



BY: VIEWPOINT & HAND DELIVERY

February 24, 2021

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

**RE: Variance Application of SAI Builders LLC
84 Rockingham Street, Tax Map 113, Lot 26**

Dear Chairman Rheaume,

Our Office represents SAI BUILDERS LLC. Enclosed herewith, please find the following materials for submission to the Zoning Board of Adjustment for consideration at its next regularly scheduled meeting:

- 1) Landowner Letter of Authorization;
- 2) Narrative to Variance Application;
- 3) Existing Conditions and Variance Site Plan Set;
- 4) Floor Plans and Elevations;
- 4) Photographs of the Property; and
- 5) Tax Map Image of the Property.

Twelve (12) copies of the application submission are being delivered to the City. Should you have any questions or concerns regarding the enclosed application materials, do not hesitate to contact me at your convenience.

Sincerely,

Derek R. Durbin, Esq.

LETTER OF AUTHORIZATION

SAI Builders LLC, of 12 Industrial Way, Salem, New Hampshire 03079, the owner of the property located at 84 Rockland Avenue, Portsmouth, NH 03801 (the "Property"), hereby authorizes Durbin Law Offices PLLC to act as his agent and representative in connection with any building, zoning, planning or other municipal permit applications filed with the City of Portsmouth for said Property. Said Letter of Authorization shall be valid until expressly revoked in writing.

Anton J. Miller

Printed Name: Anton J. Miller
Duly Authorized

February 24, 2021

Date

**CITY OF PORTSMOUTH
ZONING BOARD OF ADJUSTMENT
APPLICATION NARRATIVE**

SAI Builders LLC
(Owner/Applicant)
Tax Map 113, Lot 26
84 Rockland Street
Portsmouth, NH 03801

INTRODUCTORY STATEMENT

The Property

SAI Builders LLC (the “Applicant”) is the owner of property located at 84 Rockland Street, identified on Portsmouth Tax Map 113, as Lot 26 (the “Property”). The Property is located within Portsmouth’s General Residence A (“GRA”) Zoning District. The Property is a corner lot with primary frontage on Rockland Street and secondary frontage on Elwyn Avenue. The City assessing records indicate that the single-family home on the Property was constructed in 1920.

The Property consists of 5,492 square feet of land, making it non-conforming with respect to lot area and lot area per dwelling unit. More than half of the home encroaches into the Rockland Street and Elywn Avenue front yard setbacks.

Proposed Renovation

The existing home needs updating and improvement. The Applicant desires to renovate and reconfigure the interior of the home so that it contains a modern floor plan and amenities. This will involve some demolition and reconstruction of certain sections of the home. In addition, the Applicant is proposing to add a garage to the rear of the home, thus expanding the building footprint. The architectural appearance of the home will remain consistent with surrounding properties, including those at 21 and 27 Elwyn Avenue which are also owned by and were designed and built-out by the Applicant. Because more than half of the existing home encroaches into the primary and secondary front yard setbacks, little can be done to improve it without requiring variance relief. The Applicant is not proposing any additional encroachment into the front yard setbacks beyond what exists.

SUMMARY OF VARIANCE RELIEF

The Applicant seeks the following variances:

Section 10.320: To allow a lawfully existing non-conforming structure to be enlarged or extended without achieving compliance with the Ordinance.

Section 10.521: To allow a 4.3' (+/-) secondary front yard setback (Elwyn Ave.) where 8.75' is required¹ (3' exists from stairs);

Section 10.521: To allow a 8.1' (+/-) primary front yard setback (Rockland St.) where 15' is required (8.1' exists)

Section 10.521: To allow 26.7% (+/-) building coverage where 25% is required by the Ordinance.

VARIANCE CRITERIA

Granting the variances will not be contrary to the public interest and will observe the spirit of the Ordinance.

“There are two methods of ascertaining whether granting a variance would violate an ordinance’s basic zoning objectives: (1) examining whether granting the variance would alter the essential character of the neighborhood or, in the alternative; and (2) examining whether granting the variance would threaten the public health, safety, or welfare.” *Harborside Assoc v. Parade Residence Hotel*, 162 N.H. 508, 514 (2011).

The goal of GRA Zoning is “to provide areas for **single-family, two family and multifamily dwellings**, with appropriate **accessory uses**, at moderate to high densities...[.]”

