

**APPLICATION OF RANDI and JEFFREY COLLINS****77 Meredith Way, Portsmouth****Map 162, Lot 16****APPLICANT'S NARRATIVE****I. THE PROPERTY:**

The applicants, Randi and Jeffrey Collins, seek approvals to subdivide the existing parcel at 77 Meredith Way to facilitate the construction of a second, single family residential dwelling on the resulting second lot. This requires a variance from section 10.521 to allow continuous street frontage of 73.79 feet on "Lot A" (the southeastern most lot) and 31.61 feet on "Lot B" where 100 feet is required and 31.7 feet exists.

In consultation with the City's Technical Advisory Committee during a work session held in May, the applicants have chosen to propose extending Meredith Way approximately 73 feet beyond its current terminus.

The existing dwelling on the lot, built in 1870 according to city tax records, is grossly substandard and unsuitable for the applicants' needs. For example, the half story second floor has slanted ceilings with only six feet of head room at the highest point, and the stairway is at a very steep, non-code compliant pitch. The home is simply inadequate for an older couple like the Collins. Their objective is to take advantage of the unusually large lot to construct a second, modern dwelling for themselves.

The property is within the General Residence A Zone and is depicted as Lots 55, 56, and 57 on the 1856 subdivision plan submitted herewith, and as Lot 16 on current tax map 162 submitted herewith.<sup>1</sup>

Meredith Way has never been completed as it was originally laid out. Because Meredith Way as it exists on the ground does not extend significantly beyond applicant's driveway, it is the Planning Department's position that the property and the existing dwelling thereon does not have the required 100 feet of continuous street frontage and, therefore, the lot is nonconforming within the meaning of Section 10.311. The property both as it exists now and if this project is approved otherwise complies with all other dimensional requirements as to lot area, lot area per dwelling, depth, setbacks, building height, open space and building coverage.<sup>2</sup> As shown on the submitted site plans, the

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<sup>1</sup> The applicants' request to the City Council to restore the lots to their pre-merger status pursuant to RSA RSA674:39-aa has been withdrawn without prejudice. This variance application, if granted, would render that request moot.

<sup>2</sup> The shed depicted in the northwest corner of the property is less than ten feet in height and less than 100 square feet in area, so it qualifies for the five foot setback under 10.573.10. It is currently 4.9 feet from the

property's lot area is 22,400 square feet. Given that a portion of Meredith Way abutting the property has never been built, title to one-half (1/2) of the unbuilt way where it abuts the lot actually increases the lot area from that depicted on the site plan. Accordingly, the property has more than three times the required minimum lot area and lot area per dwelling unit (7,500 square feet). It is abutted to the southeast by a city park, so there is practically no concern that a second lot will present any kind of overcrowding at all. If approved, this would be just the third dwelling with road access from Meredith Way.

It should be noted that the applicants are entitled by right in the GRA zone to construct a two-family dwelling on the lot with building coverage that greatly exceeds what is proposed here. There is enough lot area that a town house or three family dwelling would be permitted by special exception. Accordingly, the increase in residential density by a single household will not exceed what is already allowed in this location, and there should be no related concerns regarding increases in traffic, noise, overcrowding, etc. In fact, what is proposed here - a second, stand-alone single family dwelling oriented on the property in a manner similar to the existing homes on the block - is more consistent with the neighborhood and is far preferable to these other alternatives.

The applicant has submitted herewith a site plan and building plans which demonstrate *possible* building design elements. The project will require subdivision approval from the Planning Board, and exact location and dimensions of the proposed improvements are subject to change as the proposal moves forward. However, the proposed dwellings will meet all applicable setback, height and lot coverage requirements. The dwelling footprints will be within the 25% building coverage requirement. The dwellings will have a height no greater than 35 feet. The dwellings will require no relief from the setback, height and lot coverage requirements. The property is abutted to the southeast by a city park which cannot be developed, so there is practically no concern that a second dwelling will present any kind of overcrowding or other externalities at all.

## II. CRITERIA:

The applicant believes the within Application meets the criteria necessary for the Board to grant the requested variance.

**Granting the requested variance will not be contrary to the spirit and intent of the ordinance nor will it be contrary to the public interest.** The "public interest" and "spirit and intent" requirements are considered together pursuant to Malachy Glen Associates v. Chichester, 152 NH 102 (2007). The test for whether or not granting a variance would be contrary to the public interest or contrary to the spirit and intent of the ordinance is whether or not the variance being granted would substantially alter the

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left side lot line. The applicants are willing to relocate the shed to bring this into full compliance, if necessary.

characteristics of the neighborhood or threaten the health, safety and welfare of the public.

