

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, February 19, 2026**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. APPROVAL OF THE PRIOR MINUTES

- January 15, 2026 Regular Meeting Minutes

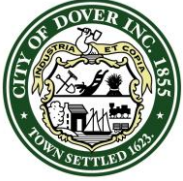
3. HEARINGS

- A. **ZONE-2026-0001** Applicant: Brad Oldfield, 3 Applevale Drive, Tax Map K, Lot 15-J, located in Medium Density Residential District (R-12), requests a Variance from **Section 170-12.B, R-12 Table of Uses**, to replace and expand an existing, elevated rear deck located within twenty-one (21) feet from the rear property line, where a thirty (30) foot rear setback is required.

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, January 15, 2025
Meeting Time: 7:00 pm

1. ATTENDANCE

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

Members Not Present: Chris Prior

Staff Present: Paul R. Crouser (Zoning Administrator)

Chair Sillitta called the meeting to order at 7PM.

2. APPROVAL OF MEETING MINUTES OF DECEMBER 18, 2025

Motion: Couturier moved to approve the minutes of December 18, 2025 as submitted. Seconded by Brown. Vote: U/A

3. HEARINGS

A. ZONE-2025-0040 Request for Rehearing of ZONE-2025-0038, Applicant: Scott Hogan, Esq., requests a rehearing of the variance granted on November 20, 2025 in which the owner of 18 Pearson Drive, Tax Map L, Lot 46-M, located in the Lot Density Residential District (R-20), was granted a Variance through **Section 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.

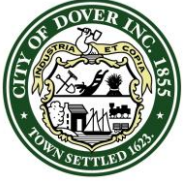
Hamer declared an attorney/client relationship with the counsel who presented the matter so recused herself from the item.

Sillitta noted Morin will be a voting member for the item.

Sillitta explained the rehearing request procedures and timelines if granted.

Background:

On November 20, 2025, Fergus Cullen, the owner of 18 Pearson Drive, was granted a variance from sections 170-11(B) and 170-12(B) of the Zoning Ordinance, 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. Mr. Cullen asserted that the proposed construction of a second unit constituted a conversion of an existing single-family structure, which, given the lot's and units' size, would be permitted by right. Staff viewed the expansion, which effectively doubled the existing square footage, to be a creation, and thus made an administrative decision to the same effect which necessitated the variance relief. Substantial evidence in support of the variance, and more so, the lack of public benefit in denying the variance, were discussed on the record of the 11/20/2025 meeting, which include the ambiguity of "conversions" vs. "creations" within the ordinance, existing dimensional nonconformities present on the lot, and the numerous alternatives available to the property owner which would yield the same, and in some cases more, units (and therefore impacts) than the project's proposal – all of which would be permissible by right and would not be subject to ZBA review.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
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Meeting Date: Thursday, January 15, 2025
Meeting Time: 7:00 pm

Board members discussed the request for rehearing:

Onufry: Does not find a valid point for a rehearing within the materials presented by the applicant. Stated that many of the points brought up in the rehearing request failed to prove that the Board deliberated or voted in a way in which they were not legally permitted. The rehearing request failed to identify a good reason for which the rehearing should be granted.

Brown: Stated that he concurred with all of Onufry points which were just stated. He then sought clarity as to whether the Chair was within the rules by making the request to grant the variance himself. P. Crouser confirmed as a voting member he was within his rights to make a motion.

Motion: Couturier moved to deny the rehearing request as the board does not find a reason for a rehearing was established. Seconded by Onufry. Vote: U/A

B. ZONE-2025-0039 Applicant: 6 Brick Road, LLC, 1-24 Jefferson Drive, Tax Map 28, Lot 9-C, located in the Office District (O) and Gateway District (G), requests a Variance from Section 170-12(B), Office District Table of Uses, footnote 4, to permit residential dwelling units in the first floor of a newly constructed structure.

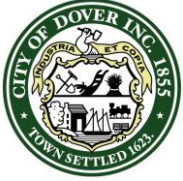
The Vice Chair noted Morin will be a voting member for this item.

The subject parcel for this variance request is located on Jefferson Drive, a private development located off of Brick Road. The development consists of 24 townhouse units with parking and related infrastructure, the original plan for which (P11-42) was approved by the Planning Board on October 26, 2011, with preceding variances to permit the same relief sought currently being granted on June 16, 2011.

On September 16, 2023, the Planning Board approved a lot line adjustment plan which merged a vacant 8,000 s.f. parcel within the Gateway District to the subject parcel (1-24 Jefferson Dr.), which falls within the Office District, thus creating a singular split-zoned parcel.