The proposed improvements to the home on the Property will not alter the essential character of the neighborhood. The neighborhood is characterized by “New Englander” style homes with gabled facades that were built in the late 1800s and early 1900s and later improved with dormers, garages and other modern space-creating features to keep up with the evolving needs of homebuyers. The neighborhood can be characterized as moderately dense.

Many of the surrounding properties have homes and outbuildings that encroach into the required setbacks and exceed the minimum building coverage requirement. Almost all of the properties between Rockland Street and Lincoln Avenue to the rear of the Property exceed allowable building coverage. Several of these properties have above 40% building coverage. The increase in building coverage proposed by the Applicant is primarily associated with the 1-stall garage addition to the rear of the home. This addition to the home will not result in an overcrowding of the land or give the Property an overly dense appearance when viewed in the

¹ 8.75' front yard requirement for Elwyn Avenue is based on average alignment provisions contained in Section 10.516 of the Ordinance.

context of the neighborhood. The Property will continue to exceed the Ordinance's open space requirement.

The appearance of the home will only be improved by the proposed renovations and will remain consistent in character to other homes within the neighborhood. As a point of comparison, as improved, the home will be similar in appearance to the homes at 21 and 27 Elwyn Avenue, both of which were designed and built-out by the Applicant.

The proposed renovations to the home will not result in any increase in the existing setback encroachments. In fact, the front yard setback from Elwyn Avenue will be improved with the removal of the stairs to northeastern side of the house. Thus, there will be no additional impact upon the light, air and space of abutting properties beyond what exists. There is only a city park located across from the home on Rockland Street. The homes of the only potentially impacted abutters on Elwyn Avenue are located a considerable distance away from the proposed improvements. One of these homes is presently owned by the Applicant. The other home is owned by the Shone family, who have indicated that they support the requests for relief.

The public health safety and welfare will not be negatively impacted by granting the variances requested. To the contrary, the improvements to the home will help ensure that the public safety, health and welfare is protected. The existing home was constructed in 1920. Any renovations performed on the home will be required to meet current building codes, which is a public benefit.

Substantial justice will be done by granting the variance relief.

Any loss to the individual that is not outweighed by a gain to the general public is an injustice. *New Hampshire Office of State Planning, The Board of Adjustment in New Hampshire, A Handbook for Local Officials* (1997); *Malachy Glen Assocs., Inc. v. Town of Chichester*, 155 N.H. 102 (2007).

The application involves relatively minor requests for dimensional relief. There would be no conceivable gain to the public by denying the variances sought.

Like other properties in this area of Portsmouth, the Property is a substandard lot that contains a modest sized home that was constructed well before modern zoning was adopted. More than half of the home is situated within the required front yard setbacks from Rockland Street and Elwyn Avenue. Anything done to improve or expand upon those sections of the home requires variance relief.

The proposed improvements to the home are designed to improve its functionality and appearance. If any of the variances are denied, the Applicant will lose some level of functionality associated with the proposed improvements to the home, which are only designed to benefit it and the values of surrounding properties. Ultimately, granting the variances achieve a better result than denying them. The loss the Applicant in denying the variances clearly outweighs any potential gain to the public.

The values of surrounding properties will not be diminished by granting the variance relief.

The proposed improvements to the Property will be in keeping with the character of the neighborhood and will give the home a fresh, attractive appearance. This can only serve to benefit the value of surrounding properties.

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

The Property is a corner lot, which makes it inherently unique. In addition, more than half of the home on the Property was constructed within the required front yard setbacks, which means that there are very few ways to improve upon it without having to obtain variance relief. As existing and proposed, the Property has less building coverage than many of the surrounding properties and more open space. A vast majority of the properties directly to the rear of the Property are more densely developed and exceed allowable building coverage and contain less open space. Taken together, these are special conditions that distinguish the Property from those that surround it.

Owing to these special conditions there is no fair and substantial relationship between the general purposes of the Ordinance provisions and their application to the Property. If the setback variances were denied, the existing encroachments would remain. Moreover, the proposed increase in building coverage makes the Property more consistent with surrounding properties while keeping with the density goals of the GRA Zoning District.

The proposed use is reasonable.

The Property will continue to contain a single-family residence, a use which is permitted by right by GRA Zoning. Granting the variances associated with the improvements is reasonable when you consider that the home was built in its present location long before modern zoning existed in Portsmouth.

CONCLUSION

In conclusion, the Applicant has demonstrated that it meets the five (5) criteria for granting each of the variances requested. Accordingly, it respectfully requests that the Board approve its Variance Application.

