



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall, 288 Central Avenue, Dover NH 03820
Meeting Date: **Thursday, October 20, 2022**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. APPROVAL OF MEETING MINUTES OF SEPTEMBER 15, 2022

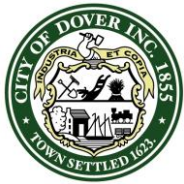
3. HEARINGS

- A. Z22-10/ZONE-2022-0006 Owner Liberty Real Property LLC (Jessie Davies) 145 Fourth Street, (Tax Map 33, Lot 82), located in the Medium-Density Residential (R-12) Zoning District request a Variance of dimensional requirements from **Section 170-12.B. of the Zoning Ordinance** to allow construction of an approximately 30' x. 19.5' house, 5.3' from the front build-to-line, where 15'-25' is required.*
- B. Z22-11/ZONE-2022-0007 Owners Scheller P. Karl & Patricia A. Trustees / Scheller Family Trust (Karl & Patricia Scheller), 10 Isaac Lucas Circle, (Tax Map M, Lot 90 A-6), located in the Rural Residential (R-40) Zoning District, request a Variance of the dimensional requirements from **Section 170-12.B. of the Zoning Ordinance** to allow construction of a 16' x 20' addition to the existing house, 16' from the rear property line, where 30' is required.*

4. OTHER BUSINESS

5. ADJOURN

*Indicates that if the application is accepted for discussion, the public hearing will be held the same evening. Note that some hearings will be continued from one meeting to another and some may be postponed. Since this is only a partial description of the proposal and may change, persons with questions or wishing to see the plans are invited to visit the Planning Office, Monday through Thursday from 8:30 am to 5:30 pm and Friday 8:30 am to 4:00 pm or email Dover-Planning@dover.nh.gov. You may also view materials at www.dover.nh.gov. Follow us on Twitter @DoverNHPlanning and find us on Facebook at <https://www.facebook.com/DoverNHPlanning>. The public is encouraged to leave comments in advance by emailing Dover-Planning@dover.nh.gov, or mailing written comments to the Zoning Board of Adjustment, Dover City Hall, 288 Central Ave., Dover, NH 03820. Messages must be received no later than 4 p.m. the day of the meeting and should identify the name and Dover address of the person leaving the message or providing the comment.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO

Meeting Type:	Regular Meeting
Meeting Location:	Council Chambers, City Hall, 288 Central Ave., Dover, NH 03820
Meeting Date:	Thursday, October 20, 2022
Meeting Time:	7:00 pm

INTENT: The Owners request a Variance of dimensional requirements from **Section 170-12.B. of the Zoning Ordinance** to allow construction of an approximately 30' x. 19.5' house, with a build-to-line of 5.3' whereas 15'-25' is required.

UNITS PROPOSED: One (1) Single-family residence

AGENDA ITEM #: 3-A

ZONING DISTRICT: R-12

FILE: Z22-10

APPLICANT/OWNER: Liberty Real Property LLC (Jessie Davies)

LOCATION: 145 Fourth Street (Tax Map 33, Lot 82)

ACREAGE: 0.10 ± ac. / 4,350 ± sq. ft.

EXISTING LAND USE: Single family residence

PROPOSED LAND USE: Single family residence

SURROUNDING LAND USE: Residential

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: No

ATTACHMENTS: Application, Narrative, Certified Site Plan, Supporting documents

STAFF RECOMMENDATION: Staff supports the granting of the variance request.

BACKGROUND INFORMATION

The property subject to this variance request is located on the northwest corner of Fourth Street and Brookline Avenue. Currently, a legal non-conforming single-family dwelling approximately 778 sq. ft. and built in 1930 exists on the lot. The southwest corner of the house encroaches on the property of the abutting lot (see provided Certified Site Plan).

On September 9, 2022, the Zoning Administrator and Building Official completed a site inspection of the subject property. At that time the Building Official determined the structure to be a hazard. In accordance with the nonconforming structure provision (*See* §170-41.B. of the Zoning Ordinance), this would allow for the property owner to restore the building to its former bulk. However, because the existing building extends into the neighbor's property, the property owner has proposed a new location.

The corner lot is one tenth of an acre in size, and the proposed new building will adhere to the following required setbacks:

- Rear setback: 30' is required, 30' is provided
- Side setback: 6' is required, 7' is provided (*See* §170-14.4.)
- Abut-a-street build to line (Brookline Avenue): 15'-25' is required, 15.1' is provided

The front build to line (Fourth Street) is the subject of this variance request, as the dimensional regulations require 15'-25', but the applicants propose 5.3'.

Lot Coverage in the R-12 allows for up to 30%, or 1,305 sq. ft., which this proposal meets totaling at approximately 585 sq. ft. requested per the provided Certified Site Plan.

REASON FOR RECOMMENDATION

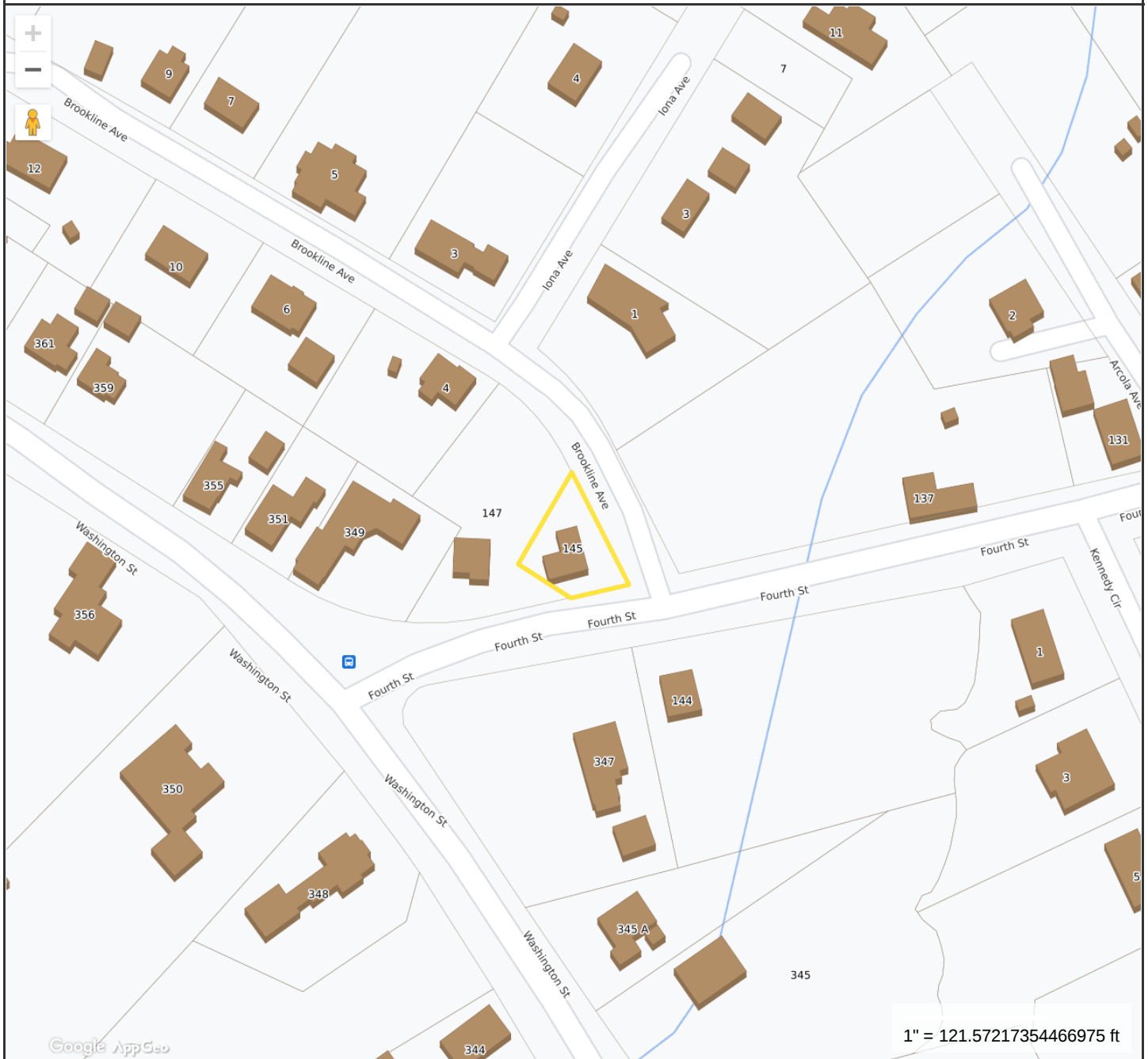
The subject property has unique characteristics: it is a corner lot; under 5,000 sq. ft.; and, the structure currently on the lot has been deemed a hazard, as well, the home encroaches upon the westerly neighbor's lot. The proposal is for a new home that will not be categorized a life and safety hazard, and it will be positioned entirely on the subject property.

STAFF RECOMMENDATION

Staff recommends that the Board open the public hearing, accept testimony, and make findings on each of the five variance criteria. Staff supports the granting of the variance.

If the Board grants the variance, staff recommends one condition:

- 1) The encroachment be limited to the proposed area of the front build to line, with no further encroachment granted


Property Information

Property ID 33082-000000
Location 145 FOURTH ST
Owner LIBERTY REAL PROPERTY LLC
Land Use 101
Zoning Code R-12



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 5/3/2021
 Data updated Daily

Print map scale is approximate.
 Critical layout or measurement
 activities should not be done using
 this resource.

