



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, September 18, 2025**
Meeting Time: **7:00 pm**

1. ATTENDANCE
2. APPROVAL OF MEETING MINUTES OF August 21, 2025 Regular Meeting Minutes
3. HEARINGS

- A. ~~ZONE-2025-0031~~ Applicant: Lassel Architects (Owner: Katrine B. & John M. MacGregor) 50 Mount Vernon Street, Tax Map 30, Lot 150, located in the Urban Density Multi Residential District (RM U), requests a Special Exception via **Section 170-12(B), RMU Table of Uses**, to, following the conversion of an existing 3-unit home to a 2-unit home, construct a 2-unit addition for an increased from 3-units to 4-units total. *[This item to be continued to October 16, 2025 Zoning Board of Adjustment Meeting]*
- B. **ZONE-2025-0032** Timothy & Cheryl Lindsay Revocable Trust, 4 Bay View Road, Tax Map J, Lot 17, located in Rural Residential District (R-40), requests a Variance from **Section 170-12(B)**, to allow for an increase in maximum lot cover to 12.2% due to non-conformity, where 10% is allowed.

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, August 21, 2025
Meeting Time: 7:00 pm

1. ATTENDANCE

Members Present: Chris Prior (Chair), Anthony Sillitta (Vice Chair), Nicholas Couturier, Jackson Brown, Nicole Morin (Alternate)

Members Not Present: Rich Onufry, Hilary Hamer (Alternate)

Staff Present: Paul R. Crouser (Zoning Administrator)

Chair Prior called the meeting to order at 7PM.

2. APPROVAL OF MEETING MINUTES OF JUNE 19, 2025

Motion: Brown moved to approve the minutes of June 19, 2025 as submitted. Seconded by Couturier. Vote: U/A

Chair Prior described the first item as a rehearing, that information has been given to the board for review and if members believe an error was made, a rehearing should be granted. He does not believe a rehearing is necessary.

P. Crouser submitted written information and recommendations and was willing to provide any clarifications, summaries or point by point review if board members requested.

3. HEARINGS

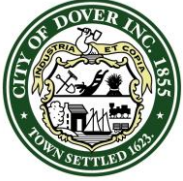
A. ZONE-2024-0045R Request for Rehearing of ZONE-2024-0045, Applicant: Sam Hewitt, through counsel, requests a rehearing of the Special Exception granted on June 19, 2025 in which the owner of 9 Maple Street, Tax Map 30, Lot 66, located in Urban Density Multi Residential District (RM-U), was granted a Special Exception through Section 170-12.B, RM-U 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.

This is a subsequent rehearing request pursuant to the approval of matter ZONE-2024-0045, where the Applicant was granted 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, with conditions.

P. Crouser noted between the June meeting when the special exception was granted and now, the Governor signed a bill into law which alters the regulation of parking spaces for residential units- no more than one space per unit. Much of the arguments were based on the parking numbers and location. Though the law doesn't take effect until mid-September, the change cuts the applicant's parking burden in half should the applicant withdraw and resubmit their application at that time.

Planning Department input:

Each factual assertion made within the July 18, 2025 rehearing request was made either explicitly or constructively during the June 19, 2025 hearing, and as such, Staff fails to see any credible basis for the granting of a rehearing as the Board has previously discussed each claimed argument at length, subsequently moving for and approving the Special Exception.



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Staff recommends denying the rehearing request.

Motion: Sillitta moved to deny the rehearing request due to no new information being provided and the board did not make a material error in its decision. Couturier seconded.

Board discussion:

Chair Prior agreed with the information provided by P. Crouser in the packet.

Vote: 5-0 with all in favor

B. ZONE-2025-0024 Applicant: Fuss and O'Neill (Owner: Essential Properties, LLC) 851 Central Avenue, Tax Map 38, Lot 6-A, located in the Commercial District (C), requests a Variance from Sections 170-50-C(1) and 170-50-F(1)a, to allow for a monument sign to be located on a property that the business does not itself reside on and allow for more than one monument sign on a property with only one road frontage.

Chair Prior explained the hearing process.

Mr. Brown recused himself from item B. Therefore, there is not a full 5-member board able to vote on this item. The applicant chose to move forward with four voting members.

Rick Lundborn, civil engineer with Fuss and O'Neill presented the item. He described the location and the site. He described the proposal request for signage. The property is unique in that the parcel and business are located on a land-locked parcel in the neighboring town, but the parking lot for it is an abutting lot in Dover. The access to the business is over an easement in the Shaw's Plaza parcel adjacent.

The request is to put the monument sign off Central Ave within the access easement. This will provide advertising on the road and also clarify which entrance to use to access the business.

Mr. Lundborn addressed the variance criteria by reading information provided in the packet. He reiterated with the business located in another town with no access from there or frontage on Central Ave, there isn't anywhere to put a sign without a variance.

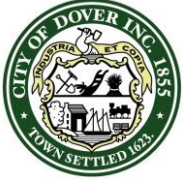
Chair Prior read staff's suggested conditions for approval and the applicant indicated no issues with them.

Public Hearing opened:

None

Planning Department input:

This particular case is unique in that the property benefiting from the sought relief is not the property applying for the variance itself which complicates the establishment of a hardship. Dover Gaming, LLC, in Staff's opinion, has sufficiently demonstrated hardship as they own a purely commercial property which lacks any sort of means in which to advertise its use due to the property's physical location. The complication, in this unique case, is that Essential Properties is constructively assuming Dover Gaming's hardship since Dover Gaming cannot, by itself, remedy their hardship using their own property. Staff feels as though, since there is no alternative relief for the property, denying the variance would constitute a taking, and thus recommends approval of the variance with conditions, which are:



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1. The third freestanding sign shall not exceed 60 s.f. in area and shall be subject to sign permit review and associated fees;
2. 851 Central Ave. shall not seek any additional variance for additional freestanding signs or expansions of their area; and
3. The sign shall be considered “non-conforming” and should any current or future use associated with the freestanding sign granted through this variance cease for a period of one (1) year, the sign shall be removed, or a new variance shall be applied for

Sillitta addressed public safety of traffic turning at that location where there is no stoplight.

Motion: Sillitta moved to grant the variance as presented as it meets the criteria with the conditions set forth by staff. Couturier seconded. Vote: 4-0 with all in favor

C. ZONE-2025-0025 Applicant: Matthew Hunt, Back Road, Tax Map M, Lot 105-1, located in the Rural Residential District (R-40), requests a Variance from Section 170-12.B, R-40 Table of Uses, to allow for the location of a garage to be closer to the road than the 40' setback requirement.

