



Land Use Application: Garden Cottage

315 Wibird St, Portsmouth NH, 03801

June 21, 2021

Contact:
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Project Narrative

Conditional Land Use Application- Garden Cottage

06/21/2021

Submitted by: Todd & Kaarin Milne, Property owners (10/17/2011–present)
315 Wibird St., Portsmouth NH 03801
Abutting streets: Willard, Hawthorne, Union, South

Accessory Building History

When we purchased this property, the accessory building was listed on the tax card as a studio. It included a narrow one-car garage, semi-enclosed screen porch, and a second floor finished studio. A previous owner, a contractor, had upgraded the building for use as a home office. It was wired for electricity, utilizing a gas furnace with a forced hot air heating system. Entry to the studio was through exterior stairs on the back of the building.

In 2017, we renovated the building to meet the needs of our growing family of five:

- Enclosed the stairs to make year-round use more appealing
- Moved the entrance to the first floor, facing our home, for safety
- Added a bathroom & electric water heater to create opportunity for self-contained use
- Ran water-lines to second floor for an art/utility sink (did not install)
- Installed a mini-split heater in the studio for efficiency, electric baseboard in hall, and electric heat fan in the bathroom for comfort
- Removed the furnace & ductwork to widen and increase usability of the garage space
- Capped the natural gas line at the front of the building for safety
- Sheetrocked the garage to make it clean & in keeping with the rest of the studio
- Added fireproof, spring-hinge door leading to garage (now yard tool/bike storage)
- Covered the right-exterior siding with intumescent paint for fire safety

Since 2011, the studio has been used flexibly as: a family room, home office, art studio & maker-space, virtual learning schoolhouse for our three kids (ages 13, 12 & 12), game room, and as a guest powder room for small outdoor gatherings during the pandemic.

We'd like to preserve and increase the flexibility of the studio's use to meet our family's ever-changing needs, which the garden cottage designation will support.

Two examples of anticipated use are: as a guest room for family visits (dad from Alaska, siblings from New Mexico & California) or as a guest-room/in-law studio for my mom who lives in Newmarket. My stepdad passed away last summer and it would be nice for her to stay with us during winter storms and, if the need and/or desire arise, to live in that space.

At this time, we are not committing to specific construction, unless any are deemed necessary to meet conditional use permit requirements for a garden cottage. In the near term, adding a futon, microwave and coffee pot would meet our guest room needs.

Project Narrative (Continued)
Conditional Land Use Application- Garden Cottage
06/21/2021

Proposed possible uses will support the required findings:

- The principal and accessory dwelling units will remain under common ownership.
- Our family occupies the primary dwelling and plans to reside here for the long term.
- Neither the principal or accessory dwelling will be used for prohibited business purposes. (i.e. We have zero interest in short-term tourism rental)
- The change in use will not result in excessive noise, traffic, or parking congestion.
 - The designation would not cause an increase in noise.
 - The designation would cause no increase in traffic.
 - Five 9'x16' off-street parking spaces (including garage) plus ample on-street parking exceed every-day & snow ban parking capacity
- The new use will not impact any neighbors.
 - The left side is 25' from the left property line, parallel to the neighboring yard.
 - The back is 43' from the property line, facing the open landscape area of the South/ Union condos.
 - The right side of the building abuts a neighbor's property and sits 6' within setback, with no windows on the second floor. The one window in the garage (fixed 20"x26") looks at the fence. Enclosing the stairs eliminated our view of the adjacent property from the studio, making their yard more private.
- No exterior changes are proposed.
 - The studio sits atop the driveway on the right property line, facing our house
 - To the left is a lawn and a flower, herb and vegetable garden.
 - To the rear is a A 50'x43' lawn with shrubs and plantings around the edges
 - Current lot coverage is 1,694 sq', representing 23.2% coverage
- The building currently "complies with the prescription for habitability provided in RSA 155 A:10 and is safe for use as a single occupancy dwelling as is." (see enclosed occupancy affidavit p. 8) No construction is currently planned.
- As allowed under Section 10.815.60, the Planning Board may modify a specific dimensional standard. We are requesting modification to the maximum allowed square footage, to be increased to 904 sq', the gross living area of the studio including halls, walls, stairs & garage.



