous location on the building, as it is not visible from the street and the entire back and left walls are obscured by a tall 6-foot privacy fence.
2. The property is location in the Historic District, so this location provides maximum compatibility with the goals of the HDC.
3. The location satisfies the regulation that the condenser not be located nearer the street than the structure.
4. The proposed location is most conducive for locating the condenser close to the internal head of the unit to minimize coolant piping and maximize building envelope efficiency.

5. The proposed location is maximally distant from windows and doors on the first floor, which reduced the chances of excess heat re-entering the structure through open windows.

Below we provide commentary to the variance requirements:

10.233.20 In order to authorize a variance, the Board must find that the variance meets all of the following criteria:

10.233.21 The variance will not be contrary to the public interest;

The proposed location of the HVAC condenser was carefully chosen for the minimal visual and aural impact it will have to the surroundings; hence it does not present any detriment to the public interest. Many other condensers of this sort have been successfully installed in the city without public complaint.

10.233.22 The spirit of the Ordinance will be observed;

The setback requirement is important so that mechanical systems do not adversely impact neighboring properties, but in this case the property abuts a large parking lot with a large separation (approx.. 40' minimum) between any neighboring buildings, and the HVAC condenser will also be obscured by a tall fence which will block sound and sight of the condenser; thus it will not adversely impact the neighboring buildings.

10.233.23 Substantial justice will be done;

Installation of a modest HVAC condenser in this location and application is reasonable for the building's intended use and consistent with other similar applications within the city, thus granting the variance represents substantial justice.

10.233.24 The values of surrounding properties will not be diminished;

The property value of the subject property will be increased by this project. Locating the HVAC condenser in a hidden and unobtrusive place will prevent negative effects on the subject and neighboring properties, hence the value of surrounding properties will not be diminished.

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

To meet the literal provisions of the Ordinance would represent a hardship as detailed below on both counts of section 10.233.31:

10.233.30 For purposes of section 10.233.25, "unnecessary hardship" means that one of the following conditions exists:

10.233.31 Owing to 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 purposes of the Ordinance provision and the specific application of that provision to the property; and

The main house of the subject property dates from 1791 and the garage subject to this request was built by a prior owner in 2001. The small downtown parcel has small setbacks on all sides. The existing

conditions are the reason we are driven to the proposed location. To install no HVAC condenser at all would represent a hardship as we would not be able to efficiently cool and heat the upstairs of the garage. To locate the HVAC condenser on another wall of the garage would negatively impact the appearance of the garage when viewed from the street and from the main house. Any other location that we can think of is much too close to the first-floor door and windows and would not have any visual screening. These potential negative impacts would represent a hardship to both the property owners and to the city's Historic District.

(b) the proposed use is a reasonable one. (Under this provision, an unnecessary hardship shall be deemed to exist only if both elements of the condition are based on the special conditions of the property.)

The proposed variance is reasonable as there are many other similar HVAC condensers in use within the city. The homeowner and builder have worked to evaluate all reasonable alternatives and seek the variance only as a last resort to efficiently meet the energy needs of the structure.

10.233.32 Owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the Ordinance, Article 2 Administration and Enforcement As Amended Through December 16, 2019 2-5 and a variance is therefore necessary to enable a reasonable use of it. (Under this provision, an unnecessary hardship shall not be deemed to exist if any reasonable use, including an existing use, is permitted under the Ordinance.)

