

Portsmouth ZBA

1 Junkins Ave.

Portsmouth NH 03801

Re: Zoning relief for driveway 15 Mariette Dr.

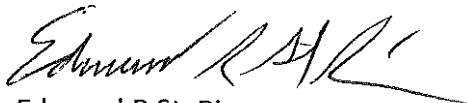
Good Day,

I have recently moved to Portsmouth from Hampton NH. In Hampton, I was able to serve my community as a member of the Zoning Board for over 12 years. I now live in a vibrant neighborhood (Maple Haven) and enjoy the atmosphere. I enjoy your City and appreciate what you (ZBA) do for the community.

I recently was granted a building permit to expand the current garage structure on my property (see Exhibit "E"). I plan to expand the footprint and convert one stall to a workshop. The current garage structure was permitted in October of 1983. The only way to access this garage is to cross the grass. This is not an ideal situation.

I am asking for Zoning relief to put a driveway on my extra parcel. Specifically, I am asking for an exception to Article 3.9 of "Driveway Rules and Procedures" (DPW) where NO driveways can be granted within 30 feet of an intersection and 10.114.31 (Site Regulations) where only one driveway is allowed per lot. There is no way to access this garage from the current house lot. Further, Parcel A and Parcel B only have 71 feet of frontage. Since Parcel A was designated for the "Mariette Drive Extension" the 50 feet of frontage directly abuts the intersection. Parcel B was designated for sidewalks and only contains 20 feet of frontage. There is not enough frontage to site the driveway 30 feet from the intersection. Note that every abutter to my property on Mariette Drive has a driveway that is either in the intersection (#13), or within 30 feet of the intersection (#10, #17). Also, house #17 was allowed an extra driveway on what was once part of the "Mariette Drive Extension".

The 2-car garage stall exists 35 feet from the road. I feel that this is a reasonable request as a "hardship" exists. Further, the technicality is that this accessory lot (Parcel A) was involuntarily merged with the house lot when it was conveyed separately to my predecessor in title (see Exhibit "C"). By Ordinance each lot is allowed a separate driveway. The "spirit" of the ordinance is observed. That is all that I am asking. There is no further relief needed on this project. Thank You for your consideration of this matter.



Edmund R St. Pierre

15 Mariette Drive

Five Criteria needed for granting variance request:

- 1) The variance will not be contrary to the public interest:

It would be hard to deem a 12' driveway on a parcel designed for a 50' public street as contrary to the public interest.

- 2) The spirit of the ordinance will be observed:

This is a unique parcel which was deemed to be for a public road. The ordinance allows for one driveway to each lot. The spirit of the ordinance is observed.

- 3) Substantial justice will be done:

I will be able to access my updated garage/workshop without driving on the grass. The structure on this parcel was built early 1980's.

- 4) The value of surrounding properties will NOT be diminished:

I have already invested in improvements to the property. There will be substantial improvements to the current site in the coming months. NO diminished values will occur from this proposal.

- 5) Literal enforcement of the provisions of the Ordinance will result in an unnecessary hardship:

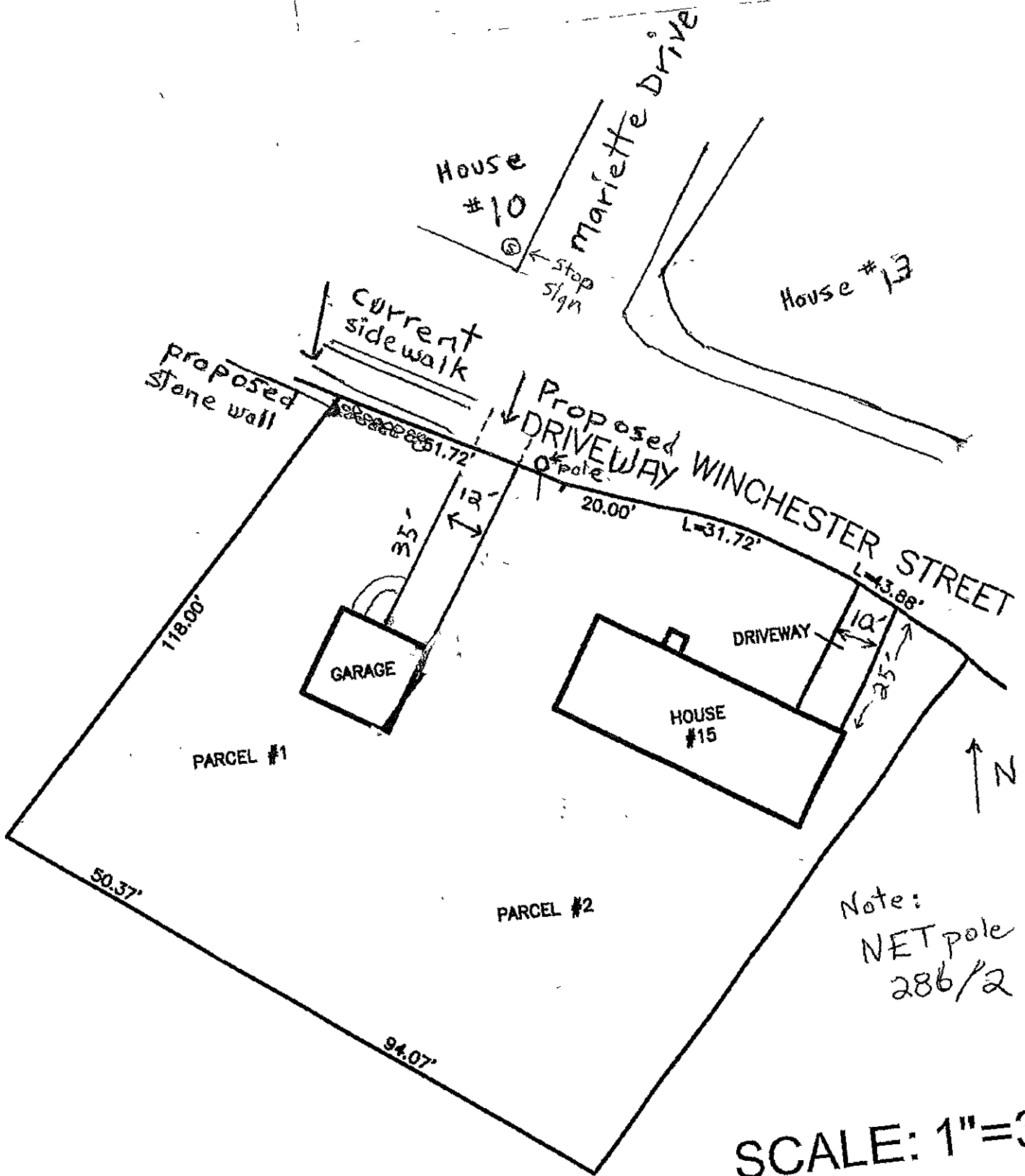
The burden to the applicant is of much greater weight than any effect on the public. It is reasonable to request paved access to this building. I can see no benefit to the public in denying this request. I have offered "off-site" improvements to improve the safety at the site.

