



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall, 288 Central Avenue, Dover, NH 03820
Meeting Date: **Thursday, December 18, 2025**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. APPROVAL OF THE PRIOR MINUTES

- November 20, 2025 Regular Meeting Minutes

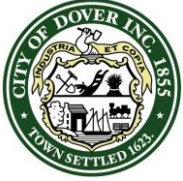
3. HEARINGS

- A. **ZONE-2025-0036** Applicant: Dev Atma Khalsa (Owner: The Gurubhai Khalsa Trust) Page Avenue, Tax Map 37, Lot 52, located in the Medium Density Residential District (R-12), requests a Variance from **Section 170-12(B)**, to construct a single-family dwelling with an attached garage 15' from the rear lot line where 30' is allowed.
- B. **ZONE-2025-0037** Applicant: 25 Dover Point, LLC, 28 Dover Point Road, Tax Map 6, Lot 26, located in the Medium Density Residential District (R-12), requests a Variance from **Section 170-11(D)** to allow for the construction of a commercial or non-residential building within a residential zoning district.
- C. **ZONE-2025-0037B** Applicant: 25 Dover Point, LLC, 28 Dover Point Road, Tax Map 6, Lot 26, located in the Medium Density Residential District (R-12), requests a Variance from **Section 170-12(B)**, to permit a front setback of 78.1' where the front build-to line requires a max of 25'.
- D. **ZONE-2025-0037C** Applicant: 25 Dover Point, LLC, 28 Dover Point Road, Tax Map 6, Lot 26, located in the Medium Density Residential District (R-12), requests a Variance from **Section 170-15(D)**, to allow for a commercial property closer than 150' from a residential structure within a residential zone.

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, November 20, 2025**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Anthony Sillitta (Chair), Nicholas Couturier (Vice Chair), Rich Onufry, Hilary Hamer (Alternate), Nicole Morin (Alternate)

Members Not Present: Chris Prior, Jackson Brown

Staff Present: Paul R. Crouser (Zoning Administrator)

Sillitta (acting Chair) called the meeting to order at 7PM and explained that all items except one have requested to be continued to the December meeting.

2. APPROVAL OF MEETING MINUTES OF OCTOBER 16, 2025

Motion: Hamer moved to approve the minutes of October 16, 2025 as amended. Seconded by Onufry. Vote: 4-0 in favor

Motion: Couturier moved to continue items A-D to the December meeting. Seconded by Onufry. Vote: 4-0 in favor

Nicole Morin (Alternate) arrived at this time resulting in a full board of five voting members.

3. HEARINGS

A. ZONE-2025-0036 Applicant: Dev Atma Khalsa (Owner: The Gurubhai Khalsa Trust) Page Avenue, Tax Map 37, Lot 52, located in the Medium Density Residential District (R-12), requests a Variance from **Section 170-12(B)**, to construct a single-family dwelling with an attached garage 15' from the rear lot line where 30' is allowed.

The applicant submitted a request to move the item to the next meeting.

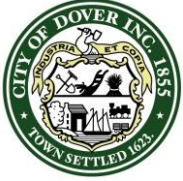
B. ZONE-2025-0037 Applicant: 25 Dover Point, LLC, 28 Dover Point Road, Tax Map 6, Lot 26, located in the Medium Density Residential District (R-12), requests a Variance from **Section 170-11(D)** to allow for the construction of a commercial building within a residential zoning district.

The applicant submitted a request to move the item to the next meeting.

C. ZONE-2025-0037B Applicant: 25 Dover Point, LLC, 28 Dover Point Road, Tax Map 6, Lot 26, located in the Medium Density Residential District (R-12), requests a Variance from **Section 170-12(B)**, to permit a front setback of 78.1' where the front build-to line requires a max of 25'.

The applicant submitted a request to move the item to the next meeting.

D. ZONE-2025-0037C Applicant: 25 Dover Point, LLC, 28 Dover Point Road, Tax Map 6, Lot 26, located in the Medium Density Residential District (R-12), requests a Variance from **Section 170-15(D)**, to allow for a commercial property closer than 150' from a residential structure within a residential zone.



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, November 20, 2025
Meeting Time:	7:00 pm

The applicant submitted a request to move the item to the next meeting.

- E. ZONE-2025-0038** Applicant: Fergus Cullen, 18 Pearson Drive, Tax Map L, Lot 46-M, located in the Low Density Residential District (R-20), requests a variance from Section 170-11(B) and 170-12(B), to allow for the construction of an addition to an existing single-family home to create a two-family dwelling where the minimum lot area for such a project requires 30,000 s.f. of lot area, whereas the existing lot has only 17,224 s.f.

Fergus Cullen, 152 Boxwood Ln, owner, presented the item and explained the existing structure is a ranch style home in very poor condition. The proposal is to renovate the home and add an addition to the back creating a duplex. Duplexes are allowed by right, but since there is some ambiguity in the ordinances around the definition of a conversion and the differences between new construction and an addition, he is voluntarily coming before the board for approval of the request for the duplex conversion.

Mr. Cullen presented his proposal and the reasons it meets the criteria.

He highlighted the existing condition of the home, duplexes being allowed by right in the zone, footnotes which address the criteria for duplexes, and the discrepancy between the two footnotes in relation to the square footage required.

He addressed the five criteria for zoning approval including a previous case heard by the board at 3 Arcola St. in 2003.

Public hearing opened.

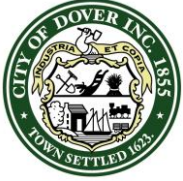
Nadine Hill, 17 Pearson Dr is opposed to the proposal due to square footage. She handed some affidavits to the board from people in the neighborhood not present at the meeting.

Colin Lynch, 16 Pearson Dr is opposed to the proposal and believes the variance criteria has not been met. He gave abuttal arguments for the five criteria not having been met.

He is a direct abutter and is concerned about the possible diminution of value to his property. He provided some information from a realtor. He is concerned about the reduced square footage of lot area per unit, subject is the only non-owner occupied property in the neighborhood, unlikely that the units will be affordable or workforce housing as there are no sidewalks or city services, scope of the project is unreasonably large for the site, and size of the proposed structure is too large of an increase on the site.

Keith Lewis, 16 Pearson Dr is opposed to the proposal and is concerned about the square footage of the lot, this is not a conversion- it's new construction, the R20 zone cannot support the scope of the project proposed, and there is no hardship for the site.

Tim Gemas, 17 Pearson Dr has concerns about the amount of new foundation being added and that seems to reflect new construction rather than a conversion, who is going to maintain the City's land shown



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, November 20, 2025
Meeting Time:	7:00 pm

in the rendering as grass, the proposal is for more than what the zoning regulations allow and the lot is too small for the new construction proposed.

Jonathan Hanson, 15 Pearson Dr believes this is a new construction- not a conversion and is concerned about increased traffic, emergency vehicle access, and increased taxes.

Gary Hecht, 9 Pearson Dr is concerned about how safely the proposed work will be done.
Public Hearing closed.

Staff recommendations: Staff clarified the property owner has the right to have two dwelling units on the property. Any concerns related to the impacts of having two units are unrelated to the relief the applicant is seeking.

Staff agree that the applicant proposes a creation, rather than a conversion. There is preexisting ambiguity present in the zoning ordinance relative to conversions of structures vs. the creations of new ones. Neither are defined within the existing zoning ordinance, relying instead on discretionary determinations made by staff to differentiate.

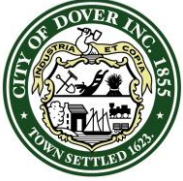
The relief being sought is for the size of the proposed structure. The matter before the board is to determine what an acceptable expansion of the existing single-family home is before it becomes a creation of a new structure. If the board determines it is reasonable to expand the single-family home and still qualify for a conversion, the Board must weigh the public benefit of denying this variance versus permitting the owner to expand the single-family home while netting the same two units.

Board members discussed the matter with staff and among themselves clarifying what is allowed in the zone.

Onufry noted property values cannot be clearly determined in advance. As we've seen before, one realtor can have the opposite opinion from another. The consideration of public interest is intended to have a wider scope than just the immediate abutters to a project. The question to consider is whether the proposal is new construction or not.

Morin noted denying the variance does not necessarily stop construction. The owner still has rights to expand the property in various ways which wouldn't need to come before the board. For instance, one or two ADUs could be added to the property if particular criteria are met. Staff noted that although two ADUs are permitted, there are conditions attached such as utility metering, owner occupancy, and size and deed restrictions.

Hamer noted this is definitely new construction as it is doubling the existing square footage of the structure. She brought up two court cases on the matter of cumulative impact, spirit of the ordinance and public interest. She commented on the impact of allowing this project potentially leading to each home on the street making the same changes and how that would change the intention of the neighborhood.



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, November 20, 2025
Meeting Time: 7:00 pm

Board members asked clarifying questions of the applicant relating to the existing structure square footage, proposed additional square footage and total proposed square footage.

Motion: Sillitta moved to approve the variance request based on meeting the five criteria for the conversion of the existing structure on the non-conforming lot. Consideration has been given to the ambiguity between whether criteria of footnote six or footnote seven would apply. In the absence of the current zoning ordinance defining conversion or creation, the applicant meets the current criteria as defined to be awarded the variance to the application. Onufry seconded the motion based upon the alternatives the applicant has if the variance is denied being no better than what he can do with the granted variance. The other options are not better for the public interest or for the site.

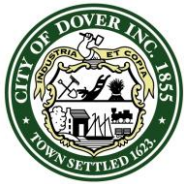
Vote: 3 in favor with Hamer and Couturier opposed.

4. OTHER BUSINESS

None

5. ADJOURN

Motion: Couturier moved to adjourn at 8:08pm. Morin seconded. Vote: U/A



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

INTENT: The applicant requests a Variance from **Section 170-12(B)**, to construct a single-family dwelling with an attached garage 15' from the rear lot line where 30' is allowed.

UNITS PROPOSED: 1

AGENDA ITEM: 3-A

ZONING DISTRICT: Medium Density Residential (R-12) District

FILE: ZONE-2025-0036

APPLICANT: Dev Atma Khalsa

OWNERS: The Gurubhai Khalsa Trust

LOCATION: Page Avenue (Tax Map 37, Lot 52)

ACREAGE: ±13,503 s.f. No change in lot area

EXISTING LAND USE: Vacant lot

PROPOSED LAND USE: Residential

SURROUNDING LAND USE: Residential

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQ.: No

ATTACHMENTS: Application, Proposed Site Plan

STAFF RECOMMENDATION: Staff neither supports nor opposes this variance request.

BACKGROUND INFORMATION

The property seeking this variance request is an approximately ±11,290 s.f. vacant lot located at the end of Page Ave. within the R-12 District. The lot, 13, is oddly-shaped, with a long, diagonal rear boundary line.

The parcel as-is is nonconforming both in terms of area, having less than 12,000 s.f., and frontage, having less than 100 feet.

The Applicant seeks a variance from the R-12 district's rear setback for primary structures, seeking a 15' rear setback where 30' is required.

STAFF RECOMMENDATION

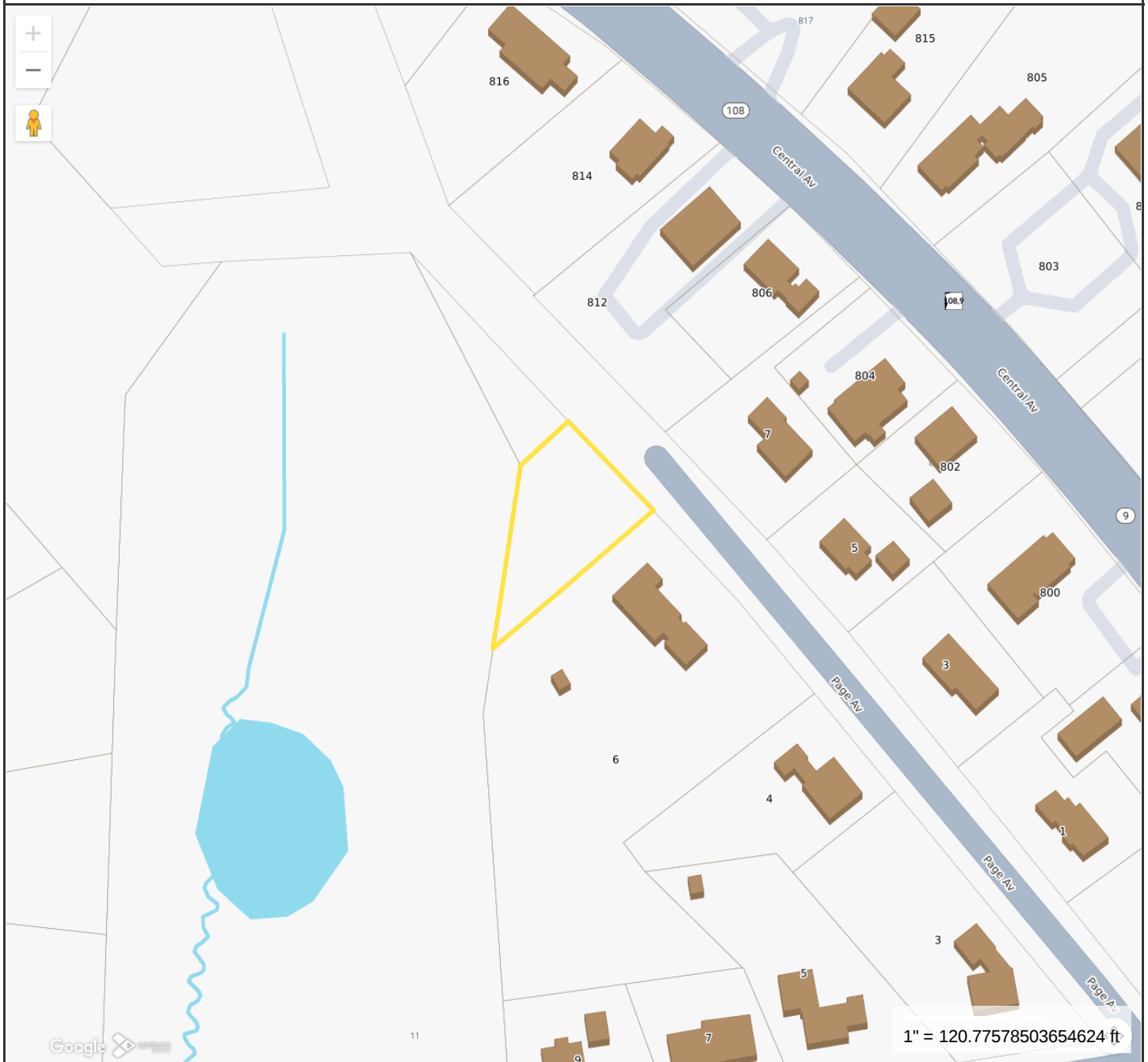
The Applicant's request is reasonable given the lot's unique shape and nonconformities. Staff, however, neither supports, nor opposes, this variance request due to several alternatives available to the Applicant which would not require variance relief. One alternative would be to relocate the attached garage to the rear of the property which would either eliminate, or greatly reduce, the sought rear setback relief. The second would be to construct a detached garage in the same proposed location as presented in the Applicant's variance plan. Accessory structures within the R-12 District have a 10' rear setback, meaning the proposed garage would need no relief at all if it were detached.

