

ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
JANUARY 17, 1991

Members present: Dean Trefethen, Bill Colbath, Randy Turner, Chris Jacobs and Dave Paolini

Also present: Steve Stancel, Tom Clark

Meeting brought to order at 7:04.

Bill Colbath chaired the meeting in Joyce's absence.

ITEM #1. New Business

a. Nominations of officers.

Randy Turner made the motion to re-elect the existing officers to the same positions.
David Paolini seconded.

VOTE U/A

Steve Stancel stated that a letter was sent to the Nomination Committee asking them to elect new members to the Zoning Board.

Tom Clark stated that H91-1 Greek Orthodox Church (Hellenic Center), was withdrawn as a previous ZBA decision determined it to be a conforming use.

ITEM #2. Old Business

H91-2 Garry & Lorraine Gilmore, 39 Middle Rd., a/k/a Assessor's Map K, Lot 17, zoned R-40 requests a variance from the terms of Article V, Section 170-17 to construct an addition (attached garage) approximately forty-eight (48) feet from a front property line where fifty (50) feet is required.

Garry Gilmore represented his case and passed out an up-to-date plan of his property. He stated he initiated this project 2 years ago when his brother, a missionary from Haiti was visiting. He rushed into this and put the foundation in for the garage assuming that the set back was fine. He stated he is essentially asking for 3 1/2 feet. He stated that his land is the first house in an R-40 Zone adjacent to an R-12. The house was built in 1850 and he is trying to keep his garage in that same spirit.

Dean Trefethen asked if the breezway meets the 50 foot setback?

Mr. Gillmore said that it does.

no covered, convenient access. The new construction would offer a safe, lighted, all weather access which would be handicaped accessible. He stated that the proposed addition will eliminate the need to utilize City sidewalks particularly during inclement weather when the sidewalks are often slipery.

He stated that this property was used as a church long before zoning and the new addition will be consistent with the architectural style of the church.

Chris Jacob made the motion to accept the case.
David Paolini seconded.

VOTE U/A

Dean Trefethen asked about an encroachment on an easement.

Jim Shulty said it was a sewer easement. He said it was an easement granted from the church to the City of Dover. Mr. Shulty said that the addition was going to sit on piers and there would be a 1 and 12 slope of the ramp. There are approved plans from the 1930's for the addition of the chapel which was not built at that time for lack of money and now this addition will complete the plan.

Close Public Hearing

1. The applicant does face an unnecessary hardship because the existing structure is overly restricted by zoning put in place after its construction.
2. The variance will deliver substantial justice as it allows the building to comply with current safety codes.
3. The variance will be in harmony with the spirit and intent of the zoning ordinance as it will allow persons safe access from building to building and better use of the parking area.
4. The variance will not result in a diminution in value of surrounding properties as no evidence was presented.
5. The variance will be of benefit to the public interest because of the improved safety and will allow handicapped access.

Randy Turner made the motion to grant the variance.
David Paolini seconded.

VOTE U/A

GRANTED

Chris Jacobs made the motion to adjourn the meeting.
Dean Trefethen seconded.

VOTE U/A

Meeting adjourned at 7:55.

Dean Trefethen made the motion to accept the case.
Chris Jacobs seconded.
VOTE U/A

Close Public Hearing

5 CRITERIA

1. The applicant does face an unnecessary hardship because the limitations to the lot have caused the building to be built closer to the ROW. Also the proximity to the R-12 Zone should be considered.
2. The variance will deliver substantial justice as it will allow similar and equal use as the neighbors enjoy.
3. The variance will be in harmony with the spirit and intent of the zoning ordinance because the house was built in 1850 and construction of the garage at its proposed location is in keeping with the intent of the ordinance.
4. The variance will not result in a diminution in value of surrounding properties as no evidence was presented to the contrary.
5. The variance will be of benefit to the public interest because completing the structure will eliminate a potential safety hazard and raise surrounding property values.

Dean Trefethen made the motion to grant the variance with the condition that the breezeway conform to the setback requirements and the garage occupy the existing footprint.

Chris Jacobs seconded.

VOTE U/A

APPROVED - 2 CONDITIONS

1. The breezeway must conform to the setback requirements.
2. The garage must occupy the existing footprint.

*H91-3 St. Thomas Episcopal Church, 5 Hale Street, a/k/a Assessor's Map 9, Lots 115 & 116, zoned B-2 and Office requests a variance from the terms of Article X, Section 170-40.A to increase a non-conforming use (Church).

Jim Schulty, Treasurer of the church, represented the case. He stated that the church owns 3 buildings. The church was built 100 years ago. Originally the architect plan was for a chapel to be built but when the money ran out it wasn't built. People now move from one building to the other with