

Land Use Application

LU-19-170

Your Submission

Attachments

Preliminary Application Review

Land Use Permit -- Planning Department Review and Fee Calculation

Application Permit Fee

Land Use Code Review

Zoning Board of Adjustment Approval

Building Permit Issued

Your submission

Submitted Jul 26, 2019 at 8:06am

Contact Information

Bernard Pelech

Email address

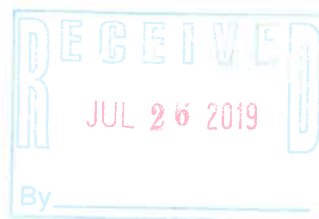
bpelech@bosenandassociates.com

Phone Number

6034275500

Mailing Address

266 middle st , portsmouth, nh 03801



Location

41 SALEM ST

Portsmouth, NH 03801



Project Type

Addition or Renovation: any project (commercial or residential) that includes an ADDITION to an existing structure or a NEW structure on a property that already has structure(s) on it



New Construction: any project (commercial or residential) that involves adding a NEW structure on a parcel that is currently VACANT. If there are any existing structures on the property (even if you are planning to remove them), you should select Addition and Renovation above

--

Minor Renovation: for projects in the Historic District only that involve a minor exterior renovation or alteration that does not include a building addition or construction of a new structure

--

Home Occupation: residential home occupation established in an existing residential dwelling unit and regulated by the Zoning Ordinance. Home Occupations are not allowed in the following Zoning Districts: Waterfront Business, Office Research, Industrial, or Waterfront Industrial

--

New Use/Change in Use: for a change of land use or an expansion to an existing use (e.g. addition of dwelling units) that includes no exterior work or site modifications

--

Temporary Structure / Use: only for temporary uses (e.g. tents, exhibits, events)

--

Demolition Only: only applicable for demolition projects that do not involve any other construction, renovation, or site work

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Subdivision or Lot Line Revision: for projects which involved a subdivision of land or an adjustment to an existing lot line

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Other Site Alteration requiring Site Plan Review Approval and/or Wetland Conditional Use Permit Approval



Sign: Only applies to signs requiring approval from a land use board (e.g. Historic Commission, Zoning Board of Adjustment)

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Zoning Information

Base Zoning District

General Residence C (GRC)

Base Zoning District 2 

--

Historic District

--

Flood Plain District

--

Downtown Overlay District

--

Osprey Landing Overlay District

--

Airport Approach Overlay District

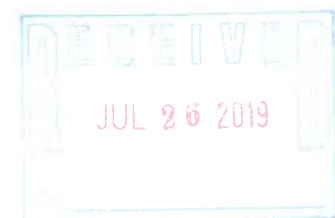
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Waterfront Use Overlay District

--

North End Incentive Overlay District

--



West End Incentive Overlay District

--

Highway Noise Overlay District

--

Application Type

Land Use Approval



Lot Line Revision (Planning Board)

--

Subdivision (Planning Board)

--

Amended Subdivision or Lot Line Revision Approval (Planning Board)

--

Wetland Conditional Use Permit (Planning Board)

--

Amended Wetland Conditional Use Permit (Planning Board)

--

Accessory Dwelling Unit / Garden Cottage Conditional Use Permit (Planning Board)

--

Site Plan Review (Planning Board)

--

Amended Site Plan Review (Planning Board)

--

Other Conditional Use Permit (Planning Board)

--

Variance (Zoning Board of Adjustment)



Special Exception (Zoning Board of Adjustment)

--

Historic District Certificate of Approval (Historic District Commission)

--

Project Description

Lot Area (s.f.)

10903

Lot Area Source ?

survey

Detailed Description of Proposed Work *

demolition of existing structure and construction of 4 townhouse residential units in 2 buildings

Brief Description of Existing Land Use * ?

single family residence

Land Use Application Fee Calculation

Valuation of New Construction (\$) ?

500000

Total Number of Dwelling Units

4

**Existing Buildings/Structures**

Building / Structure Description	Total Gross Floor Area (s.f.)	Area of Footprint (s.f.)	...
single family residence	2856	940	...

Existing Yards, Coverage, Parking, and Wetlands

Principal Front Yard / Building Setback (ft) ?

0

Secondary Front Yard / Building Setback (ft) ?

--

Rear Yard / Building Setback (ft) ?

55

Right Side Yard / Building Setback (ft) ?

70

Left Side Yard / Building Setback (ft) ?

1

Total # of Residential Units

1

Number of Parking Spaces

2

Number of Loading Spaces

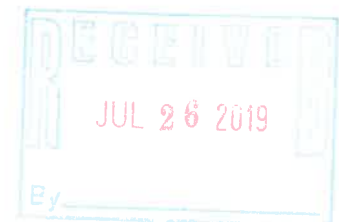
0

Area of Surface Parking & Driveways (sq ft) ?

680

Other Impervious Surface Area (sq ft) ?

940



Is all or a portion of the property located in the wetland area and/or within 100' of the wetland boundary? ?

--

Proposed Building/Structures (REQUIRED)

No results to display

Additional Proposed Building Information

Number of new hotel rooms

0

Total New Restaurant Use Gross Floor Area

0

Proposed Yards, Coverage, Parking and Wetlands (REQUIRED)

Principal Front Yard / Building Setback (ft) ?

13

Secondary Front Yard / Building Setback (ft) ?

