

**DOVER ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
JUNE 17, 1999**

MEMBERS PRESENT: Dean Trefethen, Chairperson, Bill Colbath, Co-Chairperson, Rick Callaghan, John Murphy Jr., and David Ruoff

STAFF PRESENT: Thomas Clark, Building Official.

Dean Trefethen called the meeting to order.

ITEM #1: NEW BUSINESS

Approval of minutes for the regular meeting of May 20, 1999.

MOTION:

Bill Colbath made the motion to accept the minutes of May 20, 1999 as presented.
David Ruoff seconded the motion.
U/A

ITEM #2: OLD BUSINESS

None

ITEM #3:

Z 99-9, Paul & Tammera Laurion, 9 Cranbrook Ln., A/K/A Assessor's Map D, Lot 8-E Zoned R-12 requests a Variance from (1) the provisions of Article V, Section 170-16 to construct a front farmer's porch with stairs addition onto a single family dwelling within approximately seventeen (17) feet of a front property line as it abuts a street where a minimum of thirty (30) is required, and (2) the provisions of Article X, Section 170-41.A to enlarge a non-conforming structure.

Paul Laurion presented a list of his neighbors that he approached with his proposed plan for a farmer's porch. The neighbors signed in agreement that they did not have any concerns or objections with the construction they wish to do. He stated that there was a house across from him that built a farmer's porch several years ago. He was open to any questions from the Board.

John Murphy asked how many of the homes have porches.

The Board discussed the houses that have porches and that all the houses are set back approximately the same distance.

Tom Clark stated that one of the owners was granted a variance for a porch in 1988.

John Murphy asked the applicant if he had given any thought of having the stairs come off the side rather than the front.

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Paul Laurion responded that they had not thought of it because they have bushes on that side and it is already landscaped with a sidewalk that was put in a couple of years ago.

Tammera Laurion stated that they already have steps there and the porch will not be going any further out. The porch is just going to be longer.

MOTION:

John Murphy made the motion to accept the case.
Bill Colbath seconded the motion.
U/A

Dean Trefethen submitted for the record the written recommendation from Steve Bird, City Planner. This was also given to the applicant for his review. The Planning Department cannot support the variance request due to the following. One of the issues Steven is making the Board aware of is that the setback was not measured from the property line but from the edge of pavement. He also stated that this house is not unique in that the setback is consistent with the other houses on this street, therefore there is no hardship inherent in the land. Also since the previous front setback requirement was 20 feet, the porch would not have been permitted prior to the change in zoning either.

Tom Clark pointed out that when he did the Agenda item he did assume that the 25 feet was to the property line but it appears that it may not be and if the Board were to vote in support of it, it would not be specifically for the dimensions that is on the Agenda.

John Murphy questioned how the house could have been built at 17 feet when 20 feet was the requirement.

Tom Clark responded that as-built plot plans were not required back when the house was first built.

PUBLIC HEARING OPENED

No response

PUBLIC HEARING CLOSED

David Ruoff needs to consider the hardship a little more.

Bill Colbath is all set.

Rick Callaghan stated that he is concerned with what it will look like when it is done. The second issued is that if there were porches built on all the houses on that street it would cause the street to appear closed in.

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The Board members examined the site plan in regards to the front setback for all the houses on that street and that the applicant's property is set back a little further than others.

John Murphy stated that he has no problem with this case. He feels that the applicant would not encroach any further into the street.

Rick Callaghan agreed with John and stated that he had the hardship placed on the fact that zoning had changed but now feels that the hardship is because all the houses on the street are nonconforming.

Dean Trefethen agrees with the unnecessary restriction.

FIVE CRITERIA:

1. It is the Board's conclusion that the applicant does face an unnecessary hardship. The fact that the stairs and platform area of the proposed porch will be the same depth and distance from the front setback means it would be a needless or unnecessary restriction to enforce the exact terms of the ordinance.
2. It is the Board's conclusion that the variance will deliver substantial justice. It will allow increased enjoyment of their property without encroaching any further into the front setback than the current entryway.
3. It is the Board's conclusion that the variance will be in harmony with the spirit and intent of the zoning ordinance. The proposal limits further encroachment into the front setback.
4. It is the Board's conclusion that the variance will not result in a diminution in value of surrounding properties. The proposal would in no way be a deterrent to surrounding properties and may actually enhance their value.
5. It is the Board's conclusion that the variance will not be contrary to the public interest. The proposal will not encroach any further than the current entryway.

Therefore, based upon the foregoing, it is ordered that the application for the variance be granted with the following condition:

MOTION:

John Murphy made the motion to place the condition that there will be no enclosing of the porch, including screens, windows and/or walls.

Rick Callaghan seconded the motion

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MOTION:

John Murphy made the motion to adjourn.
Rick Callaghan seconded the motion.
U/A

List of members:

Term Expires

Robert Mullan – regular member
Richard Callaghan – regular member
William Colbath – regular member
Dean Trefethen – regular member
John Murphy – regular member
Douglas Cummings II – alternate member
David Ruoff – alternate member

12/31/99
4/13/2000
10/23/2000
12/31/2000
12/31/2001
1/22/2002
4/13/2002