

**REGULAR MEETING
BOARD OF ADJUSTMENT
PORTSMOUTH, NEW HAMPSHIRE**

7:00 P.M.

CITY COUNCIL CHAMBERS

SEPTEMBER 21, 2004

AGENDA

I. OLD BUSINESS

A) **Request for Re-Hearing** for Petition of Sheila C. Cail Revocable Trust, Applicant, for property located at **579 Sagamore Avenue, Unit 122**. Said property is shown on Assessor Plan 223 as Lot 30-122 and lies within the Single Residence A district.

II. PUBLIC HEARINGS

- 1) Petition of **Gary M. Epler and Maryliz A. Geffert, owners**, for property located at **245 Highland Street** wherein the following Variances are requested from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) to allow: a) a 7' x 20' two story addition and a 5' x 7' deck to the right side of an existing single family dwelling with a 2'± right side yard where 10' is the minimum required, and b) a 10'± rear yard for the 7' x 20' addition where 20' is the minimum required. Said property is shown on Assessor Plan 130 as Lot 40 and lies within the General Residence A district. Case # 9-1

- 2) Petition of **Lawrence and Ruth Gray, owners**, for property located at **80 Curriers Cove** wherein a Variance from Article III, Section 10-301(7)(a) is requested for retroactive approvals for the following where the minimum setback from salt water marsh wetlands / mean high water line is 100'. Item 1) Approval is sought for an existing second story deck with dimensions of 10' x 14' which differs from the plan submitted to the Board showing the second floor deck having dimensions of 8' x 14'. The second floor deck constructed by the Applicant's contractor has a curved front which results in the deck being 10' x 14', the maximum extent of the "bump out". The plan submitted shows this Item as being 74' from salt water marsh wetlands / mean high water line. Item 3) In June 2002 a building permit was issued to convert a screened porch and deck to living space. The screen porch converted to living space had a cropped corner to accommodate an existing tree. Subsequently the tree was removed and the cropped corner was extended and enclosed. The Application seeks approval for the enclosure of the corner. The plan submitted shows this Item as being 81' from salt water marsh wetlands / mean high water line. Item 4) In 2003 the Applicant received approvals to construct an 8' x 14' deck with a 4' x 4' platform and steps to the ground. Due to the geographical features on the ground, the steps and platform were configured in a manner different from plans submitted. The Applicant seeks approval of the platform and steps as they are presently configured in this Application. The plan submitted shows this Item as being 67' from salt water marsh wetlands / mean high water line. Item 5) During the renovation of the Applicants home, a new bow window was installed in the kitchen. The bow window makes no contact with the ground. The Applicants seek approval of this bow window. The plan submitted shows this Item as being 60' from salt water marsh wetlands / mean high water line. Said property is shown on Assessor Plan 204 as Lot 14 and lies within the Single Residence B district. Case # 9-2

- 3) Petition of **Wal-Mart Estate Business Trust, David Glass Managing Trustee, owner**, for property located at **2460 Lafayette Road** wherein a Variance from Article XII, Section 10-1203(A)(2) is requested to allow 7 loading areas to be provided where 17 are required. Said property is shown on Assessor Plan 285 as Lot 2 and lies within the General Business district. Case # 9-3

- 4) Petition of **Mark C. Adamy and Holly Lowe, owners**, for property located at **350 Broad Street** wherein a Variance from Article IV, Section 10-402(B) is requested to allow a 14' x 30' detached garage with a 6'± left side yard and a 6'± rear yard where 10' is the minimum required in each instance. Said property is shown on Assessor Plan 221 as Lot 69 and lies within the General Residence A district. Case # 9-4

- 5) Petition of **Paul R. Winslow and Robin F. Winslow, owners**, for property located at **47 Edmond Avenue** wherein a Variance from Article III, Section 10-302(A) is requested to allow a 7' x 26' covered porch with a 23'± front yard where 30' is the minimum required. Said property is shown on Assessor Plan 220 as Lot 20 and lies within the Single Residence B district. Case # 9-5
- 6) Petition of **Donald O. and Greta M. McEvoy, owners**, for property located at **3 Little Harbor Road** wherein a Variance from Article III, Section 10-302(A) is requested to allow a 24' x 36' 1 ½ story attached garage with a 21'± rear yard where 30' is the minimum required. Said property is shown on Assessor Plan 222 as Lot 6 and lies within the Single Residence B district. Case # 9-6
- 7) Petition of **Henry S. Dutkowski, owner**, for property located at **806 Rt 1 By-Pass** wherein the following are requested: 1) a Variance from Article XII, Section 10-1204 Table 15 is requested to allow 37 parking spaces to be provided where 58 parking spaces are required, and 2) a Variance from Article XII, Section 10-1201(A)(3)(d)(1) to allow parking within 50' of a residential district and no screening to be provided. Said property is shown on Assessor Plan 161 as Lot 43 and lies within the Business district. Case # 9-7
- 8) Petition of **Richard J. Menard, owner**, for property located at **137 Elwyn Avenue** wherein a Variance from Article IV, Section 10-402(B) is requested to allow a 24' x 24' detached one story garage with a 5' left side yard and a 10' rear yard where 12' is the minimum required in each instance. Said property is shown on Assessor Plan 112 as Lot 48 and lies within the General Residence A district. Case # 9-8
- 9) Petition of **Deborah C. and Harry D. Hobbs owner**, for property located at **489 Sagamore Avenue** wherein a Variance from Article III, Section 10-301(A)(2) is requested to allow a 24' x 24' one story with basement freestanding second dwelling on the lot in a district where all dwelling units are required to be in one building. Said property is shown on Assessor Plan 222 as Lot 25 and lies within the General Residence A district. Case # 9-9
- 10) Petition of **150 Greenleaf Avenue Realty Trust, James G. Boyle Trustee, owner**, for property located at **150 Greenleaf Avenue** wherein an Appeal from an Administrative Decision is requested concerning the determination that parking of vehicles "For Sale" is "outdoor storage" as defined by Article I.

Notwithstanding the above, if the Administrative Appeal is denied, a Variance from Article II, Section 10-208(35) is requested to allow the outdoor storage of vehicles upon existing pavement within 200' of a residential district where a 200' buffer to a residential district is required. Said property is shown on Assessor Plan 243 as Lot 67 and lies within the General Business district. Case # 9-10

- 11) Petition of **Gary W. and Nancy T. Seesman, owners**, for property located at **93-95 Union Street** wherein a Variance from Article IV, Section 10-402(B) is requested to allow a 24' x 32' two story garage with: a) a 6' rear yard, b) a 6' left side yard; and, c) a 10.7' right side yard where 11.6' is the minimum required in each instance. Said property is shown on Assessor Plan 145 as Lot 67 and lies within the Apartment district. Case # 9-11

III. ADJOURNMENT