

**IN RE: APPLICATION FOR VARIANCE OF
Argeris and Eloise Karabelas, Owners and Applicants**

APPLICANTS NARRATIVE

11 Meeting House Hill Road – History of Existing Garage

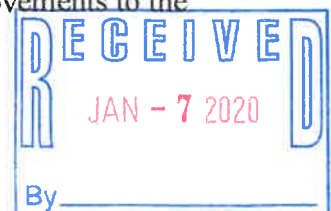
On January 6, 1981 the Board of Adjustment granted variances to the then owners, the Hollings to allow (a) construction of a 2 story garage with a 4 foot front yard, a 10 foot rear yard, and a 7 foot right side yard; (b) construction on a corner lot with a front setback of 4 feet and a left side setback of 10 feet where 10 feet was required for both; and (c) 71.7% building coverage where 20% was allowed. The Variances were granted with the following 3 conditions: (1) The garage be 16 feet from the left setback; (2) the dimensions not exceed 18 feet in width and 24 feet in length; and (3) the height not to exceed 18 feet.

After receiving the above approvals, the garage was constructed and thought to be in conformance with the Variances granted and the conditions attached thereto. The existing garage shown in the submitted photos is that which was constructed in 1981. It is 18' x 24' in size and 18' in height, however it appears that the rear setback is 8 feet rather than 10 feet. The garage has existed for the past 39 years. The second floor contains a finished room.

THE PROPOSAL:

The applicants wish to renovate and reconstruct the existing Garage in the same location, with the same footprint as presently exists. The only dimensional difference would be the height of the garage which would increase from the existing 18 feet to 20' 1" as shown on the submitted elevation plans. The second floor, which is presently a finished room, would become a one room studio apartment with a bed and kitchenette. The property is presently referenced as a 2 family dwelling in the assessor's and the inspection department's records, the second dwelling unit having existed since the 1950's. Both the first and second floors of the Drisco House contained a kitchen. The property is located in the GRB District in which 2 family dwellings are allowed. The Drisco House after renovations are complete, will be a single family dwelling with the second dwelling unit being the studio apartment above the garage.

The within application relates to the detached garage structure only, as the applicants have received a Certificate of Approval from the HDC for the exterior improvements to the Drisco House at their July 19, 2019 meeting.



Because the proposed new height of 20 feet, 1 inch exceeds the 18 foot maximum condition placed upon the 1981 grant of Variances relief from the Zoning Board is required. The Maximum height allowed by the Zoning Ordinance is 35 feet, while the average height of surrounding structures is 24 feet.

The proposed garage replacement is currently the subject of a pending HDC application for a Certificate of Approval. The Architectural Elevations submitted with this application are the result of a work session with the HDC on Dec. 4, 2019. These plans will be presented at a future meeting of the HDC, should the relief being requested be granted by the ZBA.

RELIEF REQUESTED:

The applicants request that the Board modify and amend Condition #3 placed upon the granting of Variances on January 6, 1981 to allow the height of the garage to be 20 feet 1 inch.

The Planning department has determined that a variance from Article 5 section 10.521 for a nonconforming rear yard setback of 8 feet where 20 feet is required.

ARGUMENT

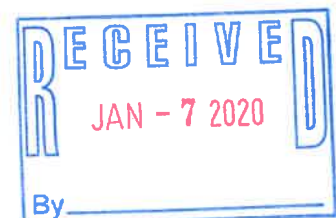
The applicants believe that the 5 criteria necessary for the granting of a rear yard setback variance are met by the within application. The ZBA in 1981 granted a rear yard setback variance for the garage.

Because there will be no change to the existing Garage footprint, there will be no marked and substantial change to the characteristics of the neighborhood if the rear setback variance is granted, there will also be no threat to the public health safety or welfare. (Malachy Glen Associates Inc. v. Town of Chichester, 155 N.H. 102) The Garage has existed in its present location for the past 39 years and actually contributes to the characteristic of the neighborhood. Approximately 75% of the properties in the neighborhood have nonconforming rear yard setbacks.

Thus the applicants would submit that granting the rear yard setback variance would be consistent with the Spirit and Intent of the Ordinance, and would not be contrary to the Public Interest as it meets the test set forth in the Malachy Glen case for these 2 criteria.

The Granting of the rear yard setback variance will not result in any diminution of surrounding property values as the rear of the garage will remain in the same location as it has been for the last 39 years. The garage footprint will remain as it exists. The existing garage, because of its dilapidated condition is a detriment to surrounding property values.

Granting the rear yard setback variance will result in Substantial Justice being done as the hardship upon the applicants, were the variance to be denied, is not outweighed by any benefit to the general public. Were the variance to be denied the garage, which is badly in need of repair, and a neighborhood eyesore. Could not remain in its existing location.

