

LOCATION MAP

SCALE: 1" = 200'

BUILDING DATA:

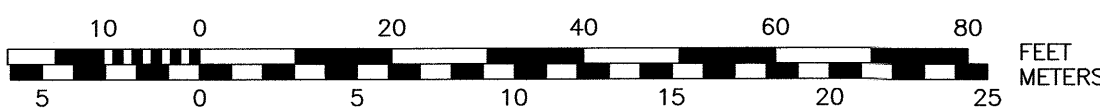
PROPOSED BUILDING:
8,297 S.F. FOOTPRINT
52 RESIDENTIAL UNITS
OFFICE SPACE
1 LEVEL OF PARKING

| ZONING DEVELOPMENT STANDARD | | | | | |
|---|-----------------------|-------------|----------|----------|---|
| CD4: CHARACTER DISTRICT 4 | | | | | |
| BUILDING PLACEMENT (PRINCIPAL): | | | | | |
| | REQUIRED | EXISTING | PROPOSED | EXISTING | PROPOSED |
| MAX. PRINCIPLE FRONT YARD: | 10 FEET | 19.2' | NC | NA | NA |
| MAX. SECONDARY FRONT YARD: | 15 FEET | 9.0' | NC | NA | 29.1' |
| MIN. SIDE YARD: | NR | 0.6' | NC | NA | NA |
| MIN. REAR YARD: | 5 FEET | 158.8' | NC | NA | 9.8' |
| FRONT LOT LINE BUILDOUT: | 50% MIN | 85% | 85% | NA | NA |
| BUILDING TYPES: | | | | | |
| ALLOWED BUILDING TYPES: APARTMENT, LIVE/WORK. | | | | | |
| PROHIBITED: HOUSE & DUPLEX | | | | | |
| ALLOWED FACADE TYPE: STOOP, STEP, SHOPFRONT, OFFICEFRONT, RECESSED-ENTRY, TERRACE WITH STEP AND DOORYARD. | | | | | |
| PROHIBITED: PORCH & FORECOURT | | | | | |
| BUILDING FORM: | | | | | |
| | REQUIRED | EXISTING | PROPOSED | EXISTING | PROPOSED |
| MAX. STRUCTURE HEIGHT: | 35 FEET | 35'-9" | NC | NA | 32'-5" |
| MAX. FINISHED FLOOR SURFACE OF GROUND FLOOR ABOVE SIDEWALK GRADE: | 36 INCHES | 54" | NC | NA | VARIABLE BETWEEN 24" TO 60" AT UPPER GROUND LEVEL. LOWER GROUND LEVEL IS 60" BELOW GRADE. |
| MIN. GROUND STORY HEIGHT: | 12 FEET | 11'-6" | NC | NA | 10'-8" |
| MIN. SECOND STORY HEIGHT: | 10 FEET | 10'-8" | NC | NA | 10'-8" |
| FACADE GLAZING (WINDOW/PERIMETER): | 70% SHOP 20-50% OTHER | NA | NC | NA | 20.1% |
| ROOF TYPE ALLOWED: FLAT, GABLE, HIP | | | | | |
| LOT OCCUPATION: | | | | | |
| | REQUIRED | EXISTING | PROPOSED | EXISTING | PROPOSED |
| MAX. BUILDING BLOCK: | 200 FEET | 65' | NC | NA | 199'-6" |
| MAX. FACADE MOD. LENGTH: | 80 FEET | 40' | NC | NA | 75'-4" |
| MIN. ENTRANCE SPACING: | 50 FEET | NA | NC | NA | 95'-3" |
| MAX. BUILDING COVERAGE: | 90% | 19% | NC | NA | 66% |
| MAX. BUILDING FOOTPRINT: | 15,000 SF | 2,625 S.F. | NC | NA | *10,742 S.F. |
| MIN. LOT AREA: | NR | 17,498 S.F. | NC | NA | NC |
| MIN. LOT AREA/DWELLING (LOT AREA/# OF UNITS): | NR | NA | NC | NA | NA |
| MIN. OPEN SPACE : | 10% | 14% | NC | NA | 27.2% |

NC = NO CHANGE
NA = NOT APPLICABLE
* WITH BASEMENT 12,211 S.F.

| LEVEL | TOTAL GROSS AREA | GARAGE/SUPPORT | OFFICE | RESIDENTIAL | # STUDIO UNITS | # 1BR UNITS | # TOTAL UNITS |
|-------|------------------|----------------|--------|-------------|----------------|-------------|---------------|
| 3 | 9,933 | 818 | 0 | 9,115 | 13 | 3 | 16 |
| 2 | 10,814 | 814 | 0 | 10,000 | 13 | 8 | 21 |
| 1 | 10,156 | 884 | 2,635 | 6,997 | 15 | 0 | 15 |
| B | 12,211 | 9,595 | 2,616 | 0 | 0 | 0 | 0 |
| TOTAL | 43,474 | 12,111 | 5,251 | 26,112 | 41 | 11 | 52 |

GRAPHIC SCALE



PORTSMOUTH APPROVAL CONDITIONS NOTE:

ALL CONDITIONS ON THIS PLAN SET SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE CITY OF PORTSMOUTH SITE PLAN REVIEW REGULATIONS.

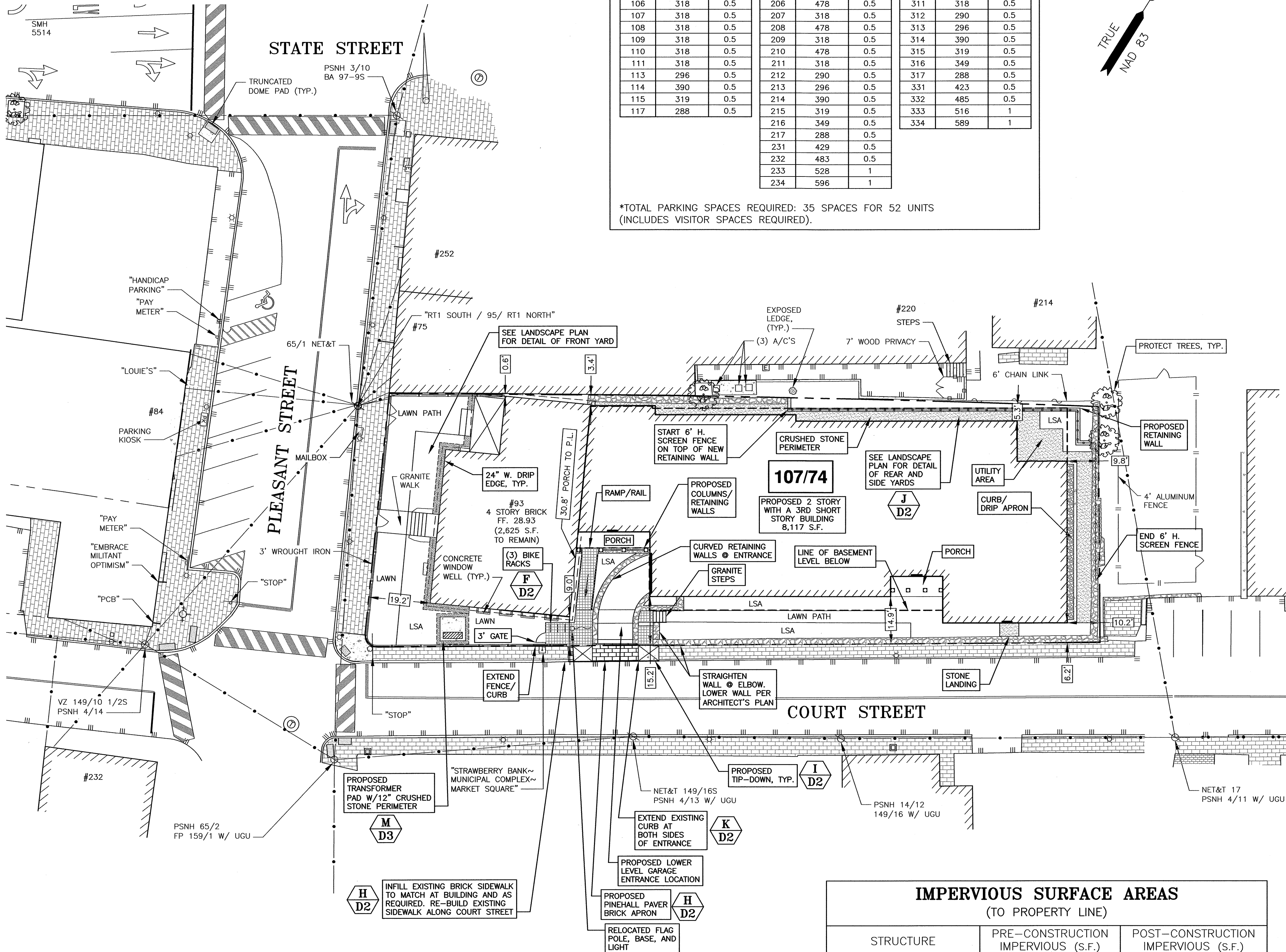
APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN

DATE

CONDITIONAL USE PARKING PERMIT

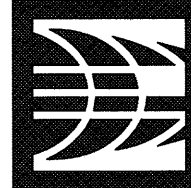
CONDITIONAL USE PERMIT TO PROVIDE 18 PARKING SPACES WHERE 29 ARE REQUIRED (48 MICRO UNITS x 0.5 SPACES PER UNIT) + (4 UNITS x 1.0 SPACES PER UNIT) + (52 x 1 VISITOR SPACE PER 5 UNITS) = 39 SPACES REQUIRED. DOD 4 SPACE REDUCTION YIELDS 35 REQUIRED.



PARKING CALCULATION

| FIRST FLOOR | | | SECOND FLOOR | | | THIRD FLOOR | | |
|-------------|------|-----------------|--------------|------|-----------------|-------------|------|-----------------|
| UNIT # | S.F. | SPACES REQUIRED | UNIT # | S.F. | SPACES REQUIRED | UNIT # | S.F. | SPACES REQUIRED |
| 101 | 345 | 0.5 | 201 | 346 | 0.5 | 301 | 345 | 0.5 |
| 102 | 318 | 0.5 | 202 | 478 | 0.5 | 303 | 346 | 0.5 |
| 103 | 346 | 0.5 | 203 | 346 | 0.5 | 305 | 346 | 0.5 |
| 104 | 318 | 0.5 | 204 | 478 | 0.5 | 307 | 318 | 0.5 |
| 105 | 346 | 0.5 | 205 | 346 | 0.5 | 309 | 318 | 0.5 |
| 106 | 318 | 0.5 | 206 | 478 | 0.5 | 311 | 318 | 0.5 |
| 107 | 318 | 0.5 | 207 | 318 | 0.5 | 312 | 290 | 0.5 |
| 108 | 318 | 0.5 | 208 | 478 | 0.5 | 313 | 296 | 0.5 |
| 109 | 318 | 0.5 | 209 | 318 | 0.5 | 314 | 390 | 0.5 |
| 110 | 318 | 0.5 | 210 | 478 | 0.5 | 315 | 319 | 0.5 |
| 111 | 318 | 0.5 | 211 | 318 | 0.5 | 316 | 349 | 0.5 |
| 113 | 296 | 0.5 | 212 | 290 | 0.5 | 317 | 288 | 0.5 |
| 114 | 390 | 0.5 | 213 | 296 | 0.5 | 331 | 423 | 0.5 |
| 115 | 319 | 0.5 | 214 | 390 | 0.5 | 332 | 485 | 0.5 |
| 117 | 288 | 0.5 | 215 | 319 | 0.5 | 333 | 516 | 1 |
| | | | 216 | 349 | 0.5 | 334 | 589 | 1 |
| | | | 217 | 288 | 0.5 | | | |
| | | | 231 | 429 | 0.5 | | | |
| | | | 232 | 483 | 0.5 | | | |
| | | | 233 | 528 | 1 | | | |
| | | | 234 | 596 | 1 | | | |

*TOTAL PARKING SPACES REQUIRED: 35 SPACES FOR 52 UNITS (INCLUDES VISITOR SPACES REQUIRED).



AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors

200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

NOTES:

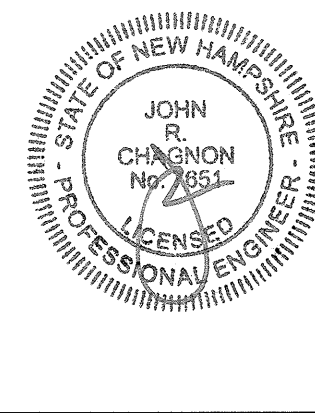
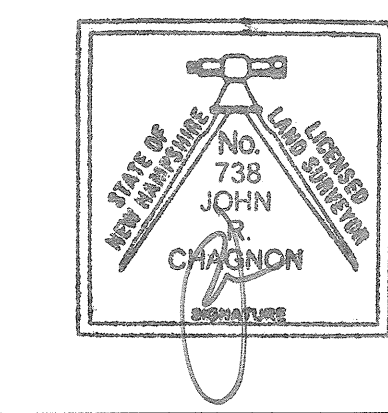
- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 107 AS LOT 74.
- 2) OWNERS OF RECORD:
DAGNY TAGGART LLC
3 PLEASANT STREET SUITE 400
PORTSMOUTH, NH 03801
6162/74
D-17511
- 3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE JANUARY 29, 2021.
- 4) EXISTING LOT AREA:
17,498 S.F.
0.4017 ACRES
- 5) PARCEL IS LOCATED IN CHARACTER DISTRICT 4 (CD4), THE DOWNTOWN OVERLAY DISTRICT AND THE HISTORIC OVERLAY DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS: SEE PORTSMOUTH ZONING ORDINANCE.
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED SITE DEVELOPMENT ON ASSESSOR'S MAP 107 LOT 74 IN THE CITY OF PORTSMOUTH.
- 8) VERTICAL DATUM IS MEAN SEA LEVEL NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS ($\pm 0.2'$).
- 9) SEE ARCHITECTURAL PLANS FOR TRASH ENCLOSURE AREA. PICK UP SCHEDULE AS NEEDED TO MAINTAIN CAPACITY.
- 10) THE SECTION OF COURT STREET FROM PLEASANT STREET TO THE LIMIT OF WORK SHALL BE MILLED AND RE-PAVED AT THE END OF PROJECT CONSTRUCTION.
- 11) PROVIDE AN AUDIBLE PEDESTRIAN WARNING SIGNAL AT THE PROPOSED DRIVE ENTRANCE. ALSO PROVIDE A SUITABLE MIRROR ON THE NEW POLE FOR USE BY THE VEHICLES EXITING THE GARAGE.
- 12) A PORTSMOUTH CEMP IS REQUIRED FOR THIS PROJECT, TO BE COMPLETED PRIOR TO CONSTRUCTION.

