



September 28, 2022

HAND DELIVERED

Peter Stith, Principal Planner
Portsmouth Zoning Board of Adjustment
1 Junkins Avenue
Portsmouth, NH 03801

Re:

Owner/Applicant: Jessica Kaiser
Project Location: 232 Wibird Street
Tax Map 149, Lot 14
GRA Zone

Dear Mr. Stith & Zoning Board Members,

On behalf of Jessica Kaiser, we are pleased to submit the following documents in support of a request for zoning relief.

1. Portsmouth Land Use Application - uploaded today.
2. 9.28.2022 - Memorandum & Exhibits in support of zoning relief (original & eleven (11) copies).

We look forward to presenting this application to the Zoning Board of Adjustment at its October 18, 2022 meeting.

Regards,

A handwritten signature in blue ink, appearing to read 'Thomas Battcock-Emerson', with a stylized flourish at the end.

Thomas Battcock-Emerson
Architect

cc: Jessica Kaiser



To: Portsmouth Zoning Board of Adjustment
From: Thomas Battcock-Emerson
Date: September 28, 2022
Re: Owner/Applicant: Jessica Kaiser
Project Location: 232 Wibird Street
Tax Map 149, Lot 14 GRA Zone

Dear Zoning Board Members:

On behalf of Jessica Kaiser (Applicant), we are pleased to submit this memorandum and attached exhibits in support of Zoning Relief to be considered by the Zoning Board of Adjustment at its October 18, 2022 meeting.

- I.
 - A. Portsmouth Tax Map - indicating subject property location
 - B. 9.28.2022 Architectural Plans - studioB-E Architecture
 - 1. Site Plan Proposed Footprint Overlayed on Existing Condition
 - 2. A1.00-A1.02: Floor Plans
 - 3. A2.01 - A2.04: Elevations
 - C. Proposed Site Plan from previously approved application.
 - D. Existing Site Photographs

II. Property/Project:

232 Wibird Street is a 11,799 sf. lot holding a small 2-3 bedroom single family home with a detached garage. The existing home violates the front and right side setbacks. The detached garage significantly violates the right side setback.

The applicant is proposing to remove both the significantly encroaching detached garage and the existing house. The right side setback will be improved, both from the existing condition and from the previously approved application for relief. The existing front setback will also be improved.

Relief is required in order to provide for side, rather than front, access to the new attached garage where 48 sf of the new building will slightly violate the side setback, significantly less than the existing structure (1273 sf.). The right side setback, at its closest point, will be increased from one foot to seven feet, four feet further from the lot line than the current house. The setback at the front will also be moved back four feet further than the existing house.



III. Relief Required:

Portsmouth Zoning Ordinance 10.521 - to permit forty-eight (48) square feet of new structure seven (7) feet from the right side property line where (1273) square feet, one (1) foot from the right side property line (at the garage) presently exists at its closest point in a zone that requires a 10' setback and fifty-six (56) square feet of new structure twelve (12) feet from the front property line where one hundred twenty-four (124) square feet seven (7) feet from the property line in a zone that requires a fifteen (15) foot front setback.

IV. Variance Requirements:

- 1. The Variances will not be contrary to the public interest.**
- 2. The spirit of the ordinance is observed.**

The Portsmouth Zoning Ordinance was enacted for the general purpose of promoting the health, safety & welfare in accordance with the Master Plan by regulating:

- 1. The use of land, buildings and structures for business, industrial, residential and other purposes* - The existing small home with a significantly encroaching detached garage will be replaced by a tasteful two story home with an attached garage. The use, size, shape & dimensions of the proposed home are in keeping with the area.
- 2. The intensity of land use, including lot sizes, building coverage, building height & bulk, yards and open space* - A single family home use will remain. It will be compliant with lot size & open space requirements and renders the lot less nonconforming than the existing conditions with respect to both the side & front setbacks.
- 3. The design of facilities for vehicular access, circulation, parking and loading* - The proposal reduces the intensity of use within the setbacks and reduces the overall area of the lot given over to vehicular access both in the existing condition and the situation created by the previously approved application.
- 4. The impacts on properties of outdoor lighting, noise, vibration stormwater runoff and flooding* - No adverse impacts will exist. The impact on the right side neighbor and upon the sidewalk will be improved.
- 5. The preservation and enhancement of the visual environment* - The aesthetics of the home & grounds will be improved and with the improved setbacks, the visual environment will be preserved & enhanced.



6. *The preservation of historic districts, and buildings and structures of historic or architectural interest* - The property is not in the historic district, but every effort has been made to design a home that fits into the neighborhood.

7. *The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality* - The new home will not adversely affect natural resources.

This proposal maintains the primary single family use of the property. Only a small portion of the proposed structure is within the right side setback, a significant improvement over the existing conditions. A home on Hawthorn Street was recently replaced, and this small request for side setback relief neither alters the essential character of the area nor threatens public health, safety or welfare. To the contrary, the character of the area will be improved by the removal of a significant structure close to the right side property line and will result in a home that meets current code.

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

Removal of significant structures very close to the common lot line and to the street and the construction of a new home requiring only minor right side & front variances will improve the value of the property. Thus, it will not harm surrounding property values.

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

a. *Special conditions distinguish the property/project from others in the area.*

While the lot exceeds the minimum lot size requirements, it has only 66.75 feet of frontage. Additionally, the existing home & garage are well within the front & right side setbacks. Placing a garage at the front of the property so as to reduce the amount of vehicular use of the lot & orienting it so that it does not present garage doors facing the street, which would be a significant alteration to the design aesthetic of the area, cannot be reasonably accomplished without a minimal intrusion on the right side yard setback.

b. *No fair & substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.*

The purpose of the side setback requirements is to maintain space between neighbors, provide light & air, sightlines & stormwater treatment. In this case, a significant encroachment will be removed & replaced by a new structure only slightly encroaching. The resulting open space of the lot will not be



reduced and the ability of vehicular traffic to exit the lot without backing into the street will be maintained. In total, the applicant feels that there is no reason to apply the strict requirements of the ordinance.

c. The proposed use is reasonable.

The proposal maintains the single family residential use of the property, which is permitted in the GRA Zone.

5. Substantial justice will be done by granting the variance.

Because the setbacks from the neighbor on the right side and from the sidewalk in the front will be increased, the improvements to the existing conditions including the removal of hazardous materials (potentially lead paint & asbestos) from the site and the minor variance request will have no negative effect upon the general public. However, denial of the minor variance will harm the applicant by creating a less safe vehicular exit from the lot whether the garage doors are positioned on the front or side of the structure and will harm the public interest in that a front loaded garage will break up the aesthetic rhythm of the streetscape.