ARCHITECTURE | ENGINEERING | PLANNING

315 WIBIRD GARDEN COTTAGE

Occupancy Affidavit

JUNE 18, 2021

SPITBANK DESIGN

601 Islington Street, Suite 202; Portsmouth, NH 03801



June 18th, 2021

Todd and Kaarin Milne
315 Wibird Street
Portsmouth, NH 03801

RE: 315 WIBIRD GARDEN COTTAGE OCCUPANCY AFFIDAVIT

Kaarin,

Herein is a summary of my review of the conditions of occupancy for the proposed garden cottage on your property. In developing this affidavit, I relied on my 20+ years of experience in the industry in which I am educated and licensed both as a Registered Architect (NH Lic.# 4382), and a Professional Engineer (NH Lic.# 12207). In addition, and specific to this matter, I relied on my knowledge and experience with standards for habitability prescribed by the International Residential Code (IRC), as modified and enacted under RSA 155 A:10, and enforced by the City of Portsmouth.

SCOPE

This occupancy assessment is provided in support of your conditional use permit application for a Garden Cottage on your property at 315 Wibird Street. Specifically, the existing, detached accessory building on the property was assessed for use as a habitable structure. The standard of review was based on the 2015 IRC provisions for habitability.

DESCRIPTION

The existing accessory building is a two-story, wood-framed structure with wood shake siding, and an asphalt-shingled gabled roof. The first floor is 445 square feet (sq.-ft.) in area, and the second floor, inclusive of the stairway, is 459 sq.-ft. Of note, 240 sq.-ft. of the first floor is a finished garage/ storage space. The structure was modified and added onto as part of a renovation project in 2017. The addition was framed with engineered wood on an engineered frost-protected shallow foundation (FPSF) and included the construction of a full bathroom; installation of a potable hot water heater; and construction of an internal stairway system. Service to the building include electrical (with independent service breaker and panel), potable water service, sanitary sewer service, and natural gas.

PROPOSED USE

Proposed use of the building includes a combination of both continued use as an accessory structure, and as a single tenant occupied dwelling.



ASSESSMENT

The structure, including the framing and foundation system were assessed for safe residential occupancy. The following sections of the code are specifically applicable to this matter:

- IRC R301.2; Wind, snow and seismic loading criteria
- IRC R301.4-301.5; Structural loading criteria
- IRC R321.1; Elevators
- IRC 602.10; Wall bracing/ lateral bracing

In addition, this analysis considered ASCE 7-10, *Minimum Design Loads for Buildings and Other Structures*, as prescribed by RSA 155 A:10.

Based on inspection of the existing building and review of the property information, the structural framing is sufficient to accommodate the anticipated lateral forces developed in the 115 VMPH wind zone (R301.2), and Seismic Design Category B, Site Class D (R301.2). In addition, the framing is sufficient so as to resist vertical (gravity) loads of 50 psf (snow), and the live loads and dead loads prescribed in R301.5/ TBL 301.5, as well as ASCE 7-10. Analysis of the adequacy and performance of the new framing system was based on deflection criteria prescribed in TBL R301.7.

The building has an intact envelope, consisting of insulated FPSF, walls and roof. There are 4 double hung windows on the first level and 12 double hung windows on the second level. All glazing meets the requirements of R308. In addition, there are two doors located on the first level, one on the west side and the other on the east side of the building, and an overhead garage door on the west side. The roof is a 6:12 pitch gabled roof with 3 inch (in.) rakes and 10 in. eaves. The exterior of the envelope is treated and protected from insect damage and decay in customary fashion commensurate with R317 and AWP A UI. Of note, the south side of the building encroaches into the established side-yard property line setback prescribed the City of Portsmouth (pre-existing condition). The south elevation of the building has no windows or doors, and the entire façade has been treated with intumescent paint of a Class A fire rating to mitigate fire spread.

