

HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC

ATTORNEYS AT LAW

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July 23, 2025

HAND DELIVERED

Stefanie Casella, Principal Planner
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: 420 Pleasant, LLC, Owner/Applicant
420 Pleasant Street
Tax Map 102/Lot 56

Dear Ms. Casella & Zoning Board Members:

On behalf of 420 Pleasant, LLC, enclosed please find the following in support of a request for zoning relief:

- See Viewpoint Land Use Application uploaded today.
- Owner Authorization.
- 7/23/2025 – Memorandum and exhibits in support of Zoning Relief

We look forward to presenting this application to the Planning Board at its August 19, 2025 meeting.

Very truly yours,



R. Timothy Phoenix
Monica F. Kieser

Encl.

cc: 420 Pleasant, LLC
Richard Desjardins, Portsmouth Architects/McHenry Architecture

DANIEL C. HOEFLE	ALEC L. MCEACHERN	PETER V. DOYLE	STEPHEN H. ROBERTS In Memoriam
R. TIMOTHY PHOENIX	KEVIN M. BAUM	MONICA F. KIESER	OF COUNSEL:
LAWRENCE B. GORMLEY	JACOB J.B. MARVELLEY	CHRISTOPHER P. MULLIGAN	SAMUEL R. REID
R. PETER TAYLOR	GREGORY D. ROBBINS	KAREN W. OLIVER	JOHN AHLGREN

OWNER AUTHORIZATION

I authorize Hoefle, Phoenix, Gormley & Roberts, PLLC to execute all applications before Portsmouth Land Use Boards and to take any and all actions necessary throughout the application and permitting process related to the property at 420 Pleasant Street (Tax Map 102, Lot 56) including but not limited to execution of applications and attendance and presentation at public hearings.

420 Pleasant, LLC

Dated:

7/22/25



Jeffrey Semprini, Member

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment (“ZBA”)
FROM: R. Timothy Phoenix, Esquire
Monica F. Kieser, Esquire
DATE: July 23, 2025
Re: 420 Pleasant, LLC
420 Pleasant Street
Tax Map 102/Lot 56
General Residence B (“GRB”), Historic Overlay District

Dear Chair Eldridge and Zoning Board Members:

On behalf of the Applicant, 420 Pleasant, LLC through member Jeff Semprini (“Semprini”), we are pleased to submit this memorandum and attached exhibits in support of Zoning Relief from the Portsmouth Zoning Ordinance (“PZO”) to allow slight modification of the roofline in the side yard setback to be considered by the ZBA at its August 19, 2025 meeting.

I. EXHIBITS

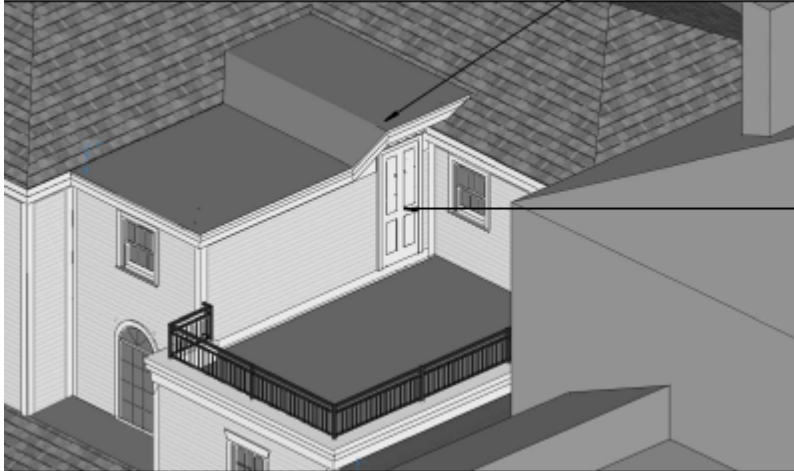
- A. Plan Set – Portsmouth Architects | McHenry Architects.
 - C1 – Cover.
 - A1 – Existing Photos
 - A2 – Existing Third Floor & Roof
 - A3 – Third Floor & Roof
 - A4 – Elevations
 - A5 – Sections
 - A6 – Perspectives
 - Appendices
- B. Tax Map 102.

II. PROPERTY/PROJECT

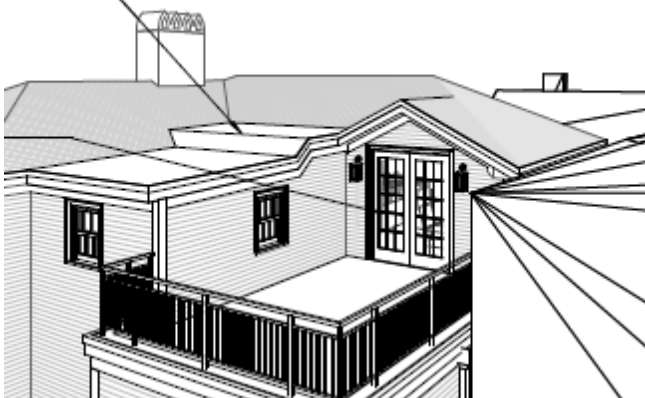
420 Pleasant Street is a 4,180-s.f. lot containing a five unit building, a portion of which is being reconstructed after fire damage (“the Property”). The reconstruction underway was undertaken pursuant to previous ZBA and Historic District Commission approvals properly extended. Semprini purchased the Property in 2025 and continued the previously approved Project which involves a reduction from five units to three and enclosure of egress stairs (“the 2021 Project”). Now well underway, the team has identified a need to relocate a deck access door from the third-floor hallway to the third-floor living space, which in turn requires a dormer to accommodate an egress door at a code-compliant height (“the 2025 Project”). The dormer represents an approximate increase of 38 s.f. but is no closer to the side lot line than previously

approved, but relief is required to accommodate expansion within the side yard. The images below provide a visual explanation. For larger scale see **Exhibit A, Sheet A-6**.

Existing egress door off hallway:



Egress door relocated to unit living space requires additional head clearance:



III. RELIEF REQUIRED

1. Portsmouth Zoning Ordinance §10.521 – Table of Dimensional Standards – To permit construction of a dormer 1 foot from the left-side lot line where 1 foot exists and 10 feet is required.
2. Portsmouth Zoning Ordinance §10.321 – Expansion of nonconforming structure – To permit a construction of a dormer 1 foot from the left-side lot line where 1 foot exists and 10 feet is required.

IV. VARIANCE REQUIREMENTS

1. The variances will not be contrary to the public interest.
2. The spirit of the ordinance is observed.

The first step in the ZBA's analysis is to determine whether granting the variances are not contrary to the public interest and are consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102 (2007) and its progeny. Upon examination, it must be determined whether granting the variances "would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives." Id. "Mere conflict with the zoning ordinance is not enough." Id.

Portsmouth Zoning Ordinance ("PZO") Section 10.121 identifies the general purposes and intent of the ordinance "to promote the health, safety and general welfare of Portsmouth...in accordance with the...Master Plan." These purposes are accomplished by regulating:

- The use of land, buildings and structures for business, industrial, residential and other purposes – The Property will continue to support a residential use in a residential zone.
- The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – Previously a five-unit residence, the 2021 Project decreases the density through reduction of the number of units to three.
- The design of facilities for vehicular access, circulation, parking and loading – No change.
- The impact on properties on of outdoor lighting, noise, vibration, stormwater runoff and flooding – The expansion of a dormer to accommodate an egress door at code-compliant height will not negatively impact abutting properties.
- The preservation and enhancement of the visual environment – The 2021 Project has enhanced the Property and the modification proposed by the 2025 Project improves safety without detracting from the visual environment.
- The preservation of historic districts and building and structures of historic architectural interest – The proposed construction was reviewed in an Historic District Commission work session and received a favorable response
- The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – No negative effect.

The intent of the GRB Zone is to "provide areas for single-family, two family and multifamily dwellings, with appropriate accessory uses, at moderate to high densities (ranging from approximately 5 to 12 dwelling units per acre), together with appropriate accessory uses and limited services." PZO §10.410 (emphasis added). The proposal thus meets the intent of the GRB Zone. It permits the improvement of a multi-unit structure consistent with the surrounding area. The slight dormer expansion to accommodate an egress door at a code compliant height

does not further encroach compared to the previously approved proposal. Given these factors, granting the requested variances will not conflict with the basic zoning objectives of the PZO.

In considering whether variances “in a marked degree conflict with the ordinance such that they violate the ordinance’s basic zoning objectives,” Malachy Glen, supra, also held:

One way to ascertain whether granting the variance would violate basic zoning objectives is to determine whether it would alter the essential character of the locality... . Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

The neighborhood is thickly settled with large historic homes sited on relatively small lots. The residential uses range from single-family homes to duplex and multi-family uses. Many of these historic homes have minimal side yard setbacks. Accordingly, this proposal, which adds a small dormer in the side yard setback is in keeping with the surrounding area. There will also be no threat to the public health, safety, or welfare by granting the requested variances, which will merely permit a height compliant egress door to serve a residential unit. Clearly, the requested variances neither alter the essential character of the locality nor threaten the public health, safety, or welfare. Accordingly, granting the variances are not contrary to the public interest and observes the spirit of ordinance.

3. Substantial justice will be done by granting the variances.

If “there is no benefit to the public that would outweigh the hardship to the applicant” this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508 (2011). That is, “any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice.” Malachy Glen, supra at 109.

Semprini is constitutionally entitled to the reasonable use of his land. For all of the reasons previously stated, it is entirely reasonable to relocate a height-compliant egress door to more directly serve the third floor unit thorough a small dormer “The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions.” N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that “no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people.” Thus, our State Constitutional

protections limit the police power of the State and its municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978).

“Property” in the constitutional sense has been interpreted to mean not the tangible property itself, *but rather the right to possess, use, enjoy and dispose of it*. Burrows v. City of Keene, 121 N.H. 590, 597 (1981). (emphasis added).

The Supreme Court has held that zoning ordinances must be reasonable, not arbitrary and must rest upon some ground of difference having fair and substantial relation to the object of the regulation. Simplex Technologies, Inc. v. Town of Newington, 145 N.H. 727, 731 (2001); Chesterfield at 69.

The requested variances allow a tasteful dormer expansion which accommodates a relocated egress door. The proposed dormer presents a minimal increase in the yard setback and has been favorably reviewed in an HDC work session. Accordingly, there is no gain to public from denial of the variances. Conversely, Semprini and subsequent tenant or resident of the affected unit will be greatly harmed by denial of any of either variance because they will be unable to have an egress door in their unit. Accordingly, substantial justice will be done by granting the variances, while a substantial injustice will be imposed upon Semprini if denied.

4. Granting the variances will not diminish surrounding property values.

The 2025 Project provides a slight increase in volume within an existing nonconforming structure in a thickly settled neighborhood with multiple nonconforming structures. The dormer is no closer to the side lot line than the existing home. Given the limited scope of the request, it is clear that granting the variances will not diminish surrounding property values.

5. Denial of the variances results in an unnecessary hardship.

a. Special conditions distinguish the property from others in the area.

The Property, at .105 acres is a small corner lot well over twice as long (112 feet) as it is wide (38 feet). The Property is developed with a large, 200-year-old, historic nonconforming structure at the front of the lot and 1 foot from the left-side lot line. Additionally, the Property is located in a densely developed historic area with many other homes that do not comply with side yard requirements. These circumstances combine to create special conditions.

- b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

The purpose of setbacks is to prevent overcrowding and overburdening of land, provide sightlines for pedestrians and motorists, ensure adequate light and air circulation, and provide sufficient area for stormwater treatment. None of these purposes are impaired by granting the requested variances. The nonconforming home already exists in the side yard and the volume related to the dormer is minimal. The dormer will not be visible from Pleasant Street and the 2025 Project does not increase building coverage or height.

Moreover, the neighborhood overall is similarly densely developed with multiple nearby parcels non-conforming for setbacks. See Walker v. City of Manchester, 107 N.H. 382, 386 (1966) (Hardship may be found where similar nonconforming uses exist within the neighborhood and the proposed use will have no adverse effect on the neighborhood). See also Belanger v. City of Nashua, 121 N.H. 389 (1981) (Variance proper where ordinance no longer reflects the current character of neighborhood). Balancing the clearly minimal effect upon neighbors against the reasonable request to provide egress directly from one of the units via a code compliant door, there is no fair and substantial relationship between the purposes of the side yard requirement and its application in this instance.

- c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigean v. Hudson, 151 N.H. 747 (2005). Residential use is permitted in the GRB Zone. The proposed dormer presents a minimal increase in volume to support an entirely reasonable code-compliant egress door.

V. CONCLUSION

For all of the reasons stated, Semprini respectfully requests that the Portsmouth Zoning Board of Adjustment grant the requested variances.

Respectfully submitted,

420 Pleasant, LLC



By: R. Timothy Phoenix
Monica F. Kieser

420 PLEASANT STREET - RECONSTRUCTION & ADDITION

ZONING BOARD OF ADJUSTMENT - AUGUST 2025
PORTSMOUTH, NEW HAMPSHIRE

- PROJECT SCOPE:
- SCOPE OF WORK TO REMAIN THE SAME FROM THE PREVIOUSLY APPROVED PROJECT:
 - MAINTAIN THE PREVIOUSLY APPROVED CONVERSION FROM A FIVE (5) UNIT RESIDENTIAL BUILDING TO A THREE (3) UNIT RESIDENTIAL BUILDING.
 - THE PURPOSE OF THE REAR ADDITION IS THE SAME AS THE PREVIOUSLY APPROVED PROJECT - TO ENCLOSE A THREE-STORY CODE COMPLIANT EGRESS STAIR.
 - THE REMOVAL SCOPE UNDER THE PREVIOUS PROJECT (LU-21-126) HAS BEEN COMPLETED – REMOVE FORMER DILAPIDATED SOUTHEAST ADDITION, BATHROOM AND REAR ENTRY VESTIBULE.
 - MODIFICATIONS FROM THE PREVIOUSLY APPROVED PROJECT INCLUDE:
 - NEW THIRD FLOOR DORMER LOCATED WITHIN THE 10 FOOT SIDE YARD SETBACK TO RELOCATE THE DECK ACCESS POINT FROM THE PREVIOUSLY APPROVED EGRESS STAIR TO THE THRID FLOOR LIVING SPACE WHILE PROVIDING CODE COMPLIANT HEAD HEIGHT AT THE DOORS TO THE DECK.