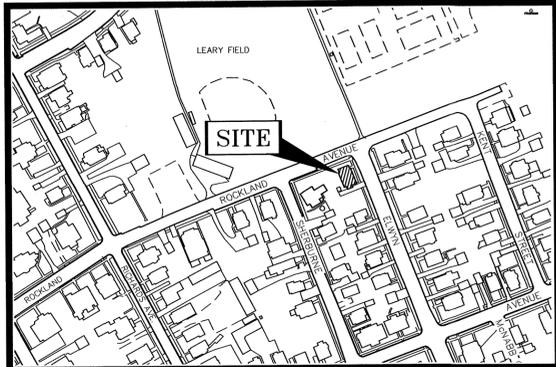
Dated: February 24, 2021
(as revised on 3/1/2021)

Respectfully Submitted,

SAI BUILDERS LLC

A handwritten signature in black ink, appearing to read "Derek Durbin", written over a horizontal line.

By: Derek R. Durbin, Esq.
DURBIN LAW OFFICES PLLC
144 Washington Street
Portsmouth, NH 03801
(603)-287-4764
derek@durbinlawoffices.com

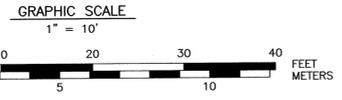
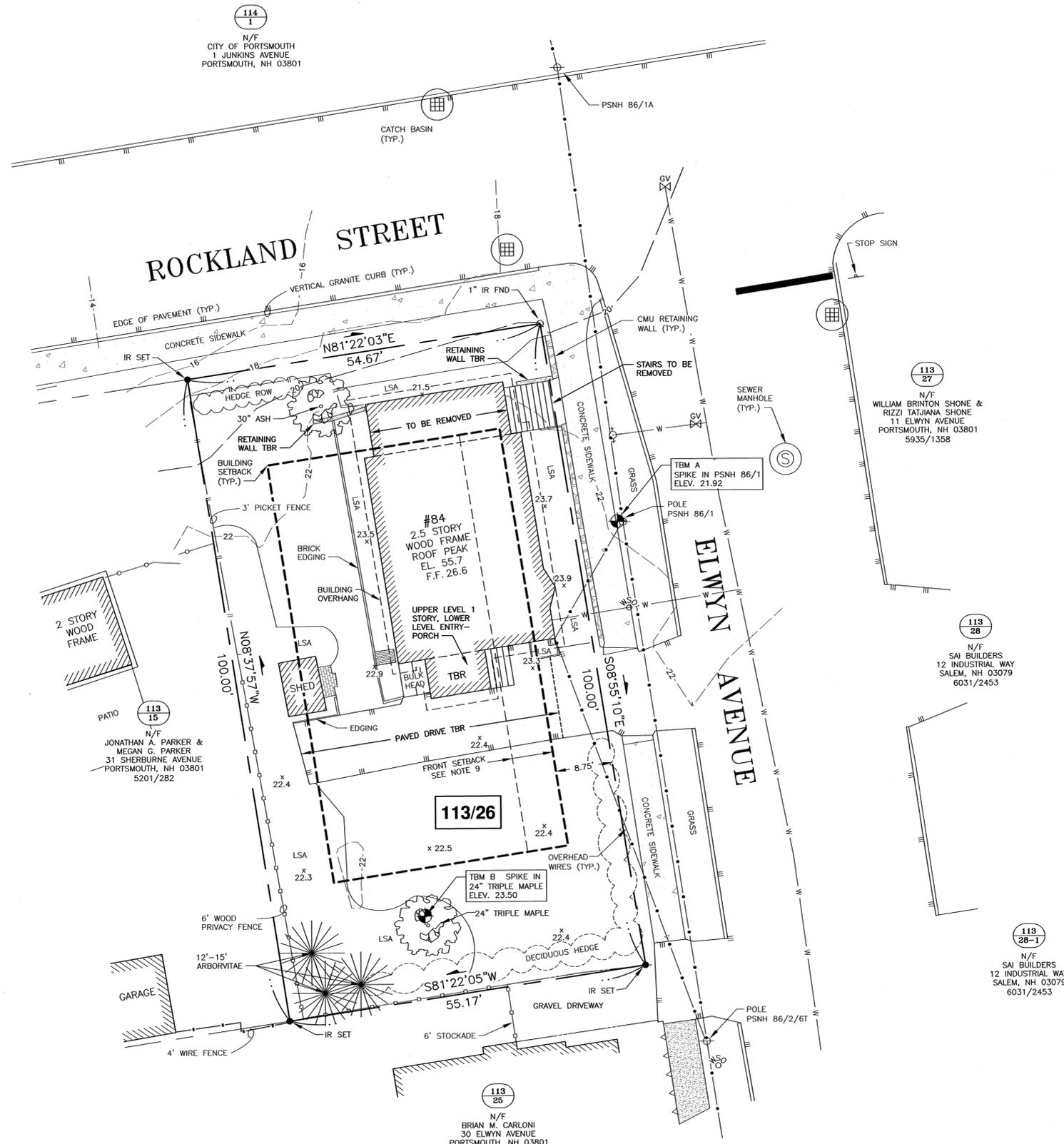