That said, Staff feels that the key issue before this Board is whether the above alternatives benefit the public to a degree which justifies denying this variance. In Staff's opinion, they do not due to the lack of abutter impact and similar encroachments in the neighborhood.

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 remains neutral on this Variance request, but notes the lack of public benefit from its denial. Should the Board decide to grant the variance, Staff recommends it do so with the following condition:

1. No future variance will be given at this property for any sought dimensional regulation relief for a garage or addition.

ZONE-2025-0036 PAGE AVENUE

**Property Information**

Location PAGE AV
Owner KHALSA GURUBHAI I TRUSTEE
Land Use 131V
Zoning Code R-12
Property Id 37052-000000

**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-2025-0036 FOR CITY OF DOVER, N.H.

Permit Type Zoning	Project:	App Date: 10/27/2025
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 Expire Date:

Description: Build and single family dwelling and attached garage with a rear setback of 15 feet where 30 feet is allowed.

Parcel: 37052-000000	Main	Address: Page Av Dover, 03820	Zone: R-12(Residential - Medium Density)
		Page Ave Dover, NH	Main

Owner Guru B Khalsa 11 Old Post Road Newington, NH 03801 Home: (603) 436-8808	Applicant Dev Atma Khalsa 7 Milk Street c c Dover, NH 03820 Home: (510) 393-4544 Business: (510) 393-4544 Mobile: (510) 393-4544
--	---

Permit Custom Fields

Number of Variances Requested: 1	ZoneVariPlanDirectionsRear Set back	ZoneVariPlanSummary Single family dwelling with attached garage.
ZoneVariAppealSect 170-14 A. (1)	ZoneVariAppealSectDe 15 foot rear set back tail where 30 is allowed.	What is the parcel zoned? R-12
ZoneVariAppeal1Public See attached Interest	ZoneVariAppeal2Ordin See attached anceSpirit	ZoneVariAppeal3Subst See attached antialJustice
ZoneVariAppeal4Prope See attached rtyValue	ZoneVariAppeal5A1Un See Attached NecHardship	ZoneVariAppeal5A2No See Attached FairRelate
ZoneVariAppeal5A3Re See Attached asonableUse	ZoneVariAppeal5BNoR See Attached easonableUse	

Attachment File Name	Added On	Added By	Attachment Group	Notes
Permit Snapshot Report.pdf	10/27/2025 15:56	Service, EnerGov		Attached by IO - ATTACH: Initial Permit Snapshot

Invoice No.	Fee	Fee Amount	Amount Paid
NOT INVOICED	Planning Zoning Variance Application Fee	\$200.00	\$0.00
Total for Invoice NOT INVOICED		\$200.00	\$0.00
Grand Total for Permit		\$200.00	\$0.00

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Planning Permit Application Review v.1	In Review	10/27/2025	11/03/2025		No	No
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Administrator	Planning	Crouser, Paul	In Review	10/27/2025	11/03/2025	

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1		10/27/2025 0:00	
Confirm application complete v.1	Generic Action		10/27/2025 16:07
Planning Permit Application Review v.1	Receive Submittal	10/27/2025 16:07	
Zoning Board v.1			
Zoning Board Agenda v.1	Task		
Invoice for Notices v.1	Task		

PERMIT SNAPSHOT REPORT (ZONE-2025-0036)

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

RECEIVED
Planning Office
OCT 27 2025
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.

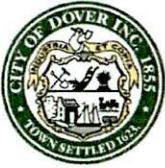
YOU, THE APPLICANT, ARE RESPONSIBLE FOR PRESENTING SUFFICIENT INFORMATION TO SUPPORT AND PROVE YOUR CASE. WHEN FILLING OUT THE APPLICATION, PLEASE PRINT OR TYPE.

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]

Office Use Only Case #: _____ Date Received: _____
Amount Paid: \$ _____ Time Received: _____

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Dev Atma Khalsa Phone # 510-393-4544

Address of Applicant: 7 Milk Street Apt. C Dover, NH

E-Mail Address: aife1234@gmail.com

PROPERTY OWNER (if different from applicant): Guru Bhai Khalsa

Address: 11 Old Post Road Newingto, NH Phone # 603-436-8808

E-Mail Address: goodybhai@aol.com

PROPERTY/PARCEL INFORMATION

Address: Page Ave Lot (No Numerical Assigned by City yet)

Brief Directions: North on Mt. Vernon Street, cross over Lowell Ave onto Page Avenue. Last grassy area on left at end o
short street. Page Avenue is a dead end Street.

Zoning District: R-12 Assessor's Map # 37 Lot(s) # 52

TYPE OF APPEAL: (Please check one)

☒ Variance	170 Article V; Attachment 3 (rear setback)
☐ Physical Disability Variance (RSA 674:33-V)	from Section _____ of the Zoning Ordinance
☐ Special Exception	from Section _____ of the Zoning Ordinance
☐ Appeal of Administrative Decision	per Section _____ of the Zoning Ordinance
☐ Equitable Waiver	regarding Section _____ of the Zoning Ordinance
	per Section _____ of the Zoning Ordinance

DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY:

Build a single family dwelling with attached garage.

APPLICATION CHECKLIST (Please check off)

- A. **Application signed** by Applicant and Property Owner (if different from Applicant) X _____
Note: In order for the application to be accepted by Planning Department staff and placed on the ZBA agenda YOU MUST COMPLETE (1) ALL SECTIONS ON PAGE 1 as well as (2) ALL QUESTIONS FOR THE SPECIFIC APPEAL YOU ARE SEEKING.
- B. **10 Copies of Completed Zoning Board of Adjustment Application** X _____
Note: Only include those pages of the application that are relevant to your request. Please do not include the abutters list with the 10 copies (include only as part of original signed application (Part A above)).
- C. **10 copies of a plot plan** drawn in accordance with a boundary line to scale not less than 1" = 40'. They need to include the lot dimensions including area in square feet, and also the size and location of existing and proposed buildings if applicable, including setbacks. X _____
- D. Submit at least one (1) copy of the plot plan at a size of **8 1/2 x 11** (this is in addition to the 10 copies required in 'C' above). X _____
- E. **10 copies of photos** (suggested but optional) and any **other materials** applicant would like to submit in support of the application. X _____
- F. **Abutter Notification/Mailing Labels** - this office will create and print the abutter list and provide labels in triplicate for each abutter. The applicant/owner will need to provide to this office the engineer, architect, land surveyor or soil scientist whose professional seal appears on the plan with names and addresses for notices. You will be notified with the amount due, once this has been completed.
1. Applicant & Owner, engineer, architect, land surveyor or soil scientist
 Certified letters fee # _____ of x \$8.00 = \$ _____
 2. Certified letters fee: # of abutters _____ X \$8.00 = \$ _____
 3. First Class Mail fee (for individual owner of units within a condominium or other collective form of ownership): # of abutters _____ X \$1.00 = \$ _____
 4. Creating/Printing Abutter Labels in triplicate per sheet _____ x \$10.00 = \$ _____
- G. **TOTAL FEE** paid by cash or check made payable to "City of Dover"
1. Application fee of:

\$200.00 VARIANCE (per Section requested)	\$ _____
\$200.00 SPECIAL EXCEPTION	\$ _____
\$200.00 APPEAL FROM ADMINISTRATIVE DECISION	\$ _____
\$200.00 EQUITABLE WAIVER	\$ _____
 2. Foster's newspaper public notice \$ **100.00**

TOTAL FEE \$ _____

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

A variance is requested from Section(s) 170 Article V; Attachment 3 (rear setback) of the Zoning Ordinance to permit:
Reduce the rear setback requirement from 30 feet to 15 feet.

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:
SEE ATTACHMENT 1

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

3. Granting the variance would do substantial justice because:

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

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:

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:

and

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

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:

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*

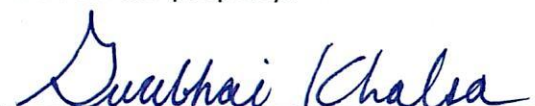


Signature of Owner*

*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: 10/25/25

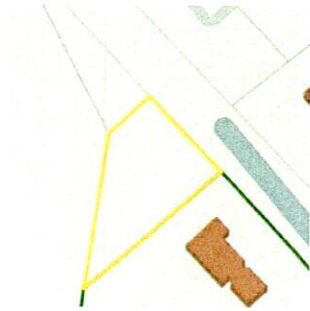
ZONE-2025-0036 PAGE AVENUE

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
37030-000000	802 CENTRAL AV	WENTWORTH-DOUGLASS HOSPITAL	C/O MASS GENERAL BRIGHAM	399 REVOLUTION DR STE 1345	SOMERVILLE	MA	02145
37032-000000	806 CENTRAL AV	SPACE AT 806 CENTRAL LLC	C/O CHRISTINA M LAROCHE-BARROWS	PO BOX 415	MILTON	NH	03851
37054-000000	7 PAGE AV	WRIGHT JESSIE L &	BOYLE RYAN M	7 PAGE AV	DOVER	NH	03820
37056-A00000	3 PAGE AV	OLSTEN SHAWN D &	OLSTEN HALEY PEAVEY	3 PAGE AV	DOVER	NH	03820
37053-000000	PAGE AV	CITY OF DOVER	WATER DEPARTMENT	288 CENTRAL AVE	DOVER	NH	03820
37031-000000	804 CENTRAL AV	SAKKAS KOSTAS & PANAGIOTA SAKKA TRUSTEES	THE KOSTAS N SAKKAS & PANAGIOTA SAKKA RE	160 CENTRAL AV	DOVER	NH	03820
37040-000000	11 LOWELL AV	CITY OF DOVER	DOVER WATER WORKS	LOWELL AV	DOVER	NH	03820
37033-000000	814 CENTRAL AV	LAWRENCE MOSES		10 EAST MEADOW LANE	MIDDLETON	MA	01949
37034-000000	816 CENTRAL AV	LEBLANC PAUL W		816 CENTRAL AVENUE	DOVER	NH	03820
37052-A00000	4 PAGE AV	COSTELLO KENNETH &	COSTELLO AMY	4 PAGE AVE	DOVER	NH	03820
37032-A00000	812 CENTRAL AV	812 CENTRAL AVENUE LLC		812 CENTRAL AV	DOVER	NH	03820
37055-000000	5 PAGE AV	BURT KATHLEEN M TRUSTEE	BURT KATHLEEN M 2016 REVOCABLE TRUST	5 PAGE AV	DOVER	NH	03820
37052-B00000	6 PAGE AV	KHALSA SHARA &	KHALSA DEV ATMA	7 MILK ST #C	DOVER	NH	03820
37052-000000	PAGE AV	KHALSA GURUBHAI I TRUSTEE	THE GURUBHAI KHALSA TRUST	11 OLD POST RD	NEWINGTON	NH	03801

Variance Application for Map 37, Lot 52

I am applying for a variance from the Medium Density Residential (R-12) District Dimension Regulation for Rear Setbacks, to build a single family dwelling with a garage 15 feet from the 'rear' lot line instead of 30 feet.

The property, Map 37, Lot 52, has been an approved buildable lot for almost 78 years. It is a very unusual shape, with a rear lot line that angles sharply to a point.



The property is a pre-existing, nonconforming lot. It is .31 acres, with 98 feet of frontage. Because it pre-dates the zoning ordinance, it falls within Section 170-14 A.(1) for exceptions to lot size, frontage and setback requirements. The side yard setbacks for this property are 10 feet. The rear yard setbacks are not addressed in Section 170-14, however, and so the rear yard setback is 30 feet and the front yard setback is 15 feet. While I can build a home within the front and side yard setbacks, the shape of this lot makes a 30-foot rear yard setback impossible to satisfy for a single-family home. For that reason, I am requesting that the zoning board grant a variance to the rear-yard setback.

My application satisfies the five variance criteria, as set forth below.

- 1. Granting the variance will not be contrary to the public interest because there will be no harm to the public interest if granted, and the variance does not violate the ordinance's basic objectives.**

The variance would not alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public. *Chester Rod & Gun Club, Inc. v. Town of Chester*, 152 N.H. 577 (2005). As stated on page 170-35 of the ZO, "The purpose of the [Medium-Density Residential District] is to provide for conventional single family neighborhoods." The property is located in a residential neighborhood, where single-family homes are permitted by right. Building a single-family home in a residential neighborhood is exactly what the zoning ordinance intends for this zone, and is entirely in keeping with the other properties in the neighborhood. *Harborside Assocs., L.P. v. Parade Residence Hotel, LLC*, 162 N.H. 508 (2011). If anything, the variance would

further the goals and objectives of the zoning ordinance. The public would benefit from another home in the neighborhood, which would be located at the end of the dead-end street, and in a time of a significant housing shortage. Another single-family home in the neighborhood does not threaten the health, safety, or general welfare of the public. *Gray v. Seidel*, 143 N.H. 327, 329 (1999). It does not restrict the use of abutting property or impede or congest movement on the street any more than any other home in the neighborhood.

2. The variance is consistent with the spirit of the ordinance because the purpose of the ordinance is to promote residential development in residential neighborhoods.

The stated goal of the residential districts is to “preserve and create City neighborhoods that are safe and promote harmonious development.” Page 170-35. In the Medium Density Residential District, the zoning ordinance envisions residential homes with sidewalks where children can walk to school. A variance for a rear yard setback is consistent with the spirit of the ordinance because it allows for a residential home to be built that is otherwise entirely consistent with the terms of the ordinance, and where the absence of a variance would entirely prevent the development of the property for any purpose. Due to the unique dimensions of the property, there is no risk that there would be any sort of cumulative impact of similar development because most parcels are not as old as this property, and most other lots in this neighborhood are conforming lots that do not require variations from the rear yard setback. *Perreault v. New Hampton*, 171 N.H. 183 (2018), *Maureen Bacon v. Town of Enfield*, 150 N.H. 468 (2004). As a result, a variance here does not violate the spirit of the ordinance.

3. Granting the variance would do substantial justice because there is no gain to the general public that would outweigh the loss to the property owner if the variance were denied.

It is an injustice to deny a variance where the loss to the applicant is not outweighed by a gain to the general public. *Malachy Glen Assocs., Inc. v. Town of Chichester*, 155 N.H. 102 (2007). In my case, the proposed use of this property (a single-family dwelling) is consistent with the area’s present use, which is a residential neighborhood. *Labrecque v. Town of Salem*, 128 N.H. 455 (1986). There is no appreciable public gain from the denial of the variance. The public does not gain anything if a small vacant residential lot remains vacant. *Harborside Assocs., L.P. v. Parade Residence Hotel, LLC*, 162 N.H. 508 (2011). Instead, a well-built, tasteful, attractive single-family home that matches the aesthetic of the surrounding homes will actually improve property values and the overall character of the neighborhood. The public will also benefit from another home in this neighborhood that can house multiple children, where there is currently a significant

housing shortage for young families. A variance would allow reasonable use of a long-standing buildable lot that conforms entirely with the character of the neighborhood.

