

McLean

PROPOSED MINUTES

ZONING BOARD OF ADJUSTMENT
DOVER, N. H.

H78-11 - Shirley White
H78-12 - Dover Realty Trust a/k/a Value House
H78-13 - Jennie Hodgson

DATE: July 20, 1978
TIME: 7:30 p.m.
Dover District Courtroom

PRESENT: Anthony S. Hartnett, Chairman
Helen Wersosky
Helen Smith
Deborah McLean (Alternate)
Raymond Proulx
Anita Munroe, Clerk

H78-11- Shirley White. Mrs. White appeared on behalf of herself and her husband William White as prospective purchasers and James and Margaret DeWolfe as current owners. The property is a 3 story brick building containing 15 rooms which is believed to have been built in the 1830's. The building is situated at 87 Portland Avenue. The lot on which the building is situated was divided into two use districts, with the rear portion of the lot being zoned I-2 and the front part of the lot including part or all of the building being zoned R-2. Mrs. White stated that the house had been on the market for the past year at an asking price of \$59,000 during which time there had been several prospective purchasers but no sale at that price. In her opinion the price of the house would have to be reduced into the "40's" to be sold. The Whites' plan called for converting 3 to 5 rooms on the west side of the house into a real estate office. The office would not be used all the time since much of the business involves traveling and work outside of the office. The east side of the building would contain one apartment. Mrs. White expressed the desire to avoid having the house converted into multiple units which are permissible in an R-2 district. Several citizens owning property in the area and a signed petition, expressed opposition to permitting a business office in the neighborhood and concern for possible adverse affects on their properties.

The Board voted 4-1 against granting the variance, having failed to find a hardship with respect to this particular property at this time. However, the Board wishes to draw the applicants attention

to Section 21:2.3(b) of the Zoning Ordinance. According to maps in the office of the Building Inspector, the R-2/I-2 district boundary line may divide the lot in such a way as to permit the applicants to use an office in the building pursuant to the above section and the use regulations applicable to I-2 districts without the need for a variance. The applicants should consult the Building Inspector as to this.

H78-12 - Dover Realty Trust a/k/a Value House. The Value House and/or Dover Realty Trust, prospective purchaser and Marcus Pindrus, owner of certain lands on the westerly side of Central Avenue were represented by Dennis Hallisey, Esq. The Value House has contracted for the acquisition of 6.3 acres of land behind and westerly of its present commercial building. It proposes to construct an addition about 110 square feet on the back of the present building to be used as warehousing space. The building would extend 45' to 50' into the land to be purchased and to the west of this addition, a parking lot with 138-140 spaces is to be constructed. The land used for the addition and parking would be slightly more than one acre in size.

Mr. Hallisey stated that the hardship with respect to this particular land stems from the fact that it is landlocked and has no access to through public ways. According to Mr. Hallisey, in 1966, Mr. Pindrus had applied for a building permit to construct two residences on this back lot. The First National Store was then situated in the building. When the building inspector denied the permit an appeal was taken to the Zoning Board. The Board apparently denied him the right to build on this lot due to inadequate room for and width of access roads. For the next 12 years this land has been fallen with only sporadic inquiries as to its availability for sale.

An artists conception of the proposal was exhibited in addition to a surveyed plan. According to speakers on behalf of the proposal, including Constantine J. Lucas, Nick Day, Vice President of Operations for Value House and Tim Chabot, Store Manager, the Value House was working with the Planning Office and City Engineer to ensure that the new parking lot would be provided with an adequate and completely self-contained drainage system, that the existing right-of-way to Bernard Brennan's property and other properties to the northwest of the Value House would be preserved and unimpaired, that a screen of

natural and/or planted trees and/or bushes would be maintained to prevent light, dust and noise from the parking lot from disturbing residences on Morin Street.

James Walker stated that he was not in opposition to the plan but said that a map showing elevation projections of the area should be required of the Value House. Bernard Brennan also stated that he was not in opposition but desired to know whether any variance granted extended to the entire 6.3 acres to be bought by Value House. The Board stated that it would not. Steven Spiridonides, a resident of Morin Street expressed concern about drainage problems during rainy periods and with melting snow during the winter, and its potential effect on residences on Morin Street. Douglas Rogers stated that he did not feel there was any hardship since Mr. Pindrus had landlocked the property himself. He also wanted to know if the requested variance would enlarge or change a prior variance granted in 1971 involving the loading docks on the building. The Board stated that it did not see any reason why it should.

Based on the evidence presented the Board unanimously voted to grant the variance and imposed the following conditions:

- 1) that drainage systems for the parking lot be in conformity with all State and local regulations and to the satisfaction of the Planning Board, Planning Director and City Engineer and that all drainage be self-contained and no run-off be caused to flow onto the lands of residents of Morin St.;
- 2) that the right-of-way leading to property to the northwest of the Value House be reaffirmed and delineated on the parking lot by appropriate lines so as to separate it from the parking area;
- 3) that traffic moving between the parking areas in the front and back of the Value House move in one direction only down each side of the building and as otherwise ordered by the Planning Board;
- 4) that the landscaping be substantially as depicted in the artists conception presented to the Board (except for the trees erroneously located at the lower right of the drawing);
- 5) that all site review and other Planning regulations be complied with.

H78-13 - Jennie Hodgson. Mrs. Hodgson appeared on her own behalf. The proposal was to install facilities for and conduct a pre-school for 16 four and five year old children. Since a profit educational institution is allowed in R-1 zones as a special exception - customary home occupation (see §21:3.1, footnote 5 and §21.15.2(11), Mrs. Hodgson applied for such a special exception. However, since she desired to teach 16 children, a variance was required to the terms of §21.15.2(11)(a) to permit the additional 8 children.

Mrs. Hodgson submitted a description of the proposed preschool. Among other features, it would employ two teachers, including herself and be open 9 a.m. to 12 Noon during the school year. Mrs. Hodgson will reside in the building. The Board finds that the applicant has or will comply with conditions (b) through (k) of customary home occupations. According to Mrs. Hodgson, she has invested about \$2,000 in converting the building into the school pursuant to a building permit issued by the Building Inspector. The issuance of the permit and the construction took place before the present hearing. There was no opposition.

Under the circumstances the Board voted 4 to 1 to permit the intended use, subject to obtaining a certificate of occupancy for the proposed use from the building inspector.

Meeting Adjourned at 11:47 p.m.

Minutes Prepared By Anthony S. Hartnett

ASH:am