



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - AGENDA

Meeting Type: Regular Meeting
Meeting Location: **Council Chambers & Council Conference Room, City Hall**
288 Central Ave., Dover, NH 03820
Meeting Date: **Thursday, January 21, 2021**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. ELECTION OF OFFICERS

3. APPROVAL OF MEETING MINUTES OF NOVEMBER 19, 2020

4. HEARINGS

- A. Z21-01 Owner/Applicant Portside Properties, LLC, 418 Dover Point Road (Tax Map 8, Lot 38-D), located in the Little Bay Waterfront (LBW) Zoning District, requests a variance from **Section 170-6** of the Zoning Ordinance, specifically the definition of “lot,” to permit two principal buildings on the lot, where only one is permitted.
- B. Z21-02 Owner Paula DePlanche (Lincoln Building LLC) and Applicant Sundance Sign Company, 113 Locust Street (Tax Map 9, Lot 53), located in the Central Business District – Mixed Use Subdistrict (CDB-MU), request a variance from **Section 170-32.A** of the Zoning Ordinance to permit a new freestanding sign, where freestanding signs are not permitted.

5. OTHER BUSINESS

6. ADJOURN

Persons with questions or interested in reviewing the meeting materials are invited to visit the Planning Department located in City Hall, open Monday-Thursday from 8:30 am to 5:30 pm and Friday from 8:30 am to 4:00 pm. The meeting materials are also available online at www.dover.nh.gov. Follow us on Twitter @DoverNHPlanning and find us on Facebook at <https://www.facebook.com/DoverNHPlanning>.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall – 288 Central Ave., Dover, NH 03820
Meeting Date: Thursday, November 19, 2020
Meeting Time: 7:00 pm

1. ATTENDANCE

Members Present: Chris Prior (Chair), Otis Perry (Vice Chair), George Reagan, Rich Onufry (Alternate), Anthony Sillitta (Alternate), Casey Conley

Members Absent (Excused): Nick Couturier, James Burdin (Alternate)

Staff Present: Elena Piekut (Assistant City Planner, Zoning Administrator)

The Chair called the meeting to order at 7:00 PM and noted Rich Onufry will be a voting member.

2. APPROVAL OF MEETING MINUTES OF SEPTEMBER 17, 2020

Motion: Otis Perry moved to approve the minutes of September 17, 2020 as submitted. Seconded by Anthony Sillitta. Vote: U/A

3. HEARINGS

Chair Prior explained the hearing process.

- A. Z20-08 Owner/Applicant Diamond Capital, Inc., Gulf Road (Tax Map N, Lot 2-A-2), located in the Rural Residential (R-40) Zoning District, requests a variance from Section 170-6 of the Zoning Ordinance to permit the construction of two principal buildings (two single-family dwellings) on one lot, where the definition of “lot” does not permit the placement of more than one principal building on a lot.

FX Bruton of Bruton & Berube asked the board for a five-minute recess so he could speak to the abutter’s attorney. The recess was granted.

Upon return, Atty. Bruton requested that the board continue the case so the applicant could cooperate with the abutter and come back before the board with an agreement.

Motion: Otis Perry moved to table the hearing. George Reagan seconded. Vote: U/A

4. OTHER BUSINESS

- E. Piekut noted the annual board meet and greet will not be in person this year, though staff is exploring a virtual format.

5. ADJOURN

Motion: Otis Perry moved to adjourn at 7:10pm. Anthony Sillitta seconded. Vote: U/A



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO

Meeting Type:	Regular Meeting
Meeting Location:	Council Chambers, City Hall – 288 Central Ave. Dover, NH 03820
Meeting Date:	Thursday, January 21, 2020
Meeting Time:	7:00 pm

INTENT: The Applicant requests a variance to permit two principal buildings (a two-family dwelling and a commercial/office structure) on one lot.

UNITS PROPOSED: All three currently exist

AGENDA ITEM #: 3-A

ZONING DISTRICT: Little Bay Waterfront (LBW)

FILE: Z21-01

APPLICANT/OWNER: Portside Properties, LLC

LOCATION: 418 Dover Point Road (Tax Map 8, Lot 38-D)

ACREAGE: 0.38 acre (16,553 sq. ft.)

EXISTING LAND USE: Single-family dwelling, apartment over garage, and commercial/office building

PROPOSED LAND USE: Two-family dwelling and commercial/office building

SURROUNDING LAND USE: Single- and two-family dwellings, Spaulding Turnpike, Little Bay Marina (approved for mixed use marina and multi-family dwelling development)

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: No

ATTACHMENTS: Application, plan

STAFF RECOMMENDATION:
Staff does not oppose granting the variance request.

BACKGROUND INFORMATION

The property subject to this variance request is located on the northeast side of Dover Point Road, abutting the Spaulding Turnpike. Assessing records indicate that the primary home was built in 1950. Two additional structures were built later, possibly in 1999 and 2002. The previous owner operated what he called a “commissary” and the middle building contained a commercial kitchen. This building also contains a small apartment on the second floor. It is not clear the degree to which permits were sought and obtained for these additional uses.

The current owner wishes to rent both the main house and the apartment, and operate his business, Portside Systems, in the third and rearmost building. He intends to make the property more nearly conforming by attaching the front and middle buildings, and dedicating the first-floor garage space of the middle building to the residential unit above it, thereby creating a two-family dwelling, which is a permitted use in the Little Bay Waterfront (LBW) Zoning District.

The definition of “lot” in **Section 170-6** of the Zoning Ordinance precludes the placement of more than one principal building on one lot, except in specific districts and/or with approval through Planning Board site review.

REASON FOR RECOMMENDATION

The LBW district is a mixed-use district, but the definition of “lot” and the district’s dimensional regulations presume that mixed uses would occur in a single principal structure. A variance is required to permit the separate principal uses of a two-family dwelling and an engineering office/commercial building in two different structures. The scope of the development/change of use does not require site review, so there is no opportunity for the Planning Board to make an exception to the definition of “lot.”

Part of the reason for designing the LBW as a mixed-use district is that this section of Dover Point Road has historically contained a mix of residential and commercial uses, especially prior to the construction of the Spaulding Turnpike. Both of the proposed uses are permitted by right, and no variance would be required if they were contained within the same principal building. Where the structures exist on the lot and have for many years, it is reasonable in this case to permit the two dwellings and engineering office to be spread between two principal structures.

STAFF RECOMMENDATION

Staff recommends that the Board open the public hearing and accept testimony, and make findings on each of the five variance criteria. Staff recommends granting the variance with the condition that the front two structures are configured into one, a two-family dwelling.

**Property Information**

Property ID 08038-D00000
Location 418 DOVER POINT RD
Owner PORTSIDE PROPERTIES LLC
Land Use 101



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 5/20/2020
Data updated Daily



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – ABUTTER NOTICE

Meeting Type: Regular Meeting
Meeting Location: **Council Chambers and Conference Room**, City Hall
288 Central Ave. Dover, NH 03820
Meeting Date: Thursday, January 21, 2021
Meeting Time: 7:00 pm

INTENT: The Applicant requests a variance to permit two principal buildings (a two-family dwelling and a commercial/office structure) on one lot.

UNITS PROPOSED: All three currently exist

AGENDA ITEM #: 3-A

ZONING DISTRICT: Little Bay Waterfront (LBW)

FILE: Z21-01

APPLICANT/OWNER: Portside Properties, LLC

LOCATION: 418 Dover Point Road (Tax Map 8, Lot 38-D)

ACREAGE: 0.38 acre (16,553 sq. ft.)

EXISTING LAND USE: Single-family dwelling, apartment over garage, and commercial/office building

PROPOSED LAND USE: Two-family dwelling and commercial/office building

SURROUNDING LAND USE: Single- and two-family dwellings, Spaulding Turnpike, Little Bay Marina (approved for mixed use marina and multi-family dwelling development)

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: No

Dear Property Owner: As an owner of abutting property, which means your property either adjoins or is located within 200 ft. of the subject parcel, you are hereby notified of the public hearing on the item in **bold** below. The full Zoning Board of Adjustment agenda is as follows:

1. ATTENDANCE

2. ELECTION OF OFFICERS

3. APPROVAL OF MEETING MINUTES OF NOVEMBER 19, 2020

4. HEARINGS

- A. **Z21-01 Owner/Applicant Portside Properties, LLC, 418 Dover Point Road (Tax Map 8, Lot 38-D)**, located in the Little Bay Waterfront (LBW) Zoning District, requests a variance from Section 170-6 of the Zoning Ordinance, specifically the definition of “lot,” to permit two principal buildings on the lot, where only one is permitted.
- B. Z21-02 Owner Paula DePlanche (Lincoln Building LLC) and Applicant Sundance Sign Company, 113 Locust Street (Tax Map 9, Lot 53), located in the Central Business District – Mixed Use Subdistrict (CDB-MU), request a variance from **Section 170-32.A** of the Zoning Ordinance to permit a new freestanding sign, where freestanding signs are not permitted.

5. OTHER BUSINESS

6. ADJOURN

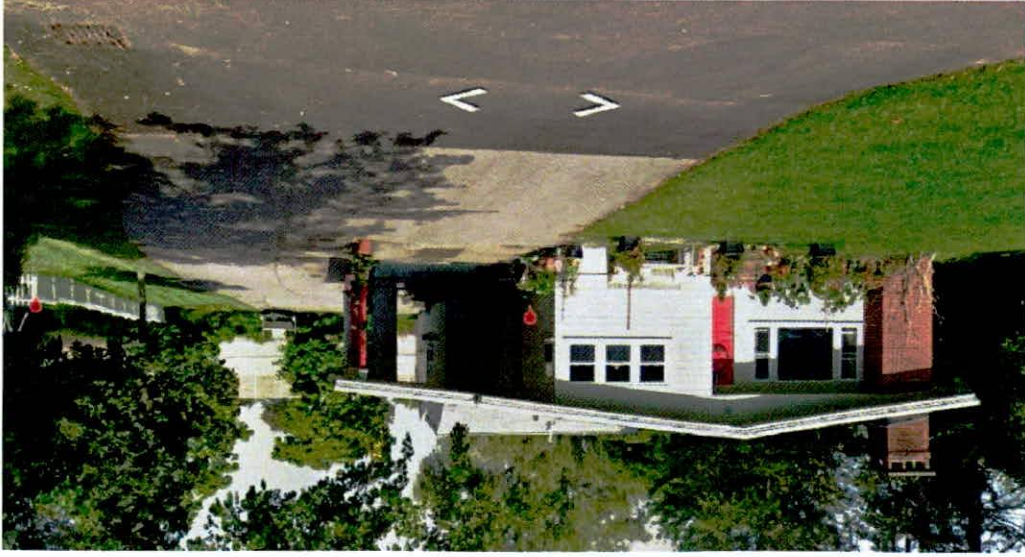
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Follow us on Twitter @DoverNHPlanning and find us on Facebook at <https://www.facebook.com/DoverNHPlanning>.