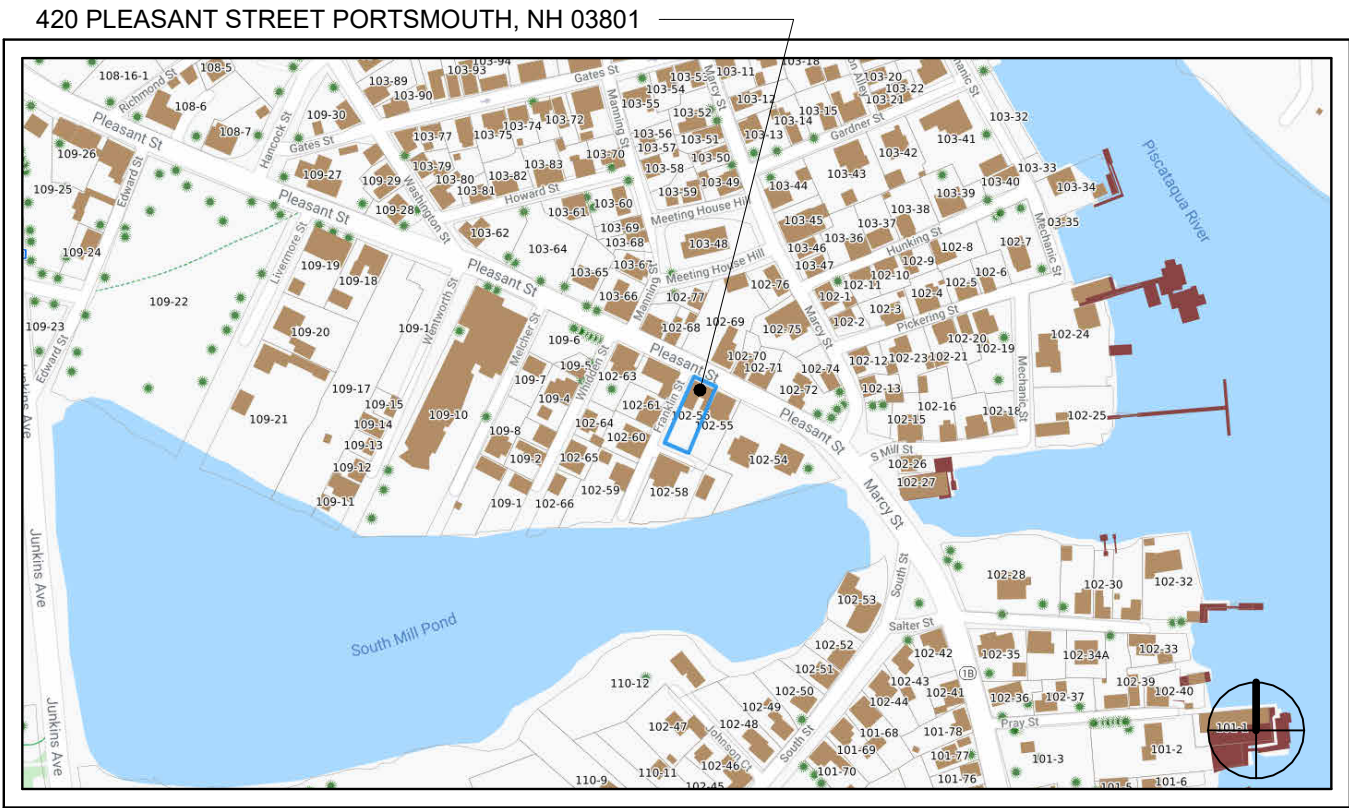
- PROJECT HISTORY:
- LU-21-126 - HISTORIC DISTRICT COMMISSION APPROVAL: 07/20/2021
 - REFER TO APPENDIX 1 ATTACHED HEREIN FOR REFERENCE
 - LU-21-126 – ZONING BOARD OF ADJUSTMENT APPROVAL: 10/04/2021
 - 1) A VARIANCE FROM SECTION 10.521 TO ALLOW A 1' LEFT SIDE YARD WHERE 10' IS REQUIRED
 - 2) A VARIANCE FROM SECTION 10.321 TO ALLOW A NONCONFORMING BUILDING OR STRUCTURE TO BE EXTENDED, RECONSTRUCTED OR ENLARGED WITHOUT CONFORMING TO THE REQUIREMENTS OF THE ORDINANCE
 - LU-21-126 - HISTORIC DISTRICT COMMISSION FIRST EXTENSION: 06/17/2022
 - LU-21-126 – ZONING BOARD OF ADJUSTMENT EXTENSION: 06/27/2023
 - LU-21-126 - HISTORIC DISTRICT COMMISSION SECOND EXTENSION: 08/09/2023
 - LU-21-126 - HISTORIC DISTRICT COMMISSION THIRD EXTENSION: 09/11/2024
 - LUHD-723 - HISTORIC DISTRICT COMMISSION ADMINISTRATIVE APPROVAL: 02/21/2024
 - REFER TO APPENDIX 1 ATTACHED HEREIN FOR REFERENCE
 - DEMO-24-23 – DEMOLITION PERMIT ISSUED: 09/25/2024 - COMPLETED: 02/24/2025
 - BLDG-24-525 – BUILDING PERMIT ISSUED: 01/17/2025
 - BUILDING FIRE – 02/06/2025
 - PROPERTY LISTED FOR SALE AND CLOSED ON 05/08/2025

BUILDING HISTORY:

JAMES HILL BUILT THE HOUSE LOCATED ON THE CORNER OF PLEASANT STREET AND COTTER 'S LANE (FRANKLIN STREET) AT 420 PLEASANT STREET A MERE TWO YEARS BEFORE HIS EARLY AND UNTIMELY DEATH IN 1814. AT THAT TIME THE HOUSE WAS SPLIT INTO MULTIPLE UNITS AND THE REAR ELL TO THE SOUTH WAS ADDED FOR HIS WIDOW, MARY HILL, TO LIVE IN AS HER DOWER. AFTER THAT IT WAS PURCHASED BY THOMAS SHAW (SHAW 'S WHARF AT PRESCOTT PARK) AND HAS BEEN AN ACTIVE MULTI-FAMILY BUILDING FOR OVER 200 YEARS SINCE THEN. THE BUILDING WAS RECENTLY SUBJECTED TO A FIRE ON FEBRUARY 6TH 2025 WHICH HAS LED THE PREVIOUS OWNER TO SELL THE PROPERTY TO THE CURRENT OWNER.

SHEET LIST - ZBA	
Sheet Number	Sheet Name
GENERAL INFORMATION	
C-1	COVER
ARCHITECTURAL DRAWINGS	
A-1	EXISTING PHOTOS
A-2	EXISTING THIRD FLOOR & ROOF PLAN
A-3	THIRD FLOOR AND ROOF PLAN
A-4	ELEVATIONS
A-5	SECTIONS THROUGH ROOF
A-6	PERSPECTIVES OF ROOF ACCESS
APPENDIX	
APPENDIX 01	ORIGINAL ZONING BOARD OF ADJUSTMENT APPLICATION PACKAGE - 09/21/2021
APPENDIX 02	ORIGINAL ZONING BOARD OF ADJUSTMENT APPLICATION LETTER OF DECISION - 10/04/2021

EXHIBIT A



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RECONSTRUCTION & ADDITION

420 PLEASANT STREET
PORTSMOUTH, NEW HAMPSHIRE 03801

COVER

ZONING BOARD OF ADJUSTMENT

4 Market Street
Portsmouth, New Hampshire
603.430.0274

brought to you by
McHENRY ARCHITECTURE



C-1

07/22/2025
PA: RD / MG
Project Number: 25042
NOT TO SCALE



VIEW FROM PLEASANT STREET



ENTRY ON PLEASANT STREET



VIEW FROM PLEASANT STREET



VIEW FROM INTERSECTION OF PLEASANT STREET AND FRANKLIN STREET



REAR OF BUILDING FROM FRANKLIN STREET



REMAINDER OF BURNED SOUTHEAST ADDITION

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RECONSTRUCTION & ADDITION

420 PLEASANT STREET
PORTSMOUTH, NEW HAMPSHIRE 03801

EXISTING PHOTOS

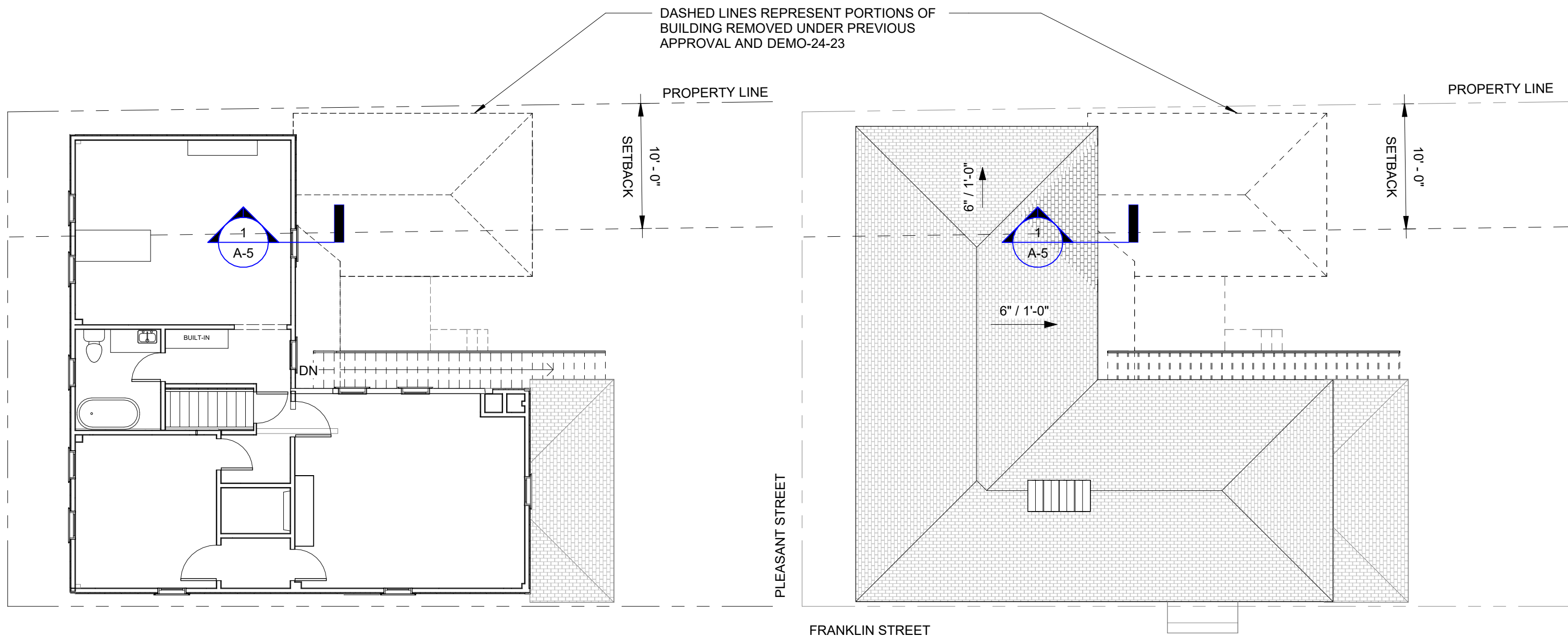
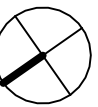
ZONING BOARD OF ADJUSTMENT

4 Market Street
Portsmouth, New Hampshire
603.430.0274
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A-1

07/22/2025
PA: RD / MG
Project Number: 25042
NOT TO SCALE



1 EXISTING THIRD FLOOR PLAN
1/8" = 1'-0"

2 EXISTING ROOF PLAN
1/8" = 1'-0"

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RECONSTRUCTION & ADDITION
420 PLEASANT STREET
PORTSMOUTH, NEW HAMPSHIRE 03801