Matt Hunt, 35 New York St, owner presented the item. He described the location and the site. He described the proposal to put a single-family home on the lot. Though the parcel is three acres, much of it is wetlands and buffers. The current design does keep the building out of those areas. Due to the water table, a basement is not feasible so there is no ability for garage, storage etc under the first floor. The garage for the other house on the street is the same distance from the road as being requested on this lot.

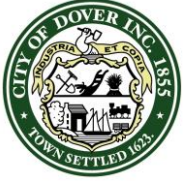
Public Hearing opened:

Chair Prior summarized a letter received to the office from an abutter with concerns about using the neighbor's setbacks as a reason to allow the same for a new home, lack of hardship, and precedence-setting in the zone.

Planning Department input:

In this particular case, while the current setback values were known prior to the owner purchasing this lot, it is evident that the underlying subdivision, which created this parcel in 2013, left little room in terms of avoiding a variance should the parcel be developed in accordance with the neighborhood, which it is now. The parcel is the largest of the three by over 1.5 acres, yet it has the least amount of accessible area in which to develop due to wetland/buffer constraints. Although an alternative to the variance exists, in staff's opinion, the only alternative is so negligible in difference to the variance request that staff does not feel denying the variance is reasonable.

Staff endorses this variance request without conditions.



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Motion: Brown moved to grant the variance as presented as it meets the five criteria. Sillitta seconded.
Vote: U/A

D. *ZONE-2025-0028 Bruton & Berube, PLLC, (Owner: Ry Development, LLC) 99 Knox Marsh Road, Tax Map H, Lot 34, located in the Commercial Manufacturing District (CM), requests a Variance from Sections 170-32.(E)(1), 170-32(F)(2)(b)(2), 170-32(F)(2)(b)(2), 170-32(E)(5)(a), to allow the development containing a mixed-use project with two (2) buildings each containing eighty (80) units, for a total of one hundred sixty (160) residential apartment units.

FX Bruton, Bruton and Berube presented the item. He described the proposal to develop a mixed-use project. He noted the project has been in the works for a long time and also that the Housing committee presented a report last month to City Council and many of their recommendations are items included in this proposal.

The proposal is 100% affordable- all 160 units.

He explained the criteria for RCM overlay (Residential Commercial Mixed-use) and that they will be applying for that with the Planning Board. 20 acres are required- which they have. With that overlay, if all proposed units are HUD restricted, there are no density requirements.

He explained the limitations of the parcel due to wetlands and wildlife. They worked with NH Fish and Game for over a year and they support the current layout proposed which keeps the back area clear for wetlands and wildlife.

The commercial aspect is required and proposed as a 25,000 sq ft building.

He explained criteria for percentage of commercial vs residential per building and the variance request to only have commercial on half the first floor of one of the buildings rather than both. He explained the reasoning and how it relates to grant funding.

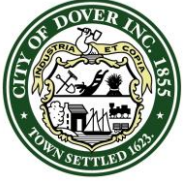
Some discussion among the Chair, staff and applicant occurred regarding the variance request clarifying the multi-facets of the request involving commercial.

Mr. Bruton addressed the additional variance requests:

- Front setbacks meet the underlying zone requirements, but the need to be pushed forward is due to the wetlands and wildlife that need to be protected.
- Height proposal will fit in with the area and the requested height is necessary to make the proposal go forward
- Related to HUD rates: they are proposing 60% AMI rather than the more frequently utilized 80%

Mr. Berube addressed the variance criteria highlighting:

This project promotes the greater welfare of Dover residents, uniqueness of the parcel includes size, location, and wetlands/environmental aspects.



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Mr. Berube addressed comments and questions from the board relating to the full anticipated process/ order of construction, conditions proposed by staff, potential third condition that no occupancy permit for second residential building shall be issued until the occupancy permit is issued for the commercial building. Public Hearing opened:

Peggy Morton, 93 Knox Marsh Rd, abutter expressed concerns about water and drainage and the effects of the new development (nearby proposed parking lot) to her property. It is often wet in that area and her basement floods already. She also mentioned other wildlife and disturbance of their habitat, and she's not in favor of so many floors of apartments or additional cars and traffic on that road.

Mr. Berube addressed public comment noting it is all good information and those items will be addressed at the site plan level. There are regulations that you cannot increase your runoff during development. Parking locations will be reviewed and addressed throughout the process.

Planning Department input:

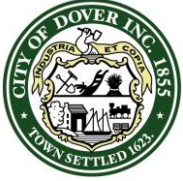
- 1) There is a demonstrated precedent in the recent past of this Board making concessions regarding a structure or development's overall commercial composition percentage in lieu of affordable housing, or where commercial uses are shown to have historically failed at particular locations. Staff feels the sought relief is reasonable considering the substantial creation of affordable housing;
- 2) As several neighboring properties are in violation of this setback rule, Staff sees no public benefit in keeping the Applicant beholden to this requirement;
- 3) Staff takes no strong stance either way on the height requirement relief; and
- 4) The request to equate LIHTC-regulated housing units to those units which are restricted to the HUD Fair Market Rent Rate is a reasonable request in Staff's eyes, provided certain restrictions are put into effect to ensure the survival of the affordability component which is the basis of the majority of the relief sought in this application.

Staff endorses this variance request with conditions

- 1) After the date of expiration of any of the current owner's (of 99 Knox Marsh Rd.) Land Use Restriction Agreement ("LUMR") with New Hampshire Housing, the owner(s) of record shall either recapitalize through New Hampshire Housing using the 60% AMI figure, or, should the owner(s) of record choose not pursue recapitalization through New Hampshire Housing, all 160 units will automatically be restricted to the applicable HUD Fair Market Rent value in perpetuity.
- 2) Condition one (1) shall be memorialized as a Developer's Agreement with the City of Dover and as a deed restriction to be recorded at the Strafford County Registry of Deeds prior to the issuance of any Certificate of Occupancy for any building on 99 Knox Marsh Rd. or Tax Map H, Lot 34.

P. Crouser gave additional information about the construction completion process.

All parties clarified and agreed: the second residential building cannot be occupied until the commercial



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building is between 25%-50% complete, with the Planning Board having discretion to amend that percentage. This language is already in the ordinance and will have to be complied with.
Public Hearing closed.