145 Fourth Street Dover, NH

Request for variance:

We (DozAll LLC & Lunn-Chase Developments) have been hired by the owners of 145 Fourth Street to remove the current CONDEMNED structure that is at 145 Fourth Street in Dover, NH, then rebuild a brand-new structure in its place.

We have made several attempts to make the proposed new home fit within the guidelines of the city's Planning Department. Each time our proposal was rejected. Each time we tried to overcome the hurdle that was set before us, we were advised that we should ask for a variance instead.

The current structure is not habitable and is in no way safe for occupancy. It is also an eyesore to the local neighborhood.

The "southwest" corner of the current structure has been previously built onto the neighbor's property. The home that we are hoping to build will be within the lot lines and on it's own property.

We have been hired to build a 660sf single family home (2BR/1BA with a full basement) on the corner lot of 145 Fourth St. This will be a small contemporary style home that will look great in that location and will improve the esthetics of the entire neighborhood. It will eliminate a condemned structure that is currently posing safety concerns to the area.

The entire project from start to finish should only take a few months. Once work is started it will not stop until the project is completed.

The Five Variance Criteria (as set forth in NH RSA 674:33, I(b)) questions below are italicized and the answers are in normal print.

1-Waiving the terms of the Ordinance will not be contrary to the public because: We will be removing a condemned and unsafe building, that is an eyesore to the neighborhood, as well as built on the neighbor's property (147 Fourth St.). By removing the current building and building a brand new 660sf, contemporary style building in its place will not only improve the esthetics, it will also improve the safety and wellbeing of everyone within the area.

2-Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because: Understanding that the spacing and setback requirements to build a dwelling in this zone are to create more space between homes and to set back far enough from the roadways. The corner lot location, as well as the shape and the size of the lot make it impossible to stay withing the lines. Our plan keeps adequate setback spacing on 3 of the 4 sides. (See below)

- Abut-a-street (Brookline Avenue): 15'-25' per R-12 – proposal provides 15.1'

- Front build-to-line (Fourth Street): 15'-25' per R-12 – proposal provides 5.3'
- Side setback: 6' per 170-14.(4) – proposal provides 7'
- Rear setback: 30' per R-12 – proposal provides 30'

The way we have planned the positioning of the proposed dwelling, the “front” of the home will face more to the corner than Fourth Street. This will esthetically give the appearance that the dwelling is set back further. The driveway is currently off of Brookline Ave and will remain close to the same location. This will also give the appearance that the dwelling will be further back from Fourth Street.

3-Granting the variance will do substantial justice because: Completing this project will add a brand new, safe and beautiful single family 2BR home to the neighborhood. As well it adds another housing option to the City of Dover.

4-The value of the surrounding properties will not be diminished because: After the new home is completed, it will actually increase the value and curb appeal of every home in the neighborhood.

5A. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship: (i) The following special conditions of the property distinguish it from other properties in the area:

and

(ii) No fair and substantial relationship exists between the general purposes of the ordinance provision and the specific application of that provision to the property because:

and

(iii) The proposed use is a reasonable one because:

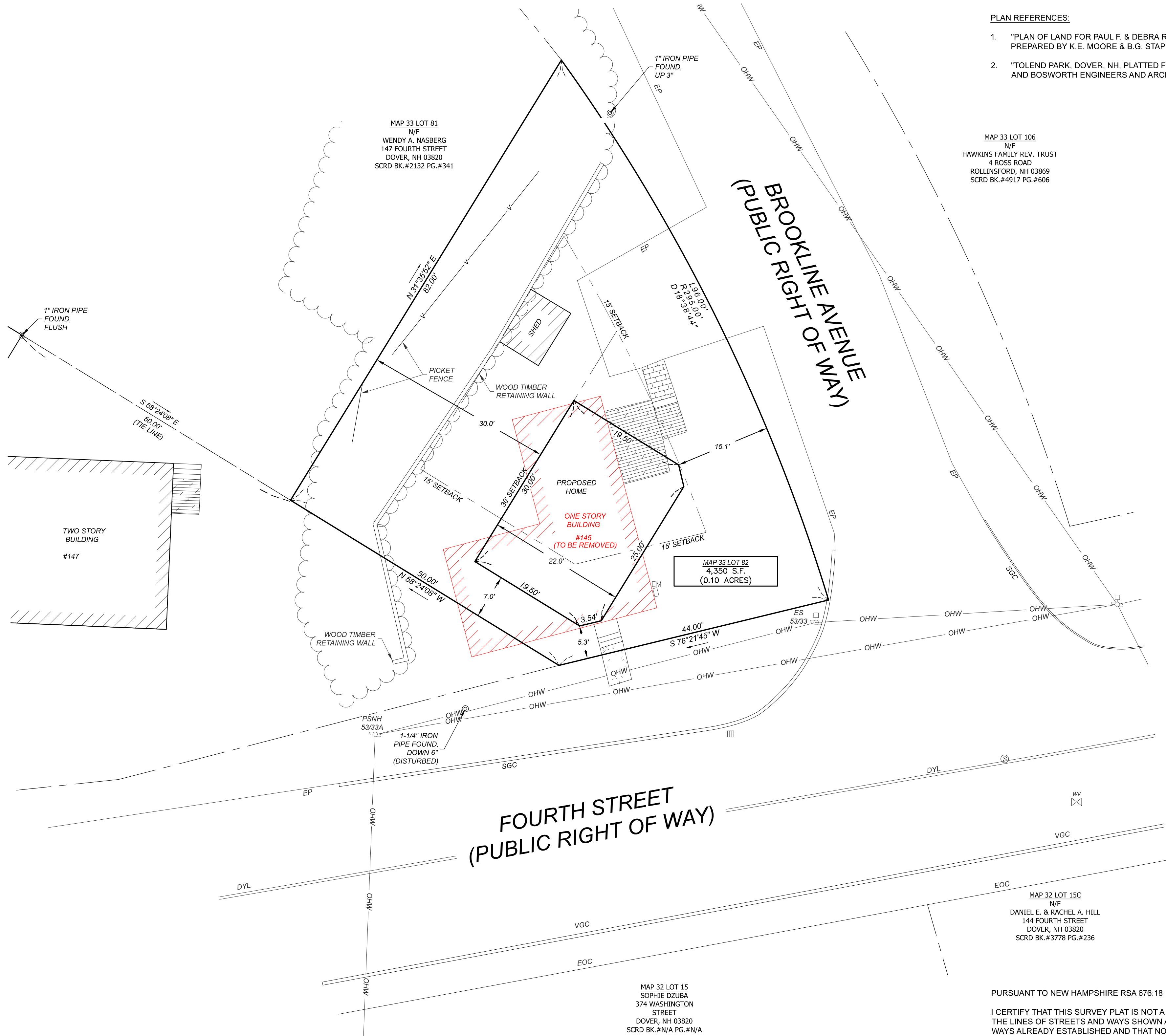
OR

5B. If the criteria in subparagraph 5A above are not established, explain how, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it:

This is a very unique lot of land, that make it different from other properties in the neighborhood. The shape and the proximity to the corner of Fourth Street and Brookline Ave make building a 660sf dwelling within the current setbacks impossible. Granting this variance will allow the current owners to construct a safe and new habitable dwelling that the city and neighborhood can be proud of. Also as mentioned above, the current structure has been condemned by the city and a portion of it is built on the neighbor’s property.

Respectfully:

Jay Chase – DozAll LLC & Lunn-Chase Developments



PLAN REFERENCES:

- "PLAN OF LAND FOR PAUL F. & DEBRA R. FENNESSY", WASHINGTON STREET, DOVER, NEW HAMPSHIRE, PREPARED BY K.E. MOORE & B.G. STAPLES LAN SURVEYORS, DATED AUGUST 1980. RECORDED IN S.C.R.D 17B-15.
- "TOLEND PARK, DOVER, NH, PLATTED FOR BRISSETTE, STICKNEY AND WILLIAMSON" PREPARED BY WHEELER AND BOSWORTH ENGINEERS AND ARCHITECTS, DATED MAY, 1921. RECORDED IN S.C.R.D P4-F2-15.

