

Application of Theodore Costantino and Anita Koury. **REVISED 4/9/26**  
302 Miller Avenue, Portsmouth, NH 03801  
Map Lot 130-0011-0000

## 1. Property

The Homeowners, Theodore Costantino and Anita Koury, have owned the property located at 302 Miller Avenue since April 2023. It is a single-family dwelling placed at the front of the property and is conforming regarding front, right, left and rear setbacks. The homeowners are not proposing any changes to it.

The Homeowners propose to add a small addition (a garden shed) to the north side of the existing garage. The garage measures 12'8"x18'3" (225 sq. ft.). The garage is 12'6" tall to the top of its roof. The garage will not be altered.

The proposed shed will have a total covered area of 140 sq. ft. It will have an enclosed dimension of 8' x 14'6" (116 sq. ft.) with an open area of 8' x 3' (24 sq. ft.) for storage of the trash and recycling bins. The open area will be covered by the proposed shed roof. The shed roof will conform to the existing garage setback of  $\pm 4'$ . The shed will be 8' tall plus a 2' roof.

The existing garage is non-conforming in its left and rear setbacks. The left setback of the garage is  $\pm 2'$ , similar to the non-conforming garage on the adjacent property at 312 Miller Avenue. The rear setback of the garage is  $\pm 4'$ , similar to the rear setback of a garage on the adjacent property at 290 Miller Avenue. The setback measurements are approximate because none of the structures on the property, nor the adjacent properties, are square with the lot lines.

The lot area of 302 Miller (tax map 130, lot 11) measures 4917 sq. ft.

The dwelling footprint is 1158 sq. ft.

The existing garage footprint is 225 sq. ft.

The enclosed area of the proposed shed will be 116 sq. ft.

The open area of the proposed shed, covered by the shed roof, will be 24 sq. ft.

The covered area of the proposed shed will be 140 sq. ft.

The garage rear setback is  $\pm 4'$

The shed roof setback will be  $\pm 4'$

## 2. Criteria

The Homeowners believe their application meets the standard required for the Board to request the Variance.

a. Granting the requested Variance will be conducive to the spirit and intent of the Ordinance and will not be contrary to public interest. There will be no negative effects to the neighborhood, nor public health, safety, or welfare. The proposed addition will match the existing garage structure in materials, finish and design, and will match the style of the dwelling and the neighborhood. It will be largely invisible to the adjacent properties.

b. Substantial Justice would be done by granting the Variance. Upkeep of the property requires numerous garden and maintenance tools, but the existing garage is used for storage of the Homeowners' car and has limited capacity for additional items. At present, some tools are stored outside next to the garage, while others are stored seasonally in the dwelling basement and must be hauled up and down the stairs as needed. We believe the hardship on the Homeowners exceeds any benefit to the public in denying the Variance. It is substantially just to allow a property owner the reasonable use of his or her property.

c. The values of surrounding properties will not be negatively impacted by granting the Variance. The neighboring properties exhibit similar structural additions to their garages and outbuildings, and the proposed addition is similar in spirit and smaller in size than others in the neighborhood. If granted, the Variance would be an improvement upon the home and property value. This will inevitably increase the value of surrounding properties.

d. The use is a reasonable use. The proposed addition is clearly subservient to the existing garage and will only be used for the same purposes as the garage of storage and protection of household equipment from the elements.

e. Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship. As noted above, the existing garage only has room for the Homeowners' car and we are currently storing some maintenance equipment for the yard outside the garage or in the dwelling basement. The proposed addition will improve the aesthetics of the property and protect the equipment from damage.

The small size of the property does not offer any alternative location for a garden shed. The proposed addition has a minimal footprint and is least intrusive on the neighborhood's character and aesthetics.

In addition, the rear setback for the proposed addition will match the setback of the existing structure. That rear setback is actually slightly greater than the garage on the abutting property, which has a setback of 2 feet. The character of the neighborhood will not be degraded by the proposed addition.

### 3. Conclusion

For the reasons stated above, the Homeowners respectfully ask the Board to grant the Variance as requested.

