

APPLICATION OF WILLIAM J. ARMSTRONG, JR. REVOCABLE TRUST
70 Stark Street, Portsmouth, Tax Map 159, Lot 50

APPLICANT'S NARRATIVE

I. THE PROPERTY:

The applicant, William J. Armstrong, Trustee, seeks a variance from Section 10.573.20 to permit the construction of a workshop within the rear yard setback.

The property has been the applicant and his family's primary residence since 1999. It is in the GRA zone and consists of two family dwelling and garage. Mr. Armstrong's father was a home building contractor and he inherited an impressive collection of woodworking tools that hold great personal and sentimental value. The proposal is to construct a woodworking shop with a second story storage space. Electricity will be installed, however, there are no plans to tie into the existing water service at this time.

The lot is fairly large in comparison to most of the lots in the vicinity, and sits at the corner of Stark and Thornton Streets. As such, it has two 15 foot front yard setbacks, which pushes the building envelope to the south east of the lot. Section 10.573.20 provides that an accessory building or structure more than 10 feet in height or more than 100 square feet in area shall be set back from any lot line at least the height of the building or the applicable yard requirement, whichever is less. As proposed, the height of the workshop is 22.9 feet to the peak. The applicable rear yard setback in the GRA zone is 20 feet. As proposed, the workshop would be 10.2 feet from the rear lot line.

Compliance with the required side yard setback would compromise a fair portion of the Armstrongs' actual useable backyard and squeeze the workshop uncomfortably close to the main structure. The property most affected by this proposal, 245 Thornton Street, has a barn structure, previously used for boat building, of similar size and height in approximately the same location set back approximately the same distance from the lot line and will not be negatively affected in any way. The project and the property otherwise fully comply with all dimensional requirements in the GRA zone.

II. CRITERIA:

The applicant believes the within Application meets the criteria necessary for the Board to grant the requested variance.

Granting the requested variance will not be contrary to the spirit and intent of the ordinance nor will it be contrary to the public interest. The "public interest" and "spirit and intent" requirements are considered together pursuant to Malachy Glen Associates v. Chichester, 152 NH 102 (2007). The test for whether or not granting a variance would be contrary to the public interest or contrary to the spirit and intent of the

ordinance is whether or not the variance being granted would substantially alter the characteristics of the neighborhood or threaten the health, safety and welfare of the public.

In this case, were the variance to be granted, there would be no change in the essential characteristics of the neighborhood, nor would any public health, safety or welfare be threatened. A proposed workshop on this property is entirely appropriate and consistent with the existing residential neighborhood in which it sits. The workshop is similar in size and location to the accessory structure on the nearest adjacent lot. The essentially residential character of the neighborhood would remain unchanged. Additionally, the proposed use would not create any threat to the public health, safety and welfare. There remains adequate light, air, access and distance between structures.

Substantial justice would be done by granting the variance. Whether or not substantial justice will be done by granting a variance requires the Board to conduct a balancing test. If the hardship upon the owner/applicant outweighs any benefit to the general public in denying the variance, then substantial justice would be done by granting the variance. The project could be constructed in compliance with the 20 foot rear yard setback only by sacrificing a substantial portion of the Armstrongs' back yard and squeezing the workshop towards the main structure. This loss to the applicant far outweighs any gain to the public if the variance is denied.

The values of surrounding properties will not be diminished by granting the variance. The project meets all dimensional requirements in this zone except for the rear yard setback requirement. The immediate abutter has an accessory barn structure in almost the exact same adjacent location on their lot which has caused no negative impacts on property values in the neighborhood. The values of the surrounding properties will not be negatively affected in any way.

There are special conditions associated with the property which prevent the proper enjoyment of the property under the strict terms of the zoning ordinance and thus constitute unnecessary hardship. The property is an unusually large, trapezoidal corner lot, burdened by two front yard setbacks, which limits the building envelope available to the applicant. The existing built environment on the lot counsels against siting the proposed workshop in compliance with the rear yard setback requirement.

The use is a reasonable use. The proposed accessory use is similar in character and is consistent with the existing use of the adjacent and abutting properties and those within the neighborhood. Accessory uses are permitted by right.

There is no fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property. The purpose of setback requirements is to assure properties are developed with adequate light, air, access and building separation. Many, if not all, of those concerns would be frustrated if the applicant were forced to comply with the ordinance and squeeze the workshop into the

existing backyard and closer to the primary structure. There is no fair and substantial relationship between the purposes of the rear yard setback requirements and its application to this property.

III. Conclusion.

For the foregoing reasons, the applicant respectfully requests the Board grant the variance as requested and advertised.

Respectfully submitted,

Dated: March 18, 2025

By: *Christopher P. Mulligan*
Christopher P. Mulligan, Esquire



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 09/26/2024

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

$$1'' = 88.25047046895399 \text{ ft}$$



Stark Street view



Thornton Street view

Left and rear yard view





Accessory barn structure

245 Thornton Street

Dec 06 2024 - 2:37pm
\\TFM-BEDFORD\Projects\Civil-Survey\MSO Projects\47317-01 - Stark Street - Portsmouth\47317-01 - Armstrong - 70 Stark Street\Carlson Survey\Drawings\47317-01 Survey.dwg



PURSUANT TO NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES LAN 503.09(24):
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
APRIL 2021 & OCTOBER 2024. 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. THIS
SURVEY IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, AND THE
FIELD TRAVERSE SURVEY EXCEEDS A PRECISION OF 1:15,000.



