

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, May 21, 2026**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. APPROVAL OF THE PRIOR MINUTES

- February 19, 2026 Regular Meeting Minutes

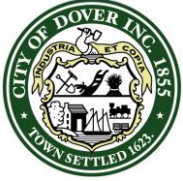
3. HEARINGS

- A. **ZONE-2026-0011** Applicant: Daniel G. Gabriel Trust, 260 Dover Point Road, Tax Map L, Lot 98-A, located in the Low-Density Residential District (R-20), requests three Variances from **Section 170-12(B), R-20 Table of Uses**, to subdivide the parcel for the construction of a single-family dwelling, with both proposed lots having frontage of one-hundred (100) feet where one hundred and twenty-five (125) feet is required, in addition to seeking relief for the maximum build-to line where thirty-five (35) feet is the maximum permitted, but one-hundred (100) feet is proposed.
- B. **ZONE-2026-0012** Applicant: Laine Major, 15-17 New York Street, Tax Map 4, Lot 68, located in the Urban Density Multi-Residential District (RM-U), requests two Variances from **Section 170-12(B), RM-U Table of Uses**, to reconstruct a two-family dwelling on the previous building's footprint with a side setback of 1.92', where 6' is required and 47.2% lot coverage where 40% is required.
- C. **ZONE-2026-0013** Applicant: Ryan A. Hardin and Melissa L. Wheeler, Long Hill Road, Tax Map A, Lot 18-B-4, located in the Medium Density Residential District (R-12), requests a Variance from **Section 170-12(B), R-12 Table of Uses**, to construct a single-family home +/- seventy (70) feet beyond the maximum build-to-line where thirty-five (35) feet is the maximum permitted.
- D. **ZONE-2026-0014** Applicant: Fergus Cullen, Owners: Morgan & Eileen Allen Irrevocable Trust, 53 Cataract Avenue, Tax Map 14, Lot 6, located in the Medium Density Residential District (R-12), requests four Variances from **Section 170-12, R-12 Table of Uses**, to subdivide the parcel yielding two new lots, each with nonconforming frontages of +/- ninety-four (94) feet where one-hundred (100) feet is required and nonconforming areas of +/- nine-thousand five-hundred (9,500) s.f. where twelve-thousand (12,000) s.f. 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, February 19, 2026**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Chris Prior (Chair), Rich Onufry, Jackson Brown, Hilary Hamer (Alternate), Nicole Morin (Alternate)

Members Not Present: Anthony Sillitta (Vice Chair), Nicholas Couturier

Staff Present: Paul R. Crouser (Zoning Administrator)

Chair Prior called the meeting to order at 7PM.

2. APPROVAL OF MEETING MINUTES OF JANUARY 15, 2026

Motion: Onufry moved to approve the minutes of January 15, 2026. Seconded by Hamer. Vote: U/A

The Chair explained the hearing process.

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.

Ilya Voskov represented the applicants, presented the item and explained the proposal for replacing and enlarging a back deck. He highlighted the five criteria for variance.

The board discussed with the applicant the existing conditions of the landing and slope of the yard.

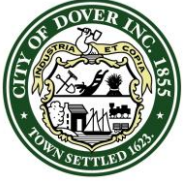
Public Hearing opened.

No one spoke.

Staff recommendation: Staff neither supports nor opposes this variance request. 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. 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 shows that the subject parcel's depth of 97' is, in fact, quite common, and not unique to that parcel whatsoever.

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.



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

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 the Board approves this variance request, it do so with a single condition:

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

Public Hearing closed.

Chair Prior noted the slope of the yard does provide uniqueness to the lot and the rear abutter is not affected as it is owned by the City for utility purposes. He supports granting the variance.

Onufry noted it is not contrary to the public interest, is an improvement and the slope causes a detriment to using the back yard without a deck area.

Motion: Onufry moved to grant the variance with the condition provided by staff. Seconded by Brown.

Vote: U/A

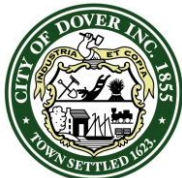
4. OTHER BUSINESS

P. Crouser presented a proposed change in ZBA Rules of Procedure to amend the public hearing section to include a five minute cutoff for testimony, per person, at the discretion of the Chair.

Motion: Hamer motioned to table amending the rules of procedure to the next meeting so the existing language can be reviewed. Seconded by Morin. Vote: U/A

5. ADJOURN

Motion: Hamer moved to adjourn at 7:19pm. Onufry 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, May 21, 2026**
Meeting Time: **7:00 pm**

INTENT: The applicant requests three variances from **Section 170- 12(B), R-20 Table of Uses**, to subdivide the parcel for the construction of a single-family dwelling, with both proposed lots having a frontage of approx. one-hundred (100) feet where one hundred and twenty-five (125) feet is required, in addition to seeking relief for the maximum build-to line of one-hundred (100) feet where thirty-five (35) feet is the maximum permitted.

UNITS PROPOSED: One single-family home

AGENDA ITEM: 3-A

ZONING DISTRICT: Low-Density Residential (R-20) District

FILE: ZONE-2026-0011

APPLICANTS: Daniel G. Gabriel Revocable Trust

OWNERS: Same

LOCATION: 260 Dover Point Rd. (Tax Map L, Lot 98-A)

ACREAGE: Existing / Post Subdivision

Existing: ±0.94 acres (±40,728 s.f.)

Post (parent): ±0.46 acres (±20,216 s.f.)

Post (new): ±0.47 acres (±20,512 s.f.)

EXISTING LAND USE: Residential

PROPOSED LAND USE: Residential

SURROUNDING LAND USE: Residential

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQ.:

Yes, approval of Minor Subdivision Plan required

ATTACHMENTS: Application, Variance Plan

STAFF RECOMMENDATION: Staff supports this variance request.

BACKGROUND INFORMATION

The subject parcel for this variance request is located at 260 Dover Point Rd. within the Low-Density Residential (R-20) Zoning District.

The owner of 260 Dover Point Rd. is seeking three (3) variances necessary to subdivide the property in half, with the intent of constructing a single-family home on the newly created lot. The variances are as follows:

1. Post-subdivision, the parent parcel will have 100' of frontage, where 125' is required;
2. Post-subdivision, the new lot will also have 100' of frontage, where 125' is required; and
3. Construction on the new lot would require relief from the build-to line maximum of 35', where 100' is proposed.

STAFF RECOMMENDATION

Staff supports these variance requests as the relief sought yields two lots comparable to the surrounding neighborhood and because this Board has approved similar such variances in order to permit a minor subdivision where the two resulting lots would be dimensionally nonconforming by a small degree.

Staff would, however, note that the variance sought for the build-to-line is generated by the desire to retain the existing driveway which would traverse both parcels post-subdivision. As such, staff would encourage this Board to evaluate the hardship criteria for this specific variance request closely.

It also bears mentioning that these variance requests merely enable the applicant permission to seek a subdivision from the Planning Board, it does not inherently approve said subdivision.

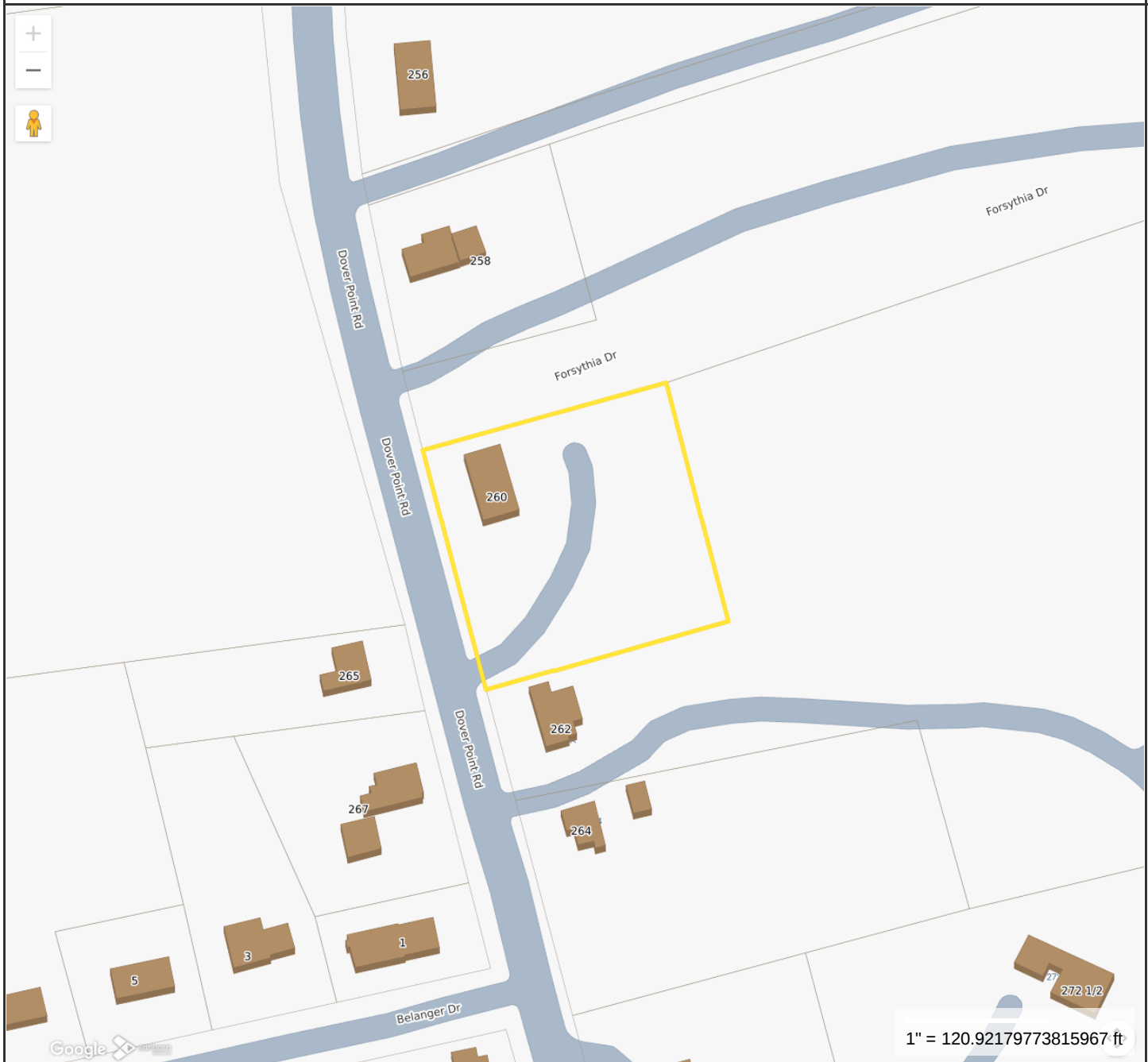
Given the above, Staff recommends that the Board open the public hearing, accept testimony, and make findings on each of the five variance criteria for each of the three. Based on the evidence presented, Staff recommends that if this Board approve these variance requests, it do so with the following conditions:

1. The applicant receives minor subdivision approval from the Dover Planning Board;
2. No future variance for dimensional relief will be granted for either parcel;
3. No additional curb cuts shall be approved for either parcel;
4. Additions to the future single-family home shall retain a

5. Outbuilding/Accessory Use front setbacks shall be 65'.
6. Residential structures for both properties, post-subdivision, shall be restricted to single-family home use only and shall not be converted to hold more than one (1) dwelling unit (save for ADUs pursuant to the rules set forth under §170-24).

This condition shall be memorialized by separate deed restrictions for each property, to be recorded at the Strafford County Registry of Deeds.

ZONE-2026-0011 260 DOVER POINT ROAD

**Property Information**

Location 260 DOVER POINT RD
Owner GABRIEL DANIEL G TRUSTEE
Land Use 101R
Zoning Code R-20
Property Id L0098-A00000

**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-2026-0011 FOR CITY OF DOVER, N.H.

Permit Type Zoning	Project:	App Date: 04/23/2026
Work Class: Variance	District: None	Exp Date: NOT AVAILABLE
Status: In Review	Square Feet: 0.00	Completed: NOT COMPLETED
Valuation: \$0.00	Assigned To: Blonigen, Rachel	Approval
Description: The applicant intends to subdivide the parcel for the construction of a single-family dwelling.		Expire Date:

Parcel: L0098-A00000	Main	Address: 260 Dover Point Rd Dover, 03820	Main	Zone: R-20(Residential - Low Density)
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Owner Daniel Gabriel 262B Dover Point Road Dover, NH 03820 Mobile: (603) 767-9163	Applicant Francis X Bruton 601 Central Ave Dover, NH 03820 Business: (603) 749-4529
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Permit Custom Fields

Number of Variances Requested: 1	ZoneVariPlanDirections Parcel is located south of Forsythia Dr on DPR	ZoneVariPlanSummary The applicant intends to subdivide the parcel for the construction of a single-family dwelling.
ZoneVariAppealSect 170-12(B) & R20 Use Table	ZoneVariAppealSectDe Frontage of one hundred (100) feet where one hundred and twenty-five (125) is required, and to permit a maximum build-to line of one hundred (100) feet, where thirty-five (35) feet is required. Chester Rod and Gun Club, Inc. v. Town of Chester, 152 NH 577 (2005). In addition, the frontage variance is similar to the frontage that exists on the directly abutting lot to the south (Map L, Lot 98), which has 92 feet of frontage, and the directly abutting lot to the north, which has 50 feet of frontage (Map L, Lot 97-A), and the directly abutting lot to the west (Map L, Lot 45-A), which has 70 feet of frontage. Also, many of the houses are also set back more than 35 feet from Dover Point Road. All of these parcels provide safe access to each respective parcel. Given the foregoing, granting the variances will not alter the character of the neighborhood. Permitting the decreased frontage	What is the parcel zoned? R-20
ZoneVariAppeal1Public Interest The Applicant respectfully submits that the proposed use represents a reasonable use of the property in question. By permitting the use, the public interest is served by permitting orderly development in an area where such development has already occurred, all of these reasons are consistent with the purpose behind the Low Density Residential District (R-20), which provides for conventional single-family neighborhoods on lots not less than 20,000 square feet. The proposed use will not be contrary to the public interest, as the use will not "alter the essential character of the locality," as the existing driveways are the only driveways that would be utilized, and visible to any of the abutters, or the general public. See		will permit the subdivision of the land, with a new lot that complies with 20,000 square feet that is required. Permitting virtually the same use of the frontage, after subdivision, would not threaten the public health, safety or welfare as the use would be limited to almost the same use as of today.

PERMIT SNAPSHOT REPORT (ZONE-2026-0011)

ZoneVariAppeal2OrdinanceSpirit	The Applicant respectfully submits that if the variance was granted the spirit of the ordinance would be observed because the use in question would permit a use which is suitable considering the surrounding properties and therefore result in an encouragement of the most appropriate use of the land. Further, the proposed use is consistent with the purpose behind the Low Density Residential District, which mainly is to provide for conventional single-family neighborhoods on lots not less than 20,000 square feet. To be contrary to the public interest or injurious to the public rights of others, the variance must unduly and in a marked degree conflict with the ordinance, such that it violates the ordinance's basic zoning objectives. See <i>Chester Rod and Gun Club, Inc. v. Town of Chester</i>, 152 NH 577, at 581 (2005). It is respectfully submitted, that given the fact that the two existing driveways will be staying the same, the granting of the variance to allow for a reduced frontage, and the enlarged build-to line especially in light of the configuration of the rear driveway itself, will not significantly conflict or violate the ordinance's basic zoning objectives. In addition, locating the house a safe distance from the existing rear driveway is reasonable given that existing configuration of the lot. Rather, the granting of the variances will promote the ordinance's basic zoning objectives, by permitting	additional modest housing given the existing single-family home with a subdivision and construction of a new single-family home, which will otherwise comply with all other requirements set forth within the ordinance.	ZoneVariAppeal3SubstantialJustice	The grant of the variance would due substantial justice because it would allow the Applicant's property to be utilized in a similar fashion as other properties located within the area. See <i>Nine v. Chesterfield</i>, 157 NH 361, 368 (2008). This test considers whether the benefit to the Applicant outweighs the burden to the public. See <i>Farrar v. City of Keene</i>, 158 NH 684, 692 (2009). In this instance, given the existing use of the two driveways already, there will be no burden to the public whatsoever. Accordingly, the benefit to the Applicant would exceed the burden to the public, thus resulting in substantial justice being done.
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PERMIT SNAPSHOT REPORT (ZONE-2026-0011)

ZoneVariAppeal4Prope
rtyValue

It is respectfully submitted that all of the surrounding properties have a value associated with them that is premised upon the existence of the same type of buildings located upon the Applicant's property. In this instance, creation of a new lot, which will contain a single-family residence will have no affect upon any abutter, with respect to its property, as the use will be consistent with other uses in the near vicinity, where lots have similar if not less frontage with homes located off of Dover Point Road and consistent with the existing regulations for the R-20 zone.

ZoneVariAppeal5A1Un
NecHardship

As depicted on the zoning map, the subject parcel in this case is significantly different than the parcels as it already, for decade, has had two driveways. All other parcels have only one existing driveway.

ZoneVariAppeal5A2No
FairRelate

The general purpose of the ordinance is to promote orderly development and to protect the health, safety and general welfare of the public. In this instance, the Applicant seeks to maintain the status quo with respect to the existing driveways located on the property. The only difference, after subdivision, is that the rear driveway would now be shared with an additional single-family residence. The property is large enough to sustain the use of the property as two (2) single-family residential lots. In this instance, the property is unique given the existing two driveways. The frontage requirement is defined as the distance between the lot lines of certain parcels. The use of a frontage requirement is premised upon a safe means of egress and ingress to lots. In this particular case, as stated above, there will be no difference with respect to the use of the lot, as to issues of egress and ingress access, given the existing safe use. Thus, the Applicant respectfully submits that there is no relationship at all between the general public purpose of the ordinance, and the specific application, which would require one hundred twentyfive (125') feet of frontage, where one hundred (100') feet will be provided. For the same reasons, given the location of the rear driveway, there is no conflict in permitting the new singlefamily house to be located with a maximum build-to line of 100 feet from the front property line.

PERMIT SNAPSHOT REPORT (ZONE-2026-0011)

ZoneVariAppeal5A3Re The proposed use is
asonableUse reasonable because it
provides for the
subdivision of the
property,
with two existing
driveways to be created
in order to permit the
construction of additional
housing. Because there
will be no additional
driveway, the use as to
the frontage requirement
will essentially be
identical, after
subdivision, as it is today.
Finally, the use if
reasonable as it is
consistent with the uses
of the surrounding
properties.

Attachment File Name	Added On	Added By	Attachment Group	Notes
Permit Snapshot Report.pdf	04/23/2026 15:24	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	04/24/2026	05/01/2026		No	No
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Administrator	Planning	Crouser, Paul	In Review	04/24/2026	05/01/2026	

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1		04/24/2026 0:00	
Confirm application complete v.1	Generic Action		04/24/2026 14:49
Planning Permit Application Review v.1	Receive Submittal	04/24/2026 14:49	
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

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Dover, NH 03820

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(603) 743-6300
FAX (603) 343-2986

www.brutonlaw.com

April 21, 2026

VIA HAND DELIVERY

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

**RE: Owner/Applicant: Daniel G. Gabriel Revocable Trust
260 Dover Point Road
Tax Map L, Lot 98-A**

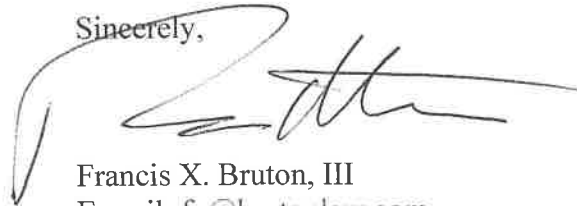
Dear Chair Prior:

Enclosed please find two (2) copies of an Application for Variance and the associated materials relative to the above referenced property, including 2 full size copies and 1 letter size copy of the associated plan.

We understand, by making this submission today, that this matter will be heard by the Zoning Board of Adjustment at its meeting of May 21, 2026, and that the application fee and additional abutter fees will be billed, and paid upon receipt, through the City of Dover's planning permit 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: Daniel G. Gabriel Revocable Trust
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: Daniel G. Gabriel Revocable Trust Phone # _____

Address of Applicant: PO Box 727, Dover, NH 03821-0727

E-Mail Address: dgabriel90@aol.com

PROPERTY OWNER (if different from applicant): Same

Address: _____ Phone # _____

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: 260 Dover Point Road

Brief Directions: The parcel is south of Forsythia Drive on Dover Point Road.

Zoning District: R-20 Assessor's Map # L Lot(s) # 98-A

TYPE OF APPEAL: (Please check one)

☒ Variance ☐ Physical Disability Variance (RSA 674:33-V) ☐ Special Exception ☐ Appeal of Administrative Decision ☐ Equitable Waiver	170-12(B) & Attachment 2 (R-20 Use Table) 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
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DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY:

The Applicant intends to subdivide the parcel for the construction of a single-family dwelling.

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 # 3 of x \$8.00 = 8.00
 2. Certified letters fee: # of abutters TBD X \$8.00 = \$ 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 = \$ TBD
 4. Creating/Printing Abutter Labels in triplicate per sheet 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) \$ 200.00
 - \$200.00 SPECIAL EXCEPTION \$
 - \$200.00 APPEAL FROM ADMINISTRATIVE DECISION \$
 - \$200.00 EQUITABLE WAIVER \$
 2. Foster's newspaper public notice \$ 100.00
- TOTAL FEE** \$ 308.00 + TBD

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

A variance is requested from Section(s) ^{170-12(B) & Attachment 2 (R-20 Use Table)} _____ of the Zoning Ordinance to permit:

frontage of one hundred (100) feet where one hundred twenty-five (125) feet is required, and to permit
a maximum build-to line of one hundred (100) feet, where thirty-five (35) feet is required.

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.

Daniel G. Gabriel Trustee

Signature of Applicant* Daniel G. Gabriel, Trustee
Daniel G. Gabriel Revocable Trust

Daniel G. Gabriel Trustee

Signature of Owner* Daniel G. Gabriel, Trustee
Daniel G. Gabriel Revocable Trust

*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: Daniel G. Gabriel Date: 4/16/26
Daniel G. Gabriel, Trustee
Daniel G. Gabriel Revocable Trust

ZONE-2026-0011**260 DOVER POINT ROAD**

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
L0045-001000	267 DOVER POINT RD	COWLES HENRY T III TRUSTEE	THREE FIFTY SIX TRUST	267 DOVER POINT RD	DOVER	NH	03820-4606
L0045-A00000	265 DOVER POINT RD	ELMSLIE IAN J TTS	ELMSLIE IAN J REV TRUST 2023	265 DOVER POINT RD	DOVER	NH	03820-4606
L0097-A00000	5 FORSYTHIA DR	NOWICK NEAL I & JEANA R TTS	NOWICK NEAL I & JEANA R TRUST	5 FORSYTHIA DR	DOVER	NH	03820
L0098-000000	262 DOVER POINT RD	GABRIEL MARGARET M TRUSTEE	GABRIEL MARGARET M REVOCABLE TRUST	PO BOX 727	DOVER	NH	03821-0727
L0098-B00000	264 DOVER POINT RD	MORIN RICHARD J TRUSTEE MORIN RICHARD REVOCABLE TRUST	MORIN VERNIEL B TRUSTEE MORIN VERNIEL REVOCABLE TRUST	264 DOVER POINT RD	DOVER	NH	03820
L0067-000000	DOVER POINT RD	CONGREGATIONAL CHURCH		218 CENTRAL AVENUE	DOVER	NH	03820
L0045-001A00	3 BELANGER DR	PASHBY JOHN &	VAN HORN KIMBERLY	3 BELANGER DR	DOVER	NH	03820
L0066-000000	1 BELANGER DR	TON TRI VAN		1 BELANGER DR	DOVER	NH	03820
L0097-000000	258 DOVER POINT RD	GAROFANO DONNA M	GAROFANO MICHAEL	PO BOX 2	GREENLAND	NH	03840
L0096-K00000	256 DOVER POINT RD	PERIN VICTOR TRUSTEE	PERIN VICTOR TRUST	256A DOVER POINT RD	DOVER	NH	03820
L0098-A00000	260 DOVER POINT RD	GABRIEL DANIEL G TRUSTEE	GABRIEL DANIEL G REVOCABLE TRUST	PO BOX 727	DOVER	NH	03821
		FRANCES BRUTON	BRUTON & BERUBE	601 CENTRAL AVENUE	DOVER	NH	03820
		CIVILWORKS NEW ENGLAND		PO BOX 1166	DOVER	NH	03820

Daniel G. Gabriel Revocable Trust

260 Dover Point Road
Tax Map L, Lot 98-A

Introduction

The property subject to this application is located at 260 Dover Point Road and is depicted on the City's Tax Maps at Map L, Lot 98-A (a portion of the tax map is attached hereto as Exhibit A). The property is located within the R-20 zone. The property is comprised of 0.935 acres, or 40,728 square feet. The parcel is unique as it contains two (2) existing access points along Dover Point Road, with direct access to the front and rear of an existing house, as depicted on the enclosed ZBA Plan prepared by McEneaney Survey Associates (see plan attached hereto as Exhibit B). The rear access is via an asphalt driveway that cuts across the front southerly portion of the parcel. In terms of size, the parcel is just over double the size of the minimum lot size required by the R-20 zone.