--

Rear Yard / Building Setback (ft) ?

20.5

Right Side Yard / Building Setback (ft) ?

11

Left Side Yard / Building Setback (ft) ?

11

Total # of Residential Units ?

4

Number of Parking Spaces ?

8

Number of Loading Spaces ?

0

Area of Surface Parking & Driveways (sq ft) ?

1398

Other Impervious Surface Area (sq ft) ?

4220

Are you proposing to do any work in the wetland area or within 100' of the wetland boundary? ?



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Zoning Board of Adjustment Application Check List

Application Type *

Variance or Special Exception from Dimensional Requirements

I understand that I will need to submit a site plan with this application showing existing and proposed conditions including: front, side, and rear setback/yard dimensions; lot dimensions; abutting streets and street names; driveways / accessways; dimensions (size and height) of structures; dimensions and location of parking spaces; scale of all drawings and plans (scale is the ratio of the drawing's size relative to the actual size) *



I understand that I will need to submit labeled photos of existing conditions with this application *



I understand that I will need to submit building plans and elevations of any proposed structures or additions with this application *



I understand that I will need to submit interior floor plans for any renovations to or expansion of existing structures with this application *



I understand that I will need to submit a written statement with this application explaining how the request complies with the requirements of the Zoning Ordinance as provided in Article 2 (Section 10.233.20 for Variances, Section 10.232.20 for Special Exceptions) *



I understand that all plans / exhibits submitted with this application shall be 8.5" X 11" or 11" X 17" in size *



Project Representatives

Relationship to Project	If you selected "Other", please state relationship to project.	Full Name (First and Last) ...
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Relationship to Project	If you selected "Other", please state relationship to project.	Full Name (First and Last)	...
Attorney	--	Bernard Pelech	...
Engineer	--	John Chagnon	...

Plan Submission

I understand that this application will not be considered complete until I have provided the required plans and any additional submission requirements. (You will be prompted at the next screen to upload your plans.) *



I have reviewed the application requirements provided on the Planning Department's web page -- www.cityofportsmouth.com/planportsmouth/land-use-applications-forms-and-fees. *



Acknowledgement

I certify that the information given is true and correct to the best of my knowledge. *



By checking this box, I agree that this is equivalent to a handwritten signature and is binding for all purposes related to this transaction *



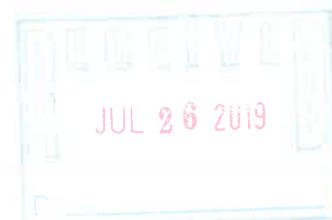
I hereby certify that as the applicant for permit, I am * ?

Other

If you selected "Other" above, please explain your relationship to this project. Owner authorization is required.

Attorney

I understand that it is the obligation of the applicant to submit adequate documents, plans, and exhibits to demonstrate compliance with the Zoning Ordinance. *



INTERNAL USE -- Land Use Approvals

Historic District Commission

--

HDC Approval Granted

--

Zoning Board of Adjustment

--

BOA Approval Granted

--

Zoning Relief Required

--

Conservation Commission Review

--

Conservation Commission Review Completed

--

Conditional Use Permit (Wetlands)

--

Wetland CUP Granted

--

Conditional Use Permit (Other)

--

Other CUP Granted

--

Prelim. Concept. Consultation

--

Prelim. Concept. Consultation Completed

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Design Review Phase



--

Design Review Phase Completed

--

Subdivision / Lot Line Revision

--

Subdivision / Lot Line Revision Granted

--

Site Plan Review

--

Site Plan Review Granted

--

Technical Advisory Committee Review

--

TAC Review Completed

--

Internal consistency review required ?

--

Certificate of Use Required

--

Stipulations

--

Additional Planning Department Comments

--

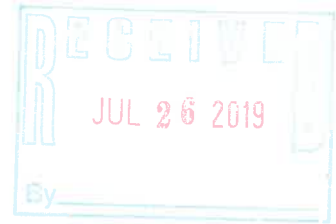


CITY OF PORTSMOUTH

ZONING BOARD OF ADJUSTMENT

**APPLICATION OF SEACOAST VETERANS PROPERTIES, LLC
41 SALEM STREET**

APPLICANT'S NARRATIVE



I. THE PROPERTY

41 Salem Street is currently a single-family residence owned by Seacoast Veterans Properties, LLC.

The 41 Salem Street lot contains 10,903 square feet and has 98.87 feet of frontage on Salem Street and is 108 feet in depth. The site presently contains a single-family residence. The existing residence which is in poor condition is nonconforming as to front and side yard setbacks and is to be demolished. The property is located in a General Residence C (GRC) District. Surrounding properties are residential in nature.

II. THE PROPOSAL

The Applicant proposes to construct 2 townhouse duplex structures on the property.

The proposed structures will meet all of the requirements for front, rear, and side yard setbacks, building coverage, open space, and height. Each of the 4 units will have an attached 2 car garage. The resulting 4 dwelling units on the lot will yield a lot area per dwelling unit of 2,726 square feet of lot area per dwelling unit. Thus, the Applicant is seeking a variance from the provisions of Article 5, Section 10.521 to allow 2,726 square feet of lot area per dwelling unit where 3,500 square feet is allowed.

The proposal also meets all requirements of the zoning ordinance for parking spaces and access ways.