- 4. The value of surrounding properties will not be diminished because a house that is similar in size and appearance to other surrounding homes increases surrounding property values.**

A variance will allow me to build a house that is similar in style, size, shape, and character to the other homes in this neighborhood, which is what I intend to do. If a variance is denied, it will either prevent me from building on this property altogether, or would force me to build such a strangely-shaped house that it could, in fact, devalue surrounding properties. Any building that I could construct within the lot lines would be so small, or so oddly-shaped, that the denial of the variance would make it financially impossible for me to even build. Moreover, if forced to conform to the standard setbacks, the structure built or placed on the lot will be so different that it has the potential to devalue surrounding properties.

- 5. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship because this lot is very unique and literal enforcement would likely prevent any construction altogether.**

- (i) Special conditions of the property distinguish it from other properties in the area.**

This property has a very unusual shape that is quite unlike other properties in the City, which means that my property is burdened by the zoning restriction in a manner that is different from other similarly-situated properties. *Garrison v. Town of Henniker*, 154 N.H. 26 (2006). The angle of the rear property line is bizarre. It is a very sharp diagonal line that causes the property to taper quickly to a very narrow point. It follows such a sharp diagonal, in fact, that the rear lot line could easily be mistaken as a side yard lot line. The sharp angle of the rear property line simultaneously also affects the front setback and buildable area in the front as well as the rear portions of the property. No other property in the surrounding area has such a sharp trapezoidal shape with such a long rear lot line. The length and angle of the rear lot line means that there is ultimately no place on the property where a house can be built without encroaching into the "rear setback." In fact, it is really not a rear setback at all – it is like a rear and side setback all in one. No other property in this area is burdened in this way. The unfortunate shape of this property means that the zoning ordinance otherwise prevents a use that is allowed by right in this zone. *Harrington v. Town of Warner*, 152 N.H. 74 (2005).

In addition, while all the other properties in the area have rear abutters that may be affected by a variance from rear setback requirements, this property does not and never will. The property behind the rear lot line is entirely owned by the City of Dover and will never be developed. So the shape of my property entirely prevents the construction of a

single family dwelling, and the literal enforcement of the ordinance does not benefit any abutters to the rear lot line.

(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.

The general public purpose of the rear lot line provision is to reduce the risk of overcrowding residential lots that abut the rear setbacks of neighboring lots. There is no fair and substantial relationship between this public purpose and the specific application of the provision to my property. There will never be an abutter to my rear lot line because the City of Dover owns the property behind mine. Therefore, applying the rear lot line setback to my property does not advance the purpose of the rear lot line setback. *Farrar v. City of Keene*, 158 N.H. 684, 690-91 (2009). The ordinance provision itself was not intended to unreasonably restrict the ability to build a house of normal size, shape, and use. The ordinance also did not consider unusual lot shapes such as this one, where the rear lot line is, in essence, a rear and side yard line all in one.

(iii) Because of the special condition of the property, the proposed use is reasonable.

A single-family residential dwelling is an approved use in this zone that is allowed by right. Therefore, it is a reasonable use of the property. The lot shape would otherwise prevent the development of the lot into a residential home, where there is no abutter to the rear lot line, and where the other setbacks can otherwise be met. Therefore, because this lot is otherwise perfect for a single family home, the proposed use is reasonable. Moreover, the lot has been an approved buildable lot for almost 78 years, and at the time of its creation the setbacks were different or nonexistent. It would be unreasonable to now prevent the lot from being used in the same manner contemplated when it was approved for use 80 years ago. A variance to the ordinance's rear setbacks will not affect any abutters' privacy, current use, future use, or property value. The approval of a variance would benefit the Town's zoning goals in this area and would not alter the essential character of the neighborhood; in fact, the granting of the variance would allow the property to conform to the character of the neighborhood by allowing me to build a home that matches surrounding properties. *Farrar v. City of Keene*, 158 N.H. 684, 690-91 (2009), *Harrington v. Town of Warner*, 152 N.H. 74, 83 (2005). It is also reasonable to allow a new home to have the same accommodations as existing homes in the area, such as shorter driveways and attached garages. Therefore, the proposed use is reasonable.

ZONING

170 Attachment 3

City of Dover

Medium Density Residential (R-12) District [Amended 8-19-2015 by Ord. No. 2015.07.22-017; 10-13-2021 by Ord. No. 2021.09.08-006]

Permitted Uses

- Accessory dwelling unit
- Assembly hall
- Bed-and-breakfast
- Child-care facility
- Conservation lot
- Child-care home
- Conversion of existing dwelling to accommodate not more than 2 units [6]
- Dwelling, two-family [7]
- Dwelling, single-family
- Educational institution, K-12
- Educational institution, postsecondary
- Farm [8]
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [9]
- Office [10]
- Public recreation
- Public utility [11]
- Roadside farm stand [12]

Uses Permitted by Special Exception

- Elderly assisted care home

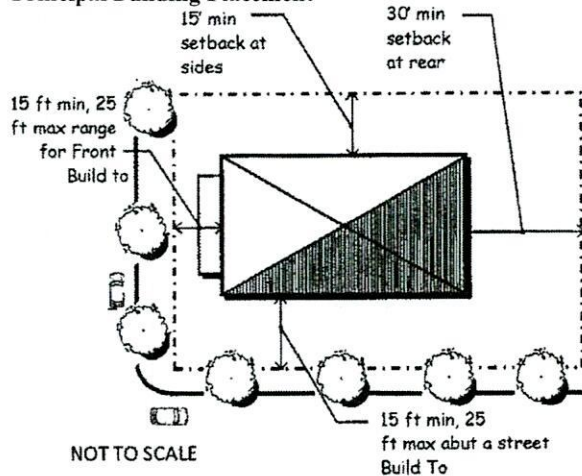
Sign Regulations

Size	R-12 District
Total signs permitted	1
Total area permitted	16 sf (customary home occupation sign max 2 sf, development identification sign 20 sf max)
Type	
Freestanding	Permitted (10 ft setback required)
Projecting	Permitted
Wall/awning	Not permitted
Temporary	Not permitted

Dimensional Regulations [1] [2]

Lot	
Minimum lot size [3] [4]	12,000 sf
Maximum lot coverage	30%
Minimum frontage	100 ft
Principal Building	
Front build-to line	15 ft min, 25 ft max [5]
Abut a street build-to line	15 ft min, 25 ft max [5]
Side setback	15 ft
Rear setback	30 ft
Outbuilding/Accessory Use	
Front setback	No closer than the principal building
Abut a street setback	No closer than the principal building
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	35 ft max
Outbuilding	35 ft max

Principal Building Placement



DOVER CODE

Footnotes

- [1] In the case of an open space subdivision, in accordance with Article IV of Chapter 157 of the Code of Dover, the dimensional requirements shall be as specified in § 157-21 of the Code of the City of Dover.
- [2] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.
- [3] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the New Hampshire Code of Administrative Rules Env-Wt 101.113 and the 1987 Federal Manual For Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the minimum lot size required.
- [4] Refer to Chapter 157, Subdivision of Land, Article IV for the minimum lot size for a major subdivision. Any major subdivision in an R-12 district must follow the procedures for an open space subdivision if the original lot meets the minimum lot size required.
- [5] Expansions to, or renovations of, structures on existing lots have a five-foot setback.
- [6] Any dwelling unit may be converted, not replaced, provided that the lot shall contain at least 4,000 square feet per dwelling unit and a minimum floor area of 500 square feet per dwelling unit. Two-family dwellings shall be designed to look like single-family dwellings (i.e., the two-family dwelling should not look like it was designed to occupy more than 1 family). At a minimum, this shall mean that only 1 entrance shall be visible from a public street, and only 1 driveway shall exist with no on-street parking required for residents.
- [7] Two-family dwellings are permitted on lots with a density of 9,000 square feet per dwelling unit. The structures shall be designed to look like single-family dwellings (i.e., the two-family dwelling should not look like it was designed to occupy more than 1 family). At a minimum, this shall mean that only 1 entrance shall be visible from a public street, and only 1 driveway shall exist with no on-street parking required for residents. Single-family density shall be used for TDR. If two-family density is used, a two-family unit shall be built.
- [8] Shall not include the raising and sale of farm animals; the breeding, boarding, and training of equines, and equine riding instruction; the commercial raising, harvesting, and sale of freshwater fish or other aquaculture products; and/or the breeding of poultry or game birds.
- [9] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met. Chickens: No more than 6 chickens and no roosters, with 3 square feet of chicken coop and 20 square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be 20 feet from any property line. Sheep or goats: 1 animal per 10,000 square feet of lot area, with a maximum of 6 animals; 10 square feet of shelter and 30 square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be 30 feet from any property line.
- [10] Permitted only if operated as a customary home occupation (refer to definition in § 170-6B).
- [11] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.
- [12] Roadside farm stands shall be set back a minimum of 20 feet from all abutting vehicular rights-of-way. The area of any building associated with the roadside farm stand shall not be greater than 200 square feet in area and shall be considered an accessory structure if a residence is also located on the property. The total of the display area, including the building, shall not exceed 400 sq. ft. Off-street parking shall be provided in the amount of 1 off-street parking space per 250 sq. ft. of display and building area, and all required parking spaces shall have safe access to and from a public street. A certificate of use issued by the Zoning Administrator and a driveway permit shall be required in all cases.

Special Exception Criteria [see § 170-59C(3) for additional regulations]

Elderly Assisted Care Home:

Elderly assisted care home is allowed by special exception in accordance with the densities and provisions stated below:

- A. Elderly assisted care home larger than 6 bedrooms shall meet the following density requirements: in the R-12 District at a density of 1 bedroom per 3,000 sq. ft.
- B. Provided that parking and service areas are screened from abutting residential uses.
- C. Notwithstanding the above requirements, the maximum number of bedrooms and residents allowed in a facility may be increased provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in § 170-56 (off-street parking). Furthermore, any increase to an existing structure

ZONING

must be contained within or contiguous to the original structure.

City of Dover, NH
Saturday, October 25, 2025

Chapter 170. Zoning

Article V. Dimensional Regulations

§ 170-14. Nonconforming lots.

[Amended 8-22-2018 by Ord. No. 2018.08.08-009; 10-13-2021 by Ord. No. 2021.09.08-006]

In any district, structures which are allowed by right, but not structures that are allowed by special exception, may be erected on any nonconforming lot of record even though such lot fails to meet the requirements for area, width or frontage provided that:

- A. The lot has been duly recorded at the Strafford County Registry of Deeds on or before the effective date of adoption of this chapter.
- B. Should the lot be less than 5,000 square feet and not have a minimum width of 50 feet, it may be developed as long as the home constructed is no larger than 1,000 square feet in total living space.
- C. If the lot has a land area of at least 5,000 square feet and a minimum width of 50 feet, a home constructed may be larger than 1,001 square feet in total living space.
- D. In either case, the following side yard restrictions shall apply:
 - (1) A lot with a width of 110 feet or less and greater than 75 feet shall have a minimum side yard of 10 feet.
 - (2) A lot with a width of less than 75 feet shall have a minimum side yard of six feet.

[1] *Editor's Note: For nonconforming uses and structures see Art. XI.*

98.19' FRONTAGE

Return to:
Guru Bhai Khalsa
11 Old Post Road
Newington, NH 03801

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that Blanche Y. Hamilton, Single, Trustee of Hamilton Living Trust, of 195 Dover Point Road #103, Dover, NH 03820, for consideration paid grant(s) to Guru Bhai Khalsa, Single, of 11 Old Post Road, Newington, NH 03801, with WARRANTY COVENANTS:

A certain tract or parcel of land situated on the westerly side of Page Avenue, so called, in said Dover, County of Strafford and State of New Hampshire, being Lot #5 as shown on Plan of Lots of James Reycraft, October 1947, which plan is recorded in the Strafford County Registry of Deeds as Plan 7, Pocket 7, Folder 3, bounded and described as follows:

Beginning at an iron pipe at the northeasterly corner of other land now or formerly of the Hamilton's, the same being the northeasterly corner of Lot #4 on plan hereinafter referred to; thence running in a southwesterly direction along other land now or formerly of the Hamilton's one hundred seventy-seven and seventy-three one-hundredths (177.73) feet to an iron pipe at land of the City of Dover; thence N 24° 40' E one hundred fifty-nine and thirty one-hundredths (159.30) feet to a stone bound at land now or formerly of Harry Page; thence N 62° 43' E fifty-two and twenty-eight one-hundredths (52.28) feet to an iron pipe on the westerly side of said Page Avenue; thence S 27° 17' E along the westerly side of Page Avenue ninety-eight and nineteen one-hundredths (98.19) feet to an iron pipe at the point of beginning.

Meaning and intending to describe and convey a portion of the premises conveyed to Blanche Y. Hamilton, Trustee of the Hamilton Living Trust by deed dated March 7, 2000 and recorded in the Strafford County Registry of Deeds in Book 2181, Page 0196.

The property is not the residence of the grantor and is not subject to homestead rights.

