

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, January 19, 2023**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. APPROVAL OF MEETING MINUTES OF DECEMBER 15, 2022

3. ELECTION OF OFFICERS

4. HEARINGS

- A. *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 the 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. *Continued from December 15, 2022 meeting.
- B. *Z22-14/ZONE-2022-0011 Owner: AD Dover, LLC, 9 Innovation Way (Tax Map D, Lot 11-10), located in the Innovative Technology (IT) Zoning District request an Equitable Waiver of Dimensional Requirements from **Section 170-12.B. of the Zoning Ordinance** to allow for approval of a structure located approximately 49.7' from the front property lines, where 50' is required.

5. OTHER BUSINESS

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

1. ATTENDANCE

Members Present: Chris Prior (Chair), Anthony Sillitta, Nick Couturier, Rich Onufry (Alternate), Sarah Tatarczuk (Alternate)

Members Absent (Excused): Otis Perry (Vice Chair), George Reagan, Casey Conley (Alternate)

Members Absent (Unexcused): None

Staff Present: Natasha Kypfer (Zoning Administrator/Assistant City Planner), Donna Benton (Director of Planning and Community Development)

The Chair called the meeting to order at 7 PM.

2. APPROVAL OF MEETING MINUTES OF OCTOBER 20, 2022

Motion: Couturier moved to approve the minutes of October 20, 2022 as submitted. Seconded by Onufry.

Vote: All in favor with Tatarczuk abstaining.

The Chair explained the ZBA meeting and hearing process.

3. HEARINGS

- A. Z22-12/ZONE-2022-0009 Owner Raymond Ladebush, Columbus Avenue, (Tax Map G, Lot 24-J-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.

Ray Ladebush, 32 Columbus Avenue, presented the case and reviewed the need for the Variance, reviewing the five criteria as detailed in their submitted narrative and application.

Public Comment:

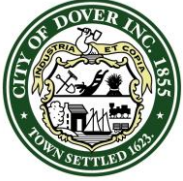
Brandon Ladebush, 32 Columbus Avenue, noted his support for the variance; he is planning to move into the proposed dwelling.

Planning Department recommendation: Zoning Administrator Kypfer noted staff takes no position and does not support or oppose the granting of the Variance request. The proposal places the home in a similar location as its neighbors on the eastern side of the road. The building permit was issued in error, which led to the project starting, resulting in a stop work order. 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.

Public Hearing was closed.

The Chair noted this is a classic example of why a request for variance should be granted, stating that the five criteria appear to be met.

Motion: Couturier moved to GRANT the Variance based upon the representations made by the applicant and the testimony provided. Onufry seconded. Vote: U/A



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
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Meeting Date: Thursday, December 15, 2022
Meeting Time: 7:00 pm

- 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.

The applicant has requested a continuance to the next regular ZBA meeting, on January 19, 2023.

Motion: Sillitta moved to continue the case to the January 19, 2023 meeting. Tatarczuk seconded. Vote: U/A

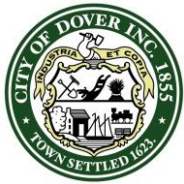
4. OTHER BUSINESS

D. Benton provided some announcements to the board:

- Thanked the board for their service
- Land use meet and greet – scheduled for January 10th
- Vision chapter of master plan work is under way

5. ADJOURN

Motion: Sillitta moved to adjourn at 7:17 pm. Couturier seconded. Vote: 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:	January 19, 2023
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 #: 4-A

ZONING DISTRICT: R-12

FILE: Z22-13 / ZONE-2022-0010

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

This item was intended to be heard at the ZBA meeting on December 15, 2022, however, the Board moved to continue the application to the next regular meeting (tonight's hearing) at the applicant's request.

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.

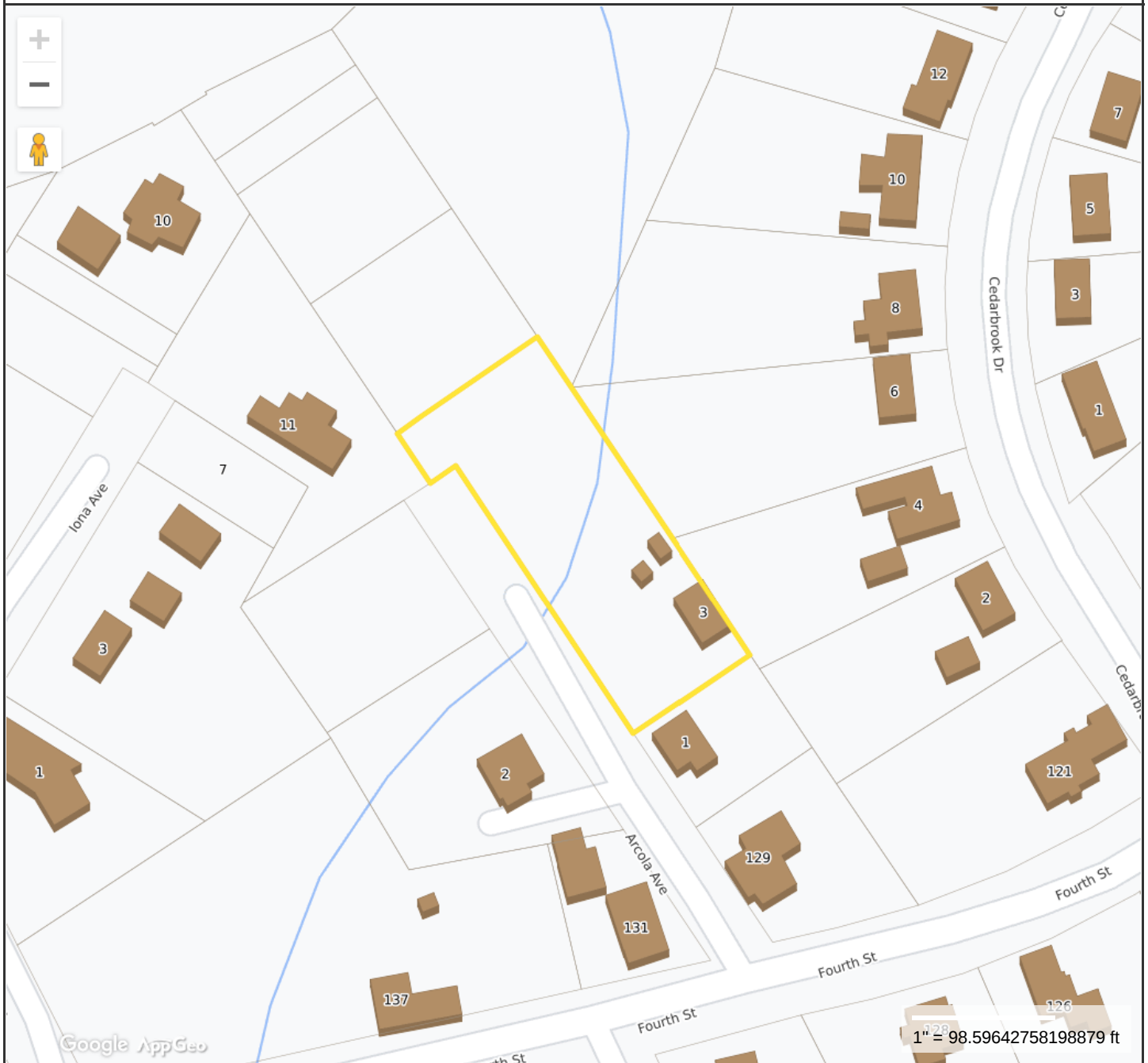
Furthermore, Staff believes the intent of the R-12 footnote [7] is met with the revised renderings, meaning that the duplex structure meets the requirement that it be designed to look like a single-family dwelling. Staff encourages further visual buffer in the form of landscaping and/or fencing along Arcola be added, but that is not within the purview of this Board.