MIXED USE DEVELOPMENT
93 PLEASANT STREET
PORTSMOUTH, N.H.

| | | |
|---|-----------------------------------|----------|
| 6 | REVISED LAYOUT | 11/1/21 |
| 5 | ISSUED TO TAC, NOTES 10, 11, & 12 | 10/20/21 |
| 4 | BUILDING SIZE | 10/13/21 |
| 3 | ISSUED FOR ZBA | 9/28/21 |
| 2 | SUBMIT FOR TAC | 9/20/21 |
| 1 | REVISED BUILDING/EXTERIOR LAYOUT | 9/7/21 |

| NO. | DESCRIPTION | DATE |
|-----|-------------|------|
|-----|-------------|------|

REVISIONS



SCALE: 1" = 20' DECEMBER 2020

SITE LAYOUT
PLAN

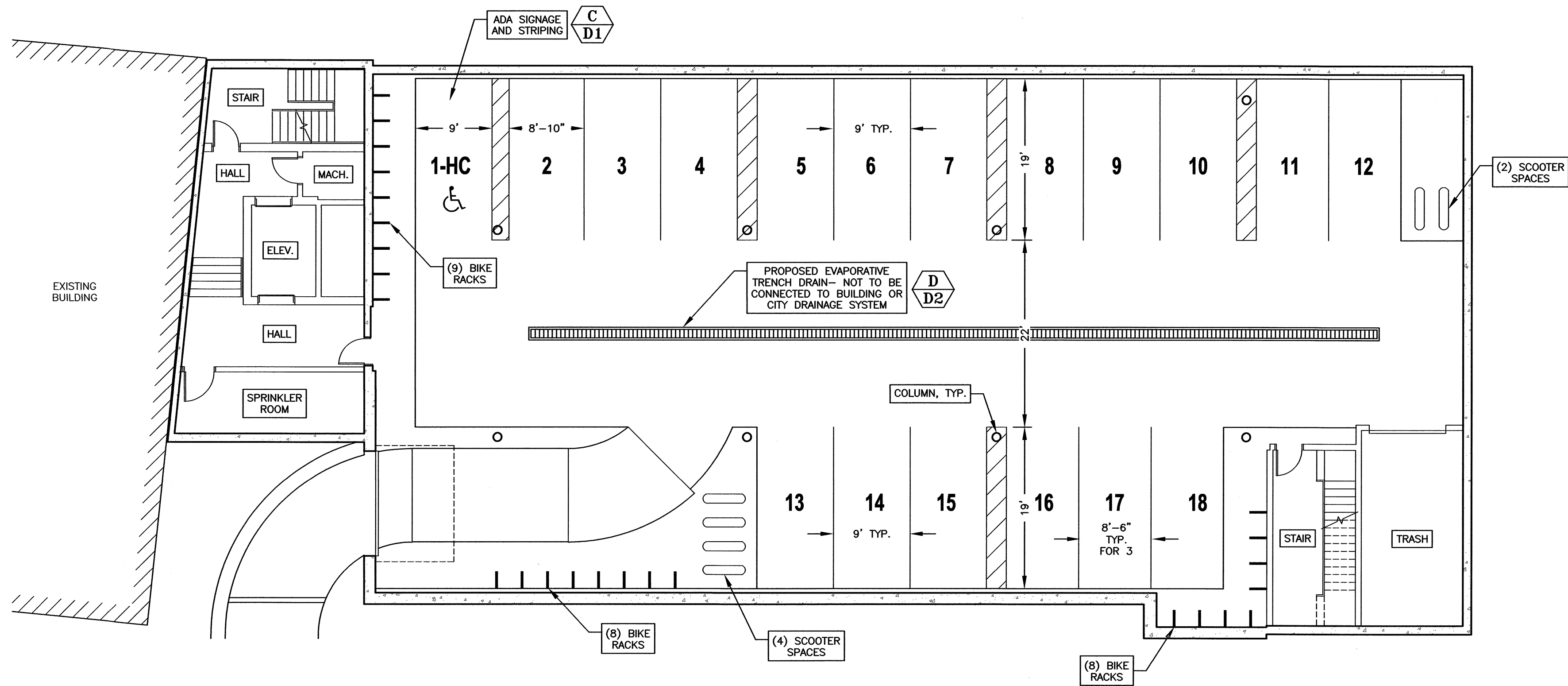
C3



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NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 107 AS LOT 74.
- 2) OWNERS OF RECORD:
DAGNY TAGGART LLC
3 PLEASANT STREET SUITE 400
PORTSMOUTH, NH 03801
6162/74
D-17511
- 3) THE PURPOSE OF THIS PLAN IS TO SHOW THE PARKING FOR THE PROPOSED SITE DEVELOPMENT ON ASSESSOR'S MAP 107 LOT 74 IN THE CITY OF PORTSMOUTH.



PORTSMOUTH APPROVAL CONDITIONS NOTE:
ALL CONDITIONS ON THIS PLAN SET SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE CITY OF PORTSMOUTH SITE PLAN REVIEW REGULATIONS.

APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN

DATE

GRAPHIC SCALE



CONDITIONAL USE PARKING PERMIT

CONDITIONAL USE PERMIT TO PROVIDE 18 PARKING SPACES WHERE 29 ARE REQUIRED (48 MICRO UNITS x 0.5 SPACES PER UNIT) + (4 UNITS x 1.0 SPACES PER UNIT) + (52 x 1 VISITOR SPACE PER 5 UNITS) = 39 SPACES REQUIRED. DOD 4 SPACE REDUCTION YIELDS 35 REQUIRED.

**MIXED USE DEVELOPMENT
93 PLEASANT STREET
PORTSMOUTH, N.H.**

| | | |
|-----|-------------------------|----------|
| 5 | REVISED LAYOUT | 11/1/21 |
| 4 | BIKES AND SCOOTERS | 10/20/21 |
| 3 | BUILDING FOOTPRINT | 10/13/21 |
| 2 | ISSUED TO TAC | 9/20/21 |
| 1 | REVISED BUILDING LAYOUT | 9/7/21 |
| 0 | ISSUED FOR COMMENT | 4/2/21 |
| NO. | DESCRIPTION | DATE |

REVISIONS

SCALE: 1" = 10'

DECEMBER 2020

**PARKING LEVEL
PLAN**

C4



P1.8

PERSPECTIVE VIEW - SW

93 PLEASANT STREET
HDC - OCTOBER 28, 2021



P1.9

PERSPECTIVE VIEW - SE

93 PLEASANT STREET
HDC - OCTOBER 28, 2021



ARCHITECTS
INTERIORS
PLANNERS

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CATHERINE A. BERUBE
JOSHUA P. LANZETTA

OF COUNSEL
JAMES H. SCHULTE

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November 2, 2021

VIA HAND DELIVERY

David Rheume, Chair
City of Portsmouth Zoning Board of Adjustment
1 Junkins Avenue
Portsmouth, NH 03801

RE: Application for Variances
Owner/Applicant: Dagny Taggart, LLC
Property: 93 Pleasant Street, Portsmouth, NH
Tax Map 221, Lot 16
Zoning District: GRA

Dear Mr. Rheume:

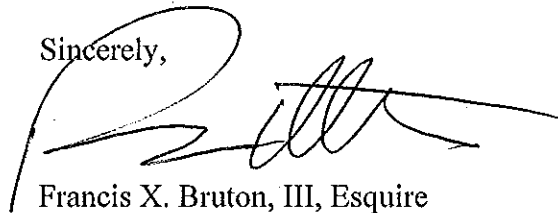
Enclosed please find a revised Project Narrative associated with the Applicant's existing request for Variances. Please note that subsequent to the initial submission, a design change was made, moving the entrance of the parking garage closer to Pleasant Street, in order to address the concerns of an abutter. As a result, the fifth Request for Variance, applies to 4 parking spaces, rather than 1 parking space, as further set forth within the revised Project Narrative. No other changes have been made to the Applicant's prior submission.

Please note that the project being proposed by the Applicant has previously been submitted to the City under other Planning Department applications and, as such, the Applicant has not submitted a new application for the variances being requested herein, as these requests are associated with the proposed project.

We look forward to discussion this application at the November 16, 2021 ZBA meeting.

Should there be any questions regarding this application, please do not hesitate to contact us.

Sincerely,



Francis X. Bruton, III, Esquire
E-mail: fx@brutonlaw.com

FXB/mas
Enclosures

cc: Dagny Taggart, LLC
Ambit Engineering, Inc.
JSA, Inc.

DAGNY TAGGART, LLC
APPLICATION FOR VARIANCES

I. INTRODUCTION

The property subject to this application is located at 93 Pleasant Street in Portsmouth, New Hampshire and is depicted on the Portsmouth City Tax Maps as Map 107, Lot 74 (the "Lot"). The Lot is owned by the Applicant and is the home of the historic "Treadwell Mansion." The Lot is also comprised of a gravel parking lot with access provided via a single full-access/egress driveway on Court Street. Treadwell Mansion has been in the same location for over one-hundred years. The Lot appears to have been involuntarily merged by the city of Portsmouth, as it was formerly two separate lots, and is comprised of 17,498 S.F. or 0.4017 acres of land and is located in the Character District 4 (CD4) zoning district (See attached plans containing a standard boundary survey, a proposed site plan detailing the intended project itself, pictures of the property, as well as architectural rendering and floor plans showing the sloped elevations of the Lot). As a corner lot, the Lot is also located within the Downtown Overlay District (DOD) zoning district. The Lot has principal frontage along Pleasant Street and secondary frontage along Court Street.

The Lot itself is unique as the structure upon it is historic and the Lot is of significant size. In addition, the Lot is a corner lot and is bounded by mixed and commercial uses along Pleasant Street, but bounded by historic residential uses along Court Street. Also, and most significant the Lot is unique given its downtown urban location coupled with an unusually steep slope of the lot boundary and existing stone retaining wall from Pleasant Street along Court Street. The combination of this corner lot attribute, the location of residential uses along Court Street and the steep sloping boundary line creates unique characteristics of the Lot not shared by other similarly situated lots within the general vicinity.

II. THE APPLICANT

The Applicant, Dagny Taggart, LLC ("Dagny Taggart"), is a Portsmouth-based development company that is the current owner of the parcel. The principal of Dagny Taggart is Mark A. McNabb, a well-respected developer within Portsmouth, known for employing context sensitive designs within projects that foster a continued economic vitality of the City's downtown.

III. THE PROJECT

Dagny Taggart intends to convert the first and basement floors of the Treadwell Mansion to provide +/- 5,251 S.F. of office space. The third and fourth floors of the Treadwell Mansion will be converted to eight residential apartments. A second 2 story with a short 3rd story building will be constructed on the existing gravel parking area containing additional residential units, with basement level parking for 18 vehicles, 24 bicycles and 6 scooters. The additional building will share a common wall and will share a new elevator servicing both buildings, which will be constructed within the new structure. When completed, a total of 52 apartment units will be provided, consisting of a mix of forty-one (41) studio and eleven (11) one-bedroom units. Access to the parking garage will be provided via a new ramped driveway to Court Street at the easterly end of the Lot. The size of the units will provide for a more affordable living option within the downtown area.

The new construction will comply with Green Building Requirements and will require a conditional use permit for reduced parking spaces to 18 where 35 are required and the project will undergo full site plan approval before the Portsmouth Planning Board.

The Applicant has had preliminary discussion regarding the project with the Historical District Commission, and has received positive feedback as a result of that process. A portion of this feedback relates to the HDC requesting significant design changes which are amenable to the Applicant, which include a lowering of the height of the newly constructed building and a lowering of the parking level under the structure in order that the new structure is shorter than the historic Treadwell Mansion. In addition, the HDC requires that the 6-foot existing granite wall, except at the garage entrance, that exists along Court Street remain.

The HDC recommendations and the sloping boundary line along Court Street have produced a number of design constraints which have caused the need for certain variances as set forth herein.

IV. REQUEST OF THE APPLICANT FOR VARIANCES

For the purposes set forth herein, the Applicant is requesting the following variances:

- 1. Relief from Figure 10.5A41.10C and Section 10.642 (1), which prohibit residential use in the ground floor.**

Rationale for Request: This parcel is located in the Downtown Overlay District. The project will contain commercial uses, but the severe slope and existing stone retaining wall will prevent commercial space along Court Street, as the grades of entrances for such commercial spaces will be inaccessible from Court Street as opposed to internally accessed residential uses. The residual uses are consistent with the HDC's requirement that the existing 6-foot granite wall remain running along Court Street. Commercial uses would be inconsistent with retaining this granite wall. As a matter of context, this proposed residential use is reasonable given that this portion of Court Street is predominately residential, whereas Pleasant Street is predominately commercial; and

- 2. Relief from Figure 10.5A41.10C which prohibits a finished floor surface of the ground floor that is 36" above the sidewalk grade, where a maximum of 60" is proposed.**

Rationale for Request: The Applicant proposes a maximum of 60" given the slope of the property. The 36" is met (actually starting at 24" at the beginning of Court Street) at the proposed main entrance of the addition structure, however, Court Street slopes away going east, causing the finished floor to be more than 36" above the sidewalk grade. The floor grade is intended to coincide with the granite wall that the HDC requires to be maintained; and

- 3. Relief from Figure 10.5A41.10C which requires a minimum ground story height of 12', where 10' 8" is proposed.**

Rationale for Request: The Applicant proposes 10' 8" given the slope and proposed residential use, as set forth with the first variance request, on the ground floor and the request from HDC to lower the building height; and

4. Relief from Figure 10.5A41.10C which requires an entrance spacing every 50’.

Rationale for Request: The Applicant proposes two entrances along the new structure along Court Street, which is approximately 157’. If staggered, the number of entrances would almost be satisfied with two entrances, however given the slope of the property at the beginning (westerly side) of the building and the parking infrastructure created at the end (easterly side) of the building, the two entrances are not staggered as required by the zoning ordinance and the desire to keep the historic granite wall as intact as possible; and

5. Relief from Figure 10.5A.44.35 which requires the above-ground portion of a parking structure or garage shall have a liner building at least the height of the ground floor along the entire width of any front yard except for driveways and pedestrian entrances.

