

June 24, 2019

Board of Adjustments
1 Junkins Avenue
Portsmouth, NH 03801

re: Request for Variance for 65 Pinehurst Road

To the Members of the Board of Adjustments:

We are requesting relief from the requirement of a 10-foot setback on the side yard and approximately a 16-foot setback on the rear yard (Variance of Article III, section 10-302A) to construct a one car garage at 65 Pinehurst Road.

The dimension of the proposed one car garage is 16'x 24' (see Exhibit 1) with a 6-foot setback in the rear yard and 3-foot setback in the side yard (see Exhibit 1). The proposed building coverage ratio will be 15.8%.

By way of background, our home was built in 1933 with very few changes made over the years. It previously had a long driveway along the left side circling in the back to provide access to a garage under the home (see Exhibit 2 and 3). We purchased the property in 2007 and completed a renovation in 2018 to increase the size of the kitchen and add two bathrooms to accommodate our family of six (the original home had one full bath). To maintain the essential character of the neighborhood, the renovation was constructed in the rear of the home, so the front profile would remain unchanged from the street. In doing so, we eliminated the garage underneath the home. Thus, the request is to replace the lost garage. If we had expanded the home to either side, it would have profiled as a much larger structure from the street, condensed the open space with neighboring properties and changed the character of the home from the street.

The proposed structure matches the craftsman style character of the home and is in line with the spirit and essential character of the neighborhood. Despite its intricate design, it is not an accessory dwelling, and no plumbing, bath or kitchen elements are requested. It will be used to park a car and store items currently in the basement that are difficult to get outside like bikes, grill, lawnmower, etc. The right side of the garage has sliding barn doors that will open to a patio.

The location was chosen with purpose, in the back corner of the property, to place the structure furthest away from all neighboring homes and minimize any change in their view from their homes or the street. There is no other location on the property that accomplishes this, nor is there any suitable location due to the situation of the home. Please note the town map and

Google Earth picture (see Exhibit 2), which indicates the natural landscaped screening of the proposed one car garage and distance from all neighboring structures.

The left side of the property, where we seek relief from the setback is marked by a tall row of arborvitaes. These trees block the view of the garage from our neighbor to the left at 51 Pinehurst Road (see Exhibit 3). The 3-foot setback affords sufficient space to build and maintain the structure without infringing on their property. The neighbor to the rear is on Broad Street and the home is quite far from our Pinehurst property and the space between his home and our property is used to store his lobster traps and processing equipment for his lobster business. In addition, there is also a large set of maple trees between the lobster traps and our home which further block the view of the proposed garage from his house (see Exhibit 2 and 3). As the pictures included in the application indicate, the proposed structure will not infringe on any air, light or view of the neighbors. Other locations do to accomplish this.

The proposed garage lines up with the back corner of the house and enables the existing driveway to continue on its original straight line entering the garage. The distance between the front corner of the proposed garage and back corner of the house affords minimum walking space (approximately 8 feet) to enter the back yard from the driveway (thus the rear variance request).

The home renovation in 2018 was met with widespread approval from our neighbors because the front profile was unchanged. This plan is in keeping with that spirit. We provided the proposed plans to our abutting neighbors on Pinehurst Road and received their approval to proceed with the application. We will provide copies of signed letters at the hearing.

Below are the responses to the five conditions that must be met for approval of the request:

1. The variance is not contrary to the public interest:

2. The spirit of the ordinance is observed:

Explanation:

Granting these variances will not be contrary to the public interest because the use of the property is not going to change, it will keep cars off the street, and there will not be any substantial changes to the site that would affect the public health, safety or general welfare. There was a garage on the property prior to the renovation and this will provide the same use as experienced since 1933. The requested variance does not alter the essential character of the neighborhood. The proposed garage is tucked in the back corner, with natural landscaping hiding its view. The architecture mirrors the craftsman style of the home and is situated in such a way that it does not interfere with any neighboring view, light or air.

The new garage will raise the value of the property and therefore increase the tax base.

3. Substantial justice is done:

Explanation

Most neighbors on Pinehurst and Broad Street have garages, and this would enable us to park cars off the street which would benefit the neighborhood. We are requesting to replace a previous garage on the property and given its location there is not any benefit to the public in denying the application.

4. The values of the surrounding properties are not diminished:

Explanation

The garage would match the architecture of the house and keep cars off the narrow street. It is screened from neighboring views. The neighbors on Pinehurst Road including the property at 57 Pinehurst Road where a 3-foot setback is requested, have approved the application, essentially concurring the proposed garage will not affect the value of their homes.

5. Literal enforcement of the ordinance would result in unnecessary hardship:

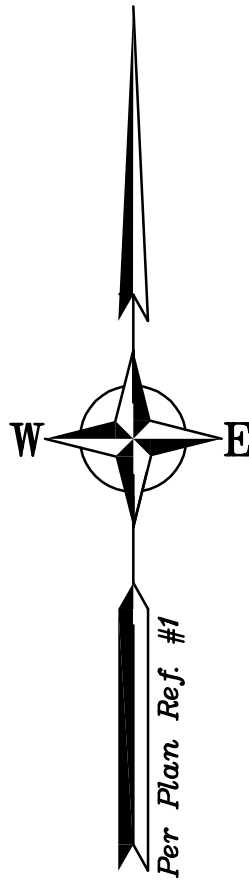
Explanation

It is reasonable to have a one car garage on the property. The lots on Pinehurst Road are particularly small and non-conforming. Most houses on the Pinehurst Road have one or two car garages. The direct abutters on both sides of 65 Pinehurst Road have garages that do not meet the required setbacks (see Exhibit 4). The size and orientation of the house on the lot and the existing driveway restrict the flexibility as to the location of the garage. A garage on the right side of the house would be in full view from Pinehurst Road. It would require a new driveway close to its neighbor and create the appearance of a much larger structure due to its proximity to the home and lack of screening. Thus, we are proposing to build the garage where the driveway already exists screened from the view of neighbors' homes and sightline from the street.

Thank you for your consideration of this request.

Sincerely,

Daniel & Lena Wyand
Home Owners: 65 Pinehurst Rd.



LOOKOUT LANE

PINEHURST ROAD

EXISTING BUILDING COVERAGE:

BUILDINGS 1,163± SQ. FT.
TOTAL LOT 9,800± SQ. FT.
(1,163 SQ. FT. /9,800 SQ. FT. = 11.9%)

PROPOSED BUILDING COVERAGE:

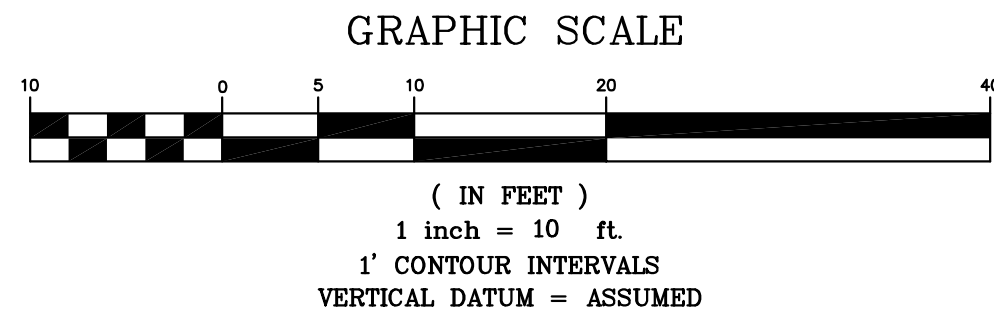
BUILDINGS 1,547± SQ. FT.
TOTAL LOT 9,800± SQ. FT.
(1,571 SQ. FT. /9,800 SQ. FT. = 15.8%)

EXISTING OPEN SPACE:

BUILDINGS 1,163± SQ. FT.
PAVEMENT 411± SQ. FT.
DECK/OTHER 434± SQ. FT.
TOTAL 2,008± SQ. FT.
(9,800-2,008=7,792 SQ. FT. OF OPEN SPACE)
(7,792 SQ. FT. /9,800 SQ. FT. = 79.5%)

PROPOSED OPEN SPACE:

BUILDINGS 1,547± SQ. FT.
PAVEMENT 745± SQ. FT.
DECK/OTHER 434± SQ. FT.
TOTAL 2,726± SQ. FT.
(9,800-2,726=7,074 SQ. FT. OF OPEN SPACE)
(7,074 SQ. FT. /9,800 SQ. FT. = 72.2%)



N/F
JAMES D.C. CARMICHAEL &
LINDSEY G. CARMICHAEL
REVOCABLE TRUST
TAX MAP 221 LOT 73
R.C.R.D. BOOK 5406 PAGE 1971
(SEE PLAN REFERENCE 3)

