



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Thursday, October 21, 2010**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. APPROVAL OF PRIOR MINUTES OF SEPTEMBER 16, 2010.

3. OLD BUSINESS

- A. Z 10-11 Chad Weathers & Olga Mollin, 24 Westwood Cr., Tax Map F, Lot 17-N, zoned R-40, requests a Variance from the terms of Article IV, Section 170-12.B, to construct an addition (garage) within 11 feet from a side property line where a minimum of twenty-five (25) feet is required.

Note: This item was tabled from the meeting of August 19, 2010.

4. NEW BUSINESS

- A. *Z 10-14-A Suzanne French, Trustee, (Owner: Noel R. Goulet & Rachel R. Goulet Living Trust), 6 Hall St., Tax Map 37, Lot 17A, zoned B-3, requests a Use Variance from the terms of Article IV, Section 170-11.A, B & D, to develop the land for either single family residence or a duplex residence.

Note: The following item will be heard if the previous item is granted.

- B. *Z 10-14-B Suzanne French, Trustee, (Owner: Noel R. Goulet & Rachel R. Goulet Living Trust), 6 Hall St., Tax Map 37, Lot 17A, zoned B-3, requests an Area Variance from the terms of Article IV, Section 170-12.A & B and Section 170-39, to construct a single-family residence or a duplex residence with a front setback requirement of twelve (12) feet, where fifty (50) feet is required.
- C. *Z10-15 Michael & Maureen Ryan, 15 Arch St., Tax Map 10, Lot 162, zoned RM-U, requests an Area Variance from the terms of Article IV, Section 170.11 and Section 170-12, to subdivide a parcel into 2 lots, creating one with frontage of sixty (60) feet, where a minimum of eighty (80) feet is required.

5. OTHER BOARD BUSINESS

6. ADJOURN

*If the application is accepted for discussion, the public hearing will be held that evening.

Persons with questions or wishing to see the plans are invited to visit the Planning Office, weekdays from 8:00 am to 4:00 pm. You may also view materials at www.dover.nh.gov, a map showing project locations can be found at www.dover.nh.gov/planhome.html. Follow us on Twitter @DoverNHPlanning and find us on Facebook at www.facebook.com/CityofDoverNHPlanning.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Thursday, September 16, 2010**
Meeting Time: **7:00 pm**

- 1. Attendance: Members Present:** Sam Reid (Chair), William Colbath (Vice Chair), James Kelley, Otis Perry, Frank Landford, Chris Prior (Alternate Member)
Staff Present: Bruce Woodruff (Zoning Administrator), Lisa Ertle (Recording Secretary).

The Chair called the meeting to order at 7:00 pm.

- 2. APPROVAL OF PRIOR MINUTES OF AUGUST 19, 2010.**

Motion: O.Perry made the motion to approve the August 19, 2010 minutes. J.Kelley seconded. Vote: Unanimous Approval.

- 3. Old Business - None**

- 4. New Business**

- Z 10-12 Restoration Church (Applicant: Rose Realty LLC), 18-20 Third St., (formerly Strand Theatre) Tax Map 6, Lot 37, zoned CBD, requests a use Variance from the terms of Article IV, Section 170-11.D and CBD-Commercial Table of Uses to establish a Church.

The Chair cited letters of approval from abutters submitted to the Planning Department. (Copies in file)

C.Wyskiel represented the applicant/landowner Anbelwold, LLC. The application is cosigned by the Pastor of The Restoration Church, a tenant of Anbelwold LLC occupying space at Strand Theater. C.Wyskiel clarified to the Board that the abutters have been notified of application, and the hours of operation for The Restoration Church will be on Sunday's and one evening during the week. He cited his letter of representation that was submitted to the Planning Department. (Copy in file).

Public Hearing Opened
In Favor of the Request- nobody spoke.
In opposition of the request:

Elizabeth Goldman, 44 Rutland Street, asked for the length of term for the resident of the theater, and a guarantee from the owner that the Strand Theater will not be changed. She noted her concern with advertising on the existing sign, and the importance of creativity and the arts in this community.

Resident living at 189 Central Avenue, feels the Strand Theater should be recognized as a historical landmark. He noted his concern of losing the characteristic of this building, and the sign associated with this building.

Resident living at 64 Broadway Street, noted he represented citizens who are advocating the preservation of the Strand Theater as a movie theater. He discussed the grass roots group that he represents, and the active role they have been taking with citizens in the area to ensure restoration



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of this theater. He noted his concern of losing this historic and cultural landmark, and feels that vibrant culture should be brought to this area.

Resident living at 30 Holiday Drive, discussed his position as a former pastor and explained how he felt about the meaning of religion within the civic uses part of the Code, and the importance of the history of this building. He feels that multiple uses for this building have to be explored, and suggested the use of film clubs renting space at the Strand Theater.

Resident living at 189 Central Avenue, feels there is a misunderstanding of the downtown sustainability for the City of Dover. He would like to know who the owner and the tenants of the building are.

Resident living at 27 Cushing Street, noted her concern with the image of the City of Dover. She feels that creativity in business needs to be brought to this town and is important. She noted her concern with available parking, and the impact on local businesses.

C.Wyskiel responded on the concern of parking, theater occupancy and available parking spaces, and feels there is plenty of parking. He noted his concern not accepting this site as a civic use, and briefly discussed taxes associated with churches. The length of term for the tenant is not determined, but the applicant is willing to keep the sign associated with the building. Discussion ensued on the staff recommendations from the Planning Department.

B.Woodruff noted the Planning Department did not authorize a certificate of use/occupancy for religious use at the Kaleo Coffeehouse. He stressed how involved staff discussions were with this issue and that there have been internal staff meetings as well as meetings with the principals in regards to this variance. He noted that staff did consider the possible increase in foot traffic on Sundays and that it might provide incentive and revenue to the building owner to redevelop the site. The Planning Department recommends that the application be disapproved. However, if the Board approves the variance, staff would suggest the following conditions in addition to the applicant's proposed conditions:

Conditions:

1. That should the church use cease at any time in future, the variance would be extinguished.
2. That the "accessory" type use of limited church services and functions return to the Zoning Board if said use becomes or is planned to be the principle use in the theater portion of the building.
3. That the variance is limited to the testimonies, statements, and representations made at this hearing.
4. Property owner and user shall meet with Technical Review Committee (TRC).
5. Property owner and user shall meet with Building Official to determine any necessary life safety code improvements.
6. No exterior changes shall be made to the building except as may be deemed necessary for life safety issues in meetings with TRC or Building Official.
7. The theater's marquee sign and glass-faced movie poster display cases shall be preserved and used as the property's signage for all property users.



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Public Hearing Closed

J.Kelley and B.Woodruff discussed the Form Based Code and Zoning Amendments, particularly in regards to permitted uses.

The Chair confirmed that C.Wyskiel is representing the applicant and not the Restoration Church.

The Chair and C.Wyskiel confirmed the following: the hours of operation for the Restoration Church will be for Sunday use and one evening during the week, the owner would like to bring a cinema to this location, and will be preserving the exterior structural form of the building and sign.

J.Kelley and B.Deberto, of Anbelwold LLC, discussed the reasoning for the Strand Theater closure.

O.Perry and C.Wyskiel discussed the concerns of tax the property coming off the tax rolls, the change of terminology to assembly, and the hours of operation.

Discussion with the Board and C.Wyskiel ensued on staff recommendations and conditions.

Findings of Fact:

1. Did the Applicant provide proof that demonstrates the variance will not be contrary to the public interest? Yes.
2. Did the Applicant provide proof that demonstrates how a variance observes the spirit of the ordinance? Yes.
3. Did the Applicant provide proof that demonstrates how a variance will result in substantial Justice? Yes.
4. Did the Applicant provide proof that demonstrates the variance will not diminish the values of surrounding properties? Yes.
5. 5A. The Applicant was to provide proof that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. (i) Did the Applicant demonstrate that special conditions of the property exist that distinguish it from other properties in the area? Yes. (ii) Did the Applicant demonstrate that no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property? Yes. (iii) Did the applicant demonstrate that the proposed use is a reasonable one? Yes.

Motion: O.Perry made the motion to grant the variance with all recommendations, both staff and applicant offered, and the proviso that condition #1 will expire if not used for 12 consecutive months. J.Kelley seconded. Vote: Unanimous Approval.

The Chair called a five minute recess at 8:20 pm. The meeting resumed at 8:25 pm.

- B. Z 10-13 STF Development Co., Inc., 4 Granite St., Tax Map 25, Lot 51A, zoned RM-U, requests a Special Exception meeting the terms of Article VI, Section 170.18 and Article XII, Section 170-52.C.3, to construct a three-unit townhouse condominium building with parking.



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Attorney Jim Schulte represented the applicant STF Development. The existing site is a parking lot covered with pavement and impervious gravel (which will be reduced by 30 percent). STF Development would like to develop a three-unit townhouse condominium within the square footage that zoning allows. He cited the special exception requirements that the applicant meets and will provide on site, as written in a letter he has submitted to the Planning Department.
(Copy in file)

W.Colbath and J.Schulte clarified that there will be 3 units with 6 parking spaces.

Public Hearing Opened
In Favor of the Request- nobody spoke
In Opposition of the Request:

Aaron Brown, 135 Portland Ave, noted his concern with drainage, and would like to know where excess drainage will go and whether catch basins will be included. He said he is not necessarily against the development, but wants to make sure the street drainage will not adversely affect his property. The Chair and B.Woodruff confirmed there will be less water drainage going towards Granite Street due to the use of pervious surfacing that will be installed by the developer.

Brooke Buckovitch, 135 Portland Ave, asked if townhouse condominiums will be owner occupied or rental units, and asked if the parking lot can be installed further from her property line and would like screening provided.

Sandeep Haridas, 16 Magnolia Drive, noted his concern of further development in regards to property value, and the loss of privacy. He would like to see the trees existing on this property remain there, and would like to know what other types of screening will be used.

J. Schulte noted that he feels the applicant may be able to accommodate the abutter's concern of privacy by not removing the trees. These type of units are usually owner occupied, but occasionally get rented out. The applicant has not considered putting fencing in, but he may be willing to talk to the engineer on this concern. The Chair and J.Schulte discussed the use of trees on this property, and clarified that existing trees will not be removed.

B.Woodruff noted the Planning Department recommends that the application be approved with the condition that parking lot screening be added to a plan that is acceptable to the Planning Department.

Public Hearing Closed

Motion: O.Perry motioned to grant the special exception subject to the conditions set forth by the Planning Department. F.Landford seconded. Vote: Unanimous Approval.

5. Other Board Business - None

6. **Adjourn** O.Perry motioned to adjourn meeting at 8:47 pm. J.Kelley seconded.

