



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.

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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.