

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, December 15, 2022**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. APPROVAL OF MEETING MINUTES OF OCTOBER 20, 2022

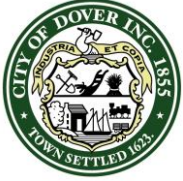
3. HEARINGS

- A. *Z22-12/ZONE-2022-0009 Owner Raymond Ladebush, Columbus Avenue, (Tax Map G, Lot 24-I-3), located in the Low-Density Residential (R-20) Zoning District request a Variance of dimensional requirements from **Section 170-12.B. of the Zoning Ordinance** to allow construction of a single-family dwelling with attached garage, 132' from the front property line, where a 20'-35' build-to-line is required.
- B. *Z22-13/ZONE-2022-0010 Owner Golden Oaks Development, LLC 3 Arcola Street, (Tax Map 33, Lot 114), 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 a two-family dwelling (duplex), 4' from the rear setback, 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 - MINUTES

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

1. ATTENDANCE

Members Present: Chris Prior (Chair), Anthony Sillitta, Otis Perry (Vice Chair), Nick Couturier, Casey Conley (Alternate), Rich Onufry (Alternate)

Members Absent (Excused): George Reagan

Members Absent (Unexcused): None

Staff Present: Natasha Kypfer (Zoning Administrator/Assistant City Planner)

The Chair called the meeting to order at 7:01 PM and explained the ZBA hearing process.

2. APPROVAL OF MEETING MINUTES OF SEPTEMBER 15, 2022

Motion: Perry moved to approve the minutes of September 15, 2022. Seconded by Silitta. Vote: 4-2, all in favor, with Conley and Onufry abstaining.

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.*

Mr. Jay Chase, representing the owners presented the case, and reviewed the need for the Variance.

The house currently sits on two parcels of land- extending a bit into another lot. The current home has been condemned and the proposal is to tear down the existing structure and rebuild- keeping the construction to the appropriate parcel. He addressed the criteria:

- Not contrary- removing an unsafe building from the neighborhood and building a new 660 sq. ft. home entirely on the correct parcel.
- Due to the shape of the lot, it is difficult to place the structure within the regulated setbacks. The current closest point to Fourth Street is also the proposed closest point- they will not move closer to the road.
- Substantial justice- they are removing an eye sore and safety issue and replacing with new.
- Value- will be increased due to removal of safety issue and addition of new structure.

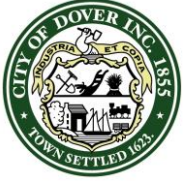
Board questions and comments:

Perry asked about the previous plans the applicant submitted. The applicant explained they tried to make a portion of the existing structure work with the plans, but there was no way due to the setbacks and property lines.

Public Hearing opened. Public Comment: None

Planning Department recommendation: Zoning Administrator N. Kypfer noted staff supports the Variance, based upon: 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.

Public Hearing was closed and the Chair noted Onufry will vote in this case for the absent board member.



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, October 20, 2022
Meeting Time: 7:00 pm

Motion: Perry moved to GRANT the Variance with the staff recommended condition (that the encroachment be limited to the proposed area of the front build to line, with no further encroachment granted) based upon the representations made by the applicant and the testimony provided. Couturier seconded. Vote: 5-0, U/A.

- 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.***

The Chair noted Conley will vote in this case for the absent board member.

Mr. Karl Scheller, 10 Isaac Lucas Circle presented the case, and reviewed the need for the Variance.

The proposal is to expand the work area in the back of his two-stall garage. He showed several maps and images to the board to explain the setbacks and the proposed structure. He spoke to the abutters and no opposition was given.

Public Hearing opened. Public Comment: None

Planning Department recommendation: Zoning Administrator N. Kypfer noted staff does not oppose the granting of the Variance, based upon: 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.

Public Hearing was closed.

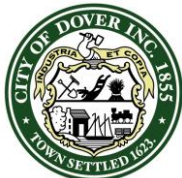
Perry moved to grant the Variance with two suggested conditions, no second, and motion subsequently failed.

Motion: Couturier moved to GRANT the Variance with the staff recommended condition (that the encroachment be limited to the proposed area of the rear setback, with no further encroachment granted) based upon the representations made by the applicant and the testimony provided. Sillitta seconded. Vote: 5-0, U/A.

4. OTHER BUSINESS - None

5. ADJOURN

Motion: Perry moved to adjourn at 7:26 pm. Sillitta seconded. Vote: 5-0, U/A.



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, December 15, 2022
Meeting Time:	7:00 pm

INTENT: The Owner requests a Variance of dimensional requirements from **Section 170-12.B. of the Zoning Ordinance** to allow construction of a single-family dwelling with attached garage, 132' from the front property line, where a 20'-35' build-to-line is required.

UNITS PROPOSED: One (1) Single-family residence

AGENDA ITEM #: 3-A

ZONING DISTRICT: R-20

FILE: Z22-12

APPLICANT/OWNER: Raymond Ladebush

LOCATION: Columbus Avenue (Tax Map G, Lot 24-J-3)

ACREAGE: 0.68 ± ac / 29,621 ± sq ft

EXISTING LAND USE: Vacant land

PROPOSED LAND USE: Single family residence

SURROUNDING LAND USE: Residential

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: No

ATTACHMENTS: Application, Narrative, Final Septic Plan, Supporting documents

STAFF RECOMMENDATION: Staff takes no position.

BACKGROUND INFORMATION

The property subject to this variance request is located on the eastern side of Columbus Avenue. The lot is currently vacant, however, the footings for a proposed structure are in place, as early construction began without all proper permissions being received. The proposed house and attached garage do not meet the requirements of the build-to-line, instead proposing placement 132' from the property line as seen on the provided Final Septic Plan, in concert with the provided site plan sketch.

In early November it was discovered that the beginning stages of construction had begun at the subject property, including footings having been placed. City Staff identified that the electronic permitting software improperly issued a building permit, which was not authorized by the Building Official nor the Zoning Administrator. The property owner was then directed to stop work (*see* Exhibit A) and provided information as to how to bring the property into compliance (*see* Exhibit B).

The lot is nearly 7/10s of an acre in size, and the proposed new building will adhere to the following required setbacks:

- Rear setback: 30' is required, 38' is provided
- Side setback: 20' is required, 21' and 38' are provided

The front build to line (Columbus Avenue) is the subject of this variance request, as the dimensional regulations require 20'-35', but the applicants propose 132'.

REASON FOR RECOMMENDATION

The subject property proposes a structure which is in a similar location and placement on the lot (in the middle to rear portion) as it's neighbors along the eastern side of Columbus (the western side is zoned R-40). Whether construction had begun early, or not, the property owner would have been directed to the dimensional regulations of this district and would have been guided to ask for relief if a modified front setback was to be sought.

STAFF RECOMMENDATION

Staff recommends that the Board open the public hearing, accept testimony, and make findings on each of the five variance criteria. Staff takes no position and does not support or oppose the granting of the variance request.

**Property Information**

Property ID G0024-J00003
Location COLUMBUS AV
Owner LADEBUSH RAYMOND
Land Use 130
Zoning Code R-20

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

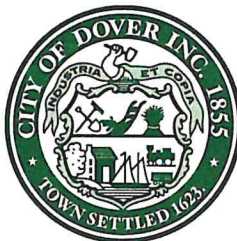
City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

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.

JAMES H. MAXFIELD
Building Official
j.maxfield@dover.nh.gov

Physical Address:
Liberty North End Fire Station
262 Sixth Street
Dover, NH



Please send all mail and official
correspondence to:
City of Dover, NH Inspection Services
288 Central Avenue
Dover, New Hampshire 03820-4169
(603) 516-6038
Fax: (603) 516-6146
www.dover.nh.gov

City of Dover, New Hampshire

Inspection Services is a division of Fire & Rescue

November 10, 2022

***VIA CERTIFIED MAIL – RETURN RECEIPT and FIRST-CLASS MAIL
and VIA EMAIL (DELIVERY AND READ RECEIPTS REQUESTED): ray@pccleaning.org***

Raymond Ladebush
32 Columbus Avenue
Dover, NH 03820

RE: Stop Work Order
28 Columbus Avenue, Dover
A/K/A tax map G, lot 24-J-3

Dear Mr. Ladebush,

This letter is in response to a meeting of November 8, 2022 in the City of Dover Planning Department office regarding building permit application BLDG 2022-0036 for the construction of a single-family dwelling with a three-car attached garage. Persons present at the meeting were Raymond Ladebush, Brian Capalbo of Integrity Construction, zoning administrator Natasha Kyper and myself as the building official.

Some of the concerns discussed include, but are not necessarily limited to, the following areas of non-compliance based on the submitted permit application:

- 1) The distance from the access road (Columbus Avenue) the proposed structure is located appeared to be more than 50' without the installation of a suppression system in accordance with State of NH adopted Fire Code, NFPA1, 2015 edition.
- 2) The City of Dover Planning Department had not approved the location of the structure.
- 3) Submitted plans had insufficient construction specifications and details to process. For example construction documents shall include information describing the design, location and physical characteristics of the elements of the proposed structure. The submitted plan provided in the software omitted relevant framing, structural, stair geometry and garage separation details to approve the building permit application.

The permitting software indicates that an electronic notification requesting additional or updated review files in order to review the permit application was sent to ray@pccleaning.org on numerous occasions on September 21, 2022. However, I recently learned that, on September 22, 2022, the City's new software system improperly issued a one-page permit to you due to an administrative error. The permit you received had not been approved by me and was not authorized. Nor had it been approved by the City's Zoning Administrator.

Chapter 1, section 105, subparagraph 105.4 of the International Residential Code, 2015 edition is entitled "Validity of permit" and provides as follows:

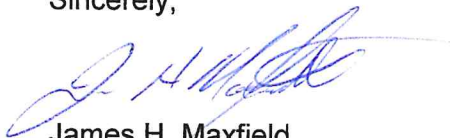
The issuance or granting of a *permit* shall not be construed to be a *permit* for, or an *approval* of, any violation of any provision of the provisions of this code or of any other ordinances of the *jurisdiction*. *Permits* presuming to give authority to violate or cancel the provisions of this code or other ordinances of the *jurisdiction* shall not be valid. The issuance of a *permit* based on *construction documents* and other data shall not prevent the building official from requiring the correction of errors in the *construction documents* and other data. The *building official* is authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this *jurisdiction*.