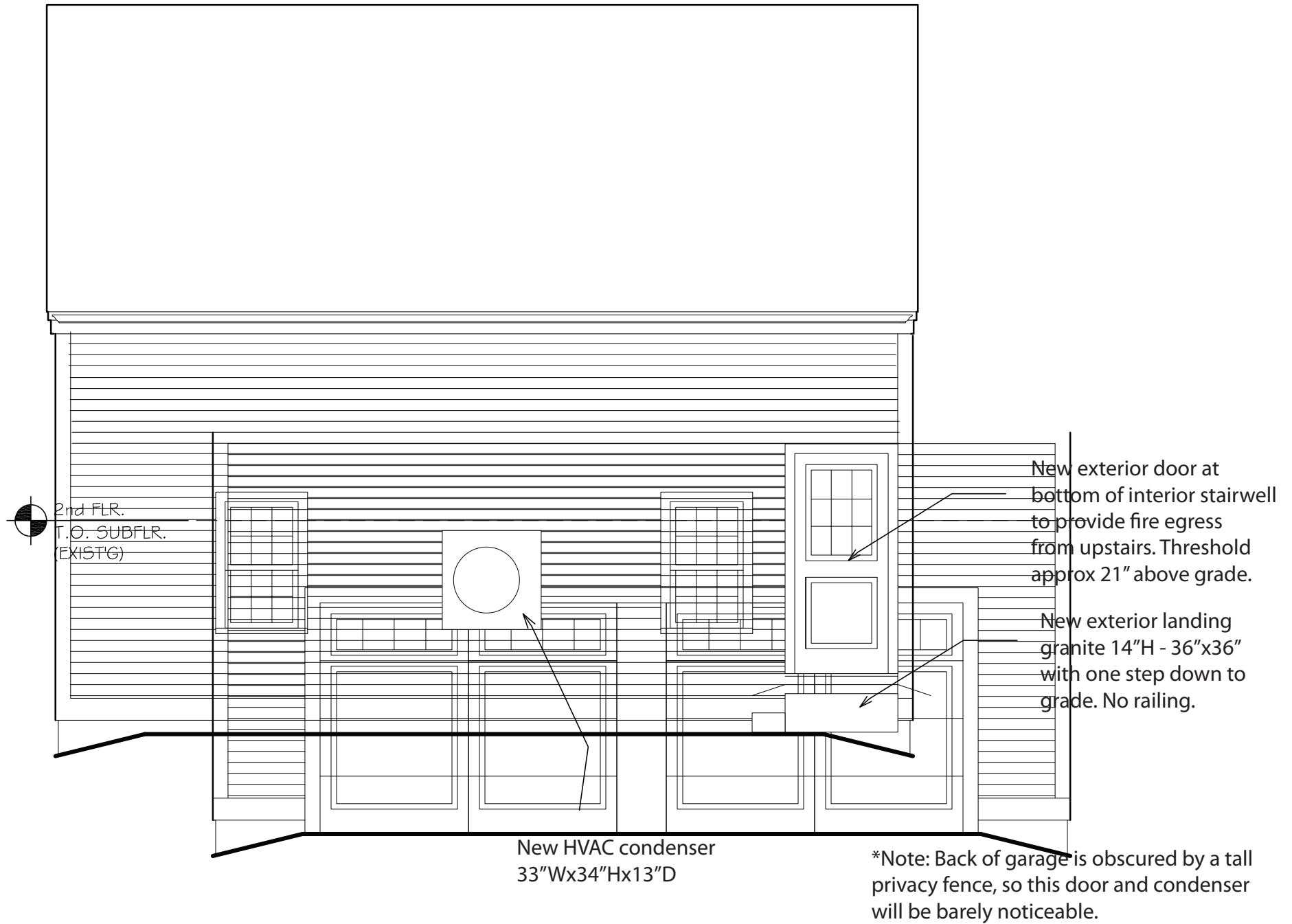
Strict conformance with the ordinance would require either moving the existing building - obviously a very expensive proposal – or locating the condenser on a different wall, which for reasons given above would be a detriment to the property, thus we feel that a variance is appropriate to enable a reasonable use of the property.