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:	RECEIVED Planning Office
	Amount Paid:	\$ _____	Time Received:	NOV 28 2022 Dover, New Hampshire

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

FOUNDATION LOCATION PLAN

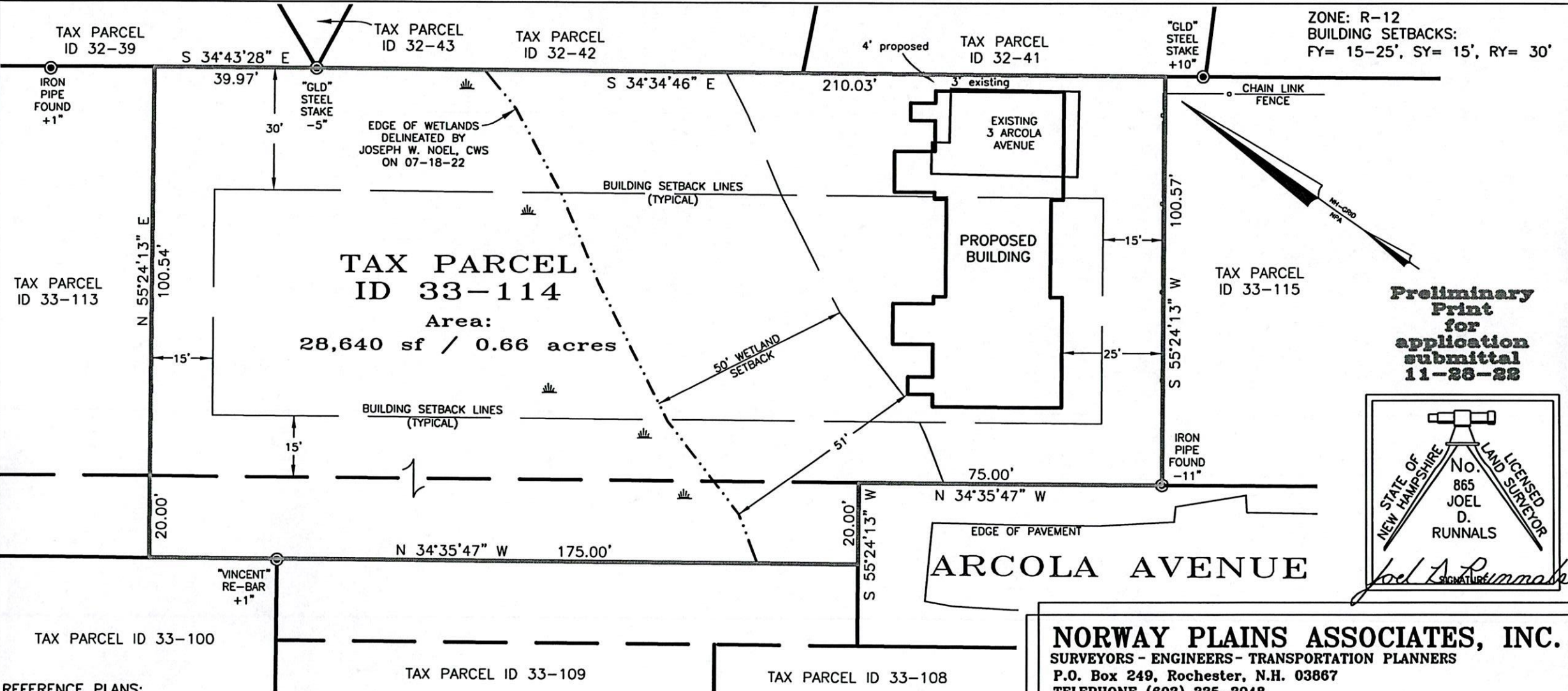
NOT FOR MORTGAGE LOAN PURPOSES

LOCATION: 3 ARCOLA STREET, DOVER, NH

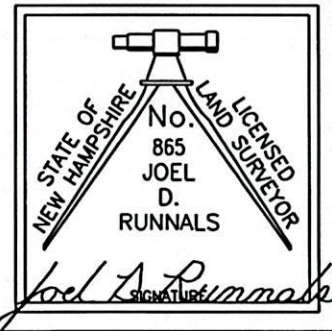
OWNER OF RECORD: OLIVINE T. SANTOS

S.C.R.D. BOOK 408, PAGE 400

TAX PARCEL ID 33-114



**Preliminary
Print
for
application
submittal
11-28-22**



NORWAY PLAINS ASSOCIATES, INC.

SURVEYORS - ENGINEERS - TRANSPORTATION PLANNERS

P.O. Box 249, Rochester, N.H. 03867

TELEPHONE (603) 335-3948

FN: 305

JN: 22174

DWG: 22174-LDD\FL-1

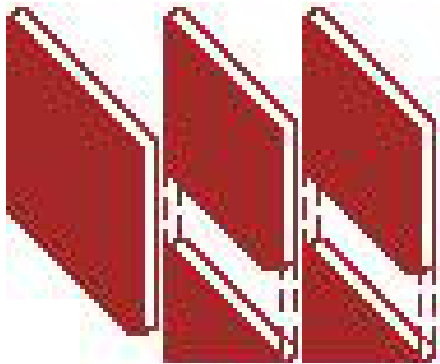
DATE: 11-16-22

SCALE: 1" = 30'

REFERENCE PLANS:
S.C.R.D. PLAN 117-8
S.C.R.D. PLAN 71-8
S.C.R.D. POCKET 6, FOLDER 2, PLAN 37
S.C.R.D. POCKET 4, FOLDER 2, PLAN 15



3D's ARE FOR ILLUSTRATION PURPOSES ONLY AND MAY SHOW OPTIONAL OR SITE BUILT ITEMS. THEY ARE AN ARTISTIC INTERPRETATION OF THE GENERAL APPEARANCE AND NOT MEANT TO BE AN EXACT RENDITION. PLEASE REFER TO BUILDER CONTRACTS FOR PRODUCTS INCLUDED.



WESTCHESTER MODULAR HOMES, INC.