Based on the above, the unapproved building permit BLDG 2022-0036 that you received is considered invalid and you are hereby directed to stop work until such time the construction documents are revised and re submitted for approval.¹

Please be aware that you have the right to appeal my determinations in this letter to the local Building Code Board of Appeals, which for the City of Dover is its Zoning Board of Adjustment ("ZBA"), see Dover Code § 9-10(l); see also RSA 674:34. It would appear the ZBA's operating rules do not provide an express timeline for filing an appeal, though its rules do provide in the analogous context of RSA 676:5 appeals that such appeals must be filed within thirty days of the date of the decision appealed. New Hampshire common law governing reasonable time periods for appeal in similar contexts (where no time is specified) also generally recognize thirty days as the applicable appeal period.

If you have any questions, please do not hesitate to contact me.

Sincerely,

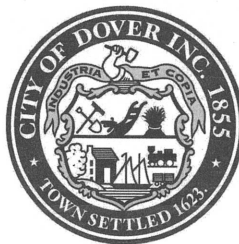


James H. Maxfield
Building Official

cc: Natasha Kypfer Zoning Administrator (via e-mail)
Joshua Wyatt City Attorney (via e-mail)

¹ Furthermore, even assuming for the sake of argument the permit had any validity, you are in violation of the condition stated therein that "all applicable City, State and Federal laws are followed." As stated in this letter, and in a separate letter from the City's Zoning Administrator dated ____ and incorporated herein by reference, you are not in compliance with applicable state and local laws.

DONNA P. BENTON, AICP
 Director of Planning and
 Community Development
 d.benton@dover.nh.gov



288 Central Avenue
 Dover, New Hampshire 03820-4169
 (603) 516-6008
 Fax: (603) 516-6049
 www.dover.nh.gov

City of Dover, New Hampshire

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

November 15, 2022

***VIA CERTIFIED MAIL – RETURN RECEIPT and FIRST-CLASS MAIL
 and VIA EMAIL (DELIVERY AND READ RECEIPTS REQUESTED): ray@pccleaning.org***

Raymond Ladebush
 32 Columbus Avenue
 Dover, NH 03820

Re. Zoning Violation at 28 Columbus Avenue (Tax Map G, Lot 24-J-3)

Dear Mr. Ladebush:

I am following up on our recent conversations about construction occurring at 28 Columbus Avenue (Tax Map G, Lot 24-J-3) (hereinafter “the Property”), most recently on Tuesday, November 8, 2022. I am writing this letter to expressly put you on notice of zoning violations at your property. First, however, I will briefly recount the history that led to this letter and my findings.

On August 10, 2022, you applied to the City for a building permit for construction at the Property. To issue a building permit such as yours, you need prior approval from myself and others in the City’s Inspections Office. On September 12, 2022, I initially reviewed your application on the EnerGov portal and noted that you needed to resubmit because the plan you submitted lacked any dimensional measurements, meaning I could not determine if the proposed construction complied with local zoning. On September 21, 2022, the City’s software system provided you with the resubmit notice from me (and others in the City’s review/approval workflow, who noted other concerns with your application). Nevertheless, I recently learned that on September 22, 2022—the day after my resubmit notice—an erroneous building permit was provided to you due to an inadvertent administrative error with our new software system. On November 3, 2022, Mr. Maxfield first notified you of the situation by email and that City staff was reviewing it. I have also learned that you had begun construction and that the structure under construction does not meet local zoning requirements. On November 3, 2022, you provided a septic plan approved by the New Hampshire Department of Environmental Services showing certain dimensional measurements (attached as Exhibit A). In summary, an official resubmit has still not been provided, and the septic plan, with dimensional measurements, was only recently supplied.

The Property is within the Low Density Residential (R-20) District. Please find the applicable zoning table attached as Exhibit B, which indicates the required dimensional regulations of a principal building such as yours in this zone. Specifically, the front build-to-line¹ requires: 20 feet minimum and 35 feet maximum, whereas your recently provided septic plan indicates the building is located far in excess of 100 feet from the front property

¹ Dover Code 170-6 defines “Build to Line” as follows:

BUILD TO LINE means a line parallel to the STREET RIGHT-OF-WAY LINE representing the distance that part of the BUILDING must be located. Front porches, stairs and handicap ramps may extend beyond the BUILD TO LINE up to half their depth. If locating the BUILDING at the BUILD TO LINE is not possible due to SETBACK or buffer requirements of Chapter 170-27 or Chapter 170-27.1, the BUILDING shall be located as close to the BUILD TO LINE as feasible. For parcels with no FRONTAGE, the BUILD TO LINE shall be calculated from the boundary parallel to the nearest STREET RIGHT-OF-WAY LINE.

line. The ongoing construction does not comply with the aforementioned "Build to Line" stated in the attached, applicable zoning table for R-20.

To come into compliance, you may ultimately need to remove the footings, and then provide me with a revised site plan with dimensional measurements in linear feet so I can verify compliance with zoning requirements before any further construction commences. Alternatively, you may be able to leave the footings in place temporarily while you seek relief from the Zoning Board of Adjustment, by way of either an Equitable Waiver of Dimensional Requirements pursuant to RSA 674:33-a, which I do not believe City staff would likely support, or by way of a Variance pursuant to RSA 674:33-I, which City staff sees as a plausible solution, though would only issue at the discretion of the ZBA provided the statutory criteria are met.

In closing, this letter serves as my formal administrative determination concerning the zoning violation observed on the Property and noted in this letter. It is the position of the City of Dover's planning staff to seek compliance through cooperation in non-emergency situations. As such, we are awaiting to learn your proposed next steps in order to rectify this violation. Please contact me no later than Tuesday, November 22, 2022 to discuss your proposed plan for coming into compliance. The December regular meeting date for the ZBA is Thursday, December 15, and due to the Thanksgiving holiday, the deadline for submission is Monday, November 28 at noon.

Finally, I would call your attention to your potential appeal rights concerning the violation outlined in this letter. You may have the ability to appeal my determinations concerning the City of Dover's zoning ordinance to the Zoning Board of Adjustment (ZBA) pursuant to the RSA 676:5. Be aware that the ZBA imposes a 30-day filing requirement per its Rules of Procedure, Article V. - Procedures:

B. Appeals. Appeals from an administrative decision taken under New Hampshire RSA 676:5 shall be filed with the Planning Department within thirty (30) days of the date of the decision. Any appeal made after this deadline will not be considered timely.

We appreciate your willingness to meet and seek a solution. In the meantime, if you have any questions, please feel free to contact me directly, either by telephone at (603) 516-6008, or by email at n.kypfer@dover.nh.gov.

Sincerely,


Natasha M. Kypfer
Zoning Administrator/Assistant City Planner

Enclo.: Donna P. Benton, AICP
James H. Maxfield
Joshua Wyatt, Esq.

Director of Planning and Community Development (via email)
Building Official (via email)
City Attorney (via email)

Z22-12/ZONE-2022-0009**COLUMBUS AVENUE**

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
F0001-G00000	19 COLUMBUS AV	MUBILIGI GUILLAUME &	KAMALIZA CHRISTELLE	19 COLUMBUS AV	DOVER	NH	03820
F0001-L00000	25 COLUMBUS AV	ASHLEY BARBARA W &	ASHLEY BETTY A	PO BOX 246	DOVER	NH	03821
F0001-M00000	35 COLUMBUS AV	CLARK GORDON &	CLARK DONNA M	35 COLUMBUS AVE	DOVER	NH	03820
G0024-J00000	TOLEND RD	WYNDBROOK AT DOVER HOMEOWNERS ASSOCIATIO		PO BOX 1685	DOVER	NH	03821-1685
G0024-J00001	16 COLUMBUS AV	MORONG LAURENCE G &	GALLAGHER-MORONG MAURA J	16 COLUMBUS AVE	DOVER	NH	03820-5507
G0024-J00002	22 COLUMBUS AV	COFFEY DANIEL &	COFFEY KYLIE	22 COLUMBUS AVE	DOVER	NH	03820
G0024-J00004	32 COLUMBUS AV	LADEBUSH KAREN A		32 COLUMBUS AVE	DOVER	NH	03820
G0024-J00005	36 COLUMBUS AV	ARIAL RANDY J & DIANE B TRUSTEES	ARIAL FAMILY 2019 REVOCABLE TRUST	36 COLUMBUS AVE	DOVER	NH	03820
G0024-J00003	COLUMBUS AV	LADEBUSH RAYMOND		32 COLUMBUS AVENUE	DOVER	NH	03820

**CITY OF DOVER
ZONING BOARD OF ADJUSTMENT APPLICATION
VARIANCE REQUIREMENTS**

DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY:

A. Variance Requested

A variance is requested from Section(s) ____170-12____ of the Zoning Ordinance to permit:

Building a home and garage on the lot consistent with the existing homes in the area.

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:

It will allow the house to be in a location consistent with the other homes in the area.

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

The ordinance was set forth to have uniformity in developments. All the existing homes on Columbus Ave were built 20+ years ago and were set back over 100 feet from the road. Deviating from the ordinance would thus align the house with the surrounding homes thus creating conformity.

3. Granting the variance would do substantial justice because:

Substantial justice would be upheld by granting the variance because of several reasons. The first and most important reason would allow the house to be within the norm of the surrounding homes, thus creating a uniform placement and no one would notice that a variance was given. The other reason justice would be served is because the building department already granted a building permit and footings were poured. The building permit was then put on hold when it was realized that the ordinance calls for the home to be close to the street.

