

133 Pearson Street

Request for Variance to build an open-sided carport

By Avi Magidoff, owner

June 5, 2024

The request is for a variance to build a carport with a 4 foot setback from the side property line.

This is a unique non-conforming lot, at the end Pearson, a dead-end street. The driveway is, in fact, a continuation of the street. The property has only a 22 foot frontage with the street (of the full 200 foot western property line).

The southern property line, where the variance is being requested, borders on the back of the Seventh Day Adventist Church (861 Middle Road). Thus it borders not another side yard but the very far reaches of the back of that property. Further, this section of the church property is deeded to the city for snow removal purposes.

The closest neighboring buildings (121 Pearson, or 126 Pearson) are over 50 feet away. Both of these neighbors have been consulted and have given their approval.

The proposed carport will be 20 feet away from the house on the property. Being an open structure, and 7 feet tall at the base of the roof and 10 feet at the peak, it will not obstruct the flow of air or light, as it is basically a pergola.

Using the already paved section of the driveway, the carport will not create water flow issues and will not affect water drainage. Further, it will allow for the restoration of the asphalt portion past the carport to be removed and restored to natural soil and vegetation.

The carport will allow me, the owner, to stay in my home ("age in place") as it will create a far more manageable snow removal situation (currently no snow removal professional can plow the full driveway due to the narrow angle of its turn), and allow for the garage to be converted to a ground level bedroom.

Neighbors on the street have been consulted. There has been no objection from the neighbors including, specifically, the ones abutting the property (121 and 126 Pearson Street).



Not contrary to the public interest (10.233.21)

- This is a unique lot, at the end of a dead-end street. It has only 22 feet of street frontage. The so-called right-side property line, does not border another side yard, but rather the back yard of 861 Middle Road, and that portion of the property is deeded to the City and used for snow removal.
- Abutting neighbors will not be disturbed, as the closest building is over 50 feet away, thus not disturbing any air, light, or water drainage flow. On May 31, the abutters have been consulted and have approved the carport design.
- The structure itself (12x20) is small. With a peak height of 10'3", and 30 feet from the street, it will barely be seen by anyone except the two last houses on the street (121 & 126 Pearson). The projected view from the street is shown. The hip-roof design was specifically selected to reduce the appearance of the height and allow for the least imposing structure.
- Being open-sided, the carport has minimal effect on the flow of air, light, nor will affect drainage as it is placed on an existing impervious asphalt driveway, thus not adding impervious spaces.

The driveway now:



The driveway with the proposed carport



Current view of the driveway from two houses down the street



Same view of the driveway with the carport from down the street
(note the carport can barely be seen from just two houses down the street)



Spirit of the Ordinance will be Observed (10.233.22)

- The proposed carport does not threaten the health, safety, nor welfare of the general public, neighbors.
Its placement is on an existing driveway. Therefore, not creating further asphalt covers. It will allow the removal of almost 800 ft of asphalt, restoring it to a natural state.
- Fire safety will be ensured by the distance of over 50 ft between the proposed carport and the nearest structure on the abutting neighbor's lot, and over 20 feet from the existing house on my own lot.

Substantial Justice will be Done (10.233.23)

- As it does not threaten the health, safety, nor welfare of the general public, nor the current or future owners and neighbors.
- The driveway on this property is extremely long. There is a garage on the eastern end of the house, making the total length of the driveway over 100 ft. Snow removal professionals have repeatedly refused to plow the curved section as they are unable back drag the snow and turn due to the driveway being too narrow.
- As an older person, I am unable to clear such a long driveway, and I intend to convert the garage into a bedroom, so I can age in place and remain in my house as I age.
- The carport will also allow for solar panels for an electric vehicle in the future, thus reducing carbon footprint.
- The carport will allow for the removal of some 800 square feet of the asphalt driveway beyond it, allowing it to be restored to natural vegetation, and improving soil water absorption.

