

HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC
ATTORNEYS AT LAW

127 Parrott Avenue | Portsmouth, NH, 03801
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

March 19, 2024

HAND DELIVERED

Peter Stith, Principal Planner
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Susan Javurek & Michael Roche, Applicants
45 Kent Street
Tax Map 113/Lot 45
General Residence A (“GRA”)

Dear Mr. Stith & Zoning Board Members:

On behalf of Susan Javurek & Michael Roche, Owners/Applicants, enclosed please find the following in support of a request for zoning relief:

Exhibit A – Rev. – Plan Set issued by Ambit Engineering | Haley Ward
Exhibit F – Surrounding Nonconforming Properties on Tax Map 113

We look forward to presenting this application to the Zoning Board at its March 26, 2024 meeting.

Very truly yours,

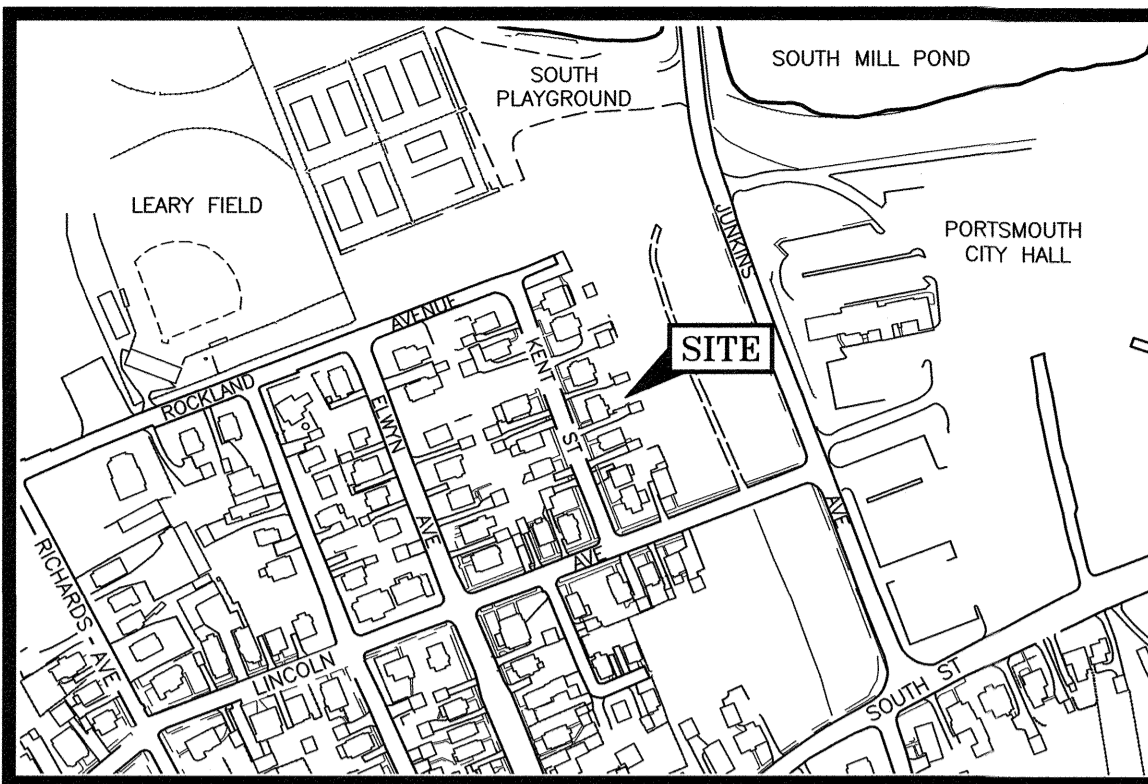


R. Timothy Phoenix
Monica F. Kieser

Encl.

cc: Susan Javurek & Michael Roche
Ambit Engineering (email)
Lucy Gorham Residential Design (email)

DANIEL C. HOEFLE	R. PETER TAYLOR	GREGORY D. ROBBINS	STEPHANIE J. JOHNSON
R. TIMOTHY PHOENIX	ALEC L. MCEACHERN	PETER V. DOYLE	OF COUNSEL:
LAWRENCE B. GORMLEY	KEVIN M. BAUM	MONICA F. KIESER	SAMUEL R. REID
STEPHEN H. ROBERTS	JACOB J.B. MARVELLEY	DUNCAN A. EDGAR	JOHN AHLGREN



LOCATION MAP

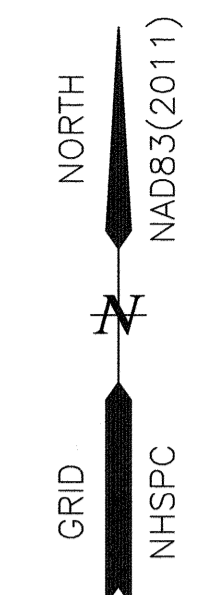
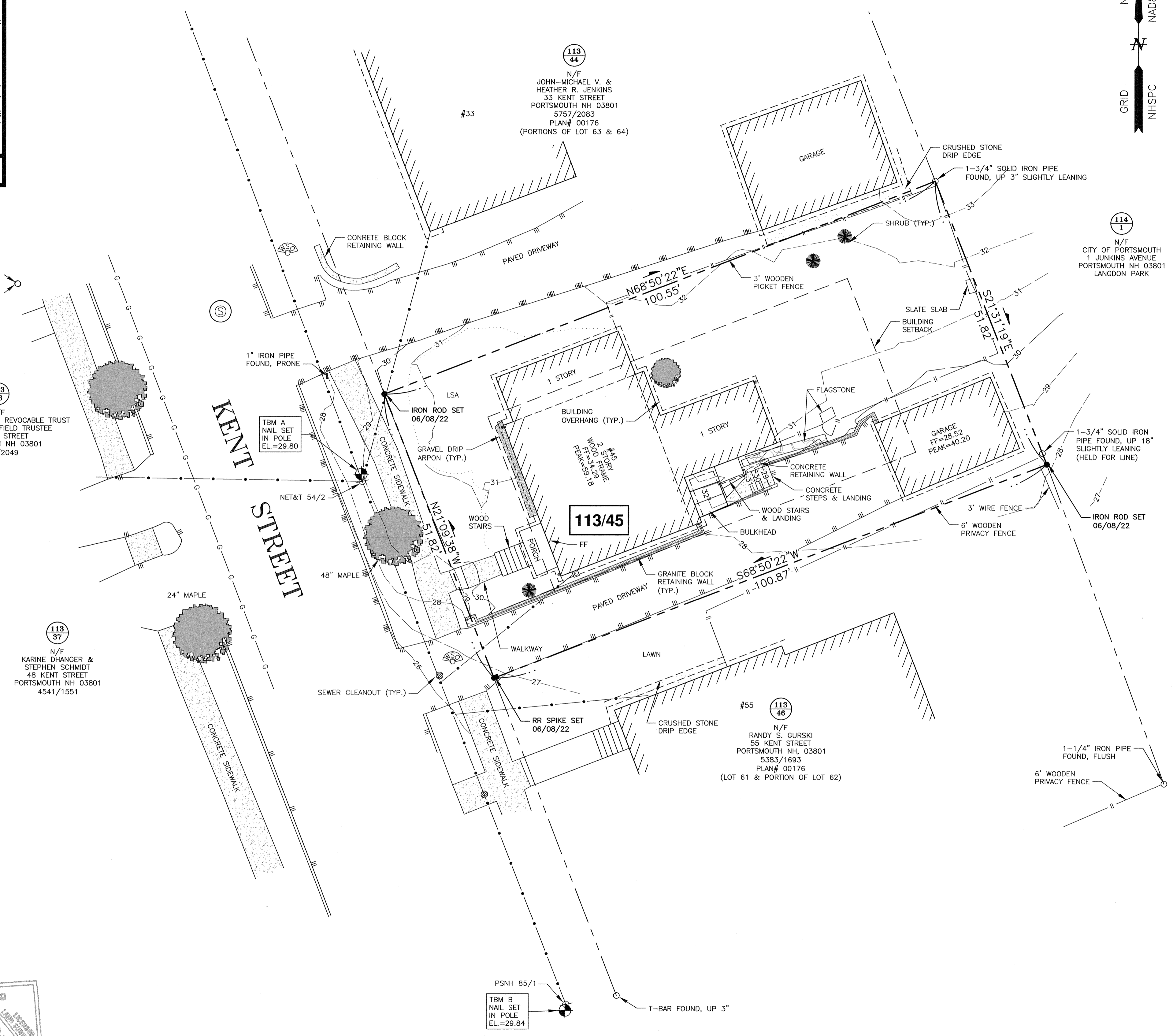
SCALE: 1" = 300'

PLAN REFERENCES:

1) PLAN OF A LOT OF LAND OWNED BY ALFRED L. ELWYN PORTSMOUTH N.H. COMPILED FROM A SURVEY MADE 1899 BY A.C. HOYT C.E., SCALE: 100 FT. TO AN INCH, DATED: AUG. 1899, PREPARED BY W. H. WHITNEY, RCRD PLAN# 00176

LEGEND:

- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- RCRD ROCKINGHAM COUNTY REGISTRY OF DEEDS MAP 11 / LOT 21
- (11/27) BOUNDARY SETBACK
- IRON ROD/PIPE FOUND
- DRILL HOLE FOUND
- STONE/CONCRETE BOUND FOUND
- GAS LINE
- OVERHEAD ELECTRIC/WIRES
- EDGE OF PAVEMENT (EP)
- WOODS / TREE LINE
- UTILITY POLE (w/ GUY)
- WATER SHUT OFF/CURB STOP
- METER (GAS, ELECTRIC)
- SEWER MANHOLE
- DRAIN MANHOLE
- ELEVATION
- FF FINISHED FLOOR
- TBM TEMPORARY BENCHMARK
- TYP. TYPICAL
- VGC VERTICAL GRANITE CURB
- LSA LANDSCAPED AREA



200 Griffin Road, Unit 3
Portsmouth, NH 03801
603.430.9282

WWW.HALEYWARD.COM

NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 113 AS LOT 45.
- 2) OWNERS OF RECORD:
MICHAEL T. ROCHE & SUSAN L. JAVUREK
45 KENT STREET
PORTSMOUTH, NH 03801
5481/2013
PLAN# 00176 (PORTIONS OF LOT 62 & 63)
- 3) PARCEL NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE DATE JANUARY 29, 2021.
- 4) EXISTING LOT AREA:
5,218 S.F.
0.1198 ACRES
- 5) PARCEL IS LOCATED IN THE GENERAL RESIDENCE A (GRA) ZONING DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 7,500 SF
FRONTAGE: 100 FEET
SETBACKS:
FRONT: 15 FEET
SIDE: 10 FEET
REAR: 20 FEET
MAXIMUM STRUCTURE HEIGHT: 35 FEET
MAXIMUM BUILDING COVERAGE: 25%
MINIMUM OPEN SPACE: 30%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON ASSESSOR'S MAP 113, LOT 45 IN THE CITY OF PORTSMOUTH.
- 8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
- 9) PARCEL IS SUBJECT TO DEED RESTRICTIONS OF RECORD. SEE RCRD 605/2 & 605/5.
- 10) THE NORTHERLY 10 FEET OF THE EASTERLY BOUNDARY IS SUBJECT TO A FENCE AGREEMENT. SEE RCRD 602/483.

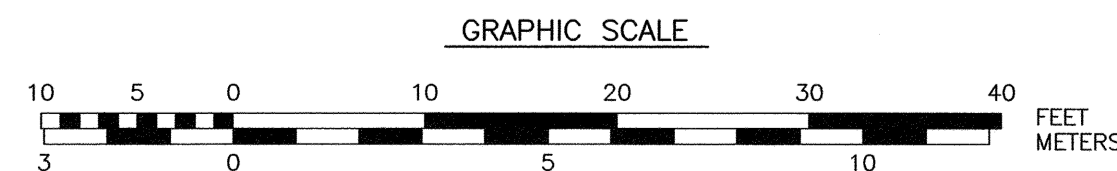
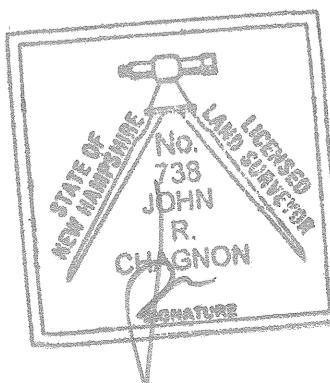
**PROPOSED ADDITION
ROCHE RESIDENCE
45 KENT STREET
PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
1	EXISTING GRADES/CONTOURS	02/27/24
0	ISSUED FOR COMMENT	11/21/23
REVISIONS		

EXHIBIT A - Rev.

"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

JOHN R. CHAGNON, LLS #738 DATE 2-27-24



SCALE: 1"=10' JUNE 2023

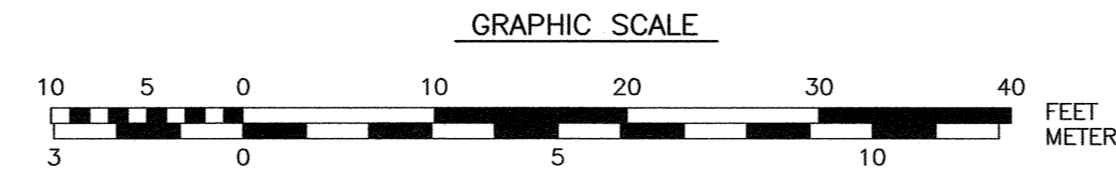
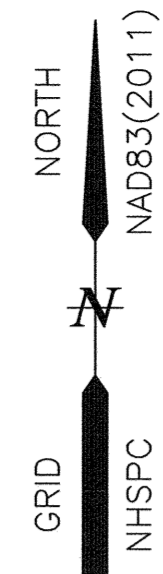
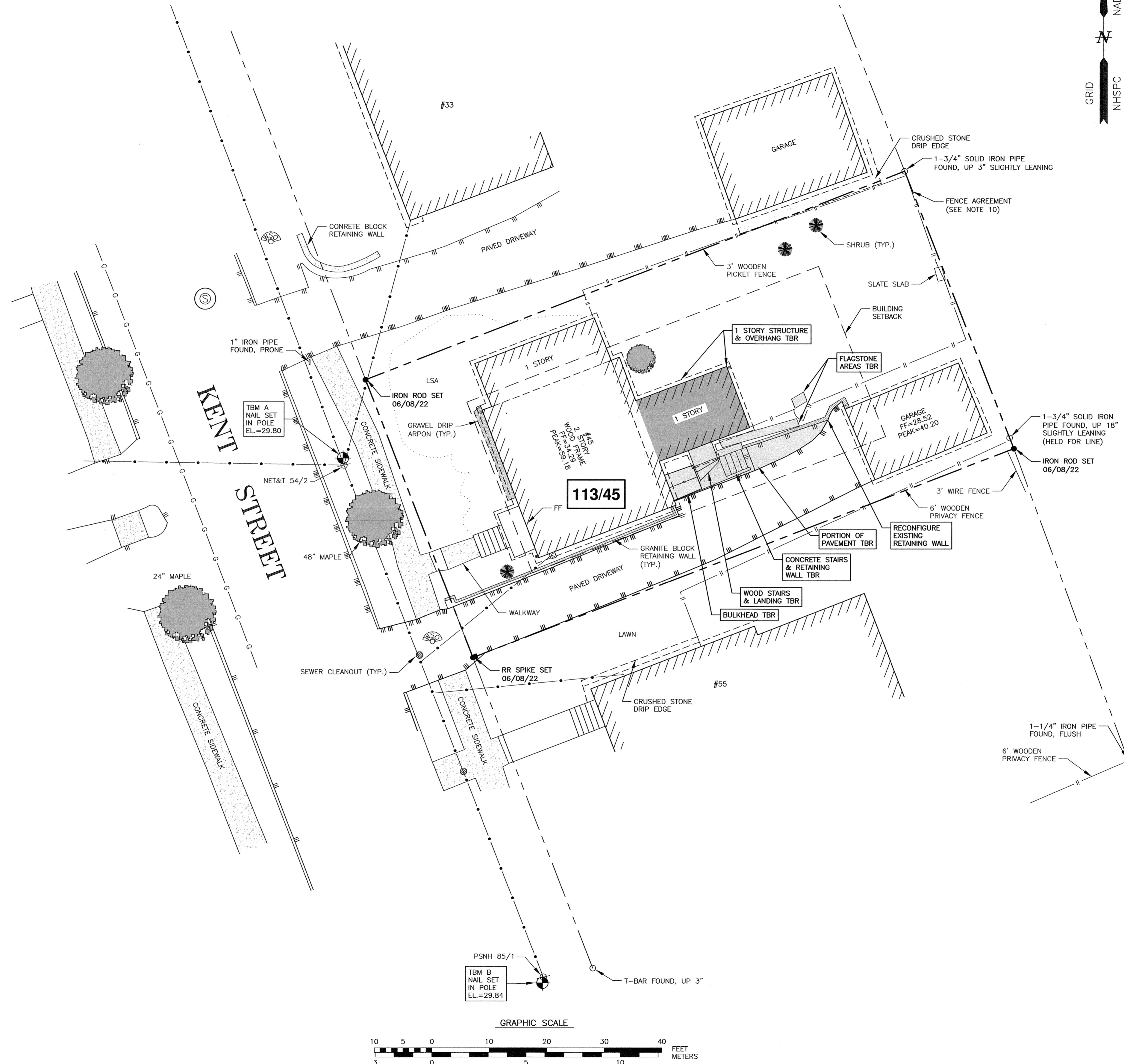
EXISTING CONDITIONS PLAN