N/F
NICHOLAS PAPPAS REV. TRUST
& JUDITH PAPPAS REV. TRUST
TAX MAP 221 LOT 68
R.C.R.D. BOOK 3565 PAGE 1053

N/F
THE PRIEN REVOCABLE TRUST
TAX MAP 221 LOT 67
R.C.R.D. BOOK 4468 PAGE 2295

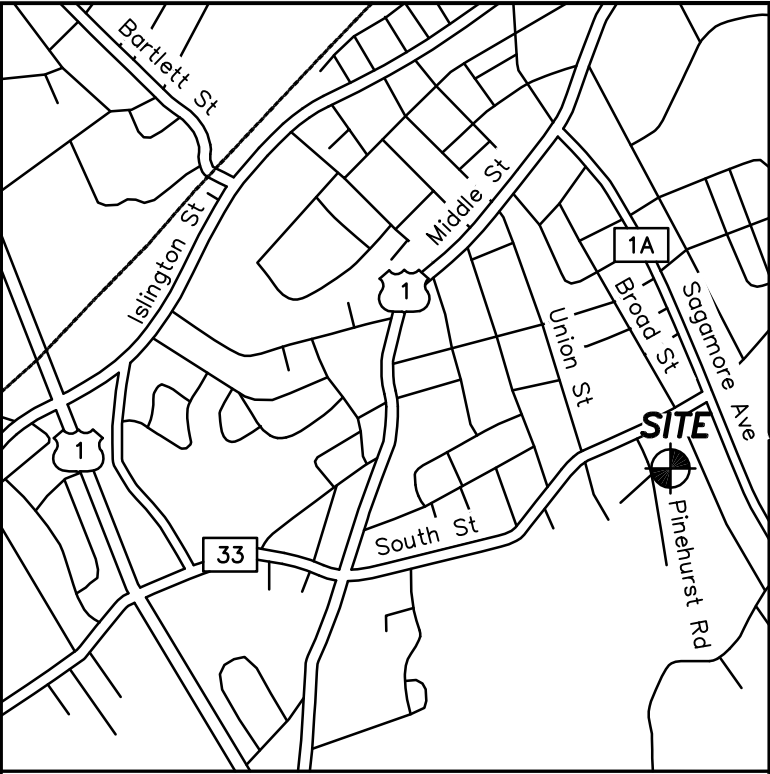
N/F
EVERETT E. PARSHLEY, JR.
TAX MAP 221 LOT 66
R.C.R.D. BOOK 4495 PAGE 1695
(SEE PLAN REFERENCE 1 & 4)

ZONING DATA:

ZONE: GENERAL RESIDENCE A (GRA)

REQUIREMENTS: *
MINIMUM LOT AREA: 7,500 Sq Ft
MINIMUM LOT AREA
PER DWELLING: 7,500 Sq Ft
MINIMUM STREET FRONTAGE: 100 Ft
MINIMUM LOT DEPTH: 70 Ft
MINIMUM FRONT YARD: 15 Ft
MINIMUM SIDE YARD: 10 Ft
MINIMUM REAR YARD: 20 Ft
MAXIMUM STRUCTURE HEIGHT: 35 Ft
MAXIMUM ROOF
APPURTENANCE HEIGHT: 8'
MAXIMUM BUILDING COVERAGE: 25%
MINIMUM OPEN SPACE: 30%

*Per City of Portsmouth, New Hampshire Zoning Ordinance,
As Amended Through: January 1, 2019, Section 10.520,
Table 10.521



PLAN REFERENCES:

- "LOT LINE ADJUSTMENT PLAN, 434 BROAD STREET, PORTSMOUTH, NEW HAMPSHIRE, COUNTY OF ROCKINGHAM", PREPARED BY CIVIL WORKS, DATED 9-30-87 AND RECORDED AT THE R.C.R.D. AS PLAN No. D-17644.
- "PLAN OF LOTS, PORTSMOUTH, N.H., OWNED BY C.W. BREWSTER", PREPARED BY JOHN W. DURGIN, DATED OCT. 1931 AND RECORDED AT THE R.C.R.D. AS PLAN No. 0687.
- "REVISED PLAN OF LOTS, OWNED BY C.W. BREWSTER, PORTSMOUTH, N.H.", PREPARED BY JOHN W. DURGIN, DATED SEPT. 1936 AND RECORDED AT THE R.C.R.D. AS PLAN No. 0826.
- "PLAN OF LOTS OF LAND, EXTENDING FROM SOUTH ROAD TO JONES AVENUE, PORTSMOUTH, N.H." PREPARED BY A.C. HOYT, DATED AUG. 1, 1893 AND RECORDED AT THE R.C.R.D. AS PLAN No. 0156.
- "LOT LINE RELOCATION PLAN, FOR THE JOHN S. EVANS & MARGARET L. EVANS TRUST, 826 SOUTH STREET & 1 LOOKOUT LANE", PREPARED BY MILLETTE, SPRAGUE & COLWELL, INC., DATED MARCH 30, 2000 AND RECORDED AT THE R.C.R.D. AS PLAN No. D-31077.

NOTES:

- OWNERS OF RECORD:
TAX MAP 221 LOT 72
DANIEL WYAND & LENA CHAMBERLAND
R.C.R.D. BOOK 4896 PAGE 519
DATED MARCH 10, 2008

CURRENT OWNER PER ASSESSMENT
RECORD IS DANIEL WYAND & LENA CHAMBERLAND
- TOTAL EXISTING PARCEL AREA:
TAX MAP 221 LOT 72
0.23 Ac. (9,800± Sq Ft)
- BASIS OF BEARING IS PER PLAN REFERENCE #1.
- APPROXIMATE ABUTTER'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 SHOWN HEREON IS FOR REFERENCE PURPOSES ONLY. CONFIRM CURRENT ZONING REQUIREMENTS WITH THE CITY OF PORTSMOUTH PRIOR TO DESIGN OR CONSTRUCTION.

