

# Board of Adjustment Application

**Date:** July 25, 2023 (*updated: Aug 1, 2023*)

**Applicants:** Carl and Tatiana Overn (property owners)

**Property** 40 Wilson Rd, Portsmouth NH 03801

**Map-Lot#** 0251-0057-0000

**Zoning District** Single Residence B (SRB)

**Description:** Sunroom addition and extension of existing deck

**Variance Request:** Variance from Section 10.521 to allow construction with rear setback of approximately 8' where 30' is required and 24' is existing. Variance from Section 10.321 which states that no existing non-conforming structure can be extended or enlarged unless the proposed expansion or extension is in conformance with the regulations of the district in which it is located.

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## APPLICANT'S NARRATIVE

### I. THE PROPERTY:

The applicants, Carl D and Tatiana A Overn, own and reside at the property located at 40 Wilson, which consists of a single family dwelling with attached garage. This has been the primary residence of the applicants and their family since 2019. The property is notable in that it is located at the corner of Grant and Wilson streets with a generous 92' Grant Ave. setback to the East and trees blocking view of the backyard from the adjacent neighbor to the West making it so the new structure is only in the immediate proximity of our neighbor to the south (160 Grant Ave).

The applicants propose to add a modest 224 square foot sunroom addition to the southern wall of the breezeway which connects the original structure of the residence to the attached 2 car garage. The applicants also propose a 10' x 20' deck extension to the southern side of the existing 10' x 20' deck, creating a new deck 20' x 20' in size.



## Property Photos

### Property Photo #1 - Breezeway wall and existing 20'x10' deck



Property Photo #2 - Bi-level Breezeway



**Photo #3 - Lower level of Breezeway**

Note: to be extended 16' creating a new combined space 20'x14'.



Property Photo #4 - View of Breezeway wall looking NW.



**Property Photo #5 View adjacent to Breezeway Wall looking SouthEast**



**Photo #6 - View to the East from 16' South of Breezeway wall**

Note: wooden stakes center screen denote the depth of the new sunroom extension into the backyard.



