

CONTENTS, BOA APPLICATION FOR “AFTER THE FACT VARIANCE” FOR WORK DONE FOR REMODEL AND ADDITION AT #64 HAVEN RD., PORTSMOUTH, NH.

***2-Narrative**

***3-Addressing the (5) “criteria” and “unnecessary hardship”.**

***4-Plan Set, including Corrected Existing and As-built Site Plans, with Dimensional Table and Proposed Floor Plans and Elevations.**

***5-As-built Foundation Plan by Boudreau Land Surveying.**

“AFTER THE FACT VARIANCE” APPLICATION FOR REMODEL AND ADDITION AT #64 HAVEN RD., PORTSMOUTH, NH.

NARRATIVE

This 1 ¾, Cape style house is in the middle of a well-established 1940’s neighborhood. An addition had been done to the main structure, likely in the 60’s or 70’s, over the Garage. The surrounding neighborhood houses are consistently non-conforming for the required front yard setback, and this house has a non-confirming left side structure (Enclosed Porch) within the left side setback.

A Variance was sought and received in June of 2022 to preserve the main Cape core of the house, but demolish the Garage and later addition, including the Enclosed Porch. The new addition to replace this would give greater space to the setback but allow more volume at 2nd Floor level.

This work is near to completion, but an as-built survey identified an anomaly in the Existing House location in relation to the proximity and alignment to the side yards. This survey has shown the House is 0.7’ further to the left on the Lot and is aligned to an existing fence, which is not aligned to the right-side lot line.

As a result, the “Existing” left side setback which was indicated in the original application as 3’, would have been 2.3’ at the front. With the setback at the front of the original Garage at 9.3’, rather than the 10’ shown. And 8.6’ at the rear (because the house is “askew”) rather than the 10’ shown.

The setback to the chimney was indicated at 5’, but is actually 4.3’.

Therefore, the original application should have stated the left side setback would be increased from 2.3’ to 6.8’ (front)-6.1’ (rear). The reduction of the house area within the setback is improved by this discovery, being reduced by 10sf, rather than 0.5sf.

There is a slight increase in lot coverage, but remains below that allowed (20%) at 15%.

ADDRESSING THE (5) "CRITERIA" AND "HARDSHIP", #64 HAVEN RD., PORTSMOUTH, NH.

1: PUBLIC INTEREST.

The existing left side Enclosed Porch is non-conforming to required setbacks. The proposal decreases this set-back non-conformity. The existing appearance will be improved by the new, more stylistically conforming addition. This incorporation into the "look" of the main structure will enhance the essential character of the neighborhood. Through the necessity of meeting code compliance, the buildings will become more-safe, and energy efficient. There does not appear to be any Public Interest contrary to this proposal.

2: SPIRIT OF THE ORDINANCE.

The proposal continues some of the original building's historic non-conforming use, but reduces the level of non-conformity. The re-developed structure will be more in keeping with the intent of the Zoning Ordinance.

3: SUBSTANTIAL JUSTICE.

The proposed use does not cause any harm to the general public or other individuals and accommodates substantive and costly renovation and improvements to the property.

4: VALUE OF SURROUNDING PROPERTIES WILL NOT BE DIMINISHED.

The increased investment and preservation of this property will enhance and elevate the value of the properties surrounding it.

5: LITERAL ENFORCEMENT WOULD RESULT IN "UNNECESSARY HARDSHIP".

The property is unique given its period of development and its historic use in its current form. This use predates the implementation of the current zoning ordinance. The proposed use, while continuing some non-conformities, more aligns with the intent of the ordinance. The period nature of this property, and the existing structure, make it a special case to accommodate moderate development in line, and enhancing, existing use.

CLOUGH DR.



HAVEN RD.

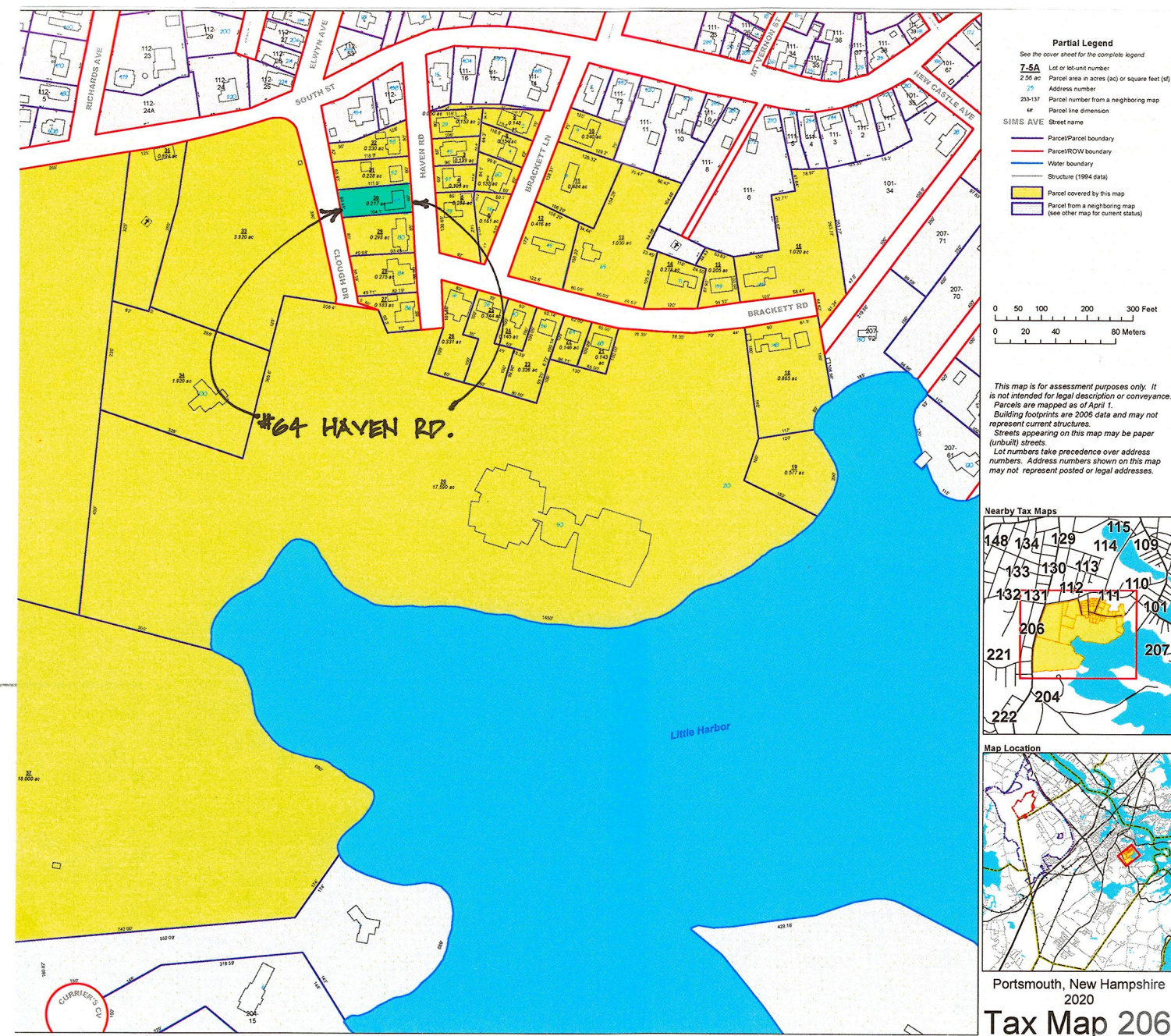
*CORRECTED
PRE-EXISTING CONDITIONS SITE PLAN
1"=10'

