

City of Portsmouth Board of Adjustment Application, Addendum

Re: 414 State Street, Unit 2 Tax Map 0116, Lot 0013/0002

I. Exhibits

1. Site Plans depicting the First Floor Plan (D-16508)
2. Site Plan depicting the existing 2 ½ story building, driveway and parking lot (D-18310)
3. Letters in support from abutting property owners
4. Letter of support from three other condominium owners at 414 State Street.
5. Letter concerning Approval of Application by 414 State Street Condominium Association
6. Photographs of Existing Conditions
7. Designs and plans for proposed modifications to add a kitchen and shower
8. Letter with respect to property valuation from real estate broker

II. Property/Project

Applicants Timothy S. Wheelock and Susan V. Denenberg own the condominium located at 414 Street, Unit 2. The condominium is within the Downtown Overlay District (DOD) and Historic District. They seek approval of their application for a change of land use variance that would permit them to convert their condominium from their present commercial, professional or office use to allow for residential use of Unit 2. The renovation plan does not affect the exterior of the building, and does not involve structural changes to the interior of the condominium beyond adding a small kitchen and shower.

414 State Street is a two and a half story wood frame building built circa 1800. It was formerly a single-family residence, originally the home of Abraham and Rachel Isaacs and their son. The building was converted to condominiums in 1987 and currently consists of 5 condominiums. All of the other condominium in the building are currently being used for residential purposes. There is a parking area with limited common area parking spaces for 4 vehicles. Parking space A is a limited common area assigned to Unit 2. That will not change.

On the first floor, Unit 1 is currently being used for residential purposes. The second ground floor condominium, Unit 2 is being used for commercial, office or professional purposes but does have a half bath and another small room with water supply to a dentist's sink. Unit 1 was also previously used for commercial, office or professional purposes (most recently housing, JSN Associates, LLC, a professional engineering firm) through approximately 2004. The previous owners of Unit 1 purchased the back wing of the building, Unit 5 (probably originally a stable), and connected it to Unit 1 in 1994/95 by opening the common wall between the two units. There are two units on the second floor and one on the third floor, all of which are being used for residential purposes.

414 State Street is on the edge of the DOD, and therefore the first-floor condominiums require a change of use variances to allow residential use. Portsmouth Zoning Ordinance (ZBO) Section 10.642. Upon information and belief, Unit 1 must have previously been granted such a variance, since it is now being used for residential purposes. This application is concerning Unit 2 alone.

Applicant Timothy Wheelock purchased a ½ interest in Unit 2 in 1997. Unit 2 housed his law office through 2007 when he relocated his law office. He purchased the remaining ½ interest in the property later in 2007 and transferred it in joint ownership with his wife, Susan Denenberg. Since then, the residential condominium owners have been increasingly at odds with the applicant's use of Unit 2 for commercial purposes, most recently when the condominium was rented to an engineering firm and thereafter and most recently a therapists' counseling office, with the most common complaint being the amount of foot traffic those uses generated.

The applicants are now both retired attorneys and therefore can't use the condominium for a law office. Further, with the advent of Covid and the explosion of remote workers, given the size of the condominium, interest in using the condominium for office purposes generally has dried up. Renting Unit 2 as a commercial property at a rate in excess of overhead has become more and more challenging, if not impossible over the last several years. Prospective commercial tenants either want larger square footage than the Unit allows, as was the case with the most recent tenants, Lifestance dba The Counselling Center of Nashua, or in the case of solo or small professional office partnerships want to work remotely from their residence and/or business centers for less overhead. While there has been no commercial interest, the applicants' could make family use of the condominium for residential proposes, or if that failed, easily rent if to potential residential tenants.

The purpose of the DOD is to promote the economic vitality of the central business district by ensuring continuity of pedestrian-oriented businesses along the streets. In other words, its purpose is to allow mostly retail business to thrive based upon foot traffic downtown. This area of State Street has virtually no retail activity other than the Library Restaurant across the street and none on the side of the street where Unit 2 is located. There is one building housing a number of therapists, next door - but again, residential condominium owners at 414 State Street have persistently complained about such use. The public does not generally "shop" in this area and the structure of 414 State Street does not lend itself to retail use of Unit 2.

A number of conversions from commercial to residential have been permitted in the area including 402 State Street converting from a law office to residential condominiums, 96 Chestnut Street converting from an office back to a single-family residence and within the same building, 414 State Street Unit 1 converting from an office to residential use.

Recognizing the demand for more residential property in downtown Portsmouth, we believe that by providing the flexibility for the 414 State Street to be used for residential purposes, also allows the integrity of the neighborhood to be maintained and improved.

III. Relief Required:

A variance from Article VI, section 10.642 to allow a residential use on the ground floor in the Downtown Overlay District.

IV. Variance Requirements:

Article VI, section 10.233.20 sets forth the variance requirements of NH RSA 674:33.

1. Granting a variance will not be contrary to the public interest which would be to maintain the overall character of the immediate mixed-use area.
2. The spirit and intent of the Ordinance will be met by granting the variance. The intent in the overlay district regarding first floor business uses would still be met with this use.

It is certainly within the public interest and spirit of the ordinance to allow a property owner the reasonable use of the property, by allowing the first-floor unit to be used for its original purpose, i.e. as a residence, in an area that lacks retail shops.

PZO Article I, section 10.1.21 provides that the purpose of the PZO is, among other things:

To promote the health and safety and general welfare of Portsmouth and its region... by regulating

- The use of land, building and structures... for residential purposes. The proposed use is permitted on the floors above the first floor throughout the DOD. Located at the very edge of the DOD, away from downtown shops, first floor residential use is warranted.
- The intensity of land use, including lot sizes, building coverage, building height and bulk yards and open space. The lot and building exterior will not change with a change to residential use.
- The design of facilities for vehicular access, circulation, parking and loading. There will be no change. Unit 2 has a designated parking space and will continue to have said space.
- The impact on properties of outdoor lighting, noise, vibration, storm water run-off and loading. There will be no change.
- Preservation and enhancement of visual environment. This will remain the same.
- Preservation of Historic Districts and Buildings of Historical Interest. No change.
- The protection of natural resources. No change.

Whether a variance would be contrary to the public interest “is related to the requirement that [it] ...be consistent with the spirit of the ordinance.” *Farrer v. City of Keene*, 158 N.H. 684, 691 (2009). By its very nature, a variance seeks to deviate from an ordinance which is necessarily believed to be in the “public interest” by those who drafted it. Therefore, to determine if the deviation is not contrary to the public interest and consistent with the spirit of the ordinance, the Board must determine whether the variance would “unduly, and in a marked degree conflict with the ordinance such that it violates the ordinance’s basic zoning objectives.” *Chester Rod & Gun Club v. Town of Chester*, 152 N.H. 577, 581 (2005).

The New Hampshire Supreme Court has provided two methods to determine whether a variance would violate basic zoning objectives. One method is to examine whether the variance would “alter the essential character of the neighborhood.” *Id.* The second method is “to examine whether granting the variance would threaten the public health, safety or welfare.” *Id.*

First floor residential use of 414 State Street Unit 2 would not change the essential character of the neighborhood. There will be no external changes to the building to allow residential use. There will be no structural changes to the interior of the condominium beyond adding a small kitchen and shower and the applicants are endeavoring to restore and preserve historic features previously water damaged including plaster walls and crown moldings and original woodwork. The building was a single-family residence originally and allowing the variance would allow the building to once again be used completely for residential purposes.