Given that the property now has additional developable area, the owner is seeking to construct six (6) additional townhouse units, three (3) which fall within the Office District and three (3) within the Gateway District. While the units within the Gateway District are permitted by right, those within the Office District, as they were back in 2011, are approved only if located in the second story or higher of a newly constructed structure, thus necessitating the variance.

Bob Stowell, TriTech Engineering presented the item and explained the history of the project and the request for variance for the additional units proposed now that additional land has been acquired.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
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Meeting Date: **Thursday, January 15, 2025**
Meeting Time: **7:00 pm**

Public Hearing opened.
No one spoke
Public Hearing closed.

Staff recommendation: Staff supports the granting of this variance request for two core reasons. First and foremost, the same variance relief was granted at this project's inception. Existing precedent of the same variance relief on the same property and same zone in and of itself is justification for approval in Staff's Opinion.

Secondly, to force a non-residential use in the first floor of three (3) new buildings in a 24-unit, all residential development is not in keeping with the spirit of the ordinance. Staff would question the viability of any sort of commercial use on the first floor of the proposed structures due to the seclusion of the residential neighborhood, the opposition to increased traffic by the neighborhood's residents, and the lack of commercial visibility for potential tenants being setback from Central and tucked into a residential development.

Based on the evidence presented, Staff recommends that this Board approve this variance request with a single condition:

1. Any existing site lighting spillover onto abutting properties shall be remedied to the satisfaction of the Planning Board during the Site Review process.

Board discussion:

Hamer: supports the variance request as commercial units in that area would not work. That part of the parcel is not even visible from the road.

Motion: Couturier moved to grant the request based on legal precedent and the criteria having been met through the packet presented with the condition provided by staff. Brown seconded. Vote: U/A

4. OTHER BUSINESS

Organizational meeting:

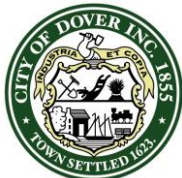
Motion: Sillitta moved to nominate Chris Prior for Chair. Couturier seconded. Vote: 6 in favor

Motion: Couturier moved to nominate Sillitta for Vice Chair. Vote: 6 in favor

The board discussed administrative preferences for attendance.

5. ADJOURN

Motion: Hamer moved to adjourn at 7:20pm. Couturier 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, February 19, 2026
Meeting Time:	7:00 pm

INTENT: The applicant requests a Variance from **Section 170-12(B), R-12 District Table of Uses**, to replace and expand an existing, elevated rear deck located within twenty-one (21) feet from the rear property line, where a thirty (30) foot rear setback is required.

UNITS PROPOSED: N/A

AGENDA ITEM: 3-A

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

FILE: ZONE-2026-0001

APPLICANTS: Brad and Sarah Oldfield, c/o: Allan Trants Exterior Finish Work

OWNERS: Brad and Sarah Oldfield

LOCATION: 3 Applevale Drive (Tax Map K, Lot 15-J)

ACREAGE: ±0.21 acres. No change in lot area

EXISTING LAND USE: Residential

PROPOSED LAND USE: Residential

SURROUNDING LAND USE: Residential

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQ.: No

ATTACHMENTS: Application, Variance Plan

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

BACKGROUND INFORMATION

The subject parcel for this variance request is located at 3 Applevale Drive within the Medium Density Residential (R-12) Zoning District.

The owner of 3 Applevale Drive is seeking a variance to construct an attached deck to the rear of their home which would encroach in the rear setback (30' in the R-12) for a distance of approximately 9'.

STAFF RECOMMENDATION

Staff neither supports nor opposes this variance request. In the context of the neighborhood, staff recognizes this lot's uniqueness in that the property to the rear of the subject parcel is owned by the City of Dover for access and service of sewer infrastructure, namely an ejector station, which runs behind the Applicant's property, then along the side, finally connecting to a sewer line directly along Applevale Drive itself.