LOCATION MAP

SCALE: 1" = 200'

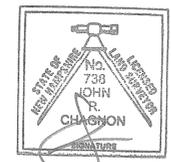
LEGEND:

- MAP 11 / LOT 21
- BOUNDARY SETBACK
- OVERHEAD ELECTRIC/WIRES
- EDGE OF PAVEMENT (EP)
- UTILITY POLE (w/ GUY)
- GAS SHUT OFF
- WATER SHUT OFF/CURB STOP
- GATE VALVE
- HYDRANT
- CATCH BASIN
- SEWER MANHOLE
- SIGNS
- ELEVATION
- EDGE OF PAVEMENT
- FINISHED FLOOR
- IRON ROD/PIPE
- LANDSCAPED AREA
- TO BE REMOVED



"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

John R. Chagnon
 JOHN R. CHAGNON, LLS
 DATE: 2.23.21



AMBIT ENGINEERING, INC.
 Civil Engineers & Land Surveyors
 290 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 113 AS LOT 26.
 - 2) OWNERS OF RECORD:
 SAI BUILDERS
 12 INDUSTRIAL WAY
 SALEM, N.H. 03079
 5201/0282
 - 3) PARCEL IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE JANUARY 29, 2021.
 - 4) EXISTING LOT AREA: 5,492 S.F., 0.1261 ACRES
 - 5) PARCEL IS LOCATED IN IN THE GENERAL RESIDENCE A (GRA) DISTRICT.
 - 6) DIMENSIONAL REQUIREMENTS:
 MIN. LOT AREA: 7,500 S.F.
 FRONTAGE: 100 FEET
 SETBACKS:
 FRONT: 15 FEET (SEE NOTE 9)
 SIDE: 10 FEET
 REAR: 20 FEET
 MAXIMUM STRUCTURE HEIGHT: 35 FEET
 ROOF APPURTENANCE HEIGHT: 8 FT
 MAXIMUM STRUCTURE COVERAGE: 25%
 MINIMUM OPEN SPACE: 30%
 - 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON THE PARCEL SHOWN AS MAP 113 LOT 26 ON THE CITY OF PORTSMOUTH TAX MAPS.
 - 8) VERTICAL DATUM IS MEAN SEA LEVEL NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS (±0.2').
 - 9) PORTSMOUTH ZONING ORDINANCE SECTION 10.516.10 ALLOWS FRONT YARD SETBACKS TO AVERAGE ADJACENT LOTS WITHIN 200 FEET. ON ELWYN AVENUE THE FRONT SETBACK UNDER THIS SECTION IS 8.75 FEET.

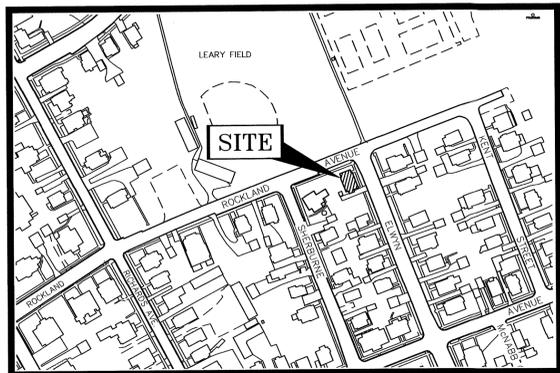
**PROPOSED ADDITION
 84 ROCKLAND STREET
 PORTSMOUTH, NH**

NO.	DESCRIPTION	DATE
3	ISSUED FOR APPROVAL	2/23/21
2	FLOOD HAZARD NOTE, DEMO	2/17/21
1	ADD TOPOGRAPHY	1/25/21
0	ISSUED FOR COMMENT	12/7/20

REVISIONS	

SCALE 1" = 10' DECEMBER 2020

**EXISTING CONDITIONS
 & DEMOLITION PLAN** **C1**



LOCATION MAP SCALE: 1" = 200'