Other buildings on this State Street block are residential with the exception of one building that contains therapist’s offices, one building housing an architect and some other small offices at the intersection with Middle Street and the Library Restaurant across the street. All other buildings appear to be residential with no commercial uses. Essentially the area is mostly residential and granting the variance would not be a substantial change or alter the character of the neighborhood.

Moreover, 414 State Street is on the border between the DOD and the Mixed Residential Office (MRO) District. Abutting Court Street is in the MRO District with many properties that are entirely residential. There is no requirement for commercial use on the first floor in the MRO District. There is no draw for foot traffic in this area except for residences and appointments at the therapist office and the Library Restaurant. Accordingly, permitting residential use on the first floor will neither alter the essential character of the neighborhood nor threaten the public health, safety or welfare.

3. Granting the variance will not diminish the surrounding property values.

First floor residential use will be an almost unnoticeable change from what currently exists. The exterior will not change and no public shopping venue will be lost. Accordingly,

surrounding property values will not be diminished. See attached letter from Real Estate Broker that the property value of the condominium will be enhanced .

4. The requirements for Unnecessary Hardship are met.

PZO section 10.233.31 and RSA 674:33 I(b)(5)(A) provide that an unnecessary hardship exists if, owing to the unique conditions of the property that distinguish the property from other properties in the area:

- a) Special conditions exist that distinguish the property from others in the area. 414 State Street maintains many of the original characteristics that it had when built in 1800. Several of the original rooms in Unit 2 are essentially intact. Other than the Library Restaurant, the buildings nearest neighbors in the DOD zone are mostly residential with one office building where numerous therapists work. None of the retail establishments in the downtown core, which the DOD is intended to protect, are present in this area. The area is more similar to the abutting MRO district where there is a mix of office and residential use, including first floor residential use. Thus, the neighborhood dynamic renders the property distinguishable from the vast majority of the DOD district.
- b.) No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance. The DOD's purpose is to promote economic vitality in the central business district by allowing pedestrian-oriented business uses on the first floor of buildings. For example, drawing foot traffic to retail establishments and restaurants. Most of this section of State Street is residential, except for the therapy office building and the Library Restaurant. There are no retail establishments that the DOD would protect. Therefore, there is no fair and substantial relationship existing between the purpose of the ordinance limiting first floor to commercial properties and the application in this instance.

5 Substantial Justice will be done.

With respect to the substantial justice requirement, the "only guiding rule on this factor is that any loss to the individual that is not outweighed by a gain to the general public is an injustice." *Malachy Glen Assocs. V. Town of Chichester, 155 N.H. 102, 109 (2007)*. In other words, if the loss to the individual seeking the variance is greater than any gain to the public, then denying the variance is unjust. The property is on the outskirts of the DOD is clearly not violating the DOD's purpose as there are no downtown retail shops in the vicinity. The gain to the general public by enforcing the commercial use restriction on the first floor of 414 State Street is absent while the hardship/harm to the applicants is significant, particularly given the need for housing downtown.

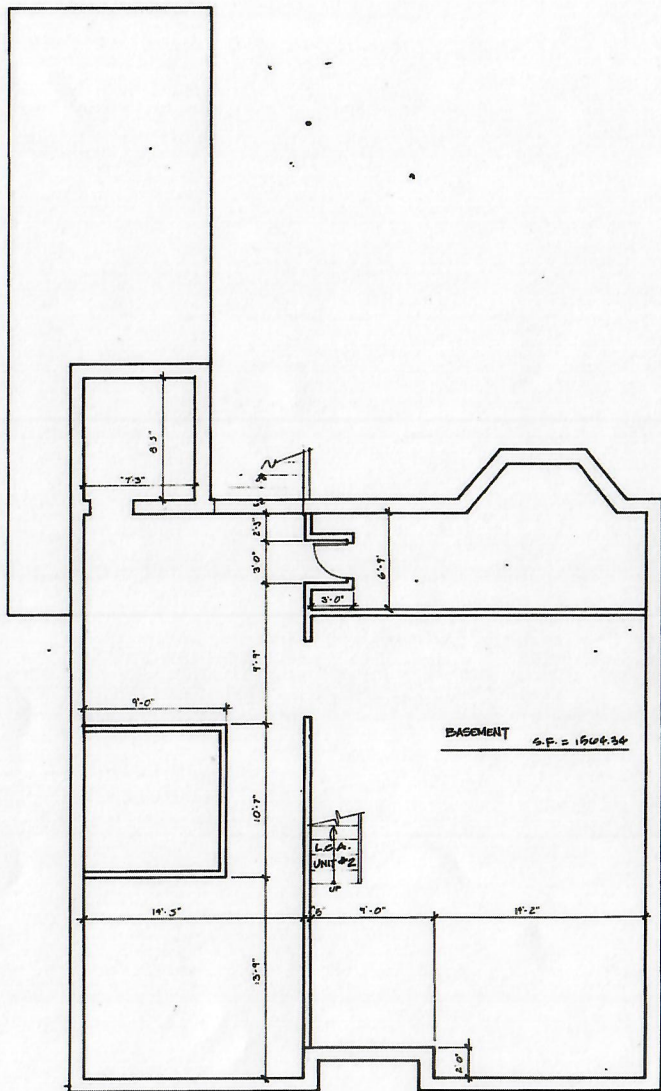
Substantial justice will be done by allowing the applicants, who have made unsuccessful efforts to utilize the property for business purposes, the option of pursuing a residential use on the ground floor. And, the proposed change to the use of the condominium so as to allow residential use is prudent and reasonable. It fits withing the area in which the condominium is located.

- 6 Allowing the property to be used for residential purposes, which could be more beneficial to the area than a commercial use, will not diminish the value of surrounding properties.
- 7 The special condition of the property is its residential appearance, within the overlay district, which is not ideally suited to first floor commercial use so that there is no fair and substantial relationship between the general public purposes of the Ordinance and their application to this property. The proposed use is a reasonable one in this structure and area.