With all best regards,

Theodore Costantino and Anita Koury  
Homeowners



Existing Garage, east elevation



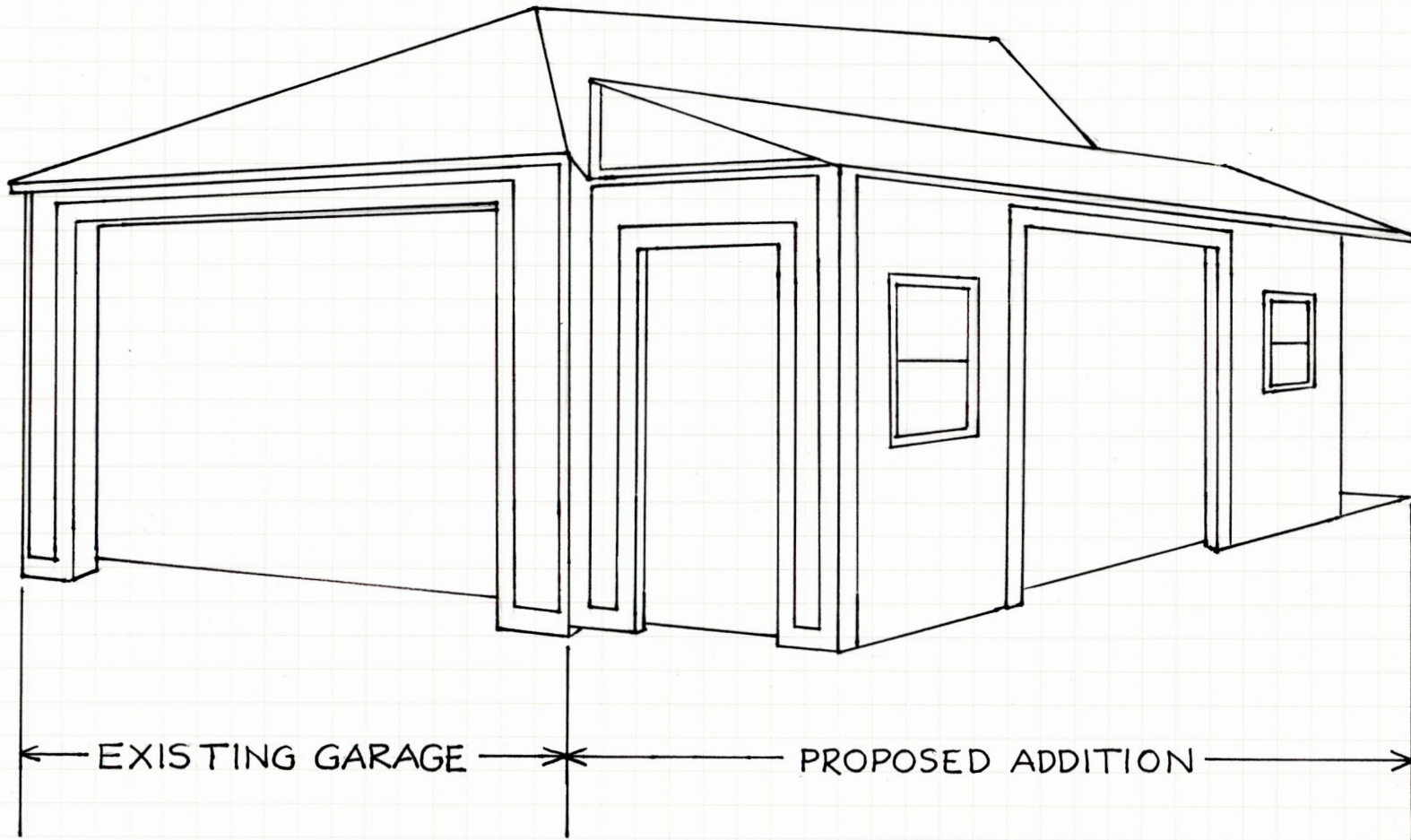
Existing Garage, north elevation



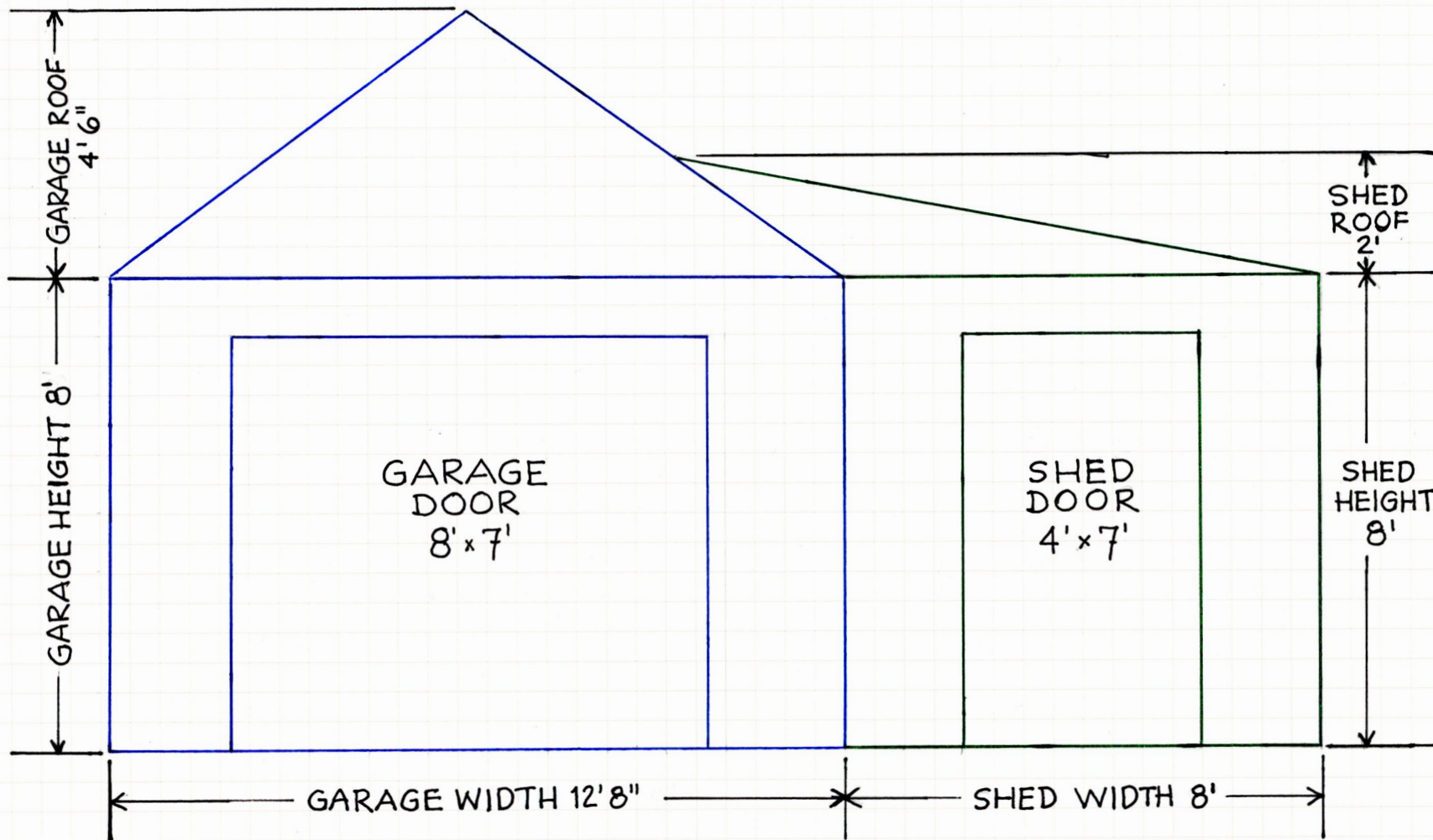