Motion: Sillitta moved to grant the variances as presented as they meet the five criteria with the conditions set forth by staff. Brown seconded. Vote: U/A

4. OTHER BUSINESS

A. ZONING BOARD MEMBER TRAINING

P. Crouser gave a training presentation about Zoning Board of Adjustment rules and procedures. The report will be sent to the board members as it includes hyperlinks to the reference materials. He highlighted topics such as: voting, quorum, recusals (voluntary only), evolution of criteria such as hardship over the years, special exceptions, and appeals of administrative decisions.

5. ADJOURN

Motion: Silitta moved to adjourn at 8:58pm. Couturier seconded. Vote: U/A

From: Sarah Hourihane <sarah@lasselarchitects.com>
Sent: Friday, September 12, 2025 7:36 AM
To: Blonigen, Rachel <R.Blonigen@doover.nh.gov>
Cc: Crouser, Paul <P.Crouser@doover.nh.gov>; Glidden, Jean <J.Glidden@doover.nh.gov>
Subject: RE: 50 Mt. Vernon Special Exception

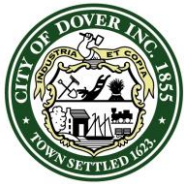
Security Notice: External sender. Use caution with hyperlinks or attachments.

Hi Rachel,
We are going to postpone for a month.

In the meantime, would you be able to send me the information on the abutting properties from what was calculated by the City for open space?

Thank you!
Sarah

SARAH HOURIHANE
LASSEL ARCHITECTS
207 384 2049
lasselarchitects.com



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, September 18, 2025
Meeting Time:	7:00 pm

INTENT: The Applicant requests a requests a variance from **Section 170-12(B)**, to allow for an increase in maximum lot cover to 12.2% due to non-conformity, where 10% is allowed.

UNITS PROPOSED: N/A

AGENDA ITEM: 3-B

ZONING DISTRICT: Rural Residential (R-40) District

FILE: ZONE-2025-0032

APPLICANT: Timothy & Cheryl Lindsay, Trustees

OWNERS: Timothy & Cheryl Lindsay Revocable Trust

LOCATION: 4 Bay View Rd. (Tax Map J, Lot 17)

ACREAGE: ±33,207 s.f. No change in lot area

EXISTING LAND USE: Residential

PROPOSED LAND USE: Residential, no change

SURROUNDING LAND USE: Residential

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQ.: No

ATTACHMENTS: Application, Proposed Site Plan

STAFF RECOMMENDATION: Staff tepidly supports this variance request with a condition.

BACKGROUND INFORMATION

The property seeking this variance request is located at 4 Bay View Rd. within the R-40 Zoning District. The parcel is approximately ±33,207 s.f. in area and currently holds one single-family home whose footprint is approximately 2,750 s.f. The Applicants are before this Board because they seek to install a 1,344 s.f. detached garage. The total lot coverage, including the existing home and the proposed garage, comes to approximately 12.2% lot coverage, where 10% maximum is allowable.

The lot is currently non-conforming both in terms of sufficient lot area and frontage (approximately 120' where 150' is required).

STAFF RECOMMENDATION

The Applicant provides a sound justification for why the relief provided by the sought variance is necessitated; the existing lot is nonconforming both in terms of frontage and area, and it is the smallest lot in the neighborhood by a significant margin. The only real analysis in this case is to consider what reasonable alternative to the variance relief is available to the Applicant. The answer to that question is a garage which is less than 600 s.f. in area, which at maximum, yields a two-car garage. This Board is tasked with deciding whether, given the available alternative, the Applicant's variance request is reasonable or not.

Given the above, Staff recommends that the Board open the public hearing, accept testimony, and make findings on each of the five variance criteria. Based on the evidence presented, Staff recommends that should this Board approve this variance request, it do so with the following condition:

1. No future variance will be given at this property for exceeding lot coverage.

ZONE-2025-0032 4 BAY VIEW ROAD

**Property Information**

Location 4 BAY VIEW RD
Owner LINDSAY TIMOTHY & CHERYL TRUSTEES
Land Use 101R
Zoning Code R-40
Property Id J0017-000000

**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-2025-0032 FOR CITY OF DOVER, N.H.

Permit Type Zoning	Project:	App Date: 08/22/2025
Work Class: Variance	District: None	Exp Date: NOT AVAILABLE
Status: In Review	Square Feet: 0.00	Completed: NOT COMPLETED
Valuation: \$0.00	Assigned To: Crouser, Paul	Approval
Description: To add a detached garage, over maximum lot coverage. (see application narrative)		Expire Date:

Parcel: J0017-000000	Main	Address: 4 Bay View Rd Dover, NH	Main	Zone: R-40(Residential - Rural)
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Applicant
Timothy D. & Cheryl A. Lindsay
4 Bayview Road
Dover, NH 03820
Home: (603) 749-5807

Permit Custom Fields

ZoneVariAppealPhDisa No bility	Number of Variances 1 Requested:	ZoneVariPlanDirections
ZoneVariPlanSummary To add detached garage (see narrative)	ZoneVariAppealSect 170-12(B)	ZoneVariAppealSectDe Maximum lot coverage is tail 10%, proposed garage would increase lot coverage on non-conforming lot to 12.2%
What is the parcel R-40 zoned?	ZoneVariAppeal1Public See narrative. Interest	ZoneVariAppeal2Ordin See narrative. anceSpirit
ZoneVariAppeal3Subst See narrative. antialJustice	ZoneVariAppeal4Prope See narrative. rtyValue	ZoneVariAppeal5A1Un See Narrative. NecHardship
ZoneVariAppeal5A2No see narrative. FairRelate	ZoneVariAppeal5A3Re See narrative. asonableUse	ZoneVariAppeal5BNoR easonableUse

Attachment File Name	Added On	Added By	Attachment Group	Notes
Signature_Timothy_D._8/22/2025.jpg	08/22/2025 8:48	Lindsay, Timothy D. & Cheryl A.		Uploaded via CSS
Permit Snapshot Report.pdf	08/22/2025 8:49	Service, EnerGov		Attached by IO - ATTACH: Initial Permit Snapshot

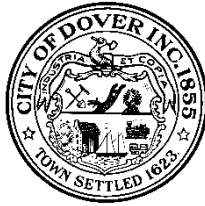
Invoice No.	Fee	Fee Amount	Amount Paid
INV-2025013672	Planning Zoning Variance Application Fee	\$200.00	\$200.00
Total for Invoice INV-2025013672		\$200.00	\$200.00
Grand Total for Permit		\$200.00	\$200.00

