

## MEMORANDUM

**TO:** Portsmouth Zoning Board of Adjustment (“ZBA”)  
**FROM:** Kevin Baum, Esquire  
**DATE:** March 27, 2023  
**Re:** 45 Rockingham St., LLC, Owner/Applicant  
Property Location: 45 Rockingham Street  
Tax Map 144, Lot 6  
General Residence C (“GRC”)

Dear Chair Eldridge and Zoning Board Members:

On behalf of 45 Rockingham St., LLC, Owner/Applicant (the “Applicant”), we are pleased to submit this memorandum and attached exhibits in support of zoning relief to allow a front porch and rear addition be added onto the existing home at 45 Rockingham Street, to be considered by the Portsmouth Zoning Board of Adjustment (“ZBA”) at its April 18, 2023 meeting.

### I. EXHIBITS

- A. Site and Architectural Plan Set – by McHenry Architecture
- Existing Conditions Survey by Doucet Survey LLC (Sheet 1)
  - Existing Site Photographs (Sheet A1)
  - Setback Calculations (Sheet A2)
  - Architectural Site Plans (Sheet A3)
  - Floor Plans (Sheets A4-5)
  - Architectural Elevations (Sheets A6-7)
  - Architectural Rendering (Sheet A8)
- B. Photographs of Surrounding Area
- C. Tax Map 144

### II. PROPERTY/PROJECT

The subject property is a 2,811 s.f. lot located at 45 Rockingham Street in the General Residence C Zoning District (the “Property”). Exhibit A (Cover). It is currently developed with a ±1,192 s.f., 2-story, 2-bedroom single-family home with an attic on the third level which was built in approximately 1890. The existing front stairs encroach over the front property line onto the Rockingham Street sidewalk. The residential structure itself is only 1.5’ from the left side lot line. Exhibit A (Sheet 1). The Applicant proposes to remove the existing front stairs and replace them with a covered porch and stairs, improving over existing conditions by bringing the front entrance of the Property within the lot line, adding an addition to the rear of the property, and

adding dormers to the left and right side of the home. Exhibit A (Sheet A3). The proposed leftside (northern) dormer, located within the side setback will not include any windows to preserve privacy for the neighboring property and in accordance with building code. Exhibit A (Sheet A7).

Despite the existing non-conforming nature of the Property and other homes in the neighborhood, the proposal largely complies with the dimensional requirements of the Portsmouth Zoning Ordinance (“PZO”), including all height restrictions, minimum open space requirements, and front,<sup>1</sup> right (south) and rear setbacks. However, as the left (north) side of the existing building is within the 10’ side setback and the structure will increase both vertically and towards the street within this setback via the new dormer and front porch (although all improvements remain within the existing 1.5’ setback), relief is required. Additionally, the proposed addition and pergola increase the Building coverage to 41%, also requiring relief.

### III. RELIEF REQUIRED

- PZO §10.321 Expansion of nonconforming structure – to permit the addition of a dormer and front porch within the pre-existing non-conforming left side setback.
- PZO §10.521 Left Side Setback – to the extent relief beyond PZO §10.321 is deemed necessary, the Applicant requests side setback relief to allow for the dormer and porch within the left side setback where 10’ is required, 1.5’ exists and 1.5’ will remain.
- PZO §10.521 Building Coverage – to permit the construction of any approximately 327 s.f. (footprint) addition and pergola where 35% building coverage is required, 22% exist and 41% is proposed.

### 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

---

<sup>1</sup> PZO Section 10.516.10 allows for setbacks to be determined by applying the average of other lots within 200’ of a property and along the same street. Based on other nearby properties having no setbacks (or in some instances encroaching on the sidewalk), the required setback for the Property is 0’. See Exhibit A (Sheet A2) for calculations.

the ordinance’s basic zoning objectives.” Id. “Mere conflict with the zoning ordinance is not enough.” Id.

The intent of the GRC 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. The Property, like many in the neighborhood, contains a home which does not comply with all setback requirements. Exhibit B; Exhibit C. The proposed do not increase encroachment into any of the setbacks over existing conditions, and reduce the encroachment of the front entrance by bringing the front entrance within the front lot line. Front, rear and right side setbacks are met, as are height and open space requirements. As such, 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)

There are numerous other properties in the immediate area that encroach on front, side, and/or rear setbacks. Exhibit A (Sheet A1); Exhibit B. The proposed dormer is no closer to the left side lot line than existing conditions. The proposed porch retains the existing distance from the side lot line and removes the sidewalk encroachment. Given the number of buildings in the area encroaching on the sidewalk and within front, side, and/or rear setbacks, the proposal is in keeping with the surrounding area. The proposal allows for an updated, more livable residence consistent with other nearby homes. Thus, granting the variances neither alters the essential character of the locality nor threatens the public health, safety, or welfare.

### **3. Granting the variances will not diminish surrounding property values.**

The proposal adds interior living space and improves aesthetics, while conforming with the architectural character of the surrounding area and maximum height restrictions. The use of the structure and its impacts will match existing conditions. There are many properties fronting Rockingham Street, Cornwall Street, Islington Street, and Cabot Street whose buildings are

within front, side, and/or rear setbacks. The proposal also removes the existing sidewalk encroachment. These improvements result in a significant improvement to the Property, and therefore, its value and of other nearby properties. Accordingly, the variances will not diminish surrounding property values.

**4. Denial of the variances results in an unnecessary hardship.**

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

The Property was built in 1890 and is situated on a rectangular lot that is approximately 35' wide and 80' long, leaving insufficient space for a single-family home that complies with modern-day setback requirements. Almost half the width of the existing home is located within the left side setback, and the existing home is 10'5" from the right side lot line. These facts drive the location of the proposed changes, combining 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 setback requirements is to prevent overcrowding and overburdening of land, improve sightlines for pedestrians and motorists, ensure adequate light and air circulation, and provide sufficient area for stormwater treatment. All proposed changes either comply with setback requirements (rear addition), are within the footprint of the existing home (dormers) or improve over existing conditions (front entry). Ample open space – 10% more than required – is preserved without over building the lot in relation to others in the area. Aesthetics are improved. Accordingly, there is no fair and substantial relationship between the purposes of the ordinance and its application in this instance.

- c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005). Residential use is permitted in the GRC Zone. The use will remain that of a single-family home. Although the addition slightly decreases open space, the resulting open space is still 10% higher than the Ordinance requires and is consistent with other homes in the area. Despite the expansion, the proposal makes use of the current structure's footprint, with the exception of a small portion of the front porch, which removes an existing sidewalk encroachment.

**5. 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.


“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 proposal is quite modest, retaining the existing use while improving aesthetics and livability while complying with open space and improving the front yard setback over existing conditions. Access to air and light is maintained, so there is no harm to the public in granting the variance. Conversely, the Applicant will be greatly harmed by denial of the variances because it will be unable to create additional living space or reasonably renovate this residence. Denial will also harm the public by retaining the existing sidewalk encroachment. Without question, substantial justice will be done by granting the variance.

## VI. CONCLUSION

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

Respectfully submitted,  
**45 Rockingham, LLC**

  
By: Kevin Baum  
Stephanie Johnson  
Hoefle, Phoenix, Gormley & Roberts, PLLC  
127 Parrott Avenue  
Portsmouth, New Hampshire 03801

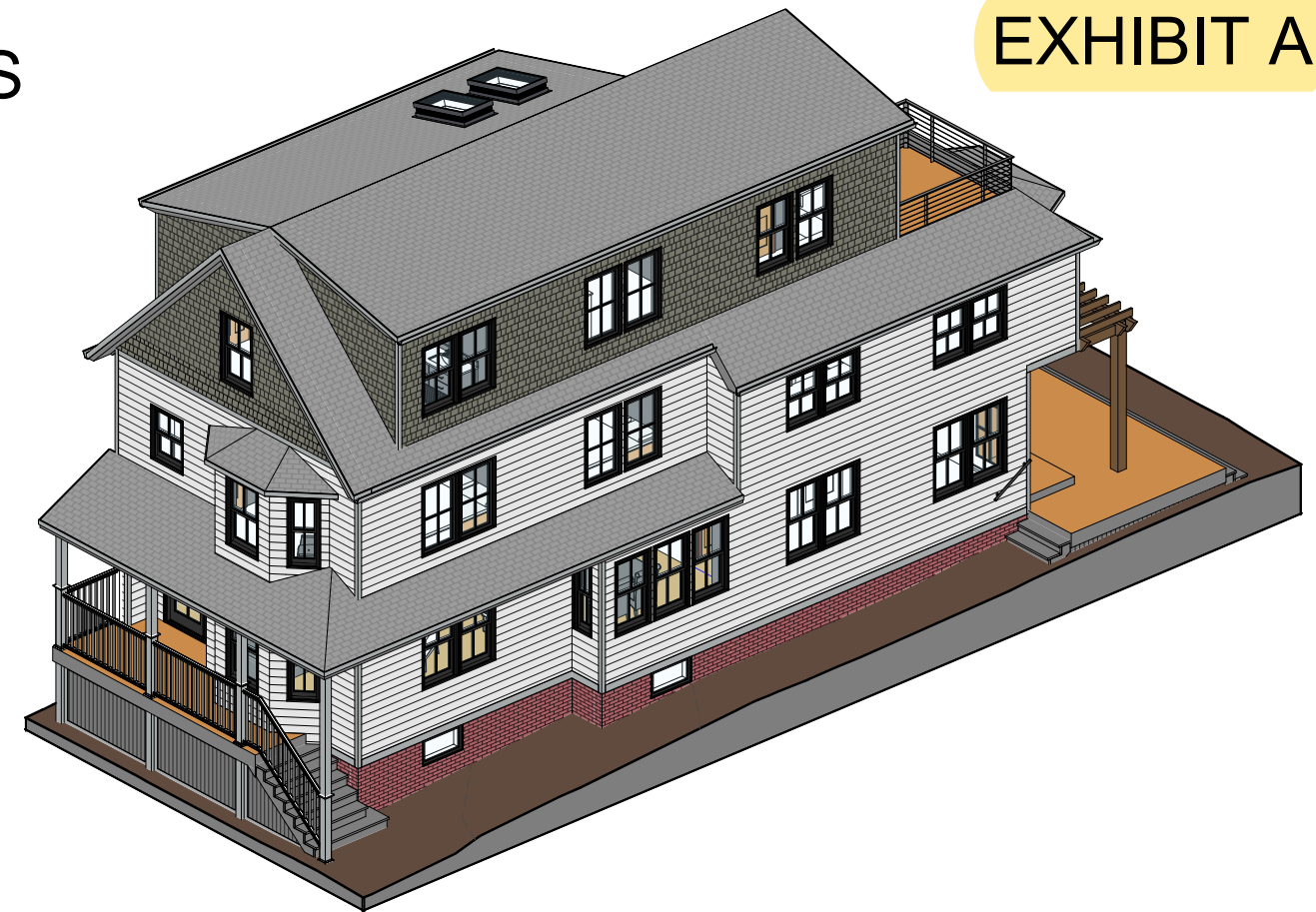
# 45 ROCKINGHAM STREET ADDITION AND RENOVATIONS