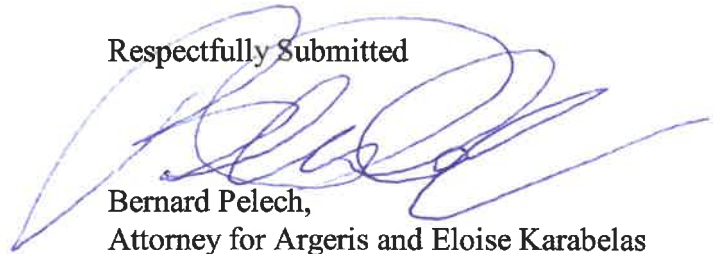


Finally there is a hardship associated with the lot which differentiates it from other lots similarly situated. The existing oddly shaped lot is the result of the consolidation of two properties. (43 Manning St and 11 Meeting House Hill Rd.) The combination of these two lots created a single lot unlike the surrounding lots because of its unique shape. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance. The footprint and location of the garage will remain as they presently exist. The rear yard setback is nonconforming, but three quarters of the neighborhood lots have nonconforming setbacks. Thus there is no reason to strictly apply the rear yard setback requirements to this existing nonconforming structure. Light and air, access and yard space will remain unchanged. The proposed use is reasonable and currently exists.

CONCLUSION

In conclusion the applicants believe that all five criteria have been met for the requested rear yard setback variance to be granted,