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Planning Permit Application Review v.1	In Review	08/25/2025	09/04/2025		No	No
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Administrator	Planning	Crouser, Paul	In Review	08/25/2025	09/04/2025	

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1		08/25/2025 13:35	
Confirm application complete v.1	Generic Action		08/25/2025 13:35
Planning Permit Application Review v.1	Receive Submittal	08/25/2025 0:00	
Zoning Board v.1			
Zoning Board Agenda v.1	Task		
Invoice for Notices v.1	Task		

PERMIT SNAPSHOT REPORT (ZONE-2025-0032)

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



288 Central Avenue
Dover, New Hampshire 03820-4169
Tel: (603) 516-6008
Fax: (603) 516-6049

Zoning Board of Adjustment City of Dover, New Hampshire

HOURS: Monday through Thursday 8:30 AM - 5:30 PM & Friday 8:30 AM to 4:00 PM

INSTRUCTIONS TO APPLICANTS APPEALING TO THE DOVER ZONING BOARD OF ADJUSTMENT

PLEASE READ ALL INSTRUCTIONS CAREFULLY BEFORE FILLING OUT ATTACHED

Dear Applicant:

This will serve to briefly inform you as to what you must do to bring a petition before the Dover Zoning Board of Adjustment (ZBA). Please refer to the NH Statutes on Land Use and Regulation and the Dover Zoning Ordinance for more specific information. You must complete the application(s) applicable to you. There are four (4) purposes to petition the ZBA; they are:

1. Variances - where special conditions exist in the property warranting the use of that property in a manner which literally or technically is in violation of the ordinance. Variances can be sought to dimensional or use requirements.

There is a special type of variance allowed for persons having a recognized physical disability, which may be granted for as long as the particular person has a need to use the premises (see RSA 674:33-V). Any medical information submitted to substantiate a disability will remain confidential.

2. Special Exceptions - where the ordinance specifically permits a particular use provided the applicant can prove that whatever conditions attached to such use by the ordinance have or will be complied with.
3. Appeal from Administrative Decisions - where the applicant feels that the Administrative Official made an error in applying or interpreting the zoning ordinance in a particular case.
4. Equitable Waiver of Dimensional Requirements - where a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by a zoning ordinance enacted pursuant to RSA:674:16.

The ZBA cannot and will not grant the relief sought unless the applicant proves the elements of his or her case. For example, variances may not be granted solely because the applicant is suffering from financial hardships or other personal hardships or whimsically would like to put his or her property to a non-conforming use.

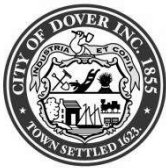
YOU, THE APPLICANT, ARE RESPONSIBLE FOR PRESENTING SUFFICIENT INFORMATION TO SUPPORT AND PROVE YOUR CASE. WHEN FILLING OUT THE APPLICATION, PLEASE PRINT OR TYPE.

Familiarity with the particular provision of the Zoning Ordinance that affects your property is important, and any specific questions you may have relative to your particular case can be answered either by obtaining a copy of the Zoning Ordinance at the City Clerk's Office, or by inquiring at the Planning Office, Municipal Building, 288 Central Avenue, Dover, NH 03820. The Zoning Ordinance can also be viewed on the City web-site at www.dover.nh.gov.

You may represent yourself or authorize, in writing, someone else to represent you. Deliver or mail ten (10) copies of the completed application, with applicable attachments to the Planning Department at least twenty-one (21) days prior to the ZBA meeting date. The ZBA meets on the third Thursday of the month.

The attached application form must be properly completed. An application fee is charged to cover the cost of preparing and mailing the legally required certified letters to the abutters and to place a legal notice in the newspaper. We will notify you of the cost once your application has been submitted.

The ZBA will hold a public hearing on your application at its regularly scheduled monthly meeting. Public notice of the hearing will be posted at the City Clerk's office and the Planning Department office and printed in the newspaper. Certified letters will be mailed to you and to all abutters at least five days before the date of the hearing. You and all other parties will be invited to appear in person or by agent or counsel to state the reasons why the appeal should or should not be granted. Please be advised that a decision may not be made the same night of the hearing. You will be sent a notice of the decision.



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Revised June 7, 2022]

<i>Office Use Only</i>	Case #: _____	Date Received: _____
	Amount Paid: \$ _____	Time Received: _____

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Timothy D. Lindsay & Cheryl A. Lindsay, Co-Trustees Phone # (603) 516-2612

Address of Applicant: 4 Bayview Road, Dover, New Hampshire 03820

E-Mail Address: tlindsay@formax.com

PROPERTY OWNER (if different from applicant): Same as applicant

Address: _____ Phone # _____

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: 4 Bayview Road, Dover, New Hampshire 03820

Brief Directions: Single Family Home. On the corner of Bayview Road and Piscataqua Road

Zoning District: R-40 Assessor's Map # J-17-0-0 Lot(s) # Lot A-2025-008

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 add a detached garage.

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:

A detached garage on the site which meets the setbacks except does not meet lot coverage which is 10% and this garage would place the lot coverage at 12.2%

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:

This is a lot which is non-conforming. It will remain non-conforming. Additional land has been added to meet the setbacks. Before the additional land was added, the lot was 28,987 sq.ft. and had 2,743 sq. ft. of lot coverage, which is a little less than 10% of lot coverage, and after the additional land is added the lot will have 33,207 sq.ft. and 3,986 sq.ft. of lot coverage, which is approximately 12.2% of lot coverage. The lot will remain consistent and continues to be undersized and the lot coverage has not increased much. The structures on the lot continues to be residential and will meet all setbacks. Being slightly over on lot coverage will not affect the public interest or any of the neighborhood, and the use and structures will remain consistent.

2. Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because:

See the previous explanation. Lot coverage of 12% on a non-conforming and undersized lot does not violate the spirit of the ordinance.

3. Granting the variance would do substantial justice because:

There is only a slight increase in lot coverage from around 10% to 12.2% and given the size of the lot this is not unreasonable. The square footage of the non-conforming lot is increased and this will handle the square footage of an additional structure.

4. The value of surrounding property will not be diminished because:

This will not change the look of the property and therefore not affect any abutting property values.

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:

It is a non-conforming lot and other lots are more conforming. If this lot was 40,000 sq.ft. this additional structure would easily meet the lot coverage percentage required.