CASE # 210-11 DATE RECEIVED _____
 AMOUNT PAID \$ 216 TIME RECEIVED _____



**CITY OF DOVER
 ZONING BOARD OF ADJUSTMENT
 APPLICATION**

I. APPLICANT Chad Weathers & Olga Mollin PHONE #: 603-418-8438
 ADDRESS 24 Westwood Circle Dover, NH 03820
 PROPERTY OWNER Olga Mollin
 ADDRESS 24 Westwood Circle Dover, NH 03820
 PROPERTY LOCATION 24 Westwood Circle Dover, NH 03820
 BRIEF DIRECTIONS Rt 16 North to Exit Bw. Take Rt onto Rt 9 from Rt 155. Travel 2 miles to Westwood Circle Rt, left at "T" first on Rt.
 ZONE R-40 ASSESSOR'S MAP F LOT #(S) 15N

17N (BW)

TYPE OF APPEAL: (Please check off one)

- | | | |
|--|--------------------|--------------------|
| <input checked="" type="checkbox"/> VARIANCE | ARTICLE <u>170</u> | SECTION <u>12B</u> |
| <input type="checkbox"/> VARIANCE (Physical Disability - RSA 674:33-V) | ARTICLE _____ | SECTION _____ |
| <input type="checkbox"/> SPECIAL EXCEPTION | ARTICLE _____ | SECTION _____ |
| <input type="checkbox"/> ADMINISTRATIVE DECISION | ARTICLE _____ | SECTION _____ |
| <input type="checkbox"/> EQUITABLE WAIVER | ARTICLE _____ | SECTION _____ |

Describe briefly your plans for this property:

Our plan is to remove our existing one car garage; add a 2 car garage in its place. The extra width will be towards the 26 Westwood Circle - 26' wide by 34' deep. This increased width will further encroach on the property line, w/in the 25' set-back asking for an 11' side setback. (BW)

II. REQUIREMENTS SUBMITTED: (Please check off)

- A. Plot plan drawn in accordance with a boundary line survey to scale not less than 1" = 40', (9 copies). They need to include the lot dimensions including area in square feet, and also the size and location of existing and proposed buildings if applicable, including setbacks. _____
- B. List of abutters including addresses and map and lot number of parcels who adjoin or are directly across the street or stream from property. _____
- C. Application fee of:
- | | |
|---|------------------|
| \$100.00 VARIANCE | \$ <u>100.00</u> |
| \$100.00 SPECIAL EXCEPTION | \$ _____ |
| \$25.00 APPEAL FROM ADMINISTRATIVE DECISION | \$ _____ |
| \$100.00 EQUITABLE WAIVER | \$ _____ |
- D. Certified letters fee:
- | | |
|---------------------------------------|------------------|
| # of abutters <u>6</u> X \$8.00 = | \$ <u>48.00</u> |
| Applicant & Owner <u>1</u> X \$8.00 = | \$ <u>8.00</u> |
| Foster's newspaper public notice | \$ <u>60.00</u> |
| TOTAL | \$ <u>216.00</u> |

III. **NARRATIVE:** Complete the section pertaining to your request for a variance. Keep your answers brief and be prepared to explain them in detail at the meeting. The burden of proof is on the applicant. If you need more space use an additional sheet of paper

VARIANCE REQUIREMENTS: (PLEASE TYPE OR PRINT IN INK)

1. Provide proof that demonstrates the variance will not be contrary to the public interest.
We feel that this will not be contrary to public interest as many of the homes built in the 60's : 70's w/in the neighborhood do not comply w/ newer zoning, 2 second bay for ex. All other setbacks will be maintained, no additional curbsents will be maintained and we will match other Cape style houses who have added a second bay.

2. Provide proof that demonstrates how a variance observes the spirit of the ordinance.
Other homes originally built in Westwood Circle are within newer setback parameters and there is a wooded buffer between 34:26 Westwood. The garage has been positioned to comply w/ all other setbacks and match to look of other Westwood Cape properties

3. Provide proof that demonstrates how a variance will result in substantial justice.
• Will match the look of other Westwood circle homes that have a second bay • Like other homes built w/in Westwood circle during the 60's : 70's prior to exist ordinances it will allow for cost-effective & practical enhancements and upgrades

4. Provide proof that demonstrates the variance will not diminish the values of surrounding properties.
• Will match existing arch look • The property encroached upon has a substantial buffer to their garage • Will match to look of recently renovated homes

5A. Provide proof that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Unnecessary hardship standards are:

- (i) Special conditions of the property that distinguish it from other properties in the area; and
- (ii) no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
- (iii) the proposed use is a reasonable one.
current set-backs would not allow for building of a new identical garage in the same footprint. To comply w/ the provisions a new garage on the other side of the house would be required - longer drive, curbsents, renovations to home

OR

5B. If the criteria in subparagraph 5A above are not established, provide proof that an unnecessary hardship exists if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

N/A

SPECIAL EXCEPTION REQUIREMENTS

1. Explain how the requested use would be essential or desirable to the public convenience or welfare.

N/A

2. Detail how the requested use would not create undue traffic congestion or unduly impair pedestrian safety.

N/A

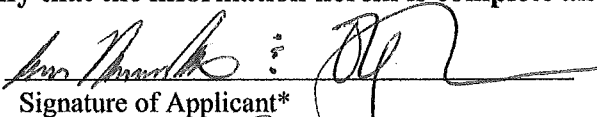
3. Describe how the requested use would not overload any public water, drainage or sewerage system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the City will be unduly subjected to hazards affecting health, safety or the general welfare.

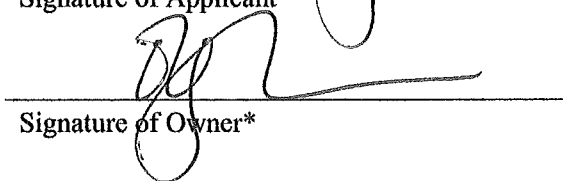
N/A

THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

IV. As applicant of standing of this request, I certify that the information herein is complete and accurate.

| |
|---|
| IMPORTANT |
| PROPERTY IDENTIFICATION SIGN MUST BE POSTED ON THE PROPERTY FOR THE 5 DAYS PRIOR TO HEARING. FAILURE TO POST MAY RESULT IN APPLICATION NOT BEING ACCEPTED |


Signature of Applicant*


Signature of Owner*

*Both Signatures Required

The applicant waives the requirement of holding a hearing within thirty (30) days of receipt of the application, pursuant to RSA 676:7, II:

Signature of Applicant

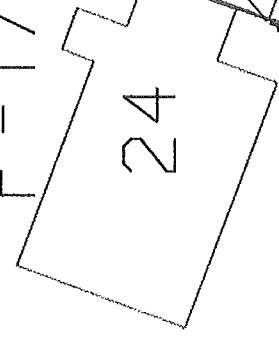
Date

| Names | House | Address | Map/Lot | Book | Page |
|-------------------------|--------------------|-------------------------------------|--------------|------|------|
| Fred and Lillian Torres | 11 Concord Way | 11 Concord Way, Dover, NH 03820 | F0018-A00000 | 1773 | 189 |
| John and Marie Mellyn | 43 Westwood Circle | 43 Westwood Circle, Dover, NH 03820 | F0018-G00000 | 735 | 46 |
| Steve and Lisa Hergott | 2 Concord Way | 2 Concord Way, Dover, NH 03820 | F0017-R00000 | 1878 | 289 |
| Pete and Diane Harvey | 26 Westwood Circle | 26 Westwood Circle, Dover, NH 03820 | F0017-H00000 | 1142 | 242 |
| Brenda Grondin | 45 Westwood Circle | 45 Westwood Circle, Dover, NH 03820 | F0017-L00000 | 2950 | 929 |
| Ken and Donna Neenan | 47 Westwood Circle | 10 New Bellamy Lane, Dover, NH03820 | F0017-M00000 | 2943 | 733 |

F-1/R

Lot = .43 acres
= 18,730.1 ft²

F-17N



24

F-17

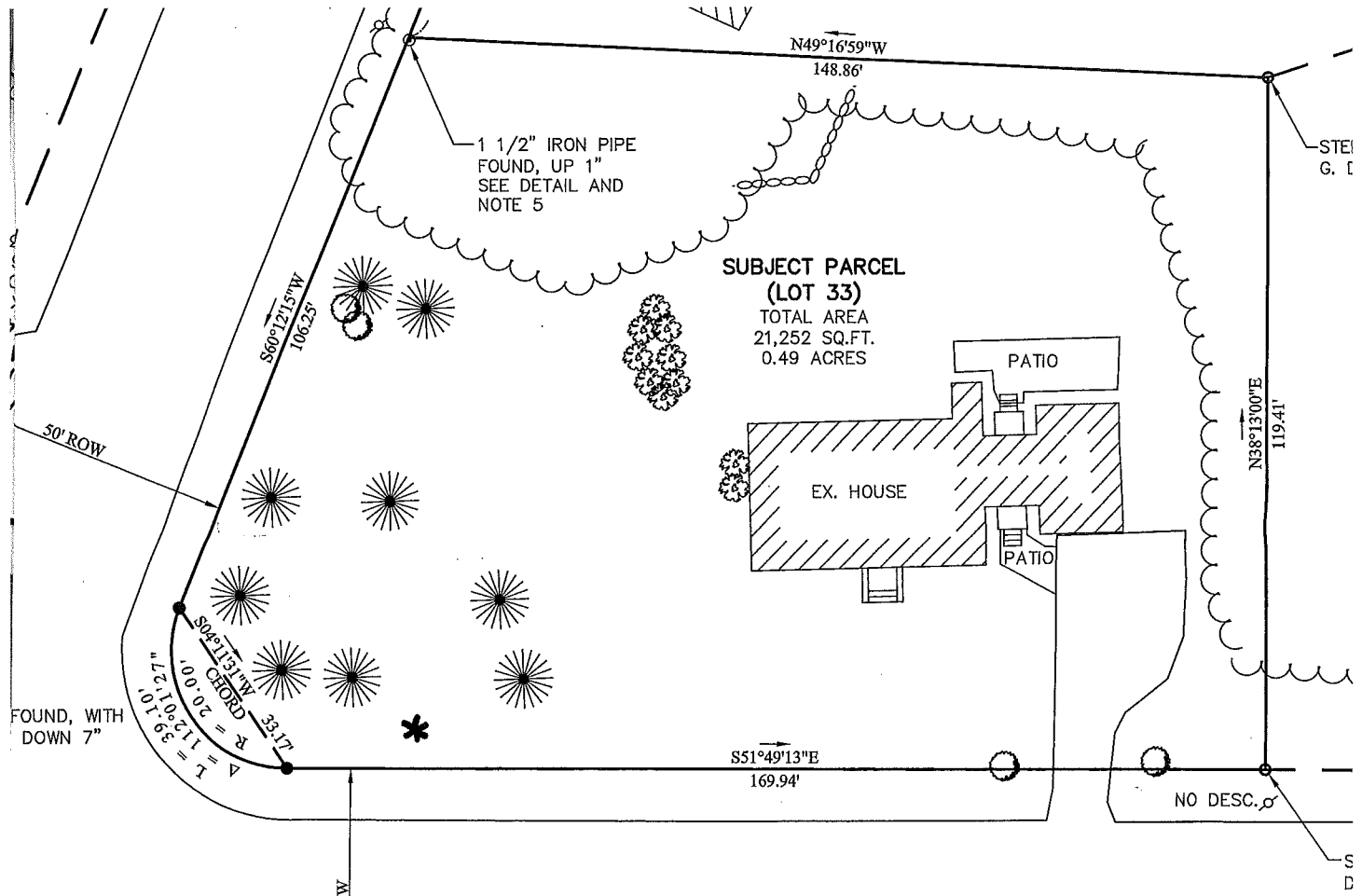
26

X - Existing Garage

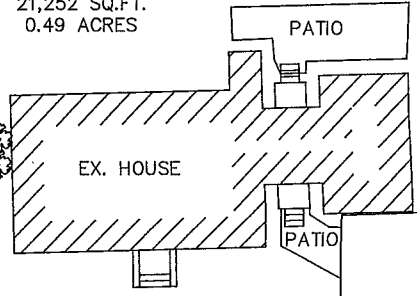
CIRCLE

45

-17L



SUBJECT PARCEL (LOT 33)
 TOTAL AREA
 21,252 SQ.FT.
 0.49 ACRES



FOUND, WITH
 DOWN 7"