Conditions of habitability include minimum room areas, heating, sanitation and egress. The building is configured with an open second floor which is currently being utilized as a studio space. The second floor is generally 20 feet (ft.) 6 in. x 22 ft. with vaulted ceilings in excess of 6 ft. – 8 in. in height, and in excess of the minimum room area and ceiling height requirements stipulated in R304. There is a full bath on the first floor with potable water supply and sanitary tie-in to the municipal sanitary system, and there is an electric hot water heater adjacent to the bathroom to supply heated potable water for sink and shower in accordance with R306 and R307. The interior of the building is equipped with installed lighting throughout, and also equipped with both an electric baseboard heating system and an air-to-air heat pump system (a.k.a. *mini-split*) which provides both heat and air conditioning commensurate with R303. Lastly, the building is equipped with two means of egress from both levels; two doors exiting on the first level, and an egress stairway and egress windows on the second floor. Additionally, the building is equipped with smoke alarms on both levels. The egress systems comply with R314 and R315.

The building is not equipped with a kitchen. Facilities are in place to readily accommodate a kitchenette on the second level. In addition, the services to the building are adequate to support the construction of a kitchen on the second floor without restriction.



The existing garage is 12 ft. x 20 ft. with finished walls and a concrete slab-on-grade (SOG) floor. The building is above the established FEMA flood plain (100 year storm) and the concrete SOG is in excellent condition. There are no restrictions to conversion of this space to a habitable space, as it meets all criteria for room size, configuration, and egress. Any renovations to this space for the purposes of habitability need only consider replacement of the garage door to enclose the envelope, and installation of habitability systems including heat supply and smoke alarms.

CONCLUSION

The building complies with the prescription for habitability provided in RSA 155 A:10, and is safe for use as a single-occupancy dwelling, as is. Future considerations for the installation of a kitchen, and/or conversion of the garage to habitable space must consider heat, ventilation, smoke alarms, carbon monoxide alarms (if natural gas service is activated). All building services have excess capacity to support the construction of a kitchen on the second level, and the existing air-to-air heat pump heating system has more than enough excess capacity to support the conversion of the garage to a habitable space. As is, the second level is a safe, habitable space for dwelling; and the entire 904 sq.-ft. building is suitable for safe occupancy without need for improvement or repair.

If you have any questions or concerns regarding the content contained herein, or any other aspects of your project, please feel free to contact me at your convenience to discuss. Meanwhile, good luck and thank you for the opportunity to assist you on your project!

Sincerely,

A handwritten signature in black ink, appearing to read 'George W. Melchior', written over a horizontal line.

George W. Melchior, RA, PE, LEED AP BD+C

MILNE
SEQUENCE
 ARCHITECTS
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 DENVER, CO 80202
 TEL: 303.733.7800