DIMENSIONAL TABLE (SRB)

ITEM	EXISTING	PROPOSED	CHANGE
Lot Area (Req. 15,000sf)	9,453sf	9,453sf	0sf
Height (35' max.)	25' 9"	25' 9"	0'
Front Yard (Req. 10')	19.5' (19.8)	19.5' (19.8)	0'
Left Yard (Req. 10')	3.0' (2.8)	2' (2.1)	-1' (0.6)
Left Yard (Req. 10') to chimney	-	5' (4.9)	-
Right Yard (Req. 10')	18' (17.7)	18' (17.7)	0'
Rear Yard (Req. 30')	93.0'	92.5'	-0.5'
Area within Left Yard Setback	119sf (127sf)	118.5sf (126sf)	-0.5sf (-1.0sf)
Garden Shed	120sf	120sf	0sf
House & Garage Area (20% max.)	1,208sf	1,458sf	+122sf
House & Garage % Area	14%	15%	+1%
Enclosed Porch Area	119sf	0sf	-119sf
Deck (less than 18" high)	348sf	418sf	+70sf
Bulkhead #1	21sf	0sf	-21sf
Bulkhead #2	23sf	0sf	-23sf
Hot Tub Patio (less than 18")	494sf	494sf	0sf
Patio	544sf	531sf	-13sf
Front Steps & Landing	23sf	23sf	0sf
Front Path	63sf	63sf	0sf
Driveway	198sf	220sf	+22sf
TOTAL IMPERVIOUS AREA	3,161sf	3,327sf	+22sf
TOTAL IMPERVIOUS AREA %	33.4%	35.2%	+2%
OPEN SPACE %	66.6%	64.8%	-2%

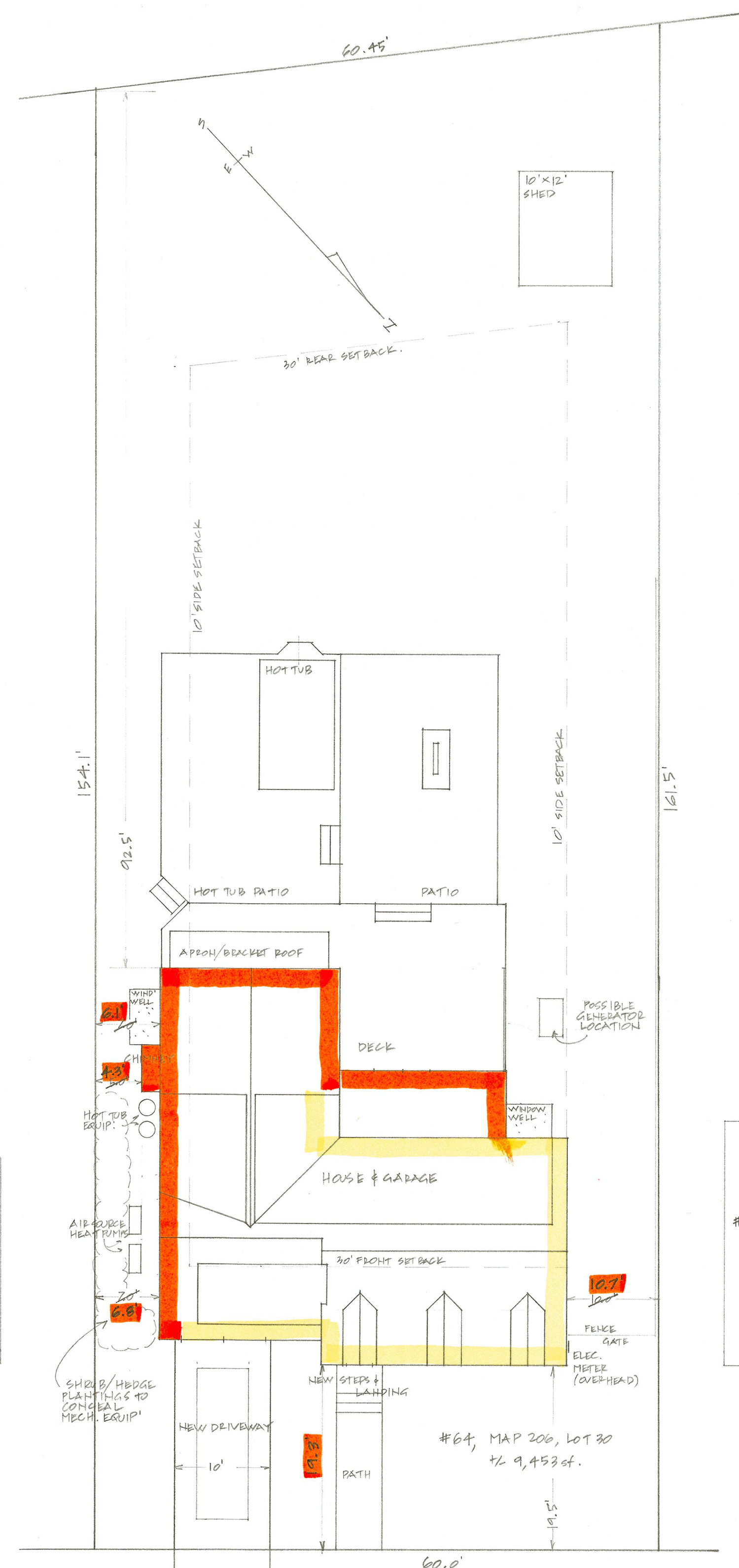
OWNER OF RECORD;
ANTHONY JAY CLARK
64 HAVEN RD.,
PORTSMOUTH, NH
MAP 206, LOT 30

PLAN TAKEN FROM TAX MAP, DEED DESCRIPTION AND FIELD MEASUREMENTS



Tax Map 206

CLOUGH DR.



HAVEN RD.