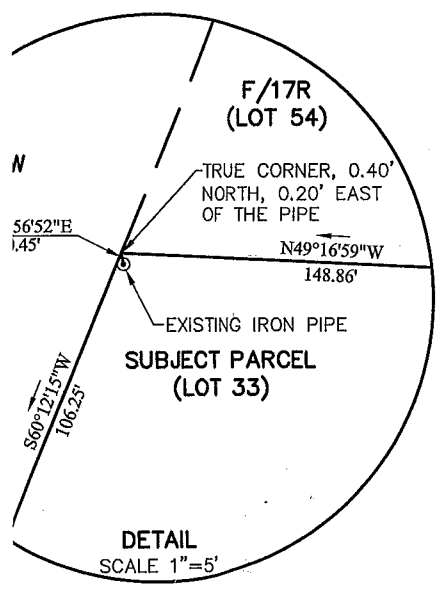
1 1/2" IRON PIPE
 FOUND, UP 1"
 SEE DETAIL AND
 NOTE 5

STEEL STAKE FOUND, WITH
 G. DAVIS CAP, DOWN 3"

STEEL STAKE FOUND,
 DOWN 1"

WESTWOOD CIRCLE

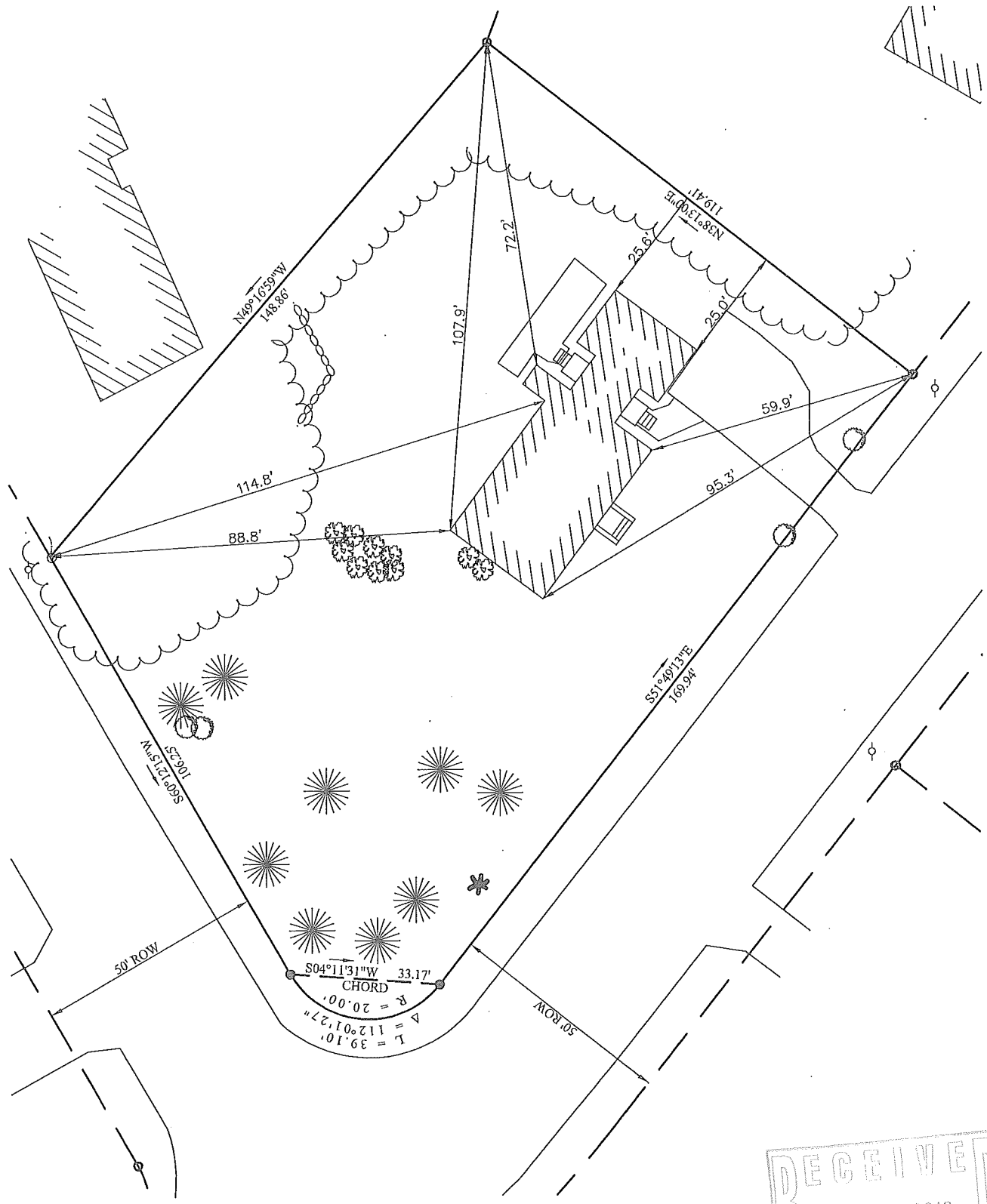
**N/F
 TAX MAP F
 LOT 17L
 (LOT 31)**
 BRENDA GRONDIN &
 BRADFORD BEZANKER
 S.C.R.D.
 BOOK 2950
 PAGE 929



GRAPHIC SCALE

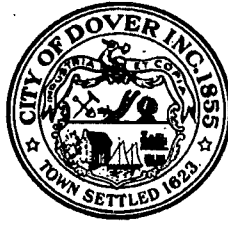


(IN FEET)
 1 inch = 20 ft.



RECEIVED
 OCT 13 2010
 By _____

CHRISTOPHER G. PARKER, AICP
Director
c.parker@dover.nh.gov



288 Central Avenue
Dover, New Hampshire 03820-4169
(603) 516-6008
Fax: (603) 516-6007
www.dover.nh.gov

City of Dover, New Hampshire

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

NOTICE OF DECISION

August 30, 2010

Chad Weathers and Olga Mollin
24 Westwood Circle
Dover NH 03820

RE: Z 10-11 Chad Weathers & Olga Mollin, 24 Westwood Cr., Tax Map F, Lot 17-N, zoned R-40, requests a Variance from the terms of Article IV, Section 170-12.B, to construct an addition (garage) within 11 feet from a side property line where a minimum of twenty-five (25) feet is required.

Dear Mr. Weathers and Ms. Mollin,

Please be advised that the Zoning Board of Adjustment, at the public hearing held on August 19, 2010, voted to table your grant for Variance.

Please contact the Planning Department before September 8, 2010 if you intend to be heard at the September 16, 2010 meeting or by October 6, 2010 if you intend to be heard at the October 21, 2010 meeting.

Sincerely,

Bruce W. Woodruff
Zoning Administrator

*Chad called & said he would like to be
on the Oct. 21. meeting*

JW

9/8/10

mailed 10/13/10



ZONING BOARD OF ADJUSTMENT – ABUTTER NOTICE

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: Thursday, October 21, 2010
Meeting Time: 7:00 pm

INTENT: To obtain a Dimensional Variance to allow removing a single car garage and constructing a two-car garage that will not meet the 25 ft. side setback by 14 ft. (New setback would be 11 ft.).

LOTS/UNITS PROPOSED: 0 lots

AGENDA ITEM #: 3-A

ZONING DISTRICT: R-40

FILE: Z10-11

APPLICANT(S): Chad Weathers & Olga Mollin

OWNER(S): Olga Mollin

LOCATION: 24 Westwood Circle (Assessor's Map F, Lot 15N)

ACREAGE: 0.43 acres (18,730 sq ft area)

EXISTING LAND USE: Single Family Dwelling

PROPOSED LAND USE: No Change

SURROUNDING LAND USE: Single family houses

ZONING HISTORY: Zoned R-40 in 1979

PREVIOUS ZBA ACTION: None

ATTACHMENTS: plan

PLANNING BOARD APPROVAL REQUIRED: No

Dear Property Owner: As an owner of abutting property, which is either adjoining or located directly across the street from the subject parcel, you are hereby notified of the public hearing on the bolded item below.

The full Zoning Board of Adjustment agenda is as follows:

1. ATTENDANCE
2. APPROVAL OF PRIOR MINUTES OF SEPTEMBER 16, 2010.
3. OLD BUSINESS
 - A. **Z 10-11 CHAD WEATHERS & OLGA MOLLIN, 24 WESTWOOD CR., TAX MAP F, LOT 17-N, ZONED R-40, REQUESTS A VARIANCE FROM THE TERMS OF ARTICLE IV, SECTION 170-12.B, TO CONSTRUCT AN ADDITION (GARAGE) WITHIN 11 FEET FROM A SIDE PROPERTY LINE WHERE A MINIMUM OF TWENTY-FIVE (25) FEET IS REQUIRED.**
NOTE: THIS ITEM WAS TABLED FROM THE MEETING OF AUGUST 19, 2010.
4. NEW BUSINESS
 - A. *Z 10-14-A SUZANNE FRENCH, TRUSTEE, (OWNER: NOEL R. GOULET & RACHEL R. GOULET LIVING TRUST), 6 HALL ST., TAX MAP 37, LOT 17A, ZONED B-3, REQUESTS A USE VARIANCE FROM THE TERMS OF ARTICLE IV, SECTION 170-11.A, B & D, TO DEVELOP THE LAND FOR EITHER SINGLE FAMILY RESIDENCE OR A DUPLEX RESIDENCE.
NOTE: THE FOLLOWING ITEM WILL BE HEARD IF THE PREVIOUS ITEM IS GRANTED.
 - A. *Z 10-14-B SUZANNE FRENCH, TRUSTEE, (OWNER: NOEL R. GOULET & RACHEL R. GOULET LIVING TRUST), 6 HALL ST., TAX MAP 37, LOT 17A, ZONED B-3, REQUESTS AN AREA VARIANCE FROM THE TERMS OF ARTICLE IV, SECTION 170-12.A & B AND SECTION 170-39, TO CONSTRUCT A SINGLE-FAMILY RESIDENCE OR A DUPLEX RESIDENCE WITH A FRONT SETBACK REQUIREMENT OF TWELVE (12) FEET, WHERE FIFTY (50) FEET IS REQUIRED.
 - B. *Z10-15 MICHAEL & MAUREEN RYAN, 15 ARCH ST., TAX MAP 10, LOT 162, ZONED RM-U, REQUESTS AN AREA VARIANCE FROM THE TERMS OF ARTICLE IV, SECTION 170.11 AND SECTION 170-12, TO SUBDIVIDE A PARCEL INTO 2 LOTS, CREATING ONE WITH FRONTAGE OF SIXTY (60) FEET, WHERE A MINIMUM OF EIGHTY (80) FEET IS REQUIRED.
5. OTHER BOARD BUSINESS
6. ADJOURN