MAP 33 LOT 106
N/F
HAWKINS FAMILY REV. TRUST
4 ROSS ROAD
ROLLINSFORD, NH 03869
SCRD BK.#4917 PG.#606

MAP 33 LOT 81
N/F
WENDY A. NASBERG
147 FOURTH STREET
DOVER, NH 03820
SCRD BK.#2132 PG.#341

MAP 32 LOT 15
SORHIE OZURA
374 WASHINGTON STREET
DOVER, NH 03820
SCRD BK.#N/A PG.#N/A

MAP 32 LOT 15C
N/F
DANIEL E. & RACHEL A. HILL
144 FOURTH STREET
DOVER, NH 03820
SCRD BK.#3778 PG.#236

PURSUANT TO NEW HAMPSHIRE RSA 678:18 III

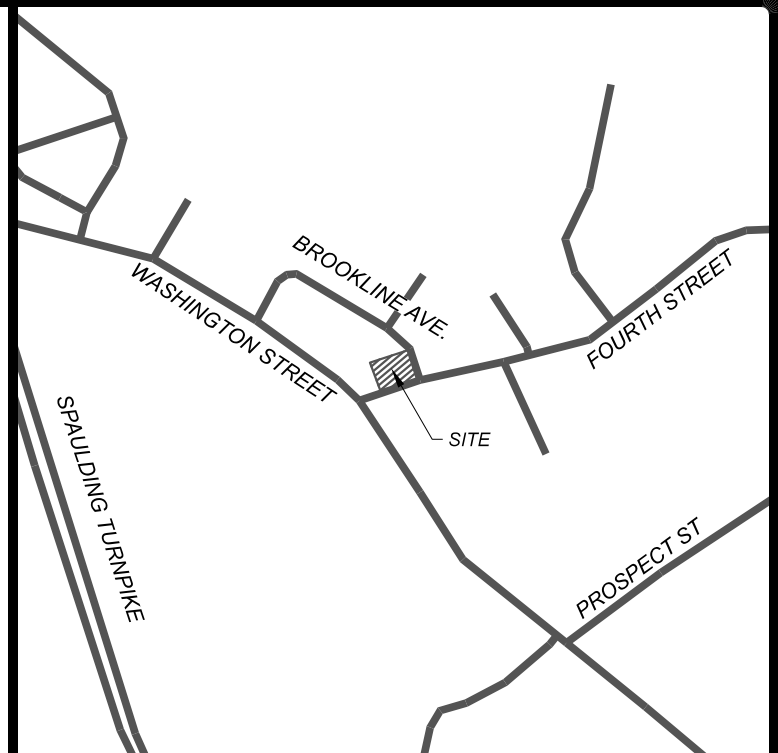
I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION. THIS SURVEY CONFORMS TO THE ACCURACY REQUIREMENTS OF AN URBAN SURVEY OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS.

I FURTHER CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AND IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE. RANDOM TRAVERSE SURVEY BY TOTAL STATION WITH A PRECISION GREATER THAN 1:15,000.



SEPTEMBER 12, 2022
DATE



LOCUS

NOTES:

- SUBJECT PARCEL: MAP 33 LOT 82
145 FOURTH STREET
DOVER, NH 03820
NS PROJECT #454
- OWNER OF RECORD: LIBERTY REAL PROPERTY LLC
422 CENTRAL AVENUE, #163
DOVER, NH 03820
S.C.R.D. BOOK 5034, PAGE 515

- PARCEL AREA: 4,350 S.F. OR 0.10 AC

- DIMENSIONAL REQUIREMENTS:
MIN LOT AREA: 12,000 S.F.
LOT COVERAGE: 30%
MIN LOT FRONTAGE: 100'
MIN FRONT SETBACK: 15' MINIMUM
25' MAXIMUM
MIN SIDE/REAR SETBACK: 15'/30'
MAX BUILDING HEIGHT: 35'
WETLAND SETBACKS: 50'

OVERLAY DISTRICTS

ZONING INFORMATION SHOWN HEREON IS PER THE CITY OF DOVER, NEW HAMPSHIRE ZONING ORDINANCE LAST REVISED 03/09/2022. ADDITIONAL REGULATIONS APPLY. THE LAND OWNER IS RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE TOWN, STATE, AND FEDERAL REGULATIONS.

- FLOOD HAZARD ZONE: "X", PER FIRM MAP #33017C0310E, WITH AN EFFECTIVE DATE OF 09/30/2015.
- THE INTENT OF THIS PLAN IS TO SHOW THE LOCATION OF BOUNDARIES IN ACCORDANCE WITH THE CURRENT LEGAL DESCRIPTIONS. IT IS NOT AN ATTEMPT TO DEFINE UNWRITTEN RIGHTS, DETERMINE THE EXTENT OF OWNERSHIP, OR DEFINE THE LIMITS OF TITLE.
- FIELD SURVEY COMPLETED BY NORTHAM SURVEY IN MAY, 2022 USING A TRIMBLE S5 TOTAL STATION WITH A TRIMBLE TSC3 DATA COLLECTOR, A TRIMBLE R12 GPS RECEIVER AND A SOKKIA B31 AUTO LEVEL.
- HORIZONTAL DATUM IS NAD83(2011) NEW HAMPSHIRE STATE PLANE COORDINATES PER STATIC GPS OBSERVATIONS.
- THE VERTICAL DATUM IS NAVD88 PER STATIC GPS OBSERVATIONS.
- EASEMENTS, RIGHTS, AND RESTRICTIONS SHOWN OR IDENTIFIED ARE THOSE WHICH WERE FOUND DURING RESEARCH PERFORMED AT THE ROCKINGHAM COUNTY REGISTRY OF DEEDS. OTHER RIGHTS, EASEMENTS, OR RESTRICTIONS MAY EXIST WHICH A TITLE EXAMINATION OF SUBJECT PARCEL(S) WOULD DETERMINE.

SITE PLAN
FOR
LIBERTY REAL PROPERTY LLC
OF
TAX MAP 33 LOT 82
145 FOURTH STREET
DOVER, NEW HAMPSHIRE
STRAFFORD COUNTY

SCALE: 1"=10' (22x34) 1"=20' (11x17)

JOB NO.	454	DATE:	2022-07-19
DRAWN BY:	JJH	DRAWING:	454 SURVEY.DWG
CHECKED BY:	EJS	SHEET:	1 OF 1

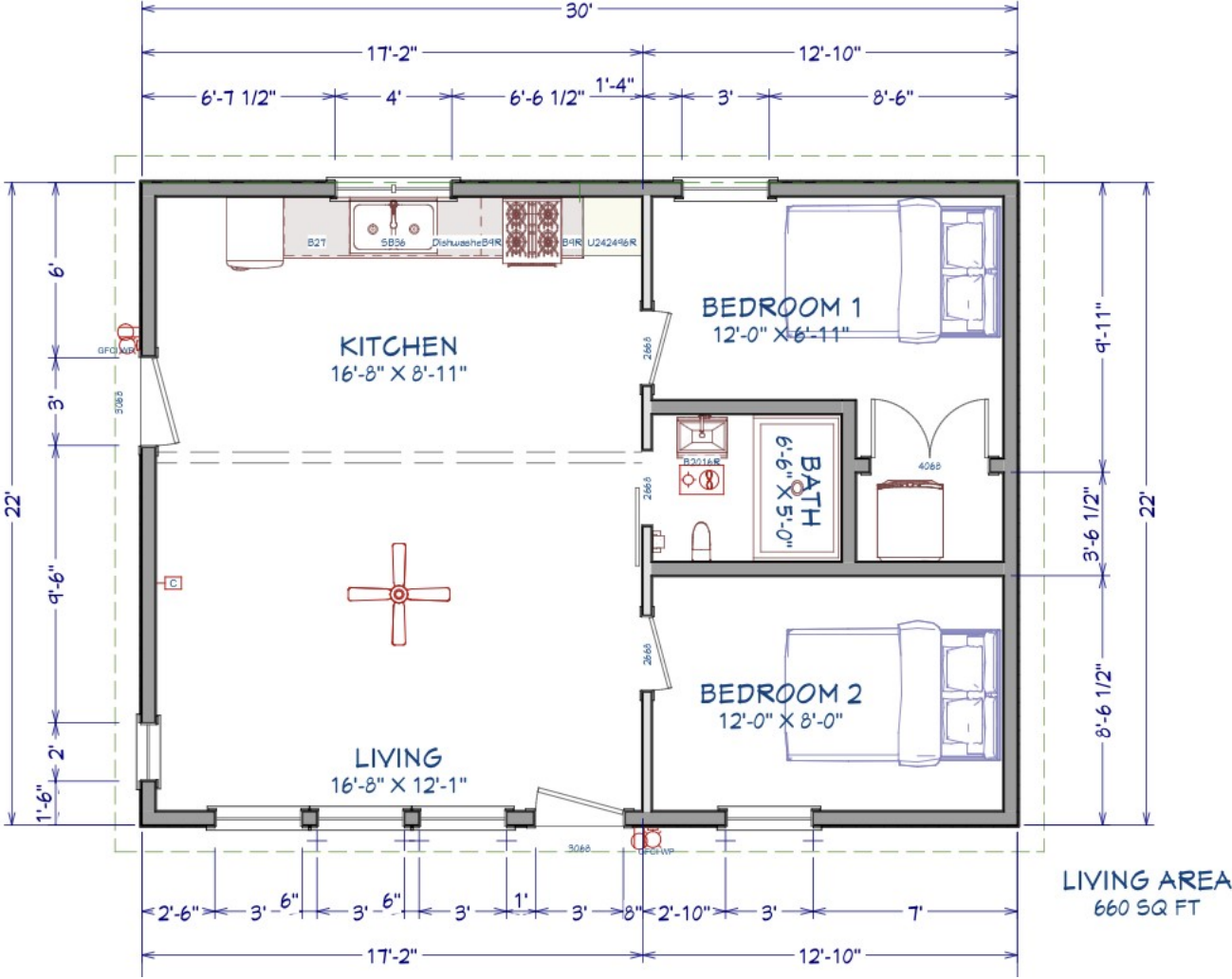
1	9/12/2022	REVISED BUILDING LOCATION	EJS
NO.	DATE	DESCRIPTION	BY