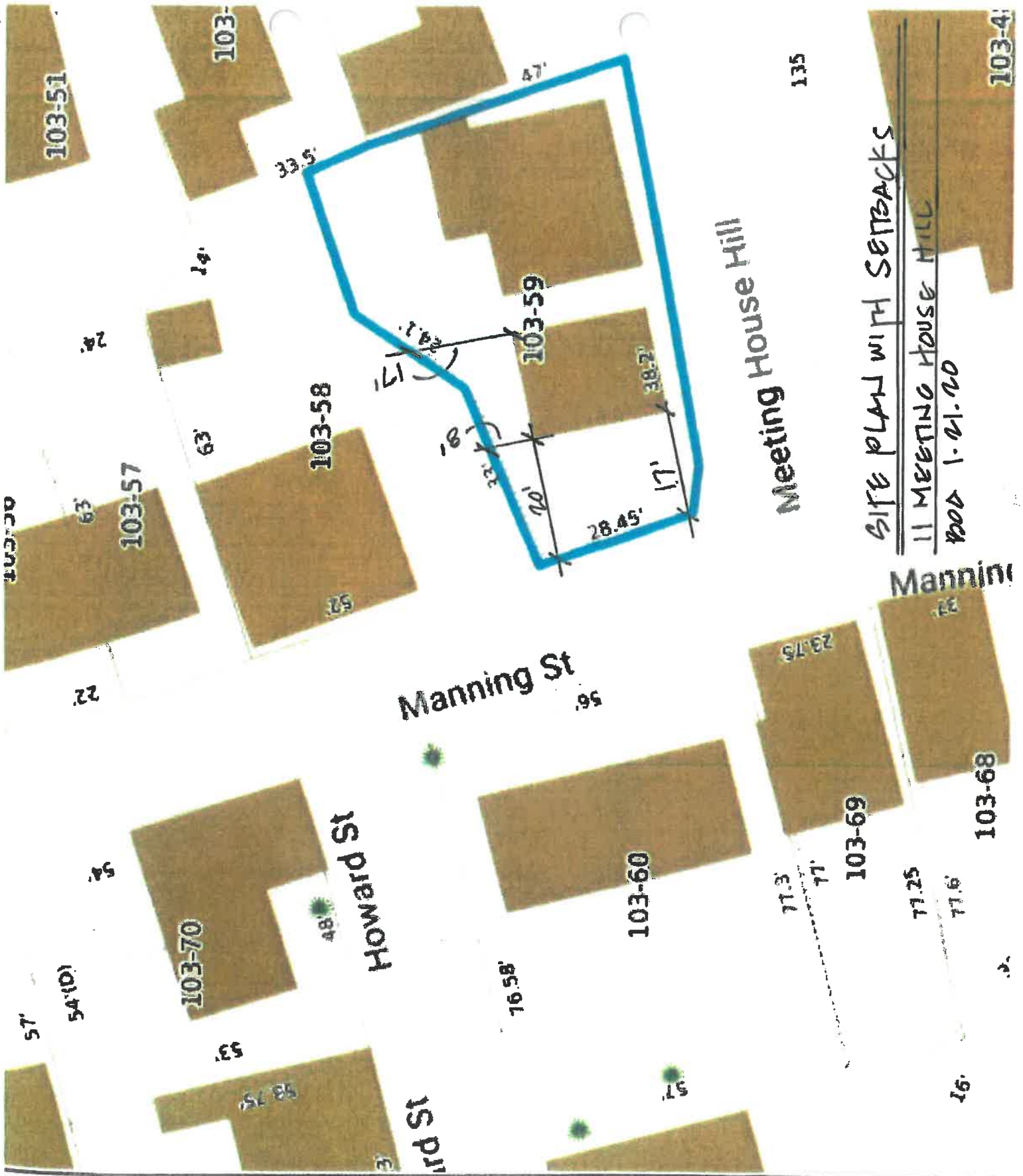
Respectfully Submitted



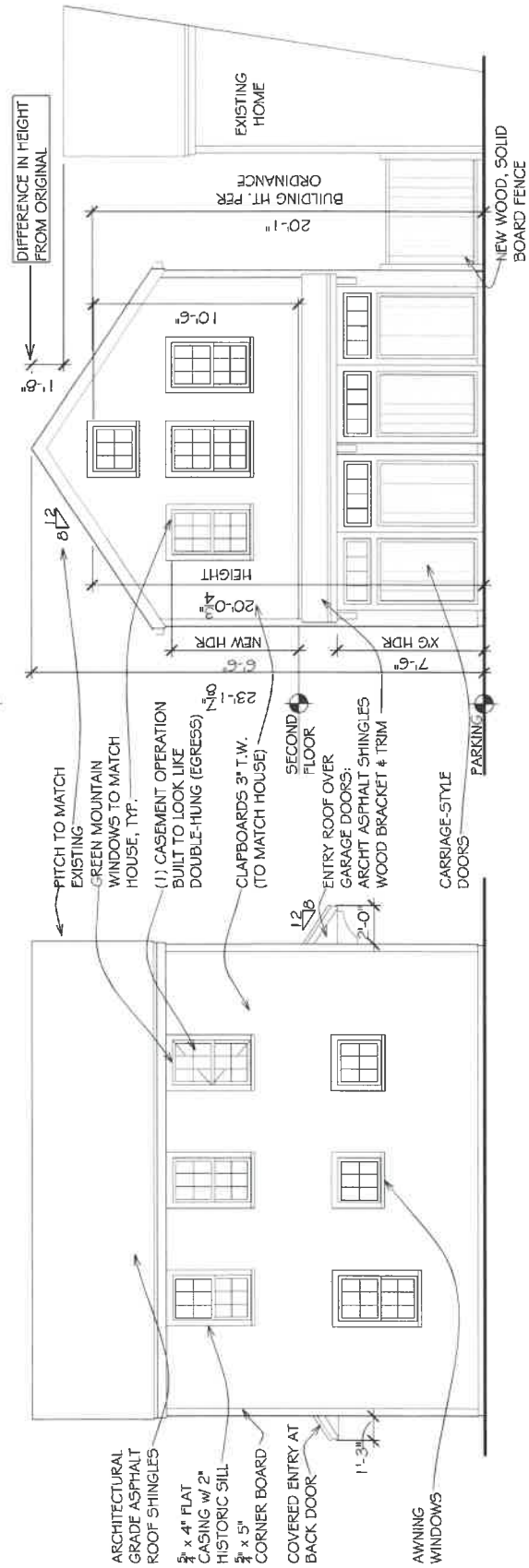
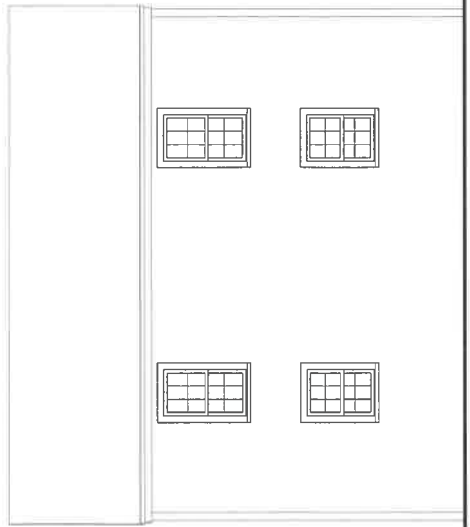
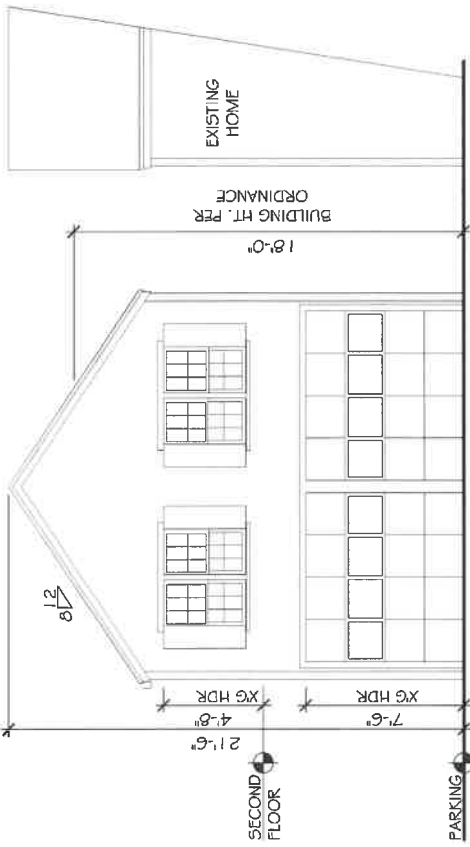
Bernard Pelech,
Attorney for Argeris and Eloise Karabelas