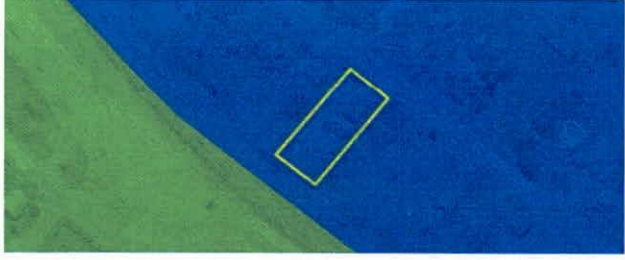
ZONE	REV	DESCRIPTION	DATE	APPROVED
REVISIONS				



PLOT LAYOUT



PROPERTY LOCATION IN LBW
DISTRICT



418 Dover Point Rd, PROPERTY LAYOUT - OVERVIEW		PROJECT INFORMATION:	
PORTSIDE PROPERTIES, LLC		PORTSIDE PROPERTIES, LLC	
418 DOVER POINT RD		PROPERTY LAYOUT PLAN	
REV	00	SIZE	XX
P20108		DWS NO	
1 OF 6		SHEET	
SCALE		1/4" = 1'-0"	
418 Dover Point Rd		Dover, NH 03820	
Portside Systems, LLC		www.portsideprops.com	
			



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Revised April 7, 2017]

Office Use Only	Case #:	<u>221-01</u>	Date Received:	<u>JAN - 4 2021</u>
	Amount Paid:	\$ <u>298.00</u> <u>CK # 121</u>	Time Received:	<u>Dover, New Hampshire</u>

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Portside Properties, LLC Phone # 603-969-9991
Address of Applicant: 22 Cottage St, Portsmouth NH 03801
E-Mail Address: doug@portsidesys.com
PROPERTY OWNER (if different from applicant): Same
Address: Same Phone # _____
E-Mail Address: Same

PROPERTY/PARCEL INFORMATION

Address: 418 Dover Point Rd, Dover NH 03820
Brief Directions: Property is near Newicks Restaurant on Dover Point, located between
Dover Point Rd and the Spaulding Turnpike.
Zoning District: LBW Assessor's Map # 8-38-D-0 Lot(s) # 08038-D00000

TYPE OF APPEAL: (Please check one)

☒ Variance	from Section <u>170-6</u> of the Zoning Ordinance
☐ Physical Disability Variance (RSA 674:33-V)	from Section _____ of the Zoning Ordinance
☐ Special Exception	per Section _____ of the Zoning Ordinance
☐ Appeal of Administrative Decision	regarding Section _____ of the Zoning Ordinance
☐ Equitable Waiver	per Section _____ of the Zoning Ordinance

DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY:

— This property has three buildings (as purchased, Unit A single family residential, Unit B single family residential, and Unit C commercial/office - see attached plans for detail/layout) that have been used as their current purpose since their construction. After opening up the conversation with the City of Dover to assign addresses to each building it was realized that the middle building is not zoned appropriately. This variance is to correct this zoning violation and does not include changes to the property in its use or layout.

APPLICATION CHECKLIST (Please check off)

- A. **Application signed** by Applicant and Property Owner (if different from Applicant) _____
Note: In order for the application to be accepted by Planning Department staff and placed on the ZBA agenda YOU MUST COMPLETE (1) ALL SECTIONS ON PAGE 1 as well as (2) ALL QUESTIONS FOR THE SPECIFIC APPEAL YOU ARE SEEKING.
- B. **10 Copies of Completed Zoning Board of Adjustment Application** _____
Note: Only include those pages of the application that are relevant to your request. Please do not include the abutters list with the 10 copies (include only as part of original signed application (Part A above)).
- C. **10 copies of a plot plan** drawn in accordance with a boundary line to scale not less than 1" = 40'. They need to include the lot dimensions including area in square feet, and also the size and location of existing and proposed buildings if applicable, including setbacks. _____
- D. Submit at least one (1) copy of the plot plan at a size of **8 1/2 x 11** (this is in addition to the 10 copies required in 'C' above). _____
- E. **10 copies of photos** (suggested but optional) and any **other materials** applicant would like to submit in support of the application. _____
- F. **Abutter Notification/Mailing Labels** - this office will create and print the abutter list and provide labels in triplicate for each abutter. The applicant/owner will need to provide to this office the engineer, architect, land surveyor or soil scientist whose professional seal appears on the plan with names and addresses for notices. You will be notified with the amount due, once this has been completed.
1. Applicant & Owner, engineer, architect, land surveyor or soil scientist
Certified letters fee # 0 of x \$8.00 = 8.00
 2. Certified letters fee: # of abutters 4 X \$8.00 = \$ ~~32~~ 80.00
 3. First Class Mail fee (for individual owner of units within a condominium or other collective form of ownership): # of abutters 0 X \$1.00 = \$ _____
 4. Creating/Printing Abutter Labels in triplicate per sheet 0 1 x \$10.00 = \$ 10.00
- G. **TOTAL FEE** paid by cash or check made payable to "City of Dover"
1. Application fee of:
 \$100.00 VARIANCE (per Section requested) \$ 100.00
 \$100.00 SPECIAL EXCEPTION \$ _____
 \$100.00 APPEAL FROM ADMINISTRATIVE DECISION \$ _____
 \$100.00 EQUITABLE WAIVER \$ _____
 2. Foster's newspaper public notice \$ 100.00
- TOTAL FEE** \$ 298.00

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

A variance is requested from Section(s) 170-6 of the Zoning Ordinance to permit:

A variance is requested from Section 170-6 of the Zoning Ordinance to permit: Two principal buildings on the lot, where only one is allowed according to the definition of "Lot".

B. The Five Variance Criteria (as set forth in NH RSA 674:33, I(b))

Please demonstrate compliance with the following:

1. Waiving the terms of the Ordinance will not be contrary to the public interest because:

The property is in a district where the Zoning Ordinance encourages mixed uses of the sort proposed. Professional service businesses provide high quality, low impact employment opportunities for residents of the City and the region (an explicit goal of the mixed use districts). Utilities and safe vehicular access are already available to service the property. Location of business uses in previously developed areas with existing services is the most efficient and economical use of land (especially as compared to sprawl development into rural areas to which infrastructure must be extended). Allowing business use of the property- at no cost to the community will enhance the City's tax base.

2. Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because:

The Little Bay Waterfront District is a mixed-use district "intended to provide suitable areas for a mixture of urban neighborhoods containing residential, commercial, service, retail and office uses. The mixed use development is intended to create a sense of community between the mixed uses, and facilitate the economical and efficient use of land" (Dover Code P 170-39). This proposal will meet those goals. The business owners' regular presence on the property and commitment to the neighborhood will help to build a sense of community, and the continued use of this developed parcel will be an economical and efficient use of land.

The purpose of the Little Bay Waterfront District is to provide locations for a mixture of residential and commercial uses..." (Dover Code P 170-40). The Ordinance encourages a mix of commercial uses in the district, even considering the preponderance of small lots in the LBWD, and expressly allows a mix of multifamily and business uses on a single parcel in this zone for lots 30,000 SF and larger.

3. Granting the variance would do substantial justice because:

Portside purchased the property in the good faith belief that the total number of dwelling units and the business use could be maintained under their ownership. Portside now proposes to improve the property, including conversion of the residential units into a conforming duplex building, and will provide opportunities for professional employment in the portion of the property previously dedicated to a food service business. The engineering business would be allowed without the need for a variance if the principals resided on the property. In this proposal, the principals intend to have their business reside on the property, which will deliver the same benefits in terms of care of the property, consideration of the neighborhood and commitment to the community. It would be unfair to deny Portside the use of the property for its business in light of the positive contributions such use will make, and the aforementioned consistency with the goals of the Zoning Ordinance, simply based on the technicality of the difference in ownership between Portside's business occupancy of the property and the prior owners' residential occupancy.

4. The value of surrounding property will not be diminished because:

the neighborhood has long been, and is currently characterized by a mixture of business and residential uses. A blend of single family residential, government, regional recreation, large scale dining, multifamily residential, regional transportation and marine services is already present in the immediate neighborhood. A large mixed-use redevelopment of property across the street is currently under construction. No major neighborhood disruption due to construction is required by this proposal. The low impact nature of a professional service use will have little or no impact on surrounding properties in terms of traffic, noise, pollution, outside storage, or other negative impacts. Transportation and utility infrastructure are already in place to serve the proposed use. There will be no appreciable increase in traffic compared to the historic use of the property. The conversion of the previously allowed food service use to a professional service use is an upgrade, which will be of benefit to the neighborhood and the surrounding property values.

NOTE: please complete EITHER paragraph 5A OR paragraph 5B. Staff recommends that you complete paragraph 5B only if you feel you cannot meet the requirements set forth in paragraph 5A.

5A. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:

(i) The following special conditions of the property distinguish it from other properties in the area:

First, nearby lots in the LBWD of at least 30,000 SF are allowed to support a mixture of business and multifamily uses without a variance. While the subject lot is able to support a two family dwelling under present zoning, it cannot be considered for the larger mixed-use development option since it contains less than 30,000 SF, and so is denied the combination of uses and other goals of the Zoning Ordinance which benefit neighboring properties.

Second, the lot was purchased with a detached building that was designed, intended, and is well suited to a business use. Due to the change from residential ownership to business ownership of the property, this building can no longer be utilized for its intended purpose without a variance from the strict terms of the Zoning Ordinance, even though such a use is consistent with the goals of the LBWD, and can meet all the other conditions for a variance.

and

(ii) No fair and substantial relationship exists between the general purposes of the ordinance provision and the specific application of that provision to the property because:

If a larger mixed use development could be permitted without the stipulation that the owner resides on the premises, then it is unreasonable to require that the owner must reside on the premises of an otherwise-allowed smaller mixed use. Further, mixed uses are allowed in a single principal building resulting in multiple uses on a single lot. The proposed use clearly meets the goals of the LBWD, and can be easily accommodated on the proposed lot in terms of land area and infrastructure. The requirement that the proposed combination of uses must be in a single principal building is therefore arbitrary, does nothing to further the goals of the Ordinance in this case, and thus can be easily waived while doing no harm.

and

(iii) The proposed use is a reasonable one because:

Use of the property as proposed by owners of the business provides the same neighborhood and community benefits that an owner-occupied business use might provide. It is also a reasonable one because it enhances business development in the City but requires no significant exterior change to the property; will reduce potential negative impacts from otherwise-permitted home occupation uses of the property; is easily accommodated by and makes good use of existing infrastructure on the subject lot and in the area; is consistent with the goals of the Dover Code in general, and the specific goals of the mixed use districts and the LBWD, and can be permitted by a relatively small variance from the strict terms of the definition section of the Ordinance; and will make suitable and beneficial use of an already developed lot in a densely developed portion of the City.