EXHIBIT A

ZONING BOARD OF ADJUSTMENT - APRIL 2023, PORTSMOUTH, NEW HAMPSHIRE

GENERAL PROJECT DESCRIPTION:

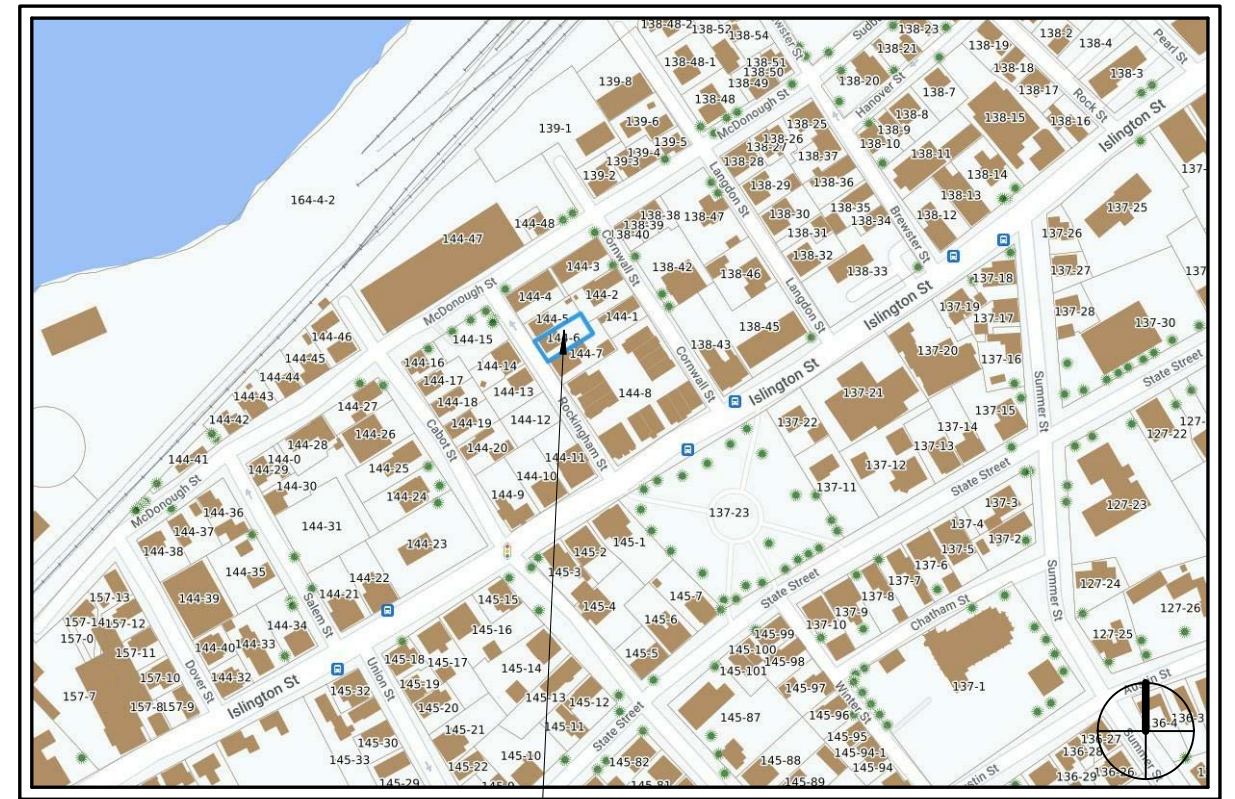
- FULL INTERIOR RENOVATION OF EXISTING SINGLE FAMILY DWELLING.
- REMOVAL OF FRONT STAIRS, REAR DECK AND STAIRS, BULKHEAD, AND PORTIONS OF REAR EXTERIOR WALL AND EXISTING ROOF.
- REAR ADDITION ABIDES BY ALL REQUIRED YARD SETBACKS.
- FRONT COVERED PORCH AND STAIRS ADDITION ASKING FOR RELIEF WITHIN LEFT YARD YARD SETBACKS.
- ADDITION OF DORMER ASKING FOR RELIEF WITHIN LEFT YARD SETBACK, MAXIMUM BUILDING HEIGHT TO REMAIN.



SHEET LIST	
Sheet Number	Sheet Name
C	COVER
C2	EXISTING CONDITION SURVEY
A1	EXISTING PHOTOGRAPHS
A2	SETBACK CALCULATIONS
A3	ARCHITECTURAL SITE PLANS
A4	FLOOR PLANS
A5	FLOOR PLANS
A6	ELEVATIONS
A7	ELEVATIONS
A8	RENDERING

45 ROCKINGHAM STREET DIMENSIONAL CRITERIA			
GENERAL RESIDENCE DISTRICT C			
	REQUIRED	EXISTING	PROPOSED
BUILDING FOOTPRINT		620 SF	947 SF
GROSS BUILDING		1,192 SF	2,560 SF
BUILDING COVERAGE	35%	22%	41%
RIGHT SIDE YARD SETBACK	10' - 0"	10' - 5" +/-	10' - 1" +/-
LEFT SIDE YARD SETBACK	10' - 0"	1' - 6" +/-	1' - 6" +/-
REAR YARD SETBACK	20' - 0"	46' - 9" +/-	20' - 0"
FRONT YARD SETBACK (SEE A2 FOR CALCULATIONS)	0' - 0"	1' - 1 3/4" +/-	0' - 6 3/4" +/-
LOT SIZE	3,500 SF	2,809 SF	2,809 SF
LOT AREA PER DWELLING UNIT	3,500 SF	2,809 SF	2,809 SF
LOT FRONTAGE	70' - 0"	35' - 0" +/-	35' - 0" +/-
LOT DEPTH	50' - 0"	80' - 6" +/-	80' - 6" +/-
BUILDING HEIGHT (SLOPED)	35' - 0"	25' - 6" +/-	29' - 8" +/-
OPEN SPACE (MIN)	20%	41%	30%

BLUE INDICATES EXISTING NON-CONFORMITY  
RED INDICATED VARIANCE REQUEST



45 ROCKINGHAM STREET  
PORTSMOUTH, NEW HAMPSHIRE 03801

© 2023 McHenry Architecture

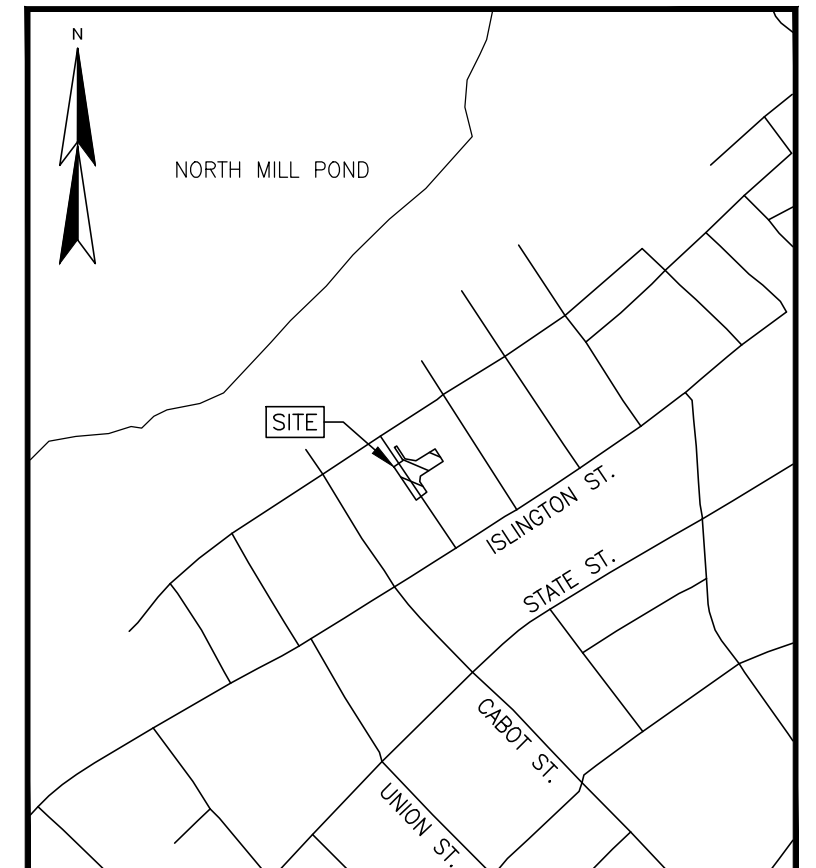
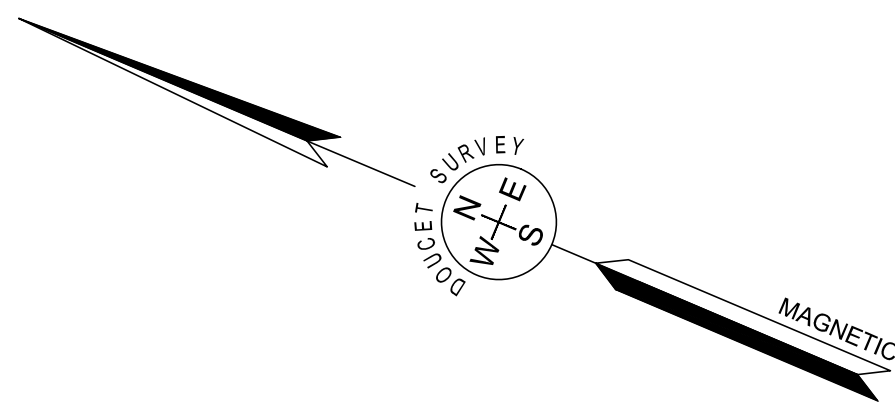
**ADDITION AND RENOVATION**  
45 ROCKINGHAM STREET  
PORTSMOUTH, NEW HAMPSHIRE 03801