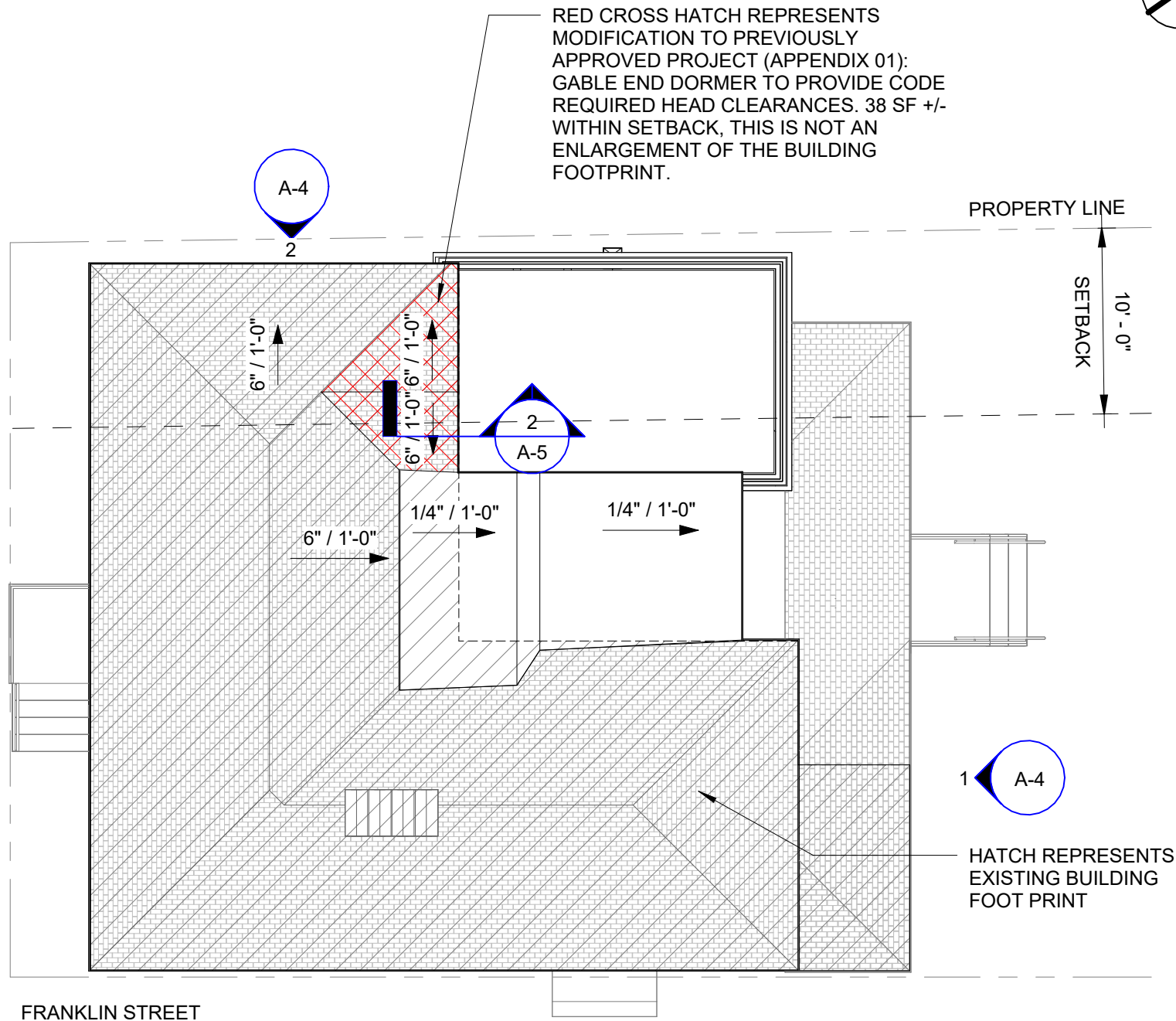
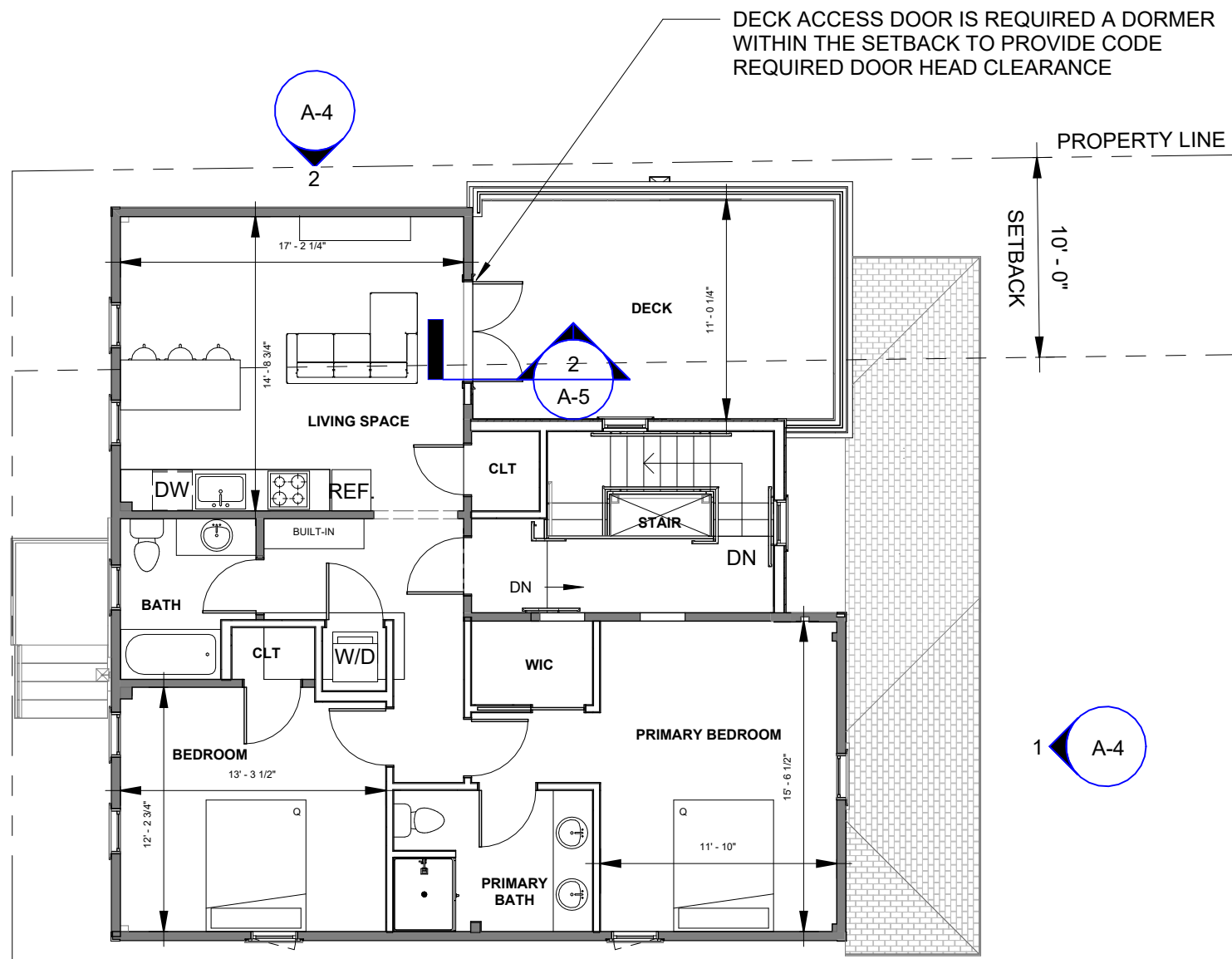
EXISTING THIRD FLOOR & ROOF PLAN
ZONING BOARD OF ADJUSTMENT

4 Market Street
Portsmouth, New Hampshire
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A-2

07/22/2025
PA: RD / MG
Project Number: 25042
Scale: 1/8" = 1'-0"



1 PROPOSED THIRD FLOOR PLAN
1/8" = 1'-0"

2 PROPOSED ROOF PLAN
1/8" = 1'-0"

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RECONSTRUCTION & ADDITION
420 PLEASANT STREET
PORTSMOUTH, NEW HAMPSHIRE 03801

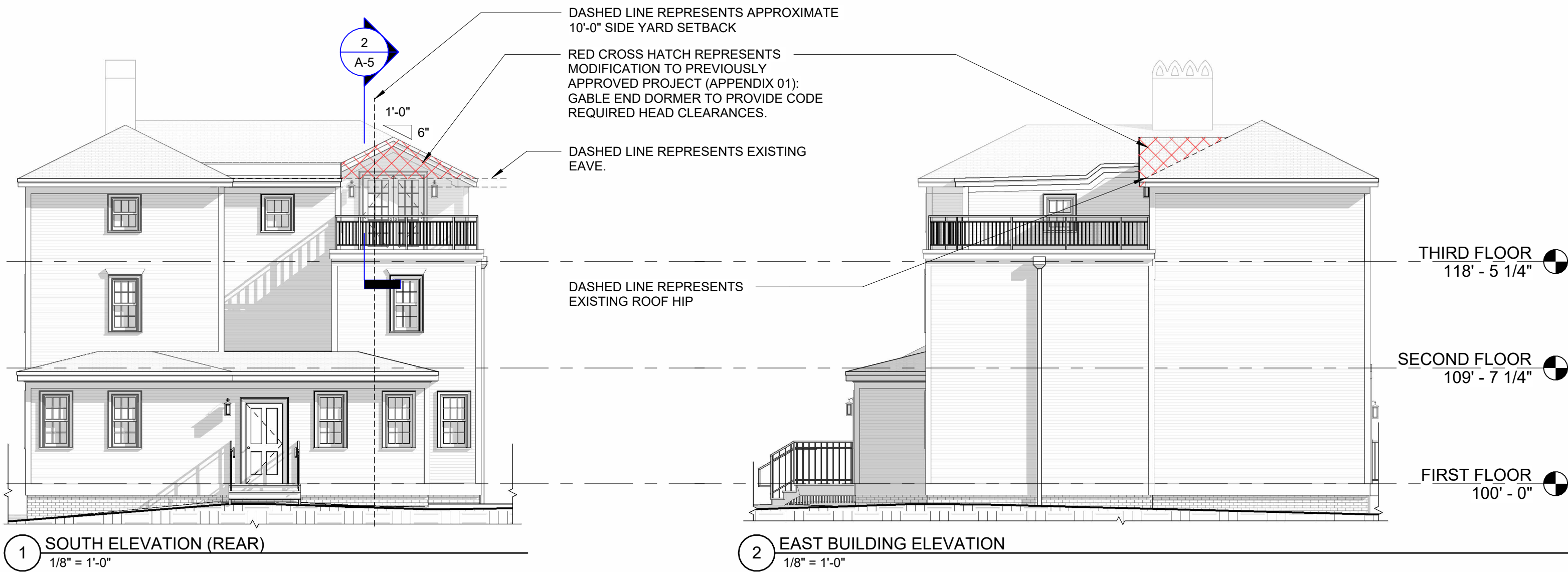
THIRD FLOOR AND ROOF PLAN
ZONING BOARD OF ADJUSTMENT

4 Market Street
Portsmouth, New Hampshire
603.430.0274
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A-3

07/22/2025
PA: RD / MG
Project Number: 25042
Scale: 1/8" = 1'-0"



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RECONSTRUCTION & ADDITION
420 PLEASANT STREET
PORTSMOUTH, NEW HAMPSHIRE 03801