The undersigned Blanche Y. Hamilton, Trustee of the Hamilton Living Trust hereby states pursuant to RSA 564-A:7, that said Trustee has full and absolute power in said Trust Agreement to sell, exchange, purchase, acquire, mortgage, refinance, encumber, discharge mortgages and pledge certain real estate situated at Map 37 Lot 52, Page Avenue, Dover, NH 03820 and no third party shall be bound to inquire whether the Trustee has said power or is properly exercising said power or to see to the proceeds paid for any conveyance. Blanche Y. Hamilton, Trustee of the

ZONING DATA:

ZONE: R-12

SETBACKS:

FRONT: Min 15 Feet/ Max 25 Feet

SIDE: 10 Feet*

REAR: 30 Feet

Wetlands: 170-27.1

Exemption - Section I(2)a

*Zone Section 170-14.A(1)

NOTES:

1. OWNER OF RECORD:

GURU BHAI KHALSA

S.C.R.D. BOOK 4686 PAGE 749

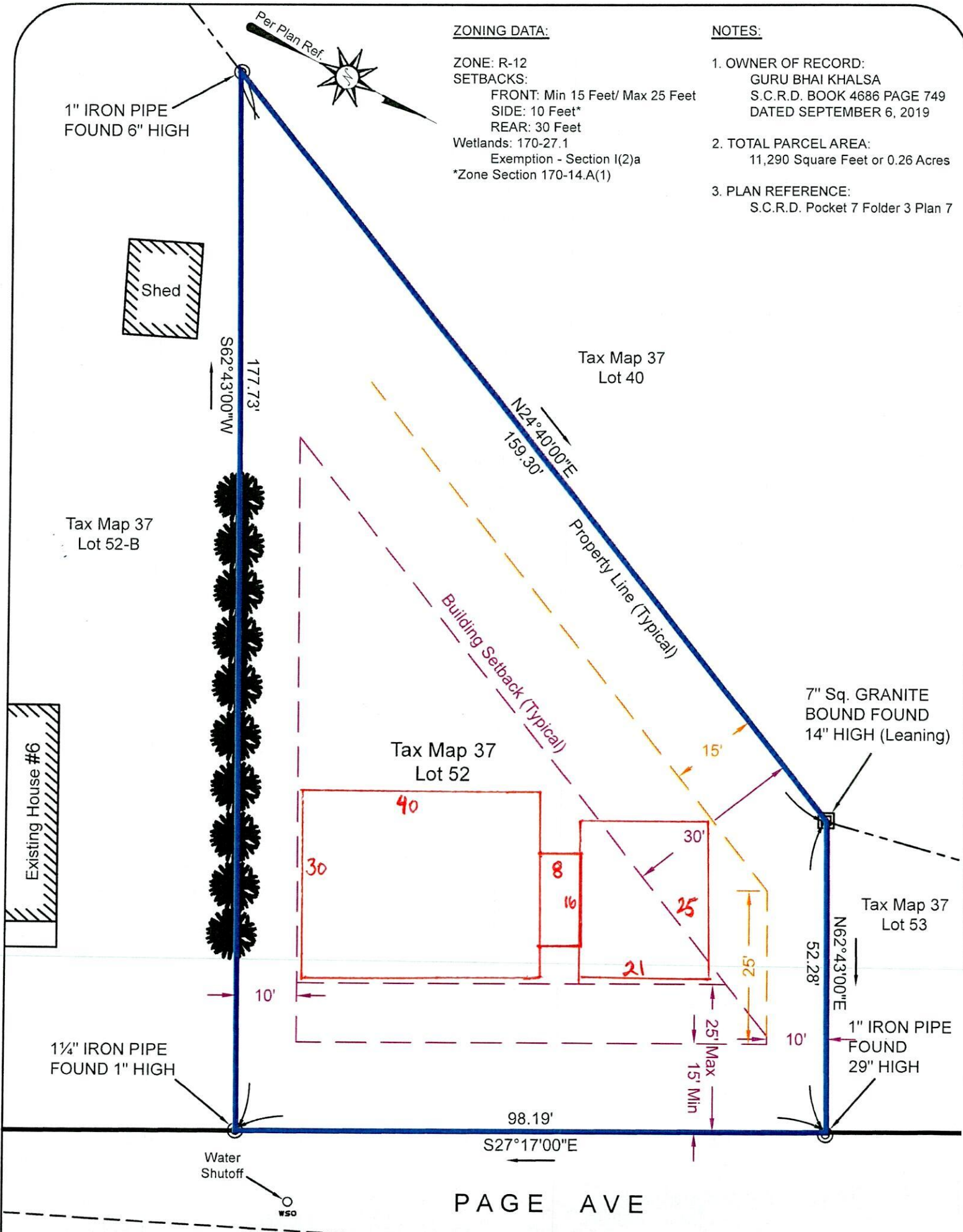
DATED SEPTEMBER 6, 2019

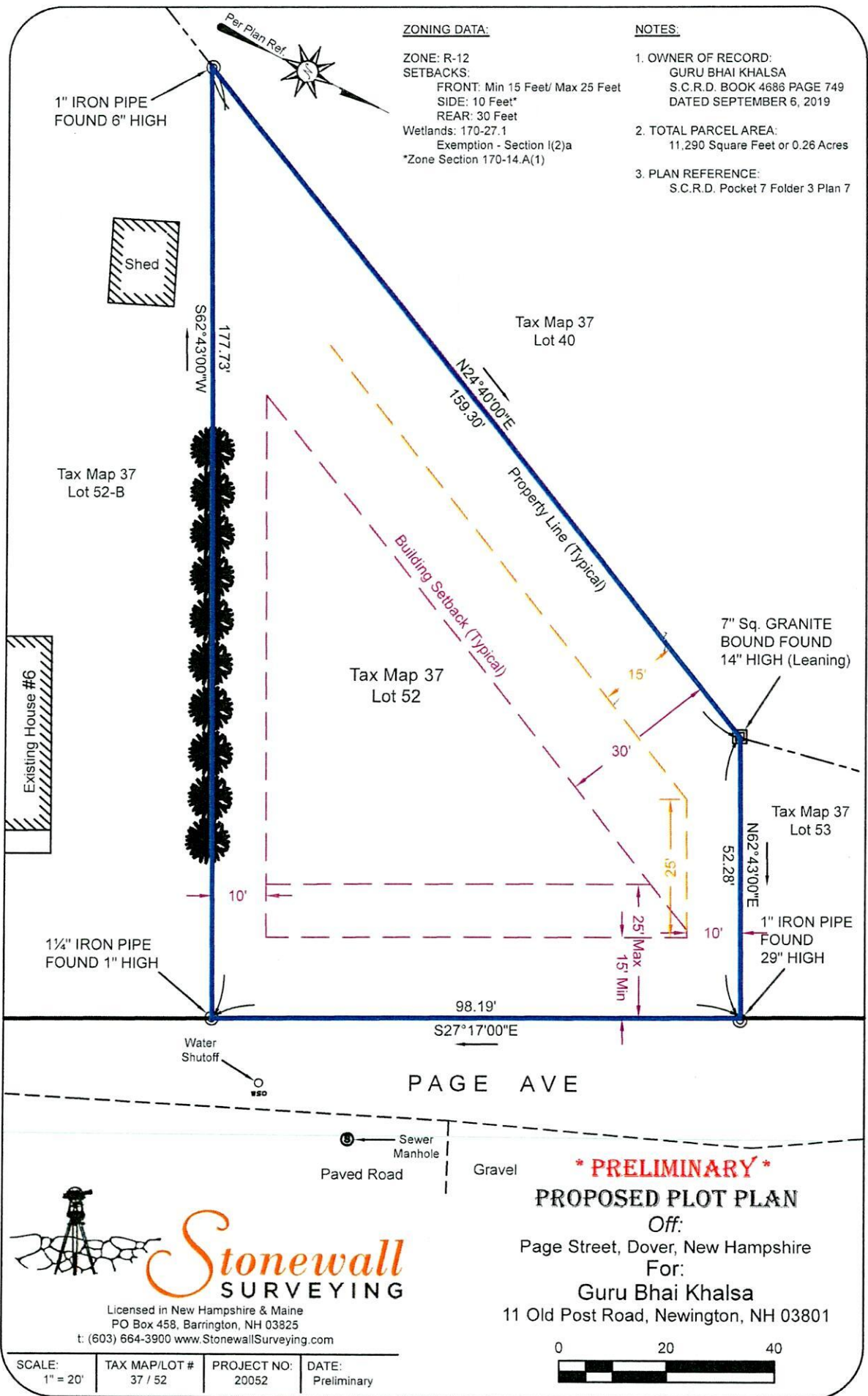
2. TOTAL PARCEL AREA:

11,290 Square Feet or 0.26 Acres

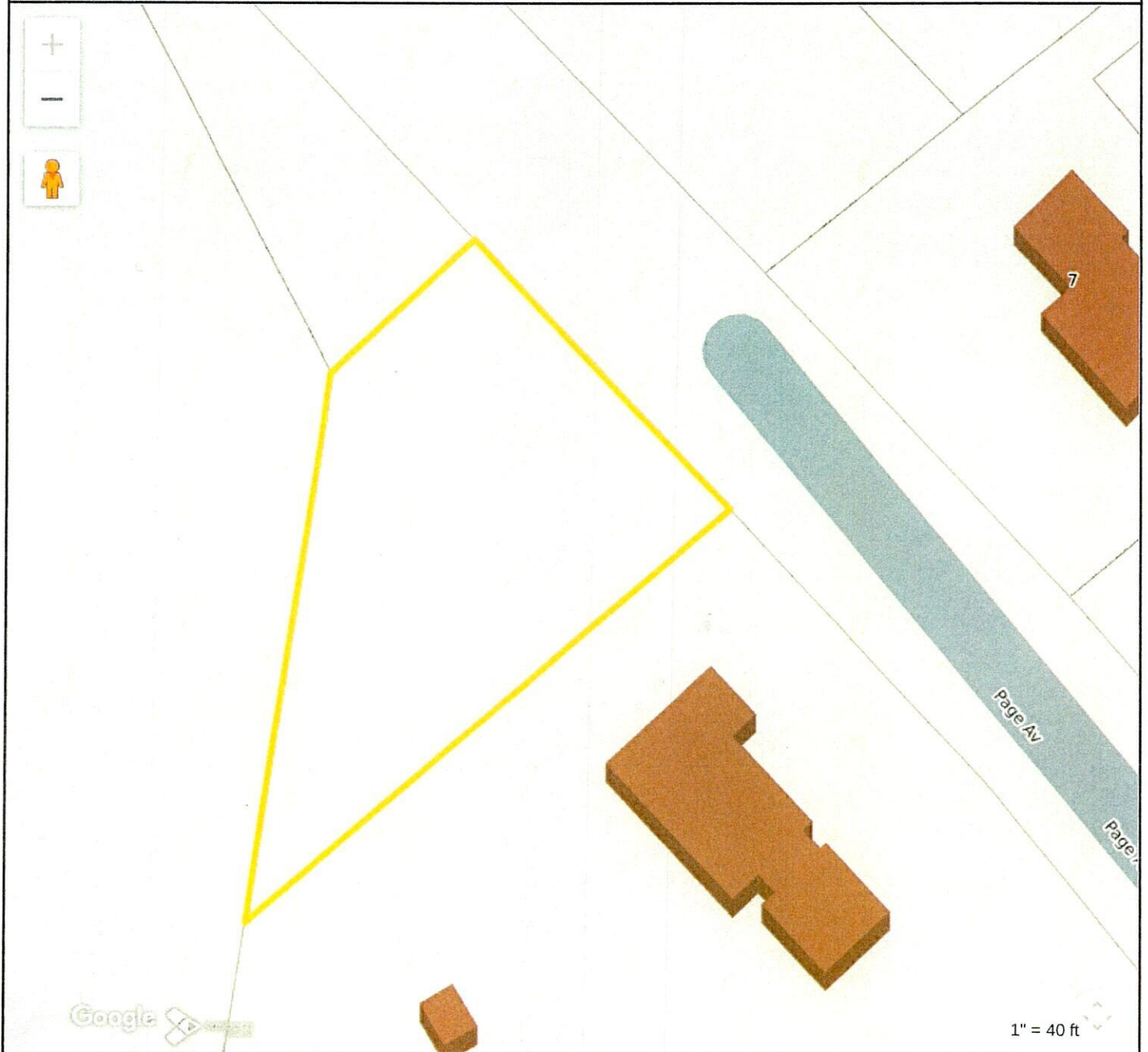
3. PLAN REFERENCE:

S.C.R.D. Pocket 7 Folder 3 Plan 7





Page Ave Lot Tax Map 37 Lot 52

**Property Information**

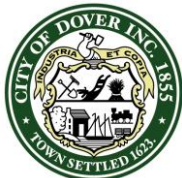
Location PAGE AV
Owner KHALSA GURUBHAI I TRUSTEE
Land Use 131V
Zoning Code R-12
Property Id 37052-000000

**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.



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

INTENT: The applicant requests 3 Variances from **Sections 170-11(D), 12(B), and 15(D)** to allow for the construction of a commercial building within a residential zoning district, an increased build-to line, and to allow for a commercial use closer than 150' from a residential structure within a residential zone.

UNITS PROPOSED: Ground floor commercial space (Office use) with four (4) dwelling units proposed above. *Please note that density is not being sought through variance relief and is not a part or consideration of this application. Applicant will be required to seek density approval through the Planning Board at a later date.*

AGENDA ITEMS: 3-B, C & D

ZONING DISTRICT: Medium Density Residential (R-12) District

FILE: ZONE-2025-0037, 37B, 37C

APPLICANT: 25 Dover Point, LLC

OWNERS: 25 Dover Point, LLC

LOCATION: 28 Dover Point Rd. (Tax Map K, Lot 26)

ACREAGE: ±32,964 s.f. No change in lot area

EXISTING LAND USE: Vacant lot

PROPOSED LAND USE: Mixed Use

SURROUNDING LAND USE: Residential, Mixed Use, Commercial

PREVIOUS ZBA ACTION: Yes. 02/18/2021, three (3) variances approved with conditions. *See attached*

PLANNING BOARD APPROVAL REQ.: Yes

ATTACHMENTS: Application, Proposed Site Plan, Previous Variances

STAFF RECOMMENDATION: Staff supports this Variance request with conditions.

BACKGROUND INFORMATION

The property seeking these variance requests is an approximately ±32,964 s.f. vacant lot located in the R-12 zoning district. The Applicant is requesting variances to allow for the construction and operation of a mixed use residential and commercial building on the property.

The parcel is currently conforming with all underlying zoning dimensional regulations.

Per the communications with Applicant's representative, the intent is for the building to host commercial office space on the bottom floor and to have four (4) residential units above. The three (3) variances are required to allow for the operation of commercial office space in the first floor where such a use is only permitted in the R-12 as a home occupation, to increase the build-to line from the required 25' maximum to just shy of 80', and to permit a commercial use 71' from a residential structure (within a residential zone) where 150' is required.

STAFF RECOMMENDATION

As near identical variances were granted in February 2021, Staff is in support of granting the variances due to precedent, as well as the reasonability of the request.

This request, however, differs from the 2021 variance package in two distinct ways. The first is that the commercial use in the 2021 variance package was identified as a "Medical Office". The variance package before this Board does not specify a commercial use. Upon bringing this to the Applicant's attention, the Applicant stated that the use would be restricted to that of an "Office" use.