**COVER**  
ZONING BOARD OF ADJUSTMENT

**McHENRY ARCHITECTURE**  
4 Market Street  
Portsmouth, New Hampshire

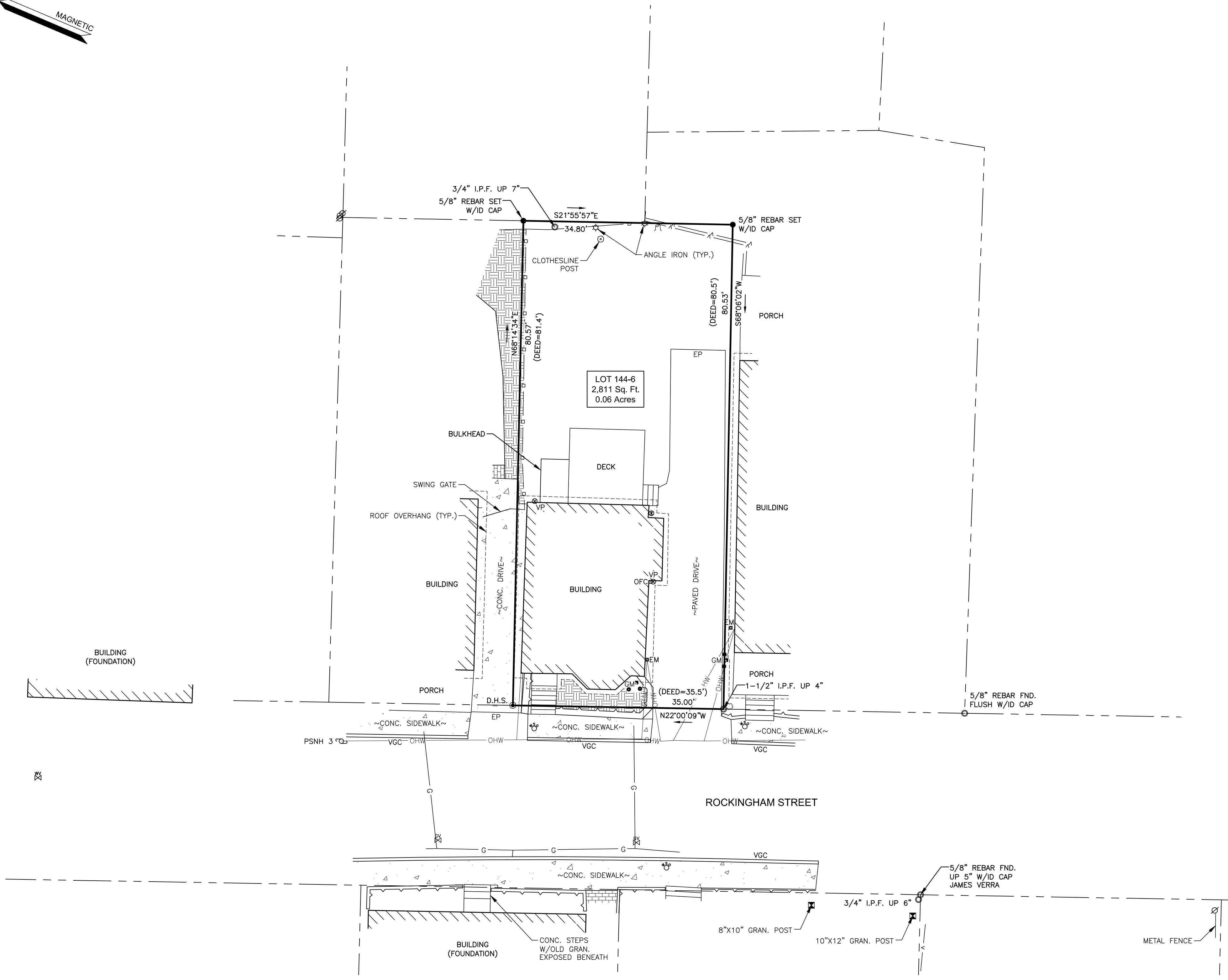
**C**

03/14/2023  
McHA: RD / MG  
NOT TO SCALE  
**Locus**



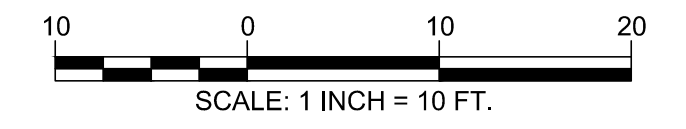
LOCATION MAP (n.t.s.)

- LEGEND**
- PROPERTY LINE
  - - - APPROXIMATE ABUTTER LINE
  - RETAINING WALL
  - WOODEN STOCKADE FENCE
  - VINYL STOCKADE FENCE
  - OHW — OVERHEAD WIRE
  - G — GAS LINE
  - CONCRETE
  - LANDSCAPED AREA
  - BRICK
  - PIPE/ROD FOUND
  - DRILL HOLE SET (D.H.S.)
  - 5/8" REBAR W/ID CAP SET
  - FENCE POST
  - ANGLE IRON
  - UTILITY POLE
  - SEWER MANHOLE
  - WATER GATE VALVE
  - WATER SHUTOFF VALVE
  - GAS GATE VALVE
  - GM — GAS METER
  - FAUCET
  - EM — ELECTRIC METER
  - VP — VENT PIPE
  - BOLLARD
  - BUSH
  - TREE STUMP
  - CONC. — CONCRETE
  - EP — EDGE OF PAVEMENT
  - GRAN. — GRANITE
  - I.P.F. — IRON PIPE FOUND
  - OFC — OIL FILL CAP
  - TYP. — TYPICAL
  - VGC — VERTICAL GRANITE CURB



- NOTES:**
- REFERENCE: TAX MAP 144, LOT 6  
45 ROCKINGHAM STREET  
PORTSMOUTH, NH
  - FIELD SURVEY PERFORMED BY P.C.L. & J.R.P. (DOUCET SURVEY) ON OCTOBER 20, 2022 USING A TRIMBLE S6 TOTAL STATION WITH A TRIMBLE TS3C3 DATA COLLECTOR. TRAVERSE ADJUSTMENT BASED ON LEAST SQUARE ANALYSIS.
  - THE INTENT OF THIS PLAN IS TO SHOW THE LOCATION OF BOUNDARIES IN ACCORDANCE WITH AND IN RELATION TO THE CURRENT LEGAL DESCRIPTION, AND IS NOT AN ATTEMPT TO DEFINE UNWRITTEN RIGHTS, DETERMINE THE EXTENT OF OWNERSHIP, OR DEFINE THE LIMITS OF TITLE.
  - HORIZONTAL DATUM BASED ON MAGNETIC OBSERVATION IN OCTOBER 2022.
  - UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON OBSERVED PHYSICAL EVIDENCE AND PAINT MARKS FOUND ON-SITE. ALL UNDERGROUND UTILITIES (ELECTRIC, GAS, TEL, WATER, SEWER DRAIN SERVICES) ARE SHOWN IN SCHEMATIC FASHION, THEIR LOCATIONS ARE NOT PRECISE OR NECESSARILY ACCURATE. NO WORK WHATSOEVER SHALL BE UNDERTAKEN USING THIS PLAN TO LOCATE THE ABOVE SERVICES. CONSULT WITH THE PROPER AUTHORITIES CONCERNED WITH THE SUBJECT SERVICE LOCATIONS FOR INFORMATION REGARDING SUCH. CALL DIG-SAFE AT 1-888-DIG-SAFE.
  - PER NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES BOARD OF LICENSURE FOR LAND SURVEYORS, LAN 503.08(A): "MONUMENTS SHALL BE SET SO THAT UPON COMPLETION OF THE BOUNDARY SURVEY, EACH CORNER OF THE PROPERTY WILL BE PHYSICALLY MONUMENTED". AT THIS TIME, DOUCET SURVEY HAS NOT BEEN CONTRACTED TO SET ANY MONUMENTATION.

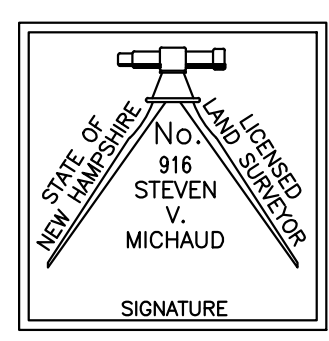
- REFERENCE PLANS:**
- "PLAN OF THE ROCK FIELD IN THE TOWN OF PORTSMOUTH" DATED 1815 BY BENJAMIN ACKERMAN, R.C.R.D. PLAN 00562.
  - "AS-BUILT CONDOMINIUM SITE PLAN, 275 ISLINGTON STREET" DATED 3/16/2018 BY JONES & BEACH ENGINEERS, INC., R.C.R.D. PLAN D-40708.
  - SURVEY WORKSHEET OF 50 CORNWALL STREET BY TF MORAN.



**BOUNDARY SKETCH  
FOR  
STILETTO CONSTRUCTION  
OF  
TAX MAP 144 LOT 6  
45 ROCKINGHAM STREET  
PORTSMOUTH, NEW HAMPSHIRE**