Special conditions of the property: "Unnecessary Hardship"

Owing to special conditions of the property: 1) separate parcel that was involuntarily merged, it was designed for a public road 2) a garage structure exists on parcel 35' from the road 3) the ordinance allows for 1 driveway to each "lot". I find that NO fair and substantial relationship exists between the purposes of the ordinance with respect to its' application to this property. I feel the proposed use is a reasonable one (garage/workshop). Further, the property next door has a separate driveway on the other piece of Mariette Drive Extension.

Owing to special conditions on the property, the property cannot be used in strict conformance with the Ordinance. The current 2 stall garage cannot be accessed by using the existing driveway. It is unreasonable to have to drive over grass to access a garage that has existed for over forty years. The use (garage/workshop) is permitted under the Ordinance.

# Plan "A"



Note:  
NET pole  
286/2

SCALE: 1"=30'

ROBERT J. MOLYNEUX, & TYNNAN  
 REGISTERED LAND SURVEYORS  
 75 HAMMOND STREET - FLOOR 2  
 WORCESTER, MA 01610-1723  
 PHONE: 508-752-8885  
 FAX: 508-752-8895  
 RMT@HSTGROUP.NET  
 A Division of H. S. & T. Group, Inc.

MORTGAGE INSPECTION PLAN  
 NAME EDMUND R. ST. PIERRE  
 LOCATION 15 MARIETTE DRIVE  
PORTSMOUTH, NH  
 SCALE 1" = 30' DATE 09/20/21

PLAN - TOST - 2021 - 100 - 100 - 100

**REGISTRY ROCKINGHAM**

Exhibit "A"

DEED BOOK/PAGE 2950/109  
 PLAN BOOK/PLAN ASSESSORS  
 WE CERTIFY THAT THE BUILDING(S) ARE NOT WITHIN THE  
 SPECIAL FLOOD HAZARD AREA, SEE FEMA MAP:  
270F DTD 01/29/2021

BASED UPON DOCUMENTATION PROVIDED, REQUIRED MEASUREMENTS WERE MADE OF THE FRONTAGE AND BUILDING(S) SHOWN ON THIS MORTGAGE INSPECTION PLAN. IN OUR JUDGEMENT ALL VISIBLE EASEMENTS ARE SHOWN AND THERE ARE NO VIOLATIONS OF ZONING REQUIREMENTS REGARDING STRUCTURES TO PROPERTY LINES (UNLESS OTHERWISE NOTED IN DRAWING (S)).

NOTE: NOT DEFINED ARE ABOVEGROUND POOLS, DRIVEWAYS, OR SILOS WITH NO FOUNDATIONS. THIS IS A MORTGAGE INSPECTION PLAN, NOT AN INSTRUMENT SURVEY, DO NOT USE TO ERECT FENCES, OTHER BOUNDARY STRUCTURES, OR TO PLANT SHRUBS. LOCATION OF THE STRUCTURE(S) SHOWN HEREON IS EITHER IN COMPLIANCE WITH LOCAL ZONING FOR PROPERTY LINE OFFSET REQUIREMENTS, OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION, UNLESS OTHERWISE NOTED. THIS CERTIFICATION IS NON-TRANSFERABLE. THE ABOVE CERTIFICATIONS ARE MADE WITH THE PROVISION THAT THE INFORMATION PROVIDED IS ACCURATE AND THAT THE MEASUREMENTS USED ARE ACCURATELY LOCATED IN RELATION TO THE PROPERTY LINES.

FLOOD HAZARD ZONE HAS BEEN DETERMINED BY SCALE AND IS NOT NECESSARILY ACCURATE. UNTIL DETAILED PLANS ARE ISSUED BY FEMA AND/OR A VERICAL CONTROL SURVEY IS PERFORMED, PRECISE ELEVATIONS CANNOT BE DETERMINED.

↑  
 Flood Plain Certification

NOTE:  
 PARCEL #2 DRAWN ACCORDING TO  
 ASSESSORS MAPS.