In this case, were the variance to be granted, there would be no change in the essential characteristics of the neighborhood, nor would any public health, safety or welfare be threatened. A second dwelling lot is entirely appropriate and consistent with the existing residential subdivision in which this property sits and does not increase the amount of residential density beyond what is permitted by right. Thus, the essentially residential character of the neighborhood will not be altered and the health, safety and welfare of the public will not be threatened.

**Substantial justice would be done by granting the variance.** Whether or not substantial justice will be done by granting a variance requires the Board to conduct a balancing test. If the hardship upon the owner/applicant outweighs any benefit to the general public in denying the variance, then substantial justice would be done by granting the variance. It is substantially just to allow a property owner the reasonable use of his or her property. The applicants are entitled by right to build a two family structure with far more lot coverage than what is here proposed. A second, stand-alone dwelling on its own lot is far more in keeping with the established neighborhood.

In this case, there is no benefit to the public in denying the variances that is not outweighed by the hardship upon the owner.

**The values of surrounding properties will not be diminished by granting the variance.** A newly constructed, fully code-compliant home with appropriate landscaping, vegetation and screening will increase property values in the neighborhood. The values of the surrounding properties will not be negatively affected in any way by the relief requested. To the contrary, values would be enhanced if this project were to be approved, especially given the available alternatives.

**There are special conditions associated with the property which prevent the proper enjoyment of the property under the strict terms of the zoning ordinance and thus constitute unnecessary hardship.** The property in question is located at the terminus of a dead end and on a partially unbuilt paper street and abuts a substantial amount of undevelopable park land. It has more than three times the required lot area per dwelling for the GRA zone. These are special conditions that distinguish it from others in the area.

**The use is a reasonable use.** Residential use is permitted in this zone and is identical in character and consistent with the existing use of the adjacent and abutting properties.

**There is no fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property.** The purpose of the 100 foot road frontage requirement within the GRA zone is presumably to protect from overcrowding and overburdening lots and maintaining appropriate residential densities.

Given the size of this lot, its location at the terminus of a dead end, its proximity to undevelopable park land and the uses available by right, none of these purposes are frustrated by this project. Thus, there is no fair and substantial relationship between the purpose of the restriction and its application to this property.

**III. Conclusion.**

For the foregoing reasons, the applicant respectfully requests the Board grant the variances as requested and advertised.

Respectfully submitted,

Dated: 6-1-2022

*Christopher P. Mulligan*  
Christopher P. Mulligan, Esquire











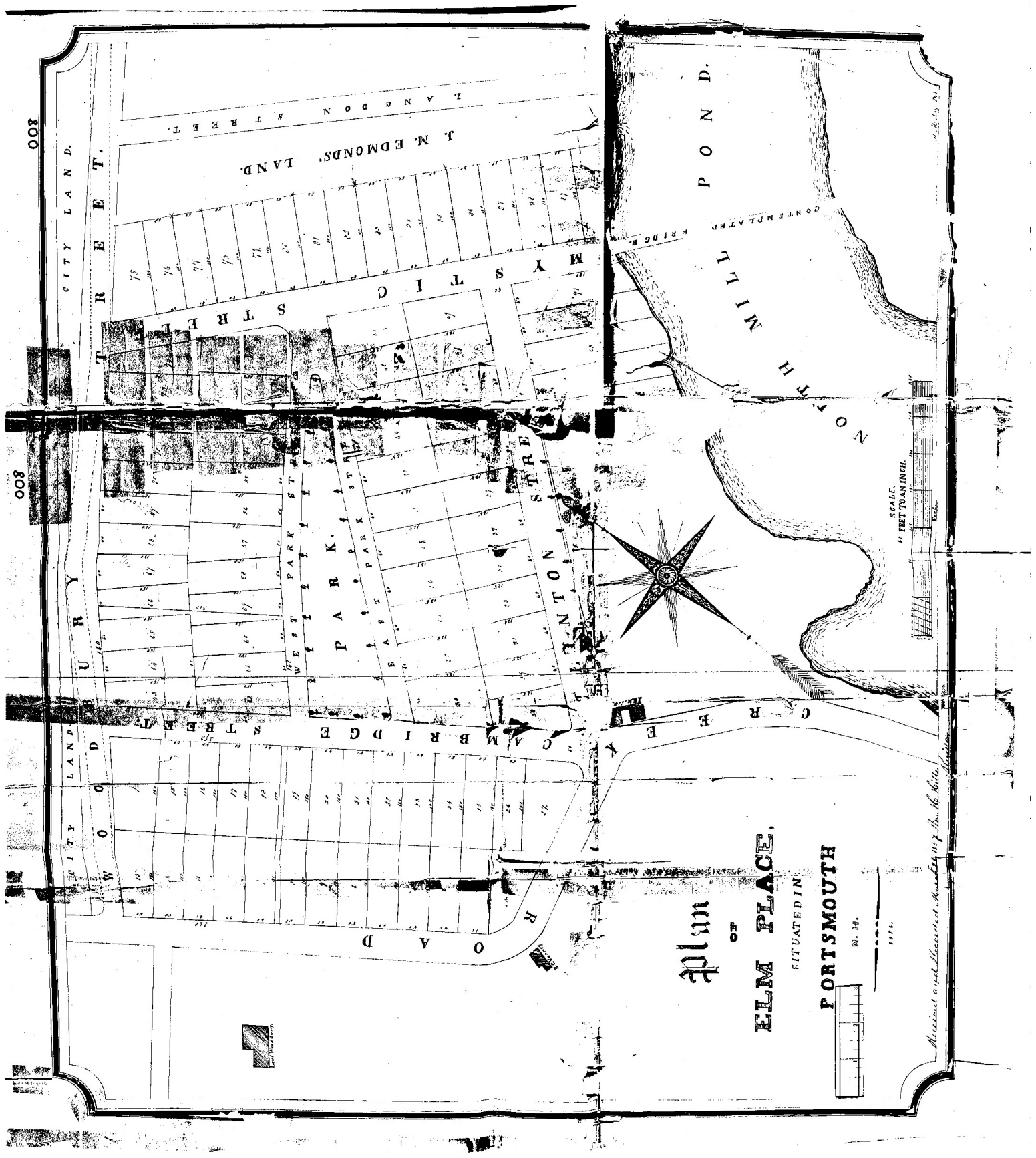
MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT

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 3/9/2022  
Data updated 3/9/2022

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.





Plan  
OF  
ELM PLACE.

SITUATED IN  
PORTSMOUTH

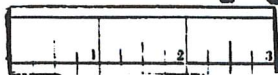
W. H.

1871.

Measured and Illustrated by Henry H. Wells.

Low Woodbury.

Plan  
OF  
ELM PLACE,  
SITUATED IN  
PORTSMOUTH



N. H.

1876.

Revised and Rechecked March 11, 1877. H. H. Hille.





GENERAL INFORMATION

OWNER/APPLICANT

RANDI & JEFF COLLINS  
77 MEREDITH WAY  
PORTSMOUTH, NH 03801  
RCRD BK.#6274 PG.#1666

RESOURCE LIST

PLANNING/ZONING DEPARTMENT  
1 JUNKINS AVENUE  
PORTSMOUTH, NH 03801  
(603)–610–7216  
JULIET WALKER, PLANNING DIRECTOR

ATTORNEY

CHRISTOPHER P. MULLIGAN, ESQUIRE  
BOSEN & ASSOCIATES  
266 MIDDLE STREET  
PORTSMOUTH, NH 03801  
(603)–427–5500

ZONING RELIEF PLANS  
TWO LOT SUBDIVISION

RANDI & JEFF COLLINS

77 MEREDITH WAY  
PORTSMOUTH, NH 03801

JUNE 1, 2022

INDEX OF SHEETS

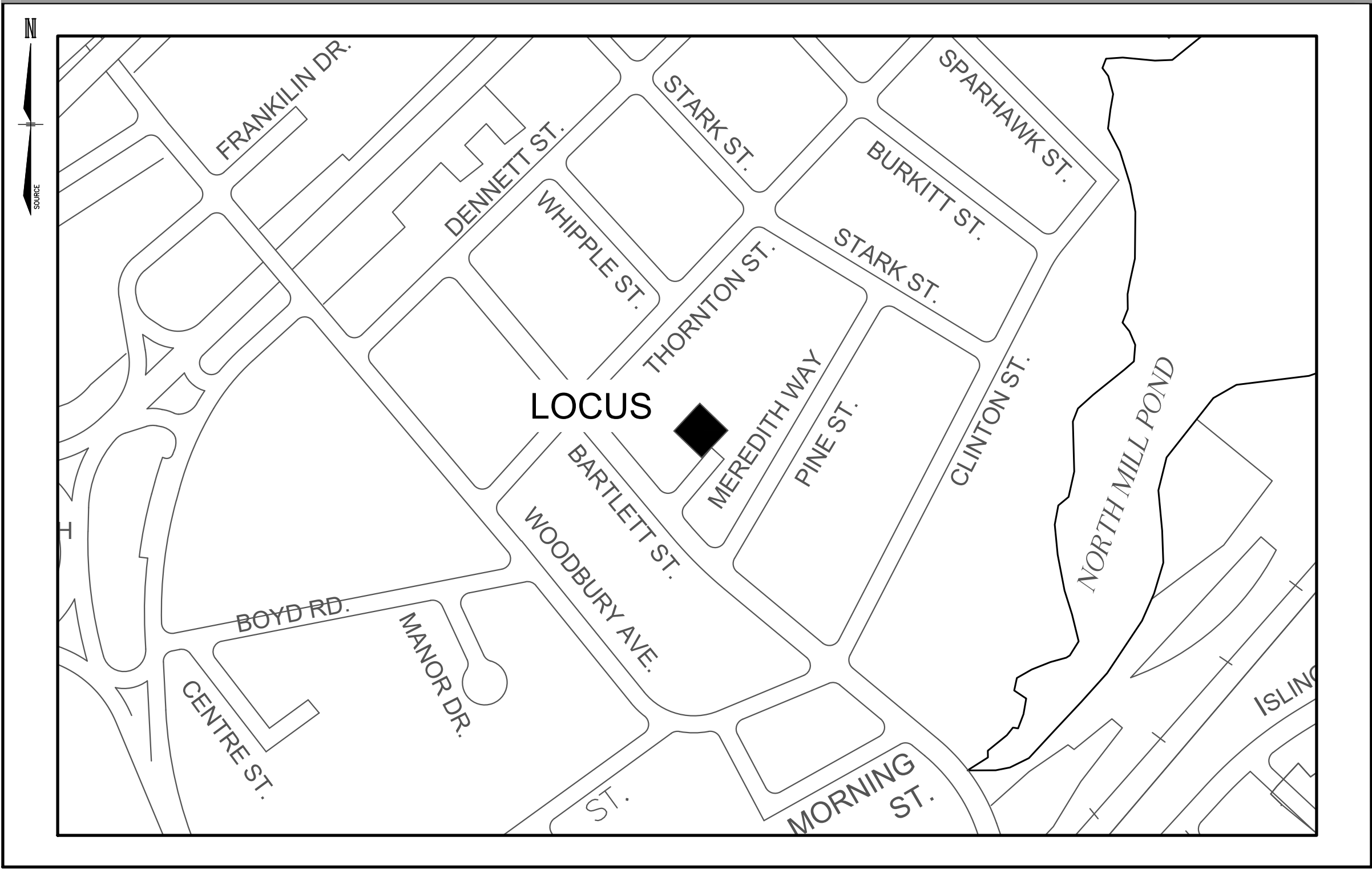
SHEET	SHEET TITLE
S-0	COVER SHEET
S-1	EXISTING CONDITIONS
S-2	PROPOSED CONDITIONS