Values of Surrounding Properties will not be Diminished (10.233.24)

- There is no reasonable prediction that a well-designed carport that has little exposure to public view (and specifically chosen for the most pleasing view) could possibly decrease property values
- I have made significant improvements on the house (including a geothermal pump and solar panels), and have established extensive gardens, increasing the value of the homes in the neighborhood
- The carport will facilitate the eventual conversion of the existing garage into a ground floor bedroom, thus increasing the property value of this property and by extension, surrounding properties.
- Keeping the home owner-occupied increases property values and this is only possible if I am able to age in place and not worry about an extraordinary long driveway and snow removal.
- Most of the properties in the neighborhood, and specifically on my street do not conform to the setbacks and have structures on, or just a foot or two away from the property line, including my own abutters (see map below). The fact that most of the properties in the neighborhood do not adhere to either front or side setbacks, does not seem to affect property values.
- While most of those structures had been grandfathered, side-setback variances have been granted on my street (65 Pearson) for an enclosed garage with a dwelling unit above it and a 4 ft side-setback. That is a way more imposing structure than an open-sided carport (see picture). The abutting neighbors (at 75 Pearson) are clear that this has not been an issue for them.
Similarly an enclosed two car garage with a 4 ft variance was granted last year on 1344 Islington Steet, again a far more imposing structure. None of these have lowered property values.

Half of the properties on Pearson Street already have structures that do not meet the 10ft side setback requirement, and only one meets the 30ft front setback. Therefore property values cannot be dependent on adherence to side setbacks, especially not on this unique property at the end of the street



The red Xs mark structures less than 10ft from side property lines



10 years ago a 3.5-foot variance was granted at 65 Pearson Street
A year ago a 4-foot variance was granted at 1344 Islington Street
Home prices in the neighborhood have not gone down in the past 10 years, nor in the past year.
This is clear track record that these additions do not negatively affect property values.

3.5 ft side setback approved at 65 Pearson Street with an enclosed garage and unit above.

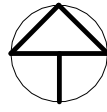


4 foot side setback approved at 1344 Islington (enclosed garage)



Literal enforcement of the provisions of the Ordinance would result in Unnecessary Hardship (10.233.25)

- There are special conditions of the property that distinguish it from other properties in the area. It is a non-conforming lot at the end of a dead-end street, with little street frontage, and a side setback bordering on the very far reaches of a neighboring property that is actually deeded to the city for snow removal. No fair and substantial relationship exists between the general public's purposes of the Ordinance's provision for the side setback and the specific application of that provision to my property given its unique setting. The carport will be 50 feet away from any existing structure. The proposed use of a carport is a reasonable one. It is using an already existing driveway, not creating further impervious surfaces.
- A carport, closer to the street (and still 30 ft away) is essential for my ability to keep the house as I age.
- I am senior citizen. I already do not have the physical capacity to clear the snow on such a long driveway and contractors have refused to plow the driveway due to the narrow-angle back-turn they would have to make. It is also likely that at some point I may not have the physical capacity to clear snow from my car during the winter or be subjected to extreme heat in the car during the summer if it is left exposed without cover.
- I have explored other options, and chose the one with the most minimal impact, using an open-sided carport and by placing it on the existing asphalt driveway, opting not to use an enclosed structure that has greater impact on the surroundings.



DUE TO THE PROPERTY LOCATION AT THE END OF PEARSON STREET THE NAMING OF PROPERTY LINES ARE ALTERED. THE WEST PROPERTY LINE IS REFERRED TO AS THE FRONT. THE SOUTH LINE IS THE SIDE PROPERTY LINE AND THE EAST IS THE REAR PROPERTY LINE.

133 PEARSON ST

Location 133 PEARSON ST **Mblu** 0232/ 0103/ 0000/ /

Acct# 30245 **Owner** MAGIDOFF AVI

PBN **Assessment** \$410,900

Appraisal \$410,900 **PID** 30245

Building Count 1

Owner of Record

Owner MAGIDOFF AVI
Co-Owner
Address 133 PEARSON ST
 PORTSMOUTH, NH 03801

Sale Price \$300,000
Certificate
Book & Page 4745/1419
Sale Date 12/15/2006
Instrument 00

Building Information

Building 1 : Section 1

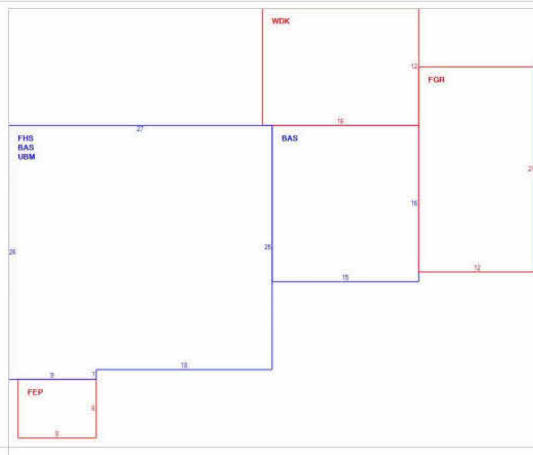
Year Built: 1938
Living Area: 1,266
Replacement Cost: \$221,227
Building Percent Good: 83