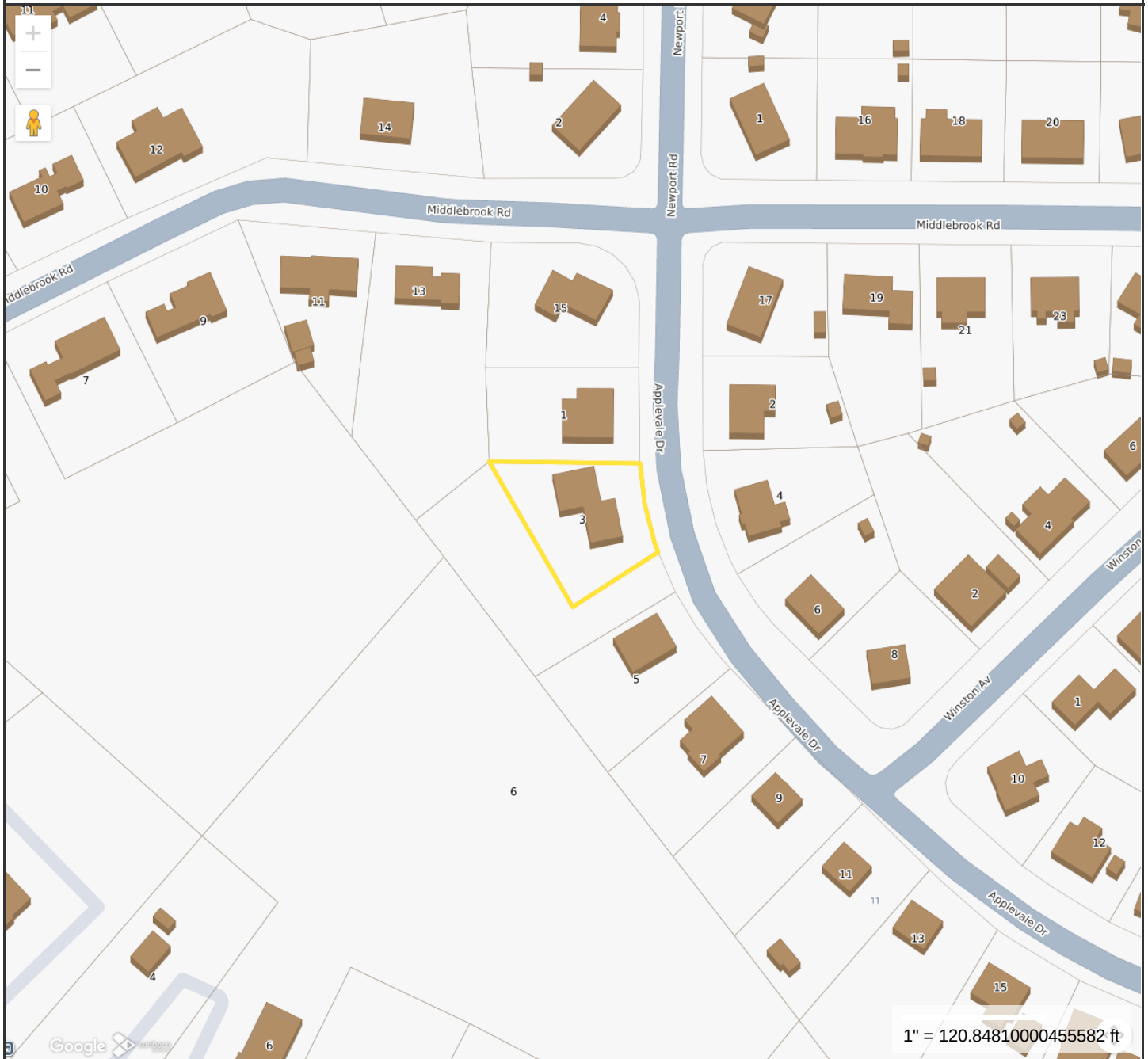
In practical terms, this means that when compared to many of the abutting properties on the same side of Applevale Drive, that the Applicant's property has a depth of approx. 97' whereas most nearby properties on the same side of Applevale Drive average a range of 120' – 140' in depth. That said, an overview of the neighborhood as a whole, to include the full loop of Applevale Drive, Salem Avenue, Winston Avenue, and the small portion of Middlebrook Road, shows that the subject parcel's depth of 97' is, in fact, quite common, and not unique to that parcel whatsoever.

So, while it is clear that the subject property's dimensions are constrained due to City-owned utility land, the property's actual dimensions are not lesser than other parcels in the same 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 recommends that if this Board approve this variance request, it do so with a single condition:

1. No future variance for dimensional relief will be granted.

ZONE-2026-0001 3 APPLEVALE DRIVE

**Property Information**

Location 3 APPLEVALE DR
Owner OLDFIELD BRAD F
Land Use 101R
Zoning Code R-12
Property Id K0015-J00000

**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-2026-0001 FOR CITY OF DOVER, N.H.

Permit Type	Zoning	Project:		App Date:	01/27/2026
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: The applicant proposes to replace and modestly expand an existing elevated rear deck. The proposed deck will be located approximately twenty-one (21) feet from the rear property line, where a thirty (30) foot rear setback is required, resulting in an encroachment of approximately nine (9) feet due to the steep rear grade and unique lot configuration

Parcel:	K0015-J00000	Main	Address:	3 Applevale Dr Dover, 03820	Main	Zone:	R-12(Residential - Medium Density)
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Applicant	Applicant	Owner
Allan Trant	Ilya A Voskov	Brad Oldfield
20 Gravel Pit Road	37 branch st	3 APPLEVALE DR
Nottingham, NH 03290	Manchester, NH 03103	DOVER, 03820
Business: (603) 260-8842	Business: (617) 634-9407	Mobile: (978) 852-8145
Mobile: (603) 305-2330	Mobile: (617) 634-9407	

Permit Custom Fields

Number of Variances Requested: 1

ZoneVariPlanDirectionsFrom Central Avenue, turn onto Applevale Drive.