Rational for Request: Planning Staff has identified that only parking space #18 is located in an area where the garage is not lower than 6 feet from the grade of the sidewalk (see attached diagram). As with the other variances, given the slope of the property, although the building will rise above the sidewalk, the lower grade will not in order to maintain a level inside grade, thus requiring the Applicant’s need for the variance to retain only parking space #10, #11, #12 & #18 & 2 scooter parking spaces, as depicted on sheet C4.

V. VARIANCE CRITERIA

New Hampshire RSA 674:33, I (a)(2) and Section 10.233 of the Portsmouth Zoning Ordinance set forth five criteria upon which variances may be granted. The application of these criteria to the Applicant’s proposal is discussed hereafter.

A. Granting the variances will not be contrary to the public interest.

To be contrary to the public interest or injurious to public rights, the variances must unduly and in a marked degree conflict with the basic zoning objectives of the ordinance. See *Chester Rod & Gun Club*, 152 N.H. at 581. Moreover, “mere conflict with the terms of the ordinance is insufficient.” *Id.* In making the determination, the Board should determine whether the variance would “alter the essential character of the locality or threaten public health, safety or welfare.”

Section 10.121 of the Portsmouth Zoning Ordinance states that, “[t]he purpose of this Ordinance is to promote the health, safety and general welfare of Portsmouth and its region in accordance with the City of Portsmouth Master Plan. The Ordinance is intended to implement the goals and objectives of the Master Plan.

This project is atypical as the Applicant has already appeared on a preliminary basis before the HDC and before the TAC workshop. As such, particularly with the HDC, and given the direction the HDC has provided to the Applicant, design criteria have changed resulting in the reduction in height of the proposed structure. This design addressed the Historic regulations specifically, which provide, “Consistent with the Secretary of the Interior’s Standards for Rehabilitation, an addition to a historic building should be subordinate to the historic building and read as an addition.” (See attached HDC design review regulation).

In this vein, and inherent in such a review, the HDC has provided favorable input to the project as to its design, implying that the project is consistent with the essential characteristics of the surrounding area. As one can see by the designs as presented, careful and context sensitive attention has been taken with regard to the proposed structure. The proposed lack of commercial uses along Court Street will not diminish the residential surrounding areas, particularly as the site will remain a mixed-use site.

B. The spirit of the ordinance is observed.

When considering whether the granting of the variances will observe the spirit of the ordinance, the New Hampshire Supreme Court has indicated this review is substantially related, and similar to the review regarding public interest. See *Harborside Associates, L.P. v. Parade Resident Hotel, LLC*, 162 NH 508, 514 (2011). Thus, the Applicant submits that the rationale set forth above is equally applicable to the Board's review as to whether the spirit of the ordinance is observed with the grant of the variance. Further, the overriding spirit of the ordinance is largely driven, in this instance, by the historic district regulations. The Applicant respectfully submits that the historic district regulations are observed throughout the design.

C. The granting of the requested relief will do substantial justice.

In *Malachy Glen Associates v. Town of Chester*, 155 N.H. 102, 109 (2002), the New Hampshire Supreme Court held that, "the only guiding rule [in determining whether the requirement for substantial justice is satisfied] is that any loss to the individual that is not outweighed by a gain to the general public is an injustice." The Court also noted that it would look at whether a proposed development was consistent with the area's present use. In this instance, the grant of the variances would result in substantial justice as that would allow the addition of residential units that would directly benefit the Portsmouth general public, as they represent more affordable units given their size. The location of the additional structure fits within the residential nature of Court Street within this location and the use works given the slope of the property and the need to retain the granite wall, whereas a commercial use would not. There is no negative aspect that the public will suffer. Conversely, the public will be permitted to use the more accessible rental units. Thus, denial of the variances would result in a loss to the Applicant that is not outweighed by any gain to the general public. As such, granting of the requested relief would result in substantial justice.

D. Granting the variance will not result in the diminution on value of the surrounding properties.

It is respectfully submitted that all of the surrounding properties have a value associated with them which is premised upon the existence of the existing buildings and uses located upon the applicant's property. In this instance, it is believed, and therefore averred, that the aesthetic and historic additions and upgrades of the property and considering the existing uses of the property, will not result in a diminution of surrounding property values.

E. Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

An unnecessary hardship exists when, owing to special conditions of the property that distinguish it from other property, no fair and substantial relationship exists between the public purposes of the ordinance provisions and the specific application of those provisions to the property and the proposed use is a reasonable one. (Section 10.233.31 of Zoning Ordinance).

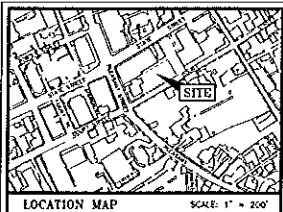
As set forth with the Introduction, the Lot is distinguished from other properties in the area given as the Lot itself is unique as the structure upon it is historic and the Lot is of significant size. In addition, the Lot is a corner lot and is bounded by mixed uses along Pleasant Street, but bounded by historic residential uses along Court Street. Also, and most significant the Lot is unique given its downtown urban location coupled with an unusually steep slope of the lot boundary and the need (and desire) to retain the existing and historic stone retaining wall from Pleasant Street along Court Street. The combination of this corner lot attribute, the location of residential uses along Court Street and the steep sloping boundary line creates unique characteristics of the Lot not shared by other similarly situated lots within the general vicinity.

The proposed structure will not pose a conflict with the public purpose of the ordinance as such additions will create a use that is consistent with and sensitive to the HDC regulations, as illustrated hereinabove, while providing much need housing which will be a more affordable option for those that require moderate space, and want to live within the heart of the downtown area, all the while maintaining commercial uses within the Lot resulting in a highly desirable mixed-use. The development proposed is also necessitated not only by the location within the Historic District, but also in light of the slope to the Lot, as illustrated, and the need to retain the granite stone wall. The designs reflect a reasonable and much needed use in a manner that respects the overall goals of the zoning ordinance. The lack of commercial uses along Court Street, in this interest is unnecessary in this specific instance. The Applicant respectfully submits, for all of the reasons set forth herein, the denial of the requested variances would frustrate the benefits the project stands to offer to the general public, and would result in an unnecessary hardship to the Applicant.

For the specific reasons set forth above, the Applicant respectfully submits that the uses proposed are reasonable.

VI. CONCLUSION

For all of the reasons set forth above Dagny Taggart, LLC respectfully requests that the relief request herein be granted.

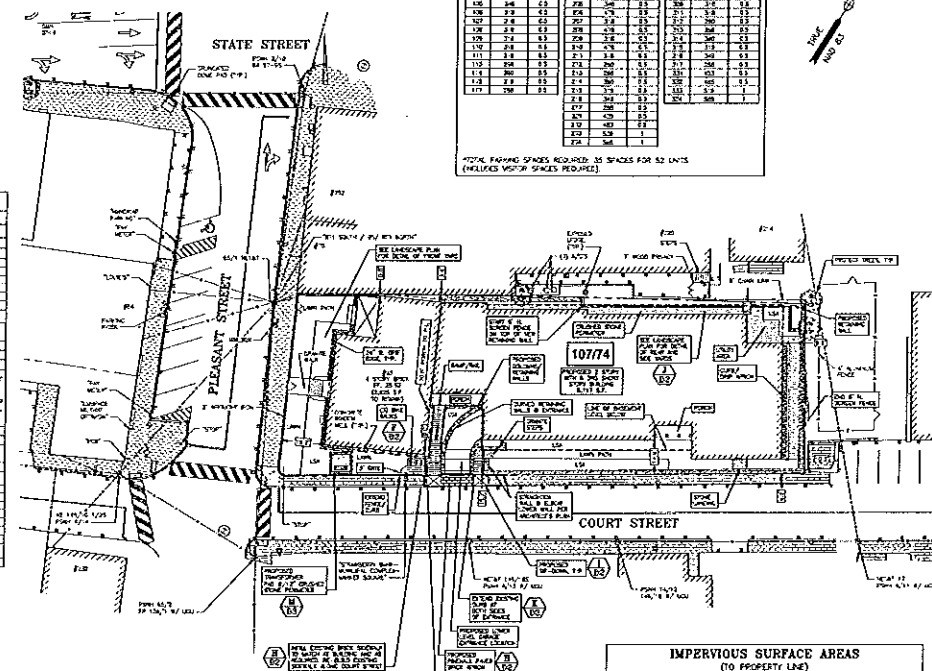


CONDITIONAL USE PARKING PERMIT
 CONDITIONAL USE PERMIT TO PROVIDE 18 PARKING SPACES
 WHERE 29 ARE REQUIRED (48 WARD UNITS X 0.6 SPACES PER UNIT)
 = (4 UNITS X 1.0 SPACES PER UNIT) + (132 X 1 VEHICLE SPACE PER
 5 UNITS) = 29 SPACES REQUIRED FOR 4 STATE RESIDATION YELLS
 30 REQUIRED

PARKING CALCULATION

| FLOOR | UNIT # | SF | WARD UNITS | UNIT # | SF | WARD UNITS |
|--------------|--------|-----|------------|--------|-----|------------|
| FIRST FLOOR | 101 | 305 | 11 | 101 | 305 | 11 |
| | 102 | 305 | 11 | 102 | 305 | 11 |
| | 103 | 305 | 11 | 103 | 305 | 11 |
| | 104 | 305 | 11 | 104 | 305 | 11 |
| | 105 | 305 | 11 | 105 | 305 | 11 |
| | 106 | 305 | 11 | 106 | 305 | 11 |
| | 107 | 305 | 11 | 107 | 305 | 11 |
| | 108 | 305 | 11 | 108 | 305 | 11 |
| | 109 | 305 | 11 | 109 | 305 | 11 |
| | 110 | 305 | 11 | 110 | 305 | 11 |
| SECOND FLOOR | 201 | 305 | 11 | 201 | 305 | 11 |
| | 202 | 305 | 11 | 202 | 305 | 11 |
| | 203 | 305 | 11 | 203 | 305 | 11 |
| | 204 | 305 | 11 | 204 | 305 | 11 |
| | 205 | 305 | 11 | 205 | 305 | 11 |
| | 206 | 305 | 11 | 206 | 305 | 11 |
| | 207 | 305 | 11 | 207 | 305 | 11 |
| | 208 | 305 | 11 | 208 | 305 | 11 |
| | 209 | 305 | 11 | 209 | 305 | 11 |
| | 210 | 305 | 11 | 210 | 305 | 11 |
| THIRD FLOOR | 301 | 305 | 11 | 301 | 305 | 11 |
| | 302 | 305 | 11 | 302 | 305 | 11 |
| | 303 | 305 | 11 | 303 | 305 | 11 |
| | 304 | 305 | 11 | 304 | 305 | 11 |
| | 305 | 305 | 11 | 305 | 305 | 11 |
| | 306 | 305 | 11 | 306 | 305 | 11 |
| | 307 | 305 | 11 | 307 | 305 | 11 |
| | 308 | 305 | 11 | 308 | 305 | 11 |
| | 309 | 305 | 11 | 309 | 305 | 11 |
| | 310 | 305 | 11 | 310 | 305 | 11 |

TOTAL PARKING SPACES REQUIRED: 29 SPACES FOR 52 UNITS
 (INCLUDES VISITING SPACES REQUIRED)



**IMPERVIOUS SURFACE AREAS
 (TO PROPERTY LINE)**

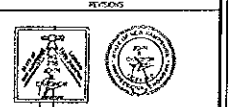
| STRUCTURE | PRE-CONSTRUCTION IMPERVIOUS (SF) | POST-CONSTRUCTION IMPERVIOUS (SF) |
|----------------|----------------------------------|-----------------------------------|
| MAIN BUILDING | 3,112 | 13,741 |
| ROOF | 112 | 361 |
| PARKS | 112 | 113 |
| PARKING & RAMP | 361 | 361 |
| DRIVEWAY | 361 | 113 |
| RELANDING WALL | 361 | 713 |
| DRIVEWAY | 361 | 0 |
| CONCRETE | 112 | 361 |
| TOTAL | 4,439 | 15,741 |
| PERCENT | 12.4% | 42.4% |
| PERCENT | 29.5% | 42.4% |

AMBIT ENGINEERING, INC.
 Civil Engineers & Land Surveyors
 1000 ROUTE 1
 PORTSMOUTH, N.H. 03801
 TEL: 603-431-1111
 FAX: 603-431-1112

- NOTES:**
- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH'S ASSESSOR'S MAP 127 AS LOT 14
 - 2) OWNER OF RECORD: 1000 ROUTE 1 LLC, 3 PLEASANT STREET, SUITE 400, PORTSMOUTH, N.H. 03801, 603-431-1111
 - 3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FEMA FLOOD ZONING MAPS, EFFECTIVE JANUARY 25, 2011.
 - 4) EXISTING LOT AREA: 17,458 SF, 64,217 SQ. FT.
 - 5) PARCEL IS LOCATED IN CHARACTER DISTRICT 4 (C4), THE CONTEMPORARY DISTRICT AND THE HISTORIC DISTRICT.
 - 6) DIMENSIONAL REQUIREMENTS: SEE PORTSMOUTH ZONING ORDINANCE.
 - 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED SITE DEVELOPMENT ON ASSESSOR'S MAP 127 LOT 14 IN THE CITY OF PORTSMOUTH.
 - 8) METRIC DATUM IS MEAN SEA LEVEL, NAD83, BASED ON VERTICAL DATUM IS REDUNDANT WITH GROUND OBSERVATIONS (1987).
 - 9) SEE ARCHITECTURAL PLANS FOR FLOOR ENCLOSEDURE, AREA, FLOOR SCHEDULE AS NEEDED TO MEET CITY CODE.
 - 10) PROVIDE AN ASSESSOR'S MAP 127 FOR THE PROPOSED SITE DEVELOPMENT. ALSO PROVIDE A SURFACE MAP OF THE NEW PLOT FOR USE BY THE ADJACENT EXISTING OWNER.
 - 11) A PORTSMOUTH MAP IS REQUIRED FOR THIS PROJECT TO BE COMPLETED FROM THE CONSTRUCTION.