The intent of the Applicant is to subdivide the lot into two (2) lots. The ZBA Plan shows the proposed subdivision. The newly created lot is intended to be used for the construction of a single-family dwelling. The current access drive to the existing lot would remain, as it is the safest point of access for the occupants of the home given its size. The subdivided parcel will contain 20,514 SF, which would satisfy the minimum lot size for the R-20 zone. The Applicant seeks to create a new lot line that would result in frontage for each lot of approximately one hundred 100 feet, where one hundred twenty-five (125') feet is required. Dover Planning has requested that we note each new lot will require roughly the same variance (one lot will have 100' of frontage, the other will have 100.54' of frontage). The existing driveway would provide access to both lots. Given the location of the existing driveway located on the southerly portion of the lot (which would be the area of the new lot), the construction of a new single-family home would need to be set back beyond the thirty-five (35'), which is the current maximum build-to line. Given the existing driveway, the Applicant is seeking a one hundred (100') foot maximum build-to line from the front property line.

It is believed that the proposed use, with each lot utilizing an existing access way, as opposed to creating a new accessway for the new lot will maintain the status quo and the lack of the extra twenty-five (25') feet for the frontage for each new proposed lot is unnecessary as the existing access has already proven it works. In addition, maintaining access to the existing house creates safe means of access to the rear of that house, resulting in the need for the relief regarding the build-to requirement. As such, it is believed that the requests for variances are reasonable and can be supported by the following evidence.

Variance #1 - 100 FEET OF FRONTAGE
Variance #2 - 100.54 FEET OF FRONTAGE

Variance Requirements:

1. Provide Proof that demonstrates the variances (#1 & #2) will not be contrary to the public interest.

The Applicant respectfully submits that the proposed use represents a reasonable use of the property in question. By permitting the use, the public interest is served by permitting orderly development in an area where such development has already occurred, all of these reasons are consistent with the purpose behind the Low Density Residential District (R-20), which provides for conventional single-family neighborhoods on lots not less than 20,000 square feet. The proposed use will not be contrary to the public interest, as the use will not “alter the essential character of the locality,” as the existing driveways are the only driveways that would be utilized, and visible to any of the abutters, or the general public. See Chester Rod and Gun Club, Inc. v. Town of Chester, 152 NH 577 (2005). In addition, the frontage variance is similar to the frontage that exists on the directly abutting lot to the south (Map L, Lot 98), which has 92 feet of frontage, and the directly abutting lot to the north, which has 50 feet of frontage (Map L, Lot 97-A), and the directly abutting lot to the west (Map L, Lot 45-A), which has 70 feet of frontage. Also, many of the houses are also set back more than 35 feet from Dover Point Road. All of these parcels provide safe access to each respective parcel. Given the foregoing, granting the variances will not alter the character of the neighborhood. Permitting the decreased frontage will permit the subdivision of the land, with a new lot that complies with 20,000 square feet that is required. Permitting virtually the same use of the frontage, after subdivision, would not threaten the public health, safety or welfare as the use would be limited to almost the same use as of today.

2. Provide proof that demonstrates how a variance observes the spirit of the ordinance.

The Applicant respectfully submits that if the variance was granted the spirit of the ordinance would be observed because the use in question would permit a use which is suitable considering the surrounding properties and therefore result in an encouragement of the most appropriate use of the land. Further, the proposed use is consistent with the purpose behind the Low Density Residential District, which mainly is to provide for conventional single-family neighborhoods on lots not less than 20,000 square feet. To be contrary to the public interest or injurious to the public rights of others, the variance must unduly and in a marked degree conflict with the ordinance, such that it violates the ordinance’s basic zoning objectives. See Chester Rod and Gun Club, Inc. v. Town of Chester, 152 NH 577, at 581 (2005). It is respectfully submitted, that given the fact that the two existing driveways will be staying the same, the granting of the variance to allow for a reduced frontage to 100’ for one lot and 100’54’ for the other lot, and will not significantly conflict or violate the ordinance’s basic zoning objectives.

Rather, the granting of the variances will promote the ordinance's basic zoning objectives, by permitting additional modest housing given the existing single-family home with a subdivision and construction of a new single-family home, which will otherwise comply with all other requirements set forth within the ordinance (other than maximum build-to line as set forth within Requests #3). .

3. Provide proof that demonstrates how a variance will result in substantial justice.

The grant of the variances would due substantial justice because it would allow the Applicant's property to be utilized in a similar fashion as other properties located within the area. See Nine v. Chesterfield, 157 NH 361, 368 (2008). This test considers whether the benefit to the Applicant outweighs the burden to the public. See Farrar v. City of Keene, 158 NH 684, 692 (2009). In this instance, given the existing use of the two driveways already, there will be no burden to the public whatsoever. Accordingly, the benefit to the Applicant would exceed the burden to the public, thus resulting in substantial justice being done.

4. Provide proof that demonstrates the variances will not diminish the values of the surrounding properties.

It is respectfully submitted that all of the surrounding properties have a value associated with them that is premised upon the existence of the same type of buildings located upon the Applicant's property. In this instance, creation of a new lot, which will contain a single-family residence will have no affect upon any abutter, with respect to its property, as the use will be consistent with other uses in the near vicinity, where lots have similar if not less frontage with homes located off of Dover Point Road and consistent with the existing regulations for the R-20 zone.

5A. Provide proof that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Unnecessary hardship standards are:

(i) Special conditions of the property that distinguish it from other properties in the area; and

As depicted on the zoning map, the subject parcel in this case is significantly different than the parcels as it already, for decade, has had two driveways. All other parcels have only one existing driveway.

(ii) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and

The general purpose of the ordinance is to promote orderly development and to protect the health, safety and general welfare of the public. In this instance, the Applicant seeks to maintain the *status quo* with respect to the existing driveways located on the property. The only difference, after subdivision, is that the rear driveway would now be shared with an additional single-family residence. The property is large enough to sustain the use of the property as two (2) single-family residential lots. In this instance, the property is unique given the existing two

driveways. The frontage requirement is defined as the distance between the lot lines of certain parcels. The use of a frontage requirement is premised upon a safe means of egress and ingress to lots. In this particular case, as stated above, there will be no difference with respect to the use of the lot, as to issues of egress and ingress access, given the existing safe use. Thus, the Applicant respectfully submits that there is no relationship at all between the general public purpose of the ordinance, and the specific application, which would require one hundred twenty-five (125') feet of frontage, where one hundred (100 & 100.54 feet will be provided, respectively for each new proposed lot.

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

The proposed use is reasonable because it provides for the subdivision of the property, with two existing driveways to be created in order to permit the construction of additional housing. Because there will be no additional driveway, the use as to the frontage requirement will essentially be identical, after subdivision, as it is today. Finally, the use is reasonable as it is consistent with the uses of the surrounding properties.

Variance #3 - 35 FOOT MAXIMUM BUILD-TO LINE

Variance Requirements:

1. Provide Proof that demonstrates the variances (#3) will not be contrary to the public interest.

The Applicant respectfully submits that the proposed use represents a reasonable use of the property in question. By permitting the use, the public interest is served by permitting orderly development in an area where such development has already occurred, all of these reasons are consistent with the purpose behind the Low Density Residential District (R-20), which provides for conventional single-family neighborhoods on lots not less than 20,000 square feet. The proposed use will not be contrary to the public interest, as the use will not "alter the essential character of the locality," as the existing driveways are the only driveways that would be utilized, and visible to any of the abutters, or the general public. See Chester Rod and Gun Club, Inc. v. Town of Chester, 152 NH 577 (2005). As many of the houses are also set back more than 35 feet from Dover Point Road the requested variance is reasonable considering the character of the locality. All of the existing parcels provide safe access to each respective parcel. Given the foregoing, granting variance will not alter the character of the neighborhood. Permitting the variance as to the maximum build-to requirement would allow for the existing accessways to be utilized, which are done in a safe way and would not threaten the public health, safety or welfare as the use would be limited to almost the same use as today.

2. Provide proof that demonstrates how a variance observes the spirit of the ordinance.

The Applicant respectfully submits that if the variance was granted the spirit of the ordinance would be observed because the use in question would permit a use which is suitable considering the surrounding properties and therefore result in an encouragement of the most appropriate use of the land. Further, the proposed use is consistent with the purpose behind the Low Density Residential District, which mainly is to provide for conventional single-family neighborhoods on lots not less than 20,000 square feet. To be contrary to the public interest or injurious to the public rights of others, the variance must unduly and in a marked degree conflict with the ordinance, such that it violates the ordinance's basic zoning objectives. See Chester Rod and Gun Club, Inc. v. Town of Chester, 152 NH 577, at 581 (2005). It is respectfully submitted, that given the fact that the two existing driveways will be staying the same, the granting of the variance to allow the house to be situated within a 100' maximum build-to line, in light of the existing conditions and neighborhood, and will not significantly conflict or violate the ordinance's basic zoning objectives. Rather, the granting of the variance will promote the ordinance's basic zoning objectives, by permitting additional modest housing given the existing single-family home with a subdivision and construction of a new single-family home, which will otherwise comply with all other requirements set forth within the ordinance (other than frontage as set forth within Requests #1 & #2).

3. Provide proof that demonstrates how a variance will result in substantial justice.

The grant of the variances would due substantial justice because it would allow the Applicant's property to be utilized in a similar fashion as other properties located within the area. See Nine v. Chesterfield, 157 NH 361, 368 (2008). This test considers whether the benefit to the Applicant outweighs the burden to the public. See Farrar v. City of Keene, 158 NH 684, 692 (2009). In this instance, given the existing use of the two driveways already, there will be no burden to the public whatsoever with respect to the layout of the new construction within a 100' maximum build-to line restriction. Accordingly, the benefit to the Applicant would exceed the burden to the public, thus resulting in substantial justice being done.

4. Provide proof that demonstrates the variances will not diminish the values of the surrounding properties.

It is respectfully submitted that all of the surrounding properties have a value associated with them that is premised upon the existence of the same type of buildings located upon the Applicant's property. In this instance, creation of a new lot, which will contain a single-family residence will have no affect upon any abutter, with respect to its property, as the use will be consistent with other uses in the near vicinity, where lots have similar setbacks for existing structures in the neighborhood, if not set back even further than the 100' maximum build-to line proposed located off of Dover Point Road and consistent with the existing regulations for the R-20 zone.

5A. Provide proof that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Unnecessary hardship standards are:

(i) Special conditions of the property that distinguish it from other properties in the area; and

As depicted on the zoning map, the subject parcel in this case is significantly different than the parcels as it already, for decade, has had two driveways. All other parcels have only one existing driveway. The longer driveway is unique and impacts the 35' maximum build-to line restriction.

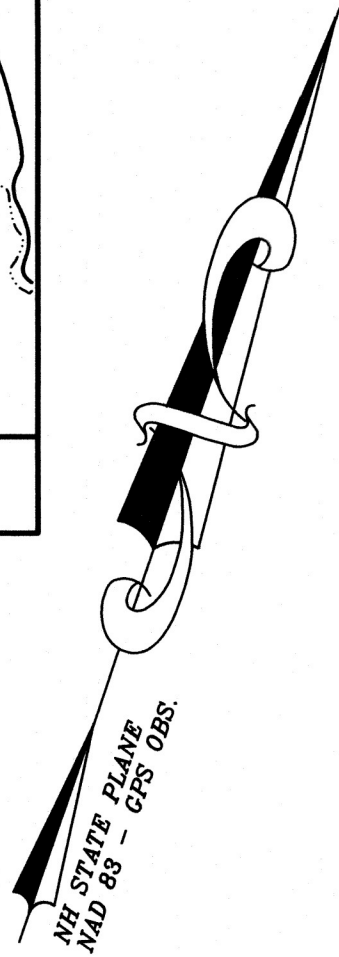
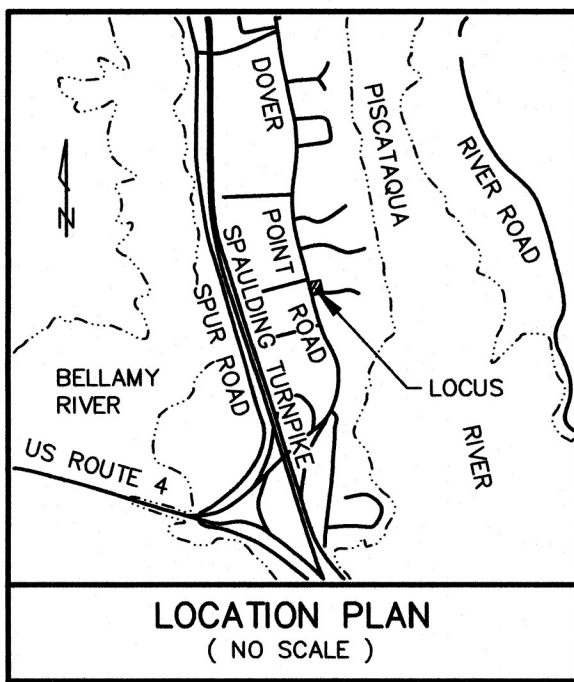
(ii) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and

The general purpose of the ordinance is to promote orderly development and to protect the health, safety and general welfare of the public. In this instance, the Applicant seeks to maintain the *status quo* with respect to the existing driveways located on the property. The only difference, after subdivision, is that the rear driveway would now be shared with an additional single-family residence. The property is large enough to sustain the use of the property as two (2) single-family residential lots. In this instance, the property is unique given the existing two driveways with the driveway that will be located on the two proposed new lots is the primary driveway for the existing lot, which provides continuous safe entry to the lot, and has so for decades. In order to maintain this safe form of access, by necessity, the new structure will need to be located beyond the 35' maximum build-to line restriction, but within a 100' maximum build-to line restriction. Thus, the Applicant respectfully submits that there is no relationship at all between the general public purpose of the ordinance, and the specific application, which would require the 35' maximum build-to line restriction to be observed.

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

The proposed use is reasonable because it provides for the subdivision of the property, with two existing driveways to be created in order to permit the construction of additional housing. Because there will be no additional driveway, the use as to build-to line will preserve the existing driveways and the relief requested is reasonable as it is consistent with the uses of the surrounding properties.

4/15/2026 4:12:54 File: M:\2652\Drawings\2652 SUBDIVISION.dwg Layout: 22x34



L / 67

CONGREGATIONAL CHURCH
218 CENTRAL AVENUE
DOVER, NH 03820

LEGEND

- I.R.(tbs) - IRON ROD WITH ID CAP #661 TO BE SET
- I.R.(fnd) - IRON ROD FOUND
- I.P.(fnd) - IRON PIPE FOUND
- UP - UTILITY POLE
- ELEV. - ELEVATION
- F.F. - FINISH FLOOR ELEVATION
- S.F. - SQUARE FEET
- Ac. - ACRE
- (TYP.) - TYPICAL
- ± - MORE OR LESS
- S.C.R.D. - STRAFFORD COUNTY REGISTRY OF DEEDS
- ⊙ - SEWER MANHOLE

L / 45A

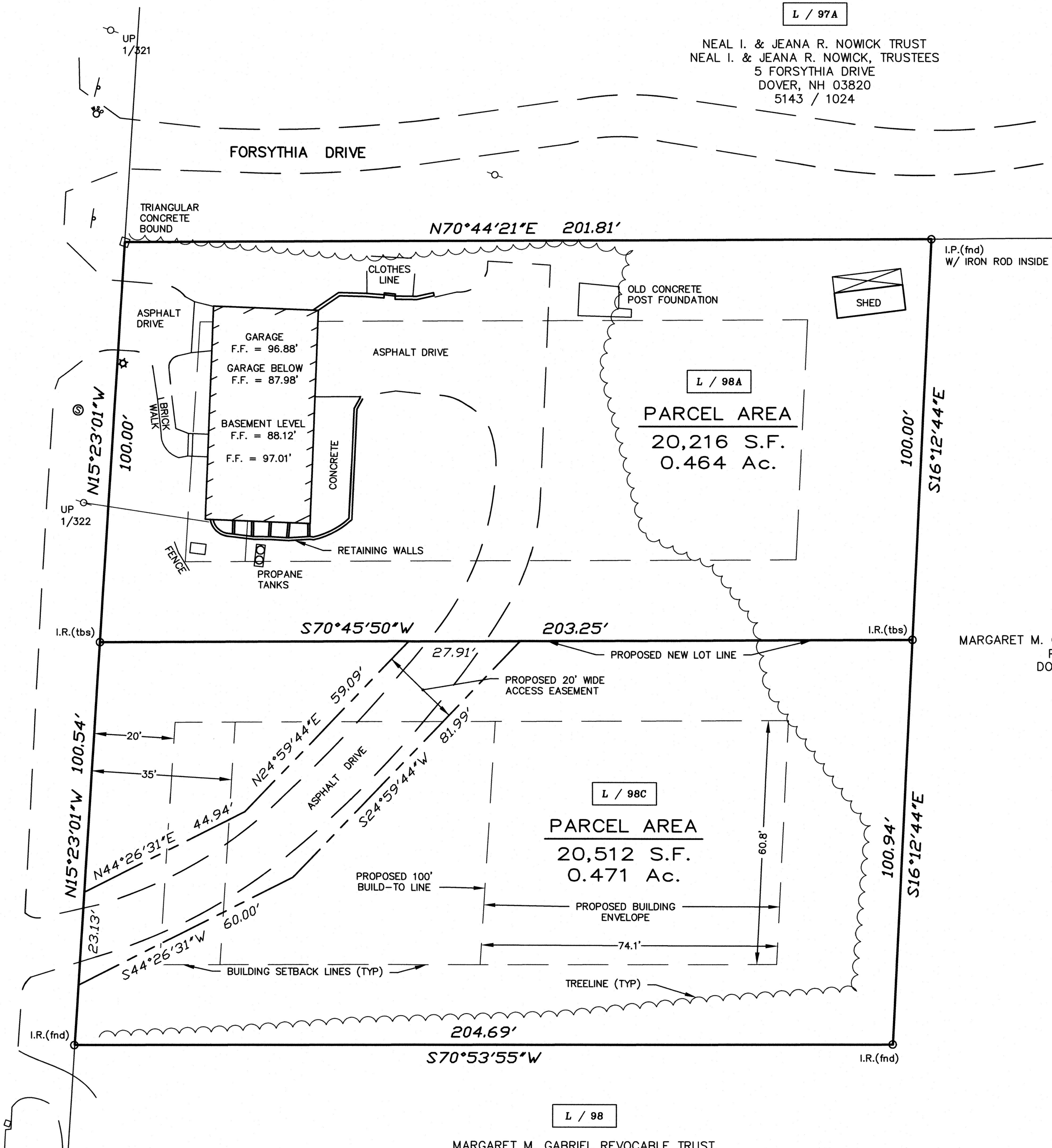
IAN J. ELMUSLIE REVOCABLE TRUST
IAN J. ELMUSLIE, TRUSTEE
265 DOVER POINT ROAD
DOVER, NH 03820
5131 / 607

L / 45-1

THREE FIFTY SIX TRUST
HENRY T. COWLES, 111, TRUSTEE
267 DOVER POINT ROAD
DOVER, NH 03820
4291 / 652

NO.	DATE	DESCRIPTION	BY	CHK
24-2652		REVISIONS		
26076	SUBDIVISION	24-12	43-45	
PROJECT NO	TYPE	FIELDBOOK & PAGES		

DOVER POINT ROAD
{PUBLIC; VARIABLE WIDTH R.O.W.}



L / 97A

NEAL I. & JEANA R. NOWICK TRUST
NEAL I. & JEANA R. NOWICK, TRUSTEES
5 FORSYTHIA DRIVE
DOVER, NH 03820
5143 / 1024

L / 98A

PARCEL AREA
20,216 S.F.
0.464 Ac.

L / 98

MARGARET M. GABRIEL REVOCABLE TRUST
P.O. BOX 727
DOVER, NH 03821
4497 / 398

L / 98C

PARCEL AREA
20,512 S.F.
0.471 Ac.

L / 98

MARGARET M. GABRIEL REVOCABLE TRUST
P.O. BOX 727
DOVER, NH 03821
4497 / 398

REFERENCE PLANS:

- PLAN OF LOT LINE ADJUSTMENTS PREPARED FOR THE MARGARET M. GABRIEL REVOCABLE TRUST, TAX MAP L, LOT No. 98, JEFFREY P. & KAREN L. WILLS, TAX MAP L, LOT No. 98C, THE MARGARET M. GABRIEL REVOCABLE TRUST, TAX MAP L, LOT No. 101, DOVER POINT ROAD, CITY OF DOVER, COUNTY OF STRAFFORD, STATE OF NEW HAMPSHIRE; SCALE: 1" = 50'; DATED: JUNE 25, 2019, REVISED THROUGH 8-6-19; BY: McENEANEY SURVEY ASSOCIATES, INC.; RECORDED S.C.R.D. PLAN 11957.

NOTES:

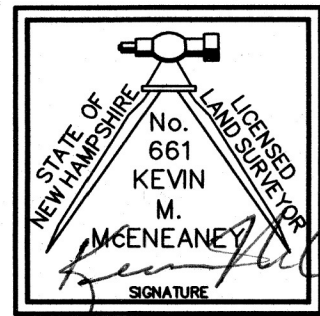
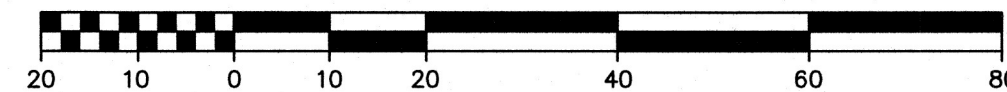
- OWNER OF RECORD:
DANIEL G. GABRIEL, TRUSTEE
DANIEL G. GABRIEL REVOCABLE TRUST
P.O. BOX 727
DOVER, NEW HAMPSHIRE 03821
S.C.R.D. VOLUME 5201, PAGE 647
- DENOTES TAX MAP AND PARCEL NUMBER.
- OVERALL PARCEL AREA = 40,728 S.F. / 0.935 Ac.
- THE INTENT OF THIS PLAN IS TO SUBDIVIDE THE SUBJECT PARCEL INTO TWO (2) LOTS.
- ZONING DISTRICT IS LOW DENSITY RESIDENTIAL (R-20)
- DIMENSIONAL REQUIREMENTS:
MINIMUM LOT SIZE = 20,000 S.F.
MAXIMUM LOT COVERAGE = 30 PERCENT
MINIMUM FRONTAGE = 125 FEET
BUILDING SETBACK REQUIREMENTS:
FRONT BUILD-TO = 20 FEET MINIMUM, 35 FEET MAXIMUM
SIDE SETBACK = 20 FEET
REAR SETBACK = 30 FEET
MAXIMUM BUILDING HEIGHT = 35 FEET
- THE SUBJECT PARCEL IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) 33017C0340E, EFFECTIVE DATE 9/30/2015.
- BASIS OF BEARING IS NH STATE PLANE (NAD83) AND VERTICAL DATUM IS NAVD88 BASED ON GPS OBSERVATION DATED NOVEMBER 18, 2024.
- PROPERTY LINE INFORMATION HAS BEEN OBTAINED FROM A SURVEY PERFORMED BY MCENEANEY SURVEY ASSOCIATES, INC. ON NOVEMBER 18, 2024 WITH AN ERROR NOT GREATER THAN 1 IN 10,000.
- THE SOIL TYPES ON THE SITE ARE:
HAB HINCKLEY LOAMY SAND 3-8% SLOPES
THE SOURCE FOR THE SOIL TYPE DATA IS
<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>
- THERE ARE NO WETLANDS ON THE SUBJECT PARCEL
- THE LOTS ARE SERVICED BY MUNICIPAL SEWER AND WATER.

OWNER SIGNATURES

ZONING BOARD OF ADJUSTMENT PLAN
PREPARED FOR
DANIEL G. GABRIEL REVOCABLE TRUST
TAX MAP L, LOT No. 98A
260 DOVER POINT ROAD
CITY OF DOVER
COUNTY of STRAFFORD
STATE of NEW HAMPSHIRE

DOVER PLANNING FILE No.