VARIANCES REQUESTED

RELIEF IS REQUESTED FROM THE FOLLOWING SECTIONS OF THE CITY OF PORTSMOUTH ZONING ORDINANCE:

ARTICLE 5 SECTION 10.521 – MINIMUM CONTINUOUS LOT FRONTAGE:  
TO ALLOW THE CONTINUOUS STREET FRONTAGE TO BE 73.99' FOR PROPOSED LOT A & 31.61' FOR PROPOSED LOT B, WHERE 100' IS REQUIRED AND 31.7' EXISTS.

VICINITY PLAN



170 COMMERCE WAY, SUITE 102  
PORTSMOUTH, NH 03801  
Phone (603) 431–2222  
Fax (603) 431–0910  
www.tfmoran.com

TAX MAP 162 LOT 16  
ZONING RELIEF PLANS  
COVER SHEET  
77 MEREDITH WAY  
PORTSMOUTH, NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM  
OWNED BY  
RANDI & JEFF COLLINS

JUNE1, 2022

Seacoast Division



170 Commerce Way, Suite 102  
Portsmouth, NH 03801  
Phone (603) 431–2222  
Fax (603) 431–0910  
www.tfmoran.com

FILE#	47442-00	DR	CK	FB	CADFILE	S-0
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






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MAP 162 LOT 2  
N/F  
JEFFREY P. BARTOLINI  
& ABIGAIL R. ROEMER  
55 PINE STREET  
PORTSMOUTH, NH 03801  
RCRD BK.#6274 PG.1684

2022-06-01  
DATE

LEGEND:

<u>MAP 137 LOT 11</u>	ASSESSORS MAP AND LOT NUMBER
BK. PG.	BOOK / PAGE
CU	COPPER
EL.	ELEVATION
EM	ELECTRIC METER
EP	EDGE OF PAVEMENT
N/F	NOW OR FORMERLY
RCRD	ROCKINGHAM COUNTY REGISTRY OF DEEDS
S.F.	SQUARE FEET
W/	WITH
	GUY WIRE
	UTILITY POLE
	DECIDUOUS TREE
	WATER SHUT OFF
<u>OHU</u>	OVERHEAD WIRE
	STOCKADE FENCE
	BOUNDARY LINE
	SETBACK LINE
<u>S</u>	SEWER LINE
<u>W</u>	WATER LINE

CONCRETE  
PAVEMENT  
GRAVEL

MAP 162 LOT 15  
N/F  
D J. & JENNIFER M. CHAPNICK  
97 MEREDITH WAY  
PORTSMOUTH, NH 03801  
RCRD BK.#5267 PG.413

MAP 162 LOT 16  
22,463 S.F.  
(0.5157 ACRES)

PEAK  
EL=61.2'

#77  
1 1/2-STORY  
DWELLING

THRESHOLD  
EL.=42.3'

TRIPLE 12" MAPLE

**DIG SAFE**  
MA ME NH RI VT  
UTILITIES UNDER GROUND  
PLANT DAMAGE PREVENTION SYSTEM  
CALL 811 TOLL FREE  
CONTACT DIG SAFE 72 BUSINESS HOURS PRIOR TO CONSTRUCTION

TAX MAP 162 LOT 16  
**EXISTING CONDITIONS PLAN**  
**TWO LOT SUBDIVISION**  
**77 MEREDITH WAY**  
**PORTSMOUTH, NEW HAMPSHIRE**  
**COUNTY OF ROCKINGHAM**  
 OWNED BY  
**RANDI & JEFF COLLINS**

**SCALE: 1" = 10' (22x34)**  
**1" = 20' (11x17)**

**JUNE 1, 2022**

Seacoast Division

**TFM**

170 Commerce Way, Suite 102  
Portsmouth, NH 03801  
Phone (603) 431-2222  
Fax (603) 431-0910  
[www.tfmoran.com](http://www.tfmoran.com)

S-1

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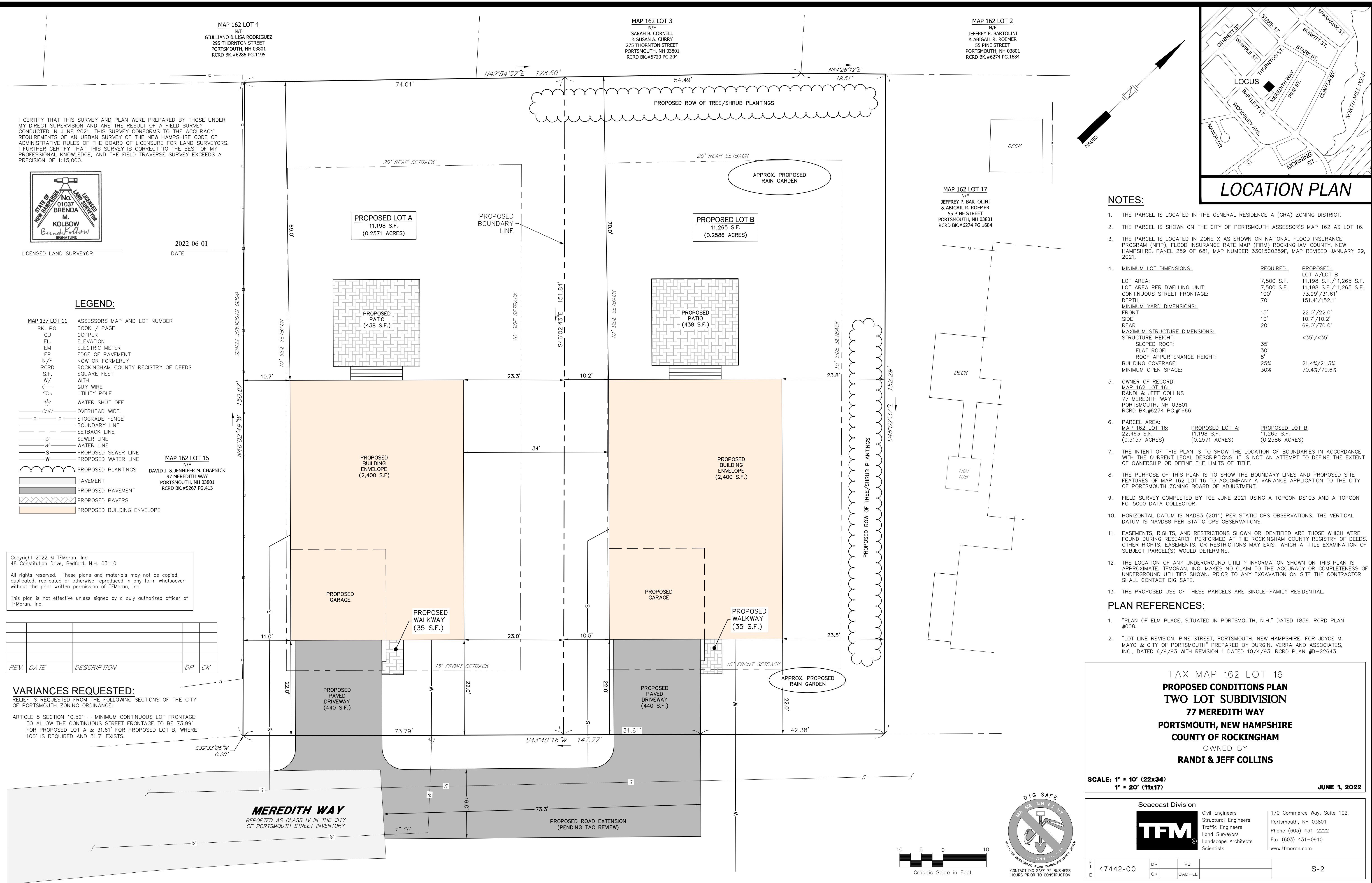
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Graphic Scale in Feet