2024-12-06
DATE

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PLAN REFERENCES:

- "PLAN OF ELM PLACE, SITUATED IN PORTSMOUTH N.H.",
DATED 1856, RCRD #008.
- "LOT LINE REVISION, PINE STREET, PORTSMOUTH, NEW
HAMPSHIRE FOR JOYCE M. MAYO & CITY OF PORTSMOUTH"
BY DURGIN, VERRA AND ASSOCIATES, INC., DATED 6/9/93
WITH REVISION 1 DATED 10/4/93. RCRD PLAN #D-22643.

LEGEND:

MAP 137 LOT 11	ASSESSORS MAP / LOT NUMBER
A.G.	ABOVE GRADE
B.G.	BELOW GRADE
BK. PG.	BOOK/PAGE
EL.	ELEVATION
EM	ELECTRIC METER
EP	EDGE OF PAVEMENT
IRF	IRON ROD FOUND
IRS	IRON ROD SET
N/F	NOW OR FORMERLY
PSNH	PUBLIC SERVICE OF NEW HAMPSHIRE
RCRD	ROCKINGHAM COUNTY REGISTRY OF DEEDS
S.F.	SQUARE FEET
○	IRON PIPE/ROD FOUND/SET
⊗	CATCH BASIN
⊗	DECIDUOUS TREE
WV	WATER GATE VALVE
⊗	SEWER MANHOLE
⊗	UTILITY POLE
OHU	SIGN
—○—	OVERHEAD UTILITIES
—○—	CHAINLINK FENCE
—○—	STOCKADE FENCE
—○—	APPROXIMATE ABUTTER LINE
—○—	BOUNDARY LINE
—○—	SETBACK LINE
—○—	TREE LINE
—○—	HEDGE/SHRUB LINE
G	GAS LINE
W	WATER LINE
CONCRETE	
PAVEMENT	
PAVER WALK	
WOOD DECK	
LANDSCAPED AREA	

THORNTON STREET
(PUBLIC-RIGHT-OF-WAY)

MAP 159 LOT 36
N/F
GERALD KELLY & MARYELLEN HURLEY
69 STARK STREET
PORTSMOUTH, NH 03801
RCRD BK. 2347 PG. 260

STARK STREET
(PUBLIC-RIGHT-OF-WAY)

MAP 159 LOT 50
14,729 S.F.
(0.3381 ACRES)

MAP 162 LOT 1
N/F
JEFFREY PAUL MCMAHON
& LISA HAGERTY-MCMAHON
1282 SHEILA LANE
PACIFICA, CA 94044
RCRD BK. 6214 PG. 1016

MAP 159 LOT 49
N/F
GLENN A. & MORRISSETTE S. KILLIAN
100 STARK STREET
PORTSMOUTH, NH 03801
RCRD BK. 5349 PG. 1445

MAP 162 LOT 18
N/F
JOYCE M. & ELVIN SR. MAYO
252 DENNETT STREET
PORTSMOUTH, NH 03801
RCRD BK. 2559 PG. 1530

MAP 162 LOT 17
N/F
JEFFREY P. BARTOLINI
& ABIGAIL R. ROEMER
55 PINE STREET
PORTSMOUTH, NH 03801
RCRD BK. 6274 PG. 1684

NOTES:

- THE PARCEL IS LOCATED IN THE GENERAL RESIDENCE A (GRA) ZONING DISTRICT.
- THE PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 159 AS LOT 50.
- THE PARCEL IS LOCATED IN ZONE X AS SHOWN ON NATIONAL FLOOD INSURANCE PROGRAM (NFIP), FLOOD INSURANCE RATE MAP (FIRM) ROCKINGHAM COUNTY, NEW HAMPSHIRE, PANEL 259 OF 681, MAP NUMBER 33015C0259F, MAP REVISED JANUARY 29, 2021.
- | DIMENSIONAL STANDARDS: | REQUIRED: | EXISTING: |
|-----------------------------|------------|-----------------|
| MINIMUM LOT AREA: | 7,500 S.F. | 14,729 S.F. |
| CONTINUOUS STREET FRONTAGE: | 100' | 153.4' STARK ST |
| LOT DEPTH: | 70' | 98.3' |
| MINIMUM YARD DIMENSIONS: | | |
| FRONT: | 15' | 11.7' |
| SIDE: | 10' | 40.1' |
| REAR: | 20' | 36.8' |
| | | 6.7' (SHED) |