CERTIFY TO:  
 ALIGN CREDIT UNION  
 &  
 CATIC

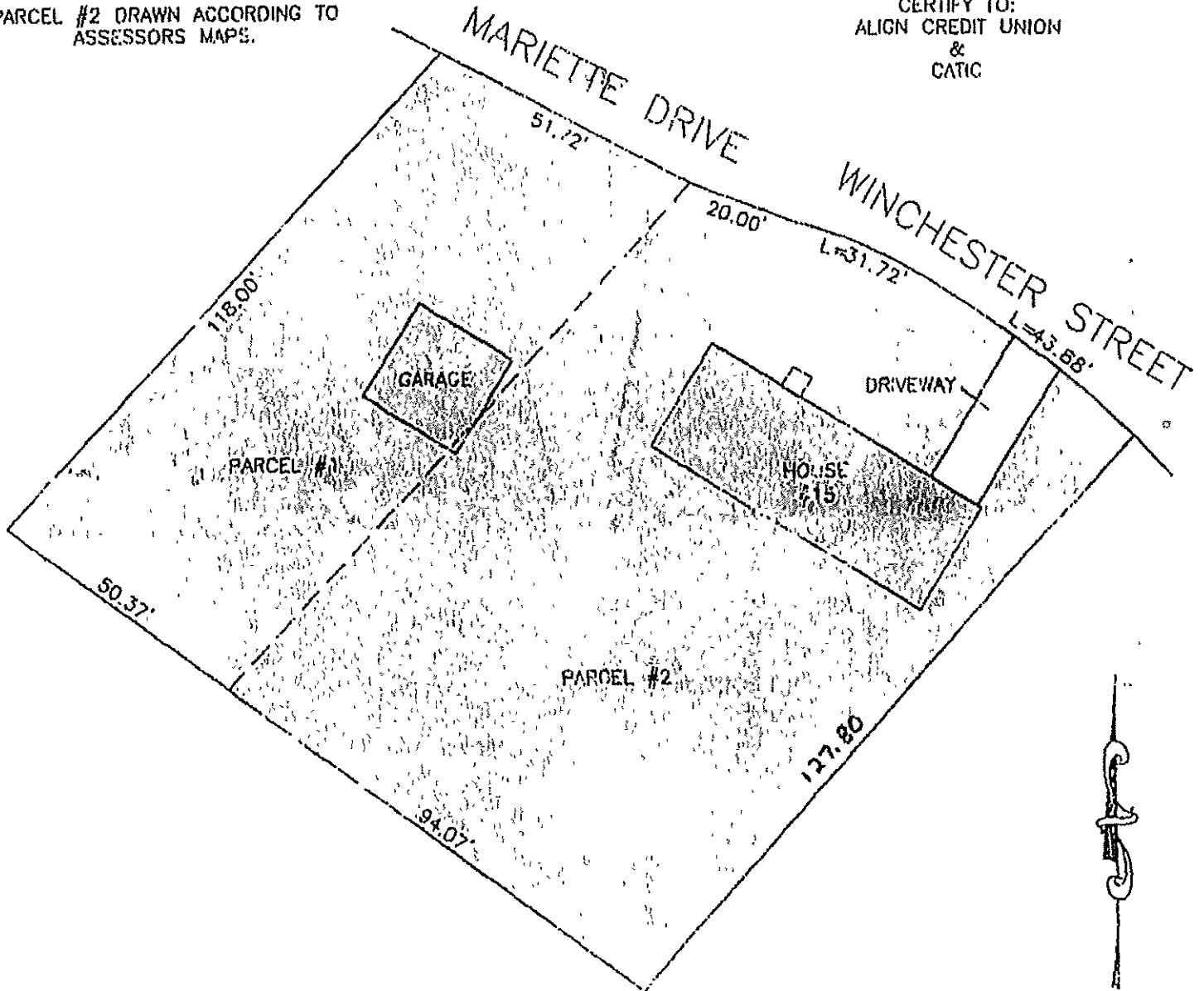


Exhibit "B"

WARRANTY DEED

I, **HILDA G. BUSH**, being unmarried, of Portsmouth, Rockingham County, New Hampshire,

for consideration paid,

grant to **EDMUND R. ST. PIERRE**,

*WITH WARRANTY COVENANTS,*

A tract of land, with the buildings thereon, situate in Portsmouth, Rockingham County, State of New Hampshire, bounded and described as follows:

Beginning at the southerly corner of the premises and on the northwesterly line of land now or formerly of Harvey Moulton and on land now or formerly of John Gerasis; thence North  $39^{\circ} 28'$  West by land now or formerly of Gerasis ninety-four and seven hundredths (94.07) feet to an access street leading to land now or formerly of said Gerasis; thence North  $57^{\circ} 31'$  East by said access street one hundred and two and thirty-two hundredths (102.32) feet; thence easterly by said street by a curve to the right having a radius of twenty-five (25) feet, a distance of thirty-three and thirty-five hundredths (33.35) feet; thence South  $46^{\circ} 3' 24''$  East by an access street leading to land now or formerly of said Moulton, now known as Mariette Drive, thirty-one and seventy-one hundredths (31.71) feet; thence continuing southeasterly by said Drive by a curve to the right having a radius of one hundred and eighty-five (185) feet, a distance of forty-three and eighty-three hundredths (43.83) feet; thence South  $57^{\circ} 31'$  West by land now or formerly of said Moulton one hundred, twenty-seven and eight tenths (127.8) feet to the point of beginning.

Said premises are known as Lot No. 80, as shown on Plan "C", Maple Haven, Lots 67 to 78 and 80 to 90, made by Albert Moulton, C. E., dated February 17, 1959, said premises being subject to the restrictions on said plan.

Property Address: 15 Mariette Drive, Portsmouth, New Hampshire 03801

## Exhibit "B"

Two certain lots or parcels of land situated in Maple Haven, in the City of Portsmouth, County of Rockingham and State of New Hampshire, being a portion of that parcel of land shown as "Mariette Drive Extension", on a plan entitled "Plan of Lots, Maple Haven, Rev. "A", Lots 75 to 78 and Lots 80 to 83", prepared by Moulton Engineering Company and more fully described as follows:

### Parcel A:

Beginning at a point in the westerly corner of Lot 80 as shown on said plan, thence N 39° 28' W by land now or formerly of the heirs of John Gerasis, fifty and thirty-seven hundredths (50.37) feet to a point at the Southerly corner of Lot 81 on said plan; thence N 57° 31' E by the sideline of said Lot 81 one hundred eighteen (118) feet to a point in the sideline of Mariette Drive, thence S 45° 43' 20" E, fifty-one and seventy-two hundredths (51.72) feet to a point in the sideline of Lot 80, thence S 57° 31' W by the sideline of Lot 80, one hundred twenty-five (125) feet to the point of beginning.

