

CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - AGENDA

REVISED

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall, 288 Central Avenue, Dover NH 03820
Meeting Date: **Thursday, January 16, 2025**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. APPROVAL OF MEETING MINUTES OF December 19, 2024 Regular Meeting Minutes

3. HEARINGS

- A. ***ZONE-2024-0047** Applicant: Guy Chase, 87 Littleworth Road, Tax Map F, Lot 32, located the Rural Density District (R-40), requests a Variance from **Section 170-24(F), Accessory Dwelling Unit Regulations**, to allow for the utility power to come directly from the utility power where it is required to have power supplied from the main residence.
- B. ***ZONE-2024-0049** Applicant: Chris & Laurie McMicken Family Trust, 29 Hough Street, Tax Map 30, Lot 30, located in the Urban Density Multi-Residential District (RM-U), requests a Variance from **Section 170-6 Definition of "Lot"**, to allow for two primary buildings on one lot.
- ~~C. ***ZONE-2024-0050** Applicant Seacoast Contractor Services, LLC (Owners: David P. Michele Revocable Trust 2023), 96-98 Mount Vernon Street, Tax Map 29, Lot 92, located in the Medium Density Residential District (R-12), requests a Variance from **Section 170-12, R-12 Accessory Structure Setbacks**, to allow for the reconstruction of a recently demolished, non-conforming 2 car garage. This item has been withdrawn.~~

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, December 19, 2024
Meeting Time: 7:00 pm

1. ATTENDANCE

Members Present: Chris Prior (Chair), Rich Onufry, Anthony Sillitta (Vice Chair), and Nicholas Couturier

Members Absent (Excused): Jackson Brown (Alternate)

Members Absent (Unexcused):

Staff Present: Paul R. Crouser (Zoning Administrator)

Chair Prior called the meeting to order at 7PM and noted only four 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 to another date. 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.

2. APPROVAL OF MEETING MINUTES OF NOVEMBER 21, 2024

Motion: Couturier moved to approve the minutes of November 21, 2024 as submitted. Seconded by Onufry. Vote: U/A

The Chair explained the hearing process.

3. HEARINGS

- A. * ZONE-2024-0045 Applicant: Simon D. J. Macalister, 9 Maple Street, Tax Map 30, Lot 66, located in Urban Density Multi Residential District (RM-U), requests a Special Exception through Section 170-12, Conversion to, or creation of Dwelling, 3-4 Family criteria, to allow for the addition of three (3) new dwelling units to an existing single-family dwelling**

The property subject to this variance request is located at 9 Maple St. and resides within the Urban Density Multi Residential (RM-U) District. The property is approximately 0.23 acres and has approximate dimensions of 100' (frontage) x 97', with an existing $\pm 1,275$ s.f. single-family home, with approximately $\frac{3}{4}$ of the lot vacant as open space.

The Applicant requests a Special Exception in order to add-on to the existing home to convert it into a 4 Family Dwelling. Under the RM-U's specific zoning regulations, six criteria must be met in order for any property within the RM-U to create, or convert to, a 3-4 Family Dwelling.

Nicholas Isaak represented the application and explained the reason for the special exception and summarized the plan to comply with the HUD rent rates and addressed the remaining three criteria necessary:

Parking; Side setback; Screening.

The applicant has no issues adhering to the conditions proposed by staff.

Mr. Isaak clarified for the board that the existing structure will remain and be renovated as part of the project.

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Public hearing opened:

Sam Hewitt, 5 Maple St. is concerned about the size and scope of the proposed project as it does not meet the minimum dimensional requirements. The proposal does not match the character of the existing neighborhood. He spoke at length expressing additional concerns relating to the density and size of the project and the criteria the request must meet, which he does not believe has been met. He provided a petition signed by 28 neighbors who oppose the proposed project.

P. Crouser addressed comments relating to the size and dimensions of the lot, the criteria for special exception and regulations for the non-conforming use section of the zoning ordinance.

He does interpret the regulations to allow this special exception on this lot. He addressed parking regulations.

P. Crouser and Chair Prior discussed next steps if the special exception is approved. The unit count alone does not trigger the project going before TRC, however, once a building permit is pulled, permit review staff will determine if technical review is required. P. Crouser also stated that even if a project does not require TRC review, the TRC can request that an item be subject to full review.

Stacey Ruel, 31 Hough St agreed with everything Mr. Hewitt stated and believes the proposal is too many units on too small of a parcel. Even if they meet the parking requirements, there are some parking issues there. Also, there are children currently playing in the street and she would be concerned to add more children. She moved here to get away from high density areas and is concerned about keeping the character of the neighborhood.

Tim Noonan, potential builder of this project explained that he is aware of storm water and other building codes. He believes the project will enhance the neighborhood.

Jonathan Payne, 2 Maple St. is opposed to the project and agrees with Mr. Hewitt's concerns. He expressed concerns about parking and the driveway not being wide enough for two cars to pass. He has concerns for cars backing into the street which is not allowed, and also the potential number of additional cars on the street.

Kyle Stanley, 4 Maple St. is in opposition to the project due to the proposed units will change the character of the neighborhood and there won't be any open space for the future occupants. There will be additional traffic. With the doors facing the street, people will park on the street, rather than the lot. He mentioned the additional curb/streets cuts required are in opposition to the 5-year moratorium for newly paved roads, which this is one.

Planning Department input: Staff supports this variance request with conditions.

1. A Landscape Plan proving compliance with parking area screening requirements shall be submitted and approved by the Planning Department.; and



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2. Proof of deed-restricted HUD Fair Market Rent rates for the three (3) created units shall be recorded at SCRCD and submitted to the Planning Department prior to the issuance of any Certificate of Occupancy.

Per the applicant's narrative, the property owner is willing to restrict the three (3) newly generated units to the applicable HUD Fair Market Rental rates, eliminating the need to comply with criteria A and E, with the project meeting all other criteria as-presented.

In order to address parking concerns and to confirm the proposal conforms to the parking standard, the board discussed with staff which board or committee in the City would be best to review the proposal for parking compliance.

P. Crouser explained this proposal does not require site review. Technical Review Committee can endorse a project, but does not have approval authority, they only make recommendations. This may or may not be required to go before TRC, a decision which is made once plans are submitted for a building permit. He further elaborated that the proposed parking spaces meet the 9' minimum stall width for 90 degree parking stalls (even though those standards don't apply to this proposal).

