

ZONING BOARD OF ADJUSTMENT  
MINUTES OF MEETING  
JULY 28, 1988

MEMBERS PRESENT: William Colbath, Joyce Bowden, Chairperson,  
David Anderson, Randy Turner

ALSO PRESENT: Tom Clark and Steve Stancel

The meeting recessed from June 21, 1988 was brought to order  
at 7:16

Joyce introduced the Board and explained that since there are  
only 4 members present there would be a need to get 3 out of  
4 votes or the case fails.

OLD BUSINESS

H88-18 Michael P. Rosholt

Joyce Bowden steps down and William Colbath is acting  
Chairman.

Mr. Rosholt submitted as proof of ownership a) a letter from  
his lawyer explaining his intent when he made the statement  
in 1985 that he would not further subdivide his land, and 2) a  
copy of his deed.

The Board felt that they did not have the expertise to  
compare the deed to the plan because it did not match. The  
Board suggested that it might be in Mr. Rosholt's favor to  
come back to the next meeting and bring in a surveyor.

David Anderson made the motion to table until August 11,  
1988.

Randy Turner seconded.

VOTE U/A

H88-35 Jay Edwards

Jack Doland speaking for Jay Edwards asked to be postponed  
until the next meeting. It will come under OLD BUSINESS on  
the August 11, 1988 meeting.

H88-37 Paul Maloney, Sixth Street & County Farm Road, A/K/A  
Assessor's Map 8, Lot 1, zoned R-40, requests a variance from  
the term of Article IV, Section 170-12, Table I, Part c, to  
construct an office building in an R-40 Zone.

John Ryan spoke for Mr. Maloney. He explained the residence  
has 4 units - a trailer that was associated with a business  
at one time, a barn used for storage of equipment, a unit

that was used for electric motor repairs and a barn that burned in 1987.

He stated that Civil Works would like to subdivide a portion of property and replace the burned out structure with a building that would contain their offices. The building would look like a residential structure and the building would meet the requirements for setbacks of R-40 zoning.

Mr. Ryan submitted an elevation plan and stated there would be no intense office use. He stated that this office use is permitted and would not need a variance if his client chose to live on the premises.

Mr. Ryan went thru the criteria as follows:

1. He feels there is a hardship in the land because it has not been used for a single family use and would be a better use than manufacturing as before.

2. Mr. Ryan submitted to the Board a report done by Don MacNamara Appraisal that stated that the proposed building would be the highest and best use of the land and would be an improvement.

3. He feels it is in the public interest because of the appearance of the new building and it would clear up the property.

4. Offices are permitted in R-40.

Joyce made a motion to accept the case.  
David Anderson seconded

VOTE U/A

Rich Pike, 25 County Farm Road spoke in favor because it would enhance the area.

Steve Stancel spoke against. He feel there is no hardship. Manufacturing is grandfathered and the land has more uses than normally allowed. He also stated that the other side of Sixth Street is the proposed office zone.

Paul Moloney said he could rebuild another ugly structure as the one that burned and the City would think it was a better use for his property.

Paul Conally has searched for office space in Dover has not found anything suitable for his needs.

CLOSE PUBLIC HEARING

## FINDING OF FACT

1. He does not face an unnecessary hardship because he has reasonable use of the land
2. The variance will not deliver substantial justice because the applicant hasn't shown that there was an injustice.
3. The variance will not be in harmony with the spirit and intent of the zoning ordinance because the proposed use is not among the permitted uses in that zone.
4. The variance will not result in a diminution in value of the surrounding properties because no evidence was presented.
5. The variance will no be of benefit to the public interest because there has been no evidence presented to show it will benefit and the proposed use is not in accordance with the R-40 zone as indicated in the Master Plan.

DENIED

VOTE U/A

### H88-39 A William & Lucille Merrill

Tom Clark said an error has been made. The Merrills do not need a variance, only a special exception.

### H88-39 B William & Lucille Merrill

Mrs. Merrill wanted her case tabled until the approval reports from the Water Resources Board and the Wetland Board arrive.

It was decided that if all her paperwork is received she will be heard on the Meeting of the 18th of August.

Tabled until the paperwork comes in.

H880-40 Thomas & Joanne Boyle, 168 Littleworth Road, A/A/A Assessor's Map F, Lot 46, requests a variance from the terms of Article V, Section 170-16, to construct an addition approximately twenty (20) feet from a property line as it abuts a street where fifty (50) feet is required and from the terms of Article X, Section 170-41.A to increase a non-conforming structure.

Joanne Boyle stated that the building was constructed before zoning. She said the 10 X 20 addition would be adding room to her living room and dining room.

David Anderson made the motion to accept the case.

Dana Turner seconded.

VOTE U/A

Close Public Hearing.

Discussion ensued concerning the variances the Boyle's had gotten in the past. The building is non-conforming and no matter what they do it will be non-conforming.

**FINDING OF FACTS**

1. They do not face an unnecessary hardship because there is reasonable use of the property.

**VOTE**

Does: Randy Turner and William Colbath

Does Not: David Anderson and Joyce Colbath

2. The variance will not deliver substantial justice because the applicant has not proven there is an injustice.

**VOTE**

Does: Randy Turner and William Colbath

Does Not: David Anderson and Joyce Colbath

3. The variance will not be in harmony with the spirit and intent of the zoning ordinance because the ordinance is specific in frontage & set back requirements.

**VOTE**

Will: Randy Turner and William Colbath

Will Not: David Anderson and Joyce Colbath

4. the variance will not result in a diminution in value of surrounding properties because there is not evidence.

**VOTE U/A**

5. The variance (will/will not) be of benefit to the public interest based on the following finding of fact: There has been no real evidence presented to show the public interest will be served or harmed.

**VOTE**

Will: Randy Turner and William Colbath

Will Not: Joyce Bowden and David Anderson

**DENIED**

Meeting recessed at 9:15 PM