MAXIMUM STRUCTURE DIMENSIONS:		
STRUCTURE HEIGHT:	35'	26.7'
BUILDING COVERAGE:	25%	15.5%
MINIMUM OPEN SPACE:	30%	75.5%
- OWNER OF RECORD:
MAP 159 LOT 50:
WILLIAM J. ARMSTRONG, JR. REVOCABLE TRUST
70 STARK STREET
PORTSMOUTH, NH 03801
RCRD BK.#5463 PG.#1641
- PARCEL AREA:
MAP 159 LOT 50:
14,729 S.F.
(0.3381 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 CURRENT SITE FEATURES OF MAP 159 LOT 50.
- FIELD SURVEY COMPLETED BY TCE IN APRIL 2021 & OCTOBER 2024 USING A LEICA TS-16 AND CARLSON SURVPC DATA COLLECTION SOFTWARE.
- HORIZONTAL DATUM IS NAD83 (2011) PER REDUNDANT NETWORK RTK GPS OBSERVATIONS. THE VERTICAL DATUM IS NAVD86 PER REDUNDANT NETWORK RTK 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.
- THIS PARCEL IS SUBJECT TO THE CITY OF PORTSMOUTH ZONING ORDINANCE ARTICLE 5 SECTION 10.516.30 "CORNER LOT VISION OBSTRUCTION" THAT REQUIRES ON A CORNER LOT NO STRUCTURE, ACCESSORY STRUCTURE, LANDSCAPING, OR SCREENING WHICH OBSTRUCTS VISIBILITY SHALL BE ERRECTED OR MAINTAINED BETWEEN THE HEIGHTS OF 2.5 AND 10 FEET ABOVE THE EDGE OF PAVEMENT GRADES WITHIN 20 FEET FROM THE INTERSECTION OF STREETS SIDELINES.

TAX MAP 159 LOT 50
EXISTING CONDITIONS PLAN
ARMSTRONG RESIDENCE
70 STARK STREET
PORTSMOUTH, NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

OWNED BY

WILLIAM J. ARMSTRONG, JR. REVOCABLE TRUST

SCALE: 1" = 10' (22x34)
1" = 20' (11x17)

DECEMBER 6, 2024

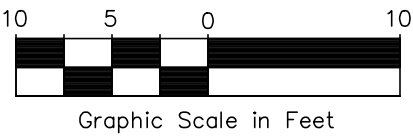
Seacoast Division



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

REV.	DATE	DESCRIPTION	DR	CK



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	BOUNDARY LINE
	SETBACK LINE
	TREE LINE
	HEDGE/SHRUB LINE
	GAS LINE
	WATER LINE
	CONCRETE
	PAVEMENT
	PAVER WALK
	WOOD DECK
	LANDSCAPED AREA
	PROPOSED WALKWAY

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(PUBLIC-RIGHT-OF-WAY)

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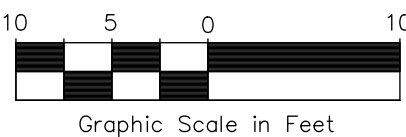


2025-03-31
DATE

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REV.	DATE	DESCRIPTION	DR	CK
1	3/31/2025	REVISED COVERAGE CALCULATIONS	BMK	JCC

NOTES:

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|-------------------------------|------------|-----------------|-----------------|
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| CONTINUOUS STREET FRONTAGE: | 100' | 153.4' STARK ST | 153.4' STARK ST |
| LOT DEPTH: | 70' | 98.3' | 98.3' |
| MINIMUM YARD DIMENSIONS: | | | |
| FRONT: | 15' | 11.7' | 11.7' |
| SIDE: | 10' | 40.1' | 10.5' |
| REAR: | 20' | 36.8' | 10.2' |
| | | 6.7' (SHED) | 6.7' (SHED) |
| MAXIMUM STRUCTURE DIMENSIONS: | | | |
| STRUCTURE HEIGHT: | 35' | 26.7' | 26.7' |
| BUILDING COVERAGE: | 25% | 18.0% | 22.5% |
| MINIMUM OPEN SPACE: | 30% | 75.5% | 68.8% |
| IMPERVIOUS COVERAGE: | | 24.5% | 31.2% |
- OWNER OF RECORD:
MAP 159 LOT 50:
WILLIAM J. ARMSTRONG, JR. REVOCABLE TRUST
70 STARK STREET
PORTSMOUTH, NH 03801
RCRD BK#5463 PG#1641
- PARCEL AREA:
MAP 159 LOT 50:
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(0.3381 ACRES)
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TAX MAP 159 LOT 50
PROPOSED CONDITIONS PLAN
ARMSTRONG RESIDENCE
70 STARK STREET
PORTSMOUTH, NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

OWNED BY

WILLIAM J. ARMSTRONG, JR. REVOCABLE TRUST

SCALE: 1" = 10' (22x34)
1" = 20' (11x17)

MARCH 18, 2025

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

47317-03	DR	OMS	FB	606	S-1
	CK	BMK	CADFILE	SEE MARGIN	

THESE BUILDING PLANS HAVE BEEN DESIGNED IN ACCORDANCE WITH THE INTERNATIONAL RESIDENTIAL CODE - 2015 EDITION FOR NEW HAMPSHIRE

[illegible][illegible]

PERSPECTIVE DRAWING

ELECTRICAL:
ARTISAN ELECTRICAL CONTRACTORS, INC.
P: 603-431-2222

PLUMBING:

SITE ENGINEER:
TTHORON, INC.
170 COMMERCE WAY, SUITE 102
PORTSMOUTH, NH, 03801
P: 603-431-2222

PO BOX 603
DOVER, NH 03821
P: 603-743-4005

8 PERENNIAL PLACE
EXETER, NH 03833
WWW.RYEBEACHLANDSCAPING.COM
P: 603-964-6888
E-MAIL: DESIGN@RYEBEACHLANDSCAPING.COM

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INFORMATION SHOWN ON THE COVER SHEET AND GENERAL NOTES APPLIES TO ALL TRADES FOR THE WORK OF THIS PROJECT, AND INCLUDES TYPICAL NOTES WITH SPECIFIC CODE REQUIREMENTS FOR THOSE TRADES. CROSS-REFERENCE THE CODE SUMMARY WITH THE DRAWINGS AND SPECIFICATIONS.

LIST OF DRAWINGS	
T-1	TITLE SHEET
T-2	GENERAL NOTES
A-1	FOUNDATION PLAN
A-2	FIRST FLOOR WORKSHOP PLAN
A-3	SECOND FLOOR STORAGE PLAN
A-4	FRONT ELEVATION
A-5	RIGHT SIDE ELEVATION
A-6	REAR ELEVATION
A-7	LEFT SIDE ELEVATION
A-8	DOOR AND WINDOW SCHEDULE
A-9	CROSS SECTION A - A