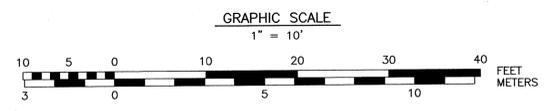
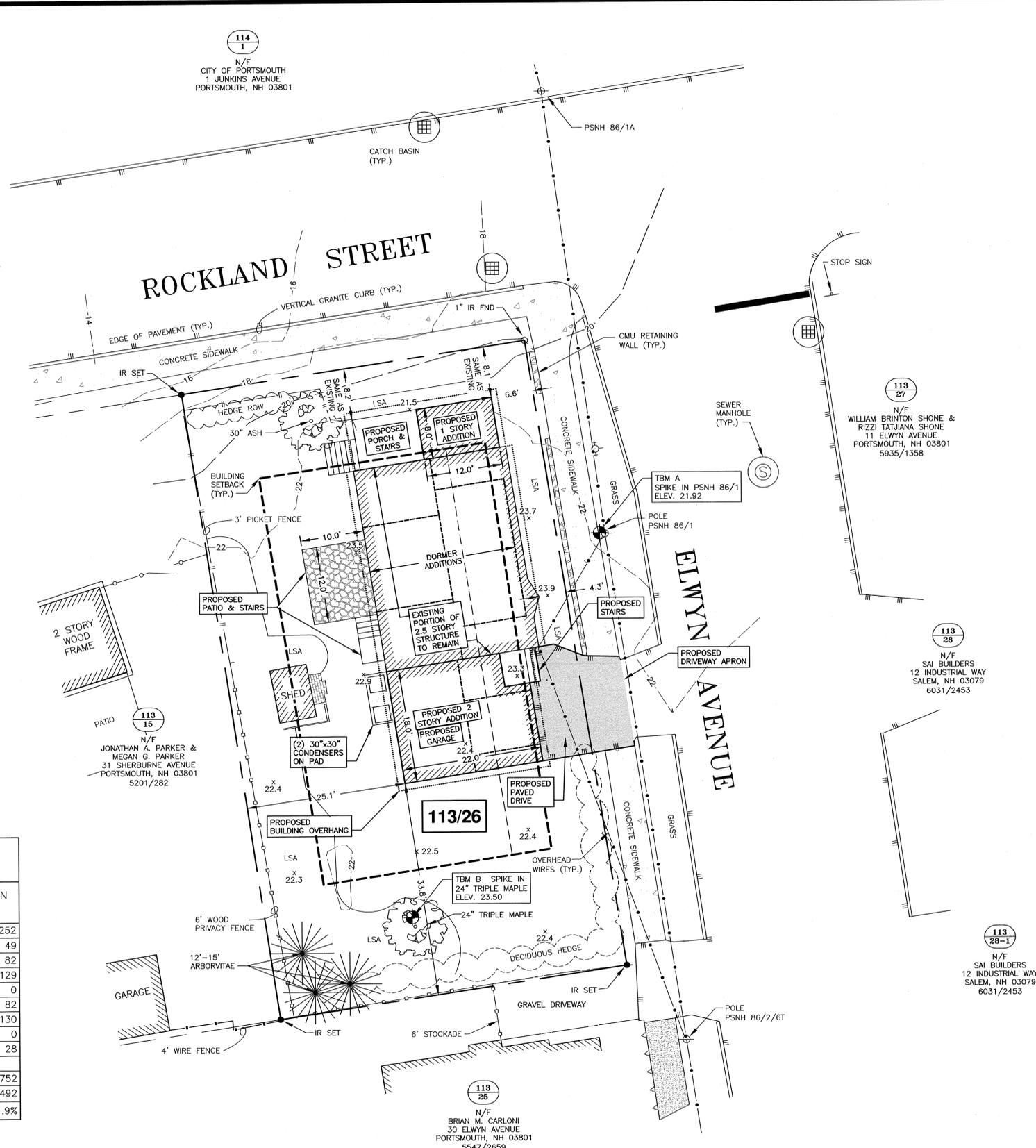
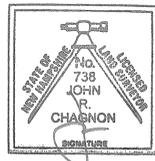
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- BOUNDARY
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- EDGE OF PAVEMENT (EP)
- UTILITY POLE (w/ GUY)
- GAS SHUT OFF
- WATER SHUT OFF/CURB STOP
- GATE VALVE
- HYDRANT
- CATCH BASIN
- SEWER MANHOLE
- SIGNS
- ELEVATION
- EP
- F.F.
- IR
- LSA