### Parcel B:

Beginning at a point in the Westerly sideline of Lot 80, which point is 102.32 feet, a direction of N 57° 31' E from the Southwesterly corner of Lot 80, thence by a curve to the right whose radius is 25 feet, an arc length of 33.35 feet to a point on the Westerly sideline of Mariette Drive, thence N 45° 43' 20" W a distance of 20 feet more or less, thence S 57° 31' W to the point of beginning, meaning and intending to describe a triangular parcel of land on the Northwesterly corner of Lot 80.

Parcel A and Parcel B are sold subject to the restriction that no structure shall be built or located on the premises other than a structure accessory to an existing building on Lot 80 as shown on said Plan.

I hereby terminate and release any and all Homestead Rights in said property and further certify under the pains and penalties of perjury that there are no other persons entitled to claim Homestead Rights in said property.

Being the same premises conveyed to the grantor herein by deed recorded with the Rockingham County Registry of Deeds in Book 2549, Page 2886, Deed recorded with the Rockingham County Registry of Deeds in Book 2947, Page 0478 and Corrected Deed recorded with said Registry dated October 22, 1992, Book 2950, Page 0109.

[Signatures on next page]

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, That the City of Portsmouth, a municipal corporation having its usual place of business in Portsmouth, County of Rockingham and State of New Hampshire, for consideration paid, grants to Martin L. Bush and Hilda G. Bush, of said Portsmouth, as joint tenants with rights of survivorship, a certain lot or parcel of land with quitclaim covenants situated in Maple Haven in the City of Portsmouth, County of Rockingham and State of New Hampshire, being a portion of that parcel of land shown as "Mariette Drive Extension", on a plan entitled "Plan of Lots, Maple Haven, Rev. "A", Lots 75 to 78 and Lots 80 to 83", prepared by Moulton Engineering Company and more fully described as follows:

Beginning at a point i. the westerly corner of Lot 80 as shown on said plan, thence N 39° 28" W by land now or formerly of the Heirs of John Gerasis, fifty and thirty seven hundredths (50.37) feet to a point at the Southerly corner of Lot 81 on said plan; thence N 57° 31" E by the sideline of said Lot 81 one hundred eighteen (118) feet to a point in the sideline of Mariette Drive, thence S 45° 43' 20" E, fifty-one and seventy-two hundredths (51.72) feet to a point in the sideline of Lot 80, thence S 57° 31" W by the sideline of Lot 80, one hundred twenty-five (125) feet to the point of beginning.

The within premises are sold subject to the restriction that no structure shall be built or located on the premises other than a structure accessory to an existing building on Lot 80 as shown on said Plan.

This deed is executed on behalf of the City of Portsmouth by Calvin A. Canney, City Manager, on the 26 day of January, 1980.

WITNESS:

CITY OF PORTSMOUTH

Loddy Smith

BY: Calvin A. Canney  
Calvin A. Canney, City Manager

STATE OF NEW HAMPSHIRE  
ROCKINGHAM, SS

The foregoing instrument was acknowledged before me this 25 day of January, 1980, by Calvin A. Canney, City Manager of the City of Portsmouth, New Hampshire, a municipal corporation, on behalf of the corporation.

Emily L. Harricorn

02279

FEB 5 12 05 PM '80  
REG'D ROCKINGHAM CNTY  
REGISTRY OF DEEDS

STATE OF NEW HAMPSHIRE  
TAX ON TRANSFER  
OF REAL PROPERTY  
FEB-79 1  
10.00

Exhibit "C2"

BK2358 P0199

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, That the City of Portsmouth, a municipal corporation having its usual place of business in Portsmouth, County of Rockingham and State of New Hampshire, for consideration paid, grants to Martin L. Bush and Hilda G. Bush, of said Portsmouth, as joint tenants with rights of survivorship, a certain lot or parcel of land with quitclaim covenants situated in Maple Haven in the City of Portsmouth, County of Rockingham and State of New Hampshire, being a portion of that parcel of land shown as "Mariette Drive Extension", on a plan entitled "Plan of Lots, Maple Haven, Rev. "A", Lots 75 to 78 and Lots 80 to 83", prepared by Moulton Engineering Company and more fully described as follows:

Beginning at a point in the Westerly sideline of Lot 80, which point is 102.32 feet, a direction of N 57° 31'E from the Southwesterly corner of Lot 80, thence by a curve to the right whose radius is 25 feet, an arc length of 33.35 feet to a point on the Westerly sideline of Mariette Drive, thence N 45° 43' 20" W a distance of 20 feet more or less, thence S 57° 31' W to the point of beginning, meaning and intending to describe a triangular parcel of land on the Northwestern corner of Lot 80.

This deed is executed on behalf of the City of Portsmouth by Calvin A. Canney, City Manager, on the 20<sup>th</sup> day of December, 1979.

WITNESS:

CITY OF PORTSMOUTH

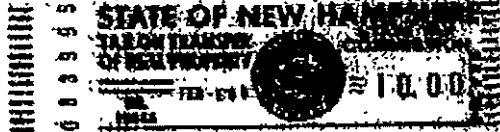
*Charles M. Eldredge*

*Calvin A. Canney*  
Calvin A. Canney, City Manager

STATE OF NEW HAMPSHIRE  
ROCKINGHAM, SS

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of December, 1979, by Calvin A. Canney, City Manager of the City of Portsmouth, New Hampshire, a municipal corporation, on behalf of the corporation.