ZoneVariPlanSummary The applicant proposes to replace and modestly expand an existing elevated rear deck. The proposed deck will be located approximately twenty-one (21) feet from the rear property line, where a thirty (30) foot rear setback is required, resulting in an encroachment of approximately nine (9) feet due to the steep rear grade and unique lot configuration.

ZoneVariAppealSect 170-12

ZoneVariAppealSectDe A variance is requested from Section 170-12 of the Zoning Ordinance to permit construction of a twelve (12) foot deep residential deck located approximately twenty-one (21) feet from the rear property line, where a thirty (30) foot rear yard setback is required, resulting in an encroachment of approximately nine (9) feet

What is the parcel zoned?

R-12

ZoneVariAppeal1Public Interest The proposed deck will not be contrary to the public interest. The structure is accessory to an existing single-family residence and will not create any

hazard to public safety, impair access, interfere with drainage, or burden municipal services The rear of the property abuts City-owned public land mapped as

natural area, not a privately owned residential parcel. As a result, there will be no adverse impacts to private abutters or surrounding

PERMIT SNAPSHOT REPORT (ZONE-2026-0001)

residential uses.	ZoneVariAppeal2OrdinanceSpirit	The purpose of the rear yard setback requirement is to preserve open space, maintain separation between residential structures, and protect privacy and neighborhood character. In this case, the rear abutter is City-owned undeveloped land with no residential development. Strict application of the setback does not further the ordinance's purpose on this lot, as there is no residential development to protect and no impact on neighborhood density, privacy, or character. The intent and spirit of the ordinance are fully preserved	ZoneVariAppeal3SubstantialJustice	Strict application of the ordinance would deny the applicant reasonable residential use of the property for a customary accessory structure, while granting the variance will not confer any special privilege or cause harm to the public or surrounding properties. The benefit to the applicant clearly outweighs any minimal or nonexistent detriment to the public. No public purpose would be served by denying the requested relief.	
ZoneVariAppeal4PropertyValue	The proposed deck will not diminish surrounding property values. The structure is consistent with residential improvements in the neighborhood and will improve safety, functionality, and appearance. There are no privately owned residential properties to the rear, and the project will not create visual, noise, or privacy impacts on neighboring properties.	ZoneVariAppeal5A1UnnecessaryHardship	The property is distinguished by its steeply sloping rear yard, the irregular configuration of the rear lot line, and the location of the existing dwelling close to the rear setback. The rear yard drops sharply toward City-owned natural/wetland land, rendering ground-level use impractical and unsafe. These physical conditions are unique to this lot and are not common to typical residential properties in the area. The hardship arises from these inherent topographic and dimensional constraints and not from any action of the applicant	ZoneVariAppeal5A2No FairRelationship	No fair and substantial relationship exists because the general purpose of the rear setback requirement is to maintain separation between residential structures, preserve privacy, and prevent overcrowding of developed lots. In this case, the rear of the property abuts City-owned public land mapped as natural/wetland area and not a privately owned residential parcel. Strict application of the 30-foot setback does not further the ordinance's purpose on this lot, as there is no residential development to protect and no impact on neighborhood density, privacy, or character. Enforcing the full setback under these conditions produces no public benefit and serves only as a technical restriction unrelated to the ordinance's intended goals
ZoneVariAppeal5A3ReasonableUse	The proposed elevated rear deck is a customary and reasonable accessory structure for single-family residences located on steeply	sloped lots. The deck provides safe, code-compliant access from the rear of the dwelling where ground-level use is not			feasible due to slope and grade. The proposed location represents the minimum relief necessary to allow reasonable residential use

PERMIT SNAPSHOT REPORT (ZONE-2026-0001)

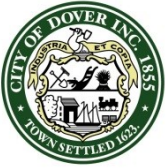
of the property
while maintaining
substantial compliance
with the rear setback

Attachment File Name	Added On	Added By	Attachment Group	Notes
Permit Snapshot Report.pdf	01/27/2026 11:51	Service, EnerGov		Attached by IO - ATTACH: Initial Permit Snapshot

Invoice No.	Fee	Fee Amount	Amount Paid
INV-2026000219	Planning Zoning Variance Application Fee	\$200.00	\$200.00
Total for Invoice INV-2026000219		\$200.00	\$200.00
Grand Total for Permit		\$200.00	\$200.00

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Planning Permit Application Review v.1	Approved	01/30/2026	02/27/2026		No	No
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Administrator	Planning	Crouser, Paul	Approved	01/30/2026	02/27/2026	02/02/2026