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:

Lot coverage intends to keep too much of the land from being developed and leave a great deal of it open. The difference between 10% and 12.2% lot coverage in this residential area would be imperceptable to anyone looking at the property.

and

(iii) The proposed use is a reasonable one because:

This is a two bay garage which fits well in this residential neighborhood.

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:

EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

THIS SECTION TO BE COMPLETED BY EQUITABLE WAIVER APPLICANTS ONLY

An Equitable Waiver of Dimensional Requirements is requested from Article _____ Section _____ of the Zoning ordinance to permit _____

1. Does the request involve a dimension requirement, not a use restriction? yes no

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.

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.

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

NOTE: The Board must find in the affirmative on all four questions or the request must be denied

APPEAL OF ADMINISTRATIVE DECISION

THIS SECTION TO BE COMPLETED BY APPLICANTS APPEALING AN ADMINISTRATIVE DECISION ONLY

Explain why you feel that the Administrative Official made an error in applying or interpreting the zoning ordinance in a particular case.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

SPECIAL EXCEPTION REQUIREMENTS

THIS SECTION TO BE COMPLETED BY SPECIAL EXCEPTION APPLICANTS ONLY

A. General Special Exception Requirements (as set forth in §170-52.C.3 of the Zoning Ordinance)

1. Explain how the requested use would be essential or desirable to the public convenience or welfare.

2. Detail how the requested use would not create undue traffic congestion or unduly impair pedestrian safety.

3. Describe how the requested use would not overload any public water, drainage or sewerage system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the City will be unduly subjected to hazards affecting health, safety or the general welfare.

B. Specific Special Exception Requirements (as may be set forth in the applicable Table of Use)

Explain how the proposal meets the specific special exception requirements as may be set forth in the Table of Use for the zoning district in which the subject property is located:

A.

B.

C.

D.

E.

F.

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

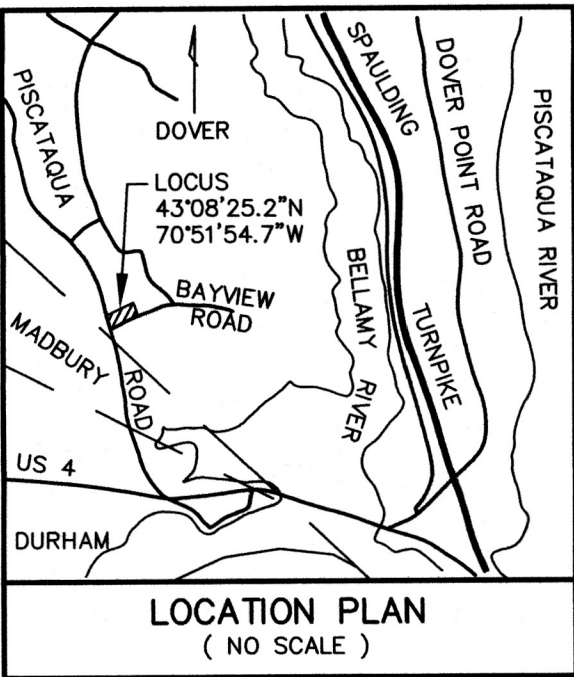
I, and my successors, hereby authorize members of the Dover Zoning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction 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: _____

ZONE-2025-0032**4 BAY VIEW ROAD**

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
J0016-A00001	97 PISCATAQUA RD	HUMAN ACTION FOUNDATION		62 CALEF HWY STE 137	LEE	NH	03861
J0016-C00000	89 PISCATAQUA RD	GITSCHIER JAMES		89 PISCATAQUA ROAD RFD 6	DOVER	NH	03820
J0016-C00001	95 PISCATAQUA RD	GITSCHIER ROBERT	GITSCHIER JAMES	95 PISCATAQUA RD	DOVER	NH	03820
J0018-A00000	10 BAY VIEW RD	RICHARD ROBERT A TRUSTEE	THE LUCILLE E RICHARD REVOCABLE TRUST OF	10 BAYVIEW RD	DOVER	NH	03820-5202
J0018-C00000	72 PISCATAQUA RD	RICHARD HENRI J TTS & RICHARD ANN	RICHARD HENRI J REV AGREEMENT TRUST	72 PISCATAQUA RD	DOVER	NH	03820
J0026-000000	11 BAY VIEW RD	DRAKE WILLIAM E &	DRAKE PATRICIA A	11 BAY VIEW RD	DOVER	NH	03820-5226
J0026-A00000	1 BAY VIEW RD	BIG SKY FARM LLC		PO BOX 1384	HAMPTON	NH	03842
J0017-000000	4 BAY VIEW RD	LINDSAY TIMOTHY & CHERYL TRUSTEES	LINDSAY TIMOTHY & CHERYL REVOCABLE TRUST	4 BAY VIEW ROAD	DOVER	NH	03820

7/23/2025 10:57:27 File: P:\1773 - Tim Lindsay - Dover, NH\Survey\Drawings\1773 LLADJ.dwg Layout: 22634



REFERENCE PLANS:

- 1.) LOT LINE ADJUSTMENT PLAN P17-77, LOT LINE ADJUSTMENT PLAN PREPARED FOR TIMOTHY D. & CHERYL A. LINDSEY AND ROBERT A. & LUCILLE E. RICHARD, TAX MAP J, LOTS 17 & 18-A; SCALE: 1" = 40'; DATED: 10-30-17, REVISED THROUGH 01/05/18; BY: CIVILWORKS NEW ENGLAND; RECORDED S.C.R.D. PLAN 115-38.
- 2.) PLAN OF LAND BELONGING TO GEORGE E. PRESCOTT, DOVER, NH; SCALE: 1" = 40'; DATED: NOV. 1970; BY: K.E. MOORE & B.G. STAPLES; RECORDED S.C.R.D. PLAN 35, POCKET 1, FOLDER 13.
- 3.) PLAN OF LAND BELONGING TO GEORGE E. PRESCOTT, DOVER, NH; SCALE: 1" = 40'; DATED: DEC. 1970; BY: K.E. MOORE & B.G. STAPLES; RECORDED S.C.R.D. PLAN 59, POCKET 1, FOLDER 13.

