

ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
DECEMBER 21, 1989

Members Present: Joyce Bowden, Chris Jacobs, Dean Trefethen, David Anderson, Randy Turner. Bill Colbath and David Paolini were present but went home when a quorum was reached.

Also Present: Tom Clark and Steve Stancel.

The meeting was brought to order at 7:05.

NEW BUSINESS

Chris Jacobs made the motion to approve the minutes of the last meeting.

Dean Trefethen seconded.

VOTE U/A

Joyce Bowden asked the Board to keep in mind that they should be thinking of the election of new officers next month.

OLD BUSINESS

H89-62 Diocese of Manchester - It was decided to hear H89-65, the Administrative Decision first.

H89-65 Diocese of Manchester, 222 Central Avenue, A/K/A Assessor's Map 9, Lot 98, zoned B-2, requests an Appeal for an Administrative Decision concerning the applicability of a rear setback regulation. (Article V, Section 170-16)

Tom Clark stated that the front property line is determined from the property card in the Assessor's Office. He stated if everyone was allowed to select their front property line, it would allow people to manipulate the ordinance.

Atty. Anthony McMannus read the definition of frontage. He stated that the lot is unique as it is surrounded by four streets, therefore, does have frontage on four streets. In a B-2 Zone, building up to the lot line on three streets is allowed, as long as, a 12 foot setback is provided on one of the streets.

Kevin McEnneaney spoke in favor.

Joyce Bowden stated that Tom is right in his decision. She stated that the lot is unique and in her estimation is a candidate for a Variance.

Dennis Ciotti spoke in favor and stated there is not another lot in Dover that has this particular problem.

Steve Stancel stated that the Planning Department can support a Variance but not overruling an Administrative Decision.

Close Public Hearing

Chris Jacobs made the motion to uphold the Administrative Decision.

Dean Trefethen seconded.

VOTE U/A

DENIED

H98-62 Diocese of Manchester, 222 Central Avenue, A/K/A Assessor's Map 9, Lot 98, zoned B-2, requests a Variance from the terms of Article V, Section 170-16 to construct a portion of a building zero feet from a rear lot line where twelve feet is required. (This item will be heard if Item H89-65 is denied.)

Atty. Anthony McMannus stated that they wanted to add a gym and a lunch room to the school. The children have to walk to Dover Rec., which causes a safety problem and the lunch room would provide them hot meals. There would not be any diminution in the property value of the neighborhood.

A letter received from Mrs. Abbott in opposition was read.

Chris Jacobs made the motion to accept the case.

Randy Turner seconded.

VOTE U/A

Nick Skaltsis stated that in a B-2 Zone the rear yard setback is there for the purpose of delivery and fire and on this lot the problem does not exist.

Steve Stancel stated that the Planning Department supports the Variance.

Joyce Bowden read the letter received from the First Parish Church Congregational stating their support of the Variance because of the school need and the information received that the new structure will be faced with brick conforming to the brick style of St. Mary's school and of the First Parish Church.

Close Public Hearing

5 CRITERIA

1. The applicant does face an unnecessary hardship because the unique configuration of the lot creates a hardship on the applicant.

2. The Variance will deliver substantial justice because it will allow the applicant the full use of his land within the intent of the ordinance.
3. The Variance will be in harmony with the spirit and intent of the zoning ordinance because the setbacks are for safety purposes but in this case this is not applicable.
4. The Variance will not result in a diminution in value of surrounding properties because there is no evidence presented to confirm a diminution in value.
5. The Variance will be of benefit to the public interest because the school yields a much needed service to the community.

Dean Trefethen made the motion to grant the Variance with the condition that the Church Street side be faced in brick. David Anderson seconded.

VOTE U/A

APPROVED - with the condition that the Church Street side be faced in brick.

H89-64 Daniel Gabriel, 601 Central Avenue, A/K/A Assessor's Map 27, Lots 150 & 131, zoned Office and RM-8, requests a Variance from the terms of Article III, Section 170-10.E (1) to enlarge a parking lot to extend approximately sixty-five (65) feet into the more restricted district where a maximum of fifty (50) feet is permitted; and (2) to permit the parking lot to be closer than one hundred (100) feet to two (2) street lines in the RM-8 Zone.

Dan Gabriel stated he is trying to make a bad situation a lot safer. The only way out is to back out onto Ham Street. He stated that Ham Street is very busy and there has already been one accident cause by bad visibility in backing out. This parking lot expansion would allow cars to drive out making it much safer. He stated it would also allow him to take cars off the street and put them in the parking lot.

Paul Connolly stated multiple zones on the same lot create a hardship. The lot expansion can create 18 parking spaces with a turn around to avoid backing onto Ham Street. A definite safety feature is getting 18 cars off the street and into the parking lot. Dan Gabriel would be creating a 10 foot wide easement from an abutting lot which he owns.

Randy Turner made the motion to accept the case. Dean Trefethen seconded.

VOTE U/A

Steve Stancel stated that the Planning Department is in favor of the variance. He stated that getting cars off the street is creating a benefit.

Nick Skaltsis stated that a precedence has been set on his lot on the corner of Ham and Everett by granting him a variance.

Close Public Hearing

5 CRITERIA

1. The applicant does face an unnecessary hardship because the parcel is bisected by a zoning district and creates a hardship on the applicant.
2. The Variance will deliver substantial justice because it will add more and safer parking in the lot.
3. The Variance will be in harmony with the spirit and intent of the zoning ordinance. The main function of the lot hasn't been changed and parking will be safer.
4. The variance will not result in a diminution in value of surrounding properties because no evidence was presented.
5. The Variance will be of benefit to the public interest because it will remove cars from the street and increase safety.

Randy Turner made the motion to grant the Variance.
Chris Jacobs seconded.

VOTE U/A

GRANTED

Randy Turner made the motion to adjourn.
Chris Jacobs seconded.

Meeting adjourned at 8:25 PM.