AN EMPLOYEE OWNED COMPANY

30 REAGANS MILL RD. WINGDALE, NY 12594

Tel (845)832-9400 Fax (845)832-6698

www.westchestermodular.com

THIRD PARTY INSPECTION AGENCY		PE/RA	
SERIAL No		PRODUCTION No	
REVISION		DATE	
HOME OWNER		SPEC	
STEVE KNIAZ		3 ARCOLA ST DOVER, NH	
BUILDER		RICHMOND COLONIAL	
USE GROUP R3		DESIGNER DWW	
CONST TYPE WOOD FRAME (VB)		DATE 12/17/2022	
SCALE AS NOTED		PAGE 1	
WESTCHESTER MODULAR HOMES INC. 30 REAGANS MILL RD. WINGDALE, NY 12594 Tel (845)832-9400 Fax (845)832-6698			



FRONT ELEVATION
SCALE: 3/16" = 1'0"



REAR ELEVATION
SCALE: 1/8" = 1'0"



UNIT 1

UNIT 2

RIGHT ELEVATION
SCALE: 1/8" = 1'0"



UNIT 2

UNIT 1

LEFT ELEVATION
SCALE: 1/8" = 1'0"

THIRD PARTY INSPECTION AGENCY

PE/RA

SERIAL No

PRODUCTION No

REVISION

DATE

HOME OWNER

SPEC

3 ARCOLA ST
DOVER, NH

SITE

BUILDER
STEVE KNIAZ

USE GROUP
R3

CONST TYPE
WOOD
FRAME (VB)

DESIGNER
DWM

DATE
12/17/2022

SCALE
AS NOTED

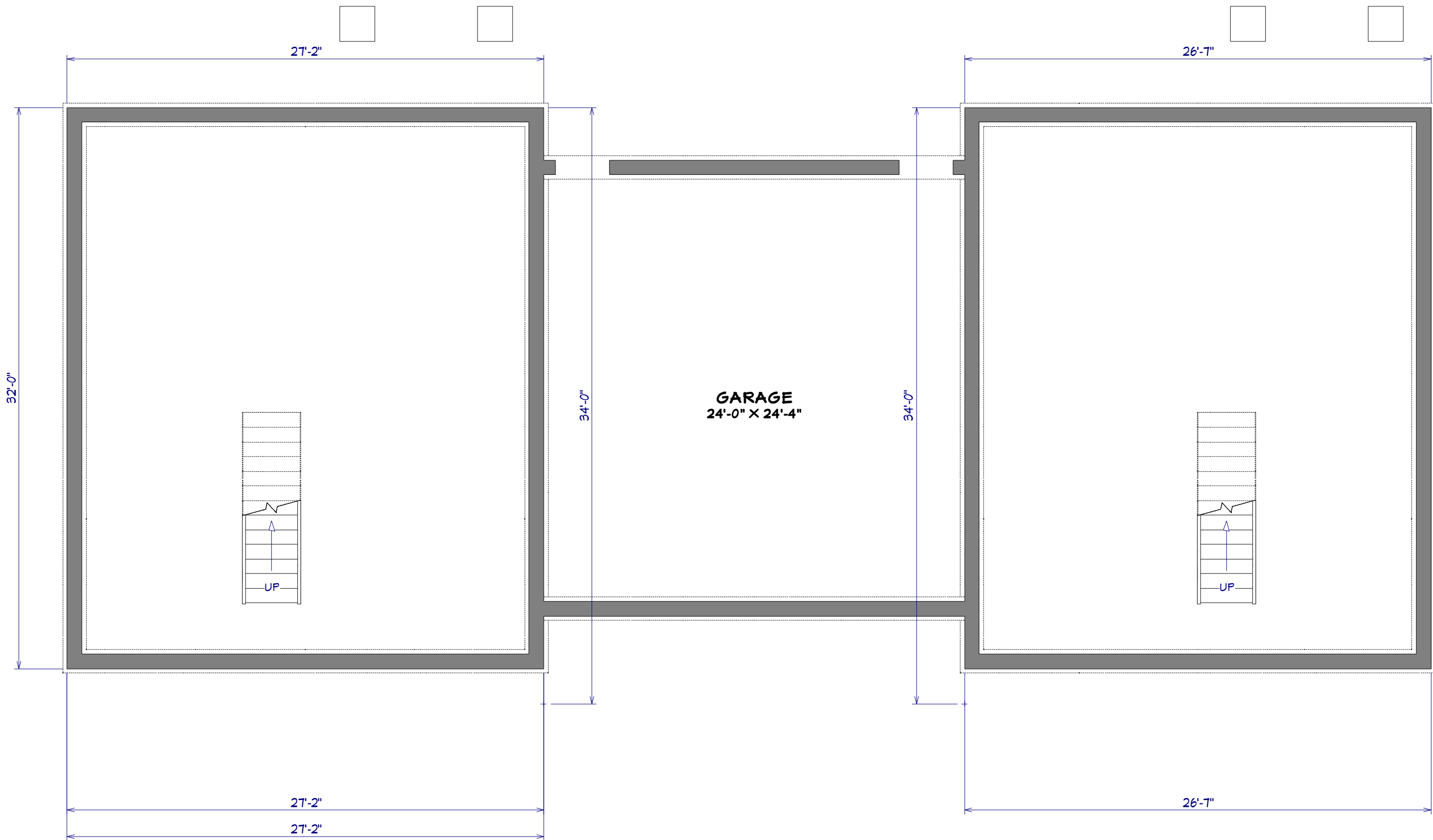
PAGE:

**RICHMOND COLONIAL
ELEVATIONS**

WESTCHESTER MODULAR HOMES INC.
30 REAGANS MILL RD. WINGDALE, NY 12594
Tel (845)832-9400 Fax (845)832-6698



PRELIMINARY ONLY- NOT FOR CONSTRUCTION



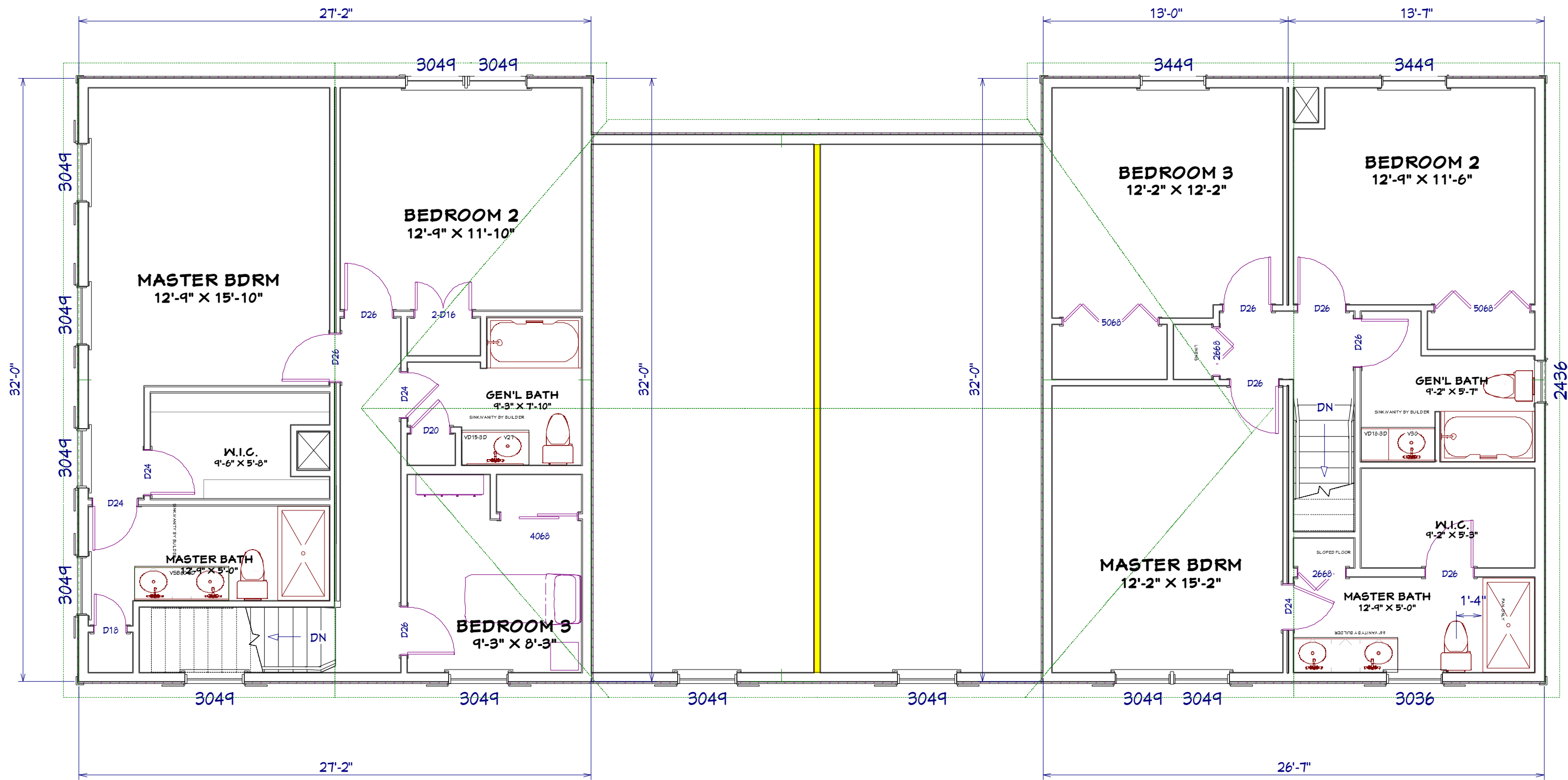
- FOUNDATION NOTES:
- 1) THE FOUNDATION PLAN IS PROVIDED FOR FOUNDATION DESIGN PARAMETERS ONLY. COMPLETE FOUNDATION ENGINEERING BASED ON SPECIFIC SITE CONDITIONS, APPLICABLE LOCAL AND STATE CODES, TO BE REVIEWED AND APPROVED BY A REGISTERED ARCHITECT OR ENGINEER IN THE STATE OF HOUSE DESIGNATION.
 - 2) THE BUILDER/PURCHASER SHALL BE RESPONSIBLE FOR DESIGN, CONSTRUCTION AND CODE COMPLIANCE OF ALL FOUNDATION ELEMENTS INCLUDING (BUT NOT LIMITED TO) STRUCTURAL, PLUMBING, ELECTRICAL, HEATING, ENERGY CONSERVATION AND FIRE SEPARATION.
 - 3) MINIMUM COLUMN FOOTING SIZE SHALL BE 2'-6" x 2'-6" x 10" DEEP.
 - 4) CONCRETE STRENGTH TO BE A MINIMUM 3000 PSI.
 - 5) LALLY COLUMN SHALL BE MINIMUM 3 1/2"Ø STEEL PIPE.
 - 6) FOUNDATION SILL SHALL BE PRESERVATIVE TREATED LUMBER (SUPPLIED AND INSTALLED BY B/P PRIOR TO HOUSE DELIVERY AND SET). THERE SHALL BE NO PROTRUSION ABOVE TOP OF SILL PLATE.

SCALE: 3/16" = 1'0"

USE GROUP		BUILDER	HOME OWNER	SERIAL No	THIRD PARTY INSPECTION AGENCY	
R3		STEVE KNAIZ	SPEC			
CONST TYPE			SITE	PRODUCTION No		
WOOD			3 ARCOLA ST			
FRAME (VB)			DOVER, NH			
DESIGNER		RICHMOND COLONIAL				
DWW		FOUNDATION				
DATE						DATE
12/17/2022						
SCALE						
AS NOTED						
PAGE:		WESTCHESTER MODULAR HOMES INC.				
3		30 REAGANS MILL RD. WINGDALE, NY 12594				
		Tel (845)832-9400 Fax (845)832-6698				



USE GROUP R3	BUILDER STEVE KNAIZ	HOME OWNER SPEC SITE 3 ARCOLA ST DOVER, NH	SERIAL No	PE/RA	THIRD PARTY INSPECTION AGENCY
CONST. TYPE WOOD FRAME (VB)			PRODUCTION No		
DESIGNER DWW			REVISION	DATE	
DATE 12/17/2022					
SCALE AS NOTED					
PAGE: 4	 WESTCHESTER MODULAR HOMES INC. 30 REAGANS MILL RD. WINGDALE, NY 12594 Tel (845)832-9400 Fax (845)832-6698				



UNIT 1

UNIT 2

SCALE: 3/16" = 1'0"

USE GROUP R3		BUILDER STEVE KNIAZ	HOME OWNER SITE SPEC 3 ARCOLA ST DOVER, NH	SERIAL No	THIRD PARTY INSPECTION AGENCY	
CONST. TYPE WOOD FRAME (VB)				PRODUCTION No		
DESIGNER DWW				REVISION	DATE	
DATE 12/17/2022						
SCALE AS NOTED						
PAGE: 5						
		 WESTCHESTER MODULAR HOMES INC. 30 REAGANS MILL RD. WINGDALE, NY 12594 Tel (845)832-9400 Fax (845)832-6698				
		RICHMOND COLONIAL SECOND FLOOR				

To the City of Dover Planning Board,

We are unable to attend the meeting on December 15th. Below are our comments about the proposed variance of 3 Arcola Street.

My husband and I are opposed to granting the variance to the setbacks.

I am a life-long Dover resident and my husband has lived here for seventeen years. We live here, work here, and play here. The current building climate of 'build as much and as big as possible' saddens us. It does not take into account the beauty of living in Dover — our woods, rivers, and open spaces are sorely needed as our town continues to grow. Building up every square inch of usable land is not in the best interest of our town, or the future generations who will inherit it.