PROPOSED SITE PLAN

FOR PROPERTY AT
65 Pinehurst Road
Portsmouth, Rockingham County, New Hampshire

OWNED BY
Daniel Wyand & Lena Wyand

65 Pinehurst Road, Portsmouth, NH 03801

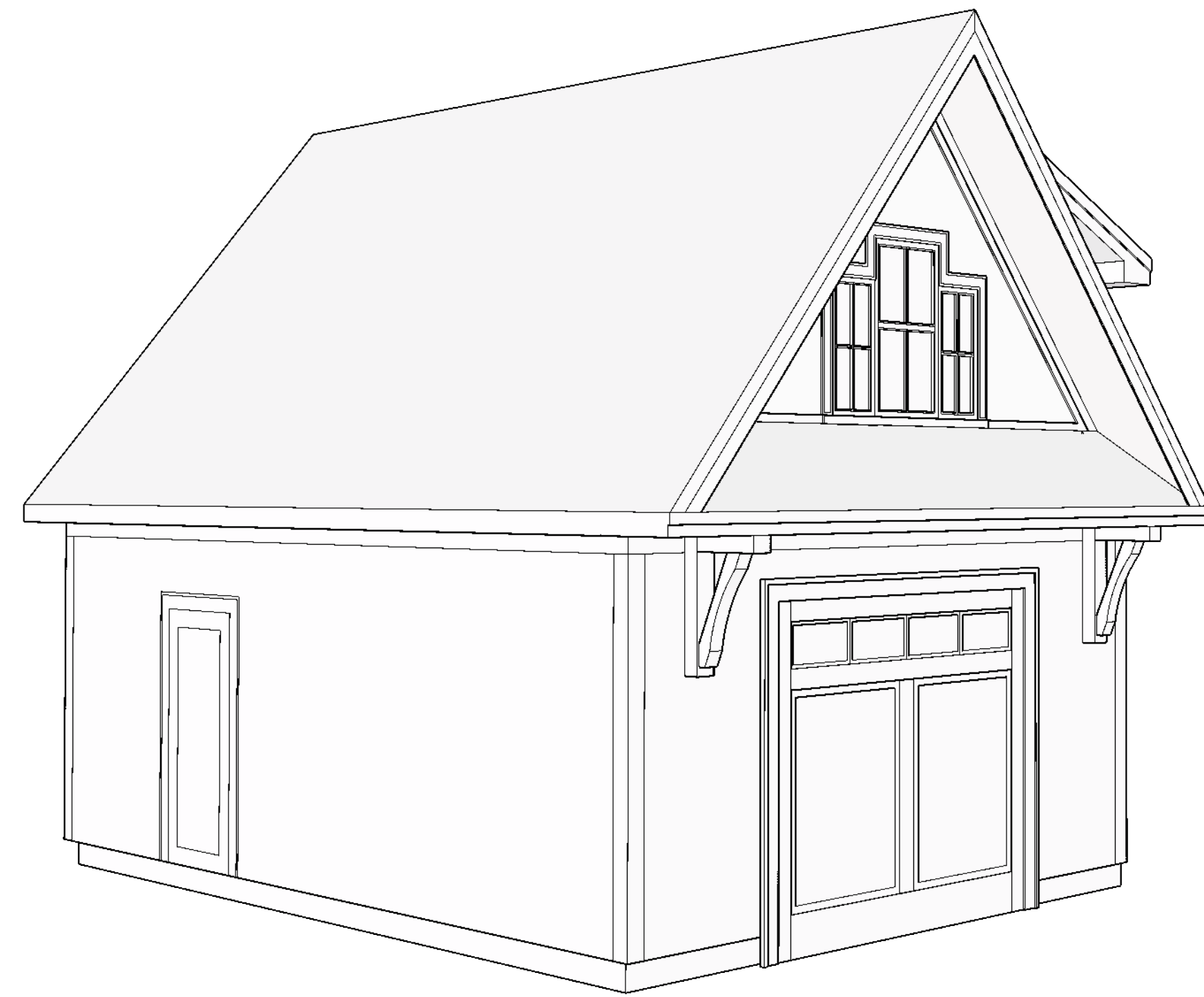
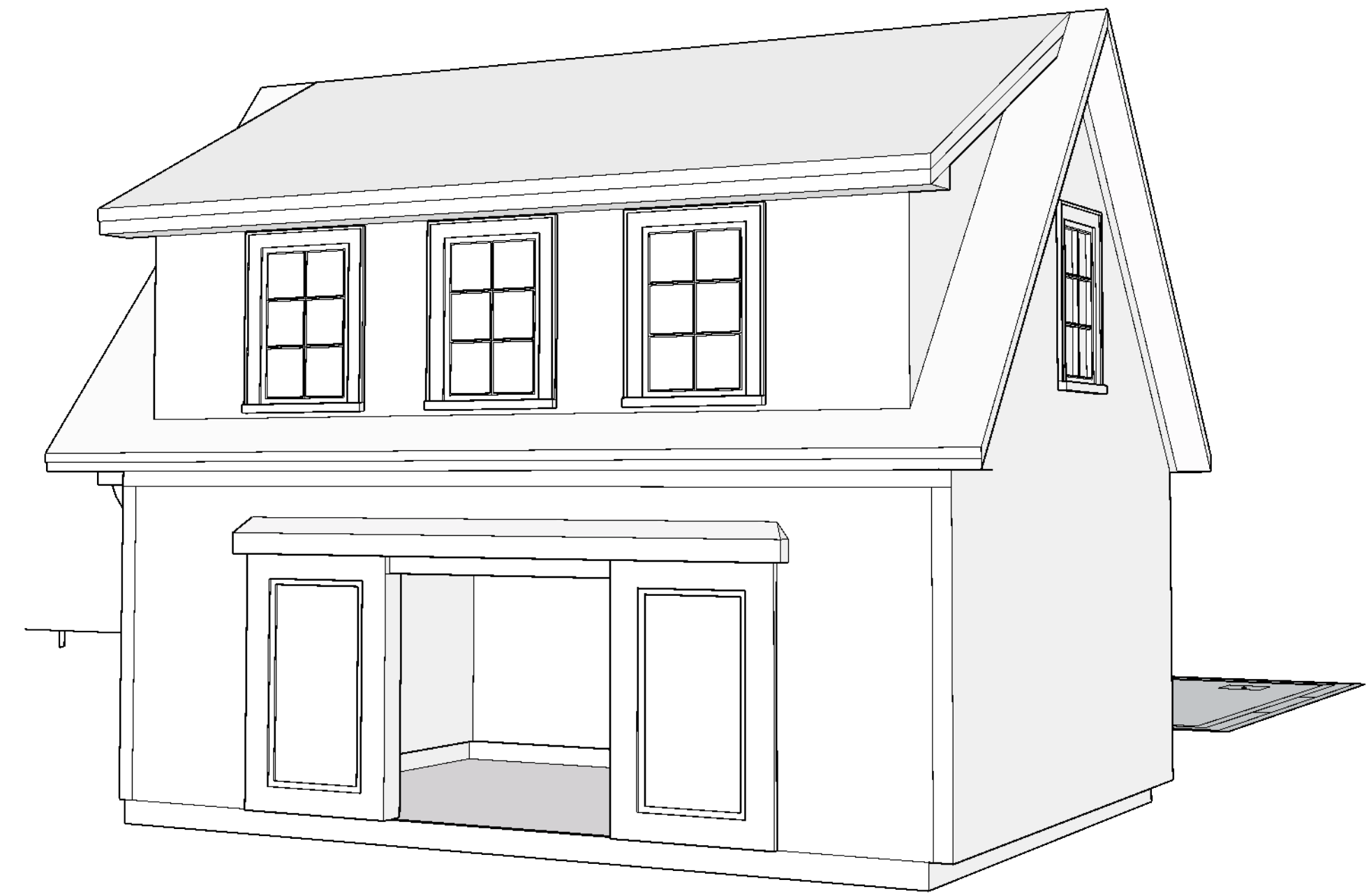
North
W EASTERLY
SURVEYING, Inc.

SURVEYORS IN N.H. & MAINE 191 STATE ROAD, SUITE #1
(207) 439-6333 KITTERY, MAINE 03904

SCALE: 1" = 10' PROJECT NO. 14772 DATE: 6/20/19 SHEET: 1 OF 1 DRAWN BY: P.J.T. CHECKED BY: P.L.A.

DRAWING No: 14772_PSITE FIELD BOOK No: "Portsmouth #14" Tax Map 221 Lot 72

REV.	DATE	STATUS	BY	CHKD	APPD.



CLIENT
Wyand

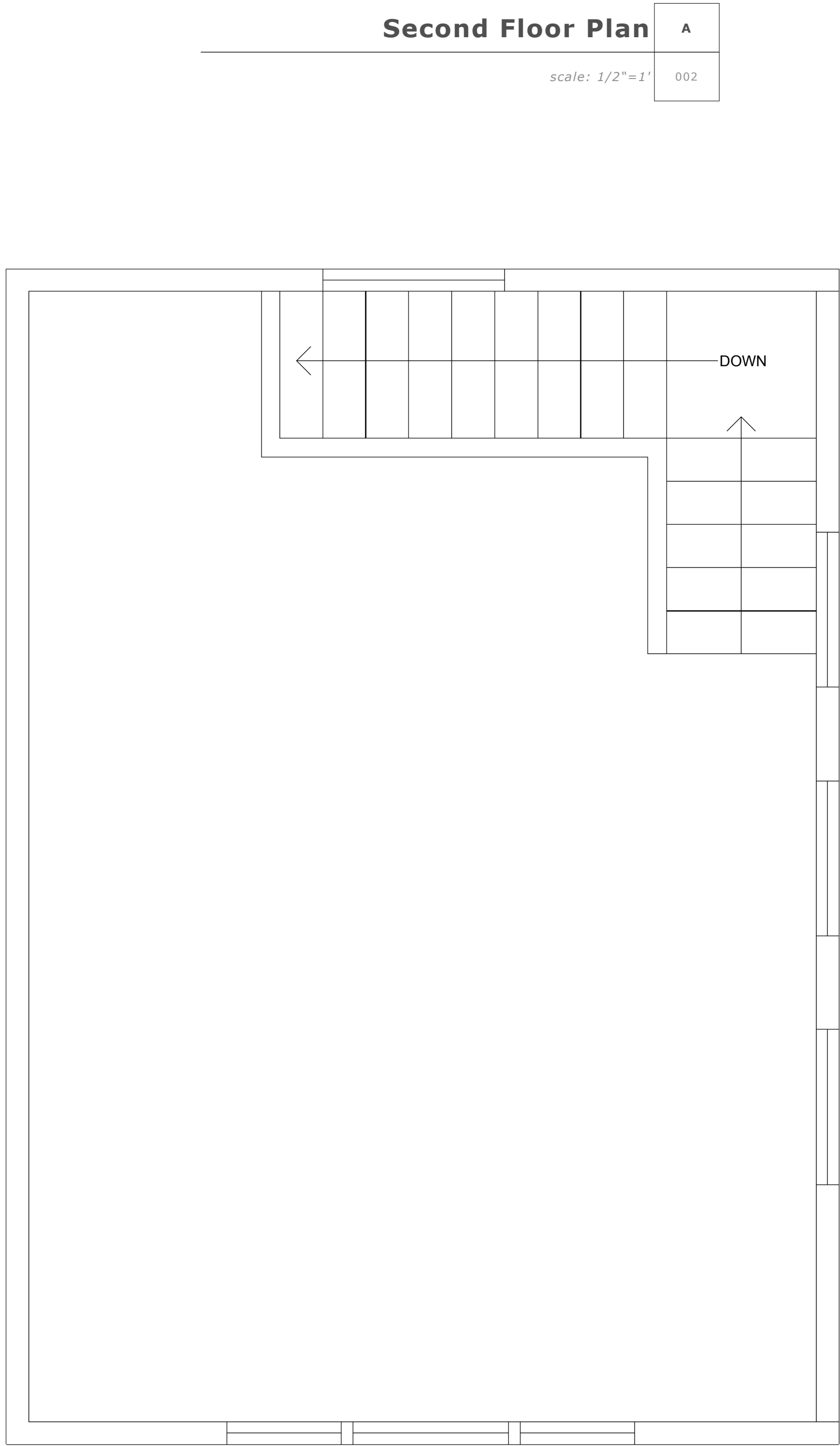
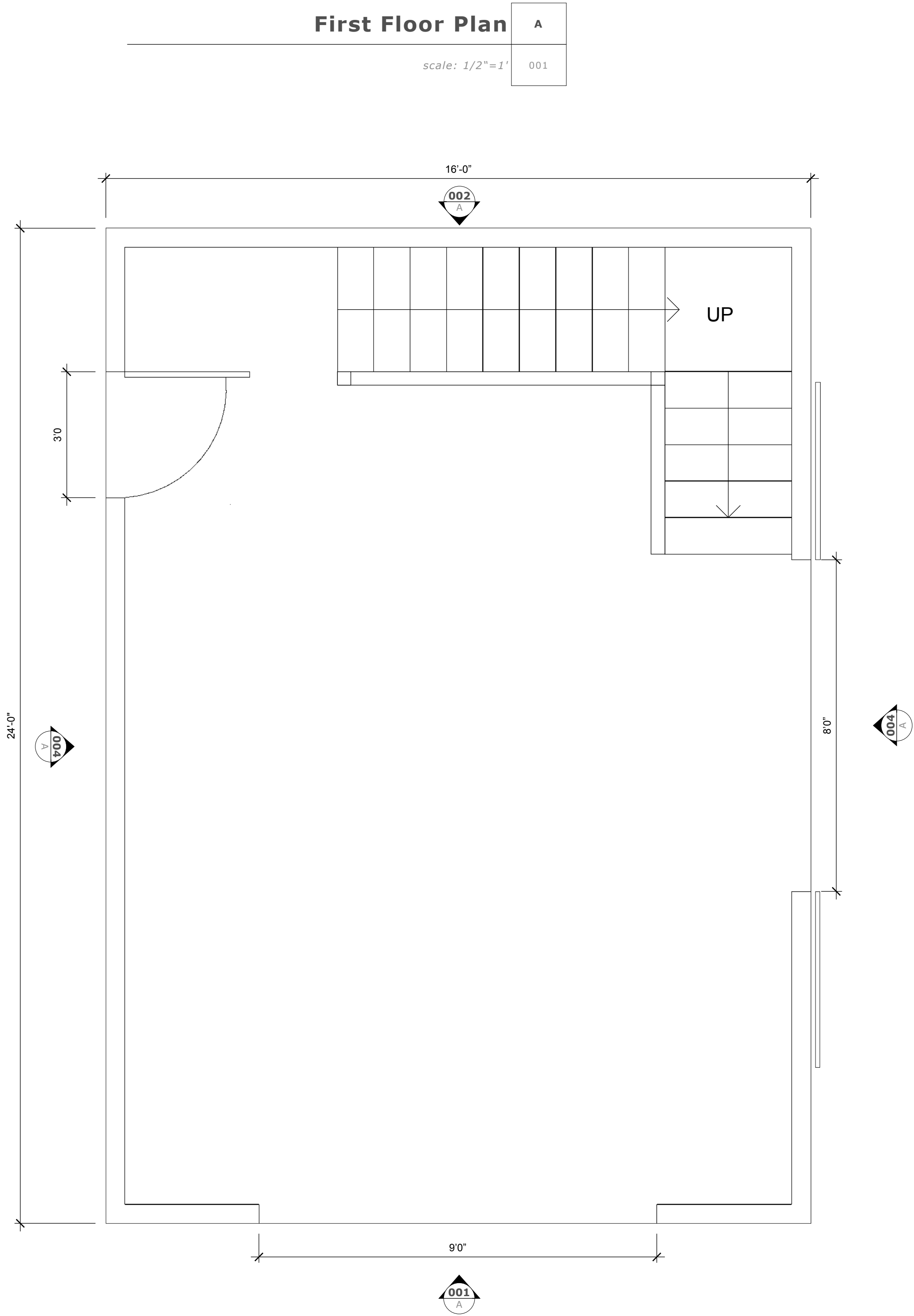
PROJECT
Wyand Garage