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

The home will be constructed in a similar height, massing and character of the surrounding homes. If it is built with similar dimension as the abutting homes, the values of the surrounding property should be maintained or enhanced. Furthermore, for the homes across Columbus Ave, having the home built at the build to line might diminish value, as the front of the lot will be cleared for the home and there would be less screening.

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:

This lot was created from a subdivision that was created before the ordinance was created. It is the last of the lots and has been undeveloped until now.

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:

The purpose of the ordinance is to create uniformity and a character of a development. If this variance is not granted, it would greatly stand out and be against the spirit of the ordinance.

AND

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

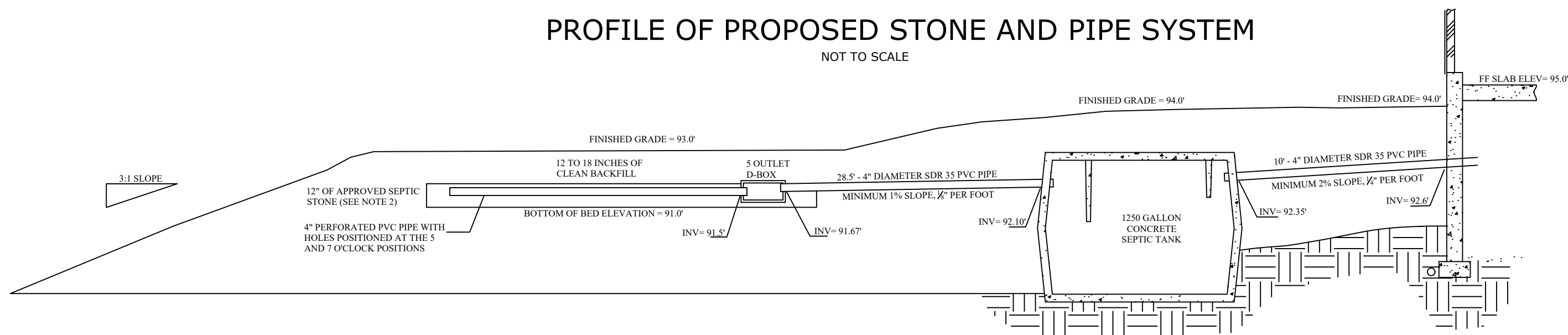
I wish to build a home which is consistent with the surrounding homes. The only way the site would negatively impact the abutters would be if the variance was not granted. This is very much a reasonable request.

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:

PROFILE OF PROPOSED STONE AND PIPE SYSTEM

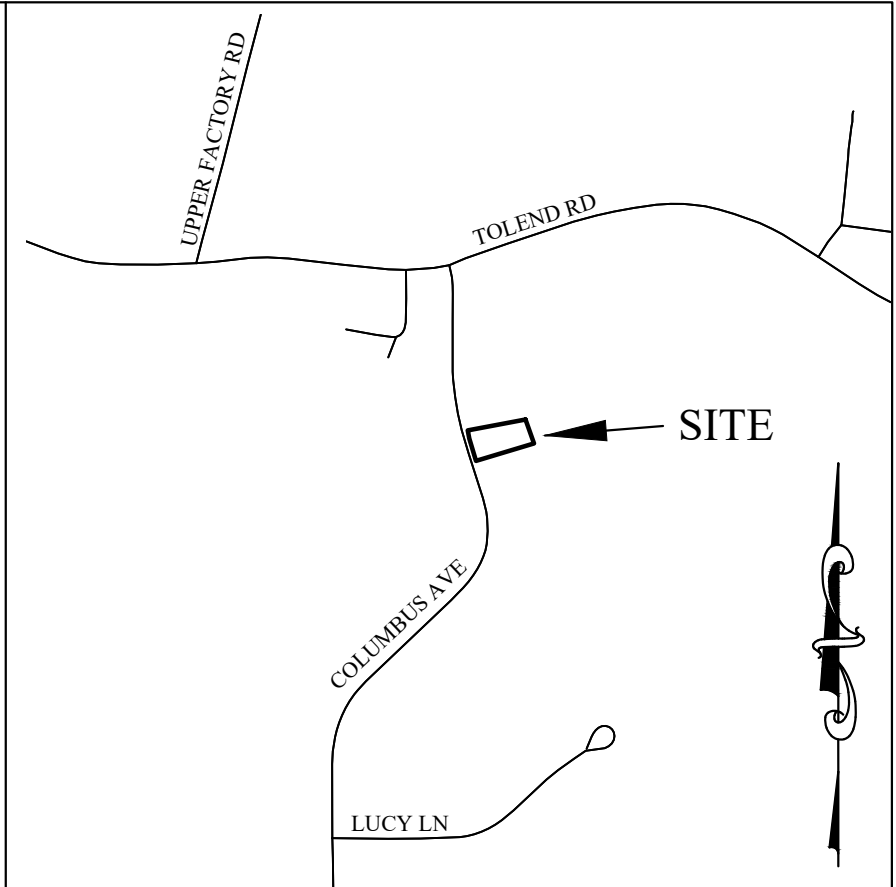
NOT TO SCALE



TEST PIT #1
ELEVATION = 93.5'
SEPTEMBER 17, 2021

0-70"	FILL - SANDY LOAM WITH 4-12" STONES
70-74"	10YR 3.2 - VERY DARK GRAYISH BROWN - FINE SANDY LOAM - BLOCKY - FRIABLE
74-84"	10YR 6.3 - PALE BROWN - FINE SANDY LOAM - BLOCKY - FRIABLE
84-96"	2.5Y 4.3 - OLIVE BROWN - VERY FINE SANDY LOAM - PLATY - FRIABLE - DEPLETIONS PRESENT

ROOTS TO: 80'
LEDGE: NONE OBSERVED
WATER: NONE OBSERVED
ESHW: 84'
PERC. RATE: 8 MIN/INCH



VICINITY MAP

NOTES

- DESIGN INTENT: THE BOTTOM OF THE EFFLUENT DISPOSAL SYSTEM SHALL BE CONSTRUCTED AT 91.0' ELEVATION, APPROXIMATELY 3.0 FEET BELOW ORIGINAL GROUND ON THE HIGH CONTOUR (94.0') OF THE DESIGNED EFFLUENT DISPOSAL SYSTEM. THIS SYSTEM IS DESIGNED TO SUPPORT A 1-BEDROOM DWELLING, BUT IS OVER-DESIGNED FOR POTENTIAL FUTURE EXPANSION TO SUPPORT A 3-BEDROOM SYSTEM AT 450 GALLONS PER DAY WITH A PERCOLATION RATE OF 8 MINUTES PER INCH. LEACH FIELD SIZE IS TO BE 800 SQUARE FEET.
- APPROVED SEPTIC STONE SHALL MEET THE SIEVE SIZE AND PERCENT PASSING BY WEIGHT REQUIREMENTS IN ACCORDANCE WITH AASHTO, 17th ADDITION, TEST METHOD T 11-85, AND SHALL BE WITHIN A RANGE OF .75 INCHES TO 2.5 INCHES AND FREE OF FINES
- PIPES LEADING TO AND EXITING FROM SEPTIC TANKS SHALL BE SEALED WITH EITHER NON-SHRINK MORTAR, THICK PLASTIC CEMENT, OR OTHER SEALANT HAVING THE SAME OR BETTER DURABILITY AND SEALING CAPABILITY
- SEPTIC TANK AND DISTRIBUTION BOX ARE TO BE CHOSEN BY THE INSTALLER
- ALL INVERTS AND GRADE ELEVATIONS ARE BASED ON AN ASSUMED DATUM
- NO MORE THAN 12 TO 18 INCHES OF BACKFILL SHALL BE USED TO COVER THE SYSTEM
- BACKFILL MATERIAL SHALL BE CLEAN AND PERMEABLE
- NO WETLANDS WERE OBSERVED WITHIN 75' OF THE PROPOSED SUBSURFACE SYSTEM.
- THIS SYSTEM IS NOT DESIGNED FOR THE USE OF GARBAGE DISPOSALS OR WATER SOFTENERS
- BOUNDARY INFORMATION SHOWN ON THIS PLAN IS FROM PLAN REFERENCE 1.
- NHDES SUBDIVISION APPROVAL NUMBER IS SA2005006175, DATED 6/21/2005, APPROVED FOR 600 GPD.
- TEST PITS WERE WITNESSED BY THIS DESIGNER ON SEPTEMBER 17, 2021.
- THIS LOT WILL BE SERVICED BY MUNICIPAL WATER.
- AS STATED IN NOTE 12 ON PLAN REFERENCE 2, "THE DRIVEWAYS FOR LOTS 3 & 4 ARE TO BE LOCATED OFF THE POTENTIAL FUTURE ROADWAY".

PLAN REFERENCES

- PLAN TITLED "WYNDBROOK AT DOVER, AN OPEN SPACE SUBDIVISION, TAX MAP G, LOT NO. 24J, TOLEND ROAD & COLUMBUS AVENUE, CITY OF DOVER" DATED MARCH 28, 2005, PREPARED BY MCNEANEY SURVEY ASSOCIATES, INC., S.C.R.D. PLAN #88-6.
- PLAN TITLED "SUBDIVISION PLAN PREPARED FOR SPAULDING TURNPIKE DEVELOPMENT TAX MAP G, LOT NO. S 24J, 24S & 24T, COLUMBUS AVENUE, CITY OF DOVER" DATED 1-29-2001, PREPARED BY MCNEANEY SURVEY ASSOCIATES, INC., S.C.R.D. PLAN #61-68.