V. Conclusion:

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

Respectfully,
Jessica Kaiser

A handwritten signature in blue ink, appearing to read 'The Battcock-Emerson', written over a horizontal line.

By:
Thomas Battcock-Emerson
studioB-E Architecture



POST/IDE



BACK



21105 of 600000



Property Information
Property ID 0149-0014-0000
Location 232 Wbird St
Owner KAISER JESSICA

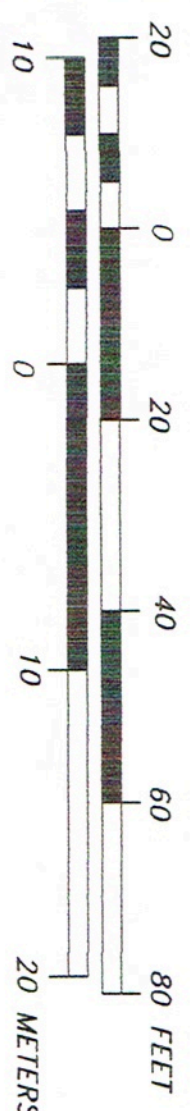


**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

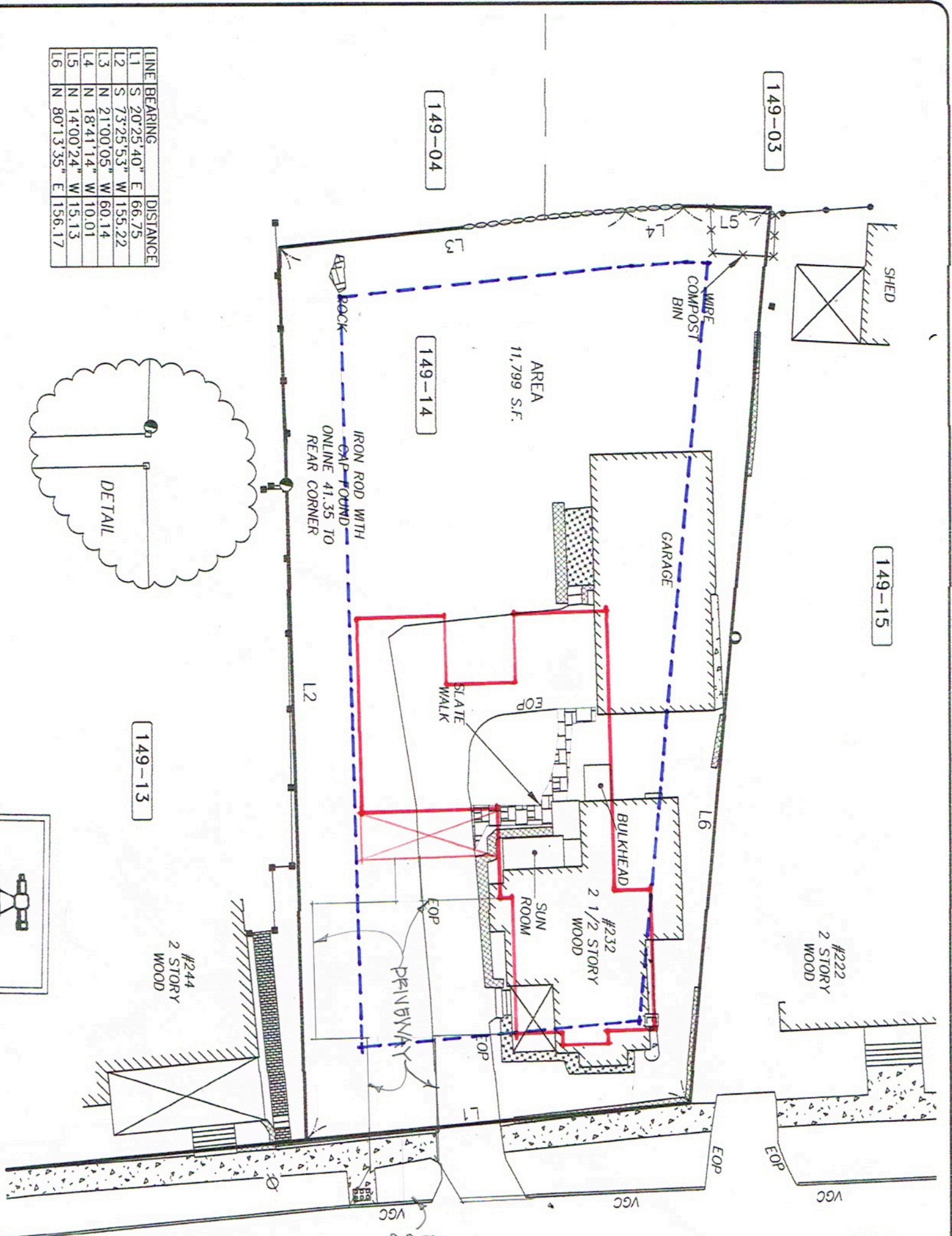
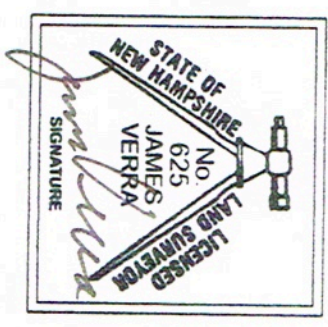
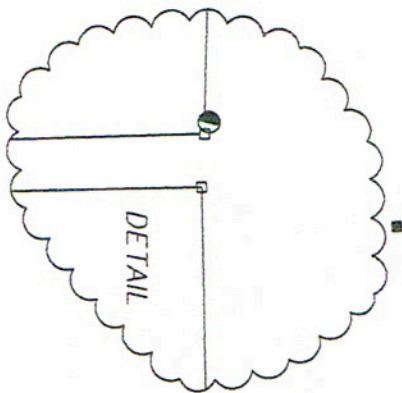
City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 3/9/2022
Data updated 3/9/2022

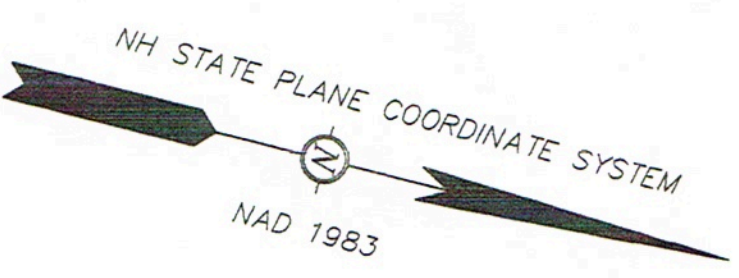
Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.