OR

5B. If the criteria in subparagraph 5A above are not established, explain how, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it:



Portside Properties, LLC, Owner and Applicant
December 30th, 2020

Property at 418 Dover Point Road
Map Block Number 8-38-D-0
Little Bay Waterfront District

A variance is requested from Section 170-6 of the Zoning Ordinance to permit: Two principal buildings on the lot, where only one is allowed according to the definition of "Lot".

Property Background

The present owner of the property, Portside Properties, LLC, purchased the property in 2018. The prior owners had resided on the property and conducted business activities as an accessory use out of the two out-buildings which are separate from the principal building, a single family home shown as Unit A on the enclosed attachment. The second floor of one of the outbuildings, (Unit B on the attachment) had been converted to living space, originally as an additional bedroom for occupants of Unit A, and later as a complete dwelling unit- with the addition of kitchen and bathroom facilities. To our knowledge, City officials were aware of the home occupation use, and had inspected the property during the previous owner's occupation.

Portside purchased the property in a private sale without a formal listing agreement, and without the services of a real estate broker. The intent was to use it as an office and a small shop space for their engineering business, and to rent the two residential units to third parties. Portside assumed that use of the property as a combination of business space and residential units could continue under their ownership.

It was only when Portside approached City officials to clarify mailing addresses for the three units (two dwellings and the business) that it was discovered that there was a problem.

The remedy to the problem of the two detached dwelling units will be accomplished through the combination of those buildings into a single principal building, a duplex that is expressly permitted in the zone. Bringing the second unit into zoning compliance will also provide economic benefit to the City through the payment of impact fees.

If the principals of Portside resided on the site, their engineering business could continue as an accessory use without additional action. Since they do not, the otherwise-permitted use of Unit C (see attachment) as a base for their engineering business renders Unit C a second principal building, which is inconsistent with the strict terms of the Zoning Ordinance.



Portside Properties

All buildings on the property comply with setbacks and minimum parking requirements for the proposed use. The property is served by municipal water and sewer and has easy access to the major regional transportation networks.

Portside believes that the granting of a variance for use of the property as described herein is justified, and respectfully asks for its consideration under the Five Criteria set forth in NH RSA 674:33 I (b) as follows:

Criteria One. Waiving the terms of the Ordinance will not be contrary to the public interest because the property is in a district where the Zoning Ordinance encourages mixed uses of the sort proposed. Professional service businesses provide high quality, low impact employment opportunities for residents of the City and the region (an explicit goal of the mixed use districts). Utilities and safe vehicular access are already available to service the property. Location of business uses in previously developed areas with existing services is the most efficient and economical use of land (especially as compared to sprawl development into rural areas to which infrastructure must be extended). Allowing business use of the property- at no cost to the community will enhance the City's tax base.

Two. Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because the Little Bay Waterfront District is a mixed-use district "intended to provide suitable areas for a mixture of urban neighborhoods containing residential, commercial, service, retail and office uses. The mixed use development is intended to create a sense of community between the mixed uses, and facilitate the economical and efficient use of land" (Dover Code P 170-39). This proposal will meet those goals. The business owners' regular presence on the property and commitment to the neighborhood will help to build a sense of community, and the continued use of this developed parcel will be an economical and efficient use of land.

The purpose of the Little Bay Waterfront District is to provide locations for a mixture of residential and commercial uses..." (Dover Code P 170-40). The Ordinance encourages a mix of commercial uses in the district, even considering the preponderance of small lots in the LBWD, and expressly allows a mix of multifamily and business uses on a single parcel in this zone for lots 30,000 SF and larger.

Three. Granting the variance would do substantial justice because Portside purchased the property in the good faith belief that the total number of dwelling units and the business use could be maintained under their ownership. Portside now proposes to improve the property, including conversion of the residential units into a conforming duplex building, and will provide opportunities for professional employment in the portion of the property previously dedicated to a food service business. The engineering business would be allowed without the need for a variance if the principals resided on the property. In this proposal, the principals intend to have



Portside Properties

their business reside on the property, which will deliver the same benefits in terms of care of the property, consideration of the neighborhood and commitment to the community. It would be unfair to deny Portside the use of the property for its business in light of the positive contributions such use will make, and the aforementioned consistency with the goals of the Zoning Ordinance, simply based on the technicality of the difference in ownership between Portside's business occupancy of the property and the prior owners' residential occupancy.

Four. The value of the surrounding property will not be diminished because the neighborhood has long been, and is currently characterized by a mixture of business and residential uses. A blend of single family residential, government, regional recreation, large scale dining, multifamily residential, regional transportation and marine services is already present in the immediate neighborhood. A large mixed-use redevelopment of property across the street is currently under construction.

No major neighborhood disruption due to construction is required by this proposal. The low impact nature of a professional service use will have little or no impact on surrounding properties in terms of traffic, noise, pollution, outside storage, or other negative impacts. Transportation and utility infrastructure are already in place to serve the proposed use. There will be no appreciable increase in traffic compared to the historic use of the property. The conversion of the previously allowed food service use to a professional service use is an upgrade, which will be of benefit to the neighborhood and the surrounding property values.

Five. Literal enforcement of the Ordinance would result in an unnecessary hardship because:

The following special conditions of the property distinguish it from other properties in the area: First, nearby lots in the LBWD of at least 30,000 SF are allowed to support a mixture of business and multifamily uses without a variance. While the subject lot is able to support a two family dwelling under present zoning, it cannot be considered for the larger mixed-use development option since it contains less than 30,000 SF, and so is denied the combination of uses and other goals of the Zoning Ordinance which benefit neighboring properties.

Second, the lot was purchased with a detached building that was designed, intended, and is well suited to a business use. Due to the change from residential ownership to business ownership of the property, this building can no longer be utilized for its intended purpose without a variance from the strict terms of the Zoning Ordinance, even though such a use is consistent with the goals of the LBWD, and can meet all the other conditions for a variance.

No fair and substantial relationship exists between the general purposes of the Ordinance provision and the specific application of that provision to the property because if a larger mixed use development could be permitted without the



Portside Properties

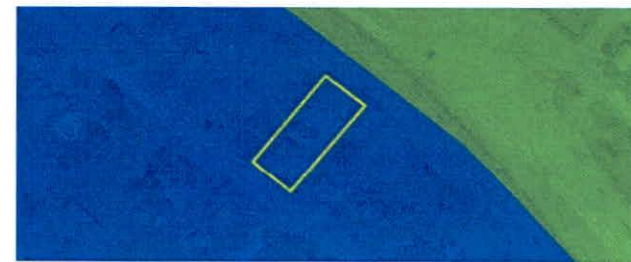
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The proposed use is a reasonable one because use of the property as proposed by owners of the business provides the same neighborhood and community benefits that an owner-occupied business use might provide. It is also a reasonable one because it enhances business development in the City but requires no significant exterior change to the property; will reduce potential negative impacts from otherwise-permitted home occupation uses of the property; is easily accommodated by and makes good use of existing infrastructure on the subject lot and in the area; is consistent with the goals of the Dover Code in general, and the specific goals of the mixed use districts and the LBWD, and can be permitted by a relatively small variance from the strict terms of the definition section of the Ordinance; and will make suitable and beneficial use of an already developed lot in a densely developed portion of the City.

PLOT LAYOUT



PROPERTY LOCATION IN LBW DISTRICT



REVISIONS				
ZONE	REV	DESCRIPTION	DATE	APPROVED


Portside Systems

www.portsidesys.com

Portside Systems, LLC

418 Dover Point Rd
Dover, NH 03820

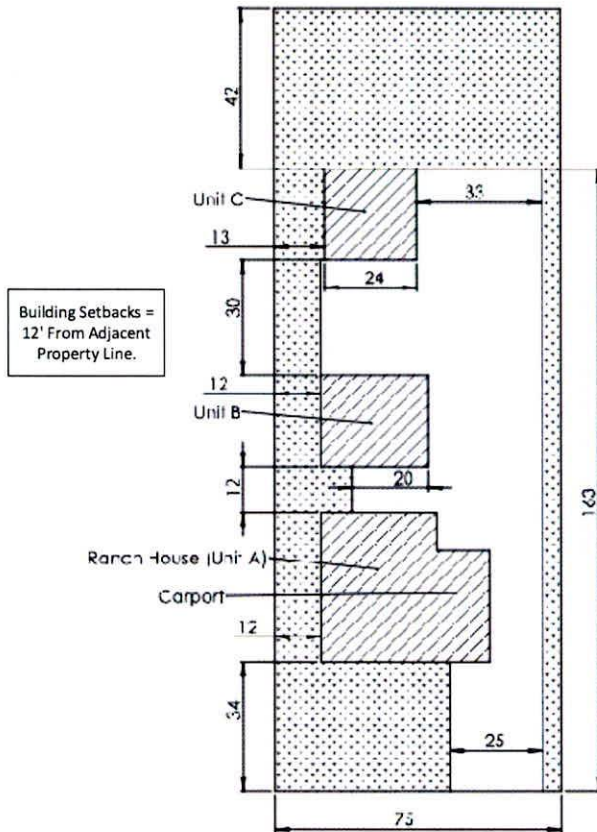
418 Dover Point Rd, PROPERTY LAYOUT - OVERVIEW

PROJECT INFORMATION:

PORTSIDE PROPERTIES, LLC
418 DOVER POINT RD
PROPERTY LAYOUT PLAN

SIZE	FSCM NO	DWG NO	REV
	XX	P20108	00
SCALE	1/4" = 1'-0"	SHEET	1 OF 6

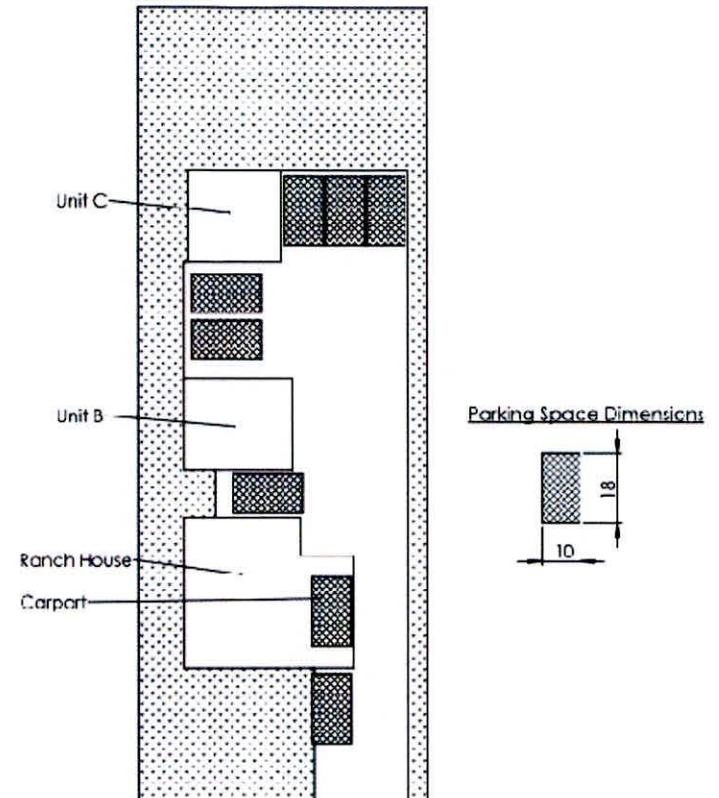
LOT LAYOUT



Coverage Calculations	
Lot Size	16378 Sq Ft
Structures	
Back Building	576 Sq Ft
Middle Building	672 Sq Ft
Ranch	1606 Sq Ft
Total Structure Coverage	2854 Sq Ft
Coverage to Lot %	17.4%
Paved	
Driveway	5300 Sq Ft
Coverage to Lot %	32.4%



PARKING SPOT LAYOUT



REVISIONS				
ZONE	REV	DESCRIPTION	DATE	APPROVED


Portside Systems

www.portsidesys.com

Portside Systems, LLC

418 Dover Point Rd
Dover, NH 03820

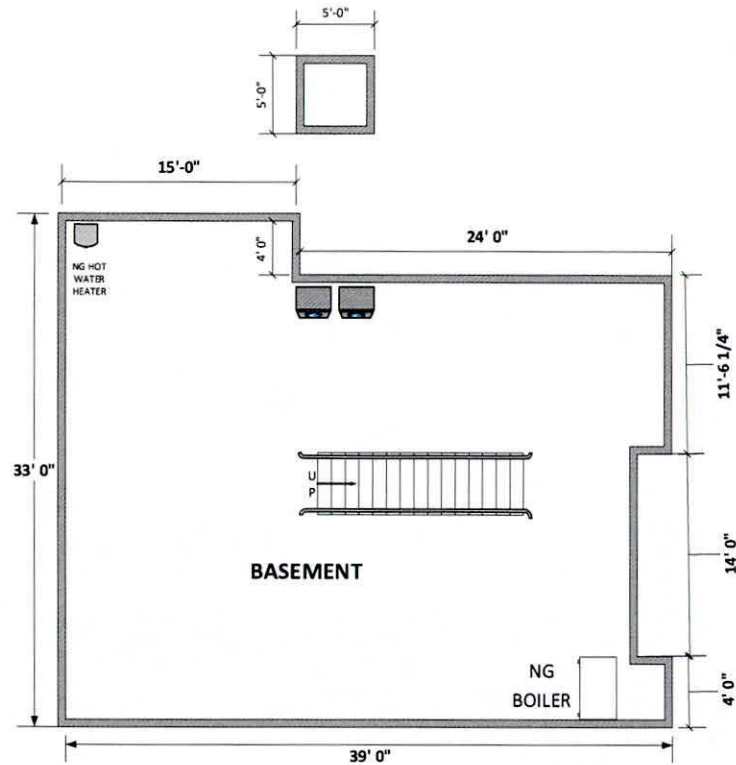
418 Dover Point Rd, PROPERTY LAYOUT – LOT DETAIL

PROJECT INFORMATION:

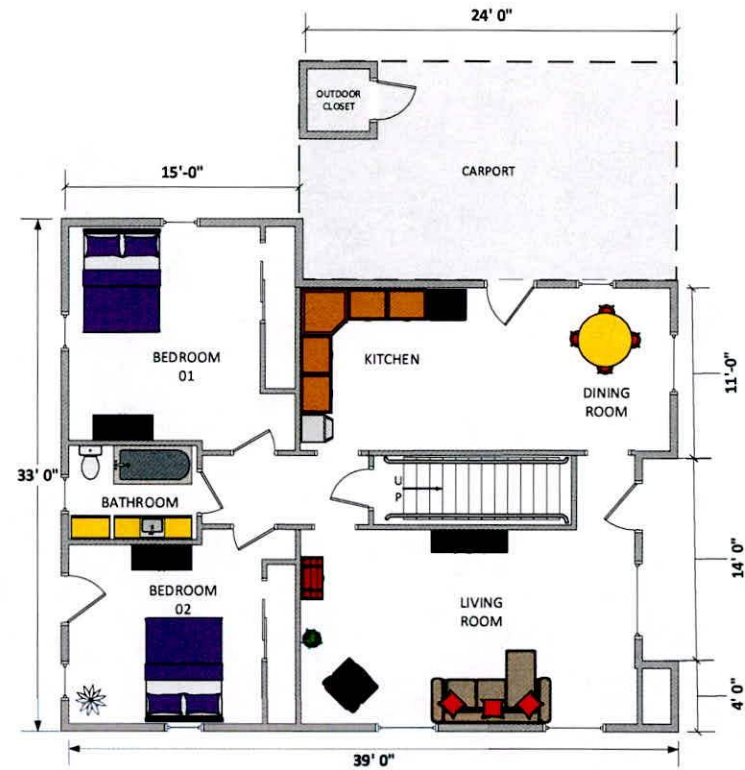
PORTSIDE PROPERTIES, LLC
418 DOVER POINT RD
PROPERTY LAYOUT PLAN

SIZE	FSCM NO	DWG NO	REV
	XX	P20108	00
SCALE	1/4" = 1'-0"	SHEET	2 OF 6

BASEMENT



MAIN FLOOR



REVISIONS				
ZONE	REV	DESCRIPTION	DATE	APPROVED


Portside Systems
www.portsidesys.com

Portside Systems, LLC

418 Dover Point Rd
Dover, NH 03820

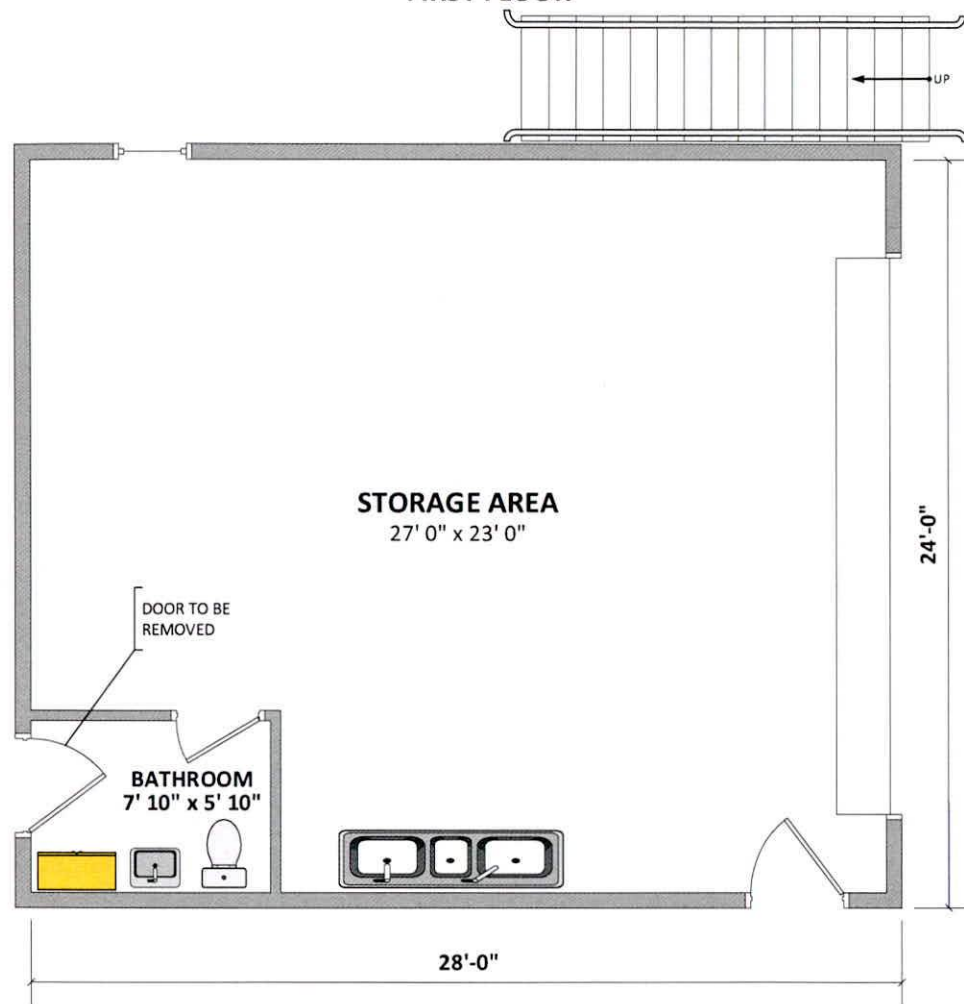
UNIT A, FRONT BUILDING

PROJECT INFORMATION:

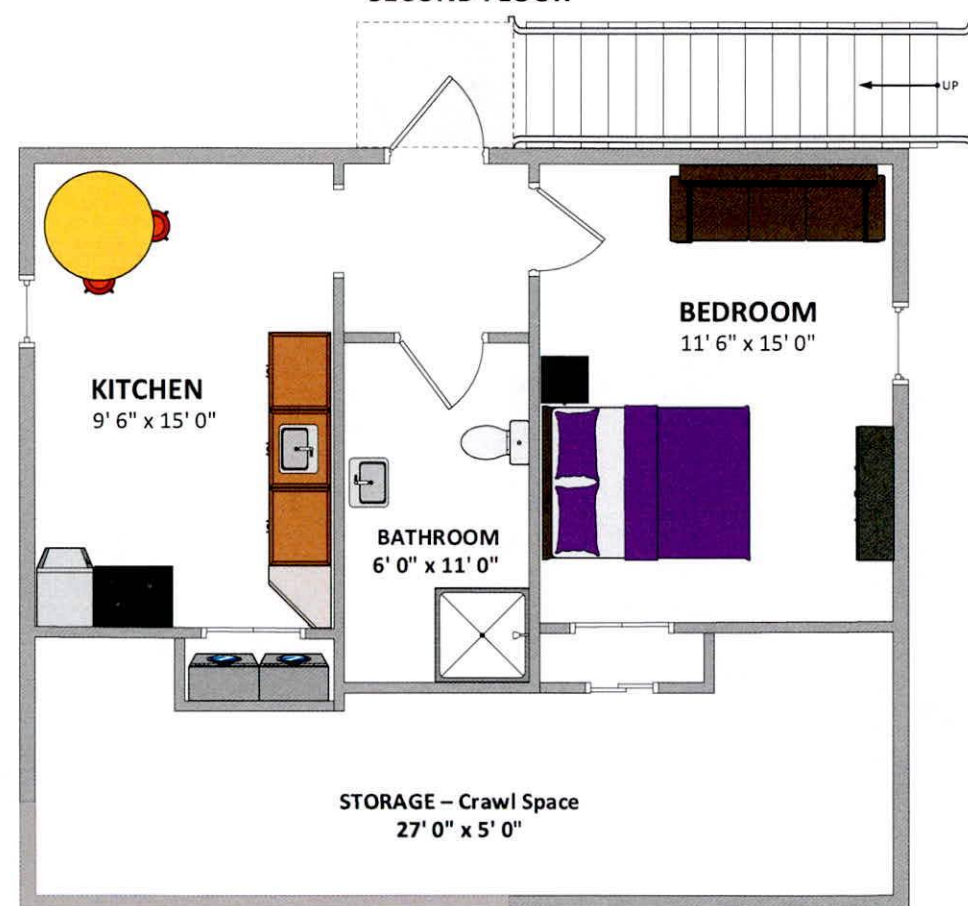
PORTSIDE PROPERTIES, LLC
418 DOVER POINT RD
BUILDING FLOOR PLAN

SIZE	PSCMNO	DWG NO	REV
	XX	P20108	00
SCALE 1/8" = 1'-0"		SHEET 3 OF 6	

FIRST FLOOR



SECOND FLOOR



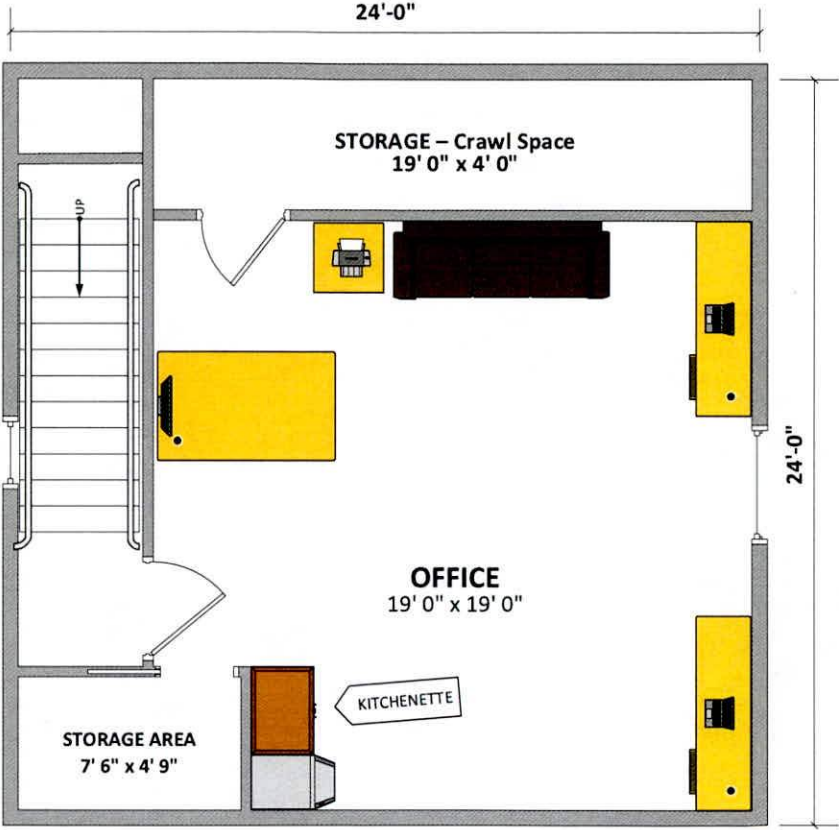
REVISIONS				
ZONE	REV	DESCRIPTION	DATE	APPROVED

 Portside Systems www.portsideSYS.com Portside Systems, LLC 418 Dover Point Rd Dover, NH 03820		UNIT B, MIDDLE BUILDING			
		PROJECT INFORMATION:			
		PORTSIDE PROPERTIES, LLC 418 DOVER POINT RD BUILDING FLOOR PLAN			
		SIZE	PSCM NO	DWG NO	REV
			XX	P20108	00
SCALE		1/4" = 1'-0"		SHEET	
				4 OF 6	

FIRST FLOOR



SECOND FLOOR

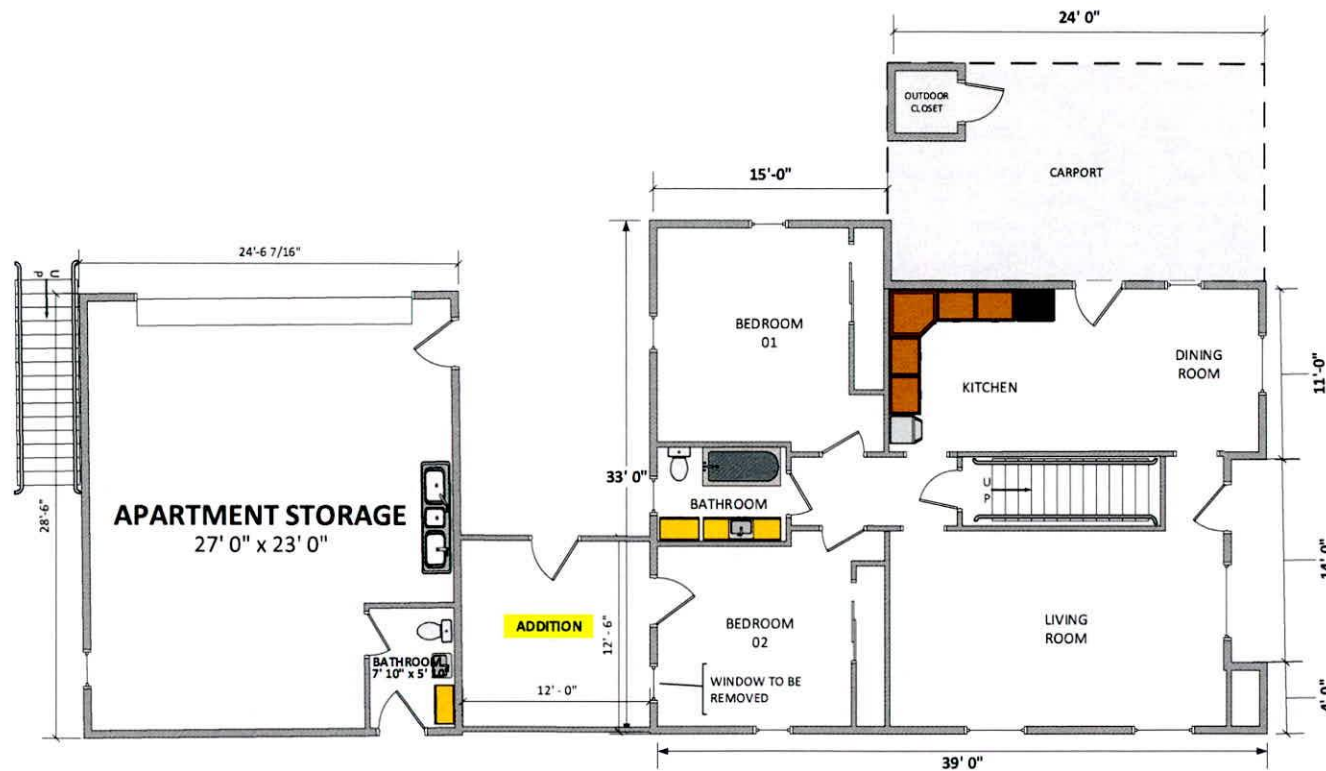


REVISIONS				
ZONE	REV	DESCRIPTION	DATE	APPROVED

 Portside Systems www.portsideSYS.com Portside Systems, LLC 418 Dover Point Rd Dover, NH 03820	UNIT C, BACK BUILDING			
	PROJECT INFORMATION: PORTSIDE PROPERTIES, LLC 418 DOVER POINT RD BUILDING FLOOR PLAN			
	SIZE	FSM NO XX	DWG NO P20108	REV 00
	SCALE 1/4" = 1'-0"	SHEET		5 OF 6

UNIT B - APARTMENT

UNIT A - RANCH



Note:

The addition joins the home and the middle building to become one single building. The storage space becomes part of the apartment on the second floor (area above storage space). This unifies the two buildings and mixed uses into one single duplex with only residential uses.

REVISIONS				
ZONE	REV	DESCRIPTION	DATE	APPROVED

 Portside Systems www.portsidesys.com		UNIT A/B ADDITION		
		PROJECT INFORMATION: PORTSIDE PROPERTIES, LLC 418 DOVER POINT RD BUILDING FLOOR PLAN		
Portside Systems, LLC		SIZE	FSM NO	OWG NO
418 Dover Point Rd Dover, NH 03820		XX	P20108	REV 00
SCALE 1/8" = 1'-0"		SHEET 6 OF 6		



CITY OF DOVER
APPLICATION FOR BUILDING PERMIT* OR CHANGE IN LAND USE

Industrial _____ Commerical _____ Residential X

OFFICE USE ONLY

Building Permit

Est. Cost: _____

Fee: _____

Date: _____

Location: 418 Dover Point Rd, Dover NH 03820 Zone: _____ Map: _____ Lot: _____

Owner's Name: Portside Properties, LLC Tel: 833-767-8797

Owner's Address: 22 Cottage St, Portsmouth NH, 03801 Cell: 833-767-8797

Contractor's Name: Portside Properties, LLC Tel: 833-767-8797

Address: 22 Cottage St, Portsmouth NH, 03801 Cell: _____

Architect: Portside Systems, LLC Specs: NA Plans: P20108 SH1

Proposed Use: Build a connecting structure between two existing buildings No. Families: 2

his Application For:

☐ Dwelling ☐ Garage ☐ Shed ☐ Pool ☐ Alterations ☐ Additions ☐ Demolitions

☐ Change of Use ☐ Removal ☐ Other: _____

To combine existing principal building and existing middle building into a Duplex Unit to remedy the properties compliance with Dover Zoning.