**MIXED USE DEVELOPMENT
 93 PLEASANT STREET
 PORTSMOUTH, N.H.**

| NO. | DESCRIPTION | DATE |
|-----|--------------------------------|----------|
| 1 | PROPOSED LAYOUT | 11/1/21 |
| 2 | REVISION TO LAYOUT 1, 11, & 12 | 12/22/21 |
| 3 | REVISION TO LAYOUT 1, 11, & 12 | 12/22/21 |
| 4 | REVISION TO LAYOUT 1, 11, & 12 | 12/22/21 |
| 5 | REVISION TO LAYOUT 1, 11, & 12 | 12/22/21 |
| 6 | REVISION TO LAYOUT 1, 11, & 12 | 12/22/21 |
| 7 | REVISION TO LAYOUT 1, 11, & 12 | 12/22/21 |
| 8 | REVISION TO LAYOUT 1, 11, & 12 | 12/22/21 |
| 9 | REVISION TO LAYOUT 1, 11, & 12 | 12/22/21 |
| 10 | REVISION TO LAYOUT 1, 11, & 12 | 12/22/21 |

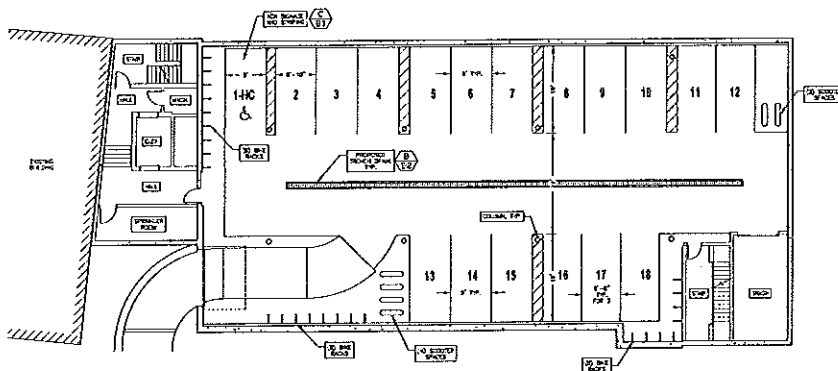


SCALE: 1" = 20'
 DECEMBER 2020
SITE LAYOUT PLAN
C3

PORTSMOUTH APPROVAL CONDITIONS NOTE:
 ALL CONDITIONS ON THIS PLAN SET FORTH IN EFFECT IN
 PORTSMOUTH PURSUANT TO THE REGULATIONS OF THE CITY OF
 PORTSMOUTH'S ZONING BOARD.

APPROVED BY THE PORTSMOUTH PLANNING BOARD

DATE: _____



PORTSMOUTH APPROVAL CONDITIONS NOTE:
ALL CONDITIONS ON THIS PLAN SET SHALL REMAIN IN EFFECT IN
FURTHER PURSUANT TO THE REQUIREMENTS OF THE CITY OF
PORTSMOUTH SITE PLAN REVIEW REMARKS.

APPROVED BY THE PORTSMOUTH PLANNING BOARD

DATE: _____



CONDITIONAL USE PARKING PERMIT
CONDITIONAL USE PERMIT TO PROVIDE 18 PARKING SPACES
WHERE 33 ARE REQUIRED (48 MINUS 14'S + 6'S SPACES PER UNIT)
= (4 LINES + 14'S SPACES PER UNIT) + (6'S + 14'S SPACES PER
5 LINES) = 38 SPACES REQUIRED (33 + 5 SPACE PRODUCTION YIELDS
38 REQUIRED)



AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
ONE SUMMIT STREET - SUITE 1
PORTSMOUTH, NH 03801
TEL: 603.436.1000

- NOTES:**
- 1) PARCEL 65 SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 127 AS LOT 74
 - 2) OWNER OF RECORD:
LARRY TACOSTA LLC
3 PLEASANT STREET SUITE 400
PORTSMOUTH, NH 03801
603/436-1000
6-17-21
 - 3) THE PURPOSE OF THIS PLAN IS TO SHOW THE
PARKING FOR THE PROPOSED 5/16 DEVELOPMENT ON
ASSESSOR'S MAP 127 LOT 74 IN THE CITY OF
PORTSMOUTH.

**MIXED USE DEVELOPMENT
93 PLEASANT STREET
PORTSMOUTH, N.H.**

| | |
|----------------------------|----------|
| 5. REVISED LAYOUT | 11/1/21 |
| 4. REVISED SIGNAGE | 12/22/21 |
| 3. BUILDING FOOTPRINT | 10/14/21 |
| 2. SUBMITTED TO LAC | 1/28/21 |
| 1. REVISED BUILDING LAYOUT | 8/1/21 |
| 0. REVIEW FOR CONCEPT | 12/1/21 |
| NO. REVISIONS | 5/16 |



SCALE: 1" = 10' DECEMBER 2020

PARKING LEVEL
PLAN

C4

78-217 PC 22

85112

DAGNY TAGGART, LLC
APPLICATION FOR VARIANCES

I. INTRODUCTION

The property subject to this application is located at 93 Pleasant Street in Portsmouth, New Hampshire and is depicted on the Portsmouth City Tax Maps as Map 107, Lot 74 (the “Lot”). The Lot is owned by the Applicant and is the home of the historic “Treadwell Mansion.” The Lot is also comprised of a gravel parking lot with access provided via a single full-access/egress driveway on Court Street. Treadwell Mansion has been in the same location for over one-hundred years. The Lot appears to have been involuntarily merged by the city of Portsmouth, as it was formerly two separate lots, and is comprised of 17,498 S.F. or 0.4017 acres of land and is located in the Character District 4 (CD4) zoning district (See attached plans containing a standard boundary survey, a proposed site plan detailing the intended project itself, pictures of the property, as well as architectural rendering and floor plans showing the sloped elevations of the Lot). As a corner lot, the Lot is also located within the Downtown Overlay District (DOD) zoning district. The Lot has principal frontage along Pleasant Street and secondary frontage along Court Street.

The Lot itself is unique as the structure upon it is historic and the Lot is of significant size. In addition, the Lot is a corner lot and is bounded by mixed and commercial uses along Pleasant Street, but bounded by historic residential uses along Court Street. Also, and most significant the Lot is unique given its downtown urban location coupled with an unusually steep slope of the lot boundary and existing stone retaining wall from Pleasant Street along Court Street. The combination of this corner lot attribute, the location of residential uses along Court Street and the steep sloping boundary line creates unique characteristics of the Lot not shared by other similarly situated lots within the general vicinity.

II. THE APPLICANT

The Applicant, Dagny Taggart, LLC (“Dagny Taggart”), is a Portsmouth-based development company that is the current owner of the parcel. The principal of Dagny Taggart is Mark A. McNabb, a well-respected developer within Portsmouth, known for employing context sensitive designs within projects that foster a continued economic vitality of the City’s downtown.

III. THE PROJECT

Dagny Taggart intends to convert the first and basement floors of the Treadwell Mansion to provide +/- 5,251 S.F. of office space. The third and fourth floors of the Treadwell Mansion will be converted to eight residential apartments. A second 2 story with a short 3rd story building will be constructed on the existing gravel parking area containing additional residential units, with basement level parking for 18 vehicles, 24 bicycles and 6 scooters. The additional building will share a common wall and will share a new elevator servicing both buildings, which will be constructed within the new structure. When completed, a total of 52 apartment units will be provided, consisting of a mix of forty-one (41) studio and eleven (11) one-bedroom units. Access to the parking garage will be provided via a new ramped driveway to Court Street at the easterly end of the Lot. The size of the units will provide for a more affordable living option within the downtown area.

The new construction will comply with Green Building Requirements and will require a conditional use permit for reduced parking spaces to 18 where 35 are required and the project will undergo full site plan approval before the Portsmouth Planning Board.

The Applicant has had preliminary discussion regarding the project with the Historical District Commission, and has received positive feedback as a result of that process. A portion of this feedback relates to the HDC requesting significant design changes which are amenable to the Applicant, which include a lowering of the height of the newly constructed building and a lowering of the parking level under the structure in order that the new structure is shorter than the historic Treadwell Mansion. In addition, the HDC requires that the 6-foot existing granite wall, except at the garage entrance, that exists along Court Street remain.

The HDC recommendations and the sloping boundary line along Court Street have produced a number of design constraints which have caused the need for certain variances as set forth herein.

IV. REQUEST OF THE APPLICANT FOR VARIANCES

For the purposes set forth herein, the Applicant is requesting the following variances:

1. Relief from Figure 10.5A41.10C and Section 10.642 (1), which prohibit residential use in the ground floor.

Rationale for Request: This parcel is located in the Downtown Overlay District. The project will contain commercial uses, but the severe slope and existing stone retaining wall will prevent commercial space along Court Street, as the grades of entrances for such commercial spaces will be inaccessible from Court Street as opposed to internally accessed residential uses. The residual uses are consistent with the HDC's requirement that the existing 6-foot granite wall remain running along Court Street. Commercial uses would be inconsistent with retaining this granite wall. As a matter of context, this proposed residential use is reasonable given that this portion of Court Street is predominately residential, whereas Pleasant Street is predominately commercial; and

2. Relief from Figure 10.5A41.10C which prohibits a finished floor surface of the ground floor that is 36" above the sidewalk grade, where a maximum of 60" is proposed.

Rationale for Request: The Applicant proposes a maximum of 60" given the slope of the property. The 36" is met (actually starting at 24" at the beginning of Court Street) at the proposed main entrance of the addition structure, however, Court Street slopes away going east, causing the finished floor to be more than 36" above the sidewalk grade. The floor grade is intended to coincide with the granite wall that the HDC requires to be maintained; and

3. Relief from Figure 10.5A41.10C which requires a minimum ground story height of 12', where 10' 8" is proposed.

Rationale for Request: The Applicant proposes 10' 8" given the slope and proposed residential use, as set forth with the first variance request, on the ground floor and the request from HDC to lower the building height; and

4. Relief from Figure 10.5A41.10C which requires an entrance spacing every 50’.

Rationale for Request: The Applicant proposes two entrances along the new structure along Court Street, which is approximately 157’. If staggered, the number of entrances would almost be satisfied with two entrances, however given the slope of the property at the beginning (westerly side) of the building and the parking infrastructure created at the end (easterly side) of the building, the two entrances are not staggered as required by the zoning ordinance and the desire to keep the historic granite wall as intact as possible; and

5. Relief from Figure 10.5A.44.35 which requires the above-ground portion of a parking structure or garage shall have a liner building at least the height of the ground floor along the entire width of any front yard except for driveways and pedestrian entrances.

Rational for Request: Planning Staff has identified that only parking space #18 is located in an area where the garage is not lower than 6 feet from the grade of the sidewalk (see attached diagram). As with the other variances, given the slope of the property, although the building will rise above the sidewalk, the lower grade will not in order to maintain a level inside grade, thus requiring the Applicant’s need for the variance to retain only parking space #18.

V. VARIANCE CRITERIA

New Hampshire RSA 674:33, I (a)(2) and Section 10.233 of the Portsmouth Zoning Ordinance set forth five criteria upon which variances may be granted. The application of these criteria to the Applicant’s proposal is discussed hereafter.

A. Granting the variances will not be contrary to the public interest.

To be contrary to the public interest or injurious to public rights, the variances must unduly and in a marked degree conflict with the basic zoning objectives of the ordinance. See *Chester Rod & Gun Club*, 152 N.H. at 581. Moreover, “mere conflict with the terms of the ordinance is insufficient.” *Id.* In making the determination, the Board should determine whether the variance would “alter the essential character of the locality or threaten public health, safety or welfare.”

Section 10.121 of the Portsmouth Zoning Ordinance states that, “[t]he purpose of this Ordinance is to promote the health, safety and general welfare of Portsmouth and its region in accordance with the City of Portsmouth Master Plan. The Ordinance is intended to implement the goals and objectives of the Master Plan.

This project is atypical as the Applicant has already appeared on a preliminary basis before the HDC and before the TAC workshop. As such, particularly with the HDC, and given the direction the HDC has provided to the Applicant, design criteria have changed resulting in the reduction in height of the proposed structure. This design addressed the Historic regulations specifically, which provide, “Consistent with the Secretary of the Interior’s Standards for Rehabilitation, an addition to a historic building should be subordinate to the historic building and read as an addition.” (See attached HDC design review regulation).

In this vein, and inherent is such a review, the HDC has provided favorable input to the project as to its design, implying that the project is consistent with the essential characteristics of the surrounding area. As one can see by the designs as presented, careful and context sensitive attention has been taken with regard to the proposed structure. The proposed lack of commercial uses along Court Street will not diminish the residential surrounding areas, particularly as the site will remain a mixed-use site.

B. The spirit of the ordinance is observed.

When considering whether the granting of the variances will observe the spirit of the ordinance, the New Hampshire Supreme Court has indicated this review is substantially related, and similar to the review regarding public interest. See *Harborside Associates, L.P. v. Parade Resident Hotel, LLC*, 162 NH 508, 514 (2011). Thus, the Applicant submits that the rationale set forth above is equally applicable to the Board's review as to whether the spirit of the ordinance is observed with the grant of the variance. Further, the overriding spirit of the ordinance is largely driven, in this instance, by the historic district regulations. The Applicant respectfully submits that the historic district regulations are observed throughout the design.