AS-BUILT CONDITIONS SITE PLAN
*(CORRECTED FROM PROPOSED) 1"=10'

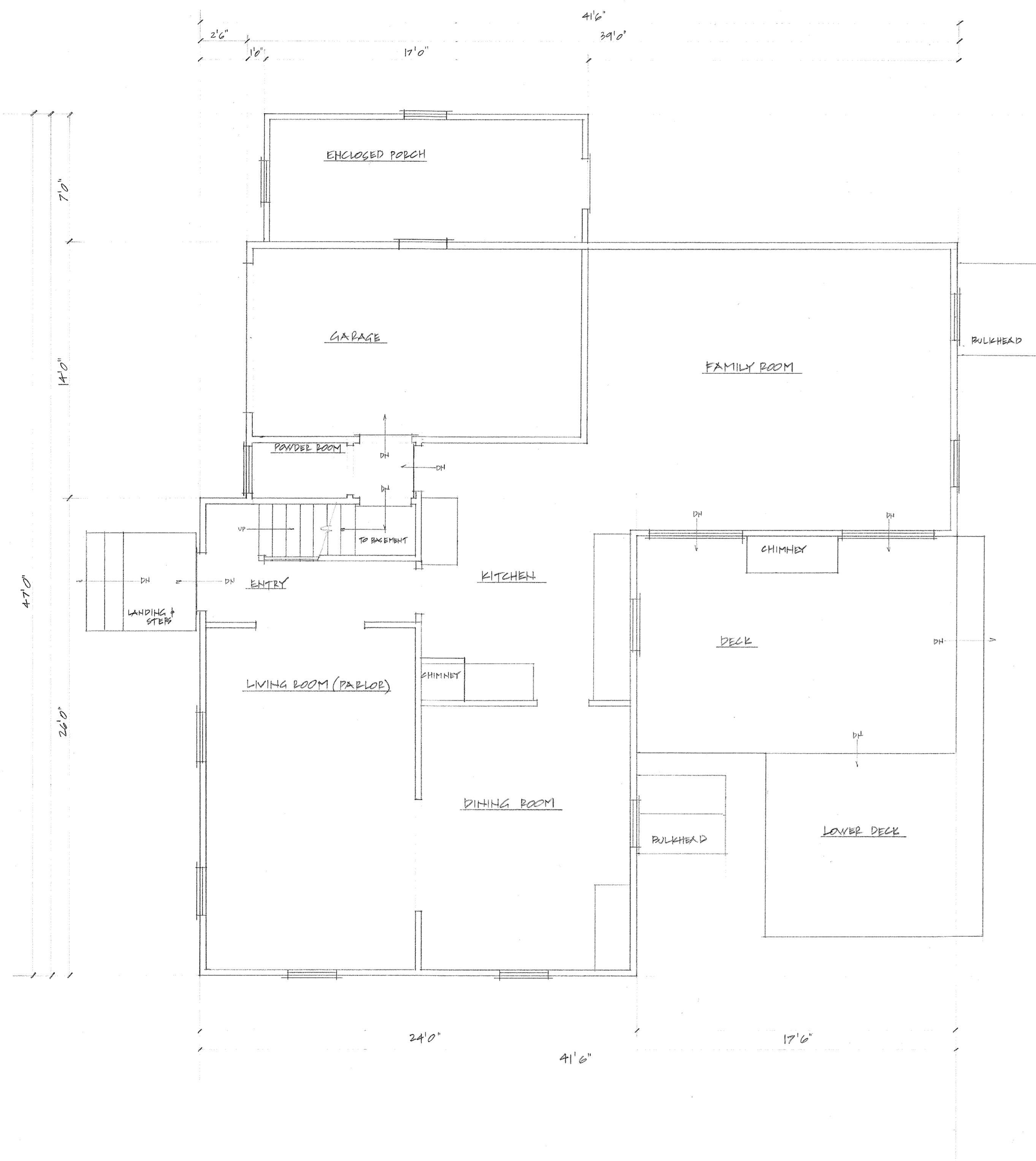
*CORRECTED
TITLE: SITE PLANS, EXISTING & AS-BUILT (FROM PROPOSED)

SCALE: 1"=10'

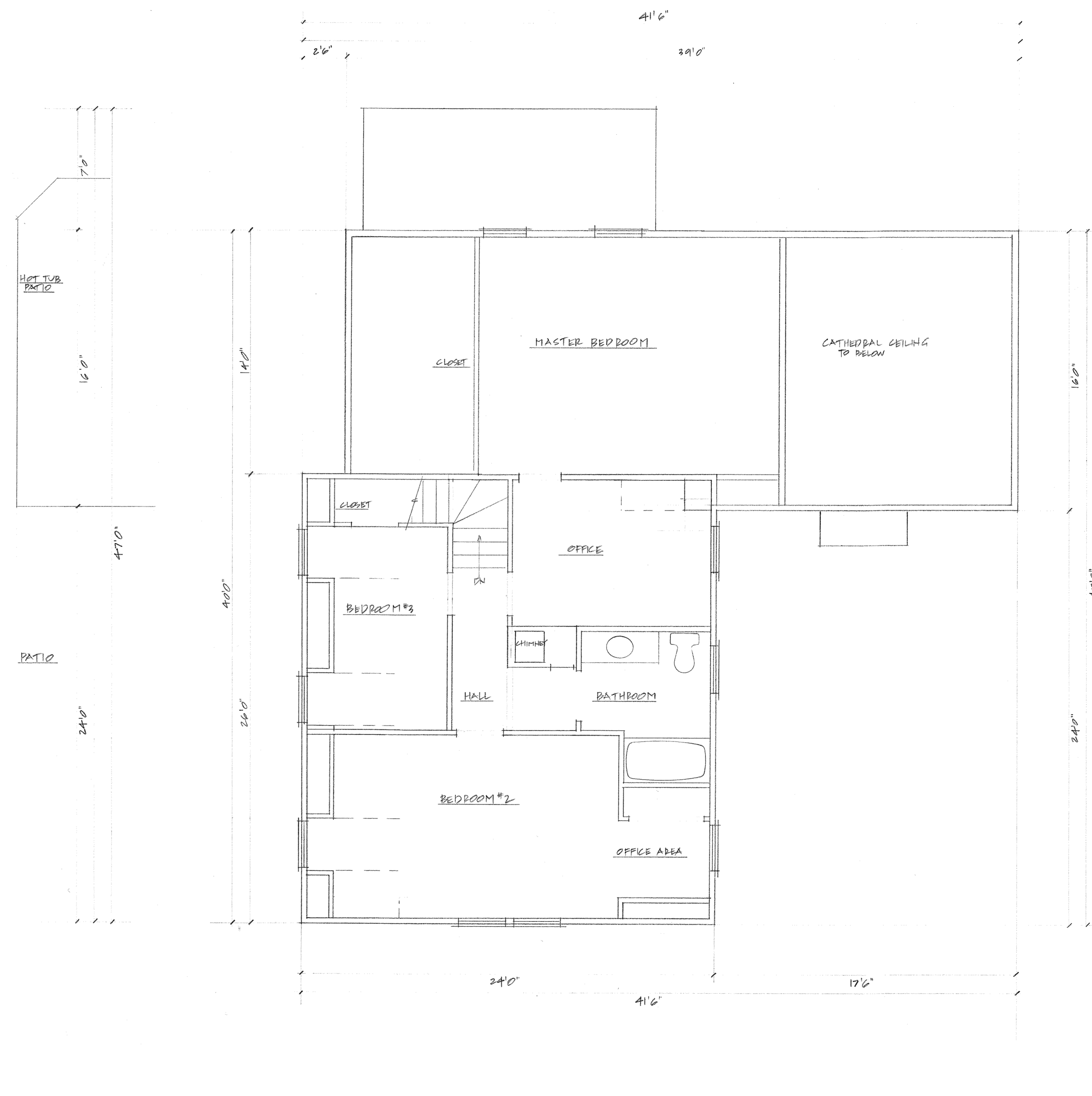
DATE: 4-26-2022

REVISIONS: 5-23-2023 5-15-2024

REMODEL & ADDITION
at 64 HAVEN RD.,
PORTSMOUTH, NH



EXISTING FIRST FLOOR PLAN



EXISTING SECOND FLOOR PLAN

TITLE: EXISTING FLOOR PLANS

SCALE: 1/4" = 1'0"

DATE: 4.26.2022

REVISIONS:

REMODEL & ADDITION
at 64 HAVEN RD.,
PORTSMOUTH, NH.