LINE	BEARING	DISTANCE
L1	S 20°25'40" E	66.75
L2	S 73°25'53" W	155.22
L3	N 21°00'05" W	60.14
L4	N 18°41'14" W	10.01
L5	N 14°00'24" W	15.13
L6	N 80°13'35" E	156.17



WIBIRD STREET



LEGEND:

- STONE WALL
- IRON ROD (AS NOTED)
- IRON PIPE FOUND
- SURVEY NAIL (AS NOTED)
- WOOD FENCE
- CHAIN LINK FENCE
- STEEL FENCE POST
- CEMENT CONCRETE PAD
- CRUSHED STONE
- RETAINING WALL
- TAX SHEET / LOT NO.
- EDGE OF PAVEMENT
- LANDSCAPED AREA
- VERTICAL FACED GRANITE CURB
- PROPERTY LINE SETBACK
- PROPOSED BUILDING FOOTPRINT

OWNER OF RECORD: CAMELLE DEVELOPMENT, LLC.
DEED REFERENCE: BK 6346 PAGE 643 ROCKINGHAM COUNTY REGISTRY OF DEEDS(RCRD)
REFERENCE PLANS: 1) PLAN OF LOT NOS. 220-222, DATED 5/1949 WIBIRD STREET, FILE NO 1341, PLAN NO. 1-139 BY JOHN W. DURGIN, C.E.

2) STANDARD PROPERTY SURVEY FOR PROPERTY AT 244 WIBIRD STREET, DATED 5/13/05. RCRD PLAN #D-33078.

EASEMENTS OF RECORD, IF ANY, ARE NOT SHOWN HEREON.
THE PURPOSE OF THIS SKETCH IS TO SHOW THE MONUMENTS SET/FOUND AND IS NOT INTENDED FOR RECORDATION OR FOR SUBMITAL TO ANY REGULATORY AGENCY.



studioB-E
ARCHITECTURE

Architect:
Tom Emerson

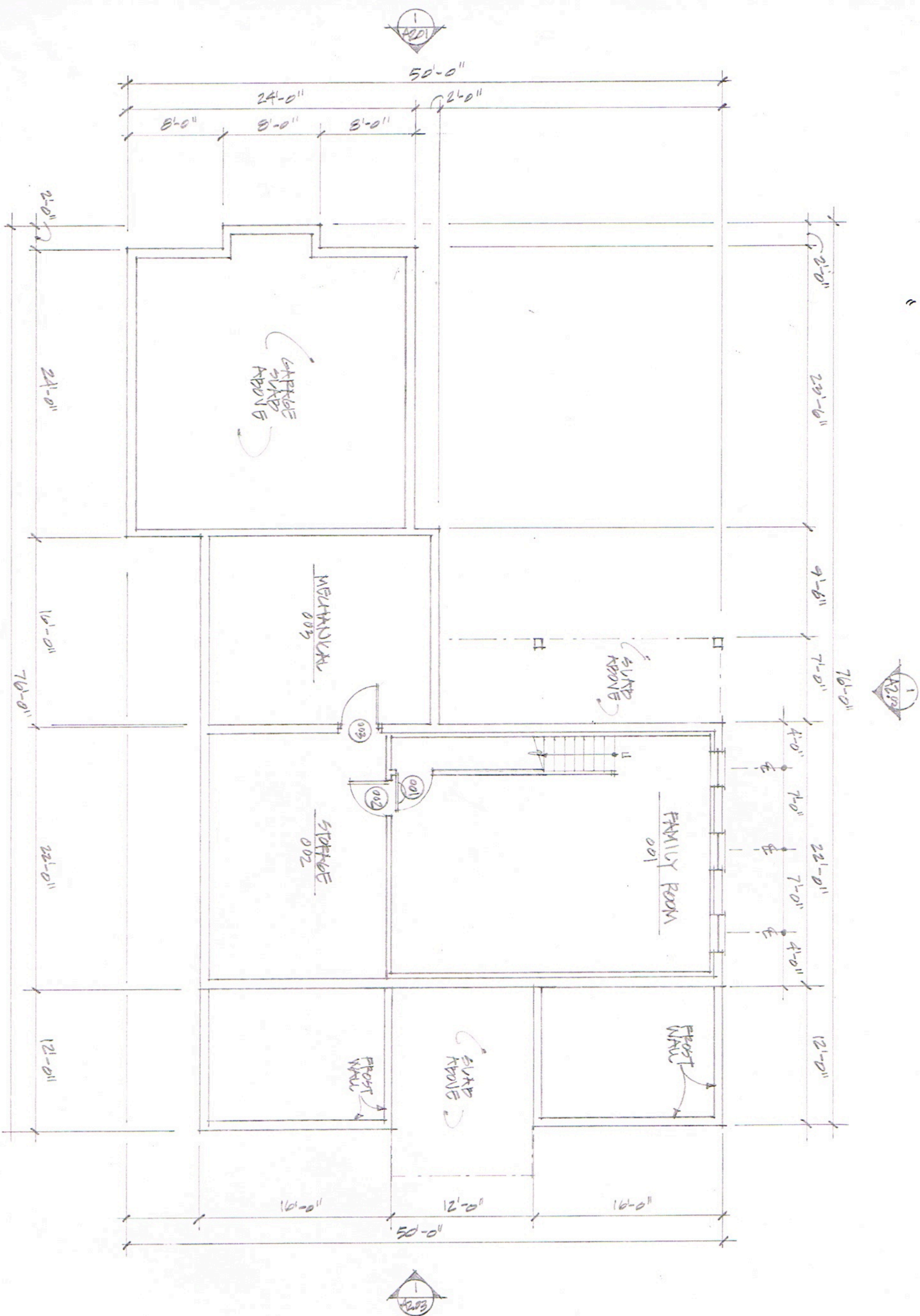
10 Ox Point Drive
Kittery, ME
207.752.1371