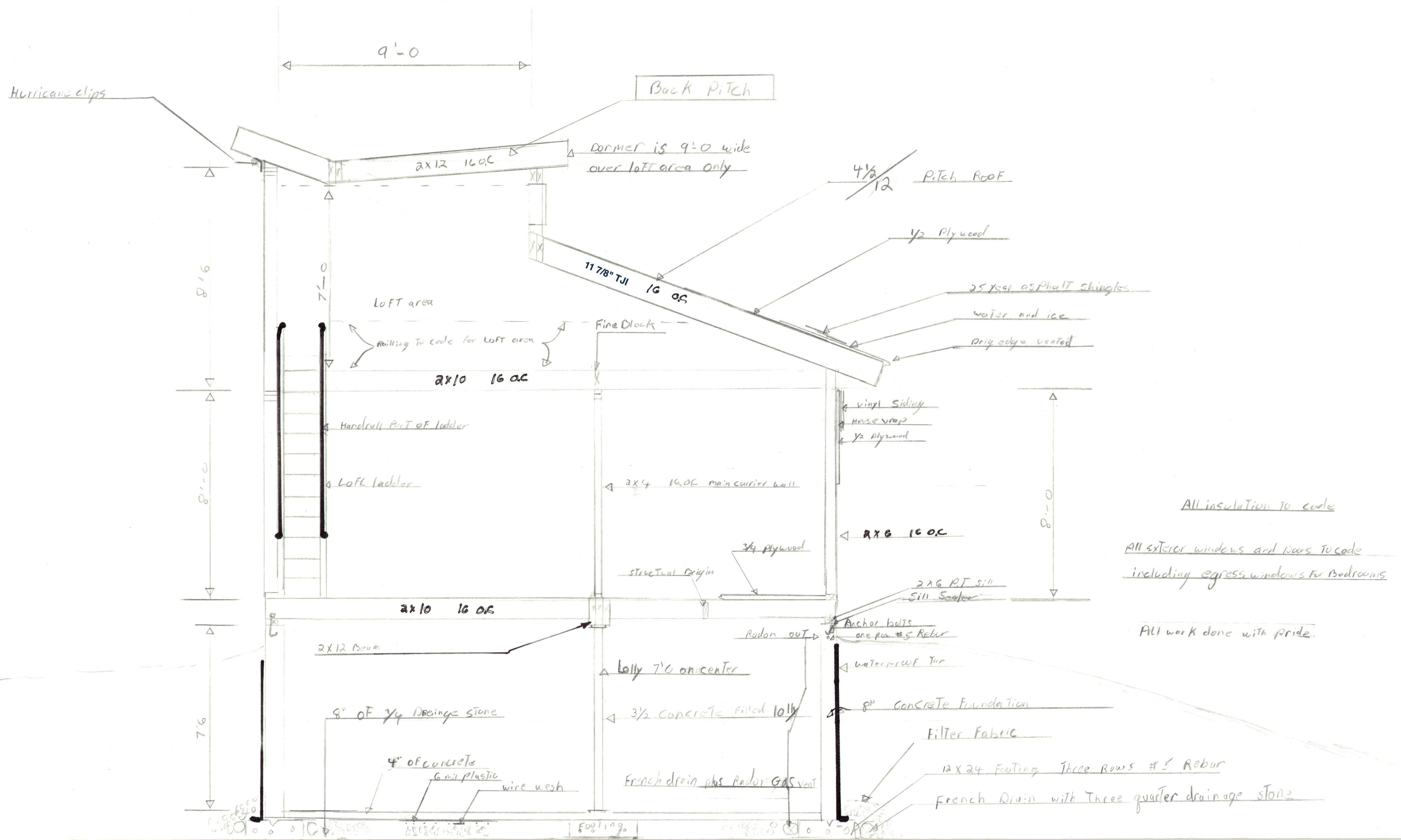
NORTHAM
SURVEY LLC
239 Long Hill Road, Dover, NH 03820 | (603) 953-3164 | www.northamsurvey.com

LEGEND:

MAP 137 LOT 11	ASSESSORS MAP AND LOT NUMBER
EP	EDGE OF PAVEMENT
FF	FINISHED FLOOR
INV.	INVERT
S.F.	SQUARE FEET
SGC	SLOPED GRANITE CURB
EOC	EDGE OF CONCRETE
SMH	SEWER MANHOLE
VGC	VERTICAL GRANITE CURB
○	IRON PIPE/ROD FOUND
□	UTILITY POLE
⊞	UTILITY POLE W/LIGHT
⊞	CATCH BASIN
⊞	WATER GATE VALVE
⊞	SEWER MANHOLE
— OHW —	OVERHEAD WIRE
— A — A —	PICKET FENCE
—	BOUNDARY LINE
—	TREE LINE
—	SHRUB LINE
—	CONCRETE
—	WOODEN DECK







Dazall/4Th St. Job Dover

Roof Beam

Date: 8/08/22

Selection**(3) 1-3/4x 16 1.9E TJ Microllam LVL**

Lu = 0.0 Ft

Conditions

NDS 2015, Equal Multi-Span

Min Bearing Area R1= 6.2 in² R2= 20.5 in² (1.5) DL Defl= 0.27 inData

2 Spans, each at	17.5 ft				
Beam Wt per ft	21.58 #	Reaction 1 TL	4621 #	Reaction 2 TL	15402 #
Bm Wt Included	755 #	Maximum V	7701 #		
Max Moment	26953 #'	Max V (Reduced)	6762 #	Total Beam Length	35.0 ft
TL Max Defl	L / 240	TL Actual Defl	L / 773		

Attributes

	Section (in ³)	Shear (in ²)	TL Defl (in)
Actual	224.00	84.00	0.27
Critical	129.36	35.59	0.88
Status	OK	OK	OK
Ratio	58%	42%	31%

Values

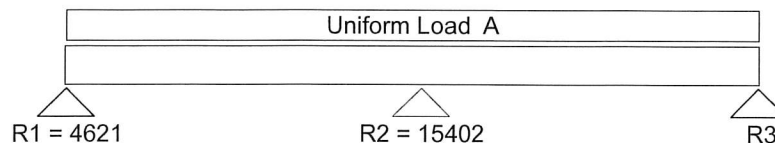
	Fb (psi)	Fv (psi)	E (psi x mil)	Fc _⊥ (psi)
Reference Values	2600	285	1.9	750
Adjusted Values	2500	285	1.9	750

Adjustments

CF Size Factor	0.962			
Cd Duration	1.00	1.00		
Cr Repetitive	1.00			
Ch Shear Stress		N/A		
Cm Wet Use	1.00	1.00	1.00	1.00
CI Stability	1.0000	Rb = 0.00	Le = 0.00 Ft	

Loads

Uniform TL: 683 = A



Uniform load is lbs per lineal ft.

NOTE: R1=R3

Dazall/4Th St. Job Dover

upper Rafter

Date: 8/08/22

Selection**2x 12 SPF #1**

Lu = 0.0 Ft

Conditions

NDS 2015, DL adj: 5:12 pitch

Min Bearing Area R1= 1.2 in² R2= 1.2 in² (1.5) DL Defl= 0.16 inData

Beam Span	10.5 ft				
Beam Wt per ft	4.44 #	Reaction 1 TL	515 #	Reaction 2 TL	515 #
Bm Wt Included	47 #	Maximum V	515 #		
Max Moment	1352 #'	Max V (Reduced)	423 #		
TL Max Defl	L / 240	TL Actual Defl	L / 781		

AttributesSection (in³) Shear (in²) TL Defl (in)

Actual	31.64	16.88	0.16
Critical	18.54	4.70	0.53
Status	OK	OK	OK
Ratio	59%	28%	31%

Values

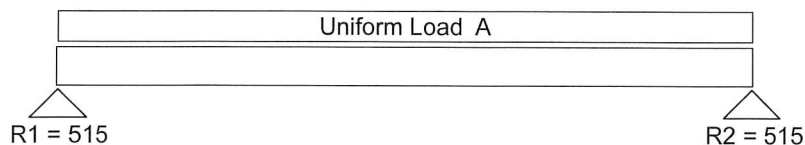
	Fb (psi)	Fv (psi)	E (psi x mil)	Fc _⊥ (psi)
Reference Values	875	135	1.4	425
Adjusted Values	875	135	1.4	425

Adjustments

CF Size Factor	1.000			
Cd Duration	1.00	1.00		
Cr Repetitive	1.00			
Ch Shear Stress		N/A		
Cm Wet Use	1.00	1.00	1.00	1.00
CI Stability	1.0000	Rb = 0.00	Le = 0.00 Ft	

Loads

Uniform TL: 94 = A



Uniform and partial uniform loads are lbs per lineal ft.