LOCATION MAP

ARCHITECT STAMP

AWINGS PROVIDED BY:
MIGHTY ROOTS
13 ALDEN AVE.
OTTAWA, ONT. K1N 6M5

THESE

AGENT:
WARREN - ARMSTRONG
70 STARK STREET
ROSTON, MA 01968

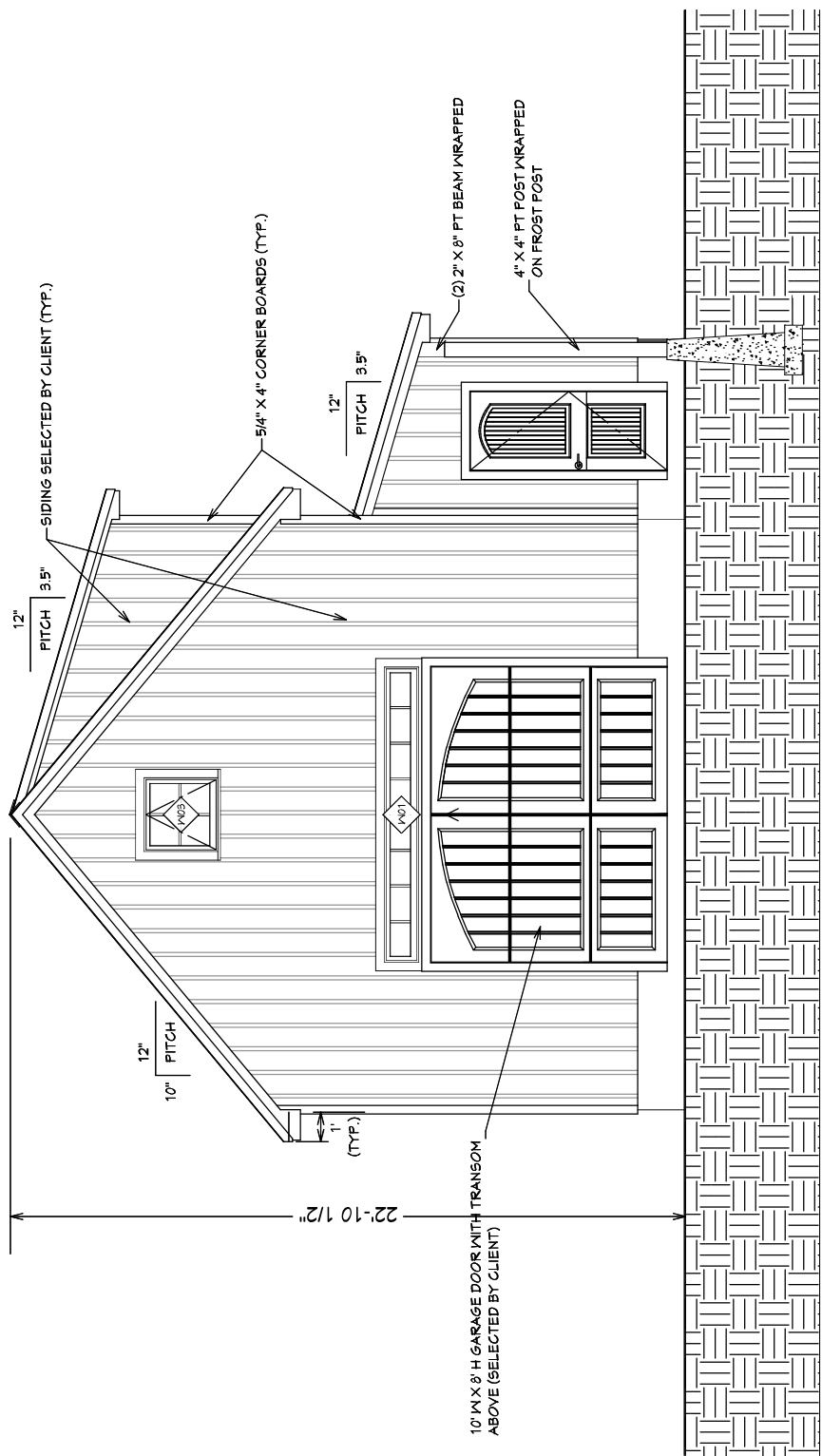
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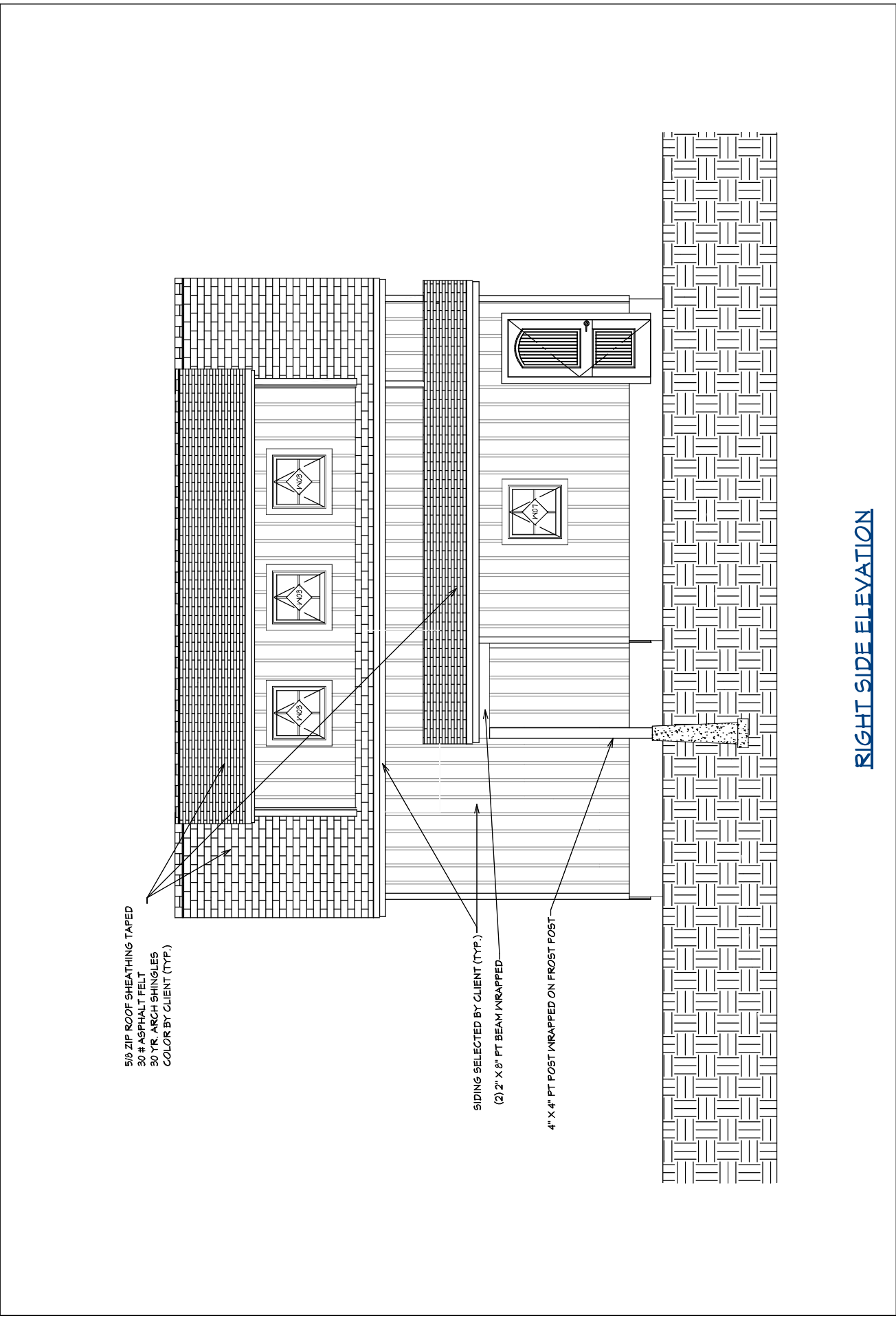