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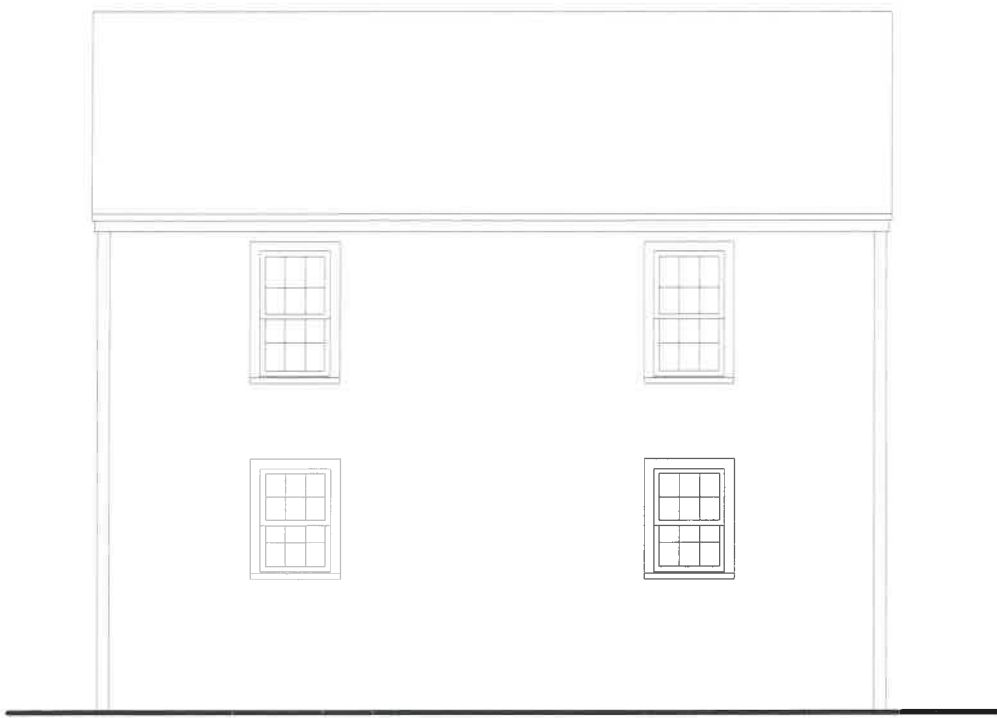
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PROPOSED MEETING HOUSE ELEVATION

PROPOSED MANNING STREET ELEVATION

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ARCHITECTURAL GRADE ASPHALT ROOF SHINGLES

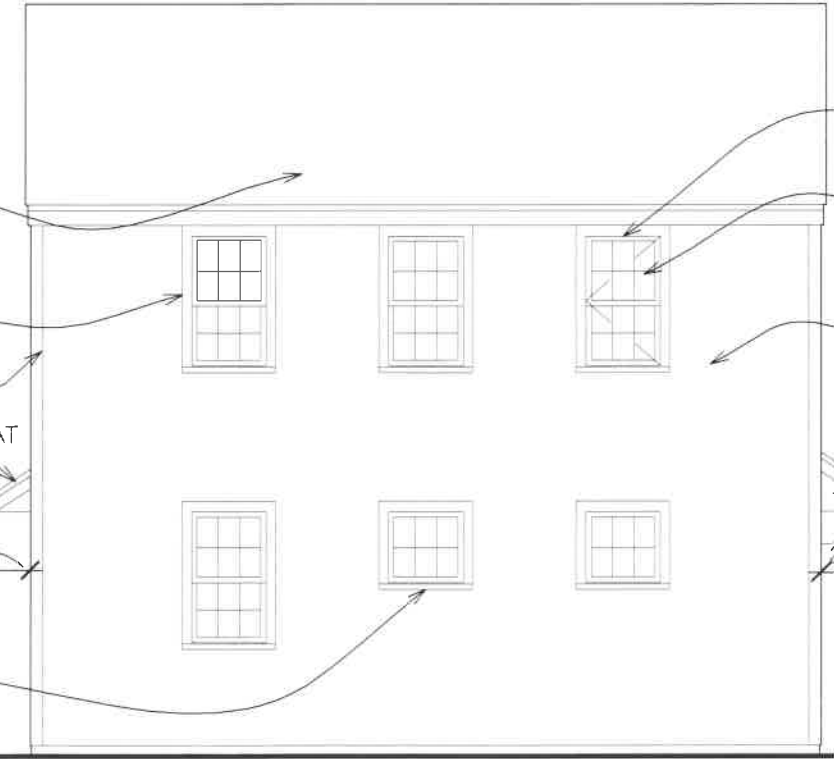
5/4" x 4" FLAT CASING w/ 2" HISTORIC SILL

5/4" x 5" CORNER BOARD

COVERED ENTRY AT BACK DOOR

1'-3"

AWNING WINDOWS



PROPOSED MANNING STREET ELEVATION

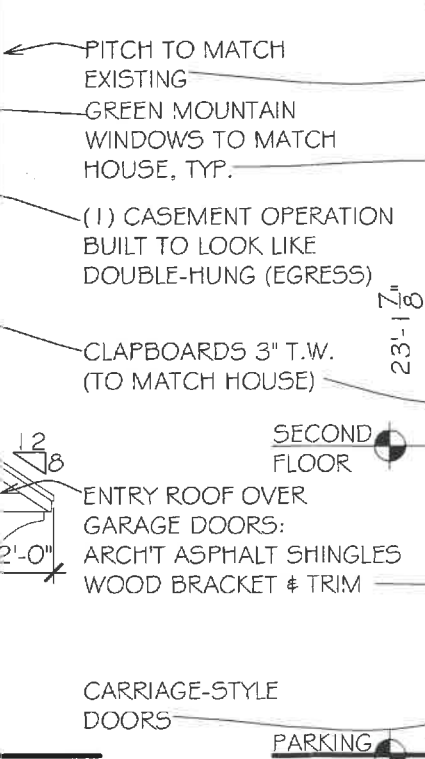
PITCH TO MATCH EXISTING GREEN MOUNTAIN WINDOWS TO MATCH HOUSE, TYP.