IMPERVIOUS SURFACE AREAS (TO PROPERTY LINE)		
STRUCTURE	PRE-CONSTRUCTION IMPERVIOUS (S.F.)	POST-CONSTRUCTION IMPERVIOUS (S.F.)
MAIN STRUCTURE	956	1,252
SHED	49	49
PORCH	57	82
PAVED DRIVEWAY	502	129
BULKHEAD	21	0
STAIRS	71	82
PATIO	16	130
RETAINING WALL	8	0
CONCRETE AC PAD	0	28
TOTAL	1,680	1,752
LOT SIZE	5,492	5,492
% LOT COVERAGE	30.6%	31.9%

"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

John R. Chagnon
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SIDE: 8.75 FEET (ELWYN AVE.)
REAR: 10 FEET
REAR: 20 FEET
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ROOF APPURTENANCE HEIGHT: 8 FT
MAXIMUM STRUCTURE COVERAGE: 25%
MINIMUM OPEN SPACE: 30%
 - 7) THE PURPOSE OF THIS PLAN IS TO SHOW PROPOSED IMPROVEMENTS ON THE PARCEL SHOWN AS MAP 113 LOT 26 ON THE CITY OF PORTSMOUTH TAX MAPS.
 - 8) VERTICAL DATUM IS MEAN SEA LEVEL NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS (±0.2').
 - 9) ARCHITECTURAL PLANS BY O'SULLIVAN ARCHITECTS, INC., 606 MAIN STREET, SUITE 3001, READING, MA 01867. TEL. (781) 439-6166, DATED 12/30/2020, REV. 2/10/21.
 - 10) PROPOSED STRUCTURE COVERAGE:
MAIN STRUCTURE: 1,252 S.F.
SHED: 49 S.F.
PORCH: 82 S.F.
STAIRS: 82 S.F.

TOTAL COVERAGE: 1,465 S.F. / 26.7%

**PROPOSED ADDITION
84 ROCKLAND STREET
PORTSMOUTH, NH**

NO.	DESCRIPTION	DATE
1	ISSUED FOR APPROVAL	2/23/21
0	ISSUED FOR COMMENT	2/17/21

REVISIONS		
NO.	DESCRIPTION	DATE

SCALE 1" = 10' FEBRUARY 2021

VARIANCE PLAN **V1**



Proposed Rear Elevation
Scale: 1/8" = 1'-0"



Proposed Right Elevation
Scale: 1/8" = 1'-0"

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84 Rockland Street
Portsmouth, NH

 O'SULLIVAN ARCHITECTS, INC. ARCHITECTURE ■ INTERIORS ■ PLANNING 606 MAIN STREET, SUITE 3001 ■ READING, MA 01867 Tel: (781) 439-6166 ■ Fax: (781) 439-6170 ■ www.osullivanarchitects.com © 2016 O'Sullivan Architects Inc.	ISSUED	SHEET NUMBER
	12/30/2020	3
	REVISD / REVISED BY	JOB NO:
1/5/21	20235	
2/10/21		



○ Proposed Front Elevation
Scale: 1/8" = 1'-0"



○ Proposed Left Elevation
Scale: 1/8" = 1'-0"