Dazall/4Th St. Job Dover

Lower Rafter

Date: 8/08/22

Selection 2x 12 SPF #1

Lu = 0.0 Ft

Conditions NDS 2015Min Bearing Area R1= 1.4 in² R2= 1.4 in² (1.5) DL Defl= 0.41 inData

Beam Span	13.5 ft				
Beam Wt per ft	4.1 #	Reaction 1 TL	611 #	Reaction 2 TL	611 #
Bm Wt Included	55 #	Maximum V	611 #		
Max Moment	2063 #'	Max V (Reduced)	526 #		
TL Max Defl	L / 240	TL Actual Defl	L / 398		

AttributesSection (in³) Shear (in²) TL Defl (in)

Actual	31.64	16.88	0.41
Critical	28.29	5.85	0.68
Status	OK	OK	OK
Ratio	89%	35%	60%

Values

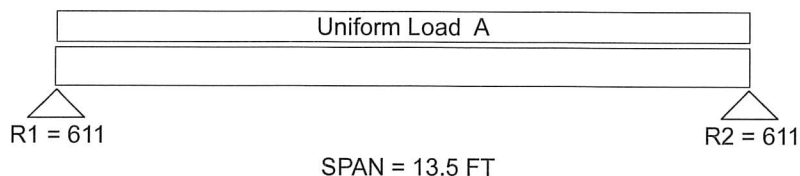
	Fb (psi)	Fv (psi)	E (psi x mil)	Fc _⊥ (psi)
Reference Values	875	135	1.4	425
Adjusted Values	875	135	1.4	425

Adjustments

CF Size Factor	1.000			
Cd Duration	1.00	1.00		
Cr Repetitive	1.00			
Ch Shear Stress		N/A		
Cm Wet Use	1.00	1.00	1.00	1.00
CI Stability	1.0000	Rb = 0.00	Le = 0.00 Ft	

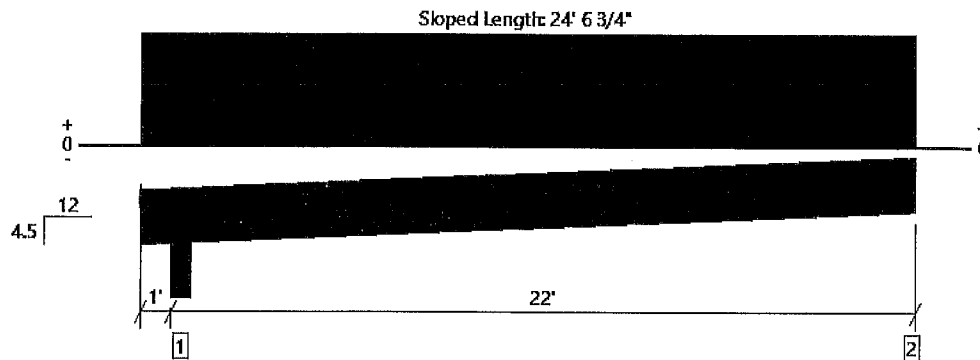
Loads

Uniform TL: 86 = A



Uniform and partial uniform loads are lbs per lineal ft.

Level, Roof: Joist

1 piece(s) 11 7/8" TJI@ 360 @ 16" OC


All locations are measured from the outside face of left support (or left cantilever end). All dimensions are horizontal.

Member Length : 24' 9 5/8"

Member Reaction (lbs)	1095 @ 22' 10 1/2"	1242 (1.75")	Passed (88%)	1.15	1.0 D + 1.0 S (Alt Spans)
Shear (lbs)	1095 @ 22' 10 1/2"	1961	Passed (56%)	1.15	1.0 D + 1.0 S (Alt Spans)
Moment (Ft-lbs)	5913 @ 12' 7/8"	7107	Passed (83%)	1.15	1.0 D + 1.0 S (Alt Spans)
Live Load Defl. (in)	1.156 @ 12' 11/16"	1.156	Passed (L/240)	--	1.0 D + 1.0 S (Alt Spans)
Total Load Defl. (in)	1.463 @ 12' 11/16"	1.541	Passed (L/190)	--	1.0 D + 1.0 S (Alt Spans)

 System : Roof
 Member Type : Joist
 Building Use : Residential
 Building Code : IBC 2018
 Design Methodology : ASD
 Member Pitch : 4.5/12

- Deflection criteria: LL (L/240) and TL (L/180).
- Overhang deflection criteria: LL (2L/240) and TL (2L/180).
- Upward deflection on left cantilever exceeds overhang deflection criteria.
- Web stiffeners are required at birdsmouth supports.
- Allowed moment does not reflect the adjustment for the beam stability factor.

1 - Birdsmouth - SPF	5.50"	5.50"	1.75"	258	967	1225	Blocking, Web Stiffeners
2 - Hanger on 11 7/8" LVL beam	1.50"	Hanger ¹	1.75" / - ²	233	874	1107	See note ¹

- Blocking Panels are assumed to carry no loads applied directly above them and the full load is applied to the member being designed.
- At hanger supports, the Total Bearing dimension is equal to the width of the material that is supporting the hanger
- ¹ See Connector grid below for additional information and/or requirements.
- ² Required Bearing Length / Required Bearing Length with Web Stiffeners

Top Edge (Lu)	3' 8" o/c	
Bottom Edge (Lu)	9' 7" o/c	

- TJI Joists are only analyzed using Maximum Allowable bracing solutions.
- Maximum allowable bracing intervals based on applied load.

2 - Face Mount Hanger	U3516/20X SLD20	2.00"	N/A	16-10dx1.5	6-10dx1.5	Web Stiffeners
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- Refer to manufacturer notes and instructions for proper installation and use of all connectors.

1 - Uniform (PSF)	0 to 23'	16"	15.0	60.0	SNOW LOAD
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RAFTER CALC

ForteWEB Software Operator	Job Notes
brian.smith lavalley's bldg supply (603) 473-2314 bsmith@lavalley's.com	Dover N.H. PG 60 PSF


 8/8/2022 3:47:57 PM UTC
 ForteWEB v3.4, Engine: V8.2.2.122, Data: V8.1.2.2

File Name: Lund

Page 1 / 2

Weyerhaeuser warrants that the sizing of its products will be in accordance with Weyerhaeuser product design criteria and published design values. Weyerhaeuser expressly disclaims any other warranties related to the software. Use of this software is not intended to circumvent the need for a design professional as determined by the authority having jurisdiction. The designer of record, builder or framer is responsible to assure that this calculation is compatible with the overall project. Accessories (Rim Board, Blocking Panels and Squash Blocks) are not designed by this software. Products manufactured at Weyerhaeuser facilities are third-party certified to sustainable forestry standards. Weyerhaeuser Engineered Lumber Products have been evaluated by ICC-ES under evaluation reports ESR-1153 and ESR-1387 and/or tested in accordance with applicable ASTM standards. For current code evaluation reports, Weyerhaeuser product literature and installation details refer to www.weyerhaeuser.com/woodproducts/document-library.

The product application, input design loads, dimensions and support information have been provided by Brian K. Smith

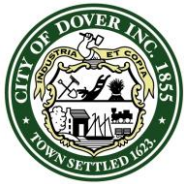
ForteWEB Software Operator	Job Notes
brian smith lavalleys bldg supply (603) 473-2314 bsmith@lavalleys.com	Dover N.H. PG 60 PSF



Z22-10/ZONE-2022-0006

145 FOURTH STREET

Property ID	Owner 1	Owner 2	Owner Address 1	City	State	Zip
32015-000000	GUARINO DEREK W &	VARNEY JENNIFER A	347 WASHINGTON ST	DOVER	NH	03820
32015-C00000	HILL DANIEL E &	HILL RACHEL A	144 FOURTH ST	DOVER	NH	03820
33079-000000	THOMPSON MARY ANN		351 WASHINGTON ST	DOVER	NH	03820
33080-000000	GANLEY LYNNE C	GANLEY LEO F	349 WASHINGTON ST	DOVER	NH	03820
33081-000000	NASBERG WENDY A		147 FOURTH ST	DOVER	NH	03820
33084-000000	MCCARTHY PATRICIA		4 BROOKLINE AVE	DOVER	NH	03820-2906
33092-000000	LANDRY MARY T		3 BROOKLINE AV	DOVER	NH	03820
33102-000000	CARIGNAN DAVID B		3 IONA AV	DOVER	NH	03820
33105-000000	PELLETIER PETER J		1 IONA STREET	DOVER	NH	03820
33106-000000	HAWKINS MATTHEW A & ASHLEY TRUSTEES	HAWKINS FAMILY REVOCABLE TRUST	4 ROSS ROAD	ROLLINSFORD	NH	03869
33082-000000	LIBERTY REAL PROPERTY LLC		145 FOURTH ST	DOVER	NH	03820
	NORTHAM SURVEY LLC	ERIC SALOVITCH	239 LONG HILL ROAD	DOVER	NH	03820



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO

Meeting Type:	Regular Meeting
Meeting Location:	Council Chambers, City Hall, 288 Central Ave., Dover, NH 03820
Meeting Date:	Thursday, October 20, 2022
Meeting Time:	7:00 pm

INTENT: The Owners request a Variance of the dimensional requirements from **Section 170-12.B. of the Zoning Ordinance** to allow construction of a 16' x 20' addition to the existing house, 16' from the rear property line, whereas 30' is required.

UNITS PROPOSED: N/A

AGENDA ITEM #: 3-B

ZONING DISTRICT: R-40

FILE: Z22-11

APPLICANT/OWNER: Scheller P. Karl & Patricia A. Trustees / Scheller Family Trust (Karl & Patricia Scheller)

LOCATION: 10 Isaac Lucas Circle (Tax Map M, Lot 90A-6)

ACREAGE: 0.803± ac. / 34,979± sq. ft.

EXISTING LAND USE: Single family residence

PROPOSED LAND USE: Single family residence

SURROUNDING LAND USE: Residential, Vacant Land

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: No

ATTACHMENTS: Application, Narrative, Supporting documents

STAFF RECOMMENDATION: Staff does not oppose granting the variance request.