C1

P:\NH\01031-Michael_Echo\349-45 Kent St. Portsmouth\CSA\349\2023_Survey\Plans & Specs\349\2023_Variance_2023.dwg, 2/27/2024 9:33:01 AM, 13/19/25/1/501/Portsmouth/Printer/Canon TX3000

DEMOLITION NOTES

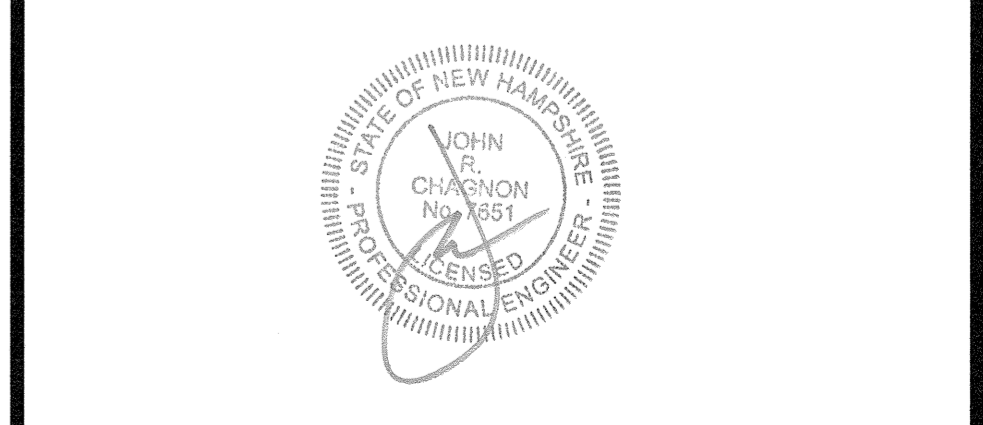
- A) THE LOCATIONS OF UNDERGROUND UTILITIES ARE APPROXIMATE AND THE LOCATIONS ARE NOT GUARANTEED BY THE OWNER OR THE DESIGNER. IT IS THE CONTRACTORS' RESPONSIBILITY TO LOCATE UTILITIES AND ANTICIPATE CONFLICTS. CONTRACTOR SHALL REPAIR EXISTING UTILITIES DAMAGED BY THEIR WORK AND RELOCATE EXISTING UTILITIES THAT ARE REQUIRED TO BE RELOCATED PRIOR TO COMMENCING ANY WORK IN THE IMPACTED AREA OF THE PROJECT.
- B) ALL MATERIALS SCHEDULED TO BE REMOVED SHALL BECOME THE PROPERTY OF THE CONTRACTORS UNLESS OTHERWISE SPECIFIED. THE CONTRACTOR SHALL DISPOSE OF ALL MATERIALS OFF-SITE IN ACCORDANCE WITH ALL FEDERAL, STATE, AND LOCAL REGULATIONS, ORDINANCES AND CODES. THE CONTRACTOR SHALL COORDINATE REMOVAL, RELOCATION, DISPOSAL, OR SALVAGE OF UTILITIES WITH THE OWNER AND APPROPRIATE UTILITY COMPANY.
- C) ANY EXISTING WORK OR PROPERTY DAMAGED OR DISRUPTED BY CONSTRUCTION/ DEMOLITION ACTIVITIES SHALL BE REPLACED OR REPAIRED TO THE ORIGINAL EXISTING CONDITIONS BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
- D) THE CONTRACTOR SHALL VERIFY LOCATION OF ALL EXISTING UTILITIES AND CALL DIG SAFE AT LEAST 72 HOURS PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION/CONSTRUCTION ACTIVITIES.
- E) SAWCUT AND REMOVE PAVEMENT ONE FOOT OFF PROPOSED EDGE OF PAVEMENT TRENCH IN AREAS WHERE PAVEMENT IS TO BE REMOVED.
- F) IT IS THE CONTRACTOR'S RESPONSIBILITY TO FAMILIARIZE THEMSELVES WITH THE CONDITIONS OF ALL THE PERMIT APPROVALS.
- G) THE CONTRACTOR SHALL OBTAIN AND PAY FOR ADDITIONAL CONSTRUCTION PERMITS, NOTICES AND FEES NECESSARY TO COMPLETE THE WORK AND ARRANGE FOR AND PAY FOR ANY INSPECTIONS AND APPROVALS FROM THE AUTHORITIES HAVING JURISDICTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY ADDITIONAL AND OFF-SITE DISPOSAL OF MATERIALS REQUIRED TO COMPLETE THE WORK.
- H) THE CONTRACTOR SHALL REMOVE AND DISPOSE OF ALL EXISTING STRUCTURES, CONCRETE, UTILITIES, VEGETATION, PAVEMENT, AND CONTAMINATED SOIL WITHIN THE WORK LIMITS SHOWN UNLESS SPECIFICALLY IDENTIFIED TO REMAIN. ANY EXISTING DOMESTIC / IRRIGATION SERVICE WELLS IN THE PROJECT AREA IDENTIFIED DURING THE CONSTRUCTION AND NOT CALLED OUT ON THE PLANS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER AND ENGINEER FOR PROPER CAPPING / RE-USE.
- I) ALL WORK WITHIN THE CITY OF PORTSMOUTH RIGHT OF WAY SHALL BE COORDINATED WITH THE CITY OF PORTSMOUTH DEPARTMENT OF PUBLIC WORKS (DPW).
- J) REMOVE TREES AND BRUSH AS REQUIRED FOR COMPLETION OF WORK. CONTRACTOR SHALL GRUB AND REMOVE ALL SLUMPS WITHIN LIMITS OF WORK AND DISPOSE OF OFF-SITE IN ACCORDANCE WITH FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS.
- K) CONTRACTOR SHALL PROTECT ALL PROPERTY MONUMENTATION THROUGHOUT DEMOLITION AND CONSTRUCTION OPERATIONS. SHOULD ANY MONUMENTATION BE DISTURBED, THE CONTRACTOR SHALL EMPLOY A NH LICENSED LAND SURVEYOR TO REPLACE THEM.
- L) PROVIDE INLET PROTECTION BARRIERS AT ALL CATCH BASINS WITHIN CONSTRUCTION LIMITS AND MAINTAIN FOR THE DURATION OF THE PROJECT. INLET PROTECTION BARRIERS SHALL BE HIGH FLOW SILT SACK BY ACF ENVIRONMENTAL OR APPROVED EQUAL. INSPECT BARRIERS WEEKLY AND AFTER EACH RAIN OF 0.25 INCHES OR GREATER. CONTRACTOR SHALL COMPLETE A MAINTENANCE INSPECTION REPORT AFTER EACH INSPECTION. SEDIMENT DEPOSITS SHALL BE REMOVED AFTER EACH STORM EVENT OR MORE OFTEN IF WARRANTED OR FABRIC BECOMES CLOGGED. EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF ANY CLEARING OR DEMOLITION ACTIVITIES.
- M) THE CONTRACTOR SHALL PAY ALL COSTS NECESSARY FOR TEMPORARY PARTITIONING, BARRICADING, FENCING, SECURITY AND SAFETY DEVICES REQUIRED FOR THE MAINTENANCE OF A CLEAN AND SAFE CONSTRUCTION SITE.
- N) ANY CONTAMINATED MATERIAL REMOVED DURING THE COURSE OF THE WORK WILL REQUIRE HANDLING IN ACCORDANCE WITH NHDES REGULATIONS. CONTRACTOR SHALL HAVE A HEALTH AND SAFETY PLAN IN PLACE, AND COMPLY WITH ALL APPLICABLE PERMITS, APPROVALS, AUTHORIZATIONS, AND REGULATIONS.



- NOTES:**
- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY WITHIN 100 FEET OF UNDERGROUND UTILITIES. THE EXCAVATOR IS RESPONSIBLE TO MAINTAIN MARKS. DIG SAFE TICKETS EXPIRE IN THIRTY DAYS.
 - 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
 - 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. (NHDES DECEMBER 2008).

**PROPOSED ADDITION
ROCHE RESIDENCE
45 KENT STREET
PORTSMOUTH, N.H.**

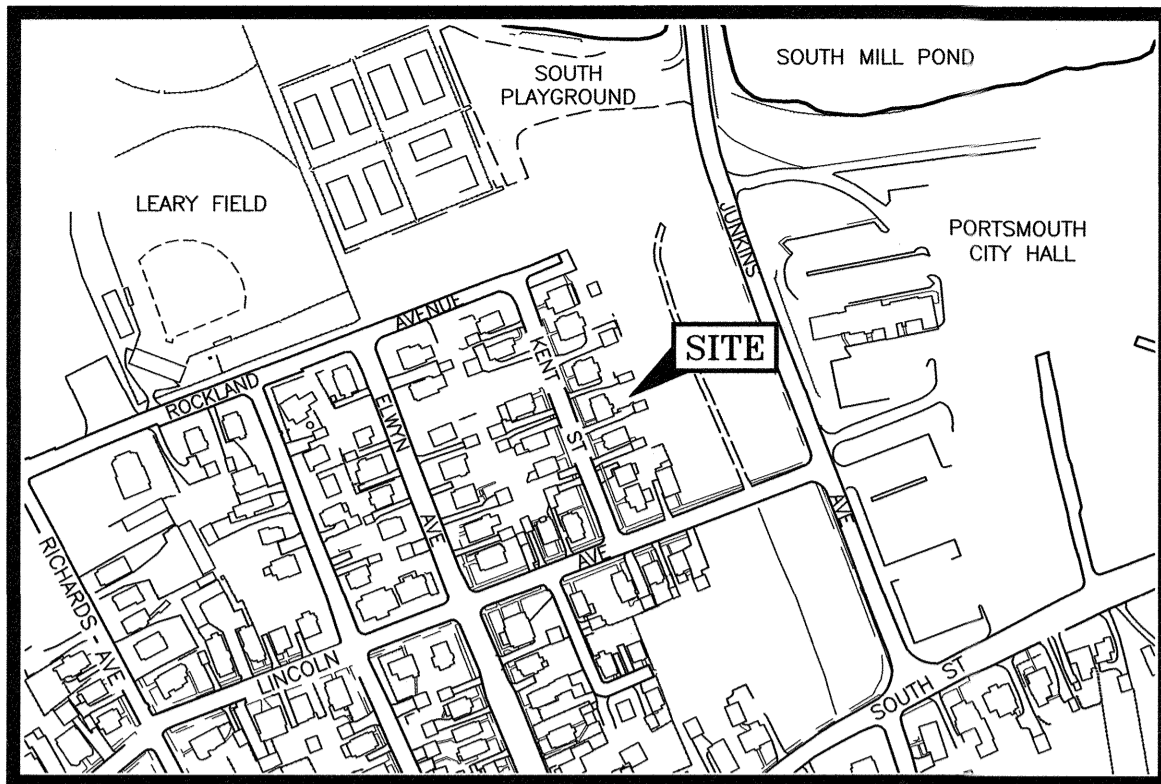
NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	11/21/23
REVISIONS		