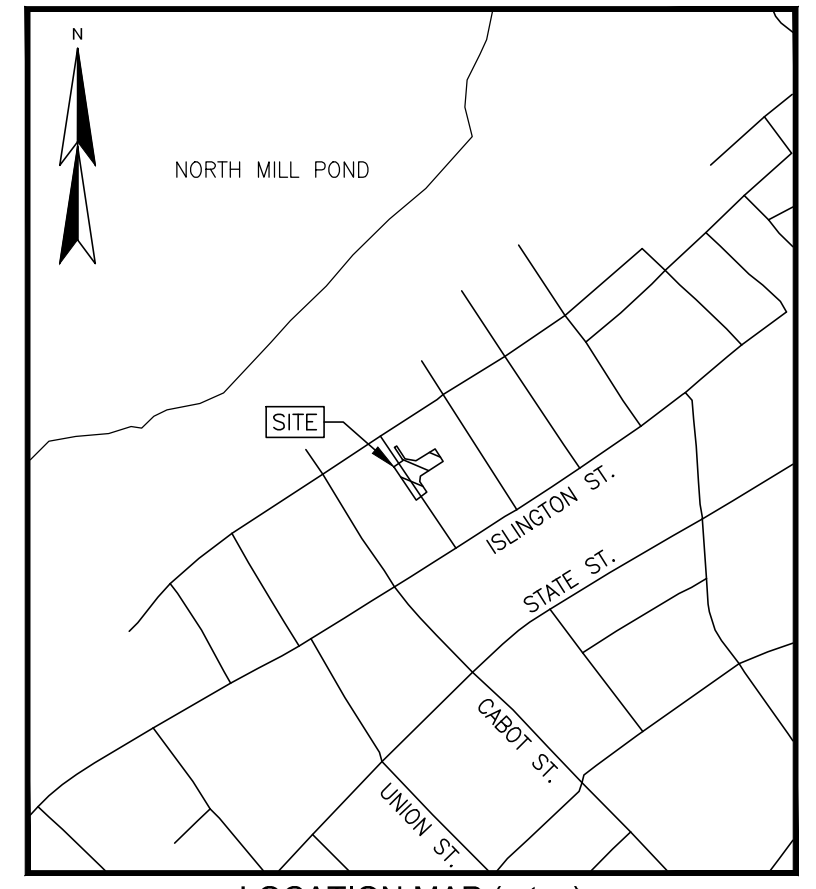
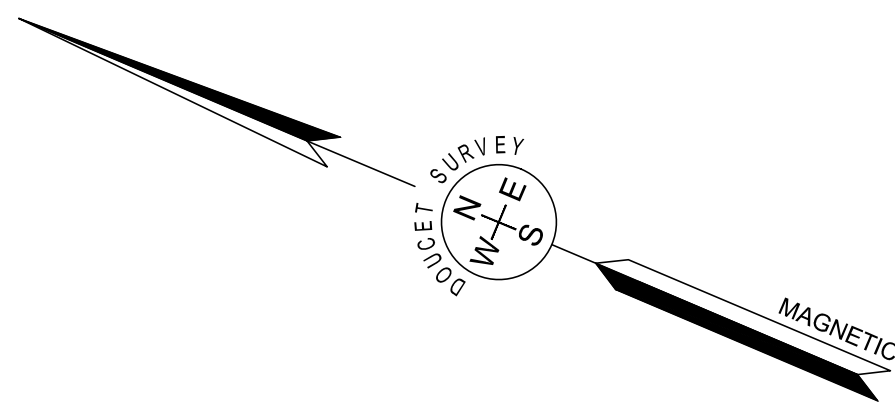
NO.	DATE	DESCRIPTION	BY

DRAWN BY: J.R.P.	DATE: JANUARY 30, 2023
CHECKED BY: S.V.M.	DRAWING NO. 7695A
JOB NO. 7695	SHEET 1 OF 1



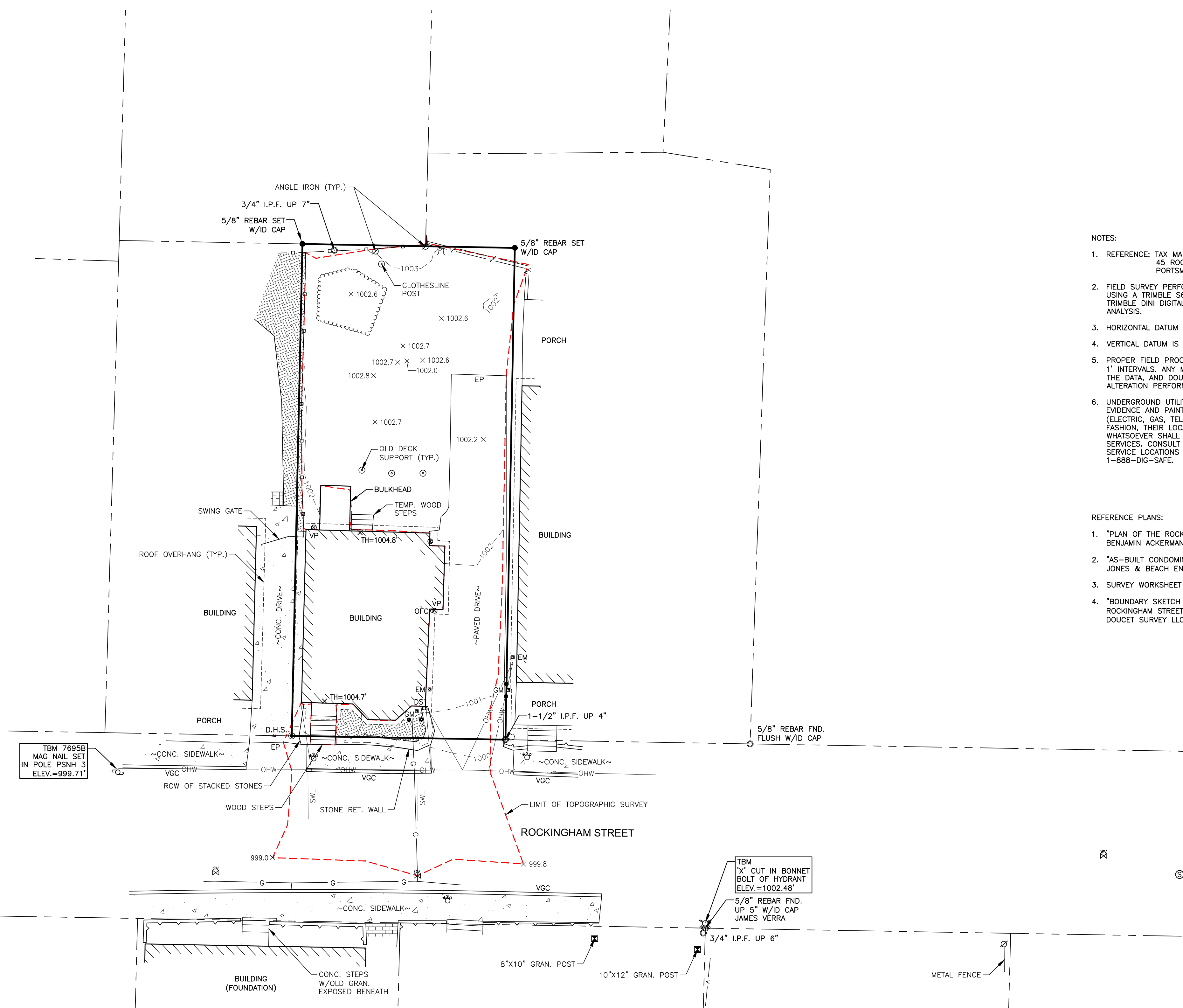
**DOUCET SURVEY**  
 Serving Your Professional Surveying & Mapping Needs  
 102 Kent Place, Newmarket, NH 03857 (603) 659-6560  
 Offices in Bedford & Keene, NH and Kennebunk, ME  
<http://www.doucetsurvey.com>

FILE NAME: I:\PROJECTS\7695 - CAD\DWG\7695A.dwg PLOT DATE: 2/23/23 PLOT TIME: 10:07:30 AM PLOT BY: JRM  
 PLOT SCALE: 1"=10' PLOT SHEET: 1 OF 1 PLOT AREA: 11.00 X 17.00 PLOT ORIGIN: 0,0  
 PLOT DEVICE: HP DesignJet T1100PS



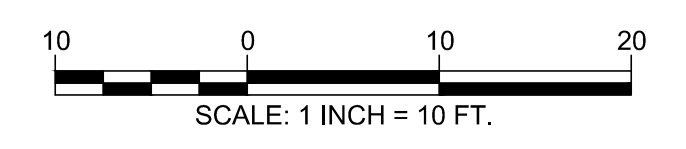
LOCATION MAP (n.t.s.)

- LEGEND**
- PROPERTY LINE
  - - - APPROXIMATE ABUTTER LINE
  - 100 — MAJOR CONTOUR LINE
  - 98 — MINOR CONTOUR LINE
  - RETAINING WALL
  - v — WOODEN STOCKADE FENCE
  - — VINYL STOCKADE FENCE
  - OHW — OVERHEAD WIRE
  - G — GAS LINE
  - SHRUB LINE
  - CONCRETE
  - LANDSCAPED AREA
  - BRICK
  - — PIPE/ROD FOUND
  - — 5/8" REBAR SET
  - ⊙ — DRILL HOLE SET (D.H.S.)
  - ⊠ — ANGLE IRON
  - ⊕ — UTILITY POLE
  - ⊙ — SEWER MANHOLE
  - ⊕ — WATER GATE VALVE
  - ⊕ — WATER SHUTOFF VALVE
  - ⊕ — FAUCET
  - ⊕ — GAS GATE VALVE
  - ⊕ — GAS METER
  - ⊕ — ELECTRIC METER
  - ⊕ — VENT PIPE
  - — BOLLARD
  - — DOWNSPOUT
  - ⊕ — BUSH
  - ⊕ — TREE STUMP
  - CONC. — CONCRETE
  - EP — EDGE OF PAVEMENT
  - GRAN. — GRANITE
  - I.P.F. — IRON PIPE FOUND
  - OFC — OIL FILL CAP
  - SWL — SINGLE WHITE LINE
  - TYP. — TYPICAL
  - VGC — VERTICAL GRANITE CURB



- NOTES:**
- REFERENCE: TAX MAP 144, LOT 6, 45 ROCKINGHAM STREET, PORTSMOUTH, NH
  - FIELD SURVEY PERFORMED BY DOUCET SURVEY ON OCTOBER 2022 & JANUARY 2023 USING A TRIMBLE S6 TOTAL STATION WITH A TRIMBLE TSC3 DATA COLLECTOR AND A TRIMBLE DINI DIGITAL AUTO LEVEL. TRAVERSE ADJUSTMENT BASED ON LEAST SQUARE ANALYSIS.
  - HORIZONTAL DATUM BASED ON MAGNETIC OBSERVATION IN OCTOBER 2022.
  - VERTICAL DATUM IS ASSUMED.
  - PROPER FIELD PROCEDURES WERE FOLLOWED IN ORDER TO GENERATE CONTOURS AT 1' INTERVALS. ANY MODIFICATION OF THIS INTERVAL WILL DIMINISH THE INTEGRITY OF THE DATA, AND DOUCET SURVEY WILL NOT BE RESPONSIBLE FOR ANY SUCH ALTERATION PERFORMED BY THE USER.
  - UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON OBSERVED PHYSICAL EVIDENCE AND PAINT MARKS FOUND ON-SITE. ALL UNDERGROUND UTILITIES (ELECTRIC, GAS, TEL, WATER, SEWER DRAIN SERVICES) ARE SHOWN IN SCHEMATIC FASHION; THEIR LOCATIONS ARE NOT PRECISE OR NECESSARILY ACCURATE. NO WORK WHATSOEVER SHALL BE UNDERTAKEN USING THIS PLAN TO LOCATE THE ABOVE SERVICES. CONSULT WITH THE PROPER AUTHORITIES CONCERNED WITH THE SUBJECT SERVICE LOCATIONS FOR INFORMATION REGARDING SUCH. CALL DIG-SAFE AT 1-888-DIG-SAFE.