DRAWN BY: KJF FILE: M\2652\SD\2652 SUB
SCALE: 1" = 20' DATE: APRIL 7, 2026

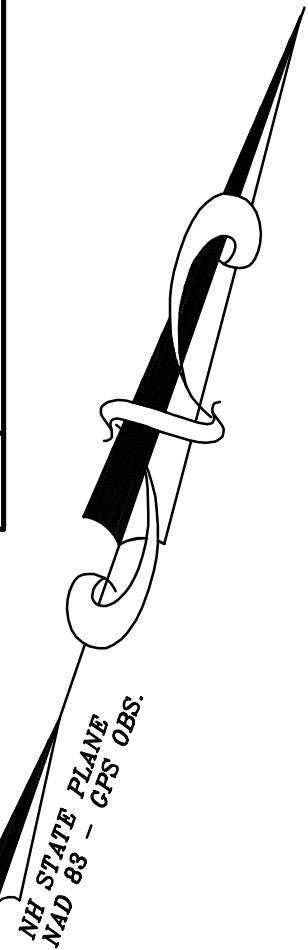
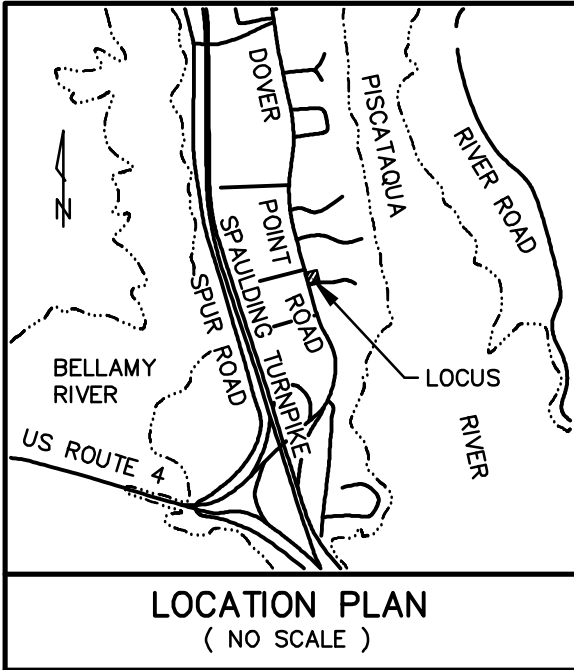


McEneaney
Survey
Associates
of NEW ENGLAND

P.O. Box 1166 - 181 WATSON ROAD
DOVER, NH 03821 (603) 742-0911

SURVEYING - PLANNING - CONSULTING

"I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL GROUND SURVEY PERFORMED WITH A TOTAL STATION, BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, SAID SURVEY MEETS OR EXCEEDS THE MINIMUM PRECISION REQUIREMENTS FOR SURVEY CLASSIFICATION "U" AS SET FORTH IN TABLE 500.1 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS."



L / 67

CONGREGATIONAL CHURCH
218 CENTRAL AVENUE
DOVER, NH 03820

LEGEND

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TO BE SET
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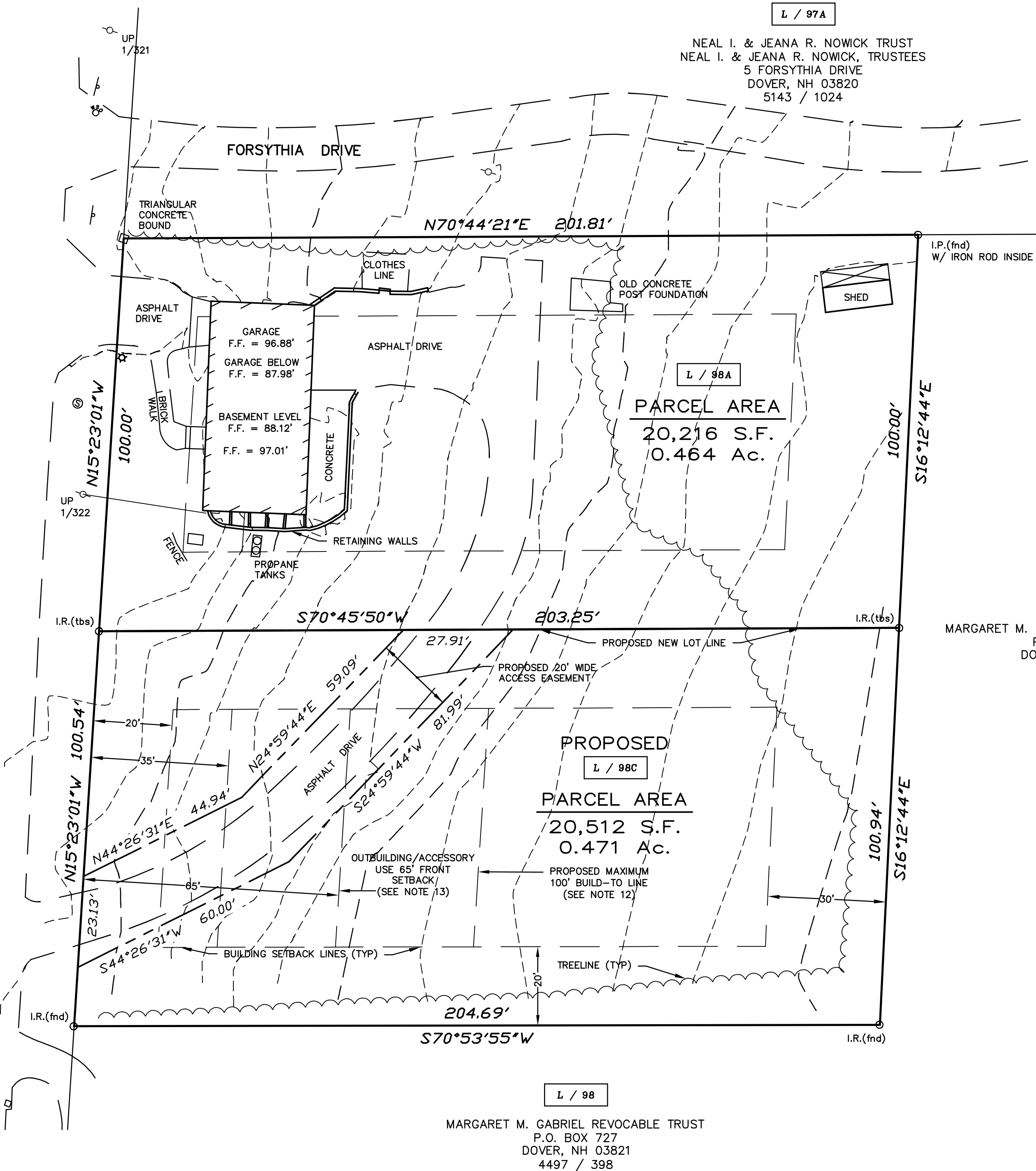
L / 46A

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DOVER POINT ROAD
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L / 98C

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L / 98

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"I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL GROUND SURVEY PERFORMED WITH A TOTAL STATION, BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, SAID SURVEY MEETS OR EXCEEDS THE MINIMUM PRECISION REQUIREMENTS FOR SURVEY CLASSIFICATION "U" AS SET FORTH IN TABLE 500.1 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS."

NOTES:

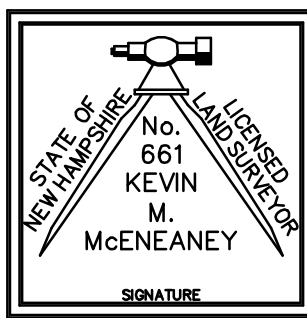
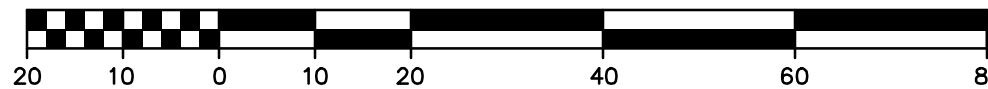
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DANIEL G. GABRIEL, TRUSTEE
DANIEL G. GABRIEL REVOCABLE TRUST
P.O. BOX 727
DOVER, NEW HAMPSHIRE 03821
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MINIMUM FRONTAGE = 125 FEET
- BUILDING SETBACK REQUIREMENTS:
FRONT BUILD-TO = 20 FEET MINIMUM, 35 FEET MAXIMUM
SIDE SETBACK = 20 FEET
REAR SETBACK = 30 FEET
MAXIMUM BUILDING HEIGHT = 35 FEET
- 6.) THE SUBJECT PARCEL IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) 33017C0340E, EFFECTIVE DATE 9/30/2015.
- 7.) BASIS OF BEARING IS NH STATE PLANE (NAD83) AND VERTICAL DATUM IS NAVD88 BASED ON GPS OBSERVATION DATED NOVEMBER 18, 2024.
- 8.) PROPERTY LINE INFORMATION HAS BEEN OBTAINED FROM A SURVEY PERFORMED BY MCENEANEY SURVEY ASSOCIATES, INC. ON NOVEMBER 18, 2024 WITH AN ERROR NOT GREATER THAN 1 IN 10,000.
- 9.) THE SOIL TYPES ON THE SITE ARE:
H&B HINKLEY LOAMY SAND 3-8% SLOPES
THE SOURCE FOR THE SOIL TYPE DATA IS
<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>
- 10.) THERE ARE NO WETLANDS ON THE SUBJECT PARCEL
- 11.) THE LOTS ARE SERVICED BY MUNICIPAL SEWER AND WATER.
- 12.) FOR PROPOSED LOT L98C, THE MAXIMUM BUILD-TO LINE FOR THE PRIMARY STRUCTURE IS 100 FEET. FUTURE ADDITIONS TO THE PRIMARY STRUCTURE SHALL BE AT LEAST 100 FEET FROM THE FRONT PROPERTY LINE.
- 13.) FOR PROPOSED LOT L/98C, THE OUTBUILDINGS/ACCESSORY USE STRUCTURES, EXCLUDING SHEDS UNDER 200 S.F., SHALL BE SETBACK AT LEAST 65 FEET FROM THE FRONT PROPERTY LINE.

OWNER SIGNATURES

ZONING BOARD OF ADJUSTMENT PLAN
PREPARED FOR
DANIEL G. GABRIEL REVOCABLE TRUST
TAX MAP L, LOT No. 98A
260 DOVER POINT ROAD
CITY OF DOVER
COUNTY of STRAFFORD
STATE of NEW HAMPSHIRE

DOVER PLANNING FILE No.

DRAWN BY: KJP FILE: M\2652\SD\2652 SUB
SCALE: 1" = 20' DATE: APRIL 7, 2026



McEneaney
Survey
Associates
of NEW ENGLAND

P.O. Box 1166 - 181 WATSON ROAD
DOVER, NH 03821 (603) 742-0911

SURVEYING - PLANNING - CONSULTING

NO.	DATE	DESCRIPTION	BY	CHK
1	5/20/26	ADDED NOTES 12 & 13, ADDED 65' SETBACK	KJP	KMM
24-2652 REVISIONS				
26076	SUBDIVISION	24-12	43-45	
PROJECT NO	TYPE	FIELDBOOK & PAGES		

May 14, 2026

Richard Morin
264 Dover Point Road
Dover, NH. 03820

PLANNING DEPARTMENT
RECEIVED

MAY 18 2026

DOVER, NEW HAMPSHIRE

To: The City of Dover Zoning Board

I have received the abutter notice for the variance request of Daniel G. Gabriel Rev. Trust at 260 Dover Point Road. I have no objection to this request and believe that it is reasonable. I have lived here for more than 60 years and know that the two driveways have existed for several years.

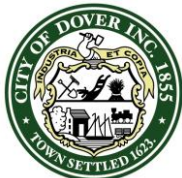
Please accept this letter as my support for the approval.

Sincerely,



Richard Morin

P.S. I WILL BE OUT OF TOWN NEXT WEEK.



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, May 21, 2026
Meeting Time:	7:00 pm

INTENT: The applicant requests two variances from **Section 170-12(B), RM-U Table of Uses**, to reconstruct a two-family dwelling on the previous building's footprint with a side setback of 1.92', where 6' is required and 47.2% lot coverage where 40% is required.

UNITS PROPOSED: Two (2)

AGENDA ITEM: 3-B

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

FILE: ZONE-2026-0012

APPLICANTS: Laine Major

OWNERS: Same

LOCATION: 15-17 New York St. (Tax Map 4, Lot 68)

ACREAGE: ±0.06 acres (±2,790 s.f.)

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Residential

SURROUNDING LAND USE: Residential

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQ.:
No

ATTACHMENTS: Application, Variance Plan

STAFF RECOMMENDATION: Staff supports these variance requests with one condition.

BACKGROUND INFORMATION

The subject parcel for this variance request is located at 15-17 New York St. within the Urban Density Multi-Residential (RM-U) Zoning District.

The applicant seeks two dimensional variances to rebuild a two-family structure at 15–17 New York Street upon the same footprint where an existing duplex stood it was damaged beyond repair by a fire in 2024. In 2025, due to safety concerns, the building was demolished. The subject lot is nonconforming in terms of both frontage (33.5') and area (2,790 s.f.). The relief requested is to re-establish the long-standing 1.92' east side setback where 6' is required, and to allow for a lot coverage percentage of 47.2% where 40% is permitted.

Staff would highlight the fact that per §170-53 of the Zoning Ordinance, had building permits been sought within 12 months of the fire event, the structure would be permitted to be re-constructed as it was by-right and without any zoning relief. However, delays due to the insurance claims process and re-development plan revisions, coupled with the safety issues necessitating the structure's demolition, meant that the 12-month reconstruction window expired, requiring than any new structure meet current zoning standards.

Staff Recommendation

Staff supports these variance requests as the subject parcel is dimensionally non-conforming to a large degree in both area and frontage, making compliance with underlying zoning highly impractical regardless of the use proposed at the site. Considering the present dimensional nonconformities, this site's similarity to the majority of neighboring lots, and the unfortunate missing of the 12-month re-construction period, staff feels as though the applicant has sufficiently demonstrated hardship and has submitted a proposal compliant within the context of the surrounding 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 for each of the two. Based on the evidence presented, Staff recommends that this Board approve these two variance requests with the following condition:

1. No future variance shall be given for dimensional relief at this property.

ZONE-2026-0012 15 17 NEW YORK STREET

**Property Information**

Location 15 NEW YORK ST
Owner MAJOR LAINE ELISABETH
Land Use 104R
Zoning Code RM-U
Property Id 04068-000000



**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-2026-0012 FOR CITY OF DOVER, N.H.

Permit Type	Zoning	Project:		App Date:	04/30/2026
Work Class:	Variance	District:	None	Exp Date:	NOT AVAILABLE
Status:	In Review	Square Feet:	0.00	Completed:	NOT COMPLETED
Valuation:	\$0.00	Assigned To:	Blonigen, Rachel	Approval	
Description: Two- Family dwelling, reconstruction on existing footprint; East side setback from 6 ft minimum; lot coverage at 47.2%				Expire Date:	

Parcel:	04068-000000	Main	Address:	15-17 New York St Dover, 03820	Main	Zone:	RM-U(Residential - Urban Density) CBD-G(Central Business District - General) CBD-R(Central Business District - Residential)
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Owner	Applicant
Laine Major	Laine Major
14 Kensington Rd	14 Kensington Rd
Hampton Falls, NH 03844	Hampton Falls, NH 03844
Home: (207) 450-8054	Home: (207) 450-8054
Business: (207) 450-8054	Business: (207) 450-8054
Mobile: (207) 450-8054	Mobile: (207) 450-8054

Permit Custom Fields

Number of Variances Requested:	1	ZoneVariPlanDirections	Vacant lot located on New York St	ZoneVariPlanSummary	Reconstruction of two-family dwelling on existing historic footprint.
ZoneVariAppealSect	170-12.B	ZoneVariAppealSectDe tail	1. East Side Setback: Variance from the 6-foot minimum side setback requirement to permit reconstruction at the existing 1.92-foot east side setback, which has existed since the original structure was built in 1890. 2. Lot Coverage: Variance from the 40% maximum lot coverage to permit reconstruction at approximately 47.2% lot coverage (1,317 sf) — reduced from the pre-fire condition of 47.3% (1,320 sf) provides three supporting findings: (1) the 2024 Land Use Regulation Audit found 64% of RM-U lots are nonconforming and recommends adjusting standards for infill, and this lot is one of that 64%; (2) the Master Plan identifies this neighborhood as Area 1 and calls for infill that reinforces its historic character, which is precisely what this reconstruction is; (3)	What is the parcel zoned?	RM-U
ZoneVariAppeal1Public Interest	Granting these variances directly advances the public interest. The RM-U district exists to provide moderate-to-high density residential housing, and this block exemplifies that purpose: 78% of New York Street properties are multi-family, comprising 74 units across 27 buildings. A vacant fire-damaged lot in that context is contrary to the district's purpose. Dover's Master Plan (adopted Feb. 10, 2026)				Action 5.2 explicitly calls to encourage infill on underutilized sites, and a vacant fire-damaged lot is the definition of one. Granting the variance also produces a direct fire safety improvement. The proposed east wall will be a blank fire-rated assembly with zero openings, fully compliant with NH Residential Code Table R302.1. The pre-fire structure had vent openings and a window

PERMIT SNAPSHOT REPORT (ZONE-2026-0012)

on that wall predating modern fire separation standards. A full NFPA 13D sprinkler system will be installed throughout. The result is a building substantially safer than what stood here for over a century.

ZoneVariAppeal2OrdinanceSpirit

Deviation is consistent with the spirit of the Ordinance because on this lot, the variance configuration better serves the purposes of the standards than strict enforcement would. Side setbacks exist to provide light, air, separation, and emergency access. On a 33.5-foot lot with 6 feet required on each side, strict compliance produces two 6-foot gaps, neither wide enough for emergency vehicle access, and both close enough to restrict windows on both sides. Consolidating to one side (1.92 ft east, 9.52 ft west) gives the west genuine functional width for emergency access and unrestricted windows. The east wall, required to be blank and fire-rated at under 3 feet, performs better as a fire barrier than a windowed wall at 6 feet would. On lot coverage, the 40% limit manages runoff and preserves open space. At 47.2%, just 7 points above the maximum, on a lot at this level for over 130 years with proposed coverage essentially identical to pre-fire conditions, there is no meaningful impact. A measurement study of all 27 RM-U properties on New York Street found 81% have side setbacks of 6 feet or less and 78% are multi-family. The immediate abutters on both sides are duplexes. The rear boundary abuts the CBD-G zone where zero-foot setbacks and 75% lot coverage are permitted as of right. The 1.92-foot east setback has existed since 1890 without incident. The variance configuration is not merely consistent with the spirit of the Ordinance; it is the layout that best delivers what the Ordinance is actually trying to achieve on this

lot.

PERMIT SNAPSHOT REPORT (ZONE-2026-0012)

ZoneVariAppeal3Subst antialJustice Granting the variance does substantial justice. Denial produces no public benefit. The lot does not become more conforming, no neighbor gains protection they do not already have, and the east neighbor has coexisted with the 1.92-foot setback for over 130 years without incident. Denial simply leaves a vacant fire-damaged lot in the middle of a densely residential block, indefinitely. What is lost by denial is the ability to rebuild a lawfully existing two-family use on a lot that has never conformed to current standards and never can. The nonconformity predates the zoning ordinance entirely and was not created by the current owner. The demolition was not voluntary; it was directed by a licensed engineer who found the 1890 stacked-stone foundation structurally unsuitable. The owner had no choice. This board granted a two-family variance at 18 Pearson Drive in November 2025 on a lot with only 57% of the required area, upheld unanimously at rehearing in January 2026, reasoning that denial produces no better neighborhood outcome while causing real harm to the applicant. That reasoning applies with even greater force here, as this lot has supported two-family use for over 130 years, and denial means permanent vacancy where a lawful use stood for over a century. Granting the variance produces the just outcome: a rebuilt, code-compliant two-family dwelling on a lot always used for exactly that purpose, with no new impact on any neighbor and no public cost.

ZoneVariAppeal4Prope rtyValue Surrounding property values will not be diminished; they will benefit. The proposed building replaces a structure that stood here for over 130 years with a new code-compliant building superior in every measurable respect: current structural standards, modern fire suppression, full NFPA 13D sprinkler system, updated mechanical systems, and confirmed absence of asbestos and lead paint present in virtually every pre-1980 structure on this street. The east neighbor gains a blank fire-rated wall with no openings, which is better protection than the pre-fire structure provided, as that structure had vent openings and a window on that wall predating current fire separation standards. The west neighbor and the street gain a rebuilt, maintained residential building where a vacant fire-damaged lot currently sits. A vacant lot in a dense urban neighborhood creates blight, attracts neglect, and actively diminishes surrounding property values. Reconstruction is the better outcome for every neighbor on this block.

ZoneVariAppeal5A1Un NecHardship The lot is 2,790 sf, which is 28% of the 10,000 sf minimum, and 33.5 feet wide, which is 42% of the 80-foot minimum. These are not minor nonconformities. The lot has never met current dimensional standards and never can; the nonconformity predates the zoning ordinance entirely and was not created by the current owner. The east side setback of 1.92 feet has existed since 1890 and is documented in the recorded warranty deed (Book 5062, Page 731, Strafford County Registry of Deeds) and in the stamped Ross Engineering Existing Conditions Plan. A measurement study of all 27 RM-U properties on New York Street found that 81% have a minimum side setback of 6 feet or less and 63% are within 2 feet of the property line. The August 2024 fire and subsequent engineer-directed demolition did not create or worsen any nonconformity; they simply removed a structure that had stood on this lot since 1890. Under Section 170-14(B), the lot's size and width independently cap living space at 1,000 sf, which is structurally incompatible with two complete dwelling units, further confirming the unique physical constraints this lot presents

PERMIT SNAPSHOT REPORT (ZONE-2026-0012)

ZoneVariAppeal5A2No FairRelate No fair and substantial relationship exists between the general purposes of the setback and coverage standards and their specific application to this lot. Side setbacks exist to provide light, air, separation, and emergency access, but strict enforcement on this 33.5-foot lot produces the opposite result. Requiring 6 feet on each side reduces interior building width to approximately 18 feet and simultaneously eliminates the 9.52-foot driveway, which is the only on-site parking and emergency vehicle access to the rear. No geometric configuration achieves a compliant setback, functional two-unit dwelling, and on-site parking simultaneously. The NH Supreme Court held in *Husnander v. Town of Barnstead*, 139 N.H. 476 (1995), that a variance is required where strict compliance produces a building envelope so constrained as to prevent any reasonable use, and that is precisely this situation. The proposed layout (1.92 ft east, 9.52 ft west) better serves the purposes of the standard: the west side provides genuine emergency access width and unrestricted windows, and the east wall, blank and fire-rated at under 3 feet per NH Residential Code Table R302.1, performs better as a fire barrier than a windowed wall at 6 feet would. On lot coverage, at 47.2%, essentially identical to the pre-fire condition of 47.3% on a lot at this level for over 130 years, there is no meaningful relationship between the standard and any harm it is designed to prevent.

ZoneVariAppeal5A3ReasonableUse A two-family dwelling is a permitted use by right in the RM-U district and the identical use that existed on this lot for over 130 years. The proposed reconstruction uses the same footprint, the same zoning lot coverage, and the same building configuration as the pre-fire structure. West side setback (9.52 ft), rear setback (16.6 ft), front setback (8.75 ft), and building height (33.1 ft) all comply fully with RM-U requirements. The variance relief sought is the minimum necessary and the only relief that makes reconstruction possible. The proposed building will be the safest structure on the block: built to current code, fully sprinklered under NFPA 13D, with modern structural, mechanical, and electrical systems and confirmed absence of asbestos and lead paint. This board has granted comparable relief before, unanimously at 3 Arcola Street in January 2023 for a duplex at 4 feet from a 30-foot rear setback, and at 18 Pearson Drive in November 2025 for a two-family on a lot with 57% of required area. In each case the board recognized that lot geometry, not owner preference, is the basis for relief. The same reasoning applies here.