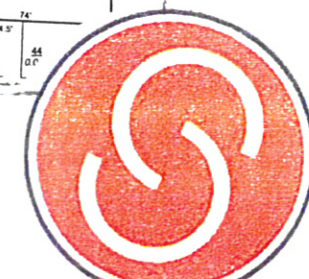
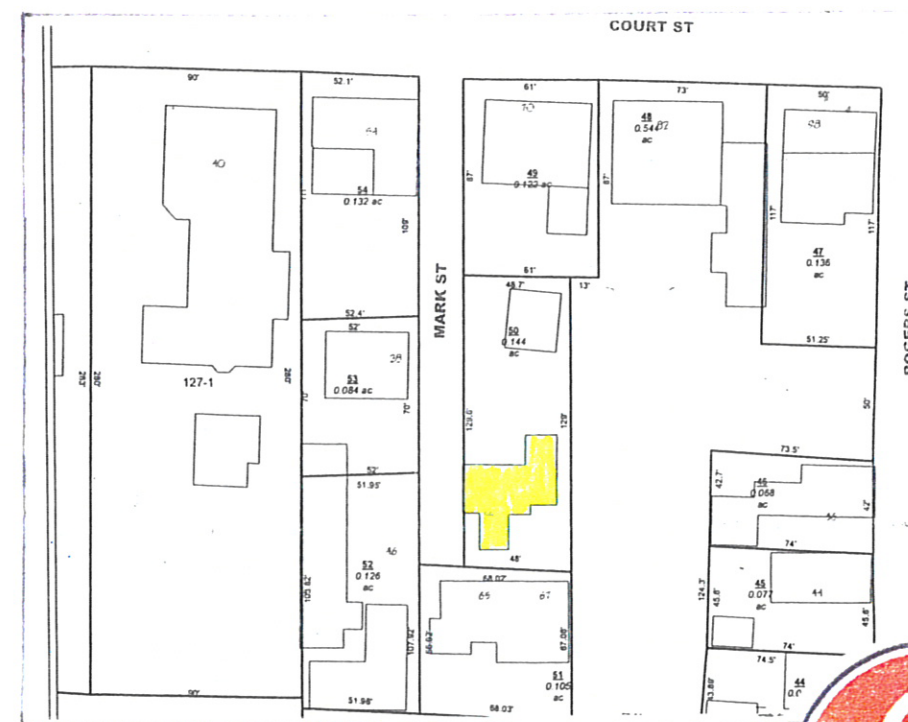
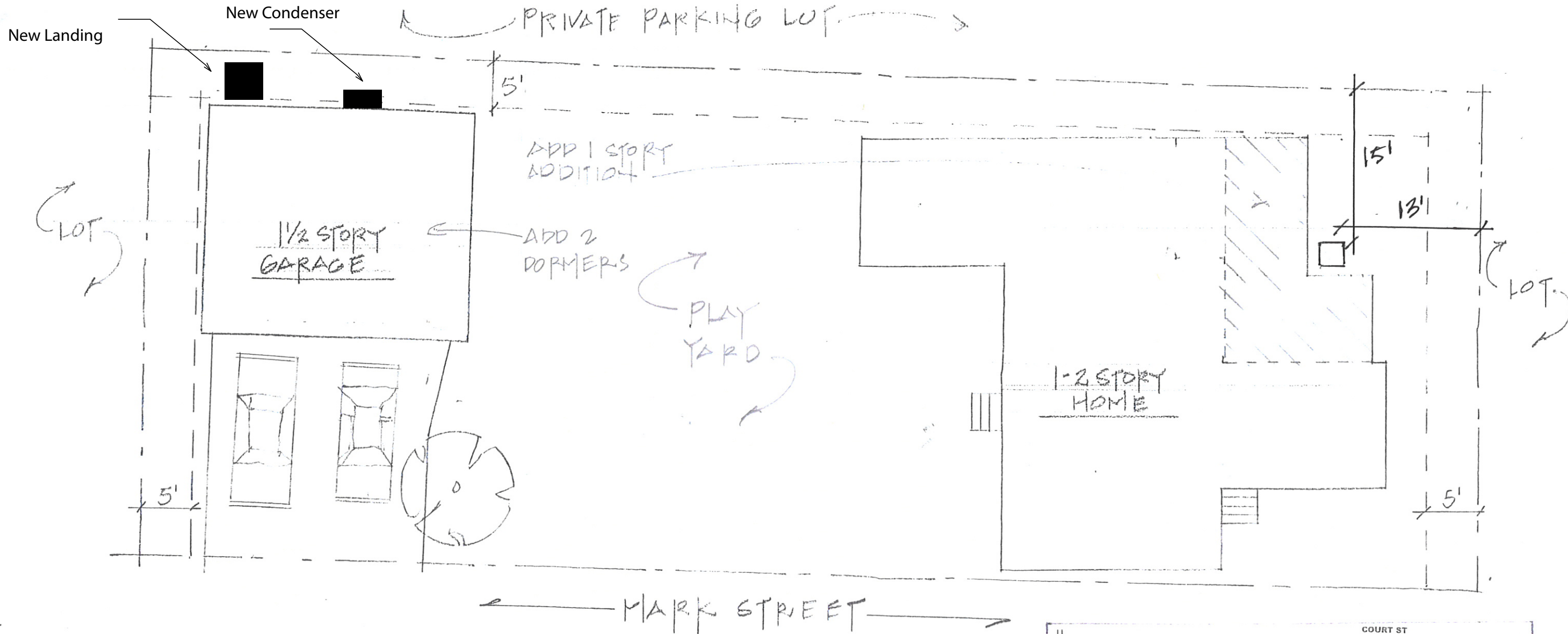
Thank you for your time and consideration in evaluating this proposal.