PROJECT NO.
245.170

ISSUE
06.19.19

DRAWN BY
THJ

DESCRIPTION
Cover Page



DRAWN BY
THJ

PROJECT NO.
89

ISSUE
04.25.19

CLIENT
Wyand
65 Pinehurst St.
Portsmouth, NH

Haven Hill Builders, LLC
PO Box 4041
Portsmouth, NH



A

2

A

West Elevation

001

scale: 1/2"=1'



A

East Elevation

002

scale: 1/2"=1'

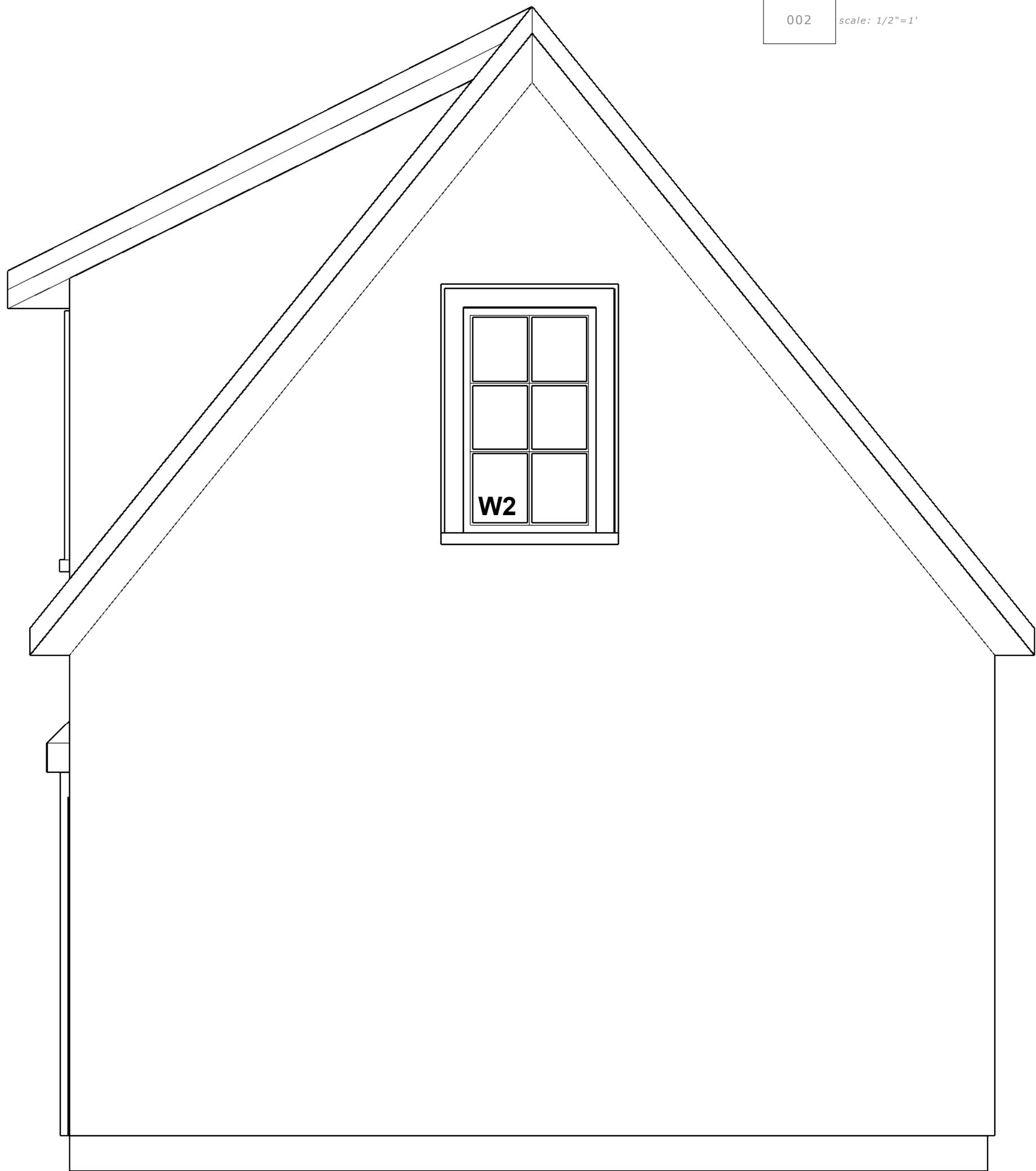


Table 1

Window & Door Schedule						
MARK	QTY	SIZE		TYPE	HARDWARE	NOTES
		WIDTH	HEIGHT			
D1	1	9'0	8'0	OH		GARAGE DOOR STYLE AND MANUFACTURER TBD
D2	1	8'0	7'0	SLIDING DOOR		CUSTOM BARN DOORS
D3	1	3'0	6'8"	LH INSWING EXT.		SIMPSON
W1	3	34	50	CASEMENT		MARVIN INTEGRITY, CASEMENT, SDL
W2	2	26	50	DH		MARVIN INTEGRITY DH, SDL
W3	2	18	38	DH		MARVIN INTEGRITY DH SDL