III. ARGUMENT

It is the Applicant's position that the within Application meets the five (5) criteria necessary for the Board to grant the requested variance. The variance being sought is for 774 square feet of lot area per dwelling unit. Granting the requested variance would not result in any substantial change in the characteristics of the neighborhood or threaten public health, safety or welfare. As can be seen from the submitted Tax Maps and aerial photos, the site is adjacent to several multi family structures along Cabot St. and Islington St. The per unit square footages of the neighborhood properties is shown on the submitted tax map exhibit, and the majority of the lots are non conforming, and many lots have less lot area per dwelling unit than the applicant is proposing. Thus, adding 2 duplex residences will certainly not substantially alter the characteristics of the neighborhood. Thus, the Application meets the criteria set forth for whether or not granting the variance would be in keeping with the spirit and intent of the ordinance and would be in the public interest. The test for these 2 criteria are the same and

were set forth by the NH Supreme Court in the case of Malachy Glen v. Town of Chichester, 155 NH 102 (2007).

Granting the requested variance will certainly not result in any diminution in value of surrounding properties. The surrounding properties are residential in nature and the newly constructed code compliant duplexes will not in any way diminish surrounding property values. The proposed structures will be in keeping with the typical architecture of the area and will be an aesthetic benefit to surrounding property values.

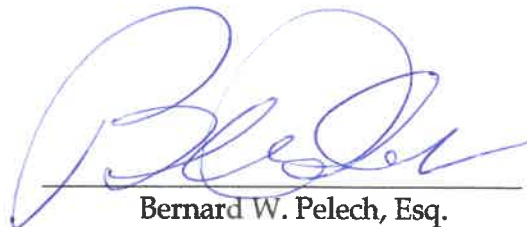
Substantial justice will be done by granting the variance as the hardship upon the owner and Applicant is not outweighed by some benefit to the general public. To the contrary, the general public will be benefited by the variance being granted as 4 additional housing units will be constructed in an area where the use is allowed and where there is a need for medium income housing with off-street parking provided.

Finally, there are special conditions with regard to the lot at 41 Salem Street which differentiates it from many of the lots similarly situated as can be seen from the Tax Map submitted in comparison to other lots along Cabot St., McDonough St., Salem St., and Islington St., this is a large lot with considerable open space which differentiates it from other lots similarly situated. There is no fair and substantial relationship between the spirit and intent of the ordinance as it is applied to 41 Salem Street because the lot area per dwelling unit is comparable to surrounding lots which were created and built upon before Zoning existed in Portsmouth. Furthermore, the use is an allowed use and thus the criteria for whether or not a hardship exists is met by the within Application.

IV. CONCLUSION

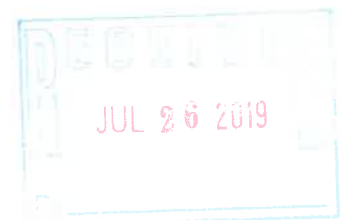
In conclusion, it is the Applicant's position that the variance request meets the five (5) criteria necessary for the Board to grant the requested variance are met by the within Application and it is respectfully requested that the Application be granted as presented and advertised.

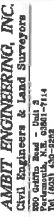
Respectfully submitted,



Bernard W. Pelech, Esq.

Dated: July 26, 2019





NOTES:
1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 144 AS LOT 31.

2) OWNERS OF RECORD:
ARTHUR HANSCOM &
BETTY HANSCOM
41 SALEM STREET
PORTSMOUTH, NH 03801
5921/395

3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL J3015CQ259E. EFFECTIVE DATE MAY 17, 2005.

4) EXISTING LOT AREA:
10,903 S.F.
0.2503 ACRES

5) PARCEL IS LOCATED IN THE GENERAL RESIDENCE C (GRC) ZONING DISTRICT.

MIN. LOT AREA: 3,500 S.F.
FRONTAGE: 70 FEET
DEPTH: 50 FEET

SIDE	10 FEET
REAR	20 FEET
MAXIMUM STRUCTURE HEIGHT:	35 FEET
MAXIMUM BUILDING COVERAGE:	35%

7) THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULT OF A STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY OF

8) VERTICAL DATUM IS MEAN SEA LEVEL NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GPS OBSERVATIONS.

9) PARCEL BENEFITS FROM A RIGHT-OF-WAY OVER ASSESSOR'S MAP 144 LOT 30 FROM McDONOUGH STREET TO THE GARAGES ON THE PREMISES HEREIN CONVEYED".

ONLY GRASSES ARE NO LONGER PRESENT ON THE SUBJUG
PARCEL.

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0	ISSUED FOR COMMENT	7/18/19
NO.	DESCRIPTION	DATE
REVISIONS		

STANDARD BOUNDARY
& TOPOGRAPHIC SURVEY

TAX MAP 144 - LOT 31

ARTHUR HANSCUM &
BETTY HANSCUM

41 SALEM STREET
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM


STATE OF NEW HAMPSHIRE

FB 330 PG 41	3082
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[illegible]

The map shows a section of land bounded by Salem Street to the south and a paved drive to the west. Key features include:

- Salem Street**: Located at the bottom of the map.
- Paved Drive**: A road running horizontally across the middle-left of the map.
- Lot Dimensions**: Various boundary lengths are noted, such as 26' along the top edge, 22' and 21' along the left edge, and 98.67' along the bottom-right boundary.
- Shaded Area**: A rectangular area labeled "SHED" is shown near the top center.
- North Arrow**: Positioned in the upper right quadrant, pointing towards the top of the page.
- Annotations**: Notes like "1\" MON PIPE FOUND, AT 12\" and "MINI BOD W/LS TUB TO CAP FOUND, FLUSH" are present near the shed area.