FRONT LEFT VIEW



FRONT VIEW



FRONT RIGHT VIEW



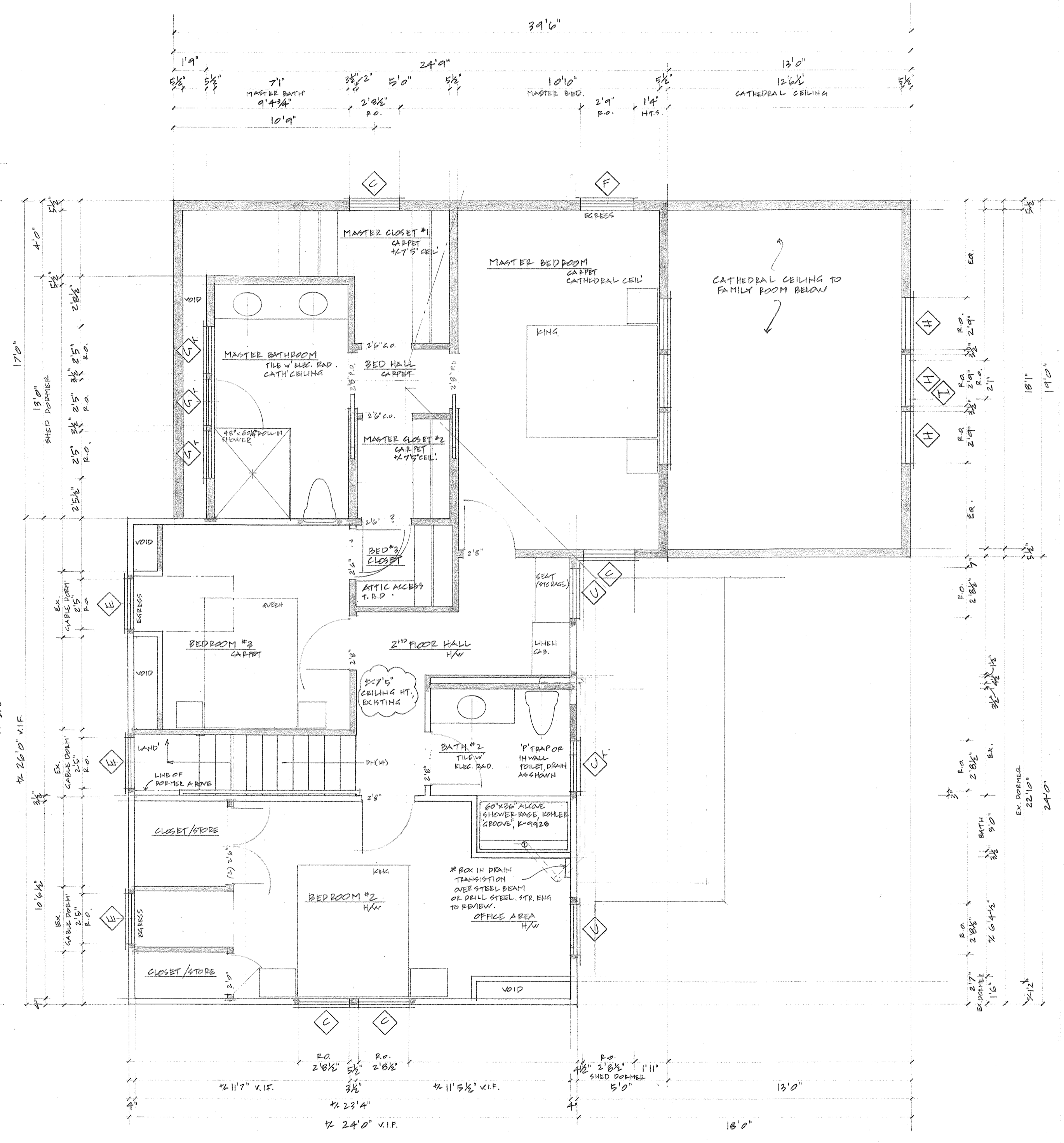
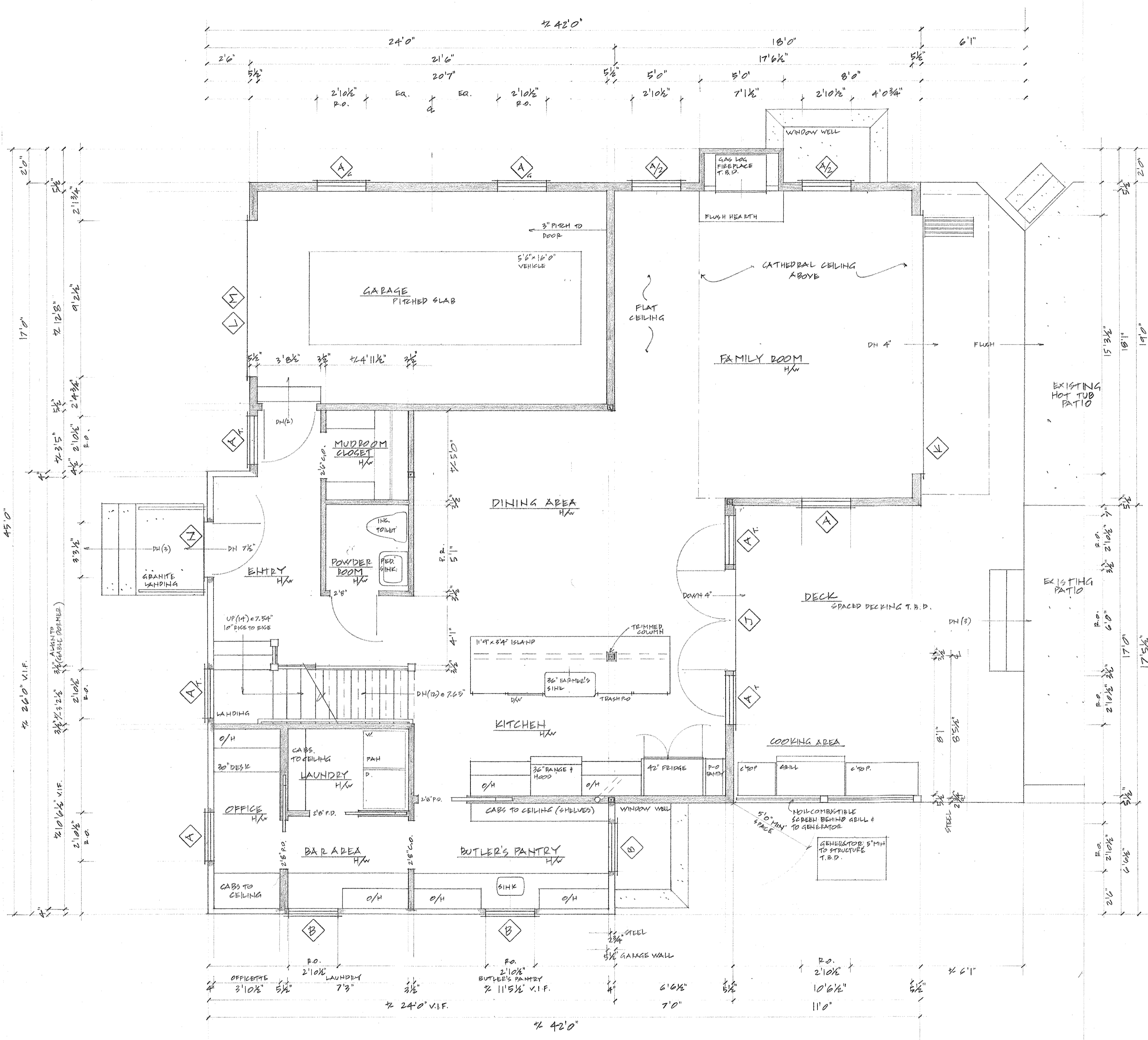
REAR VIEW (FROM RIGHT SIDE)