LEGEND

- UTILITY POLE
- IRON PIPE/ROD FOUND
- BENCHMARK
- TEST PIT
- PERCOLATION TEST
- BOUNDARY LINE
- ABUTTER LINE
- OVERHEAD WIRES
- EDGE OF GRAVEL
- EDGE OF PAVEMENT
- BUILDING SETBACK LINE

REVIEWED AND APPROVED
IN ACCORDANCE WITH THE
REQUIREMENTS OF THE
NH DEPT OF ENVIRONMENTAL SERVICES
WATER DIVISION

Date: 10/7/2022

#eCA2022100706

TAX MAP G24 LOT J4
KAREN A. LADEBUSH
32 COLUMBUS AVENUE
DOVER, NH 03820
S.C.R.D. BOOK 2684 PAGE 871

0 20 40 60
1" = 20'

NO.	DATE	DESCRIPTION	BY
1	10-6-22	REVISED NOTE 1 TO INCLUDE POTENTIAL FUTURE EXPANSION	SDB

SUBSURFACE DISPOSAL DESIGN

PREPARED FOR

RAYMOND LADEBUSH

32 COLUMBUS AVENUE

DOVER, NH 03820

TAX MAP G24 LOT J3

TELEPHONE: 603-743-3930

S.C.R.D. BOOK 4820 PAGE 293

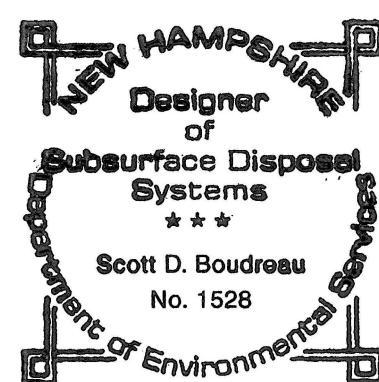
APPLICANT: SCOTT BOUDREAU
2 BEATRICE LANE
NEWMARKET, NH
TELEPHONE: 659-3468
DESIGNER PERMIT NO. 1528

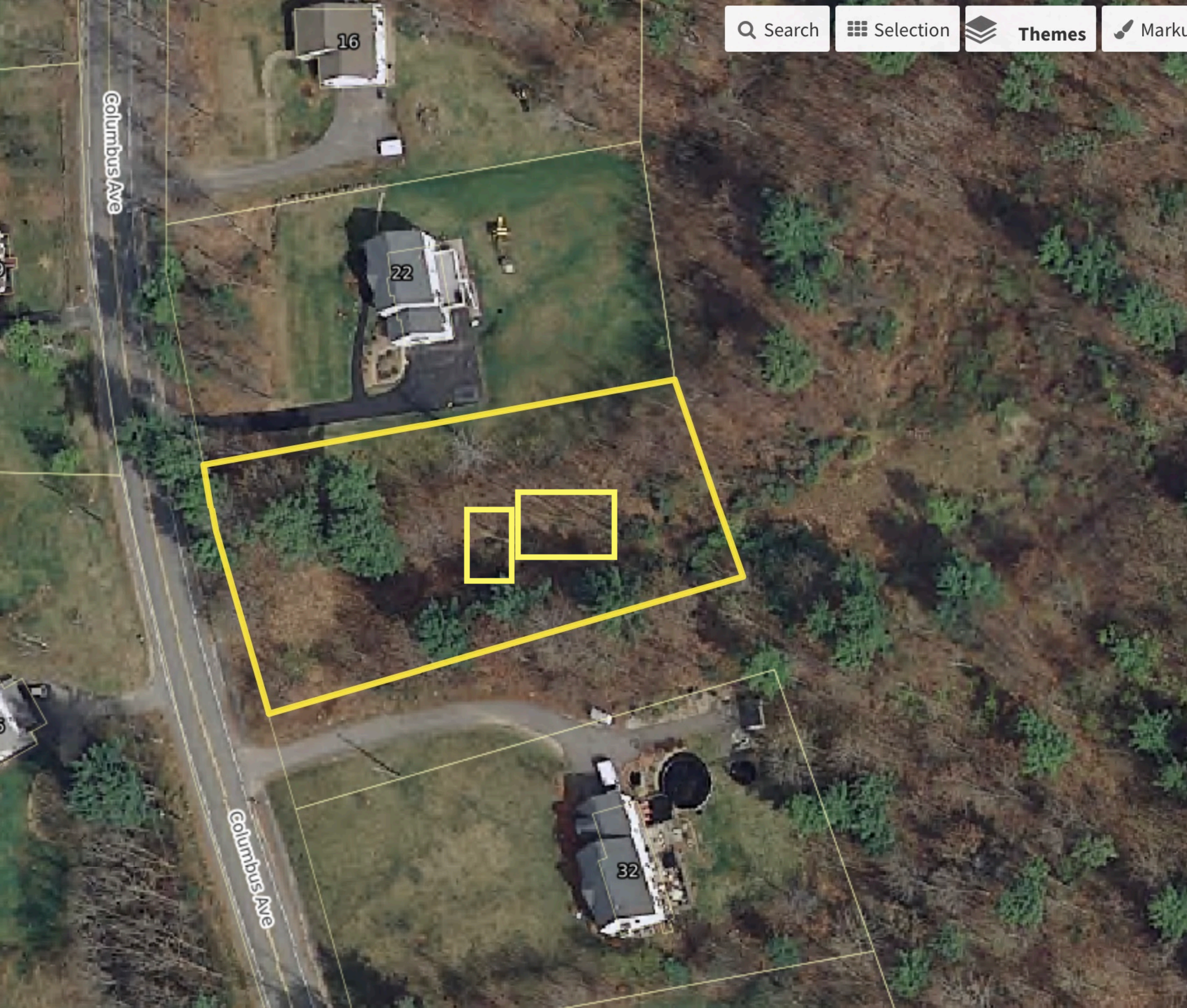
MADE BY
SDB

DATE
AUG 31, 2022

SCALE
1" = 20'