Haven Hill Builders, LLC
PO Box 4041
Portsmouth, NH

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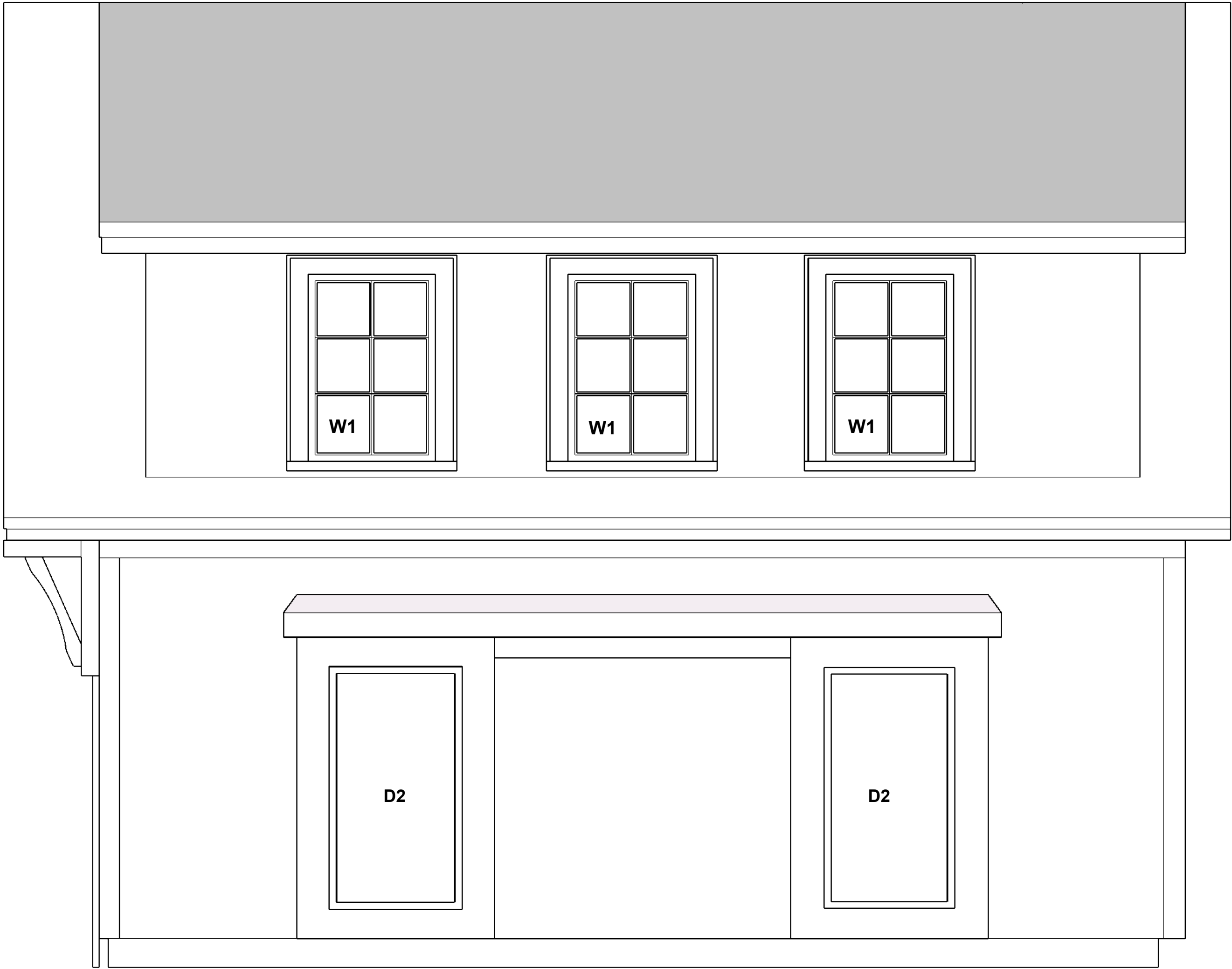
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PROJECT
Wyand Garage

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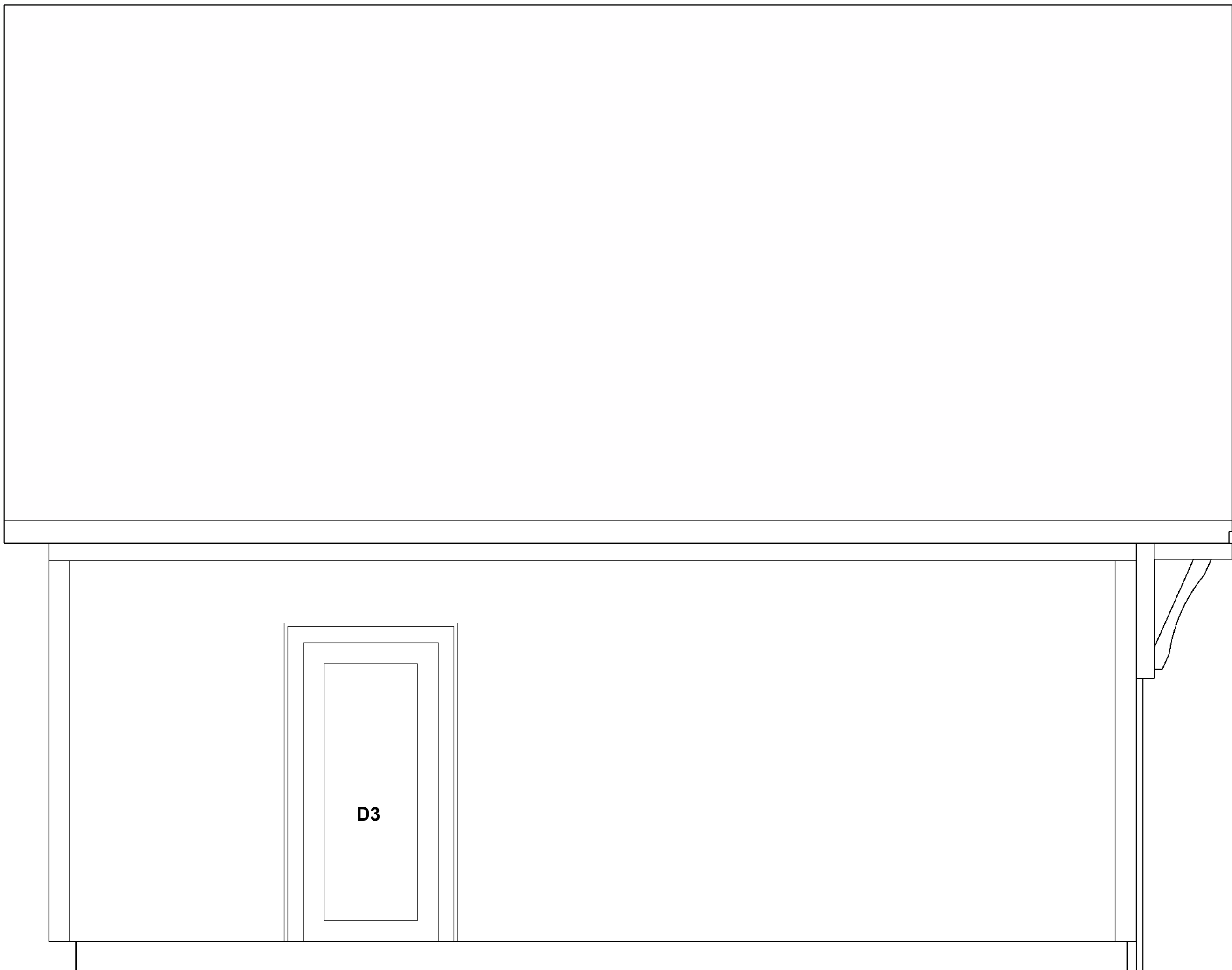
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3

A	South Elevation
003	scale: 1/2"=1'



A	North Elevation
004	scale: 1/2"=1'