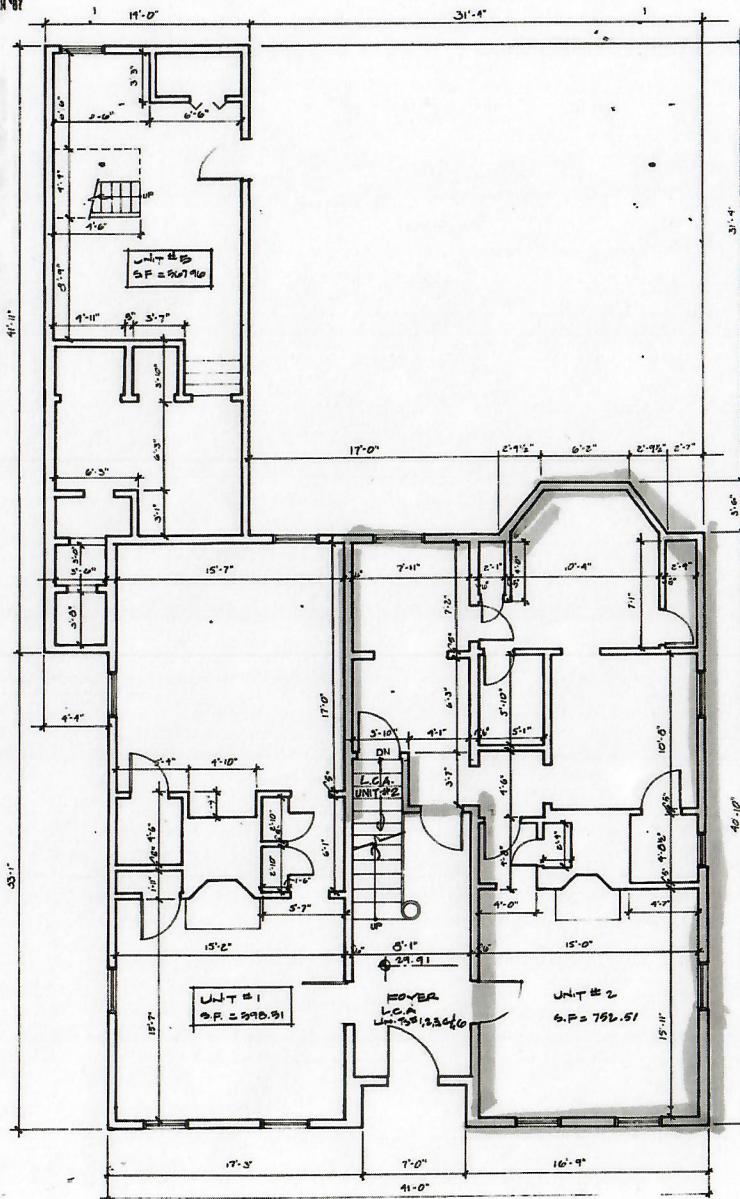
V. Conclusion:

For all of the reasons stated, the Petitioners respectfully request the Board grant the variance requested to allow a residential use of Unit 2 of the 414 State Street Condominiums.

Jan 12 9 10 AM '87



BASEMENT PLAN



FIRST FLOOR PLAN

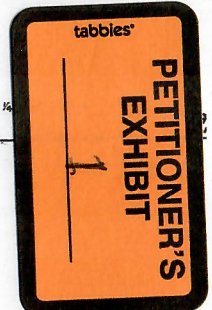
D-16508 sheet 2 of 3

I HEREBY CERTIFY THAT THESE FLOOR PLANS ARE ACCURATE AND IN COMPLIANCE WITH THE PROVISIONS OF N.H. RSA 356-B:29. ALL UNITS OR PORTIONS THEREOF DEPICTED ON THESE PLANS AS COMPLETED HAVE BEEN SUBSTANTIALLY COMPLETED AS OF THE DATE ON THE DRAWING.



414 STATE STREET
CONDOMINIUMS
PORTSMOUTH, NEW HAMPSHIRE

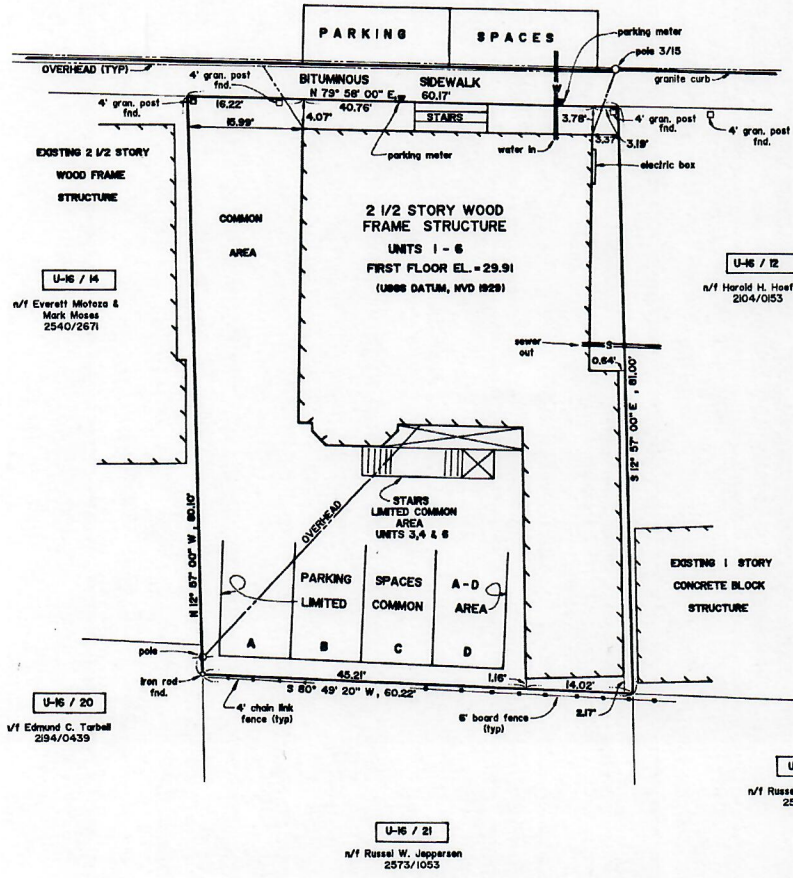
SCALE 1/8"



PL 25 1 20 PM 00

36665

STATE (public) STREET



- REFERENCE PLANS:
- 1) "PLAN OF LOTS, 4 DATED: JUNE 1936, 1
 - 2) "SITE PLAN, 444 ST DATED: FEB. 24, 19

I HEREBY CERTIFY THAT I DIMENSIONS OF THE SUBMIT OF APPLICABLE), THE EXIST AND THE INTENDED LOCAT I FURTHER CERTIFY THAT I SUBSTANTIALLY BEEN COME R.S.A. 356-B:20, 1 & V.

I FURTHER CERTIFY THAT EXISTING OWNERSHIP AND OR PRIVATE STREETS OR OF EXISTING OWNERSHIP: 0

- NOTES:
- 1) THE SUBJECT PARCEL OF LAND CONTAINS 4,840 SQUARE FEET OF LAND, MORE OR LESS.
 - 2) THE SUBJECT PARCEL OF LAND IS LOCATED IN A CENTRAL BUSINESS (CB) ZONING DISTRICT.
 - 3) THE SUBJECT PARCEL OF LAND IS SHOWN ON THE CITY OF PORTSMOUTH TAX ASSESSOR'S MAP NO. U-16, AS LOT NO. 13.
 - 4) THE SUBJECT PARCEL IS NOT LOCATED WITHIN ANY FLOOD HAZARD ZONE.
 - 5) TITLE REFERENCE FOR THE SUBJECT PARCEL IS DEED BOOK 2496, PAGE 1189 AT THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.
 - 6) LEGEND:
 - fmf. = FOUND
 - gran. = GRANITE
 - W = WATER SERVICE
 - S = SEWER SERVICE
 - typ. = TYPICAL
 - USGS = UNITED STATES GEOLOGICAL SURVEY
 - NVD = NATIONAL VERTICAL DATUM
 - n/f = NEW OR FORMERLY

COI

as prepared for:
414 STATE S
444 STATE S
PORTSMOUTH

0
SCALE 1

civ
engineer
Dover,

D-18310



Ydoate Family Trust
402 State Street 2B
Portsmouth, NH 03801

January 12, 2024

David Rheume, Chairman
Board of Adjustment
City of Portsmouth
1 Junkins Ave.
Portsmouth, NH 03801

Re: 414 State Street Variance Application

Dear Chairman Rheume,

As the Trustees of the Charles Ydoate Revocable Trust and the Nancy Ydoate Revocable Trust at 402 State Street 2B, I am writing the Board of Adjustment in support of the application by Timothy Wheelock and Susan Denenberg for a variance. Allowing the condominium (Unit 2) on the first floor of 414 State Street to be used for residential purposes will not negatively impact the character of the neighborhood. This area has very few commercial properties on the first floor and changing this condo to residential will not impact the neighborhood. This historic building with a small lot has parking spaces for 4 vehicles. The owners of Unit 2 have one parking space and so will have adequate parking for the change from commercial to residential. BOA Rules would require 1.3 parking spaces for this residential unit. Waiving the parking space requirements and allowing the existing space to be utilized, will not negatively impact the character of the neighborhood. Please feel free to contact me if you have any questions. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Nancy Ydoate".