Attachment File Name	Added On	Added By	Attachment Group	Notes
Permit Snapshot Report.pdf	04/30/2026 12:52	Service, EnerGov		Attached by IO - ATTACH: Initial Permit Snapshot

PERMIT SNAPSHOT REPORT (ZONE-2026-0012)

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	04/30/2026	05/20/2026		No	No

Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Administrator	Planning	Crouser, Paul	In Review	04/30/2026	05/20/2026	

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1		04/30/2026	0:00
Confirm application complete v.1	Generic Action		04/30/2026 12:59
Planning Permit Application Review v.1	Receive Submittal	04/30/2026	12:59
Zoning Board v.1			
Zoning Board Agenda v.1	Task		
Invoice for Notices v.1	Task		
Send Notices v.1	Task		
Zoning Administrator Creates Staff Recommendations v.1	Task		
Distribute Zoning Board Materials v.1	Task		
Zoning Board Hearing v.1	Hold Hearing		
Zoning Board Decision v.1	Permit Activity		
NOD Sent to Applicant v.1	Create Report		
Final Plan v.1			
Document Archival v.1	Generic Action		
Internal Notification of Permit Completion v.1	Generic Action		
Create/Link to Records v.1			
Create / Link to Permit - Building Major v.1	Create Sub Permit		

ZONE-2026-0012
15-17 NEW YORK STREET

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
04039-000000	4 PREBLE ST	TDL GAS & FOOD CORP		547 CENTRAL AVE	DOVER	NH	03820
04067-000000	19 NEW YORK ST	THOMPSON ALEXA-MARIE	NASON ANDREW	48 DOROTHY DR	EPPING	NH	03042
04041-000000	14 PREBLE ST	AK PROPERTIES LLC		39 CHERRYWOOD DR	NASHUA	NH	03062-3079
04043-000000	20 PREBLE ST	CULLEN RICHARD A	CULLEN PAMELA J	20 PREBLE STREET	DOVER	NH	03820
04065-A00000	27 NEW YORK ST	DEGNON REBECCA J &		640 SUNCOOK VALLEY RD #1	ALTON	NH	03809
04069-000000	11 NEW YORK ST	DASS VASANT T		14 OLD DOVER RD	ROCHESTER	NH	03867
04070-000000	9 NEW YORK ST	MASK & MONSTERS LLC	ATTN CHRIS WYSKIEL	561 CENTRAL AVENUE	DOVER	NH	03820
27009-000000	8 NEW YORK ST	DIMAMBRO BRIAN D &	DIMAMBRO MEREDITH	567 CENTRAL AVE	DOVER	NH	03820
27005-000000	567 CENTRAL AV	DIMAMBRO BRIAN &	DIMAMBRO MEREDITH	567 CENTRAL AVE	DOVER	NH	03820
27038-000000	24 NEW YORK ST	LE TRI		19 LAUREL LN	SOMERSWORTH	NH	03878
27006-000000	565 CENTRAL AV	DIMAMBRO BRIAN &	DIMAMBRO MEREDITH	567 CENTRAL AV	DOVER	NH	03820
27034-000000	3 PARK ST	COTE NATHAN M		19 OAK HILL DR	DOVER	NH	03820
04065-000000	23 NEW YORK ST	NELB MOORE STEPHANIE		319 MCKINLEY RD	PORTSMOUTH	NH	03801
04074-000000	559 CENTRAL AV	MASK 561 CENTRAL LLC		561 CENTRAL AVENUE	DOVER	NH	03820
27007-000000	563 CENTRAL AV	STRAFFORD SCATTERED SITE LIMITED		105 LOUDON RD UNIT 1	CONCORD	NH	03301
04030-000000	537 CENTRAL AV	PEOPLE'S UNITED BANK	C/O M&T BANK ATTN: CORP SERVICES-FSU DPT	ONE M&T PLAZA - 18TH FL	BUFFALO	NY	14203
04073-000000	561 CENTRAL AV	MASK 561 CENTRAL LLC		561 CENTRAL AVENUE	DOVER	NH	03820
04075-000000	555 CENTRAL AV	BRATTER MYLES S & ELIZABETH A TRUSTEES	BRATTER FAMILY REVOCABLE TRUST	177 BARTLETT ST	PORTSMOUTH	NH	03801
04076-000000	547 CENTRAL AV	TDL GAS & FOOD CORP		547 CENTRAL AVE	DOVER	NH	03820
04066-000000	21 NEW YORK ST	TURNER EDWIN III	TURNER KAREN	21 NEW YORK STREET	DOVER	NH	03820
04040-000000	6 PREBLE ST	FAKHOURYS LLC		547 CENTRAL AVE	DOVER	NH	03820
04072-000000	5 NEW YORK ST	MASK 561 CENTRAL LLC		561 CENTRAL AVENUE	DOVER	NH	03820
27008-000000	4 NEW YORK ST	GRIMES-GRUCZKA THADDEUS A		2 NEW YORK ST	DOVER	NH	03820
27011-000000	12 NEW YORK ST	JAD INVESTMENTS LLC	C/O JESSE A DEGEORGE	61 WINDSOR ROAD	MEDFORD	MA	02155
04026-000000	15 PREBLE ST	STERGIOU GEORGE T JR		15 PREBLE STREET	DOVER	NH	03820
04042-000000	18 PREBLE ST	LAMBERT DEREK		18 PREBLE ST	DOVER	NH	03820
04064-000000	31 NEW YORK ST	PAQUETTE BRENDAN		136 POST RD	NORTH HAMPTON	NH	03862
04029-000000	543 CENTRAL AV	PEOPLE'S UNITED BANK	C/O M&T BANK ATTN: CORP SERVICES-FSU DPT	ONE M&T PLAZA - 18TH FL	BUFFALO	NY	14203
27004-A00000	575 CENTRAL AV	BRADLEY COMMONS LIMITED PARTNERSHIP		PO BOX 127	PORTSMOUTH	NH	03802
04071-000000	7 NEW YORK ST	MASK 561 CENTRAL LLC		561 CENTRAL AVENUE	DOVER	NH	03820
27033-000000	9 PARK ST	9-11 PARK STREET LLC		11 COURT ST STE 100	EXETER	NH	03833
27012-000000	4 PARK ST	PALMER WILLIAM R &	PALMER PATRICIA	4 PARK STREET	DOVER	NH	03820
27013-000000	8 PARK ST	KINGDOM PROPERTIES LLC		PO BOX 730	SOMERSWORTH	NH	03878
27036-000000	18 NEW YORK ST	SHERPA LAKPA		9 A CHANDLER WAY	DOVER	NH	03820
27037-000000	20 NEW YORK ST	TREMBLAY SAWYER JOSEPH		22 NEW YORK ST	DOVER	NH	03820
27035-000000	14-16 NEW YORK ST	KAPSTAD CHRISTIAN JAMES		11 TWOMBLY ST	DOVER	NH	03820
04068-000000	15 NEW YORK ST	MAJOR LAINE ELISABETH		15 NEW YORK ST	DOVER	NH	03820
		ROSS ENGINEERING		650 ISLINGTON STREET	PORTSMOUTH	NH	03801



CITY OF DOVER, NEW HAMPSHIRE

PLANNING APPLICATION OWNER AUTHORIZATION

OWNER AUTHORIZATION

I/We hereby submit this application to the City of Dover / City of Dover Planning Board and attest that to the best of my knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As applicant or as agent, I attest that I am duly authorized to act in this capacity.

Property Owner Name: Laine Major

Signature(s) of Property Owner(s): _____ Date: 2026-04-28

Signature of Applicant: _____ Date: _____
if different from owner

AUTHORIZATION TO ENTER SUBJECT PROPERTY

I/We hereby submit this application to the City of Dover Planning Board and attest that to the best of my knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As applicant or as agent, I attest that I am duly authorized to act in this capacity..

Property Owner Name: Laine Major

Signature(s) of Property Owner(s): _____ Date: 2026-04-28

Signature of Applicant: _____ Date: _____
if different from owner

IF SIGN PERMIT, SIGN PERMIT APPLICATION INFORMATION

If the sign permit applicant is not the property owner, this form must be completed and included as part of application submission.

I have read this application and state that, to the best of my knowledge, the information provided is true and that the proposed sign(s) will comply with all applicable regulations in Section 170-32 of the Zoning Ordinance of the City of Dover and shall conform to the submitted materials and designs. Furthermore, after 90 days, any application still waiting information will be denied.

Address of Sign Location: N/A

Sign Permit Application Type:
(check one)

- ☐ Permanent Sign
- ☐ Temporary Sign
- ☐ Community Sign

VARIANCE APPLICATION — SUPPORTING NARRATIVE

City of Dover Zoning Board of Adjustment
15–17 New York Street, Dover, NH — Tax Map 4, Lot 68
Zoning District: Urban Density Multi-Residential (RM-U)
Owner/Applicant: Laine Elisabeth Major
Variance from Section 170-12.B (Attachment 5) of the Zoning Ordinance

1. Overview and Relief Requested

The applicant requests dimensional variances to permit reconstruction of a two-family dwelling at 15–17 New York Street, Dover, New Hampshire, on its existing footprint. The property was the site of a lawfully existing two-family duplex (built c. 1890) that was destroyed by a three-alarm fire on August 18, 2024. The structure was subsequently demolished pursuant to City Permit No. BLDM-2025-0054, issued April 29, 2025, following a licensed engineer’s determination that the fire damage and pre-existing foundation conditions made repair infeasible and structurally unsound.

The applicant seeks relief from the following dimensional requirements of the RM-U District (Zoning Ordinance §170-12.B, Attachment 5):

Variances Requested

Dimensional Requirement	Pre-Fire Existing	Proposed	RM-U Required
East Side Setback	1.92 ft	1.92 ft	6 ft (per §170-14)
Lot Coverage (zoning definition)	47.3% (1,320 sf)	47.2% (1,317 sf)	40% max

Compliant — No Relief Required

Dimensional Requirement	Pre-Fire Existing	Proposed	RM-U Required
West Side Setback	9.52 ft	9.52 ft	6 ft ✓
Rear Setback	16.6 ft	16.6 ft	15 ft ✓
Front Setback	8.75 ft	8.75 ft	7.6 ft avg ✓
Building Height	~33 ft	33.1 ft	40 ft max ✓
Lot Size	2,790 sf	2,790 sf	10,000 sf ¹
Lot Frontage	33.5 ft	33.5 ft	80 ft ¹

¹ Lot size and frontage are nonconforming but addressed under §170-14 (Nonconforming Lots) — no variance required.

Note on Lot Coverage Figures

Two lot coverage figures appear in this application and are both accurate but measure different things. The Ross Engineering stamped Existing Conditions Plan and Site Plan measures total impermeable surface: 2,223 sf / 79.7% existing and 2,050 sf / 73.5% proposed. At a pre-application meeting on April 17, 2026, the Zoning Administrator confirmed that zoning lot coverage for purposes of §170-12.B includes only the

building footprint and covered or permanently based structures — not driveways, open decks, or stairs without a concrete foundation. Under this definition, zoning lot coverage is 1,320 sf / 47.3% existing and 1,317 sf / 47.2% proposed. The variance application uses the zoning administrator’s definition as the operative figure.

✓	Category	Pre-Fire (sf)	Proposed (sf)	Note
✓	House	1,097	1,317	In scope — primary structure
✓	Covered Porch	110	0	In scope — covered structure (removed)
✓	Back Stairs & Landing	113	0	In scope — concrete base (replaced by open deck)
—	Open Rear Deck	0	173	Excluded — uncovered, no concrete base
—	Front Stairs	0	32	Excluded — no concrete base
—	Asphalt Driveway	521	528	Excluded — driveway
—	Concrete Parking Area	366	0	Excluded — parking area
—	Walkway	16	0	Excluded — driveway access
	Total impermeable surface	2,223 (79.7%)	2,050 (73.5%)	Per stamped Site Plan
	Zoning lot coverage	1,320 (47.3%)	1,317 (47.2%)	Per Zoning Administrator, 4/17/2026 40% max required

2. Property Background and Fire History

15–17 New York Street is a narrow urban lot of 2,790 square feet (0.06 acres) with 33.5 feet of frontage on New York Street. The property has been continuously used for two-family residential purposes since at least 1890, when the original duplex was constructed. The lot’s dimensions predate the City’s zoning ordinance and have never conformed to current RM-U dimensional standards; the property is a legal nonconforming lot in all respects.

On August 18, 2024, a three-alarm fire caused extensive damage to the structure. Alex Ross, P.E. of Ross Engineering inspected the property on January 16, 2025, and determined that the 135-year-old stacked stone foundation — which lacks a footer — had been compromised to the point where repair and rebuild on the existing foundation was structurally infeasible. Ross Engineering recommended full demolition and replacement with a new code-compliant foundation.

The owner pursued insurance review, remediation, and engineering assessment between August 2024 and April 2025. The demolition permit (BLDM-2025-0054) was issued April 29, 2025. Demolition was completed July 2, 2025. Since that date, the owner has continuously and actively pursued permits to rebuild, including filing Major Building Permit BLDG-2025-0208 on November 12, 2025. All delays since the fire have been attributable to insurance processes, engineering requirements, municipal review timelines, and regulatory complexity — not to any intent to abandon the property or its residential use.

3. The Five Variance Criteria (RSA 674:33, I(b))

The following dimensional conditions apply to the proposed reconstruction. The east side setback of 1.92 feet and zoning lot coverage of 47.2% require variance relief as described in this application. All other dimensional standards comply fully with RM-U requirements: west side setback 9.52 feet (6 ft required), front setback 8.75 feet (7.6 ft surveyed street average required), rear setback 16.6 feet (15 ft required), and building height 33.14 feet (40 ft maximum). Variance relief is sought only for the two conditions physically fixed by the historic lot configuration.

The applicant addresses each of the five required variance criteria as set forth in NH RSA 674:33, I(b) and the Dover ZBA application form.

Note on Neighborhood Measurement Study: Setback distances and building widths for all 27 RM-U properties on New York Street were analyzed using the City's publicly accessible MapGeo GIS viewer and ImageJ image analysis software, calibrated against the professionally surveyed 33.5-foot lot width of the subject parcel — the only lot on the street with a current licensed survey. No survey data exists for other properties on the street. Estimated measurement uncertainty is ± 1 foot. Results are shown in Exhibits A and C. Unit counts were drawn from City assessor records.

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

Granting the requested variances is not contrary to the public interest — it directly advances it. The RM-U district exists to provide moderate-to-high density residential housing in Dover's urban neighborhoods, and this block exemplifies that purpose: 78% of properties on New York Street are multi-family, comprising 74 units across 27 buildings. Allowing a fire-damaged lot to remain vacant in the heart of that neighborhood is contrary to the district's purpose and contrary to the public interest in maintaining the City's housing stock.

Dover's Land Use Chapter of the Master Plan, adopted February 10, 2026, provides three findings that directly support this variance. First, the Master Plan's 2024 Land Use Regulation Audit found that 64% of RM-U lots are nonconforming and recommends the City consider adjusting zoning standards to bring more lots into conformity for infill development — this lot is one of that 64%. Second, the Master Plan identifies this neighborhood as Area 1, characterized by higher intensity development, walkable streets, and diverse housing types, and calls for thoughtful infill and redevelopment that reinforces its historic charm. Reconstruction of a two-family dwelling here is precisely what the Master Plan envisions. Third, the Master Plan explicitly calls for duplexes to be integrated in walkable neighborhood corridors close to downtown, and Action 5.2 calls to encourage infill and redevelopment of underutilized sites. A vacant fire-damaged lot is the definition of an underutilized site.

Granting the variance also produces a direct public safety improvement. The proposed east wall will be a blank fire-rated assembly with zero openings, fully compliant with NH Residential Code Table R302.1. The pre-fire structure had several vent openings and a window on that wall — conditions that predate the modern building code rather than reflecting any deliberate choice by the current owner. A full NFPA 13D sprinkler system will be installed throughout. The result is a building substantially safer than what stood on this lot for over a century.

For these reasons, granting the variance is consistent with the public interest as defined by the RM-U district's purpose, the City's adopted Master Plan, and the concrete fire safety improvements the reconstruction will deliver.

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

Deviation from the strict requirements is consistent with the spirit of the Ordinance because on this lot, the variance configuration actually serves the purposes of the setback and coverage standards better than strict enforcement would.

Side setbacks exist to provide light, air, separation between structures, and emergency access. Lot coverage limits exist to manage runoff and preserve open space. On a 33.5-foot-wide lot with 6 feet required on each side, strict compliance produces two 6-foot gaps — neither wide enough for emergency vehicle access, and both close enough to the property line that fire code restricts windows on both sides of the building, reducing light and air throughout. Consolidating the setback to one side — 1.92 feet east, 9.52 feet west — gives the west side genuine functional width for emergency access and unrestricted windows. The east wall, required to be blank and fire-rated at under 3 feet, actually performs better as a fire barrier than a windowed wall at 6 feet would. The purposes of the standard are better served by this layout than by any alternative on this lot.

On lot coverage, the 40% limit exists to manage runoff and preserve open space at a neighborhood scale. At 47.2% — just 7 percentage points above the maximum — on a lot that has been at this level for over 130 years, and where the proposed coverage is essentially identical to what existed before the fire, there is no meaningful impact to granting the variance. The coverage is a function of the lot's historic size, not any expansion beyond what has existed throughout living memory.

As shown in Exhibit A, 81% of the 27 RM-U properties on New York Street have side setbacks of 6 feet or less, and the majority of lots fall well below the 10,000 square foot minimum. These standards were not written for this block. City assessor records show 21 of 27 properties (78%) contain two or more dwelling units, with 74 total residential units averaging 2.7 per property. The immediate abutters to the east and west are both duplexes; the building directly across the street is a five-unit structure. The proposed two-family reconstruction is entirely consistent with the character of New York Street.

The 1.92-foot east setback has existed since 1890 — over 130 years — and the neighboring property to the east has coexisted with it without incident throughout that period. The subject property's rear boundary is shared directly with the CBD-G zone, where zero-foot side setbacks are affirmatively permitted and lot coverage up to 75% is allowed. The proposed total impermeable surface of 73.5% is within the CBD-G maximum; the zoning lot coverage of 47.2% is even further below it. Preserving a 1.92-foot setback is conservative by any measure in this immediate urban context.

The variance configuration is not merely consistent with the spirit of the Ordinance — it is the layout that best delivers what the Ordinance is actually trying to achieve on this lot.

Criterion 3: Granting the variance would do substantial justice

Granting the variance would do substantial justice. The relevant question under this criterion is what the public gains from denial versus what is lost — and here that balance is unambiguous.

Denial produces no public benefit. The lot does not become more conforming. The neighborhood does not improve. No neighboring property gains protection it does not already have. The east neighbor has coexisted with the 1.92-foot setback for over 130 years without incident. Denial simply leaves a vacant fire-damaged lot in the middle of a densely residential urban block, indefinitely.

What is lost by denial is the ability to rebuild a lawfully existing two-family use on a lot that has never conformed to current dimensional standards and never can. The nonconformity was not created by the current owner — it predates the zoning ordinance entirely. The demolition that removed the structure was not voluntary abandonment — it was directed by a licensed engineer

who found the original 1890 stacked-stone foundation structurally unsuitable for reconstruction. The owner had no choice in the matter.

This board granted a variance for a two-family dwelling at 18 Pearson Drive in November 2025 on a lot with only 57% of the required area, and upheld that decision unanimously at rehearing in January 2026. The reasoning was that denial would produce no better outcome for the neighborhood while causing real harm to the applicant. That reasoning applies with even greater force here — this lot has supported two-family use for over 130 years, the nonconformity is older and deeper, and the result of denial is a permanent vacancy where a lawful use stood for over a century.

Granting the variance produces the just outcome: a rebuilt, code-compliant two-family dwelling on a lot that has always been used for exactly that purpose, with no new impact on any neighbor and no public cost.

Criterion 4: The value of surrounding property will not be diminished

Surrounding property values will not be diminished — they will benefit. The proposed building replaces a structure that stood on this lot for over 130 years with a new code-compliant building superior in every measurable respect: current structural standards, modern fire suppression, updated electrical and mechanical systems, proper insulation, and confirmed absence of asbestos and lead paint present in virtually every pre-1980 structure on this street.

The east neighbor gains a blank fire-rated wall with no openings — better protection than the pre-fire structure which had vent openings and a window on that side that predated current fire separation standards. The west neighbor and the street gain a rebuilt, maintained residential building where a vacant fire-damaged lot currently sits. A vacant lot in a dense urban neighborhood creates blight, attracts neglect, and actively diminishes surrounding property values. Reconstruction is the better outcome for every neighbor on this block.

Criterion 5: Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship

Literal enforcement of the ordinance would result in an unnecessary hardship because this lot possesses a unique combination of physical characteristics that make compliance geometrically impossible for its permitted two-family use.

The lot is 33.5 feet wide — 42% of the 80-foot minimum frontage — and 2,790 square feet — 28% of the 10,000 square foot minimum area. These are not minor nonconformities. The lot has never met current dimensional standards and never can. The nonconformity predates the zoning ordinance entirely and was not created by the current owner. The August 2024 fire and the subsequent engineer-directed demolition did not create or worsen any nonconformity — they simply removed a structure that had stood on this lot since 1890.

Enforcing the 6-foot east setback forces the east wall approximately 4 feet west of its current position. There are two possible responses and neither produces a workable result. Option A: keep the west wall in place and preserve the driveway. The building shrinks to approximately 18 feet wide — insufficient to construct two complete, code-compliant dwelling units. Option B: shift the entire building west until the west setback limit is reached, preserving more building width but eliminating the driveway entirely. With no driveway there is no parking, no service access, and no emergency vehicle access to the rear of the lot. Both options result from strict compliance with the east setback. Neither produces a lot that can function as a two-family dwelling. Strict enforcement does not merely constrain the building — it renders the lot unbuildable for its permitted use.

A two-family dwelling is a permitted use by right in the RM-U district and the same use that existed on this lot for over 130 years. The proposed reconstruction uses the same footprint, the same zoning lot coverage, and the same building configuration as the pre-fire structure. The west setback, rear setback, front setback, and building height all comply fully with RM-U standards. The variance relief sought is the minimum necessary — and the only relief that makes reconstruction of the permitted use possible.

This board has granted comparable relief before. In January 2023 the board unanimously granted a variance at 3 Arcola Street for a new duplex at 4 feet from the rear setback where 30 feet were required, citing the unique physical characteristics of that lot. In February 2023 the board unanimously granted a side setback variance at 10 Birchwood Place on a narrow constrained lot with no public opposition. In November 2025 the board granted a two-family variance at 18 Pearson Drive on a lot with only 57% of the required area and upheld it unanimously at rehearing in January 2026. In each case the board recognized that lot geometry — not owner preference — is the appropriate basis for setback variance relief.

The NH Supreme Court held in *Hushander v. Town of Barnstead*, 139 N.H. 476 (1995), that a variance is required not only when no structure can be built, but when the compliant building envelope prevents any reasonable use of the property. That is precisely this situation. The compliant envelope on this lot simultaneously eliminates functional building width and usable parking, rendering the permitted two-family use impossible regardless of design.

The variances requested are the minimum relief necessary to permit reconstruction of a two-family dwelling on a lot that has supported that use for over 130 years, on a footprint that has existed since 1890, in a district where two-family use is permitted by right.

Conclusion

The applicant respectfully requests that the Zoning Board of Adjustment grant variances from the east side setback requirement and lot coverage maximum of the RM-U District to permit reconstruction of a two-family dwelling at 15–17 New York Street on its existing historic footprint.

All five variance criteria are satisfied. The variance advances the public interest as defined by Dover's own Master Plan. It is consistent with the spirit of the ordinance — and on this lot, better serves the ordinance's purposes than strict enforcement would. Granting the variance does substantial justice where denial produces no public benefit. Surrounding property values will improve, not diminish. And literal enforcement creates a genuine unnecessary hardship by rendering a permitted use geometrically impossible on a lot whose constraints predate zoning itself.

All other applicable zoning standards are met or exceeded by the proposal. The requested relief is the minimum necessary to permit a reasonable use of this property.

Exhibits

The following exhibits are submitted in support of this application:

Exhibit A — Minimum Side Setback by Property, New York Street RM-U Zone (n=27): Sorted bar chart showing individual property setback measurements, with subject property highlighted. Measurements were analyzed from the City of Dover MapGeo GIS viewer using ImageJ image analysis software, calibrated against the professionally surveyed 33.5-foot lot width of the subject parcel (the only lot on the street with a current survey). No survey data exists for other properties. Estimated measurement uncertainty ± 1 ft.

Exhibit B — City of Dover MapGeo Aerial View, New York Street: Annotated aerial imagery from the City's publicly accessible MapGeo viewer showing building footprints and lot lines. Selected properties with structures at or near the property line are identified, illustrating the pre-zoning development pattern of close-proximity construction characteristic of this block.

Exhibit C — Building Width by Property, New York Street RM-U Zone (n=27): Sorted bar chart showing building widths for all 27 RM-U properties on New York Street, with subject property and adjacent duplex highlighted. Illustrates that enforcing the 6-foot east setback would reduce building width to the narrowest on the street, insufficient for a functional two-family dwelling.

Exhibit D — Fire Damage Letter (Ross Engineering, LLC, February 2, 2025): Licensed PE assessment recommending demolition of the fire-damaged structure and replacement with a new code-compliant foundation.

Exhibit E — Timeline of Events (August 2024 – Present): Detailed chronological log of actions taken from the date of the fire through the date of this application, documenting continuous good-faith pursuit of reconstruction including insurance coordination, asbestos remediation, engineering assessment, demolition permitting, design development, building permit application, and city engagement.

Exhibit F — Warranty Deed, 15 New York Street (Book 5062, Page 731, Strafford County Registry of Deeds, recorded September 8, 2022): Confirms ownership, lot identity, and the historic metes-and-bounds description referencing the 1.92-foot east side setback alignment.

Exhibit G — NH Residential Code Table R302.1, Maximum Area of Exterior Wall Openings Based on Fire Separation Distance: Building code table confirming that a fire separation distance of less than 3 feet requires zero openings on the affected wall, supporting the applicant's fire safety compliance argument.

Existing Conditions Plan and Site Plan, 15–17 New York Street (Ross Engineering, LLC): Stamped civil engineering plans showing existing conditions, proposed building footprint, setbacks, lot coverage calculations (total impermeable surface: 79.7% existing / 73.5% proposed; zoning lot coverage per administrator definition: 47.3% existing / 47.2% proposed), and building height verification (33.14 ft).

