

DOVER ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
JULY 18, 1991

MEMBERS PRESENT: Joyce Bowden, Randy Turner, Bob Callan, Bill Colbath, Chris Jacobs, David Paolini, Dean Trefethen

ALSO PRESENT: Tom Clark and Steve Stancel

Randy Turner left the meeting as there was a full Board present.

Joyce Bowden informed the abutters to H91-9 First NH Bank, 28 Fifth Street that the Bank had withdrawn their application.

Bill Colbath moved to accept the minutes of the June 20, 1991 meeting.

Joyce Bowden stated that it should be noted in the minutes when a member is not sitting on a case.

Chris Jacobs seconded.
VOTE U/A

H91-10 Paul & Sherri Lewis, 561 Sixth Street, A/K/A Assessor's Map A, Lot 65, Zoned R-40, requests a variance from the terms of 1) Article V, Section 170-16 to allow a deck to remain within seventeen (17) feet of a front property line where the former setback was twenty-six (26); and 2) Article X, Section 170-41.A, to increase a non-conforming structure.

Paul Lewis represented himself. He stated that the deck had been put up before he purchased the house.

Tom Clark informed the Board that during the purchase procedure, Mr. Lewis was told that the deck would need a variance and the purchase went through with money set aside for the variance application.

Paul Lewis stated that the property is very steep.

David Paolini moved to accept the case.
Bob Callan seconded.
VOTE U/A

Dean Trefethen did not sit on this case.

Paul Lewis stated that the deck had been erected 3 or 4 years ago.

Chris Jacobs stated that none of the other houses in that neighborhood are in compliance and in order for them to do

anything they would have to come before the Zoning Board.

Close Public Hearing

5 CRITERIA

1. The applicant does face an unnecessary hardship because the natural topography creates an inherent hardship.
2. The variance will deliver substantial justice as it will allow the applicant adequate and safe access to his property.
3. The variance will be in harmony with the spirit and intent of the zoning ordinance because it is still a single family dwelling in a residentially zoned 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 as no evidence was presented.

Chris Jacobs made the motion to grant the application with the condition that there be no further improvements which would enclose the deck or make it more permanent.

Bill Colbath seconded.

VOTE U/A APPROVED - 1 condition.

H91-11 Richard Kay, 25 Littleworth Road, A/K/A Assessor's Map H, Lot 28-1, Zoned R-20, requests a variance from the terms of Article X, Section 170-40.A & B to increase a non-conforming use (Auto Service).

Bob Callan did not sit on this case.

Jeff Nawrocki represented Dick Kay. He stated that Mr. Kay started his business in the 1950's. The use was conforming as there was no zoning at that time. In the 1960's the area was rezoned R-20. In 1964, Mr. Kay received a variance to add a two-bay service garage. He stated Mr. Kay is requesting another two-bay, 30 X 30 foot service area to better serve his clients and allow his employees to work under cover. The new lot area will make the property more conforming. The addition will be placed behind the existing building and will not be visible from the road. Jeff stated that it is family land all around the parcel and with the industrial park nearby, there will be minimal impact on the neighborhood.

David Paolini asked Dick if he was the only owner of the property.

Mr. Kay stated that he and his father own the property.

Dean Trefethen questioned if this plan had been before the Planning Board.

Jeff Nawrocki stated that Bill Collins advised him to take this route through the Zoning Board seeking a variance conditional to subdivision approval and then proceed to the Planning Board.

Steve Stancel stated that Bill suggested Mr. Kay go for a variance first before putting money into a subdivision.

Joyce Bowden stated that Bill Collins emphasized to the Board that he wanted certified plot plans. She stated the lines on this plan are not definite.

Chris Jacobs stated that he did not have a problem with moving the two lifts from the front and putting them in the back but would like to see screening added. He stated it will not always be family land.

Mr. Kay stated that his father, who lives next door, likes to look around to check on things.

Bob Callan stated that technically there should be 28 parking spaces and asked if the abandoned vehicles would be removed.

Mr. Kay stated that the abandoned vehicles would be removed.

Steve Stancel stated that the Planning Department recommends approval with conditions that all junk cars be removed; screening be provided; and a Building Permit be issued contingent to subdivision approval.

Joyce Bowden stated that the variance would be for Lot 28 and not Lot 28-1 as stated in the application. She stated that the Board would be giving a variance for the wrong lot.

Chris Jacobs stated that he would feel better seeing better property lines in relation to the state right-of-way and the stamp of a licensed land surveyor.

Steve Stancel stated that he doesn't see why they should have to spend more money at the variance level.

Chris Jacobs stated that the plan should also include Mr. Kay's father's signature.

Discussion ensued regarding abutters.

Joyce Bowden stated that Tom Clark would determine who the abutters are.

Bill Colbath made the motion to accept the case.
Dean Trefethen seconded.

VOTE U/A

Dean Trefethen made the motion to table the case to allow the applicant to amend his application, list the proper abutters, and get owner's signature.

David Paolini seconded.

VOTE 4 - 1 Chris Jacobs opposed
TABLED

Chris Jacobs made the motion to adjourn.
Bill Colbath seconded.
VOTE U/A

Meeting adjourned 8:05.