DRAWING NAME
21042C3





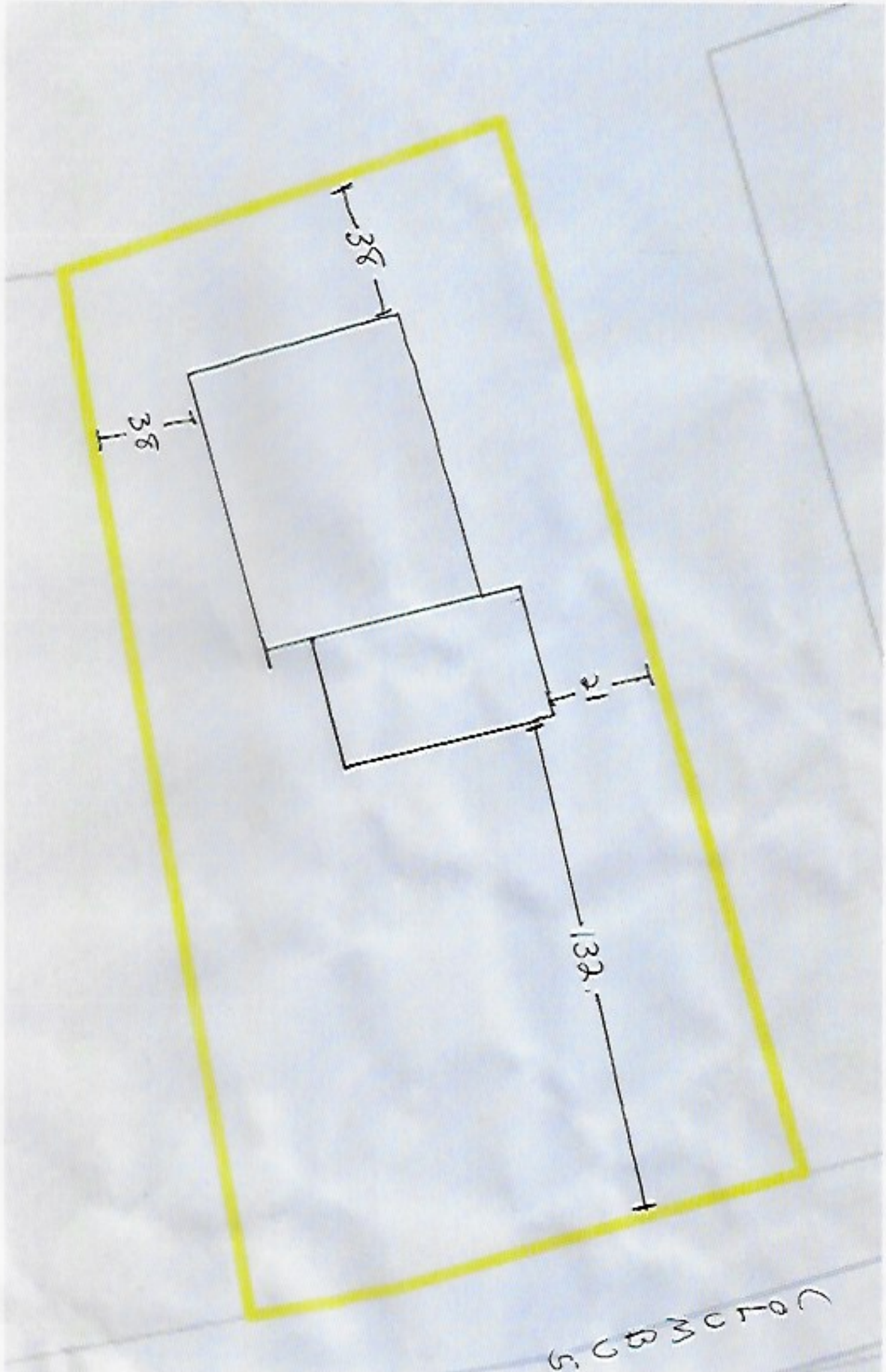
Columbus Ave

16

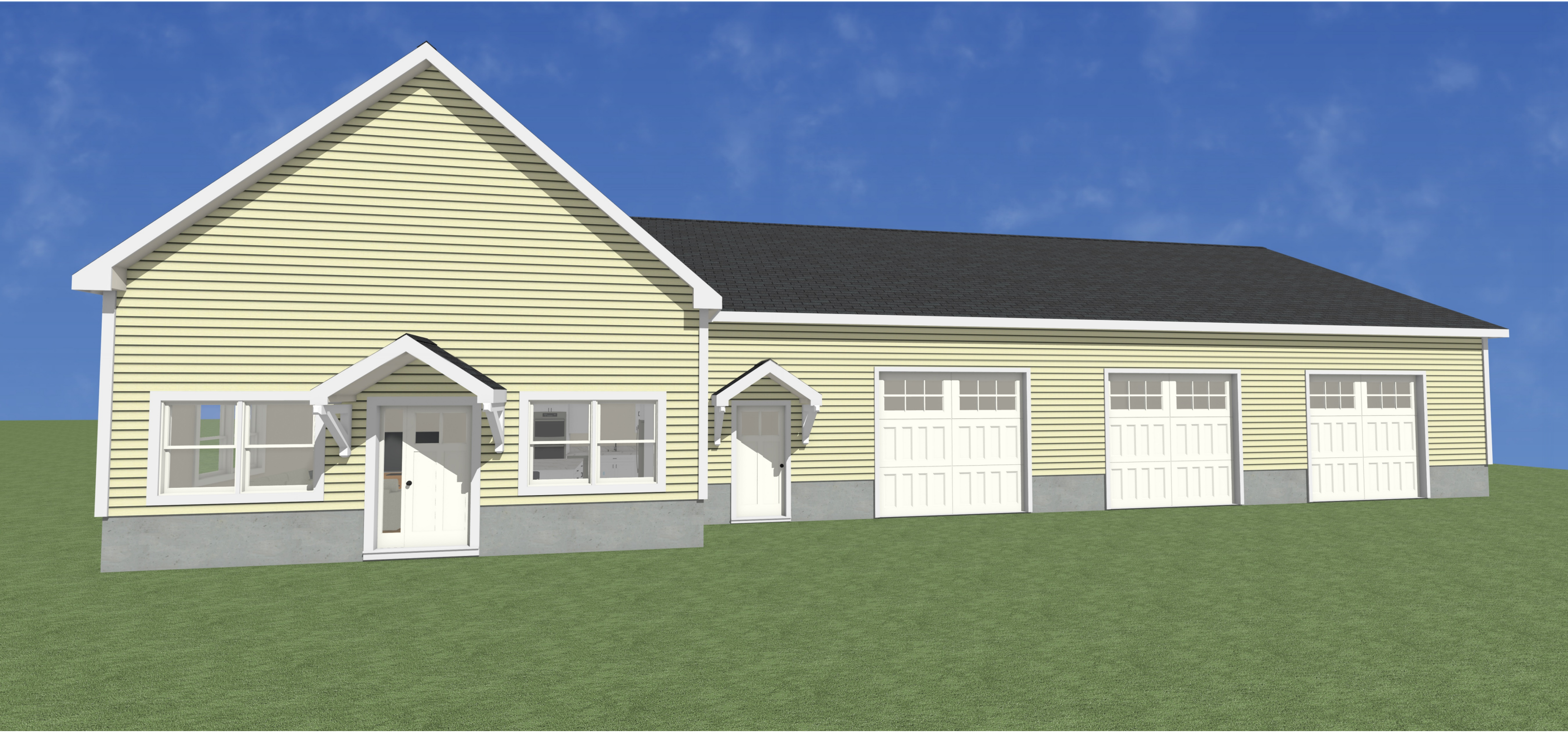
22

32

Columbus Ave



5030707



REVISION TABLE		
NUMBER	DESCRIPTION	DATE
1	DRAFT	5/16/21

Owner:
Project:
Location:

Ray Ladebush
New Garage Construction
32 Columbus Avenue
Dover, NH 03820

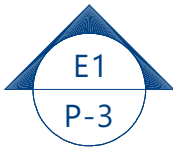
DATE:

9/2/2022

SCALE:

1/2" = 1'-0"

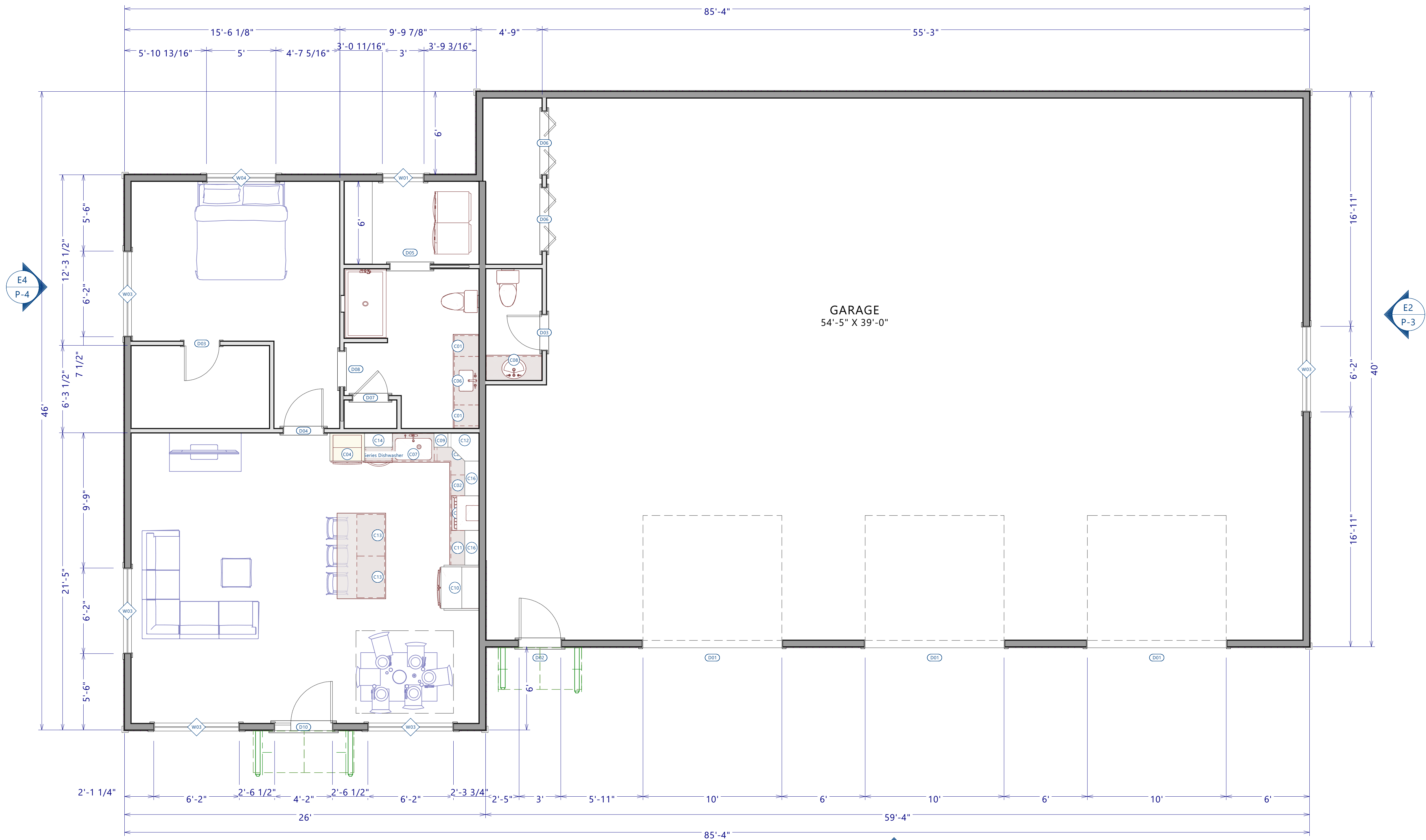
SHEET:



P-1

$$1/4'' = 1'-0''$$

- 2x6 EXTERIOR WALLS 16" O.C.
- 12' CEILINGS THROUGHOUT: 6'-0" FOUNDATION WALL WITH 10'-0" STUDS ON TOP
- 6 PITCH FLAT TRUSS OVER GARAGE
- 10 PITCH FLAT TRUSS OVER APARTMENT
- 1'-0" OVERHANGS



WALL SCHEDULE	
2D SYMBOL	WALL TYPE
	8" CONCRETE STEM WALL
	DECK RAILING/FENCE
	INTERIOR-6
	ROOM DIVIDER
	SIDING-6
	INTERIOR-4

- NOTES:**
- 2x6 EXTERIOR WALLS 16" O.C.
 - 12' CEILINGS THROUGHOUT: 6'-0" FOUNDATION WALL WITH 10'-0" STUDS ON TOP
 - 6 PITCH FLAT TRUSS OVER GARAGE
 - 10 PITCH FLAT TRUSS OVER APARTMENT
 - 1'-0" OVERHANGS

FIRST FLOOR PLAN
1/4" = 1'-0"

REVISION TABLE	
NUMBER	DESCRIPTION
1	DRAFT

Owner: Ray Ladebush
Project: New Garage Construction
Location: 32 Columbus Avenue
Dover, NH 03820

DATE:

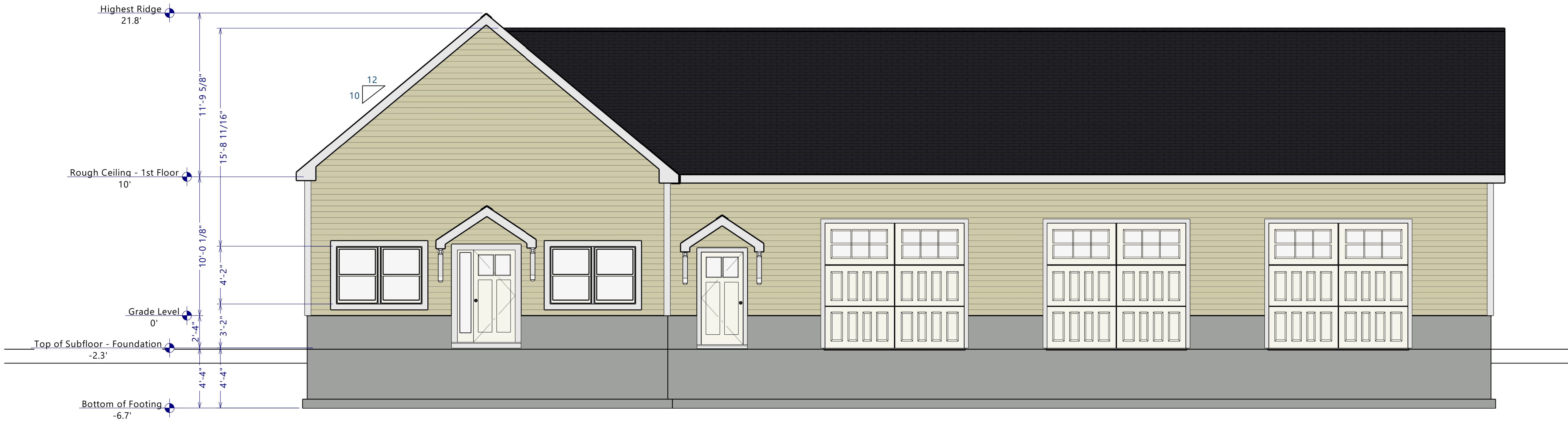
9/2/2022

SCALE:

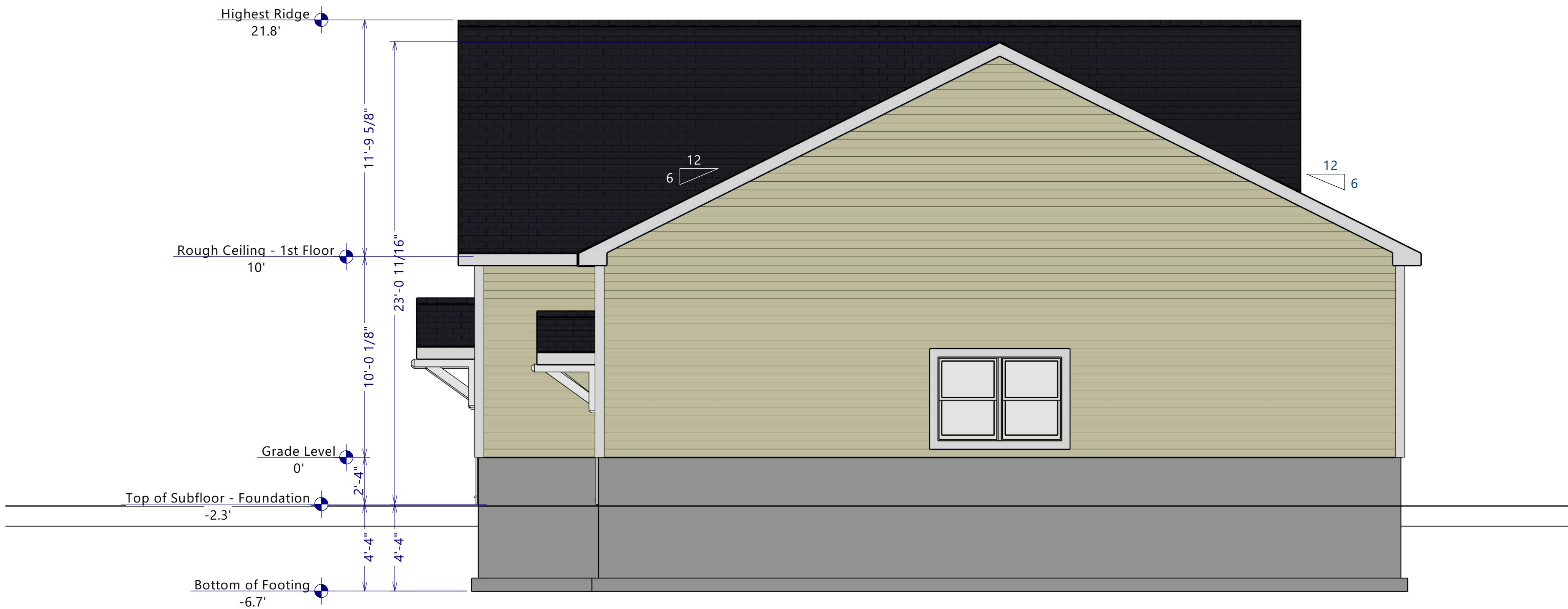
1/2" = 1'-0"

SHEET:

P-2



ELEVATION 1
1/2" = 1'-0"



ELEVATION 2
1/2" = 1'-0"

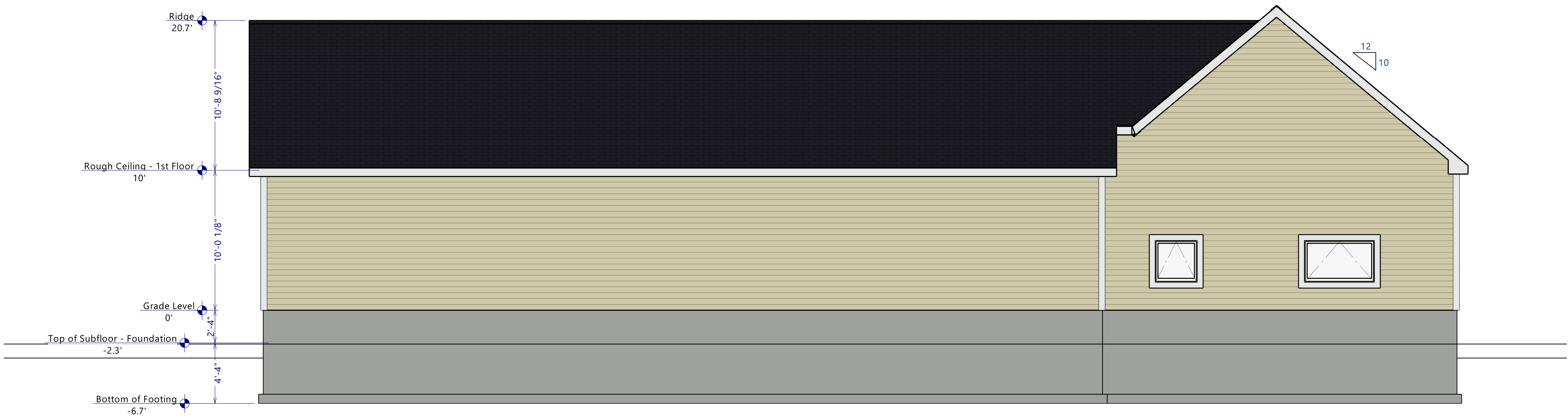
REVISION TABLE			
NUMBER	DESCRIPTION	DATE	REVISED BY
1	DRAFT	5/16/21	AA

Owner: Ray Ladebush
Project: New Garage Construction
Location: 32 Columbus Avenue
Dover, NH 03820

DATE: 9/2/2022

SCALE: 1/2" = 1'-0"

SHEET: P-3



ELEVATION 3
1/2" = 1'-0"



ELEVATION 4
1/2" = 1'-0"

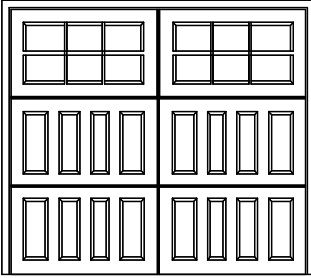
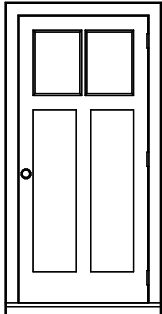
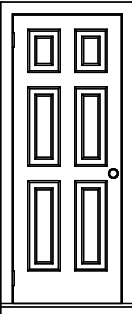
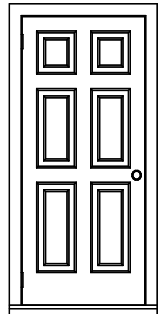
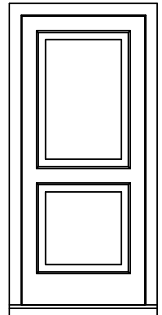
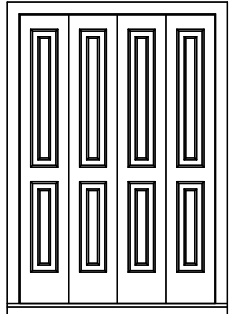
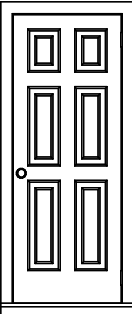
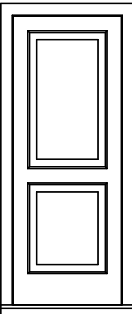
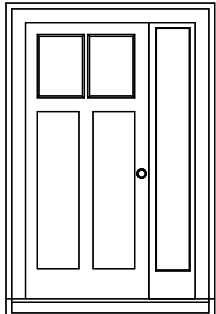
REVISION TABLE		
NUMBER	DESCRIPTION	DATE
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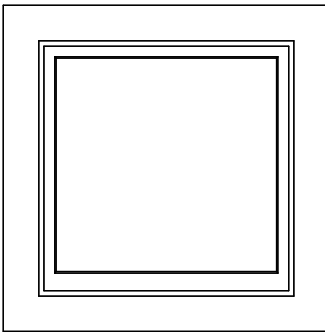
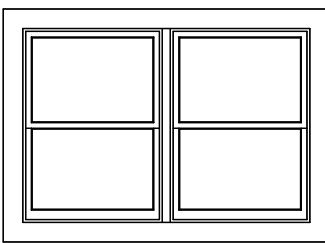
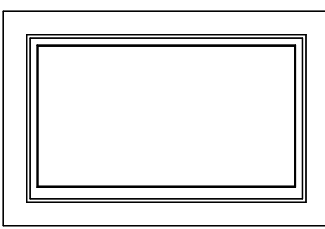
Owner: Ray Ladebush
Project: New Garage Construction
Location: 32 Columbus Avenue
Dover, NH 03820