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PROJECT
Wyand Garage

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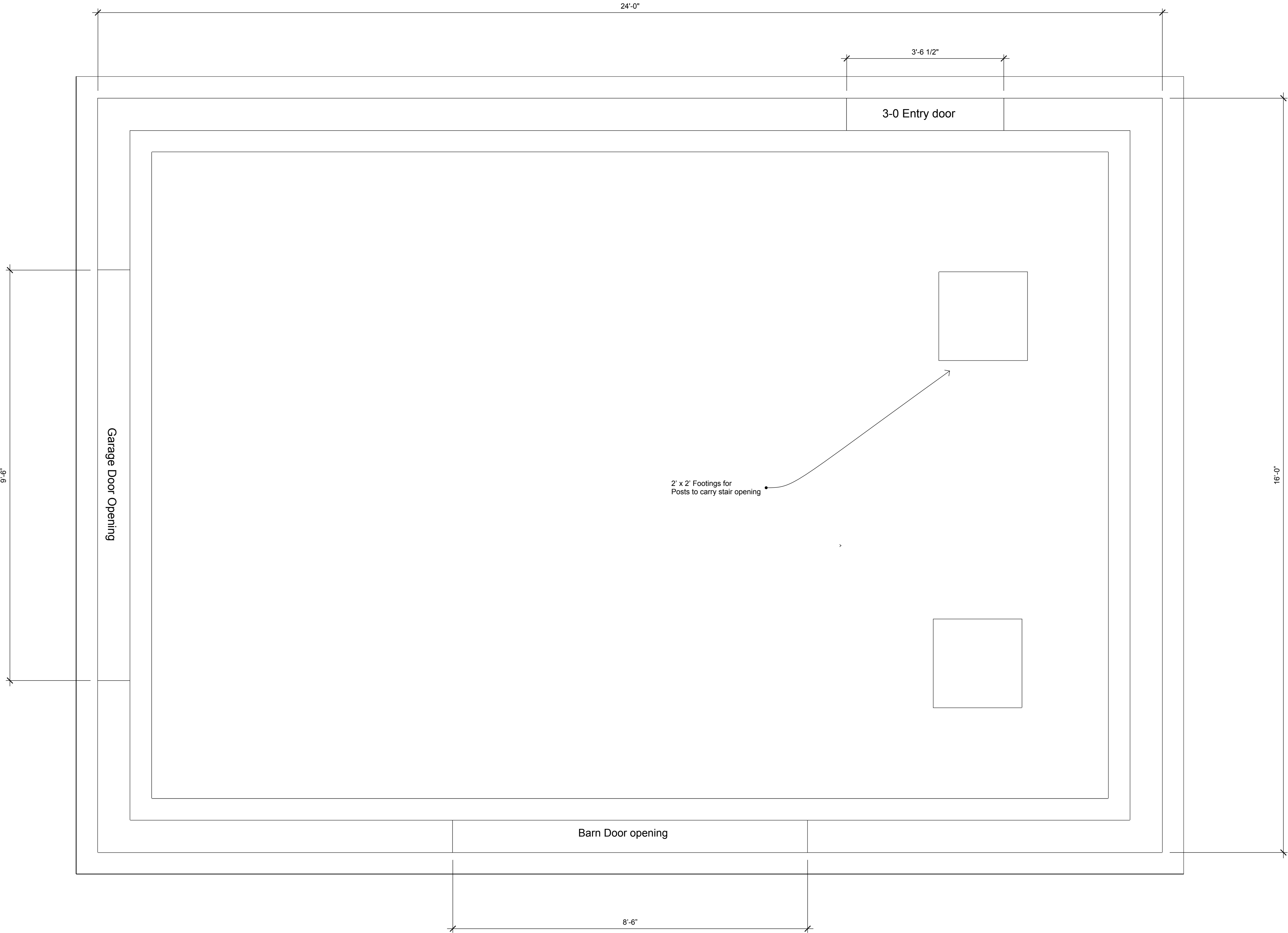
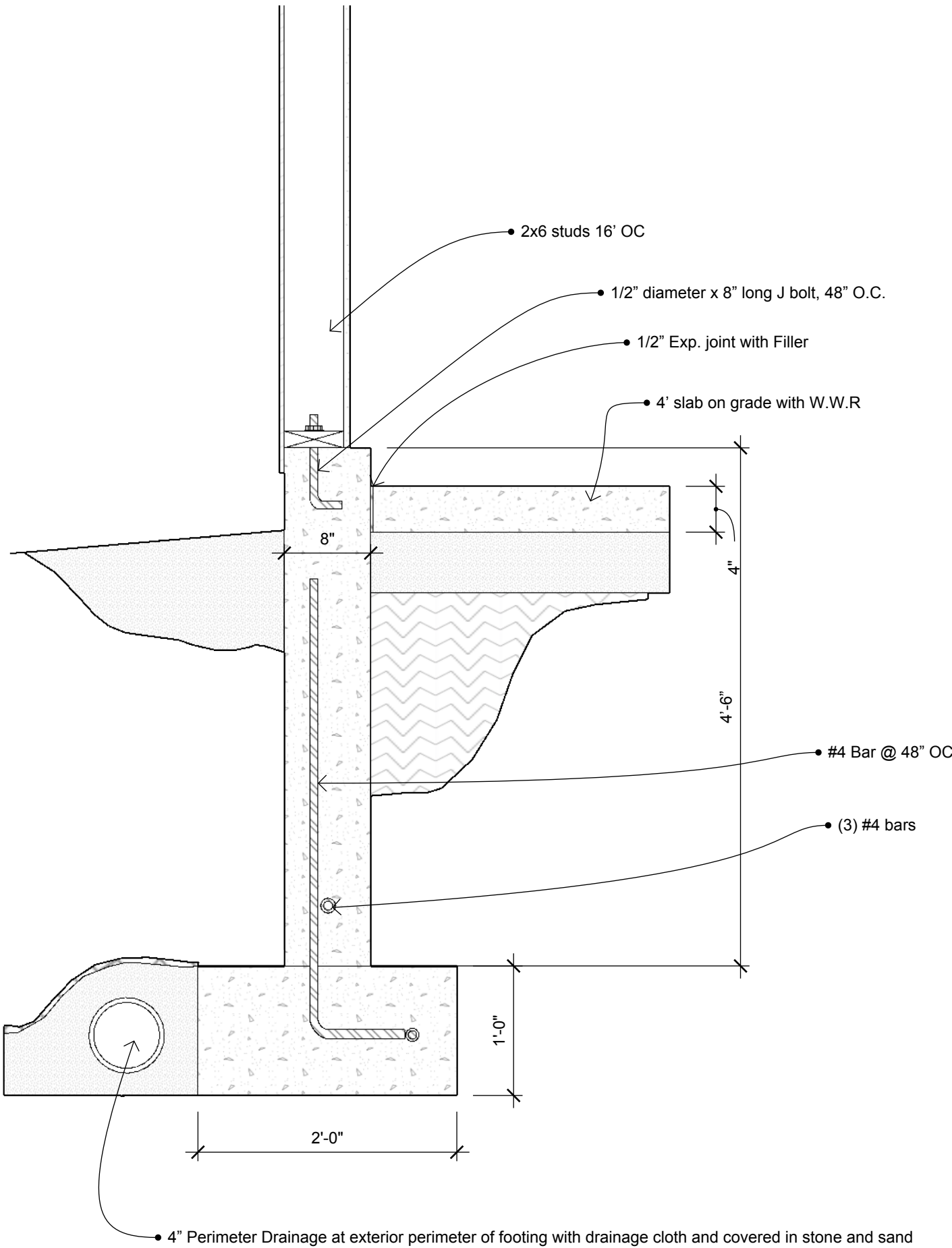
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4

A	Foundation Plan
006	scale: 3/4"=1'

Foundation Notes:

1. Soil Load bearing Value at 2,000 PSF, if clay is found preparation shall be in accordance with IRC.
2. Foundation walls shall be backfilled both sides bless adequately braced. Fill will be clean sand for all new walls and compacted under slabs.
3. Concrete construction shall conform to the state building code.
4. Concrete for walls and slabs to be 3000 PSI at 28 day cure.
5. Reinforcing steel she be place in accordance to state building code.



