

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

1. ATTENDANCE

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

Staff Present: Paul R. Crouser (Zoning Administrator)

Chair Prior called the meeting to order at 7PM.

2. APPROVAL OF MEETING MINUTES OF DECEMBER 19, 2024

Motion: Couturier moved to approve the minutes of December 19, 2024 as submitted. Seconded by Onufry. Vote: All in favor with Brown abstaining

The Chair explained the hearing process.

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 pole where it is required to have power supplied from the main residence.**

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.

Guy Chase, owner 87 Littleworth Rd represented the variance application and explained the request. The ADU is 70’ from the house and the recommendation is to run power directly from the street. The water line recommendation is also to come directly from the street rather than through the existing home and by an inactive well to the site.

The Chair and staff noted only a variance for power is listed in the application, but the addition of asking for a variance for the water line would be the same relief granted for the power (if granted).

The Chair read the conditions of approval supplied by staff and discussed them with the applicant. The applicant stated he is agreeable to the conditions of approval.



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The Chair confirmed with the applicant that the recommendation to run the lines from the street came from the electrician working on the project for safety reasons.

The applicant addressed metering noting there will be separate meters, but combined on one bill.

Public hearing opened:
No one spoke

Planning Department input: 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.

Board members discussed with staff the restrictions in place for the primary site/ ADU and ownership of the property as a whole.

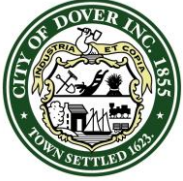
Public hearing closed

Motion: Sillitta moved to approve the variance for both power and water based on the applicant meeting the five criteria and with the conditions provided by staff. Couturier seconded. Vote: U/A

P. Crouser reminded the applicant that Dover has a moratorium on cutting into the City's right of way and pavement in the winter, so the timeline may be affected by that regulation.

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.

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 ($\pm$ 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-



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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.

Keith Corson, Granite Homes represented the variance application and explained the request. The applicants are proposing to use the existing barn in the rear of the lot to create an additional single-family home where the applicants will reside on the first level and use the second level for guests. The existing home on the lot is a 2-family home. He highlighted the footprint and plans of the proposal for the barn structure. An addition is proposed to the barn size. The addition will all be towards the yard side- away from the setbacks.

The representative answered questions from the board related to:

- Property dimensions/ setback measurements
- Parking proposal includes the existing driveway which is quite large
- Plans submitted are not to scale
- Existing barn is on pillars. Would need to be re-supported- likely on sonar tubes

Staff answered questions from the board related to:

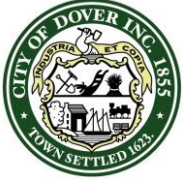
- Parking restrictions in this zone. Two parking spaces per dwelling unit are required to avoid backing out into the street (does not apply to this project- only if requesting a 3 or 4-family)
- Setbacks from driveways. New construction regulations are 5' from the driveway
- Site review regulations do not apply to this project (discussed in relation to parking)

Chris McMicken, 29 Hough St., owner, addressed the hardship criteria. They would like to stay in town and have been looking for years, but that hasn't worked out with the current market. The property they own is ideal for location to stores and medical needs. They are looking to live on the first floor due to medical concerns. If parking becomes a limiting issue, they could potentially convert a grass area into a turn-around area. The driveway is about 70' long and currently houses two cars side-by-side and behind one another. They have managed the parking with renters who have two cars along with the applicant's five children coming for visits. There is also street parking, but not often needed.

Public hearing opened:
No one spoke

Planning Department input: 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 notes that if the structure were not already existing, the recommendation would be for denial.



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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 the board approve the 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

Staff and board members discussed the option of an additional condition that the parcel not be subdivided nor allow for multiple owners of the separate structures. The condition as suggested is:

2. The property retain one single ownership structure

Discussion ensued about the potential challenge regarding setbacks if the variance is granted and the property has not been surveyed. Continued clarification from staff about what setbacks are allowed for the addition due to the garage already existing.

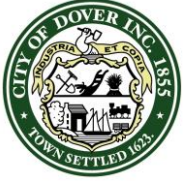
Staff also mentioned an option to require a foundation certification if the board is interested in preserving the setback requirements.

Public hearing closed

Upon request, staff notated the language used in the ADU section of the Dover Zoning Ordinance which the board is interested in utilizing as condition 2 if the variance is granted:

“The single-family dwelling and lot shall not be converted into a condominium or any other form of legal ownership distinct from the ownership of the single-family dwelling.”

Board members would adjust the language to “primary residence” rather than “single-family dwelling”. Board members discussed whether there needs to be a size restriction, but the property is subject to lot coverage regulations so that isn’t necessary.



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Motion: Sillitta moved to grant the variance request with the three conditions discussed and listed as it meets the criteria:

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
2. The lot shall not be converted into a condominium or any other form of legal ownership distinct from the ownership of the primary residence.
3. A foundation certification shall be conducted for the existing barn structure/ proposed home.

Couturier seconded. Vote: U/A

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

Board Election of Officers:

Sillitta nominated Prior for Chair. Couturier seconded.

Couturier nominated Sillitta for Vice Chair.

Roll Call Vote for both positions: Onufry- yes, Brown- yes, Prior- yes, Sillitta- yes, Couturier- yes

Staff noted a rehearing request was received yesterday on an item from last month's meeting. Statutorily, the Board must make a ruling within 30 days which will not align with the next regular scheduled meeting. A special meeting will be necessary. P. Crouser will be in touch with board members to schedule that meeting.

5. ADJOURN

Motion: Couturier moved to adjourn at 7:47pm. Sillitta seconded. Vote: U/A