Respectfully submitted,

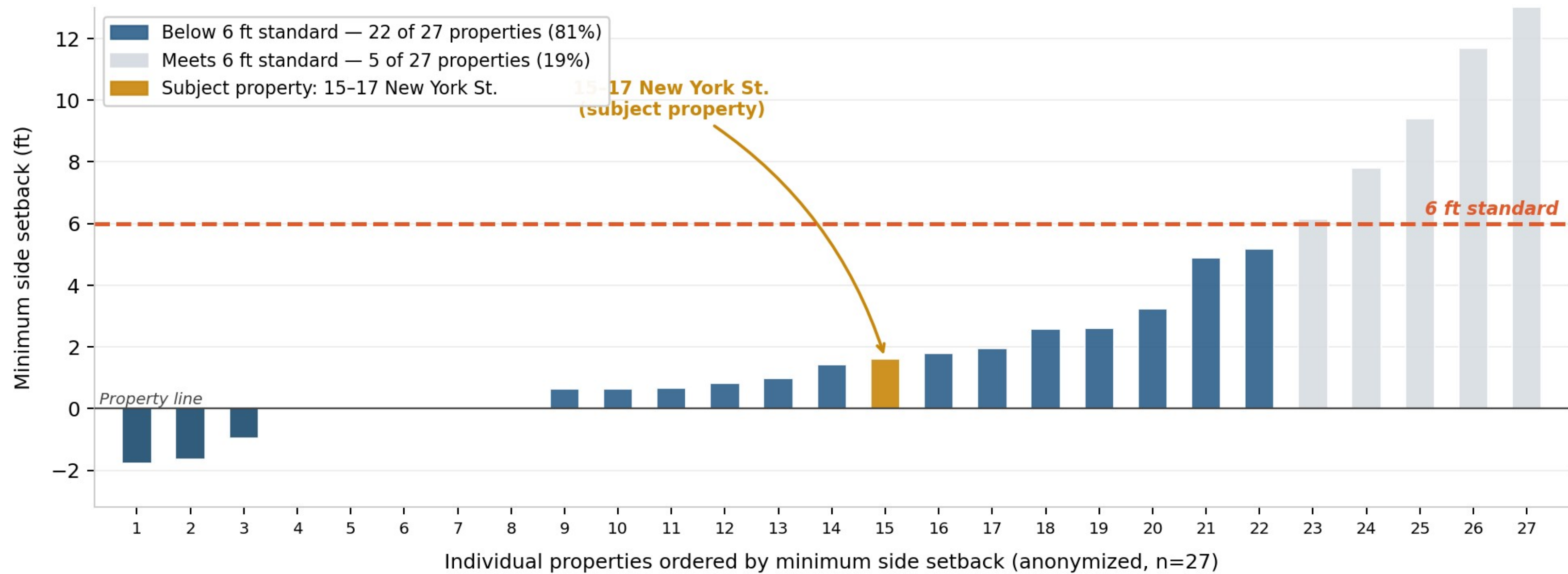
Laine Elisabeth Major

Owner, 15–17 New York Street, Dover, NH

LaineMajor@gmail.com • 1-207-450-8054

Date: _____

Minimum Side Setback by Property — New York Street RM-U Zone



Note: Measurements estimated from City of Dover MapGeo GIS viewer using ImageJ image analysis, calibrated against the surveyed 33.5 ft lot width of the subject parcel. Individual measurements carry an estimated uncertainty of ± 1 ft. Properties below 0 ft appear to have structures at or beyond the property line, consistent with pre-zoning development patterns.

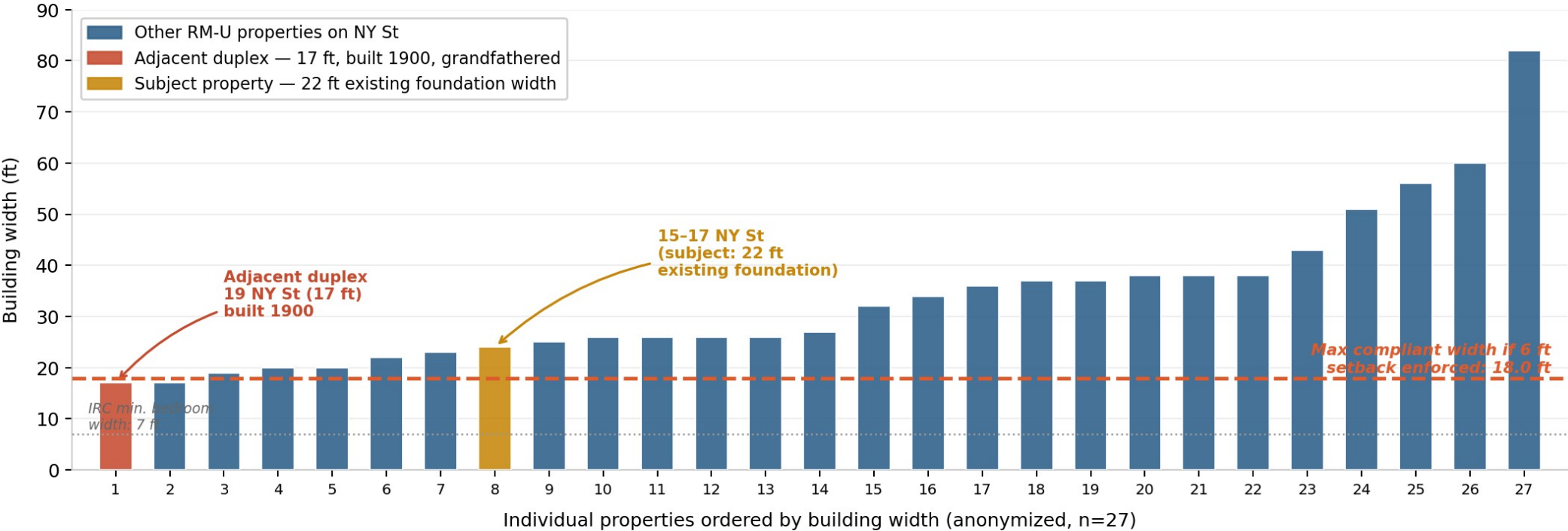
Smallest Existing Setbacks of RMU-U Properties on New York Street

Legend:

- Red $\leq 0'$
- Orange $< 2'$
- Yellow $< 6'$
- Light Green $< 15'$
- Dark Green $\geq 15'$



Building Width by Property — New York Street RM-U Zone



Building widths estimated from City of Dover assessor records and MapGeo GIS viewer. The dashed line shows the maximum compliant building width if the 6-foot east side setback were enforced on the subject lot (33.5 ft frontage – 9.52 ft west setback – 6 ft east setback = 18.0 ft).

Ross Engineering
Civil/Structural Engineering & Surveying

909 Islington Street
Portsmouth, NH 03801

603-433-7560
alexross@comcast.net

February 2, 2025

Laine Elisabeth Major
c/o Larry Dukes
18 Elwyn Road
Rye, NH 03870

RE: Fire damage
Laine Elisabeth Major
15 New York Street
Dover, NH 03820

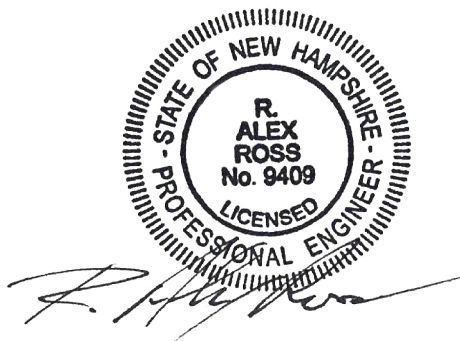
Dear Laine,

The purpose of this letter is to give my recommendations on how to proceed with rebuilding the structure after a three-alarm fire caused extensive damage to this structure on August 18, 2024. I inspected the structure on January 16, 2025. As per the City tax card, this home was built in 1890. It would appear that the fire started in the right rear of the building and extended into the kitchen, porch and all the way up to the third floor, and attic.

It is evident from the scour on the inside of the foundation walls and the water line in the basement, that a considerable amount of water was utilized to control the fire. After World War II poured concrete foundations with a footer and a wall section became standard in New England. This foundation has no footer and was constructed with a lower stone section, and then an upper brick section. For 135 years this structure has remained in a relatively static and stable condition. Because of the age and the type of construction it does not make sense to attempt to repair and rebuild the structure and the foundation, because the end result would be a foundation that is susceptible to differential settlement from water flow and scour. The attached photos show some of the damaged areas. Based on the condition of the building and the fire damage to the framing and foundation, I recommend that the structure be demolished. A new safe code-compliant structure and foundation should be installed to replace the building.

Sincerely,

Alex Ross, P.E.



Ross Engineering
Civil/Structural Engineering & Surveying

909 Islington Street
Portsmouth, NH 03801

603-433-7560
alexross@comcast.net



View from the right rear looking towards New York Street



Roof planks and rafters

Ross Engineering
Civil/Structural Engineering & Surveying

909 Islington Street
Portsmouth, NH 03801

603-433-7560
alexross@comcast.net



Kitchen area



Basement, note stone foundation wall with scour ditch at base

EXHIBIT E — TIMELINE OF EVENTS

15–17 New York Street, Dover, NH — Reconstruction Following Fire August 2024 – April 2026

Date	Category	Description
Aug 18, 2024	Event	Three-alarm fire at 15–17 New York Street. Extensive damage to structure including framing, rear wall, third floor, and basement.
Aug–Sep 2024	Insurance	Public adjuster engaged. Insurance claim process initiated. Relocation and displacement expenses submitted.
Dec 2024	City	Initial meetings with City building department and contractor regarding path to rebuild.
Jan 8, 2025	Remediation	Asbestos testing conducted. Presence confirmed, requiring professional remediation before demolition.
Jan 16, 2025	Engineering	Alex Ross, P.E. (Ross Engineering) inspected structure. Fire damage to framing and original 1890 stacked-stone foundation without footer found structurally unsuitable for rebuild. Demolition recommended.
Jan 23, 2025	Remediation	Asbestos remediation completed. Property cleared for demolition planning.
Jan–Feb 2025	Insurance	Insurance disbursement received. Adjuster transition caused additional delay in claim process.
Feb 2, 2025	Engineering	Ross Engineering formal fire damage letter issued recommending full demolition and new code-compliant foundation.
Feb 6, 2025	Permitting	Demolition permit application BLDM-2025-0054 submitted to City.
Apr 29, 2025	Permitting	Demolition permit BLDM-2025-0054 issued by City.
Apr–Jun 2025	Design	Architect and engineering team engaged. Reconstruction design development underway. Zoning requirements reviewed with city staff.
Jul 2, 2025	Event	Demolition completed pursuant to permit BLDM-2025-0054. Foundation perimeter retained to protect structural integrity of adjacent property.
Aug–Oct 2025	Design	Continuous design development including utility coordination, structural engineering, and floor plan finalization. Two-family reconstruction plans finalized late October 2025.
Nov 12, 2025	Permitting	Major building permit application BLDG-2025-0208 submitted to City for two-family dwelling reconstruction.
Nov 20, 2025	City	City issued sewer impact fee notice.
Dec 8, 2025	City	Administrative hold placed on permit application pending ZBA review of dimensional nonconformities.
Dec 2025	Design	Owner and design team evaluated path forward. Decision made to pursue two-unit ZBA variance as primary path.
Jan–Feb 2026	City	Deputy City Manager confirmed in writing that a by-right two-family reconstruction requires only a building permit if zoning is met. Owner requested and received written zoning determination from Zoning Administrator confirming current zoning applies to rebuilt structure.
Apr 17, 2026	City	Pre-application meeting with Zoning Administrator. Parking requirements, lot coverage definition, and footnote applicability confirmed.
Apr 2026	Permitting	ZBA variance application filed for east side setback and lot coverage relief to permit two-family reconstruction on existing footprint.
Aug 18, 2026	Insurance	Deadline for code-compliance adjustment to insurance building payout. Timely resolution of permitting is essential to full recovery of construction costs.

References available upon request. Documentation includes emails, permit records, city correspondence, engineering reports, and insurance communications.

~~Return to~~
PREPARED BY:
OWEN LAW OFFICES, PLLC.

Return to: 22MTH36371-P
Navy Federal Title Services, LLC
21631 Ridgeway Circle, #265
Sterling, VA 20166
PAX 10: 4-68

E-Doc # 220013576
Book 5062 Page 731

09/08/2022 10:04:46 AM
Page 1 of 2

Catherine A. Berube
Register of Deeds, Strafford County
LCHIP STA201492 25.00
TRANS TAX ST859160 5,775.00

CONSIDERATION = \$385,000.00

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that, **Loren O'Neil**, unmarried, of 285 Old Mountain Road, Northwood, New Hampshire 03261, for consideration paid, grants to **Laine Elisabeth Major**, unmarried, with of 15-17 New York Street, Dover, New Hampshire 03820, WITH WARRANTY COVENANTS, the following:

The Land referred to herein below is situated in the County of Strafford, State of New Hampshire, and is described as follows:

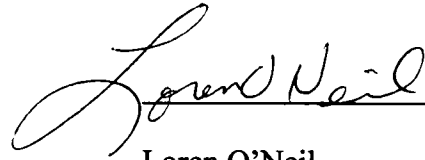
A certain tract or parcel of land with buildings situated in said Dover, County of Strafford and State of New Hampshire on the southerly side of New York Street bounded and described as follows:

Beginning on the southerly side of New York Street at the northwesterly corner of the Widow Bennett's Place so called; Thence running westerly by said street 33 1/2 feet, thence running southerly at right angles on a line passing 2 feet and 3 inches from the brick underpinning of the dwelling house next westerly of the one herein conveyed to land now or formerly George Mitchell; thence running easterly by said Mitchell's land to said Bennett's land; thence running northerly said Bennett's land to the bound begun at.

Meaning and intending to describe the premises acquired by Loren O'Neil by virtue of a Quitclaim Deed of Loren J. Goodwin, n/k/a Loren J. O'Neil dated January 13, 2005 and recorded on April 11, 2005 in the Strafford County Registry of Deeds at Book 3169, Page 444.

INTENTIONALLY LEFT BLANK
SIGNATURES TO FOLLOW

Executed the 6 day of September, 2022.

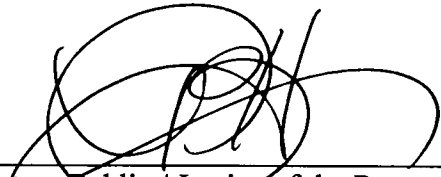

Loren O'Neil

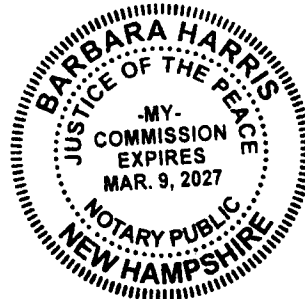
STATE OF New Hampshire

COUNTY OF Stratford

On this 6 day of September, 2022, personally appeared Loren O'Neil, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledged that she executed the same for the purposes therein contained as her free act and deed and in the aforementioned capacity.

Before me,


Notary Public / Justice of the Peace
Print Name: **Barbara Harris**
My Commission Expires: 3/9/2027



Chapter 3 Building Planning: New Hampshire Residential Code 2021 | UpCodes

R302.1 Exterior Walls

Construction, projections, openings and penetrations of exterior walls of *dwelling*s and accessory buildings shall comply with Table R302.1(1); or *dwelling*s equipped throughout with an *automatic sprinkler system* installed in accordance with Section P2904 shall comply with Table R302.1(2).

Exceptions:

- 1. Walls, projections, openings or penetrations in walls perpendicular to the line used to determine the *fire separation distance*.
- 2. Walls of *individual dwelling units* and their *accessory structures* located on the same *lot*.
- 3. Detached tool sheds and storage sheds, playhouses and similar structures exempted from *permits* are not required to provide wall protection based on location on the *lot*. Projections beyond the exterior wall shall not extend over the *lot line*.
- 4. Detached garages accessory to a *dwelling* located within 2 feet (610 mm) of a *lot line* are permitted to have roof eave projections not exceeding 4 inches (102 mm).
- 5. Foundation vents installed in compliance with this code are permitted.

TABLE R302.1(1)
EXTERIOR WALLS

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	Fire-resistance rated	1 hour—tested in accordance with ASTM E119, UL 263 or Section 703.3 of the <i>International Building Code</i> with exposure from both sides	0 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Projections	Not allowed	NA	< 2 feet
	Fire-resistance rated	1 hour on the underside, or heavy timber, or fire-retardant-treated wood ^{a, b}	≥ 2 feet to < 5 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Openings in walls	Not allowed	NA	< 3 feet
	25% maximum of wall area	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	3 feet

For SI: 1 foot = 304.8 mm.

NA = Not Applicable.

- a. The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave overhang if fireblocking is provided from the wall top plate to the underside of the roof sheathing.
- b. The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the rake overhang where gable vent openings are not installed.

TABLE R302.1(2)

EXTERIOR WALLS—DWELLINGS WITH FIRE SPRINKLERS

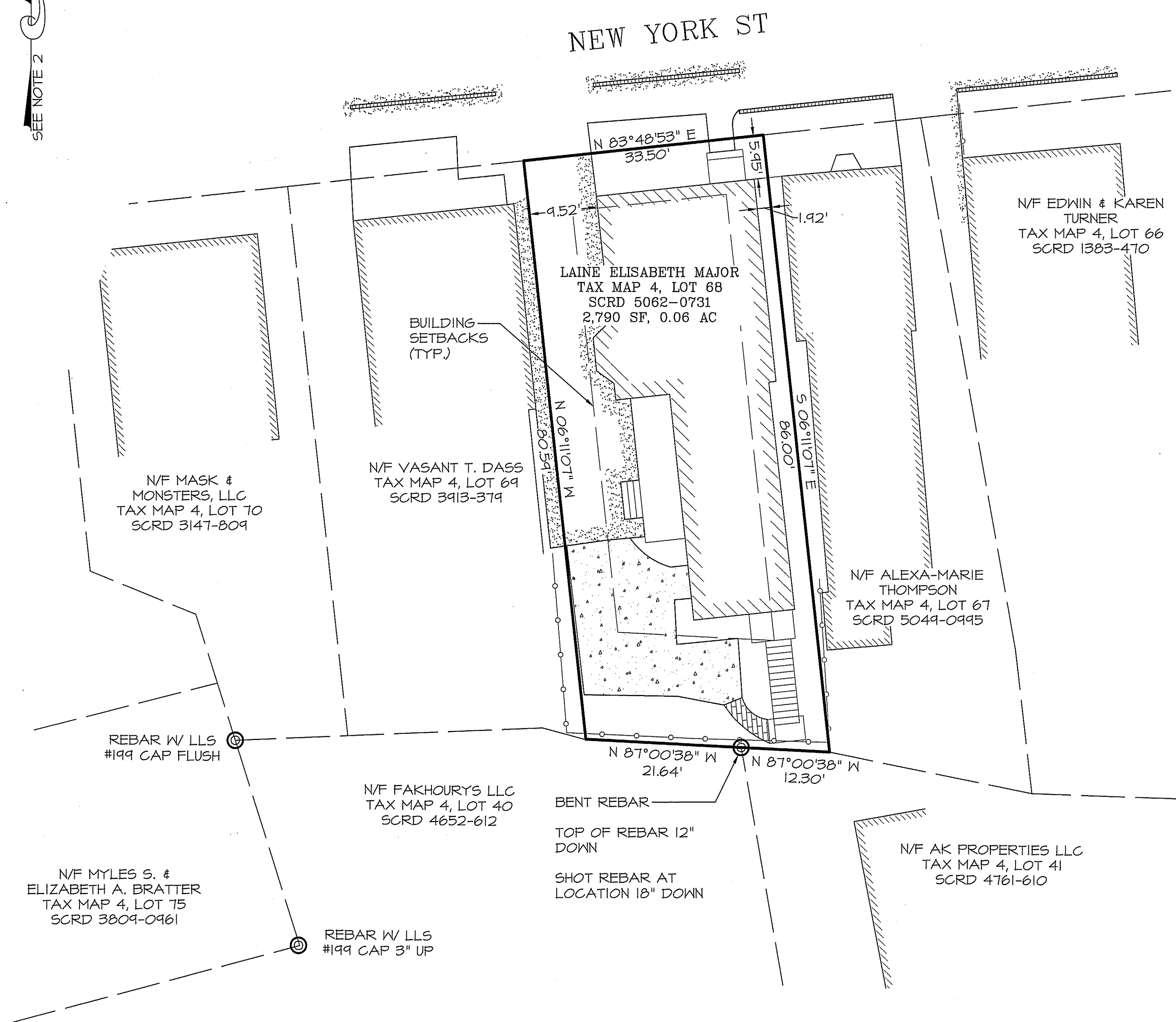
EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	Fire-resistance rated	1 hour—tested in accordance with ASTM E119, UL 263 or Section 703.2.2 of the <i>International Building Code</i> with exposure from the outside	0 feet
	Not fire-resistance rated	0 hours	3 feet ^a
Projections	Not allowed	NA	< 2 feet
	Fire-resistance rated	1 hour on the underside, or heavy timber, or fire-retardant-treated wood ^{b, c}	2 feet ^a
	Not fire-resistance rated	0 hours	3 feet
Openings in walls	Not allowed	NA	< 3 feet
	Unlimited	0 hours	3 feet ^a
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	3 feet ^a

For SI: 1 foot = 304.8 mm.

NA = Not Applicable.

- a. For residential subdivisions where all dwellings are equipped throughout with an automatic sprinkler system installed in accordance with Section P2904, the fire separation distance for exterior walls not fire-resistance rated and for fire-resistance-rated projections shall be permitted to be reduced to 0 feet, and unlimited unprotected openings and penetrations shall be permitted, where the adjoining lot provides an open setback yard that is 6 feet or more in width on the opposite side of the property line.
- b. The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave overhang if fireblocking is provided from the wall top plate to the underside of the roof sheathing.
- c. The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the rake overhang where gable vent openings are not installed.

SEE NOTE 2



NOTES

- 1) OWNER OF RECORD:
LAINE ELISABETH MAJOR
TAX MAP 4, LOT 68
15-17 NEW YORK ST
DOVER, NH 03820
SCRD: 5062-131
AREA: 2,790 SF, 0.06 ACRES
- 2) BASIS OF BEARING IS HELD FROM PLAN REF. #1.
- 3) PARCEL IS IN THE MULTI RESIDENTIAL (RM-U) DISTRICT:
MINIMUM LOT SIZE.....10,000 SF
MINIMUM FRONTAGE.....80 FT
SETBACKS:
FRONT.....7.6 FT*
SIDE.....6 FT**
REAR.....15 FT
MAXIMUM BUILDING HEIGHT.....40 FT
MAXIMUM LOT COVERAGE.....40%

* - AS PER THE DOVER ZONING ORDINANCE, FOOTNOTE 3 OF THE URBAN DENSITY MULTI RESIDENTIAL (RM-U) DISTRICT REGULATIONS SUMMARY, THE FRONT SETBACK SHALL BE THE AVERAGE FRONT SETBACKS OF ALL LOTS WITHIN THE SAME ZONE LOCATED ON THE SAME SIDE OF THE STREET, 250' IN EACH DIRECTION FROM THE CENTER OF THE FRONT LOT LINE. STRUCTURES MAY BE CONSTRUCTED WITHIN 5 FT PLUS OR MINUS OF THIS FRONT SETBACK.

THE RM-U ZONE EXTENDS TO LOT 70 TO THE WEST OF LOT 68. LOTS TO THE EAST OF LOT 68 ARE ENTIRELY WITHIN THE RM-U ZONE. THE AVERAGE SETBACKS OF ALL LOTS WITHIN THE RM-U ZONE ON THE SAME SIDE OF NEW YORK ST AND WITHIN 250' FROM THE CENTER OF THE FRONT LOT LINE ARE LISTED BELOW.

LOT 64 - 8.0 FT
LOT 65A - 7.6 FT
LOT 65 - 13.1 FT
LOT 66 - 6.5 FT
LOT 67 - 6.0 FT
LOT 69 - 5.8 FT
LOT 70 - 6.1 FT
TOTAL (7 LOTS) - 53.1 FT
AVERAGE DISTANCE = 53.1 / 7 = 7.6 FT

** - AS PER THE DOVER ZONING ORDINANCE SECTION 170-14.D.2), NONCONFORMING LOTS WITH A WIDTH OF LESS THAN 75 FEET SHALL HAVE A MINIMUM SIDE YARD OF SIX FEET.