Existing Garage, south elevation



Existing Garage, west side

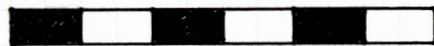


EAST ELEVATION

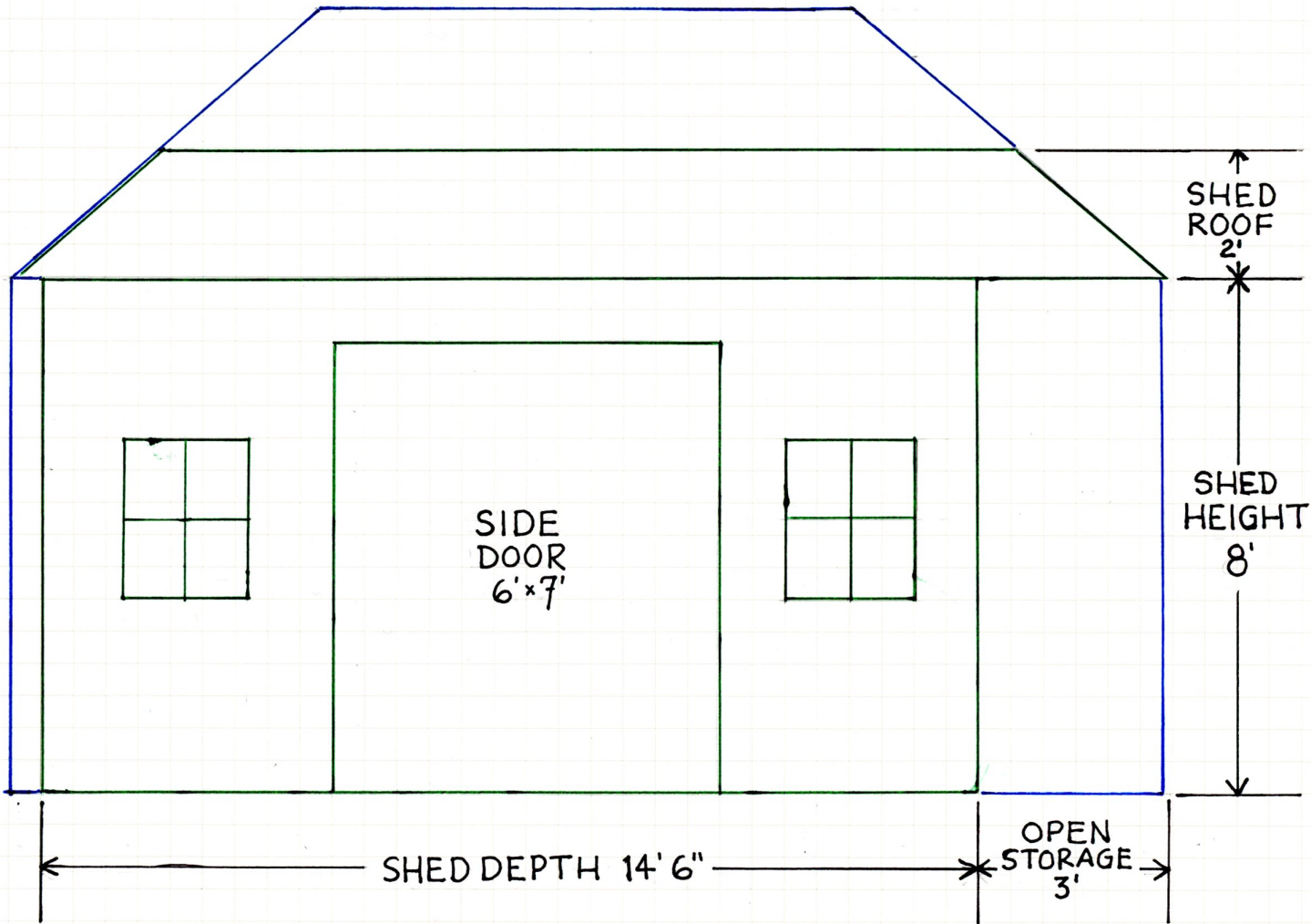


KEY: **EXISTING GARAGE**

**PROPOSED ADDITION**

SCALE:  = 6 FT.  
3/8" = 1'