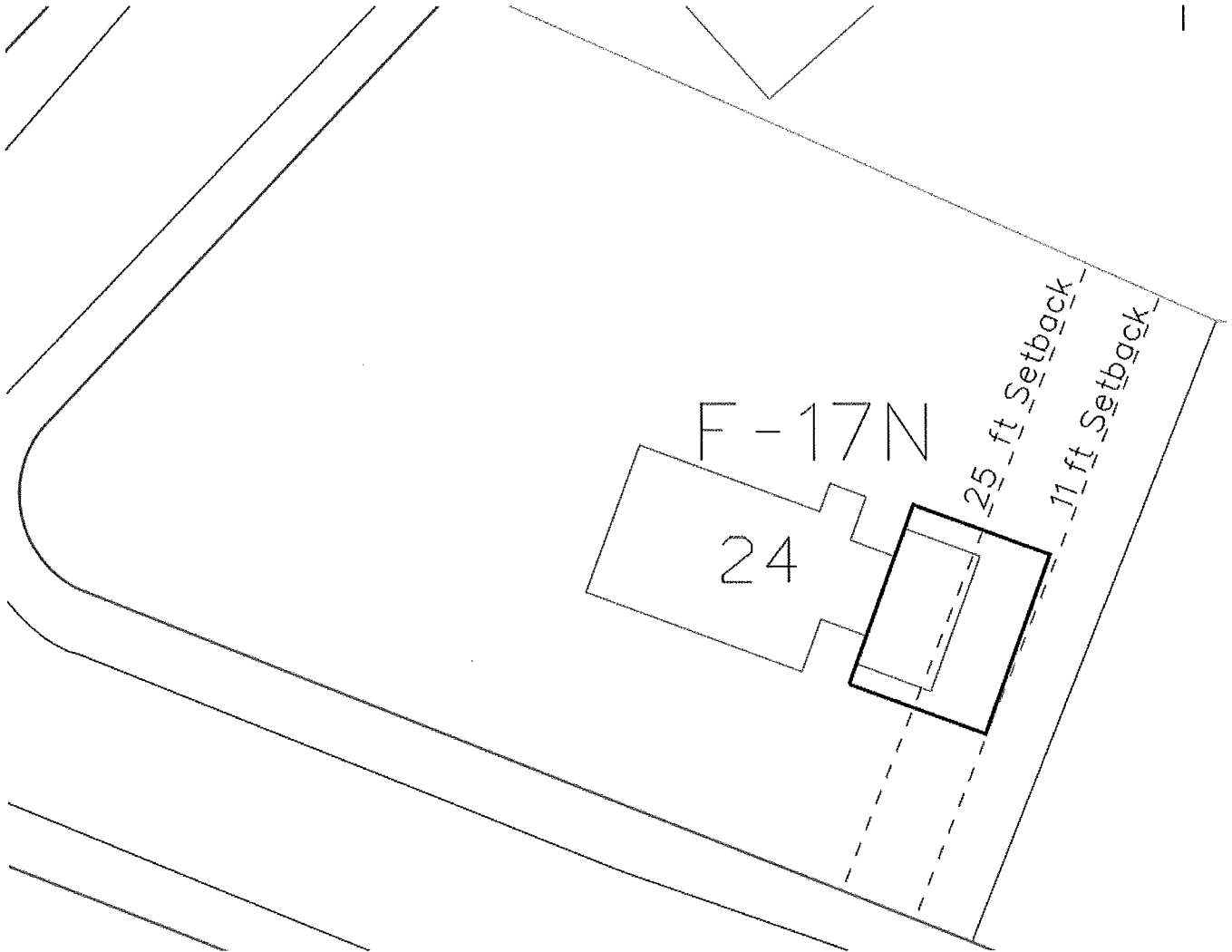
*IF THE APPLICATION IS ACCEPTED FOR DISCUSSION, THE PUBLIC HEARING WILL BE HELD THAT EVENING. PERSONS WITH QUESTIONS OR WISHING TO SEE THE PLANS ARE INVITED TO VISIT THE PLANNING OFFICE, WEEKDAYS FROM 8:00 AM TO 4:00 PM. YOU MAY ALSO VIEW MATERIALS AT WWW.DOVER.NH.GOV, A MAP SHOWING PROJECT LOCATIONS CAN BE FOUND AT WWW.DOVER.NH.GOV/PLANHOME.HTML. FOLLOW US ON TWITTER @DOVERNHPANNING AND FIND US ON FACEBOOK AT WWW.FACEBOOK.COM/CITYOFDOVERNHPANNING.

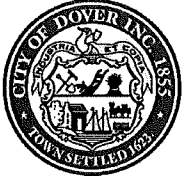


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Meeting Time: 7:00 pm





CITY OF DOVER

ZONING BOARD - STAFF MEMO FILE #Z10-11

Application Type: Dimensional Variance
Applicant(s): Chad Weathers & Olga Mollin
Owner(s): Olga Mollin
Location: 24 Westwood Circle (Assessor's Map F, Lot 17N)

INTENT: To obtain a dimensional variance to allow removing a single car garage and constructing a two-car garage that will not meet the twenty-five ft. side setback by 14 ft. (New setback would be no less than 11 ft.)

LOTS/UNITS PROPOSED: 0 Lots

AGENDA ITEM #: 3-A

ZONING DISTRICT: R-40

EXISTING LAND USE: Single Family Dwelling

PROPOSED LAND USE:
No Change

SURROUNDING LAND USE: Single Family houses

PREVIOUS ZBA ACTION: None

PB APPROVAL REQUIRED: No

ATTACHMENT: Site Plan, application and abutter's notice

APPLICATION IS COMPLETE: Yes

NOTICES AS REQUIRED: Yes

STAFF RECOMMENDATION:
The Planning Department recommends that the application be approved.

Summary of Request and Background

Applicant wishes to remove an existing, attached single car garage and replace it with a larger, two-car garage that would not meet the side setback by approximately 14 ft. Applicant states abutting properties have principle structures closer than what is being asked for. (3 and 4 feet to the property line).

Attached find site plans.

Reason for Staff Recommendation

Staff recommendation is based on the fact that during the years this subdivision was approved (late '60's/early '70's) and houses were being constructed, the area was an R-1 zone with a 12 ft. side setback. This request allows the applicant a similar use that his neighbors have and would be less than one foot of the old side setback. These types of dimensions are reflected in the neighborhood for the older structures. Refer to the map on the side opposite that shows the closer neighborhood structures.

Staff reserves the rights to amend this approve recommendation based on abutter input or other facts presented during the hearing.

Recommendation

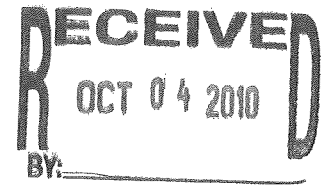
The Planning Department recommends the Zoning Board accept the application, hold the public hearing. If the Board approves the variance, staff would suggest the following conditions:

Conditions:

1. That the required building permits be acquired and a foundation plot plan be prepared by a surveyor prior to constructing the new garage.

CASE # Z 10-14 DATE RECEIVED 10/4/10

AMOUNT PAID \$ 100.00 TIME RECEIVED _____
208.00
308.00



**CITY OF DOVER
ZONING BOARD OF ADJUSTMENT
APPLICATION**

I. APPLICANT Suzanne French, Trustee PHONE #: 332-2633
ADDRESS 2 Kirsten Avenue, Rochester, NH 03867
PROPERTY OWNER Noel R. Goulet & Rachel R. Goulet Living Trust
ADDRESS 2 Kirsten Avenue, Rochester, NH 03867
PROPERTY LOCATION 6 Hall Street
BRIEF DIRECTIONS Vacant lot on right side of Hall Street
ZONE B-3 ASSESSOR'S MAP 37 LOT #(S) 17A

TYPE OF APPEAL: (Please check off one)

XX VARIANCE ARTICLE IV SECTION 170-11, 170-12
_____ VARIANCE (Physical Disability - RSA 674:33-V) ARTICLE X SECTION 170-39
_____ SPECIAL EXCEPTION ARTICLE _____ SECTION _____
_____ ADMINISTRATIVE DECISION ARTICLE _____ SECTION _____
_____ EQUITABLE WAIVER ARTICLE _____ SECTION _____

B-3 Table of use & dimensional reqs.

Describe briefly your plans for this property: To develop the land for either a single family residence or a duplex residence.

II. REQUIREMENTS SUBMITTED: (Please check off)

A. Plot plan drawn in accordance with a boundary line survey to scale not less than 1" = 40', (**9 copies**). They need to include the lot dimensions including area in square feet, and also the size and location of existing and proposed buildings if applicable, including setbacks. X

B. List of abutters including addresses and map and lot number of parcels who adjoin or are directly across the street or stream from property. X

C. Application fee of:
\$100.00 VARIANCE \$ 100.00
\$100.00 SPECIAL EXCEPTION \$ _____
\$25.00 APPEAL FROM ADMINISTRATIVE DECISION \$ _____
\$100.00 EQUITABLE WAIVER \$ _____

D. Certified letters fee:
of abutters 5 X \$8.00 = \$ 40.00
Applicant & Owner 1 X \$8.00 = \$ 8.00
Foster's newspaper public notice \$ 60.00
TOTAL \$ 208.00

VARIANCE REQUIREMENTS:

1. Provide proof that demonstrates that the variance will not be contrary to the public interest.

The applicant owns 10,000 square feet of land on the northerly side of Hall Street. This land is zoned B-3, while the land on the other side of Hall Street is zoned Office. The applicant seeks two related variances. The first is to allow construction and use of either a single family residence or a residential duplex on the lot. The second is to reduce the front setback requirements from 50 feet to 12 feet, which is the requirement for lots in the Office zone. Hall Street is part of a residential subdivision which was laid out in 1920. Except for a medical office building at the corner of Ridge and Hall Streets, all of the properties used in this development are used residentially. Most of the lots are single family homes. The lot across the street from the applicant contains a 4 unit residential condominium, and the lot which abuts that lot is also a 4 unit residential condominium.

The B-3 zone allows multifamily residential uses, but this lot is too small for such a use. The B-3 zone also allows conversion of existing single family homes into duplexes by special exception. Thus, the ordinance itself provides that single family and two unit residential uses are consistent with the purposes of the ordinance and the public interest.

The lot measures 100 feet by 100 feet, and a front setback of 50 feet would place a building much farther back from the street than is the case for every other building in the subdivision and would make it difficult to build a structure which fits into the character of the neighborhood. The setback requirement for lots located across the street is 12 feet.

This lot abuts the land developed for the Hannaford store, but there is no access from this lot across the Hannaford lot. In addition, the elevation of this lot is substantially higher than the parking lot and driveways for the Hannaford property, and it would not be feasible to construct a physical access from Hannaford onto this property even if legal access was available.

Given the location of this lot on a dead end residential street, residential use would be the most appropriate use for this land, and the size of the lot would limit development to a one or two family residence.