 & TOPOGRAPHIC SURVEY
 TAX MAP 144 - LOT 31
 OWNERS
 ARTHUR HANSCOM &
 BETTY HANSCOM
 41 SALEM STREET
 CITY OF PORTSMOUTH
 COUNTY OF ROCKINGHAM
 STATE OF NEW HAMPSHIRE
 SCALE 1"=100'

LENGTH TABLE

LINE	BEARING	DISTANCE
L1	N. 30°43' 58" W.	4.92

TO BE SET


CLIPPING

363-333 SUTTON STREET CONDOMINIUM
5667/7912

40) OF A 1/2 AC. CONDOMINIUM
4880/1728

1" BERRY BOX - 1980S
TO BAY FOUND, UP 3"

GRAPHIC SCALE

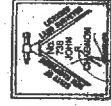


NOTES:
1. THE PROPOSED VARIANCE IS SUBJ. TO THE CITY OF PORTSMOUTH ZONING BOARD'S MAP 144 AS LOT 31.
2. OWNER OF RECORD:
ARTHUR ANDERSON
41 SALEM STREET
PORTSMOUTH, NH 03801
508-431-7114
3. AGENT:
SPACAST VETERANS PROPERTIES, LLC
41 SALEM STREET
PORTSMOUTH, NH 03801
4. THE PROPOSED VARIANCE IS FOR THE RECONSTRUCTION OF THE EXISTING BUILDING ON THE 10,501 SQ. FT. LOT 31, MAP 144, AS LOT 31, IN THE CITY OF PORTSMOUTH.
5. THE PROPOSED VARIANCE IS FOR THE RECONSTRUCTION OF THE EXISTING BUILDING ON THE 10,501 SQ. FT. LOT 31, MAP 144, AS LOT 31, IN THE CITY OF PORTSMOUTH.
6. THE PROPOSED VARIANCE IS FOR THE RECONSTRUCTION OF THE EXISTING BUILDING ON THE 10,501 SQ. FT. LOT 31, MAP 144, AS LOT 31, IN THE CITY OF PORTSMOUTH.
7. THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED RECONSTRUCTION OF THE EXISTING BUILDING ON THE 10,501 SQ. FT. LOT 31, MAP 144, AS LOT 31, IN THE CITY OF PORTSMOUTH.

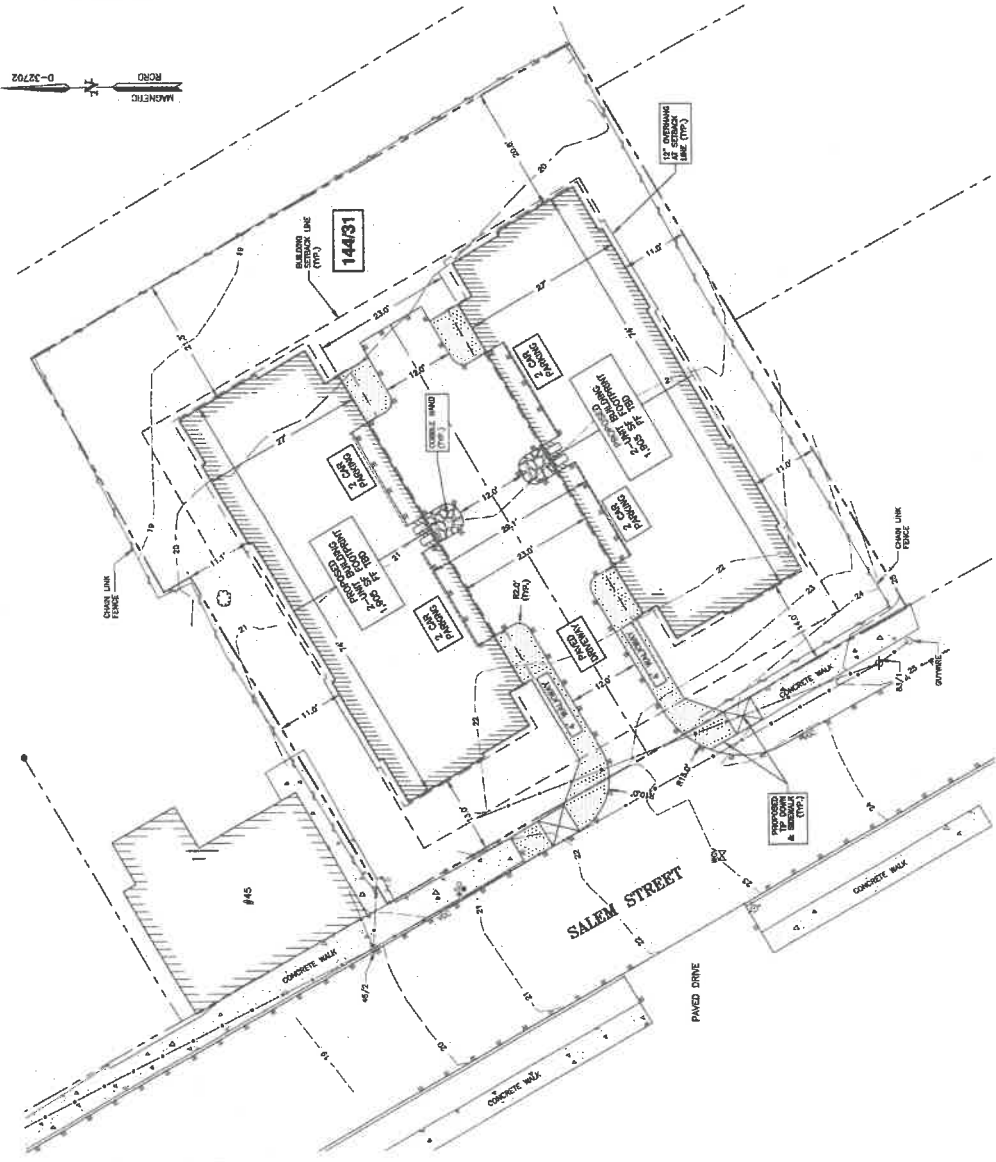
VARIANCE REQUIRED:
1. VARIANCE FROM 10,501 TO ALLOW A LOT AREA PER DWELLING UNIT OF 2,725 SQ. FT. WHERE 3,500 SQ. FT. PER DWELLING UNIT IS REQUIRED.