NORTH ELEVATION



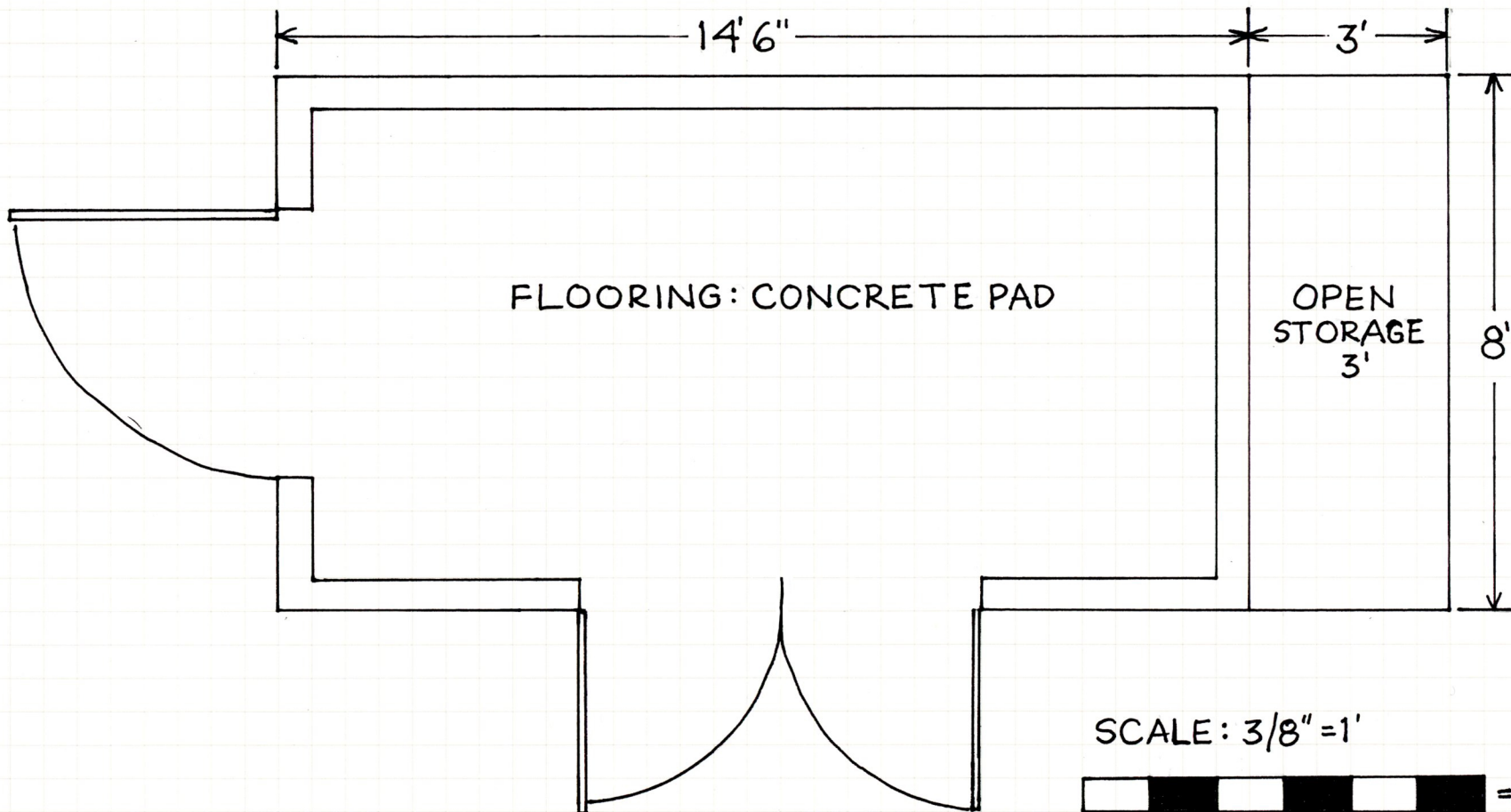
KEY: EXISTING GARAGE

