



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, March 20, 2008**
Meeting Time: **7:00 pm**

1. ATTENDANCE

- Regular Members Present: Chair Masi Denison, Vice Chair Bill Colbath, Jim Kelley, Sam Reid, Frank Landford
- Alternate Members Present: Otis Perry, Chris Prior
- Staff Present: Jean Glidden; Recording Secretary
- Staff Absent: Tom Clark, Building Official

Chair Masi Denison introduced the members of the Board.

2. APPROVAL OF PRIOR MINUTES OF FEBRUARY 21, 2008

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

3. OLD BUSINESS

Denison announced that Jim Kelley was appointed a regular member and welcomed Chris Prior as a new alternate member.

4. NEW BUSINESS

- A. Z 08-04 Anne & Nicholas Constantino, 538 B Middle Rd., a/k/a Tax Map M, Lot 55-A, zoned R-20, requests a Variance from the terms of Article V, Section 170-16, to subdivide a lot having no frontage along a public right of way, where a minimum of one hundred twenty five (125) feet is required.

Nicholas Constantino stated that they purchased this property as a duplex approximately one year ago and they have been doing an extensive renovation to the property. Over the past year, they have been in the process of splitting the two units into condominiums. He stated that his wife has rheumatoid arthritis and while going through the process of renovating he started to realize that both of these dwellings have stairs in them and at this point in their life, they need to have everything on one floor. We live on two acres and the front acre is unoccupied, which has about 99 feet of frontage. We have two points of access to the property, one through Darcy property, and the other deeded access that they currently use through Karen Fishers driveway. We are hoping to get permission to build a 2400 sq ft ranch setback from the road 50 to 60 feet. Because of Anne's disability, she may have to have hip replacement surgery and may not be able to climb stairs. We are looking to construct a handicap accessible ranch and the economic hardship is, if they cannot build this, they will have to sell and move to an area that we can afford. He stated that they have just adopted a little girl and would like to stay in Dover and eventually send her to St. Thomas Aquinas. The building being proposed would add to the value of the surrounding properties. As far as the road frontage with the deeded access, we were hoping that the Board would consider a variance because we are not adding a driveway. The shape of the lot is odd shaped but has plenty of square footage. If we are not allowed to do this, we will have to sell the property and move. Ann Constantino added that George Bush did put into place that the ADA allows a little bit of flexibility to variances and you can allow somebody a little more freedom, than under normal circumstances. We have spent \$70,000.00 for renovations to improve this property. They asked the Board to approve the request.



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Colbath asked the applicant why he keeps referring to this as a condex. What do you think that means.

Mr. Constantino said it means condominiums.

Colbath questioned the plan shown and asked if he plans to subdivide this property.

Mr. Constantino said no, if approved the two acres would be shared between the three dwellings.

Colbath pointed out to the applicant that the request before them is to subdivide the lot.

Denison added that according to the plan, it appears that you want to take the two acre lot and make it into two, one acre lots, that is what the agenda and the legal ad to Fosters Daily Democrat has advertised for this meeting.

Mr. Constantino said that was not his intent. He stated that he did think of subdividing the lot at one point but decided not to and would rather keep the two acres intact. The request is that the condominium association would have three condominiums to share the two acre parcel.

Denison stated that the plan submitted shows the subdivision line and if you are not requesting to subdivide this lot this meeting will need to be rescheduled and will need to be properly advertised as to what you actually want to do with this property. She informed the applicant that they should meet with the Building Official, Tom Clark and discuss what the actual request is. We have strict rules and we cannot hear anything different from what was advertised. If you are not asking for a subdivision, you will need to come back to the next meeting. She apologized for the confusion and informed the public that they will receive a new agenda.

5. OTHER BOARD BUSINESS

Denison informed the members that the Annual Spring Planning & Zoning Conference would be held in Manchester at the Radisson Hotel on Saturday, April 26. She encouraged all to attend and if interested contact her and she will confirm with the Planning Office regarding registration and reimbursement for mileage.

6. ADJOURN

Motion: Reid made the motion to adjourn at 7:20 p.m. Colbath seconded. Vote: U/A

<u>List of Members</u>	<u>Term Expires</u>
Masi Denison-regular member	01-24-10
William Colbath-regular member	10-23-09
Frank Landford-regular member	04-10-08
Sam Reid-regular member	11-12-09
Jim Kelley-regular member	05-23-10
Otis Perry-alternate member	02-08-09
Chris Prior-alternate member	02-01-11