232 Wibird
Residence
Portsmouth, NH

LOWER
LEVEL
FLOOR PLAN

A1.00

09.12.2022



1 LOWER LEVEL FLOOR PLAN
1/8" = 1'-0"





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ARCHITECTURE

Architect:
Tom Emerson

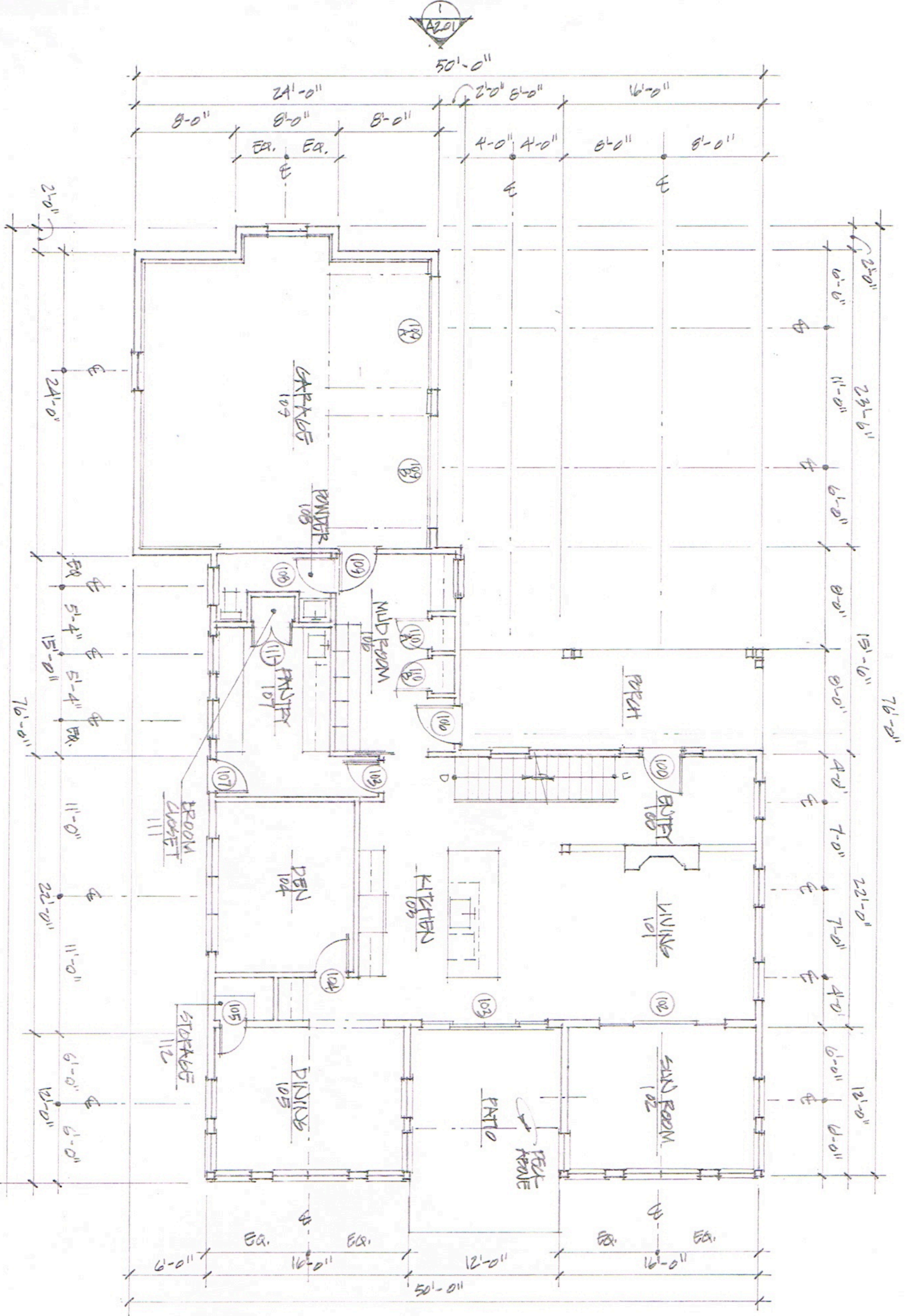
10 Ox Point Drive
Kittery, ME
207.752.1371

232 Wibird
Residence
Portsmouth, NH

FIRST FLOOR
PLAN

A1.01

09.12.2022



1
1/8" = 1'-0"





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ARCHITECTURE

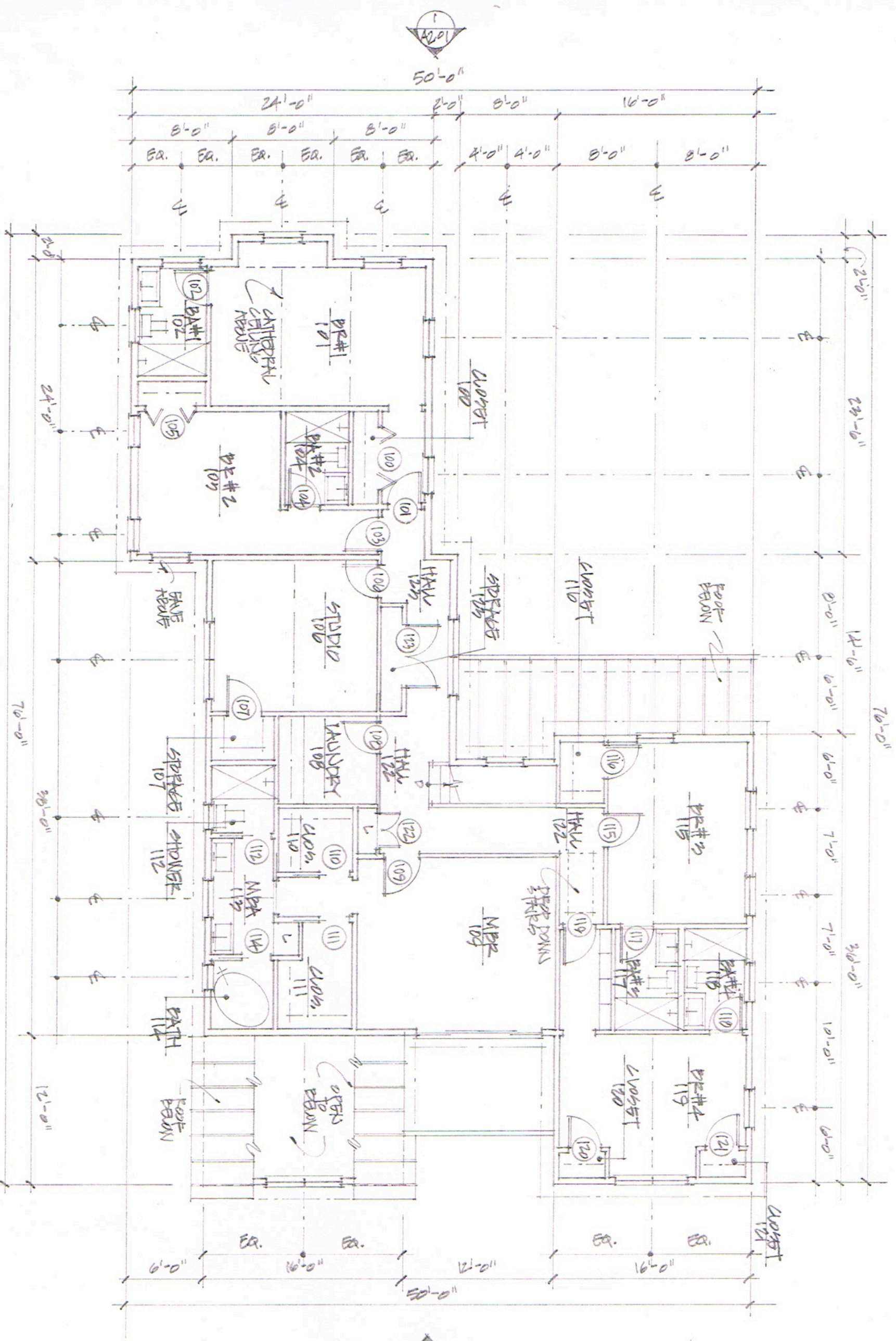
Architect:
Tom Emerson
10 Ox Point Drive
Kittery, ME
207.752.1371