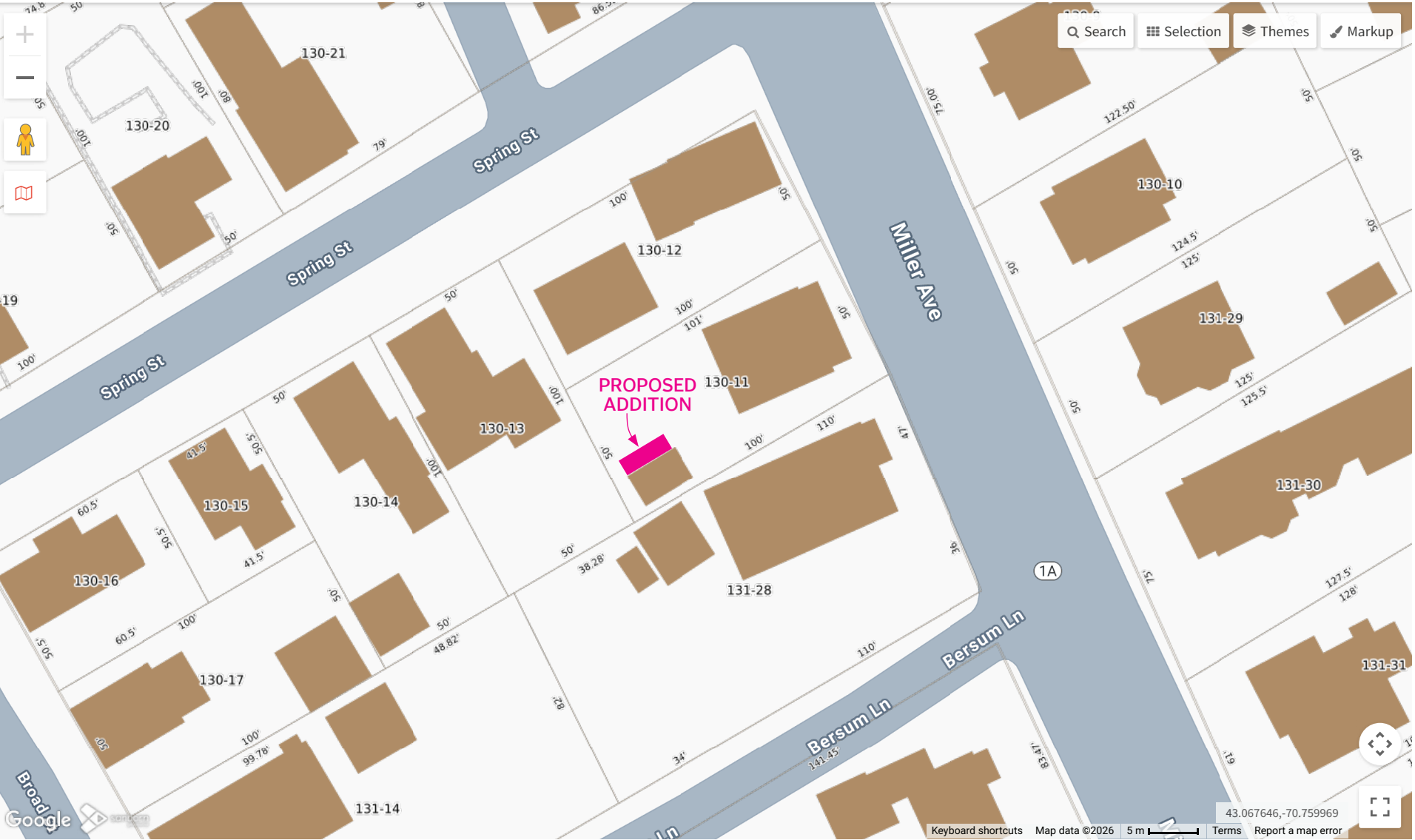
PROPOSED ADDITION

SCALE:  = 6 FT.  
3/8" = 1'

