

DOVER ZONING BOARD OF ADJUSTMENT

MINUTES OF MEETING

Held: January 17, 1985
Council Chambers
Municipal Building
Dover, NH 03820

Members Present: Chair Peter Greenwood, Vice-Chair Alden Joy,
Geri Weisman, Dennis Ciotti

Alternate Present: Mardean Frazer

Other: Building Inspector Dick Selleck

BUSINESS MEETING

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

Moved by Mr. Joy and seconded by Ms. Frazer, minutes of previous two meetings, held December 20 and December 27, were approved.

Discussion of the cases followed.

REGULAR MEETING WITH PUBLIC HEARINGS

H84-82 Boston & Maine Corp., Charles Street (Applicant: Agway, Inc.), also known as Assessor's Map 16, Lot 38C, zoned UMUD, requests a variance from Article V, Section 170-16, for relief from sideyard setback requirements.

Since the Board was uncertain whether Charles Street is zoned UMUD or B-3, Mr. Joy moved to table this case until the next meeting. Motion was seconded by Ms. Frazer.

The Board voted to table case until zoning is clarified - 5-0.

H84-83 Peter S. Yee (Mai Kai Restaurant), Dover Point Road, also known as Assessor's Map 8, Lot 47, zoned B-1, requests a variance from Article IX, Sections 170-32H, 170-32H(3), 170-32H(3b) to erect a free-standing sign on business premises.

Peter Yee explained the request to the Board. He explained that there had been a sign there before, however it was destroyed during highway construction. He stated that it would cost him almost as much to fix the old sign as it would to replace it with a new sign. Therefore he wishes to erect a new sign which would be nicer and better for business.

Mr. Joy asked Mr. Yee if the sign would be illuminated.

Mr. Yee replied that it would be.

In response to a question from Jr. Joy, Mr. Yee replied that the sign would be readable from both directions.

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

(over)

Mr. Joy stated that he feels there is no problem with this request and the sign would be appropriate for the location.

Mr. Selleck explained that if the variance is approved Mr. Yee would have to get clearance from the state in case of interference with highway traffic.

Mr. Joy made a motion to grant the request based upon presentation stating that the spirit and intent of the sign ordinance is to be flexible according to circumstances. Also because of uniqueness of property.

Ms. Frazer seconded the motion.

Variance granted 5-0 for reasons stated above.

H84-84 David & Patsy Schweickart, 55 Cataract Ave., also known as Assessor's Map 14, Lot 6, zoned R-12, request a variance from Article X, Section 170-39, for relief from frontage and square foot per lot requirements.

Patsy Schweickart explained the request to the Board, stating that their lot is very unique in the neighborhood since it is one of the few that satisfies frontage requirements. They now have a huge lot with a tiny house on it. They would like to build a large house on the lot.

Arthur Jordan, 3 Sunset Drive, spoke in favor of the request. He stated that most of the back 100' of his lot abuts the Schweickart property and he has no objection to the change they are asking for.

Alta Hartdorn, 40 Cataract St., spoke in favor of the request stating that a new house would be an improvement to the neighborhood.

Bonnie McDevitt, 47 Cataract Ave., spoke in opposition to the request. She presented a petition signed by 8 people in the neighborhood who are opposed to the request. She feels that granting the request would result in a small sub-standard lot that nobody would want to buy.

Albert Gagnon, 52 Cataract Ave., spoke in opposition to the request because he also feels a small sub-standard lot would be created and that this would cause diminution in property values in the neighborhood.

Deb DeColfmacher, 51 Cataract Ave., spoke in opposition to the request because it would diminish the privacy of her yard.

Dan McDevitt, 47 Cataract Ave., spoke in opposition to the request because he felt that if they sub-divide the small lot would never be brought up to standards.

Bonnie McDevitt, 47 Cataract Ave., felt that granting this request would set a precedent of people sub-dividing their lots and putting two houses on them.

Ms. Schweickart responded to those opposed by stating that adding on to their existing house would be an eyesore and would be a diminution on property values. She also stated that the only reason the DeColfmachers had privacy was because

of the Schweickart's lot. She stated that their children are older now and they need more room and would like to build a new home on their property.

Mr. McDevitt pointed out that the Schweickarts had two children when they bought their home and stated that if they bought their home after 1979 when the zoning law was passed they know what the situation was.

Board discussion of the case followed.

Ms. Frazer moved to deny the variance because it violates the spirit and intent of the ordinance. Also, no hardship is evident and it would diminish property values in the neighborhood.

Ms. Weisman seconded the motion.

Mr. Joy stated that he did not feel there would be any diminution of property values any more than having an empty scrub lot. He also felt that the injustice done to the property owner would outweigh any injustice that would be done to the city and the zoning ordinance.

Mr. Ciotti stated that it would not diminish property values, just the opposite. He did not feel sure whether it would violate spirit and intent of the ordinance.

Variance denied - 4-1 (Greenwood, Ciotti, Frazer, Weisman)

H84-85 Mary Louise Moore, 526 Central Ave. (Applicant: Scott Stanton, Dasco Signs), also known as Assessor's Map 5, Lot 5, zoned B-2, requests a variance from Article IX, Section 170-32-f(1), to erect both a free-standing sign and a roof sign on a building in a B-2 zone.

Mr. Stanton explained that Dunkin Donuts remodeling program calls for removing all old signs and replacing them with new ones. They want to install a free-standing sign and a wall sign, both approximately 41 square feet. Since traffic comes from so many different directions, one free-standing sign would be inadequate.

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

In reply to a question from Mr. Joy, Mr. Stanton stated that at present Dunkin Donuts has no sign designed that would conform to the mill motif.

In reply to a question from Mr. Ciotti, Mr. Stanton answered that the sign on front of building would be illuminated since Dunkin Donuts is open 24 hours a day.

Mr. Ciotti made a motion that variance be granted.

Mr. Frazer seconded the motion.

Variance granted - 5-0.

H84-86 White Cliffs Realty Trust, Martha's Way (Applicant: Richard White), also known as Assessor's Map H, Lot 41, 41P, zoned RM-20, requests a variance from Article IX, Section 170-32E(8) and 170-32E(1) for relief from sign size and height requirements.

Mr. White explained the petition to the Board and showed them illustrations of how size of sign is diminished by distance. He also had a site plan which illustrated height of grade in area in question. He stated that proposed sign would not be very big, but decorative and informative. Also that it would be tasteful and in the spirit and intent of the ordinance.

In response to a question from Mr. Greenwood, Mr. White said that the height of the sign would be about 25'. Also he replied that it would be approximately 500' back from road.

Ms. Frazer made a motion that variance be granted because it is in the spirit and intent of the ordinance.

Mr. Joy seconded the motion.

Variance granted - 5-0.

The meeting adjourned at 9:15 PM.