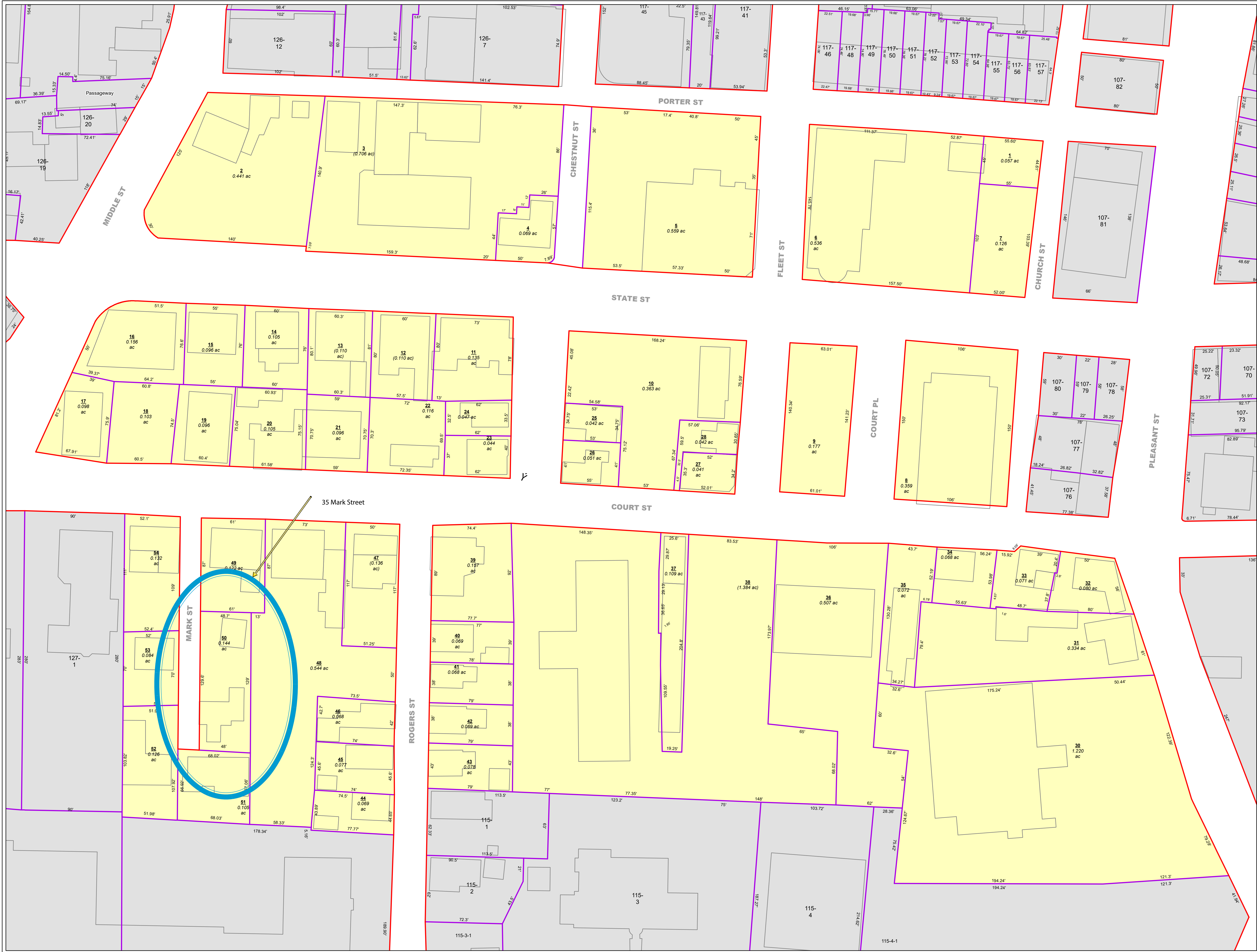
Sincerely,

Jason & Katie Jenkins

35 Mark St. Portsmouth NH 03801







Partial Legend

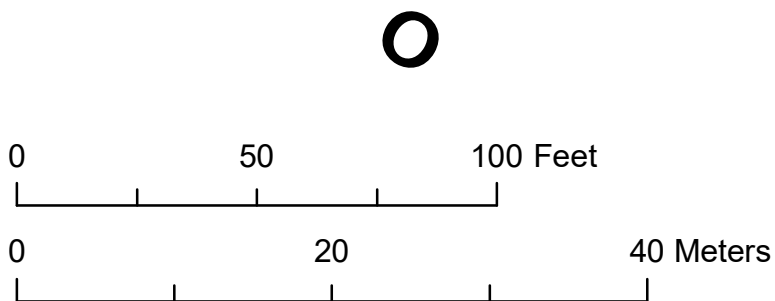