SCALE: 1"=10' JUNE 2023

DEMOLITION PLAN

C2

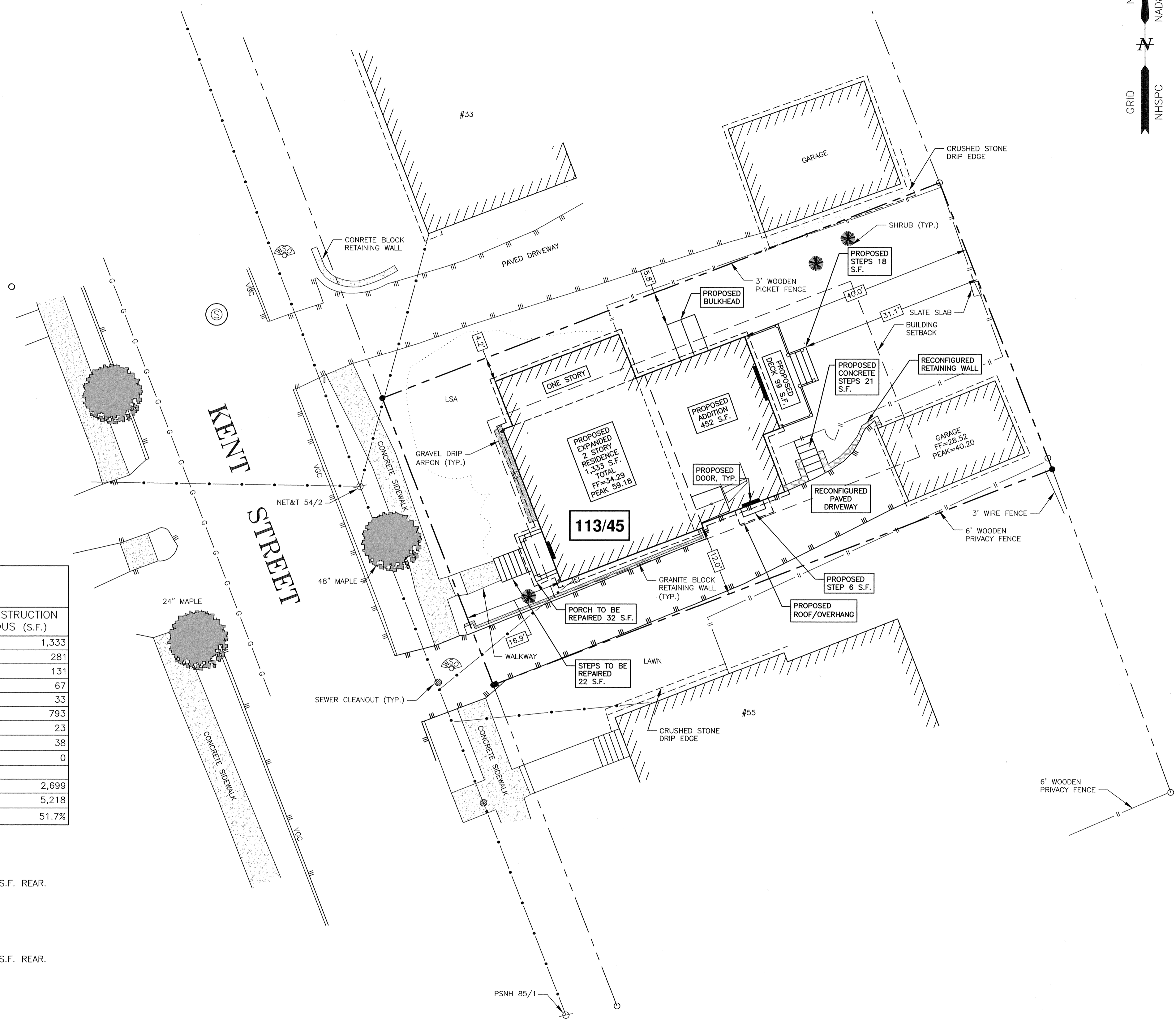
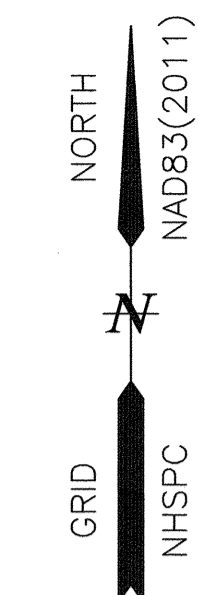


LOCATION MAP

SCALE: 1" = 300'

- NOTES:**
- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 113 AS LOT 45.
 - 2) OWNERS OF RECORD:
MICHAEL T. ROCHE & SUSAN L. JAVUREK
45 KENT STREET
PORTSMOUTH, NH 03801
5481/2013
PLAN# 00176 (PORTIONS OF LOT 62 & 63)
 - 3) PARCEL NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE DATE JANUARY 29, 2021.
 - 4) EXISTING LOT AREA:
5,218 S.F.
0.1198 ACRES
 - 5) PARCEL IS LOCATED IN THE GENERAL RESIDENCE A (GRA) ZONING DISTRICT.
 - 6) DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 7,500 SF
FRONTAGE: 100 FEET
SETBACKS:
FRONT: 15 FEET
SIDE: 10 FEET
REAR: 20 FEET

MAXIMUM STRUCTURE HEIGHT: 35 FEET
MAXIMUM BUILDING COVERAGE: 25%
MINIMUM OPEN SPACE: 30%
 - 7) THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED RESIDENCE EXPANSION ON ASSESSOR'S MAP 113, LOT 45 IN THE CITY OF PORTSMOUTH.
 - 8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
 - 9) PARCEL IS SUBJECT TO DEED RESTRICTIONS OF RECORD. SEE RCRD 605/2 & 605/5.
 - 10) THE NORTHERLY 10 FEET OF THE EASTERLY BOUNDARY IS SUBJECT TO A FENCE AGREEMENT. SEE RCRD 602/483.
 - 11) BUILDING ADDITIONS FROM PLANS BY LUCY GORHAM DATED 5-23-23, REV. 6-3-23.



IMPERVIOUS SURFACE AREAS (TO PROPERTY LINE)		
STRUCTURE	PRE-CONSTRUCTION IMPERVIOUS (S.F.)	POST-CONSTRUCTION IMPERVIOUS (S.F.)
MAIN STRUCTURE	1,071	1,333
GARAGE	281	281
DECK/PORCH	51	131
STEPS	44	67
BULKHEAD	24	33
PAVEMENT	846	793
CONCRETE/SIDEWALK	37	23
RETAINING WALL	30	38
PATIO/FLAGSTONE	23	0
TOTAL	2,407	2,699
LOT SIZE	5,218	5,218
% LOT COVERAGE	46.1%	51.7%

EXISTING BUILDING COVERAGE:
 $1,071 + 281 + 51 + *11 + 24 = 1,438 \text{ S.F.} / 5,218 = 28\%$
 *NOTE: STEPS GREATER THAN 18" ABOVE GRADE = 11 S.F. FRONT / 0 S.F. REAR.
 OPEN SPACE: $100\% - 46\% = 53\%$

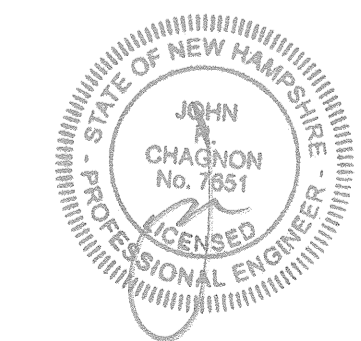
PROPOSED BUILDING COVERAGE:
 $1,333 + 281 + 131 + *11 + 33 = 1,789 \text{ S.F.} / 5,218 = 35\%$
 *NOTE: STEPS GREATER THAN 18" ABOVE GRADE = 11 S.F. FRONT / 0 S.F. REAR.
 OPEN SPACE: $100\% - 52\% = 48\%$

"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

JOHN R. CHAGNON, LLS #738 DATE

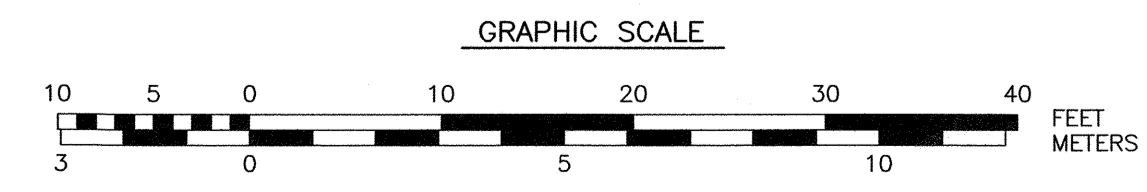
**PROPOSED ADDITION
ROCHE RESIDENCE
45 KENT STREET
PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
2	FRONT PORCH & STEPS	3/13/24
1	DIMENSIONS, BUILDING COVERAGES	2/27/24
0	ISSUED FOR COMMENT	11/21/23



SCALE: 1"=10' JUNE 2023

VARIANCE PLAN **C3**



P:\NH\010331\Michael_Roche\3449-45 Kent St., Portsmouth\CS\3449\2023_Survey\Plan & Specs\Site\3449_Variance_2023.dwg, 3/13/2024, 8:09:22 AM, 13'x19' 3/16" Plot, Plotter: HP DesignJet T7300

EXHIBIT F



Partial Legend
 See the cover sheet for the complete legend.

7-5A Lot or lot-unit number
 2.26 ac Parcel area in acres (ac) or square feet (sf)
 103 Address number
 233-137 Parcel number from a neighboring map
 or Parcel line dimension

SIMS AVE Street name

- Parcel/Parcel boundary
- Parcel/ROW boundary
- Water boundary
- Structure (1984 data)

Parcel covered by this map
 Parcel from a neighboring map (see other map for current status)

0 50 100 Feet
 0 20 40 Meters

This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unusually) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.

Nearby Tax Maps

Map Location

Portsmouth, New Hampshire
 2023
Tax Map 113

Subject Property

Building Coverage Relief Granted

Setback Relief Granted

Building Coverage & Setback Relief Granted

Non-Conforming Building Coverage

HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC
ATTORNEYS AT LAW

127 Parrott Avenue | Portsmouth, NH, 03801
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

February 28, 2024

HAND DELIVERED

Peter Stith, Principal Planner
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Susan Javurek & Michael Roche, Applicants
45 Kent Street
Tax Map 113/Lot 45
General Residence A ("GRA")

Dear Mr. Stith & Zoning Board Members:

On behalf of Susan Javurek & Michael Roche, Owners/Applicants, enclosed please find the following in support of a request for zoning relief:

- Digital Application submitted via Viewpoint earlier today.
- Owner Authorization.
- 2/28/2024 – Memorandum and exhibits in support of variance application.

We look forward to presenting this application to the Zoning Board at its March 19, 2024 meeting.

Very truly yours,



R. Timothy Phoenix
Monica F. Kieser

Encl.

cc: Susan Javurek & Michael Roche
Ambit Engineering (email)
Lucy Gorham Residential Design (email)

DANIEL C. HOEFLE

R. TIMOTHY PHOENIX

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OF COUNSEL:

SAMUEL R. REID

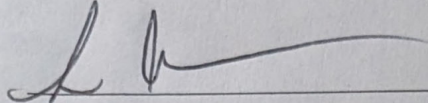
JOHN AHLGREN

OWNER'S AUTHORIZATION

We, Susan Javurek & Michael Roche, Owners/Applicants of 45 Kent Street, Tax Map 113/Lot 45, hereby authorize law firm Hoefle, Phoenix, Gormley & Roberts, PLLC to represent us before any and all City of Portsmouth Representatives, Boards and Commissions for permitting the project.

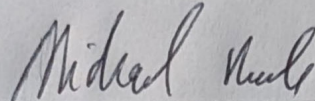
Respectfully submitted,

06/04/23
Date:



Susan Javurek

06/04/23
Date:



Michael Roche

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment (“ZBA”)
FROM: R. Timothy Phoenix, Esquire
Monica F. Kieser, Esquire
DATE: February 28, 2024
Re: Susan Javurek & Michael Roche, Applicants
45 Kent Street/Tax Map 113/Lot 45
General Residence A (“GRA”)

Dear Chair Eldredge and Zoning Board Members:

On behalf of the Applicants, Susan Javurek and Michael Roche (“Javurek”), we are pleased to submit this memorandum and attached exhibits in support of an application for variances to permit construction of a proposed addition, for consideration by the ZBA at its March 19, 2024 meeting.

I. EXHIBITS

- A. Plan Set – issued by Ambit Engineering, Inc. | Haley Ward.
 - C1 – Existing Conditions Plan
 - C2 – Demolition Plan
 - C3 – Variance Plan
- B. Average Grade Calculations – Ambit Engineering, Inc. | Haley Ward.
- C. Architectural Plan Set – issued by Lucy Gorham Residential Design.
 - A1 – Proposed First Floor Plan
 - A2 – Proposed Second Floor Plan
 - A3 – Proposed Right Elevation
 - A4 – Proposed Front & Rear Elevation
 - A5 – Proposed Left Elevation
 - Existing First & Second Floor Plans
- D. Site Photographs.
 - Satellite View
 - Street View
- E. Tax Map 113.

II. PROPERTY/PROJECT

45 Kent Street is a 5,218 s.f. lot containing a modest 1,537 s.f. (1,071 s.f. footprint) two-story single-family residence, paved driveway and 281 s.f. garage abutting Langdon Park (“the Property”). **(Exhibit A)**. A portion of the home is located in the left side setback, while the garage is located in the right side yard and rear setback. Javurek intends to remove the rear single-story addition, construct a new 452 s.f. addition and 99 s.f. deck, and relocate the

bulkhead (“the Project”). The Project will significantly provide a more functional floor layout for Javurek while improving the appearance of the home and value of the Property.

The Property is located among other similarly sized developed lots, many having undergone similar expansions in the last several years. The proposed addition complies with height, yard setbacks, and open space requirements. Relief is required for building coverage and for the bulkhead in the left side yard. **(Exhibit A)**.

III. RELIEF REQUIRED

<u>Variance Section</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
<u>PZO§10.520,</u> <u>Table PZO§10.521</u>			
Side Yard (left)	10’	4.2’ home	Bulkhead 5.8’
Building Coverage	25%	28% (1,438 s.f.)	35% (1,789 s.f.)

IV. VARIANCE REQUIREMENTS

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

The first step in the ZBA’s analysis is to determine whether granting the variances are not contrary to the public interest and are consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102 (2007) and its progeny. Upon examination, it must be determined whether granting the variances “would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance’s basic zoning objectives.” Id. “Mere conflict with the zoning ordinance is not enough.” Id.

Portsmouth Zoning Ordinance (“PZO”) Section 10.121 identifies the general purposes and intent of the ordinance “to promote the health, safety and general welfare of Portsmouth...in accordance with the...Master Plan.” These purposes are accomplished by regulating:

- The use of land, buildings and structures for business, industrial, residential and other purposes – The intended use of the property is and will remain residential.
- The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – a single-family home exists and will remain. The proposed addition and deck comply with height, yard setback and open space requirements. The bulkhead is a low profile item further from the lot line than a

portion of the existing home and shielded by a fence. The increase in building coverage is comparable to other small lots which have expanded century-old homes to accommodate modern living. Open space is significantly greater than the 30 % minimum.

3. The design of facilities for vehicular access, circulation, parking and loading – The driveway will continue to provide off-street parking.
4. The impact on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding – Open space remains well above the minimum required 30%. The majority of the green space at the rear of the property will be preserved.
5. The preservation and enhancement of the visual environment – The design of the proposed addition complements the home and fits with the character of the neighborhood. The addition is placed behind the home and complies with height and yard requirements. The proposed bulkhead is located at ground-level and situated within the existing fence separating 45 Kent Street from 33 Kent Street, rendering it unnoticeable.
6. The preservation of historic districts and building and structures of historic architectural interest – The Property is not located within the Historic District.
7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – Open space is well above the 30% minimum and there is no impact to natural resources.

The variances are required because lot is small and narrow. The Project expands an existing home in a manner similar to other expansions in the neighborhood, improving the functionality of the home and increasing the value of the Property. The addition complies with height and yard requirements and well exceeds minimum open space. Given these factors, granting the requested variance will not conflict with the basic zoning objectives of the PZO.

In considering whether variances “in a marked degree conflict with the ordinance such that they violate the ordinance’s basic zoning objectives,” Malachy Glen, supra, also held:

One way to ascertain whether granting the variance would violate basic zoning objectives is to determine whether it would alter the essential character of the locality... Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

Many 50 foot wide properties in the neighborhood have accessory structures or house elements in in the side yard setbacks. **(Exhibit E)**. Similarly, most of the small lots in the neighborhood with expanded homes have exceeded building coverage requirements on the 50 by 100 foot lots. The Project relocates a low profile bulkhead to the left side and constructs a new addition providing an older home with a more functional layout. This expansion is consistent with others in the neighborhood, contains the addition and deck within the building envelope,

and maintains open space. Accordingly, the requested variance neither alters the essential character of the locality nor threatens the public health, safety, or welfare.

3. Substantial justice will be done by granting the variances.

If “there is no benefit to the public that would outweigh the hardship to the applicant” this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508 (2011). That is, “any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice.” Malachy Glen, supra at 109.