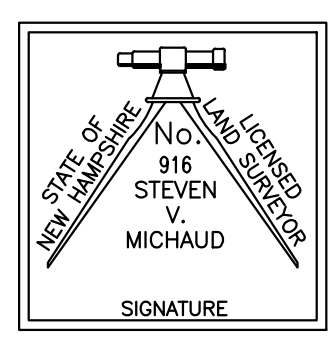
- REFERENCE PLANS:**
- "PLAN OF THE ROCK FIELD IN THE TOWN OF PORTSMOUTH" DATED 1815 BY BENJAMIN ACKERMAN, R.C.R.D. PLAN 00562.
  - "AS-BUILT CONDOMINIUM SITE PLAN, 275 ISLINGTON STREET" DATED 3/16/2018 BY JONES & BEACH ENGINEERS, INC., R.C.R.D. PLAN D-40708.
  - SURVEY WORKSHEET OF 50 CORNWALL STREET BY TF MORAN.
  - "BOUNDARY SKETCH FOR STILETTO CONSTRUCTION OF TAX MAP 144 LOT 6 45 ROCKINGHAM STREET PORTSMOUTH, NEW HAMPSHIRE" DATED JANUARY 20, 2023 BY DOUCET SURVEY LLC.



**TOPOGRAPHY PLAN  
FOR  
STILETTO CONSTRUCTION  
OF  
TAX MAP 144 LOT 6  
45 ROCKINGHAM STREET  
PORTSMOUTH, NEW HAMPSHIRE**

NO.	DATE	DESCRIPTION	BY

DRAWN BY:	J.R.P.	DATE:	FEBRUARY, 2023
CHECKED BY:	S.V.M.	DRAWING NO.	7695B
JOB NO.	7695	SHEET	1 OF 1



**DOUCET SURVEY**  
Serving Your Professional Surveying & Mapping Needs  
102 Kent Place, Newmarket, NH 03857 (603) 659-6560  
Offices in Bedford & Keene, NH and Kennebunk, ME  
<http://www.doucetsurvey.com>

FILE NAME: N:\PROJECTS\7695B - COASTAL\DWG\TOPO\7695B\_2023-1-10.DWG PLOTTER: MicroPlot February 01, 2023 1:31 PM





© 2023 McHenry Architecture

**ADDITION AND RENOVATION**

45 ROCKINGHAM STREET  
PORTSMOUTH, NEW HAMPSHIRE 03801

**EXISTING PHOTOGRAPHS**

ZONING BOARD OF ADJUSTMENT

**McHENRY ARCHITECTURE**

4 Market Street  
Portsmouth, New Hampshire

**A1**

03/14/2023  
McHA: RD / MG  
**NOT TO SCALE**



98 McDONOUGH STREET:  
FRONT YARD SETBACK : 0' - 0"

49 ROCKINGHAM STREET:  
FRONT YARD SETBACK : 0' - 0"

45 ROCKINGHAM STREET:

35 ROCKINGHAM STREET:  
FRONT YARD SETBACK : 1' - 0"

CONDO LOT 144-8 (291 ISLINGTON STREET):  
FRONT YARD SETBACK : 0' - 0"

PER GENERAL RESIDENCE DISTRICT C THE FRONT YARD SETBACK SHALL BE 5'-0". PORTSMOUTH ZONING ORDINANCE SECTION 10.516.10 ALLOWS FOR THE AVERAGE OF THE LOTS ALONG THE SAME STREET WITHIN 200' TO BE AVERAGED TO PROVIDE AN AVERAGE SETBACK. THE CALCULATIONS ARE BELOW.

AVERAGE FRONT YARD SETBACK ALONG ROCKINGHAM STREET (EXCLUDES 45 ROCKINGHAM):

$$0' - 0" + 0' - 0" + 1' - 0" + 0' - 0" = 1' - 0"$$

$$1' - 0" / 4 \text{ PROPERTIES} = 0' - 3"$$

0' - 3" ROUNDED TO NEAREST FOOT PER SECTION 10.516.10 = **0' - 0" FRONT YARD SETBACK**

NOTE: ALL PROPERTIES WERE MEASURED FROM PROPERTY FACE OF SIDEWALK TO THE FACE OF A STRUCTURE 18" ABOVE GRADE DEFINED IN THE PORTSMOUTH ZONING ORDINANCE 10.516.10