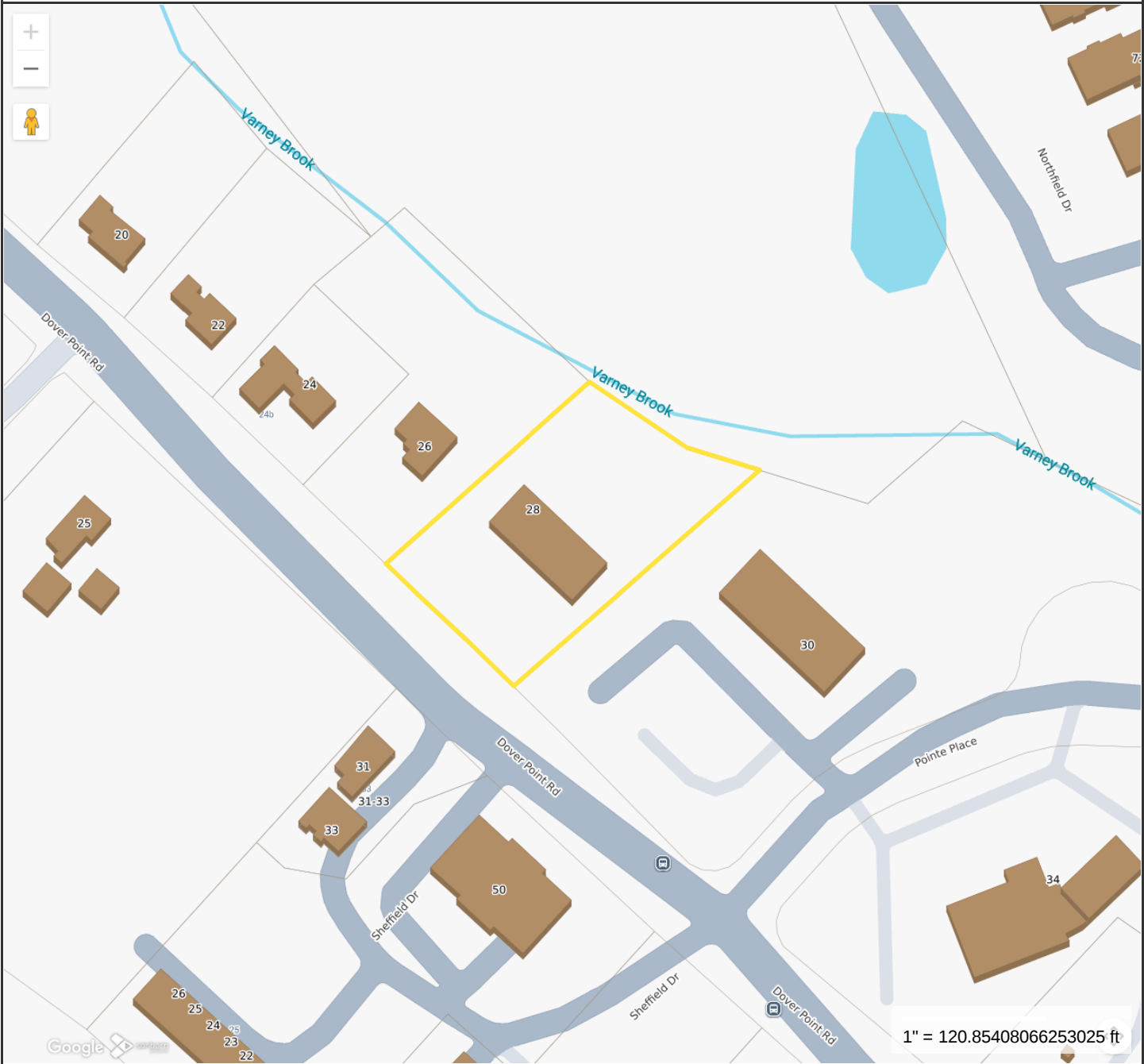
Secondly, the prior variances did not propose any residential units, whereas this package does. Staff was informed during subsequent communications with the Applicant that the intent is to seek four (4) dwelling units, through the Planning Board through the TDR process as outlined in the Zoning Ordinance. So, to be clear, no density is being granted by this Board.

Given the above, Staff recommends that the Board open the public hearing, accept testimony, and make findings on each of the five variance criteria for each of the Variance requests. Based on the evidence presented, Staff supports these variance requests with the same conditions imposed as the 2021 approvals which are numbers 1, 2, & 3 below, and with two conditions added for clarity as to the commercial use being approved and the question as to residential dwelling unit density. Those conditions are as follows:

1. The property shall be served by a single, shared driveway with Map K, Lot 19C;
2. The Owner shall relinquish any rights to the shared driveway over Map K, Lot 26-1;

3. The Site Plan submitted for this project shall include an 8' tall fence and landscaped buffer between the proposed structure and Map K, Lot 26-1, and landscaping along the frontage of Dover Point Road;
4. The commercial use at this property shall be limited to all uses permitted within the R-12 Zoning District or "Office" use, as defined in 170-6 of the zoning ordinance; and
5. These variance approvals in no way grant authorization of the four (4) sought residential dwelling units – any and all density in excess of what is permitted via underlying zoning shall be approved by the Planning Board.

ZONE-2025-0037 28 DOVER POINT ROAD



Property Information

Location 28 DOVER POINT RD
Owner 25 DOVER POINT LLC
Land Use 390V
Zoning Code R-12
Property Id K0026-000000



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-2025-0037 FOR CITY OF DOVER, N.H.

Permit Type: Zoning
Work Class: Variance
Status: In Review
Valuation: \$0.00

Project:
District: None
Square Feet: 0.00
Assigned To: Crouser, Paul

App Date: 10/30/2025
Exp Date: NOT AVAILABLE
Completed: NOT COMPLETED
Approval Expire Date:

Description: The Applicant is requesting variances to allow the construction and operation of a mixed use residential and commercial building on the property.

Parcel: K0026-000000	Main	Address: 28 Dover Point Rd Dover, NH	Main	Zone: R-12(Residential - Medium Density)
-----------------------------	------	--	------	---

Engineer Civilworks New England/ Haight Engineering, PLLC Stephen J. Haight, P.E. Business: (603) 749-0443	Owner Zachery Leavitt Mobile: (603) 501-9107	Applicant Zachery Leavitt Mobile: (603) 501-9107	Applicant Francis X Bruton 601 Central Ave Dover, NH 03820 Business: (603) 749-4529
--	--	--	---

Permit Custom Fields

ZoneVariAppealPhDisa No bility	Number of Variances 3 Requested:	ZoneVariPlanDirections Adjacent to Circle K
ZoneVariPlanSummary The Applicant is requesting variances to allow the construction and operation of a mixed use residential and commercial building on the property.	ZoneVariAppealSect 170-11(D); 170-12(B); and 170-15(D)	ZoneVariAppealSectDe See attached narrative. tail
What is the parcel zoned? R-12	ZoneVariAppeal1Public See attached narrative. Interest	ZoneVariAppeal2Ordin See attached narrative. anceSpirit
ZoneVariAppeal3Subst See attached narrative. antialJustice	ZoneVariAppeal4Prope See attached narrative. rtyValue	ZoneVariAppeal5A1Un See attached narrative. NechHardship
ZoneVariAppeal5A2No See attached narrative. FairRelate	ZoneVariAppeal5A3Re See attached narrative. asonableUse	ZoneVariAppeal5BNoR easonableUse

Attachment File Name	Added On	Added By	Attachment Group	Notes
25026-ZBA PLAN (10-30-25).pdf	10/30/2025 10:20	Bruton, Francis		Uploaded via Dover, NH - Permits Plans Licensing
Variance Narrative. electronic.pdf	10/30/2025 10:20	Bruton, Francis		Uploaded via Dover, NH - Permits Plans Licensing
Signature_Francis_Bruton_10/30/2025.j pg	10/30/2025 10:20	Bruton, Francis		Uploaded via CSS
Permit Snapshot Report.pdf	10/30/2025 10:21	Service, EnerGov		Attached by IO - ATTACH: Initial Permit Snapshot

Invoice No.	Fee	Fee Amount	Amount Paid
INV-2025014422	Planning Zoning Variance Application Fee	\$600.00	\$0.00
Total for Invoice INV-2025014422		\$600.00	\$0.00
Grand Total for Permit		\$600.00	\$0.00

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Planning Permit Application Review v.1	In Review	10/30/2025	11/27/2025		No	No

Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Administrator	Planning	Crouser, Paul	In Review	10/30/2025	11/27/2025	

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1		10/30/2025	0:00

PERMIT SNAPSHOT REPORT (ZONE-2025-0037)

Confirm application complete v.1	Generic Action	10/30/2025 13:20
Planning Permit Application Review v.1	Receive Submittal	10/30/2025 13:20
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	

FRANCIS X. BRUTON, III
CATHERINE A. BERUBE
JOSHUA P. LANZETTA

OF COUNSEL
JAMES H. SCHULTE

Bruton & Berube, PLLC

ATTORNEYS AT LAW

601 Central Avenue
Dover, NH 03820

TEL (603) 749-4529
(603) 743-6300
FAX (603) 343-2986

www.brutonlaw.com

October 30, 2025

VIA HAND DELIVERY

Chris Prior, Chair
Dover Zoning Board of Adjustment
City of Dover
288 Central Avenue
Dover, NH 03820

**RE: Owner/Applicant: 25 Dover Point, LLC
28 Dover Point Road, Dover, NH
Tax Map K, Lot 26**

Dear Chair Prior:

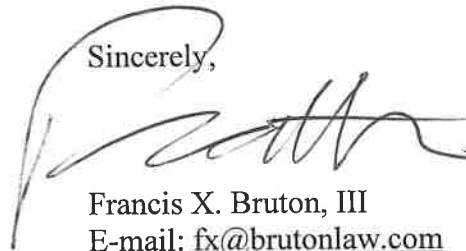
Enclosed please find an Application for Variances and the associated materials relative to the above referenced property, which have also been submitted through the City's planning portal.

In addition, please also find one (1) full size and one (1) letter size copy of the associated Plan enclosed.

We understand, by making this submission today, that this matter will be heard by the Zoning Board of Adjustment at its meeting of November 20, 2025, and that the application fee for the enclosed application will follow for payment through the planning portal.

Should there be any questions regarding the enclosed application, please do not hesitate to contact us.

Sincerely,



Francis X. Bruton, III
E-mail: fx@brutonlaw.com

FXB/mas
Enclosures

cc: 25 Dover Point, LLC
Civilworks New England



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: 25 Dover Point, LLC Phone # (603) 501-9107

Address of Applicant: 99 Columbus Ave., Dover, NH 03820

E-Mail Address: leavittzachery@gmail.com [Zach Leavitt]

PROPERTY OWNER (if different from applicant): SAME

Address: _____ Phone # _____

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: 28 Dover Point Road, Dover, NH

Brief Directions: The property is adjacent to the Circle K property.

Zoning District: R-12 Assessor's Map # K Lot(s) # 26

TYPE OF APPEAL: (Please check one)

☒ Variance ☐ Physical Disability Variance (RSA 674:33-V) ☐ Special Exception ☐ Appeal of Administrative Decision ☐ Equitable Waiver	170-11(D), 170-12(B) & 170-15(D) from Section _____ of the Zoning Ordinance from Section _____ of the Zoning Ordinance per Section _____ of the Zoning Ordinance regarding Section _____ of the Zoning Ordinance per Section _____ of the Zoning Ordinance
--	--

DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY:

The Applicant is requesting variances to allow the construction and operation of a mixed use residential and commercial building on the property.

APPLICATION CHECKLIST (Please check off)

- A. **Application signed** by Applicant and Property Owner (if different from Applicant) X
Note: In order for the application to be accepted by Planning Department staff and placed on the ZBA agenda YOU MUST COMPLETE (1) ALL SECTIONS ON PAGE 1 as well as (2) ALL QUESTIONS FOR THE SPECIFIC APPEAL YOU ARE SEEKING.
- B. **5 Copies of Completed Zoning Board of Adjustment Application** X
Note: Only include those pages of the application that are relevant to your request. Please do not include the abutters list with the 10 copies (include only as part of original signed application (Part A above)).
- C. **5 copies of a plot plan** drawn in accordance with a boundary line to scale not less than 1" = 40'. They need to include the lot dimensions including area in square feet, and also the size and location of existing and proposed buildings if applicable, including setbacks. X
- D. Submit at least one (1) copy of the plot plan at a size of **8 1/2 x 11** (this is in addition to the 10 copies required in 'C' above). X
- E. **5 copies of photos** (suggested but optional) and any **other materials** applicant would like to submit in support of the application. X
- F. **Abutter Notification/Mailing Labels** - this office will create and print the abutter list and provide labels in triplicate for each abutter. The applicant/owner will need to provide to this office the engineer, architect, land surveyor or soil scientist whose professional seal appears on the plan with names and addresses for notices. You will be notified with the amount due, once this has been completed.
1. Applicant & Owner, engineer, architect, land surveyor or soil scientist
 Certified letters fee # 3 of x \$10.00 = \$ 30.00
 2. Certified letters fee: # of abutters TBD X \$10.00 = \$ TBD
 3. First Class Mail fee (for individual owner of units within a condominium or other collective form of ownership): # of abutters X \$1.00 = \$
 4. Creating/Printing Abutter Labels in triplicate per sheet TBD x \$10.00 = \$ TBD
- G. **TOTAL FEE** paid by cash or check made payable to "City of Dover"
1. Application fee of:

\$200.00 VARIANCE (per Section requested)	\$ <u>200.00</u>
\$200.00 SPECIAL EXCEPTION	\$ <u> </u>
\$200.00 APPEAL FROM ADMINISTRATIVE DECISION	\$ <u> </u>
\$200.00 EQUITABLE WAIVER	\$ <u> </u>
 2. Foster's newspaper public notice \$ 120.00
- TOTAL FEE** \$ TBD

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

170-11(D), 170-12(B)

A variance is requested from Section(s) & 170-15(D) of the Zoning Ordinance to permit:

A commercial use in the R-12 zone; to permit the building to have a front set back of 78.1 feet from the
property line and to be 71.1 feet from a residential building.

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:

See attached narrative.

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

See attached narrative.

3. Granting the variance would do substantial justice because:

See attached narrative.

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

See attached narrative.

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:

See attached narrative.

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:

See attached narrative.

and

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

See attached narrative.

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:

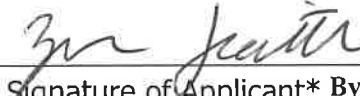
SIGNATURE PAGE

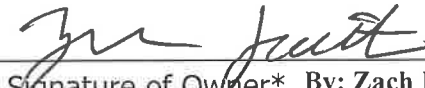
THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

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* By: Zach Leavitt, Member


Signature of Owner* By: Zach Leavitt, Member

*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: 10/29/25
By: Zach Leavitt, Member

**25 DOVER POINT, LLC
28 Dover Point Road
Dover, New Hampshire
Tax Map K, Lot 26**

BOARD OF ADJUSTMENT APPLICATION

INTRODUCTION

25 Dover Point, LLC, the Applicant, is the owner of the parcel located at 28 Dover Point Road, depicted on the Dover Tax Maps as Map K, Lot 26. The parcel is located in the R-12 zoning district, and the Applicant is requesting variances to allow the construction and operation of a mixed use residential and commercial building on the property.

Pursuant to the R-12 Table of Uses and Dimensional Regulations, the zone does not allow for general commercial uses (although it allows limited commercial uses such as child day care, home offices, education institutions and farm stands). The parcel is adjacent to a lot that is partially located within the Commercial (C) zone, where such a use would be permitted. For the reasons set forth herein, it is respectfully submitted that the proposed use should be permitted as a result of the grant of the variance requests contained herein. To permit a commercial use in the R-12 zone, a variance is requested from Section 170-11 (D).

In addition to the use, the Applicant will require two variances related to setbacks on the property. For the purposes set forth below, the building will need to be setback from the front property line 78.1 feet, as opposed to the 25-foot build-to-line pursuant to the R-12 Table of Uses and Dimensional Regulations, requiring a variance from Section 170-12 (B). Also, the building will be 71.1 feet from a residential building, where 150 feet is required, requiring a variance from Section 170-15 (D) of the zoning ordinance.