2. Provide proof that demonstrates how a variance observes the spirit of the ordinance.

The ordinance allows multifamily residential use, but the lot is too small for such a use. Conversion of single family residences to duplex residential use is allowed by special exception. The ordinance itself provides that single family and two unit residential uses are consistent with the purposes of the ordinance and the public interest. Nearly all uses within this subdivision are residential. The location of this lot does not lend itself to commercial use, and the allowed commercial uses would not be consistent with the neighborhood.

3. Provide proof that demonstrates how a variance will result in substantial justice.

The proposed use of the land is more consistent with the character of the neighborhood than are the commercial uses which are allowed in this zone. Adjacent properties on Hall Street are residential. The B-3 zone does allow conversion of existing dwellings into not more than two residential units by special exception. Multifamily residential uses are permitted, but the lot is too small for such a use. Granting the variances will allow the use of the land in a manner which more closely fits into the other uses in the neighborhood, and will allow a new residence to be build with a front setback that is similar to that of neighboring properties.

4. Provide proof that demonstrates the variance will not diminish the values of surrounding properties.

The proposed residential use itself is similar to that of the other properties in the neighborhood, and is less than the multifamily use that is permitted in the zone, and is less than the condominium use for the land across the street. The setback variance will allow construction of a home with a setback similar to that of the neighboring properties.

5A. Provide proof that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Unnecessary hardship standards are:

(i) Special conditions of the property that distinguish it from other properties in the area:

This is the last lot in Dover on this dead end street and it abuts other properties which have been developed in the same manner as this proposal. The lot is located at a substantial distance from Central Avenue on a small dead end street, and is not suitable for the commercial uses that are permitted in the zone. The lots across the street are in the Office zone, where a one or two family dwelling is permitted as a matter of right with only a 12 foot front setback.

(ii) No fair and substantial relationship exists between the general public purposes of the ordinance provisions and the specific application of that provision to the property:

The general public purpose of the ordinance includes allowing residential uses to be established or maintained. Because of lack of direct access to a road within the B-3 zone, this lot is not suitable for commercial development, and it is too small for the multifamily use that is permitted in the B-3 zone. The proposed use and proposed setback would allow development of the land for a use that is more consistent with the existing uses within this subdivision.

(iii) The proposed use is a reasonable one.

The proposed use is similar to the existing uses on the neighboring properties, and is an allowed use for the lots located across the street.

SPECIAL EXCEPTION REQUIREMENTS

1. Explain how the requested use would be essential or desirable to the public convenience or welfare.

2. Detail how the requested use would not create undue traffic congestion or unduly impair pedestrian safety.

3. Describe how the requested use would not overload any public water, drainage or sewerage system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the City will be unduly subjected to hazards affecting health, safety or the general welfare.

THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

IV. As applicant of standing of this request, I certify that the information herein is complete and accurate.

| |
|---|
| IMPORTANT |
| PROPERTY IDENTIFICATION SIGN MUST BE POSTED ON THE PROPERTY FOR THE 5 DAYS PRIOR TO HEARING. FAILURE TO POST MAY RESULT IN APPLICATION NOT BEING ACCEPTED |

Suzanne French, Trustee

Signature of Applicant*

Suzanne French, Trustee

Signature of Owner*

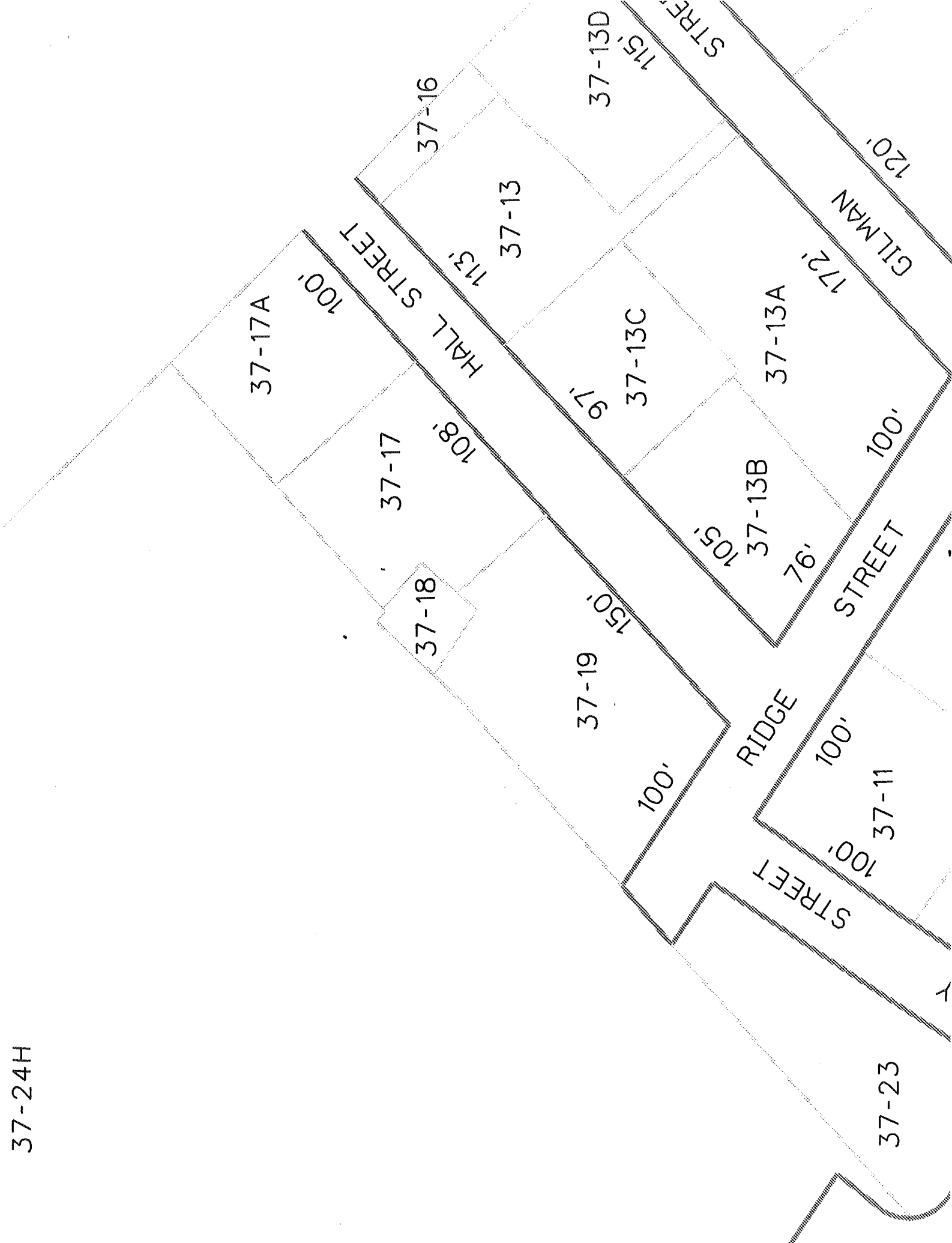
*Both Signatures Required

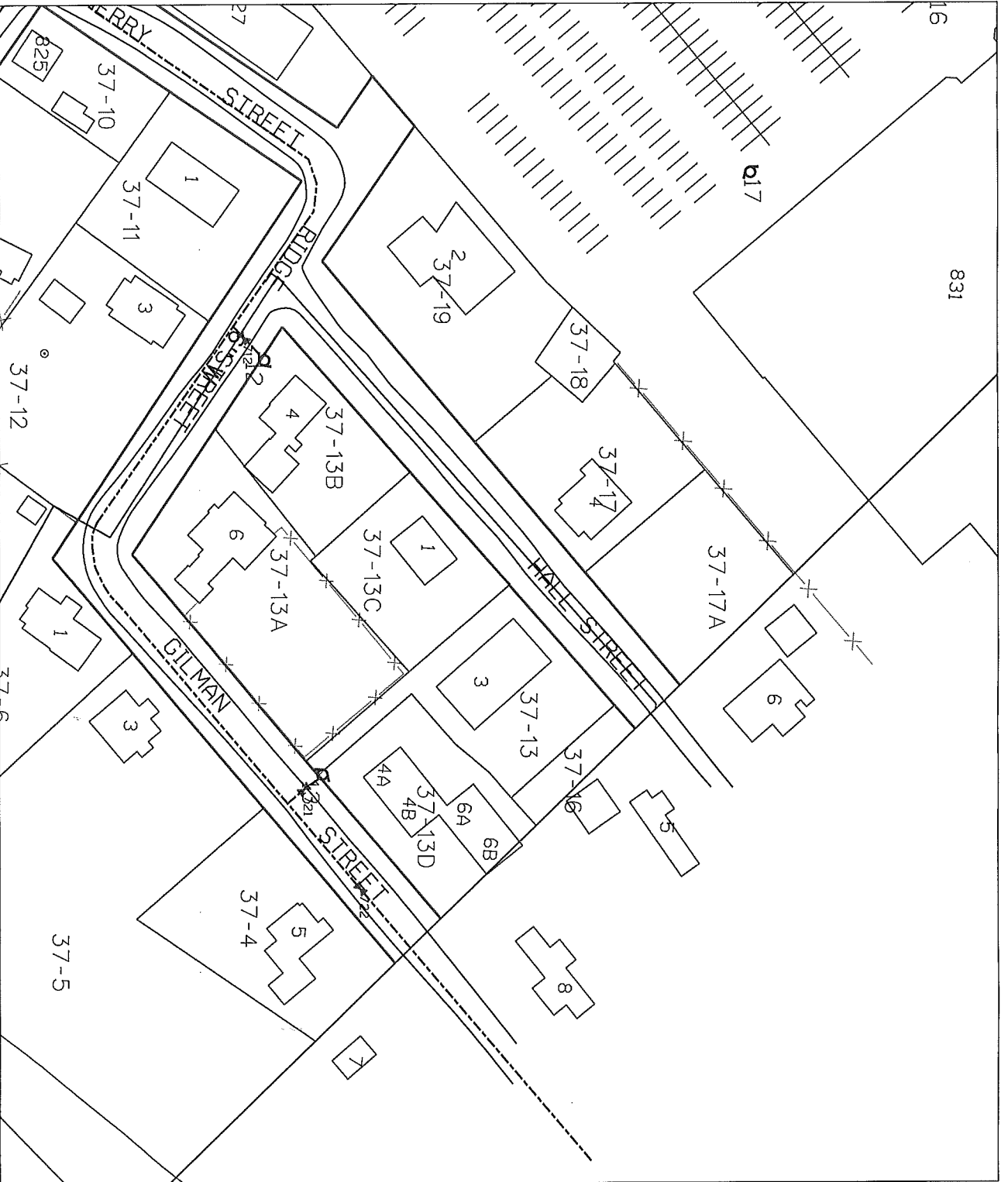
| | |
|--|---------------|
| <i>The applicant waives the requirement of holding a hearing within thirty (30) days of receipt of the application, pursuant to RSA 676:7, II:</i> | |
| _____ Signature of Applicant | _____ Date |

LIST OF ABUTTERS

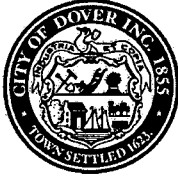
| | |
|---------------------------------------|--|
| Map 37, Lot 13 | Hall Street Condominium Association C/o Ken Chadwick 3 Hall Street Dover, NH 03820 |
| Map 37, Lot 16 | Scott T. Harmon Jonathan R. Knight 15 Laurel Lane Somersworth, NH 03878-1112 |
| Map 37, Lot 17 | John P. Haley 4 Hall Street Dover, NH 03820 |
| Map 37, Lot 24 <i>H</i> <i>(D)</i> | Hannaford Brothers Company c/o Sampson Supermarkets, Inc. MS 6000, Real Estate Department PO Box 1000 Portland, ME 04104 |
| 6 Hall Street | Stephen Tiebout 6 Hall Street Rollinsford, NH 03869 |

37-24H





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CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – ABUTTER NOTICE

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: Thursday, October 21, 2010
Meeting Time: 7:00 pm

INTENT: To obtain a Use Variance to allow a residential use in a B-3 zone where no residential is permitted by right, then if granted, obtain relief from the front setback requirement of 50 ft. to 12 ft, which is the setback required across the street in the Office zone.