REAR VIEW

Brendan McNamara
RESIDENTIAL ARCHITECTURE
603.682.1105
brennmcnamara@comcast.net

REMODEL + ADDITION
64 HAVEN RD.,
PORTSMOUTH, NH
TITLE: EXISTING VIEWS
SCALE: -
DATE: 4.26.2022
REVISIONS: 5.23.2023



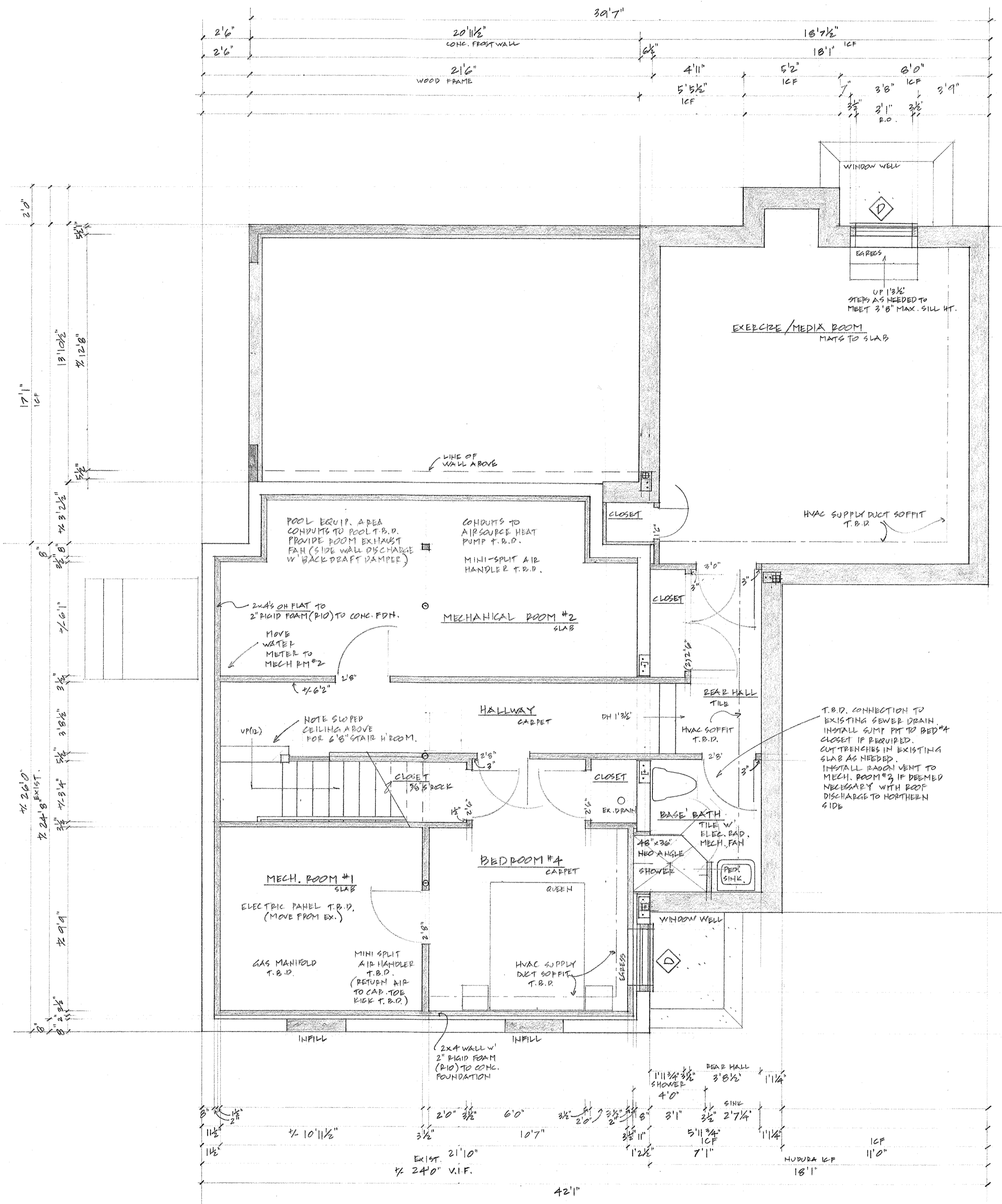
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SCALE: 1/4" = 1'-0"