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1		01/30/2026 0:00	02/02/2026 11:59
Confirm application complete v.1	Generic Action		01/30/2026 9:50
Planning Permit Application Review v.1	Receive Submittal	01/30/2026 9:50	02/02/2026 11:59
Zoning Board v.1		02/02/2026 12:00	
Zoning Board Agenda v.1	Task	02/02/2026 12:00	02/02/2026 12:00
Invoice for Notices v.1	Task	02/02/2026 12:00	
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		



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: Allan Trants Exterior Finish Work Phone # 617 634 9407

Address of Applicant: 20 Gravel Pit Rd, Nottingham NH, 03290

E-Mail Address: allan.trant@gmail.com | ilyaovoskov@gmail.com

PROPERTY OWNER (if different from applicant): Brad and Sarah Oldfield

Address: 3 Applevale Dr, Dover NH, 03820 Phone # 978 852 - 8145

E-Mail Address: b.oldfield@gmail.com | sarah.bajor@gmail.com

PROPERTY/PARCEL INFORMATION

Address: 3 Applevale Dr, Dover NH, 03820

Brief Directions: From Central Avenue, turn onto Applevale Drive and proceed to the residence at number 3, located on the west side
of the street. The area of the variance request is located in the rear yard of the property, at the back of the existing dwelling, adjacent to the rear property line.

Zoning District: R-12 Assessor's Map # K15 Lot(s) # J0

TYPE OF APPEAL: (Please check one)

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

DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY:

The applicant proposes to replace and modestly expand an existing elevated rear deck. The proposed deck will be located approximately
twenty-one (21) feet from the rear property line, where a thirty (30) foot rear setback is required, resulting in an encroachment of
approximately nine (9) feet due to the steep rear grade and unique lot configuration.

APPLICATION CHECKLIST (Please check off)

- A. **Application signed** by Applicant and Property Owner (if different from Applicant) _____
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** _____
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. _____
- 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). _____
- E. **10 copies of photos** (suggested but optional) and any **other materials** applicant would like to submit in support of the application. _____
- 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) § 170-12 of the Zoning Ordinance to permit:

A variance is requested from Section 170-12 of the Zoning Ordinance to permit construction of a twelve (12) foot deep residential deck located approximately twenty-one (21) feet from the rear property line, where a thirty (30) foot rear yard setback is required, resulting in an encroachment of approximately nine (9) 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:

The proposed deck will not be contrary to the public interest. The structure is accessory to an existing single-family residence and will not create any hazard to public safety, impair access, interfere with drainage, or burden municipal services. The rear of the property abuts City-owned public land mapped as natural area, not a privately owned residential parcel. As a result, there will be no adverse impacts to private abutters or surrounding residential uses.

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

The purpose of the rear yard setback requirement is to preserve open space, maintain separation between residential structures, and protect privacy and neighborhood character. In this case, the rear abutter is City-owned undeveloped land with no residential development. Strict application of the setback does not further the ordinance's purpose on this lot, as there is no residential development to protect and no impact on neighborhood density, privacy, or character. The intent and spirit of the ordinance are fully preserved.

3. Granting the variance would do substantial justice because:

Strict application of the ordinance would deny the applicant reasonable residential use of the property for a customary accessory structure, while granting the variance will not confer any special privilege or cause harm to the public or surrounding properties. The benefit to the applicant clearly outweighs any minimal or nonexistent detriment to the public. No public purpose would be served by denying the requested relief.

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

The proposed deck will not diminish surrounding property values. The structure is consistent with residential improvements in the neighborhood and will improve safety, functionality, and appearance. There are no privately owned residential properties to the rear, and the project will not create visual, noise, or privacy impacts on neighboring properties.

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:

The property is distinguished by its steeply sloping rear yard, the irregular configuration of the rear lot line, and the location of the existing dwelling close to the rear setback. The rear yard drops sharply toward City-owned natural/wetland land, rendering ground-level use impractical and unsafe. These physical conditions are unique to this lot and are not common to typical residential properties in the area. The hardship arises from these inherent topographic and dimensional constraints and not from any action of the applicant.

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:

No fair and substantial relationship exists because the general purpose of the rear setback requirement is to maintain separation between residential structures, preserve privacy, and prevent overcrowding of developed lots. In this case, the rear of the property abuts City-owned public land mapped as natural/wetland area and not a privately owned residential parcel. Strict application of the 30-foot setback does not further the ordinance's purpose on this lot, as there is no residential development to protect and no impact on neighborhood density, privacy, or character. Enforcing the full setback under these conditions produces no public benefit and serves only as a technical restriction unrelated to the ordinance's intended goals.

and

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

The proposed elevated rear deck is a customary and reasonable accessory structure for single-family residences located on steeply sloped lots. The deck provides safe, code-compliant access from the rear of the dwelling where ground-level use is not feasible due to slope and grade. The proposed location represents the minimum relief necessary to allow reasonable residential use of the property while maintaining substantial compliance with the rear setback.

