



CITY OF DOVER, NEW HAMPSHIRE 03820

ZONING BOARD OF ADJUSTMENT

TEL: 603-742-3551

Minutes of Meeting

Held: October 17, 1986
Council Chambers
Municipal Building

Members Present: Alden Joy-Chairman, Dave Bertrand, Mark Dellner-Alternate, and Barry Haeger.

Also Present: Bill Collins-Planning Director, Steven Stancel-Assistant Planner, Tom Clark-Assistant Building Inspector, and Kathy Munson-Recording Secretary.

Mr. Joy called the Business Meeting at 7:00 PM.

New Business: September 18, 1986 Minutes were approved.

Old Business: Decision regarding what limitations the Zoning Board could place on an accessory use was held.

Bill Collins suggested to the Board that stipulations to the Business Office of Strafford Guidance could be placed. Since the office has been approved, he suggested for them to identify Strafford Guidance's uniqueness - the retail end would then be the accessory use.

Mr. Joy called the meeting to order at 7:30 PM.

H86-56 Strafford Guidance Center, (Tabled from September 18, 1986 meeting, pending upon decision from City Attorney) 130 Central Avenue, also known as Assessor's Map 15, Lot 105, zoned RM-10, requests an appeal from an administrative decision concerning Article II, Section 170-6, definition of an Accessory Use.

Thomas Maynard, Executive Director for Strafford Guidance stated that essentially he was appearing before the Board to request for an approval of an accessory use in order to operate a thrift shop. He stated that the thrift shop would be part of a daily treatment program which is vocational in nature. The primary purpose of this thrift shop would be to provide an avenue for treatment for their clients. He also stated and made it clear that this would not open a door for turning the center into a retail operation.

Public Hearing opened:

Larry Marshall, Manager, added that the primary purpose of having a thrift shop would be to give "patients" an opportunity - a chance to learn work skills - to enhance, expand, their treatment.

Councilman, Tom Scharff, asked the Board members if they had considered the educational aspects involved.

Public Hearing closed:

David Bertrand inquired about the square footage of the area.

Thomas Maynard replied that the square footage was 800 feet and that the area at one time was a garage.

Alden Joy questioned if he would be opposed to having limitations placed upon the accessory use for Strafford Guidance running a thrift shop.

Thomas Maynard responded that there would be no problem.

David Bertrand motioned to grant the appeal. Mark Dellner seconded the motion. Decision was based on the following Findings of Fact: Accessory Use only granted, cannot be granted beyond the realm of the stated square footage.

VOTE: 3-0. Appeal from administrative decision granted.

H86-58 Dennis and Nancy May, 15 Browning Drive, also known as Accessor's Map 21, Lot 95, zoned R-12, requests a variance from terms of Article V, Section 170-16, to construct an attached garage 13 feet from a side property line where 15 feet is required.

Dennis May informed the Board that his lot is barely 100 feet wide. He stated that there is a problem with the lot line because the lot line does not run perpendicular-it is off diagonally. His land also slopes down on the right side - so that it would not be appropriate to meet the footage requirement where there is only nine feet available.

Public Hearing opened: no comment.
Public Hearing closed:

David Bertrand motioned to grant. Mark Dellner seconded the motion. Decision was based on the following Findings of Fact: Due to lot line configuration, enhance enjoyment of property, no diminution of property value in the surrounding area.

VOTE: 3-0

H86-59 Jensen' Inc. - Will be heard during the November Meeting.

H86-60 Randolph and Dorothy Bridges, 24 Whittier Street, also known as Assessor's Map 35, Lot 72-A, zoned R-12, requests a variance from terms of Article X, Section 170-41-A, to increase the non-conformity of an existing structure by constructing a nine foot addition extending the seven foot, ten inches non-conforming setback.

Dorothy Bridges stated that the porch on the existing house structure was too close to the street according to the City ordinance. The house is on a dead end street, not a main street and the deviance would not be any worse than it already is.

Public Hearing opened: no comment

Public Hearing closed:

Alden Joy stated that this was an issue of increasing non-conforming structure. He also mentioned that this was a case of a grandfathered lot.

Mark Dellner motioned to grant the variance. Dave Bertrand seconded the motion. Decision was granted based on the following Findings of Fact: Enhance the enjoyment of the property, no evidence to support the diminution in value of surrounding properties, property owner can enjoy without the public losing.

VOTE: 3-0.

H86-61 McNeill & Taylor Prof., Assn., (Owner: Roman Catholic Bishop of Manchester) 180 Locust Street also known as Assessor's Map 12, Lot 12, zoned RM-10, requests a variance from terms of Article IV, Section 170-12, to establish a professional office buidling in an RM-10 zone.

Attorney Malcolm McNeill stated that the premises subject for the application for variance was acquired by the Roman Catholic Bishop of Manchester in 1953. Prior to the Church's acquisition of the subject premises, the building has been used as a private school - most recent, Franklin Pierce College. As a condition of the conveyance of the subject premises, the Church has reserved as easement which requires that no structures be constructed on the lot and that members of the Church be allowed to park on the lot on Saturdays, Sundays and Christmas. Therefore, no change of any significance except for minor landscaping around the building is contemplated for the lot.

Attorney McNeill further stated that the applicant proposes no external modification of the building which would require site review by the City of Dover. The applicant proposes, upon the receipt of a variance to seek subdivision approval from the Planning Board for a minor subdivision so as to permit the Church to retain ownership of a portion of the parking area and to allow the applicant to purchase necessary land to meed the sideline requirements of the Dover Zoning Ordinance.

Attorney McNeill further stated the he felt that there would be not adverse effects placed on the surrounding neighborhood. The set-back requirements far exceed the requirement. He stated that he has his own professional standards and therefore, no diminution of surrounding property value. He felt that this would benefit the public - not only by improving the building, but a historical building would not have to be destroyed.

Public Hearing opened:

Members of the Parish Council spoke in favor of rgranting the requests for variance.

Public Hearing closed:

Mark Dellner questioned again if all the work being down Mark Dellner motioned to grant the request for variance. David Bertrand seconded the motion. Decision was made based on the following Findings of Fact: Multi-use - without structural removal, prior use of site in compatability of use in the neighborhood, recognition of historial site, no evidence of diminution of value of surrounding properties, and footprint of building will not be changed.

H86-42 Rehearing from August 21, 1986 meeting, Dean Fournier, and Bank East, 180 Washington Street, also known as Assessor's Map 1, Lots 8 & 9, zoned B-2, requests a variance from terms of Article IX, Sections 170-32 (3)(a) and 170-32(3)(d) to erect a freestanding sign for a business with a setback of less than five feet from the property line and to have an accessory wall sign with the freestanding sign not designed in conformance with the mill motif criteria.

John Dolan represented the Regional President, Alan Poole of Bank East. He stated that since the August meeting, Bank East had erected a wall sign. He presented pictures of the wall sign to the Board members. He continued to state that Bank East has a trademark and stated that he felt that they should not have to abandon this.

Public Hearing opened: no comment.

Public Hearing closed:

David Bertrand motioned to grant the variance. Barry Haeger seconded the motion. Alden Joy denied. Variance was granted based on the Following Findings of Fact: Hardship because of visibility to the public, necessary for the business advertising, not excessive signage, no diminution of surrounding properties, reducing possible traffic problems, with specification of size presented, except height to agree with sign ordinance.

VOTE: 3-1.

Meeting adjourned at 8:55 PM