232 Wibird
Residence
Portsmouth, NH

SECOND FLOOR
PLAN

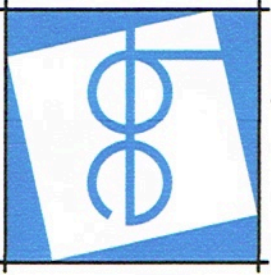
A1.02

09.12.2012



1
UPPER FLOOR PLAN
1/8" = 1'-0"

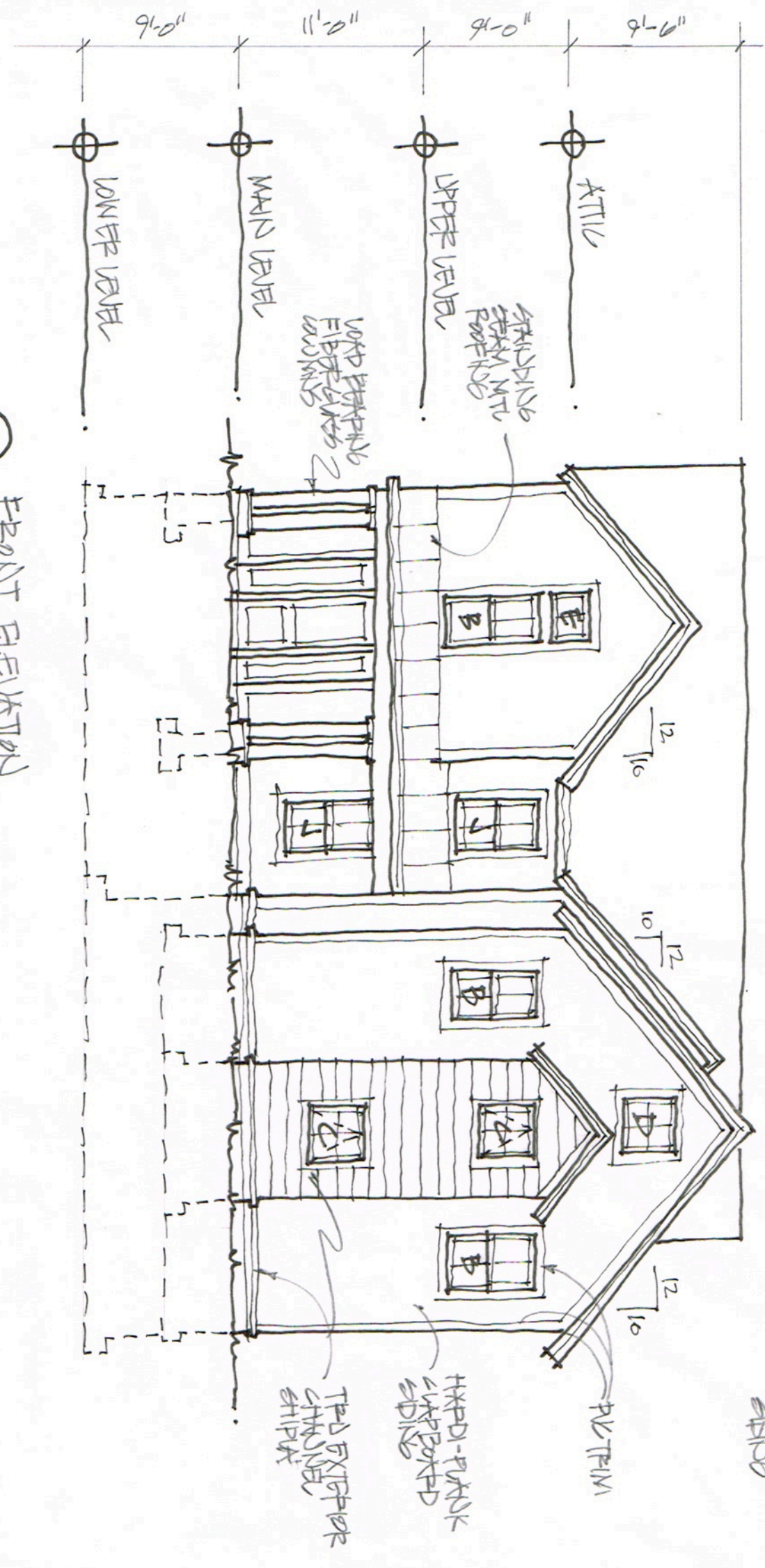




studioB-E
ARCHITECTURE

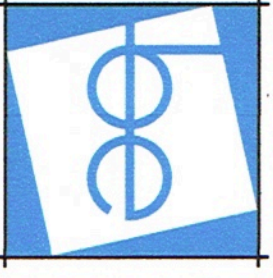
Architect:
Tom Emerson

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232 Wibird
Residence
Portsmouth, NH