84 Rockland Street
Portsmouth, NH



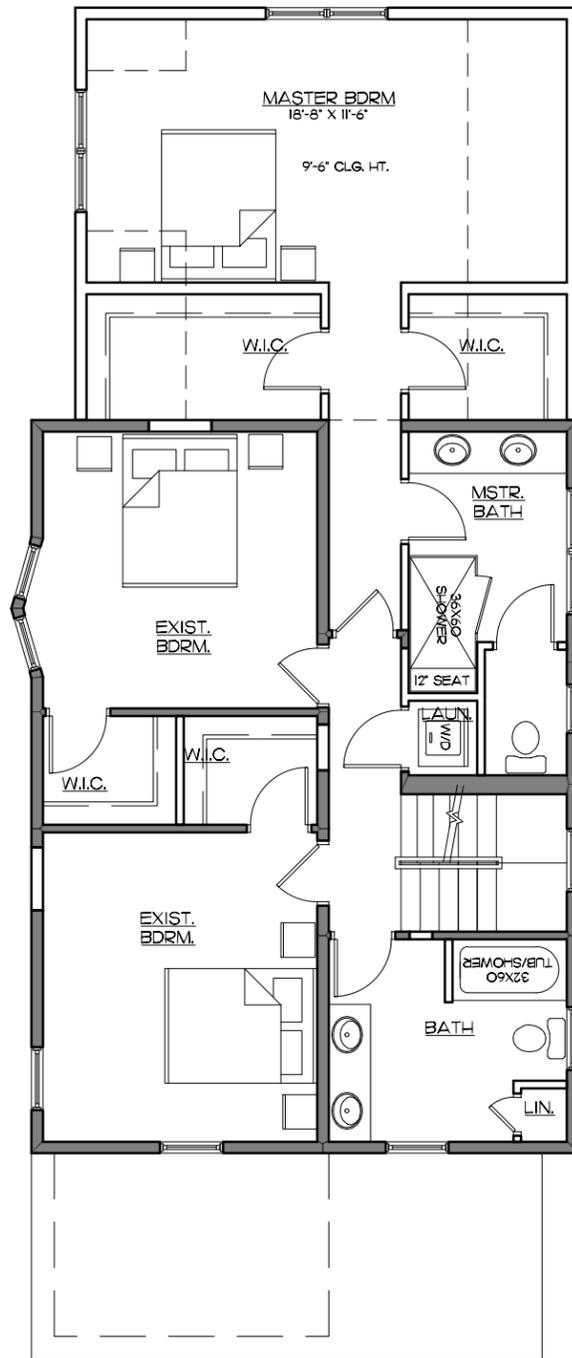
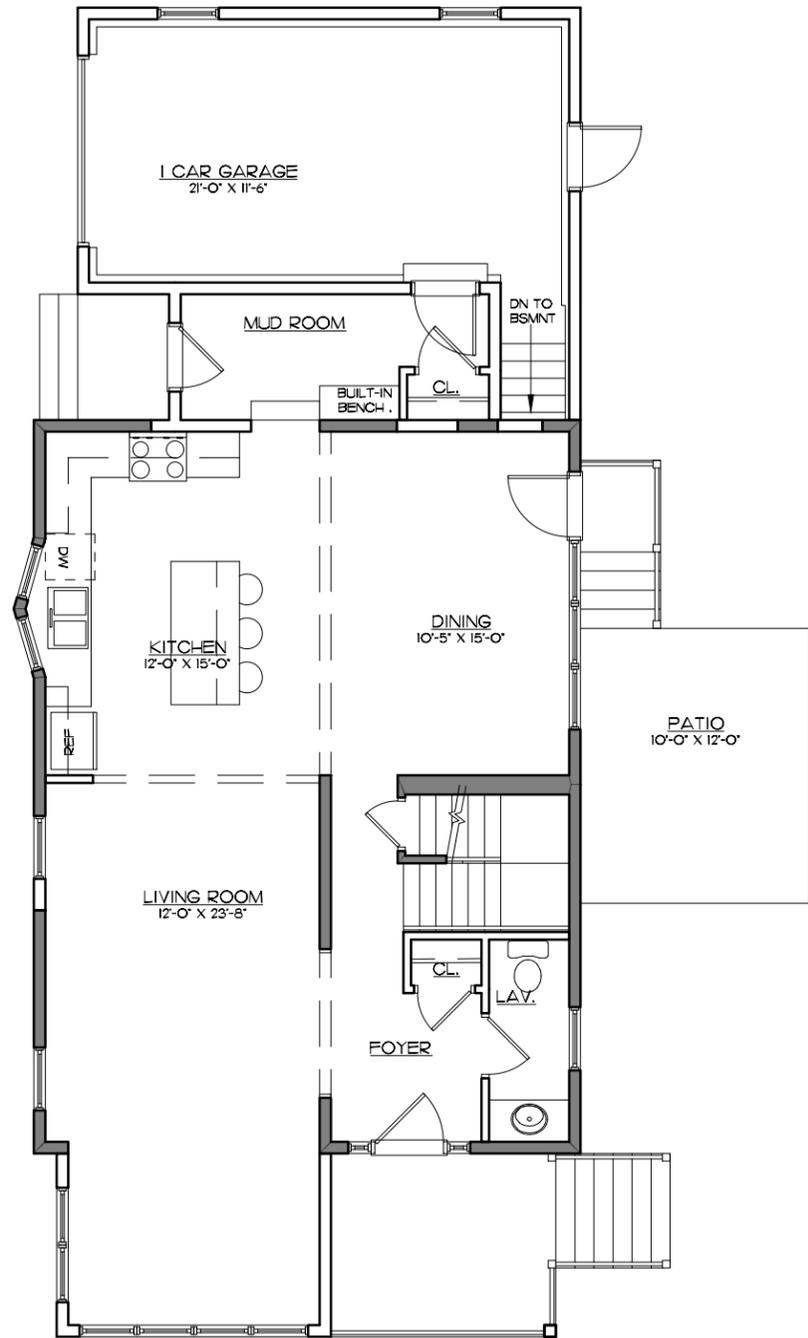
O'SULLIVAN ARCHITECTS, INC.
ARCHITECTURE ■ INTERIORS ■ PLANNING