OR

5B. If the criteria in subparagraph 5A above are not established, explain how, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it:

EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

THIS SECTION TO BE COMPLETED BY EQUITABLE WAIVER APPLICANTS ONLY

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

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

2. a) Explain how the violation has existed for 10 years or more with no enforcement action, including written notice, being commenced by the city **OR** b) explain how the nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had been transferred to a bona fide purchaser **AND** how the violation was not an outcome of ignorance of the law or bad faith but resulted from a legitimate mistake.

3. Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area.

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

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

APPEAL OF ADMINISTRATIVE DECISION

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

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

This image shows a full page of blank, lined paper. It features approximately 28 horizontal blue or grey lines spaced evenly apart, typical of notebook paper. The lines extend across the entire width of the page, leaving small margins at the top and bottom. There are no vertical lines, text, or other markings on the page.

SPECIAL EXCEPTION REQUIREMENTS

THIS SECTION TO BE COMPLETED BY SPECIAL EXCEPTION APPLICANTS ONLY

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

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

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

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

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

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

A. _____

B. _____

C. _____

D. _____

E. _____

F. _____

SIGNATURE PAGE

THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

I, the undersigned Applicant, hereby certify that the information contained within this Application is complete and accurate, and I acknowledge that I have read and understand the Application Instructions, which are set forth on the first two pages of this Application form.

IMPORTANT

PROPERTY IDENTIFICATION SIGN
MUST BE POSTED ON THE PROPERTY
FOR THE 5 DAYS PRIOR TO HEARING.
FAILURE TO POST MAY RESULT IN
APPLICATION NOT BEING ACCEPTED.



Signature of Applicant*



[Brad Oldfield \(Dec 13, 2025 08:57:08 EST\)](#)

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:  [Brad Oldfield \(Dec 13, 2025 08:57:08 EST\)](#) Date: 13/12/2025

OWNER AUTHORIZATION AND DESIGNATION OF AGENT

City of Dover, New Hampshire
Zoning Board of Adjustment

Property Address: 3 Applevale Drive, Dover, NH 03820

Owners of Record: Brad Oldfield and Sarah Oldfield

We, the undersigned property owners, hereby authorize Allan Trant's Exterior Finish Work LLC to act as our duly authorized agent and representative in all matters related to this Zoning Board of Adjustment application, including the preparation, submission, and presentation of documents and testimony on our behalf for the property listed above.

We certify that the information submitted in this application is true and accurate to the best of our knowledge and authorize the above-named agent to communicate with City officials regarding this matter.

Owner Signature: 
Brad Oldfield (Dec 13, 2025 08:57:08 EST)

