

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 17, 2024
Meeting Time: 7:00 pm

1. ATTENDANCE

Members Present: Chris Prior (Chair), Rich Onufry, and Jackson Brown (Alternate)

Members Absent (Excused): Anthony Sillitta (Vice Chair), George Reagan (Alternate), Nicholas Couturier

Members Absent (Unexcused):

Staff Present: Paul R. Crouser (Zoning Administrator)

The Chair called the meeting to order at 7PM

2. APPROVAL OF MEETING MINUTES OF SEPTEMBER 10, 2024 AND SEPTEMBER 19, 2024

Motion: Brown to approve the minutes of September 10 and 19, 2024 as submitted. Seconded by Onufry. Vote: All in favor

The Chair noted only three members of the board are present, which is a quorum, but applicants will be given the opportunity to move forward with their hearing tonight or postpone for another date. All three members will need to vote in favor for a hearing item to pass. In the event of a denial, the applicant cannot use the fact that there wasn't a full board present as reason for rehearing.

3. HEARINGS

- A. * ZONE- 2024-0039** Applicant: Summit Land Development, 15 Durham Road, Tax Map H, Lot 11-2, located in the Gateway District (G), requests a Variance from Section 170-12, to allow for a monument sign in excess of the Gateway District's sign area maximum of 24 s.f.

John Sullivan represented and presented the application. He described the building, the zone and the variance request due to the distance of the building from the road. He highlighted the variance criteria which was submitted in writing.

The applicant was fine with the conditions submitted by staff.

Public Hearing opened

John Donais, 16 Durham Rd (abutter) expressed concerns about the building that was put in due to the noise. He asked if the sign will be illuminated, how much noise will there continue to be and if additional ledge will need to be broken down and taken away. He is not in favor of any additional ledge break-up or construction noise.

Mr. Sullivan noted the applicant is up for feedback on the type of lighting- whether it be uplit or downlit and if it should correspond with hours of operation.

P. Crouser noted there are lighting regulations built into the sign ordinance that regulate the brightness allowed. He noted the plans describe some dimensions, but the exact signage square footage is not given. That will come with the sign permit. He also noted the sign has to meet setback regulations.



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 17, 2024**
Meeting Time: **7:00 pm**

Planning Department input: Staff supports this variance request, as a nearly identical sign permit application was submitted, and later approved, for 10-14 Central Ave in March of 2019. At that time, zoning regulations were such that business in the then B-5 Zoning District (now Gateway District) were allotted 1 s.f. of signage area per every linear foot of building frontage. The referenced permit, approved March 19, 2019, approved an 80 s.f. monument sign given the businesses' joint calculated building frontage of 105'.

Should the Board approve this variance request, Staff encourages the implementation of the following conditions:

1. Per the property's site plan approved stamped by the Dover Planning Board on 3/23/23, the property's building frontage is ± 146.00 s.f. As such, the combined signage area for the property shall never exceed that of the building's frontage, which is 146 s.f.; and
2. Any tenant seeking signage within the approved monument sign shall be required to submit separate sign permits to the City.

The applicant addressed the land on site for the board noting the ledge is in the back and the sign and stone will be hand-dug.

Public Hearing closed

The Chair noted based on the testimony, application submitted, and staff comments and conditions which were agreed upon by the applicant, this is a unique property and this is an improvement to health and welfare and he would support it.

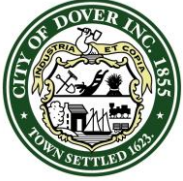
Motion: Onufry moved to approve the variance request with the conditions put forth by staff as it meets the criteria. Brown seconded. Vote: U/A

B. *Rehearing of ZONE-2024-0035R Applicant: Applicant: 17-19 Summer Street Properties, LLC, Locust Street, Tax Map 12, Lot 35-1, located in the Heritage Residential District (HR), requests a Variance from Section 170-12, HR District 3-4 Family Dwelling Creation/Conversion CUP criterion C, where parking lots are required to be at least five (5) feet from a side property line.

