

DOVER ZONING BOARD OF ADJUSTMENTS
MINUTES OF MEETING

Held: July 16, 1987
Council Chambers

Alden Joy called the Business Meeting to order at 7:15 P.M.

Members Present: Alden Joy-Chairman, David Betrand, Joyce Bowden, Mark Dellner, Randy Turner, and William Colbath-Alternate.

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

Tom Clark handed out Growth Management Support Documents to the board members.

Steve Stancel recommended tabling case H87-29 and suggested that the members of the board wait until legal advise has been given.

Business Meeting resumed after Public Hearings.

Randy Turner stated that he would have to leave before the Meeting was underway.

Public Meeting called to order at 7:35 by Chairman of the Board, Alden Joy.

H87-29 Paul H. & Anna Proulx (Robert C. Smith), 53 Sixth Street, also known as Assessor's Map 30, lot 47, zoned RM-10, requests Special Exception as provided by terms of Article IV, Section 170-12, Table I, Principal Uses, Part A, and Article XII, Section 170-52-C(3) to construct a four (4) family dwelling in an RM-10 zone.

Steve Stancel recommended that the board members table their decision for the Special Exception waiting upon legal advise to be given on the new growth management interpretation.

Mark Dellner motioned to table the decision for special exception. David Betrand seconded the motion.

VOTE: 5-0. Special Exception tabled - waiting for legal advise to be given for the interpretation of the new growth management.

Decisions made for accepting or rejecting applications for July 16, 1987 Meeting:

H87-30 Mark Dellner motioned to accept application for hearing.
David Betrand seconded the motion.

VOTE: 4-0. Application approved for hearing.

H87-31 Mark Dellner motioned to accept application for hearing.
Joyce Bowden seconded motion.

VOTE: 4-0. Application approved for hearing.

H87-32 David Betrand motioned to accept application for hearing.
Alden Joy seconded the motion.

VOTE: 4-0. Application approved for hearing.

H87-33 Mark Dellner motioned to accept application for hearing.
David Betrand seconded the motion.

VOTE: 4-0. Application approved for hearing.

H87-34 David Betrand motioned to accept application for hearing.
William Colbath seconded the motion.

VOTE: 4-0. Application approved for hearing.

H87-30 John Whittenberger, 3-5 Dover Street, also known as Assessor's Map 27, lot 5-2, zoned RM-8, requests variance from terms of Article X, Section 170-40-C, to restore an existing dwelling unit, which has been out of use for greater than twelve (12) months, located in a detached garage.

John Whittenberger appeared before the board stating that he would like to reactivate the existing dwelling unit. The unit has living space, bedroom and bath. He also stated that he had no idea on expanding the unit.

Public Hearing opened: no comment
Public Hearing closed:

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John Whittenberger added that he has gone to great efforts to get the unit back into shape - it took a whole winter to get it back. He added that he has own the property for two winters.

Tom Clark stated that the unit has been out of service for twenty years.

Alden Joy stated that he could not understand how two principle uses could exist.

David Betrand agreed with Alden Joy and added that Mr. Whittenberger was here tonight to have the unit reinstated.

David Betrand motioned to deny variance.
Joyce Bowden seconded the motion.

VOTE: 5-0. Variance denied. Based on the Following Findings of Fact: hardship not present; substanstial justice will not be served, cannot allow to units on one lot; no in accordance with spirit and intent of the variance; will not benefit the public interest.

Alden Joy added that Mr. Whittenberger had 30 days to appeal the decision.

H87-31 Thomas L. & Evelyn K. Backowies, near interesection of Sixth St. and Long Hill Road, also known as Assessor's Map A, lot 39B, zoned R-40, requests variance from terms of Article V, Section 170-16, to subdivide an existing lot into three (3) lots, two (2) of which would have no frontage on a public right-of-way.

Thomas Backowies appeared before the board and stated that he owned four acres of land and would like to subdivide two of the acres - hardship is involved because two acres of developable land has no access. If the land was to be subdivided it would be within the Spirit and Intent of the ordinance. It will also improve the area because it will be well maintained. There will be no decrease in surrounding property values.

Public Hearing opened: no comment
Public Hearing closed:

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David Betrand motioned to grant variance with stipulations.
Mark Dellner seconded the motion.