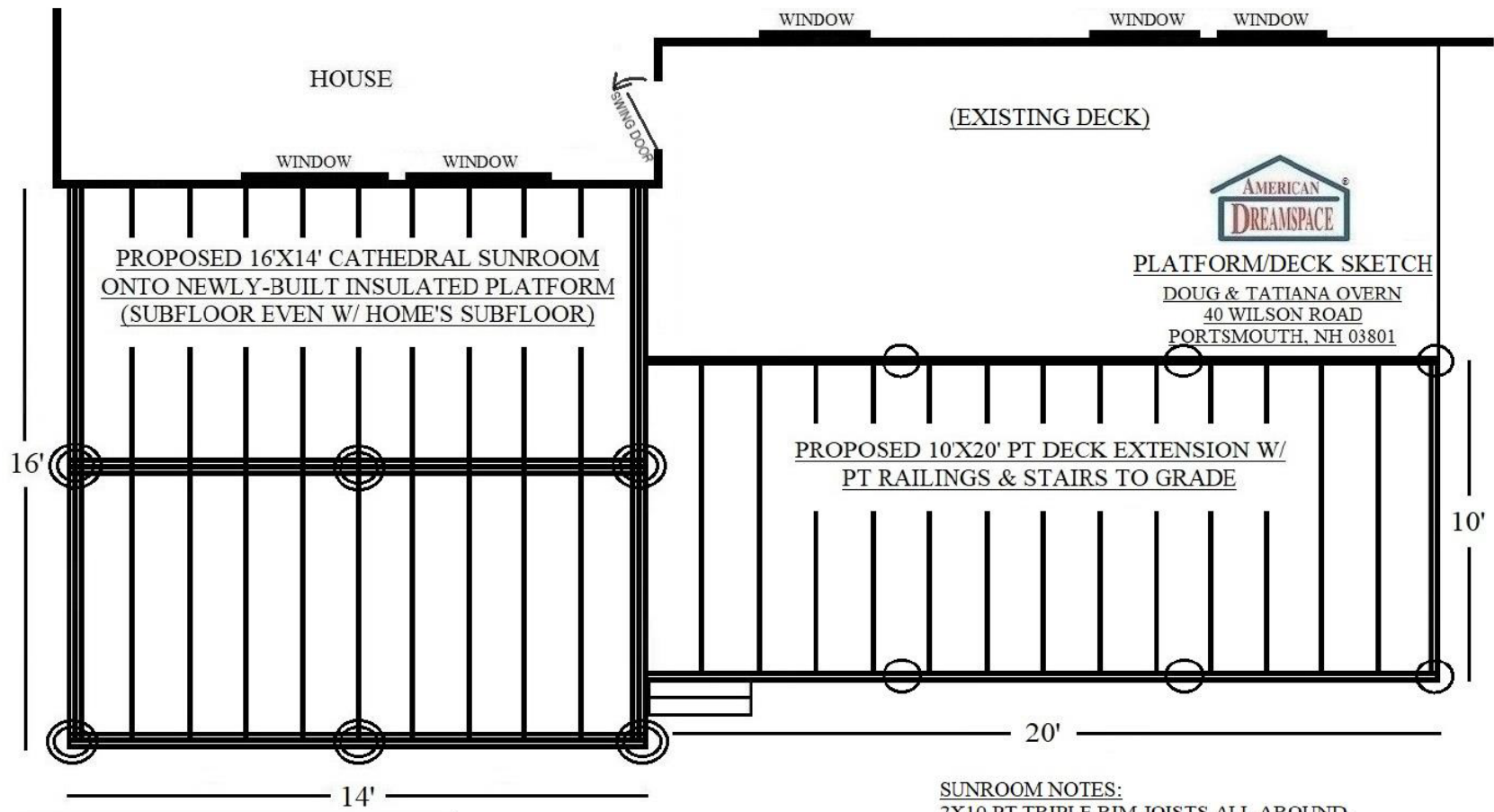




Contractor Proposal Images:



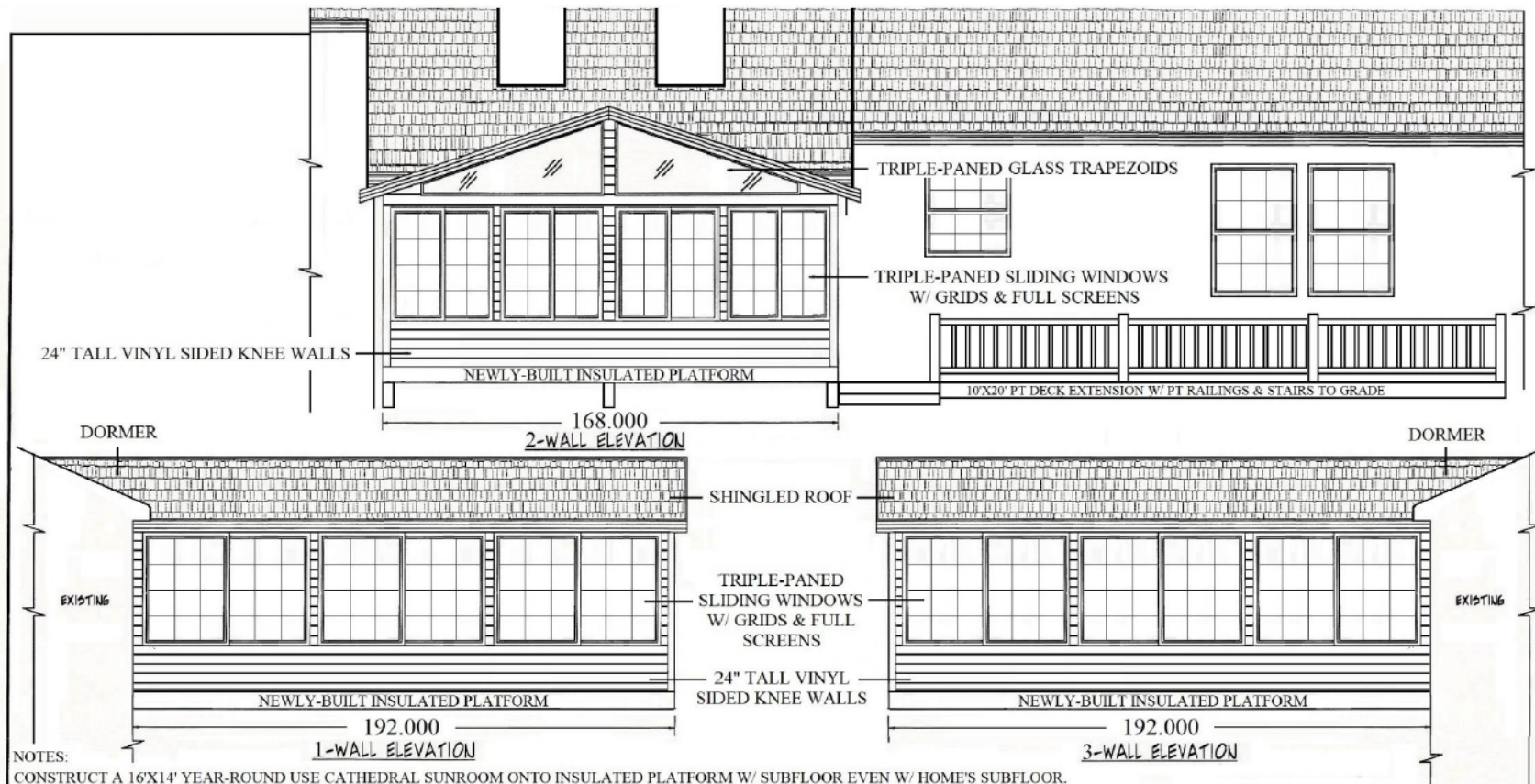
DOUG & TATIANA OVERN  
40 WILSON ROAD  
PORTSMOUTH, NH 03801