See the cover sheet for the complete legend.

7-5A Lot or lot-unit number
2.56 ac Parcel area in acres (ac) or square feet (sf)
Address number
233-137 Parcel number from a neighboring map
68' Parcel line dimension
Street name

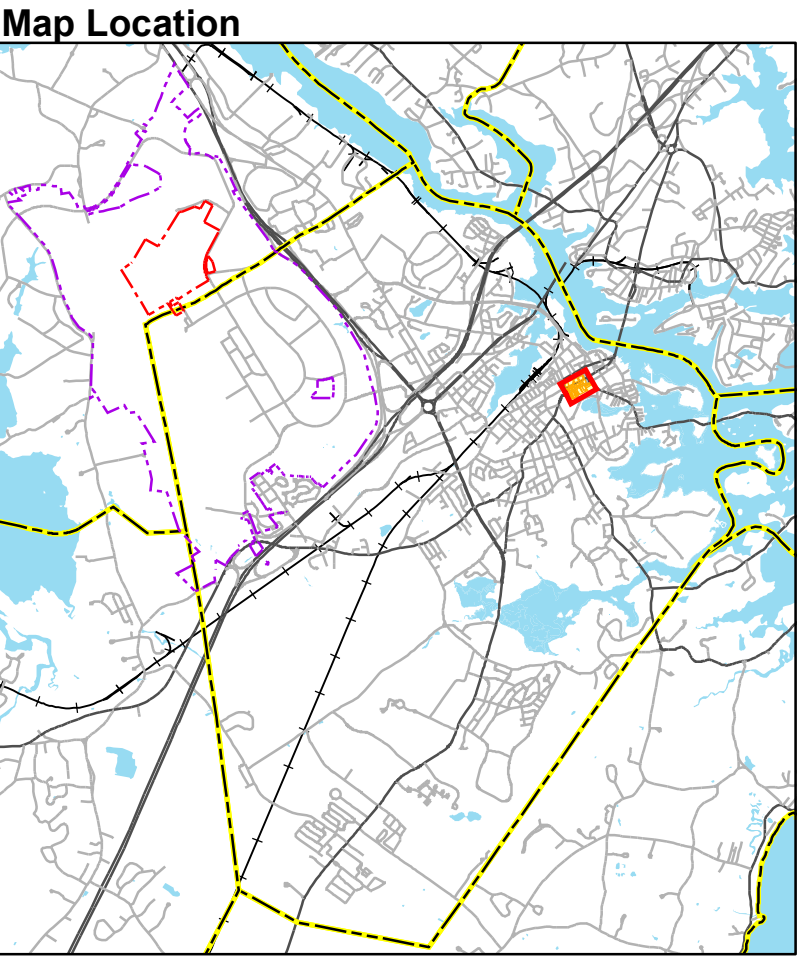
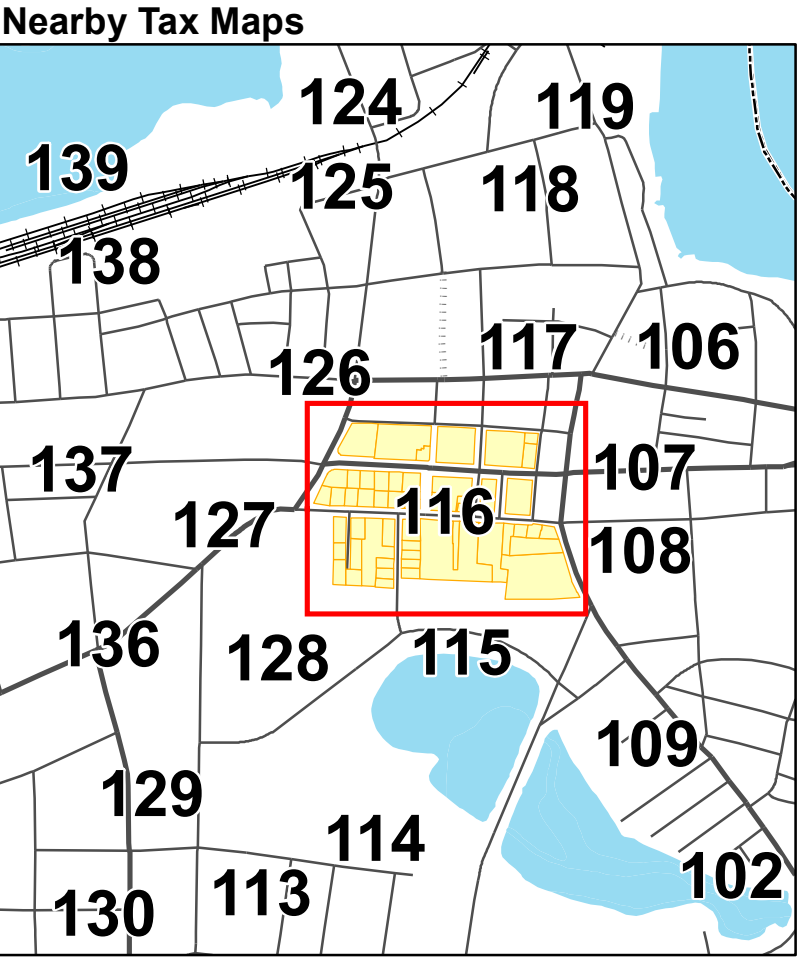
SIMS AVE