LOTS/UNITS PROPOSED: 0 lots

AGENDA ITEM #: 4-A & B

ZONING DISTRICT: B-3

FILE: Z10-14-a & b

APPLICANT(S): Suzanne French, Trustee

OWNER(S): Noel R. Goulet & Rachel R. Goulet Living Trust

LOCATION: 4.5 Hall Street (Assessor's Map 37, Lot 17A) (application calls address as 6 Hall St.-no address has been assigned by Building Official as yet.)

ACREAGE: 0.23 acres (10,000 sq ft area)

EXISTING LAND USE: Vacant lot

PROPOSED LAND USE:
Single Family or Duplex residential use

SURROUNDING LAND USE:
Single family, multi-family houses and business uses

ZONING HISTORY: Zoned B-3 in 1979

PREVIOUS ZBA ACTION: None

ATTACHMENTS: plan

PLANNING BOARD APPROVAL REQUIRED: No
Dear Property Owner: As an owner of abutting property, which is either adjoining or located directly across the street from the subject parcel, you are hereby notified of the public hearing on the bolded item below.

The full Zoning Board of Adjustment agenda is as follows:

1. Attendance
2. Approval of Prior Minutes of September 16, 2010.
3. Old Business
 - A. Z10-11 Chad Weathers & Olga Mollin, 24 Westwood Cr., Tax Map F, Lot 17-N, zoned R-40, requests a Variance from the terms of Article IV, Section 170-12.B, to construct an addition (garage) within 11 feet from a side property line where a minimum of twenty-five (25) feet is required.

Note: This item was tabled from the meeting of August 19, 2010.

4. New Business
 - A. ***Z10-14-A Suzanne French, Trustee**, (Owner: Noel R. Goulet & Rachel R. Goulet Living Trust), 6 Hall St., Tax Map 37, Lot 17A, zoned B-3, requests a Use Variance from the terms of Article IV, Section 170-11.A, B & D, to develop the land for either single family residence or a duplex residence.

Note: The following item will be heard if the previous item was granted.

- B. ***Z10-14-B Suzanne French, Trustee**, (Owner: Noel R. Goulet & Rachel R. Goulet Living Trust), 6 Hall St., Tax Map 37, Lot 17A, zoned B-3, requests an Area Variance from the terms of Article IV, Section 170-12.A & B and Section 170-39, to construct a single-family residence or a duplex residence with a front setback requirement of twelve (12) feet, where fifty (50) feet is required.
- C. ***Z10-15 Michael & Maureen Ryan**, 15 Arch St., Tax Map 10, Lot 162, zoned RM-U, requests an Area Variance from the terms of Article IV, Section 170.11 and Section 170-12, to subdivide a parcel into 2 lots, creating one with frontage of sixty (60) feet, where a minimum of eighty (80) feet is required.

5. Other Board Business
6. Adjourn

*If the application is accepted for discussion, the public hearing will be held that evening. Persons with questions or wishing to see the plans are invited to visit the Planning Office, weekdays from 8:00 am to 4:00 pm. You may also view materials at www.dover.nh.gov, a map showing project locations can be found at www.dover.nh.gov/planhome.html. Follow us on Twitter @DoverNHPlanning and find us on Facebook at www.facebook.com/CityofDoverNHPlanning.



CITY OF DOVER

ZONING BOARD - STAFF MEMO FILE #Z10-14 A & B

| | |
|-------------------|--|
| Application Type: | Use and Dimensional Variance |
| Applicant(s): | Suzanne French, Trustee |
| Owner(s): | Noel R. Goulet & Rachel R. Goulet Living Trust |
| Location: | 4.5 Hall Street (Assessor's Map 37, Lot 17A (application calls address out as 6 Hall, however no address assigned yet.)) |

INTENT: To obtain a Use Variance to allow a residential use in the B-3 zone where no residential is permitted by right, then if granted, obtain relief from the front setback requirement of 50 ft. to 12 ft., which is the setback required across the street in the O zone where other residential units exist.

LOTS/UNITS PROPOSED: 0 Lots

AGENDA ITEM #: 4-A & B

ZONING DISTRICT: B-3

EXISTING LAND USE: Vacant Lot

PROPOSED LAND USE: Single Family or Duplex residential

SURROUNDING LAND USE:

Commercial, Retail, single family, multifamily, office

PREVIOUS ZBA ACTION: None

PB APPROVAL REQUIRED: No

ATTACHMENT: application and narrative from applicant's attorney

APPLICATION IS COMPLETE: Yes

NOTICES AS REQUIRED: Yes

STAFF RECOMMENDATION:

The Planning Department recommends that the application be approved.

Summary of Request and Background

The use variance is needed for the applicant to use the vacant lot for a residential use just like all the structures in the neighborhood are used for. The vacant lot does not have easy access to the commercial area to the north, nor should there be increased traffic on the substandard Hall St. This is the most reasonable use of the property. Again, the setback to 12 ft. would allow this owner to have the same dimensional rights as all the neighbors on the south side of Hall St. and be more in keeping with the area of the lot.

Reason for Staff Recommendation

Since this is a B-3 zone on the north side of Hall St, and the neighborhood is comprised entirely of residential homes, a reasonable use for this vacant lot is residential and not commercial. Additionally, the street is a residential street both in character, ease of access, volumes and condition. The 12 ft. setback variance would allow a more reasonable building envelope in keeping with the neighborhood.

Recommendation

The Planning Department recommends the Zoning Board ask the applicant if they would acquiesce to hearing both variances at the same time, accept the application, and hold the public hearing. If the Board approves the variance(s), staff would suggest the following conditions in addition to the applicant's proposed conditions:

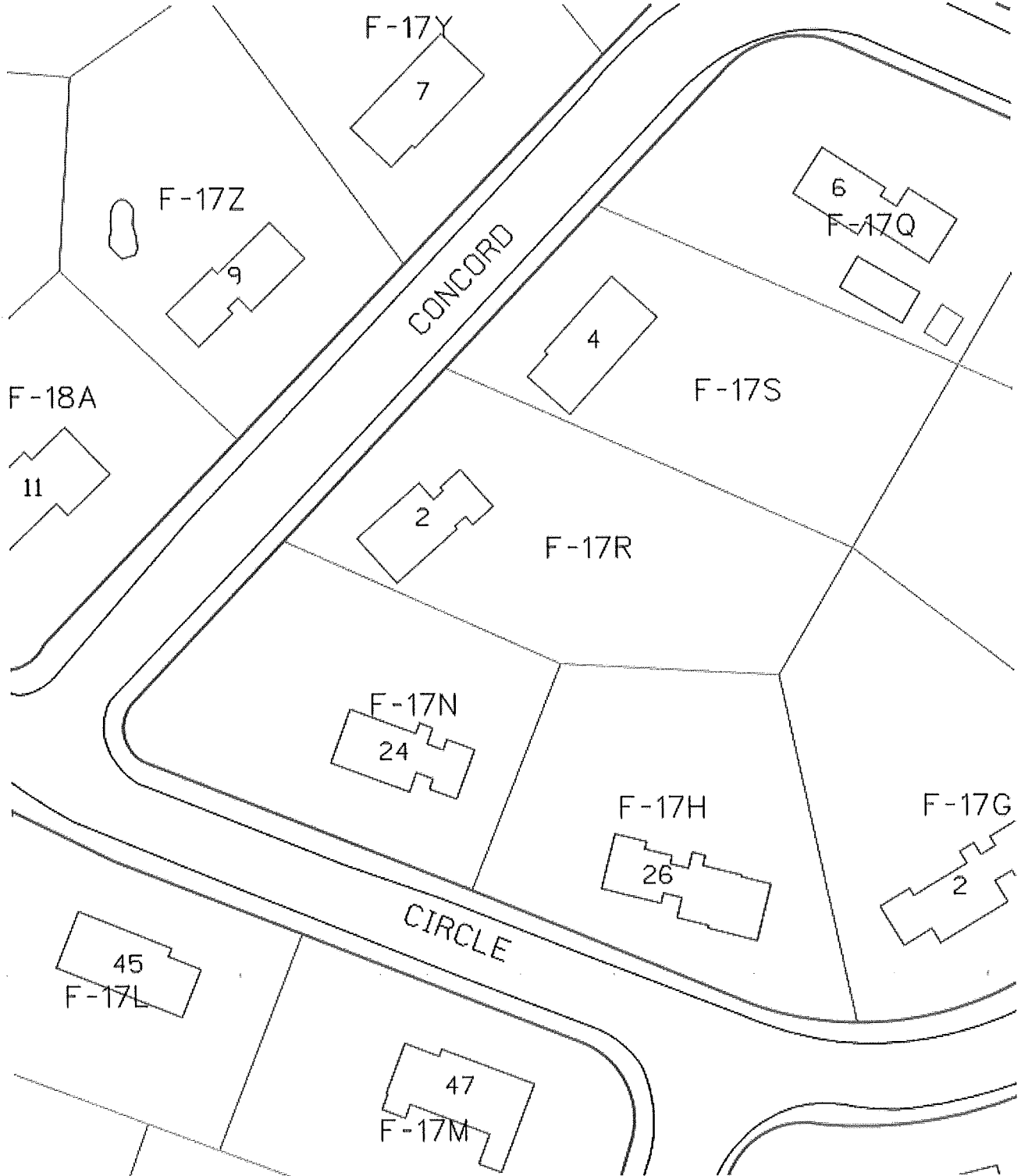
1. That the use on the property remains residential in keeping with the neighborhood. That any future owner that may wish to use the property or structure for a commercial use (usually allowed by right) shall come back to the ZBA to request a change in the terms of this variance.