Nancy Ydoate

A handwritten signature in black ink that reads "Charles Ydoate".

Charles Ydoate



City Lights, LLC
75 Court Street
Portsmouth, NH 03801

January 10 2024

David Rheume, Chairman
Board of Adjustment
City of Portsmouth
1 Junkins Ave.
Portsmouth, NH 03801

Re: 414 State Street Variance Application

Dear Chairman Rheume,

As the principal of City Lights, LLC, which owns 75 Court Street, Portsmouth, NH, I am writing the Board of Adjustment in support of the application by Timothy Wheelock and Susan Denenberg for a variance. Allowing the condominium (Unit 2) on the first floor of 414 State Street to be used for residential purposes will not negatively impact the character of the neighborhood. This area has very few commercial properties on the first floor and changing this condo to residential will not impact the neighborhood. This historic building with a small lot has parking spaces for 4 vehicles. The owners of Unit 2 have one parking space and so will have adequate parking for the change from commercial to residential. BOA Rules would require 1.3 parking spaces for this residential unit. Waiving the parking space requirements and allowing the existing space to be utilized, will not negatively impact the character of the neighborhood. Please feel free to contact me if you have any questions. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Karen R. Bouffard".

Karen Bouffard



Michael Salmonsens & Katherine Angell
402 State Street 2A
Portsmouth, NH 03801

January 9 2024

David Rheaume, Chairman
Board of Adjustment
City of Portsmouth
1 Junkins Ave.
Portsmouth, NH 03801

Re: 414 State Street Variance Application

Dear Chairman Rheaume,

As the owners of 402 State Street 2A, Michael Salmonsens and Katherine Angell, I am writing the Board of Adjustment in support of the application by Timothy Wheelock and Susan Denenberg for a variance. Allowing the condominium (Unit 2) on the first floor of 414 State Street to be used for residential purposes will not negatively impact the character of the neighborhood. This area has very few commercial properties on the first floor and changing this condo to residential will not impact the neighborhood. This historic building with a small lot has parking spaces for 4 vehicles. The owners of Unit 2 have one parking space and so will have adequate parking for the change from commercial to residential. BOA Rules would require 1.3 parking spaces for this residential unit. Waiving the parking space requirements and allowing the existing space to be utilized, will not negatively impact the character of the neighborhood. Please feel free to contact me if you have any questions. Thank you.

Sincerely,

Michael Salmonsens
Katherine Angell

Arnoudse Kilcoyne Family Trust
402 State Street 1A
Portsmouth, NH 03801



January 6 2024

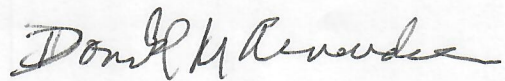
David Rheume, Chairman
Board of Adjustment
City of Portsmouth
1 Junkins Ave.
Portsmouth, NH 03801

Re: 414 State Street Variance Application

Dear Chairman Rheume,

As the co-Trustees of the Arndouse Kilcoyne Family Trust at 402 State Street 1A, I am writing the Board of Adjustment in support of the application by Timothy Wheelock and Susan Denenberg for a variance. Allowing the condominium (Unit 2) on the first floor of 414 State Street to be used for residential purposes will not negatively impact the character of the neighborhood. This area has very few commercial properties on the first floor and changing this condo to residential will not impact the neighborhood. This historic building with a small lot has parking spaces for 4 vehicles. The owners of Unit 2 have one parking space and so will have adequate parking for the change from commercial to residential. BOA Rules would require 1.3 parking spaces for this residential unit. Waiving the parking space requirements and allowing the existing space to be utilized, will not negatively impact the character of the neighborhood. Please feel free to contact me if you have any questions. Thank you.

Sincerely,


DONALD M. ARNOUDSE



Bosen and Associates, LLC
266 Middle Street
Portsmouth, NH 03801

January 5, 2024

David Rheume, Chairman
Board of Adjustment
City of Portsmouth
1 Junkins Ave.
Portsmouth, NH 03801

Re: 414 State Street Variance Application

Dear Chairman Rheume,

As the owner 96 Chestnut Street, Portsmouth, NH I am writing the Board of Adjustment in support of the application by Timothy Wheelock and Susan Denenberg for a variance. Allowing the condominium (Unit 2) on the first floor of 414 State Street to be used for residential purposes will not negatively impact the character of the neighborhood. This area has very few commercial properties on the first floor and changing this condo to residential will not impact the neighborhood. This historic building with a small lot has parking spaces for 4 vehicles. The owners of Unit 2 have one parking space and so will have adequate parking for the change from commercial to residential. BOA Rules would require 1.3 parking spaces for this residential unit. Waiving the parking space requirements and allowing the existing space to be utilized, will not negatively impact the character of the neighborhood. Please feel free to contact me if you have any questions. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be "John Bosen".

John Bosen



Maher Family Revocable Trust of 2018
388 State Street
Portsmouth, NH 03801

January 5 2024

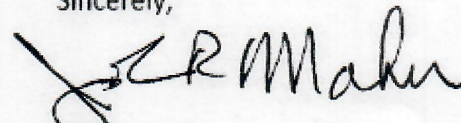
David Rheaume, Chairman
Board of Adjustment
City of Portsmouth
1 Junkins Ave.
Portsmouth, NH 03801

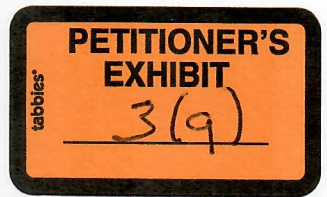
Re: 414 State Street Variance Application

Dear Chairman Rheaume,

As a co-Trustee of the Maher Family Revocable Trust of 2018 with property at 388 State Street, I am writing the Board of Adjustment in support of the application by Timothy Wheelock and Susan Denenberg for a variance. Allowing the condominium (Unit 2) on the first floor of 414 State Street to be used for residential purposes will not negatively impact the character of the neighborhood. This area has very few commercial properties on the first floor and changing this condo to residential will not impact the neighborhood. This historic building with a small lot has parking spaces for 4 vehicles. The owners of Unit 2 have one parking space and so will have adequate parking for the change from commercial to residential. BOA Rules would require 1.3 parking spaces for this residential unit. Waiving the parking space requirements and allowing the existing space to be utilized, will not negatively impact the character of the neighborhood. Please feel free to contact me if you have any questions.
Thank you.