C. The granting of the requested relief will do substantial justice.

In *Malachy Glen Associates v. Town of Chester*, 155 N.H. 102, 109 (2002), the New Hampshire Supreme Court held that, "the only guiding rule [in determining whether the requirement for substantial justice is satisfied] is that any loss to the individual that is not outweighed by a gain to the general public is an injustice." The Court also noted that it would look at whether a proposed development was consistent with the area's present use. In this instance, the grant of the variances would result in substantial justice as that would allow the addition of residential units that would directly benefit the Portsmouth general public, as they represent more affordable units given their size. The location of the additional structure fits within the residential nature of Court Street within this location and the use works given the slope of the property and the need to retain the granite wall, whereas a commercial use would not. There is no negative aspect that the public will suffer. Conversely, the public will be permitted to use the more accessible rental units. Thus, denial of the variances would result in a loss to the Applicant that is not outweighed by any gain to the general public. As such, granting of the requested relief would result in substantial justice.

D. Granting the variance will not result in the diminution on value of the surrounding properties.

It is respectfully submitted that all of the surrounding properties have a value associated with them which is premised upon the existence of the existing buildings and uses located upon the applicant's property. In this instance, it is believed, and therefore averred, that the aesthetic and historic additions and upgrades of the property and considering the existing uses of the property, will not result in a diminution of surrounding property values.

E. Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

An unnecessary hardship exists when, owing to special conditions of the property that distinguish it from other property, no fair and substantial relationship exists between the public purposes of the ordinance provisions and the specific application of those provisions to the property and the proposed use is a reasonable one. (Section 10.233.31 of Zoning Ordinance).

As set forth with the Introduction, the Lot is distinguished from other properties in the area given as the Lot itself is unique as the structure upon it is historic and the Lot is of significant size. In addition, the Lot is a corner lot and is bounded by mixed uses along Pleasant Street, but bounded by historic residential uses along Court Street. Also, and most significant the Lot is unique given its downtown urban location coupled with an unusually steep slope of the lot boundary and the need (and desire) to retain the existing and historic stone retaining wall from Pleasant Street along Court Street. The combination of this corner lot attribute, the location of residential uses along Court Street and the steep sloping boundary line creates unique characteristics of the Lot not shared by other similarly situated lots within the general vicinity.

The proposed structure will not pose a conflict with the public purpose of the ordinance as such additions will create a use that is consistent with and sensitive to the HDC regulations, as illustrated hereinabove, while providing much need housing which will be a more affordable option for those that require moderate space, and want to live within the heart of the downtown area, all the while maintaining commercial uses within the Lot resulting in a highly desirable mixed-use. The development proposed is also necessitated not only by the location within the Historic District, but also in light of the slope to the Lot, as illustrated, and the need to retain the granite stone wall. The designs reflect a reasonable and much needed use in a manner that respects the overall goals of the zoning ordinance. The lack of commercial uses along Court Street, in this interest is unnecessary in this specific instance. The Applicant respectfully submits, for all of the reasons set forth herein, the denial of the requested variances would frustrate the benefits the project stands to offer to the general public, and would result in an unnecessary hardship to the Applicant.

For the specific reasons set forth above, the Applicant respectfully submits that the uses proposed are reasonable.

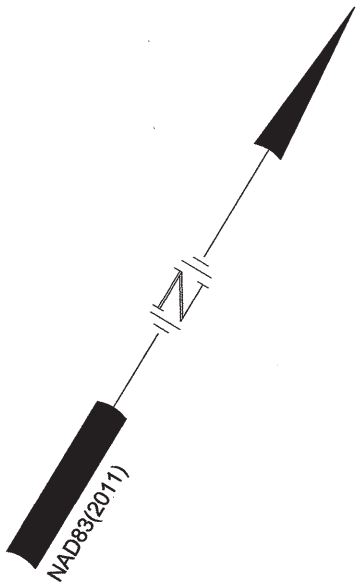
VI. CONCLUSION

For all of the reasons set forth above Dagny Taggart, LLC respectfully requests that the relief request herein be granted.

LEGEND:

| | |
|----------------|-------------------------------------|
| MAP 137 LOT 11 | ASSESSORS MAP AND LOT NUMBER |
| A | CENTRAL ANGLE |
| A.G. | ABOVE GRADE |
| B.G. | BELOW GRADE |
| BK PG | BOOK / PAGE |
| CHD | CHORD |
| CD4 | CHARACTER DISTRICT 4 |
| CD4-L1 | CHARACTER DISTRICT 4 - LIMITED 1 |
| EG | EDGE OF GRAVEL |
| EM | ELECTRIC METER |
| EP | EDGE OF PAVEMENT |
| DHF | DRILL HOLE FOUND |
| L | LENGTH |
| N/F | NOW OR FORMERLY |
| NET | NEW ENGLAND TELEPHONE |
| RCD | ROCKINGHAM COUNTY REGISTRY OF DEEDS |
| R | RADIUS |
| PSNH | PUBLIC SERVICE OF NEW HAMPSHIRE |
| S.F. | SQUARE FEET |
| RET. | RETAINING |
| TYP. | TYPICAL |
| VCC | VERTICAL GRANITE CURB |
| ○ | DRILL HOLE FOUND |
| ○ | IRON PIPE/ROD FOUND |
| ○ | MAILBOX |
| ○ | AIR CONDITIONER |
| ○ | LIGHT POLE |
| ○ | UTILITY POLE |
| ○ | UTILITY POLE W/LIGHT |
| ○ | FLAG POLE |
| ○ | DEODIOUS TREE |
| ○ | SIGN |
| ○ | CHAINLINK FENCE |
| ○ | WROUGHT IRON FENCE |
| ○ | BOUNDARY LINE |
| ○ | SETBACK LINE |
| ○ | CONCRETE |
| ○ | PAVEMENT |
| ○ | BRICK |
| ○ | WOODEN DECK |
| ○ | GRANITE BLOCK RETAINING WALL |
| ○ | GRAVEL PARKING AREA |

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | N 60°00'10" E | 12.95' |
| L2 | N 61°05'47" E | 33.80' |



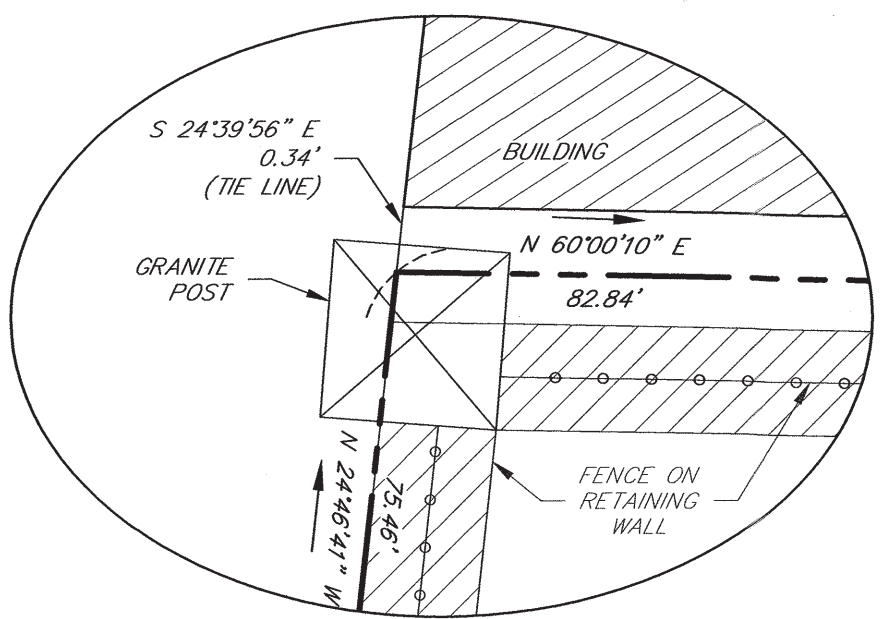
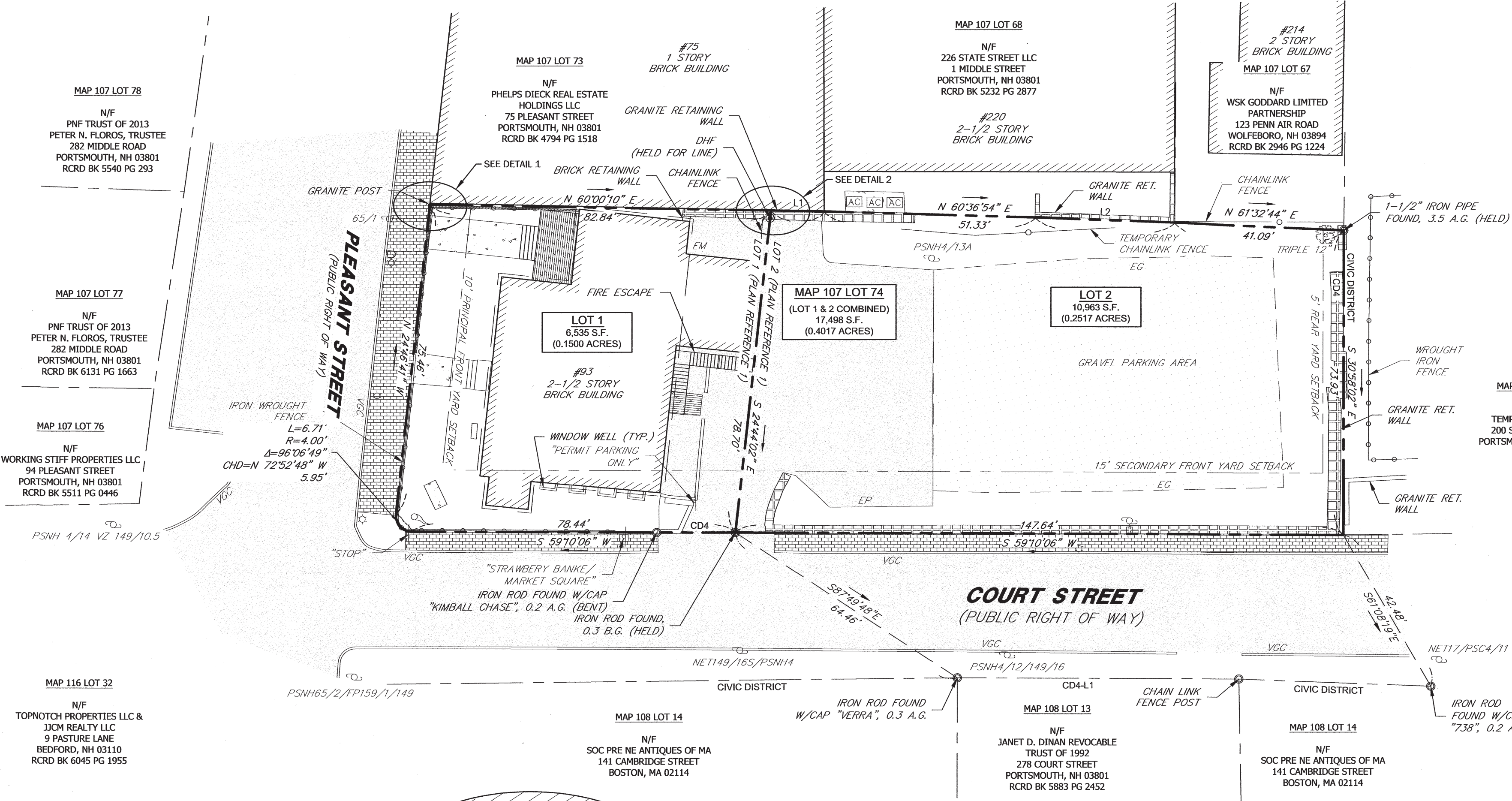
LOCATION PLAN

NOTES:

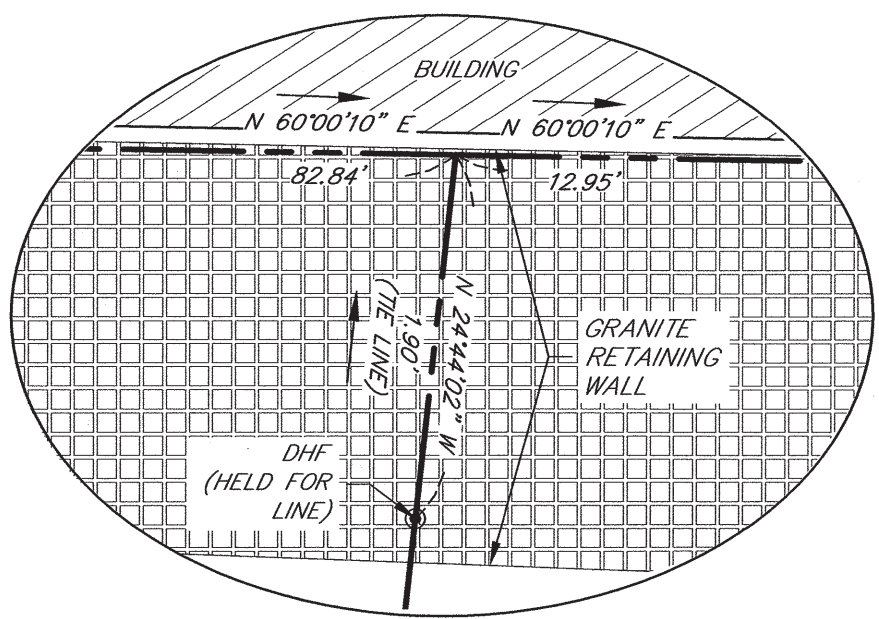
- THE PARCEL IS LOCATED IN THE CHARACTER DISTRICT 4 (CD4) & THE DOWNTOWN & HISTORIC OVERLAY DISTRICTS.
- THE PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 107 AS LOT 74.
- THE PARCEL IS LOCATED IN ZONE "Y" AS SHOWN ON NATIONAL FLOOD INSURANCE PROGRAM (NFIP), FLOOD INSURANCE RATE MAP (FIRM) ROCKINGHAM COUNTY, NEW HAMPSHIRE, PANEL 259 OF 681, VERSION NUMBER 2.3.2.1, MAP NUMBER 33015C0259F, MAP REVISED JANUARY 29, 2021.
- DIMENSIONAL REQUIREMENTS:**

| BUILDING PLACEMENT - PRINCIPAL BUILDING: | REQUIRED: |
|---|---|
| MAXIMUM PRINCIPAL FRONT YARD: | 10' |
| MAXIMUM SECONDARY FRONT YARD: | 15' |
| SIDE YARD: | NR |
| MINIMUM REAR YARD: | 5' |
| MINIMUM FRONT LOT LINE BUILDOUT: | 50% |
| BUILDING AND LOT OCCUPATION: | |
| MAXIMUM BUILDING COVERAGE: | 90% |
| MAXIMUM BUILDING FOOTPRINT: | 15,000 S.F./30,000 S.F.* |
| MINIMUM LOT AREA: | NR |
| MINIMUM LOT AREA PER DWELLING UNIT: | NR |
| MINIMUM OPEN SPACE: | 10% |
| MAXIMUM GROUND FLOOD GFA PER USE: | 15,000 S.F. |
| BUILDING FORM - PRINCIPAL BUILDING: | |
| BUILDING HEIGHT: | 2 STORIES & SHORT 3RD STORY/35' |
| MAXIMUM FINISHED FLOOR SURFACE OF GROUND: | 36" |
| FLOOR ABOVE SIDEWALK GRADE: | 12" |
| MINIMUM GROUND STORY HEIGHT: | 10' |
| BUILDING PLACEMENT - OUTBUILDING: | |
| MINIMUM FRONT YARD: | 20' BEHIND A FACADE OF A PRINCIPAL BUILDING |
| MINIMUM SIDE YARD: | 0' |
| MINIMUM REAR YARD: | 3' |