BACKGROUND INFORMATION

The property subject to this variance request is located on the north side of Isaac Lucas Circle, a residential street off Middle Road. The single-story home has an attached garage and is approximately 2,124 sq. ft. in area, according to the property record card. The home, which was built in 1987, is situated towards the rear of the lot. The owners seek to build an addition of approximately 320 square feet, that would be positioned at the rear of the existing garage and shop area.

In this zoning district, the principal structure requires a 30-foot rear setback. Currently, it is 32 feet from the rear property line. The proposed addition would reduce the rear setback to 16 feet, resulting in a request to encroach a distance of 14 feet into the required setback.

Lot Coverage in the R-40 allows for up to 10%, or 3,498 ± sq. ft., which this proposal meets totaling at approximately 2,444 sq. ft. requested, per the provided site plan sketch (see Exhibit C).

REASON FOR RECOMMENDATION

The front plane of the house will remain unchanged and match the consistency of the neighboring homes. The proposed addition will be closer to the abutting property to the rear, which is currently a vacant lot. The addition being proposed appears to be designed to blend into the existing home.

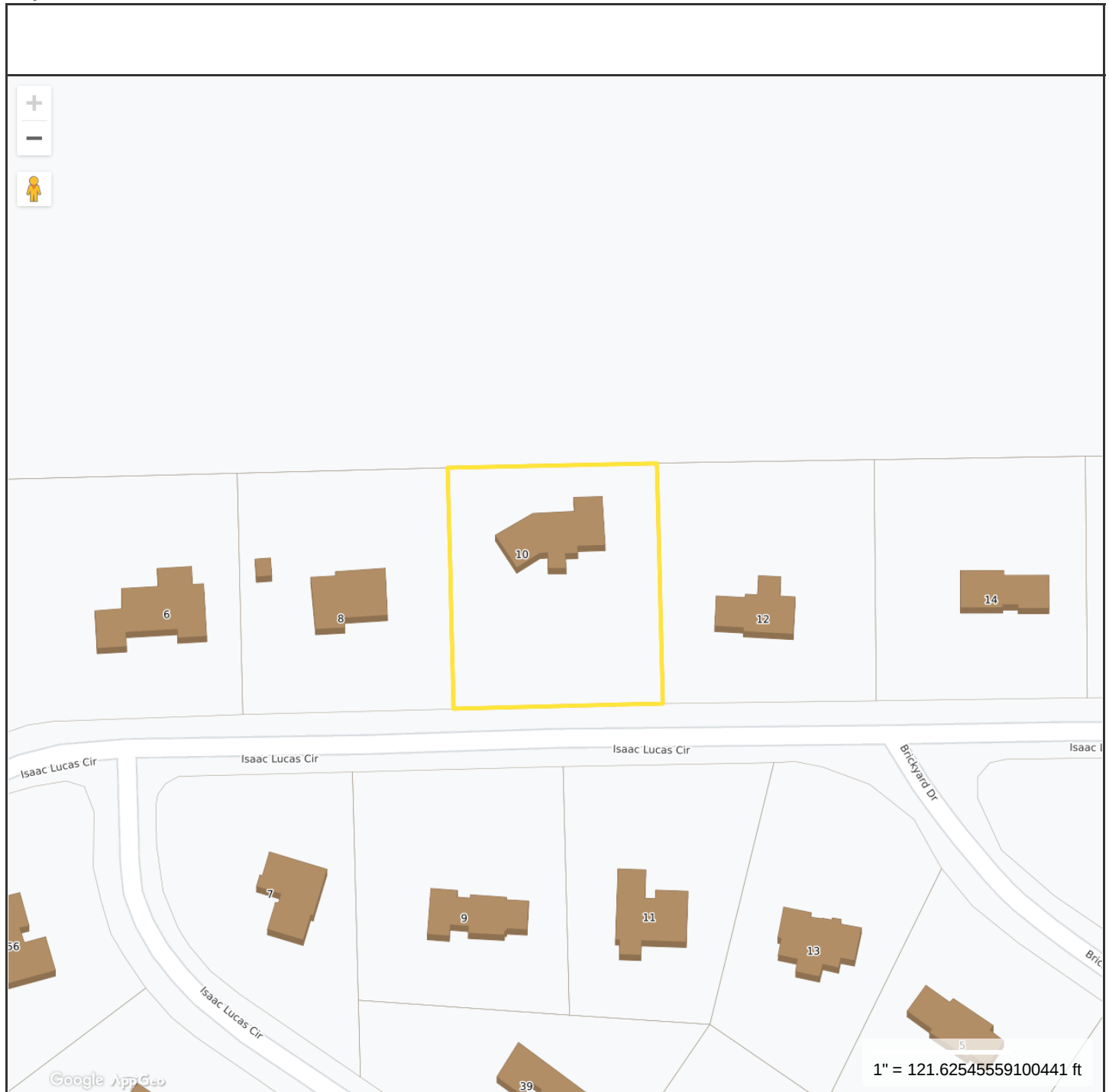
As an alternative option, the applicant could incorporate an addition on the easterly side of the garage, where the side setback is 25 feet.

STAFF RECOMMENDATION

Staff recommends that the Board open the public hearing, accept testimony, and make findings on each of the five variance criteria. Staff does not oppose granting the variance.

If the Board grants the variance, staff recommends one condition:

- 1) The encroachment be limited to the proposed area of the rear setback, with no further encroachment granted

**Property Information**

Property ID M0090-A00006
Location 10 ISAAC LUCAS CR
Owner SCHELLER P KARL & PATRICIA A TRUSTEES
Land Use 101
Zoning Code R-40



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 5/3/2021
Data updated Daily

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Revised June 7, 2022]

Office Use Only	Case #:	ZONE 2022-0007 Z22-09	Date Received:	RECEIVED Planning Office SEP 23 2022
	Amount Paid:	\$ _____	Time Received:	Dover, New Hampshire

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: P Karl Scheller Phone # 603-496-5448

Address of Applicant: 10 Isaac Lucas Circle

E-Mail Address: pkpas@comcast.net

PROPERTY OWNER (if different from applicant): _____

Address: _____ Phone # _____

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: 10 Isaac Lucas Circle

Brief Directions: off of Middle Road

Zoning District: R-40 Assessor's Map # M-90-A-6 Lot(s) # 6

TYPE OF APPEAL: (Please check one)

- | | |
|--|---|
| ☒ Variance | from Section <u>170</u> of the Zoning Ordinance |
| ☐ Physical Disability Variance (RSA 674:33-V) | from Section _____ of the Zoning Ordinance |
| ☐ Special Exception | per Section _____ of the Zoning Ordinance |
| ☐ Appeal of Administrative Decision | regarding Section _____ of the Zoning Ordinance |
| ☐ Equitable Waiver | per Section _____ of the Zoning Ordinance |

DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY:

I wish to expand the small shop area that is located in the back end of my 2-car garage. The best solution to expand the shop is to build an addition on the back wall of the garage/shop which faces the rear property line. The home was originally built in 1988 set back from the road as close to the rear property line as possible. This can be seen in comparison to the neighboring houses in the enclosed MapGeo plot plan (from City of Dover website). The present distance from the back of the garage/shop is 32' from the rear property line. This is very close to minimum setback requirements of 30'. I wish to extend the back wall 16' further back, which would put the new foundation 16' from the back property line. I considered expanding toward the side line as an alternative to expanding toward the back line. This is impractical because of the existing landscaping. Ornamental trees would need to be removed, and the ground slopes away.

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance requested

A variance is requested from Section(s) 170 of the Zoning Ordinance to permit:

Section Chapter 170: Requesting variance of R-40 30' setback to rear property line. Addition to garage would be 16' deep, which would be set back from the back property line 16'.

B. The Five Variance Criteria (as set forth in NH RSA 674:33, I(b))

Please demonstrate compliance with the following

1. *Waiving the terms of the Ordinance will not be contrary to the public interest because:*

This is a private residential neighborhood with no impact whatsoever on the general public. This addition would be barely visible from the street, if at all. The front of the house is 113' back from the road in a landscaped and wooded area. The addition would not block any views. *Exhibit A, B, C*

2. *Deviation from the strict requirements of the Ordinance is consistent with the spirit of the ordinance because:*

The addition would have no impact on adjacent neighbors at 8 and 12 Isaac Lucas Circle. I have spoken to both and they affirm this. The rear boundary (the one being addressed) is currently brush, trees and field. I talked to Chad Kageleiry who owns the land that this additions impacts. He said he has no objection to my seeking this variance and cannot see a problem with it impacting any plans he may have for the land. Thus, the spirit of the ordinance is preserved because its intention has not been violated. *Exhibit D*

3. *Granting the variance would do substantial justice because:*

I would be able to make a small (16x20) addition onto my home, and not be unduly restricted by the original builder's choice to site the house so close to the back property line. This relatively small addition will substantially impact my home. It will add 16' in length to a small woodshop that currently is too small to perform basic woodworking functions. (ie ripping or planing an 8' board requires 18' clear in the center of the shop. In a 17x 20' area with cabinets or equipment against on all walls it is challenging to do this). This change would make a significant difference to me and any future owner with virtually no impact on anyone else. *Exhibit C, E*

4. The value of surrounding property will not be diminished because:

As stated above, all adjacent abutters see no impact on their homes, property or future use. It is hard to imagine a scenario where this small addition in the rear of my home could negatively impact the value of any property in the neighborhood. If anything, this addition increases the value of my home, which would most likely be beneficial to other owners.