Javurek is constitutionally entitled to the reasonable use of her land, including constructing an addition and deck, subject only to the effect on the yard setback and lot coverage requirements. “The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions.” N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that “no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people.” Thus, our State Constitutional protections limit the police power of the State and its municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978). “Property” in the constitutional sense has been interpreted to mean not the tangible property itself, *but rather the right to possess, use, enjoy and dispose of it.* Burrows v. City of Keene, 121 N.H. 590, 597 (1981). (emphasis added).

The Supreme Court has also held that zoning ordinances must be reasonable, not arbitrary and must rest upon some ground of difference having fair and substantial relation to the object of the regulation. Simplex Technologies, Inc. v. Town of Newington, 145 N.H. 727, 731 (2001); Chesterfield at 69. The requested variances permit a tasteful and height compliant addition to the home, facilitate ingress/egress to the basement, and allow a deck to enjoy the outdoor space. living area that matches the conditions of several surrounding properties. The expansion proposed is comparable to others and has no negative impacts because the low bulkhead is concealed by the existing fence and overall open space well exceeds the minimum 30%. Accordingly, there is no gain to public from denial of the variances. Conversely, Javurek will be greatly harmed by denial of any of the variances because she will be denied a reasonable expansion of living space. Accordingly, this element of the criteria is satisfied.

4. Granting the variances will not diminish surrounding property values.

The Project expands an existing older home with an addition and deck entirely within the building envelope. A low-profile bulkhead concealed by existing fencing will not negatively affect abutting properties. Increased building coverage will also have no negative affect where open space well exceeds the minimum 30%. The expanded home is in keeping with other expansions, and will improve the value of the Property and those around it. Accordingly, granting the variances will not diminish surrounding property values.

5. Denial of the variances results in an unnecessary hardship.

a. Special conditions distinguish the property from others in the area.

The Property, at 5,218 +/- s.f., is a small, narrow lot located in a densely developed residential area with many other homes/accessory structures that do not comply with rear and side yard requirements. The location of the existing home, driveway and garage drive the placement of the addition and deck, while the bulkhead is situated in the only possible location to provide exterior access to the basement. **(Exhibit A, D)**. These circumstances combine to create special conditions.

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

The purpose of setbacks and building coverage requirements is to prevent overcrowding and overburdening of land, improve sightlines for pedestrians and motorists, ensure adequate light and air circulation, and provide sufficient area for stormwater treatment. None of these purposes are impaired by granting the requested variance. The proposed bulkhead is at ground-level, screened by a fence, and will not be noticeable from the exterior of the Property. Open space remains well above the minimum 30%. The encroachment of a bulkhead in one area of the left side yard leaves sufficient space to treat stormwater on the lot.

The neighborhood overall is similarly densely developed with multiple nearby parcels non-conforming for setbacks. See Walker v. City of Manchester, 107 N.H. 382, 386 (1966) (Hardship may be found where similar nonconforming uses exist within the neighborhood and the proposed use will have no adverse effect on the neighborhood). See also Belanger v. City of Nashua, 121 N.H. 389 (1981) (Variance proper where ordinance no longer reflects the current character of neighborhood). The location of the bulkhead will likely be unnoticed by the general public and closest neighbors given its location at ground-level within an existing fenced area.

Similarly, the addition is contained within the building envelope and will not overpower abutting properties or seem out of place. Balancing the neighbors against the reasonable request to have more living space, there is no fair and substantial relationship between the purposes of the ordinance side setback requirements and its application in this instance.

c. The proposed use is reasonable.

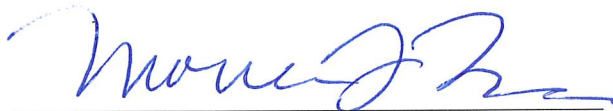
If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005). Residential use is permitted in the GRA Zone. The proposed addition complements the existing residence, provides increased living space, a more functional layout, and a deck to overlook the yard and park. For all these reasons, the proposed use is reasonable and denial would result in an unnecessary hardship to Javurek.

V. CONCLUSION

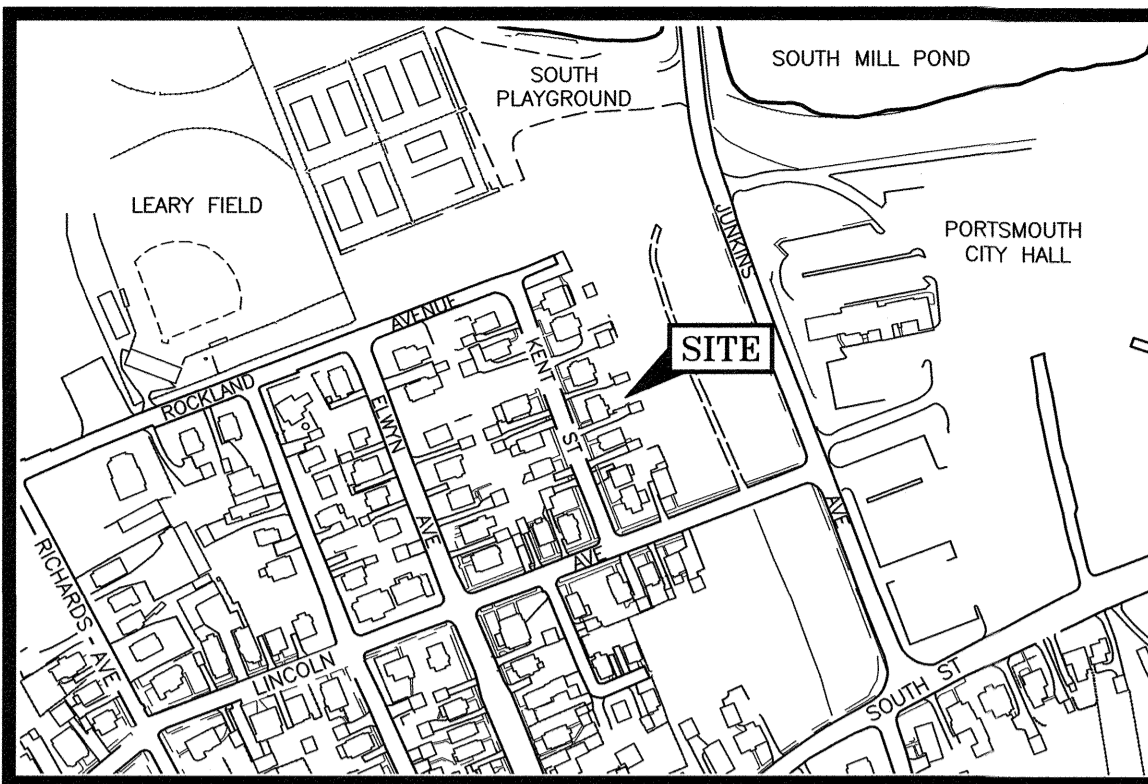
For all of the reasons stated, Javurek respectfully requests that the Portsmouth Zoning Board of Adjustment grant the requested variances.

Respectfully submitted,

Susan Javurek and Michael Roche



By: R. Timothy Phoenix
Monica F. Kieser



LOCATION MAP

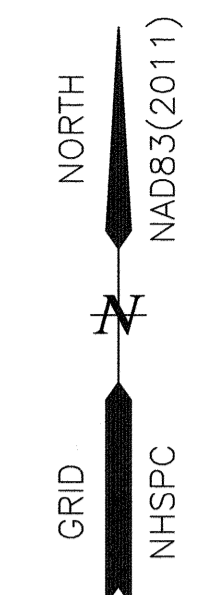
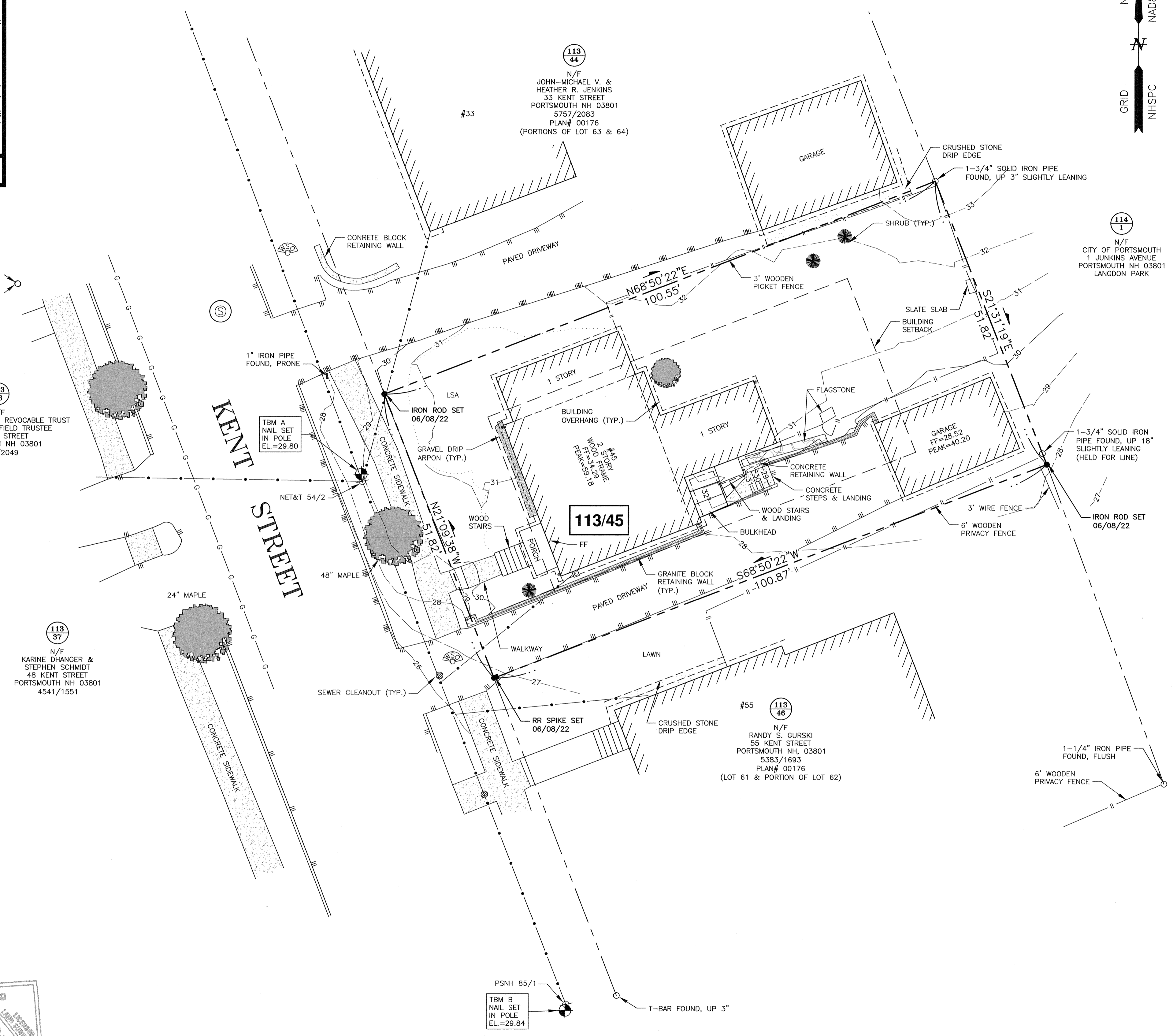
SCALE: 1" = 300'

PLAN REFERENCES:

1) PLAN OF A LOT OF LAND OWNED BY ALFRED L. ELWYN PORTSMOUTH N.H. COMPILED FROM A SURVEY MADE 1899 BY A.C. HOYT C.E., SCALE: 100 FT. TO AN INCH, DATED: AUG. 1899, PREPARED BY W. H. WHITNEY, RCRD PLAN# 00176

LEGEND:

- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- RCRD ROCKINGHAM COUNTY REGISTRY OF DEEDS MAP 11 / LOT 21
- BOUNDARY SETBACK
- IRON ROD/PIPE FOUND
- DRILL HOLE FOUND
- STONE/CONCRETE BOUND FOUND
- GAS LINE
- OVERHEAD ELECTRIC/WIRES
- EDGE OF PAVEMENT (EP)
- WOODS / TREE LINE
- UTILITY POLE (w/ GUY)
- WATER SHUT OFF/CURB STOP
- METER (GAS, ELECTRIC)
- SEWER MANHOLE
- DRAIN MANHOLE
- ELEVATION
- FINISHED FLOOR
- TBM TEMPORARY BENCHMARK
- TYP. TYPICAL
- VGC VERTICAL GRANITE CURB
- LSA LANDSCAPED AREA



200 Griffin Road, Unit 3
Portsmouth, NH 03801
603.430.9282

WWW.HALEYWARD.COM

NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 113 AS LOT 45.
- 2) OWNERS OF RECORD:
MICHAEL T. ROCHE & SUSAN L. JAVUREK
45 KENT STREET
PORTSMOUTH, NH 03801
5481/2013
PLAN# 00176 (PORTIONS OF LOT 62 & 63)
- 3) PARCEL NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE DATE JANUARY 29, 2021.
- 4) EXISTING LOT AREA:
5,218 S.F.
0.1198 ACRES
- 5) PARCEL IS LOCATED IN THE GENERAL RESIDENCE A (GRA) ZONING DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 7,500 SF
FRONTAGE: 100 FEET
SETBACKS:
FRONT: 15 FEET
SIDE: 10 FEET
REAR: 20 FEET
MAXIMUM STRUCTURE HEIGHT: 35 FEET
MAXIMUM BUILDING COVERAGE: 25%
MINIMUM OPEN SPACE: 30%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON ASSESSOR'S MAP 113, LOT 45 IN THE CITY OF PORTSMOUTH.
- 8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
- 9) PARCEL IS SUBJECT TO DEED RESTRICTIONS OF RECORD. SEE RCRD 605/2 & 605/5.
- 10) THE NORTHERLY 10 FEET OF THE EASTERLY BOUNDARY IS SUBJECT TO A FENCE AGREEMENT. SEE RCRD 602/483.

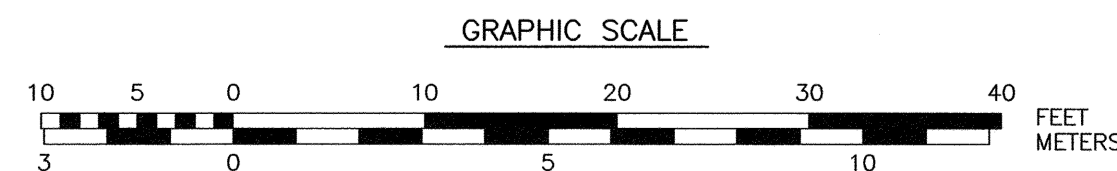
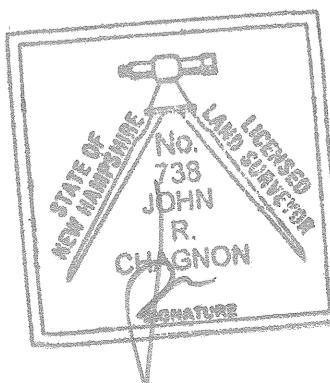
**PROPOSED ADDITION
ROCHE RESIDENCE
45 KENT STREET
PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
1	EXISTING GRADES/CONTOURS	02/27/24
0	ISSUED FOR COMMENT	11/21/23
REVISIONS		

EXHIBIT A - Rev.