*Charles M. Eldredge*  
Justice of the Peace



FEB 5 12 05 PM '80  
REG'D. ROCKINGHAM CNTY  
REGISTRY OF DEEDS  
022778



Exhibit "D"

WARRANTY DEED 2198-0722

Grantor: Raymond J. Bailey, Jr. and Kathleen E. Bailey, of Portsmouth, Rockingham County, New Hampshire

for consideration paid, grant to

Grantee: Martin Luther Bush and Hilda G. Bush, husband and wife, of 19 Lilac Lane, Portsmouth, Rockingham County, New Hampshire as JOINT TENANTS, with rights of survivorship, with WARRANTY COVENANTS,

Portsmouth MH (80)

A tract of land, with the buildings thereon, situate in Portsmouth, Rockingham County, New Hampshire, bounded and described as follows:-

Beginning at the southerly corner of the premises and on the northwesterly line of land now or formerly of Harvey Moulton and on land of John Gerasis; thence N. 39° 28' W. by land of Gerasis 94.07 feet to an access street leading to land of said Gerasis; thence N. 57° 31' E. by said access street 102.32 feet; thence easterly by said street by a curve to the right having a radius of 25 feet, a distance of 33.35 feet; thence S. 46° 3' 24" E. by an access street leading to land of said Moulton, now known as Mariette Drive, 31.71 feet; thence continuing southeasterly by said Drive by a curve to the right having a radius of 185 feet, a distance of 43.83 feet; thence S. 57° 31' W. by land of said Moulton 127.8 feet to the point of beginning.

Said premises are known as Lot No. 80, as shown on Plan "C", Maple Haven, Lots 67 to 78 and 80 to 90, made by Albert Moulton, C. E., dated February 17, 1959, said premises being subject to the restrictions as shown on said plan.

Being the same premises conveyed to Raymond J. Bailey, Jr. and Kathleen E. Bailey by Cornelius J. Collins, Jr. and Elizabeth A. Collins by deed dated April 10, 1968.

The grantor(s) are husband and wife, and

do hereby release to said grantee all rights of curtesy, dower and homestead and other interests therein.

WITNESS OUR... hand and seal this 23rd day of February, 1973.

Signed, sealed and delivered in the presence of:

Richard C Lane
William W Reed

Raymond J. Bailey Jr
Kathleen E. Bailey

U. S. NAVAL STATION, ROOSEVELT ROADS, PUERTO RICO

Date: 2 March 1973

Personally appeared Raymond J. Bailey, Jr. and Kathleen E. Bailey

and acknowledged the foregoing instrument to be their free act and deed, before me,

STATE OF NEW HAMPSHIRE
TAX ON TRANSFER OF REAL PROPERTY
MAR-973
10695

Notary Public
S. D. PETERSON, JR., JAGC, USNR
Notarial Powers per New Hampshire
Rev. Stats. Annotated, Ch. 456 12(1968)

REC'D ROCKINGHAM COUNTY
REGISTRY OF DEEDS
MAR 9 10 01 AM '73

4/2/24, 8 26 AM

Exhibit "E"

about blank



### City of Portsmouth Building Permit

Inspection Department  
1 Jenkins Avenue  
Portsmouth, NH 03801  
603-610-7243

Permit Number:  
BLDG-23-856  
Date of Issue:  
November 6, 2023  
Expires:  
November 5, 2024  
Const. Cost:  
\$ 12,000

Owner ST PIERRE EDMUND R  
Applicant Edmund St Pierre  
Contractor Ed St Pierre, ESP Construction Phone # 978 766 7748  
Location 15 MARIETTE DR

Description of Work Residential detached garage renovation This stage of the job does not include adding a second floor Extend the front garage foundation by 5', the roof overhang to extend an additional 2' Proposed changes are 33' from front lot line, 21' from right side setback, 88' from left setback, and 58' from rear setback The existing footprint is 20' x 20' w 2' apron Proposed footprint is 20' x 25'. Convert right side stall to workshop with 1/2 bath 36"x82" Fiberglass door and 36"x 36" window to match house Siding details will match house Install 2" rigid Styrofoam around the perimeter to frost protect the slab foundation

Map/Lot. 0292-0167-0000-  
Occupancy Classification Residential Other- (See R-3) Accessory  
to Residential  
Design Occupancy Load  
Total # of Dwelling Units.

Use Group Detached Accessory Structure (Shed/Garage)  
Constr. Type Type V-B  
Bldg. Code IRC Edition 2018

Remarks. \* Per City Ord. Sec 11 502 (F) Street/Unit Number must be affixed to Main Structure as to be plainly visible from the street Construction sites must post the address clearly on the property. No site activity allowed before 7:00AM or after 6:00PM No weekend construction allowed

- 
- -\*-Please call 603-610-7243 to schedule inspections
- Separate electrical, plumbing and mechanical permits required
- Per Section R109.4 Approval Required Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official Do not cover or conceal until authorized by the building official
- 

The PERMIT HOLDER has read this permit, the permit application, and the Building Official's marked-up plans and agrees to perform the work authorized including any conditions or requirements indicated thereon, and any stipulations imposed by a Land Use Board in conjunction with the project The CONTRACTOR shall be responsible for notifying the Inspection Department 48 hours in advance, for FOUNDATION, FRAMING, and FINAL inspections A Certificate of Occupancy is required for all Building Permits. Buildings shall not be occupied until ALL inspections (BUILDING, ELECTRICAL, PLUMBING, MECHANICAL, and FIRE) are complete and Occupancy has been issued By signing this permit, the owner or his/her representative (Permit Holder), authorizes property access by city officials to conduct interior and exterior inspections and property tax assessments during and/or after the construction process

### The Permit Card Shall Be Posted and Visible From the Street During Construction.

\* Per City Ord. Sec. 11.502 (F) Street/Unit Number must be affixed to Main Structure as to be plainly visible from the street Construction sites must post the address clearly on the property No site activity allowed before 7 00AM or after 6 00PM. No weekend construction allowed

Code Official

This is an e-permit To learn more, scan this barcode or  
visit [portsmouthnh.viewpointcloud.com/#!/records/77044](http://portsmouthnh.viewpointcloud.com/#!/records/77044)