NOTES:

- 1.) OWNER OF RECORD:
J / 17 TIMOTHY D. LINDSAY REVOCABLE TRUST OF 2015
TIMOTHY D. LINDSAY, TRUSTEE
CHERYL A. LINDSAY REVOCABLE TRUST OF 2015
CHERYL A. LINDSAY, TRUSTEE
4 BAY VIEW ROAD
DOVER, NEW HAMPSHIRE 03820
S.C.R.D. VOLUME 4334, PAGE 156
S.C.R.D. VOLUME 4543, PAGE 741
J / 18A THE LUCILLE E. RICHARD REVOCABLE TRUST OF 2000
ROBERTA A. RICHARD, TRUSTEE
10 BAYVIEW ROAD
DOVER, NH 03820
S.C.R.D. VOLUME 2225, PAGE 335
- 2.) **J / 17** - DENOTES TAX MAP AND PARCEL NUMBER.
- 3.) THE INTENT OF THIS PLAN IS TO ADJUST THE LOT LINE BETWEEN THE SUBJECT LOTS AS SHOWN. PARCEL **(A)** (4,221 S.F., 0.10 Ac.) WILL BE ADDED TO LOT J/17.

LOT	ORIGINAL AREA	NEW AREA
J/17	28,987 S.F., 0.67 Ac.	33,207 S.F., 0.76 Ac.
J/18A	53,627 S.F., 1.23 Ac.	49,406 S.F., 1.13 Ac.
- 4.) ZONING DISTRICT IS R40:
DIMENSIONAL REQUIREMENTS:
MINIMUM LOT SIZE = 40,000 S.F.
MAXIMUM LOT COVERAGE = 10 PERCENT
MINIMUM FRONTAGE = 150 FEET
BUILDING SETBACK REQUIREMENTS:
FRONT SETBACK = 40 FEET
SIDE SETBACK = 25 FEET
REAR SETBACK = 30 FEET
MAXIMUM BUILDING HEIGHT = 35 FEET
- 5.) THE SUBJECT PARCEL IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) 33017C0340E, EFFECTIVE DATE SEPTEMBER 30, 2015.
- 6.) BASIS OF BEARING IS NH STATE PLANE (NAD83) BASED ON REFERENCE PLAN 1.
- 7.) PROPERTY LINE INFORMATION HAS BEEN OBTAINED FROM A SURVEY PERFORMED BY CIVILWORKS NEW ENGLAND ON OCTOBER 4, 2017 WITH AN ERROR NOT GREATER THAN 1 IN 10,000.
- 8.) THE SOIL TYPES ON THE SITE ARE:
HgC - HOLLIS-GLOUCESTER VERY ROCKY FINE SANDY LOAM, 8-15% SLOPES.
THE SOURCE FOR THE SOIL TYPE DATA IS USDA NRCS WEB SOIL SURVEY
<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>
- 9.) PER NH RSA 485-A:33 II, THIS DOES NOT REQUIRE NHDES SUBDIVISION APPROVAL.

Timothy D. Lindsay
Cheryl A. Lindsay

Robert A. Richard
OWNER SIGNATURES

J / 16C
JAMES J. GITSCHIER
89 PISCATAQUA ROAD
DOVER, NH 03820
1129 / 70

J / 16C-1
JAMES J. GITSCHIER
ROBERT T. GITSCHIER
95 PISCATAQUA ROAD
DOVER, NH 03820
1325 / 747

J / 16A-1
HUMAN ACTION FOUNDATION
62 CALEF HIGHWAY SUITE 137
LEE, NH 03861
4595 / 698

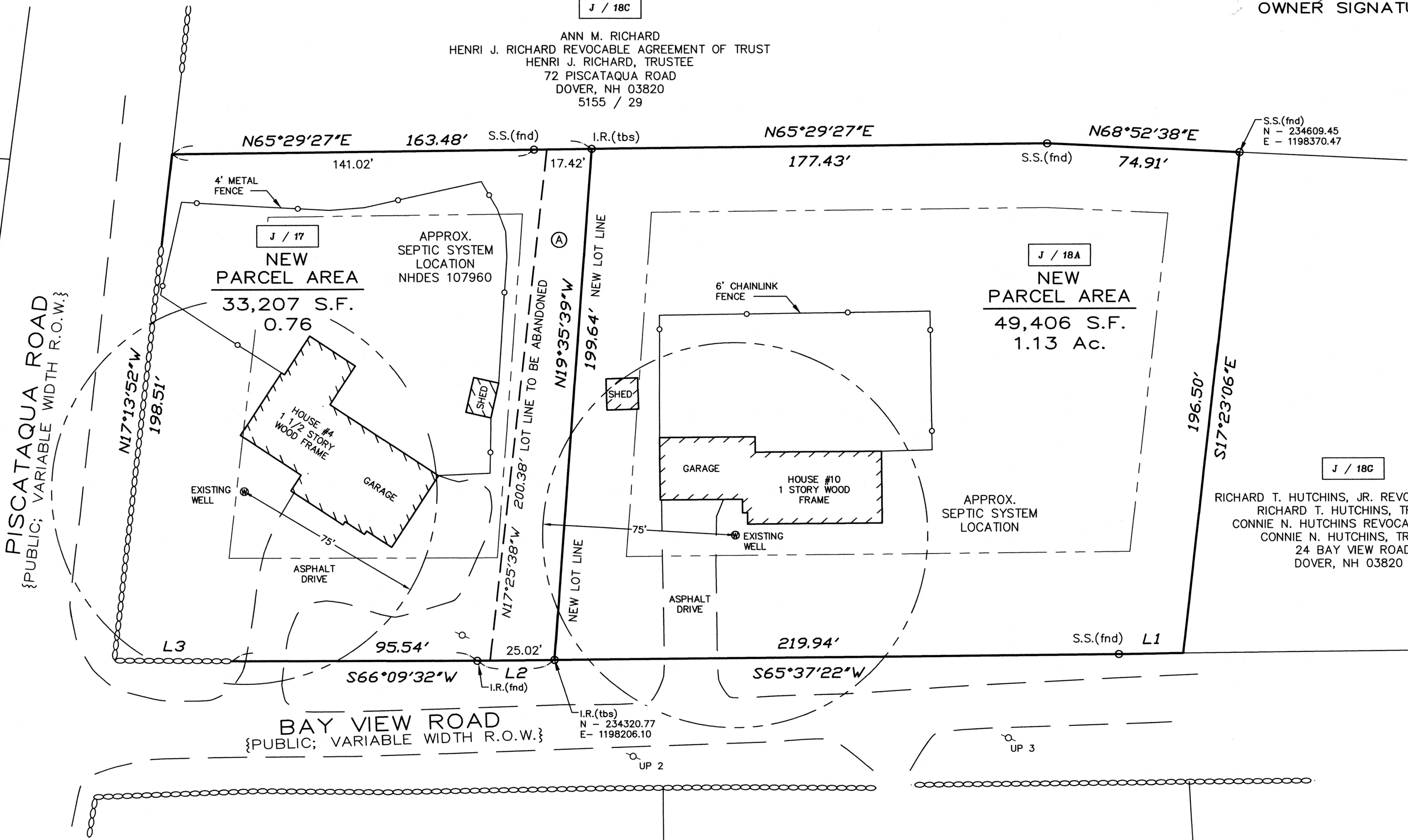
J / 26A
BIG SKY FARM, LLC
P.O. Box 1384
HAMPTON, NH 03842
5024 / 630