NR = NO REQUIREMENT
PER THE CITY OF PORTSMOUTH ZONING ORDINANCE DATED DECEMBER 21, 2009 AS AMENDED THROUGH JANUARY 11, 2021 ARTICLE 5A FIGURE 10.5A41.10C
*SEE SECTION 10.5A43.43
- OWNER OF RECORD:
MAP 107 LOT 74:
DAGNY TAGGART, LLC
30 PENHOLLOW STREET, SUITE 300
PORTSMOUTH, NH 03801
RCD BK #5162 PG.#0074 (SECOND PARCEL)
- PARCEL AREA:
MAP 107 LOT 74:
17,498 S.F.
(0.4017 ACRES)
- THE INTENT OF THIS PLAN IS TO SHOW THE LOCATION OF BOUNDARIES IN ACCORDANCE WITH THE CURRENT LEGAL DESCRIPTIONS. IT IS NOT AN ATTEMPT TO DEFINE THE EXTENT OF OWNERSHIP OR DEFINE THE LIMITS OF TITLE.
- THE PURPOSE OF THIS PLAN IS TO SHOW THE BOUNDARY LINES AND MAJOR SITE FEATURES OF MAP 107 LOT 74.
- FIELD SURVEY COMPLETED BY T.C.E. IN JANUARY 2020 USING A TOPCON DS103 AND A TOPCON FC-5000 DATA COLLECTOR.
- HORIZONTAL DATUM IS NAD83 (2011) PER STATIC GPS OBSERVATIONS.
- EASEMENTS, RIGHTS, AND RESTRICTIONS SHOWN OR IDENTIFIED ARE THOSE WHICH WERE FOUND DURING RESEARCH PERFORMED AT THE ROCKINGHAM COUNTY REGISTRY OF DEEDS. OTHER RIGHTS, EASEMENTS, OR RESTRICTIONS MAY EXIST WHICH A TITLE EXAMINATION OF SUBJECT PARCEL(S) WOULD DETERMINE.
- THE LOCATION OF ANY UNDERGROUND UTILITY INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE. TFMORAN, INC. MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF UNDERGROUND UTILITIES SHOWN. PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR SHALL CONTACT DIG SAFE.



DETAIL 1
1"=1'



DETAIL 2
1"=1'

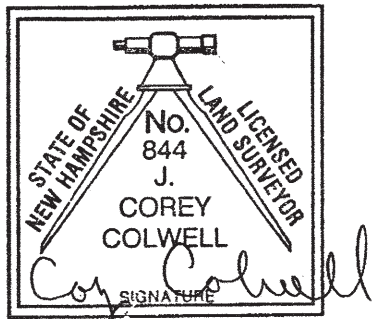
PLAN REFERENCES:

- "SUBDIVISION OF LAND / 93 PLEASANT ST. PORTSMOUTH, NEW HAMPSHIRE FOR BREWSTER INN PARTNERSHIP" BY KIMBALL CHASE COMPANY, INC. DATED 10-26-1987 WITH REVISION DATE 1-5-1988. RCD PLAN D-17511.
- "SUBDIVISION OF LAND PORTSMOUTH, N.H. TRADER'S BLOCK TRUST JOSEPH G. SAWTELLE, JR., TR." BY JOHN W. DURGIN CIVIL ENGINEERS, DATED DECEMBER 1977. RCD PLAN C-7487.
- "SUBDIVISION OF LAND PORTSMOUTH, N.H. TRADER'S BLOCK TRUST JOSEPH G. SAWTELLE, JR., TR." BY JOHN W. DURGIN CIVIL ENGINEERS, DATED MARCH 1977 LAST REVISED APRIL 12, 1977. RCD PLAN C-6815.
- "BOUNDARY LINE CONFIRMATION BETWEEN T. & M. LAURIE & STRAWBERRY BANK INC. PORTSMOUTH, N.H." BY M.E. JENKINS, DATED APRIL 1989. RCD PLAN C-19507.
- "PLAN OF LAND 278 COURT STREET PORTSMOUTH, NEW HAMPSHIRE FOR STRAWBERRY BANKE, INC." BY JAMES VERRA AND ASSOCIATES, INC., DATED 10-29-2009. RCD PLAN D-36475.
- "226 STATE STREET CONDOMINIUMS AMENDED SITE PLAN FOR PROPERTY AT 226-228 STATE STREET PORTSMOUTH, ROCKINGHAM COUNTY, NEW HAMPSHIRE OWNED BY 226 STATE STREET LLC" BY NORTH EASTERLY SURVEYING, INC. DATED 10-24-2012. RCD PLACE D-37475.

PURSUANT TO NEW HAMPSHIRE REVISED STATUTES ANNOTATED 676:18, II AND III AND 672:14:

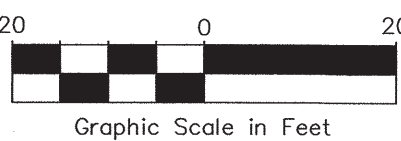
I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN."

I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY THOSE UNDER MY DIRECT SUPERVISION AND ARE THE RESULT OF A FIELD SURVEY CONDUCTED IN JANUARY 2020. THIS SURVEY CONFORMS TO THE ACCURACY REQUIREMENTS OF AN URBAN SURVEY OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS. I FURTHER CERTIFY THAT THIS SURVEY IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, AND THE FIELD TRAVERSE SURVEY EXCEEDS A PRECISION OF 1:15,000.



LICENSED LAND SURVEYOR

02-24-2021
DATE



| REV. | DATE | DESCRIPTION | DR | CK |
|------|------|-------------|----|----|
| | | | | |
| | | | | |
| | | | | |

TAX MAP 107 LOT 74 STANDARD BOUNDARY SURVEY

**93 PLEASANT STREET
PORTSMOUTH, NEW HAMPSHIRE
COUNTY OF ROCKINGHAM**
OWNED BY
DAGNY TAGGART, LLC

SCALE: 1" = 20' (22x34)
1" = 40' (11x17)

FEBRUARY 23, 2021

Seacoast Division



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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DR ID FB
CK JCC CADFILE

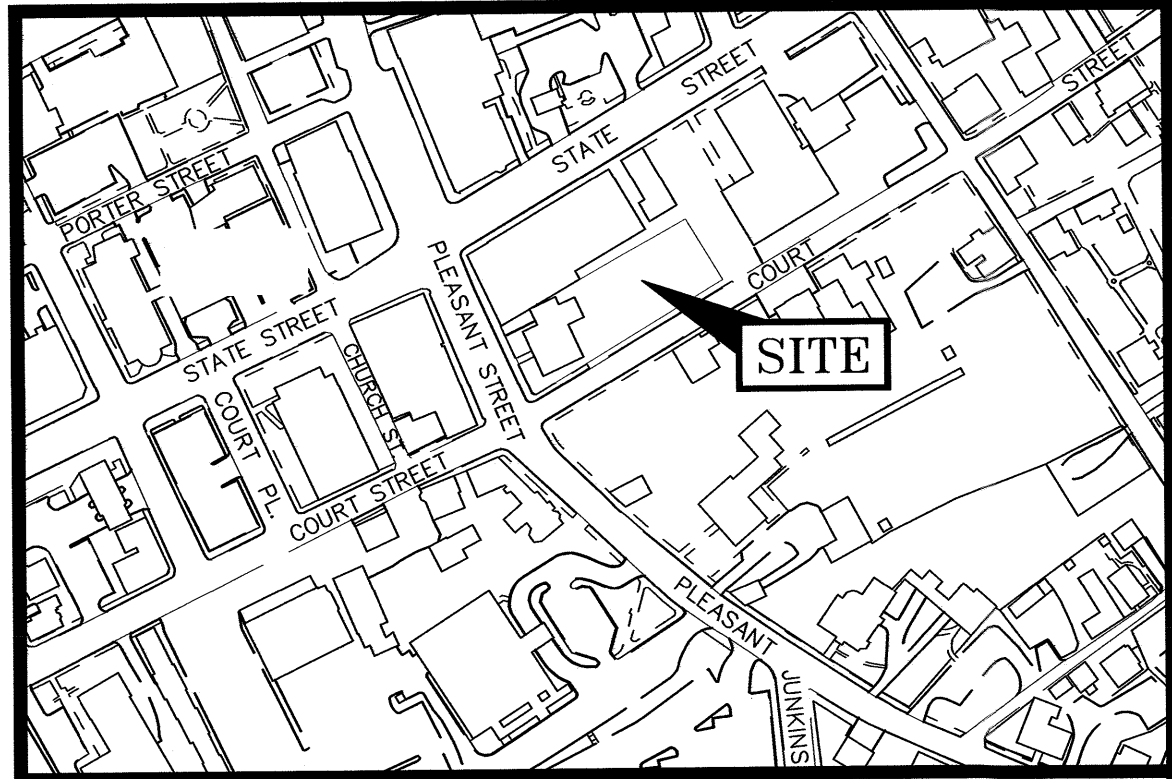
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48 Constitution Drive, Bedford, N.H. 03110

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This plan is not effective unless signed by a duly authorized officer of Thomas F. Moran, Inc.



CONTACT DIG SAFE 72 BUSINESS HOURS PRIOR TO CONSTRUCTION



LOCATION MAP

SCALE: 1" = 200'

BUILDING DATA:

PROPOSED BUILDING:
8,297 S.F. FOOTPRINT
52 RESIDENTIAL UNITS
OFFICE SPACE
1 LEVEL OF PARKING

ZONING DEVELOPMENT STANDARD

CD4: CHARACTER DISTRICT 4

BUILDING PLACEMENT (PRINCIPAL):

| | REQUIRED | EXISTING | PROPOSED | EXISTING | PROPOSED |
|----------------------------|----------|----------|----------|----------|----------|
| MAX. PRINCIPLE FRONT YARD: | 10 FEET | 19.2' | NC | NA | NA |
| MAX. SECONDARY FRONT YARD: | 15 FEET | 9.0' | NC | NA | 29.1' |
| MIN. SIDE YARD: | NR | 0.6' | NC | NC | NC |
| MIN. REAR YARD: | 5 FEET | 158.8' | NC | NC | 9.8' |
| FRONT LOT LINE BUILDOUT: | 50% MIN | 85% | 85% | NC | NC |

BUILDING TYPES:

ALLOWED BUILDING TYPES: APARTMENT, LIVE/WORK.

PROHIBITED: HOUSE & DUPLEX

ALLOWED FACADE TYPE: STOOP, STEP, SHOPFRONT, OFFICEFRONT, RECESSED-ENTRY, TERRACE WITH STEP AND DOORYARD.

PROHIBITED: PORCH & FORECOURT

BUILDING FORM:

| | REQUIRED | EXISTING | PROPOSED | EXISTING | PROPOSED |
|---|------------------------|----------|----------|----------|---|
| MAX. STRUCTURE HEIGHT: | 35 FEET | 35'-9" | NC | NC | 32'-5" |
| MAX. FINISHED FLOOR SURFACE OF GROUND FLOOR ABOVE SIDEWALK GRADE: | 36 INCHES | 54" | NC | NC | VARIABLE BETWEEN 24" TO 60" AT UPPER GROUND LEVEL. LOWER GROUND LEVEL IS 60" BELOW GRADE. |
| MIN. GROUND STORY HEIGHT: | 12 FEET | 11'-6" | NC | NC | 10'-8" |
| MIN. SECOND STORY HEIGHT: | 10 FEET | 10'-8" | NC | NC | 10'-8" |
| FACADE GLAZING (WINDOW/PERIMETER): | 70% SHOP 20%-50% OTHER | NC | NC | NC | 20.1% |

ROOF TYPE ALLOWED: FLAT, GABLE, HIP

LOT OCCUPATION:

| | REQUIRED | EXISTING | PROPOSED | EXISTING | PROPOSED |
|---|-----------|-------------|----------|----------|--------------|
| MAX. BUILDING BLOCK: | 200 FEET | 85' | NC | NC | 199'-6" |
| MAX. FACADE MOD. LENGTH: | 80 FEET | 40' | NC | NC | 75'-4" |
| MIN. ENTRANCE SPACING: | 50 FEET | 19' | NC | NC | 95'-3" |
| MAX. BUILDING COVERAGE: | 90% | 19% | NC | NC | 66% |
| MAX. BUILDING FOOTPRINT: | 15,000 SF | 2,625 S.F. | NC | NC | *10,775 S.F. |
| MIN. LOT AREA: | NR | 17,498 S.F. | NC | NC | NC |
| MIN. LOT AREA/DWELLING (LOT AREA/# OF UNITS): | NR | NC | NC | NC | NC |
| MIN. OPEN SPACE : | 10% | 14% | NC | NC | 27.2% |

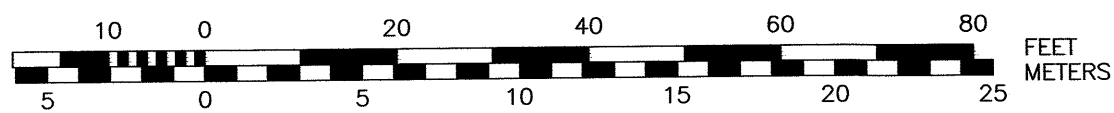
NC = NO CHANGE

NA = NOT APPLICABLE

* WITH BASEMENT 12,211 S.F.

| LEVEL | TOTAL GROSS AREA | GARAGE/SUPPORT | OFFICE | RESIDENTIAL | # STUDIO UNITS | # 1BR UNITS | # TOTAL UNITS |
|-------|------------------|----------------|--------|-------------|----------------|-------------|---------------|
| 3 | 9,933 | 818 | 0 | 9,115 | 13 | 3 | 16 |
| 2 | 10,814 | 814 | 0 | 10,000 | 13 | 8 | 21 |
| 1 | 10,156 | 884 | 2,635 | 6,997 | 15 | 0 | 15 |
| B | 12,211 | 9,595 | 2,616 | 0 | 0 | 0 | 0 |
| TOTAL | 43,474 | 12,111 | 5,251 | 26,112 | 41 | 11 | 52 |

GRAPHIC SCALE



PORTSMOUTH APPROVAL CONDITIONS NOTE:

ALL CONDITIONS ON THIS PLAN SET SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE CITY OF PORTSMOUTH SITE PLAN REVIEW REGULATIONS.