"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

[Signature]
JOHN R. CHAGNON, LLS #738 DATE 2-27-24



SCALE: 1"=10' JUNE 2023

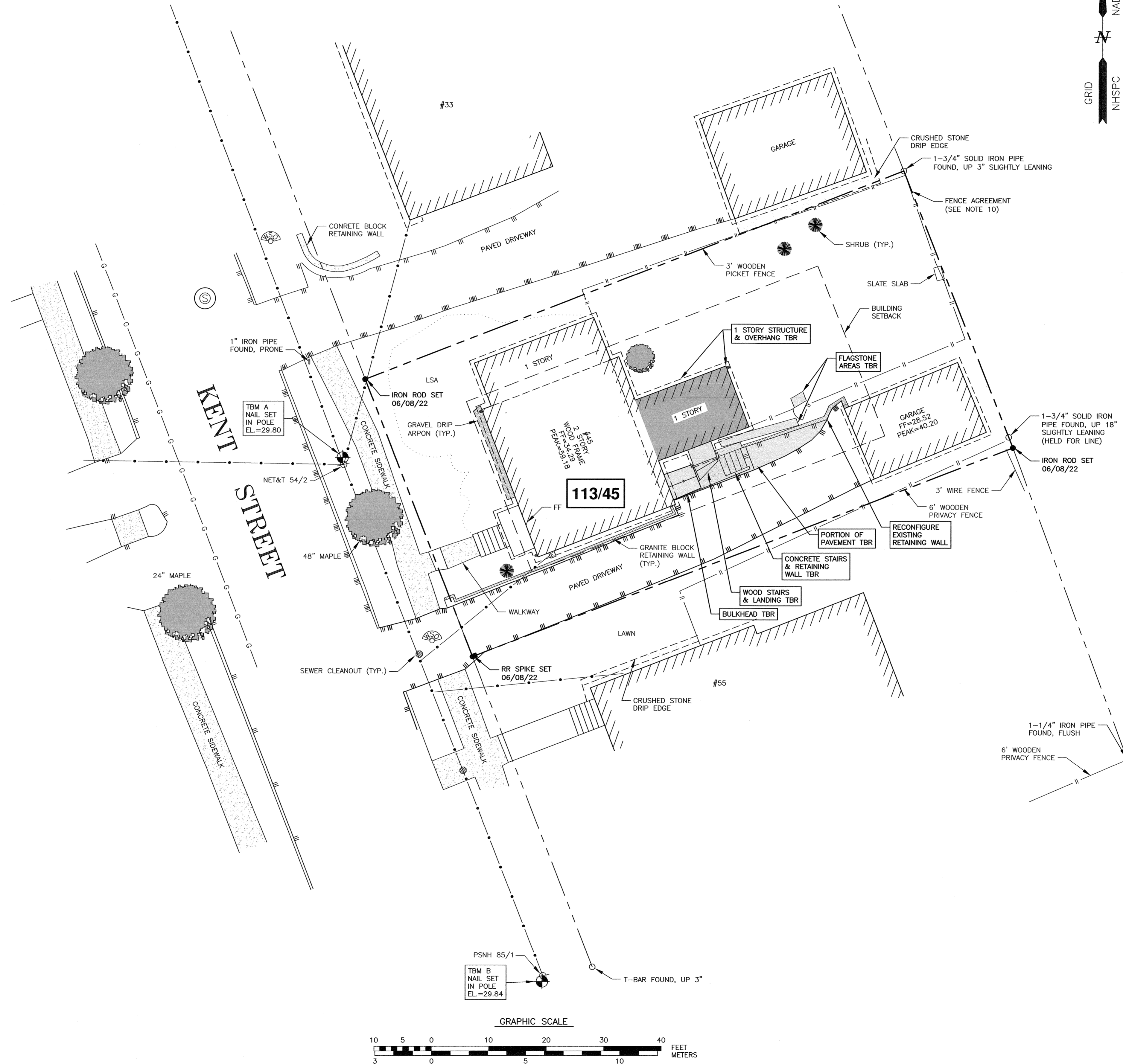
EXISTING CONDITIONS PLAN

C1

P:\NH\01031-Michael_Elwyn\45-Kent-St.-Portsmouth\CSA\3449\2023-Survey\Plans & Specs\Site\3449_Variance_2023.dwg, 2/27/2024, 9:33:01 AM, 1/31/2024, 9:33:01 AM

DEMOLITION NOTES

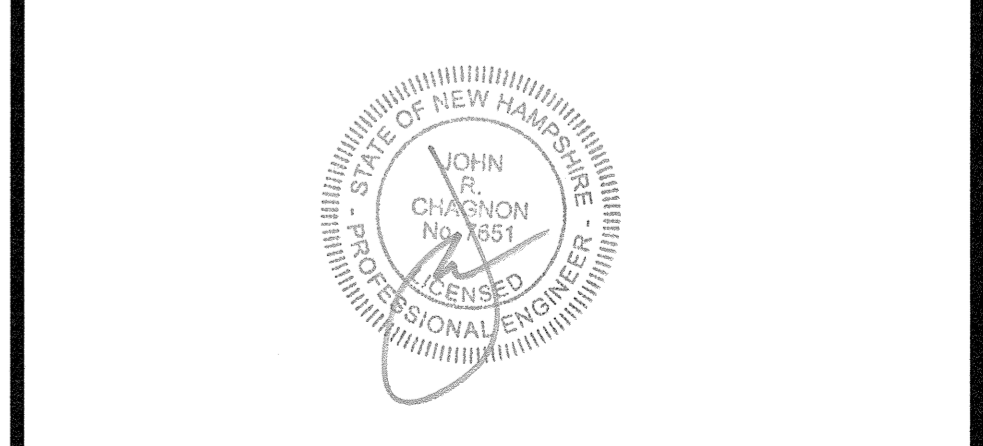
- A) THE LOCATIONS OF UNDERGROUND UTILITIES ARE APPROXIMATE AND THE LOCATIONS ARE NOT GUARANTEED BY THE OWNER OR THE DESIGNER. IT IS THE CONTRACTORS' RESPONSIBILITY TO LOCATE UTILITIES AND ANTICIPATE CONFLICTS. CONTRACTOR SHALL REPAIR EXISTING UTILITIES DAMAGED BY THEIR WORK AND RELOCATE EXISTING UTILITIES THAT ARE REQUIRED TO BE RELOCATED PRIOR TO COMMENCING ANY WORK IN THE IMPACTED AREA OF THE PROJECT.
- B) ALL MATERIALS SCHEDULED TO BE REMOVED SHALL BECOME THE PROPERTY OF THE CONTRACTORS UNLESS OTHERWISE SPECIFIED. THE CONTRACTOR SHALL DISPOSE OF ALL MATERIALS OFF-SITE IN ACCORDANCE WITH ALL FEDERAL, STATE, AND LOCAL REGULATIONS, ORDINANCES AND CODES. THE CONTRACTOR SHALL COORDINATE REMOVAL, RELOCATION, DISPOSAL, OR SALVAGE OF UTILITIES WITH THE OWNER AND APPROPRIATE UTILITY COMPANY.
- C) ANY EXISTING WORK OR PROPERTY DAMAGED OR DISRUPTED BY CONSTRUCTION/ DEMOLITION ACTIVITIES SHALL BE REPLACED OR REPAIRED TO THE ORIGINAL EXISTING CONDITIONS BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
- D) THE CONTRACTOR SHALL VERIFY LOCATION OF ALL EXISTING UTILITIES AND CALL DIG SAFE AT LEAST 72 HOURS PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION/CONSTRUCTION ACTIVITIES.
- E) SAWCUT AND REMOVE PAVEMENT ONE FOOT OFF PROPOSED EDGE OF PAVEMENT TRENCH IN AREAS WHERE PAVEMENT IS TO BE REMOVED.
- F) IT IS THE CONTRACTOR'S RESPONSIBILITY TO FAMILIARIZE THEMSELVES WITH THE CONDITIONS OF ALL THE PERMIT APPROVALS.
- G) THE CONTRACTOR SHALL OBTAIN AND PAY FOR ADDITIONAL CONSTRUCTION PERMITS, NOTICES AND FEES NECESSARY TO COMPLETE THE WORK AND ARRANGE FOR AND PAY FOR ANY INSPECTIONS AND APPROVALS FROM THE AUTHORITIES HAVING JURISDICTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY ADDITIONAL AND OFF-SITE DISPOSAL OF MATERIALS REQUIRED TO COMPLETE THE WORK.
- H) THE CONTRACTOR SHALL REMOVE AND DISPOSE OF ALL EXISTING STRUCTURES, CONCRETE, UTILITIES, VEGETATION, PAVEMENT, AND CONTAMINATED SOIL WITHIN THE WORK LIMITS SHOWN UNLESS SPECIFICALLY IDENTIFIED TO REMAIN. ANY EXISTING DOMESTIC / IRRIGATION SERVICE WELLS IN THE PROJECT AREA IDENTIFIED DURING THE CONSTRUCTION AND NOT CALLED OUT ON THE PLANS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER AND ENGINEER FOR PROPER CAPPING / RE-USE.
- I) ALL WORK WITHIN THE CITY OF PORTSMOUTH RIGHT OF WAY SHALL BE COORDINATED WITH THE CITY OF PORTSMOUTH DEPARTMENT OF PUBLIC WORKS (DPW).
- J) REMOVE TREES AND BRUSH AS REQUIRED FOR COMPLETION OF WORK. CONTRACTOR SHALL GRUB AND REMOVE ALL SLUMPS WITHIN LIMITS OF WORK AND DISPOSE OF OFF-SITE IN ACCORDANCE WITH FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS.
- K) CONTRACTOR SHALL PROTECT ALL PROPERTY MONUMENTATION THROUGHOUT DEMOLITION AND CONSTRUCTION OPERATIONS. SHOULD ANY MONUMENTATION BE DISTURBED, THE CONTRACTOR SHALL EMPLOY A NH LICENSED LAND SURVEYOR TO REPLACE THEM.
- L) PROVIDE INLET PROTECTION BARRIERS AT ALL CATCH BASINS WITHIN CONSTRUCTION LIMITS AND MAINTAIN FOR THE DURATION OF THE PROJECT. INLET PROTECTION BARRIERS SHALL BE HIGH FLOW SILT SACK BY ACF ENVIRONMENTAL OR APPROVED EQUAL. INSPECT BARRIERS WEEKLY AND AFTER EACH RAIN OF 0.25 INCHES OR GREATER. CONTRACTOR SHALL COMPLETE A MAINTENANCE INSPECTION REPORT AFTER EACH INSPECTION. SEDIMENT DEPOSITS SHALL BE REMOVED AFTER EACH STORM EVENT OR MORE OFTEN IF WARRANTED OR FABRIC BECOMES CLOGGED. EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF ANY CLEARING OR DEMOLITION ACTIVITIES.
- M) THE CONTRACTOR SHALL PAY ALL COSTS NECESSARY FOR TEMPORARY PARTITIONING, BARRICADING, FENCING, SECURITY AND SAFELY DEVICES REQUIRED FOR THE MAINTENANCE OF A CLEAN AND SAFE CONSTRUCTION SITE.
- N) ANY CONTAMINATED MATERIAL REMOVED DURING THE COURSE OF THE WORK WILL REQUIRE HANDLING IN ACCORDANCE WITH NHDES REGULATIONS. CONTRACTOR SHALL HAVE A HEALTH AND SAFETY PLAN IN PLACE, AND COMPLY WITH ALL APPLICABLE PERMITS, APPROVALS, AUTHORIZATIONS, AND REGULATIONS.



- NOTES:**
- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY WITHIN 100 FEET OF UNDERGROUND UTILITIES. THE EXCAVATOR IS RESPONSIBLE TO MAINTAIN MARKS. DIG SAFE TICKETS EXPIRE IN THIRTY DAYS.
 - 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
 - 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. (NHDES DECEMBER 2008).

**PROPOSED ADDITION
ROCHE RESIDENCE
45 KENT STREET
PORTSMOUTH, N.H.**

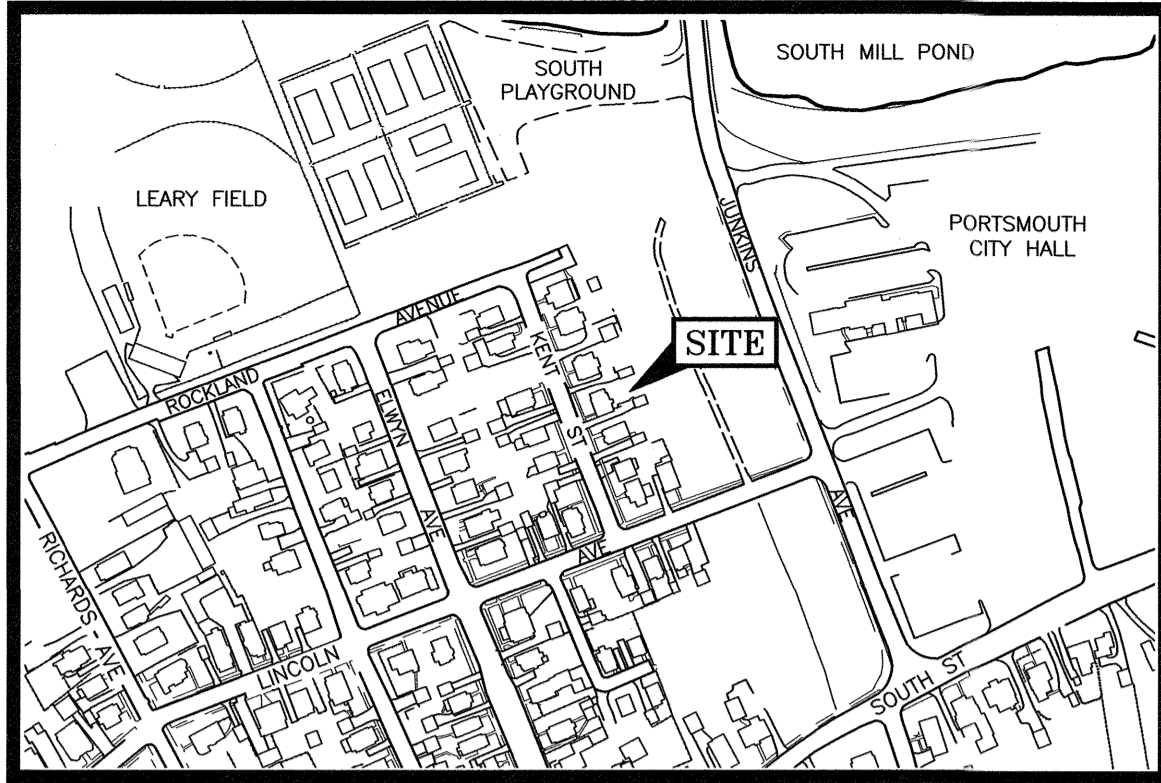
NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	11/21/23
REVISIONS		