- = DENOTES 12" SONO TUBES
- ⊙ = DENOTES 12" SONO TUBES SITTING ON CONCRETE BISCUITS
- ▬▬ = DENOTES DOUBLE RIM JOISTS
- ▬▬▬ = DENOTES TRIPLE RIM JOISTS


**DECK EXTENSION NOTES:**  
 2X8 PT DOUBLE RIM JOISTS ALL AROUND.  
 ALL 2X8 PT JOISTS, 16 IOC, ON HANGERS.  
 3 - 10" TUBES UNDER DECK AT ATTACHMENT & 3 - 10" TUBES UNDER PROJECTION SIDE (6 TOTAL FOOTINGS).  
 PT DECKING, PT RAILINGS & PT STAIRS.

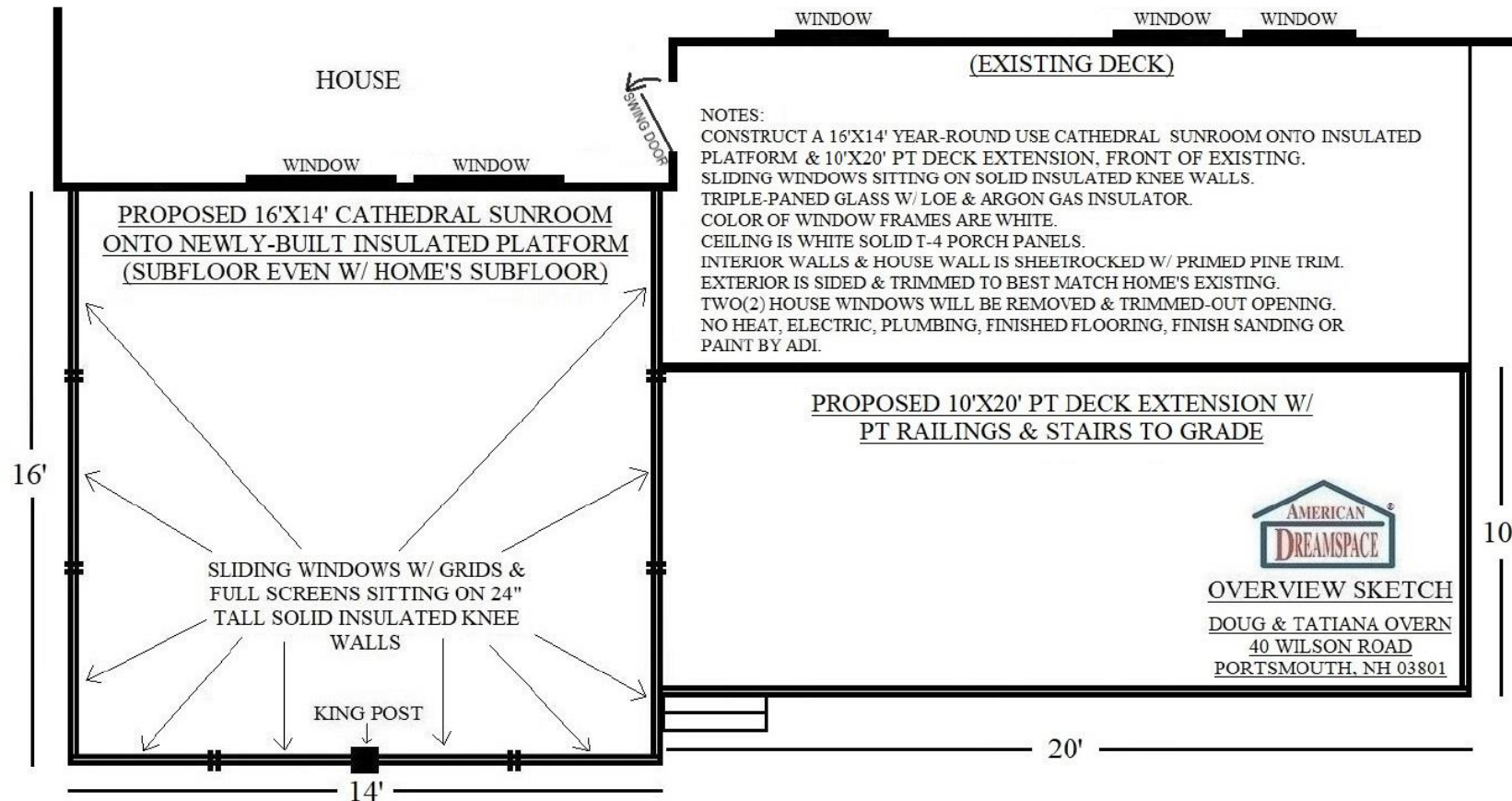
**SUNROOM NOTES:**  
 2X10 PT TRIPLE RIM JOISTS ALL AROUND.  
 2X10 PT JOISTS, 16 IOC, ON HANGERS.  
 LEDGER LOCKED TO HOUSE.  
 TRIPLE 2X10 PT CARRYING BEAM 8' OUT FROM HOUSE.  
 12" SONO TUBE FOOTINGS AT 48" DEPTH.  
 6"X18" CONCRETE BISCUITS UNDER 12" FOOTINGS.  
 4X6 PT POSTS W/ METAL CONNECTORS  
 ADVANTECH SUBFLOOR ON TOP  
 VAPOR BARRIER LAID ON GROUND UNDER SUNROOM.



**NOTES:**

CONSTRUCT A 16'X14' YEAR-ROUND USE CATHEDRAL SUNROOM ONTO INSULATED PLATFORM W/ SUBFLOOR EVEN W/ HOME'S SUBFLOOR.  
 SLIDING WINDOWS SITTING ON 24" TALL SOLID INSULATED KNEE WALLS.  
 TRIPLE-PANED GLASS W/ LOE & ARGON GAS INSULATOR.  
 COLOR OF WINDOW FRAMES ARE WHITE.  
 CEILING IS WHITE SOLID T-4 PORCH PANELS.  
 INTERIOR WALLS & HOUSE WALL IS SHEETROCKED W/ PRIMED PINE TRIM.  
 EXTERIOR IS SIDED & TRIMMED TO BEST MATCH HOME'S EXISTING.  
 TWO(2) HOUSE WINDOWS WILL BE REMOVED & TRIMMED-OUT OPENING.  
 NO HEAT, ELECTRIC, PLUMBING, FINISHED FLOORING, FINISH SANDING OR PAINT BY ADL.