He recommended two options for referring the application to others for review:

1. Send the package to TRC to have them determine if a full review is necessary
2. Directly request TRC review the package

Mr. Hewitt reiterated information from the ordinance relating to the non-conforming lot status for the use, request for special exception and minimum lot size of 10,000sf noting the parcel does not meet the requirements for special exception.

P. Crouser disagreed with the comments and explained his position based on the allowed uses and stricter Special Exception restrictions for this project than other projects permitted by right.

Public hearing closed

Chair Prior summarized that with the proposed HUD rent rate restrictions, the board will be voting on whether the application meets criteria B, C, and D for special exception.

Motion: Sillitta moved to grant the special exception, as the application meets criteria, with conditions 1 and 2 set by Planning Dept staff, HUD rate restrictions as presented, and a third condition set by ZBA for TRC to review the application for their input. Couturier seconded.

The Chair noted this board reviews hearing items to determine whether certain criteria were met and in this case the criteria were met to approve the request. He supports sending the package to the TRC for review.

Vote: U/A

B. * ZONE-2024-0046 Applicant: Cory Bastianelli, 9 Federal Street, Tax Map 20 Lot 93, located in the Urban Density Multi-Residential District (RM-U), requests a Variance from



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Section 170-24(C), to allow for an existing detached garage be converted into a two-story accessory dwelling unit.

The property is approximately 0.25 acres and currently contains a single-family home (approx. 1,634 s.f.) and a single detached garage (approx. 465 s.f.). The applicant seeks a variance request to a single provision of the accessory dwelling unit (“ADU”) regulation within the zoning ordinance, §170-24(C), which states that “...If located in a detached accessory structure, the accessory dwelling unit may be located on either floor of the structure.” The applicant, due to the small size of their detached garage, seeks relief from this provision to permit the ADU to occupy both the first and second floor of the garage.

Corey Bastianelli noted the plan is to convert his detached garage into an apartment, but a single-floor plan only just barely allows for the 400 sf minimum for an ADU. The request is to allow the ADU to include both first and second floors of the garage. The exterior will not change other than adding four windows. He addressed the variance criteria:

- Not contrary to public interest
- Consistent with the spirit of the ordinance by allowing him to utilize and maximize his property and creating additional needed housing in Dover
- Substantial justice is served
- Subject property and surrounding property values should increase after the use change
- Hardship: detached structure already exists. Using only one floor for the ADU does not make fiscal sense nor provide a desirable living unit with only the bare minimum square footage of living space.

The board discussed the requested conditions proposed.

Public hearing opened:
No one spoke

Planning Department input: Staff supports this variance request with conditions.

1. Relief granted in this variance approval shall only apply to the existing detached garage, requiring that any additional accessory structure or major reconstruction of the existing accessory structure meet the current ADU regulations at such time as the potential ADU application is submitted.
2. Compliance with all other ADU regulations as specified in §170-24.

Per the applicant’s variance request submission, they will remain compliant with all other ADU regulations. Additionally, staff notes that the ADU provision in question is one that staff will be asking the Planning Board to review and possibly post a zoning ordinance amendment to. If the Board posts and recommends the amendment, it would then go to City Council for review and possible adoption. The staff proposed amendment would be to eliminate the garage requirement for detached ADUs.

Public hearing closed

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Motion: Sillitta moved to grant the variance request with conditions as it meets the criteria. Onufry seconded. Vote: U/A

- C. * ZONE-2024-0047 Applicant: Guy Chase, 87 Littleworth Road, Tax Map F, Lot 32, located the Rural Density District (R-40), requests a Variance from Section 170-24(F), to allow for the utility power to come directly from the utility power where it is required to have power supplied from the main residence. *This item will be continued to a later meeting date.***

The Vice Chair noted this hearing has been requested to be continued.

Motion: (at the end of the meeting) Couturier moved to continue the item to the January 16, 2025 meeting. Onufry seconded. Vote: U/A

- D. * ZONE-2024-0048 Applicant: Read Family Trust 2023, 7 Browning Drive, Tax Map 21, Lot 99, located in the Medium Density Residential District (R-12), requests a Variance from Section 170-12(B), R-12 Frontage Requirements, to allow for the subdivision which would create one (1) lot with zero frontage, where 100' of frontage is required.**

The applicant ultimately seeks to subdivide the subject lot, creating a single new lot in the rear of the property, leaving both the parent lot and new lot with roughly one half acre each. The proposed new lot, however, would not meet the R-12's frontage requirement of 100', but rather, per the applicant's plan, would provide 0' of frontage, with access to the parcel existing solely through the existing private driveway on the parent parcel.

Phillip E. Read, owner gave history of the property, explained the plans to subdivide the lot and construct a single-family home for his own retirement use. There is only one abutter affected. He plans to have a deeded right of way access to the new lot. There is already a deeded right of way for sewer, water and electricity in place.

The board discussed the various criteria for variance with the applicant.
The applicant addressed the pond on site and whether the property has been surveyed.

Public hearing opened:
The Chair noted two letters received from abutters in opposition to the variance request.

Paul Cully, 9 Browning, abutter sent a letter and summarized it. He has three concerns with the application:

1. The lot being the largest on the street, but reduced frontage due to the curve.
 - a. The City's public information seems to dispute this
2. Values of property will be enhanced

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- a. The higher density does not increase the value- it decreases it
3. Subdivision will allow a home of similar size to be constructed
 - a. The application does not appear to be restrictive. Seems anything allowed in the R12 could be built there.

Additionally, he is concerned that the driveway would not be 20' as required.

His final concern is for the swale on that road and how it already fills up with water. The additional runoff from a second home there would make it even worse.

Planning Department input: Staff does not support this request. Historically, this board has, in certain instances, provided relief to dimensional regulations in varying residential districts to permit current owners to subdivide their land when they do not meet, but come close to meeting, current underlying dimensional regulations.

This proposal seeks relief from the R-12 district's frontage requirement in its entirety. Per the applicant's own submitted materials, while their lot is indeed the largest along Browning Drive, nearly every parcel on that street has 95 – 100' of frontage each.

Staff has concerns about setting a precedent of permanently altering the design of subdivisions such as the Browning Drive Subdivision, which, while approved back in 1977, is more or less compliant with current underlying zoning standards. Also, per RSA 674:41, since the proposed new lot does not have access to a public way via a public street, a recognized private street, or otherwise, the owner of the new lot would require Planning Board approval for the issuance of any building permit on the newly proposed lot. As such, staff recommends denying this variance request.