The variances requested herein were originally granted by this Board on February 18, 2021, but have since lapsed. The requests herein are essentially identical. As part of the original approval, the Applicant agreed to install an 8-foot fence between the existing residential use on Lot Map K, Lot 26-1 as depicted on the variance plan attached hereto, and the Applicant will agree to relinquish access rights it currently shares with Lot 26-1.

In February of 2021, the property owners of this parcel and the Irving parcel developed a shared driveway entrance strategy in order to reduce the driveway cuts upon Dover Point Road, increasing the safety of the uses of the property. Said driveway cut on the subject parcel has now been removed. To the extent the variances are granted, and pending site plan approval and construction, the Applicant will use the shared driveway concept previously developed with Planning staff and Circle-K.

The use of the above-described shared access-way with the gas station dictates that the building cannot be located within the 25' max build-to-line, which is the front setback limit. In addition, the building will be located as far as it can be to the anticipated commercial use (gas station), but would never be able to satisfy the restriction that the commercial use must be 150'

away from the residential use. In this instance the building will be 78.1 feet from the front yard, and 71.1 feet from residential use. Given the proximity to the residential use, the Applicant intends to add fencing along the left (west) side of the parking area, as depicted on the attached plan.

APPLICANT'S REQUEST FOR VARIANCES
FACTS SUPPORTING THIS REQUEST

1. Waiving the terms of the Ordinance will not be contrary to the public interest because:

To be contrary to the public interest or injurious to public rights of others, the variances must unduly, and in a marked degree, conflict with the ordinance such that they violate the ordinance's basic zoning objectives. In order to determine whether a variance would violate the basic zoning objectives, it is appropriate to examine whether the granting of the variance would "alter the essential character of the locality or threaten the public health, safety or welfare." In this case, the property will be consistent with the surrounding commercial uses located at Pointe Place and to that on the Circle-K property. In addition, the previously existing access point for this parcel is reduced to a shared driveway between two commercial uses. Also, the Applicant will provide a visual buffer between the commercial and the adjacent residential use. Based upon the foregoing, the grant of the variance to permit the mixed use residential/commercial building, with the setback variances as described, would not change or alter the essential character of the area.

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

The Applicant respectfully submits that if the variances are granted, the spirit of the ordinance would be observed as the use in question is suitable, considering the existence of the commercial uses already in the vicinity and given the planned use. The Applicant believes that, with the shared driveway, the safety factor at this point of the roadway will increase, particularly with the elimination of the curb cut located within the property. Within its general purpose and intent clause, the Dover Zoning Ordinance indicates that its intent is to promote the health, safety and general welfare of Dover. The Applicant respectfully submits that the general purposes and intent of the Dover Zoning Ordinance will be maintained, to the extent that the variances are granted.

3. Granting the variance would do substantial justice because:

In New Hampshire, the guiding rule in determining whether the requirement for substantial justice is satisfied is that any loss to the individual that is not outweighed by a gain to the general public is an injustice. New Hampshire also looks at whether the proposed development is consistent with the area's present use. In this instance, the grant of the variances would result in substantial justice as that would allow the parcel to be utilized in a way that is consistent with those within the surrounding neighborhood. In addition, the aesthetic nature of the property would be enhanced with new construction. There is no negative aspect that the public will suffer. Rather, in this instance, the residential neighbor will be buffered, and, as a result of the construction of the project, an existing curb-cut would be eliminated. Thus, denial of the variance would result in a

loss to the Applicant that is not outweighed by any gain to the general public. As such, granting the requested relief would result in justice.

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

It is respectfully submitted that all of the surrounding properties have a value associated with them which is premised upon the existence of the existing building and uses located upon the subject property and surrounding properties. In this instance, the Applicant is conscious of the need for an appropriate buffer and proposed an 8 foot fence between the property and the abutting residential property, as depicted on the plan, and relinquishing its access rights to the existing shared driveway with Lot 26-1. Thus, granting the variance will not result in a diminution of surrounding property values.

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 this area

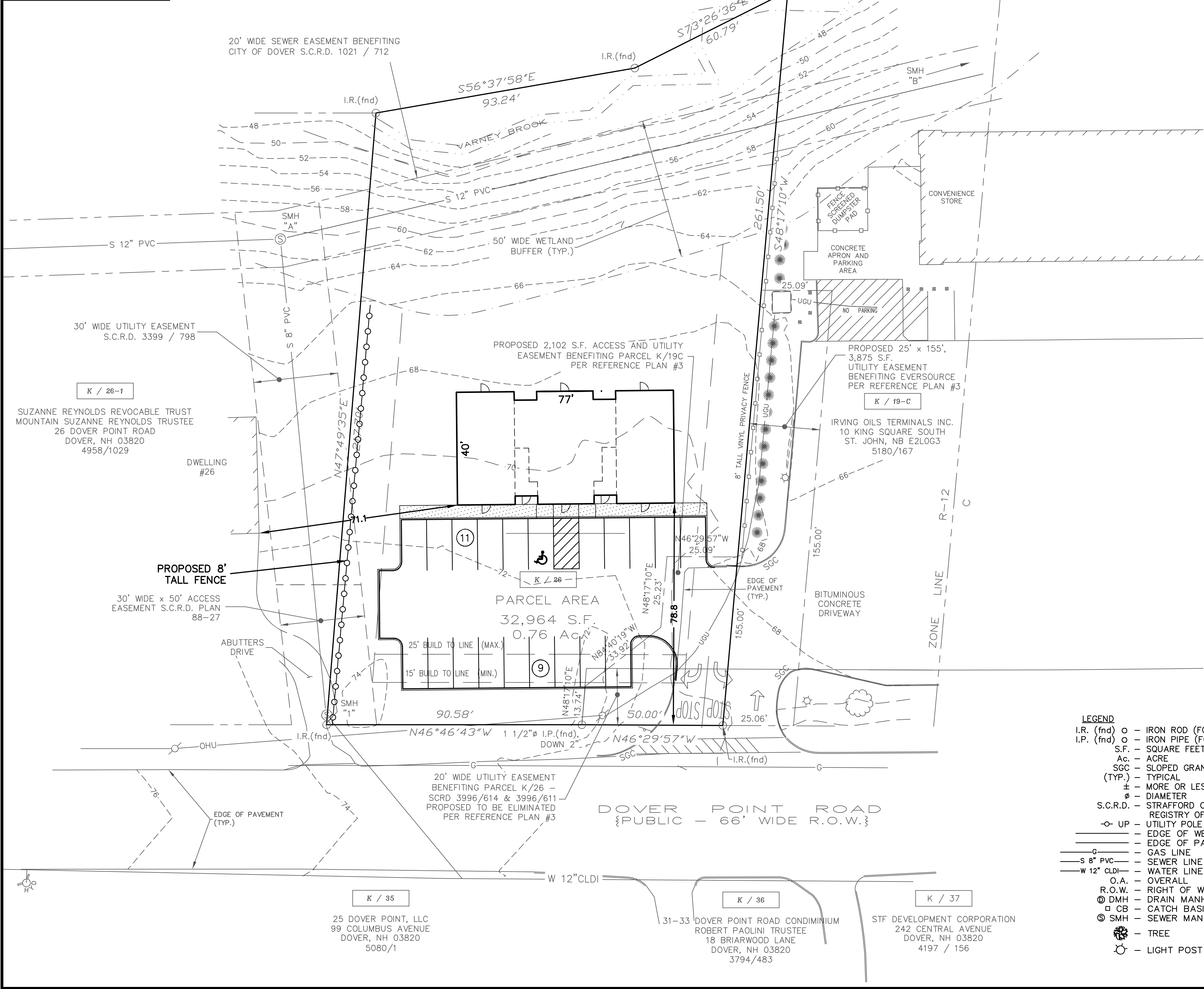
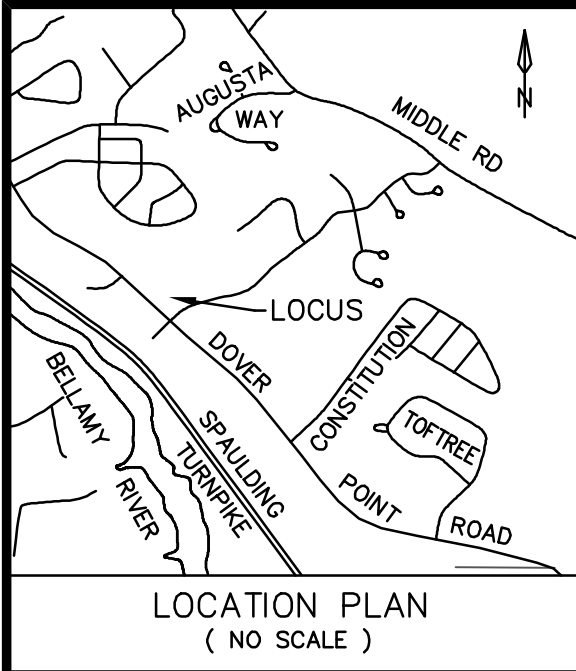
The lot is unique given its proximity to Pointe Place, and other associated business uses, such as Patty B's restaurant and other office uses with that property as well as just across from a large multi-unit residence, with auto dealerships in sight from both directions. In addition, the property will be located next to a gas station. Further, the property has the benefit of a shared driveway accessway, which has been constructed at a commercial scale, and maintained as such by the commercial owners of the benefitted parcels. This shared accessway is unique to the property, and its utilization will result in a safer means of access from these properties on to Dover Point Road. Finally, this mixed use residential/commercial building use will serve as a transitional buffer between the gas stations and the adjacent residential use.

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:

The general purposes of the ordinance are to promote the health, safety and general welfare; to encourage the most appropriate land uses in various parts of the City; and to prevent overcrowding. This proposal is designed as a transitional buffer to the existing residential uses, will resolve further access from the subject parcel to the adjacent residential parcel and will improve the safety factors of this parcel as to access onto Dover Point Road. For the reasons set forth above, the Applicant respectfully submits that the restrictions that cannot be met by the Applicant are not necessary in this unique instance to enforce in order to protect the purpose of the ordinance. Thus, if unnecessary, there is no conflict between the general public purpose of the ordinance, and enforcing the restrictions for which the Applicant seeks the variance, and denial of the variance would result in an unnecessary hardship.

iii. The proposed use is a reasonable use:

For the reasons set forth above, the Applicant respectfully suggests that the mixed residential/commercial use and the need for relief from the setbacks is a result of a comprehensive strategy to provide the mentioned transitional buffer and for the safety as to access to Dover Point Road results in a proposal that represents a reasonable use of the property.



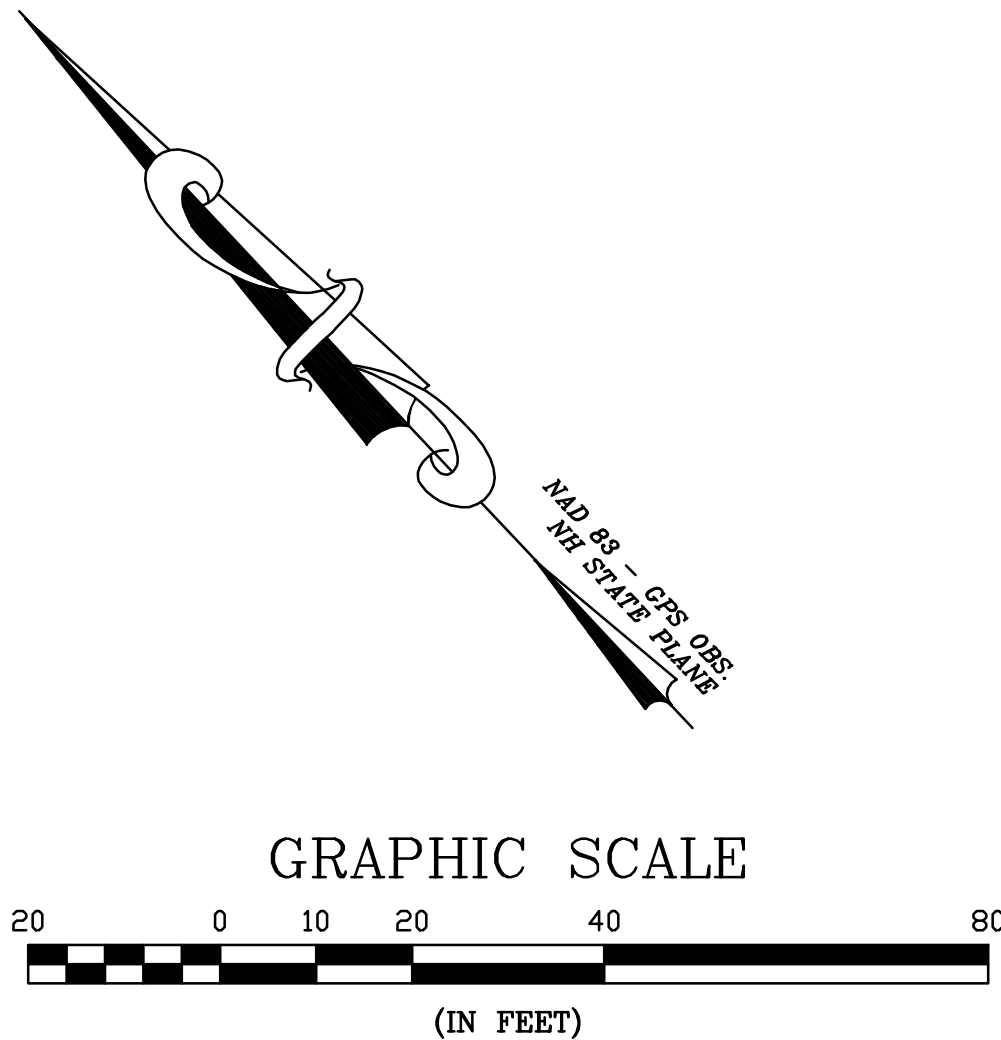
- NOTES:
- OWNERS OF RECORD:
25 DOVER POINT LLC
99 COLUMBUS AVENUE
DOVER, NEW HAMPSHIRE 03820
S.C.R.D. VOL. 5219, PAGE 442
 - K / 26** — DENOTES TAX MAP AND PARCEL NUMBER.
 - ZONING DISTRICT IS R-12 (MEDIUM DENSITY RESIDENTIAL)
 - DIMENSIONAL REGULATIONS:
MINIMUM LOT SIZE = 12,000 S.F.
MAXIMUM LOT COVERAGE = 30 PERCENT
MINIMUM FRONTAGE = 100 FEET
BUILDING REQUIREMENTS:
FRONT BUILD TO = 15 FEET MIN.
= 25 FEET MAX.
SIDE SETBACK = 15 FEET
REAR SETBACK = 30 FEET
 - THE INTENT OF THIS PLAN IS TO DEPICT A MIXED USED BUILDING WITH COMMERCIAL SPACE ON THE FIRST FLOOR AND FOUR RESIDENTIAL UNITS ON THE SECOND FLOOR.
 - PARCEL AREA = 32,964 S.F. / 0.76 Ac.
 - THE SUBJECT PARCEL IS OUTSIDE THE 0.2 PERCENT ANNUAL CHANCE FLOODPLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY NUMBER 330145; PANEL 0340; SUFFIX E; MAP NUMBER 33017C0340E; EFFECTIVE DATE SEPTEMBER 30, 2015.
 - BASIS OF BEARING IS NH STATE PLANE (NAD83) BASED ON GPS OBSERVATION. VERTICAL DATUM IS NAVD88 BASED ON GPS OBSERVATION. DATED: FEBRUARY 20, 2023.
 - PROPERTY LINE INFORMATION HAS BEEN OBTAINED FROM A SURVEY PERFORMED BY MCENEANEY SURVEY ASSOCIATES, INC. DURING SEPTEMBER 2018 WITH AN ERROR NOT GREATER THAN 1 IN 10,000.
 - REFERENCE IS MADE TO AMENDED AND RESTATED RECIPROCAL EASEMENT AGREEMENT MADE BETWEEN SEBRING HOLDINGS, LLC AND MAC'S CONVENIENCE STORES LLC RECORDED AT S.C.R.D. IN BOOK 4848, PAGE 528, DATED DECEMBER 14, 2020. ALSO, REFERENCE IS MADE TO RECIPROCAL EASEMENT AGREEMENT MADE BETWEEN SEBRING HOLDINGS, LLC AND MAC'S CONVENIENCE STORES LLC RECORDED AT S.C.R.D. IN BOOK 4114, PAGE 610, DATED APRIL 4, 2013.
 - WETLANDS SHOWN WERE DELINEATED BY DAMON E. BURT, N.H.C.W.S. #163 OF FRAGGLE ROCK ENVIRONMENTAL SERVICES ON JANUARY 14, 2021 IN ACCORDANCE WITH THE 1987 CORPS. OF ENGINEERS WETLANDS DELINEATION MANUAL AND LOCATED BY THIS OFFICE.