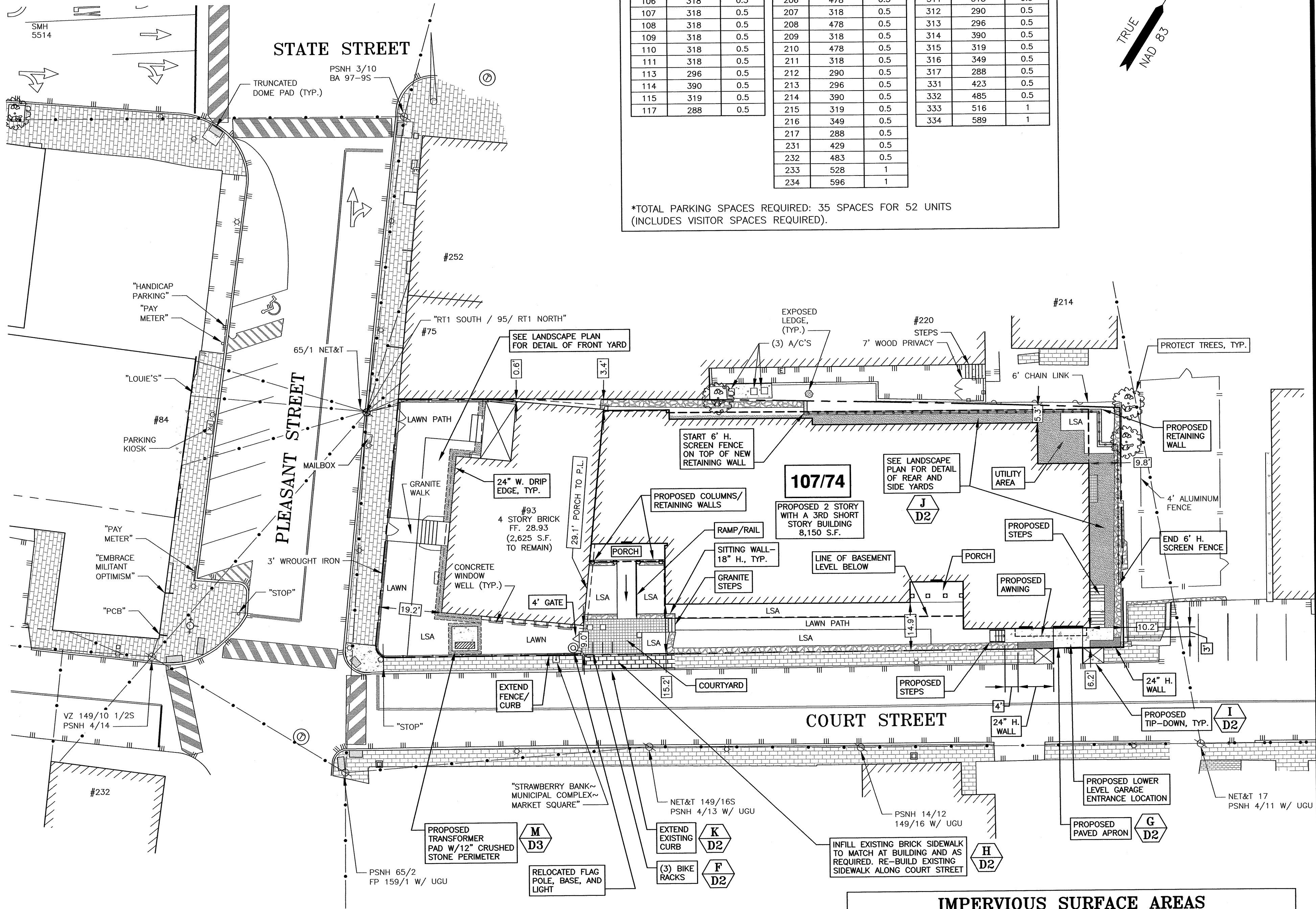
APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN

DATE

CONDITIONAL USE PARKING PERMIT

CONDITIONAL USE PERMIT TO PROVIDE 18 PARKING SPACES WHERE 29 ARE REQUIRED (48 MICRO UNITS x 0.5 SPACES PER UNIT) + (4 UNITS x 1.0 SPACES PER UNIT) + (52 x 1 VISITOR SPACE PER 5 UNITS) = 39 SPACES REQUIRED. DOD 4 SPACE REDUCTION YIELDS 35 REQUIRED.



PARKING CALCULATION

FIRST FLOOR

| UNIT # | S.F. | SPACES REQUIRED |
|--------|------|-----------------|
| 101 | 345 | 0.5 |
| 102 | 318 | 0.5 |
| 103 | 346 | 0.5 |
| 104 | 318 | 0.5 |
| 105 | 346 | 0.5 |
| 106 | 318 | 0.5 |
| 107 | 318 | 0.5 |
| 108 | 318 | 0.5 |
| 109 | 318 | 0.5 |
| 110 | 318 | 0.5 |
| 111 | 318 | 0.5 |
| 113 | 296 | 0.5 |
| 114 | 390 | 0.5 |
| 115 | 319 | 0.5 |
| 117 | 288 | 0.5 |

SECOND FLOOR

| UNIT # | S.F. | SPACES REQUIRED |
|--------|------|-----------------|
| 201 | 346 | 0.5 |
| 202 | 478 | 0.5 |
| 203 | 346 | 0.5 |
| 204 | 478 | 0.5 |
| 205 | 346 | 0.5 |
| 206 | 478 | 0.5 |
| 207 | 318 | 0.5 |
| 208 | 478 | 0.5 |
| 209 | 318 | 0.5 |
| 210 | 478 | 0.5 |
| 211 | 318 | 0.5 |
| 212 | 290 | 0.5 |
| 213 | 296 | 0.5 |
| 214 | 390 | 0.5 |
| 215 | 319 | 0.5 |
| 216 | 349 | 0.5 |
| 217 | 288 | 0.5 |
| 231 | 429 | 0.5 |
| 232 | 483 | 0.5 |
| 233 | 528 | 1 |
| 234 | 596 | 1 |

THIRD FLOOR

| UNIT # | S.F. | SPACES REQUIRED |
|--------|------|-----------------|
| 301 | 345 | 0.5 |
| 303 | 346 | 0.5 |
| 305 | 346 | 0.5 |
| 307 | 318 | 0.5 |
| 309 | 318 | 0.5 |
| 311 | 318 | 0.5 |
| 312 | 290 | 0.5 |
| 313 | 296 | 0.5 |
| 314 | 390 | 0.5 |
| 315 | 319 | 0.5 |
| 316 | 349 | 0.5 |
| 317 | 288 | 0.5 |
| 331 | 423 | 0.5 |
| 332 | 485 | 0.5 |
| 333 | 516 | 1 |
| 334 | 589 | 1 |

*TOTAL PARKING SPACES REQUIRED: 35 SPACES FOR 52 UNITS (INCLUDES VISITOR SPACES REQUIRED).



AMBIT ENGINEERING, INC.

Civil Engineers & Land Surveyors

200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

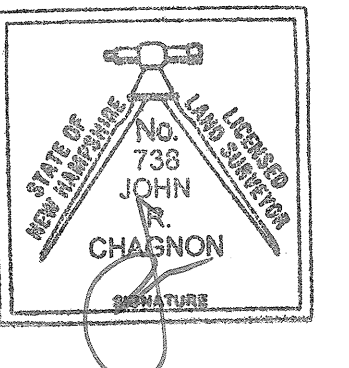
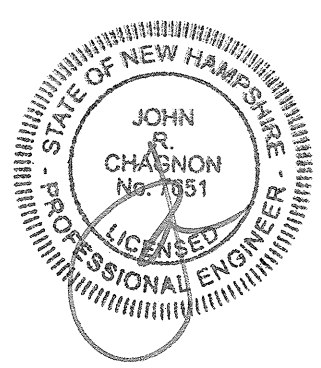
NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 107 AS LOT 74.
- 2) OWNERS OF RECORD:
DAGNY TAGGART LLC
3 PLEASANT STREET SUITE 400
PORTSMOUTH, NH 03801
6162/74
D-17511
- 3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE JANUARY 29, 2021.
- 4) EXISTING LOT AREA:
17,498 S.F.
0.4017 ACRES
- 5) PARCEL IS LOCATED IN CHARACTER DISTRICT 4 (CD4), THE DOWNTOWN OVERLAY DISTRICT AND THE HISTORIC OVERLAY DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS: SEE PORTSMOUTH ZONING ORDINANCE.
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED SITE DEVELOPMENT ON ASSESSOR'S MAP 107 LOT 74 IN THE CITY OF PORTSMOUTH.
- 8) VERTICAL DATUM IS MEAN SEA LEVEL NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS ($\pm 0.2'$).
- 9) SEE ARCHITECTURAL PLANS FOR TRASH ENCLOSURE AREA. PICK UP SCHEDULE AS NEEDED TO MAINTAIN CAPACITY.

MIXED USE DEVELOPMENT
93 PLEASANT STREET
PORTSMOUTH, N.H.

| NO. | DESCRIPTION | DATE |
|-----|----------------------------------|----------|
| 4 | BUILDING SIZE | 10/13/21 |
| 3 | ISSUED FOR ZBA | 9/28/21 |
| 2 | SUBMIT FOR TAC | 9/20/21 |
| 1 | REVISED BUILDING/EXTERIOR LAYOUT | 9/7/21 |
| 0 | ISSUED FOR COMMENT | 4/2/21 |

REVISIONS



SCALE: 1" = 20'

DECEMBER 2020

SITE LAYOUT
PLAN

C3

View from the East



View From the South



East View From Existing Parking Lot (East View)