Printed Name: Brad Oldfield

Date: 13/12/2025

ZONE-2026-0001**3 APPLEVALE DRIVE**

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
K0017-E00000	2 WINSTON AV	GARMAN TREVOR J &	GARMAN SARAH E	2 WINSTON AV	DOVER	NH	03820
K0015-G00000	6 APPLEVALE DR	CASIMIRO SHARON R		6 APPLEVALE DR	DOVER	NH	03820
K0015-M00001	7 APPLEVALE DR	MACMASTER KEITH A	MACMASTER THELMA	7 APPLEVALE DRIVE	DOVER	NH	03820
K0015-M00002	9 APPLEVALE DR	GRIMES PENNY JEAN	GRIMES RICHARD J	9 APPLEVALE DRIVE	DOVER	NH	03820
K0018-Z00000	19 MIDDLEBROOK RD	MANTOS RICHARD		19 MIDDLEBROOK ROAD	DOVER	NH	03820
K0050-000000	13 MIDDLEBROOK RD	NORTON WILLIAM R	NORTON JOYCE	13 MIDDLEBROOK ROAD	DOVER	NH	03820
K0050-001000	11 MIDDLEBROOK RD	LAWLOR ZACHARY L &	LAWLOR VICTORIA J	11 MIDDLEBROOK RD	DOVER	NH	03820-4237
K0044-000000	9 MIDDLEBROOK RD	DEMOSTHENES RODGERS ELIZABETH		9 MIDDLEBROOK RD	DOVER	NH	03820-4237
K0015-D00000	2 APPLEVALE DR	COCHRANE DONNA EVELYN &	WHALLEY ANDREW	108 BAYBERRY CIR	JUPITER	FL	33458-7701
K0015-F00000	8 APPLEVALE DR	CUNNINGHAM LINDSAY M & WILLIAM &	CUNNINGHAM HEIDI	PO BOX 25	MIDDLEBURY	VT	05753-0025
K0051-000000	APPLEVALE DR	CITY OF DOVER		288 CENTRAL AV	DOVER	NH	03820
K0030-M00003	6 DOVER POINT RD	PILGRIM PLAZA		PILGRIM PLAZA	DOVER	NH	03820
K0015-H00000	1 APPLEVALE DR	CARRIER SHIRLEY A	CARRIER PAUL P	1 APPLEVALE DRIVE	DOVER	NH	03820
K0015-M00000	5 APPLEVALE DR	TRIPP ANDREW P	TRIPP CRYSTAL M	5 APPLEVALE DR	DOVER	NH	03820
K0042-A00000	MIDDLEBROOK RD	6 DPR REALTY LLC		818 CENTRAL AVE	DOVER	NH	03820
K0015-E00000	4 APPLEVALE DR	MOLLEO DAVID A SR &	MOLLEO JUDY M	4 APPLEVALE DRIVE	DOVER	NH	03820
K0015-K00000	15 MIDDLEBROOK RD	PECK DAVID T &	PECK SARAH R	15 MIDDLEBROOK RD	DOVER	NH	03820
K0018-H00000	17 MIDDLEBROOK RD	MCKEE IDA M	BOBOWSKI SHARON L	17 MIDDLEBROOK ROAD	DOVER	NH	03820
K0015-J00000	3 APPLEVALE DR	OLDFIELD BRAD F		3 APPLEVALE DR	DOVER	NH	03820
		ALLAN TRANT'S EXTERIORS	ILYA VOSKOV	37 BRANCH STREET	MANCHESTER	NH	03103



Allan Trant's Exterior Finish Work LLC
20 Gravel Pit Road
Nottingham, NH 03290

Dover Zoning Board of Adjustment
City Hall
288 Central Avenue
Dover, NH 03820

RE: Variance Application Submission on Behalf of Property Owner –
3 Applevale Drive, Dover NH

Dear Members of the Zoning Board of Adjustment,

Allan Trant's Exterior Finish Work LLC respectfully submits this variance application on behalf of our client, Brad Oldfield, owner of the property located at 3 Applevale Drive.

The request seeks relief from the required thirty (30) foot rear yard setback to allow construction of a twelve (12) foot deep residential deck located approximately twenty-one (21) feet from the rear property line, resulting in an encroachment of approximately nine (9) feet.

The rear portion of this lot slopes steeply downward toward City-owned public land mapped as natural/wetland area. Due to the topography and the location of the existing dwelling, very little of the rear yard is safely usable without an elevated structure. The proposed deck replaces an aging and undersized existing deck with a modest, code-compliant structure that provides safe and reasonable access from the rear of the home.

Importantly, the rear of the property does not abut any privately owned residential parcels. Instead, it abuts City-owned undeveloped land, and the proposed deck will not impact any private abutters, alter neighborhood character, or create any public safety or drainage concerns.

The proposed deck represents the minimum relief necessary to allow reasonable residential use of the property under these unique site conditions. As demonstrated in the attached narrative and supporting materials, this request satisfies all five statutory variance criteria under RSA 674:33.

We respectfully request the Board's favorable consideration of this application.

Respectfully submitted,

Allan Trant
Allan Trant's Exterior Finish Work LLC
Authorized Agent for Owner, Brad Oldfield