PREVIOUS ZBA ACTION:

1. 7/18/24 – Variance granted in relief of parking lot setback CUP requirement
2. 8/15/24 – Variance granted to correct scrivener's error in 7/18/24 variance
3. 9/10/24 – Request for rehearing granted pursuant to 8/15/24 variance
4. 9/19/24 – Appeals of three (3) administrative decisions denied

The Chair confirmed with the applicant that they do wish to move forward with the rehearing tonight with the ZBA members present. He provided some additional context on the hearing item including the timeline listed above and which members of the ZBA were in attendance at each meeting.



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 17, 2024**
Meeting Time: **7:00 pm**

Steve Haight, CivilWorks represented the application and explained the request for 5' setback for a parking lot to be shared by lots 35 and 35-1. Attorney Lyons put the application together, but was unable to attend the meeting tonight so Mr. Haight read a letter from him summarizing the corrections of scriveners errors, the request, and reasoning.

Mr. Haight then addressed exhibit B- conditions of the site, project proposal, and brief procedural history.

Mr. Haight then addressed the five variance criteria.

- He read into the record the analysis section of the application regarding the health, safety, welfare and characteristic of the neighborhood in relation to the proposed project
- He read into the record the analysis section of the application regarding the spirit of the ordinance
- He read into the record the analysis section of the application regarding substantial justice
- He read into the record the analysis section of the application regarding diminished surrounding property values
- He addressed the hardship criteria by reading the legal standard, summary of the applicable legal standard, and the three prongs of criteria A which have been met

Exhibit C shows the proposed shared access and parking.

Exhibit D is the application reviewed by TRC multiple times.

Recorded parking and access easements between the two lots are included in the packet.

Public hearing opened

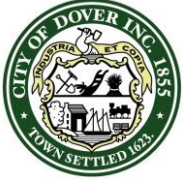
Maureen Sanborn, 30 Silver st (abutter) requests that the board deny the variance request. She appreciates the board. She expressed concerns about criterion 5- hardship. The applicant bought the property as two lots and created his own hardship by seeking to overbuild with a four-unit project hoping the variance will be granted. The applicant could fix his own hardship by building a smaller project.

She noted the abutters to the project are one, two and occasional three-unit properties and the applicant wants to put eight units right in the middle which is also in the historic district. She believes that an approval of this variance will have long standing consequences in the heritage district and asked if the board wanted to set that precedence.

Mr. Haight addressed public comment noting this request before the board is not a density request. It is for the shared parking to be 5' from the side setback. The use proposed is an allowed use.

P. Crouser read a letter into the record from Anthony McManus, 3 Renaud Ave which was received in advance of the meeting. This letter addressed an issue with a variance for side setback for parking (paving) being sought for one of the properties, but not the other and also the issue of the added density requested within the heritage district altering the integrity of the neighborhood. He is additionally concerned about precedence being set in this area.

Planning Department input: P. Crouser gave details regarding parking regulations within the Heritage district. The plan calls for encroachment of 3 parking spaces. The remaining 9 spaces are on the other lot.



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 17, 2024**
Meeting Time: **7:00 pm**

With the need for two spaces per unit, there wouldn't be enough space on the single lot for the four spaces required for a duplex. The applicant has used a creative solution by combining parking between the two lots.

Staff supports this Variance request without any conditions based upon the following facts:

1. The current parking area on Lot 35-1 has existed in violation of CUP criterion C (setback proximity) since at least 2008 as evidenced by satellite imagery;
2. The City of Dover encourages the use of shared parking lots and driveways, for both residential and commercial uses, as codified in §153-14.I and §153-17.C of Dover's Site Review Regulations.

P. Crouser addressed the 'self-inflicted hardship' noted by public comment after being asked by R. Onufry. Public hearing closed

The Chair noted the density and proposed building project is not part of the request before the Zoning Board. After seeing the lengthy application materials and the impact of the relief if granted, he would be in favor of granting the variance. It will not affect the character of the neighborhood, shared parking meets the objectives of the zone to not have any backing into the street, and there is uniqueness to the lot.

R. Onufry further commented that density is not something this board can review. In addition, public welfare and safety will be increased by granting the variance.

Motion: Onufry moved to grant the variance for relief of criterion C as presented by application and presentation. Brown seconded. Vote: U/A

4. OTHER BUSINESS

ZBA has open seats if anyone is interested.

5. ADJOURN

Motion: Onufry moved to adjourn at 8:13pm. Brown seconded. Vote: U/A