City of Portsmouth, NH

Property

Zoom To

Share

Print

Property Quick Search



Search

Selection

Themes

Markup

292-105

292-168

292-167

292-166

292-229

Created By Print  
(04-06-2024  
11:14 am)  
0 views

43.025431,-70.798244

292-165

Map data ©2024

Side walk  
ROW

Mariette

Mariette Dr

Winchester St

Winchester St

Winche

Google (https://www.google.com/maps/@43.025431,-70.798244,20z?hl=en-US)

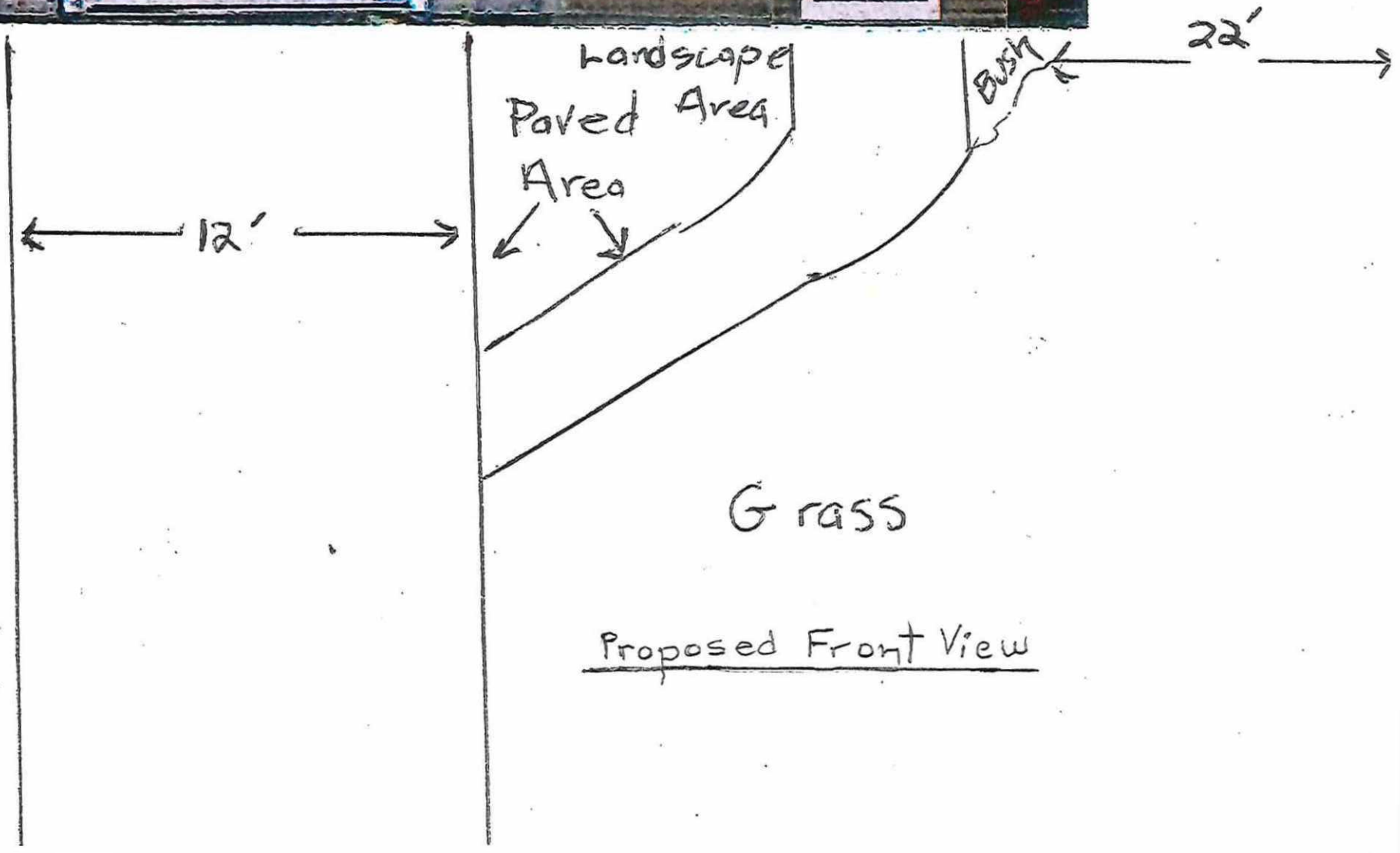
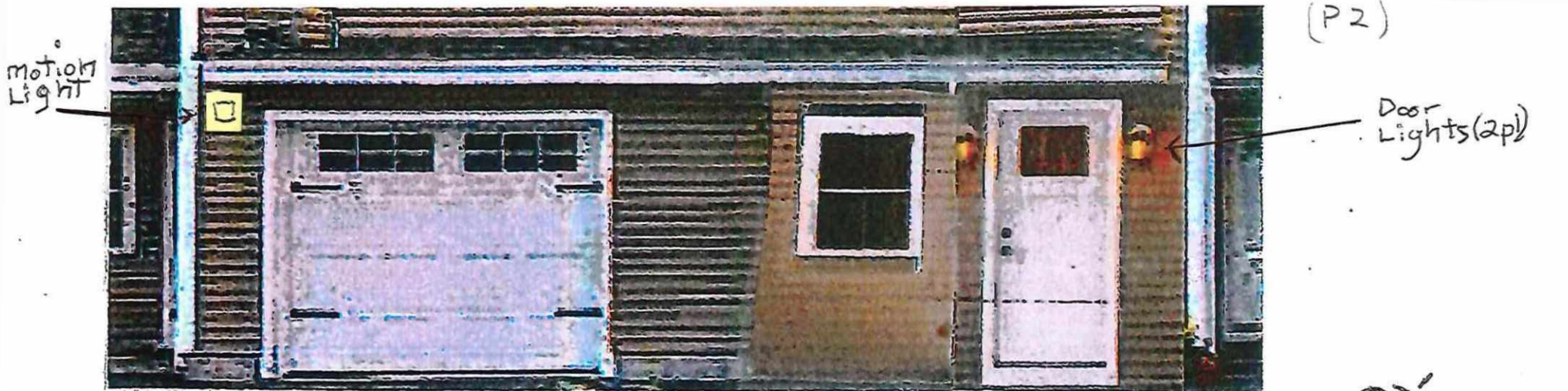


