

DOVER ZONING BOARD OF ADJUSTMENT

MINUTES OF MEETING

Held: December 27, 1984
Council Chambers
Municipal Building
Dover, NH 03820

Members Present: Chair Peter Greenwood; Vice Chair Alden Joy;
Geri Wiesman; Dennis Ciotti
Alternate Present: Charles Zamzow
Other: Tim Sheldon, Planning Department

BUSINESS MEETING

Mr. Joy called the meeting to order at 7:15 p.m.

Moved by Mr. Joy, seconded by Mr. Ciotti, the minutes of the previous meeting were unanimously approved.

Discussion of the cases followed.

REGULAR MEETING WITH PUBLIC HEARINGS

H84-77 Alice M. Moscarillo, County Farm Cross Road (Applicant: Richard P. & Theresa M. Conway) known as Assessor's Map B, Lot 10, zoned R-40, petitions for a variance from Article V, 170-16, for relief from public road frontage requirements.

Richard Conway explained the petition to the Board. He stated that the lot in question consists of 30 acres which they wish to subdivide (5 acres) in order to build. There is a 50 foot right of way.

Mr. Conway then answered questions of the Board regarding frontage.

No one spoke in favor or in opposition to the petition.

Mr. Greenwood made a motion to deny the request because of absence of evidence to support finding of hardship, and request is in clear violation of spirit and intent of the ordinance.

Mr. Zamzow seconded the motion.

Variance denied - 5-0 for reasons stated above.

H84-79 John D. Myles & Diane R. Morrow, County Farm Road, known as Assessor's Map C, Lot 3, zoned R-40, petitions for a variance from Article V, 170-16, for relief from public road frontage requirements and Article II, 170-6, definition of a lot.

Diane Morrow explained the petition to the Board stating that she and Mr. Myles purchased 68 acres of land and are currently building a home 1,400 feet off the road. They do not intend to develop the land at this time, however they do not want to tie up any more

(over)

road frontage than they have to since it could create a hardship for them in the future should they decide to develop this land.

In response to a question from Mr. Greenwood, Ms. Morrow stated they are specifically requesting that they be allowed a 50 foot right of way and not have any additional frontage with the house lot.

No one spoke in favor or in opposition to the petition.

Mr. Joy stated that he did not see any uniqueness in the land, however there would be no diminution of surrounding property valuations.

Ms. Weisman stated she did not feel there was any hardship involved.

Mr. Ciotti made a motion to deny the request because there is no inherent hardship in the land.

Mr. Joy seconded the motion.

Variance denied - 4-1 (Joy; Weisman; Ciotti; Zamzow). Lack of hardship inherent in the property that would prevent its development as intended in the ordinance.

H84-80 James J. & Virginia E. Gallerani, 725-727 Central Ave. (Applicant: Stephen O. Dell, M.D.) known as Assessor's Map 28, Lot 13, zoned R-12, petitions for a variance from Article IV, 170-11, to permit the construction of and/or conversion of a building to office space in an R-12 zone.

Attorney Jack Dolan of McNeil & Taylor in Dover explained the petition to the Board. Mr. Dolan passed copies of tax assessor's map and use map to the Board. He explained that although the property is in a residentially zoned area, there are many professional offices in the immediate neighborhood. Mr. Dolan stated that there has been a metamorphosis of offices in the past few years and it is hardly a residential area any more. He also stated that Dr. Dell feels this would be a perfect place for his office because of the proximity to the hospital. They feel there would be no adverse effect on property valuations if the variance is granted and that the public would benefit by having a doctor's office so close to the hospital. Mr. Dolan stated that it would be unfair to deny the request since the spirit of this area has lost its residential character.

In response to a question from Mr. Ciotti, Mr. Dolan stated that Dr. Dell does not plan to join the two buildings on this lot together. He is unsure at this time in which way he will develop if variance is granted.

No one spoke in favor of the petition.

Andy Galt of 754 Central Ave. spoke in opposition to the petition stating that approximately one year ago the City Council approved the rezoning of the area between Arch Street and the

Friendly Market from residential to office district. This was done to maintain the few residential lots left in the area in question. He stated that it would be unfair to consider the area in question non-residential and that the proper place to locate an office would be in office district zone, approximately 65 feet away.

Mr. Dolan stated that an office of this nature would not adversely effect the neighborhood.

Mr. Joy made a motion to deny the request because there is no hardship in the property and the request is not in spirit and intent of the ordinance.

Mr. Ciotti seconded the motion.

Variance denied - 5-0 for reasons stated above.

H84-81 Dover Place Limited Partnership, 83-85 Washington Street (Applicant: Karim Zahedi), known as Assessor's Map 2, Lot 40, Zoned B-2, petitions for a variance from Articles IX and X for relief from area lot coverage and floor ratio requirements, and Article XI, section 170-44B, for relief from off-street parking provisions.

Mr. Zahedi explained the petition to the Board stating they purchased the building in question last month and they believe this building plays a very important role in the revitalization of downtown Dover.

Architect Fernando Domeyko showed the Board drawings of what they intend the building to look like.

In response to a question from Mr. Joy, Mr. Zahedi stated that the Fire Chief had approved their plans which include installing an elevator and a sprinkler system.

Nick Skaltsis, owner of the Masonic Temple building, spoke in favor of the petition. He stated that none of the buildings in the area provide much parking space and that the lack of such should not be considered a detriment to this project.

John Earl who is affiliated with Strafford National Bank also spoke in favor of the petition. He stated that he liked the sound of what he had heard, it would enhance the lower square, and felt very strongly that project should be considered.

Ms. Weisman made a motion to grant the request since it does not violate the spirit and intent of the ordinance and would not diminish surrounding property values. She also felt that it would be unjust to deny the request because of parking reasons.

Mr. Joy seconded the motion.

Variance granted - 5-0.

H84-78 William W. & C. Sue Mautz, 8 Ham Street; 23 & 23½ Park Street; 25 & 27 Park Street, known as Assessor's Map 27, Lots 128 & 129, zoned RM-8, petitions for a variance from Article V, 170-16, for relief from frontage, setback and minimum lot size requirements, and Article XI, 170-45A, for relief from parking design criteria.

Peter Greenwood removed himself from this case. Ann Turner, Alternate, sat in and Alden Joy chaired.

William Mautz explained the petition to the Board stating that all three buildings in question were built on one lot and as it stands now if he wanted to sell he would have to sell all three as a package. Present deeds show that there is two lots there. On one of the deeds, the lot line runs through one of the buildings. They would like to be able to clear this up.

In response to questions of Ms. Weisman regarding parking problems in the area, Mr. Mautz explained that granting variance would not worsen parking problems, they would remain the same.

No one spoke in favor or in opposition to the request.

Board discussion of request followed.

Mr. Zamzow made a motion to grant the request stating that it would be an injustice not to do so. The hardship is in the grandfather situation.

Ms. Turner seconded the motion.

Variance granted - 4-1 (Ciotti)

The meeting adjourned at 9:45 p.m.