However, should this board decide to grant the variance request, staff recommends it do so with the following conditions:

1. The use on the newly proposed lot shall be restricted to purely residential uses;
2. Any development on the newly proposed lot shall be restricted to a single-family home only, and shall certify as such via a recorded deed restriction at the Strafford County Registry of Deeds, a copy of which shall be provided to the Planning Dept. prior to the issuance of a Certificate of Occupancy; and
3. Compliance with RSA 674:41 would be required to allow a building permit to be issued on a lot with no frontage.

P. Crouser read into the record an email received to the office shortly before the hearing from owners of 1 Pebble Dr and 5 Cobble Hill Dr expressing concerns to the proposal.

Public hearing closed

Motion: Sillitta moved to deny the variance request as it doesn't meet any of the five criteria for variance. Onufry seconded.

Chair Prior agrees that granting this variance would change the essential character of the neighborhood. It might diminish the neighboring values and there is no apparent hardship.



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Silitta noted the retirement home is a good concept, but having to put in a roadway may be difficult and costly. Perhaps the applicant can achieve his goal by building an ADU over the existing garage.
Vote: U/A

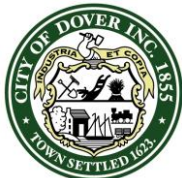
4. OTHER BUSINESS

P. Crouser addressed board questions about the zoning/ADU potential changes being discussed.

5. ADJOURN

Motion: Couturier moved to adjourn at 8:25pm. Onufry seconded. Vote: U/A

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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, January 16, 2025
Meeting Time:	7:00 pm

INTENT: The Applicant requests a Variance from **Section 170-24(F)**, to allow for the utility power to come directly from the utility power where it is required to have power supplied from the main residence.

UNITS PROPOSED: None (ADUs are not considered new dwelling units)

AGENDA ITEM: 3-C

ZONING DISTRICT: R-40

FILE: ZONE-2024-0047

APPLICANT: Guy Chase

OWNERS: Chase Littleworth Revocable Trust

LOCATION: 87 Littleworth Rd. (Tax Map F, Lot 32)

ACREAGE: ±2.30 acres. No change in acreage

EXISTING LAND USE: Residential

PROPOSED LAND USE: Residential, No Change

SURROUNDING LAND USE: Residential, Commercial

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQ.:
No

ATTACHMENTS: Application, Narrative

STAFF RECOMMENDATION: Staff supports this Variance request with conditions

BACKGROUND INFORMATION

The property subject to this variance request is located at 87 Littleworth Road and resides within the Rural Residential (R-40) District. The property is approximately 2.30 acres and currently contains a single-family home (approx. 2,929 s.f.) and a single detached garage which is currently still under construction (approx. 720 s.f.).

The applicant seeks a variance request to a single provision of the accessory dwelling unit (“ADU”) regulation within the zoning ordinance, §170-24(F), which states that “...Electric, water and sewer utilities shall be metered on a single bill.” As the existing electrical service to the single-family home is insufficient to provide adequate power to the ADU, the applicant is seeking relief from the provision above to run an independent electrical service to the detached ADU. The applicant sought the expertise of Eversource engineers, who stated that due to electrical amp surges from the main panel, as well as water line obstructions, running power from the existing panel is not physically or financially practical.

STAFF RECOMMENDATION

For the reasons stated above, staff supports this variance request with conditions as, per the applicant’s variance request submission, they will remain compliant with all other ADU regulations. As such, staff recommends the approval of this variance request with the following conditions:

1. Relief granted in this variance approval shall only apply to the existing detached garage (*permit BLDG-2023-0014*), requiring that any additional accessory structure or major reconstruction of the existing permitted accessory structure meet the current ADU regulations at such time as the potential ADU application is submitted.
2. Compliance with all other ADU regulations as specified in §170-24.
3. A detailed floor plan of the ADU shall be submitted to planning staff prior to the issuance of the ADU’s Certificate of Occupancy.

ZONE-2024-0047 87 LITTLEWORTH ROAD

**Property Information**

Location 87 LITTLEWORTH RD
Owner CHASE GUY TRUSTEE
Land Use
Zoning Code R-40
Property Id F0032-000000

**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 10/30/2023
Data updated Daily

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.



PERMIT SNAPSHOT REPORT ZONE-2024-0047 FOR CITY OF DOVER, N.H.

Permit Type	Zoning	Project:		App Date:	11/14/2024
Work Class:	Variance	District:	None	Exp Date:	NOT AVAILABLE
Status:	Submitted - Online	Square Feet:	0.00	Completed:	NOT COMPLETED
Valuation:	\$0.00	Assigned To:	Blonigen, Rachel	Approval Expire Date:	

Description: Relief from a single meter utility rule. The ADU cannot be powered by the main house due from over electrical amp surges on panel and water line obstructions. Utility Eversource engineer assess the property, stated it can be easily done due from non property obstructions.

Parcel:	F0032-000000	Main	Address:	87 Littleworth Rd Dover, 03820	Main	Zone:	R-40(Residential - Rural)
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Applicant
guy chase
87 Littleworth Rd
Dover, NH 03820
Home: (603) 294-7076
Mobile: (603) 294-7076

Permit Custom Fields

ZoneVariAppealPhDisa No bility	Number of Variances Requested:	1	ZoneVariPlanDirections87 littleworth rd Dover NH
ZoneVariPlanSummary For family member parent	ZoneVariAppealSect	Relief from utility rule on single meter	ZoneVariAppealSectDe The electricity power tail source would come directly from main street telephone pole line and water line would come from main water line from the street water main.
What is the parcel zoned?	R-40	ZoneVariAppeal1PublicIt does not interfere with Interest any obstructions, land change, or create any negative results. It only provides more safety environment for all parties and house structure.	ZoneVariAppeal2Ordin it allows for flexibility in anceSpirit unique situations where strict adherence may not align with the ordinance intended purposes. By considering the objectives of the variance promotes public welfare, safety and environmental sustainability. Deviation can still support its core values while addressing specific circumstances. This ensures ordinance is applied equitably accommodating cases where rigid enforcement might lead to unnecessary hardship unintended outcomes.
ZoneVariAppeal3Subst it would allow for fair antialJustice reasonable use of the property owner needs and boarder community interest. By providing relief from strict utility meter ordinance, the variance can prevent undue hardship and ensure that the property is utilized in a way that		supports its purposes, safety and potential.	ZoneVariAppeal4Prope the variance will not rtyValue negatively impact the character or aesthetics of the neighborhood. The proposed modification will be consistent with existing structures and uses in the area, ensuring that is harmonizes with its surroundings. Additionally, it will be in

PERMIT SNAPSHOT REPORT (ZONE-2024-0047)

compliance safety and quality standards.