291 ISLINGTON STREET



35 ROCKINGHAM STREET



49 ROCKINGHAM STREET



98 McDONOUGH STREET

© 2023 McHenry Architecture

# ADDITION AND RENOVATION

45 ROCKINGHAM STREET  
PORTSMOUTH, NEW HAMPSHIRE 03801

# SETBACK CALCULATIONS

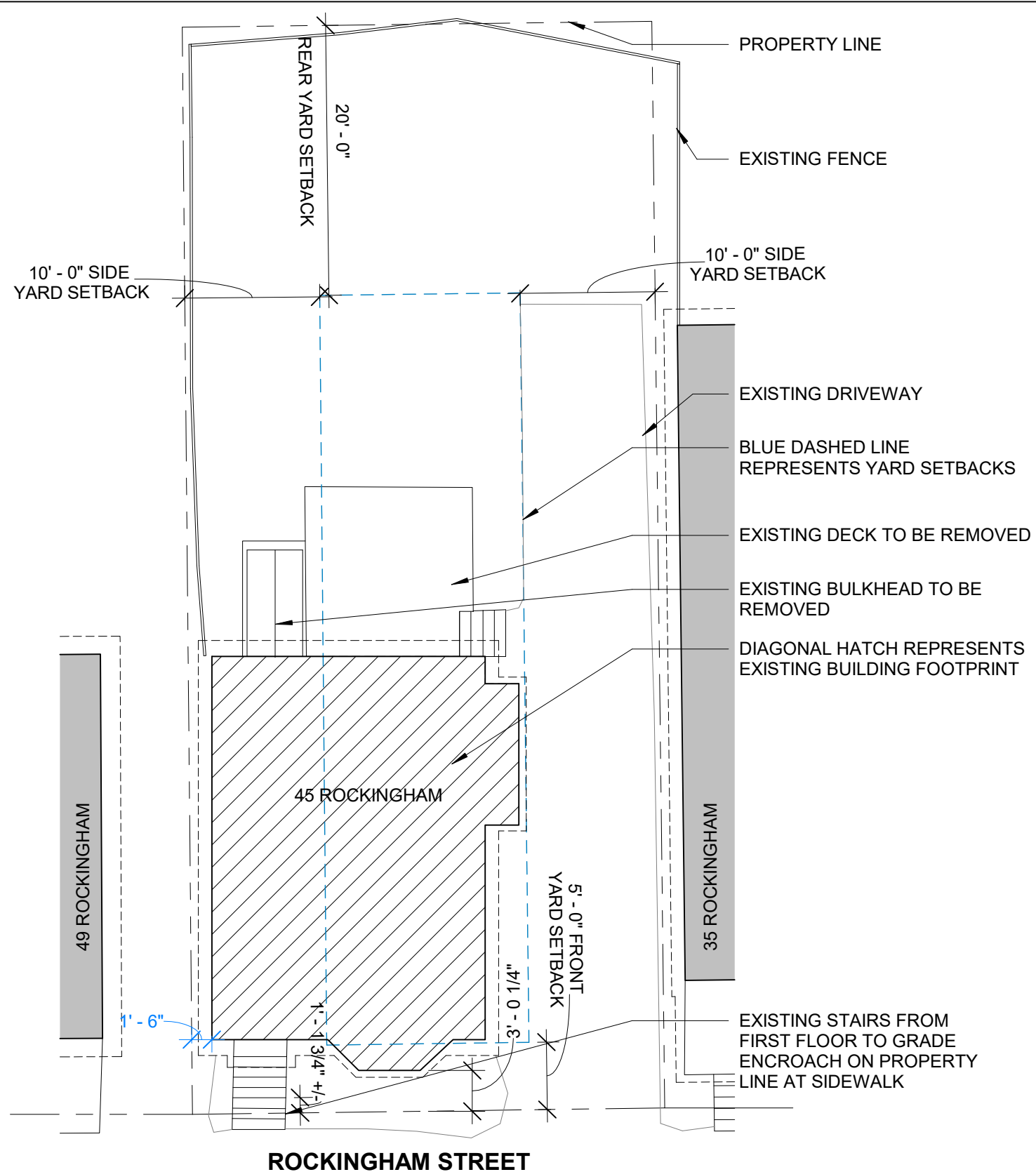
ZONING BOARD OF ADJUSTMENT

McHENRY ARCHITECTURE

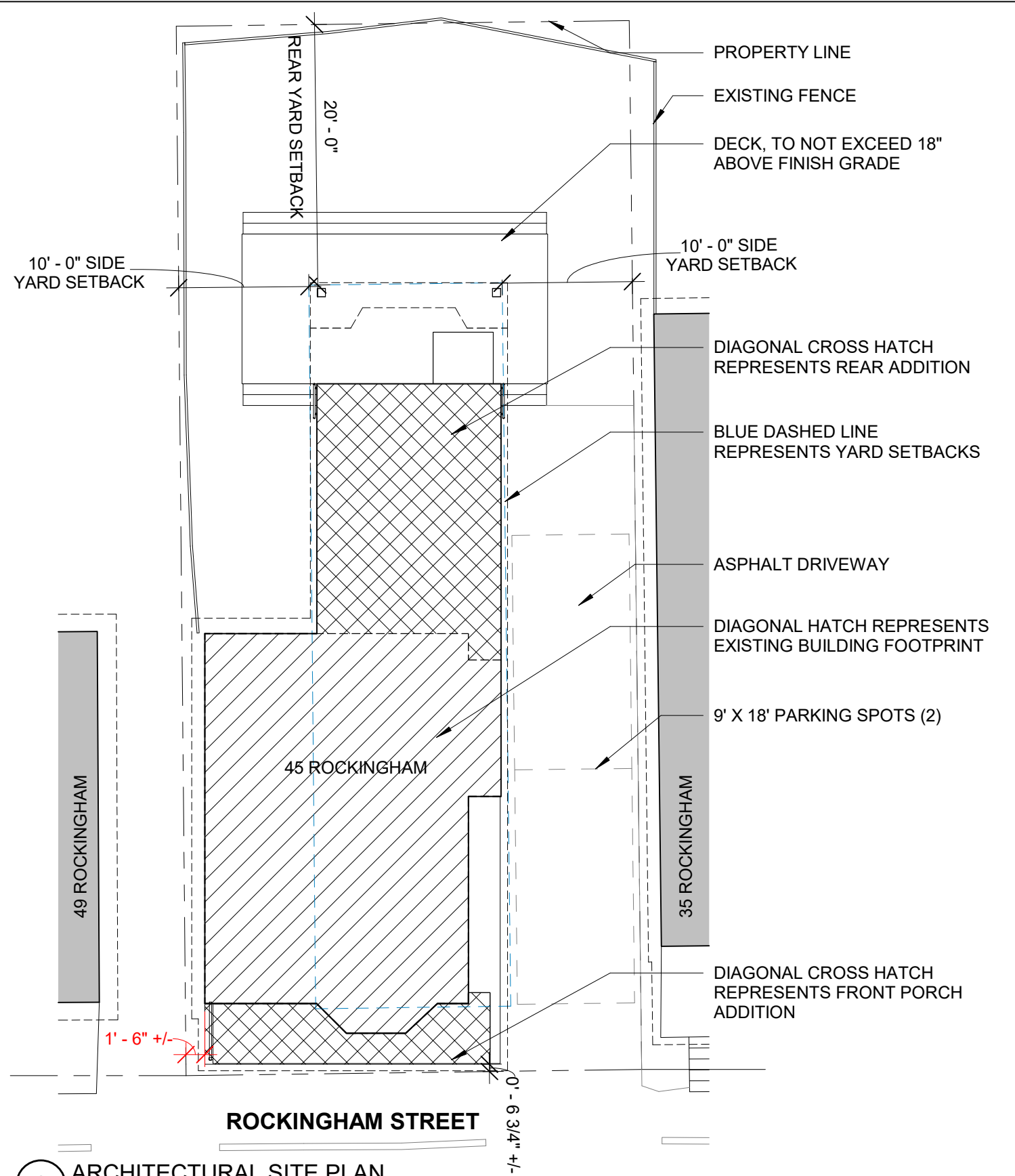
4 Market Street  
Portsmouth, New Hampshire

A2

03/14/2023  
McHA: RD / MG  
NOT TO SCALE



1 EXISTING ARCHITECTURAL SITE PLAN  
1" = 10'-0"



2 ARCHITECTURAL SITE PLAN  
1" = 10'-0"

© 2023 McHenry Architecture

**ADDITION AND RENOVATION**

45 ROCKINGHAM STREET  
PORTSMOUTH, NEW HAMPSHIRE 03801



**ARCHITECTURAL SITE PLANS**

ZONING BOARD OF ADJUSTMENT

**McHENRY ARCHITECTURE**

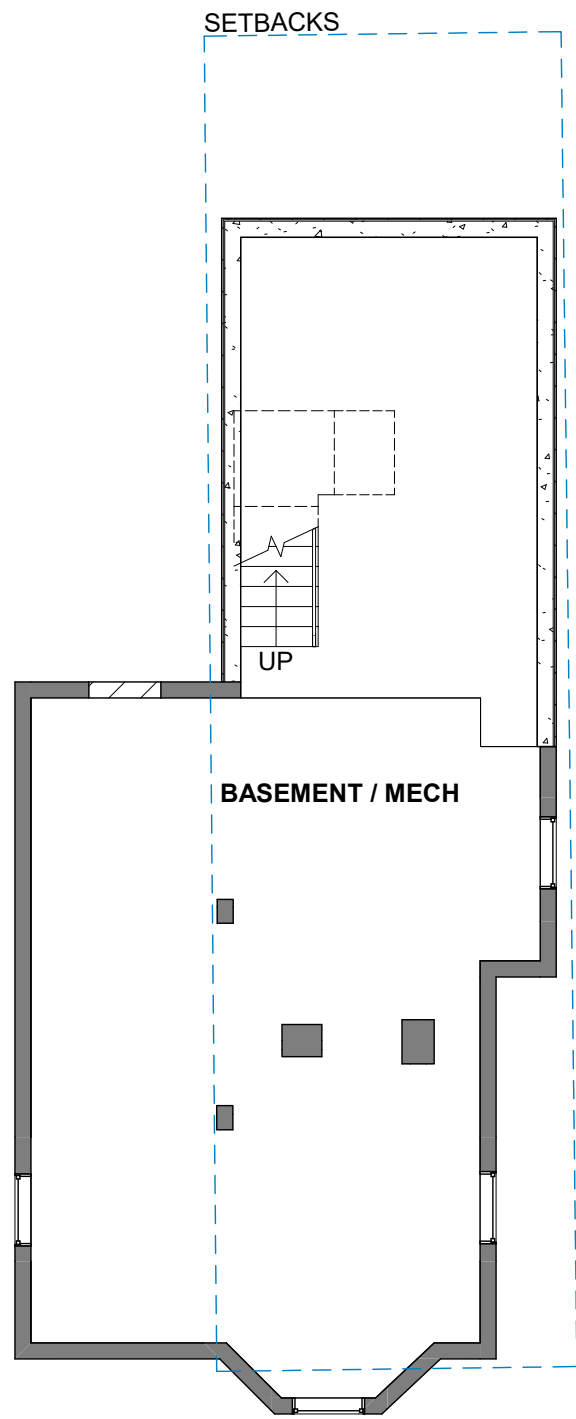
4 Market Street  
Portsmouth, New Hampshire

**A3**

03/14/2023

McHA: RD / MG

Scale: 1" = 10'-0"



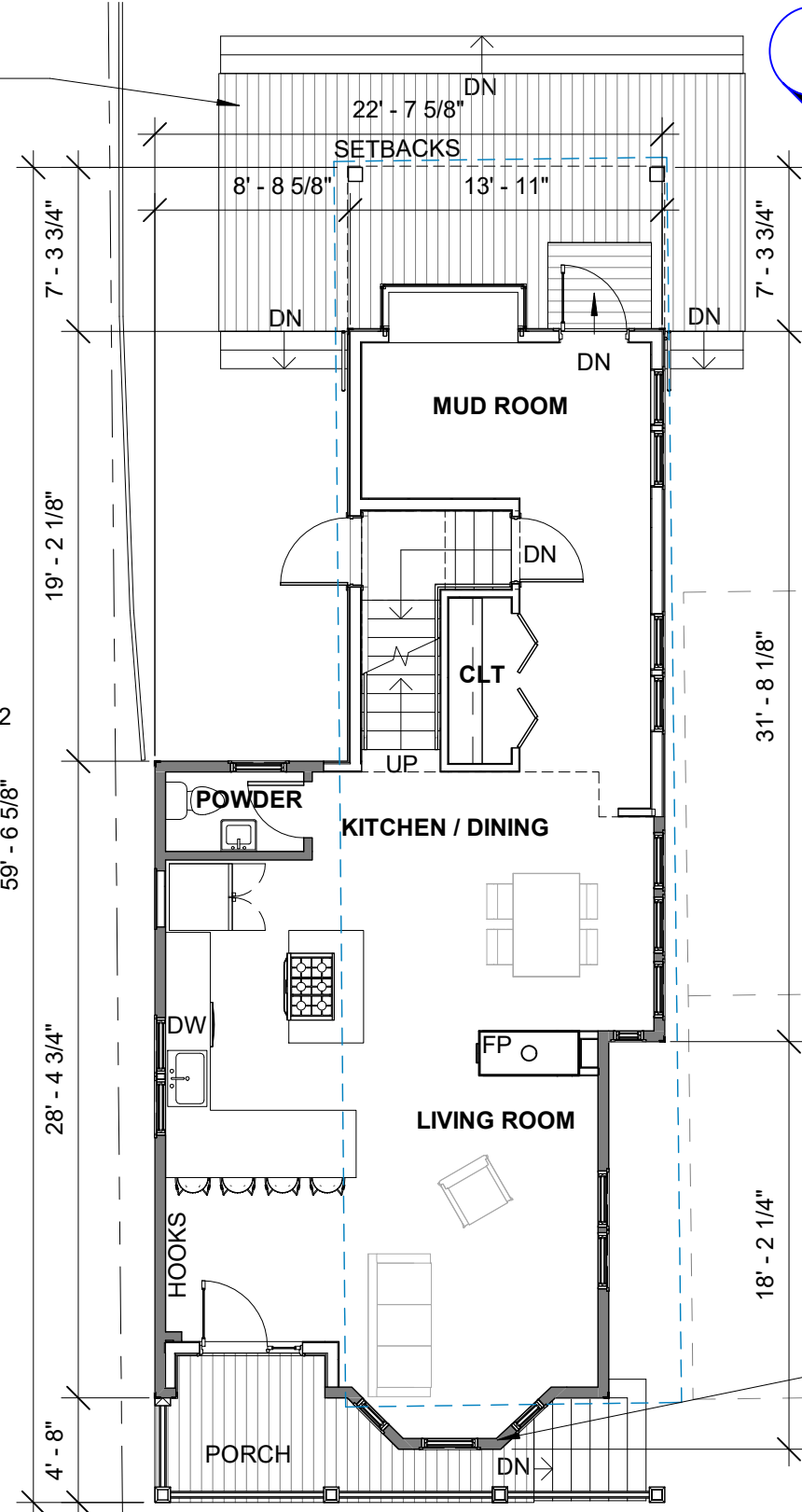
A7 2

A7 1

1 **BASEMENT**  
1/8" = 1'-0"

A6 1

DECK TO BE LESS THAN 18" TALL



A7 2

A7 1

2 **FIRST FLOOR PLAN**  
1/8" = 1'-0"

A6 1

9' X 18' PARKING SPOTS (2)