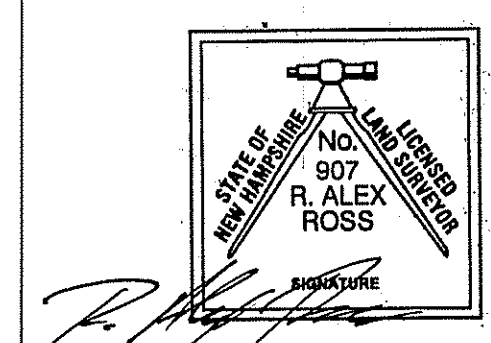
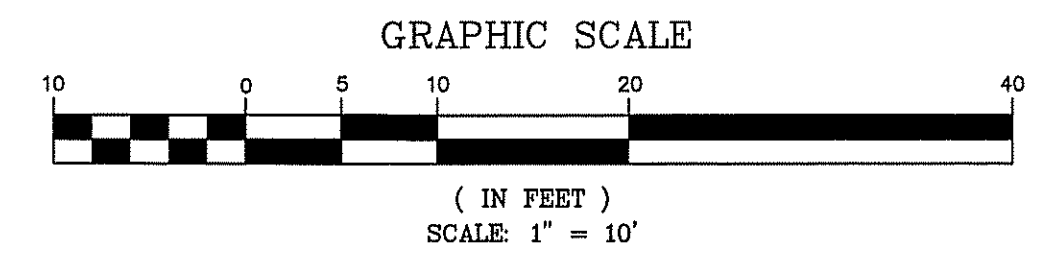
- 4) THE PARCEL IS NOT WITHIN A SPECIAL HAZARD FEMA FLOOD ZONE, AS PER FLOOD INSURANCE RATE MAP #33017C0330E, PANEL 330 OF 405, DATED SEPTEMBER 30, 2015. VERTICAL DATUM IS NAVD 1988.

REFERENCE PLANS

- 1) "EXISTING CONDITIONS PLAN AMER FAKHOURY & MICHELINE ELIAS" BY TRITECH ENGINEERING CORPORATION. DATED JANUARY 24, 2019. NOT RECORDED.
- 2) "CONDOMINIUM SITE PLAN 45 NEW YORK STREET TAX MAP 4 - LOT 59 FOR MR. ROBERT TRENT 21 EAGLE COURT GREENLAND, N.H. 03840" BY ROARING BROOK CONSULTANTS INC. DATED NOVEMBER 21, 2005. SCR 83-47
- 2) "PLAN OF LAND AT 45 NEW YORK STREET DOVER, N.H. FOR DANIEL PHILBRICK 153 PORTLAND ST. DOVER, N.H. 03820" BY CIVILWORKS INC. DATED MAY 5, 1986. SCR 29-69
- 3) "PLAN OF LOTS, FOR ROBERT & LORETTA LABRIE" BY G.L. DAVIS ASSOCIATES ENGINEERS. DATED JULY 1959. SCR 772-223

I ALEX ROSS, HEREBY CERTIFY:
A) THAT THIS SURVEY PLAT WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION.
B) THIS PLAN IS A RESULT OF FIELD SURVEY PERFORMED BY DDD & JGE DURING OCTOBER OF 2025. THE ERROR OF CLOSURE IS BETTER THAN 1/15,000. SURVEY PER NHLSA STANDARDS; CATEGORY 1, CONDITION 1.
C) "I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUB-DIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN."

R. Alex Ross
R. ALEX ROSS
2/6/26
DATE



LOCUS PLAN
N.T.S.

LEGEND

- MONUMENT FOUND
- CHAIN LINK FENCE

3	2/10/2026	REVISIONS	
2	1/30/2026	REVISIONS	
1	11/25/2025	FOR REVIEW	
ISS	DATE	DESCRIPTION OF ISSUE	
SCALE	1" = 10'		
CHECKED	A.ROSS		
DRAWN	D.D.D.		

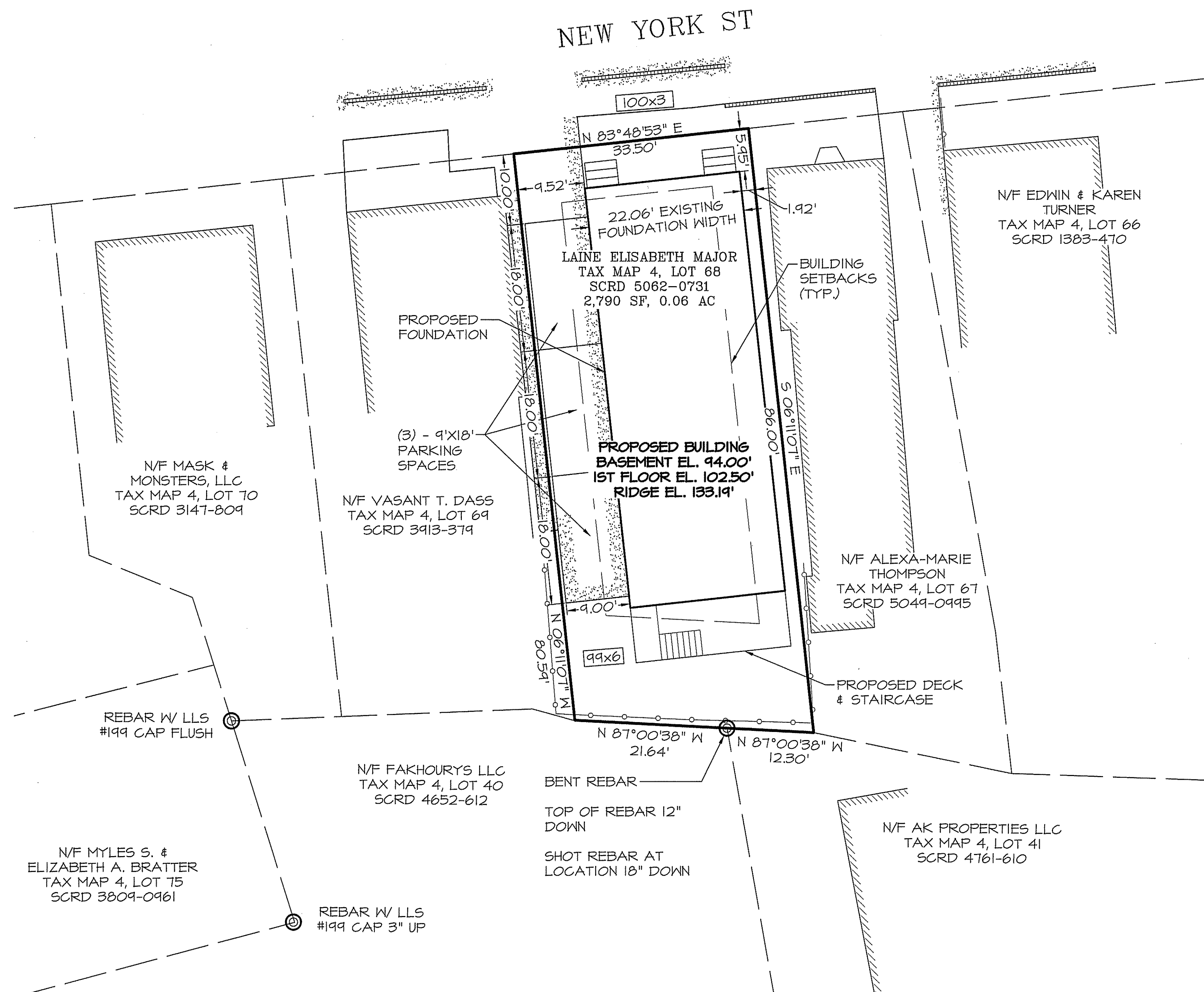
ROSS ENGINEERING, LLC
Civil/Structural Engineering
& Surveying
909 Islington St.
Portsmouth, NH 03801
(603) 433-7560

CLIENT
LARRY DUKES

TITLE
**EXISTING CONDITIONS
PLAN**

15-17 NEW YORK ST
DOVER, NH 03820
TAX MAP 4, LOT 68

JOB NUMBER	DWG. NO.	ISSUE
24-103	1 OF 2	3



NOTES

- OWNER OF RECORD:
LAINE ELISABETH MAJOR
TAX MAP 4, LOT 68
15-17 NEW YORK ST
DOVER, NH 03820
SCRD: 5062-731
AREA: 2,790 SF, 0.06 ACRES
- BASIS OF BEARING
- PARCEL IS IN THE MULTI RESIDENTIAL (RM-U) DISTRICT:
MINIMUM LOT SIZE.....10,000 SF
MINIMUM FRONTAGE.....80 FT
SETBACKS:
FRONT.....7.6 FT
SIDE.....6 FT
REAR.....15 FT
MAXIMUM BUILDING HEIGHT.....40 FT
MAXIMUM LOT COVERAGE.....40%
- LOT COVERAGES:
EXISTING
HOUSE.....1097 SF
PORCH.....110 SF
STAIRS & LANDINGS.....113 SF
ASPHALT.....321 SF
CONCRETE.....366 SF
WALKWAY.....16 SF
TOTAL.....2223 SF
LOT COVERAGE 2223 / 2790 = 79.7%

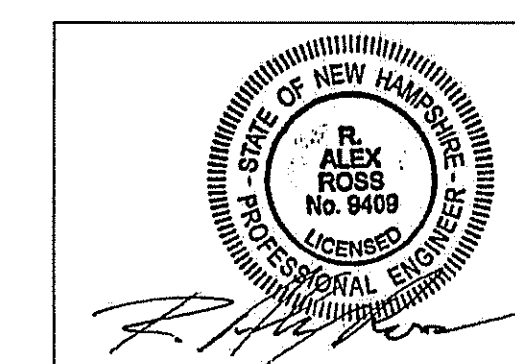
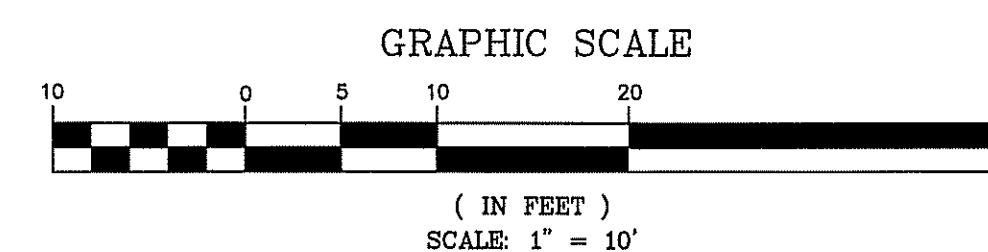
PROPOSED
HOUSE.....1317 SF
REAR DECK & STAIRCASE.....173 SF
FRONT STAIRS.....32 SF
ASPHALT.....604 SF
TOTAL.....2126 SF
LOT COVERAGE 2126 / 2790 = 76.2%
- BUILDING HEIGHT
AS PER THE DOVER ZONING ORDINANCE, HEIGHT OF BUILDING IS THE VERTICAL DISTANCE MEASURED FROM THE AVERAGE GRADE LEVEL ADJOINING THE BUILDING TO THE HIGHEST LEVEL OF THE ROOF SURFACE OR PARAPET, WHICHEVER IS GREATER.

THE AVERAGE GRADE WAS FOUND TO BE 100.00'
THE HIGHEST POINT ON THE ROOF IS PROPOSED TO BE 133.19'.

BUILDING HEIGHT = 133.19' - 100.00' = 33.19' < 40'

LEGEND

- ⊙ MONUMENT FOUND
- 100x00 SPOT ELEVATION
- CHAIN LINK FENCE
- ▨ VERTICAL GRANITE CURB



3	2/10/2026	REVISIONS
2	1/30/2026	REVISIONS
1	11/25/2025	FOR REVIEW
ISS.	DATE	DESCRIPTION OF ISSUE
SCALE	1" = 10'	
CHECKED	A.ROSS	
DRAWN	D.D.D.	

ROSS ENGINEERING, LLC
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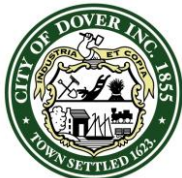
CLIENT
LARRY DUKES

TITLE

SITE PLAN

15-17 NEW YORK ST
DOVER, NH 03820
TAX MAP 4, LOT 68

JOB NUMBER	DWG. NO.	ISSUE
24-103	2 OF 2	3



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, May 21, 2026**
Meeting Time: **7:00 pm**

INTENT: The applicant requests a Variance from **Section 170-12(B), R-12 Table of Uses**, to construct a single-family home +/- seventy (72) feet from the front property line where the maximum permitted build-to-line is thirty-five (35) feet.

UNITS PROPOSED: One (1)

AGENDA ITEM: 3-C

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

FILE: ZONE-2026-0013

APPLICANTS: Ryan A. Hardin & Melissa L. Wheeler

OWNERS: Same

LOCATION: Long Hill Rd. (vacant parcel) (Tax Map A, Lot 18-B-4)

ACREAGE: ±0.61 acres (±26,638 s.f.)

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Residential

SURROUNDING LAND USE: Residential

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQ.:
No

ATTACHMENTS: Application, Variance Plan

STAFF RECOMMENDATION: Staff supports this variance request without conditions.

BACKGROUND INFORMATION

The subject parcel for this variance request is a vacant parcel located within the Medium Density Residential (R-12) District, directly to the south of 143 Long Hill Road. The parcel in question was the product of a subdivision recently approved by the Dover Planning Board in December of 2025.

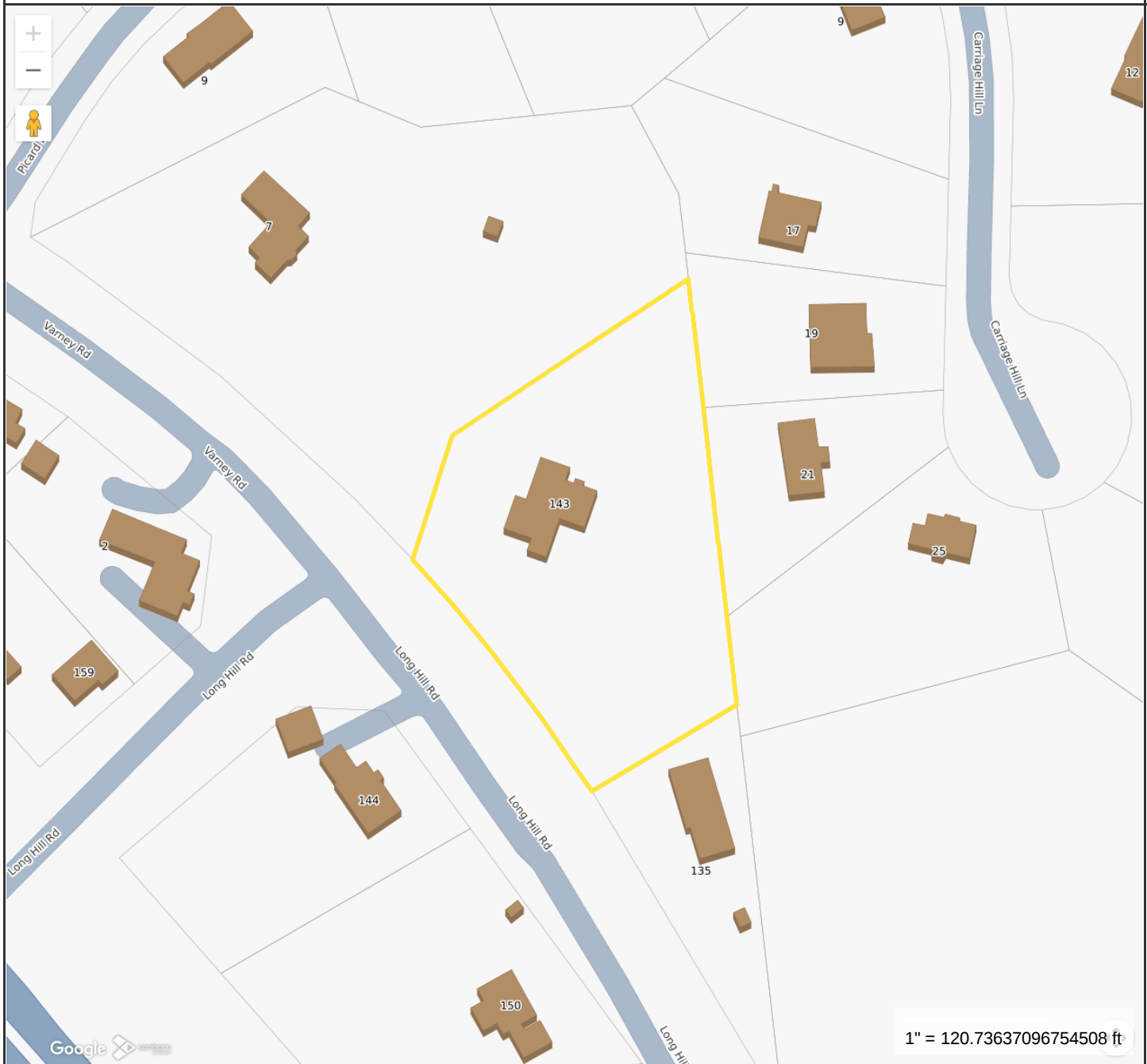
The applicant seeks a variance from the R-12's build-to-line requirement of 15' – 25', instead proposing a front setback of approximately 72.3'. The need for this variance relief stems from the site's topography, which gains elevation as you move from the front to the rear of the lot. Should the applicant comply with underlying zoning requirements, the leach field would be located, by default, in the rear of the property, and given the elevation change, that system would likely be required to be a pumped system, which is less reliable and more expensive than a gravity-fed system. Thus, the applicant proposes installing the leach field in front of the house, allowing the installation of the more affordable and reliable gravity-fed system.

Staff Recommendation

Staff supports this variance request without conditions. Staff does not see the public benefit in the denial of this variance, whereas if granted, the proposed home would closer match the existing front setbacks of neighboring properties and the applicants would be spared the extra expense of an inferior septic system.

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 this Board approve this variance request without conditions.

ZONE-2026-0013 LONG HILL ROAD

**Property Information**

Location 143 LONG HILL RD
Owner HARDIN RYAN A &
Land Use 101R
Zoning Code R-12
Property Id A0018-B00000

**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-2026-0013 FOR CITY OF DOVER, N.H.

Permit Type Zoning	Project:	App Date: 04/30/2026
Work Class: Variance	District: None	Exp Date: NOT AVAILABLE
Status: In Review	Square Feet: 0.00	Completed: NOT COMPLETED
Valuation: \$0.00	Assigned To: Blonigen, Rachel	Approval
Description: Seeking relief from the principal building 25 ft max - front build-to line for the R12 zone		Expire Date:

Parcel: A0018-B00000	Main	Address: 143 Long Hill Rd Dover, NH	Main	Zone: R-12(Residential - Medium Density)
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Applicant Northam Survey LLC 750 Central Avenue Suite N DOVER, NH 03820 Business: (603) 953-3164 Mobile: (603) 819-1092	Owner Hardin Construction Ryan Hardin 143 Long Hill rd Dover, NH 03820 Business: (603) 285-1645 Mobile: (603) 285-1645
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Permit Custom Fields

ZoneVariAppealPhDisa No bility	Number of Variances 1 Requested:	ZoneVariPlanDirectionsOn corner of Long hill road and Varney road inters
ZoneVariPlanSummary The proposal is to construct a single-family residential dwelling on the subject parcel in accordance with R12 zoning requirements. The project includes a new foundation, driveway, connection to municipal water, and installation of an on-site subsurface septic system. Due to site topography, the leach field is proposed in the front portion of the lot to allow for a gravity-fed system, which results in the house being located further back on the property	ZoneVariAppealSect 170-3 (R12)	ZoneVariAppealSectDe seeking relief from the tail principal building 25 ft max - front to build line for the R12 zone
What is the parcel zoned?	R-12	ZoneVariAppeal1Public the proposed building Interest location is driven by site conditions, specifically the placement of a subsurface leach field in the front portion of the lot to allow for a gravity-fed system based on existing topography. This configuration avoids the need for a pumped system and represents the most practical and reliable design. The increased setback will not negatively affect traffic, safety, or neighborhood character and is

consistent with the
pattern of surrounding
homes, which are
generally set back further
from the road.

PERMIT SNAPSHOT REPORT (ZONE-2026-0013)

ZoneVariAppeal2OrdinanceSpirit the proposal maintains the intent of the R-12 dimensional requirements by providing appropriate spacing and compatibility with surrounding properties. While the structure is located beyond the prescribed build-to line, the placement reflects both site constraints and the existing development pattern along the street, where neighboring homes are situated at greater setbacks. As such, the proposed location remains consistent with the ordinance's goal of orderly and context-sensitive development.

ZoneVariAppeal3SubstantialJustice strict application of the ordinance would prevent reasonable use of the property due to site constraints related to the required leach field placement. Locating the system in the front allows for a gravity-fed design, while relocating it to the rear would likely require a pumped system. Granting the variance allows a practical layout with minimal impact to the public

ZoneVariAppeal4PropertyValue the proposed structure will be consistent in use, scale and appearance with surrounding residential properties, and the increased setback will not create adverse visual or functional impacts. The placement is compatible with neighboring homes, which are generally located further from the road, and may enhance the overall streetscape. As such, property values will not be negatively affected.

ZoneVariAppeal5A1UnNecHardship the lot is constrained by topography that direct the placement of a subsurface leach field in the front portion of the property of the property to allow for a gravity-fed system. This limits the available buildable area within the require front build-to line. These conditions are unique to the property and not the result of the applicants actions. Further, by adhering strictly to the ordinance, the placement of the home would distinguish it from the other properties in the area.

ZoneVariAppeal5A2NoFairRelate the intent of the front build-to line is to promote consistent building placement; we're proposing consistent building placement by nearly matching neighboring properties. Strict application of the requirement would not further its intended purpose in this case and would instead prevent a practical and appropriate site design.

ZoneVariAppeal5A3ReasonableUse the project involves a permitted residential use within the R-12 district and is consistent with the surrounding neighborhood. The proposed layout accommodates a gravity-fed septic system and reflects the existing pattern of development along the street. The variance is limited to building placement and allows reasonable use of the property without creating adverse impacts.

ZoneVariAppeal5BNoReasonableUse n/a

Attachment File Name	Added On	Added By	Attachment Group	Notes
1669 SURVEY PROPOSED CONDITION 2026-04-29.pdf	04/30/2026 13:29	Salovitch, Eric		Uploaded via Dover, NH - Permits Plans Licensing
Abutter List.pdf	04/30/2026 13:29	Salovitch, Eric		Uploaded via Dover, NH - Permits Plans Licensing
Zoning Board of Adjustment Application 2025.pdf	04/30/2026 13:29	Salovitch, Eric		Uploaded via Dover, NH - Permits Plans Licensing
Signature_Eric_Salovitch_4/30/2026.jpg	04/30/2026 13:29	Salovitch, Eric		Uploaded via CSS
Permit Snapshot Report.pdf	04/30/2026 13:30	Service, EnerGov		Attached by IO - ATTACH: Initial Permit Snapshot

Invoice No.	Fee	Fee Amount	Amount Paid
INV-2026001376	Planning Zoning Variance Application Fee	\$200.00	\$0.00
Total for Invoice INV-2026001376		\$200.00	\$0.00
Grand Total for Permit		\$200.00	\$0.00

PERMIT SNAPSHOT REPORT (ZONE-2026-0013)

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Planning Permit Application Review v.1	In Review	04/30/2026	05/20/2026		No	No
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Administrator	Planning	Crouser, Paul	In Review	04/30/2026	05/20/2026	

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1		04/30/2026 0:00	
Confirm application complete v.1	Generic Action		04/30/2026 13:41
Planning Permit Application Review v.1	Receive Submittal	04/30/2026 13:41	
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		



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

Zoning Board of Adjustment City of Dover, New Hampshire

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

INSTRUCTIONS TO APPLICANTS APPEALING TO THE DOVER ZONING BOARD OF ADJUSTMENT

PLEASE READ ALL INSTRUCTIONS CAREFULLY BEFORE FILLING OUT ATTACHED

Dear Applicant:

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

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

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

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

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

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

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

You may represent yourself or authorize, in writing, someone else to represent you. You have to deliver or mail one (1) copy of the completed application, with all 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.

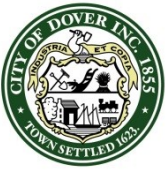
Also, you are required to process your application through our online portal at www.dover.permits.nh.gov. You can register on the portal, unless you already have a username and password. Once you have logged on, select "Apply". You would then type in "Zoning" in the search bar. Then select the type of application that you are requesting.

Once you submit your application on the portal, you will be invoiced the application fee of \$200.00, which can be paid either through the portal or you can drop off a check in our office. After review of the application, we will then send you a second invoice for the abutter notification and the legal notice fee. We will also contact you when we have a property identification poster ready for you to pick up and post on the property. All fees must be paid before the meeting or it may be postponed.

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 in the Planning Department office. It will also be posted in the newspaper. Certified letters will be mailed to you and to all of the abutters before the date of the hearing.

Please be advised that a decision may not be made the same night of the hearing. After the meeting, you will be sent a notice of decision letter.

If you have any questions, please feel free to reach out to our office at 603.516.6008.