A 12ft x 10ft addition, with single pitched roof, and dug frost proof foundation will be constructed. Entrance into the addition will be from the principal building.

New Building or Addition Size: 12 ft X 12 ft No. Stories 1 No. Bedrooms 0

NOTES TO APPLICANT:

- Separate permits are required by the installers of plumbing, mechanical and electrical.
- It is the applicant's responsibility to notify the Building Inspector's Office at 516-6038 for inspections upon completion of the following: Footings; Foundation; Framing; Sprinkler; Fire Alarm; Wiring; Plumbing; Mechanical; Insulation; and Final.
- Construction features must be supplied on plans or separate listing as per the Building Permit Application Requirements.
- The issuance of the Building Permit No. _____ to: _____ shall not be construed as a right to occupy and/or use such building or structure upon completion of work. A final inspection by the Building Inspector, with approvals (if applicable) from the Planning Director, Public Works Director, and Fire and Police Chief's are required prior to the issuance of a Certificate of Occupancy by the Building Inspector. Failure to comply with the foregoing could result in fines and/or legal action.

The above numbered permit is issued upon the condition that the building, structure or land use must conform in all respects to the provisions of the zoning ordinance and other applicable city ordinances. The City of Dover, by issuing the permit, does not express or imply that the ordinances have been complied with.

I certify that the above information given is true and correct to the best of my knowledge. No major changes will be made without approval of the Building Inspector. Responsibility for compliance with the City ordinances is that of the applicant.

Marc Bamberger

Applicant's Name (please print)

Marc Bamberger

Applicant's Signature

Building Inspector's Signature

Applicant's Fee: _____ Check#: _____ Cash: _____ Date: _____ Initials: _____

White — Applicant's Copy

Canary — Inspector's Copy

Pink — Assessor's Copy

BUILDING PERMIT APPLICATION REQUIREMENTS

This sheet must be completed and returned to this office along with your application

DESCRIPTION: <u>Principal building addition</u>	REQ.
A. BUILDING PERMIT APPLICATION	<u>Yes</u>
B. PLOT PLAN (setbacks) OR FLOOR PLAN	<u>Attached</u>
C. ZONING APPROVAL OF PLOT PLAN	<u>No</u>
D. WETLANDS IMPACT ☐ NHDES PERMIT REQ'D <u>YES</u> <u>NO</u>	<u>No</u>
E. LIST OF MATERIAL & CONSTRUCT SPECIFICATIONS (2 sets)	<u>Attached</u>
F. CONSTRUCTION VALUE (labor & materials) \$ <u>12,000</u>	<u></u>
(If owner doing work - Cost of material times 2 = const. Value)	

IF APPLICABLE:
CITY WATER 0 CITY SEWER 0 WELL 0

SEPTIC SYSTEM 0 APPROVED SEPTIC #

ELECTRICAL ☒ YES NO PLUMBING/MECH ☒ YES NO

Separate permits must be submitted for all electrical, plumbing and mechanical issues.

Z21-01**418 Dover Point Road**

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
08008-000000	419 DOVER POINT RD	SHINE ANN		419 DOVER POINT RD	DOVER	NH	03820
08008-A00000	417 DOVER POINT RD	PUIDOKAS ERIC BAILO		417 DOVER POINT RD	DOVER	NH	03820
08008-B00000	419 A DOVER POINT RD	BLACKWELL JOHN H &	BLACKWELL M SHARON	419 A DOVER POINT RD	DOVER	NH	03820-4627
08009-000000	423 DOVER POINT RD	LITTLE BAY MARINA & DEVELOPMENT LLC		197 LOUDON RD STE 350	CONCORD	NH	03301-8000
08012-000000	425 DOVER POINT RD	LITTLE BAY MARINA & DEVELOPMENT LLC		197 LOUDON RD STE 350	CONCORD	NH	03301
08038-000000	422 DOVER POINT RD	DESJARDINS SETH C		422 DOVER POINT RD	DOVER	NH	03820
08038-A00000	420 DOVER POINT RD	ROBERGE MILES C &	ROBERGE COURTNEY E	420 DOVER POINT RD	DOVER	NH	03820
08038-B00000	1 WIGGIN DR	STATE OF NEW HAMPSHIRE		PO BOX 483	CONCORD	NH	03302-0483
08038-C00000	424 DOVER POINT RD	CRAGIN PATRICK J		PO BOX 250	DOVER	NH	03820
08039-000000	416 DOVER POINT RD	WHITE ERIC J &	MONNAT-WHITE DEBORAH	118 OLD CONCORD RD	SULLIVAN	NH	03445
08039-B00000	DOVER POINT RD	CITY OF DOVER		288 CENTRAL AVE	DOVER	NH	03820
08044-A00000	412 DOVER POINT RD	PICKFORD PATRICK		412 DOVER POINT RD	DOVER	NH	03820
08038-D00000	418 DOVER POINT RD	PORTSIDE PROPERTIES LLC		22 COTTAGE ST	PORTSMOUTH NH		03801

Elena Plekut
Assistant City Planner
Zoning Administrator

City of Dover, NH
288 Central Avenue
Dover, NH 03820-4169

January 5, 2021

Dear Board of Zoning Appeals:

This letter is to affirm support for Portside Properties variance request of Section 170-6 of the Zoning Ordinance at the property 418 Dover Point Road. Portside Properties has made us aware of the current zoning issue regarding an "out-building" being used as a commercial office for a small Engineering Services company. This was brought to my and the City of Dover's attention by the owners, and they are working hard to fix any zoning issues.

It is my understanding that the purpose of the Little Bay Waterfront District is to "provide locations for a mixture of residential and commercial uses..." (Dover Code P 170-40). The Ordinance encourages a mix of commercial uses in the district, even considering the preponderance of small lots in the LBWD, and expressly allows a mix of multifamily and business uses on a single parcel in this zone for lots 30,000 SF and larger.

Operating a business out of this out building would ordinarily be allowed if they fulfilled one of the two requirements: Owner of engineering company resides on the property, or the property is larger than 30,000 sq ft. They have made us aware they neither reside at 418 Dover Point Road, and the lot size is 16,400 sq ft.

As an abutter to 418 Dover Point Road lot, I believe the proposed use is a reasonable one because:

- Use of the property as proposed by owners of the business provides the same neighborhood and community benefits that an owner-occupied business use might provide.
- Enhances business development in the City but requires no significant exterior change to the property.
- Easily accommodated by and makes good use of existing infrastructure on the subject lot and in the area.
- Is consistent with the goals of the Dover Code in general, and the specific goals of the mixed-use districts.

Additional Remarks:

Regards,

Name: MILES ROBENGE Owner of: 420 DOVER POINT RD.

Signature: [Signature] Date: 1/6/21

Elena Piekut
Assistant City Planner
Zoning Administrator

City of Dover, NH
288 Central Avenue
Dover, NH 03820-4169

January 5, 2021

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- Easily accommodated by and makes good use of existing infrastructure on the subject lot and in the area.
- Is consistent with the goals of the Dover Code in general, and the specific goals of the mixed-use districts.

Additional Remarks:

Regards,

Name: Courtney Roberge Owner of: 420 Dover Point Rd

Signature: Courtney Roberge Date: 1/6/21

Elena Piekut
Assistant City Planner
Zoning Administrator

City of Dover, NH
288 Central Avenue
Dover, NH 03820-4169

CASE # 221-01

January 5, 2021

Dear Board of Zoning Appeals:

This letter is to affirm support for Portside Properties variance request of Section 170-6 of the Zoning Ordinance at the property 418 Dover Point Road. Portside Properties has made us aware of the current zoning issue regarding an "out-building" being used as a commercial office for a small Engineering Services company. This was brought to my and the City of Dover's attention by the owners, and they are working hard to fix any zoning issues.

It is my understanding that the purpose of the Little Bay Waterfront District is to "provide locations for a mixture of residential and commercial uses..." (Dover Code P 170-40). The Ordinance encourages a mix of commercial uses in the district, even considering the preponderance of small lots in the LBWD, and expressly allows a mix of multifamily and business uses on a single parcel in this zone for lots 30,000 SF and larger.

Operating a business out of this out building would ordinarily be allowed if they fulfilled one of the two requirements: Owner of engineering company resides on the property, or the property is larger than 30,000 sq ft. They have made us aware they neither reside at 418 Dover Point Road, and the lot size is 16,400 sq ft.

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- Enhances business development in the City but requires no significant exterior change to the property.
- Easily accommodated by and makes good use of existing infrastructure on the subject lot and in the area.
- Is consistent with the goals of the Dover Code in general, and the specific goals of the mixed-use districts.

Additional Remarks:

Regards,

Name: David Hawkins Owner of: 419 Dover Point Rd

Signature: David Hawkins Date: January 5, 2021



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO

Meeting Type:	Regular Meeting
Meeting Location:	Council Chambers, City Hall – 288 Central Ave. Dover, NH 03820
Meeting Date:	Thursday, January 21, 2020
Meeting Time:	7:00 pm

INTENT: The Applicant requests a variance to permit a new freestanding sign.

UNITS PROPOSED: N/A

AGENDA ITEM #: 4-B

ZONING DISTRICT: Central Business District – Mixed Use Sub-District (CBD-MU)

FILE: Z21-02

APPLICANT/OWNER: Sundance Sign Company / Lincoln Building LLC

LOCATION: 113 Locust Street (Tax Map 9, Lot 53)

ACREAGE: 0.24 acre (10,454 sq. ft.)

EXISTING LAND USE: Offices

PROPOSED LAND USE: Offices

SURROUNDING LAND USE:
Rooming house, K-12 educational institution, offices, mixed-use childcare facility and multi-family dwelling, childcare facility, multi-family dwellings

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: No

ATTACHMENTS: Application, plan

STAFF RECOMMENDATION:
Staff supports granting the variance request.