Sincerely,


John R. Maher
Trustee



Gunter Seelhof
379 State Street
Portsmouth, NH 03801

January 4, 2024

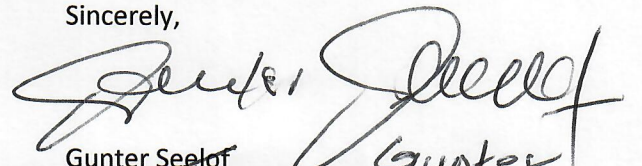
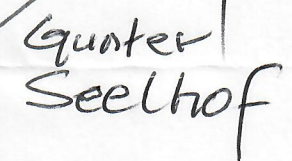
David Rheaume, Chairman
Board of Adjustment
City of Portsmouth
1 Junkins Ave.
Portsmouth, NH 03801

Re: 414 State Street Variance Application

Dear Chairman Rheaume,

As the owner of 379 State Street, I am writing the Board of Adjustment in support of the application by Timothy Wheelock and Susan Denenberg for a variance. Allowing the condominium (Unit 2) on the first floor of 414 State Street to be used for residential purposes will not negatively impact the character of the neighborhood. This area has very few commercial properties on the first floor and changing this condo to residential will not impact the neighborhood. This historic building with a small lot has parking spaces for 4 vehicles. The owners of Unit 2 have one parking space and so will have adequate parking for the change from commercial to residential. BOA Rules would require 1.3 parking spaces for this residential unit. Waiving the parking space requirements and allowing the existing space to be utilized, will not negatively impact the character of the neighborhood. Please feel free to contact me if you have any questions. Thank you.

Sincerely,


Gunter Seelhof
379 State Street
Portsmouth, NH 03801


Mark D. Moses, Ph.D.
PSYCHOLOGIST



~~P.O. Box 175~~ • Portsmouth, New Hampshire 03801 • (603) 436-1111
426 State St.

01/03/2024

David Rheume, Chairman
Board of Adjustment
City of Portsmouth
1 Junkins Ave.
Portsmouth, NH 03801

Re: 414 State Street Variance Application

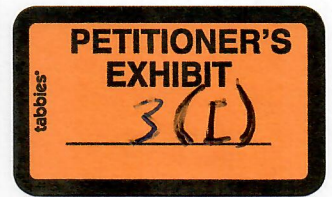
Dear Chairman Rheume,

As the owner of the Mark Moses Revocable Trust, owner of 426 State Street, I am Writing the Board of Adjustment in support of the application by Timothy Wheelock and Susan Denenberg for a variance. Allowing the condominium (Unit 2) on the first floor of 414 State Street to be used for residential purposes will not negatively impact the character of the neighborhood. This historic building with a small lot has parking spaces for 4 vehicles. The owners of Unit 2 have one parking space and so will have adequate parking for the change from commercial to residential. BOA Rules would require 1.3 parking spaces for this residential unit. Waiving the parking space requirements and allowing the existing space to be utilized, will not negatively impact the character of the neighborhood. Please feel free to contact me if you have any questions. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Mark D. Moses, Ph.D." with a stylized flourish at the end.

Mark Moses
426 State Street
Portsmouth, NH 03801



Glenn Gardener
105 Court Street, LLC
95 Court Street
Portsmouth, NH 03801

January 29, 2024

David Rheume, Chairman
Board of Adjustment
City of Portsmouth
1 Junkins Ave.
Portsmouth, NH 03801

Re: 414 State Street Variance Application

Dear Chairman Rheume,

I am the principal of 105 Court Street, LLC, which owns 95 and 105 Court Street, Portsmouth, NH, I am writing the Board of Adjustment in support of the application by Timothy Wheelock and Susan Denenberg for a variance. The property at 95 Court street is residential. The property at 105 Court Street is both commercial and has apartments as well. Allowing the condominium (Unit 2) on the first floor of 414 State Street to be used for residential purposes will not negatively impact the character of the neighborhood. This area has very few commercial properties on the first floor and changing this condo to residential will not impact the neighborhood.

Please feel free to contact me if you have any questions. Thank you.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Glenn Gardener



ASSENT TO CHANGE OF USE FROM COMMERCIAL TO RESEDENTIAL

We understand that Timothy Wheelock, owner of Unit 1, 414 State Street, Portsmouth, NH will be requesting a variance so that the commercial use of the unit may be changed to a residential use. We agree that the residential use will be more compatible with the other four units in the building, which are all used as residences. We acknowledge that the change to a residential use will not change the exterior of the historic building. We agree that the change to residential use will have no impact on the character of the neighborhood and it may well enhance the value of the property to have simpatico residential uses in the building.

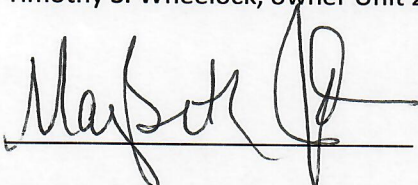
Marta Downing, owner Unit 1

Date: _____



Timothy S. Wheelock, owner Unit 2

Date: 12/11/23



Mary Beth Johnson, owner Unit 3

Date: 12/15/23

Colleen Kendall-Piel, owner Unit 4

Date: _____

John Rennie, owner Unit 6

Date: _____



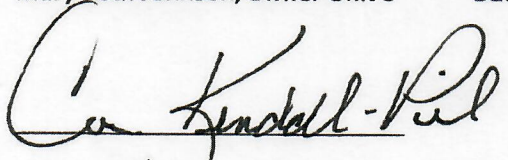
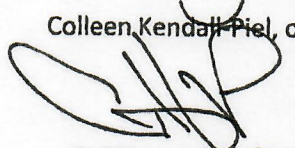
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Marta Downing, owner Unit 1 Date: _____

Timothy S. Wheelock, owner Unit 2 Date: _____

Mary Beth Johnson, owner Unit 3 Date: _____


Colleen Kendall Piel, owner Unit 4 Date: 10-Dec-23
 10-Dec-23
CARL HENRY PIEL, OWNER UNIT #4

John Rennie, owner Unit 6 Date: _____



Timothy S Wheelock

44 Wibird Street
Portsmouth, NH 03801

January 28, 2024

Board of Adjustment
City of Portsmouth
1 Junkins Ave.
Portsmouth, NH 03801

Re: 414 State Street Variance Application

Dear Sir,

I am the President of the Condominium Association known as 414 State Street Condominiums. My wife and I own Unit 2, a ground floor unit at 414 State Street. In expectation of filing an application for a Change of Use Variance to convert our unit that has been commercial to allow for residential use, my wife spoke with other unit owners. The other four units in the building are all residential. Assents to the conversion were obtained from Unit 2, Unit 3 Mary Beth Johnson and from Unit 4 Colleen Kendall-Piel and Carl-Henry Piel.

The Condominium Association had an annual meeting on January 22, 2024 and during that meeting a Motion was made for the Association to approve the application to the Board of Adjustment for a change of use to convert Unit 2 from commercial use only to allow for residential use. After discussion, the motion was approved 3-1. One unit owner did not attend the meeting and his proxy abstained.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Wheelock".