- VARIANCES:
- USE VARIANCE FROM SECTION 170-11.(D) TO ALLOW A COMMERCIAL USE IN THE MEDIUM DENSITY RESIDENTIAL (R-12) DISTRICT.
 - VARIANCE FROM SECTION 170-15(D) TO CONSTRUCT A COMMERCIAL MIXED USE BUILDING WITH A DISTANCE OF 71.1' FROM A RESIDENTIAL STRUCTURE WHERE 150' IS REQUIRED.
 - VARIANCE FROM SECTION 170-12(B) 78.8' FROM THE FRONT YARD PROPERTY LINE WHERE A 25' BUILD TO LINE IS REQUIRED.

SANITARY SEWER STRUCTURE SCHEDULE

EXIST. SMH "1"	EXISTING CROSS-COUNTRY LINE
RIM ELEV:	= 73.38
INVERT IN:	= 62.5 (8")
INVERT OUT:	= 62.4 (8")
EXIST. SMH "A"	EXISTING CITY CROSS-COUNTRY LINE
RIM ELEV:	= 60.62
INVERT IN:	= (8")
INVERT IN:	= 51.32 (12")
INVERT OUT:	= 51.30 (12")
EXIST. SMH "B"	EXISTING CITY CROSS-COUNTRY LINE
RIM ELEV:	= 59.34
INVERT IN:	= 48.74 (12")
INVERT OUT:	= 48.64 (12")

- LEGEND
- I.R. (fnd) o — IRON ROD (FOUND)
 - I.P. (fnd) o — IRON PIPE (FOUND)
 - S.F. — SQUARE FEET
 - Ac. — ACRE
 - SGC — SLOPED GRANITE CURB (TYP.)
 - ± — MORE OR LESS
 - Ø — DIAMETER
 - S.C.R.D. — STRAFFORD COUNTY REGISTRY OF DEEDS
 - o— UP — UTILITY POLE
 - — — — — EDGE OF WETLAND
 - — — — — EDGE OF PAVEMENT
 - — — — — GAS LINE
 - — — — — SEWER LINE
 - — — — — WATER LINE
 - — — — — O.A. — OVERALL
 - — — — — R.O.W. — RIGHT OF WAY
 - ⊙ DMH — DRAIN MANHOLE
 - ⊙ CB — CATCH BASIN
 - ⊙ SMH — SEWER MANHOLE
 - ⊙ — TREE
 - ⊙ — LIGHT POST



NOT FOR CONSTRUCTION FOR PERMIT USE ONLY

CIVILWORKS NEW ENGLAND
181 Watson Road, PO Box 1166
Dover, NH 03820
603.749.0443

DATE	SCALE	DRAWN BY	DESIGN BY	APPROVED BY	PROJECT NO.	FILE SITE	TDR	NO.	REVISION	APP'D	DATE
10-23-25	1"=20'	SRD	SRD	SRD	25026						

ZBA EXHIBIT

25 DOVER POINT LLC
99 COLUMBUS AVENUE
DOVER, NH 03820

28 DOVER POINT ROAD
DOVER, NH 03820

1 OF 1

ZONE-2025-0037**28 DOVER POINT ROAD**

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
K0018-A00010	APPLEVALE DR	CITY OF DOVER		288 CENTRAL AVE	DOVER	NH	03820
K0019-C00000	30 DOVER POINT RD	IRVING OILS TERMINALS INC		10 KING SQUARE SOUTH	ST JOHN	NB	E2L0G3
K0028-000000	22 DOVER POINT RD	FORTUNA DAVIN M &	ASSELTA-FORTUNA CAROLYN	22 DOVER POINT RD	DOVER	NH	03820
K0026-001000	26 DOVER POINT RD	MOUNTAIN SUZANNE MARIE REYNOLDS TRUSTEE	SUZANNE REYNOLDS REVOCABLE LIVING TRUST	26 DOVER POINT RD	DOVER	NH	03820
K0036-000031	31 DOVER POINT RD	VELASCO-SHEN MICHAEL		107 TOWER ST APT 3	LACONIA	NH	03246
K0035-000000	25 DOVER POINT RD	25 DOVER POINT LLC		99 COLUMBUS AV	DOVER	NH	03820
K0037-000000	50 SHEFFIELD DR	STF DEVELOPMENT CORP		54 DOVER POINT RD STE 103	DOVER	NH	03820
K0036-000033	33 DOVER POINT RD	WILKINS SARAH ELISABETH		33 DOVER POINT ROAD	DOVER	NH	03820
K0027-000000	24 DOVER POINT RD	MORIN JOHN K &	MORIN MELISSA D	48 HALL RD	BARRINGTON	NH	03825
K0036-000000	31 DOVER POINT RD	31 33 DOVER POINT RD CONDOMINIUM	PAOLINI ROBERT TRUSTEE AND WILKINSON STE	15 BRIARWOOD LN	DOVER	NH	03820
K0026-000000	28 DOVER POINT RD	25 DOVER POINT LLC		99 COLUMBUS AVE	DOVER	NH	03820
		CIVILWORKS NEW ENGLAND	STEVE HAIGHT	PO BOX 1166	DOVER	NH	03820
		BRUTON & BERUBE, PLLC	FRANCIS X. BRUTON, III	601 CENTRAL AVENUE	DOVER	NH	03820

**25 DOVER POINT, LLC
28 Dover Point Road
Dover, New Hampshire
Tax Map K, Lot 26**

BOARD OF ADJUSTMENT APPLICATION

INTRODUCTION

25 Dover Point, LLC, the Applicant, is the owner of the parcel located at 28 Dover Point Road, depicted on the Dover Tax Maps as Map K, Lot 26. The parcel is located in the R-12 zoning district, and the Applicant is requesting variances to allow the construction and operation of a mixed use residential and commercial building on the property.

Pursuant to the R-12 Table of Uses and Dimensional Regulations, the zone does not allow for general commercial uses (although it allows limited commercial uses such as child day care, home offices, education institutions and farm stands). The parcel is adjacent to a lot that is partially located within the Commercial (C) zone, where such a use would be permitted. For the reasons set forth herein, it is respectfully submitted that the proposed use should be permitted as a result of the grant of the variance requests contained herein. To permit a commercial use in the R-12 zone, a variance is requested from Section 170-11 (D).

In addition to the use, the Applicant will require two variances related to setbacks on the property. For the purposes set forth below, the building will need to be setback from the front property line 78.1 feet, as opposed to the 25-foot build-to-line pursuant to the R-12 Table of Uses and Dimensional Regulations, requiring a variance from Section 170-12 (B). Also, the building will be 71.1 feet from a residential building, where 150 feet is required, requiring a variance from Section 170-15 (D) of the zoning ordinance.

The variances requested herein were originally granted by this Board on February 18, 2021, but have since lapsed. The requests herein are essentially identical. As part of the original approval, the Applicant agreed to install an 8-foot fence between the existing residential use on Lot Map K, Lot 26-1 as depicted on the variance plan attached hereto, and the Applicant will agree to relinquish access rights it currently shares with Lot 26-1.

In February of 2021, the property owners of this parcel and the Irving parcel developed a shared driveway entrance strategy in order to reduce the driveway cuts upon Dover Point Road, increasing the safety of the uses of the property. Said driveway cut on the subject parcel has now been removed. To the extent the variances are granted, and pending site plan approval and construction, the Applicant will use the shared driveway concept previously developed with Planning staff and Circle-K.

The use of the above-described shared access-way with the gas station dictates that the building cannot be located within the 25' max build-to-line, which is the front setback limit. In addition, the building will be located as far as it can be to the anticipated commercial use (gas station), but would never be able to satisfy the restriction that the commercial use must be 150'

away from the residential use. In this instance the building will be 78.1 feet from the front yard, and 71.1 feet from residential use. Given the proximity to the residential use, the Applicant intends to add fencing along the left (west) side of the parking area, as depicted on the attached plan.

APPLICANT'S REQUEST FOR VARIANCES **FACTS SUPPORTING THIS REQUEST**

1. Waiving the terms of the Ordinance will not be contrary to the public interest because:

To be contrary to the public interest or injurious to public rights of others, the variances must unduly, and in a marked degree, conflict with the ordinance such that they violate the ordinance's basic zoning objectives. In order to determine whether a variance would violate the basic zoning objectives, it is appropriate to examine whether the granting of the variance would "alter the essential character of the locality or threaten the public health, safety or welfare." In this case, the property will be consistent with the surrounding commercial uses located at Pointe Place and to that on the Circle-K property. In addition, the previously existing access point for this parcel is reduced to a shared driveway between two commercial uses. Also, the Applicant will provide a visual buffer between the commercial and the adjacent residential use. Based upon the foregoing, the grant of the variance to permit the mixed use residential/commercial building, with the setback variances as described, would not change or alter the essential character of the area.

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

The Applicant respectfully submits that if the variances are granted, the spirit of the ordinance would be observed as the use in question is suitable, considering the existence of the commercial uses already in the vicinity and given the planned use. The Applicant believes that, with the shared driveway, the safety factor at this point of the roadway will increase, particularly with the elimination of the curb cut located within the property. Within its general purpose and intent clause, the Dover Zoning Ordinance indicates that its intent is to promote the health, safety and general welfare of Dover. The Applicant respectfully submits that the general purposes and intent of the Dover Zoning Ordinance will be maintained, to the extent that the variances are granted.

3. Granting the variance would do substantial justice because:

In New Hampshire, the guiding rule in determining whether the requirement for substantial justice is satisfied is that any loss to the individual that is not outweighed by a gain to the general public is an injustice. New Hampshire also looks at whether the proposed development is consistent with the area's present use. In this instance, the grant of the variances would result in substantial justice as that would allow the parcel to be utilized in a way that is consistent with those within the surrounding neighborhood. In addition, the aesthetic nature of the property would be enhanced with new construction. There is no negative aspect that the public will suffer. Rather, in this instance, the residential neighbor will be buffered, and, as a result of the construction of the project, an existing curb-cut would be eliminated. Thus, denial of the variance would result in a

loss to the Applicant that is not outweighed by any gain to the general public. As such, granting the requested relief would result in justice.

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

It is respectfully submitted that all of the surrounding properties have a value associated with them which is premised upon the existence of the existing building and uses located upon the subject property and surrounding properties. In this instance, the Applicant is conscious of the need for an appropriate buffer and proposed an 8 foot fence between the property and the abutting residential property, as depicted on the plan, and relinquishing its access rights to the existing shared driveway with Lot 26-1. Thus, granting the variance will not result in a diminution of surrounding property values.