(1) CASEMENT OPERATION BUILT TO LOOK LIKE DOUBLE-HUNG (EGRESS)

CLAPBOARDS 3" T.W. (TO MATCH HOUSE)

ENTRY ROOF OVER GARAGE DOORS: ARCH'T ASPHALT SHINGLES WOOD BRACKET & TRIM

CARRIAGE-STYLE DOORS



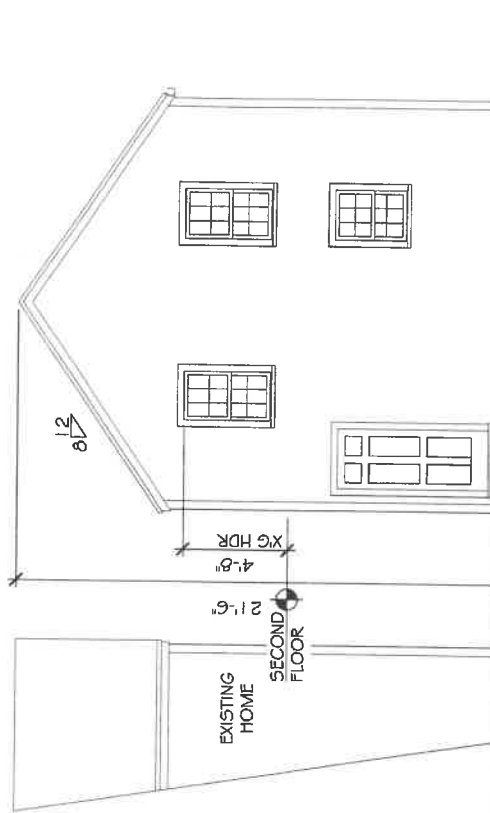
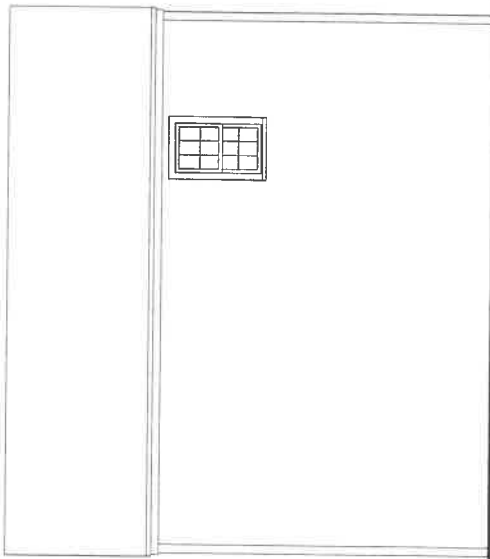
PROPOSED MEETING HOUSE ELEVATION

DIFFERENCE IN HEIGHT FROM ORIGINAL

20'-1" BUILDING HT. PER ORDINANCE

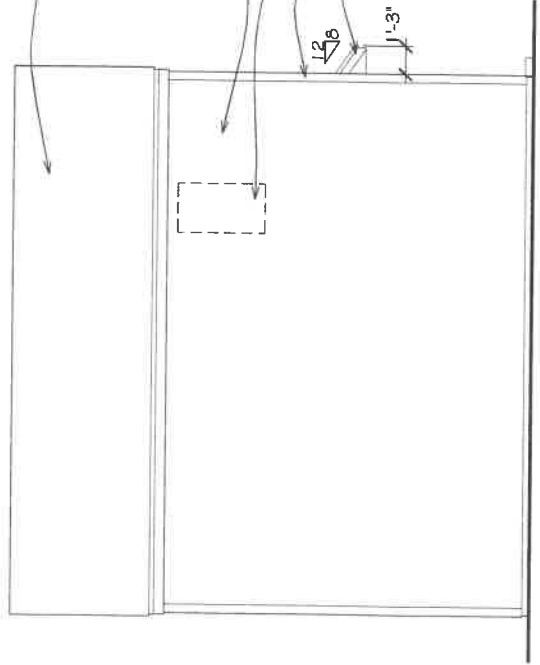
NEW WOOD, SOLID BOARD FENCE

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DIFFERENCE IN HEIGHT FROM ORIGINAL

- ARCHITECTURAL GRADE ASPHALT ROOF SHINGLES
- GREEN MOUNTAIN WINDOWS TO MATCH HOUSE, TYP.
- 5/4 x 4" FLAT CASING w/ 2" HISTORIC SILL CLAPBOARDS 3" T.W. (TO MATCH HOUSE)
- INFILL EXISTING WINDOW
- 7/8 x 5" WOOD CORNER BOARD
- COVERED ENTRY AT BACK DOOR, SIM TO FRONT