Building Attributes	
Field	Description
Style:	Cape Cod
Model:	Residential
Grade:	C
Stories:	1.5
Occupancy:	1
Exterior Wall 1:	Vinyl Siding
Exterior Wall 2:	
Roof Structure:	Gable/Hip
Roof Cover:	Asph/F Gls/Cmp
Interior Wall 1:	Drywall/Sheet
Interior Wall 2:	
Interior Flr 1:	Inlaid Sht Gds
Interior Flr 2:	Hardwood
Heat Fuel:	Geo Thermal
Heat Type:	Warm Air
AC Type:	None
Total Bedrooms:	2 Bedrooms
Total Bthrms:	1
Total Half Baths:	1
Total Xtra Fixtrs:	0
Total Rooms:	7
Bath Style:	Avg Quality
Kitchen Style:	Avg Quality
Kitchen Gr:	
WB Fireplaces:	0
Extra Openings:	0
Metal Fireplaces:	1
Extra Openings 2:	0
Bsmt Garage:	



(https://images.vgsi.com/photos2/PortsmouthNHPhotos/100102104136.jpg)

Building Layout



Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	924	924	
FHS	Half Story, Finished	684	342	
FEP	Porch, Enclosed	48	0	
FGR	Garage, Attached	252	0	
UBM	Basement, Unfinished	684	0	
WDK	Deck, Wood	192	0	
		2,784	1,266	

Land

Land Use

Use Code 1010
Description SINGLE FAM MDL-01
Zone SRB
Neighborhood 123
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 0.51
Frontage
Depth
Assessed Value \$226,800
Appraised Value \$226,800

