

CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: **Council Chambers, City Hall – 288 Central Ave., Dover, NH 03820**
Meeting Date: **Thursday, May 19, 2022**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Chris Prior (Chair), Otis Perry (Vice Chair), James Burdin (Alternate), Rich Onufry (Alternate), George Reagan

Members Absent (Excused): Casey Conley (Alternate), Anthony Sillitta, Nick Couturier

Members Absent (Unexcused):

Staff Present: Natasha Kypfer (Zoning Administrator/Assistant City Planner); Joshua Wyatt (City Attorney)

The Chair called the meeting to order at 7:02 PM and explained the ZBA meeting process.

2. APPROVAL OF MEETING MINUTES OF APRIL 21, 2022

Motion: J. Burdin moved to approve the minutes of April 21, 2022. Seconded by G. Reagan. Vote: U/A

3. HEARINGS

- A. *Z22-05 Applicants Garry & Marcia Lane (of 130 Emerald Lane; Tax Map F, Lot 15-47) and Benjamin & Sarah Brunt (of 96 Emerald Lane; Tax Map F, Lot 15-27) appeal a March 1, 2022 administrative decision regarding lot coverage under Section 170-12(B) of the Zoning Ordinance relative to an under-construction garage at 126 Emerald Lane (Tax Map F, Lot 15-48), and property owners Dana & Sherri Brown, located in the Rural Residential (R-40) Zoning District. The Zoning Administrator determined that within an Open Space Subdivision, the 10% lot coverage requirement of the underlying zoning district does not apply. *Continued from April 21, 2022 meeting.

Public Hearing re-opened.

Public Comment: New comment only.

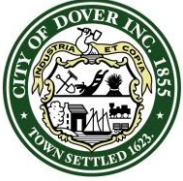
Garry Lane, applicant, 130 Emerald Ln had no new information to present, but reiterated his interpretation of the RSA and how it should and shouldn't be applied.

Jordan Keto, 191 Emerald Ln is in favor of the garage being constructed on 126 Emerald Ln. He noted the common lands in the development are not all wetlands and include usable trails. This is a dense neighborhood and it should be expected to see your neighbor's houses and outbuildings from each property. The project should be allowed to be completed and relandscaped which will help with any current drainage issues.

Dana Brown, 126 Emerald Ln noted many of the residents of his community are new to Dover and he relies on the City Staff and boards who know the ins and outs of the zoning. He listed other properties in the neighborhood which are already over the 10% lot coverage.

Leon LaPierre, 159 Emerald Ln and President of HOA clarified he did write a letter on behalf of the HOA which did not take a position on either side of the matter.

Christopher Parker, Deputy City Manager was part of the team who worked on the revision to this portion of the code. This is the first time in his long tenure that he can recall an interpretation question. The intention in 2002/2003 and 2008 was to provide parity between the zoning ordinance and the subdivision regulations because of the correlation between the two.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: **Council Chambers, City Hall – 288 Central Ave., Dover, NH 03820**
Meeting Date: **Thursday, May 19, 2022**
Meeting Time: **7:00 pm**

Public Hearing was closed.

J. Burdin discussed the methods he is using to come to a decision after hearing information from all sides. After his comments, he confirmed he does not believe the applicant has met the burden of proof in this case, or that the text is ambiguous.

Chair Prior agreed with J. Burdin's comments and stated he agrees with the process the administrator followed.

G. Reagan also agreed and does not believe the code is ambiguous.

R. Onufry agreed and noted it's clearly displacing the R-40 regulations. That's an example of how it can be done, and it has been done already within the community.

Motion: O. Perry moved to uphold the Zoning Administrator's decision, as the Applicant has not met the necessary criteria, and that the appeal be denied. R. Onufry seconded. Vote: U/A

- B. *Z22-06 Applicant Sundance Sign Co., (Property Owners: Bricklane LLC), 65 Belknap Street, (Tax Map 10, Lot 90), located in the Central Business District Mixed Use Sub-District (CBD-M) Zoning District, requests a Variance from **Section 170-32.A. of the Zoning Ordinance** to allow for the expansion to an existing freestanding sign that is larger than 12 square feet.

Mike Leary, Sundance Signs presented the case, and reviewed the need for the updated sign. The proposal is to consolidate the current sign into an updated model from 27 sq. ft. to 24 sq. ft., but the width is a bit wider than what currently exists.

Public Hearing open.

Planning Department recommendation: N. Kypfer noted staff takes a neutral position and is not in favor or opposition the variance request.

Public Hearing was closed.

Perry noted he is conflicted. It seems the pertinent sign information could be posted within the existing width of the posts. It's unclear that the hardship criteria is met.

J. Burdin noted the letter speaks to that. The wood posts are deteriorating and updating to metal is a better option.

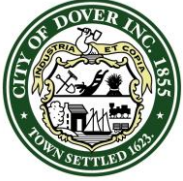
The board discussed the code and what it's requiring.

G. Reagan discussed his thoughts on hardship.

R. Onufry noted consolidating the information makes the sign more effective.

O. Perry noted the portion of the sign presenting the pertinent information is in a smaller square footage than what they're asking for. It's not meeting the intent of the ordinance.

Chair Prior noted the sign is on a substantially large lot and the sign is a distance from the road which if too small can be hard to read and could cause a safety issue.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: **Council Chambers, City Hall – 288 Central Ave., Dover, NH 03820**
Meeting Date: **Thursday, May 19, 2022**
Meeting Time: **7:00 pm**

Motion: R. Onufry moved to grant the variance based upon the representations made by the applicant and the testimony provided. J. Burdin seconded. Vote: 4-1 with O. Perry opposed.

4. OTHER BUSINESS

None

5. ADJOURN

Motion: O. Perry moved to adjourn at 8:08 pm. R. Onufry seconded. Vote: U/A