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Revised December 16, 2025]

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

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Eric Salovitch, Northam Survey LLC Phone # 603-953-3164

Address of Applicant: 750 Central Ave, Suite N, Dover NH

E-Mail Address: eric@northamsurvey.com

PROPERTY OWNER (if different from applicant): Ryan Hardin

Address: 143 Long Hill Road, Dover NH Phone # 603-285-1645

E-Mail Address: ryanhardin24@gmail.com

PROPERTY/PARCEL INFORMATION

Address: Map A Lot 18-B-4

Brief Directions: On corner of Long hill road and Varney road intersection

Zoning District: R12 Assessor's Map # A Lot(s) # 18-B-4

TYPE OF APPEAL: (Please check one)

☒ Variance	from Section <u>170-3 (R12)</u> of the Zoning Ordinance
☐ Physical Disability Variance (RSA 674:33-V)	from Section _____ of the Zoning Ordinance
☐ Special Exception	per Section _____ of the Zoning Ordinance
☐ Appeal of Administrative Decision	regarding Section _____ of the Zoning Ordinance
☐ Equitable Waiver	per Section _____ of the Zoning Ordinance

DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY:

The proposal is to construct a single-family residential dwelling on the subject parcel in accordance with R12 zoning requirements. The project includes a new foundation, driveway, connection to municipal water, and installation of an on-site subsurface septic system. Due to site topography, the leach field is proposed in the front portion of the lot to allow for a gravity-fed system, which results in the house being located further back on the property.

APPLICATION CHECKLIST (Please check off)

Please submit your application through our online portal at www.dover.permits.nh.gov
You will also be required to drop off one copy of the items listed below (A through E).

- 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. **1 copy 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. **1 copy 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 ½ x 11** (This is in addition to the 1 copy required in 'C' above). _____ x
- E. **1 copy of photos** (suggested but optional) and any **other materials** applicant would like to submit in support of the application. _____

Abutter Notification/Mailing Labels - this office will create and print the abutter list and provide labels in triplicate for each abutter. The fee schedule listed below can be used as a guide, only. **Please do not submit a check with this paper application. You will be invoiced through the portal.**

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 we have reviewed your application.

All fees must be paid prior to the meeting or it may stand the chance of not being heard.

1. Applicant & Owner, engineer, architect, land surveyor or soil scientist
Certified letters fee # _____ of x \$13.00
2. Certified letters fee: # of abutters _____ X \$13.00
3. First Class Mail fee (for individual owner of units within a condominium or other collective form of ownership): # of abutters _____ X \$3.00
4. Creating/Printing Abutter Labels in triplicate per sheet _____ X \$10.00

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 fee \$120.00

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

A variance is requested from Section(s) 170-3 (R12) of the Zoning Ordinance to permit:
seeking relief from the principal building 25 ft max - front to build line for the R12 zone

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 building location is driven by site conditions, specifically the placement of a subsurface leach field in the front portion of the lot to allow for a gravity-fed system based on existing topography. This configuration avoids the need for a pumped system and represents the most practical and reliable design. The increased setback will not negatively affect traffic, safety, or neighborhood character and is consistent with the pattern of surrounding homes, which are generally set back further from the road.

2. Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because:
the proposal maintains the intent of the R-12 dimensional requirements by providing appropriate spacing and compatibility with surrounding properties. While the structure is located beyond the prescribed build-to line, the placement reflects both site constraints and the existing development pattern along the street, where neighboring homes are situated at greater setbacks. As such, the proposed location remains consistent with the ordinance's goal of orderly and context-sensitive development.

3. Granting the variance would do substantial justice because:
strict application of the ordinance would prevent reasonable use of the property due to site constraints related to the required leach field placement. Locating the system in the front allows for a gravity-fed design, while relocating it to the rear would likely require a pumped system. Granting the variance allows a practical layout with minimal impact to the public

4. The value of surrounding property will not be diminished because:
the proposed structure will be consistent in use, scale, and appearance with surrounding residential properties,
and the increased setback will not create adverse visual or functional impacts. The placement is compatible
with neighboring homes, which are generally located further from the road, and may enhance the overall
streetscape. As such, property values will not be negatively affected.

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 lot is constrained by topography that direct the placement of a subsurface leach field in the front portion of
the property of the property to allow for a gravity-fed system. This limits the available buildable area within
the require front build-to line. These conditions are unique to the property and not the result of the applicants
actions. Further, by adhering strictly to the ordinance, the placement of the home would distinguish it from the
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:

the intent of the front build-to line is to promote consistent building placement; we're proposing consistent
building placement by nearly matching neighboring properties. Strict application of the requirement would not
further its intended purpose in this case and would instead prevent a practical and appropriate site design.

and

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

the project involves a permitted residential use within the R-12 district and is consistent with the surrounding
neighborhood. The proposed layout accommodates a gravity-fed septic system and reflects the existing pattern of
development along the street. The variance is limited to building placement and allows reasonable use of the
property without creating adverse impacts.

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 white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page, typical of notebook paper. There are no margins, 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 §170-55 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

WE WILL NOTIFY YOU THAT THE PROPERTY IDENTIFICATION SIGN IS READY TO BE PICKED UP. IT MUST BE POSTED ON THE PROPERTY FOR 5 DAYS PRIOR TO HEARING.

FAILURE TO POST MAY RESULT IN APPLICATION NOT BEING ACCEPTED.

Signature of Applicant*

Signature of Owner*

*Both Signatures Required

AUTHORIZATION TO ENTER SUBJECT PROPERTY

I, and my successors, hereby authorize members of the Dover Zoning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner: _____ Date: _____

ZONE-2026-0013
143 LONG HILL ROAD

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
A0018-I00000	135 LONG HILL RD	CHAUVEY TRACI TRUSTEE	MCALLISTER BEN JR REVOCABLE TRUST 2024	135 LONG HILL RD	DOVER	NH	03820
A0015-005000	17 CARRIAGE HILL LN	GILBERT ROBERT M & ALEXIS T TRUSTEES	GILBERT FAMILY TRUST OF 2019	17 CARRIAGE HILL LN	DOVER	NH	03820
A0015-006000	19 CARRIAGE HILL LN	CARIGNAN ROBERT G & JEANNE M CO-TRUSTEES	ROBERT G & JEANNE M CARIGNAN REVOCABLE L	19 CARRIAGE HILL LN	DOVER	NH	03820
A0019-017000	15 PICARD LN	SYCAMORE MARY GAIL &	SYCAMORE PAUL E	40 MEADOW LN	ELIOT	ME	03903
A0015-004000	9 CARRIAGE HILL LN	BANNISTER JAMES R		9 CARRIAGE HILL LN	DOVER	NH	03820
A0015-008000	25 CARRIAGE HILL LN	DEMERS SCOTT		2 WASHINGTON ST SUITE 304	DOVER	NH	03820-4241
A0015-000000	129 LONG HILL RD	STONECROFT HOMEOWNERS' ASSOCIATION		24 VARNEY RD EXT	DOVER	NH	03820
A0019-003000	VARNEY RD	MIDDLESEX REALTY LLC		PO BOX 67141	CHESTNUT HILL	MA	02467
A0015-007000	21 CARRIAGE HILL LN	CADY JEFFREY M	CADY LAUREN N	21 CARRIAGE HILL LN	DOVER	NH	03820
A0018-P00000	150 LONG HILL RD	NICKERSON WILLIAM H		150 LONG HILL ROAD	DOVER	NH	03820
A0018-C00000	144 LONG HILL RD	LUCERO HECTOR GOMEZ &	AGUILERA LAURA PAOLA RIOS	144 LONG HILL RD	DOVER	NH	03820
A0019-016000	19 PICARD LN	MAIN CAROL F &	WILLIAMS GREGORY E	19 PICARD LN	DOVER	NH	03820
A0018-B00003	7 VARNEY RD	BUCKINGHAM MARGARET		7 VARNEY RD	DOVER	NH	03820-6202
A0018-G00000	2 VARNEY RD	DOWNS VERONICA	DOWNS BENJAMIN	2 VARNEY RD	DOVER	NH	03820
A0018-B00000	143 LONG HILL RD	HARDIN RYAN A & ERIC SALOVITCH	WHEELER MELISSA L NORTHAM SURVEY LLC	143 LONG HILL RD 239 LONG HILL ROAD	DOVER DOVER	NH NH	03820 03820



Abutters List

Ryan Hardin Subdivision
143 Long Hill Road, Dover NH

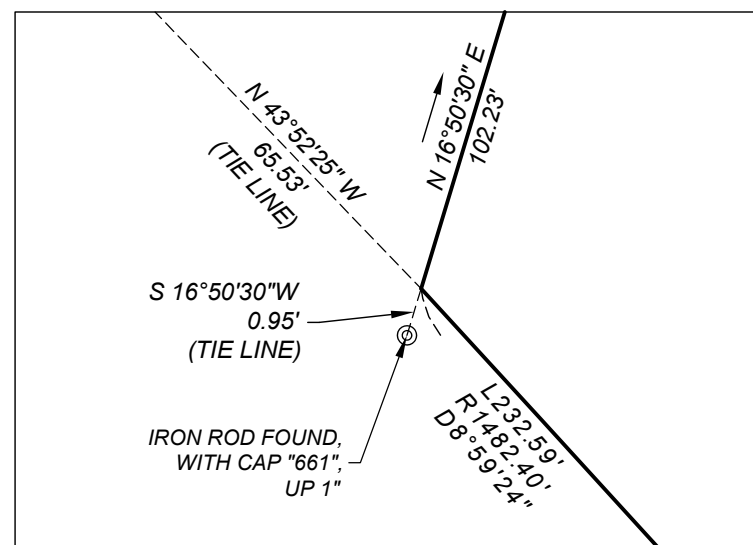
November 17, 2025

NS1669

Assessors Map		Abutter Name	Mailing Address
Map	Lot		
A0018	B00000	Ryan Hardin & Melissa Wheeler	143 Long Hill Road Dover NH 03820
A0018	I00000	Traci Chauvey, Trustee	135 Long Hill Road Dover NH 03820
A0015	005000	Robert & Alexis Gilbert	17 Carriage Hill Lane Dover NH 03820
A0015	008000	Scott Demers	2 Washington Street Suite 304 Dover NH 03820
A0015	006000	Robert & Jeanne Carignan	19 Carriage Hill Lane Dover NH 03820
A0015	007000	Jeffrey Cady	21 Carriage Hill Lane Dover NH 03820
A0018	B00003	Margaret Buckingham	7 Varney Road Dover NH 03820
A0018	G00000	Ben & Veronica Downs	2 Varney Road Dover NH 03820
A0018	C00000	Gomez Lucero & Laura Aguilera	144 Long Hill Road Dover NH 03820
A0018	P00000	William Nickerson	150 Long Hill Road Dover NH 03820
Surveyor		Northam Survey, LLC	750 Central Ave, Suite N Dover, NH 03820

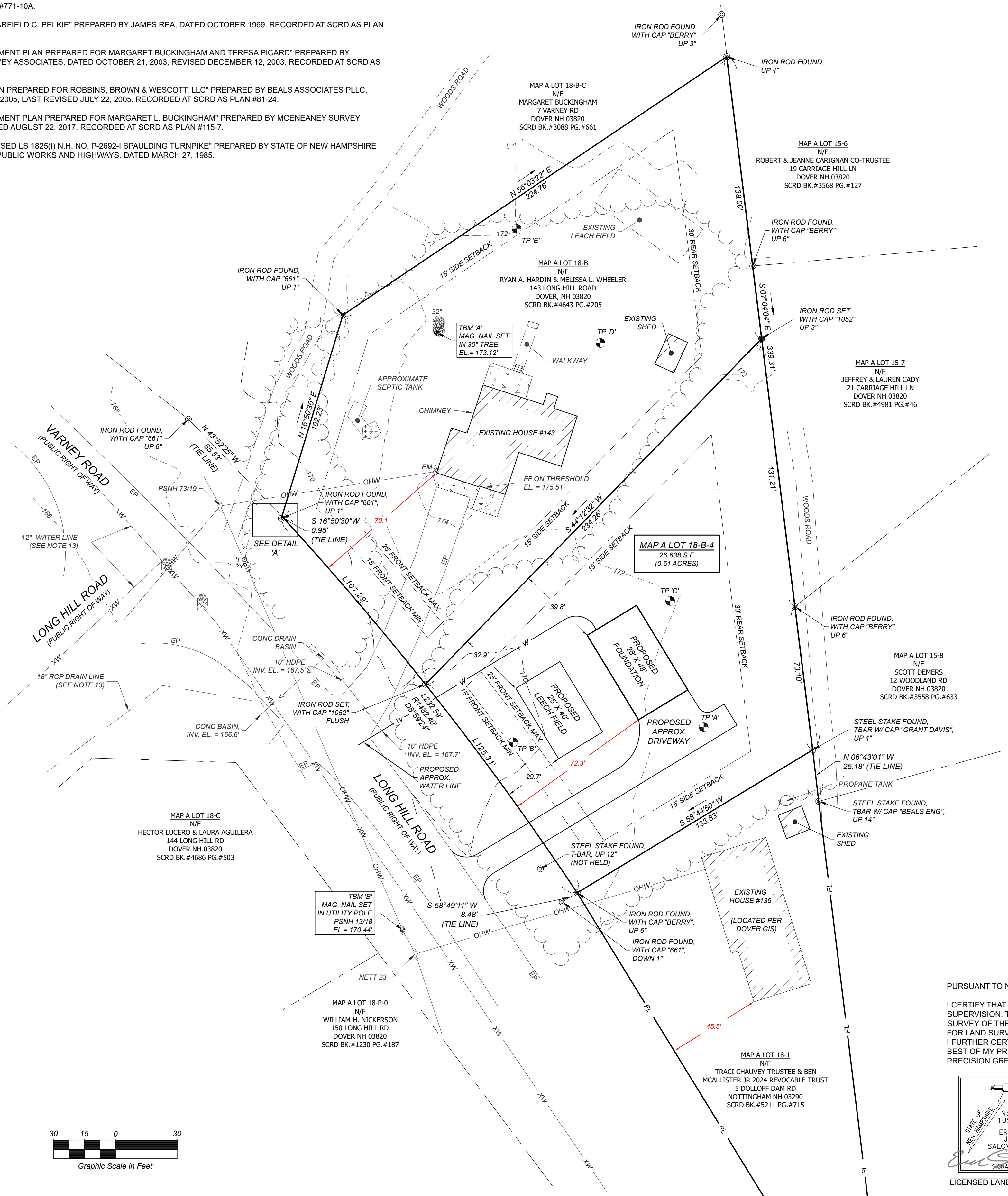
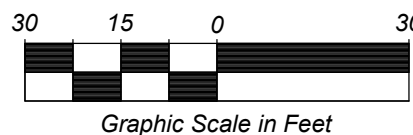
PLAN REFERENCES:

- "PLAN OF LOT FOR LUCETTE LEVESQUE" PREPARED BY G. L. DAVIS & ASSOCIATES, DATED OCTOBER 1963. RECORDED AT SCRD AS PLAN #771-10A.
- "PLAN OF LAND GARFIELD C. PELKIE" PREPARED BY JAMES REA, DATED OCTOBER 1969. RECORDED AT SCRD AS PLAN #12-F1-18.
- "LOT LINE ADJUSTMENT PLAN PREPARED FOR MARGARET BUCKINGHAM AND TERESA PICARD" PREPARED BY MCENEANEY SURVEY ASSOCIATES, DATED OCTOBER 21, 2003, REVISED DECEMBER 12, 2003. RECORDED AT SCRD AS PLAN #75-29.
- "SUBDIVISION PLAN PREPARED FOR ROBBINS, BROWN & WESCOTT, LLC" PREPARED BY BEALS ASSOCIATES PLLC, DATED MARCH 18, 2005, LAST REVISED JULY 22, 2005. RECORDED AT SCRD AS PLAN #81-24.
- "LOT LINE ADJUSTMENT PLAN PREPARED FOR MARGARET L. BUCKINGHAM" PREPARED BY MCENEANEY SURVEY ASSOCIATES, DATED AUGUST 22, 2017. RECORDED AT SCRD AS PLAN #115-7.
- "PLANS OF PROPOSED LS 1825(I) N.H. NO. P-2692-1 SPAULDING TURNPIKE" PREPARED BY STATE OF NEW HAMPSHIRE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS. DATED MARCH 27, 1985.



DETAIL 'A'

LEGEND:	
MAP 137 LOT 11	ASSESSORS MAP AND LOT NUMBER
BK. PG.	BOOK / PAGE
CONC.	CONCRETE
EM	ELECTRIC METER
EP	EDGE OF PAVEMENT
FF	FINISHED FLOOR
INV.	INVERT
MONTBS	MONUMENT TO BE SET
N/F	NOW OR FORMERLY
SCRD	STRAFFORD COUNTY REGISTRY OF DEEDS
S.F.	SQUARE FEET
TBM	TEMPORARY BENCHMARK
⊙	IRON PIPE/ROD FOUND
□	BOUND FOUND
⊙	MONUMENT TO BE SET
⊙	BOUNDARY STAKE
⊙	UTILITY POLE
⊙	CONIFEROUS TREE
⊙	HYDRANT
⊙	WATER GATE VALVE
—	OVERHEAD WIRE
—	BOUNDARY LINE
—	APPROXIMATE BOUNDARY LINE
—	SETBACK LINE
—	TREE LINE
—	SHRUB LINE
—	DRAIN LINE
—	EXISTING CONTOUR
—	CONCRETE
—	LANDSCAPING
TP	TEST PIT



NOTES:

- SUBJECT PARCEL: TAX MAP A LOT 18-B-4
143 LONG HILL ROAD
DOVER, NH 03820
NS PROJECT #1669
- PARCEL AREA: 26,638 S.F. (0.61 AC)
- THE PURPOSE OF THIS PLAN IS TO SHOW A SUBDIVISION OF THE SUBJECT PARCEL.
- DIMENSIONAL REQUIREMENTS:**
MIN LOT AREA: 12,000 S.F.
MAX LOT COVERAGE: 30%
MIN LOT FRONTAGE: 100'
MIN/MAX FRONT SETBACK: 15' MIN/25' MAX
MIN SIDE SETBACK: 15'
MIN REAR SETBACK: 30'
MAX BUILDING HEIGHT: 35'
- ZONING INFORMATION SHOWN HEREON IS PER THE CITY OF DOVER ZONING ORDINANCE DATED 1965 LAST REVISED 2024. ADDITIONAL REGULATIONS APPLY, THE LAND OWNER IS RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE TOWN, STATE, AND FEDERAL REGULATIONS.
- FLOOD HAZARD ZONE: "X" WITH A BASE FLOOD ELEVATION OF AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN, PER FIRM MAP #33017C0310E, REVISED SEPTEMBER 30, 2015.
- THE INTENT OF THIS PLAN IS TO SHOW THE LOCATION OF BOUNDARIES IN ACCORDANCE WITH THE CURRENT LEGAL DESCRIPTIONS. IT IS NOT AN ATTEMPT TO DEFINE UNWRITTEN RIGHTS, DETERMINE THE EXTENT OF OWNERSHIP, OR DEFINE THE LIMITS OF TITLE.
- FIELD SURVEY COMPLETED BY NORTHAM SURVEY IN JULY 2025 USING A TRIMBLE S5 TOTAL STATION WITH A TRIMBLE TSC3 DATA COLLECTOR, A TRIMBLE R12 GPS RECEIVER AND A SOKKIA B31 AUTO LEVEL.
- HORIZONTAL DATUM IS NAD83(2011) NEW HAMPSHIRE STATE PLANE COORDINATES PER STATIC GPS OBSERVATIONS.
- THE VERTICAL DATUM IS NAVD88 PER STATIC GPS OBSERVATIONS. CONTOURS SHOWN HEREON ARE PER NOAA LIDAR ELEVATION DATABASE.
- EASEMENTS, RIGHTS, AND RESTRICTIONS SHOWN OR IDENTIFIED ARE THOSE WHICH WERE FOUND DURING RESEARCH PERFORMED AT THE STRAFFORD COUNTY REGISTRY OF DEEDS. OTHER RIGHTS, EASEMENTS, OR RESTRICTIONS MAY EXIST WHICH A TITLE EXAMINATION OF SUBJECT PARCEL(S) WOULD DETERMINE.
- THERE IS AN UNCERTAINTY INVOLVED WITH ATTEMPTING TO DETERMINE THE LOCATION AND WIDTH OF A ROADWAY RIGHT OF WAY DUE TO INCOMPLETE, OBLITERATED, OR LOST DOCUMENTS WHEN RESEARCHING ROAD RECORDS. RESEARCH FOR LONG HILL ROAD WAS CONDUCTED AT THE STRAFFORD COUNTY REGISTRY OF DEEDS AND DOVER CITY HALL. ALTHOUGH NO ROADWAY LAYOUT WAS FOUND, DOVER ROAD BOOK 3 PAGE 62 & 63 REFERENCE THE "STRAIGHTENING AND WIDENING" OF LONG HILL ROAD, DATED OCTOBER 1857. THE PUBLIC RIGHT OF WAY WAS DETERMINED BASED ON REFERENCE PLAN 6.
- THE LOCATION OF UNDERGROUND UTILITY INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE. WATER AND DRAIN LINE LOCATIONS WERE TAKEN FROM CITY OF DOVER GIS MAPS AND NORTHAM SURVEY LLC MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF UNDERGROUND UTILITIES SHOWN. PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR SHALL CONTACT DIG SAFE.
- THE SUBJECT PARCEL WILL BE SERVED BY MUNICIPAL WATER AND ON-SITE SEPTIC. THE EXISTING LOT IS SERVED BY MUNICIPAL WATER AND ON-SITE SEPTIC.
- THE SUBJECT PARCEL CONTAINS 100% WIB (WINDSOR LOAMY FINE SAND, CLAY SUBSOIL VARIANT) PER NRCS SOIL SURVEY DATABASE STRAFFORD COUNTY, NEW HAMPSHIRE VERSION 26, SEPTEMBER 9, 2025.
- THE INSTALLATION OF ELECTRIC POWER, CABLE TELEVISION, AND PHONE LINES SHALL BE UNDERGROUND THROUGHOUT THE SITE FOR WHICH DEVELOPMENT IS PROPOSED.
- SITE CONSTRUCTION HOURS SHALL BE LIMITED TO MONDAY-FRIDAY 7AM-6PM, SATURDAY AND SUNDAY 9AM-4PM. HOURS OF CONSTRUCTION MUST BE DOCUMENTED ON A SITE CONSTRUCTION SIGN ALONG WITH THE CONTACT INFORMATION FOR THE GENERAL CONTRACTOR. SAID SIGNAGE MUST BE LOCATED AND APPROVED BY THE CITY ENGINEER OR PLANNING DIRECTOR.
- A WETLANDS INVESTIGATION WAS PERFORMED IN ACCORDANCE WITH ENV-WQ 1014.06 BY CHRISTOPHER S. ALBERT, CWS# 00021 (NO WETLANDS FOUND WITHIN 75').
- THE CITY OF DOVER PLANNING DEPARTMENT APPROVED OF THE SUBDIVISION AT THE DECEMBER 9, 2025 PLANNING BOARD MEETING. THE PLANNING FILE IS #SUBM-2025-0007, AND THE NHDES SUBDIVISION APPROVAL NUMBER IS CA1998012606.

PROPOSED CONDITIONS

FOR
RYAN HARDIN & MELISSA L. WHEELER
OF
TAX MAP A LOT 18-B-4
143 LONG HILL RD
DOVER NH 03820
COUNTY OF STRAFFORD

SCALE: 1"=30' (22x34) 1"=60' (11x17)

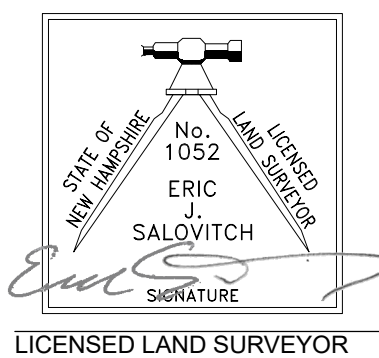
JOB NO.	1669	DATE:	2026-04-20
DRAWN BY:	JIR	DRAWING:	1669 SURVEY.DWG
CHECKED BY:	EJS	SHEET:	1 OF 1

NO.	DATE	DESCRIPTION	BY

PURSUANT TO NEW HAMPSHIRE REVISED STATUTES ANNOTATED 676:18, II, III AND IV AND 672:14:

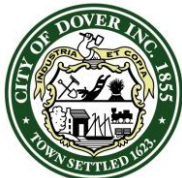
I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION. THIS SURVEY CONFORMS TO THE ACCURACY REQUIREMENTS OF AN URBAN SURVEY OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS.

I FURTHER CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AND IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE. RANDOM TRAVERSE SURVEY BY TOTAL STATION WITH A PRECISION GREATER THAN 1:15,000.



APRIL 20, 2026
DATE





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, May 21, 2026**
Meeting Time: **7:00 pm**

INTENT: The applicant requests four Variances from **Section 170-12, R-12 Table of Uses**, to subdivide the parcel yielding two new lots, each with non-conforming frontages of +/- ninety-four (94) feet where one-hundred (100) feet is required and nonconforming areas of +/- nine-thousand five-hundred (9,500) s.f. where twelve-thousand (12,000) s.f. is required.

UNITS PROPOSED: One (1)

AGENDA ITEM: 3-D

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

FILE: ZONE-2026-0014

APPLICANTS: Fergus Cullen

OWNERS: Morgan & Eileen Allen Irrevocable Trust

LOCATION: 53 Cataract Ave. (Tax Map 14, Lot 6)

ACREAGE: Existing / Post Subdivision

Existing: ± 0.44 acres ($\pm 19,166$ s.f.)

