

### III. NEW BUSINESS

- E. The request of **Eric J. Gregg Revocable Trust (Owner)**, for property located at **112 Mechanic Street** whereas relief is needed to install a mechanical unit to the side of the primary structure which requires the following: 1) Variance from Section 10.515.14 to allow a 2' rear setback where 10 feet is required. Said property is located on Assessor Map 103 Lot 25 and lies within the General Residence B (GRB) and Historic District. (LU-23-73)

#### Existing & Proposed Conditions

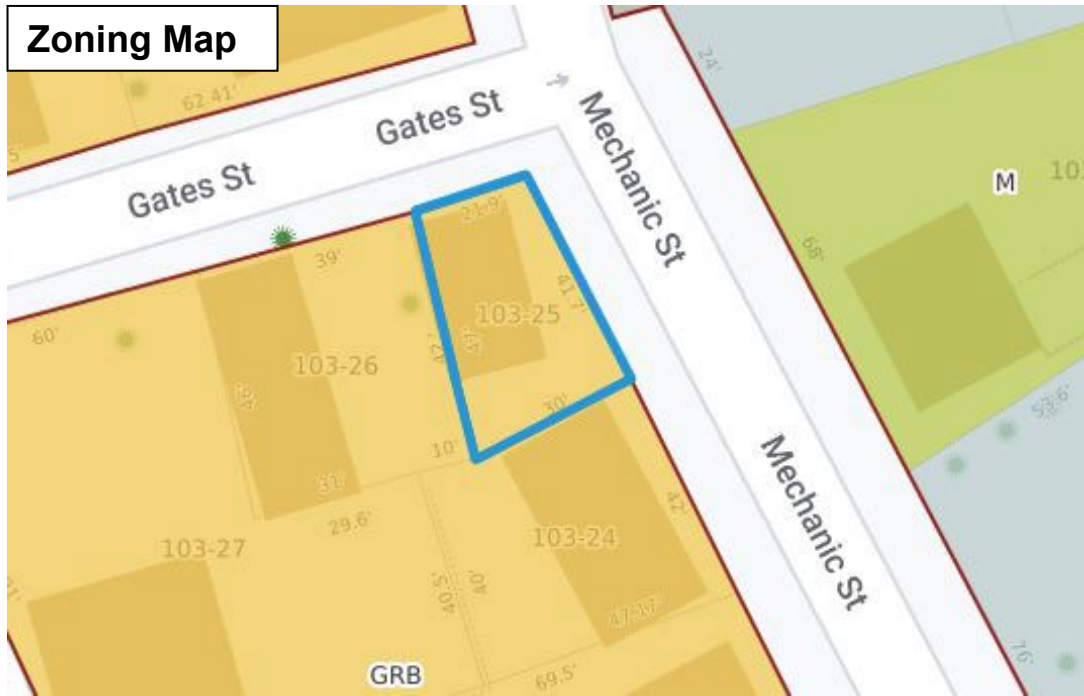
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family dwelling	Mechanical Unit	Primarily residential
<u>Lot area (sq. ft.):</u>	871	871	5,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	871	871	5,000 min.
<u>Street Frontage (ft.):</u>	63.5	63.5	80 min.
<u>Lot depth (ft.)</u>	21.5	21.5	60 min.
<u>Front Yard (Mechanic St) (ft.):</u>	5	5	5 min.
<u>Secondary Front Yard (Gates St) (ft)</u>	0	0	5
<u>Left Yard (ft.):</u>	14	13	10 min.
<u>Rear Yard (ft.):</u>	0	6*	25 (primary structure) min. 10 (mechanical unit)
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	51.5	51.5	30 max.
<u>Open Space Coverage (%):</u>	<25	<25	25 min.
<u>Parking</u>	1	1	2
<u>Estimated Age of Structure:</u>	1920	Variance request(s) shown in red.	

\*a mechanical system that is set back less than the 10 ft. required minimum distance from the property lines

#### Other Permits/Approvals Required

- Certificate of Approval - Historic District Commission
- Building Permit

### Neighborhood Context



### Previous Board of Adjustment Actions

No previous BOA history found.