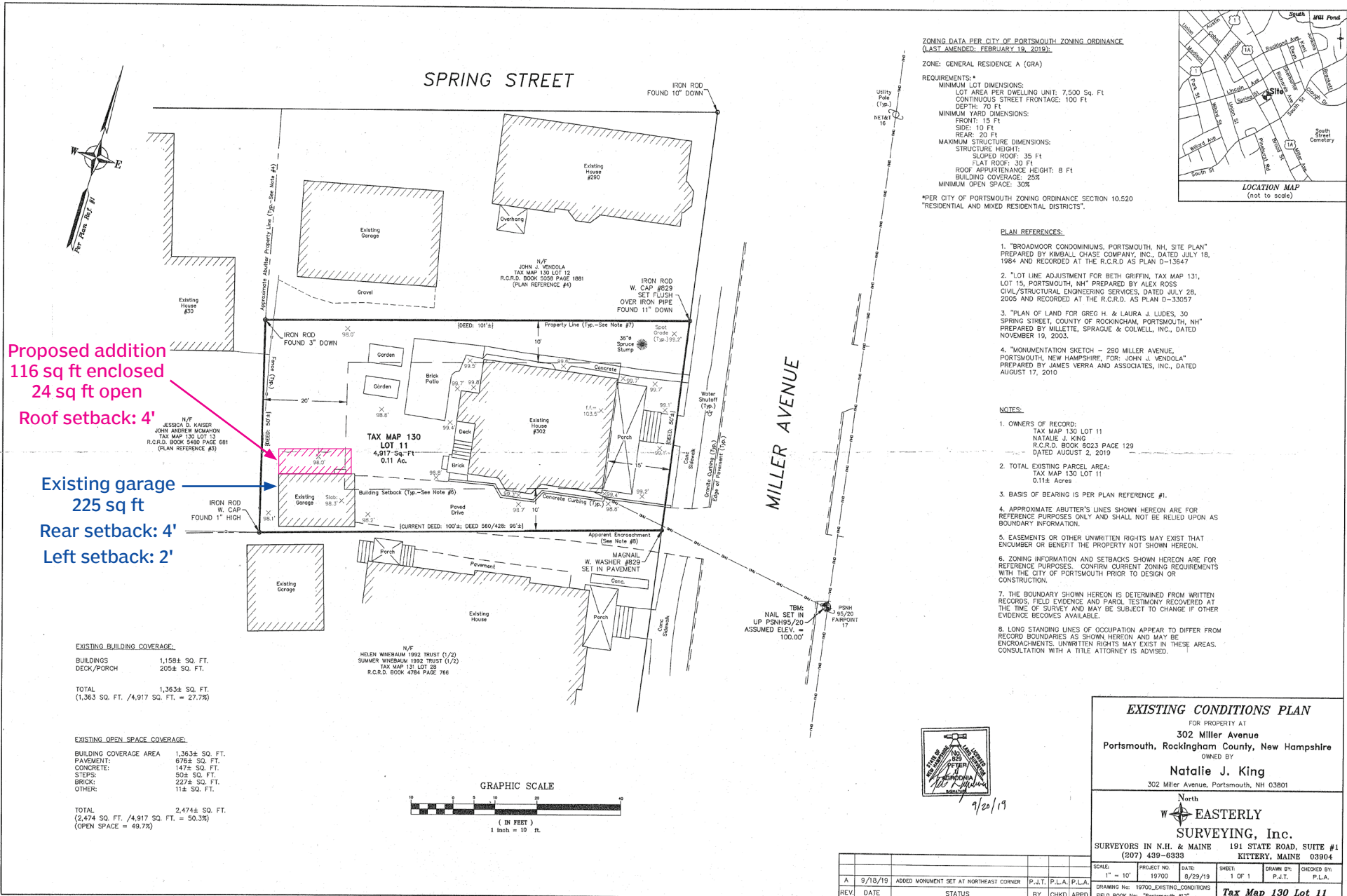
# PROPOSED ADDITION

## FLOOR LAYOUT





PROPOSED ADDITION



Proposed addition  
116 sq ft enclosed  
24 sq ft open  
Roof setback: 4'

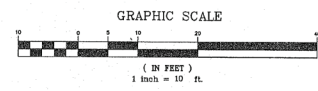
Existing garage  
225 sq ft  
Rear setback: 4'  
Left setback: 2'

EXISTING BUILDING COVERAGE:

BUILDINGS	1,158± SQ. FT.
DECK/PORCH	205± SQ. FT.
<b>TOTAL</b>	<b>1,363± SQ. FT.</b>
	(1,363 SQ. FT. / 4,917 SQ. FT. = 27.7%)

EXISTING OPEN SPACE COVERAGE:

BUILDING COVERAGE AREA	1,363± SQ. FT.
PAVEMENT:	676± SQ. FT.
CONCRETE:	147± SQ. FT.
STEPS:	50± SQ. FT.
BRICK:	227± SQ. FT.
OTHER:	11± SQ. FT.
<b>TOTAL</b>	<b>2,474± SQ. FT.</b>
	(2,474 SQ. FT. / 4,917 SQ. FT. = 50.3%)
	(OPEN SPACE = 49.7%)



ZONING DATA PER CITY OF PORTSMOUTH ZONING ORDINANCE (LAST AMENDED: FEBRUARY 19, 2019):

ZONE: GENERAL RESIDENCE A (GRA)

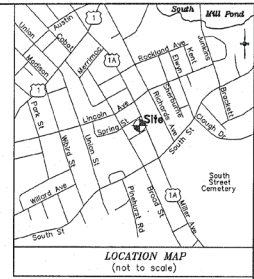
REQUIREMENTS:

MINIMUM LOT DIMENSIONS:  
LOT AREA PER DWELLING UNIT: 7,500 Sq. Ft.  
CONTINUOUS STREET FRONTAGE: 100 FT.  
DEPTH: 70 FT.