SCALE: 1"=10' JUNE 2023

DEMOLITION PLAN

C2



LOCATION MAP

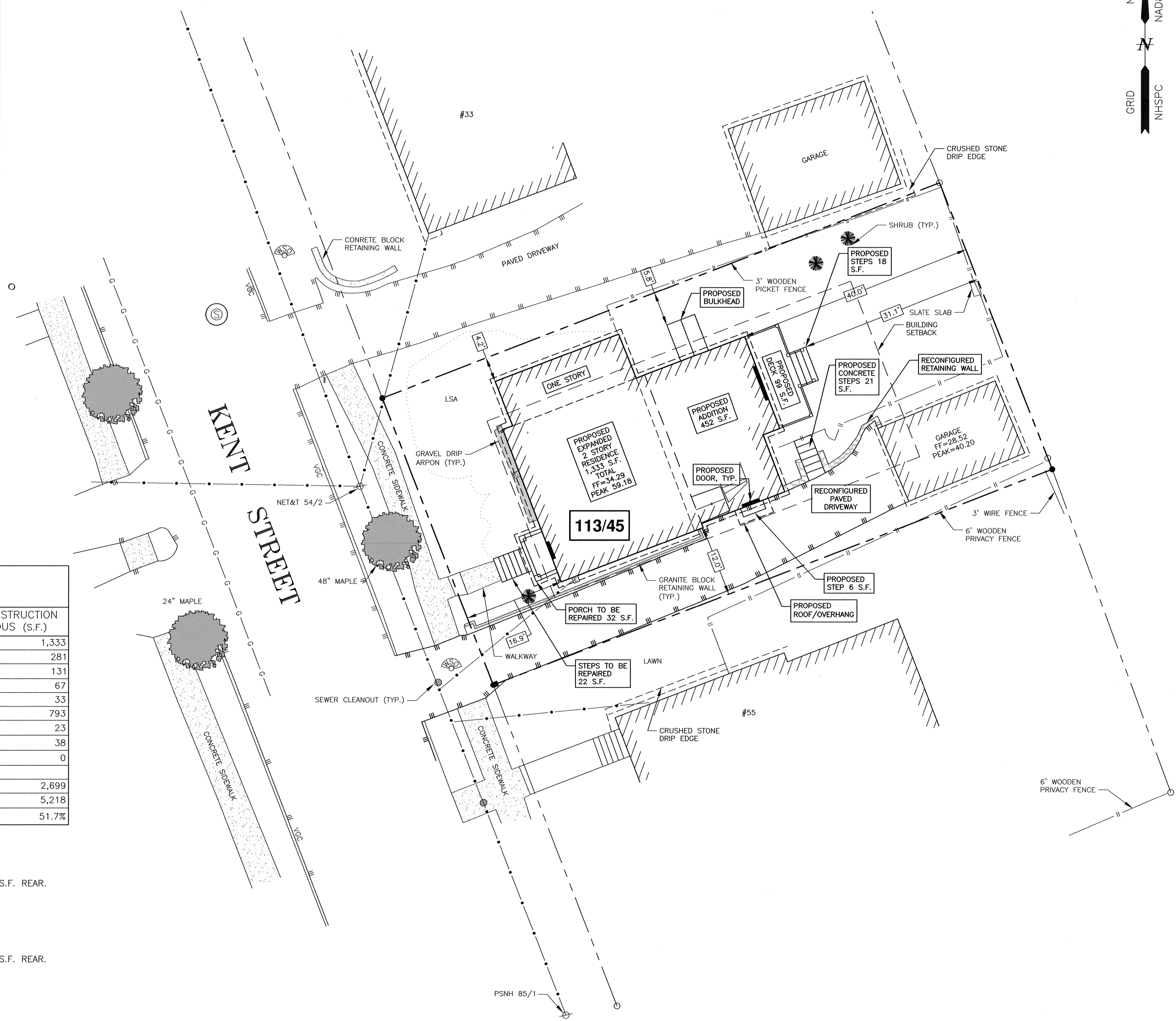
SCALE: 1" = 300'

NOTES:

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- 2) OWNERS OF RECORD:
MICHAEL T. ROCHE & SUSAN L. JAVUREK
45 KENT STREET
PORTSMOUTH, NH 03801
5481/2013
PLAN# 00176 (PORTIONS OF LOT 62 & 63)
- 3) PARCEL NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE DATE JANUARY 29, 2021.
- 4) EXISTING LOT AREA:
5,218 S.F.
0.1198 ACRES
- 5) PARCEL IS LOCATED IN THE GENERAL RESIDENCE A (GRA) ZONING DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 7,500 SF
FRONTAGE: 100 FEET
SETBACKS:
FRONT: 15 FEET
SIDE: 10 FEET
REAR: 20 FEET

MAXIMUM STRUCTURE HEIGHT: 35 FEET
MAXIMUM BUILDING COVERAGE: 25%
MINIMUM OPEN SPACE: 30%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED RESIDENCE EXPANSION ON ASSESSOR'S MAP 113, LOT 45 IN THE CITY OF PORTSMOUTH.
- 8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
- 9) PARCEL IS SUBJECT TO DEED RESTRICTIONS OF RECORD. SEE RCRD 605/2 & 605/5.
- 10) THE NORTHERLY 10 FEET OF THE EASTERLY BOUNDARY IS SUBJECT TO A FENCE AGREEMENT. SEE RCRD 602/483.
- 11) BUILDING ADDITIONS FROM PLANS BY LUCY GORHAM DATED 5-23-23, REV. 6-3-23.

NORTH
GRID
NAD83(2011)
NHSPC



IMPERVIOUS SURFACE AREAS (TO PROPERTY LINE)		
STRUCTURE	PRE-CONSTRUCTION IMPERVIOUS (S.F.)	POST-CONSTRUCTION IMPERVIOUS (S.F.)
MAIN STRUCTURE	1,071	1,333
GARAGE	281	281
DECK/PORCH	51	131
STEPS	44	67
BULKHEAD	24	33
PAVEMENT	846	793
CONCRETE/SIDEWALK	37	23
RETAINING WALL	30	38
PATIO/FLAGSTONE	23	0
TOTAL	2,407	2,699
LOT SIZE	5,218	5,218
% LOT COVERAGE	46.1%	51.7%

EXISTING BUILDING COVERAGE:

1,071 + 281 + 51 + *11 + 24 = 1,438 S.F. / 5,218 = 28%
*NOTE: STEPS GREATER THAN 18" ABOVE GRADE = 11 S.F. FRONT / 0 S.F. REAR.
OPEN SPACE: 100% - 46% = 53%

PROPOSED BUILDING COVERAGE:

1,333 + 281 + 131 + *11 + 33 = 1,789 S.F. / 5,218 = 35%
*NOTE: STEPS GREATER THAN 18" ABOVE GRADE = 11 S.F. FRONT / 0 S.F. REAR.
OPEN SPACE: 100% - 52% = 48%

"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

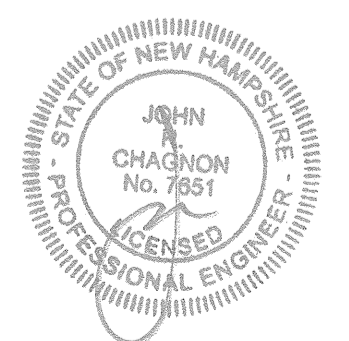
JOHN R. CHAGNON, LLS #738

DATE

**PROPOSED ADDITION
ROCHE RESIDENCE
45 KENT STREET
PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
2	FRONT PORCH & STEPS	3/13/24
1	DIMENSIONS, BUILDING COVERAGES	2/27/24
0	ISSUED FOR COMMENT	11/21/23

REVISIONS

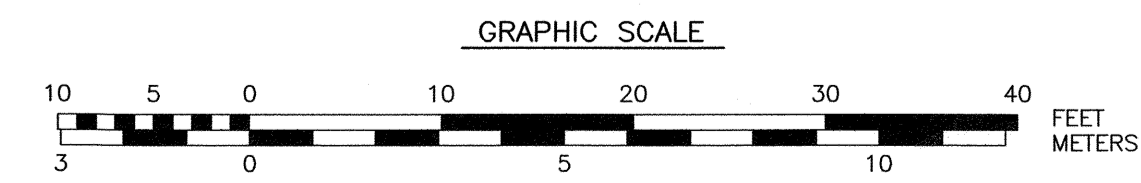


SCALE: 1"=10'

JUNE 2023

VARIANCE
PLAN

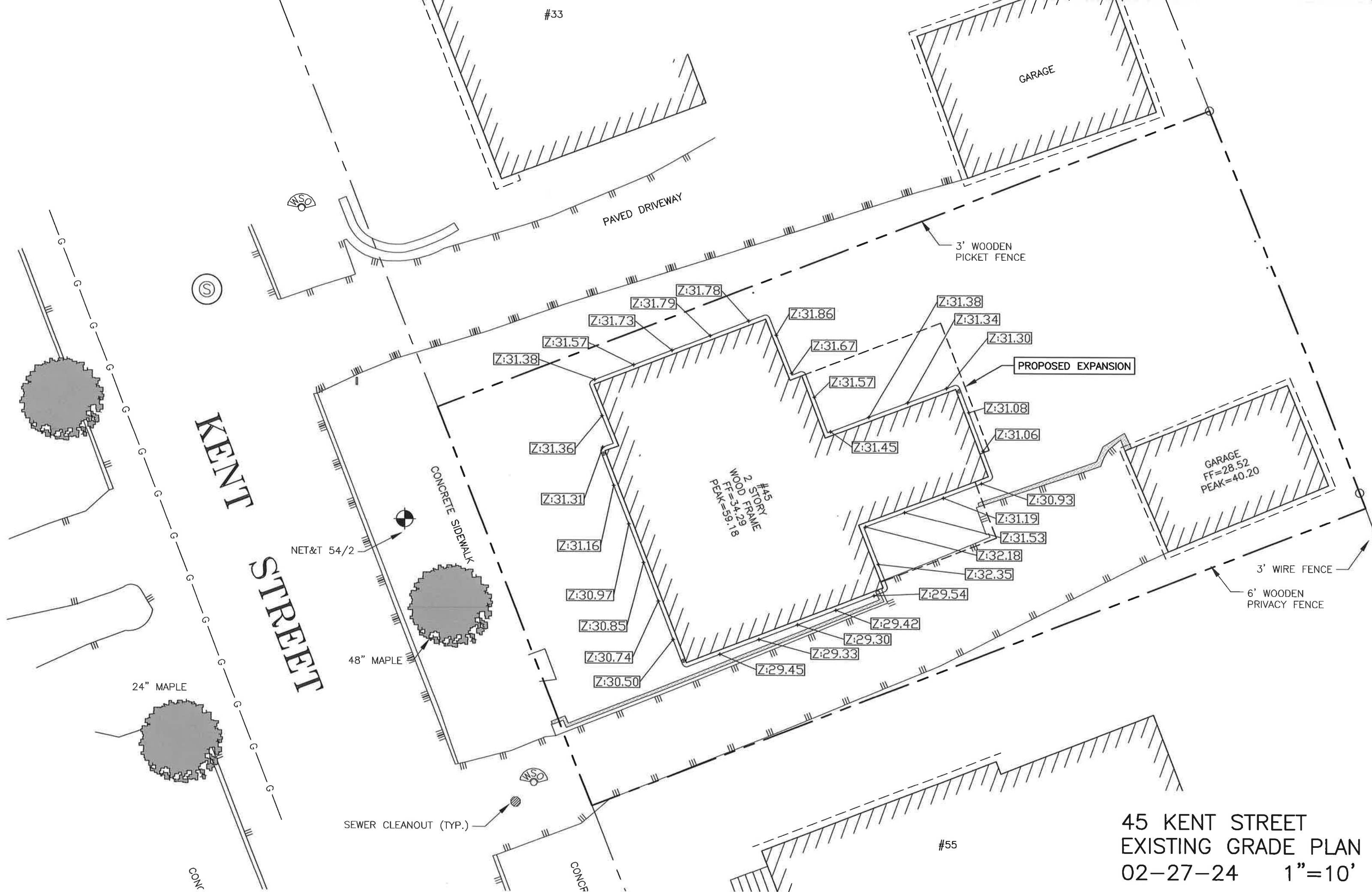
C3



Average Existing Grade Worksheet						
Project	Roche Residence				Calculated	
Address:	45 Kent Street Portsmouth, NH				2/26/2024	
No Offset from Building; Existing Grades 5' OC						
SECTION	Elev	Elev	Elev	Elev	Total	
WEST	31.36	31.31	31.16	30.97	124.80	AVG PER SECTION
	30.85	30.74			61.59	
			#	6.0	186.39	31.07
NORTH	31.38	31.57	31.73	31.79	126.47	AVG PER SECTION
	31.78	31.86	31.67	31.57	126.88	
			#	8.0	253.35	31.67
EAST	31.45	31.38	31.34	31.30	125.47	AVG PER SECTION
	31.08	31.06	30.93	31.19	124.26	
	31.53				31.53	
			#	9.0	281.26	31.25
SOUTH	32.18	32.35	29.54	29.42	123.49	AVG PER SECTION
	29.30	29.33	29.45	30.50	118.58	
			#	8.0	242.07	30.26
Total	963.07	>	AVERAGE GRADE			
#	31		31.07			

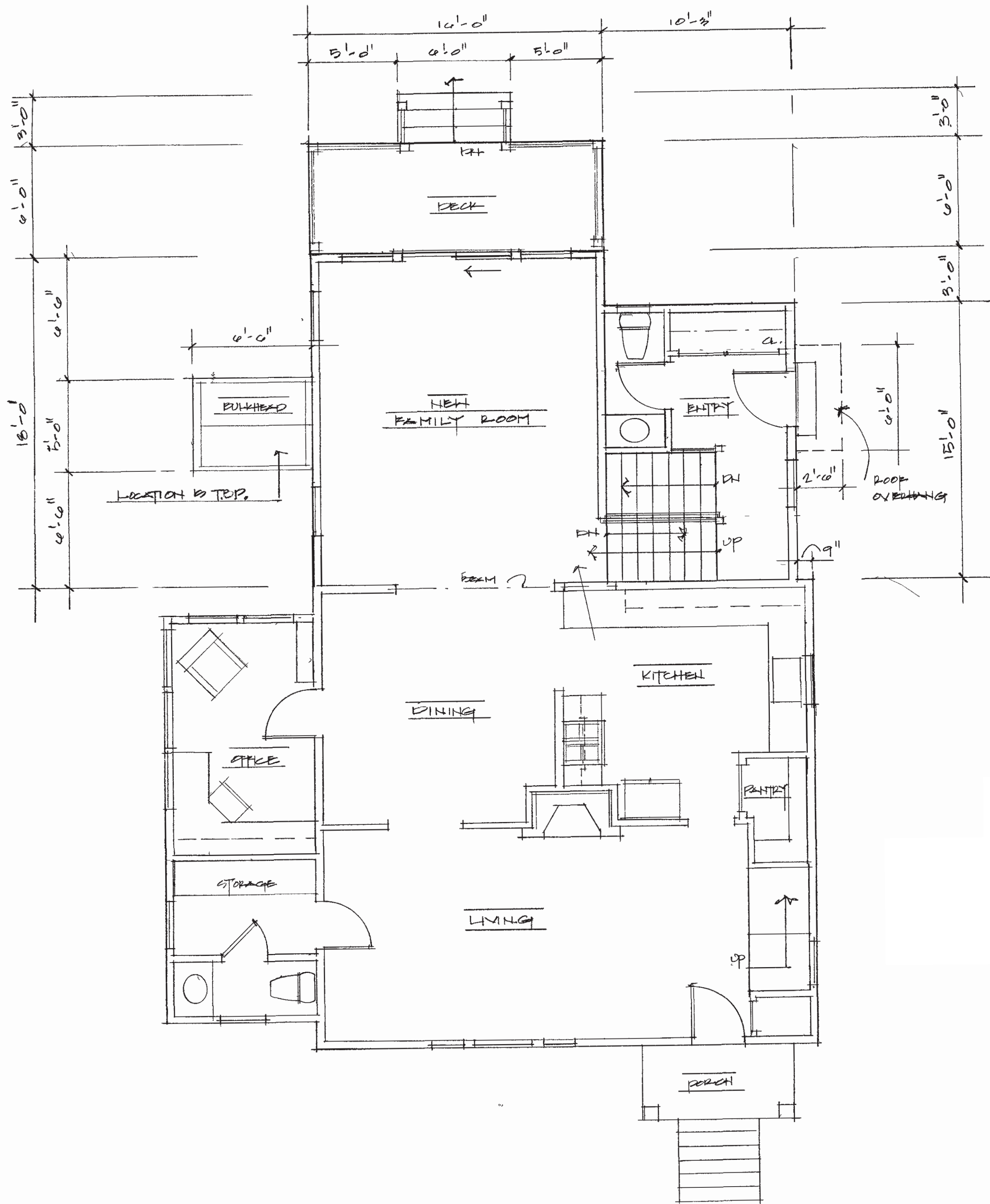
Note: Proposed building addition location has existing grades that are all at higher elevations; therefore the proposed average grade would be higher and is not detailed.