A6 2

EXISTING FIRST FLOOR BAY WINDOW MAY BE REMOVED, TBD

© 2023 McHenry Architecture

**ADDITION AND RENOVATION**

45 ROCKINGHAM STREET  
PORTSMOUTH, NEW HAMPSHIRE 03801



**FLOOR PLANS**

ZONING BOARD OF ADJUSTMENT

**McHENRY ARCHITECTURE**

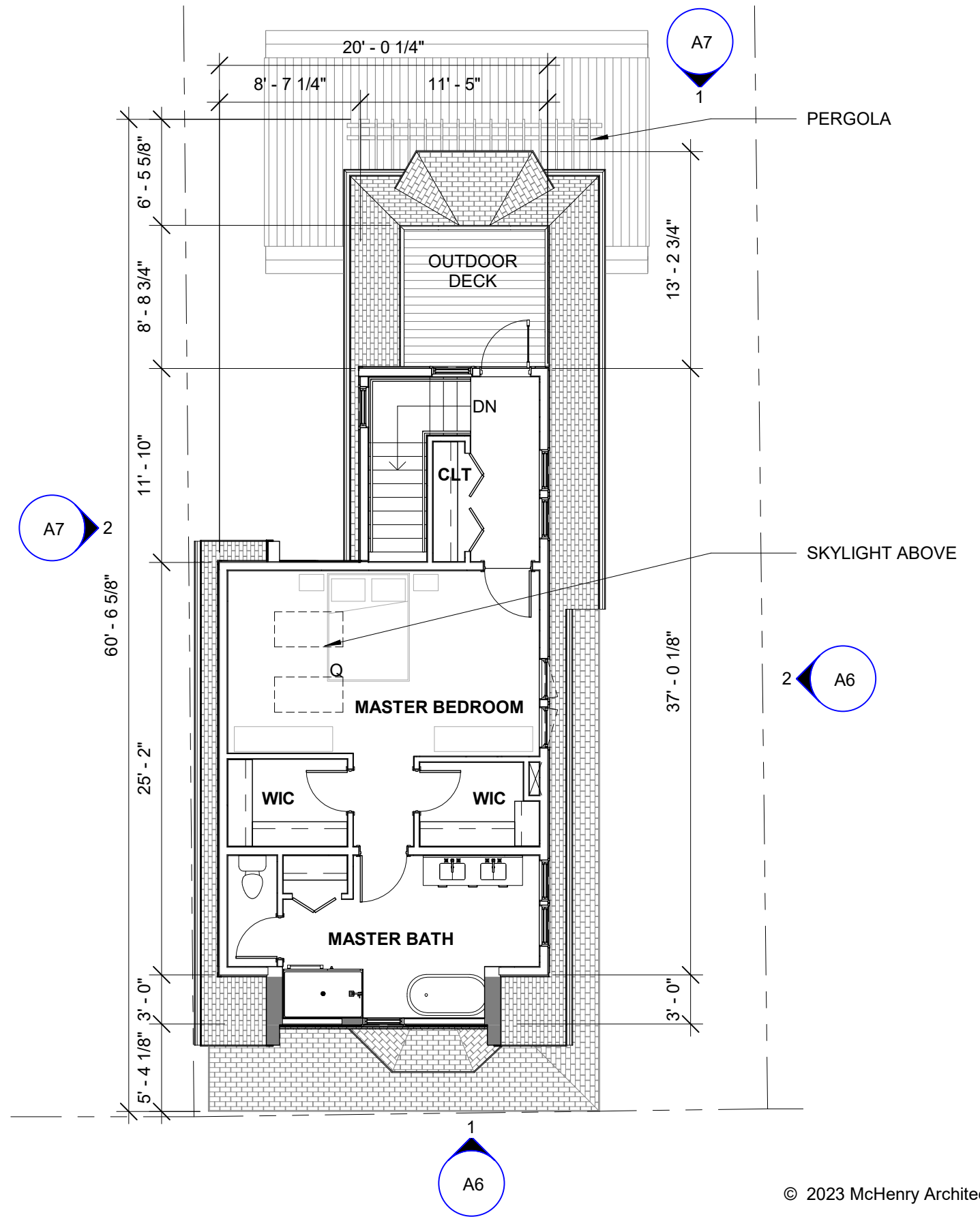
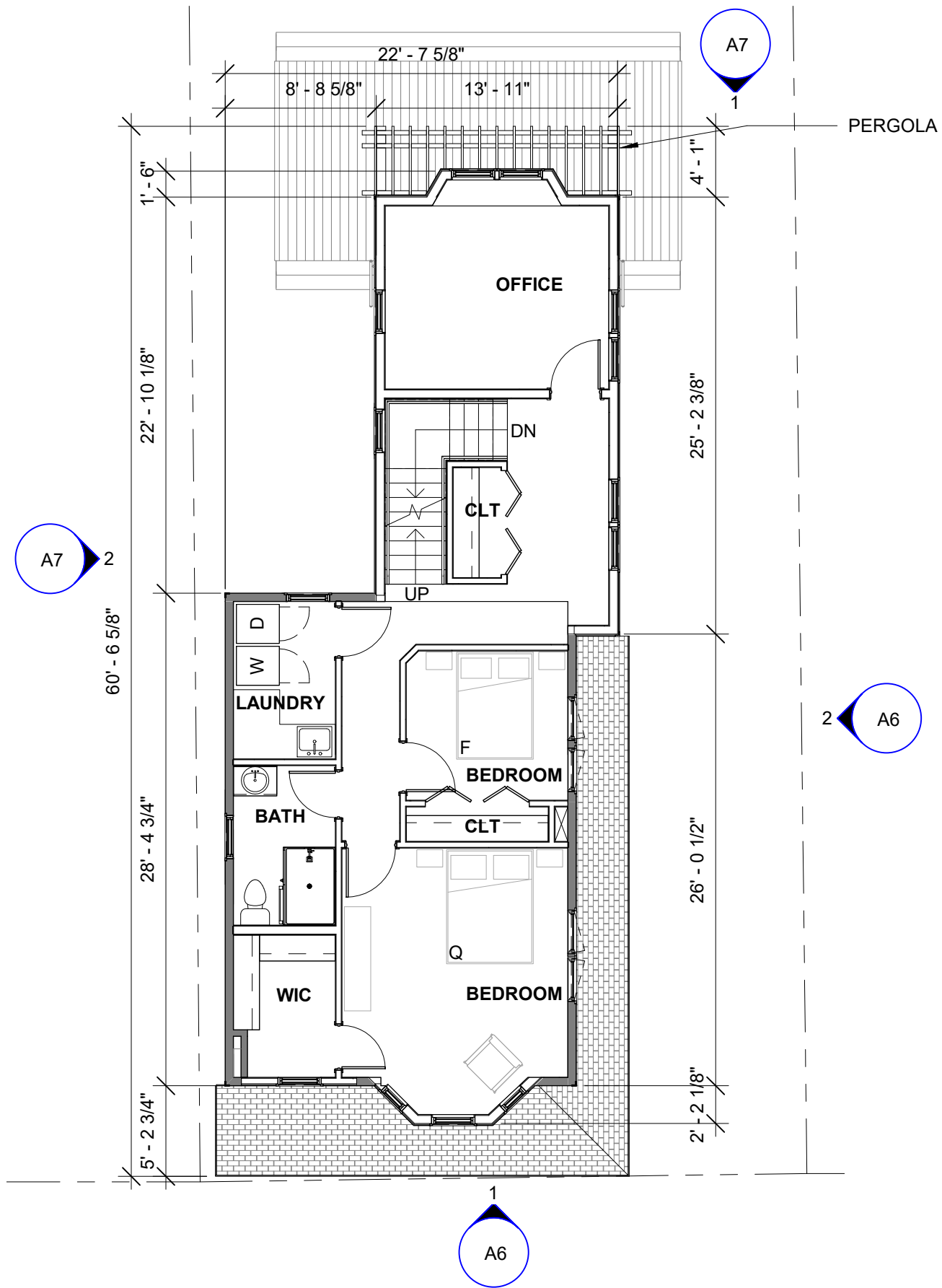
4 Market Street  
Portsmouth, New Hampshire

**A4**

03/14/2023

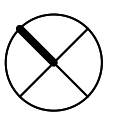
McHA: RD / MG

Scale: 1/8" = 1'-0"



© 2023 McHenry Architecture

**ADDITION AND RENOVATION**  
 45 ROCKINGHAM STREET  
 PORTSMOUTH, NEW HAMPSHIRE 03801



**FLOOR PLANS**  
 ZONING BOARD OF ADJUSTMENT

**McHENRY ARCHITECTURE**  
 4 Market Street  
 Portsmouth, New Hampshire

**A5**

03/14/2023  
 McHA: RD / MG  
 Scale: 1/8" = 1'-0"



1 WEST ELEVATION  
1/8" = 1'-0"

2 SOUTH ELEVATION  
1/8" = 1'-0"

© 2023 McHenry Architecture

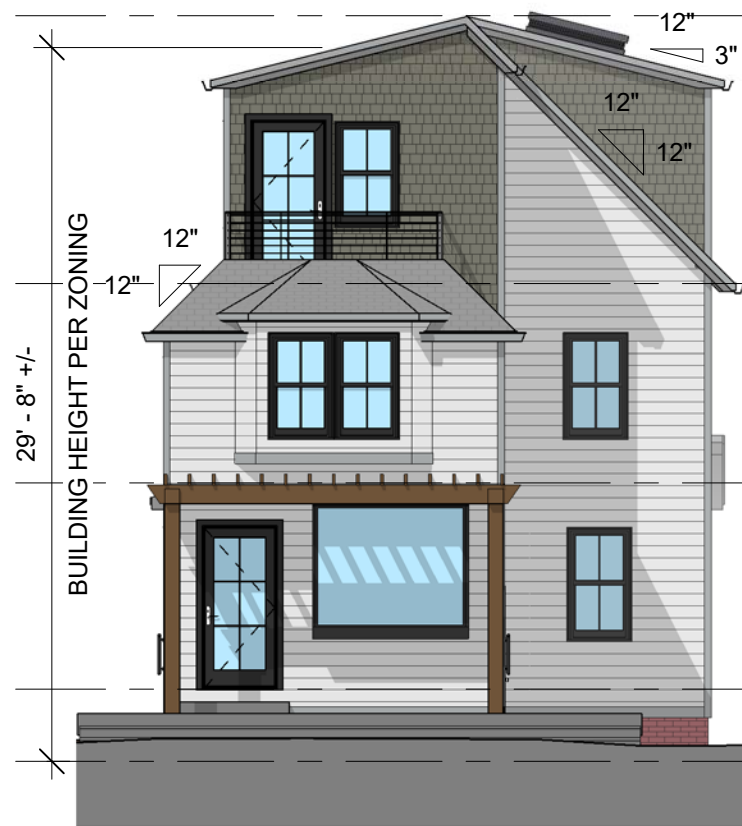
**ADDITION AND RENOVATION**  
45 ROCKINGHAM STREET  
PORTSMOUTH, NEW HAMPSHIRE 03801