## Planning Department Comments

The applicant is proposing to install an HVAC mechanical unit on the south side of the existing house. The unit is proposed to be located to the front side of the window within the driveway and the applicant is proposing to screen it with latticework painted to match the house. Since the original application, the applicant provided updated materials that more clearly outlined the placement of the unit to within 6 feet of the rear property line rather than 2 feet to avoid conflict with the existing window on the side of the house. If the Board wishes to approve the variance request, staff recommends the motion and condition as listed below or similar language:

***Sample Motion: Approve the variance request with the following condition:***

- 1) ***The mechanical unit is located to the side of the primary structure and 6 feet from the rear property line, as indicated in the applicant's submission materials.***

## 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.

# 112 Mechanic St



1" = 40 ft

**Property Information**

**Property ID Location Owner**

0103-0025-0000  
112 MECHANIC ST  
GREGG ERIC J REV TRUST



**MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT**

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City of Portsmouth, NH June 7, 2023

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Placement of the Congress  
will be six feet from the back property line  
Properties are separated by a six foot two  
inch high fence.

May 31, 2023 (Updated June 9, 2023)

## Written Statement / Scope of Proposed Work

Author: Eric Gregg owner of 112 Mechanic St. Portsmouth

112 Mechanic has an old, inefficient central heating unit and no air conditioning (which has become increasingly uncomfortable/intolerable during the height of Summer). I would like to install a dual zone split (heat pump) that would be much more energy efficient than the current central heat furnace and also provide air conditioning. Ideally it would be great to get this done before August if the various Portsmouth committees can see fit to approve this minor project.

This requires a dimensional variance because the compressor is expected to be placed to the right of the window on the southern side of the house (side of the house that faces the driveway and it will be placed six (6) feet from the lot line at the back of the lot that abuts 210 Gates Street. The solid wood fence that separates 112 Mechanic from 210 Gates Street at the back of the driveway is 6'2" high so this compressor should be non-visible to 210 Gates Street from all but the highest perches on that property. I have discussed this potential minor improvement to the property with Clay Emery (owner of 114 Mechanic) whose home is adjacent to 112 Mechanic and across the driveway and he has indicated that he is fine with this proposed, minor renovation. I have spoken with David Adams (210 Gates Street) and he has stated that he has "no issue" with this minor project. There's more than 14' between 114 Mechanic and 112 Mechanic so there should be ~13' between the outside envelope of the latticework that will camouflage the compressor and 114 Mechanic) so no dimensional variance should be needed in that direction). The compressor is only ~13 inches wide, ~37 inches high and ~40 inches long. The plan is to enclose the compressor in latticework that is painted the same color as the home (to camouflage it). The intent is to have it placed up against and underneath or just to the side of the window on the southern side of the house. The intent is to have it back as far as possible from Mechanic Street so that it has as little visibility from the Mechanic Street as possible even though it should be well camouflaged with the lattice work enclosure.

Lee Mechanical (to be used for this project) successfully did the same type installation of a lattice work enclosed heat pump about six years ago two houses over from 112 Mechanic at 199 Gates Street. I am including pictures of how that turned out.

I thank the various committees of the city of Portsmouth in advance for their consideration of this proposed minor renovation.

### **Zoning Ordinance to be met, as per City Ordinance 10.233.20:**

#### **10.233.21 The variance will not be contrary to the public interest:**

The proposed condenser will be placed in the least noticeable place on the property and will be camouflaged by latticework that will be painted the same distinct color as the home. Per the above, the two immediate abutters (114 Mechanic and 210 Gates Street) have verbally indicated they are each ok with this proposed minor improvement to the

property. Further, as per Trane (one of the largest HVAC manufacturers in the world) "a heat pump can transfer 300 percent more energy than it consumes. In contrast, a high-efficiency gas furnace is about 95 percent efficient." And to be clear, what this heat pump will be replacing is a gas furnace that is not high efficiency, so the pick-up in energy efficiency is going to be dramatic (4x+) which should be very good for the environment / emissions / global warming. Therefore, the variance will not be contrary to the public interest.

**10.233.22 The spirit of the Ordinance will be observed:**

The property at 112 Mechanic Street is very unusual. The home is situated right on the property line with 210 Gates Street. There's very little space between the home and the road on Gates Street (four feet). We have no interest in putting anything Mechanical in front of the home due to curb appeal and HDC considerations. If a variance is granted to accommodate for this unusual situation and with respect for the abutters, the spirit of the ordinance will be observed.