Timothy S. Wheelock

PETITIONER'S EXHIBIT
6(a)
tabbles

Street View



6(a)

Counseling Center
101 W. 10th St.
431-1004

414

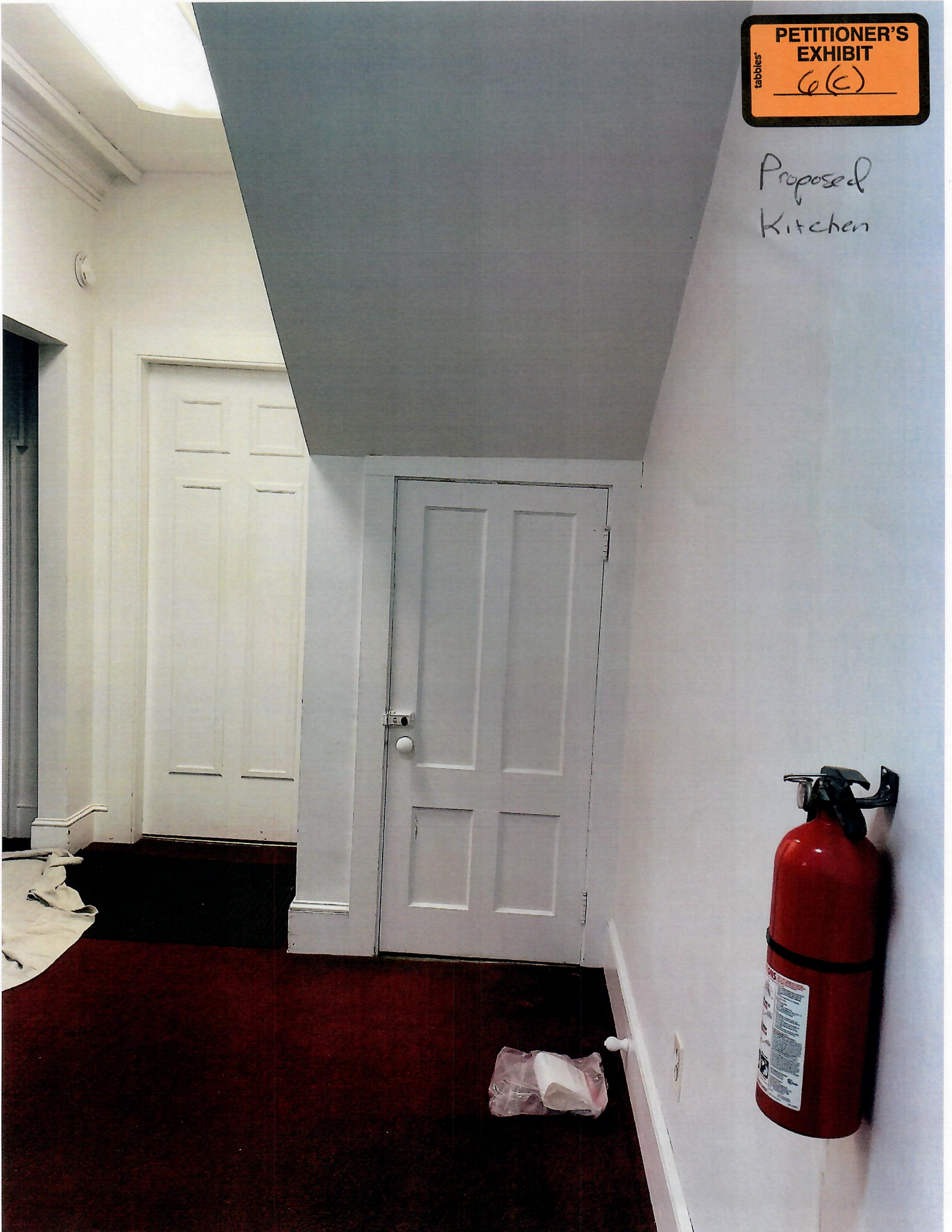
Front Hallway

tabbles®
PETITIONER'S
EXHIBIT
6(b)



tabbles®
**PETITIONER'S
EXHIBIT**
6(c)

Proposed
Kitchen



**PETITIONER'S
EXHIBIT**
6(d)

Proposed
Kitchen
Existing
Condition



tabbles®
**PETITIONER'S
EXHIBIT**
(c)(e)

Proposed
Kitchen
Existing
Condition



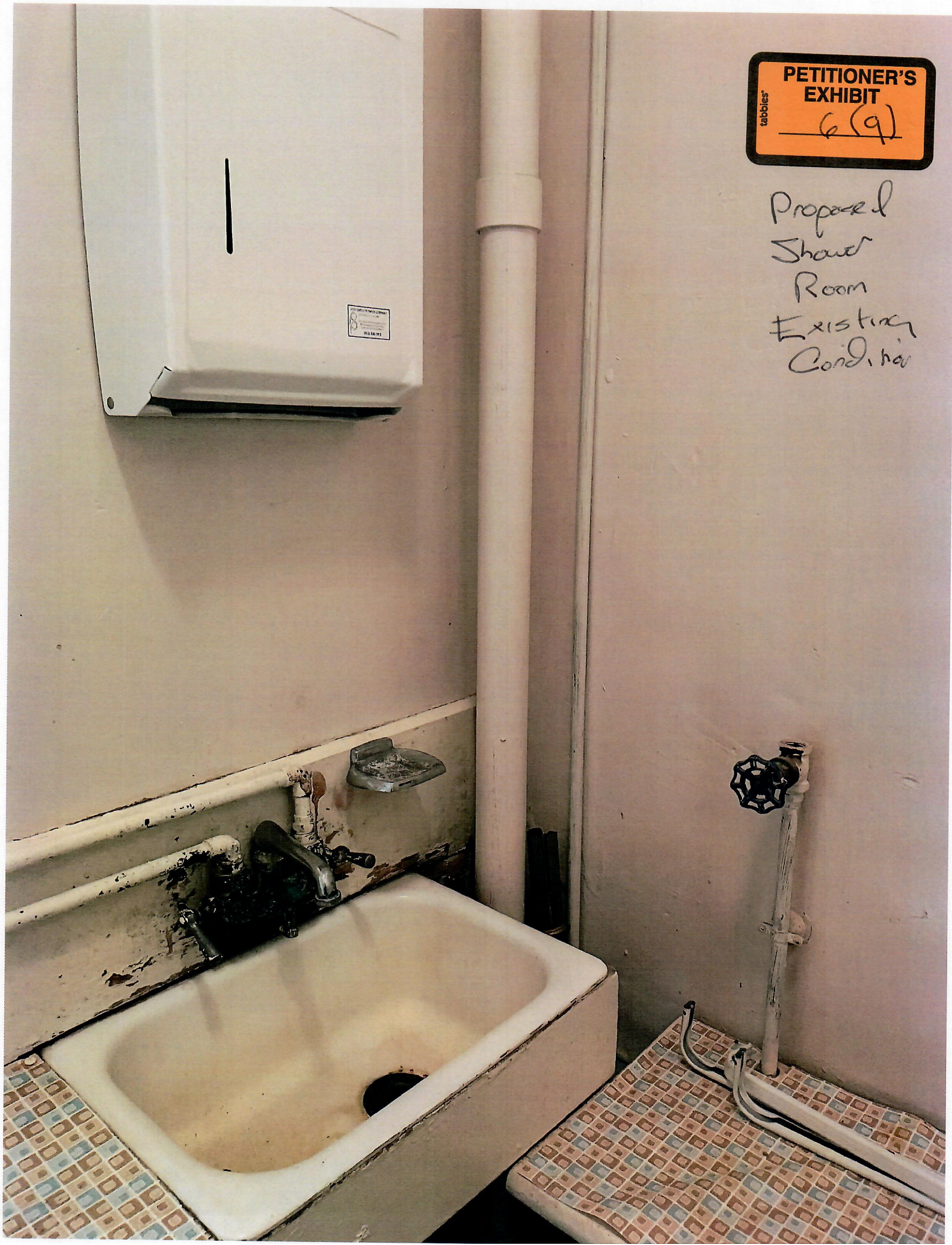
**PETITIONER'S
EXHIBIT**
6(f)