REV.	DATE	DESCRIPTION	DR	CK

Jun 01, 2022 - 9:43am  
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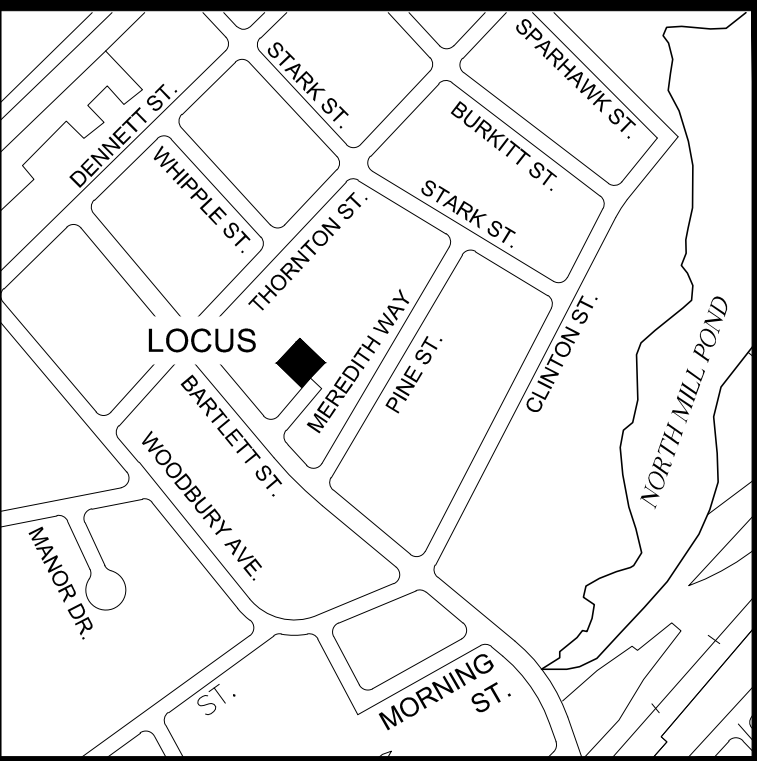






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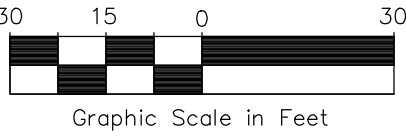
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LOCATION PLAN

NOTES:

1. THE PURPOSE OF THIS PLAN IS TO SHOW THE APPROXIMATE TOPOGRAPHY OF THE LAND BETWEEN MEREDITH WAY AND THORNTON STREET. TOPOGRAPHY IS LIDAR DOWNLOADED FROM THE NOAA WEB SITE. THIS IS NOT A BOUNDARY SURVEY.
2. HORIZONTAL DATUM IS NAD83 (2011) PER STATIC GPS OBSERVATIONS. THE VERTICAL DATUM IS NAVD88. THE CONTOUR INTERVAL IS 2 FEET.