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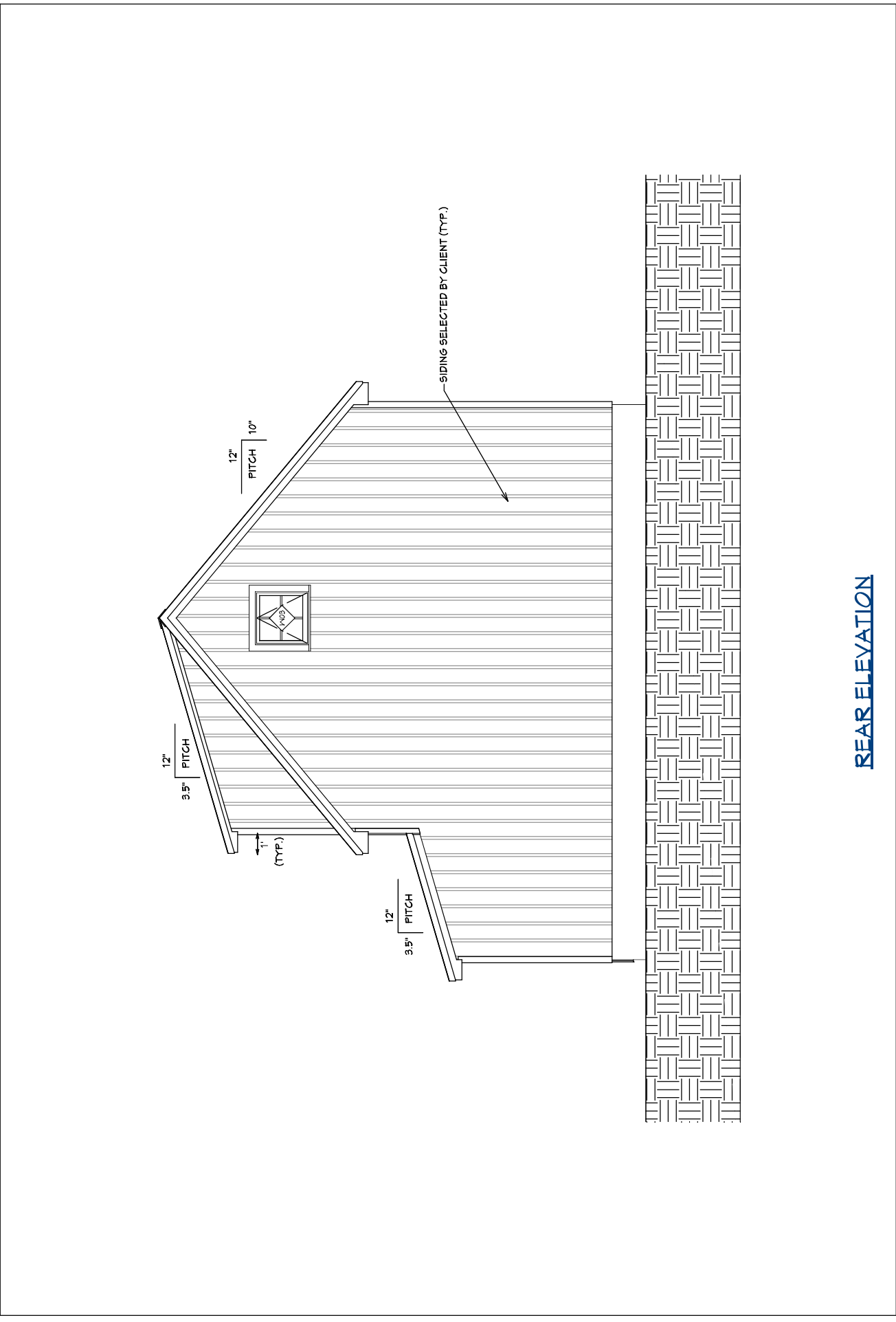
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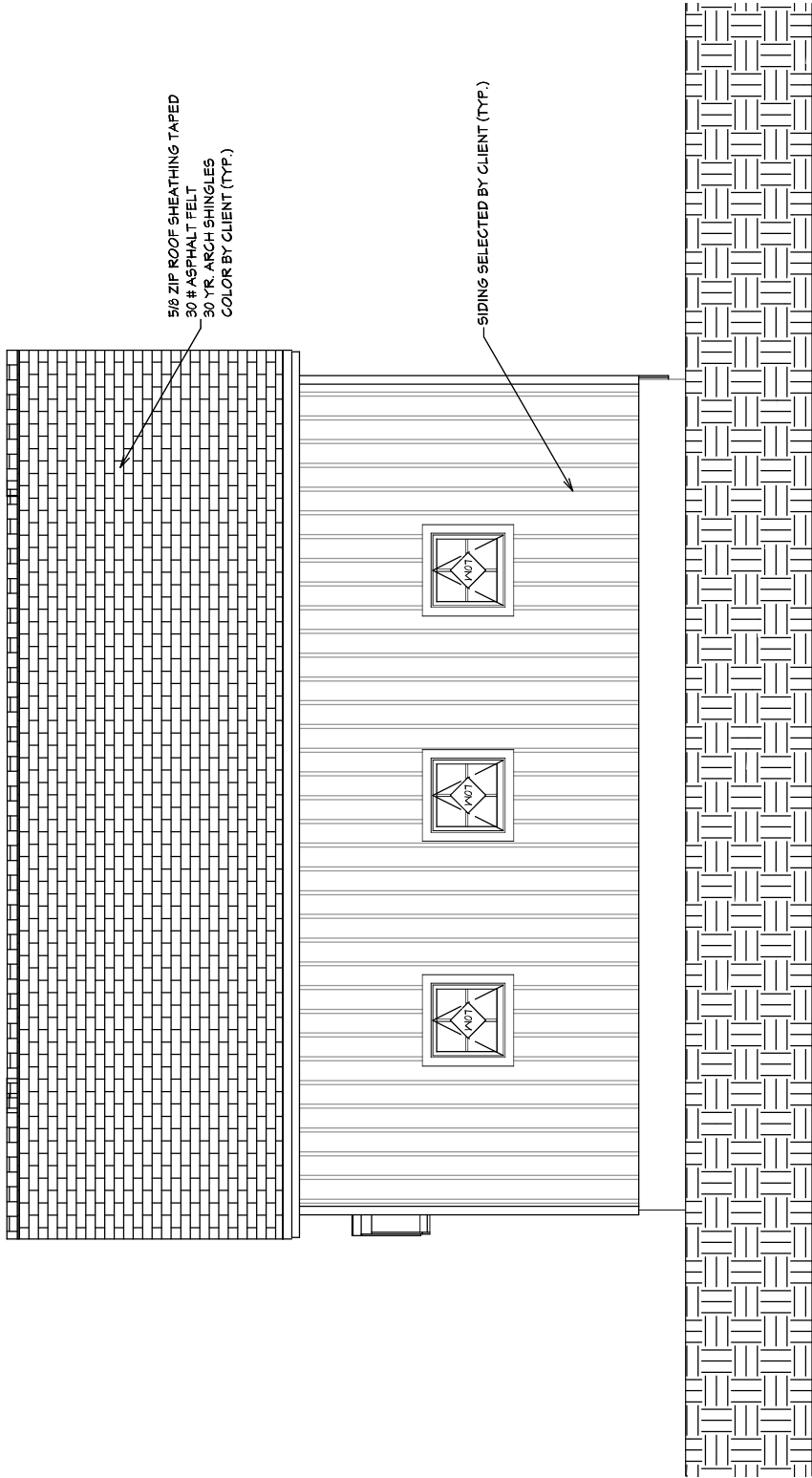
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NUMBER	DATE	REVISID BY	DESCRIPTION