The proposal submitted repeatedly refers to the lot as 'oversized'. We realize that the full lot is .57 acres, but, as acknowledged in the proposal, there is a significant ravine and wetland setback. This means that while the full lot might be 'oversized' in comparison with the neighboring lots — the usable, visible, and buildable space of the lot is not any bigger than its neighbors. Building a large structure, perpendicular to the road, and filling the entire buildable land is incongruent with the feel of the neighborhood. Therefore, we feel that granting a variance on the setbacks would allow a structure too large for the buildable area.

The proposal states, in Section B, Number 3 of page 5, that "granting the variance [...] would allow an improvement to the historical non-conforming structure." Greater substantial justice would be done by not granting the variance and keeping the setbacks as they are, thus allowing for a more modest structure on this small, buildable space while still improving on the historical non-conforming structure. Judging from the plans submitted to the City of Dover, it seems that a decent sized single-family dwelling would fit adequately within the lawful setbacks.

In Section B, Number 2 of page 5, the proposal states, "The intent of lot setbacks in zoning ordinances is to provide adequate space for homes on lots and to avoid congestion." Building a duplex on this lot will add to congestion on this small, dead-end street.

If there are any further questions about our comments and opinions about this, we can be reached at r.engelman@doover.nh.gov, 603-988-7331 and pengelman78@gmail.com, 603-395-6142.

Thank you,
Peter and Rachel Engelman
4 Iona Ave

RECEIVED
Planning Office

DEC 14 2022

Dover, New Hampshire

RECEIVED
Planning Office
DEC 29 2022
Dover, New Hampshire

December 24, 2022

Attn: Chris Prior, Chair
Zoning Board of Adjustment
50 Henry Law Ave
Dover NH 03820

cc: Zoning Board of Adjustment
Dover City Hall
288 Central Ave
Dover NH 03820

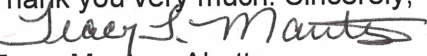
RE: Z22-13/ZONE-2022-0010 Owner Golden Oaks Development, LLC 3 Arcola Street, Tax
Map 33, Lot 114

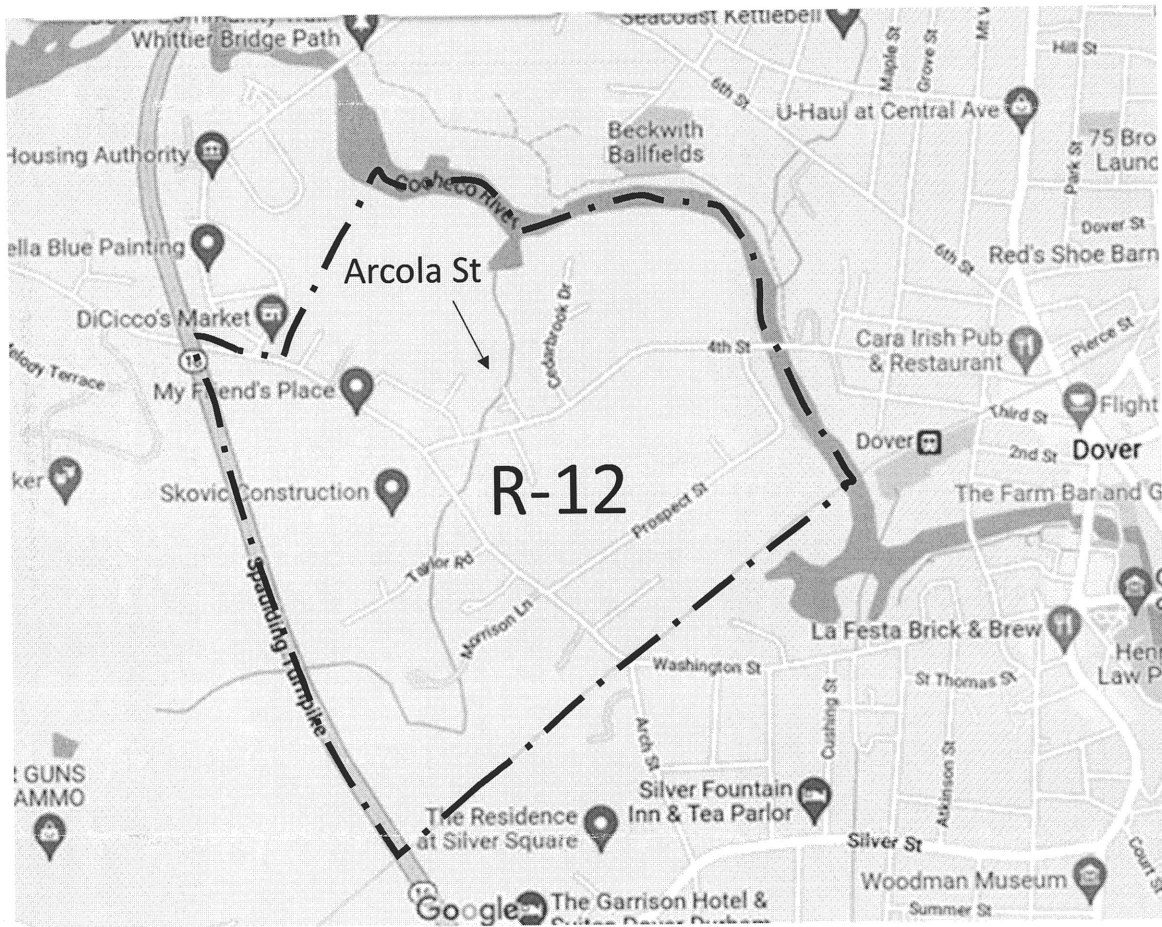
Dear Chris,

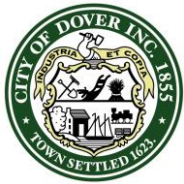
Before our Jan 19 meeting, may I ask that you provide:

- How many years has it been that the Dover code has required 30 feet of rear setback in R-12,?, and,
- during those years, how many variances have been granted within the boundary area shown on the attached map?, and,
- for any variance, what was the justification? Thank you.

Thank you very much. Sincerely,


Tracy Mantos, Abutter
6 Cedarbrook Dr





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:	January 19, 2023
Meeting Time:	7:00 pm

INTENT: The Owners request an Equitable Waiver of Dimensional Requirements from **Section 170-12.B. of the Zoning Ordinance** to allow for approval of a structure, previously constructed, located approximately 49.7' from the front property lines, where 50' is required.