EXHIBIT B



KENT STREET

45 KENT STREET
 EXISTING GRADE PLAN
 02-27-24 1"=10'



PROPOSED FIRST FLOOR PLAN
 1/4" = 1'-0"

EXHIBIT C

5-29-23

REV
 6-5-23

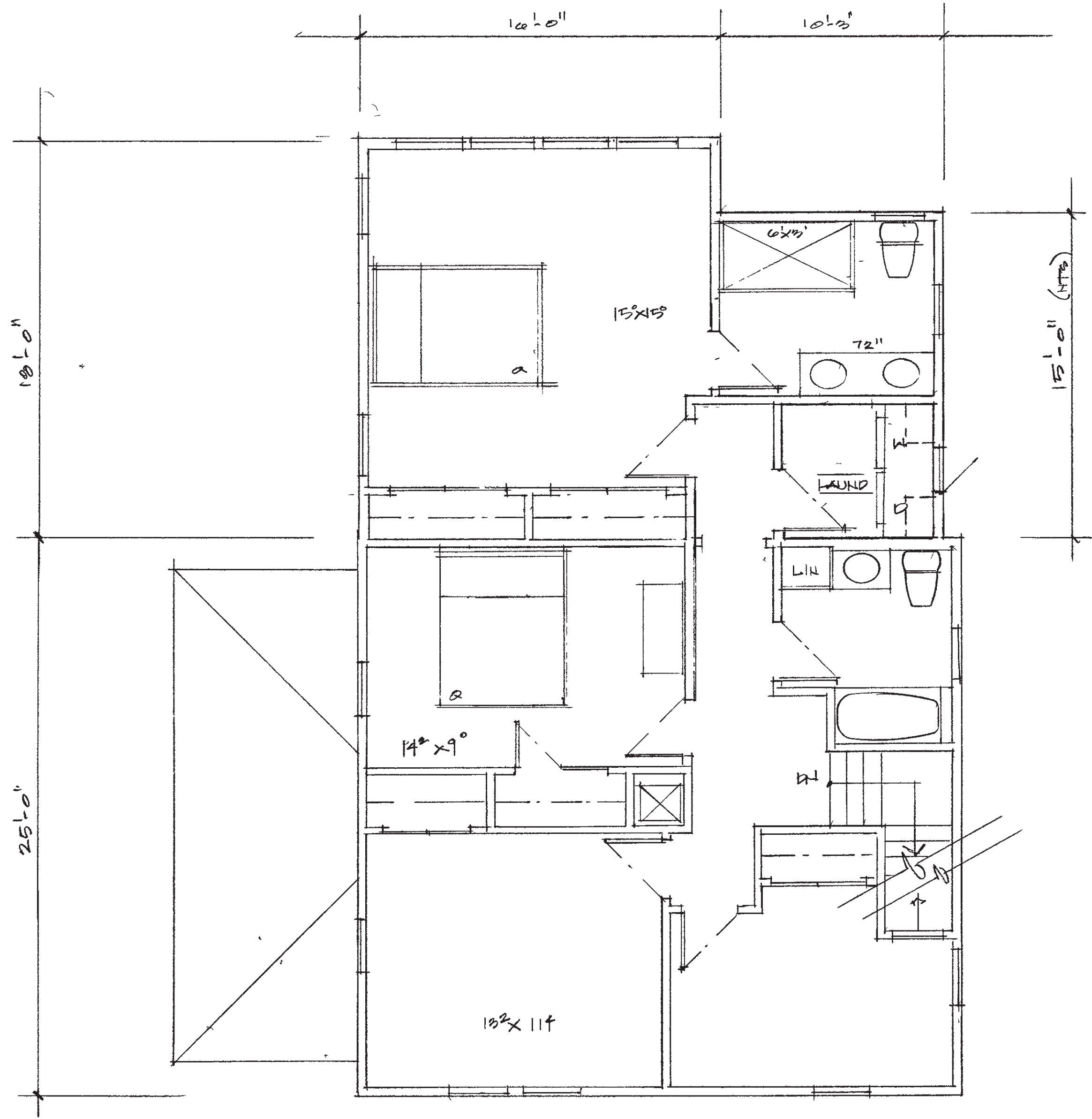
ROCHE/JAVUREK
 45 KENT STREET
 PORTSMOUTH, NH

197

A1

7-11-19

REV.
6-5-23



SECOND FLOOR PLAN
1/4" = 1'-0"

ROCHE / JAN UPEK RESIDENCE

1917

A2

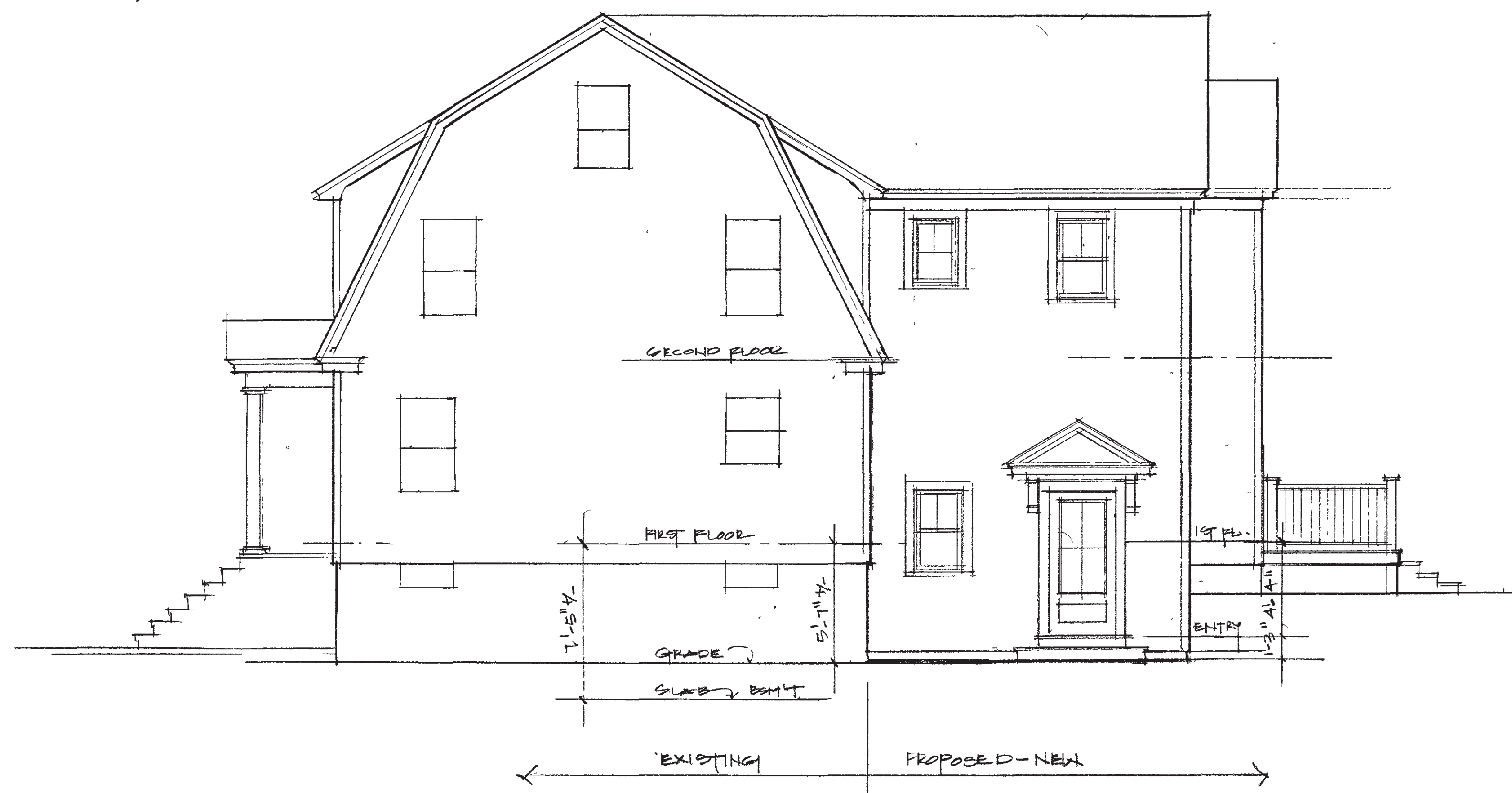
7-11-19

REV
6-5-23

ROCHE/JAVUREK RESIDENCE

10/17

A3



RIGHT SIDE ELEVATION -

1/4" = 1'-0"

7-11-19

REV
6-5-23



PROPOSED - FRONT ELEVATION
1/4" = 1'-0"



BACK ELEVATION - C
1/4" = 1'-0"

ROCHE/JANUREK RESIDENCE

1917

A4

7-11-19

Rev
6-25-19



ROCHE / JAY UPEK RESIDENCE

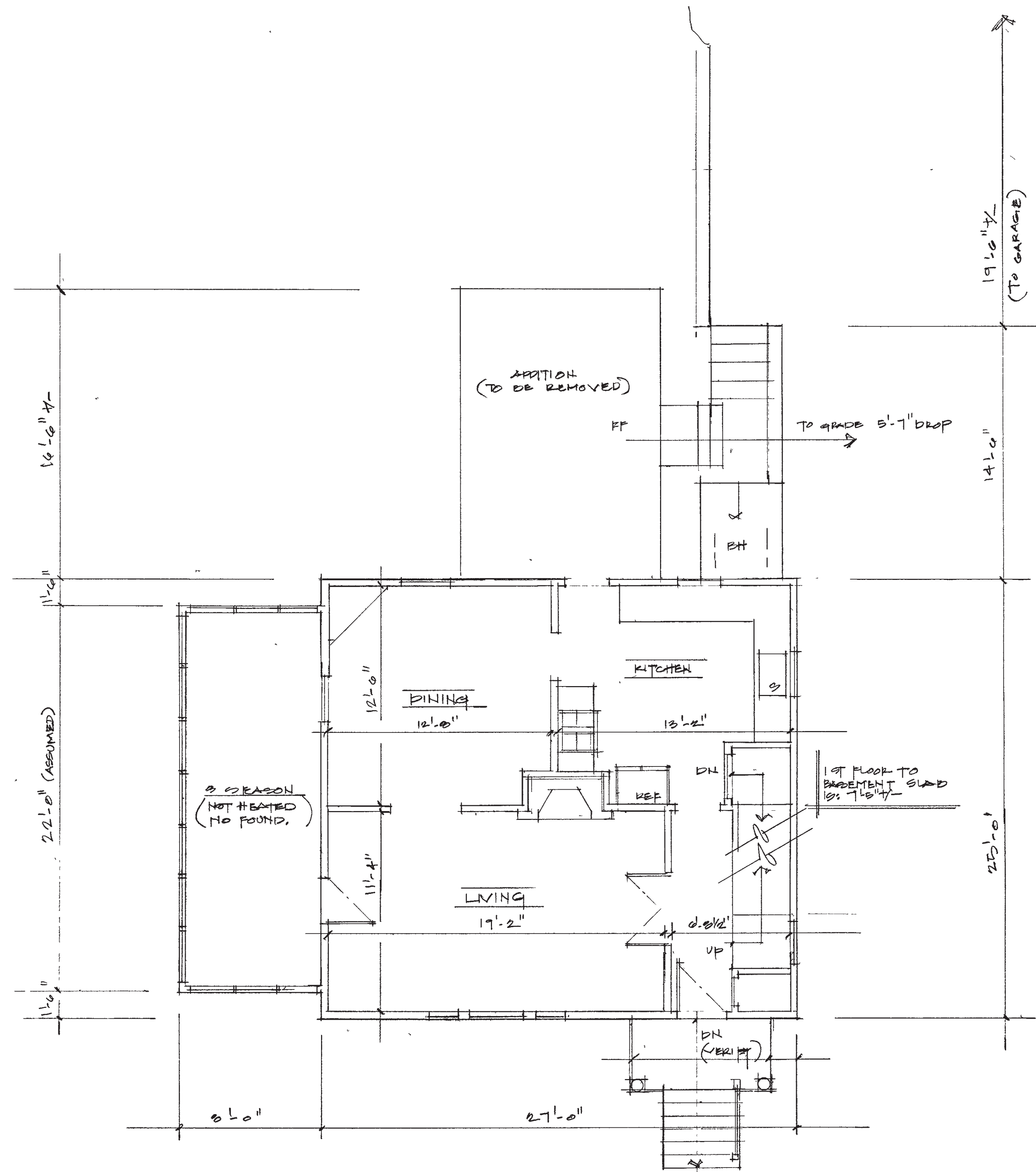
AS LEFT OFF,
PORTSMOUTH, NH

1917

A5

7-11-19

REV
 5-23-23
 6-23-23



EXISTING - FIRST FLOOR PLAN

1/4" = 1'-0"