PROPOSED HOUSE FACING ELEVATION

PROPOSED BACK ELEVATION

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DEC 31 2019



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

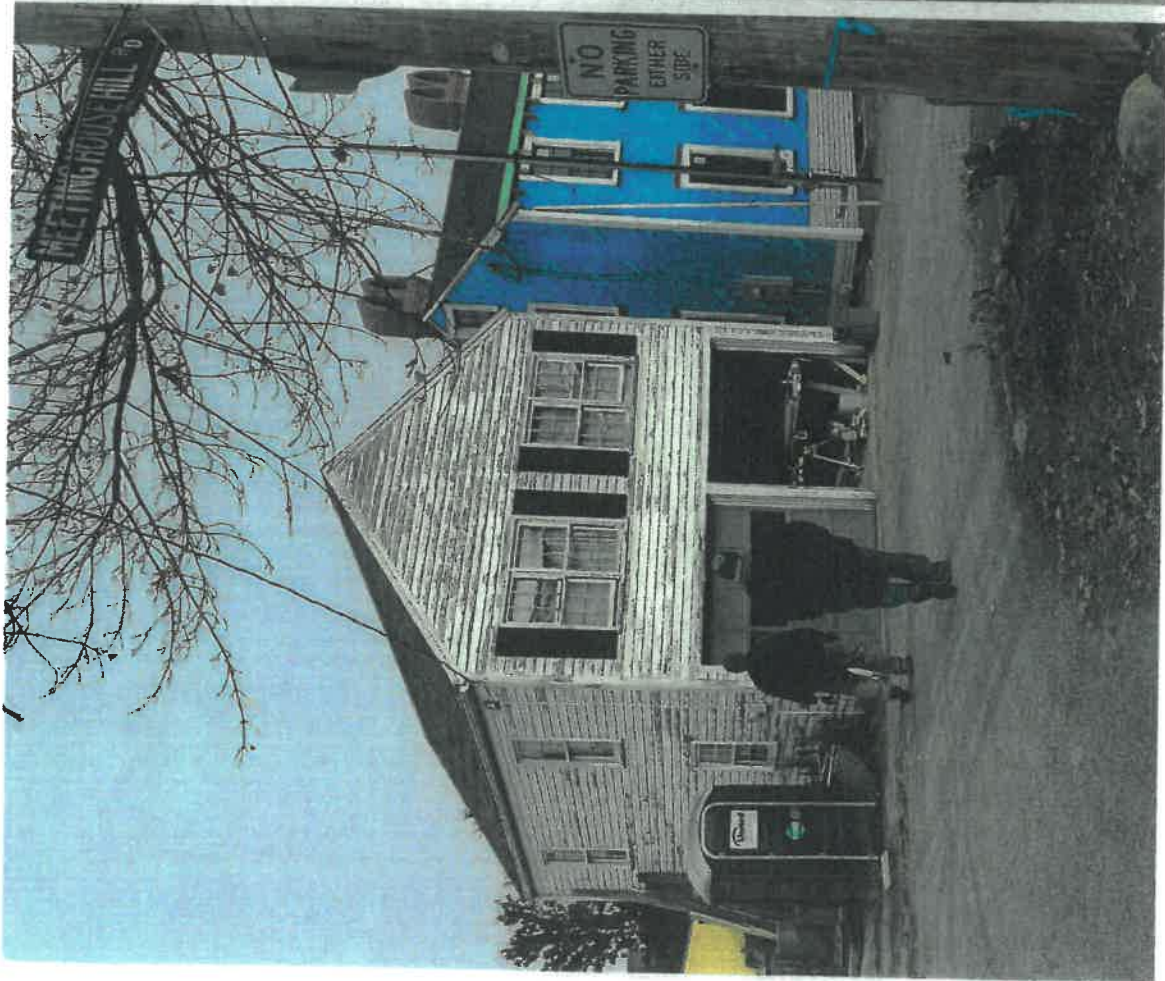
City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 4/1/2019
Data updated 7/17/2019