NOTE: please complete EITHER paragraph 5A or paragraph 5B. Staff recommends that you complete paragraph 5B only if you feel you cannot meet the requirements set forth in paragraph 5A.

5A. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

(i) The following special conditions of the property distinguish it from other properties in the area:

The house was originally built set back as far as possible, built as close as possible to the rear property line. This house is closer to the back line than other houses in the neighborhood. This decision made 35 years ago made any future additions to the back of the house impossible without requiring a setback waiver. *Exhibit A, B*

And

(ii) No fair and substantial relationship exists between the general purpose of the ordinance provision and the specific application of that provision to the property because:

Close proximity of the home to the back property line severely restricts any possible changes.

and

(iii) The proposed use is a reasonable one because:

There is no impact or view of the addition to existing homes. The property behind the line is brush and trees and is undeveloped and the owner of the undeveloped land has no objection to my proposed project and setback waiver. As an alternate solution, I considered adding onto the right side to avoid a rear property line variance, but removal of ornamental trees, relatively steep slope of land, and the existing roofline make it impractical and more expensive, as well as more visible. Therefore, my proposal to build an addition to the rear is reasonable, fair and is the least disruptive and most amenable solution for all.

OR

5B. If the criteria in subparagraph 5A are not established, explain how, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it:

10 Isaac Lucas Circle- closest house to back property line

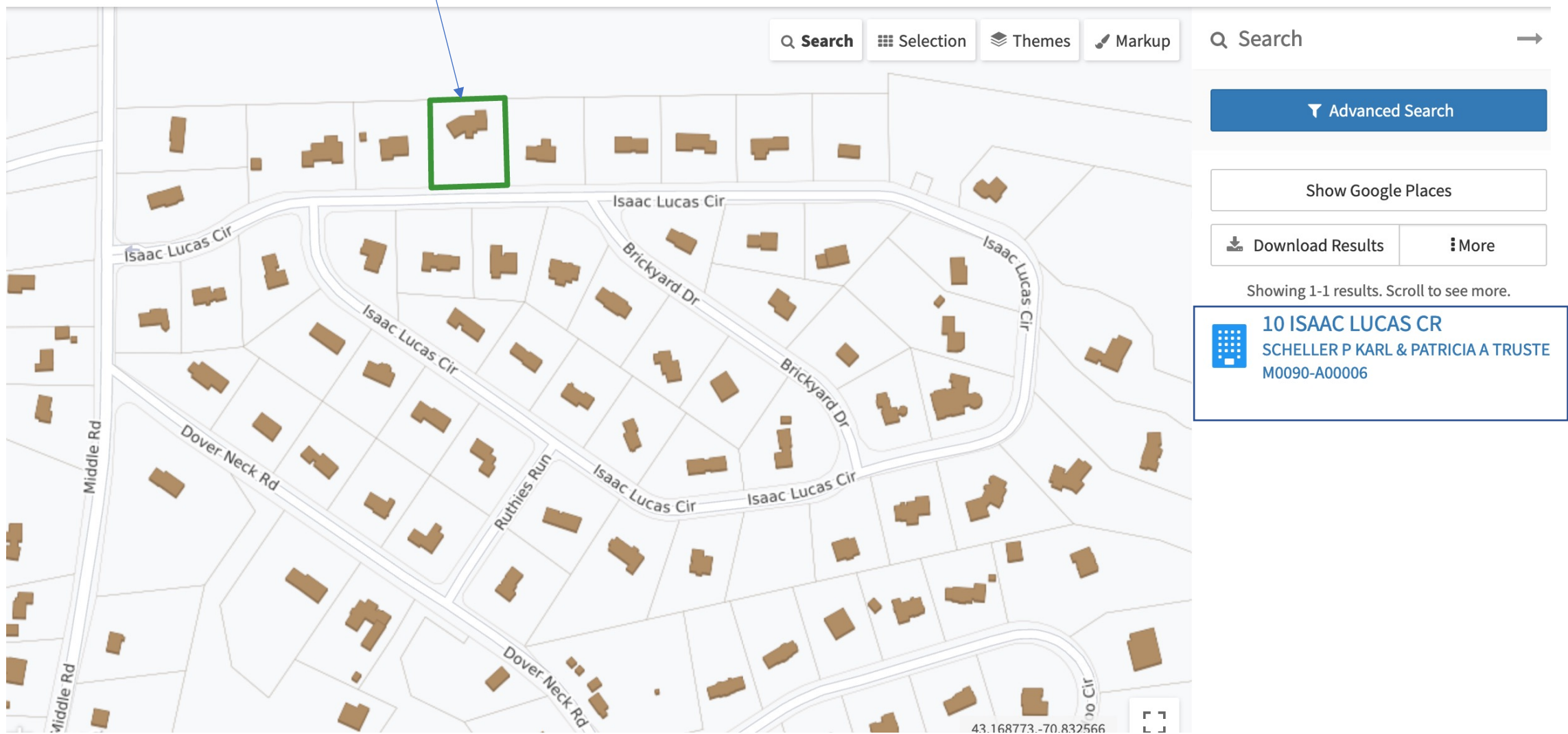


Exhibit A

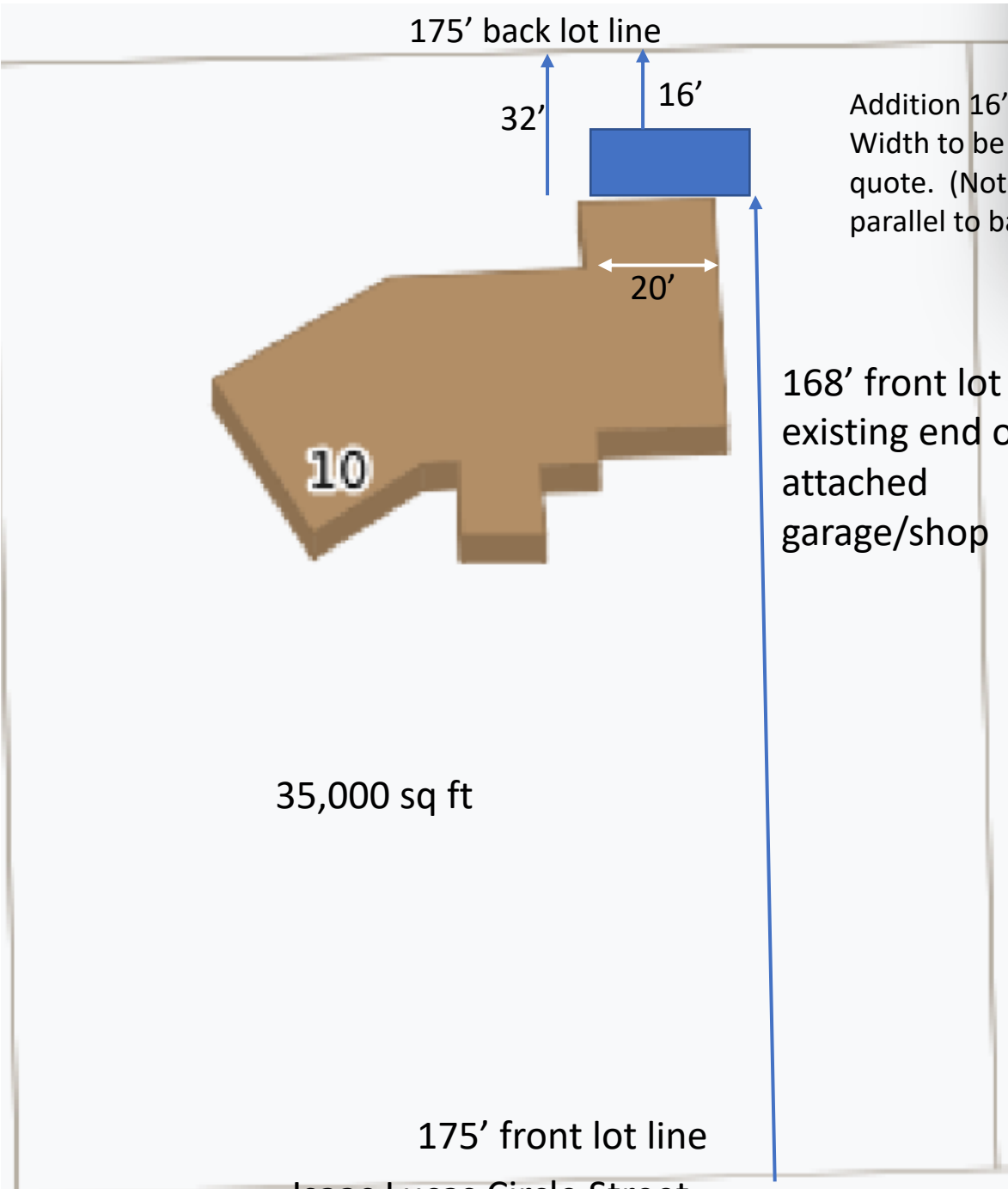
Google Satellite View of 10 Isaac Lucas Circle



Exhibit B

- Zoom of screen capture from MapGeo- house with Lot lines .