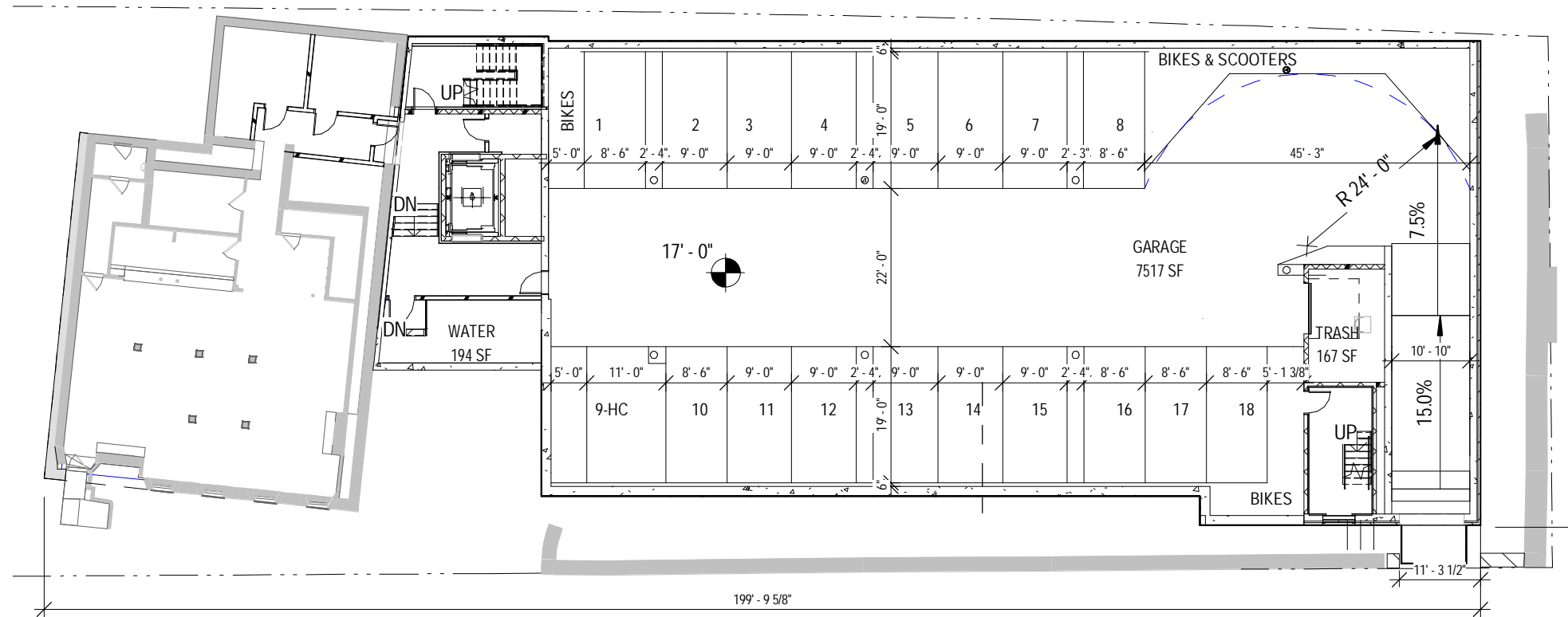


View From West Side



View of Residential Abutters on Court Street



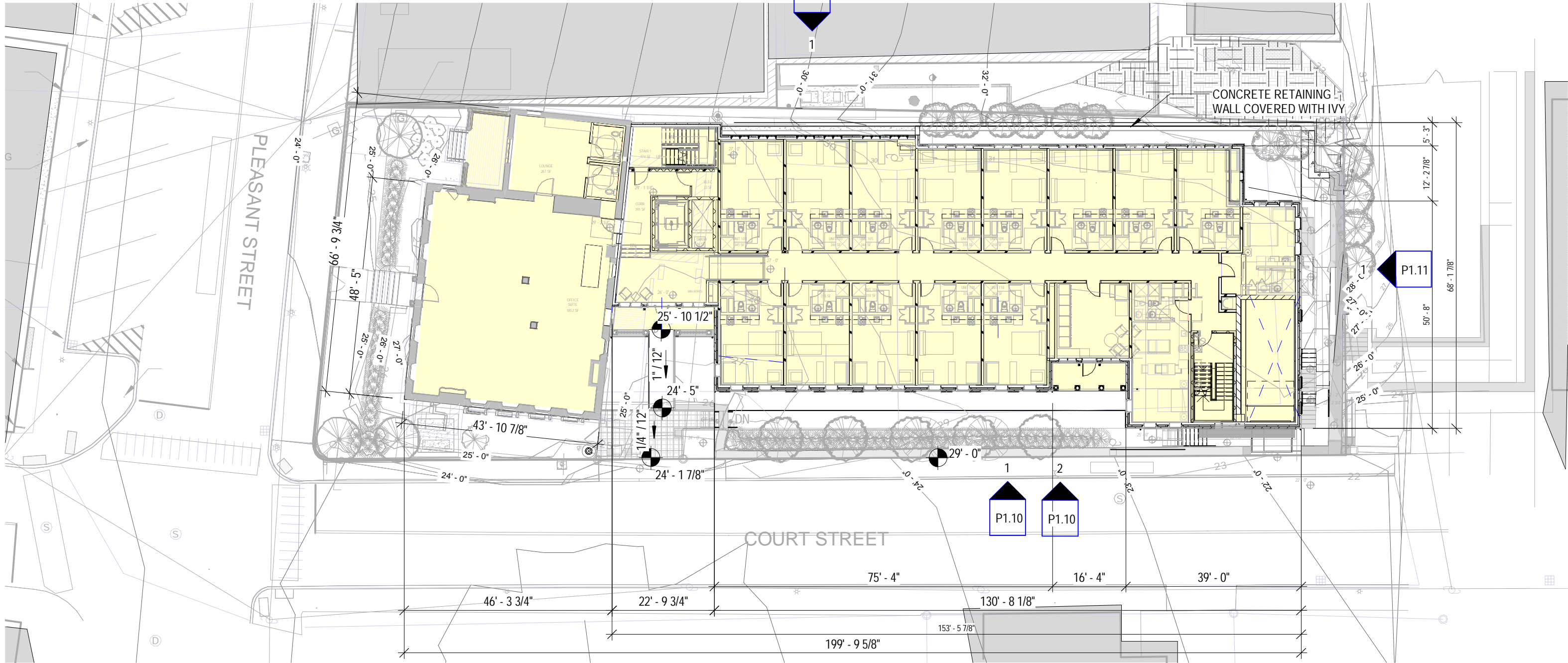


1 BASEMENT FLOOR PLAN
3/64" = 1'-0"

P1.1

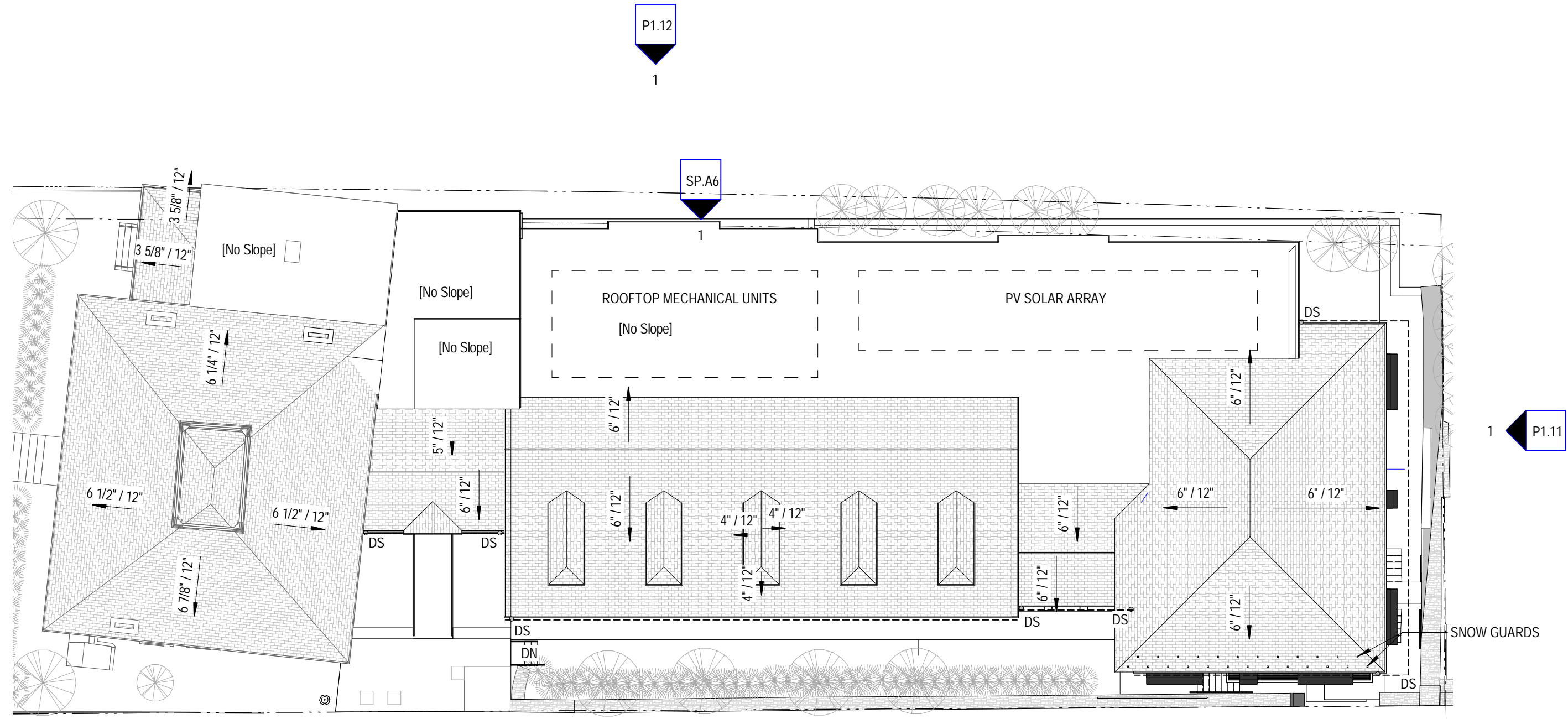
BASEMENT FLOOR PLAN

93 PLEASANT STREET
BOA October 12, 2021



1 FIRST FLOOR PLAN
3/64" = 1'-0"

P1.2 FIRST FLOOR PLAN
93 PLEASANT STREET
BOA October 12, 2021



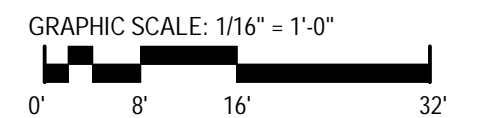
1 ROOF PLAN
1/16" = 1'-0"

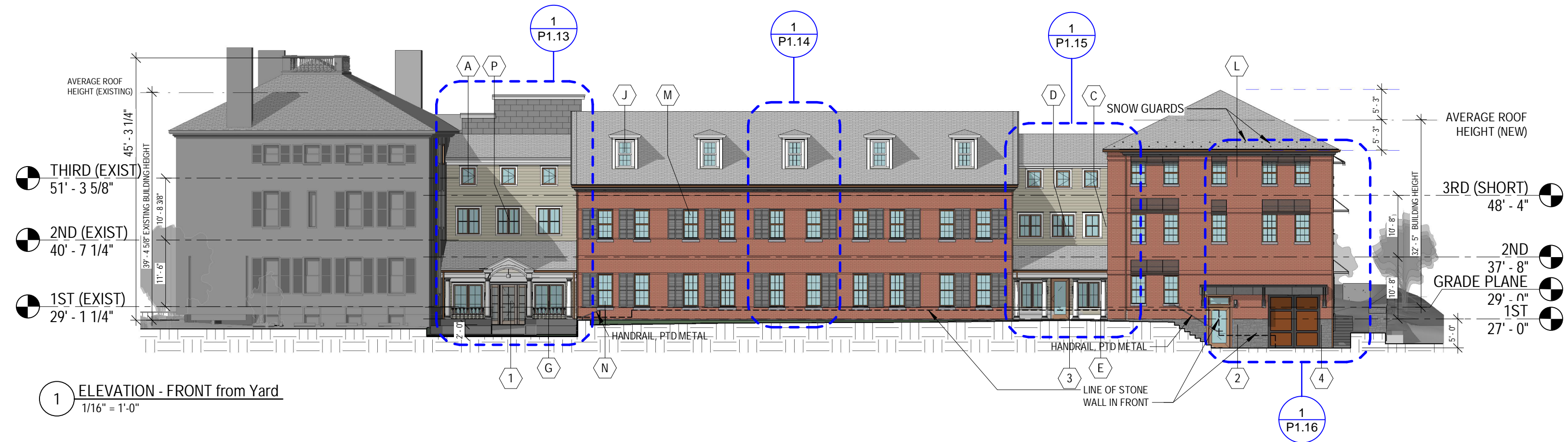
| ROOF LEGEND | |
|-------------|-----------|
| DS | DOWNSPOUT |
| ---- | GUTTER |

1
P1.10

P1.3

ROOF PLAN
93 PLEASANT STREET
BOA October 12, 2021





P1.10

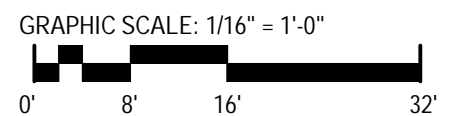
ELEVATION - FRONT

93 PLEASANT STREET
 BOA October 12, 2021



1 HDC ELEVATION - SIDE
1/16" = 1'-0"

| EXTERIOR LIGHTING LEGEND | |
|--------------------------|---------------------------------------|
| EL1 | EXTERIOR LIGHTING - WALL SCONCE |
| EL2 | EXTERIOR LIGHTING - HANGING LIGHT |
| EL3 | EXTERIOR LIGHTING - SOFFIT COVE LIGHT |
| EL4 | EXTERIOR LIGHTING - EMERGENCY LIGHT |



P1.11

ELEVATION - SIDE
93 PLEASANT STREET
BOA October 12, 2021



1 HDC ELEVATION - REAR
1/16" = 1'-0"

| EXTERIOR LIGHTING LEGEND | |
|--------------------------|---------------------------------------|
| EL1 | EXTERIOR LIGHTING - WALL SCONCE |
| EL2 | EXTERIOR LIGHTING - HANGING LIGHT |
| EL3 | EXTERIOR LIGHTING - SOFFIT COVE LIGHT |
| EL4 | EXTERIOR LIGHTING - EMERGENCY LIGHT |

P1.12

ELEVATION - REAR

93 PLEASANT STREET
BOA October 12, 2021



P1.8

PERSPECTIVE VIEW - SW

93 PLEASANT STREET
BOA- OCTOBER 12, 2021

Portsmouth HDC Design Review Regulation

ADDITIONS TO EXISTING BUILDINGS

Historically, the need for increased space was often addressed by constructing additions to existing buildings. Additions to existing historic buildings can provide increased space while maintaining the historic character of the original building and streetscape.

Consistent with *The Secretary of the Interior's Standards for Rehabilitation*, an addition to a historic building should be subordinate to the historic building and read as an addition.

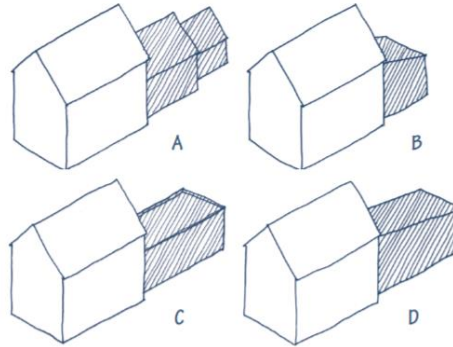
The subordinate appearance of an addition can be achieved through its placement, form, size, massing, materials and details. Traditional or contemporary design and additions to existing properties should not obscure, damage or destroy significant architectural material, and should be compatible with the design of the property and the neighborhood. Whenever possible, additions should be constructed in a manner that, if removed in the future, the essential form and integrity of the historic building would be unimpaired.

It is Generally Appropriate to:

- Locate additions at rear or side elevations that are subordinate to the historic building and consistent or compatible with the design of the property and surrounding neighborhood wherever possible
- Construct additions so that the historic building fabric is not radically changed, obscured, damaged, or destroyed
- Review *Guidelines* to better understand the historic context and appropriate design and materials



The addition to the left has lower floor-to-floor heights and smaller and more closely spaced windows than the historic house. The addition at the center has a scale, proportion, overall form and window pattern similar to the existing building. The addition to the right is significantly larger than the existing building and is visually overwhelming and inappropriate.



Example A: The two gable roof additions with decreasing roof heights and widths represent an appropriate composition with regard to form, mass and proportions to the original gable roof building. Additions with decreasing geometry similar to these are typical of historic construction.

Example B: The small shed roof addition is appropriate in some locations.

Examples C and D: The flat roofed addition and long shed roof addition are inappropriate for the original gable roof building. The length of the single mass competes visually with the original building.

Setback

Any addition should be set back from the front of the building.