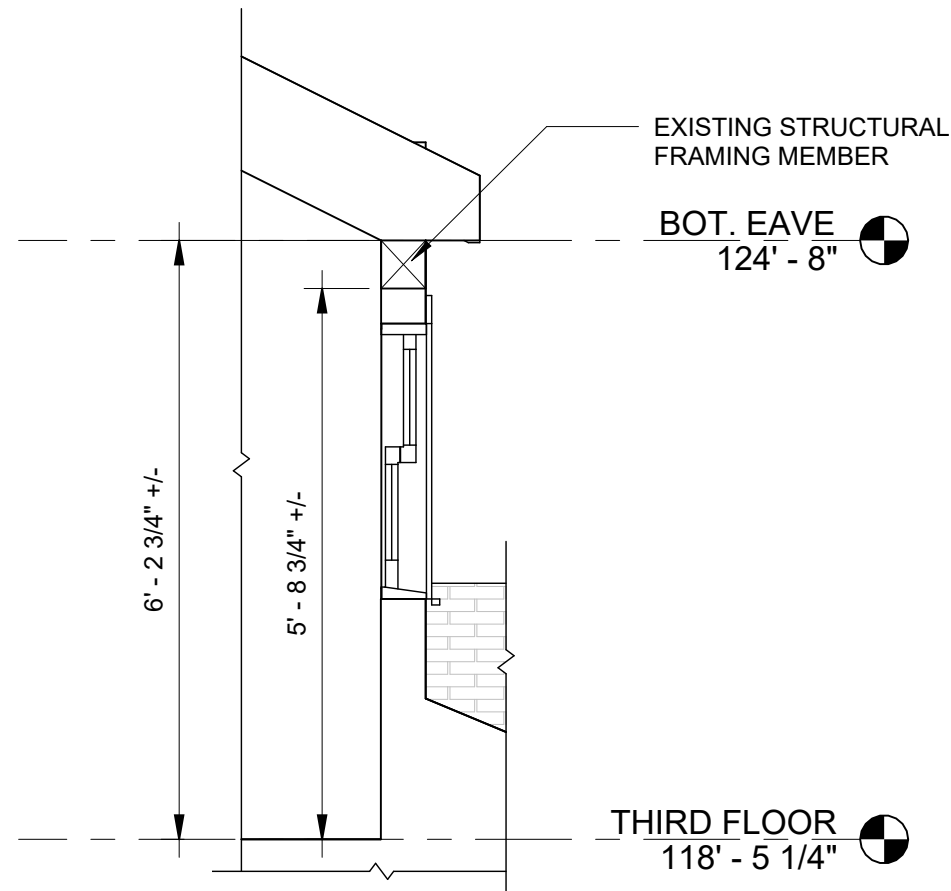
ELEVATIONS
ZONING BOARD OF ADJUSTMENT

4 Market Street
Portsmouth, New Hampshire
603.430.0274
brought to you by
McHENRY ARCHITECTURE

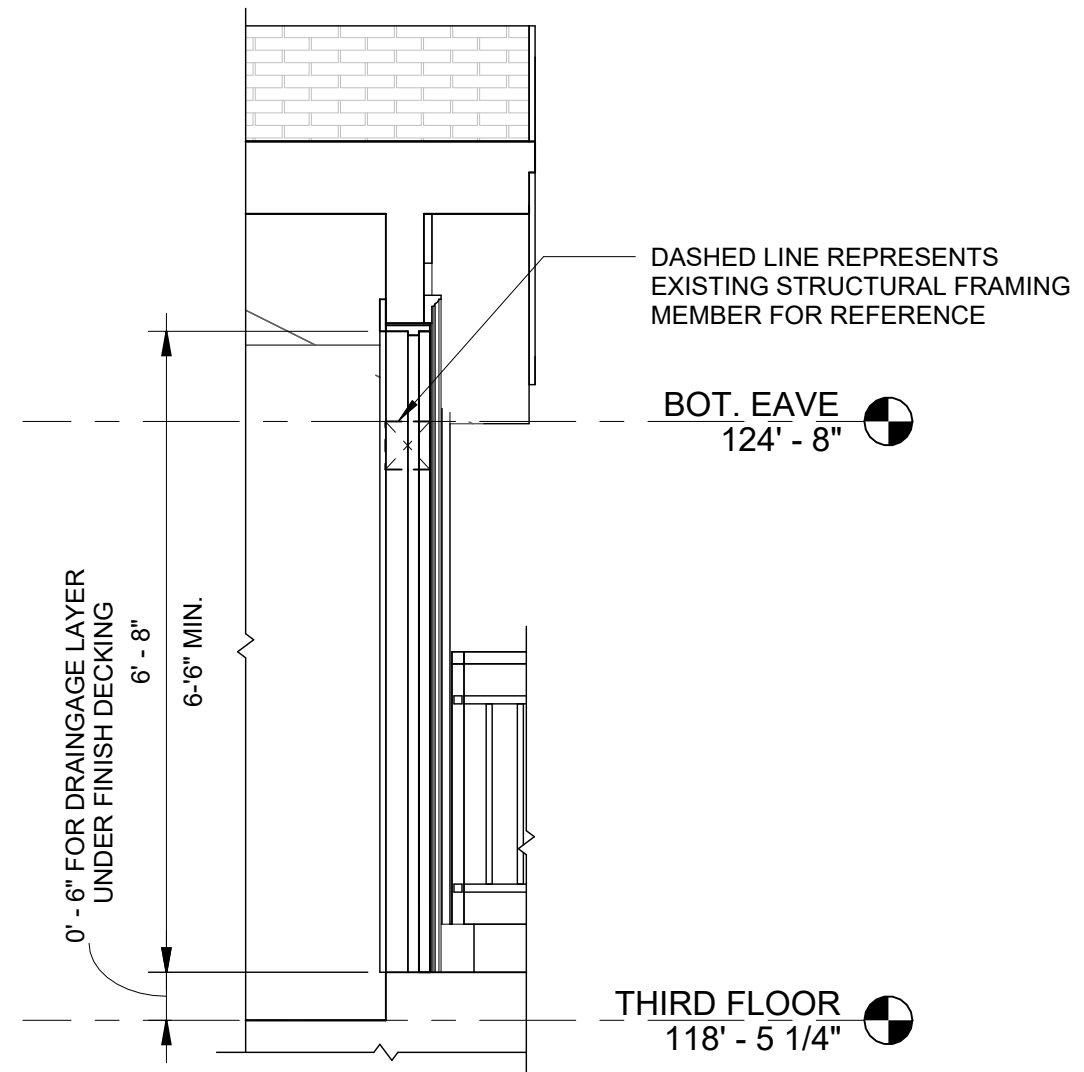


A-4

07/22/2025
PA: RD / MG
Project Number: 25042
AS INDICATED



1 SECTION THROUGH EXISTING/PREVIOUSLY APPROVED HIPPED ROOF EAVE
1/2" = 1'-0"



2 SECTION THROUGH PROPOSED DORMER
1/2" = 1'-0"

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RECONSTRUCTION & ADDITION

420 PLEASANT STREET
PORTSMOUTH, NEW HAMPSHIRE 03801

SECTIONS THROUGH ROOF

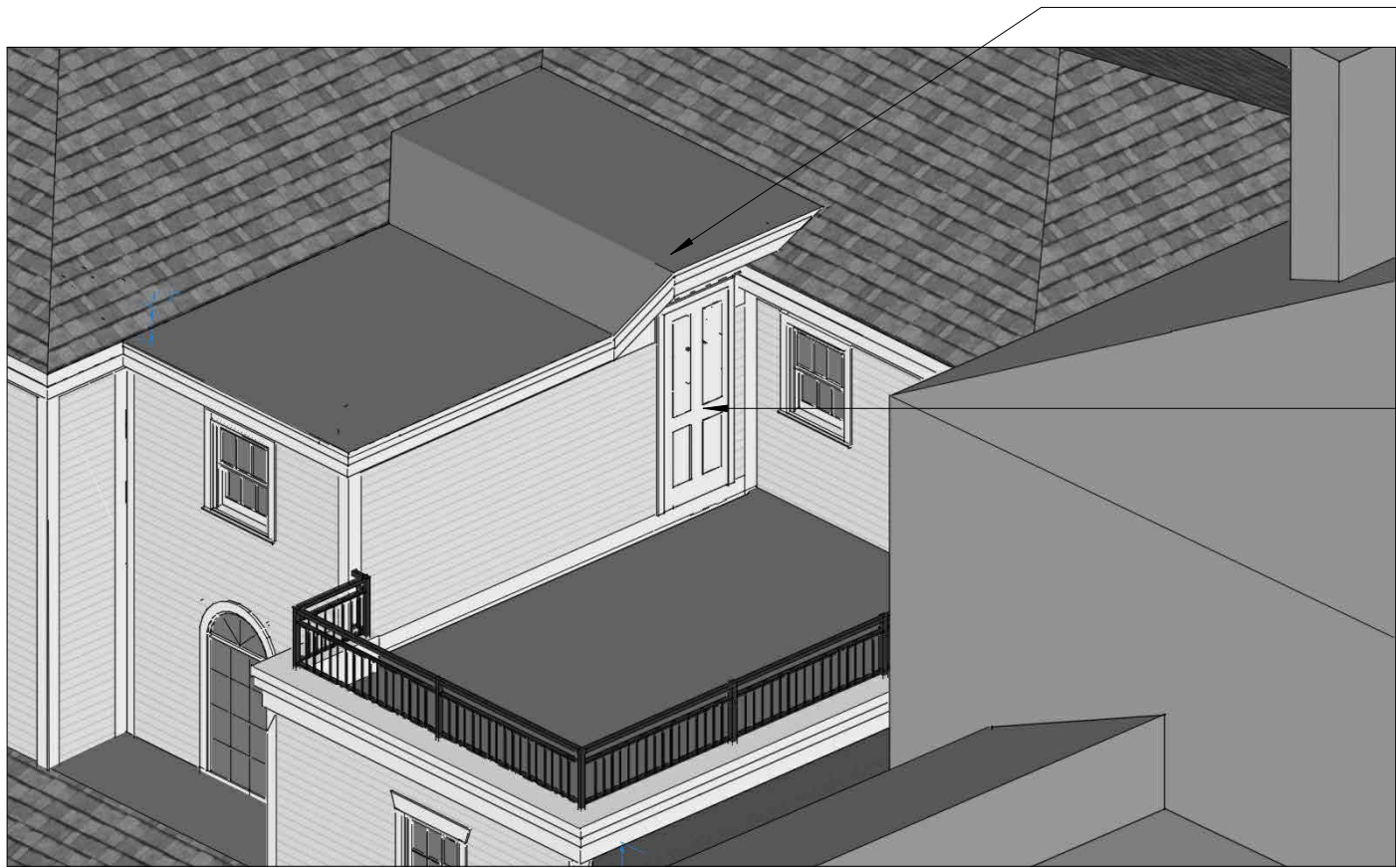
ZONING BOARD OF ADJUSTMENT

4 Market Street
Portsmouth, New Hampshire
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A-5

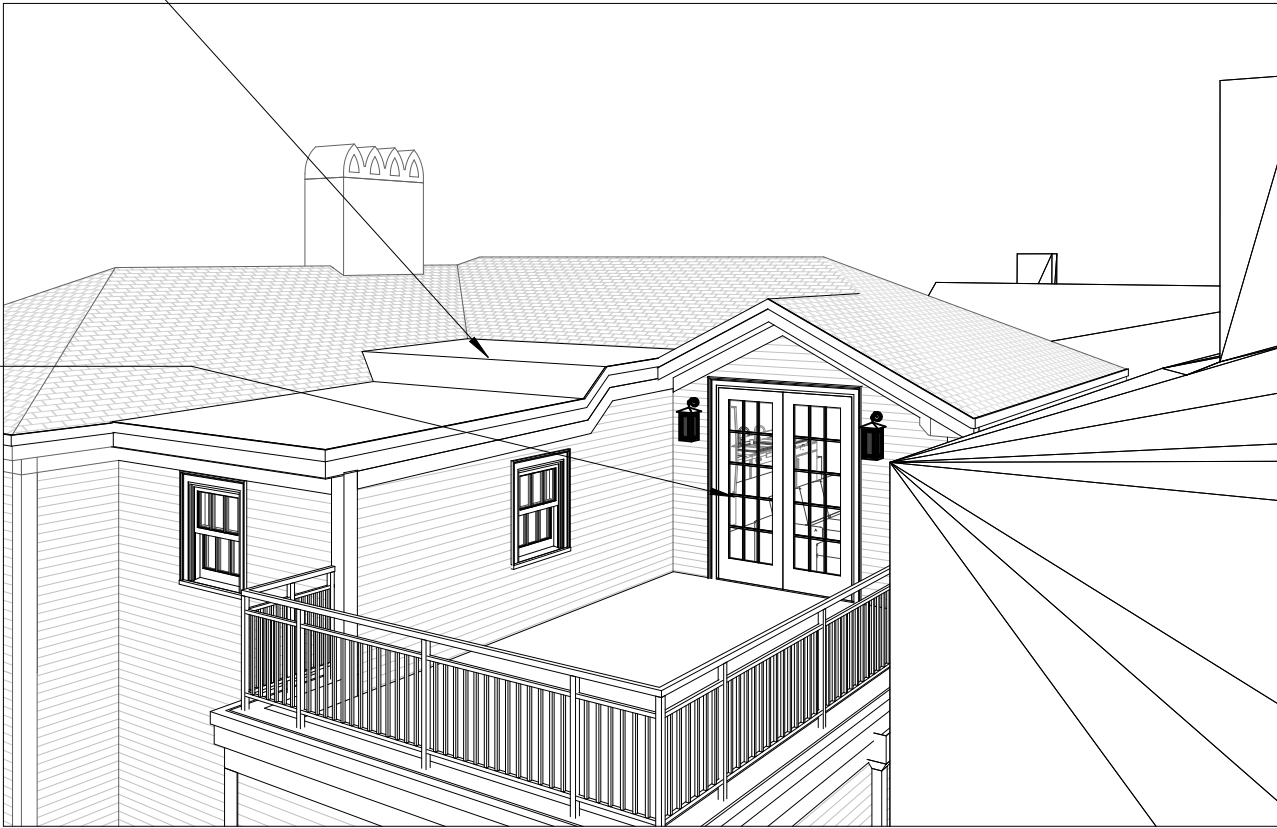
07/22/2025
PA: RD / MG
Project Number: 25042
Scale: 1/2" = 1'-0"



PERSPECTIVE OF PREVIOUSLY APPROVED ROOF

EGRESS STAIR ENCLOSURE
FORM TO REMAIN AS
PREVIOUSLY APPROVED

RELOCATION OF DECK
ACCESS FROM EGRESS
STAIR TO OFF LIVING
SPACE REQUIRING A
DORMER TO PROVIDE
CODE REQUIRED HEAD
CLEARANCES.



PERSPECTIVE OF PROPOSED ROOF ACCESS

NOTE: THIS DORMER HAS BEEN REVIEWED WITH THE HISTORIC DISTRICT COMMISSION THROUGH THE WORK SESSION PROCESS. BOARD MEMBERS HAVE INDICATED THIS IS THE PREFERRED OPTION TO PROVIDE DECK ACCESS OFF OF THE THIRD FLOOR LIVING SPACE RATHER THAN THE STAIR

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RECONSTRUCTION & ADDITION

420 PLEASANT STREET
PORTSMOUTH, NEW HAMPSHIRE 03801

PERSPECTIVES OF ROOF ACCESS

ZONING BOARD OF ADJUSTMENT

4 Market Street
Portsmouth, New Hampshire
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A-6

07/22/2025
PA: RD / MG
Project Number: 25042
Scale:

START OF APPENDICES

420 Pleasant Street

Previous application, plans, and notice of decision.

420 PLEASANT STREET – PETITION FOR RELIEF

Date: 09/21/2021

To: The City of Portsmouth Planning Department –
Zoning Board of Adjustment

Subject: 420 Pleasant Street – Petition for Relief

Building History

James Hill built the house located on the corner of Pleasant Street and Cotter's Lane (Franklin Street) at 420 Pleasant Street a mere two years before his early and untimely death in 1814. At that time the house was split into multiple units and the rear ell to the south was added for his widow, Mary Hill, to live in as her dower. After that it was purchased by Thomas Shaw (*Shaw's Wharf at Prescott Park*) and has been an active multi-family building for over 200 years since then. Today this owner-occupied building houses five modest sized apartments.

Project Purpose

There are three main purposes driving the proposed project at 420 Pleasant Street.

1. The owner, Mr. Charles Neal, would like to decrease the unit count in the building from five units down to three so that he can increase the overall square footage of his own unit. When the project is complete he will occupy the entire first floor and half of the second floor. There will be a rental unit in the other half of the second floor and a third unit on the top floor. The top floor unit will be the only one with access to the roof deck.
2. The rear ell of the building is structurally deficient, with no proper foundation, and a severely rotten wooden sill that sits directly on the ground. This condition has been deteriorating for a while and is in desperate need of replacement. When the project is complete there will a reconstructed ell built in its place that is 6" narrower than the existing ell to be located 1'-0" away from the adjacent property line.



Middle photo shows the rear ell visibly leaning to the south. Outer photos show the area where the most significant sill rotting has occurred.

3. A *Fire and Life Safety Inspection* was performed on the building by the Portsmouth Fire Department in 2015. There were some deficiencies detected during this inspection that were identified as needing to be brought into compliance with current building and life safety codes. A code compliant and fire rated stair enclosure was identified as being required. The existing interior stair was determined to be too complex and costly to properly fire rate, and space did not allow for modern day tread depths and riser heights. A new infill stair enclosure was designed to meet all codes and provide access to the remaining three units.

Project Scope

The following items are the major priorities for the project:

- Convert a five unit multi-family apartment building to a three unit building
- Remove existing rear entry vestibule and bathroom
- Replace southeast ell addition – Footprint will be reduced by 6" width to the southeast to locate edge of building 12" from the side yard property line where 6" currently exists. Reconstructed ell will sit atop a proper frost wall.
- Add three story code compliant and fire rated egress stair enclosure
- Add rear entry porch

Variance Criteria

1. The variance is not contrary to the public interest.
2. The spirit of the ordinance is observed.
 - o Rear ell addition is similar in use and size to the existing ell that has existed on site for 200+ years
 - o Infill egress stair is modestly sized with appropriate aesthetics as evidenced by July 2021 HDC
 - o Similar size and siting as other additions in the immediate neighborhood
 - o New construction is close together with other adjacent properties, but that is an existing long-term condition that is being slightly improved with this reconstructed addition
 - o Project support has been exhibited by multiple rear yard neighbors
3. Substantial justice is done.
 - o The applicant, and the most effected side yard neighbor, will end up with a much safer building condition than what currently exists
 - o Reconstructing an existing building is a very reasonable request and putting it on a proper foundation located an additional 6" from the property line that what currently exists is a benefit for everyone
 - o The proposed ell reconstruction and egress stair infill greatly benefit the applicant while at the same time great no perceived harm to the public. The proposed construction is well off the public way and only creates a safer condition for all that surround it
4. The values of surrounding properties are not diminished.
 - o This project proposes to decrease the intensity of use of the property while at the same time it creates a better looking and more structurally sound building – this will certainly increase the value of surrounding properties rather than diminish
5. Literal enforcement of the ordinance would result in unnecessary hardship. Unnecessary hardship means:
 - Because of special conditions of the property that distinguish it from other properties in the area:
 - a. There is no fair and substantial relationship between the general public purpose of the ordinance provision and the specific application of that provision to the property; and
 - b. The proposed use is a reasonable one.

Alternatively, unnecessary hardship means that, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance.