VOTE: 5-0. Variance granted. Based on the following findings of fact: Hardship exist with two acres of undevelopable land; justice will be delivered by allowing access to the back lots; it is within the spirit and intent of the ordinance there will be no diminuation of surrounding property values; and within the public interest, opens up single-family dwelling.

Stipulations included: Private way must have a sign, street must be named in case of fire. Home Owner's Association must be formed to maintain the road.

H87-32 Lagcheck Realty (Garrison Medical PA-Family Practice) 770 Central Avenue, also known as Assessor's Map 29, lot 22, zoned O, requests variance from terms of Article IX, Section 170-32-1(1)(a) and (b) to exceed the maximum allowable quantity (two (2) where one (1) is allowed) and square footage (twenty-four (24) where twelve (12) is allowed) of wall signage in an Office zone.

George Cohen appeared before the board and stated that two signs are needed for easy identification of the Garrison Medical PA Family Practice.

Public Hearing opened: no comment.
Public Hearing closed:

David Betrand questioned if the signs would be lite or not.

George Cohen stated no and that the signs would each be twelve feet, not 24 feet.

VOTE: 5-0. Variance granted. Based on the following findings of fact: Hardship will be delivered, signs needed because of configuration of building to the roadway; will deliver substanstial justice, inline with the safety factors involved; in harmony with the spirit and intent, diminuation of property in surrounding area will not result, no adverse comments stated in public hearing.

Stipulation attached: There will be a minimum of two (2) signs, and there will be no freestanding sign.

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H87-33 Stig L. Nelson, 43 Applevale Drive, also known as Assessor's Map K, lot 17N2, zoned R-12, requests a variance from terms of Article V, Section 170-14A(1) to construct an attached garage four (4) feet from a side lot line where ten (10) feet is required.

Stig Nelson stated that he owns a 75 X 100 size lot with a ranch home on it. He added that he would like to build a garage on next to the house - guidelines set forth - would like to have the same opportunity as his neighbors to add a garage to his property.

Public Hearing opened: no comment.
Public Hearing closed:

Alden Joy asked Mr. Nelson if he would approve of having a 22 x 24 garage.

Mr. Nelson stated that he would approve of having the board stipulating what size garage he could own.

VOTE: 5-0. Variance granted. Based on the following findings of fact: Hardship is involved, substantial justice will be within the harmony; will benefit the public interest, it is acceptable use of land.

Stipulation attached: Side-yard set-back to the garage be no less than six (6) feet.

H87-34 Raymond & Mary Brown: Katherine Towle, (Land Buy Unlimited, Inc.) Mast Road, also known as Assessor's Map I, lot 52/54, zoned RM-12, requests a special exception as provided by terms of Article VII, Section 170-27(C)(1) to construct a private right-of-way within the Conservation District.

Willaim Colbath did not sit in on hearing.

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Michael Donahue appeared before the board explaining that this one project was one of five (5) within the Consortium. The Special Exception is needed to construct a private right-of-way within the Conservation District - the proposal is to access the property with least amount of impact- applicant will obtain any and all State approvals required.

Project Engineer, Jack McLeod appeared before the board and reviewed all plans with the members. He stated that on June 23 lot line adjustments were made and one lot was formed - he outlined the flow of the stream on the property - also stated there will be a man-made pond to hold water run-off from spring - if the special exception is not granted 3/4 of the property will be land-locked.

Public Hearing opened: no comment
Public Hearing closed:

Alden Joy asked if the swamp land was involved.

Jack McLeod stated no.

Harold Preston added that a master drainage plan has been turned in to the Planning Office. The plan is presently being reviewed by the City Engineer.

David Betrand motioned to grant the Special Exception.
Mark Dellner seconded.

VOTE: 4-0. Special Exception granted.

Stipulation attached to Special Exception: all required permits will be obtained.

Public Hearing adjourned at 9:10.

Business Meeting resumed after Public Hearing.

Zoning Board members reviewed motion for rehearing, case #

David Betrand motioned to deny the request for rehearing, based on the fact that enough new evidence was not presented in the motion for rehearing.

Alden Joy seconded the motion.

VOTE: 3-1. Motion for rehearing denied.
Joyce Bowden voted in favor.