Proposed
Shower
Room
Existing
Condition



**PETITIONER'S
EXHIBIT**
6(9)

Proposed
Shower
Room
Existing
Condition



PETITIONER'S
EXHIBIT
P(h)
tabbles

Proposed
Living
Room

No Changes
Existing
Condition



PETITIONER'S
EXHIBIT
6(F)

Proposed
Bedroom
Existing
Condition



Proposed Design

2020 Design - [hd 3409 wheelock 11 7 23:1]

Vertical Aligned Radius
 Add Note Delete Note
 Line Running Line
 Square Rectangle Circle
 Ellipse Triangle Elliptical Arc
 Radial Arc Spline Free Hand

Notes Draw

Tim Wheelock
414 state st
portsmouth nh

Mark Minasalli
markm@ktmhomeservices.com
603-234-9320

ceiling height 120
no appliances

General notes!
 1. use minimum 3" fillers on inside corners of cabinets
 2. maintain 18" height and 6" width of clearance on both sides of range
 3. minimum 4" of space when fridge is next to perpendicular wall
 4. always try to start with pantry
 5. At island add furniture base always due to floor may not be level
 6. Use 1x6 filler or large st8 to start crown and we will rip down
 7. always start run with filler when going wall to wall due to walls may not be plumb and baseboard or chairrail ect..
 8. flooring does not go under cabinets but under appliances
 9. fridge panels , use 30" deep we will rip onsite, add minimal 3" to height above top assignment, example if top alignment is 84 make panel 87" for scribing into floor if unlevel

Measurements provided by KTM Home Services are for design purposes only. If any measurements are to be performed by anyone other than KTM including the home owner verification of the measurements and fit is the responsibility of the installer and KTM Home Services will not be responsible for any material and labor costs if install is not done by KTM Home Services. KTM is not responsible for function, the Designer is responsible for the function of the cabinets

167 1/2"

95 1/2"

fridge sink range

all cabinets on this wall

45 1/2" 36" 42" 8 1/2"

10 1/2" 33" 89 1/2" 209 1/2" 48 1/2" 28 1/2" 36" 67" 35 1/2" 60" 50" 46" 2 1/2" 1" 21 1/2" 52" 21 1/2"

<-wants to add shower ->

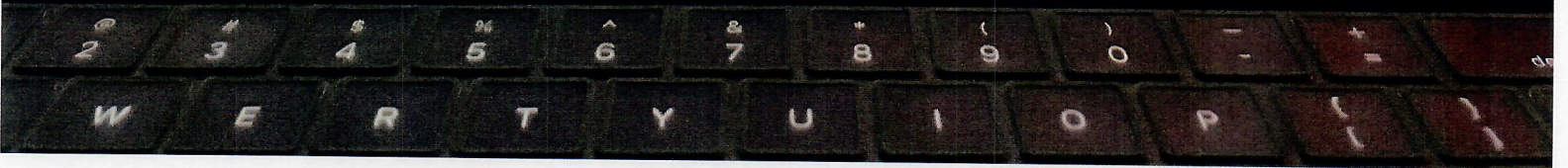
sink ->

vent pipe-X

All All (no dims) Cabinets Countertops Architecture NK6A Legend Print

pe here to search

50°F Cloudy 6:08 AM 11/8/2023



**PETITIONER'S
EXHIBIT**
7(b)

Proposed
Kitchen
Design



Note: This drawing is an artistic interpretation of the general appearance of the design. It is not meant to be an exact rendition.

2020

Designed: 1/22/2024
Printed: 1/22/2024

tabbies
**PETITIONER'S
EXHIBIT**
7(c)

Proposed
Kitchen
Design



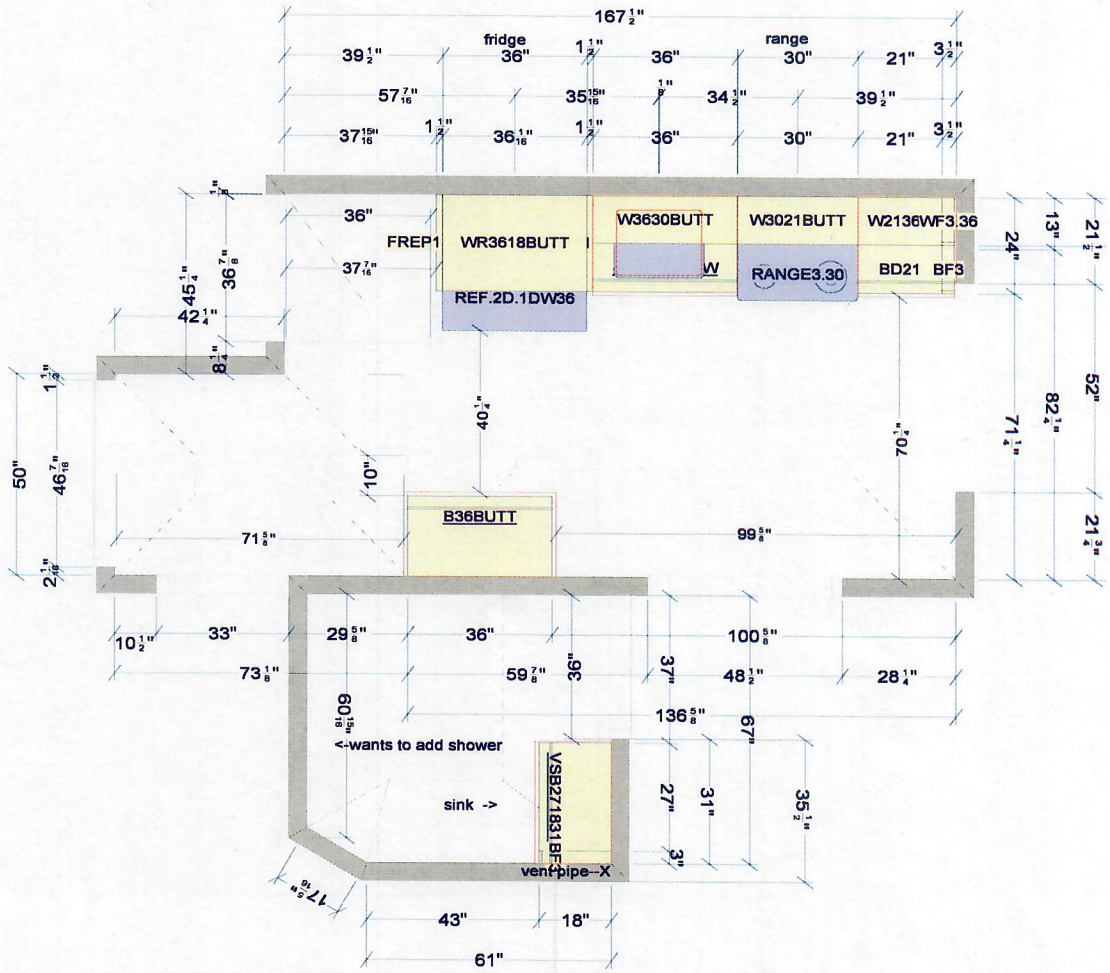
Note: This drawing is an artistic interpretation of the general appearance of the design. It is not meant to be an exact rendition.