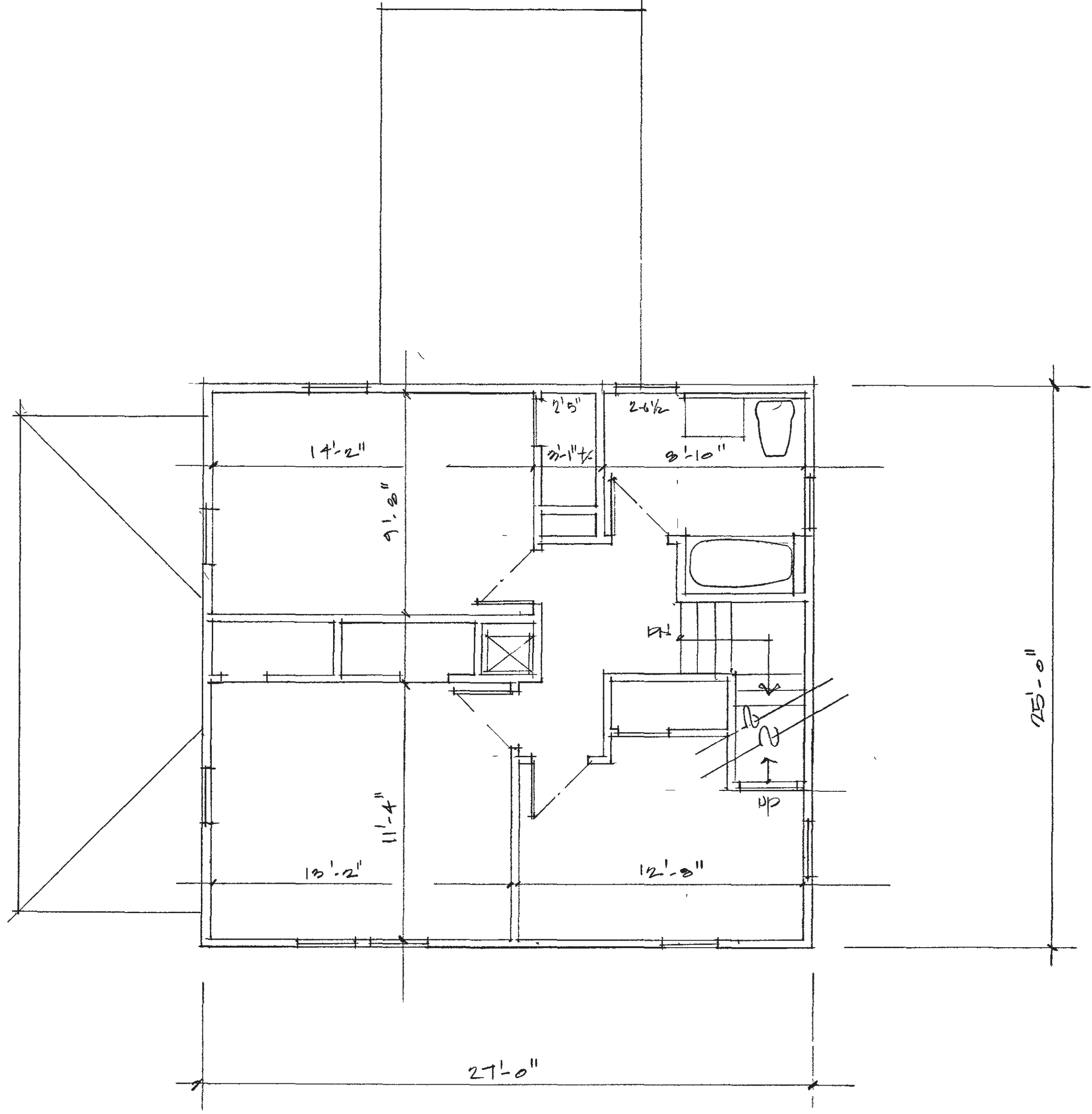
ROCHEL JAVUREK RESIDENCE

45 KELL ST.
 PORTSMOUTH, NH

1917

7-11-19

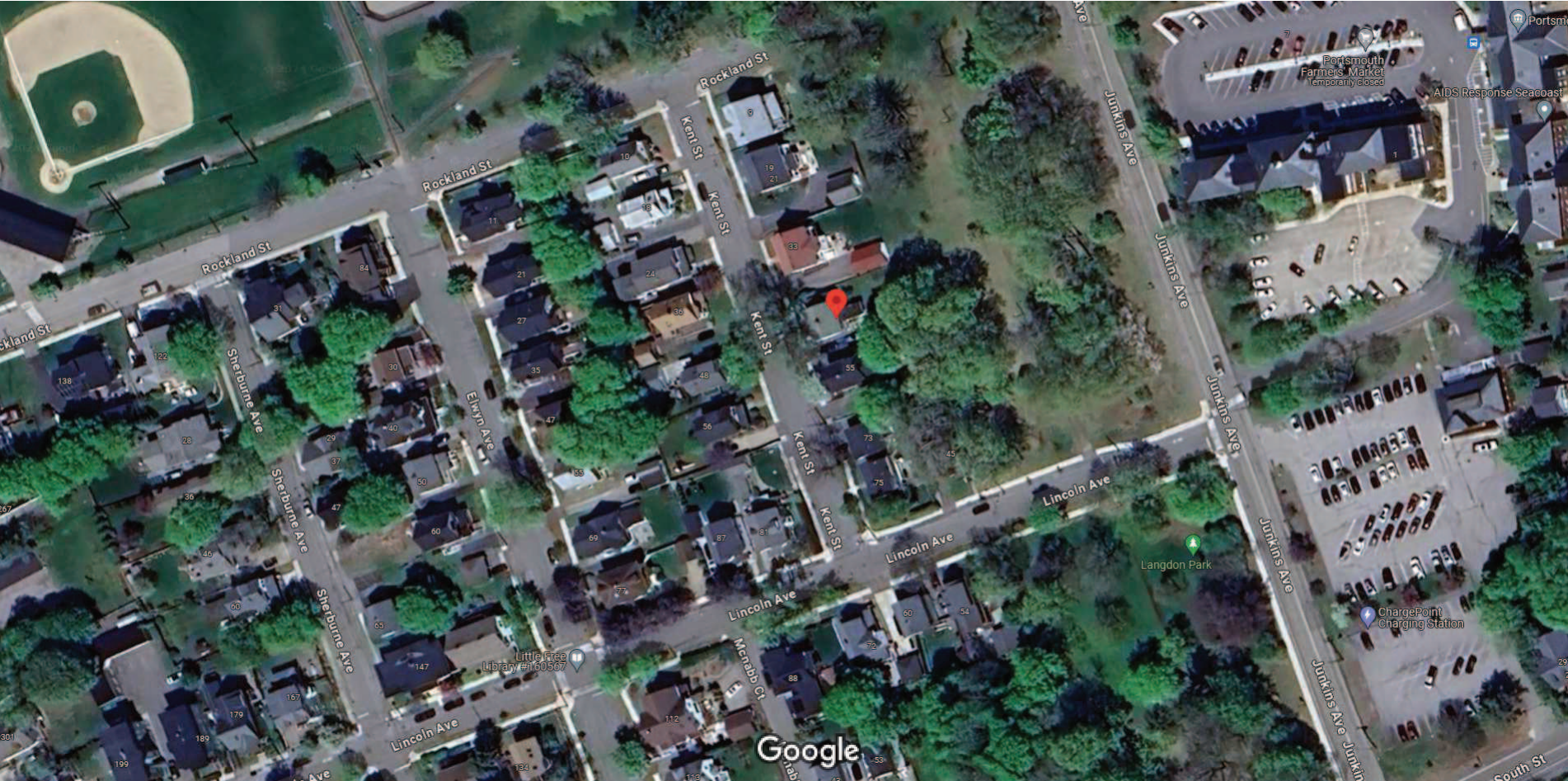
PREL
6-5-20



EXISTING - SECOND FLOOR PLAN
1/4" = 1'-0"

ROCHE/ JASUREK RESIDENCE
45 UNIT OF
PORTSMOUTH, NH

1917



Imagery ©2024 Airbus, Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, Map data ©2024 50 ft



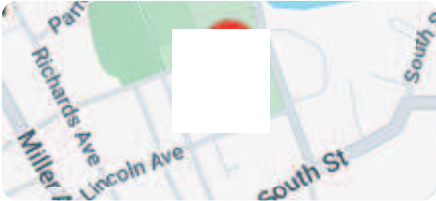
Portsmouth, New Hampshire

Google Street View

Sep 2011



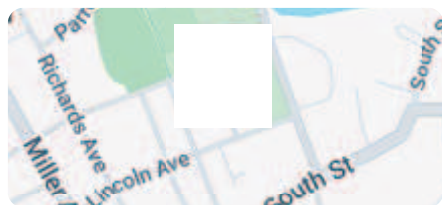
Image capture: Sep 2011 © 2024 Google



Portsmouth, New Hampshire
Google Street View
Sep 2011



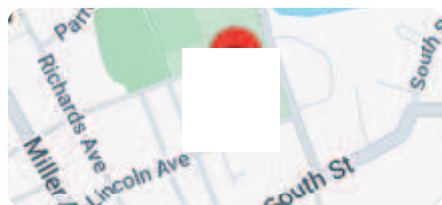
Image capture: Sep 2011 © 2024 Google

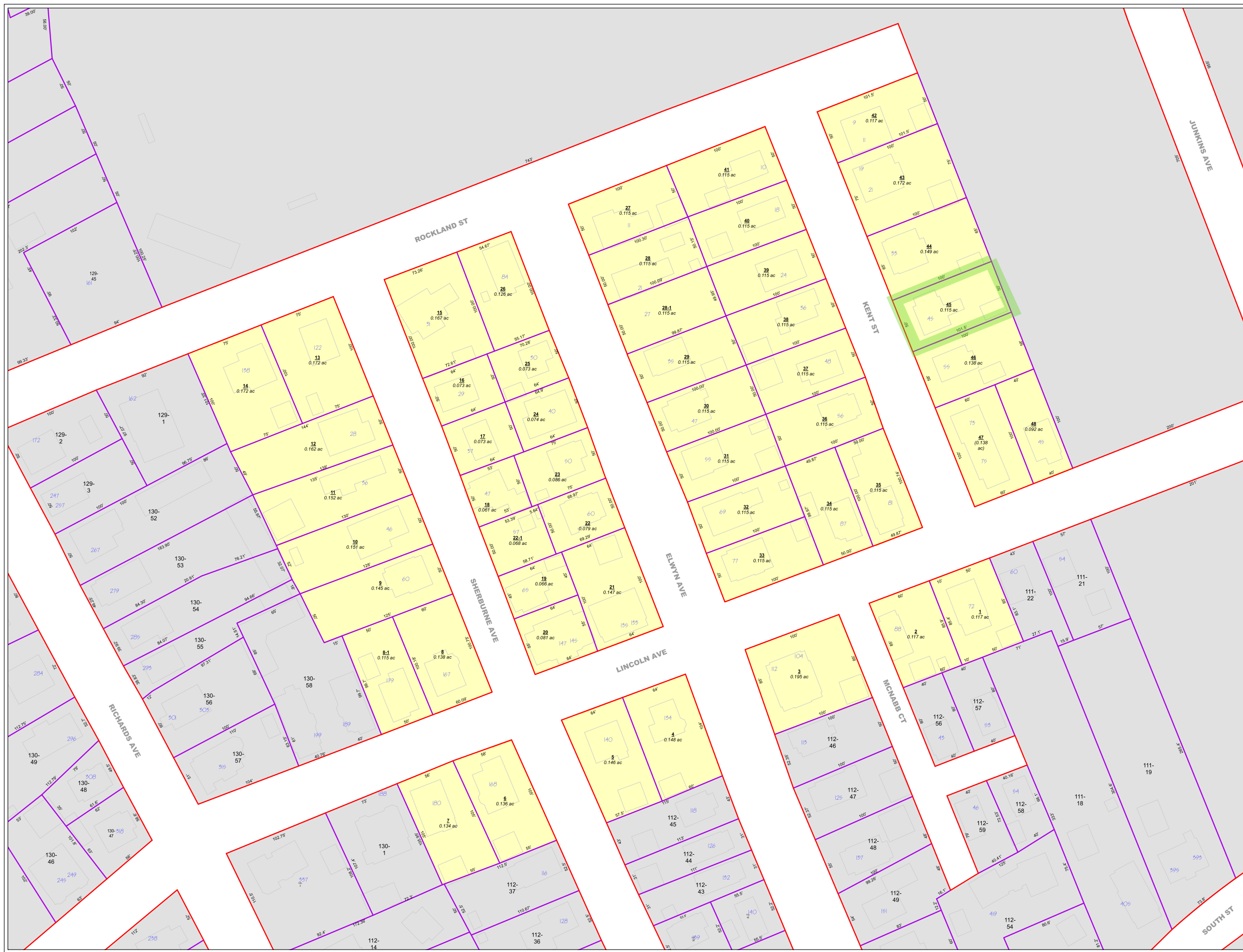


Portsmouth, New Hampshire
Google Street View
Sep 2011



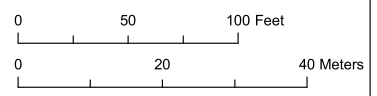
Image capture: Sep 2011 © 2024 Google



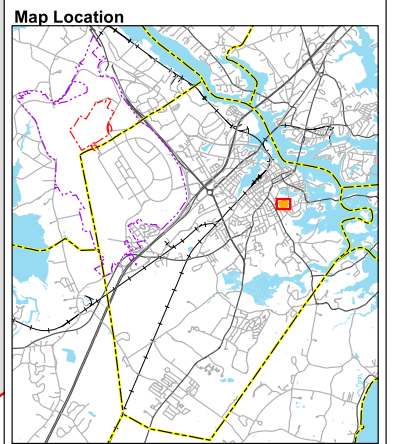
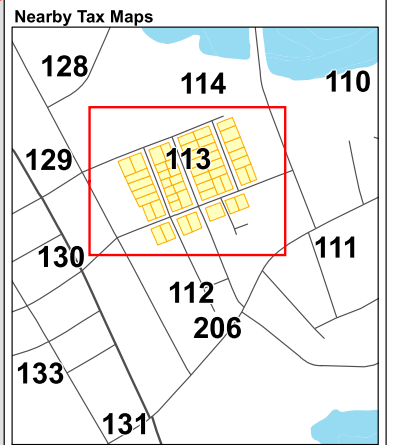


- Partial Legend**
See the cover sheet for the complete legend.
- 7-5A** Lot or lot-unit number
 - 2.56 ac Parcel area in acres (ac) or square feet (sf)
 - 123-45 Address number
 - 233-137 Parcel number from a neighboring map
 - 68' Parcel line dimension
 - SIMS AVE** Street name
 - Parcel/Parcel boundary
 - Parcel/ROW boundary
 - Water boundary
 - Structure (1994 data)
 - Parcel covered by this map
 - Parcel from a neighboring map (see other map for current status)

EXHIBIT E



This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.

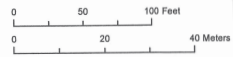


Portsmouth, New Hampshire
2023
Tax Map 113

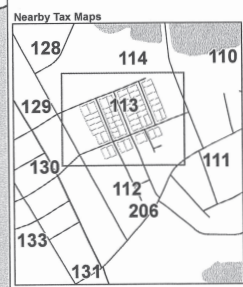
EXHIBIT F



- Partial Legend**
See the cover sheet for the complete legend.
- 7-5A** Lot or lot-unit number
 - 2.56 ac Parcel area in acres (ac) or square feet (sf)
 - 033 Address number
 - 233-137 Parcel number from a neighboring map or Parcel line dimension
 - SIMS AVE** Street name
 - Parcel/Parcel boundary
 - Parcel/ROW boundary
 - Water boundary
 - Structure (1984 data)
 - Parcel covered by this map
 - Parcel from a neighboring map (see other map for current status)



This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unusually) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.



Portsmouth, New Hampshire
2023
Tax Map 113

Subject Property

Building Coverage Relief Granted

Setback Relief Granted

Building Coverage & Setback Relief Granted

Non-Conforming Building Coverage