- o Corner lot with a 200+ year old building sited very far forward and to the southeast (6" away from side yard property line)
- o Existing building ell was constructed without any proper foundation therefore exposing its wooden sill to significant deterioration due to its direct contact with the ground
- o Existing building's extreme close proximity to adjacent neighboring building makes for difficult maintenance and upkeep and further exacerbates aforementioned rot and deterioration
- o Existing interior stairs are not able to easily be modified to meet current fire and building codes to satisfy the fire departments upgrade requirements

420 PLEASANT STREET - ADDITION AND RENOVATIONS

ZONING BOARD OF ADJUSTMENT - SEPTEMBER 2021, PORTSMOUTH, NEW HAMPSHIRE

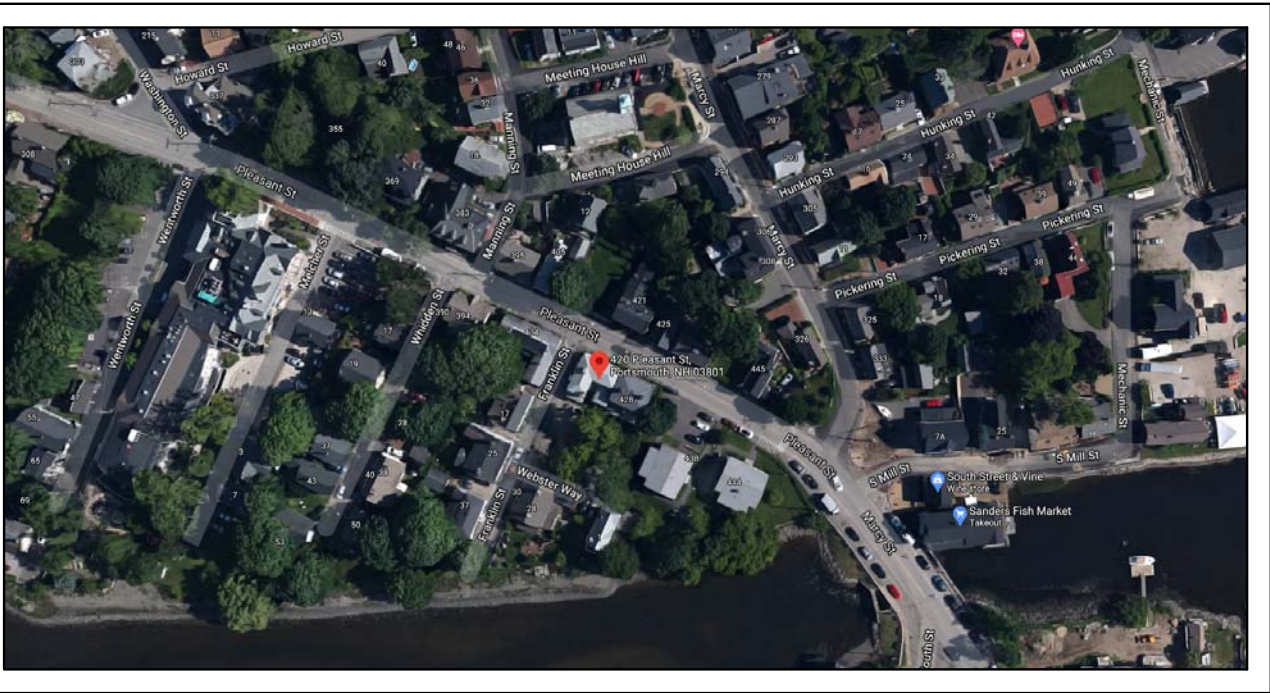
GENERAL PROJECT DESCRIPTION (GENERAL RESIDENCE DISTRICT B (GRB)):

PROPOSED WORK:

- HDC APPROVAL: JULY 2021
- CONVERT FROM A FIVE (5) UNIT RESIDENTIAL BUILDING TO A THREE (3) UNIT RESIDENTIAL BUILDING
- REMOVAL OF EXISTING REAR ENTRY VESTIBULE AND BATHROOM
- REPLACEMENT OF SOUTHEAST ADDITION INCORPORATING A THIRD FLOOR ROOF DECK,
- REPLACEMENT TO MAINTAIN A SLIGHTLY SMALLER FOOTPRINT COMPARED TO THE EXISTING BUILDING
- ADDITION OF A THREE STORY CODE COMPLIANT EGRESS STAIR ENCLOSURE AT REAR OF BUILDING
- ADDITION OF REAR ENTRY PORCH

SHEET LIST	
Sheet Number	Sheet Name

PFR	PETITION FOR RELIEF
C	COVER
C1	SITE PLAN FOR 428 PLEASANT STREET
A1	SITE PLAN AND CRITERIA
A2	EXISTING PHOTOS
A3	CONTEXT PHOTOS
A4	CONTEXT PHOTOS
A5	EXISTING FLOOR PLANS
A6	PROPOSED FLOOR PLANS
A7	PERSPECTIVES



420 PLEASANT STREET PORTSMOUTH, NH 03801



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420 PLEASANT ST. RENOVATIONS

420 PLEASANT STREET
PORTSMOUTH, NH 03801



ZONING BOARD OF ADJUSTMENT - SEPTEMBER 2021

COVER

McHENRY ARCHITECTURE

4 Market Street

Portsmouth, New Hampshire

C

09/21/2021

McHA: RD / JJ

NOT TO SCALE

DRILL HOLE FOUND
FRONT CENTER FACE
OF 12"x12" GRANITE POST
45" HIGH

Granite Curb (Typ.)

PLEASANT STREET

DRILL HOLE
SET IN GRANITE
CURBING

PROPOSED
STAIRS

8"x9" GRANITE POST
FOUND 46" HIGH

S48°48'11"E 40.00'

EXISTING (4) DWELLING UNITS
TO BE REDUCED TO (3), (ONE PER
FLOOR), STORAGE IN BASEMENT
(950 SQ. FT.)

Zoning Setback (Typ.)

N/F
PORTSMOUTH HOUSING AUTHORITY
TAX MAP 102 LOT 54
R.C.R.D. BOOK 1621 PAGE 43

(3) STORY ADDITION AFTER
DEMOLITION OF 'REAR' STRUCTURE
(600 SQ. FT.)

(3), 2' x 2' A/C CONDENSER UNITS

0.3' Existing

2.9' Proposed

3.2' Existing

8.2' Proposed

S42°19'14"W 110.05' (Dead ~ 120'±)

N/F
KARL M. & GALE A. BELLAH, TRUSTEES
THE KARL M. BELLAH REV. TRUST (50%)
THE DALE A. BELLAH REV. TRUST (50%)
TAX MAP 102 LOT 55
R.C.R.D. BOOK 4883 PAGE 93

TAX MAP 102
LOT 55
4,180 Sq. Ft.
0.10 Ac.

PROPOSED 3' WIDE
WALKWAYS (310 Sq. Ft.)

PROPOSED GRASS GRID SYSTEM
25.5' x 40.0', (6) C/S PARKING SPACES
(1,020 SQ. FT.)

Chainlink Fence (Typical)

5/8" IRON ROD
W/ CAP #829
SET 4" HIGH

IRON ROD W/ CAP
FOUND 1" HIGH

IRON ROD W/CAP
FOUND 1" HIGH

Approximate Abutter's Boundary
(SEE NOTE #4)

N/F
NATALIE L. WEBSTER, TRUSTEE
NATALIE L. WEBSTER TRUST
TAX MAP 102 LOT 57
R.C.R.D. BOOK 3343 PAGE 154

Stone Wall (Typ.)

WEBSTER WAY
FORMERLY "FRANKLIN AVENUE"
(SEE NOTE #5)

Existing Building
#28 #30
N/F
WILLIAM D. & BARBARA REINER
TAX MAP 102 LOT 58
R.C.R.D. BOOK 2470 PAGE 1940

Existing Building
#1

GRAPHIC SCALE

(IN FEET)
1 inch = 10 ft.

ZONE DATA PER CITY OF PORTSMOUTH, NEW HAMPSHIRE,
ZONING ORDINANCE, AMENDED THROUGH JANUARY 22, 2013:

BASE ZONE: GENERAL RESIDENCE B (GRB)
OVERLAY DISTRICT: HISTORIC DISTRICT A

MINIMUM LOT DIMENSIONS:
LOT SIZE: 5,000 Sq. Ft.
LOT AREA PER DWELLING: 5,000 Sq. Ft.
STREET FRONTAGE: 80 Feet
MINIMUM YARD DIMENSIONS:
FRONT: 5 Feet
SIDE: 10 Feet
REAR: 25 Feet
MAXIMUM STRUCTURE DIMENSIONS:
STRUCTURE HEIGHT: 35 Feet
ROOF APPURTENANCE HEIGHT: 8 Feet
BUILDING COVERAGE: 30%
MINIMUM OPEN SPACE: 25%

NOTE: LOT APPEARS TO BE NON-CONFORMING UNDER
CURRENT DIMENSIONAL REQUIREMENTS. OTHER DIMENSIONAL
REQUIREMENTS MAY APPLY. CONTACT THE CITY OF
PORTSMOUTH FOR CURRENT DIMENSIONAL REQUIREMENTS PRIOR
TO DESIGN OR CONSTRUCTION.



NOTES:

- OWNERS OF RECORD:
TAX MAP 102 LOT 55
ARTHUR ARGEREW
R.C.R.D. BOOK 1053 PAGE 480
DATED MAY 27, 1946

CURRENT OWNER PER ASSESSMENT
RECORD IS CLYDE P. ARGEREW
PER PROBATE
- TOTAL EXISTING PARCEL AREA:
TAX MAP 102 LOT 55
4,180 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.
- DEED AT BOOK 1053 PAGE 480 DESCRIBES THE SOUTHWESTERLY BOUNDARY AS "...BY A PASSAGE WAY OR ALLEY FORMERLY KNOWN AS FRANKLIN AVENUE." THE EXISTING ROAD IS NOW KNOWN AS WEBSTER WAY. FURTHERMORE, CURRENT DEEDS DO NOT DESCRIBE A WIDTH OF SAID WAY. HOWEVER, ANCIENT DEEDS DESCRIBE A LANE BEING 18 FEET WIDE. SEE R.C.R.D. BOOK 222 PAGE 421. BASED ON THIS INFORMATION A WIDTH OF 18 FEET WAS HELD AS SHOWN HEREON.
- THE RIGHT OF WAY FOR PLEASANT STREET WAS DETERMINED FROM PHYSICAL EVIDENCE FOUND, THE EXISTING TRAVELED WAY AND PRIOR SURVEYS OF RECORD.
- EASEMENTS OR OTHER UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.

PLAN REFERENCES:

- "BOUNDARY PLAN, PORTSMOUTH HOUSING AUTHORITY, TAX MAP U-2 / LOT 54, 444 PLEASANT STREET, PORTSMOUTH, NEW HAMPSHIRE", PREPARED BY CLD CONSULTING ENGINEERS, DATED FEBRUARY 2000.
- "PROPERTY LINE MAP, SITE 'b', PORTSMOUTH HOUSING AUTHORITY, PORTSMOUTH, ROCKINGHAM COUNTY, NEW HAMPSHIRE", PREPARED BY WRIGHT & PIERCE, DATED DEC. 8, 1961 AND RECORDED AT THE R.C.R.D. AS PLAN No. 03310.
- "STATE OF NEW HAMPSHIRE, DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS, PROJECT No. BRW-M-5379(009), N.H. PROJECT No. C-2441, MARCY STREET", RECORDED AT THE R.C.R.D. AS PLAN SHEET 2 OF 2 D-12904.
- "STANDARD PROPERTY SURVEY FOR PROPERTY AT 428 PLEASANT STREET, PORTSMOUTH, ROCKINGHAM COUNTY, NEW HAMPSHIRE, OWNED BY ESTATE OF ARTHUR A. ARGEREW", PREPARED BY NORTH EASTERLY SURVEYING INC., DATED 1/22/13, PROJECT No. 12775.

COVERAGE CALCULATION:

EXISTING LOT AREA:	4,180 Sq. Ft.
EXISTING BUILDING COVERAGE:	1,560 Sq. Ft. (37.3% Coverage)
PROPOSED BUILDING COVERAGE:	1,560 Sq. Ft. (37.3% Coverage)

OPEN SPACE CALCULATION:

EXISTING LOT AREA:	4,180 Sq. Ft.
PROPOSED BUILDING:	1,560 Sq. Ft.
PROPOSED PARKING:	1,020 Sq. Ft. (Proposed Grass Grid System)
PROPOSED WALKWAYS:	310 Sq. Ft.
TOTAL NON-OPEN SPACE:	2,890 Sq. Ft.
TOTAL OPEN SPACE:	1,290 Sq. Ft. = 30.9%