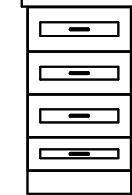
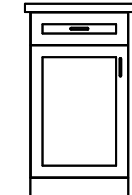
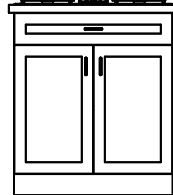
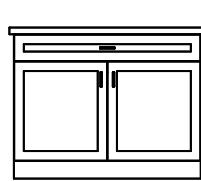
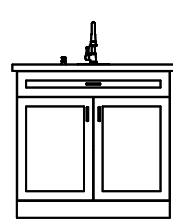
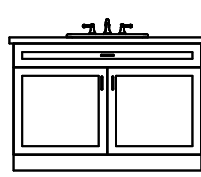
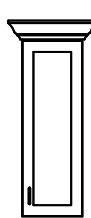
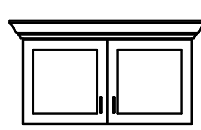
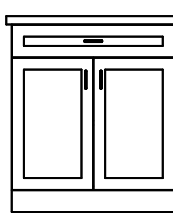
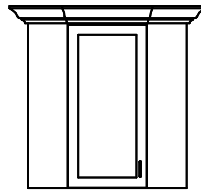
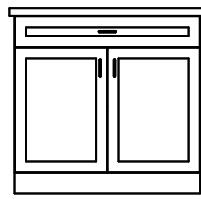
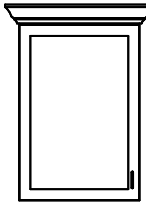
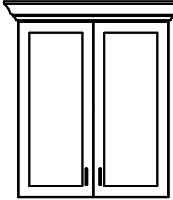
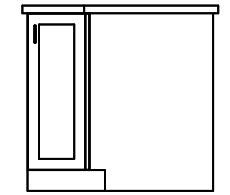
DATE:
9/2/2022

SCALE:
1/2" = 1'-0"

SHEET:
P-4

DOOR SCHEDULE						
3D INTERIOR ELEVATION	NUMBER	QTY	SIZE	HEADER	DESCRIPTION	MANUFACTURER
	D01	3	10090	2X12X128" (2)	GARAGE-GARAGE DOOR CHD05	
	D02	1	3068 L EX	2X6X41" (2)	EXT. HINGED-DOOR E20	
	D03	2	2668 R IN	2X6X35" (2)	HINGED-DOOR P09	
	D04	1	21068 R IN	2X6X39" (2)	HINGED-DOOR P09	
	D05	1	21068 R	2X6X72 1/4" (2)	POCKET-DOOR P04	
	D06	2	4668 L/R	2X6X59" (2)	4 DR. BIFOLD-DOOR B04	
	D07	1	2668 L IN	2X6X35" (2)	HINGED-DOOR P09	
	D08	1	2668 L	2X6X64 1/4" (2)	POCKET-DOOR P04	
	D10	1	4268	2X10X57" (3)	MULLED UNIT	

WINDOW SCHEDULE								
3D EXTERIOR ELEVATION	NUMBER	QTY	SIZE	HEADER	EGRESS	MANUFACTURER	DESCRIPTION	
	W01	1	3030AW	2X10X43" (3)			SINGLE AWNING	
	W03	5	6242	2X10X81" (3)			MULLED UNIT	
	W04	1	5030AW	2X10X67" (3)			SINGLE AWNING	

CABINET SCHEDULE										
3D ELEVATION	NUMBER	LABEL	QTY	FLOOR	WIDTH	DEPTH	HEIGHT	DESCRIPTION	MANUFACTURER	
	C01	4DB182134	2	1	18 "	21 "	34 "	BASE CABINET		
	C02	B18L	1	1	18 "	24 "	36 "	BASE CABINET		
	C04	OTC302490	1	1	30 "	24 "	90 "	UTILITY CABINET		
	C05	RB30	1	1	30 "	24 "	36 "	BASE CABINET		
	C06	SB422134	1	1	42 "	21 "	34 "	BASE CABINET		
	C07	SB36	1	1	36 "	24 "	36 "	BASE CABINET		
	C08	SB482134	1	1	48 "	21 "	34 "	BASE CABINET		
	C09	W1236R	1	1	12 "	12 "	36 "	WALL CABINET		
	C10	W361918	1	1	36 "	18 "	19 "	WALL CABINET		
	C11	B30	1	1	30 "	24 "	36 "	BASE CABINET		
	C12	DCW2436L	1	1	24 "	24 "	36 "	CORNER WALL CABINET		
	C13	B36	2	1	36 "	24 "	36 "	BASE CABINET		
	C14	W2436L	1	1	24 "	12 "	36 "	WALL CABINET		
	C16	W3036	2	1	30 "	12 "	36 "	WALL CABINET		
	C20	LCB36R	1	1	36 "	36 "	36 "	CORNER BASE CABINET		

REVISION TABLE		NUMBER	DESCRIPTION	DATE	REVISED BY
1	DRAFT			5/16/21	AA

Owner: Ray Ladebush
Project: New Garage Construction
Location: 32 Columbus Avenue
Dover, NH 03820

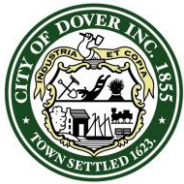
DATE:

9/2/2022

SCALE:

1/2" = 1'-0"

SHEET:



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, December 15, 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 a two-family dwelling (duplex), 4' from the rear setback, where 30' is required

UNITS PROPOSED: One (1) Two-family residence (duplex)

AGENDA ITEM #: 3-B

ZONING DISTRICT: R-12

FILE: Z22-13

APPLICANT/OWNER: Golden Oaks Development, LLC

LOCATION: 3 Arcola Street (Tax Map 33, Lot 114)

ACREAGE: 0.57 ± ac / 24,829 ± sq ft

EXISTING LAND USE: Single family residence (recently demolished)

PROPOSED LAND USE: Duplex

SURROUNDING LAND USE:
Residential

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: No

ATTACHMENTS: Application, Narrative, Foundation Location Plan

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

BACKGROUND INFORMATION

The property subject to this variance request is located on the northeast side of Arcola Street, which stems north off of Fourth Street. Previously, a legal non-conforming single-family dwelling built in 1900 existed on the lot; this structure has since been demolished.

The proposed duplex would be located on the eastern portion of the property, avoiding the delineated wetlands and the associated 50' buffer. The previous house was 3' from the rear property line, and the proposed duplex would be 4' from the rear property line and otherwise within the building setback envelope as prescribed by the R-12 district (*see* provided Foundation Location Plan).

REASON FOR RECOMMENDATION

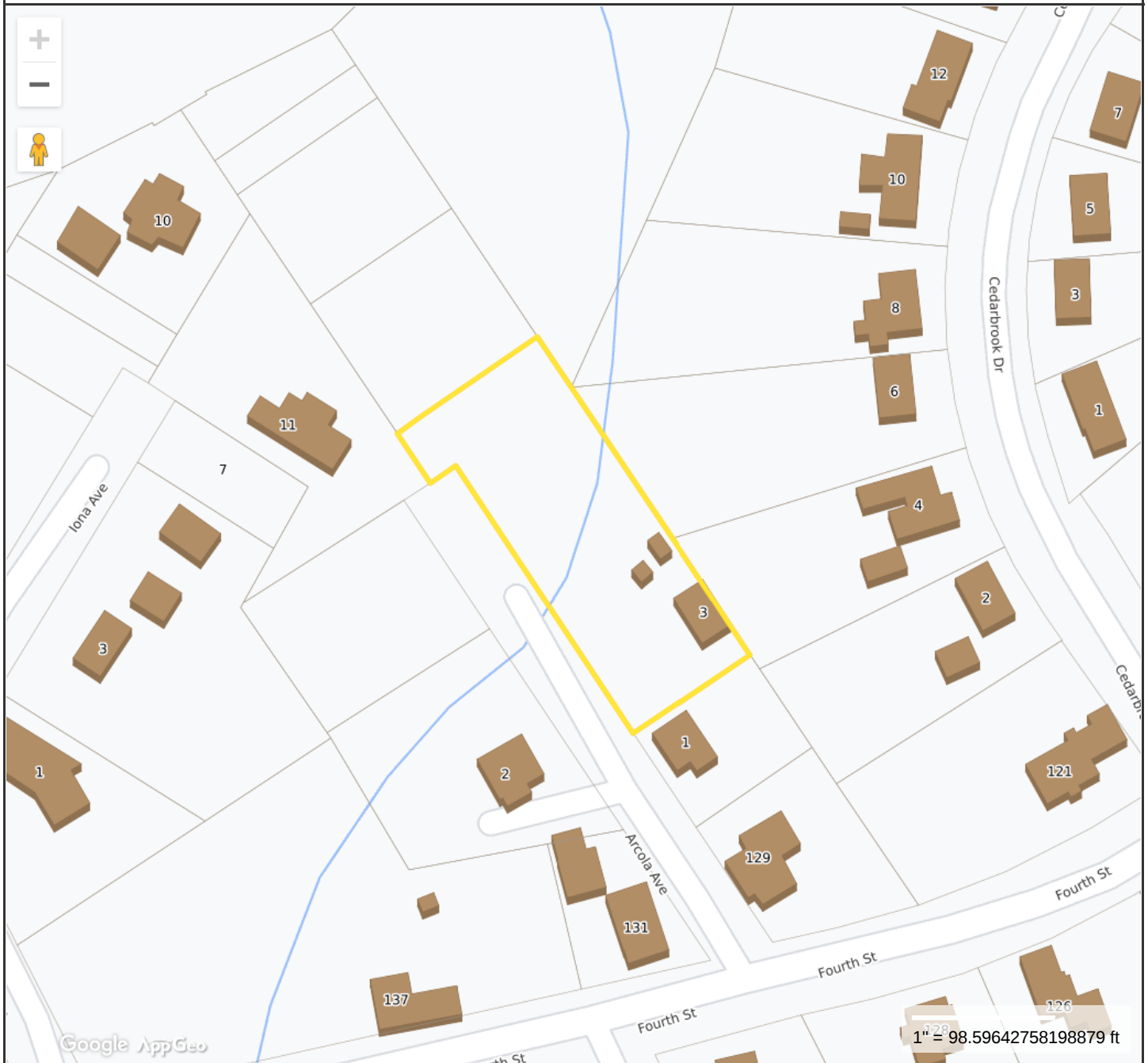
The subject property has unique characteristics: it is a long, narrow lot; wetlands and the wetland buffer area constitute a substantial portion of the parcel with a riverine of the Cochecho River running directly across it. The proposal is for a new structure, that is slightly more in adherence to the required rear setback distance (by 1 foot), and it will be positioned entirely outside of the designated wetland area.