Avi Magidoff

133 Pearson Street
Portsmouth, NH,
03801
603-531-3130
avimagidoff@gmail.com

Consultant
 Address
 Address
 Phone
 Fax
 e-mail

Consultant
 Address
 Address
 Phone
 Fax
 e-mail

No.	Description	Date

PROJECT: UNATTACHED CARPORT

PROPERTY INFORMATION

A0.S1

Project number CP2024
 Date 5/30/2024
 Drawn by Author
 Checked by Checker

Scale

Avi Magidoff

133 Pearson Street
Portsmouth, NH,
03801

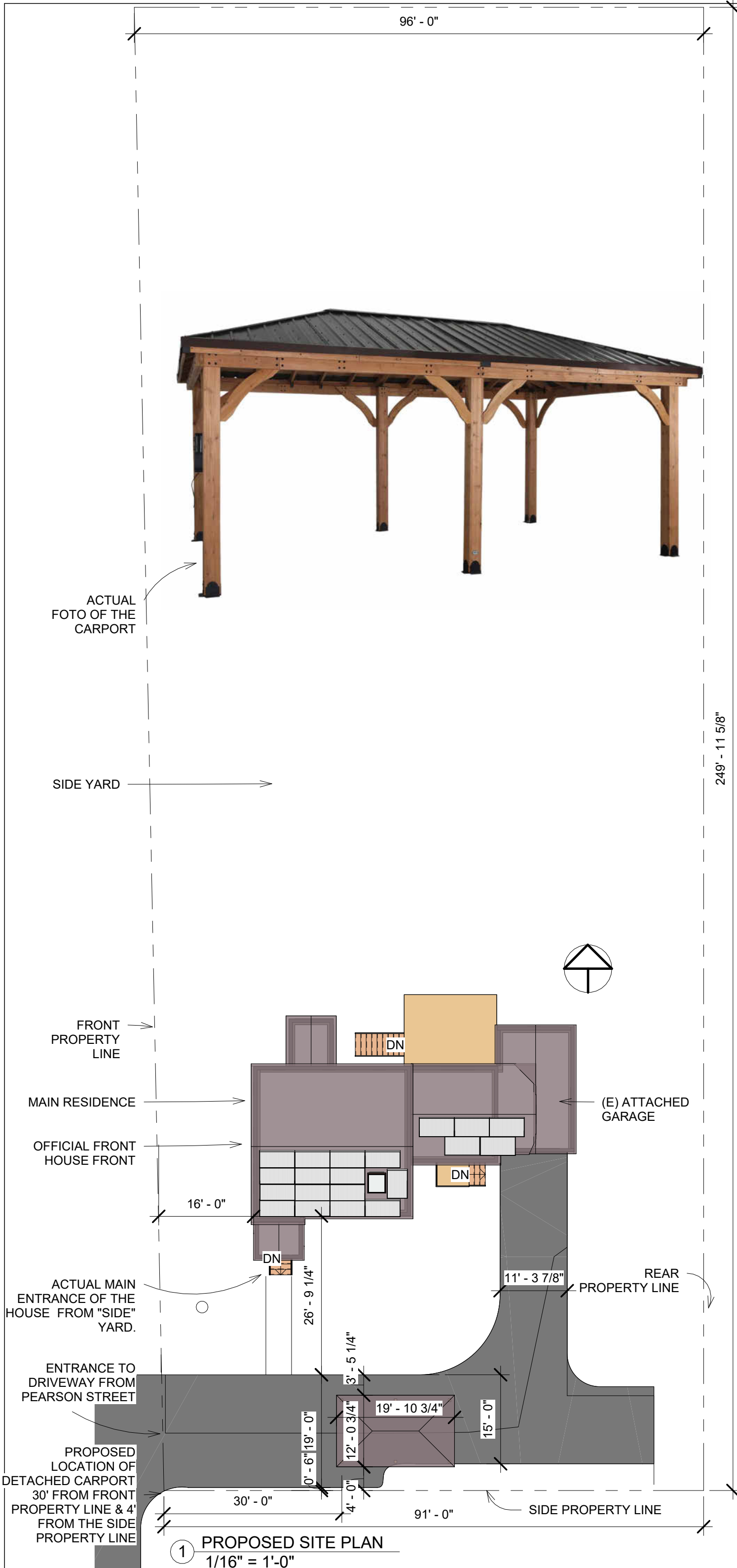
603-531-3130

avimagidoff@gmail.com

Consultant
Address
Address
Phone
Fax
e-mail

Consultant
Address
Address
Phone
Fax
e-mail

No.	Description	Date



PROJECT: UNATTACHED CARPORT

PROPOSED SITE PLAN

A0.S2

Project number	CP2024
Date	5/30/2024
Drawn by	Author
Checked by	Checker

Scale 1/16" = 1'-0"