PROPOSED SITE PLAN

FOR PROPERTY AT
428 Pleasant Street
Portsmouth, Rockingham County, New Hampshire

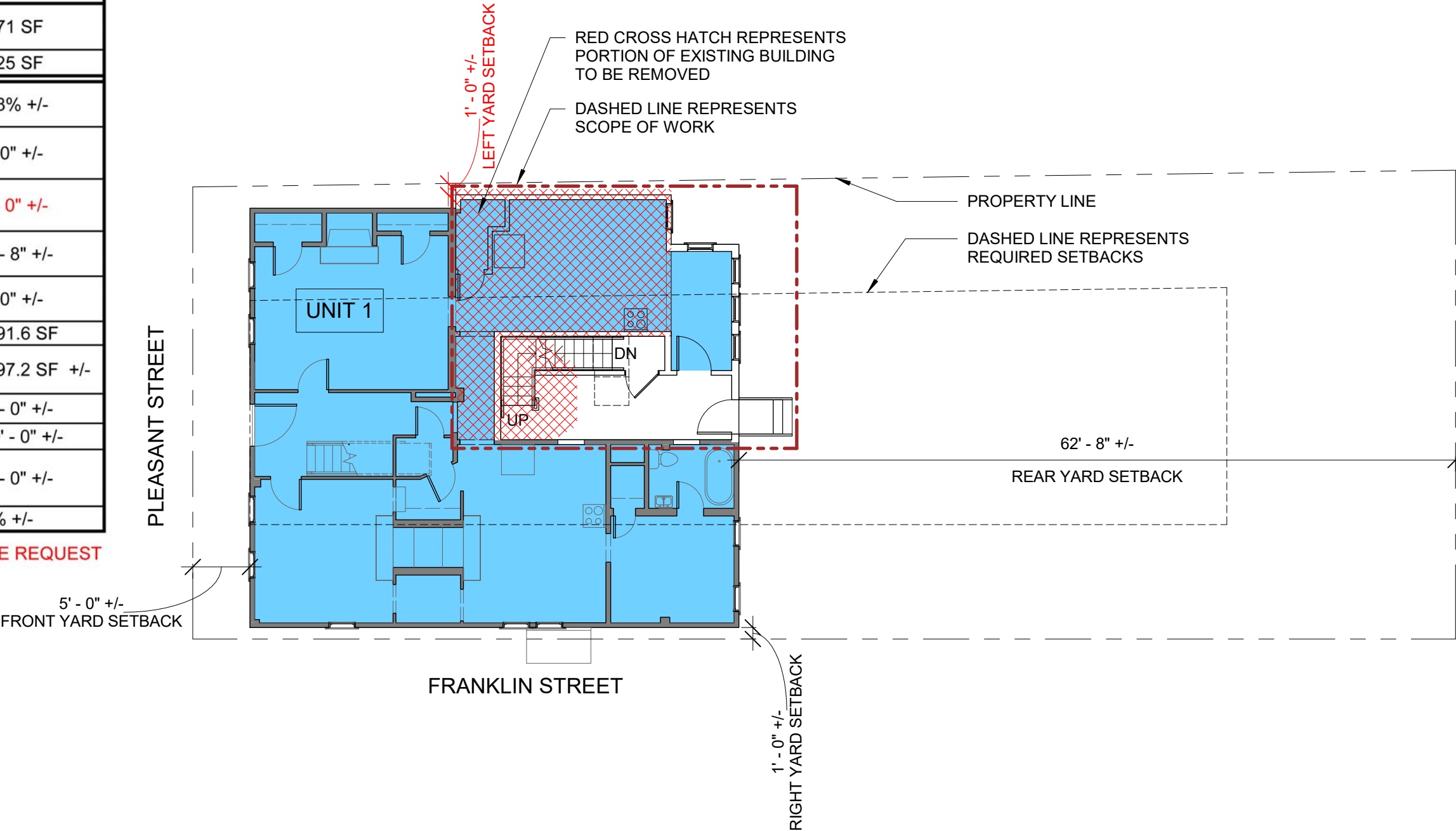
OWNED BY
Estate of Arthur A. Argereow
c/o Clyde P. Argereow & Kimberly Argereow
54 Chestnut Pond Rd., Epsom, NH 03234

North
W
EASTERLY
SURVEYING, Inc.

SURVEYORS IN N.H. & MAINE
(207) 439-8383
191 STATE ROAD, SUITE #1
KITTERY, MAINE 03904

DIMENSIONAL CRITERIA			
GENERAL RESIDENCE DISTRICT B			
	REQUIRED	EXISTING	PROPOSED
BUILDING FOOTPRINT		1,400 SF	1,571 SF
GROSS BUILDING		3,609 SF	4,025 SF
BUILDING COVERAGE	35%	29.2% +/-	32.8% +/-
RIGHT SIDE YARD SETBACK	10' - 0"	1' - 0" +/-	1' - 0" +/-
LEFT SIDE YARD SETBACK	10' - 0"	0' - 6" +/-	1' - 0" +/-
REAR YARD SETBACK	20' - 0"	62' - 8" +/-	62' - 8" +/-
FRONT YARD SETBACK	5' - 0"	5' - 0" +/-	5' - 0" +/-
LOT SIZE	5,000 SF	4,791.6 SF	4,791.6 SF
LOT AREA PER DWELLING UNIT	5,000 SF	958.3 SF +/-	1,597.2 SF +/-
LOT FRONTAGE	80' - 0"	38' - 0" +/-	38' - 0" +/-
LOT DEPTH	60' - 0"	110' - 0" +/-	110' - 0" +/-
BUILDING HEIGHT (SLOPED)	35' - 0"	29' - 0" +/-	29' - 0" +/-
OPEN SPACE	25%	61% +/-	52% +/-

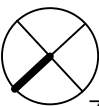
RED INDICATES VARIANCE REQUEST



1 ARCHITECTURAL SITE PLAN
3/32" = 1'-0"

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420 PLEASANT ST. RENOVATIONS
420 PLEASANT STREET
PORTSMOUTH, NH 03801



SITE PLAN AND CRITERIA
ZONING BOARD OF ADJUSTMENT - SEPTEMBER 2021

McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire

A1

09/21/2021
McHA: RD / JJ
AS INDICATED



VIEW DOWN FRANKLIN STREET



VIEW FROM 420 PLEASANT STREET PARKING LOT



VIEW OF EXISTING SOUTHEAST ADDITION



ENTRY ON PLEASANT STREET



REAR OF BUILDING FROM FRANKLIN STREET



EXISTING REAR ENTRY

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420 PLEASANT STREET
PORTSMOUTH, NH 03801

EXISTING PHOTOS
ZONING BOARD OF ADJUSTMENT - SEPTEMBER 2021

McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire

A2

09/21/2021
McHA: RD / JJ
NOT TO SCALE



APPROACH ON PLEASANT STREET FROM DOWNTOWN (1)



APPROACH ON PLEASANT STREET FROM DOWNTOWN (2)



APPROACH ON PLEASANT STREET FROM DOWNTOWN (3)



APPROACH ON PLEASANT STREET FROM SANDERS FISH MARKET (1)



APPROACH ON PLEASANT STREET FROM SANDERS FISH MARKET (2)



APPROACH ON PLEASANT STREET FROM SANDERS FISH MARKET (3)

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420 PLEASANT STREET
PORTSMOUTH, NH 03801

CONTEXT PHOTOS

ZONING BOARD OF ADJUSTMENT - SEPTEMBER 2021

McHENRY ARCHITECTURE

4 Market Street

Portsmouth, New Hampshire

A3

09/21/2021
McHA: RD / JJ
NOT TO SCALE



APPROACH FROM FRANKLIN STREET (1)



APPROACH FROM FRANKLIN STREET (2)



APPROACH FROM SANDERS FISH MARKET (PLEASANT STREET)



FRANKLIN STREET



APPROACH ON PLEASANT STREET FROM DOWNTOWN (1)



APPROACH ON PLEASANT STREET FROM DOWNTOWN (2)

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420 PLEASANT ST. RENOVATIONS

