

**DOVER ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
AUGUST 15, 1996**

MEMBERS PRESENT: Dean Trefethen, Chairman, John Murphy,
Bob Callan, and Robert Mullan

STAFF PRESENT: Thomas Clark, Building Official and Bruce
Woodruff, City Planner

Dean Trefethen called the meeting to order.

ITEM #1: NEW BUSINESS

Approval of the July 18, 1996 minutes.

The Board and Staff addressed the Notes from the end of the meeting of July 18, 1996.

- 1) A representative from the City will be at each meeting.
- 2) Since the representative of the Planning Dept. does its site inspection just prior to the meeting, it would be difficult to have written comments for the Board ready for the meeting.
- 3) The Building Inspection Office will attempt to regulate information coming in late from applicants because the public does not have an opportunity to see it and the Board needs more time to go over the material.

MOTION:

John Murphy made the motion to accept the minutes of July 18, 1996 meeting.

Robert Mullan seconded the motion.

U/A

ITEM #2: OLD BUSINESS

- A. Z 96-13 Stauros and Nicholas Demopoulos, 30 Fisher St., a/k/a Assessor's Map 15, Lot 48, zoned RM-10, requests a variance from the terms of Article V, Section 170-16, to construct an attached garage onto a three-family dwelling within ten (10) feet of a side property line where fifteen (15) feet is required. (This case was tabled at the July 18, 1996 meeting.)

ZBA

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Dean Trefethen advised the applicants that there are only four members present and they can either continue with their appeal this evening or wait for a complete five member Board.

Nicholas Demopoulos wished to go ahead with his appeal.

Dean Trefethen asked the applicant if he would consider a 20 foot building, then he would not need a variance.

Nicholas Demopoulos - stated that he prefers a 22 foot garage and that the garage would be attached to the house.

John Murphy - Stated that he has no problem with granting a 2-1/2 foot variance.

The Board discussed the option of moving the garage back and then no variance would be required.

PUBLIC HEARING OPENED

Bruce Woodruff - The Planning Dept has difficulty in seeing the hardship but is not opposed to granting the variance.

PUBLIC HEARING CLOSED

Each Board member stated that they do not see a hardship but do not oppose granting a variance for 2-1/2 feet.

FIVE CRITERIA

1. It is the Boards conclusion that the applicant does face an unnecessary hardship. (Robert Mullan voted does not.) Enforcing the ordinance to the letter would be a needless and unnecessary restriction. Plus the applicant would not be getting any additional use than surrounding neighbors.
2. It is the Board's conclusion that the variance will deliver substantial justice. It allows reasonable improvement to an existing property without infringing on any abutters rights.

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3. It is the Board's conclusion that the variance will be in harmony with the spirit and intent of the zoning ordinance. (Robert Mullan voted will not.) Intent is for reasonable setbacks and the proposal maintains a reasonable setback.
4. It is the Board's conclusion that the variance will not result in a diminution in value of surrounding properties. Because of existing landscaping the proposed garage will not impact surrounding properties.
5. It is the Board's conclusion that the variance will be of benefit to the public interest. (Robert Mullan voted will not.) The Board feels it would not be a deterrent.

MOTION:

John Murphy made the motion to grant a variance for 2-1/2 feet for a 22 foot wide garage with the following conditions: The maximum width of the garage is to be 22 feet and it must not be any further forward than the present structure.

Bob Callan seconded the motion.

Three voted to grant and one opposed. (Robert Mullan opposed.)

ITEM #3:

Z 96-14-A Amresco New Hampshire LP (Applicant: Dean and Ann Marie Fournier), 12 Portland St., a/k/a Assessor's Map 3, Lot 3, Zoned B-2 requests an appeal from an Administrative Decision in connection with the use classification of the building at the above address.

Malcolm McNeil - Representing the applicant, asked for a full Board and submitted additional information to the Board. He also invited the Board to go through the building to get a better view of the use of the building.

ZBA

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MOTION:

John Murphy made the motion to postpone the case to allow the applicant the benefit of a full Board.

Bob Mullan seconded the motion.

U/A

The Board discussed walking through the applicant's building at 6:30 as a group just prior to the next meeting, and also holding a special meeting so that the applicant would not have to wait another month.

MOTION:

John Murphy made the motion to have a special meeting on August 26 or 27, 1996 depending on which date the Council Chambers and Board members would be available.

Bob Mullan seconded the motion.

U/A

MOTION:

John Murphy made the motion to adjourn.

Dean Trefethen seconded the motion.

U/A

List of members and expiration dates:

	<u>Term Starts</u>	<u>Term Exp.</u>
Robert Callan	4/13/94	4/13/97
Richard Callaghan	4/13/94	4/13/97
William Colbath	10/23/94	10/23/97
Dean Trefethen	12/31/94	12/31/97
Robert Mullan	12/31/94	12/31/97
David Paolini	10/23/94	12/31/97
John Murphy Jr.	12/31/95	12/31/98