MINIMUM YARD DIMENSIONS:  
FRONT: 15 FT.  
SIDE: 10 FT.  
REAR: 20 FT.

MAXIMUM STRUCTURE DIMENSIONS:  
STRUCTURE HEIGHT:  
SLOPED ROOF: 35 FT.  
FLAT ROOF: 30 FT.  
ROOF APPURTENANCE HEIGHT: 8 FT.  
BUILDING COVERAGE: 25%  
MINIMUM OPEN SPACE: 30%

\*PER CITY OF PORTSMOUTH ZONING ORDINANCE SECTION 10.520 "RESIDENTIAL AND MIXED RESIDENTIAL DISTRICTS".



- PLAN REFERENCES:
- "BROADMOOR CONDOMINIUMS, PORTSMOUTH, NH, SITE PLAN" PREPARED BY KIMBALL CHASE COMPANY, INC., DATED JULY 18, 1984 AND RECORDED AT THE R.C.R.D. AS PLAN D-13447
  - "LOT LINE ADJUSTMENT FOR BETH GRIFFIN, TAX MAP 131, LOT 15, PORTSMOUTH, NH" PREPARED BY ALEX ROSS CIVIL/STRUCTURAL ENGINEERING SERVICES, DATED JULY 28, 2005 AND RECORDED AT THE R.C.R.D. AS PLAN D-33057
  - "PLAN OF LAND FOR GREG H. & LAURA J. LUCES, 30 SPRING STREET, COUNTY OF ROCKINGHAM, PORTSMOUTH, NH" PREPARED BY MILLETTE, SPRAGUE & COLWELL, INC., DATED NOVEMBER 19, 2003.
  - "MONUMENTATION SKETCH - 280 MILLER AVENUE, PORTSMOUTH, NEW HAMPSHIRE, FOR: JOHN J. VENOLLA" PREPARED BY JAMES VERRA AND ASSOCIATES, INC., DATED AUGUST 17, 2010

- NOTES:
- OWNERS OF RECORD: TAX MAP 130 LOT 11 NATALIE J. KING R.C.R.D. BOOK 6023 PAGE 129 DATED AUGUST 2, 2019
  - TOTAL EXISTING PARCEL AREA: TAX MAP 130 LOT 11 0.11± Acres
  - BASIS OF BEARING IS PER PLAN REFERENCE #1.
  - APPROXIMATE ARBITER'S LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
  - EASEMENTS OR OTHER UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.
  - ZONING INFORMATION AND SETBACKS SHOWN HEREON ARE FOR REFERENCE PURPOSES. CONFIRM CURRENT ZONING REQUIREMENTS WITH THE CITY OF PORTSMOUTH PRIOR TO DESIGN OR CONSTRUCTION.
  - THE BOUNDARY SHOWN HEREON IS DETERMINED FROM WRITTEN RECORDS, FIELD EVIDENCE AND PAROL TESTIMONY RECOVERED AT THE TIME OF SURVEY AND MAY BE SUBJECT TO CHANGE IF OTHER EVIDENCE BECOMES AVAILABLE.
  - LONG STANDING LINES OF OCCUPATION APPEAR TO DIFFER FROM RECORD BOUNDARIES AS SHOWN HEREON AND MAY BE ENCROACHMENTS. UNWRITTEN RIGHTS MAY EXIST IN THESE AREAS. CONSULTATION WITH A TITLE ATTORNEY IS ADVISED.



7/20/19

**EXISTING CONDITIONS PLAN**  
FOR PROPERTY AT  
302 Miller Avenue  
Portsmouth, Rockingham County, New Hampshire  
OWNED BY  
Natalie J. King  
302 Miller Avenue, Portsmouth, NH 03801

North  
EASTERLY  
SURVEYING, Inc.  
SURVEYORS IN N.H. & MAINE 191 STATE ROAD, SUITE #1  
(207) 439-8333 KITTERY, MAINE 03904