J / 26
WILLIAM E. DRAKE
PATRICIA A. DRAKE
11 BAY VIEW ROAD
DOVER, NH 03820
4174 / 139

J / 26B
BIG SKY FARM, LLC
P.O. Box 1384
HAMPTON, NH 03842
5024 / 633

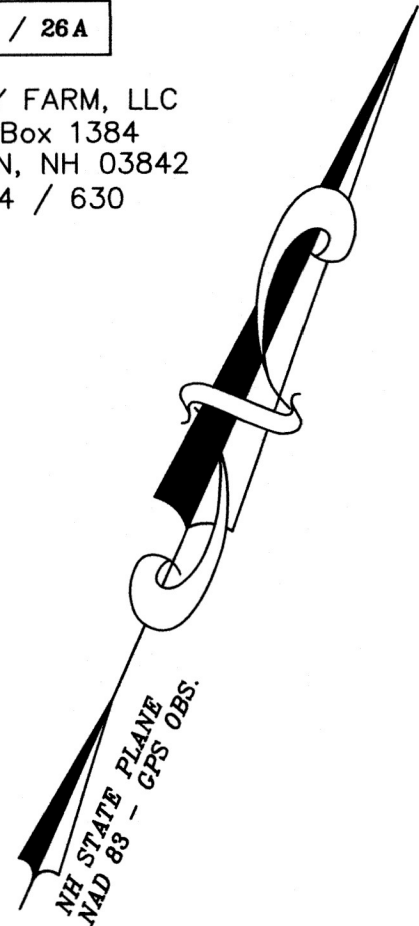
J / 18C
RICHARD T. HUTCHINS, JR. REVOCABLE TRUST
RICHARD T. HUTCHINS, TRUSTEE
CONNIE N. HUTCHINS REVOCABLE TRUST
CONNIE N. HUTCHINS, TRUSTEE
24 BAY VIEW ROAD
DOVER, NH 03820

J / 18C
ANN M. RICHARD
HENRI J. RICHARD REVOCABLE AGREEMENT OF TRUST
HENRI J. RICHARD, TRUSTEE
72 PISCATAQUA ROAD
DOVER, NH 03820
5155 / 29



No.	Bearing	Distance
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L2	S65°37'22"W	30.06'
L3	S66°30'23"W	45.93'

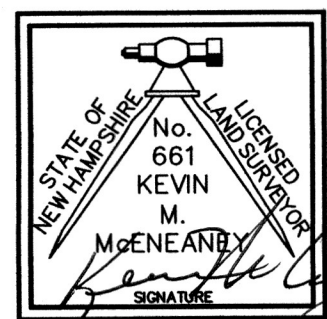
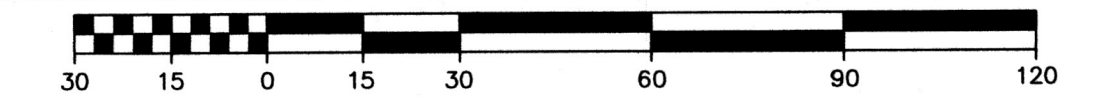
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REVISIONS				
1773	LLADJ	-	-	-
PROJECT NO	TYPE	FIELDBOOK & PAGES		



LOT LINE ADJUSTMENT PLAN
PREPARED FOR
TIMOTHY D. LINDSAY REVOCABLE
TRUST OF 2015 &
CHERYL A. LINDSAY REVOCABLE
TRUST OF 2015
TAX MAP J, LOT No. 17
4 BAY VIEW ROAD
AND
THE LUCILLE E. RICHARD
REVOCABLE TRUST OF 2000
TAX MAP J, LOT No. 18A
10 BAY VIEW ROAD
CITY OF DOVER
COUNTY of STRAFFORD
STATE of NEW HAMPSHIRE

DOVER PLANNING FILE No. LOTA-2025-0008

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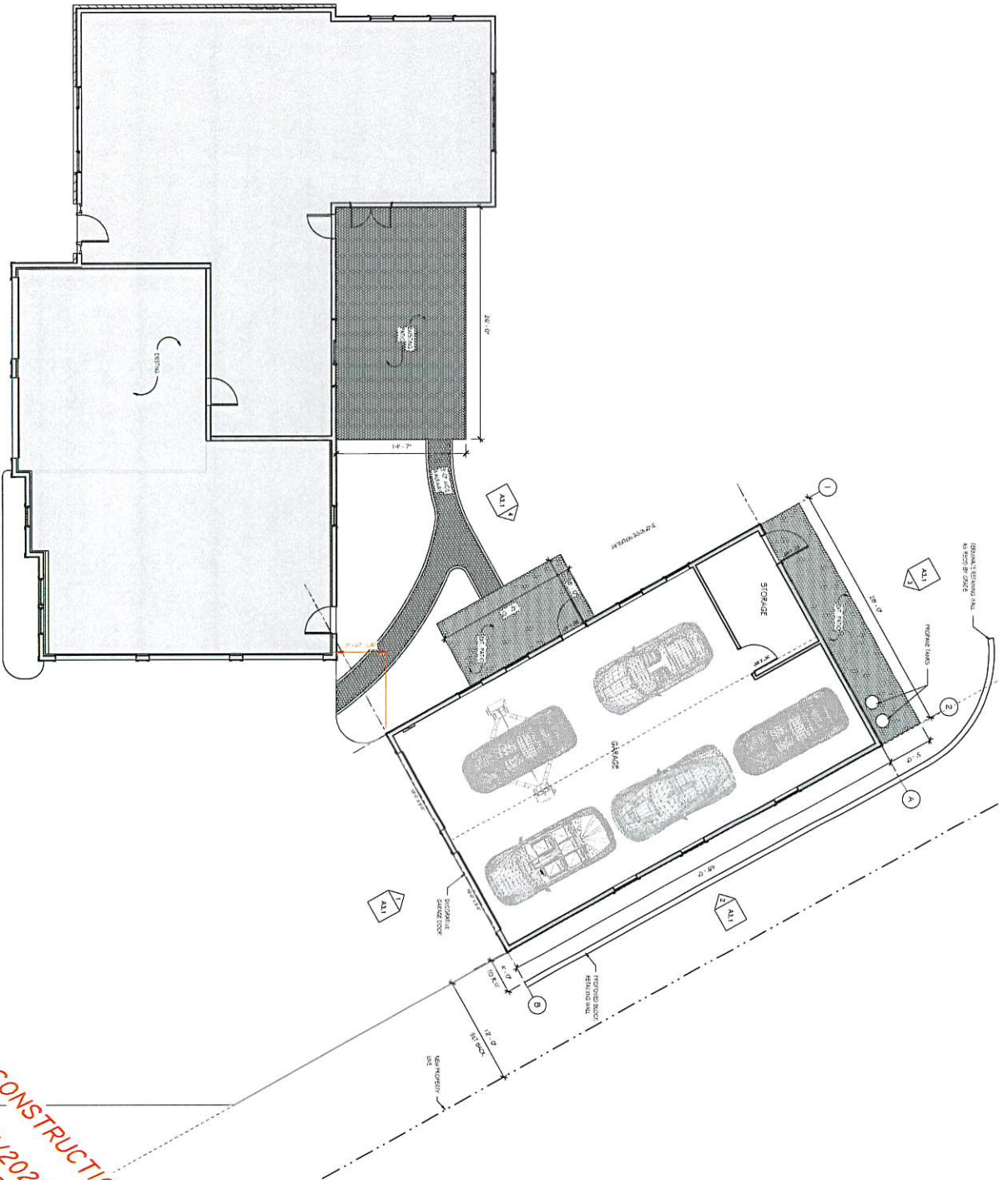