ZoneVariAppeal5A1Un NecHardship Its unique features design and natural environment allows the variance to grant the structure to adhere to the surrounding neighborhood and vicinity justifying the need for variance.

ZoneVariAppeal5A2No FairRelate the unique characteristics of the property make strict compliance unnecessary to achieve the ordinance goals. The ordinance is generally intended to maintain orderly development, ensure safety or preserve neighborhood character; however due to the property distinct conditions strict applications does not serve these objectives meaningfully. applying the ordinance rigidly would impose an unnecessary burden on the property owner without yielding any significant benefit to the public or surrounding area.

ZoneVariAppeal5A3ReasonableUse it aligns with the intended use of the property and its compatible with surrounding properties and community standards. It does not impose any negative impacts on public health, safety or welfare and is within the scope of what is typically allowed or expected in this zoning area. The proposed use makes efficient and effective use of the property without creating conflicts or disruptions, thus allowing the owner to make full and fair use of the property in a way that complements its surroundings and supports the community's character and objectives.

ZoneVariAppeal5BNoReasonableUse The variance is still necessary due to the conditions that uniquely distinguish this property from others in the area. Without the variance the property cannot be put to any reasonable or productive use, which creates an undue hardship on the owner. Granting the variance is therefor essential to enable a fair, feasible, and beneficial use of the property that would otherwise be unattainable due to its position.

Attachment File Name	Added On	Added By	Attachment Group	Notes
Permit Snapshot Report.pdf	11/14/2024 21:01	Service, EnerGov		Attached by IO - ATTACH: Initial Permit Snapshot
Signature_guy_chase_11/15/2024.jpg	11/14/2024 21:01	chase, guy		Uploaded via CSS

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00010037	Planning Zoning Variance Application Fee	\$200.00	\$200.00
Total for Invoice INV-00010037		\$200.00	\$200.00
Grand Total for Permit		\$200.00	\$200.00

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1			
Confirm application complete v.1	Generic Action		
Planning Permit Application Review v.1	Receive Submittal		
Zoning Board v.1			
Zoning Board Agenda v.1	Task		

PERMIT SNAPSHOT REPORT (ZONE-2024-0047)

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	
Document Archival v.1	Generic Action
Internal Notification of Permit Completion v.1	Generic Action
Create/Link to Records v.1	
Create / Link to Permit - Building Major v.1	Create Sub Permit

ZONE-2024-0047**87 LITTLEWORTH ROAD**

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
F0023-000000	91 LITTLEWORTH RD	CLIFFORD MARY M		91 LITTLEWORTH ROAD	DOVER	NH	03820
F0023-F00000	91 A LITTLEWORTH RD	NEGM GEOFFREY R &	NEGM SHAUNA R	91 A LITTLEWORTH RD	DOVER	NH	03820
F0030-000000	81 LITTLEWORTH RD	PEARSON GABRIEL		81 LITTLEWORTH RD	DOVER	NH	03820
F0030-A00000	20 HARMONY LN	MUNSON DENNIS M & MARGARET R	MUNSON FAMILY REVOCABLE TRUST 2023	20 HARMONY LN	DOVER	NH	03820-4392
F0031-000000	89 LITTLEWORTH RD	LAHUE DALE A &	LAHUE ROBIN A	89 LITTLEWORTH RD	DOVER	NH	03820-4327
G0031-002000	10 14 CROSBY RD	CROSBY COMMONS CONDOMINIUM		10 CROSBY RD	DOVER	NH	03820
G0031-006000	66 LITTLEWORTH RD	66 LITTLEWORTH ROAD LLC		401 EDGEWATER PLACE SUITE 105	WAKEFIELD	MA	01880
F0032-000000	87 LITTLEWORTH RD	CHASE GUY TRUSTEE	CHASE LITTLEWORTH REVOCABLE TRUST	87 LITTLEWORTH RD	DOVER	NH	03820-4327

Variance Application Transcription

Owner: Guy Chase

Address: 87 Littleworth Road, R-40 Zone

Variance Description: *Relief from utility rule on single meter. The electricity power source would come directly from main street telephone pole line and water line would come from main water line from the street water main.*

A. Variance Requested

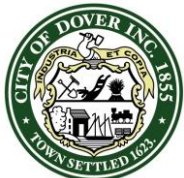
- a. 170-24.F – The property owner must occupy one of the two dwelling units. **Electric, water and sewer utilities shall be metered on a single bill.**

B. The Five Variance Criteria (as set forth in NH RSA 674:33, I(b))

1. Waiving the terms of the Ordinance will not be contrary to the public interest because: *It does not interfere with any obstructions, land change, or create any negative results. It only provides more safety environment for all parties and house structure.*
2. **Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because:** *it allows for flexibility in unique situations where strict adherence may not align with the ordinance intended purposes. By considering the objectives of the variance promotes public welfare, safety and environmental sustainability. Deviation can still support its core values while addressing specific circumstances. This ensures ordinance is applied equitably accommodating cases where rigid enforcement might lead to unnecessary hardship unintended outcomes.*
3. **Granting the variance would do substantial justice because:** *it would allow for fair reasonable use of the property owner needs and boarder community interest. By providing relief from strict utility meter ordinance, the variance can prevent undue hardship and ensure that the property is utilized in a way that supports its purposes, safety and potential.*
4. **The value of surrounding property will not be diminished because:** *The variance will not negatively impact the character or aesthetics of the neighborhood. The proposed modification will be consistent with existing structures and uses in the area, ensuring that is harmonizes with its surroundings. Additionally, it will be in compliance [with] safety and quality standards.*
5. **5A. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:**