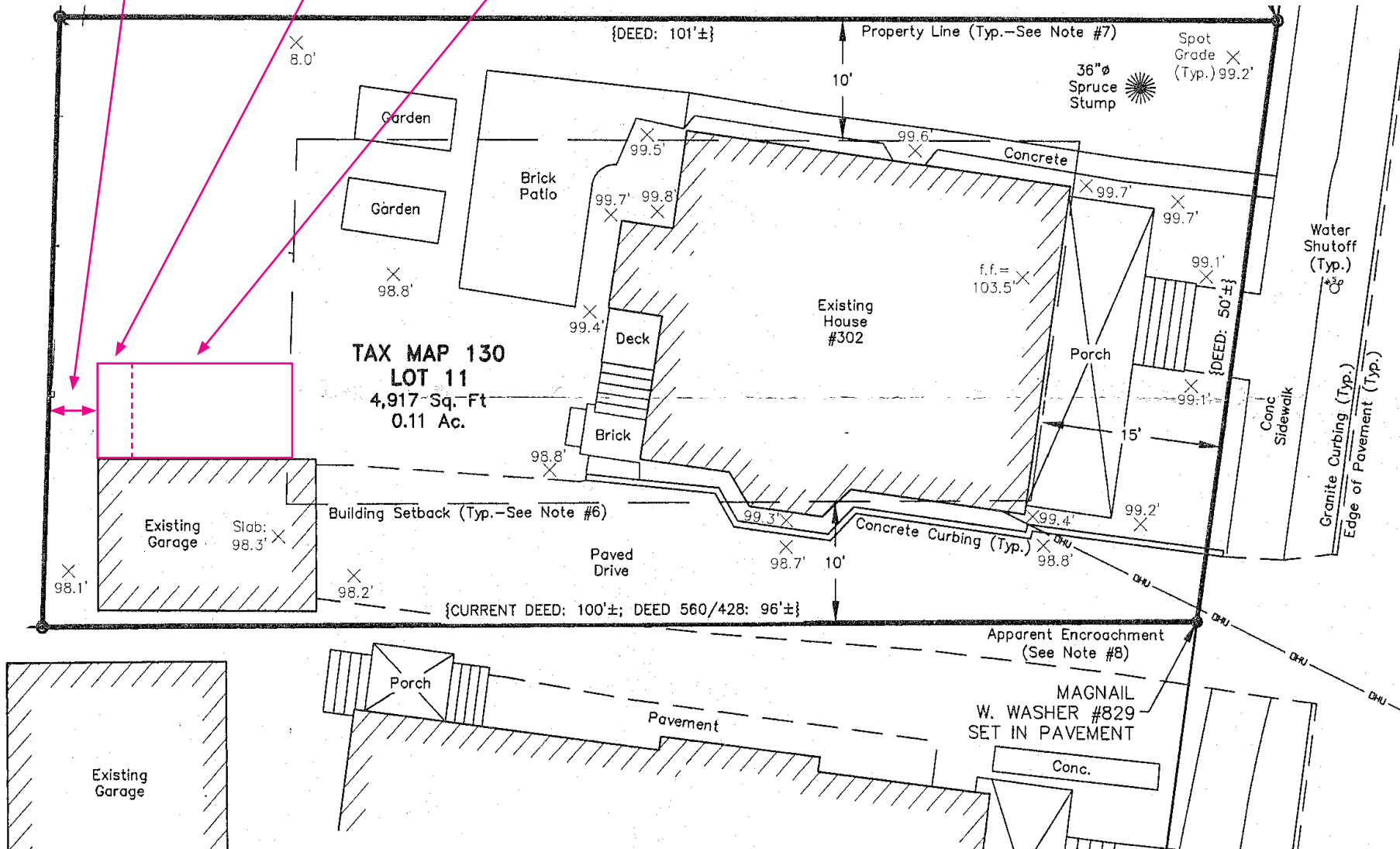
SCALE:	PROJECT NO.:	DATE:	SHEET:	DRAWN BY:	CHECKED BY:
1" = 10'	19700	8/29/19	1 OF 1	P.J.T.	P.L.A.
DRAWING No.:	FIELD BOOK No.:	Tax Map 130 Lot 11			
19700-EXISTING_CONDITIONS	"Portsmouth #17"				

See next page for detail

Setback  
4'

Roof  
overhang

Enclosed  
shed



TAX MAP 130  
LOT 11  
4,917-Sq.-Ft  
0.11 Ac.

Existing  
House  
#302

Existing  
Garage

Existing  
Garage

Apparent Encroachment  
(See Note #8)

MAGNAIL  
W. WASHER #829  
SET IN PAVEMENT

Conc.

Pavement

Paved  
Drive

Concrete

f.f. =  
103.5

Porch

Deck

Brick  
Patio

Garden

Garden

{DEED: 101'±}

Property Line (Typ.-See Note #7)

Spot  
Grade X  
(Typ.) 99.2'

36"Ø  
Spruce  
Stump

Water  
Shutoff  
(Typ.)

Conc  
Sidewalk

Granite Curbing (Typ.)  
Edge of Pavement (Typ.)

{CURRENT DEED: 100'±; DEED 560/428: 96'±}

Building Setback (Typ.-See Note #6)

98.1'

Slab:  
98.3'

98.2'

98.8'

99.5'

99.7'

99.8'

99.4'

10'

99.6'

99.7'

99.7'

99.1'

{DEED: 50'±}

99.1'

15'

99.2'

99.4'

98.8'

99.3'

98.7'

10'

98.8'

98.8'

98.8'

98.8'

98.8'

98.8'

98.8'

98.8'

98.8'