

DOVER ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING

Held: May 15, 1986
Council Chambers
Municipal Building

Members Present: Alden Joy-Chairman, William Hunt-Vice Chair, Mardean Frazer, Ann Turner, Bill Haeger.

Also Present: Dick Selleck-Building Inspector and Kathy Munson-Recording Secretary.

Business Meeting: Mr. Joy called the Business Meeting at 7:00 P.M.

Minutes of the April 17, 1986 Zoning Board of Adjustment Hearings were approved.

Public Hearings:

Mr. Joy called the meeting to order at 7:32 P.M.

H-86-21 Ann & Robert Fredette, 2 Wallingford Street, also known as Assessor's Map 22, Lot 14, Zoned R-12, requests a variance from terms of Article V, Section 170-14A to construct additions to an existing structure of a non-conforming lot having insufficient width.

Ann Fredette explained that she and her husband wished to construct a 49 foot width addition to the rear of house. She further stated that there is only one abutter and that they have lived in their home for 19 years and would not be infringing on anyone else.

Public Hearing Opened:

Mrs. Marie Murphy spoke in favor of granting the variance.

Public Hearing Closed:

William Hunt motioned to grant the variance. Bill Haeger seconded the motion.

VOTE: 5-0. Variance granted.

H-86-22 Robert & Elaine Sylvester, 103 Cocheco Street also known as Assessor's Map N, Lot 22A, Zoned RM-12, requests a variance from terms of Article V, Section 170-16, to construct an attached garage 16 feet from side-yard setback, where 20 feet is required.

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Robert Sylvester, Jr. explained to the Board members that it was unsafe for him to build garage on the West end of his home because of fill. He further stated that this only left the East end suitable for building a garage and his proposal left only 16 feet to his property line rather than the required 20 feet.

Public Hearings: No comment

Public Hearings Closed!

Bill Hunt questioned how many years the house has been at site.

Robert Sylvester answered three years - slope of land did not require fill.

Bill Hunt inquired what kind of material was brought in.

Robert Sylvester answered with a clay and sand mixture brought in from the S. Side of Dover.

Alden Joy inquired if the land was in the Conservation District.

Dick Selleck responded that his land was not within the Conservation District.

Mardean Frazer stated that she did not see any hardship involved.

Robert Sylvester further stated that the proposed garage would be two stories high with a bedroom above the garage level.

Alden Joy stated that he knew the area very well and at times it can be a very wet area and the fact that there is fill it is reasonable. Lcts of housing in that area are situated in an non-additive position

Robert Sylvester stated that the house had been situated to hook up to City sewage. He did not have an option on where to place the home.

Ann Turner moved to grant the variance. Alden Joy seconded the motion.

VOTE: 4-1. Bill Hunt denied. Variance granted.

H-86-23 James & Shelly Shaw, 5 Browning Drive, also known as Assessor's Map 21, Lot 100, Zoned R-12, requests a variance from terms of Article V, Section 170-16, to construct an attached garage 13 feet six inches from side-yard setback where 15 feet is required.

James Shaw stated to the Board members that he wished to construct a two-car garage to his home, adding three feet on to the rear of the house.

Public Hearings Opened: no comment
Public Hearings Closed:

Alden Joy mentioned that this was a classic case whereas the house was built smack in the middle - not allowing any further options.

Ann Turner asked what the dimensions of the garage would be.

James Shaw replied that the garage would be 22 feet across the front, 24 feet back, 25 feet across the back wall with 16 feet coming to the front of the house.

Alden Joy asked Dick Selleck if there was a lot coverage problem.

Dick Selleck responded that this was a R-12 Zone - can have 36 square feet of building.

Bill Hunt asked James Shaw if he belonged to a two-car family.

James Shaw replied with a three-car family - stating he owns a van for business.

Mardean Frazer moved to grant the variance. Ann Turner seconded the motion.

VOTE: 4-1. Bill Hunt denied. Variance granted.

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H-86-24 Paul J. Martle, Upper Factory Road, also known as Assessor's Map E, Lot 57, Zoned R-20, requests a variance from terms of Article V, Section 170-16 to subdivide a lot of land creating three additional lots with one existing lot, all having no frontage on a public right-of-way.

Ed Robidas stated that the property has basically no frontage and the only access to property is through the right-of-way - and would have to subdivide the property.

Public Hearing Opened:

Peter Martel, property owner gave his approval for variance.

Paul Martel also gave his approval for variance.

Jay Beckingham spoke against granting the variance stating that he was worried about the value of his home. He also expressed his concerns with a maintenance agreement.

Dick Selleck reminded the Board members that they were to decide if they wished to grant variance for Robidas to have two legal lots not having frontage on a right-of-way.

Mardean Frazer stated again the hardship.

Mardean moved to grant the variance. Bill Hunt seconded the motion.

VOTE: 5-0. Variance granted.

H-86-25 Ruth & Robert Ham, 802 Central Avenue (Lot location: Sixth Street, also known as Assessor's Map D, Lot 17). Zoned R-40, B-3 and Conservation District, requests a variance from terms of Article V, Section 170-16, to subdivide a lot creating a lot having insufficient frontage on a public right-of-way.

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Robert Ham stated that he was seeking relief from the 150' frontage requirement for subdivision. He wished to sell the land, leaving 50' right of way on the westerly side of the property. The selling of the property would be for the purpose of building a church.

Public Hearings Opened: no comment
Public Hearings Closed:

Alden Joy stated that the map shows 800 feet available and questioned Mr. Ham's request for minimizing to 150 feet.

Mr. Ham stated that the Church requires 10 acres for the church.

Bill Hunt moved to deny variance. Ann Turner seconded the denial.

VOTE: 5-0. Variance denied on the basis of no hardship being involved.

H86-26 Warren & Susan Spencer, 583 Sixth Street, also known as Assessor's Map A, Lot 40, Zoned R-40, requests a variance from terms of Article V, Section 170-16, to construct an addition, including garage, on an existing structure, 10 feet from side-yard setback where 25 feet is required. (Existing garage to be demolished).

There was no one from the Spencer party to present the case.

Alden Joy advised that the Spencer party be informed to re-submit their application.

H86-27 Carl R. Cressey, Jr., 1 Everett Street, also known as Assessor's Map 27, Lot 91, Zoned RM-8, requests a variance from terms of Article VI, Section 170-12, Table 1, principal uses, Part A, to construct an addition on an existing duplex to create a four unit apartment building on a lot, with insufficient square footage. (7,560 sq. ft. where 8,000 sq. ft. is required).

John Barrett of 18 Everett St.

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Carl Cressey stated his requests for a variance seeking relief from the lot size restriction, wishing to increase the present 2 units to 4.

Public Hearings Opened:

Nick Skaltsis spoke in favor of granting the variance by stating that because of variances granted previously in old neighborhood the present neighborhood has done a turn-around.

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John Barrett spoke against granting the variance. He objected to the fact that no hardship was involved - granting the variance would only help Cressey earn more money by increasing the rental units from two to four. He also stated that the area is too congested - parking is not available - difficult access for the Fire Department. He also showed pictures of trash on the grounds around the two present units - and felt that with two more units - trash would increase.

Carl Cressey responded by saying there is ample parking available. He stated that presently the rentals are to students, but hoped to upgrade this. He further stated that the trash problem has been taken care of.

Public Hearings Closed:

Bill Hunt stated that under the present code, the present two units could be increased to three and felt there was no hardship involved.

Mardean Frazer seconded Bill Hunt's statement.

VOTE: 4-1. Alden Joy in favor. Variance denied.

Meeting Adjourned at 9:22 P.M.