UNITS PROPOSED: N/A

AGENDA ITEM #: 4-B

ZONING DISTRICT: IT

FILE: Z22-14 / ZONE-2022-0011

APPLICANT/OWNER: AD Dover, LLC

LOCATION: 9 Innovation Way (Tax Map D, Lot 11-10)

ACREAGE: 3.30± acres / 143,577± sq ft

EXISTING LAND USE: Light Manufacturing

PROPOSED LAND USE: No change

SURROUNDING LAND USE: Vacant, Residential, Light Manufacturing

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: No

ATTACHMENTS: Application, Narrative, Equitable Waiver Plan

STAFF RECOMMENDATION:
Staff does not support or oppose the request

BACKGROUND INFORMATION

The property subject to this equitable waiver request is located on the north side of Innovation Way, which forks off of Venture Drive, and is within the Enterprise Park business park. American Durafilm, a light manufacturing business, is located in the two-story building on-site, which has a footprint of approximately 15,000 square feet, and whose construction was recently completed in 2022.

The applicants have submitted this request due to the discovery of the encroachment along the front property line, which was only identified at the time of submittal of the completed *as-built plans* to the City, a requirement of the site review application process. The certified Equitable Waiver Plan indicates an encroachment of 0.3 feet (or 3.6 inches, at the max) into the front yard setback.

REASON FOR RECOMMENDATION

The subject property is located at the rear of Enterprise Park, nearly backing up against the Spaulding Turnpike, in other words, this minor encroachment is not easily visible due to its location, nor is the measurement of < 0.3 feet likely distinguishable to the human eye.

STAFF RECOMMENDATION

Staff recommends that the Board open the public hearing, accept testimony, and make findings based on the four criteria within RSA 674:33-a. Staff does not support or oppose the granting of this Equitable Waiver of Dimensional Requirements request.



Property Information Property ID D0011-010000 Location 9 INNOVATION WY Owner AD DOVER LLC Land Use 440 Zoning Code IT	 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 12/16/2022 Data updated Daily	Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.
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Z22-14/ZONE-2022-0011**9 INNOVATION WAY**

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
D0009-A00000	150 VENTURE DR	INDEX PACKAGING INC		1055 WHITE MOUNTAIN HIGHWAY	MILTON	NH	03851
D0009-A00SND	VENTURE DR	INDEX PACKAGING INC		1055 WHITE MOUNTAIN HIGHWAY	MILTON	NH	03851
D0009-A01SND	VENTURE DR	INDEX PACKAGING INC		1055 WHITE MOUNTAIN HIGHWAY	MILTON	NH	03851
D0011-000000	127 VENTURE DR	APW PROPERTIES LLC		127 VENTURE DR	DOVER	NH	03820
D0011-001000	9 VENTURE DR	DOVER BUSINESS & IND DEV AUTHORITY		288 CENTRAL AVE	DOVER	NH	03820
D0011-003000	111 VENTURE DR	MERCHANDISE CENTRAL LLC		111 VENTURE DR	DOVER	NH	03820
D0011-009000	10 INNOVATION WY	HEINE USA		10 INNOVATION WAY	DOVER	NH	03820
D0011-010SND	VENTURE DR	DOVER BUSINESS & IND DEV AUTHORITY		288 CENTRAL AVE	DOVER	NH	03820
D0011-A00000	SANDY LN	150 VENTURE DRIVE LLC		192 DOVER POINT RD	DOVER	NH	03820
D0011-010000	9 INNOVATION WY	AD DOVER LLC		PO BOX 794	DOVER	NH	03821
		CIVILWORKS NEW ENGLAND/HAIGHT ENGINEERING, PLLC		181 WATSON RD	DOVER	NH	03820
		FRANCIS BRUTON	BRUTON & BERUBE, PLLC	601 CENTRAL AVENUE	DOVER	NH	03820



PERMIT SNAPSHOT REPORT ZONE-2022-0011 FOR CITY OF DOVER, N.H.

Permit Type Zoning **Project:** **App Date:** 12/29/2022
Work Class: Equitable Waiver **District:** None **Exp Date:** NOT AVAILABLE
Status: Fees Paid **Square Feet:** 0.00 **Completed:** NOT COMPLETED
Valuation: \$0.00 **Assigned To:** Kypfer, Natasha **Approval**
Expire Date:
Description: Eq. Waiver: The Applicant seeks an equitable waiver to permit a structure to be located within the applicable 50' front yard setback.

Parcel: D0011-010000 Main	Address: 9 Innovation Wy Main Dover, NH	Zone: IT(Non-Residential - Innovative Technolog
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Engineer Stephen J. Haight, P.E. Business: (603) 749-0443	Applicant Mack Hendrick Business: (508) 429-8000	Owner Mack Hendrick Business: (508) 429-8000	Applicant Francis X Bruton 601 Central Ave Dover, NH 03820 Business: (603) 749-4529
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Permit Custom Fields

ZoneEqWvPlanSummarThe Applicant intends to use the property for light industrial manufacturing.	ZoneEqWvAppealArticl 170 e	ZoneEqWvAppealSect 12(B)
ZoneEqWvAppealSect See below. Detail	What is the parcel IT zoned?	ZoneEqWv1DimRequireYes
ZoneEqWv1DimRequireSee attached. Detail	ZoneEqWv2Violation New Discovery	ZoneEqWv2ViolationDeSee attached. tail
ZoneEqWv3Nonconfor See attached. mityImpact	ZoneEqWv4Correction See attached. Cost	

Attachment File Name	Added On	Added By	Attachment Group	Notes
American Durafilm Equitable Waiver Plan (2).pdf	12/29/2022 10:17	Bruton, Francis		Uploaded via CSS
Equitable Waiver Narrative.pdf	12/29/2022 10:17	Bruton, Francis		Uploaded via CSS
Permit Snapshot Report.pdf	12/29/2022 10:17	Service, EnerGov		Attached by IO - ATTACH: Initial Permit Snapshot
Signature_Francis_Bruton_12/29/2022.jpg	12/29/2022 10:17	Bruton, Francis		Uploaded via CSS

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00001983	Planning Zoning Equitable Waiver Application Fee	\$200.00	\$200.00
	Total for Invoice INV-00001983	\$200.00	\$200.00
INV-00002003	Planning Certified Mailing to Abutters	\$48.00	\$48.00
	Planning Creation / Printing of Abutter Labels	\$10.00	\$10.00
	Planning Public Notice in Newspaper	\$100.00	\$100.00
	Planning Certified Mailing to Application Contacts	\$24.00	\$24.00
	Total for Invoice INV-00002003	\$182.00	\$182.00
	Grand Total for Permit	\$382.00	\$382.00

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Planning Permit Application Review v.1	In Review	01/04/2023	01/04/2023		No	No
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Administrator	Planning	Kypfer, Natasha	In Review	01/04/2023	01/04/2023	

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1		01/04/2023 0:00	
Confirm application complete v.1	Generic Action		01/04/2023 10:34

PERMIT SNAPSHOT REPORT (ZONE-2022-0011)

Planning Permit Application Review v.1	Receive Submittal	01/04/2023 0:00
Zoning Board v.1		
Zoning Board Agenda v.1	Task	
Invoice for Notices v.1	Task	
Send Notices v.1	Task	
Zoning Administrator Creates Staff Recommendations v.1	Task	
Distribute Zoning Board Materials v.1	Task	
Zoning Board Hearing v.1	Hold Hearing	
Zoning Board Decision v.1	Permit Activity	
NOD Sent to Applicant v.1	Create Report	
Final Plan v.1		
Plans uploaded to Treeno v.1	Generic Action	
Property Info Group v.1	Generic Action	
Create/Link to Records v.1		
Create / Link to Permit - Building Complex v.1	Create Sub Permit	

**AD DOVER, LLC
Map D, Lot 11-1
9 Innovation Way, Dover, NH**

**APPLICATION FOR
EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS**

1. Does the Request involve a dimension requirement, not a use restriction? Please provide detail.

In this instance, yes, the relief being requested does involve a dimension requirement.