ALLAN TRANT'S

EXTERIOR FINISH WORK

Deck Layout Plan

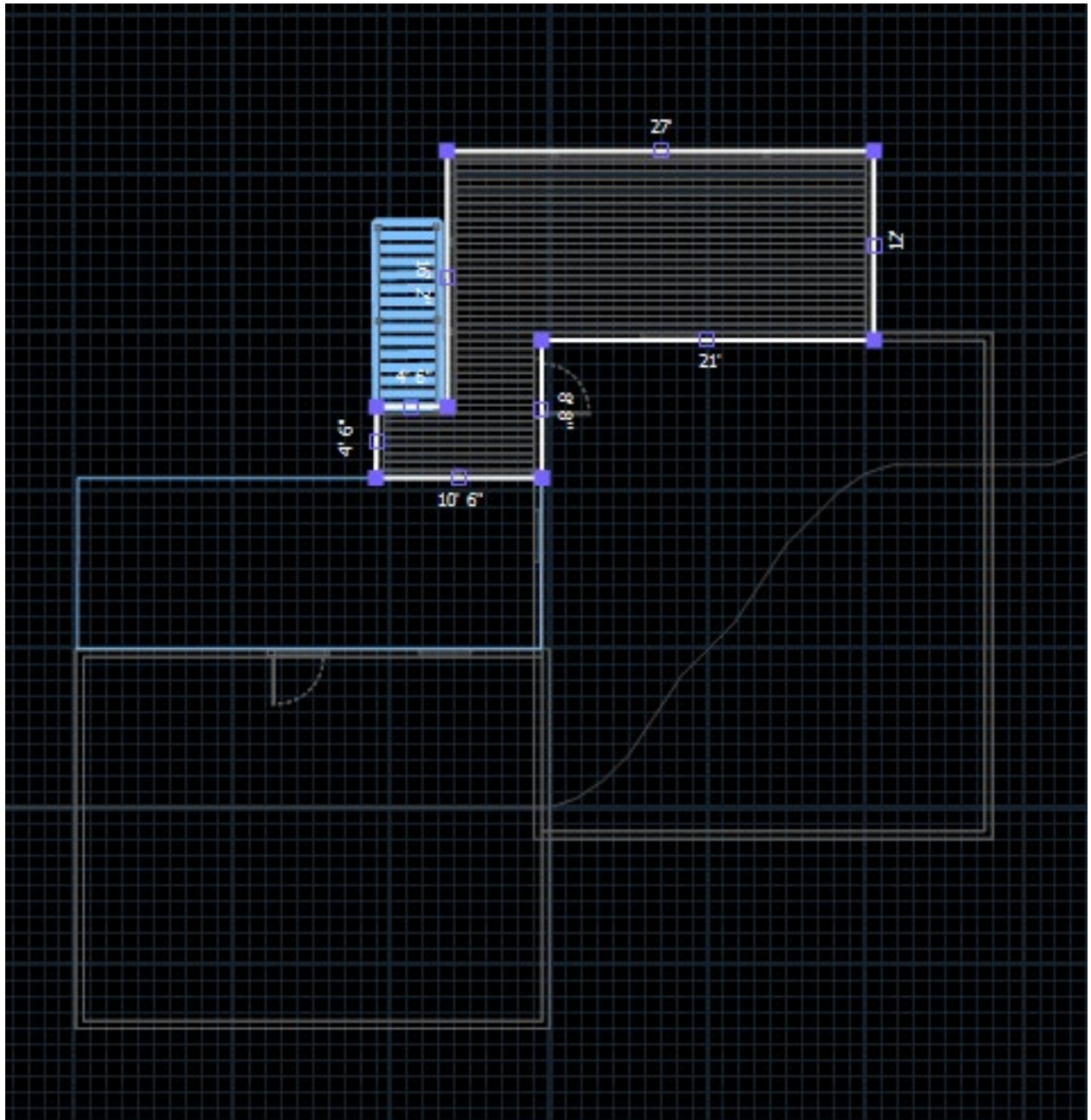


Photo 1 – Deck Layout Plan



ALLAN TRANT'S

EXTERIOR FINISH WORK

Existing Conditions Photos



Photo 2 – Existing Conditions Photos

ALLAN TRANT'S
EXTERIOR FINISH WORK



Photo 3 – Existing Conditions Photos

ALLAN TRANT'S
EXTERIOR FINISH WORK



Photo 4 – Existing Conditions Photos

ALLAN TRANT'S
EXTERIOR FINISH WORK



Photo 5 – Existing Conditions Photos

ALLAN TRANT'S
EXTERIOR FINISH WORK



Photo 6 – Existing Conditions Photos



GIS / Aerial Maps



Photo 7 – GIS / Aerial Maps

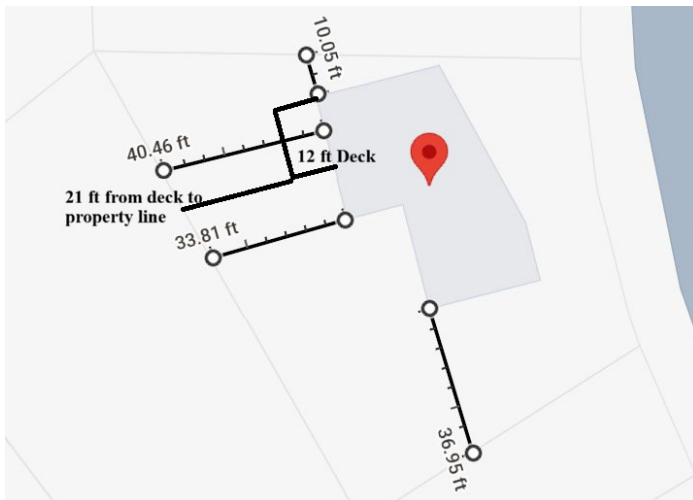


Photo 8 – GIS / Aerial Maps

ALLAN TRANT'S
EXTERIOR FINISH WORK

Proposed Rendering



Photo 10 – Proposed Rendering