200'
Side lot
line



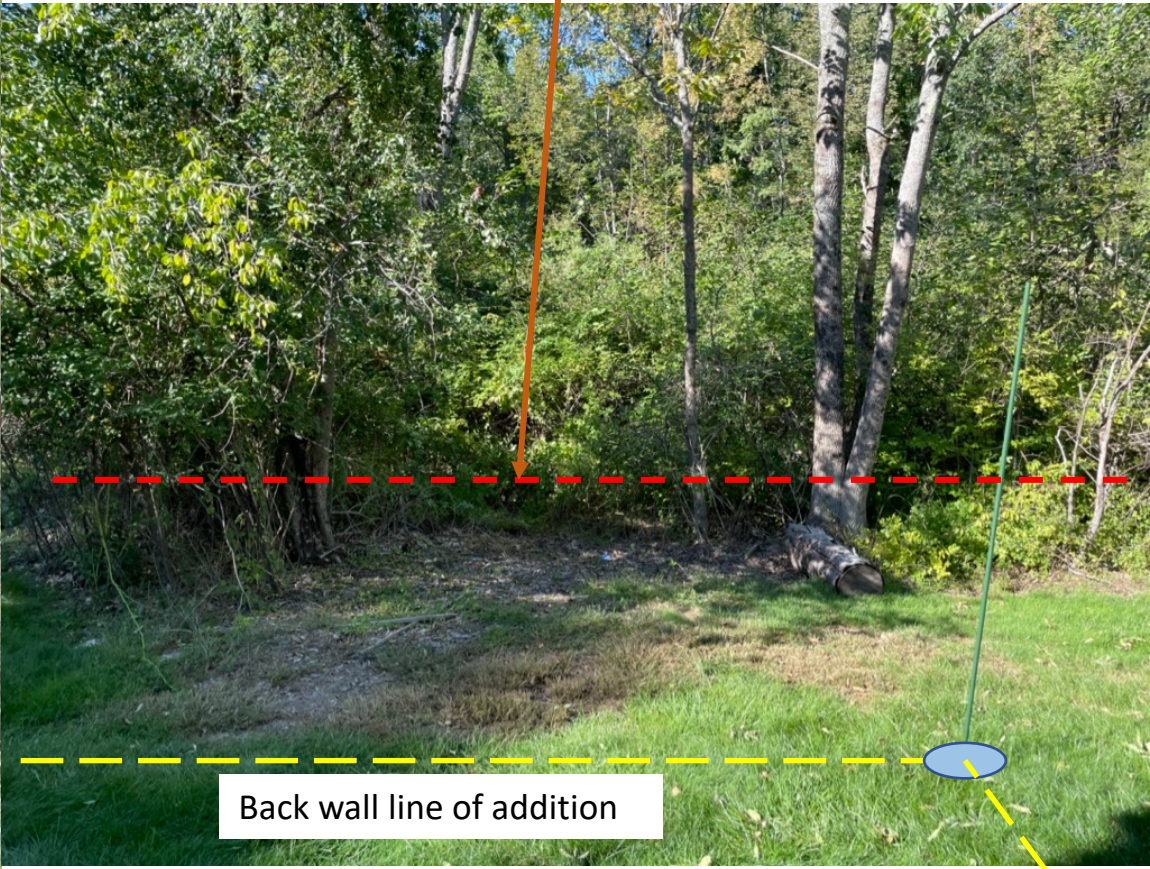
- Boundary dimensions are taken from NHDeeds.com

Standing in property behind, looking toward my Back boundary (in the woods) looking toward the back of existing garage/shop

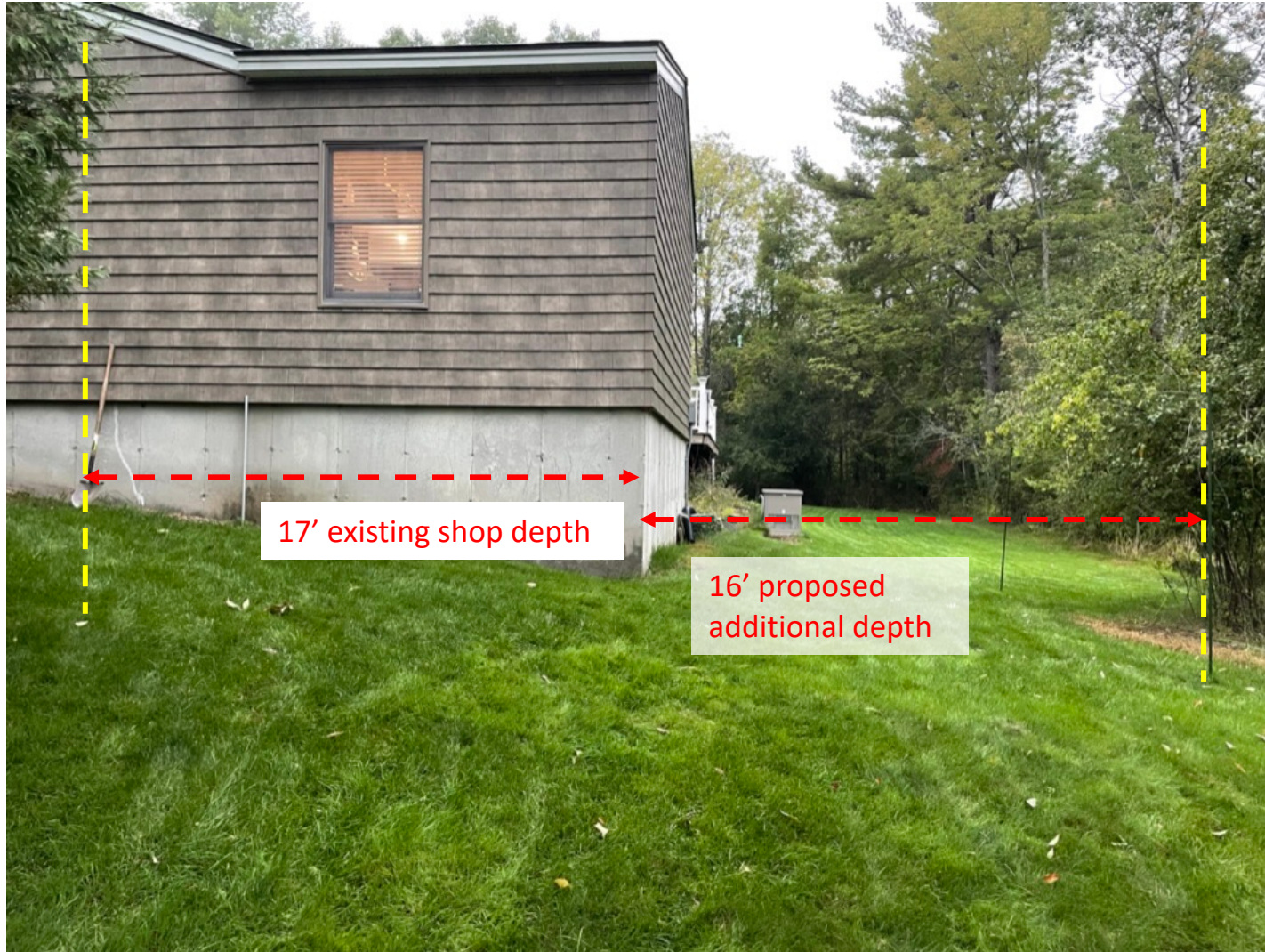


Pic 4

Standing in proposed addition looking toward my Back boundary in the woods



Pic 5



Side view showing existing shop area, and proposed expansion

Z22-11/ZONE-2022-0007**10 ISAAC LUCAS CIRCLE**

Property ID	Owner 1	Owner 2	Owner Address 1	City	State	Zip
M0090-A00008	COVERT WILLIAM D &	COVERT PAIGE C	6 ISAAC LUCAS CR	DOVER	NH	03820
M0090-A00010	HOLDEN KEVIN F &	HOLDEN DEBORAH E	8 ISAAC LUCAS CIRCLE	DOVER	NH	03820
M0090-C00000	PATEL ASHOK B & PRAVINA ATRUSTEES	THE ASHOK B & PRAVINA A PATEL FAMILY LIV	13 ISAAC LUCAS CIR	DOVER	NH	03820
M0090-C00001	LYNCH JAMES F & CATHERINE TRUSTEES	LYNCH JAMES & CATHERINE FAMILY REVOCABLE	11 ISAAC LUCAS CR	DOVER	NH	03820
M0090-C00002	PARKS LEE ANN ASHLEY TRUSTEE	PARKS FAMILY TRUST	9 ISAAC LUCAS CIR	DOVER	NH	03820
M0090-F00000	BELAKONIS ANNE	JONES DAVID	7 ISAAC LUCAS CR	DOVER	NH	03820-4913
M0090-K00000	GABARRO SETH RAFAEL &	GABARRO ANTHONY PHILIP	12 ISAAC LUCAS CR	DOVER	NH	03820-4910
M0090-N00000	STEVENS CHRISTOPHER L		14 ISAAC LUCAS CR	DOVER	NH	03820
M0091-C00000	WATERSIDE LAND HOLDINGS LLC	C/O SUMMIT LAND DEVELOPMENT LLC	340 CENTRAL AVE STE 202	DOVER	NH	03820
M0090-A00006	SCHELLER P KARL & PATRICIA A TRUSTEES	SCHELLER FAMILY TRUST	10 ISAAC LUCAS CR	DOVER	NH	03820-4910