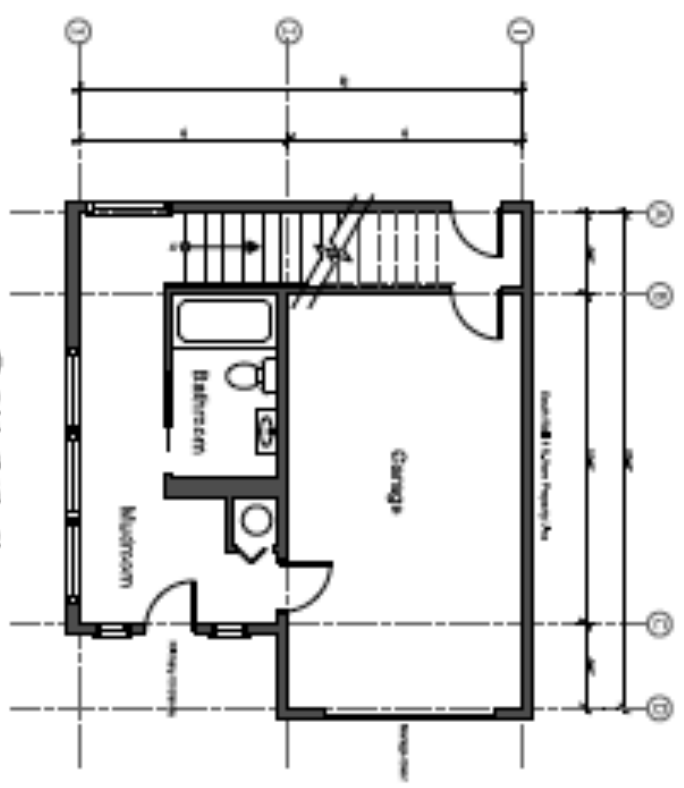
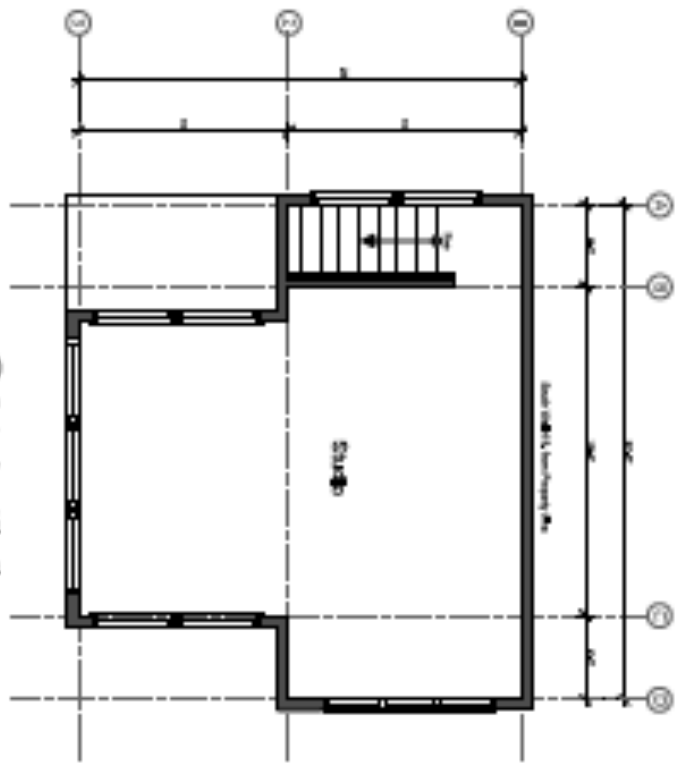