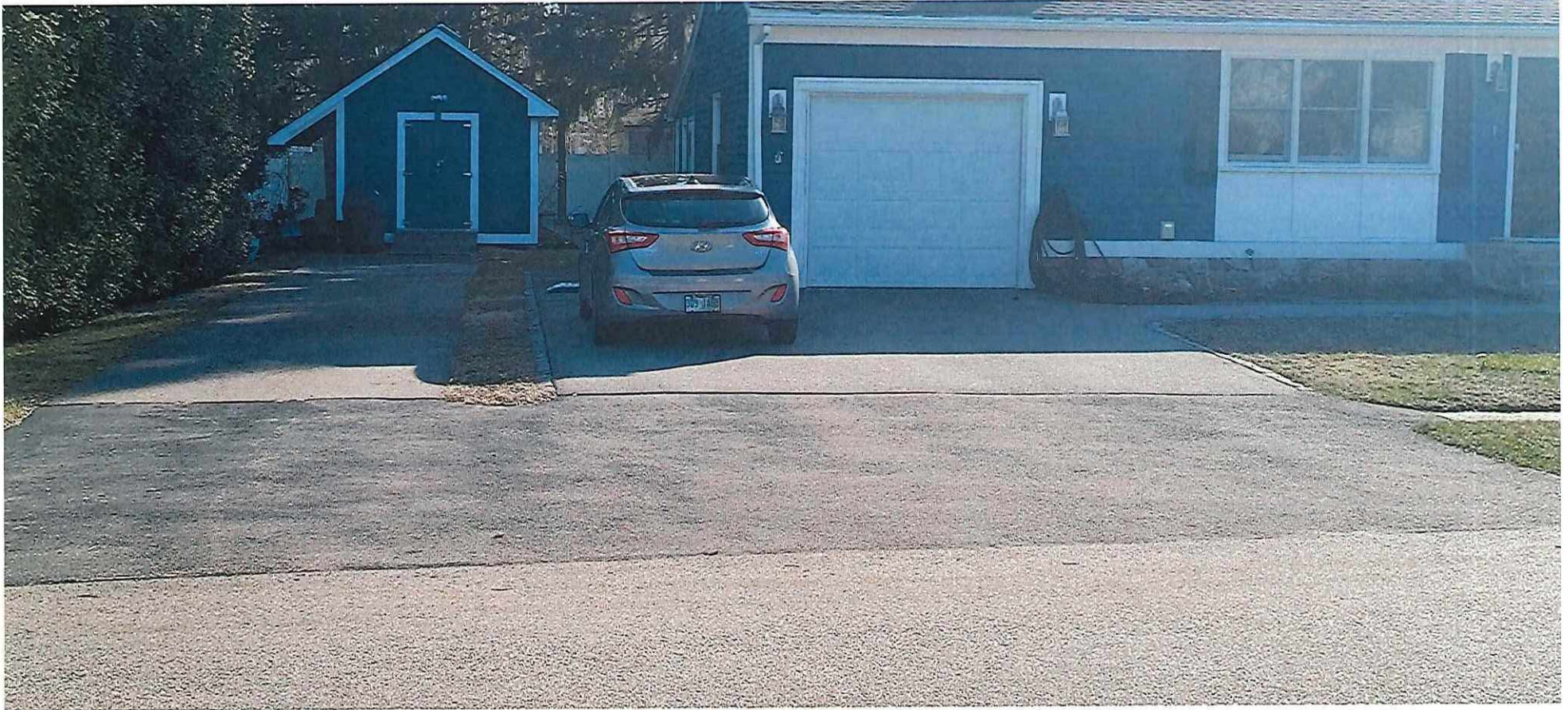
↑ House lot  
conveyed 3/73  
Exhibit D

↑ Parcel B  
conveyed 12/79  
Exhibit C2

15 Mariette Dr  
Existing Conditions

↑ Parcel A  
conveyed 1/80  
Exhibit C