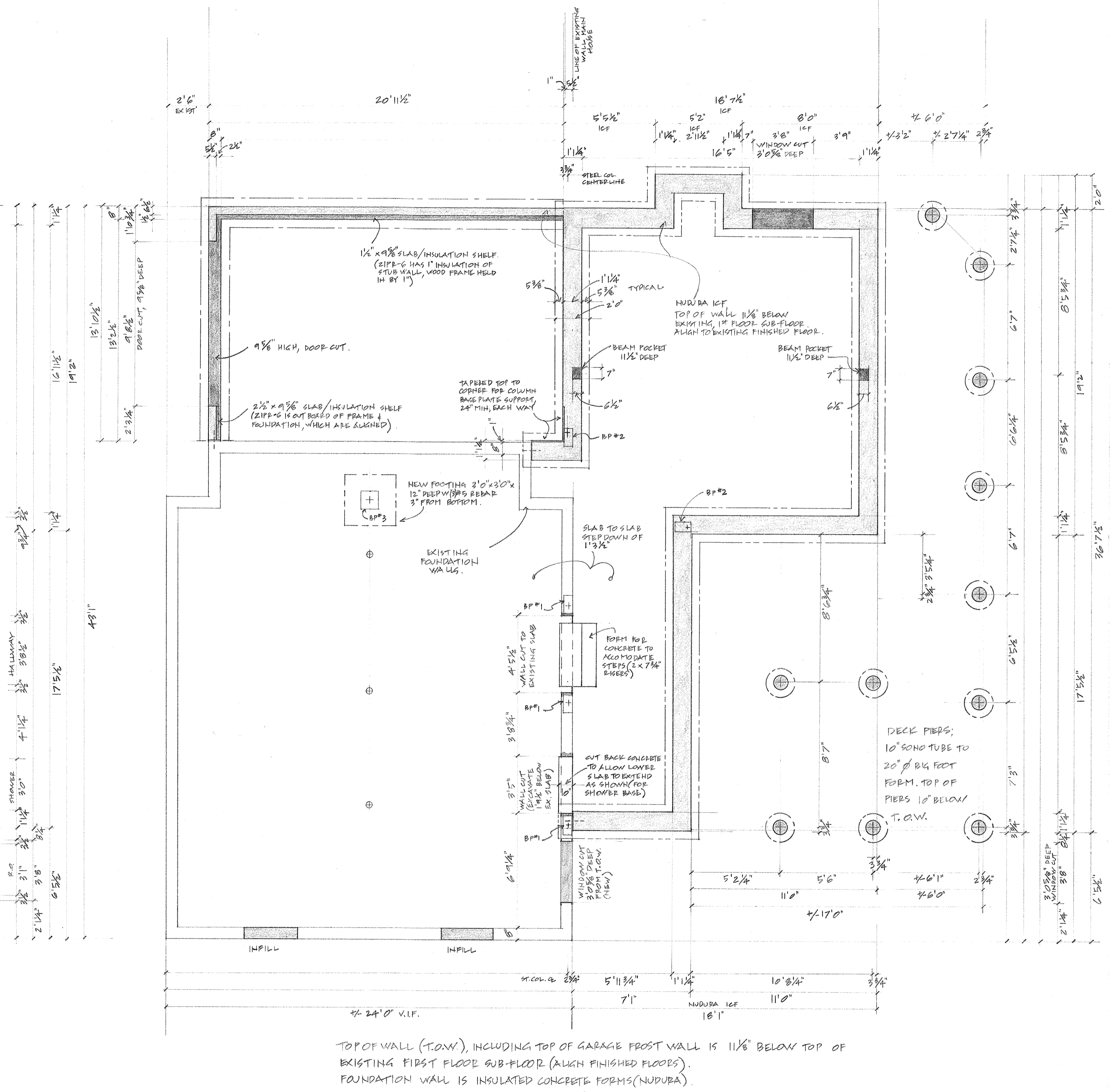
DATE: 4.26.2022

REVISIONS: 5.23.2023

REMODEL & ADDITION
at 64 HAVEN Rd.,
PORTSMOUTH, NH.



PROPOSED BASEMENT FLOOR PLAN



PROPOSED FOUNDATION PLAN

TITLE: PROPOSED BASEMENT & FOUNDATION FLOOR PLANS
 SCALE: 1/4" = 1'-0"
 DATE: 4.26.2022
 REVISIONS: 5.23.2023 6.27.2023 9.6.2023

REMODEL & ADDITION
 at 64 HAVEN RD.,
 PORTSMOUTH, NH.



REAR (WEST) ELEVATION



RIGHT (NORTH) ELEVATION

TRIM: MATCH & REPLACE EXISTING TRIM WITH AZEK EQUIVALENT
CAVINGS 5/4x5 WITH 2" HISTORIC SILL (AZEK)
NOTE GUTTER RETURNS AT PITCH SHELVES AS SHOWN.

SIDING: MAIBEC PRE-DIPPED, EASTERN WHITE CEDAR SHINGLES, 1/2" T.W. "CHATHAM".



LEFT (SOUTH) ELEVATION



FRONT (EAST) ELEVATION

TITLE: PROPOSED ELEVATIONS

SCALE: 1/4" = 1'-0"

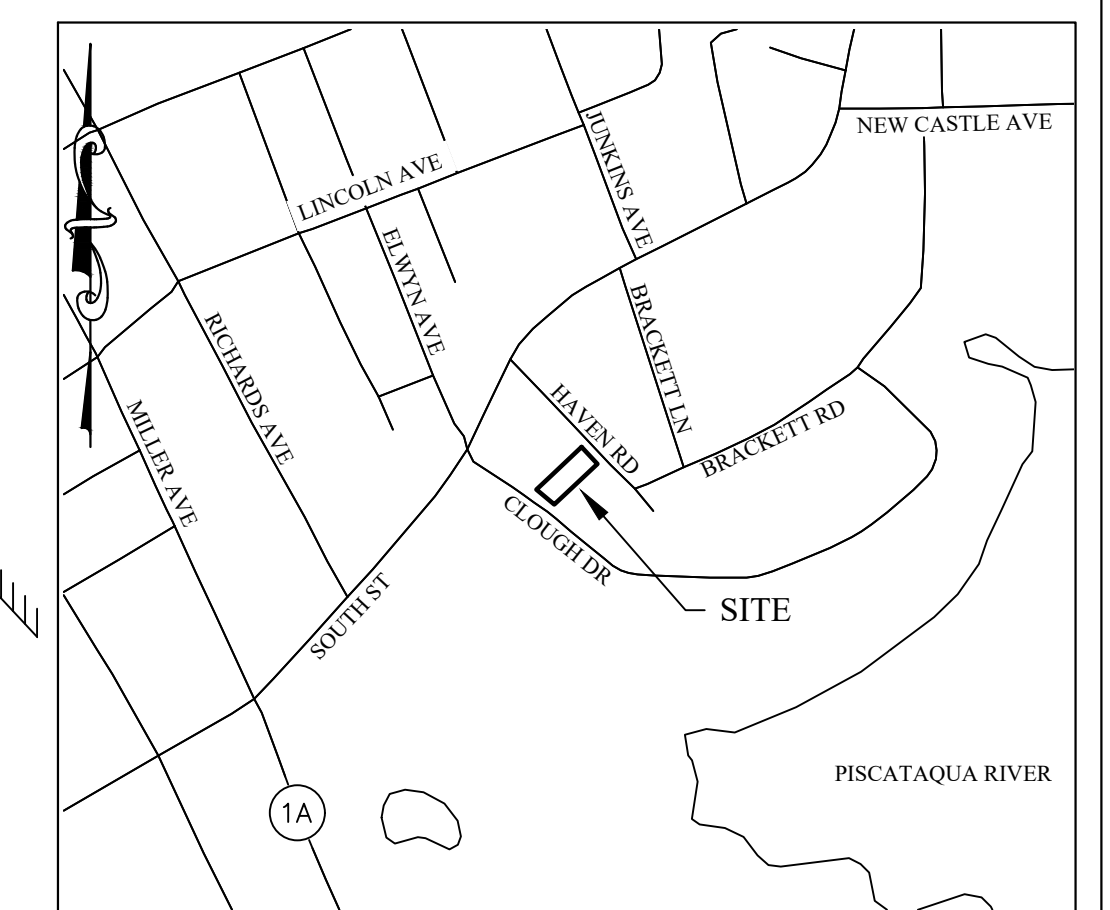
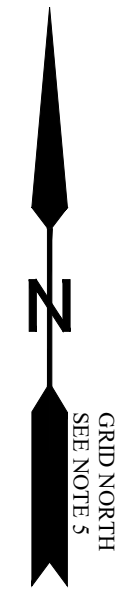
DATE: 4.26.2022