**10.233.23 Substantial justice will be done:**

The property owner wants to place the condenser on the side of home in the driveway as far back as is reasonably possible from the road where it will disrupt the neighbors and the general neighborhood as little as possible on this unusual lot, with immediate abutter approval. Substantial justice will be done for the owner and the neighborhood and the community in general (much higher efficiency HVAC/lower emissions/etc) if this variance is granted.

**10.233.24 The values of the surrounding properties will not be diminished:**

Because the proposed generator is well hidden and camouflaged it will not diminish the surrounding property valued.

**10.233.25 Literal enforcement of the provisions of the Ordinance would result in unnecessary hardship:**

The proposed condenser constitutes a reasonable, minor improvement to this single family home. We have increasingly hot days during the summers and this home does not have adequate air conditioning. To try to address the need for air conditioning, window units are typically installed which are not attractive to look at for anyone in the neighborhood and are a real burden to install and uninstall every year. Further this homeowner does believe it to be the right thing (for the community, environment and their home) to be using a materially less efficient furnace than what can be achieved with the proposed heat pump installment. Given that this condenser will be put far back on the property, as far from sight as possible from the street and camouflaged with an appropriately painted latticework enclosure, this minor improvement should gain little to no attention from neighbors and passersby, but without it it would constitute an unnecessary hardship to the owner due to an insufficient HVAC situation that currently exists at the property.





199 Gates Street had a heat pump installed ~6 years ago by the same HVAC company (Stevens Mechanical) I would be using for this job. See in the right photo the latticework used to camouflage the compressor. We would be doing the same thing putting latticework around the compressor and painting it the same color as the house at 112 Mechanic.



112 Mechanic is on the right. Placement of the compressor would be near the end of the driveway either 6 feet from the fence on the lot line with 210 Gates Street and to the right of the window that can be seen (side view) to the right of the car on the South side of the house (not under the bay window on the far right of the photo above).

There's no suitable place to put the compressor in front of 112 Mechanic.

On the right side 112 Mechanic there's only four feet between the house and Gates Street and there's a row of hedges and lilacs.

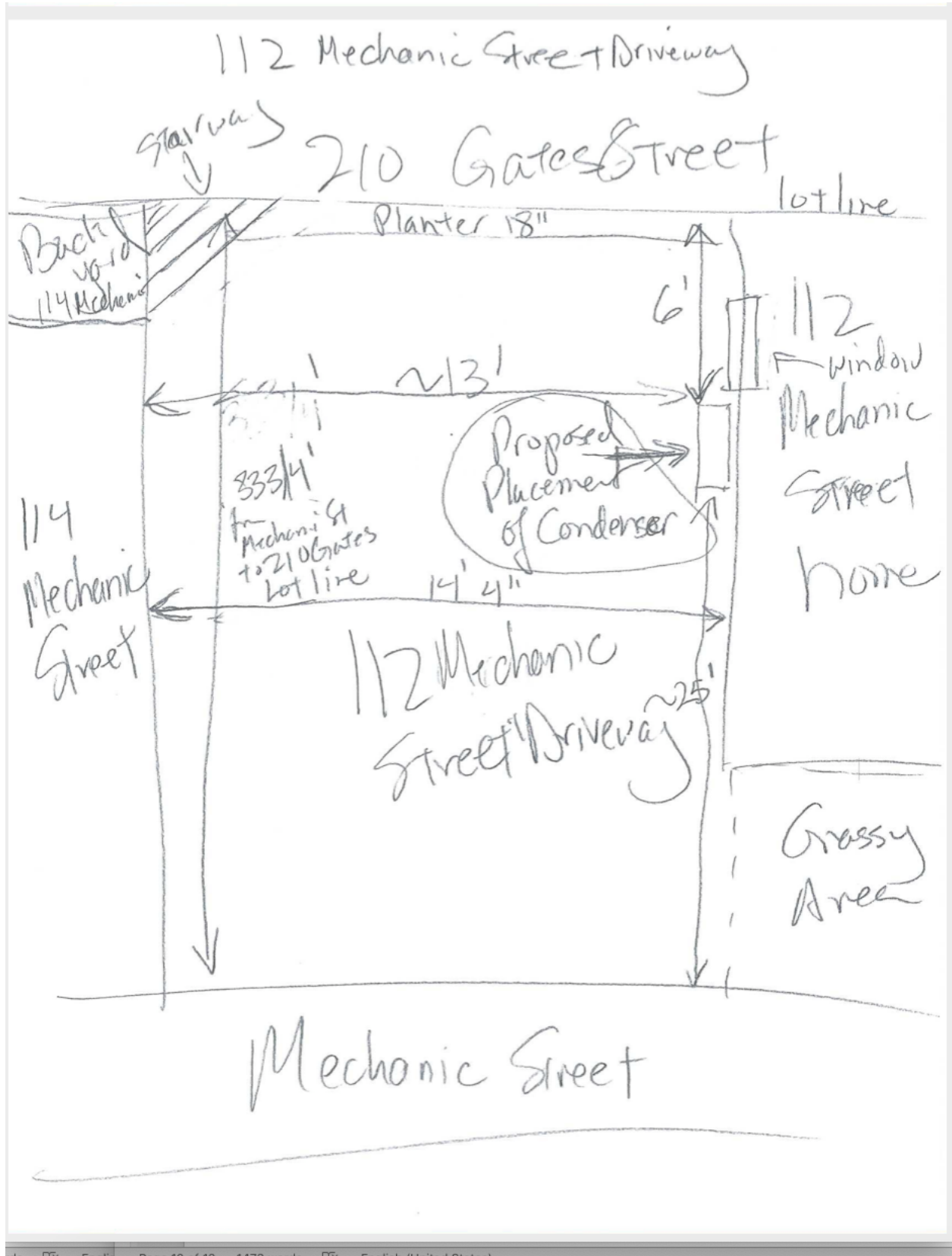
Note from Lee Stevens on need for placement where we are proposing placing it:

Jun 7, 2023,  
9:11 PM (13  
hours ago)

Evaluating the site left only one option for placement of the condenser. The front, back, and street (Gates) side of the property have little to no available area to meet the requirements due to property lines and street setbacks. The only location viable for the condensing unit is towards the rear of the driveway side of 112 Mechanic St up against home.

The condenser would be on a raised and level stand, surrounded by a paint matched lattice, and the refrigerant lines will be also paint matched as to blend in seamlessly.

Lee Stevens  
STEVENS MECHANICAL  
Rochester, NH  
603-394-5151





**STEVENS MECHANICAL, 24/7 HVAC Svc Co. LLC**

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Rochester, NH 03839 US  
(603)394-5151  
leestevens247@live.com  
www.STEVENSMECHANICALNH.com

## Estimate

**ADDRESS**

Eric Gregg  
112 Mechanic St  
Portsmouth, NH

**SHIP TO**

Eric Gregg  
112 Mechanic St  
Portsmouth, NH

**ESTIMATE #** 1017414

**DATE** 03/08/2023

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ACTIVITY	QTY	RATE	AMOUNT
<b>Air conditioning:Ductless unit</b> Ductless unit includes condenser and evaporator head(s), line set and pad. 7K and 9K. With lattice covering and color matched to house	1	5,510.00	5,510.00
<b>16 Electrical</b> Sub contract electrical estimate	1	1,000.00	1,000.00
<b>01 Plans and Permits</b> Plans and Permits required by code and may vary on town or city.	2	100.00	200.00

Thank you for allowing us to quote your job.

**TOTAL**

**\$6,710.00**

Estimates are good for 15 days and are subject to change due to market fluctuations of equipment prices. This is only an **ESTIMATE** and job cost may change with additional parts or equipment needed to complete the job.

To confirm your estimate, please submit a 50% deposit to schedule your job and order materials, thank you.

Accepted By

Accepted Date



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## Samsung JXH20S3B



### Outdoor Unit 3-Port Heat Pump Max Heat FJM 20K BTU 208-230 Volt AJ020BXS3CH/AA

Account required to order

[Installation Manual](#)



## Product Details

<b>Brand</b>	Samsung
<b>Product Type</b>	3-Port Heat Pump Max Heat FJM
<b>Heating BTU</b>	20KBTU
<b>Voltage</b>	208-230V
<b>Phase</b>	1PH
<b>Refrigerant</b>	R410A
<b>Part Number</b>	AJ020BXS3CH/AA
<b>Finish</b>	White
<b>Length</b>	13IN
<b>Width</b>	37IN
<b>Height</b>	39-5/16IN

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