

DOVER ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING

Held: May 21, 1987
Council Chambers

Members Present: Alden Joy-Chairman, David Bertrand, Dave Anderson, William Colbath.

Also Present: Tom Clark-Assistant Building Inspector and Steve Stancel-Assistant Planner and Kathy Munson-Recording Secretary.

Alden Joy called the Business Meeting to order at 7:00 P.M.

New Business: April 16, 1987 Minutes were approved.

David Bertrand motioned to approve the by-laws as amended. Alden Joy seconded the motion to approve the by-laws as amended.

Alden Joy called the meeting to order at 7:30 P.M.

~~H87-19~~ Heritage Realty Associates, 929 Central Avenue, also known as Assessor's Map 38, lot 36, zoned B-3, requests a variance from terms of Article IX, Section 170-32G(3)(a) to erect a free standing sign on a lot where the principal building is not set back fifty (50) feet or more from the property line on the street to which it abuts.

Randolph Pratt, broker for Heritage Realty Associates, appeared before the board displaying pictures of the building. He stated that the hardship issue is the fact that the building sets back on 40 feet, not fifty from Central Avenue - the proposed sign is temporarily located now - asking to permanently install one foot lower - flood lights will be on during evening hours - will have wooden casing and molding - will keep with the motif of the building.

Public Hearing opened: no comment.

Public Hearing closed:

Alden Joy questioned the footage from Pincrest Avenue.

Randolph Pratt stated that the footage was 22-23 feet.

David Bertrand motioned to grant the variance. David Anderson seconded the motion.

~~Vote: 4-0. Variance granted~~ based on the following: Applicant does face hardship-grandfathered hardship (40 feet); will deliver substantial justice; within harmony and spirit of intent, will not result in diminution in value of surrounding properties; and is within the public interest, sign needed for identification.

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H87-20 Alden and Rachel Pelczar, 26 Maplewood Avenue, also known as Assessor's Map D, lot 8s, zoned R-12, requests a variance from terms of Article V, Section 170-14A(2), to construct an attached two (2) car garage two (2) feet from a side property line where six (6) feet is required.

Attorney Anthony McManus represented the applicants. He stated that his applicants' condition was inheritant with the neighborhood - most of the homes well below regulation for frontage. The existing house is 42 wide - has had a paved driveway for many years - fifteen years ago they built a screen house 14 x 14 that is two feet from the property line - behind the house is a shed four feet from property line - here tonight asking to build a two car garage 19 feet wide and 26 feet deep that will connect to the existing house and screen house, and only two feet from the property line. Hardship exists because of the innate size of the lot - for any sizeable addition - all other requirements will be met - cannot be added to the left side of the home because the lot size is just too small - in the past the spirit and intent is to protect residential character - will increase the value of the property - will not detract the value from other neighborhood homes - cars will not be on the street during the winter - substantial justice will be served because it will allow us the same use of our property that has been granted to others in the general area with the same lot size limitations.

Public Hearing opened:

Speaking in opposition of granting the variance was Francis Gaudet. He stated that building a garage two feet from the property line (his line) would be blocking the area of his side bedroom window. He also stated that if there was a fire - a fire truck would not be able to access between the homes.

James Brennan also spoke in opposition of granting the variance. He stated that there is just not enough room for the Pelczars to add an addition. He continued to state that he did not have a garage on his property because of the same reason there is not enough room.

Francis Gaudet also added that in 1958, the Pelczars added on a 12 foot kitchen to their home.

Alden Joy stated that in 1958 zoning laws were not yet instituted.

Public Hearing closed:

David Betrand motioned to deny the request for variance. Alden Joy seconded the denial.

VOTE: 4-0. Variance denied based on the Following Findings of Fact: Applicant does not face unnecessary hardship, others in neighborhood with same condition; will not serve substantial justice, safety hazard; not within harmony and spirit and intent of the zoning ordinance, too close to side line; and will result in diminution in value of surrounding properties, too close to property line.

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H87-21 Charles and Katie Merritt, 57 Maple Street, also known as Assessor's Map 30-32, lot 22, zoned RM-10, requests a variance from terms of Article V, Section 170-16, to construct an addition approximately eight (8) feet from a side property line abutting a street where thirty (30) feet is required.

William Colbath stated that he would have to step down from the case for reasons of conflict of interest.

Case was tabled until June based on the fact that three members constitutes a quoram.

H87-22 Lorene Cook, 103 Silver Street, also known as Assessor's Map 10, lot 117, zoned RM-10, requests a variance from terms of Article IV, Section 170-12, Table of Use Regulations (Table I: Principal Uses, Part C) to convert an existing single-family dwelling into either an office building or a Bed and Breakfast establishment.

Case table until hearing with the Technical Review Committee can be done. Definition of requirements for Bed & Breakfast will be defined.

H87-23 Michael and Nancy Donahue, 2 Shady Lane, also known as Assessor's Map I, lot 78D, zoned R-12, requests a variance from terms of Article X, Section 170-41A, to construct a second floor addition on an existing single-family dwelling with a twenty-two (22) foot setback where thirty (30) feet is required.

Michael Cook appeared before the board members asking for approval for a variance to construct a second floor addition. He stated that is family needs more living space - did not wish to move - happy with their present home - only have 22 feet where 30 feet is required for the setback - the addition will not in any way affect their neighbors.

Public Hearing opened: no comment.

David Betrand motioned to grant the variance. William Colbath seconded the motion.

VOTE: 4-0. Variance granted based on the following Findings of Fact: Applicant faces unnecessary hardship; will deliver substantial justice; within the spirit and intent of the zoning ordinance; will not result in a diminution in value of surrounding property; and will benefit the public interest.

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H87-24 Walter and Eileen Tomczyk, 1 Sherman Street, also known as Assessor's Map 39, lot 36, zoned R-12, requests a variance from terms of Article V, Section 170-16, to construct an addition on an existing single-family dwelling with an approximate twenty-five (25) foot setback where a thirty (30) foot setback is required.

Walter Tomczyk appeared before the board asking for a variance to construct an addition to his home. He stated that his family has grown and they need an additional bedroom - the addition will be twenty-five feet from the setback not thirty.

Eileen Tomczyk also appeared before the board. She stated that she had inquired to see if variance was needed - was informed that only required for the front of the home.

Public Hearing opened: no comment

Public Hearing closed:

Tom Clark stated that Mrs. Tomczyk was misinformed by someone from another office other than the Building Inspector's and that the couple appeared before the board because they have already started building the addition.

William Colbath moved to grant the variance. David Anderson seconded the motion.

VOTE: 4-0. Variance granted based on the Following Findings of Fact: Applicant was misinformed; will deliver substantial justice; withing spirit and intent of ordinance, neighborhood in general has same setbacks; will not result in diminution in value of surrounding property; and will benefit the public interest.

Meeting adjourned at 9:30 p.m.