TAX MAP 162 LOT 16

LIDAR SKETCH PLAN

COLLINS

77 MEREDITH WAY

PORTSMOUTH, NEW HAMPSHIRE

COUNTY OF ROCKINGHAM

OWNED BY

RANDI & JEFF COLLINS

SCALE: 1" = 30' (22x34)

1" = 60' (11x17)

MARCH 30, 2022

Seacoast Division

TFM

Civil Engineers  
Structural Engineers  
Traffic Engineers  
Land Surveyors  
Landscape Architects  
Scientists

170 Commerce Way, Suite 102  
Portsmouth, NH 03801  
Phone (603) 431-2222  
Fax (603) 431-0910  
www.tfmoran.com

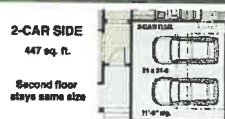
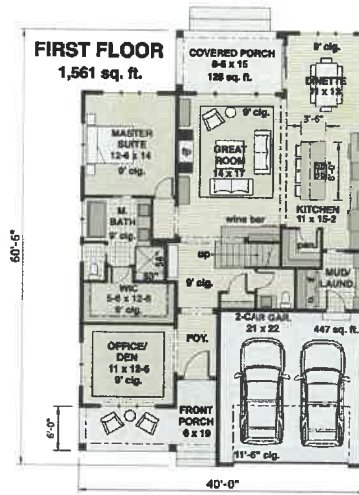
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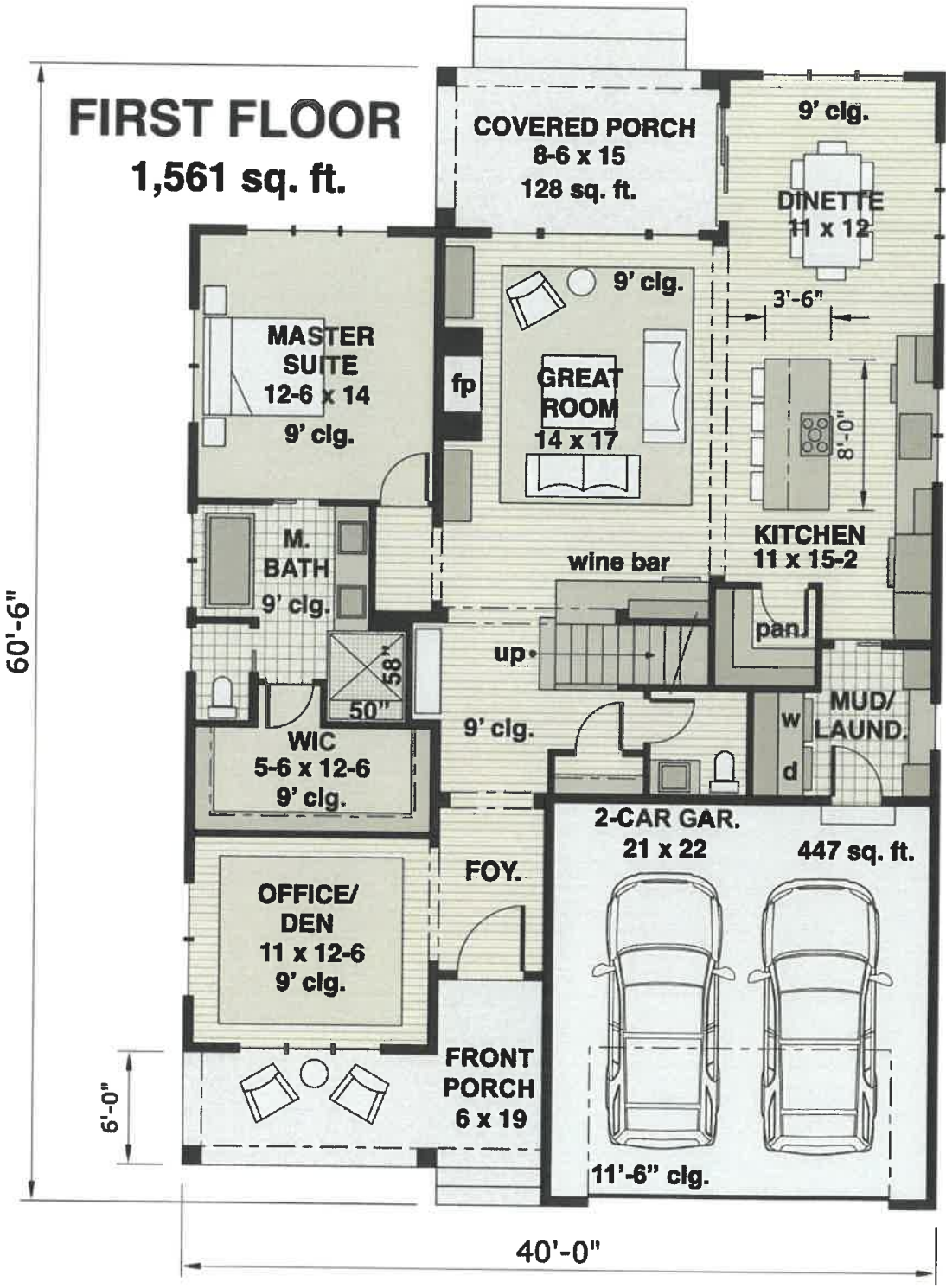
## MAIN FLOOR