NAME: DOUG & TATIANA OVERN  ADDRESS: 40 WILSON ROAD PORTSMOUTH, NH 03801	DRAWN PEARL	AMERICAN DREAMSPACE INC.  40 Market street P.O. Box 482 North Berwick Maine 03906	 JOB NO.
	DATE 07/03/2023		
	SCALE NOT TO SCALE		



HOUSE

WINDOW WINDOW

PROPOSED 16'X14' CATHEDRAL SUNROOM  
ONTO NEWLY-BUILT INSULATED PLATFORM  
(SUBFLOOR EVEN W/ HOME'S SUBFLOOR)

SLIDING WINDOWS W/ GRIDS &  
FULL SCREENS SITTING ON 24"  
TALL SOLID INSULATED KNEE  
WALLS

KING POST

14'

16'

WINDOW WINDOW WINDOW

(EXISTING DECK)

SWING DOOR

NOTES:  
CONSTRUCT A 16'X14' YEAR-ROUND USE CATHEDRAL SUNROOM ONTO INSULATED PLATFORM & 10'X20' PT DECK EXTENSION, FRONT OF EXISTING.  
SLIDING WINDOWS SITTING ON SOLID INSULATED KNEE WALLS.  
TRIPLE-PANED GLASS W/ LOE & ARGON GAS INSULATOR.  
COLOR OF WINDOW FRAMES ARE WHITE.  
CEILING IS WHITE SOLID T-4 PORCH PANELS.  
INTERIOR WALLS & HOUSE WALL IS SHEETROCKED W/ PRIMED PINE TRIM.  
EXTERIOR IS SIDED & TRIMMED TO BEST MATCH HOME'S EXISTING.  
TWO(2) HOUSE WINDOWS WILL BE REMOVED & TRIMMED-OUT OPENING.  
NO HEAT, ELECTRIC, PLUMBING, FINISHED FLOORING, FINISH SANDING OR PAINT BY ADI.

PROPOSED 10'X20' PT DECK EXTENSION W/  
PT RAILINGS & STAIRS TO GRADE



OVERVIEW SKETCH  
DOUG & TATIANA OVERN  
40 WILSON ROAD  
PORTSMOUTH, NH 03801

10'

20'

## II. CRITERIA:

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

**Granting the requested variances will not be contrary to the spirit and intent of the ordinance nor will it be contrary to the public interest.** The test for whether or not granting the variances would be contrary to the public interest or contrary to the spirit and intent of the ordinance is whether or not the variances being granted would substantially alter the characteristics of the neighborhood or threaten the health, safety and welfare of the public. The essentially residential characteristics of the neighborhood would not be altered by this project. The modest increase in building footprint resulting from this project will in no way compromise the neighborhood. Were the variances to be granted, there would be no change in the essential characteristics of the neighborhood, nor would public health, safety or welfare be threatened in any way

**Substantial justice would be done by granting the variances.** Whether or not substantial justice will be done by granting the variances 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 variances, then substantial justice would be done by granting the variances. It is substantially just to allow a property owner the reasonable use of his or her property. In this case, there is no benefit to the public in denying the variances that are not outweighed by the hardship upon the owner. The increase in building coverage, approximately 224 square feet, and the increase in the deck coverage, approximately 200 square feet, is entirely reasonable given the size of the lot and how the backyard is mostly hidden from all adjacent neighbors except the one to our immediate south. The applicants have reviewed the proposal with this neighbor and have received support. Accordingly, the loss to the applicant clearly outweighs any gain to the public if the applicant were required to conform to the ordinance.

**The values of surrounding properties will not be diminished by granting the variances.** The proposal will improve the functionality and livability of the applicants' property and will increase the value of the applicant's property and those around it. The values of surrounding properties will not be negatively affected in any way.

**Literal enforcement of the ordinance would result in an unnecessary hardship.** The proposed addition will extend a narrow 4' wide section of our breezeway into a multi-use sunroom and offer both aesthetic value and function as to how it is tied into the existing structure. Altering the location of the addition would require it to be larger in size or impact more of the existing home. Both instances would result in unnecessary costs to the homeowner while offering no benefit in either aesthetic or function.

**The use is a reasonable use.** The proposal is for residential use in a residential zone.

**There is no fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property.** The purpose of the building coverage requirement is to prevent overcrowding of lots and unsightly and inconsistent massing of structures. The amount of additional building coverage proposed, approximately 224 square feet of indoor floor space and 200 square feet of outdoor deck, is minimal and not out of character for this neighborhood. Accordingly, the relief requested here would not in any way frustrate the purpose of the ordinance and there is no fair and substantial relationship between the purpose of the setback requirements and their application to this property.

### III.CONCLUSION

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

Thank you for your consideration

Carl D and Tatiana A Overn