

ZONING BOARD OF ADJUSTMENT  
MINUTES OF MEETING  
MAY 15, 1991

MEMBERS PRESENT: Bill Colbath, Joyce Bowden, Bob Callan, Randy Turner, Dean Trefethen, David Paolini, Chris Jacobs. Chris Jacobs stepped down due to the fact that there were adequate members present.

ALSO PRESENT: Steve Stancel, Tom Clark

Meeting brought to order at 7:04 PM.

Bob Callan did not sit on this case.

1. NEW BUSINESS - None

2. OLD BUSINESS

Chris Jacobs was appointed by the Council as a permanent member of the Board.

Bill Colbath made the motion to accept the minutes of the last meeting.

Randy Turner seconded.

VOTE U/A

3. H91-9 First NH Bank, 28 Fifth Street, A/K/A Assessor's Map 31, Lot 48, Zoned RM-8, requests a variance from the terms of 1) Article II, Section 170-6, definition of rooming house, to have ten (10) rooms where five (5) are permitted and 2) Article XI, Section 170-45.W, to permit zero (0) off-street parking spaces where fifteen (15) are required.

Ash Bullard, a consultant for First NH Bank, represented the case. He stated that he would like to amend paragraph No. 1 in the variance requirements as he can trace the structure being a rooming house back to the mid 1970's. He stated that it was last assessed in 1985 as a single family residence. The building presently has 10 rooms. The applicant is renting 5 rooms to 10 people and is asking for 10 rooms and 10 people. He stated that the structure is laid out to be a rooming house. There was a prior fire escape which meant that the 3rd floor was used. He stated that there were a lot of problems with the house which the bank has since upgraded. A sprinkler system was put in and many things were done to satisfy the City. They did all that was needed, in good faith, to have use of all 10 rooms. The bank has no use of this building as a single family dwelling. They are only looking for 5 additional rooms and no additional people. He stated that the lot is tiny and there is no room for parking.

Also, there are 10 people living in the building since March and only two of those people have cars. He also stated that the City will allow winter parking permits for off-street parking. The type of people that rent these rooms do not need a vehicle because of the proximity of the downtown.

Joyce Bowden asked him if he was a consultant to First NH Bank.

Mr. Bullard stated that he was.

Joyce Bowden stated that she would like to see it in writing. Joyce stated that parking is not a mute problem. She does not see anything in writing saying that there is an agreement with the City for parking in the City lot. The bank should realize that the Board wanted documentation of both items.

Mr. Bullard said that these items could have been documented if someone would have asked for them.

Discussion ensued.

Randy Turner stated this case should be tabled until next month in order for Mr. Bullard to get the documentation needed.

Randy Turner made the motion to accept the case.  
Bill Colbath seconded.  
VOTE U/A

Joyce Bowden asked Tom Clark about the zoning history of the parcel.

Tom Clark stated that in May of 1964, zoning allowed a rooming house in a B-2 Zone with a limit of 5 rooms. He stated that this house is not grandfathered.

Joyce Bowden stated that the number of people won't increase but the zoning requires 15 parking spaces.

Mr. Bullard asked what the parking was in 1964.

Tom stated that it was 1 1/2 spaces per room.

Joyce Bowden explained an Appeal from an Administrative Decision.

Mr. Bullard stated that he is looking for guidance from the City of Dover.

Tom Clark stated that an appeal would be if he feels that the building is grandfathered for the rooming house use. Tom stated that the letter from the Fire Department clearly states that it is a single family house.

Joyce Bowden asked Mr. Bullard if he could have his documentation ready in 30 days.

Mr. Bullard stated that he could.

Public hearing opened.

Gerald Cooper of 25 Fifth Street stated that he had lived next door for 18 years. He stated that Dennis Kitty, a previous owner of the house lived by himself. When he passed away and Mr. McMasters took it over, it was rented to students. He worked on it to make it more of a rooming house. Mr. Cooper said that he has a problem getting out of his driveway and must frequently have cars towed in order to get out. There are problems with drinking on the steps and broken beer bottles and cigarette butts on the property. Parking is a big concern as there is no parking space on the property.

Mrs. Cooper spoke as a representative to Catherine Hayes of 20 Fifth Street. She said there are parties on Friday and Saturday nights which brings 6 or 7 additional cars and they all want to park near the house. These people do not live by any of the rules. She stated that they have to take a lot of noise and verbal abuse from the tenants.

Mr. Ralph Sawyer of 38 Fifth St. read a petition from the residents of Fifth Street.

Pam Sawyer went door to door to get the signatures. She spoke on the drinking, loud music and people hanging out on the porch.

Steve Stancel stated that the Planning Department was opposed to this variance as presented, essentially because of the parking spaces. There may be 10 people with no cars today and tomorrow it may be 10 people with 10 cars. A variance would be giving the applicant more rights than their neighbors. The Department does feel there is a hardship because of the size of the parcel versus the size of the building. It is unreasonable to hold the applicant to a single family use. There must be an agreement as to what is palatable. Steve said that there must be a request to the Council to get permission for year-around parking from the City.

Mrs. Sawyer asked if the bank gets public parking in the Chestnut Street lot, who will see that the tenants and their visitors use it?

Joyce Bowden stated that there could be no way to force people not to park on the street unless they make a specific request to the Parking and Traffic Committee.

Bob Callan stated that the when parking permits are given, the police do the telephoning and give the people a short time to get the cars moved for plowing to take place. These permits are individual permits issued to the rooming house tenants not to the bank. If these people do not have phones, how is this to take place?

Joyce Bowden asked Mr. Bullard what kind of mortgage was issued for the building. Was it a commercial or single family loan?

Mr. Bullard stated he did not know.

Bill Colbath said he would like to know exactly when this building actually became a rooming house. Does it constitute a rooming house because someone rented to students?

Mr. Clark stated that the Building Inspection office got involved because the bank needed a Certificate of Occupancy from his office. He said it has been sold 4 times and it is the first time someone asked for a CO.

Steve Stancel stated that a legal opinion from the City Attorney should be sought.

Tom Clark said that the last assessment was in 1985.

Randy Turner made the motion to table the case until the next meeting of June 20, 1991.

Dean Trefethen seconded.

VOTE U/A

Dean Trefethen made the motion to adjourn.

Randy Turner seconded.

VOTE U/A

Meeting adjourned at 8:15 PM.