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 this area

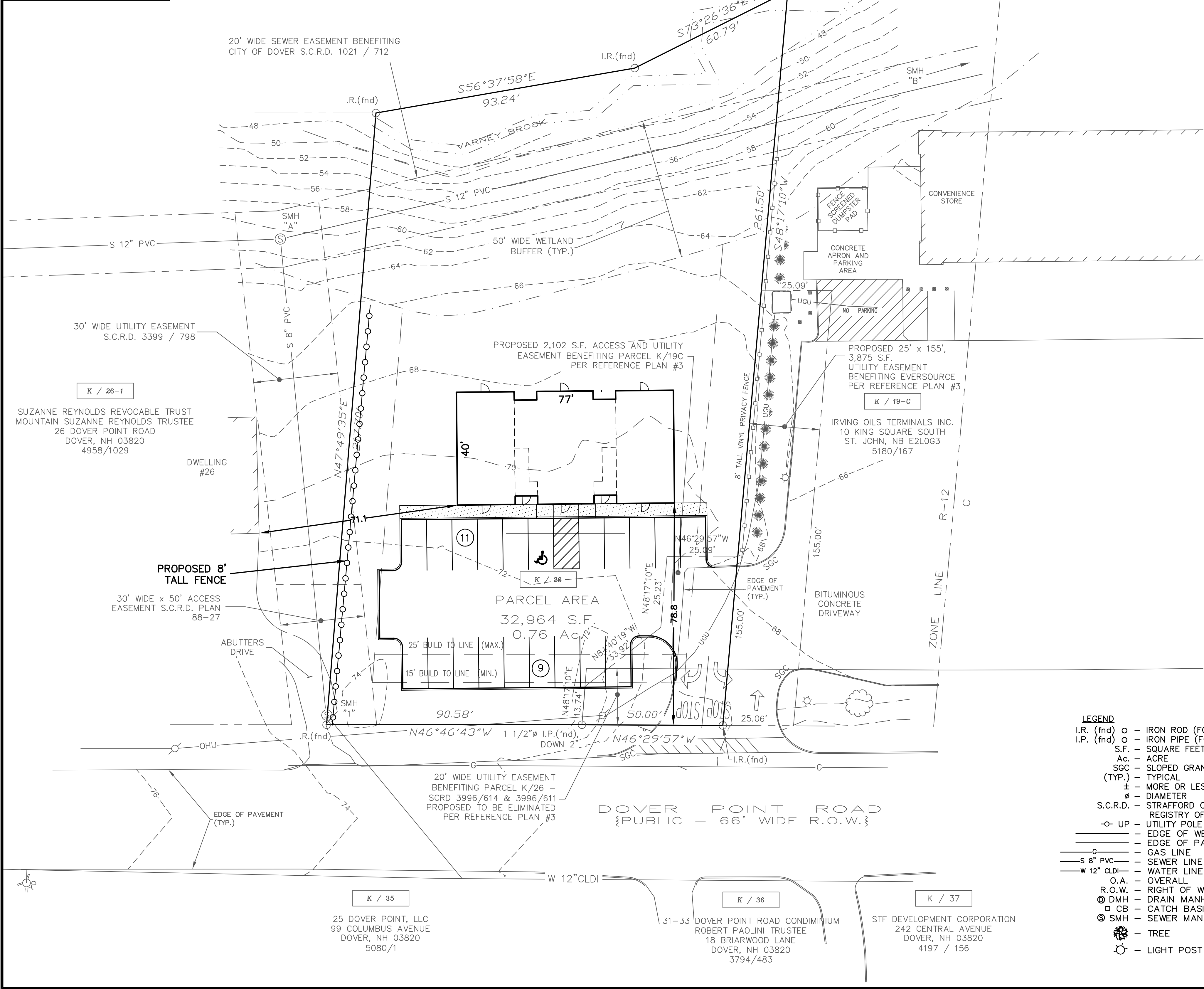
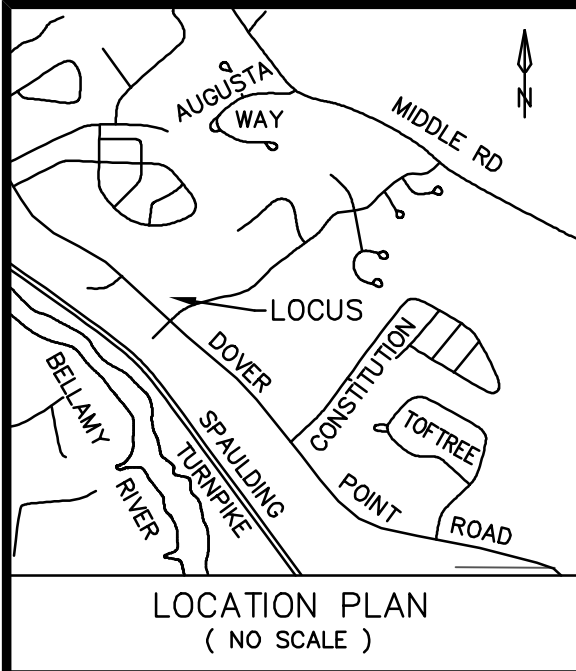
The lot is unique given its proximity to Pointe Place, and other associated business uses, such as Patty B's restaurant and other office uses with that property as well as just across from a large multi-unit residence, with auto dealerships in sight from both directions. In addition, the property will be located next to a gas station. Further, the property has the benefit of a shared driveway accessway, which has been constructed at a commercial scale, and maintained as such by the commercial owners of the benefitted parcels. This shared accessway is unique to the property, and its utilization will result in a safer means of access from these properties on to Dover Point Road. Finally, this mixed use residential/commercial building use will serve as a transitional buffer between the gas stations and the adjacent residential use.

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:

The general purposes of the ordinance are to promote the health, safety and general welfare; to encourage the most appropriate land uses in various parts of the City; and to prevent overcrowding. This proposal is designed as a transitional buffer to the existing residential uses, will resolve further access from the subject parcel to the adjacent residential parcel and will improve the safety factors of this parcel as to access onto Dover Point Road. For the reasons set forth above, the Applicant respectfully submits that the restrictions that cannot be met by the Applicant are not necessary in this unique instance to enforce in order to protect the purpose of the ordinance. Thus, if unnecessary, there is no conflict between the general public purpose of the ordinance, and enforcing the restrictions for which the Applicant seeks the variance, and denial of the variance would result in an unnecessary hardship.

iii. The proposed use is a reasonable use:

For the reasons set forth above, the Applicant respectfully suggests that the mixed residential/commercial use and the need for relief from the setbacks is a result of a comprehensive strategy to provide the mentioned transitional buffer and for the safety as to access to Dover Point Road results in a proposal that represents a reasonable use of the property.



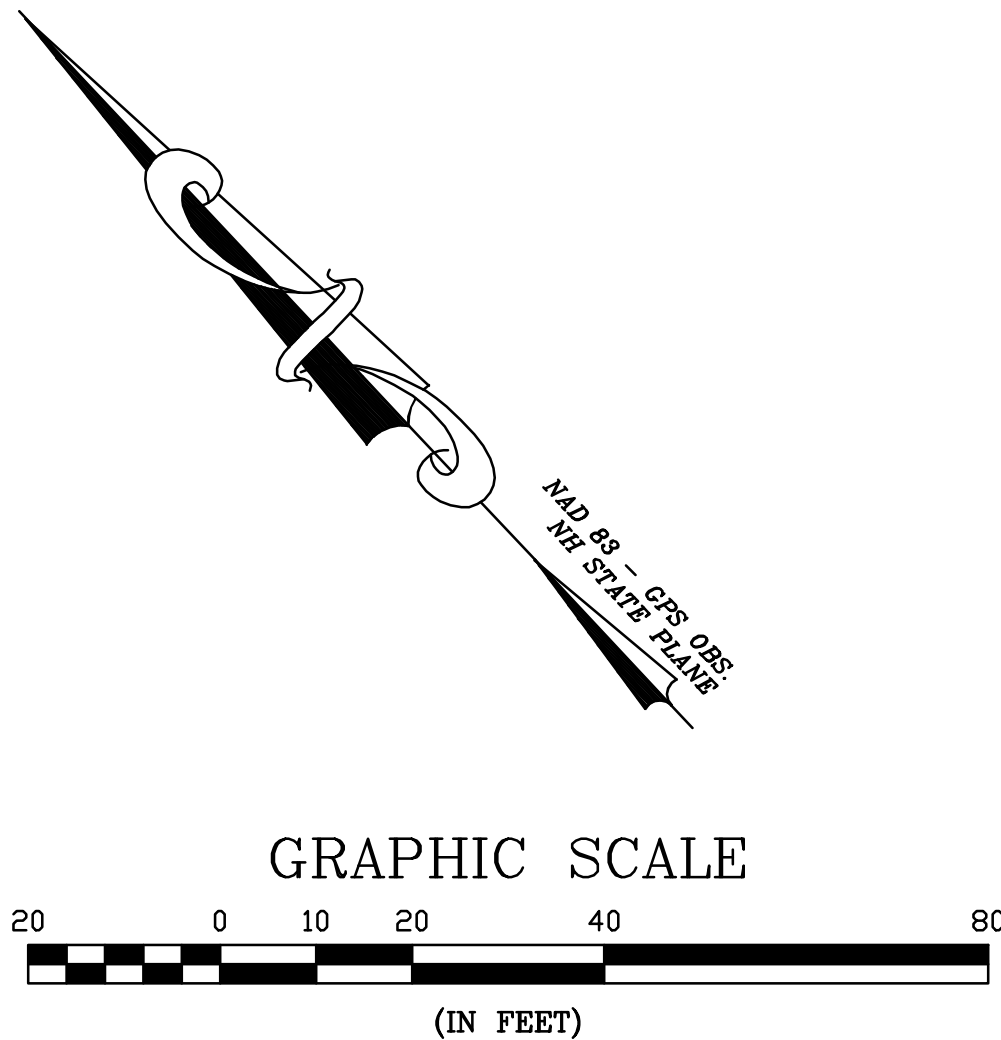
- NOTES:
- OWNERS OF RECORD:
25 DOVER POINT LLC
99 COLUMBUS AVENUE
DOVER, NEW HAMPSHIRE 03820
S.C.R.D. VOL. 5219, PAGE 442
 - K / 26** — DENOTES TAX MAP AND PARCEL NUMBER.
 - ZONING DISTRICT IS R-12 (MEDIUM DENSITY RESIDENTIAL)
 - DIMENSIONAL REGULATIONS:
MINIMUM LOT SIZE = 12,000 S.F.
MAXIMUM LOT COVERAGE = 30 PERCENT
MINIMUM FRONTAGE = 100 FEET
BUILDING REQUIREMENTS:
FRONT BUILD TO = 15 FEET MIN.
= 25 FEET MAX.
SIDE SETBACK = 15 FEET
REAR SETBACK = 30 FEET
 - THE INTENT OF THIS PLAN IS TO DEPICT A MIXED USED BUILDING WITH COMMERCIAL SPACE ON THE FIRST FLOOR AND FOUR RESIDENTIAL UNITS ON THE SECOND FLOOR.
 - PARCEL AREA = 32,964 S.F. / 0.76 Ac.
 - THE SUBJECT PARCEL IS OUTSIDE THE 0.2 PERCENT ANNUAL CHANCE FLOODPLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY NUMBER 330145; PANEL 0340; SUFFIX E; MAP NUMBER 33017C0340E; EFFECTIVE DATE SEPTEMBER 30, 2015.
 - BASIS OF BEARING IS NH STATE PLANE (NAD83) BASED ON GPS OBSERVATION. VERTICAL DATUM IS NAVD88 BASED ON GPS OBSERVATION. DATED: FEBRUARY 20, 2023.
 - PROPERTY LINE INFORMATION HAS BEEN OBTAINED FROM A SURVEY PERFORMED BY MCENEANEY SURVEY ASSOCIATES, INC. DURING SEPTEMBER 2018 WITH AN ERROR NOT GREATER THAN 1 IN 10,000.
 - REFERENCE IS MADE TO AMENDED AND RESTATED RECIPROCAL EASEMENT AGREEMENT MADE BETWEEN SEBRING HOLDINGS, LLC AND MAC'S CONVENIENCE STORES LLC RECORDED AT S.C.R.D. IN BOOK 4848, PAGE 528, DATED DECEMBER 14, 2020. ALSO, REFERENCE IS MADE TO RECIPROCAL EASEMENT AGREEMENT MADE BETWEEN SEBRING HOLDINGS, LLC AND MAC'S CONVENIENCE STORES LLC RECORDED AT S.C.R.D. IN BOOK 4114, PAGE 610, DATED APRIL 4, 2013.
 - WETLANDS SHOWN WERE DELINEATED BY DAMON E. BURT, N.H.C.W.S. #163 OF FRAGGLE ROCK ENVIRONMENTAL SERVICES ON JANUARY 14, 2021 IN ACCORDANCE WITH THE 1987 CORPUS OF ENGINEERS WETLANDS DELINEATION MANUAL AND LOCATED BY THIS OFFICE.

- VARIANCES:
- USE VARIANCE FROM SECTION 170-11.(D) TO ALLOW A COMMERCIAL USE IN THE MEDIUM DENSITY RESIDENTIAL (R-12) DISTRICT.
 - VARIANCE FROM SECTION 170-15(D) TO CONSTRUCT A COMMERCIAL MIXED USE BUILDING WITH A DISTANCE OF 71.1' FROM A RESIDENTIAL STRUCTURE WHERE 150' IS REQUIRED.
 - VARIANCE FROM SECTION 170-12(B) 78.8' FROM THE FRONT YARD PROPERTY LINE WHERE A 25' BUILD TO LINE IS REQUIRED.

SANITARY SEWER STRUCTURE SCHEDULE

EXIST. SMH "1"	EXISTING CROSS-COUNTRY LINE
RIM ELEV:	= 73.38
INVERT IN:	= 62.5 (8")
INVERT OUT:	= 62.4 (8")
EXIST. SMH "A"	EXISTING CITY CROSS-COUNTRY LINE
RIM ELEV:	= 60.62
INVERT IN:	= (8")
INVERT IN:	= 51.32 (12")
INVERT OUT:	= 51.30 (12")
EXIST. SMH "B"	EXISTING CITY CROSS-COUNTRY LINE
RIM ELEV:	= 59.34
INVERT IN:	= 48.74 (12")
INVERT OUT:	= 48.64 (12")

- LEGEND
- I.R. (fnd) o — IRON ROD (FOUND)
 - I.P. (fnd) o — IRON PIPE (FOUND)
 - S.F. — SQUARE FEET
 - Ac. — ACRE
 - SGC — SLOPED GRANITE CURB (TYP.)
 - ± — MORE OR LESS
 - Ø — DIAMETER
 - S.C.R.D. — STRAFFORD COUNTY REGISTRY OF DEEDS
 - o- UP — UTILITY POLE
 - — EDGE OF WETLAND
 - — EDGE OF PAVEMENT
 - — GAS LINE
 - S 8" PVC— — SEWER LINE
 - W 12" CLDI— — WATER LINE
 - O.A. — OVERALL
 - R.O.W. — RIGHT OF WAY
 - DMH — DRAIN MANHOLE
 - CB — CATCH BASIN
 - SMH — SEWER MANHOLE
 - — TREE
 - — LIGHT POST



NOT FOR CONSTRUCTION FOR PERMIT USE ONLY

CIVILWORKS NEW ENGLAND
181 Watson Road, PO Box 1166
Dover, NH 03820
603.749.0443

DATE	SCALE	DRAWN BY	DESIGN BY	APPROVED BY	PROJECT NO.	FILE SITE	TDR	NO.	REVISION	APP'D	DATE
10-23-25	1"=20'	SRD	SRD	SRD	25026						

ZBA EXHIBIT

25 DOVER POINT LLC
99 COLUMBUS AVENUE
DOVER, NH 03820

28 DOVER POINT ROAD
DOVER, NH 03820

1 OF 1

Crouser, Paul

From: FX Bruton <fx@brutonlaw.com>
Sent: Thursday, November 6, 2025 2:26 PM
To: Crouser, Paul; Josh Lanzetta
Cc: Zachery Leavitt; Steve Haight (shaight@civilworksne.com); Meaghan Sherrill
Subject: 28 Dover Point Road

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

Hi Paul,

Thanks for the call today. The ZBA application for 28 Dover Point Road, to permit a mixed-use commercial/residential use, is premised upon the offices within the first level and 4 residential units (2 by right and 2 will be requested via TDR). In our presentation, we will clarify those uses specifically with the ZBA.

Thanks.

Francis X. Bruton, III, Esquire

Bruton & Berube, PLLC

601 Central Avenue

Dover, New Hampshire 03820

P: (603) 749-4529

F: (603) 343-2986

www.brutonlaw.com

IMPORTANT PRIVACY NOTICE: The information contained in this transmission and any accompanying documents or attachments is private, confidential and may be subject to the attorney-client privilege and/or the work product doctrine. It may also be private and/or confidential information protected under state and federal laws. As such, it is intended only for the recipient(s) listed above. If you are neither the intended recipient(s) nor a person responsible for the delivery of this transmission to the intended recipient(s), you are hereby notified that any unauthorized disclosure, distribution or copying of this transmission, or any action taken or omitted to be taken in reliance on it, is strictly prohibited. If you have received this transmission in error, please destroy the original transmission immediately and notify Bruton & Berube, PLLC at (603) 749-4529.