- a. **The following special conditions of the property distinguish it from other properties in the area:** *Its unique features design and natural environment allows the variance to grant the structure to adhere to the surrounding neighborhood and vicinity justifying the need for variance.*
- b. **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 unique characteristics of the property make strict compliance unnecessary to achieve the ordinance goals. The ordinance is generally intended to maintain orderly development, ensure safety or preserve neighborhood character; however due to the property distinct conditions strict applications does not serve these objectives meaningfully. applying the ordinance rigidly would impose an unnecessary burden on the property owner without yielding any significant benefit to the pubic or surrounding area.*
- c. **The proposed use is a reasonable one because:** *It aligns with the intended use of the property and its compatible with surrounding properties and community standards. It does not impose any negative impacts on public health, safety or welfare and is within the scope of what is typically allowed or expected in this zoning area. The proposed use makes efficient and effective use of the property without creating conflicts or disruptions, thus allowing the owner to make full and fair use of the property in a way that complements its surroundings and supports the community's character and objectives.*

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: *The variance is still necessary due to the conditions that uniquely distinguish this property from others in the area. Without the variance the property cannot be put to any reasonable or productive use, which creates an undue hardship on the owner. Granting the variance is therefor essential to enable a fair, feasible, and beneficial use of the property that would otherwise be unattainable due to its position.*



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, January 16, 2025**
Meeting Time: **7:00 pm**

INTENT: The Applicant requests a **Variance from Section 170-6 Definition of “Lot”**, to allow for two primary buildings on one lot.

UNITS PROPOSED: One (1)

AGENDA ITEM: 3-B

ZONING DISTRICT: Urban Density Multi Residential District, (RM-U)

FILE: ZONE-2024-0049

APPLICANT: Keith M. Corson

OWNERS: Christopher & Laurie McMicken Family Trust

LOCATION: 29 Hough St. (Tax Map 30, Lot 30)

ACREAGE: ±0.23 acres. No change in acreage

EXISTING LAND USE: Residential

PROPOSED LAND USE: Residential, No Change

SURROUNDING LAND USE: Mixed Use

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQ.: No

ATTACHMENTS: Application, Narrative

STAFF RECOMMENDATION: Staff supports this variance request with one condition

BACKGROUND INFORMATION

The property subject to this variance request is located at 29 Hough St. and resides within the Urban Density Multi Residential (RM-U) District. The property is approximately 0.23 acres (±10,018 s.f.) and currently contains one duplex (approx. 1,636 s.f.) and one three car garage in the rear of the property (approx. 900 s.f.).

The owners seek to renovate, and slightly add to, the existing garage on the property. The existing duplex on the property is currently owner-occupied, with the owners residing on the second-floor unit. One of the owners has substantially compromised vision, which has been an issue since birth, and which has, according to the owner's own written testimony, unfortunately continued to deteriorate with age. Due to the historic nature of the duplex's construction, (e.g. narrow and steep stairwells), the owners are seeking to create a safer living environment for them both to age in place on their own property.

STAFF RECOMMENDATION

Staff strongly supports this variance, albeit with one condition. The owner's intent is to keep the property owner-occupied, but to create a safer living environment so that they may age in place on the property which they've called home for over a decade. Staff supports this variance request on its own merits, but wishes to emphasize RSA 674:33.V, which states that:

“Notwithstanding subparagraph I(a)(2), any zoning board of adjustment may grant a variance from the terms of a zoning ordinance without finding a hardship arising from the condition of a premises subject to the ordinance, when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that:

(a) Any variance granted under this paragraph shall be in harmony with the general purpose and intent of the zoning ordinance.

(b) In granting any variance pursuant to this paragraph, the zoning board of adjustment may provide, in a finding included in the variance, that the variance shall survive only so long as the particular person has a continuing need to use the premises.”

Staff therefore recommends that the Board open the public hearing, accept testimony, make findings on each of the five Variance criteria, and encourages this Board to approve the proposed variance request with the following condition:

1. The newly created unit must remain a single-family home in perpetuity, which shall be certified via a restrictive deed covenant to be recorded at the Strafford Co. Registry of Deeds, a copy of which shall be provided to the Planning Department, prior to the issuance of a Certificate of Occupancy.

ZONE-2024-0049 29 HOUGH STREET

**Property Information**

Location 29 HOUGH ST
Owner MCMICKEN CHRISTOPHER A & LAUREL J TTS
Land Use
Zoning Code RM-U
Property Id 30030-000000

**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 10/30/2023
Data updated Daily

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.



PERMIT SNAPSHOT REPORT ZONE-2024-0049 FOR CITY OF DOVER, N.H.

Permit Type Zoning	Project:	App Date: 12/11/2024
Work Class: Variance	District: None	Exp Date: NOT AVAILABLE
Status: In Review	Square Feet: 0.00	Completed: NOT COMPLETED
Valuation: \$0.00	Assigned To: Blonigen, Rachel	Approval
Description: Requesting to renovate existing barn and build an addition to barn to create a new living space		Expire Date:

Parcel: 30030-000000	Main	Address: 29 Hough St Dover, NH	Main	Zone: RM-U(Residential - Urban Density)
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Owner Christopher A McMicken 29 Hough St Apt B Apt B Dover, NH 03820 Mobile: (603) 217-5111	Applicant Christopher A McMicken 29 Hough St Apt B Apt B Dover, NH 03820 Mobile: (603) 217-5111	Owner Lauri McMicken 29 Hough St Apt B Apt B Dover, NH 03820 Mobile: (603) 417-4742	Applicant Lauri McMicken 29 Hough St Apt B Apt B Dover, NH 03820 Mobile: (603) 417-4742
Applicant Keith M Corson 10 Youngs Xing Northwood, NH 03261 Business: (603) 389-1100 Mobile: (603) 396-0351			

Permit Custom Fields

ZoneVariAppealPhDisa No bility	Number of Variances 1 Requested:	ZoneVariPlanDirections 29 Hough St Dover NH
ZoneVariPlanSummary Renovate the existing barn (approximately 1100 sq ft) and add a small addition to barn (approximately 400 sq ft) to create a 1400 sq ft living space	ZoneVariAppealSect Section 170-6, Definition of "Lot"	ZoneVariAppealSectDe Structure to be renovated tail is existing and not attached to existing home, therefore a variance is requested to allow new use of structure
What is the parcel zoned? RM-U	ZoneVariAppeal1Public Structure already exists Interest and is in use with no known complaints. New living space would be occupied by current owner	ZoneVariAppeal2Ordin Definition of "Lot" in this anceSpirit zone allows for use of one building. The request is for use of the second existing building with a small addition
ZoneVariAppeal3Subst Owners are looking to antialJustice create their forever home with amenities that suit their current and future needs	ZoneVariAppeal4Prope Such improvements rtyValue would constitute an increase in surrounding property values	ZoneVariAppeal5A1Un Structure is existing and NecHardship property owner is looking to add a small addition to the existing structure, owner is looking to occupy new unit, current parking is currently more than adequate for new unit
ZoneVariAppeal5A2No FairRelate	ZoneVariAppeal5A3Re asonableUse	ZoneVariAppeal5BNoR easonableUse

