



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, January 20, 2011**
 Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Sam Reid (Chair), William Colbath (Vice Chair), Otis Perry, Jim Kelley, Frank Landford, Jennifer Stone (Alternate), Joshua Cote (Alternate)

Members Not Present: Chris Prior

Staff Present: Christopher Parker (Planning Director), Lisa Ertle (Recording Secretary)

The Chair called the meeting to order at 7 pm. S.Reid opened the meeting and introduced Board and staff members to the audience, and described the process used to hear cases. He asked the Board to hear the New Business prior to election of officers. The Board members concurred.

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

Motion: O.Perry moved to approve the December 16, 2010, as mailed. J.Kelley seconded. S.Reid noted a correction on the minutes. Vote: U/A

3. ELECTION OF OFFICERS

The Chair deferred the Election until after the Public hearing.

4. OLD BUSINESS-NONE

5. NEW BUSINESS

- A. Z 11-02 Gaye H. Dean & Michael D. Dean, 4A Smith Well Road, Tax Map 38, Lot 32 & 32-1, zoned R-12, requests a Variance from the terms of Article IV, Section 170-11 & 12, to allow a minor lot line adjustment between two lots that would create one lot with 51.44 ft. of frontage, where 100 ft. is required.

Attorney Schulte represented the applicants, Gaye and Michael Dean. The Deans own property which fronts on Glenwood Ave and Smith Well Road. The property abuts a second piece of property they own which has a four unit apartment building on it. The parking lot for the apartment building is located on the same lot as their single family home. The Dean's would like to perform a lot line adjustment to place the parking lot on the same lot as the apartment building. This lot line adjustment would take the single family lot from 100 feet of frontage on Glenwood Ave and 50+ feet on Smith Well Rd to just the frontage on Smith Well, which is why the applicant is appearing before the Board.

S.Reid questioned the two setback lines shown on the plan near the garage.

C.Parker explained that one was the principal building setback and the other is the accessory structure setback.

The board discussed some elements of the proposal with Attorney Schulte.

Public Hearing Opened-In Favor of the Request-No one spoke.

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Public Hearing Opened-In Opposition of the Request-No one spoke.

Gale Issenmann, 102 Horne Street, had concerns regarding the location of the dumpster and yard waste that is not raked up.

C.Parker indicated that should the variance be granted, the applicant will file for a Lot Line Adjustment approval with the Planning Board and those issues can be addressed.

Public Hearing Closed

C.Parker explained that the Planning Department supports the request, as it is will not change any outward appearance, or functionality of the lot. C.Parker explained that no additional density will come out of this change, as the apartment building already exceeds the density. Any change would need zoning board approval.

Motion: O.Perry motioned to grant the variance. J.Kelley seconded. Vote: 4-1 (Frank Landford opposed)

Findings of Fact:

1. Did the Applicant provide proof that demonstrates the variance will not be contrary to the public interest? Yes. Per applicant's application and presentation.
2. Did the Applicant provide proof that demonstrates how a variance observes the spirit of the ordinance? Yes. Per applicant's application and presentation.
3. Did the Applicant provide proof that demonstrates how a variance will result in substantial justice? Yes. Per applicant's application and presentation.
4. Did the Applicant provide proof that demonstrates the variance will not diminish the values of surrounding properties? Yes. Per applicant's application and presentation.
5. A. 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. Per applicant's application and presentation. (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. Per applicant's application and presentation. (iii) Did the applicant demonstrate that the proposed use is a reasonable one? Yes. Per applicant's application and presentation.

B. Election of Officers

Motion: O.Perry made the motion to nominate S.Reid as Chair, W.Colbath as Vice Chair, J.Kelley seconded motion. Vote: U/A

Motion: F.Landford made the motion to close nominations. J. Kelley seconded. Vote: U/A

Election occurred: Slate as presented was elected.

6. OTHER BOARD BUSINESS

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- A. Review Zoning change recommendations from staff.

New copies of the zoning code were distributed to Board members. C.Parker reviewed the changes to the zoning code, which the City Council recently ratified. C.Parker went through each amendment, by section and explained the change, as well as the intention behind the change.

7. ADJOURN

Motion: O.Perry motioned to adjourn the meeting at 7:40 pm. W.Colbath seconded. Vote: U/A

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