

McLean

PROPOSED MINUTES

ZONING BOARD OF ADJUSTMENT
DOVER, N. H.

H78-8 Michael E. and Jacqueline Kimball
H78-5 Russell F. Parker Rehearing

DATE: July 5, 1978
TIME: 7:30 p.m.
Dover District Courtroom

PRESENT: Anthony S. Hartnett, Chairman
Raymond Proulx
Helen Wersosky
Helen Smith
Rita Shortill
Anita Munroe, Clerk

Michael E. & Jacqueline Kimball. Michael Kimball appeared on behalf of he and his wife. The affected property is located at 75 Old Rochester Road and consists of an 8' X 45' mobile home and garage on an irregularly shaped lot with 75' frontage on the road, depth of 201' on one side, 300' (approximately) on the other side and a back lot line of 108'. The present mobile home is situated parallel to the road and on the front part of the lot. Mr. Kimball stated that the present mobile home is serviceable but too small and too old for his present family needs. This is the fourth mobile home on the lot, starting with a 24' long model and ultimately being replaced with the present 45' long model. Mr. Kimball stated that it might be possible to construct a permanent house on the lot but it might be difficult owing to the irregular lot shape. In any event such a house would not comply with the bulk regulations calling for a 100' road frontage in an R-1 zone such as this.

Mr. Kimball proposes to install a 70' X 14' structure on a foundation to serve as his home. The company that manufactures these structures is currently engaged in litigation in Maine in order to have such structures legally classified as "pre-fab homes" as opposed to "mobil homes", according to Mr. Kimball. The Board had some doubts as to whether the proposed structure would ever be classified as a mobile home under the ordinance. The proposed structure would be installed with its length running perpendicular to the road and closer to the northerly boundary of the lot. Mr. Kimball plans to connect the garage to the mobile home and use the present city water hookup and septic

system. Mr. Kimball showed the Board a picture or artists rendition of the proposed structure. He noted that the proposed installation would probably result in an increase in tax revenues and would result in beautification of the lot. There was no opposition to the variance. The Board voted ³4 to ²4 to grant the variance having resolved that abutting and surrounding properties would not be adversely affected, that the spirit and intent of the ordinance is consistent with granting the variance, that the proposed installation would result in a desirable improvement of the property and would avoid restrictions in the Kimballs' use of the property caused by a hardship in the size, shape, history and location of the land.

H78-5 - Russell F. Parker - Rehearing. This rehearing was permitted pursuant to a 3 to 2 vote of the Board on June 9, 1978. On May 11, 1978, Mr. Parkers application for a variance was denied by a vote of 3 to 2. At today's rehearing, Mr. Parker was represented by Glenn Davis, Esq. Mr. Davis offered evidence that a variance had previously been granted, allowing the replacement of a previous 50' X 10' mobile home with the present 60' X 72' mobile home in 1971. The present trailer is 112' back from Varney Road. Trees and bushes heavily screen it both from the road and surrounding properties. Mr. Davis stated that hardship was present by virtue of the fact that the existence of ledge 3' from the ground surface under the mobile home and 5' from the ground surface would make it prohibitive from an economic and practical standpoint to install a house with any kind of foundation. Due to the fact that a mobile home had been present on the lot for a long period of time without the need for a foundation, the lot was presently suited to continuing to support a mobile home structure. In addition, Davis argued that the proposed 10' X 30' addition was essentially no different than a similar addition on the back of a house, that it was not an expansion of the mobile home but the installation of a more or less permanent structure on the land, and that to deny Parker the right to install it would be to treat him differently than neighboring house owners for no good reason. He also pointed out that the existence of the proposed addition would not decrease the value of surrounding properties since many of the homes had been built after and with full knowledge of present or prior mobile homes on this lot. Mr. Graves and Mrs. Busching both stated that in their opinion, the addition would not adversely affect the values of

their properties. The Board was also cognizant of the fact that Mr. Parker had mistakenly commenced construction of the addition before obtaining a proper building permit.

The Board voted unanimously to grant the variance having resolved that it is consistent with the spirit and intent of the ordinance, other property in the district would not be adversely affected and a hardship existed which would result in injustice if the variance were not granted.

Meeting Adjourned at 10:24 p.m.

Minutes prepared by Anthony S. Hartnett

ASH:am