CLIENT Wyand 65 Pinehurst St. Portsmouth, NH	Haven Hill Builders, LLC PO Box 4041 Portsmouth, NH
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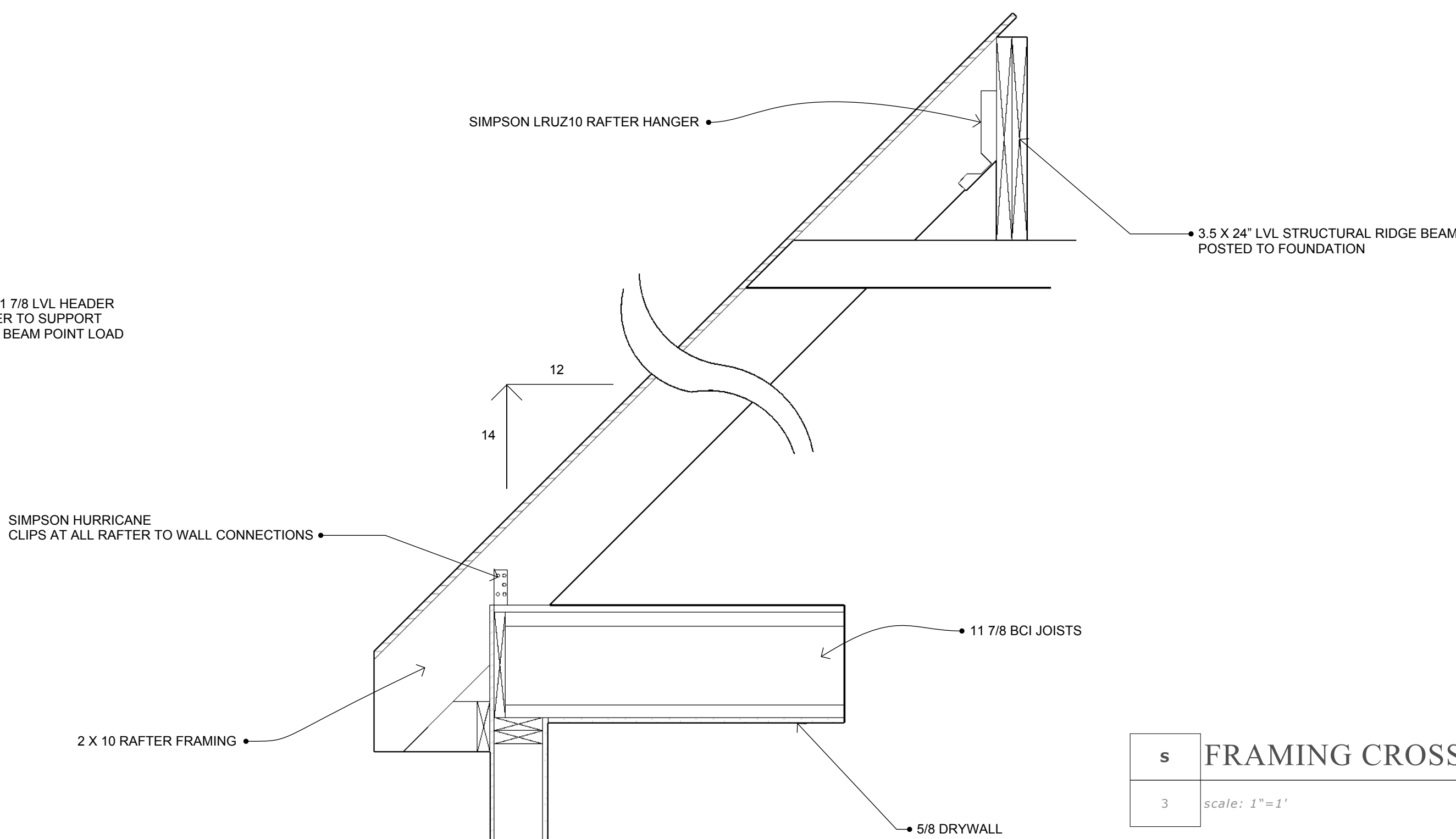
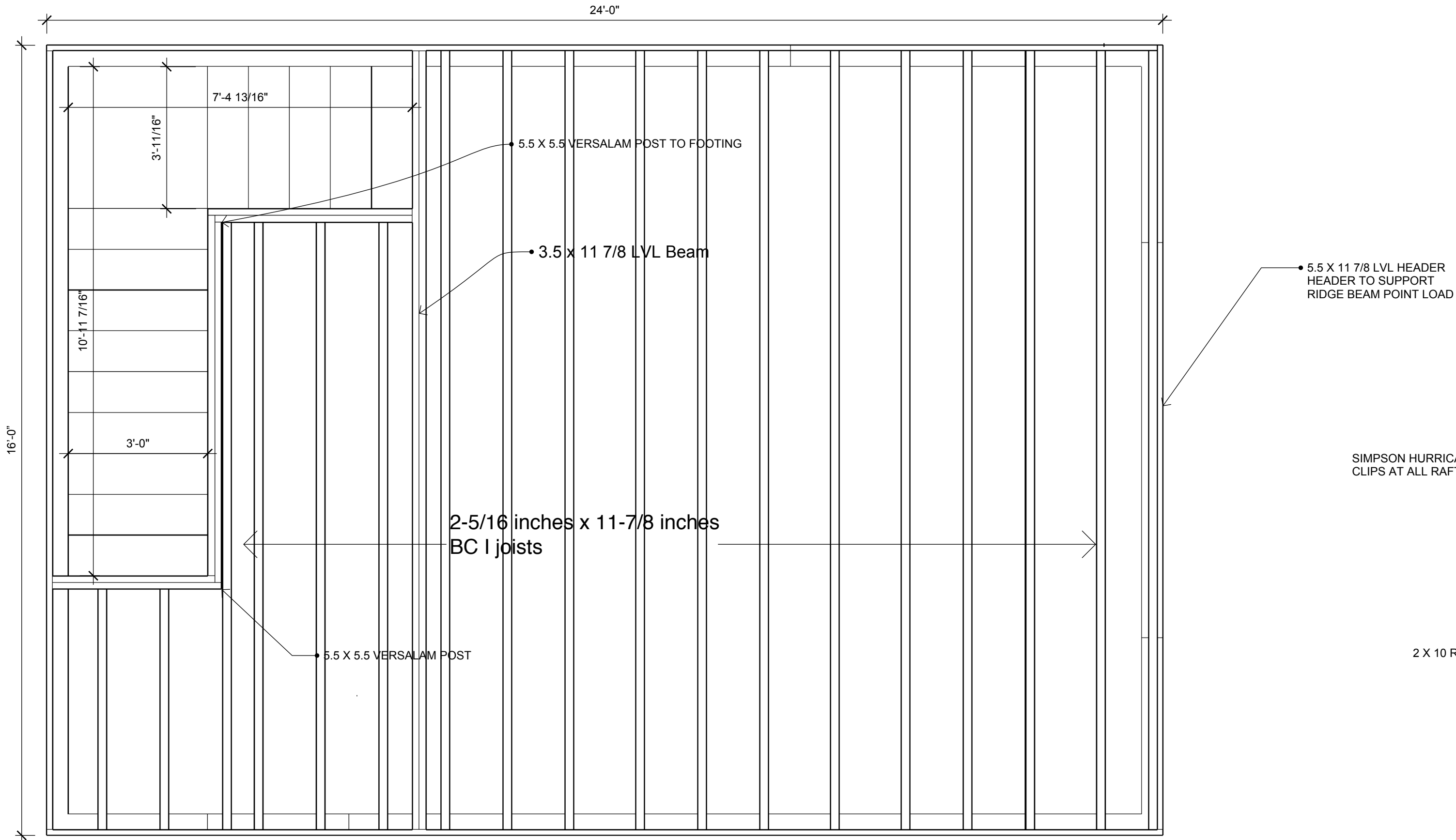
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Second Floor Framing Plan

1

scale: 3/4"=1'