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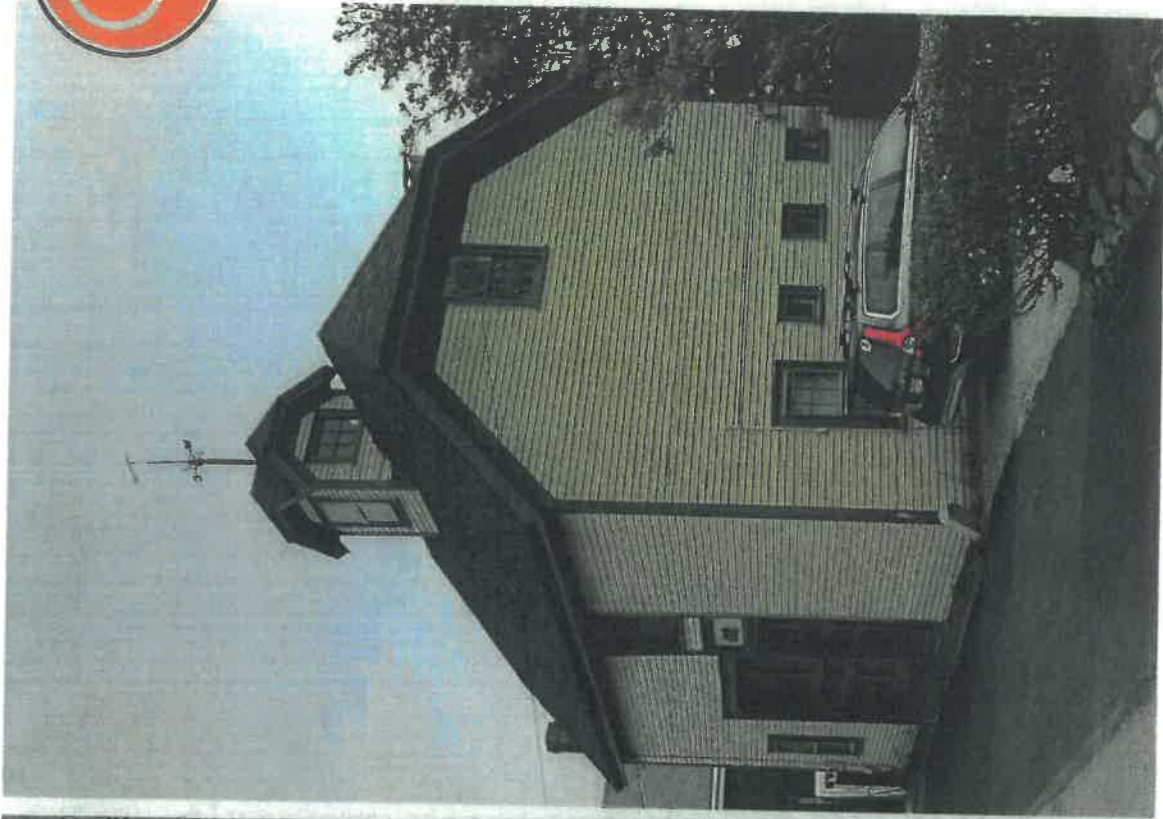


Existing Photo

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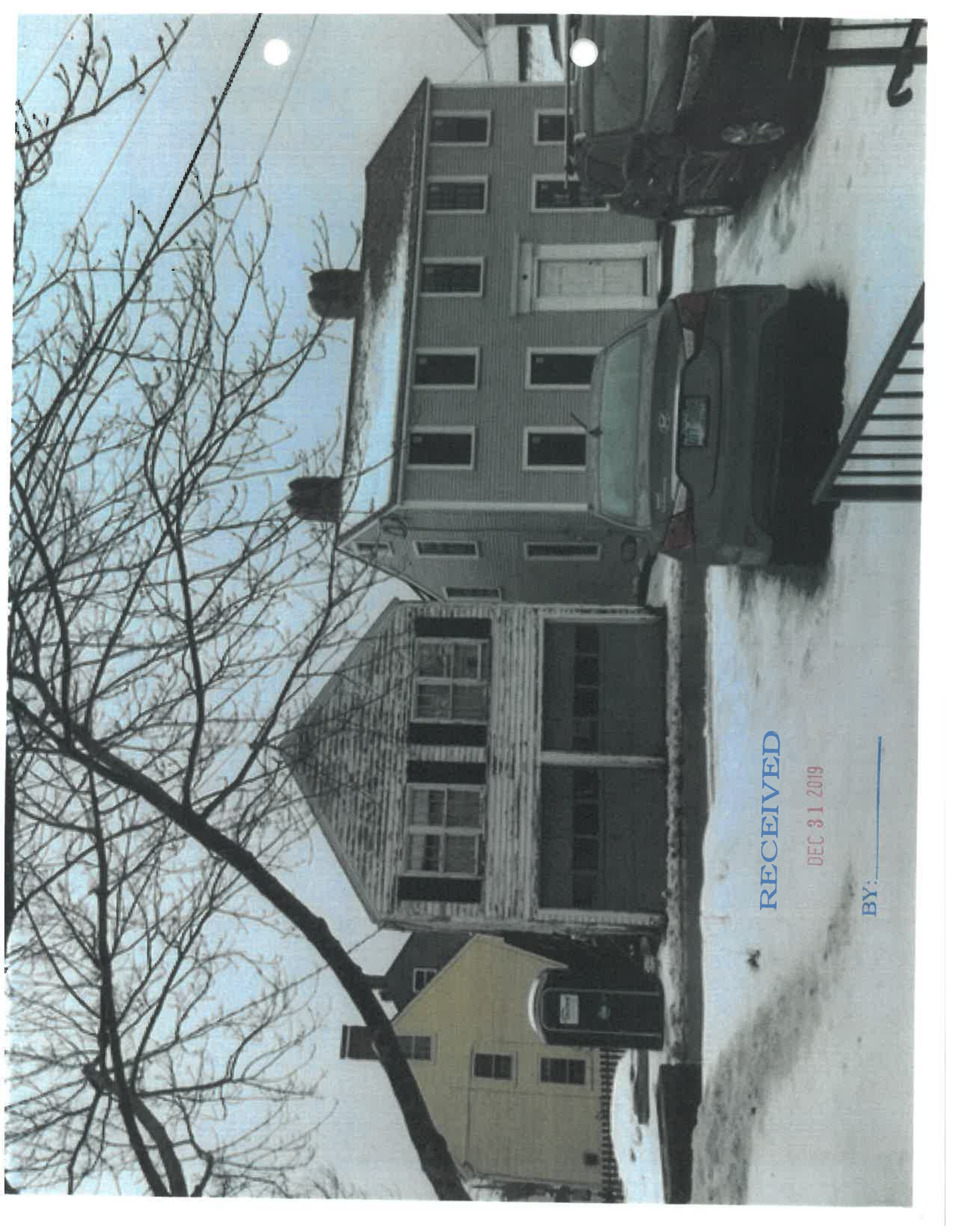