FRONT
ELEVATION



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ARCHITECTURE

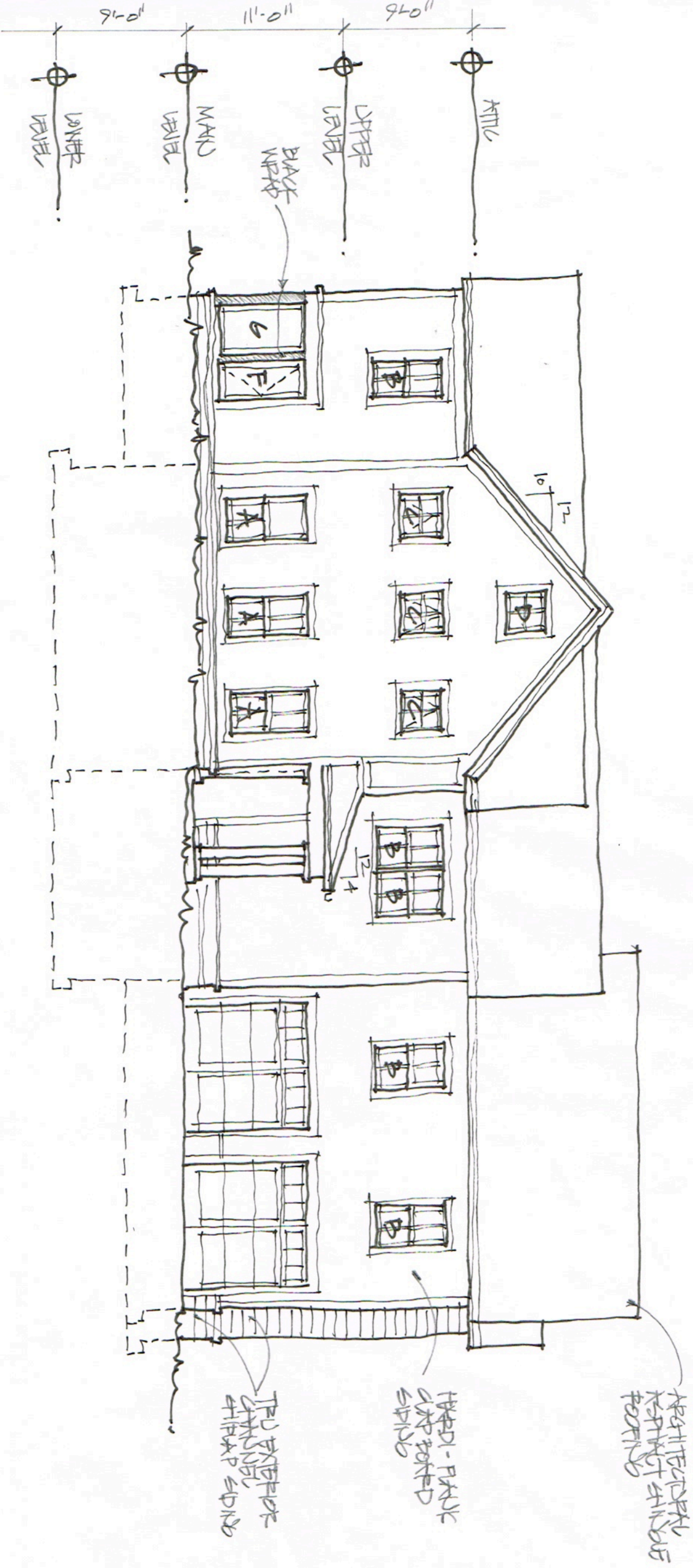
Architect:

Tom Emerson

10 Ox Point Drive

Kittery, ME

207.752.1371



**232 Wibird
Residence**
Portsmouth, NH

5145

Eventation

A2.02

09.12.2022

SIDE EFFECT

$$1/p^a = 1 - p^u$$



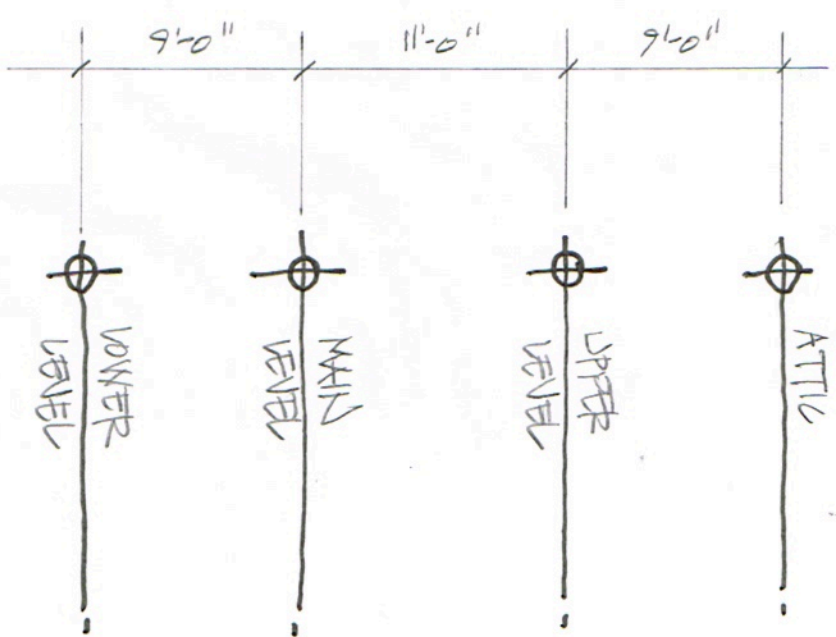
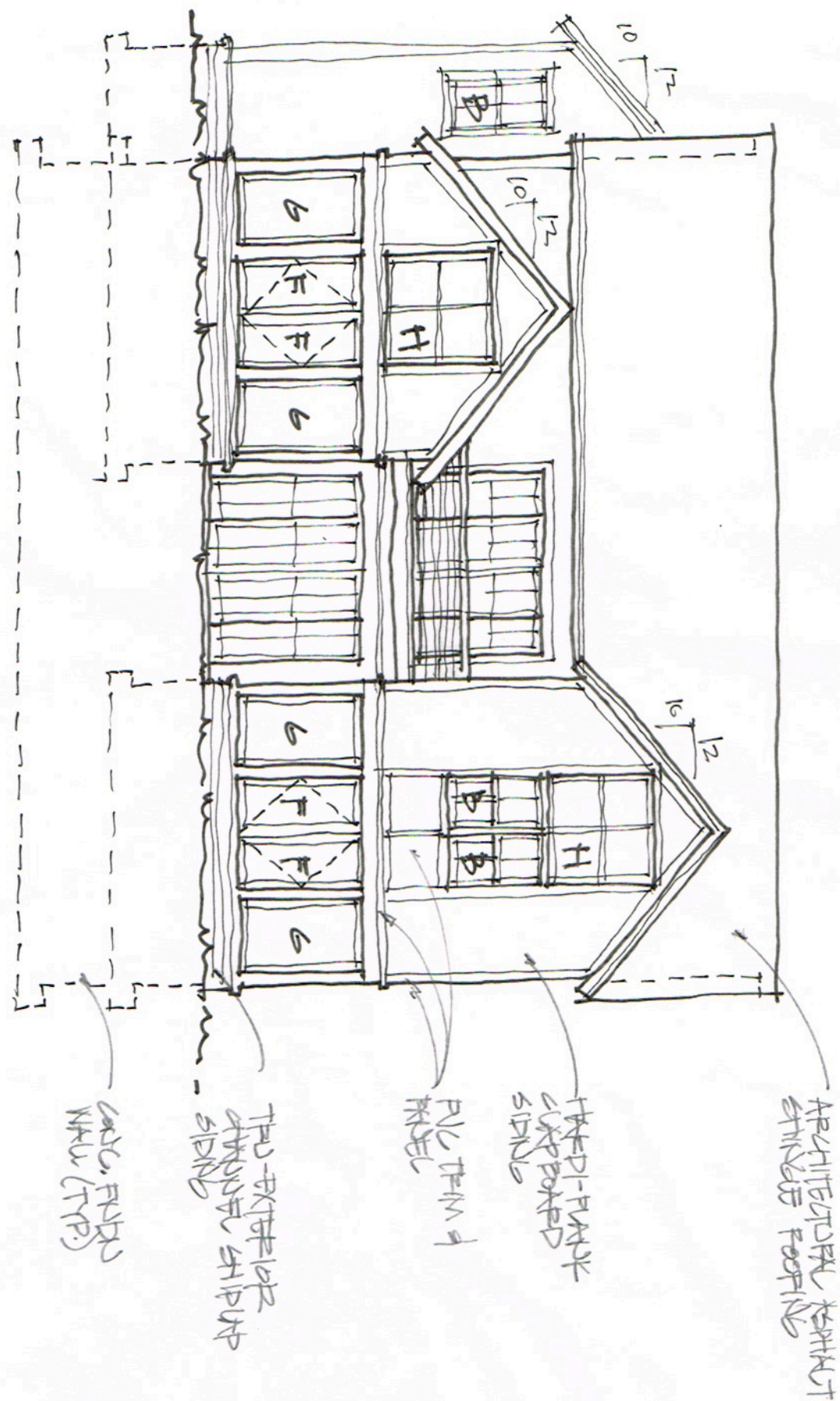
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ARCHITECTURE

Architect:
Tom Emerson

10 Ox Point Drive
Kittery, ME
207.752.1371

232 Wibird
Residence
Portsmouth, NH

BACK
ELEVATION



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

A2.03

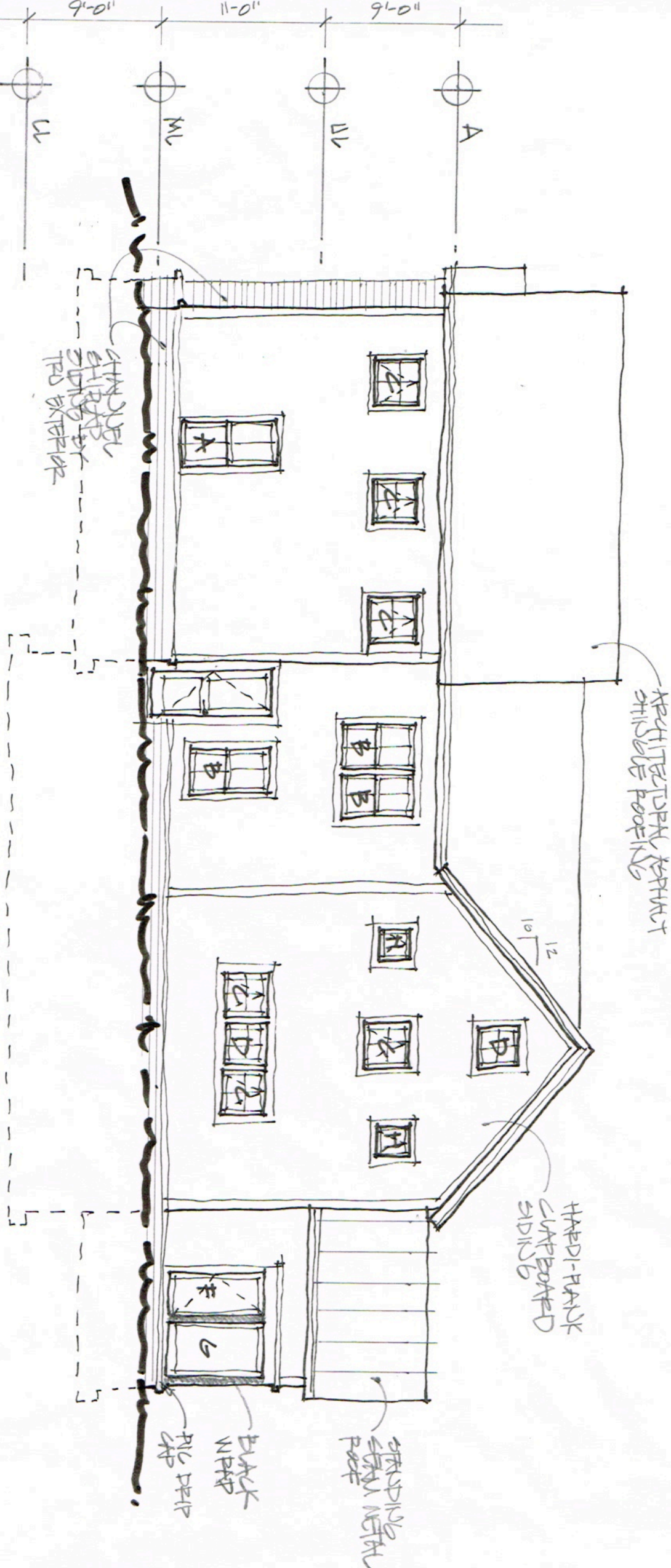
09.12.2022



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Architect:
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207.752.1371