420 PLEASANT STREET
PORTSMOUTH, NH 03801

CONTEXT PHOTOS

ZONING BOARD OF ADJUSTMENT - SEPTEMBER 2021

McHENRY ARCHITECTURE

4 Market Street

Portsmouth, New Hampshire

A4

09/21/2021

McHA: RD / JJ

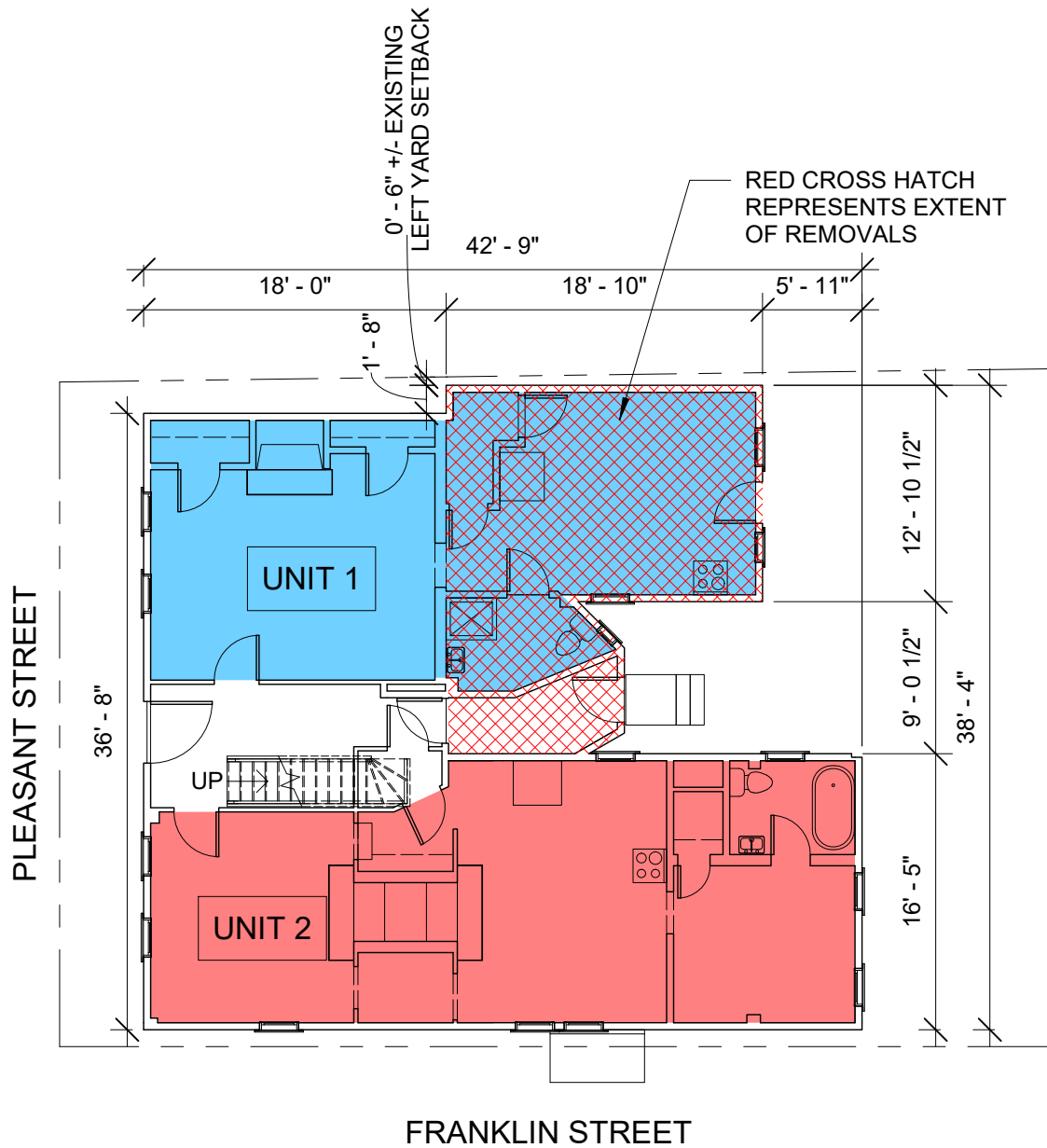
NOT TO SCALE

GRAPHIC KEY

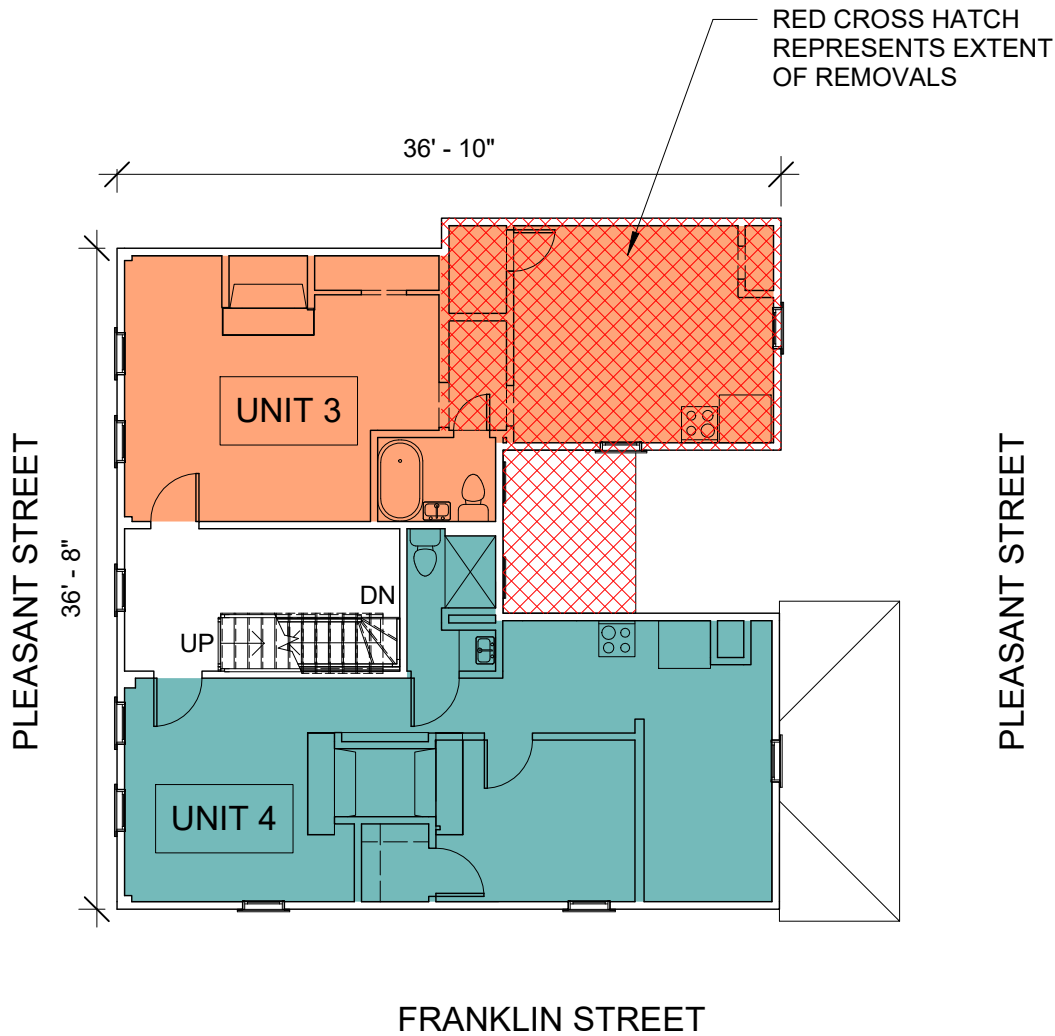
EXISTING

TO BE REMOVED

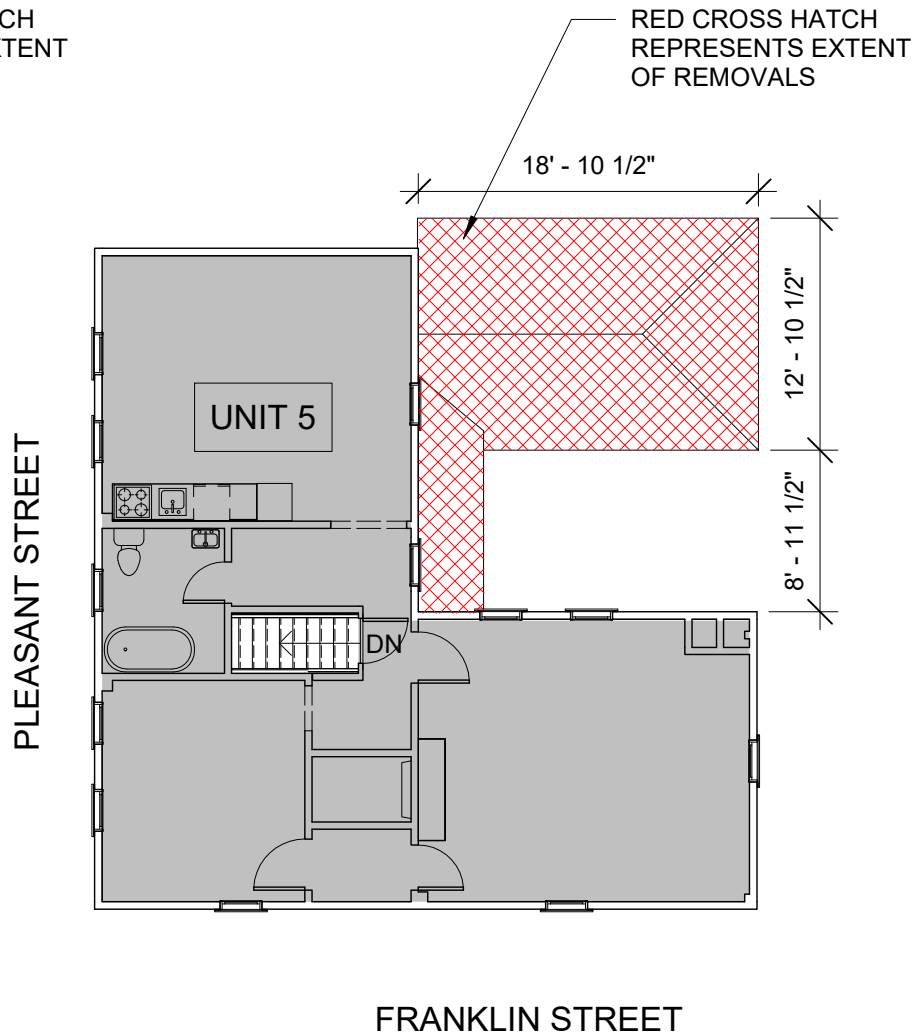
PROPOSED



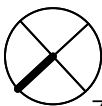
1 EXISTING FIRST FLOOR
3/32" = 1'-0"



2 EXISTING SECOND FLOOR
3/32" = 1'-0"

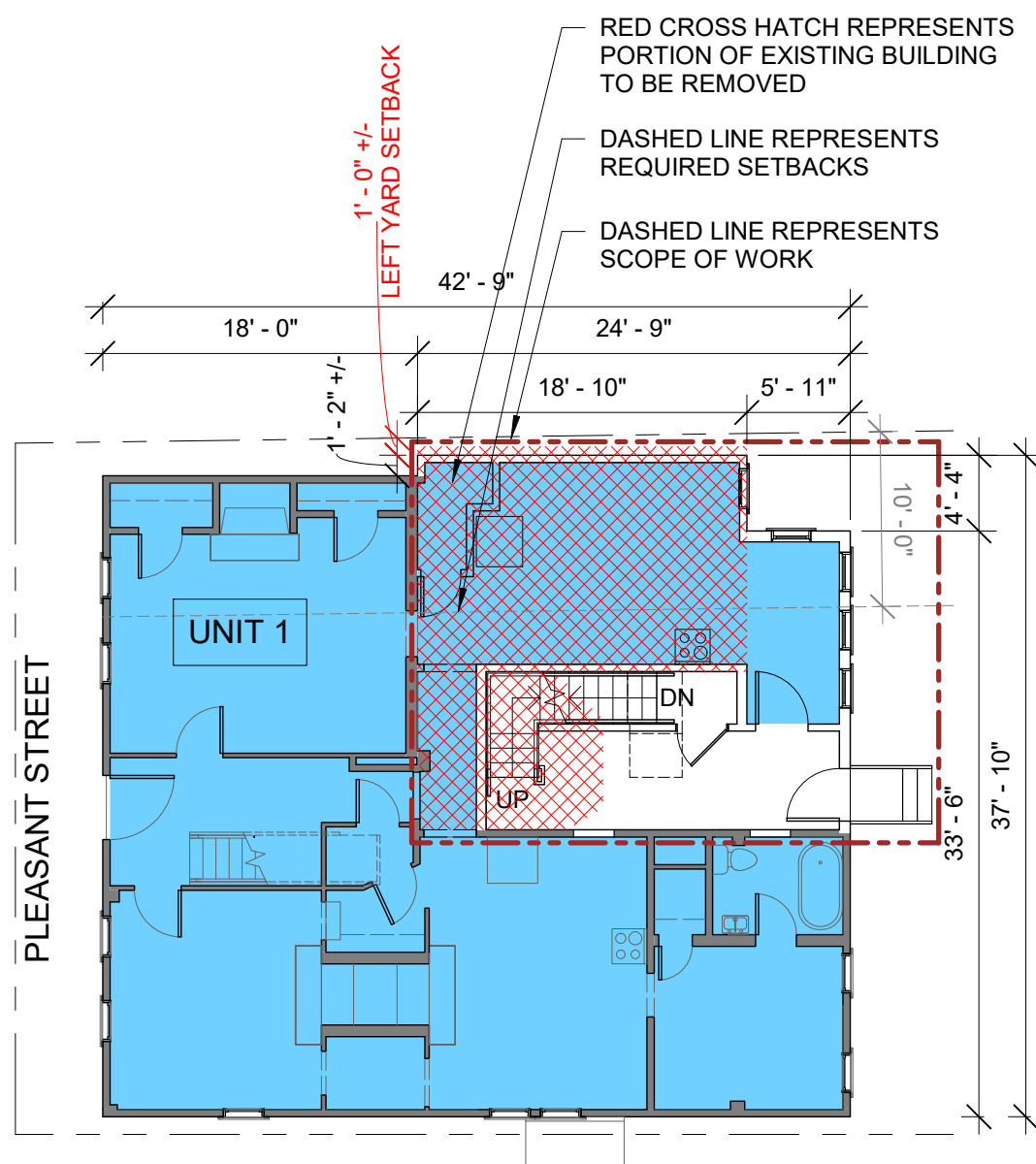


3 EXISTING THIRD FLOOR
3/32" = 1'-0"

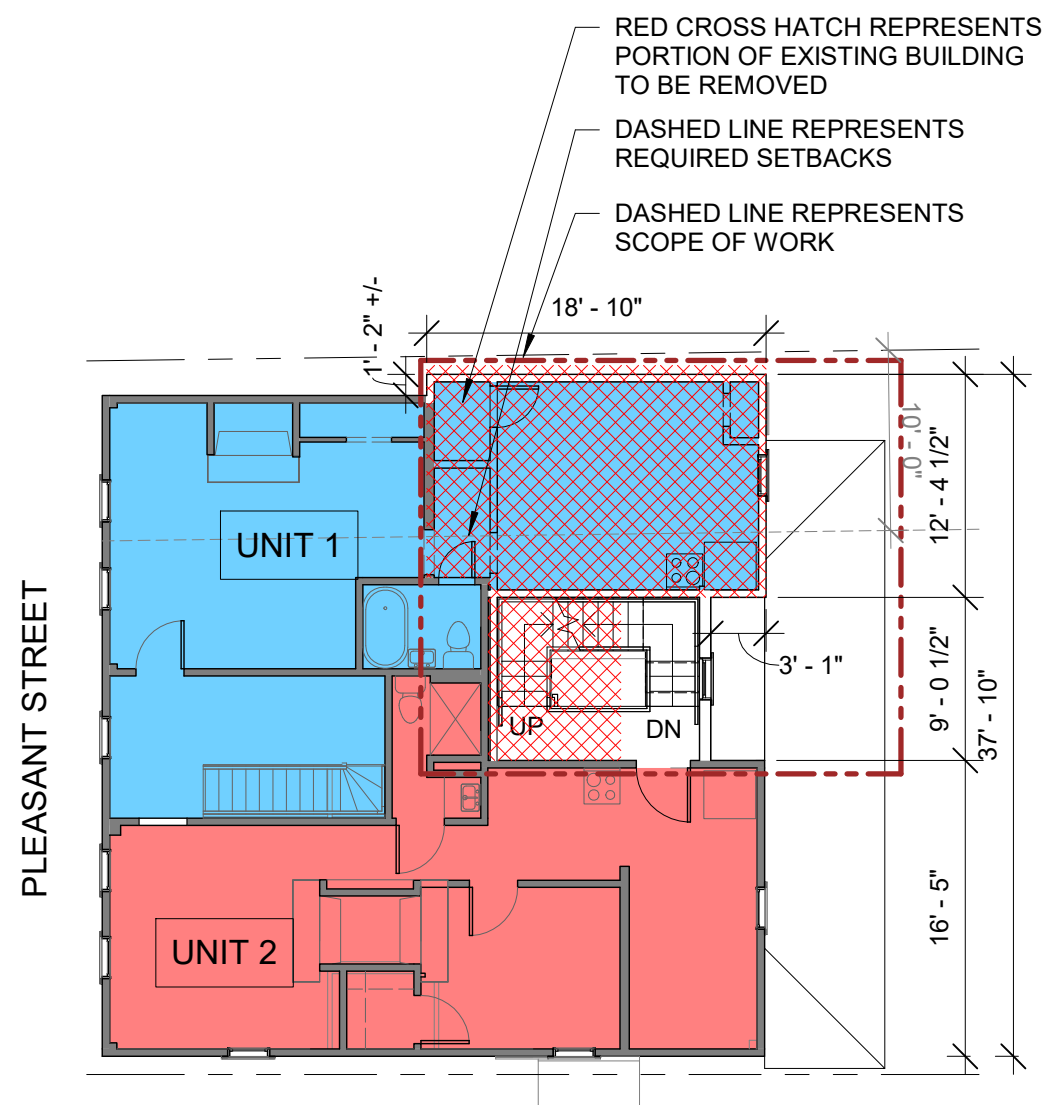


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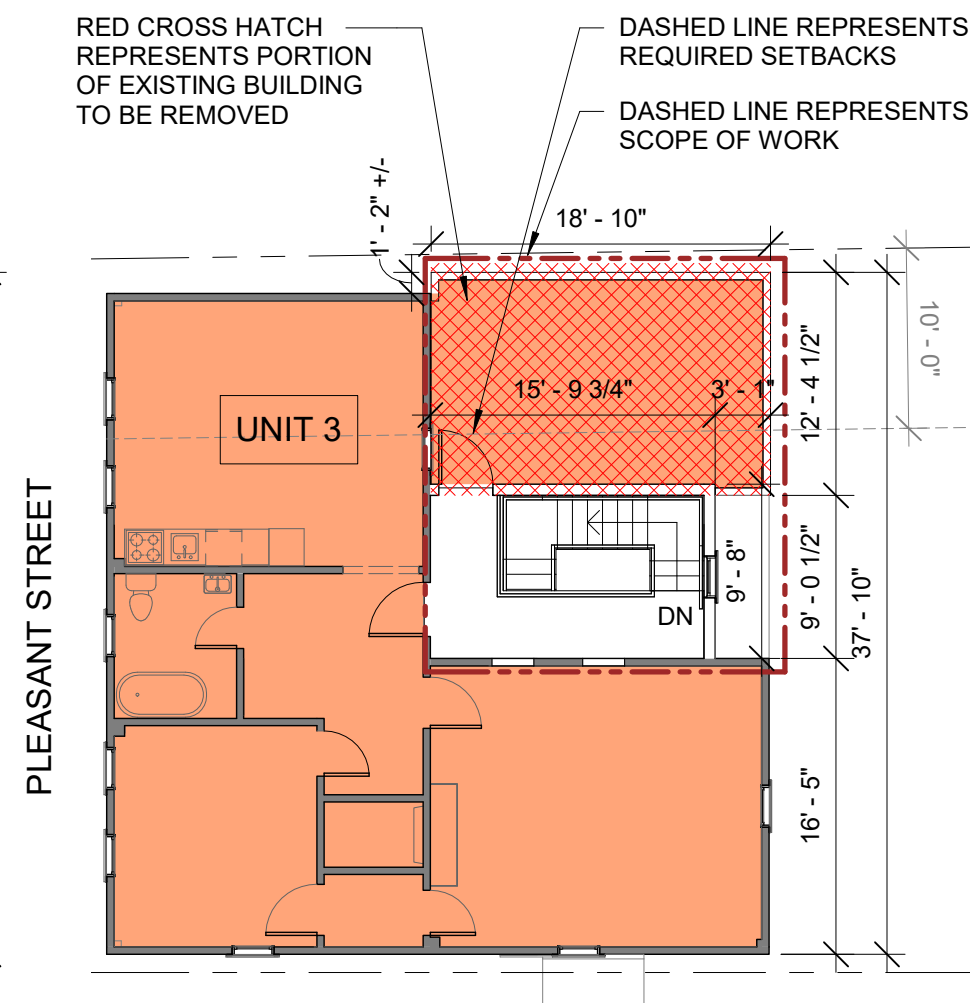
- [Solid Line] : EXISTING
- [Dashed Line] : TO BE REMOVED
- [Red Cross Hatch] : PROPOSED



1 FIRST FLOOR
3/32" = 1'-0"



2 SECOND FLOOR
3/32" = 1'-0"



3 THIRD FLOOR
3/32" = 1'-0"

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420 PLEASANT ST. RENOVATIONS