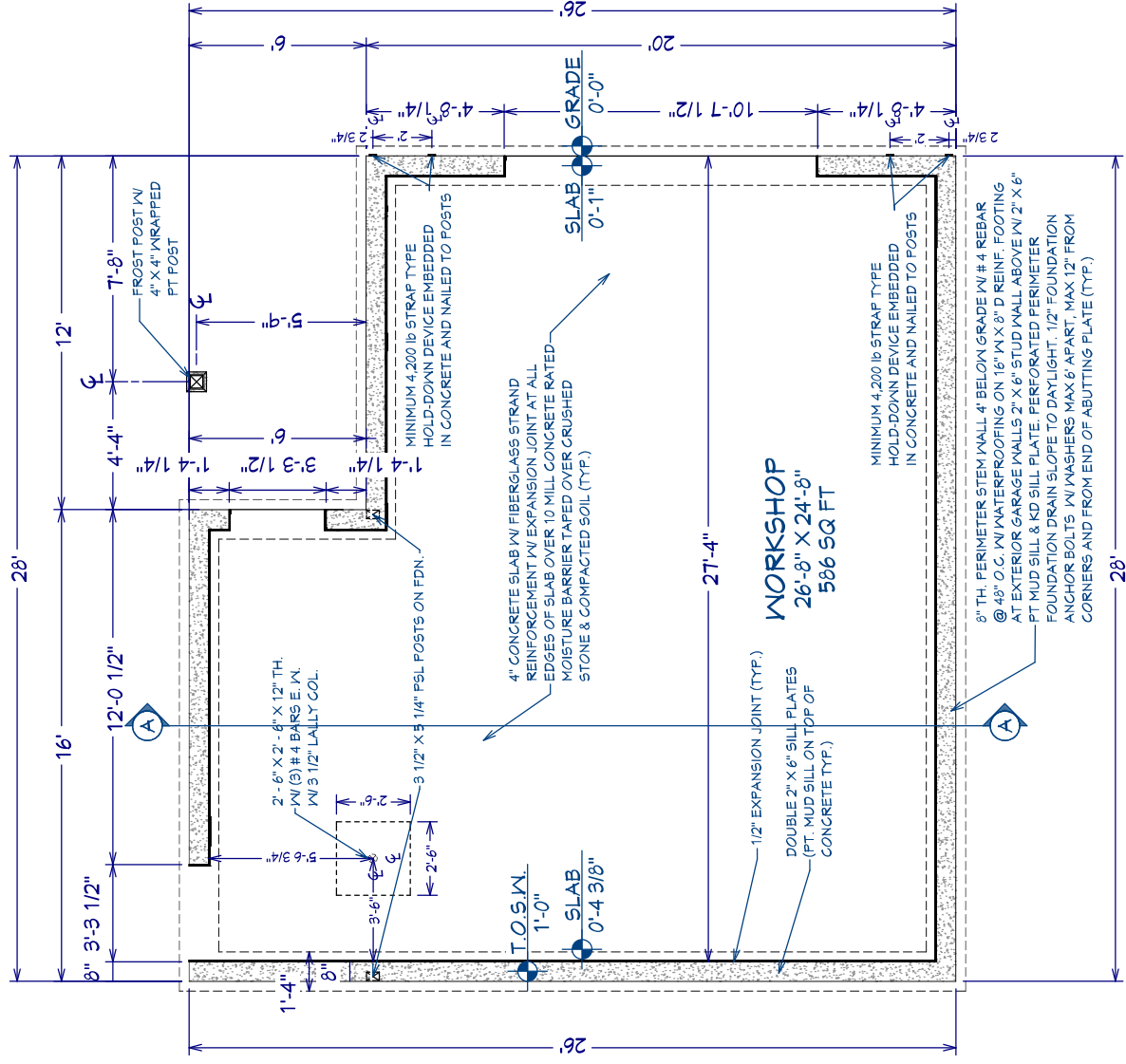
FRONT ELEVATION







LEFT SIDE ELEVATION



FOUNDATION PLAN

A-1

SHEET:

$$1/4" = 1' - 0"$$

SCALE:

3/12/2025

DATE:

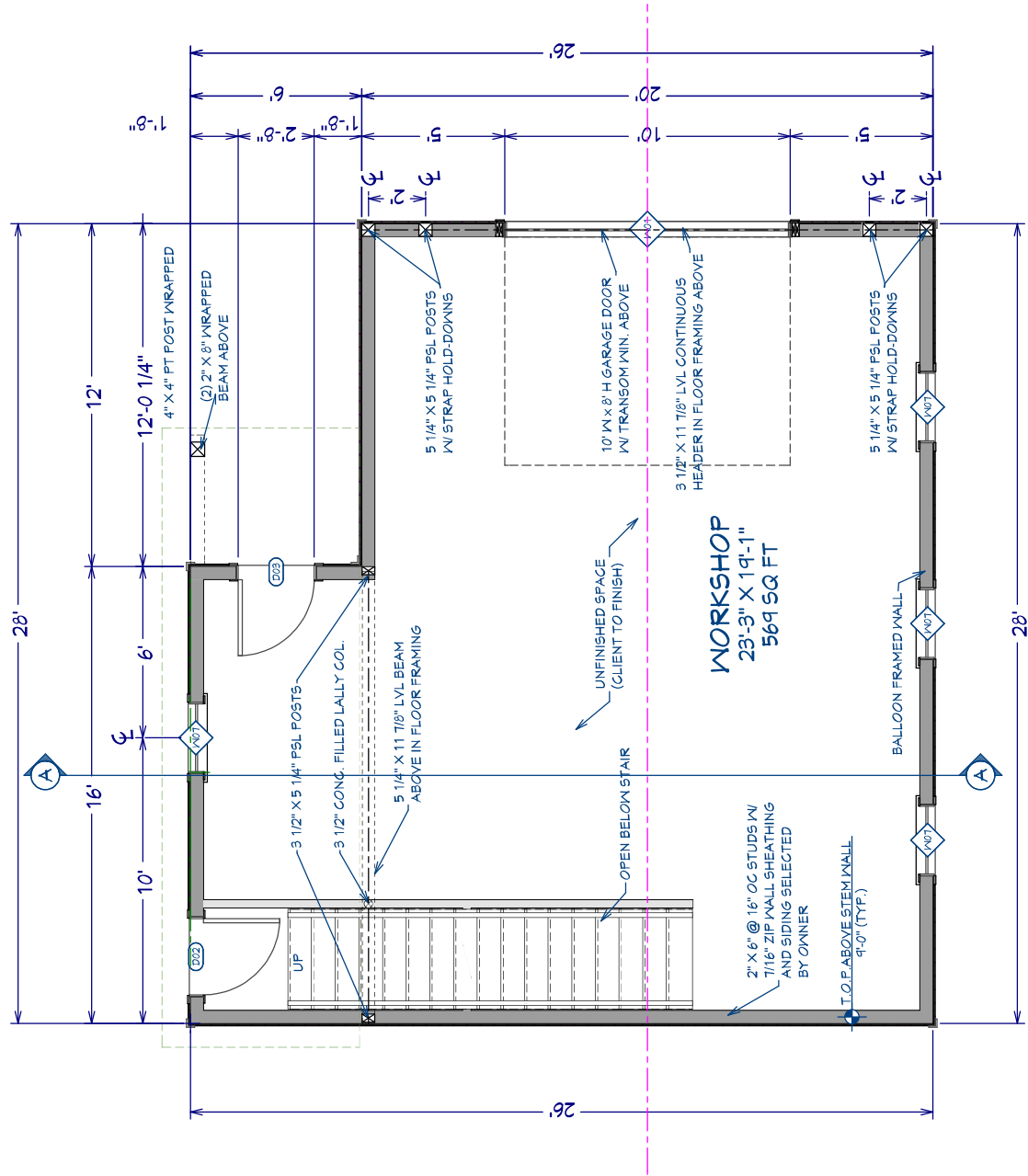
AGENT:

WARREN - ARMSTRONG
70 STARK STREET
PORTSMOUTH, NH

FOUNDATION PLAN

TWININGS PROVIDED BY:
MIGHTY ROOTS
13 ALDEN AVE.
GREENLAND, NH 03840

REVISION TABLE			
NUMBER	DATE	REVISD BY	DESCRIPTION



FIRST FLOOR WORKSHOP PLAN

SECOND FLOOR STORAGE PLAN