**ELEVATIONS**  
ZONING BOARD OF ADJUSTMENT

**McHENRY ARCHITECTURE**  
4 Market Street  
Portsmouth, New Hampshire

**A6**

03/14/2023  
McHA: RD / MG  
Scale: 1/8" = 1'-0"



1 EAST ELEVATION  
1/8" = 1'-0"



2 NORTH ELEVATION  
1/8" = 1'-0"

- TOP OF ROOF 128' - 0 1/4"
- WINDOW LOCATIONS AND SIZE ARE TBD
- THIRD FLOOR 116' - 10 1/2"
- SECOND FLOOR 108' - 7"
- FIRST FLOOR 100' - 0"
- AVERAGE GRADE 97' - 0"

© 2023 McHenry Architecture

**ADDITION AND RENOVATION**  
45 ROCKINGHAM STREET  
PORTSMOUTH, NEW HAMPSHIRE 03801

**ELEVATIONS**  
ZONING BOARD OF ADJUSTMENT

**McHENRY ARCHITECTURE**  
4 Market Street  
Portsmouth, New Hampshire

**A7**

03/14/2023  
McHA: RD / MG  
Scale: 1/8" = 1'-0"



© 2023 McHenry Architecture

# ADDITION AND RENOVATION

45 ROCKINGHAM STREET  
PORTSMOUTH, NEW HAMPSHIRE 03801

# RENDERING

ZONING BOARD OF ADJUSTMENT

McHENRY ARCHITECTURE

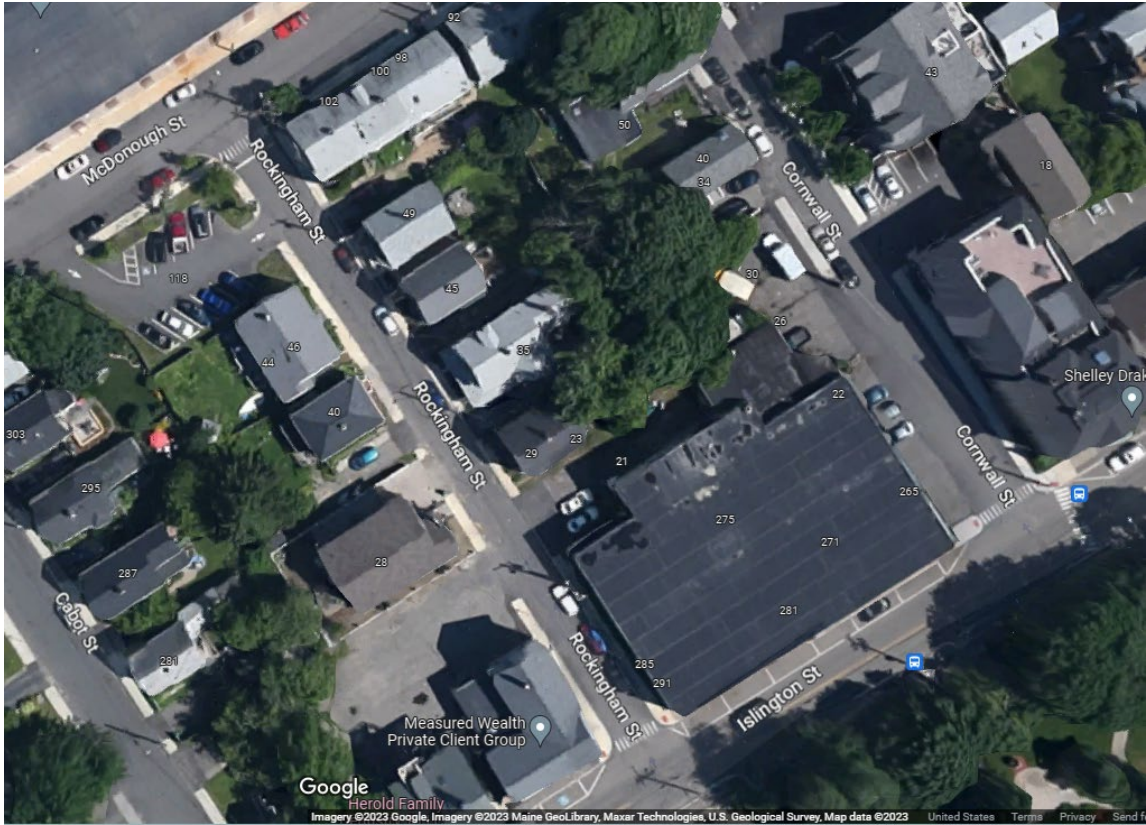
4 Market Street  
Portsmouth, New Hampshire

A8

03/14/2023  
McHA: RD / MG  
NOT TO SCALE



**Exhibit B  
Site Photographs**



**Aerial photograph of Property and surrounding area**



**View down Rockingham Street from the South**

**Exhibit B  
Site Photographs**



**View of Property from the Southwest**

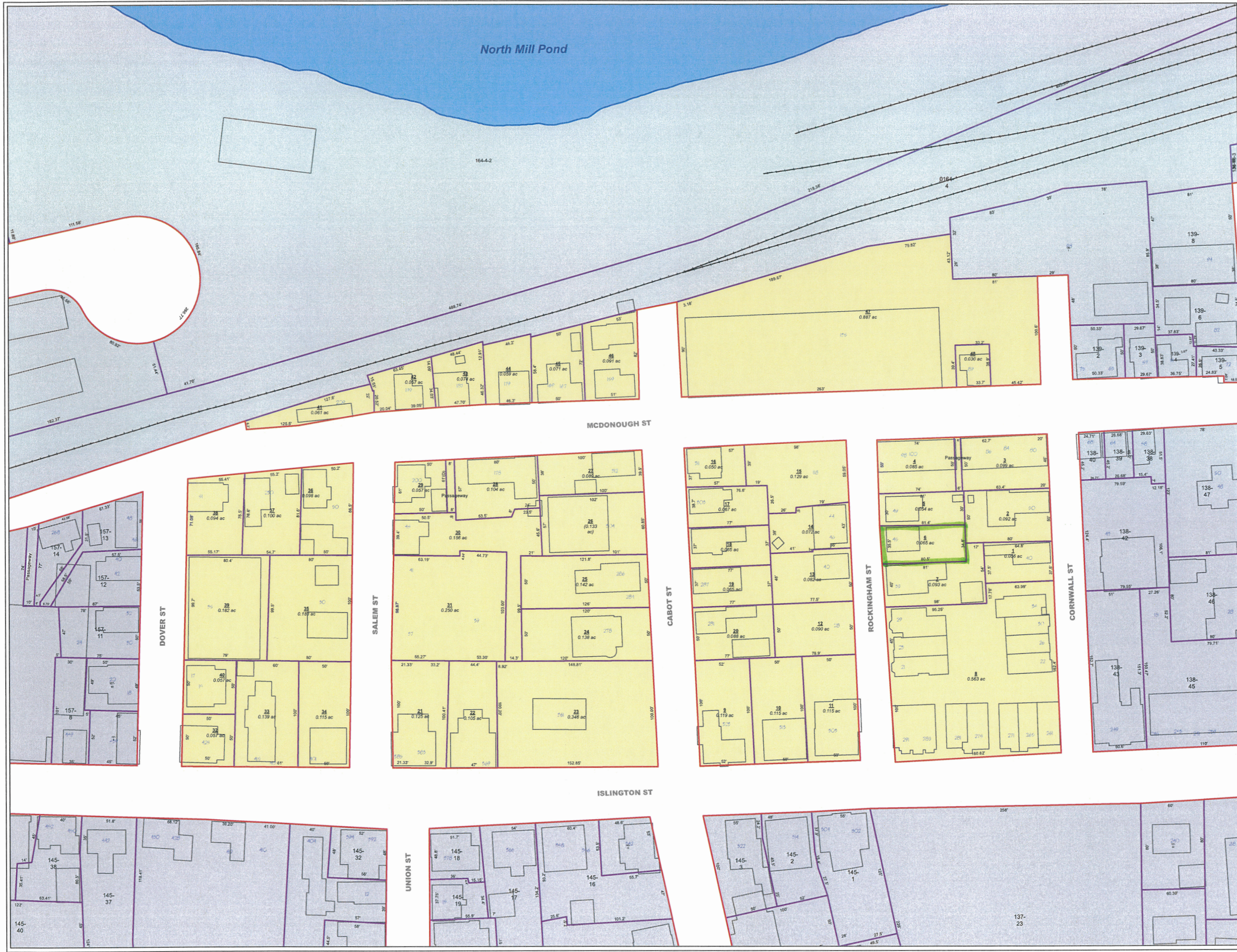


**View of Property from the Northwest**

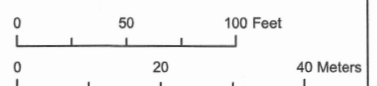
**Exhibit B  
Site Photographs**



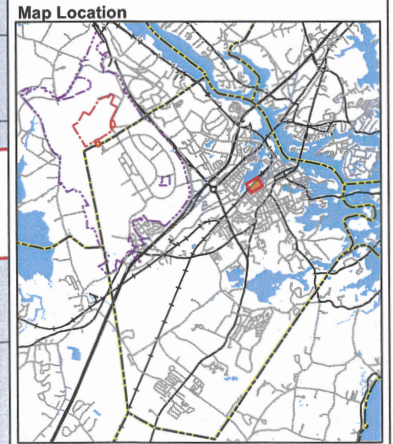
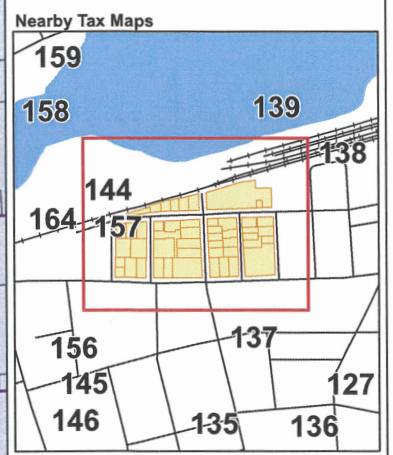
**View of Property from the Northwest (up Rockingham Street)**



- 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)
  - 25 Address number
  - 233-137 Parcel number from a neighboring map
  - 98' 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)



*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.*



Portsmouth, New Hampshire  
2022

## Tax Map 144