606 MAIN STREET, SUITE 3001 ■ READING, MA 01867
Tel: (781) 439-6166 ■ Fax: (781) 439-6170 ■ www.osullivanarchitects.com

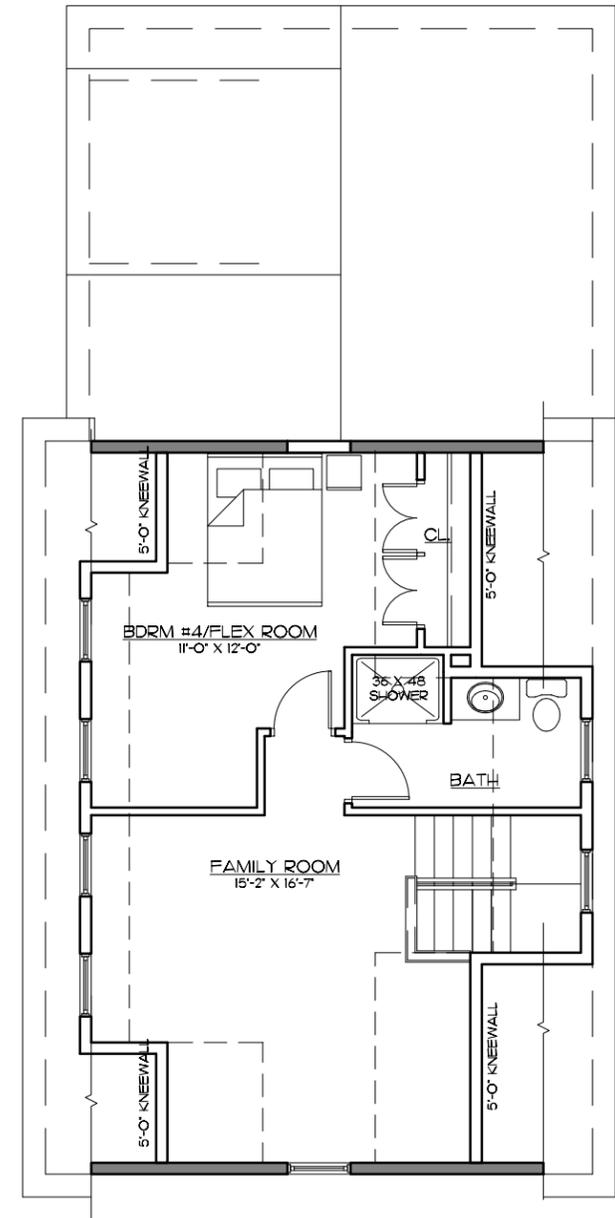
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ISSUED	12/30/2020
REVISED / REVISED BY	1/5/21
	2/10/21

SHEET NUMBER	2
JOB NO:	20235



BUILDING S. F.	01/05/21
FIRST FLOOR	882 S.F.
SECOND FLOOR	1048 S.F.
THIRD FLOOR	494 S.F.
TOTAL *	2424 S.F.
GARAGE	260 S.F.



○ Proposed First Floor Plan
Scale: 1/8" = 1'-0"

○ Proposed Second Floor Plan
Scale: 1/8" = 1'-0"

○ Proposed Third Floor Plan
Scale: 1/8" = 1'-0"

84 Rockland Street
Portsmouth, NH

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606 MAIN STREET, SUITE 3001 ■ READING, MA 01867
Tel: (781) 439-6166 ■ Fax: (781) 439-6170 ■ www.osullivanarchitects.com
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ISSUED 12/30/2020	SHEET NUMBER 1
REVISED / REVISED BY 1/5/21	
2/8/21	
2/10/21	
JOB NO: 20235	

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Northerly side of house facing Rockland Street



Easterly side of house facing Elwyn Avenue



Southerly side of house



Westerly side of house



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 4/1/2019
Data updated 7/17/2019