REVISIONS: 5.16.2022 5.23.2023

REMODEL & ADDITION

at 64 HAVEN Rd.,

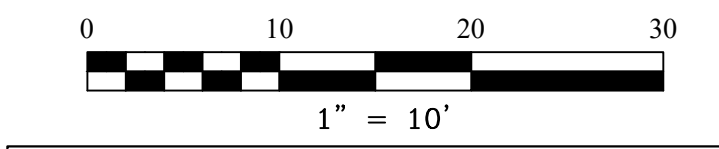
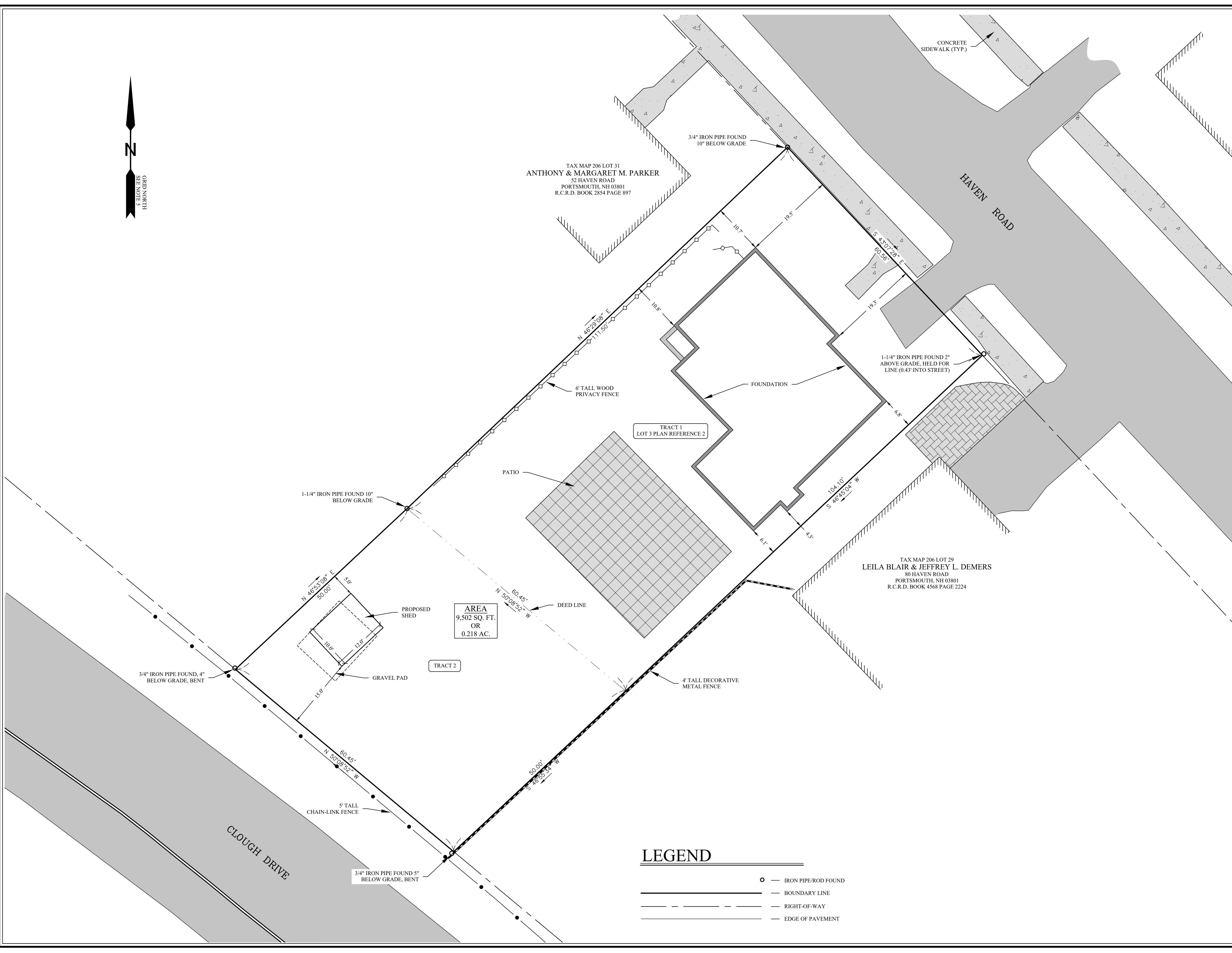
PORTSMOUTH, NH



LOCATION MAP
NOT TO SCALE

- NOTES:**
1. REFERENCE: TAX MAP 206 LOT 30
R.C.R.D. BOOK 6514 PAGE 2039
 2. TOTAL PARCEL AREA: 9,502 SQ. FT. OR 0.218 AC.
 3. OWNER OF RECORD: JAY ANTHONY CLARK & JAMES A. LINK
64 HAVEN ROAD
PORTSMOUTH, NH 03801
 4. ZONE: SRB DISTRICT
DIMENSIONAL REQUIREMENTS:

MINIMUM LOT AREA	15,000 sq. ft.
MINIMUM FRONTAGE	100 ft.
MINIMUM FRONT SETBACK	30 ft.
MINIMUM SIDE SETBACK	10 ft.
MINIMUM REAR SETBACK	30 ft.
STRUCTURE HEIGHT	35 ft.
BUILDING COVERAGE	20%
 5. HORIZONTAL DATUM IS NAD 83 BASED ON GPS OBSERVATIONS.
 6. THE INTENT OF THIS PLAN IS TO SHOW THE AS-BUILT LOCATION OF THE FOUNDATION IN REFERENCE TO THE LEGAL BOUNDARY OF RECORD AND THE LOCATION OF A PROPOSED SHED.
 7. PERMIT APPROVAL BASED ON LAND USE APPROVALS GRANTED UNDER LU-22-121, BOA APPROVAL PERMITTING 5'-0" LEFT YARD SETBACK, 7.5' SETBACK FOR MECHANICAL AND APPROVAL TO EXPAND/ALTER A NONCONFORMING BUILDING.
- PLAN REFERENCES:**
1. PLAN TITLED "STANDARD BOUNDARY SURVEY MAP 206 - LOT 28 FOR JAMES F. & CATHERINE LAMOND, 84 HAVEN ROAD, PORTSMOUTH, NH" DATED JANUARY 2004, PREPARED BY AMBIT ENGINEERING, INC., R.C.R.D. PLAN D-31814.
 2. PLAN TITLED "PLAN OF LOTS PORTSMOUTH, NH OWNED BY H.A. BRACKETT" DATED AUGUST 1937, PREPARED BY JOHN W. DURGIN, R.C.R.D. PLAN 0985.