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 rear setback, with no further encroachment granted without a new application

**Property Information**

Property ID 33114-000000
Location 3 ARCOLA ST
Owner GOLDEN OAK DEVELOPMENT 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.

Z22-13/ZONE-2022-0010

3 Arcola Street

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
32039-A00000	121 FOURTH ST	KRAUSE KAREN		121 FOURTH ST	DOVER	NH	03820
32039-B00000	FOURTH ST	CITY OF DOVER		288 CENTRAL AVE	DOVER	NH	03820
32040-000000	2 CEDARBROOK DR	THURLOW ANNIE M TRUSTEE	THURLOW ANNIE M TRUST	2 CEDARBROOK DRIVE	DOVER	NH	03820
32041-000000	4 CEDARBROOK DR	MAYHEW MIRIAM FAMILY TRUST	MAYHEW MIRIAM TRUSTEE	4 CEDARBROOK DR	DOVER	NH	03820
32042-000000	6 CEDARBROOK DR	MANTOS TRACY L		6 CEDARBROOK DR	DOVER	NH	03820
32043-000000	8 CEDARBROOK DR	MILLER JACQUELINE A		5200 28TH ST NO LOT 656	ST PETERSBURG	FL	33714
32044-000000	10 CEDARBROOK DR	MCKENZIE LUCIA M	MCKENZIE JAMES P	PO BOX 1244	DOVER	NH	03821-1244
33094-000000	4 IONA AV	ENGELMAN PETER &	ENGELMAN RACHEL	4 IONA AV	DOVER	NH	03820
33096-000000	IONA AV	ENGELMAN PETER &	ENGELMAN RACHEL	4 IONA AV	DOVER	NH	03820
33097-000000	IONA AV	ENGELMAN PETER &	ENGELMAN RACHEL	4 IONA AV	DOVER	NH	03820
33098-000000	10 IONA AV	TRASK TOD A		10 IONA AV	DOVER	NH	03820-2916
33100-000000	11 IONA AV	MOORE DAVID JOSEPH &	SANDERS KRISTA MAY	11 IONA AV	DOVER	NH	03820
33101-000000	7 IONA AV	MOORE DAVID JOSEPH &	SANDERS KRISTA MAY	11 IONA AV	DOVER	NH	03820
33102-000000	3 IONA AV	CARIGNAN DAVID B		3 IONA AV	DOVER	NH	03820
33106-000000	137 FOURTH ST	HAWKINS MATTHEW A & ASHLEY TRUSTEES	HAWKINS FAMILY REVOCABLE TRUST	4 ROSS ROAD	ROLLINSFORD	NH	03869
33107-000000	131 FOURTH ST	LEE DAVID &	LEE MARY	131 FOURTH ST	DOVER	NH	03820-2914
33108-000000	2 ARCOLA ST	MONAHAN PATRICK	LECHEVALIER REBECCA	PO BOX 501	MOODY	ME	04054
33109-000000	ARCOLA ST	CITY OF DOVER		CENTRAL AVENUE	DOVER	NH	03820
33111-000000	ARCOLA ST	CITY OF DOVER		CENTRAL AVENUE	DOVER	NH	03820
33112-000000	ARCOLA ST	CITY OF DOVER		CENTRAL AVENUE	DOVER	NH	03820
33113-000000	ARCOLA ST	LEIGHTON DOUGLAS &	LEIGHTON THOMAS JR AND GARY	148 OLD ROCHESTER RD	DOVER	NH	03820
33115-000000	1 ARCOLA ST	REID LYNN MARIE LIFE ESTATE &	BONNEAU JAMES JR AND THOMAS R AND	1 ARCOLA ST	DOVER	NH	03820
33116-000000	129 FOURTH ST	HARTSUYKER LINNEA ALICE &	MILLER SETH BRIAN	129 FOURTH ST	DOVER	NH	03820
33114-000000	3 ARCOLA ST	GOLDEN OAK DEVELOPMENT LLC		35 JENKINS RD	LEE	NH	03861



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Revised June 7, 2022]

Office Use Only	Case #: <u>ZONE-2022-0010</u>	Date Received: <u>RECEIVED Planning Office NOV 28 2022 Dover, New Hampshire</u>
	Amount Paid: \$ _____	Time Received: _____

APPLICANT/ PROPERTY OWNER INFORMATION

APPLICANT: Golden Oaks Development, LLC Phone # 603-560-1812, 603-828-1151

Address of Applicant: 35 Jenkins Ave Lee, NH

E-Mail Address: tabblackbirch@gmail.com, spk18@gmail.com

PROPERTY OWNER (if different from applicant): _____

Address: _____ Phone # _____

E-Mail Address: _____

PROPERTY/ PARCEL INFORMATION

Address: 3 Arcola Street Dover, NH

Brief Directions: From fourth street turn onto Arcola Street, Property is on right at end of road

Zoning District: R-12 Assessor's Map # 33 Lot(s) # 114

TYPE OF APPEAL: (Please check one)

☒ Variance	from Section <u>170-12.B.</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:

To build a duplex residential strucutre where there was historically a single family lot on a 0.57 acre lot in the R-12 zoning district.

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

A variance is requested from Section(s) 170-12.B. of the Zoning Ordinance to permit:
Construction of a duplex home four feet from the rear setback where thirty feet is required by the zoning ordinance. The historically existing structure since was three feet from the rear setback and this duplex home would replace that structure with a four foot rear setback.

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:
The structure that historically existed on this property that was constructed in 1900 had a three-foot rear setback from the property line. This structure was demolished in November of 2022 in conjunction with the permit to construct a new duplex. The new residential structure will provide an improvement to the historic setback going to a four-foot setback. Making a non-conforming use more conforming is in the best interest of the public.
2. Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because:
The intent of lot setbacks in zoning ordinances is to provide adequate space for homes on lots and to avoid congestion. Granting this variance is consistent with the spirit of the ordinance as the rear setback is improved from three feet to four feet. This lot is oversized compared to area properties. The subject lot is 0.57 acres and the abutting properties with residences are much smaller at 0.17 acres, 0.37 acres, 0.33 acres, 0.34 acres, and 0.41 acres (See Exhibit A attached.) Exhibit B depicts the former structure three feet from the rear property line and Exhibit A shows the approximately 90' distance between the former structure and the existing home and garage at 4 Cedarbrook Drive. Additionally, this parcel is at the end of a dead-end street and is naturally buffered in the rear by a ravine and wetland system. These conditions of the parcel ensure that the spirit of the setback ordinance is met.
3. Granting the variance would do substantial justice because:
Substantial justice would be done by granting the variance because it would allow an improvement to the historical non-conforming structure, allow a new duplex residential structure to be built in the medium density area with water and sewer where density is encouraged and duplex structures are allowed, and would allow the lot to be developed in a beneficial way meeting all other setbacks and zoning requirements. This would help to provide housing which is in a critical shortage in Dover and surrounding areas in a location that supports higher density development with water and sewer on a lot that is oversized. Diversity in housing allows the community to flourish which does substantial justice.

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

This new duplex structure will provide substantially increased curb appeal over the previous structure, landscaping and screening measures, and a positive use for the land at the end of the dead-end street. This property has unique features like the topography, the brook in the rear of the property, and is the last home at the end of a dead-end street with no houses to the rear of the proposed structure. New construction in this location will provide a sense of renewed community and will increase desirability, so surrounding property values will not be diminished.

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:

This property is distinct from surrounding properties due to the size of the lot being 150% larger than most surrounding properties, being at the end of the dead-end road, having unique topography due to a ravine at the end of the property, and due to the historically existing non-conforming structure built in 1900 with the three-foot rear setback. These criteria make the parcel unique and distinguish it from other surrounding properties.

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:

Requiring the proposed duplex to adhere to the required 30 foot setback does not serve the general purposes of this dimensional requirement in this zone for this specific property. Zoning setbacks are established to assure appropriate spacing between abutting structures. As explained above and shown on Exhibit A, constructing the new duplex four feet from the rear property boundary pursuant to a variance will have no practical effect of encroachment upon other properties or structures to the rear of the subject property line. The ravine and stream make impossible the location the structure on this lot in any other way. Requiring compliance with the 30 foot setback, then, would merely be a technical matter, having no fair and substantial relationship to the purpose of zoning setback spacing in its application to this property. Granting the variance decreases the previously existing nonconformity; the former structure was only three feet from the property line.

and

(iii) The proposed use is a reasonable one because: The use is a reasonable one because this building will provide a great improvement to the setback on the parcel and the new structures will add an appealing housing replacement to the neighborhood. The parcel has town water and sewer, is at the end of the dead-end street, and has natural screening due to the wetland system and topography in the rear of the parcel. Developing the parcel with this duplex is a reasonable use as it is an allowed use in a medium density area on a lot that is larger than many surrounding parcels.

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:

SIGNATURE PAGE

THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

I, the undersigned Applicant, hereby certify that the information contained within this Application is complete and accurate, and I acknowledge that I have read and understand the Application Instructions, which are set forth on the first two pages of this Application form.

IMPORTANT

PROPERTY IDENTIFICATION SIGN
MUST BE POSTED ON THE PROPERTY
FOR THE 5 DAYS PRIOR TO HEARING.
FAILURE TO POST MAY RESULT IN
APPLICATION NOT BEING ACCEPTED.



Signature of Applicant*



Signature of Owner*

* Both Signatures Required

AUTHORIZATION TO ENTER SUBJECT PROPERTY

I, and my successors, hereby authorize members of the Dover Zoning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner: 

Date: 11-26-22