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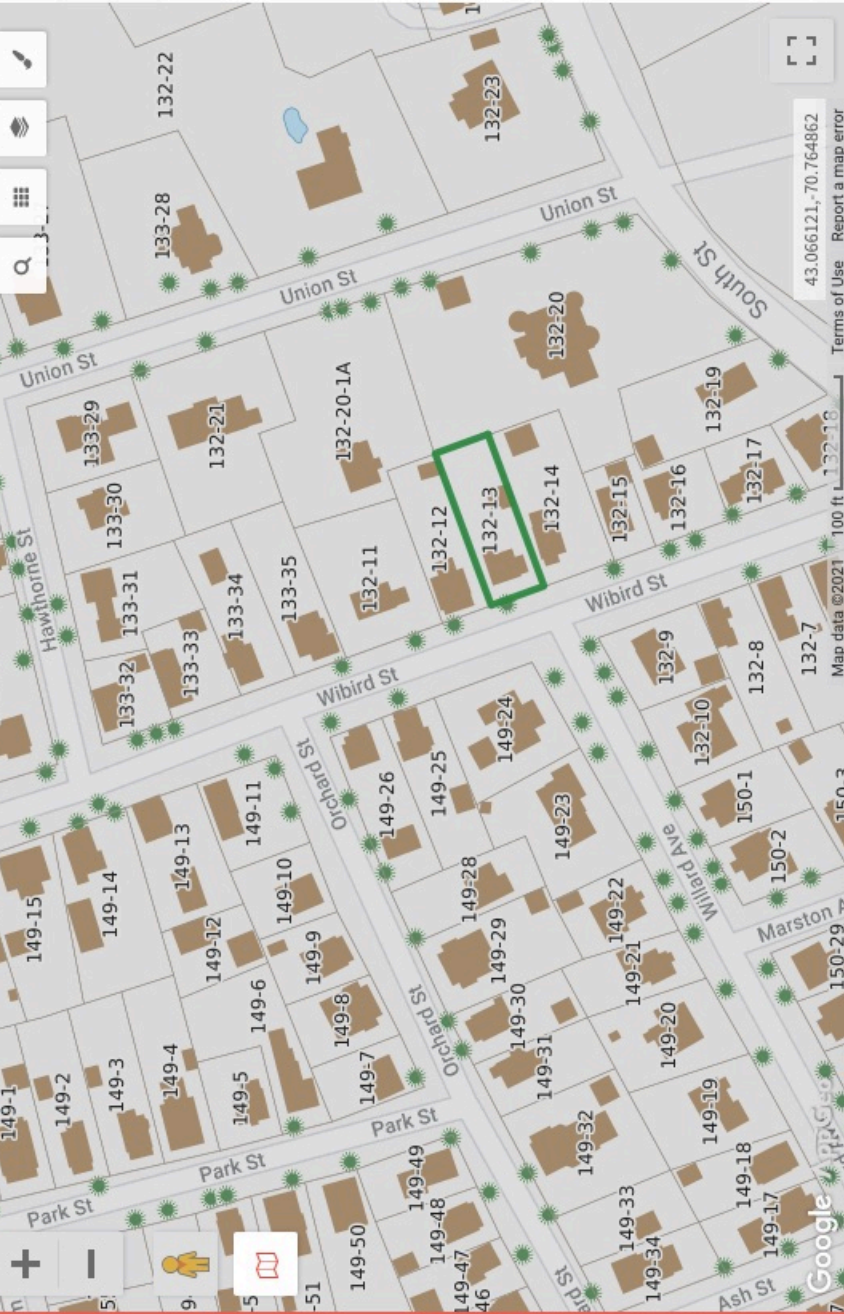
Floor Plans
 (Existing)