Neighborhood inspiration for proposed rebuild



HDC/WS 12.2019

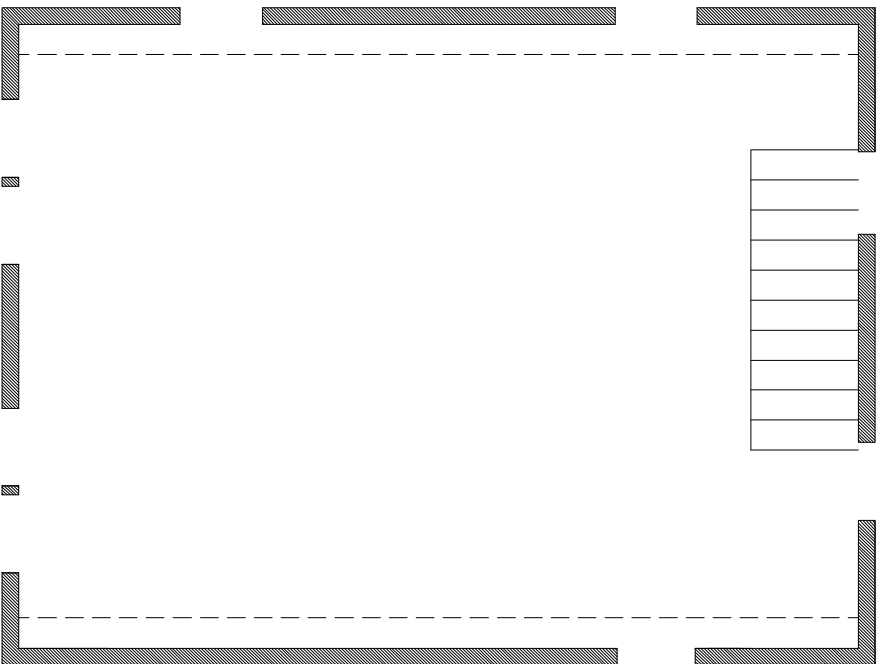
11 Meeting House Hill, Portsmouth, NH
SOMMA Studios / 603.766.3760



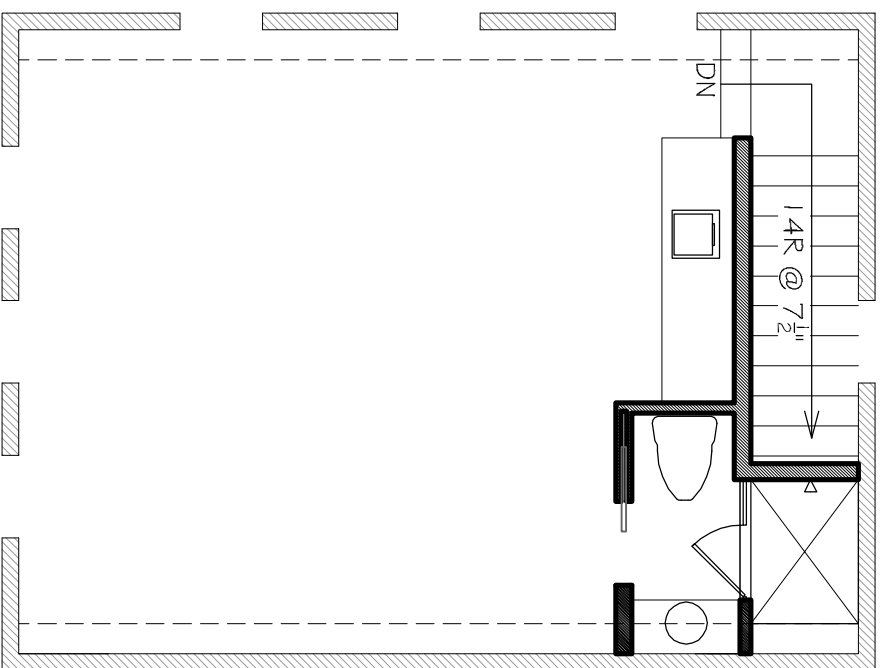
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A EXISTING FLOOR PLAN



A PROPOSED FLOOR PLAN

11 MEETING HOUSE HILL, PORTSMOUTH, NH

SOMMA Studios