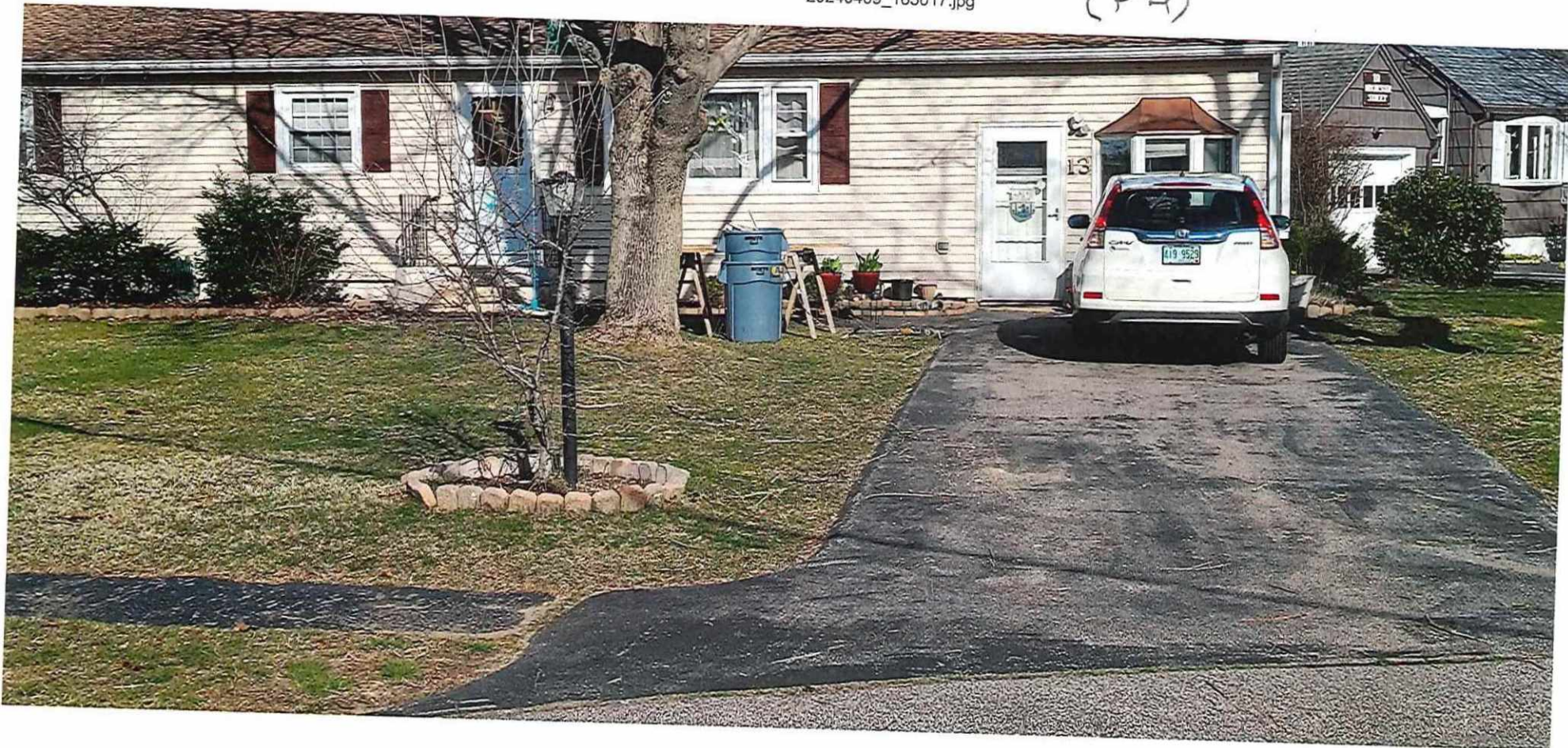




#17 Accessory  
10 feet

#17 Mariette Dr  
20 feet

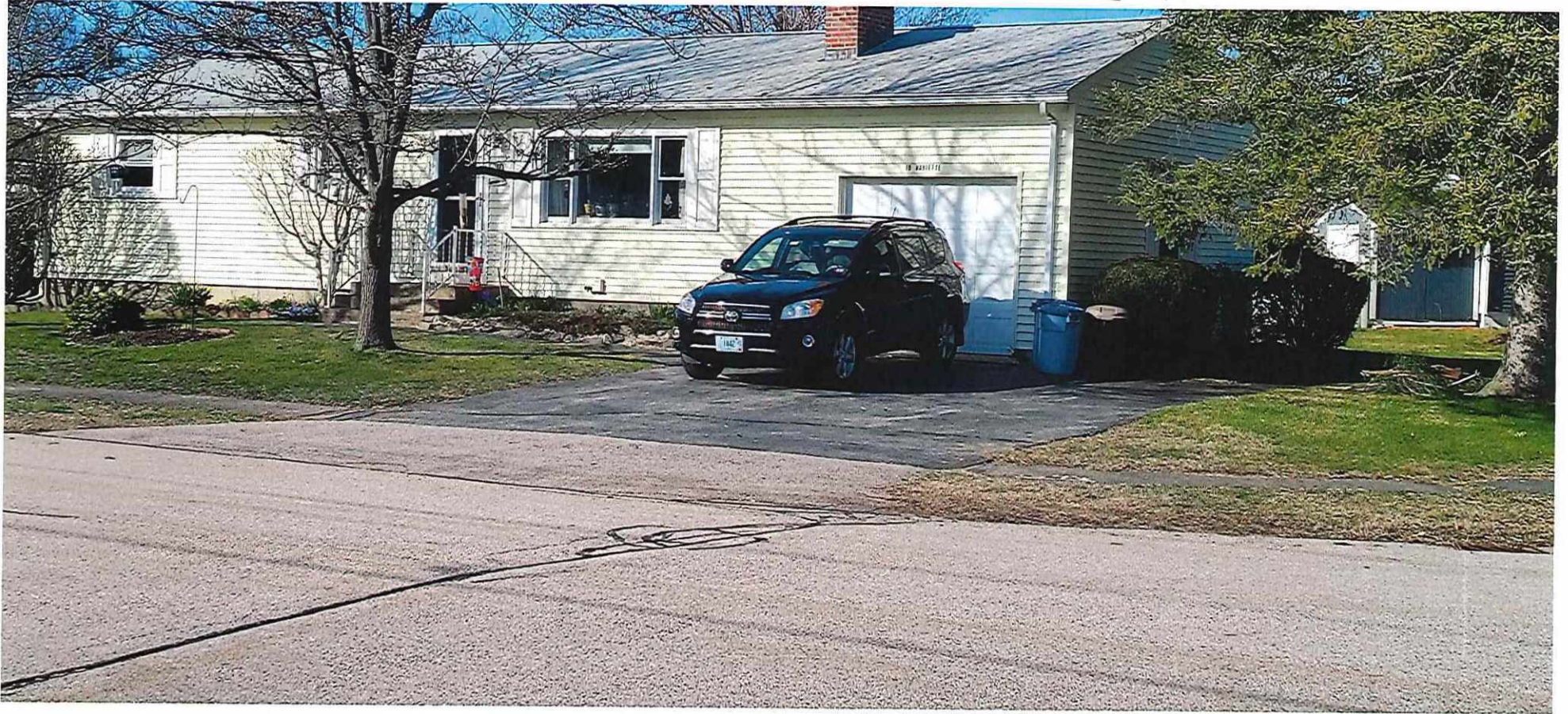
(P4)



#13 Mariette Dr > 20ft.

#10 Winchester  
11.5 ft

(P5)



# 10 Mariette Dr.  
11.5 feet