

**CITY OF DOVER**

## DOVER ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Thursday, July 16, 2009**  
Meeting Time: **7:00 pm**

### 1. ATTENDANCE

- Regular Members Present: Chair Masi Denison, Vice Chair Bill Colbath, Sam Reid, Frank Landford, Jim Kelley
- Alternate Members Present: Chris Prior, Otis Perry
- Staff Present: Bruce Woodruff, Zoning Administrator, Jennifer Bretz, Recording Secretary

Meeting called to order at 7:01 pm.

Denison recused herself from the meeting.

Prior will sit in.

### 2. APPROVAL OF PRIOR MINUTES OF MAY 21, 2009

Kelley stated that on page 2, where it states "Kelley stated" he would like to strike the word isn't.

Colbath stated on page 4 within the conditions, "in relation" is what the wording should be.

**Motion:** Reid made the motion to approve with changes, Perry seconded. Vote: U/A

### 3. NEW BUSINESS

- A. \* Z 09-08 Gail Bedrosian, 2 Old Littleworth Rd., a/k/a Tax Map 13, Lot 16, zoned R-20, requests a Variance from the terms of Article IV, Section 170-12, Table I, Part B, Footnote 2, to raise and board poultry in a fenced in area and in a 5 ft. by 5 ft. coop along the side yard abutting the Spaulding Turnpike right of way on a parcel with 11,344 square foot area, where 100,000 square feet is required, and within less than ten (10) feet of the side yard, where one-hundred (100) feet is required.

Bedrosian stated her request is for a limited scale of poultry. There would be six hens and no rooster. Her property borders Spaulding Turnpike and her home is the last one on a dead end. The property is dimensionally challenged. It's a reasonable request b/c her house is located at the end of a dead end. There are sheep in her neighborhood as well as cattle. She proceeded to go over her application.

Reid asked if it was a Use variance or Dimensional.

Woodruff stated the R-20 zoning allows for agricultural, horticultural and floriculture. He asked the Board if they wanted to consider the case Dimensional only.

Discussion ensued regarding the difference between a Use and Dimensional Variance.

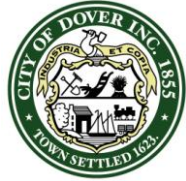
Landford asked the applicant if she has spoken to her neighbors.

Bedrosian stated that she has. Her neighbors did offer to come to the meeting to speak on her behalf.

**Motion:** Kelley made the motion to accept the case, Reid seconded. Vote: U/A

**Motion:** Reid made the motion to analyze the case as a Dimensional Variance, Kelley seconded. Vote: U/A

Public Hearing Open



**CITY OF DOVER**

## DOVER ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Thursday, July 16, 2009**  
Meeting Time: **7:00 pm**

Reid asked the applicant why she's asking for six chickens.

Bedrosian stated it's based on how many eggs her family consumes.

Woodruff stated that the Planning Department supports the variance. When dealing with a small amount of chickens as opposed to cows and sheep there is a difference. The neighbors, in the greater neighborhood, have animals on various sized lots. The applicant's lot isn't in the urban core. It's in a transitional zone between a suburban area and a rural area. During his research, he came across a zoning advisory bulletin about the changing aspect of how people are coping with economic times with regard to gardens and poultry. It recommended taking a look at changing the zoning to incorporate zones to allow small amount of things like ducks and chickens to be raised only for home use. There have been several phone calls and visits to the Planning Department asking to have chickens over the past few months. Finally the chickens that the applicant is asking to have a variance for will be housed on the side of her lot where there is no adjacent street.

Bedrosian stated after talking to Woodruff she realized that there are more people interested in having urban/suburban chickens.

Public Hearing Closed

Motion: Kelley made the motion to approve, Reid seconded. Vote: U/A

Landford stated he feels that they need to limit the amount of chickens that she can have.

Prior stated that they need to change the wording so that she doesn't have to have six chickens on the property at all times.

### **FINDINGS OF FACT: AREA VARIANCE**

**1. The applicant was to provide proof that special conditions exist and that literal enforcement of the ordinance would result in an unnecessary hardship.**

- a. Agricultural uses are allowed in this zone.**
- b. Unique to this request is the fact that the primary abutter is the Spaulding Turnpike.**
- c. The absence of opposition attests to a lack of impact.**
- d. Applicants presentation is to be incorporated as findings of fact.**

Therefore, based upon the foregoing, it is ordered that the application for the variance be granted. If granted, it is subject to the following conditions:

1. Up to six chickens will be allowed.

#### **4. OLD BUSINESS**

#### **5. OTHER BOARD BUSINESS**

Woodruff discussed, with the Zoning Board, the proposed changes to Chapter 170.



**CITY OF DOVER**

## DOVER ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Thursday, July 16, 2009**  
Meeting Time: **7:00 pm**

### 6. ADJOURN

Motion: Reid made the motion to adjourn at 8:00 pm, Kelley seconded. Vote: U/A.

#### List of Members

Masi Denison-regular member  
William Colbath-regular member  
Frank Landford-regular member  
Sam Reid-regular member  
Jim Kelley-regular member  
Otis Perry-alternate member  
Chris Prior-alternate member

#### Term Expires

01-24-10  
10-23-09  
04-12-11  
11-12-09  
05-23-10  
02-08-09  
02-01-11