The Waiver is sought with respect to a 50' setback where the building foundation and siding are 49.8 feet from the front yard property line and the siding of the building is set back 49.7 feet, where 50 feet is required.

2. a) Explain how the violation has existed for 10 years or more with no enforcement action, including written notice, being commenced by the City OR b) explain how the nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had been transferred to a bona fide purchaser AND how the violation was not an outcome of ignorance of the law or bad faith but resulted from a legitimate mistake.

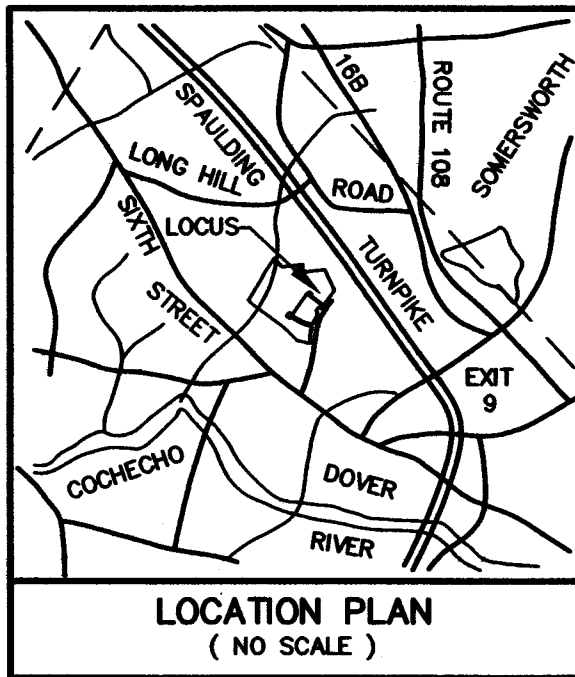
The nonconformity involves a minor encroachment into the 50 foot front yard setback by a portion of the building that was just recently completed. The encroachment is depicted on the plan included herein, and is .3 feet (or 3.6 inches at the max) into the front yard setback. The encroachment was discovered when the property was subject to an as-built plan. The violation was the result of a measurement miscalculation as to the front yard setback as it relates to the foundation and siding of the structure. The builder actually believed in good faith, and intended, that the structure was being constructed outside the front yard setback.

3. Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area.

The nonconformity is very small and does not constitute a nuisance as the foundation of the structure abuts Innovation Way and is located across from the property line of the only affected abutter, Heine USA. Counsel for the Owner and Applicant discussed the relief requested with Heine, USA who provided support and consent to the project and the relief requested herein. As such, the small nonconformity will not result in overcrowding or interference with any abutter's use and enjoyment of their property.

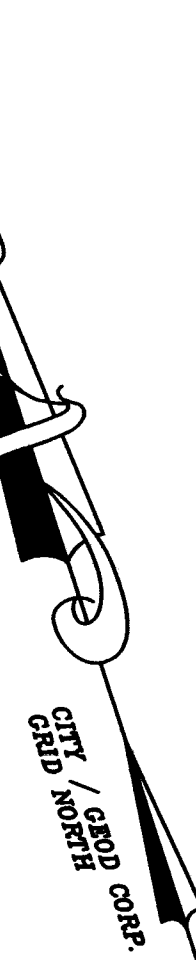
4. Explain how the cost of correction far outweighs any public benefit to be gained.

The cost of correction far outweighs any public benefit as a finished structure is located within the encroachment, in light of the only affected abutter's lack of objection to the relief being requested herein, and, thus, in this instance, there would be no public benefit at all in requiring the structure to be moved.