420 PLEASANT STREET
PORTSMOUTH, NH 03801



PROPOSED FLOOR PLANS

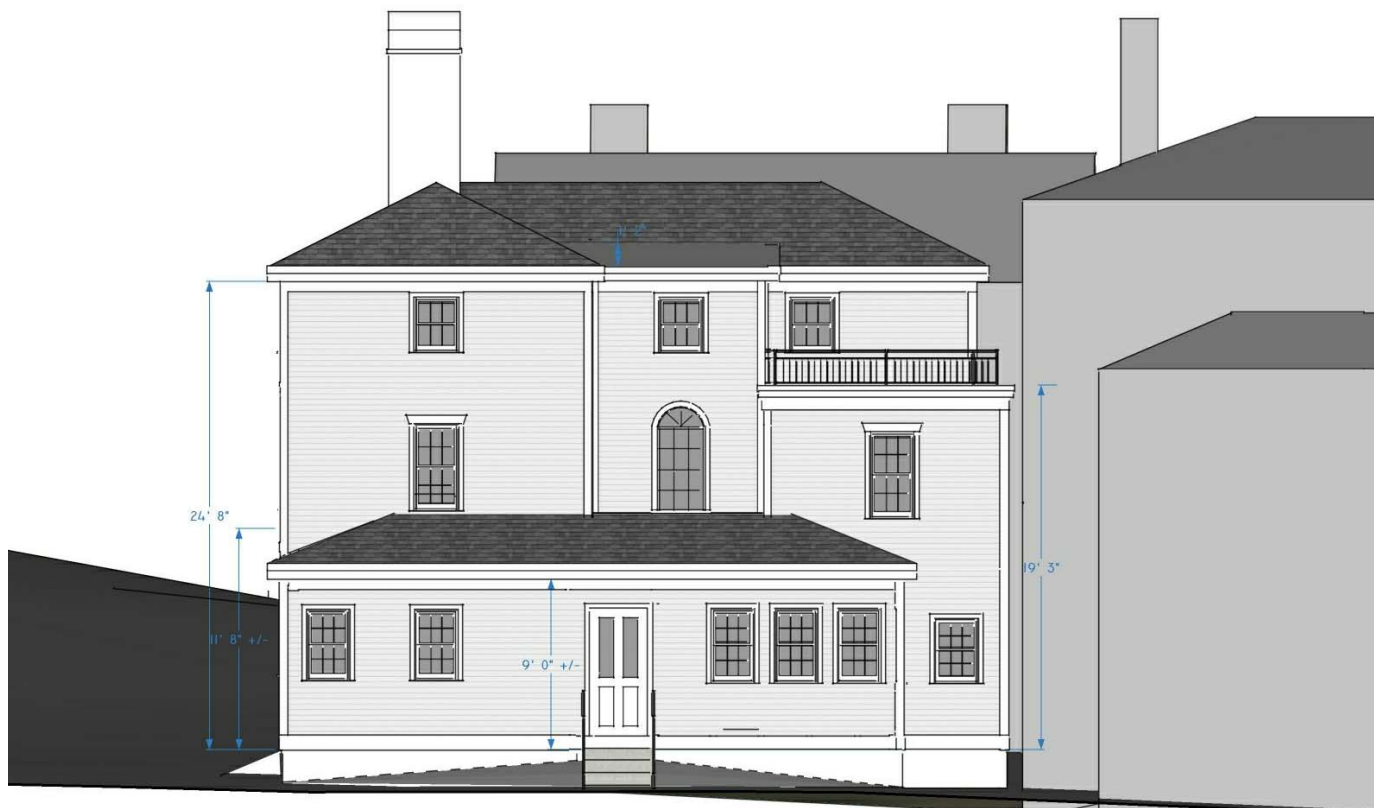
ZONING BOARD OF ADJUSTMENT - SEPTEMBER 2021

McHENRY ARCHITECTURE

4 Market Street
Portsmouth, New Hampshire

A6

09/21/2021
McHA: RD / JJ
AS INDICATED



REAR ELEVATION - REVISED ROOFING AND SIDING



AERIAL VIEW FROM SOUTH - REVISED ROOFING AND SIDING



VIEW FROM SOUTHWEST - REVISED ROOFING AND SIDING



ENLARGED AERIAL VIEW OF DECK - REVISED ROOFING AND SIDING

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420 PLEASANT ST. RENOVATIONS

420 PLEASANT STREET
PORTSMOUTH, NH 03801

PERSPECTIVES

ZONING BOARD OF ADJUSTMENT - SEPTEMBER 2021

McHENRY ARCHITECTURE

4 Market Street
Portsmouth, New Hampshire

A7

09/21/2021
McHA: RD / JJ
NOT TO SCALE



CITY OF PORTSMOUTH

Planning Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

ZONING BOARD OF ADJUSTMENT

October 4, 2021

Neal Pleasant Street Properties, LLC
420 pleasant Street, Apt. #5
Portsmouth, NH 03801

RE: Board of Adjustment requests for property located at 420 Pleasant Street (LU-21-126)

Dear Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday September 28, 2021**, considered your application for remove a rear entry and addition and replace with new three story addition with code compliant stairs and rear porch which requires the following: 1) A Variance from Section 10.521 to allow a 1' left side yard where 10' is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 102, Lot 56 and lies within the General Residence B (GRB) and Historic Districts. As a result of said consideration, the Board voted to grant the request as presented and advertised.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

The minutes and audio recording of this meeting are available by contacting the Planning Department.

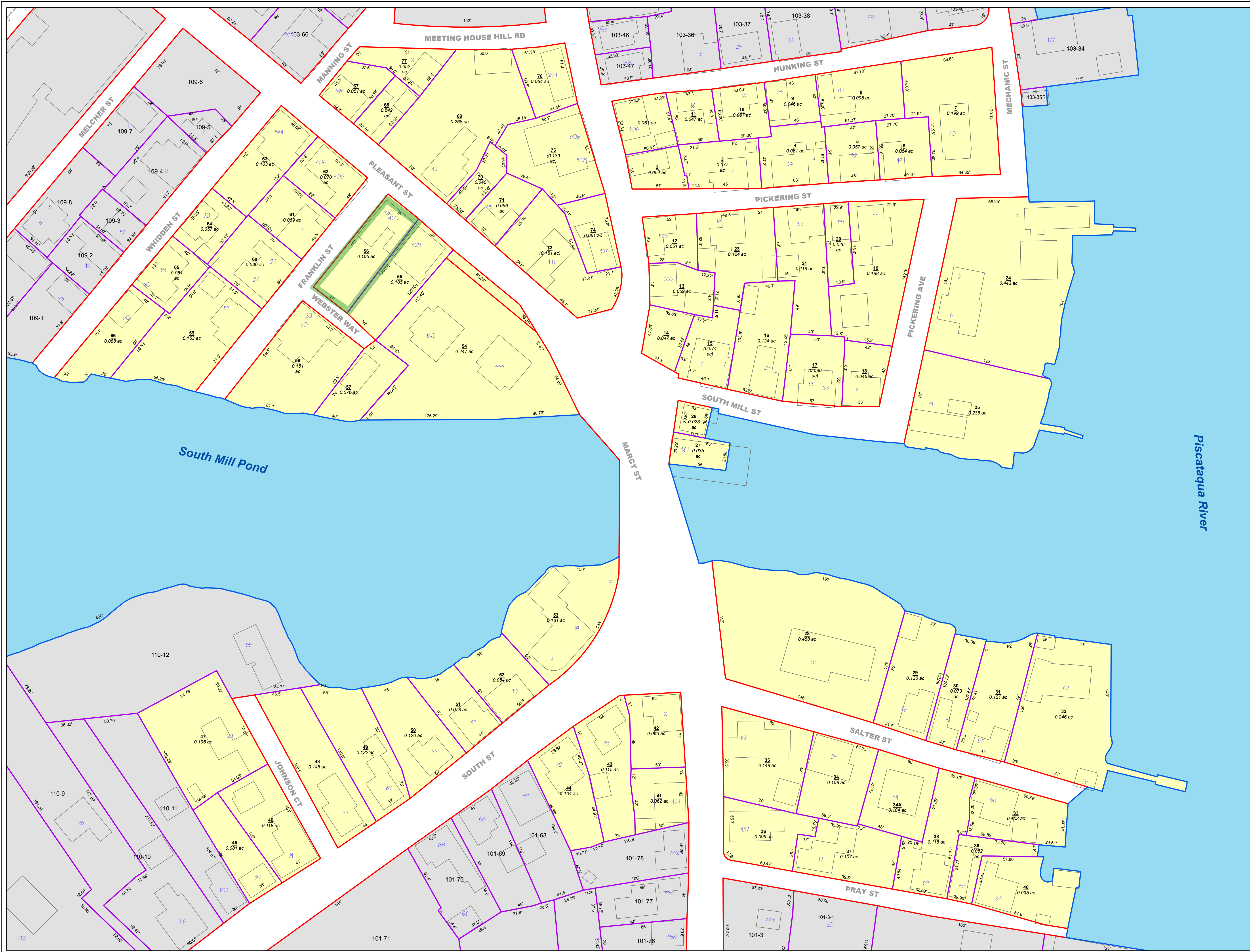
Very truly yours,

David Rheame, Chairman of the Zoning Board of Adjustment

cc: Paul Garand, Interim Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Richard Desjardins, McHenry Architecture



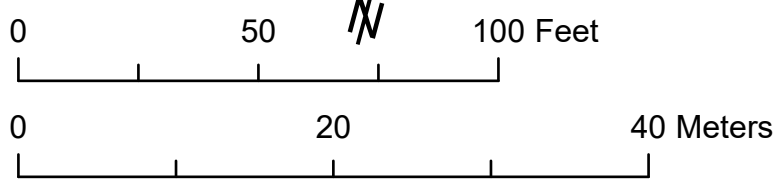
Partial Legend
See the cover sheet for the complete legend.

7-5A Lot or lot-unit number
2.56 ac Parcel area in acres (ac) or square feet (sf)
103 Address number
233-137 Parcel number from a neighboring map
68' Parcel line dimension
SIMS AVE Street name

Parcel/Parcel boundary
Parcel/ROW boundary
Water boundary
Structure (1994 data)

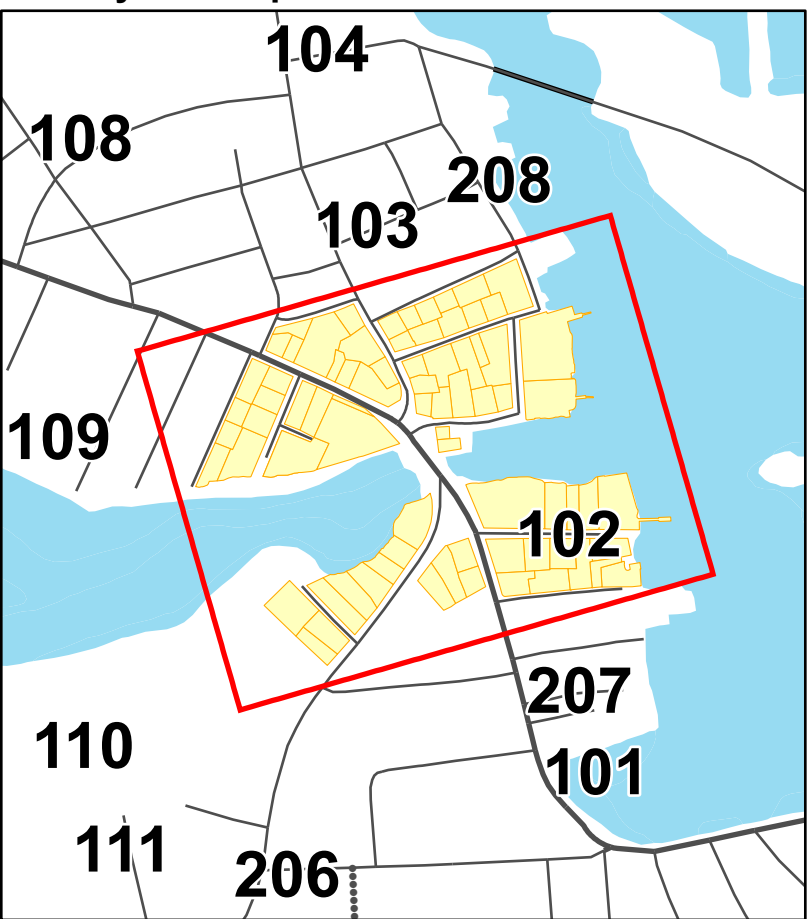
Parcel covered by this map
Parcel from a neighboring map (see other map for current status)

EXHIBIT B

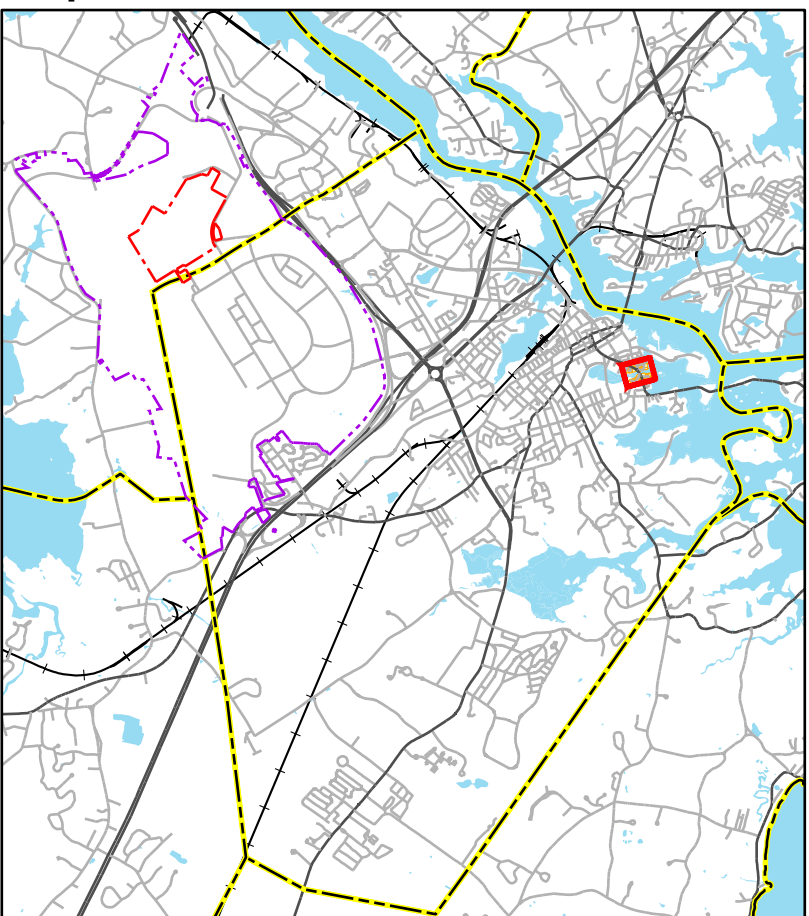


This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.

Nearby Tax Maps



Map Location



Portsmouth, New Hampshire
2024

Tax Map 102