AS-BUILT FOUNDATION PLAN
LAND OF
**JAY ANTHONY CLARK &
JAMES A. LINK**
(TAX MAP 206 LOT 30)
64 HAVEN ROAD
PORTSMOUTH, NH

DRAWN BY: SDB	DATE: MAY 15, 2024
CHECKED BY: ARB	DRAWING NAME: 24014A1
JOB NAME: 24014	SHEET: C1

STATE OF NEW HAMPSHIRE
NOTARY PUBLIC
SCOTT D. BOUDREAU
SIGNATURE

**Boudreau
Land
Surveying P.L.L.C.**
SCOTT D. BOUDREAU, L.L.S. #961
2 BEATRICE LANE
NEWMARKET, NH 03857
(603) 659-3468

- LEGEND**
- — IRON PIPE/ROD FOUND
 - — BOUNDARY LINE
 - - - - RIGHT-OF-WAY
 - — EDGE OF PAVEMENT



CITY OF PORTSMOUTH

Planning Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

ZONING BOARD OF ADJUSTMENT

July 25, 2022

Jay Anthony Clark
64 Haven Rd
Portsmouth, New Hampshire 03801

RE: Board of Adjustment request for property located at 64 Haven Road (LU-22-121)

Dear Mr. Clark:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, July 19, 2022**, considered your application for demolishing existing garage and porch and constructing a new garage and addition which requires the following: 1) Variance from Section 10.521 to allow a 5' left side yard where 10' is required. 2) A Variance from Section 10.515.14 to allow a 7.5' setback for 2 mechanical units where 10' is required for each. 3) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 206 Lot 30 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted to **grant** the variances as presented with the following stipulation:

1.) The two air conditioning units shall be 4-1/2 feet from the left side instead of 7-1/2 feet.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,



Arthur Parrott, Chairman of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Brendan McNamara



City of Portsmouth Foundation Only Permit

Inspection Department
1 Junkins Avenue
Portsmouth, NH 03801
603-610-7243

Permit Number:
BLDG-23-864
Date of Issue:
October 11, 2023
Expires:
October 10, 2024
Foundation Cost:
\$20,000

Owner: CLARK JAY ANTHONY
Applicant: Jay Prewitt
Contractor: Jay Prewitt, Jay Prewitt Builder Inc. **Phone #:** 6034986690
Location: 64 HAVEN RD

Description of Work: Partial Demolition and Foundation Only for New Addition

Project to Include:

Selective Partial Demolition: Demolish 14'0 x 22'0 Garage with Three-Quarter Story Above (Including Foundation); Demolish Single-Story 7'0 x 17'0 Finished Enclosed Porch (Including Foundation); Demolish 16'0 x 17' Rear Single-Story (Behind garage) (Including Foundation); Demolish 22'0 x 18'0 Irregular Sized Rear Deck Structure.

Foundation Only: Construct New 18'1 x 36'7-1/2" Full Depth Foundation and 13'10-1/2" x 20'11-1/2" Shallow Foundation as detailed on plans by Brendan McNamara, Labelled Proposed Basement & Foundation Floor Plan, Page A5, Remodel & Addition at 64 Haven Road, dated 04/26/2022, Revision date 05/23/2023. And as per Structural Plans labelled Foundation, Details, Notes 64 Haven Road, dated 06/06/2023, REV 4, dated 09/25/2023. Permit Approval based on Land Use Approvals Granted under LU-22-121, BOA Approval permitting 5'0 left yard setback, 7.5' Setback for mechanical and Approval to expand/alter a nonconforming building. (Stipulation 1- Air-Conditioning Units shall be 4-1/2 feet from the left side instead of 7-1/2 feet.

Condition of Approval: As-Built Foundation Plan Required Prior to the Release of the full Building Permit

Map/Lot: 0206--0030--0000-

Design Occupant Load: Single-Family 4 bedrooms, 3.5 bathrooms, 1-car garage, partially finished basement

Total # of Dwelling Units: 0

Use Group: Addition and Remodel Type V-B
Const. Type: Type V-B
Bldg. Code: IRC **Edition:** 2018

Remarks: * Per City Ord. Sec. 11.502 (F) Street/Unit Number must be affixed to Main Structure as to be plainly visible from the street. Construction sites must post the address clearly on the property. No site activity allowed before 7:00AM or after 6:00PM. No weekend construction allowed.

- * Per City Ord. Sec. 11.502 (F) Street/Unit Number must be affixed to Main Structure as to be plainly visible from the street. Construction sites must post the address clearly on the property. No site activity allowed before 7:00AM or after 6:00PM. No weekend construction allowed.
- * Adjoining public and private property shall be protected from damage during construction, remodeling, and demolition work, per IBC Section 3307
- * Required means of egress shall be maintained at all times during construction, demolition, remodeling or alterations and additions to any building.
- * Structures under construction, alteration or demolition shall be provided with no fewer than one approved portable fire extinguisher in accordance with Section 906, and located in accordance with IBC § 3309
- * Pedestrians shall be protected during construction, remodeling and demolition activities as required by IBC § 3306
- * Any blocking of street or sidewalk will require an **Encumbrance Permit** from the Inspection Department. 603-610-7243
- * Separate electrical, plumbing and mechanical permits required.
- * Per Section R109.1.4 Frame and Masonry inspection. Inspection of the framing and masonry construction shall be made after the roof, masonry, all framing, firestopping, draftstopping and bracing are in place and after the plumbing, mechanical and electrical rough inspections are approved.
- * Per Section R109.4 Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. Do not cover or conceal until authorized by the building official.
- * Prior to starting demolition of any portion of a structure All Utilities must be safely terminated. Electrical Service to be terminated per Electrical Inspectors approval. Water and Sewer services to be capped per DPW and City Standards. Oil Tanks and Propane tanks must be emptied and disposed of in an approved manner by a licensed contractor. Natural Gas service must be disconnected and terminated at the street by the utility company. The entire structure shall be reviewed for asbestos-containing building materials (ACBM) by an accredited inspector prior to starting demolition. All Hazardous materials must be properly disposed of per state and local regulations. Written approval required prior to starting any demolition. Removal/Demolition of any portion of the structure shall require placarding and legal notices as outlined in the Demolition Ordinance.
- * All renovation or painting work in residential structures built before 1978 and involving more than 6 square feet of painted surfaces per room, shall be done by certified persons per the federal EPA, RRP rules. NOTE: Homeowner doing this type work may not be subject to the federal regulations-check the EPA website.
- * Asbestos Removal shall comply with New Hampshire Code of Administrative Rule Env-A1800. Disposal shall comply with Env-A 1805.08. Documents maintained, including all licenses, certificates, and proof of training held by all supervisors and workers engaged in the asbestos abatement project.
- * Permit based on Board of Adjustment conditions of approval.
- **You must contact Dig Safe by calling 811 or visiting www.digsafe.com prior to starting construction**
- ?* Foundation location (As-built) plan confirming location of structure is compliant with approved property line setback shall be submitted prior to release of full building permit. Plan shall clearly call out the dimensions, setback locations as well as top of slab/foundation elevations to determine compliance with Land Use Approvals.

The PERMIT HOLDER has read this permit, the permit application, and the Building Official's marked-up plans and agrees to perform the work authorized including any conditions or requirements indicated thereon; and any stipulations imposed by a Land Use Board in conjunction with the project. The CONTRACTOR shall be responsible for notifying the Inspection Department 48 hours in advance, for FOUNDATION, FRAMING, and FINAL inspections. A Certificate of Occupancy is required for all Building Permits. Buildings shall not be occupied until ALL inspections (BUILDING, ELECTRICAL, PLUMBING, MECHANICAL, and FIRE) are complete and Occupancy has been issued. By signing this permit, the owner or his/her representative (Permit Holder), authorizes property access by city officials to conduct interior and exterior inspections and property tax assessments during and/or after the construction process.

The Permit Card Shall Be Posted and Visible From the Street During Construction.

Code Official:
Code Official:

Paul Garand

This is an e-permit. To learn more, scan this barcode or visit portsmouthnh.viewpointcloud.com/#!/records/77217