2020

Designed: 1/22/2024
Printed: 1/22/2024



Proposed Shower Design



allock
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409-165053

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sight 120
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notes!
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ill not be responsible for any material
ostsif install is not done by KTM Home
KTM is not responsible for function. the Designer
ible for the function of the cabinets

asalli
ctmhomeservices.com
3320

<p>All dimensions size designations given are subject to verification on job site and adjustment to fit job conditions.</p>		<p>This is an original design and must not be released or copied unless applicable fee has been paid or job order placed.</p>	<p>Designed: 1/22/2024 Printed: 1/22/2024</p>
<p>aafef73-14c1-4ed0-bf50-7bd89a1b1073</p>	<p>All</p>	<p>Drawing #: 1</p>	<p>Scale : 0 1/4" 1'</p>

Tate & Foss

Sotheby's

INTERNATIONAL REALTY

566 Washington Road
Rye, New Hampshire 03870
o 603.964.8028
tateandfoss.com



January 15, 2024

Mr. Tim Wheelock, Esq.
44 Wibird Street
Portsmouth, NH 03901

Dear Tim:

Thank you for asking me to provide a broker's price opinion for the value of your condominium unit at 414 State Street, Unit #2. I have inspected the unit and reviewed four recent comparable sales using \$100 per square foot for GLA differences, assuming comparable quality and .67% per month appreciation. I assume your unit would be marketed with a kitchen and finished three-quarter bath. The following comparable sales were used:

	Closed	Price	Age	RMS	BRs	BA's	GLA	Parking
414 State #2	-----	-----	1850	4	1	1(3/4)	753	1 Space
414 State #3	3/29/22	\$432,000	1850	5	1	1(FL)	631	1 Space
126 State	9/8/23	\$602,000	1850	3	1	1(FL)	782	1 (Heated garage)
663 State	8/7/23	\$450,000	1840	4	1	1(FL)	900	1 Space
290 Pleasant	5/31/23	\$449,000	1828	3	1	1(FL)	785	1 Space

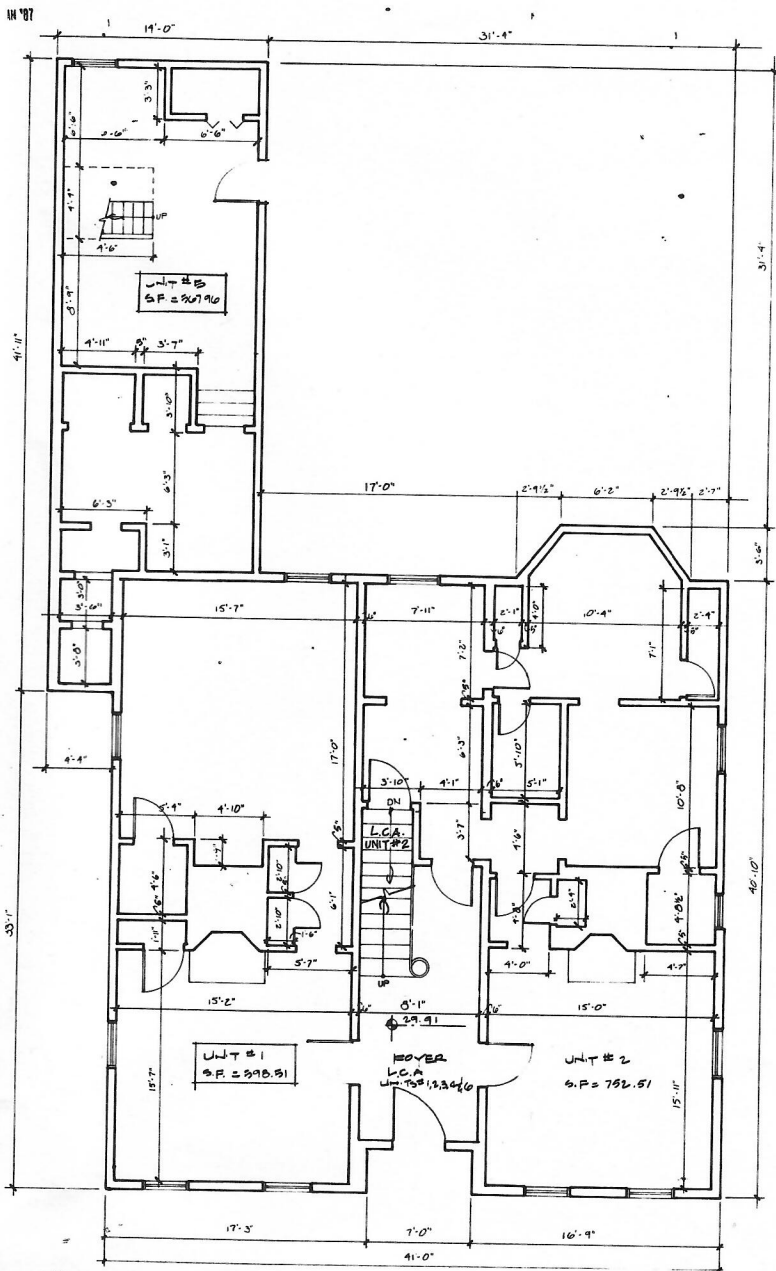
I estimate that your unit as of January 15, 2024, improved with an average quality bath and kitchen would be worth **\$504,000**. If sold as a single-family unit but without the improvements, I estimate the value to be **\$405,000**.

My credentials include 52 years as a licensed real estate broker in Maine and New Hampshire with experience as a former licensed residential real estate appraiser. I am also Chief Statistician for the Seacoast Board of Realtors and a former president of both NHAR and the Seacoast Board of REALTORS. I am currently a broker/agent with Tate and Foss Sotheby's International Realty in Rye.

Respectfully submitted,


John W. Rice
Broker/Agent

Tate and Foss Sotheby's International Realty



Sheet 2 of 3

FIRST FLOOR PLAN

I HEREBY CERTIFY THAT THESE FLOOR PLANS ARE ACCURATE AND IN COMPLIANCE WITH THE PROVISIONS OF N.H. RSA 356-B:23. ALL UNITS OR PORTIONS THEREOF DEPICTED ON THESE PLANS AS COMPLETED HAVE BEEN SUBSTANTIALLY COMPLETED AS OF THE DATE ON THE DRAWING.



414 STATE STREET
CONDOMINIUMS
PORTSMOUTH, NEW HAMPSHIRE

SCALE 1/4" = 1'-0"