BACKGROUND INFORMATION

The property subject to this variance request is the Lincoln Building, located on the northwest corner of Locust and Nelson Streets. The building, which is home to the offices of Leone, McDonnell & Roberts PA, is identified by a single freestanding sign which is located close to the front façade (set back approximately 40 feet from Locust Street), facing the street. The applicant proposes a new freestanding sign located closer to Locust Street, adjacent to the building's front walkway. The new sign would be oriented perpendicular to the street so that one sign face is oriented to each direction of passing traffic.

REASON FOR RECOMMENDATION

Only wall signs are permitted in the Mixed-Use Subdistrict of the Central Business District, as new structures in this district are expected to be built close to the front property lines. The existing non-conforming structure, predating zoning by more than 100 years, is set back more than twice the maximum of 20 feet from Locust Street.

The sign regulations (**Section 170-32** of the Zoning Ordinance) permit nonconforming signs to be replaced so long as their existing supports remain in place. The applicant instead proposes new granite posts, a new location, and an improved orientation. Given this property's nonconforming location set farther back from the street than permitted, and its historic nature (being named the Lincoln Building after President Lincoln, who stayed the night there), it is appropriate for the applicant to seek to better identify the building. As it is comprised entirely of office space, the building is also a destination for clients who arrive by car, rather than a primarily residential structure or a shopfront appealing to pedestrian passersby. Appropriate identification is necessary to the (permitted) use of the building and is less likely to be achieved by replacing the sign on the existing supports.

STAFF RECOMMENDATION

Staff recommends that the Board open the public hearing and accept testimony, and make findings on each of the five variance criteria. Staff recommends granting the variance.

113 Locust Street

**Property Information**

Property ID 09053-000000
Location 113 LOCUST ST
Owner LINCOLN BUILDING LLC
Land Use 340

**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 5/20/2020
Data updated Daily



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – ABUTTER NOTICE

Meeting Type: Regular Meeting
Meeting Location: **Council Chambers and Conference Room**, City Hall
288 Central Ave. Dover, NH 03820
Meeting Date: Thursday, January 21, 2021
Meeting Time: 7:00 pm

INTENT: The Applicant requests a variance to permit a new freestanding sign.

UNITS PROPOSED: N/A

AGENDA ITEM #: 4-B

ZONING DISTRICT: Central Business District – Mixed Use Sub-District (CBD-MU)

FILE: Z21-02

APPLICANT/OWNER: Sundance Sign Company / Lincoln Building LLC

LOCATION: 113 Locust Street (Tax Map 9, Lot 53)

ACREAGE: 0.24 acre (10,454 sq. ft.)

EXISTING LAND USE: Offices

PROPOSED LAND USE: Offices

SURROUNDING LAND USE: Rooming house, K-12 educational institution, offices, mixed-use childcare facility and multi-family dwelling, childcare facility, multi-family dwellings

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: No

Dear Property Owner: As an owner of abutting property, which means your property either adjoins or is located within 200 ft. of the subject parcel, you are hereby notified of the public hearing on the item in **bold** below. The full Zoning Board of Adjustment agenda is as follows:

1. ATTENDANCE

2. ELECTION OF OFFICERS

3. APPROVAL OF MEETING MINUTES OF NOVEMBER 19, 2020

4. HEARINGS

- A. Z21-01 Owner/Applicant Portside Properties, LLC, 418 Dover Point Road (Tax Map 8, Lot 38-D), located in the Little Bay Waterfront (LBW) Zoning District, requests a variance from **Section 170-6** of the Zoning Ordinance, specifically the definition of “lot,” to permit two principal buildings on the lot, where only one is permitted.
- B. Z21-02 Owner Paula DePlanche (Lincoln Building LLC) and Applicant Sundance Sign Company, 113 Locust Street (Tax Map 9, Lot 53), located in the Central Business District – Mixed Use Subdistrict (CDB-MU), request a variance from **Section 170-32.A** of the Zoning Ordinance to permit a new freestanding sign, where freestanding signs are not permitted.

5. OTHER BUSINESS

6. ADJOURN

Persons with questions, or who are interested in reviewing the meeting materials, are invited to visit the Planning Department located in City Hall, open Monday-Thursday from 8:30 am to 5:30 pm and Friday from 8:30 am to 4:00 pm. The meeting materials are also available online under the “View Public Meeting Records” link at <https://www.dover.nh.gov/government/boards-and-commissions/zoning-board/>.

Follow us on Twitter @DoverNHPlanning and find us on Facebook at <https://www.facebook.com/DoverNHPlanning>.



PROPOSED

Company: Leone, McDonnell & Roberts

Job: Building Signs

Type: Freestanding

Quantity: 1

Size: 56" x 40"

Sides: 2

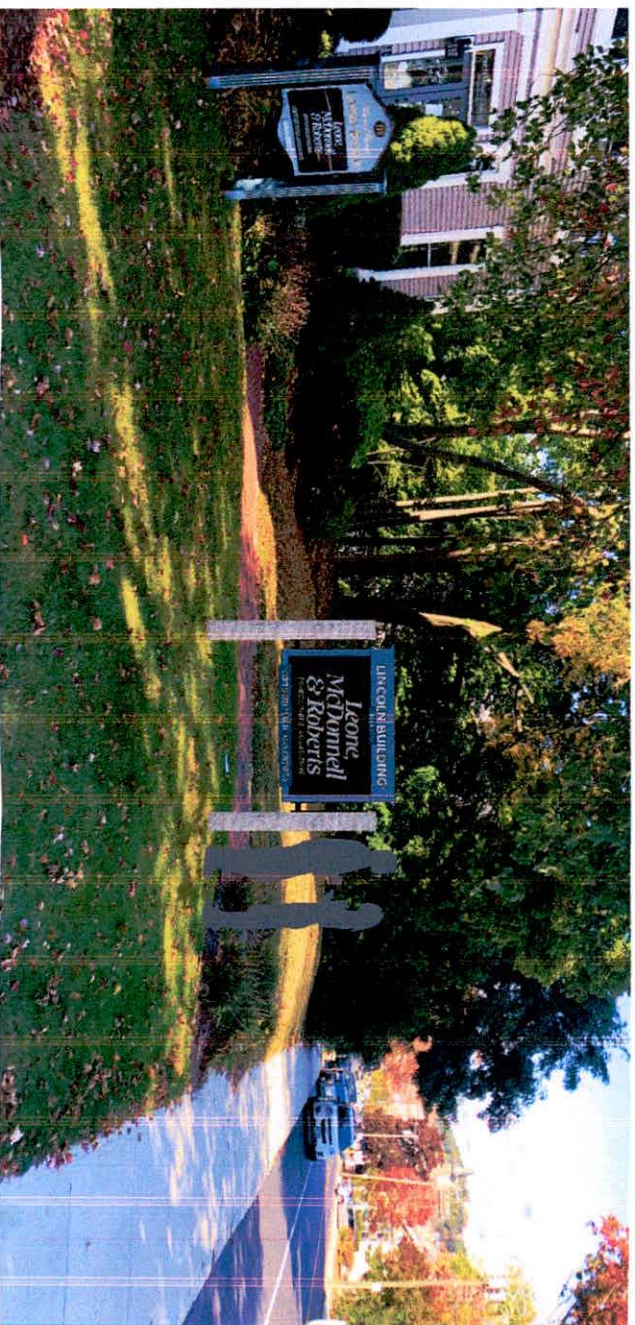
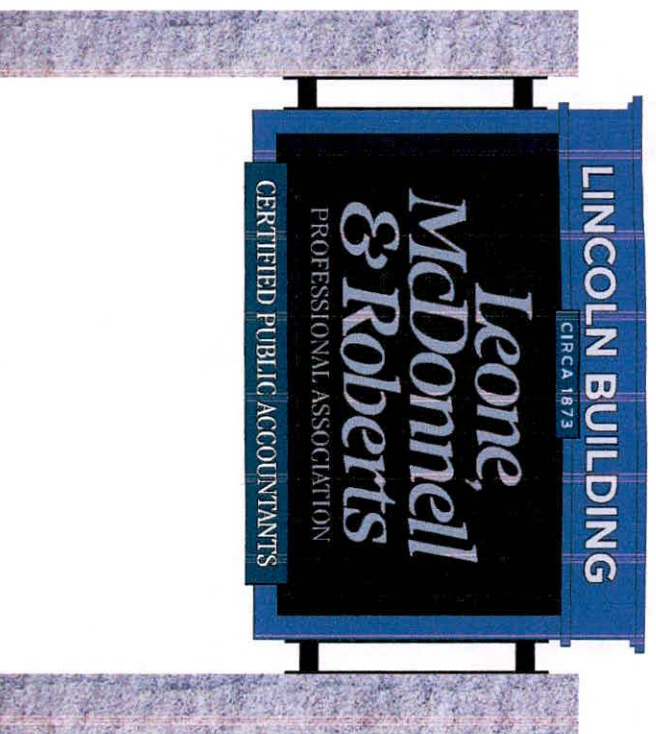
Style: V-Carved with Wide Bevel Edge

Substrate: 2" HDU

Posts & Brackets: 7" x 7" Granite

Colors: Blue Matching Front Door

SUNDANCE SIGN • 89 OAK STREET DOVER, NH 03820 • 603-742-1517



All proofs and drawings are original unpublished artwork, owned by Sundance Sign Company. Artwork is protected under the U.S. Copyright laws. It is being submitted for your viewing only, and is not to be shown to anyone outside of your organization. Any use, reproduction, copying or exhibiting this drawing without express written consent of Sundance Sign Company will constitute your agreement to incur all expenses involved with the creation of this drawing, and all legal costs to acquire those costs if required. I have verified the accuracy of all graphics shown with respect to sizes and content. The specifications are correct and represent our order requirements exactly. I authorize release to production according to this approval submittal.

Customer Approval _____

Date: _____



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Revised April 7, 2017]

Office Use Only

Case #:

221-02

Date Received:

RECEIVED
Planning Office

Amount Paid:

\$ _____

Time Received:

DEC 31 2020

Dover, New Hampshire

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Sundance Sign Company Phone # 603-742-1517

Address of Applicant: 89 Oak St Dover, NH 03820

E-Mail Address: mike@sundancesign.com

PROPERTY OWNER (if different from applicant): Paula DePlanche

Address: 5 Nelson St, Dover, NH 03820 Phone # 603.749.2700

E-Mail Address: pdeplanche@lmrpa.com

PROPERTY/PARCEL INFORMATION

Address: 113 Locust Street

Brief Directions: Corner of Locust St and Nelson St

Zoning District: CBD - Mix Use Assessor's Map # 9 Lot(s) # 53

TYPE OF APPEAL: (Please check one)

☒ Variance	from Section _____ of the Zoning Ordinance
☐ Physical Disability Variance (RSA 674:33-V)	from Section _____ of the Zoning Ordinance
☐ Special Exception	per Section _____ of the Zoning Ordinance
☐ Appeal of Administrative Decision	regarding Section _____ of the Zoning Ordinance
☐ Equitable Waiver	per Section _____ of the Zoning Ordinance

DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY:

Erecting a freestanding sign

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

A variance is requested from Section(s) 170-32.A of the Zoning Ordinance to permit:

The Applicant, Sundance Sign Company, proposes to erect signage at this historic building where President Abraham Lincoln stayed, for property owner Leone, McDonnell, and Roberts, Certified Public Accountants; to permit a freestanding sign, where freestanding signs are not permitted in the Mixed Use subdistrict. Currently a non-conforming freestanding sign exists, and this request would bring it to a less non-conforming state.