**THE RESIDENCES AT
41 SALEM STREET
PORTSMOUTH, N.H.**

NO.	ISSUED FOR COMMENT	DESCRIPTION	DATE
0			7/25/19



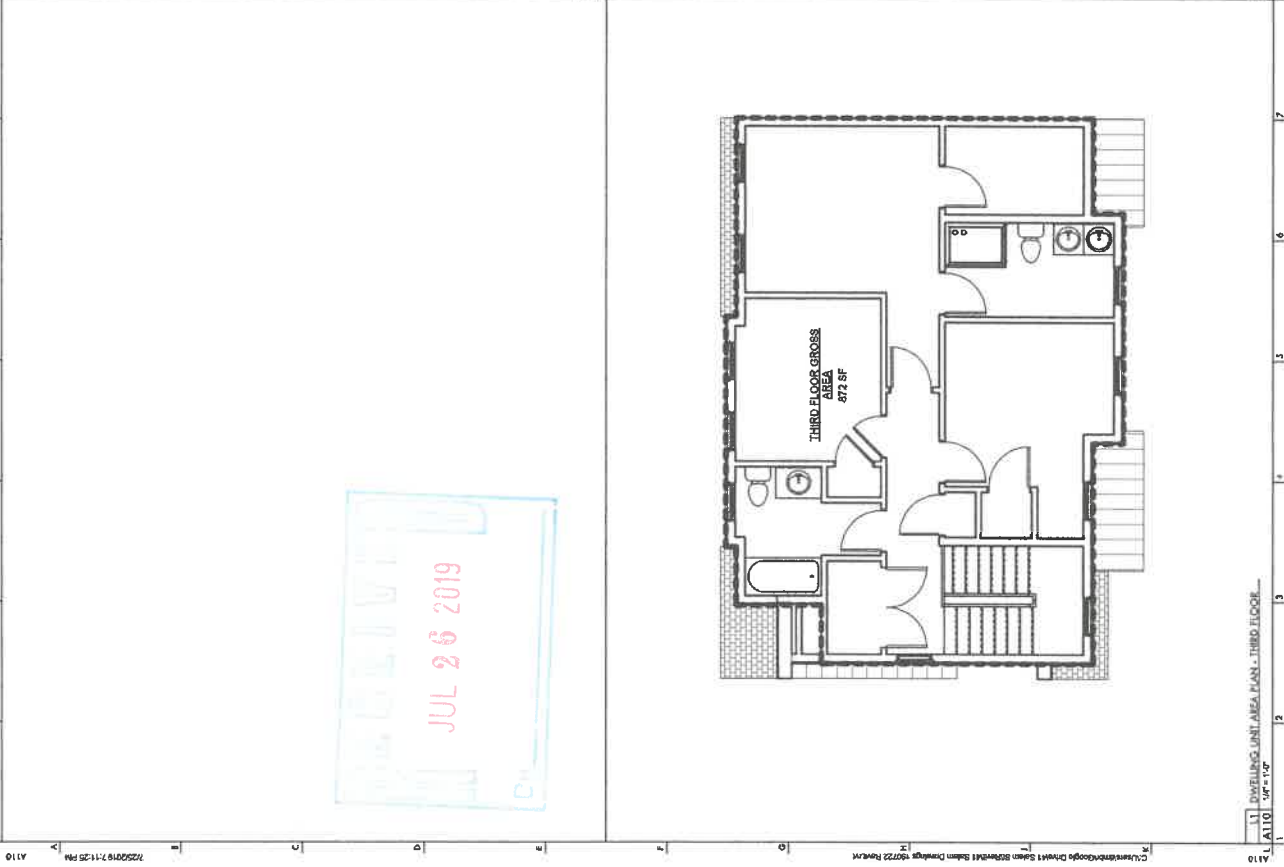
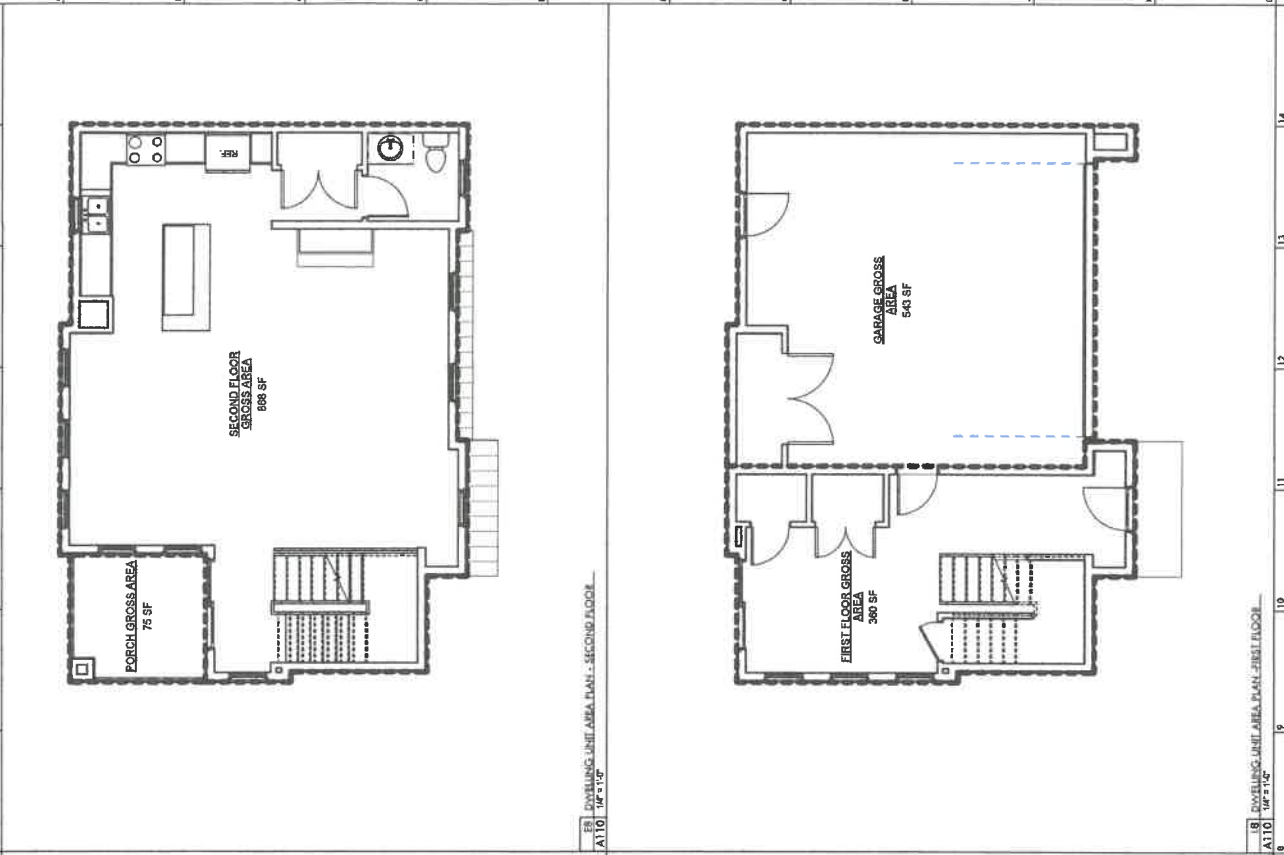
SCALE: 1"=10'
JULY 2019
VARIANCE PLAN
C2