Attachment File Name	Added On	Added By	Attachment Group	Notes
29+Hough+St+Dover+Barn+Renovation. pdf	12/11/2024 13:52	Corson, Keith		Uploaded via Dover, NH - Permits Plans Licensing
Signature_Keith_Corson_12/11/2024.jp g	12/11/2024 13:52	Corson, Keith		Uploaded via CSS
Permit Snapshot Report.pdf	12/11/2024 13:52	Service, EnerGov		Attached by IO - ATTACH: Initial Permit Snapshot

PERMIT SNAPSHOT REPORT (ZONE-2024-0049)

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00010354	Planning Zoning Variance Application Fee	\$200.00	\$200.00
Total for Invoice INV-00010354		\$200.00	\$200.00
Grand Total for Permit		\$200.00	\$200.00

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Planning Permit Application Review v.1	In Review	12/12/2024	12/30/2024		No	No
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Administrator	Planning	Crouser, Paul	In Review	12/12/2024	12/30/2024	

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1		12/12/2024 11:40	
Confirm application complete v.1	Generic Action		12/12/2024 11:41
Planning Permit Application Review v.1	Receive Submittal	12/12/2024 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			
Document Archival v.1	Generic Action		
Internal Notification of Permit Completion v.1	Generic Action		
Create/Link to Records v.1			
Create / Link to Permit - Building Major v.1	Create Sub Permit		

ZONE-2024-0049

29 HOUGH STREET

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
30014-000000	24 MAPLE ST	GRIMSLEY RODNEY CHARLES &	PETERSEN SUZANNE T	24 C MAPLE ST	DOVER	NH	03820
30015-000000	26 32 MAPLE ST	MAPLE SUGAR INVESTMENTS LLC		8 WOODBRIDGE	DURHAM	NH	03824
30016-000000	34 MAPLE ST	HAYWARD NICHOLAS W &	HAYWARD CARLY T	34 MAPLE ST	DOVER	NH	03820
30026-000000	39 MAPLE ST	HAWKINS MATTHEW & ASHLEY TRUSTEES	HAWKINS FAMILY REVOCABLE TRUST	PO BOX 308	DOVER	NH	03821
30027-000000	35 35A MAPLE ST	DOVER HOUSING AUTHORITY		62 WHITTIER ST	DOVER	NH	03820
30028-000000	33 MAPLE ST	STICKNEY MEGHAN R		33 MAPLE ST	DOVER	NH	03820
30029-000000	31 HOUGH ST	RUEL STACEY L & ALEXANDER B MAYNARD TRUS	ALEXANDER B MAYNARD & STACEY L RUEL FAMI	31 HOUGH ST	DOVER	NH	03820
30031-000000	86 GROVE ST	LOMBARDI LISA MARIE		86 GROVE ST	DOVER	NH	03820
30032-000000	88 GROVE ST	ROSE LAUREN M		88 GROVE ST	DOVER	NH	03820
30032-A00000	90 GROVE ST	DIVA LLC		24 OLD STAGE RD	HAMPTON FALLS	NH	03844
30057-000000	22 MAPLE ST	GOSNOLD PROPERTY MANAGEMENT LLC		289 BLAKE RD	EPPING	NH	03042
30062-000000	21 23 MAPLE ST	CARRIER ROBERT C TRUSTEE	CARRIER ROBERT C REVOCABLE LIVING TRUST	22 HILL ST	DOVER	NH	03820-3111
30063-000000	19 MAPLE ST	WATTERS DAVID	ALBERGHENE JANICE M	19 MAPLE STREET	DOVER	NH	03820
30078-000000	74 GROVE ST	WHITE ROBERT W	WHITE MICHELLE M	74 GROVE ST	DOVER	NH	03820
30079-000000	78 GROVE ST	CARLTON MICHAEL		78 GROVE ST	DOVER	NH	03820
30080-000000	28 HOUGH ST	MCCRACKEN MICHAEL B &	MCCRACKEN CASSANDRE	43 MAIN ST	DOVER	NH	03820
30081-000000	73 75 GROVE ST	KEATING DENNIS W & BARBARA H 50%	HUSTON CAROLYN D 50%	73-75 GROVE ST	DOVER	NH	03820
30106-000000	20 22 HOUGH ST	DIPIRRO JOSEPH		13 JACOBS DR	ROCHESTER	NH	03867-2455
30107-000000	24 26 HOUGH ST	SCOTT WAYNE ALLEN		26 HOUGH ST	DOVER	NH	03820
30160-000000	91 GROVE ST	SMITH BRADLEY R		91 GROVE ST	DOVER	NH	03820
30161-000000	87 GROVE ST	VALHOS GEORGE E &	VALHOS MARY E	87 GROVE ST	DOVER	NH	03820
30162-000000	79 GROVE ST	JOYCE MEREDITH A		79 GROVE ST	DOVER	NH	03820
30163-000000	21 HOUGH ST	MY FRIENDS PLACE INC		368 WASHINGTON STREET	DOVER	NH	03820
30163-A00000	25 27 HOUGH ST	FORD DAVID &	STRACUZZI NENA	143 SIXTH ST	DOVER	NH	03820
30164-000000	17 19 HOUGH ST	OLSON DARLENE M		16 PICKERING DR	ELIOT	ME	03903
30030-000000	29 HOUGH ST	MCMICKEN CHRISTOPHER A & LAUREL J TTS	MCMICKEN CHRIS & LAURIE FAMILY TRUST	29 HOUGH ST APT #B	DOVER	NH	03820
		GRANITE HOMES LLC	KEITH CORSON	10 YOUNGS CROSSING	NORTHWOOD	NH	03261

Parcel: 30030-000000 **Main Address:** 29 Hough St, Dover, NH **Main Zone:** RM-U
(Residential - Urban Density)

Owner: Christopher & Laurel McMicken **Home:** Not provided **Mobile:** (603) 417-4742

Applicant: Keith M Corson 10 Youngs Xing, Northwood, NH 03261 **Business:** (603) 389-1100
Mobile: (603) 396-0351