① SIDE ELEVATION
1/8" = 1'-0"

SIDE

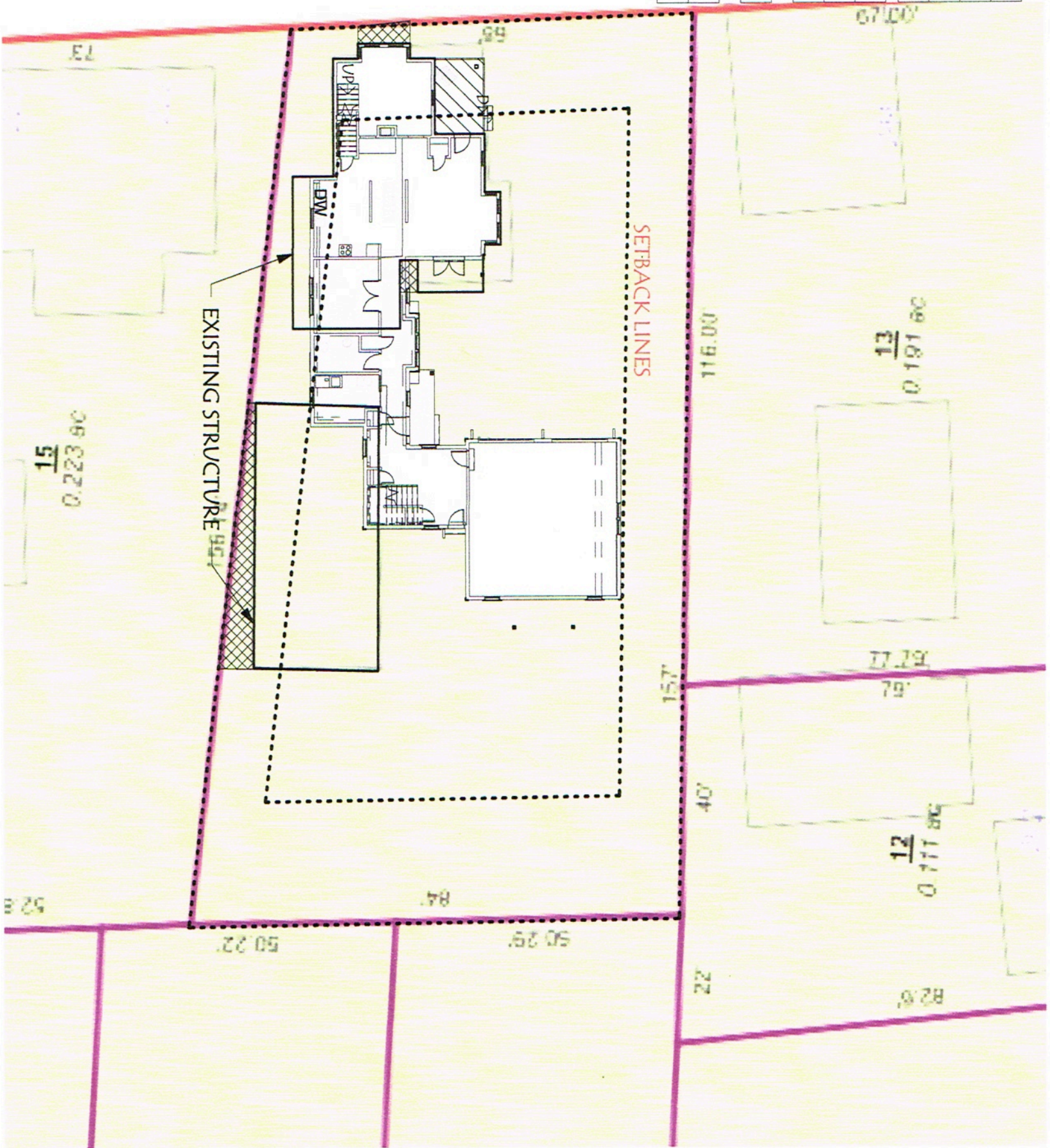
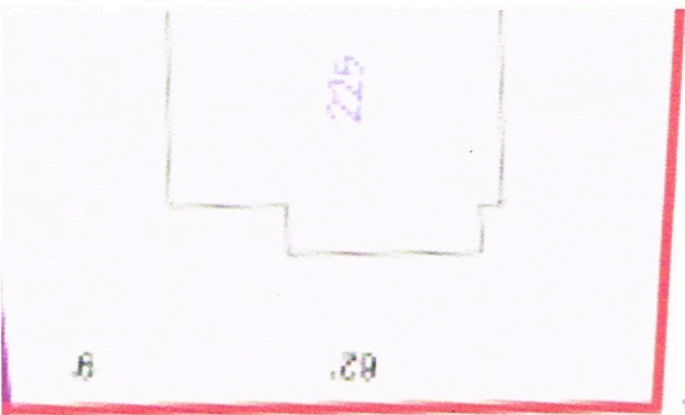
ELEVATION

232 Wibird
Residence
Portsmouth, NH

A2.04

09.12.2022

	REQUIRED	EXISTING	PROPOSED
LOT SIZE	7500 SQ FT	11785.5 SQ FT	
FRONTAGE	100 FT	70 FT	
DEPTH	70 FT	156 FT	
YARD DEPTH	15 FT	3 FT	3 FT
SIDE	10 FT	3 FT	6 FT
REAR	20 FT	96 FT	50 FT
OPEN SPACE	30%	64%	68%
AREA OF NONCONFORMING VOLUME OF NONCONFORMING		1,273 SF 7135 CF	785 SF 2935 CF



SITE

1

SCALE: 1" = 20'-0"

* FOR REFERENCE ONLY *

TITLE: SITE	SCALE: 1" = 20'-0"	Revisions: # Description Date	232 WIBIRD 232 WIBIRD STREET	NOT FOR CONSTRUCTION	 ARCHITECTS 104 Congress St., STE 205 Portsmouth, NH 03801 PH: 603.501.0202
A1.04	DRAWN BY: SNH				
	CHECKED BY: RH				
	PROJECT NO.: 2021084				
	DATE: 11/10/21				