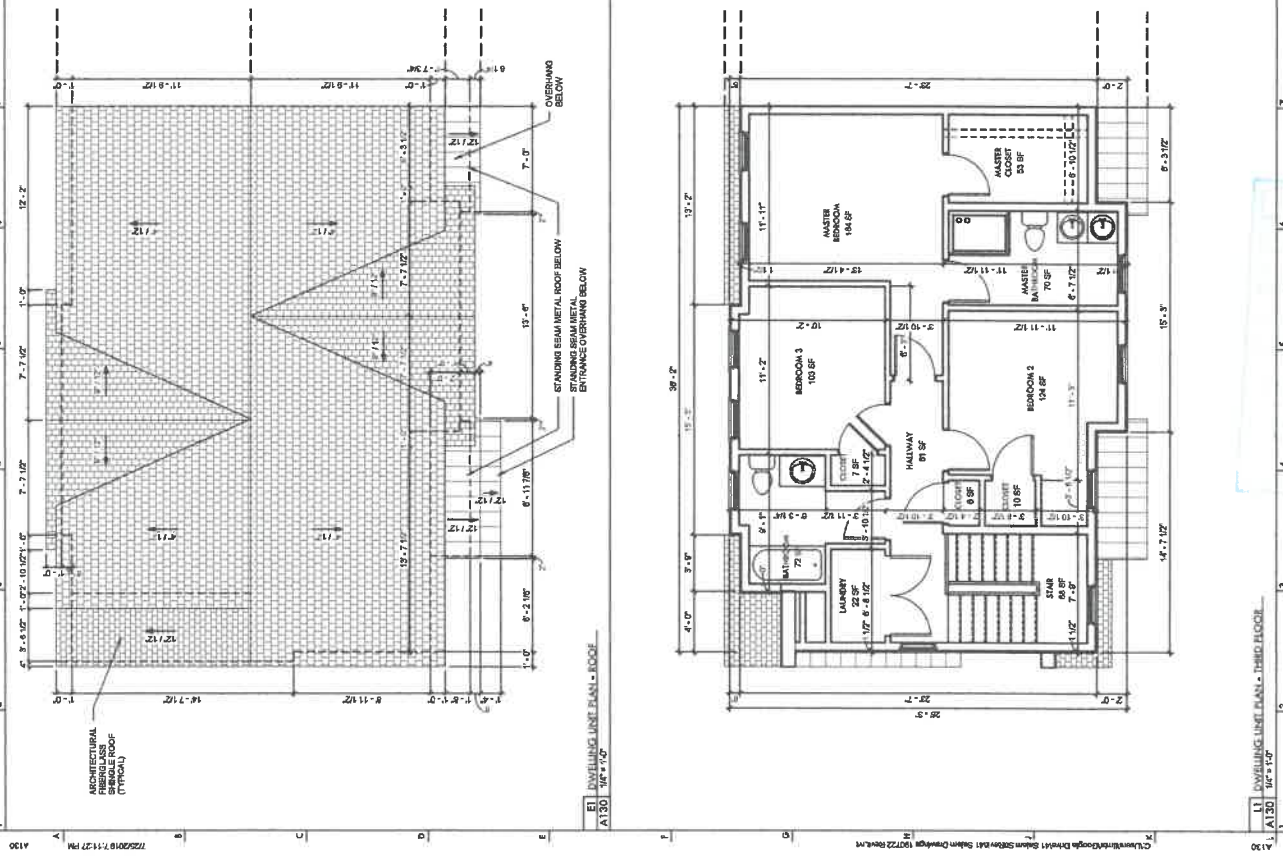
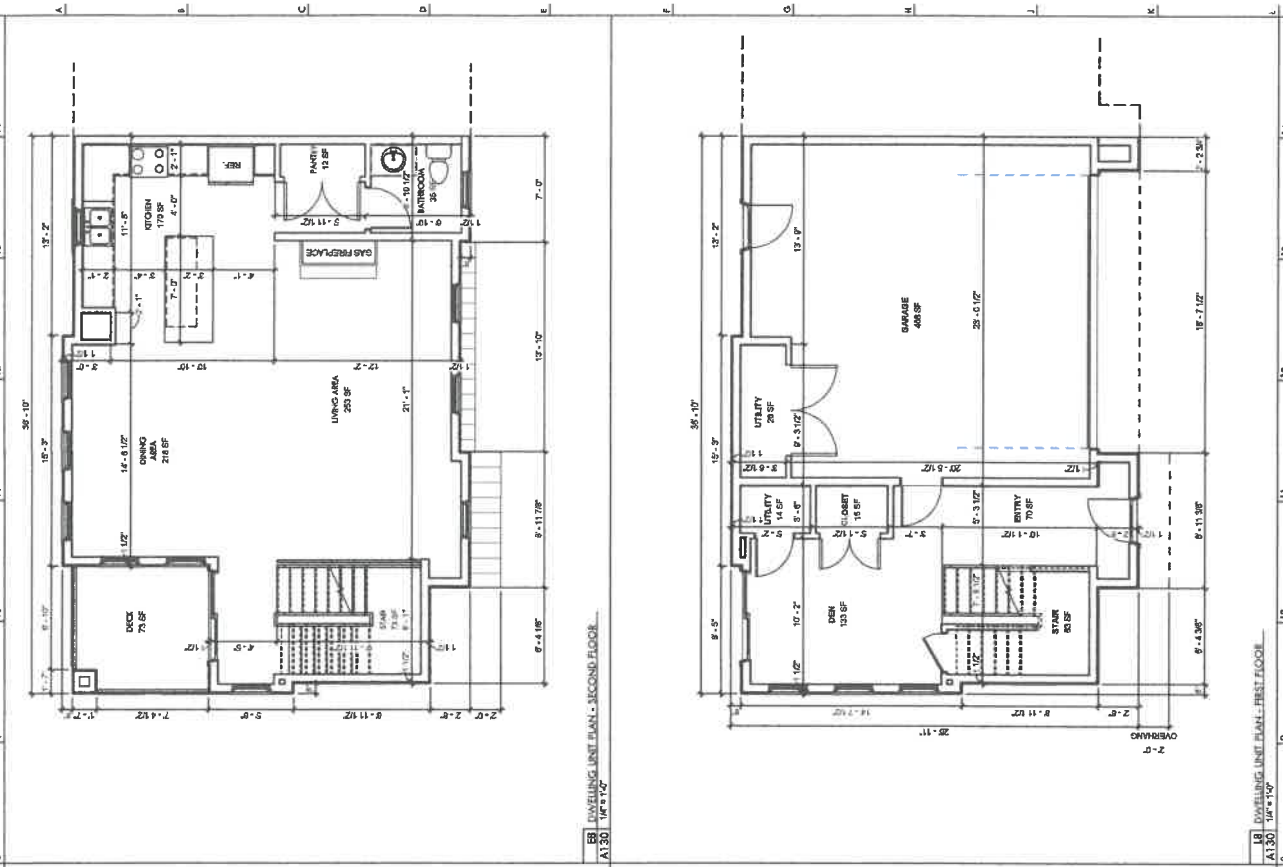
IMPERVIOUS SURFACE AREAS (TO PROPERTY LINE)		
STRUCTURE	PRE-CONSTRUCTION IMPERVIOUS (S.F.)	POST-CONSTRUCTION IMPERVIOUS (S.F.)
MAIN STRUCTURE	1,134	3,610
CONCRETE/COBBLE	14	410
STAIRS	47	0
PAVEMENT	650	1,386
TOTAL	1,845	5,406
LOT SIZE	10,503	10,405
% LOT COVERAGE	18.0%	51.9%