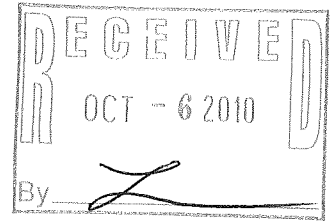
CITY OF DOVER

ZONING BOARD - STAFF MEMO FILE #Z10-11

Application Type: Dimensional Variance
Applicant(s): Chad Weathers & Olga Mollin
Owner(s): Olga Mollin
Location: 24 Westwood Circle (Assessor's Map F, Lot 17N)



CASE # Z-10-15 DATE RECEIVED 10/6/10
 AMOUNT PAID \$ 240- TIME RECEIVED _____



**CITY OF DOVER
 ZONING BOARD OF ADJUSTMENT
 APPLICATION**

I. APPLICANT Michael J. Ryan & Maureen L. Ryan PHONE #: 742-1219
 ADDRESS 15 Arch Street
 PROPERTY OWNER Same
 ADDRESS _____
 PROPERTY LOCATION 15 Arch Street
 BRIEF DIRECTIONS Between Silver and West Concord Streets
 ZONE RM-U ASSESSOR'S MAP 10 LOT #(S) 162

TYPE OF APPEAL: (Please check off one)

| | | |
|--|-------------------|-------------------------------|
| <input checked="" type="checkbox"/> VARIANCE | ARTICLE <u>IV</u> | SECTION <u>170-11, 170-12</u> |
| <input type="checkbox"/> VARIANCE (Physical Disability - RSA 674:33-V) | ARTICLE _____ | SECTION _____ |
| <input type="checkbox"/> SPECIAL EXCEPTION | ARTICLE _____ | SECTION _____ |
| <input type="checkbox"/> ADMINISTRATIVE DECISION | ARTICLE _____ | SECTION _____ |
| <input type="checkbox"/> EQUITABLE WAIVER | ARTICLE _____ | SECTION _____ |

Describe briefly your plans for this property: To subdivide this property into two lots.
One will have 80 feet of frontage and will meet all zoning requirements. The
second will have 60 feet of frontage and will otherwise meet all zoning
requirements.

II. REQUIREMENTS SUBMITTED: (Please check off)

- A. Plot plan drawn in accordance with a boundary line survey to scale not less than 1" = 40', (**9 copies**). They need to include the lot dimensions including area in square feet, and also the size and location of existing and proposed buildings if applicable, including setbacks. X
- B. List of abutters including addresses and map and lot number of parcels who adjoin or are directly across the street or stream from property. X
- C. Application fee of:

| | |
|---|------------------|
| \$100.00 VARIANCE | \$ <u>100.00</u> |
| \$100.00 SPECIAL EXCEPTION | \$ _____ |
| \$25.00 APPEAL FROM ADMINISTRATIVE DECISION | \$ _____ |
| \$100.00 EQUITABLE WAIVER | \$ _____ |
- D. Certified letters fee:

| | |
|---------------------------------------|-------------------------|
| # of abutters <u>9</u> X \$8.00 = | \$ <u>72.00</u> |
| Applicant & Owner <u>1</u> X \$8.00 = | \$ <u>8.00</u> |
| Foster's newspaper public notice | \$ <u>60.00</u> |
| TOTAL | \$ <u>240.00</u> |

VARIANCE REQUIREMENTS:

1. Provide proof that demonstrates that the variance will not be contrary to the public interest.

The applicant owns a land with a single family residence located at 15 Arch Street. The City of Dover tax assessment records show that the lot contains .613 acres, or approximately 26,700 square feet. The lot has 139.6 feet of frontage on Arch Street. The property is located in the RM-U zoning district. The lot is substantially larger than other lots located on that side of Arch Street, although some lots on the other side of Arch Street. Other lots on this side of Arch Street, and along West Concord Street have frontages primarily of 70 feet, although some have as little as 60 feet and some have about 130 feet.

The applicant is seeking a variance to subdivide this property, with one of the resulting lots having frontage of 80 feet and being fully compliant with all zoning requirements, and the other lot having frontage of 59.6 feet, but otherwise being fully compliant with zoning. Both lots would exceed the minimum lot size requirements.

“The requirement that the variance not be contrary to the public interest is related to the requirement that the variance be consistent with the spirit of the ordinance. To be contrary to the public interest the variance must unduly, and in a marked degree conflict with the ordinance such that it violates the ordinance’s basic zoning objectives. One way to ascertain whether granting the variance would violate basic zoning objectives is to examine whether it would alter the essential character of the locality Another approach to determine whether granting the variance would violate basic objectives is to examine whether granting the variance would threaten the public health, safety or welfare.” Malachy Glen Assoc. V. Town of Chichester, 155 NH 102, (2007).

The variance requested is to allow a lot with about 60 feet of frontage on Arch Street where 80 feet is required. Even with the reduced frontage, the lot would be larger than other lots in the neighborhood. The basic objective of the frontage requirement is to ensure that buildings have sufficient space between them on adjacent lots. Any new construction on this lot would comply with setback requirements and would have adequate spacing. There would be no threat to public health, safety or welfare.

2. Provide proof that demonstrates how a variance observes the spirit of the ordinance.

This requirement is related to the requirement that the variance not be contrary to the public interest. The majority of lots in this neighborhood have frontage of 70 feet. It would be possible to subdivide this lot so that each of the two new lots would have 70 feet of frontage. However, that would require a variance for both lots. The proposal is to have one lot fully conform to all zoning requirements and to have one lot comply with all requirements except for street frontage. The new structures on this lot will comply with all setback requirements, and this observes the spirit of the ordinance by maintaining spacing between buildings.

3. Provide proof that demonstrates how a variance will result in substantial justice.

The proposed use of the land is consistent with the character of the neighborhood. The majority of the lots in this neighborhood have 70 feet of frontage. It appears that this property was originally two lots with each having about 70 feet of frontage. The present lot is larger than many of the lots in the neighborhood. This variance allows development of this large lot. All other requirements of the ordinance will be met.

4. Provide proof that demonstrates the variance will not diminish the values of surrounding properties.

This is a mature neighborhood, with many of the lots having 70 feet of frontage. Many of the homes in the neighborhood are located closer to the property lines than will be the case for the new structures on this property. The new structures will meet all setback requirements. Other homes along Arch Street have been subdivided and new homes have been built with no adverse impact on property values.

5A. Provide proof that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Unnecessary hardship standards are:

(i) Special conditions of the property that distinguish it from other properties in the area:

This lot is larger than other lots on this side of Arch Street, and has twice the frontage of many of the other lots in the neighborhood. The lot is more than twice the minimum lot size, and is large enough to permit subdivision into two lots, with any new structures meeting all setback requirements.

(ii) No fair and substantial relationship exists between the general public purposes of the ordinance provisions and the specific application of that provision to the property:

The general public purpose of the ordinance is to require that lots be of a minimum size and dimensions so as to allow adequate setbacks between buildings on adjacent properties. Any new structures on this property will meet all setback requirements. The variance to allow subdivision of the property would allow development of the land for a use that is consistent with the existing uses within this neighborhood.

(iii) The proposed use is a reasonable one.

The proposed variance will allow subdivision of this large lot into two lots, each of which is larger than the minimum lot size and each of which is comparable to the majority of lots in the neighborhood.

SPECIAL EXCEPTION REQUIREMENTS

1. Explain how the requested use would be essential or desirable to the public convenience or welfare.

2. Detail how the requested use would not create undue traffic congestion or unduly impair pedestrian safety.

3. Describe how the requested use would not overload any public water, drainage or sewerage system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the City will be unduly subjected to hazards affecting health, safety or the general welfare.

THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

IV. As applicant of standing of this request, I certify that the information herein is complete and accurate.

IMPORTANT
PROPERTY IDENTIFICATION SIGN
MUST BE POSTED ON THE PROPERTY
FOR THE 5 DAYS PRIOR TO HEARING.
FAILURE TO POST MAY RESULT IN
APPLICATION NOT BEING ACCEPTED

Michael J. Ryan

Signature of Applicant*

Maureen J. Ryan

Signature of Owner*

*Both Signatures Required

The applicant waives the requirement of holding a hearing within thirty (30) days of receipt of the application, pursuant to RSA 676:7, II:

Signature of Applicant

Date

LIST OF ABUTTERS

Map 10, Lot 161-1 Robert J. Carroll
Nancy Coady Carroll
17 Arch Street
Dover, NH 03820

Map 10, Lot 163 Mary P. Dillon
Noreen E. Dillon
34 Ridge Road
Concord, NH 03301

Map 10, Lot 164 Eleanor G. Bryant
PO Box 865
Dover, NH 03821

Map 10, Lot 166 David W. Dauphinais
Erin E. Dauphinais
137 Silver Street
Dover, NH 03820

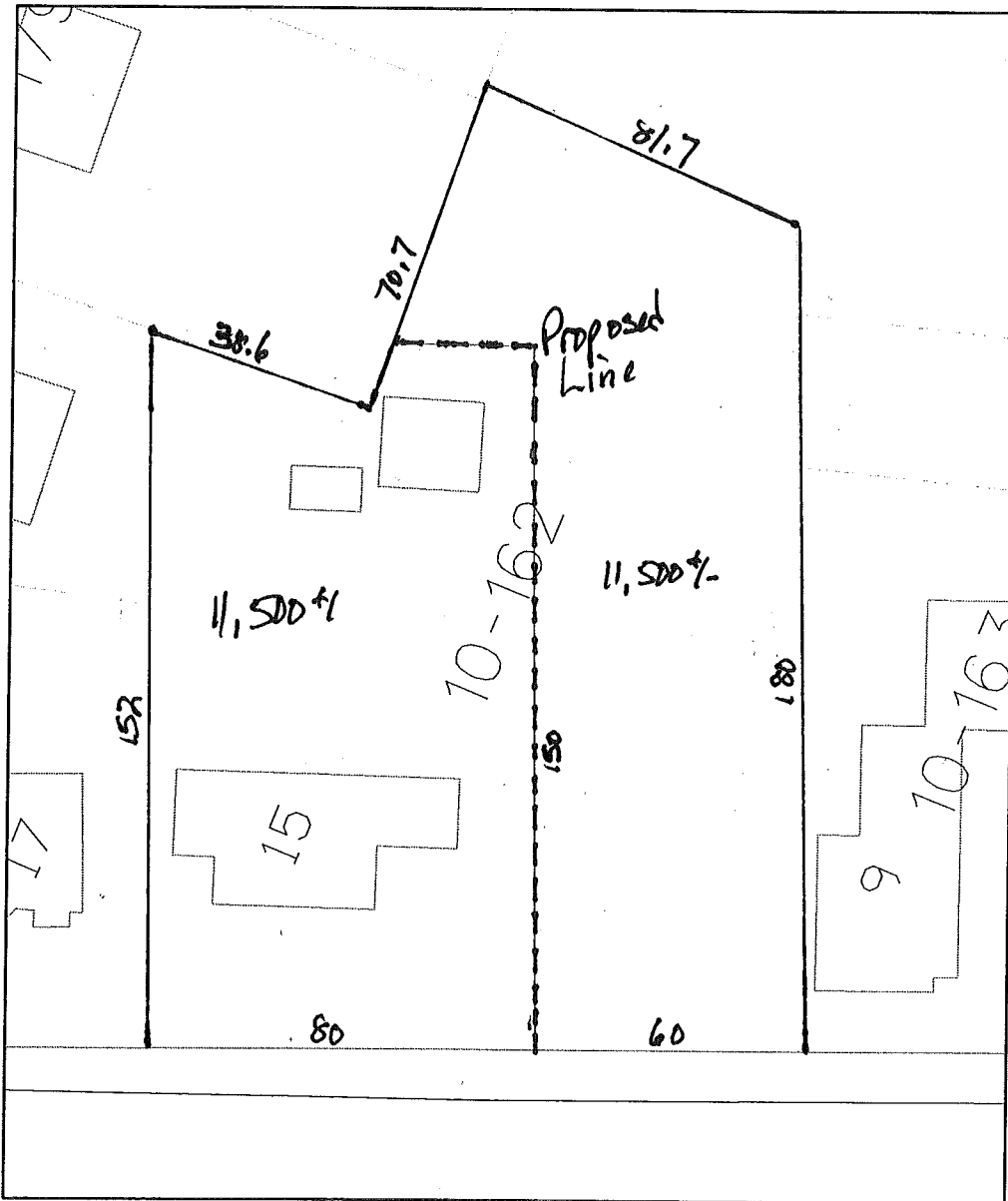
Map 10, Lot 178 Mark R. Wiley
Janice M. Fickett
41 Danielle Lane
Dover, NH 03820