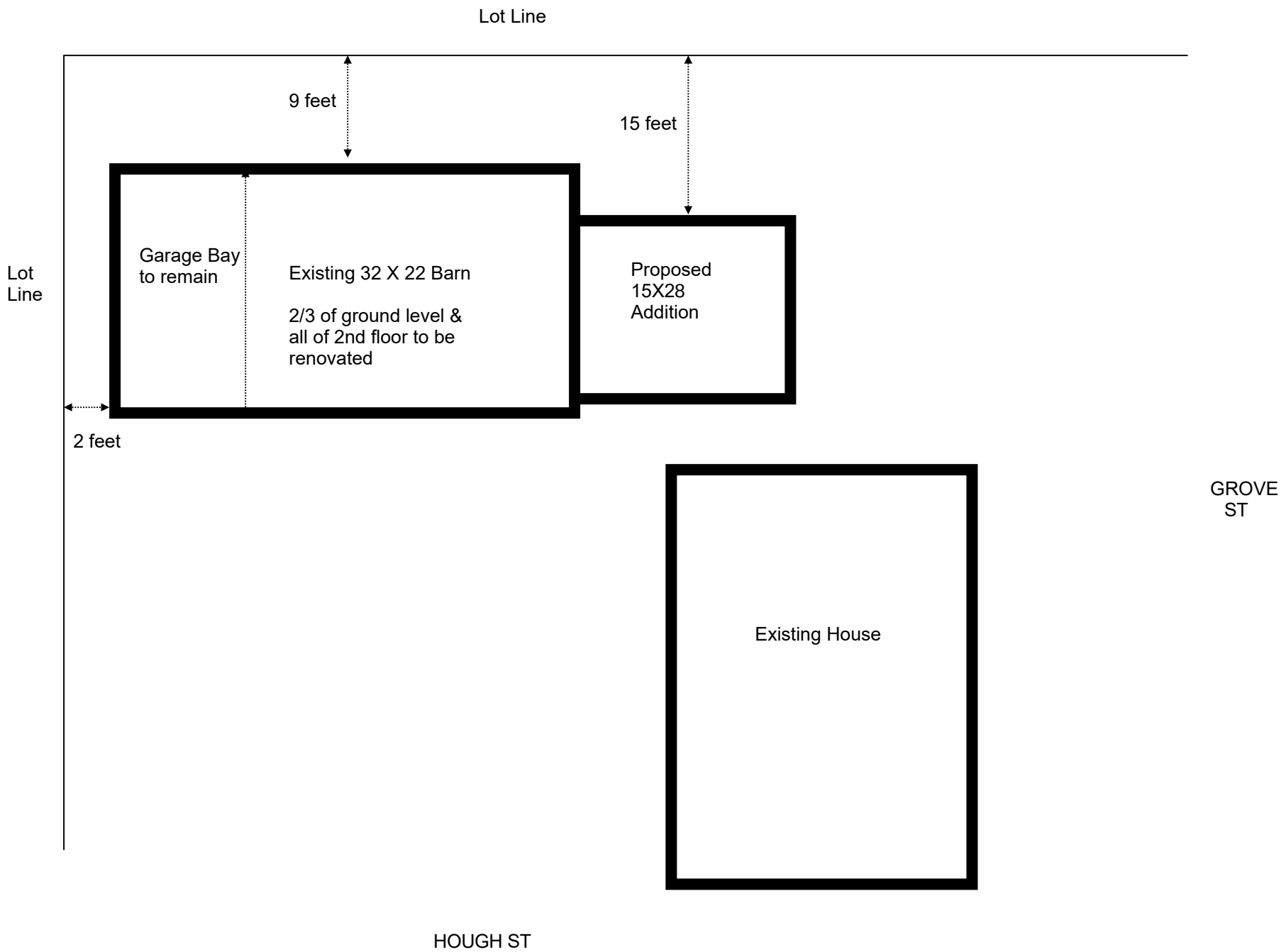
Permit Custom Fields:

- **ZoneVariAppealPhDisability:** No
- **Number of Variances Requested:** 1
- **ZoneVariPlanDirections:** 29 Hough St, Dover, NH
- **ZoneVariPlanSummary:** Renovate the existing barn (approximately 1100 sq ft) and add a small addition to the barn (approximately 400 sq ft) to create a 1400 sq ft living space.
- **ZoneVariAppealSect:** Section 170-6, Definition of "Lot"
- **ZoneVariAppealSectDetail:** Structure to be renovated is existing and not attached to existing home, therefore a variance is requested to allow new use of the structure.
- **What is the parcel zoned?** RM-U

Zone Variance Appeal Details:

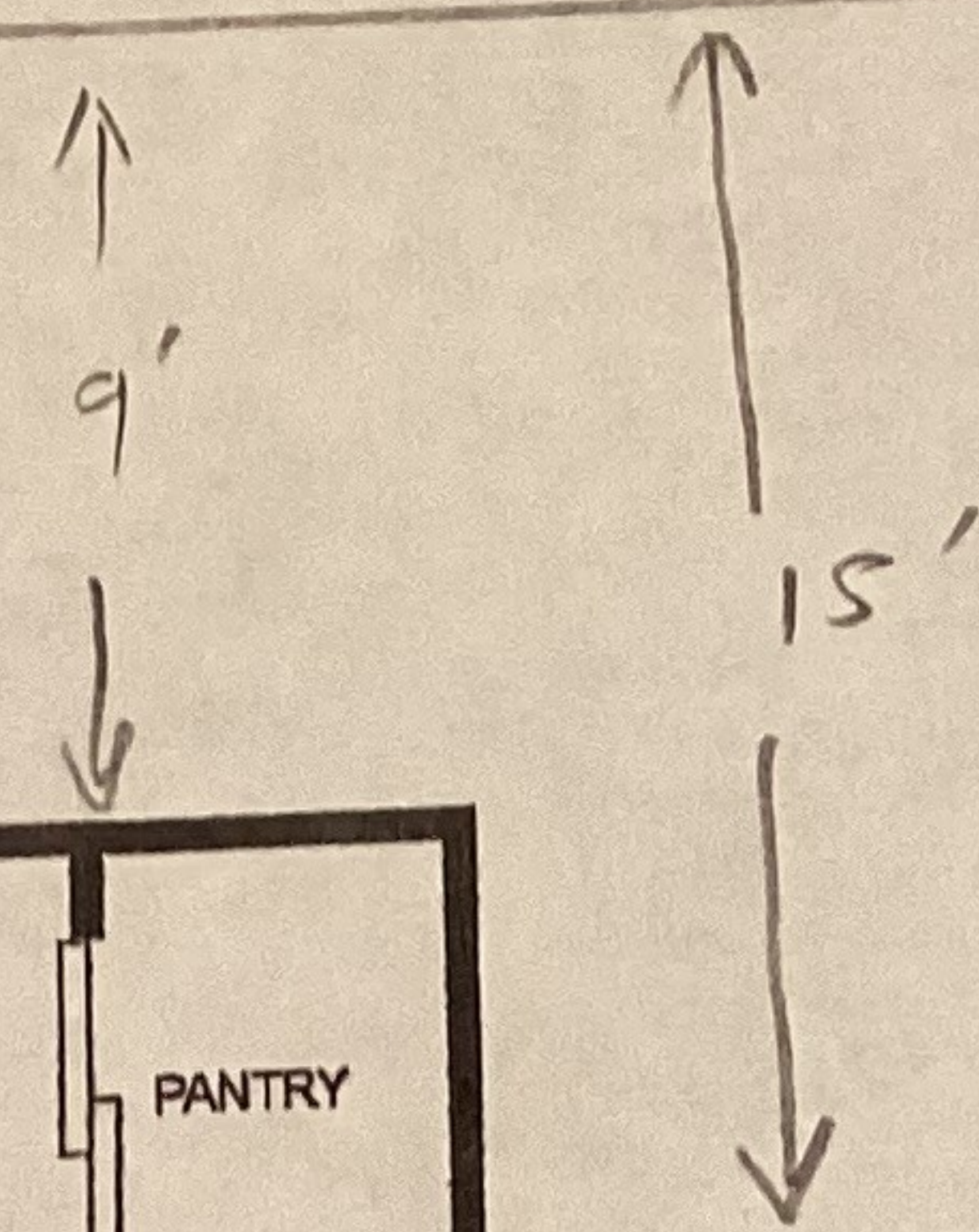
- **Public Interest:**
 - The structure already exists and is in use with no known complaints. The new space will allow the owners to age in place and continue to be owner occupied.
- **Ordinance Spirit:**
 - Definition of "Lot" in this zone allows for the use of one building. The request is for the use of the second existing building with a small addition.
- **Substantial Justice:**
 - Owners are looking to create their forever home with amenities that suit their current and future needs. Owners are looking to create a safe dwelling to age in place allowing for their current and future needs. Current housing does not allow this.
- **Property Value:**
 - Such improvements would constitute an increase in surrounding property values.
- **Unnecessary Hardship**
 - Current dwelling has old, narrow, steep stairways that are becoming increasingly difficult to navigate. (See pictures). My wife was born blind and while she has been granted some sight from multiple operations, it is failing with age. Her current sight is 20/300 with corrective lenses. We have not applied under being blind but we expect it some time in the near future. To this end the new dwelling on site would allow a safe, one floor lifestyle, centrally located to walkable facilities that will help us to age in place on our property. We do not want to interfere with our renter who occupies the lower floor of the building as Apt A. We live upstairs in apartment B Photos to follow. Please call me if you have any questions.

Thanks Chris McMicken

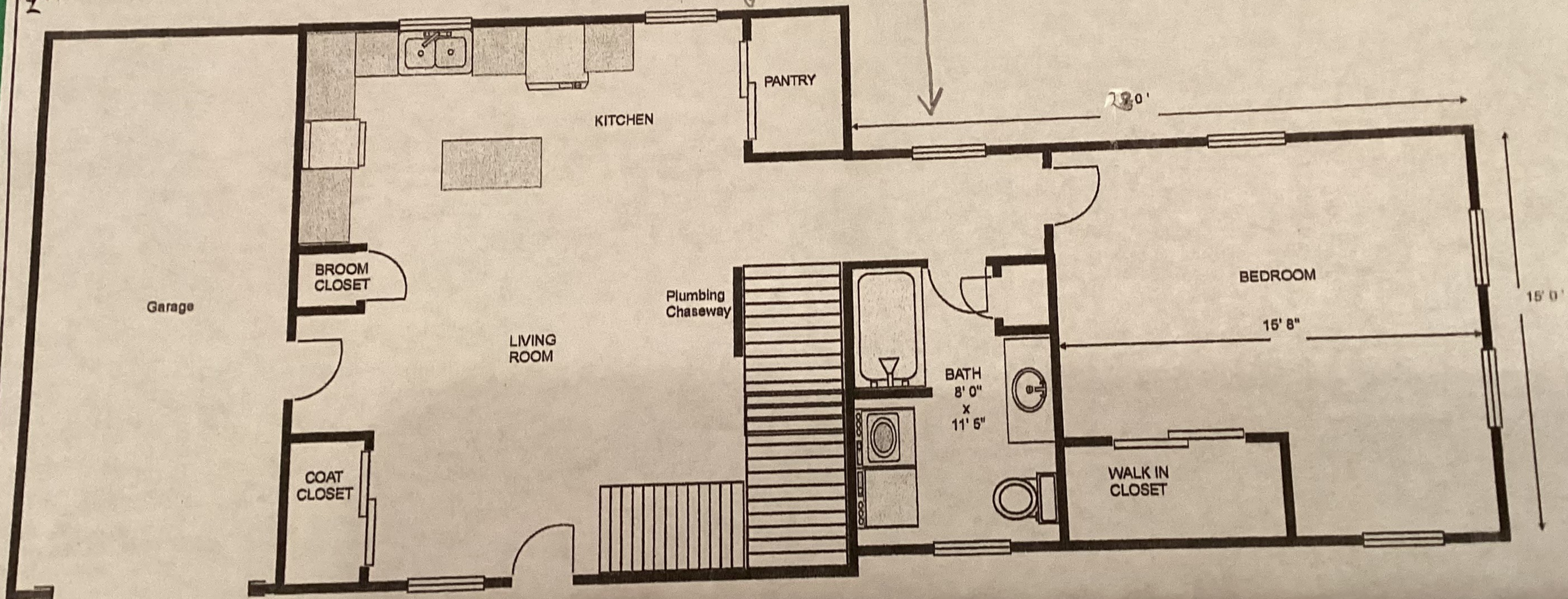


Zone-2024-0049

lot line



24



FIRST FLOOR PLAN









