



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, February 16, 2023
Meeting Time: 7:00 pm

1. ATTENDANCE

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

Members Absent (Excused): George Reagan

Members Absent (Unexcused): Casey Conley (Alternate)

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

The Chair called the meeting to order at 7 PM and noted Tatarczuk will be the fifth voting member tonight.

2. APPROVAL OF MEETING MINUTES OF JANUARY 19, 2023

Motion: Couturier moved to approve the minutes of January 19, 2023. Seconded by Onufry. Vote: U/A with Perry abstaining

The Chair explained the hearing process.

3. HEARINGS

- A.** Z23-02/ZONE-2023-0003 Owner: Nicole A. S. & James M. White, Trustees of the Nicole and James Revocable Trust, 10 Birchwood Place (Tax Map 17, Lot 65-B), located in the Medium-Density Residential (R-12) Zoning District requests a Variance of the dimensional requirements from Section 170-12.B. of the Zoning Ordinance to allow construction of a new garage 5' from the side property line, where 10' is required

James White, representing 10 Birchwood Place presented the case and reviewed their need for the Variance request. There is about 40' of woods between the proposed garage and the nearest neighbor's landscaped area. A proper survey will be done prior to building.

The Chair noted the applicant's reasons they meet the five criteria are provided within the application and listed them: Waiving the terms of the Variance request would not be contrary to public interest; deviation from the strict requirements of the Ordinance is still consistent with the spirit of the Ordinance; granting the Variance would do substantial justice to allow for the appropriate parking and storing of vehicles on site; the construction of the garage is not likely to diminish the value of abutting properties; and, the literal enforcement of the provisions would result in an unnecessary hardship, as the location selected is the logical placement for the structure on the parcel.

The applicant clarified the driveway and current parking situation for the board members, based on a question from Vice Chair Perry.

Public Hearing opened. Public Comment: None

PLANNING DEPARTMENT RECOMMENDATION: The subject property has unique characteristics: it is a long, narrow lot with an existing driveway that leads to the location where the proposed garage is planned to be placed. As part of their application, the property owners supplied a petition signed by four different abutters, all in support of their Variance application.

Zoning Administrator Kypfer noted 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 side property line, with no further encroachment granted without a new application.



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Public Hearing closed.

Motion: Onufry moved to GRANT the Variance with the staff recommended condition based upon the representations made by the applicant and the testimony provided. Sillitta seconded. Vote: U/A

4. OTHER BUSINESS

None

5. ADJOURN

Motion: Perry moved to adjourn at 7:11pm. Sillitta seconded. Vote: U/A