Map 10, Lot 179 Robert E. Doyle, Jr.
Julie Schiro Doyle
22 West Concord Street
Dover, NH 03820

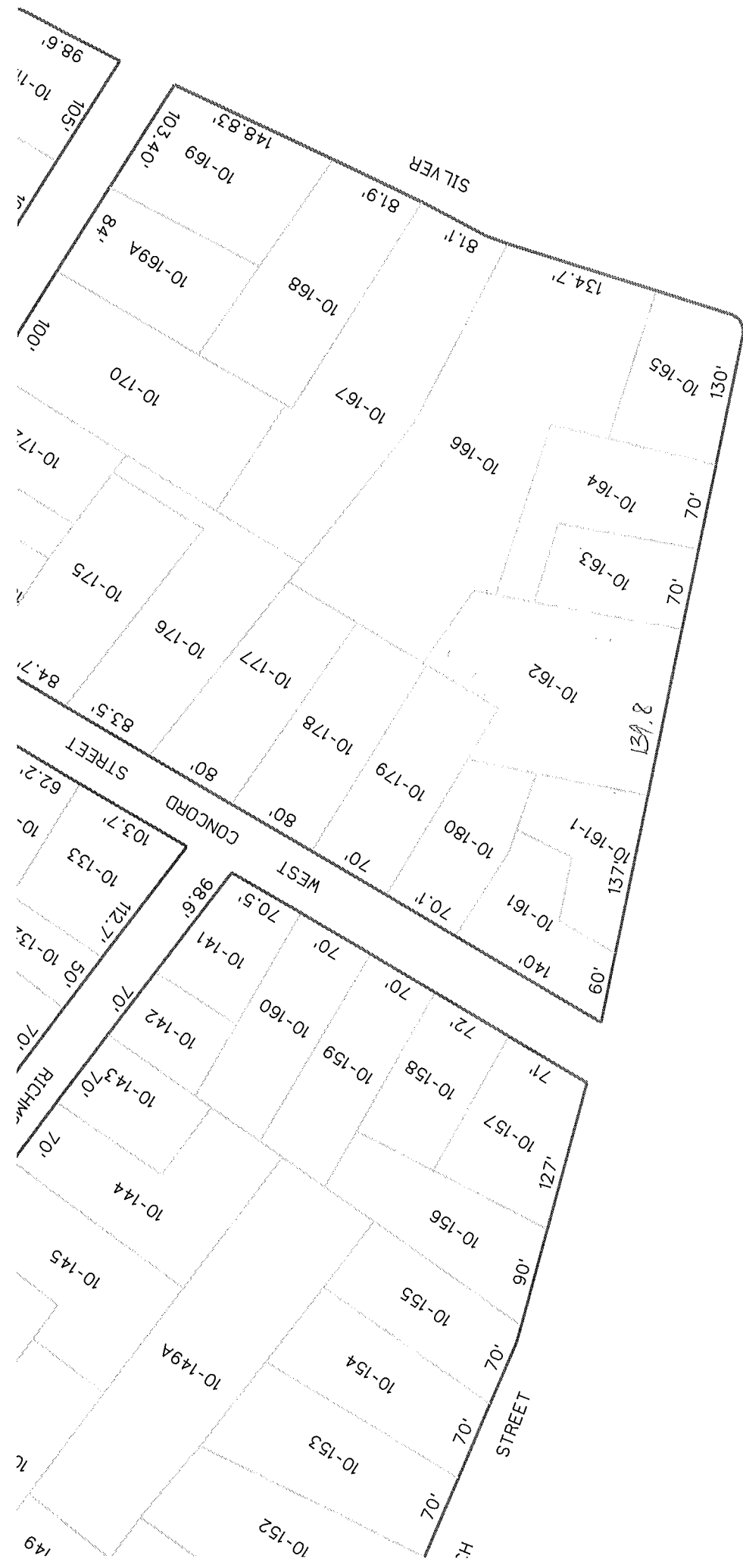
Map 10, Lot 180 Paul E. Nadeau
Kristine E. Nadeau
13 Madison Avenue
Kingston, NH 03848

Map 11, Lot 10 William E. Boc, Trustee
Carol D. Boc
William E. Boc and Carol E. Boc Revocable Trust
8 Arch Street
Dover, NH 03820

Map 11, Lot 11 Joseph E. Jalbert
Margaret Jalbert
316 Pinkham Road
Middleton, NH 03887



THIS IS NOT A SURVEY. SCALE: 1" = 40'





CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – ABUTTER NOTICE

Meeting Type: Regular Meeting
 Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
 Meeting Date: Thursday, October 21, 2010
 Meeting Time: 7:00 pm

INTENT: To obtain a frontage Variance to allow one lot to be subdivided into two where one lot will have 60 ft frontage where 80 ft is required.

LOTS/UNITS PROPOSED: 2 lots

AGENDA ITEM #: 4-C

ZONING DISTRICT: RM-U

FILE: Z10-15

APPLICANT(S): Michael J. & Maureen L. Ryan

OWNER(S): Michael J. & Maureen L. Ryan

LOCATION: 15 Arch Street (Assessor's Map 10, Lot 162)

ACREAGE: 14,286 sq. ft. (0.33 acre)

EXISTING LAND USE: Single Family Dwelling

PROPOSED LAND USE: one new residential lot

SURROUNDING LAND USE: Single family & multi-family houses

ZONING HISTORY:
Zoned RM-U in 2009

PREVIOUS ZBA ACTION:
None

ATTACHMENTS:
Site Plan

PLANNING BOARD APPROVAL REQUIRED: Yes

Dear Property Owner: As an owner of abutting property, which is either adjoining or located directly across the street from the subject parcel, you are hereby notified of the public hearing on the bolded item below.

The full Zoning Board of Adjustment agenda is as follows:

1. ATTENDANCE
2. APPROVAL OF PRIOR MINUTES OF SEPTEMBER 16, 2010.
3. OLD BUSINESS
 - A. Z 10-11 Chad Weathers & Olga Mollin, 24 Westwood Cr., Tax Map F, Lot 17-N, zoned R-40, requests a Variance from the terms of Article IV, Section 170-12.B, to construct an addition (garage) within 11 feet from a side property line where a minimum of twenty-five (25) feet is required.
Note: This item was tabled from the meeting of August 19, 2010.
4. NEW BUSINESS
 - A. *Z 10-14-A Suzanne French, Trustee, (Owner: Noel R. Goulet & Rachel R. Goulet Living Trust), 6 Hall St., Tax Map 37, Lot 17A, zoned B-3, requests a Use Variance from the terms of Article IV, Section 170-11.A, B & D, to develop the land for either single family residence or a duplex residence.
Note: The following item will be heard if the previous item is granted.
 - B. *Z 10-14-B Suzanne French, Trustee, (Owner: Noel R. Goulet & Rachel R. Goulet Living Trust), 6 Hall St., Tax Map 37, Lot 17A, zoned B-3, requests an Area Variance from the terms of Article IV, Section 170-12.A & B and Section 170-39, to construct a single-family residence or a duplex residence with a front setback requirement of twelve (12) feet, where fifty (50) feet is required.
 - C. *Z10-15 Michael & Maureen Ryan, 15 Arch St., Tax Map 10, Lot 162, zoned RM-U, requests an Area Variance from the terms of Article IV, Section 170.11 and Section 170-12, to subdivide a parcel into 2 lots, creating one with frontage of sixty (60) feet, where a minimum of eighty (80) feet is required.
5. OTHER BOARD BUSINESS
6. ADJOURN

*If the application is accepted for discussion, the public hearing will be held that evening. Persons with questions or wishing to see the plans are invited to visit the Planning Office, weekdays from 8:00 am to 4:00 pm. You may also view materials at www.dover.nh.gov, a map showing project locations can be found at www.dover.nh.gov/planhome.html. Follow us on Twitter @DoverNHPlanning and find us on Facebook at www.facebook.com/CityofDoverNHPlanning.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – ABUTTER NOTICE

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: Thursday, October 21, 2010
Meeting Time: 7:00 pm





CITY OF DOVER

ZONING BOARD - STAFF MEMO FILE #Z10-15

Application Type: Frontage Variance
Applicant(s): Michael J. & Maureen L. Ryan
Owner(s): Michael J. & Maureen L. Ryan
Location: 15 Arch Street (Assessor's Map 10, Lot 162)

INTENT: To obtain a frontage variance to allow one lot to be subdivided into two where one lot will have 60 ft. frontage where 80 ft. is required.

LOTS/UNITS PROPOSED: 2 Lots

AGENDA ITEM #: 4-C

ZONING DISTRICT: RM-U

EXISTING LAND USE: Single Family Dwelling

PROPOSED LAND USE:
One additional residential lot

SURROUNDING LAND USE: Single family and multi-family dwellings

PREVIOUS ZBA ACTION: None

PB APPROVAL REQUIRED: Yes

ATTACHMENT: Plan, application

APPLICATION IS COMPLETE: Yes

NOTICES AS REQUIRED: Yes

STAFF RECOMMENDATION:
The Planning Department recommends that the application be approved with conditions.

Summary of Request and Background

The parcel at 15 Arch Street contains approximately 26,700 sq. ft. area which is two and one half times larger than the district's minimum area requirement of 10,000 sq. ft. area. The parcel has approx. 140 ft. of City street frontage which is not quite double the minimum required (80 ft.) The existing dwelling and accessory structures are situated in such a way as to allow the subdivision of the parcel into two parcels that would meet all dimensional requirements of the district with the exception of the minimum frontage.

The arguments put forth in the variance requirements narrative appear sound and logical.

Reason for Staff Recommendation

The requested action appears to be consistent with the Master Plan which guides development in the City of Dover. It appears to be supportive of the community's goals and vision for long term growth and sustainability. A review of the City's Geographic Information System maps shows that there are three existing lots which have 63, 68, and 72 ft. frontages, respectively, within 150 ft of the subject parcel. Additionally, there are three more parcels with 68, 73 and 78 ft frontages, respectively, within 200 ft of the subject parcel.

Staff concur with the variance requirement narrative contained in the application, however, would recommend asking whether the application is for single family or two family structure.

Recommendation

The Planning Department recommends the Zoning Board accept the application, hold the public hearing. If the Board approves the variance, staff would suggest the following conditions:

Conditions:

1. The plat shall go to the Planning Board for their review and approval
2. That the residential use be limited to either a single family dwelling or a duplex dwelling (depends on hearing evidence and results).