## SECOND FLOOR

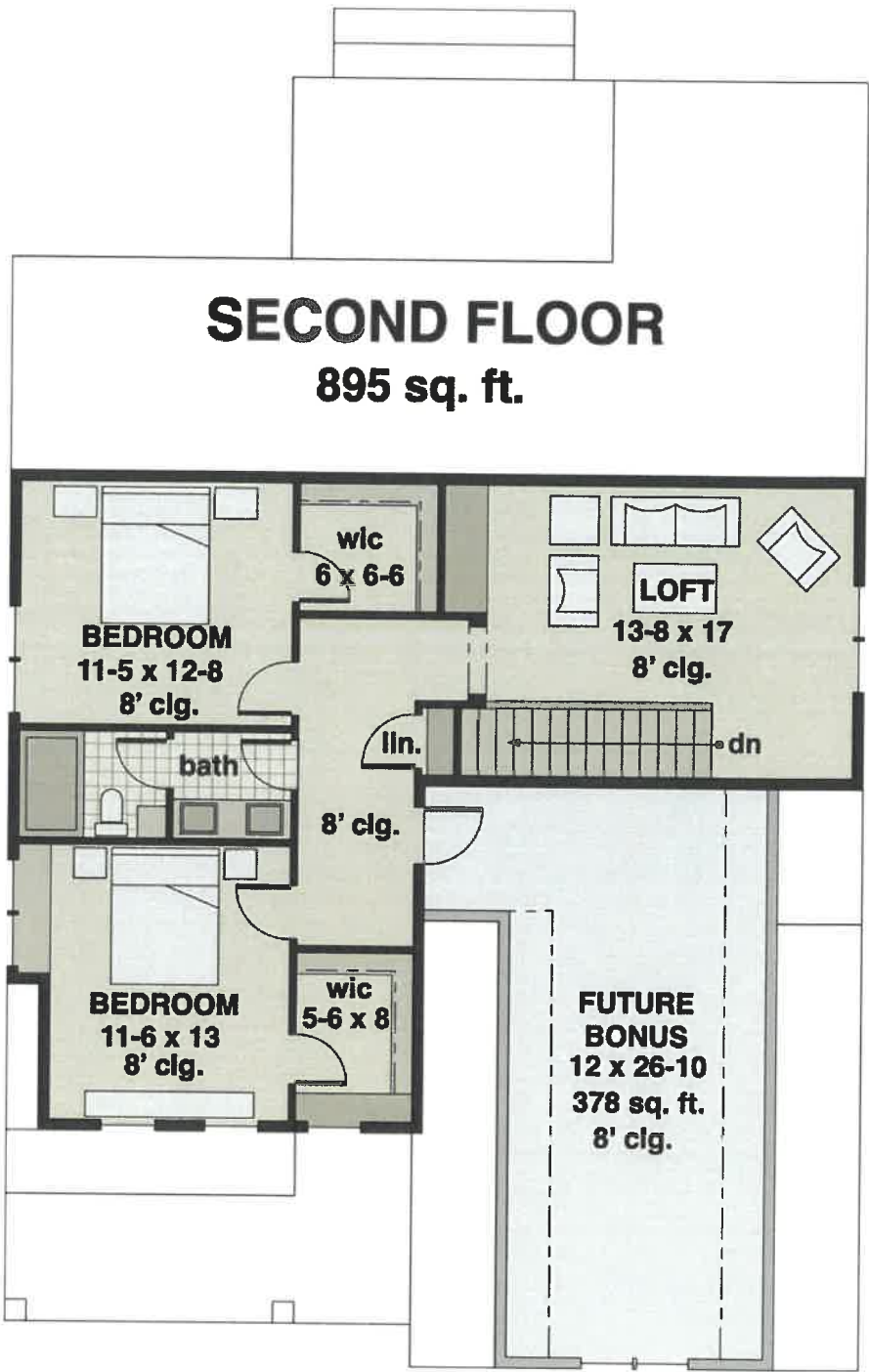


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MAIN FLOOR



SECOND FLOOR



Two-family permitted by right