B. The Five Variance Criteria (as set forth in NH RSA 674:33, I(b))

Please demonstrate compliance with the following:

1. Waiving the terms of the Ordinance will not be contrary to the public interest because:

The installation of this sign will not interfere with the health, safety, or welfare to the area.
There are no adverse effects to the neighbors. With the installation of this sign it will be easier to identify the business at this location and safer for the general public.

2. Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because:

Visibility is enhanced by making the sign double sided and relocating the sign to the road side. There are no adverse effects to the public. As it sits now, sign is unseen by public viewing when passing by due to the single sided nature and the large set back of the building and sign. Relocating the freestanding sign to our suggested position will ensure the visibility of this business. It will also increase the safety of the public traveling Locust St. by increasing visibility of the business. Signs are allowed to promote businesses and economic development.

3. Granting the variance would do substantial justice because:

Board members are well aware, the test for whether or not substantial justice is done, is whether or not the benefit to the general public in denying the Variance would outweigh the hardship upon the Owner/Applicant seeking the Variance. In this instance, there is no benefit to the general public in denying this requested Variance but to the contrary, the public is actually benefited by the granting of the Variance. Granting of the Variance will enhance public safety and will not, in any way, create an eye-sore or a more confusing situation. Currently, the sign sits back too far and drivers almost stop on Locust St. to see if they are at the right location. Since there is no benefit to the public in denying the Variance, substantial justice would be done by the granting of the Variance in order to alleviate the hardship upon the Owner/Applicant.

4. The value of surrounding property will not be diminished because:

The property in question lies in the midst of Dovers Central Business District Mixed Use. The surrounding uses are of a business nature. The granting of the freestanding sign and projecting sign would in no way diminish surrounding property values. The proposed color, type, size, location, and lettering is tastefully done and would, in no way, detract from the property values. The set back would be the same as neighbors signs.

NOTE: please complete EITHER paragraph 5A OR paragraph 5B. Staff recommends that you complete paragraph 5B only if you feel you cannot meet the requirements set forth in paragraph 5A.

5A. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:

(i) The following special conditions of the property distinguish it from other properties in the area:

This building is set back from the road way with a large front lawn where in Dovers Central Business District Mixed Use, most buildings in the zone have little to no set back.

and

(ii) No fair and substantial relationship exists between the general purposes of the ordinance provision and the specific application of that provision to the property because:

The buildings large set back and architectural design of this historic building prohibits the use of the size and style signs the ordinance promotes.

and

(iii) The proposed use is a reasonable one because:

It would increase the safety of the pedestrians and traffic in the area along with visability of a business sign is a reasonable use to help identify the business and its location. It is in a area where a number of other similar signs exist and it will not be out of place. Nor would there be any imposition on any residential properties in the area. In the area there are several schools and daycares; parents and students are crossing Locust Street and nearby streets on a daily basis. At times of drop off and pick up it increases the risk of an accident; which a majority of the children are under the age of five. By having a more visible sign, we avert the possibility of drivers having to turn their heads to view our sign. The new placement allows for a quick glance with head and eyes remaining forward therefore increasing the safety of pedestrians and drivers.

OR

5B. If the criteria in subparagraph 5A above are not established, explain how, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it:

SIGNATURE PAGE

THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

I, the undersigned Applicant, hereby certify that the information contained within this Application is complete and accurate, and I acknowledge that I have read and understand the Application Instructions, which are set forth on the first two pages of this Application form.

IMPORTANT

PROPERTY IDENTIFICATION SIGN
MUST BE POSTED ON THE PROPERTY
FOR THE 5 DAYS PRIOR TO HEARING.
FAILURE TO POST MAY RESULT IN
APPLICATION NOT BEING ACCEPTED.

Michael J Seary
Signature of Applicant*

Paula J Delaunche
Signature of Owner*

*Both Signatures Required

AUTHORIZATION TO ENTER SUBJECT PROPERTY

I, and my successors, hereby authorize members of the Dover Zoning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner: Paula J Delaunche Date: 12/30/2020



PROPOSED

Company: Leone, McDonnell & Roberts

Job: Building Signs

Type: Freestanding

Quantity: 1

Size: 56" x 40"

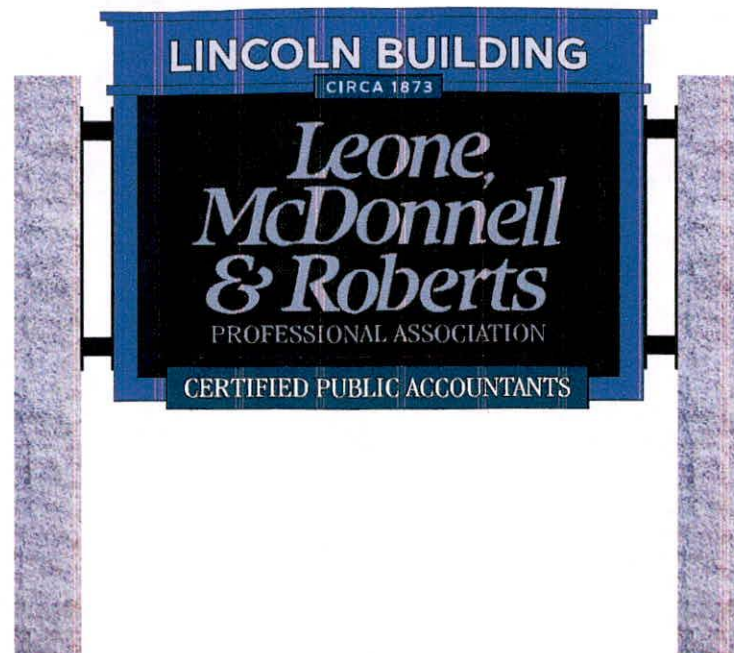
Sides: 2

Style: V-Carved with Wide Bevel Edge

Substrate: 2" HDU

Posts & Brackets: 7" x 7" Granite

Colors: Blue Matching Front Door



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All proofs and drawings are original unpublished artwork, owned by Sundance Sign Company. Artwork is protected under the U.S. Copyright laws. It is being submitted for your viewing only, and is not to be shown to anyone outside of your organization. Any use, reproduction, copying or exhibiting this drawing without express written consent of Sundance Sign Company will constitute your agreement to incur all expenses involved with the creation of this drawing, and all legal costs to acquire those costs if required. I have verified the accuracy of all graphics shown with respect to sizes and content. The specifications are correct and represent our order requirements exactly. I authorize release to production according to this approval submittal.

Customer Approval _____

Date: _____



EXISTING



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Customer Approval _____

Date: _____

Z21-02

113 Locust Street

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
09044-000000	53 SILVER ST	SEATON MICHAEL D &	LOHR LAYNE C	53 SILVER ST	DOVER	NH	03820
09045-000000	43 45 SILVER ST	CANDLEWOOD PROPETIES LLC		PO BOX 132	DOVER	NH	03821
09046-000000	37 SILVER ST	LAURINO FRANK J & DIXON DENISE D TRUSTEE	LAURINO FRANK J AND DIXON DENISE REV LIV	37 SILVER ST	DOVER	NH	03820
09047-000000	33 35 SILVER ST	CALAGUIRO JOSHUA		35 A SILVER ST	DOVER	NH	03820
09048-000000	119 LOCUST ST	HOLGATE LIMITED PARTNERSHIP		130 CENTRAL AVE	DOVER	NH	03820
09048-A00000	4 8 NELSON ST	BAMFORD DAVID K		466 CENTRAL AVE SUITE 12	DOVER	NH	03820
09049-000000	10 12 NELSON ST	COLBY ANDREW E		140 YORK WOODS RD	SOUTH BERWICK	ME	03908
09051-000000	16 NELSON ST	BURNS ELYSE A &	BURNS MICHAEL	16 NELSON STREET	DOVER	NH	03820
09053-A00000	LOCUST ST	LINCOLN BUILDING LLC		PO BOX 1140	WOLFEBORO	NH	03894
09054-000000	105 LOCUST ST	THREE POINT LLC		18 SYLVAN DRIVE	DOVER	NH	03820-4466
09055-000000	93 LOCUST ST	GREEK ORTHODOX CHURCH		93 LOCUST ST	DOVER	NH	03820
09057-000000	61 73 LOCUST ST	CITY OF DOVER		288 CENTRAL AVE	DOVER	NH	03820
09073-000000	15 NELSON ST	KELLEY ROBERT J JR &	KELLEY SAMANTHA	15 NELSON ST	DOVER	NH	03820
09074-000000	11 NELSON ST	COTE JOSHUA J &	COTE KYLE V	11 NELSON ST	DOVER	NH	03820
09075-000000	7 NELSON ST	7 NELSON STREET LLC		7 NELSON ST	DOVER	NH	03820
09087-000000	114 LOCUST ST	STS PROPERTY LLC		15 HEATHER DR	RYE	NH	03870-6123
09088-000000	118 LOCUST ST	MILLETTE SANDRA		118 LOCUST ST APT 3	DOVER	NH	03820
09089-000000	110 LOCUST ST	ROMAN CATHOLIC BISHOP		153 ASH ST	MANCHESTER	NH	03104
09090-000000	13 CHURCH ST	RUBIAN-BRAUN SIROUN		13 CHURCH ST	DOVER	NH	03820
09097-000000	102 LOCUST ST	STARBRANCH HARRY N JR		171 MIDDLE ST	PORTSMOUTH	NH	03801
09053-000000	113 LOCUST ST	LINCOLN BUILDING LLC	PAULA DEPLANCHE	5 NELSON ST	DOVER	NH	03820
		SUNDANCE SIGN COMPANY	MIKE	89 OAK STREET	DOVER	NH	03820