



CITY OF DOVER

DOVER ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Thursday, April 19, 2007**
Meeting Time: **7:00 pm**

1. ATTENDANCE

- Members Present: Richard Callaghan, Bill Colbath, Otis Perry
- Members Absent: Frank Landford, Masi Denison, Sam Reid
- Staff Present: Tom Clark; Building Official, Christopher Parker; City Planner, Jean Glidden; Recording Secretary

Callaghan informed the public that three board members are present and in order for any case to be ruled in the applicants favor, it would need to be a unanimous decision. If interested you may postpone your case to be heard at next months meeting when a full board will be present. He mentioned that applications are being accepted for alternate members.

2. APPROVAL OF MINUTES OF THE MEETING OF MARCH 15, 2007

Motion: Colbath made the motion to accept. Perry seconded. Vote U/A

3. OLD BUSINESS

- A. Z 07-02 Kevin & Lisa Turgeon, 55 Back River Rd., a/k/a Tax Map I, Lot 60, zoned R-12, requests a Variance from the terms of Article IV, Section 170-12, Table I, Part A, to construct a two-family dwelling.

Attorney Schulte requested that this case be postponed.

- B. Z 07-04 James Byrne III, 192 County Farm Rd., a/k/a Tax Map C, Lot 3-D, zoned R-40, requests a Variance from the terms of Article IV, Section 170-12, Table I, Part A, to construct an addition onto a single-family dwelling for the purpose of establishing a two-family dwelling.

Attorney Schulte stated that he drafted the deed and it was forwarded to the City Attorney for his review and approval. He stated that the Board granted the variance, the deed is a condition of that approval.

Callaghan confirmed with Clark that they did agree to allow the variance however if the deed is not the correct language that they were seeking it would have to return for approval. He stated that Reid was specific in the language of his motion and felt that it should have mentioned the statute to make it clear that there is a disability involved. This deed does not refer to that.

Colbath agreed and said that he believed that Reid asked that it be included.

Clark informed the Board that in speaking with Reid earlier today he had the same concerns. Reid spoke with Attorney Krans, he reconfirmed his opinion, and the deed accomplishes the goal that the Board was seeking.

Callaghan said this deed restriction still does not tie in where the mother requires this need as approved based on the provision of the statute.

Perry said that according to the minutes of the meeting Reid asked that it be tied into the variance, which it is. The deed restriction puts into effect the condition of the variance.



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Callaghan said that he is ready to vote, however he would have like to have been involved with that discussion with Reid and Krans.

Motion: Perry made the motion to approve the language in the deed. Colbath seconded the motion.
Vote: 2 to 1 (Callaghan opposed)

Discussion of a quorum and the majority of a vote was discussed. Attorney Schulte offered to amend deed restriction if determined necessary.

4. NEW BUSINESS

- A. Z 07-05 Paolini Brothers Development LLC, 54 Dover Point Rd., a/k/a Tax Map K, Lot 20, zoned B-3, requests a Special Exception under the terms of Article VI, Section 170-19 and Article XII, Section 170-52.C (3) to construct a multi-family project.

Attorney Schulte requested to postpone.

- B. Z 07-06 Friends Church, John Dawson, Trustee (Applicant: Richard Lethem), 141 Central Ave., a/k/a Tax Map 19, Lot 51, zoned RM-10 requests a Variance from the terms of Article IX, Section 170-32.E Sign Table to install a freestanding sign within one foot of a property line, where a minimum of ten feet is required.

Barbara Storrock requested to postpone.

- C. Z 07-07 Middaugh Family Revocable Trust, Shirley Middaugh Trustee, 46 Glenwood Ave., a/k/a Tax Map 36, Lot 17, zoned R-12 requests a Variance from the terms of Article V, Section 170-16, to subdivide a parcel creating a lot with approximately 11,500 square feet, where a minimum of 12,000 square feet is required.

Kevin McEneaney requested to postpone.

5. OTHER BOARD BUSINESS

- A. Administrative Workshop postponed.

6. ADJOURN

Motion: Perry made the motion to adjourn at 7:25 p.m. Colbath seconded. Vote: U/A

List of Members

Richard Callaghan-regular member
 William Colbath-regular member
 Frank Landford-regular member
 Masi Denison-regular member
 Sam Reid-regular member
 Otis Perry-alternate member

Term Expires

04-13-09
 10-23-09
 04-10-08
 01-24-10
 11-12-09
 02-08-09