s

FRAMING CROSS SECTION

3

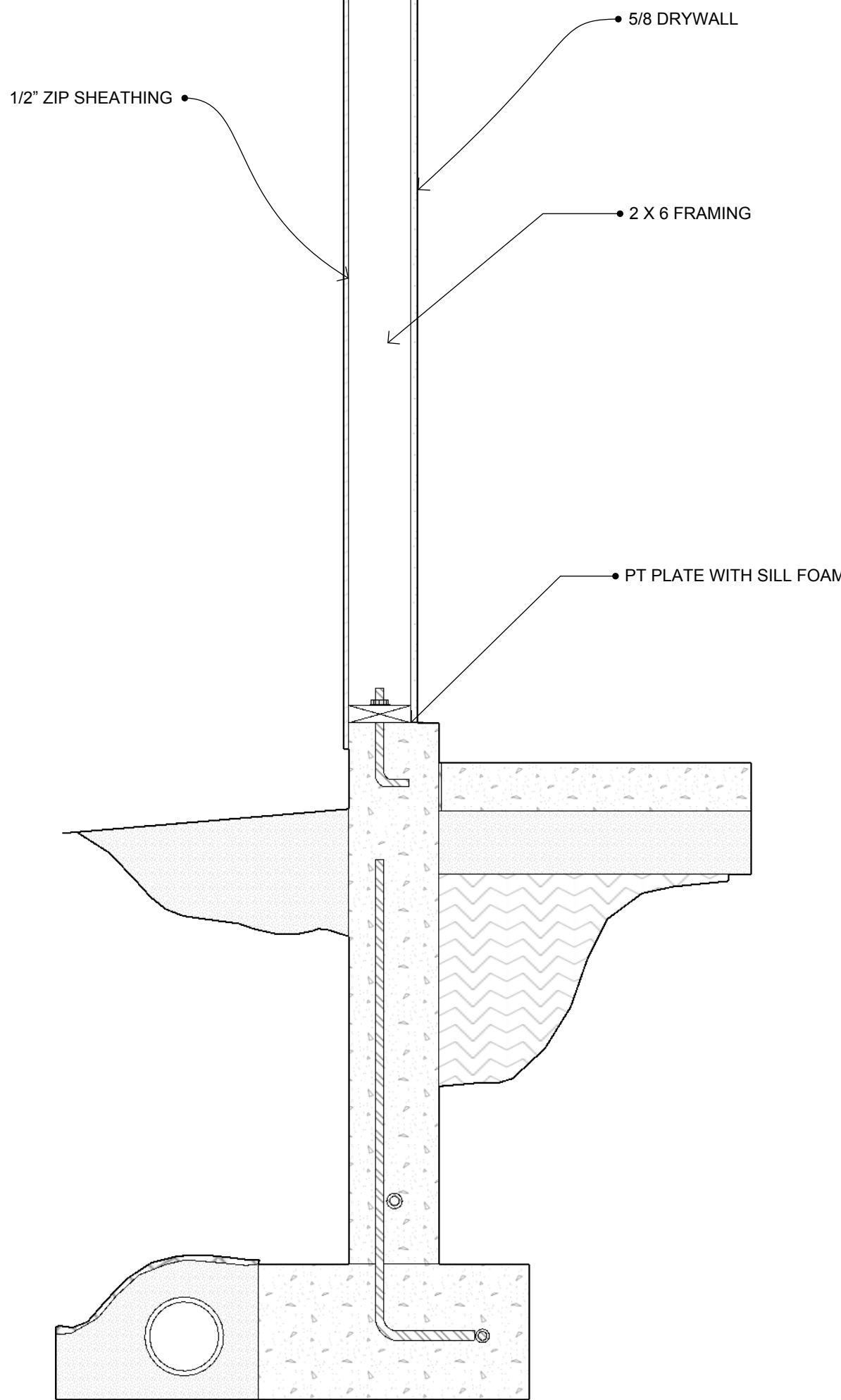
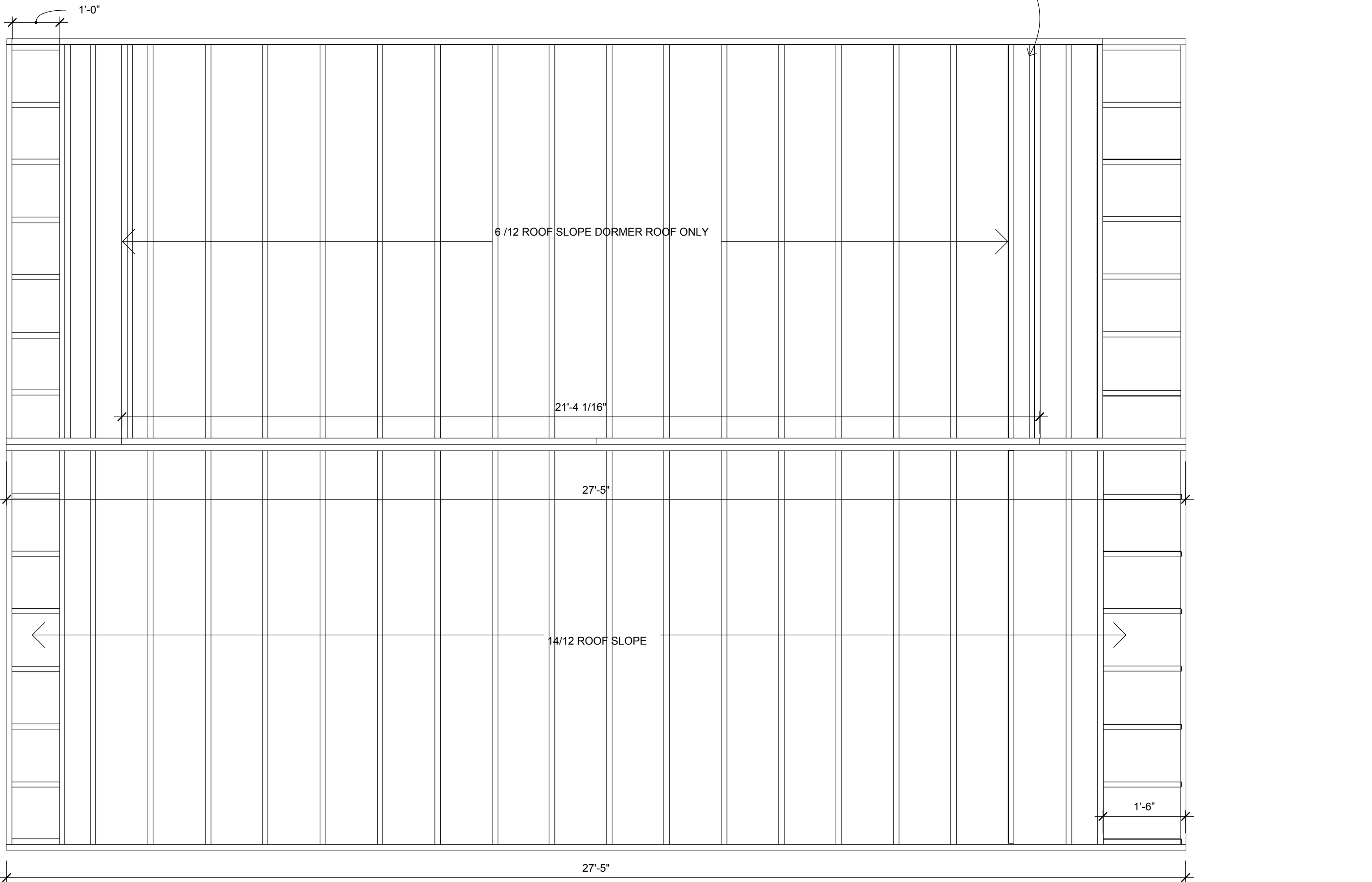
scale: 1"=1'

s

Roof Framing Plan

2

scale: 3/4"=1'



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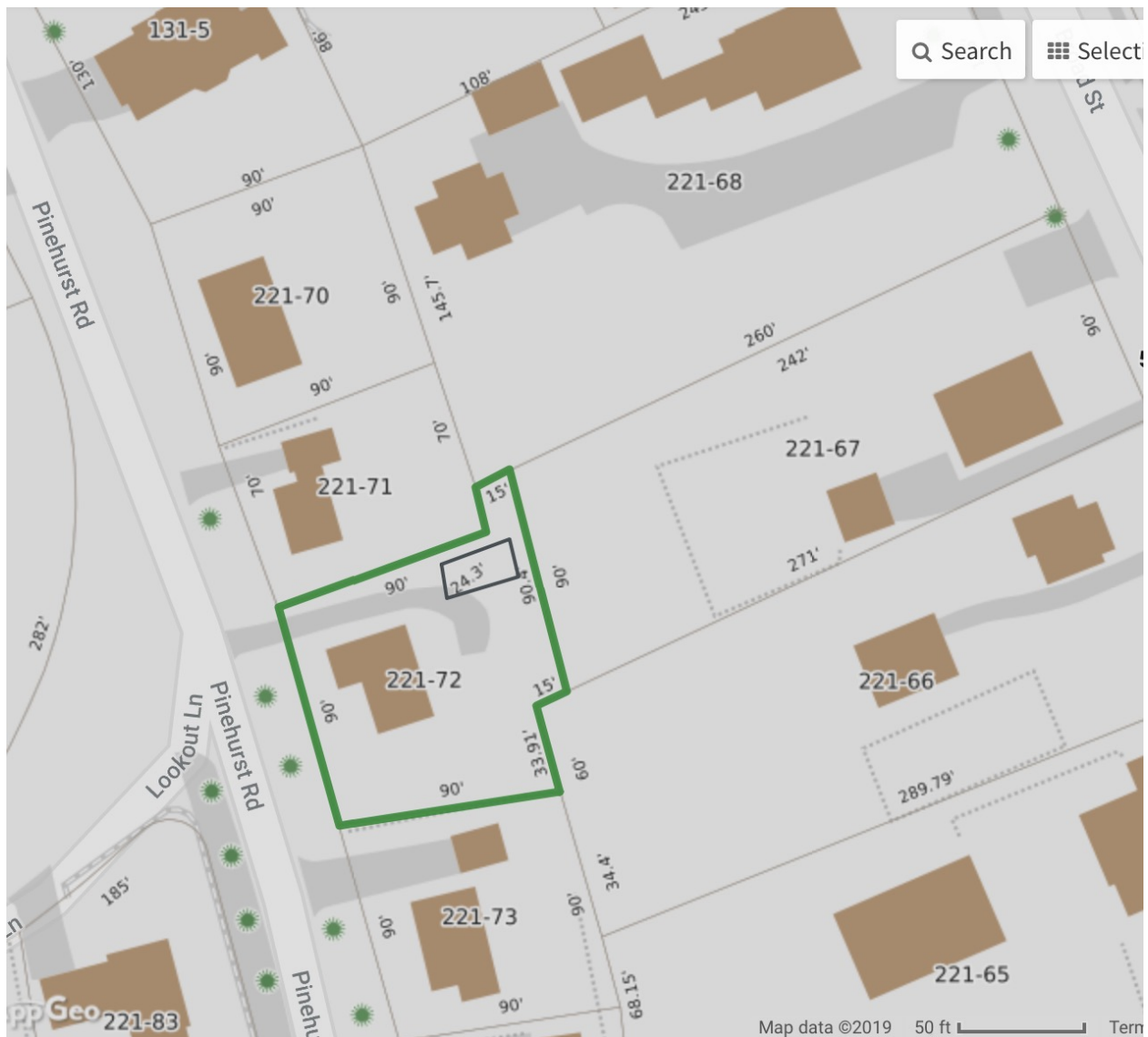
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S

1

EXHIBIT 2

The tax lot map shows our property with the intended location of the garage. Note the distance of the proposed garage from any neighboring structure is maximized by the strategic placement. The requested set back allows for sufficient space to construct and maintain the structure without infringing on neighboring properties.



Note the image from google earth which shows the driveway in the back entering the old garage prior to renovation and distance from the Pinehurst property to the Broad St property in the rear. The view is blocked by natural landscape.



EXHIBIT 3

The view from Pinehurst Road. Proposed garage will be placed at end of the existing driveway in rear along left side.





Note the arborvitaes on the left and lobster traps and maple trees to the rear. They block the view of the proposed garage from neighboring properties.



Note: the maple trees and lobster business screen the view of the proposed garage from the Broad St home



Note the arborvitae screen the view of the proposed garage from 57 Pinehurst and old garage and driveway below:



EXHIBIT 4

97 Pinehurst Road and set back is less than approximately 5 feet from neighbor's property line.



85 Pinehurst Road is direct abutter to the right. Their two car garage was constructed approximately 7 years ago and received a variance from the Board of Adjustments for the required set back.



84 Pinehurst Road one car garage is less than is 3 feet of neighbor's property line.