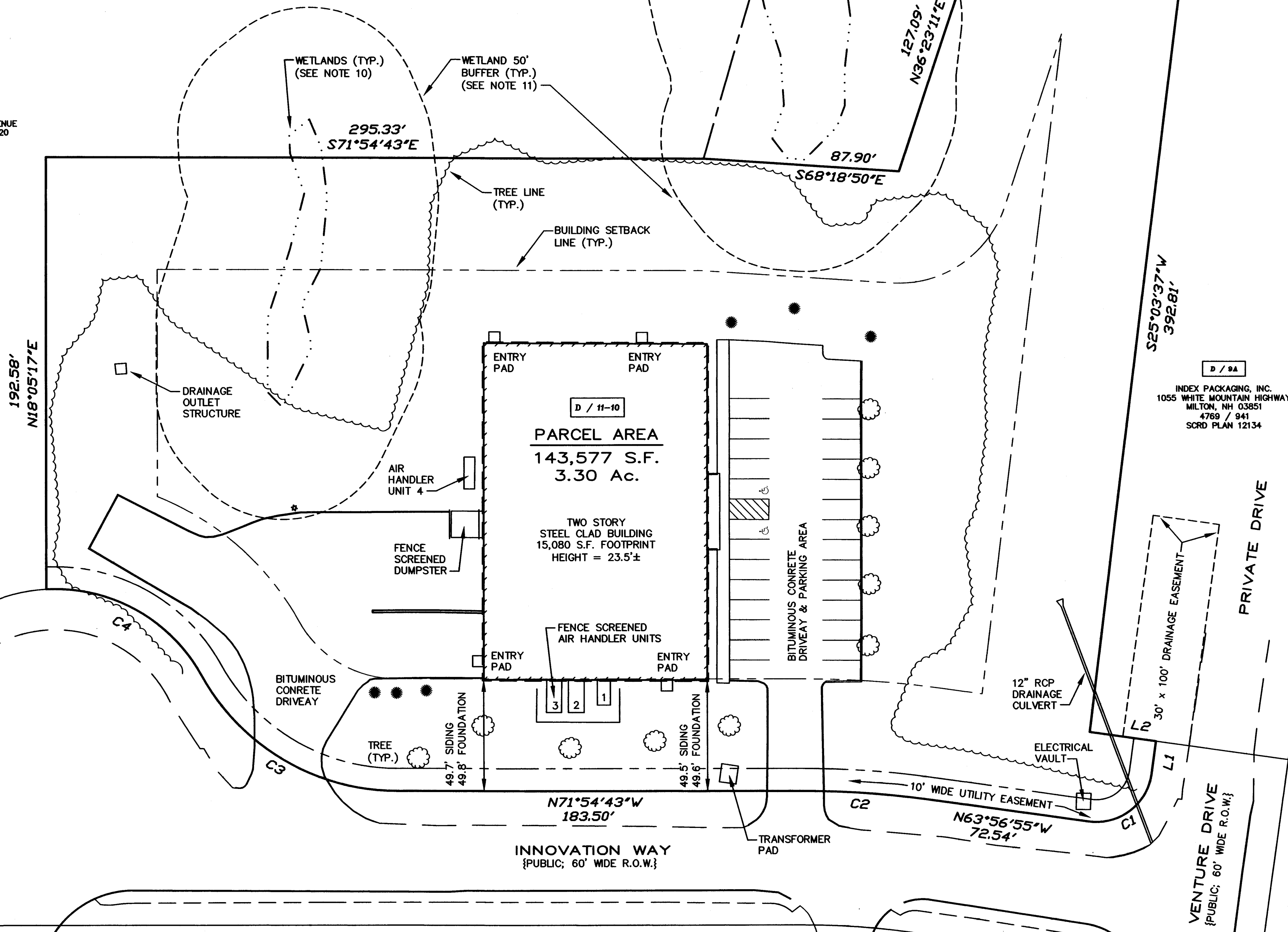


No.	Central Angle	Radius	Arc Length	Chord Length	Chord Bearing
C1	90°00'00"	25.00	39.27	35.36	S71°03'05"W
C2	07°57'48"	400.00	55.59	55.55	N67°55'49"W
C3	60°56'27"	100.00	106.36	101.42	N41°26'30"W
C4	64°03'45"	75.00	83.86	79.56	N43°00'09"W

No.	Bearing	Distance
L1	S26°03'04"W	14.76'
L2	S63°56'56"E	30.00'



D / H-1
DBIDA
288 CENTRAL AVENUE
DOVER, NH 03820
1559 / 394



REFERENCE PLANS:

- AMENDED SUBDIVISION OF LAND PREPARED FOR DOVER BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY TAX MAP D, LOT No. 11-1 VENTURE DRIVE, INNOVATION WAY AND QUALITY WAY CITY OF DOVER COUNTY OF STRAFFORD STATE OF NEW HAMPSHIRE. SCALE: 1" = 100'; DATED: SEPTEMBER 2, 2021, REVISED THROUGH 11/05/21; BY THIS OFFICE. RECORDED S.C.R.D. PLAN 12524.
- SITE PLAN FOR AMERICAN DURAFILM, TAX MAP D, LOT 11-1, INNOVATION WAY, DOVER, NH. DATED: AUGUST 6, 2021, REVISED THROUGH NOVEMBER 12, 2021; BY: CIVILWORKS NEW ENGLAND. DOVER PLANNING FILE P21-49. ON FILE WITH CITY OF DOVER PLANNING OFFICE.

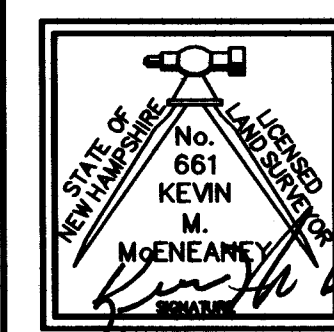
NOTES:

- OWNERS OF RECORD:
AD DOVER, LLC
P.O. Box 794
DOVER, NEW HAMPSHIRE 03821
S.C.R.D. VOL. 4977, PAGE 347
- D / H-10 - DENOTES TAX MAP AND PARCEL NUMBER.
- PLAN INTENT: TO SHOW THE LOCATION OF THE BUILDING AS CONSTRUCTED AS IT RELATES TO THE FRONT PROPERTY LINE.
- PARCEL AREA: 143,577 S.F. / 3.30 Ac.
- ZONING DISTRICT IS INNOVATIVE TECHNOLOGY (IT)
DIMENSIONAL REQUIREMENTS:
MINIMUM LOT SIZE = 2 ACRES
MINIMUM LOT COVERAGE = 33 PERCENT
MINIMUM FRONTAGE = 200 FEET
BUILDING SETBACK REQUIREMENTS:
FRONT SETBACK = 50 FEET
SIDE SETBACK = 50 FEET
REAR SETBACK = 50 FEET
MAXIMUM BUILDING HEIGHT = 55 FEET MAXIMUM
- THE SUBJECT PARCEL IS LOCATED OUTSIDE OF THE 0.2 PERCENT ANNUAL CHANCE FLOODPLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY NUMBER 330145; PANEL 0310; SUFFIX E; MAP NUMBER 33017C0310E; EFFECTIVE DATE SEPTEMBER 30, 2015.
- BASIS OF BEARING IS THE CITY OF DOVER / GEOD CORP. GRID PER REFERENCE PLAN No. 1.
- PROPERTY LINE INFORMATION HAS BEEN OBTAINED FROM A SURVEY PERFORMED BY MCNEANEY SURVEY ASSOCIATES OF NEW ENGLAND DURING JANUARY 2021 WITH AN ERROR NOT GREATER THAN 1 IN 10,000
- THE PARCELS ARE SUBJECT TO A DOVER CONSERVATION OVERRIDING DISTRICT, 170-27B(2), AREAS WITHIN FIFTY (50) FEET OF A FRESHWATER BROOK.
- WETLANDS SHOWN WERE DELINEATED BY DAMON E. BURT, N.H.C.W.S. #163 OF FRAGGLE ROCK ENVIRONMENTAL SERVICES DURING MARCH 2021 IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL AND LOCATED BY THIS OFFICE.
- REFERENCE IS MADE TO CITY OF DOVER, DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT, FILE P22-06, WETLAND PROTECTION DISTRICT CONDITIONAL USE PERMIT, APPROVED FEBRUARY 22, 2022.

D / H
APW PROPERTIES, LLC
127 VENTURE DRIVE
DOVER, NH 03820
3984 / 847
SCRD PLANS 45-32, 39-91+92

EQUITABLE WAIVER PLAN
PREPARED FOR
AD DOVER, LLC
TAX MAP D, LOT No. 11-10
9 INNOVATION WAY
CITY OF DOVER
COUNTY OF STRAFFORD
STATE OF NEW HAMPSHIRE

DOVER PLANNING FILE No. P 23-
DRAWN BY: RJM FILE: 2334\DWGS\22-2334 ER
SCALE: 1" = 30' DATE: DECEMBER 21, 2022



McNeaney
Survey
Associates
of NEW ENGLAND

P.O. Box 681 - 24 CHESTNUT STREET
DOVER, NH 03820 (603) 742-0911

SURVEYING - PLANNING - CONSULTING

NO.	DATE	DESCRIPTION	BY	CHK
REVISIONS				
21-2334	EQ WAIVER	21-01	11-19	
PROJECT NO	TYPE	FIELDBOOK & PAGES		

D / H-9
HEINE USA
10 INNOVATION WAY
DOVER, NH 03820
3410 / 510
SCRD PLAN 86-73