Parcel/Parcel boundary
Parcel/ROW boundary
Water boundary
Structure (1994 data)

Parcel covered by this map
Parcel from a neighboring map (see other map for current status)



This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.

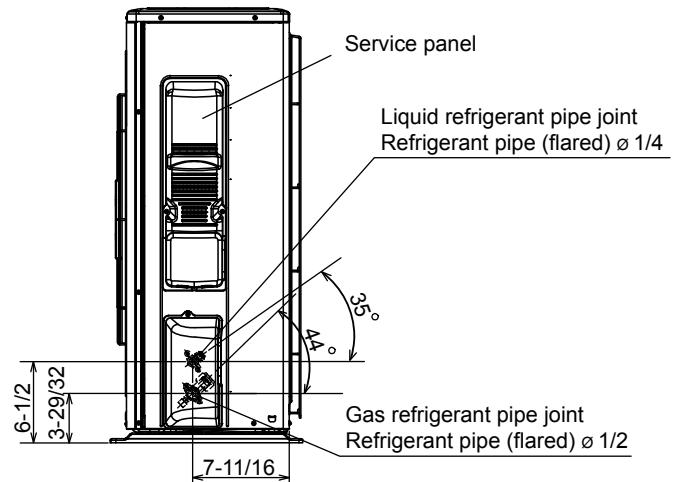
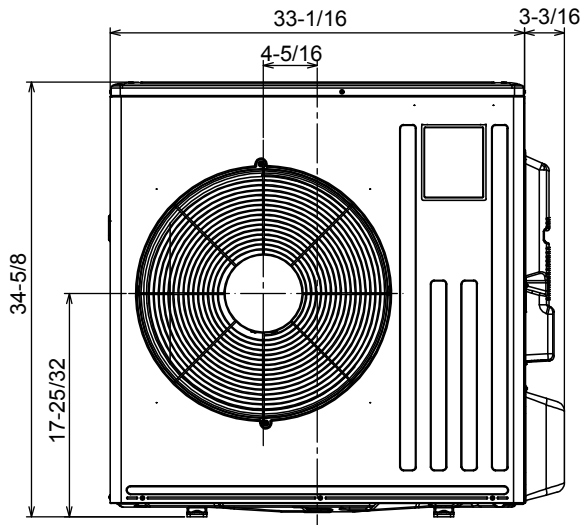
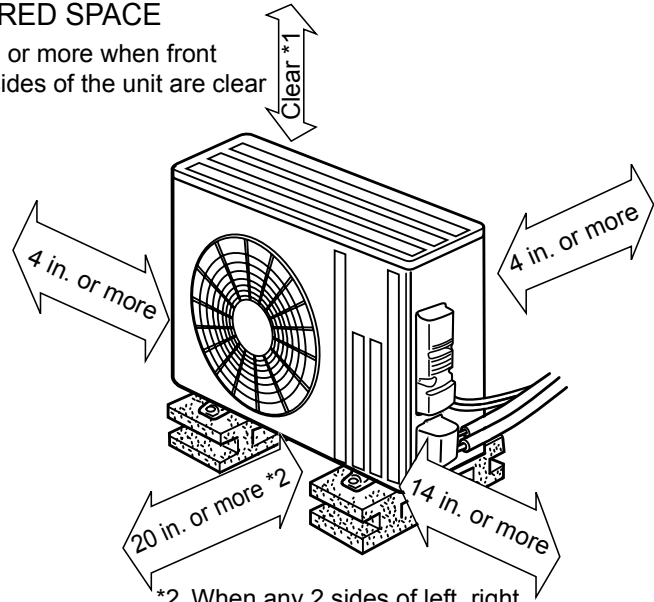
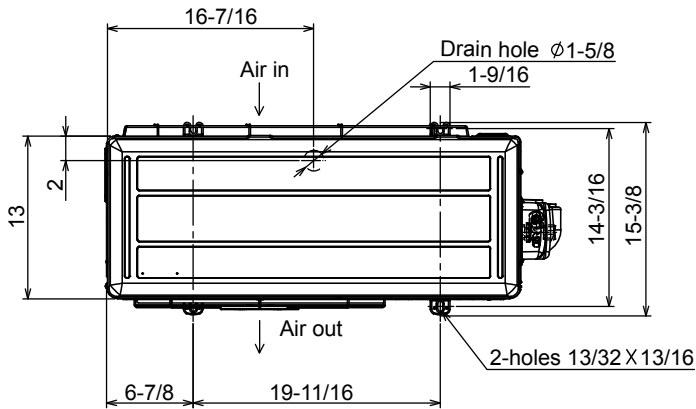


DIMENSIONS: MUZ-FH15NAH

Unit: inch

REQUIRED SPACE

*1 20 in. or more when front and sides of the unit are clear



1340 Satellite Boulevard, Suwanee, GA 30024
Toll Free: 800-433-4822 www.mehvac.com



35 Mark St. Portsmouth
Existing Conditions of Detached 2-car garage





35 Mark St. Garage. Existing Condition (above) vs. Proposed (below)





Proposed

2 GARAGE: SIDE ELEVATION (PLAY YARD)
1/4" = 1'-0"



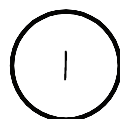
Existing Conditions

2 GARAGE: SIDE ELEVATION (PLAY YARD)
1/4" = 1'-0"

2nd FLR.
T.O. SUBFLR.
(EXIST'G)



Proposed



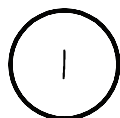
GARAGE: FRONT ELEVATION (MARK ST.)

1/4" = 1'-0"

2nd FLR.
T.O. SUBFLR.
(EXIST'G)



Existing Conditions



GARAGE: FRONT ELEVATION (MARK ST.)

1/4" = 1'-0"