City of Portsmouth, NH

Property

315 Wibird St.



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315 WIBIRD ST

MILNE TODD A REVO TRUST (50% INT)

0132-0013-0000



Google

Map data ©2021

100 ft

43.066121, 70.764862

Report a map error

Terms of Use

South St

Wibird St

Union St

Orchard St

Park St

Marston Ave

Wibird Ave

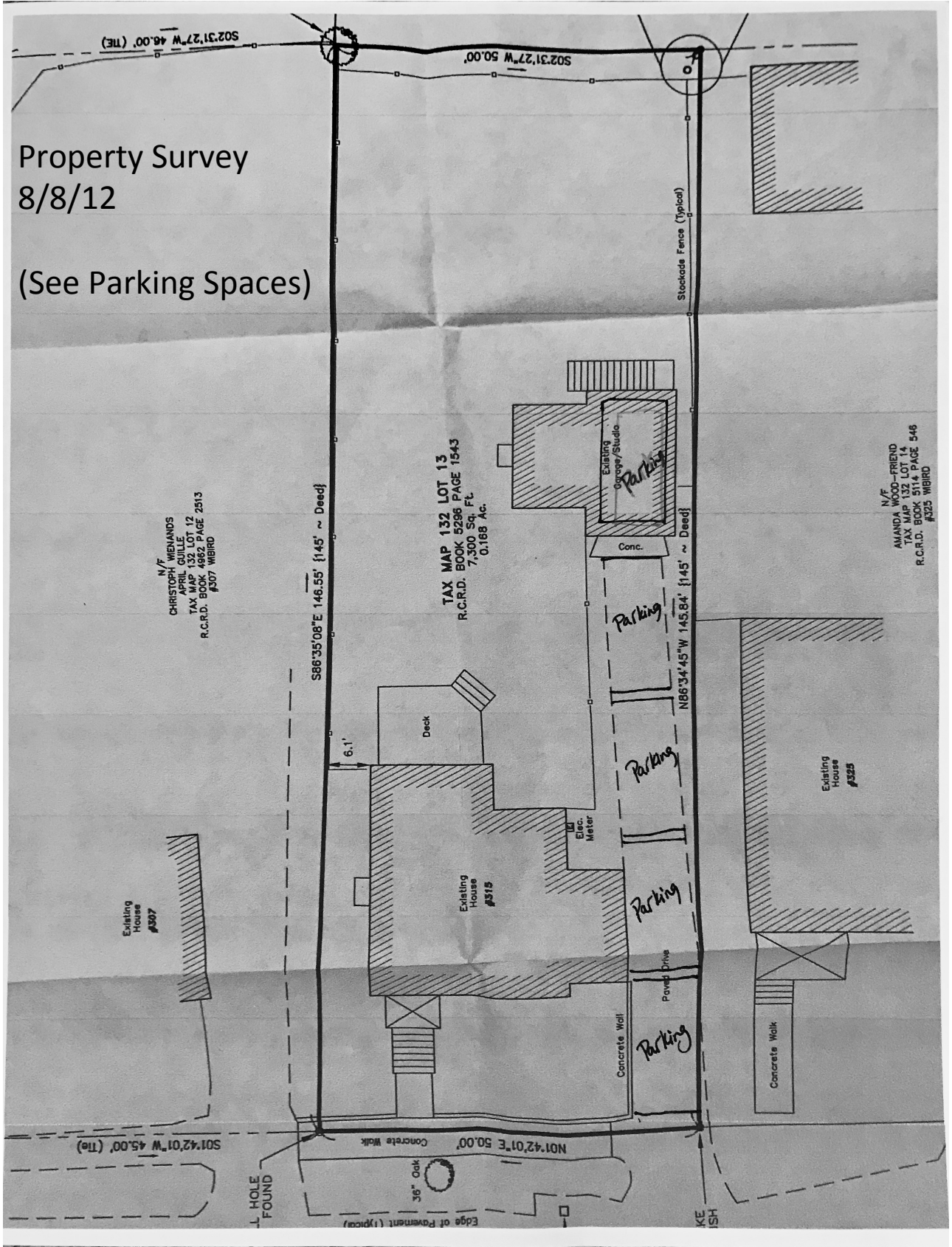
Hawthorne St

Ash St

150-3

Property Survey
8/8/12

(See Parking Spaces)



N/F
CHRISTOPH WIENANDS
APRIL, GUILLE
TAX MAP 132 LOT 12
R.C.R.D. BOOK 4862, PAGE 2513
#307 WBIRO

TAX MAP 132 LOT 13
R.C.R.D. BOOK 5296 PAGE 1543
7,300 Sq. Ft.
0.168 Ac.

N/F
AMANDA WOOD-FRIEND
TAX MAP 132 LOT 14
R.C.R.D. BOOK 5114, PAGE 546
#325 WBIRO

Existing House #307

Existing House #315

Existing House #325

**Exterior Photos
315 Wibird St.
Studio**

Street View



Front



Rear



Left Side



Right Side



Interior Photos 315 Wibird St. Studio

Entry



Bathroom



Stairs



Studio



Garage



Under Stair Storage