McEaney
Survey
Associates
of NEW ENGLAND

P.O. Box 1166 - 181 WATSON ROAD
DOVER, NH 03820 (603) 742-0911

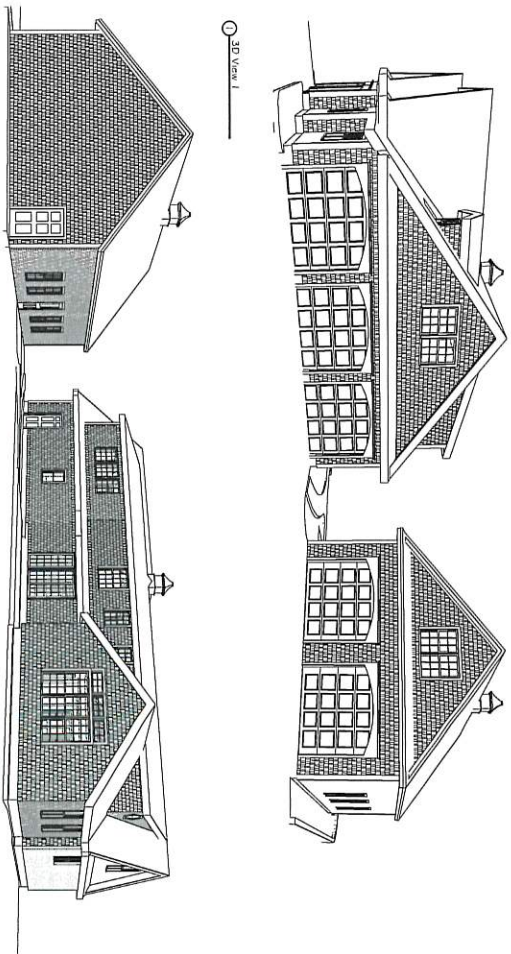
SURVEYING - PLANNING - CONSULTING

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SITE = 1" = 0'



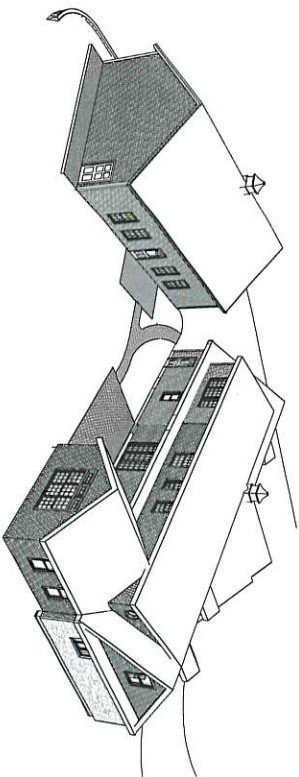
FOR CONSTRUCTION
7/21/2025
10:28:37 AM

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Client: FOR CONSTRUCTION	Scale: 1" = 0'
Drawn By: JT	Check By: JT
Date: 7/21/2025	Sheet Size: 11" x 17"
SITE PLAN	
A1.1	

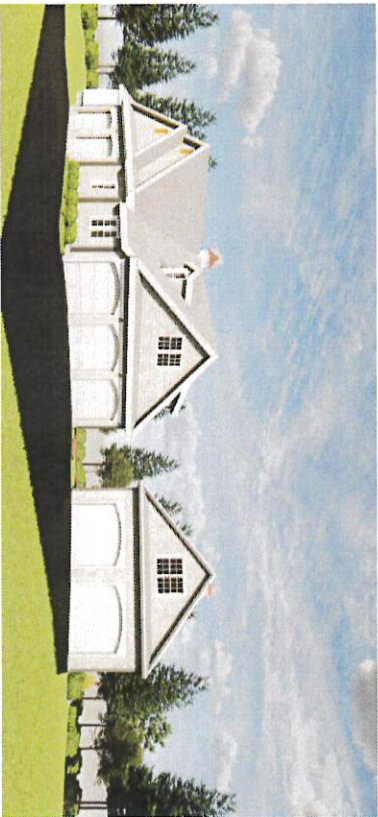


3D View 1

3D View 2



3D View 3



FOR CONSTRUCTION
7/21/2025
10:28:52 AM

Project Info
Lindsay Toy Box
4 BAYVIEW RD.
DOVER, NH
Client: FOR CONSTRUCTION
Architect: TWD
Project No: 25042
Date: 7/21/2025
Scale: 1/8" = 1'-0"
Sheet Title: RENDERINGS
Sheet Number: A9.1
Printed on: 7/21/2025 10:28:52 AM