6/2/2024 9:12:32 PM

1 PROPOSED SITE PLAN
1/16" = 1'-0"

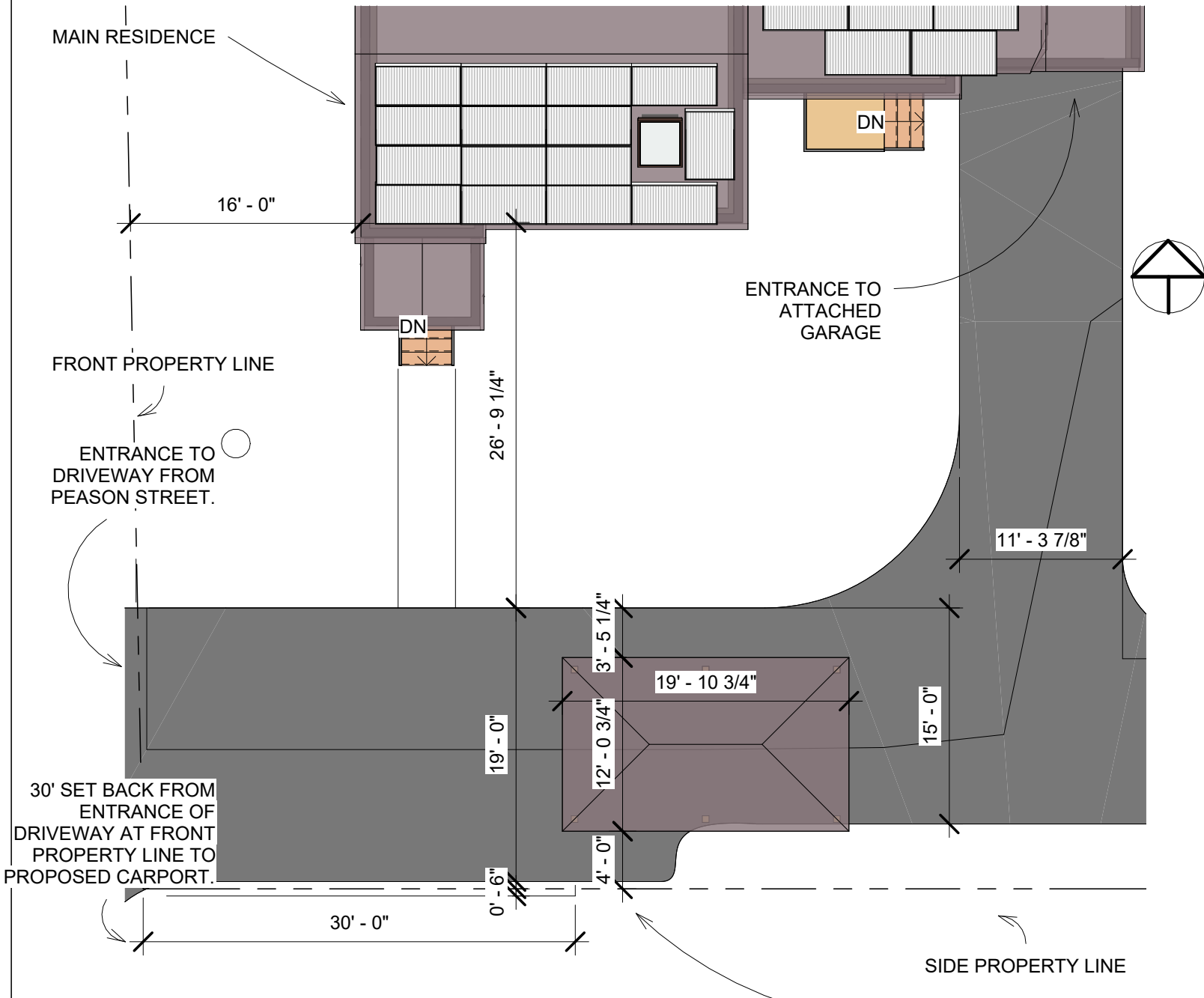
Avi Magidoff

133 Pearson Street
 Portsmouth, NH,
 03801
 603-531-3130
 avimagidoff@gmail.com

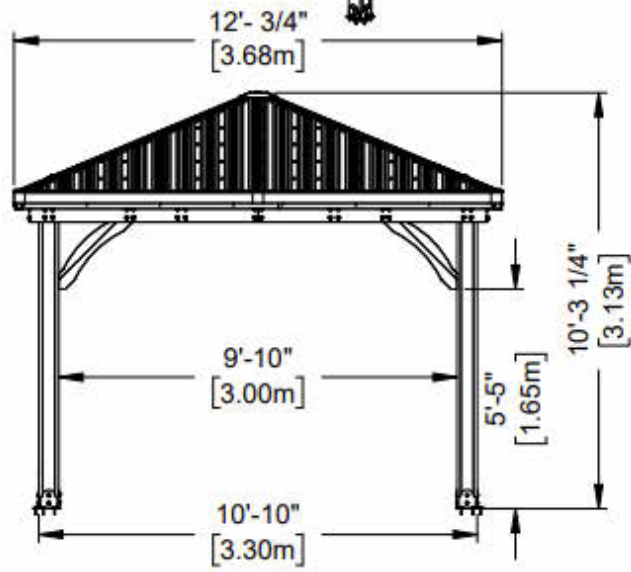
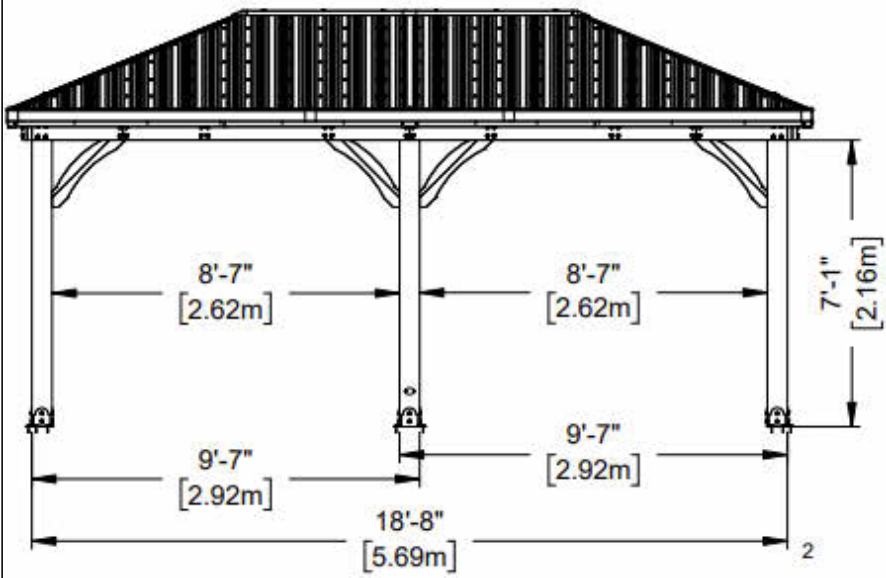
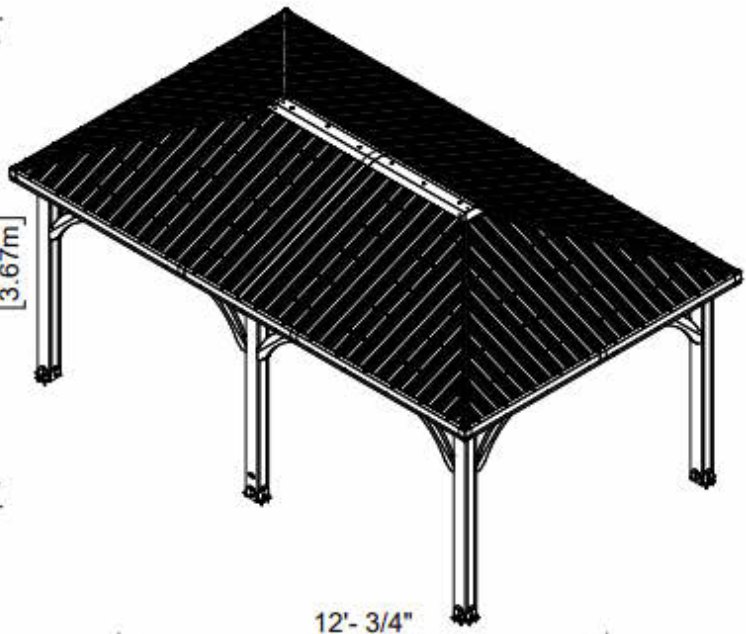
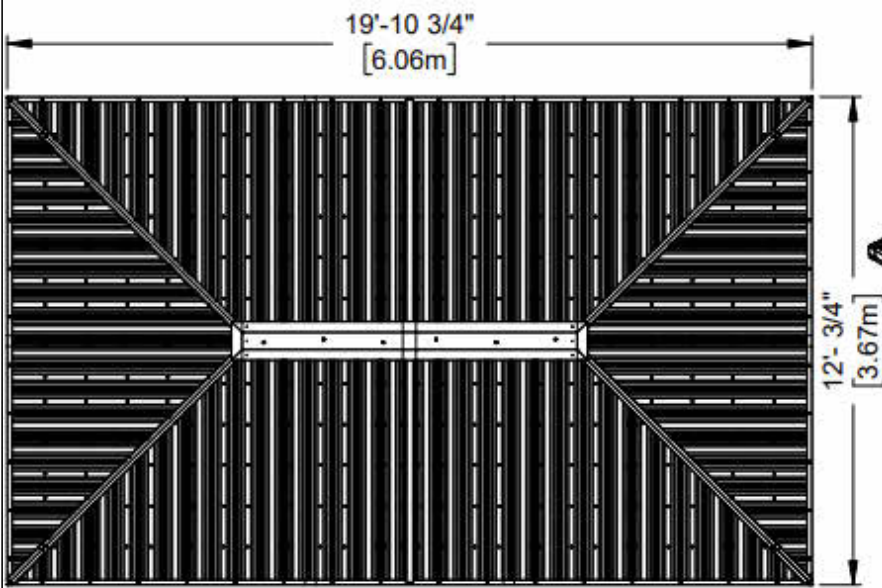
Consultant
 Address
 Address
 Phone
 Fax
 e-mail

Consultant
 Address
 Address
 Phone
 Fax
 e-mail

No.	Description	Date



1 PROPOSED PLAN FOR CARPORT
 1" = 10'-0"



PROJECT: UNATTACHED CARPORT
 PROPOSED CARPORT PLAN
 & ELEVATION
 A1.A

Project number CP2024
 Date 5/30/2024
 Drawn by GAF
 Checked by GAF

Scale 1" = 10'-0"