Post (parent): ± 0.22 acres ($\pm 9,593$ s.f.)

Post (new): ± 0.22 acres ($\pm 9,593$ s.f.)

EXISTING LAND USE: Residential

PROPOSED LAND USE: Residential

SURROUNDING LAND USE: Residential

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQ.:

Yes, approval of Minor Subdivision Plan required

ATTACHMENTS: Application, Variance Plan

STAFF RECOMMENDATION: Staff supports this variance request with conditions.

BACKGROUND INFORMATION

The subject parcel for this variance request is located at 53 Cataract Ave. within the Medium-Density Residential (R-12) Zoning District.

The applicant, through authorization of the current owner, is seeking four (4) variances necessary to subdivide the property in half, with the intent of constructing a single-family home on the newly created lot. The variances are as follows:

1. Post-subdivision, the parent parcel will have $\pm 94'$ of frontage, where 100' is required;
2. Post-subdivision, the new lot will also have $\pm 94'$ of frontage, where 100' is required;
3. Post-subdivision, the parent parcel will have $\pm 9,500$ s.f. of lot area, where 12,000 s.f. is required; and
4. Post-subdivision, the new lot will also have $\pm 9,500$ s.f. of lot area, where 12,000 s.f. is required.

STAFF RECOMMENDATION

Staff supports these variance requests with proposed conditions below as the relief sought yields two lots comparable to the surrounding neighborhood and because this Board has approved similar such variances in order to permit a minor subdivision where the two resulting lots would be dimensionally non-conforming by a small degree. Staff would consider the deviations from underlying zoning ($\pm 12'$ short of compliant frontage and $\pm 4,000$ s.f. short of compliant lot area) to be fairly minor deviations consistent with previously-approved variances.

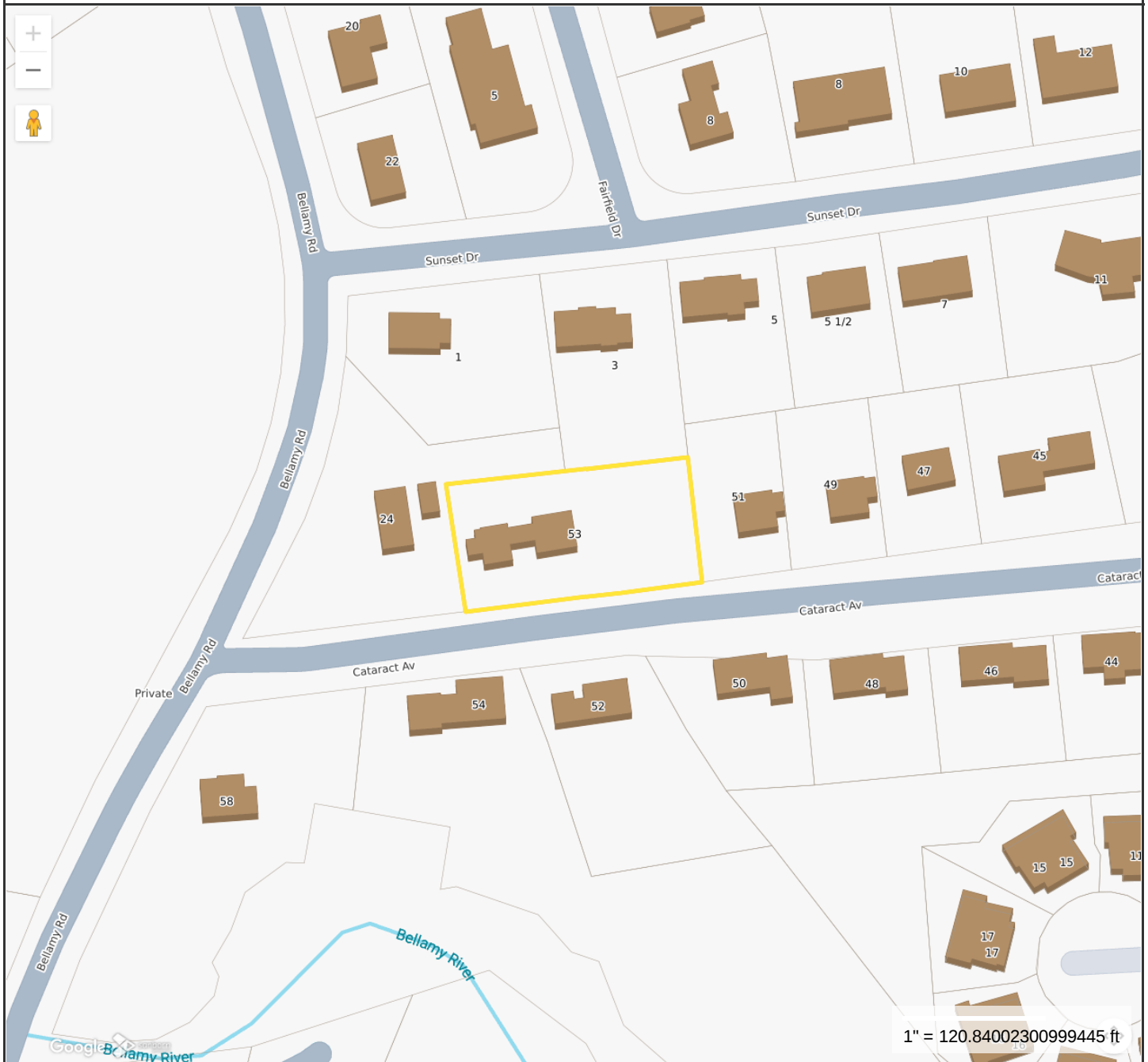
It also bears mentioning that these variance requests merely enable the applicant permission to seek a subdivision from the Planning Board, it does not inherently approve said subdivision.

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 four requests. Based on the evidence presented, Staff recommends that this Board approve these variance requests with the following conditions to ensure future compliance with the narrative presented to the Board:

1. The applicant receives minor subdivision approval from the Dover Planning Board;
2. Residential structures for both properties, post-subdivision, shall be restricted to single-family home use only and shall not be converted to hold more than one (1) dwelling unit (save for ADUs pursuant to the rules set forth under §170-24).

This condition shall be memorialized by separate deed restrictions for each property, to be recorded at the Strafford County Registry of Deeds.

Staff Memo Map ZONE-2026-0014

**Property Information**

Location 53 CATARACT AV
Owner MORGAN ALLEN & EILEEN TRUSTEES
Land Use 104R
Zoning Code R-12
Property Id 14006-000000



**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-2026-0014 FOR CITY OF DOVER, N.H.

Permit Type Zoning	Project:	App Date: 04/30/2026
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
Description: Subdivision, renovation, addition, new construction		Expire Date:

Parcel: 14006-000000 Main	Address: 53 Cataract Av Dover, 03820 Main	Zone: R-12(Residential - Medium Density)
----------------------------------	---	---

Applicant
Fergus Cullen
152 Boxwood Ln
Dover, NH 03820
Business: (603) 520-5450

Permit Custom Fields

Number of Variances 4
Requested:

ZoneVariPlanDirections This property is .44 acres
(about 19,166 sq feet)

ZoneVariPlanSummary f this waiver application is approved, the applicant intends to demolish the older unit and renovate the remaining unit as a single-family home. This may include an addition such as the construction of a garage. The property will cease to be a duplex. The proposed new lot is expected to be developed into a single-family home. The applicant is considering the inclusion of ADUs, which are permitted by right

ZoneVariAppealSect 170-12

ZoneVariAppealSectDe Section 170-12 points to the Dimensional Requirements and the Table of Uses. Lots in R-12 are required to be a minimum of 12,000 square feet and have 100 feet of frontage. The applicant seeks four variances to allow this lot to be subdivided approximately in half. Each resulting lot would have about 9,583 square feet and 96 feet of frontage, so both lots would require two variances each, one for square footage and one for frontage.

What is the parcel zoned?

R-12

ZoneVariAppeal1PublicWaiving the terms of the Interest Ordinance will not be contrary to the public interest

because:
a) The proposed lots will be consistent with the surrounding neighborhood

and will "fit in". The majority of lots in the vicinity are less than 12,000 square feet

PERMIT SNAPSHOT REPORT (ZONE-2026-0014)

	(.275 acres) and several have less than 100 feet of frontage. These include the three abutting parcels immediately east of the subject property. b) This proposed subdivision avoids a net loss of housing units, which is in the community's interest and consistent with our Master Plan. c) The intended course of action will more than double the assessed value of the original property, generating at least \$10,000 a year in additional property tax revenue for the city.	ZoneVariAppeal2OrdinanceSpirit	Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because: a) The property already has two housing units and two driveways. The expected result of granting this waiver request will still be the same - two housing units and two driveways	ZoneVariAppeal3SubstantialJustice	Granting the variance would do substantial justice because: a) The old part of the existing duplex, though unsound, it is habitable. Tearing it down without replacing it will reduce the property's value. Rebuilding it would be limited to its current mass, which at just 572 square feet is not financially practical; cost would exceed the marginal assessed value. Either path would result in a net loss of value.
ZoneVariAppeal4PropertyValue	The value of surrounding property will not be diminished because: a) The proposed lots, structures, and uses are consistent with the neighborhood.	ZoneVariAppeal5A1UnNecHardship	The following special conditions of the property distinguish it from other properties in the area: a) This property has more street frontage (190 feet) than any non-corner lot in the vicinity, and is the third-largest in terms of square footage. Even after dividing that frontage in half, each resulting lot will still be similar to many surrounding lots in terms of frontage and lot size.	ZoneVariAppeal5A2NoFairRelate	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: a) Many other nearby lots are also non-compliant in terms of square footage and frontage.

Attachment File Name	Added On	Added By	Attachment Group	Notes
Permit Snapshot Report.pdf	04/30/2026 16:48	Service, EnerGov		Attached by IO - ATTACH: Initial Permit Snapshot
2026.05.21_ZoningBoardofAdjustment.Agenda..pdf	05/05/2026 14:14	Blonigen, Rachel		ZBA Agenda

Invoice No.	Fee	Fee Amount	Amount Paid
INV-2026001435	Planning Zoning Variance Application Fee	\$800.00	\$0.00
Total for Invoice INV-2026001435		\$800.00	\$0.00
INV-2026001438	Planning Creation / Printing of Abutter Labels	\$20.00	\$0.00
	Planning Legal Notice	\$120.00	\$0.00
	Planning Verified Mailing to Abutters	\$234.00	\$0.00
Total for Invoice INV-2026001438		\$374.00	\$0.00
Grand Total for Permit		\$1,174.00	\$0.00

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Planning Permit Application Review v.1	Approved	05/05/2026	06/02/2026		No	No
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Administrator	Planning	Crouser, Paul	Approved	05/05/2026	06/02/2026	05/05/2026

Workflow Step / Action Name	Action Type	Start Date	End Date
May 05, 2026	City of Dover		

PERMIT SNAPSHOT REPORT (ZONE-2026-0014)

Review v.1		05/05/2026 0:00	05/05/2026 14:02
Confirm application complete v.1	Generic Action		05/05/2026 14:02
Planning Permit Application Review v.1	Receive Submittal	05/05/2026 14:02	05/05/2026 14:02
Zoning Board v.1		05/05/2026 14:02	
Zoning Board Agenda v.1	Task	05/05/2026 14:02	05/05/2026 14:02
Invoice for Notices v.1	Task	05/05/2026 14:02	05/05/2026 14:21
Send Notices v.1	Task	05/05/2026 14:21	
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 December 16, 2025]

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

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: MISSING MIDDLE HOUSING FOR DOVER LLC Phone # 603 520 5450
Address of Applicant: Fergus Cullen
152 Boxwood Ln
Dover, NH 03820
E-Mail Address: FERGUSO.FERGUSCULLEN.COM

PROPERTY OWNER (if different from applicant): ALLEN + EILEEN IRREVOCABLE TRUST

Address: _____ Phone # _____

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: 53-55 CATARACT AVE

Brief Directions: TURNING ONTO CATARACT FROM BELLAMY,
FIRST HOUSE ON LEFT

Zoning District: R-12 Assessor's Map # H Lot(s) # 15

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:

SUBDIVISION, RENOVATION, ADDITION, NEW CONSTRUCTION

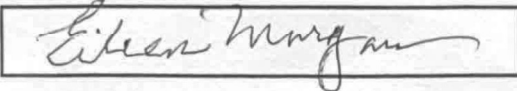
April 27, 2026

Paul R. Crouser
Zoning Administrator / Assistant City Planner
Planning & Community Development
City of Dover, NH
288 Central Avenue
Dover, NH 03820

Mr. Crouser:

On behalf of the Allen and Eileen Morgan Irrevocable Trust, owner of 53-55 Cataract Avenue (Map 14, Lot 6), I authorize Fergus Cullen, Missing Middle Housing for Dover LLC, and its designees or assigns to represent a project application for this property before City of Dover land use boards and commissions.

Sincerely,



04/30/2026

NAME Eileen Morgan

PHONE # Seller

EMAIL

ZONE-2026-0014**53 CATARACT AVENUE**

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
H0015-000000	24 BELLAMY RD	DAVIS DONALD		24 BELLAMY ROAD	DOVER	NH	03820
H0014-000000	54 CATARACT AV	MCCRUM J & THURBER D & PROULX ET AL TC &	PROULX MADELINE LIFE ESTATE	54 CATARACT AVENUE	DOVER	NH	03820
H0017-000000	BELLAMY RD	CITY OF DOVER		288 CENTRAL AVE	DOVER	NH	03820
14005-X00000	5 SUNSET DR	TEMPLE ALEXANDER JOHN		5 SUNSET DR	DOVER	NH	03820
14009-000000	47 CATARACT AV	KELLEY SAMUEL L &	MOYNIHAN ANNAH K	47 CATARACT AVE	DOVER	NH	03820
14005-P00000	7 SUNSET DR	ROGERS JESSICA BROOKE	ROGERS CHRISTIAN	7 SUNSET DR	DOVER	NH	03820-4348
14005-U00000	5 SUNSET DR	RUTHERFORD ANGELIC	RUTHERFORD SHANE	5 1/2 SUNSET DRIVE	DOVER	NH	03820
14010-A00000	50 CATARACT AV	DENNARD HOLLY MARIE		50 CATARACT AV	DOVER	NH	03820
14007-000000	51 CATARACT AV	STANSFIELD MARK		51 CATARACT AV	DOVER	NH	03820
14006-A00000	1 SUNSET DR	MANCINI BRIANNA &	CRISP SETH E	1 SUNSET DR	DOVER	NH	03820
14008-000000	49 CATARACT AV	KAY ALEXANDER &	SCOTT-KAY JACLYN R	49 CATARACT AVENUE	DOVER	NH	03820
14010-B00000	48 CATARACT AV	ROY CORMIER JACQUELINE REV TRUST	ROY CORMIER JACQUELINE TRUSTEE	48 CATARACT AVENUE	DOVER	NH	03820
14006-B00000	3 SUNSET DR	GOSSELIN DALE		3 SUNSET DR	DOVER	NH	03820
14010-C00000	46 CATARACT AV	CARBONE COLLEEN S		46 CATARACT AV	DOVER	NH	03820
14010-G00000	PORCH LIGHT DR	DRVP DEVELOPERS LLC		242 CENTRAL AVE	DOVER	NH	03820
H0014-A00000	58 CATARACT AV	TREFETHEN SEAMES		58 CATARACT AVE	DOVER	NH	03820
H0014-B00000	52 CATARACT AV	HENCK RICHARD S & KAREN L TTS	HENCK RICHARD S & KAREN L REV LIV TRUST	52 CATARACT AV	DOVER	NH	03820
14006-000000	53 CATARACT AV	MORGAN ALLEN & EILEEN TRUSTEES	MORGAN ALLEN AND EILEEN IRREVOCABLE TRUS	29 COLBURN RD	READING MA		01867
		CULLEN FERGUS		152 BOXWOOD LANE	DOVER	NH	03820

53-55 Cataract Ave, Dover NH

DESCRIPTION OF EXISTING PROPERTY: This property is .44 acres (about 19,166 sq feet) with approximately 190 feet of frontage on Cataract Avenue. It is zoned R-12 (medium density) and is serviced by city water and sewer. It currently has a legal duplex, though a non-conforming one which would not be permitted to be built today in its current form. The left side (55) was built in 1940 and is 572 square feet (2 bed, 1 bath). This portion has a structurally unsound foundation and needs to be demolished. The right side (53) was built in 1984 and is 1,696 sq feet (3 bed, 2 bath) and is in average condition.



**Property Information**

Location 53 CATARACT AV
Owner MORGAN ALLEN & EILEEN TRUSTEES
Land Use 104R
Zoning Code R-12
Property Id 14006-000000

**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.

OWNERSHIP: The applicant is under agreement to purchase the property from the owner. The owner has given her consent for this application.

APPLICANT'S INTENT: If this waiver application is approved, the applicant intends to demolish the older unit and renovate the remaining unit as a single-family home. This may include an addition such as the construction of a garage. The property will cease to be a duplex. The proposed new lot is expected to be developed into a single-family home. The applicant is considering the inclusion of ADUs, which are permitted by right.

VARIANCE REQUEST: Section 170-12 points to the Dimensional Requirements and the Table of Uses. Lots in R-12 are required to be a minimum of 12,000 square feet and have 100 feet of frontage. The applicant seeks four variances to allow this lot to be subdivided approximately in half. Each resulting lot would have about 9,583 square feet and 96 feet of frontage, so both lots would require two variances each, one for square footage and one for frontage.

THE FIVE VARIANCE CRITERIA (as set forth in NH RSA 674:33, I(b))

1. Waiving the terms of the Ordinance will not be contrary to the public interest because:
 - a) *The proposed lots will be consistent with the surrounding neighborhood and will "fit in". The majority of lots in the vicinity are less than 12,000 square feet (.275 acres) and several have less than 100 feet of frontage. These include the three abutting parcels immediately east of the subject property.*
 - b) *This proposed subdivision avoids a net loss of housing units, which is in the community's interest and consistent with our Master Plan.*
 - c) *The intended course of action will more than double the assessed value of the original property, generating at least \$10,000 a year in additional property tax revenue for the city.*
2. Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because:
 - a) *The property already has two housing units and two driveways. The expected result of granting this waiver request will still be the same - two housing units and two driveways.*
3. Granting the variance would do substantial justice because:
 - a) *The old part of the existing duplex, though unsound, it is habitable. Tearing it down without replacing it will reduce the property's value. Rebuilding it would be limited to its current mass, which at just 572 square feet is not financially practical; cost would exceed the marginal assessed value. Either path would result in a net loss of value.*

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

a) The proposed lots, structures, and uses are consistent with the neighborhood.

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:

a) This property has more street frontage (190 feet) than any non-corner lot in the vicinity, and is the third-largest in terms of square footage. Even after dividing that frontage in half, each resulting lot will still be similar to many surrounding lots in terms of frontage and lot size.

(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:

a) Many other nearby lots are also non-compliant in terms of square footage and frontage.

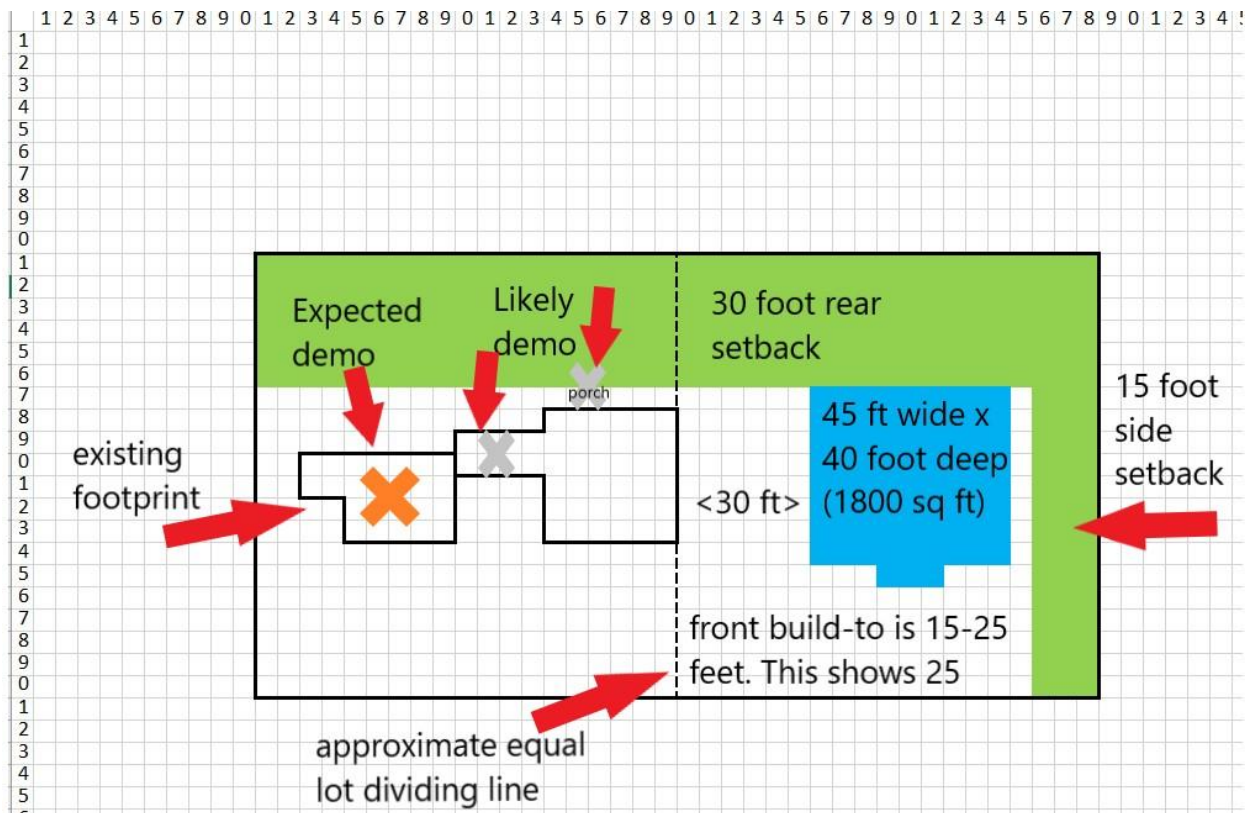
PRECEDENT APPLICATION: On July 18, 2024, the Dover ZBA reviewed and unanimously approved a similar application concerning 48 Old Rochester Road (ZONE 2024-0032). In that case, a 20,430 square foot lot in R-12 with an existing house was granted waivers allowing the lot to be sub-divided into two lots, one about 10,000 square feet and the other, 10,426 square feet. That sub-division was subsequently approved by the Planning Board on September 24, 2024. The result of those actions was the construction and sale of a second single family home on the new lot.



Sketch of a potential layout to show how a second home could fit on the lot.

Distances are approximate and for illustrative purposes. Any building permit application would be supported by a formal site plan informed by a survey.

Lot is approximately 190 feet wide and 100 feet deep (19,000+ square feet)



Note: Existing structure may not sit exactly on the potential mid-point dividing line; waiting on formal survey results. Lot lines could be cut to ensure equal lots or one may be somewhat bigger than the other. Existing structure may intrude on left side setback; again, waiting on formal survey, but this is expected to be demolished anyway. Potential new building may not have this large a footprint.

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
WE WILL NOTIFY YOU THAT THE PROPERTY IDENTIFICATION SIGN IS READY TO BE PICKED UP. IT MUST BE POSTED ON THE PROPERTY FOR 5 DAYS PRIOR TO HEARING. FAILURE TO POST MAY RESULT IN APPLICATION NOT BEING ACCEPTED.



Signature of Applicant*

Signature of Owner*

*Both Signatures Required

SEE ATTACHED
CONSENT

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: _____

From: Alexander Temple <alextemple36@gmail.com>
Sent: Saturday, May 9, 2026 1:42 PM
To: City of Dover - Planning <Dover-Planning@dover.nh.gov>
Subject: Formal Opposition to ZONE-2026-0014 (53 Cataract Ave.)

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

Dear Dover Zoning Board of Adjustment,

My name is Alexander Temple, and I reside at 5 Sunset Drive, Dover NH. I am writing as an abutter to formally express my opposition to the variance requests for **ZONE-2026-0014**, regarding the property at **53 Cataract Ave.** (Tax Map 14, Lot 6).

The applicant is requesting four variances from **Section 170-12, R-12 Table of Uses** to subdivide the parcel into two lots that do not meet the minimum requirements for the Medium Density Residential District. Specifically, I am concerned about:

- **Frontage Deficiencies:** The request for frontages of +/- 94 feet where **100 feet** is required.
- **Lot Area Deficiencies:** The request for nonconforming areas of +/- 9,500 s.f. where **12,000 s.f.** is the required minimum.

I believe these variances would negatively impact the character and density of our neighborhood. I respectfully request that the Board deny these applications to maintain the standards established for the R-12 Zoning District.

Thank you for your time and for considering my concerns.

Sincerely,
Alex Temple
6039788687