RECEIVED
JUL 26 2019

APPROVED BY THE PORTSMOUTH ZONING BOARD
CHAIRMAN
DATE



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JUL 26 2019

**THE RESIDENCES AT
41 SALEM STREET**

Decoret Vertical Properties
E.J. Corrie Enterprises

41 Salem Street
Parsippany, NJ 08054

ARCHITECTURE

FOR ZONING BOARD OF ADJUSTMENT APPLICATION
NOT FOR CONSTRUCTION

DATE: 07/25/19
DATE REVISED: 07/25/19
DESIGNED BY: The Studio
SCALE: 1/8" = 1'-0"

KEY PLAN

ZONING BOARD OF ADJUSTMENT APPLICATION

BUILDING ELEVATIONS (1 OF 2)

A201



JUL 26 2019



FIG. 1D VIEW FROM DRIVEWAY



87 1D VIEW FROM STREET



E1 3D VIEW FROM SIDE YARD



17 30 VIEW FROM STREET

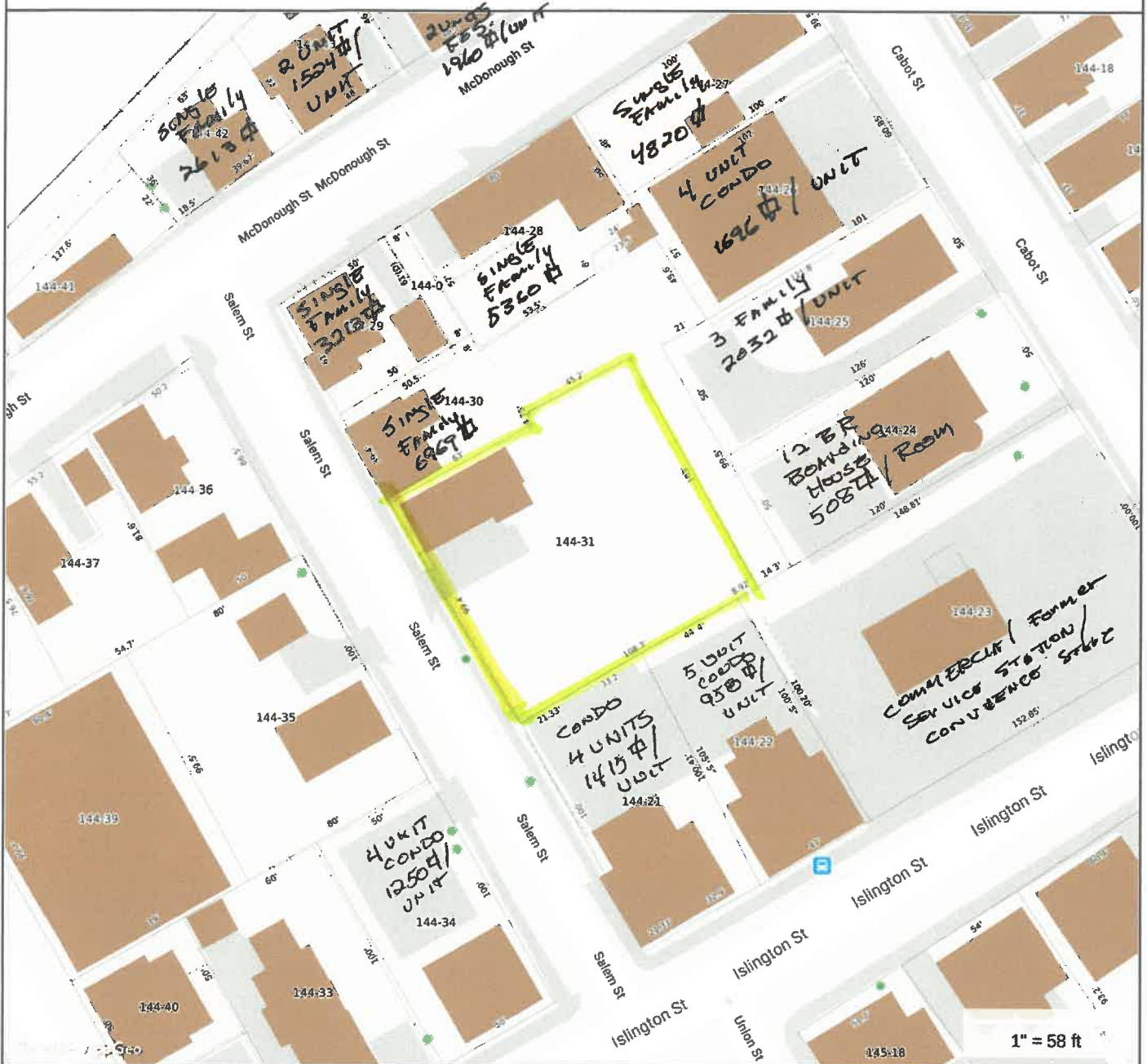


PHOTO
JUL 26 2019



RECEIVED
JUL 26 2019

41 Salem St.



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

JUL 26 2019

41 Salem St.



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NOT A LEGAL DOCUMENT

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

